



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, October 12, 2018
Friday, October 26, 2018
Friday, November 9, 2018

TELECOMMUNICATIONS COMMITTEE

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

TUESDAY, OCTOBER 9, 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, October 5, 2018.

5. APPROVAL OF MINUTES: September 25, 2018

6. AGENDA ITEMS

-CONTINUED ITEMS

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.

-NEW ITEMS

C. WTC17-00015: Petition of CROWN CASTLE NG WEST for approval of a Telecom Permit to allow the installation of a small cell antenna and support equipment attached to a new wood utility pole in the public right-of-way adjacent to 4336 230th Street in the R-1 Zone. This project is Categorically Exempt from CEQA per Guidelines Section 15301 – Existing Facilities.

D. **WTC17-00016**: Petition of **CROWN CASTLE NG WEST** for approval of a Telecom Permit to allow the installation of a small cell antenna and support equipment attached to a new wood utility pole in the public right-of-way adjacent to 4628 Lenore Street in the R-1 Zone. This project is Categorically Exempt from CEQA per Guidelines Section 15301 – Existing Facilities.

E. **WTC17-00017**: Petition of **CROWN CASTLE NG WEST** for approval of a Telecom Permit to allow the installation of a small cell antenna and support equipment attached to a new wood utility pole in the public right-of-way adjacent to 22714 Gaycrest Avenue within the Hillside Overlay District 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: October 5, 2018
TO: Telecommunications Committee
FROM: Planning Division
SUBJECT: **WIRELESS TELECOM FACILITY (WTC17-00009) – STEPHEN GARCIA (CROWN CASTLE 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 23518 Evalyn Avenue within the R-1 Zone.

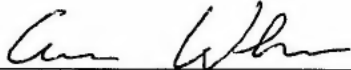
Applicant: Crown Castle NG West LLC
Case No: WTC17-00009
Location: 23518 Evalyn Avenue (Alley ROW)
Zoning: R-1: Single Family Residential

On September 25, 2018, the Telecommunications Committee continued WTC17-00009 to October 9, 2018. Although the applicant requested an indefinite continuance to prepare additional documentation, the Committee continued the matter to a date certain in order to allow for a potential tolling agreement to be reached by the applicant in response to review timeframe limitations that would otherwise be applicable. Staff has discussed entering into a tolling agreement with the applicant in order to allow for additional review time, however, as of the preparation of this item, said agreement has not been submitted for review to Staff.

At this time, the Committee may grant an additional continuance or take an action on the matter. Should the Committee wish to take action on the matter, Staff continues to recommend denial of the subject request based on the findings discussed in the original staff report (Attachment #1). Staff has also attached correspondence between the applicant and staff with respect to the request for continuances (Attachment #2).

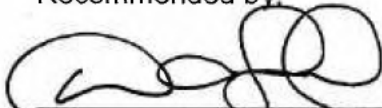
PROJECT RECOMMENDATION: DENIAL

Prepared by,



Aaron Whiting
Planning Assistant

Recommended by,



Danny Santana
Planning Manager

Attachments:

1. 9/25/18 Telecommunications Committee Items
2. Correspondence

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.

CDD RECOMMENDATIONS – 10/05/18
AGENDA ITEM 6A
CASE NO. WTC17-00009

SUPPLEMENTAL #1 TO AGENDA ITEM 6A

TO: Members of the Telecom Committee

FROM: Planning Division

SUBJECT: WTC17-00009

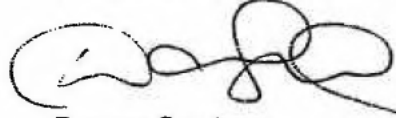
The attached correspondence was submitted after the item was completed.

Prepared by,



Oscar Martinez
Senior Planning Associate

Respectfully submitted,



Danny Santana
Planning Manager

Attachments:

1. Correspondence

Martinez, Oscar

From: Snyder, Aaron <Aaron.Snyder@crowncastle.com>
Sent: Monday, September 24, 2018 10:23 AM
To: Martinez, Oscar; Santana, Danny
Subject: RE: Crown Castle Request For Continuance for RB39 and RB40 on 9/25

My apologies, I think I wrote the wrong ids in my email.

I am asking to continue to a date uncertain the items schedule for 9/25.

In addition, we agreed to continue the other items from the 9/11 meeting to a date uncertain.

If I am not mistaken, WTC0004 and WTC00006 were continued from 9/11 and WTC 00009 and WTC-00010 are going to be continued from the 9/25 meeting.

Let me know what other info you need.

Thanks,

AARON L. SNYDER
Government Relations Project Manager
[REDACTED] Office: (949)344-7834

CROWN CASTLE
200 Spectrum Center Drive-18th Floor, Irvine, Ca. 92618
CROWNCASTLE.COM

From: Martinez, Oscar <OMartinez@TorranceCA.gov>
Sent: Monday, September 24, 2018 10:16 AM
To: Snyder, Aaron <Aaron.Snyder@crowncastle.com>; Santana, Danny <DSantana@TorranceCA.gov>
Subject: Re: Crown Castle Request For Continuance for RB39 and RB40 on 9/25

Aaron, can you clarify if the continuance requested is for WTC17-00009 and WTC17-00010? or the ones that were heard at the 9/11/18 Telecom, WTC17-00004 & WTC17-00006?

Oscar Martinez

Senior Planning Associate – Community Development Department
City of Torrance | 3031 Torrance Blvd | Torrance CA 90503 | 310-618-5870 voice | 310-618-5829 fax | OMartinez@TorranceCA.gov | www.TorranceCA.gov | www.Twitter.com/TorranceCA

From: Snyder, Aaron <Aaron.Snyder@crowncastle.com>
Sent: Friday, September 21, 2018 2:23 PM
To: Martinez, Oscar; Santana, Danny
Subject: Crown Castle Request For Continuance for RB39 and RB40 on 9/25

Hi Oscar,

I am requesting that we continue to the 9/25 meeting to a date uncertain.

We are working on RF maps for the proposed locations.

Any questions, please let me know.

Thanks,

AARON L. SNYDER

Government Relations Project Manager

██████████ | Office: (949)344-7834

CROWN CASTLE

200 Spectrum Center Drive-18th Floor, Irvine, Ca. 92618

CROWNCASTLE.COM

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AGENDA ITEM 6A

TO: Members of the Telecommunications Committee

FROM: Planning Division

SUBJECT: WTC17-00009

LOCATION: 23518 Evalyn Avenue (ROW Alley)

This is 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.

The applicant has requested continuance to a date uncertain in order to revise submitted materials.

Staff recommends that the item be continued indefinitely. Staff will re-send hearing notices and post a notice on the site once a hearing date has been set.

Prepared by,



Aaron Whiting
Planning Assistant

Respectfully submitted,



FOR: Danny Santana
Planning Manager

Attachment:

Correspondence

Martinez, Oscar

From: Snyder, Aaron <[REDACTED]>
Sent: Friday, September 21, 2018 2:24 PM
To: Martinez, Oscar; Santana, Danny
Subject: Crown Castle Request For Continuance for RB39 and RB40 on 9/25

Hi Oscar,

I am requesting that we continue to the 9/25 meeting to a date uncertain.

We are working on RF maps for the proposed locations.

Any questions, please let me know.

Thanks,

AARON L. SNYDER
Government Relations Project Manager
[REDACTED] Office: (949)344-7834

CROWN CASTLE
200 Spectrum Center Drive-18th Floor, Irvine, Ca. 92618
CROWNCastle.COM

This email may contain confidential or privileged material. Use or disclosure of it by anyone other than the recipient is unauthorized. If you are not an intended recipient, please delete this email.

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

CDD RECOMMENDATIONS – 9/25/18
AGENDA ITEM 6A
CASE NO. WTC17-00009

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.



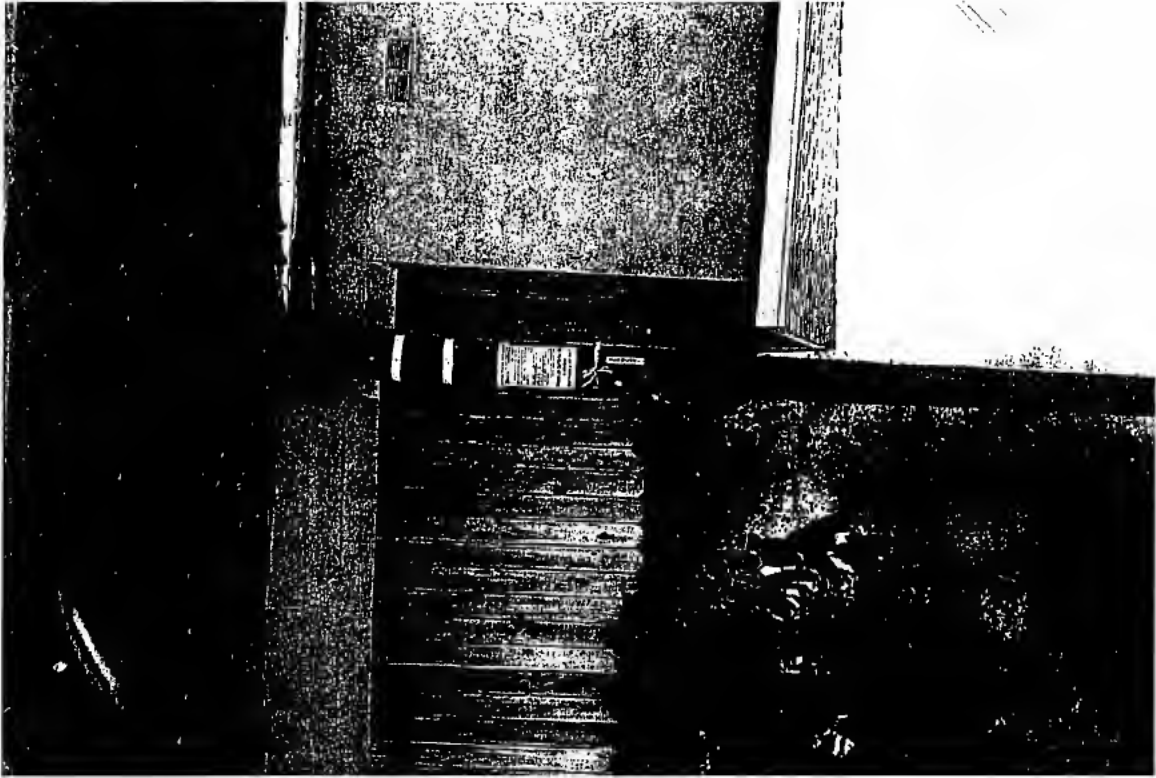
LOCATION AND ZONING MAP
WTC17-00009
Public Right-Of-Way
23518 Evalyn

LEGEND

Project Location
 Notification Area

0 40 80 160 Feet

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



CITY OF TORRANCE
NOTICE
OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the TELECOMMUNICATIONS COMMITTEE will have a request for approval of a Telecom Facility to install and operate a small cell antenna to support equipment attached to an existing utility pole in the public right-of-way in the City of Torrance. The project is located at 23518 Evelyn Avenue in the 23500 block per Ordinance Section 15101 - Land Use Planning.

Applicant: **Stephens Design (Crown Gate 23518)**
 Case Type & Case No. (s): **WTC-17-00008**
 Hearing Date: **September 28, 2018 Time: 5:00pm**
 City of Hearing: **West Annex Commission**
 City Hall: **3033 Torrance Boulevard**
 City Manager: **A. Whiting**

FOR INFORMATION CALL THE COMMUNITY DEVELOPMENT DEPT AT (310) 618-5599
WWW.TorranceCA.gov/Planning

CITY OF TORRANCE
 POSTED BY
C. MARTINEZ
 DATE: *7/13/18*

APPLICATION INCOMPLETE MEMORANDUM

TO: Mr. Oscar Martinez
FROM: Dr. Jonathan Kramer
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 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 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:

[Balance of page intentionally left blank]

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 RRU's 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.

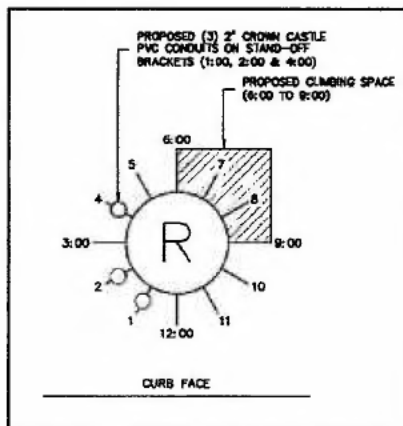


Figure 2: Inverted pole configuration (Source: Plans A-1 Panel 3).

- 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.



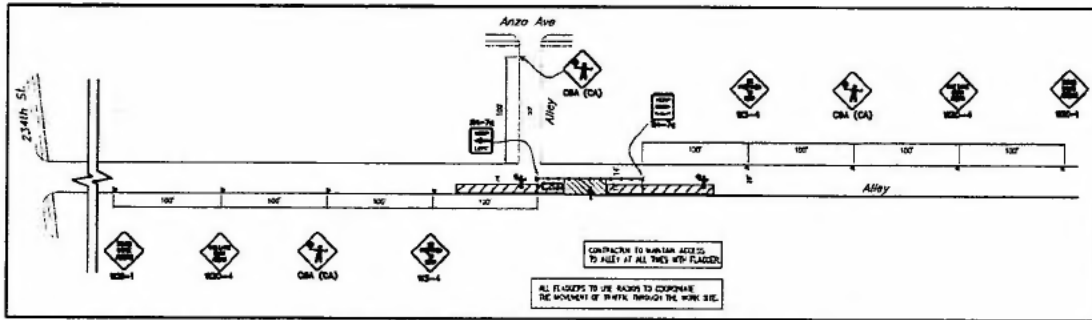


Figure 3: Proposed Work Area; additional Work Area for new strand and power fiber (hatched in red) (Source: Plans TC-1, annotated by Dr. J. Kramer).

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 | 0.9 | 00.2 | 17.8 | 0.0 |
| A1 | Crown Castle | 1 | Galtronics | P6480i | Omni | (1) RRU2203 | 5000 | 0 | 360 | 2.1 | 3.9 | 2.5 | 17.6 | 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)



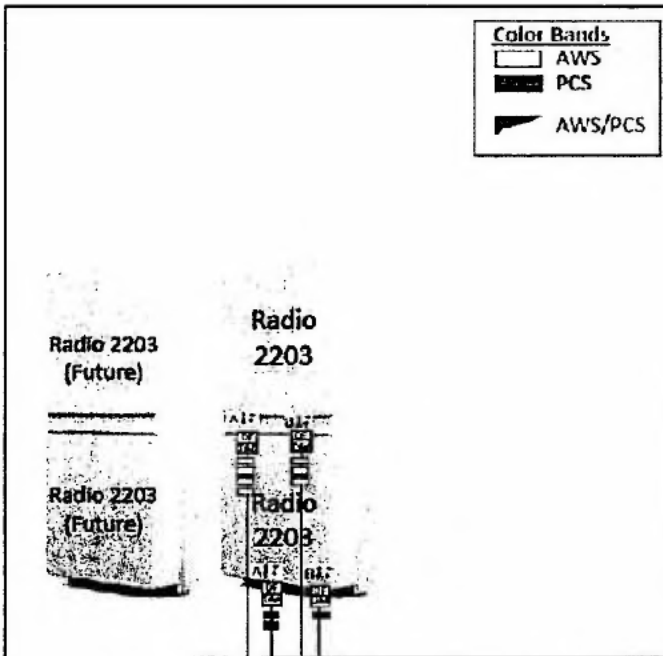


Figure 5: Two RRUS in AWS (2100 MHz) and PCS (1900 MHz) frequencies (Source: Plans page D-3; Panel 1)

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 undergrounded.)



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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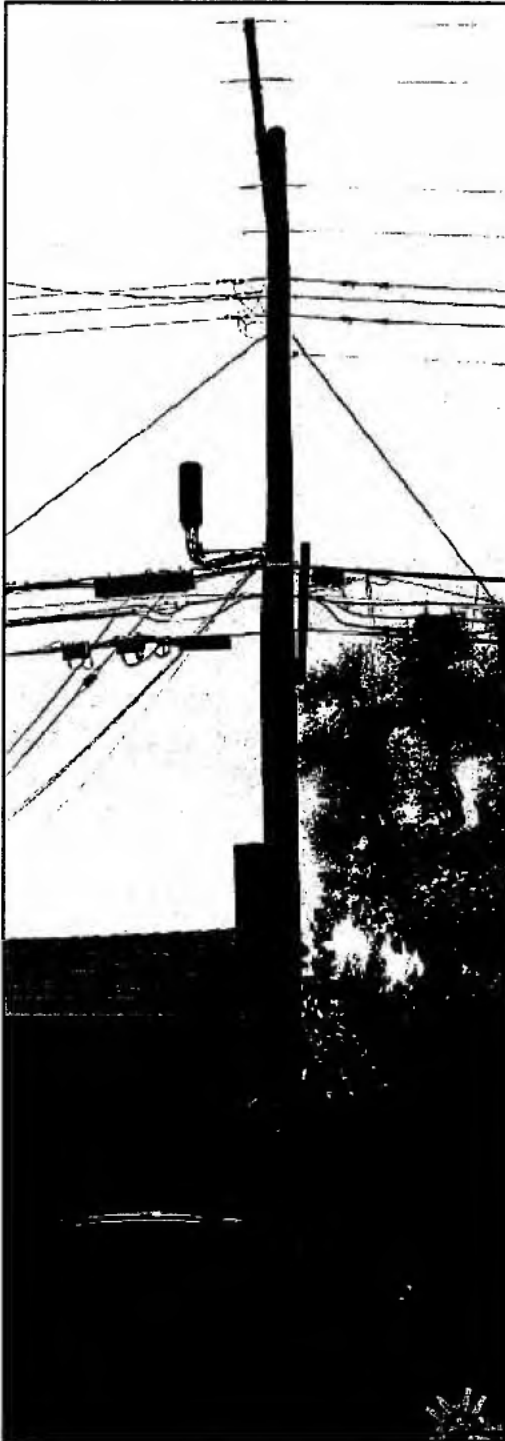


Figure 1: Proposed node on existing utility pole (Source: Applicant's Photo Simulation provided by through its August 2018 Submission).



Telecom Law Firm PC

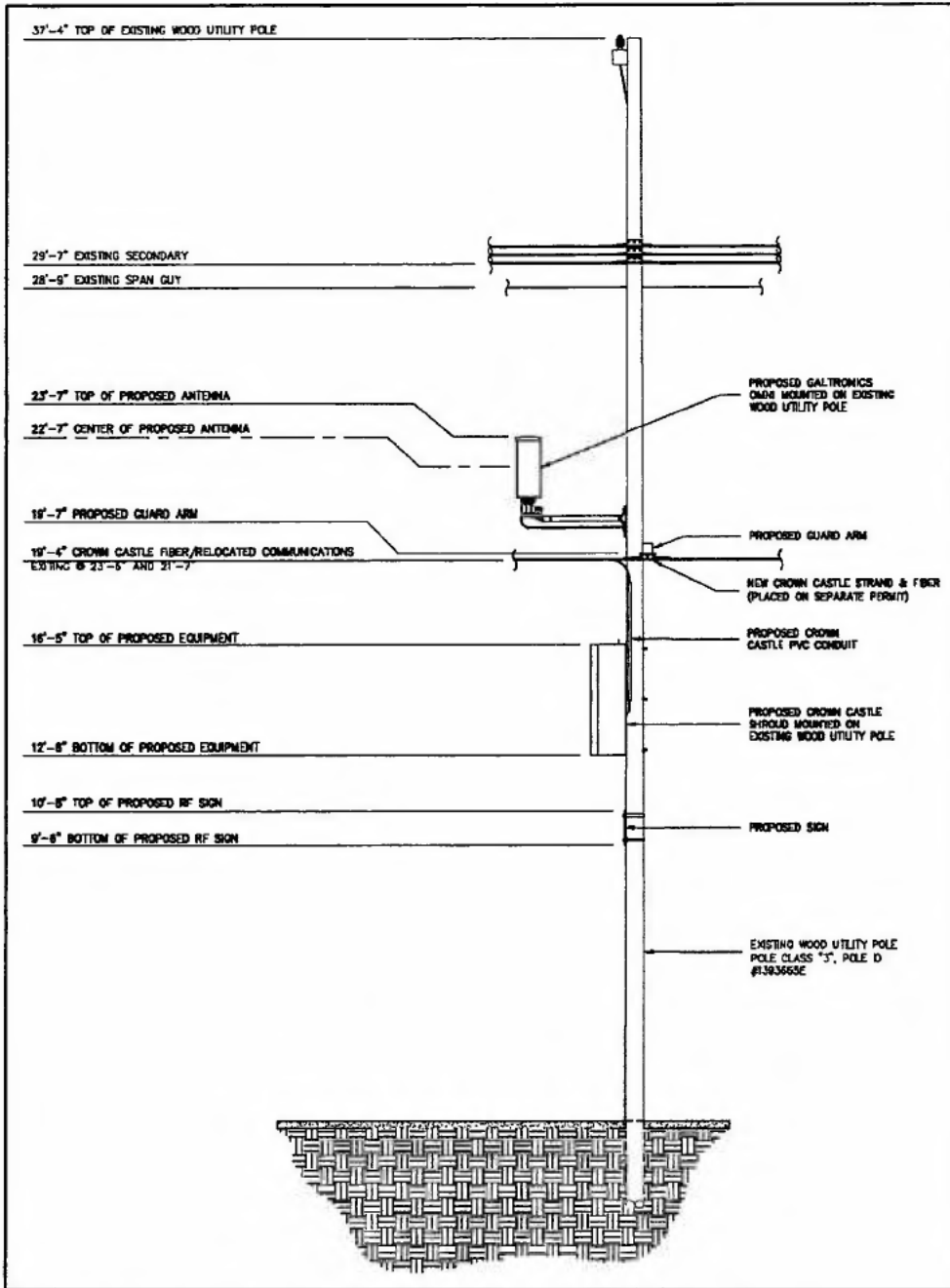


Figure 2: Proposed node on existing utility pole (Source: Plans page A-3 panel 2).

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.

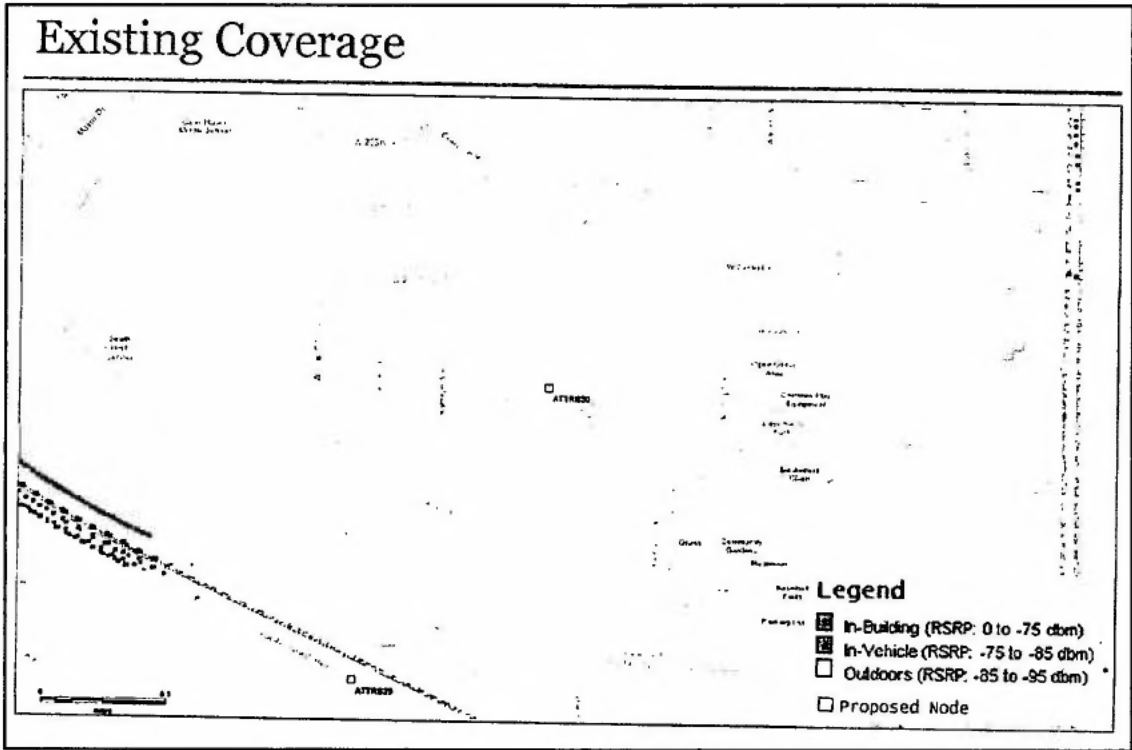


Figure 3: Existing AT&T Coverage without the proposed site (Source: AT&T August 2018 Submission)

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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.

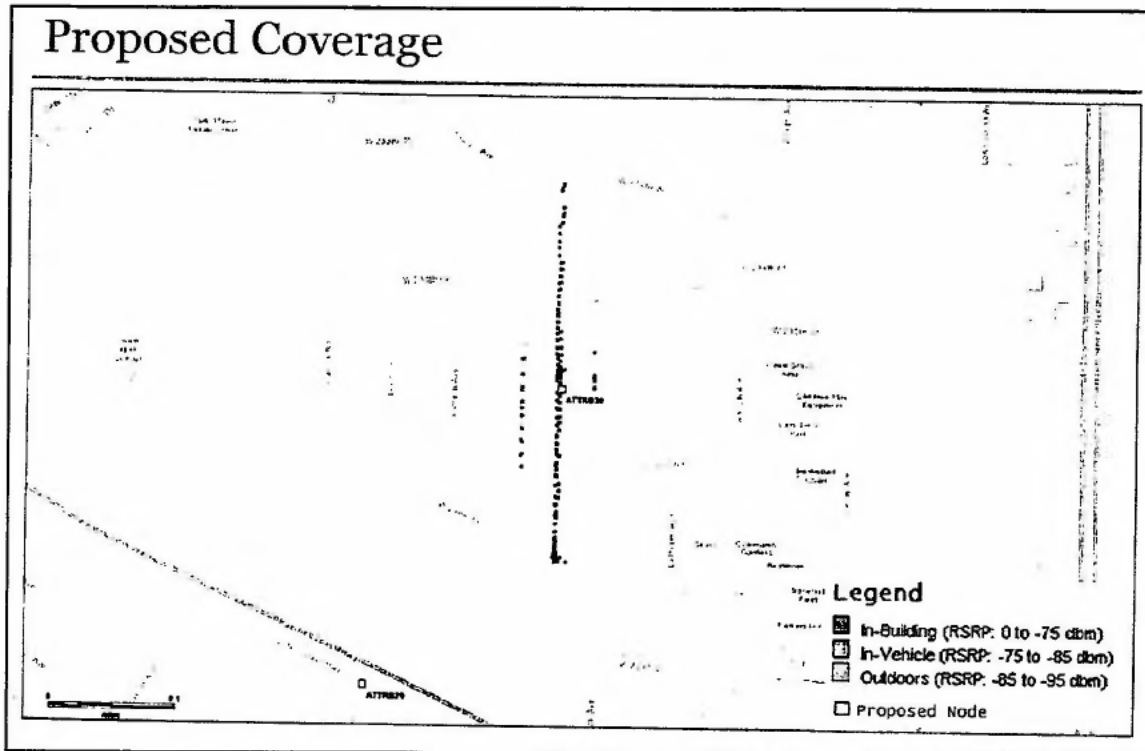


Figure 4: Proposed AT&T Coverage with the proposed site (Source: AT&T August 2018 Submission).

