



July 16, 2019

VIA HAND DELIVERY

Vency Woo
Engineering Technician
Los Altos City Hall
1 North San Antonio Road
Los Altos, CA 94022

RE: Verizon Wireless Small Cell "Los Altos 001" on an existing utility pole at 155 Almond Avenue.

Dear Vency,

Please find enclosed the Los Altos 001 for a proposed project at 155 Almond Avenue. These are for your review and approval.

The submitted items include the following:

- Los Altos Encroachment Permit Application
- (1) set of Photo Simulations
- (1) sets of Construction Drawings
- (1) Structural
- (1) EME
- (1) LOA
- (1) USB flash drive with above listed documents

Shot Clock Regulations:

Our client adheres to the FCC Shot Clock ruling, which provides that an application for a wireless telecommunications facility is "deemed approved" if the local government has not approved or disapproved it within the applicable time period under the FCC Shot Clock ruling. In this case, the 90-day "clock" applies, which means that the deadline under federal law for final action on the application will be **10/14/19**. The date of submission of the above-listed materials marks the start of the Shot Clock. If, after 30 days, we have not received an approval or a notice that the application is incomplete, we reserve the right to deem the application complete. If, within 30 days, we receive a notice of an incomplete application, the Shot Clock will be paused until revisions or additional items are re-submitted.

If you have questions please feel free to contact Steve Piper at 925-949-3329 or Steve@TheCBRGroup.com.

Sincerely,

The CBR Group, Inc.

Please sign below your acknowledgement of receipt of the above site drawings.

Name / Company	Date of Receipt
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ENCROACHMENT PERMIT APPLICATION

The applicant is hereby given temporary permission to construct and maintain wireless communication systems at 155 Almond Avenue, Los Altos, CA, as shown on the attached drawings. This permission shall cease at such time as the City Engineer determines that said improvements or the applicant's use thereof is detrimental to the City.

The above permission is given subject to the following conditions:

1. The applicant, their heirs, executors, administrators, successors, and assigns, agree to indemnify and hold harmless the City of Los Altos, its officers, and employees against all claims, liabilities, and losses arising out of construction, existence, and future abandonment/destruction of the subject wireless communication systems and all other associated appurtenances. In addition, the applicant shall be responsible for the repair of all damage to roadways, sidewalks, curb and gutter, sewer mains and laterals, traffic signals and conduits, street lights and conduits, irrigation systems including controllers and conduits, or landscaping resulting from the construction/abandonment of the work proposed to be completed under the conditions of this permit, and shall be responsible for repairing or replacing such damaged areas.
2. Construction and destruction/abandonment of the work may be done on weekdays or Saturdays. Weekday work shall be limited to the hours of 8:00 AM and 6:00 PM., except as noted in the lane closure restrictions described in Item 3. Saturday work shall be performed during the hours of 9:00 AM and 6:00 PM.
3. Traffic control and adequate protection of the public in the vicinity of the work site shall be the responsibility of the applicant. Lane closures shall conform to the requirements established in the State of California Traffic Manual, and the State Standard Plans and Specifications.
4. The applicant shall notify the three closest adjacent property owners to the installation and the three closest property owners directly across the street from the installation at least 10 days prior to commencement of any work. In addition, the applicant shall notify the City Communications Department at (650) 948-8223 of street/alley and lane closures at least 24 hours prior to any work. Furthermore, the contractor shall notify the city's Traffic Engineer at least 48 hours in advance of any excavations within 100 feet of any traffic signals.
5. Contractor shall positively locate by hand digging all traffic signal conduit and irrigation controller conduit adjacent to traffic signals. Any damage repair to signal equipment or irrigation controller equipment shall be completed by a qualified electrical contractor immediately at the contractor's expense, and before proceeding with any other work. Traffic signal detector loop replacement shall be replaced within 48 hours of being damaged. The contractor is encouraged to use the City's signal maintenance contractor, Bear Electric, for any traffic signal repair work at the contractor's expense.
6. Asphalt concrete section for trench backfill shall be a thickness equal to the existing pavement, or 4-inches thick minimum, whichever is greater.

7. Completed Certificates of Insurance naming the City of Los Altos, its elective and appointed boards, officers, agents and employees as additional insured must be completed and submitted to the City by the owner, prior to beginning any work in the public right of way. Insurance shall remain in force during the entire time that the public right-of-way facilities are in use and shall provide the above certificate to the City on an annual basis.
8. The applicant shall comply with the National Pollutant Discharge Elimination System Permit in effect at the time of the application, and shall continue to comply with the Permit as amended by the State Water Board from time to time.
9. The applicant understands that the City continues to pursue future utility undergrounding. In the event a pole or poles used by the applicant are selected for undergrounding or relocation of mounted utilities, the applicant will be required to remove all equipment placed on the pole at his/her expense. The applicant agrees that the City is not obligated to provide alternate space for applicant's use should removal of a facility be directed to accomplish utility undergrounding.
10. The applicant shall maintain the distributed antenna system in good repair at the discretion of the City Engineer.
11. The applicant shall remove the entire distributed antenna system structures within 90 days when such system is abandoned.

I hereby agree to the terms of this Encroachment Permit:

Cady Cadiz, The CBR Group
Name/Title

CBR
Company


Signature

7/15/19
Date

CITY OF LOS ALTOS
DISTRIBUTED ANTENNA SYSTEMS FOR WIRELESS COMMUNICATIONS
ENCROACHMENT PERMIT REQUIREMENTS

Distributed, repeater, or microcell antenna wireless communication systems and facilities that are regulated by the California Public Utilities Commission as a public utility and determined to be exempt from Los Altos' zoning regulations and use permit application requirements, shall be allowed in the public right-of-way subject to the following Encroachment Permit requirements:

- A. Antenna systems are encouraged along the city's arterial and collector streets. These facilities are allowed on local streets upon verification by a qualified electrical engineer licensed by the state of California representing the FCC licensee that using local streets is necessary to obtain capacity and coverage.
- B. Antenna systems are permitted on joint utility poles at a height not to exceed 10 feet above the height of joint utility pole. Replacement joint utility poles are allowed in accordance with the Municipal Code; however, no net new joint utility poles or monopole antennas are allowed in the public right-of-way.
- C. Antennae shall be designed to be as visually unobtrusive as possible, such as by housing the antenna in a single radome on top of joint utility pole, or by mounting the antenna directly on the joint utility pole in a streamline manner and painted to match the color of the utility pole.
- D. All antenna systems equipment boxes including switches, computers, cooling, back up power, etc., shall be mounted to the utility pole and both the antenna and utility equipment shall be painted to match the color of the existing utility pole.
- E. Only battery back up power systems shall be allowed. No generators shall be allowed.
- F. All new fiber optic and metal cables shall be installed underground unless there are existing overhead cables that can be collocated.
- G. Radiofrequency reports shall be provided for the facility's maximum planned operating power pursuant to the underlying FCC license.
- H. Provide a build-out plan that to the extent known at the time of application identifying by physical address (or if none, by geographic description) all other sites, regardless of whether now constructed, proposed, or anticipated, which are under contract at the time of application, subject to contractual provisions related to confidentiality, that are to be interconnected with this project site. Disclose in technical detail the proposed method of interconnection. Confidential sites may be identified generally.
- I. Disclose by licensee call sign all build-out requirements/obligations which have yet to be met of all wireless providers that the applicant is under contract to build in the City of Los Altos, and the known or estimated date when the remaining build-out requirements will be met.
- J. Identify by name, title, company affiliation, work address, telephone number and extension, and email address the key person or persons most knowledgeable regarding this Project so that the City may contact them with questions regarding the Project:



Public Works Department - Engineering Division
 One North San Antonio Road, Los Altos, California 94022-3087
 Phone (650) 947-2780 Fax (650) 947-2732

ENCROACHMENT PERMIT No. E19-_____

APPLICATION

(To be completed by the applicant with a copy of detailed plan/drawing showing the proposed work):

LOCATION OF WORK: 155 Almond Avenue, Los Altos, CA 94022

TYPE OF WORK: Installing Verizon wireless equipment on an existing or replacement pole within P.R.D.W.

CONTRACTOR: TBD PHONE # _____

OWNER: Public Right of Way PHONE # _____

APPLICANT: Verizon Wireless / c/o The CBR Group, Inc. PHONE # (415) 806-2323/christy@theCBRgroup.com

SPECIAL REQUIREMENTS (TO BE COMPLETED BY THE CITY):

Applicant must submit evidence of insurance coverage meeting the minimum requirements set forth in this permit including, without limitation, the General Requirements and exhibits attached hereto prior to issuance of this permit. The City of Los Altos approves this request subject to the "General Requirements" listed on the back of this page and the following indicated conditions:

- Notify the City of Los Altos Engineering Division at (650) 947-2780 at least 2 business days prior to beginning any work in Downtown area or on collector and arterial roads. Work in the public right of way in other areas requires at least 1 business day notice prior to beginning of work. Final inspection shall be scheduled at least 1 business day prior by contacting City of Los Altos Engineering Division.
- A copy of this permit must be at job site for authorized representative of the City when requested or work may be terminated by the City until compliance with this requirement is met.
- The applicant shall notify the Los Altos Police Department at (650) 947-2770 and Fire Department, Santa Clara County at (408) 378-4010 at least 3 business days prior to any work in the traveled way section of a street.
- Applicant to construct Driveway/Walkway approach to the back of the existing rolled curb, without tying to the existing curb (cold joint).
- All work done in the City ROW shall comply with the City's Shoulder Paving Policy.
- Applicant shall provide adequate drainage with 3' wide AC swale (minimum of 4" AB plus 2" AC or 4" AC on compacted subbase is required) and conforms to existing street drainage.
- Contractor will be required to saw cut along the existing road pavement due to severe damaged edge.
- New sidewalk or curb shall be constructed per City Standards and connected to existing sidewalk or curb with #4, 16" long dowels @ 12" o.c. All saw cuts to be done at existing joints.
- Comments: _____

Applicant has read and understands all the conditions; and agrees to all the conditions of this permit.

SIGNATURE OF APPLICANT: [Signature] DATE: 7/15/19

ISSUED BY: _____ DATE: _____

SIGNATURE

INSPECTED BY: _____ FINAL INSPECTION DATE: _____

ATTACHMENT:

YES _____ **\$196.00** CREDIT CHECK CASH

NO _____ Provide Check # or type of credit (VS, MC, or D) and last 4 digits

Distribution: Original – Inspector Copies: Applicant and Finance

PERMIT VALID FOR 60 DAYS
 (See other side for General Requirements)

GENERAL REQUIREMENTS FOR ALL JOBS

- A. To the fullest extent permitted by law, applicant shall defend, indemnify and hold City, the City Council, members of the City Council, its employees, representatives, agents and volunteers harmless from any and all suits, damages, costs, fees, claims, demands, causes of action, liabilities, losses expenses, damage or injury of any kind, in law or equity, to property or persons, including wrongful death and financial losses in any manner arising out of, pertaining to, or incident to any alleged acts, errors or omissions, or willful misconduct of applicant or applicant's officers, assistants, subcontractors, employees or agents in connection with this permit.

Applicant shall procure and maintain insurance as set forth in Exhibit B, attached hereto and incorporated herein by this reference, against claims for injury to persons or damage to property arising from or in connection with this permit.

- B. Commencement of any work under this permit shall constitute acceptance of the conditions and requirements of this permit.
- C. The City may require modifications to this permit as needed because of special field conditions.
- D. **NO OTHER WORK**, other than specifically mentioned, is hereby authorized. A copy of this permit must be kept on the site of the work to be shown to any authorized representative of the City.
- E. This permit does not authorize excavation and grading on private property. This permit does not release the applicant/permittee from liabilities contained in other agreements or contracts with the City, other agencies or persons.
- F. This permit does not supersede or replace any permit that may be needed from other agencies. Proper permits must be obtained from State, County, and any other agency involved.
- G. This permit is valid for **sixty (60) days** from the approval date unless otherwise noted.
- H. Construction site signs, devices and lights shall be in accordance with Caltrans standards.
- I. Use of a Flashing Arrow Panel is **MANDATORY** when work location is within a 35 MPH speed zone.
- J. Traffic conditions and adequate protection of the public in the vicinity of the job site shall be the responsibility of the applicant. During construction activities, two-way traffic shall be maintained. A minimum of one traffic lane shall be kept passable and under the control of competent flag persons. At night, weekends, and holidays, a minimum of two 12-foot wide travel lanes shall be safe and passable.
- K. Any damage to painted street pavement delineations, markings or reflectors and painted curbs shall be restored as approved by the Engineer.
- L. Excavations within the asphalt street section shall be backfilled before leaving the work for the night, unless otherwise authorized by the City's representative. Temporary surfacing shall be placed on the trench surface overnight.
- M. All trench backfill requires certified compaction test to 95% density or greater for each lift (Maximum lift of 12") or use Controlled Density Fill (CDF) as approved.
- N. All work shall be performed in accordance with the latest issue of Cal O.S.H.A. Safety Orders. The City has not checked trench safety and trench safety is not implied with this permit.
- O. Landscaping is **NOT** to be disturbed any more than absolutely necessary. Restoration shall be to property owner's satisfaction.
- P. Drainage patterns during construction shall be maintained to insure that surface drainage is properly managed and surrounding areas are protected from damage. Restoration must be to grades necessary to maintain original condition and maintain proper drainage flow lines.

Q. Applicant/Permittee is responsible for complying with all applicable water quality standards adopted by the City, County, State or other jurisdictional or properly empowered regulatory agency.

R. All saw cut sludge/slurry should be immediately removed by means of a vacuum system.

EXHIBIT B INSURANCE

CONTRACTOR shall provide its insurance broker(s)/agent(s) with a copy of these requirements and request that they provide Certificates of Insurance complete with copies of all required endorsements to: Project Manager, City of Los Altos, 1 N. San Antonio Road, Los Altos, CA 94022
Minimum Scope of Insurance

Coverage shall be *at least as broad as*:

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an “occurrence” basis, with limits no less than **\$1,000,000/\$2,000,000 aggregate** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. CGL insurance must include coverage for the following:
 - a. Bodily Injury and Property Damage
 - b. Personal Injury/Advertising Injury
 - c. Premises/Operations Liability
 - d. Products/Completed Operations Liability
 - e. Aggregate Limits that Apply per Project
 - f. Explosion, Collapse and Underground (UCX) exclusion deleted
 - g. Contractual Liability with respect to this Agreement
 - h. Broad Form Property Damage
 - i. Independent Consultants Coverage

The policy shall contain no endorsements or provisions limiting coverage for (1) contractual liability; (2) cross liability exclusion for claims or suits by one insured against another; (3) products/completed operations liability; or (4) contain any other exclusion contrary to the Agreement.

2. **Automobile Liability:** Insurance Services Office Form Number CA 00 01 covering, Code 1 (any auto), or if CONSULTANT has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than **\$1,000,000** per accident for bodily injury and property damage.
3. **Workers’ Compensation/Employer’s Liability:** CONSULTANT certifies that it is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers’ compensation or to undertake self-insurance in accordance with the provisions of that code, and it will comply with such provisions before commencing work under this Agreement. To the extent CONSULTANT has employees at any time during the term of this Agreement, at all times during the performance of the work under this Agreement CONSULTANT shall maintain insurance as required by the State of California, with Statutory Limits, and Employer’s Liability Insurance with limit of no less than **\$1,000,000** per accident for bodily injury or disease.
4. **Professional Liability (Errors and Omissions)** Insurance appropriate to the CONSULTANT’s profession, with limit no less than **\$1,000,000** per occurrence or claim. This insurance shall be endorsed to include contractual liability applicable to this Agreement and shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of the CONSULTANT. “Covered Professional Services” as designed in the policy must specifically include work performed under this Agreement.
5. **Umbrella or Excess Liability: Umbrella or Excess Insurance.** If umbrella or an excess liability insurance policy is used to satisfy the minimum requirements for CGL or Automobile Liability

insurance coverage listed above, the umbrella or excess liability policies shall provide coverage at least as broad as specified for the underlying coverages and covering those insured in the underlying policies. Coverage shall be “pay on behalf,” with defense costs payable in addition to policy limits. CONSULTANT shall provide a “follow form” endorsement or schedule of underlying coverage satisfactory to the CITY indicating that such coverage is subject to the same terms and conditions as the underlying liability policy.

6. The CITY, its officers, officials, employees, and volunteers are to be covered as additional insureds on the umbrella or excess policy with respect to liability arising out of work or operations performed by or on behalf of the CONSULTANT including materials, parts or equipment furnished in connection with such work or operations. If CONSULTANT maintains broader coverage, umbrella or excess coverage and/or higher limits than the minimums shown above, the CITY requires and shall be entitled to the broader coverage, umbrella or excess coverage and/or the higher limits maintained by CONSULTANT. Any available insurance proceeds in excess of the specified minimum limits of insurance and any other coverages shall be available to the CITY.

Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions:

Additional Insured Status. The CITY, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy and the Automobile Liability policy, with endorsements under CG 20 10 10 01 and 20 37 10 01, or endorsements providing the exact same coverage, with respect to liability arising out of work or operations performed by or on behalf of the CONSULTANT including materials, parts or equipment furnished in connection with such work or operations.

Primary Coverage. For any claims related to this contract, the CONSULTANT’s insurance coverage shall be primary insurance as respects the CITY, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the CITY, its officers, officials, employees, or volunteers shall be excess of the CONSULTANT’s insurance and shall not contribute with it.

Notice of Cancellation. Each insurance policy required above shall be endorsed to state that coverage shall not be canceled except after thirty (30) days’ prior written notice (10 days for non-payment) has been given to the CITY.

Waiver of Subrogation. CONSULTANT hereby grants to CITY a waiver of any right to subrogation which any insurer of said CONSULTANT may acquire against the CITY by virtue of the payment of any loss under such insurance. CONSULTANT agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the CITY has received a waiver of subrogation endorsement from the insurer.

Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the CITY. The CITY may require the CONSULTANT to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best’s rating of no less than A:VII, unless otherwise acceptable to the CITY.

Claims Made Policies. If any of the required policies provide claims-made coverage:

7. The Retroactive Date must be shown, and must be before the date of the contract or the beginning of contract work.
8. Insurance must be maintained and evidence of insurance must be provided *for at least three (3) years after completion of the contract work.*

9. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the CONSULTANT must purchase “extended reporting” coverage for a minimum of *three (3)* years after completion of contract work.

Verification of Coverage. CONSULTANT shall furnish the CITY with original certificates and amendatory endorsements effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the CITY before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the CONSULTANT’s obligation to provide them. The CITY reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Special Risks or Circumstances. CITY reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

PROPOSED SITE LOCATION



CA_LOS ALTOS 001
155 ALMOND AVE
LOS ALTOS, CA 94022
Location Code: 427814

SHOT MAP
Verizon Node: "LOS ALTOS 001"
Verizon Location Code: 427814



The CBR Group
841 Arnold Dr., Suite A
Martinez, CA 94553
info@thecbrgroup.com

EXISTING



PROPOSED



CA_LOS_ALTOS_001
155 ALMOND AVE
LOS ALTOS, CA 94022
Location Code: 427814

**VIEW 1: LOOKING NORTH EAST ALONG
ALMOND AVE**

PHOTOSIMS PRODUCED 6/20/2019



The CBR Group
841 Arnold Dr., Suite A
Martinez, CA 94553
info@theCBRgroup.com

EXISTING



PROPOSED



LOS ALTOS 001
155 ALMOND AVE.
LOS ALTOS, CA 94022
Location Code: 427814

**VIEW 2: LOOKING NORTH WEST ALONG
ALMOND AVE**

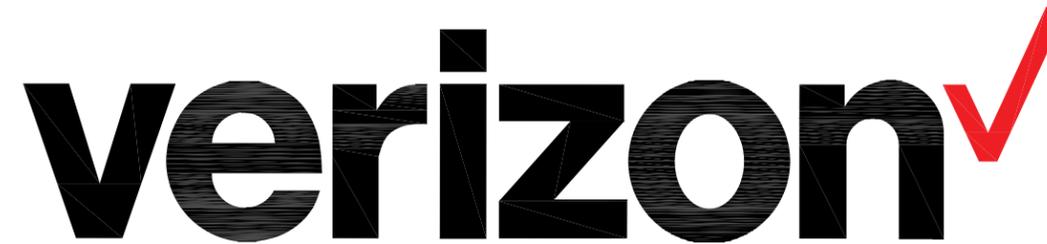
PHOTOSIMS PRODUCED 6/20/2019



The CBR Group
841 Arnold Dr., Suite A
Martinez, CA 94553
info@thecbrgroup.com

LOS ALTOS 001

155 ALMOND AVENUE
LOS ALTOS, CA 94022
STRUCTURE TYPE: PG&E POLE-TOP
LOCATION CODE: 427814



Prepared For:



2785 MITCHELL DRIVE, SUITE 9
WALNUT CREEK, CA 94598

Engineer:



2840 HOWE ROAD, SUITE E
MARTINEZ, CA 94553
www.TheCBRGroup.com

Vendor:

Site Number:

427814

Site Name:

LOS ALTOS 001

Site Address:

155 ALMOND AVENUE
LOS ALTOS, CA 94022

County:

SANTA CLARA COUNTY

Issued For:

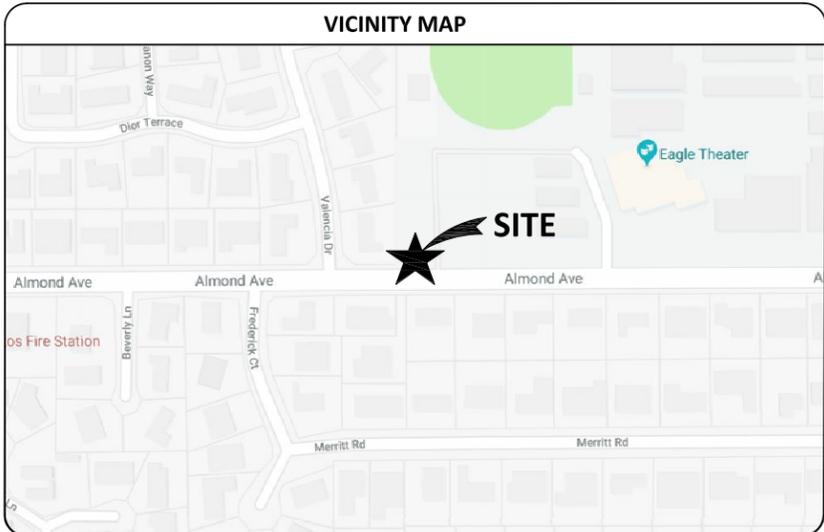
CONSTRUCTION

REV	DATE	DESCRIPTION	BY
B	07/12/19	100% CD'S FOR REVIEW	JG
A	05/22/19	90% CD'S FOR REVIEW	JG

PROJECT DESCRIPTION	
THIS IS AN UNMANNED WIRELESS TELECOMMUNICATION FACILITY FOR VERIZON WIRELESS CONSISTING OF THE INSTALLATION AND OPERATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT. SCOPE OF WORK CONSISTS OF THE FOLLOWING:	
<ol style="list-style-type: none"> INSTALL (N) CANISTER ANTENNA ON (N) 55' REPLACEMENT POLE (48'-0" ABOVE GROUND LEVEL, 7'-0" UNDERGROUND EMBEDMENT). INSTALL (1) (N) SHROUD ON (N) UTILITY POLE. INSTALL (1) (N) RRU UNIT INSIDE (N) SHROUD. INSTALL (1) (N) RADIO 2205 AND (1) (N) RADIO 2208 INSIDE (N) SHROUD. INSTALL (1) (N) 6302 POWER SUPPLY UNIT INSIDE (N) SHROUD. INSTALL (1) (N) DISTRIBUTION PANEL ON (N) UTILITY POLE. INSTALL (1) (N) DISCONNECT SWITCH ON (N) UTILITY POLE. INSTALL (1) (N) PG&E SMART METER ON (N) UTILITY POLE. INSTALL (N) FCC SIGNAGE ON (N) UTILITY POLE. INSTALL (N) GROUND RODS AND BUSS BAR. INSTALL (3) (N) CONDUITS FOR POWER, TELCO AND COAX. 	

