



CITY of CALABASAS

Community Development Department
Planning Division
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August 2, 2023

Nic Faure
26455 Rancho Pkwy S
Lake Forest, CA 92630

Subject: Notice of Decision for Tier 1 Wireless Facility Permit WTF1-2023-004

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.: WTF1-2023-004. A request for a Wireless Telecommunication Facility – Tier 1 Permit to modify an existing T-Mobile facility located at 4140 Old Topanga Canyon Rd, within the Public Right-of-Way. The applicant is proposing to remove and replace existing pole-mounted and ground-mounted equipment, as well as incorporation of concealment elements to modify the site into a Tier 1 stealth facility.

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



CITY of CALABASAS

COMMUNITY DEVELOPMENT DIRECTOR DECISION LETTER AND REPORT

FILE NO.: WTF1-2023-004

PROPOSAL: A request for a Wireless Telecommunication Facility – Tier 1 Permit to modify an existing T-Mobile facility located at 4140 Old Topanga Canyon Rd, within the Public Right-of-Way. The applicant is proposing to remove and replace existing pole-mounted and ground-mounted equipment, as well as incorporation of concealment elements to modify the site into a Tier 1 stealth facility.

APPLICANT: Nic Faure - Infinigy

BACKGROUND:

On April 4, 2023, Infinigy filed an application for Tier 1 Permit No. WTF1-2023-004 on behalf of T-Mobile to upgrade the equipment at the facility located at 4140 Old Topanga Canyon Rd, within the Public Right-Of-Way. The application was reviewed by Staff and deemed incomplete on April 27, 2023. Following subsequent resubmittals, the application was deemed complete on July 31, 2023.

The existing T-Mobile facility was originally approved as a Sprint facility in 2002 under Minor Development Permit No. MDP 01-02, and no City permits exist for the site in the time since the original approval. The proposed project includes the removal and replacement of existing pole-mounted equipment. The project was reviewed by staff and by Telecom Law Firm to ensure compliance with Section 17.31.040 of the Calabasas Municipal Code.

STAFF ANALYSIS:

1. **Current Site Condition:** The existing wireless facility is located on Old Topanga Canyon Rd, entirely within the Public Right-of-Way approximately 150 feet south of the intersection of Old Topanga Canyon Rd and Wrencrest Dr. The facility consists of an existing wooden utility pole with associated pole-mounted and ground-mounted equipment and meter pedestal. The site is not currently considered a ‘stealth’ facility, as antennas are not camouflaged to match the existing pole.
2. **Proposed Project:** The applicant is requesting permission to upgrade an existing Wireless Telecommunication 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 replacement of pole-mounted equipment. The

proposed project includes upgrading the design into a 'stealth' facility, including concealing all cables and painting the antennas brown to match the existing pole, and meets the stealth design criteria established by the City's wireless telecommunication facility design guidelines.

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 comprised of a freestanding wooden utility pole and ground-mounted equipment located at 4140 Old Topanga Canyon Rd, within the public right-of-way. The proposed project involves replacement and installation of new pole-mounted and ground-mounted equipment, and new stealth measures to camouflage the antennas and associated pole-mounted equipment and wiring. The proposed project meets all the standards for wireless telecommunication facilities located within the public right-of-way, as outlined in Section 17.31.030(A)(1) of the CMC. Additionally, the proposed project meets the standards of Section 17.31.040(C)(1) for Tier 1 facilities located within a public right-of-way, including that the project includes stealth upgrades to the facility in order to meet 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 was originally permitted in 2002, and no City approvals exist for the facility in the time since then. As a result, the existing site was not designed as a stealth facility; the existing antennas are not camouflaged with the wooden poles, and associated wiring is visible. The proposed project involves painting antennas brown to match the existing wooden poles, and concealing exposed wiring within conduits to

be painted brown to match the pole, for compliance with the Wireless Telecommunication Facility Design Guidelines. Therefore, 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.

T Chittavan

on behalf of T-Mobile

August 2, 2023

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

Jaclyn Rackerby

Jaclyn Rackerby, Planner

August 2, 2023

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.: WTF1-2023-004

PROPOSAL: A request for a Wireless Telecommunication Facility – Tier 1 Permit to modify an existing T-Mobile facility located at 4140 Old Topanga Canyon Rd, within the Public Right-of-Way. The applicant is proposing to remove and replace existing pole-mounted and ground-mounted equipment, as well as incorporation of concealment elements to modify the site into a Tier 1 stealth facility.

APPLICANT: Nic Faure - Infinigy

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. WTF1-2023-004 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No WTF1-2023-004 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Nic Faure (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. WTF1-2023-004 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. WTF1-2023-004 and the issuance of any permit or entitlement in connection therewith Nic Faure (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. 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 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.
18. 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 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.

LA54XC642

DATE: 01/18/2023

4140 1/2 OLD TOPANGA CYN. RD CALABASAS, CA 91302

LAT: 34.143726 LONG: -118.629953





EXISTING



PROPOSED

VIEW 1 | LOOKING SOUTHWEST



EXISTING



PROPOSED



EXISTING



PROPOSED

VIEW 3 | LOOKING NORTHEAST



EXISTING



PROPOSED (2)
(N) ANTENNAS

PROPOSED

VIEW 4 | LOOKING NORTHEAST