



CITY *of* CALABASAS

**CITY COUNCIL AGENDA
REGULAR MEETING – WEDNESDAY, MARCH 11, 2015
CITY HALL COUNCIL CHAMBERS
100 CIVIC CENTER WAY, CALABASAS
www.cityofcalabasas.com**

The starting times listed for each agenda item should be considered as a guide only. The City Council reserves the right to alter the order of the agenda to allow for an effective meeting. Attendance at the entire meeting may be necessary to ensure interested parties hear a particular item. The public may speak on a closed session item prior to Council's discussion. To do so, a speaker card must be submitted to the City Clerk at least five minutes prior to the start of closed session. The City values and invites written comments from residents on matters set for Council consideration. In order to provide councilmembers ample time to review all correspondence, any written communication must be submitted to the City Clerk's office before 5:00 p.m. on the Monday prior to the meeting.

CLOSED SESSION – CONFERENCE ROOM – 6:30 P.M.

1. Conference with legal counsel anticipated litigation – one case.
Government Code §54956.9(d)4.

OPENING MATTERS – 7:00 P.M.

Call to Order/Roll Call of Councilmembers
Pledge of Allegiance
Approval of Agenda

ANNOUNCEMENTS/INTRODUCTIONS – 7:10 P.M.

- Adjourn in Memory

PRESENTATIONS – 7:20 P.M.

- Sheriff's Crime Report

ORAL COMMUNICATIONS – PUBLIC COMMENT – 7:30 P.M.

CONSENT ITEMS – 7:35 P.M.

1. Approval of meeting minutes from February 25, 2014.
2. Recommendation from the Art in Public Places Advisory Committee to approve the Village at Calabasas art in public places submission.
3. Taskforce recommendation regarding a Senior Center Advisory Board.

PUBLIC HEARING – 7:45 P.M.

4. Consideration of adoption of Ordinance No. 2015-322U and introduction of Ordinance No. 2015-323 to amend the Calabasas Municipal Code, Section 17.12.050 related to Antennas/Personal Wireless Telecommunications Facilities to add provisions creating a separate application and approval process for wireless facility permit applications covered under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. Section 1455(a).
5. Adoption of Resolution No. 2015-1445 establishing application fees for processing wireless facility minor modification permits by the Planning Division.

NEW BUSINESS – 8:30 P.M.

6. Discussion and update on solid waste franchise RFP.
7. Review, discuss and consider the recommendation from the Calabasas-Las Virgenes Historical Society to appoint Martha Duley to the Historic Preservation Commission.
8. Consider Introduction of Ordinance No. 2015-321 adding Chapter 2.27 and amending Chapters 2.28, 2.30, 2.36, 2.37, 2.38, 2.39, 2.40, 2.41 and 2.43 of the Calabasas Municipal Code regarding Commissions.
9. Recommendation to award construction contract for Specification No. 14-15-05 to Security Paving Company, Inc.

INFORMATIONAL REPORTS – 9:45 P.M.

10. Check Register for the period of February 18-25, 2015.

TASK FORCE REPORTS – 9:50 P.M.

CITY MANAGER'S REPORT – 9:55 P.M.

FUTURE AGENDA ITEMS – 9:58 P.M.

ADJOURN – 10:00 P.M.

The City Council will adjourn in memory of Paul Roeb to their reorganization meeting scheduled for Wednesday, March 25, 2015, at 7:00 p.m.

**MINUTES OF A REGULAR MEETING OF
THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA
HELD WEDNESDAY, FEBRUARY 25, 2015**

Mayor Shapiro called the meeting to order at 7:02 p.m. in the Council Chambers, 100 Civic Center Way, Calabasas, California. All members of the City Council were present.

ROLL CALL Present: Mayor Shapiro, Mayor pro Tem Martin, Councilmembers Bozajian, Gaines and Maurer
Absent: None.
Staff: Bartlett, Coroalles, Farassati, Hernandez, Howard, Huncke, Rubin, Tamuri and Yalda.

The Pledge of Allegiance was led by Cub Scout Pack 333 of Calabasas.

APPROVAL OF AGENDA

Mayor pro Tem Martin moved, seconded by Councilmember Gaines to approve the agenda. MOTION CARRIED 5/0 as follows:

AYES: Mayor Shapiro, Mayor pro Tem Martin, Councilmembers Bozajian, Gaines and Maurer.

ANNOUNCEMENTS/INTRODUCTIONS

Members of the Council made the following announcements:

Mayor pro Tem Martin:

- The Environmental Commission is hosting an informational meeting regarding Solar Energy on February 26.

Councilmember Bozajian:

- A creek clean-up event is scheduled on March 7.
- The AHCCC is hosting a St. Patrick's Day/Open House on March 14.
- The Conejo/Las Virgenes Future Foundation is hosting a community health expo at the AHCCC on March 21.
- CERT training will begin on March 19.
- Arbor Day celebration will take place on March 21 at Gates Canyon Park.

Councilmember Maurer:

- Encouraged everyone to participate in the Arbor Day celebration.
- Extended an invitation to the Chamber's Cal Cup Bowling Tournament on February 27 at Corbin Bowl.

Councilmember Gaines:

- Lupin Hill Elementary is conducting a book drive.
- Reiterated and invitation to the Environmental Commission's Solar Energy meeting on February 26.
- Encouraged residents to comment on the EIR scope for the proposed Canyon Oaks project at Las Virgenes/Agoura Roads.
- The Planning Commission hosted a workshop in regard to business signage in the City.
- Chabad of Calabasas is hosting their annual fundraising Gala on March 15.
- The CHS Performing Arts Education Center will be featuring Funny Girl during their Spring Musical, March 17-21.
- The CHS Performing Arts Education Center is hosting a fundraiser with Jason Alexander's one man show debuting on April 25.
- Congratulated the CHS boys and girls' basketball teams for making the playoffs.
- Encouraged everyone to enjoy the green scenery between Parkway Calabasas and Las Virgenes Road.

➤ Adjourn in Memory

Mayor Shapiro announced that the meeting would be adjourned in memory of Janyce Jennings and presented a certificate of adjournment to Walt Jennings.

PRESENTATIONS

- Recognition of Cub Scout Pack 333 of Calabasas

Mayor Shapiro presented the cub scouts with a certificate of appreciation.

ORAL COMMUNICATIONS – PUBLIC COMMENT

Marcy Verity-Viner spoke during public comment.

CONSENT ITEMS

1. Approval of meeting minutes from February 11, 2014.
2. Reimbursement agreement with the City of Hidden Hills for annexation costs related to the proposed Craftsman's Corner annexation.
3. Recommendation from the Parks, Recreation and Education Commission to award contract to Taylor Tennis Court, Inc. in the amount of \$84,250 for the installation of a USTA 8 & Under tennis court at the Calabasas Tennis & Swim Center.

Councilmember Bozajian requested Item No. 2 be pulled.

Councilmember Maurer moved, seconded by Councilmember Gaines to approve Consent Items No. 1 and 3. MOTION CARRIED 5/0 as follows:

AYES: Mayor Shapiro, Mayor pro Tem Martin, Councilmembers Bozajian, Gaines and Maurer.

Councilmember Gaines recused from participating on Item No. 2 and left the meeting.

After further discussion, Councilmember Bozajian moved, seconded by Councilmember Maurer to approve Consent Item No. 2. MOTION CARRIED 4/0 as follows:

AYES: Mayor Shapiro, Mayor pro Tem Martin, Councilmembers Bozajian and Maurer.

ABSENT: Gaines

Councilmember Gaines returned to the meeting.

NEW BUSINESS

4. Adoption of Resolution No. 2015-1444 approving a Memorandum of Understanding (MOU) with Calabasas Tech Center for development of the Las Virgenes Trail; and staff authorization to execute related documents.

Ms. Tamuri provided an overview.

Councilmember Maurer moved, seconded by Councilmember Gaines to approve Item No. 4, as amended. MOTION CARRIED 5/0 as follows:

AYES: Mayor Shapiro, Mayor pro Tem Martin, Councilmembers Bozajian, Gaines and Maurer.

5. Stormwater semi-annual update.

Mr. Farassati presented the update.

INFORMATIONAL REPORTS

6. Check Register for the period of February 4-6, 2015.

No action was taken on this item.

TASK FORCE REPORTS

Councilmember Maurer reported on her attendance at the Santa Monica Mountains Conservancy meeting on February 23; as well as her participation in the League of California Cities Legislative Committee conference calls.

CITY MANAGER'S REPORT

Mr. Coroalles reported on a future meeting with Mike Malmoth in regard to his project which is set to begin after the rainy season.

FUTURE AGENDA ITEMS

Councilmember Maurer requested a letter of support be placed on a future of agenda regarding the 2016 realignment and closure of the Los Angeles air base.

Councilmember Gaines requested a review of the process for Robo calls. He also requested possible relocation and/or replacement of the screens in the Council Chambers. In addition, he requested a future meeting be adjourned in memory of Paul Roeb.

Councilmember Bozajian reported that a recommendation involving the Savvy Seniors representation would be brought forward at the March 11 meeting. He requested that issues related to open space be scheduled at the upcoming Council workshop. He reported that modifications to the Municipal Code regarding to Commissions would also be scheduled for a future meeting. He encouraged everyone to vote on March 3.

ADJOURN

The meeting adjourned at 8:55 p.m. in memory of Janyce Jennings to their next regular meeting scheduled on Wednesday, March 11, 2015, at 7:00 p.m.

Maricela Hernandez, MMC
City Clerk



CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: FEBRUARY 23, 2015

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: THE ART IN PUBLIC PLACES ADVISORY COMMITTEE

BY: JEFF RUBIN, COMMUNITY SERVICES DIRECTOR 

SUBJECT: RECOMMENDATION FROM THE ART IN PUBLIC PLACES ADVISORY COMMITTEE TO APPROVE THE VILLAGE AT CALABASAS ART IN PUBLIC PLACES SUBMISSION.

MEETING DATE: MARCH 11, 2015

SUMMARY RECOMMENDATION:

It is recommended that City Council approve the recommendation from the Art in Public Places Advisory Committee for the Village at Calabasas Art in Public Places Submission.

BACKGROUND/DISCUSSION:

The Art in Public Places Advisory Committee consisting of Karyn Foley, Mark Sikand and Lauren Morick met on September 30, 2014 and again on February 12, 2015 to review the Village at Calabasas Art in Public Places application for their project being constructed at 23500 Park Sorrento. The Committee was presented with drawings of an Obelisk at the main entrance to the project and was asked to accept (which they did unanimously) the Obelisk as the submission of the Art in Public Places requirement.

The theme of the design is meant to evoke a sense of Spring, New Life and New Beginnings. The vibrant orange, yellows and greens (pumpkin/wild gourd) are celebrated throughout the obelisk in a vivid pallet and style reminiscent of the Italian ceramic a'la Fiore. It is an artwork form that reflects Calabasas beautifully and seamlessly within the vision of the project.

Artist Marlo Bartels has been selected by the contractor to design and fabricate the Obelisk. Marlo has a B.A. in Art from Cal State University, Long Beach along with a M.A. in Art from Cal State University, Fullerton. Marlo has been producing and installing permanent sculpture pieces, murals and functional art since 1977.

The Obelisk itself will have the following characteristics:

- 260 square feet of surface area
- A base 54" x 42" x 42"
- The Obelisk itself will be 16' x 30" x 30" and 20" x 20" at the top
- Shop welded steel frame, powder coated against weather/rust
- Metal thickness to be approved by a structural engineer
- Half inch tile board glued and screwed to the metal frames
- Handmade art tile applied to the tile board with thin set mortar
- Grout between lines
- Sealed against water penetration
- Base to be welded steel, powder coated and sand color stucco to match buildings

FISCAL IMPACT/SOURCE OF FUNDING:

None.

REQUESTED ACTION:

It is requested that City Council approve the recommendation from the Art in Public Places Advisory Committee for the Village at Calabasas Art in Public Places Submission.

ATTACHMENTS:

- Exhibit A: Obelisk Model
- Exhibit B: The Village at Calabasas Plan View
- Exhibit C: Artist Marlo Bartels Profile

ITEM 2 EXHIBIT A



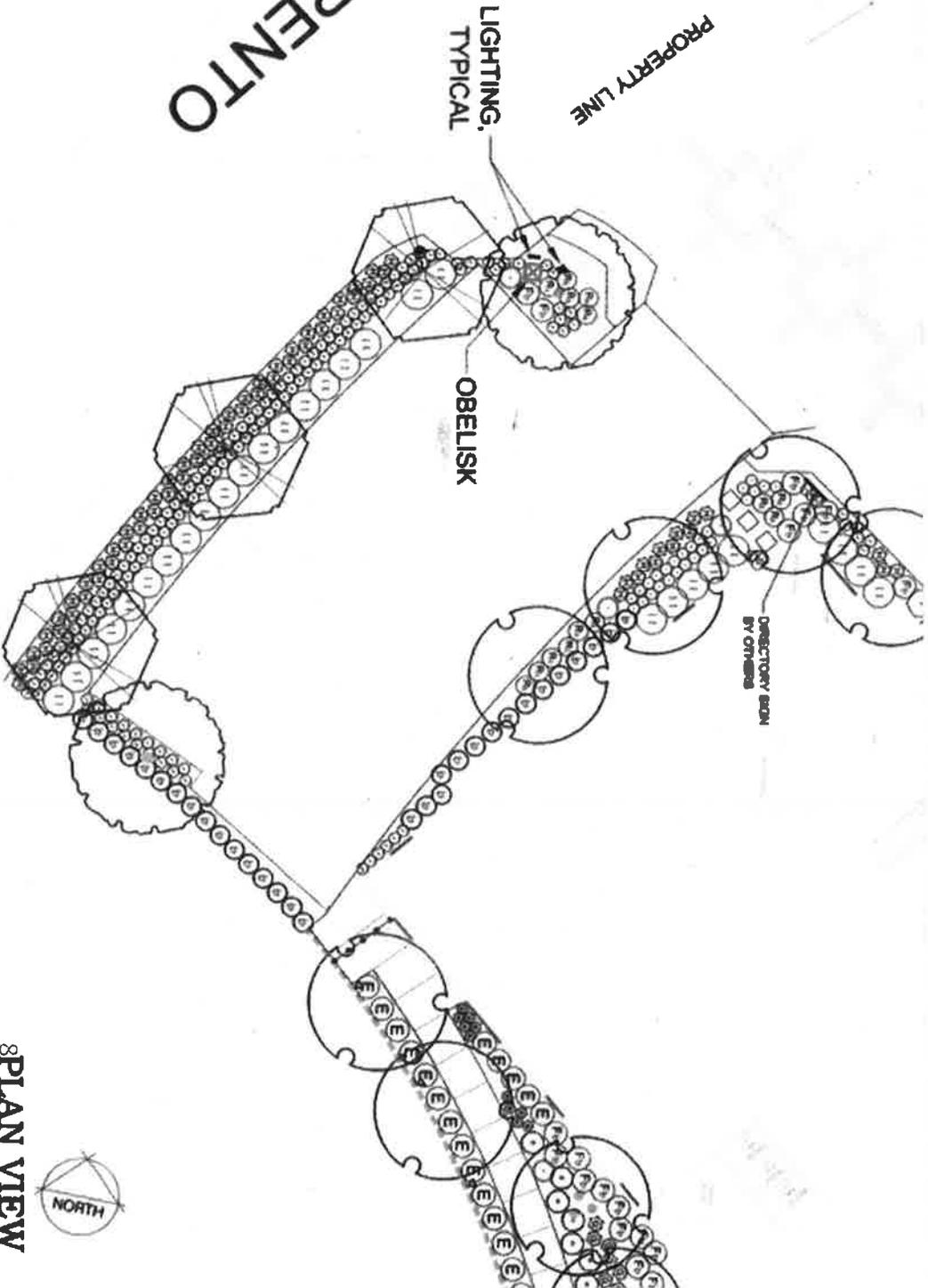
Obelisk Model

The Village at Calabasas

— Plan View

ITEM 2 EXHIBIT B

PARK
SORRENTO



PLAN VIEW

SCALE 1/8" = 1'-0"

ITEM 2 EXHIBIT C

MARLO BARTELS Artist Profile

The ceramic objects and furniture made by artist Marlo Bartels exude the handmade warmth of an old village where every irregular rock has been placed in perfect unison to create floors and walls smoothed by centuries of human touch. Relaxing, assuring and affirmative, Bartels' objects relate to activities that release the stress and burden of contemporary life in Southern California. When looked at in terms of contemporary art, what seems problematic about Bartels' work is that it sits easily on the fence between art, and craft or decoration. While most contemporary art almost by definition is issue-oriented, Bartels' work talks about a contentedness or rightness in terms of its place in the world. Rather than challenging the viewer, Bartels' work playfully seduces one into literally relaxing in it and with it.

Bartels' subject matter inspires the same effect. Researching the history of the Southern California area, Bartels discovered the picturesque plain-air landscapes painted of the region at the turn of the century and the sunny disposition of old orange crate labels, both of which unobtrusively referred to a pleasant past. Bartels uses similar motifs to evoke positive thoughts about the region, not to elicit sentimentality about the passing of an age or as political/environmental statement.

Like the art of folk artist Simon Rodia, whom he greatly admires, Bartels' work has the look of perpetuity—a permanent, stubborn, tenacious and fixed look. Bartels likes the idea that you can put something in the world that will outlive you, somehow go beyond the mortal self. Also, as in the work of Rodia, who built the Watts Towers in Los Angeles, scale is an important factor in Bartels' work. (Like overgrown playthings, Bartels' objects have a plasticity and larger-than-life scale, conveying a sense of "toyness" that is emphasized by their ornate surfaces and zippy candy color

Bartels' materials even playfully contradict themselves. His tiled chairs, tables and other objects of daily use look too heavy and fixed to ever budge when, in fact, if they fell into the water they would probably float. The basic ingredient in Bartels' furniture is polystyrene, making it very light. Bartels' trademark—recycled tile—swirls around his objects in endlessly random pattern, activating the surface with centrifugal force in a flush of movement seemingly impossible to achieve with tile

Marlo took a semester hiatus from graduate school to go to Spain, where he became entranced with the architect Antonio Gaudi's handiwork. Gaudi's art has all the elements Bartels was interested in: grand scale, playfulness, organicism and a usefulness that is both practical and aesthetic, and that sneaks up and embraces its audience.

Back in graduate school, Bartels' graduate advisor, Don Lagerberg, introduced him to contemporary art theory and issues. (Somewhat amused by the cynicism of the art world, and such as 1970's movements minimalism and conceptualism, Marlo put together a graduate exhibition consisting of an installation with a game theme. Using the notion of the game as a metaphor for the operations of the contemporary art world, and as a play on Marcel Duchamp's End Game, Bartels set up a larger than life sized interactive piece made of ceramics, which moved the viewer to physically participate in the piece. Play, the main theme, helped to set in motion a dialogue concerning the artificial boundaries within the art world which dictate style, media, and topic. Bartels attempted to breakdown these boundaries and those separating the viewer and object. What Bartels also expressed was the possibility for ceramic objects to be both sculptural and functional. Also while in graduate school, Bartels had met ceramics teacher Jon Stokesbary, a genius of sorts who had trained (in the early sixties

with the famed Peter Voulkos at the Otis Art School in Los Angeles.) Stokesbary introduced Bartels to various approaches to making ceramics. Eventually the two ended up sharing a studio while Bartels followed him several years later into teaching at the Art Institute of Southern California in Laguna Beach. Stokesbary encouraged him to be more experimental with the ceramics medium and provided him with an example of how the artistic and beach life styles could be blended.

It was after seeing the Gladding McBean murals around the old factory building in Los Angeles, that Bartels work began to take its definitive form. He then became interested in architectural tile work and began to investigate the plethora of old ceramics factories that had been popular in California in the 1920's. At the time, very little information existed on the history of California ceramics and so Bartels wrote and received a National Endowment for the Arts grant to research the field. Subsequently, he became an expert in the area and was deeply affected by what he discovered. Seeing the extraordinary tile-work on buildings by such forgotten California artists as Ernest Batchelder, Frederick Hurren Rhead, Alexander W. Robertson, and James and Gertrude Wall inspired Bartels to approach his art with the spirit of the early 20th-century California arts and crafts movement, which harkened back to a preindustrial past. (That system of thought proposed that art and life are organically linked to nature and place) Arts and craft artists made objects that expressed that connection.

In a sense, Bartels' work refers to both preindustrial and postindustrial eras. His primary ingredient being baked earth or terracotta, the most basic of building materials, refers back to a time before machines. But his terra cotta also references a future where the discarded wastes of a society too reliant on mechanization are tilled back into objects, objects that better express the humanness from which they came.

Essay by Bolton Colburn - Director of the Laguna Art Museum

MR. MARLO BARTELS

PUBLIC ART COMMISSIONS

- **Airfield Dreams**, Six 12ft 3 sided columns & 30ft undulating seating, City of Brea, CA, 2013.
- **Surf N Sand**, Ceramic Pictorial mural, Laguna Beach, CA. 2010.
- **Third Reef**, Brooks Street Ceramic Mosaic on stair risers, Laguna Beach, CA 2009.
- **Lancaster**, Mosaic mural, Walmart Superstore, Lancaster, CA. 2007.
- **Ballona Sea Change**, 4 benches 18" x 72" x 24", 4 vases 40" x 18" x 18", Laing Homes - Corinne Weitzman, Playa Vista, CA
- **Brea**, ceramic mosaic pictorial mural, 8' x 20', City of Brea, CA. Mr. Eric Nicoll - Economic Development Department.
- **18 Benches**- Westgate Entertainment Center, Glendale, AZ, The Ellman Co, Art Deco designed ceramic mosaic curvilinear 18 benches, 18" x 96" x 24", 2007.
- **Spanish Walk**- City of Palm Desert, CA Palm Desert Pocket Park @ Gerald Ford Dr. & Frank Sinatra Dr, 3 curvilinear benches, 2 @ 36" x 35' & 45' lengths each x 40", one @ 40" x 12', 2007.
- * **Starburst Sakura** - Orange County Public Library, Laguna Beach, CA - 8 ft x 2 ft, 2003.
- **Palm Desert Night & Day** - City of Palm Desert, CA, Lowes Home Improvement Warehouse, 8 triangular columned sculpture, 10' x 35' x 5', 2006.
- **Rick's Café** - Negril, Jamaica, Eltman Company, Paving enhancements and 84" diameter ceramic mosaic logo for resort/restaurant/bar. 2007
 - **San Clemente Rail Trail**, *Tile signage and mosaic seating in multiple locations on oceanfront pedestrian beach trail.* BGB Landscape Architects, Arthur Guy, T.B. Pennick & Co. Landscape Contractor.2006
- Palm Canyon Food Court, designs and installation, Palm Springs,, CA 2006
- * **Terra Firma and Beyond**, M.S. Aerospace, Sylmar, CA , Cultural Affairs Department for the City of Los Angeles, CA, 2004.
- * **Orion Matrix**, Sculptural seating and Mandala, Van Nuys, CA, A.I.P.P. Project, Cultural Affairs Department, City of Los Angeles, 2004.
- * **Raymond Starburst**, 6 foot diameter mandala, 2 fourteen x two ft geometric tile panels. City of Pasadena Art in Public Places Project for Buchanan Development, Beatrix Barker Assoc, Art Consultant, 2004.
- **Starburst Sakura** - Bank of America, Community Arts Project, Laguna Beach, CA - 8 ft x 2 ft, 2002.
- * **Cherry Orchard Project / Part Two** - Sunnysvale, CA. Four ceramic seating areas as functional art, 2002.
- * **Cherry Orchard Sakura East & West** - Cherry Orchard Project, Sunnysvale, CA - Two 28 ft. mosaic obelisks, Oct. 2001, (see *Artweek* article).
- * **Uno Mundo, One World, Spyro** - Cancer Survivors Park, San Diego, CA - 20 ft. diameter mosaic dome, undulating bench, 12 ft long, mandala, 6 ft diameter and six other benches, 2002.
- **The Nerve** - Psychology Building, University of West Florida, Pensacola, FL - Ceramic mosaic sculpture, 6 ft diameter hemisphere, steel/ polystyrene, mortars, ceramic- Art in State Buildings Program, 2000.
- **National City Historic Railcar Plaza** - Port of San Diego, CA. Tile replica of California China Products (National City @ 1925), accents around plaza and parallel to railcar tracks, 1999.
- **Twin Dragons**, Irvine & Orange, CA - Two ceramic mosaic restaurant facades, 1999 - 2000.
- * **Blue Moon** - Cancer Survivors Park, Phoenix, AZ - 28 ft. ceramic mosaic obelisk, 1999.
- **Quiksilver Corporate Office**, Huntington Beach, CA - Terrazzo entry floor logo, ceramic mosaic columns and platforms, 1999.
- **Avalon Streetscape Restoration** - Catalina Island, Avalon, CA - Replica tile, 1998-99.
- **For E.H.** - Phoenix International Airport, Phoenix, AZ - Mosaic sculpture seating, 1998.
- **Westwood Village Streetscape** - Los Angeles, CA. Street furniture & 3 planters as functional art, 1997.
- * **88 West Colorado** - Pasadena, CA - 4 ceramic murals, 1997, collaboration with G. Myers.
- **Ceramic Pictorial Commemorative plaque & Geometric Water Fountain Surround** - School front façade, University High School, Irvine, CA, 1997.
- **C, S and Star** - Cancer Survivors Park, Rancho Mirage, CA - 3 seating sculptures, 1996.
- **Commemorative Bench, Distinguished School** tile plaque, **Blue Ribbon School** tile plaque - Art Patio & School, Entry portal, Laguna Beach High School, Laguna Beach, CA, 1996.
- **Thurston Benches** - Thurston Middle School, Laguna Beach, CA, School entry, 1996.
- **Palm Desert Obelisk, Palm Desert Country Club** - City of Palm Desert, CA - 21 ft. mosaic obelisk entry monument, 1995.
- * **Gateway Mosaic, Zuma Beach** - L.A. County Department of Beaches & Harbors, Zuma Beach, CA, 1995.
- * **The Renaissance Towers** - City of Los Angeles, CA - Mosaic, two 30 ft. pyramids, one 30 ft. column, 1994.
- **Nutrillite Products, Inc.**, Buena Park, CA - Ceramic mosaic benches, terrazzo entry floor & ceramic murals, (4 ft. x 40 ft.), 1997.
- **Old Pasadena** - Ahmanson Financial Plaza, Pasadena, CA - Fountain granite benches with pictorial historic ceramic murals on bench backs, 1994.
- **Entry Archways Façade, Drinking Fountain Wall, Fireplace** - Sawdust Festival, Laguna Beach, CA, 199
- * **Burbank Mural**, benches, tile crests - City of Burbank, CA - Cusumano Development, 1992.
- * **Wall Fountain** - Irvine Medical Center, City of Irvine, CA, 12 ft. x 12 ft., 1990.
- **Emmy Plaza** - No. Hollywood, CA - Two 50 ft. undulating ceramic mosaic seating sculptures and 7 cube seating sculptures, S.W.A. Landscape, 1990.
- **Seahorse, Compass and Dolphin** - Waterfront Hilton, Huntington Beach, CA - 3 ceramic mosaic fountains, 1990.
- * **Sawdust Festival**, Laguna Beach, CA - drinking fountain wall, fireplace, entry archways façade, 1990.
- **Elements** - Laguna Art Museum, Laguna Beach, CA - Ceramic mosaic bench at front facade, 1989.
- **Drinking Fountain Wall** - Laguna Art Museum, Laguna Beach, CA - Ceramic mosaic tile with drinking fountain, 1989.
- **Elaine Horwitch Gallery**, Palm Springs, CA - Ceramic mosaic seating and mosaic mural with snake. 1985.
- **Canyon Chess And Checkers** - Main Beach, City of Laguna Beach, CA - Ceramic mosaic chairs & table sculpture, N.E.A. Grant, 1981.
- **Romeo Cucina Restaurants**, 3 U.S..locations - Ceramic mosaic murals, custom ceramic mosaic light fixtures.

- Denotes an Art-In-Public-Places (A.I.P.P.) Project

DESIGN COLLABORATIONS

Landscape Architects: SWA Group, Borthwick.Guy.Bettenhausen, Blue Palm Landscape, Irvine, Company.
Architects: Frank Gehry, Michael Kiner Assoc., Daniel McMann, Morris Skenderian, Rob Quigley, Architects.
Designers: Steve Chase Assoc., Braselle Design
Artists: Astrid Preston, Gifford Myers, Eric Johnson, Peter Shire.

PUBLIC MURALS

- Surf N Sand**, Ceramic Mosaic pictorial mural, Laguna Beach, CA. 2010.
- **Lancaster**, Mosaic mural, Walmart Superstore, Lancaster, CA. 2007.
- **Laguna Beach Historic Mural Restoration**, Pottery Shack, 2006.
- **Brea**, ceramic mosaic pictorial mural, 8' x 20', City of Brea, CA. Mr. Eric Nicoll-Economic devl. 2006.
- **Lunardi's Market**, San Jose, CA 4 large pictorial murals, 1999.
- **Antigua**, WI, plaque, 1999.
- Home Savings of America**, 7 U.S. locations - Ceramic pictorial murals mosaic elements / researched imagery.
 - Palm Desert, CA, mural, 9 ft x 7 ft, 1988, Thousand Oaks, CA, mural, two at 5 ft x 7 ft each, 1988
 - Columbus, OH, mural, 8 ft x 12 ft, 1988, Pembroke Pines, FL, mural, 8 ft x 12 ft, 1988
 - Dunedune, FL, mural, 6 ft x 8 ft, 1989, Monterey Park, CA, mural, 16 ft x 16 ft, 1989
 - Woodland Hills, CA, mural, 4 ft x 26 ft, 1989
- Romeo Cucina Restaurants**, 3 U.S. locations - Ceramic mosaic murals, custom ceramic mosaic light fixtures.
- Charthouse Restaurants**, 12 U.S. locations - Ceramic murals, some with mosaic elements.
 - San Juan Puerto Rico, mural, 4 ft x 12 ft, 1981, Miami, FL, mural, 4 ft x 26 ft, 1981
 - Ventura, CA, mural, two at 4 ft x 15 ft each, 1982, Kona, HI, mural, two at 4 ft x 15 ft each, 1988
 - Malibu, CA bench, 2 ft x 6 ft, 1989, Haleiva, HI, mural, 3 ft x 12 ft, 1990
 - Cohasset, MA, mural, 4 ft x 15 ft, 1990, Warwick, RI, mural, 4 ft x 15 ft, 1990
 - Chester, CN, mural, 3 ft x 8 ft, 1990, Kaneoe, HI, mural, 4 ft x 18 ft, 1991
 - Newport Beach, CA, mural, 4 ft x 12 ft, 1992, Dana Point, CA, mural, 4 ft x 26 ft, 1993

SELECTED EXHIBITIONS / GUEST LECTURES

- Artist in Residence**, Month long residency and one man show, and lectures Fullerton College, CA. 2012.
- Progress and Ideals**- Muckenthaler Cultural Center Foundation, Fullerton, CA Jan11-Mar29, 2009.
- Marlo Bartels - A Decade of Clay**, Citrus College, Glendora, CA, Jan-Mar, 2007.
- Laying the Foundation: American Art Tile**, American Museum of Ceramic Art, Pomona, CA July -Nov. 2005, Loveseat #7.
- Tile Sculptor Marlo Bartels, Tile as Art**, Scripps College, Claremont, CA Guest Lecture, 2005.
- Otis College of Art & Design, L.A., CA, Faculty Development Workshop by Marlo Bartels, 2005.
- Marlo Bartels - Artist-in-Residence** Citrus College, Glendora, CA. Exhibition and lectures, 2004.
- Marlo Bartels - New Work**, John Natsoulas Gallery, Davis, CA - 2003.
- International Ceramic Tile Triennial 2002** - Museo de Arte Moderno (Museum of Modern Art), Santo Domingo, Dominican Republic, November, 2002.
- Sakura With Sphere** - Community Art Project (CAP), Bank of America, Laguna Beach, CA, Sept.'01-Sept.'02..
- Primera Trienal Internacional del Mosaico Ceramico** - Elite-Tile, Santo Domingo, Republica Dominicana, 1999.
- Outside In - Artist's Furniture**, Muckenthaler Cultural Center, Fullerton, CA, June, 1999.
- Palos Verdes Art Center, Guest Lecture, 1999.
- Living With Tile, the Art of Installation** - Wayne Art Center, Pennsylvania, October, 1998.
- Contemporary Mosaics** - Mill Valley Sculpture Gardens, CA, December, 1998.
- New Works** - Diane Nelson Gallery, Laguna Beach, CA, November, 1989.
- Chairs** - Virginia Breier Gallery, San Francisco, CA, April, 1989.
- Functional Art by Nine** - Diane Nelson Gallery, Laguna Beach, CA, February, 1989.
- New Art Furniture** - Elaine Horwitch Gallery, Palm Springs, CA, April, 1988.
- A Personal Invitation** - Diane Nelson Gallery, November, 1988.
- Ceramic Garden Furniture** - Virginia Breier Gallery, San Francisco, CA, May, 1988.
- Frankly Functional** - Municipal Art Gallery, Bamsdall Park, Los Angeles, CA, March, 1988.
- The Furniture Show** - Herron Gallery, Indianapolis Center for Contemporary Art, Indianapolis, IN, January, 1987.
- Chairs by Artists and Architects & Furniture by Artists** - San Francisco International Airport. October, 1986.
- Selected Works** - Gallery of Functional Art, Los Angeles, CA, May, 1986.
- Functional Ceramics** - Gallery of Functional Art, Joan Simon, Los Angeles, CA, March, 1984.
- In the Form of Furniture** - Irvine Fine Arts Center, Irvine, CA, September, 1984.
- Orange County Clay** - Laguna Art Museum, Laguna Beach, CA, April, 1983.
- California - The State of Landscape** - Newport Harbor Art Museum, Newport Beach, CA, March - May, 1981. Santa Barbara Museum of Art, Santa Barbara, CA. July - Sept., 1981
- Marlo Bartels - Functional Art**, one man show, Joan Simon, Functional Art Gallery, Los Angeles, CA, October, 1982.
- Our Own Artists: Art from Orange County** - Newport Harbor Art Museum, Newport Beach, CA, Oct-Nov, 1979.

SELECTED PUBLICATIONS, PHOTOS, REVIEWS

- Laguna Art Magazine**, Spring 2014, pp 28-31.
- Gaudi Guy**, Riviera O.C., Nov. 2009, pp 80.
- Marlo Bartels, the Big Break**, Laguna Life + People, March 2007, pp 40-44.
- Great Kitchens**, Sunset Books, 1999, pp 40, southwest kitchen, San Marino, CA.

Tile, Jill Herbers, 1996, pp 137. Wosk table on deck. Artisan.
Decorating with Tile, Margaret Salem Wills, 2000, pp 151, tile chair"Chess & Checkers"
Photo: Tim Street-Porter
American Craft - Dec '05/Jan '06, pp62
Coast - "Modern Dream", June, 2003, pp84
Landscape Architecture, 'Prescription for Healing,' February, 2003.
Artweek, "Public Art Brightens Cherry Orchard", Dec 2001 - Jan 2002.
Rancho Mirage, Cover and pp26, 2001.
Coast, "The Art Collection of Laguna Beach Residents Suzanne and Ted Paulson", June, 2001, pp 78 - 83.
House and Garden, "Total Immersion", May, 2000 - pp 142-143.
Primera Trienal Internacional del Mosaico Ceramico - Elite Tile, Santo Domingo, Republica Dominicana, 98-99.
Global Architecture - "Houses 17", Yukio Futagawa - A.D.A. Edita Tokyo, 1985, cover & pp 8 - 14.
The Art of Mosaic Design, J. Locktov, Rockport, 1998, pp 132.
Gioio, "Robin Williams Ma Che Magnifico Papa!", November, 1997, pp 174.
Dinner & Driving, by Vanguard Cinema & Argonaut Pictures, work featured.
Los Angeles Times, "Public Art - The Next Wave", August 3, 1995, pp 10 - 14.
Progressive Architecture, "Keeper Gate", November 1995, pp 27.
Los Angeles Times, "For All the World to See", August 4, 1995.
West, Pioneers: Breaking with Tradition, Paradise Lost, Aug. 1994.
Los Angeles, "Tilemania", October, 1992, pp 78 - 79.
Great Tile, Sunset Books, Jan, 1998, pp11,28,35,51,64,88-89.
Art News, December, "Living With Art - The Einsteins- The Big Hit", 1989, pp 114.
Los Angeles Times, "He Broke In as Artist With Tile Sculpture", May 16, 1986, pp Part V p 1 & 20.
California Cooking, Art Museum Council, Los Angeles County Museum of Art, 1981.
Our Own Artists: Art from Orange County, Orange County Museum of Contemporary Art (formerly Newport Harbor Art Museum), 1979.

SELECTED COLLECTIONS

Laguna Art Museum
Long Beach Museum of Art
University of West Florida, Pensicola, FL
Cities of: Laguna Beach, Los Angeles, Burbank, Palm Desert, Rancho Mirage, Brea, Lancaster, San Jose, Avalon, Sunnyvale, San Diego, Pasadena, CA.
County of Los Angeles, CA.
Mandy & Cliff Einstein, Brentwood, CA.
Marsha & Robin Williams, San Francisco, CA.
Narjij & Stuart Katz, Paris & Cot d' Azur, FR
Rene & Simon Golstein, Brussels, Belgium.
Elaine Horwitch, Scottsdale, AZ
Meriam Wosk, Beverly Hills, CA
Joan Simon Menkes, Bel Air, CA.
Judy Kenyon, San Marino, CA
Kathleen Sullivan, New York, NY
Molly & Leon Lyon, Newport Beach, CA.
Patricia & Gene Cooper, Laguna Beach, CA
Suzanne & Ted Paulson, Laguna Beach, CA
Annette and Richard Bloch, Rancho Mirage, CA
Annette and Ted Lerner, Rancho Mirage, CA
Steve Chase, Rancho Mirage, CA
Debi & Tom Pavlic, Laguna Beach, CA
LeeAnn & Steve Schwartz, Westwood, CA
Fala & Dr. Danny Powers, Pacific Palisades, CA
Narjij & Stuart Katz, Paris & Cot d' Azur, FR
Barbara & Bob Klein, Los Angeles, CA.

PROFESSIONAL AFFILIATIONS

Friends of Terra Cotta -Preservation, Architectural Terra Cotta
Tile Heritage Foundation-Preservation and identification.
Trustee - Laguna Art Museum, 1996-98.
Collections Committee - Laguna Art Museum, 1999 - 2008t.

EDUCATION / AWARDS / HONORS

Artist in Residence, Fullerton College, Fullerton, CA. 2012.
Laguna Beach Architectural Guild, Winner, Design Awards Program, Furniture, 1999.
National Endowment for the Arts Grant - Building Arts - 1981-1982.
Survey of California Historical Tile and Innovative Research into Ferro-cement with Polystyrene and Ceramics.
National Endowment for the Arts Grant - Master Craftsman Apprentice -1978.
Funds to hire an apprentice for nine months.
National Endowment for the Arts Grant - Ceramic Workshop - 1977. With Ron Nagle and Richard Shaw.
Low Fire Ceramics and Porcelain workshops at Laguna Beach School of Art.
M.A. Art, California State University, Fullerton, 1974
B.A. Art, California State University, Long Beach, 1972



CITY *of* CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: MARCH 3, 2015

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: ANTHONY M. COROALLES, CITY MANAGER 

SUBJECT: TASKFORCE RECOMMENDATION REGARDING A SENIOR CENTER ADVISORY BOARD.

MEETING

DATE: MARCH 11, 2015

SUMMARY RECOMMENDATION:

That the City Council accept the taskforce's recommendation regarding the Senior Center Advisory Board and addition of a senior member to the Parks, Recreation and Education Commission.

BACKGROUND:

The City Council appointed Councilmembers Bozajian and Martin to meet with staff and a representative group of seniors to discuss options as to how seniors could have a more formal role in the operations of the future Senior Center. The taskforce concluded that the best way to accomplish this goal would be to direct the City Manager to establish and select a Senior Center Advisory Board to be called the Savvy Senior Advisory Board (Board). This board will work under the direction of the future Senior Center Manager to provide advice and assistance on programs conducted by the Center. Additionally, once the five-member Board has been appointed, the Board will recommend to the Council a senior representative for membership in the Parks, Recreation and Education Commission.

The language reflecting the addition of a seventh member is depicted on draft Ordinance No. 2015-321 being presented for City Council consideration in Agenda Item No. 8.

RECOMMENDATION:

That the City Council accept the taskforce's recommendations to establish a Savvy Senior Advisory Board and to add a senior member recommended by the Board to the Parks, Recreation and Education Commission.

ATTACHMENTS:

None.



CITY of CALABASAS
CITY COUNCIL AGENDA REPORT

DATE: MARCH 2, 2015

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SCOTT HOWARD, CITY ATTORNEY
MATT SUMMERS, ASSISTANT CITY ATTORNEY
MICHAEL KLEIN, PLANNER *Michael Klein*

SUBJECT: CONSIDERATION OF ORDINANCE NO. 2015-322-U AND INTRODUCTION OF ORDINANCE NO. 2015-323 TO AMEND THE CALABASAS MUNICIPAL CODE, SECTION 17.12.050 RELATED TO ANTENNAS/PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES TO ADD PROVISIONS CREATING A SEPARATE APPLICATION AND APPROVAL PROCESS FOR WIRELESS FACILITY PERMIT APPLICATIONS COVERED UNDER SECTION 6409(A) OF THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012, 47 U.S.C. SECTION 1455(A).

MEETING DATE: MARCH 11, 2015

SUMMARY RECOMMENDATION:

That the City Council adopt Ordinance No. 2015-322-U, amending Section 17.12.050 of the City of Calabasas Land Use and Development Code, related to Antennas/Personal Wireless Telecommunications Facilities, to add provisions creating a separate application and approval process for wireless facility permit applications covered under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. Section 1455(a) on an urgency basis, and that the City Council introduce Ordinance No. 2015-323, amending Section 17.12.050 of the City of Calabasas Land Use and Development Code, related to Antennas/Personal Wireless Telecommunications Facilities, to add provisions

creating a separate application and approval process for wireless facility permit applications covered under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. Section 1455(a) on a permanent basis.

BACKGROUND:

The City regulates the installation, operation, and maintenance of personal wireless telecommunications facilities in the City under the provisions of the Wireless Facility Ordinance, Section 17.12.050 of the Calabasas Municipal Code. As stated in Section 17.12.050(A), the ordinance is intended to protect the health and safety of residents and business, protect the benefits provided to residents and business by wireless telecommunications facilities, and balance these goals by permitting the installation and operation of personal wireless telecommunication facilities where needed, while reducing, adverse economic, safety and/or aesthetic impacts. The ordinance is intended to accomplish these goals while complying with all applicable federal and state law, including the federal 1996 Telecommunications Act, and therefore is intended to regulate personal wireless telecommunications facilities to the limit, but not beyond, of the City's power.

In 2012, Congress passed the 2012 Middle Class Tax Act which contained Section 6409, also known as the Spectrum Act. The Spectrum Act is intended to provide rapid deployment of wireless infrastructure by requiring local government to approve any application that seeks to modify an existing wireless telecommunication facility without substantially altering the existing facility. However, absent specific definitions of unique terms, such as towers, base station, substantial change, etc., the implementation of this Section has been open to interpretation by each local government. Furthermore, while the Section states that a local government cannot deny and shall approve an eligible facility request, it provides no guidance as to the required process or time limits in which a local government has to act. As a result, the FCC recently published rules which include necessary definitions, processing requirements, timelines and remedies for applications that seek to modify an existing wireless telecommunication facility in accordance with the Spectrum Act.

On January 8, 2015, the FCC published, in the Federal Register, new rules and order pertaining to the deployment of wireless telecommunication facilities. The first 109 pages of the published document include a preamble with the FCC Commission's justification for the adoption of each rule. The rules cover three main categories: the manner in which applications are evaluated for NEPA standards, the manner in which applications are evaluated by NHPA standards, and clarification of procedures for evaluating applications subject to Section 6409(A) of the 2012 Middle Class Tax Act. The later rules are the most pertinent to the City, as these rules affect how applications to modify an existing wireless

telecommunication facility may be processed. As a result, the City should amend its current wireless ordinance to accommodate the unique processing requirements required by the FCC's rules.

The proposed amendment is intended to conform the ordinance to the limit of the City's power, in light of Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (Pub.L No. 112-96, 126 Stat. 156, codified at 47 U.S.C. § 1455), which provides that the City "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." (47 U.S.C. § 1455, subd. (a)(1).) The proposed ordinance complies with this requirement and creates a process for the City to review and confirm that Section 6409 applies to an application before approving it under that section.

The Communications and Technology Commission (CTC) reviewed the draft ordinance and urgency ordinance at a public hearing on February 17, 2015, and adopted CTC Resolution No. 2015-035 (attachment C), recommending adoption of both ordinances by the City Council.

In preparation of the final ordinance, a small but material error was discovered in the draft ordinance recommended for approval by the CTC. The error relates to the cumulative limits on how wide a site may become as a matter of right under the FCC rules. As reviewed and recommended by the CTC, the proposed ordinance places a cumulative limit on both increases in height and width. However, the FCC rules cumulatively limit only the height and not the width.

The proposed ordinance cannot be more restrictive than the FCC rules and so the City must delete the cumulative limit in width from the proposed ordinance. Failure to make this change could expose the City to a facial challenge, and it is strongly recommend that the City delete the references to cumulative increases in width.

This impacts sections 17.12.050(F)(5)(a)(3), 17.12.050(F)(5)(b)(3), and 17.12.050(F)(5)(c)(3). In all three sections, the phrase "wider than its narrowest width on February 22, 2012 or as approved if constructed after February 22, 2012" is deleted. These deletions correct the error. Finally, the attached ordinances (urgency and non-urgency) also replace "town" with "City," as recommended by the CTC.

There are two ordinances, urgency and non-urgency, for the Council's consideration to ensure that there are no gaps between the existing ordinance and the amended, fully Section 6409 compliant ordinance. Adopting the proposed amendments on an urgency basis is appropriate given the need for the City to have appropriate procedures and requirements in place to review, process, and act upon

Section 6409 applications for wireless facility minor modification permits before the effective date of the new federal regulations, which is April 9, 2015. The proposed non-urgency ordinance will rescind the urgency ordinance upon its effective date. Because the two ordinances are substantively identical, the repeal of the urgency ordinance upon the effective date of the non-urgency ordinance will not change the City's Section 6409 regulations. Instead, this automatic repeal will ensure that the urgency findings are only necessary for the interim period between March 11 and the effective date of the urgency ordinance. We do not anticipate a challenge to the urgency ordinance on this ground, but in the event one is successful, it will thus have a limited impact.

DISCUSSION/ANALYSIS:

Section 6409 provides, in part, that the City "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." (47 U.S.C. § 1455, subd. (a)(1).) Section 6409 itself defines "eligible facilities request" as "any request for modification of an existing wireless tower or base station that involves –

- (a) collocation of new transmission equipment;
- (b) removal of transmission equipment; or
- (c) replacement of transmission equipment."

(47 U.S.C. § 1455, subd. (a)(2).) The statute does not define any of the other terms, most importantly "substantially change" nor does it explain the process the City may use to evaluate whether an application qualifies for federal protection under this section.

On December 17, 2014, the Federal Communications Commission ("FCC") adopted regulations implementing Section 6409, codified at 47 C.F.R. §§ 1.40001, et seq., and which take effect on April 9, 2015. In summary, the rules define terms that are not defined in the 2012 Middle Class Tax Act, including "base station", "collocation", "eligible support structure", "existing", "site", "substantial change", "transmission equipment", and "wireless tower". It is the intent of these definitions to provide clarity as to which types of projects are covered by the Spectrum Act. The rules state that an applicant has the right to assert in writing that a project is covered by the Spectrum Act, and the local jurisdiction may only request documents necessary to reasonably determine that the request meets the requirements of the Spectrum Act. In fact, the City is prohibited from requiring the applicant to submit any other documentation, including but not limited to justification for the need to modify the facility. The rules also state that the City shall approve an eligible facilities request within 60 days from the date an

application is submitted, unless the City determines the request is not covered by the Spectrum Act. The 60 day time frame may be tolled by the City for incomplete applications, within 30 days of submittal. The timeframe begins again when the applicant re-submits material and the City then has 10 days to respond. Failure of the City to act within the allowed timeframe results in the automatic approval of such applications.

As a result of the new rules adopted by the FCC, the City should amend its wireless telecommunication facility ordinance to establish a straightforward permitting process and procedures for wireless telecommunication facility modification requests that are covered under the Spectrum Act. In order to meet the strict timelines established by the new rules, the permit type should be non-discretionary and subject only to administrative review and decision. The applicant should also be required to submit to Building and Safety for Plan Check and Public Works for an Encroachment Permit, if applicable, concurrently with Planning to avoid any unnecessary delays in processing and to prevent automatic approvals under the Act. The proposed amendments do not permit approval of any modifications to existing wireless telecommunications facilities that violate the building and safety requirements of Title 15 of the Calabasas Municipal Code. Additionally, the FCC's new rules should be considered in the analysis for any new facility because future modifications and/or collocations will most likely be preempted from discretionary review in accordance with the Spectrum Act.

AMENDMENTS:

Section 17.12.050, subsection (B)(4)

This amendment reflects the fact that all modifications to a wireless facility will now require a permit, either a wireless facility permit or a wireless facility minor modification permit, depending on the extent of the proposed modifications. The revised section 17.12.050, subsection (B)(4) is to read as follows:

4. All facilities for which applications have been previously approved, but are now or hereafter modified.

Section 17.12.050, subsection (C)(1)

This amendment establishes the requirement for applicants to secure approval of a modification to a wireless facility either by a wireless facility permit, if the findings for Section 6409 approval cannot be made, or else by a wireless facility minor modification permit, if Section 6409 approval is warranted. New facilities, as before, require a wireless facility permit. Creating the new wireless facility minor modification permit allows a clear distinction between applications potentially under Section 6409 and those that are not, and forces the applicant to choose which

type to apply for, and thus makes it clear which shotclock applies. The revised section 17.12.050, subsection (C)(1) is to read as follows:

1. Permit Requirements. No new personal wireless telecommunication facility shall be installed until the applicant or operator has obtained: (i) a wireless facility permit, (ii) an encroachment permit from the public works department (if applicable), and (iii) any other permit required by applicable provisions of this code including a building permit, an electrical permit, or an oak tree permit. All modifications to an existing personal wireless telecommunications facility that do not meet the findings of approval required for a wireless facility minor modification permit as specified in Section 17.12.050(F) shall be subject to the approval of (i) a wireless facility permit, in addition to (ii) an encroachment permit from the public works department (if applicable), and (iii) any other permit required by applicable provisions of this code including a building permit, an electrical permit, or an oak tree permit. Applications for wireless facility permits shall be first reviewed by the development review committee. All applications for wireless facility permits will be scheduled for a public hearing before the commission in accordance with Section 17.12.050(L) and Chapter 17.78 of this code. The commission shall determine if a proposed project for which a wireless facility permit is required is the least intrusive means to close a significant gap in the applicant's service coverage. All modifications to an existing personal wireless facility that meet the findings of approval required for a wireless facility minor modification permit as specified in Section 17.12.050(F) shall be subject to the approval of (i) a wireless facility minor modification permit, in addition to (ii) an encroachment permit from the public works department (if applicable), and (iii) any other permit required by applicable provisions of this code including a building permit, an electrical permit, or an oak tree permit.

New Section 17.12.050, subsection (F)

The new wireless facility minor modification permit is governed by Section 17.12.050, subsection (F). This new subsection has seven parts. Section 17.12.050(F)(1) explains the purpose of providing for a wireless facility minor modification permit, and states directly that the City has added this section to comply with Section 6409, Title 47 United States Code, section 1455. Section 17.12.050(F)(2) requires an applicant who contends that a proposed modification is protected by Section 6409 to apply for a wireless facility minor modification permit, along with any other required City permits, from both the Planning and Building and Safety Departments. Section 17.12.050(F)(3) specifies the required components of a wireless facility minor modification permit application. These are similar to the requirements for a regular wireless facility permit, but are limited to the items the City can request. Under Section 6409, the City cannot request information on aspects of the project that are irrelevant to determining whether the

proposed collocation or modification does not make a substantial change to a wireless tower or base station. Section 17.12.050(F)(4) provides that wireless facility minor modification permits are non-discretionary, and will be reviewed and approved at a noticed Director-level public hearing. Staff does not recommend continuing the present practice of having the CTC review Section 6409 facilities, because Section 6409 requires approval if its requirements are met meaning it is not a discretionary permit, and there is a very short shot clock of 60 days. Section 17.12.050(F)(5) states that the Director must approve a wireless facility minor modification permit if the listed findings can be made. The findings are slightly different depending on whether the request is for a privately owned wireless tower, a privately owned base station, or a facility in the public right of way, tracking the FCC's regulations. In each case, the findings are not discretionary. Section 17.12.050(F)(6) provides required Conditions of Approval for approved wireless facility minor modification permits, including such permits deemed approved by a court. Section 17.12.050(F)(7) provides that the City will deny a wireless facility minor modification permit, without prejudice to another application, if the findings cannot be made or the project otherwise does not qualify for federal protection. In that case, the applicant can then apply for a full wireless facility permit. **Section 17.12.050(F)** is to read as follows:

F. Requirements for Personal Wireless Telecommunications Facilities Subject to a Wireless Facility Minor Modification Permit. This subsection governs applications for certain modifications to existing personal wireless telecommunications facilities, as specified.

1. Purpose. Subsection (F) is intended to comply with the City's obligations under federal law, which provides that the City "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." (47 U.S.C. § 1455, subd. (a)(1), adopted as Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, Pub.L No. 112-96, 126 Stat. 156.) This subsection creates a process for the City to review an application for a wireless facility minor modification permit submitted by an applicant who asserts that a proposed collocation or modification to an existing personal wireless telecommunications facility is covered by this federal law and to determine whether the City must approve the proposed collocation or modification. The City's review of these applications is structured to comply with the requirements of Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this federal law, adopted on December 17, 2014 and codified at 47 C.F.R. §§ 1.40001, et seq. Consistent with section 17.12.050(A)(6), this subsection is intended to promote the public's health, safety, and welfare, and shall be interpreted consistent with the federal Telecommunications Act of 1996 (Pub.L. No.

104-104, 110 Stat. 56), Title 47, United States Code, section 1455, and applicable Federal Communications Commission regulations and court decisions considering these laws and regulations.

2. **Applicability.** An applicant seeking approval of a collocation or modification to an existing personal wireless telecommunication facility which the applicant contends is within the protection of Title 47, United States Code, section 1455 shall apply for the following at the same time: (i) a wireless facility minor modification permit, in addition to (ii) an encroachment permit from the public works department (if the required by applicable provisions of this code), and (iii) any other permit required by applicable provisions of this code including a building permit, an electrical permit, or an oak tree permit. No collocation or modification to an existing personal wireless telecommunication facility shall be installed unless the applicant or operator has obtained either a wireless facility minor modification permit or a wireless facility permit.
3. **Application Content.** All applications for a wireless facility minor modification permit must include the following items.
 - a. **Application Form.** The City's standard application form, available on the City's website or from the Community Development Department, as may be amended.
 - b. **Application Fee.** An application fee as established by the council by resolution under the authority of Section 17.60.040.
 - c. **Independent Consultant Deposit.** An independent consultant fee deposit, if required by the council by resolution under the authority of Section 17.60.040, to reimburse the City for its costs to retain an independent consultant to review the technical aspects of the application.
 - d. **Site and Construction Plans.** Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect, which include the following items.
 - (1) A site plan and elevation drawings for the facility as existing and as proposed with all height and width measurements explicitly stated.
 - (2) A depiction, with height and width measurements explicitly stated, of all existing and proposed transmission equipment.
 - (3) A depiction of all existing and proposed utility runs and points of contact.
 - (4) A depiction of the leased or licensed area of the site with all rights-of-way and easements for access and utilities labeled in plan view.

(5) For proposed collocations or modifications to wireless towers, the plans must include scaled plan views and all four elevations that depict the physical dimensions of the wireless tower as it existed on February 22, 2012 or as approved if constructed after February 22, 2012. For proposed collocations or modifications to base stations, the plans must include scaled plan views and all four elevations that depict the physical dimensions of the base station as it existed on February 22, 2012 or as approved if constructed after February 22, 2012.

(6) A demolition plan.

- e. Visual Simulations. A visual analysis that includes (1) scaled visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four angles, together with a map that shows the location of each view angle; (2) a color and finished material palate for proposed screening materials; and (3) a photograph of a completed facility of the same design and in roughly the same setting as the proposed wireless communication facility.
- f. Statement Asserting that Section 6409 Applies. A written statement asserting that the proposed collocation or modification is an "eligible facilities request" and does not result in a substantial change in the physical dimensions of the facility's wireless tower or base station, as defined by Section 6409, Title 47, United States Code, section 1455, and justifying that assertion. The written statement shall identify and discuss each required finding for approval of a wireless facility minor modification permit under Section 17.12.050(F)(5) and explain the facts that justify the request for the director to make each finding.
- g. Prior Permits. True and correct copies of all previously issued permits, including all required conditions of approval and a certification by the applicant that the proposal will not violate any previous permit or conditions of approval or why any violated permit or conditions does not prevent approval under Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this federal law.
- h. Affirmation of Radio Frequency Standards Compliance. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, because it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination Of Whether a Facility is Categorically

Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power".

- i. Structural Analysis. A structural analysis, prepared, signed, and sealed by a California-licensed engineer that assesses whether the proposed wireless telecommunications facility complies with all applicable building codes.
 - j. Noise Study. A noise study, prepared, signed, and sealed by a California-licensed engineer, for the proposed personal wireless telecommunication facility including, but not limited to, equipment, such as air conditioning units and back-up generators.; or a written statement signed and sealed by a California-licensed engineer indicating that the proposed modification(s) will not alter the existing noise levels or operational equipment which creates noise..
 - k. Other Permits. An application for a wireless facility minor modification permit shall include all permit applications with all required application materials for each and every separate permit required by the City for the proposed collocation or modification to an existing personal wireless telecommunications facility, including a building permit, an encroachment permit (if applicable), and an electrical permit (if applicable).
 - l. Other Information. Such other information as the City may require, as specified in publically available materials, including information required as stated on the City's website.
4. Application Review, Notice, and Hearing. Each application for a wireless facility minor modification permit shall be reviewed by the director at a public hearing. Notice of the public hearing shall be provided in accord with Chapter 17.78, except that written notice shall be mailed to the record owner of each property within three hundred (300) feet of the site of the proposed modification. Under federal law, the City must approve or deny an application for a wireless facility minor modification permit, together with any other City permits required for a proposed wireless facility modification, within sixty (60) days after the applicant submits the application for a wireless facility minor modification permit, unless tolled due to issuance of any notice of incomplete filing or by mutual agreement between the city and the applicant. Under federal law, failure to act on a wireless facility minor modification permit application within the sixty (60) day review period, excluding tolling period, will result in the permit being deemed granted by operation of law.

5. Findings Required for Approval by Director at Public Hearing.

a. 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 for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities;
- (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 percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater;
- (3) The proposed collocation or modification does not increase the width of the facility by more than twenty (20) feet or the width of the tower at the level of the appurtenance, whichever is greater;
- (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;
- (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;
- (6) The proposed collocation or modification does not defeat any existing concealment elements of the support structure; and
- (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).

b. The director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing base station 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 or not, that currently supports existing wireless transmission equipment;

- (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 percent (10%) or ten (10) feet, whichever is greater;
 - (3) The proposed collocation or modification does not increase the width of the facility by more than six (6) feet;
 - (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;
 - (5) The proposed collocation or modification does not involve any excavation outside the lease or license area of the facility, including any access and utility easements;
 - (6) The proposed collocation or modification does not defeat any existing concealment elements of the support structure; and
 - (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).
- c. The director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing wireless tower or base station in the public right of way only if each of the following findings can be made:
- (1) The applicant proposes a collocation or modification to either (i) a structure constructed and maintained with all necessary permits in good standing for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities or (ii) 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 or not, that currently supports existing wireless transmission equipment;
 - (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 percent (10%) or ten (10) feet, whichever is greater;

- (3) The proposed collocation or modification does not increase the width of the facility by more than six (6) feet;
 - (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;
 - (5) The proposed collocation or modification does not involve either (i) the installation of any new equipment cabinets on the ground, if none already exist, or (ii) the installation of ground equipment cabinets that are more than ten percent (10%) larger in height or overall volume than any existing ground cabinets;
 - (6) The proposed collocation or modification does not involve any excavation outside the area in proximity to the existing ground-mounted equipment in the public right of way;
 - (7) The proposed collocation or modification does not defeat any existing concealment elements of the existing structure; and
 - (8) 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).
6. Conditions of Approval for Wireless Facility Minor Modification Permits. In addition to any other conditions of approval permitted under federal and state law and this Code that the director deems appropriate or required under this Code, all wireless facility minor modification permits under this subsection, whether approved by the director or deemed granted by the operation of law, shall include the following conditions of approval:
- a. No automatic renewal. The grant or approval of a wireless facility minor modification permit shall not renew or extend the underlying permit term.
 - b. 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).
 - c. As-built plans. 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.
 - d. 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.
- e. 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.
 - f. Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file with the Planning Division.
 - g. Violations. 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.
 - h. 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.

- i. 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.

7. Wireless Facility Minor Modification Permit Denial Without Prejudice

- a. Grounds for denial without prejudice. The Director may deny without prejudice an application for a wireless facility minor modification permit in any of the following circumstances:
 - (1) The Director cannot make all findings required for approval of a wireless facility minor modification permit;
 - (2) The proposed collocation or modification would cause the violation of an objective, generally applicable law protecting public health or safety;
 - (3) the proposed collocation or modification involves the removal and replacement of the facility's entire supporting structure; or
 - (4) the proposed collocation modification does not qualify for mandatory approval under Title 47, United States Code, section 1455, as may be amended or superseded, and as may be interpreted by any order of the Federal Communications Commission or any court of competent jurisdiction.
- b. Procedures for denial without prejudice. All wireless facility minor modification permit application denials shall be in writing and shall include (i) the decision date; (ii) a statement that the City denies the permit without prejudice; (iii) a short and plain statement of the basis for the denial; and (iv) that the applicant may submit the same or substantially the same permit application in the future.
- c. Submittal after denial without prejudice. After the director denies a wireless facility minor modification permit application, and subject to the generally applicable permit application submittal provisions in this chapter, an applicant shall be allowed to:
 - (1) submit a new wireless facility minor modification permit application for the same or substantially the same proposed collocation or modification;
 - (2) submit a new wireless facility permit application for the same or substantially the same proposed collocation or modification; or
 - (3) submit an appeal of the Director's decision.

- d. Costs to review a denied permit. The City shall be entitled to recover the reasonable costs for its review of any wireless facility minor modification permit application. In the event that the director denies a wireless facility minor modification permit application, the City shall return any unused deposit fees within sixty (60) days after a written request from the applicant. An applicant shall not be allowed to submit a wireless facility permit application or submit a wireless facility minor modification permit application for the same or substantially the same proposed modification unless all costs for the previously denied permit application are paid in full.

Section 17.12.050, subsection (C)(2)(c)

This amendment requires an applicant for a new facility to include in the application a calculation and depiction of the maximum possible size the proposed facility could be expanded to at a later date under Section 6409. This will help the CTC understand the extent of potential future expansion of a new facility under Section 6409, if approved. The section is proposed to read:

- c. For new facilities, the plans shall include (in plan view and elevations) a scaled depiction of the maximum permitted increase as authorized by Section 6409(a) of the 2012 Middle Class Tax Relief Act, using the proposed project as a baseline; and

Section 17.12.050, subsection (C)(5)

This amendment is intended both to reflect the addition of wireless facility minor modification permits, and to require that the consultant analyze the maximum permissible size that new facilities could be expanded to, if approved, under Section 6409. This section is proposed to read:

5. Independent Expert Review. The city shall retain one or more independent, qualified consultants to review any application for a wireless facility permit for a new personal wireless telecommunication facility or for a wireless facility minor modification permit. The review is intended to be a review of technical aspects of the proposed wireless telecommunication facility or modification of an existing wireless telecommunication facility and shall address any or all of the following, as applicable:

- a. For wireless facility permits, whether the proposed wireless telecommunication facility is necessary to close a significant gap in coverage and is the least intrusive means of doing so;
- b. The accuracy and completeness of submissions;
- c. For wireless facility permits, technical demonstration of the unavailability of alternative sites or configurations and/or coverage analysis;
- d. The applicability of analysis techniques and methodologies;

- e. For wireless facility permits, the viability of alternative sites and alternative designs; and
- f. For wireless facility permits, an analysis of the potential expansion that would be considered an eligible facility request under Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012; and
- g. Any other specific technical issues designated by the city.