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.*



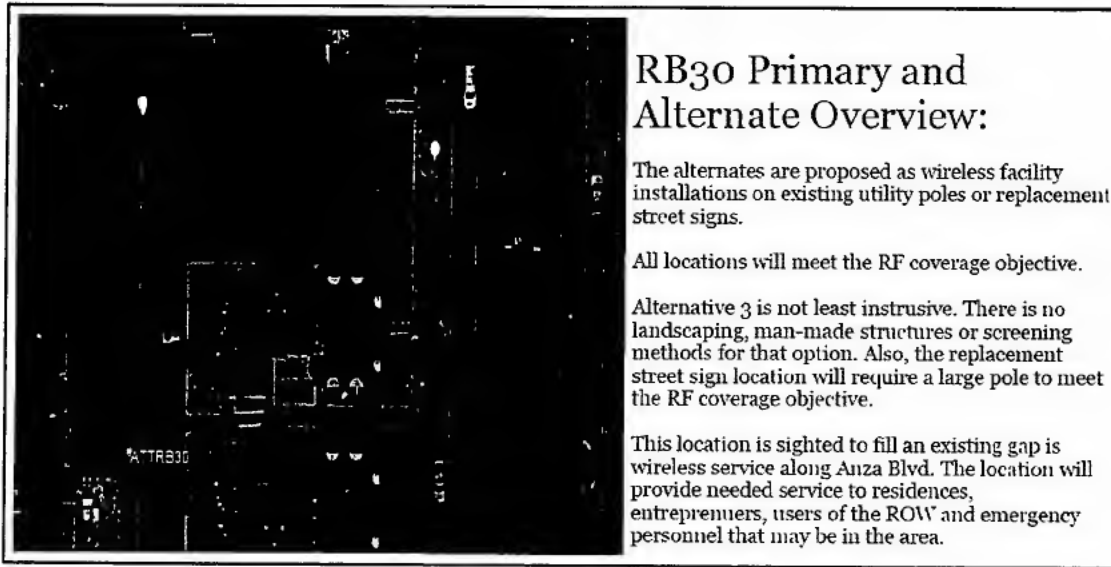


Figure 5: RB30 Primary and Alternate Overview (Source: Applicant's August 2018 Submission).

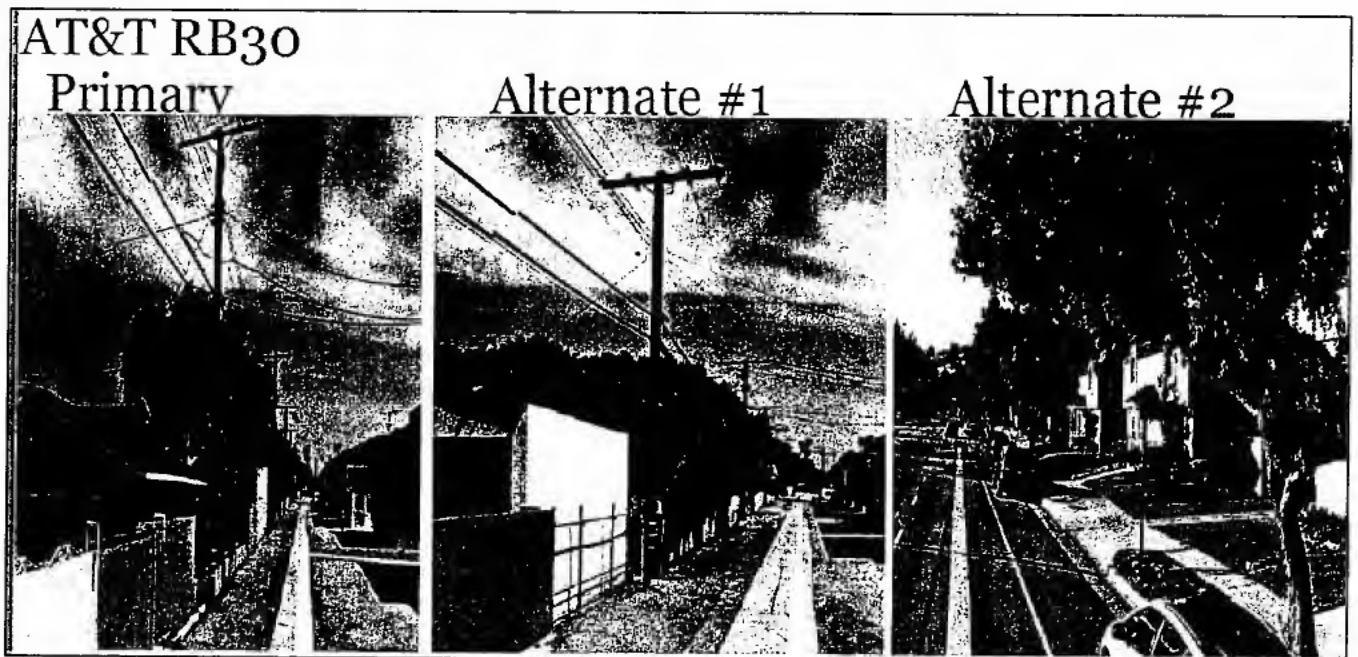


Figure 6: RB30 Primary and Alternative Sites (Source: Applicant's August 2018 Submission).

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 [REDACTED]
FROM: Dr. Jonathan Kramer [REDACTED]
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.

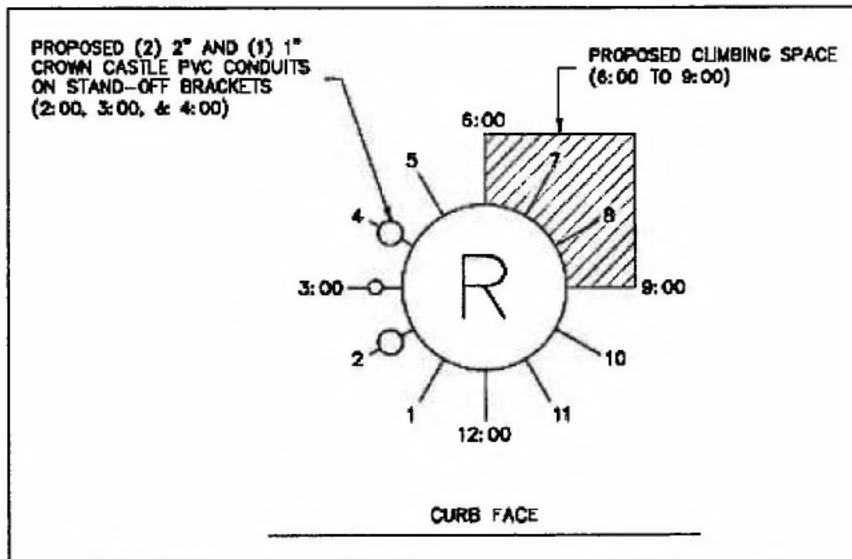


Figure 2: Inverted pole configuration (Source: Plans A-1 Panel 3).

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 | Omn | (2) RRU2203 | 1900 | 0 | 360 | 2.1 | 6.9 | 69.2 | 17.8 | 0.0 |
| A1 | Crown Castle | 1 | Galtronics | P6480i | Omn | (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 | Omn | (2) RRU2203 | 1900 | 0 | 360 | 2.1 | 6.9 | 69.2 | 17.8 | 0.0 |
| A1 | Crown Castle | 1 | Galtronics | P6480i | Omn | (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





**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



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

3.05: Specify DATUM use above: ___ WGS84 ___ NAD23 x 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 x 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?
x 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 x 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.

| | |
|--------------------------|------------------------------|
| [Redacted Signature] | GRPM |
| Signature | Title |
| Aaron Snyder | Aaron.Snyder@crowncastle.com |
| Print Name | Provide Email Address |
| Crown Castle NG West LLC | 949-344-7834 |
| Print Company Name | Provide Telephone Number |
| 8/6/18 | |
| Date Signed | |

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)

CDD RECOMMENDATIONS – 9/25/18
AGENDA ITEM 6A
CASE NO. WTC17-00009

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)

September 25, 2018

**MINUTES OF A REGULAR MEETING OF
TORRANCE TELECOMMUNICATIONS COMMITTEE****1. CALL TO ORDER**

The Torrance Telecommunications Committee convened in a regular session at 9:02 a.m. on Tuesday, September 25, 2018 in the in the West Annex Commission meeting room, Torrance City Hall.

2. FLAG SALUTE

The Pledge of Allegiance was led by Chair Segovia.

3. ROLL CALL

Present: Chair Segovia, Community Development Department,
Member F. Fulton, City's Manager Office, and
Member G. Pinela, General Services

Absent: None

Also Present: Planning Manager Santana,
Sr. Planning Associate Martinez,
City Attorney Patrick Q. Sullivan,
Planning Assistant Huizar, and
Planning Assistant Whiting

6. BUSINESS

- 6A. Public Hearing to consider 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.**

Planning Manager Santana introduced the request and stated that the applicant had requested for an indefinite continuance. Planning Manager Santana recommended that the committee consider a date certain of October 23, 2018 for the continuance due to the 'shot clock' provision that limits the time the City has to review an item. The staff then advised that the public speak on the matter since the applicant was not present.

Chair Segovia opened the public hearing.

Mel Steinberg, resident of the proposed site, expressed concern and inquired for clarification on the specific details of the applicant's request. Mr. Steinberg requested to see photographs of the equipment and to know the exact pole location of the proposed antenna installation.

Responding to Mr. Steinberg, Planning Manager Santana stated that the speaker was expressing concern on the next item of the agenda. He informed that the speaker would be shown the correct plans from the staff report, and requested that the committee consider a continuance on the item.

Chair Segovia closed the public hearing.

Chair Segovia and Member Fulton inquired about an earlier date for the continuance.

Responding to the committee, Planning Manager Santana informed that the item could be continued to the earlier date of October 9, 2018.

MOTION: Member Fulton moved to continue the item to the date certain of October 9, 2018. The motion was seconded by Member Pinela, and a roll call vote reflected unanimous approval.

6B. Public Hearing to consider 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.

Planning Manager Santana stated that the applicant had requested an indefinite continuance on the item. He voiced that staff opposed the applicant's request and recommended the item be continued to October 9, 2018 due to the timing limitation.

Chair Segovia opened the public hearing.

Mr. Steinberg, resident of the area, inquired as to why the need to increase data at this location.

Responding to Mr. Steinberg, City Attorney Sullivan clarified that the applicant was increasing coverage for the entire area and not just an address. He also stated that the applicant was proposing numerous cell sites throughout the city.

Mr. Steinberg expressed concern that the installation was not in the best interest of the public.

Chair Segovia closed the public hearing.

MOTION: Member Fulton moved to continue the item to October 9, 2018. The motion was seconded by Member Pinela, and a roll call vote reflected unanimous approval.

End of Excerpt

Whiting, Aaron

From: Snyder, Aaron <Aaron.Snyder@crowncastle.com>
Sent: Thursday, September 27, 2018 4:30 PM
To: Martinez, Oscar
Cc: Santana, Danny; Whiting, Aaron; Garcia, Stephen
Subject: RE: 9/25 Telecom Action

Hi Oscar,

I want to continue all items discussed below and pick up again with the first meeting in November.

My records indicate I will need to send you an incomplete notice before 10/14 for the locations either continued or pending hearings.

Please clarify why you need an incomplete notice today when the clocks for the applications have not run out yet...just want to make sure we are on the same page.

Let's discuss at our meeting the scheduling for November and December.

Any questions, please let me know.

Thanks,

AARON L. SNYDER
Government Relations Project Manager
[REDACTED] Office: (949)344-7834

CROWN CASTLE
200 Spectrum Center Drive-18th Floor, Irvine, Ca. 92618
CROWNCASTLE.COM

From: Martinez, Oscar <OMartinez@TorranceCA.gov>
Sent: Tuesday, September 25, 2018 3:45 PM
To: Snyder, Aaron <Aaron.Snyder@crowncastle.com>
Cc: Santana, Danny <DSantana@TorranceCA.gov>; Whiting, Aaron <AWhiting@TorranceCA.gov>; Garcia, Stephen <Stephen.Garcia@crowncastle.com>
Subject: 9/25 Telecom Action

Aaron,

The Telecom Committee continued WTC17-00009 & WTC17-00010 to October 9, 2018. Should you wish to continue to request an indefinite continuance in the future (no date set), tolling agreements must be in place prior to the request. Please let me know ASAP if you cannot make the October 9, 2018 Telecom Hearing for these projects that were continued today:

WTC17-00009 (ATTRB30) 23518 Evalyn continued to 10/9/18

WTC17-00010 (ATTRB21) 5231 Laurette continued to 10/9/18

Such agreements would need to be in place by 10/2/18. A copy of the staff reports prior to your continuance request have been attached.

In addition, I want to confirm the following projects are still on track for October 9, 2018 or if you wish to enter into a tolling agreement for those:

| | | |
|-----------------------|----------------|-------|
| WTC17-00015 (ATTRB27) | 4336 230th | 9-Oct |
| WTC17-00016 (ATTRB26) | 4628 Lenore | 9-Oct |
| WTC17-00017 (ATTRB19) | 22714 Gaycrest | 9-Oct |

Please advise by 3p tomorrow (9/26/18) if you would like to postpone items WTC17-00015, WTC17-00016, and WTC17-00017 as well.

Oscar Martinez

Senior Planning Associate – Community Development Department

City of Torrance | 3031 Torrance Blvd | Torrance CA 90503 | 310-618-5870 voice | 310-618-5829 fax | OMartinez@TorranceCA.gov | www.TorranceCA.gov | www.Twitter.com/TorranceCA

This email may contain confidential or privileged material. Use or disclosure of it by anyone other than the recipient is unauthorized. If you are not an intended recipient, please delete this email.

DATE: October 5, 2018
TO: Telecommunications Committee
FROM: Planning Division
SUBJECT: **WIRELESS TELECOM FACILITY (WTC17-00010) – STEPHEN GARCIA (CROWN CASTLE 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 5231 Laurette Street within the R-1 Zone.

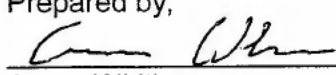
Applicant: Crown Castle NG West LLC
Case No: WTC17-00010
Location: 5231 Laurette Street (Alley ROW)
Zoning: R-1: Single Family Residential

On September 25, 2018, the Telecommunications Committee continued WTC17-00010 to October 9, 2018. Although the applicant requested an indefinite continuance to prepare additional documentation, the Committee continued the matter to a date certain in order to allow for a potential tolling agreement to be reached by the applicant in response to review timeframe limitations that would otherwise be applicable. Staff has discussed entering into a tolling agreement with the applicant in order to allow for additional review time, however, as of the preparation of this item, said agreement has not been submitted for review to Staff.

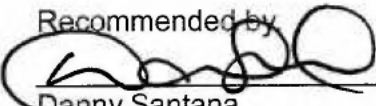
At this time, the Committee may grant an additional continuance or take an action on the matter. Should the Committee wish to take action on the matter, Staff continues to recommend denial of the subject request based on the findings discussed in the original staff report (Attachment #1).

Staff notes that subsequent correspondence in opposition to the request has been received citing safety, health and aesthetic concerns. Staff has also attached correspondence between the applicant and staff with respect to the request for continuances (Attachment #2).

PROJECT RECOMMENDATION: DENIAL

Prepared by,


Aaron Whiting
Planning Assistant

Recommended by


Danny Santana
Planning Manager

- Attachments:
1. 9/25/18 Telecommunications Committee Items
2. Correspondence

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.

SUPPLEMENTAL #1 TO AGENDA ITEM 6B

TO: Members of the Telecom Committee

FROM: Planning Division

SUBJECT: WTC17-00010

The attached correspondence was submitted after the item was completed.

Prepared by,



Oscar Martinez
Senior Planning Associate

Respectfully submitted,



Danny Santana
Planning Manager

Attachments:

1. Correspondence

AGENDA ITEM 6B

TO: Members of the Telecommunications Committee

FROM: Planning Division

SUBJECT: WTC17-00010

LOCATION: 5231 Laurette Street (ROW)

This is 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.

The applicant has requested continuance to a date uncertain in order to revise submitted materials.

Staff recommends that the item be continued indefinitely. Staff will re-send hearing notices and post a notice on the site once a hearing date has been set.

Prepared by,



Aaron Whiting
Planning Assistant

Respectfully submitted,



For: Danny Santana
Planning Manager

Attachment:

Correspondence

Martinez, Oscar

From: Snyder, Aaron <[REDACTED]>
Sent: Friday, September 21, 2018 2:24 PM
To: Martinez, Oscar; Santana, Danny
Subject: Crown Castle Request For Continuance for RB39 and RB40 on 9/25

Hi Oscar,

I am requesting that we continue to the 9/25 meeting to a date uncertain.

We are working on RF maps for the proposed locations.

Any questions, please let me know.

Thanks,

AARON L. SNYDER
Government Relations Project Manager
[REDACTED] Office: (949)344-7834

CROWN CASTLE
200 Spectrum Center Drive-18th Floor, Irvine, Ca. 92618
CROWNCASTLE.COM

This email may contain confidential or privileged material. Use or disclosure of it by anyone other than the recipient is unauthorized. If you are not an intended recipient, please delete this email.

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:

CDD RECOMMENDATIONS – 9/25/18
AGENDA ITEM 6B
CASE NO. WTC17-00010

- 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


CDD RECOMMENDATIONS – 9/25/18
AGENDA ITEM 6B
CASE NO. WTC17-00010

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.

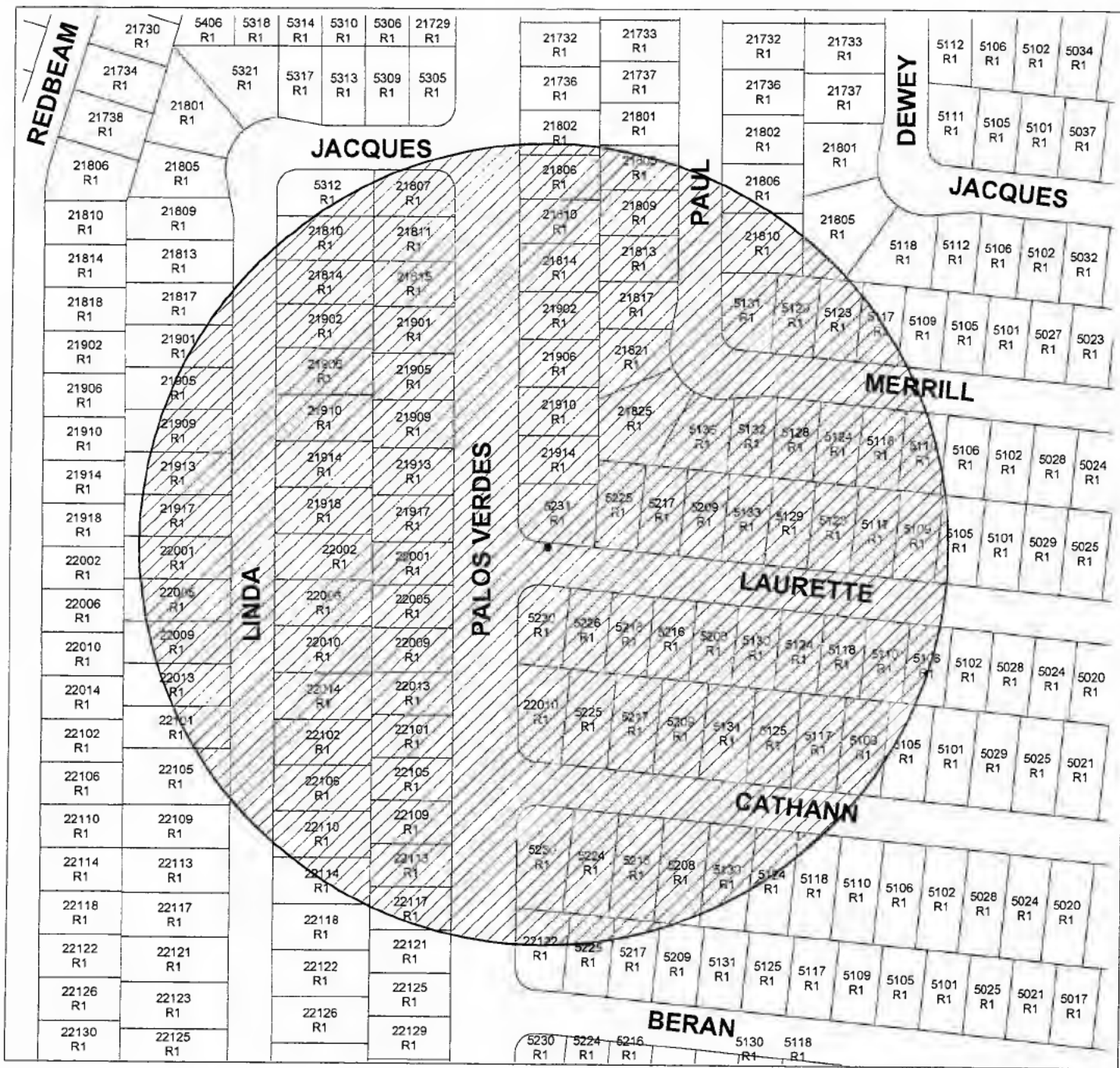
DATE _____

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.

CDD RECOMMENDATIONS – 9/25/18
AGENDA ITEM 6B
CASE NO. WTC17-00010



LOCATION AND ZONING MAP

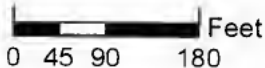
WTC17-00010
 ROW F/O 5231 LAURETTE ST



LEGEND



Notification Area



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



CITY OF TORRANCE
POSTED BY
MARTINEZ
DATE: 7/13/98

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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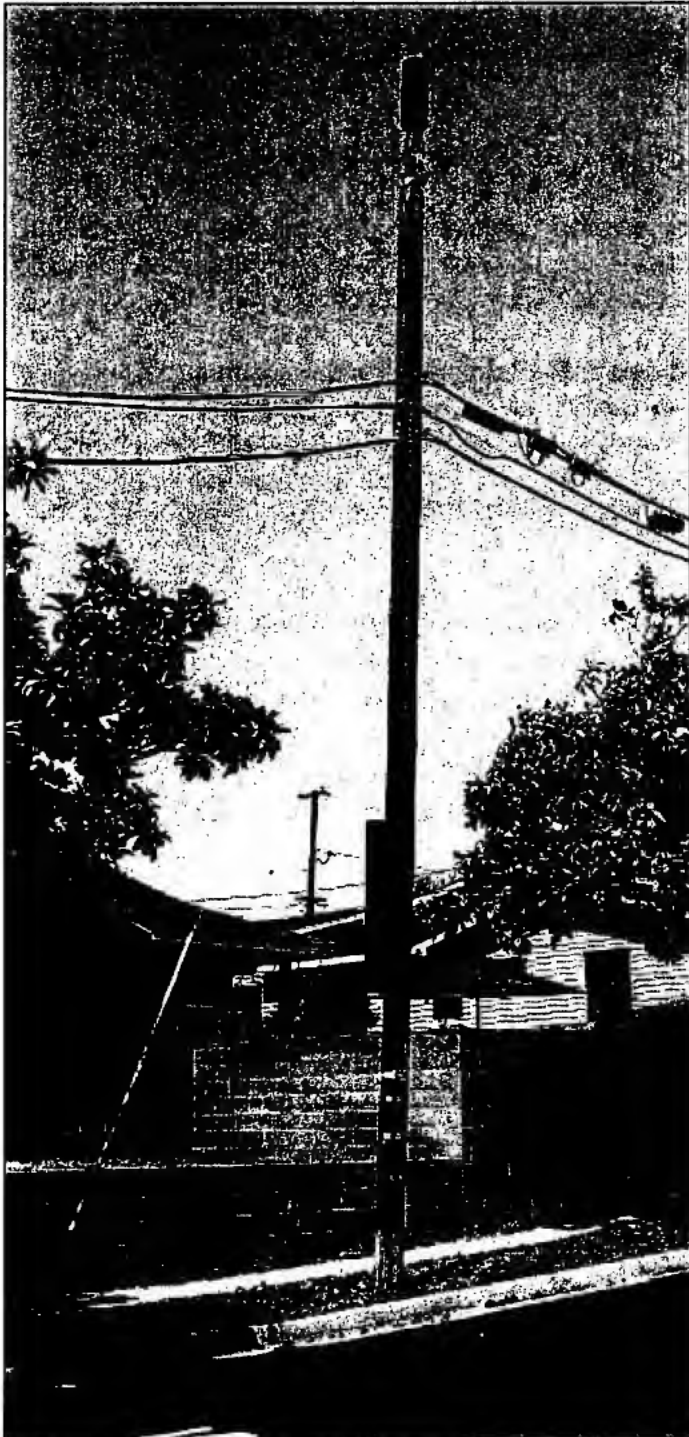


Figure 1: Proposed node on existing utility pole (Source: Applicant's Photo Simulation provided by through its August 2018 Submission).



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.

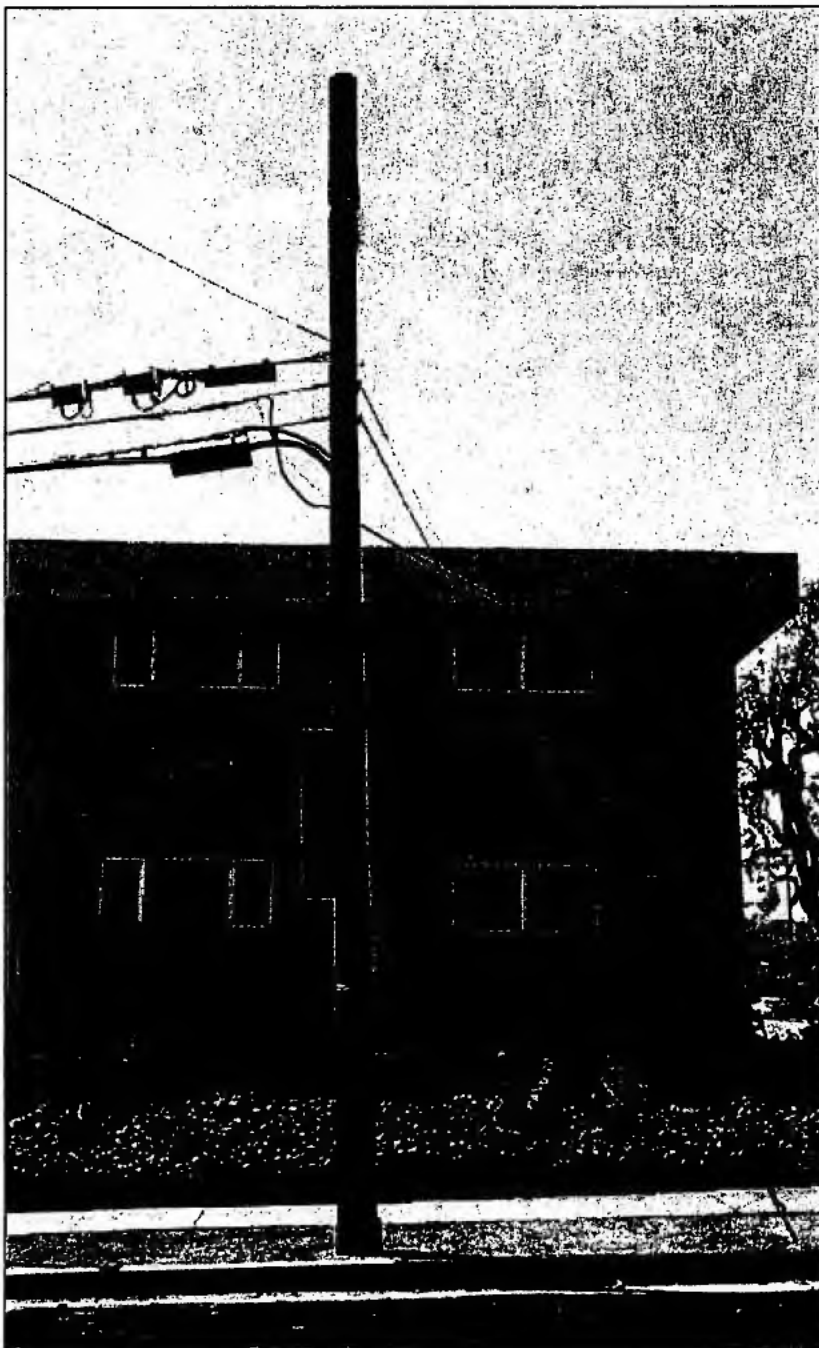


Figure 2: Proposed WTC17-00005 ATTRB-23 node with collar ring extension (Source: Applicant's Photo Simulation provided by through its August 2018 Submission; Photoshop by Dr. J. Kramer).



