



Planning Commission Staff Report

July 9, 2008
Item 6.b.

SUBJECT: PAP-122 (PDR-761)

APPELLANT: Jeff Green

APPLICANT: AT&T

PURPOSE: Appeal of the Zoning Administrator's approval of an application for design review to install an AT&T Project LightSpeed cabinet at the southeast corner of Rheem Drive and Olivia Court.

GENERAL PLAN: Not Applicable

ZONING: Public Service Easement

LOCATION: 2010 Rheem Drive

ATTACHMENTS: Exhibit A, Site Plans, dated "Received, May 23, 2008"
Exhibit B, Approval Letter and Conditions of Approval, dated May 23, 2008
Exhibit C, Approval Notice sent to Jeff Green, dated May 23, 2008
Exhibit D, Location Map

BACKGROUND

AT&T began working with the City in 2007 to site and construct new LightSpeed service cabinets throughout the City. Staff processes each request as a design review application. The application submittal includes a photo-visual that depicts a mock-up full size cabinet to be placed in a proposed location and the review process includes site visit(s) to evaluate the proposed location for potential impacts on the existing landscaping, aesthetics, line-of-site, and other distinctive site constraints that are determined in the field. After the placement is established, the Zoning Administrator issues an approval letter.

Locations that are found to be appropriate for the service cabinets are generally located within the PSE (Public Service Easement) areas.

On May 23, 2008, the Zoning Administrator approved the proposed AT&T LightSpeed service cabinet (also known as a VRAD cabinet) to be located within a PSE on property that is owned in-fee by William and Julene Meehan. Mr. Jeff Green opposes this location because the cabinet is visible from his kitchen window (see picture below). The Greens residence is located on the northwest corner of Rheem Drive and Oakland Avenue, diagonally across from where the proposed cabinet would be located.



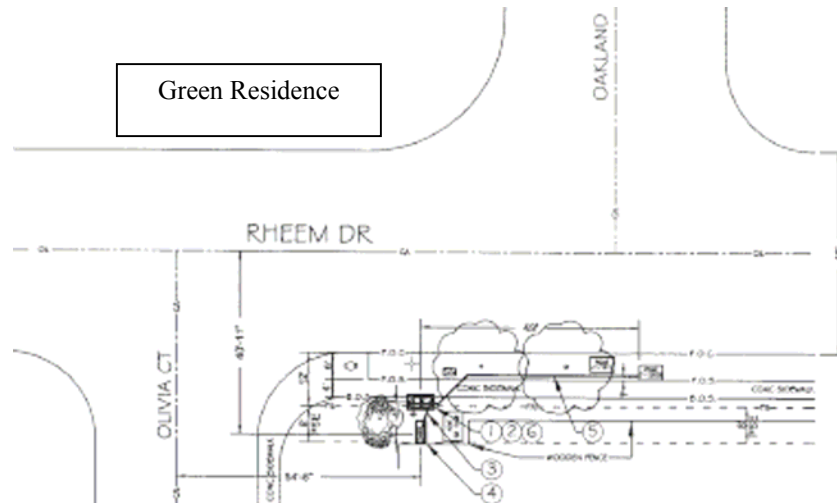
Zoning Administrator actions may be appealed to the Planning Commission for consideration and action.

SITE AND PROJECT DESCRIPTIONS

The subject site is located at the southeast corner of Olivia Court and Rheem Drive, within an existing eight-foot wide PSE area. This easement is located on the Meehans' property at 2008 Olivia Court adjacent to the City's right-of-way. There are a number of utilities located within the easement, including an existing above-ground service cabinet and an AT&T underground vault.

The proposed AT&T LightSpeed service cabinet would be located within the same PSE area and grouped with the existing utilities.