The cost of the review shall be paid by the applicant through a deposit estimated to cover the cost of the independent review, as established by the director or City Council.

Conforming Amendments

With the creation of a new wireless facility minor modification permit, the existing ordinance provisions that will continue to govern new wireless facilities and collocations and modifications that do not qualify for Section 6409's protection must be modified to add a reference to "wireless facility permit," thereby ensuring that the ordinance's existing provisions continue to apply to these projects. The following changes are proposed to accomplish this goal:

Section 17.12.050, subsection (C)(2) is proposed to read:

- 2. **Wireless Facility Permit Application Content.** Applications for the approval of wireless facility permits for personal wireless telecommunication facilities shall include, but are not necessarily limited to, an application fee and the following information, in addition to all other information required by the city for a wireless facility permit application pursuant to Chapter 17.60 of this title:

Section 17.12.050, subsection (C)(3) is proposed to read:

- 3. **Wireless Facility Permit Preferred Zones and Locations.** When doing so would not conflict with one of the standards set forth in this subsection (C) or with federal law, personal wireless telecommunication facilities subject to the approval of a wireless facility permit shall be located in the most appropriate location as described in this subsection (3), which range from the most appropriate to the least appropriate. Nothing in this section shall detract from the requirements of Section 17.12.050(C)(4)(a) below.
 - i. Collocation on an existing facility in a commercial zone;
 - ii. Collocation on an existing structure or utility pole in a commercial zone;
 - iii. Location on a new structure in a commercial zone;
 - iv. Collocation on an existing facility in a public facility or recreation zone;
 - v. Location on an existing structure or utility pole in a public facility or recreation zone;
 - vi. Location on a new structure in a public facility or recreation zone.

No new facility may be placed in a less appropriate area unless the applicant demonstrates to the satisfaction of the commission that no more appropriate location can feasibly serve the area the facility is intended to serve provided, however, that the commission may authorize a facility to be established in a less appropriate location if doing so is necessary to prevent substantial aesthetic impacts.

Section 17.12.050, subsection (C)(4)(a) is proposed to read:

a. All new personal wireless telecommunication facilities shall be set back at least one thousand (1,000) feet from schools, dwelling units and parks, as measured from the closest point of the personal wireless telecommunication facility (including accessory equipment) to the applicable property line, unless an applicant establishes that a lesser setback is necessary to close a significant gap in the applicant's personal communication service, and the proposed personal wireless telecommunication facility is the least intrusive means to do so. An applicant who seeks to increase the height of an existing personal wireless telecommunication facility, or of its antennas, located less than one thousand (1,000) feet from a school, dwelling unit or park and who is subject to the approval of a wireless facility permit for the proposed height increase must establish that such increase is necessary to close a significant gap in the applicant's personal communication service, and the proposed increase is the least intrusive means to do so.

Section 17.12.050, subsection (C)(4)(f) is proposed to read:

f. If the majority of radio frequency coverage from the proposed facility is outside the city limits, the applicant must, in addition to the other requirements of this section, prove that the applicant is unable to locate the proposed new facility within the locale or locales that will receive the majority of the coverage from the proposed personal wireless telecommunications facility, and that no other feasible location for the facility exists outside of the city limits. That an applicant for a wireless facility permit in the city has been denied a wireless facility, antenna, or wireless coverage in another jurisdiction shall not be considered evidence or proof that the applicant is unable to locate in another jurisdiction.

Section 17.12.050, subsection (C)(6) is proposed to read:

6. Conditions of Approval. All facilities subject to a wireless facility permit or wireless facility minor modification permit approved under this section shall be subject to the following conditions, as applicable:

Section 17.12.050, subsection (C)(6)(e) is proposed to read:

e. The owner or operator of any personal wireless telecommunication facility approved by a wireless facility permit under this subsection C of this Section 17.12.050 shall cooperate with the director to: (1) verify that the facility design conforms with relevant building and safety requirements; and (2) verify that the facility complies with the requirements of Section 17.12.050 of the Calabasas Municipal Code.

Section 17.12.050, subsection (C)(6)(i) is proposed to read:

i. A personal wireless telecommunication facility approved by a wireless facility permit may operate only until the tenth anniversary of the date it is first placed into service, unless that sunset date is extended by additional term(s) not to exceed ten (10) years pursuant to a wireless facility permit issued under this Section 17.12.050. There is no limit to the number of times the sunset date for a facility may be extended.

Section 17.12.050, subsection (C)(7) is proposed to read:

7. Wireless Facility Permit Findings. In addition to the findings required in Section 17.62.060 of this code, no wireless facility permit for a proposed personal wireless telecommunication facility may be approved unless the commission or council finds as follows:

Section 17.12.050, subsection (D) is proposed to read:

D. Standards for Personal Wireless Telecommunication Facilities Not Located Within a Public Right-of-Way. In addition to the requirements in section (C) above, all personal wireless telecommunication facilities subject to the approval of a wireless facility permit and not located within a public right-of-way shall comply with the following requirements.

Section 17.12.050, subsection (D)(3) is proposed to read:

3. City Council Approval Required. Notwithstanding Section 17.12.050(D)(1)(c), personal wireless telecommunication facilities subject to the approval of a wireless facility permit may be permitted in a prohibited location only if the applicant obtains a wireless facility permit from the city council following a public hearing and recommendation from the communication and technology commission, and provides technically sufficient and conclusive proof that the proposed location is necessary for provision of wireless services to substantial areas of the city, that it is necessary to close a significant gap in the operator's

coverage and that there are no less intrusive alternative means to close that significant gap.

Section 17.12.050, subsection (E) proposed to read:

E. Standards for Personal Wireless Telecommunication Facilities Located Within Public Rights-of-Way. In addition to the requirements in section (C) above, all personal wireless telecommunication facilities subject to the approval of a wireless facility permit and located within public rights-of-way shall comply with the following requirements to the fullest extent permitted by state and federal law:

Section 17.12.050, subsection (E)(4) proposed to read:

4. Findings. In addition to the findings required in subsection (C)(7) above, no proposed personal wireless telecommunication facility subject to the approval of a wireless facility permit within a public right-of way may be approved unless the following findings are made:

Section 17.12.050, subsection (K) is renumbered to subsection (L), is amended to add a reference to wireless facility permit as the trigger for the section, and is amended to add a reference to Section 6409 and its implementing regulations. This subsection is proposed to read:

L. Additional Notice to Neighbors. After an application to allow the installation of a wireless facility subject to the approval of a wireless facility permit pursuant to subsections (C), (D) and (E) of this section is complete, the city shall endeavor to provide property owners at least thirty (30) days' prior notice of the initial public hearing on the matter as follows:

1. Written notice shall be mailed to the record owner of each property within one thousand five hundred (1,500) feet of the proposed site.
2. Telephone notice via the city's reverse 911 service shall be given to owners or occupants of properties within one thousand five hundred (1,500) feet of the proposed site.

A public hearing may be set on less than thirty (30) days' notice if necessary to comply with applicable law, including but not limited the Federal Communications Commission Declaratory Ruling 09-99, WT docket number 08-165, released November 18, 2009 (the "Shot Clock" ruling) and Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this section, adopted on December 17, 2014 and codified at 47 C.F.R. §§ 1.40001, et seq. as they now exist or may hereafter be amended.

Failure of the city to provide notice pursuant to this subsection (L) shall not be grounds to challenge a determination provided that the notice otherwise required by law has been provided.

Section 17.12.050, subsection (E)(5)(b)

This amendment is proposed to clarify the scope of the required consent for modifications to existing facilities. The section is proposed to read:

- b. The applicant or operator of the personal wireless telecommunication facility shall not move, alter, temporarily relocate, change, or interfere with any existing public facility, structure or improvement without the prior written consent of the City, and the owner in the circumstance where the owner is not the City. No structure, improvement or facility owned by the city shall be moved to accommodate a personal wireless telecommunication facility unless: (i) the city determines, in its sole and absolute discretion, that such movement will not adversely affect the city or surrounding residents or businesses, and (ii) the applicant or operator pays all costs and expenses related to the relocation of the city's facilities. Every applicant or operator of any personal wireless telecommunication facility shall assume full liability for damage or injury caused to any property or person by his, her, or its facility. Before commencement of any work pursuant to an encroachment permit issued for any personal wireless telecommunication facility within a public right-of-way, an applicant shall provide the city with documentation establishing to the city's satisfaction that the applicant has the legal right to use or interfere with any other facilities within the public right-of-way to be affected by applicant's facilities.

Added Definitions

Several definitions are proposed for addition, to provide definitions for terms used in the new provisions governing wireless facility minor modification permits. The definitions for OET and "Telecommunications Tower" are revised, rather than new. The proposed new and revised definitions in Section 17.12.050(M), renumbered from Section 17.12.050(L) are as follows:

"Base station" means the equipment and non-tower supporting structure at a fixed location that enables Federal Communications Commission licensed or authorized wireless telecommunications between user equipment and a communications network.

"Collocation" means the mounting or installation of additional wireless transmission equipment at an existing wireless facility.

"Director" means the City of Calabasas Community Development Director or his or her designee.

"Non-tower supporting structure" means any structure, whether built for wireless communications purposes or not, that supports wireless transmission equipment under a valid permit at the time an applicant submits an application for a permit under this Code and which is not a wireless tower.

"OET" or "FCC OET" means the Office of Engineering & Technology of the Federal Communications Commission.

"Transmission equipment" or "wireless transmission equipment" means any equipment that facilitates transmission for any Federal Communications Commission licensed or authorized wireless communication service, including but not limited to, radio transceivers, antennas and other equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supplies.

"Wireless" means any Federal Communications Commission licensed or authorized wireless telecommunications service.

"Wireless Tower" or "Telecommunications tower" mean any structure, including a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure, designed and constructed for the primary purpose of supporting any Federal Communications Commission licensed or authorized wireless telecommunications facility antennas and their associated facilities.

"Wireless facility minor modification permit" means a permit issued under this chapter authorizing the modification of an existing personal wireless telecommunications facility. The procedures for the application for, approval of, and revocation of such a permit shall be those required by this title, including but not limited to Section 17.12.050(F).

Renumbering and Typographical Error Correction

With the addition of the Section 17.12.050(F) and the subsections identified above, the amendments renumber the remainder of Section 17.12.050 as necessary. Additionally, the proposed amendments include deleting a stray "(f)" reference from Section 17.12.050(E)(5)(a), so that it reads:

- a. Any approved wireless communication facility within a public right-of-way shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the public works director to: (i) protect the public health, safety, and welfare; (ii) prevent interference with pedestrian and vehicular traffic; or (iii) prevent damage to a public right-of-way or any property adjacent to it. Before the director of public works imposes conditions, changes, or limitations pursuant to this paragraph, he or she shall notify the applicant or operator, in writing, by mail to the address set forth in

the application or such other address as may be on file with the city. Such change, new limitation or condition shall be effective twenty-four (24) hours after deposit of the notice in the United States mail.

REQUIRED FINDINGS:

The findings required in Section 17.76.030 of the Calabasas Municipal Code for development code amendments are contained in Communications and Technology Commission Resolution No. 2015-035, City Council Ordinance No. 215-322-U and City Council Ordinance No. 215-323.

ENVIRONMENTAL REVIEW:

This project is Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). A Notice of Exemption has been prepared and is attached as Attachment D.

FISCAL IMPACT/SOURCE OF FUNDING:

Staff recommends that the City Council establish a fee to recover staff costs for processing Wireless Facility Minor Modification Permits in accordance with the proposed ordinance. A separate agenda item with the proposed fee has been prepared for the City Council's consideration.

REQUESTED ACTION:

That the City Council waive further reading and adopt Ordinance No. 2015-322U, amending the Calabasas Land Use and Development Code on an urgency basis, including making the required findings that a basis for an urgency ordinance exists; and

That the City Council waive further reading and introduce Ordinance No. 2015-323, amending the Calabasas Land Use and Development Code.

ATTACHMENTS:

- Attachment A: Ordinance No. 2015-322-U
- Attachment B: Ordinance No. 2015-323
- Attachment C: CTC Resolution No. 2015-035
- Attachment D: Notice of Exemption, CEQA

DRAFT ORDINANCE NO. 2015-322-U

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA AMENDING CALABASAS MUNICIPAL CODE, SECTION 17.12.050 RELATED TO ANTENNAS/PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES TO ADD PROVISIONS CREATING A SEPARATE APPLICATION AND APPROVAL PROCESS FOR WIRELESS FACILITY PERMIT APPLICATIONS COVERED UNDER SECTION 6409(A) OF THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012, 47 U.S.C. SECTION 1455(A).

WHEREAS, the City Council of the City of Calabasas, California (the "City Council") has considered all of the evidence including, but not limited to, the Communications and Technology Commission Resolution, Planning Division staff reports and attachments, and public testimony before making a final decision; and

WHEREAS, Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (Pub.L No. 112-96, 126 Stat. 156, codified at 47 U.S.C. § 1455) provides that the City "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." (47 U.S.C. § 1455, subd. (a)(1)); and

WHEREAS, on December 17, 2014, the Federal Communications Commission adopted regulations implementing Section 6409, codified at 47 C.F.R. §§ 1.40001, et seq.; and

WHEREAS, the Federal Communications Commission's regulations implementing Section 6409 take effect on April 9, 2015, and preempt any and all local moratoria, requiring immediate action to implement the regulations, as the City cannot impose a moratorium to allow more time to develop the regulations; and

WHEREAS, given the short time period before the effective date of the new regulations, which require that the City approve certain proposed modifications to existing wireless telecommunications facilities if the proposed modification fits within the requirements of Section 6409, time is of the essence to avoid the City being unable to timely review and evaluate applications brought under this new federal regulatory scheme; and

WHEREAS, unless the City is able to immediately adopt a regulatory process to review, evaluate, and approve if warranted, applications for proposed modifications to existing wireless telecommunications facilities which fit within the requirements of Section 6409, then those applications may be deemed granted by operation of federal law, preventing the City from imposing conditions of approval that protect the public's health, safety, and welfare by requiring compliance with building, electrical, and safety standards and by ensuring compliance with the requirements governing encroachments into the public right of way for modifications to facilities in the public right of way; and

WHEREAS, the immediate adoption of an administrative regulatory process to review, evaluate, and approve if warranted, applications for proposed modifications to existing wireless telecommunications facilities is necessary to protect the public's health, safety, and welfare by complying with federal law, namely Section 6409 and the Federal Communications Commission's implementing regulations, thereby preserving to the maximum extent possible the City's ability to regulate modifications to existing wireless telecommunications facilities; and

WHEREAS, the City Council finds that this Land Use and Development Code Amendment is consistent with the goals, policies, and actions of the General Plan and will not conflict with the General Plan; and

WHEREAS, this Land Use and Development Code Amendment implements the General Plan's visions and desire for the community, is adopted in the public's interest, and is otherwise consistent with federal and state law; and

WHEREAS, the City Council finds that this Land Use and Development Code Amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

WHEREAS, the proposed actions are in compliance with the provisions of the California Environmental Quality Act (CEQA) because this project is categorically exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines and because the proposed action is not a project under Section 15378(b)(5) of the CEQA Guidelines. A Notice of Exemption is prepared and will be filed in accordance with the CEQA guidelines; and

WHEREAS, the City Council has considered the entirety of the record, which includes without limitation, The Calabasas General Plan; all reports, testimony, and transcripts from the Communications and Technology Commission's February 17, 2015 meeting; and reports, and testimony at the City

Council's March 11, 2015 meeting.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS DOES ORDAIN AS FOLLOWS:

SECTION 1. Based upon the foregoing the City Council finds:

1. Notice of the March 11, 2015 City Council public hearing was posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Agoura Hills/Calabasas Community Center, Gelson's Market and at Calabasas City Hall.
2. Notice of the March 11, 2015 City Council public hearing was posted in the *Acorn* ten (10) days prior to the hearings.
3. Notice of the March 11, 2015 City Council public hearing included the information set forth in Government Code Section 65009, subdivision (b)(2).
5. Following a public hearing held on February 17, 2015, the Communications and Technology Commission adopted Resolution No. 2015-035 recommending to the City Council approval of File No. 150000009.

SECTION 2. In view of all the evidence and based on the foregoing findings, the City Council concludes as follows:

Section 17.76.050(B) and Section 17.12.050(I) of the Calabasas Municipal Code allow the Communications and Technology Commission to recommend and the City Council to approve a Development Code change relating to wireless communication facilities provided that the following findings are made:

1. *The proposed amendment is consistent with the goals, policies, and actions of the General Plan;*

The proposed amendment meets this finding because it maintains and strengthens the policies of the General Plan, including those in the Services, Infrastructure & Technology Element that are intended to encourage the development and maintenance of fast and secure communications networks in order to allow residents to take advantage of the benefits of personal wireless services. Specifically, the proposed amendment will encourage access to fast and secure broadband networks, as called for by Policy XII-35, by ensuring that the City's wireless facility ordinance complies with applicable federal law. The Federal Communications Commission recently adopted regulations implementing Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (Pub.L No. 112-96, 126 Stat. 156, codified at 47 U.S.C. § 1455) which provides that the City "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.” (47 U.S.C. § 1455, subd. (a)(1); 47 C.F.R. §§ 1.40001, et seq.) The proposed amendment complies with this federal law, which requires a streamlined review process for, and limits the City’s power to deny, certain proposed modifications of existing wireless telecommunication facilities, while preserving to the maximum extent possible the City’s procedural and substantive requirements for modifications to existing wireless telecommunication facilities.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the city;*

The proposed amendment is not detrimental to the public interest, health, safety, convenience, or welfare of the City as the proposed amendment does not modify either the radio frequency emissions standards applicable to personal wireless telecommunications facilities, which are set by the Federal Communications Commission, or the health and safety requirements of Title 15 of the Calabasas Municipal Code. The proposed amendment complies with federal law by creating a streamlined review process and specifying required findings for approval of certain federally protected proposed modifications to existing wireless telecommunications facilities. The proposed amendment does not change any health or safety standard and does not permit approval of any modifications to existing wireless telecommunications facilities that violate the health and safety requirements of Title 15 of the Calabasas Municipal Code or any other applicable law.

3. *The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).*

The Council finds that the proposed amendment is exempt from CEQA review because there is no possibility that this amendment, which does not directly authorize any new construction or development, may have a significant effect upon the environment. Under CEQA Guidelines Section 15061(b)(3), a project is exempt when there is no possibility that it may have a significant effect on the environment. The proposed amendment does not authorize any new construction or development; rather it modifies the City’s existing standards for reviewing and approval proposed modifications to wireless telecommunications facilities to comply with federal law. Further, every proposed wireless communication facility governed by the proposed amendment will receive individualized CEQA review unless otherwise exempt under CEQA, including applications deemed approved under federal law and thus not a project under CEQA because a deemed approved application does not involve a discretionary decision. Accordingly, the Council finds that the proposed amendment is exempt from CEQA under Guidelines Section 15061(b)(3) because there is no possibility that that it will have a significant

effect on the environment.

Additionally, the Council finds that the proposed amendment, adopting provisions necessary to comply with Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (Pub.L No. 112-96, 126 Stat. 156, codified at 47 U.S.C. § 1455), does not qualify as a "project" under CEQA Guidelines Section 15378(b)(5). Section 6409(a) requires that State and local governments "may not deny, and shall approve" any "eligible facilities request" for collocation or modification of wireless transmission equipment so long as it does not "substantially change the physical dimensions of the existing wireless tower or base station." Under CEQA Guidelines Section 15378(b)(5), a "project" does not include "administrative activities of governments that will not result in direct or indirect physical changes in the environment." The proposed amendment is an administrative activity because it creates an administrative process to determine whether federal law mandates that the City approve an application for a modification to an existing wireless telecommunications facility. The proposed amendment will not "result in direct or indirect physical changes in the environment" because federal regulations deem all applications for the modification of existing wireless towers and base stations granted so long as such modification does not substantially change the physical dimensions of the wireless tower or base station. Any physical changes in the environment will therefore occur whether the City adopts the regulations or not. Accordingly, the Council finds that the regulations related to Section 6409(a) in the proposed amendment do not qualify as a "project" under CEQA Guidelines Section 15378(b)(5) because it constitutes administrative activities of government that do not directly or indirectly result in any physical changes in the environment. A Notice of Exemption has been prepared.

4. *The proposed amendment is internally consistent with other applicable provisions of this development code.*

The proposed amendment complies with federal law by creating a streamlined review process and specifying required findings for approval of certain federally protected proposed modifications to existing wireless telecommunications facilities. The proposed amendment also clarifies which proposed modifications to existing wireless telecommunications facilities must be approved by a wireless facility permit and which must be approved by the new, streamlined wireless facility minor modification permit. The new requirements for certain federally protected proposed modifications to existing wireless telecommunication facilities fit within the context of the wireless facility ordinance and do not conflict with any other provision of the Development Code, therefore, the proposed amendment meets this finding.

SECTION 3. Code Amendment. Calabasas Municipal Code Section 17.12.050, subsection (B)(4) is hereby amended to read as follows (pg. __ on Exhibit A). Additions are denoted by underlined text and deletions are denoted by ~~struck-through text~~.

4. All facilities for which applications have been previously approved, but are now or hereafter: ~~(a) expanded or (b) modified by the installation of additional antennas, larger antennas or more powerful antennas, or (c) when one or more new bands of service are activated shall comply with this section~~ modified.

SECTION 4. Code Amendment. Calabasas Municipal Code Section 17.12.050, subsection (C)(1) is hereby amended to read as follows (pg. __ on Exhibit A):

1. Permit Requirements. No new personal wireless telecommunication facility shall be ~~(a) installed, (b) expanded, (c) modified by the installation of additional antennas, larger antennas or more powerful antennas, or (d) when one or more new bands of service are activated,~~ until the applicant or operator has obtained: (i) a wireless facility permit, (ii) an encroachment permit from the public works department (if applicable), and (iii) any other permit required by applicable provisions of this code including a building permit, an electrical permit, or an oak tree permit. All modifications to an existing personal wireless telecommunications facility that do not meet the findings of approval required for a wireless facility minor modification permit as specified in Section 17.12.050(F) shall be subject to the approval of (i) a wireless facility permit, in addition to (ii) an encroachment permit from the public works department (if applicable), and (iii) any other permit required by applicable provisions of this code including a building permit, an electrical permit, or an oak tree permit. Applications for wireless facility permits ~~new facilities and substantial modifications to existing facilities~~ shall be first reviewed by the development review committee. All applications for wireless facility permits will be scheduled for a public hearing before the commission in accordance with Section 17.12.050(LK) and Chapter 17.78 of this code. The commission shall determine if a proposed project for which a wireless facility permit is required is the least intrusive means to close a significant gap in the applicant's service coverage. All modifications to an existing personal wireless facility that meet the conditions of approval required for a wireless facility minor modification permit as specified in Section 17.12.050(F) shall be subject to the approval of (i) a wireless facility minor modification permit, in addition to (ii) an encroachment permit from the public works department (if applicable), and (iii) any other permit required by applicable provisions of this code including a building permit, an electrical permit, or an oak tree permit.

SECTION 5. Code Amendment. Calabasas Municipal Code Section 17.12.050, subsection (C)(2) is hereby amended to read as follows (pg. __ on Exhibit A):

2. Wireless Facility Permit Application Content. Applications for the approval of wireless facility permits for personal wireless telecommunication facilities shall include, but are not necessarily limited to, an application fee and the following information, in addition to all other information required by the city for a wireless facility permit application pursuant to Chapter 17.60 of this title:

SECTION 6. Code Amendment. Calabasas Municipal Code Section 17.12.050, subsection (C)(2)(c) is hereby added to read as follows (pg. __ on Exhibit A):

- c. For new facilities, the plans shall include (in plan view and elevations) a scaled depiction of the maximum permitted increase as authorized by Section 6409(a) of the 2012 Middle Class Tax Relief Act, using the proposed project as a baseline; and

SECTION 7. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (C)(2)(c) is hereby renumbered to be Section 17.12.050, subsection (C)(2)(d) (pg. __ on Exhibit A).

SECTION 8. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (C)(2)(d) is hereby renumbered to be Section 17.12.050, subsection (C)(2)(e) (pg. __ on Exhibit A).

SECTION 9. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (C)(2)(e) is hereby renumbered to be Section 17.12.050, subsection (C)(2)(f) (pg. __ on Exhibit A).

SECTION 10. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (C)(2)(f) is hereby renumbered to be Section 17.12.050, subsection (C)(2)(g) (pg. __ on Exhibit A).

SECTION 11. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (C)(2)(g) is hereby renumbered to be Section 17.12.050, subsection (C)(2)(h) (pg. __ on Exhibit A).

SECTION 12. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (C)(2)(h) is hereby renumbered to be Section 17.12.050, subsection (C)(2)(i) (pg. __ on Exhibit A).

SECTION 13. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (C)(2)(i) is hereby renumbered to be Section 17.12.050, subsection (C)(2)(j) (pg. __ on Exhibit A).

SECTION 14. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (C)(2)(j) is hereby renumbered to be Section 17.12.050, subsection (C)(2)(k) (pg. __ on Exhibit A).

SECTION 15. Code Amendment. Calabasas Municipal Code Section 17.12.050, subsection (C)(3) is hereby amended to read as follows (pg. __ on Exhibit A):

3. Wireless Facility Permit Preferred Zones and Locations. When doing so would not conflict with one of the standards set forth in this subsection (C) or with federal law, personal wireless telecommunication facilities subject to the approval of a wireless facility permit shall be located in the most appropriate location as described in this subsection (3), which range from the most appropriate to the least appropriate. Nothing in this section shall detract from the requirements of Section 17.12.050(C)(4)(a) below.
- i. Collocation on an existing facility in a commercial zone;
 - ii. Collocation on an existing structure or utility pole in a commercial zone;
 - iii. Location on a new structure in a commercial zone;
 - iv. Collocation on an existing facility in a public facility or recreation zone;
 - v. Location on an existing structure or utility pole in a public facility or recreation zone;
 - vi. Location on a new structure in a public facility or recreation zone;

No new facility may be placed in a less appropriate area unless the applicant demonstrates to the satisfaction of the commission that no more appropriate location can feasibly serve the area the facility is intended to serve provided, however, that the commission may authorize a facility to be established in a less appropriate location if doing so is necessary to prevent substantial aesthetic impacts.

SECTION 16. Code Amendment. Calabasas Municipal Code Section 17.12.050, subsection (C)(4)(a) is hereby amended to read as follows (pg. __ on Exhibit A):

- a. All new personal wireless telecommunication facilities shall be set back at least one thousand (1,000) feet from schools, dwelling units and parks, as measured from the closest point of the personal wireless telecommunication facility (including accessory equipment) to the applicable property line, unless an applicant establishes that a lesser setback is necessary to close a significant gap in the applicant's personal communication service, and the proposed personal wireless telecommunication facility is the least intrusive means to do so. An applicant who seeks to increase the height of an existing personal wireless telecommunication facility, or of its antennas, located less than one thousand (1,000) feet from a school, dwelling unit or park and who is subject to the approval of a wireless facility permit for the proposed height increase must establish that such increase is necessary to close a significant gap in the

applicant's personal communication service, and the proposed increase is the least intrusive means to do so.

SECTION 17. Code Amendment. Calabasas Municipal Code Section 17.12.050, subsection (C)(4)(f) is hereby amended to read as follows (pg. __ on Exhibit A):

- f. If the majority of radio frequency coverage from the proposed facility is outside the city limits, the applicant must, in addition to the other requirements of this section, prove that the applicant is unable to locate the proposed new facility within the locale or locales that will receive the majority of the coverage from the proposed personal wireless telecommunications facility, and that no other feasible location for the facility exists outside of the city limits. That an applicant for a wireless facility permit in the city has been denied a wireless facility, antenna, or wireless coverage in another jurisdiction shall not be considered evidence or proof that the applicant is unable to locate in another jurisdiction.

SECTION 18. Code Amendment. Calabasas Municipal Code Section 17.12.050, subsection (C)(5) is hereby amended to read as follows (pg. __ on Exhibit A):

5. Independent Expert Review. The city shall retain ~~an~~ one or more independent, qualified consultants to review any application for a wireless facility permit for a ~~new~~ personal wireless telecommunication facility or for a wireless facility minor modification permit or modification to an existing personal wireless telecommunication facility. The review is intended to be a review of technical aspects of the proposed wireless telecommunication facility or modification of an existing wireless telecommunication facility and shall address any or all of the following, as applicable:
 - a. For wireless facility permits, ~~Whether~~ the proposed wireless telecommunication facility is necessary to close a significant gap in coverage and is the least intrusive means of doing so;
 - b. The accuracy and completeness of submissions;
 - c. For wireless facility permits, ~~Technical demonstration of the unavailability of alternative sites or configurations and/or coverage analysis;~~
 - d. The applicability of analysis techniques and methodologies;
 - e. For wireless facility permits, ~~The~~ viability of alternative sites and alternative designs; and
 - f. For wireless facility permits, an analysis of the potential expansion that would be considered an eligible facility request under Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012; and
 - g. Any other specific technical issues designated by the city.

The cost of the review shall be paid by the applicant through a deposit estimated to cover the cost of the independent review, as established by the director or City Council.

SECTION 19. Code Amendment. Calabasas Municipal Code Section 17.12.050,. subsection (C)(6) is hereby amended to read as follows (pg. __ on Exhibit A):

6. Conditions of Approval. All facilities subject to a wireless facility permit or wireless facility minor modification permit approved under this section shall be subject to the following conditions, as applicable:

SECTION 20. Code Amendment. Calabasas Municipal Code Section 17.12.050,. subsection (C)(6)(e) is hereby amended to read as follows (pg. __ on Exhibit A):

- e. The owner or operator of any personal wireless telecommunication facility approved by a wireless facility permit under this subsection C of this Section 17.12.050 shall cooperate with the director to: (1) verify that the facility design conforms with relevant building and safety requirements; and (2) verify that the facility complies with the requirements of Section 17.12.050 of the Calabasas Municipal Code.

SECTION 21. Code Amendment. Calabasas Municipal Code Section 17.12.050,. subsection (C)(6)(i) is hereby amended to read as follows (pg. __ on Exhibit A):

- i. A personal wireless telecommunication facility approved by a wireless facility permit may operate only until the tenth anniversary of the date it is first placed into service, unless that sunset date is extended by additional term(s) not to exceed ten (10) years pursuant to a wireless facility permit issued under this Section 17.12.050. There is no limit to the number of times the sunset date for a facility may be extended.

SECTION 22. Code Amendment. Calabasas Municipal Code Section 17.12.050,. subsection (C)(7) is hereby amended to read as follows (pg. __ on Exhibit A):

7. Wireless Facility Permit Findings. In addition to the findings required in Section 17.62.060 of this code, no wireless facility permit for a proposed personal wireless telecommunication facility may be approved unless the commission or council finds as follows:

SECTION 23. Code Amendment. Calabasas Municipal Code Section 17.12.050,. subsection (D) is hereby amended to read as follows (pg. __ on Exhibit A):

- D. Standards for Personal Wireless Telecommunication Facilities Not Located Within a Public Right-of-Way. In addition to the requirements in section (C) above, all personal wireless telecommunication facilities subject to the approval of a wireless facility permit and not located within a public right-of-way shall comply with the following requirements.

SECTION 24. Code Amendment. Calabasas Municipal Code Section 17.12.050,. subsection (D)(3) is hereby amended to read as follows (pg. __ on Exhibit A):

3. City Council Approval Required. Notwithstanding Section 17.12.050(D)(1)(c), personal wireless telecommunication facilities subject to the approval of a wireless facility permit may be permitted in a prohibited location only if the applicant obtains a wireless facility permit from the city council following a public hearing and recommendation from the communication and technology commission, and provides technically sufficient and conclusive proof that the proposed location is necessary for provision of wireless services to substantial areas of the city, that it is necessary to close a significant gap in the operator's coverage and that there are no less intrusive alternative means to close that significant gap.

SECTION 25. Code Amendment. Calabasas Municipal Code Section 17.12.050,. subsection (E) is hereby amended to read as follows (pg. __ on Exhibit A):

- E. Standards for Personal Wireless Telecommunication Facilities Located Within Public Rights-of-Way. In addition to the requirements in section (C) above, all personal wireless telecommunication facilities subject to the approval of a wireless facility permit and located within public rights-of-way shall comply with the following requirements to the fullest extent permitted by state and federal law:

SECTION 26. Code Amendment. Calabasas Municipal Code Section 17.12.050,. subsection (E)(4) is hereby amended to read as follows (pg. __ on Exhibit A):

4. Findings. In addition to the findings required in subsection (C)(7) above, no proposed personal wireless telecommunication facility subject to the approval of a wireless facility permit within a public right-of way may be approved unless the following findings are made:

SECTION 27. Code Amendment. Calabasas Municipal Code Section 17.12.050,. subsection (E)(5)(a) is hereby amended to read as follows (pg. __ on Exhibit A):

- a. Any approved wireless communication facility within a public right-of-way shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the public works director to: (i) protect the public health, safety, and welfare; (ii) prevent interference with pedestrian and vehicular traffic; or (iii) prevent damage to a public right-of-way or any property adjacent to it. Before the director of public works imposes conditions, changes, or limitations pursuant to this paragraph~~(f)~~, he or she shall notify the applicant or operator, in writing, by mail to the address set forth in the application or such other address as may be on file with the city.

Such change, new limitation or condition shall be effective twenty-four (24) hours after deposit of the notice in the United States mail.

SECTION 28. Code Amendment. Calabasas Municipal Code Section 17.12.050, subsection (E)(5)(b) is hereby amended to read as follows (pg. __ on Exhibit A):

- b. The applicant or operator of the personal wireless telecommunication facility shall not move, alter, temporarily relocate, change, or interfere with any existing public facility, structure or improvement without the prior written consent of the ~~owner of that facility~~ City, and the owner in the circumstance where the owner is not the City. No structure, improvement or facility owned by the city shall be moved to accommodate a personal wireless telecommunication facility unless: (i) the city determines, in its sole and absolute discretion, that such movement will not adversely affect the city or surrounding residents or businesses, and (ii) the applicant or operator pays all costs and expenses related to the relocation of the city's facilities. Every applicant or operator of any personal wireless telecommunication facility shall assume full liability for damage or injury caused to any property or person by his, her, or its facility. Before commencement of any work pursuant to an encroachment permit issued for any personal wireless telecommunication facility within a public right-of-way, an applicant shall provide the city with documentation establishing to the city's satisfaction that the applicant has the legal right to use or interfere with any other facilities within the public right-of-way to be affected by applicant's facilities.

SECTION 29. Code Amendment. A new Calabasas Municipal Code Section 17.12.050. subsection (F) is hereby added to read as follows (pg. __ on Exhibit A):

F. Requirements for Personal Wireless Telecommunications Facilities Subject to a Wireless Facility Minor Modification Permit. This subsection governs applications for certain modifications to existing personal wireless telecommunications facilities, as specified.

1. Purpose. Subsection (F) is intended to comply with the City's obligations under federal law, which provides that the City "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." (47 U.S.C. § 1455, subd. (a)(1), adopted as Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, Pub.L No. 112-96, 126 Stat. 156.) This subsection creates a process for the City to review an application for a wireless facility minor modification permit submitted by an applicant who asserts that a proposed collocation or modification to an existing personal wireless telecommunications facility is covered by this federal law and to determine whether the City must approve the proposed collocation or

modification. The City's review of these applications is structured to comply with the requirements of Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this federal law, adopted on December 17, 2014 and codified at 47 C.F.R. §§ 1.40001, et seq. Consistent with section 17.12.050(A)(6), this subsection is intended to promote the public's health, safety, and welfare, and shall be interpreted consistent with the federal Telecommunications Act of 1996 (Pub.L. No. 104-104, 110 Stat. 56), Title 47, United States Code, section 1455, and applicable Federal Communications Commission regulations and court decisions considering these laws and regulations.

2. Applicability. An applicant seeking approval of a collocation or modification to an existing personal wireless telecommunication facility which the applicant contends is within the protection of Title 47, United States Code, section 1455 shall apply for the following at the same time: (i) a wireless facility minor modification permit, in addition to (ii) an encroachment permit from the public works department (if the required by applicable provisions of this code), and (iii) any other permit required by applicable provisions of this code including a building permit, an electrical permit, or an oak tree permit. No collocation or modification to an existing personal wireless telecommunication facility shall be installed unless the applicant or operator has obtained either a wireless facility minor modification permit or a wireless facility permit.
3. Application Content. All applications for a wireless facility minor modification permit must include the following items.
 - a. Application Form. The City's standard application form, available on the City's website or from the Community Development Department, as may be amended.
 - b. Application Fee. An application fee as established by the council by resolution under the authority of Section 17.60.040.
 - c. Independent Consultant Deposit. An independent consultant fee deposit, if required by the council by resolution under the authority of Section 17.60.040, to reimburse the City for its costs to retain an independent consultant to review the technical aspects of the application.
 - d. Site and Construction Plans. Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect, which include the following items.
 - (1) A site plan and elevation drawings for the facility as existing and as proposed with all height and width measurements explicitly stated.
 - (2) A depiction, with height and width measurements explicitly stated, of all existing and proposed transmission equipment.
 - (3) A depiction of all existing and proposed utility runs and points of contact.
 - (4) A depiction of the leased or licensed area of the site with all rights-of-way and easements for access and utilities labeled in plan view.

(5) For proposed collocations or modifications to wireless towers, the plans must include scaled plan views and all four elevations that depict the physical dimensions of the wireless tower as it existed on February 22, 2012 or as approved if constructed after February 22, 2012. For proposed collocations or modifications to base stations, the plans must include scaled plan views and all four elevations that depict the physical dimensions of the base station as it existed on February 22, 2012 or as approved if constructed after February 22, 2012.

(6) A demolition plan.

- e. Visual Simulations. A visual analysis that includes (1) scaled visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four angles, together with a map that shows the location of each view angle; (2) a color and finished material palate for proposed screening materials; and (3) a photograph of a completed facility of the same design and in roughly the same setting as the proposed wireless communication facility.
- f. Statement Asserting that Section 6409 Applies. A written statement asserting that the proposed collocation or modification is an "eligible facilities request" and does not result in a substantial change in the physical dimensions of the facility's wireless tower or base station, as defined by Section 6409, Title 47, United States Code, section 1455, and justifying that assertion. The written statement shall identify and discuss each required finding for approval of a wireless facility minor modification permit under Section 17.12.050(F)(5) and explain the facts that justify the request for the director to make each finding.
- g. Prior Permits. True and correct copies of all previously issued permits, including all required conditions of approval and a certification by the applicant that the proposal will not violate any previous permit or conditions of approval or why any violated permit or conditions does not prevent approval under Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this federal law.
- h. Affirmation of Radio Frequency Standards Compliance. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, because it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination Of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown

- on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power".
- i. Structural Analysis. A structural analysis, prepared, signed, and sealed by a California-licensed engineer that assesses whether the proposed wireless telecommunications facility complies with all applicable building codes.
 - j. Noise Study. A noise study, prepared, signed, and sealed by a California-licensed engineer, for the proposed personal wireless telecommunication facility including, but not limited to, equipment, such as air conditioning units and back-up generators.; or a written statement signed and sealed by a California-licensed engineer indicating that the proposed modification(s) will not alter the existing noise levels or operational equipment which creates noise..
 - k. Other Permits. An application for a wireless facility minor modification permit shall include all permit applications with all required application materials for each and every separate permit required by the City for the proposed collocation or modification to an existing personal wireless telecommunications facility, including a building permit, an encroachment permit (if applicable), and an electrical permit (if applicable).
 - l. Other Information. Such other information as the City may require, as specified in publically available materials, including information required as stated on the City's website.
4. Application Review, Notice, and Hearing. Each application for a wireless facility minor modification permit shall be reviewed by the director at a public hearing. Notice of the public hearing shall be provided in accord with Chapter 17.78, except that written notice shall be mailed to the record owner of each property within three hundred (300) feet of the site of the proposed modification. Under federal law, the City must approve or deny an application for a wireless facility minor modification permit, together with any other City permits required for a proposed wireless facility modification, within sixty (60) days after the applicant submits the application for a wireless facility minor modification permit, unless tolled due to issuance of any notice of incomplete filing or by mutual agreement between the city and the applicant. Under federal law, failure to act on a wireless facility minor modification permit application within the sixty (60) day review period, excluding tolling period, will result in the permit being deemed granted by operation of law.
5. Findings Required for Approval by Director at Public Hearing.
- a. 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 for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities;
 - (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 percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater;
 - (3) The proposed collocation or modification does not increase the width of the facility by more than twenty (20) feet or the width of the tower at the level of the appurtenance, whichever is greater;
 - (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;
 - (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;
 - (6) The proposed collocation or modification does not defeat any existing concealment elements of the support structure; and
 - (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).
- b. The director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing base station 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 or not, that currently supports existing wireless transmission equipment;
 - (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 percent (10%) or ten (10) feet, whichever is greater;
 - (3) The proposed collocation or modification does not increase the width of the facility by more than six (6) feet;

- (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;
- (5) The proposed collocation or modification does not involve any excavation outside the lease or license area of the facility, including any access and utility easements;
- (6) The proposed collocation or modification does not defeat any existing concealment elements of the support structure; and
- (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).
- c. The director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing wireless tower or base station in the public right of way only if each of the following findings can be made:
 - (1) The applicant proposes a collocation or modification to either (i) a structure constructed and maintained with all necessary permits in good standing for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities or (ii) 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 or not, that currently supports existing wireless transmission equipment;
 - (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 percent (10%) or ten (10) feet, whichever is greater;
 - (3) The proposed collocation or modification does not increase the width of the facility by more than six (6) feet;
 - (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;
 - (5) The proposed collocation or modification does not involve either (i) the installation of any new equipment cabinets on the ground, if none already exist, or (ii) the installation of ground equipment cabinets that are more than ten percent (10%) larger in height or overall volume than any existing ground cabinets;
 - (6) The proposed collocation or modification does not involve any excavation outside the area in proximity to the existing ground-mounted equipment in the public right of way;

(7) The proposed collocation or modification does not defeat any existing concealment elements of the existing structure; and

(8) 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).

6. Conditions of Approval for Wireless Facility Minor Modification Permits. In addition to any other conditions of approval permitted under federal and state law and this Code that the director deems appropriate or required under this Code, all wireless facility minor modification permits under this subsection, whether approved by the director or deemed granted by the operation of law, shall include the following conditions of approval:

a. No automatic renewal. The grant or approval of a wireless facility minor modification permit shall not renew or extend the underlying permit term.

b. 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).

c. As-built plans. 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.

d. 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.

e. 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.

- f. Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file with the Planning Division.
 - g. Violations. 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.
 - h. 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.
 - i. 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.
7. Wireless Facility Minor Modification Permit Denial Without Prejudice
- a. Grounds for denial without prejudice. The Director may deny without prejudice an application for a wireless facility minor modification permit in any of the following circumstances:
 - (1) The Director cannot make all findings required for approval of a wireless facility minor modification permit;
 - (2) The proposed collocation or modification would cause the violation of an objective, generally applicable law protecting public health or safety;
 - (3) the proposed collocation or modification involves the removal and replacement of the facility's entire supporting structure; or
 - (4) the proposed collocation modification does not qualify for mandatory approval under Title 47, United States Code, section 1455, as may be amended or superseded, and as may be interpreted by any order of the Federal Communications Commission or any court of competent jurisdiction.

- b. Procedures for denial without prejudice. All wireless facility minor modification permit application denials shall be in writing and shall include (i) the decision date; (ii) a statement that the City denies the permit without prejudice; (iii) a short and plain statement of the basis for the denial; and (iv) that the applicant may submit the same or substantially the same permit application in the future.
- c. Submittal after denial without prejudice. After the director denies a wireless facility minor modification permit application, and subject to the generally applicable permit application submittal provisions in this chapter, an applicant shall be allowed to:
 - (1) submit a new wireless facility minor modification permit application for the same or substantially the same proposed collocation or modification;
 - (2) submit a new wireless facility permit application for the same or substantially the same proposed collocation or modification; or
 - (3) submit an appeal of the Director's decision.
- d. Costs to review a denied permit. The City shall be entitled to recover the reasonable costs for its review of any wireless facility minor modification permit application. In the event that the director denies a wireless facility minor modification permit application, the City shall return any unused deposit fees within sixty (60) days after a written request from the applicant. An applicant shall not be allowed to submit a wireless facility permit application or submit a wireless facility minor modification permit application for the same or substantially the same proposed modification unless all costs for the previously denied permit application are paid in full.

SECTION 30. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (F) is hereby renumbered to be Section 17.12.050, subsection (G) (pg. __ on Exhibit A).

SECTION 31. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (G) is hereby renumbered to be Section 17.12.050, subsection (H) (pg. __ on Exhibit A).

SECTION 32. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (H)(5) is hereby amended to read as follows (pg. __ on Exhibit A):

- 5. These standards in this subsection (HF) are subject to modification or waiver by the director on a case-by-case basis where required for the city to comply with FCC PRB-1 and California Government Code Section 65850.3 and where such modification or waiver is based on sufficient technical information provided in writing by the applicant at the request of the city.

SECTION 33. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (H) is hereby renumbered to be Section 17.12.050, subsection (I) (pg. __ on Exhibit A).

SECTION 34. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (I) is hereby renumbered to be Section 17.12.050, subsection (J) (pg. __ on Exhibit A).

SECTION 35. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (J) is hereby renumbered to be Section 17.12.050, subsection (K) (pg. __ on Exhibit A).

SECTION 36. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (K) is hereby renumbered to be Section 17.12.050, subsection (L) and amended to read as follows (pg. __ on Exhibit A):

- L. Additional Notice to Neighbors. After an application to allow the installation of a wireless facility subject to the approval of a wireless facility permit pursuant to subsections (C), (D) and (E) of this section is complete, the city shall endeavor to provide property owners at least thirty (30) days' prior notice of the initial public hearing on the matter as follows:
1. Written notice shall be mailed to the record owner of each property within one thousand five hundred (1,500) feet of the proposed site.
 2. Telephone notice via the city's reverse 911 service shall be given to owners or occupants of properties within one thousand five hundred (1,500) feet of the proposed site.

A public hearing may be set on less than thirty (30) days' notice if necessary to comply with applicable law, including but not limited the Federal Communications Commission Declaratory Ruling 09-99, WT docket number 08-165, released November 18, 2009 (the "Shot Clock" ruling) and Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this section, adopted on December 17, 2014 and codified at 47 C.F.R. §§ 1.40001, et seq. as they now exists or may hereafter be amended.

Failure of the city to provide notice pursuant to this subsection (~~L~~K) shall not be grounds to challenge a determination provided that the notice otherwise required by law has been provided.

SECTION 37. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (L) is hereby renumbered to be Section 17.12.050, subsection (M) and amended to read as follows (pg. __ on Exhibit A):

M.Definitions. In addition to the definitions provided in Chapter 17.90 of this title and in Chapter 1.08 of Title 1 of this Code, this Section 17.12.050 shall be construed in light of the following definitions:

"Accessory equipment" means any equipment installed, mounted, operated or maintained in close proximity to a personal wireless telecommunication facility to provide power to the personal wireless telecommunication facility or to receive, transmit or store signals or information received by or sent from a personal wireless telecommunication facility.

"Antenna structure" means any antenna, any structure designed specifically to support an antenna and/or any appurtenances mounted on such a structure or antenna.

"Applicable law" means all applicable federal, state and local law, ordinances, codes, rules, regulations and orders, as the same may be amended from time to time.

"Applicant" includes any person or entity submitting an application to install a personal wireless telecommunication facility under this section and the persons within the scope of the term "applicant" as defined by Section 17.90.020 of this code.

"Base station" means the equipment and non-tower supporting structure at a fixed location that enables Federal Communications Commission licensed or authorized wireless telecommunications between user equipment and a communications network.

"City" means the City of Calabasas and is further defined in Section 1.08.020 of this code.

"Collocation" means the mounting or installation of additional wireless transmission equipment at an existing wireless facility.

"Commission" has the meaning set forth in paragraph (I) of this section.

"dBA" is defined in Chapter 17.90 of this title.

"Director" means the City of Calabasas Community Development Director or his or her designee.

"FCC" means the Federal Communications Commission or any successor to that agency.

"In-kind call testing" means testing designed to measure the gap in coverage asserted by an applicant. If a claimed gap is for in-building coverage, then in-building call testing must be performed to establish the existence or absence of such a gap unless the applicant provides a sworn affidavit demonstrating good faith but unsuccessful attempts to secure access to buildings to conduct such testing and the circumstances that prevented the applicant from conducting such testing. Claimed gaps in service for "in-vehicle" or "open-air" service may be demonstrated by call testing performed in vehicles or in the open.

"Least intrusive means" means that the location or design of a personal wireless telecommunication facility addresses a significant gap in an applicant's personal communication service while doing the least disservice to the policy objectives of this chapter as stated in Section 17.12.050(A). Analysis of whether a proposal constitutes the least intrusive means shall include consideration of means to close an asserted significant gap by co-locating a new personal wireless

telecommunication facility on the site, pole, tower, or other structure of an existing personal wireless telecommunication facility.

"Monopole" means a structure composed of a single spire, pole, or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm, and similar monopoles camouflaged to resemble faux objects attached on a monopole.

"MPE" means maximum permissible exposure.

"Non-tower supporting structure" means any structure, whether built for wireless communications purposes or not, that supports wireless transmission equipment under a valid permit at the time an applicant submits an application for a permit under this Code and which is not a wireless tower.

"OET" or "FCC OET" means the ~~FCC's~~ Office of Engineering & Technology of the Federal Communications Commission.

"Open space" includes (1) land which is zoned OS, OS-DR, or REC, (2) land in residential zones upon which structures may not be developed by virtue of a restriction on title, (3) all common areas, private parks, slope easements, and (4) any other area owned by a homeowners association or similar entity.

"Park" and "playground" shall have their ordinary, dictionary meanings.

"Personal communication service" means commercial mobile services provided under a license issued by the FCC.

"Personal wireless telecommunication facility," "wireless telecommunication facility," or "wireless facility" means a structure, antenna, pole, tower, equipment, accessory equipment and related improvements used, or designed to be used, to provide wireless transmission of voice, data, images or other information, including but not limited to cellular phone service, personal communication service and paging service.

"Private enforcer" has the meaning provided in subsection (JK)(2) of this Section 17.12.050.

"Residential zone" means a zone created by Chapter 17.13 of this title.

"RF" means radio frequency.

"Significant gap" as applied to an applicant's personal communication service or the coverage of its personal wireless telecommunication facilities is intended to be defined in this chapter consistently with the use of that term in the Telecommunications Act of 1996 and case law construing that statute. Provided that neither the Act nor case law construing it requires otherwise, the following guidelines shall be used to identify such a significant gap:

1. A significant gap may be demonstrated by in-kind call testing.
2. The commission shall accept evidence of call testing by the applicant and any other interested person and shall not give greater weight to such evidence based on the identity of the person who provides it but shall consider (i) the number of calls conducted in the call test, (ii) whether the calls were taken on multiple days, at various times, and under differing weather and vehicular traffic conditions, and (iii) whether calls could be

successfully initiated, received and maintained in the area within which a significant gap is claimed.

3. A significant gap may be measured by:
 - a. The number of people affected by the asserted gap in service;
 - b. Whether a wireless communication facility is needed to merely improve weak signals or to fill a complete void in coverage;
 - c. Whether the asserted gap affects Highway 101, a state highway, or an arterial street which carries significant amounts of traffic.

"Stealth facility" means any personal wireless telecommunication facility which is designed to substantially blend into the surrounding environment by, among other things, architecturally integrating into a structure or otherwise using design elements to conceal antennas, antenna supports, poles, equipment, cabinets, equipment housing and enclosure; and related above-ground accessory equipment.

"Transmission equipment" or "wireless transmission equipment" means any equipment that facilitates transmission for any Federal Communications Commission licensed or authorized wireless communication service, including but not limited to, radio transceivers, antennas and other equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supplies.

"Wireless" means any Federal Communications Commission licensed or authorized wireless telecommunications service.

"Wireless Tower" or "Telecommunications tower" mean any structure, including a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure, designed and constructed for the primary purpose of ~~primarily used to~~ supporting any Federal Communications Commission licensed or authorized wireless telecommunications facility antennas and their associated facilities.

"Wireless facility minor modification permit" means a permit issued under this chapter authorizing the modification of an existing personal wireless telecommunications facility. The procedures for the application for, approval of, and revocation of such a permit shall be those required by this title, including but not limited to Section 17.12.050(F).

"Wireless facility permit" means a permit issued under this chapter authorizing the installation, operation and maintenance of a personal wireless telecommunications facility. Except as otherwise provided by this chapter, the procedures for the application for, approval of, and revocation of such a permit shall be those required by this title (including, but not limited to, those of Section 17.62.060) for a conditional use permit.

SECTION 38. Severability Clause:

Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION 39. Declaration of Urgency.

This Ordinance is hereby declared to be an urgency measure necessary for the immediate preservation of the public's health, safety and welfare, all as specified herein.

SECTION 40. Effective Date:

This Ordinance shall take effect immediately upon passage and adoption if passed and adopted by at least four-fifths vote of the City Council pursuant to California Government Code Section 36937.

SECTION 41. Certification:

The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED this 11th day of March, 2015.

David J. Shapiro, Mayor

ATTEST:

Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

Scott H. Howard
City Attorney

Exhibit A: Land Use and Development Code (Changes only)

17.12.050 - Antennas/personal wireless telecommunication facilities.

- A. Purpose and Intent. The purpose of this section is to regulate the installation, operation and maintenance of personal wireless telecommunication facilities in the city. The city recognizes that the unrestricted installation of redundant personal wireless telecommunication facilities is contrary to the city's efforts to stabilize economic and social aspects of neighborhood environments, and to promote safety and aesthetic considerations, family environments and a basic residential character within the city.

In enacting this section, the city intends to:

1. Promote and protect the health, safety, comfort, convenience and general welfare of residents and business in accord with Section 17.01.020 of this title;
2. Protect the benefits derived by the city, its residents and the general public from access to personal wireless services while minimizing, to the greatest extent feasible, the redundancy of personal wireless telecommunication facilities in the city;
3. Balance these goals, by permitting the installation and operation of personal wireless telecommunication facilities where they are needed, while reducing, to the greatest extent feasible, adverse economic, safety and / or aesthetic impacts on nearby properties and the community as a whole; and
4. Comply with applicable law, including the 1996 Telecommunications Act.
5. In enacting this section, it is the intent of the city council that no additional rights or entitlements be conferred to construct or maintain personal wireless telecommunication facilities, other than those rights or entitlements existing under applicable state or federal law.
6. This section is intended to regulate all uses of wireless communications in the city, including uses by public utilities, to the extent of the city's power to regulate the use of land under federal and state law, but not to exceed the scope of the city's authority.

- B. Applicability. This section applies to all proposed antennas and modifications and related personal wireless telecommunication facilities, as follows:

1. All applications for approval of the installation of new personal wireless telecommunication facilities in the city.
2. All facilities for which applications were received by the department but not approved prior to the effective date of the ordinance codifying this section, shall comply with the regulations and guidelines of this section.
3. All facilities for which applications were approved by the city on or prior to the effective date of the ordinance codifying this section shall be exempt from this section, except for the requirements of subsection (C)(6)(c).
4. All facilities for which applications have been previously approved, but are now or hereafter: ~~(a) expanded or (b) modified by the installation of additional antennas, larger antennas or more powerful antennas, or (c) when one or more new bands of service are activated shall comply with this section modified.~~

- C. Standards for all personal wireless telecommunication facilities. All personal wireless telecommunication facilities shall comply with the following requirements:

1. Permit Requirements. No new personal wireless telecommunication facility shall be ~~(a) installed, (b) expanded, (c) modified by the installation of additional antennas, larger antennas or more powerful antennas, or (d) when one or more new bands of service are activated,~~ until the applicant or operator has obtained: (i) a wireless facility permit, (ii) an encroachment permit from the public works department (if applicable), and (iii) any other permit required by applicable provisions of this code including a building permit, an electrical permit, or an oak tree permit. All modifications to an existing personal wireless telecommunications facility that do not meet the

findings of approval required for a wireless facility minor modification permit as specified in Section 17.12.050(F) shall be subject to the approval of (i) a wireless facility permit, in addition to (ii) an encroachment permit from the public works department (if applicable), and (iii) any other permit required by applicable provisions of this code including a building permit, an electrical permit, or an oak tree permit. Applications for wireless facility permits ~~new facilities and substantial modifications to existing facilities~~ shall be first reviewed by the development review committee. All applications for wireless facility permits will be scheduled for a public hearing before the commission in accordance with Section 17.12.050(LK) and Chapter 17.78 of this code. The commission shall determine if a proposed project for which a wireless facility permit is required is the least intrusive means to close a significant gap in the applicant's service coverage. All modifications to an existing personal wireless facility that meet the conditions of approval required for a wireless facility minor modification permit as specified in Section 17.12.050(F) shall be subject to the approval of (i) a wireless facility minor modification permit, in addition to (ii) an encroachment permit from the public works department (if applicable), and (iii) any other permit required by applicable provisions of this code including a building permit, an electrical permit, or an oak tree permit.

2. Wireless Facility Permit Application Content. Applications for the approval of wireless facility permits for personal wireless telecommunication facilities shall include, but are not necessarily limited to, an application fee and the following information, in addition to all other information required by the city for a wireless facility permit application pursuant to Chapter 17.60 of this title:
 - a. Written documentation demonstrating a good faith effort to locate the proposed facility in the least intrusive location in accordance with the location requirements of Section 17.12.050(C)(3); and
 - b. Scaled visual simulations showing the proposed facility superimposed on photographs of the site and surroundings, to assist the commission in assessing the visual impacts of the proposed facility and its compliance with the provisions of this section; and
 - c. For new facilities, the plans shall include (in plan view and elevations) a scaled depiction of the maximum permitted increase as authorized by Section 6409(a) of the 2012 Middle Class Tax Relief Act, using the proposed project as a baseline; and
 - d. A master plan which identifies the location of the proposed facility in relation to all existing and potential facilities maintained by the operator intended to serve the city. The master plan shall reflect all potential locations that are reasonably anticipated for construction within two years of submittal of the application. Applicants may not file, and the city shall not accept, applications that are not consistent with the master plan for a period of two years from approval of a wireless facility permit unless: (i) the applicant demonstrates materially changed conditions which could not have been reasonably anticipated to justify the need for a personal wireless telecommunication facility site not shown on a master plan submitted to the city within the prior two years or (ii) the applicant establishes before the commission that a new personal wireless telecommunication facility is necessary to close a significant gap in the applicant's personal communication service, and the proposed new installation is the least intrusive means to do so; and
 - e. A siting analysis which identifies a minimum of five other feasible locations within or without the city which could serve the area intended to be served by the facility, unless the applicant provides compelling technical reasons for providing fewer than the minimum. The alternative site analysis shall include at least one collocation site; and
 - f. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, in that it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination Of Whether a Facility is Categorically Excluded" for each frequency band

of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power"; and

- gf. A statement signed by a person with legal authority to bind the applicant attesting under penalty of perjury to the accuracy of the information provided in the application; and
- hg. A noise study, prepared by a qualified engineer, for the proposed personal wireless telecommunication facility including, but not limited to, equipment, such as air conditioning units and back-up generators; and
- ih. A written statement of the applicant's willingness to allow other carriers to collocate on the proposed personal wireless telecommunication facility wherever technically and economically feasible and aesthetically desirable; and
- ji. Such other information as the director shall establish from time to time pursuant to the Permit Streamlining Act, Government Code Section 65940, or to respond to changes in law or technology.
- kj. An application for a personal wireless telecommunication facility in a public right-of-way for which the applicant claims entitlement under California Public Utilities Code Section 7901 shall be accompanied by evidence satisfactory to the director that the applicant is a telephone corporation or has written authorization to act as an agent for a telephone corporation.

3. [Wireless Facility Permit Preferred Zones and Locations](#). When doing so would not conflict with one of the standards set forth in this subsection (C) or with federal law, personal wireless telecommunication facilities [subject to the approval of a wireless facility permit](#) shall be located in the most appropriate location as described in this subsection (3), which range from the most appropriate to the least appropriate. Nothing in this section shall detract from the requirements of Section 17.12.050(C)(4)(a) below.

- i. Collocation on an existing facility in a commercial zone;
- ii. Collocation on an existing structure or utility pole in a commercial zone;
- iii. Location on a new structure in a commercial zone;
- iv. Collocation on an existing facility in a public facility or recreation zone;
- v. Location on an existing structure or utility pole in a public facility or recreation zone;
- vi. Location on a new structure in a public facility or recreation zone.

No new facility may be placed in a less appropriate area unless the applicant demonstrates to the satisfaction of the commission that no more appropriate location can feasibly serve the area the facility is intended to serve provided, however, that the commission may authorize a facility to be established in a less appropriate location if doing so is necessary to prevent substantial aesthetic impacts.

