



Regular Meeting Agenda

Planning Commission

Mohammad Habib - Chair
Malisha Kumar - Vice-Chair
Joseph Mueller - Planning Commissioner
Wayne Tanda - Planning Commissioner
Laura Gonzalez-Escoto - Planning Commissioner
Liam Downey - Planning Commissioner
Juan Miguel Munoz-Morris - Planning Commissioner

Tuesday, November 24, 2020 7:00 pm

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

MEETING GUIDELINES

Meeting Guidelines

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. We will address the Order in the following ways:

Members of the public may NOT physically attend meetings at the Morgan Hill City Council Chamber.

The Planning Commission meeting will be live streamed on Channel 17 and on the City's website. Those members of the public wishing to participate remotely may do so via the electronic meeting at: <http://bit.ly/112420PlanningCommissionMtg> or by calling in to: (669) 900-9128, then enter the meeting ID 827 0901 9929.

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

Pursuant to Government Code Section 54954.2

PLEDGE OF ALLEGIANCE

OPEN PUBLIC COMMENT PERIOD

Members of the public are entitled to address the Planning Commission concerning any item within the Morgan Hill Planning Commission's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the Planning Commission is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

ORDERS OF THE DAY

PUBLIC HEARINGS

1. **UP2020-0004: MAST-TITAN SPORTS ACADEMY - CONDITIONAL USE PERMIT FOR A YOUTH GYMNASTICS GYM INSIDE AN EXISTING INDUSTRIAL BUILDING AND POSSIBLE REDUCTION IN PARKING. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER 817-02-063 IS LOCATED ON THE NORTH SIDE OF MAST STREET APPROXIMATELY 150 FEET WEST OF THE INTERSECTION WITH VINEYARD BOULEVARD.**

Recommendation:

1. Open/close public hearing.
2. Continue the public hearing to the January 12, 2021 Planning Commission Meeting.

2. **AAE2020-0003, EA2020-0015: W. DUNNE-AT&T - CONDITIONAL USE PERMIT AMENDMENT TO AN EXISTING UNMANNED TELECOMMUNICATION FACILITY TO ALLOW UP TO NINE PANEL ANTENNAS AND ASSOCIATED EQUIPMENT. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER 773-09-030 IS LOCATED AT THE EXISTING CITY OF MORGAN HILL WATER TANK ON THE EASTERLY SLOPE OF EL TORO.**

Recommendation:

1. Open/close public hearing; and,
2. Adopt a Resolution approving the amendment to Conditional Use Permit (UP88-05) allowing up to nine panel antennas to be located at the existing telecommunication facility.

DIRECTOR'S REPORT/ANNOUNCEMENTS

ADJOURNMENT

NOTICE

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act that are distributed to a majority of the legislative body less than 72 hours prior to an open session, will be made available for public inspection at the Office of the City Clerk at Morgan Hill City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 at the same time that the public records are distributed or made available to the legislative body. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the Commission concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Commission on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Commission Chambers, and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Commission, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the Commission on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the Commission.

Persons interested in proposing an item for the Commission agenda should contact a member of the Commission who may plan an item on the agenda for a future Commission meeting. Should your comments require Commission action, your request may be placed on the next appropriate agenda. Commission discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Commission at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the Commission, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of Commission Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.



PLANNING COMMISSION STAFF REPORT

MEETING DATE: November 24, 2020

PREPARED BY: Joey Dinh, Associate Planner

APPROVED BY: Jennifer Carman, Community Development Director

UP2020-0004: MAST-TITAN SPORTS ACADEMY - CONDITIONAL USE PERMIT FOR A YOUTH GYMNASISTICS GYM INSIDE AN EXISTING INDUSTRIAL BUILDING AND POSSIBLE REDUCTION IN PARKING. THE PROPERTY. IDENTIFIED BY ASSESSOR PARCEL NUMBER 817-02-063 IS LOCATED ON THE NORTH SIDE OF MAST STREET APPROXIMATELY 150 FEET WEST OF THE INTERSECTION WITH VINEYARD BOULEVARD.

RECOMMENDATION(S)

1. Open/close public hearing.
2. Continue the public hearing to the January 12, 2021 Planning Commission Meeting.

LOCATION MAP:



CONTINUANCE REQUEST:

Titan Sports Academy is requesting a Conditional Use Permit to allow indoor commercial recreation for a youth gymnastic gym that offers training and classes to youth at 195 Mast Street.

During the analysis of the project, it was determined that additional information is needed prior to bringing the project forward to a public hearing. Although the team is requesting to continue the public hearing to January 12, 2021, the project will be re-noticed due to the long continuance period and the holidays.



PLANNING COMMISSION STAFF REPORT

MEETING DATE: November 24, 2020

PREPARED BY: Joey Dinh, Associate Planner

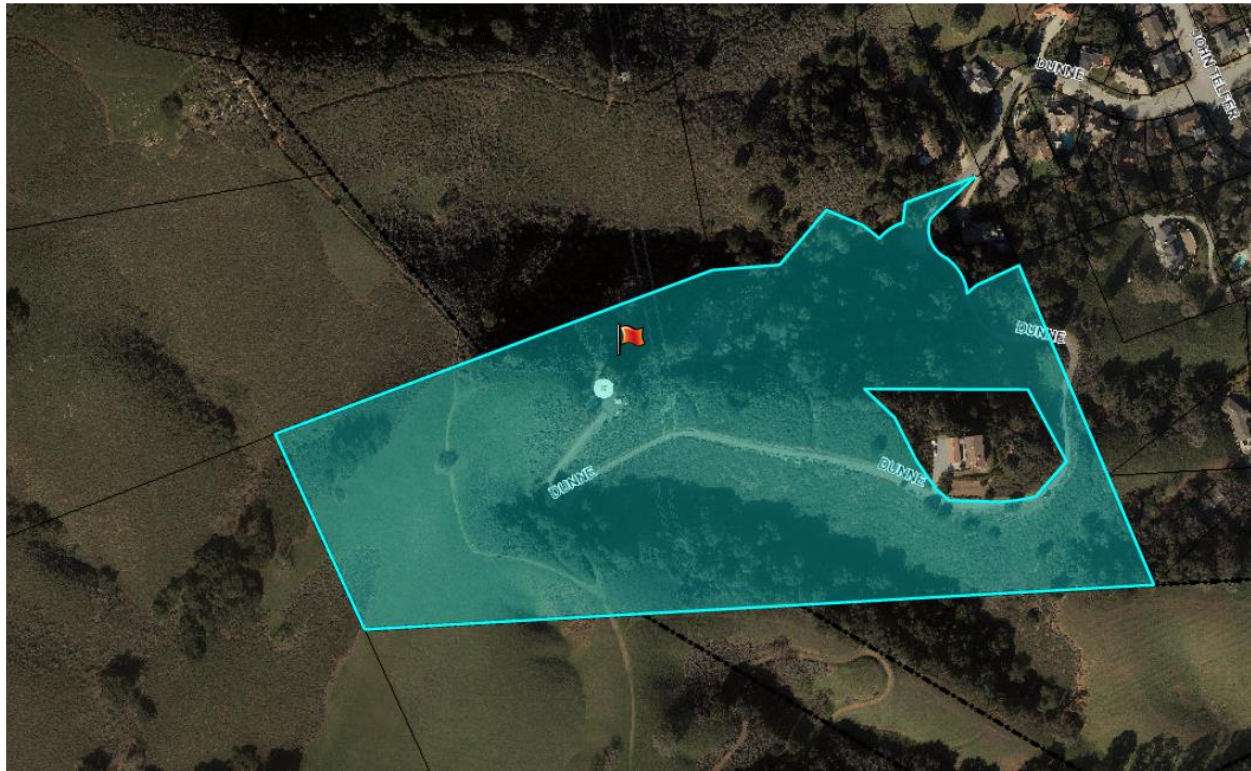
APPROVED BY: Jennifer Carman, Community Development Director

AAE2020-0003, EA2020-0015: W. DUNNE-AT&T - CONDITIONAL USE PERMIT AMENDMENT TO AN EXISTING UNMANNED TELECOMMUNICATION FACILITY TO ALLOW UP TO NINE PANEL ANTENNAS AND ASSOCIATED EQUIPMENT. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER 773-09-030 IS LOCATED AT THE EXISTING CITY OF MORGAN HILL WATER TANK ON THE EASTERLY SLOPE OF EL TORO.

RECOMMENDATION(S)

1. Open/close public hearing; and,
2. Adopt a Resolution approving the amendment to Conditional Use Permit (UP88-05) allowing up to nine panel antennas to be located at the existing telecommunication facility.