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PROJECT TEAM
APPLICANT/LESSEE: VERIZON WIRELESS 2785 MITCHELL DRIVE, BLDG 9 WALNUT CREEK, CA 94598
APPLICANT/ENGINEER: THE CBR GROUP 2840 HOWE ROAD, SUITE E MARTINEZ, CA 94553 PH: (925) 246-3212 EMAIL: projects@theCBRgroup.com



CODE COMPLIANCE	
ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.	
<ol style="list-style-type: none"> 2016 CALIFORNIA BUILDING CODE (CBC) 2016 CALIFORNIA RESIDENTIAL CODE (CRC) 2016 CALIFORNIA HISTORICAL BUILDING CODE (CHBC) 2016 CALIFORNIA EXISTING BUILDING CODE (CEBC) 2016 CALIFORNIA GREEN BUILDINGS STANDARDS CODE (CGBSC) 2016 CALIFORNIA FIRE CODE (CFC) 2016 CALIFORNIA MECHANICAL CODE (CMC) 2016 CALIFORNIA PLUMBING CODE (CPC) 2016 CALIFORNIA ELECTRICAL CODE (CEC) 2016 CALIFORNIA ENERGY CODE (CEC) ANSI / EIA-TIA-222-G 2015 NFPA 101, LIFE SAFETY CODE 2015 NFPA 72, NATIONAL FIRE ALARM CODE 2015 NFPA 13, FIRE SPRINKLER CODE G.O. 95 	

OCCUPANCY AND CONSTRUCTION TYPE
OCCUPANCY : U (UNMANNED COMMUNICATIONS FACILITY)
CONSTRUCTION TYPE: -
HANDICAP REQUIREMENTS FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION, ACCESSIBILITY ACCESS AND REQUIREMENTS ARE NOT REQUIRED, IN ACCORDANCE WITH CALIFORNIA STATE ADMINISTRATIVE CODE, PART 2, TITLE 24, SECTION 1103B.1, EXCEPTION 1 & SECTION 1134B.2.1, EXCEPTION 4.

PROJECT INFORMATION
CURRENT USE: UTILITY POLE
PROPOSED USE: UTILITY POLE & TELECOMMUNICATIONS FACILITY
JURISDICTION: SANTA CLARA COUNTY
LATITUDE: 37.385059
LONGITUDE: -122.11073
AMSL: ±150' AMSL
PROPERTY OWNER: R.O.W.
POLE OWNER: PG&E
POWER AGENCY: PG&E 77 BEALE STREET SAN FRANCISCO, CA 94109 PH: (800) 743-5000

RADIO FREQUENCY DATA PLAN		
INITIATIVE:	REVISION LEVEL	DATE:
-	-	-

GENERAL CONTRACTOR NOTES	
DO NOT SCALE DRAWINGS	
THESE DRAWINGS ARE FORMATTED TO BE FULL SIZE AT 24" x 36". CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOBSITE AND SHALL IMMEDIATELY NOTIFY THE ARCHITECT/ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR MATERIAL ORDERS OR BE RESPONSIBLE FOR THE SAME.	

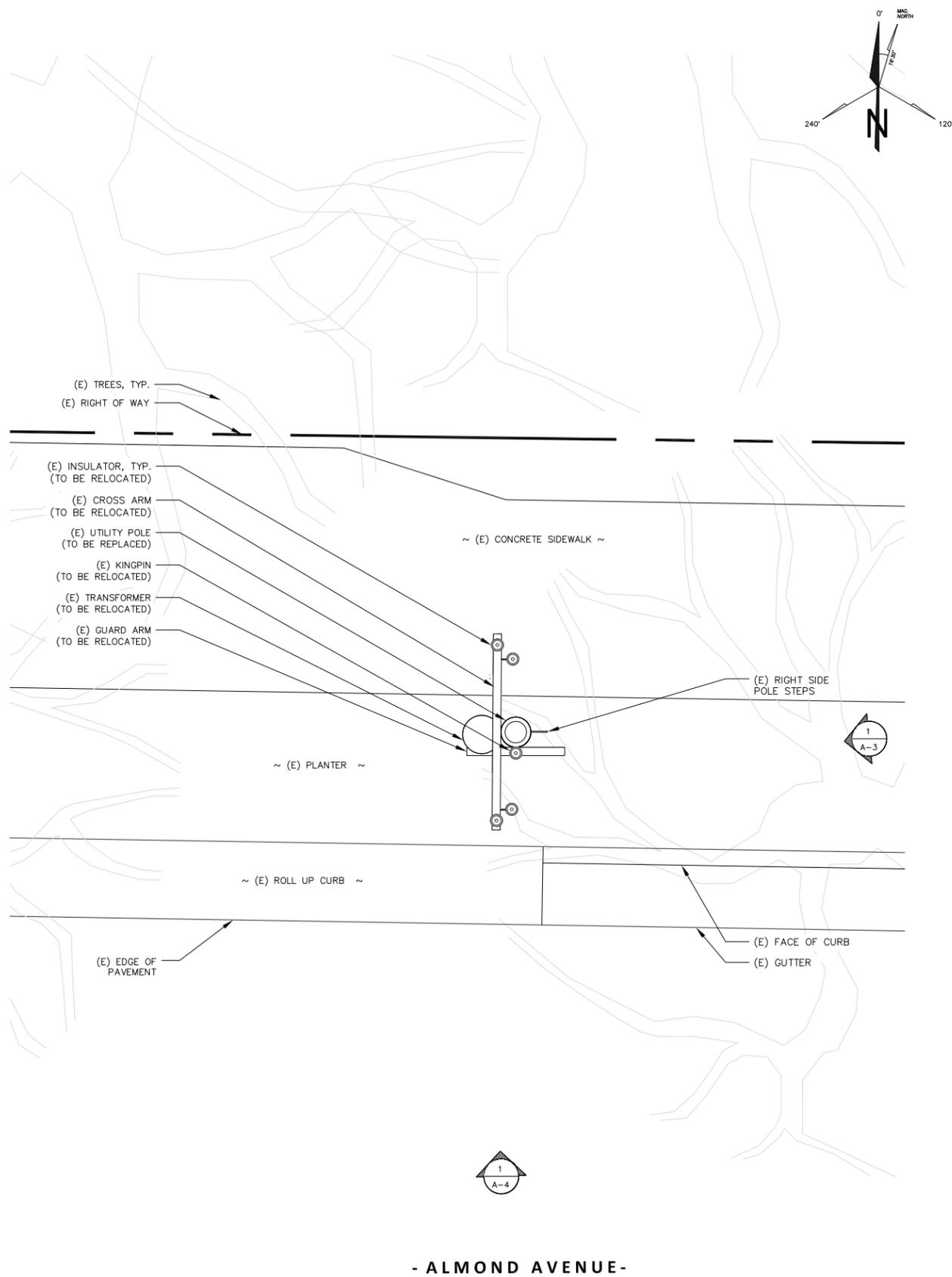


Licenser:

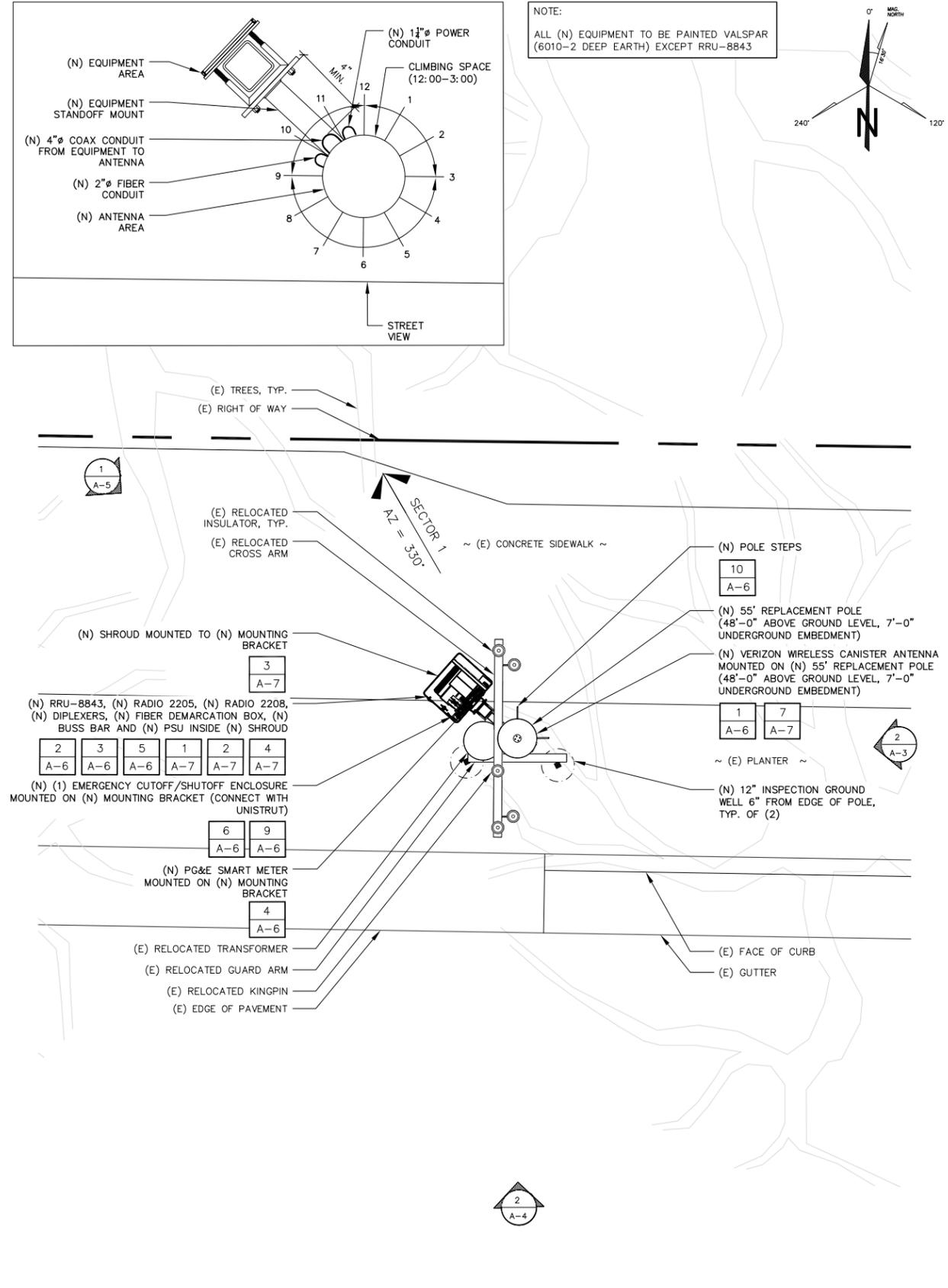
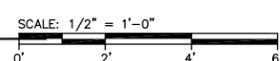
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

Sheet Title:
TITLE SHEET

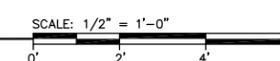
Sheet Number:
T-1



1 EXISTING EQUIPMENT AND ANTENNA



2 PROPOSED EQUIPMENT AND ANTENNA



Prepared For:

2785 MITCHELL DRIVE, SUITE 9
WALNUT CREEK, CA 94598

Engineer:

2840 HOWE ROAD, SUITE E
MARTINEZ, CA 94553
www.TheCBRGroup.com

Vendor:

Site Number: 427814
Site Name: LOS ALTOS 001
Site Address: 155 ALMOND AVENUE LOS ALTOS, CA 94022
County: SANTA CLARA COUNTY

Issued For: CONSTRUCTION

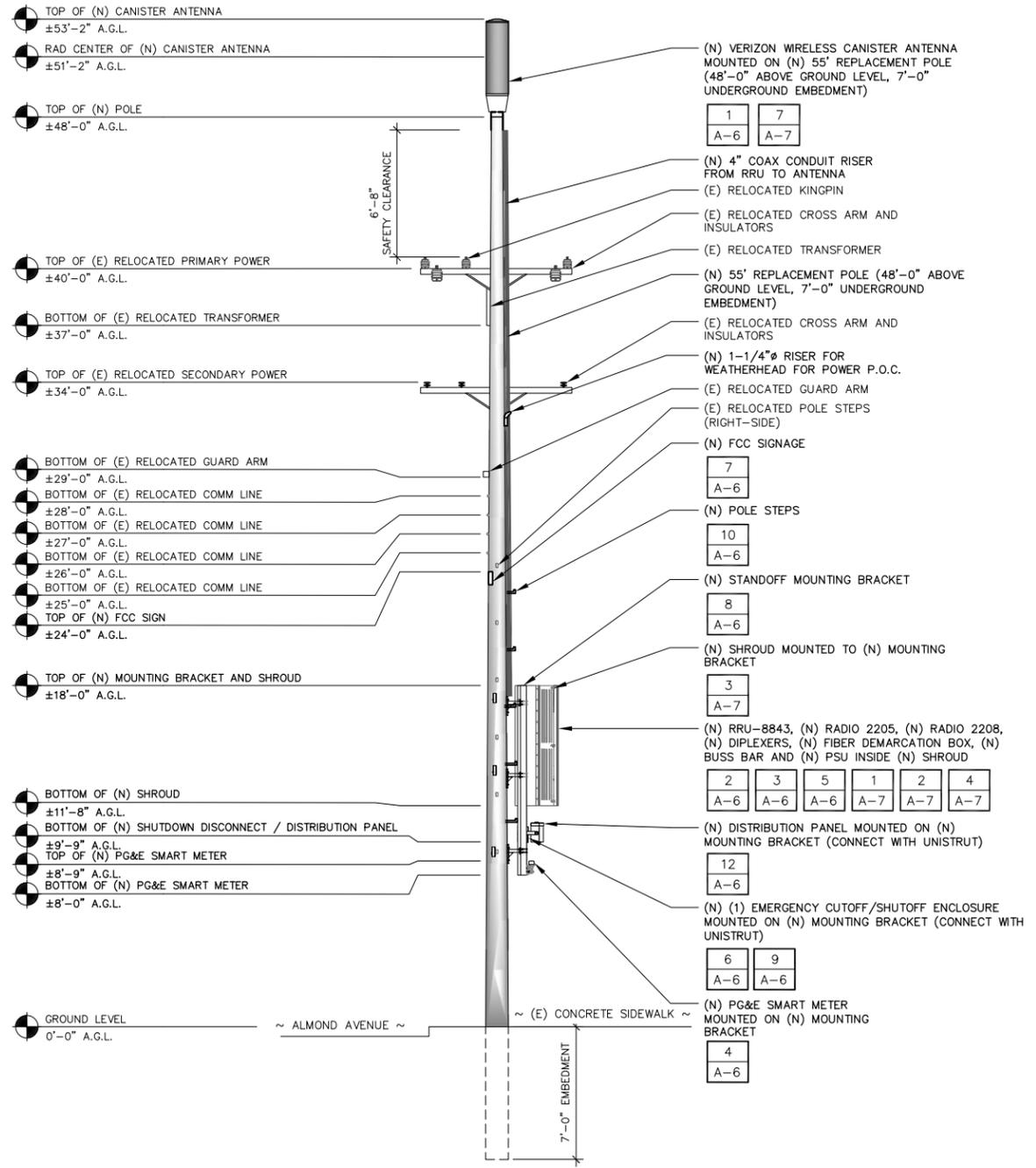
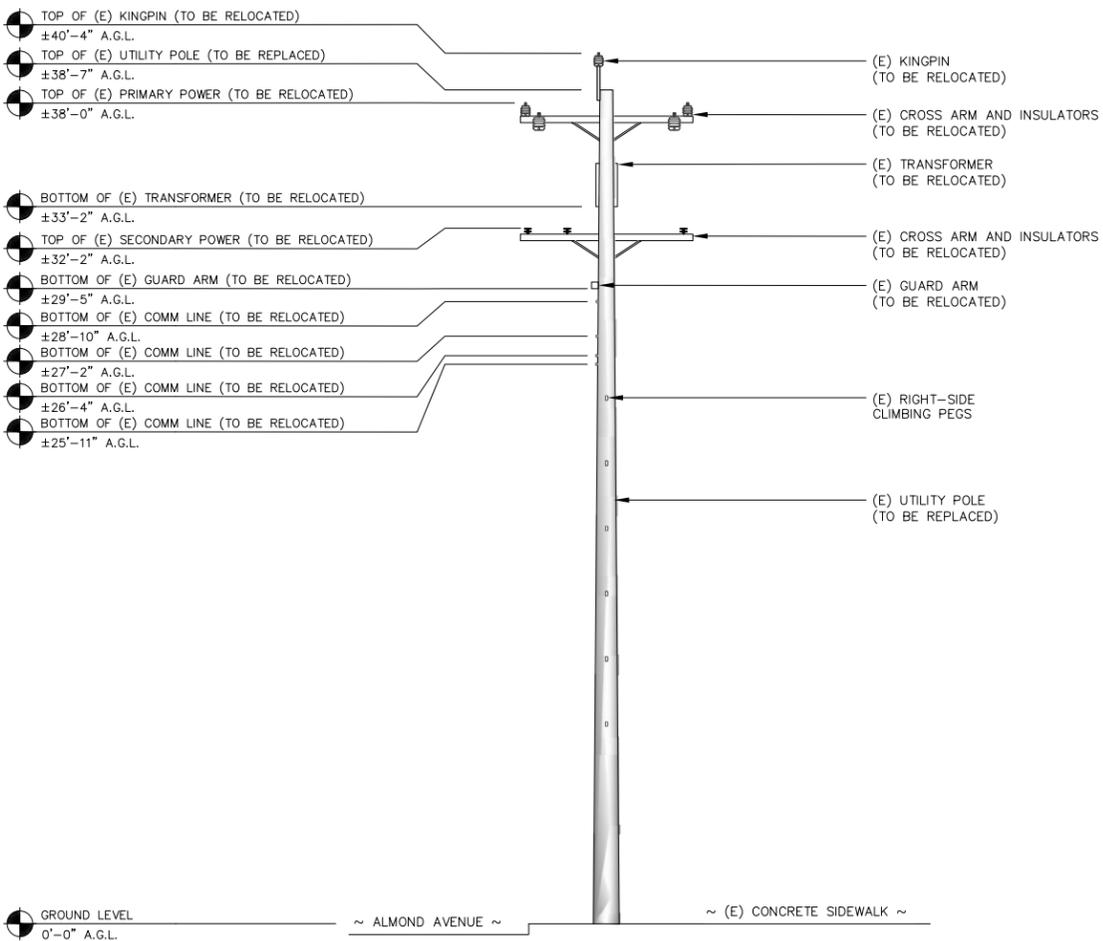
REV	DATE	DESCRIPTION	BY
B	07/12/19	100% CD'S FOR REVIEW	JG
A	05/22/19	90% CD'S FOR REVIEW	JG

Licensors:

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Sheet Title: EXISTING AND PROPOSED EQUIPMENT PLAN

Sheet Number: A-2



NOTE:
ALL (N) EQUIPMENT TO BE PAINTED VALSPAR (6010-2 DEEP EARTH) EXCEPT RRU-8843

Prepared For:



2785 MITCHELL DRIVE, SUITE 9
WALNUT CREEK, CA 94598

Engineer:



2840 HOWE ROAD, SUITE E
MARTINEZ, CA 94553
www.TheCBRGroup.com

Vendor:

Site Number:
427814

Site Name:
LOS ALTOS 001

Site Address:
**155 ALMOND AVENUE
LOS ALTOS, CA 94022**

County:
SANTA CLARA COUNTY

Issued For:
CONSTRUCTION

REV	DATE	DESCRIPTION	BY
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Licenser:

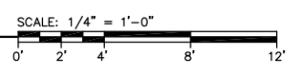


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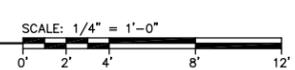
Sheet Title:
EXISTING AND PROPOSED EAST ELEVATION

