



TELECOMMUNICATIONS COMMITTEE

The Telecommunications Committee meets on the second Tuesday of each month at 9:00 a.m. in the West Annex Commission Meeting Room. All meetings are open to the public.

Those wishing to speak on any matter on the agenda are asked to complete a "Speaker Information" card (available at the meeting) and deposit it in the box at the podium before leaving the meeting.

All persons interested in the above matter are requested to be present at the meeting or to submit their written approval or disapproval to the Telecommunications Committee, Community Development Department, City Hall, 3031 Torrance Boulevard, Torrance, CA 90503.

Actions of the Community Development Director or the Telecommunications Committee may be appealed by the applicant, City Council, City Manager, or other interested parties by filing a written notice of appeal along with the required appeal fee with the City Clerk within 15 days of the action.

For further information, contact the PLANNING DIVISION of the Community Development Department at (310) 618-5990.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (310) 618-5990. If you need a special hearing device to participate in this meeting, please contact the City Clerks office at (310) 618-2870. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II]

HOURS OF OPERATION
Monday through Friday from
7:30 a.m. to 5:30 p.m.

Offices are closed alternate Fridays.

City Hall will be closed:

Friday, September 28, 2018
Friday, October 12, 2018
Friday, October 26, 2018

TELECOMMUNICATIONS COMMITTEE

**WEST ANNEX COMMISSION MEETING ROOM
CITY HALL, 3031 TORRANCE BOULEVARD
TORRANCE, CALIFORNIA 90503**

**TUESDAY, SEPTEMBER 25, 2018
9:00 A.M.**

AGENDA

1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **ROLL CALL**
4. **REPORT ON POSTING OF AGENDA**
The agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Friday, September 21, 2018.
5. **APPROVAL OF MINUTES:** September 11, 2018
6. **BUSINESS**
 - A. **WTC17-00009:** Petition of **STEPHEN GARCIA (CROWN CASTLE NG WEST)** for approval of a Telecom Permit to allow the installation of a small cell antenna and support equipment attached to an existing utility pole in the public right-of-way in the alley adjacent to 23518 Evalyn Avenue in the R-1 Zone. This project is Categorically Exempt from CEQA per Guidelines Section 15301 – Existing Facilities.
 - B. **WTC17-00010:** Petition of **STEPHEN GARCIA (CROWN CASTLE NG WEST)** for approval of a Telecom Permit to allow the installation of a small cell antenna and support equipment attached to an existing utility pole in the public right-of-way adjacent to 5231 Laurette Street in the R-1 Zone. This project is Categorically Exempt from CEQA per Guidelines Section 15301 – Existing Facilities.
7. **ORALS**
8. **ADJOURNMENT**

If you challenge any of the above matters in court, you may be limited to raising only those issues you or someone else raised at the public meeting described in this notice, or in written correspondence delivered to the Community Development Department or the office of the City Clerk, prior to the public meeting and further, by the terms of Resolution No. 88-19, you may be limited to ninety (90) days in which to commence such legal action pursuant to Section 1094.6 of the Code of Civil Procedure.

DATE: September 21, 2018
TO: Telecommunications Committee
FROM: Planning Division
SUBJECT: **WIRELESS TELECOM FACILITY (WTC17-00009) – STEPHEN GARCIA (CROWN CASTLE NG WEST LLC)**

A request for approval of a Wireless Telecommunications Facility to allow the installation of a new wireless small cell and support equipment attached to an existing utility pole in the public right-of-way in the alley adjacent to 23518 Evalyn Avenue in the R-1 Zone.

Applicant: Stephen Garcia (Crown Castle NG West LLC)
Case No: WTC17-00009
Location: 23518 Evalyn Avenue (ROW Alley)
Zoning: R-1: Single Family Residential

The subject request is for the installation of a wireless site in the public right-of-way in the alley adjacent to 23518 Evalyn Avenue. Per Torrance Municipal Code 92.39.060(1), such requests within the public right-of-way adjacent to residentially zoned properties are reviewed by the Telecommunications Committee and requires notification to property owners within 300 feet of the proposed location. In compliance with prior City Council directives, on September 13, 2018, staff mailed notices to property owners within 500' radius and posted a notification to the subject pole. (Attachment #1).

The proposal involves the installation of an omni-directional antenna and three remote radio units (RRU) within an enclosure on an existing 37.33' utility pole. The RRU enclosure is designed to mount directly to the pole while the antenna is designed to attach to a 3.5' long metal pole arm. The RRU enclosure will be connected to aerially provided fiber optic cables through a new pole mounted PVC conduit.

The proposed antenna is 2.1' in height and 10" in diameter. The antenna and pole arm are proposed to be mounted at 20.81' above ground level with a maximum height of 23.58'. The RRU enclosure measures 46.1in x 13.5in x 14.3in and would be mounted 12.5' above grade with a maximum height of 16.42'. Staff notes that there is a slight discrepancy between the maximum height of the cabinet as staff calculates it to be 1-inch lower. Should the project be approved, the applicant is to be conditioned to clarify the maximum height of the RRU enclosure not including the mounting brackets. Power to the site is proposed aerially through existing lines

connected to the utility pole. No additional cabinets are required as this configuration eliminates the need for above ground appurtenances.

The purpose of the proposed site, according to the applicant, is to "Increase the existing RF signal level in an existing coverage area" for AT&T's network. The target area described in the RF Coverage maps is the surrounding residential area along Anza Boulevard, between 234th Street to the north and 239th Street to the south and between Adolph Avenue to the east and Evalyn Avenue to the west. The proposed antenna would propagate signal omni-directionally. The application was reviewed by the City's telecom consultant, Telecom Law Firm PC, multiple times for technical and regulatory issues.

The applicant has submitted an RF compliance report (included as part of Attachment #2) that evaluates the proposed facility's planned compliance with FCC Guidelines. Staff notes that the City cannot impose additional requirements with respect to FCC requirements with the exception of requesting verification that the site is operating in compliance. If approved, per TMC92.39.070 a radio frequency and compliance radiation report is required to be submitted within 30 days after installation of the facility.

The proposed facility utilizing an existing utility pole falls into a location that requires a special review by the Telecommunications Committee as it is in the right-of-way adjacent to a residential district. Per the Applicant's submittals, the site identified will provide the coverage needed to fulfill the applicant's objectives.

In order to recommend Approval of this Telecom Permit, the following findings must be made per 92.39.040(b)(3):

- i. Other locations that do not require special approval under this Section 92.39.040(B) are either not available or not feasible; and
- ii. Establishment of the facility at the requested location is necessary to provide service; and
- iii. Lack of such a facility would result in a prohibition of service;

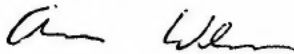
Staff notes that the proposal meets the first finding as there are no other tall non-residential structures in the vicinity which may lend themselves to a small cell installation that is on the prioritized location per the City's code. The applicant proposed two alternate locations that met coverage objectives; however, they require the placement of considerable new infrastructure. In the judgement of staff, however, not all of the necessary findings can be made. Per the applicant's documentation and the City's consultant confirmation, there currently is AT&T service within the coverage area and as such, establishment of the facility is not

necessary to provide service and lack of this facility does not result in a prohibition of service.

Although the proposed small cell facility has been designed to provide increased capacity while simultaneously providing the least visually intrusive structure, under the narrow purview of the code, staff cannot make the findings per TMC92.39.040(b)(3) and recommends denial of the request. Should the Committee wish to approve the facility, recommended conditions and code requirements have been attached for your review (Attachment #4).

PROJECT RECOMMENDATION: Denial

Prepared by,



Aaron Whiting
Planning Assistant

Recommended by,



Danny Santana
Planning Manager

Attachments:

1. Notification Map and Posting
2. Telecom Law Firm Memorandums
3. Supplemental Technical Information Report and Documentation
4. Recommended Conditions and Code Requirements, if approved
5. Plans/Photo Simulations (Limited Distribution)

This request for a Telecom Permit (WTC17-00009) is ___APPROVED___ DENIED per Ordinance No. 3561, Section 92.39.060, Satellite Antennas, of the Torrance Municipal Code, Division 9.

DATE

Felipe Segovia
Telecommunications Committee Chair



Decisions made by the Telecommunications Committee are appealable to the Planning Commission within 15 calendar days following the above date of approval/denial.

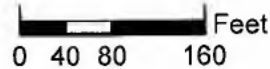


LOCATION AND ZONING MAP
WTC17-00009
Public Right-Of-Way
23518 Evalyn



LEGEND

-  Project Location
-  Notification Area



Prepared using City of Torrance Community Development Geographic Information System
 Jeffery W. Gibson, Community Development Director

APPLICATION INCOMPLETE MEMORANDUM

TO: Mr. Oscar Martinez [REDACTED]
FROM: Dr. Jonathan Kramer [REDACTED]
DATE: September 20, 2017
RE: Application Completeness Review – New Proposed Wireless Facility in the Public Right-of-Way at 23521 Anza Avenue

APPLICANT: Crown Castle NG West, LLC
APPLICANT'S ID: ATTRB-30; USID: 177970
UTILITY POLE ID: 1393665E

The City of Torrance (the “City”) requested that Telecom Law Firm, PC (“TLF”) review the Crown Castle NG West, LLC (“Crown Castle”) application on behalf of AT&T to operate a new wireless site on an existing wood utility pole (“Pole”) in the public right-of-way (“ROW”) located at F/O 23521 Anza Avenue. The date Crown Castle submitted this project to the City was August 28, 2017.

On the Pole, Crown Castle proposes to install a new Pole-affixed arm mount to hold one omnidirectional antenna. The omni-antenna is proposed to be situated on the side of the Pole by an arm mounting bracket that will separate the antenna from the Pole by 3-feet which meets the requirements of the California Public Utilities Commission, General Order 95, Rule 94.

Crown Castle also proposes to mount on the Pole a total of four remote radio units (“RRUs”) within two enclosures, and four DC power converters on the new pole-to-pole strand. The new strand will also support the fiber optic cable used for communications backhaul from this site to AT&T’s cell switching center. The height of the wood pole supporting this project is to remain at 37’ 4” above ground level (“AGL”).

This memorandum reviews the application and related materials to determine whether the applicant submitted a complete and responsive application. The following review may also discuss regulatory and technical issues related to wireless infrastructure. Although many technical issues implicate legal issues, the analysis and recommendations contained in this memorandum do not constitute legal advice.

A. APPLICATION COMPLETENESS REVIEW

Based on the City’s Submittal Requirements for Wireless Telecommunications Facility (“Requirements Form”), we recommend that the City deem Crown Castle’s application submittal **incomplete** and issue an incomplete notice on or before September 27, 2017 regarding the items more fully discussed on the next pages:

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REQUIREMENTS FORM

I. APPLICATION FORM

The City requires a Development Application and a Supplemental Technical Information Report ("STIR").

General note: The submitted application materials fail to provide the required Section references making the application difficult to reliably cross-reference various points. Each application material needs to identify the sections within the Requirements Form and STIR.

- **Development Application:**

All necessary information required on the Development Application checklist appears to be properly filled out.

- **Supplemental Technical Information Report:**

- Sec. 3.02 - Missing Attachment FCC License for AT&T
- Sec. 3.03 is left blank - Applicant must provide the required information.
- Sec. 3.04 is left blank - Applicant must provide the required information.
- Sec. 3.05 is left blank - Applicant must provide the required information.
- Sec. 3.06 is left blank - Applicant must provide the required information.
- Sec. 3.07 is left blank - Applicant must provide the required information.
- Sec. 3.08 is left blank - Applicant must provide the required information.
- Sec. 3.09 - Missing Attachment LSGAC Appendix A, however the Applicant provided a Radio Frequency Electromagnetic Fields Exposure Report prepared by Dtech Communications (the "**Dtech report**"), which is a suitable substitute for the LSGAC Appendix A form.
- Sec. 3.10 is left blank - Applicant must provide the required information.
- Sec. 3.11 is not provided, however the Applicant provided a Dtech report, which is a suitable replacement for the LSGAC Appendix A form.
- Sec. 3.12 is left blank - Applicant must provide the required information.
- Sec. 3.13 is left blank - Applicant must provide the required information if applicable.
- Sec. 3.14 is left blank - Applicant must provide the required information.
- Sec. 3.15 is left blank - Applicant must provide the required information.
- Sec. 4.02 is left blank - Applicant must provide the required information.
- Sec. 5.01–5.03 is left blank - AT&T through Applicant must provide the required information.
- Sec. 6.03 - Applicant has not provided a node-isolated coverage map.



- Section 6.05 is not provided, however the Applicant provided a Dtech report.
- Section 7.01–subsection 2: Missing elements on the photo simulations (e.g., connecting wires, PVC conduits, etc.) See Figure 1.



Figure 1: Omni-directional antenna, Antenna Arm, Fiber Node, 4 DC power converters, 4 RRUs enclosed within two enclosures, RF signage (omitting visible elements e.g., connecting wires, PVC conduits, etc.) (Source: Photo Simulations provided by Applicant).

- Section 7.01–subsection 3: Missing views of the overall project. STIR requires 5 or more views, only 2 are provided.
- Section 8.00–8.05: Insufficient Information - Applicant needs to submit an Alternative Sites Analysis.
- Section 9 - Non-responsive information - Applicant needs to submit the detailed information specified in Section 9.01.

II. PROPERTY OWNERSHIP

The applicant must provide written proof that the Joint Pole Authority has granted attachment permission for this project.

III. PROJECT PLANS

- No power source for the powered fiber indicated. The power source is a critical element of this project, which will not operate without it. Provide detailed information about the location and design of the powered fiber source. Also provide information regarding the power disconnect switch for this location.
- The Plans invert the pole configuration by 180 degrees. See Figure 2.

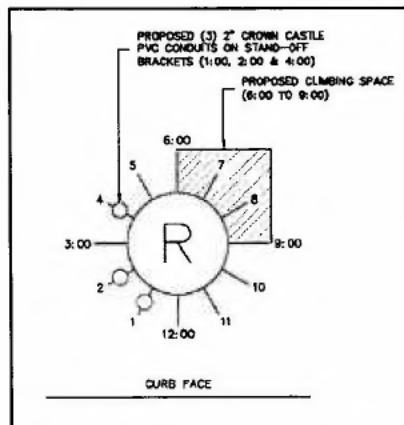


Figure 2: Inverted pole configuration (Source: Plans A-1 Panel 3).

- The depicted work area is underrepresented, depict the whole work area including the area needed to extend the strand and powered fiber. See Figure 3.



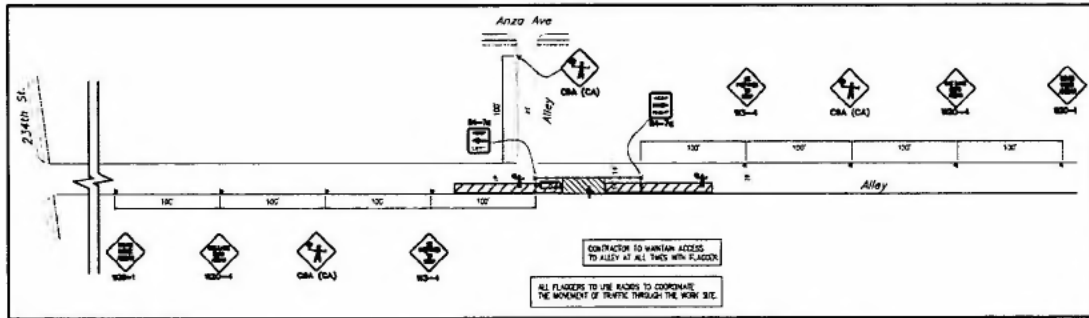


Figure 3: Proposed Work Area; additional Work Area for new strand and power fiber (hatched in red) (Source: Plans TC-1, annotated by Dr. J. Kramer).

IV. JUSTIFICATION

The purported justification from this site, while not completely clear, can be discerned from the coverage maps section of the application.

V. MAPS

As mentioned in the above sections, some of the maps are missing/incomplete.

VI. VISUAL SIMULATIONS

The photo simulations provided by the applicant are incomplete, fail to show visible cable and conduit interconnections, and do not accurately reflect the size and scope of the project elements to be constructed.

B. ADDITIONAL INCOMPLETE, INCONSISTANT ITEMS

We note that Table 2 of the Dtech Report lists the number and frequencies of RRUs that differs from details provided in the Plans. See Figure 4 and Figure 5.

Table 2: Site Technical Specifications

Antenna ID	Operator	Carrier #	Antenna Mfg	Antenna Model	Type	DAS Equipment	Frequency (MHz)	Orientation (°T)	Horizontal BWidth (°)	Antenna Aperture (ft)	Antenna Gain (dBd)	Total ERP (Watts)	Bottom Tip Height Above Ground (Z) (ft)	Bottom Tip Height Ant Level (Z) (ft)
A1	Crown Castle	1	Galtronics	P6480i	Omni	(2) RRU2203	1900	0	360	2.1	8.0	89.2	17.8	0.0
A1	Crown Castle	1	Galtronics	P6480i	Omni	(1) RRU2203	5000	0	360	2.1	3.9	2.5	17.8	0.0

Figure 4: A total of three RRUs shown. Two RRUs in 1900 MHz (PCS) and one RRU in 5000 MHz (Source: the Dtech Report, Table 2)



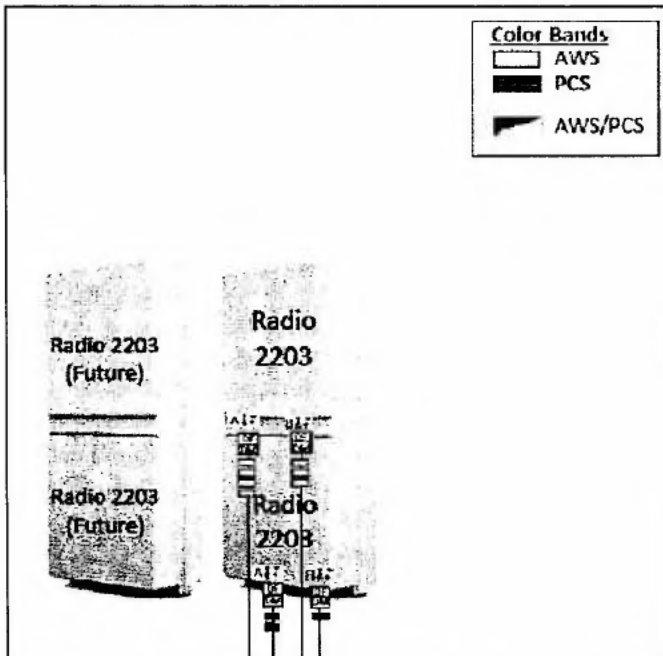


Figure 5: Two RRUS in AWS (2100 MHz) and PCS (1900 MHz) frequencies (Source: Plans page D-3; Panel 1)

We suspect that Dtech was presented with radio frequency information by Crown Castle early in its development process that subsequently changed in the Plans submitted to the City. We recommend that the City direct Crown Castle to (a) delete the "Future" elements from the project, including without limitation to the "Future RRUs" and (b) have Dtech prepare an updated report that only assesses what is actually proposed to be activated.

C. OTHER PERMITS AND APPLICATIONS REQUIRED

This project is likely to require an encroachment permit as a separate set of approvals including an excavation permit, fiber installation permit, building permit, and electrical permit.

D. CLOSING COMMENTS AND RECOMMENDATION

Crown Castle's proposal to lower the existing cables on the pole by several feet will impact the existing subscriber drops already affixed to those cables. In the next round of drawings, the City should direct Crown Castle to demonstrate that all of the subscriber drops, once relocated downwards, will comply with the above-road and above-building requirements of CPUC General Order 95. If not, then the plans should explain how Crown Castle will ensure uninterrupted service via those drops that will comply with CPUC General Order 95 (or CPUC General 128 if the drops are underground.)



TLF believes that Crown Castle has failed to submit a complete permit application that complies with the City's Requirements Form. The list of incomplete items in this memo contains TLF's observations. The City may have other items for the incomplete notice. Under the FCC rules, there is only one incomplete notice, so it is imperative that all items which are incomplete are listed in the first notice.

We recommend that the City deem Crown Castle's application incomplete and issue a timely incomplete notice to Crown Castle no later than September 27, 2017 (based on the application materials tender date of August 28, 2017). TLF recommends the City send the incomplete notice by email and on the same day also sends it by First Class or Certified U.S. Mail postage prepaid. Once a reply to the City's incomplete notice is received back from Crown Castle, the City has only 10 calendar days to determine whether the reply is responsive to the incomplete notice, and each of the 10 days counts against the overall 150 day shot clock, thus immediate review upon resubmission should occur.