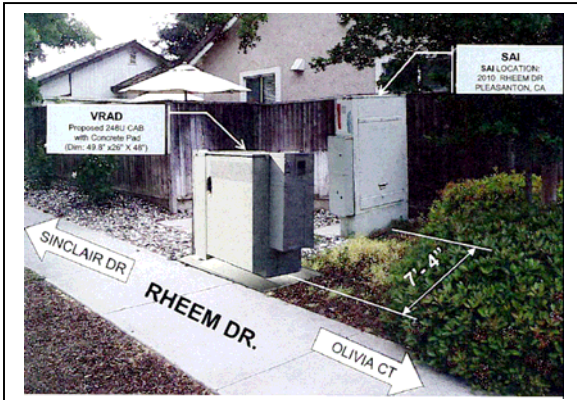
The cabinet itself is approximately 56.8 inches long x 26 inches wide x 48 inches tall. The cabinet would have openings on the front and side and would require a three-foot minimum clearance for access.



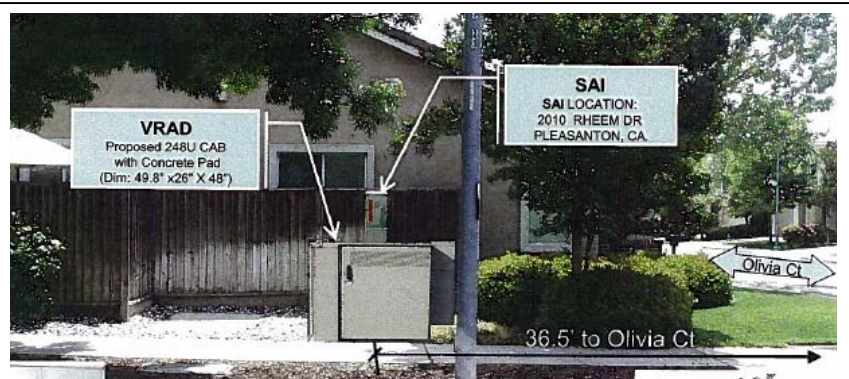
Site Location

DISCUSSION

As there is an existing above-ground utility cabinet within the PSE area, staff required that the VRAD cabinet be relocated so that it would be grouped with other utilizes (see photos below).



Side view of the proposed VRAD



Front view of the proposed VRAD cabinet.

Staff notes that the approved location would require minimal trenching and site disturbance and would not create any line of sight issues. This site is visible from the appellant's lot; however, as discussed below under options, no alternative locations address their concern.

As part of the process and as required by staff, AT&T sent out notices of the proposed LightSpeed service cabinet to the surrounding neighbors.

Appellants' Concerns

Mr. Jeff Green, resident of 2204 Oakland Avenue contacted the staff expressed concerns regarding the proposed VRAD cabinet. Mr. Green indicated that the proposed location would be in plain view of his kitchen windows. He requested that vegetation be planted to screen the cabinet from view or, relocate the cabinet east. The Zoning Administrator evaluated various locations and determined that the proposed location would result in less impact. The decision was not to Mr. Green's satisfaction; therefore, he appealed the decision.



Standing at the proposed location looking directly straight- The VRAD will be visible from one standard window and one transom window form the Green

Options

Staff has met with Judith Charles, Right of Way Manager of AT&T, and Jeff Green on site on June 10, 2008. Several options were reviewed.