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

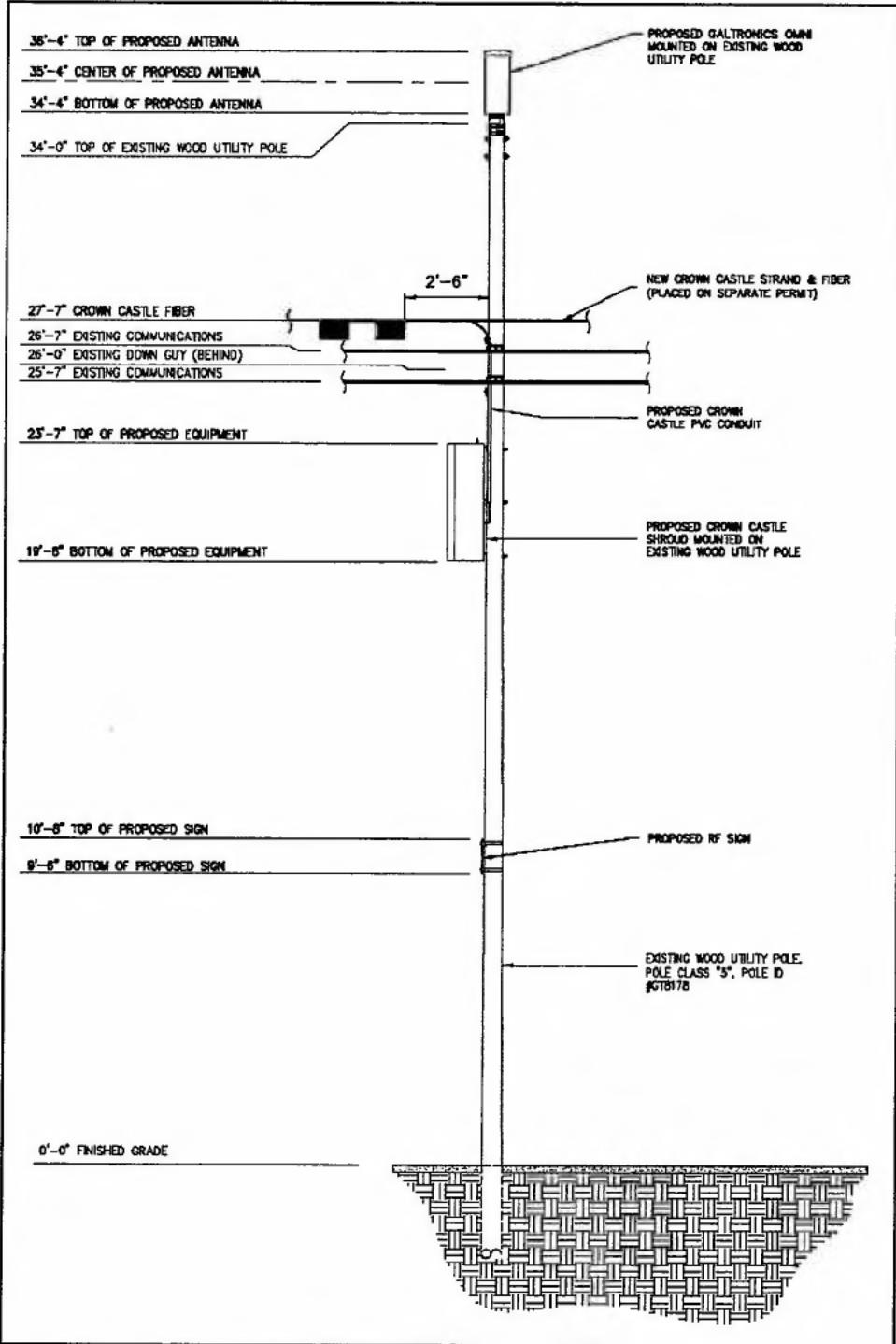


Figure 3: Proposed node on existing utility pole (Source: Plans page A-3 panel 2).



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.

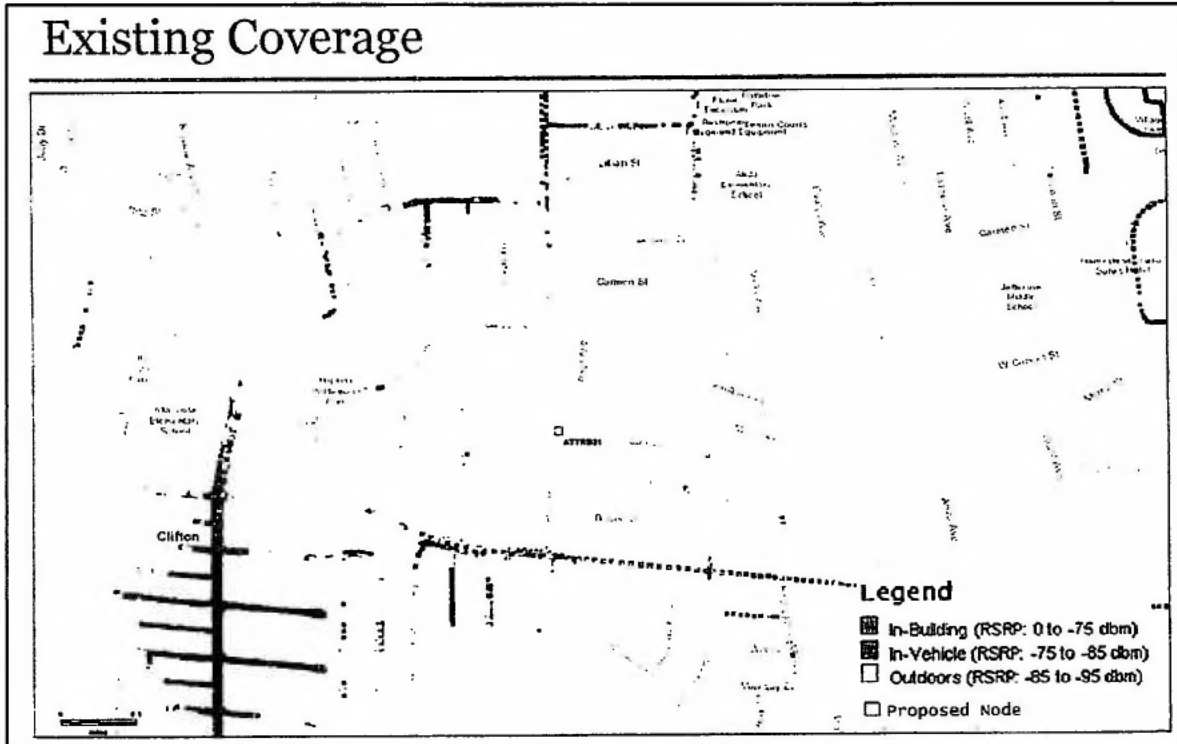


Figure 4: Existing AT&T Coverage without the proposed site (Source: AT&T August 2018 Submission).

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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.

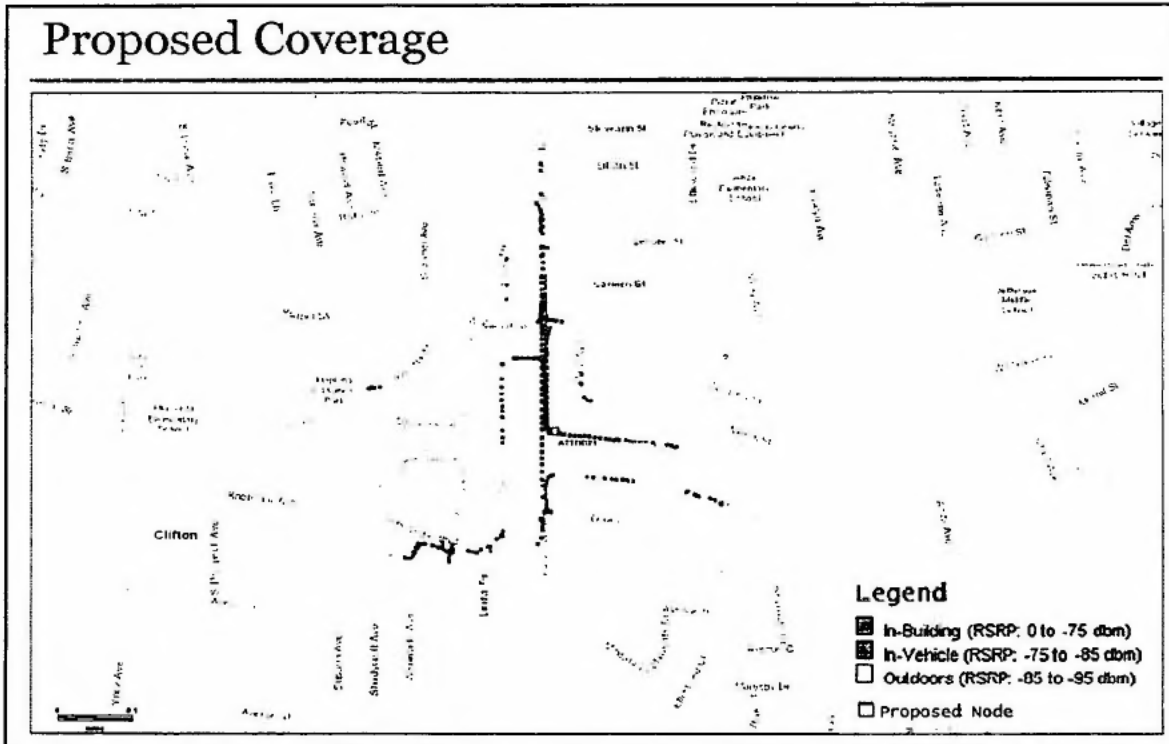


Figure 5: Proposed AT&T Coverage with the proposed site (Source: AT&T August 2018 Submission).

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.*





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

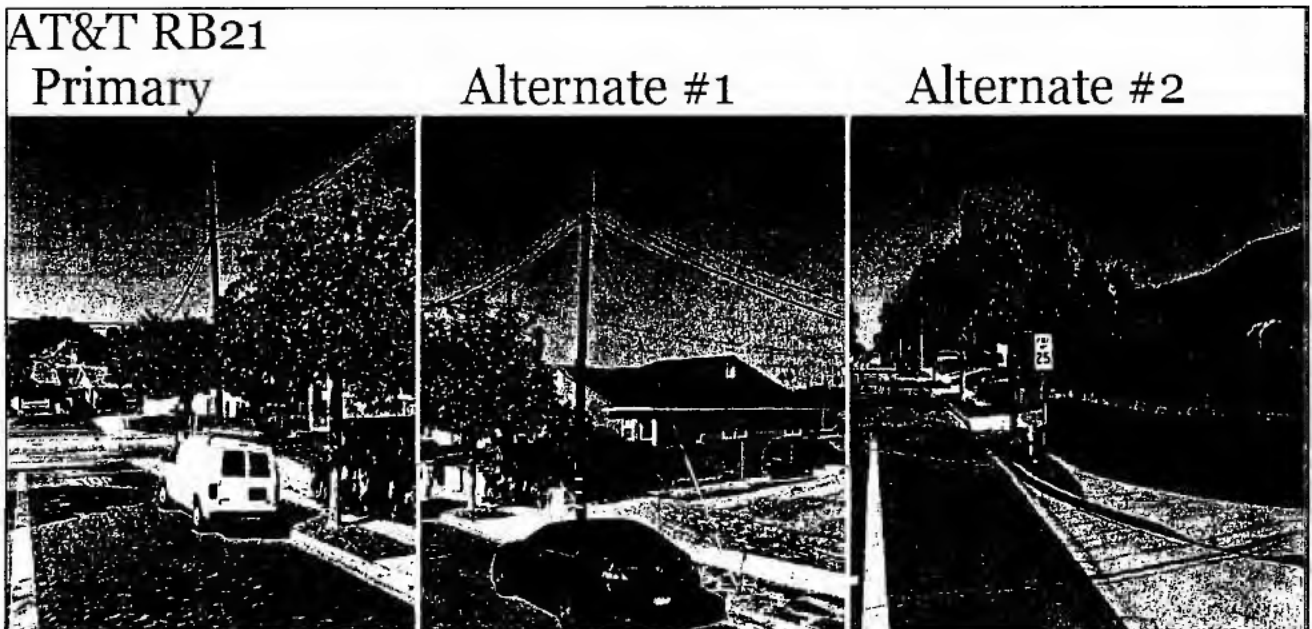


Figure 7: RB21 Primary and Alternative Sites (Source: Applicant's August 2018 Submission).

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).



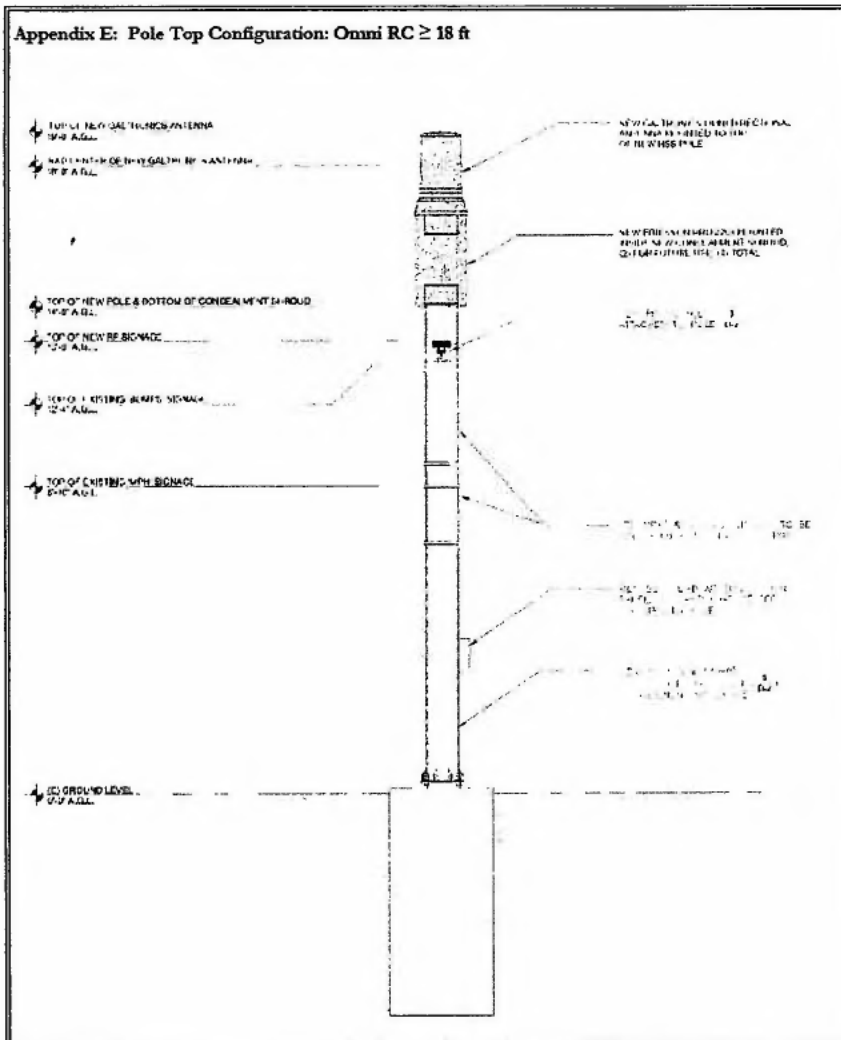


Figure 9: Generic pole-top configuration (Source: Dtech Report).

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.



**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.)



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.

| | |
|--------------------------|------------------------------|
| | GRPM |
| Signature | Title |
| Aaron Snyder | Aaron.Snyder@crowncastle.com |
| Print Name | Provide Email Address |
| Crown Castle NG West LLC | 949-344-7834 |
| Print Company Name | Provide Telephone Number |
| 8/6/18 | |
| Date Signed | |

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

CDD RECOMMENDATIONS – 9/25/18
AGENDA ITEM 6B
CASE NO. WTC17-00010

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 Striosoli [REDACTED] Torrance
Signature: [REDACTED] CA

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

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: Audrey Costa [Redacted] 90503

Signature: [Redacted]

Name + Address: Denise Tom Torrance, CA 90501

Signature: [Redacted]

Name + Address: Ms Duda [Redacted] CAR# SA110 00015

Signature: [Redacted] Torrance CA 90503

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 # WTC 17-00010

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: Silke Kalev [Redacted]

Signature: [Redacted]

Print Name & Address: Venerando Hongo [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 SHIBAKI [Redacted]

Signature: [Redacted]

Print Name & Address: DENISE RYAN [Redacted]

Signature: [Redacted]

Signatures Obtained 9/18/18 (JRM)

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]

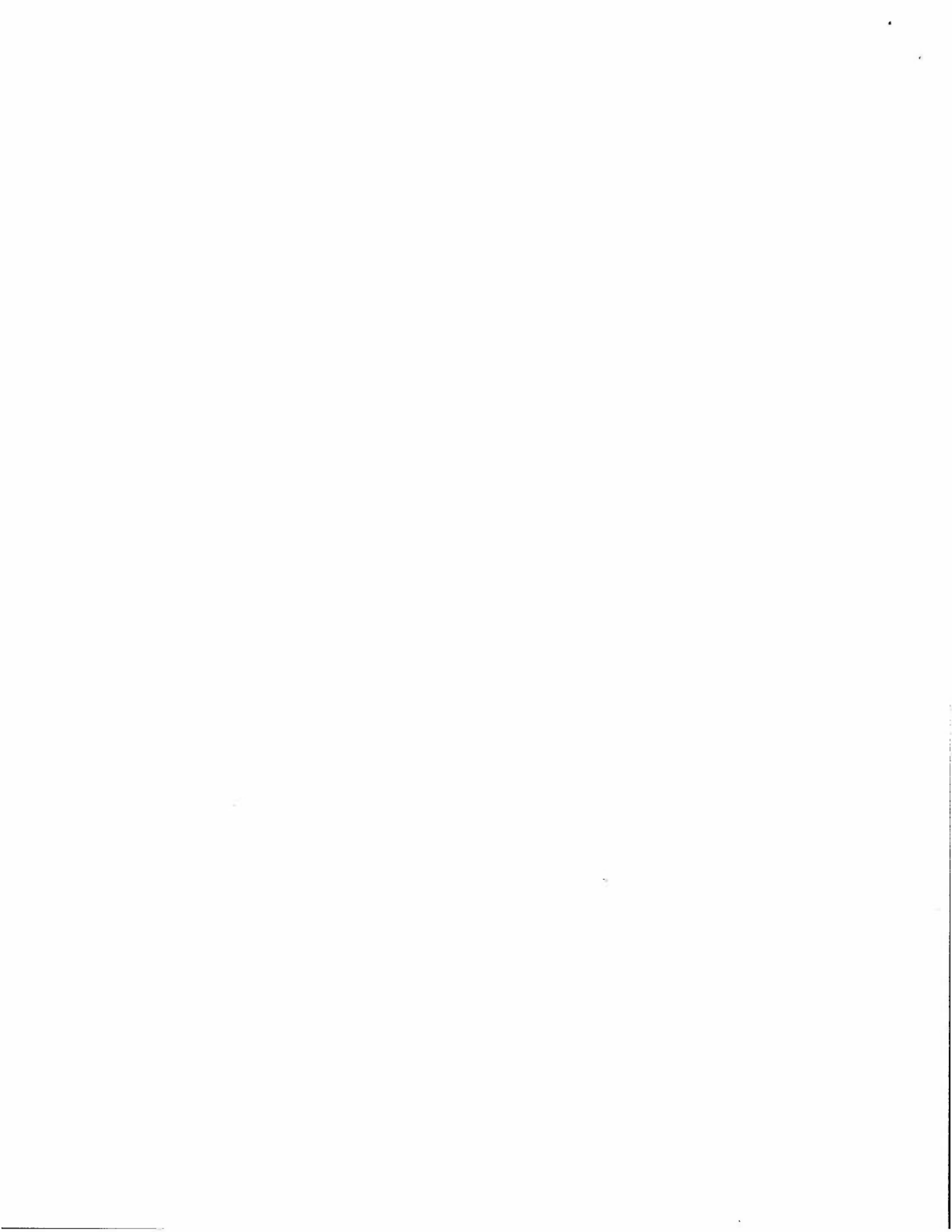
Also, please extend my thank you to Mr. Aaron Whiting who was kind enough to return my call and take the time to speak with me and offer his services regarding this case. I truly appreciate his actions.

Sincerely,

[REDACTED]
Mr. and Mrs. Craig (Jean) Manojing

[REDACTED]
Torrance, CA 90503
[REDACTED]

jpm/



September 25, 2018

**MINUTES OF A REGULAR MEETING OF
TORRANCE TELECOMMUNICATIONS COMMITTEE****1. CALL TO ORDER**

The Torrance Telecommunications Committee convened in a regular session at 9:02 a.m. on Tuesday, September 25, 2018 in the in the West Annex Commission meeting room, Torrance City Hall.

2. FLAG SALUTE

The Pledge of Allegiance was led by Chair Segovia.

3. ROLL CALL

Present: Chair Segovia, Community Development Department,
Member F. Fulton, City's Manager Office, and
Member G. Pinela, General Services

Absent: None

Also Present: Planning Manager Santana,
Sr. Planning Associate Martinez,
City Attorney Patrick Q. Sullivan,
Planning Assistant Huizar, and
Planning Assistant Whiting

6. BUSINESS

- 6A. Public Hearing to consider 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.**

Planning Manager Santana introduced the request and stated that the applicant had requested for an indefinite continuance. Planning Manager Santana recommended that the committee consider a date certain of October 23, 2018 for the continuance due to the 'shot clock' provision that limits the time the City has to review an item. The staff then advised that the public speak on the matter since the applicant was not present.

Chair Segovia opened the public hearing.

Mel Steinberg, resident of the proposed site, expressed concern and inquired for clarification on the specific details of the applicant's request. Mr. Steinberg requested to see photographs of the equipment and to know the exact pole location of the proposed antenna installation.

Responding to Mr. Steinberg, Planning Manager Santana stated that the speaker was expressing concern on the next item of the agenda. He informed that the speaker would be shown the correct plans from the staff report, and requested that the committee consider a continuance on the item.

Chair Segovia closed the public hearing.

Chair Segovia and Member Fulton inquired about an earlier date for the continuance.

Responding to the committee, Planning Manager Santana informed that the item could be continued to the earlier date of October 9, 2018.

MOTION: Member Fulton moved to continue the item to the date certain of October 9, 2018. The motion was seconded by Member Pinela, and a roll call vote reflected unanimous approval.

6B. Public Hearing to consider 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.

Planning Manager Santana stated that the applicant had requested an indefinite continuance on the item. He voiced that staff opposed the applicant's request and recommended the item be continued to October 9, 2018 due to the timing limitation.

Chair Segovia opened the public hearing.

Mr. Steinberg, resident of the area, inquired as to why the need to increase data at this location.

Responding to Mr. Steinberg, City Attorney Sullivan clarified that the applicant was increasing coverage for the entire area and not just an address. He also stated that the applicant was proposing numerous cell sites throughout the city.

Mr. Steinberg expressed concern that the installation was not in the best interest of the public.

Chair Segovia closed the public hearing.

MOTION: Member Fulton moved to continue the item to October 9, 2018. The motion was seconded by Member Pinela, and a roll call vote reflected unanimous approval.

End of Excerpt

Whiting, Aaron

From: Snyder, Aaron <Aaron.Snyder@crowncastle.com>
Sent: Thursday, September 27, 2018 4:30 PM
To: Martinez, Oscar
Cc: Santana, Danny; Whiting, Aaron; Garcia, Stephen
Subject: RE: 9/25 Telecom Action

Hi Oscar,

I want to continue all items discussed below and pick up again with the first meeting in November.

My records indicate I will need to send you an incomplete notice before 10/14 for the locations either continued or pending hearings.

Please clarify why you need an incomplete notice today when the clocks for the applications have not run out yet...just want to make sure we are on the same page.

Let's discuss at our meeting the scheduling for November and December.

Any questions, please let me know.

Thanks,

AARON L. SNYDER
Government Relations Project Manager
[REDACTED] Office: (949)344-7834

CROWN CASTLE
200 Spectrum Center Drive-18th Floor, Irvine, Ca. 92618
CROWNCastle.COM

From: Martinez, Oscar <OMartinez@TorranceCA.gov>
Sent: Tuesday, September 25, 2018 3:45 PM
To: Snyder, Aaron <Aaron.Snyder@crowncastle.com>
Cc: Santana, Danny <DSantana@TorranceCA.gov>; Whiting, Aaron <AWhiting@TorranceCA.gov>; Garcia, Stephen <Stephen.Garcia@crowncastle.com>
Subject: 9/25 Telecom Action

Aaron,

The Telecom Committee continued WTC17-00009 & WTC17-00010 to October 9, 2018. Should you wish to continue to request an indefinite continuance in the future (no date set), tolling agreements must be in place prior to the request. Please let me know ASAP if you cannot make the October 9, 2018 Telecom Hearing for these projects that were continued today:

WTC17-00009 (ATTRB30) 23518 Evalyn continued to 10/9/18

WTC17-00010 (ATTRB21) 5231 Laurette continued to 10/9/18

Such agreements would need to be in place by 10/2/18. A copy of the staff reports prior to your continuance request have been attached.

In addition, I want to confirm the following projects are still on track for October 9, 2018 or if you wish to enter into a tolling agreement for those:

| | | |
|-----------------------|----------------|-------|
| WTC17-00015 (ATTRB27) | 4336 230th | 9-Oct |
| WTC17-00016 (ATTRB26) | 4628 Lenore | 9-Oct |
| WTC17-00017 (ATTRB19) | 22714 Gaycrest | 9-Oct |

Please advise by 3p tomorrow (9/26/18) if you would like to postpone items WTC17-00015, WTC17-00016, and WTC17-00017 as well.

Oscar Martinez

Senior Planning Associate – Community Development Department

City of Torrance | 3031 Torrance Blvd | Torrance CA 90503 | 310-618-5870 voice | 310-618-5829 fax | OMartinez@TorranceCA.gov | www.TorranceCA.gov | www.Twitter.com/TorranceCA

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OCT 1 2018

TO - TELECOMMUNICATIONS COMMITTEE
CITY OF TERRANCE, CA.
ATTN: MR DANIEL SANTIAGA

FROM - MR MEL STEINBERG

RE: WTC 17 00010 PETITION
SUBMITTED BY STEPHAN GARCIA
(CROWN CASTLE NG WEST)

I AM THE OWNER OF THE
PROPERTY LOCATED [REDACTED]
[REDACTED] IN TERRANCE.

I ATTENDED YOUR MEETING OF
SEPT 25 2018 THAT ADDRESSED
THE MATTER OF TELECOM PERMIT
(SEE ABOVE) AND ITS ATTENDING
INSTALLATION OF RELATED EQUIP-
MENT IN THE AREA ADJACENT
TO 5231 LAURETTE ST IN
TERRANCE. (R-1 ZONE)

UPON STUDYING THE MATTER,

I HAVE CONCLUDED THAT THIS PROJECT SHOULD BE REJECTED BY THE CITY.

EVIDENCE REVEALS THAT IT IS - PREMATURE IN ITS TECHNOLOGY TO BE AN ASSET TO THE CITY.

