



CITY of CALABASAS

Exhibit G

Community Development Department
Planning Division
100 Civic Center Way
Calabasas, CA 91302-3172
T: 818.224.1600
F: 818.225.7324

www.cityofcalabasas.com

August 25, 2022

Eukon Group
65 Post, Ste 1000
Irvine, CA 92618

Subject: Notice of Decision for Small Wireless Facility Permit WTF1-2022-001

Dear Applicant,

The Community Development Director reviewed the staff report and other documents and materials in the project file, and, based upon the findings presented in the staff report, **APPROVED** your application for the following:

FILE NO.: WTF1-2022-001. A request for a Wireless Telecommunication Facility – Tier 1 Permit to modify an existing AT&T wireless facility on the roof of the existing building located at 23945 Calabasas Rd (APN: 2068-002-029), within the Commercial Mixed Use (CMU) zoning district. The applicant is proposing a new antenna sector at the existing building rooftop, as well as replacing existing antennas and installing of new RRUs and associated equipment.

Your application, described above, is subject to all conditions of approval listed in the attached Exhibit A. Any decision of the Community Development Department may be appealed to the Planning Commission. Appeals must be submitted in writing to the City Clerk (per Chapter 17.74 of the Calabasas Municipal Code) within ten (10) days of the Community Development Director action.

Should you have any questions concerning this application, please contact me at (818) 224-1705 or jrackerby@cityofcalabasas.com.

Sincerely,

Jaclyn Rackerby
Associate Planner



CITY of CALABASAS

COMMUNITY DEVELOPMENT DIRECTOR DECISION LETTER AND REPORT

FILE NO.: WTF1-2022-001

PROPOSAL: A request for a Wireless Telecommunication Facility – Tier 1 Permit to modify an existing AT&T wireless facility on the roof of the existing building located at 23945 Calabasas Rd (APN: 2068-002-029), within the Commercial Mixed Use (CMU) zoning district. The applicant is proposing a new antenna sector at the existing building rooftop, as well as replacing existing antennas and installing of new RRUs and associated equipment.

APPLICANT: Eukon Group

BACKGROUND:

On June 2, 2022, Eukon Group filed an application for a Wireless Telecommunication Facilities – Tier 1 Permit No. WTF1-2022-001 on behalf of AT&T to upgrade an existing wireless telecommunication facility located on the roof of the existing building at 23945 Calabasas Rd, within the Commercial Mixed Use (CMU) zoning district. The application was reviewed by staff and deemed incomplete on June 17, 2022, and again on July 21, 2022. Following the September 3, 2021 notice of incompleteness, the applicant resubmitted on August 18, 2022, and with all comments addressed, the application was deemed complete.

The existing Verizon facility was legalized in 2010, (approved Planning Commission Resolution No. 2010-467) and updated in 2014 (Administrative Plan Review, Scenic Corridor Permit and Wireless Telecommunication Facility Permit, File No. 140000056), in 2017 (Wireless Facility Minor Modification Permit, File No. 160003203), and in 2021 (Tier 1 Wireless Telecommunication Facility Permit, File No. WTF1-2021-003) with approvals to upgrade equipment at the existing facility.

The proposed project includes the installation of a new antenna sector, and the removal and replacement of existing antennas, RRUs and associated equipment. The project was reviewed by staff to ensure compliance with Section 17.31.040 of the Calabasas Municipal Code.

STAFF ANALYSIS:

1. Current Site Condition: The subject site is located at 23945 Calabasas Rd, within the Commercial Mixed Use (CMU) zoning district. The existing AT&T facility is a roof-

mounted wireless facility, with all equipment behind an FRP screen & parapet wall designed to match the colors & materials of the building's roof. The existing facility was originally legalized January 7, 2010, and subsequently modified and approved in 2014, 2017, and 2022. The current facility is made up of eight panel antennas and associated equipment located within an equipment room on the roof of the building, screened from view of the public right-of-ways.