4. Design and Development Standards. Personal wireless telecommunication facilities shall be designed and maintained as follows:

- a. All new personal wireless telecommunication facilities shall be set back at least one thousand (1,000) feet from schools, dwelling units and parks, as measured from the closest point of the personal wireless telecommunication facility (including accessory equipment) to the applicable property line, unless an applicant establishes that a lesser setback is necessary to close a significant gap in the applicant's personal communication service, and the proposed personal wireless telecommunication facility is the least intrusive means to do so. An applicant who seeks to increase the height of an existing personal wireless telecommunication facility, or of its antennas, located less than one thousand (1,000) feet from a school, dwelling unit or park [and who is subject to the approval of a](#)

- [wireless facility permit for the proposed height increase](#) must establish that such increase is necessary to close a significant gap in the applicant's personal communication service, and the proposed increase is the least intrusive means to do so.
- b. Facilities shall have subdued colors and non-reflective materials which blend with the materials and colors of the surrounding area and structures.
 - c. Unless otherwise prohibited by state or federal law, all equipment not located on a roof shall be underground; any equipment that is not undergrounded shall be screened from adjacent uses to the maximum extent feasible.
 - d. The facilities shall not bear any signs or advertising devices other than certification, warning or other signage required by law or expressly permitted by the city.
 - e. At no time shall equipment noise (including air conditioning units) from any facility exceed the applicable noise limit established in Section 17.20.160 of this title at the facility's property line; provided, however, that for any such facility located within five hundred (500) feet of any property zoned open space or residential, or improved with a residential use, such equipment noise shall at no time be audible at the property line of any open space or residentially zoned, or residentially improved property.
 - f. If the majority of radio frequency coverage from the proposed facility is outside the city limits, the applicant must, in addition to the other requirements of this section, prove that the applicant is unable to locate the proposed [new](#) facility within the locale or locales that will receive the majority of the coverage from the proposed personal wireless telecommunications facility, and that no other feasible location for the facility exists outside of the city limits. That an applicant for a wireless [facility](#) permit in the city has been denied a wireless facility, antenna, or wireless coverage in another jurisdiction shall not be considered evidence or proof that the applicant is unable to locate in another jurisdiction.
5. Independent Expert Review. The city shall retain [an one or more](#) independent, qualified consultants to review any application for a [wireless facility](#) permit for a ~~new~~ personal wireless telecommunication facility [or for a wireless facility minor modification permit or modification to an existing personal wireless telecommunication facility](#). The review is intended to be a review of technical aspects of the proposed wireless telecommunication facility or modification of an existing wireless telecommunication facility and shall address any or all of the following, [as applicable](#):
- a. [For wireless facility permits, W](#)whether the proposed wireless telecommunication facility is necessary to close a significant gap in coverage and is the least intrusive means of doing so;
 - b. The accuracy and completeness of submissions;
 - c. [For wireless facility permits, t](#)Technical demonstration of the unavailability of alternative sites or configurations and/or coverage analysis;
 - d. The applicability of analysis techniques and methodologies;
 - e. [For wireless facility permits, T](#)he viability of alternative sites and alternative designs; and
 - f. [For wireless facility permits, an analysis of the potential expansion that would be considered an eligible facility request under Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012; and](#)
 - gf. Any other specific technical issues designated by the city.
- The cost of the review shall be paid by the applicant through a deposit estimated to cover the cost of the independent review, [as](#) established by the director [or City Council](#).
6. Conditions of Approval. All facilities [subject to a wireless facility permit](#) approved under this section shall be subject to the following conditions, [as applicable](#):

- a. Facilities shall not bear any signs or advertising devices other than legally required certification, warning, or other required seals or signage, or as expressly authorized by the city.
- b. Abandonment:
 - 1) Personal wireless telecommunication facilities that are no longer operating shall be removed at the expense of the applicant, operator, or owner no later than ninety (90) days after the discontinuation of use. Disuse for ninety (90) days or more shall also constitute a voluntary termination by the applicant of any land use entitlement under this code or any predecessor to this code.
 - 2) The director shall send a written notice of the determination of non-operation to the owner and operator of the personal wireless telecommunication facility, who shall be entitled to a hearing on that determination before the city manager or a hearing officer appointed by the city manager, provided that written request for such a hearing is received by the city clerk within ten (10) days of the date of the notice. Any such hearing shall be conducted pursuant to Chapter 17.74 of this title, although no further appeal from the decision of the city manager may be had other than pursuant to Code of Civil Procedure Section 1094.5. Upon a final decision of the city manager or the running of the time for a request for a hearing without such a request, the operator shall have ninety (90) days to remove the facility.
 - 3) The operator of a facility shall notify the city in writing of its intent to abandon a permitted site. Removal shall comply with applicable health and safety regulations. Upon completion of abandonment, the site shall be restored to its original condition at the expense of the applicant, operator, or owner.
 - 4) All facilities not removed within the required ninety-day period shall be in violation of this code. In the event the city removes a disused facility upon the failure of the applicant, operator, or owner to timely do so, the applicant, operator, and owner shall be jointly and severally liable for the payment of all costs and expenses the city incurs for the removal of the facilities, including legal fees and costs.
- c. The applicant, operator of a facility and property owner (when applicable) shall defend, indemnify and hold the city and its elective and appointed boards, commissions, officers, agents, consultants and employees harmless from and against all demands, liabilities, costs (including attorneys' fees), or damages arising from the city's review and/or approval of the design, construction, operation, location, inspection or maintenance of the facility.
- d. Removal of Unsafe Facilities. If, at any time after ten (10) years of the issuance of a building permit or encroachment permit, or any shorter period permitted by Government Code Section 65964(b), any personal wireless telecommunication facility becomes incompatible with public health, safety or welfare, the applicant or operator of the facility shall, upon notice from the city and at the applicant's or operator's own expense, remove that facility. Written notice of a determination pursuant to this paragraph shall be sent to the owner and operator of the personal wireless telecommunication facility, who shall be entitled to a hearing on that determination before the city manager or a hearing officer appointed by the city manager, provided that written request for such a hearing is received by the city clerk within ten (10) days of the date of the notice. Any such hearing shall be conducted pursuant to Chapter 17.74 of this title, although no further appeal from the decision of the city manager may be had other than pursuant to Code of Civil Procedure Section 1094.5. Upon a final decision of the city manager or the running of the time for a request for a hearing without such a request, the operator shall have ninety (90) days to remove the facility.
- e. The owner or operator of any personal wireless telecommunication facility approved [by a wireless facility permit](#) under this subsection C of this Section 17.12.050 shall cooperate with the director to: (1) verify that the facility design conforms with relevant building and

safety requirements; and (2) verify that the facility complies with the requirements of Section 17.12.050 of the Calabasas Municipal Code.

- f. Prior to the issuance of a building permit or encroachment permit, the applicant or owner/operator of the facility shall pay for and provide a performance bond, which shall be in effect until all facilities are fully and completely removed and the site reasonably returned to its original condition. The purpose of this bond is to cover the applicant's or owner/operator of the facility's obligation under the conditions of approval and the City of Calabasas Municipal Code. The bond coverage shall include, but not be limited to, removal of the facility, maintenance obligations and landscaping obligations. (The amount of the performance bond shall be set by the director on a case-specific basis and in an amount reasonably related to the obligations required under this code and all conditions of approval, and shall be specified in the conditions of approval.)
- g. An applicant shall not transfer a permit to any person or entity prior to completion of construction of a personal wireless telecommunication facility.
- h. The applicant shall submit as-built photographs of the facility within ninety (90) days of installation of the facility, detailing the installed equipment.
- i. A personal wireless telecommunication facility approved by a wireless facility permit may operate only until the tenth anniversary of the date it is first placed into service, unless that sunset date is extended by additional term(s) not to exceed ten (10) years pursuant to a wireless facility permit issued under this Section 17.12.050. There is no limit to the number of times the sunset date for a facility may be extended.

7. Wireless Facility Permit Findings. In addition to the findings required in Section 17.62.060 of this code, no wireless facility permit for a proposed personal wireless telecommunication facility may be approved unless the commission or council finds as follows:

- a. The applicant has demonstrated by clear and convincing evidence that the facility is necessary to close a significant gap in the operator's service coverage. Such evidence shall include in-kind call testing of existing facilities within the area the applicant contends is a significant gap in coverage to be served by the facility.
- b. The applicant has demonstrated by clear and convincing evidence that no feasible alternate site exists that would close a significant gap in the operator's service coverage which alternative site is a more appropriate location for the facility under the standards of Section 17.12.050 of the Calabasas Municipal Code.
- c. The facility satisfies the location requirements of Section 17.12.050(C)(3) of the Calabasas Municipal Code.

8. Violations. The city may revoke a wireless facility permit for any personal wireless telecommunication facility in violation of this section in accordance with Section 17.80.070 of this code. 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.

D. Standards for Personal Wireless Telecommunication Facilities Not Located Within a Public Right-of-Way. In addition to the requirements in section (C) above, all personal wireless telecommunication facilities subject to the approval of a wireless facility permit and not located within a public right-of-way shall comply with the following requirements:

1. Location Requirements. To minimize aesthetic and visual impacts on the community, personal wireless telecommunication facilities shall be located according to the following standards:

- a. General Requirements.
 - i. A freestanding telecommunications tower or monopole shall be set back a distance of at least one hundred fifty (150) percent of the height of the tower from the nearest property line of any residentially zoned or occupied lot.

- b. Restricted Locations. Personal wireless telecommunication facilities located in any of the following locations must be designed as a stealth facility:
 - i. Within any nonresidential zone on a site that contains a legally established residential use; and
 - ii. Within the Old Town overlay zone; and
 - iii. On any property that is designated historic by the city council; and
 - iv. Within the area subject to the Calabasas Park Centre Master Plan; and
 - v. Within a scenic corridor designated by the city; and
 - vi. Within a historic district designated by the city.
- c. Prohibited Locations. No personal wireless telecommunication facility shall be established on any ridgeline or within any residential or open space zoning district described in subparagraphs (i), (ii) and (iii) herein.
 - i. Ridgelines. No personal wireless telecommunication facility shall be placed on or near a ridgeline.
 - ii. Residential Zones. No facility shall be located within a residential zone, including areas set aside for open space, parks or playgrounds.
 - iii. Open Space. No facility shall be located within an open space zone or park.

Any wireless telecommunication facility proposed for a site within any open space zone shall not be deemed a "public utility" as that term is otherwise defined and understood in the Calabasas Municipal Code regarding development in such open space zones.

- d. Guidelines for Placement on Structures. Antennas shall be mounted on structures utilizing the methods described below. If an antenna cannot be mounted as set forth in subsection (i), it may be mounted in accordance with subsection (ii). If an antenna cannot be mounted as set forth in either subsection (i) or (ii), it may be mounted in accordance with subsection (iii):
 - i. A stealth facility mounted on an existing structure or collocated on an existing tower;
 - ii. A stealth facility mounted on an existing steel or concrete pole, including a light standard; or
 - iii. A stealth facility mounted on a new steel, wood or concrete pole.
2. Design and Development Standards. Personal wireless telecommunication facilities shall be designed and maintained as follows:
 - a. Building-mounted facilities shall be designed and constructed to be fully screened in a manner that is compatible in color, texture and type of material with the architecture of the building on which the facility is mounted.
 - b. All accessory equipment associated with the operation of a personal wireless telecommunication facility shall be located within a building enclosure or underground vault that complies with the development standards of the zoning district in which the accessory equipment is located.
 3. City Council Approval Required. Notwithstanding Section 17.12.050(D)(1)(c), personal wireless telecommunication facilities [subject to the approval of a wireless facility permit](#) may be permitted in a prohibited location only if the applicant obtains a wireless facility permit from the city council following a public hearing and recommendation from the communication and technology commission, and provides technically sufficient and conclusive proof that the proposed location is necessary for provision of wireless services to substantial areas of the city, that it is necessary to close a significant gap in the operator's coverage and that there are no less intrusive alternative means to close that significant gap.

- E. Standards for Personal Wireless Telecommunication Facilities Located Within Public Rights-of-Way. In addition to the requirements in section (C) above, all personal wireless telecommunication facilities [subject to the approval of a wireless facility permit and](#) located within public rights-of-way shall comply with the following requirements to the fullest extent permitted by state and federal law:
1. Construction. These standards are intended to exert the maximum authority available to the city in the regulation of personal wireless telecommunication facilities under applicable state and federal law but not to exceed that authority. Accordingly, this section shall be construed and applied in light of any such limits on the city's authority. The purpose of this subsection (E) is to regulate personal wireless telecommunications facilities proposed for sites within public rights-of-way consistently with the rights conferred on telephone corporations by Public Utilities Code §§ 7901 and 7901.1 and to address the aesthetic and safety concerns unique to such proposals due to their highly visible location in rights-of-way that must be safely shared with pedestrians, motorists and other utility infrastructure.
 2. Application Content. Applications for the approval of personal wireless telecommunication facilities within the public right-of-way shall include the following information, in addition to all other information required by subsection (C)(2) above:
 - a. The applicant shall provide certification that the facility is for the use of a telephone corporation or state the basis for its claimed right to enter the right-of-way. If the applicant has a certificate of public convenience and necessity (CPCN) issued by the California Public Utilities Commission, it shall provide a copy of its CPCN.
 3. Guidelines. All personal wireless telecommunication facilities located within a public right-of-way shall be designed as follows:
 - a. Ground-mounted equipment shall be screened, to the fullest extent possible, through the use of landscaping, walls, or other decorative feature, as approved by the commission.
 - b. Facilities located within a designated scenic corridor or historic districts shall be stealth facilities, with all equipment, excluding required electrical meter cabinets, located underground or pole-mounted. Required electrical meter cabinets shall be screened as approved by the commission.
 - c. Personal wireless telecommunication facilities not located within a scenic corridor or historic district designated by the city shall be designed to place all equipment underground, excluding required electrical meters. However, if such facilities cannot be placed underground, ground-mounted equipment may be installed up to a height of five feet and to a footprint of fifteen (15) square feet.
 - d. Pole-mounted equipment shall not exceed six cubic feet.
 - e. Pole-mounted antennas shall adhere to the following guidelines:
 - i. If an antenna cannot be mounted as set forth in subsection (a), it may be mounted in accordance with subsection (b). If an antenna cannot be mounted as set forth in either subsection (a) or (b), it may be mounted in accordance with subsection (c):
 - (a) A stealth facility mounted on an existing, collocated monopole or tower;
 - (b) A stealth facility mounted on an existing steel or concrete pole, including a light standard; or
 - (c) A stealth facility mounted on a new steel, wood or concrete pole but only if an operator shows that it cannot otherwise close a significant gap in its service coverage, and that the proposal is the least intrusive means of doing so.
 - ii. All installations shall be engineered to withstand high wind loads. An evaluation of high wind load capacity shall include the impact of an additional antenna installation on a pole with existing antennae.

- iii. The maximum height of any antenna shall not exceed twenty-four (24) inches above the height of a pole or tower other than a streetlight pole, nor six feet above the height of a streetlight pole, nor shall any portion of the antenna or equipment mounted on a pole be less than sixteen (16) feet above any drivable road surface. All installations on utility poles shall fully comply with California Public Utilities Commission General Order 95 as it now exists or may hereafter be amended.
 - iv. A freestanding telecommunications tower or monopole shall be set back a distance of at least one hundred fifty (150) percent of the height of the tower to the nearest structure designed for occupancy.
 - f. Equipment shall be located so as not to cause: (i) any physical or visual obstruction to pedestrian or vehicular traffic, (ii) inconvenience to the public's use of a public right-of-way, or (iii) safety hazards to pedestrians and motorists. In no case shall ground-mounted equipment, walls, or landscaping be less than eighteen (18) inches from the front of the curb.
 - g. Facilities shall not be located within five hundred (500) feet of another wireless facility on the same side of a street.
 - h. No facility shall be built so as to cause the right-of-way in which the facility is located to fail to comply with the Americans with Disabilities Act.
4. Findings. In addition to the findings required in subsection (C)(7) above, no proposed personal wireless telecommunication facility subject to the approval of a wireless facility permit within a public right-of way may be approved unless the following findings are made:
- a. The proposed facility has been designed to blend with the surrounding environment, with minimal visual impact on the public right-of-way.
 - b. The proposed facility will not have an adverse impact on the use of the public right-of-way, including but not limited to, the safe movement and visibility of vehicles and pedestrians.
5. Conditions of Approval. In addition to compliance with the guidelines outlined in paragraph (3) of this subsection and the conditions of approval listed in subsection (C)(6) above, all facilities approved under this subsection (E) shall be subject to the following conditions:
- a. Any approved wireless communication facility within a public right-of-way shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the public works director to: (i) protect the public health, safety, and welfare; (ii) prevent interference with pedestrian and vehicular traffic; or (iii) prevent damage to a public right-of-way or any property adjacent to it. Before the director of public works imposes conditions, changes, or limitations pursuant to this paragraph ~~(f)~~, he or she shall notify the applicant or operator, in writing, by mail to the address set forth in the application or such other address as may be on file with the city. Such change, new limitation or condition shall be effective twenty-four (24) hours after deposit of the notice in the United States mail.
 - b. The applicant or operator of the personal wireless telecommunication facility shall not move, alter, temporarily relocate, change, or interfere with any existing public facility, structure or improvement without the prior written consent of the owner of that facilityCity, and the owner in the circumstance where the owner is not the City. No structure, improvement or facility owned by the city shall be moved to accommodate a personal wireless telecommunication facility unless: (i) the city determines, in its sole and absolute discretion, that such movement will not adversely affect the city or surrounding residents or businesses, and (ii) the applicant or operator pays all costs and expenses related to the relocation of the city's facilities. Every applicant or operator of any personal wireless telecommunication facility shall assume full liability for damage or injury caused to any property or person by his, her, or its facility. Before commencement of any work pursuant to an encroachment permit issued for any personal wireless telecommunication facility within a public right-of-way, an applicant shall provide the city with documentation

establishing to the city's satisfaction that the applicant has the legal right to use or interfere with any other facilities within the public right-of-way to be affected by applicant's facilities.

- c. Should any utility company offer electrical service to a wireless facility which service does not require the use of a meter cabinet, the applicant or operator of the facility shall at its cost remove the meter cabinet and any foundation thereof and restore the area to its prior condition.

F. Requirements for Personal Wireless Telecommunications Facilities Subject to a Wireless Facility Minor Modification Permit. This subsection governs applications for certain modifications to existing personal wireless telecommunications facilities, as specified.

1. Purpose. Subsection (F) is intended to comply with the City's obligations under federal law, which provides that the City "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." (47 U.S.C. § 1455, subd. (a)(1), adopted as Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, Pub.L. No. 112-96, 126 Stat. 156.) This subsection creates a process for the City to review an application for a wireless facility minor modification permit submitted by an applicant who asserts that a proposed collocation or modification to an existing personal wireless telecommunications facility is covered by this federal law and to determine whether the City must approve the proposed collocation or modification. The City's review of these applications is structured to comply with the requirements of Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this federal law, adopted on December 17, 2014 and codified at 47 C.F.R. §§ 1.40001, et seq. Consistent with section 17.12.050(A)(6), this subsection is intended to promote the public's health, safety, and welfare, and shall be interpreted consistent with the federal Telecommunications Act of 1996 (Pub.L. No. 104-104, 110 Stat. 56), Title 47, United States Code, section 1455, and applicable Federal Communications Commission regulations and court decisions considering these laws and regulations.
2. Applicability. An applicant seeking approval of a collocation or modification to an existing personal wireless telecommunication facility which the applicant contends is within the protection of Title 47, United States Code, section 1455 shall apply for the following at the same time: (i) a wireless facility minor modification permit, in addition to (ii) an encroachment permit from the public works department (if the required by applicable provisions of this code), and (iii) any other permit required by applicable provisions of this code including a building permit, an electrical permit, or an oak tree permit. No collocation or modification to an existing personal wireless telecommunication facility shall be installed unless the applicant or operator has obtained either a wireless facility minor modification permit or a wireless facility permit.
3. Application Content. All applications for a wireless facility minor modification permit must include the following items.
 - a. Application Form. The City's standard application form, available on the City's website or from the Community Development Department, as may be amended.
 - b. Application Fee. An application fee as established by the council by resolution under the authority of Section 17.60.040.
 - c. Independent Consultant Deposit. An independent consultant fee deposit, if required by the council by resolution under the authority of Section 17.60.040, to reimburse the City for its costs to retain an independent consultant to review the technical aspects of the application.
 - d. Site and Construction Plans. Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect, which include the following items.
 - (1) A site plan and elevation drawings for the facility as existing and as proposed with all height and width measurements explicitly stated.

- (2) A depiction, with height and width measurements explicitly stated, of all existing and proposed transmission equipment.
- (3) A depiction of all existing and proposed utility runs and points of contact.
- (4) A depiction of the leased or licensed area of the site with all rights-of-way and easements for access and utilities labeled in plan view.
- (5) For proposed collocations or modifications to wireless towers, the plans must include scaled plan views and all four elevations that depict the physical dimensions of the wireless tower as it existed on February 22, 2012 or as approved if constructed after February 22, 2012. For proposed collocations or modifications to base stations, the plans must include scaled plan views and all four elevations that depict the physical dimensions of the base station as it existed on February 22, 2012 or as approved if constructed after February 22, 2012.
- (6) A demolition plan.
- e. Visual Simulations. A visual analysis that includes (1) scaled visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four angles, together with a map that shows the location of each view angle; (2) a color and finished material palate for proposed screening materials; and (3) a photograph of a completed facility of the same design and in roughly the same setting as the proposed wireless communication facility.
- f. Statement Asserting that Section 6409 Applies. A written statement asserting that the proposed collocation or modification is an "eligible facilities request" and does not result in a substantial change in the physical dimensions of the facility's wireless tower or base station, as defined by Section 6409, Title 47, United States Code, section 1455, and justifying that assertion. The written statement shall identify and discuss each required finding for approval of a wireless facility minor modification permit under Section 17.12.050(F)(5) and explain the facts that justify the request for the director to make each finding.
- g. Prior Permits. True and correct copies of all previously issued permits, including all required conditions of approval and a certification by the applicant that the proposal will not violate any previous permit or conditions of approval or why any violated permit or conditions does not prevent approval under Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this federal law.
- h. Affirmation of Radio Frequency Standards Compliance. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, because it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination Of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power".
- i. Structural Analysis. A structural analysis, prepared, signed, and sealed by a California-licensed engineer that assesses whether the proposed wireless telecommunications facility complies with all applicable building codes.
- j. Noise Study. A noise study, prepared, signed, and sealed by a California-licensed engineer, for the proposed personal wireless telecommunication facility including, but not limited to, equipment, such as air conditioning units and back-up generators.; or a written statement signed and sealed by a California-licensed engineer indicating that the proposed modification(s) will not alter the existing noise levels or operational equipment which creates noise.-

- k. Other Permits. An application for a wireless facility minor modification permit shall include all permit applications with all required application materials for each and every separate permit required by the City for the proposed collocation or modification to an existing personal wireless telecommunications facility, including a building permit, an encroachment permit (if applicable), and an electrical permit (if applicable).
- l. Other Information. Such other information as the City may require, as specified in publically available materials, including information required as stated on the City's website.
4. Application Review, Notice, and Hearing. Each application for a wireless facility minor modification permit shall be reviewed by the director at a public hearing. Notice of the public hearing shall be provided in accord with Chapter 17.78, except that written notice shall be mailed to the record owner of each property within three hundred (300) feet of the site of the proposed modification. Under federal law, the City must approve or deny an application for a wireless facility minor modification permit, together with any other City permits required for a proposed wireless facility modification, within sixty (60) days after the applicant submits the application for a wireless facility minor modification permit, unless tolled due to issuance of any notice of incomplete filing or by mutual agreement between the city and the applicant. Under federal law, failure to act on a wireless facility minor modification permit application within the sixty (60) day review period, excluding tolling period, will result in the permit being deemed granted by operation of law.
5. Findings Required for Approval by Director at Public Hearing.
- a. 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 for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities;
 - (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 percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater;
 - (3) The proposed collocation or modification does not increase the width of the facility narrowest or as approved if constructed after February 22, 2012 by more than twenty (20) feet or the width of the tower at the level of the appurtenance, whichever is greater;
 - (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;
 - (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;
 - (6) The proposed collocation or modification does not defeat any existing concealment elements of the support structure; and
 - (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).
- b. The director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing base station 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 or not, that currently supports existing wireless transmission equipment;
 - (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 percent (10%) or ten (10) feet, whichever is greater;
 - (3) The proposed collocation or modification does not increase the width of the facility narrowest or as approved if constructed after February 22, 2012 by more than six (6) feet;
 - (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;
 - (5) The proposed collocation or modification does not involve any excavation outside the lease or license area of the facility, including any access and utility easements;
 - (6) The proposed collocation or modification does not defeat any existing concealment elements of the support structure; and
 - (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).
- c. The director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing wireless tower or base station in the public right of way only if each of the following findings can be made:
- (1) The applicant proposes a collocation or modification to either (i) a structure constructed and maintained with all necessary permits in good standing for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities or (ii) 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 or not, that currently supports existing wireless transmission equipment;
 - (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 percent (10%) or ten (10) feet, whichever is greater;
 - (3) The proposed collocation or modification does not increase the width of the facility narrowest or as approved if constructed after February 22, 2012 by more than six (6) feet;
 - (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;
 - (5) The proposed collocation or modification does not involve either (i) the installation of any new equipment cabinets on the ground, if none already exist, or (ii) the installation of ground equipment cabinets that are more than ten percent (10%) larger in height or overall volume than any existing ground cabinets;
 - (6) The proposed collocation or modification does not involve any excavation outside the area in proximity to the existing ground-mounted equipment in the public right of way;

- (7) The proposed collocation or modification does not defeat any existing concealment elements of the existing structure; and
- (8) 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).
6. Conditions of Approval for Wireless Facility Minor Modification Permits. In addition to any other conditions of approval permitted under federal and state law and this Code that the director deems appropriate or required under this Code, all wireless facility minor modification permits under this subsection, whether approved by the director or deemed granted by the operation of law, shall include the following conditions of approval:
- a. No automatic renewal. The grant or approval of a wireless facility minor modification permit shall not renew or extend the underlying permit term.
- b. 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).
- cb. As-built plans. 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.
- de. 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.
- ed. 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.
- fe. Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file with the Planning Division.
- gf. Violations. 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.
- hg. 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.

hi. 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 ~~town's~~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.

7. Wireless Facility Minor Modification Permit Denial Without Prejudice

a. Grounds for denial without prejudice. The Director may deny without prejudice an application for a wireless facility minor modification permit in any of the following circumstances:

- (1) The Director cannot make all findings required for approval of a wireless facility minor modification permit;
- (2) The proposed collocation or modification would cause the violation of an objective, generally applicable law protecting public health or safety;
- (3) the proposed collocation or modification involves the removal and replacement of the facility's entire supporting structure; or
- (4) the proposed collocation modification does not qualify for mandatory approval under Title 47, United States Code, section 1455, as may be amended or superseded, and as may be interpreted by any order of the Federal Communications Commission or any court of competent jurisdiction.

b. Procedures for denial without prejudice. All wireless facility minor modification permit application denials shall be in writing and shall include (i) the decision date; (ii) a statement that the City denies the permit without prejudice; (iii) a short and plain statement of the basis for the denial; and (iv) that the applicant may submit the same or substantially the same permit application in the future.

c. Submittal after denial without prejudice. After the director denies a wireless facility minor modification permit application, and subject to the generally applicable permit application submittal provisions in this chapter, an applicant shall be allowed to:

- (1) submit a new wireless facility minor modification permit application for the same or substantially the same proposed collocation or modification;
- (2) submit a new wireless facility permit application for the same or substantially the same proposed collocation or modification; or
- (3) submit an appeal of the Director's decision.

d. Costs to review a denied permit. The City shall be entitled to recover the reasonable costs for its review of any wireless facility minor modification permit application. In the event that the director denies a wireless facility minor modification permit application, the City shall return any unused deposit fees within sixty (60) days after a written request from the applicant. An applicant shall not be allowed to submit a wireless facility permit application or submit a wireless facility minor modification permit application for the same or substantially the same proposed modification unless all costs for the previously denied permit application are paid in full.

GF. Standards for Satellite Antennas. Satellite antennas, including portable units and dish antennas, shall be designed, installed and maintained in compliance with the regulations of the Federal Communications Commission. Satellite antennas with diameters larger than one meter in residential zones and two meters in nonresidential zones shall also comply with the following requirements provided these provisions do not conflict with applicable state and federal regulations.

1. Permit Requirement. Zoning clearance shall be required for satellite antennas with diameters of one meter or less; administrative plan review approval shall be required for antennas larger than one meter. A conditional use permit shall be required for antennas larger than one meter located within a designated scenic corridor.
2. Application—Plans. Plans for satellite antennas shall be submitted with applications for a building permit, and shall include a site plan and elevation drawings indicating the height, diameter, color, setbacks, foundation details, landscaping, and method of screening. The plans shall be subject to approval of the director.
3. Location. No satellite antenna shall be located within any required front-yard or street-side-yard setbacks in any zone. In addition, no portion of a satellite antenna shall extend beyond a property line.
4. Color. A satellite antenna and its supporting structure shall be painted a single, neutral, non-glossy color; such as an earth tone, gray, or black; and, to the extent possible, be compatible with the appearance and character of the surrounding neighborhood.
5. Wiring. All wiring shall be placed underground whenever possible.
6. Residential Zones. In any residential zone, satellite antennas shall be subject to the following standards:
 - a. Only ground-mounted satellite antennas shall be permitted. Ground-mounted antennas shall be located in the rear yard of any property to the extent technically possible;
 - b. Satellite antennas shall not exceed fifteen (15) feet in height;
 - c. Only one satellite antenna may be permitted on any single-family residential site;
 - d. Only one antenna shall be permitted per dwelling unit on any multiple family residential site;
 - e. A satellite antenna shall be separated from adjacent properties by at least a six-foot-high solid wall or fence or by trees or other plants of equal minimum height;
 - f. Any satellite antenna that is taller than an adjacent property-line fence shall be located away from the side or rear property line a distance equal to or greater than the height of the antenna;
 - g. The diameter of a satellite antenna shall not exceed two meters. This provision may be modified by the director if the applicant provides a sufficient technical study prepared by a qualified engineer demonstrating to the director's satisfaction that strict compliance would result in no satellite reception; and
 - h. A satellite antenna shall be used for private, noncommercial purposes only.
7. Nonresidential Zones. In any nonresidential zone, satellite antennas may be roof- or ground-mounted and shall be subject to the following standards:
 - a. If roof-mounted, satellite antennas shall be screened from ground view by a parapet or other screening approved by the city. The minimum height and design of a parapet, wall, or other screening shall be subject to the approval of the director;
 - b. If ground-mounted, satellite antennas shall not be located between a structure and an adjacent street and shall be screened from public view and neighboring properties;
 - c. The location and height of satellite antennas shall comply with all requirements of the underlying zone; and
 - d. If the subject site abuts a residential zone, all antennas shall be set back a minimum distance from the property line equal to the height of the antenna, unless screened from view.

| [GH](#). Standards for Amateur Radio Antennas. All amateur radio antennas shall be designed, constructed and maintained as follows:

1. The maximum height shall not exceed forty (40) feet, measured from finished grade;
2. Any boom or other active element or accessory structure shall not exceed twenty-five (25) feet in length;
3. Antennas may be roof- or ground-mounted; and
4. Antennas may not be located in any front-yard or side-yard setbacks;
5. These standards in this subsection ([HF](#)) are subject to modification or waiver by the director on a case-by-case basis where required for the city to comply with FCC PRB-1 and California Government Code Section 65850.3 and where such modification or waiver is based on sufficient technical information provided in writing by the applicant at the request of the city.

| [IH](#). Effects of Development on Antenna Reception. The city shall not be liable if development within the city after installation of an antenna impairs antenna reception, transmission, utility, or function to any degree.

| [IJ](#). Communications and Technology Commission as Planning Commission for Specified Purposes. For purposes of approvals required by this Section 17.12.050 and any other entitlement under this code required only because the application seeks to construct or operate a personal wireless telecommunication facility (including, but not limited to, a scenic corridor permit, a variance, or an oak tree permit), "commission" means the communications and technology commission created pursuant to Chapter 2.38 of this code, which is hereby constituted as a planning commission of the city for that purpose pursuant to Government Code Section 65100. As to any application that seeks approvals for both (i) new structures, or uses of existing structures or of land other than construction and operation of a personal wireless telecommunication facility and (ii) for the construction and operation of a personal wireless telecommunication facility, the communications and technology commission shall be the "commission" for purposes of approvals required only because the application seeks to construct and operate a personal wireless telecommunication facility. The planning commission created pursuant to Chapter 2.28 of this code shall be the "commission" for all other entitlements sought by the application. In addition, the communications and technology commission shall be the "commission" for purposes of review of proposed amendments to this Section 17.12.050

| [KJ](#). Private Enforcement. In addition to any other remedy available to the city under this code, at law or in equity, violations of this Section 17.12.050 may be remedied as follows:

1. The city attorney or city prosecutor may bring a civil action to enforce this section and to obtain the remedies specified below or otherwise available in equity or at law.
2. Any person acting for the interests of himself, herself, or itself, or of its members, or of the general public (hereinafter "a private enforcer") may bring a civil action to enforce this section with the remedies specified below, if both the following requirements are met:
 - a. The action is commenced more than sixty (60) days after the private enforcer gives written notice of an alleged violation of this section to the city attorney and to the alleged violator.
 - b. No person acting on behalf of the city has commenced or is prosecuting an action regarding the violation(s) which was or were the subject of the notice on the date the private action is filed.
3. A private enforcer shall provide a copy of his, her, or its action to the city attorney within seven days of filing it.
4. Upon settlement of or entry of judgment in an action brought pursuant to paragraph (7) of this subsection (I), the private enforcer shall give the city attorney a notice of that settlement or judgment. No private enforcer may settle such an action unless the city attorney or the court determines the settlement to be reasonable in light of the purposes of this section. Any

settlement in violation of this requirement shall be set aside upon motion of the city attorney or city prosecutor to a court of competent jurisdiction.

5. Upon proof of a violation of this section, the court shall award the following:
 - a. Appropriate injunctive relief and damages in the amount of either:
 - i. Upon proof, actual damages;
 - ii. With insufficient or no proof of damages, a minimum of five hundred dollars (\$500.00) for each violation of this section (hereinafter "statutory damages"). Unless otherwise specified in this section, each day of a continuing violation shall constitute a separate violation. Notwithstanding any other provision of this section, no private enforcer suing on behalf of the general public shall recover statutory damages based upon a violation of this section if a previous claim brought on behalf of the general public for statutory damages and based upon the same violation has been adjudicated, whether or not the private enforcer was a party to that earlier adjudication.
 - b. Restitution to the appropriate party or parties of gains obtained due to a violation of this section.
 - c. Exemplary damages, where it is proven by clear and convincing evidence that the defendant is guilty of oppression, fraud, malice, or a conscious disregard for public health and safety.
 - d. Attorney's fees and costs reasonably incurred by a successful party in prosecuting or defending an action.

Any damages awarded in an action brought by the city attorney or city prosecutor shall be paid into the city's general fund, unless the court determines that they should be paid to a damaged third party.

6. Upon proof of at least one violation of this section, a private enforcer, the city prosecutor, city attorney, any peace officer or code enforcement official may obtain an injunction against further violations of this section or, as to small claims court actions, a judgment payable on condition that a further violation of this section occur within a time specified by the court.
7. Notwithstanding any legal or equitable bar, a private enforcer may bring an action to enforce this section solely on behalf of the general public. When a private enforcer does so, nothing about such an action shall act to preclude or bar the private enforcer from bringing a subsequent action on his, her, or its own behalf based upon the same facts.
8. Nothing in this section shall prohibit a private enforcer from bringing an action to enforce this section in small claims court, provided the relief sought is within the jurisdiction of that court.

LK. Additional Notice to Neighbors. After an application to allow the installation of a wireless facility subject to the approval of a wireless facility permit pursuant to subsections (C), (D) and (E) of this section is complete, the city shall endeavor to provide property owners at least thirty (30) days' prior notice of the initial public hearing on the matter as follows:

1. Written notice shall be mailed to the record owner of each property within one thousand five hundred (1,500) feet of the proposed site.
2. Telephone notice via the city's reverse 911 service shall be given to owners or occupants of properties within one thousand five hundred (1,500) feet of the proposed site.

A public hearing may be set on less than thirty (30) days' notice if necessary to comply with applicable law, including but not limited the Federal Communications Commission Declaratory Ruling 09-99, WT docket number 08-165, released November 18, 2009 (the "Shot Clock" ruling) and Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this section, adopted on December 17, 2014 and codified at 47 C.F.R. §§ 1.40001, et seq. as ~~they~~ now exists or may hereafter be amended.

Failure of the city to provide notice pursuant to this subsection (LK) shall not be grounds to challenge a determination provided that the notice otherwise required by law has been provided.

ML. Definitions. In addition to the definitions provided in Chapter 17.90 of this title and in Chapter 1.08 of Title 1 of this Code, this Section 17.12.050 shall be construed in light of the following definitions:

"Accessory equipment" means any equipment installed, mounted, operated or maintained in close proximity to a personal wireless telecommunication facility to provide power to the personal wireless telecommunication facility or to receive, transmit or store signals or information received by or sent from a personal wireless telecommunication facility.

"Antenna structure" means any antenna, any structure designed specifically to support an antenna and/or any appurtenances mounted on such a structure or antenna.

"Applicable law" means all applicable federal, state and local law, ordinances, codes, rules, regulations and orders, as the same may be amended from time to time.

"Applicant" includes any person or entity submitting an application to install a personal wireless telecommunication facility under this section and the persons within the scope of the term "applicant" as defined by Section 17.90.020 of this code.

"Base station" means the equipment and non-tower supporting structure at a fixed location that enables Federal Communications Commission licensed or authorized wireless telecommunications between user equipment and a communications network.

"City" means the City of Calabasas and is further defined in Section 1.08.020 of this code.

"Collocation" means the mounting or installation of additional wireless transmission equipment at an existing wireless facility.

"Commission" has the meaning set forth in paragraph (l) of this section.

"dBA" is defined in Chapter 17.90 of this title.

"Director" means the City of Calabasas Community Development Director or his or her designee.

"FCC" means the Federal Communications Commission or any successor to that agency.

"In-kind call testing" means testing designed to measure the gap in coverage asserted by an applicant. If a claimed gap is for in-building coverage, then in-building call testing must be performed to establish the existence or absence of such a gap unless the applicant provides a sworn affidavit demonstrating good faith but unsuccessful attempts to secure access to buildings to conduct such testing and the circumstances that prevented the applicant from conducting such testing. Claimed gaps in service for "in-vehicle" or "open-air" service may be demonstrated by call testing performed in vehicles or in the open.

"Least intrusive means" means that the location or design of a personal wireless telecommunication facility addresses a significant gap in an applicant's personal communication service while doing the least disservice to the policy objectives of this chapter as stated in Section 17.12.050(A). Analysis of whether a proposal constitutes the least intrusive means shall include consideration of means to close an asserted significant gap by co-locating a new personal wireless telecommunication facility on the site, pole, tower, or other structure of an existing personal wireless telecommunication facility.

"Monopole" means a structure composed of a single spire, pole, or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm, and similar monopoles camouflaged to resemble faux objects attached on a monopole.

"MPE" means maximum permissible exposure.

"Non-tower supporting structure" means any structure, whether built for wireless communications purposes or not, that supports wireless transmission equipment under a valid permit at the time an applicant submits an application for a permit under this Code and which is not a wireless tower.

"OET" or "FCC OET" means the Office of Engineering & Technology- of the Federal Communications Commission.

"Open space" includes (1) land which is zoned OS, OS-DR, or REC, (2) land in residential zones upon which structures may not be developed by virtue of a restriction on title, (3) all common areas, private parks, slope easements, and (4) any other area owned by a homeowners association or similar entity.

"Park" and "playground" shall have their ordinary, dictionary meanings.

"Personal communication service" means commercial mobile services provided under a license issued by the FCC.

"Personal wireless telecommunication facility," "wireless telecommunication facility," or "wireless facility" means a structure, antenna, pole, tower, equipment, accessory equipment and related improvements used, or designed to be used, to provide wireless transmission of voice, data, images or other information, including but not limited to cellular phone service, personal communication service and paging service.

"Private enforcer" has the meaning provided in subsection (JK)(2) of this Section 17.12.050.

"Residential zone" means a zone created by Chapter 17.13 of this title.

"RF" means radio frequency.

"Significant gap" as applied to an applicant's personal communication service or the coverage of its personal wireless telecommunication facilities is intended to be defined in this chapter consistently with the use of that term in the Telecommunications Act of 1996 and case law construing that statute. Provided that neither the Act nor case law construing it requires otherwise, the following guidelines shall be used to identify such a significant gap:

1. A significant gap may be demonstrated by in-kind call testing.
2. The commission shall accept evidence of call testing by the applicant and any other interested person and shall not give greater weight to such evidence based on the identity of the person who provides it but shall consider (i) the number of calls conducted in the call test, (ii) whether the calls were taken on multiple days, at various times, and under differing weather and vehicular traffic conditions, and (iii) whether calls could be successfully initiated, received and maintained in the area within which a significant gap is claimed.
3. A significant gap may be measured by:
 - a. The number of people affected by the asserted gap in service;
 - b. Whether a wireless communication facility is needed to merely improve weak signals or to fill a complete void in coverage;
 - c. Whether the asserted gap affects Highway 101, a state highway, or an arterial street which carries significant amounts of traffic.

"Stealth facility" means any personal wireless telecommunication facility which is designed to substantially blend into the surrounding environment by, among other things, architecturally integrating into a structure or otherwise using design elements to conceal antennas, antenna supports, poles, equipment, cabinets, equipment housing and enclosure; and related above-ground accessory equipment.

"Transmission equipment" or "wireless transmission equipment" means any equipment that facilitates transmission for any Federal Communications Commission licensed or authorized wireless communication service, including but not limited to, radio transceivers, antennas and other equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supplies.

"Wireless" means any Federal Communications Commission licensed or authorized wireless telecommunications service.

"Wireless Tower" or "Telecommunications tower" mean any structure, including a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure, designed and constructed for the primary purpose of primarily used to supporting any Federal Communications

Commission licensed or authorized wireless telecommunications facility antennas and their associated facilities.

"Wireless facility minor modification permit" means a permit issued under this chapter authorizing the modification of an existing personal wireless telecommunications facility. The procedures for the application for, approval of, and revocation of such a permit shall be those required by this title, including but not limited to Section 17.12.050(F).

"Wireless facility permit" means a permit issued under this chapter authorizing the installation, operation and maintenance of a personal wireless telecommunications facility. Except as otherwise provided by this chapter, the procedures for the application for, approval of, and revocation of such a permit shall be those required by this title (including, but not limited to, those of Section 17.62.060) for a conditional use permit.

(Ord. No. 2010-265, § 3, 1-27-2010; Ord. No. 2011-289, § 1, 11-9-2011; Ord. No. 2012-295, § 2(Exh. A), 6-27-2012; Ord. No. 2012-302, § 1, 8-22-2012; Ord. No. 2014-314, §§ 3—5, 4-23-2014)

DRAFT ORDINANCE NO. 2015-323

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA AMENDING CALABASAS MUNICIPAL CODE, SECTION 17.12.050 RELATED TO ANTENNAS/PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES TO ADD PROVISIONS CREATING A SEPARATE APPLICATION AND APPROVAL PROCESS FOR WIRELESS FACILITY PERMIT APPLICATIONS COVERED UNDER SECTION 6409(A) OF THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012, 47 U.S.C. SECTION 1455(A).

WHEREAS, the City Council of the City of Calabasas, California (the "City Council") has considered all of the evidence including, but not limited to, the Communications and Technology Commission Resolution, Planning Division staff reports and attachments, and public testimony before making a final decision; and

WHEREAS, Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (Pub.L No. 112-96, 126 Stat. 156, codified at 47 U.S.C. § 1455) provides that the City "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." (47 U.S.C. § 1455, subd. (a)(1)); and

WHEREAS, on December 17, 2014, the Federal Communications Commission adopted regulations implementing Section 6409, codified at 47 C.F.R. §§ 1.40001, et seq.; and

WHEREAS, in order to comply with Section 6409 and the Federal Communications Commission's implementing regulations, the City Council intends to adopt this Land Use and Development Code amendment; and

WHEREAS, the City Council finds that this Land Use and Development Code Amendment is consistent with the goals, policies, and actions of the General Plan and will not conflict with the General Plan; and

WHEREAS, this Land Use and Development Code Amendment implements the General Plan's visions and desire for the community, is adopted in the public's interest, and is otherwise consistent with federal and state law; and

WHEREAS, the City Council finds that this Land Use and Development Code Amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

WHEREAS, the proposed actions are in compliance with the provisions of the California Environmental Quality Act (CEQA) because this project is categorically exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines and because the proposed action is not a project under Section 15378(b)(5) of the CEQA Guidelines. A Notice of Exemption is prepared and will be filed in accordance with the CEQA guidelines; and

WHEREAS, the City Council has considered the entirety of the record, which includes without limitation, The Calabasas General Plan; all reports, testimony, and transcripts from the Communications and Technology Commission's February 17, 2015 meeting; and reports, and testimony at the City Council's March 11, 2015 meeting.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS DOES ORDAIN AS FOLLOWS:

SECTION 1. Based upon the foregoing the City Council finds:

1. Notice of the March 11, 2015 City Council public hearing was posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Agoura Hills/Calabasas Community Center, Gelson's Market and at Calabasas City Hall.
2. Notice of the March 11, 2015 City Council public hearing was posted in the *Acorn* ten (10) days prior to the hearings.
3. Notice of the March 11, 2015 City Council public hearing included the information set forth in Government Code Section 65009, subdivision (b)(2).
5. Following a public hearing held on February 17, 2015, the Communications and Technology Commission adopted Resolution No. 2015-035 recommending to the City Council approval of File No. 150000009.

SECTION 2. In view of all the evidence and based on the foregoing findings, the City Council concludes as follows:

Section 17.76.050(B) and Section 17.12.050(I) of the Calabasas Municipal Code allow the Communications and Technology Commission to recommend and the City Council to approve a Development Code change relating to wireless communication facilities provided that the following findings are made:

1. *The proposed amendment is consistent with the goals, policies, and actions of the General Plan;*

The proposed amendment meets this finding because it maintains and strengthens the policies of the General Plan, including those in the Services, Infrastructure & Technology Element that are intended to encourage the development and maintenance of fast and secure communications networks in order to allow residents to take advantage of the benefits of personal wireless services. Specifically, the proposed amendment will encourage access to fast and secure broadband networks, as called for by Policy XII-35, by ensuring that the City's wireless facility ordinance complies with applicable federal law. The Federal Communications Commission recently adopted regulations implementing Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (Pub.L No. 112-96, 126 Stat. 156, codified at 47 U.S.C. § 1455) which provides that the City "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." (47 U.S.C. § 1455, subd. (a)(1); 47 C.F.R. §§ 1.40001, et seq.) The proposed amendment complies with this federal law, which requires a streamlined review process for, and limits the City's power to deny, certain proposed modifications of existing wireless telecommunication facilities, while preserving to the maximum extent possible the City's procedural and substantive requirements for modifications to existing wireless telecommunication facilities.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the city;*

The proposed amendment is not detrimental to the public interest, health, safety, convenience, or welfare of the City as the proposed amendment does not modify either the radio frequency emissions standards applicable to personal wireless telecommunications facilities, which are set by the Federal Communications Commission, or the health and safety requirements of Title 15 of the Calabasas Municipal Code. The proposed amendment complies with federal law by creating a streamlined review process and specifying required findings for approval of certain federally protected proposed modifications to existing wireless telecommunications facilities. The proposed amendment does not change any health or safety standard and does not permit approval of any modifications to existing wireless telecommunications facilities that violate the health and safety requirements of Title 15 of the Calabasas Municipal Code or any other applicable law.

3. *The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).*

The Council finds that the proposed amendment is exempt from CEQA review

because there is no possibility that this amendment, which does not directly authorize any new construction or development, may have a significant effect upon the environment. Under CEQA Guidelines Section 15061(b)(3), a project is exempt when there is no possibility that it may have a significant effect on the environment. The proposed amendment does not authorize any new construction or development; rather it modifies the City's existing standards for reviewing and approval proposed modifications to wireless telecommunications facilities to comply with federal law. Further, every proposed wireless communication facility governed by the proposed amendment will receive individualized CEQA review unless otherwise exempt under CEQA, including applications deemed approved under federal law and thus not a project under CEQA because a deemed approved application does not involve a discretionary decision. Accordingly, the Council finds that the proposed amendment is exempt from CEQA under Guidelines Section 15061(b)(3) because there is no possibility that that it will have a significant effect on the environment.

Additionally, the Council finds that the proposed amendment, adopting provisions necessary to comply with Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (Pub.L No. 112-96, 126 Stat. 156, codified at 47 U.S.C. § 1455), does not qualify as a "project" under CEQA Guidelines Section 15378(b)(5). Section 6409(a) requires that State and local governments "may not deny, and shall approve" any "eligible facilities request" for collocation or modification of wireless transmission equipment so long as it does not "substantially change the physical dimensions of the existing wireless tower or base station." Under CEQA Guidelines Section 15378(b)(5), a "project" does not include "administrative activities of governments that will not result in direct or indirect physical changes in the environment." The proposed amendment is an administrative activity because it creates an administrative process to determine whether federal law mandates that the City approve an application for a modification to an existing wireless telecommunications facility. The proposed amendment will not "result in direct or indirect physical changes in the environment" because federal regulations deem all applications for the modification of existing wireless towers and base stations granted so long as such modification does not substantially change the physical dimensions of the wireless tower or base station. Any physical changes in the environment will therefore occur whether the City adopts the regulations or not. Accordingly, the Council finds that the regulations related to Section 6409(a) in the proposed amendment do not qualify as a "project" under CEQA Guidelines Section 15378(b)(5) because it constitutes administrative activities of government that do not directly or indirectly result in any physical changes in the environment. A Notice of Exemption has been prepared.

4. *The proposed amendment is internally consistent with other applicable provisions of this development code.*

The proposed amendment complies with federal law by creating a streamlined review process and specifying required findings for approval of certain federally protected proposed modifications to existing wireless telecommunications facilities. The proposed amendment also clarifies which proposed modifications to existing wireless telecommunications facilities must be approved by a wireless facility permit and which must be approved by the new, streamlined wireless facility minor modification permit. The new requirements for certain federally protected proposed modifications to existing wireless telecommunication facilities fit within the context of the wireless facility ordinance and do not conflict with any other provision of the Development Code, therefore, the proposed amendment meets this finding.

SECTION 3. Code Amendment. Calabasas Municipal Code Section 17.12.050, subsection (B)(4) is hereby amended to read as follows (pg. __ on Exhibit A). Additions are denoted by underlined text and deletions are denoted by ~~struck-through text~~.

4. All facilities for which applications have been previously approved, but are now or hereafter: ~~(a) expanded or (b) modified by the installation of additional antennas, larger antennas or more powerful antennas, or (c) when one or more new bands of service are activated shall comply with this section~~ modified.

SECTION 4. Code Amendment. Calabasas Municipal Code Section 17.12.050, subsection (C)(1) is hereby amended to read as follows (pg. __ on Exhibit A):

1. Permit Requirements. No new personal wireless telecommunication facility shall be ~~(a) installed, (b) expanded, (c) modified by the installation of additional antennas, larger antennas or more powerful antennas, or (d) when one or more new bands of service are activated,~~ until the applicant or operator has obtained: (i) a wireless facility permit, (ii) an encroachment permit from the public works department (if applicable), and (iii) any other permit required by applicable provisions of this code including a building permit, an electrical permit, or an oak tree permit. All modifications to an existing personal wireless telecommunications facility that do not meet the findings of approval required for a wireless facility minor modification permit as specified in Section 17.12.050(F) shall be subject to the approval of (i) a wireless facility permit, in addition to (ii) an encroachment permit from the public works department (if applicable), and (iii) any other permit required by applicable provisions of this code including a building permit, an electrical permit, or an oak tree permit. Applications for wireless facility permits ~~new facilities and substantial~~

~~modifications to existing facilities~~ shall be first reviewed by the development review committee. All applications for wireless facility permits will be scheduled for a public hearing before the commission in accordance with Section 17.12.050(LK) and Chapter 17.78 of this code. The commission shall determine if a proposed project for which a wireless facility permit is required is the least intrusive means to close a significant gap in the applicant's service coverage. All modifications to an existing personal wireless facility that meet the conditions of approval required for a wireless facility minor modification permit as specified in Section 17.12.050(F) shall be subject to the approval of (i) a wireless facility minor modification permit, in addition to (ii) an encroachment permit from the public works department (if applicable), and (iii) any other permit required by applicable provisions of this code including a building permit, an electrical permit, or an oak tree permit.

SECTION 5. Code Amendment. Calabasas Municipal Code Section 17.12.050, subsection (C)(2) is hereby amended to read as follows (pg. __ on Exhibit A):

2. Wireless Facility Permit Application Content. Applications for the approval of wireless facility permits for personal wireless telecommunication facilities shall include, but are not necessarily limited to, an application fee and the following information, in addition to all other information required by the city for a wireless facility permit application pursuant to Chapter 17.60 of this title:

SECTION 6. Code Amendment. Calabasas Municipal Code Section 17.12.050, subsection (C)(2)(c) is hereby added to read as follows (pg. __ on Exhibit A):

- c. For new facilities, the plans shall include (in plan view and elevations) a scaled depiction of the maximum permitted increase as authorized by Section 6409(a) of the 2012 Middle Class Tax Relief Act, using the proposed project as a baseline; and

SECTION 7. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (C)(2)(c) is hereby renumbered to be Section 17.12.050, subsection (C)(2)(d) (pg. __ on Exhibit A).

SECTION 8. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (C)(2)(d) is hereby renumbered to be Section 17.12.050, subsection (C)(2)(e) (pg. __ on Exhibit A).

SECTION 9. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (C)(2)(e) is hereby renumbered to be Section 17.12.050, subsection (C)(2)(f) (pg. __ on Exhibit A).

SECTION 10. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (C)(2)(f) is hereby renumbered to be Section 17.12.050, subsection (C)(2)(g) (pg. __ on Exhibit A).

SECTION 11. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (C)(2)(g) is hereby renumbered to be Section 17.12.050, subsection (C)(2)(h) (pg. __ on Exhibit A).

SECTION 12. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (C)(2)(h) is hereby renumbered to be Section 17.12.050, subsection (C)(2)(i) (pg. __ on Exhibit A).

SECTION 13. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (C)(2)(i) is hereby renumbered to be Section 17.12.050, subsection (C)(2)(j) (pg. __ on Exhibit A).

SECTION 14. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (C)(2)(j) is hereby renumbered to be Section 17.12.050, subsection (C)(2)(k) (pg. __ on Exhibit A).

SECTION 15. Code Amendment. Calabasas Municipal Code Section 17.12.050, subsection (C)(3) is hereby amended to read as follows (pg. __ on Exhibit A):

3. Wireless Facility Permit Preferred Zones and Locations. When doing so would not conflict with one of the standards set forth in this subsection (C) or with federal law, personal wireless telecommunication facilities subject to the approval of a wireless facility permit shall be located in the most appropriate location as described in this subsection (3), which range from the most appropriate to the least appropriate. Nothing in this section shall detract from the requirements of Section 17.12.050(C)(4)(a) below.

- i. Collocation on an existing facility in a commercial zone;
- ii. Collocation on an existing structure or utility pole in a commercial zone;
- iii. Location on a new structure in a commercial zone;
- iv. Collocation on an existing facility in a public facility or recreation zone;
- v. Location on an existing structure or utility pole in a public facility or recreation zone;
- vi. Location on a new structure in a public facility or recreation zone;

No new facility may be placed in a less appropriate area unless the applicant demonstrates to the satisfaction of the commission that no more appropriate location can feasibly serve the area the facility is intended to serve provided, however, that the commission may authorize a facility to be established in a less appropriate location if doing so is necessary to prevent substantial aesthetic impacts.

SECTION 16. Code Amendment. Calabasas Municipal Code Section 17.12.050,. subsection (C)(4)(a) is hereby amended to read as follows (pg. __ on Exhibit A):

- a. All new personal wireless telecommunication facilities shall be set back at least one thousand (1,000) feet from schools, dwelling units and parks, as measured from the closest point of the personal wireless telecommunication facility (including accessory equipment) to the applicable property line, unless an applicant establishes that a lesser setback is necessary to close a significant gap in the applicant's personal communication service, and the proposed personal wireless telecommunication facility is the least intrusive means to do so. An applicant who seeks to increase the height of an existing personal wireless telecommunication facility, or of its antennas, located less than one thousand (1,000) feet from a school, dwelling unit or park and who is subject to the approval of a wireless facility permit for the proposed height increase must establish that such increase is necessary to close a significant gap in the applicant's personal communication service, and the proposed increase is the least intrusive means to do so.

SECTION 17. Code Amendment. Calabasas Municipal Code Section 17.12.050,. subsection (C)(4)(f) is hereby amended to read as follows (pg. __ on Exhibit A):

- f. If the majority of radio frequency coverage from the proposed facility is outside the city limits, the applicant must, in addition to the other requirements of this section, prove that the applicant is unable to locate the proposed new facility within the locale or locales that will receive the majority of the coverage from the proposed personal wireless telecommunications facility, and that no other feasible location for the facility exists outside of the city limits. That an applicant for a wireless facility permit in the city has been denied a wireless facility, antenna, or wireless coverage in another jurisdiction shall not be considered evidence or proof that the applicant is unable to locate in another jurisdiction.

SECTION 18. Code Amendment. Calabasas Municipal Code Section 17.12.050,. subsection (C)(5) is hereby amended to read as follows (pg. __ on Exhibit A):

5. Independent Expert Review. The city shall retain ~~an~~ one or more independent, qualified consultants to review any application for a wireless facility permit for a ~~new~~ new personal wireless telecommunication facility or for a wireless facility minor modification permit ~~or modification to an existing personal wireless telecommunication facility~~. The review is intended to be a review of technical aspects of the proposed wireless telecommunication facility or modification of an existing wireless telecommunication facility and shall address any or all of the following, as applicable:

- a. For wireless facility permits, whether the proposed wireless telecommunication facility is necessary to close a significant gap in coverage and is the least intrusive means of doing so;
- b. The accuracy and completeness of submissions;
- c. For wireless facility permits, technical demonstration of the unavailability of alternative sites or configurations and/or coverage analysis;
- d. The applicability of analysis techniques and methodologies;
- e. For wireless facility permits, the viability of alternative sites and alternative designs; and
- f. For wireless facility permits, an analysis of the potential expansion that would be considered an eligible facility request under Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012; and
- g. Any other specific technical issues designated by the city.

The cost of the review shall be paid by the applicant through a deposit estimated to cover the cost of the independent review, as established by the director or City Council.

SECTION 19. Code Amendment. Calabasas Municipal Code Section 17.12.050,, subsection (C)(6) is hereby amended to read as follows (pg. __ on Exhibit A):

- 6. Conditions of Approval. All facilities subject to a wireless facility permit or wireless facility minor modification permit approved under this section shall be subject to the following conditions, as applicable:

SECTION 20. Code Amendment. Calabasas Municipal Code Section 17.12.050,, subsection (C)(6)(e) is hereby amended to read as follows (pg. __ on Exhibit A):

- e. The owner or operator of any personal wireless telecommunication facility approved by a wireless facility permit under this subsection C of this Section 17.12.050 shall cooperate with the director to: (1) verify that the facility design conforms with relevant building and safety requirements; and (2) verify that the facility complies with the requirements of Section 17.12.050 of the Calabasas Municipal Code.

SECTION 21. Code Amendment. Calabasas Municipal Code Section 17.12.050,, subsection (C)(6)(i) is hereby amended to read as follows (pg. __ on Exhibit A):

- i. A personal wireless telecommunication facility approved by a wireless facility permit may operate only until the tenth anniversary of the date it is first placed into service, unless that sunset date is extended by additional term(s) not to exceed ten (10) years pursuant to a wireless facility permit issued under this Section 17.12.050. There is no limit to the number of times the sunset date for a facility may be extended.

SECTION 22. Code Amendment. Calabasas Municipal Code Section 17.12.050,. subsection (C)(7) is hereby amended to read as follows (pg. __ on Exhibit A):

7. Wireless Facility Permit Findings. In addition to the findings required in Section 17.62.060 of this code, no wireless facility permit for a proposed personal wireless telecommunication facility may be approved unless the commission or council finds as follows:

SECTION 23. Code Amendment. Calabasas Municipal Code Section 17.12.050,. subsection (D) is hereby amended to read as follows (pg. __ on Exhibit A):

- D. Standards for Personal Wireless Telecommunication Facilities Not Located Within a Public Right-of-Way. In addition to the requirements in section (C) above, all personal wireless telecommunication facilities subject to the approval of a wireless facility permit and not located within a public right-of-way shall comply with the following requirements.

SECTION 24. Code Amendment. Calabasas Municipal Code Section 17.12.050,. subsection (D)(3) is hereby amended to read as follows (pg. __ on Exhibit A):

3. City Council Approval Required. Notwithstanding Section 17.12.050(D)(1)(c), personal wireless telecommunication facilities subject to the approval of a wireless facility permit may be permitted in a prohibited location only if the applicant obtains a wireless facility permit from the city council following a public hearing and recommendation from the communication and technology commission, and provides technically sufficient and conclusive proof that the proposed location is necessary for provision of wireless services to substantial areas of the city, that it is necessary to close a significant gap in the operator's coverage and that there are no less intrusive alternative means to close that significant gap.

SECTION 25. Code Amendment. Calabasas Municipal Code Section 17.12.050,. subsection (E) is hereby amended to read as follows (pg. __ on Exhibit A):

- E. Standards for Personal Wireless Telecommunication Facilities Located Within Public Rights-of-Way. In addition to the requirements in section (C) above, all personal wireless telecommunication facilities subject to the approval of a wireless facility permit and located within public rights-of-way shall comply with the following requirements to the fullest extent permitted by state and federal law:

SECTION 26. Code Amendment. Calabasas Municipal Code Section 17.12.050,. subsection (E)(4) is hereby amended to read as follows (pg. __ on Exhibit A):

4. Findings. In addition to the findings required in subsection (C)(7) above, no proposed personal wireless telecommunication facility subject to the approval of a wireless facility permit within a public right-of way may be approved unless the following findings are made:

SECTION 27. Code Amendment. Calabasas Municipal Code Section 17.12.050,, subsection (E)(5)(a) is hereby amended to read as follows (pg. __ on Exhibit A):

- a. Any approved wireless communication facility within a public right-of-way shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the public works director to: (i) protect the public health, safety, and welfare; (ii) prevent interference with pedestrian and vehicular traffic; or (iii) prevent damage to a public right-of-way or any property adjacent to it. Before the director of public works imposes conditions, changes, or limitations pursuant to this paragraph~~(f)~~, he or she shall notify the applicant or operator, in writing, by mail to the address set forth in the application or such other address as may be on file with the city. Such change, new limitation or condition shall be effective twenty-four (24) hours after deposit of the notice in the United States mail.

SECTION 28. Code Amendment. Calabasas Municipal Code Section 17.12.050,, subsection (E)(5)(b) is hereby amended to read as follows (pg. __ on Exhibit A):

- b. The applicant or operator of the personal wireless telecommunication facility shall not move, alter, temporarily relocate, change, or interfere with any existing public facility, structure or improvement without the prior written consent of the ~~owner of that facility~~ City, and the owner in the circumstance where the owner is not the City. No structure, improvement or facility owned by the city shall be moved to accommodate a personal wireless telecommunication facility unless: (i) the city determines, in its sole and absolute discretion, that such movement will not adversely affect the city or surrounding residents or businesses, and (ii) the applicant or operator pays all costs and expenses related to the relocation of the city's facilities. Every applicant or operator of any personal wireless telecommunication facility shall assume full liability for damage or injury caused to any property or person by his, her, or its facility. Before commencement of any work pursuant to an encroachment permit issued for any personal wireless telecommunication facility within a public right-of-way, an applicant shall provide the city with documentation establishing to the city's satisfaction that the applicant has the legal right to use or interfere with any other facilities within the public right-of-way to be affected by applicant's facilities.

SECTION 29. Code Amendment. A new Calabasas Municipal Code Section 17.12.050. subsection (F) is hereby added to read as follows (pg. __ on Exhibit A):

F. Requirements for Personal Wireless Telecommunications Facilities Subject to a Wireless Facility Minor Modification Permit. This subsection governs applications for certain modifications to existing personal wireless telecommunications facilities, as specified.

1. Purpose. Subsection (F) is intended to comply with the City's obligations under federal law, which provides that the City "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." (47 U.S.C. § 1455, subd. (a)(1), adopted as Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, Pub.L No. 112-96, 126 Stat. 156.) This subsection creates a process for the City to review an application for a wireless facility minor modification permit submitted by an applicant who asserts that a proposed collocation or modification to an existing personal wireless telecommunications facility is covered by this federal law and to determine whether the City must approve the proposed collocation or modification. The City's review of these applications is structured to comply with the requirements of Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this federal law, adopted on December 17, 2014 and codified at 47 C.F.R. §§ 1.40001, et seq. Consistent with section 17.12.050(A)(6), this subsection is intended to promote the public's health, safety, and welfare, and shall be interpreted consistent with the federal Telecommunications Act of 1996 (Pub.L. No. 104-104, 110 Stat. 56), Title 47, United States Code, section 1455, and applicable Federal Communications Commission regulations and court decisions considering these laws and regulations.
2. Applicability. An applicant seeking approval of a collocation or modification to an existing personal wireless telecommunication facility which the applicant contends is within the protection of Title 47, United States Code, section 1455 shall apply for the following at the same time: (i) a wireless facility minor modification permit, in addition to (ii) an encroachment permit from the public works department (if the required by applicable provisions of this code), and (iii) any other permit required by applicable provisions of this code including a building permit, an electrical permit, or an oak tree permit. No collocation or modification to an existing personal wireless telecommunication facility shall be installed unless the applicant or operator has obtained either a wireless facility minor modification permit or a wireless facility permit.
3. Application Content. All applications for a wireless facility minor modification permit must include the following items.
 - a. Application Form. The City's standard application form, available on the City's website or from the Community Development Department, as may be amended.

- b. Application Fee. An application fee as established by the council by resolution under the authority of Section 17.60.040.
- c. Independent Consultant Deposit. An independent consultant fee deposit, if required by the council by resolution under the authority of Section 17.60.040, to reimburse the City for its costs to retain an independent consultant to review the technical aspects of the application.
- d. Site and Construction Plans. Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect, which include the following items.
 - (1) A site plan and elevation drawings for the facility as existing and as proposed with all height and width measurements explicitly stated.
 - (2) A depiction, with height and width measurements explicitly stated, of all existing and proposed transmission equipment.
 - (3) A depiction of all existing and proposed utility runs and points of contact.
 - (4) A depiction of the leased or licensed area of the site with all rights-of-way and easements for access and utilities labeled in plan view.
 - (5) For proposed collocations or modifications to wireless towers, the plans must include scaled plan views and all four elevations that depict the physical dimensions of the wireless tower as it existed on February 22, 2012 or as approved if constructed after February 22, 2012. For proposed collocations or modifications to base stations, the plans must include scaled plan views and all four elevations that depict the physical dimensions of the base station as it existed on February 22, 2012 or as approved if constructed after February 22, 2012.
 - (6) A demolition plan.
- e. Visual Simulations. A visual analysis that includes (1) scaled visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four angles, together with a map that shows the location of each view angle; (2) a color and finished material palate for proposed screening materials; and (3) a photograph of a completed facility of the same design and in roughly the same setting as the proposed wireless communication facility.
- f. Statement Asserting that Section 6409 Applies. A written statement asserting that the proposed collocation or modification is an "eligible facilities request" and does not result in a substantial change in the physical dimensions of the facility's wireless tower or base station, as defined by Section 6409, Title 47, United States Code, section 1455, and justifying that assertion. The written statement shall identify and discuss each required finding for approval of a wireless facility minor modification permit under Section 17.12.050(F)(5) and explain the facts that justify the request for the director to make each finding.