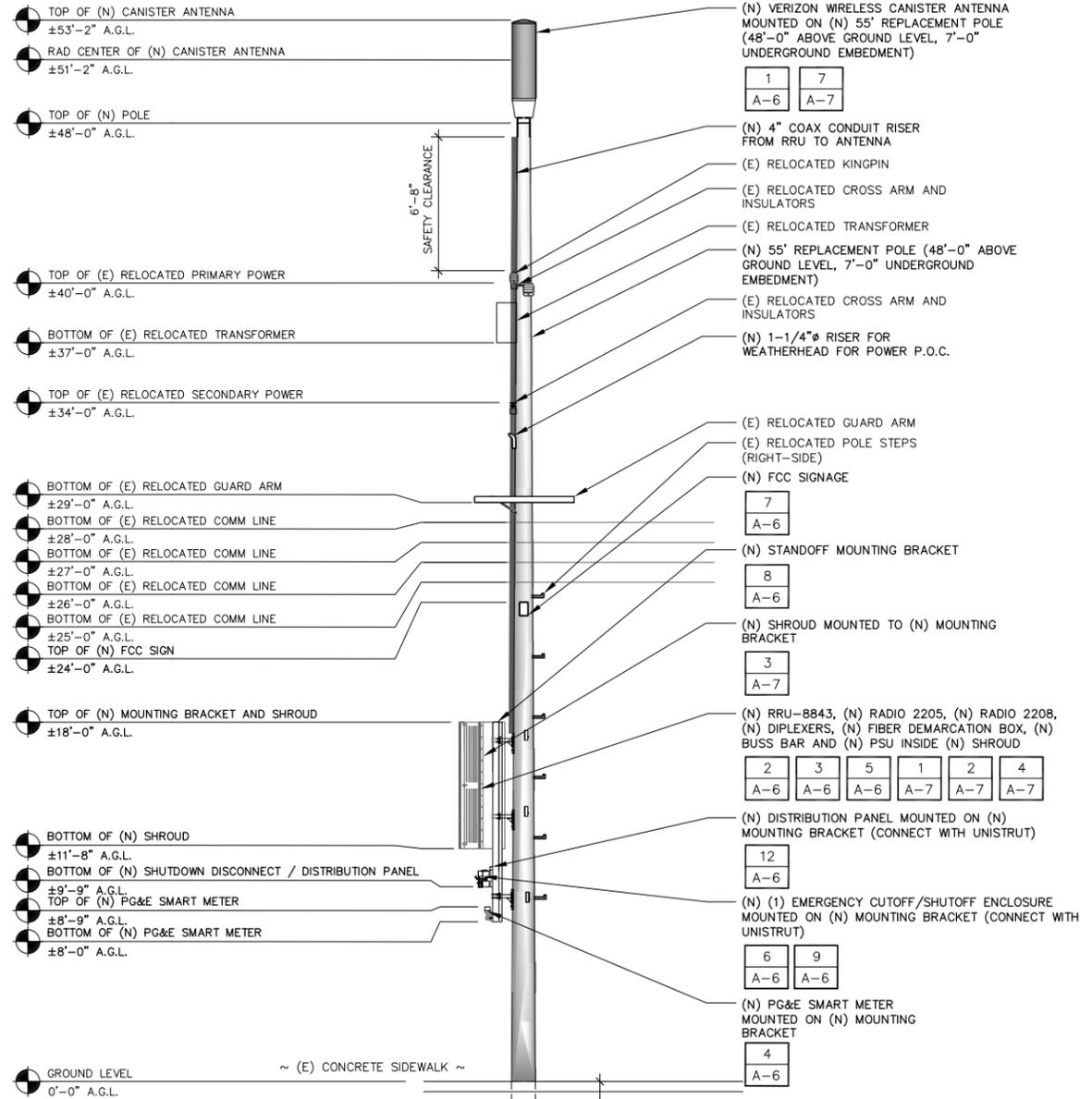
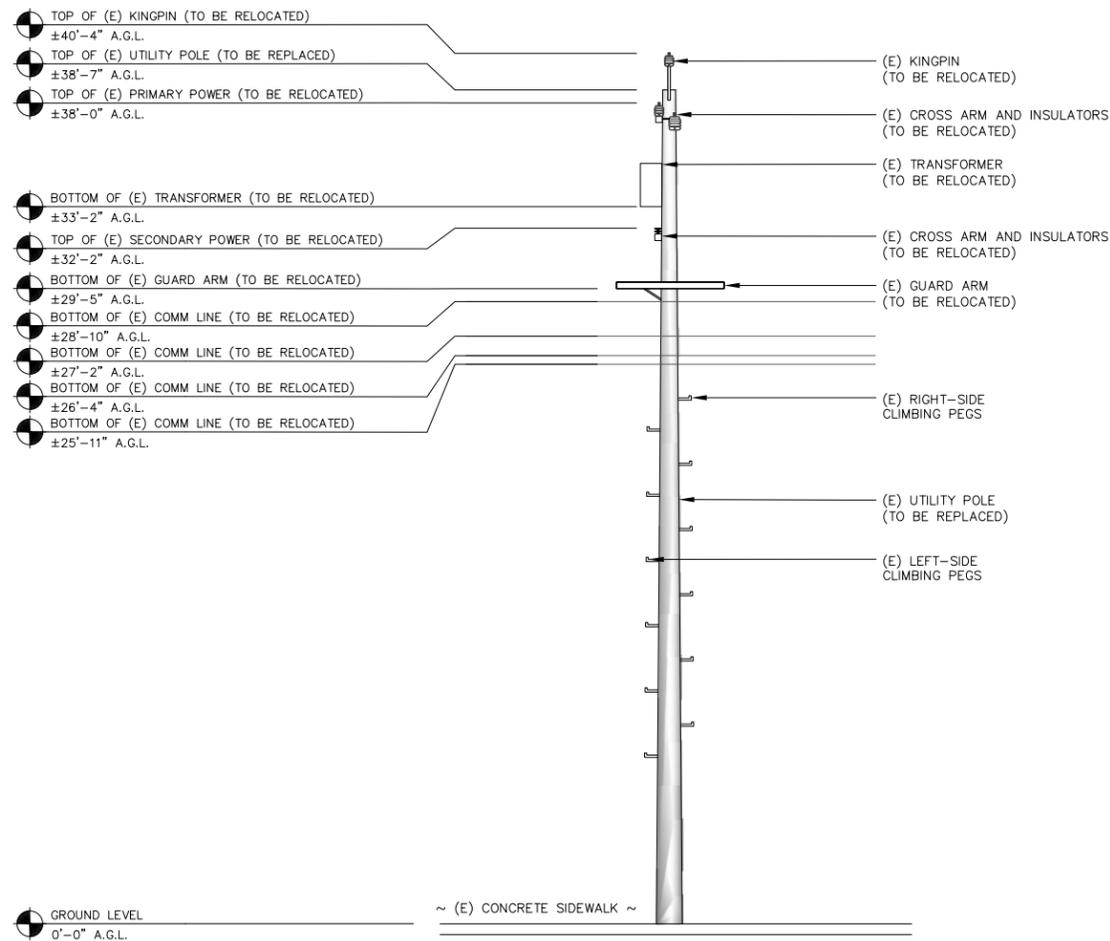
Sheet Number:
A-3

1 EXISTING EAST ELEVATION



2 PROPOSED EAST ELEVATION





NOTE:
ALL (N) EQUIPMENT TO BE PAINTED VALSPAR (6010-2 DEEP EARTH) EXCEPT RRU-8843

Prepared For:

2785 MITCHELL DRIVE, SUITE 9
WALNUT CREEK, CA 94598

Engineer:

2840 HOWE ROAD, SUITE 9
MARTINEZ, CA 94553
www.TheCBRGroup.com

Vendor:

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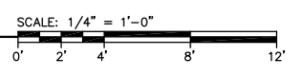
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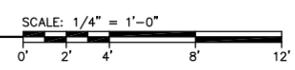
Sheet Title: EXISTING AND PROPOSED SOUTH ELEVATION

Sheet Number: A-4

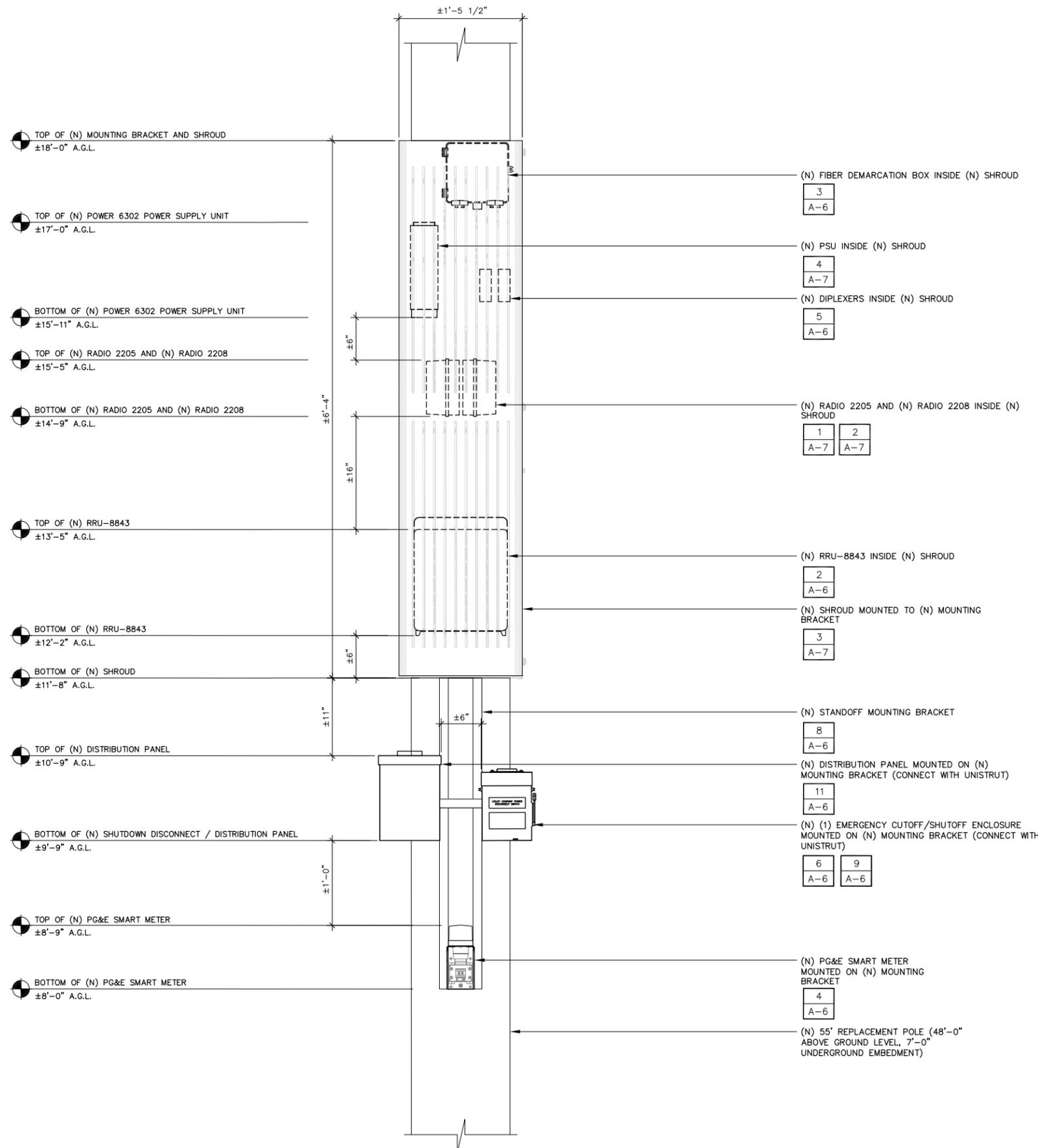
1 EXISTING SOUTH ELEVATION



2 PROPOSED SOUTH ELEVATION



NOTE:
ALL (N) EQUIPMENT TO BE PAINTED VALSPAR (6010-2 DEEP EARTH) EXCEPT RRU5



Prepared For:

2785 MITCHELL DRIVE, SUITE 9
WALNUT CREEK, CA 94598

Engineer:

2840 HOWE ROAD, SUITE E
MARTINEZ, CA 94553
www.TheCBRGroup.com

Vendor:

Site Number: 427814
Site Name: LOS ALTOS 001
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LOS ALTOS, CA 94022
County: SANTA CLARA COUNTY

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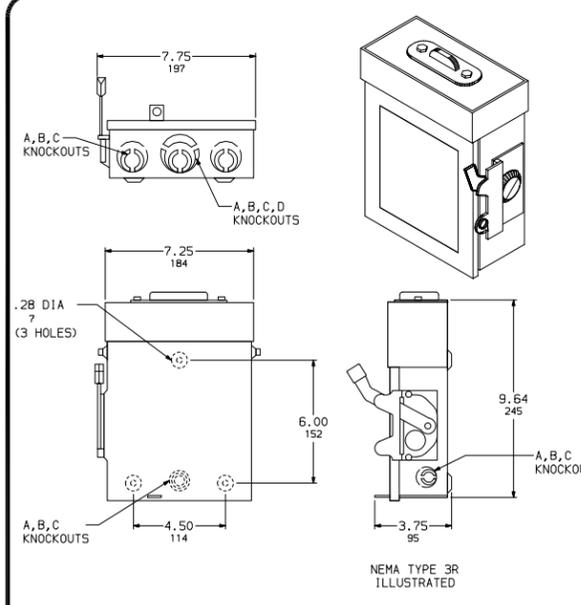
REV	DATE	DESCRIPTION	BY
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A	05/22/19	90% CD'S FOR REVIEW	JG

Licenser:

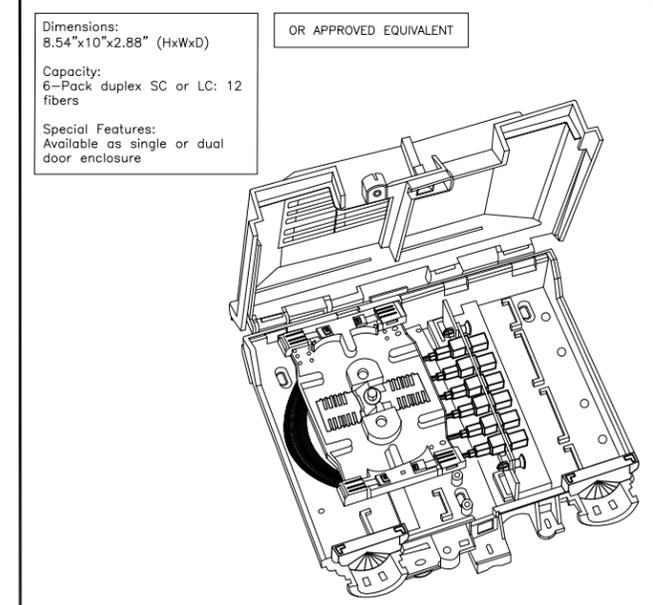
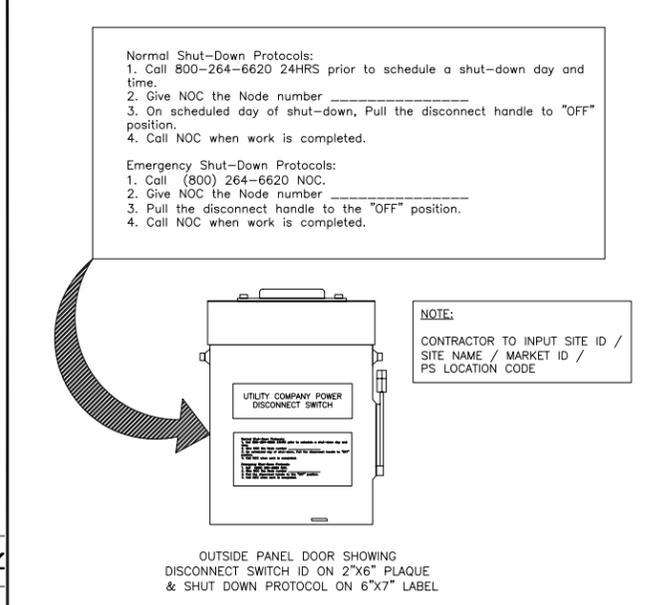
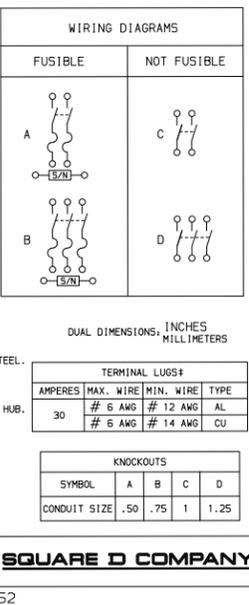
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Sheet Title: PROPOSED FRONT VIEW ELEVATION

Sheet Number: A-5



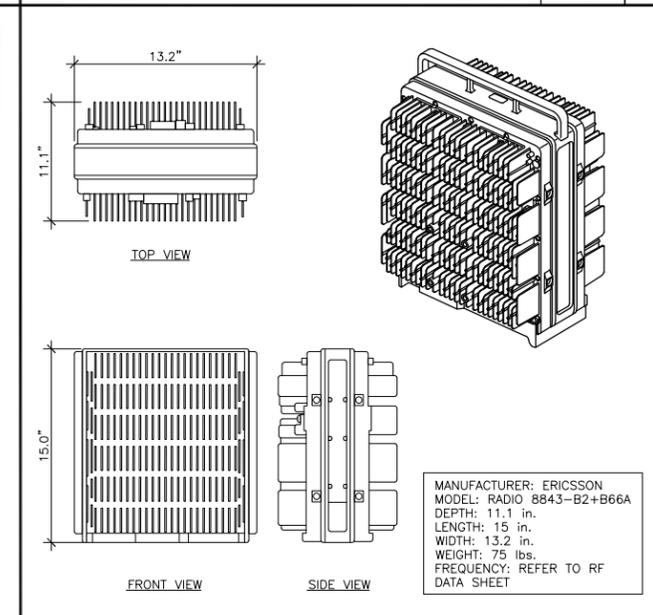
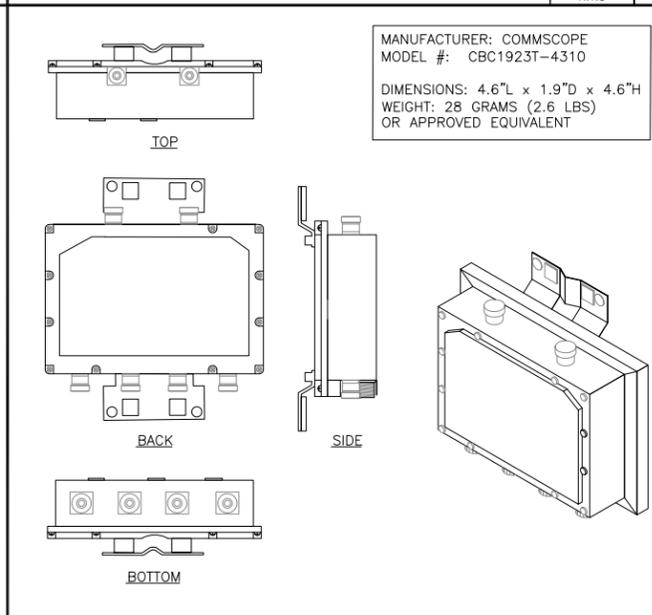
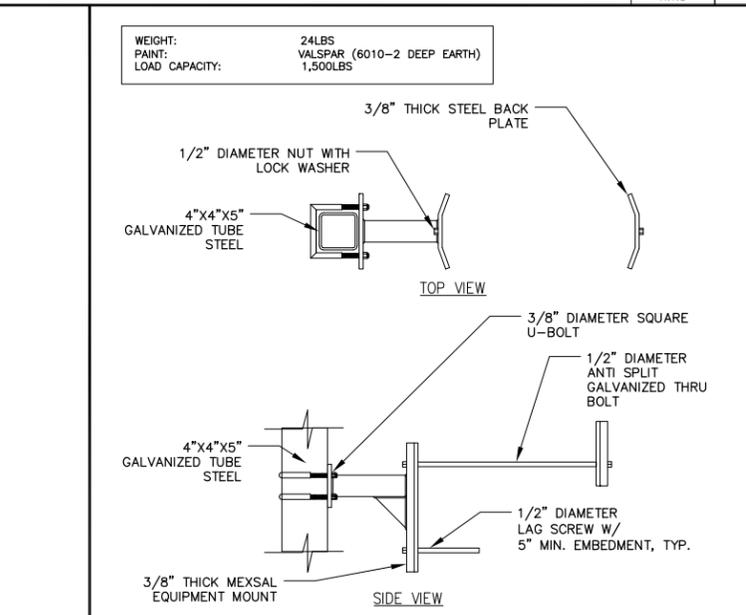
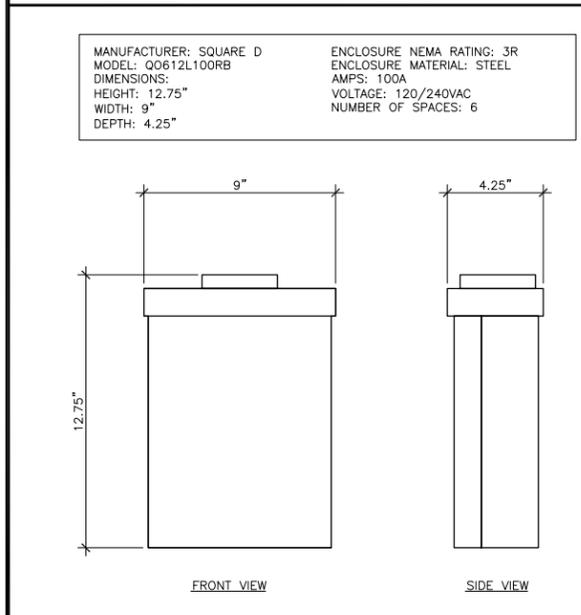
CATALOG NUMBER	VOLTAGE RATINGS	WIRING DIAG.	HORSEPOWER RATINGS					
			120VAC		240VAC			
			STD.	MAX.	STD.	MAX.	STD.	MAX.
D211NRB	240VAC	A	1/2	2	1 1/2	-	3	-
D221NRB	240VAC	A	-	-	1 1/2	3*	3	7 1/2*
D321NRB	240VAC	B	-	-	1 1/2	3	3	7 1/2*
DU221RB	240VAC	C	-	-	-	-	3	-
DU321RB	240VAC	D	-	-	-	-	3	7 1/2*



SHUTDOWN 3 POLE DISCONNECT SWITCH DETAIL SCALE: N.T.S.

SHUTDOWN PROTOCOL PLAQUE SCALE: N.T.S.

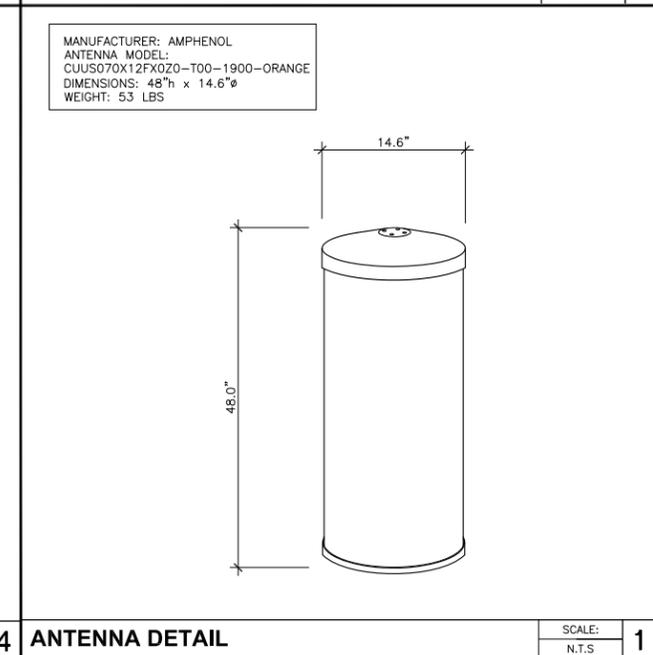
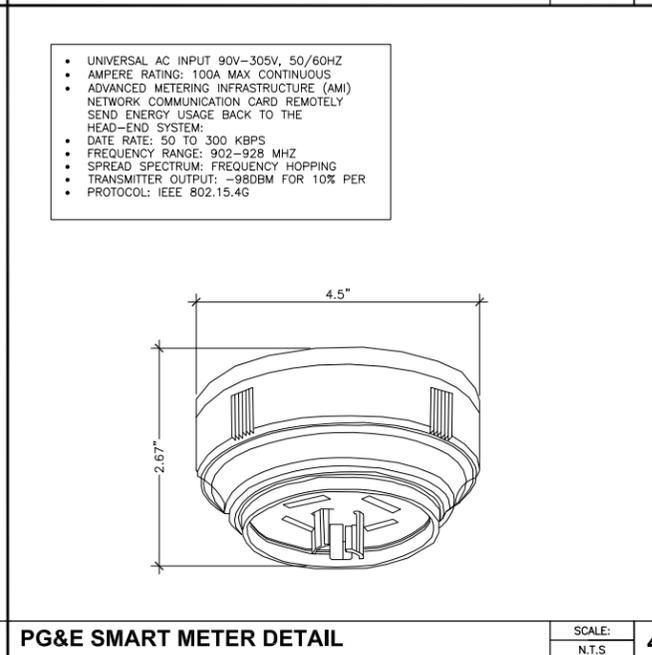
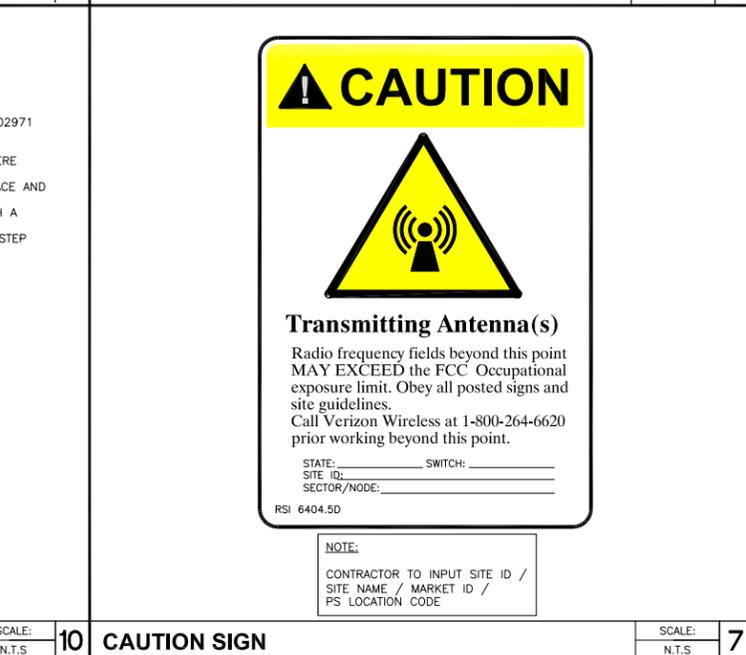
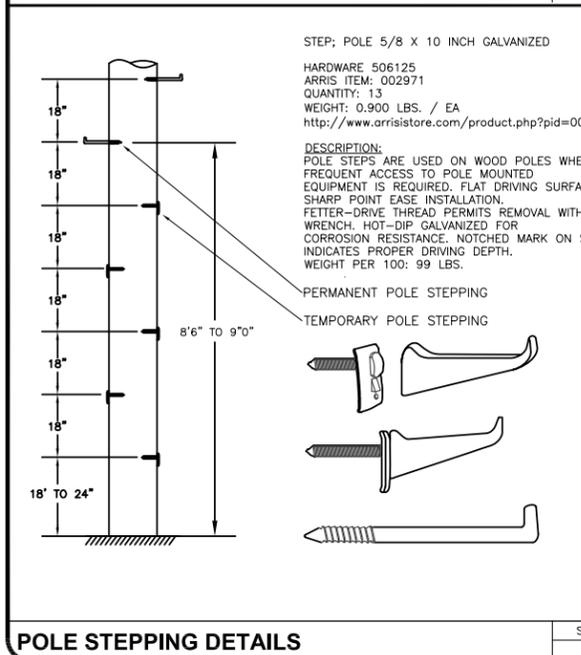
FIBER DEMARCATON BOX DETAIL SCALE: N.T.S.