Finally, Crown Castle's letter dated August 29, 2017 asserts that this project is subject to a 90-day shot clock. Crown Castle is incorrect. It relies on documents adopted after the FCC's October 21, 2014 Order. Newer documents are not applicable to the shot clock. The correct shot clock for this project is 150 days.

/JLK



WIRELESS PLANNING MEMORANDUM

TO: Mr. Oscar Martinez [REDACTED]
FROM: Dr. Jonathan Kramer [REDACTED]
DATE: September 14, 2018
RE: WTC17-00009 New Proposed Wireless Facility in the Public
Right-of-Way adjacent to 23521 Anza Avenue

APPLICANT: Crown Castle NG West LLC
APPLICANT'S ID: ATTRB-30

On August 28, 2017 ("**August 2017 Submission**"), Crown Castle NG West LLC (the "**Applicant**") on behalf of itself and its client AT&T, submitted wireless site application materials to the City of Torrance ("**City**"). The Applicant proposed to operate a new wireless site on an existing wood utility pole 1393665E ("**Pole**") in the public right-of-way ("**PROW**") adjacent to 23251 Anza Avenue (Coordinates N33.812100°; W118.358410°).

TLF notes that the Pole is located behind 23521 Anza Avenue, within the alley.

On September 20, 2017, Telecom Law Firm, PC ("**TLF**" or "**We**") submitted an Application Incomplete Memorandum (the "**September 2017 Memo**") to the City that evaluated the Applicant's August 2017 Submission. TLF's September 2017 Memo concluded that the Applicant failed to submit a complete permit application. TLF recommended that the City deem the Applicant's application incomplete and issue a timely notice, which it did.

On February 27, 2018, the Applicant submitted additional materials (the "**February 2018 Submission**") to address the deficiencies identified in TLF's September 2017 Memo related to its August 2017 Submission.

On March 8, 2018, TLF submitted another Application Incomplete Memorandum (the "**March 2018 Memo**") to the City that evaluated the Applicant's February 2018 Submission. TLF's March 2018 Memo concluded that the Applicant yet again failed to submit a complete permit. We recommended that the City deem the Applicant's application incomplete and issue a timely notice, which it did.

On August 7, 2018, the Applicant submitted additional materials (the "**August 2018 Submission**") in an attempt to address the deficiencies identified in TLF's March 2018 Memo.

This memorandum now reviews (1) the August 2018 Submission and provides the City further analysis on whether the Applicant submitted a complete and responsive application complying with the City's publicly stated application requirements and complies with the Torrance Municipal Code ("**TMC**"); (2) whether Section 6409(a) applies to the Applicant's project; and (3) whether Applicant's project demonstrates planned compliance with the federal radio frequency exposure guidelines.

Upon review, now, TLF's assessment is that the application appears to be sufficiently complete for TLF to proceed with a substantive review of the Applicant's proposal for compliance with applicable local, state and federal law.

1. Project Description

The project plans dated May 1, 2018 ("Plans") show that on the Pole, the Applicant proposes to install one new antenna arm to mount one Pseudo Omni Antenna [Galtronics P6480i] ("Antenna") center mounted at approximately 22' 7" above ground level ("AGL")

The Antenna is proposed to be separated from the Pole by 3'. This separation meets the requirements of the California Public Utilities Commission, General Order 95, Rule 94. The height of the Pole supporting this project is to remain at 37' 4" AGL.

In addition to the Antenna, on the Pole the Applicant also proposes to install:

- A single new communications riser conduit.
- Two new 2203 remote radio units ("RRUs") and one new 2205 RRU.
- A new shroud [Charles Shrd60] to house the RRUs.
- A new NEMA (electrical circuit breaker) enclosure with a power disconnect switch.
- A new pole-to-pole strand at 19' 4" with new fiber optic cable used for communications backhaul from this project site to AT&T's cell switching center.
- Three new DC power converters mounted adjacent to the Pole on a new fiber strand.

For a photo simulations the pole configuration, see Figure 1. For an elevation view of the pole configuration see Figure 2.

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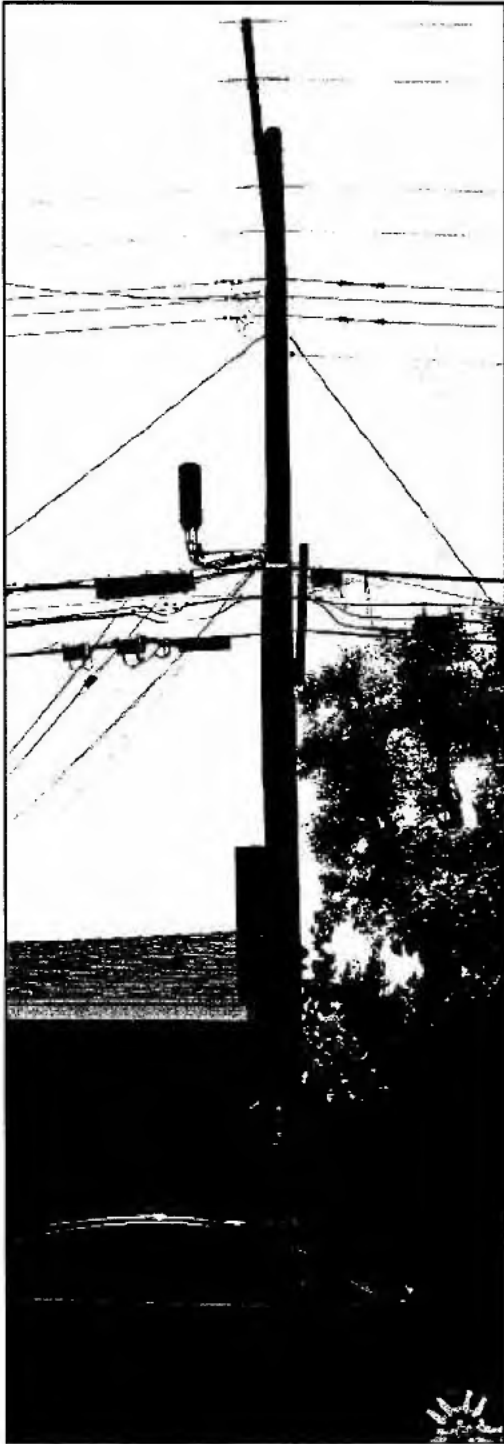


Figure 1: Proposed node on existing utility pole (Source: Applicant's Photo Simulation provided by through its August 2018 Submission).



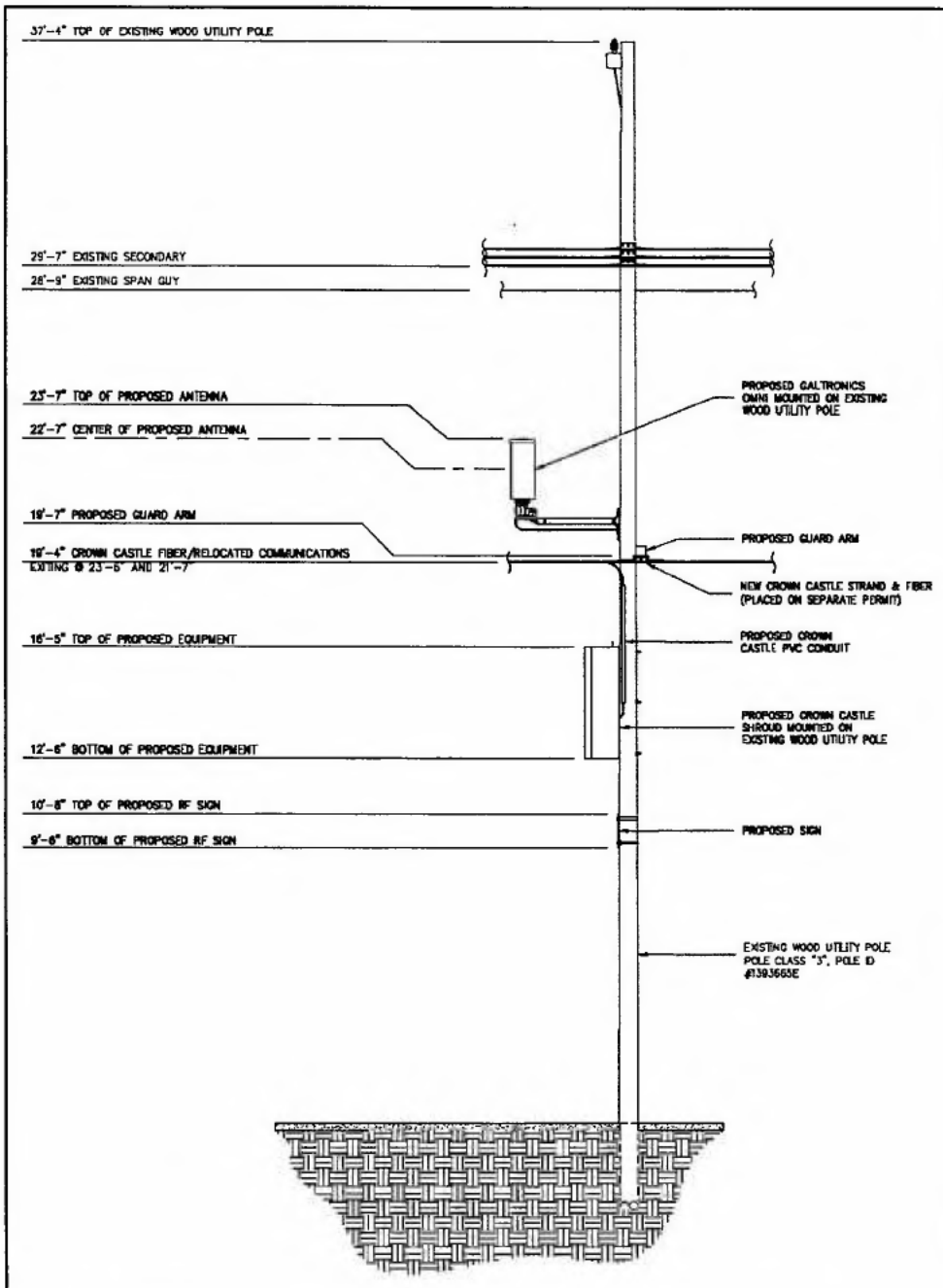


Figure 2: Proposed node on existing utility pole (Source: Plans page A-3 panel 2).

TLF notes that the Plans do not detail the three proposed DC power converters included in the Development Application and depicted on the photo simulations. The Plans must be updated to reflect all the elements of the project.



2. Section 6409(a) Analysis

As a threshold matter, the City must determine whether federal law mandates approval for this permit application. Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 requires that State and local governments “may not deny, and shall approve” any “eligible facilities request” for a wireless site collocation or modification so long as it does not cause a “substant[ial] change in [that site’s] physical dimensions.”¹ FCC regulations interpret key terms in this statute and impose certain substantive and procedural limitations on local review.² Localities must review applications submitted for approval pursuant to Section 6409(a), but the applicant bears the burden to show it qualifies for mandatory approval.

Section 6409(a)(2) defines an “eligible facilities request” as a request to collocate, remove, or replace transmission equipment on an existing wireless tower or base station.³ This definition necessarily excludes permit requests for new facilities. Thus, no matter how large or small, Section 6409(a) does not mandate approval for a permit to construct an entirely new wireless facility.

Here, the Applicant did not submit an eligible facilities request because rather than collocate on an existing wireless facility, the Applicant proposes to construct a new wireless facility where none currently exists.

Accordingly, given that Section 6409(a) does not apply, much less require that the City approve the Applicant’s application and the City should review the Applicant’s proposal for compliance with the local values expressed in the TMC subject to certain federal limitations in Section 704 of the Telecommunications Act of 1996 (the “Telecom Act”).

3. Significant Gap and Least Intrusive Means Analysis

Under the Telecom Act, State and local governments cannot prohibit or effectively prohibit personal wireless communication services.⁴ The United States Court of Appeals for the Ninth Circuit holds that a single permit denial can violate the Telecom Act when the applicant demonstrates that (1) a “significant gap” in its own service coverage exists and (2) its proposed site constitutes the “least intrusive means” to mitigate that significant gap.⁵ This section discusses both issues as related to the present application.

¹ See Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156. (Feb. 22, 2012) (codified as 47 U.S.C. § 1455(a)).

² See *In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, Report and Order*, 29 FCC Rcd. 12864 (Oct. 17, 2014) (codified as 47 C.F.R. §§ 1.40001, *et seq.*).

³ See 47 U.S.C. § 1455(a)(2).

⁴ See Section 704 of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, *codified at* 47 U.S.C. § 332(c)(7)(B)(i)(II).

⁵ See *MetroPCS, Inc. v. City and County of San Francisco*, 400 F.3d 715, 733 (9th Cir. 2005).



3.1. Significant Gap

The Ninth Circuit does not precisely define what a “significant gap” in service coverage means because this “extremely fact-specific [question] def[ies] any bright-line legal rule.”⁶ Although sometimes courts find that weak service coverage constitutes a significant gap, the Ninth Circuit also holds that “the [Telecom Act] does not guarantee wireless service providers coverage free of small ‘dead spots’”⁷ Accordingly, whether a gap rises to a legally significant gap depends on the contextual factors in each individual application.⁸

To guide the analysis, the Ninth Circuit suggests that applicants and localities should focus on “context-specific factors” such as: (1) whether the gap affects a significant commuter thoroughfare; (2) how many users the alleged gap affects; (3) whether the proposed site will fill a complete void or merely improve weak signal; (4) whether the alleged gap affects a commercial area; (5) whether the alleged gap threatens public safety; and (6) whether the applicant presented empirical or merely predictive evidence.⁹ The Ninth Circuit identifies those factors, just discussed, as being relevant, but does not explicitly limit the analysis to those factors or consider any particular factor more important than any of the others.

Within the August 2018 Submission section 4-Project Purpose of the City’s Supplemental Technical Information Report (“STIR”) for Wireless Telecommunication Facilities, the Applicant asserts that AT&T’s proposed site is intended to “Increase the existing RF signal level in an existing coverage area.”

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⁶ See *id.*

⁷ See *id.*

⁸ See *Sprint PCS Assets, LLC v. City of Palos Verdes Estates*, 583 F.3d 716, 727 (9th Cir. 2009) (citing *San Francisco*, 400 F.3d at 733).

⁹ See *id.* (collecting cases that examine each enumerated factor).



The signal map in Figure 3 depicts AT&T's existing signal strength within the area without the proposed site.

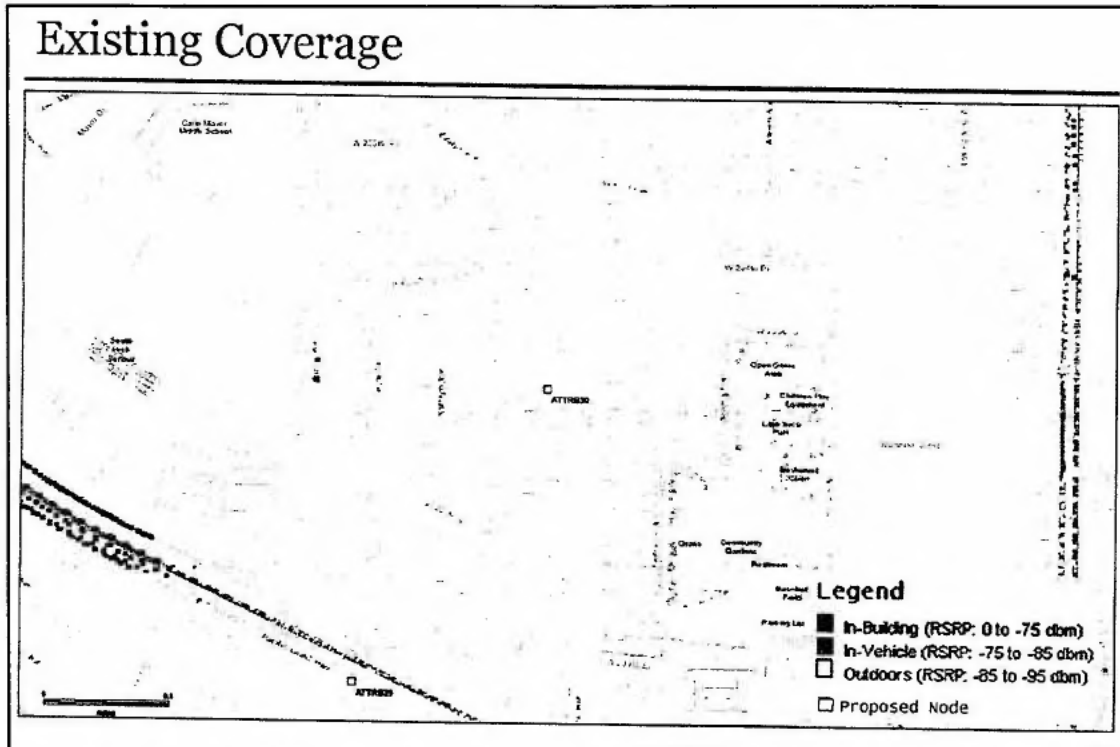


Figure 3: Existing AT&T Coverage without the proposed site (Source: AT&T August 2018 Submission)

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The signal map in Figure 4 depicts AT&T's proposed signal levels within the area without any other signals from other AT&T sites.

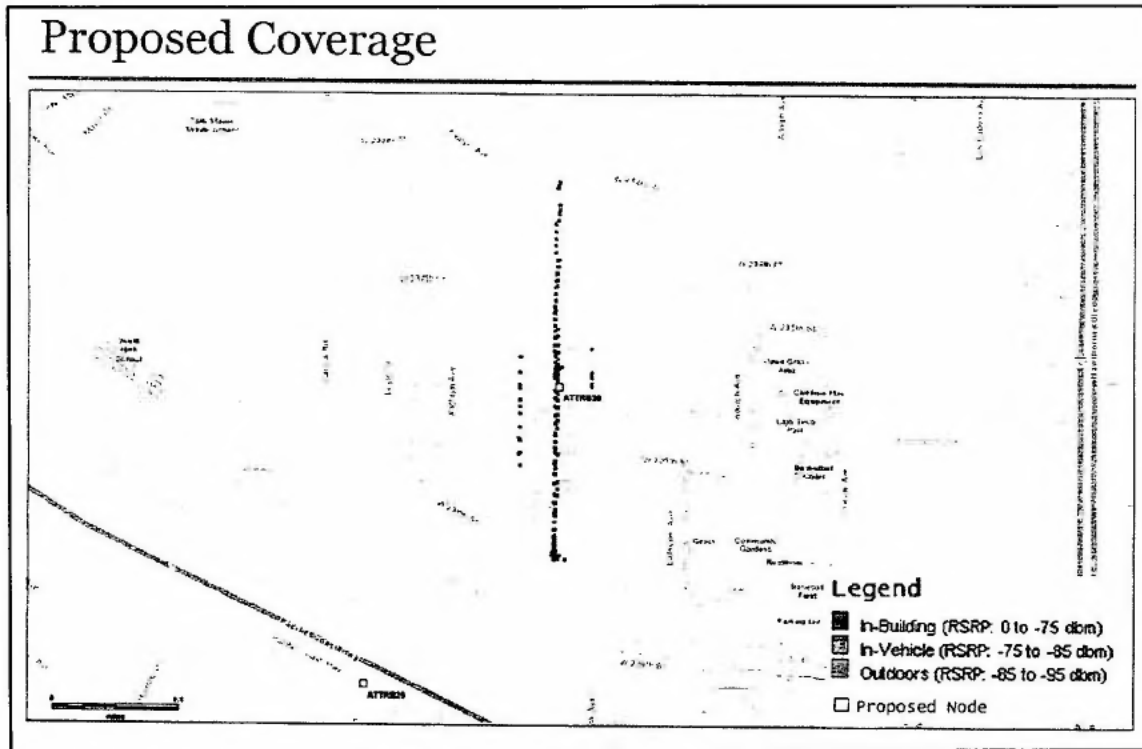


Figure 4: Proposed AT&T Coverage with the proposed site (Source: AT&T August 2018 Submission).

The map above is based on a 'drive test' of the specific streets and street segments, thus no conclusions should be drawn regarding signal coverage in any area of the City (or even nearby) not specifically shown above.

This information is helpful to the City in siting location considering the City's authority regarding time, place, and manner of wireless sites in the public right of way pursuant to the Public Utilities Code, Section 7901 and 7901.1.

