THE CITY OF PLEASANTON

Planning Commission Staff Report

July 10, 2013
Item 5.b.

SUBJECT: **P11-0899**

APPLICANT: AT&T

PROPERTY OWNER: County of Alameda

PURPOSE: Application for Design Review approval to install a wireless facility consisting of a 55-foot tall monopine and related wireless equipment

GENERAL PLAN: Industrial, Commercial & Offices – Retail/Highway/Service Commercial, Business and Professional Office; General and Limited Industrial

ZONING: None

LOCATION: Within the Transportation Corridor behind 2126 Rheem Drive and adjacent to the Iron Horse Trail.

EXHIBITS:
A – Draft Conditions of Approval
B – Site Plan, Floor Plan, and Elevations of the Proposed AT&T Wireless Facility; Photosimulations, Coverage Map, and Radio Frequency report by Hammett and Edison
C – Peer Review Report by Telecom Law Firm, P.C.
D – Location and Notification Maps

BACKGROUND

AT&T Wireless wishes to construct a personal wireless facility within the right-of-way of the Alameda Transportation Corridor behind 2126 Rheem Drive which is adjacent to the Iron Horse Trail. Section 18.110.020 of the Pleasanton Municipal Code (PMC) (Personal Wireless Service Facility) requires all personal wireless service facilities be subject to design-review approval by the zoning administrator and requires all property owners within 600 feet of a property on which a personal wireless service facility is proposed to be notified of the application. The PMC also allows the zoning administrator to refer any personal wireless service application to the planning commission for review and action.

SITE DESCRIPTION

The Iron Horse Trail is a multi-use regional trail which traverses numerous cities in the East Bay. This segment of the Iron Horse Trail in Pleasanton is 15 feet wide and is located in the middle of the 100-foot wide Alameda Transportation Corridor. The land uses along the trail between Santa Rita Road (east side of the Corridor) and Rheem Drive (west side of the Corridor) are office and industrial uses. Structures that may be seen along the east side of the trail within the transportation corridor include PG&E utility poles and a wireless facility for Sprint PCS, a 48-foot tall monopole, and an equipment enclosure for ground-mounted equipment and cabinets.