DISTRIBUTION PANEL DETAIL SCALE: N.T.S.

DIPEXER DETAIL SCALE: N.T.S.

RRUS 8843 DETAIL SCALE: N.T.S.



POLE STEPPING DETAILS SCALE: N.T.S.

PG&E SMART METER DETAIL SCALE: N.T.S.

ANTENNA DETAIL SCALE: N.T.S.

Prepared For:
verizon
 2785 MITCHELL DRIVE, SUITE 9
 WALNUT CREEK, CA 94598

Engineer:
THE CBR GROUP
 2840 HOWE ROAD, SUITE E
 MARTINEZ, CA 94553
 www.TheCBRGroup.com

Vendor:

Site Number: 427814
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 LOS ALTOS, CA 94022
 County: SANTA CLARA COUNTY

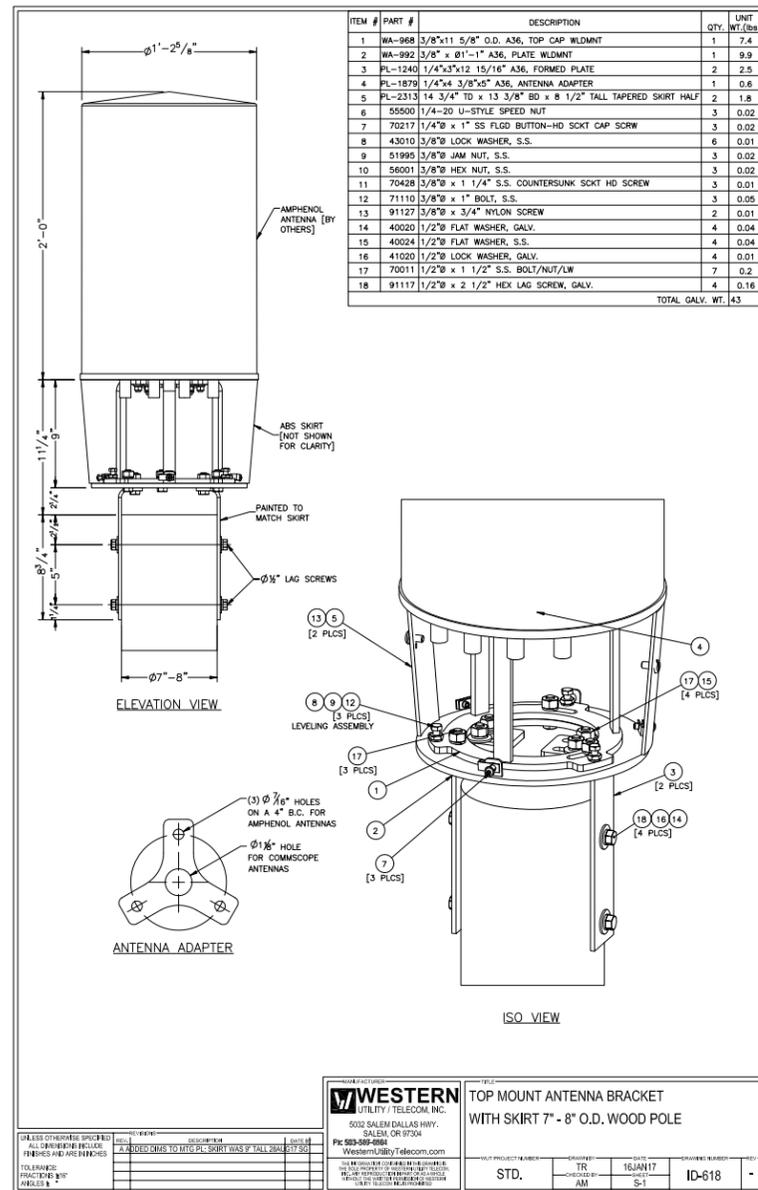
Issued For: CONSTRUCTION

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B	07/12/19	100% CD'S FOR REVIEW	JG
A	05/22/19	90% CD'S FOR REVIEW	JG

Licenser:
 REGISTERED PROFESSIONAL ENGINEER
 No C-86844
 Exp. 3/31/21
 Matthew J. Freeman
 CIVIL
 STATE OF CALIFORNIA

Sheet Title:
 EQUIPMENT AND CONSTRUCTION DETAILS

Sheet Number:
A-6



OR APPROVED EQUAL

WESTERN
UTILITY/TELECOM, INC.
5032 SALEM DALLAS HWY.
SALEM, OR 97304
P.O. BOX 300
WESTERNUTILITY/TELECOM.COM

TOP MOUNT ANTENNA BRACKET WITH SKIRT 7" - 8" O.D. WOOD POLE

SCALE:	TR	DATE:	16JAN17	PROJECT NUMBER:	
N.T.S.	AM	DESIGNED BY:	S-1	DRAWING NUMBER:	ID-618

TOP MOUNT ANTENNA BRACKET WITH TAPERED SKIRT DETAIL

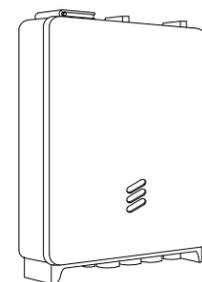
SCALE: 7
N.T.S.

NOT USED

Total Power Output:	2300W
Number of Output port:	3
Max Power On One Output Port:	815W
Power Input:	200-250 V AC
Circuit Breaker and Fuse Recommendation:	20A Min, 50A Max
Heat Dissipation:	125W Max

Dimension (H x W x D):	13"x11.4"x3.9"
Heat Dissipation:	22 Lbs

Operational Conditions:	-40 to +55 Degrees Celsius
IP Class:	IP 65
Supported Installations:	Pole/Wall/Rail



NOT USED

SCALE: 6
N.T.S.

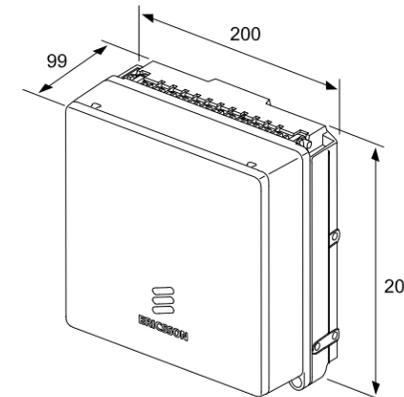
POWER 6302 DETAIL

NOT USED

SCALE: 4
N.T.S.

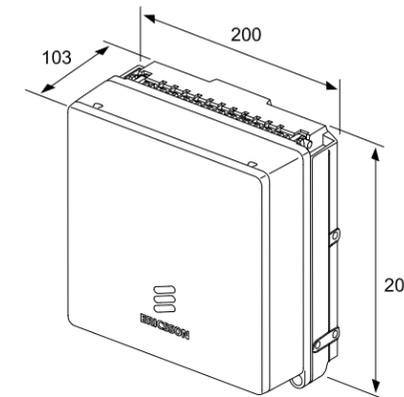
RRU-2205 DETAIL

MANUFACTURER: ERICSSON
MODEL: RRU-2205
DEPTH: 99 mm / 3.90 in.
HEIGHT: 200 mm / 7.87 in.
WIDTH: 200 mm / 7.87 in.
WEIGHT: 4.85 kg / 10.70 lb.
FREQUENCY: REFER TO RF DATA SHEET



RRU-2208 DETAIL

MANUFACTURER: ERICSSON
MODEL: RRU-2208
DEPTH: 103 mm / 4.06 in.
HEIGHT: 200 mm / 7.87 in.
WIDTH: 200 mm / 7.87 in.
WEIGHT: 5 kg / 11.02 lb.
FREQUENCY: REFER TO RF DATA SHEET

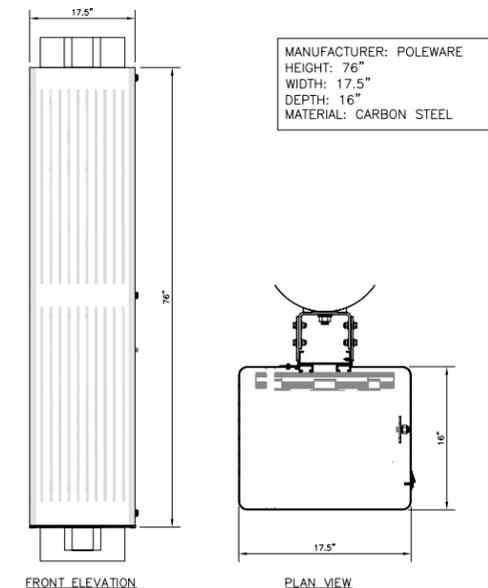


RRU-2208 DETAIL

SCALE: 2
N.T.S.

RADIO SHROUD DETAIL

SCALE: 3
N.T.S.



POWER 6302 DETAIL

RRU-2208 DETAIL

SCALE: 4
N.T.S.

Prepared For:



2785 MITCHELL DRIVE, SUITE 9
WALNUT CREEK, CA 94598

Engineer:



2840 HOWE ROAD, SUITE E
MARTINEZ, CA 94553
www.TheCBRGroup.com

Vendor:

Site Number:

427814

Site Name:

LOS ALTOS 001

Site Address:

155 ALMOND AVENUE
LOS ALTOS, CA 94022

County:

SANTA CLARA COUNTY

Issued For:

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Sheet Title:

EQUIPMENT AND
CONSTRUCTION
DETAILS

Sheet Number:

A-7

SCALE: 6
N.T.S.

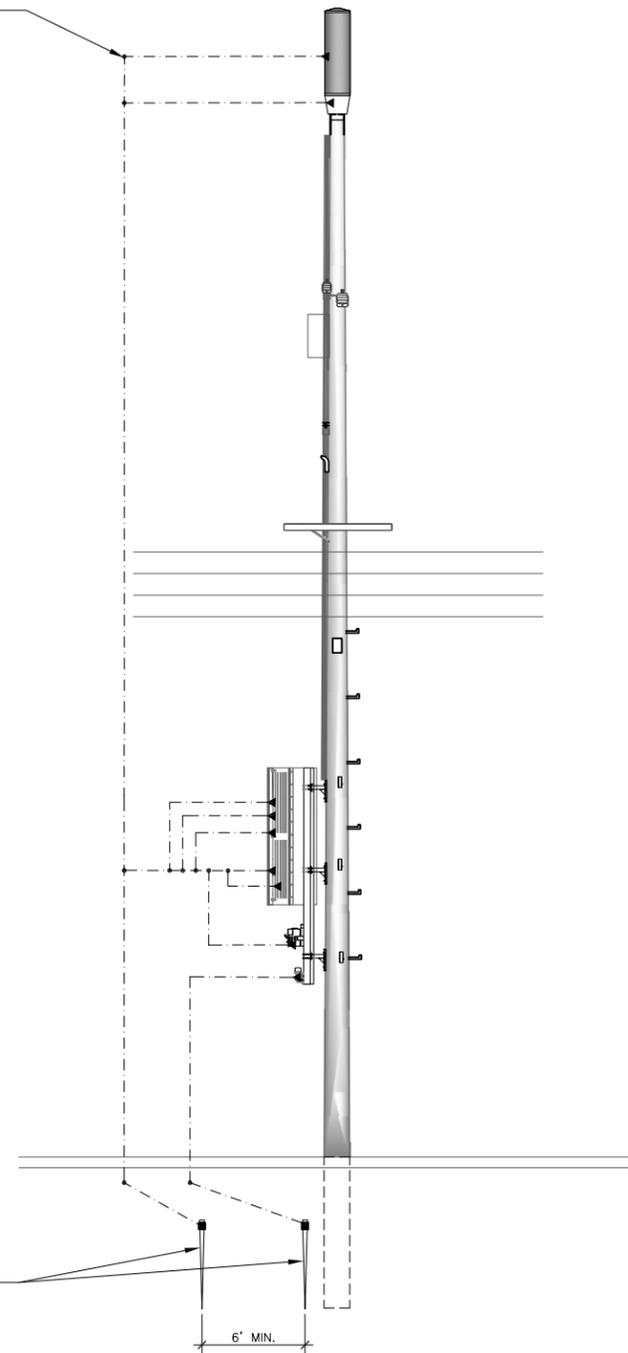
POWER 6302 DETAIL

RRU-2208 DETAIL

SCALE: 4
N.T.S.

SCALE: 1
N.T.S.

(N) MECHANICAL CRIMPED CONNECTION TYP. PER MANUFACTURER'S RECOMMENDATIONS AND UTILIZING PROPER CRIMP DEVICE



POWER AND TELCO CONNECTIONS:

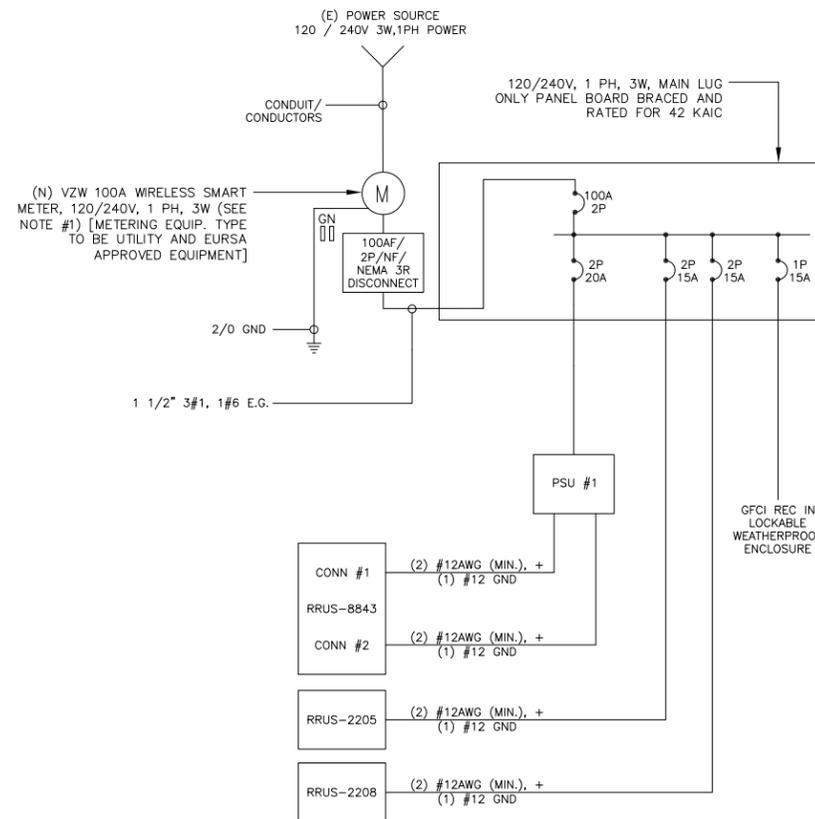
1. POWER AND TELCO POINT OF CONNECTION AND ROUTE ARE PRELIMINARY AND SUBJECT TO CHANGE TO CONFIRMATION BY THE UTILITY COMPANIES RESPECTIVELY.
2. CONTRACTOR SHALL COORDINATE WITH UTILITY COMPANY FOR FINAL AND EXACT WORK/MATERIALS REQUIREMENTS AND CONSTRUCT TO UTILITY ENGINEERING PLAN AND SPECIFICATIONS ONLY WHERE APPLICABLE PRE PROJECT SCOPE OF WORK.
3. CONTRACTOR SHALL FURNISH AND INSTALL CONDUIT, PULL WIRES, CABLE PULL BOXES, CONCRETE ENCASEMENT OF CONDUIT, TRANSFORMER PAD, BARRIERS, RISER TRENCHING, BACK FILL AND UTILITY FEES, AND INCLUDE REQUIREMENTS IN THE SCOPE.
4. CONTRACTOR SHALL LABEL ALL MAIN DISCONNECT SWITCHES AS REQUIRED BY CODE.

POWER AND TELCO CONNECTIONS:

1. SUBCONTRACTOR SHALL PROVIDE METER WITH DIST. PANEL AND BREAKERS FOR POWER TO THE BTS UNITS AND THE BTS/UTILITY CABINET.
2. ALL SERVICE EQUIPMENT AND INSTALLATIONS SHALL COMPLY WITH THE N.E.C. AND UTILITY COMPANY AND LOCAL CODE REQUIREMENTS.
3. SUBCONTRACTOR SHALL PROVIDE ELECTRICAL SERVICE ENTRANCE EQUIPMENT WITH FAULT CURRENT RATINGS GREATER THAN THE AVAILABLE FAULT CURRENT FROM THE POWER UTILITY.
4. FIELD ROUTE CONDUIT TO CABINETS AS REQUIRED.
5. MAXIMUM ONE WAY CIRCUIT RUN NOT TO EXCEED 75 FEET.

GENERAL ELECTRICAL NOTES:

1. PROVIDE ALL ELECTRICAL WORK & MATERIALS AS SHOWN ON THE DWGS, AS CALLED FOR HEREIN, & AS IS NECESSARY TO FURNISH A COMPLETE INSTALLATION.
2. THE INSTALLATION SHALL CONFORM TO THE REQUIREMENTS OF THE CURRENT ADOPTED CALIFORNIA ELECTRICAL CODE, STATE OF CALIFORNIA TITLE 24, ALL OTHER APPLICABLE CODES AND ORDINANCES & THE REQUIREMENTS OF THE FIRE MARSHALL. ALL EQUIPMENT & WIRING SHALL BEAR THE APPROVAL STAMP OF UNDERWRITERS LABORATORY (UL) OR AN APPROVED TESTING LABORATORY, PAYMENT FOR ALL INSPECTION FEES AND PERMITS ARE PART OF THIS CONTRACT.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY AND GOOD CONDITION OF ALL MATERIALS & EQUIPMENT FOR THE ENTIRE INSTALLATION & UNIT COMPLETION OF WORK, ERECT & MAINTAIN APPROVED & SUITABLE BARRIERS, PROTECTIVE DEVICES & WARNING SIGNS, BE FULLY RESPONSIBLE FOR ANY LOSS OR INJURY TO PERSONS OR PROPERTY RESULTING FROM NEGLIGENCE AND/OR ENFORCEMENT OF ALL SAFETY PRECAUTIONS & WARNINGS.
4. COORDINATE THE ELECTRICAL INSTALLATION WITH ALL OTHER TRADES.
5. ALL SAW CUTTING, TRENCHING, BACK FILLING & PATCHING SHALL BE PART OF THIS CONTRACT.
6. FINALIZE ALL ELECTRICAL SERVICE ARRANGEMENTS, INCLUDING VERIFICATION OF LOCATIONS, DETAILS, COORDINATION OF THE INSTALLATION & PAYMENT OF ACCRUED CHARGES WITH LOCAL POWER COMPANY, VERIFY LOCATION FOR FACILITIES & DETAILS WITH POWER UTILITY, IN ADDITION TO THE REQUIREMENTS SHOWN IN THE CONTRACT DOCUMENTS, WORK SHALL COMPLY WITH CONSTRUCTION STANDARDS & SERVICE REQUIREMENTS OF THE RESPECTIVE UTILITIES, INCLUDING ANY SUPPLEMENTAL DWGS ISSUED & SHALL BE SUBJECT TO APPROVAL OF THESE UTILITIES.
7. ALL WIRING SHALL BE COPPER. INSULATION FOR BRANCH CIRCUIT CONDUCTORS SHALL BE TYPE "THWN" CONDUCTORS LARGER AND #6 AWG MAY BE TYPE "THWN" OR "TWN".
8. PROVIDE CONDUIT SEALS FOR ALL CONDUITS PENETRATING WEATHERPROOFING OR WEATHERPROOF ENCLOSURE ENVELOPE. MASTIC SEAL ALL CONDUIT OPENING PENETRATIONS COMPLETELY WATERTIGHT.
9. UNLESS SHOWN OTHERWISE, FUSED DISCONNECT SWITCHES SHALL BE PROVIDED WITH LOW-PEAK, S/DUAL ELEMENT FUSES SIZED TO EQUIPMENT NAMEPLATE FUSE CURRENT RATING. MOTOR STARTERS SHALL BE PROVIDED WITH SIMILARLY SIZED FUSIBLE ELEMENTS, SWITCHES AND OTHER OUTDOOR EQUIPMENT SHALL BE RATED NEMA 3R AND/OR UL LISTED FOR WET ENVIRONMENT.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR TESTING THE GROUNDING SYSTEM AND ENSURING A 5 OHM OR LESS GROUNDING PATH, ADDITIONAL GROUND RODS AND/OR CHEMICAL ROD SYSTEM SHALL BE USED TO ACHIEVE THIS REQUIREMENT.



LOAD CALCULATIONS-VERIZON WIRELESS

EXISTING LOAD: 0 AMPS
 NEW LOAD: 10.0 AMPS MAX
 NEW TOTAL LOAD: 10.0 AMPS MAX

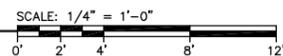
POWER AND TELCO DESIGN IS BASED ON INITIAL SITE VISIT.

CONTRACTOR SHALL OBTAIN CURRENT UTILITY COORDINATOR PLANS PRIOR TO START OF CONSTRUCTION.

AVAILABLE FAULT CURRENT PER UTILITY.

NOTE: CONTRACTOR TO CHECK WITH UTILITY TO ENSURE ELEC. METER IS BRACED FOR ACTUAL FAULT CURRENT.

1 POLE GROUNDING DIAGRAM



2 SINGLE LINE DIAGRAM

N.T.S.

Prepared For:



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Engineer:



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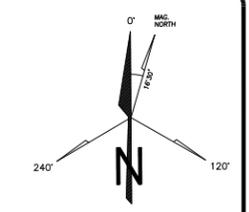
ELECTRICAL GROUND
 DIAGRAMS, SINGLE LINE
 DIAGRAM

Sheet Number:

E-1

Issued For:
CONSTRUCTION

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GENERAL TRAFFIC CONTROL NOTES

TRAFFIC SHALL CONFORM TO THE 2014 CALIFORNIA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND THE 2012 WATCH HANDBOOK.