AS TECHNOLOGY IN THIS FIELD EVOLVES, SMALLER, SAFER AND MORE EFFICIENT SOLUTIONS WILL BECOME EVIDENT

THE INSTALLATION AS PROPOSED WILL BECOME A SAFETY ISSUE AS IT WILL BE A DISTRACTION TO BOTH-DRIVERS AND PEDESTRIANS. IF INSTALLED IN THE PUBLIC RIGHT OF WAY, IT WILL DIMINISH THE APPEARANCE OF A SAFE NEIGHBORHOOD WHICH THE CITY STRIVES TO PRESERVE.

I HAVE USED MY OWNED

PROPERTY IN GRANITE CITY -
 1965. I HAVE ALWAYS BEEN
 IMPRESSED WITH THE FACT THAT
 TORRENCE HAS DILIGENTLY PURSUED
 SOLUTIONS TO ISSUES THAT ARE
 IN THE INTERESTS OF ITS VOTERS
 AND THOSE OF THE GENERAL
 POPULATION

TOO OFTEN, HAVE WE OBSERVED
 THE FRENZY OF CORPORATIONS
 RACING TO BEAT THEIR COMPETITION
 WHILE PASSING INTO TECHNICALLY
 IMMATURE PRODUCTS THAT FALL
 SHORT OF THE PUBLIC NEEDS.

AND TOO OFTEN, WE SEE
 THE PUBLIC (DIRECTLY OR INDIRECTLY)
 PAY MILLIONS OF DOLLARS TO
 FINANCE UPDATING TECHNOLOGY
 THAT WAS INSTALLED "BEFORE
 ITS TIME"

THERE IS NO ASPECT OF
 DAILY LIVING THAT HAS NOT
 BENEFITED FROM THE GOOD

INTERESTS DISPLAYED BY
THE INDIVIDUALS AND COMM-
UNITIES THAT TOOK IN BEHALF
OF THE BEST CITIZENS OF
TERRANCE

AGAIN I URGE YOU TO REJECT
THE PROJECT PROPOSED BY
CROWN CASTLE NG WEST.

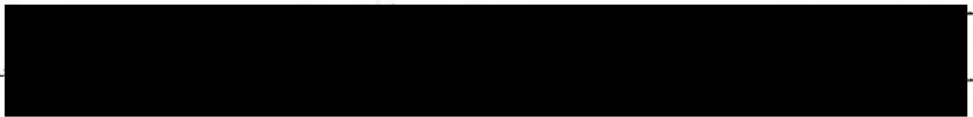
YOUR TIMELINE SHOULD BE
IN THE BEST INTEREST OF
TERRANCE, AND NOT THAT OF
THE PROFIT LINE OF THE
COMMUNICATION INDUSTRIES
NEXT QUARTER

SINCERELY,
MEL FEINBERG

PHONE



E-MAIL



DATE: October 5, 2018
TO: Telecommunications Committee
FROM: Planning Division
SUBJECT: **WIRELESS TELECOM FACILITY (WTC17-00015) – 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 a new wood utility pole in the public right-of-way adjacent to 4336 230th Street in the R-1 Zone.

Applicant: Crown Castle NG West LLC
Case No: WTC17-00015
Location: 4336 230th Street (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 4336 230th 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 27, 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 a new 28.25' wood utility pole and the removal of an existing 25.5' 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 24.9" in height and 10" in diameter. The antenna and pole arm are proposed to be mounted at approximately 25.5' above ground level with a maximum height of 28.25'. The RRU enclosure measures 46.1" x 13.5" x 14.3" and would be mounted 14.75' above grade with a maximum height of 18.7'. 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

CDD RECOMMENDATIONS – 10/9/18
AGENDA ITEM 6C
CASE NO. WTC17-00015

Avenue, between 226th Street to the north and Ladeene Avenue to the south and between Galva Avenue to the east and Carlow Road 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 a new wood 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.

Staff notes that public correspondence in opposition to the request has been received, citing health, aesthetic concerns, and burden to the neighborhood (Attachment #5).

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 a less 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). The applicant has requested a continuance on the matter indicating that

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CASE NO. WTC17-00015

once continued they would proceed with entering into a tolling agreement. Staff has not received or reviewed said draft agreement. Should the Committee wish to take action on the matter, staff recommends denial of the request based on the previously discussed findings. Staff has attached correspondence between the applicant and staff regarding the continuance request (Attachment #5).

PROJECT RECOMMENDATION: Denial

Prepared by,



Aaron Whiting
Planning Assistant

Recommended by,



Danny Santana
Planning Manager

Attachments:

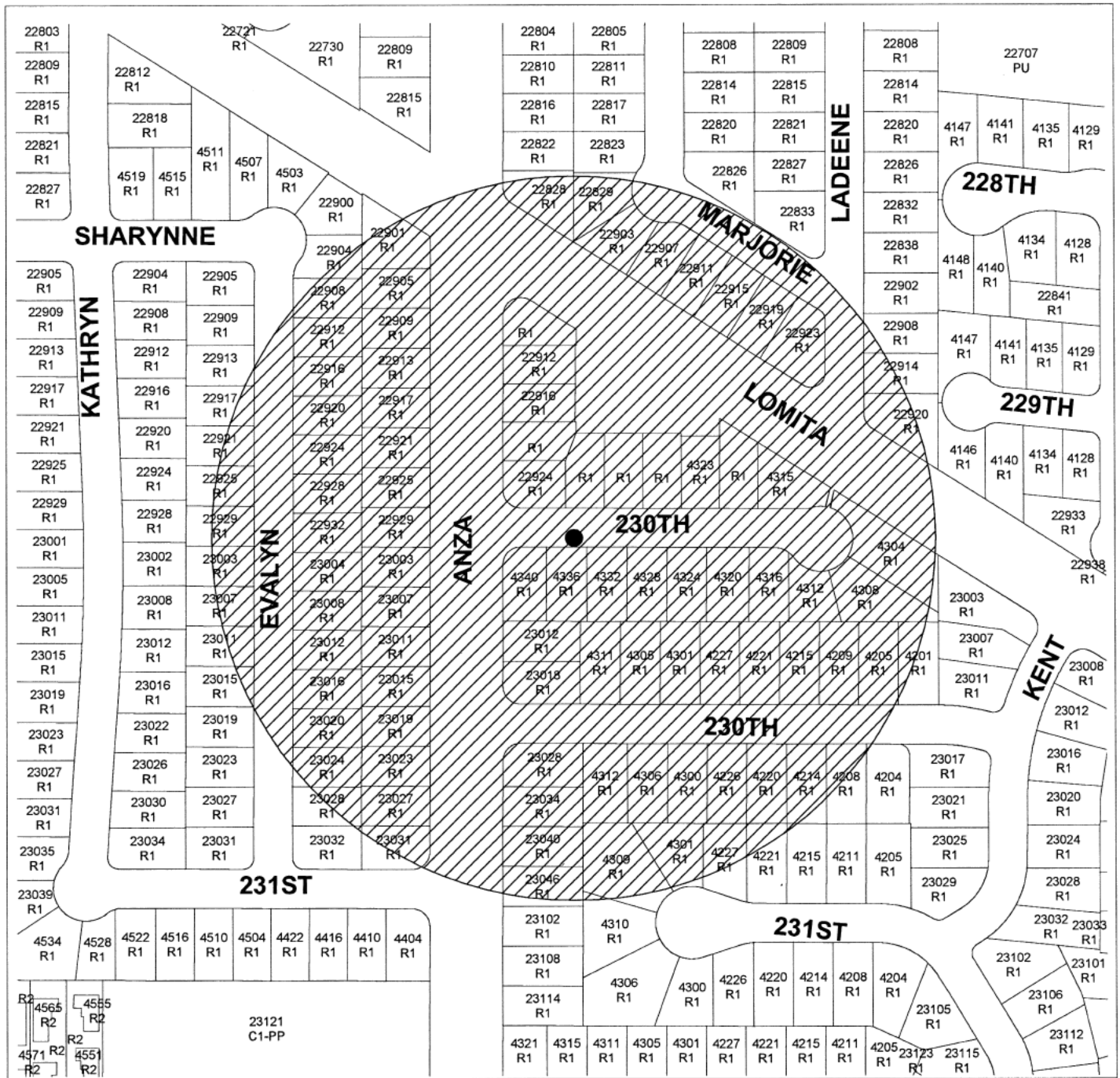
1. Notification Map and Posting
2. Telecom Law Firm Memorandums
3. Supplemental Technical Information Report and Documentation
4. Recommended Conditions and Code Requirements, if approved
5. Correspondence
6. Plans/Photo Simulations (Limited Distribution)

This request for a Telecom Permit (WTC17-00015) 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

WTC17-00015
Public ROW Adjacent To:
4336 230th St

LEGEND

- Proposed Location
- 500ft Notification Area

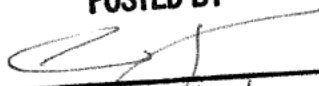
0 50 100 200 Feet

WTC17-00015



**CITY OF TORRANCE
NOTICE
OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the TELECOMMUNICATIONS COMMITTEE will hear a request for approval of a Telecom Permit to allow the installation of a small cell antenna and support equipment attached to a new wood utility pole in the public right-of-way adjacent to 4332 230th Street in the R-1 Zone. This project is categorically Exempt from CEQA per Guidelines Section 15301 - Existing Facilities.
 Applicant: Crown Castle NG West
 Case Type & Case No.(s): WTC17-00015
 Hearing Date: October, 9, 2018 Time: 9:00am
 Location of Hearing: West Annex Commission Room
 City Hall, 3031 Torrance Boulevard
 Planner: O. Martinez
 (OMartinez@TorranceCA.gov)
 FOR INFORMATION CALL THE COMMUNITY DEVELOPMENT DEPT AT (310) 618-5990
 Visit TorranceCA.gov/Planning

**CITY OF TORRANCE
POSTED BY**

 DATE: 9/27/18

APPLICATION INCOMPLETE MEMORANDUM

TO: Mr. Oscar Martinez [REDACTED]
FROM: Dr. Jonathan Kramer
DATE: September 20, 2017
RE: Application Completeness Review – New Proposed Wireless Facility in the Public Right-of-Way at F/O 4336 West 230th Street

APPLICANT: Crown Castle NG West, LLC
APPLICANT'S ID: ATTRB-27; USID: 177967
UTILITY POLE ID: No Tag for new replacement wood utility pole

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 a new replacement wood utility pole (“Pole”) in the public right-of-way (“ROW”) located at F/O 4336 West 230th Street. 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 Pole supporting this project is proposed to be 28’ 3” above ground level (“AGL”), an increase over the existing pole of 25’ 6” 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 substitutes for the missing FCC 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 the Dtech Report.
- 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 the Dtech Report.
- Section 7.01–subsection 2: Missing elements on the photo simulations (e.g., replacement Pole, connecting wires, PVC conduits, etc.) See Figure 1, below.

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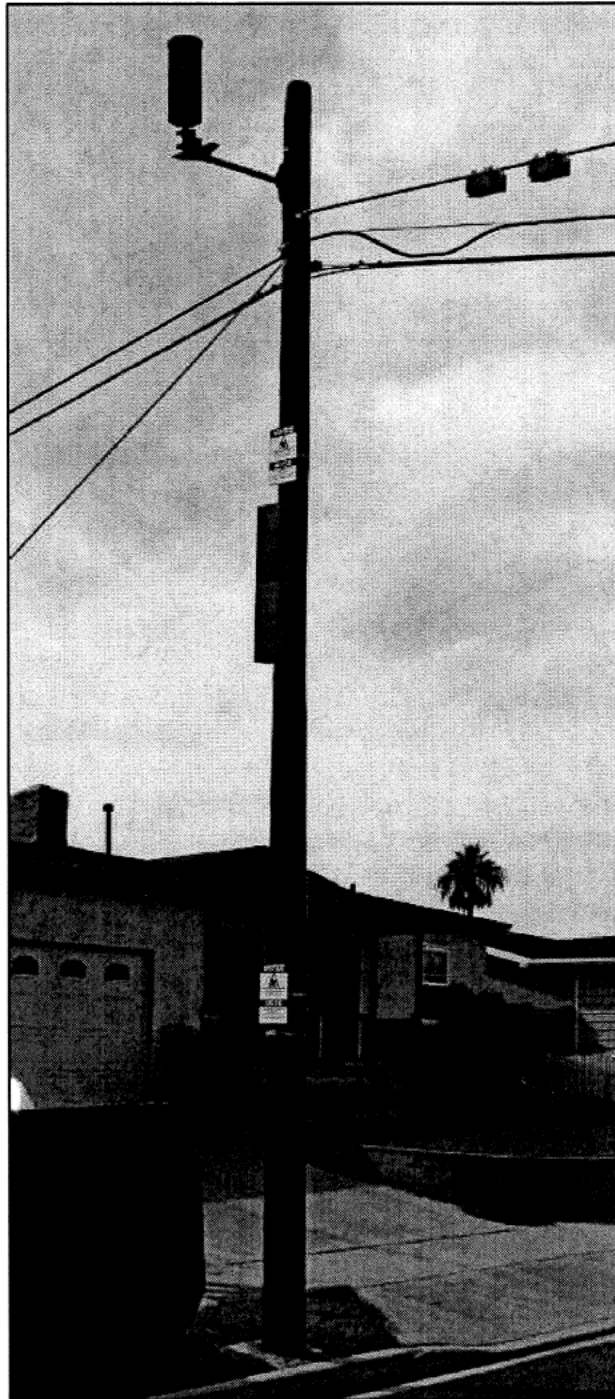


Figure 1: Omni-directional antenna, Antenna Arm, Fiber Node, 4 DC power converters, 4 RRUs enclosed within two enclosures, RF signage (Missing visual elements, e.g., replacement Pole, connecting wires, PVC conduits, etc.) (Source: Photo Simulations provided by Applicant).



- 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 do not reflect the proposed replacement Pole on Pages A-1 Panels 1 and 2. See Figure 2.

[Balance of page intentionally left blank]



- 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.

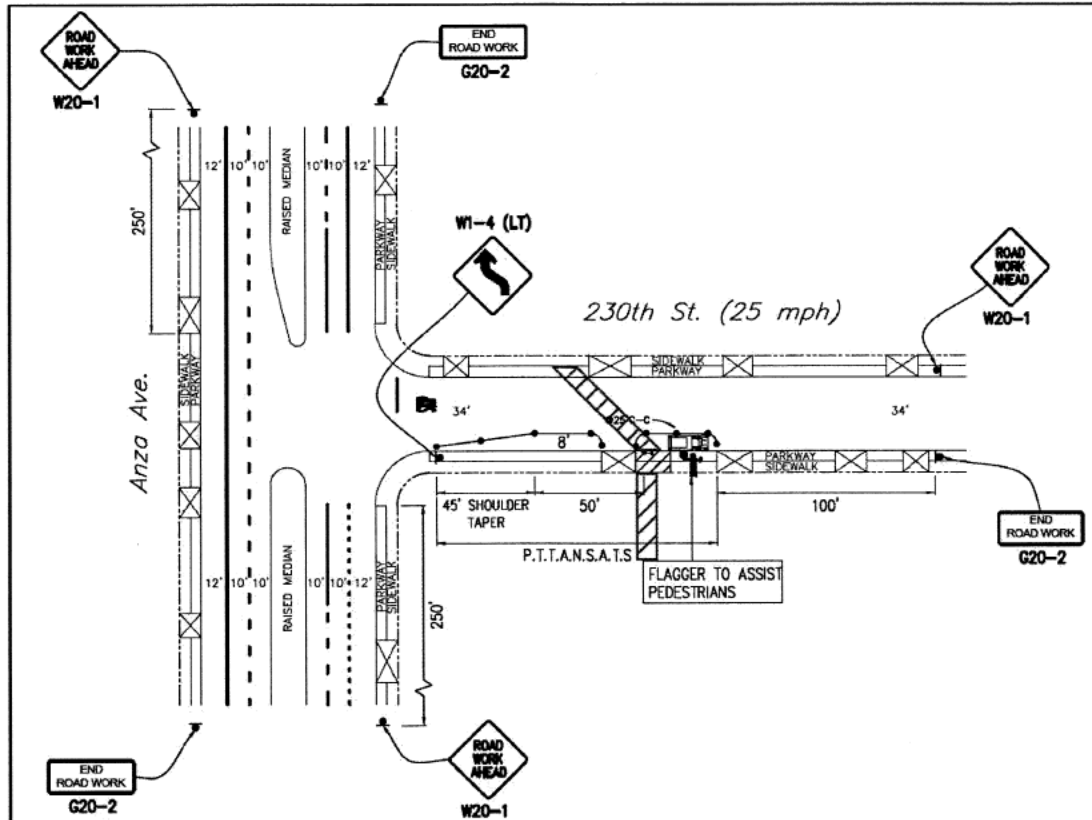


Figure 3: Proposed Work Area; additional Work Area for new strand and power fiber and relocation of existing communication lines (hatched in red) (Source: Plans TC-1, annotated by Dr. J. Kramer).

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. They



also are inconsistent with the Plans. The Plans show all of the exiting communications cables attached to the pole moving down; the photo simulations differ and do not show all of the cables moving down.

B. ADDITIONAL INCOMPLETE, INCONSISTANT ITEMS

We note that the project description throughout the permit application details only a new Pole and not replacement of the existing pole. See Figure 4.

| PROJECT DESCRIPTION | |
|--|--|
| <ul style="list-style-type: none"> • INSTALL (1) OMNI DIRECTIONAL ANTENNA AND (N) ARM MOUNT ON (N) WOOD UTILITY POLE • INSTALL (4) RRUS-2203 WITHIN (2) NEW ENCLOSURES ON (N) WOOD UTILITY POLE • INSTALL (N) CROWN CASTLE STRAND & FIBER ON (N) WOOD UTILITY POLE • INSTALL (4) DOWN-CONVERTER UNITS ON (N) CROWN CASTLE STRAND & FIBER | |

Figure 4: Project description missing replacement of existing pole (Source: Plans T-1)

We also 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 5 and Figure 6.

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 | P0480i | Omni | (2) RRUJ2203 | 1900 | 0 | 360 | 2.1 | 6.9 | 66.2 | 17.8 | 0.0 |
| A1 | Crown Castle | 1 | Galtronics | P0480i | Omni | (1) RRUJ2203 | 5000 | 0 | 360 | 2.1 | 3.9 | 2.5 | 17.8 | 0.0 |

Figure 5: A total of three RRUs shown. Two RRUs in 1900 MHZ (PCS) and one RRU in 5000 MHZ (Source: Dtech Report, Table 2)

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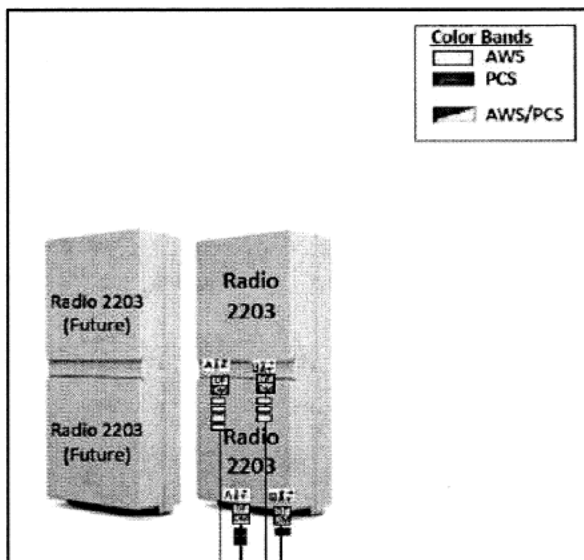


Figure 6: Two RRUS in AWS (2100 MHz) and PCS (1900 MHz) frequencies (Source: Plans page D-3; Panel 1)

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

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
FROM: Dr. Jonathan Kramer
DATE: September 14, 2018
RE: WTC17-00015 New Proposed Wireless Facility in the Public Right-of-Way adjacent to 4336 West 230th Street

APPLICANT: Crown Castle NG West LLC
APPLICANT'S ID: ATTRB-27

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 a replacement wood utility pole (“**Pole**”) in the public right-of-way (“**PROW**”) adjacent to 4336 West 230th Street (Coordinates N33.819260°; W118359310°).

TLF notes that the Pole is situated in front of 4332 West 230th Street.

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 27' 2" 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 increase to 28' 3" 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 24' 1" 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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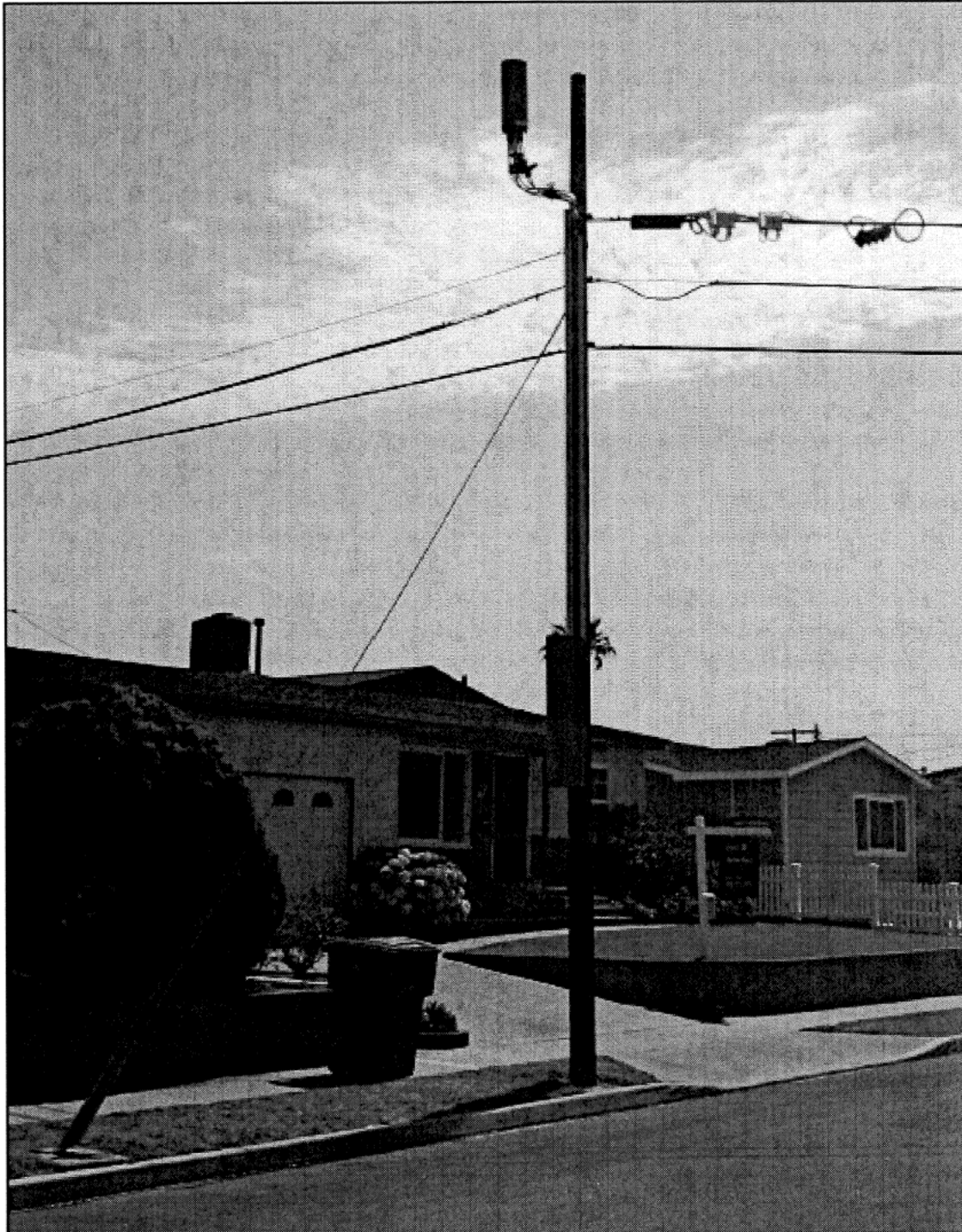


Figure 1: Proposed node on replacement utility pole (Source: Applicant's Photo Simulation provided by through its August 2018 Submission).



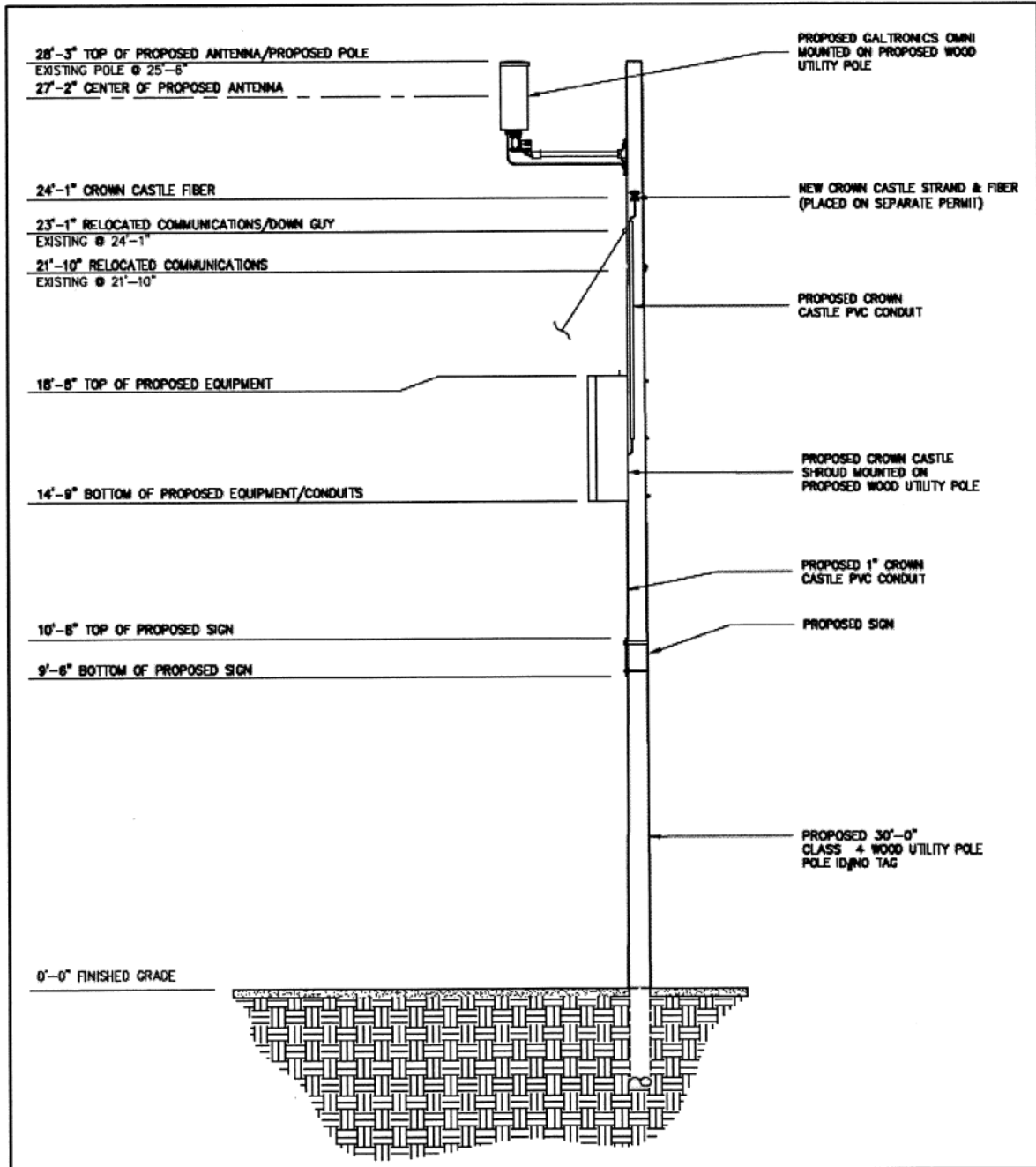


Figure 2: Proposed node on replacement utility pole (Source: Plans page A-3 panel 2).