3.2. Least Intrusive Means

The Telecom Act does not grant the applicant the right to build whatever site in whatever location it chooses. State and local jurisdictions may require wireless applicants to adopt the "least intrusive means" to achieve their technical objectives.¹⁰ This balances the national interest in wireless services with the local interest in planned development.

¹⁰ See, e.g., *American Tower Corp. v. City of San Diego*, 763 F.3d 1035, 1056 (9th Cir. 2014).



In the Ninth Circuit, the least intrusive means refers to the technically feasible and potentially available alternative design and location that most closely conforms to the local values a permit denial would otherwise serve.¹¹ A “technically feasible and potentially available alternative” means that the applicants can reasonably (1) meet their demonstrated service needs and (2) obtain a lease or other legal right to construct the proposed site at the proposed location.¹²

The process to determine whether a proposal constitutes the least intrusive means involves a “burden-shifting” framework. First, the applicant establishes a presumption that it proposes the least intrusive means when it submits an alternative sites analysis. Localities can rebut the presumption when it proposes other alternatives. Applicants may then rule-out proposed alternatives when it provides a “meaningful comparative analysis” for why an alternative is not technically feasible or potentially available.¹³ This back-and-forth continues until either the jurisdiction fails to propose a technically feasible or potentially available alternative, or the applicant fails to rule-out a proposed alternative.¹⁴

Applicants cannot rule-out potential alternatives on the grounds that it believes its preferred site is subjectively “better” than the jurisdiction’s preferred alternative.¹⁵ Only the local government can decide which among several feasible and available alternatives constitutes the best option. Similarly, an applicant cannot rule-out a proposed alternative based on a bare conclusion that it is not technically feasible or potentially available—it must provide a meaningful comparative analysis that allows the jurisdiction to reach its own conclusions.¹⁶

3.3. Alternative Sites Analysis

Responding to Section 8.02 (Candidate Sites) in the City’s STIR, AT&T provided an Alternative Sites Analysis. See Figure 5 and Figure 6.

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¹¹ See *id.*; see also *AT&T USA, Inc. v. City of Anacortes*, 572 F.3d 987, 995 (9th Cir. 2009).

¹² See *Anacortes*, 572 F.3d at 996–999.

¹³ See *American Tower Corp.*, 763 F.3d at 1056.

¹⁴ Compare *id.* (upholding a permit denial because the applicant failed to rule-out the technical feasibility or potential availability of proposed alternatives), with *Anacortes*, 572 F.3d at 999 (invalidating a permit denial because the city insisted on an unavailable location). These cases provide a guide for planners on how to evaluate alternative site analyses. Planners should also note that a strong administrative record is essential to this analysis.

¹⁵ See *American Tower Corp.*, 763 F.3d at 1057 (finding that the applicant “did not adduce evidence allowing for a meaningful comparison of alternative designs or sites, and the [c]ity was not required to take [the applicant]’s word that these were the best options”).

¹⁶ See *id.*





Figure 5: RB30 Primary and Alternate Overview (Source: Applicant's August 2018 Submission).

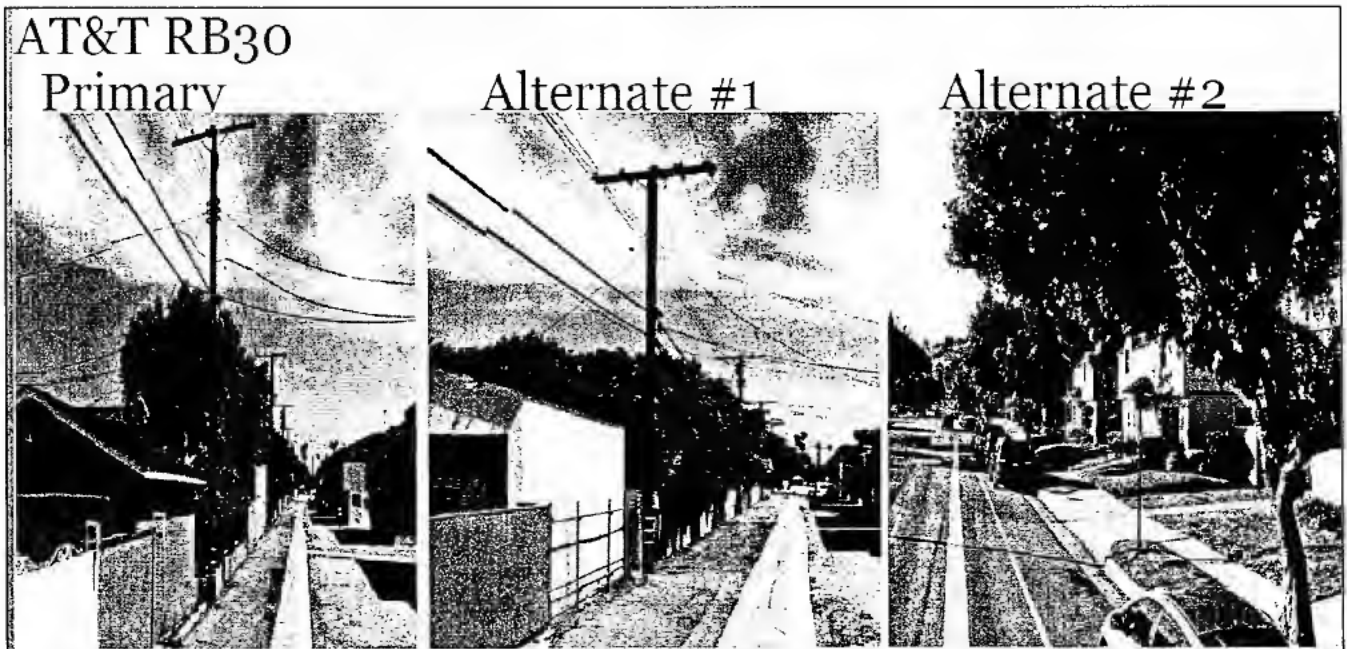


Figure 6: RB30 Primary and Alternative Sites (Source: Applicant's August 2018 Submission).

Whether the primary site is the least intrusive or if any or some of the alternate candidates depicted in Figure 5 are less intrusive is a question for the City to decide based on its aesthetic judgment of the primary site and alternatives. That said, as disclosed by the Applicant, any of the sites will meet its objectives. TLF believes that Alternate # 2 is not the least intrusive location compared to the two other Poles located within an alley.



Under the Telecom Act, the FCC completely occupies the field with respect to RF emissions regulation. The FCC established comprehensive rules for human exposure to RF emissions (the “**FCC Guidelines**”).¹⁷ State and local governments cannot regulate wireless facilities based on environmental effects from RF emissions to the extent that the emissions comply with the FCC Guidelines.¹⁸

Although localities cannot establish their own standards for RF exposure, local officials may require wireless applicants to demonstrate compliance with the FCC Guidelines.¹⁹ Such demonstrations usually involve a predictive calculation because the site has not yet been built.

3.4. FCC Guidelines, Categorical Exclusions and Exposure Mitigation Measures

FCC Guidelines regulate *exposure* rather than *emissions*.²⁰ Although the FCC establishes a maximum permissible exposure (“**MPE**”) limit, it does not mandate any specific limitations on power levels applicable to all antennas and requires the antenna operator to adopt exposure-mitigation measures only to the extent that certain persons might become exposed to the emissions. Thus, a relatively low-powered site in proximity to the general population might require more comprehensive mitigation measures than a relatively high-powered site in a remote location accessible only to trained personnel.

The MPE limit also differentiates between “general population” and “occupational” people. Most people fall into the general population class, which includes anyone who either does not know about potential exposure or knows about the exposure but cannot exert control over the transmitters.²¹ The narrower occupational class includes persons exposed through their employment and able to exert control over their exposure.²² The MPE limit for the general population is five times lower than the MPE limit for the occupational class.

Lastly, the FCC “categorically excludes” certain antennas from routine environmental review when either (1) the antennas create exposures in areas virtually inaccessible to humans or (2) the antennas operate at extreme low power. As a general rule, a wireless site qualified for a categorical exclusion when mounted on a structure built solely or primarily to support FCC-licensed or

¹⁷ See 47 U.S.C. § 332(c)(7)(B)(iv); see also 47 C.F.R. § 1.1307 *et seq.*; FCC Office of Engineering and Technology, *Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields*, OET Bulletin 65, ed. 97-01 (1997).

¹⁸ See 47 U.S.C. § 332(c)(7)(B)(iv).

¹⁹ See *In re Procedures for Reviewing Requests for Relief from State and Local Regulations Pursuant to Section 332(c)(7)(B)(iv) of the Communications Act of 1934*, *Report and Order*, 15 FCC Rcd. 22821, 22828–22829 (Nov. 13, 2000) (declining to adopt rules that limit local authority to require compliance demonstrations).

²⁰ See generally Human Exposure to Radio Frequency Fields: Guidelines for Cellular and PCS Sites, *Consumer Guide*, FCC (Oct. 22, 2014), available at <https://www.fcc.gov/guides/human-exposure-rf-fields-guidelines-cellular-and-pcs-sites> (discussing in general terms how wireless sites transmit and how the FCC regulates the emissions).

²¹ See 47 C.F.R. § 1.1310, Note 2.

²² See *id.*



authorized equipment (*i.e.*, a tower) and such that the lowest point on the lowest transmitter is more than 10 meters (32.8 feet) above ground.²³

Categorical exclusions establish a presumption that the emissions from the antennas will not significantly impact humans or the human environment. Such antennas are exempt from routine compliance evaluations but not exempt from actual compliance. Under some circumstances, such as a heavily collocated tower or when in close proximity to general population members, even a categorically excluded site will require additional analysis.

3.5. Planned Compliance Evaluation and Recommendations

The FCC Guidelines do **not** categorically exclude the Applicant's facility from routine compliance review. This is because the Pole was originally constructed for transporting electricity and wired communications circuits and not primarily to support wireless equipment. Therefore, an additional analysis for whether the facility will comply with the FCC Guidelines is appropriate.

In an attempt to demonstrate planned compliance with the FCC Guidelines, the Applicant on behalf of AT&T submitted a generic Radio Frequency Electromagnetic Fields Exposure Report prepared by Dtech Communications. That report is dated August 2, 2017 (the "**Dtech Report**"). The Dtech Report notes the site name as "Arm Mount Configuration." Additionally, the application materials contained a letter from Crown Castle, signed by Mr. Aaron Snyder and dated August 6, 2018 ("**Crown August 2018 Letter**"). The Crown August 2018 Letter contained a reference for the generic Dtech Report. See Figure 7 below.

The DTECH report submitted for each of the applications is the correct EME report for purposes of this particular type of design and respective location.

Figure 7: Explanation for Generic Dtech Report (Source: Crown Castle August 2018 Letter).

Initially, we do not believe a generic non-specific report regarding a primary public safety matter should be accepted by the City. In this situation, we believe a site-specific RF emissions analysis is both necessary and required to allow the City to comply with its duty to review for FCC rules compliance with the emissions from the particular site proposed.

Further, it is not for Crown Castle to assert that the DTECH is correct; that duty belongs to the RF engineer who is responsible for certifying compliance with the FCC rules for a particular site and configuration. For the City to do as Crown Castle asks would be asking the owner of a car tender a generic smog certificate for a hypothetical car to the DMV claiming that the generic smog certificate is and should be applicable to that owner's particular vehicle. This is simply silly.

²³ See *id.* § 1.1307(b)(1).



TLF recommends that the City condition the building permit that no construction shall commence until a site specific RF Report is submitted to the City by Crown Castle for the instant project, and once provided, the site specific RF Report shall be reviewed by the City determine actual compliance with the FCC rules and regulations.

Finally, we note that while the Plans (Page D-2, panel 1) indicate a power disconnect box (which is required by CPUC GO95 Rule 94), that disconnect box is not shown elsewhere in the Plans. It should be a condition of approval that the power disconnect below be placed directly below and immediately adjacent to the RRU shroud, and the by condition no locking device be used with switch.

4. Permission to Access the Pole.

Relating to property ownership, here the Pole, based on information presented to the City and to this firm on March 6, 2018 during a phone call with the Applicant, the Applicant indicated its desire to proceed forward with the project without having first submitted a Joint Pole Association (“JPA”) clearance letter, or a letter from the applicant indicating that the JPAs 45-day waiver has elapsed. We support this approach subject to a condition that has been verbally accepted by Crown Castle that no actual construction permit will issue until either the JPA approval the Applicant’s or 45-day waiver letter has been received by the City.

5. Conclusion

We recommend that the City determine whether the proposed location is the least intrusive compared to the alternatives.

We further recommend the City adopt the conditions contained in this memorandum in any grant of approval for the project.

/JLK



APPLICATION INCOMPLETE MEMORANDUM

TO: Mr. Oscar Martinez
FROM: Dr. Jonathan Kramer
DATE: March 8, 2018
RE: Application Completeness Review – New Proposed Wireless Facility in the Public Right-of-Way at F/O 23521 Anza Avenue

APPLICANT: Crown Castle NG West, LLC
APPLICANT'S ID: ATTRB-30; USID: 177970
UTILITY POLE ID: #1393665E

On August 28, 2017, Crown Castle NG West, LLC (“**Crown Castle**”) on behalf of AT&T submitted wireless site application materials to the City of Torrance (“**City**”). Per the City’s request, on September 20, 2017, Telecom Law Firm, PC (“**TLF**” or “**We**”) submitted an Application Incomplete Memorandum (the “**First Memorandum**”) to the City that evaluated the Applicant’s application to operate a new wireless site in the public right-of-way (“**PROW**”) on an existing wood utility pole (“**Pole**”) located at F/O 23521 Anza Avenue (Coordinates N 33° 48’ 43.6” W 118° 21’ 30.3”).

TLF’s First Memorandum concluded that Crown Castle failed to submit a complete permit application that fully responded to the City’s publicly stated application requirements. We recommended that the City deem Crown Castle’s application incomplete and issue a timely notice, which it did.

On February 27, 2018 Crown Castle submitted additional materials (the “**February 2018 Submission**”) to address the deficiencies identified in our First Memorandum related to its initial submission.

Based on the plans dated January 8, 2018 (“**Plans**”), on the Pole, Crown Castle proposes to install a new Pole-affixed arm mount to hold one omni-directional antenna. The omni-antenna is proposed to be situated on the side of the Pole by an arm mounting bracket that will separate the antenna from the Pole by 3-feet which meets the requirements of the California Public Utilities Commission, General Order 95, Rule 94.

Crown Castle modified site design in the current Plans, which now propose a total of three remote radio units (“**RRUs**”) within two enclosures. Additionally, the previous four DC power converters have been eliminated from the new strand attached to the pole. The new strand proposed under another permit will also support the fiber optic cable used for communications backhaul from this site to AT&T’s cell switching center. The height of the Pole supporting this project is to remain at 37’ 4” above ground level (“**AGL**”).

This memorandum reviews the application and related materials to determine whether the applicant submitted a complete and responsive application. The following review may also discuss regulatory and technical issues related to wireless infrastructure. Although many technical issues

implicate legal issues, the analysis and recommendations contained in this memorandum do not constitute legal advice.

A. APPLICATION COMPLETENESS REVIEW

Based on the City's Submittal Requirements for Wireless Telecommunications Facility ("**Requirements Form**"), we recommend that the City deem Crown Castle's application submittal **incomplete** and issue an incomplete notice on or before March 9, 2018 regarding the items more fully discussed in this Section A.

REQUIREMENTS FORM

I. APPLICATION FORM

The City requires a Development Application and a Supplemental Technical Information Report ("**STIR**").

General note: The submitted application materials fail to provide the required Section references making the application difficult to reliably cross-reference various points. Each application material needs to identify the sections within the Requirements Form and STIR.

• **Development Application:**

The proposed use of property and purpose of application(s) description is inconsistent with the project description found on the Plans. All remaining necessary information required on the Development Application checklist appears to be properly filled out.

• **Supplemental Technical Information Report:**

- Sec. 3.02 - Missing Attachment FCC License for AT&T (Sec. 3.03 has cellular telephone and PCS telephone checked off; only Cellular license is provided).
- Sec. 3.03 – Given the use of 5 GHz spectrum "Other: [Unlicensed National Information Infrastructure]" should also be checked.
- Sec. 6.03 – Applicant has not provided the map required. The application requires that an Applicant provide an isolated node-specific map without the coverage of any other existing or proposed wireless sites.
- Section 7.01–subsection 2: Missing elements on the photo simulations (e.g., connecting wires, PVC conduits, etc.) See Figure 1.





Figure 1: Omni-directional antenna, Antenna Arm, Fiber Node, (NOTE: 4 DC power converters removed/missing) RRUs enclosed within two enclosures, RF signage (Missing elements, e.g., visible connecting wires) (Source: Photo Simulations provided by Crown Castle).

- Section 7.01–subsection 3: Missing views of the overall project. STIR requires 5 or more views when a site is visible from other residential properties, only 3 views are provided.

VISUAL SIMULATIONS

As mentioned in the above sections, the photo simulations provided by the applicant are incomplete. They fail to show visible cable and conduit interconnections that will be visible to the public. The Plans show a minimum of six coaxial cables connecting the RRUs to the antennas, yet none are indicated on the photo simulations. Additionally, the photo simulations are missing views per the STIR requirements.



B. PROPERTY OWNERSHIP

Relating to property ownership, based on information presented to the City and to this firm on March 6, 2018 during a phone call with the applicant, the applicant indicated its desire to proceed forward with the process without having first submitted a clearance letter or a 45-day waiver letter from the JPA. We support this approach subject to a condition that has been verbally accepted by Crown Castle that no actual construction permit will issue until either the JPA approval or 45-day waiver letter has been received by the City.

C. ADDITIONAL COMMENTS

The Plans invert the pole configuration by 180 degrees. See Figure 2.

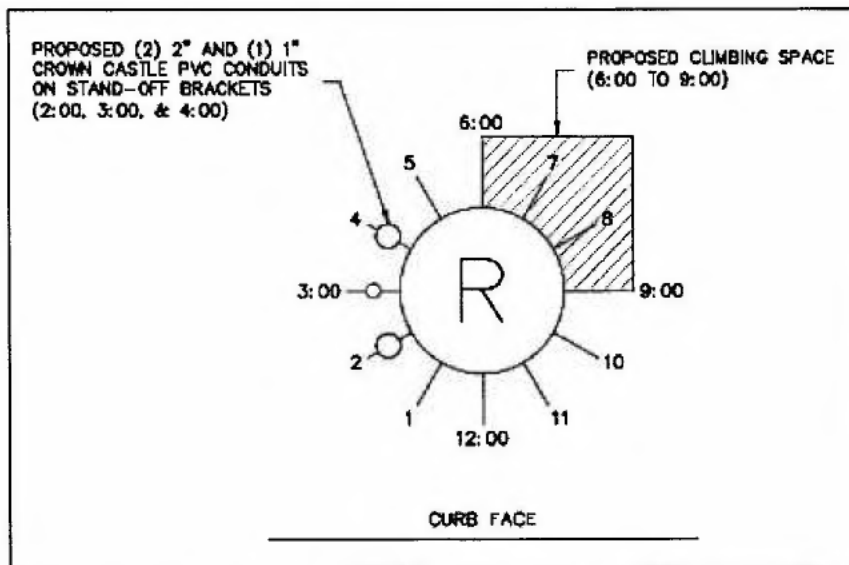


Figure 2: Inverted pole configuration (Source: Plans A-1 Panel 3).

The materials submitted by Crown Castle on February 27, 2018 eliminate, from the Plans and the photos simulations, all of the DC power converters. Crown Castle has not mentioned this change nor has submitted any explanation to this change.

Through its August 28, 2017 submission, Crown Castle had provided a Radio Frequency Electromagnetic Fields Exposure Report dated 8/2/17 prepared by Dtech Communications (the "8/2/17 Dtech Report") Table 2 of the 8/2/17 Dtech Report listed the number and frequencies of RRUs See Figure 3.



Table 2: Site Technical Specifications

Antenna ID	Operator	Carrier #	Antenna Mfg	Antenna Model	Type	DAS Equipment	Frequency (MHz)	Orientation (°T)	Horizontal BWidth (°)	Antenna Aperture (ft)	Antenna Gain (dBd)	Total ERP (Watts)	Bottom Tip Height Above Ground (Z) (ft)	Bottom Tip Height Ant Level (Z) (ft)
A1	Crown Castle	1	Galtronics	P6480i	Omni	(2) RRU2203	1900	0	360	2.1	6.9	60.2	17.8	0.0
A1	Crown Castle	1	Galtronics	P6480i	Omni	(1) RRU2203	5000	0	360	2.1	3.9	2.5	17.8	0.0

Figure 3: A total of three RRUs shown. Two RRU 2203 in 1900 MHz (PCS) and one RRU 2203 in 5000 MHz (Source: 8/2/17 Dtech Report, Table 2).