LOCATION MAP:



PROJECT SUMMARY:

1. Location: City of Morgan Hill water tank on the east side of El Toro (APN:773-09-030)
2. Site Area: 27.28 Acres
3. General Plan: Open Space (OS)
4. Zoning: Open Space-Hillside (OS-H)

BACKGROUND:

The City of Morgan Hill owns the subject site, which is partially developed with a large water tank and several communication facilities, including a monopole that was approved with a Conditional Use Permit (UP88-05) in 1988 and constructed by the Santa Clara Valley Transportation Authority (VTA). AT&T maintains the equipment shelter and antennas mounted on the VTA monopole.

In January 2004, AT&T requested an amendment to UP88-05 to remove the antennas on the VTA pole and construct and install eight panel antennas on eight poles along the perimeter fence. Each antenna pole is approximately 18'-0" in height from grade. The Planning Commission approved the amendment by adopting Resolution 04-06. Condition F.1 of the approval required that any intensification that would result in greater than eight (8) panel antennas would require an amendment to the Conditional Use Permit.

On November 21, 2019, AT&T submitted an application for an Administrative Use Permit to allow collocation of a microwave dish. In January 2020, Approval Certificate 19-023 was approved to allow the collocation of a microwave dish antenna (8-foot diameter) at the existing wireless telecommunication facility, located directly next to the existing panel antenna poles along the perimeter fence.

PROJECT DESCRIPTION

The applicant is requesting an amendment to Use Permit UP-88-05 to allow the installation of up to nine (9) panel antennas to be installed on the poles mounted along the perimeter fence. The request is to allow AT&T to update and upgrade the equipment and technology at the facility to increase wireless coverage capacity in Morgan Hill. The antennas/poles will be the same 18 feet in height from grade. The addition of the ninth antenna would require installing a bracket that would be able to hold three panel antennas instead of the existing bracket that could only hold two antennas. The proposed sector of antennas would have a slight increase in footprint as the bracket would increase from approximately 4'-0" in length to approximately 8'-0" in length. The new antennas and associated equipment will also be painted the same brown color as the existing antennas and equipment. A statement of operation, project narrative and plans has been provided (Attachments 2, 3 and 4).

ANALYSIS:

The proposed amendment to the Conditional Use Permit was analyzed for consistency with the: 1) General Plan, 2) Zoning Ordinance, 3) Conditional Use Permit Findings, and 4) California Environmental Quality Act.

1. General Plan

The General Plan land use designation of the site is Open Space. This designation applies to land in the City limits and Sphere of Influence (SOI), and includes public parks, private golf courses, and large parcels of land generally 50 acres or more in size. Land designated Open Space is generally meant to remain unimproved and devoted to the preservation of natural resources, managed production of resources, or public health and safety, as well as to complement adjacent, higher density residential and commercial development. Allowed uses include agriculture, outdoor recreation, and a secondary dwelling unit. One single family home per parcel is allowed, with appropriate permit.

The following are General Plan Policies relevant to the proposed wireless telecommunications facility.

Policy ED-9.1 Robust Telecommunications. Support the development of state-of-the-art telecommunications, policies, amenities, and facilities that meet the needs of local businesses and assist the City in attracting new businesses.

Policy SSI-18.1 Access and Availability. Work with service providers to ensure access to and availability of a wide range of state-of-the-art telecommunication systems and services for households, businesses, institutions, and public agencies in Morgan Hill.

Policy SSI-18.2 Telecommunications Marketplace Competition. Encourage marketplace competition from multiple telecommunications service providers to maximize access to inexpensive service.

Policy SSI-18.3 Retrofitting. Work with utility companies to retrofit areas not served by current telecommunication technologies, as feasible.

Policy SSI-18.4 Telecommunication Planning. Work with utility companies to strategically plan telecommunication for newly developing areas.

Policy SSI-18.5 Collocation of Telecommunication Facilities. Encourage compatible collocation of telecommunication facilities and work with utility companies to provide opportunities for siting facilities on City-owned property and public rights-of-ways.

The proposed wireless telecommunication facility is consistent with the Economic Development Policy (ED-9) by providing infrastructure that will upgrade the range for AT&T customers. A before and after propagation map has been included (Attachment 5). This upgrade in service will help make Morgan Hill a more competitive business location by upgrading the City's existing telecommunications system. The current proposal also advances the Telecommunications Policies (SSI-18.1 thru 18.5) by siting the facility on City-owned property, providing increased coverage and eliminating

existing weak spots. The proposed facility will also allow AT&T to remain competitive with other carriers by eliminating weak spots within their service area.

2. Zoning

The site is zoned Open Space with a Hillside combining district (OS-H). The purpose of the Open Space (OS) zoning district is to preserve and enhance open space lands as a limited and valuable resource in Morgan Hill. The OS zoning district is intended to permit limited but reasonable use of open space lands while reducing exposure to geologic hazards, to preserve agricultural land, and to preserve the topographic features that contribute to Morgan Hill's unique identity. The purpose of the Hillside (H) combining district is to allow for the orderly development of hillside areas while preserving significant environmental features and protecting public safety in geologically unstable areas. In the OS zoning district, wireless communications facilities must be consistent with the requirements contained within Morgan Hill Municipal Code Chapter 18.96 Wireless Communications Facilities.

To approve a Conditional Use Permit for a telecommunications facility, the Planning Commission must find the proposed facility is consistent with the requirements of Chapter 18.96, and the facility is sited in the most preferred manner possible while meeting the applicant's wireless objectives. The Planning Commission is also required to make all the findings required for the Conditional Use Permit as specified in Chapter 18.108 (Specific Permit Requirements).

Section 18.96.040 (Required permits) of the Morgan Hill Municipal Code requires a Conditional Use Permit for all new facilities and modifications outside the public right-of-way. The proposed wireless telecommunication facility is a modification to an existing facility and therefore is required to have Planning Commission approval of the amendment to the Conditional Use Permit.

18.96.070 - Preferred siting and location.

The following siting and location preferences apply to all telecommunication facilities.

A. Preferred Siting. To the extent possible, all proposed facilities should be sited according to the following preferences, ordered from most preferred to least preferred:

1. Collocations on existing base stations outside the rights-of-way; then
2. Collocations on towers outside the rights-of-way; then
3. New building-mounted facilities outside the rights-of-way; then
4. New towers outside the rights-of-way.

The wireless telecommunication facility currently exists on City-owned property adjacent to the water tank of El Toro. This project is proposing to upgrade an existing base station, which is outside the right-of-way and is therefore consistent with the preferred siting number 1 as outlined above.

B. Preferred Locations — General. All applicants should, to the extent possible, propose new facilities and substantial changes to existing facilities in non-residential zones.

The proposed change is for an existing wireless telecommunication facility in a non-residential, OS zoning district consistent with the general location criteria. There are residential detached low-density zoning districts located adjacent to the project parcel on the east side along Dunne Avenue and John Telfer Drive. The existing telecommunication facility is approximately 1,000 feet from the neighboring residentially zoned properties. There is a single-family dwelling located 750 feet from the facility within the OS zone district.

C. Preferred Locations — Residential and Open Space Zones. If a facility is proposed in a residential (RE, RDL, RDH, RAL, RAM, RAH)), a residential Planned Development, or Open Space (OS) zone, all facilities should be located according to the following preferences, ordered from most preferred to least preferred:

1. City owned or controlled parcels; then
2. Parcels that contain non-residential uses and do not contain residential uses; then
3. Parcels that contain non-residential conditional uses and do contain residential uses; then
4. Parcels that do not contain single-family homes; then
5. All other parcels.

The existing facility is located on a City owned parcel and is zoned OS in a non-residential zone and does not contain any residential uses. The proposed upgrade for the wireless telecommunication facility is consistent with preferences one and two.

Development Standards (18.96.080)

A. General Design Standards.

All new facilities must conform to the following Development Standards:

1. Concealment. All new facilities and substantial changes to existing facilities must incorporate concealment measures and/or techniques appropriate for the proposed location and design. All ground-mounted equipment on private property must be completely concealed to the extent feasible according to the following preferences, ordered from most preferred to least preferred:
 - a. Within an existing structure including, but not limited to, an interior equipment room, mechanical penthouse, or dumpster corral; then
 - b. Within a new structure designed to integrate with or mimic the adjacent existing structure; then
 - c. Within an underground equipment vault if no other feasible above-ground design that complies with subsections (a) or (b) exists.

All upgrades will be contained within the existing footprint of the existing telecommunication facility. All auxiliary equipment swaps, or upgrades will be contained within the existing 244 square foot AT&T equipment shelter. The proposed project is consistent with the first preference for concealment. The ninth antenna will be added on existing poles located along the perimeter fence of the City water tank. The antenna and new bracket will be painted with the same color as the existing antenna and equipment.