ACCESS TO DRIVEWAYS SHALL BE MAINTAINED AT ALL TIMES

ONE LANE OF TRAFFIC IN EACH DIRECTION AND ALL HIGH VOLUME TURNING LANES SHALL BE MAINTAINED AT ALL TIMES ON ALL STREETS AT A MINIMUM LANE WIDTH OF 10 FEET.

ANY CONFLICTING SIGNS, STRIPING AND PAVEMENT MARKINGS SHALL BE REMOVED OR COVERED BEFORE TRAFFIC CONTROL IS IN PLACE. ANY SIGN, STRIPING OR PAVEMENT MARKING REMOVED OR COVERED SHALL BE REPLACED WHEN TRAFFIC CONTROL IS NO LONGER NECESSARY.

SAFE PEDESTRIAN ACCESS SHALL BE MAINTAINED AT ALL TIMES.

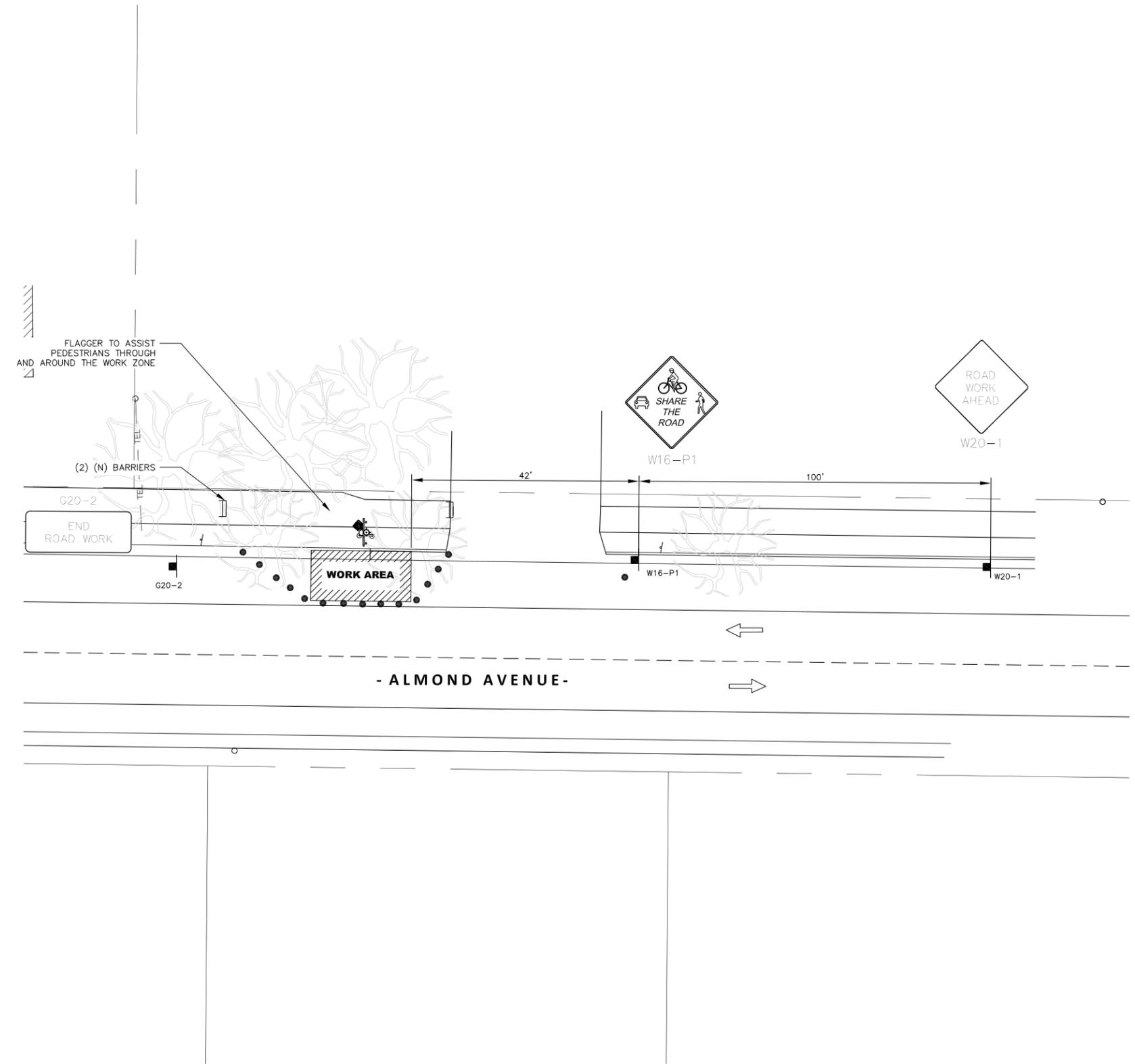
- NOTES:
- FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION, ACCESSIBILITY ACCESS AND REQUIREMENTS ARE NOT REQUIRED, IN ACCORDANCE WITH CALIFORNIA STATE ADMINISTRATIVE CODE, PART 2, TITLE 24, SECTION 1103B.1, EXCEPTION 1 & SECTION 1134B.2.1, EXCEPTION 4.

TABLE 6H-3 & 6H-4 - FROM THE 2014 CALIFORNIA MUTCD

POSTED SPEED LIMIT - MPH	MERGING TAPER LENGTH "L" - FEET	SHIPPING TAPER LENGTH "L2" - FEET	SHOULDER TAPER LENGTH "L3" - FEET	SIGN SPACING ADVANCE OF TAPER & BETWEEN SIGNS - FEET
20	80	40	27	100
25	125	63	42	100
30	180	90	60	250
35	245	123	82	250
40	320	160	107	250
45	540	270	180	350
50	600	300	200	350
55	660	330	220	350

MAINTAIN DRIVEWAY ACCESS AT ALL TIME

- LEGEND
- TYPE III BARRICADE W/ SIGN
 - TYPE II BARRICADE W/ SIGN
 - CHANNELIZING DEVICE
 - TRAFFIC CONE WITH CLIP ON SIGN
 - SIGN
 - SIGNALIZED INTERSECTION
 - ARROW PANEL (FLASHING ARROW) (WHERE REQUIRED)
 - HIGH LEVEL WARNING DEVICE (FLAGTREE) (OPTIONAL)
 - FLAGGER
 - TANS TOW AWAY NO STOPPING ___ TO ___ (SHOW HOURS)
 - TANSAT TOW AWAY NO STOPPING ANY TIME
 - WORK ZONE (ACTIVITY AREA) LIMITS
 - DIRECTION OF TRAFFIC (NOT PAVEMENT MARKING)
 - ROADWAY DESIGNATION (A THROUGH D)
 - SITE



STRUCTURAL CALCULATIONS

LOS ALTOS 001

SITE # 427814

155 Almond Avenue
Los Altos, CA 94022

Prepared For

verizon ✓

2785 Mitchell Drive, Suite 9
Walnut Creek, CA 94598

July 15, 2019



The CBR Group, Inc.

2840 Howe Road, Suite E
Martinez, CA 94553
Phone: 925.798.2100

Description: 45' Long Existing Wood Utility Pole

Applicable Codes: GO 95

This Structural Analysis Report is to determine the structural integrity of the aforementioned utility pole. The purpose of the analysis is to determine the suitability of the existing pole with the existing and proposed loading configuration detailed in the analysis report.

A **Structural Analysis** was performed. Based on the analysis, the pole **does not fully comply** with the California GO 95 Code. Therefore, the existing utility pole is deemed **insufficient** for the existing and proposed load cases. The CBR Group recommends replacement of the existing pole. After the replacement of the existing pole, the proposed pole will be capable of supporting the existing and proposed load cases.

If you have any questions or need further assistance, please contact us.

Analysis Results

55' Class 1 Proposed Pole Stress Level with Proposed Equipment: 87.4% **Pass**

Sincerely,

The CBR Group Inc.

Analysis Prepared by: Matthew Freedman, P.E.

MATERIAL PROPERTIES

Capacity of the structural members is based on the values obtained from the table below:

Existing Wood Utility Pole		
Pole Species	Douglas Fir	Assumed
Pole Class	4	Assumed
Pole Length	45 FT	Calculated based on tip height of pole
Pole Embedment	6.4 FT	Calculated based on tip height of pole

Proposed Wood Utility Pole		
Pole Species	Douglas Fir	Proposed
Pole Class	1	Proposed
Pole Length	55 FT	Proposed
Pole Embedment	7 FT	Proposed

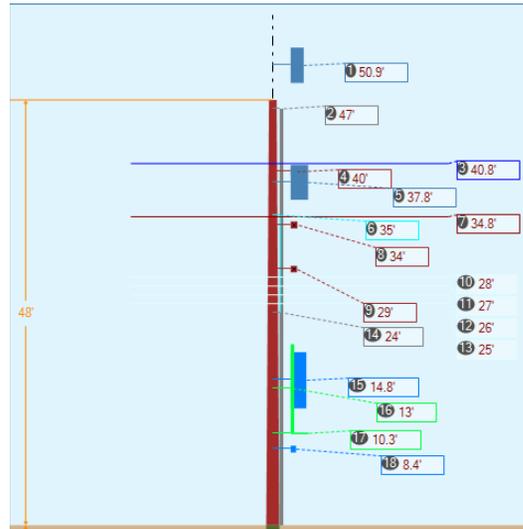
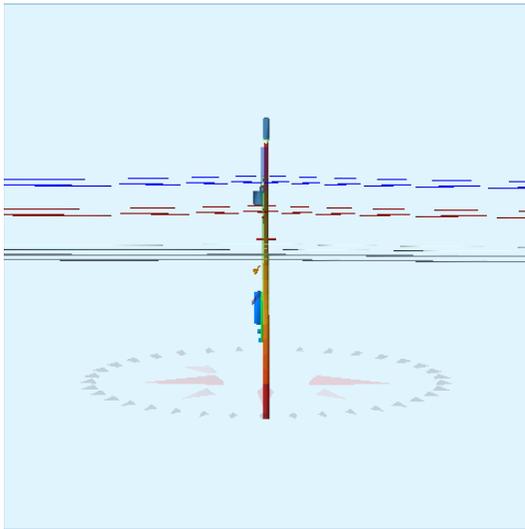
REFERENCE DOCUMENTS

Document Title	Description
California General Order 95 Code	Code
Site Photos dated 10/09/2018	Site Condition Data
Drawings of Antenna Installation and Equipment dated 07/12/2019	CD's

ASSUMPTIONS, DISCLAIMERS, AND NOTES

1. This analysis was performed under the assumption that all information provided to The CBR Group is current and correct. This is to include site data, existing/proposed appurtenance loading, and pole data. If this information is not current and correct, this report should be considered obsolete and further analysis will be required.
2. The CBR Group assumes no responsibility for failures caused by factors beyond our control. These include but are not limited to missing, corroding, decaying and/or deterioration components, improper manufacturing and/or construction, and improper pole maintenance.
3. The CBR Group assumes no responsibility for modifications completed prior to or hereafter in which the CBR Group was not directly involved. These modifications include but are not limited to replacing or strengthening pole components, installing or removing antenna mounting components, installing or removing utility components, and changing loading configurations.
4. This analysis assumes that the poles structural components and mounts, including all steel sections and attachment hardware, are in good working order and in their original state, free of rust or other forms of corrosion. Furthermore, it is assumed that the pole has been properly maintained and monitored since time of construction. This report should be considered obsolete and further analysis will be required if the pole does not meet all of the above specifications.
5. This analysis assumes that all existing and/or proposed equipment mounts on the pole will have adequate capacity to support the existing and proposed equipment loading.
6. The pole has not been analyzed with seismic loading considerations.

Pole Num:	LOS ALTOS 001 (P)	Pole Length / Class:	55 / 1	Code:	GO 95	Structure Type:	Unguyed Tangent
Aux Data 1	Unset	Species:	DOUGLAS FIR	GO 95 Rule:	At Installation (New)	Pole Strength Factor:	0.25
Aux Data 2	Unset	Setting Depth (ft):	7.00	Construction Grade:	A	Transverse Wind LF:	1.00
Aux Data 3	Unset	G/L Circumference (in):	46.10	Loading District:	Light	Wire Tension LF:	1.00
Aux Data 4	Unset	G/L Fiber Stress (psi):	8,000	Ice Thickness (in):	0.00	Vertical LF:	1.00
Aux Data 5	Unset	Allowable Stress (psi):	1,954	Wind Speed (mph):	55.90	Bending Factor of Safety:	4.58
Aux Data 6	Unset	Fiber Stress Ht. Reduc:	No	Wind Pressure (psf):	8.00	Vertical Factor of Safety:	13.33
Latitude:	0.000000 Deg	Longitude:	0.000000 Deg	Elevation:	0 Feet		



Pole Capacity Utilization (%)	Height (ft)	Wind Angle (deg)
Crossarm allowance 300 lbs		
Maximum	87.4	0.0
Groundline	87.4	0.0
Vertical	30.0	26.4

Pole Moments (ft-lb)	Load Angle (deg)	Wind Angle (deg)
Crossarm allowance 300 lbs		
Max Cap Util	43,390	186.1
Groundline	43,390	186.1
GL Allowable	50,508	
Overturn	47,500	

Groundline Load Summary - Reporting Angle Mode: Load - Reporting Angle: 186.1°										
	Shear Load* (lbs)	Applied Load (%)	Bending Moment (ft-lb)	Applied Moment (%)	Pole Capacity (%)	Bending Stress (+/- psi)	Vertical Load (lbs)	Vertical Stress (psi)	Total Stress (psi)	Pole Capacity (%)
Powers	237	14.8	9,306	21.9	18.4	360	273	2	362	18.5
Comms	575	36.0	15,443	36.3	30.6	597	706	4	601	30.8
GenericEquipments	234	14.7	4,703	11.1	9.3	182	1,062	6	188	9.6
Pole	372	23.3	8,154	19.2	16.1	315	2,175	13	328	16.8
Crossarms	23	1.5	729	1.7	1.4	28	108	1	29	1.5
Risers	130	8.1	3,247	7.6	6.4	126	424	3	128	6.6
Insulators	26	1.6	951	2.2	1.9	37	128	1	38	1.9
Pole Load	1,596	100.0	42,533	100.0	84.2	1,645	4,876	29	1,674	85.7
Pole Reserve Capacity			7,976		15.8	308			280	14.3

Load Summary by Owner - Reporting Angle Mode: Load - Reporting Angle: 186.1°										
	Shear Load* (lbs)	Applied Load (%)	Bending Moment (ft-lb)	Applied Moment (%)	Pole Capacity (%)	Bending Stress (+/- psi)	Vertical Load (lbs)	Vertical Stress (psi)	Total Stress (psi)	Pole Capacity (%)
PG&E	303	19.0	11,538	27.1	22.8	446	1,139	7	453	23.2
CATV	160	10.0	4,426	10.4	8.8	171	64	0	172	8.8
Comm	434	27.2	11,596	27.3	23.0	449	691	4	453	23.2
Verizon Wireless	328	20.5	6,819	16.0	13.5	264	808	5	269	13.7
Pole	372	23.3	8,154	19.2	16.1	315	2,175	13	328	16.8
Totals:	1,596	100.0	42,533	100.0	84.2	1,645	4,876	29	1,674	85.7

Detailed Load Components:															
Power	Owner	Height (ft)	Horiz. Offset (in)	Cable Diameter (in)	Sag at Max Temp (ft)	Cable Weight (lbs/ft)	Lead/Span Length (ft)	Span Angle (deg)	Wire Length (ft)	Tension (lbs)	Tension Moment* (ft-lb)	Offset Moment* (ft-lb)	Wind Moment* (ft-lb)	Moment at GL* (ft-lb)	
Primary	1/0 (7) CU LT	PG&E	40.82	42.53	0.3684	1.88	0.326	200.0	90.0	200.0	1,430	-6,190	-111	988	-5,313
Primary	1/0 (7) CU LT	PG&E	40.82	42.53	0.3684	1.88	0.326	200.0	270.0	200.0	1,430	6,190	-111	988	7,067
Primary	1/0 (7) CU LT	PG&E	40.82	24.91	0.3684	1.88	0.326	200.0	90.0	200.0	1,430	-6,190	67	988	-5,135
Primary	1/0 (7) CU LT	PG&E	40.82	24.91	0.3684	1.88	0.326	200.0	270.0	200.0	1,430	6,190	67	988	7,245
Primary	1/0 (7) CU LT	PG&E	40.82	42.53	0.3684	1.88	0.326	200.0	90.0	200.0	1,430	-6,190	115	988	-5,087
Primary	1/0 (7) CU LT	PG&E	40.82	42.53	0.3684	1.88	0.326	200.0	270.0	200.0	1,430	6,190	115	988	7,294
Secondary	#4 (7) CU LT	PG&E	34.82	42.59	0.2316	1.63	0.129	200.0	90.0	200.0	635	-2,345	-44	530	-1,859
Secondary	#4 (7) CU LT	PG&E	34.82	42.59	0.2316	1.63	0.129	200.0	270.0	200.0	635	2,345	-44	530	2,830
Secondary	#4 (7) CU LT	PG&E	34.82	25.02	0.2316	1.63	0.129	200.0	90.0	200.0	635	-2,345	26	530	-1,788
Secondary	#4 (7) CU LT	PG&E	34.82	25.02	0.2316	1.63	0.129	200.0	270.0	200.0	635	2,345	26	530	2,901
Secondary	#4 (7) CU LT	PG&E	34.82	42.59	0.2316	1.63	0.129	200.0	90.0	200.0	635	-2,345	46	530	-1,769
Secondary	#4 (7) CU LT	PG&E	34.82	42.59	0.2316	1.63	0.129	200.0	270.0	200.0	635	2,345	46	530	2,920
Totals:											0	197	9,109	9,306	

Comm	Owner	Height (ft)	Horiz. Offset (in)	Cable Diameter (in)	Sag at Max Temp (ft)	Cable Weight (lbs/ft)	Lead/Span Length (ft)	Span Angle (deg)	Wire Length (ft)	Tension (lbs)	Tension Moment* (ft-lb)	Offset Moment* (ft-lb)	Wind Moment* (ft-lb)	Moment at GL* (ft-lb)	
Overlashed Bundle	0.5" Communication Bundle	CATV	28.00	8.06	0.2420	0.97	0.104	225.0	90.0	225.0	1,345	-3,991	8	513	-3,470
CATV	CATV	CATV	27.98	8.06	0.2500		0.036	225.0	90.0	225.0			3	513	515
Overlashed Bundle	0.5" Communication Bundle	CATV	28.00	8.06	0.2420	0.97	0.104	225.0	270.0	225.0	1,345	3,991	8	513	4,511
CATV	CATV	CATV	27.98	8.06	0.2500		0.036	225.0	270.0	225.0			3	513	515
Overlashed Bundle	1.5" Communication Bundle	CATV	27.00	8.13	0.2420	0.66	0.104	150.0	90.0	150.0	1,345	-3,848	5	583	-3,259
CATV	Catv	CATV	26.96	8.13	0.6250		0.109	150.0	90.0	150.0			6	583	588
Overlashed Bundle	1.5" Communication Bundle	CATV	27.00	8.13	0.2420	0.66	0.104	150.0	270.0	150.0	1,345	3,848	5	583	4,437
CATV	Catv	CATV	26.96	8.13	0.6250		0.109	150.0	270.0	150.0			6	583	588
Overlashed Bundle	2.25" Communication Bundle	Comm	26.00	8.19	0.3060	3.47	0.165	150.0	90.0	150.0	2,318	-6,389	8	1,442	-4,939
Telco	CU CABLE	Comm	25.91	8.19	2.0000		2.300	150.0	90.0	150.0			117	1,437	1,554
Overlashed Bundle	2.25" Communication Bundle	Comm	26.00	8.19	0.3060	3.47	0.165	150.0	270.0	150.0	2,318	6,389	8	1,442	7,840
Telco	CU CABLE	Comm	25.91	8.19	2.0000		2.300	150.0	270.0	150.0			117	1,437	1,554
Overlashed Bundle	2" Communication Bundle Msgr:0.242"	Comm	25.00	8.25	0.2420	4.58	0.121	150.0	90.0	150.0	1,248	-3,306	6	1,207	-2,093
Telco	CU CABLE	Comm	24.92	8.25	1.7500		1.700	150.0	90.0	150.0			87	1,203	1,290
Overlashed Bundle	2" Communication Bundle Msgr:0.242"	Comm	25.00	8.25	0.2420	4.58	0.121	150.0	270.0	150.0	1,248	3,306	6	1,207	4,519
Telco	CU CABLE	Comm	24.92	8.25	1.7500		1.700	150.0	270.0	150.0			87	1,203	1,290
Totals:											0	480	14,962	15,443	

GenericEquipment		Owner	Height (ft)	Horiz. Offset (in)	Offset Angle (deg)	Rotate Angle (deg)	Unit Weight (lbs)	Unit Height (in)	Unit Depth (in)	Unit Diameter (in)	Unit Length (in)	Offset Moment* (ft-lb)	Wind Moment* (ft-lb)	Moment at GL* (ft-lb)
Cylinder	4 Ft Cylindrical Antenna	Verizon Wireless	50.94	0.00	0.0	0.0	53.00	48.00	--	14.60	--	0	1,868	1,868
Imported Box	25 kVA 1PH TX 4"x4" Mast (6' Shroud)	PG&E	37.75	18.70	270.0	0.0	610.00	--	--	--	--	101	941	1,042
Box	Verizon slimline cabinet	Verizon Wireless	13.00	14.51	315.0	0.0	134.31	120.00	4.00	--	4.00	-102	554	452
Box	Disconnect Brace	Verizon Wireless	14.83	24.51	315.0	0.0	200.00	76.00	16.00	--	17.50	-257	1,455	1,198
Box	Emergency Cutoff Switch - D Square D Company	Verizon Wireless	10.33	17.44	317.4	0.0	25.00	2.00	2.00	--	20.00	-24	22	-2
Box	Emergency Cutoff Switch - D Square D Company	Verizon Wireless	10.33	19.35	300.0	0.0	10.00	9.64	3.75	--	7.75	-7	49	42
Box	Emergency Cutoff Switch - D Square D Company	Verizon Wireless	10.33	19.35	334.8	0.0	10.00	9.64	3.75	--	7.75	-14	74	60
Box	U214TB	Verizon Wireless	8.42	19.51	315.0	0.0	20.00	9.00	6.00	--	6.00	-20	62	42
Totals:												-323	5,025	4,703

Crossarm		Owner	Height (ft)	Horiz. Offset (in)	Offset Angle (deg)	Rotate Angle (deg)	Unit Weight (lbs)	Unit Height (in)	Unit Depth (in)	Unit Length (in)	Offset Moment* (ft-lb)	Wind Moment* (ft-lb)	Moment at GL* (ft-lb)	
Normal	8LS (Light - 6 Pin) 3-3/4" x 4-3/4" x 8'-0"	PG&E	40.00	6.68	270.0	270.0	40.00	4.75	3.75	96.00	2	86	88	
Normal	8LS (Light - 6 Pin) 3-3/4" x 4-3/4" x 8'-0"	PG&E	34.00	7.06	270.0	270.0	40.00	4.75	3.75	96.00	2	73	75	
Normal	CROSSARM 3-1/2 X 4-1/2 X 4	Comm	29.00	7.25	180.0	180.0	28.00	4.50	3.50	48.00	17	549	566	
Totals:												22	707	729