- g. Prior Permits. True and correct copies of all previously issued permits, including all required conditions of approval and a certification by the applicant that the proposal will not violate any previous permit or conditions of approval or why any violated permit or conditions does not prevent approval under Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this federal law.
 - h. Affirmation of Radio Frequency Standards Compliance. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, because it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination Of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power".
 - i. Structural Analysis. A structural analysis, prepared, signed, and sealed by a California-licensed engineer that assesses whether the proposed wireless telecommunications facility complies with all applicable building codes.
 - j. Noise Study. A noise study, prepared, signed, and sealed by a California-licensed engineer, for the proposed personal wireless telecommunication facility including, but not limited to, equipment, such as air conditioning units and back-up generators.; or a written statement signed and sealed by a California-licensed engineer indicating that the proposed modification(s) will not alter the existing noise levels or operational equipment which creates noise..
 - k. Other Permits. An application for a wireless facility minor modification permit shall include all permit applications with all required application materials for each and every separate permit required by the City for the proposed collocation or modification to an existing personal wireless telecommunications facility, including a building permit, an encroachment permit (if applicable), and an electrical permit (if applicable).
 - l. Other Information. Such other information as the City may require, as specified in publically available materials, including information required as stated on the City's website.
4. Application Review, Notice, and Hearing. Each application for a wireless facility minor modification permit shall be reviewed by the director at a public hearing. Notice of the public hearing shall be provided in accord with Chapter

17.78, except that written notice shall be mailed to the record owner of each property within three hundred (300) feet of the site of the proposed modification. Under federal law, the City must approve or deny an application for a wireless facility minor modification permit, together with any other City permits required for a proposed wireless facility modification, within sixty (60) days after the applicant submits the application for a wireless facility minor modification permit, unless tolled due to issuance of any notice of incomplete filing or by mutual agreement between the city and the applicant. Under federal law, failure to act on a wireless facility minor modification permit application within the sixty (60) day review period, excluding tolling period, will result in the permit being deemed granted by operation of law.

5. Findings Required for Approval by Director at Public Hearing.

a. 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 for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities;
- (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 percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater;
- (3) The proposed collocation or modification does not increase the width of the facility by more than twenty (20) feet or the width of the tower at the level of the appurtenance, whichever is greater;
- (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;
- (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;
- (6) The proposed collocation or modification does not defeat any existing concealment elements of the support structure; and
- (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).

- b. The director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing base station 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 or not, that currently supports existing wireless transmission equipment;
 - (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 percent (10%) or ten (10) feet, whichever is greater;
 - (3) The proposed collocation or modification does not increase the width of the facility by more than six (6) feet;
 - (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;
 - (5) The proposed collocation or modification does not involve any excavation outside the lease or license area of the facility, including any access and utility easements;
 - (6) The proposed collocation or modification does not defeat any existing concealment elements of the support structure; and
 - (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).
- c. The director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing wireless tower or base station in the public right of way only if each of the following findings can be made:
- (1) The applicant proposes a collocation or modification to either (i) a structure constructed and maintained with all necessary permits in good standing for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities or (ii) 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 or not, that currently supports existing wireless transmission equipment;
 - (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 percent (10%) or ten (10) feet, whichever is greater;

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

(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;

(5) The proposed collocation or modification does not involve either (i) the installation of any new equipment cabinets on the ground, if none already exist, or (ii) the installation of ground equipment cabinets that are more than ten percent (10%) larger in height or overall volume than any existing ground cabinets;

(6) The proposed collocation or modification does not involve any excavation outside the area in proximity to the existing ground-mounted equipment in the public right of way;

(7) The proposed collocation or modification does not defeat any existing concealment elements of the existing structure; and

(8) 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).

6. Conditions of Approval for Wireless Facility Minor Modification Permits. In addition to any other conditions of approval permitted under federal and state law and this Code that the director deems appropriate or required under this Code, all wireless facility minor modification permits under this subsection, whether approved by the director or deemed granted by the operation of law, shall include the following conditions of approval:

a. No automatic renewal. The grant or approval of a wireless facility minor modification permit shall not renew or extend the underlying permit term.

b. 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).

c. As-built plans. 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.

d. 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.
- e. 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.
 - f. Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file with the Planning Division.
 - g. Violations. 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.
 - h. 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.
 - i. 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.

7. Wireless Facility Minor Modification Permit Denial Without Prejudice
- a. Grounds for denial without prejudice. The Director may deny without prejudice an application for a wireless facility minor modification permit in any of the following circumstances:
- (1) The Director cannot make all findings required for approval of a wireless facility minor modification permit;
 - (2) The proposed collocation or modification would cause the violation of an objective, generally applicable law protecting public health or safety;
 - (3) the proposed collocation or modification involves the removal and replacement of the facility's entire supporting structure; or
 - (4) the proposed collocation modification does not qualify for mandatory approval under Title 47, United States Code, section 1455, as may be amended or superseded, and as may be interpreted by any order of the Federal Communications Commission or any court of competent jurisdiction.
- b. Procedures for denial without prejudice. All wireless facility minor modification permit application denials shall be in writing and shall include (i) the decision date; (ii) a statement that the City denies the permit without prejudice; (iii) a short and plain statement of the basis for the denial; and (iv) that the applicant may submit the same or substantially the same permit application in the future.
- c. Submittal after denial without prejudice. After the director denies a wireless facility minor modification permit application, and subject to the generally applicable permit application submittal provisions in this chapter, an applicant shall be allowed to:
- (1) submit a new wireless facility minor modification permit application for the same or substantially the same proposed collocation or modification;
 - (2) submit a new wireless facility permit application for the same or substantially the same proposed collocation or modification; or
 - (3) submit an appeal of the Director's decision.
- d. Costs to review a denied permit. The City shall be entitled to recover the reasonable costs for its review of any wireless facility minor modification permit application. In the event that the director denies a wireless facility minor modification permit application, the City shall return any unused deposit fees within sixty (60) days after a written request from the applicant. An applicant shall not be allowed to submit a wireless facility permit application or submit a wireless facility minor modification permit application for the same or substantially the same proposed modification unless all costs for the previously denied permit application are paid in full.

SECTION 30. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (F) is hereby renumbered to be Section 17.12.050, subsection (G) (pg. __ on Exhibit A).

SECTION 31. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (G) is hereby renumbered to be Section 17.12.050, subsection (H) (pg. __ on Exhibit A).

SECTION 32. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (H)(5) is hereby amended to read as follows (pg. __ on Exhibit A):

5. These standards in this subsection (~~H~~F) are subject to modification or waiver by the director on a case-by-case basis where required for the city to comply with FCC PRB-1 and California Government Code Section 65850.3 and where such modification or waiver is based on sufficient technical information provided in writing by the applicant at the request of the city.

SECTION 33. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (H) is hereby renumbered to be Section 17.12.050, subsection (I) (pg. __ on Exhibit A).

SECTION 34. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (I) is hereby renumbered to be Section 17.12.050, subsection (J) (pg. __ on Exhibit A).

SECTION 35. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (J) is hereby renumbered to be Section 17.12.050, subsection (K) (pg. __ on Exhibit A).

SECTION 36. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (K) is hereby renumbered to be Section 17.12.050, subsection (L) and amended to read as follows (pg. __ on Exhibit A):

- L. Additional Notice to Neighbors. After an application to allow the installation of a wireless facility subject to the approval of a wireless facility permit pursuant to subsections (C), (D) and (E) of this section is complete, the city shall endeavor to provide property owners at least thirty (30) days' prior notice of the initial public hearing on the matter as follows:
 1. Written notice shall be mailed to the record owner of each property within one thousand five hundred (1,500) feet of the proposed site.
 2. Telephone notice via the city's reverse 911 service shall be given to owners or occupants of properties within one thousand five hundred (1,500) feet of the proposed site.

A public hearing may be set on less than thirty (30) days' notice if necessary to comply with applicable law, including but not limited the Federal Communications Commission Declaratory Ruling 09-99, WT docket number 08-165, released November 18, 2009 (the "Shot Clock" ruling) and Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this section, adopted on December 17, 2014 and codified at 47 C.F.R. §§ 1.40001, et seq. as it~~they~~ now exists or may hereafter be amended.

Failure of the city to provide notice pursuant to this subsection (~~L~~K) shall not be grounds to challenge a determination provided that the notice otherwise required by law has been provided.

SECTION 37. Code Amendment. The existing Calabasas Municipal Code Section 17.12.050, subsection (L) is hereby renumbered to be Section 17.12.050, subsection (M) and amended to read as follows (pg. __ on Exhibit A):

~~M~~L.Definitions. In addition to the definitions provided in Chapter 17.90 of this title and in Chapter 1.08 of Title 1 of this Code, this Section 17.12.050 shall be construed in light of the following definitions:

"Accessory equipment" means any equipment installed, mounted, operated or maintained in close proximity to a personal wireless telecommunication facility to provide power to the personal wireless telecommunication facility or to receive, transmit or store signals or information received by or sent from a personal wireless telecommunication facility.

"Antenna structure" means any antenna, any structure designed specifically to support an antenna and/or any appurtenances mounted on such a structure or antenna.

"Applicable law" means all applicable federal, state and local law, ordinances, codes, rules, regulations and orders, as the same may be amended from time to time.

"Applicant" includes any person or entity submitting an application to install a personal wireless telecommunication facility under this section and the persons within the scope of the term "applicant" as defined by Section 17.90.020 of this code.

"Base station" means the equipment and non-tower supporting structure at a fixed location that enables Federal Communications Commission licensed or authorized wireless telecommunications between user equipment and a communications network.

"City" means the City of Calabasas and is further defined in Section 1.08.020 of this code.

"Collocation" means the mounting or installation of additional wireless transmission equipment at an existing wireless facility.

"Commission" has the meaning set forth in paragraph (I) of this section.

"dBA" is defined in Chapter 17.90 of this title.

"Director" means the City of Calabasas Community Development Director or his or her designee.

"FCC" means the Federal Communications Commission or any successor to that agency.

"In-kind call testing" means testing designed to measure the gap in coverage asserted by an applicant. If a claimed gap is for in-building coverage, then in-building call testing must be performed to establish the existence or absence of such a gap unless the applicant provides a sworn affidavit demonstrating good faith but unsuccessful attempts to secure access to buildings to conduct such testing and the circumstances that prevented the applicant from conducting such testing. Claimed gaps in service for "in-vehicle" or "open-air" service may be demonstrated by call testing performed in vehicles or in the open.

"Least intrusive means" means that the location or design of a personal wireless telecommunication facility addresses a significant gap in an applicant's personal communication service while doing the least disservice to the policy objectives of this chapter as stated in Section 17.12.050(A). Analysis of whether a proposal constitutes the least intrusive means shall include consideration of means to close an asserted significant gap by co-locating a new personal wireless telecommunication facility on the site, pole, tower, or other structure of an existing personal wireless telecommunication facility.

"Monopole" means a structure composed of a single spire, pole, or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm, and similar monopoles camouflaged to resemble faux objects attached on a monopole.

"MPE" means maximum permissible exposure.

"Non-tower supporting structure" means any structure, whether built for wireless communications purposes or not, that supports wireless transmission equipment under a valid permit at the time an applicant submits an application for a permit under this Code and which is not a wireless tower.

"OET" or "FCC OET" means the FCC's Office of Engineering & Technology of the Federal Communications Commission.

"Open space" includes (1) land which is zoned OS, OS-DR, or REC, (2) land in residential zones upon which structures may not be developed by virtue of a restriction on title, (3) all common areas, private parks, slope easements, and (4) any other area owned by a homeowners association or similar entity.

"Park" and "playground" shall have their ordinary, dictionary meanings.

"Personal communication service" means commercial mobile services provided under a license issued by the FCC.

"Personal wireless telecommunication facility," "wireless telecommunication facility," or "wireless facility" means a structure, antenna, pole, tower, equipment, accessory equipment and related improvements used, or designed to be used, to provide wireless transmission of voice, data, images or other information, including but not limited to cellular phone service, personal communication service and paging service.

"Private enforcer" has the meaning provided in subsection (JK)(2) of this Section 17.12.050.

"Residential zone" means a zone created by Chapter 17.13 of this title.

"RF" means radio frequency.

"Significant gap" as applied to an applicant's personal communication service or the coverage of its personal wireless telecommunication facilities is intended to be defined in this chapter consistently with the use of that term in the Telecommunications Act of 1996 and case law construing that statute. Provided that neither the Act nor case law construing it requires otherwise, the following guidelines shall be used to identify such a significant gap:

1. A significant gap may be demonstrated by in-kind call testing.
2. The commission shall accept evidence of call testing by the applicant and any other interested person and shall not give greater weight to such evidence based on the identity of the person who provides it but shall consider (i) the number of calls conducted in the call test, (ii) whether the calls were taken on multiple days, at various times, and under differing weather and vehicular traffic conditions, and (iii) whether calls could be successfully initiated, received and maintained in the area within which a significant gap is claimed.
3. A significant gap may be measured by:
 - a. The number of people affected by the asserted gap in service;
 - b. Whether a wireless communication facility is needed to merely improve weak signals or to fill a complete void in coverage;
 - c. Whether the asserted gap affects Highway 101, a state highway, or an arterial street which carries significant amounts of traffic.

"Stealth facility" means any personal wireless telecommunication facility which is designed to substantially blend into the surrounding environment by, among other things, architecturally integrating into a structure or otherwise using design elements to conceal antennas, antenna supports, poles, equipment, cabinets, equipment housing and enclosure; and related above-ground accessory equipment.

"Transmission equipment" or "wireless transmission equipment" means any equipment that facilitates transmission for any Federal Communications Commission licensed or authorized wireless communication service, including but not limited to, radio transceivers, antennas and other equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supplies.

"Wireless" means any Federal Communications Commission licensed or authorized wireless telecommunications service.

"Wireless Tower" or "Telecommunications tower" mean any structure, including a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure, designed and constructed for the primary purpose of primarily used to supporting any Federal Communications Commission licensed or authorized wireless telecommunications facility antennas and their associated facilities.

"Wireless facility minor modification permit" means a permit issued under this chapter authorizing the modification of an existing personal wireless telecommunications facility. The procedures for the application for, approval of, and revocation of such a permit shall be those required by this title, including but not limited to Section 17.12.050(F).

"Wireless facility permit" means a permit issued under this chapter authorizing the installation, operation and maintenance of a personal wireless telecommunications facility. Except as otherwise provided by this chapter, the procedures for the application for, approval of, and revocation of such a permit shall be those required by this title (including, but not limited to, those of Section 17.62.060) for a conditional use permit.

SECTION 38. Severability Clause:

Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION 39. Urgency Ordinance Repealed.

The urgency ordinance, Ordinance No. 2015-322-U, adopted on March 11, 2015 is repealed as of the effective date of this ordinance as stated in Section 27 below.

SECTION 40. Effective Date:

This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Calabasas ordinance.

SECTION 41. Certification:

The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED this ____ day of April, 2015.

Mayor

ATTEST:

Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

Scott H. Howard
City Attorney

Exhibit A: Land Use and Development Code (Changes only)

17.12.050 - Antennas/personal wireless telecommunication facilities.

- A. Purpose and Intent. The purpose of this section is to regulate the installation, operation and maintenance of personal wireless telecommunication facilities in the city. The city recognizes that the unrestricted installation of redundant personal wireless telecommunication facilities is contrary to the city's efforts to stabilize economic and social aspects of neighborhood environments, and to promote safety and aesthetic considerations, family environments and a basic residential character within the city.

In enacting this section, the city intends to:

1. Promote and protect the health, safety, comfort, convenience and general welfare of residents and business in accord with Section 17.01.020 of this title;
2. Protect the benefits derived by the city, its residents and the general public from access to personal wireless services while minimizing, to the greatest extent feasible, the redundancy of personal wireless telecommunication facilities in the city;
3. Balance these goals, by permitting the installation and operation of personal wireless telecommunication facilities where they are needed, while reducing, to the greatest extent feasible, adverse economic, safety and / or aesthetic impacts on nearby properties and the community as a whole; and
4. Comply with applicable law, including the 1996 Telecommunications Act.
5. In enacting this section, it is the intent of the city council that no additional rights or entitlements be conferred to construct or maintain personal wireless telecommunication facilities, other than those rights or entitlements existing under applicable state or federal law.
6. This section is intended to regulate all uses of wireless communications in the city, including uses by public utilities, to the extent of the city's power to regulate the use of land under federal and state law, but not to exceed the scope of the city's authority.

- B. Applicability. This section applies to all proposed antennas and modifications and related personal wireless telecommunication facilities, as follows:

1. All applications for approval of the installation of new personal wireless telecommunication facilities in the city.
2. All facilities for which applications were received by the department but not approved prior to the effective date of the ordinance codifying this section, shall comply with the regulations and guidelines of this section.
3. All facilities for which applications were approved by the city on or prior to the effective date of the ordinance codifying this section shall be exempt from this section, except for the requirements of subsection (C)(6)(c).
4. All facilities for which applications have been previously approved, but are now or hereafter: ~~(a) expanded or (b) modified by the installation of additional antennas, larger antennas or more powerful antennas, or (c) when one or more new bands of service are activated shall comply with this section modified.~~

- C. Standards for all personal wireless telecommunication facilities. All personal wireless telecommunication facilities shall comply with the following requirements:

1. Permit Requirements. No new personal wireless telecommunication facility shall be ~~(a) installed, (b) expanded, (c) modified by the installation of additional antennas, larger antennas or more powerful antennas, or (d) when one or more new bands of service are activated,~~ until the applicant or operator has obtained: (i) a wireless facility permit, (ii) an encroachment permit from the public works department (if applicable), and (iii) any other permit required by applicable provisions of this code including a building permit, an electrical permit, or an oak tree permit. All modifications to an existing personal wireless telecommunications facility that do not meet the

findings of approval required for a wireless facility minor modification permit as specified in Section 17.12.050(F) shall be subject to the approval of (i) a wireless facility permit, in addition to (ii) an encroachment permit from the public works department (if applicable), and (iii) any other permit required by applicable provisions of this code including a building permit, an electrical permit, or an oak tree permit. Applications for wireless facility permits ~~new facilities and substantial modifications to existing facilities~~ shall be first reviewed by the development review committee. All applications for wireless facility permits will be scheduled for a public hearing before the commission in accordance with Section 17.12.050(~~L~~K) and Chapter 17.78 of this code. The commission shall determine if a proposed project for which a wireless facility permit is required is the least intrusive means to close a significant gap in the applicant's service coverage. All modifications to an existing personal wireless facility that meet the conditions of approval required for a wireless facility minor modification permit as specified in Section 17.12.050(F) shall be subject to the approval of (i) a wireless facility minor modification permit, in addition to (ii) an encroachment permit from the public works department (if applicable), and (iii) any other permit required by applicable provisions of this code including a building permit, an electrical permit, or an oak tree permit.

2. Wireless Facility Permit Application Content. Applications for the approval of wireless facility permits for personal wireless telecommunication facilities shall include, but are not necessarily limited to, an application fee and the following information, in addition to all other information required by the city for a wireless facility permit application pursuant to Chapter 17.60 of this title:
 - a. Written documentation demonstrating a good faith effort to locate the proposed facility in the least intrusive location in accordance with the location requirements of Section 17.12.050(C)(3); and
 - b. Scaled visual simulations showing the proposed facility superimposed on photographs of the site and surroundings, to assist the commission in assessing the visual impacts of the proposed facility and its compliance with the provisions of this section; and
 - c. For new facilities, the plans shall include (in plan view and elevations) a scaled depiction of the maximum permitted increase as authorized by Section 6409(a) of the 2012 Middle Class Tax Relief Act, using the proposed project as a baseline; and
 - d. A master plan which identifies the location of the proposed facility in relation to all existing and potential facilities maintained by the operator intended to serve the city. The master plan shall reflect all potential locations that are reasonably anticipated for construction within two years of submittal of the application. Applicants may not file, and the city shall not accept, applications that are not consistent with the master plan for a period of two years from approval of a wireless facility permit unless: (i) the applicant demonstrates materially changed conditions which could not have been reasonably anticipated to justify the need for a personal wireless telecommunication facility site not shown on a master plan submitted to the city within the prior two years or (ii) the applicant establishes before the commission that a new personal wireless telecommunication facility is necessary to close a significant gap in the applicant's personal communication service, and the proposed new installation is the least intrusive means to do so; and
 - e. A siting analysis which identifies a minimum of five other feasible locations within or without the city which could serve the area intended to be served by the facility, unless the applicant provides compelling technical reasons for providing fewer than the minimum. The alternative site analysis shall include at least one collocation site; and
 - f. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, in that it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination Of Whether a Facility is Categorically Excluded" for each frequency band

of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power"; and

- gf. A statement signed by a person with legal authority to bind the applicant attesting under penalty of perjury to the accuracy of the information provided in the application; and
- hg. A noise study, prepared by a qualified engineer, for the proposed personal wireless telecommunication facility including, but not limited to, equipment, such as air conditioning units and back-up generators; and
- ih. A written statement of the applicant's willingness to allow other carriers to collocate on the proposed personal wireless telecommunication facility wherever technically and economically feasible and aesthetically desirable; and
- ji. Such other information as the director shall establish from time to time pursuant to the Permit Streamlining Act, Government Code Section 65940, or to respond to changes in law or technology.
- kj. An application for a personal wireless telecommunication facility in a public right-of-way for which the applicant claims entitlement under California Public Utilities Code Section 7901 shall be accompanied by evidence satisfactory to the director that the applicant is a telephone corporation or has written authorization to act as an agent for a telephone corporation.

3. [Wireless Facility Permit Preferred Zones and Locations](#). When doing so would not conflict with one of the standards set forth in this subsection (C) or with federal law, personal wireless telecommunication facilities [subject to the approval of a wireless facility permit](#) shall be located in the most appropriate location as described in this subsection (3), which range from the most appropriate to the least appropriate. Nothing in this section shall detract from the requirements of Section 17.12.050(C)(4)(a) below.

- i. Collocation on an existing facility in a commercial zone;
- ii. Collocation on an existing structure or utility pole in a commercial zone;
- iii. Location on a new structure in a commercial zone;
- iv. Collocation on an existing facility in a public facility or recreation zone;
- v. Location on an existing structure or utility pole in a public facility or recreation zone;
- vi. Location on a new structure in a public facility or recreation zone.

No new facility may be placed in a less appropriate area unless the applicant demonstrates to the satisfaction of the commission that no more appropriate location can feasibly serve the area the facility is intended to serve provided, however, that the commission may authorize a facility to be established in a less appropriate location if doing so is necessary to prevent substantial aesthetic impacts.

4. Design and Development Standards. Personal wireless telecommunication facilities shall be designed and maintained as follows:

- a. All new personal wireless telecommunication facilities shall be set back at least one thousand (1,000) feet from schools, dwelling units and parks, as measured from the closest point of the personal wireless telecommunication facility (including accessory equipment) to the applicable property line, unless an applicant establishes that a lesser setback is necessary to close a significant gap in the applicant's personal communication service, and the proposed personal wireless telecommunication facility is the least intrusive means to do so. An applicant who seeks to increase the height of an existing personal wireless telecommunication facility, or of its antennas, located less than one thousand (1,000) feet from a school, dwelling unit or park [and who is subject to the approval of a](#)

[wireless facility permit for the proposed height increase](#) must establish that such increase is necessary to close a significant gap in the applicant's personal communication service, and the proposed increase is the least intrusive means to do so.

- b. Facilities shall have subdued colors and non-reflective materials which blend with the materials and colors of the surrounding area and structures.
 - c. Unless otherwise prohibited by state or federal law, all equipment not located on a roof shall be underground; any equipment that is not undergrounded shall be screened from adjacent uses to the maximum extent feasible.
 - d. The facilities shall not bear any signs or advertising devices other than certification, warning or other signage required by law or expressly permitted by the city.
 - e. At no time shall equipment noise (including air conditioning units) from any facility exceed the applicable noise limit established in Section 17.20.160 of this title at the facility's property line; provided, however, that for any such facility located within five hundred (500) feet of any property zoned open space or residential, or improved with a residential use, such equipment noise shall at no time be audible at the property line of any open space or residentially zoned, or residentially improved property.
 - f. If the majority of radio frequency coverage from the proposed facility is outside the city limits, the applicant must, in addition to the other requirements of this section, prove that the applicant is unable to locate the proposed [new](#) facility within the locale or locales that will receive the majority of the coverage from the proposed personal wireless telecommunications facility, and that no other feasible location for the facility exists outside of the city limits. That an applicant for a wireless [facility](#) permit in the city has been denied a wireless facility, antenna, or wireless coverage in another jurisdiction shall not be considered evidence or proof that the applicant is unable to locate in another jurisdiction.
5. Independent Expert Review. The city shall retain [an one or more](#) independent, qualified consultants to review any application for a [wireless facility](#) permit for a ~~new~~ personal wireless telecommunication facility [or for a wireless facility minor modification permit or modification to an existing personal wireless telecommunication facility](#). The review is intended to be a review of technical aspects of the proposed wireless telecommunication facility or modification of an existing wireless telecommunication facility and shall address any or all of the following, [as applicable](#):
- a. [For wireless facility permits, W](#)whether the proposed wireless telecommunication facility is necessary to close a significant gap in coverage and is the least intrusive means of doing so;
 - b. The accuracy and completeness of submissions;
 - c. [For wireless facility permits, t](#)Technical demonstration of the unavailability of alternative sites or configurations and/or coverage analysis;
 - d. The applicability of analysis techniques and methodologies;
 - e. [For wireless facility permits, T](#)he viability of alternative sites and alternative designs; and
 - f. [For wireless facility permits, an analysis of the potential expansion that would be considered an eligible facility request under Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012; and](#)
 - gf. Any other specific technical issues designated by the city.

The cost of the review shall be paid by the applicant through a deposit estimated to cover the cost of the independent review, [as](#) established by the director [or City Council](#).

6. Conditions of Approval. All facilities [subject to a wireless facility permit](#) approved under this section shall be subject to the following conditions, [as applicable](#):

- a. Facilities shall not bear any signs or advertising devices other than legally required certification, warning, or other required seals or signage, or as expressly authorized by the city.
- b. Abandonment:
 - 1) Personal wireless telecommunication facilities that are no longer operating shall be removed at the expense of the applicant, operator, or owner no later than ninety (90) days after the discontinuation of use. Disuse for ninety (90) days or more shall also constitute a voluntary termination by the applicant of any land use entitlement under this code or any predecessor to this code.
 - 2) The director shall send a written notice of the determination of non-operation to the owner and operator of the personal wireless telecommunication facility, who shall be entitled to a hearing on that determination before the city manager or a hearing officer appointed by the city manager, provided that written request for such a hearing is received by the city clerk within ten (10) days of the date of the notice. Any such hearing shall be conducted pursuant to Chapter 17.74 of this title, although no further appeal from the decision of the city manager may be had other than pursuant to Code of Civil Procedure Section 1094.5. Upon a final decision of the city manager or the running of the time for a request for a hearing without such a request, the operator shall have ninety (90) days to remove the facility.
 - 3) The operator of a facility shall notify the city in writing of its intent to abandon a permitted site. Removal shall comply with applicable health and safety regulations. Upon completion of abandonment, the site shall be restored to its original condition at the expense of the applicant, operator, or owner.
 - 4) All facilities not removed within the required ninety-day period shall be in violation of this code. In the event the city removes a disused facility upon the failure of the applicant, operator, or owner to timely do so, the applicant, operator, and owner shall be jointly and severally liable for the payment of all costs and expenses the city incurs for the removal of the facilities, including legal fees and costs.
- c. The applicant, operator of a facility and property owner (when applicable) shall defend, indemnify and hold the city and its elective and appointed boards, commissions, officers, agents, consultants and employees harmless from and against all demands, liabilities, costs (including attorneys' fees), or damages arising from the city's review and/or approval of the design, construction, operation, location, inspection or maintenance of the facility.
- d. Removal of Unsafe Facilities. If, at any time after ten (10) years of the issuance of a building permit or encroachment permit, or any shorter period permitted by Government Code Section 65964(b), any personal wireless telecommunication facility becomes incompatible with public health, safety or welfare, the applicant or operator of the facility shall, upon notice from the city and at the applicant's or operator's own expense, remove that facility. Written notice of a determination pursuant to this paragraph shall be sent to the owner and operator of the personal wireless telecommunication facility, who shall be entitled to a hearing on that determination before the city manager or a hearing officer appointed by the city manager, provided that written request for such a hearing is received by the city clerk within ten (10) days of the date of the notice. Any such hearing shall be conducted pursuant to Chapter 17.74 of this title, although no further appeal from the decision of the city manager may be had other than pursuant to Code of Civil Procedure Section 1094.5. Upon a final decision of the city manager or the running of the time for a request for a hearing without such a request, the operator shall have ninety (90) days to remove the facility.
- e. The owner or operator of any personal wireless telecommunication facility approved [by a wireless facility permit](#) under this subsection C of this Section 17.12.050 shall cooperate with the director to: (1) verify that the facility design conforms with relevant building and

safety requirements; and (2) verify that the facility complies with the requirements of Section 17.12.050 of the Calabasas Municipal Code.

- f. Prior to the issuance of a building permit or encroachment permit, the applicant or owner/operator of the facility shall pay for and provide a performance bond, which shall be in effect until all facilities are fully and completely removed and the site reasonably returned to its original condition. The purpose of this bond is to cover the applicant's or owner/operator of the facility's obligation under the conditions of approval and the City of Calabasas Municipal Code. The bond coverage shall include, but not be limited to, removal of the facility, maintenance obligations and landscaping obligations. (The amount of the performance bond shall be set by the director on a case-specific basis and in an amount reasonably related to the obligations required under this code and all conditions of approval, and shall be specified in the conditions of approval.)
- g. An applicant shall not transfer a permit to any person or entity prior to completion of construction of a personal wireless telecommunication facility.
- h. The applicant shall submit as-built photographs of the facility within ninety (90) days of installation of the facility, detailing the installed equipment.
- i. A personal wireless telecommunication facility approved by a wireless facility permit may operate only until the tenth anniversary of the date it is first placed into service, unless that sunset date is extended by additional term(s) not to exceed ten (10) years pursuant to a wireless facility permit issued under this Section 17.12.050. There is no limit to the number of times the sunset date for a facility may be extended.

7. Wireless Facility Permit Findings. In addition to the findings required in Section 17.62.060 of this code, no wireless facility permit for a proposed personal wireless telecommunication facility may be approved unless the commission or council finds as follows:

- a. The applicant has demonstrated by clear and convincing evidence that the facility is necessary to close a significant gap in the operator's service coverage. Such evidence shall include in-kind call testing of existing facilities within the area the applicant contends is a significant gap in coverage to be served by the facility.
- b. The applicant has demonstrated by clear and convincing evidence that no feasible alternate site exists that would close a significant gap in the operator's service coverage which alternative site is a more appropriate location for the facility under the standards of Section 17.12.050 of the Calabasas Municipal Code.
- c. The facility satisfies the location requirements of Section 17.12.050(C)(3) of the Calabasas Municipal Code.

8. Violations. The city may revoke a wireless facility permit for any personal wireless telecommunication facility in violation of this section in accordance with Section 17.80.070 of this code. 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.

D. Standards for Personal Wireless Telecommunication Facilities Not Located Within a Public Right-of-Way. In addition to the requirements in section (C) above, all personal wireless telecommunication facilities subject to the approval of a wireless facility permit and not located within a public right-of-way shall comply with the following requirements:

1. Location Requirements. To minimize aesthetic and visual impacts on the community, personal wireless telecommunication facilities shall be located according to the following standards:

- a. General Requirements.
 - i. A freestanding telecommunications tower or monopole shall be set back a distance of at least one hundred fifty (150) percent of the height of the tower from the nearest property line of any residentially zoned or occupied lot.

- b. Restricted Locations. Personal wireless telecommunication facilities located in any of the following locations must be designed as a stealth facility:
 - i. Within any nonresidential zone on a site that contains a legally established residential use; and
 - ii. Within the Old Town overlay zone; and
 - iii. On any property that is designated historic by the city council; and
 - iv. Within the area subject to the Calabasas Park Centre Master Plan; and
 - v. Within a scenic corridor designated by the city; and
 - vi. Within a historic district designated by the city.
- c. Prohibited Locations. No personal wireless telecommunication facility shall be established on any ridgeline or within any residential or open space zoning district described in subparagraphs (i), (ii) and (iii) herein.
 - i. Ridgelines. No personal wireless telecommunication facility shall be placed on or near a ridgeline.
 - ii. Residential Zones. No facility shall be located within a residential zone, including areas set aside for open space, parks or playgrounds.
 - iii. Open Space. No facility shall be located within an open space zone or park.

Any wireless telecommunication facility proposed for a site within any open space zone shall not be deemed a "public utility" as that term is otherwise defined and understood in the Calabasas Municipal Code regarding development in such open space zones.

- d. Guidelines for Placement on Structures. Antennas shall be mounted on structures utilizing the methods described below. If an antenna cannot be mounted as set forth in subsection (i), it may be mounted in accordance with subsection (ii). If an antenna cannot be mounted as set forth in either subsection (i) or (ii), it may be mounted in accordance with subsection (iii):
 - i. A stealth facility mounted on an existing structure or collocated on an existing tower;
 - ii. A stealth facility mounted on an existing steel or concrete pole, including a light standard; or
 - iii. A stealth facility mounted on a new steel, wood or concrete pole.
2. Design and Development Standards. Personal wireless telecommunication facilities shall be designed and maintained as follows:
 - a. Building-mounted facilities shall be designed and constructed to be fully screened in a manner that is compatible in color, texture and type of material with the architecture of the building on which the facility is mounted.
 - b. All accessory equipment associated with the operation of a personal wireless telecommunication facility shall be located within a building enclosure or underground vault that complies with the development standards of the zoning district in which the accessory equipment is located.
 3. City Council Approval Required. Notwithstanding Section 17.12.050(D)(1)(c), personal wireless telecommunication facilities [subject to the approval of a wireless facility permit](#) may be permitted in a prohibited location only if the applicant obtains a wireless facility permit from the city council following a public hearing and recommendation from the communication and technology commission, and provides technically sufficient and conclusive proof that the proposed location is necessary for provision of wireless services to substantial areas of the city, that it is necessary to close a significant gap in the operator's coverage and that there are no less intrusive alternative means to close that significant gap.

- E. Standards for Personal Wireless Telecommunication Facilities Located Within Public Rights-of-Way. In addition to the requirements in section (C) above, all personal wireless telecommunication facilities [subject to the approval of a wireless facility permit and](#) located within public rights-of-way shall comply with the following requirements to the fullest extent permitted by state and federal law:
1. Construction. These standards are intended to exert the maximum authority available to the city in the regulation of personal wireless telecommunication facilities under applicable state and federal law but not to exceed that authority. Accordingly, this section shall be construed and applied in light of any such limits on the city's authority. The purpose of this subsection (E) is to regulate personal wireless telecommunications facilities proposed for sites within public rights-of-way consistently with the rights conferred on telephone corporations by Public Utilities Code §§ 7901 and 7901.1 and to address the aesthetic and safety concerns unique to such proposals due to their highly visible location in rights-of-way that must be safely shared with pedestrians, motorists and other utility infrastructure.
 2. Application Content. Applications for the approval of personal wireless telecommunication facilities within the public right-of-way shall include the following information, in addition to all other information required by subsection (C)(2) above:
 - a. The applicant shall provide certification that the facility is for the use of a telephone corporation or state the basis for its claimed right to enter the right-of-way. If the applicant has a certificate of public convenience and necessity (CPCN) issued by the California Public Utilities Commission, it shall provide a copy of its CPCN.
 3. Guidelines. All personal wireless telecommunication facilities located within a public right-of-way shall be designed as follows:
 - a. Ground-mounted equipment shall be screened, to the fullest extent possible, through the use of landscaping, walls, or other decorative feature, as approved by the commission.
 - b. Facilities located within a designated scenic corridor or historic districts shall be stealth facilities, with all equipment, excluding required electrical meter cabinets, located underground or pole-mounted. Required electrical meter cabinets shall be screened as approved by the commission.
 - c. Personal wireless telecommunication facilities not located within a scenic corridor or historic district designated by the city shall be designed to place all equipment underground, excluding required electrical meters. However, if such facilities cannot be placed underground, ground-mounted equipment may be installed up to a height of five feet and to a footprint of fifteen (15) square feet.
 - d. Pole-mounted equipment shall not exceed six cubic feet.
 - e. Pole-mounted antennas shall adhere to the following guidelines:
 - i. If an antenna cannot be mounted as set forth in subsection (a), it may be mounted in accordance with subsection (b). If an antenna cannot be mounted as set forth in either subsection (a) or (b), it may be mounted in accordance with subsection (c):
 - (a) A stealth facility mounted on an existing, collocated monopole or tower;
 - (b) A stealth facility mounted on an existing steel or concrete pole, including a light standard; or
 - (c) A stealth facility mounted on a new steel, wood or concrete pole but only if an operator shows that it cannot otherwise close a significant gap in its service coverage, and that the proposal is the least intrusive means of doing so.
 - ii. All installations shall be engineered to withstand high wind loads. An evaluation of high wind load capacity shall include the impact of an additional antenna installation on a pole with existing antennae.

- iii. The maximum height of any antenna shall not exceed twenty-four (24) inches above the height of a pole or tower other than a streetlight pole, nor six feet above the height of a streetlight pole, nor shall any portion of the antenna or equipment mounted on a pole be less than sixteen (16) feet above any drivable road surface. All installations on utility poles shall fully comply with California Public Utilities Commission General Order 95 as it now exists or may hereafter be amended.
 - iv. A freestanding telecommunications tower or monopole shall be set back a distance of at least one hundred fifty (150) percent of the height of the tower to the nearest structure designed for occupancy.
 - f. Equipment shall be located so as not to cause: (i) any physical or visual obstruction to pedestrian or vehicular traffic, (ii) inconvenience to the public's use of a public right-of-way, or (iii) safety hazards to pedestrians and motorists. In no case shall ground-mounted equipment, walls, or landscaping be less than eighteen (18) inches from the front of the curb.
 - g. Facilities shall not be located within five hundred (500) feet of another wireless facility on the same side of a street.
 - h. No facility shall be built so as to cause the right-of-way in which the facility is located to fail to comply with the Americans with Disabilities Act.
4. Findings. In addition to the findings required in subsection (C)(7) above, no proposed personal wireless telecommunication facility subject to the approval of a wireless facility permit within a public right-of way may be approved unless the following findings are made:
 - a. The proposed facility has been designed to blend with the surrounding environment, with minimal visual impact on the public right-of-way.
 - b. The proposed facility will not have an adverse impact on the use of the public right-of-way, including but not limited to, the safe movement and visibility of vehicles and pedestrians.
5. Conditions of Approval. In addition to compliance with the guidelines outlined in paragraph (3) of this subsection and the conditions of approval listed in subsection (C)(6) above, all facilities approved under this subsection (E) shall be subject to the following conditions:
 - a. Any approved wireless communication facility within a public right-of-way shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the public works director to: (i) protect the public health, safety, and welfare; (ii) prevent interference with pedestrian and vehicular traffic; or (iii) prevent damage to a public right-of-way or any property adjacent to it. Before the director of public works imposes conditions, changes, or limitations pursuant to this paragraph ~~(f)~~, he or she shall notify the applicant or operator, in writing, by mail to the address set forth in the application or such other address as may be on file with the city. Such change, new limitation or condition shall be effective twenty-four (24) hours after deposit of the notice in the United States mail.
 - b. The applicant or operator of the personal wireless telecommunication facility shall not move, alter, temporarily relocate, change, or interfere with any existing public facility, structure or improvement without the prior written consent of the owner of that facilityCity, and the owner in the circumstance where the owner is not the City. No structure, improvement or facility owned by the city shall be moved to accommodate a personal wireless telecommunication facility unless: (i) the city determines, in its sole and absolute discretion, that such movement will not adversely affect the city or surrounding residents or businesses, and (ii) the applicant or operator pays all costs and expenses related to the relocation of the city's facilities. Every applicant or operator of any personal wireless telecommunication facility shall assume full liability for damage or injury caused to any property or person by his, her, or its facility. Before commencement of any work pursuant to an encroachment permit issued for any personal wireless telecommunication facility within a public right-of-way, an applicant shall provide the city with documentation

establishing to the city's satisfaction that the applicant has the legal right to use or interfere with any other facilities within the public right-of-way to be affected by applicant's facilities.

- c. Should any utility company offer electrical service to a wireless facility which service does not require the use of a meter cabinet, the applicant or operator of the facility shall at its cost remove the meter cabinet and any foundation thereof and restore the area to its prior condition.

F. Requirements for Personal Wireless Telecommunications Facilities Subject to a Wireless Facility Minor Modification Permit. This subsection governs applications for certain modifications to existing personal wireless telecommunications facilities, as specified.

1. Purpose. Subsection (F) is intended to comply with the City's obligations under federal law, which provides that the City "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." (47 U.S.C. § 1455, subd. (a)(1), adopted as Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, Pub.L. No. 112-96, 126 Stat. 156.) This subsection creates a process for the City to review an application for a wireless facility minor modification permit submitted by an applicant who asserts that a proposed collocation or modification to an existing personal wireless telecommunications facility is covered by this federal law and to determine whether the City must approve the proposed collocation or modification. The City's review of these applications is structured to comply with the requirements of Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this federal law, adopted on December 17, 2014 and codified at 47 C.F.R. §§ 1.40001, et seq. Consistent with section 17.12.050(A)(6), this subsection is intended to promote the public's health, safety, and welfare, and shall be interpreted consistent with the federal Telecommunications Act of 1996 (Pub.L. No. 104-104, 110 Stat. 56), Title 47, United States Code, section 1455, and applicable Federal Communications Commission regulations and court decisions considering these laws and regulations.
2. Applicability. An applicant seeking approval of a collocation or modification to an existing personal wireless telecommunication facility which the applicant contends is within the protection of Title 47, United States Code, section 1455 shall apply for the following at the same time: (i) a wireless facility minor modification permit, in addition to (ii) an encroachment permit from the public works department (if the required by applicable provisions of this code), and (iii) any other permit required by applicable provisions of this code including a building permit, an electrical permit, or an oak tree permit. No collocation or modification to an existing personal wireless telecommunication facility shall be installed unless the applicant or operator has obtained either a wireless facility minor modification permit or a wireless facility permit.
3. Application Content. All applications for a wireless facility minor modification permit must include the following items.
 - a. Application Form. The City's standard application form, available on the City's website or from the Community Development Department, as may be amended.
 - b. Application Fee. An application fee as established by the council by resolution under the authority of Section 17.60.040.
 - c. Independent Consultant Deposit. An independent consultant fee deposit, if required by the council by resolution under the authority of Section 17.60.040, to reimburse the City for its costs to retain an independent consultant to review the technical aspects of the application.
 - d. Site and Construction Plans. Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect, which include the following items.
 - (1) A site plan and elevation drawings for the facility as existing and as proposed with all height and width measurements explicitly stated.

- (2) A depiction, with height and width measurements explicitly stated, of all existing and proposed transmission equipment.
- (3) A depiction of all existing and proposed utility runs and points of contact.
- (4) A depiction of the leased or licensed area of the site with all rights-of-way and easements for access and utilities labeled in plan view.
- (5) For proposed collocations or modifications to wireless towers, the plans must include scaled plan views and all four elevations that depict the physical dimensions of the wireless tower as it existed on February 22, 2012 or as approved if constructed after February 22, 2012. For proposed collocations or modifications to base stations, the plans must include scaled plan views and all four elevations that depict the physical dimensions of the base station as it existed on February 22, 2012 or as approved if constructed after February 22, 2012.
- (6) A demolition plan.
- e. Visual Simulations. A visual analysis that includes (1) scaled visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four angles, together with a map that shows the location of each view angle; (2) a color and finished material palate for proposed screening materials; and (3) a photograph of a completed facility of the same design and in roughly the same setting as the proposed wireless communication facility.
- f. Statement Asserting that Section 6409 Applies. A written statement asserting that the proposed collocation or modification is an "eligible facilities request" and does not result in a substantial change in the physical dimensions of the facility's wireless tower or base station, as defined by Section 6409, Title 47, United States Code, section 1455, and justifying that assertion. The written statement shall identify and discuss each required finding for approval of a wireless facility minor modification permit under Section 17.12.050(F)(5) and explain the facts that justify the request for the director to make each finding.
- g. Prior Permits. True and correct copies of all previously issued permits, including all required conditions of approval and a certification by the applicant that the proposal will not violate any previous permit or conditions of approval or why any violated permit or conditions does not prevent approval under Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this federal law.
- h. Affirmation of Radio Frequency Standards Compliance. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, because it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination Of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power".
- i. Structural Analysis. A structural analysis, prepared, signed, and sealed by a California-licensed engineer that assesses whether the proposed wireless telecommunications facility complies with all applicable building codes.
- j. Noise Study. A noise study, prepared, signed, and sealed by a California-licensed engineer, for the proposed personal wireless telecommunication facility including, but not limited to, equipment, such as air conditioning units and back-up generators.; or a written statement signed and sealed by a California-licensed engineer indicating that the proposed modification(s) will not alter the existing noise levels or operational equipment which creates noise.-

- k. Other Permits. An application for a wireless facility minor modification permit shall include all permit applications with all required application materials for each and every separate permit required by the City for the proposed collocation or modification to an existing personal wireless telecommunications facility, including a building permit, an encroachment permit (if applicable), and an electrical permit (if applicable).
- l. Other Information. Such other information as the City may require, as specified in publically available materials, including information required as stated on the City's website.
- 4. Application Review, Notice, and Hearing. Each application for a wireless facility minor modification permit shall be reviewed by the director at a public hearing. Notice of the public hearing shall be provided in accord with Chapter 17.78, except that written notice shall be mailed to the record owner of each property within three hundred (300) feet of the site of the proposed modification. Under federal law, the City must approve or deny an application for a wireless facility minor modification permit, together with any other City permits required for a proposed wireless facility modification, within sixty (60) days after the applicant submits the application for a wireless facility minor modification permit, unless tolled due to issuance of any notice of incomplete filing or by mutual agreement between the city and the applicant. Under federal law, failure to act on a wireless facility minor modification permit application within the sixty (60) day review period, excluding tolling period, will result in the permit being deemed granted by operation of law.
- 5. Findings Required for Approval by Director at Public Hearing.
 - a. 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 for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities;
 - (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 percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater;
 - (3) The proposed collocation or modification does not increase the width of the facility narrowest or as approved if constructed after February 22, 2012 by more than twenty (20) feet or the width of the tower at the level of the appurtenance, whichever is greater;
 - (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;
 - (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;
 - (6) The proposed collocation or modification does not defeat any existing concealment elements of the support structure; and
 - (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).
 - b. The director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing base station 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 or not, that currently supports existing wireless transmission equipment;
 - (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 percent (10%) or ten (10) feet, whichever is greater;
 - (3) The proposed collocation or modification does not increase the width of the facility narrowest or as approved if constructed after February 22, 2012 by more than six (6) feet;
 - (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;
 - (5) The proposed collocation or modification does not involve any excavation outside the lease or license area of the facility, including any access and utility easements;
 - (6) The proposed collocation or modification does not defeat any existing concealment elements of the support structure; and
 - (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).
- c. The director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing wireless tower or base station in the public right of way only if each of the following findings can be made:
- (1) The applicant proposes a collocation or modification to either (i) a structure constructed and maintained with all necessary permits in good standing for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities or (ii) 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 or not, that currently supports existing wireless transmission equipment;
 - (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 percent (10%) or ten (10) feet, whichever is greater;
 - (3) The proposed collocation or modification does not increase the width of the facility narrowest or as approved if constructed after February 22, 2012 by more than six (6) feet;
 - (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;
 - (5) The proposed collocation or modification does not involve either (i) the installation of any new equipment cabinets on the ground, if none already exist, or (ii) the installation of ground equipment cabinets that are more than ten percent (10%) larger in height or overall volume than any existing ground cabinets;
 - (6) The proposed collocation or modification does not involve any excavation outside the area in proximity to the existing ground-mounted equipment in the public right of way;

- (7) The proposed collocation or modification does not defeat any existing concealment elements of the existing structure; and
- (8) 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).
6. Conditions of Approval for Wireless Facility Minor Modification Permits. In addition to any other conditions of approval permitted under federal and state law and this Code that the director deems appropriate or required under this Code, all wireless facility minor modification permits under this subsection, whether approved by the director or deemed granted by the operation of law, shall include the following conditions of approval:
- a. No automatic renewal. The grant or approval of a wireless facility minor modification permit shall not renew or extend the underlying permit term.
- b. 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).
- cb. As-built plans. 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.
- de. 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.
- ed. 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.
- fe. Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file with the Planning Division.
- gf. Violations. 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.
- hg. 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.

hi. 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 town'sCity'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.

7. Wireless Facility Minor Modification Permit Denial Without Prejudice

a. Grounds for denial without prejudice. The Director may deny without prejudice an application for a wireless facility minor modification permit in any of the following circumstances:

(1) The Director cannot make all findings required for approval of a wireless facility minor modification permit;

(2) The proposed collocation or modification would cause the violation of an objective, generally applicable law protecting public health or safety;

(3) the proposed collocation or modification involves the removal and replacement of the facility's entire supporting structure; or

(4) the proposed collocation modification does not qualify for mandatory approval under Title 47, United States Code, section 1455, as may be amended or superseded, and as may be interpreted by any order of the Federal Communications Commission or any court of competent jurisdiction.

b. Procedures for denial without prejudice. All wireless facility minor modification permit application denials shall be in writing and shall include (i) the decision date; (ii) a statement that the City denies the permit without prejudice; (iii) a short and plain statement of the basis for the denial; and (iv) that the applicant may submit the same or substantially the same permit application in the future.

c. Submittal after denial without prejudice. After the director denies a wireless facility minor modification permit application, and subject to the generally applicable permit application submittal provisions in this chapter, an applicant shall be allowed to:

(1) submit a new wireless facility minor modification permit application for the same or substantially the same proposed collocation or modification;

(2) submit a new wireless facility permit application for the same or substantially the same proposed collocation or modification; or

(3) submit an appeal of the Director's decision.

d. Costs to review a denied permit. The City shall be entitled to recover the reasonable costs for its review of any wireless facility minor modification permit application. In the event that the director denies a wireless facility minor modification permit application, the City shall return any unused deposit fees within sixty (60) days after a written request from the applicant. An applicant shall not be allowed to submit a wireless facility permit application or submit a wireless facility minor modification permit application for the same or substantially the same proposed modification unless all costs for the previously denied permit application are paid in full.

GF. Standards for Satellite Antennas. Satellite antennas, including portable units and dish antennas, shall be designed, installed and maintained in compliance with the regulations of the Federal Communications Commission. Satellite antennas with diameters larger than one meter in residential zones and two meters in nonresidential zones shall also comply with the following requirements provided these provisions do not conflict with applicable state and federal regulations.

1. Permit Requirement. Zoning clearance shall be required for satellite antennas with diameters of one meter or less; administrative plan review approval shall be required for antennas larger than one meter. A conditional use permit shall be required for antennas larger than one meter located within a designated scenic corridor.
2. Application—Plans. Plans for satellite antennas shall be submitted with applications for a building permit, and shall include a site plan and elevation drawings indicating the height, diameter, color, setbacks, foundation details, landscaping, and method of screening. The plans shall be subject to approval of the director.
3. Location. No satellite antenna shall be located within any required front-yard or street-side-yard setbacks in any zone. In addition, no portion of a satellite antenna shall extend beyond a property line.
4. Color. A satellite antenna and its supporting structure shall be painted a single, neutral, non-glossy color; such as an earth tone, gray, or black; and, to the extent possible, be compatible with the appearance and character of the surrounding neighborhood.
5. Wiring. All wiring shall be placed underground whenever possible.
6. Residential Zones. In any residential zone, satellite antennas shall be subject to the following standards:
 - a. Only ground-mounted satellite antennas shall be permitted. Ground-mounted antennas shall be located in the rear yard of any property to the extent technically possible;
 - b. Satellite antennas shall not exceed fifteen (15) feet in height;
 - c. Only one satellite antenna may be permitted on any single-family residential site;
 - d. Only one antenna shall be permitted per dwelling unit on any multiple family residential site;
 - e. A satellite antenna shall be separated from adjacent properties by at least a six-foot-high solid wall or fence or by trees or other plants of equal minimum height;
 - f. Any satellite antenna that is taller than an adjacent property-line fence shall be located away from the side or rear property line a distance equal to or greater than the height of the antenna;
 - g. The diameter of a satellite antenna shall not exceed two meters. This provision may be modified by the director if the applicant provides a sufficient technical study prepared by a qualified engineer demonstrating to the director's satisfaction that strict compliance would result in no satellite reception; and
 - h. A satellite antenna shall be used for private, noncommercial purposes only.
7. Nonresidential Zones. In any nonresidential zone, satellite antennas may be roof- or ground-mounted and shall be subject to the following standards:
 - a. If roof-mounted, satellite antennas shall be screened from ground view by a parapet or other screening approved by the city. The minimum height and design of a parapet, wall, or other screening shall be subject to the approval of the director;
 - b. If ground-mounted, satellite antennas shall not be located between a structure and an adjacent street and shall be screened from public view and neighboring properties;
 - c. The location and height of satellite antennas shall comply with all requirements of the underlying zone; and
 - d. If the subject site abuts a residential zone, all antennas shall be set back a minimum distance from the property line equal to the height of the antenna, unless screened from view.

| [GH](#). Standards for Amateur Radio Antennas. All amateur radio antennas shall be designed, constructed and maintained as follows:

1. The maximum height shall not exceed forty (40) feet, measured from finished grade;
2. Any boom or other active element or accessory structure shall not exceed twenty-five (25) feet in length;
3. Antennas may be roof- or ground-mounted; and
4. Antennas may not be located in any front-yard or side-yard setbacks;
5. These standards in this subsection ([HF](#)) are subject to modification or waiver by the director on a case-by-case basis where required for the city to comply with FCC PRB-1 and California Government Code Section 65850.3 and where such modification or waiver is based on sufficient technical information provided in writing by the applicant at the request of the city.

| [IH](#). Effects of Development on Antenna Reception. The city shall not be liable if development within the city after installation of an antenna impairs antenna reception, transmission, utility, or function to any degree.

| [IJ](#). Communications and Technology Commission as Planning Commission for Specified Purposes. For purposes of approvals required by this Section 17.12.050 and any other entitlement under this code required only because the application seeks to construct or operate a personal wireless telecommunication facility (including, but not limited to, a scenic corridor permit, a variance, or an oak tree permit), "commission" means the communications and technology commission created pursuant to Chapter 2.38 of this code, which is hereby constituted as a planning commission of the city for that purpose pursuant to Government Code Section 65100. As to any application that seeks approvals for both (i) new structures, or uses of existing structures or of land other than construction and operation of a personal wireless telecommunication facility and (ii) for the construction and operation of a personal wireless telecommunication facility, the communications and technology commission shall be the "commission" for purposes of approvals required only because the application seeks to construct and operate a personal wireless telecommunication facility. The planning commission created pursuant to Chapter 2.28 of this code shall be the "commission" for all other entitlements sought by the application. In addition, the communications and technology commission shall be the "commission" for purposes of review of proposed amendments to this Section 17.12.050

| [KJ](#). Private Enforcement. In addition to any other remedy available to the city under this code, at law or in equity, violations of this Section 17.12.050 may be remedied as follows:

1. The city attorney or city prosecutor may bring a civil action to enforce this section and to obtain the remedies specified below or otherwise available in equity or at law.
2. Any person acting for the interests of himself, herself, or itself, or of its members, or of the general public (hereinafter "a private enforcer") may bring a civil action to enforce this section with the remedies specified below, if both the following requirements are met:
 - a. The action is commenced more than sixty (60) days after the private enforcer gives written notice of an alleged violation of this section to the city attorney and to the alleged violator.
 - b. No person acting on behalf of the city has commenced or is prosecuting an action regarding the violation(s) which was or were the subject of the notice on the date the private action is filed.
3. A private enforcer shall provide a copy of his, her, or its action to the city attorney within seven days of filing it.
4. Upon settlement of or entry of judgment in an action brought pursuant to paragraph (7) of this subsection (I), the private enforcer shall give the city attorney a notice of that settlement or judgment. No private enforcer may settle such an action unless the city attorney or the court determines the settlement to be reasonable in light of the purposes of this section. Any

settlement in violation of this requirement shall be set aside upon motion of the city attorney or city prosecutor to a court of competent jurisdiction.

5. Upon proof of a violation of this section, the court shall award the following:
 - a. Appropriate injunctive relief and damages in the amount of either:
 - i. Upon proof, actual damages;
 - ii. With insufficient or no proof of damages, a minimum of five hundred dollars (\$500.00) for each violation of this section (hereinafter "statutory damages"). Unless otherwise specified in this section, each day of a continuing violation shall constitute a separate violation. Notwithstanding any other provision of this section, no private enforcer suing on behalf of the general public shall recover statutory damages based upon a violation of this section if a previous claim brought on behalf of the general public for statutory damages and based upon the same violation has been adjudicated, whether or not the private enforcer was a party to that earlier adjudication.
 - b. Restitution to the appropriate party or parties of gains obtained due to a violation of this section.
 - c. Exemplary damages, where it is proven by clear and convincing evidence that the defendant is guilty of oppression, fraud, malice, or a conscious disregard for public health and safety.
 - d. Attorney's fees and costs reasonably incurred by a successful party in prosecuting or defending an action.

Any damages awarded in an action brought by the city attorney or city prosecutor shall be paid into the city's general fund, unless the court determines that they should be paid to a damaged third party.

6. Upon proof of at least one violation of this section, a private enforcer, the city prosecutor, city attorney, any peace officer or code enforcement official may obtain an injunction against further violations of this section or, as to small claims court actions, a judgment payable on condition that a further violation of this section occur within a time specified by the court.
7. Notwithstanding any legal or equitable bar, a private enforcer may bring an action to enforce this section solely on behalf of the general public. When a private enforcer does so, nothing about such an action shall act to preclude or bar the private enforcer from bringing a subsequent action on his, her, or its own behalf based upon the same facts.
8. Nothing in this section shall prohibit a private enforcer from bringing an action to enforce this section in small claims court, provided the relief sought is within the jurisdiction of that court.

LK. Additional Notice to Neighbors. After an application to allow the installation of a wireless facility subject to the approval of a wireless facility permit pursuant to subsections (C), (D) and (E) of this section is complete, the city shall endeavor to provide property owners at least thirty (30) days' prior notice of the initial public hearing on the matter as follows:

1. Written notice shall be mailed to the record owner of each property within one thousand five hundred (1,500) feet of the proposed site.
2. Telephone notice via the city's reverse 911 service shall be given to owners or occupants of properties within one thousand five hundred (1,500) feet of the proposed site.

A public hearing may be set on less than thirty (30) days' notice if necessary to comply with applicable law, including but not limited the Federal Communications Commission Declaratory Ruling 09-99, WT docket number 08-165, released November 18, 2009 (the "Shot Clock" ruling) and Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this section, adopted on December 17, 2014 and codified at 47 C.F.R. §§ 1.40001, et seq. as ~~they~~ now exists or may hereafter be amended.

Failure of the city to provide notice pursuant to this subsection (LK) shall not be grounds to challenge a determination provided that the notice otherwise required by law has been provided.

ML. Definitions. In addition to the definitions provided in Chapter 17.90 of this title and in Chapter 1.08 of Title 1 of this Code, this Section 17.12.050 shall be construed in light of the following definitions:

"Accessory equipment" means any equipment installed, mounted, operated or maintained in close proximity to a personal wireless telecommunication facility to provide power to the personal wireless telecommunication facility or to receive, transmit or store signals or information received by or sent from a personal wireless telecommunication facility.

"Antenna structure" means any antenna, any structure designed specifically to support an antenna and/or any appurtenances mounted on such a structure or antenna.

"Applicable law" means all applicable federal, state and local law, ordinances, codes, rules, regulations and orders, as the same may be amended from time to time.

"Applicant" includes any person or entity submitting an application to install a personal wireless telecommunication facility under this section and the persons within the scope of the term "applicant" as defined by Section 17.90.020 of this code.

"Base station" means the equipment and non-tower supporting structure at a fixed location that enables Federal Communications Commission licensed or authorized wireless telecommunications between user equipment and a communications network.

"City" means the City of Calabasas and is further defined in Section 1.08.020 of this code.

"Collocation" means the mounting or installation of additional wireless transmission equipment at an existing wireless facility.

"Commission" has the meaning set forth in paragraph (l) of this section.

"dBA" is defined in Chapter 17.90 of this title.

"Director" means the City of Calabasas Community Development Director or his or her designee.

"FCC" means the Federal Communications Commission or any successor to that agency.

"In-kind call testing" means testing designed to measure the gap in coverage asserted by an applicant. If a claimed gap is for in-building coverage, then in-building call testing must be performed to establish the existence or absence of such a gap unless the applicant provides a sworn affidavit demonstrating good faith but unsuccessful attempts to secure access to buildings to conduct such testing and the circumstances that prevented the applicant from conducting such testing. Claimed gaps in service for "in-vehicle" or "open-air" service may be demonstrated by call testing performed in vehicles or in the open.

"Least intrusive means" means that the location or design of a personal wireless telecommunication facility addresses a significant gap in an applicant's personal communication service while doing the least disservice to the policy objectives of this chapter as stated in Section 17.12.050(A). Analysis of whether a proposal constitutes the least intrusive means shall include consideration of means to close an asserted significant gap by co-locating a new personal wireless telecommunication facility on the site, pole, tower, or other structure of an existing personal wireless telecommunication facility.

"Monopole" means a structure composed of a single spire, pole, or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm, and similar monopoles camouflaged to resemble faux objects attached on a monopole.

"MPE" means maximum permissible exposure.

"Non-tower supporting structure" means any structure, whether built for wireless communications purposes or not, that supports wireless transmission equipment under a valid permit at the time an applicant submits an application for a permit under this Code and which is not a wireless tower.

"OET" or "FCC OET" means the Office of Engineering & Technology- of the Federal Communications Commission.

"Open space" includes (1) land which is zoned OS, OS-DR, or REC, (2) land in residential zones upon which structures may not be developed by virtue of a restriction on title, (3) all common areas, private parks, slope easements, and (4) any other area owned by a homeowners association or similar entity.

"Park" and "playground" shall have their ordinary, dictionary meanings.

"Personal communication service" means commercial mobile services provided under a license issued by the FCC.

"Personal wireless telecommunication facility," "wireless telecommunication facility," or "wireless facility" means a structure, antenna, pole, tower, equipment, accessory equipment and related improvements used, or designed to be used, to provide wireless transmission of voice, data, images or other information, including but not limited to cellular phone service, personal communication service and paging service.

"Private enforcer" has the meaning provided in subsection (JK)(2) of this Section 17.12.050.

"Residential zone" means a zone created by Chapter 17.13 of this title.

"RF" means radio frequency.

"Significant gap" as applied to an applicant's personal communication service or the coverage of its personal wireless telecommunication facilities is intended to be defined in this chapter consistently with the use of that term in the Telecommunications Act of 1996 and case law construing that statute. Provided that neither the Act nor case law construing it requires otherwise, the following guidelines shall be used to identify such a significant gap:

1. A significant gap may be demonstrated by in-kind call testing.
2. The commission shall accept evidence of call testing by the applicant and any other interested person and shall not give greater weight to such evidence based on the identity of the person who provides it but shall consider (i) the number of calls conducted in the call test, (ii) whether the calls were taken on multiple days, at various times, and under differing weather and vehicular traffic conditions, and (iii) whether calls could be successfully initiated, received and maintained in the area within which a significant gap is claimed.
3. A significant gap may be measured by:
 - a. The number of people affected by the asserted gap in service;
 - b. Whether a wireless communication facility is needed to merely improve weak signals or to fill a complete void in coverage;
 - c. Whether the asserted gap affects Highway 101, a state highway, or an arterial street which carries significant amounts of traffic.

