

Planning Commission Staff Report

April 9, 2014
Item 5.a.

SUBJECT: P13-2070

APPLICANT: Radha Sharma/AT&T

PROPERTY OWNER: Leo Lam and May Chan

PURPOSE: Application for Design Review approval to construct a roof-mounted personal wireless service facility for AT&T behind a new, approximately 11-foot, 8-inch tall faux third-story building wall on a portion of the building.

GENERAL PLAN: Retail/Highway/Service Commercial, Business and Professional Offices

ZONING: PUD-C (Planned Unit Development - Commercial) District

LOCATION: 3589 Nevada Street

EXHIBITS:

- A – [Draft Conditions of Approval](#)
- B – [Site Plan, Floor Plan, and Elevations of the Proposed AT&T Wireless Facility, Site Analysis, Photosimulations, Coverage Map, and Radio Frequency Report and Equipment Noise Report](#) by Hammett and Edison
- C – [Peer Review Report by Telecom Law Firm, P.C.](#)
- D -- [Ordinance No. 2086](#)
- E -- [Location Map and Notification Map](#)

BACKGROUND

In January 2014, the City Council adopted Ordinance No. 2086 amending Chapter 18.110 (Personal Wireless Telecommunication Facilities) of the Pleasanton Municipal Code (PMC) and other municipal code sections referencing wireless facilities. The ordinance establishes prioritized zoning districts for considering the placement of a wireless facility; it also provides design review requirements if a proposed facility is concealed or camouflaged.

§18.110.50.A.of the ordinance defines concealed and camouflaged facilities as the following:

- a. Concealed Facility: Where feasible, personal wireless service facilities shall be concealed from view and shall not be visible by persons at ground level. By way of example, a facility will be considered "concealed" if the antennas are contained within new or existing architectural details of a building, e.g., real or faux clock or bell tower, or on the roof of a building and concealed by parapets or screen walls, or concealed by any other means, so long as the project does not substantially compromise the aesthetics of the building.
- b. Camouflaged Facility: If it is not feasible to conceal a facility, personal wireless facilities shall be camouflaged in a manner that the facility is designed to be compatible with the surroundings. By way of example, antennas may be camouflaged in a faux tree, faux bush, flagpole, or otherwise designed in a manner to be compatible with the appurtenant architecture, building, or natural surroundings.

§18.110.50.A.d of the ordinance requires:

- d. If a facility is Camouflaged (and not Concealed), the facility must be located a minimum of 200 feet away from the following: existing dwelling units (but not accessory structures, detached garages, sheds, pool houses, etc.); senior care or nursing homes and assisted living facilities; public or private schools for children including nursery schools); and neighborhood parks, community parks, or regional parks, as designated in the General Plan. Notwithstanding the above, if a dwelling unit is located within a Commercial (C), Office(O), or Industrial(I) zone, the 200-foot separation requirement does not apply since the primary purpose of the C, O, or I zones is for non-residential uses.

§18.110.020.A.d of the ordinance requires:

All personal wireless service facilities shall be subject to design review approval by the zoning administrator as provided in Chapter 18.20 of this title. The zoning administrator, upon making a finding that the proposed personal wireless service facility meets all applicable provisions of this chapter, shall approve or conditionally approve the design review application for the personal wireless service facility. The zoning administrator may refer any personal wireless service application to the planning commission for review and action.

AT&T Wireless wishes to construct a roof-top personal wireless facility at the property located at 3589 Nevada Street. The proposal includes a faux partial building wall to screen the antennas. Due to its partial wall design and visibility from public streets, staff determined that the proposed wireless facility would be categorized as a "camouflaged" facility instead of a "concealed" facility. Per the municipal sections above, the proposed "camouflaged" facility needs to meet the 200-foot locational requirement and go through the design review process.

Further, as it is the first “camouflaged” wireless facility proposed since of the wireless ordinance is amended, the zoning administrator elected to refer this application to the Planning Commission for review and action.