Riser		Owner	Height (ft)	Horiz. Offset (in)	Offset Angle (deg)	Rotate Angle (deg)	Unit Weight (lbs)	Unit Height (in)	Unit Depth (in)	Unit Diameter (in)	Unit Length (in)	Offset Moment* (ft-lb)	Wind Moment* (ft-lb)	Moment at GL* (ft-lb)
4" Coax 330.0°	4" Coax	Verizon Wireless	47.00	7.53	330.0	330.0	188.00	564.00	4.00	4.00	564.00	-93	2,402	2,310
1.25" Power 315.0°	1.25" Power	PG&E	35.00	7.53	315.0	315.0	140.00	420.00	1.25	1.25	420.00	-54	541	488
2" Fiber 300.0°	2" Fiber	Verizon Wireless	24.00	7.53	300.0	300.0	96.00	288.00	2.00	2.00	288.00	-24	474	450
Totals:												-170	3,417	3,247

Insulator	Owner	Height (ft)	Horiz. Offset (in)	Offset Angle (deg)	Rotate Angle (deg)	Unit Weight (lbs)	Unit Diameter (in)	Unit Length (in)	Offset Moment* (ft-lb)	Wind Moment* (ft-lb)	Moment at GL* (ft-lb)	
Pin	Shroud & Antenna (Haight)	Verizon Wireless	48.00	0.00	0.0	0.0	43.00	12.00	11.25	0	363	363
Pin	Insulator	PG&E	40.20	42.00	351.0	0.0	6.00	5.50	7.50	-21	92	72
Pin	Insulator	PG&E	40.20	-24.00	195.6	0.0	6.00	5.50	7.50	12	92	105
Pin	Insulator	PG&E	40.20	-42.00	189.0	0.0	6.00	5.50	7.50	21	92	114
Pin	Insulator	PG&E	34.20	42.00	350.5	0.0	6.00	5.50	7.50	-21	79	58
Pin	Insulator	PG&E	34.20	-24.00	196.4	0.0	6.00	5.50	7.50	12	79	91
Pin	Insulator	PG&E	34.20	-42.00	189.5	0.0	6.00	5.50	7.50	21	79	100
Bolt	Communication-Single Bolt	Comm	28.00	0.00	180.0	90.0	5.00	3.00	0.00	3	0	3
Bolt	Communication-Single Bolt	Comm	27.00	0.00	180.0	90.0	5.00	3.00	0.00	3	0	3
Bolt	Communication-Single Bolt	Comm	26.00	0.00	180.0	90.0	5.00	3.00	0.00	3	0	3
Bolt	Communication-Single Bolt	Comm	25.00	0.00	180.0	90.0	5.00	3.00	0.00	3	0	3
Suspension	MSEM02505TB Mount	Verizon Wireless	17.00	0.00	315.0	315.0	9.69	3.50	7.50	-7	25	18
Suspension	MSEM02505TB Mount	Verizon Wireless	13.00	0.00	315.0	315.0	9.69	3.50	7.50	-7	19	12
Suspension	MSEM02505TB Mount	Verizon Wireless	9.00	0.00	315.0	315.0	9.69	3.50	7.50	-7	13	6
Totals:										18	933	951

Pole Buckling													
Buckling Constant	Buckling Column Height* (ft)	Buckling Section Height (% Buckling Col. Hgt.)	Buckling Section Diameter (in)	Minimum Buckling Diameter at GL (in)	Diameter at Tip (in)	Diameter at GL (in)	Modulus of Elasticity (psi)	Pole Density (pcf)	Ice Density (pcf)	Pole Tip Height (ft)	Buckling Load Capacity at Height (lbs)	Buckling Load Applied at Height (lbs)	Buckling Load Factor of Safety
2.00	26.39	33.42	13.56	24.84	8.60	14.68	1.60e+6	60.00	57.00	48.00	15,941	4,876	3.27



Radio Frequency Electromagnetic Energy (RF-EME) Maximum Permissible Exposure (MPE) Public Exposure Safety Report

Verizon Wireless 4G Small Cell Site
"CA_LOS ALTOS_001"
155 ALMOND AVE.
Los Altos, California 94022
LAT:37.385059, LONG:-122.11073

June 20, 2019



Prepared by RF GLOBAL SAFETY CONSULTANTS
California Registered Professional Engineer



Executive Summary

This report concludes that the proposed wireless 4G small cell site equipment to be installed at the aforementioned location with the specifications provided by Verizon Wireless complies with the applicable FCC- approved safety standards and guidelines for general public and occupational exposure.

General Information

In 1992, the American National Standards Institute (ANSI) published IEEE Standard C95.1-1991, "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 KHz to 300 GHz.". This current publication defines "controlled" (i.e., occupational) and "uncontrolled" (i.e., public) environments, setting for the latter more restrictive exposure limits, but longer periods for time averaging.

The FCC has provided direction to the telecommunications industry on determining compliance with ANSI standards. This is presented in the Office of Engineering and Technology Bulletin No. 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," dated August 1997. The equations given in this document are designed to yield a "worst-case" prediction of RF power densities in the near-field of an antenna.

The occupational (controlled) exposure limit is for personnel operating and maintaining the facilities small cell wireless equipment. This type of personnel should have training on the radiating equipment and will be able to disable the equipment when performing routine maintenance and replacement of equipment.

The general public (uncontrolled) exposure limit is for people who are unaware of the facilities small cell equipment and they are unfamiliar with any safety measures for being near this type of equipment.

I. Introduction

Verizon Wireless is proposing to build a 4G small cell site at the location described below. This is part of the 4G Network Verizon Wireless is building nationwide. The equipment to be installed at this site will be mounted on the electric utility pole. The cell site will include a radio mounted near the base of the pole and antenna will be mounted on an extended mast on top of the utility pole. This report will determine if the proposed cell site equipment when in operation, complies with the applicable FCC and ANSI safety guidelines.

II. Proposed Site Information

The proposed site will be located in the City of Lost Altos at aforementioned location. The equipment will be mounted on the utility pole at 25 ½ feet above ground. The base station and antenna units will be mounted at the designated height and connected to the Verizon fiber network.

II.a Site Map - Google Earth



Equipment Information

The site equipment will be comprised of base station(s) and antenna(s) mounted on a utility pole.

Base Station make and Model: Ericsson, RRUU-2208.

Operating Frequencies (MHz): 700; 1900, 2150...updated per site (need correct info)

Antenna make and model: AMPHENOL, CUUS070X12FX0Z0-T00-1900-ORANGE.

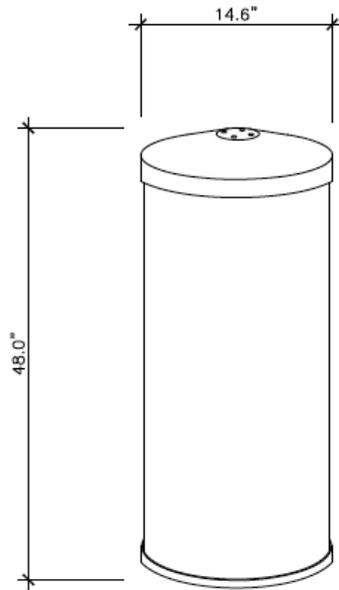
Output Power (ERP): 700 MHz (55 dBm); 1900 (40dBm); 2150 (40dBm) Updated per site (need correct info)

Antenna Type: Quasi-Omnidirectional multi-port.

Unit Dimension (in), Height x Diameter: 48x14.6.

Table-3 Below is a snapshot of the unit specification

MANUFACTURER: AMPHENOL
ANTENNA MODEL: CUUS070X12FX0Z0-T00-1900-ORANGE
DIMENSIONS: 48"h x 14.6"φ
WEIGHT: 53 LBS



ANTENNA DETAIL

SCALE:	1
N.T.S	

IV. Theoretical Calculation of the proposed cell site exposure limits (will be updated per site)

Table IV.1

Ground Level, w/antenna down tilt	Distance, Feet (closest)	Calculated (mW/cm ²)	Limit (mW/cm ²)	% of Limit	Compliance Y/N	Mitigation Y/N
Occupational/ Controlled Exposure	70	0.013	5	0.26	Y	N,1
General Public/ Uncontrolled Exposure	70	0.013	1	1.3	Y	N,1

Table IV.2

Antenna Face Level	Distance, Feet (closest)	Calculated (mW/cm ²)	Limit (mW/cm ²)	% of limit	Compliance, Y/N	Mitigation Y/N
Occupational/ Controlled Exposure	4	4.28	5	85	Y	N,1
General Public/Uncontrolled Exposure	9	0.84	1	84	Y	N,1

1 It is recommended that RF safety signage and warnings to be posted to remind general public and personnel of the existence of cell transmitter that is generating electromagnetic energy equipment at this location.

IV.a Power Density calculation method

The calculation was based on the OET Bulletin 65 guidelines for Maximum Permissible Exposure (MPE) to humans. A worst case scenario is used to calculate the power density using the following mathematical formula:

$$S = 0.0334 * P / R^2$$

S is the power density in mW/cm²

P is the Effective radiated power in Watts

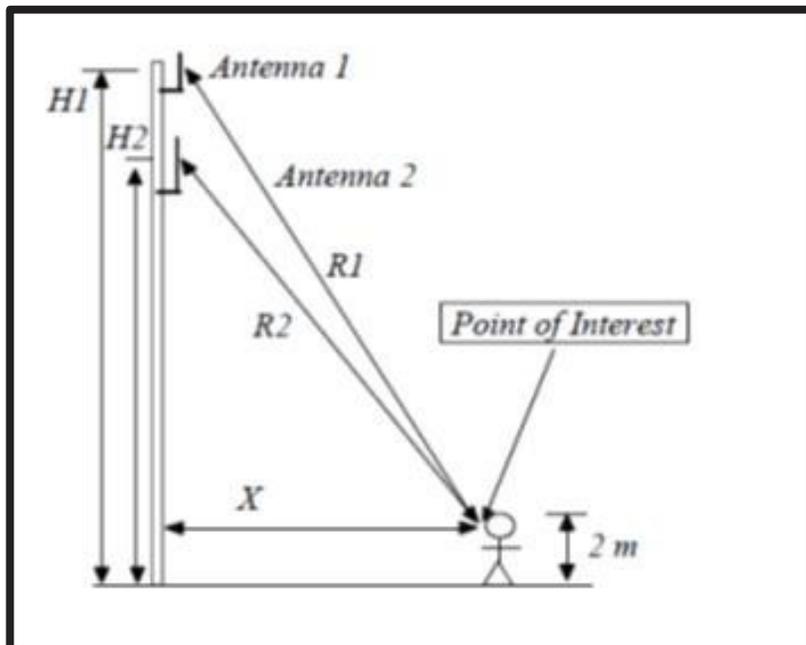
R is the distance from the center of the antenna in meters

IV.b Distance Calculation from the small cell antenna

The above calculation was based on a worst case scenario for a person with an average height of 6.56 feet and standing at various distances in feet from the base of the utility pole. The direct distance R used in the calculation below is determined by using the mathematical formula:

$$R = \text{SQRT}(H^2 + X^2)$$

Illustration-1



Where X is the distance from the general public to the base of the pole and H is the distance from the general public (individual) standing on the ground to the bottom of the panel antenna. The average height of an individual used in the calculations is 2 meters or 6.56 feet.

It should be noted that the strongest energy radiated from the antenna is at the face and center of the antenna. The general public may be exposed to more RF energy when standing in the face of the panel antenna. Additional calculations were done to determine the power density when general public is exposed to the energy at the antenna face level, such as on balconies in a residential area or in an office building that is in close proximity to the cell site. Calculations were completed at various distances for locations in direct path of the antenna beam. The table shows the calculated values of the minimum safe distances from the cell site.

V. Conclusion

The proposed Verizon Wireless 4G small cell site to be installed at the designated location with the equipment specifications provided will comply with the applicable FCC safety guidelines for maximum permissible occupational and general public exposure limits. This conclusion based on the analysis conducted in this report that showed the power density calculated to be below the safety limits set by the FCC OET Bulletin 65. The minimum distance from the face of the antenna where occupational and general public are below safety guidelines are 4 feet and 9 feet respectively. The power density calculated at the roof of the closest building (about 60 feet from antenna face level – worst case) is 1.90% of the general public exposure limit. Furthermore, since the study was based on worst case scenario, the actual power density that may result from the equipment when in operation will most likely be far less than showing in the tables IV.1 and IV.2. And even though the proposed site to be installed will comply with applicable safety standards, it is recommended that signage to be posted on the light pole to let the general public and personnel know of the presence of the cell site.

References:

A) Technical Standards applicable to this measurement

1. "Safety Levels with Respect to Human Exposure Frequency Electromagnetic Fields", American National Standards Institute (ANSI); IEEE Standard C95.1-1991.
2. "Evaluating Compliance with FCC Guidelines for Human Exposure to Frequency Electromagnetic Fields, Federal Communications Commission, Office of Engineering and Technology; OET Bulletin 65, Edition 97-01, August 1997.

B) Occupational and general public exposure limits as guidelines per the FCC OET Bulletin 65.

Table 1. LIMITS FOR MAXIMUM PERMISSIBLE EXPOSURE (MPE)

(A) Limits for Occupational/Controlled Exposure

Frequency Range (MHz)	Electric Field Strength(E) (V/M)	Magnetic Field Strength(H) (A/M)	Power Density(S) (mW/cm ²)	Averaging Time E ² , H ² or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f)*	6
30-300	61.4	0.163	1.0	6
300-1500	--	--	f/300	6
1500-100,000	--	--	5	6

(B) Limits for General Population/Uncontrolled Exposure

Frequency Range (MHz)	Electric Field Strength(E) (V/M)	Magnetic Field Strength(H) (A/M)	Power Density(S) (mW/cm ²)	Averaging Time E ² , H ² or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824	2.19	(180/f)*	30
30-300	27.5	0.073	0.2	30
300-1500	--	--	f/1500	30
1500-100,000	--	--	1.0	30

f=frequency in MHz

*Plane-wave equivalent power density



**Engineering Services Department
One North San Antonio Road
Los Altos, California 94022-3087
Tel: (650) 947-2780
Fax (650) 947-2732**

August 13, 2019

Suresite

Attn: Laura Meiners, Site Development Specialist
2033 Gateway Place, 5th Floor
San Jose, CA 95110

Dear Applicant,

As you may be aware, on August 5, 2019, the City of Los Altos adopted Ordinance 2019-460 and Resolutions 2019-35 and 2019-36, which collectively address placement of wireless facilities within the City. Section 11.12.030(A)(1) of the new Ordinance requires that we apply these new provisions to your pending permit application to construct wireless facilities at the following location:

AT&T #1, 141 Almond Avenue, Application No. SE19-00009

Based on the proposed location and design of the facilities indicated in your application, we have determined that this application should be treated as a request for one or more exceptions under Section 11.12.090 of the new Ordinance. The rule in Section 11.12.090(B) is that an applicant may only request an exception at the time of applying for a wireless telecommunications facility permit. However, because this requirement was established after your application was submitted, the City wants to ensure you have an opportunity to submit any additional information you may wish to provide to support any exception request. For your reference, Section 11.12.090(B) provides that exception requests "must include both the specific provision(s) of this chapter and any design or siting standards from which the exception is sought and the basis of the request."

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Sincerely,

A handwritten signature in blue ink, appearing to read "J. Sandoval", written in a cursive style.

Jim Sandoval, P.E.
Director / City Engineer
Engineering Services Department



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AT&T #2, 687 Linden Avenue, Application No. SE19-00003

Based on the proposed location and design of the facilities indicated in your application, we have determined that this application should be treated as a request for one or more exceptions under Section 11.12.090 of the new Ordinance. The rule in Section 11.12.090(B) is that an applicant may only request an exception at the time of applying for a wireless telecommunications facility permit. However, because this requirement was established after your application was submitted, the City wants to ensure you have an opportunity to submit any additional information you may wish to provide to support any exception request. For your reference, Section 11.12.090(B) provides that exception requests "must include both the specific provision(s) of this chapter and any design or siting standards from which the exception is sought and the basis of the request."

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Director / City Engineer
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AT&T #3, 421 Valencia Drive, Application No. SE19-00017

Based on the proposed location and design of the facilities indicated in your application, we have determined that this application should be treated as a request for one or more exceptions under Section 11.12.090 of the new Ordinance. The rule in Section 11.12.090(B) is that an applicant may only request an exception at the time of applying for a wireless telecommunications facility permit. However, because this requirement was established after your application was submitted, the City wants to ensure you have an opportunity to submit any additional information you may wish to provide to support any exception request. For your reference, Section 11.12.090(B) provides that exception requests "must include both the specific provision(s) of this chapter and any design or siting standards from which the exception is sought and the basis of the request."

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Director / City Engineer
Engineering Services Department



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AT&T #4, 33 Pine Lane, Application No. SE19-00004

Based on the proposed location and design of the facilities indicated in your application, we have determined that this application should be treated as a request for one or more exceptions under Section 11.12.090 of the new Ordinance. The rule in Section 11.12.090(B) is that an applicant may only request an exception at the time of applying for a wireless telecommunications facility permit. However, because this requirement was established after your application was submitted, the City wants to ensure you have an opportunity to submit any additional information you may wish to provide to support any exception request. For your reference, Section 11.12.090(B) provides that exception requests “must include both the specific provision(s) of this chapter and any design or siting standards from which the exception is sought and the basis of the request.”

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AT&T #5, 49 San Juan Court, Application No. SE19-00010

Based on the proposed location and design of the facilities indicated in your application, we have determined that this application should be treated as a request for one or more exceptions under Section 11.12.090 of the new Ordinance. The rule in Section 11.12.090(B) is that an applicant may only request an exception at the time of applying for a wireless telecommunications facility permit. However, because this requirement was established after your application was submitted, the City wants to ensure you have an opportunity to submit any additional information you may wish to provide to support any exception request. For your reference, Section 11.12.090(B) provides that exception requests “must include both the specific provision(s) of this chapter and any design or siting standards from which the exception is sought and the basis of the request.”

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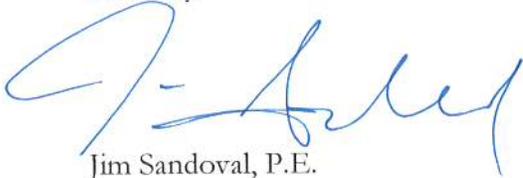
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AT&T #6, 791 Los Altos Avenue, Application No. SE19-00011

Based on the proposed location and design of the facilities indicated in your application, we have determined that this application should be treated as a request for one or more exceptions under Section 11.12.090 of the new Ordinance. The rule in Section 11.12.090(B) is that an applicant may only request an exception at the time of applying for a wireless telecommunications facility permit. However, because this requirement was established after your application was submitted, the City wants to ensure you have an opportunity to submit any additional information you may wish to provide to support any exception request. For your reference, Section 11.12.090(B) provides that exception requests “must include both the specific provision(s) of this chapter and any design or siting standards from which the exception is sought and the basis of the request.”

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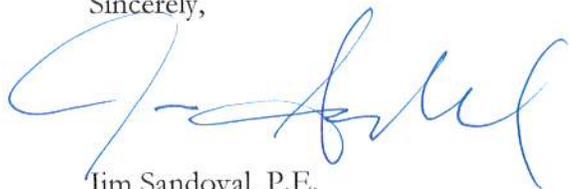
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AT&T #7, 98 Eleanor Avenue, Application No. SE19-00005

Based on the proposed location and design of the facilities indicated in your application, we have determined that this application should be treated as a request for one or more exceptions under Section 11.12.090 of the new Ordinance. The rule in Section 11.12.090(B) is that an applicant may only request an exception at the time of applying for a wireless telecommunications facility permit. However, because this requirement was established after your application was submitted, the City wants to ensure you have an opportunity to submit any additional information you may wish to provide to support any exception request. For your reference, Section 11.12.090(B) provides that exception requests "must include both the specific provision(s) of this chapter and any design or siting standards from which the exception is sought and the basis of the request."

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Jim Sandoval, P.E.
Director / City Engineer
Engineering Services Department



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August 13, 2019

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AT&T #8, 182 Garland Way, Application No. SE19-00006

Based on the proposed location and design of the facilities indicated in your application, we have determined that this application should be treated as a request for one or more exceptions under Section 11.12.090 of the new Ordinance. The rule in Section 11.12.090(B) is that an applicant may only request an exception at the time of applying for a wireless telecommunications facility permit. However, because this requirement was established after your application was submitted, the City wants to ensure you have an opportunity to submit any additional information you may wish to provide to support any exception request. For your reference, Section 11.12.090(B) provides that exception requests “must include both the specific provision(s) of this chapter and any design or siting standards from which the exception is sought and the basis of the request.”

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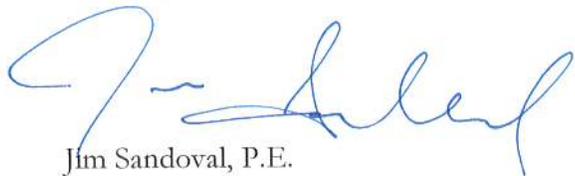
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AT&T #9, 491 Patrick Way, Application No. SE19-00012

Based on the proposed location and design of the facilities indicated in your application, we have determined that this application should be treated as a request for one or more exceptions under Section 11.12.090 of the new Ordinance. The rule in Section 11.12.090(B) is that an applicant may only request an exception at the time of applying for a wireless telecommunications facility permit. However, because this requirement was established after your application was submitted, the City wants to ensure you have an opportunity to submit any additional information you may wish to provide to support any exception request. For your reference, Section 11.12.090(B) provides that exception requests “must include both the specific provision(s) of this chapter and any design or siting standards from which the exception is sought and the basis of the request.”

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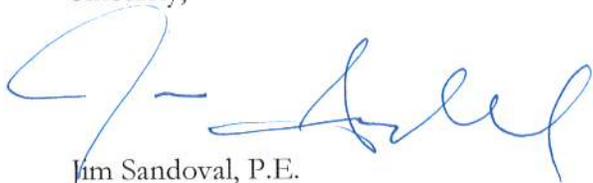
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AT&T #10, 300 Los Altos Avenue, Application No. SE19-00013

Based on the proposed location and design of the facilities indicated in your application, we have determined that this application should be treated as a request for one or more exceptions under Section 11.12.090 of the new Ordinance. The rule in Section 11.12.090(B) is that an applicant may only request an exception at the time of applying for a wireless telecommunications facility permit. However, because this requirement was established after your application was submitted, the City wants to ensure you have an opportunity to submit any additional information you may wish to provide to support any exception request. For your reference, Section 11.12.090(B) provides that exception requests “must include both the specific provision(s) of this chapter and any design or siting standards from which the exception is sought and the basis of the request.”

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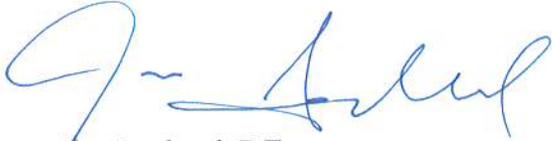
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AT&T #11, 130 Los Altos Avenue, Application No. SE19-00007

Based on the proposed location and design of the facilities indicated in your application, we have determined that this application should be treated as a request for one or more exceptions under Section 11.12.090 of the new Ordinance. The rule in Section 11.12.090(B) is that an applicant may only request an exception at the time of applying for a wireless telecommunications facility permit. However, because this requirement was established after your application was submitted, the City wants to ensure you have an opportunity to submit any additional information you may wish to provide to support any exception request. For your reference, Section 11.12.090(B) provides that exception requests “must include both the specific provision(s) of this chapter and any design or siting standards from which the exception is sought and the basis of the request.”