"Stealth facility" means any personal wireless telecommunication facility which is designed to substantially blend into the surrounding environment by, among other things, architecturally integrating into a structure or otherwise using design elements to conceal antennas, antenna supports, poles, equipment, cabinets, equipment housing and enclosure; and related above-ground accessory equipment.

"Transmission equipment" or "wireless transmission equipment" means any equipment that facilitates transmission for any Federal Communications Commission licensed or authorized wireless communication service, including but not limited to, radio transceivers, antennas and other equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supplies.

"Wireless" means any Federal Communications Commission licensed or authorized wireless telecommunications service.

"Wireless Tower" or "Telecommunications tower" mean any structure, including a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure, designed and constructed for the primary purpose of primarily used to supporting any Federal Communications

Commission licensed or authorized wireless telecommunications facility antennas and their associated facilities.

"Wireless facility minor modification permit" means a permit issued under this chapter authorizing the modification of an existing personal wireless telecommunications facility. The procedures for the application for, approval of, and revocation of such a permit shall be those required by this title, including but not limited to Section 17.12.050(F).

"Wireless facility permit" means a permit issued under this chapter authorizing the installation, operation and maintenance of a personal wireless telecommunications facility. Except as otherwise provided by this chapter, the procedures for the application for, approval of, and revocation of such a permit shall be those required by this title (including, but not limited to, those of Section 17.62.060) for a conditional use permit.

(Ord. No. 2010-265, § 3, 1-27-2010; Ord. No. 2011-289, § 1, 11-9-2011; Ord. No. 2012-295, § 2(Exh. A), 6-27-2012; Ord. No. 2012-302, § 1, 8-22-2012; Ord. No. 2014-314, §§ 3—5, 4-23-2014)

C.T.C. RESOLUTION NO. 2015-035

A RESOLUTION OF THE COMMUNICATIONS AND TECHNOLOGY COMMISSION OF THE CITY OF CALABASAS TO RECOMMEND TO THE CITY COUNCIL TO AMEND SECTION 17.12.050 OF THE CITY OF CALABASAS LAND USE AND DEVELOPMENT CODE RELATED TO ANTENNAS/ PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES TO ADD PROVISIONS CREATING A SEPARATE APPLICATION AND APPROVAL PROCESS FOR WIRELESS FACILITY PERMIT APPLICATIONS COVERED UNDER SECTION 6409(A) OF THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012, 47 U.S.C. SECTION 1455(A).

Section 1. The Communications and Technology Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda reports prepared by the Community Development Department, including the drafts of Ordinance No. 2015-322-U and Ordinance No. 2015-323.
2. Staff presentation at the public hearing held on February 17, 2015, before the Communications and Technology Commission.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. All related documents received and/or submitted at or prior to the public hearing.

Section 2. Based on the foregoing evidence, the Communications and Technology Commission finds that:

1. Notice of the February 17, 2015, Communications and Technology Commission public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Agoura Hills/Calabasas Community Center, Gelson's market and at Calabasas City Hall.

2. Notice of the Communications and Technology Commission public hearing was published in The Acorn newspaper.
3. Notice of the Communications and Technology Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
4. Sections 2 of the Drafts of Ordinance No. 2015-322-U and Ordinance No. 2015-323, entitled findings, are accurate.

Section 3. In view of all of the evidence and based on the foregoing findings, the Communications and Technology Commission concludes as follows:

FINDINGS

Section 17.76.050(B) and Section 17.12.050(I) of the Calabasas Municipal Code allows the Communications and Technology Commission to recommend and the City Council to approve a Development Code change relating to wireless communication facilities provided that the following findings are made:

1. *The proposed amendment is consistent with the goals, policies, and actions of the General Plan;*

The proposed amendment meets this finding because it maintains and strengthens the policies of the General Plan, including those in the Services, Infrastructure & Technology Element that are intended to encourage the development and maintenance of fast and secure communications networks in order to allow residents to take advantage of the benefits of personal wireless services. Specifically, the proposed amendment will encourage access to fast and secure broadband networks, as called for by Policy XII-35, by ensuring that the City's wireless facility ordinance complies with applicable federal law. The Federal Communications Commission recently adopted regulations implementing Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (Pub.L No. 112-96, 126 Stat. 156, codified at 47 U.S.C. § 1455) which provides that the City "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." (47 U.S.C. § 1455, subd. (a)(1); 47 C.F.R. §§ 1.40001, et seq.) The proposed amendment complies with this federal law, which requires a streamlined review process for, and limits the City's power to require certain application materials, deny certain proposed modifications of existing wireless telecommunication facilities, and impose certain conditions of approval, while at the same time preserving to the maximum extent possible the City's procedural and substantive requirements for collocations

and modifications to existing wireless telecommunication facilities.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;*

The proposed amendment is not detrimental to the public interest, health, safety, convenience, or welfare of the City as the proposed amendment does not modify either the radio frequency emissions standards applicable to personal wireless telecommunications facilities, which are set by the Federal Communications Commission, or the health and safety requirements of Title 15 of the Calabasas Municipal Code. The proposed amendment complies with federal law by creating a streamlined review process and specifying required findings for approval of certain federally protected proposed collocations and modifications to existing wireless telecommunications facilities. The proposed amendment does not change any health or safety standard and does not permit approval of any modifications to existing wireless telecommunications facilities that violate the health and safety requirements of Title 15 of the Calabasas Municipal Code or any other applicable law.

3. *The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).*

The Commission finds that the proposed amendment is exempt from CEQA review because there is no possibility that this amendment, which does not directly authorize any new construction or development, may have a significant effect upon the environment. Under CEQA Guidelines Section 15061(b)(3), a project is exempt when there is no possibility that it may have a significant effect on the environment. The proposed amendment does not authorize any new construction or development; rather it modifies the City's existing standards for reviewing and approval proposed modifications to wireless telecommunications facilities to comply with federal law. Further, every proposed wireless communication facility governed by the proposed amendment will receive individualized CEQA review unless otherwise exempt under CEQA, including applications deemed approved under federal law and thus not a project under CEQA because a deemed approved application does not involve a discretionary decision. Accordingly, the Commission finds that the proposed amendment is exempt from CEQA under Guidelines Section 15061(b)(3) because there is no possibility that that it will have a significant effect on the environment.

Additionally, the Commission finds that the proposed amendment, adopting provisions necessary to comply with Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (Pub.L. No. 112-96, 126 Stat. 156, codified at 47 U.S.C. § 1455), does not qualify as a "project" under CEQA Guidelines Section 15378(b)(5). Section 6409(a) requires that State and local

governments "may not deny, and shall approve" any "eligible facilities request" for collocation or modification of wireless transmission equipment so long as it does not "substantially change the physical dimensions of the existing wireless tower or base station." Under CEQA Guidelines Section 15378(b)(5), a "project" does not include "administrative activities of governments that will not result in direct or indirect physical changes in the environment." The proposed amendment is an administrative activity because it creates an administrative process to determine whether federal law mandates that the City approve an application for a collocation or modification to an existing wireless telecommunications facility. The proposed amendment will not "result in direct or indirect physical changes in the environment" because federal regulations deem all applications for the collocation or modification of existing wireless towers and base stations granted so long as such modification does not substantially change the physical dimensions of the wireless tower or base station. Any physical changes in the environment will therefore occur whether the City adopts the regulations or not. Accordingly, the Commission finds that the regulations related to Section 6409(a) in the proposed amendment do not qualify as a "project" under CEQA Guidelines Section 15378(b)(5) because it constitutes administrative activities of government that do not directly or indirectly result in any physical changes in the environment. A Notice of Exemption has been prepared.

4. *The proposed amendment is internally consistent with other applicable provisions of the Development Code.*

The proposed amendment complies with federal law by creating a streamlined review process and specifying required findings for approval of certain federally protected proposed collocations or modifications to existing wireless telecommunications facilities. The proposed amendment also clarifies which proposed collocations and modifications to existing wireless telecommunications facilities must be approved by a wireless facility permit and which must be approved by the new, streamlined wireless facility minor modification permit. The new requirements for certain federally protected proposed collocations and modifications to existing wireless telecommunication facilities fit within the context of the wireless facility ordinance and do not conflict with any other provision of the Development Code, therefore, the proposed amendment meets this finding.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the Communications and Technology Commission hereby adopts Communications and Technology Commission Resolution No. 2015-035, recommending City Council approval of Ordinance no. 2015-322-U, to amend Section 17.12.050 of the City of Calabasas Land Use and Development Code related to antennas/ personal wireless telecommunications facilities on an urgency basis; and recommending City Council approval of

Ordinance no. 2015-323, to amend Section 17.12.050 of the City of Calabasas Land Use and Development Code related to antennas/ personal wireless telecommunications facilities on a permanent basis.

Section 5. All documents described in Section 1 of CTC Resolution No. 2015-035 are deemed incorporated by reference as set forth at length.

COMMUNICATIONS AND TECHNOLOGY COMMISSION RESOLUTION NO. 2015-035 PASSED, APPROVED AND ADOPTED this 17th day of February 2015.

Candice Weber,
Chairperson

ATTEST:

Deborah Steller
Media Operations Director

APPROVED AS TO FORM:

Matthew T. Summers
Assistant City Attorney

Communications and Technology Commission Resolution No. 2015-035, was adopted by the Communications and Technology Commission at a regular meeting held February 17, 2015, and that it was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED

“The Secretary of the Communications and Technology Commission shall certify the adoption of this Resolution, and transmit copies of this Resolution to the applicant along with proof of mailing in the form required by law and enter a copy of this Resolution in the book of Resolutions of the Communications and Technology Commission.”



CITY of CALABASAS

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

www.cityofcalabasas.com

Notice of Exemption

To: _____ County Clerk, County of Los Angeles
12400 East Imperial Highway, Room 2001
Norwalk, CA 90650

_____ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, California 95814

SUBJECT: FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH SECTION 15062 OF THE PUBLIC RESOURCES CODE

Project Title/File No.: 150000009

Project Location: Citywide, in the City of Calabasas, County of Los Angeles.

Project Description: Consideration of a Resolution of the Communications and Technology Commission of the City of Calabasas to Recommend to the City Council to Amend Section 17.12.050 of the City of Calabasas Municipal Code related to Antennas/Personal Wireless Telecommunications Facilities to add provisions creating a separate application and approval process for wireless facility permit applications covered under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. section 1455(a).

Name of approving public agency: City of Calabasas City Council

Project Sponsor: City of Calabasas Community Development Department, 100 Civic Center Way, Calabasas, CA 91302

Exempt Status: _____ Ministerial (Sec. 21080(b)(1); 15268)
_____ Declared Emergency (Sec. 21080(b)(3); 15269(a))
_____ Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
_____ Categorical Exemption—Section (Insert Section #), (Class (Insert Class #), (Insert Type))
 Other. Section 15061(b)(3) & 15378(b)(5)

Reason(s) why Project is exempt: The project will not have the potential for causing a significant effect on the environment because it will merely update the permitting process in accordance with Federal regulations.

Lead Agency/Contact Person: Michael Klein, Planner, City of Calabasas Planning Division, 100 Civic Center Way, Calabasas, CA 91302.

Date: February 17, 2015 **Signature:** _____
Michael Klein

Title: Planner

Phone: 818-224-1710

Date received for filing and posting: _____



CITY of CALABASAS
CITY COUNCIL AGENDA REPORT

DATE: MARCH 2, 2015

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MAUREEN TAMURI, COMMUNITY DEVELOPMENT DIRECTOR
MICHAEL KLEIN, PLANNER

SUBJECT: ADOPTION OF RESOLUTION NO. 2015-1445 ESTABLISHING APPLICATION FEES FOR PROCESSING WIRELESS FACILITY MINOR MODIFICATION PERMITS BY THE PLANNING DIVISION.

MEETING

DATE: MARCH 11, 2015

SUMMARY RECOMMENDATION:

That the City Council adopt Resolution No. 2015-1445 establishing the application fee for processing Wireless Facility Minor Modification permits by the Planning Division.

BACKGROUND:

On February 17, 2015, the Communications and Technology recommended to the City Council adoption of Ordinance No. 2015-322-U and Ordinance No. 2015-323, amending Section 17.12.050 of the City of Calabasas Land Use and Development Code, related to Antennas/Personal Wireless Telecommunications Facilities, to add provisions creating a separate application and approval process for wireless facility permit applications covered under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. Section 1455(a) on an urgency basis, and recommended that the City Council adopt Ordinance 2015-323, amending Section 17.12.050 of the City of Calabasas Land Use and Development Code, related to Antennas/Personal Wireless Telecommunications Facilities, to add provisions creating a separate application and approval process for wireless facility

permit applications covered under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. Section 1455(a) on a permanent basis. The proposed ordinances create a new Wireless Facility Minor Modification permit to be processed by the Planning Division. As a result, it is necessary to establish a fee in order to process this new permit.

DISCUSSION:

As discussed above, staff is recommending adoption of an ordinance that would amend Section 17.12.050 of the CMC to create a new process to permit modifications and collocations of existing wireless telecommunication facilities in compliance with Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, as ordered by the FCC. The proposed ordinance establishes a new Wireless Facility Minor Modification permit that shall be processed in accordance with strict timelines established by the FCC.

An Administrative Plan Review and the proposed Wireless Facility minor Modification permit require a public hearing and a detailed review of commercial site plans, elevations and roof plans. However, processing a wireless facility minor modification permit will require approximately 3 hours of additional staff time to review noise studies, photographic simulations, compliance with prior permits and special coordination with Public Works and Building and Safety departments for concurrent review. Additionally, staffing priorities will have to be altered in order to complete the review for such applications under the new, very short 60-day timeline established by the FCC. As a result, staff recommends that the fee to process a wireless facility minor modification permit should be set at \$1,935, which reflects the base cost for a non-residential Administrative Plan Review plus the additional staff efforts discussed above. The existing consultant fee plus 15% will remain. The proposed resolution will also memorialize the fee to process a Wireless Telecommunication Facility permit that was established by Ordinance No. 2012-295.

FISCAL IMPACT/SOURCE OF FUNDING:

The cost to process a development permit under the requirements of Chapter 17 of the Calabasas Municipal Code shall be recovered from applicants. In addition to consultant fees, the estimated cost to process a Wireless Facility Minor Modification permit is \$1,935.

REQUESTED ACTION:

That the City Council adopt Resolution No. 2015-1445 establishing the application fee for processing Wireless Facility Minor Modification permits by the Planning Division.

ATTACHMENTS:

Attachment A: Resolution No. 2015-1445

Item 5 Attachment A

RESOLUTION NO. 2015-1445

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA ESTABLISHING APPLICATION FEES FOR PROCESSING WIRELESS FACILITY MINOR MODIFICATION PERMITS BY THE PLANNING DIVISION.

WHEREAS, Section 17.60.040 of the Municipal Code authorizes the City Council to establish a schedule of fees for permits, amendments and other matters pertaining to the Development Code; and

WHEREAS, Section 17.12.050 of the Calabasas Municipal Code provides for the processing of Wireless Facility Minor Modification Permits, but a fee for Wireless Facility Minor Modification Permits has not yet been established; and

WHEREAS, a fee study was prepared to determine the cost of processing a Wireless Facility minor Modification Permit and was presented to the City Council as an attachment to the staff report for this item; and

WHEREAS, on March 11, 2015, the City Council held a full and fair public hearing pursuant to Section 66016 of the Government Code regarding the establishment of said application fee; and

WHEREAS, the City Council desires to establish the Wireless Facility Minor Modification Permit fee as \$1,935.00 based on the prepared fee study.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CALABASAS THAT:

- A. The Wireless Facility Minor Modification Permit fee is established as \$1,935.
- B. The City Clerk is directed to add this fee to the Planning Division Fee Schedule.
- C. The City Council determines that the amount of the fee does not exceed the cost of the services for which it is charged, as estimated by the fee study, which is attached as Exhibit A to this Resolution and incorporated by reference herein.
- D. The fee established by this Resolution shall take effect upon the adoption of this Resolution.

The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

PASSED, APPROVED, AND ADOPTED this 11th day of March, 2015.

David J. Shapiro, Mayor

ATTEST:

Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

Scott H. Howard, City Attorney

ATTACHMENTS:

Exhibit A: Fee Study
Exhibit B: Planning Fee Schedule

User Fee Determination Cost Analysis Worksheet

User Fee Description	Fund	Account	Agency / Department	Date
Wireless Facility Minor Modification Permit			Planning	11-Mar-15

Description of Service, Demand, Subsidy and Other Comments:

The base cost to process a wireless facility minor modification permit is anticipated to be similar to that of an Administrative Plan Review (commercial), which requires the same public hearing process, plus the additional staff time noted below

Personnel Costs

Position	Rates*					Hours by Position per Unit	Total Labor Cost per Unit of Service
	Straight Time Labor	Fringe Benefits	Labor and Fringe Costs	Agency / Dept. Overhead	Total Burdened Labor Cost / Hr		
Community Development Department							
Community Development Director	\$ 62.16	42.53%	\$88.60	0.00%	\$88.60		\$0.00
City Planner	\$ 46.32	42.53%	\$66.02	0.00%	\$66.02		\$0.00
Senior Planner	\$ 42.96	42.53%	\$61.23	0.00%	\$61.23		\$0.00
Planner	\$ 38.87	42.53%	\$55.40	0.00%	\$55.40	1.50	\$83.10
Associate Planner	\$ 35.07	42.53%	\$49.99	0.00%	\$49.99	1.50	\$74.98
Planning Assistant	\$ 28.92	42.53%	\$41.22	0.00%	\$41.22		\$0.00
Executive Assistant - Planning	\$ 22.76	42.53%	\$32.44	0.00%	\$32.44		\$0.00
Public Works Department							
Public Works Director / City Engineer	\$ 58.56	42.53%	\$83.47	0.00%	\$83.47		\$0.00
Associate Engineer	\$ 30.37	42.53%	\$43.29	0.00%	\$43.29		\$0.00
Associate Engineer - Transportation	\$ 30.37	42.53%	\$43.29	0.00%	\$43.29		\$0.00
Senior Inspector	\$ 30.37	42.53%	\$43.29	0.00%	\$43.29		\$0.00
Associate Transportation Planner	\$ 35.07	42.53%	\$49.99	0.00%	\$49.99		\$0.00
Total Burdened Personnel Costs per Unit of Service							\$158.08

Other Departments

City Attorney	\$ 155.00	0.00%	\$155.00	0.00%	\$155.00	0.50	\$77.50
Finance Clerk	\$ 65.00	42.53%	\$32.02	0.00%	\$32.20		\$0.00
City Clerk	\$ 100.00	42.53%	\$58.73	0.00%	\$58.73		\$0.00
Total Burdened Consultant Costs per Unit of Service							\$77.50

Base Cost for Administrative Plan Review (commercial)

Description	Cost Each	Quantity Required	Unit Cost
Administrative Plan Review	1750	1	\$1,700.00
Total Other Costs per Unit of Service			\$1,700.00

Total Service Direct Costs \$1,935.58

Recommended Fee **\$1,935.00**



CITY of CALABASAS

Community Development Department

Planning Division

100 Civic Center Drive

Calabasas, CA 91302

(818) 224-1600

Fax: (818) 225-7329

www.cityofcalabasas.com

Planning Fee Schedule

Resolution History: [91-52 Sept. 25, 1991], [95-352 Nov. 17, 1995], [2010-1225 Feb. 24, 2010], [2010-1227 Mar. 10, 2010],

[2012-295 June 27, 2012], [2012-1333, June 13, 2012], [2014-1430 Aug. 27, 2014][2014-1431 Sept. 10, 2014][2015-1445, March 11, 2015]

Planning Applications

Administrative Plan Review

- Single-family (1 Unit) \$850.00
- Other \$1,700.00

Annexation/SOI Amendment \$12,351.00 + LAFCO Fees

Appeal \$150.00

Certificate of Appropriateness: (Historic Properties Only)

- Single-family (1 Unit) \$503.00
- Other \$1,006.00

Certificate of Economic Hardship: (Historic Properties Only)

- Single-family (1 Unit) \$456.00
- Other \$913.00

Conditional Use Permit

- Single-family (1 Unit) \$1,715.00
- Other \$3,430.00

Conditional Use Permit Amendment

- Single-family (1 Unit) \$784.00
- Other \$1,569.00

Development Agreement \$6,051.00

Development Code Amendment \$4,123.00

Development Plan Review \$7,975.00

General Plan Amendment \$5,566.00

Home Occupation Permit \$90.00

Lot Line Adjustment \$1,495.00 + \$172.50 per parcel ²

Minor Use Permit

- Single-family (1 Unit) \$1,050.00
- Other \$2,101.00

Oak Tree Permit

- Single-family (1 Unit) \$1,428.00
- Other \$2,856.00

Pre-application Review \$988.00

Scenic Corridor Permit

- Single-family (1 Unit) \$377.00
- Other \$754.00

Scenic Corridor Permit – Minor

- Single-family (1 Unit) \$268.00
- Other \$536.00

Sign Permit

- Temporary Banners \$55.00
- Other \$312.00

Sign Program \$2,042.00

Site Plan Review

- Single-family (1 Unit) \$1,779.00
- Other \$3,559.00

Specific Plan \$11,793.00

Street Vacation \$4,399.00

Temporary Use Permit \$301.00

Tentative Parcel Map \$4,909.00

Tentative Tract Map \$6,040.00

Tract or Parcel Map - Revision \$3,036.00

Time Extension \$254.00

Wireless ~~Transmission-Telecommunication~~ Facilities

- Wireless Facility Permit \$3,430.00

- Wireless Facility Minor Modification \$1,935.00

RF Consultant Cost plus 15%

Variance

- Single-family (1 Unit) \$1,127.00
- Other \$2,255.00

Variance - Each Additional Request (more than 1 Variance)

- Single-family (1 Unit) \$403.00
- Other \$806.00

Zone Change \$3,825.00

Zoning Clearances \$146.00



CITY *of* CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: FEBRUARY 27, 2015

TO: HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:  ROBERT YALDA, P.E., T.E., PUBLIC WORKS DIRECTOR/CITY ENGINEER
MARINA ISSAKHANI, ENVIRONMENTAL CONSULTANT**

SUBJECT: DISCUSSION AND UPDATE ON SOLID WASTE FRANCHISE RFP.

MEETING

DATE: MARCH 11, 2015

SUMMARY RECOMMENDATION:

That the City Council receives and files the attached report.

BACKGROUND:

Solid Waste Consultant, David Davis, has prepared the attached power point presentation of the City's Solid Waste RFP options which will be provided at the Council meeting.

FISCAL IMPACT/SOURCE OF FUNDING:

There is no fiscal impact associated with this report.

REQUESTED ACTION:

That the City Council receives and files the attached report.

ATTACHMENTS:

Attachment A: Solid Waste Franchise RFP PowerPoint Presentation



CITY *of* CALABASAS

Update on Solid Waste RFP

David L. Davis



**Solid Waste Consultants
to Local Government**

Overview

- **Purpose: to update Council on RFP process and confirm key contract terms**
 - Background
 - RFP process
 - RFP package
 - Key contract terms
 - Next steps



Background – Current Agreements

Agreement	Customer Sector	Service Provider	Contract Term
Cart Services	Single-family Residential	Waste Management	March 2009 through February 2016
Container Services	Commercial and Multi-family Residential	Waste Management	March 2009 through February 2016
Temporary Services	Construction & Demolition	Recology	Original term expired in February 2015; currently on month-to-month basis.



RFP Process - Schedule

Task/Event	2015												2016		
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
Develop RFP Package		█	█												
City Issues RFP				█											
Haulers Prepare and Submit Proposals					█	█									
City Evaluates Proposals							█	█							
Council Approves Finalist Hauler									█						
Negotiate Contract with Finalist Hauler										█					
Council Approves Contract											█				
Contractor Orders Equipment											█	█	█	█	
Contractor Rolls Out New Service															█



RFP Process – Council Involvement

- **City Council:**
 - **Confirms services and terms**
 - **Receives evaluation results**
 - **Selects finalist(s) with which to negotiate**
 - **Approves new contract**

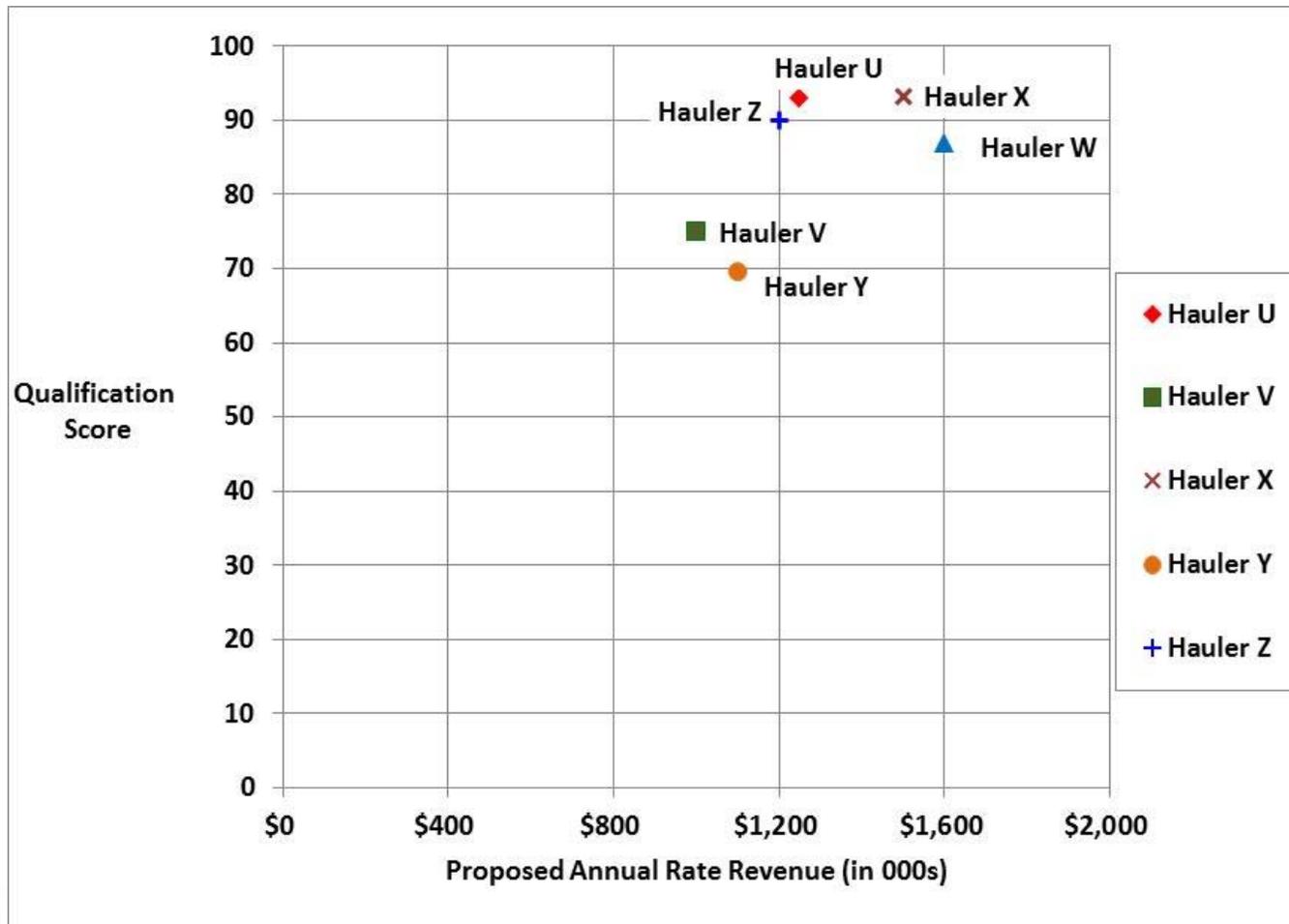


Process – RFP Evaluation Criteria

- **Municipal references**
- **Transition experience**
- **Financial capability**
- **Safety record**
- **Exceptions taken to draft agreement**
- **Waste diversion results in other cities**
- **Rate revenue**



Process – Example RFP Scoring



RFP Package

- **Process integrity rules**
- **Scope of service and key contract terms**
- **Service info (customers/carts/tons)**
- **Qualification requirements**
- **Draft agreement**
- **Rate proposal forms**



Key Contract Terms

Key Contract Term	Current	Proposed
Length of Contract	7 years	Seven (7) year initial term. Three (3) ea. 2-year options to extend at City's sole discretion for a possible total of 13 years.



Key Contract Terms

Key Contract Term	Current	Proposed
Waste Diversion Requirement	Minimum of <u>75%</u> of material handled by contractor must be diverted.	Minimum of <u>50%</u> of material handled by contractor must be diverted. <u>Haulers may enhance their proposals by committing to higher diversion rates.</u>



Key Contract Terms

Key Contract Term	Current	Proposed
Program Funding	AB 939 Fees: <ul style="list-style-type: none"> • SFR - \$102,000/yr • Comm - \$102,000/yr. • Rolloff – 10% of gross 	AB 939 Fees: <ul style="list-style-type: none"> • 10% of gross One-time up front payment <ul style="list-style-type: none"> • \$100,000



Key Contract Terms

Key Contract Term	Current	Proposed
Single-family Collection Service	<ul style="list-style-type: none"> • 3-cart system • Valet service • Move in collection • ABOP collection • 2 ea. <u>citywide</u> bulky pickups per year 	<ul style="list-style-type: none"> • 3-cart system • Valet service • Move in collection • ABOP collection • 3 ea. <u>on-call</u> bulky pickups per year



Key Contract Terms

Key Contract Term	Current	Proposed
Commercial/MFR Bin Collection Service	<ul style="list-style-type: none"> • FEL bin collection • 2 ea. <u>on-call</u> MFR bulky pickups • No charge for service to City facilities • City sponsored special events 	<ul style="list-style-type: none"> • FEL bin collection • <u>Discounted recycling service</u> • 3 ea. <u>on-call</u> MFR bulky pickups • No charge for service to City facilities • City sponsored special events



Key Contract Terms

Key Contract Term	Current	Proposed
<p>Rolloff Collection Service</p>	<ul style="list-style-type: none"> • Regularly scheduled rolloff box service • Temporary (C&D) rolloff box service • Temporary FEL bin collection service for SFR customers 	<ul style="list-style-type: none"> • Regularly scheduled rolloff box service • Temporary (C&D) rolloff box service • Temporary FEL bin collection service for SFR customers



Next Steps

- **Gather service data from incumbent haulers**
- **Prepare RFP package**
- **Prepare single draft agreement**





CITY of CALABASAS
CITY COUNCIL AGENDA REPORT

DATE: FEBRUARY 27, 2015

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MARICELA HERNANDEZ, MMC, CITY CLERK *Marc*

SUBJECT: REVIEW, DISCUSS AND CONSIDER THE RECOMMENDATION FROM THE CALABASAS-LAS VIRGENES HISTORICAL SOCIETY TO APPOINT MARTHA DULEY TO THE HISTORIC PRESERVATION COMMISSION.

MEETING
DATE: MARCH 11, 2015

SUMMARY RECOMMENDATION:

That the City Council review, discuss and consider the recommendation from the Calabasas-Las Virgenes Historical Society to appoint Martha Duley to the Historic Preservation Commission effective April 1, 2015, with a term ending in November 2015.

BACKGROUND:

Pursuant to the Calabasas Municipal Code, the Historic Preservation Commission shall consist of six members. To replace the current sixth member who has tendered her resignation effective March 31, 2015, the Calabasas-Las Virgenes Historical Society nominated Martha Duley to fill the vacancy.

The Municipal Code also states that all the Commission members shall be lawful residents of the City and electors during their respective terms of office. However, Ms. Duley is a resident of the City of Hidden Hills.

The Council should consider the following options:

1. Accept the Calabasas-Las Virgenes Historical Society's recommendation to appoint Martha Duley to the Historic Preservation Commission; and direct staff to amend the Calabasas Municipal Code to remove the residency requirements from the Calabasas-Las Virgenes Historical Society member.
2. Return the Calabasas-Las Virgenes Historical Society's recommendation and request that a resident of the City of Calabasas be nominated.

Amending the Municipal Code would be uncomplicated should the Council opt for number one above, since draft Ordinance No. 2015-321 is being considered for introduction by the City Council as Agenda Item No. 8.

REQUESTED ACTION:

That the City Council review, discuss and consider the recommendation from the Calabasas-Las Virgenes Historical Society to appoint Martha Duley to the Historic Preservation Commission for a term ending in November 2015.

ATTACHMENTS:

- A. Commission application
- B. Minutes from the Calabasas-Las Virgenes Historical Society
- C. Letter from Calabasas-Las Virgenes Historical Society President
- D. Letter from Arlene Bernholtz
- E. Municipal Code excerpt



CITY of CALABASAS

RECEIVED

MAR 03 2015

CITY OF CALABASAS
CITY CLERKS OFFICE

APPLICATION FOR APPOINTMENT

AS A MEMBER OF:

- COMMUNICATIONS AND TECHNOLOGY COMMISSION
- ENVIRONMENTAL COMMISSION
- HISTORIC PRESERVATION COMMISSION
- LIBRARY COMMISSION
- PARKS, RECREATION & EDUCATION COMMISSION
- PLANNING COMMISSION
- PUBLIC SAFETY COMMISSION
- TRAFFIC & TRANSPORTATION COMMISSION
- STUDENT MEMBER
- OTHER:

ARE THERE ANY WORKDAY EVENINGS YOU COULD NOT MEET? YES NO

If yes, when: *2nd 3rd Mondays of the month*

NAME: *MARTHA SWEENEY-DULLEY (de CARTERET)*

ADDRESS: *[REDACTED] HIDDEN HILLS*

Check one: Calabasas, 91302 Calabasas, 91301 Topanga, 90290

HOME TELEPHONE:

CELL PHONE: *[REDACTED]*

E-MAIL: *[REDACTED]*

HOME FAX:

REGISTERED VOTER IN CALABASAS? YES NO (*HIDDEN HILLS*)

BUSINESS TELEPHONE:

BUSINESS FAX:

OCCUPATION:

EMPLOYER:

BUSINESS ADDRESS:

TYPE OF BUSINESS:

EDUCATION: *Cuesta Community College
San Luis Obispo*

2009 - Docent Training Malibu STATE CREEK PARK

Calabasas Las Virgenes Historical Society
Board member ²⁰¹⁰⁻ _{since}

CIVIC AFFILIATIONS: West Valley Garden club
D.A.R. - Daughters of the American Revolution
Prince of Peace Episcopal Church (Active member & Volunteer)

COMMUNITY INTERESTS:
Preserving the local History of Calabasas & Surrounding Areas
West Valley Food PANTRY - Volunteer / EARTH DAY & Pumpkin Festival
St. James Church - (LOROS Kitchen - Volunteer) / Volunteer for C.H.S. Society

PLEASE GIVE A BRIEF STATEMENT AS TO WHY YOU ARE INTERESTED IN SERVING ON THIS COMMISSION OR BOARD:

Having been born & raised in ^{THE} HIDDEN HILLS - CALABASAS Community Both of my Parents Norm & Eleanor de CARTERET Where involved in early developments of this Area. Las Virgenes Water District & The Las Virgenes Enterprise, I have always felt a Strong Bond to this Community and have a great Concern for the Calabasas History as well as the Surrounding Areas. I Can offer my Historical Knowledge to the Commission.

DATE: 2/28/2015

Maith Dutey

SIGNATURE OF APPLICANT

Please attach any additional information relating to this application and return to the City Clerk, City of Calabasas, 100 Civic Center Way, Calabasas, CA 91302 (818) 224-1600.

INDIVIDUALS WITH DISABILITIES REQUIRING ANY ACCOMMODATION TO PARTICIPATE IN THE APPLICATION AND SELECTION PROCESS MUST INFORM THE CITY OF CALABASAS AT THE TIME THIS APPLICATION IS SUBMITTED. INDIVIDUALS NEEDING SUCH ACCOMMODATIONS MUST DOCUMENT THE NEED FOR SUCH ACCOMMODATION INCLUDING THE TYPE AND EXTENT OF ACCOMMODATIONS NEEDED TO COMPLETE THE APPLICATION FORM, PARTICIPATE IN THE SELECTION PROCESS OR PERFORM THE VOLUNTEER DUTIES/JOB FOR WHICH THEY ARE APPLYING.

Minutes of the Calabasas-Las Virgenes Historical Society

Jan 6, 2015

Home of Judy Jordan
22633 Mulholland Hwy
Calabasas, CA 91302

The meeting was called to order at 9:50 am by acting president George French.

Those present: George French, Pat French, Martha Duley, Taryn Wayne, Arlene Bernholtz, and Judy Jordan.

The minutes of the Nov. 4 2014 board meeting were approved unanimously.

The treasurer's report, showing an Dec. 31 balance of \$15,625.54 was approved unanimously.

A motion by Martha, seconded by Pat, to pay the \$15.00 membership dues to the Associated Historical Societies passed unanimously.

Programs: Taryn: Tour of the Adamson House on Jan, 17 will begin at 9:30 and will be followed by lunch in the Malibu pier.

Creative Succulent Wreath Workshop Saturday, February 7, 1:30pm.
Hearts of Jade (a historical landmark) 213 E. High St, Moorpark, CA 93021 (805) 402-0506. A workshop to create a wreath of succulents. Class is limited to 8. There is fee is \$42.50 (a 50% discount off the regular price). Reservations are required: (818) 606-5900.

Membership: 32 new members in 2014, a 39%. New members should be invited to attend board meetings to encourage them to accept a Board position. A schedule for the updated membership roster is needed. The group consensus was that photographs are not necessary and add to the cost significantly.

Old Business: Thanks to Taryn, Martha and Cim for the wonderful and successful Holiday event of December 4th.

The Jan/Feb Newsletter has been published and distributed.

Two Rotary notebooks were donated to our collection. They were accepted in error because they do not fit our mission. After much detective work, Arlene has contacted the responsible Rotary member, Jay Saltzman. His phone number is (818) 754-4743. He agreed to have the notebooks removed.

New Business: Website update. George has purchased the domain name. CALABASASLASVIRGENESEHISTORICALSOCIETY.org. We will continue to use CalabasasHistoricalsociety.org. Our website will be reached either address. A motion made by Martha and seconded by Taryn, to reimburse George \$27.34 for the cost getting the address passed unanimously. The website needs to be updated with new categories of membership. Cim's phone number will be used for the contact number.

Non-voting Representative to the Historic Preservation Commission: Arlene informed the group that she no longer wants to represent CLVHS on the Historic Preservation Commission. The group decided that Martha Duley would be an excellent choice to represent the society. She has lived in the area most of her life, attended local schools, and has a keen interest in preserving local history. She has been attending meetings of the Historic Preservation Commission as an observer. A motion to appoint Martha Duley was made by Pat French, seconded by Judy Jordan, passed unanimously.

State of the City: Members were used to attend the event which will take place at 6:30 on Feb. 4 at the Performing Arts and Education Center to Calabasas High School, 22855 Mulholland Highway, Calabasas, CA.

The next board meeting board will take place on Feb 3 at 10:00 am at the home of Judy Jordan: 22633 Ticonderoga Rd Calabasas CA.

Meeting was adjourned at 11:30 am by acting president George French.

Respectfully submitted,

Judy Jordan
Recording Secretary

ITEM 7 ATTACHMENT C
CALABASAS LAS VIRGENES HISTORICAL SOCIETY

P. O. Box 8067
Calabasas, CA 91372

RECEIVED
MAR 03 2015
CITY OF CALABASAS
CITY CLERKS OFFICE

March 3, 2015

TO: Mayor David Shapiro and City Council Members

For consideration: Candidate for Historic Preservation Commission from

Calabasas Las Virgenes Historical Society: MARTHA DULEY,
23909 Long Valley Rd., Hidden Hills, CA 91302, 818-451-3104.

Currently, the society is represented by Arlene Bernholtz. Her term expires March 31, 2015 and she has asked to be replaced as her travels are taking up more and more of her time away from Calabasas.

At the February 3, 2015 board meeting, Martha Duley was selected by the board members to replace Arlene Bernholtz as the society's representative and her name submitted to the council for final approval. Martha was born and raised in Hidden Hills and her mother, Eleanor DeCarteret was a co-founder of the original Las Virgenes Enterprise newspaper serving the Calabasas area and her father was involved with the founding of the Las Virgenes Municipal Water District. Martha has shown the same civic interest in the community and would like to take an active role. She has observed commission meetings over the past year.

The Calabasas Las Virgenes Historical Society appreciates the time and devotion Arlene has given to the Historic Preservation Commission and wish her well in her future endeavors.

Thank you for giving Martha Duley an opportunity to serve the community and bring her knowledge of the area to the commission.

Respectively submitted,

George French, President

George French, President, CLVHS

RECEIVED
MAR 03 2015
CITY OF CALABASAS
CITY CLERKS OFFICE

February 4, 2015

To: Mayor David Shapiro and Council Members

Re: Historic Preservation Commission appointment

As my life moves in different directions in 2015, I want to go on record, that I will not be resubmitting my name to serve as a de facto member of this commission, to the City Council.

I am the representative of the Calabasas Las Virgenes Historical Society to this commission. I met with their board yesterday, February 3, 2015 and they have appointed Martha Duley to represent the historical society to the City Council for final approval, when my commission expires on March 31, 2015. Martha has shown interest in this position and has attended several commission meetings and is familiar with the historical history of the area and has resided in Hidden Hills since birth.

I have devoted the past four years to this commission and wish them the best as they continue to preserve the historical integrity of Calabasas.

Sincerely,



Arlene E. Bernholtz

Chapter 2.30 - HISTORIC PRESERVATION COMMISSION EXCERPT.

Sections:

2.30.020 - Membership.

- A. The commission shall consist of five (5) members and an ex-officio, nonvoting member who shall be lawful residents of the city and electors during their respective terms of office. A lawfully resident nonelector may also serve on the commission provided that he or she has a pending application for citizenship at the time of his or her commission appointment. The ex-officio, nonvoting member shall be a member of the Calabasas Historical Society. The Board of Directors of the Calabasas Historical Society shall nominate the nonvoting member, which nomination shall be subject to city council approval.



CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: FEBRUARY 25, 2015

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: ANTHONY M. COROALLES, CITY MANAGER 
SCOTT H. HOWARD, CITY ATTORNEY
MARICELA HERNANDEZ, MMC, CITY CLERK 

SUBJECT: CONSIDER INTRODUCTION OF ORDINANCE NO. 2015-321, ADDING CHAPTER 2.27 AND AMENDING CHAPTERS 2.28, 2.30, 2.36, 2.37, 2.38, 2.39, 2.40, 2.41 AND 2.43 OF THE CALABASAS MUNICIPAL CODE REGARDING COMMISSIONS.

MEETING

DATE: MARCH 11, 2015

SUMMARY RECOMMENDATION:

That the City Council consider introduction of Ordinance No. 2015-321, adding Chapter 2.27 and amending Chapters 2.28, 2.30, 2.36, 2.37, 2.38, 2.39, 2.40, 2.41 and 2.43 of the Calabasas Municipal Code regarding Commissions.

BACKGROUND:

The attached draft ordinance includes proposed amendments to several Chapters of the Calabasas Municipal Code to create uniformity in the respective chapters. The recommended amendments are found in the redlined/strikeout version of the proposed ordinance.

RECOMMENDATION:

That the City Council consider introduction of Ordinance No. 2015-321, adding Chapter 2.27 and amending Chapters 2.28, 2.30, 2.36, 2.37, 2.38, 2.39, 2.40, 2.41 and 2.43 of the Calabasas Municipal Code regarding Commissions.

ATTACHMENTS:

- A. Red-lined Ordinance No. 2015-321.
- B. Draft Ordinance No. 2015-321.

ITEM 8 ATTACHMENT A
ORDINANCE NO. 2015-321

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF CALABASAS, CALIFORNIA AMENDING CHAPTERS
2.28, 2.30, 2.36, 2.37, 2.38, 2.39, 2.40, 2.41 AND
2.43 OF THE CALABASAS MUNICIPAL CODE RELATED
TO COUNCIL COMMISSIONS.

THE CITY COUNCIL OF THE CITY OF CALABASAS DOES ORDAIN AS
FOLLOWS:

SECTION 1. Chapter 2.27 related to Commission Appointments, Removal and Absences of the Calabasas Municipal Code are hereby created to read as follows:

2.27.010 – Appointments.

Unless a different procedure is expressly stated elsewhere in Title 2 of this Code, each city councilmember shall nominate one commissioner, which nomination shall be subject to city council confirmation. The city council may reappoint a commissioner to an unlimited number of terms.

2.27.020 – Removals.

The city council, by a majority vote of the entire council, may remove a commissioner from office with or without cause. In addition and as a separate basis for removal, the nominating councilmember may also remove his/her commissioner whom he/she nominated by written notice to the city council and may thereafter nominate a new person who shall serve for the balance of the term upon council approval.

2.27.030 – Absence from Meetings.

Notwithstanding any other provisions of this code, any commissioner or alternate who absents himself or herself from three, consecutive, regular meetings of the commission, unless excused by the commission by action recorded in its minutes, or who is absent without a recorded excuse, from a total of five regular meetings of the commission in any six-month period, shall thereby automatically forfeit his or her position. The chair or vice chair of the commission shall thereupon promptly notify the city council, and the former commissioner or alternate, of the fact of the vacancy.

SECTION 2. Chapter 2.28 related to the Planning Commission of the Calabasas Municipal Code is hereby amended to read as follows:

Formatted: Font: Univers, 12 pt

2.28.010 - Creation.

The planning commission of the eCity of Calabasas is established in accordance with the provisions of Government Code Section 65100, et seq.

2.28.020 - Membership.

- A. The ~~planning~~ commission shall consist of five members and one alternate, who shall be lawful residents of the city and electors during their respective terms of office. ~~A lawfully resident nonelector may also serve on the commission provided that he or she has a pending application for citizenship at the time of his or her commission appointment. Each city councilmember shall nominate one commissioner, which nomination shall be subject to city council confirmation.~~ The city council shall appoint the alternate. The city council may reappoint ~~a commissioner or the~~ alternate to an unlimited number of terms. ~~The city council, by a majority vote of the entire council, may remove a commissioner or alternate from office with or without cause. A councilmember may remove a commissioner by written notice to the city council and may thereafter nominate a new person who shall serve for the balance of the term upon council approval unless earlier removed by the council or the appointing councilmember.~~
- B. Commissioners nominated by individual councilmembers shall have a term lasting for the lesser of two years or until the expiration of the term of the councilmember who nominated him or her. The alternate shall have a term lasting ~~for the lesser of~~ two years. Notwithstanding the expiration of a term, a commissioner or alternate shall continue until his or her successor has been appointed.
- C. If a vacancy shall occur other than by expiration of a term, a new commissioner shall be appointed in the manner as set forth above and shall serve the unexpired portion of the term.
- D. The alternate may participate in deliberations, but shall not vote unless at least one commissioner is absent or abstains from a matter due to an actual or potential conflict of interest.

2.28.030 - Organization.

- A. The commission shall elect a chair and a vice-chair from among its members, each for a term of one year, at its first regular meeting ~~in November~~ of each year. No person shall serve more than three successive terms in either office.

The chair, or in the absence of the chair, the ~~vice chair~~vice chair, shall preside over the meetings of the commission.

- B. The commission may appoint standing or ad hoc subcommittees from its membership and, with the consent of city council, may appoint advisory committees comprised of noncommissioners.
- C. With the consent of the city council, the commission may adopt rules and regulations for the transactions of its business.
- D. The community development director, or such other person as is designated by the city manager to do so, shall serve as secretary of the commission.

2.28.040 - Duties.

The commission shall have the power and duty, except as otherwise provided by law, to:

- A. Prepare and recommend to the city council a comprehensive long-term general plan and amendments to that plan for the physical development of the city and of any land outside its boundaries which in the commission's judgment bears relation to the city's planning;
- B. Investigate and make recommendations to the city council regarding reasonable and practical means for effectuating the General Plan to guide the orderly growth and development of the city, and as a basis for the efficient expenditure of capital improvement funds relating to the subjects of the General Plan;
- C. Render an annual report to the city council on the status of the General Plan and progress in its application consistently with Government Code Section 65400;
- D. Review proposals for acquisition of property for street, park or other public purposes and report to the city council regarding the conformity of such acquisitions with the General Plan as required by Government Code Section 65402;
- E. Make recommendations to the city council regarding the adoption and amendment of specific plans;
- F. Hold public hearings on any proposed amendment to the city's zoning ordinance and render written recommendations to the city council;

- G. Hear and approve, conditionally approve or deny applications for conditional use, variances, subdivisions or other permits and approvals provided by the zoning and subdivision ordinances of the city, subject to appeal to the city council if and as authorized by this code; and
- H. Perform other functions as provided by state law, this code, or city council direction.

2.28.050 - Regular meetings.

Regular meetings of the commission shall be held on the second and fourth Thursday of each month, or the next succeeding day which is not a holiday, at seven p.m., or at such other time as the commission may recommend and the city council may establish by resolution.

~~2.28.060 - Absence from meetings.~~

~~Notwithstanding any other provisions of this code, any commissioner or alternate who absents himself or herself from three, consecutive, regular meetings of the commission, unless excused by the commission by action recorded in its minutes, or who is absent without a recorded excuse, from a total of five regular meetings of the commission in any six-month period, shall thereby automatically forfeit his or her position. The chair or vice chair of the commission shall thereupon promptly notify the city council, and the former commissioner or alternate, of the fact of the vacancy.~~

2.28.070 - Compensation and expenses.

Each commissioner shall receive compensation in the amount of fifty dollars (\$50.00) for each commission meeting attended or such other amount as may be established by resolution of the city council. No additional compensation shall be paid to commissioners, but commissioners may receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. No expense of any kind shall be incurred by the commission or any commissioner, unless first authorized and approved by the city council.

2.28.080 - Appeal from commission decision.

- A. Commission decisions from which an appeal may be taken under this code become final at five p.m. on the tenth business (10th) day after the decision unless, prior to that time, an appeal or call for review by the city council is filed in writing in the office of the city clerk, as provided for in this Chapter 2.28 and by Chapter 17.74. Nonappealable decisions are final when rendered.
- B. Appeals. Appeals may be initiated by:

1. The applicant;
 2. An owner of real property, any part of which is located within five hundred (500) feet of the external boundaries of the subject property; or
 3. An individual who or organization that presented written or oral testimony to the commission at a public hearing on the matter from which the appeal is taken.
- C. Call for Review. As an additional safeguard to avoid results inconsistent with the purposes of this code, any order, requirement, decision, determination, interpretation or ruling of the planning commission may be called up for city council review upon the written request of any two city councilmembers.
- D. A timely appeal or call for review shall stay the decision and no permit may issue with respect to that decision until the city council has acted on the matter.
- E. The fee for an appeal of a commission decision shall be established from time to time by city council resolution.

SECTION 3. Chapter 2.30 related to the Historic Preservation Commission of the Calabasas Municipal Code is hereby amended to read as follows:

2.30.010 - Creation.

An historic preservation commission is established in accordance with the provisions of this code and may be known and referred to as the "Calabasas Historic Preservation Commission," the "Historic Preservation Commission," or the "Commission."

2.30.020 - Membership.

- A. The commission shall consist of ~~five (5)~~six members ~~and an ex-officio, nonvoting member~~ who shall be lawful residents of the city and electors during their respective terms of office. ~~A lawfully resident nonelector may also serve on the commission provided that he or she has a pending application for citizenship at the time of his or her commission appointment.~~ The sixth member shall be an ex-officio, nonvoting member ~~shall be and~~ a member of the Calabasas-Las Virgenes Historical Society. The Board of Directors of the Calabasas-Las Virgenes Historical Society shall nominate the nonvoting member, which nomination shall be subject to city council ~~approval~~confirmation. ~~Each city councilmember shall nominate a commissioner for appointment by the city council, unless earlier removed by the council or the appointing councilmember.~~

B. Commissioners nominated by individual city councilmembers shall have terms lasting for the lesser of two years or until the expiration of the term of the councilmember who nominated him or her. The ex-officio, non-voting member shall have a term lasting two years. Notwithstanding the expiration of a term, a commissioner or alternate shall continue until his or her successor has been appointed.

C. If a vacancy occurs other than by expiration of a term, a new commissioner shall be appointed in the manner set forth above and shall serve the unexpired portion of the term.

BD. Required Qualifications.

- ~~1. Members shall be lawful residents of the city and electors during their respective terms of office. A lawfully resident nonelector may also serve on the commission, provided that he or she has a pending application for citizenship at the time of his or her commission appointment.~~
2. All members should have a demonstrated interest in Calabasas' historical, architectural and cultural heritage and have special interest, knowledge, or training in fields closely related to historic preservation. Such fields include architecture, history, landscape architecture, architectural history, planning, archaeology, urban design, geography, real estate, law, finance, building trades or related areas.

~~If a vacancy occurs other than by expiration of a term, a new commissioner shall be appointed in the manner set forth above and shall serve the unexpired portion of the term. If the vacancy is associated with the special qualifications listed in Section 2.36.030, the city council shall endeavor to appoint a person with such qualifications.~~

Formatted: Indent: Left: 0", Hanging: 0.5", Space After: 0 pt

CE. Desired Qualifications.

1. If possible, the city council shall appoint at least two members to the commission who are professionals in the fields or disciplines of architecture, landscape architecture, history, architectural history, urban planning, American studies, geography, archaeology, or other historic preservation-related disciplines to the extent that such professionals are available in the community.

D. Terms.

- ~~1. Commissioners nominated by individual city councilmembers shall have terms lasting for the lesser of two years or until the expiration of the term of the councilmember who nominated him or her. Notwithstanding the~~

~~expiration of a term, a commissioner or alternate shall continue until his or her successor has been appointed.~~

- ~~2. If a vacancy occurs other than by expiration of a term, a new commissioner shall be appointed in the manner set forth above and shall serve the unexpired portion of the term. If the vacancy is associated with the special qualifications listed in Section 2.36.030, the city council shall endeavor to appoint a person with such qualifications.~~

2.30.040 - Organization.

- A. The ~~historic preservation~~ commission shall elect a chair and a vice_ chair from among its members, each for a term of one year, at its first regular meeting ~~in November~~ of each year. No ~~officer-person~~ shall serve more than three successive terms. The chair, or in the absence of the chair, the vice chair, shall preside over the meetings of the commission.
- B. With the consent of the city council, the commission may also appoint such other officers as may be necessary for the administration of its business, at the same time and for like terms.
- C. The commission may appoint committees from its membership and, with the consent of the city council, appoint advisory committees from other interested public and private groups.
- D. The commission may adopt rules and regulations for the transaction of its business. The commission is subject to the Ralph M. Brown Act, Section 54950, et seq., of the Government Code.
- E. The city's historic preservation officer shall serve as secretary of the commission.

2.30.050 - Powers and duties.

The historic preservation commission shall have the following powers and duties as specified in Chapter 17.36 of this code.

- A. Recommend for adoption by the city council criteria for, and upon appropriation of necessary funds by the council, conduct or cause to be conducted, a comprehensive survey in conformance with state and federal survey standards, policies and guidelines of historical resources within the boundaries of the city, and to publicize and periodically update the survey results.
- B. The authority to hear and decide the following.

1. Applications for certificates of appropriateness;
 2. Applications for certificates of economic hardship.
- C. The authority to hear and make recommendations to the city council regarding the following:
1. Applications for designations of historic landmarks, landscapes and districts;
 2. Applications for placement of landmarks or districts on the National Register of Historical Places or the California Register of Historical Resources;
 3. Applications for Mills Act contracts.
- D. Authority to act upon an appeal of any order, requirement, permit, decision, or determination of the city's historic preservation officer concerning historical resources under this development code.
- E. Maintain a local register of designated historic landmarks, landscapes and districts consistent with those criteria contained in the National Register of Historic Places and the California Register of Historical Resources, including all information required for each designation.
- F. The authority to review and make recommendations to the appropriate approval body regarding all projects within the Commercial Old Town (CT) Zone.
- G. Undertake any other action or activity necessary or appropriate to implement its powers or duties to fulfill the objectives of the historic preservation program.

2.30.060 - Meetings.

Regular meetings of the historic preservation commission shall be held quarterly, on the second Wednesday of the month, in the months of January, April, July and October, at the hour of seven p.m.; or the next succeeding day which is not a holiday; or at such other times as may be established by resolution of the city council. Regular meetings may be adjourned by public announcement to a specified date, and any such adjourned meeting shall be deemed a regular meeting. Special meetings may be called as provided in the Ralph M. Brown Act and shall be convened as necessary to ensure that actions required of the commission under this code are consistent with the requirements of the Permit Streamlining Act, Government Code Section 65950, et seq., and that projects which require approval from both the historic preservation commission and the planning commission are considered consistently with the deadlines established in that Act.

~~2.30.070 - Absence from meetings.~~

~~Notwithstanding any other provision of this code, any commissioner who absents himself or herself from any three consecutive regular meetings of the historic preservation commission, unless excused from attendance by consent of the commission expressed by action recorded in its minutes, shall thereby automatically forfeit his or her position as a commission member. The secretary of the commission shall promptly notify the city council, and any such person so ceasing to be a commissioner, of the fact of such vacancy.~~

2.30.080 - Records.

The secretary of the historic preservation commission shall cause proper records to be kept of all the commission's official acts, proceedings and resolutions, which shall be public records. The commission shall make reports to the city council as provided for in the state planning law (Government Code Section 65400), and as provided by the council.

2.30.090 - City historic preservation officer (CHPO).

The community development director, or his or her designee, shall serve as the city's historic preservation officer (CHPO) and as secretary to the historic preservation commission. The historic preservation officer shall maintain a record of all commission resolutions, proceedings and actions, in addition to the other duties specified herein.

2.30.100 - Appeal from commission decision.

- A. Historic preservation commission decisions shall become final at five p.m. on the tenth day next succeeding the date of the decision unless, prior to that hour, an appeal is filed in accordance with Chapter 17.74
- B. In addition to the requirements of Chapter 17.74, the following requirements shall apply to appeals of commission decisions.
 - 1. The filing of an appeal within the time limit herein specified shall stay the order of the commission and the issuance of any permits predicated thereon until the city council has acted on the appeal.
 - 2. Appeals shall be heard and decided by the planning commission.
 - 3. The fee for an appeal of the commission's decision shall be established by city council resolution, as amended.
 - 4. In meeting the requirements of Section 17.74.030, the grounds for an appeal shall be based upon a claim that the commission erred in its decision, and the appeal shall state the reasons the commission erred.

SECTION 4. Chapter 2.36 related to the Traffic and Transportation Commission of the Calabasas Municipal Code is hereby amended to read as follows:

2.36.010 - Creation.

The traffic and transportation commission of the ~~city~~ City of Calabasas is established.

2.36.020 - Membership.

- A. The commission shall consist of five members who shall be lawful residents of the city and electors during their respective terms of office. ~~A lawfully resident nonelector may also serve on the commission provided that he or she has a pending application for citizenship at the time of his or her commission appointment. Each city councilmember shall nominate a commissioner for appointment by the city council. The city council may reappoint a commissioner to an unlimited number of terms. The city council, by a majority vote of the entire council, may remove a commissioner from office with or without cause. A councilmember may remove a commissioner by written notice to the city council and may thereafter nominate a new person who shall serve for the balance of the term upon council approval unless earlier removed by the council or the appointing councilmember.~~
- B. Commissioners nominated by individual councilmembers shall have a term lasting for the lesser of two years or until the expiration of the term of the councilmember who nominated that commissioner. Notwithstanding the expiration of a term, a commissioner shall continue until his or her successor has been appointed.
- C. If a vacancy occurs other than by expiration of a term, a new commissioner shall be appointed in the manner as set forth in this section and shall serve the unexpired portion of the term.
- D. The commission may appoint or reappoint a high school student lawfully resident in the city as a nonvoting commissioner for a one-year term.

2.36.030 - Organization.

- A. The commission shall elect a chair and vice-chair from among its members, each for a term of one year, at its first regular meeting ~~in November~~ of each year. No person shall serve more than two successive one-year terms in either

office. The chair, or in the absence of the chair, the vice-chair, shall preside over the meetings of the commission.

- B. The commission may appoint standing or ad hoc subcommittees from its membership and, with the consent of the city council, may appoint advisory committees comprised of noncommissioners.
- C. With the consent of the city council, the commission may adopt rules and regulations for the transactions of its business.
- D. The transportation director, or such other person as is designated by the city manager to do so, shall serve as the secretary of the commission.

2.36.040 - Duties.

When requested by the city council, the commission will advise the planning commission and/or city council on general policy matters related to the following:

- A. Traffic concerns originating by or through the city council, planning commission, traffic and transportation commission, general public, or city staff;
- B. Community goals regarding traffic and circulation;
- C. Investigating and making recommendations to the city council and/or city staff regarding traffic control devices including, but not limited to, traffic signals, signs, striping within the city; and
- D. Such other duties as may be requested from time to time by the city council.

2.36.050 - Regular meetings.

Regular meetings shall be held not less than quarterly on a date established from time to time by resolution of the commission.

~~2.36.060 - Absence from meetings.~~

~~Notwithstanding any other provisions of this code, any commissioner who absents himself or herself from three regular meetings of the commission in any calendar year, unless excused by the commission by action recorded in its minutes, shall thereby automatically forfeit his or her position. The chair or vice chair of the commission shall thereupon promptly notify the city council, and the former commissioner, of the fact of the vacancy.~~

2.36.070 - Reimbursement for expenses.

The commissioners shall serve without compensation, but may receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. No expense of any kind shall be incurred by the commission or any commissioner, unless first authorized and approved by the city council.

SECTION 5. Chapter 2.37 related to the Public Safety Commission of the Calabasas Municipal Code is hereby amended to read as follows:

2.37.010 - Creation.

The public safety commission of the Ccity of Calabasas is created.

2.37.020 - Membership.

A. The commission shall consist of six members who shall be lawful residents of the city and electors during their respective terms of office. ~~A lawfully resident nonelector may also serve on the commission provided that he or she has a pending application for citizenship at the time of his or her commission appointment. Each city councilmember shall nominate a commissioner for appointment by the city council, and The a sixth member shall be appointed by the city council from the members of the Calabasas Emergency Response Program (CERP) or ~~any its~~ successor city emergency response organization. ~~The city council may reappoint a commissioner to an unlimited number of terms. The city council, by a majority vote of the entire council, may remove a commissioner from office with or without cause. A councilmember may remove a commissioner by written notice to the city council and may thereafter nominate a new person who shall serve for the balance of the term upon council approval unless earlier removed by the council or the appointing councilmember.~~~~

B. Commissioners nominated by individual councilmembers shall have a term lasting for the lesser of two years or until the expiration of the term of the councilmember who nominated that commissioner. The commissioner nominated from the CERP or its successor organization shall have a term lasting two years. Notwithstanding the expiration of a term, a commissioner shall continue until his or her successor has been appointed.

~~B. The commissioner nominated from the CERP or a successor organization shall have a term lasting for the lesser of two years or until March 31st of the even-numbered year first following his or her appointment.~~

~~C. Other than as provided in subsection B of this section, commissioners shall have a term lasting for the lesser of two years or until the expiration of the term of the councilmember who nominated that commissioner. Notwithstanding the expiration of a term, a commissioner shall continue until his or her successor has been appointed.~~

~~D.~~ If a vacancy occurs other than by expiration of a term, a new commissioner shall be appointed in the manner as set forth in this section and shall serve the unexpired portion of the term.

~~D. The commission may appoint or reappoint a high school student lawfully resident in the city as a nonvoting commissioner for a one-year term.~~

~~E. The commission may appoint or reappoint a high school student, who is a lawful resident in the city as a nonvoting commissioner for a one-year term.~~

2.37.030 - Organization.

A. The commission shall elect a chair and vice-chair from among its members, each for a term of one year, at its first regular meeting ~~in November~~ of each year. No person shall serve more than two successive one-year terms in either office. The chair, or in the absence of the chair, the vice-chair, shall preside over the meetings of the commission.

B. The commission may appoint standing or ad hoc subcommittees from its membership and with the consent of the city council, may appoint advisory committees comprised of noncommissioners.

C. With the consent of the city council, the commission may adopt rules and regulations for the transactions of its business.

D. The city manager, or his or her designee, shall serve as the staff liaison to the commission.

2.37.040 - Duties.