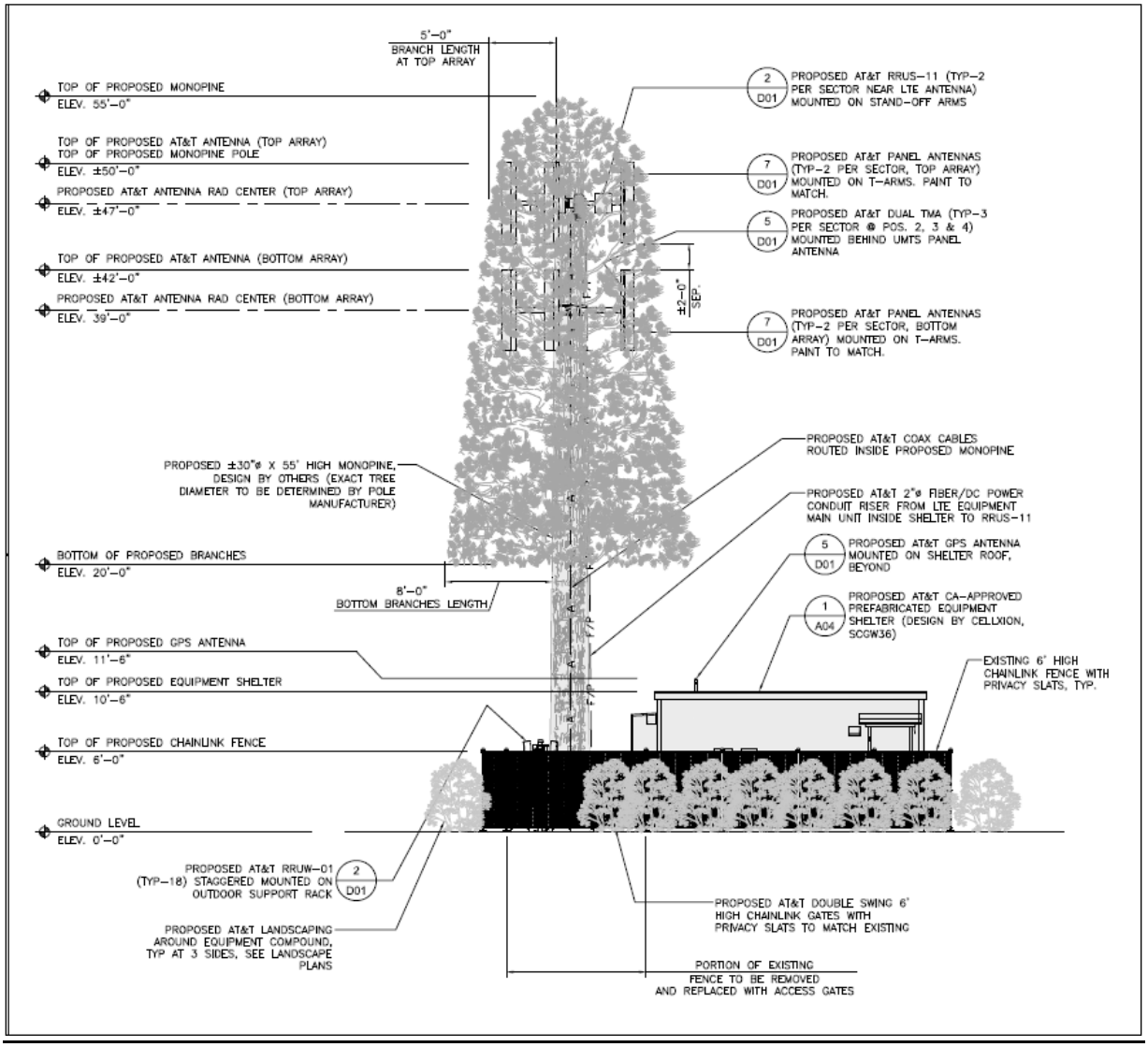
Location Map

PROJECT DESCRIPTION

The proposed AT&T wireless facility consists of the following equipment which will be located within a 20'-0" by 35'-0" lease area:

- a 55'-0" tall monopine (faux pine tree);
- twelve 6'-0" tall panel antennas to be mounted on the monopine;
- 18 Remote Radio Units (RRUs) located in the equipment area;
- Four Surge Protector Dome Units (one unit will be mounted and hidden in the monopine; the other three units will be ground mounted.);
- A 10'-6" tall prefabricated equipment shelter (20'-0" x 11'-5");
- A GPS antenna mounted on the roof of the equipment shelter;
- A 6'-0" high chain-link fence with privacy slats at the perimeter of the lease area; and,

- Landscaping to screen the lease area.



ANALYSIS

Legal Background/Federal Law

The Telecommunications Act of 1996 provides that local governments: (a) shall not unreasonably discriminate among providers of functionally equivalent services (i.e., favor one wireless carrier over another); (b) shall not prohibit or have the effect of prohibiting the provisions of personal wireless services (e.g., cannot prevent a wireless carrier from closing a significant gap in service coverage); and (c) shall not regulate the placement and construction of personal wireless service facilities on the basis of the environmental effects of radio frequency (RF) emissions to the extent that such facilities comply with the FCC's regulations concerning such emissions (47 USC 332(c)). The effect of this federal law is to enable personal wireless service providers to establish networks for their services and to preclude

local governments from regulating the potential health impacts of wireless facilities. While local governments may not establish or regulate RF emissions standards, they may review those applications to ensure compliance with the RF standards set by the FCC (Govt. Code section 65850.6(f)) and they may take aesthetics into consideration when reviewing an application.

In 2009, the FCC adopted what is commonly referred to as the "shot clock" rule to encourage expansion of the wireless network. The rule says that local governments have to either approve or deny an application for the construction of a *new* wireless facility within 150 days and must approve or deny a request to collocate a wireless facility within 90 days. If the local agency fails to comply with these deadlines, wireless applicants are authorized to file a lawsuit within 30 days of the shotclock having run.

Section 18.110 of the Pleasanton Municipal Code (Wireless Ordinance)