2. Proposed Project: The applicant is requesting permission to upgrade an existing Wireless Telecommunications Facility that qualifies for processing as a "Tier 1" Wireless facility permit, as defined in Section 17.31.040 of the Calabasas Municipal Code (CMC). The proposal includes the installation of a new antenna sector, as well as replacement of existing antennas, RRUs, and equipment within the existing equipment room. The existing facility is considered a 'stealth' facility and meets the stealth design criteria established by the City's wireless telecommunication facility design guidelines, and the proposed project will maintain the same stealth design.
3. Calabasas Municipal Code Requirements: Section 17.31.040 of the CMC regulates the construction, maintenance, and modification of 'stealth' wireless telecommunication facilities within the City of Calabasas via a Tier 1 Wireless Telecommunication Facility Permit.. In accordance with Section 17.31.040(B) of the CMC, the ordinance applies to existing facilities which have been previously approved but are now or hereafter modified to meet the 'stealth' standards of Section 17.31.040(C) of the CMC. As a result, the applicant has filed for a Tier 1 Wireless Telecommunication Facility Permit to perform the requested modifications.

FINDINGS:

Section 17.31.040(F) stipulates that the Director may approve an application for a Tier 1 wireless telecommunication facility permit, only if each of the following findings can be made:

1. *The proposed wireless telecommunication facility meets the standards set forth in Sections 17.31.030 and 17.31.040;*

The project site is an existing roof-mounted wireless facility located at 23945 Calabasas Rd, with all equipment screened from view. The proposed project involves modifications to the existing site equipment, including installation of a new antenna sector at the existing rooftop, and removal and replacement of existing antennas and associated equipment. The proposed project meets all the standards for wireless telecommunication facilities not located within the public right-of-way, as outlined in Section 17.31.030(A)(2) of the CMC. Additionally, the proposed project meets the standards of Section 17.31.040(C)(2) for Tier 1 facilities not located within a public right-of-way, including that the facility meets the stealth design criteria established by the City's Wireless Telecommunication Facility Design Guidelines. As a result, the proposed project meets this finding.

2. *The proposed wireless telecommunication facility is designed as a stealth facility consistent with the city's design guidelines for Tier 1 wireless telecommunication facilities;*

The existing facility is designed as a 'stealth' facility, with all equipment located behind FRP screen walls with a faux roof tile element designed to match the subject site's roof in colors & materials. Additionally, the roof-mounted equipment room is screened from view by parapet walls. Because the wireless facility is designed to be screened from view and is architecturally integrated with the surrounding building design to minimize adverse impact, the existing facility is designed as a stealth facility.

The proposed project involves removal and replacement of existing equipment behind FRP screen walls and within the existing equipment room. The 'stealth' design of the site is not being altered with the proposed project, and all screening methods utilized by the existing facility that will be removed for installation of the new antenna sector will be replaced as part of the proposed project, so that the entirety of the facility remains screened from view. As a result, the proposed project meets this finding.

ENVIRONMENTAL REVIEW:

The City's staff has determined that the project is exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA) and Sections 15301 Class 1 (a), 15301 Class 1 (b), 15302 Class 2 (c), and Section 15332 Class 32, of the CEQA Guidelines.

CONDITIONS OF APPROVAL:

See the attached conditions in Exhibit A.

I have read and agree to the indemnification agreement and attached conditions of approval listed in Exhibit A.

Applicant/Carrier Representative

Date

DECISION:

The Director or his/her designee has considered all of the evidence submitted into the administrative record including, but not limited to:

1. All applicable codes and regulations including the City of Calabasas Land Use and Development Code and the City's General Plan;
2. Plans provided by the applicant, as well as any written information; and
3. All related documents, including any necessary environmental documents in order to comply with the California Environmental Quality Act (CEQA), received and/or submitted to the Department.

After considering all of the evidence submitted into the administrative record listed above, I hereby make the following decision:

Approved

Denied



8/25/22

Jaclyn Rackerby, Associate Planner

Date

ATTACHMENTS:

- Exhibit A: Conditions of Approval
Exhibit B: Project Plans



CITY of CALABASAS

**COMMUNITY DEVELOPMENT DIRECTOR
DECISION LETTER AND REPORT**

EXHIBIT A: CONDITIONS OF APPROVAL

FILE NO.: WTF1-2022-001

PROPOSAL: A request for a Wireless Telecommunication Facility – Tier 1 Permit to modify an existing AT&T wireless facility on the roof of the existing building located at 23945 Calabasas Rd (APN: 2068-002-029), within the Commercial Mixed Use (CMU) zoning district. The applicant is proposing a new antenna sector at the existing building rooftop, as well as replacing existing antennas and installing of new RRUs and associated equipment.