2. Height.

- a. All new facilities and substantial changes to existing facilities must not exceed the height limit in the applicable zone except as allowed in Paragraph b below.
- b. The review authority may approve a height exception up to 8 feet above the height limit when a proposed facility is (1) mounted on the rooftop of an existing building; (2) completely concealed; and (3) architecturally integrated into the underlying building. This exception does not apply to any towers or utility poles.

In the OS zone district, the maximum height allowed is up to two stories or 25 feet. There is an existing 83 feet monopole and each individual pole along the perimeter fence is approximately 18 feet tall. There are no proposed height changes to the existing poles along the perimeter fence and therefore no height exception is requested. The existing monopole is not part of this request.

3. Setbacks. All facilities must comply with all setback requirements in the applicable zone.

Standard	Requirement	Existing	Consistent
Front	50 feet	1000 feet	As determined by Planning Commission
Rear	As required by review authority	800 feet	As determined by Planning Commission
Side	50 feet interior or 25 feet street side	200 feet	As determined by Planning Commission
Height	Two stories or 25 feet	18 feet	As determined by Planning Commission
Building Coverage	5 percent	0.51 percent	As determined by Planning Commission

The setbacks for the existing facility exceed the minimum development standards set by the OS zone district.

4. Collocation. Applicants shall design their facilities to accommodate future collocated facilities to the extent feasible.

This facility is existing and is owned by AT&T. Although collocation is possible, there is a Condition of Approval within Planning Commission Resolution No. 04-06 that required any intensification beyond eight panel antennas to require an amendment the original Conditional Use Permit (UPA88-05).

5. Landscaping. In addition to any landscaping required by the city for concealment or screening purposes, the applicant shall install and maintain additional landscaping to replace any existing landscaping displaced during the construction or installation of the facility.

Since this is an OS designated parcel and is located on El Toro, the parcel is largely undeveloped and left in a nature state. The OS designation is meant to remain largely unimproved as defined in the General Plan.

6. Backup or Standby Power Sources and Generators. The City may not approve any fossil fuel-powered backup power sources or generators unless the applicant demonstrates that the facility cannot feasibly achieve its power needs with batteries, fuel cells or other similarly non-polluting, low noise-level means.

There is an existing propane tank at the facility however no new back-up or stand-by generators are proposed. The proposed project will also add batteries contained within the existing equipment shelter.

7. Lights.
 - a. Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and lights and must install such lights so as to avoid illumination impacts to adjacent properties to the maximum extent feasible. The city may exempt an applicant from this requirement when the applicant demonstrates a substantial public safety need.
 - b. All aircraft warning lighting must use lighting enclosures that avoid illumination impacts to properties in the city to the maximum extent feasible.

No lights are proposed for the project.

8. Noise. All transmission equipment and other equipment (including without limitation air conditioners and sump pumps) associated with the facility must not emit sound that exceeds the applicable limit established in Municipal Code Chapter 8.28 (Noise).

The daily operation of the wireless telecommunication facility will not produce any noise. The project is also proposing to upgrade to batteries, which will produce minimal noise, if any. In the event a PG&E power interruption lasts more than 6-8 hours and use of the existing back-up generator is required, the noise from any backup generator should be less than significant. The nearest residence is over 750 feet to the east. The General Plan noise levels standards for residences (Policy SSI-8.1) specify a maximum exterior

level of 60 dBA and interior of 45 dBA. Noise levels decrease approximately 1dBA for every ten feet. Over the remaining 750-foot separation distance, the generator noise will decrease by 75 dBA. The existing generator is not part of the request for the CUP amendment and addition of the antenna will not affect its potential use or noise impacts.

9. Signage.

- a. A facility may not display any signage or advertisements unless expressly allowed by the city in a written approval, recommended under FCC regulations or required by law or permit condition.
- b. Every facility shall at all times display signage that accurately identifies the facility owner and provides the facility owner's unique site number, and also provides a local or toll-free telephone number to contact the facility owner's operations center.

No advertising signs are proposed at the wireless telecommunication facility. The only signs proposed are required identification signs containing the site number, owner, emergency contact information, and caution signs for hazards.

10. Code Compliance. A permit holder shall design and maintain all facilities in compliance with all applicable federal, state, and local laws, codes, regulations, ordinances, or other rules.

AT&T is a registered public utility, licensed and regulated by the California Public Utilities Commission and the Federal Communications Commission. The existing wireless telecommunication facility will be maintained in accordance with the Federal Communication Commission license standards, American National Standards Institute, Institute of Electrical and Electronics Engineers and the Telecommunications Act of 1996.

B. Tower-Mounted Facilities.

1. General Design Preferences. To the extent feasible and appropriate for the proposed location, all new tower applications should be designed according to the following preferences, ordered from most preferred to least preferred:
 - a. Faux architectural features (examples include, but are not limited to, bell towers, clock towers, lighthouses, obelisks, and water tanks); then
 - b. Faux trees; then
 - c. Monopoles that do not conceal the antennas within a concealment device.

The existing facility does not have any concealment devices. However, the antenna and equipment upgrade on the poles along the perimeter fence will be painted the same color to match the existing poles and equipment. The addition of the antenna will not drastically change the existing visual appearance of the facility as shown in the photo simulation exhibit.

3. Conditional Use Permit Amendment Findings

Changes to conditionally approved uses require approval of a Conditional Use Permit amendment by the Planning Commission. Section 18.108.030 of the Municipal Code requires the Planning Commission to make the following findings to approve a Conditional Use Permit amendment application:

In reviewing the application for a Conditional Use Permit, the Planning Commission shall consider the following:

a. The proposed use is allowed in the applicable district.

The project site is zoned Open Space (OS). Wireless Communications Facilities consistent with the requirements of Chapter 18.96 Wireless Communications Facilities are a conditional use in the OS zoning district.

b. The proposed use is consistent with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.

The telecommunications facility is existing. The project is proposing to make upgrades to an existing facility in the OS zone district on City-owned property. This is the most preferred location and siting according to the Zoning Ordinance. The proposed telecommunication use is consistent with the Economic Development Goal (ED-9) by providing infrastructure that will help make Morgan Hill a competitive business location. The current proposal also advances the Telecommunications Goal (SSI-18) and policies by siting the facility on City-owned property, by upgrading the City's telecommunications system to allow increased coverage, eliminating existing weak spots, and offering future collocation opportunity.

c. The site is suitable and adequate for the proposed use.

The proposed upgrades to the existing telecommunications facility fit within the existing footprint of the project site and does not require modification to the footprint of circulation (service roads) of the property. The location provides a 750-foot buffer to the nearest residential use. The water tank/El Toro site also provides an ideal location for the telecommunication facility based on the needed coverage area, topography, and the heights of nearby structures.

d. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the property.

The proposed project will be upgrading an existing facility. The installation of the upgrades will cause minimal disruption during the construction since the nearest residential use is approximately 750 feet away. There are no long-term disruptions since the facility is unmanned, fully secured, and does not emit any noise or odor.

The project is compatible with existing and proposed development within the district and its surroundings. The site already contains existing cellular and radio facilities. The

poles/antennas will maintain the same height but will have a slight increase in overall footprint of the antennas. The addition of the ninth antenna will increase the length of a sector of antennas from approximately 4'-0" long to 8'-0" long. However, the resulting antennas would continue to have only limited visibility off-site (Attachment 6).

- e. **The proposed use will not be detrimental to the public health, safety, and welfare.**

The potential detrimental effects associated with the proposed antenna use are radio frequency electro-magnetic energy, noise, and air quality. The addition of the antenna will not increase the system potential impacts on public health, safety, or welfare.

Radio Frequency Electro-Magnetic Energy (RF-EME)

The proposed antenna will generate Radio Frequency Electro-Magnetic Energy (RF-EME). The Federal Communications Commission, FCC has set maximum permissible exposure limits for both general public, and occupational exposure to RF-EME's. A radio frequency (RF) report prepared by a certified RF engineer, was completed for the proposed upgrades (Attachment 7). The report uses a modeling system to measure the predicted RF-EME from the proposed antenna. Based on the worst-case modeling, exposure at any accessible rooftops or ground walking/working surfaces in the project vicinity will be below the FCC's occupational and general public exposure limits. Pursuant to the Federal Telecommunications Act of 1996, the City may not deny an application for a wireless telecommunications facility due to perceived health risks if the proposed facility complies with Federal RF exposure standards. A report will be prepared after construction to confirm compliance with the federal standards.

Noise

Typical operation of the facility will not produce any noise. The proposed upgrades will also install batteries, which are generally not produce much noise, if any. There is an existing generator to be used only for emergencies, however, the nearest residential use is approximately 750 feet away.

Air Quality

Under typical operation, the facility will not affect air quality. However, during emergencies, the diesel-powered generator will emit diesel particulate matter. Due to the dispersive nature of the diesel exhaust, and the distance to the nearest residence, the concentrations of the diesel exhaust would be substantially reduced at the nearest residence. As a tertiary power source, use of the generator would be infrequent and given the considerable distance to the nearest residence should not be detrimental to the surrounding public health, safety and welfare.