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.



Additionally, TLF notes that the Plans do not mention whether the replacement pole will be situated at the exact same location of the old pole. Commonly, the replacement pole is placed adjacent to the existing pole, the transfer of existing facilities and addition of new facilities will occur, and then the original pole removed. In real life, that last step is often not performed for months or years. Accordingly, we recommend that conditions of approval include the following:

- The Permittee shall be solely responsible for causing the transfer of the existing pole facilities and the removal of the existing to occur within thirty (30) days after the commencement of the installation of the facilities approved in this Permit.

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**”).

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).



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.⁵ 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.⁶

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.⁷ 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.⁸

Applicants cannot rule-out potential alternatives on the grounds that it believes its preferred site is subjectively “better” than the jurisdiction’s preferred alternative.⁹ 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.¹⁰

2.2. 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.

⁵ See *id.*; see also *AT&T USA, Inc. v. City of Anacortes*, 572 F.3d 987, 995 (9th Cir. 2009).

⁶ See *Anacortes*, 572 F.3d at 996–999.

⁷ See *American Tower Corp.*, 763 F.3d at 1056.

⁸ 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.

⁹ 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”).

¹⁰ See *id.*



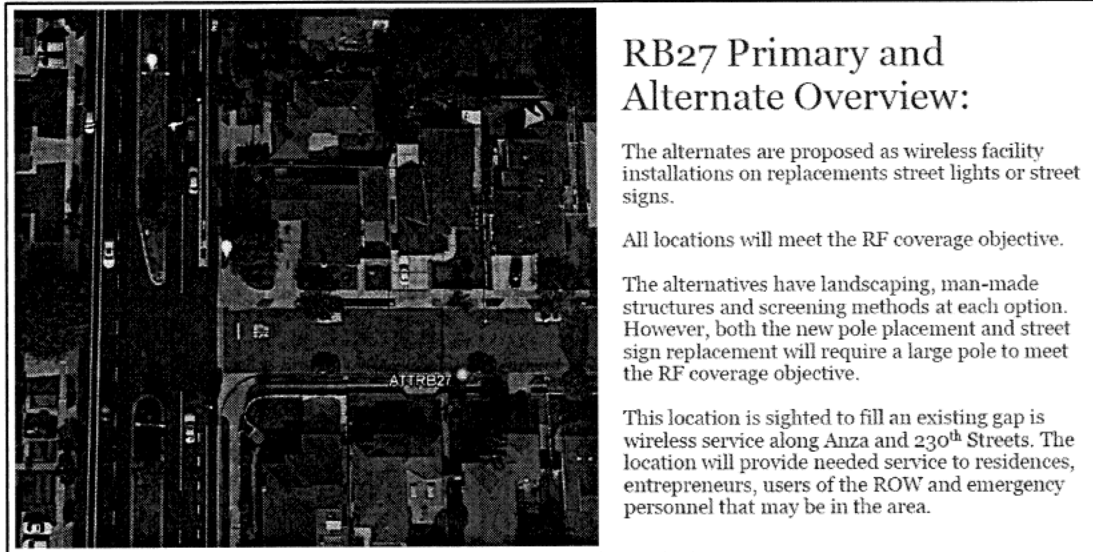


Figure 5: RB27 Primary and Alternate Overview (Source: Applicant's August 2018 Submission).

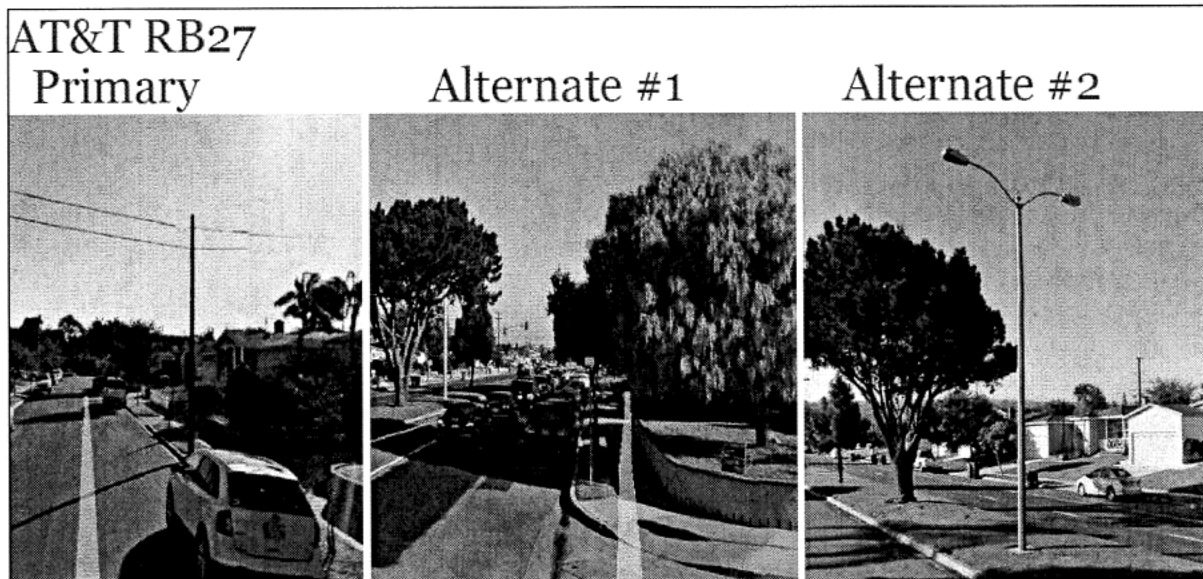


Figure 6: RB27 Primary and Alternative Sites (Source: Applicant's August 2018 Submission).

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.

3. 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**”).¹¹ 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.¹²

Although localities cannot establish their own standards for RF exposure, local officials may require wireless applicants to demonstrate compliance with the FCC Guidelines.¹³ Such demonstrations usually involve a predictive calculation because the site has not yet been built.

3.1. FCC Guidelines, Categorical Exclusions and Exposure Mitigation Measures

FCC Guidelines regulate *exposure* rather than *emissions*.¹⁴ 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.¹⁵ The narrower occupational class includes persons exposed through their employment and able to exert control over their exposure.¹⁶ 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

¹¹ 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).

¹² See 47 U.S.C. § 332(c)(7)(B)(iv).

¹³ 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).

¹⁴ 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).

¹⁵ See 47 C.F.R. § 1.1310, Note 2.

¹⁶ 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.¹⁷

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.

3.2. 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 "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 akin to having 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.

¹⁷ 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 [REDACTED]
FROM: Dr. Jonathan Kramer [REDACTED]
DATE: March 8, 2018
RE: Application Completeness Review – New Proposed Wireless Facility in the Public Right-of-Way at F/O 4336 West 230th Street

APPLICANT: Crown Castle NG West, LLC
APPLICANT'S ID: ATTRB-27; USID: 177967
UTILITY POLE ID: No Tag for replacement wood utility pole

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 a replacement wood utility pole (“**Pole**”) in the public right-of-way (“**ROW**”) located at F/O 4336 West 230th Street (Coordinates N 33° 49’ 9.336” W 118° 21’ 35.516”).

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 proposed to be 28’ 3” above ground level (“**AGL**”) while the existing pole is 25’ 6” 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.



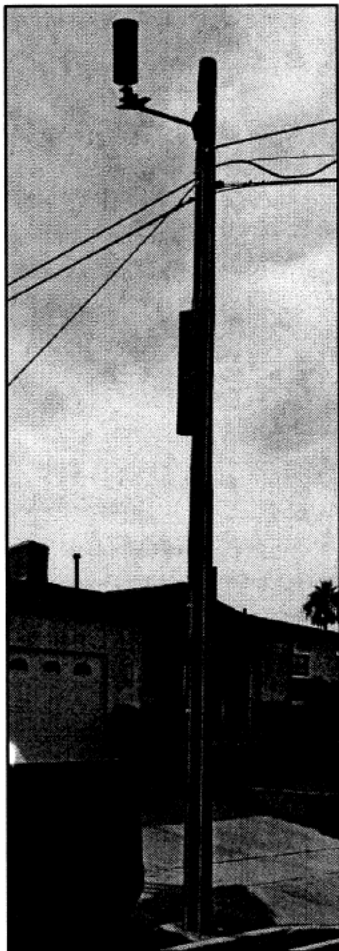


Figure 1: Omni-directional antenna, Antenna Arm, Fiber Node, (NOTE: 4 DC power converters removed/missing) RRUs enclosed within two enclosures, RF signage (Missing elements, e.g., visible connecting wires) (Source: Photo Simulations provided by Crown Castle).

- 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 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 (°) | 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 | 69.2 | 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 (°) | 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 | 69.2 | 17.0 | 0.0 |
| A1 | Crown Castle | 1 | Galtronics | P6480i | Omni | (1) RRU2205 | 5000 | 0 | 360 | 2.1 | 3.9 | 2.5 | 17.0 | 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 Section 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





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

1.00: Project Address ROW F/O 4336 W 230th 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) 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 49 9.336 W 118 21 33.516



SUPPLEMENTAL TECHNICAL INFORMATION REPORT FOR WIRELESS TELECOMMUNICATION FACILITIES

- 3.05: Specify DATUM use above: WGS84 NAD23 NAD83
- 3.06: Project Maximum height (ft): 28'3"
- 3.07: Bottom of lowest antenna (ft): 26'3"
- 3.08: Rad-center of the antennas (ft): 27'3"
- 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 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**

3.15 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.

| | |
|--------------------------|------------------------------|
| [Redacted Signature] | GRPM |
| Signature | Title |
| Aaron Snyder | Aaron.Snyder@crowncastle.com |
| Print Name | Provide Email Address |
| Crown Castle NG West LLC | 949-344-7834 |
| Print Company Name | Provide Telephone Number |
| 8/6/18 | |
| Date Signed | |

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 230th Street.
- 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 WTC17-00015 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; (Planning)
9. The applicant shall clarify the maximum height of the RRU enclosure not including the mounting bracket; (Planning)

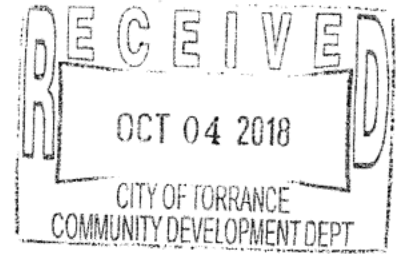
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10. That a minimum 10' vertical clearance above public sidewalk surface for proposed antenna and equipment mounted on existing utility pole and a minimum 16' vertical clearance above sidewalk surface for proposed antenna and equipment within 2' or 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 if generators are required at the site, they must meet Torrance Municipal code requirements for noise; (Environmental)

To : Telecommunications Committee

From Ron Huang & Xuetao Chen

[REDACTED] Torrance 90505



Dear Sir/Madam,

We received the letter regarding the public meeting on installation of a small cell antenna adjacent to 4336 230th Street in the R-1 Zone.

We **disapprove** this proposal because it's too close to our house.

- 1) We believe it's not good for our health by living so close to a cell tower.
- 2) We also believe that it will affect our property value. I, Xuetao Chen, am a realtor, I sell a lot of houses in South bay and other cities. I saw so many people turn down a property because it's so closed to cell tower or big power line. Even you even you suggest them to find a company to test the radiation level, buyers just simply do not consider it at all. I believe the cell tower will decrease our property value.

My suggestion for the cell tower is to have it installed in public park or commercial zoning area.

Your consideration will be highly appreciated.

Best regards

[REDACTED]

Ron Huang & Xuetao Chen

10/1/2018

Whiting, Aaron

From: Snyder, Aaron <Aaron.Snyder@crowncastle.com>
Sent: Thursday, September 27, 2018 4:30 PM
To: Martinez, Oscar
Cc: Santana, Danny; Whiting, Aaron; Garcia, Stephen
Subject: RE: 9/25 Telecom Action

Hi Oscar,

I want to continue all items discussed below and pick up again with the first meeting in November.

My records indicate I will need to send you an incomplete notice before 10/14 for the locations either continued or pending hearings.

Please clarify why you need an incomplete notice today when the clocks for the applications have not run out yet...just want to make sure we are on the same page.

Let's discuss at our meeting the scheduling for November and December.

Any questions, please let me know.

Thanks,

AARON L. SNYDER
Government Relations Project Manager
[REDACTED] Office: (949)344-7834

CROWN CASTLE
200 Spectrum Center Drive-18th Floor, Irvine, Ca. 92618
CROWNCastle.COM

From: Martinez, Oscar <OMartinez@TorranceCA.gov>
Sent: Tuesday, September 25, 2018 3:45 PM
To: Snyder, Aaron <Aaron.Snyder@crowncastle.com>
Cc: Santana, Danny <DSantana@TorranceCA.gov>; Whiting, Aaron <AWhiting@TorranceCA.gov>; Garcia, Stephen <Stephen.Garcia@crowncastle.com>
Subject: 9/25 Telecom Action

Aaron,

The Telecom Committee continued WTC17-00009 & WTC17-00010 to October 9, 2018. Should you wish to continue to request an indefinite continuance in the future (no date set), tolling agreements must be in place prior to the request. Please let me know ASAP if you cannot make the October 9, 2018 Telecom Hearing for these projects that were continued today:

WTC17-00009 (ATTRB30) 23518 Evalyn continued to 10/9/18

WTC17-00010 (ATTRB21) 5231 Laurette continued to 10/9/18

Such agreements would need to be in place by 10/2/18. A copy of the staff reports prior to your continuance request have been attached.

In addition, I want to confirm the following projects are still on track for October 9, 2018 or if you wish to enter into a tolling agreement for those:

| | | |
|-----------------------|----------------|-------|
| WTC17-00015 (ATTRB27) | 4336 230th | 9-Oct |
| WTC17-00016 (ATTRB26) | 4628 Lenore | 9-Oct |
| WTC17-00017 (ATTRB19) | 22714 Gaycrest | 9-Oct |

Please advise by 3p tomorrow (9/26/18) if you would like to postpone items WTC17-00015, WTC17-00016, and WTC17-00017 as well.

Oscar Martinez

Senior Planning Associate – Community Development Department

City of Torrance | 3031 Torrance Blvd | Torrance CA 90503 | 310-618-5870 voice | 310-618-5829 fax | OMartinez@TorranceCA.gov | www.TorranceCA.gov | www.Twitter.com/TorranceCA

This email may contain confidential or privileged material. Use or disclosure of it by anyone other than the recipient is unauthorized. If you are not an intended recipient, please delete this email.

DATE: October 5, 2018
TO: Telecommunications Committee
FROM: Planning Division
SUBJECT: **WIRELESS TELECOM FACILITY (WTC17-00016) – 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 a new wood utility pole in the public right-of-way adjacent to 4628 Lenore Street in the R-1 Zone.

Applicant: Crown Castle NG West LLC
Case No: WTC17-00016
Location: 4628 Lenore Street (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 4628 Lenore 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 27, 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 a new 27.33' wood utility pole and the removal of an existing 24.58' 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 24.9" in height and 10" in diameter. The antenna and pole arm are proposed to be mounted at approximately 23.88' above ground level with a maximum height of 27.33'. The RRU enclosure measures 46.1" x 13.5" x 14.3" and would be mounted 13.25' above grade with a maximum height of 17.2'. 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.

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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 Evalyn Avenue, between Scott Street to the north and Lenore Street to the south and between Majorie Avenue to the east and Palos Verdes Boulevard 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 a new wood 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 a less 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,

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CASE NO. WTC17-00016

recommended conditions and code requirements have been attached for your review (Attachment #4). The applicant has requested a continuance on the matter indicating that once continued they would proceed with entering into a tolling agreement. Staff has not received or reviewed said draft agreement. Should the Committee wish to take action on the matter, staff recommends denial of the request based on the previously discussed findings. Staff has attached correspondence between the applicant and staff regarding the continuance request (Attachment #5).

PROJECT RECOMMENDATION: Denial

Prepared by,



Aaron Whiting
Planning Assistant

Recommended by,



Danny Santana
Planning Manager

Attachments:

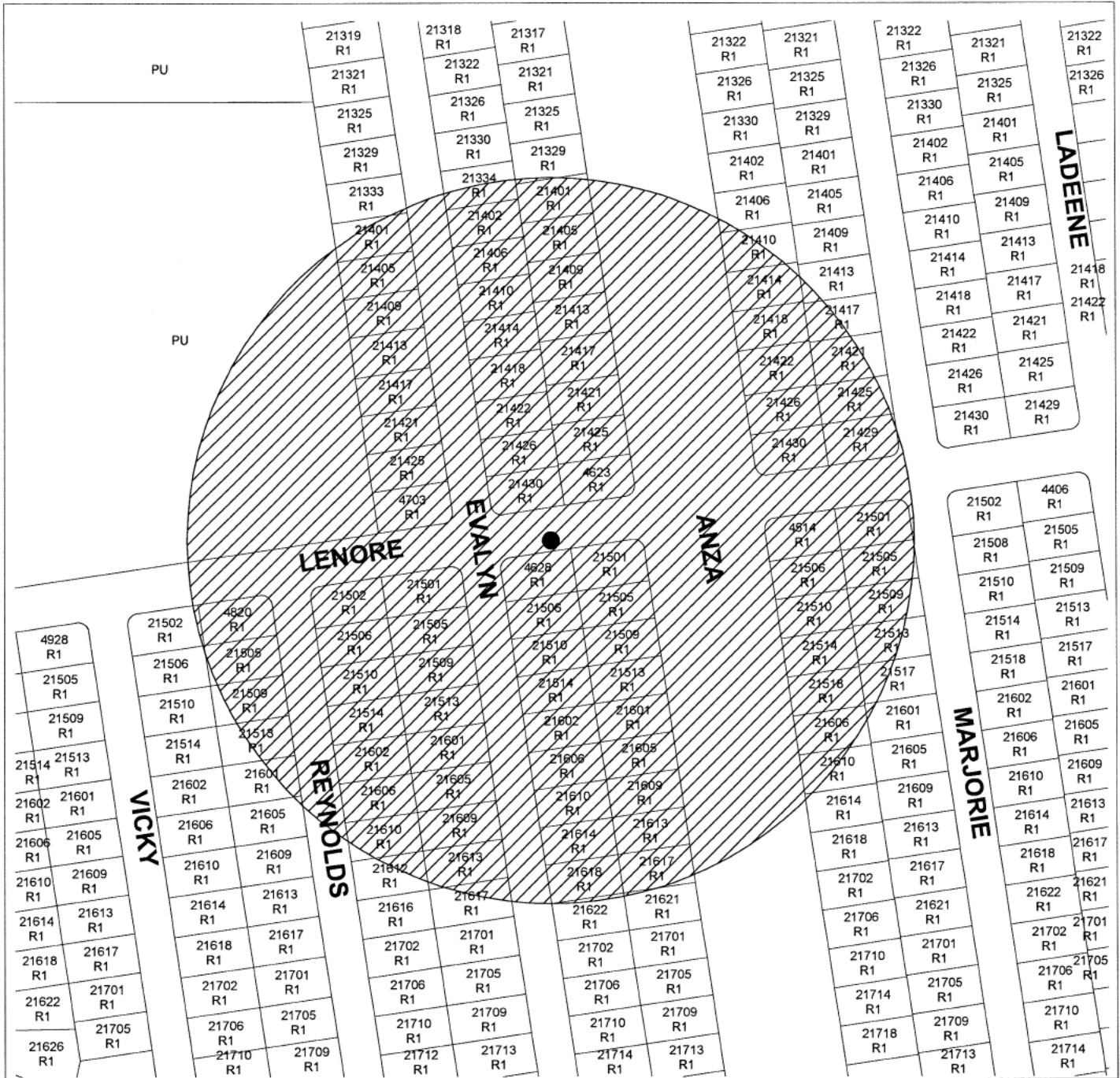
1. Notification Map and Posting
2. Telecom Law Firm Memorandums
3. Supplemental Technical Information Report and Documentation
4. Recommended Conditions and Code Requirements, if approved
5. Correspondence
6. Plans/Photo Simulations (Limited Distribution)

This request for a Telecom Permit (WTC17-00016) 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.





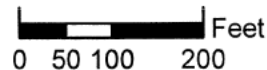
LOCATION AND ZONING MAP

WTC17-00016
 Public ROW Adjacent To:
 4628 Lenore St



LEGEND

-  Proposed Location
-  500ft Notification Area

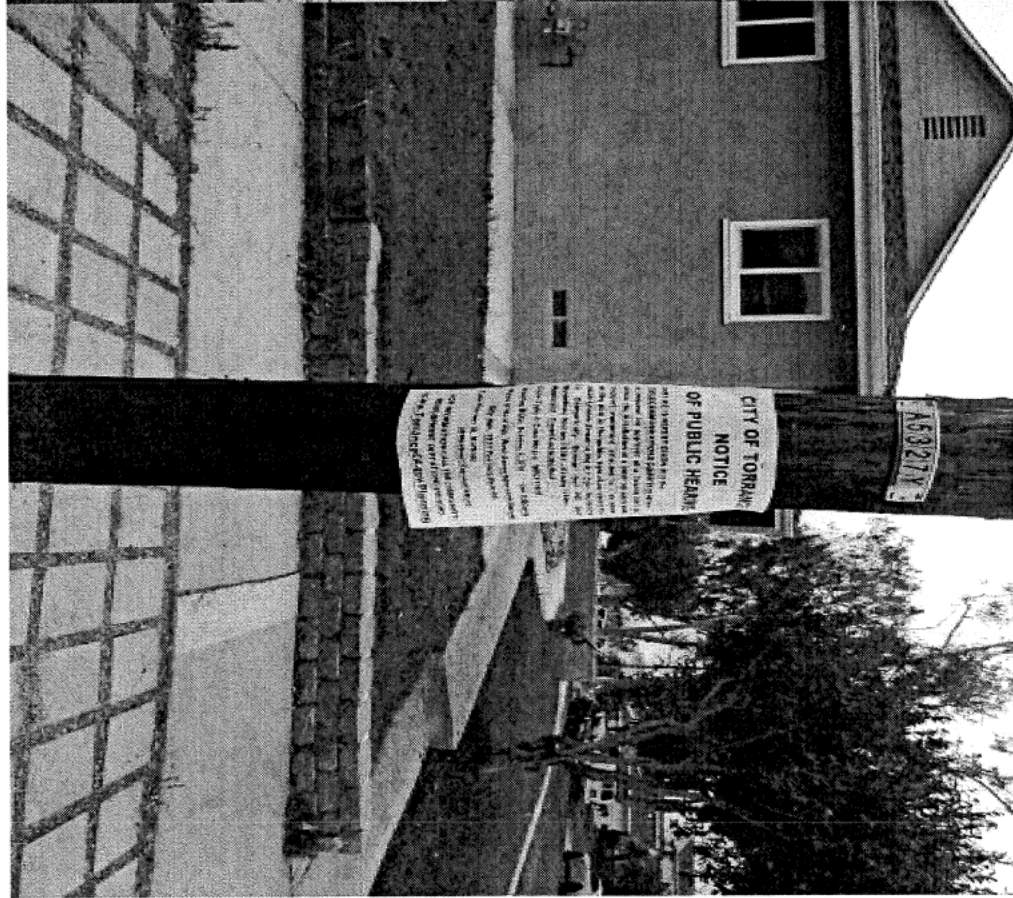
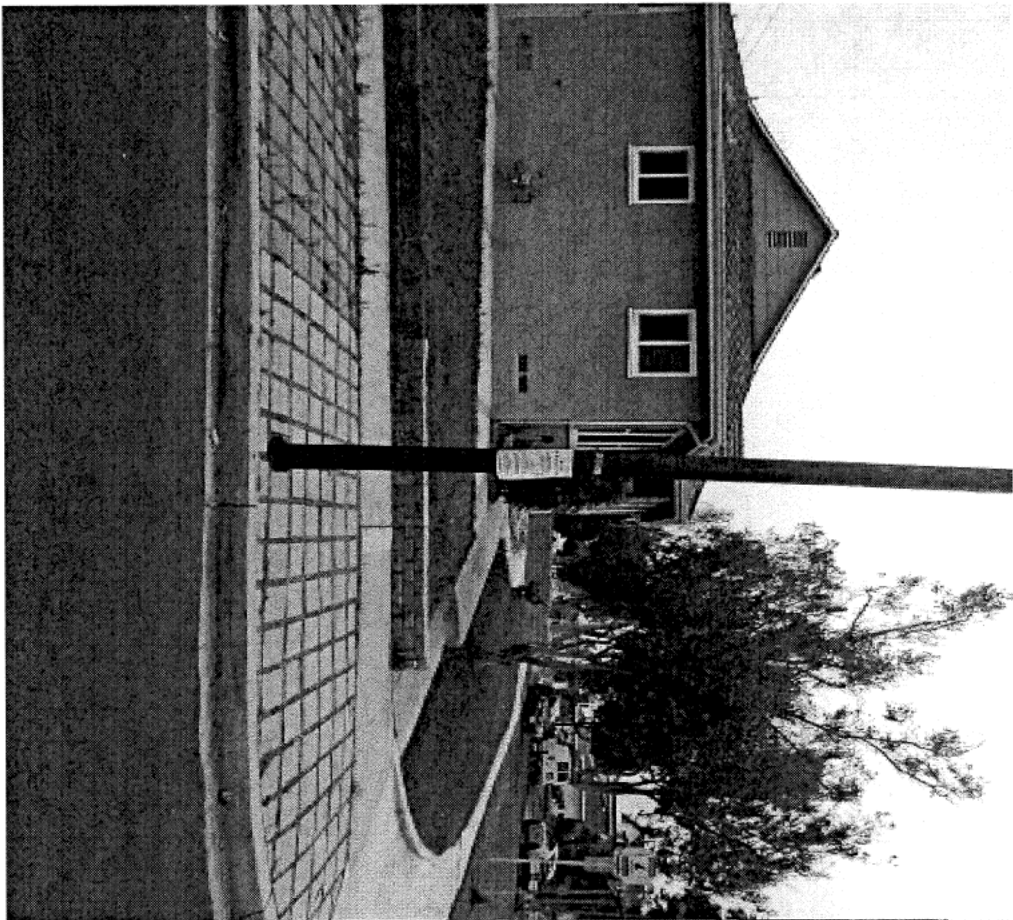


WTC/7-00016

CITY OF TORRANCE
POSTED BY

SM

DATE: 9-22-18



WIRELESS PLANNING MEMORANDUM

TO: Mr. Oscar Martinez
FROM: Dr. Jonathan Kramer
DATE: September 14, 2018
RE: WTC17-00016 New Proposed Wireless Facility in the Public Right-of-Way adjacent to 4628 Lenore Street

APPLICANT: Crown Castle NG West LLC
APPLICANT'S ID: ATTRB-26

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 a replacement wood utility pole (“**Pole**”) in the public right-of-way (“**PROW**”) adjacent to 4628 Lenore Street (Coordinates N33.833374°; W118362469°).

See Figure 1 for the location of the proposed Pole.



Figure 1: Proposed Pole (Source: Google Maps; Annotated by red “x” by Dr. J. Kramer).

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 April 30, 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 26' 3" 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 increase to 27' 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' 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 2. For an elevation view of the pole configuration see Figure 3.