SITE DESCRIPTION

The subject site is located in the Stanley Business Park where the majority of the uses are commercial service oriented businesses. The business park is located on the southwest and southeast corners of Stanley Boulevard and Bernal Avenue. Internal streets include California Street, Washington Street, Wyoming Street, Utah Street, and Nevada Street. Properties adjacent to the business park are service commercial uses to the west, Arroyo Del Valle to the south, public storage to the north, and PG&E transfer station to the east and mobile home park to the southeast.

The subject site is an approximately 0.97-acre parcel located on the north side of Nevada Street. The site contains a two-story, approximately 15,020 square foot building. Two driveways on each side of the building provide access to the site. The site has 47 parking spaces.



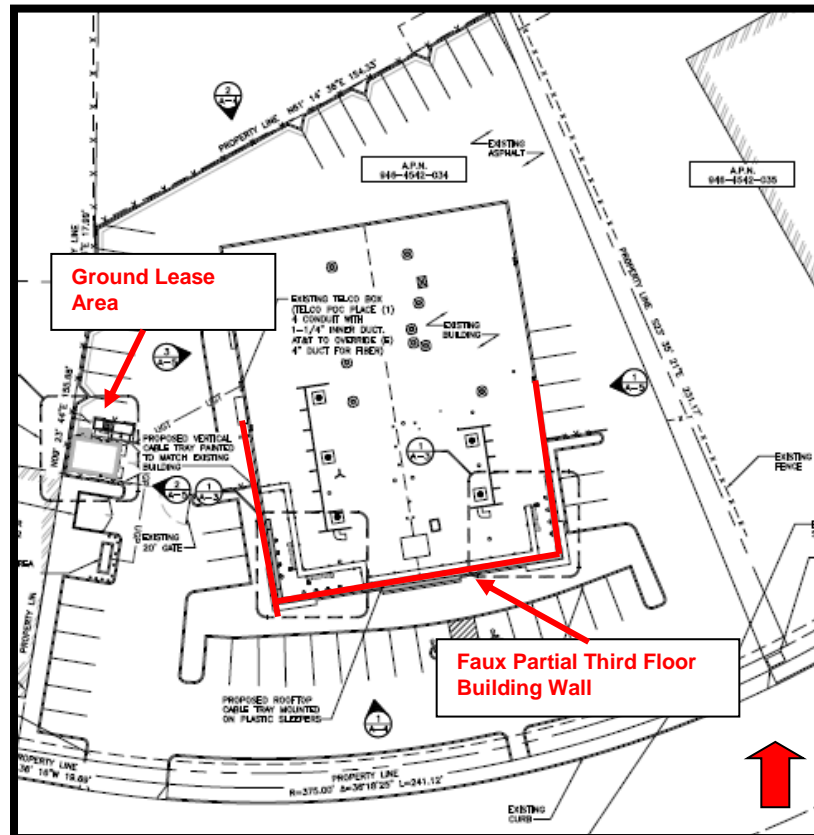
Location Map

PROJECT DESCRIPTION

The proposed AT&T wireless facility consists of the following equipment which will be located within a 20’-5” by 13’-6” lease area:

- An 11-foot, 8-inch tall faux third-story building wall on a portion of the building;

- Twelve 8'-0" tall panel antennas to be mounted behind the faux building wall;
- 15 Remote Radio Units mounted behind the antennas;
- A 20' by 20' ground equipment lease area including a pre-fabricated equipment shelter, two GPS antennas mounted on the equipment shelter, and a 50kw emergency back-up diesel generator.



Site Plan

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 “shot clock” having run.