- f. **The proposed use would not have a substantial adverse effect in traffic circulation and on the planned capacity of the street system.**

The wireless telecommunication facility would be unmanned. The proposed use and design will not have a substantial adverse effect on traffic circulation. The wireless communication facility is unoccupied. No personnel are required at the site and

maintenance would be on an as-needed basis only. The existing street system has the capacity to handle occasional site visits.

- g. **The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.**

The wireless telecommunication facility is located within the City limits and on City property. The property is currently served by PG & E, City water and sewer. The proposed project will be adequately served by the existing and planned services and infrastructure.

California Environmental Quality Act (CEQA):

An environmental assessment found that the project consisting of upgrades to an existing telecommunication facility and its related equipment is Categorically Exempt from the California Environmental Quality Act. The Director of Community Development determined that the project is exempt pursuant to Section 15201 of the California Environmental Quality Act. This telecommunication facility is existing, and the project would involve a minor addition to the existing structures that would not exceed 50 percent of the floor area or 2,500 square feet. The proposed changes would be contained solely within the existing footprint of the telecommunication facility. A Notice of Exemption has been prepared and will be posted pending the approval of this project (Attachment 8).

Community Engagement

The proposed project was publicly noticed (mailing to property owners within 300 feet of the project and newspaper legal noticing) for the minimum 10-day period. A sign was also posted on the site for the minimum 10-day period.

LINKS/ATTACHMENTS:

1. Resolution
2. Statement of Proposed Operation
3. Project Narrative - Letter of Request
4. Project Plans (Weblink)
5. Propagation Map
6. Photosimulations (Weblink)
7. RF Report
8. NOE

RESOLUTION NO. 20-15

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF MORGAN HILL APPROVING AN
AMENDMENT TO A CONDITIONAL USE PERMIT TO
ALLOW INSTALLATION OF UP TO NINE PANEL
ANTENNAS ON EXISTING POLES MOUNTED ALONG
THE EXISTING PERIMETER FENCE LOCATED AT THE
EXISTING CITY OF MORGAN HILL WATER TANK
LOCATED ON THE EASTERLY SLOPE OF EL TORO
(APN 773-090-30)**

WHEREAS, Conditional Use Permit UP-88-05: El Toro-Dunne was approved by the Planning Commission at their regular meeting of June 14, 1988;

WHEREAS, the Planning Commission approved an amendment to Conditional Use Permit UP-88-05: El Toro-Dunne allowing the installation of up to eight panel antennas along the perimeter fence at their regular meeting of January 27, 2004;

WHEREAS, on September 4, 2020, J5 Infrastructure Partners, on behalf of AT&T Mobility, submitted an application to amend Conditional Use Permit UP-88-05: El Toro-Dunne to allow for up to nine panel antennas to be installed on existing poles mounted along the existing perimeter fence located at the existing City of Morgan Hill water tank located on the easterly slope of El Toro;

WHEREAS, the Development Services Director has determined that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1 of the CEQA Guidelines as the Project consists of upgrades to an existing telecommunication facility, and the project would involve a minor addition to the existing structures that would not exceed 50 percent of the floor area or 2,500 square feet. The proposed changes would be contained solely within the existing footprint of the telecommunication facility;

WHEREAS, such request was considered by the Planning Commission at their regular meeting of November 24, 2020; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES
RESOLVE AS FOLLOWS:**

SECTION 1. The conditional use as hereby approved is consistent with the Zoning Ordinance and the General Plan as described below and in the staff report dated November 24, 2020.

SECTION 2. The approved upgrades to an existing telecommunication facility have been found consistent with the criteria for Wireless Communications Facilities approval contained in Section 18.96.050 E of the Zoning Code and hereby adopted:

1. The facility is consistent with the requirements of Chapter 18.96 Wireless Communications Facilities.
2. The facility is sited and located in the most preferred manner possible, as described in Section 18.96.070 (Preferred Siting and Location), while meeting the applicant's wireless service objectives; and
3. All the findings required for the conditional use as specified in Chapter 18.108 (Specific Permit Requirements) can be made for the proposed facility.

SECTION 3. The approved conditional use has been found consistent with the criteria for Conditional Use Permit approval contained in Section 18.108.030 of the Zoning Code and hereby adopted:

a. The proposed use is allowed in the applicable district.

The project site is zoned Open Space (OS). Wireless Communications Facilities consistent with the requirements of Chapter 18.96 Wireless Communications Facilities are a conditional use in the OS zoning district.

b. The proposed use is consistent with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.

The telecommunications facility is existing. The project is proposing to make upgrades to an existing facility in the OS zone district on City-owned property. This is the most preferred location and siting according to the Zoning Ordinance. The proposed telecommunication use is consistent with the Economic Development Goal (ED-9) by providing infrastructure that will help make Morgan Hill a competitive business location. The current proposal also advances the Telecommunications Goal (SSI-18) and policies by siting the facility on City-owned property, by upgrading the City's telecommunications system to allow increased coverage, eliminating existing weak spots, and offering future collocation opportunity.

c. The site is suitable and adequate for the proposed use.

The proposed upgrades to the existing telecommunications facility fit within the existing footprint of the project site and does not require modification to the footprint of circulation (service roads) of the property. The location provides a 750-foot buffer to the nearest residential use. The water tank/El Toro site also provides an ideal location for the telecommunication facility based on the needed coverage area, topography, and the heights of nearby structures.

- d. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the property.**

The proposed project will be upgrading an existing facility. The installation of the upgrades will cause minimal disruption during the construction since the nearest residential use is approximately 750 feet away. There are no long-term disruptions since the facility is unmanned, fully secured, and does not emit any noise or odor.

- e. The proposed use will not be detrimental to the public health, safety, and welfare.**

Pursuant to the Federal Telecommunications Act of 1996, the City may not deny an application for a wireless telecommunications facility due to perceived health risks if the proposed facility complies with Federal RF exposure standards. Based on the worst-case modeling, exposure at any accessible rooftops or ground walking/working surfaces in the project vicinity will be below the FCC's occupational and general public exposure limits. Typical operation of the facility will not produce any noise, except for the existing generator that would operate in the event of a power outage. As a tertiary power source, use of the generator would be infrequent and given the considerable distance to the nearest residence should not be detrimental to the surrounding public health, safety and welfare. Addition of the antenna or its related impacts. The addition of the antenna will not affect the potential use of the generator nor will it alter the existing facilities potential impacts on public health, safety, or welfare. A report will be prepared after installation to confirm the facilities' compliance with FCC standards.

- f. The proposed use would not have a substantial adverse effect on traffic circulation and on the planned capacity of the street system.**

The wireless telecommunication facility would be unmanned. It is anticipated a technician will visit the site approximately once a month. The existing facility and service roads have enough space to accommodate the minimal traffic.

- g. The proposed use is properly located within the city and adequately served by the existing and planned services and infrastructure.**

The wireless telecommunication facility is located within the City limits and on City property. The property is currently served by PG & E, City water and sewer. The proposed project will be adequately served by the existing and planned services and infrastructure.

SECTION 4. The telecommunication facility shall be expressly conditioned to operate in conformance with statement of operations incorporated herein and as attached as Exhibit "A-Project Description". Any expansion, intensification, or changes to the uses approved under this Conditional Use Permit shall be permitted only upon amendment of this Conditional Use Permit or approval of a separate Conditional Use Permit application.

SECTION 5. Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of your use for the purpose of defraying all or a portion of the cost of public facilities related to your development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, or fees collected (a) under development agreements, (b) pursuant to agreements with the Morgan Hill Redevelopment Agency or (c) as a part of your application for development allocations under the City's Residential Development Control System. The Mitigation Fee Act Fees applying to your project are listed in the schedule of fees provide. Notice is also hereby given that you have the opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval of the approval or conditional approval of your development project and that the 90-day approval period in which you may protest has begun. This right to protest does not apply to voluntary Residential Development Control System fees.