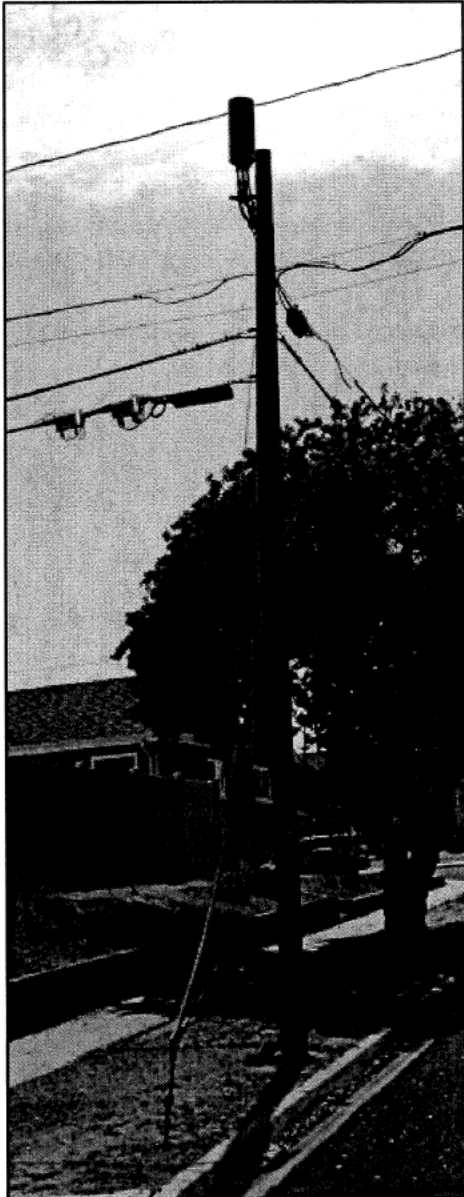


Figure 2: Proposed node on replacement utility pole (Source: Applicant's Photo Simulation provided by through its August 2018 Submission).



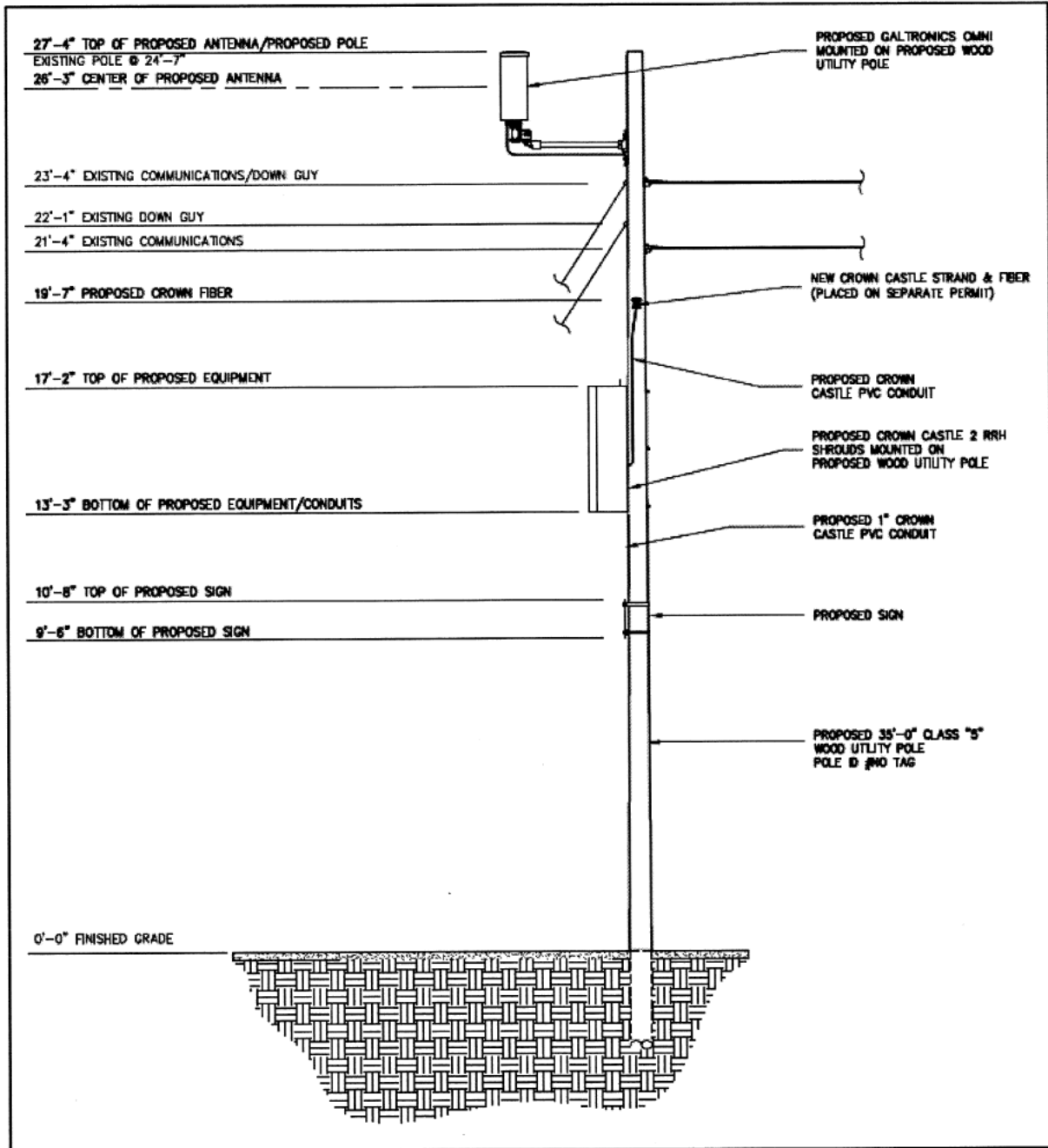


Figure 3: Proposed node on replacement utility pole (Source: Plans page A-3 panel 2).

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.



Additionally, TLF notes that the Plans do not mention whether the replacement pole will be situated at the exact same location of the old pole. Commonly, the replacement pole is placed adjacent to the existing pole, the transfer of existing facilities and addition of new facilities will occur, and then the original pole removed. In real life, that last step is often not performed for months or years. Accordingly, we recommend that conditions of approval include the following:

- The Permittee shall be solely responsible for causing the transfer of the existing pole facilities and the removal of the existing to occur within thirty (30) days after the commencement of the installation of the facilities approved in this Permit.

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**”).

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).



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.

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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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).

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

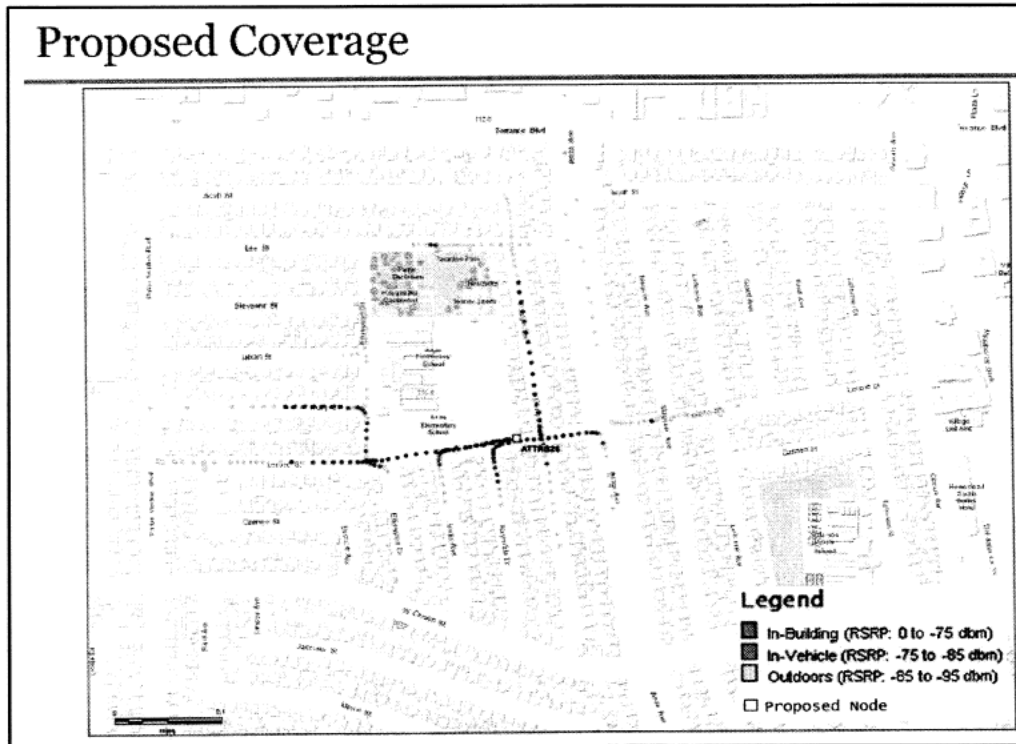


Figure 5: Proposed AT&T Coverage with the proposed site (source: AT&T August 2018 Submission).

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.

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 6: RB26 Primary and Alternate Overview (Source: Applicant’s August 2018 Submission).

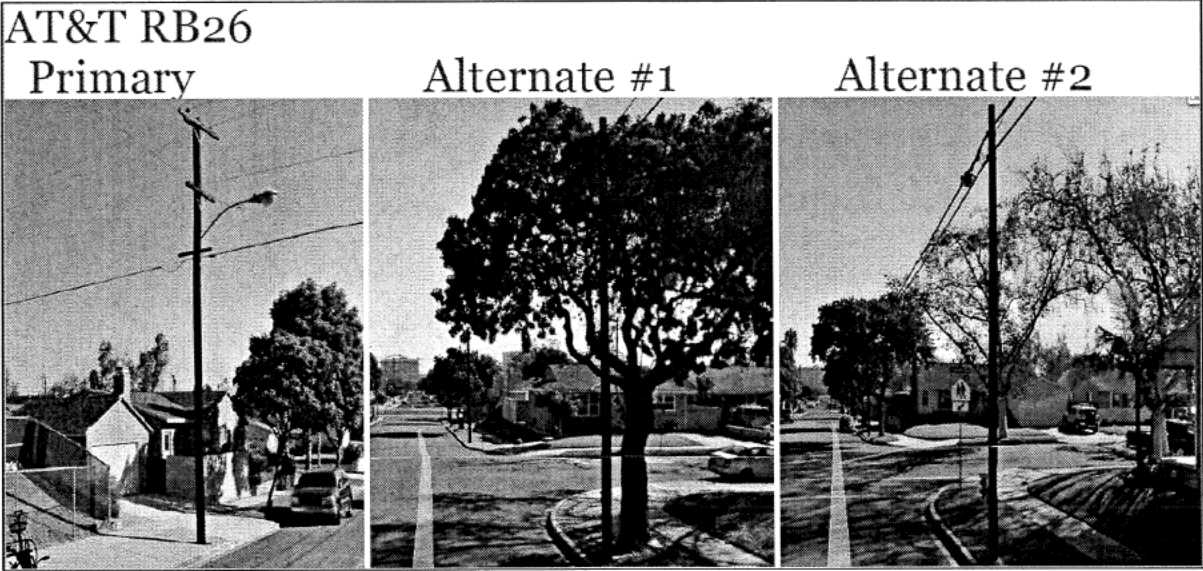


Figure 7: RB26 Primary and Alternative Sites (Source: Applicant’s August 2018 Submission).

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.



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 "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 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.

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 akin to having the owner of a car

²³ See *id.* § 1.1307(b)(1).



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



APPLICATION INCOMPLETE MEMORANDUM

TO: Mr. Oscar Martinez [REDACTED]
FROM: Dr. Jonathan Kramer [REDACTED]
DATE: March 8, 2018
RE: Application Completeness Review – New Proposed Wireless Facility in the Public Right-of-Way at F/O 4628 Lenore Street

APPLICANT: Crown Castle NG West, LLC
APPLICANT'S ID: ATTRB-26; USID: 177866
UTILITY POLE ID: No Tag for replacement wood utility pole

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 a replacement wood utility pole (“**Pole**”) located at F/O 4628 Lenore Street (Coordinates N 33° 30’ 0.1” W 118° 21’ 44.9”).

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 proposed to be 28’ 3” above ground level (“**AGL**”) while the existing pole is 24’ 7” 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:**

- Page 1 of the STIR is missing and must be included.
- 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, 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.



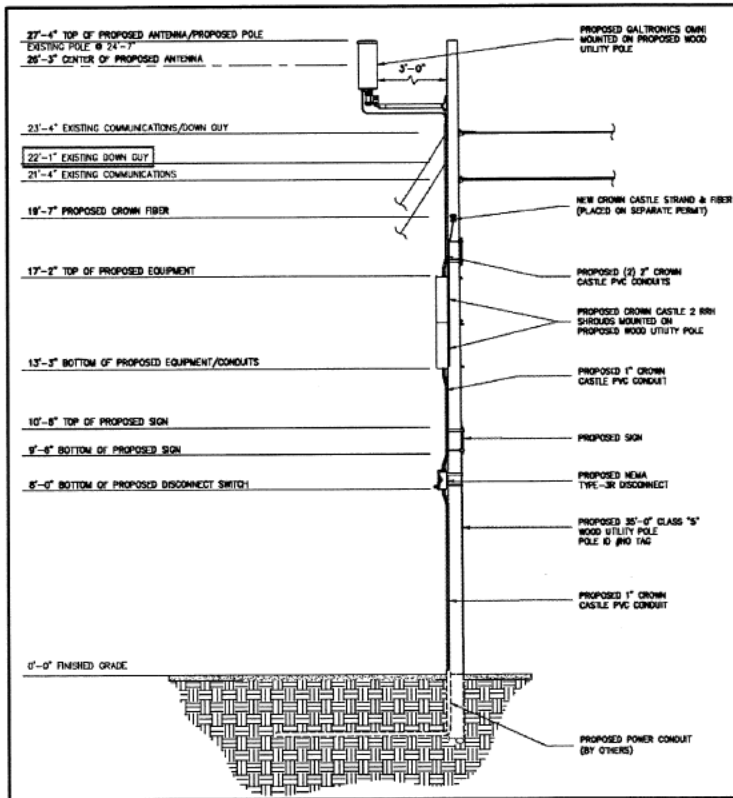


Figure 3: Incorrect down Guy locations (Source: Plans A-3 Panels 1 and 2, annotated by Dr. J. Kramer).

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 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 | 69.2 | 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 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 5.



| Antenna ID | Operator | Carrier # | Antenna Mtg | 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 | Galltronics | P6480 | Omni | (2) RRU2203 | 1900 | 0 | 360 | 2.1 | 6.9 | 69.2 | 17.0 | 0.0 |
| A1 | Crown Castle | 1 | Galltronics | P6480 | Omni | (1) RRU2205 | 5000 | 0 | 360 | 2.1 | 3.9 | 2.5 | 17.0 | 0.0 |

Figure 5: 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



APPLICATION INCOMPLETE MEMORANDUM

TO: Mr. Oscar Martinez [REDACTED]
FROM: Dr. Jonathan Kramer
DATE: September 20, 2017
RE: Application Completeness Review – New Proposed Wireless Facility in the Public Right-of-Way at F/O 4628 Lenore Street

APPLICANT: Crown Castle NG West, LLC
APPLICANT'S ID: ATTRB-26; USID: 177966
UTILITY POLE ID: No Tag for new replacement wood utility pole

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 a new replacement wood utility pole (“Pole”) in the public right-of-way (“ROW”) located at F/O 4628 Lenore Street. 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 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 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 Pole supporting this project is proposed to be 27’ 4” above ground level (“AGL”), an increase over the existing pole of 24’ 7” 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:

[Balance of page intentionally left blank]

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:**

A signature is missing on page 3 of the Development Application. All other 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 serves as a 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 the Dtech Report.
- 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 the Dtech Report.
- Section 7.01–subsection 2: Missing elements on the photo simulations (e.g., replacement Pole, connecting wires, PVC conduits, etc.) See Fig 1.

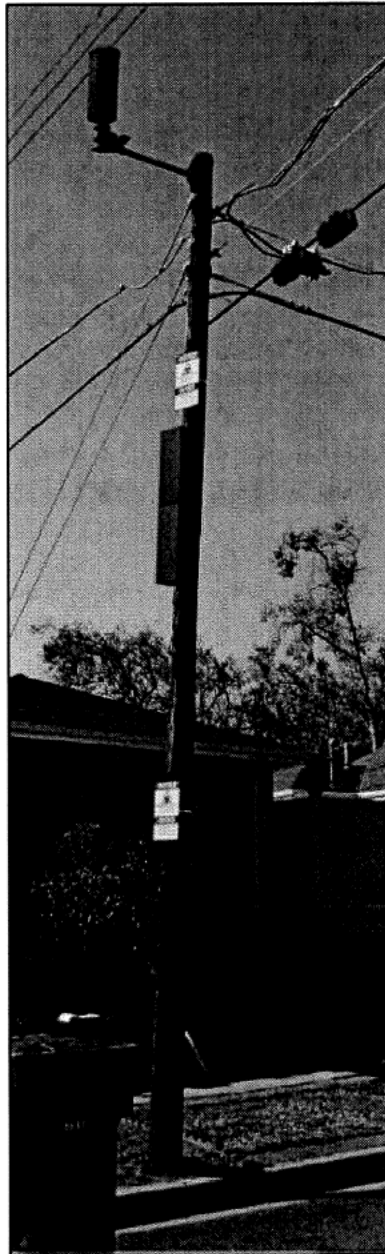


Figure 1: Omni-directional antenna, Antenna Arm, Fiber Node, 4 DC power converters, 4 RRUs enclosed within two enclosures, RF signage (missing visual elements e.g., replacement Pole, connecting wires, PVC conduits, etc.) (Source: Photo Simulations provided by Applicant).



- 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 do not reflect the proposed replacement Pole on Pages A-1 Panels 1 and 2. See Figure 2.

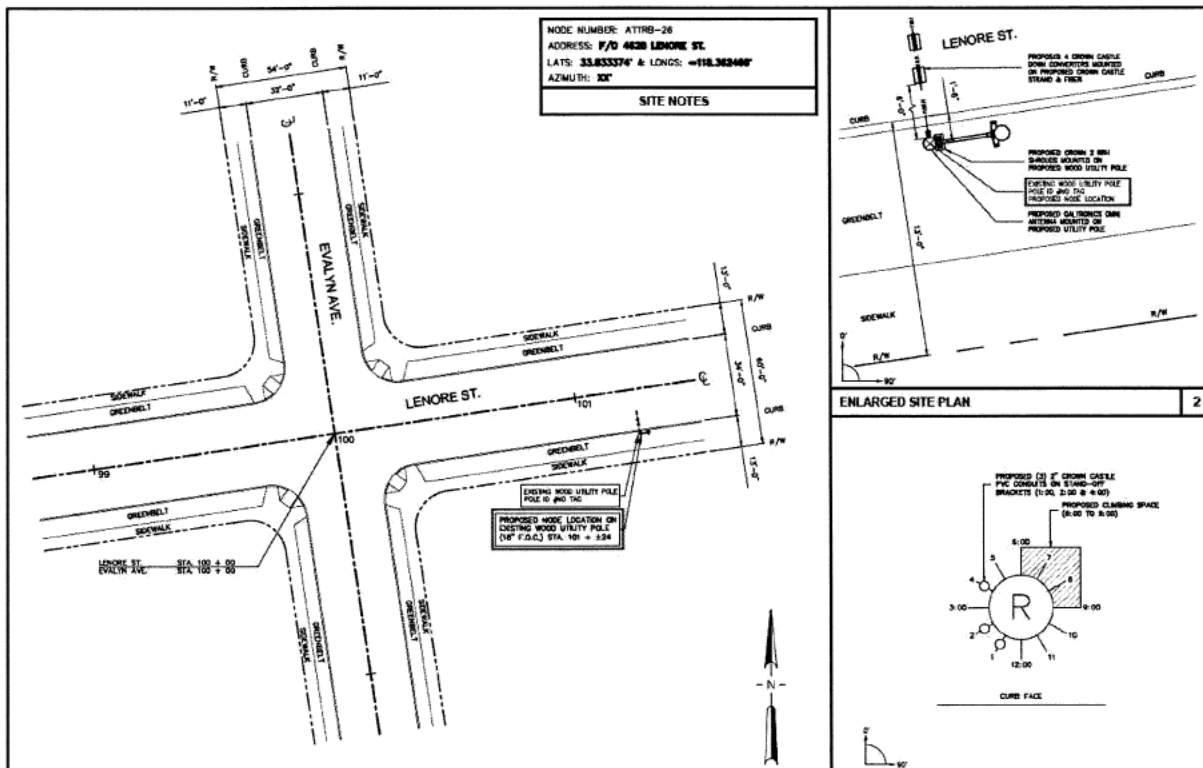


Figure 2: No replacement Pole proposed (Source: Plans A-1 Panels 1 and 2, annotated by Dr. J. Kramer).



- The Plans incorrectly details the existing down guy locations on Pages A-2 and A-3 both Panels 1 and 2. See Figure 3.

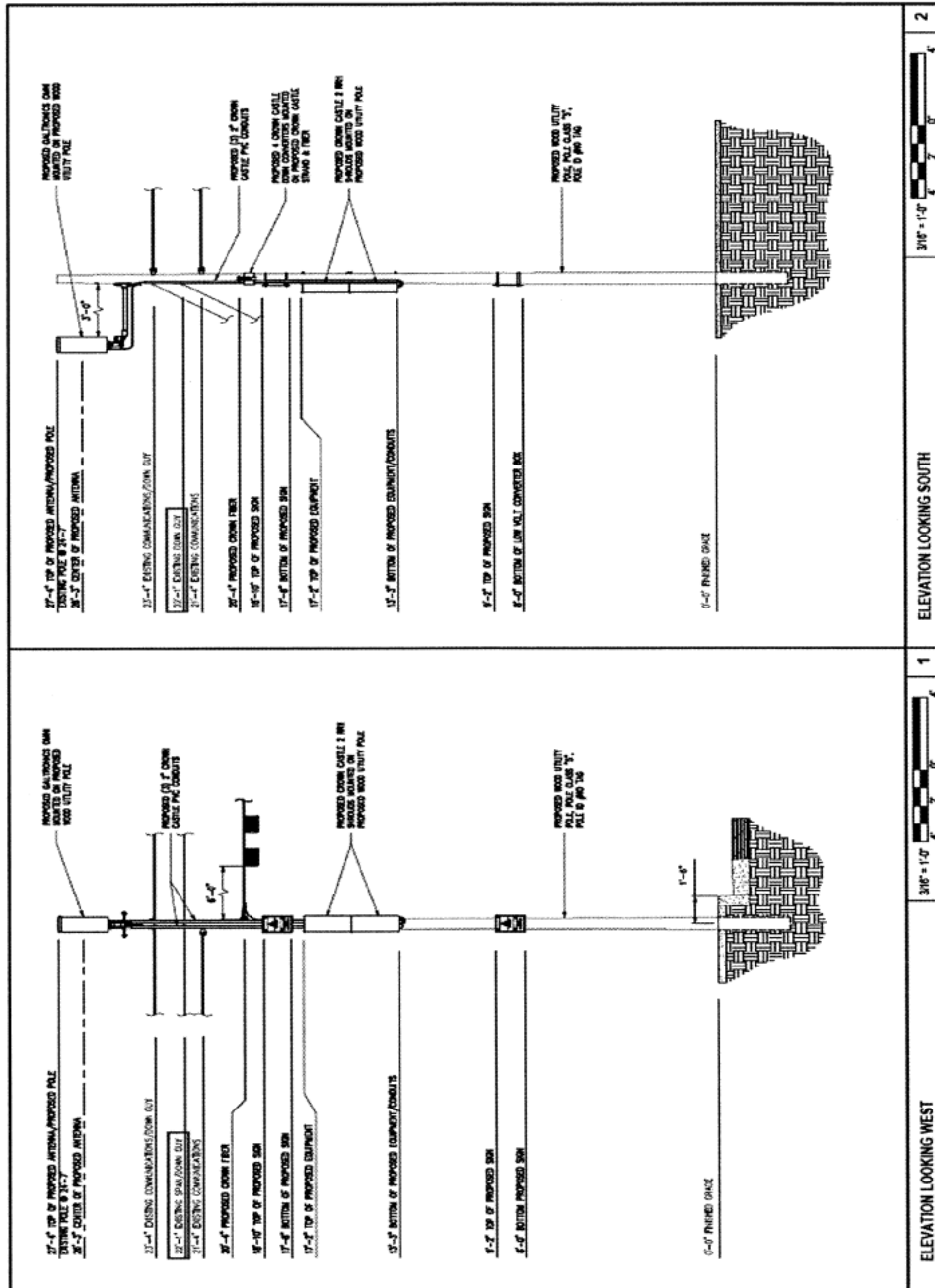


Figure 3: Incorrect Down Guy locations (Source: Plans A-3 Panels 1 and 2, annotated by Dr. J. Kramer).

- The depicted work area is underrepresented, depict the whole work area including the area needed to extend the strand and powered fiber. See Figure 4.



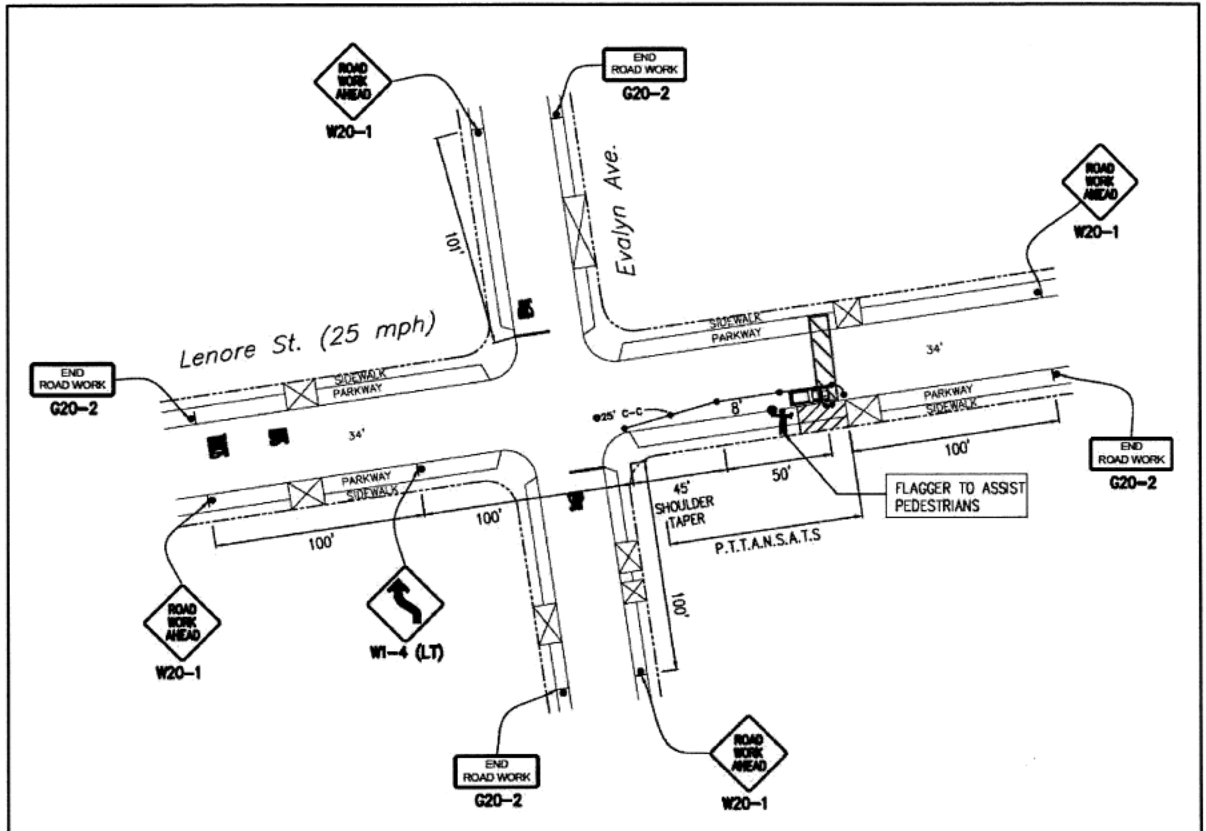


Figure 4: Proposed Work Area; additional Work Area for new strand and power fiber (hatched in red)
(Source: Plans TC-1, annotated by Dr. J. Kramer).