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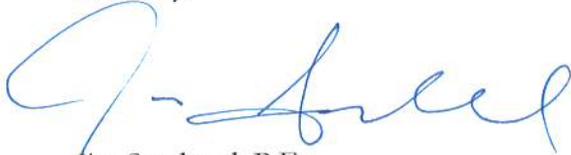
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San Jose, CA 95110

Dear Applicant,

As you may be aware, on August 5, 2019, the City of Los Altos adopted Ordinance 2019-460 and Resolutions 2019-35 and 2019-36, which collectively address placement of wireless facilities within the City. Section 11.12.030(A)(1) of the new Ordinance requires that we apply these new provisions to your pending permit application to construct wireless facilities at the following location:

AT&T #12, 356 Blue Oak Lane, Application No. SE19-00008

Based on the proposed location and design of the facilities indicated in your application, we have determined that this application should be treated as a request for one or more exceptions under Section 11.12.090 of the new Ordinance. The rule in Section 11.12.090(B) is that an applicant may only request an exception at the time of applying for a wireless telecommunications facility permit. However, because this requirement was established after your application was submitted, the City wants to ensure you have an opportunity to submit any additional information you may wish to provide to support any exception request. For your reference, Section 11.12.090(B) provides that exception requests “must include both the specific provision(s) of this chapter and any design or siting standards from which the exception is sought and the basis of the request.”

If you elect to submit additional materials, they must be provided in writing and delivered to the following address:

**Engineering Services Department, Los Altos City Hall, 1 North San Antonio Road,
Los Altos, CA 94022**

The materials should be accompanied by a cover letter which clearly identifies the application which such materials are intended to supplement. The materials must be received **no later than**

Thursday, August 22, 2019 at 5:00 p.m. to be considered. We anticipate acting on your application soon after that date.

If you believe you need additional time to prepare and submit supplemental materials or if you have any other questions, please contact Vency Woo of my staff at (650) 647-2622 or email at vwoo@losaltosca.gov as soon as possible.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Sandoval". The signature is fluid and cursive, with a large initial "J" and "S".

Jim Sandoval, P.E.
Director / City Engineer
Engineering Services Department



**Engineering Services Department
One North San Antonio Road
Los Altos, California 94022-3087
Tel: (650) 947-2780
Fax (650) 947-2732**

August 13, 2019

The CBR Group
Attn: Steve Piper
2840 Howe Road, Suite E
Martinez, CA 94553

Dear Applicant,

As you may be aware, on August 5, 2019, the City of Los Altos adopted Ordinance 2019-460 and Resolutions 2019-35 and 2019-36, which collectively address placement of wireless facilities within the City. Section 11.12.030(A)(1) of the new Ordinance requires that we apply these new provisions to your pending permit application to construct wireless facilities at the following location:

Verizon #1, 155 Almond Ave, Application No. SE19-00019

Based on the proposed location and design of the facilities indicated in your application, we have determined that this application should be treated as a request for one or more exceptions under Section 11.12.090 of the new Ordinance. The rule in Section 11.12.090(B) is that an applicant may only request an exception at the time of applying for a wireless telecommunications facility permit. However, because this requirement was established after your application was submitted, the City wants to ensure you have an opportunity to submit any additional information you may wish to provide to support any exception request. For your reference, Section 11.12.090(B) provides that exception requests “must include both the specific provision(s) of this chapter and any design or siting standards from which the exception is sought and the basis of the request.”

If you elect to submit additional materials, they must be provided in writing and delivered to the following address:

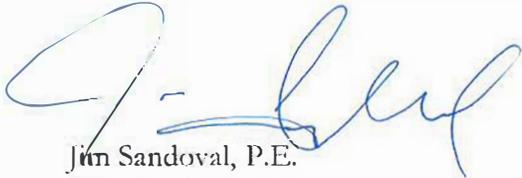
**Engineering Services Department, Los Altos City Hall, 1 North San Antonio Road,
Los Altos, CA 94022**

The materials should be accompanied by a cover letter which clearly identifies the application which such materials are intended to supplement. The materials must be received **no later than**

Thursday, August 22, 2019 at 5:00 p.m. to be considered. We anticipate acting on your application soon after that date.

If you believe you need additional time to prepare and submit supplemental materials or if you have any other questions, please contact Vency Woo of my staff at (650) 647-2622 or email at vwoo@losaltosca.gov as soon as possible.

Sincerely,



Jim Sandoval, P.E.
Director / City Engineer
Engineering Services Department



ANN AHRENS BECK
Assistant Vice President -
Senior Legal Counsel

AT&T Services, Inc.
208 S. Akard Street
Room 3026
Dallas, TX 75202

Phone: 214.757.5748
E-Mail: ann.beck@att.com

August 21, 2019

VIA E-MAIL

Christopher Diaz, Esq.
City Attorney for Los Altos
(christopher.diaz@bbklaw.com)
Best Best & Krieger, LLP
2001 North Main Street, Suite 390
Walnut Creek, CA 94596

Re. AT&T's Pending Applications for Twelve (12) Small Wireless Facilities
Urgent Action Required

Dear Mr. Diaz:

I write on behalf of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T"), to address urgent issues with respect to AT&T's pending applications to place small wireless facilities in the city, and to propose a tolling agreement to allow the City and AT&T to resolve these issues while still working towards prompt action on the applications.

AT&T submitted twelve applications seeking approvals for small wireless facilities, and all of these applications have been pending for some time – eleven of the applications were submitted in March and one was submitted in May of this year. (See Chart of Pending Applications, Attachment A.) AT&T has cooperated with the City with respect to these applications, including providing notice to residents of these applications even though not a published requirement nor required for previous application submittals. Recently, however, the City's Engineering Services Director, Mr. Sandoval, has taken the position that the City's new wireless regulations that were enacted *after* AT&T's twelve applications were submitted, should apply to them. (See Letters, Attachment B.) As a result, Mr. Sandoval has indicated that AT&T's applications must now comply with the City's new (and very different) aesthetic standards and application requirements, which became effective on just this month. Respectfully, I request that the City reconsider its position that these new standards apply to AT&T's pending applications.

Applicable Siting Regulations

AT&T's twelve pending applications were duly filed before the City enacted new regulations governing small wireless facilities. In fact, as explained below, the City should have completed reviews of these applications before the effective date for the new regulations. These applications must be evaluated in the context of the City's regulations – including its processes, application requirement and design standards – in effect at the time the applications were filed. Last year, the Federal Communications Commission issued its *Infrastructure Order*, which established rules and standards for

siting authorities to follow with respect to applications for approvals to construct small wireless facilities.¹ Under the *Infrastructure Order*, the FCC established a standard for local aesthetic regulations that they must be (1) reasonable, (2) no more burdensome than those applied to other infrastructure deployments, and (3) objective and published in advance.² Regulations that do not meet these criteria are preempted as they are presumed to effectively prohibit wireless service in violation of the Telecommunications Act.³

Most relevant here is the FCC's standard that aesthetic standards be "published in advance." The FCC explained that "[p]roviders cannot design or implement rational plans for deploying Small Wireless Facilities if they cannot predict in advance what aesthetic requirements they will be obligated to satisfy to obtain permission to deploy a facility at any given site."⁴ By seeking to impose a new set of rules, including design standards enacted months after AT&T's application were filed, the City is impeding AT&T's ability to deploy its facilities. This is an unlawful effective prohibition that is materially inhibiting AT&T from providing and improving wireless services in the City.

Need for Tolling Agreement

As I am sure you know, the Telecommunications Act requires the City to act "within a reasonable period of time" with respect to wireless siting applications.⁵ The FCC has established "shot clocks" and promulgated regulations that define the presumptive maximum review timeframes for applications like AT&T's pending applications. Specifically, federal law requires the City to act within 60 days on an application to place a small wireless facility on an existing structure and within 90 days on an application to place a small wireless facility on a new structure.⁶ In order to stop the shot clock, the siting authority must issue a written incomplete notice within ten days after the application is submitted.⁷ The FCC has explained that missing the applicable shot clock constitutes an effective prohibition under the Telecommunications Act.⁸

The applicable shot clocks for these twelve applications have expired. Specifically, eleven of the applications were submitted on March 22, 2019. Of those eleven applications, five were subject to the 60-day shot clock for small wireless facility collocations and six were subject to the 90-day shot clock for placing small wireless facilities on new structures. One other application, which was subject to the 60-day collocation shot clock, was submitted on May 28, 2019. The City did not provide notice that any of these twelve applications was incomplete within the first ten days after filing, so the shot clocks continued to run until they expired.

The City has recently requested additional information to be submitted with respect to these applications by tomorrow, August 22, 2019. But no additional information is needed to comply with the City's regulations in effect at the time these applications were submitted. While AT&T will continue to

¹ See *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order*, FCC 18-133 (September 27, 2018) ("*Infrastructure Order*").

² See *id.* at ¶ 86.

³ See *id.*; 47 U.S.C. § 332(c)(7)(B)(i)(II).

⁴ *Infrastructure Order* at ¶ 88.

⁵ 47 U.S.C. § 332(c)(7)(B)(ii).

⁶ 47 C.F.R. § 1.6003(c)(i) & (iii).

⁷ 47 C.F.R. § 1.6003(d)(1).

⁸ See *Infrastructure Order* at ¶ 119.

work with the City on its applications, the City should not take any adverse action with respect to them based on a misconception about the applicable standards.

Although the shot clocks have expired, and in order to cooperate with the City and move forward with respect to these applications, AT&T proposes a tolling agreement to define the "reasonable period of time" for the City to act on these twelve applications. Given that these applications are subject to an administrative process and all required information and documents have been submitted, AT&T proposes a new shot clock date of September 30, 2019, for all twelve applications. A proposed tolling agreement is attached for your review. (See Tolling Agreement, Attachment C.)

AT&T is working diligently to improve its wireless services in the City of Los Altos, and it is doing so pursuant to applicable law and within the City's applicable process and standards. Given the need for quick action here, your prompt attention is appreciated.

Sincerely,



Ann Ahrens Beck

cc: Jim Sandoval, Engineering Services Director (jsandoval@losaltosca.gov)
Vency Woo, GIS Technician (vwoo@losaltosca.gov)

Attachment A: Chart of Pending Applications
Attachment B: Letters from Mr. Sandoval, August 13, 2019
Attachment C: Tolling Agreement



MICHAEL G. GUIBORD
Director, Construction &
Engineering

AT&T Mobility Services LLC
5001 Executive Parkway
Room 4W850T
San Ramon, CA 94583

(925) 277-6300 Phone
mg8329@att.com

August 21, 2019

VIA E-MAIL ONLY

Christopher Diaz, Esq.
City Attorney for Los Altos
(christopher.diaz@bbklaw.com)
Best Best & Krieger, LLP
2001 North Main Street, Suite 390
Walnut Creek, CA 94596

Re: Extensions of FCC Shot-Clock on Twelve (12) AT&T Small Cell Applications

- Site 1 141 Almond Avenue; AT&T Site ID LOSA0_01; Application SE19-00009
- Site 2 687 Linden Avenue; AT&T Site ID LOSA0_02; Application SE19-00003
- Site 3 421 Valencia Drive; AT&T Site ID LOSA0_03; Application SE19-00017
- Site 4 33 Pine Lane; AT&T Site ID LOSA0_04; Application SE19-00017
- Site 5 49 San Juan Court; AT&T Site ID LOSA0_05; Application SE19-00010
- Site 6 791 Los Altos Avenue; AT&T Site ID LOSA0_06; Application SE19-00011
- Site 7 98 Eleanor Avenue; AT&T Site ID LOSA0_07; Application SE19-00005
- Site 8 182 Garland Way; AT&T Site ID LOSA0_08; Application SE19-00006
- Site 9 491 Patrick Way; AT&T Site ID LOSA0_09; Application SE19-00012
- Site 10 300 Los Altos Avenue; AT&T Site ID LOSA0_10; Application SE19-00013
- Site 11 130 Los Altos Avenue; AT&T Site ID LOSA0_11; Application SE19-00007
- Site 12 356 Blue Oak Lane; AT&T Site ID LOSA0_12; Application SE19-00008

Dear Mr. Diaz:

With respect to the above-referenced applications to place small wireless facilities in the public rights-of-way, the federal Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7)(B)(ii), requires the City of Los Altos to take action “within a reasonable period of time.” Federal Communications Commission rules and regulations establish procedures and applicable review timeframes (referred to as “shot clocks”) to implement this requirement. The FCC has explained that siting authorities must take action on all approvals and authorizations necessary for deployment within these review timeframes. The reasonable period of time to act may be extended or otherwise defined by mutual agreement between the City and AT&T.

AT&T understands that the City needs additional time in order to process the application. Without agreeing that this is an appropriate reason for delay, and in an effort to work cooperatively with the City, AT&T offers this extension of the applicable shot clock. When countersigned, this letter will confirm agreement between the AT&T and the City to toll the applicable time for review under the Federal Telecommunications Act through September 30, 2019. AT&T and the City further agree that no limitations period for any claim of unreasonable or unlawful delay in processing the application shall commence to run before September 30, 2019.

To confirm the City's agreement, please countersign below and return this letter to me. Thank you.

Sincerely,



Michael G. Guibord

Agreed:

City of Los Altos, California

By: Christopher Diaz, Esq., City Attorney

AT&T Small Wireless Facility Applications
Los Altos CA

AT&T Site ID	Collocation/ New Pole	ADDRESS	Application No.	Submittal Date	Shot Clock Day 10 Day	Shot Clock	Shot Clock Deadline
CRAN_RSFR_LOSA0_01	Pole replacement	141 ALMOND AVENUE	SE19-00009	3/22/2019	4/1/2019	90 Days	6/20/2019
CRAN_RSFR_LOSA0_02	Pole replacement	687 LINDEN AVENUE	SE19-00003	3/22/2019	4/1/2019	90 Days	6/20/2019
CRAN_RSFR_LOSA0_04	Collocation	33 PINE LANE	SE19-00004	3/22/2019	4/1/2019	60 Days	5/21/2019
CRAN_RSFR_LOSA0_05	Pole replacement	49 SAN JUAN COURT	SE19-00010	3/22/2019	4/1/2019	90 Days	6/20/2019
CRAN_RSFR_LOSA0_06	Pole replacement	791 LOS ALTOS AVENUE	SE19-00011	3/22/2019	4/1/2019	90 Days	6/20/2019
CRAN_RSFR_LOSA0_07	Collocation	97 ELEANOR AVENUE	SE19-00005	3/22/2019	4/1/2019	60 Days	5/21/2019
CRAN_RSFR_LOSA0_08	Collocation	182 GARLAND WAY	SE19-00006	3/22/2019	4/1/2019	60 Days	5/21/2019
CRAN_RSFR_LOSA0_09	Pole replacement	491 PATRICK WAY	SE19-00012	3/22/2019	4/1/2019	90 Days	6/20/2019
CRAN_RSFR_LOSA0_10	Pole replacement	300 LOS ALTOS AVENUE	SE19-00013	3/22/2019	4/1/2019	90 Days	6/20/2019
CRAN_RSFR_LOSA0_11	Collocation	130 LOS ALTOS AVENUE	SE19-00007	3/22/2019	4/1/2019	60 Days	5/21/2019

AT&T Small Wireless Facility Applications
Los Altos CA

AT&T Site ID	Collocation/ New Pole	ADDRESS	Application No.	Submittal Date	Shot Clock Day 10 Day	Shot Clock	Shot Clock Deadline
CRAN_RSFR_LOSA0_12	Collocation	356 BLUE OAK LANE	SE19-00008	3/22/2019	4/1/2019	60 Days	5/21/2019
CRAN_RSFR_LOSA0_03	Collocation	421 VALENCIA DRIVE	SE19-00017	5/28/2019	6/7/2019	60 Days	7/27/2019



City of Los Altos
One North San Antonio Road
Los Altos, California 94022-3087
Tel: (650) 947-2700
Fax (650) 947-2701

Suresite
Attn: Annie Freeman, Site Development Specialist
2033 Gateway Place, 5th Floor
San Jose, CA 95110

October 9, 2019

RE: Notice of Administrative Public Hearing for application for personal wireless facility located at
AT&T #1, 141 Almond Avenue, Application No. SE19-00009

Dear Applicant,

The above referenced application to locate a personal wireless facility at 141 Almond Avenue was denied by the City Manager, as it was communicated to the applicant by letter dated September 17, 2019. In response, the applicant filed an appeal of the denial decision dated September 20, 2019 requesting that the City Council reverse the denial decision and approve the reference application.

Los Altos Municipal Code (the "Code") Section 11.12.210 designates the City Council as the appellate authority for all appeals of all actions of the City Manager taken pursuant to the Chapter 11.12 of the Code. The administrative public hearing of the appeal of the denial decision is scheduled on **Tuesday, October 29, 2019, at 6:00 p.m. at Los Altos Youth Center**, located at 1 North San Antonio Road, Los Altos, CA 94022.

City staff attempted to contact Angela Kung, AT&T's Director of External Affairs, by leaving two detailed voicemails but received no response. City staff also notified Ivan Toews and William Holick with Ericsson and Anne Freeman and Roseann Cropanese with Suresite of the proposed hearing date via email but received no responses.

Please confirm if a representative will be attending the administrative public hearing by responding to Senior Civil Engineer Victor Chen at vchen@losaltosca.gov no later than Tuesday, October 15, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Jordan".

Chris Jordan
City Manager



City of Los Altos
One North San Antonio Road
Los Altos, California 94022-3087
Tel: (650) 947-2700
Fax (650) 947-2701

Suresite
Attn: Annie Freeman, Site Development Specialist
2033 Gateway Place, 5th Floor
San Jose, CA 95110

October 9, 2019

RE: Notice of Administrative Public Hearing for application for personal wireless facility located at
AT&T #2, 687 Linden Avenue, Application No. SE19-00003

Dear Applicant,

The above referenced application to locate a personal wireless facility at 687 Linden Avenue was denied by the City Manager, as it was communicated to the applicant by letter dated September 17, 2019. In response, the applicant filed an appeal of the denial decision dated September 20, 2019 requesting that the City Council reverse the denial decision and approve the reference application.

Los Altos Municipal Code (the "Code") Section 11.12.210 designates the City Council as the appellate authority for all appeals of all actions of the City Manager taken pursuant to the Chapter 11.12 of the Code. The administrative public hearing of the appeal of the denial decision is scheduled on **Tuesday, October 29, 2019, at 6:00 p.m. at Los Altos Youth Center**, located at 1 North San Antonio Road, Los Altos, CA 94022.

City staff attempted to contact Angela Kung, AT&T's Director of External Affairs, by leaving two detailed voicemails but received no response. City staff also notified Ivan Toews and William Holick with Ericsson and Anne Freeman and Roseann Cropanese with Suresite of the proposed hearing date via email but received no responses.

Please confirm if a representative will be attending the administrative public hearing by responding to Senior Civil Engineer Victor Chen at vchen@losaltosca.gov no later than Tuesday, October 15, 2019.

Sincerely,

Chris Jordan
City Manager



**City of Los Altos
One North San Antonio Road
Los Altos, California 94022-3087
Tel: (650) 947-2700
Fax (650) 947-2701**

Suresite
Attn: Annie Freeman, Site Development Specialist
2033 Gateway Place, 5th Floor
San Jose, CA 95110

October 9, 2019

RE: Notice of Administrative Public Hearing for application for personal wireless facility located at
AT&T #3, 421 Valencia Drive, Application No. SE19-00017

Dear Applicant,

The above referenced application to locate a personal wireless facility at 421 Valencia Drive was denied by the City Manager, as it was communicated to the applicant by letter dated September 17, 2019. In response, the applicant filed an appeal of the denial decision dated September 20, 2019 requesting that the City Council reverse the denial decision and approve the reference application.

Los Altos Municipal Code (the "Code") Section 11.12.210 designates the City Council as the appellate authority for all appeals of all actions of the City Manager taken pursuant to the Chapter 11.12 of the Code. The administrative public hearing of the appeal of the denial decision is scheduled on **Tuesday, October 29, 2019, at 6:00 p.m. at Los Altos Youth Center**, located at 1 North San Antonio Road, Los Altos, CA 94022.

City staff attempted to contact Angela Kung, AT&T's Director of External Affairs, by leaving two detailed voicemails but received no response. City staff also notified Ivan Toews and William Holick with Ericsson and Anne Freeman and Roseann Cropanese with Suresite of the proposed hearing date via email but received no responses.

Please confirm if a representative will be attending the administrative public hearing by responding to Senior Civil Engineer Victor Chen at vchen@losaltosca.gov no later than Tuesday, October 15, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Jordan".

Chris Jordan
City Manager



City of Los Altos
One North San Antonio Road
Los Altos, California 94022-3087
Tel: (650) 947-2700
Fax (650) 947-2701

Suresite
Attn: Annie Freeman, Site Development Specialist
2033 Gateway Place, 5th Floor
San Jose, CA 95110

October 9, 2019

RE: Notice of Administrative Public Hearing for application for personal wireless facility located at
AT&T #4, 33 Pine Lane, Application No. SE19-00004

Dear Applicant,

The above referenced application to locate a personal wireless facility at 33 Pine Lane was denied by the City Manager, as it was communicated to the applicant by letter dated September 17, 2019. In response, the applicant filed an appeal of the denial decision dated September 20, 2019 requesting that the City Council reverse the denial decision and approve the reference application.

Los Altos Municipal Code (the "Code") Section 11.12.210 designates the City Council as the appellate authority for all appeals of all actions of the City Manager taken pursuant to the Chapter 11.12 of the Code. The administrative public hearing of the appeal of the denial decision is scheduled on **Tuesday, October 29, 2019, at 6:00 p.m. at Los Altos Youth Center**, located at 1 North San Antonio Road, Los Altos, CA 94022.

City staff attempted to contact Angela Kung, AT&T's Director of External Affairs, by leaving two detailed voicemails but received no response. City staff also notified Ivan Toews and William Holick with Ericsson and Anne Freeman and Roseann Cropanese with Suresite of the proposed hearing date via email but received no responses.

Please confirm if a representative will be attending the administrative public hearing by responding to Senior Civil Engineer Victor Chen at vchen@losaltosca.gov no later than Tuesday, October 15, 2019.

Sincerely,

Chris Jordan
City Manager



City of Los Altos
One North San Antonio Road
Los Altos, California 94022-3087
Tel: (650) 947-2700
Fax (650) 947-2701

Suresite
Attn: Annie Freeman, Site Development Specialist
2033 Gateway Place, 5th Floor
San Jose, CA 95110

October 9, 2019

RE: Notice of Administrative Public Hearing for application for personal wireless facility located at
AT&T #5, 49 San Juan Court, Application No. SE19-00010

Dear Applicant,

The above referenced application to locate a personal wireless facility at 49 San Juan Court was denied by the City Manager, as it was communicated to the applicant by letter dated September 17, 2019. In response, the applicant filed an appeal of the denial decision dated September 20, 2019 requesting that the City Council reverse the denial decision and approve the reference application.

Los Altos Municipal Code (the "Code") Section 11.12.210 designates the City Council as the appellate authority for all appeals of all actions of the City Manager taken pursuant to the Chapter 11.12 of the Code. The administrative public hearing of the appeal of the denial decision is scheduled on **Tuesday, October 29, 2019, at 6:00 p.m. at Los Altos Youth Center**, located at 1 North San Antonio Road, Los Altos, CA 94022.