SECTION 6. The approved project shall be conducted in a manner consistent with the following conditions of approval:

1. TIME LIMITS

The Conditional Use Permit approval shall remain in effect for 24 months to November 24, 2022. Failure to exercise the use within this term shall result in termination of approval unless an extension of time is granted prior to the expiration date. **(MHMC 18.104.210)**

2. LENGTH OF APPROVAL

This approval is valid for an initial maximum period of ten years to November 24, 2030. The approval may be extended by the Development Services Director from the initial approval date for a subsequent five years and may be extended by the director every five years thereafter upon the verification of the wireless communications provider's continued compliance with this chapter and with the findings and conditions of approval under which the application was originally approved. **(MHMC 18.96.050)**

3. CESSATION OF OPERATIONS

A new permit shall be required if a site is to be used again for the same purpose as permitted under the original permit if a consecutive period of six months have lapsed since cessation of operations. **(MHMC 18.96.050)**

4. TRANSFER OF OWNERSHIP

In the event that the original permit holder sells its interest in a wireless communication facility, the succeeding carrier shall assume all project responsibilities and shall be held responsible for maintaining consistency with all permit requirements and conditions of approval. **(MHMC 18.96.050)**

5. PRIOR TO COMMENCEMENT OF THE CELL TOWER USE:

- a. Prior to the commencement of the telecommunication facility, all antennas and associated equipment shall be painted the same color as the existing antennas, poles, and equipment.
- b. All improvements as shown on the plans plan set titled "CCL03263 MORGAN HILL STUB POLE-INDOOR EQUIPMENT" dated August 3, 2020, on file with the Planning Division, in application AAE2020-0003: W. Dunne-AT&T, shall be completed to the satisfaction of the Development Services Director.
- c. All applicable City, County, State and Federal regulations and documentation shall be completed and in place for the telecommunication facility prior to the commencement of the use.
- d. Prior to the issuance of a building permit, project shall obtain an encroachment permit if working within the City's easements, or right-of-ways.
- e. A "property use agreement" shall be executed between AT&T Wireless and the City of Morgan Hill prior to the issuance of building permits.

6. OPERATIONS AND MAINTENANCE REQUIREMENTS

- a. Inspections and Emergencies. The city or its designee may enter onto the facility area to inspect the facility upon reasonable notice to the permit holder. The permit holder shall cooperate with all inspections. The city or its designee may enter the facility and support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property. **(MHMC 18.96.090)**

- b. Contact Information for Responsible Parties. The permit holder shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person. All such contact information for responsible parties shall be provided to the Development Services Director upon the community development director's written or verbal request. **(MHMC 18.96.090)**
- c. General Maintenance. The site and the facility, including but not limited to all landscaping, fencing and related transmission equipment, shall be maintained in a neat and clean manner and in accordance with all approved permits and conditions of approval. **(MHMC 18.96.090)**
- d. Removal of Discontinued Equipment. All equipment and improvements associated with a wireless communications facility shall be removed within 30 days of the discontinuation of the use, and the site shall be restored to its original pre-construction condition. If a permit holder fails to remove a discontinued facility, the city may remove or cause to remove the facility at the permit holder's sole expense. **(MHMC 18.96.090)**
- e. Change in Federal or State Regulations. All facilities shall meet the current standards and regulations of the FCC, the California Public Utilities Commission, and any other agency of the federal or state government with the authority to regulate wireless communications providers. If such standards and/or regulations are changed, the wireless communications provider shall bring its facilities into compliance with such revised standards and regulations within ninety days of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal or state agency. Failure to bring wireless communications facility into compliance with revised standards and regulations shall constitute grounds for the immediate removal of the facility at the wireless communications provider's expense. **(MHMC 18.96.090)**
- f. RF Exposure Compliance. All facilities shall comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate radio frequency (RF) exposure standards. **(MHMC 18.96.090)**
- g. Within the first year of operation, a Radio Frequency report shall be submitted to the City documenting the actual Radio Frequency Electro-Magnetic Energy generated from the facility. The report shall specify any actions necessary to bring the facility into

compliance with FCC occupational and general public exposure limits.

7. OTHER CONDITIONS

- a. Indemnification/Hold Harmless. Applicant agrees to defend, indemnify, and hold harmless the City of Morgan Hill, its officers, agents, employees, officials and representatives (Indemnitees) from and against any and all claims, actions, or proceedings arising from any suit for damages or for equitable or injunctive relief which is filed against City to attack, set aside, void or annul its approval of this discretionary project or any related decision, or the adoption of any environmental documents which relates to said approval. The City shall promptly notify the Applicant of any such claim, action or proceeding and the City shall cooperate fully in the defense thereof. In the event that Applicant is required to defend Indemnitees in connection with the proceeding, Indemnitees shall retain the right to approve (a) the counsel to so defend Indemnitees; (b) all significant decisions concerning the manner in which the defense is conducted; and (c) any and all settlements, which approval shall not be unreasonably withheld. This indemnification shall include, but is not limited to, (a) all pre-tender litigation costs incurred on behalf of the City, including City's attorney's fees and all other litigation costs and expenses, including expert witnesses, required to defend against any lawsuit brought as a result of City's approval or approvals; (b) reasonable internal City administrative costs, including but not limited to staff time and expense spent on the litigation, after tender is accepted; and (c) all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of or in connection with the approval of the application or related decision. City may, in its sole discretion, participate in the defense of such action; but such participation shall not relieve Applicant of its obligations under this condition. The undersigned hereby represents that they are fully empowered by the Applicant as their agent to agree to provide the indemnification, defense and hold harmless obligations, and the signature below represents the unconditional agreement by applicant to be bound by such conditions.
- b. Submit two (2) signed copies of Resolution No.20-xx to the Planning Division prior to issuance of building permits.
- c. Any intensification of the use identified in the Statement of Proposed Operations that would result in greater than nine (9) total panel antennas associated with this use shall require further amendment to the use permit.

City of Morgan Hill
Resolution No. 20-15
Page 8 of 12

PASSED AND ADOPTED THIS 24th DAY OF NOVEMBER 2020, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

JENNA LUNA, Deputy City Clerk

MOHAMMAD HABIB, Chair

Attachment: Resolution [Revision 4] (2919 : AAE2020-0003: W. Dunne-AT&T)

AFFIDAVIT

We, _____, applicants, hereby agree to
accept and abide by the terms and conditions specified in this
resolution.

By: _____

Date:

EXHIBIT "A"

Project Description



September 2, 2020

Planning Division
 City of Morgan Hill
 17575 Peak Ave
 Morgan Hill, CA 95037

RE: LETTER OF INTENT
 1305 West Dunne Ave (AT&T Site ID: CCL03263)

Planning Division:

AT&T would like to modify the existing unmanned telecommunication facility at 1305 West Dunne Ave.

The Detailed Scope of Work consists of the following:

SECTOR A

- REMOVE (3) PANEL ANTENNAS AT POS. 1, POS. 3 & POS. 4
- REMOVE (1) RRUS 11 B12 FROM NEAR ANTENNAS
- RELOCATE (1) PANEL ANTENNA FROM POS. 2 TO POS. 1
- INSTALL (2) PROPOSED PANEL ANTENNAS AT POS. 2 & POS. 3
- INSTALL (1) PROPOSED RRUS 4449 B5/B12 NEAR POS. 3

SECTOR B ADD:

- INSTALL (1) CROSS-ARM MOUNT ON EXISTING POLE
- INSTALL (3) PANEL ANTENNAS ON PROPOSED CROSS-ARM MOUNT
- INSTALL (1) RRUS 4478 B14 NEAR POS.2
- INSTALL (1) RRUS 32 B66A NEAR POS. 2
- INSTALL (1) RRUS 32 B30 NEAR POS. 2

City of Morgan Hill
Resolution No. 20-15
Page **11** of **12**

- INSTALL (1) RRUS 32 B2 NEAR POS. 3
- INSTALL (1) RRUS 4449 B5/B12 NEAR POS. 3
- INSTALL (1) DC6 BOX ON EXISTING UNISTRUT
- INSTALL (2) #8 AWG DC POWER TRUNKS & (1) FIBER TRUNK
IN EXISTING EMPTY 4" U/G CONDUIT
- REUSE (4) EXISTING 7/8" COAX CABLES

SECTOR C

- REMOVE (3) PANEL ANTENNAS AT POS. 1, POS. 3 & POS. 4
- REMOVE (1) RRUS 11 B12 FROM NEAR ANTENNAS
- RELOCATE (1) PANEL ANTENNA FROM POS. 2 TO POS. 1
- INSTALL (2) PROPOSED PANEL ANTENNAS AT POS. 2 & POS. 3
- INSTALL (1) PROPOSED RRUS 4449 B5/B12 NEAR POS. 3

EQUIPMENT SHELTER:

- REMOVE (2) RRUS 11 B5 FROM EXISTING POST IN SHELTER
- INSTALL (1) RRUS E2 B29 ON EXISTING POST IN SHELTER FOR NEW B SECTOR
- INSTALL (1) 6630 BBU IN EXISTING RACK IN SHELTER
- INSTALL (2) RECTIFIERS IN EXISTING DC POWER PLANT IN SHELTER

The modification will add a new technology that increases wireless coverage capacity in the area and will make the latest wireless technology available to users in the community with no negative effects.

If you have any questions regarding this application, please contact me.