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 the project description throughout the permit application details only a new Pole and not replacement of the existing pole. See Figure 5.

| PROJECT DESCRIPTION | |
|---------------------|---|
| • | INSTALL (1) OMNI DIRECTIONAL ANTENNA AND (N) ARM MOUNT ON (N) WOOD UTILITY POLE |
| • | INSTALL (4) RRUS-2203 WITHIN (2) NEW ENCLOSURES ON (N) WOOD UTILITY POLE |
| • | INSTALL (N) CROWN CASTLE STRAND & FIBER ON (N) WOOD UTILITY POLE |
| • | INSTALL (4) DOWN-CONVERTER UNITS ON (N) CROWN CASTLE STRAND & FIBER |

Figure 5: Project description missing replacement of existing pole (Source: Plans T-1)

We also 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 6 and Figure 7.

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 (dBi) | 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 | 69.2 | 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 6: A total of three RRUs shown. Two RRUs in 1900 MHz (PCS) and one RRU in 5000 MHz (Source: Dtech Report, Table 2)

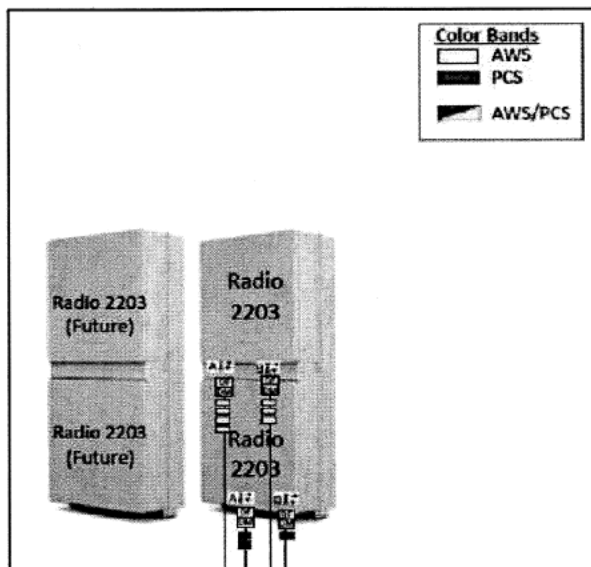


Figure 7: Two RRUS in AWS (2100 MHz) and PCS (1900 MHz) frequencies (Source: Plans page D-3; Panel 1)



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, for example, an excavation permit, fiber installation permit, building permit, and electrical permit.

D. CLOSING COMMENTS AND RECOMMENDATION

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





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

1.00: Project Address F/O 4628 Lenore 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) 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 50 00.01 W 118 21 44.9



SUPPLEMENTAL TECHNICAL INFORMATION REPORT FOR WIRELESS TELECOMMUNICATION FACILITIES

- 3.05: Specify DATUM use above: ___ WGS84 ___ NAD23 NAD83
- 3.06: Project Maximum height (ft): 27'4"
- 3.07: Bottom of lowest antenna (ft): 25'4"
- 3.08: Rad-center of the antennas (ft): 26'4"
- 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.)



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.)



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**

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.

| | |
|--------------------------|------------------------------|
| | GRPM |
| Signature | Title |
| Aaron Snyder | Aaron.Snyder@crowncastle.com |
| Print Name | Provide Email Address |
| Crown Castle NG West LLC | 949-344-7834 |
| Print Company Name | Provide Telephone Number |
| 8/16/18 | |
| Date Signed | |

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 Lenore Street.
- 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 WTC17-00016 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; (Planning)
9. The applicant shall clarify the maximum height of the RRU enclosure not including the mounting bracket; (Planning)

CDD RECOMMENDATIONS – 10/9/18
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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 if generators are required at the site, they must meet Torrance Municipal code requirements for noise; (Environmental)

Whiting, Aaron

From: Snyder, Aaron <Aaron.Snyder@crowncastle.com>
Sent: Thursday, September 27, 2018 4:30 PM
To: Martinez, Oscar
Cc: Santana, Danny; Whiting, Aaron; Garcia, Stephen
Subject: RE: 9/25 Telecom Action

Hi Oscar,

I want to continue all items discussed below and pick up again with the first meeting in November.

My records indicate I will need to send you an incomplete notice before 10/14 for the locations either continued or pending hearings.

Please clarify why you need an incomplete notice today when the clocks for the applications have not run out yet...just want to make sure we are on the same page.

Let's discuss at our meeting the scheduling for November and December.

Any questions, please let me know.

Thanks,

AARON L. SNYDER
Government Relations Project Manager
[REDACTED] Office: (949)344-7834

CROWN CASTLE
200 Spectrum Center Drive-18th Floor, Irvine, Ca. 92618
CROWNCastle.COM

From: Martinez, Oscar <OMartinez@TorranceCA.gov>
Sent: Tuesday, September 25, 2018 3:45 PM
To: Snyder, Aaron <Aaron.Snyder@crowncastle.com>
Cc: Santana, Danny <DSantana@TorranceCA.gov>; Whiting, Aaron <AWhiting@TorranceCA.gov>; Garcia, Stephen <Stephen.Garcia@crowncastle.com>
Subject: 9/25 Telecom Action

Aaron,

The Telecom Committee continued WTC17-00009 & WTC17-00010 to October 9, 2018. Should you wish to continue to request an indefinite continuance in the future (no date set), tolling agreements must be in place prior to the request. Please let me know ASAP if you cannot make the October 9, 2018 Telecom Hearing for these projects that were continued today:

WTC17-00009 (ATTRB30) 23518 Evalyn continued to 10/9/18

WTC17-00010 (ATTRB21) 5231 Laurette continued to 10/9/18

Such agreements would need to be in place by 10/2/18. A copy of the staff reports prior to your continuance request have been attached.

In addition, I want to confirm the following projects are still on track for October 9, 2018 or if you wish to enter into a tolling agreement for those:

| | | |
|-----------------------|----------------|-------|
| WTC17-00015 (ATTRB27) | 4336 230th | 9-Oct |
| WTC17-00016 (ATTRB26) | 4628 Lenore | 9-Oct |
| WTC17-00017 (ATTRB19) | 22714 Gaycrest | 9-Oct |

Please advise by 3p tomorrow (9/26/18) if you would like to postpone items WTC17-00015, WTC17-00016, and WTC17-00017 as well.

Oscar Martinez

Senior Planning Associate – Community Development Department

City of Torrance | 3031 Torrance Blvd | Torrance CA 90503 | 310-618-5870 voice | 310-618-5829 fax | OMartinez@TorranceCA.gov | www.TorranceCA.gov | www.Twitter.com/TorranceCA

This email may contain confidential or privileged material. Use or disclosure of it by anyone other than the recipient is unauthorized. If you are not an intended recipient, please delete this email.

DATE: October 5, 2018
TO: Telecommunications Committee
FROM: Planning Division
SUBJECT: **WIRELESS TELECOM FACILITY (WTC17-00017) – 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 a new wood utility pole in the public right-of-way adjacent to 22714 Gaycrest Avenue within the Hillside Overlay District in the R-1 Zone.

Applicant: Crown Castle NG West LLC
Case No: WTC17-00017
Location: 22714 Gaycrest Avenue (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 22714 Gaycrest 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 27, 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 a new 32' wood utility pole and the removal of an existing 29.58' 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 24.9" in height and 10" in diameter. The antenna and pole arm are proposed to be mounted at approximately 29.25' above ground level with a maximum height of 32'. The RRU enclosure measures 46.1" x 13.5" x 14.3" and would be mounted 19.42' above grade with a maximum height of 23.25'. Staff notes that there is a slight discrepancy between the maximum height of the cabinet as staff calculates it to be 1-inch higher. 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.

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CASE NO. WTC17-00017

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 Gaycrest Avenue, between Milne Drive to the north and Reese Road to the south and between Dennis Road to the east and Susana 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 a new 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.

Staff notes that public correspondence in opposition to the request has been received, citing health, aesthetic concerns, and burden to the neighborhood (Attachment #5).

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

CDD RECOMMENDATIONS – 10/9/18
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CASE NO. WTC17-00017

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). The applicant has requested a continuance on the matter indicating that once continued they would proceed with entering into a tolling agreement. Staff has not received or reviewed said draft agreement. Should the Committee wish to take action on the matter, staff recommends denial of the request based on the previously discussed findings. Staff has attached correspondence between the applicant and staff regarding the continuance request (Attachment #5).

PROJECT RECOMMENDATION: Denial

Prepared by,



Aaron Whiting
Planning Assistant

Recommended by,



Danny Santana
Planning Manager

Attachments:

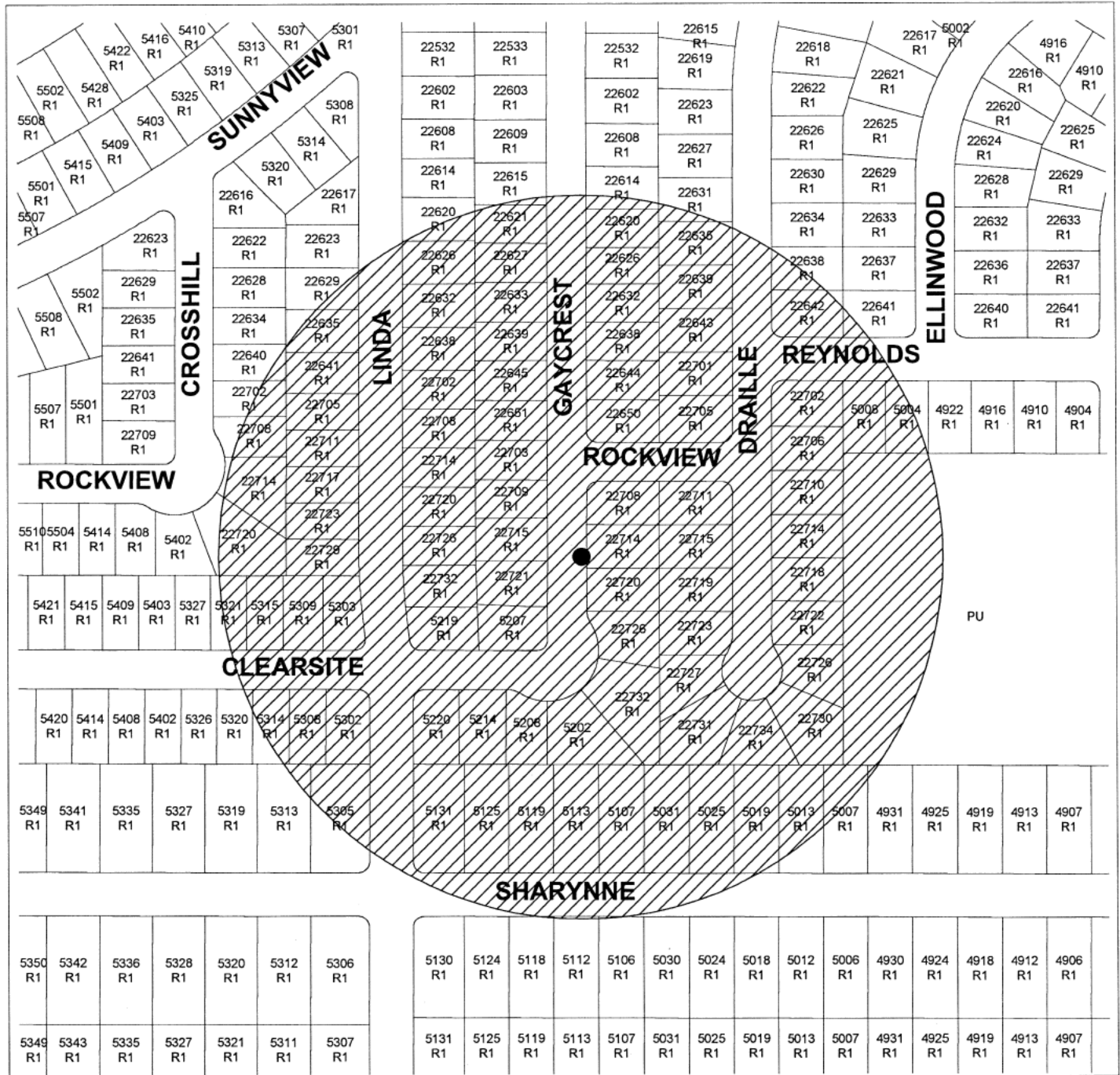
1. Notification Map and Posting
2. Telecom Law Firm Memorandums
3. Supplemental Technical Information Report and Documentation
4. Recommended Conditions and Code Requirements, if approved
5. Correspondence
6. Plans/Photo Simulations (Limited Distribution)

This request for a Telecom Permit (WTC17-00017) 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.





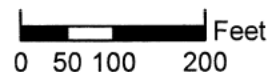
LOCATION AND ZONING MAP

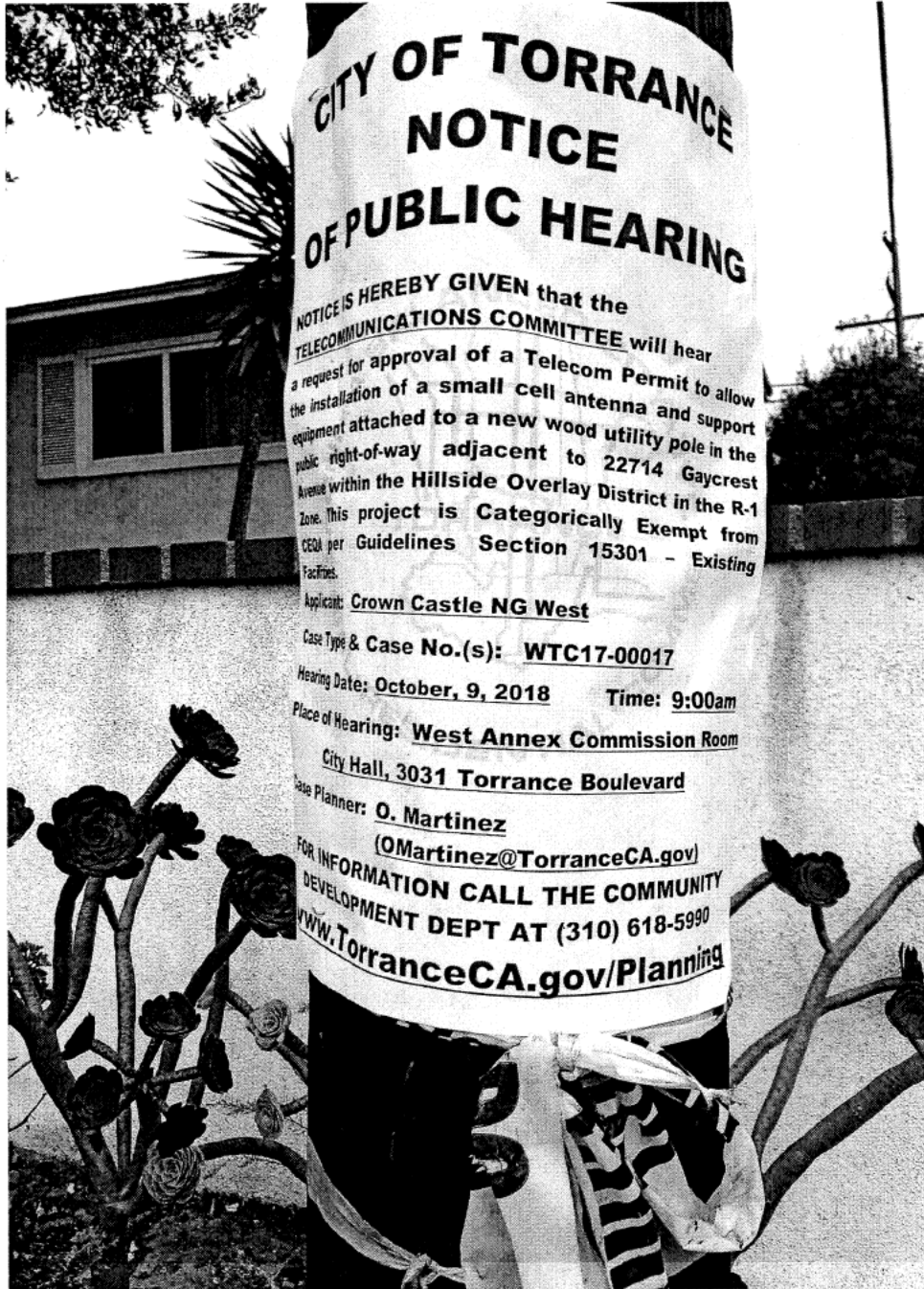
WTC17-00017
 Public ROW Adjacent To:
 22714 Gaycrest Ave



LEGEND

-  Proposed Location
-  500ft Notification Area





**CITY OF TORRANCE
NOTICE
OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the TELECOMMUNICATIONS COMMITTEE will hear a request for approval of a Telecom Permit to allow the installation of a small cell antenna and support equipment attached to a new wood utility pole in the public right-of-way adjacent to 22714 Gaycrest Avenue within the Hillside Overlay District in the R-1 Zone. This project is Categorically Exempt from CEQA per Guidelines Section 15301 - Existing Facilities.

Applicant: **Crown Castle NG West**

Case Type & Case No.(s): **WTC17-00017**

Hearing Date: **October, 9, 2018** Time: **9:00am**

Place of Hearing: **West Annex Commission Room**

City Hall, 3031 Torrance Boulevard

Case Planner: **O. Martinez**

(OMartinez@TorranceCA.gov)

FOR INFORMATION CALL THE COMMUNITY DEVELOPMENT DEPT AT (310) 618-5990

www.TorranceCA.gov/Planning

**CITY OF TORRANCE
POSTED BY**
[Signature]
DATE: 9/27/18

APPLICATION INCOMPLETE MEMORANDUM

TO: Mr. Oscar Martinez [REDACTED]
FROM: Dr. Jonathan Kramer
DATE: September 20, 2017
RE: Application Completeness Review – New Proposed Wireless Facility in the Public Right-of-Way at F/O 22714 Gaycrest Avenue

APPLICANT: Crown Castle NG West, LLC
APPLICANT'S ID: ATTRB-19; USID: 177959
UTILITY POLE ID: No Tag for replacement wood utility pole

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 a replacement wood utility pole (“Pole”) in the public right-of-way (“ROW”) located at F/O 22714 Gaycrest 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. There is a serious question as to whether the proposed antenna and arm will actually extend over private property, or, if as shown in the plans, the antenna is to overhand a private planter within the ROW.

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 Pole supporting this project is proposed to be 32’ above ground level (“AGL”) while the existing pole is 29’ 7” 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:

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 form, 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 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.
- 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.).

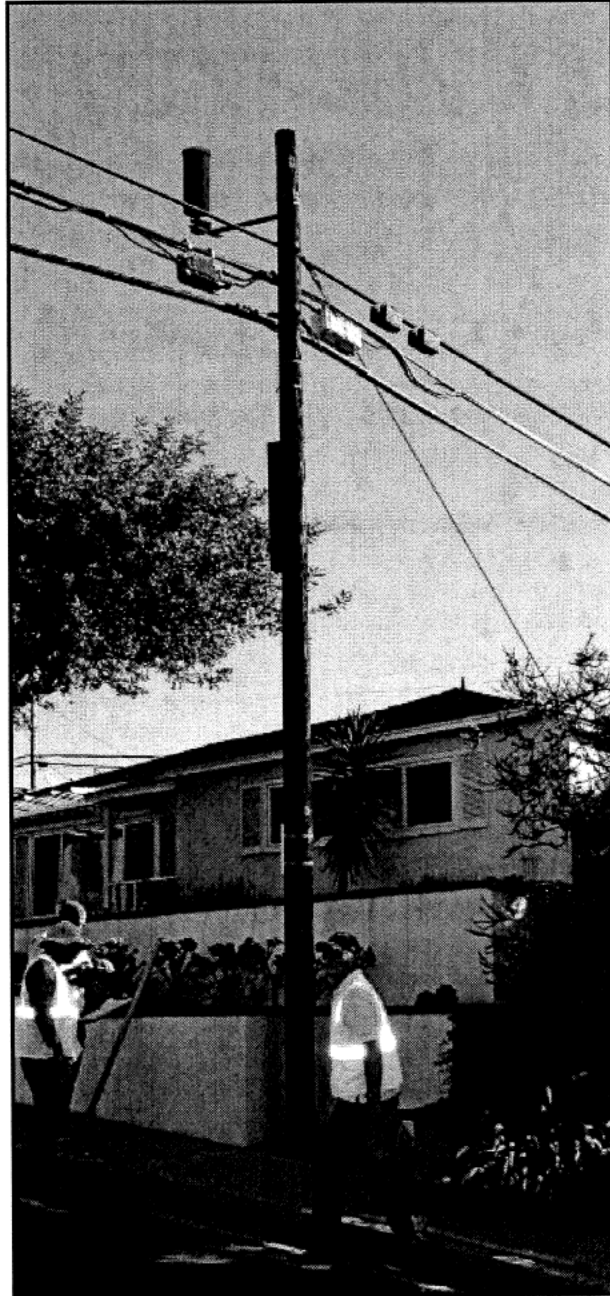


Figure 1: Omni-directional antenna, Antenna Arm, Fiber Node, 4 DC power converters, 4 RRUs enclosed within two enclosures, RF signage on a replacement Pole (Missing visible items e.g., connecting wires, PVC conduits, etc.). (Source: Photo Simulations provided by Applicant).



- 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. Applicant provided a PDF of The Southern California Joint Pole website listing Crown Castle NG West Inc. (NG) as a current member which is not sufficient as proof granting attachment permission for this project. A Joint Pole Authorization (JPA) form 2 should be provided.

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 depicted work area is underrepresented, depict the whole work area including the area needed to extend the strand and powered fiber. See Figure 2.

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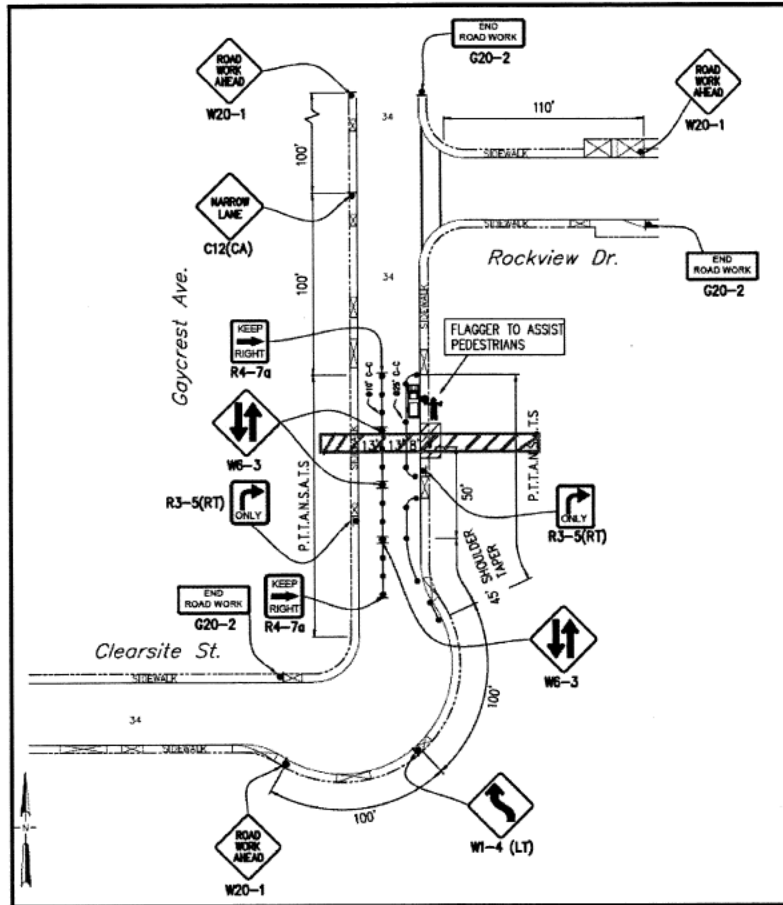


Figure 2: Proposed Work Area; additional Work Area for new strand and power fiber hatched in red. (Source: Plans TC-1, annotated by Dr. J. Kramer).

IV. JUSTIFICATION

The purported justification from this site, while not completely clear, can be discerned from the coverage maps section of the application. However we note that the photo simulations contained within the coverage map packet are not for this instant project. See Figure 3.

(Balance of page intentionally left blank)



Photo Sims

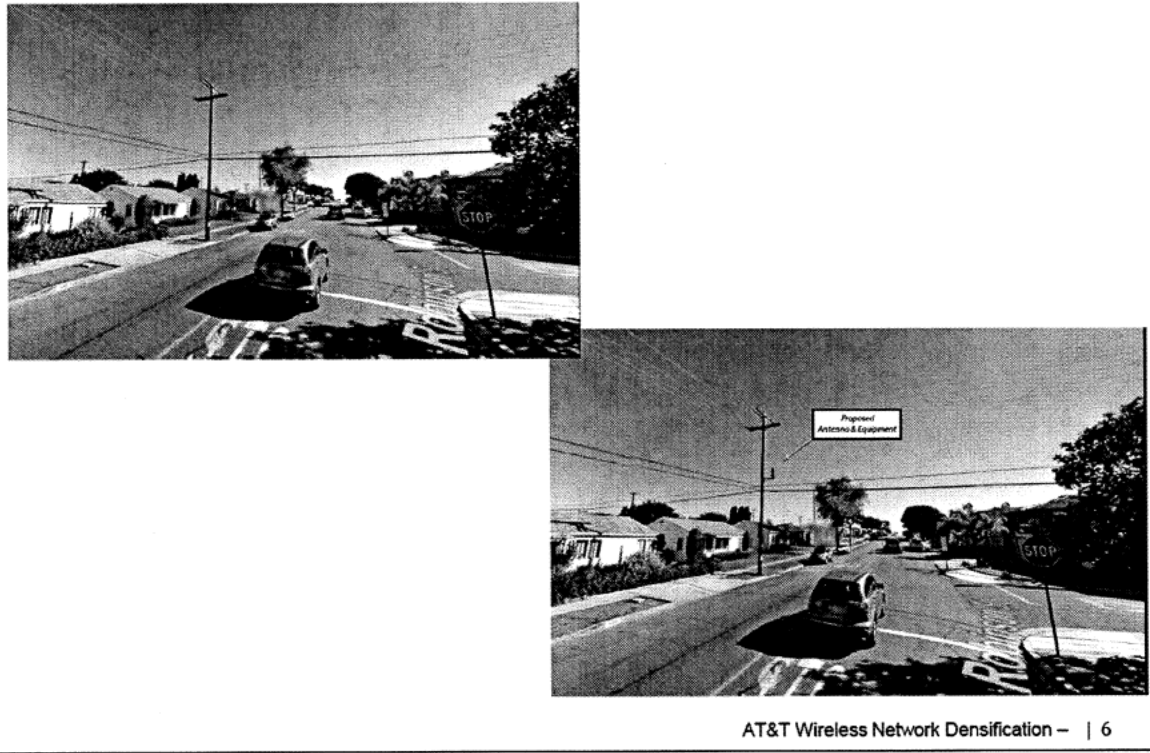


Figure 3: Photo Simulations showing a different project (Source: Applicant Coverage Maps).

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 the project description throughout the permit application details only a new Pole and not a replacement of the existing pole. See Figure 4.



| PROJECT DESCRIPTION | |
|---------------------|---|
| • | INSTALL (1) OMNI DIRECTIONAL ANTENNA AND (N) ARM MOUNT ON (N) WOOD UTILITY POLE |
| • | INSTALL (4) RRUS-2203 WITHIN (2) NEW ENCLOSURES ON (N) WOOD UTILITY POLE |
| • | INSTALL (N) CROWN CASTLE STRAND & FIBER ON (N) WOOD UTILITY POLE |
| • | INSTALL (4) DOWN-CONVERTER UNITS ON (N) CROWN CASTLE STRAND & FIBER |

Figure 4: Project description missing replacement of existing pole (Source: Plans T-1)

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 5 and Figure 6.