When requested by the city council, the commission will advise the city council on matters related to public safety, crime and fire prevention, emergency preparedness and response, service contracts with public safety agencies and related matters. In its advisory role, the commission will make recommendations to the city council regarding budgets for public safety services and perform such other functions as the city council may direct.

2.37.050 - Regular meetings.

Regular meetings shall be held not less than quarterly on a date established from time to time by resolution of the commission.

~~2.37.060 - Absence from meetings:~~

~~Notwithstanding any other provisions of this code, any commissioner who absents himself or herself from three regular meetings of the commission in any calendar year, unless excused by the commission by action recorded in its minutes, shall thereby automatically forfeit his or her position. The chair or vice chair of the commission shall thereupon promptly notify the city council, and the former commissioner, of the fact of the vacancy.~~

2.37.070 - Reimbursement for expenses.

The commissioners shall serve without compensation, but may receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. No expense of any kind shall be incurred by the commission or any commissioner, unless first authorized and approved by the city council.

SECTION 6. Chapter 2.38 related to the Communications and Technology Commission of the Calabasas Municipal Code is hereby amended to read as follows:

2.38.010 - Creation.

The communications and technology commission of the ~~city~~City of Calabasas is created.

2.38.020 - Membership.

A. The commission shall consist of five members who shall be lawful residents of the city and electors during their respective terms of office. ~~A lawfully resident nonelector may also serve on the commission provided that he or she has a pending application for citizenship at the time of his or her commission appointment. Each city councilmember shall nominate a commissioner for appointment by the city council. The city council may reappoint a commissioner to an unlimited number of terms. The city council, by a majority vote of the entire council, may remove a commissioner from office with or without cause. A councilmember may remove a commissioner by written notice to the city council and may thereafter nominate a new person who shall serve for the balance of the term upon council approval unless earlier removed by the council or the appointing councilmember.~~

- B. Commissioners nominated by individual councilmembers shall have a term lasting for the lesser of two ~~(2)~~ years or until the expiration of the term of the councilmember who nominated that commissioner. Notwithstanding the expiration of a term, a commissioner shall continue until his or her successor has been appointed.
- C. If a vacancy occurs other than by expiration of a term, a new commissioner shall be appointed in the manner as set forth in this section and shall serve the unexpired portion of the term.
- D. The commission may appoint or reappoint a high school student lawfully resident in the city as a nonvoting commissioner for a one-year term.

2.38.030 - Organization.

- A. The commission shall elect a chair and vice-chair from among its members, each for a term of one year, at its first regular meeting ~~in November~~ of each year. No person shall serve more than two successive one-year terms in either office. The chair, or in the absence of the chair, the vice-chair, shall preside over the meetings of the commission.
- B. The commission may appoint standing or ad hoc subcommittees from its membership and with the consent of the city council, may appoint advisory committees comprised of noncommissioners.
- C. With the consent of the city council, the commission may adopt rules and regulations for the transactions of its business.
- D. The media operations director, or such other person as is designated by the city manager to do so, shall serve as the secretary of the commission.

2.38.040 - Duties.

The purpose of the commission is to advise the city council on various matters relating to the city's video service providers, telecommunications issues, communication technology, and other relevant emerging technologies. In addition, the commission acts as a planning commission when reviewing and approving wireless telecommunications facilities.

The objectives of the commission include the following:

- A. Monitoring state franchised video service providers and, to the extent permitted by federal, state, and city law and regulation, recommending enforcement actions for consideration by the city council;

- B. Monitoring the status of state and federal legislation and relevant case law regarding wired and wireless telecommunications and cable television issues, making recommendations to the city council on actions to take in light of these issues and performing any additional duties related hereto as requested by the city council;
- C. Providing input on programming and production for CTV, the Calabasas channel, and on the content of the city's website;
- D. Acting as a planning commission of the city with respect to wireless communication facilities, holding public hearings on proposed applications and related conditional use permits, and related actions as provided by Section 17.12.050(1) of this Code;
- E. Monitoring and recommending adoption of or further consideration of technologies to the city council;
- F. Overseeing the issuance of permits for film and video production; and
- G. Performing such other duties as may be requested from time to time by the city council.

2.38.050 - Regular meetings.

Regular meetings shall be held not less than quarterly on a date established from time to time by resolution of the commission.

~~2.38.060 - Absence from meetings.~~

~~Notwithstanding any other provisions of this code, any commissioner who absents himself or herself from three regular meetings of the commission in any calendar year, unless excused by the commission by action recorded in its minutes, shall thereby automatically forfeit his or her position. The chair or vice chair of the commission shall thereupon promptly notify the city council, and the former commissioner, of the fact of the vacancy.~~

2.38.070 - Reimbursement for expenses.

The commissioners shall serve without compensation, but may receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. No expense of any kind shall be incurred by the commission or any commissioner, unless first authorized and approved by the city council.

SECTION 7. Chapter 2.39 related to the Environmental Commission of the Calabasas Municipal Code is hereby amended to read as follows:

2.39.010 - Creation.

The environmental commission of the ~~city~~-City of Calabasas is established. The commission shall constitute, and may also from time to time be referred to as, the tree board of the ~~city~~-City of Calabasas and fulfills the standards of the National Arbor Day Foundation for the city to maintain its status as a Tree City USA.

2.39.020 - Membership.

- A. The commission shall consist of five ~~(5) commissioners~~members, ~~as the city council shall from time to time determine,~~ who shall be lawful residents of the city and electors during their respective terms of office. ~~A lawfully resident nonelector may also serve on the commission provided that he or she has a pending application for citizenship at the time of his or her commission appointment. Each city councilmember shall nominate a commissioner, which nomination shall be subject to city council confirmation. The city council may reappoint a commissioner to an unlimited number of terms. The city council, by a majority vote of the entire council, may remove a commissioner from office with or without cause. A councilmember may remove a commissioner by written notice to the city council and may thereafter nominate a new person who shall serve for the balance of the term upon council approval unless earlier removed by the council or the appointing councilmember.~~
- B. Commissioners nominated by individual councilmembers shall have a term lasting for the lesser of two ~~(2)~~ years or until the expiration of the term of the councilmember who nominated that commissioner. Notwithstanding the expiration of a term, a commissioner shall continue until his or her successor has been appointed.
- C. If a vacancy occurs other than by expiration of a term, a new commissioner shall be appointed in the manner set forth above and shall serve the unexpired portion of the term to which he or she is appointed.
- D. The commission may appoint or reappoint ~~two (2)~~one high school students lawfully ~~residing~~resident in the city as a nonvoting commissioner for a one-year term ~~as student member and alternate student member.~~

2.39.030 - Organization.

- A. The commission shall elect a chair and vice-chair from among its members, each for a term of one ~~(1)~~ year, at its first regular meeting ~~in November~~ of each year. No person shall serve more than two ~~(2)~~ successive one-year terms in either office. The chair, or in the absence of the chair, the vice-chair, shall preside over meetings of the commission.

- B. The commission may appoint standing or ad hoc subcommittees from its membership and, with the consent of the city council, may appoint advisory committees comprised of noncommissioners.
- C. With the consent of the city council, the commission may adopt rules and regulations for the transaction of its business.
- D. The public works director and his/her designee shall serve as the secretary of the commission.

2.39.040 - Duties.

- A. When requested by the city council, the commission will advise the planning commission and/or city council on general policy matters related to the following:
 - 1. Air quality, including transportation alternatives, stationary sources and mobile sources;
 - 2. Waste management, including municipal solid waste management and compliance with AB 939, and hazard and toxic waste management;
 - 3. Water quality, including National Pollutant Discharge Elimination System (NPDES) requirements, watershed protection; stormwater discharge and
 - 4. Flora and fauna, including habitat and species diversity, wildlife protection, and protection of trees;
 - 5. Resources, including water conservation and energy conservation, green space and scenic beauty;
 - 6. Public education programs and events, regarding such topic areas as listed and regarding other appropriate environmental issues.
- B. As the tree board, the commission will also be responsible for the following:
 - 1. The commission is to consider and propose recommendations for the adoption of the Urban Forestry Master Plan and to make recommendations to carry out the policies and goals of the plan pursuant to the California Urban Forestry Act of 1978, California Public Resources Code Section 4799.06 et seq., including making recommendations for updates to the plan;
 - 2. Continued education for the care and welfare of trees;
 - 3. At the request of city council, the commission shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

2.39.050 - Regular meetings.

Regular meetings shall be held not less than quarterly on a date established from time to time by resolution of the commission.

~~2.39.060 – Absence from meetings.~~

~~Notwithstanding any other provisions of this code, any commissioner who absents himself or herself from any three consecutive, regular meetings of the commission, unless excused by the commission by action recorded in its minutes, shall thereby automatically forfeit his or her position. The chair or vice chair of the commission shall thereupon promptly notify the city council, and the former commissioner of the fact of the vacancy.~~

2.39.070 - Reimbursement of expenses.

The commissioners shall serve without compensation, but may receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. No expense of any kind shall be incurred by the commission or any commissioner unless first authorized and approved by the city council.

SECTION 7. Chapter 2.40 related to the Architectural Review Panel of the Calabasas Municipal Code is hereby amended to read as follows:

2.40.010 - Architectural review panel creation.

An architectural review panel (ARP) is created in and for the ~~city~~City of Calabasas.

2.40.020 - Membership.

The architectural review panel shall consist of the following members:

- A. Five members, with two members to serve as alternate members, residing in or near the city of Calabasas or conducting business in the city, at the time of appointment and during their respective terms of office. A majority vote of the entire planning commission is required to appoint members. Each member may serve an unlimited number of terms subject to periodic planning commission reappointment.
 - 1. At least one member of the architectural review panel shall be a licensed architect.
 - 2. Other members of the panel shall be persons who, as a result of their training, experience and attainments, are qualified to analyze and interpret architectural and site planning information, including, but not limited to, licensed landscape architects, urban planners, engineers and builders/developers.
 - 3. A preference shall be given to the appointment of Calabasas residents meeting the panel's qualifications.

- B. Any member of the panel may be removed from office with or without cause by a majority vote of the entire planning commission.
- C. All terms of office shall run for a period of two years. The terms of office for each member shall continue to and include October 30th of the year in which the term shall expire, and thereafter until a successor is appointed.
- D. If a vacancy occurs other than by term expiration, the planning commission shall fill such vacancy by appointment for the unexpired portion of the term.
- E. The alternate members shall attend and participate in meetings of, and deliberate on matters before, the architectural review panel, as necessary to fill in for any absent member(s).

2.40.030 - Organization.

A. The panel shall elect a chair and a vice chair from among its members, each for a term of one year. No person shall serve more than three successive terms in either position. The chair, or in the absence of the chair, the vice chair, shall preside over the meetings of the panel.

Formatted: Indent: Left: 0.25"

B. The community development director, or such other person as is designated by the city manager to do so, shall serve as secretary of the panel.

Formatted: Indent: Left: 0.25", Hanging: 0.25"

~~Panel members shall have equal voice and responsibility so that no chair, vice chair, or other officers will be necessary or allowed on the panel. Staff shall have responsibility for administering panel affairs, subject to planning commission direction and policies.~~

2.40.040 - Duties.

The purpose of the panel is to make advisory recommendations to the planning commission and the city council in all matters pertaining to site plan reviews, and evaluating architectural designs of buildings and other structures, landscape plans and other site features. Procedures in this section for site plan reviews, and evaluating architectural designs of buildings and other structures, landscape plans and other site features are established to pursue the following purposes:

- A. To preserve and enhance the beauty of the city's natural and built environment;

- B. To encourage individual building scale and character consistent with the existing community;
- C. To discourage development of individual buildings that dominate the cityscape or attract attention to themselves through inappropriate color, mass, or architectural expression;
- D. To ensure that new development, and the alteration or enlargement of existing development, maintain the attractiveness and character of the city, especially as projects are seen from city streets, freeway and scenic corridors, adjacent properties, and from neighboring communities;
- E. To maintain and improve the quality of, and relationship among, individual buildings, and between structures and their sites, so that groups of structures contribute to neighborhood and community attractiveness;
- F. To ensure that:
 - 1. Site landscaping provides visually pleasing settings for structures,
 - 2. Proposed landscaping blends harmoniously with the natural landscape,
 - 3. Appropriate landscape themes and variations support the design and function of the structures to which they relate,
 - 4. Views of structures from off-site are softened or screened;
- G. To encourage the highest quality of architectural design, energy efficiency, minimal use of toxic materials during construction, maximum use of natural materials, and emphasis on construction methods which are least disruptive to the site and to the community;
- H. To balance private prerogatives and preferences with the public interest and welfare;
- I. In order to achieve these purposes, except for projects zoned Commercial, Old Town (CT), the architectural review panel shall review the architecture and landscape architecture of all commercial projects and signage and residential projects within scenic corridors, Master Plan and the Old Topanga/Highlands Overlay Areas, proposed subdivisions, hillside developments. The architectural review panel may also review other projects the community development director or planning commission deem appropriate for the panel's review, including projects zoned Commercial, Old Town (CT). The panel shall limit its advice to architecture, site planning, landscaping, signage and streetscape design. The panel shall perform such other advisory duties as the planning commission may request from time to time.

2.40.050 - Regular meetings.

Regular meetings shall be held not less than monthly on a date established from time to time by resolution of the panel.

2.40.060 - Absence from meetings.

Notwithstanding any other provisions of this code, any panelist who absents himself or herself from three regular meetings of the panel in any calendar year, unless excused by the panel by action recorded in its minutes, shall thereby automatically forfeit his or her position. The panel ~~staff member~~chair or vice chair shall thereupon promptly notify the planning commission, and the former panelist, of the fact of the vacancy.

2.40.070 - Reimbursement for expenses.

The panelists shall serve without compensation, but may receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. No expense of any kind shall be incurred by the panel or any panelist, unless first authorized and approved by the city council.

SECTION 9. Chapter 2.41 related to the Parks, Recreation and Education Commission of the Calabasas Municipal Code is hereby amended to read as follows:

2.41.010 - Creation.

The parks, recreation and education commission of the City of Calabasas is established.

2.41.020 - Membership.

A. The commission shall consist of ~~six~~seven members, who shall be lawful residents of the city and electors during their respective terms of office. ~~A lawfully resident nonelector may also serve on the commission provided that he or she has a pending application for citizenship at the time of his or her commission appointment. Each city councilmember shall nominate a commissioner, which nomination shall be subject to city council confirmation.~~ The sixth member shall be the chair of the Calabasas Arts Council or his or her designee and shall be subject to city council confirmation. The seventh member shall be nominated by the Calabasas Savvy Seniors Advisory Board, which nomination shall be subject to city council confirmation. The city council may reappoint a commissioner to an unlimited number of terms. The city council, by a majority vote of the entire council, may remove a commissioner from office

~~with or without cause. The appointing councilmember may remove a commissioner by written notice to the city council and may thereafter nominate a new person who shall serve for the balance of the term upon council approval unless earlier removed by the council or the appointing councilmember.~~

- B. Commissioners nominated by individual councilmembers shall have a term lasting for the lesser of two years or until the expiration of the term of the councilmember who nominated that commissioner. The Calabasas Arts Council chair and the Calabasas Savvy Seniors Advisory Board member shall have terms lasting two years. Notwithstanding the expiration of a term, a commissioner shall continue to serve until his or her successor has been appointed.
- C. If a vacancy occurs other than by expiration of a term, a new commissioner shall be appointed in the manner set forth above and shall serve the unexpired portion of the term, ~~if necessary to accomplish commission size established by the city council.~~
- D. The commission may appoint or reappoint a high school student lawfully residing in the city as a nonvoting commissioner for a one-year term.

2.41.030 - Organization.

- A. The commission shall appoint a chair and a vice-chair pro tem from among its members, each for a term of one year, at its first regular meeting ~~in November~~ of each year. No person shall serve more than two successive one-year terms in either office. The chair, or in the absence of chair, the vice-chair, shall preside over the meetings of the commission.
- B. The commission may appoint standing or ad hoc subcommittees from its membership and, with the consent of the city council, may appoint advisory committees comprised of noncommissioners.
- C. With the consent of the city council, the commission may adopt rules and regulations for the transactions of its business.
- D. The community services director, or such other person as is designated by the city manager to do so, shall serve as the secretary of the commission.

2.41.040 - Duties.

The commission will fulfill any function assigned by this code to the parks and recreation commission or to the education commission. In addition, when requested by the city council, the commission will advise the city council on all matters

pertaining to park and recreation facilities, current or future educational programs and services, and communication and coordination with local schools and residents, as well as on general policy matters related to the following:

- A. City cooperation with other governmental agencies and civic groups in the advancement of sound recreation and parks planning and programming as well as educational programs or services to meet community needs;
- B. Reviewing the parks and recreation portion of the annual budget/Parks and Recreation Master Plan to make recommendations to the city council and the city manager;
- C. Recommending to the community services director plans for the acquisition, development, beautification and maintenance of public park and recreational areas, including parks, community centers and open space areas;
- D. Recommending standards on organization, staffing, areas and facilities, program and financial support of education, recreation and park activities;
- E. Making periodic inventories of recreation programs and services within the city that exist or may be needed by the public;
- F. Annually advising the city council on the long-range parks and recreation capital improvement program;
- G. Develop procedures to encourage harmonious land use of city, school and park properties;
- H. Develop programs to promote and encourage joint recreational/educational programs with regional schools;
- I. Communicating and providing a liaison to the Las Virgenes Unified School District and private educational institutions in the Calabasas area;
- J. Review community service funding grant applications and make appropriate recommendation to city council; and
- K. Performing such other duties as may be requested from time to time by the city council.

2.41.050 - Regular meetings.

Regular meetings shall be held not less than quarterly on a date established from time to time by resolution of the commission.

~~2.41.060 — Absence from meetings:~~

~~Notwithstanding any other provisions of this code, any commissioner who absents himself or herself from any three regular meetings of the commission in any calendar year, unless excused by the commission by action recorded in its minutes, shall thereby automatically forfeit his or her position. The chair or vice-chair of the commission shall thereupon promptly notify the city council, and the former commissioner of the fact of the vacancy.~~

2.41.070 - Reimbursement for expenses.

The commissioners shall serve without compensation, but may receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. No expense of any kind shall be incurred by the commission or any commissioner unless first authorized and approved by the city council.

SECTION 10. Chapter 2.43 related to the Library Commission of the Calabasas Municipal Code is hereby amended to read as follows:

2.43.010 - Creation.

The library commission of the ~~city~~ City of Calabasas is established in accordance with the provisions of Education Code Section 18900, et seq., and may also be known as the library board and commissioners as trustees.

2.43.020 - Membership.

A. The commission shall consist of ~~five (5)~~ six members ~~and an ex-officio, nonvoting member~~ who shall, with the exception of the ~~ex-officio~~ sixth member, be lawful residents of the city and electors during their respective terms of office. ~~A lawfully resident nonelector may also serve on the commission, provided that he or she has a pending application for citizenship at the time of his or her commission appointment. Trustees shall be appointed by the mayor, which appointments shall be subject to city council confirmation. The mayor, with the confirmation of the city council, may reappoint a trustee to an unlimited number of terms. The sixth member shall be an~~ ex-officio, nonvoting member and shall be a community member resident of the City of Hidden Hills and shall be appointed, removed and/or replaced by a majority vote of. ~~The Hidden Hills~~ cCity cCouncil ~~shall appoint the ex-officio member.~~

- B. All ~~trustees-commissioners~~ shall hold office for three years. Notwithstanding the expiration of a term, a ~~trustee-commissioner~~ shall continue until his or her successor has been appointed.
- C. If a vacancy occurs other than by expiration of a term, a new ~~trustee~~commissioner shall be appointed in the manner as set forth in this section and shall serve the unexpired portion of the term.
- D. The commission may appoint or reappoint a high school student lawfully resident in the city as a nonvoting ~~trustee~~commissioner for a one-year term.

2.43.030 - Organization.

- A. The commission shall elect a president and president pro tem from among its members, each for a term of one ~~(1)~~-year, at its first regular meeting ~~in November~~ of each year. No person shall serve more than two ~~(2)~~ successive one-year terms in either office. The president, or in the absence of the president pro tem, shall preside over meetings of the commission.
- B. The commission may appoint standing or ad hoc subcommittees from its membership and with the consent of the city council, may appoint advisory committees comprised of non~~trustee~~commissioners.
- C. The commission may adopt rules and regulations for the transactions of its business pursuant to Education Code Section 18919.
- D. The city manager, or his or her designee, shall serve as the staff liaison to the commission.

2.43.040 - Duties.

The commission shall have the powers and duties specified in Education Code Sections 18910 et seq., and the power and duty to act in an advisory capacity to the city council in all matters pertaining to the management, administration, operation, development, improvement and maintenance of municipal libraries and the provision of library services within the city, including:

- A. Reviewing contracts for library services, acquisitions and equipment and making recommendations to the city council;
- B. Developing and implement library goals and objectives, as well as policies and procedures necessary to provide library services;

- C. Submitting an annual report on the condition of the library to the city council and state librarian on or before August 31st, pursuant to Section 18927 of the California Education Code;
- D. Developing an annual budget with city staff in order to make recommendations to the city council and the city manager;
- E. ~~Communicate~~ Communicating with and ~~provide~~ providing liaison to the "Friends of the Library" and their counterparts in other jurisdictions; and
- F. Performing such other duties as may be requested from time to time by the city council or as may be required by law.

2.43.050 - Regular meetings.

Regular meetings shall be held not less than monthly on a date established from time to time by resolution of the commission as required by Education Code Section 18914.

~~2.43.060 - Absence from meetings.~~

~~Notwithstanding any other provisions of this code, any trustee who absents himself or herself from three regular meetings of the commission in any calendar year, unless excused by the commission by action recorded in its minutes, shall thereby automatically forfeit his or her position. The president or president pro tem of the commission shall thereupon promptly notify the mayor, and the former trustee, of the fact of the vacancy.~~

2.43.070 - Reimbursement for expenses.

The ~~trustee~~ commissioners shall serve without compensation, but may receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. No expense of any kind shall be incurred by the commission or any ~~trustee~~ commissioner, unless first authorized and approved by the city council.

SECTION 11. SEVERABILITY. If any provision, section, paragraph, sentence or word of this ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

SECTION 12. CONSTRUCTION. To the extent the provisions of the Calabasas Municipal Code as amended by this ordinance are substantially the same as the provisions of that Code as they read prior to the adoption of this ordinance, they shall be construed as continuations of those prior provisions and not as new enactments.

SECTION 13. EFFECTIVE DATE. This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code section 36937.

SECTION 14. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED, this _____, _____, 2015.

, Mayor

ATTEST:

APPROVED AS TO FORM:

Maricela Hernandez, MMC
City Clerk

Scott H. Howard
City Attorney

**ITEM 8 ATTACHMENT B
ORDINANCE NO. 2015-321**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF CALABASAS, CALIFORNIA AMENDING CHAPTERS
2.28, 2.30, 2.36, 2.37, 2.38, 2.39, 2.40, 2.41 AND
2.43 OF THE CALABASAS MUNICIPAL CODE RELATED
TO COUNCIL COMMISSIONS.**

THE CITY COUNCIL OF THE CITY OF CALABASAS DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2.27 related to Commission Appointments, Removal and Absences of the Calabasas Municipal Code are hereby created to read as follows:

2.27.010 – Appointments.

Unless a different procedure is expressly stated elsewhere in Title 2 of this Code, each city councilmember shall nominate one commissioner, which nomination shall be subject to city council confirmation. The city council may reappoint a commissioner to an unlimited number of terms.

2.27.020 – Removals.

The city council, by a majority vote of the entire council, may remove a commissioner from office with or without cause. In addition and as a separate basis for removal, the nominating councilmember may also remove his/her commissioner whom he/she nominated by written notice to the city council and may thereafter nominate a new person who shall serve for the balance of the term upon council approval.

2.27.030 – Absence from Meetings.

Notwithstanding any other provisions of this code, any commissioner or alternate who absents himself or herself from three, consecutive, regular meetings of the commission, unless excused by the commission by action recorded in its minutes, or who is absent without a recorded excuse, from a total of five regular meetings of the commission in any six-month period, shall thereby automatically forfeit his or her position. The chair or vice chair of the commission shall thereupon promptly notify the city council, and the former commissioner or alternate, of the fact of the vacancy.

SECTION 2. Chapter 2.28 related to the Planning Commission of the Calabasas Municipal Code is hereby amended to read as follows:

2.28.010 - Creation.

The planning commission of the City of Calabasas is established in accordance with the provisions of Government Code Section 65100, et seq.

2.28.020 - Membership.

- A. The commission shall consist of five members and one alternate, who shall be lawful residents of the city and electors during their respective terms of office. The city council shall appoint the alternate. The city council may reappoint the alternate to an unlimited number of terms.
- B. Commissioners nominated by individual councilmembers shall have a term lasting for the lesser of two years or until the expiration of the term of the councilmember who nominated him or her. The alternate shall have a term lasting two years. Notwithstanding the expiration of a term, a commissioner or alternate shall continue until his or her successor has been appointed.
- C. If a vacancy shall occur other than by expiration of a term, a new commissioner shall be appointed in the manner as set forth above and shall serve the unexpired portion of the term.
- D. The alternate may participate in deliberations, but shall not vote unless at least one commissioner is absent or abstains from a matter due to an actual or potential conflict of interest.

2.28.030 - Organization.

- A. The commission shall elect a chair and a vice chair from among its members, each for a term of one year, at its first regular meeting of each year. No person shall serve more than three successive terms in either office. The chair, or in the absence of the chair, the vice chair, shall preside over the meetings of the commission.
- B. The commission may appoint standing or ad hoc subcommittees from its membership and, with the consent of city council, may appoint advisory committees comprised of noncommissioners.
- C. With the consent of the city council, the commission may adopt rules and regulations for the transactions of its business.
- D. The community development director, or such other person as is designated by the city manager to do so, shall serve as secretary of the commission.

2.28.040 - Duties.

The commission shall have the power and duty, except as otherwise provided by law, to:

- A. Prepare and recommend to the city council a comprehensive long-term general plan and amendments to that plan for the physical development of the city and of any land outside its boundaries which in the commission's judgment bears relation to the city's planning;
- B. Investigate and make recommendations to the city council regarding reasonable and practical means for effectuating the General Plan to guide the orderly growth and development of the city, and as a basis for the efficient expenditure of capital improvement funds relating to the subjects of the General Plan;
- C. Render an annual report to the city council on the status of the General Plan and progress in its application consistently with Government Code Section 65400;
- D. Review proposals for acquisition of property for street, park or other public purposes and report to the city council regarding the conformity of such acquisitions with the General Plan as required by Government Code Section 65402;
- E. Make recommendations to the city council regarding the adoption and amendment of specific plans;
- F. Hold public hearings on any proposed amendment to the city's zoning ordinance and render written recommendations to the city council;
- G. Hear and approve, conditionally approve or deny applications for conditional use, variances, subdivisions or other permits and approvals provided by the zoning and subdivision ordinances of the city, subject to appeal to the city council if and as authorized by this code; and
- H. Perform other functions as provided by state law, this code, or city council direction.

2.28.050 - Regular meetings.

Regular meetings of the commission shall be held on the second and fourth Thursday of each month, or the next succeeding day which is not a holiday, at seven p.m., or at such other time as the commission may recommend and the city council may establish by resolution.

2.28.070 - Compensation and expenses.

Each commissioner shall receive compensation in the amount of fifty dollars (\$50.00) for each commission meeting attended or such other amount as may be established by resolution of the city council. No additional compensation shall be paid to commissioners, but commissioners may receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. No expense of any kind shall be incurred by the commission or any commissioner, unless first authorized and approved by the city council.

2.28.080 - Appeal from commission decision.

- A. Commission decisions from which an appeal may be taken under this code become final at five p.m. on the tenth business (10th) day after the decision unless, prior to that time, an appeal or call for review by the city council is filed in writing in the office of the city clerk, as provided for in this Chapter 2.28 and by Chapter 17.74. Nonappealable decisions are final when rendered.
- B. Appeals. Appeals may be initiated by:
 - 1. The applicant;
 - 2. An owner of real property, any part of which is located within five hundred (500) feet of the external boundaries of the subject property; or
 - 3. An individual who or organization that presented written or oral testimony to the commission at a public hearing on the matter from which the appeal is taken.
- C. Call for Review. As an additional safeguard to avoid results inconsistent with the purposes of this code, any order, requirement, decision, determination, interpretation or ruling of the planning commission may be called up for city council review upon the written request of any two city councilmembers.
- D. A timely appeal or call for review shall stay the decision and no permit may issue with respect to that decision until the city council has acted on the matter.
- E. The fee for an appeal of a commission decision shall be established from time to time by city council resolution.

SECTION 3. Chapter 2.30 related to the Historic Preservation Commission of the Calabasas Municipal Code is hereby amended to read as follows:

2.30.010 - Creation.

An historic preservation commission is established in accordance with the provisions of this code and may be known and referred to as the "Calabasas Historic Preservation Commission," the "Historic Preservation Commission," or the "Commission."

2.30.020 - Membership.

- A. The commission shall consist of six members who shall be lawful residents of the city and electors during their respective terms of office. The sixth member shall be an ex-officio, nonvoting member and a member of the Calabasas-Las Virgenes Historical Society. The Board of Directors of the Calabasas-Las Virgenes Historical Society shall nominate the nonvoting member, which nomination shall be subject to city council confirmation.
- B. Commissioners nominated by individual city councilmembers shall have terms lasting for the lesser of two years or until the expiration of the term of the councilmember who nominated him or her. The ex-officio, non-voting member shall have a term lasting two years. Notwithstanding the expiration of a term, a commissioner or alternate shall continue until his or her successor has been appointed.
- C. If a vacancy occurs other than by expiration of a term, a new commissioner shall be appointed in the manner set forth above and shall serve the unexpired portion of the term.
- D. Required Qualifications.

All members should have a demonstrated interest in Calabasas' historical, architectural and cultural heritage and have special interest, knowledge, or training in fields closely related to historic preservation. Such fields include architecture, history, landscape architecture, architectural history, planning, archaeology, urban design, geography, real estate, law, finance, building trades or related areas.

- E. Desired Qualifications.

If possible, the city council shall appoint at least two members to the commission who are professionals in the fields or disciplines of architecture, landscape architecture, history, architectural history, urban planning, American studies, geography, archaeology, or other historic preservation-related disciplines to the extent that such professionals are available in the community.

2.30.040 - Organization.

- A. The commission shall elect a chair and a vice chair from among its members, each for a term of one year, at its first regular meeting of each year. No person shall serve more than three successive terms. The chair, or in the absence of the chair, the vice chair, shall preside over the meetings of the commission.
- B. With the consent of the city council, the commission may also appoint such other officers as may be necessary for the administration of its business, at the same time and for like terms.
- C. The commission may appoint committees from its membership and, with the consent of the city council, appoint advisory committees from other interested public and private groups.
- D. The commission may adopt rules and regulations for the transaction of its business. The commission is subject to the Ralph M. Brown Act, Section 54950, et seq., of the Government Code.
- E. The city's historic preservation officer shall serve as secretary of the commission.

2.30.050 - Powers and duties.

The historic preservation commission shall have the following powers and duties as specified in Chapter 17.36 of this code.

- A. Recommend for adoption by the city council criteria for, and upon appropriation of necessary funds by the council, conduct or cause to be conducted, a comprehensive survey in conformance with state and federal survey standards, policies and guidelines of historical resources within the boundaries of the city, and to publicize and periodically update the survey results.
- B. The authority to hear and decide the following.
 - 1. Applications for certificates of appropriateness;
 - 2. Applications for certificates of economic hardship.
- C. The authority to hear and make recommendations to the city council regarding the following:
 - 1. Applications for designations of historic landmarks, landscapes and districts;
 - 2. Applications for placement of landmarks or districts on the National Register of Historical Places or the California Register of Historical Resources;
 - 3. Applications for Mills Act contracts.

- D. Authority to act upon an appeal of any order, requirement, permit, decision, or determination of the city's historic preservation officer concerning historical resources under this development code.
- E. Maintain a local register of designated historic landmarks, landscapes and districts consistent with those criteria contained in the National Register of Historic Places and the California Register of Historical Resources, including all information required for each designation.
- F. The authority to review and make recommendations to the appropriate approval body regarding all projects within the Commercial Old Town (CT) Zone.
- G. Undertake any other action or activity necessary or appropriate to implement its powers or duties to fulfill the objectives of the historic preservation program.

2.30.060 - Meetings.

Regular meetings of the historic preservation commission shall be held quarterly, on the second Wednesday of the month, in the months of January, April, July and October, at the hour of seven p.m.; or the next succeeding day which is not a holiday; or at such other times as may be established by resolution of the city council. Regular meetings may be adjourned by public announcement to a specified date, and any such adjourned meeting shall be deemed a regular meeting. Special meetings may be called as provided in the Ralph M. Brown Act and shall be convened as necessary to ensure that actions required of the commission under this code are consistent with the requirements of the Permit Streamlining Act, Government Code Section 65950, et seq., and that projects which require approval from both the historic preservation commission and the planning commission are considered consistently with the deadlines established in that Act.

2.30.080 - Records.

The secretary of the historic preservation commission shall cause proper records to be kept of all the commission's official acts, proceedings and resolutions, which shall be public records. The commission shall make reports to the city council as provided for in the state planning law (Government Code Section 65400), and as provided by the council.

2.30.090 - City historic preservation officer (CHPO).

The community development director, or his or her designee, shall serve as the city's historic preservation officer (CHPO) and as secretary to the historic

preservation commission. The historic preservation officer shall maintain a record of all commission resolutions, proceedings and actions, in addition to the other duties specified herein.

2.30.100 - Appeal from commission decision.

- A. Historic preservation commission decisions shall become final at five p.m. on the tenth day next succeeding the date of the decision unless, prior to that hour, an appeal is filed in accordance with Chapter 17.74
- B. In addition to the requirements of Chapter 17.74, the following requirements shall apply to appeals of commission decisions.
 - 1. The filing of an appeal within the time limit herein specified shall stay the order of the commission and the issuance of any permits predicated thereon until the city council has acted on the appeal.
 - 2. Appeals shall be heard and decided by the planning commission.
 - 3. The fee for an appeal of the commission's decision shall be established by city council resolution, as amended.
 - 4. In meeting the requirements of Section 17.74.030, the grounds for an appeal shall be based upon a claim that the commission erred in its decision, and the appeal shall state the reasons the commission erred.

SECTION 4. Chapter 2.36 related to the Traffic and Transportation Commission of the Calabasas Municipal Code is hereby amended to read as follows:

2.36.010 - Creation.

The traffic and transportation commission of the City of Calabasas is established.

2.36.020 - Membership.

- A. The commission shall consist of five members who shall be lawful residents of the city and electors during their respective terms of office.
- B. Commissioners nominated by individual councilmembers shall have a term lasting for the lesser of two years or until the expiration of the term of the councilmember who nominated that commissioner. Notwithstanding the expiration of a term, a commissioner shall continue until his or her successor has been appointed.

- C. If a vacancy occurs other than by expiration of a term, a new commissioner shall be appointed in the manner as set forth in this section and shall serve the unexpired portion of the term.
- D. The commission may appoint or reappoint a high school student lawfully resident in the city as a nonvoting commissioner for a one-year term.

2.36.030 - Organization.

- A. The commission shall elect a chair and vice chair from among its members, each for a term of one year, at its first regular meeting of each year. No person shall serve more than two successive one-year terms in either office. The chair, or in the absence of the chair, the vice chair, shall preside over the meetings of the commission.
- B. The commission may appoint standing or ad hoc subcommittees from its membership and, with the consent of the city council, may appoint advisory committees comprised of noncommissioners.
- C. With the consent of the city council, the commission may adopt rules and regulations for the transactions of its business.
- D. The transportation director, or such other person as is designated by the city manager to do so, shall serve as the secretary of the commission.

2.36.040 - Duties.

When requested by the city council, the commission will advise the planning commission and/or city council on general policy matters related to the following:

- A. Traffic concerns originating by or through the city council, planning commission, traffic and transportation commission, general public, or city staff;
- B. Community goals regarding traffic and circulation;
- C. Investigating and making recommendations to the city council and/or city staff regarding traffic control devices including, but not limited to, traffic signals, signs, striping within the city; and
- D. Such other duties as may be requested from time to time by the city council.

2.36.050 - Regular meetings.

Regular meetings shall be held not less than quarterly on a date established from time to time by resolution of the commission.

2.36.070 - Reimbursement for expenses.

The commissioners shall serve without compensation, but may receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. No expense of any kind shall be incurred by the commission or any commissioner, unless first authorized and approved by the city council.

SECTION 5. Chapter 2.37 related to the Public Safety Commission of the Calabasas Municipal Code is hereby amended to read as follows:

2.37.010 - Creation.

The public safety commission of the City of Calabasas is created.

2.37.020 - Membership.

- A. The commission shall consist of six members who shall be lawful residents of the city and electors during their respective terms of office. The sixth member shall be appointed from the members of the Calabasas Emergency Response Program (CERP) or its successor city emergency response organization.
- B. Commissioners nominated by individual councilmembers shall have a term lasting for the lesser of two years or until the expiration of the term of the councilmember who nominated that commissioner. The commissioner nominated from the CERP or its successor organization shall have a term lasting two years. Notwithstanding the expiration of a term, a commissioner shall continue until his or her successor has been appointed.
- C. If a vacancy occurs other than by expiration of a term, a new commissioner shall be appointed in the manner as set forth in this section and shall serve the unexpired portion of the term.
- D. The commission may appoint or reappoint a high school student lawfully resident in the city as a nonvoting commissioner for a one-year term.

2.37.030 - Organization.

- A. The commission shall elect a chair and vice chair from among its members, each for a term of one year, at its first regular meeting of each year. No person shall serve more than two successive one-year terms in either office. The chair,

or in the absence of the chair, the vice chair, shall preside over the meetings of the commission.

- B. The commission may appoint standing or ad hoc subcommittees from its membership and with the consent of the city council, may appoint advisory committees comprised of noncommissioners.
- C. With the consent of the city council, the commission may adopt rules and regulations for the transactions of its business.
- D. The city manager, or his or her designee, shall serve as the staff liaison to the commission.

2.37.040 - Duties.

When requested by the city council, the commission will advise the city council on matters related to public safety, crime and fire prevention, emergency preparedness and response, service contracts with public safety agencies and related matters. In its advisory role, the commission will make recommendations to the city council regarding budgets for public safety services and perform such other functions as the city council may direct.

2.37.050 - Regular meetings.

Regular meetings shall be held not less than quarterly on a date established from time to time by resolution of the commission.

2.37.070 - Reimbursement for expenses.

The commissioners shall serve without compensation, but may receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. No expense of any kind shall be incurred by the commission or any commissioner, unless first authorized and approved by the city council.

SECTION 6. Chapter 2.38 related to the Communications and Technology Commission of the Calabasas Municipal Code is hereby amended to read as follows:

2.38.010 - Creation.

The communications and technology commission of the City of Calabasas is created.

2.38.020 - Membership.

- A. The commission shall consist of five members who shall be lawful residents of the city and electors during their respective terms of office.
- B. Commissioners nominated by individual councilmembers shall have a term lasting for the lesser of two years or until the expiration of the term of the councilmember who nominated that commissioner. Notwithstanding the expiration of a term, a commissioner shall continue until his or her successor has been appointed.
- C. If a vacancy occurs other than by expiration of a term, a new commissioner shall be appointed in the manner as set forth in this section and shall serve the unexpired portion of the term.
- D. The commission may appoint or reappoint a high school student lawfully resident in the city as a nonvoting commissioner for a one-year term.

2.38.030 - Organization.

- A. The commission shall elect a chair and vice chair from among its members, each for a term of one year, at its first regular meeting of each year. No person shall serve more than two successive one-year terms in either office. The chair, or in the absence of the chair, the vice chair, shall preside over the meetings of the commission.
- B. The commission may appoint standing or ad hoc subcommittees from its membership and with the consent of the city council, may appoint advisory committees comprised of noncommissioners.
- C. With the consent of the city council, the commission may adopt rules and regulations for the transactions of its business.
- D. The media operations director, or such other person as is designated by the city manager to do so, shall serve as the secretary of the commission.

2.38.040 - Duties.

The purpose of the commission is to advise the city council on various matters relating to the city's video service providers, telecommunications issues, communication technology, and other relevant emerging technologies. In addition, the commission acts as a planning commission when reviewing and approving wireless telecommunications facilities.

The objectives of the commission include the following:

- A. Monitoring state franchised video service providers and, to the extent permitted by federal, state, and city law and regulation, recommending enforcement actions for consideration by the city council;
- B. Monitoring the status of state and federal legislation and relevant case law regarding wired and wireless telecommunications and cable television issues, making recommendations to the city council on actions to take in light of these issues and performing any additional duties related hereto as requested by the city council;
- C. Providing input on programming and production for CTV, the Calabasas channel, and on the content of the city's website;
- D. Acting as a planning commission of the city with respect to wireless communication facilities, holding public hearings on proposed applications and related conditional use permits, and related actions as provided by Section 17.12.050(1) of this Code;
- E. Monitoring and recommending adoption of or further consideration of technologies to the city council;
- F. Overseeing the issuance of permits for film and video production; and
- G. Performing such other duties as may be requested from time to time by the city council.

2.38.050 - Regular meetings.

Regular meetings shall be held not less than quarterly on a date established from time to time by resolution of the commission.

2.38.070 - Reimbursement for expenses.

The commissioners shall serve without compensation, but may receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. No expense of any kind shall be incurred by the commission or any commissioner, unless first authorized and approved by the city council.

SECTION 7. Chapter 2.39 related to the Environmental Commission of the Calabasas Municipal Code is hereby amended to read as follows:

2.39.010 - Creation.

The environmental commission of the City of Calabasas is established. The commission shall constitute, and may also from time to time be referred to as, the tree board of the City of Calabasas and fulfills the standards of the National Arbor Day Foundation for the city to maintain its status as a Tree City USA.

2.39.020 - Membership.

- A. The commission shall consist of five members who shall be lawful residents of the city and electors during their respective terms of office.
- B. Commissioners nominated by individual councilmembers shall have a term lasting for the lesser of two years or until the expiration of the term of the councilmember who nominated that commissioner. Notwithstanding the expiration of a term, a commissioner shall continue until his or her successor has been appointed.
- C. If a vacancy occurs other than by expiration of a term, a new commissioner shall be appointed in the manner set forth above and shall serve the unexpired portion of the term to which he or she is appointed.
- D. The commission may appoint or reappoint one high school student lawfully resident in the city as a nonvoting commissioner for a one-year term.

2.39.030 - Organization.

- A. The commission shall elect a chair and vice chair from among its members, each for a term of one year, at its first regular meeting of each year. No person shall serve more than two successive one-year terms in either office. The chair, or in the absence of the chair, the vice chair, shall preside over meetings of the commission.
- B. The commission may appoint standing or ad hoc subcommittees from its membership and, with the consent of the city council, may appoint advisory committees comprised of noncommissioners.
- C. With the consent of the city council, the commission may adopt rules and regulations for the transaction of its business.
- D. The public works director and his/her designee shall serve as the secretary of the commission.

2.39.040 - Duties.

- A. When requested by the city council, the commission will advise the planning commission and/or city council on general policy matters related to the following:
 - 1. Air quality, including transportation alternatives, stationary sources and mobile sources;

2. Waste management, including municipal solid waste management and compliance with AB 939, and hazard and toxic waste management;
 3. Water quality, including National Pollutant Discharge Elimination System (NPDES) requirements, watershed protection; stormwater discharge and
 4. Flora and fauna, including habitat and species diversity, wildlife protection, and protection of trees;
 5. Resources, including water conservation and energy conservation, green space and scenic beauty;
 6. Public education programs and events, regarding such topic areas as listed and regarding other appropriate environmental issues.
- B. As the tree board, the commission will also be responsible for the following:
1. The commission is to consider and propose recommendations for the adoption of the Urban Forestry Master Plan and to make recommendations to carry out the policies and goals of the plan pursuant to the California Urban Forestry Act of 1978, California Public Resources Code Section 4799.06 et seq., including making recommendations for updates to the plan;
 2. Continued education for the care and welfare of trees;
 3. At the request of city council, the commission shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

2.39.050 - Regular meetings.

Regular meetings shall be held not less than quarterly on a date established from time to time by resolution of the commission.

2.39.070 - Reimbursement of expenses.

The commissioners shall serve without compensation, but may receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. No expense of any kind shall be incurred by the commission or any commissioner unless first authorized and approved by the city council.

SECTION 8. Chapter 2.40 related to the Architectural Review Panel of the Calabasas Municipal Code is hereby amended to read as follows:

2.40.010 - Architectural review panel creation.

An architectural review panel (ARP) is created in and for the City of Calabasas.

2.40.020 - Membership.

The architectural review panel shall consist of the following members:

- A. Five members, with two members to serve as alternate members, residing in or near the city of Calabasas or conducting business in the city, at the time of appointment and during their respective terms of office. A majority vote of the entire planning commission is required to appoint members. Each member may serve an unlimited number of terms subject to periodic planning commission reappointment.
 - 1. At least one member of the architectural review panel shall be a licensed architect.
 - 2. Other members of the panel shall be persons who, as a result of their training, experience and attainments, are qualified to analyze and interpret architectural and site planning information, including, but not limited to, licensed landscape architects, urban planners, engineers and builders/developers.
 - 3. A preference shall be given to the appointment of Calabasas residents meeting the panel's qualifications.
- B. Any member of the panel may be removed from office with or without cause by a majority vote of the entire planning commission.
- C. All terms of office shall run for a period of two years. The terms of office for each member shall continue to and include October 30th of the year in which the term shall expire, and thereafter until a successor is appointed.
- D. If a vacancy occurs other than by term expiration, the planning commission shall fill such vacancy by appointment for the unexpired portion of the term.
- E. The alternate members shall attend and participate in meetings of, and deliberate on matters before, the architectural review panel, as necessary to fill in for any absent member(s).

2.40.030 - Organization.

- A. The panel shall elect a chair and a vice chair from among its members, each for a term of one year. No person shall serve more than three successive terms in either position. The chair, or in the absence of the chair, the vice chair, shall preside over the meetings of the panel.
- B. The community development director, or such other person as is designated by the city manager to do so, shall serve as secretary of the panel.

2.40.040 - Duties.

The purpose of the panel is to make advisory recommendations to the planning commission and the city council in all matters pertaining to site plan reviews, and evaluating architectural designs of buildings and other structures, landscape plans and other site features. Procedures in this section for site plan reviews, and evaluating architectural designs of buildings and other structures, landscape plans and other site features are established to pursue the following purposes:

- A. To preserve and enhance the beauty of the city's natural and built environment;
- B. To encourage individual building scale and character consistent with the existing community;
- C. To discourage development of individual buildings that dominate the cityscape or attract attention to themselves through inappropriate color, mass, or architectural expression;
- D. To ensure that new development, and the alteration or enlargement of existing development, maintain the attractiveness and character of the city, especially as projects are seen from city streets, freeway and scenic corridors, adjacent properties, and from neighboring communities;
- E. To maintain and improve the quality of, and relationship among, individual buildings, and between structures and their sites, so that groups of structures contribute to neighborhood and community attractiveness;
- F. To ensure that:
 - 1. Site landscaping provides visually pleasing settings for structures,
 - 2. Proposed landscaping blends harmoniously with the natural landscape,
 - 3. Appropriate landscape themes and variations support the design and function of the structures to which they relate,
 - 4. Views of structures from off-site are softened or screened;
- G. To encourage the highest quality of architectural design, energy efficiency, minimal use of toxic materials during construction, maximum use of natural materials, and emphasis on construction methods which are least disruptive to the site and to the community;
- H. To balance private prerogatives and preferences with the public interest and welfare;

- I. In order to achieve these purposes, except for projects zoned Commercial, Old Town (CT), the architectural review panel shall review the architecture and landscape architecture of all commercial projects and signage and residential projects within scenic corridors, Master Plan and the Old Topanga/Highlands Overlay Areas, proposed subdivisions, hillside developments. The architectural review panel may also review other projects the community development director or planning commission deem appropriate for the panel's review, including projects zoned Commercial, Old Town (CT). The panel shall limit its advice to architecture, site planning, landscaping, signage and streetscape design. The panel shall perform such other advisory duties as the planning commission may request from time to time.

2.40.050 - Regular meetings.

Regular meetings shall be held not less than monthly on a date established from time to time by resolution of the panel.

2.40.060 - Absence from meetings.

Notwithstanding any other provisions of this code, any panelist who absents himself or herself from three regular meetings of the panel in any calendar year, unless excused by the panel by action recorded in its minutes, shall thereby automatically forfeit his or her position. The panel chair or vice chair shall thereupon promptly notify the planning commission, and the former panelist, of the fact of the vacancy.

2.40.070 - Reimbursement for expenses.

The panelists shall serve without compensation, but may receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. No expense of any kind shall be incurred by the panel or any panelist, unless first authorized and approved by the city council.

SECTION 9. Chapter 2.41 related to the Parks, Recreation and Education Commission of the Calabasas Municipal Code is hereby amended to read as follows:

2.41.010 - Creation.

The parks, recreation and education commission of the City of Calabasas is established.

2.41.020 - Membership.

- A. The commission shall consist of seven members, who shall be lawful residents of the city and electors during their respective terms of office. The sixth member shall be the chair of the Calabasas Arts Council or his or her designee and shall be subject to city council confirmation. The seventh member shall be nominated by the Calabasas Savvy Seniors Advisory Board, which nomination shall be subject to city council confirmation.
- B. Commissioners nominated by individual councilmembers shall have a term lasting for the lesser of two years or until the expiration of the term of the councilmember who nominated that commissioner. The Calabasas Arts Council chair and the Calabasas Savvy Seniors Advisory Board member shall have terms lasting two years. Notwithstanding the expiration of a term, a commissioner shall continue to serve until his or her successor has been appointed.
- C. If a vacancy occurs other than by expiration of a term, a new commissioner shall be appointed in the manner set forth above and shall serve the unexpired portion of the term.
- D. The commission may appoint or reappoint a high school student lawfully resident in the city as a nonvoting commissioner for a one-year term.

2.41.030 - Organization.

- A. The commission shall appoint a chair and a vice chair from among its members, each for a term of one year, at its first regular meeting of each year. No person shall serve more than two successive one-year terms in either office. The chair, or in the absence of the chair, the vice chair, shall preside over the meetings of the commission.
- B. The commission may appoint standing or ad hoc subcommittees from its membership and, with the consent of the city council, may appoint advisory committees comprised of noncommissioners.
- C. With the consent of the city council, the commission may adopt rules and regulations for the transactions of its business.
- D. The community services director, or such other person as is designated by the city manager to do so, shall serve as the secretary of the commission.

2.41.040 - Duties.

The commission will fulfill any function assigned by this code to the parks and recreation commission or to the education commission. In addition, when requested by the city council, the commission will advise the city council on all matters pertaining to park and recreation facilities, current or future educational programs and services, and communication and coordination with local schools and residents, as well as on general policy matters related to the following:

- A. City cooperation with other governmental agencies and civic groups in the advancement of sound recreation and parks planning and programming as well as educational programs or services to meet community needs;
- B. Reviewing the parks and recreation portion of the annual budget/Parks and Recreation Master Plan to make recommendations to the city council and the city manager;
- C. Recommending to the community services director plans for the acquisition, development, beautification and maintenance of public park and recreational areas, including parks, community centers and open space areas;
- D. Recommending standards on organization, staffing, areas and facilities, program and financial support of education, recreation and park activities;
- E. Making periodic inventories of recreation programs and services within the city that exist or may be needed by the public;
- F. Annually advising the city council on the long-range parks and recreation capital improvement program;
- G. Develop procedures to encourage harmonious land use of city, school and park properties;
- H. Develop programs to promote and encourage joint recreational/educational programs with regional schools;
- I. Communicating and providing a liaison to the Las Virgenes Unified School District and private educational institutions in the Calabasas area;
- J. Review community service funding grant applications and make appropriate recommendation to city council; and
- K. Performing such other duties as may be requested from time to time by the city council.

2.41.050 - Regular meetings.

Regular meetings shall be held not less than quarterly on a date established from time to time by resolution of the commission.

2.41.070 - Reimbursement for expenses.

The commissioners shall serve without compensation, but may receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. No expense of any kind shall be incurred by the commission or any commissioner unless first authorized and approved by the city council.

SECTION 10. Chapter 2.43 related to the Library Commission of the Calabasas Municipal Code is hereby amended to read as follows:

2.43.010 - Creation.

The library commission of the City of Calabasas is established in accordance with the provisions of Education Code Section 18900, et seq., and may also be known as the library board and commissioners as trustees.

2.43.020 - Membership.

- A. The commission shall consist of six members who shall, with the exception of the sixth member, be lawful residents of the city and electors during their respective terms of office. The sixth member shall be an ex-officio, nonvoting member and shall be a resident of the City of Hidden Hills and shall be appointed, removed and/or replaced by a majority vote of the Hidden Hills city council.
- B. All commissioners shall hold office for three years. Notwithstanding the expiration of a term, a commissioner shall continue until his or her successor has been appointed.
- C. If a vacancy occurs other than by expiration of a term, a new commissioner shall be appointed in the manner as set forth in this section and shall serve the unexpired portion of the term.
- D. The commission may appoint or reappoint a high school student lawfully resident in the city as a nonvoting commissioner for a one-year term.

2.43.030 - Organization.

- A. The commission shall elect a president and president pro tem from among its members, each for a term of one year, at its first regular meeting of each year. No person shall serve more than two successive one-year terms in either office. The president, or in the absence of the president pro tem, shall preside over meetings of the commission.
- B. The commission may appoint standing or ad hoc subcommittees from its membership and with the consent of the city council, may appoint advisory committees comprised of noncommissioners.
- C. The commission may adopt rules and regulations for the transaction of its business pursuant to Education Code Section 18919.
- D. The city manager, or his or her designee, shall serve as the staff liaison to the commission.

2.43.040 - Duties.

The commission shall have the powers and duties specified in Education Code Sections 18910 et seq., and the power and duty to act in an advisory capacity to the city council in all matters pertaining to the management, administration, operation, development, improvement and maintenance of municipal libraries and the provision of library services within the city, including:

- A. Reviewing contracts for library services, acquisitions and equipment and making recommendations to the city council;
- B. Developing and implement library goals and objectives, as well as policies and procedures necessary to provide library services;
- C. Submitting an annual report on the condition of the library to the city council and state librarian on or before August 31st, pursuant to Section 18927 of the California Education Code;
- D. Developing an annual budget with city staff in order to make recommendations to the city council and the city manager;
- E. Communicating with and providing liaison to the "Friends of the Library" and their counterparts in other jurisdictions; and
- F. Performing such other duties as may be requested from time to time by the city council or as may be required by law.

2.43.050 - Regular meetings.

Regular meetings shall be held not less than monthly on a date established from time to time by resolution of the commission as required by Education Code Section 18914.

2.43.070 - Reimbursement for expenses.

The commissioners shall serve without compensation, but may receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. No expense of any kind shall be incurred by the commission or any commissioner, unless first authorized and approved by the city council.

SECTION 11. SEVERABILITY. If any provision, section, paragraph, sentence or word of this ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

SECTION 12. CONSTRUCTION. To the extent the provisions of the Calabasas Municipal Code as amended by this ordinance are substantially the same as the provisions of that Code as they read prior to the adoption of this ordinance, they shall be construed as continuations of those prior provisions and not as new enactments.

SECTION 13. EFFECTIVE DATE. This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code section 36937.

SECTION 14. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED, this____,_____, 2015.

, Mayor

ATTEST:

APPROVED AS TO FORM:

Maricela Hernandez, MMC
City Clerk

Scott H. Howard
City Attorney



CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: FEBRUARY 27, 2015

TO: HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:  ROBERT YALDA, P.E., T.E., PUBLIC WORKS DIRECTOR/CITY ENGINEER
 MARC SEFERIAN, P.E., T.E., SENIOR CIVIL ENGINEER**

SUBJECT: RECOMMENDATION TO AWARD CONSTRUCTION CONTRACT FOR SPECIFICATION NO. 14-15-05, TO SECURITY PAVING COMPANY, INC.

MEETING DATE: MARCH 11, 2015

SUMMARY RECOMMENDATION:

Staff recommends that City Council award the construction contract for the Lost Hills Rd./US 101 Interchange Improvement Project, Specification No. 14-15-05 to Security Paving Company, Inc. in the amount of \$22,040,260.05.

Staff also recommends appropriating a 10% contingency of the total contract value of \$2,204,026.95 for potential change orders that are typical with projects of this magnitude. In addition, Staff recommends appropriating \$150,000.00 engineering support services to Kier and Wright Civil Engineers and Surveyors Inc. for performing design support, responding to requests for information, creating as-built drawings of the project and other construction support, as needed.

Staff is recommending total appropriations of \$24,394,287.00 to cover costs associated with this project.

DISCUSSION/ANALYSIS:

The City of Calabasas will soon begin construction to replace the Lost Hills Road/US 101 overpass. Improvements include bridge replacement and rerouting the left turn lane from Lost Hills Road to the northbound 101 on-ramp to a looped on-ramp. The new bridge will also be widened and will include two bike lanes and a pedestrian sidewalk on the west side of the bridge. The costs associated with the building of the bridge and all related components were grouped together in the bid under Schedule A.

Since an existing 10" water line maintained by Las Virgenes Municipal Water District is attached to the current bridge, it must be replaced. The costs of installing the waterline were grouped together in the bid under Schedule B.

The City is responsible only for the Schedule A costs. Las Virgenes Municipal Water District is responsible for the Schedule B costs.

Bids for these projects were received on February 27, 2015. The award decision was based on the lowest responsible and responsive bidder.

Eleven sealed bids were received for project Specification No.14-15-05 and the lowest bidder was Security Paving Company, Inc. The bid results for Security Paving Company included \$21,543,518.05 for Schedule A and \$496,742.00 for Schedule B. A copy of the bid results are shown in Attachment A. A copy of the project specifications is on the attached CD.

Security Paving Company, Inc. is well known in the region and is regarded as a reputable construction company. Staff has checked their references provided in their submitted bid packages and received satisfactory reports about the competency and reliability of the contractor and the quality of the projects that they have completed. Their proposed contract is shown in Attachment B.

The primary engineer for the project previously worked with Huillart-Zollars, the consultants the City hired to design the bridge. Since then, he has moved to Kier & Wright Civil Engineers and Surveyors. His familiarity with the project's design and experience working with the sub-contractors during the design phase make him an invaluable link to ensure a smooth and successful construction effort. In addition, the support team's knowledge of the project from its inception will not only be extremely effective, but will also minimize change orders and construction delays. Their proposal is shown in Attachment C. Their proposed contract is shown in Attachment D.

FISCAL IMPACT/SOURCE OF FUNDING:

Account No. 40-339-6502-06 will be used to track all costs associated with the Project Specification No.14-15-05, utilizing Measure R regional revenue to cover all costs pertaining to the Schedule A items associated with this project. A Utility Agreement which was signed in October 2014 between LVMWD and the City of Calabasas defines that the water district is responsible for all costs associated with the Schedule B items and will reimburse the City for this portion of the construction. A copy of this agreement is included in Attachment E. All requested funds should be appropriated to these accounts and adjust the budget accordingly.

REQUESTED ACTION:

Staff recommends that City Council award the construction contract for the Lost Hills Rd./US 101 Interchange Improvement Project, Specification No. 14-15-05 to Security Paving Company, Inc. in the amount of \$22,040,260.05.

Staff also recommends appropriating a 10% contingency of the total contract value of \$2,204,026.95 for potential change orders that are typical of projects of this magnitude. In addition, Staff recommends appropriating \$150,000.00 engineering support services for performing design support, responding to requests for information, creating as-built drawings of the project and other construction support as needed to Kier and Wright Civil Engineers and Surveyors Inc.

Staff is recommending total appropriations of \$24,394,287.00 to cover costs associated with this project.

ATTACHMENTS:

- Attachment A: Bid Results for Project Specification No.14-15-05
- Attachment B: Proposal for Construction Support Services from Kier & Wright
- Attachment C: Construction Contract for Security Paving Company, Inc.
- Attachment D: Professional Services Agreement for Kier & Wright
- Attachment E: Utility Agreement with LVMWD defining their financial responsibility for this project.

Item 9 Attachment A

RECEIVED BID LIST CIP #14-15-05

PROJECT TITLE: Lost Hills Rd./US 101 Interchange Improvement Project

CONTACT: Robert Yalda

BID OPENING DATE: February 27, 2015

CONTRACTOR	SCHEDULE A	SCHEDULE B	TOTAL	BID BOND/ CASHIER	ADDENDUMS
Security Paving Company, Inc.	\$21,543,518.05	\$496,742	\$22,040,260.05	Yes	Yes
Granite Construction Company	\$22,704,215.05	\$364,515	\$23,068,730.05	Yes	Yes
CA Rasmussen, Inc.	\$23,192,756.74	\$715,822.50	\$23,908,579.24	Yes	Yes
Powell Construction, Inc.	\$24,511,555.20	\$485,949	\$24,997,504.20	Yes	Yes
OHL USA, Inc.	\$25,047,013.95	\$421,618	\$25,468,631.95	Yes	Yes
Shimmick Construction Company, Inc.	\$25,381,207	\$164,100	\$25,545,307	Yes	Yes
Ortiz Enterprises, INc.	\$24,870,245.89	\$878,867	\$25,749,112.89	Yes	Yes
Steve P. Rados, Inc.	\$25,880,816.60	\$428,315	\$26,309,131.60	Yes	Yes
USS Cal Builders, Inc.	\$25,998,545.70	\$377,875	\$26,376,420.70	Yes	Yes
Sully Miller Contracting Company	\$26,763,772	\$411,805	\$27,175,577	Yes	Yes
Griffith Company	\$28,398,396.60	\$904,654	\$29,303,050.60	Yes	Yes

COMMENTS: _____

NAME: Maricela Hernandez **TITLE:** City Clerk

DATE: February 27, 2015 **TIME:** 2:30 p.m.

Item 9 Attachment B

ARTICLES OF AGREEMENT

LOST HILLS RD./US 101 INTERCHANGE IMPROVEMENT PROJECT, SPECIFICATION NO. 14-15-05, AGREEMENT IN THE CITY OF CALABASAS, CALIFORNIA

THIS LOST HILLS RD./US 101 INTERCHANGE IMPROVEMENT PROJECT, SPECIFICATION NO. 14-15-05, AGREEMENT (“AGREEMENT”) is made and entered into for the above-stated project this 11th day of MARCH, 2015, BY AND BETWEEN the City of Calabasas, a municipal corporation, hereafter designated as “AGENCY”, and **SECURITY PAVING COMPANY, INC.**, a **CALIFORNIA CORPORATION**, hereafter designated as “CONTRACTOR.”

WITNESSETH that AGENCY and CONTRACTOR have mutually agreed as follows:

ARTICLE I: Contract Documents

The contract documents for the **LOST HILLS RD./US 101 INTERCHANGE IMPROVEMENT PROJECT, SPECIFICATION NO. 14-15-05**, shall consist of the Notice Inviting Sealed Bids, Instructions To Bidders, Bid Proposal, Bid Schedule, Standard Specifications, Special Provisions, and all referenced specifications, details, standard drawings, and appendices; together with two signed copies of the AGREEMENT, two signed copies of required bonds; one copy of the insurance certificates, permits, notices, and affidavits; and also including any and all addenda or supplemental agreements clarifying, amending, or extending the work contemplated as may be required to ensure its completion in an acceptable manner (collectively referred to herein as the “Contract Documents”). All of the provisions of the Contract Documents are made a part hereof as though fully set forth herein.

ARTICLE II: Scope of Work

For and in consideration of the payments and agreements to be made and performed by AGENCY, CONTRACTOR agrees to furnish all materials and equipment and perform all work required for the above-stated project, and to fulfill all other obligations as set forth in the aforesaid Contract Documents.

AGENCY hereby employs CONTRACTOR to provide the materials, do the work, and fulfill the obligations according to the terms and conditions herein contained and referred to, for the prices provided herein, and hereby contracts to pay the same at the time, in the manner, and upon the conditions set forth in this AGREEMENT.

In entering into a public works contract or a subcontract to supply goods, services, or materials pursuant to this AGREEMENT, CONTRACTOR offers and agrees to assign to the AGENCY all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (Section 16700, et seq.) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public works contract or the subcontract. This assignment shall be

made and become effective at the time the awarding body tenders final payment to CONTRACTOR, without further acknowledgment by the parties.