Through its current submission, Crown Castle the same 8/2/17 Dtech Report. Table 2 of the 8/2/17 Dtech Report listed the number and frequencies of RRUs See Figure 4.

Table 2: Site Technical Specifications

Antenna ID	Operator	Carrier #	Antenna Mfg	Antenna Model	Type	DAS Equipment	Frequency (MHz)	Orientation (°T)	Horizontal BWidth (°)	Antenna Aperture (ft)	Antenna Gain (dBd)	Total ERP (Watts)	Bottom Tip Height Above Ground (Z) (ft)	Bottom Tip Height Ant Level (Z) (ft)
A1	Crown Castle	1	Galtronics	P6480i	Omni	(2) RRU2203	1900	0	360	2.1	6.9	60.2	17.8	0.0
A1	Crown Castle	1	Galtronics	P6480i	Omni	(1) RRU2205	5000	0	360	2.1	3.9	2.5	17.8	0.0

Figure 4: A total of three RRUs shown. Two RRU 2203 in 1900 MHz (PCS) and one RRU 2205 in 5000 MHz (Source: 8/2/17 Dtech Report, Table 2).

Also, Crown Castle has not submitted any information about the Cellular Telephone Service as checked in Section 3.03 in the STIR.

Additionally, TLF notes that Sec. 3.09 and 6.05 of the STIR has a handwritten note as: “Please See Bushberg Report”. Crown Castle has not submitted any Bushberg Reports with its application materials.

D. CLOSING COMMENTS AND RECOMMENDATION

TLF believes that Crown Castle has again failed to submit a complete permit application that complies with the City’s Requirements Form. The list of incomplete items in this memo contains TLF’s observations. The City may have other items for the incomplete notice. Under the FCC rules, there is only one incomplete notice, so it is imperative that all items which are incomplete are listed in the first notice.

We recommend that the City deem Crown Castle’s application incomplete and issue a timely incomplete notice to Crown Castle no later than March 9, 2018 (based on the application materials tender date of February 27, 2018). TLF recommends the City send the incomplete notice by email and on the same day also sends it by First Class or Certified U.S. Mail postage prepaid.

Once a reply to the City’s incomplete notice is received back from Crown Castle, the City has only 10 calendar days to determine whether the reply is responsive to the incomplete notice, and each of the 10 days counts against the overall 150 day shot clock, thus immediate review upon resubmission should occur.

/JLK





City of Torrance, Community Development Department Jeffrey W. Gibson, Director
3031 Torrance Blvd., Torrance, CA 90503, Phone (310) 618-5990 Fax (310) 618-5829
**SUPPLEMENTAL TECHNICAL INFORMATION REPORT
FOR WIRELESS TELECOMMUNICATION FACILITIES**

1.00: Project Address B/O 23521 Anza Ave
Assessor Parcel Number N/A Public ROW

2.00: Disclose the Name and Address of all Project Owners, and attach a letter of agency appointing the Applicant as representative of the Project Owners in connection with this application. Designate the letter of agency as "Attachment 2.00".

3.00: **FCC Licensee/FAA Compliance Information**

3.01: Identify each person or legal entity that will be using the wireless site and contact information (Attach additional sheets if necessary)

Name: Crown Castle NG West LLC-Aaron Snyder

Address: 200 Spectrum Center Drive, Suite 1800

City, State, Zip: Irvine, CA 92618

Phone: (949) 344-7834 Fax: _____

Email: Aaron.Snyder@crowncastle.com

3.02: Attach a complete copy of each FCC license or FCC Construction Permit for each person/legal entity that will be subject to the FCC license for the Project site. Designate the license(s)/Construction Permit(s) as "Attachment 3.02". If none of the proposed radio facilities require an FCC license so indicate on Attachment 3.02.

3.03: What is the intended use of the facility (check all that apply):

- Broadcast Radio
- Broadcast TV
- Cellular telephone
- Enhanced Specialized Mobile Radio
- Microwave
- PCS telephone
- Paging
- Specialized Mobile Radio
- Other: 5 GHz Spectrum

3.04: Project latitude and longitude: N 33 48 43.6 W 118 21 30.3



City of Torrance, Community Development Department Jeffery W. Gibson, Director
3031 Torrance Blvd., Torrance, CA 90503, Phone (310) 618-5990 Fax (310) 618-5829
**SUPPLEMENTAL TECHNICAL INFORMATION REPORT
FOR WIRELESS TELECOMMUNICATION FACILITIES**

- 3.05: Specify DATUM use above: WGS84 NAD23 NAD83
- 3.06: Project Maximum height (ft): 37'4"
- 3.07: Bottom of lowest antenna (ft): 21'7"
- 3.08: Rad-center of the antennas (ft): 22'7"
- 3.09: For each licensee, and for each radio service, complete and attach the two page "Appendix A" form from "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" available from the following website: <http://www.FCC.gov/oet/rfsafety>. Designate the completed two page form as "Attachment 3.09". Additional RF safety disclosure information may be required by the government to determine compliance with FCC OET 65 requirements if the site is not "categorically excluded" under OET 65.
- 3.10 Are any areas adjacent to the antennas subject to RF emissions that are in excess of the "General Public/uncontrolled" standard in FCC OET 65? For this purpose, assume that all persons other than the Carrier's technical staff are considered to be members of the General Public.
 Yes No
(If the answer to 3.10 is NO proceed to 3.12)
- 3.11 Provide a detailed RF analysis for each emitter and each band showing the distance, in feet, in all directions to the boundary of the General Public/uncontrolled boundary. Designate this attachment, "Attachment 3.11".
- 3.12 Considering your response to 3.10, above, and any other identifiable RF emitters that OET 65 requires be evaluated in connection with this project, are all portions of this project cumulatively "categorically excluded" under FCC OET 65 requirements?
 Yes No
(If the answer to 3.12 is YES proceed to 3.14.)
- 3.13 Describe in an attachment each and every RF emitter of the project that is not "categorically excluded" under the FCC OET 65 requirements. Designate this attachment, "Attachment 3.13".
- 3.14: Does this project require the Applicant to file an FAA Form 7460 or other documentation under Federal Aviation Regulation Part 77.13 et seq, or under the FCC rules?
 Yes No
(If the answer to 3.14 is NO proceed to 4.00.)



SUPPLEMENTAL TECHNICAL INFORMATION REPORT FOR WIRELESS TELECOMMUNICATION FACILITIES

- 3.15 Attach complete copies of all required FAA/FCC forms including all attachments and exhibits thereto, including without limitation FAA Form 7460. Designate this attachment, "Attachment 3.15".

4.00: Project Purpose

- 4.01: Justification. Provide a brief narrative, accompanied by written documentation where appropriate, which explains the purpose of the facility and validates the applicant's efforts to comply with the design, location, and co-location standards of Chapter 2, Division 9, Article 39 of the City's Municipal Code.

Crown Castle NG West LLC, Utility No. U-6745-C, obtained a Certificate of Public Convenience and Necessity (CPCN) from the California Public Utilities Commission

in Decision No. 07-04-045 to provide full facilities based radiofrequency transport services. CPCN Conclusion of Law No. 4 states: "Public convenience and necessity

require NextG's full facilities-based local exchange services to be offered to the public subject to the terms and conditions set forth herein." This justification is

sufficient under the California state law and under Crown's authorized provision of radiofrequency transport services. No further site justification is required.

- 4.02: Indicate whether the dominant purpose of the Project is to add additional network capacity, to increase existing signal level, or to provide new radio frequency coverage (check only one).

- Add network capacity without adding substantial new RF coverage area (Proceed to 5.00)
 Increase the existing RF signal level in an existing coverage area (Proceed to 5.00)
 Provide new radio frequency coverage in a substantial area not already served by existing radio frequency coverage (Proceed to 5.00)
 Other

- 4.03 Attach a statement fully and expansively describing the "Other" dominant purpose of this project. Designate this attachment, "Attachment 4.03".

5.00: Build-Out Requirements

- 5.01: Do any of radio services identified in 3.04 above require the licensee to provide specific radio frequency/population coverage pursuant to the underlying FCC license?

x Yes ___ No

(If the answer to 5.01 is NO proceed to 6.00.)

- 5.02: Have all of the FCC build-out requirements as required by all licenses covering all radio services proposed at this Project been met?

x Yes ___ No

(If the answer to 5.02 is YES proceed to 6.00.)



SUPPLEMENTAL TECHNICAL INFORMATION REPORT FOR WIRELESS TELECOMMUNICATION FACILITIES

5.03: State by licensee all remaining **build-out** requirements which have yet to be met, and the known or estimated date when the remaining build-out requirements will be met. Designate this attachment "Attachment 5.03".

6.00: Radio Frequency Coverage Maps

6.01: Where a licensee intends to provide radio frequency geographic coverage to a defined area from the Project (including applicants in the cellular, PCS, broadcast, ESMR/SMR categories, and others as requested by the City of Torrance), the coverage maps and information requested in Section 6 are required attachments. All others proceed to 7.00.

For the coverage maps required here, the following mandatory requirements apply. Failure to adhere to these requirements may delay your application processing.

1. The size of each submitted map must be no smaller than 11" by 8.5".
2. If the FCC rules for any proposed radio service defines a minimum radio frequency signal level that level must be shown on the map in a color easily distinguishable from the base paper or transparency layer, and adequately identified by RF level and map color or gradient in the map legend. If no minimum signal level is defined by the FCC rules you must indicate that in the legend of each RF coverage map. You may show other RF signal level(s) on the map so long as they are adequately identified by objective RF level and map color or gradient in the map legend.
3. Where the City of Torrance determines that one or more submitted maps are inadequate, it reserved the right to request that one or more supplemental maps with greater or different detail be submitted.

6.02: Existing RF coverage within the City of Torrance on the same network, if any (if none, so state). This map should not depict any RF coverage to be provided by the Project. Designate this attachment "Attachment 6.02".

6.03: RF coverage to be provided by the Project. This map should not depict any RF coverage provided any other existing or proposed wireless sites. Designate this attachment "Attachment 6.03".

6.04: RF coverage to be provided by the Project and by other wireless sites on the same network should the Project site be activated. Designate this attachment "Attachment 6.04".

6.05: Provide a written certification that the facility will continuously comply with FCC OET Bulletin 65 radio frequency emissions standards, and that use of the facility will not interfere with other communication, radio, or television transmission or reception.



**SUPPLEMENTAL TECHNICAL INFORMATION REPORT
FOR WIRELESS TELECOMMUNICATION FACILITIES**

7.00: Project Photographs and Photo Simulations

7.01: Where an Applicant proposes to construct or modify a wireless site, and the wireless site is visible from other residential properties, the Applicant shall submit pre-project photographs, and photo simulations showing the project after completion of construction, all consistent with the following standards:

1. Minimum size of each photo simulation must be 11 inches by 8.5 inches (portrait or landscape orientation);
2. All elements of the project as proposed by the Applicant must be shown in one or more close-in photo simulations.
3. The overall project as proposed by the Applicant must be shown in five or more area photos and photo simulations. Photos and photo simulation views must, at a minimum, be taken from widely scattered positions separated by an angle of no greater than 72 degrees from any other photo location.

The number of site photos, and photo simulations, and the actual or simulated camera location of these photos and photo simulations is subject to City of Torrance determination. The Applicant should submit photos and photo simulations consistent with these instructions, and be prepared to provide additional photos and photo simulations should they be requested by the City of Torrance.

8.00: Candidate Sites

8.01: For applicants in the cellular, PCS, broadcast, ESMR/SMR categories, and others as requested by the City of Torrance, the information requested in Section 8 is required. All others proceed to 9.00.

8.02: Has the Applicant or Owner or anyone working on behalf of the Applicant or Owner secured or attempted to secure any leases or lease-options or similar formal or informal agreements in connection with this project for any sites other than the candidate site identified at 1.00?

Yes No

(If the answer to 8.02 is NO, proceed to 8.05.)

8.03: Provide the physical address of each such other location, and provide an expansive technical explanation as to why each such other site was disfavored over the Project Site. Designate this attachment "Attachment 8.03".

8.04: Considering this proposed site, is it the one and only one location within or without the City of Torrance that can possibly meet the objectives of the project?

Yes No

(If the answer to 8.04 is NO, proceed to 9.00.)



**SUPPLEMENTAL TECHNICAL INFORMATION REPORT
FOR WIRELESS TELECOMMUNICATION FACILITIES**

8.05: Provide a technically expansive and detailed explanation supported as required by comprehensive radio frequency data fully describing why the proposed site is the one and only one location within or without the City of Torrance that can possibly meet the radio frequency objectives of the project. Explain, in exact and expansive technical detail, all of the objectives of this project. Designate this attachment "Attachment 8.05".

9.00: Identification of Key Persons

9.01: Identify by name, title, company affiliation, work address, telephone number and extension, and email address the key person or persons most knowledgeable regarding:

- (1) the site selection for the proposed project, including alternatives;
 - (2) the radio frequency engineering of the proposed project;
 - (3) rejection of other candidate sites evaluated, if any;
 - (4) approval of the selection of the proposed site identified in this project.
- Designate this attachment "Attachment 9.01"

9.02 If more than one person is/was involved in any of the four functions identified in this section, attach a separate sheet providing the same information for each additional person, and identifying which function or functions are/were performed by each additional person. Designate this attachment "Attachment 9.02".

Initial here _____ to indicate that the information above is complete and there is no Attachment 9.02, or initial here _____ to indicate that Attachment 9.02 is attached hereto.

10.00: Technical Information Report Certification

10.01: The undersigned certifies on behalf of itself and the Applicant that the answers provided here are true and complete to the best of the undersigned's knowledge.



Signature

Aaron Snyder

Print Name

Crown Castle NG West LLC

Print Company Name

8/6/18
Date Signed

GRPM

Title

Aaron.Snyder@crowncastle.com

Provide Email Address

949-344-7834

Provide Telephone Number

Code Requirements and Conditions, if approved:

The following Code Requirements are applicable to the project, if approved:

- A Construction and Excavation Permit (C&E Permit) is required from the Community Development Department, Engineering Permits and Records Division, for any work in the public right-of-way on Delos Drive.
- The traffic control plan(s) shall comply with the MUTCD manual.
- Must comply with TMC Section 92.39.070 regarding submission of RF compliance report.
- Must comply with TMC Section 92.39.090 regarding discontinued use or abandonment of facility.

Recommended Conditions, if Approved:

1. That the use of the subject site for a telecom facility shall be subject to all conditions imposed in WTC17-00009 and any amendments thereto or modifications thereof as may be approved from time to time pursuant to Section 92.39.070 et seq. of the Torrance Municipal Code on file in the office of the Community Development Director of the City of Torrance; and further, that the said use shall be established or constructed and shall be maintained in conformance with such maps, plans, specifications, drawings, applications or other documents presented by the applicant to the Community Development Department and upon which the Telecommunications Committee relied in granting approval;
2. That if this Approval is not implemented within one year after the approval, it shall expire and become null and void unless extended by the Community Development Director for an additional period, as provided for in Section 92.27.1 of the Torrance Municipal Code; (Planning)
3. That all requirements provided under Ordinance No. 3058, Section 92.2.8, Satellite Antennas, of the Torrance Municipal Code, Division 9, shall be met prior to the issuance of building permits and/or encroachment permits; (Planning)
4. That all pole mounted equipment be painted to match to the satisfaction of the Community Development Director; (Planning)
5. The permittee shall install and at all times maintain in good condition an "RF Notice" sign and network operations center sign adjacent to the bottom of the MMS shroud. The signs required in this condition must be placed in a location where they are clearly visible to a person when he or she approaches the shroud; (Planning)
6. The permittee shall ensure that all RF signage complies with FCC OET Bulletin 65 or ANSI C95.2 for color, symbol and content conventions. All such signage shall provide a working local or toll-free telephone number to its network operations center that reaches a live person who can exert transmitter power-down control over this site as required by the FCC; (Planning)
7. That the antenna and all related equipment cabinets shall be removed if the telecommunications site remains inactive for more than 180 days; (Planning)

8. That the permittee shall conceal all cables, wires, jumpers and connectors within the antenna or equipment shrouds. In addition, the permittee acknowledges and agrees that a material consideration of the City's approval of this permit is that the pole-top antenna and shroud are approximately the same width as the pole, which creates a streamlined design and concealment element that effectively blends the antenna with the underlying pole; (Planning)
9. The applicant shall clarify the maximum height of the RRU enclosure not including the mounting bracket; (Planning)
10. That a minimum 10' vertical clearance above public sidewalk surface for proposed antenna and equipment mounted on existing utility pole and a minimum 16' vertical clearance above sidewalk surface for proposed antenna and equipment within 2' or less horizontally of the public street shall be maintained; (Engineering)
11. That the proposed equipment shall receive electrical power from the SCE wires already attached to the utility pole on which the proposed equipment is to be mounted; (Engineering)
12. That a minimum 10' vertical clearance above public sidewalk surface for proposed antenna and equipment mounted on existing utility pole and a minimum 16' vertical clearance above sidewalk surface for proposed antenna and equipment within 2' or less horizontally of the public street shall be maintained; (Engineering)
13. That if generators are required at the site, they must meet Torrance Municipal code requirements for noise; (Environmental)

DATE: September 21, 2018
TO: Telecommunications Committee
FROM: Planning Division
SUBJECT: **WIRELESS TELECOM FACILITY (WTC17-00010) – STEPHEN GARCIA (CROWN CASTLE NG WEST LLC)**

A request for approval of a Wireless Telecommunications Facility to allow the installation of a new wireless small cell and support equipment attached to an existing utility pole in the public right-of-way adjacent to 5231 Laurette Street in the R-1 Zone.

Applicant: Stephen Garcia (Crown Castle NG West LLC)
Case No: WTC17-00010
Location: 5231 Laurette (ROW)
Zoning: R-1: Single Family Residential

The subject request is for the installation of a wireless site in the public right-of-way adjacent to 5231 Laurette Street. Per Torrance Municipal Code 92.39.060(1), such requests within the public right-of-way adjacent to residentially zoned properties are reviewed by the Telecommunications Committee and requires notification to property owners within 300 feet of the proposed location. In compliance with prior City Council directives, on September 13, 2018, staff mailed notices to property owners within 500' radius and posted a notification to the subject pole. (Attachment #1).

The proposal involves the installation of an omni-directional antenna and three remote radio units (RRU) within an enclosure on an existing utility pole. The RRU enclosure is designed to mount directly to the side of the pole and the antenna is designed to mount on top of the pole. The RRU enclosure will be connected to aerially provided fiber optic cables through a new pole mounted PVC conduit.

The proposed antenna is 2.1' in height, 10" in diameter and is proposing to use a 7.87" pole mount for connection to the top of the 34' utility pole. The bottom of the antenna is proposed at 34.33' above ground level with a maximum height of 36.43'. The RRU enclosure measures 46.1in x 13.5in x 14.3in and would be mounted 19.66' above grade with a maximum height of 23.5'. Power to the site is proposed aerially through existing lines connected to the utility pole. No additional cabinets are required as this configuration eliminates the need for above ground appurtenances.

Staff notes that the height limit of any facility is 35' unless a taller structure already exists and the height is not increased. Per Torrance Municipal Code Section 92.39.060(h)(3), the Telecommunications Committee may approve up to an additional 15' if the following additional findings can be made:

- A. The approval is necessary to allow the facility to function as intended and identified alternatives to the proposal are not feasible; and
- B. The approved facility will not result in conditions which are materially detrimental to nearby property owners, residents and businesses, nor to public health or safety;

The purpose of the proposed site, according to the applicant, is to "Increase the existing RF signal level in an existing coverage area" for AT&T's network. The target area described in the RF Coverage maps is the surrounding residential area along Palos Verdes Boulevard, between Steveann Street to the north and Sepulveda Boulevard to the south and between Ellinwood Drive to the east and Barbara Street to the west. The proposed antenna would propagate signal omni-directionally. The application was reviewed by the City's telecom consultant, Telecom Law Firm PC, multiple times for technical and regulatory issues.

The applicant has submitted an RF compliance report (included as part of Attachment #2) that evaluates the proposed facility's planned compliance with FCC Guidelines. Staff notes that the City cannot impose additional requirements with respect to FCC requirements with the exception of requesting verification that the site is operating in compliance. If approved, per TMC92.39.070 a radio frequency and compliance radiation report is required to be submitted within 30 days after installation of the facility.