APPLICANT: Eukon Group

1. The City has determined that City, its employees, agents, and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to this File No. WTF1-2022-001 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No WTF1-2022-001 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Eukon Group (applicant) and AT&T (carrier), and their successors shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, related to this File No. WTF1-2022-001 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. WTF1-2022-001 and the issuance of any permit or entitlement in connection therewith Eukon Group (applicant) and AT&T (carrier), and their successors shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

2. The project approved herein is depicted on those sets of drawings, elevations, etc., stamped approved by staff on the approval date. Any modifications to these plans must be approved by the Community Development Director prior to the changes on the working drawings or in the field.
3. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the applicant or its successors to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of the conditions of approval may result in the revocation of this approval.
4. This approval shall be valid for one year and eleven days from the date of this decision letter. The permit may be extended in accordance with Section 17.64.050 of the Land Use and Development Code.
5. Prior to commencement of construction, all necessary permits shall be obtained from the Building and Safety Division and Public Works Department.
6. The project is located within a designated "Very High Fire Hazard Severity Zone". All applicable requirements of Los Angeles County Building Code must be incorporated into all plans.
7. The applicant and contractors shall implement all reasonable efforts to reuse and recycle construction and demolition debris, to use environmentally friendly materials, and to provide energy efficient buildings, equipment, and systems. The applicant shall provide proof of recycling quantities to get final clearance of occupancy.
8. Per the Calabasas Municipal Code Chapter 8.16, "no person shall collect and/or dispose of municipal solid waste or recyclable materials in the city without having first been issued a solid waste collection permit. Such permit shall be in addition to any business license or permit otherwise required by the City of Calabasas." Please contact the Public Works Department for a list of permitted haulers. An Encroachment Permit is required prior to placing a refuse bin/container on the street.
9. Construction Activities - Hours of construction activity shall be limited to:
 - i. 7:00 a.m. to 6:00 p.m., Monday through Friday
 - ii. 8:00 a.m. to 5:00 p.m., Saturday

Stacking of construction worker vehicles, prior to 7:00 a.m. in the morning will be restricted to areas that do not adversely affect adjacent residences or schools.

The applicant or its successors shall notify the Public Works Director of the construction employee parking locations, prior to commencement of construction.

10. No additional equipment not included or specified in the stamped approved plans may be installed on the subject site under this permit.
11. Compliance With Previous Approvals. The grant or approval of a Tier 1 wireless facility permit shall be subject to the conditions of approval of the underlying permit.
12. As-Built Plans. The applicant shall submit to the director an as-built set of plans and photographs depicting the entire small wireless facility as modified, including all transmission equipment and all utilities, within ninety (90) days after the completion of construction.
13. Indemnification. To the fullest extent permitted by law, the applicant and any successors and assigns, shall defend, indemnify and hold harmless [the] city, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, related to the small wireless facility permit and the issuance of any permit or entitlement in connection therewith. The applicant shall pay such obligations as they are incurred by [the] city, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the city reasonably determines necessary to protect the city from exposure to fees, costs or liability with respect to such claim or lawsuit.
14. Compliance With Applicable Laws. The applicant shall comply with all applicable provisions of this Code, any permit issued under this Code, and all other applicable federal, state, and local laws. Any failure by the city to enforce compliance with any applicable laws shall not relieve any applicant of its obligations under this Code, any permit issued under this Code, or all other applicable laws and regulations.
15. Compliance With Approved Plans. The proposed project shall be built in compliance with the approved plans on file with the planning division.
16. Violations. The wireless facility shall be developed, maintained, and operated in full compliance with the conditions of the small wireless facility permit, any other applicable permit, and any law, statute, ordinance or other regulation applicable to any development or activity on the site. Failure of the applicant to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of this Code, the conditions of approval for the small wireless facility permit, or any other law, statute, ordinance or other regulation applicable to any development or activity on the site may result in the revocation

of this permit. The remedies specified in this section shall be cumulative and the city may resort to any other remedy available at law or in equity and resort to any one remedy shall not cause an election precluding the use of any other remedy with respect to a violation.