Respectfully,

Greg Davis

Greg Davis - J5 Infrastructure Partners - Phone: (415) 830-2003 - Email: gdavis@j5ip.com



October 14, 2020

Planning Division
City of Morgan Hill
17575 Peak Ave
Morgan Hill, CA 95037

RE: STATEMENT OF PROPOSED OPERATION
1305 West Dunne Ave (AT&T Site ID: CCL03263)

Planning Division:

AT&T would like to modify the existing unmanned telecommunication facility at 1305 West Dunne Ave.

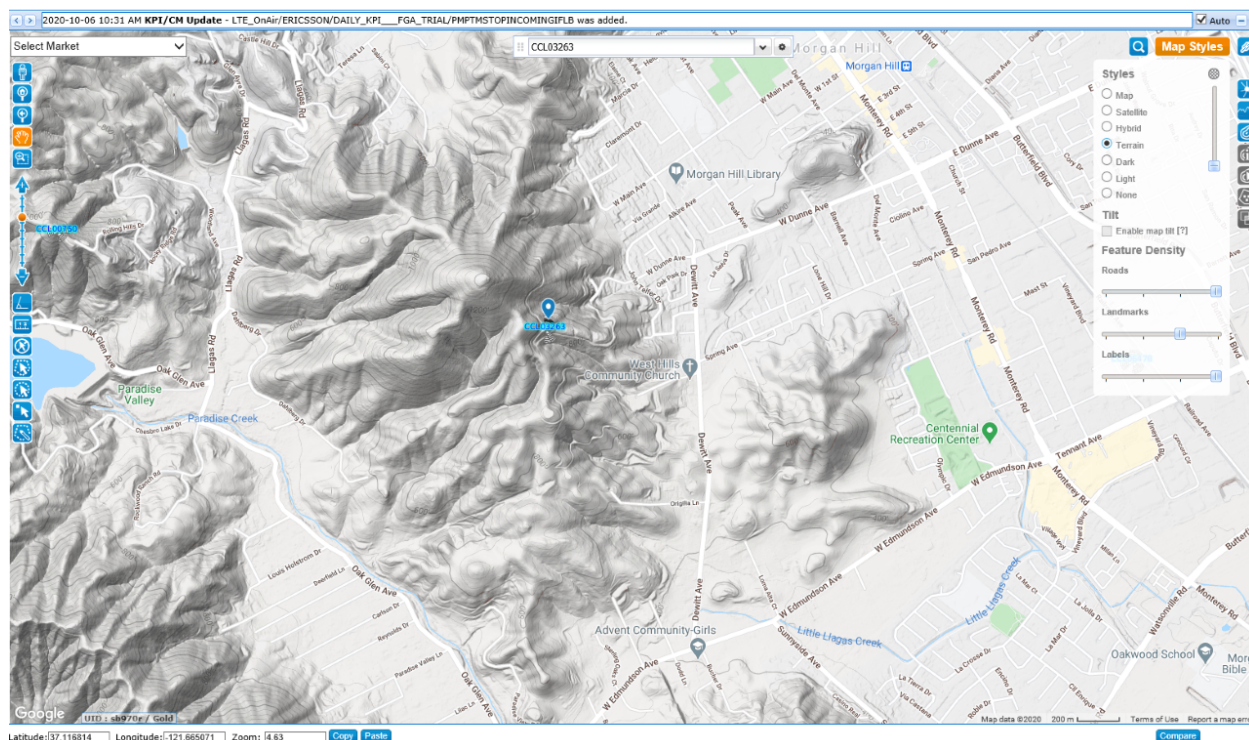
Please see detailed description of the proposed operation below:

- Hours and days of operation: **24/7**
- Number of employees: **None**
- Number of average daily trips generated: **Zero**
- Type of equipment or processes used: **Antennas, remote radio units, cabling, coax, surge suppressor units, batteries, base band equipment**
- Use of hazardous materials: **Yes, batteries**
- Other information which effectively describes the proposed use: **The project is a proposal to upgrade and modify an existing unmanned wireless facility**

Response to comments dated 10/2/2020:

1. Please update your Statement of Purpose or Project Narrative/Letter of Request to include:
 - a. An annotated topographical map that identifies the targeted service area to be benefited.

[See below image map for identification of targeted area:](#)



- b. The estimated number of potentially affect users in the targeted service area

AT&T cannot provide potential user information as it is a trade secret and confidential.

- c. A full color signal propagation map with objective units of signal strength measurement that show the current service coverage levels without the request and predicted service coverage levels if the request were to be approved.

Please see attached Propagation Map.pdf

If you have any questions regarding this application, please contact me.

Respectfully,

Greg Davis

Greg Davis - J5 Infrastructure Partners - Phone: (415) 830-2003 - Email: gdavis@j5ip.com



September 2, 2020

Planning Division
City of Morgan Hill
17575 Peak Ave
Morgan Hill, CA 95037

RE: LETTER OF INTENT
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Planning Division:

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- INSTALL (1) RRUS 32 B30 NEAR POS. 2
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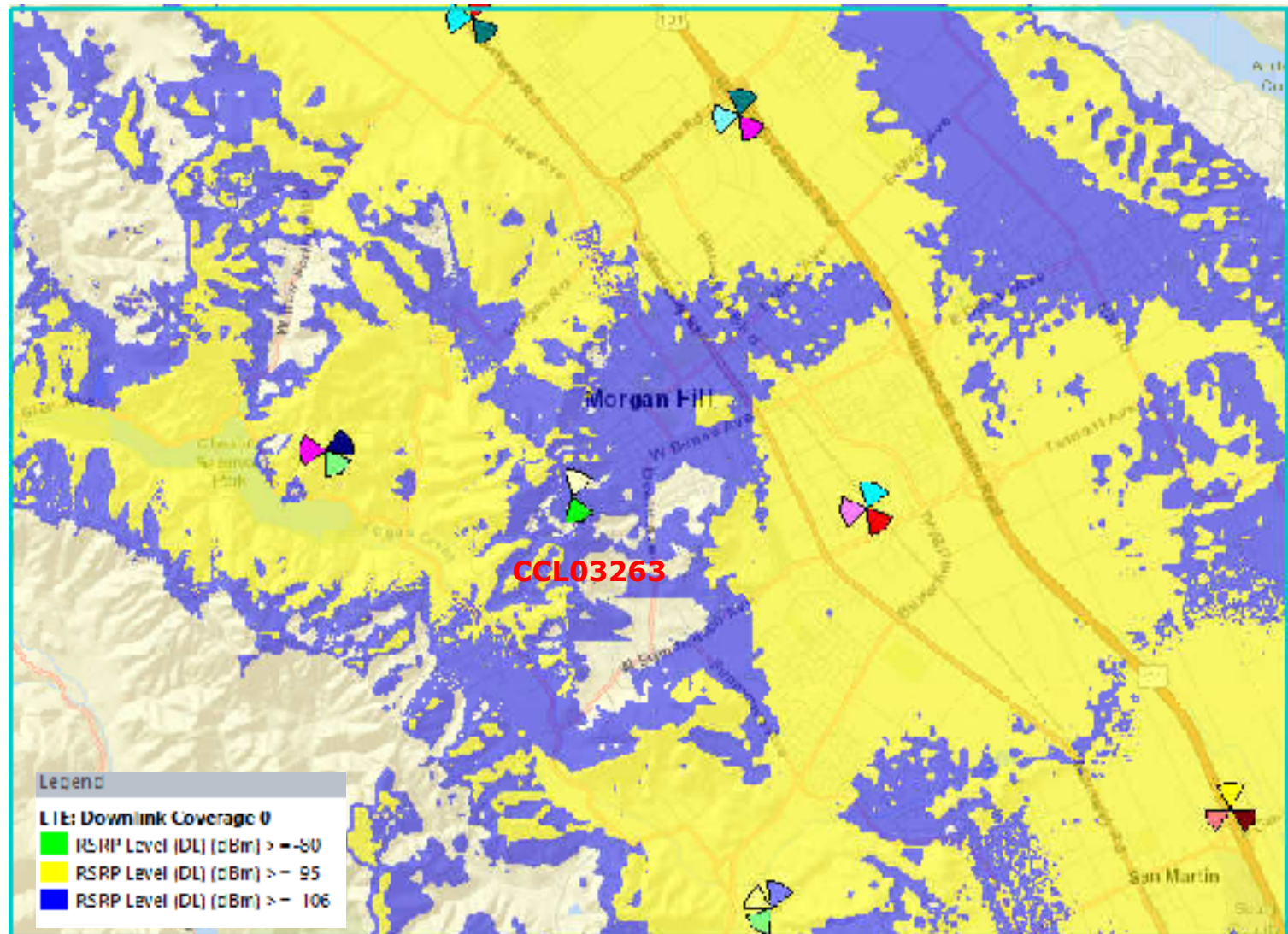
CCL03263