Section 18.110 of the Pleasanton Municipal Code (Wireless Ordinance)

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 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

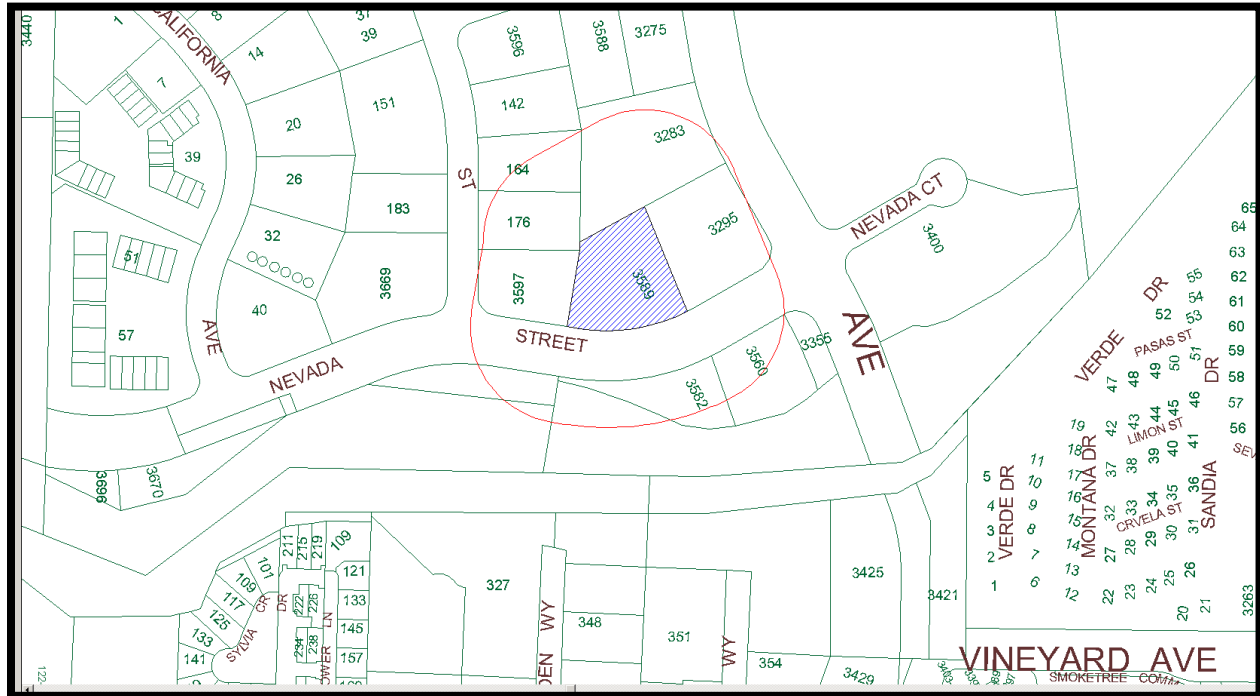
A radio frequency emission report was prepared by Hammett & Edison, Inc., Consulting Engineers, to evaluate the proposal’s compliance with FCC regulations limiting human exposure to radio frequency emission. The report concluded that the proposed facility will comply with the FCC guidelines concerning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

Collocation

The applicant is open to collocate with other carriers if there is any interest and if the building is structurally ready for collection. Any collocation in the future would require a separate design review approval.

Location Requirements

Per §18.110.050 of the PMC, camouflaged wireless service facility shall be located at least two hundred feet (200’) from existing dwelling units (but not accessory structures, detached garages, sheds, pool houses, etc.); senior care or nursing homes and assisted living facilities; public or private schools for children including nursery schools), etc. As shown in the radius map on the following page, the proposed wireless facility would be located approximately 540 feet from the Synagogue located at 3400 Nevada Court that has a nursery school (daycare) program and approximately 560 feet from the closest residence located on Linden Way across the Arroyo Del Valle in unincorporated Alameda County. In sum, this application meets all of the locational requirements of the City’s ordinance.