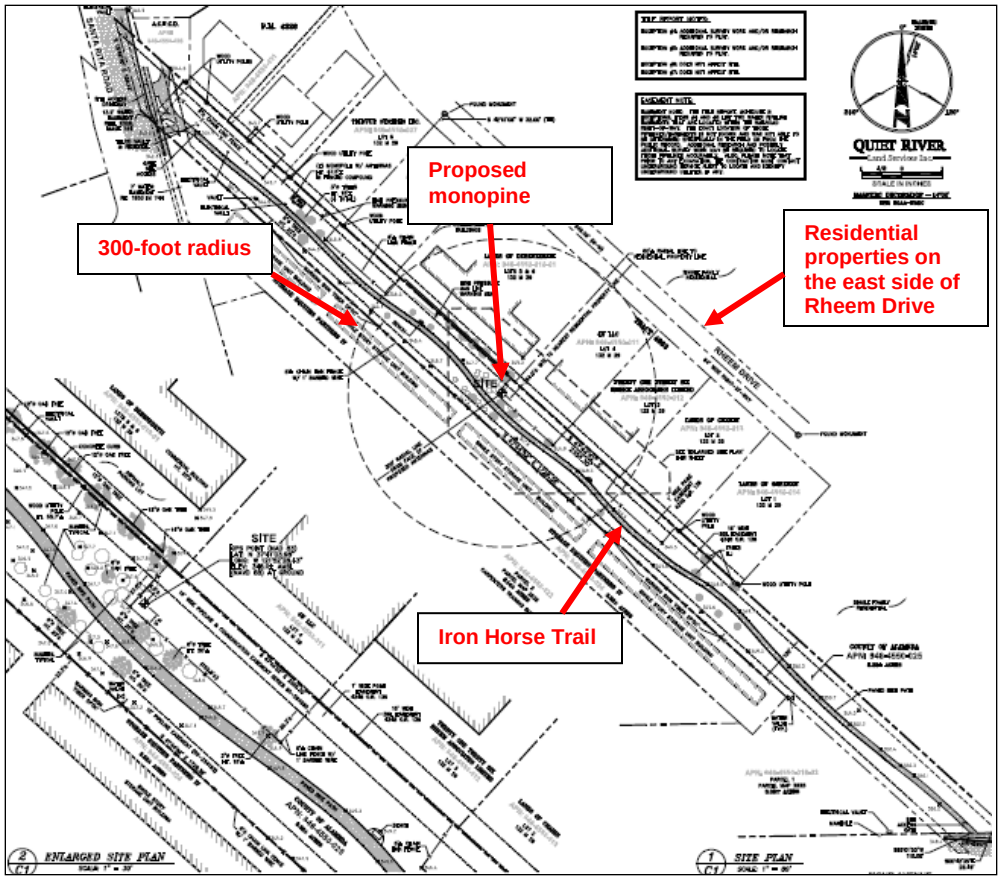
In 1998, the City Council adopted the Personal Wireless Service Facilities ordinance (PMC section 18.110). The ordinance allows the installation of wireless facilities once the applicant has provided the required radio frequency emission report prepared by a licensed engineer, has demonstrated that there is a coverage gap in the target area, and that the proposed wireless facility meets the ordinance's locational requirements. In addition, the ordinance requires wireless facilities to mitigate visual impacts by using stealth techniques and requires collocation of the wireless facility if it is structurally and technically feasible.

Radio Frequency Emission Report

A radio frequency emission report was prepared by Hammett & Edison, Inc., Consulting Engineers, to evaluate the proposal's compliance with FCC regulations limiting human exposure to radio frequency emission. The report concluded that the proposed facility will comply with the FCC guidelines concerning limiting public exposure to radio frequency emission. A copy of the report is attached in Exhibit B.

Location Requirements

Per §18.110.050 of the PMC, no personal wireless service facility shall be located within three hundred feet (300') from any residences, residentially or agriculturally zoned property, schools, parks, childcare centers, or senior care/assisted living facilities. Here, the nearest residential property line is 364 feet from the center of the monopine. Further, trails such as the Iron Horse Trail, are not designated as parks within Pleasanton's General Plan. In sum, this application meets all of the locational requirements of the City's ordinance. Please see the surveyed radius map on the following page.



Stealth Techniques

All personal wireless service facilities are required to visually blend with the environment and not be readily apparent, or "stealth". The proposed panel antennas would be mounted onto faux tree branches and be covered by faux pine needles. The faux tree would be similar to a conifer tree where the tree trunk narrows as its height increases. Likewise, the foliage on the tree tapers; however, the tree branches would always extend beyond the face of the panel antennas so that the panel antennas would not be readily visible. The applicant has provided a faux tree sample which shows the colors and details of the leaves and bark. (The sample is available upon request and staff will bring it to the meeting.). Please see photo-simulations on the following page of the proposed facility taken from the Iron Horse Trail and Rheem Drive (from the residential side).