The proposed facility utilizing an existing utility pole falls into a location that requires a special review by the Telecommunications Committee as it is in the right-of-way adjacent to a residential district. Per the Applicant's submittals, the site identified will provide the coverage needed to fulfill the applicant's objectives.

In order to recommend Approval of this Telecom Permit, the following findings must be made per 92.39.040(b)(3):

- i. Other locations that do not require special approval under this Section 92.39.040(B) are either not available or not feasible; and
- ii. Establishment of the facility at the requested location is necessary to provide service; and
- iii. Lack of such a facility would result in a prohibition of service; and

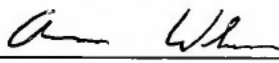
Staff notes that the proposal meets the first finding as there are no other tall non-residential structures in the vicinity which may lend themselves to a small cell installation that is on the prioritized location per the City's code. The applicant proposed two alternate locations that met coverage objectives; however, they require the placement of considerable new infrastructure and both remain adjacent to residential districts. In the judgement of staff, however, not all of the necessary findings can be made. Per the applicant's documentation and the City's consultant confirmation, there currently is AT&T service within the coverage area and as such, establishment of the facility is not

necessary to provide service and lack of this facility does not result in a prohibition of service.

Although the proposed small cell facility has been designed to provide increased capacity while simultaneously providing the least visually intrusive structure, under the narrow purview of the code, staff cannot make the findings per TMC92.39.040(b)(3) and recommends denial of the request. Should the Committee wish to approve the facility, recommended conditions and code requirements have been attached for your review (Attachment #4).

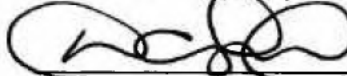
PROJECT RECOMMENDATION: Denial

Prepared by,



Aaron Whiting
Planning Assistant

Recommended by,



Danny Santana
Planning Manager

Attachments:

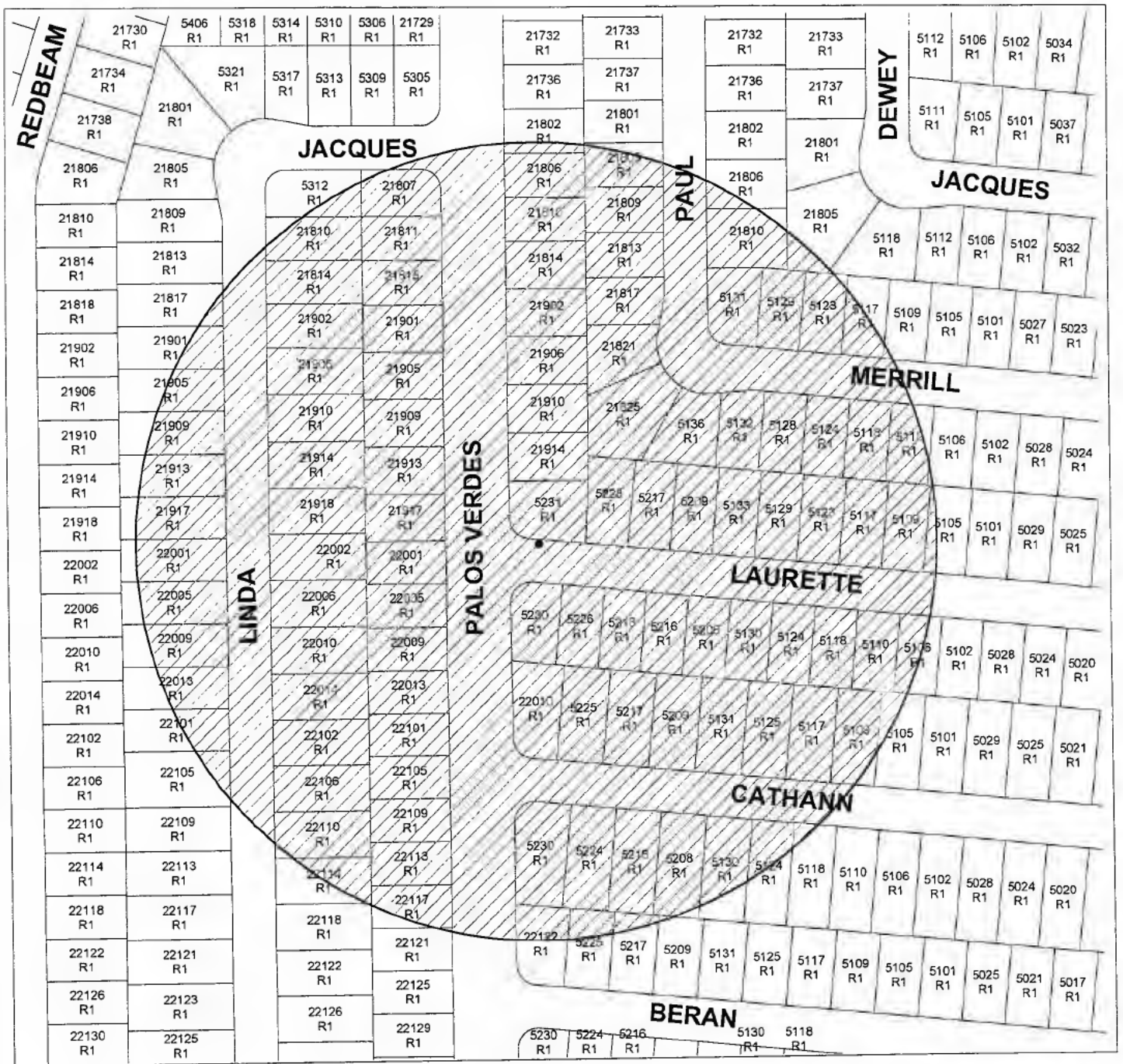
1. Notification Map and Posting
2. Telecom Law Firm Memorandums
3. Supplemental Technical Information Report and Documentation
4. Recommended Conditions and Code Requirements, if approved
5. Correspondence
6. Plans/Photo Simulations (Limited Distribution)

This request for a Telecom Permit (WTC17-00010) is APPROVED DENIED per Ordinance No. 3561, Section 92.39.060, Satellite Antennas, of the Torrance Municipal Code, Division 9.

DATE

Felipe Segovia
Telecommunications Committee Chair

Decisions made by the Telecommunications Committee are appealable to the Planning Commission within 15 calendar days following the above date of approval/denial.




LOCATION AND ZONING MAP

WTC17-00010
 ROW F/O 5231 LAURETTE ST



LEGEND

 Notification Area

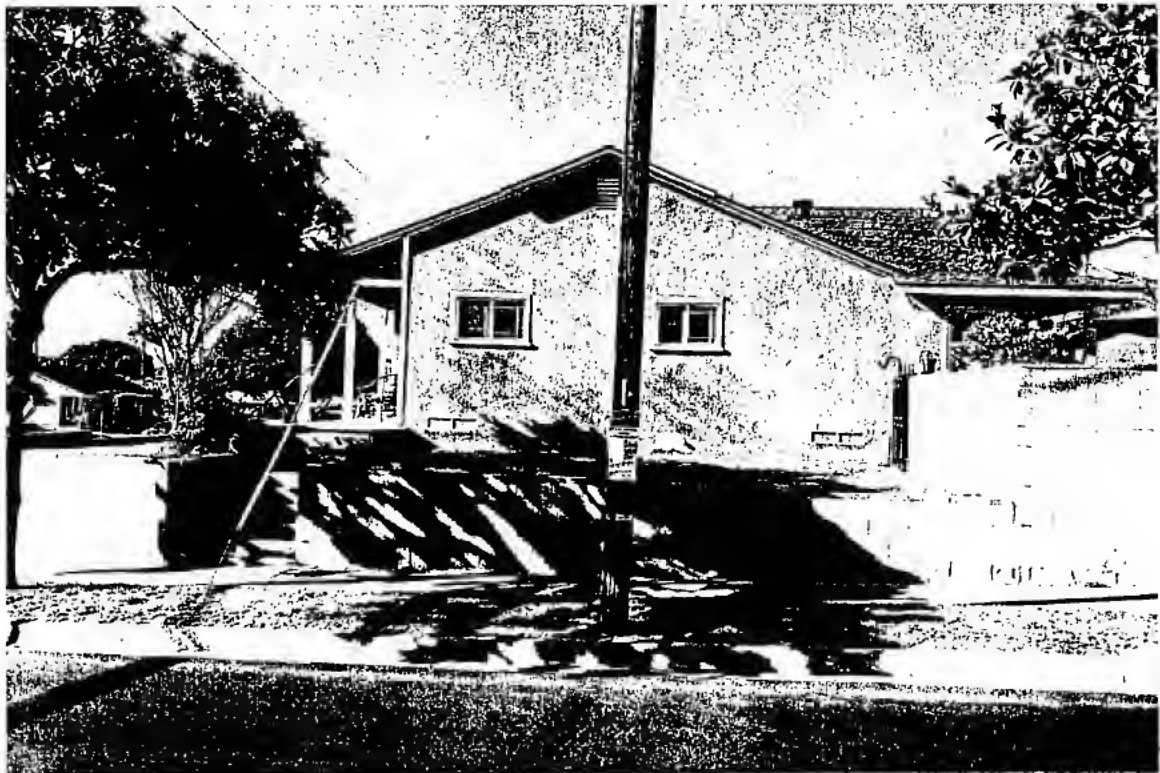
 Feet
 0 45 90 180





**CITY OF TORRANCE
NOTICE
OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the TELECOMMUNICATIONS COMMISSION and the Commission for approval of a Telecommunications facility for the installation of a Telecommunications facility, equipment attached to said facility, and the public right-of-way adjacent to said facility, shown in the Right-of-Way Application, are formal from the Department of Planning, 3011 Torrance Blvd., Torrance, California 90503. Existing facilities and Case Title & Case No. (if applicable) are: Homebase, 3011 Torrance Blvd., Torrance, California 90503. The public hearing will be held at the place of hearing, above, on 7/13/85 at 10:00 a.m. City Clerk, 3011 Torrance Blvd., Torrance, California 90503. For information call the County Development Dept at (310) 516-2200. WWW.TORRANCECA.GOV/PLANNING



CITY OF TORRANCE
POSTED BY
DATE: 7/13/85

WIRELESS PLANNING MEMORANDUM

TO: Mr. Oscar Martinez [REDACTED]
FROM: Dr. Jonathan Kramer [REDACTED]
DATE: September 14, 2018
RE: WTC17-00010 New Proposed Wireless Facility in the Public Right-of-Way adjacent to 5231 Laurette Street

APPLICANT: Crown Castle NG West LLC
APPLICANT'S ID: ATTRB-21

On August 28, 2017 (“**August 2017 Submission**”), Crown Castle NG West LLC (the “**Applicant**”) on behalf of itself and its client AT&T, submitted wireless site application materials to the City of Torrance (“**City**”). The Applicant proposed to operate a new wireless site on an existing wood utility pole GT8178 (“**Pole**”) in the public right-of-way (“**PROW**”) adjacent to 5231 Laurette Street (Coordinates N33.829331°; 118.369010°).

On September 20, 2017, Telecom Law Firm, PC (“**TLF**” or “**We**”) submitted an Application Incomplete Memorandum (the “**September 2017 Memo**”) to the City that evaluated the Applicant’s August 2017 Submission. TLF’s September 2017 Memo concluded that the Applicant failed to submit a complete permit application. TLF recommended that the City deem the Applicant’s application incomplete and issue a timely notice, which it did.

On February 27, 2018, the Applicant submitted additional materials (the “**February 2018 Submission**”) to address the deficiencies identified in TLF’s September 2017 Memo related to its August 2017 Submission.

On March 8, 2018, TLF submitted another Application Incomplete Memorandum (the “**March 2018 Memo**”) to the City that evaluated the Applicant’s February 2018 Submission. TLF’s March 2018 Memo concluded that the Applicant yet again failed to submit a complete permit. We recommended that the City deem the Applicant’s application incomplete and issue a timely notice, which it did.

On August 7, 2018, the Applicant submitted additional materials (the “**August 2018 Submission**”) in an attempt to address the deficiencies identified in TLF’s March 2018 Memo.

This memorandum now reviews (1) the August 2018 Submission and provides the City further analysis on whether the Applicant submitted a complete and responsive application complying with the City’s publicly stated application requirements and complies with the Torrance Municipal Code (“**TMC**”); (2) whether Section 6409(a) applies to the Applicant’s project; and (3) whether Applicant’s project demonstrates planned compliance with the federal radio frequency exposure guidelines.

Upon review, now, TLF's assessment is that the application appears to be sufficiently complete for TLF to proceed with a substantive review of the Applicant's proposal for compliance with applicable local, state and federal law.

1. Project Description

The project plans dated May 29, 2018 ("**Plans**") show that on the Pole, the Applicant proposes to install one new pole-top mount to hold one Pseudo Omni Antenna [Galtronics P6480i] ("**Antenna**") center mounted at approximately 35' 4" above ground level ("**AGL**")

The Antenna is proposed to be separated from the highest proposed communications cable by 6' 9". This separation meets the requirements of the California Public Utilities Commission, General Order 95, Rule 94. The height of the Pole supporting this project is to remain at 34' AGL.

In addition to the Antenna, on the Pole the Applicant also proposes to install:

- A single new communications riser conduit.
- Two new 2203 remote radio units ("**RRUs**") and one new 2205 RRU.
- A new shroud [Charles Shrd60] to house the RRUs.
- A new NEMA (electrical circuit breaker) enclosure with a power disconnect switch.
- A new pole-to-pole strand at 27' 7" with new fiber optic cable used for communications backhaul from this project site to AT&T's cell switching center.
- Three new DC power converters mounted adjacent to the Pole on a new fiber strand.

For a photo simulations the pole configuration, see Figure 1.

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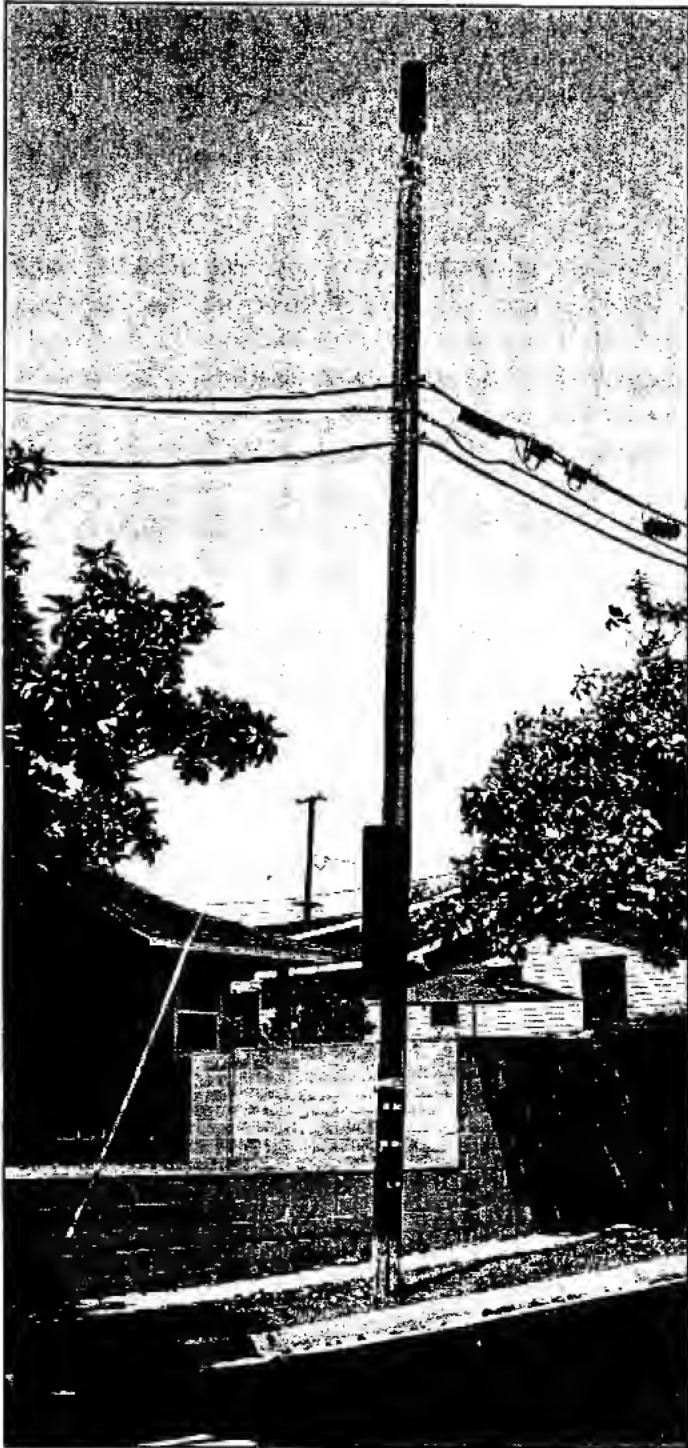


Figure 1: Proposed node on existing utility pole (Source: Applicant's Photo Simulation provided by through its August 2018 Submission).



See below Figure 2 example of a proposed collar ring within memo (ATTRB-23) 21010 Anza Avenue (WTC17-00005). The City can request a similar collar ring concealment design for the instant project.

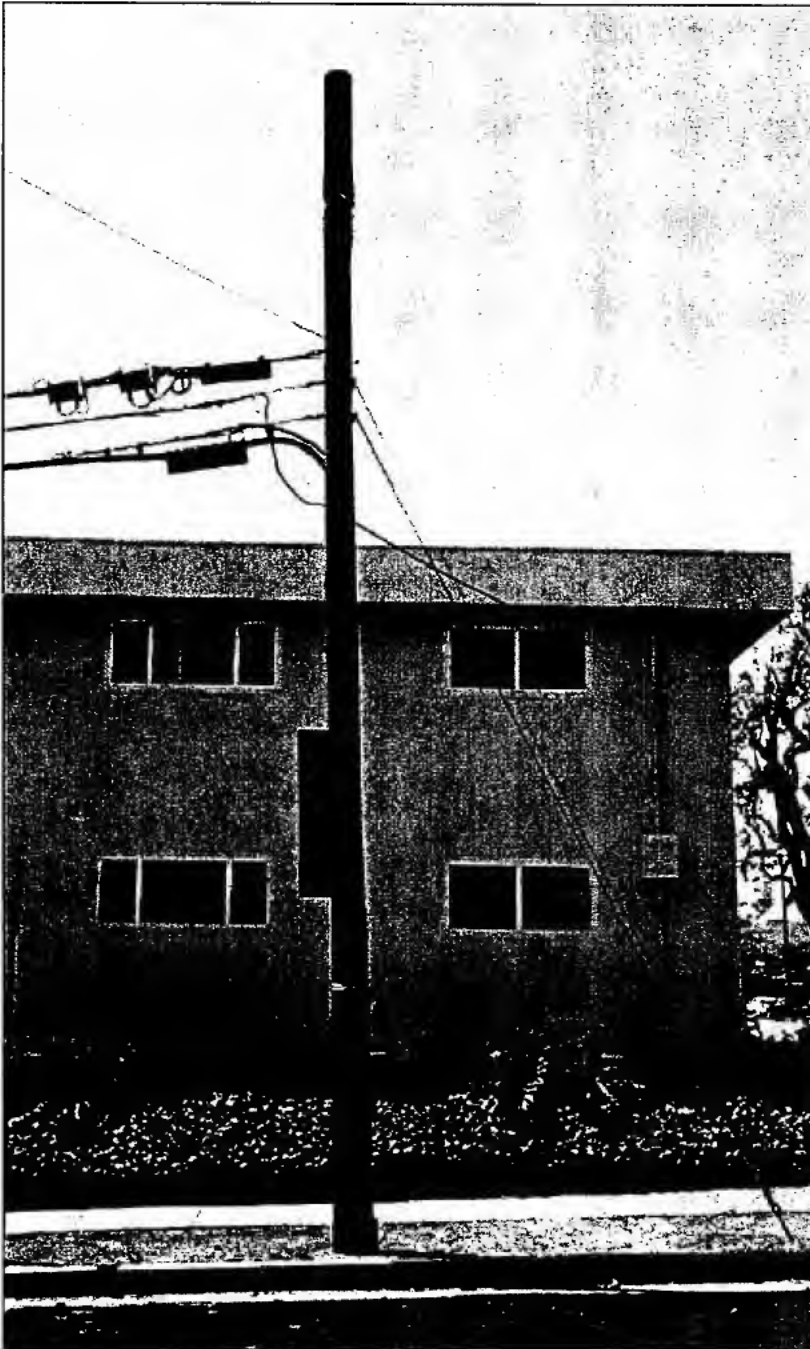


Figure 2: Proposed WTC17-00005 ATTRB-23 node with collar ring extension (Source: Applicant's Photo Simulation provided by through its August 2018 Submission; Photoshop by Dr. J. Kramer).



