



CITY of CALABASAS

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

www.cityofcalabasas.com

January 18, 2023

Attn: Monica Martin
Butler America Telecom
1511-D Orangethorpe Ave
Fullerton, CA 92831

Subject: Notice of Decision for Project No. WTFM-2022-013

Dear Ms. Martin,

At a public hearing on January 18, 2023, the Community Development Director considered testimony given, 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.: WTFM-2022-013. A request for a Wireless Telecommunication Facility Minor Modification Permit to modify an existing T-Mobile wireless telecommunication facility in accordance with Section 6409(a) of the 2012 tax relief act. The applicant is proposing to remove and replace existing pole mounted and ground mounted equipment. The project is located at 24800 Cordillera Dr (APN: 2069-078-900), within the Public Facilities (PF) zoning district.

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

Attachment: Community Development Director Decision Letter and Report



CITY of CALABASAS

COMMUNITY DEVELOPMENT DIRECTOR DECISION LETTER AND REPORT

FILE NO.: WTFM-2022-013

PROPOSAL: A request for a Wireless Telecommunication Facility Minor Modification Permit to modify an existing T-Mobile wireless telecommunication facility in accordance with Section 6409(a) of the 2012 tax relief act. The applicant is proposing to remove and replace existing pole mounted and ground mounted equipment. The project is located at 24800 Cordillera Dr (APN: 2069-078-900), within the Public Facilities (PF) zoning district.

APPLICANT: Butler America Telecom, on behalf of T-Mobile

BACKGROUND:

On August 12, 2022, Core Development Services (recently acquired by Butler America Telecom) filed an application, on behalf of T-Mobile, to upgrade an existing wireless telecommunication facility located at 24800 Cordillera Dr (APN:2069-078-900) within the Public Facilities (PF) zoning district. The application was reviewed and deemed incomplete by Staff on August 31, 2022; following subsequent resubmittals by the applicant, all comments were addressed, and the application and plans were deemed complete on December 30, 2022.

The existing T-Mobile facility was constructed in 2001, (Conditional Use Permit No. CUP 01-13), updated in 2014 (Wireless Telecommunications Facility (WTF) Permit File No. 140000079) with approvals for the installation of three monopoles with an individual antenna mounted to each (three total antennas) and associated equipment located in the equipment area at the base of the water tank, and updated in 2016 (Minor Modification Permit File No. 160002034) with approval to install three new antennas, three new RRU's, three new T-arms, and painting all equipment to match the water tank and existing equipment.

The proposed project includes the replacement of pole mounted equipment, and the removal and replacement of ground mounted equipment. This project was reviewed by the Telecom Law Firm for concurrence that the project is an eligible facility request under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (the Act) applies. Following their review of the submitted application, Telecom Law Firm confirmed that the proposed project meets all of the criteria necessary to be eligible for Section 6409(a).

STAFF ANALYSIS:

1. Current Site Condition: The subject site is located at 24800 Cordillera Dr within the Public Facilities zoning district, adjacent to a water tower located at the northeast end of Cordillera Drive, on a parcel owned by the Las Virgenes Municipal Water District (LVMWD). The existing facility was constructed in 2001, and subsequently modified and approved in 2014 (File No. 140000079) and in 2016 (File No. 160002034). The current facility is made up of three monopoles with an individual panel antenna mounted to each, as well as associated ground mounted mechanical equipment. The site was recently inspected by staff, and found to be in good condition (ie. no graffiti, no damage to poles or equipment).
2. Proposed Project: The applicant is requesting permission to upgrade an existing Wireless Telecommunications Facility in accordance with Section 6409(a) of the 2012 Tax Relief Act. The proposal includes removal and replacement of pole-mounted and ground-mounted equipment at the existing T-Mobile facility located at 24800 Cordillera Dr, within the Public Facilities (PF) zoning district.
3. Calabasas Municipal Code Requirements: Chapter 17.31 of the CMC regulates the construction, maintenance, and modification of wireless telecommunication facilities within the City of Calabasas. In accordance with Section 17.31.020(A)(4) of the CMC, the ordinance applies to existing facilities which have been previously approved but are now or hereafter modified. Section 17.31.060 of the CMC regulates minor modifications of existing facilities that are an eligible facilities request, consistent with Section 6409(A) of the Middle Class Tax Relief and Job Creation Act of 2012. As a result, the applicant has filed for a Minor Modification Permit to perform the requested equipment additions.
4. Section 6409(A) Analysis: On February 17, 2012, Congress passed the "Middle Class Tax Relief and Job Creation Act of 2012" (the "Act"). Section 6409(a) of the Act states that "a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." Eligible facilities include requests that involve: (a) collocation of new transmission equipment, (b) removal of transmission equipment; or (c) replacement of transmission equipment. Because the proposed project involves the replacement of existing pole mounted and ground mounted equipment, it qualifies as an eligible facility under the Act. Finally, the proposed project will not substantially change the physical dimensions of the existing tower or base station. As a result, section 6409(a) of the Act applies to the proposed project, and the City shall approve and may not deny this application. Consequently, the project meets all requirements for approval of a Minor Modification Permit and Section 6409(a).