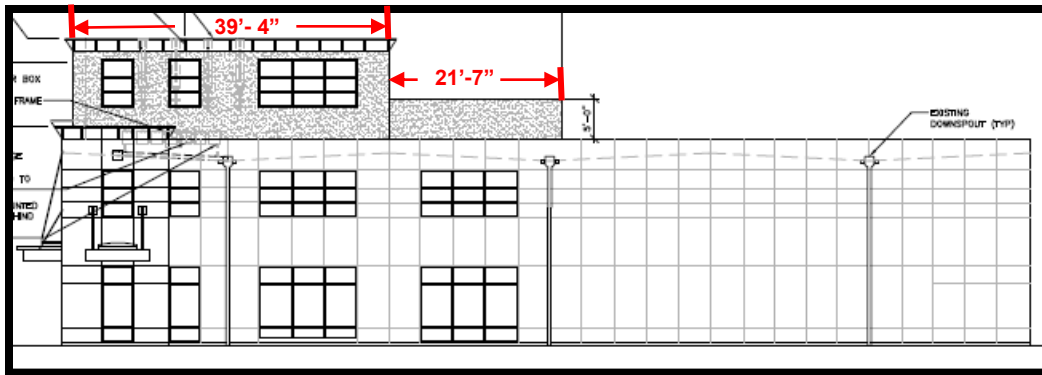


200-foot Radius Map

Stealth Techniques

All personal wireless service facilities are required to visually blend with the environment or “stealth,” and not be readily apparent. The applicant is proposing a partial faux third floor wall designed to mimic the design features of the existing two-story building, including building materials/colors, faux windows and a cornice. The proposed panel antennas and Remote Radio Units (RRUs) would be mounted behind the walls. The proposed faux building wall would be “RF transparent”, allowing transmitting signals to and from the antennas.

As proposed, the faux third floor building wall does not wrap around the entire perimeter of the building; instead, it would be located along the entire front elevation and continue approximately 60 feet along the sides before it ends, covering approximately one-half of the building depth. The height of faux building wall would vary: the front and approximately 40 feet of the side walls would be 11’8” in height; and the remaining approximately 21.5 feet of the walls would be five feet in height. The five-foot high wall is proposed as a transition between the 11’-8” high wall and the existing roof parapet so as to visually avoid an abrupt height drop.



East Elevation of the Partial Faux Third Floor Building Wall

Staff has discussed the antenna locations with the applicant and whether the antennas could be moved towards the center of the building's roof instead of being located on the edge of the building, or a wall could be constructed to close off of the faux wall. The applicant indicated that the building owners would not give permission to either mount the antenna panels toward the center of the roof or to construct a faux building wall along the entire perimeter of the building as the owners intend to install roof-top solar panels in the future. Staff and the applicant also explored design options including a faux tree, a tower element located in the front center of the building, and a flag pole. None of these options were selected as they did not appear to fit in the area or be compatible with the building design. Given the limitations of the design options that would be suitable for the area and for the coverage gap that AT&T needs to close, staff finds that a partial third floor building wall, as designed, is acceptable.

The proposed partial building wall, as designed and as shown on the photosimulations on the following page, reflects the design features of the existing building. The photosimulation taken from Nevada Street shows the proposed partial building wall matches the design features of the existing building and appears to be compatible with the existing structure. The photosimulation of the rear portion of the building was taken from the rear parking lot of the adjoining property located at 3283 Bernal Avenue. It shows the proposed faux wall would be partially visible but not the antennas. To ensure the exterior finish of the faux wall would match the existing building, staff has added a condition requiring a color/material board be submitted for review and approval prior issuance of building permit to ensure consistency with the existing building.

CNU4220 / FA: #10553439

STANLEY BLVD
3589 NEVADA STREET
PLEASANTON, CA 94566



March 17, 2014

View #: 4



Location



Existing



Proposed

The illustration above is a representation of the proposed project based on information provided by the client. Actual construction may vary dependent on approved construction plans and the client. PTS (Pacific Telecom Services) is not responsible for any post-production design changes. Meritree disclaimer: (In the event that the proposed installation includes a monorail) The proposed installation is an artistic representation of a tree, and not intended to be an exact reproduction of an actual living tree. The final installation will have cables, cable ports, and various attachments, such as antennas, nuts, and bolts. While every effort will be made to disguise these components, they will not be readily apparent to the casual observer or passerby. However, upon close scrutiny, the true nature of the installation will be apparent.