For an elevation view of the pole configuration see Figure 3.

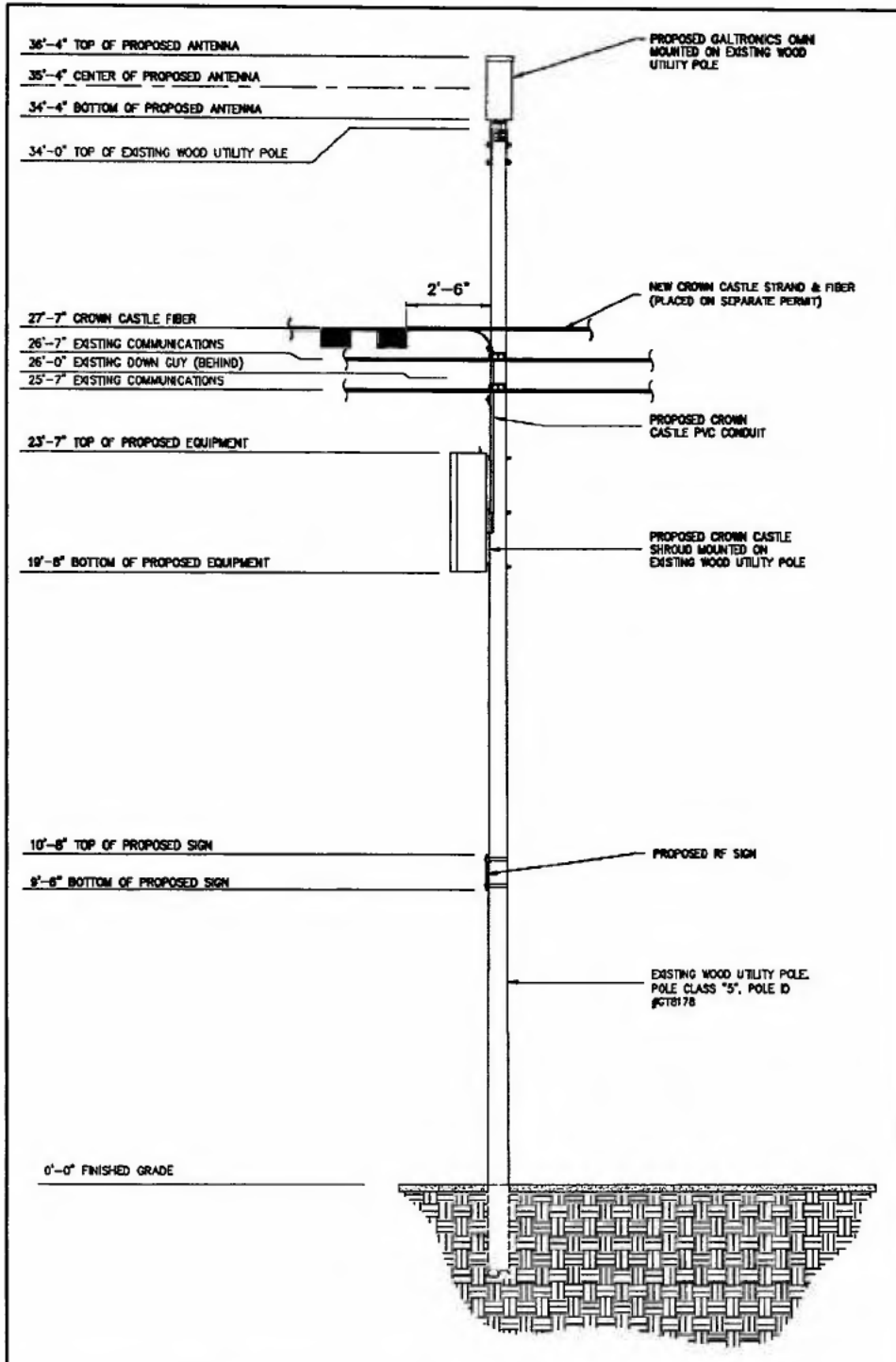


Figure 3: Proposed node on existing utility pole (Source: Plans page A-3 panel 2).



2. Section 6409(a) Analysis

As a threshold matter, the City must determine whether federal law mandates approval for this permit application. Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 requires that State and local governments “may not deny, and shall approve” any “eligible facilities request” for a wireless site collocation or modification so long as it does not cause a “substant[ial] change in [that site’s] physical dimensions.”¹ FCC regulations interpret key terms in this statute and impose certain substantive and procedural limitations on local review.² Localities must review applications submitted for approval pursuant to Section 6409(a), but the applicant bears the burden to show it qualifies for mandatory approval.

Section 6409(a)(2) defines an “eligible facilities request” as a request to collocate, remove, or replace transmission equipment on an existing wireless tower or base station.³ This definition necessarily excludes permit requests for new facilities. Thus, no matter how large or small, Section 6409(a) does not mandate approval for a permit to construct an entirely new wireless facility.

Here, the Applicant did **not** submit an eligible facilities request because rather than collocate on an existing wireless facility, the Applicant proposes to construct a new wireless facility where none currently exists.

Accordingly, given that Section 6409(a) does not apply, much less require that the City approve the Applicant’s application and the City should review the Applicant’s proposal for compliance with the local values expressed in the TMC subject to certain federal limitations in Section 704 of the Telecommunications Act of 1996 (the “Telecom Act”).

3. Significant Gap and Least Intrusive Means Analysis

Under the Telecom Act, State and local governments cannot prohibit or effectively prohibit personal wireless communication services.⁴ The United States Court of Appeals for the Ninth Circuit holds that a single permit denial can violate the Telecom Act when the applicant demonstrates that (1) a “significant gap” in its own service coverage exists and (2) its proposed site constitutes the “least intrusive means” to mitigate that significant gap.⁵ This section discusses both issues as related to the present application.

¹ See Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156. (Feb. 22, 2012) (codified as 47 U.S.C. § 1455(a)).

² See *In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, Report and Order*, 29 FCC Rcd. 12864 (Oct. 17, 2014) (codified as 47 C.F.R. §§ 1.40001, *et seq.*).

³ See 47 U.S.C. § 1455(a)(2).

⁴ See Section 704 of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, *codified at* 47 U.S.C. § 332(c)(7)(B)(i)(II).

⁵ See *MetroPCS, Inc. v. City and County of San Francisco*, 400 F.3d 715, 733 (9th Cir. 2005).



3.1. Significant Gap

The Ninth Circuit does not precisely define what a “significant gap” in service coverage means because this “extremely fact-specific [question] def[ies] any bright-line legal rule.”⁶ Although sometimes courts find that weak service coverage constitutes a significant gap, the Ninth Circuit also holds that “the [Telecom Act] does not guarantee wireless service providers coverage free of small ‘dead spots’”⁷ Accordingly, whether a gap rises to a legally significant gap depends on the contextual factors in each individual application.⁸

To guide the analysis, the Ninth Circuit suggests that applicants and localities should focus on “context-specific factors” such as: (1) whether the gap affects a significant commuter thoroughfare; (2) how many users the alleged gap affects; (3) whether the proposed site will fill a complete void or merely improve weak signal; (4) whether the alleged gap affects a commercial area; (5) whether the alleged gap threatens public safety; and (6) whether the applicant presented empirical or merely predictive evidence.⁹ The Ninth Circuit identifies those factors, just discussed, as being relevant, but does not explicitly limit the analysis to those factors or consider any particular factor more important than any of the others.

Within the August 2018 Submission section 4-Project Purpose of the City’s Supplemental Technical Information Report (“STIR”) for Wireless Telecommunication Facilities, the Applicant asserts that AT&T’s proposed site is intended to “Increase the existing RF signal level in an existing coverage area.”

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⁶ *See id.*

⁷ *See id.*

⁸ *See Sprint PCS Assets, LLC v. City of Palos Verdes Estates*, 583 F.3d 716, 727 (9th Cir. 2009) (citing *San Francisco*, 400 F.3d at 733).

⁹ *See id.* (collecting cases that examine each enumerated factor).



The signal map in Figure 4 depicts AT&T's existing signal strength within the area without the proposed site.

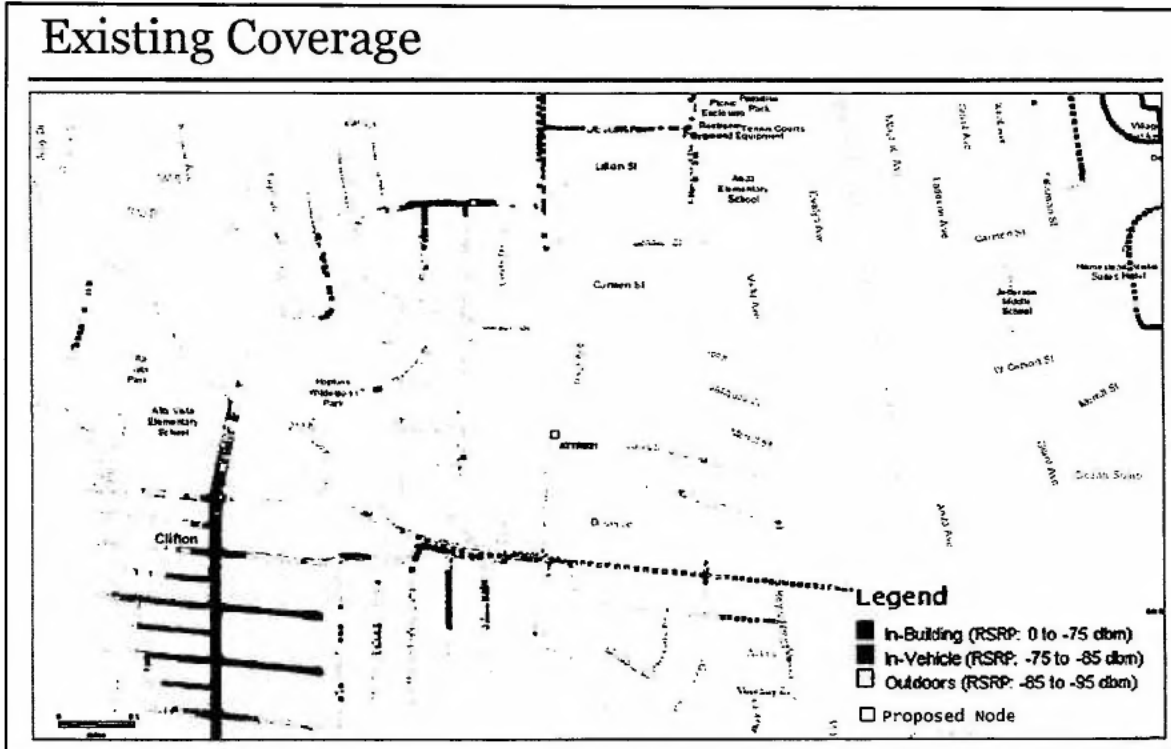


Figure 4: Existing AT&T Coverage without the proposed site (Source: AT&T August 2018 Submission).

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The signal map in Figure 5 depicts AT&T's proposed signal levels within the area without any other signals from other AT&T sites.

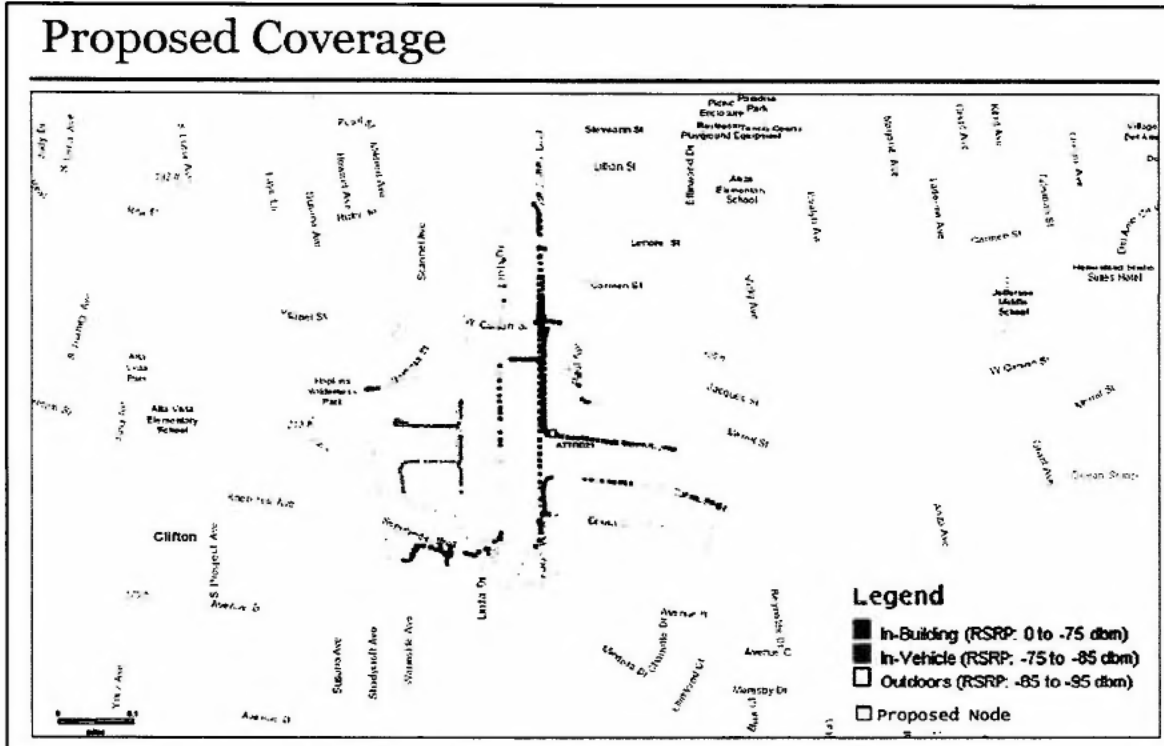


Figure 5: Proposed AT&T Coverage with the proposed site (Source: AT&T August 2018 Submission).

The map above is based on a 'drive test' of the specific streets and street segments, thus no conclusions should be drawn regarding signal coverage in any area of the City (or even nearby) not specifically shown above.

This information is helpful to the City in siting location considering the City's authority regarding time, place, and manner of wireless sites in the public right of way pursuant to the Public Utilities Code, Section 7901 and 7901.1.

3.2. Least Intrusive Means

The Telecom Act does not grant the applicant the right to build whatever site in whatever location it chooses. State and local jurisdictions may require wireless applicants to adopt the "least intrusive means" to achieve their technical objectives.¹⁰ This balances the national interest in wireless services with the local interest in planned development.

¹⁰ See, e.g., *American Tower Corp. v. City of San Diego*, 763 F.3d 1035, 1056 (9th Cir. 2014).



In the Ninth Circuit, the least intrusive means refers to the technically feasible and potentially available alternative design and location that most closely conforms to the local values a permit denial would otherwise serve.¹¹ A “technically feasible and potentially available alternative” means that the applicants can reasonably (1) meet their demonstrated service needs and (2) obtain a lease or other legal right to construct the proposed site at the proposed location.¹²

The process to determine whether a proposal constitutes the least intrusive means involves a “burden-shifting” framework. First, the applicant establishes a presumption that it proposes the least intrusive means when it submits an alternative sites analysis. Localities can rebut the presumption when it proposes other alternatives. Applicants may then rule-out proposed alternatives when it provides a “meaningful comparative analysis” for why an alternative is not technically feasible or potentially available.¹³ This back-and-forth continues until either the jurisdiction fails to propose a technically feasible or potentially available alternative, or the applicant fails to rule-out a proposed alternative.¹⁴

Applicants cannot rule-out potential alternatives on the grounds that it believes its preferred site is subjectively “better” than the jurisdiction’s preferred alternative.¹⁵ Only the local government can decide which among several feasible and available alternatives constitutes the best option. Similarly, an applicant cannot rule-out a proposed alternative based on a bare conclusion that it is not technically feasible or potentially available—it must provide a meaningful comparative analysis that allows the jurisdiction to reach its own conclusions.¹⁶

3.3. Alternative Sites Analysis

Responding to Section 8.02 (Candidate Sites) in the City’s STIR, AT&T provided an Alternative Sites Analysis. See Figure 6 and Figure 7.

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¹¹ See *id.*; see also *AT&T USA, Inc. v. City of Anacortes*, 572 F.3d 987, 995 (9th Cir. 2009).

¹² See *Anacortes*, 572 F.3d at 996–999.

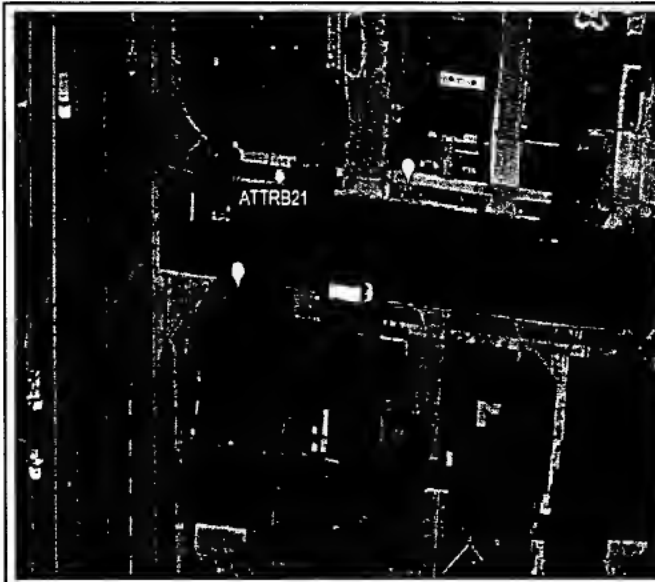
¹³ See *American Tower Corp.*, 763 F.3d at 1056.

¹⁴ Compare *id.* (upholding a permit denial because the applicant failed to rule-out the technical feasibility or potential availability of proposed alternatives), with *Anacortes*, 572 F.3d at 999 (invalidating a permit denial because the city insisted on an unavailable location). These cases provide a guide for planners on how to evaluate alternative site analyses. Planners should also note that a strong administrative record is essential to this analysis.

¹⁵ See *American Tower Corp.*, 763 F.3d at 1057 (finding that the applicant “did not adduce evidence allowing for a meaningful comparison of alternative designs or sites, and the [c]ity was not required to take [the applicant]’s word that these were the best options”).

¹⁶ See *id.*





RB21 Primary and Alternate Overview:

The alternates are proposed as wireless facility installations on existing utility poles or replacement street signs.

All locations will meet the RF coverage objective.

Alternative 3 is not the least intrusive. There is no landscaping, man-made structures or screening methods for either option. Also, the replacement street sign location will require a large pole to meet the RF coverage objective.

This location is sighted to fill an existing gap in wireless service along PV Blvd and Laurette Street. The location will provide needed wireless service to residences, entrepreneurs, users of the ROW and emergency personnel that may be in the area.

Figure 6: RB21 Primary and Alternate Overview (Source: Applicant's August 2018 Submission).