FINDINGS:

Section 17.31.060(E)(1) stipulates that the Director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing wireless tower on private property only if each of the following findings can be made:

1. *The applicant proposes a collocation or modification to a structure constructed and maintained with all necessary permits in good standing, whether built for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities;*

The proposed project involves the replacement pole-mounted equipment and the modification of an existing wireless base station located adjacent to an existing water tower in the Public Facilities (PF) zoning district. The site was recently inspected by staff, and found to be in good condition (i.e. no graffiti, and no damage to the utility pole or equipment) and in compliance with all conditions of approval contained within Wireless Telecommunications Facility-Minor Modification Permit, File No. 160002034, which is the most recently approved project for this facility. As a result, the proposed project meets this finding.

2. *The proposed collocation or modification does not increase the height of the existing personal wireless telecommunication facility above its lowest height on February 22, 2012, or as approved if constructed after February 22, 2012, by more than ten (10) percent or ten (10) feet, whichever is greater;*

The modifications to the facility involve the replacement of existing RRU's and antennas (three total, one per sector) and removal and replacement of associated ground-mounted equipment. The existing facility will not increase in height. Therefore, this finding is met.

3. *The proposed collocation or modification does not increase the width of the facility by more than six (6) feet;*

The modifications to the pole-mounted equipment involve the removal and replacement of three existing antennas and RRU's, and modifications to the ground-mounted equipment include removal and replacement of cabinets within the existing lease area. As a result, there will be no increase in the width of the existing facility, and this finding is met.

4. *The proposed collocation or modification does not involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4);*

The modifications to the pole-mounted equipment involve the removal and replacement of three existing RRU's and antennas, and the modifications to the ground-mounted equipment include removal of one equipment cabinet, and

installation of two new equipment cabinets. As a result, the increase in equipment cabinets does not exceed the maximum of four, and this finding is met.

5. *The proposed collocation or modification does not involve any excavation outside the lease or license area of the facility, including any access or utility easements;*

The proposed project does not include any new ground disturbance outside of the lease area of the facility; the scope of work includes removal and replacement of pole-mounted equipment, and replacement of ground-mounted equipment within the existing lease area. Therefore, this finding is met.

6. *The proposed collocation or modification does not defeat any existing concealment elements of the support structure; and*

The existing T-Mobile site is not camouflaged, except for paint; the proposed modifications will match the paint of the underlying monopoles, the existing antennas, and the associated equipment. Therefore, the proposed project does not defeat existing concealment elements of the monopoles and meets this finding.

7. *The proposed collocation or modification does not violate any prior conditions of approval, except as may be preempted by Section 6409, Title 47, United States Code, section 1455, subdivision (a).*

The existing wireless facility was recently inspected by staff and found to be in good condition (i.e. no graffiti, no damage to existing pole or equipment) and is in compliance with all conditions of approval contained within the original Conditional Use Permit No. CUP 01-13 and subsequent modifications (Wireless Telecommunication Facility Minor Modification Permit File No. 160002034 being the most recent). For this reason, the proposed project satisfies 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 Section 15301 (Existing Facilities) 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.