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 | 69.2 | 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 5: A total of three RRUs shown. Two RRUs in 1900 MHz (PCS) and one RRU in 5000 MHz (Source: Dtech Report, Table 2)

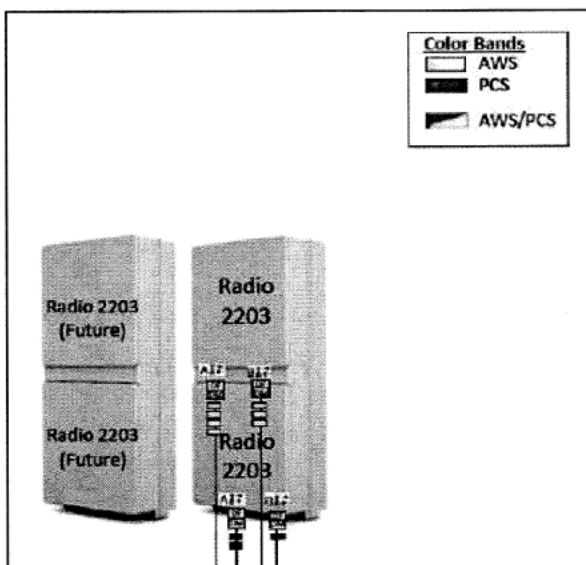


Figure 6: Two RRUS in AWS (2100 MHz) and PCS (1900 MHz) frequencies (Source: Plans page D-3; Panel 1)

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

As discussed above, there exists a question as to whether the proposed antenna and arm will actually extend over private property, or if as shown in the plans the antenna is to overhand a private planter within the ROW. Prior to any final action on this permit, Crown Castle should provide a licensed land surveyor’s report to allow for the reliable determination of this question. If outside of the ROW, we recommend the City deny the project unless Crown Castle can demonstrate that it has a recorded easement granting it rights to use private airspace above the private property.

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
FROM: Dr. Jonathan Kramer
DATE: September 14, 2018
RE: WTC17-00017 New Proposed Wireless Facility in the Public Right-of-Way adjacent to 22714 Gaycrest Avenue

APPLICANT: Crown Castle NG West LLC
APPLICANT'S ID: ATTRB-19

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 a replacement wood utility pole (“**Pole**”) in the public right-of-way (“**PROW**”) adjacent to 22714 Gaycrest Avenue (Coordinates N33.821266°; W118.368800°).

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 antenna arm to mount one Pseudo Omni Antenna [Galtronics P6480i] ("**Antenna**") center mounted at approximately 30' 11" 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 increase to 32' 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' 8" 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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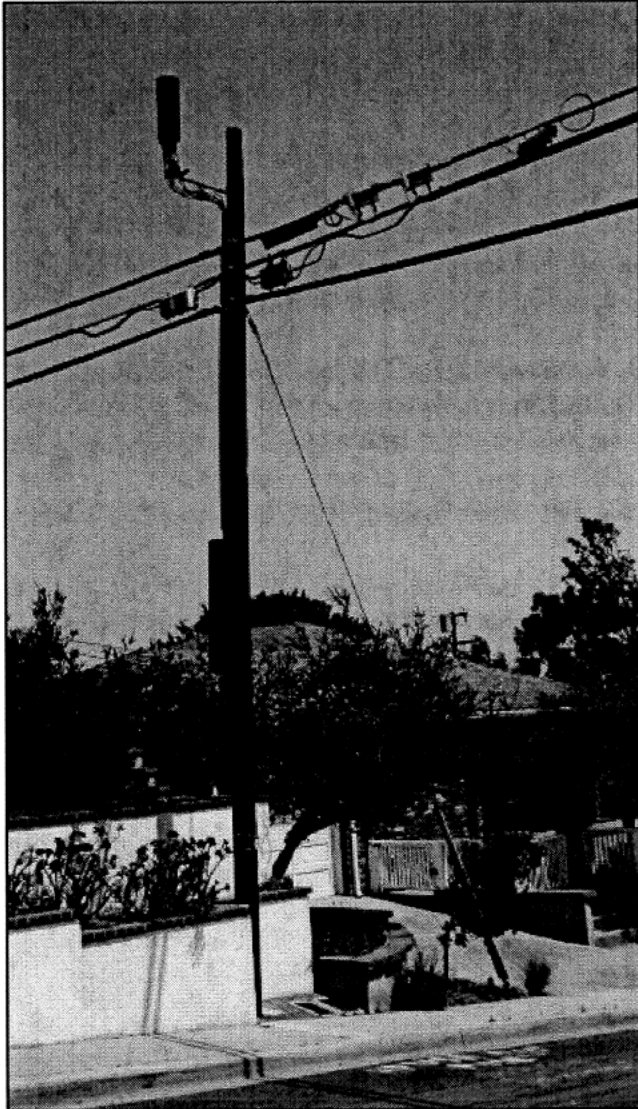


Figure 1: Proposed node on replacement utility pole (Source: Applicant's Photo Simulation provided by through its August 2018 Submission).

The photo simulation above, and the Plans, show a portion of the project overhanging an existing planter behind the curb. The Plans do include a reference to the edge of the right of way, but that edge is not certified by a land surveyor. We recommend that the Applicant provide a surveyor's report and Plan page confirming that the entirety of the project is within the right of way, or within a recorded easement for this use. Absent this confirmation from and certified by a licensed land surveyor, the City might be subject to a claim of inverse condemnation should the Plans be incorrect.



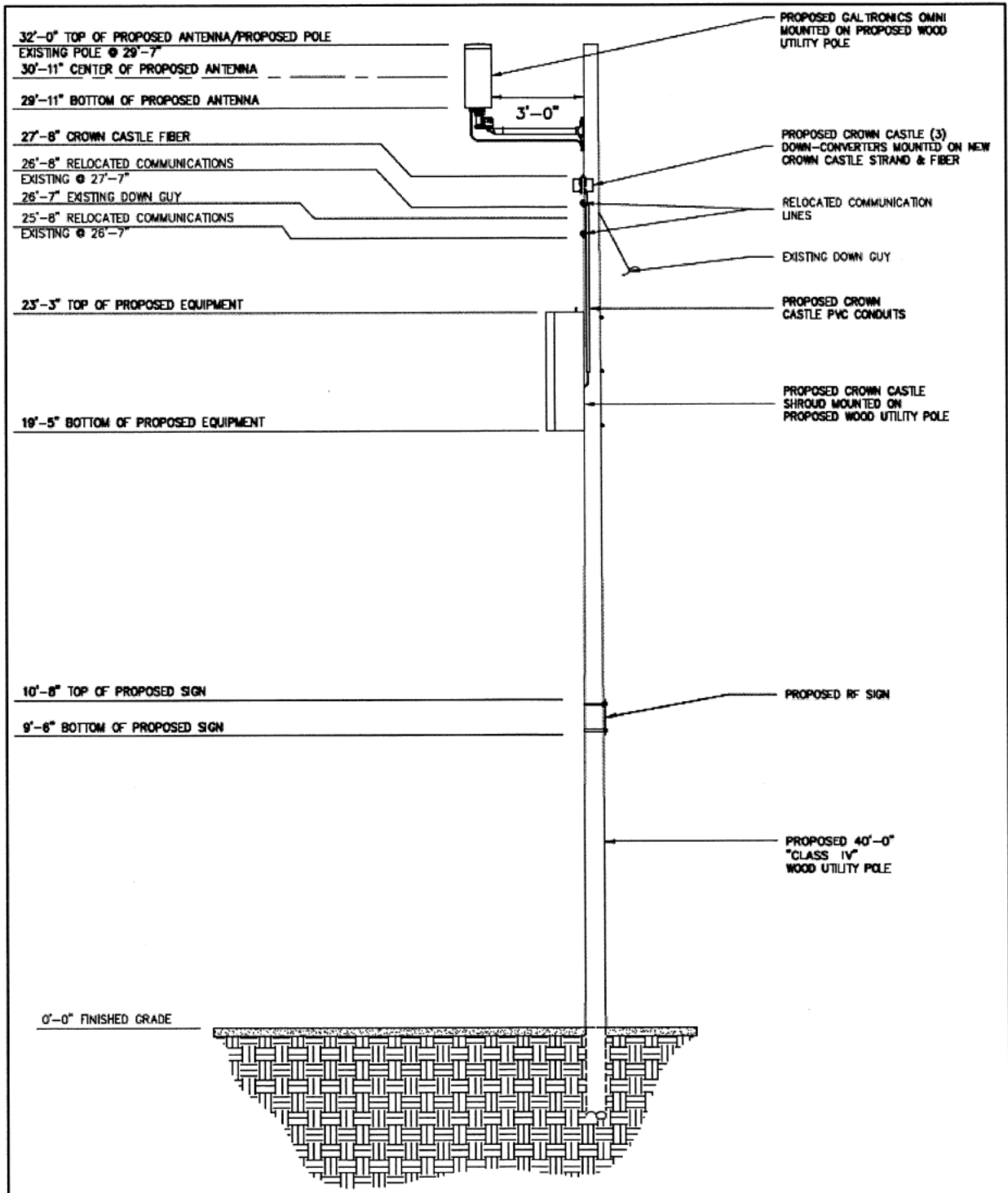


Figure 2: Proposed node on replacement utility pole (Source: Plans page A-3 panel 2).



TLF notes that the Plans do not mention whether the replacement pole will be situated at the exact same location of the old pole. Commonly, the replacement pole is placed adjacent to the existing pole, the transfer of existing facilities and addition of new facilities will occur, and then the original pole removed. In real life, that last step is often not performed for months or years. Accordingly, we recommend that conditions of approval include the following:

- The Permittee shall be solely responsible for causing the transfer of the existing pole facilities and the removal of the existing to occur within thirty (30) days after the commencement of the installation of the facilities approved in this Permit.

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**”).

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).



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.

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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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).

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.

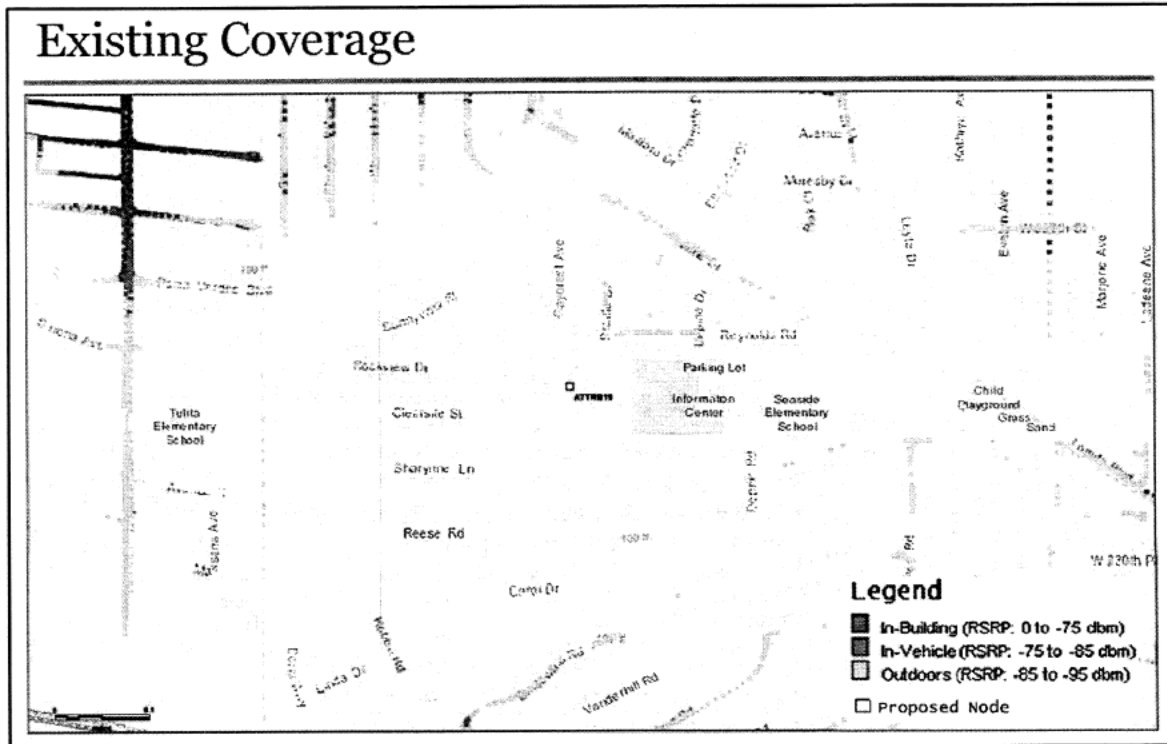


Figure 3: Existing AT&T Coverage without the proposed site (Source: AT&T August 2018 Submission).

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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.*



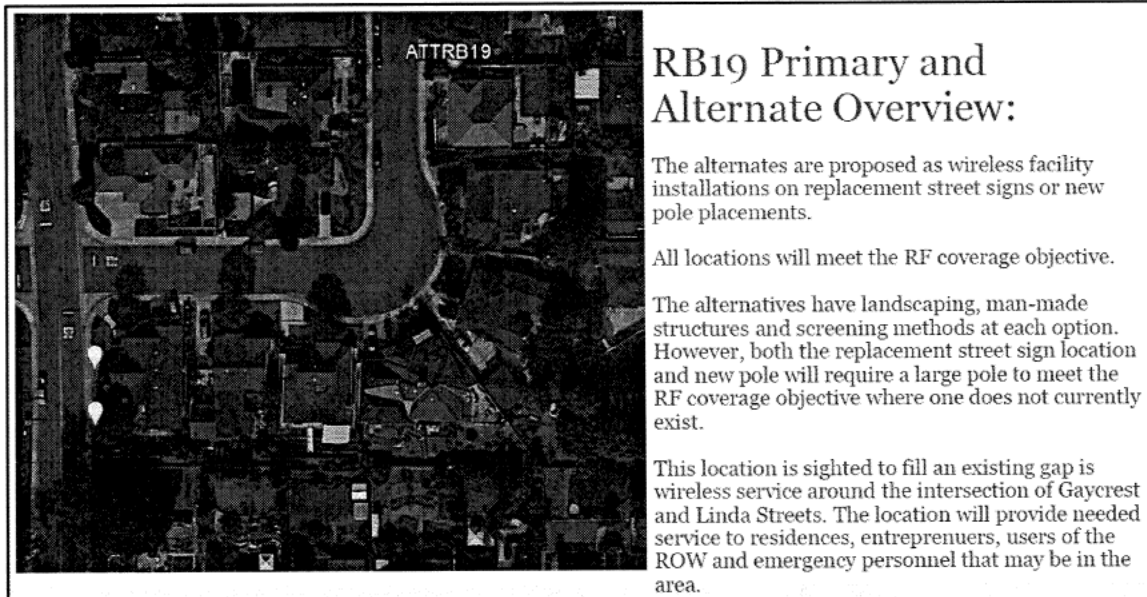


Figure 5: RB19 Primary and Alternate Overview (Source: Applicant's August 2018 Submission).

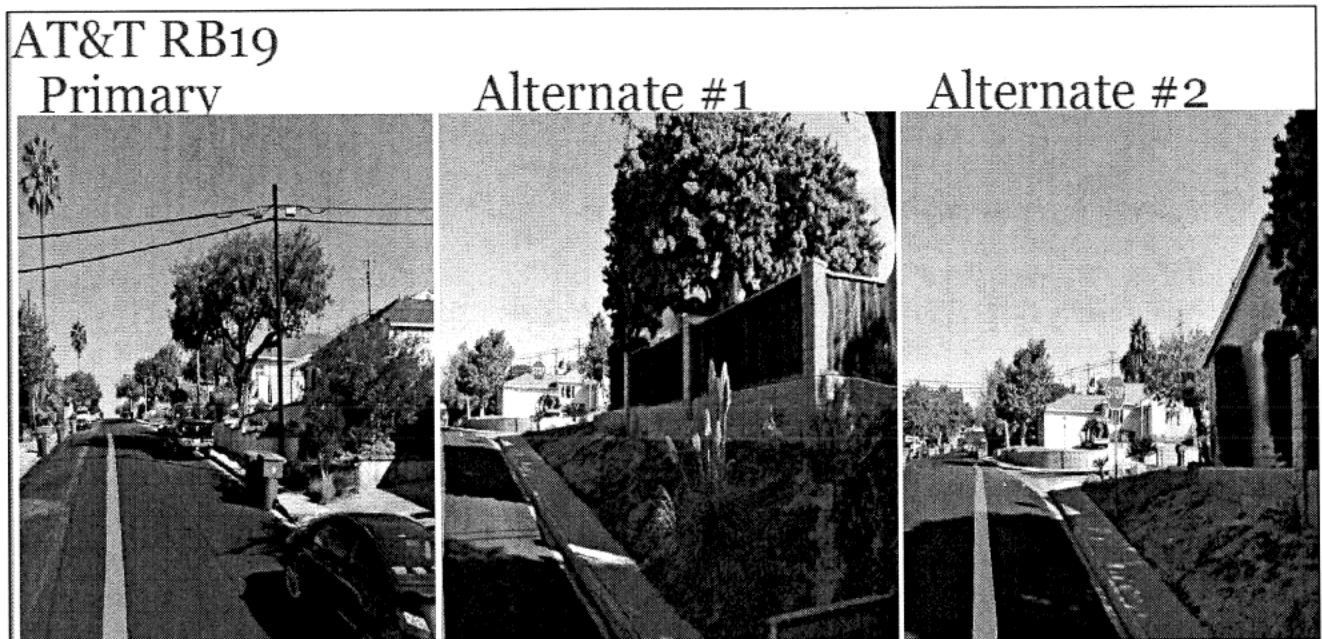


Figure 6: RB19 Primary and Alternative Sites (Source: Applicant's August 2018 Submission).

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.



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

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.*



categorical 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 "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 akin to having the owner of

²³ See *id.* § 1.1307(b)(1).



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



APPLICATION INCOMPLETE MEMORANDUM

TO: Mr. Oscar Martinez [REDACTED]
FROM: Dr. Jonathan Kramer [REDACTED]
DATE: March 8, 2018
RE: Application Completeness Review – New Proposed Wireless Facility in the Public Right-of-Way at F/O 22714 Gaycrest Avenue

APPLICANT: Crown Castle NG West, LLC
APPLICANT'S ID: ATTRB-19; USID: 177957
UTILITY POLE ID: No Tag for replacement wood utility pole

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 a replacement wood utility pole (“**Pole**”) located at F/O 22714 Gaycrest Avenue (Coordinates N 33° 49’ 16.56” W 118° 22’ 7.68”).

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 proposed to be 32’ above ground level (“**AGL**”) while the existing pole is 29’ 7” 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. Additionally, signatures and dates are missing. All other 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.



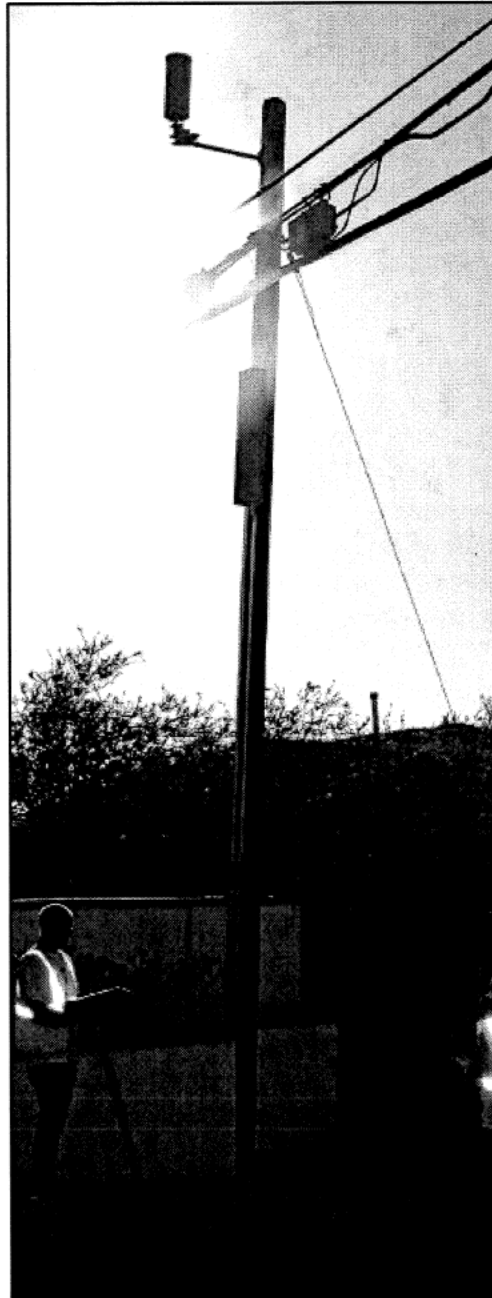


Figure 1: Omni-directional antenna, Antenna Arm, Fiber Node, (NOTE: 4 DC power converters removed/missing) RRUs enclosed within two enclosures, RF signage (Missing elements, e.g., visible connecting wires) (Source: Photo Simulations provided by Crown Castle).

- 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 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.

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 Section 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.

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





SUPPLEMENTAL TECHNICAL INFORMATION REPORT FOR WIRELESS TELECOMMUNICATION FACILITIES

1.00: Project Address 22714 Gaycrest 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 49 16.56 W 118 22 07.68



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- 3.05: Specify DATUM use above: WGS84 NAD23 NAD83
- 3.06: Project Maximum height (ft): 32'0"
- 3.07: Bottom of lowest antenna (ft): 29'11"
- 3.08: Rad-center of the antennas (ft): 30'11"
- 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.)



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- 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.)



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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.



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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.)



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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.

| | |
|--------------------------|------------------------------|
| [Redacted Signature] | GRPM |
| Signature | Title |
| Aaron Snyder | Aaron.Snyder@crowncastle.com |
| Print Name | Provide Email Address |
| Crown Castle NG West LLC | 949-344-7834 |
| Print Company Name | Provide Telephone Number |
| 8/6/18 | |
| Date Signed | |

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 Gaycrest Avenue.
- 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 WTC17-00017 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; (Planning)
9. The applicant shall clarify the maximum height of the RRU enclosure not including the mounting bracket; (Planning)

CDD RECOMMENDATIONS – 10/9/18
AGENDA ITEM 6E
CASE NO. WTC17-00017

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 if generators are required at the site, they must meet Torrance Municipal code requirements for noise; (Environmental)

October 4, 2018

Re: Application WTC17-00017,
against 22714 Gaycrest Avenue, Torrance

Dear Telecommunications Committee Members:

This letter is to register our objection to Crown Castle NG West's petition to install a small cell antenna and equipment in the garden of our house at [REDACTED] Torrance. We are retired and live in Northern California now so can not attend the hearing on Oct. 9 at 9:00a.m.

As owners, we are concerned, in part, about the impact on the value and the future salability of our property. The 2014 survey by the National Institute for Science, Law and Public Policy indicate a strongly negative perception of such towers among 94% of potential purchasers and renters. They would actively avoid a house or apartment with such an installation. Our house and others along Gaycrest will lose significant resale and rental (and property tax) value.

As landlords, we are even more concerned about the potential effects of this type of radiation on our tenants, especially on the children. And especially right where children will be sleeping in close proximity to this tower!

The health impact from electromagnetic radiation is enough of a concern that even Housing/Urban Development considers cell towers "hazardous and nuisances". HUD mandates that home appraisers note any tower's presence on their reports.

Too often, citizens have found out too late about harm done....by asbestos, radon, or even lead in their drinking water.

The City of Monterey recently faced this same problem. The citizens convinced the City of the downsides and the risks from these small cell towers; Monterey denied the permits.

We urge you to deny this permit or to relocate, as you did for Delos Drive residents, Crown Castle's proposed cell tower out of this residential, family neighborhood and into a more mixed-use environment.

Thank you,

James and Debra Hill
[REDACTED]
Monterey, CA 93940

Whiting, Aaron

From: Snyder, Aaron <Aaron.Snyder@crowncastle.com>
Sent: Thursday, September 27, 2018 4:30 PM
To: Martinez, Oscar
Cc: Santana, Danny; Whiting, Aaron; Garcia, Stephen
Subject: RE: 9/25 Telecom Action

Hi Oscar,

I want to continue all items discussed below and pick up again with the first meeting in November.

My records indicate I will need to send you an incomplete notice before 10/14 for the locations either continued or pending hearings.

Please clarify why you need an incomplete notice today when the clocks for the applications have not run out yet...just want to make sure we are on the same page.

Let's discuss at our meeting the scheduling for November and December.

Any questions, please let me know.

Thanks,

AARON L. SNYDER
Government Relations Project Manager
[REDACTED] | Office: (949)344-7834

CROWN CASTLE
200 Spectrum Center Drive-18th Floor, Irvine, Ca. 92618
CROWNCASTLE.COM

From: Martinez, Oscar <OMartinez@TorranceCA.gov>
Sent: Tuesday, September 25, 2018 3:45 PM
To: Snyder, Aaron <Aaron.Snyder@crowncastle.com>
Cc: Santana, Danny <DSantana@TorranceCA.gov>; Whiting, Aaron <AWhiting@TorranceCA.gov>; Garcia, Stephen <Stephen.Garcia@crowncastle.com>
Subject: 9/25 Telecom Action

Aaron,

The Telecom Committee continued WTC17-00009 & WTC17-00010 to October 9, 2018. Should you wish to continue to request an indefinite continuance in the future (no date set), tolling agreements must be in place prior to the request. Please let me know ASAP if you cannot make the October 9, 2018 Telecom Hearing for these projects that were continued today:

WTC17-00009 (ATTRB30) 23518 Evalyn continued to 10/9/18

WTC17-00010 (ATTRB21) 5231 Laurette continued to 10/9/18

Such agreements would need to be in place by 10/2/18. A copy of the staff reports prior to your continuance request have been attached.

In addition, I want to confirm the following projects are still on track for October 9, 2018 or if you wish to enter into a tolling agreement for those:

| | | |
|-----------------------|----------------|-------|
| WTC17-00015 (ATTRB27) | 4336 230th | 9-Oct |
| WTC17-00016 (ATTRB26) | 4628 Lenore | 9-Oct |
| WTC17-00017 (ATTRB19) | 22714 Gaycrest | 9-Oct |

Please advise by 3p tomorrow (9/26/18) if you would like to postpone items WTC17-00015, WTC17-00016, and WTC17-00017 as well.

Oscar Martinez

Senior Planning Associate – Community Development Department

City of Torrance | 3031 Torrance Blvd | Torrance CA 90503 | 310-618-5870 voice | 310-618-5829 fax | OMartinez@TorranceCA.gov | www.TorranceCA.gov | www.Twitter.com/TorranceCA

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Whiting, Aaron

From: Kitty Adams <kitty.adams@adoptacharger.org>
Sent: Friday, October 05, 2018 10:39 AM
To: Whiting, Aaron
Subject: Objection to proposed Telecommunications Antenna
Attachments: City of Torrance, objection to WTC17-00017.doc

Hi Aaron - Thank you for taking the time to explain the procedure for approval or denial of the proposed telecommunications antenna on the property of the house that I rent at [REDACTED] Torrance CA 90505.

Attached is my letter objecting to the proposed plan. Thanks - Kitty

--

Kitty Adams
Executive Director, Adopt A Charger, Inc.
(310)766-7160

October 5, 2018

Re: Application WTC17-00017,
against 22714 Gaycrest Avenue, Torrance

Dear Telecommunications Committee Members:

This letter is to register my objection to Crown Castle NG West's petition to install a small cell antenna and equipment at the rental home where I have lived for the past 9 years, located at 22714 Gaycrest Avenue, Torrance. I am out of town for work on October 9th and can not attend the hearing but would like to be on record as opposing the plan and request the City of Torrance deny the permit application.

My main concern is the potential effects of this type of radiation, especially on my children. Our bedrooms are in close proximity to the utility pole where the antenna is proposed.

Thank you,

Kathryn Adams


Torrance, CA 90505