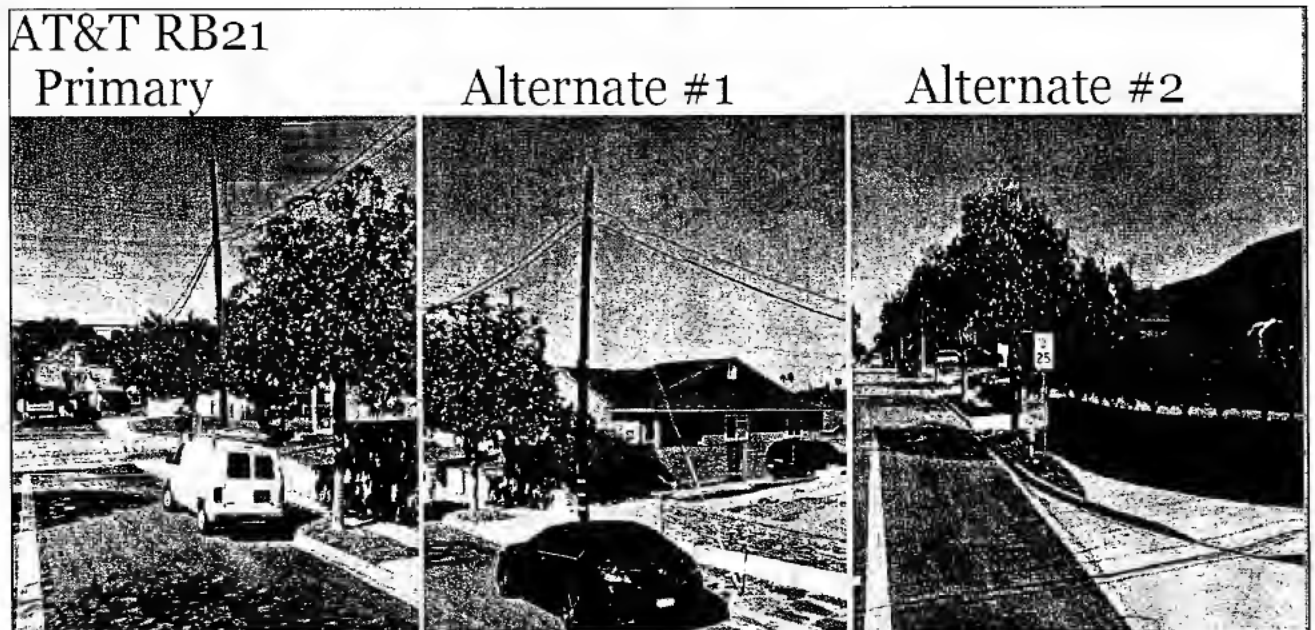


Figure 7: RB21 Primary and Alternative Sites (Source: Applicant's August 2018 Submission).

Whether the primary site is the least intrusive or if any or some of the alternate candidates depicted in Figure 5 are less intrusive is a question for the City to decide based on its aesthetic judgment of the primary site and alternatives. That said, as disclosed by the Applicant, any of the sites will meet its objectives. TLF believes that the Applicant mistakenly referenced Alternative 3 in its description instead of Alternative 2.



4. Planned Compliance with RF Exposure Regulations

Under the Telecom Act, the FCC completely occupies the field with respect to RF emissions regulation. The FCC established comprehensive rules for human exposure to RF emissions (the “**FCC Guidelines**”).¹⁷ State and local governments cannot regulate wireless facilities based on environmental effects from RF emissions to the extent that the emissions comply with the FCC Guidelines.¹⁸

Although localities cannot establish their own standards for RF exposure, local officials may require wireless applicants to demonstrate compliance with the FCC Guidelines.¹⁹ Such demonstrations usually involve a predictive calculation because the site has not yet been built.

4.1. FCC Guidelines, Categorical Exclusions and Exposure Mitigation Measures

FCC Guidelines regulate *exposure* rather than *emissions*.²⁰ Although the FCC establishes a maximum permissible exposure (“MPE”) limit, it does not mandate any specific limitations on power levels applicable to all antennas and requires the antenna operator to adopt exposure-mitigation measures only to the extent that certain persons might become exposed to the emissions. Thus, a relatively low-powered site in proximity to the general population might require more comprehensive mitigation measures than a relatively high-powered site in a remote location accessible only to trained personnel.

The MPE limit also differentiates between “general population” and “occupational” people. Most people fall into the general population class, which includes anyone who either does not know about potential exposure or knows about the exposure but cannot exert control over the transmitters.²¹ The narrower occupational class includes persons exposed through their employment and able to exert control over their exposure.²² The MPE limit for the general population is five times lower than the MPE limit for the occupational class.

Lastly, the FCC “categorically excludes” certain antennas from routine environmental review when either (1) the antennas create exposures in areas virtually inaccessible to humans or (2) the antennas operate at extreme low power. As a general rule, a wireless site qualified for a categorical

¹⁷ See 47 U.S.C. § 332(c)(7)(B)(iv); see also 47 C.F.R. § 1.1307 *et seq.*; FCC Office of Engineering and Technology, *Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields*, OET Bulletin 65, ed. 97-01 (1997).

¹⁸ See 47 U.S.C. § 332(c)(7)(B)(iv).

¹⁹ See *In re Procedures for Reviewing Requests for Relief from State and Local Regulations Pursuant to Section 332(c)(7)(B)(iv) of the Communications Act of 1934*, *Report and Order*, 15 FCC Rcd. 22821, 22828–22829 (Nov. 13, 2000) (declining to adopt rules that limit local authority to require compliance demonstrations).

²⁰ See generally *Human Exposure to Radio Frequency Fields: Guidelines for Cellular and PCS Sites*, *Consumer Guide*, FCC (Oct. 22, 2014), available at <https://www.fcc.gov/guides/human-exposure-rf-fields-guidelines-cellular-and-pcs-sites> (discussing in general terms how wireless sites transmit and how the FCC regulates the emissions).

²¹ See 47 C.F.R. § 1.1310, Note 2.

²² See *id.*



exclusion when mounted on a structure built solely or primarily to support FCC-licensed or authorized equipment (*i.e.*, a tower) and such that the lowest point on the lowest transmitter is more than 10 meters (32.8 feet) above ground.²³

Categorical exclusions establish a presumption that the emissions from the antennas will not significantly impact humans or the human environment. Such antennas are exempt from routine compliance evaluations but not exempt from actual compliance. Under some circumstances, such as a heavily collocated tower or when in close proximity to general population members, even a categorically excluded site will require additional analysis.

4.2. Planned Compliance Evaluation and Recommendations

The FCC Guidelines do **not** categorically exclude the Applicant's facility from routine compliance review. This is because the Pole was originally constructed for transporting electricity and wired communications circuits and not primarily to support wireless equipment. Therefore, an additional analysis for whether the facility will comply with the FCC Guidelines is appropriate.

In an attempt to demonstrate planned compliance with the FCC Guidelines, the Applicant on behalf of AT&T submitted a generic Radio Frequency Electromagnetic Fields Exposure Report prepared by Dtech Communications. That report is dated August 2, 2017 (the "**Dtech Report**"). The Dtech Report notes the site name as "Pole Top Configuration." Additionally, the application materials contained a letter from Crown Castle, signed by Mr. Aaron Snyder and dated August 6, 2018 ("**Crown August 2018 Letter**"). The Crown August 2018 Letter contained a reference for the generic Dtech Report. See Figure 8 below.

The DTECH report submitted for each of the applications is the correct EME report for purposes of this particular type of design and respective location.

Figure 8: Explanation for Generic Dtech Report (Source: Crown Castle August 2018 Letter).

Initially, we do not believe a generic non-specific report regarding a primary public safety matter should be accepted by the City. In this situation, we believe a site-specific RF emissions analysis is both necessary and required to allow the City to comply with its duty to review for FCC rules compliance with the emissions from the particular site proposed.

Additionally, the generic RF Report does not even provide the same type of design nor configuration as the instant project. See Figure 9.

²³ See *id.* § 1.1307(b)(1).



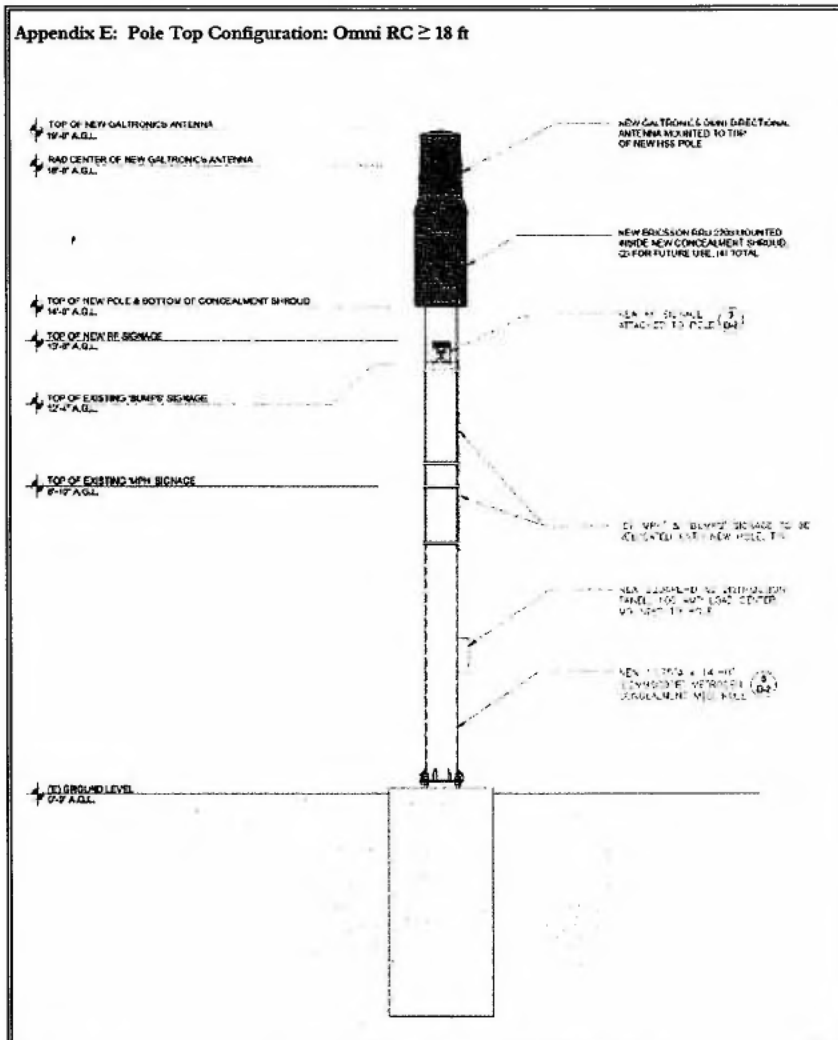


Figure 9: Generic pole-top configuration (Source: Dtech Report).

Further, it is not for Crown Castle to assert that the DTECH is correct; that duty belongs to the RF engineer who is responsible for certifying compliance with the FCC rules for a particular site and configuration. For the City to do as Crown Castle asks would be asking the owner of a car tender a generic smog certificate for a hypothetical car to the DMV claiming that the generic smog certificate is and should be applicable to that owner's particular vehicle. This is simply silly.

TLF recommends that the City condition the building permit that no construction shall commence until a site specific RF Report is submitted to the City by Crown Castle for the instant project, and once provided, the site specific RF Report shall be reviewed by the City determine actual compliance with the FCC rules and regulations.



Finally, we note that while the Plans (Page D-2, panel 1) indicate a power disconnect box (which is required by CPUC GO95 Rule 94), that disconnect box is not shown elsewhere in the Plans. It should be a condition of approval that the power disconnect below be placed directly below and immediately adjacent to the RRU shroud, and the by condition no locking device be used with switch.

5. Permission to Access the Pole.

Relating to property ownership, here the Pole, based on information presented to the City and to this firm on March 6, 2018 during a phone call with the Applicant, the Applicant indicated its desire to proceed forward with the project without having first submitted a Joint Pole Association (“JPA”) clearance letter, or a letter from the applicant indicating that the JPAs 45-day waiver has elapsed. We support this approach subject to a condition that has been verbally accepted by Crown Castle that no actual construction permit will issue until either the JPA approval the Applicant’s or 45-day waiver letter has been received by the City.

6. Conclusion

We recommend that the City determine whether the proposed location is the least intrusive compared to the alternatives.

We further recommend the City adopt the conditions contained in this memorandum in any grant of approval for the project.

/JLK





City of Torrance, Community Development Department Jeffery W. Gibson, Director
3031 Torrance Blvd., Torrance, CA 90503, Phone (310) 618-5990 Fax (310) 618-5829

SUBMITTAL REQUIREMENTS FOR WIRELESS TELECOMMUNICATION FACILITIES

APPLICATION FORM

- One original Development Application and Supplemental Technical Information Report.

PROPERTY OWNERSHIP

- Evidence of ownership of the real property on which the proposed telecom facility will be located, and evidence of authorization from the real property owner to place the facility on the property.

SEVEN (7) SETS OF THE FOLLOWING:

PROJECT PLANS

- Full size (24"X36") Plot Plan, Floor Plans and Elevations need to be stapled, collated and folded to approximately 9"X12" in size.

JUSTIFICATION

- A brief narrative, accompanied by written documentation where appropriate, which explains the purpose of the facility and validates the applicant's efforts to comply with the design, location, and co-location standards of Article 39 of Chapter 2 of Division 9. Please refer to section 4.00 of the SUPPLEMENTAL TECHNICAL INFORMATION REPORT.

MAPS

- A map or maps showing the geographic area to be served by the facility. Please refer to section 6.00 of the SUPPLEMENT TECHNICAL INFORMATION REPORT.

VISUAL SIMULATIONS

- Visual simulations showing "before" and "after" views of the proposed facility. Consideration shall be given to views from both public areas and private residence. Please refer to section 7.00 of the SUPPLEMENTAL TECHNICAL INFORMATION REPORT.



City of Torrance, Community Development Department Jeffery W. Gibson, Director
3031 Torrance Blvd., Torrance, CA 90503, Phone (310) 618-5990 Fax (310) 618-5829

SUPPLEMENTAL TECHNICAL INFORMATION REPORT FOR WIRELESS TELECOMMUNICATION FACILITIES

1.00: Project Address ROW F/O 5231 Laurette St

Assessor Parcel Number N/A Public ROW

2.00: Disclose the Name and Address of all Project Owners, and attach a letter of agency appointing the Applicant as representative of the Project Owners in connection with this application. Designate the letter of agency as "Attachment 2.00".

3.00: FCC Licensee/FAA Compliance Information

3.01: Identify each person or legal entity that will be using the wireless site and contact information (Attach additional sheets if necessary)

Name: Crown Castle NG West LLC-Aaron Snyder

Address: 200 Spectrum Center Drive, Suite 1800

City, State, Zip: Irvine, CA 92618

Phone: (949) m344-7834 Fax: _____

Email: Aaron.Snyder@crowncastle.com

3.02: Attach a complete copy of each FCC license or FCC Construction Permit for each person/legal entity that will be subject to the FCC license for the Project site. Designate the license(s)/Construction Permit(s) as "Attachment 3.02". If none of the proposed radio facilities require an FCC license so indicate on Attachment 3.02.

3.03: What is the intended use of the facility (check all that apply):

- Broadcast Radio
- Broadcast TV
- Cellular telephone
- Enhanced Specialized Mobile Radio
- Microwave
- PCS telephone
- Paging
- Specialized Mobile Radio
- Other: 5 GHz spectrum

3.04: Project latitude and longitude: N 33 49 45.5916 W -118 22 8.436



SUPPLEMENTAL TECHNICAL INFORMATION REPORT FOR WIRELESS TELECOMMUNICATION FACILITIES

- 3.05: Specify DATUM use above: WGS84 NAD23 NAD83
- 3.06: Project Maximum height (ft): 36'4"
- 3.07: Bottom of lowest antenna (ft): 34'4"
- 3.08: Rad-center of the antennas (ft): 35'4"
- 3.09: For each licensee, and for each radio service, complete and attach the two page "Appendix A" form from "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" available from the following website: <http://www.FCC.gov/oet/rfsafety>. Designate the completed two page form as "Attachment 3.09". Additional RF safety disclosure information may be required by the government to determine compliance with FCC OET 65 requirements if the site is not "categorically excluded" under OET 65.
- 3.10 Are any areas adjacent to the antennas subject to RF emissions that are in excess of the "General Public/uncontrolled" standard in FCC OET 65? For this purpose, assume that all persons other than the Carrier's technical staff are considered to be members of the General Public.
 Yes No
(If the answer to 3.10 is NO proceed to 3.12)
- 3.11 Provide a detailed RF analysis for each emitter and each band showing the distance, in feet, in all directions to the boundary of the General Public/uncontrolled boundary. Designate this attachment, "Attachment 3.11".
- 3.12 Considering your response to 3.10, above, and any other identifiable RF emitters that OET 65 requires be evaluated in connection with this project, are all portions of this project cumulatively "categorically excluded" under FCC OET 65 requirements?
 Yes No
(If the answer to 3.12 is YES proceed to 3.14.)
- 3.13 Describe in an attachment each and every RF emitter of the project that is not "categorically excluded" under the FCC OET 65 requirements. Designate this attachment, "Attachment 3.13".
- 3.14: Does this project require the Applicant to file an FAA Form 7460 or other documentation under Federal Aviation Regulation Part 77.13 et seq, or under the FCC rules?
 Yes No
(If the answer to 3.14 is NO proceed to 4.00.)



City of Torrance, Community Development Department Jeffrey W. Gibson, Director
3031 Torrance Blvd., Torrance, CA 90503, Phone (310) 618-5990 Fax (310) 618-5829

SUPPLEMENTAL TECHNICAL INFORMATION REPORT FOR WIRELESS TELECOMMUNICATION FACILITIES

- 3.15 Attach complete copies of all required FAA/FCC forms including all attachments and exhibits thereto, including without limitation FAA Form 7460. Designate this attachment, "Attachment 3.15".

4.00: Project Purpose

- 4.01: Justification. Provide a brief narrative, accompanied by written documentation where appropriate, which explains the purpose of the facility and validates the applicant's efforts to comply with the design, location, and co-location standards of Chapter 2, Division 9, Article 39 of the City's Municipal Code.

Crown Castle NG West LLC, Utility No. U-6745-C, obtained a Certificate of Public Convenience and Necessity (CPCN) from the California Public Utilities Commission

in Decision No. 07-04-045 to provide full facilities based radiofrequency transport services. CPCN Conclusion of Law No. 4 states: "Public convenience and necessity

require NextG's full facilities-based local exchange services to be offered to the public subject to the terms and conditions set forth herein." This justification is

sufficient under the California state law and under Crown's authorized provision of radiofrequency transport services. No further site justification is required.

- 4.02: Indicate whether the dominant purpose of the Project is to add additional network capacity, to increase existing signal level, or to provide new radio frequency coverage (check only one).
- Add network capacity without adding substantial new RF coverage area (Proceed to 5.00)
- Increase the existing RF signal level in an existing coverage area (Proceed to 5.00)
- Provide new radio frequency coverage in a substantial area not already served by existing radio frequency coverage (Proceed to 5.00)
- Other
- 4.03 Attach a statement fully and expansively describing the "Other" dominant purpose of this project. Designate this attachment, "Attachment 4.03".

5.00: Build-Out Requirements

- 5.01: Do any of radio services identified in 3.04 above require the licensee to provide specific radio frequency/population coverage pursuant to the underlying FCC license?
- Yes No
(If the answer to 5.01 is NO proceed to 6.00.)
- 5.02: Have all of the FCC build-out requirements as required by all licenses covering all radio services proposed at this Project been met?
- Yes No
(If the answer to 5.02 is YES proceed to 6.00.)



SUPPLEMENTAL TECHNICAL INFORMATION REPORT FOR WIRELESS TELECOMMUNICATION FACILITIES

5.03: State by licensee all remaining build-out requirements which have yet to be met, and the known or estimated date when the remaining build-out requirements will be met. Designate this attachment "Attachment 5.03".

6.00: Radio Frequency Coverage Maps

6.01: Where a licensee intends to provide radio frequency geographic coverage to a defined area from the Project (including applicants in the cellular, PCS, broadcast, ESMR/SMR categories, and others as requested by the City of Torrance), the coverage maps and information requested in Section 6 are required attachments. All others proceed to 7.00.

For the coverage maps required here, the following mandatory requirements apply. Failure to adhere to these requirements may delay your application processing.

1. The size of each submitted map must be no smaller than 11" by 8.5".
2. If the FCC rules for any proposed radio service defines a minimum radio frequency signal level that level must be shown on the map in a color easily distinguishable from the base paper or transparency layer, and adequately identified by RF level and map color or gradient in the map legend. If no minimum signal level is defined by the FCC rules you must indicate that in the legend of each RF coverage map. You may show other RF signal level(s) on the map so long as they are adequately identified by objective RF level and map color or gradient in the map legend.
3. Where the City of Torrance determines that one or more submitted maps are inadequate, it reserved the right to request that one or more supplemental maps with greater or different detail be submitted.

6.02: Existing RF coverage within the City of Torrance on the same network, if any (if none, so state). This map should not depict any RF coverage to be provided by the Project. Designate this attachment "Attachment 6.02".

6.03: RF coverage to be provided by the Project. This map should not depict any RF coverage provided any other existing or proposed wireless sites. Designate this attachment "Attachment 6.03".

6.04: RF coverage to be provided by the Project and by other wireless sites on the same network should the Project site be activated. Designate this attachment "Attachment 6.04".

6.05: Provide a written certification that the facility will continuously comply with FCC OET Bulletin 65 radio frequency emissions standards, and that use of the facility will not interfere with other communication, radio, or television transmission or reception.