Monica Martin

Applicant/Carrier Representative

1/24/23

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.
4. Information and testimony provided during the January 18, 2023 public hearing.

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

Approved Denied

Tom Bartlett

Tom Bartlett, AICP, City Planner

1-19-23

Date

ATTACHMENTS:

- Exhibit A: Conditions of Approval
- Exhibit B: Public Hearing Record
- Exhibit C: Project Plans



CITY of CALABASAS

**COMMUNITY DEVELOPMENT DIRECTOR
DECISION LETTER AND REPORT**

EXHIBIT A: CONDITIONS OF APPROVAL

FILE NO.: WTFM-2022-013

PROPOSAL: A request for a Wireless Telecommunication Facility Minor Modification Permit to modify an existing T-Mobile wireless telecommunication facility in accordance with Section 6409(a) of the 2012 tax relief act. The applicant is proposing to remove and replace existing pole mounted and ground mounted equipment. The project is located at 24800 Cordillera Dr (APN: 2069-078-900), within the Public Facilities (PF) zoning district.

APPLICANT: Butler America Telecom, on behalf of T-Mobile

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. WTFM-2022-013 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No WTFM-2022-013 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Butler America Telecom (applicant) and T-Mobile (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. WTFM-2022-013 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. WTFM-2022-013 and the issuance of any permit or entitlement in connection therewith Butler America Telecom (applicant) and T-Mobile (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. Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file with the Planning Division.

3. 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.
4. 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.
5. 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.
6. Prior to commencement of construction, all necessary permits shall be obtained from the Building and Safety Division and Public Works Department.
7. The project is located within a designated A Very High Fire Hazard Severity Zone. The requirements of Chapter 15.04.500 of the Calabasas Municipal Code that references the 2019 California Fire Code as well as the 2019 Consolidated Fire Protection District Code of Los Angeles County, must be incorporated into all plans.
8. 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.
9. 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.
10. 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.

11. No new antenna, or additional equipment not included or specified in the stamped approved plans may be installed on the subject site under this permit.
12. No automatic renewal. The grant or approval of a wireless facility minor modification permit shall not renew or extend the underlying permit term.
13. Compliance with previous approvals. The grant or approval of a wireless facility minor modification permit shall be subject to the conditions of approval of the underlying permit, except as may be preempted by Section 6409, subdivision (a).
14. The applicant shall submit to the director an as-built set of plans and photographs depicting the entire personal wireless telecommunications facility as modified, including all transmission equipment and all utilities, within ninety (90) days after the completion of construction.
15. Indemnification. To the fullest extent permitted by law, the applicant and any successors and assigns, 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 the wireless facility minor modification permit and the issuance of any permit or entitlement in connection therewith. The applicant 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.
16. 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.
17. The facility shall be developed, maintained, and operated in full compliance with the conditions of the wireless facility minor modification 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 wireless facility minor modification 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.

18. In the event that a court of competent jurisdiction invalidates or limits, in part or in whole, Title 47, United States Code, section 1455, such that such statute would not mandate approval for the collocation or modification granted or deemed granted under a wireless facility minor modification permit, such permit shall automatically expire twelve (12) months from the date of that opinion.
19. The grant, deemed-grant or acceptance of wireless facility minor modification permit shall not waive and shall not be construed or deemed to waive the City's standing in a court of competent jurisdiction to challenge Title 47, United States Code, section 1455 or any wireless facility minor modification permit issued pursuant to Title 47, United States Code, section 1455 or this code.