City staff attempted to contact Angela Kung, AT&T's Director of External Affairs, by leaving two detailed voicemails but received no response. City staff also notified Ivan Toews and William Holick with Ericsson and Anne Freeman and Roseann Cropanese with Suresite of the proposed hearing date via email but received no responses.

Please confirm if a representative will be attending the administrative public hearing by responding to Senior Civil Engineer Victor Chen at vchen@losaltosca.gov no later than Tuesday, October 15, 2019.

Sincerely,

Chris Jordan
City Manager



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Fax (650) 947-2701

Suresite
Attn: Annie Freeman, Site Development Specialist
2033 Gateway Place, 5th Floor
San Jose, CA 95110

October 9, 2019

RE: Notice of Administrative Public Hearing for application for personal wireless facility located at
AT&T #6, 791 Los Altos Avenue, Application No. SE19-00011

Dear Applicant,

The above referenced application to locate a personal wireless facility at 791 Los Altos Avenue was denied by the City Manager, as it was communicated to the applicant by letter dated September 17, 2019. In response, the applicant filed an appeal of the denial decision dated September 20, 2019 requesting that the City Council reverse the denial decision and approve the reference application.

Los Altos Municipal Code (the "Code") Section 11.12.210 designates the City Council as the appellate authority for all appeals of all actions of the City Manager taken pursuant to the Chapter 11.12 of the Code. The administrative public hearing of the appeal of the denial decision is scheduled on **Tuesday, October 29, 2019, at 6:00 p.m. at Los Altos Youth Center**, located at 1 North San Antonio Road, Los Altos, CA 94022.

City staff attempted to contact Angela Kung, AT&T's Director of External Affairs, by leaving two detailed voicemails but received no response. City staff also notified Ivan Toews and William Holick with Ericsson and Anne Freeman and Roseann Cropanese with Suresite of the proposed hearing date via email but received no responses.

Please confirm if a representative will be attending the administrative public hearing by responding to Senior Civil Engineer Victor Chen at vchen@losaltosca.gov no later than Tuesday, October 15, 2019.

Sincerely,

Chris Jordan
City Manager



City of Los Altos
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Los Altos, California 94022-3087
Tel: (650) 947-2700
Fax (650) 947-2701

Suresite
Attn: Annie Freeman, Site Development Specialist
2033 Gateway Place, 5th Floor
San Jose, CA 95110

October 9, 2019

RE: Notice of Administrative Public Hearing for application for personal wireless facility located at
AT&T #7, 98 Eleanor Avenue, Application No. SE19-00005

Dear Applicant,

The above referenced application to locate a personal wireless facility at 98 Eleanor Avenue was denied by the City Manager, as it was communicated to the applicant by letter dated September 17, 2019. In response, the applicant filed an appeal of the denial decision dated September 20, 2019 requesting that the City Council reverse the denial decision and approve the reference application.

Los Altos Municipal Code (the "Code") Section 11.12.210 designates the City Council as the appellate authority for all appeals of all actions of the City Manager taken pursuant to the Chapter 11.12 of the Code. The administrative public hearing of the appeal of the denial decision is scheduled on **Tuesday, October 29, 2019, at 6:00 p.m. at Los Altos Youth Center**, located at 1 North San Antonio Road, Los Altos, CA 94022.

City staff attempted to contact Angela Kung, AT&T's Director of External Affairs, by leaving two detailed voicemails but received no response. City staff also notified Ivan Toews and William Holick with Ericsson and Anne Freeman and Roseann Cropanese with Suresite of the proposed hearing date via email but received no responses.

Please confirm if a representative will be attending the administrative public hearing by responding to Senior Civil Engineer Victor Chen at vchen@losaltosca.gov no later than Tuesday, October 15, 2019.

Sincerely,

Chris Jordan
City Manager



City of Los Altos
One North San Antonio Road
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Tel: (650) 947-2700
Fax (650) 947-2701

Suresite
Attn: Annie Freeman, Site Development Specialist
2033 Gateway Place, 5th Floor
San Jose, CA 95110

October 9, 2019

RE: Notice of Administrative Public Hearing for application for personal wireless facility located at
AT&T #8, 182 Garland Way, Application No. SE19-00006

Dear Applicant,

The above referenced application to locate a personal wireless facility at 182 Garland Way was denied by the City Manager, as it was communicated to the applicant by letter dated September 17, 2019. In response, the applicant filed an appeal of the denial decision dated September 20, 2019 requesting that the City Council reverse the denial decision and approve the reference application.

Los Altos Municipal Code (the "Code") Section 11.12.210 designates the City Council as the appellate authority for all appeals of all actions of the City Manager taken pursuant to the Chapter 11.12 of the Code. The administrative public hearing of the appeal of the denial decision is scheduled on **Tuesday, October 29, 2019, at 6:00 p.m. at Los Altos Youth Center**, located at 1 North San Antonio Road, Los Altos, CA 94022.

City staff attempted to contact Angela Kung, AT&T's Director of External Affairs, by leaving two detailed voicemails but received no response. City staff also notified Ivan Toews and William Holick with Ericsson and Anne Freeman and Roseann Cropanese with Suresite of the proposed hearing date via email but received no responses.

Please confirm if a representative will be attending the administrative public hearing by responding to Senior Civil Engineer Victor Chen at vchen@losaltosca.gov no later than Tuesday, October 15, 2019.

Sincerely,

Chris Jordan
City Manager



City of Los Altos
One North San Antonio Road
Los Altos, California 94022-3087
Tel: (650) 947-2700
Fax (650) 947-2701

Suresite
Attn: Annie Freeman, Site Development Specialist
2033 Gateway Place, 5th Floor
San Jose, CA 95110

October 9, 2019

RE: Notice of Administrative Public Hearing for application for personal wireless facility located at
AT&T #9, 491 Patrick Way, Application No. SE19-00012

Dear Applicant,

The above referenced application to locate a personal wireless facility at 491 Patrick Way was denied by the City Manager, as it was communicated to the applicant by letter dated September 17, 2019. In response, the applicant filed an appeal of the denial decision dated September 20, 2019 requesting that the City Council reverse the denial decision and approve the reference application.

Los Altos Municipal Code (the "Code") Section 11.12.210 designates the City Council as the appellate authority for all appeals of all actions of the City Manager taken pursuant to the Chapter 11.12 of the Code. The administrative public hearing of the appeal of the denial decision is scheduled on **Tuesday, October 29, 2019, at 6:00 p.m. at Los Altos Youth Center**, located at 1 North San Antonio Road, Los Altos, CA 94022.

City staff attempted to contact Angela Kung, AT&T's Director of External Affairs, by leaving two detailed voicemails but received no response. City staff also notified Ivan Toews and William Holick with Ericsson and Anne Freeman and Roseann Cropanese with Suresite of the proposed hearing date via email but received no responses.

Please confirm if a representative will be attending the administrative public hearing by responding to Senior Civil Engineer Victor Chen at vchen@losaltosca.gov no later than Tuesday, October 15, 2019.

Sincerely,

Chris Jordan
City Manager



City of Los Altos
One North San Antonio Road
Los Altos, California 94022-3087
Tel: (650) 947-2700
Fax (650) 947-2701

Suresite
Attn: Annie Freeman, Site Development Specialist
2033 Gateway Place, 5th Floor
San Jose, CA 95110

October 9, 2019

RE: Notice of Administrative Public Hearing for application for personal wireless facility located at
AT&T #10, 300 Los Altos Avenue, Application No. SE19-00013

Dear Applicant,

The above referenced application to locate a personal wireless facility at 300 Los Altos Avenue was denied by the City Manager, as it was communicated to the applicant by letter dated September 17, 2019. In response, the applicant filed an appeal of the denial decision dated September 20, 2019 requesting that the City Council reverse the denial decision and approve the reference application.

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Sincerely,

Chris Jordan
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Suresite
Attn: Annie Freeman, Site Development Specialist
2033 Gateway Place, 5th Floor
San Jose, CA 95110

October 9, 2019

RE: Notice of Administrative Public Hearing for application for personal wireless facility located at
AT&T #11, 130 Los Altos Avenue, Application No. SE19-00007

Dear Applicant,

The above referenced application to locate a personal wireless facility at 130 Los Altos Avenue was denied by the City Manager, as it was communicated to the applicant by letter dated September 17, 2019. In response, the applicant filed an appeal of the denial decision dated September 20, 2019 requesting that the City Council reverse the denial decision and approve the reference application.

Los Altos Municipal Code (the "Code") Section 11.12.210 designates the City Council as the appellate authority for all appeals of all actions of the City Manager taken pursuant to the Chapter 11.12 of the Code. The administrative public hearing of the appeal of the denial decision is scheduled on **Tuesday, October 29, 2019, at 6:00 p.m. at Los Altos Youth Center**, located at 1 North San Antonio Road, Los Altos, CA 94022.

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Sincerely,

Chris Jordan
City Manager



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One North San Antonio Road
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Tel: (650) 947-2700
Fax (650) 947-2701

Suresite
Attn: Annie Freeman, Site Development Specialist
2033 Gateway Place, 5th Floor
San Jose, CA 95110

October 9, 2019

RE: Notice of Administrative Public Hearing for application for personal wireless facility located at
AT&T #12, 356 Blue Oak Lane, Application No. SE19-00008

Dear Applicant,

The above referenced application to locate a personal wireless facility at 356 Blue Oak Lane was denied by the City Manager, as it was communicated to the applicant by letter dated September 17, 2019. In response, the applicant filed an appeal of the denial decision dated September 20, 2019 requesting that the City Council reverse the denial decision and approve the reference application.

Los Altos Municipal Code (the "Code") Section 11.12.210 designates the City Council as the appellate authority for all appeals of all actions of the City Manager taken pursuant to the Chapter 11.12 of the Code. The administrative public hearing of the appeal of the denial decision is scheduled on **Tuesday, October 29, 2019, at 6:00 p.m. at Los Altos Youth Center**, located at 1 North San Antonio Road, Los Altos, CA 94022.

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Sincerely,

Chris Jordan
City Manager



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ATTORNEYS AT LAW

Memorandum

To: Mayor Eng and Honorable City Council
From: City Attorney's Office
Meeting Date: October 29, 2019
Re: Legal Issues Raised by Verizon's and AT&T's Appeal Letters

This memorandum addresses certain legal issues raised in the Verizon Wireless and AT&T (the "Applicants") appeal letters dated September 16, 2019 and September 20, 2019, respectively. The Applicants have argued that certain requirements of the Wireless Ordinance and the Design Standards violate state or federal law. Section 11.12.090.A of the City's Wireless Ordinance provides for the grant of exceptions in certain circumstances specified below:

- A. Exceptions pertaining to any provision of this chapter, including, but not limited to, exceptions from findings that would otherwise justify denial, may be granted by the City if the City makes the finding that:
1. Denial of the facility as proposed would violate federal law, state law, or both; or
 2. A provision of this chapter, as applied to applicant, would deprive applicant of its rights under federal law, state law, or both.

Section 11.12.090.D of the City's Wireless Ordinance further provides that the applicant has the burden of proving an exception is warranted. The purpose of this memorandum is to assist the City Council in considering any exceptions by providing guidance as to the applicable standards under state and federal law.

Issue 1: Procedure and Standards Applied to the Applications

Both Applicants assert to varying degrees that the City Manager erred by applying the required findings in the City's Ordinance 2019-460 ("Wireless Ordinance") and the standards in Resolution 2019-35 ("Design Standards"), which were adopted after the applications were submitted. AT&T argues that applying them violates the FCC's Small Cell Order and the company's due process rights, and that even if they could be applied, some of the Design Standards violate federal law. Verizon appears to accept application of the Design Standards, but also argues that some are preempted by federal law or cannot be the basis for a denial. Verizon also suggests that the Wireless Ordinance and Design Standards were adopted after the respective "deadlines" in the FCC's recent regulations, *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order*, WT Docket No. 17-79, WC Docket No. 17-84, 33 FCC Rcd. 9088 (2018) ("*Small Cell Order*").



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Under state law, generally, governmental agencies may apply new laws retroactively where such an intent is apparent, as long as they do not deprive a vested right without due process. *See Kenneth W. Davidson v. County of San Diego*, 49 Cal. Rptr. 2d 617, 620 (Ct. App. 1996); *In re Marriage of Buol*, 705 P.2d 354, 360 (1985). Further, a zoning ordinance may apply retroactively “to require the denial of an application for a permit or the nullification of a permit already issued, provided that the applicant has not already engaged in substantial building or incurred expenses in connection therewith.” *Eugenia Igna v. City of Baldwin Park*, 88 Cal. Rptr. 581, 584 (Ct. App. 1970); *see also, Am. Tower Corp. v. City of San Diego*, 763 F.3d 1035 (9th Cir. 2014) (“*Am. Tower Corp.*”). While there is some older case law suggesting the right of telephone companies to use the public rights-of-way pursuant to their state franchise grant in Pub. Util. Code Section 7901 may be a “vested right”, the California Supreme Court recently affirmed that local governments have broad discretion to deny such use if a proposed facility will incommode the public use, including based on aesthetic considerations. *T-Mobile W. LLC v. City & Cty. of San Francisco*, 438 P.3d 239 (2019) (“San Francisco”).

Turning to federal law, as a preliminary matter, the FCC’s Small Cell Order does not create “deadlines” for adopting wireless ordinances or design standards. Rather, it established effective dates for distinct portions of the Small Cell Order. The portions of the Small Cell Order establishing shorter FCC shot clocks and limits on fees went into effect on January 14, 2019. The portion of the FCC Small Cell Order placing limits on local aesthetic standards went into effect on April 15, 2019. The FCC Order requires that aesthetic standards for small wireless facilities be: (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; and (3) objective and published in advance of the application being submitted. The requirement to publish aesthetic standards “in advance” of an application cannot logically be applied to applications submitted prior to April 15, 2019 without giving retroactive effect to the FCC Order, contrary to the FCC’s intent. Moreover, this FCC requirement to publish in advance only applies to aesthetic standards. It does not apply to any other elements of the review process.

As a factual matter, all of the applications on appeal were submitted before the Wireless Ordinance and Design Standards were adopted and the applications were still under City staff review when the Wireless Ordinance and Design Standards went into effect. All but two applications under appeal¹ were submitted prior to April 15, 2019. The City Council addressed its intent regarding pending applications in Section 11.12.030(A)(1), which requires that the new provisions be applied to applications that were pending as of the effective date of the Wireless Ordinance. In addition, before taking action on the pending applications, the City Manager gave both Applicants the opportunity to submit additional information to supplement the record regarding their applications. In particular, the City Manager explained that based on the proposed locations and designs of the proposed wireless telecommunications facilities, it was treating the applications as requests for exceptions under Section 11.12.090 of the Wireless Ordinance, and invited both Applicants to submit additional information to support an exception request. Both

¹ The two applications that were submitted after April 15 but before the Design Standards were adopted are the Verizon Wireless application #1 (155 Almond Avenue) and AT&T’s application #3 (421 Valencia Drive).



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Applicants will also have the opportunity to supplement the record for their applications at the Administrative Public Hearing before the City Council.

The City Council should consider these legal authorities and facts, as well as any additional evidence provided at the Administrative Public Hearing, when determining whether it is appropriate to apply the Wireless Ordinance and Design Standards to the applications or if it would violate state or federal law or the Applicants' due process rights.

Issue 2: Substantial Evidence Standard Required for Denial

Verizon argues that the City Manager's denial violated 47 U.S.C. § 332(c)(7)(B)(iii) because it was not supported by substantial evidence.

Federal law provides that any decision to deny a request to build personal wireless facilities "shall be in writing and supported by substantial evidence contained in a written record" submitted contemporaneously with the denial. 47 U.S.C. § 332(c)(7)(B)(iii); *see T-Mobile S., LLC v. City of Roswell, Ga.*, 135 S. Ct. 808, 815 (2015). To determine whether a local government's decision is supported by substantial evidence within the meaning of the statute, a reviewing court "must be able to identify the reason or reasons why the locality denied the application." *Id.* at 814. The rationale behind such a denial need not be "elaborate or even sophisticated"—rather, a local authority must provide a rationale clear enough to "enable judicial review." *Id.* at 815. In the Ninth Circuit, courts have construed the "substantial evidence" standard as requiring that the local government's decision be (1) authorized by local law and (2) supported by a reasonable amount of evidence. *See Sprint PCS Assets, L.L.C. v. City of Palos Verdes Estates*, 583 F.3d 716, 721 (9th Cir.2009) ("*Palos Verdes Estates*"); *MetroPCS v. City and County of San Francisco*, 400 F.3d 715, 725 (9th Cir.2005) ("*MetroPCS*"). There is no precise formula for determining when the "substantial evidence" requirement is met; rather, a reviewing court will affirm when a denial is supported by "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion," which includes discussion of aesthetic considerations. *Palos Verdes Estates*, 583 F.3d at 726; *see MetroPCS*, 400 F.3d at 725 ("local government must have "less than a preponderance, but more than a scintilla of evidence.").

Here, the Wireless Ordinance requires the City Council to make its decision whether to approve or deny each application based on the requirements of the Wireless Ordinance and the Design Standards. When deciding the applications on appeal, the City Council should consider all of the evidence presented at the hearing, including the information that was before the City Manager, any additional information provided by each Applicant, and information provided by the public in making its decision on each application. Any denial decision must be in writing and supported by substantial evidence contained in the written record.



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Issue 3: City’s Authority to Regulate Placement Under State Law

The Applicants contend that the prohibition on wireless installations in the public rights-of-way in residential areas violates California Public Utilities Code Section 7901 (“Section 7901”). AT&T suggests that its Section 7901 franchise right is subject only to the City’s reasonable and equivalent time, place, and manner regulations under Section 7901.1 and the ban on residential deployments is not “an equivalent regulation.” Verizon suggests its franchise right is violated because Section 7901 does not provide an exception to the franchise right of telephone companies to use the public rights-of-way for certain types of public rights-of-way such as those in residential areas.

While it is true that Section 7901 does not explicitly carve out certain types of public rights-of-way, Section 7901 does broadly empower a local authority to regulate a telephone corporation’s facilities to ensure that they do not “incommode” the public use of the public right-of-way, including due to aesthetic considerations. Courts have taken an expansive view of the term “incommode,” permitting local authorities to impose, pursuant to Section 7901, physical and aesthetic conditions on an operator’s facilities. *See, e.g., San Francisco*, 438 P.3d at 249; *see also City of Palos Verdes Estates*, 583 F.3d at 723 (construing broadly the meaning of “incommode,” which means to “subject [the public use] to inconvenience or discomfort; to trouble, annoy, molest, embarrass, inconvenience or [t]o affect with inconvenience, to hinder, impede, obstruct (an action, etc.)”) (quotes omitted). Indeed, a reviewing authority’s ability to regulate the public right-of-way is an extension of its police powers under Cal. Const. art. 11, § 7. The City’s inherent local police power “includes the authority to establish aesthetic conditions for land use.” *San Francisco*, 438 P.3d at 244. Further, “...neither the plain language of section 7901 nor the manner in which it has been interpreted by courts and the [California Public Utilities Commission] support [finding that] that the Legislature intended to preempt local regulation based on aesthetic considerations.” *Id.* at 249.

AT&T’s statement regarding the interplay of Sections 7901 and 7901.1 is simply incorrect and was rejected by the California Supreme Court in the *San Francisco* case. Section 7901.1’s “equivalent regulation” requirement only applies to local regulation of the *temporary access* for construction; it does not limit local authority under Section 7901 to regulate *longer term impacts* that might incommode the public use. *Id.* at 250.

Issue 4: Federal Law Standard for Effective Prohibition

Both Applicants contend that the prohibition of wireless installations in the public right-of-way in residential areas (Design Standards 4.D) is preempted by federal law. Specifically, Verizon alleges that the City Manager’s denial on the basis of this Design Standard is an effective prohibition under federal law (47 U.S.C. § 332(c)(7)(B)(iii) (“Section 332”); and 47 U.S.C. § 253(a) (“Section 253”)) and the Small Cell Order (33 FCC Rcd. 9088, 9104-9108) because it prevents the goal of “densifying wireless networks and enhancing service.” AT&T argues it materially inhibits the company’s ability to provide and improve service in the area.



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Section 253 and Section 332 provide that local governments cannot take actions that prohibit or effectively prohibit the provision of personal wireless services. In the Ninth Circuit, case law interpreting these provisions determined that a denial can be found to improperly “prohibit” personal wireless services if it prevents a wireless services provider from closing a “significant gap” in its own service coverage using the least intrusive means. *See MetroPCS*, 400 F.3d at 731. There is no bright-line rule regarding when a gap is “significant,” and the determination is based on a fact-specific analysis. *See MetroPCS*, 400 F.3d at 731; *Palos Verdes Estates*, 583 F.3d at 727. To support the contention that a site is necessary to close a significant gap, the provider must in the application process demonstrate that the significant gap exists, and that the manner in which it proposes to fill the significant gap in service is the “least intrusive” means. *See MetroPCS*, 400 F.3d at 734. To do so, the provider must be able to show that it has made a good faith effort to identify and evaluate less intrusive alternatives, such as consideration of less sensitive sites, alternative system designs, alternative tower designs, placement of antennas on existing structures, etc. *See T-Mobile USA Inc. v. City of Anacortes*, 572 F.3d 987, 996, fn. 10 (9th Cir. 2009) (“*City of Anacortes*”). The burden is on the applicant to submit a “comprehensive application” that shows “a meaningful comparison of alternatives.” *Am. Tower Corp.*, 763 F.3d 1035, 1056-7 (9th Cir. 2014). The least intrusive means standard requires an analysis in relation to the factors in the locality’s code, not generalized observations. *Id.* at 1056 (“To prevail on this claim, therefore, ATC must show that its facilities were the “least intrusive means” in light of the aesthetic values that motivated the City’s decision to deny the CUP applications.”). Once the applicant has done that, the burden shifts to the locality. That is, a municipality is not compelled to accept the provider’s representations as to the least intrusive means, however, in order to reject them, it must show that there are some potentially available and technologically feasible alternatives, and the provider must have an opportunity to dispute the availability and feasibility of the alternatives favored by the locality. *See City of Anacortes*, 572 F.3d at 999.

In the Small Cell Order, the FCC rejected that Ninth Circuit standard for small wireless facilities and found that a local regulation will “have the effect of prohibiting wireless telecommunications services if it materially inhibits the provision of such services.” Small Cell Order, 33 FCC Rcd. 9088, 9104. Further, the FCC found that an effective prohibition can occur if the local regulation materially inhibits the provider’s “ability to engage in any variety of activities related to its provision of a covered service,” such as filling a coverage gap, densifying a wireless network, introducing new services, or improving service. *Id.*

According to Section 3 of the Design Standards, the Design Standards were established as “aesthetic design and siting requirements”. As such, arguably because the residential ban was adopted as an aesthetic standard, and the FCC Small Cell Order’s aesthetic requirements should not apply retroactively with respect to applications submitted prior to April 15, 2019, it follows that the FCC’s new standard for judging whether the City’s aesthetic standards would result in an effective prohibition likewise would not apply. However, we caution that there is uncertainty as to which effective prohibition standard should apply because the Small Cell Order went into effect earlier this year and has not been interpreted by Ninth Circuit courts (an appeal is currently pending).



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The City Council should consider these legal authorities and facts, as well as any additional evidence provided at the Administrative Public Hearing, when determining whether denying any applications on the basis of the residential ban in the Design Standards or any other basis raised by an Applicant would create an effective prohibition of service under federal law.

CHRISTOPHER J. DIAZ
GAIL A. KARISH