Photo-simulation of the faux tree at Iron Horse Trail (looking north)

Photo-simulation of the faux tree viewed from the Iron Horse Trail (looking south)

Photo-simulation of the faux tree viewed from Rheem Drive

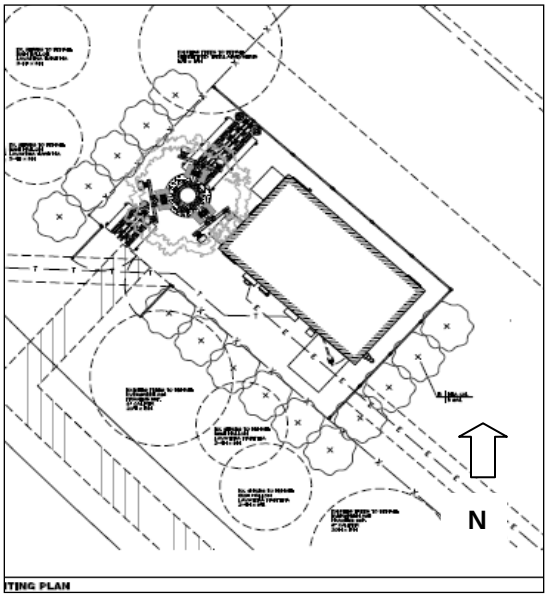
Photo-simulation of the faux tree viewed from Rheem Drive

Collocation

As mentioned above, Sprint PCS has an existing wireless facility located within the transportation corridor. Sprint's monopole has a diameter of 16'-6", which, as stated by the applicant, is not large enough to accommodate the number and size of panel antennas required by AT&T.

Landscape/Irrigation Plan

The proposed landscape plan shows that shrubs would be planted to screen the chain-link fence. As proposed, the applicant would plant 15, five-gallon size Rhamnus Californica "Eve Case" (Coffee Berry) along the perimeter of the chain-link fence. In addition, 5 series stream bubbler sprinkler heads would be installed. Staff has added a condition requiring sprinkler heads to be directed away from the trail.



Proposed Landscape Plan

Neighborhood Meeting

In response to the City's notice of AT&T's application, staff received a call from Mr. James Yudelson, a resident of Alexander Court, who expressed concerns regarding the aesthetics of the proposed facility and questioned the necessity of such a facility.

On May 23, 2013, staff noticed and then held a neighborhood meeting regarding the proposal. Six residents attended the meeting. Issues discussed at the meeting included the existing coverage gap in the area and the design of the faux tree.

Peer Review

Following that meeting, staff retained Jonathan Kramer, Esq. of Telecom Law Firm, P.C. to "peer review" AT&T's application to determine whether a significant gap in coverage exists, whether the radio frequency emission report is correct, whether the proposed facility could be improved aesthetically, and any other issues that may be relevant to the application. Mr. Kramer concluded that based on the coverage maps dated May 28, 2013, there is a gap in coverage for AT&T's wireless customers. Mr. Kramer reviewed the proposed design and recommended that the following details be incorporated into the design. A copy of the report is attached as Exhibit C:

- Panel antennas must be located within the tree canopy. Thus, it is recommended that there be a minimum of 12" of branches extending past all panel antennas and antenna-related equipment at each level of the monopine.
- Panel antennas must be treated to be camouflaged. Thus, it is recommended that all antenna panels, antenna-related equipment, and mounts at each level be painted green(s) and brown(s) to match the tree.
- Panel antennas must be covered with pine-needle sockets
- Tree dimensional bark cladding is required on all portions of the tree truck and branches.
- Tree truck and branches must be painted brown.
- Tree branches need to start at 12' or 13' level to avoid a bottle-brush appearance.
- The number of braches per foot should generally be 3.5 branches per vertical foot between the starting height and the top. Therefore, a schedule of proposed braches should be included in the plans listing the minimum branch length, mounting height, and angular orientation from true north.
- All cables should be run only inside the tree trunk.

Staff had a follow-up discussion with Mr. Yudelson regarding FCC requirements and design specifics as recommended by Mr. Kramer. Mr. Yudelson appreciated staff's follow-up and responses, and did not have further questions.

PUBLIC NOTICE

Notices regarding the proposed wireless design review application, the neighborhood meeting, and this public hearing were mailed to the surrounding property owners as required by the municipal code. A map showing the noticing area is attached to this report. The public notice was also published in *The Valley Times*. No one has contacted staff regarding the proposed wireless facility as of the date the staff report was prepared.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15303, New Construction or Conversion of Small Structures. Therefore, no environmental document accompanies this report.

CONCLUSION

The proposed wireless facility meets the requirements of the ordinance. The subject site is an appropriate location for the proposed installation. With the operation of the wireless facility, the wireless coverage in the area will be improved.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case P11-0899 subject to the conditions listed in Exhibit A.

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