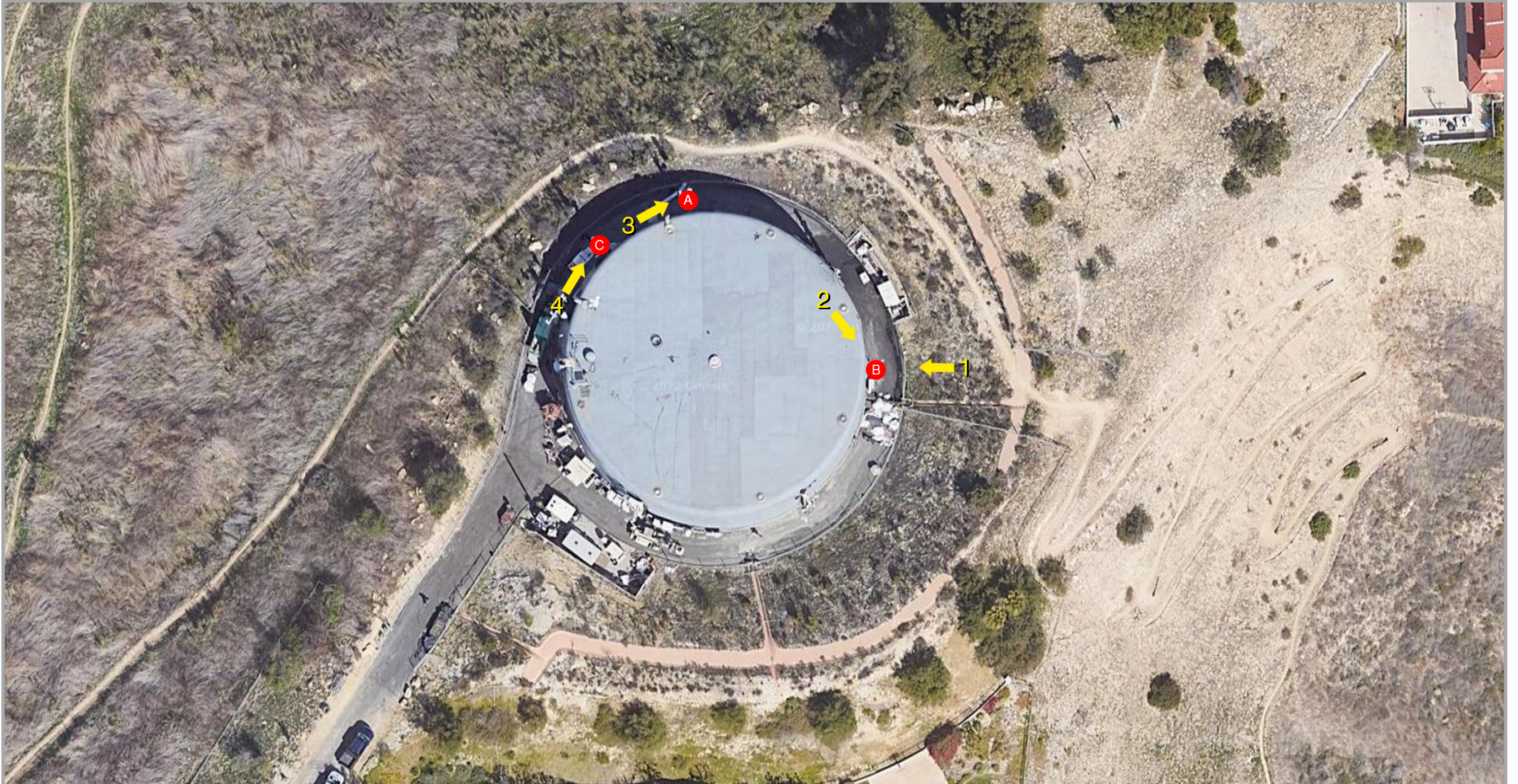
CITY of CALABASAS

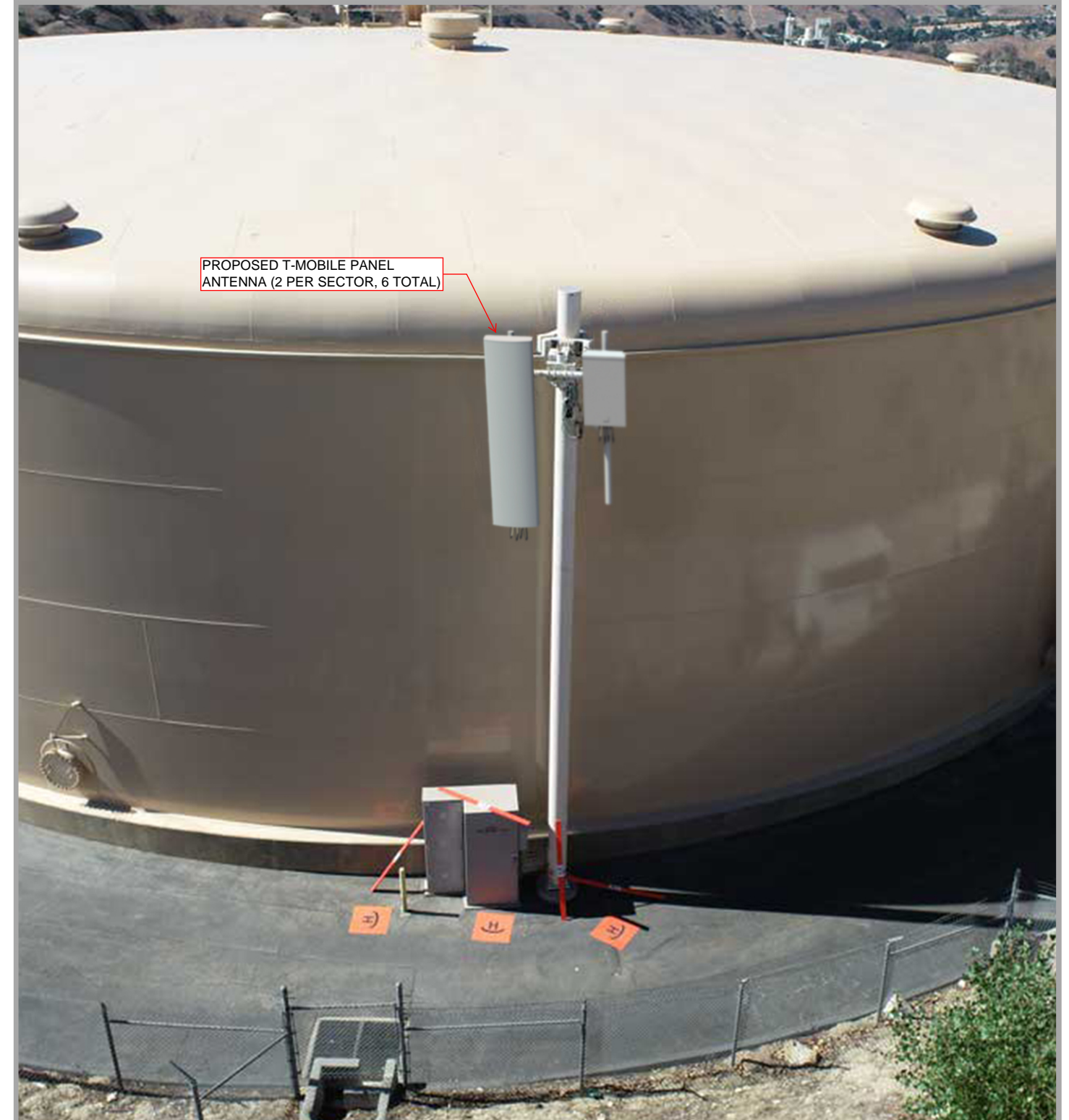
**COMMUNITY DEVELOPMENT DEPARTMENT
DECISION LETTER AND REPORT**

EXHIBIT B: PUBLIC HEARING RECORD

FILE NO.: WTFM-2022-013
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APPLICANT: Butler America Telecom, on behalf of T-Mobile

1. On Wednesday, January 18, 2023, at 2:00 P.M. City Planner Tom Bartlett held the duly noticed public meeting via Zoom;
2. Jaclyn Rackerby, Associate Planner presented the staff report for the project, which included the staff recommendation to approve the project. Following the staff report the designee of the Director, City Planner Tom Bartlett, opened the public hearing;
3. The applicant spoke in favor of the project.
4. With there being no other persons to present testimony regarding the application, the public hearing was closed.
5. The City Planner announced the decision as Approved.