ARTICLE III: Compensation

A. CONTRACTOR agrees to receive and accept the prices set forth in the Bid Proposal and Bid Schedule as full compensation for furnishing all materials, performing all work, and fulfilling all obligations hereunder. In no event shall the total compensation and costs payable to CONTRACTOR under this Agreement exceed the sum of \$21,543,518.05 Dollars, unless specifically approved in advance and in writing by AGENCY.

Such compensation shall cover all expenses, losses, damages, and consequences arising out of the nature of the work during its progress or prior to its acceptance including those for well and faithfully completing the work and the whole thereof in the manner and time specified in the aforesaid Contract Documents; and also including those arising from actions of the elements, unforeseen difficulties or obstructions encountered in the prosecution of the work, suspension or discontinuance of the work, and all other unknowns or risks of any description connected with the work.

B. This AGREEMENT is subject to the provisions of Article 1.7 (commencing at Section 20104.50) of Division 2, Part 3 of the Public Contract Code regarding prompt payment of CONTRACTORS by local governments. Article 1.7 mandates certain procedures for the payment of undisputed and properly submitted payment requests within 30 days after receipt, for the review of payment requests, for notice to CONTRACTOR of improper payment requests, and provides for the payment of interest on progress payment requests which are not timely made in accordance with that Article. This AGREEMENT hereby incorporates the provisions of Article 1.7 as though fully set forth herein.

C. At the request and expense of CONTRACTOR, securities equivalent to the amount withheld shall be deposited with AGENCY, or with a state or federally chartered bank in this state as the escrow agent, who shall then pay those moneys to CONTRACTOR upon AGENCY's confirmation of CONTRACTOR'S satisfactory completion of this AGREEMENT. At any time during the term of this AGREEMENT CONTRACTOR may, at its own expense, substitute securities for funds otherwise withheld as retention (or the retained percentage) in accordance with Public Contract Code § 22300.

ARTICLE IV: Labor Code

AGENCY and CONTRACTOR acknowledge that this AGREEMENT is subject to the provisions of Division 2, Part 7, Chapter 1 (commencing with Section 1720) of the California Labor Code relating to public works and public agencies and agree to be bound by all the provisions thereof as though set forth fully herein. Full compensation for conforming to the requirements of the Labor Code and with other Federal, State and local laws related to labor, and rules, regulations and ordinances which apply to any work performed pursuant to this AGREEMENT is included in the price for all contract items of work involved.

This AGREEMENT is further subject to prevailing wage law, including, but not limited to, the following:

A. The CONTRACTOR shall pay the prevailing wage rates for all work performed under the AGREEMENT. When any craft or classification is omitted from the general prevailing wage determinations, the CONTRACTOR shall pay the wage rate of the craft or classification most closely related to the omitted classification. The CONTRACTOR shall forfeit as a penalty to AGENCY \$200.00 or any greater penalty provided in the Labor Code for each Calendar Day, or portion thereof, for each worker paid less than the prevailing wage rates for any work done under the AGREEMENT in violation of the provisions of the Labor Code whether such worker is employed in the execution of the work by CONTRACTOR or by any Subcontractor under CONTRACTOR. In addition, CONTRACTOR shall pay each worker the difference between such prevailing wage rates and the amount paid to each worker for each Calendar Day, or portion thereof, for which each worker was paid less than the prevailing wage rate.

B. CONTRACTOR shall comply with the provisions of Labor Code Section 1777.5 concerning the employment of apprentices on public works projects, and further agrees that CONTRACTOR is responsible for compliance with Section 1777.5 by all of its subcontractors.

C. Pursuant to Labor Code § 1776, CONTRACTOR and any subcontractor shall keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by him or her in connection with this AGREEMENT. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following: (1) The information contained in the payroll record is true and correct; and (2) The employer has complied with the requirements of Labor Code §§ 1811, and 1815 for any work performed by his or her employees on the public works project. The payroll records enumerated under subdivision (a) shall be certified and shall be available for inspection at all reasonable hours as required by Labor Code § 1776.

D. This AGREEMENT is further subject to 8-hour work day and wage and hour penalty law, including, but not limited to, Labor Code Sections 1810 and 1813, as well as California nondiscrimination laws, as follows:

CONTRACTOR shall strictly adhere to the provisions of the Labor Code regarding the 8-hour day and the 40-hour week, overtime, Saturday, Sunday and holiday work and nondiscrimination

on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex or sexual orientation, except as provided in Section 12940 of the Government Code. Pursuant to the provisions of the Labor Code, eight hours' labor shall constitute a legal day's work. Work performed by CONTRACTOR's employees in excess of eight hours per day, and 40 hours during any one week, must include compensation for all hours worked in excess of eight hours per day, or 40 hours during any one week, at not less than one and one-half times the basic rate of pay. CONTRACTOR shall forfeit as a penalty to AGENCY \$25.00 or any greater penalty set forth in the Labor Code for each worker employed in the execution of the work by CONTRACTOR or by any Subcontractor of CONTRACTOR, for each Calendar Day during which such worker is required or permitted to the work more than eight hours in one Calendar Day or more than 40 hours in any one calendar week in violation of the Labor Code.

E. This AGREEMENT is subject to Public Contract Code Section 6109: CONTRACTOR shall be prohibited from performing work on this project with a subcontractor who is ineligible to perform work on the project pursuant to Sections 1777.1 or 1777.7 of the Labor Code.

ARTICLE V: Work Site Conditions

A. In compliance with and pursuant to Government Code Section 4215, AGENCY shall assume the responsibility, as between the parties to this AGREEMENT, for the timely removal, relocation, or protection of existing main- or trunk-line utility facilities located on the site of any construction project that is a subject of this AGREEMENT, if such utilities are not identified by AGENCY in the plans and specifications made a part of the invitation for bids. The Contract Documents shall include provisions to compensate CONTRACTOR for the costs of locating, repairing damage not due to the failure of CONTRACTOR to exercise reasonable care, and removing or relocating such utility facilities not indicated in the plans and specifications with reasonable accuracy, and for equipment on the project necessarily idled during such work. CONTRACTOR shall not be assessed liquidated damages for delay in completion of the project, when such delay was caused by the failure of AGENCY or the owner of a utility to provide for removal or relocation of such utility facilities.

B. To the extent that the work requires trenches in excess of five feet (5') and is estimated to cost more than \$25,000, prior to any excavation, CONTRACTOR must provide the AGENCY, or a registered civil or structural engineer employed by the AGENCY to whom authority has been delegated to accept such plans, a detailed plan showing the design of shoring, bracing, sloping, or other provisions to be made for worker protection from the hazard of caving ground during the excavation of such trench or trenches. If such plan varies from the shoring system standards, the plan shall be prepared by a registered civil or structural engineer. Nothing in this section shall be deemed to allow the use of a shoring, sloping, or protective system less effective than that required by the Construction Safety Orders.

C. This AGREEMENT is further subject to Public Contract Code Section 7104 with regard to any trenches deeper than four feet (4') involved in the proposed work as follows:

CONTRACTOR shall promptly, and before the following conditions are disturbed, notify AGENCY, in writing, of any:

- (1) Material that CONTRACTOR believes may be hazardous waste, as defined in Section 25117 of the Health and Safety Code, which is required to be removed to a Class I, Class II, or Class III disposal site in accordance with existing law.
- (2) Subsurface or latent physical conditions at the site differing from those indicated by all available information provided prior to the deadline for submission of bids.
- (3) Unknown physical conditions at the site of any unusual nature, different materially from those ordinarily encountered and generally recognized as inherent in work of the character provided for in the contract.

AGENCY shall promptly investigate the conditions, and if it finds that the conditions do materially so differ, or involve hazardous waste, and cause a decrease or increase in CONTRACTOR's cost of, or the time required for, performance of any part of the work, AGENCY shall issue a change order under the procedures described in this AGREEMENT.

In the event that a dispute arises between AGENCY and CONTRACTOR whether the conditions materially differ, or involve hazardous waste, or cause a decrease or increase in CONTRACTOR's cost of, or time required for, performance of any part of the work, CONTRACTOR shall not be excused from any scheduled completion date provided in the AGREEMENT, but shall proceed with all work to be performed under the AGREEMENT. CONTRACTOR shall retain any and all rights provided either by contract or by law which pertain to the resolution of disputes and protests between the contracting parties.

ARTICLE VI: Insurance

A. With respect to performance of work under this AGREEMENT, CONTRACTOR shall maintain, and shall require all of its subcontractors to maintain, insurance as required by Section E "Standard Specifications" of the Contract Documents.

B. This AGREEMENT is further subject to Workers' Compensation obligations, including, but not limited to, California Labor Code Sections 1860 and 1861 as follows:

CONTRACTOR shall take out and maintain, during the life of this contract, Worker's Compensation Insurance for all of CONTRACTOR's employees employed at the site of improvement; and, if any work is sublet, CONTRACTOR shall require the subcontractor similarly to provide Worker's Compensation Insurance for all of the latter's employees, unless such employees are covered by the protection afforded by CONTRACTOR. CONTRACTOR and any of CONTRACTOR's subcontractors shall be required to provide AGENCY with a written statement acknowledging its obligation to secure payment of Worker's Compensation Insurance as required by Labor Code § 1861; to wit: 'I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.' If any class of employees engaged in work under this AGREEMENT at the site of the Project is not protected under any Worker's Compensation law, CONTRACTOR shall provide and shall cause each subcontractor to provide adequate insurance for the protection of employees not otherwise protected. CONTRACTOR shall indemnify and hold harmless

AGENCY for any damage resulting from failure of either CONTRACTOR or any subcontractor to take out or maintain such insurance.

ARTICLE VII: Indemnification

To the fullest extent permitted by law, CONTRACTOR shall, at its sole cost and expense, fully defend, indemnify and hold harmless AGENCY, its authorized representatives and their respective subsidiaries, affiliates, members, directors, officers, employees and agents (collectively, the “Indemnitees”) from and against any and all claims, actions, demands, costs, judgments, liens, penalties, liabilities, damages, losses, and expenses, including but not limited to any fees of accountants, attorneys or other professionals (collectively “Liabilities”), arising out of, in connection with, resulting from or related to, any act, omission, fault or negligence of CONTRACTOR, CONTRACTOR’s Representative, or any of its officers, agents, employees, Subcontractors or Suppliers, or any person or organization directly or indirectly employed by any of them (Collectively, the “Indemnitors”), in connection with or relating to or claimed to be in connection with or relating to the work performed under this AGREEMENT.

If CONTRACTOR is a joint venture or partnership, each venturer or partner shall be jointly and severally liable for any and all of the duties and obligations of CONTRACTOR that are assumed under or arise out of this AGREEMENT. Each of such venturers or partners waives notice of the breach or non-performance of any undertaking or obligation of CONTRACTOR contained in, resulting from or assumed under this AGREEMENT, and the failure to give any such notice shall not affect or impair such venturer’s or partner’s joint and several liability hereunder.

ARTICLE VIII: Binding Effect

AGENCY and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto and to its partners, successors, assigns, and legal representatives in respect of all covenants, agreements, and obligations contained in the Contract Documents. This AGREEMENT is not assignable nor the performance of either party’s duties delegable without the prior written consent of the other party. Any attempted or purported assignment or delegation of any of the rights of obligations of either party without the prior written consent of the other shall be void and of no force and effect.

ARTICLE IX: Dispute Resolution

A. In the event of a dispute arising out of the terms of this AGREEMENT, including any action brought to declare the rights granted herein or to enforce any of the terms of this AGREEMENT, the party prevailing in such dispute shall be entitled to all reasonable costs and litigation expenses actually incurred, including fees of attorneys and expert witnesses. Any court action arising out of this AGREEMENT shall be filed in the Los Angeles County Superior Court. Any alternative dispute resolution proceeding arising out of this AGREEMENT shall be heard in the County of Los Angeles.

B. AGENCY shall have full authority to compromise or otherwise settle any claim relating to this AGREEMENT or any part hereof at any time. AGENCY shall provide timely notification to CONTRACTOR of the receipt of any third-party claim relating to this AGREEMENT.

AGENCY shall be entitled to recover its reasonable costs incurred in providing the notification required by this section.

C. This AGREEMENT is further subject to the provisions of Article 1.5 (commencing at Section 20104) of Division 2, Part 3 of the Public Contract Code regarding the resolution of public works claims of less than \$375,000. Article 1.5 mandates certain procedures for the filing of claims and supporting documentation by CONTRACTOR, for the response to such claims by the AGENCY, for a mandatory meet and confer conference upon the request of CONTRACTOR, for mandatory nonbinding mediation in the event litigation is commenced, and for mandatory judicial arbitration upon the parties' failure to resolve the dispute through mediation. This AGREEMENT hereby incorporates the provisions of Article 1.5 as though fully set forth herein.

ARTICLE X: Independent CONTRACTOR

CONTRACTOR is and shall at all times remain as to AGENCY, a wholly independent CONTRACTOR. Neither AGENCY nor any of its agents shall have control of the conduct of CONTRACTOR or any of CONTRACTOR's employees, except as herein set forth. CONTRACTOR shall not at any time or in any manner represent that it or any of its agents or employees are in any manner agents or employees of AGENCY.

ARTICLE XI: Taxes

CONTRACTOR is responsible for paying all retail, sales and use, transportation, export, import, special or other taxes and duties applicable to, and assessable against any work, materials, equipment, services, processes and operations incidental to or involved in this AGREEMENT. The CONTRACTOR is responsible for ascertaining and arranging to pay such taxes and duties. The prices established in this AGREEMENT shall include compensation for any taxes the CONTRACTOR is required to pay by laws and regulations in effect as of the execution of this AGREEMENT.

ARTICLE XII: Notices

All notices and communications shall be sent in writing to the parties at the following addresses:

AGENCY: Robert Yalda

CONTRACTOR: Joseph Ferndino

CITY OF CALABASAS

SECURITY PAVING COMPANY, INC.

100 Civic Center Way

13170 TELFAIR AVENUE

Calabasas, CA 91302-3172

SYLMAR, CA 91342

ARTICLE XIII: Entire Agreement

This AGREEMENT supersedes any and all other agreements, either oral or written, between the parties and contains all of the covenants and agreements between the parties pertaining to the work of improvements described herein. Each party to this AGREEMENT acknowledges that no representations, inducements, promises or agreements, orally or otherwise, have been made by

any party, or anyone acting on behalf of any party, which are not embodied herein, and that any other agreement, statement or promise not contained in this AGREEMENT shall not be valid or binding. Any modification of this AGREEMENT will be effective only if signed by the party to be charged.

The benefits and obligations of this AGREEMENT shall inure to and be binding upon the representatives, agents, partners, heirs, successors and assigns of the parties hereto. This AGREEMENT shall be construed pursuant to the laws of the State of California.

ARTICLE XIV: Authority to Contract

The signatories hereto represent that they are authorized to sign on behalf of the respective parties they represent and are competent to do so, and each of the parties hereto hereby irrevocably waives any and all rights to challenge signatures on these bases.

ARTICLE XV: General Provisions

A. All reports, documents or other written material (“written products” herein) developed by CONTRACTOR in the performance of this Agreement shall be and remain the property of AGENCY without restriction or limitation upon its use or dissemination by AGENCY. CONTRACTOR may take and retain copies of such written products as desired, but no such written products shall be the subject of a copyright application by CONTRACTOR.

B. In the performance of this Agreement, CONTRACTOR shall not discriminate against any employee, subcontractor, or applicant for employment because of race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental disability, medical condition or any other unlawful basis.

C. The captions appearing at the commencement of the sections hereof, and in any paragraph thereof, are descriptive only and for convenience in reference to this Agreement. Should there be any conflict between such heading, and the section or paragraph at the head of which it appears, the section or paragraph hereof, as the case may be, and not such heading, shall control and govern in the construction of this Agreement. Masculine or feminine pronouns shall be substituted for the neuter form and vice versa, and the plural shall be substituted for the singular form and vice versa, in any place or places herein in which the context requires such substitution(s).

D. The waiver by AGENCY or CONTRACTOR of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or of any subsequent breach of the same or any other term, covenant or condition herein contained. No term, covenant or condition of this Agreement shall be deemed to have been waived by AGENCY or CONTRACTOR unless in writing.

E. Each right, power and remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise shall be cumulative and shall be in addition to every other right, power, or remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise. The exercise, the commencement of the exercise, or the forbearance of the exercise by any party of any one or more of such rights, powers or remedies shall not preclude the

simultaneous or later exercise by such party of any of all of such other rights, powers or remedies.

F. CONTRACTOR shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to AGENCY under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to CONTRACTOR under this Agreement. All such documents shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of AGENCY. In addition, pursuant to Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds ten thousand dollars, all such documents and this Agreement shall be subject to the examination and audit of the State Auditor, at the request of AGENCY or as part of any audit of AGENCY, for a period of three (3) years after final payment under the Agreement.

IN WITNESS WHEREOF the parties hereto for themselves, their heirs, executors, administrators, successors, and assigns do hereby agree to the full performance of the covenants herein contained and have caused this AGREEMENT to be executed in duplicate by setting hereunto their names, titles, hands, and seals this 11th day of March, 2015

CONTRACTOR: **SECURITY PAVING COMPANY, INC.**

Joseph Ferndino, Vice President
CONTRACTOR's License No. 116307

AGENCY: _____
David J. Shapiro Mayor Date
City of Calabasas

ATTESTED: _____
Maricela Hernandez, MMC, City Clerk Date
City of Calabasas

APPROVED AS
TO FORM: _____
Scott H. Howard, City Attorney Date
City of Calabasas

(EXECUTE IN DUPLICATE)

CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of _____

On _____ before me, _____, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (SEAL)

CERTIFICATE OF ACKNOWLEDGMENT

State of California
County of _____

On _____ before me, _____, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (SEAL)

(EXECUTE IN DUPLICATE)

CERTIFICATE OF ACKNOWLEDGMENT

State of California
County of _____

On _____ before me, _____, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (SEAL)

CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of _____

On _____ before me, _____, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (SEAL)

NON-COLLUSION AFFIDAVIT

The undersigned declares:

I am the _____ of _____, the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on the ___ day _____, 20__ at _____, California.

JOSEPH FERNDINO, VICE PRESIDENT

CONTRACTOR's Signer's Title

SECURITY PAVING COMPANY, INC.

Business Address:
SECURITY PAVING COMPANY, INC.
13170 TELFAIR AVENUE
SYLMAR, CA 91342
818.367.8381

WORKERS' COMPENSATION INSURANCE CERTIFICATE

The CONTRACTOR shall execute the following form as required by the California Labor Code, Sections 1860 and 1861:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

DATE: _____

SECURITY PAVING COMPANY, INC.

By: _____
(Signature)

(Title)

Attest:

By: _____
(Signature)

(Title)

NOTE: See Section 7 Responsibility of the CONTRACTOR, Paragraph 7-3 of the Standard Specifications for insurance carrier rating requirements.

ENDORSEMENTS TO INSURANCE POLICY

Name of Insurance Company: _____

Policy Number: _____

Effective Date: _____

The following endorsements are hereby incorporated by reference into the attached Certificate of Insurance as though fully set forth thereon:

1. The naming of an additional insured as herein provided shall not affect any recovery to which such additional insured would be entitled under this policy if not named as such additional insured, and
2. The additional insured named herein shall not be held liable for any premium or expense of any nature on this policy or any extensions thereof, and
3. The additional insured named herein shall not by reason of being so named be considered a member of any mutual insurance company for any purpose whatsoever, and
4. The provisions of the policy will not be changed, suspended, canceled or otherwise terminated as to the interest of the additional insured named herein without first giving such additional insured twenty (20) days' written notice.
5. Any other insurance held by the additional insured shall not be required to contribute anything toward any loss or expense covered by the insurance, which is referred to by this certificate.
6. **The company provided insurance for this certificate is a company licensed to do business in the State of California with a Best's rating of A+ VIII or greater.**

It is agreed that the City of Calabasas, its officers and employees, are included as Additional Insureds under the contracts of insurance for which the Certificate of Insurance is given.

Authorized Insurance Agent

Date: _____

Item 9 Attachment C



KIER & WRIGHT
Civil Engineers & Surveyors, Inc.

February 26, 2015

Mr. Robert Yalda
City of Calabasas
100 Civic Center Way
Calabasas, CA 91302-3172

RE: **Lost Hills Road Interchange
Construction Support Services**

Dear Robert,

Kier & Wright is excited about the opportunity to assist the City during the construction phase of the Lost Hills Road Interchange project by providing support services. We have assembled the team of subconsultants that previously provided the design services on the project so as to create a seamless transition of engineering knowledge from the design phase to the construction phase. We look forward to working with you and the Construction Management team at Parsons to see the project through this most exciting phase.

As coordinated with Parsons, we propose the tasks and scope of work listed below. The expected level of effort for each task is provided based on communication with Parsons and the level of effort expected to assist them with the construction administration.

1. Attend Pre-Construction meeting. It is assumed that Kier & Wright will attend representing the design team and that attendance by subconsultants is not required. 2 staff up to 4 hours.
2. 4-scale drawing of the new bridge with proposed contours. Deliverable will be two full-size plots delivered to the construction trailer. Up to 6 hours.
3. Inspection of the subgrade conditions at the bottom of the spread footing excavations for the new bridge by an engineering geologist at Ninyo & Moore. The effort will include data compilation and engineering analysis as needed. It is assumed that four (4) visits to the site will be required for this task. The deliverable will be a preparation of a letter report presenting the results of findings regarding the subgrade conditions of the proposed bridge footings and construction recommendations, as appropriate.
4. Attend as-needed weekly meetings during construction. Attendance at meetings will only be as requested by the City of Calabasas or Parsons. The following assumptions are made regarding the number of meetings to be attended by the Construction Support team:
 - Kier & Wright – 6 meetings (Up to 3 hours)
 - TY Lin – 2 meetings (Up to 5 hours)
 - Ninyo & Moore – 1 meeting (Up to 5 hours)
 - DKS Associates – 1 meeting (Up to 5 hours)
 - Tatsumi & Partners – 2 meetings (Up to 5 hours)



KIER & WRIGHT
Civil Engineers & Surveyors, Inc.

Attendance at meetings over and above what is described above will require prior authorization from the City of Calabasas. Attendance at the meetings above includes 1 hour of meeting time and travel time to and from the meetings.

5. Kier & Wright will review Contractor's submittals including shop drawings, product data and samples, and make recommendations about these submittals to Parsons. Kier & Wright will review the Contractor's submittals for conformance with the design and the scope of the project and for compliance with the Contract Documents. Up to 200 hours.
6. Respond to requests for information from the Contractor and its subcontractors at the request of Parsons with respect to the Contract Documents. Up to 200 hours.
7. Prepare Delta Revisions as requested by Parsons. Up to 200 hours.
8. Kier & Wright will prepare as-built drawings of the improvements based on as-built redlines as provided by the Contractor and Inspector at the completion of work. It is expected that Contractor and Inspector redlines will be minimal and that changes to the design will have been previously addressed by Item 7 above. As such, the work is expected to be mostly administrative in adding as-built stamps to each plan sheet and that no major drafting efforts will be required. PDFs of as-built drawings will be provided along with electronic copies of the final drawing files. The scope of work for this task is based on an assumed number of two hundred and twenty hours (220) for incorporation of Contractor and Inspector redlines; or approximately one-half hour (0.5) per sheet.

We propose to perform the above scope of work for a total cost of **\$150,000**. Services will be provided on a Time & Materials basis. The City of Calabasas will be notified as we reach 50%, 75%, 90%, and 100% of the budget. Hourly rate sheets are provided for Kier & Wright as well as for the team of subconsultants. The hourly rate sheets will remain in effect for the duration of the contract. Should construction extend beyond the 22-month period, Kier & Wright reserves the right to adjust the hourly rates upon notification to the City of Calabasas. Subconsultant fees will be billed to the City with a 10% markup for Kier & Wright. The following provides the expected breakdown of fees by consultant:

Kier & Wright	\$ 84,419
DKS Associates	\$ 10,505
Ninyo & Moore	\$ 10,500
Tatsumi & Partners	\$ 10,876
<u>TY Lin International</u>	<u>\$ 33,700</u>
Total	\$ 150,000

Proposal Assumptions:

1. Geotechnical services are not subject to prevailing wage requirements. Professional geologists and engineers will be providing the consulting services.
2. Kier & Wright will not be responsible for construction observation and inspection. As such, Kier & Wright is only responsible for drafting changes onto as-built plans based on what is provided to Kier & Wright at the completion of the project.
3. All written correspondence and deliverables will be provided by email and in PDF format (including delta revisions to the plans), respectively.
4. The fee summary provided above includes direct and reimbursable expenses. Reimbursable expenses will be billed with a markup of 10%.



KIER & WRIGHT
Civil Engineers & Surveyors, Inc.

This proposal excludes the following:

1. Geotechnical materials and testing services for the project including as-graded geological inspections.
2. Permit acquisition
3. As-built survey
4. Construction management and inspection
5. Construction survey
6. Coordination with regulatory agencies.
7. Utility coordination.
8. Supplemental Mandatory or Advisory Fact Sheet preparation
9. Design or plan changes due to errors or omissions in the Design Phase.

Thank you for considering Kier & Wright for this project. If you have any questions or if we can be of further service to you on this or any other project, please do not hesitate to give us a call.

Sincerely,
KIER & WRIGHT

Peter M. Bernard, P.E.

Att.





KIER & WRIGHT
Civil Engineers & Surveyors, Inc.

HOURLY RATE SCHEDULE

Effective March 11, 2015 through March 10, 2017

PRINCIPAL	\$ 212.00/Hour
PRINCIPAL ENGINEER	\$ 192.00/Hour
SENIOR ENGINEER	\$ 173.00/Hour
OFFICE ENGINEER	\$ 155.00/Hour
SENIOR SURVEYOR	\$ 173.00/Hour
SURVEY SUPERVISOR	\$ 173.00/Hour
OFFICE SURVEYOR	\$ 155.00/Hour
SURVEY COORDINATOR	\$ 148.00/Hour
ENGINEERING TECH	\$ 133.00/Hour
SURVEY TECH	\$ 133.00/Hour
SENIOR DRAFTSPERSON	\$ 108.00/Hour
DRAFTSPERSON	\$ 103.00/Hour
1-PERSON SURVEY CREW	\$ 148.00/Hour
2-PERSONS SURVEY CREW	\$ 265.00/Hour
3-PERSONS SURVEY CREW	\$ 337.00/Hour
TESTIMONY (TRIAL OR DEPOSITION)	\$ 414.00/Hour
ENGINEERING COORDINATOR	\$ 70.00/Hour
ENGINEERING INTERN	\$ 44.00/Hour

Time spent for preparation for testimony will be billed in accordance with the above hourly rates.



Fee Schedule

Effective January 1, 2015 through December 31, 2015

<i>ENGINEERS and PLANNERS</i>				<i>TECHNICIANS and SUPPORT STAFF</i>	
Grade	Hourly Rate	Grade	Hourly Rate	Tech Level	Hourly Rate
Grade 1	\$ 55.00	Grade 24	\$ 170.00	Tech Level A	\$ 35.00
Grade 2	60.00	Grade 25	175.00	Tech Level B	40.00
Grade 3	65.00	Grade 26	180.00	Tech Level C	45.00
Grade 4	70.00	Grade 27	185.00	Tech Level D	50.00
Grade 5	75.00	Grade 28	190.00	Tech Level E	55.00
Grade 6	80.00	Grade 29	195.00	Tech Level F	60.00
Grade 7	85.00	Grade 30	200.00	Tech Level G	65.00
Grade 8	90.00	Grade 31	205.00	Tech Level H	70.00
Grade 9	95.00	Grade 32	210.00	Tech Level I	75.00
Grade 10	100.00	Grade 33	215.00	Tech Level J	80.00
Grade 11	105.00	Grade 34	220.00	Tech Level K	85.00
Grade 12	110.00	Grade 35	225.00	Tech Level L	90.00
Grade 13	115.00	Grade 36	230.00	Tech Level M	95.00
Grade 14	120.00	Grade 37	235.00	Tech Level N	100.00
Grade 15	125.00	Grade 38	240.00	Tech Level O	105.00
Grade 16	130.00	Grade 39	245.00	Tech Level P	110.00
Grade 17	135.00	Grade 40	250.00	Tech Level Q	115.00
Grade 18	140.00	Grade 41	255.00	Tech Level R	120.00
Grade 19	145.00	Grade 42	260.00	Tech Level S	125.00
Grade 20	150.00	Grade 43	265.00	Tech Level T	130.00
Grade 21	155.00	Grade 44	270.00	Tech Level U	135.00
Grade 22	160.00	Grade 45	275.00	Tech Level V	140.00
Grade 23	165.00				

- Project expenses will be billed at *cost plus ten percent* for service and handling. Project expenses include project-related costs such as reproduction through outside services, transportation, subsistence, delivery/postage, and vendor and subcontractor services.
- All invoices are due and payable within 30 days of date of invoice. Invoices outstanding over 30 days will be assessed a 1 1/4 percent service charge, compounded, for each 30 days outstanding beyond the initial payment period. Service charges are not included in any agreement for maximum charges.
- Expert witness charges are available on request.



Expert Witness and Deposition Fee Schedule

Effective January 1, 2015 through December 31, 2015

<i>ENGINEERS and PLANNERS</i>				<i>TECHNICIANS and SUPPORT STAFF</i>	
Grade	Hourly Rate	Grade	Hourly Rate	Tech Level	Hourly Rate
Grade 1	\$ 60.00	Grade 24	\$ 235.00	Tech Level A	\$ 40.00
Grade 2	65.00	Grade 25	240.00	Tech Level B	45.00
Grade 3	70.00	Grade 26	245.00	Tech Level C	50.00
Grade 4	75.00	Grade 27	250.00	Tech Level D	55.00
Grade 5	80.00	Grade 28	255.00	Tech Level E	60.00
Grade 6	85.00	Grade 29	260.00	Tech Level F	65.00
Grade 7	115.00	Grade 30	265.00	Tech Level G	70.00
Grade 8	125.00	Grade 31	270.00	Tech Level H	75.00
Grade 9	130.00	Grade 32	280.00	Tech Level I	80.00
Grade 10	135.00	Grade 33	290.00	Tech Level J	85.00
Grade 11	140.00	Grade 34	300.00	Tech Level K	90.00
Grade 12	145.00	Grade 35	310.00	Tech Level L	95.00
Grade 13	150.00	Grade 36	320.00	Tech Level M	100.00
Grade 14	155.00	Grade 37	330.00	Tech Level N	105.00
Grade 15	160.00	Grade 38	340.00	Tech Level O	110.00
Grade 16	165.00	Grade 39	350.00	Tech Level P	115.00
Grade 17	175.00	Grade 40	360.00	Tech Level Q	120.00
Grade 18	185.00	Grade 41	370.00	Tech Level R	125.00
Grade 19	195.00	Grade 42	380.00	Tech Level S	130.00
Grade 20	215.00	Grade 43	390.00	Tech Level T	135.00
Grade 21	220.00	Grade 44	400.00	Tech Level U	140.00
Grade 22	225.00	Grade 45	410.00	Tech Level V	145.00
Grade 23	230.00				

- Project expenses will be billed at *cost plus 15 percent* for service and handling. Project expenses include project-related costs such as transportation, subsistence, reproduction, postage, telephone, computer charges, and subcontractor services.
- All invoices are due and payable within 30 days of date of invoice. Invoices outstanding over 30 days will be assessed a 1 1/4 percent service charge, compounded, for each 30 days outstanding beyond the initial payment period. Service charges are not included in any agreement for maximum charges.
- Rate schedule includes billing rates for personnel who might support investigation and preparation.

SCHEDULE OF FEES

HOURLY CHARGES FOR PERSONNEL

Principal Engineer/Geologist/Environmental Scientist	\$ 168
Senior Engineer/Geologist/Environmental Scientist.....	\$ 164
Senior Project Engineer/Geologist/Environmental Scientist	\$ 160
Project Engineer/Geologist/Environmental Scientist.....	\$ 156
Senior Staff Engineer/Geologist/Environmental Scientist.....	\$ 141
Staff Engineer/Geologist/Environmental Scientist.....	\$ 128
GIS Analyst	\$ 114
Field Operations Manager	\$ 104
Supervisory Technician*	\$ 95
Nondestructive Examination Technician*, UT, MT, LP	\$ 95
Senior Field/Laboratory Technician*	\$ 87
Field/Laboratory Technician*	\$ 87
ACI Concrete Technician*	\$ 87
Concrete/Asphalt Batch Plant Inspector*	\$ 87
Special Inspector (Concrete, Masonry, Steel, Welding, and Fireproofing)*	\$ 87
Technical Illustrator/CAD Operator.....	\$ 86
Geotechnical/Environmental/Laboratory Assistant	\$ 73
Information Specialist.....	\$ 73
Data Processing, Technical Editing, or Reproduction.....	\$ 64

OTHER CHARGES

Concrete Coring Equipment (includes one technician)	\$ 160 /hr
PID/FID Usage.....	\$ 140 /day
Anchor load test equipment (includes technician)	\$ 97 /hr
Hand Auger Equipment	\$ 65 /day
Inclinometer Usage	\$ 40 /hr
Vapor Emission Kits.....	\$ 40 /kit
Level D Personal Protective Equipment (per person per day)	\$ 30 /p/d
Rebar Locator (Pachometer).....	\$ 30 /hr
Nuclear Density Gauge Usage.....	\$ 15 /hr
Field Vehicle Usage.....	\$ 12 /hr
Direct Project Expenses.....	Cost plus 15 %
Laboratory testing, geophysical equipment, and other special equipment provided upon request.	

NOTES (Field Services)

For field and laboratory technicians and special inspectors, regular hourly rates are charged during normal weekday construction hours. Overtime rates at 1.5 times the regular rates will be charged for work performed outside normal construction hours and all day on Saturdays. Rates at twice the regular rates will be charged for all work in excess of 12 hours in one day or on Sundays and holidays. Lead time for any requested service is 24 hours. Field Technician rates are based on a 4-hour minimum. Special inspection rates are based on a 4-hour minimum for the first 4 hours and an 8-hour minimum for hours exceeding 4 hours. Field personnel are charged portal to portal.

*Indicates rates that are based on Prevailing Wage Determination made by the State of California, Director of Industrial Relations on a semiannual basis. Our rates will be adjusted in conjunction with the increase in the Prevailing Wage Determination during the life of the project.



TATSUMI

-
AND

-
PARTNERS, INC.

**FOR TATSUMI AND PARTNERS, INC.
HOURLY BILLING RATES FOR 2015-2016**

LANDSCAPE ARCHITECTURE

-
PLANNING

-
URBAN DESIGN

49 Discovery

Suite 120

Irvine

California 92618

Classification	Billing Rates	
	Year 2015	Year 2016
Sr. Principal	\$264	\$264
Sr. Associate	\$145	\$151
Associate	\$131	\$136
Sr. Technical Staff	\$112	\$117
Technical Staff III	\$103	\$108
Technical Staff II	\$93	\$98
Technical Staff I	\$76	\$83

Telephone:
(949) 453-9901

Facsimile:
(949) 453-9902

E-Mail:
david@tatsumiandpartners.com

ENGINEERING

Principal Engineer	\$265.00
Supervising Engineer	\$220.00
Senior Engineer II	\$195.00
Senior Engineer I.....	\$170.00
Engineer II.....	\$155.00
Engineer I.....	\$143.00
Assistant Engineer	\$135.00
Civil Engineer.....	\$123.00
Design Technician III.....	\$150.00
Design Technician II.....	\$125.00
Design Technician I	\$85.00

ARCHITECTURAL

Senior Architect.....	\$205.00
Architect II	\$155.00
Architect I.....	\$123.00

CONSTRUCTION

Principal Construction Engineer	\$260.00
Senior Construction Engineer II.....	\$190.00
Senior Construction Engineer I.....	\$165.00
Construction Engineer	\$145.00
Assistant Construction Engineer/Inspector.....	\$123.00

Vehicle Mileage.....\$0.60/mile

Construction Engineers/Inspectors are provided with trucks equipped with rotating amber safety beacons and toolboxes containing the necessary hand tools required during construction inspections. Specialty equipment, if required, may be billed separately.

Hourly charges include provision for normal office overhead costs, such as office rental, utilities, insurance, clerical services, equipment, normal supplies and materials, and in-house reproduction services. Other expenses such as special consultants or purchased outside services will be billed at cost plus 10 percent.

ITEM 9
Attachment D

**PROFESSIONAL SERVICES AGREEMENT
Providing for Payment of Prevailing Wages**

(City of Calabasas/ **Kier & Wright Civil Engineers & Surveyors, Inc.**)

1. IDENTIFICATION

THIS PROFESSIONAL SERVICES AGREEMENT (“Agreement”) is entered into by and between the City of Calabasas, a California municipal corporation (“City”), and **Kier & Wright Civil Engineers & Surveyors, Inc., a California, Corporation** (“Consultant”).

2. RECITALS

- 2.1 City has determined that it requires the following professional services from a consultant: **construction support services for the Lost Hills/US 101 Interchange Improvement Project. This support will include attendance at construction Meetings, on-call engineering support services during the construction period, geotechnical inspections, review of material and methods submittals from the contractor, response to requests for information and preparation of as-build drawings.**
- 2.2 Consultant represents that it is fully qualified to perform such professional services by virtue of its experience and the training, education and expertise of its principals and employees. Consultant further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in this Agreement.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein contained, City and Consultant agree as follows:

3. DEFINITIONS

- 3.1 “Scope of Services”: Such professional services as are set forth in Consultant’s **February 26, 2015** proposal to City attached hereto as Exhibit A and incorporated herein by this reference.
- 3.2 “Approved Fee Schedule”: Such compensation rates as are set forth in Consultant’s **February 26, 2015** fee schedule to City attached hereto as Exhibit B and incorporated herein by this reference.
- 3.3 “Commencement Date”: **April 1, 2015.**
- 3.4 “Expiration Date”: **March 31, 2017.**

4. TERM

The term of this Agreement shall commence at 12:00 a.m. on the Commencement Date and shall expire at 11:59 p.m. on the Expiration Date unless extended by written agreement of the parties or terminated earlier in accordance with Section 17 (“Termination”) below.

5. CONSULTANT’S SERVICES

- 5.1 Consultant shall perform the services identified in the Scope of Services. City shall have the right to request, in writing, changes in the Scope of Services. Any such changes mutually agreed upon by the parties, and any corresponding increase or decrease in compensation, shall be incorporated by written amendment to this Agreement. In no event shall the total compensation and costs payable to Consultant under this Agreement exceed the sum of **One Hundred Fifty Thousand Dollars (\$150,000.00)** unless specifically approved in advance and in writing by City.
- 5.2 Consultant shall perform all work to the highest professional standards of Consultant’s profession and in a manner reasonably satisfactory to City. Consultant shall comply with all applicable federal, state and local laws and regulations, including the conflict of interest provisions of Government Code Section 1090 and the Political Reform Act (Government Code Section 81000 *et seq.*).
- 5.3 During the term of this Agreement, Consultant shall not perform any work for another person or entity for whom Consultant was not working at the Commencement Date if both (i) such work would require Consultant to abstain from a decision under this Agreement pursuant to a conflict of interest statute and (ii) City has not consented in writing to Consultant’s performance of such work.
- 5.4 Consultant represents that it has, or will secure at its own expense, all personnel required to perform the services identified in the Scope of Services. All such services shall be performed by Consultant or under its supervision, and all personnel engaged in the work shall be qualified to perform such services. **Peter M. Bernard** shall be Consultant’s project administrator and shall have direct responsibility for management of Consultant’s performance under this Agreement. No change shall be made in Consultant’s project administrator without City’s prior written consent.
- 5.5 To the extent that the Scope of Services involves trenches deeper than 4’, Contractor shall promptly, and before the following conditions are disturbed, notify the City, in writing, of any:

(1) Material that the contractor believes may be material that is hazardous waste, as defined in § 25117 of the Health and Safety Code, which is required to be removed to a Class I, Class II, or Class III disposal site in accordance with provisions of existing law.

(2) Subsurface or latent physical conditions at the site differing from those indicated by information about the site made available to bidders prior to the deadline for submitting bids.

(3) Unknown physical conditions at the site of any unusual nature, different materially from those ordinarily encountered and generally recognized as inherent in work of the character provided for in the contract.

City shall promptly investigate the conditions, and if it finds that the conditions do materially so differ, or involve hazardous waste, and cause a decrease or increase in the contractor's cost of, or the time required for, performance of any part of the work, the City shall issue a change order under the procedures described in the contract.

6. COMPENSATION

- 6.1 City agrees to compensate Consultant for the services provided under this Agreement, and Consultant agrees to accept in full satisfaction for such services, payment in accordance with the Approved Fee Schedule.
- 6.2 Consultant shall submit to City an invoice, on a monthly basis or less frequently, for the services performed pursuant to this Agreement. Each invoice shall itemize the services rendered during the billing period and the amount due. Within thirty calendar days of receipt of each invoice, City shall pay all undisputed amounts included on the invoice. City shall not withhold applicable taxes or other authorized deductions from payments made to Consultant.
- 6.3 Payments for any services requested by City and not included in the Scope of Services shall be made to Consultant by City on a time-and-materials basis using Consultant's standard fee schedule. Consultant shall be entitled to increase the fees in this fee schedule at such time as it increases its fees for its clients generally; provided, however, in no event shall Consultant be entitled to increase fees for services rendered before the thirtieth day after Consultant notifies City in writing of an increase in that fee schedule. Fees for such additional services shall be paid within sixty days of the date Consultant issues an invoice to City for such services.

- 6.4 This Agreement is further subject to the provisions of Article 1.7 (commencing at Section 20104.50) of Division 2, Part 3 of the Public Contract Code regarding prompt payment of contractors by local governments. Article 1.7 mandates certain procedures for the payment of undisputed and properly submitted payment requests within 30 days after receipt, for the review of payment requests, for notice to the contractor of improper payment requests, and provides for the payment of interest on progress payment requests which are not timely made in accordance with this Article. This Agreement hereby incorporates the provisions of Article 1.7 as though fully set forth herein.
- 6.5 To the extent applicable, at any time during the term of the Agreement, the Consultant may at its own expense, substitute securities equivalent to the amount withheld as retention (or the retained percentage) in accordance with Public Contract Code section 22300. At the request and expense of the consultant, securities equivalent to the amount withheld shall be deposited with the public agency, or with a state or federally chartered bank in this state as the escrow agent, who shall then pay those moneys to the Consultant. Upon satisfactory completion of the contract, the securities shall be returned to the Consultant.

7. OWNERSHIP OF WRITTEN PRODUCTS

All reports, documents or other written material (“written products” herein) developed by Consultant in the performance of this Agreement shall be and remain the property of City without restriction or limitation upon its use or dissemination by City. Consultant may take and retain copies of such written products as desired, but no such written products shall be the subject of a copyright application by Consultant.

8. RELATIONSHIP OF PARTIES

Consultant is, and shall at all times remain as to City, a wholly independent contractor. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise to act on behalf of City as an agent. Neither City nor any of its agents shall have control over the conduct of Consultant or any of Consultant’s employees, except as set forth in this Agreement. Consultant shall not represent that it is, or that any of its agents or employees are, in any manner employees of City.

9. CONFIDENTIALITY

All data, documents, discussion, or other information developed or received by Consultant or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Consultant without prior written consent by City. City shall grant such consent if disclosure is legally required. Upon request, all City data shall be returned to City upon the termination or expiration of this Agreement.

10. INDEMNIFICATION

- 10.1 The parties agree that City, its officers, agents, employees and volunteers should, to the fullest extent permitted by law, be protected from any and all loss, injury, damage, claim, lawsuit, cost, expense, attorneys' fees, litigation costs, or any other cost arising out of or in any way related to the performance of this Agreement. Accordingly, the provisions of this indemnity provision are intended by the parties to be interpreted and construed to provide the City with the fullest protection possible under the law. Consultant acknowledges that City would not enter into this Agreement in the absence of Consultant's commitment to indemnify and protect City as set forth herein.
- 10.2 To the fullest extent permitted by law, Consultant shall indemnify, hold harmless and defend City, its officers, agents, employees and volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person and injury to any property resulting from any alleged intentional, reckless, negligent, or otherwise wrongful acts, errors or omissions of Consultant or any of its officers, employees, servants, agents, or subcontractors in the performance of this Agreement. Such costs and expenses shall include reasonable attorneys' fees due to counsel of City's choice.
- 10.3 City shall have the right to offset against the amount of any compensation due Consultant under this Agreement any amount due City from Consultant as a result of Consultant's failure to pay City promptly any indemnification arising under this Section 10 and related to Consultant's failure to either (i) pay taxes on amounts received pursuant to this Agreement or (ii) comply with applicable workers' compensation laws.
- 10.4 The obligations of Consultant under this Section 10 will not be limited by the provisions of any workers' compensation act or similar act. Consultant expressly waives its statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.
- 10.5 Consultant agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this Section 10 from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. In the event Consultant fails to obtain such indemnity obligations from others as required herein, Consultant agrees to be fully responsible and indemnify, hold harmless and defend City, its officers, agents, employees and volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person and injury to any property resulting from any alleged intentional, reckless, negligent, or otherwise wrongful acts, errors or omissions of Consultant's

subcontractors or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. Such costs and expenses shall include reasonable attorneys' fees incurred by counsel of City's choice.

- 10.6 City does not, and shall not, waive any rights that it may possess against Consultant because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. This hold harmless and indemnification provision shall apply regardless of whether or not any insurance policies are determined to be applicable to the claim, demand, damage, liability, loss, cost or expense.

11. INSURANCE

- 11.1 During the term of this Agreement, Consultant shall carry, maintain, and keep in full force and effect insurance against claims for death or injuries to persons or damages to property that may arise from or in connection with Consultant's performance of this Agreement. Such insurance shall be of the types and in the amounts as set forth below:

11.1.1 Comprehensive General Liability Insurance with coverage limits of not less than One Million Dollars (\$1,000,000) including products and operations hazard, contractual insurance, broad form property damage, independent consultants, personal injury, underground hazard, and explosion and collapse hazard where applicable.

11.1.2 Automobile Liability Insurance for vehicles used in connection with the performance of this Agreement with minimum limits of One Million Dollars (\$1,000,000) per claimant and One Million dollars (\$1,000,000) per incident.

11.1.3 Worker's Compensation insurance as required by the laws of the State of California, including but not limited to California Labor Code § 1860 and 1861 as follows:

Contractor shall take out and maintain, during the life of this contract, Worker's Compensation Insurance for all of Contractor's employees employed at the site of improvement; and, if any work is sublet, Contractor shall require the subcontractor similarly to provide Worker's Compensation Insurance for all of the latter's employees, unless such employees are covered by the protection afforded by Contractor. Contractor and any of Contractor's subcontractors shall be required to provide City with a written statement acknowledging its obligation to secure payment of Worker's Compensation Insurance as required by

Labor Code § 1861; to wit: 'I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.' If any class of employees engaged in work under this contract at the site of the Project is not protected under any Worker's Compensation law, Contractor shall provide and shall cause each subcontractor to provide adequate insurance for the protection of employees not otherwise protected. Contractor shall indemnify and hold harmless City for any damage resulting from failure of either Contractor or any subcontractor to take out or maintain such insurance.

- 11.1.4 Professional Errors and Omissions Insurance with coverage limits of not less than One Million Dollars (\$1,000,000).
- 11.2 Consultant shall require each of its subcontractors to maintain insurance coverage that meets all of the requirements of this Agreement.
- 11.3 The policy or policies required by this Agreement shall be issued by an insurer admitted in the State of California and with a rating of at least A:VII in the latest edition of Best's Insurance Guide.
- 11.4 Consultant agrees that if it does not keep the aforesaid insurance in full force and effect, City may either (i) immediately terminate this Agreement; or (ii) take out the necessary insurance and pay, at Consultant's expense, the premium thereon.
- 11.5 At all times during the term of this Agreement, Consultant shall maintain on file with City's Risk Manager a certificate or certificates of insurance showing that the aforesaid policies are in effect in the required amounts and naming the City and its officers, employees, agents and volunteers as additional insureds. Consultant shall, prior to commencement of work under this Agreement, file with City's Risk Manager such certificate(s).
- 11.6 Consultant shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Such proof will be furnished at least two weeks prior to the expiration of the coverages.
- 11.7 The General Liability Policy of insurance required by this Agreement shall contain an endorsement naming City and its officers, employees, agents and volunteers as additional insureds. The General Liability Policy required under this Agreement shall contain an endorsement providing that the policies cannot be

canceled or reduced except on thirty days' prior written notice to City. Consultant agrees to require its insurer to modify the certificates of insurance to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.

- 11.8 The insurance provided by Consultant shall be primary to any coverage available to City. Any insurance or self-insurance maintained by City and/or its officers, employees, agents or volunteers, shall be in excess of Consultant's insurance and shall not contribute with it.
- 11.9 All insurance coverage provided pursuant to this Agreement shall not prohibit Consultant, and Consultant's employees, agents or subcontractors, from waiving the right of subrogation prior to a loss. Consultant hereby waives all rights of subrogation against the City.
- 11.10 Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of City, Consultant shall either reduce or eliminate the deductibles or self-insured retentions with respect to City, or Consultant shall procure a bond or other security acceptable to the City guaranteeing payment of losses and expenses.
- 11.11 Procurement of insurance by Consultant shall not be construed as a limitation of Consultant's liability or as full performance of Consultant's duties to indemnify, hold harmless and defend under Section 10 of this Agreement.

12. MUTUAL COOPERATION

- 12.1 City shall provide Consultant with all pertinent data, documents and other requested information as is reasonably available for the proper performance of Consultant's services under this Agreement.
- 12.2 In the event any claim or action is brought against City relating to Consultant's performance in connection with this Agreement, Consultant shall render any reasonable assistance that City may require.

13. RECORDS AND INSPECTIONS

Consultant shall maintain full and accurate records with respect to all matters covered under this Agreement for a period of three years after the expiration or termination of this Agreement. City shall have the right to access and examine such records, without charge, during normal business hours. City shall further have the right to audit such records, to make transcripts

therefrom and to inspect all program data, documents, proceedings, and activities with respect to this Agreement.

14. PERMITS AND APPROVALS

Consultant shall obtain, at its sole cost and expense, all permits and regulatory approvals necessary in the performance of this Agreement. This includes, but shall not be limited to, encroachment permits and building and safety permits and inspections.

15. NOTICES

Any notices, bills, invoices, or reports required by this Agreement shall be deemed received on: (i) the day of delivery if delivered by hand, facsimile or overnight courier service during the addressee's regular business hours; or (ii) on the third business day following deposit in the United States mail if delivered by mail, postage prepaid, to the addresses listed below (or to such other addresses as the parties may, from time to time, designate in writing).

If to City:

City of Calabasas
100 Civic Center Way
Calabasas, CA 91302
Attn: **Robert Yalda, P.E., T.E.**
Public Works Director/City Engineer
Telephone: (818) 224-1600
Facsimile: (818) 225-7338

If to Consultant:

Kier & Wright
Civil Engineers & Surveyors, Inc.
3639 Harbor Blvd., Suite 202
Ventura, CA 93001
Attn: **Peter M. Bernard, P.E.**
Telephone: (805) 620-0645
Facsimile: (805) 620-0434

With courtesy copy to:

Scott H. Howard
Colantuono, Highsmith & Whatley, PC
300 South Grand Avenue, Suite 2700
Los Angeles, CA 90071-3137
Telephone: (213) 542-5700
Facsimile: (213) 542-5710

16. SURVIVING COVENANTS

The parties agree that the covenants contained in Section 9, Section 10, Paragraph 12.2 and Section 13 of this Agreement shall survive the expiration or termination of this Agreement.

17. TERMINATION

- 17.1. City shall have the right to terminate this Agreement for any reason on five calendar days' written notice to Consultant. Consultant shall have the right to terminate this Agreement for any reason on sixty calendar days' written notice to City. Consultant agrees to cease all work under this Agreement on or before the effective date of any notice of termination. All City data, documents, objects, materials or other tangible things shall be returned to City upon the termination or expiration of this Agreement.
- 17.2 If City terminates this Agreement due to no fault or failure of performance by Consultant, then Consultant shall be paid based on the work satisfactorily performed at the time of termination. In no event shall Consultant be entitled to receive more than the amount that would be paid to Consultant for the full performance of the services required by this Agreement.

18. GENERAL PROVISIONS

- 18.1 Consultant shall not delegate, transfer, subcontract or assign its duties or rights hereunder, either in whole or in part, without City's prior written consent, and any attempt to do so shall be void and of no effect. City shall not be obligated or liable under this Agreement to any party other than Consultant.
- 18.2 In the performance of this Agreement, Consultant shall not discriminate against any employee, subcontractor, or applicant for employment because of race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental disability, medical condition or any other unlawful basis.
- 18.3 The captions appearing at the commencement of the sections hereof, and in any paragraph thereof, are descriptive only and for convenience in reference to this Agreement. Should there be any conflict between such heading, and the section or paragraph thereof at the head of which it appears, the section or paragraph thereof, as the case may be, and not such heading, shall control and govern in the construction of this Agreement. Masculine or feminine pronouns shall be substituted for the neuter form and vice versa, and the plural shall be substituted for the singular form and vice versa, in any place or places herein in which the context requires such substitution(s).
- 18.4 The waiver by City or Consultant of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or of any subsequent breach of the same or any other term, covenant or condition herein contained. No term, covenant or condition of this Agreement shall be deemed to have been waived by City or Consultant unless in

writing.

- 18.5 Consultant shall not be liable for any failure to perform if Consultant presents acceptable evidence, in City's sole judgment that such failure was due to causes beyond the control and without the fault or negligence of Consultant.
- 18.6 Each right, power and remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise shall be cumulative and shall be in addition to every other right, power, or remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise. The exercise, the commencement of the exercise, or the forbearance of the exercise by any party of any one or more of such rights, powers or remedies shall not preclude the simultaneous or later exercise by such party of any of all of such other rights, powers or remedies. In the event legal action shall be necessary to enforce any term, covenant or condition herein contained, the party prevailing in such action, whether reduced to judgment or not, shall be entitled to its reasonable and actual court costs, including accountants' fees, if any, and attorneys' fees expended in such action. The venue for any litigation shall be Los Angeles County, California.
- 18.7 If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, then such term or provision shall be amended to, and solely to, the extent necessary to cure such invalidity or unenforceability, and shall be enforceable in its amended form. In such event, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.
- 18.8 This Agreement shall be governed and construed in accordance with the laws of the State of California.
- 18.9 All documents referenced as exhibits in this Agreement are hereby incorporated into this Agreement. In the event of any material discrepancy between the express provisions of this Agreement and the provisions of any document incorporated herein by reference, the provisions of this Agreement shall prevail. This instrument contains the entire Agreement between City and Consultant with respect to the transactions contemplated herein. No other prior oral or written agreements are binding upon the parties. Amendments hereto or deviations herefrom shall be effective and binding only if made in writing and executed by City and Consultant.

- 18.10 This Agreement is further subject to the provisions of Article 1.5 (commencing at Section 20104) of Division 2, Part 3 of the Public Contract Code regarding the resolution of public works claims of less than \$375,000. Article 1.5 mandates certain procedures for the filing of claims and supporting documentation by the contractor, for the response to such claims by the contracting public agency, for a mandatory meet and confer conference upon the request of the contractor, for mandatory nonbinding mediation in the event litigation is commenced, and for mandatory judicial arbitration upon the failure to resolve the dispute through mediation. This Agreement hereby incorporates the provisions of Article 1.5 as though fully set forth herein.
- 18.11 This Agreement is further subject to the provisions of California Public Contracts Code § 6109 which prohibits the Consultant from performing work on this project with a subcontractor who is ineligible to perform work on the project pursuant to §§ 1777.1 or 1777.7 of the Labor Code.

19 **PREVAILING WAGES**

- 19.1 To the extent that the estimated amount of this Agreement exceeds \$1,000, this Agreement is subject to prevailing wage law, including, but not limited to, the following:
- 19.1.1 The Consultant shall pay the prevailing wage rates for all work performed under the Agreement. When any craft or classification is omitted from the general prevailing wage determinations, the Consultant shall pay the wage rate of the craft or classification most closely related to the omitted classification. The Consultant shall forfeit as a penalty to City \$50.00 or any greater penalty provided in the Labor Code for each calendar day, or portion thereof, for each worker paid less than the prevailing wage rates for any work done under the Agreement employed in the execution of the work by Consultant or by any subcontractor of Consultant in violation of the provisions of the Labor Code. In addition, the difference between such prevailing wage rates and the amount paid to each worker for each calendar day, or portion thereof, for which each worker was paid less than the prevailing wage rate shall be paid to each worker by the Consultant.
- 19.1.2 Consultant shall comply with the provisions of Labor Code Section 1777.5 concerning the employment of apprentices on public works projects, and further agrees that Consultant is responsible for compliance with Section 1777.5 by all of its subcontractors.

19.1.3 Pursuant to Labor Code § 1776, Consultant and any subcontractor shall keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by Consultant in connection with this Agreement. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following: (1) The information contained in the payroll record is true and correct; and (2) The employer has complied with the requirements of Labor Code §§ 1811, and 1815 for any work performed by his or her employees on the public works project. The payroll records enumerated under subdivision (a) shall be certified and shall be available for inspection at all reasonable hours as required by Labor Code § 1776.

19.2 To the extent that the estimated amount of this Agreement exceeds \$1,000, this Agreement is further subject to 8-hour work day and wage and hour penalty law, including, but not limited to, Labor Code Sections 1810 and 1813, as well as California nondiscrimination laws, as follows:

19.2.1 Consultant shall strictly adhere to the provisions of the Labor Code regarding the 8-hour day and the 40-hour week, overtime, Saturday, Sunday and holiday work and nondiscrimination on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex or sexual orientation, except as provided in Section 12940 of the Government Code. Pursuant to the provisions of the Labor Code, eight hours' labor shall constitute a legal day's work. Work performed by Consultant's employees in excess of eight hours per day, and 40 hours during any one week, must include compensation for all hours worked in excess of eight hours per day, or 40 hours during any one week, at not less than one and one-half times the basic rate of pay. Consultant shall forfeit as a penalty to City \$25.00 or any greater penalty set forth in the Labor Code for each worker employed in the execution of the work by Consultant or by any Subcontractor of Consultant, for each calendar day during which such worker is required or permitted to the work more than eight hours in one calendar day or more than 40 hours in any one calendar week in violation of the provisions of the Labor Code.

TO EFFECTUATE THIS AGREEMENT, the parties have caused their duly authorized representatives to execute this Agreement on the dates set forth below.

“City”
City of Calabasas

“Consultant”
Kier & Wright Civil Engineers & Surveyors, Inc.

By: _____
David J. Shapiro, Mayor

By: _____
Tony McCants, President

Date: _____

Date: _____

By: _____
Peter M. Bernard, P.E., Senior Civil Engineer

Date: _____

Attest:

By: _____
Maricela Hernandez, MMC
City Clerk

Date: _____

Approved as to form:

By: _____
Scott H. Howard, City Attorney

Date: _____

EXHIBIT A
SCOPE OF WORK



KIER & WRIGHT
Civil Engineers & Surveyors, Inc.

February 26, 2015

Mr. Robert Yalda
City of Calabasas
100 Civic Center Way
Calabasas, CA 91302-3172

RE: **Lost Hills Road Interchange
Construction Support Services**

Dear Robert,

Kier & Wright is excited about the opportunity to assist the City during the construction phase of the Lost Hills Road Interchange project by providing support services. We have assembled the team of subconsultants that previously provided the design services on the project so as to create a seamless transition of engineering knowledge from the design phase to the construction phase. We look forward to working with you and the Construction Management team at Parsons to see the project through this most exciting phase.

As coordinated with Parsons, we propose the tasks and scope of work listed below. The expected level of effort for each task is provided based on communication with Parsons and the level of effort expected to assist them with the construction administration.

1. Attend Pre-Construction meeting. It is assumed that Kier & Wright will attend representing the design team and that attendance by subconsultants is not required. 2 staff up to 4 hours.
2. 4-scale drawing of the new bridge with proposed contours. Deliverable will be two full-size plots delivered to the construction trailer. Up to 6 hours.
3. Inspection of the subgrade conditions at the bottom of the spread footing excavations for the new bridge by an engineering geologist at Ninyo & Moore. The effort will include data compilation and engineering analysis as needed. It is assumed that four (4) visits to the site will be required for this task. The deliverable will be a preparation of a letter report presenting the results of findings regarding the subgrade conditions of the proposed bridge footings and construction recommendations, as appropriate.
4. Attend as-needed weekly meetings during construction. Attendance at meetings will only be as requested by the City of Calabasas or Parsons. The following assumptions are made regarding the number of meetings to be attended by the Construction Support team:
 - Kier & Wright – 6 meetings (Up to 3 hours)
 - TY Lin – 2 meetings (Up to 5 hours)
 - Ninyo & Moore – 1 meeting (Up to 5 hours)
 - DKS Associates – 1 meeting (Up to 5 hours)
 - Tatsumi & Partners – 2 meetings (Up to 5 hours)



KIER & WRIGHT
Civil Engineers & Surveyors, Inc.

Attendance at meetings over and above what is described above will require prior authorization from the City of Calabasas. Attendance at the meetings above includes 1 hour of meeting time and travel time to and from the meetings.

5. Kier & Wright will review Contractor's submittals including shop drawings, product data and samples, and make recommendations about these submittals to Parsons. Kier & Wright will review the Contractor's submittals for conformance with the design and the scope of the project and for compliance with the Contract Documents. Up to 200 hours.
6. Respond to requests for information from the Contractor and its subcontractors at the request of Parsons with respect to the Contract Documents. Up to 200 hours.
7. Prepare Delta Revisions as requested by Parsons. Up to 200 hours.
8. Kier & Wright will prepare as-built drawings of the improvements based on as-built redlines as provided by the Contractor and Inspector at the completion of work. It is expected that Contractor and Inspector redlines will be minimal and that changes to the design will have been previously addressed by Item 7 above. As such, the work is expected to be mostly administrative in adding as-built stamps to each plan sheet and that no major drafting efforts will be required. PDFs of as-built drawings will be provided along with electronic copies of the final drawing files. The scope of work for this task is based on an assumed number of two hundred and twenty hours (220) for incorporation of Contractor and Inspector redlines; or approximately one-half hour (0.5) per sheet.

We propose to perform the above scope of work for a total cost of **\$150,000**. Services will be provided on a Time & Materials basis. The City of Calabasas will be notified as we reach 50%, 75%, 90%, and 100% of the budget. Hourly rate sheets are provided for Kier & Wright as well as for the team of subconsultants. The hourly rate sheets will remain in effect for the duration of the contract. Should construction extend beyond the 22-month period, Kier & Wright reserves the right to adjust the hourly rates upon notification to the City of Calabasas. Subconsultant fees will be billed to the City with a 10% markup for Kier & Wright. The following provides the expected breakdown of fees by consultant:

Kier & Wright	\$ 84,419
DKS Associates	\$ 10,505
Ninyo & Moore	\$ 10,500
Tatsumi & Partners	\$ 10,876
<u>TY Lin International</u>	<u>\$ 33,700</u>
Total	\$ 150,000

Proposal Assumptions:

1. Geotechnical services are not subject to prevailing wage requirements. Professional geologists and engineers will be providing the consulting services.
2. Kier & Wright will not be responsible for construction observation and inspection. As such, Kier & Wright is only responsible for drafting changes onto as-built plans based on what is provided to Kier & Wright at the completion of the project.
3. All written correspondence and deliverables will be provided by email and in PDF format (including delta revisions to the plans), respectively.
4. The fee summary provided above includes direct and reimbursable expenses. Reimbursable expenses will be billed with a markup of 10%.



KIER & WRIGHT
Civil Engineers & Surveyors, Inc.

This proposal excludes the following:

1. Geotechnical materials and testing services for the project including as-graded geological inspections.
2. Permit acquisition
3. As-built survey
4. Construction management and inspection
5. Construction survey
6. Coordination with regulatory agencies.
7. Utility coordination.
8. Supplemental Mandatory or Advisory Fact Sheet preparation
9. Design or plan changes due to errors or omissions in the Design Phase.

Thank you for considering Kier & Wright for this project. If you have any questions or if we can be of further service to you on this or any other project, please do not hesitate to give us a call.

Sincerely,
KIER & WRIGHT

Peter M. Bernard, P.E.

Att.



EXHIBIT B
APPROVED FEE SCHEDULE



KIER & WRIGHT
Civil Engineers & Surveyors, Inc.

