



CITY of CALABASAS

Exhibit C

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

www.cityofcalabasas.com

June 7, 2023

California Tower, Inc.
Attn: Arvin Norouzi
22431 Antonio Pkwy, Suite B160-234
Rancho Santa Margarita, CA 92688

Subject: Notice of Decision for Project No. WTFM-2022-014

Dear Mr. Norouzi,

At a public hearing on June 7, 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-2022-014. A request for a Wireless Telecommunication Facility Minor Modification Permit to modify an existing Verizon wireless telecommunication facility in accordance with Section 6409(a) of the 2012 tax relief act. The applicant is proposing to install new pole mounted and ground mounted equipment. The project is located at 4937 Las Virgenes Rd (APN: 2064-001-027), within the Commercial Retail (CR) zoning district and Scenic Corridor (-SC) overlay zone.

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
Planner

Attachment: Community Development Director Decision Letter and Report



CITY of CALABASAS

COMMUNITY DEVELOPMENT DIRECTOR DECISION LETTER AND REPORT

FILE NO.: WTFM-2022-014

PROPOSAL: A request for a Wireless Telecommunication Facility Minor Modification Permit to modify an existing wireless telecommunication facility in accordance with Section 6409(a) of the 2012 tax relief act. The applicant is proposing to install new pole mounted and ground mounted equipment. The project is located at 4937 Las Virgenes Rd (APN: 2064-001-027), within the Commercial Retail (CR) zoning district and Scenic Corridor (-SC) overlay zone.

APPLICANT: Arvin Norouzi – California Tower, Inc

BACKGROUND:

On November 3, 2022, Arvin Norouzi – California Tower, Inc filed an application, on behalf of Verizon, to upgrade an existing wireless telecommunication facility located at 4937 Las Virgenes Road (APN: 2064-001-027) within the Commercial, Retail (CR) zoning district and Scenic Corridor (-SC) overlay zone. The application was reviewed by staff, and was deemed incomplete on November 28, 2022. Following the November 28, 2022 Notice of Incompleteness and a subsequent April 13, 2023 Notice of Incompleteness, the application was revised, and was determined by Staff to be complete on June 8, 2023.

The existing Verizon facility was first constructed in 1986, (approved Conditional Use Permit No. 85527-(5)) approving a Monopole antenna and related ground-mounted equipment. Subsequent applications approving a backup generator (CUP No. 2010-4822), relocation of existing microwave antennas (File No. 120000649), and a Section 6409(a) modification (File No. 180000766) to install additional pole-mounted equipment.

The proposed project involves the installation and replacement of pole-mounted and ground-mounted equipment at an existing Verizon facility. 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 existing wireless telecommunication facility (WTF) is located at 4937 Las Virgenes Rd within the Commercial, Retail (CR) zoning district

and Scenic Corridor (-SC) overlay zone. The facility consists of a ground-mounted equipment shelter, generator, and monopole, with two antenna sectors mounted to the pole. Based on photographs provided by the applicant, the site was found to be in good condition (ie. no graffiti, no damage to 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 the installation of new pole-mounted and ground-mounted equipment at an existing Verizon facility located at 4937 Las Virgenes Rd, within the Commercial, Retail (CR) zoning district and Scenic Corridor (-SC) overlay zone.
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 and installation 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 installation of new pole-mounted and ground-mounted equipment at an existing Verizon facility located at 4937 Las Virgenes Rd, within the Commercial, Retail (CR) zoning district and Scenic Corridor (-SC) overlay zone. Based on photos provided by the applicant, the site was found to be in good condition (i.e. no graffiti, and no damage to the equipment) and in compliance with all conditions of approval contained within Minor Modification Permit No. 180000766, 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 installation of new antennas at the existing monopole, and the installation of new ground-mounted equipment within an existing equipment shelter. The proposed modifications do not result in an increase in overall height of the existing facility. 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 facility involve the installation of new antennas at the existing monopole, and the installation of new ground-mounted equipment within an existing equipment shelter. The proposed modifications do not result in an increase in width of the existing facility. Therefore, 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 facility involve the installation of new antennas at the existing monopole, and the installation of new ground-mounted equipment within an existing equipment shelter. The modifications do not involve the installation of new equipment cabinets, and therefore 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; all proposed changes will be within the existing equipment shelter or mounted to the existing pole. Additionally, a new cable is proposed within the lease area to connect existing equipment shelter to the existing pole. Therefore, this finding is met.

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

The project includes the installation of new pole-mounted and ground-mounted equipment. Pole-mounted equipment is not currently concealed from view, and ground-mounted equipment is within an existing screened equipment shelter area. New ground-mounted equipment will be located within the existing shelter, and will be fully screened. Because all new equipment will maintain the same concealment as the existing site has, the proposed project 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 shown through photos submitted by the applicant to be in good condition (i.e. no graffiti, no damage to existing equipment) and is in compliance with all conditions of approval contained within the original permit and subsequent modifications (Minor Modification Permit No. 180000766 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.

Applicant/Carrier Representative

6/8/2023

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 June 7, 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, AICP, City Planner

6-7, 2023
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-2022-014

PROPOSAL: A request for a Wireless Telecommunication Facility Minor Modification Permit to modify an existing wireless telecommunication facility in accordance with Section 6409(a) of the 2012 tax relief act. The applicant is proposing to install new pole mounted and ground mounted equipment. The project is located at 4937 Las Virgenes Rd (APN: 2064-001-027), within the Commercial Retail (CR) zoning district and Scenic Corridor (-SC) overlay zone.

APPLICANT: Arvin Norouzi – California Tower, Inc.

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-2022-014 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No WTFM-2022-014 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, the applicant, carrier, owner, 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-2022-014 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. WTFM-2022-014 and the issuance of any permit or entitlement in connection therewith the applicant, carrier, owner, 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 2022 California Fire Code as well as the 2022 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. 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).
13. 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.
14. 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.
15. 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.
16. 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.

17. 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.
18. 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-2022-014
PROPOSAL: A request for a Wireless Telecommunication Facility Minor Modification Permit to modify an existing wireless telecommunication facility in accordance with Section 6409(a) of the 2012 tax relief act. The applicant is proposing to install new pole mounted and ground mounted equipment. The project is located at 4937 Las Virgenes Rd (APN: 2064-001-027), within the Commercial Retail (CR) zoning district and Scenic Corridor (-SC) overlay zone.

APPLICANT: Arvin Norouzi – California Tower, Inc.

1. On Wednesday, June 7, 2023, at 2:00 P.M, City Planner Tom Bartlett held the duly noticed public meeting via Zoom;
2. Jaclyn Rackerby, 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.

Aerial photograph showing the viewpoints for the photosimulations.

Las Virgenes

4937 Las Virgenes Rd
Calabasas, CA 91302



ATC - 300925
VZW - 123967



1

Existing antennas to remain



Existing

Photosimulation of the view looking south from directly across the adjacent 101 freeway.

Las Virgenes
 4937 Las Virgenes Rd
 Calabasas, CA 91302

verizon ✓ ATC - 300925
 VZW - 123967

Proposed new antennas



Proposed

Photosimulation of the view looking north from the driveway next to Elite Express Car Wash.

2

Existing antennas to remain

Proposed new antennas

Existing

Proposed

Las Virgenes
4937 Las Virgenes Rd
Calabasas, CA 91302

verizon ATC - 300925
VZW - 123967