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Radha Sharma - Phone: (510) 912-2313

Prepared by: C.J.L. Pacific Telecom Services, LLC
3191 Z Argyle Way, Suite 100, Costa Mesa, CA 92626-3414 REV 2

Photo-simulation of the faux building wall from Nevada Street



Location

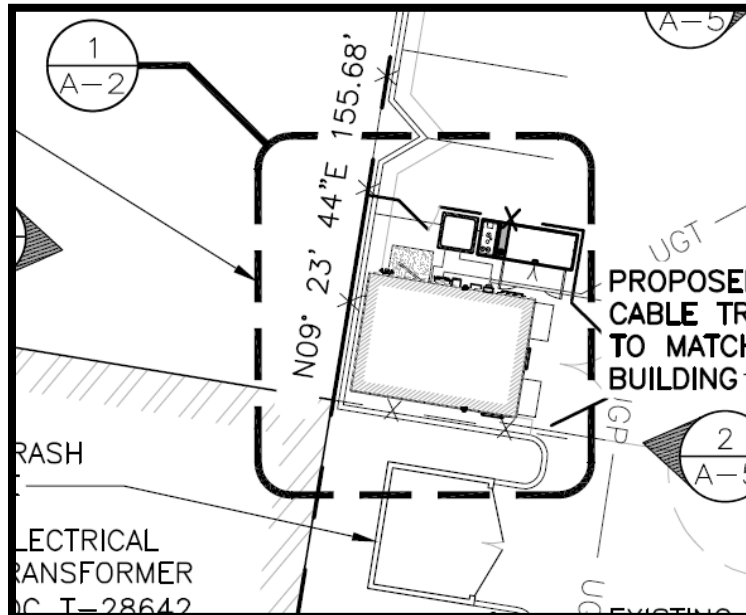
Existing

Proposed

Photo-simulation of the faux building wall from the Rear Parking Lot of 3283 Bernal Avenue

Ground Lease Area

The proposal includes a 20' by 20' ground lease area for equipment, cabinets, and emergency generator. The proposed lease area would be located along the westerly property line, occupying three parking stalls.