Propagation Map

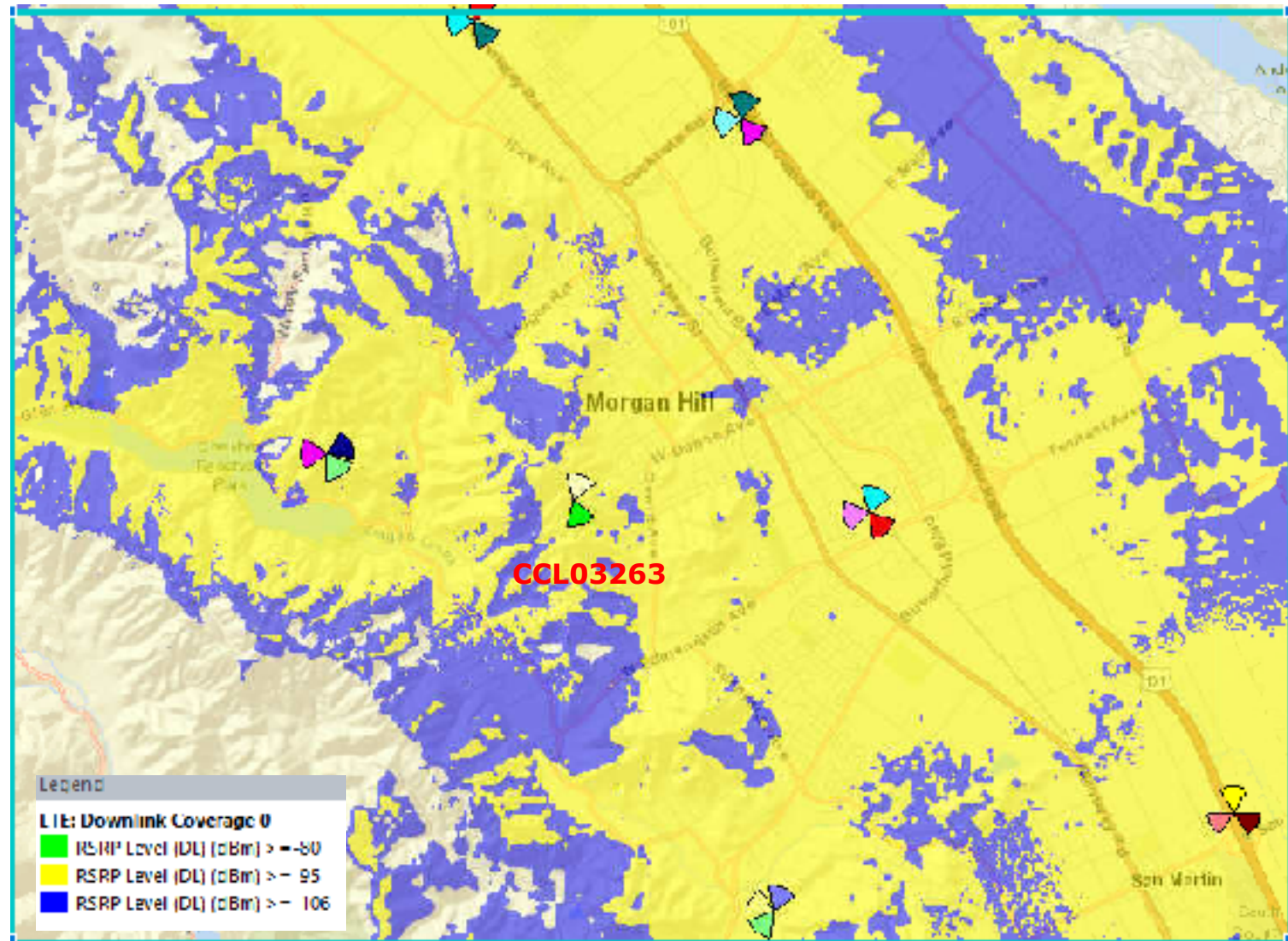
October 6, 2020

Site Objective: To help improve LTE Services on the area around the proposed site modifications.

Before - CCL03263



After - CCL03263



ELECTROMAGNETIC ENERGY (EME) EXPOSURE REPORT



Site Name: Morgan Hill
Site ID: CCL03263
USID: 13100
FA Location: 10095723

Site Type: Monopoles

Location: 1305 West Dunne Avenue.
 Morgan Hill, CA 95037

Latitude (NAD83): 37.1185250
Longitude (NAD83): -121.6698561

Report Completed: May 04, 2020
Revised Date: September 03, 2020
AT&T M-RFSC Casey Chan

Attachment: RF Report (2919 : AAE2020-0003: W. Dunne-AT&T)

Prepared By:



Prepared for: AT&T Mobility
 c/o J5 Infrastructure.
 1150 Ballena Boulevard
 Suite #259
 Alameda, CA 94501

Executive Summary

Occupational Safety & Compliance Engineering (OSC Engineering) has been contracted by J5 Infrastructure, Inc. to conduct an RF (radio frequency) computer simulated analysis. The Federal Communications Commission (FCC) has set limits on RF energy exposed to humans on a wireless cell site. The FCC has also mandated that all RF wireless sites must be in compliance with the FCC limits and a compliance check should be performed routinely to ensure site compliance.

OSC Engineering uses the FCC OET-65 as well as AT&T Standards to make recommendations based on results and information gathered from drawings and Radio Frequency Data Sheets.

For this report, OSC Engineering utilized Roofview® software for the theoretical analysis of the AT&T Cellular Facility.

A site-specific compliance plan is recommended for each transmitting site. This report serves as a single piece of the overall compliance plan.

Site Compliance Conclusion

The AT&T site CCL03263 located at 1305 West Dunne Avenue Morgan Hill, CA 95037 will comply with FCC Guidelines.

Site Overview and Description

- The antennas are mounted on a monopoles
- The site consists of three (3) sectors with a total of nine (9) antennas
- The site is within a fenced in area, access to the site is via a gate
- The site is co-located with Unknown antennas on separate monopoles
- Co-located antennas are modeled with standard estimated values



Compliance Results of the Proposed Site (theoretical simulation)

A result over 100% does not make a site out of compliance with FCC guidelines. For results over 100% of the FCC Limit, further remediation is required to consider the site compliant per FCC Guidelines. See the last page of this report entitled **RECOMMENDATIONS** for compliance actions required for FCC and AT&T Compliance. Areas exceeding the FCC Limit are demarcated with barriers and appropriate signage. Areas Outside of the demarcated areas are below the FCC Limits (under 100% GP). The remediation actions bring the site into compliance. Results are given in terms of the FCC General Population. Please see the page entitled **FCC MPE Limits (from OET-65)** for further information. For the purpose of theoretical simulation, OSC Engineering models antennas as if they are operating at full power (100% capacity). This assumption yields more conservative (higher) results. On-site measurements may yield different results, as antennas do not always operate at full capacity.

Maximum simulated RF Exposure Level from (AT&T antennas @ ground):

704.7 % FCC General Population MPE Limit

Maximum simulated RF Exposure Level from (cumulative ground):

704.7 % FCC General Population MPE Limit

Antenna Inventory

All technical data and specifications shown below are collected from drawings and/or documents provided by the client, as well as from online databases and/or a visit to this facility. Unknown wireless transmitting antennas are simulated using conservative values when information is not available.

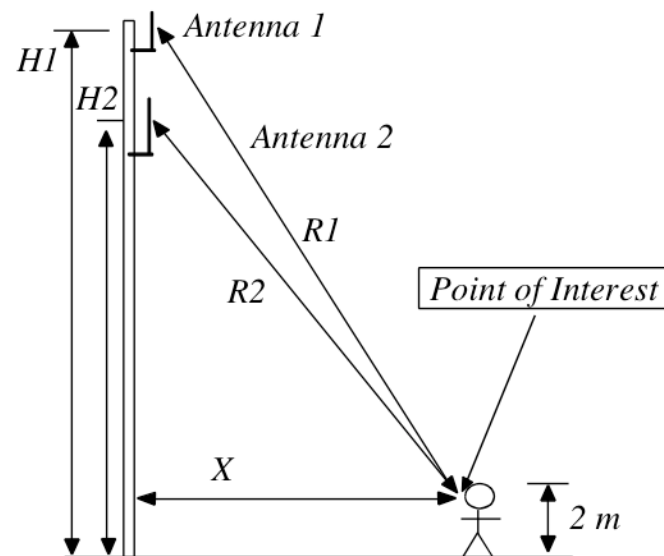
Antenna	Operator / Technology	Frequency (MHz)	Input Power (watts)	Antenna Type	Antenna Make	Antenna Model	Azimuth (°T)	Ground (Z) (ft)
A1	AT&T UMTS	850	80.00	Panel	Commscope	JAHH-65C-R3B-V3	36	7
A1	AT&T LTE B29	700	80.00	Panel	Commscope	JAHH-65C-R3B-V3	36	7
A2	AT&T LTE B14	700	160.00	Panel	Commscope	NNH4-65C-R6-V3	36	7
A2	AT&T LTE	2100	160.00	Panel	Commscope	NNH4-65C-R6-V3	36	7
A2	AT&T LTE	2300	100.00	Panel	Commscope	NNH4-65C-R6-V3	36	7
A3	AT&T LTE	700	160.00	Panel	Commscope	NNHH-65C-R4	36	7
A3	AT&T 5G	850	160.00	Panel	Commscope	NNHH-65C-R4	36	7
A3	AT&T LTE	1900	160.00	Panel	Commscope	NNHH-65C-R4	36	7
B1	AT&T UMTS	850	80.00	Panel	Commscope	JAHH-65C-R3B-V3	70	7
B1	AT&T LTE B29	700	80.00	Panel	Commscope	JAHH-65C-R3B-V3	70	7
B2	AT&T LTE B14	700	160.00	Panel	Commscope	NNH4-65C-R6-V3	70	7
B2	AT&T LTE	2100	160.00	Panel	Commscope	NNH4-65C-R6-V3	70	7
B2	AT&T LTE	2300	100.00	Panel	Commscope	NNH4-65C-R6-V3	70	7
B3	AT&T LTE	700	160.00	Panel	Commscope	NNHH-65C-R4	70	7
B3	AT&T 5G	850	160.00	Panel	Commscope	NNHH-65C-R4	70	7
B3	AT&T LTE	1900	160.00	Panel	Commscope	NNHH-65C-R4	70	7