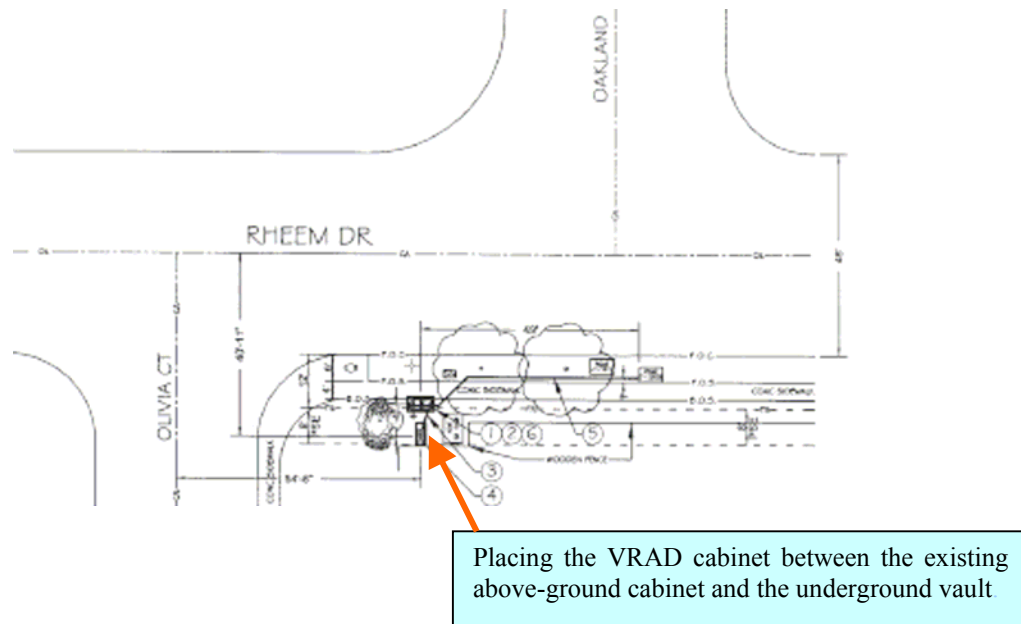
Option No. 1: Relocate the VRAD cabinet closer to the Meehan residence

This option requests the VRAD cabinet be located as close as possible to the southern side of the PSE area on the Meehan property. The Meehan property currently has a six-foot high fence located approximately five feet from the side property line along Rheem Drive. This side yard fence steps back toward the house in order to bypass the existing utilities. The Meehans have an existing patio area established in the side yard next to the fence. If the VRAD cabinet were relocated closer to the house, the relocation would result in the removal of an approximate ten linear feet of the existing fence. The existing patio area on the Meehan's would be significantly impacted. Meanwhile, the VRAD

cabinet would still be visible from Mr. Green’s kitchen window as the cabinet would not be fully screened due to limited site area and access issues.

Option No. 2: Re-position the proposed VRAD cabinet on the Meehan property

Instead of positioning the proposed VRAD cabinet facing the sidewalk perpendicular to the existing SAI cabinet, Mr. Green suggested turning the proposed VRAD cabinet so that it would be parallel to and lined up the existing SAI cabinet. This option may afford planting of landscaping within the existing PSE area for screening.



Ms. Charles reviewed this suggestion with the project engineers and responded that this option would not be feasible for the following reasons:

- ❑ The existing SAI cabinet have double-sided door on both the front and the back sides of the cabinet. Each door is approximately 25 inches wide. Sufficient clearance needs to be maintained so that the doors could be swung open and that there would be sufficient room for a service technician. The proposed VRAD cabinet has a similar clearance requirement. Thus, the two units cannot be placed next to each other as envisioned by Mr. Green.
- ❑ In addition to the clearance that would be needed for both cabinets, the existing underground vault is located approximately five feet from the existing SAI cabinet. During service time, the cover of the underground vault must be open. The proposed VRAD cannot be located too close to the vault or the service technician will not have any place to stand while servicing the cabinet.

Option No. 3: Planting shrubs within the public Right-of-Way to screen the proposed VRAD cabinet

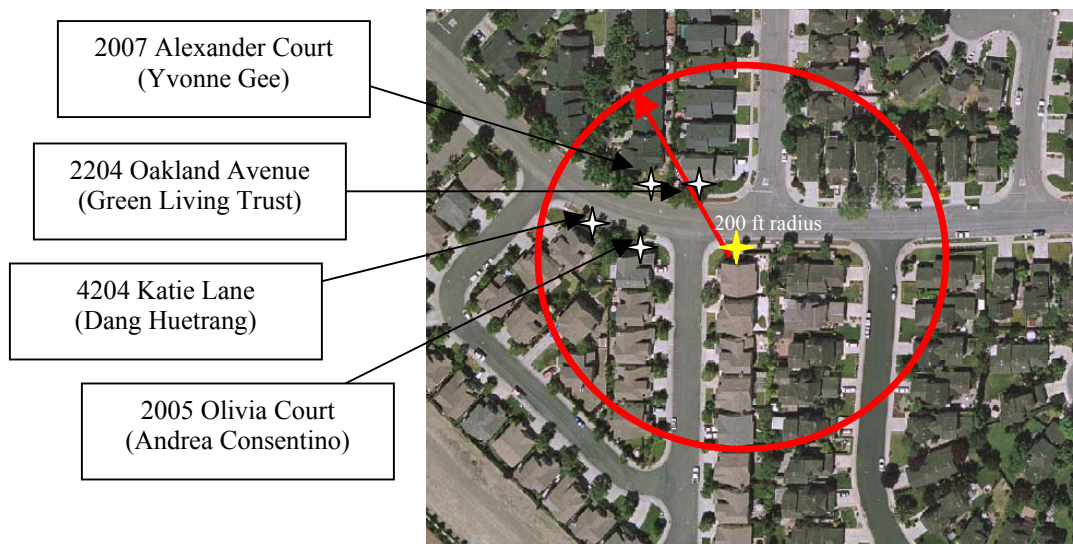
Staff evaluated the possibility of planting shrubs within the planting strip to screen the unit. Ms. Charles indicated that AT&T is willing to purchase and planting the shrubs, but they are unwilling to provide irrigation or long term maintenance.