17. Permittee shall keep the rooftop access hatches/doors locked at all times, except when active maintenance is performed on the rooftop or equipment.
18. Permittee shall ensure that all required radio frequency signage be installed and maintained at all times in good condition. All such radio frequency signage be constructed of hard materials and be UV stabilized. All radio frequency signage must comply with the sign colors, sign sizes, sign symbols, and sign panel layouts in conformance with ANSI Z535.1, ANSI Z535.2, and ANSI C95.2-2007 standards. All such radio frequency signage, or additional signage immediately adjacent to the radio frequency signage, shall provide a working local or toll-free telephone number to its network operations center that reaches a live person who can exert transmitter power-down control over this site as required by the FCC.
19. In the event that the FCC changes any of radio frequency signage requirements that are applicable to the project site approved herein or ANSI Z535.1, ANSI Z535.2, and ANSI C95.2-2007 standards that are applicable to the project site approved herein are changed, Permittee, within 30 days of each such change, at its own cost and expense, shall replace the signage at the project site to comply with the then current standards.



CLU2012 CBAND/5G NR

23945 Calabasas Rd., Calbasas, CA 91302



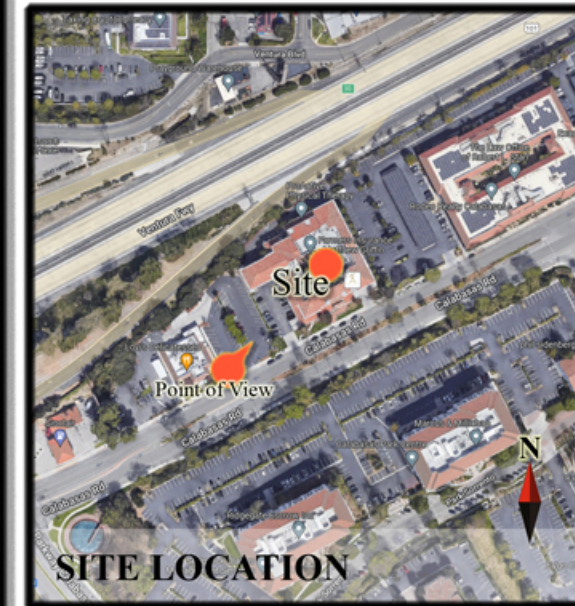
Eukon Group
65 Post, Suite 1000 - Irvine,
CA, 92618 - (949) 553-8566



PROPOSED VIEW SOUTH-WEST



EXISTING VIEW SOUTH-WEST



SITE LOCATION

SITE COORDINATES

Latitude: 34.1537408°
Longitude: -118.6490944°

SHEET NUMBER

1
3



CLU2012 CBAND/5G NR

23945 Calabasas Rd., Calbasas, CA 91302



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PROPOSED VIEW EAST



EXISTING VIEW EAST

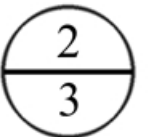


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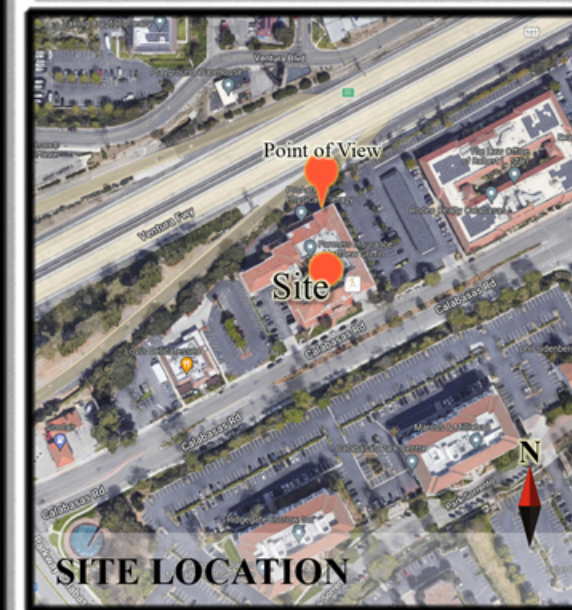
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CA, 92618 - (949) 553-8566



PROPOSED VIEW NORTH



EXISTING VIEW NORTH



SITE LOCATION

SITE COORDINATES

Latitude: 34.1537408°
Longitude: -118.6490944°

SHEET NUMBER