SUPPLEMENTAL TECHNICAL INFORMATION REPORT FOR WIRELESS TELECOMMUNICATION FACILITIES

7.00: Project Photographs and Photo Simulations

7.01: Where an Applicant proposes to construct or modify a wireless site, and the wireless site is visible from other residential properties, the Applicant shall submit pre-project photographs, and photo simulations showing the project after completion of construction, all consistent with the following standards:

1. Minimum size of each photo simulation must be 11 inches by 8.5 inches (portrait or landscape orientation);
2. All elements of the project as proposed by the Applicant must be shown in one or more close-in photo simulations.
3. The overall project as proposed by the Applicant must be shown in five or more area photos and photo simulations. Photos and photo simulation views must, at a minimum, be taken from widely scattered positions separated by an angle of no greater than 72 degrees from any other photo location.

The number of site photos, and photo simulations, and the actual or simulated camera location of these photos and photo simulations is subject to City of Torrance determination. The Applicant should submit photos and photo simulations consistent with these instructions, and be prepared to provide additional photos and photo simulations should they be requested by the City of Torrance.

8.00: Candidate Sites

8.01: For applicants in the cellular, PCS, broadcast, ESMR/SMR categories, and others as requested by the City of Torrance, the information requested in Section 8 is required. All others proceed to 9.00.

8.02: Has the Applicant or Owner or anyone working on behalf of the Applicant or Owner secured or attempted to secure any leases or lease-options or similar formal or informal agreements in connection with this project for any sites other than the candidate site identified at 1.00?

Yes No

(If the answer to 8.02 is NO, proceed to 8.05.)

8.03: Provide the physical address of each such other location, and provide an expansive technical explanation as to why each such other site was disfavored over the Project Site. Designate this attachment "Attachment 8.03".

8.04: Considering this proposed site, is it the one and only one location within or without the City of Torrance that can possibly meet the objectives of the project?

Yes No

(If the answer to 8.04 is NO, proceed to 9.00.)



**SUPPLEMENTAL TECHNICAL INFORMATION REPORT
FOR WIRELESS TELECOMMUNICATION FACILITIES**

8.05: Provide a technically expansive and detailed explanation supported as required by comprehensive radio frequency data fully describing why the proposed site is the one and only one location within or without the City of Torrance that can possibly meet the radio frequency objectives of the project. Explain, in exact and expansive technical detail, all of the objectives of this project. Designate this attachment "Attachment 8.05".

9.00: Identification of Key Persons

9.01: Identify by name, title, company affiliation, work address, telephone number and extension, and email address the key person or persons most knowledgeable regarding:

- (1) the site selection for the proposed project, including alternatives;
 - (2) the radio frequency engineering of the proposed project;
 - (3) rejection of other candidate sites evaluated, if any;
 - (4) approval of the selection of the proposed site identified in this project.
- Designate this attachment "Attachment 9.01"

9.02 If more than one person is/was involved in any of the four functions identified in this section, attach a separate sheet providing the same information for each additional person, and identifying which function or functions are/were performed by each additional person. Designate this attachment "Attachment 9.02".

Initial here _____ to indicate that the information above is complete and there is no Attachment 9.02, or initial here _____ to indicate that Attachment 9.02 is attached hereto.

10.00: Technical Information Report Certification

10.01: The undersigned certifies on behalf of itself and the Applicant that the answers provided here are true and complete to the best of the undersigned's knowledge.

<p> _____ Signature</p> <p>Aaron Snyder _____ Print Name</p> <p>Crown Castle NG West LLC _____ Print Company Name</p> <p>8/6/18 _____ Date Signed</p>	<p>GRPM _____ Title</p> <p>Aaron.Snyder@crowncastle.com _____ Provide Email Address</p> <p>949-344-7834 _____ Provide Telephone Number</p>
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Code Requirements and Conditions, if approved:

The following Code Requirements are applicable to the project, if approved:

- A Construction and Excavation Permit (C&E Permit) is required from the Community Development Department, Engineering Permits and Records Division, for any work in the public right-of-way on Delos Drive.
- The traffic control plan(s) shall comply with the MUTCD manual.
- Must comply with TMC Section 92.39.070 regarding submission of RF compliance report.
- Must comply with TMC Section 92.39.090 regarding discontinued use or abandonment of facility.

Recommended Conditions, if Approved:

1. That the use of the subject site for a telecom facility shall be subject to all conditions imposed in WTC17-00010 and any amendments thereto or modifications thereof as may be approved from time to time pursuant to Section 92.39.070 et seq. of the Torrance Municipal Code on file in the office of the Community Development Director of the City of Torrance; and further, that the said use shall be established or constructed and shall be maintained in conformance with such maps, plans, specifications, drawings, applications or other documents presented by the applicant to the Community Development Department and upon which the Telecommunications Committee relied in granting approval;
2. That if this Approval is not implemented within one year after the approval, it shall expire and become null and void unless extended by the Community Development Director for an additional period, as provided for in Section 92.27.1 of the Torrance Municipal Code; (Planning)
3. That all requirements provided under Ordinance No. 3058, Section 92.2.8, Satellite Antennas, of the Torrance Municipal Code, Division 9, shall be met prior to the issuance of building permits and/or encroachment permits; (Planning)
4. That all pole mounted equipment be painted to match to the satisfaction of the Community Development Director; (Planning)
5. The permittee shall install and at all times maintain in good condition an "RF Notice" sign and network operations center sign adjacent to the bottom of the MMS shroud. The signs required in this condition must be placed in a location where they are clearly visible to a person when he or she approaches the shroud; (Planning)
6. The permittee shall ensure that all RF signage complies with FCC OET Bulletin 65 or ANSI C95.2 for color, symbol and content conventions. All such signage shall provide a working local or toll-free telephone number to its network operations center that reaches a live person who can exert transmitter power-down control over this site as required by the FCC; (Planning)
7. That the antenna and all related equipment cabinets shall be removed if the telecommunications site remains inactive for more than 180 days; (Planning)
8. That the permittee shall conceal all cables, wires, jumpers and connectors within the antenna or equipment shrouds. In addition, the permittee acknowledges and agrees that a material consideration of the City's approval of this permit is that the pole-top antenna and shroud are approximately the same width as the pole, which creates a

streamlined design and concealment element that effectively blends the antenna with the underlying pole; (Planning)

9. That a minimum 10' vertical clearance above public sidewalk surface for proposed antenna and equipment mounted on existing utility pole and a minimum 16' vertical clearance above sidewalk surface for proposed antenna and equipment within 2' or less horizontally of the public street shall be maintained; (Engineering)
10. That the proposed equipment shall receive electrical power from the SCE wires already attached to the utility pole on which the proposed equipment is to be mounted; (Engineering)
11. That a minimum 10' vertical clearance above public sidewalk surface for proposed antenna and equipment mounted on existing utility pole and a minimum 16' vertical clearance above sidewalk surface for proposed antenna and equipment within 2' or less horizontally of the public street shall be maintained; (Engineering)
12. That if generators are required at the site, they must meet Torrance Municipal code requirements for noise; (Environmental)

September 18, 2018

City of Torrance
Mr. Jeffrey W. Gibson
Community Development Director
Community Development Department
City Hall
3031 Torrance Blvd.
Torrance, CA 90503

**Emailed and
Sent Via
First Class Mail**

Subject: Case #: WTC17-00010

Dear Mr. Gibson and members of the City of Torrance Telecommunications Committee:

We live on the North-East corner of Laurette Street and Palos Verdes Boulevard. Our street address is [REDACTED] Recently, we received notice that Stephen Garcia (Crown Castle NG West) is seeking approval of a Telecom Permit to allow the installation of a small cell antenna and support equipment attached to the utility pole in the public right-of-way adjacent to our property.

In August of 2010, T-Mobile submitted a similar permit application to your department requesting approval. At that time, my husband and I researched the impact and consequences of the installation of a tower or small cell antenna, as well as support equipment, including underground equipment, and found them to be wholly unacceptable to us, as well as to our neighbors. Ultimately, City of Torrance denied the requested permit. (Please see attached letter dated August 10, 2010, regarding the T-Mobile matter. Attachment A)

As in the case with T-Mobile, we again cite the following reasons why Stephen Garcia's (Crown Castle NG West's), application for permit is wholly unacceptable to us, as well as to our neighbors.

1. The support equipment and, in particular, the antenna, will create an eyesore to our home and street. Its proposed location is directly in front of our kitchen window and adjacent to our outside patio, which we use almost daily. This means that we will be forced to see the

Letter to Mr. Jeffrey W. Gibson and the City of Torrance Telecommunications
Committee
Case No. WTC17-00010

- antenna and deal with its negative esthetic and possible environmental ramifications everyday;
2. the support equipment and antenna will result in unwanted maintenance visits by Crown Castle NG West to the site;
 3. in order to install the antenna and support equipment at the proposed site; particularly, if the support equipment is to be located underground, our gas, water and sprinkler lines may be impacted;
 4. we have two, beautiful magnolia trees located at the proposed site that the City of Torrance spared during its recent tree removal process. These trees were spared because they have been properly cared for by us. We do not want these trees negatively impacted by Crown Castle NG West;
 5. our research shows that antennas, towers and support equipment, including underground vaults, are permitted to emit noise levels up to 50 decibels. This is unacceptable to us;
 6. most importantly, we believe, the support equipment and antenna will bring down the property value of our home and, possibly, the property values of our neighbors' homes adjacent to us. This belief is supported by a local realtor who has many years of experience with homes located in the Torrance Southwood neighborhood. And,
 7. lastly, we believe if the City of Torrance grants a permit to Stephen Garcia (Crown Cable NG West), it will open the door to future inappropriate and unfortunate permits in residential areas within the City, such as ours.

Based on the above, we respectfully request that you deny Stephen Garcia's (Crown Castle NG West's) Permit Application, Case No. WTC17-00010 for installation of a small cell antenna and support equipment at the proposed 5231 Laurette Street site.

Moreover, we assert that the City of Torrance's prior denial of a same or similar permit to T-Mobile on the same premise sets a precedent that cannot be ignored and should again, and under the same basis, be applied in this case. We suggest that an antenna and support equipment of such implication be installed outside of our residential area and, instead, be placed a few blocks south near the strip mall located at Sepulveda and Palos Verdes Boulevards.

September 18, 2018

Letter to Mr. Jeffrey W. Gibson and the City of Torrance Telecommunications
Committee

Case No. WTC17-00010

In the prior matter, a representative from the Southwood Homeowners Association appeared at the hearing on our behalf. We are not sure of their availability for the scheduled September 25, 2018, hearing. Additionally, my husband works full-time and will not be able to attend the hearing. And, I am presently assisting in the care of my mother who is on home hospice. Therefore, my attendance is questionable. For these reasons, we respectfully request that this letter and supporting documentation represent our position on this matter and that it carry as much weight as if we were physically present at the September 25, 2018, hearing. We also request that you keep us informed of this matter. We, along with our neighbors, do not want the proposed Crown Castle NG West antenna and support equipment, installed adjacent to our property or on our street. As such, we are willing to cooperate and do whatever is required of us to see that it is not installed at the proposed site. (Please see the attached list of signatures of nearby homeowners who concur with us. Attachment B)

Thank you for your prompt attention to this matter. If you have any questions or comments, please do not hesitate to contact us at [REDACTED]

Also, please extend my thank you to Mr. Aaron Whiting who was kind enough to return my call and take the time to speak with me and offer his services regarding this case. I truly appreciate his actions.

Sincerely,

Mr. and Mrs. Craig (Jean) Manning

[REDACTED]
Torrance, CA 90503
[REDACTED]

jpm/

September 18, 2018
Letter to Mr. Jeffrey W. Gibson and the City of Torrance Telecommunications
Committee
Case No. WTC17-00010

ATTACHMENT A

August 10, 2010

City of Torrance
Community Development Department
Attention: Mr. Gregg Lodan
3031 Torrance Blvd.
Torrance, CA 90503

**Sent via E-mail and
First Class Mail**

Subject: Case #: SAT 10-00015

Dear Mr. Lodan:

We live on the North-East corner of Laurette Street and Palos Verdes Boulevard. Our street address is [REDACTED] Recently, we were informed that T-Mobile submitted a permit application to your department requesting permission to build and install a 10-foot vault (underground with access at ground level) and a tall tower, similar to an electrical tower, on our lot. For the following reasons, T-Mobile's proposal is wholly unacceptable to us, as well as to our neighbors.

1. The vault and, in particular, the tower, will create a tremendous eyesore to our home and street. Its proposed location is directly in front of our kitchen window and adjacent to our outside patio, which we use almost daily. This means that we will be forced to see the tower and deal with its negative esthetic (and possible environmental) ramifications everyday;
2. The vault and tower will result in frequent and unwanted maintenance visits by T-Mobile to the site;
3. Most importantly, we believe, the vault and tower will bring down the property value of our home, as well as the property values of our neighbors' homes adjacent to us. This belief is supported by a local realtor who has many years of dealing with homes located in the Torrance Southwood neighborhood;
4. In order to install the vault and tower at the proposed site, our gas, water and sprinkler lines will be impacted, which will require them to be dug up, removed and relocated; and,
5. We have two magnolia trees located at the proposed site that the City of Torrance spared during its recent tree removal process. These trees were spared because they have been properly cared for

by us. We do not want these trees negatively impacted by the digging and ground damage proposed by T-Mobile.

Based on the above, we respectfully request that you deny T-Mobile's Permit Application No. SAT 10-00015 for installation of a vault and tower at the proposed Laurette Street site. We suggest that a vault and tower of such size and implication be installed outside of our residential area and, instead, be placed a few blocks south near the strip mall located at Sepulveda and Palos Verdes Boulevards.

We also request that you keep us informed of this matter. We are willing to cooperate and do whatever is required of us to see that the vault and tower are not installed on our lot.

Thank you for your prompt attention to this matter. If you have any questions or comments, please do not hesitate to contact us at [REDACTED]

Sincerely,

[REDACTED]

Mr. and Mrs. Craig (Jean) Manning

[REDACTED]
Torrance, CA 90503
[REDACTED]

jp/

Read & concurred by the following neighbors:

Print Name + Address: Paul + Christine Shiosaki [REDACTED] Torrance CA
Signature: [REDACTED]

Print Name + Address: ART. TIMBOL [REDACTED] TORRANCE CA 90503
Signature: [REDACTED]

Print Name + Address: GREY R. BROOKS JR [REDACTED]
Signature: [REDACTED]

(over)

CASE# SA1 10-00015

Name + Address: MATT & RYAN-MARIE PRESS

Signature: [Redacted]

Name + Address: Scott & Junko Fujita

Signature: [Redacted]

Name + Address: Audre' Costa [Redacted] 90503

Signature: [Redacted]

Name + Address: Denise Tom Torrance, CA 90503

Signature: [Redacted]

Name + Address: Ms Duda [Redacted] Torrance CA 90503 CAR# SA10 00015

Signature: [Redacted]

Name + Address: Dan Marcus [Redacted]

Signature: [Redacted] TORRANCE, CA 90503

September 18, 2018
Letter to Mr. Jeffrey W. Gibson and the City of Torrance Telecommunications
Committee
Case No. WTC17-00010

ATTACHMENT B

Case # WTC17-00010

Signatures to Request Denial of Stephen Garcia's (Crown Castle NG West's) Request to the City of Torrance for Approval of a Permit to Allow for the Installation of a Small Cell Antenna and Support Equipment attached to an Existing Utility Pole Adjacent to 5231 Laurette St, Torrance, CA 90503

Print Name & Address: JOSHUA KALEV [Redacted]
Signature: [Redacted]

Print Name & Address: SILVIA KALEV [Redacted]
Signature: [Redacted]

Print Name & Address: Venerando Honzo [Redacted]
Signature: [Redacted]

Print Name & Address: Diana Boyer [Redacted]
Signature: [Redacted]

Print Name & Address: [Redacted] MARIA FERRI
Signature: [Redacted]

Print Name & Address: Beverly Duda [Redacted]
Signature: [Redacted]

Print Name & Address: Daran Johnson [Redacted]
Signature: [Redacted]

Print Name & Address: PAUL SHILOSKI [Redacted]
Signature: [Redacted]

Print Name & Address: Denise Ryan [Redacted]
Signature: [Redacted]

Signatures Obtained 9/18/18 [Redacted]

September 18, 2018

City of Torrance
Mr. Jeffrey W. Gibson
Community Development Director
Community Development Department
City Hall
3031 Torrance Blvd.
Torrance, CA 90503

**Emailed and
Sent Via
First Class Mail**

Subject: Case #: WTC17-00010

Dear Mr. Gibson and members of the City of Torrance Telecommunications Committee:

We live on the North-East corner of Laurette Street and Palos Verdes Boulevard. Our street address is [REDACTED] Recently, we received notice that Stephen Garcia (Crown Castle NG West) is seeking approval of a Telecom Permit to allow the installation of a small cell antenna and support equipment attached to the utility pole in the public right-of-way adjacent to our property.

In August of 2010, T-Mobile submitted a similar permit application to your department requesting approval. At that time, my husband and I researched the impact and consequences of the installation of a tower or small cell antenna, as well as support equipment, including underground equipment, and found them to be wholly unacceptable to us, as well as to our neighbors. Ultimately, City of Torrance denied the requested permit. (Please see attached letter dated August 10, 2010, regarding the T-Mobile matter. Attachment A)

As in the case with T-Mobile, we again cite the following reasons why Stephen Garcia's (Crown Castle NG West's), application for permit is wholly unacceptable to us, as well as to our neighbors.

1. The support equipment and, in particular, the antenna, will create an eyesore to our home and street. Its proposed location is directly in front of our kitchen window and adjacent to our outside patio, which we use almost daily. This means that we will be forced to see the

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Committee
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- antenna and deal with its negative esthetic and possible environmental ramifications everyday;
2. the support equipment and antenna will result in unwanted maintenance visits by Crown Castle NG West to the site;
 3. in order to install the antenna and support equipment at the proposed site; particularly, if the support equipment is to be located underground, our gas, water and sprinkler lines may be impacted;
 4. we have two, beautiful magnolia trees located at the proposed site that the City of Torrance spared during its recent tree removal process. These trees were spared because they have been properly cared for by us. We do not want these trees negatively impacted by Crown Castle NG West;
 5. our research shows that antennas, towers and support equipment, including underground vaults, are permitted to emit noise levels up to 50 decibels. This is unacceptable to us;
 6. most importantly, we believe, the support equipment and antenna will bring down the property value of our home and, possibly, the property values of our neighbors' homes adjacent to us. This belief is supported by a local realtor who has many years of experience with homes located in the Torrance Southwood neighborhood. And,
 7. lastly, we believe if the City of Torrance grants a permit to Stephen Garcia (Crown Cable NG West), it will open the door to future inappropriate and unfortunate permits in residential areas within the City, such as ours.

Based on the above, we respectfully request that you deny Stephen Garcia's (Crown Castle NG West's) Permit Application, Case No. WTC17-00010 for installation of a small cell antenna and support equipment at the proposed 5231 Laurette Street site.

Moreover, we assert that the City of Torrance's prior denial of a same or similar permit to T-Mobile on the same premise sets a precedent that cannot be ignored and should again, and under the same basis, be applied in this case. We suggest that an antenna and support equipment of such implication be installed outside of our residential area and, instead, be placed a few blocks south near the strip mall located at Sepulveda and Palos Verdes Boulevards.

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In the prior matter, a representative from the Southwood Homeowners Association appeared at the hearing on our behalf. We are not sure of their availability for the scheduled September 25, 2018, hearing. Additionally, my husband works full-time and will not be able to attend the hearing. And, I am presently assisting in the care of my mother who is on home hospice. Therefore, my attendance is questionable. For these reasons, we respectfully request that this letter and supporting documentation represent our position on this matter and that it carry as much weight as if we were physically present at the September 25, 2018, hearing. We also request that you keep us informed of this matter. We, along with our neighbors, do not want the proposed Crown Castle NG West antenna and support equipment, installed adjacent to our property or on our street. As such, we are willing to cooperate and do whatever is required of us to see that it is not installed at the proposed site. (Please see the attached list of signatures of nearby homeowners who concur with us. Attachment B)

Thank you for your prompt attention to this matter. If you have any questions or comments, please do not hesitate to contact us at [REDACTED]

Also, please extend my thank you to Mr. Aaron Whiting who was kind enough to return my call and take the time to speak with me and offer his services regarding this case. I truly appreciate his actions.

Sincerely,

[REDACTED]

Mr. and Mrs. Craig (Jean) Manning

[REDACTED]
Torrance, CA 90503
[REDACTED]

jpm/