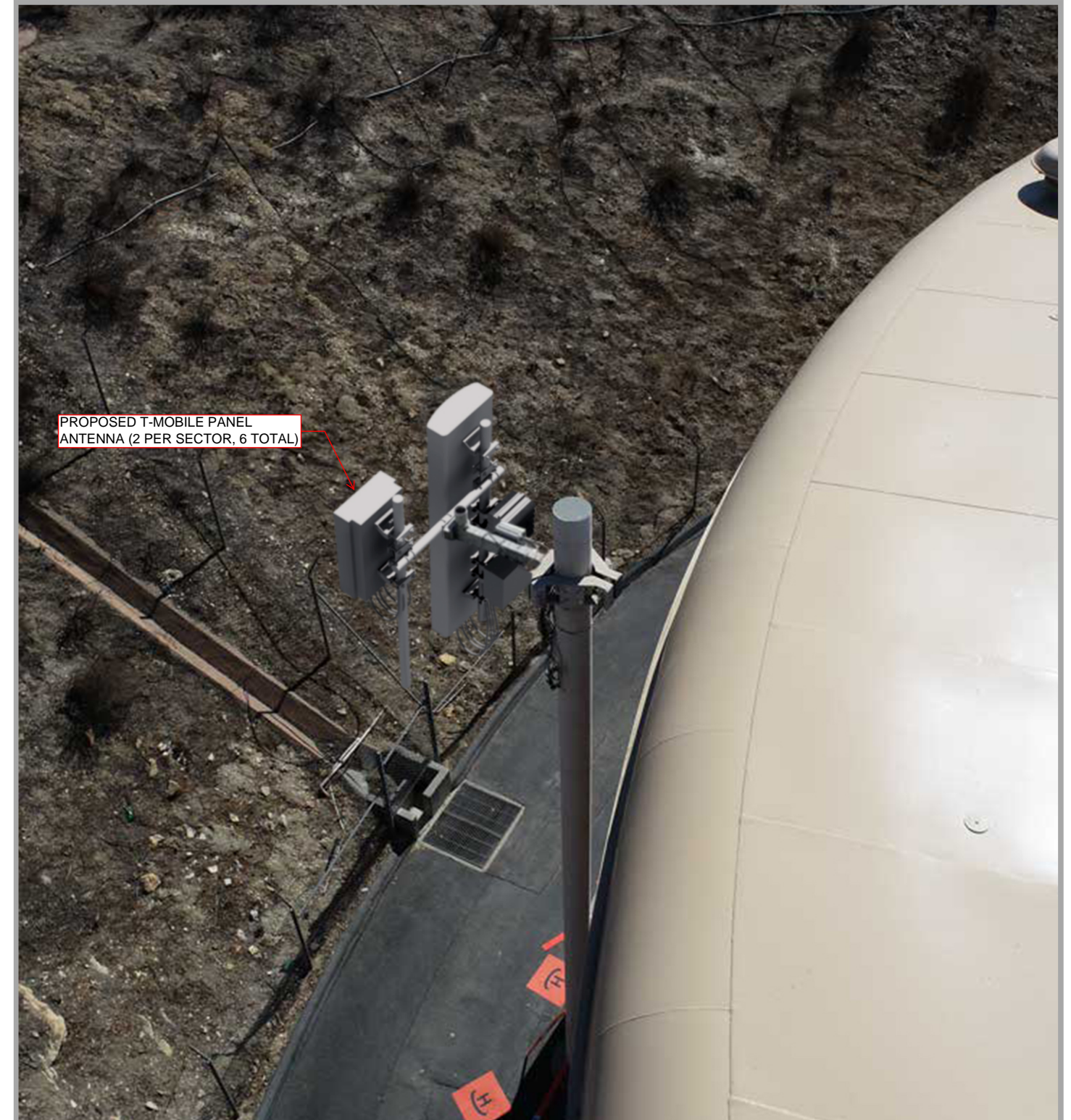




EXISTING

PROPOSED

VIEW 1 | SECTOR 'B' | LOOKING WEST



EXISTING

PROPOSED

VIEW 2 | SECTOR 'B' | LOOKING SOUTHEAST



EXISTING

PROPOSED

VIEW 3 | SECTOR 'A' | LOOKING NORTHEAST



EXISTING

PROPOSED

VIEW 4 | SECTOR 'C' | LOOKING NORTHEAST