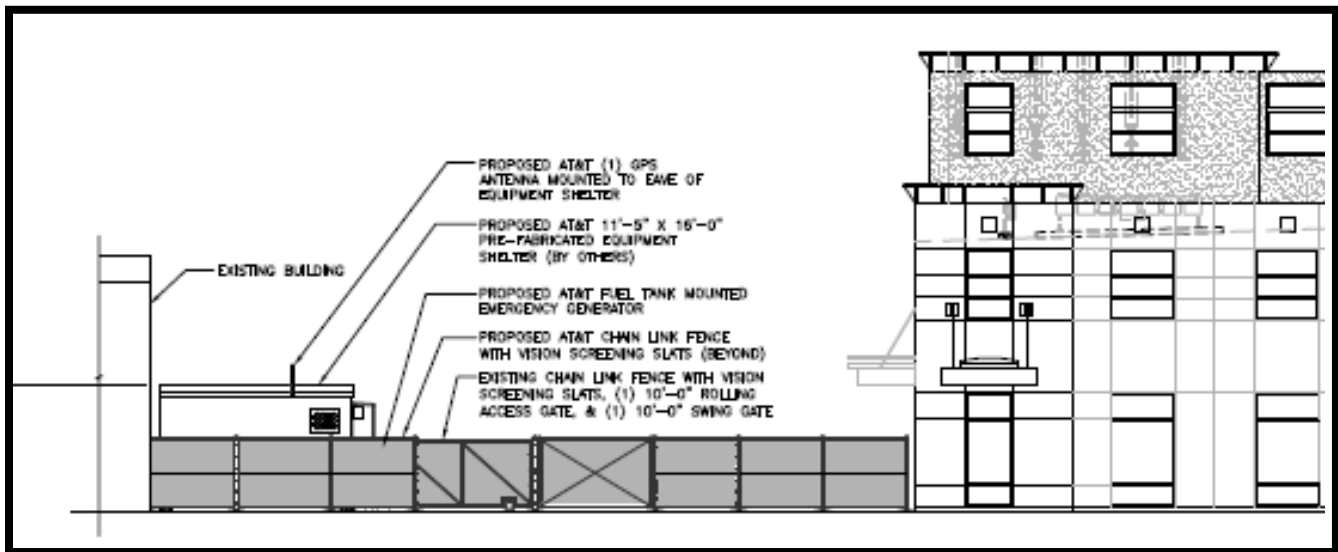
Ground Lease Area

The original two-story building was approved in March 2002 by the Planning Commission. The approved building permit plan showed 43 parking spaces were required for the project while 47 parking spaces were provided. As such, with the proposed ground lease area, the subject would have a total of 44 parking spaces, meeting and exceeding the parking requirement by one space.

A visit to the project site showed that stacks of pallets and other items have been stored in the parking lot, occupying spaces that are otherwise designated for vehicle parking. Outdoor storage is not allowed at the subject site. Thus, staff has included a condition requiring all stored items be removed from parking lot area prior to the issuance of building permit.

There is an existing six-foot high chain-link fence and a gate with vision screen slats located across the parking lot. The proposed ground lease area would be fenced by a six-foot high chain-link fence with vision screening slats matching the existing. The proposed equipment shelter is approximately 10 feet tall, which would be partially screened by the existing and the proposed six-foot high fence and the existing 10-foot tall trash enclosure located to the immediate south. The peer review report recommended the fence height be increased to the same height as the equipment shelter (10 feet) so that the equipment shelter would be

completely screened. Staff does not believe that a 10-foot tall chain link fence would be attractive. Instead, staff recommends that the equipment shelter be painted to match the color of the existing trash enclosure. Staff concurs with the peer reviewer's recommendation of lowering the GPS units. Staff has included a condition requiring the GPS units be either lowered so that they will not project above the equipment shelter or be relocated behind the proposed faux building wall. Further, staff has included a condition of approval requiring a manufacturer's specification sheet be provided for the pre-fabricated equipment shelter, including exterior finish prior to issuance of building permit.



Proposed Partial Front Elevation with the Equipment Shelter

Peer Review

As part of the wireless application process, 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. A copy of Kramer's report is attached as Exhibit C. Mr. Kramer confirmed that a significant gap in coverage exists and that the proposed wireless facility meets the FCC regulations. With regard to aesthetics, Mr. Kramer recommended the modifications to the fence height as well as to the location of the proposed GPS units. Staff has already included conditions to address these two items.

To comply with FCC rules, Mr. Kramer recommended that the following be added as part of the conditions of approval:

1. AT&T shall install and at all times maintain in good condition an RF Notice sign at all rooftop access points. AT&T shall install the RF Notice sign(s) in a location where anyone can clearly see the sign before entering the rooftop area;
2. AT&T shall install and at all times maintain in good condition an RF Notice sign at each sector of antennas. AT&T shall install the RF Notice signs in a location where anyone can clearly see the sign before passing in front of the antennas; and
3. AT&T shall ensure that all signage complies with FCC OET Bulletin 65 or ANSI C95.2 for color, symbol, and content conventions. All signage shall, at all times, provide a working local or toll-free telephone number to its network operations center, and such telephone number shall be able to reach a live person who can exert transmitter power-down control over this site as required by the FCC

Staff has included these recommendations in the conditions of approval.

PUBLIC NOTICE

Notices regarding the proposed wireless design review application were mailed to the surrounding property owners and occupants within 300-foot radius of the project site 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 notice 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 15301(c), Existing Facilities. 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 proposed conditions requiring the color and material of the faux building wall to be compatible with the existing building, the proposed project will meet the “camouflaged” requirements of the wireless ordinance. 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 P13-2070 subject to the conditions listed in Exhibit A.

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