HOURLY RATE SCHEDULE

Effective March 11, 2015 through March 10, 2017

PRINCIPAL	\$ 212.00/Hour
PRINCIPAL ENGINEER	\$ 192.00/Hour
SENIOR ENGINEER	\$ 173.00/Hour
OFFICE ENGINEER	\$ 155.00/Hour
SENIOR SURVEYOR	\$ 173.00/Hour
SURVEY SUPERVISOR	\$ 173.00/Hour
OFFICE SURVEYOR	\$ 155.00/Hour
SURVEY COORDINATOR	\$ 148.00/Hour
ENGINEERING TECH	\$ 133.00/Hour
SURVEY TECH	\$ 133.00/Hour
SENIOR DRAFTSPERSON	\$ 108.00/Hour
DRAFTSPERSON	\$ 103.00/Hour
1-PERSON SURVEY CREW	\$ 148.00/Hour
2-PERSONS SURVEY CREW	\$ 265.00/Hour
3-PERSONS SURVEY CREW	\$ 337.00/Hour
TESTIMONY (TRIAL OR DEPOSITION)	\$ 414.00/Hour
ENGINEERING COORDINATOR	\$ 70.00/Hour
ENGINEERING INTERN	\$ 44.00/Hour

 **Time spent for preparation for testimony will be billed in accordance with the above hourly rates.**



Fee Schedule

Effective January 1, 2015 through December 31, 2015

<i>ENGINEERS and PLANNERS</i>				<i>TECHNICIANS and SUPPORT STAFF</i>	
Grade	Hourly Rate	Grade	Hourly Rate	Tech Level	Hourly Rate
Grade 1	\$ 55.00	Grade 24	\$ 170.00	Tech Level A	\$ 35.00
Grade 2	60.00	Grade 25	175.00	Tech Level B	40.00
Grade 3	65.00	Grade 26	180.00	Tech Level C	45.00
Grade 4	70.00	Grade 27	185.00	Tech Level D	50.00
Grade 5	75.00	Grade 28	190.00	Tech Level E	55.00
Grade 6	80.00	Grade 29	195.00	Tech Level F	60.00
Grade 7	85.00	Grade 30	200.00	Tech Level G	65.00
Grade 8	90.00	Grade 31	205.00	Tech Level H	70.00
Grade 9	95.00	Grade 32	210.00	Tech Level I	75.00
Grade 10	100.00	Grade 33	215.00	Tech Level J	80.00
Grade 11	105.00	Grade 34	220.00	Tech Level K	85.00
Grade 12	110.00	Grade 35	225.00	Tech Level L	90.00
Grade 13	115.00	Grade 36	230.00	Tech Level M	95.00
Grade 14	120.00	Grade 37	235.00	Tech Level N	100.00
Grade 15	125.00	Grade 38	240.00	Tech Level O	105.00
Grade 16	130.00	Grade 39	245.00	Tech Level P	110.00
Grade 17	135.00	Grade 40	250.00	Tech Level Q	115.00
Grade 18	140.00	Grade 41	255.00	Tech Level R	120.00
Grade 19	145.00	Grade 42	260.00	Tech Level S	125.00
Grade 20	150.00	Grade 43	265.00	Tech Level T	130.00
Grade 21	155.00	Grade 44	270.00	Tech Level U	135.00
Grade 22	160.00	Grade 45	275.00	Tech Level V	140.00
Grade 23	165.00				

- Project expenses will be billed at *cost plus ten percent* for service and handling. Project expenses include project-related costs such as reproduction through outside services, transportation, subsistence, delivery/postage, and vendor and subcontractor services.
- All invoices are due and payable within 30 days of date of invoice. Invoices outstanding over 30 days will be assessed a 1 1/4 percent service charge, compounded, for each 30 days outstanding beyond the initial payment period. Service charges are not included in any agreement for maximum charges.
- Expert witness charges are available on request.



Expert Witness and Deposition Fee Schedule

Effective January 1, 2015 through December 31, 2015

<i>ENGINEERS and PLANNERS</i>				<i>TECHNICIANS and SUPPORT STAFF</i>	
Grade	Hourly Rate	Grade	Hourly Rate	Tech Level	Hourly Rate
Grade 1	\$ 60.00	Grade 24	\$ 235.00	Tech Level A	\$ 40.00
Grade 2	65.00	Grade 25	240.00	Tech Level B	45.00
Grade 3	70.00	Grade 26	245.00	Tech Level C	50.00
Grade 4	75.00	Grade 27	250.00	Tech Level D	55.00
Grade 5	80.00	Grade 28	255.00	Tech Level E	60.00
Grade 6	85.00	Grade 29	260.00	Tech Level F	65.00
Grade 7	115.00	Grade 30	265.00	Tech Level G	70.00
Grade 8	125.00	Grade 31	270.00	Tech Level H	75.00
Grade 9	130.00	Grade 32	280.00	Tech Level I	80.00
Grade 10	135.00	Grade 33	290.00	Tech Level J	85.00
Grade 11	140.00	Grade 34	300.00	Tech Level K	90.00
Grade 12	145.00	Grade 35	310.00	Tech Level L	95.00
Grade 13	150.00	Grade 36	320.00	Tech Level M	100.00
Grade 14	155.00	Grade 37	330.00	Tech Level N	105.00
Grade 15	160.00	Grade 38	340.00	Tech Level O	110.00
Grade 16	165.00	Grade 39	350.00	Tech Level P	115.00
Grade 17	175.00	Grade 40	360.00	Tech Level Q	120.00
Grade 18	185.00	Grade 41	370.00	Tech Level R	125.00
Grade 19	195.00	Grade 42	380.00	Tech Level S	130.00
Grade 20	215.00	Grade 43	390.00	Tech Level T	135.00
Grade 21	220.00	Grade 44	400.00	Tech Level U	140.00
Grade 22	225.00	Grade 45	410.00	Tech Level V	145.00
Grade 23	230.00				

- Project expenses will be billed at *cost plus 15 percent* for service and handling. Project expenses include project-related costs such as transportation, subsistence, reproduction, postage, telephone, computer charges, and subcontractor services.
- All invoices are due and payable within 30 days of date of invoice. Invoices outstanding over 30 days will be assessed a 1 1/4 percent service charge, compounded, for each 30 days outstanding beyond the initial payment period. Service charges are not included in any agreement for maximum charges.
- Rate schedule includes billing rates for personnel who might support investigation and preparation.

SCHEDULE OF FEES

HOURLY CHARGES FOR PERSONNEL

Principal Engineer/Geologist/Environmental Scientist	\$ 168
Senior Engineer/Geologist/Environmental Scientist.....	\$ 164
Senior Project Engineer/Geologist/Environmental Scientist	\$ 160
Project Engineer/Geologist/Environmental Scientist.....	\$ 156
Senior Staff Engineer/Geologist/Environmental Scientist.....	\$ 141
Staff Engineer/Geologist/Environmental Scientist.....	\$ 128
GIS Analyst	\$ 114
Field Operations Manager	\$ 104
Supervisory Technician*	\$ 95
Nondestructive Examination Technician*, UT, MT, LP	\$ 95
Senior Field/Laboratory Technician*	\$ 87
Field/Laboratory Technician*	\$ 87
ACI Concrete Technician*	\$ 87
Concrete/Asphalt Batch Plant Inspector*	\$ 87
Special Inspector (Concrete, Masonry, Steel, Welding, and Fireproofing)*	\$ 87
Technical Illustrator/CAD Operator.....	\$ 86
Geotechnical/Environmental/Laboratory Assistant	\$ 73
Information Specialist.....	\$ 73
Data Processing, Technical Editing, or Reproduction.....	\$ 64

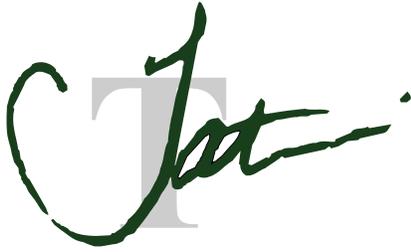
OTHER CHARGES

Concrete Coring Equipment (includes one technician)	\$ 160 /hr
PID/FID Usage.....	\$ 140 /day
Anchor load test equipment (includes technician)	\$ 97 /hr
Hand Auger Equipment	\$ 65 /day
Inclinometer Usage	\$ 40 /hr
Vapor Emission Kits.....	\$ 40 /kit
Level D Personal Protective Equipment (per person per day)	\$ 30 /p/d
Rebar Locator (Pachometer).....	\$ 30 /hr
Nuclear Density Gauge Usage.....	\$ 15 /hr
Field Vehicle Usage.....	\$ 12 /hr
Direct Project Expenses.....	Cost plus 15 %
Laboratory testing, geophysical equipment, and other special equipment provided upon request.	

NOTES (Field Services)

For field and laboratory technicians and special inspectors, regular hourly rates are charged during normal weekday construction hours. Overtime rates at 1.5 times the regular rates will be charged for work performed outside normal construction hours and all day on Saturdays. Rates at twice the regular rates will be charged for all work in excess of 12 hours in one day or on Sundays and holidays. Lead time for any requested service is 24 hours. Field Technician rates are based on a 4-hour minimum. Special inspection rates are based on a 4-hour minimum for the first 4 hours and an 8-hour minimum for hours exceeding 4 hours. Field personnel are charged portal to portal.

*Indicates rates that are based on Prevailing Wage Determination made by the State of California, Director of Industrial Relations on a semiannual basis. Our rates will be adjusted in conjunction with the increase in the Prevailing Wage Determination during the life of the project.



TATSUMI

-
AND

FOR TATSUMI AND PARTNERS, INC.
HOURLY BILLING RATES FOR 2015-2016

-
PARTNERS, INC.

LANDSCAPE ARCHITECTURE

-
PLANNING

-
URBAN DESIGN

49 Discovery

Suite 120

Irvine

California 92618

Telephone:
(949) 453-9901

Facsimile:
(949) 453-9902

E-Mail:
david@tatsumiandpartners.com

Classification	Billing Rates	
	Year 2015	Year 2016
Sr. Principal	\$264	\$264
Sr. Associate	\$145	\$151
Associate	\$131	\$136
Sr. Technical Staff	\$112	\$117
Technical Staff III	\$103	\$108
Technical Staff II	\$93	\$98
Technical Staff I	\$76	\$83

David H. Tatsumi, ASLA
Calif. No. 2033

ENGINEERING

Principal Engineer	\$265.00
Supervising Engineer	\$220.00
Senior Engineer II	\$195.00
Senior Engineer I.....	\$170.00
Engineer II.....	\$155.00
Engineer I.....	\$143.00
Assistant Engineer	\$135.00
Civil Engineer.....	\$123.00
Design Technician III.....	\$150.00
Design Technician II.....	\$125.00
Design Technician I	\$85.00

ARCHITECTURAL

Senior Architect.....	\$205.00
Architect II	\$155.00
Architect I.....	\$123.00

CONSTRUCTION

Principal Construction Engineer	\$260.00
Senior Construction Engineer II.....	\$190.00
Senior Construction Engineer I.....	\$165.00
Construction Engineer	\$145.00
Assistant Construction Engineer/Inspector.....	\$123.00

Vehicle Mileage.....\$0.60/mile

Construction Engineers/Inspectors are provided with trucks equipped with rotating amber safety beacons and toolboxes containing the necessary hand tools required during construction inspections. Specialty equipment, if required, may be billed separately.

Hourly charges include provision for normal office overhead costs, such as office rental, utilities, insurance, clerical services, equipment, normal supplies and materials, and in-house reproduction services. Other expenses such as special consultants or purchased outside services will be billed at cost plus 10 percent.

NON-COLLUSION AFFIDAVIT

State of California)
) ss.
County of Los Angeles)

_____, being first duly sworn, deposes and says that he or she is _____ of _____, the party making the foregoing bid, that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.”

Signature of Bidder

Business Address

Place of Residence

Subscribed and sworn to before me this ___ day of _____, 20__.

Notary Public in and for the County
of
State of California.

My Commission Expires _____, 20__.

WORKERS' COMPENSATION INSURANCE
CERTIFICATE

The Contractor shall execute the following form as required by the California Labor Code, Sections 1860 and 1861:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

DATE: _____

(Contractor)

By:

(Signature)

(Title)

Attest:

By:

(Signature)

(Title)

ITEM 9 ATTACHMENT E

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

Page 1 of 2

UTILITY AGREEMENT

RW 13-5 (REV 9/2014)

UTILITY AGREEMENT NO. 2

DISTRICT	COUNTY	ROUTE	KP(PM)	Project ID/E.A.
7	LA	101	51.1/51.6 (31.9/32.3)	07-24230K
Federal Aid No.: Not Applicable – No Federal Funding		OWNERS FILE: City of Calabasas Lost Hills Bridge		
FEDERAL PARTICIPATION/FEDERALLY ELIGIBLE/NEPA DOCUMENT				
On the Project YES <input checked="" type="checkbox"/> NO On the Utilities YES <input checked="" type="checkbox"/> NO				

UTILITY AGREEMENT NO. 2 DATE

The City of Calabasas, acting by and through the State of California Department of Transportation, hereinafter called "CITY," proposes to replace the Lost Hills Bridge over the 101 Freeway in the City of Calabasas in Los Angeles County, California

and

NAME: Las Virgenes Municipal Water District

ADDRESS: 4232 Las Virgenes Road, Calabasas, CA 91302

hereinafter called "OWNER," owns and maintains a 10" water line in 16" casing located 4' east of the bridge centerline

within the limits of CITY's project which requires relocation into the new bridge structure.

to accommodate CITY's project. It is hereby mutually agreed that:

I. WORK TO BE DONE

In accordance with Notice to Owner No. 1, dated 9/29/14, CITY shall relocate OWNER's water line, as shown on OWNER's Plan No. 60314223, which plans are included in CITY's Contract Plans for the improvement of State Route 101, EA 07-24230K which, by this reference, are made a part hereof. Deviations from the OWNER's plan described above initiated by either the CITY or the OWNER, shall be agreed upon by both parties hereto under a Revised Notice to Owner. Such Revised Notices to Owner, approved by the CITY and agreed to/acknowledged by the OWNER, will constitute an approved revision of the OWNER's plan described above and are hereby made a part hereof. No work under said deviation shall commence prior to written execution by the OWNER of the Revised Notice to Owner. Changes in the scope of the work will require an amendment to this Agreement in addition to the revised Notice to Owner. OWNER shall have the right to inspect the work by CITY's contractor during construction. Upon completion of the work by CITY, OWNER agrees to accept ownership and maintenance of the constructed facilities and relinquishes to CITY ownership of the replaced facilities, except in the case of liability determined pursuant to Water Code 7034 or 7035.

II. LIABILITY FOR WORK

The existing facilities are located within the STATE's right of way under permit and will be relocated at OWNER's expense under the provisions of Section 673 of the Streets and Highways Code.

ATTACHMENT E

UTILITY AGREEMENT

RW 13-5 (REV 9/2014)

UTILITY AGREEMENT NO. 2

III. PERFORMANCE OF WORK

OWNER shall have access to all phases of the relocation work to be performed by CITY, as described in Section I above, for the purpose of inspection to ensure that the work is in accordance with the specifications contained in the Highway Construction Contract; however, all questions regarding the work being performed will be directed to CITY's Resident Engineer for their evaluation and final disposition.

IV. PAYMENT FOR WORK

Not more frequently than once a month, but at least quarterly, CITY will prepare and submit itemized progress bills for costs incurred not to exceed CITY's recorded costs as of the billing date less estimated credits applicable to completed work. Payment of progress bills not to exceed the amount of this Agreement may be made under the terms of this Agreement. Payment of progress bills which exceed the amount of this Agreement may be made after receipt and approval by OWNER of documentation supporting the cost increase and after an Amendment to this Agreement has been executed by the parties to this Agreement.

The CITY shall submit a final bill to the OWNER within 90 days after the completion of the work described in Section I above. The final billing shall be in the form of an itemized statement of the total costs charged to the project, less the credits provided for in this Agreement, and less any amounts covered by progress billings. However, the OWNER shall not pay final bills which exceed the estimated cost of this Agreement without documentation of the reason for the increase of said cost from the CITY and approval of documentation by OWNER. Except, if the final bill exceeds the OWNER's estimated costs solely as the result of a revised Notice to OWNER as provided for in Section I, a copy of said revised Notice to Owner shall suffice as documentation. In either case, payment of the amount over the estimated cost of this Agreement may be subject to allocation and/or approval by the CITY.

In any event if the final bill exceeds 125% of the estimated cost of this Agreement, an Amended Agreement shall be executed by the parties to this Agreement prior to the payment of the CITY'S final bill. Any and all increases in costs that are the direct result of deviations from the work described in Section I of this Agreement shall have the prior concurrence of OWNER.

Detailed records from which the billing is compiled shall be retained by the CITY for a period of three years from the date of the final payment and will be available for audit by State and/or Federal auditors. CITY agrees to comply with Contract Cost Principles and Procedures as set forth in 48 CFR, Chapter 1, Part 31, et seq., 23 CFR, Chapter 1, Part 645 and/or 18 CFR, Chapter 1, Parts 101, 201, et al., to the extent they are applicable.

The OWNER shall pay its share of the actual cost of said work included in the CITY's highway construction contract within 45 days after receipt of CITY's billings, compiled on the basis of the actual bid price of said contract. The estimated cost to OWNER for the work being performed by the CITY's highway contractor is \$385,382.

V. GENERAL CONDITIONS

CITY represents and warrants that this Utility Agreement is not subject to 23 CFR 635.410, the Buy America provisions.

IN WITNESS WHEREOF, the above parties have executed this Agreement the day and year above written.

CITY:

By

Name

DAVID J. SHAPIRO

Date

Title

MAYOR

OWNER:

By

Name

DAVID W. PROFFERSEN

Date

Title

GENERAL MANAGER

10/07/14



Check Register Report

Bank: BANK OF AMERICA - OPERATING
 Reporting Period: 2/18/2015 to 2/25/2015

Date: 3/2/2015
 Time: 6:16:53PM
 Page 1 of 14

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
Administrative Services					
90473	2/19/2015	US BANK	VISA- APWA	295.00	Administrative Services
90466	2/18/2015	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	217.53	Administrative Services
90473	2/19/2015	US BANK	VISA- SHRM	190.00	Administrative Services
90473	2/19/2015	US BANK	VISA- GOVERNMENTJOBS.COM	175.00	Administrative Services
90473	2/19/2015	US BANK	VISA- CITY CLERK ASSOC OF CA	130.00	Administrative Services
90466	2/18/2015	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	106.60	Administrative Services
90418	2/18/2015	CYBERCOPY	COPY/PRINTING SERVICE	87.94	Administrative Services
90466	2/18/2015	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	22.78	Administrative Services
90473	2/19/2015	US BANK	VISA- UPS STORE	20.00	Administrative Services
90473	2/19/2015	US BANK	VISA- APPLE STORE	9.99	Administrative Services
90473	2/19/2015	US BANK	VISA- BARCODES INC	-1,265.90	Administrative Services
Total Amount for 11 Line Item(s) from Administrative Services				-\$11.06	
Boards and Commissions					
90473	2/19/2015	US BANK	VISA- RALPHS	22.06	Boards and Commissions
Total Amount for 1 Line Item(s) from Boards and Commissions				\$22.06	
City Attorney					
90413	2/18/2015	COLANTUONO, HIGHSMITH &	GENERAL SERVICES	16,413.84	City Attorney
90413	2/18/2015	COLANTUONO, HIGHSMITH &	DRY CANYON LLC	76.50	City Attorney
90413	2/18/2015	COLANTUONO, HIGHSMITH &	ASSESSMENTS & PROP 218	75.00	City Attorney
Total Amount for 3 Line Item(s) from City Attorney				\$16,565.34	
City Council					
90394	2/18/2015	ALLEN/KERRIE//	STATE OF THE CITY- CULINARY	1,266.60	City Council
90473	2/19/2015	US BANK	VISA- LATTES ON LOCATION	825.00	City Council
90401	2/18/2015	CALABASAS HIGH SCHOOL	CULINARY ARTS PROGRAM DONATION	500.00	City Council
90402	2/18/2015	CALABASAS HIGH SCHOOL	MUSIC BOOSTER DONATION	500.00	City Council
90473	2/19/2015	US BANK	VISA- CALABASAS SELF STORAGE	184.00	City Council
90542	2/25/2015	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	177.56	City Council
90473	2/19/2015	US BANK	VISA- CORNER BAKERY	169.85	City Council
90516	2/25/2015	LANDS' END BUSINESS OUTFITTERS	BUSINESS ATTIRE W/ LOGO	167.59	City Council
90473	2/19/2015	US BANK	VISA- LOVIS DELI	162.00	City Council





Check Register Report

Bank: BANK OF AMERICA - OPERATING
Reporting Period: 2/18/2015 to 2/25/2015

Date: 3/2/2015
Time: 6:17:06PM
Page 2 of 14

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
90493	2/25/2015	CONEJO AWARDS	PLAQUE & GAVEL	112.82	City Council
90519	2/25/2015	LOVI'S DELICATESSEN	MEDIA APPRECIATION- 2/26/15	110.00	City Council
90473	2/19/2015	US BANK	VISA- LEAGUE OF CA CITIES	35.00	City Council
90473	2/19/2015	US BANK	VISA- CELEBRATIONS.COM	10.00	City Council
Total Amount for 13 Line Item(s) from City Council				\$4,220.42	
City Management					
90473	2/19/2015	US BANK	VISA- AMERICA IN BLOOM	999.00	City Management
90473	2/19/2015	US BANK	VISA- LOVIS DELI	313.04	City Management
90490	2/25/2015	CITY OF LA CANADA FLINTRIDGE	RIDE SHARE EXPENSE- CCCA CONF	19.26	City Management
Total Amount for 3 Line Item(s) from City Management				\$1,331.30	
Civic Center O&M					
90449	2/18/2015	PRIDE INDUSTRIES	CUSTODIAL SERVICES	1,969.30	Civic Center O&M
90449	2/18/2015	PRIDE INDUSTRIES	CUSTODIAL SERVICES	1,950.86	Civic Center O&M
90473	2/19/2015	US BANK	VISA- SKATE STOPPERS	1,823.49	Civic Center O&M
90456	2/18/2015	SMOKE GUARD CALIFORNIA, INC.	SMOKE CURTAIN	1,077.50	Civic Center O&M
90456	2/18/2015	SMOKE GUARD CALIFORNIA, INC.	SMOKE CURTAIN	1,077.50	Civic Center O&M
90536	2/25/2015	SOUTHERN CALIFORNIA GAS CO	GAS SERVICE	669.07	Civic Center O&M
90536	2/25/2015	SOUTHERN CALIFORNIA GAS CO	GAS SERVICE	617.60	Civic Center O&M
90410	2/18/2015	CIRCULATING AIR, INC.	HVAC MAINTENANCE	558.50	Civic Center O&M
90410	2/18/2015	CIRCULATING AIR, INC.	HVAC MAINTENANCE	558.50	Civic Center O&M
90427	2/18/2015	G & F LIGHTING SUPPLY CO.	LIGHTING SUPPLIES	328.71	Civic Center O&M
90427	2/18/2015	G & F LIGHTING SUPPLY CO.	LIGHTING SUPPLIES	328.70	Civic Center O&M
90535	2/25/2015	SECURAL SECURITY CORP	PATROL CAR SERVICES- CIVIC CTR	212.50	Civic Center O&M
90535	2/25/2015	SECURAL SECURITY CORP	PATROL CAR SERVICES- CIVIC CTR	212.50	Civic Center O&M
90473	2/19/2015	US BANK	VISA- PASTOR PLUMBING	99.00	Civic Center O&M
90473	2/19/2015	US BANK	VISA- HOME DEPOT	60.01	Civic Center O&M
90473	2/19/2015	US BANK	VISA- HOME DEPOT	60.00	Civic Center O&M
90473	2/19/2015	US BANK	VISA- WALMART	30.07	Civic Center O&M
90473	2/19/2015	US BANK	VISA- WALMART	30.07	Civic Center O&M
90473	2/19/2015	US BANK	VISA- F G WILCOX	23.42	Civic Center O&M
90473	2/19/2015	US BANK	VISA- F G WILCOX	23.41	Civic Center O&M
90415	2/18/2015	COUNTY OF LOS ANGELES	BACKFLOW PREVENTION DEVICE	16.50	Civic Center O&M
90415	2/18/2015	COUNTY OF LOS ANGELES	BACKFLOW PREVENTION DEVICE	16.50	Civic Center O&M



Check Register Report

Bank: BANK OF AMERICA - OPERATING
 Reporting Period: 2/18/2015 to 2/25/2015

Date: 3/2/2015
 Time: 6:17:06PM
 Page 3 of 14

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
90473	2/19/2015	US BANK	VISA- RALPHS	5.66	Civic Center O&M
Total Amount for 23 Line Item(s) from Civic Center O&M				\$11,749.37	

Community Development

90439	2/18/2015	M6 CONSULTING, INC.	PLAN CHECK SERVICES	44,390.78	Community Development
90439	2/18/2015	M6 CONSULTING, INC.	INSPECTION SERVICES	9,522.50	Community Development
90400	2/18/2015	CALABASAS CREST LTD	R.A.P.- MAR 2015	5,712.00	Community Development
90495	2/25/2015	DAPEER, ROSENBLIT & LITVAK	LEGAL SERVICES	1,676.85	Community Development
90451	2/18/2015	RINCON CONSULTANTS INC	ENVIRONMENTAL CONSULTING	813.75	Community Development
90495	2/25/2015	DAPEER, ROSENBLIT & LITVAK	LEGAL SERVICES	520.00	Community Development
90451	2/18/2015	RINCON CONSULTANTS INC	ENVIRONMENTAL CONSULTING	472.50	Community Development
90403	2/18/2015	CALIFORNIA ASSOCIATION OF	MEMBERSHIP DUES	300.00	Community Development
90473	2/19/2015	US BANK	VISA- UCD UNEX	297.00	Community Development
90497	2/25/2015	ENVICOM CORPORATION	ENVIRONMENTAL CONSULTING	264.03	Community Development
90417	2/18/2015	CROSBY/ GEORGE//	R.A.P.- MAR 2015	194.00	Community Development
90425	2/18/2015	FLEYSHPMAN/ALBERT//	R.A.P.- MAR 2015	194.00	Community Development
90440	2/18/2015	MEDVETSKY/LINA//	R.A.P.- MAR 2015	194.00	Community Development
90428	2/18/2015	HENDERSON/LYN//	R.A.P.- MAR 2015	194.00	Community Development
90470	2/18/2015	YAZDINIAN/SUSAN//	R.A.P.- MAR 2015	194.00	Community Development
90441	2/18/2015	MILES/AUDREY//	R.A.P.- MAR 2015	194.00	Community Development
90455	2/18/2015	SHAHIR/RAHIM//	R.A.P.- MAR 2015	194.00	Community Development
90391	2/18/2015	ACORN NEWSPAPER	LEGAL ADVERTISING	150.00	Community Development
90542	2/25/2015	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	98.25	Community Development
90418	2/18/2015	CYBERCOPY	COPY/PRINTING SERVICE	60.22	Community Development
90418	2/18/2015	CYBERCOPY	COPY/PRINTING SERVICE	57.77	Community Development
90418	2/18/2015	CYBERCOPY	COPY/PRINTING SERVICE	52.05	Community Development
90418	2/18/2015	CYBERCOPY	COPY/PRINTING SERVICE	35.43	Community Development
Total Amount for 23 Line Item(s) from Community Development				\$65,781.13	

Community Services

90525	2/25/2015	NOTIONIST	BROCHURE DESIGN- SPRING 2015	5,500.00	Community Services
90488	2/25/2015	CARTEGRAPH SYSTEMS, INC.	RESERVE PARTNER HOST- FEB-JUN	3,250.00	Community Services
90501	2/25/2015	GOLDEN STATE SPORTS	B-BALL PHOTOGRAPHS	1,865.04	Community Services
90487	2/25/2015	BURRIS/DON//	SAVVY SENIOR PROGRAM	1,000.00	Community Services
90421	2/18/2015	DNA ELECTRIC	ELECTRICAL REPAIRS	882.06	Community Services



Check Register Report

Bank: BANK OF AMERICA - OPERATING

Reporting Period: 2/18/2015 to 2/25/2015

Date: 3/2/2015

Time: 6:17:06PM

Page 4 of 14

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
90473	2/19/2015	US BANK	VISA- CALABASAS SELF STORAGE	658.00	Community Services
90426	2/18/2015	FRESHI FILMS LLC	RECREATION INSTRUCTOR	598.50	Community Services
90426	2/18/2015	FRESHI FILMS LLC	RECREATION INSTRUCTOR	598.50	Community Services
90465	2/18/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- SCHL	552.48	Community Services
90446	2/18/2015	PEERLESS BUILDING MAINTENANCE	JANITORIAL SERVICES	486.00	Community Services
90473	2/19/2015	US BANK	VISA- SUPERIOR AWNING	475.00	Community Services
90473	2/19/2015	US BANK	VISA- FANDANGO	440.00	Community Services
90535	2/25/2015	SECURAL SECURITY CORP	PATROL CAR SERVICES- GATES/GRP	420.00	Community Services
90480	2/25/2015	ALLEN/HARVEY//	BASKETBALL/OFFICIAL/SCORER	320.00	Community Services
90471	2/18/2015	YEEOPP/BETTY//	RECREATION INSTRUCTOR	300.48	Community Services
90459	2/18/2015	SPARC	SENIOR PROGRAM	300.00	Community Services
90473	2/19/2015	US BANK	VISA- ADVANCED SIGN & BANNER	291.03	Community Services
90528	2/25/2015	OSTER/BRITTANY//	BASKETBALL/OFFICIAL/SCORER	250.00	Community Services
90481	2/25/2015	AT&T	TELEPHONE SERVICE	249.02	Community Services
90473	2/19/2015	US BANK	VISA- HOME DEPOT	204.34	Community Services
90468	2/18/2015	WEISS/IDA M.//	RECREATION INSTRUCTOR	201.60	Community Services
90533	2/25/2015	RUBIN/RONNIE//	BASKETBALL/OFFICIAL/SCORER	200.00	Community Services
90471	2/18/2015	YEEOPP/BETTY//	RECREATION INSTRUCTOR	198.52	Community Services
90489	2/25/2015	CAYNE/STACIE//	RECREATION INSTRUCTOR	189.00	Community Services
90511	2/25/2015	KOPSTEIN/STEVE//	BASKETBALL/OFFICIAL/SCORER	189.00	Community Services
90389	2/18/2015	ABSOLUTE PACKAGING SUPPLY INC	FACILITY MAINTENANCE SUPPLIES	188.61	Community Services
90523	2/25/2015	MUNITZ/RICK//	RECREATION INSTRUCTOR	151.20	Community Services
90486	2/25/2015	BILCHIK/JONATHON//	BASKETBALL/OFFICIAL/SCORER	150.00	Community Services
90473	2/19/2015	US BANK	VISA- CATHEDRALS OF OUR LADY	125.00	Community Services
90536	2/25/2015	SOUTHERN CALIFORNIA GAS CO	GAS SERVICE	120.86	Community Services
90538	2/25/2015	TEMME/ROBERT//	BASKETBALL/OFFICIAL/SCORER	120.00	Community Services
90454	2/18/2015	SECURAL SECURITY CORP	SECURITY- SPEAKER SRS	112.00	Community Services
90473	2/19/2015	US BANK	VISA- HOMEGOODS	108.97	Community Services
90518	2/25/2015	LIPTON/JEREMY//	BASKETBALL/OFFICIAL/SCORER	108.00	Community Services
90473	2/19/2015	US BANK	VISA- DIY	101.47	Community Services
90473	2/19/2015	US BANK	VISA- 7 ELEVEN	101.12	Community Services
90461	2/18/2015	TRI-CO EXTERMINATING CO.	PEST CONTROL SERVICES	100.00	Community Services
90476	2/25/2015	ACUITY SPECIALTY PRODUCTS, INC	JANITORIAL SUPPLIES	98.08	Community Services
90517	2/25/2015	LAUTERBACH/RACHEL//	BASKETBALL/OFFICIAL/SCORER	96.00	Community Services
90479	2/25/2015	ALAN-LEE/CRAIG//	BASKETBALL/OFFICIAL/SCORER	90.00	Community Services
90499	2/25/2015	GADBURY/KEITH//	BASKETBALL/OFFICIAL/SCORER	90.00	Community Services
90448	2/18/2015	PORT-A-STOR INC.	STORAGE - A E WRIGHT	85.00	Community Services



Check Register Report

Bank: BANK OF AMERICA - OPERATING
 Reporting Period: 2/18/2015 to 2/25/2015

Date: 3/2/2015
 Time: 6:17:06PM
 Page 5 of 14

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
90448	2/18/2015	PORT-A-STOR INC.	STORAGE - LUPIN HILL	85.00	Community Services
90485	2/25/2015	BILCHIK/DANIEL//	BASKETBALL/OFFICIAL/SCORER	81.00	Community Services
90537	2/25/2015	TAKSEN/HOWARD//	BASKETBALL/OFFICIAL/SCORER	81.00	Community Services
90522	2/25/2015	MONTGOMERY/MICHAEL//	BASKETBALL/OFFICIAL/SCORER	81.00	Community Services
90484	2/25/2015	BIEBER/MAX//	BASKETBALL/OFFICIAL/SCORER	80.00	Community Services
90481	2/25/2015	AT&T	TELEPHONE SERVICE	67.98	Community Services
90473	2/19/2015	US BANK	VISA- EAGLE AUTO & TIRE	67.20	Community Services
90473	2/19/2015	US BANK	VISA- FRY'S ELECTRONICS	65.39	Community Services
90539	2/25/2015	TEMPLE/BRET//	BASKETBALL/OFFICIAL/SCORER	60.00	Community Services
90473	2/19/2015	US BANK	VISA- VISTA PAINT	59.96	Community Services
90388	2/18/2015	A RENTAL CONNECTION	EQUIPMENT RENTAL - SPEAKER SRS	58.62	Community Services
90473	2/19/2015	US BANK	VISA- RABI INC	56.00	Community Services
90461	2/18/2015	TRI-CO EXTERMINATING CO.	PEST CONTROL SERVICES	55.00	Community Services
90498	2/25/2015	FRANZINO/JACK//	BASKETBALL/OFFICIAL/SCORER	54.00	Community Services
90509	2/25/2015	ISRAEL/BOB//	BASKETBALL/OFFICIAL/SCORER	54.00	Community Services
90390	2/18/2015	ACCURATE FIRST AID SERVICES	FIRST AID SUPPLIES	46.50	Community Services
90481	2/25/2015	AT&T	TELEPHONE SERVICE	42.14	Community Services
90473	2/19/2015	US BANK	VISA- CONSTANT CONTACT	40.00	Community Services
90504	2/25/2015	HANSEN/PHYLLIS//	RECREATION INSTRUCTOR	31.20	Community Services
90473	2/19/2015	US BANK	VISA- CALABASAS ARTS COUNCIL	14.99	Community Services
90473	2/19/2015	US BANK	VISA- AMC THEATRES	12.00	Community Services
Total Amount for 63 Line Item(s) from Community Services				\$22,757.86	

Finance

90505	2/25/2015	HDL, COREN & CONE INC.	PROPERTY TAX SERVICES	1,250.00	Finance
90477	2/25/2015	ADP, INC	PAYROLL PROCESSING	905.87	Finance
90530	2/25/2015	PRINTING SYSTEMS, INC.	PRINTING - A/P CHECK STOCK	350.28	Finance
90503	2/25/2015	GOVERNMENT FINANCE OFFICERS	ANNUAL MEMBER DUES-G. LYSIK	225.00	Finance
90542	2/25/2015	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	219.54	Finance
90442	2/18/2015	MUNISERVICES, LLC	SALES TAX COLLECTION FEE	186.82	Finance
90542	2/25/2015	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	51.21	Finance
90542	2/25/2015	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	37.54	Finance
90466	2/18/2015	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	16.88	Finance
Total Amount for 9 Line Item(s) from Finance				\$3,243.14	



Check Register Report

Bank: BANK OF AMERICA - OPERATING
 Reporting Period: 2/18/2015 to 2/25/2015

Date: 3/2/2015
 Time: 6:17:06PM
 Page 6 of 14

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
Klubhouse Preschool					
90446	2/18/2015	PEERLESS BUILDING MAINTENANCE	JANITORIAL SERVICES	1,134.00	Klubhouse Preschool
90473	2/19/2015	US BANK	VISA- COSTCO	974.24	Klubhouse Preschool
90419	2/18/2015	DEPARTMENT OF SOCIAL SERVICES	ANNUAL LIC FEE-KLUBHOUSE	968.00	Klubhouse Preschool
90473	2/19/2015	US BANK	VISA- DISCOUNT SCHOOL SUPPLY	938.64	Klubhouse Preschool
90473	2/19/2015	US BANK	VISA- ORIENTAL TRADING CO	335.12	Klubhouse Preschool
90473	2/19/2015	US BANK	VISA- HOME DEPOT	310.55	Klubhouse Preschool
90542	2/25/2015	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	211.89	Klubhouse Preschool
90452	2/18/2015	ROSATI FARMS	MILK/YOGURT DELIVERY	188.58	Klubhouse Preschool
90430	2/18/2015	HOUSE SANITARY SUPPLY, INC.	JANITORIAL SUPPLIES	165.02	Klubhouse Preschool
90481	2/25/2015	AT&T	TELEPHONE SERVICE	158.63	Klubhouse Preschool
90532	2/25/2015	ROSATI FARMS	MILK/YOGURT DELIVERY	134.40	Klubhouse Preschool
90390	2/18/2015	ACCURATE FIRST AID SERVICES	FIRST AID SUPPLIES	108.50	Klubhouse Preschool
90473	2/19/2015	US BANK	VISA- RALPHS	26.89	Klubhouse Preschool
Total Amount for 13 Line Item(s) from Klubhouse Preschool				\$5,654.46	
Library					
90531	2/25/2015	RECORDED BOOKS, LLC	E-BOOKS	5,250.00	Library
90531	2/25/2015	RECORDED BOOKS, LLC	E-BOOKS	2,566.62	Library
90531	2/25/2015	RECORDED BOOKS, LLC	E-BOOKS	1,500.00	Library
90531	2/25/2015	RECORDED BOOKS, LLC	E-BOOKS	1,200.00	Library
90474	2/25/2015	3M	E-BOOKS	1,020.78	Library
90526	2/25/2015	OCLC, INC.	MEMBERSHIP DUES- FEB 2015	642.72	Library
90531	2/25/2015	RECORDED BOOKS, LLC	E-BOOKS	433.70	Library
90500	2/25/2015	GALE CENGAGE LEARNING	E-BOOKS	373.45	Library
90531	2/25/2015	RECORDED BOOKS, LLC	BOOKS ON CD	318.42	Library
90482	2/25/2015	BAKER & TAYLOR	BOOKS-LIBRARY	312.84	Library
90540	2/25/2015	TIME WARNER CABLE	CABLE MODEM- LIBRARY	294.75	Library
90506	2/25/2015	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	181.33	Library
90543	2/25/2015	WENGER/DEANNE//	YOGA INSTRUCTOR- LIBRARY	180.00	Library
90531	2/25/2015	RECORDED BOOKS, LLC	E-BOOKS	149.60	Library
90473	2/19/2015	US BANK	VISA- BOOKLIST	147.50	Library
90506	2/25/2015	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	112.64	Library
90506	2/25/2015	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	84.28	Library
90531	2/25/2015	RECORDED BOOKS, LLC	E-BOOKS	78.40	Library
90473	2/19/2015	US BANK	VISA- PRINTING ZONE	59.95	Library



Check Register Report

Bank: BANK OF AMERICA - OPERATING
 Reporting Period: 2/18/2015 to 2/25/2015

Date: 3/2/2015
 Time: 6:17:06PM
 Page 7 of 14

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
90473	2/19/2015	US BANK	VISA- USPS	59.92	Library
90506	2/25/2015	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	58.03	Library
90531	2/25/2015	RECORDED BOOKS, LLC	E-BOOKS	48.00	Library
90531	2/25/2015	RECORDED BOOKS, LLC	E-BOOKS	46.98	Library
90482	2/25/2015	BAKER & TAYLOR	BOOKS-LIBRARY	43.94	Library
90506	2/25/2015	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	43.65	Library
90473	2/19/2015	US BANK	VISA- RALPHS	36.45	Library
90482	2/25/2015	BAKER & TAYLOR	BOOKS-LIBRARY	31.95	Library
90482	2/25/2015	BAKER & TAYLOR	BOOKS-LIBRARY	27.02	Library
90473	2/19/2015	US BANK	VISA- MICHAELS	22.39	Library
90473	2/19/2015	US BANK	VISA- SMART & FINAL	20.88	Library
90483	2/25/2015	BASCH SUBSCRIPTIONS INC	MAGAZINE SUBSCRIPTION	18.00	Library
90482	2/25/2015	BAKER & TAYLOR	BOOKS-LIBRARY	17.11	Library
90506	2/25/2015	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	15.72	Library
90531	2/25/2015	RECORDED BOOKS, LLC	E-BOOKS	14.99	Library
90482	2/25/2015	BAKER & TAYLOR	BOOKS-LIBRARY	14.05	Library
Total Amount for 35 Line Item(s) from Library				\$15,426.06	

LMD #22

90465	2/18/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	6,650.00	LMD #22
90399	2/18/2015	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	5,405.86	LMD #22
90465	2/18/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,869.00	LMD #22
90465	2/18/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	750.95	LMD #22
90465	2/18/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	400.00	LMD #22
90465	2/18/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	220.00	LMD #22
90465	2/18/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	213.60	LMD #22
90399	2/18/2015	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	198.93	LMD #22
90465	2/18/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	110.00	LMD #22

Total Amount for 9 Line Item(s) from LMD #22 **\$15,818.34**

LMD #24

90463	2/18/2015	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	4,200.00	LMD #24
90541	2/25/2015	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	684.00	LMD #24
90541	2/25/2015	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	368.00	LMD #24
90541	2/25/2015	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	222.00	LMD #24



Check Register Report

Bank: BANK OF AMERICA - OPERATING
 Reporting Period: 2/18/2015 to 2/25/2015

Date: 3/2/2015
 Time: 6:17:06PM
 Page 8 of 14

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
Total Amount for 4 Line Item(s) from LMD #24				\$5,474.00	
<u>LMD 22 - Common Benefit Area</u>					
90465	2/18/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,363.98	LMD 22 - Common Benefit Area
Total Amount for 1 Line Item(s) from LMD 22 - Common Benefit Area				\$1,363.98	
<u>Media Operations</u>					
90397	2/18/2015	AT&T	TELEPHONE SERVICE	1,069.06	Media Operations
90473	2/19/2015	US BANK	VISA- AMAZON.COM	615.25	Media Operations
90491	2/25/2015	CLIENTFIRST CONSULTING GRP LLC	IT CONSULTING SERVICES	450.00	Media Operations
90540	2/25/2015	TIME WARNER CABLE	CABLE MODEM- CITY HALL	375.00	Media Operations
90502	2/25/2015	GORGIN/KARLO//	REIMB MEDIA SUPPLIES EXPENSE	325.92	Media Operations
90502	2/25/2015	GORGIN/KARLO//	REIMB MEDIA SUPPLIES EXPENSE	319.02	Media Operations
90473	2/19/2015	US BANK	VISA- SURVEYMONKEY.COM	300.00	Media Operations
90540	2/25/2015	TIME WARNER CABLE	CABLE MODEM- CITY HALL	203.38	Media Operations
90542	2/25/2015	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	129.82	Media Operations
90457	2/18/2015	SOLID WASTE SOLUTIONS, INC	FILM PERMITS/SERVICES	120.00	Media Operations
90473	2/19/2015	US BANK	VISA- TOSHIBA DIRECT	109.16	Media Operations
90462	2/18/2015	TRIBUNE MEDIA SERVICES, LLC	CTV GUIDE LISTING	91.32	Media Operations
90473	2/19/2015	US BANK	VISA- PONG RESEARCH	65.39	Media Operations
90475	2/25/2015	ACORN NEWSPAPER	CTV ADVERTISING	60.00	Media Operations
90475	2/25/2015	ACORN NEWSPAPER	CTV ADVERTISING	60.00	Media Operations
90475	2/25/2015	ACORN NEWSPAPER	CTV ADVERTISING	60.00	Media Operations
90475	2/25/2015	ACORN NEWSPAPER	CTV ADVERTISING	60.00	Media Operations
90475	2/25/2015	ACORN NEWSPAPER	CTV ADVERTISING	60.00	Media Operations
90473	2/19/2015	US BANK	VISA- GOTOMYPC.COM	50.85	Media Operations
90473	2/19/2015	US BANK	VISA- LOVIS DELI	46.22	Media Operations
90473	2/19/2015	US BANK	VISA- ADOBE SYSTEMS	29.99	Media Operations
90542	2/25/2015	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	21.78	Media Operations
90473	2/19/2015	US BANK	VISA- AOL SERVICE	20.99	Media Operations
90473	2/19/2015	US BANK	VISA- LOVIS DELI	15.72	Media Operations
90473	2/19/2015	US BANK	VISA- RALPHS	7.58	Media Operations
Total Amount for 25 Line Item(s) from Media Operations				\$4,666.45	



Check Register Report

Bank: BANK OF AMERICA - OPERATING
Reporting Period: 2/18/2015 to 2/25/2015

Date: 3/2/2015
Time: 6:17:06PM
Page 9 of 14

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
Non-Departmental					
90535	2/25/2015	SECURAL SECURITY CORP	PARKING ENFORCEMENT	2,775.00	Non-Departmental
90447	2/18/2015	PMC	HOUSING REHAB SERVICES	2,042.50	Non-Departmental
90473	2/19/2015	US BANK	VISA- STORAGE ETC	1,925.00	Non-Departmental
90493	2/25/2015	CONEJO AWARDS	EMPLOYEE SERVICE AWARDS	1,573.80	Non-Departmental
90432	2/18/2015	IRON MOUNTAIN	STORAGE SERVICES	1,541.22	Non-Departmental
90396	2/18/2015	ART SOUP LA	ART RENTAL	1,513.80	Non-Departmental
90473	2/19/2015	US BANK	VISA- COSTCO	679.77	Non-Departmental
90406	2/18/2015	CANON FINANCIAL SERVICES INC	CANON COPIER LEASES	396.32	Non-Departmental
90422	2/18/2015	EMPLOYMENT DEVELOPMENT	UNEMPLOYMENT INSURANCE	395.00	Non-Departmental
90473	2/19/2015	US BANK	VISA- COSTCO	354.65	Non-Departmental
90473	2/19/2015	US BANK	VISA- COFFEE WHOLESALE USA	254.42	Non-Departmental
90542	2/25/2015	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	208.04	Non-Departmental
90542	2/25/2015	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	159.74	Non-Departmental
90423	2/18/2015	FEDERAL EXPRESS CORP.	COURIER SERVICE	36.82	Non-Departmental
90405	2/18/2015	CANON BUSINESS SOLUTIONS, INC.	COPIER SVC PROGRAM- CBB/MEQ	13.28	Non-Departmental
Total Amount for 15 Line Item(s) from Non-Departmental				\$13,869.36	
Payroll					
90529	2/25/2015	P&A ADMINISTRATIVE SVCS INC	FSA MONTHLY ADMIN FEE- MAR 15	72.00	Payroll
Total Amount for 1 Line Item(s) from Payroll				\$72.00	
Police / Fire / Safety					
90436	2/18/2015	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- JAN 2015	316,888.77	Police / Fire / Safety
90436	2/18/2015	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- JAN 2015	14,652.03	Police / Fire / Safety
90514	2/25/2015	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- STAR PROGRAM	4,511.17	Police / Fire / Safety
90512	2/25/2015	L.A. CO. DEPT. OF ANIMAL CARE	ANIMAL HOUSING SVCS- JAN 2015	2,168.08	Police / Fire / Safety
Total Amount for 4 Line Item(s) from Police / Fire / Safety				\$338,220.05	
Public Safety & Emergency Preparedness					
90473	2/19/2015	US BANK	VISA- MACKAY COMMUNICATION	215.22	Public Safety & Emergency Preparedness
90473	2/19/2015	US BANK	VISA- RADIO SHACK	21.79	Public Safety & Emergency Preparedness



Check Register Report

Bank: BANK OF AMERICA - OPERATING
 Reporting Period: 2/18/2015 to 2/25/2015

Date: 3/2/2015
 Time: 6:17:06PM
 Page 10 of 14

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
Total Amount for 2 Line Item(s) from Public Safety & Emergency Preparedness				\$237.01	
Public Works					
90450	2/18/2015	RBF CONSULTING	WATERSHED CONSULTING	15,414.39	Public Works
90431	2/18/2015	HTS, INC.	STORM DRAIN SERVICES	10,600.00	Public Works
90534	2/25/2015	RUIZ CONCRETE & PAVING INC.	STREET REPAIRS	9,151.15	Public Works
90412	2/18/2015	CLEANSTREET INC	MONTHLY SVC - STREET SWEEPING	6,727.78	Public Works
90404	2/18/2015	CALIFORNIA GREEN CONSULTING	SEWER SYS MGMT PLAN	4,750.00	Public Works
90510	2/25/2015	KOA CORPORATION	CALABASAS ON-CALL SVCS	4,529.50	Public Works
90544	2/25/2015	WILLDAN ASSOCIATES INC.	GRADING & HYDROLOGY REVIEW	4,462.50	Public Works
90465	2/18/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	3,930.00	Public Works
90435	2/18/2015	KOA CORPORATION	CALABASAS ON-CALL SVCS	3,070.00	Public Works
90469	2/18/2015	WILHELM/RICHARD//	FIELD INVESTIGTN/DRAFTING SVCS	2,475.00	Public Works
90435	2/18/2015	KOA CORPORATION	CALABASAS ON-CALL SVCS	2,242.76	Public Works
90544	2/25/2015	WILLDAN ASSOCIATES INC.	GRADING & DRAINAGE REVIEW	2,087.50	Public Works
90433	2/18/2015	ISSAKHANI/MARINA//	ENVIRONMENTAL CONSULTING	1,820.00	Public Works
90463	2/18/2015	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	1,448.00	Public Works
90464	2/18/2015	VARELA/ADRIAN//	INSPECTION SERVICES	1,440.00	Public Works
90541	2/25/2015	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	1,218.00	Public Works
90527	2/25/2015	ORTIZ/JOEL//	CONSULTING SERVICES	1,120.00	Public Works
90510	2/25/2015	KOA CORPORATION	CALABASAS ON-CALL SVCS	1,011.00	Public Works
90453	2/18/2015	SALGUERO/BRYAN//	CONSULTING SERVICES	980.00	Public Works
90443	2/18/2015	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	735.00	Public Works
90443	2/18/2015	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	600.00	Public Works
90541	2/25/2015	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	489.00	Public Works
90541	2/25/2015	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	403.00	Public Works
90544	2/25/2015	WILLDAN ASSOCIATES INC.	GRADING & DRAINAGE REVIEW	368.75	Public Works
90473	2/19/2015	US BANK	VISA- HOME DEPOT	366.78	Public Works
90544	2/25/2015	WILLDAN ASSOCIATES INC.	GRADING & DRAINAGE REVIEW	350.00	Public Works
90435	2/18/2015	KOA CORPORATION	CALABASAS ON-CALL SVCS	320.00	Public Works
90391	2/18/2015	ACORN NEWSPAPER	RECYCLING ADVERTISING	273.21	Public Works
90391	2/18/2015	ACORN NEWSPAPER	RECYCLING ADVERTISING	273.21	Public Works
90391	2/18/2015	ACORN NEWSPAPER	RECYCLING ADVERTISING	273.21	Public Works
90391	2/18/2015	ACORN NEWSPAPER	RECYCLING ADVERTISING	273.21	Public Works
90544	2/25/2015	WILLDAN ASSOCIATES INC.	PUBLIC WORKS SERVICES	262.50	Public Works
90466	2/18/2015	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	146.83	Public Works



Check Register Report

Bank: BANK OF AMERICA - OPERATING
 Reporting Period: 2/18/2015 to 2/25/2015

Date: 3/2/2015
 Time: 6:17:06PM
 Page 11 of 14

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
90395	2/18/2015	ARC DOCUMENT SOLUTIONS, LLC	COPY/PRINTING SERVICE	145.97	Public Works
90416	2/18/2015	COUNTY SANITATION DISTRICT	REFUSE FEES- JAN 2015	138.15	Public Works
90466	2/18/2015	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	58.16	Public Works
90473	2/19/2015	US BANK	VISA- RALPHS	55.84	Public Works
90473	2/19/2015	US BANK	VISA- APWA	36.00	Public Works
90473	2/19/2015	US BANK	VISA- APWA	30.00	Public Works
90466	2/18/2015	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	23.96	Public Works
90473	2/19/2015	US BANK	VISA- ARBOR DAY FOUNDATION	15.00	Public Works
Total Amount for 41 Line Item(s) from Public Works				\$84,115.36	

Recoverable / Refund / Liability

90472	2/18/2015	ZACHARY/ISAAC//	REFUND RECOVERABLE PROJECT	17,520.21	Recoverable / Refund / Liability
90398	2/18/2015	AT&T MOBILITY	REFUND RECOVERABLE PROJECT	1,500.00	Recoverable / Refund / Liability
90398	2/18/2015	AT&T MOBILITY	REFUND RECOVERABLE PROJECT	1,500.00	Recoverable / Refund / Liability
90529	2/25/2015	P&A ADMINISTRATIVE SVCS INC	FSA-MEDICAL CARE REIMBURSEMENT	403.00	Recoverable / Refund / Liability
90444	2/18/2015	P&A ADMINISTRATIVE SVCS INC	FSA-MEDICAL CARE REIMBURSEMENT	239.44	Recoverable / Refund / Liability
90434	2/18/2015	KLEIN/MICHAEL//	REIMBURSE ICMA CONTRIBUTION	184.85	Recoverable / Refund / Liability
90444	2/18/2015	P&A ADMINISTRATIVE SVCS INC	FSA-DEP CARE REIMBURSEMENT	155.13	Recoverable / Refund / Liability
90438	2/18/2015	LAUER/SANDRA//	RECREATION REFUND	98.00	Recoverable / Refund / Liability
90424	2/18/2015	FISHMAN/LIMOR//	RECREATION REFUND	90.00	Recoverable / Refund / Liability
90508	2/25/2015	ISER/CINDY//	RECREATION REFUND	40.00	Recoverable / Refund / Liability
90521	2/25/2015	MILLER/ELAINE//	RECREATION REFUND	38.00	Recoverable / Refund / Liability
90496	2/25/2015	DOODKEVITCH/TALY//	RECREATION REFUND	25.00	Recoverable / Refund / Liability
90521	2/25/2015	MILLER/ELAINE//	RECREATION REFUND	2.00	Recoverable / Refund / Liability
Total Amount for 13 Line Item(s) from Recoverable / Refund / Liability				\$21,795.63	

Tennis & Swim Center

90429	2/18/2015	HORIZON MECHANICAL CONTRACTORS	POOL REPAIRS	2,416.00	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- LOWES	1,286.21	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- JONAS FITNESS	1,147.33	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- VISTA PAINT	853.81	Tennis & Swim Center
90409	2/18/2015	CINTAS FIRST AID & SAFETY	ANNUAL SERVICE- T&SC	785.00	Tennis & Swim Center
90407	2/18/2015	CASAS ORAMAS/JORGE//	FITNESS EQUIPMENT REPAIRS	750.00	Tennis & Swim Center
90407	2/18/2015	CASAS ORAMAS/JORGE//	FITNESS EQUIPMENT REPAIRS	600.00	Tennis & Swim Center
90407	2/18/2015	CASAS ORAMAS/JORGE//	FITNESS EQUIPMENT REPAIRS	586.03	Tennis & Swim Center



Check Register Report

Bank: BANK OF AMERICA - OPERATING
Reporting Period: 2/18/2015 to 2/25/2015

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
90536	2/25/2015	SOUTHERN CALIFORNIA GAS CO	GAS SERVICE	371.02	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- HOME DEPOT	370.91	Tennis & Swim Center
90471	2/18/2015	YEEOPP/BETTY//	RECREATION INSTRUCTOR	330.84	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- LESLIE'S POOL SUPPLY	308.49	Tennis & Swim Center
90492	2/25/2015	COMMERCIAL AQUATIC SVCS INC	POOL SERVICE/REPAIR	298.22	Tennis & Swim Center
90467	2/18/2015	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	294.51	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- QUALITY RADIO CYN	283.98	Tennis & Swim Center
90414	2/18/2015	COMMERCIAL AQUATIC SVCS INC	POOL SERVICE/REPAIR	273.37	Tennis & Swim Center
90507	2/25/2015	INNER-I ...SECURITY IN FOCUS	GATE REPAIR- T&SC	256.00	Tennis & Swim Center
90545	2/25/2015	YEEOPP/BETTY//	RECREATION INSTRUCTOR	220.56	Tennis & Swim Center
90467	2/18/2015	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	203.15	Tennis & Swim Center
90460	2/18/2015	TIME WARNER CABLE	CABLE MODEM/HDTV- T&SC	201.23	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- SPORTSMITH	189.74	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- LOWES	141.70	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- US RESEARCH & CHEMICAL	114.26	Tennis & Swim Center
90408	2/18/2015	CASCIONE/GAYLENE//	RECREATION INSTRUCTOR	110.28	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- CONSTANT CONTACT	105.00	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- SHERWIN WILLIAMS	103.81	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- SUPER A CLEANERS	80.00	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- ROADSIDE LUMBER	75.64	Tennis & Swim Center
90415	2/18/2015	COUNTY OF LOS ANGELES	BACKFLOW PREVENTION DEVICE	66.00	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- SPERLING LANDSCAPE	65.39	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- OFFICE DEPOT	63.49	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- BODYBUILDING.COM	35.65	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- UPS STORE	28.42	Tennis & Swim Center
90392	2/18/2015	AIRGAS- WEST	TC HELIUM	27.61	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- RABI INC	27.09	Tennis & Swim Center
90478	2/25/2015	AIRGAS- WEST	TC HELIUM	24.20	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- COMMERCIAL AQUATIC	16.81	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- RALPHS	14.68	Tennis & Swim Center
90473	2/19/2015	US BANK	VISA- SHELL OIL	14.54	Tennis & Swim Center
Total Amount for 39 Line Item(s) from Tennis & Swim Center				\$13,140.97	

Transportation

90524	2/25/2015	MV TRANSPORTATION, INC.	SHUTTLE SERVICES - JAN 15	23,338.86	Transportation
90445	2/18/2015	PARSONS TRANSPORTATION GROUP	LOST HILLS INTERCHANGE	20,893.78	Transportation



Check Register Report

Bank: BANK OF AMERICA - OPERATING

Reporting Period: 2/18/2015 to 2/25/2015

Date: 3/2/2015

Time: 6:17:06PM

Page 13 of 14

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
90524	2/25/2015	MV TRANSPORTATION, INC.	SHUTTLE SERVICES - JAN 15	11,862.01	Transportation
90420	2/18/2015	DIAMOND WEST ENGINEERING, INC	ENGINEER CONSULTING	5,500.00	Transportation
90393	2/18/2015	ALL CITY MANAGEMENT SVCS, INC.	SCHOOL CROSSING GUARD SVCS	4,380.88	Transportation
90524	2/25/2015	MV TRANSPORTATION, INC.	SHUTTLE SERVICES - JAN 15	3,528.37	Transportation
90458	2/18/2015	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	3,516.06	Transportation
90520	2/25/2015	MALIBU CANYON SHELL	FUEL CHARGES- FEB 2015 (1/2)	3,070.15	Transportation
90524	2/25/2015	MV TRANSPORTATION, INC.	TRANSIT MAINTENANCE	1,288.02	Transportation
90510	2/25/2015	KOA CORPORATION	CALABASAS ON-CALL SVCS	996.00	Transportation
90473	2/19/2015	US BANK	VISA- AL & ED'S AUTOSOUND	732.50	Transportation
90524	2/25/2015	MV TRANSPORTATION, INC.	SHUTTLE SERVICES - JAN 15	598.05	Transportation
90510	2/25/2015	KOA CORPORATION	CALABASAS ON-CALL SVCS	415.00	Transportation
90466	2/18/2015	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	321.50	Transportation
90473	2/19/2015	US BANK	VISA- INST OF TRANS ENGINEER	289.28	Transportation
90411	2/18/2015	CITY OF LOS ANGELES	PERMIT EXTENSION	238.80	Transportation
90437	2/18/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	186.68	Transportation
90473	2/19/2015	US BANK	VISA- HOME DEPOT	146.91	Transportation
90515	2/25/2015	LA DWP	METER SERVICE - TRAFFIC LIGHT	138.24	Transportation
90473	2/19/2015	US BANK	VISA- EXXON MOBIL	137.99	Transportation
90473	2/19/2015	US BANK	VISA- HOME DEPOT	116.77	Transportation
90524	2/25/2015	MV TRANSPORTATION, INC.	SHUTTLE FUEL COST- JAN 15	95.69	Transportation
90494	2/25/2015	COUNTY CLERK, CO. OF L.A.	NOE FILING FEE- PARK & RIDE	75.00	Transportation
90473	2/19/2015	US BANK	VISA- CHEVRON	68.09	Transportation
90473	2/19/2015	US BANK	VISA- UNION 76	56.74	Transportation
90513	2/25/2015	L.A. CO. REGISTRAR-RECORDER	RECORDING FEE- LAS VIRG SCENIC	45.00	Transportation
90473	2/19/2015	US BANK	VISA- ORCHARD SUPPLY	41.90	Transportation
90473	2/19/2015	US BANK	VISA- CHEVRON	35.30	Transportation
90473	2/19/2015	US BANK	VISA- PEPBOYS	30.33	Transportation
90473	2/19/2015	US BANK	VISA- EXXON MOBIL	28.98	Transportation
90473	2/19/2015	US BANK	VISA- UNION 76	27.25	Transportation
90473	2/19/2015	US BANK	VISA- UNION 76	26.32	Transportation
90473	2/19/2015	US BANK	VISA- SHELL OIL	25.00	Transportation
90473	2/19/2015	US BANK	VISA- UNION 76	24.13	Transportation
90473	2/19/2015	US BANK	VISA- UNION 76	19.99	Transportation
90473	2/19/2015	US BANK	VISA- EXXON MOBIL	19.00	Transportation
90473	2/19/2015	US BANK	VISA- SHELL OIL	14.25	Transportation
90473	2/19/2015	US BANK	VISA- ORCHARD SUPPLY	6.25	Transportation
90473	2/19/2015	US BANK	VISA- UNION 76	6.22	Transportation



CITY of CALABASAS

Check Register Report

Bank: BANK OF AMERICA - OPERATING

Reporting Period: 2/18/2015 to 2/25/2015

Date: 3/2/2015

Time: 6:16:53PM

Page 14 of 14

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
90473	2/19/2015	US BANK	VISA- EXXON MOBIL	6.00	Transportation
Total Amount for 40 Line Item(s) from Transportation				\$82,347.29	
GRAND TOTAL for 391 Line Items				\$727,860.52	

FUTURE AGENDA ITEMS

Department Agenda Headings Agenda Title/Future Agenda

25-Mar

CC		Council reorganization/reception
----	--	----------------------------------

Future Items

CC	Consent	Support letter regarding base closures in Los Angeles
CD	New Business	Plaque recommendations by the HPC
CD	Public Hearing	Potential appeal for 3121 Old Topanga
PW	New Business	Phase III Parkway Calabasas landscaping
CD	New Business	Business signage
CD	New Business	Car zoning
CD	New Business	Craftman's Corner pre-zoning
CD	New Business	Solar energy ordinance
PS	New Business	Seismic overview
CC	Consent	Election Resolutions/Consolidation with School District
CD	New Business	Business registration program
CC	New Business	Commissioner interviews for appointments expiring in November 2015
CC	New Business	Effectiveness of Commissions

2015 CITY COUNCIL MEETING DATES

8-Apr	9-Sep
22-Apr	23-Sep - Canceled - Yom Kippur
13-May - Canceled - CCCA Annual Conference	14-Oct
27-May	28-Oct
10-Jun	3-Nov - Municipal Election
24-Jun	11-Nov - Canceled - Veterans' Day
8-Jul - Canceled	18-Nov - Special Meeting Election Certification - Council Reorg.
22-Jul - Canceled	25-Nov - Canceled - Thanksgiving Eve
12-Aug	9-Dec
26-Aug	23-Dec - Canceled