Staff has discussed the irrigation possibility with Street Maintenance Division who administrates right-of-way landscaping and maintenance. Street trees are maintained by the City; but not other shrubs/planting materials that are located within the right-of-way and the City does not wish to maintain additional landscaping at this location.

Option No. 4: Require AT&T to consider an alternative location out of Mr. Green’s view

AT&T indicated that the maximum distance allowed between the SAI and the VRAD is 200 feet in order for the LightSpeed connection to work. Based upon this distance requirement, Staff has reviewed two other areas that meet the distance requirements as potential candidates for a VRAD cabinet location:

- One alternative location would be in the PSE area abuts the south side of Rheem Drive between the Dang residence located at 4204 Katie Lane and the Consentino residence located at 2005 Olivia Court.



- Alternative location within the 200-foot radius
- ★ Existing SAI and approved VRAD

The proposed cabinet may still be within the line of sight from the Greens' kitchen windows.

- ❑ The second alternative location would be in the PSE area on the north side of Rheem Drive between the Green residence located at 2204 Oakland Avenue and the Gee residence located at 2007 Alexander Court

As shown on the aerial below, lawn has been installed by the Gees and landscaping has been planted by the Greens within the PSE area on their sites. If VRAD cabinet were located on the north side of the street, some of the existing landscaping would be removed; however, the VRAD cabinet would not be visible from Mr. Green's kitchen windows.



Staff has briefly discussed this option with Mr. Green, but he has indicated he strongly objects to this option. Mr. Green further stated that he opposes the installation of any above-ground cabinets by any company as means for profit.

PUBLIC NOTICE AND COMMENT

Notice of the appeal request was mailed to the surrounding property owners and tenants within 1,000 feet of the subject property. As of the writing of this staff report, staff has received no inquires to the project.

Prior to the hearing notice, AT&T, as required by staff, sent out notice of the proposed service cabinet to homeowners and residents with 200-foot radius. Mr. Jeff Green was the only resident who contacted staff.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Class 3, Section 15303(d). Therefore, no environmental document accompanies this report.

CONCLUSION

Staff believes that, as conditioned, the proposed AT&T LightSpeed project is a service benefit to the City. Staff has evaluated the options and finds that the location as approved by the Zoning Administrator as appropriate for the proposed facility.

The plans that are provided as Exhibit A indicate the VRAD to be located in an area already containing similar structures and services. There is enough space to accommodate the proposed VRAD without the need to remove the existing fencing or modifying the existing units.

The challenge created by the proposed VRAD is be located in close proximity to the existing services while not creating motor vehicle line-of-sight problems, visual impacts, and encroachment onto private property. Staff understands to the aesthetic challenges presented by the installation of these cabinets and has worked closely with AT&T to site them in the best possible locations, as well as, requiring additional landscaping where appropriate. Staff believes that in this particular case, the proposed location, while not ideal, is the best option available to AT&T in the vicinity.

Staff recommends that the Planning Commission deny Case No. PAP-122, thereby upholding the approval of PDR-761.

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