Antenna	Operator / Technology	Frequency (MHz)	Input Power (watts)	Antenna Type	Antenna Make	Antenna Model	Azimuth (°T)	Ground (Z) (ft)
G1	AT&T UMTS	850	80.00	Panel	Quintel	QS8658-3	160	7
G1	AT&T LTE B29	700	80.00	Panel	Quintel	QS8658-3	160	7
G2	AT&T LTE B14	700	160.00	Panel	Commscope	NNH4-65C-R6-V3	160	7
G2	AT&T LTE	2100	160.00	Panel	Commscope	NNH4-65C-R6-V3	160	7
G2	AT&T LTE	2300	100.00	Panel	Commscope	NNH4-65C-R6-V3	160	7
G3	AT&T LTE	700	160.00	Panel	Commscope	NNHH-65C-R4	160	7
G3	AT&T 5G	850	160.00	Panel	Commscope	NNHH-65C-R4	160	7
G3	AT&T LTE	1900	160.00	Panel	Commscope	NNHH-65C-R4	160	7
O1	Co-Lo 1	800	10.0	Omni	Unknown	Unknown	Omni	25
O2	Co-Lo 1	800	10.0	Omni	Unknown	Unknown	Omni	25
O3	Co-Lo 1	800	10.0	Omni	Unknown	Unknown	Omni	25
O4	Co-Lo 1	800	10.0	Omni	Unknown	Unknown	Omni	30
O5	Co-Lo 1	800	10.0	Omni	Unknown	Unknown	Omni	32
O6	Co-Lo 1	800	10.0	Omni	Unknown	Unknown	Omni	33
D1	AT&T Dish	65000	0.93	Dish	Andrew	USX8-6W	7.99	8
D2	Co-Lo 2	10000	0.01	Dish	Unknown	Unknown	120	20
D3	Co-Lo 2	10000	0.01	Dish	Unknown	Unknown	10	10
D4	Co-Lo 2	10000	0.01	Dish	Unknown	Unknown	35	10

FCC Regulations and Guidelines from OET 65

When considering the contributions to field strength or power density from other RF sources, care should be taken to ensure that such variables as reflection and re-radiation are considered. In cases involving very complex sites predictions of RF fields may not be possible, and a measurement survey may be necessary. The process for determining compliance for other situations can be similarly accomplished using the techniques described in this section and in Supplement A to this bulletin that deals with radio and television broadcast operations. However, as mentioned above, at very complex sites measurements may be necessary.

In the simple example shown in the below diagram, it is desired to determine the power density at a given location **X** meters from the base of a tower on which are mounted two antennas. One antenna is a CMRS antenna with several channels, and the other is an FM broadcast antenna. The system parameters that must be known are the total ERP for each antenna and the operating frequencies (to determine which MPE limits apply). The heights above ground level for each antenna, **H1** and **H2**, must be known in order to calculate the distances, **R1** and **R2**, from the antennas to the point of interest.



¹ OET Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, Page 37- 38

Computer Simulation Analysis

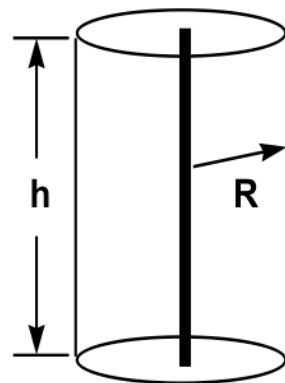
The Federal Communications Commission (FCC) governs the telecommunications services, facilities, and devices used by the public, industrial and state organizations in the United States.

“RoofView® is a software analysis tool for evaluating radiofrequency (RF) field levels at roof-top telecommunications sites produced by vertical collinear antennas of the type commonly used in the cellular, paging, PCS, ESMR and conventional two-way radio communications services.”²

“RF near-field levels are computed from selected antennas by applying a cylindrical model that takes into account the antenna's aperture height, mounting height above the roof, azimuthal beam width for directional antennas and the location of the antennas on the roof. Resulting, spatially averaged power densities are expressed as a percentage of a user selectable exposure limit depending on frequency. The entire roof is composed of one-square-foot pixels and RF fields are computed for each of these pixels for each selected antenna.”³

Computer simulations produced for clients are simulated with “Uptime = 100%”. This means that all transmitters associated with an antenna are considered to be “on”.⁴

RoofView® uses a near-field method of computing the field based on assuming that the total input power delivered to the antenna, at its input terminal, is distributed over an imaginary cylindrical surface surrounding the antenna. The height of the cylinder is equal to the aperture height of the antenna while the radius is simply the distance from the antenna at which the field power density is to be computed. Within the aperture of the antenna, this approximation is quite accurate but as the antenna is elevated above the region of interest, the model output must be corrected for mounting height.⁵



$$S = \frac{P}{2\pi Rh}$$

² Roofview User Guide 4.15, Page 7, Richard A Tell Associates

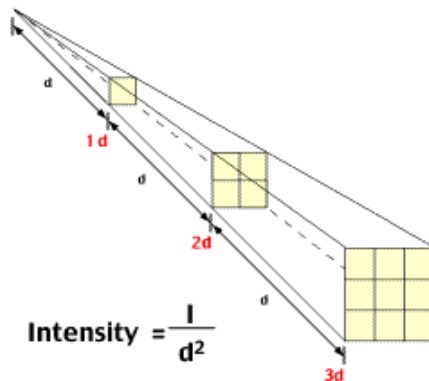
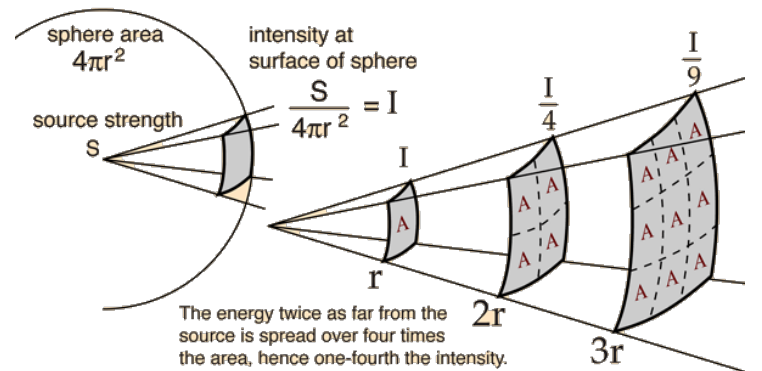
³ Roofview User Guide 4.15, Page 7, Richard A Tell Associates

⁴ Roofview User Guide 4.15, Page 10, Richard A Tell Associates

⁵ Roofview User Guide 4.15, Page 45, Richard A Tell Associates

Inverse Square Law

The inverse-square law, in physics, is any physical law stating that a specified physical quantity or intensity is inversely proportional to the square of the distance from the source of that physical quantity. The fundamental cause for this can be understood as geometric dilution corresponding to point-source radiation into three-dimensional space. The inverse-square law generally applies when some force, energy, or other conserved quantity is evenly radiated outward from a point source in three-dimensional space. Since the surface area of a sphere (which is $4\pi r^2$) is proportional to the square of the radius, as the emitted radiation gets farther from the source, it is spread out over an area that is increasing in proportion to the square of the distance from the source.⁶



Where:

I_1 = Intensity 1 at D_1

I_2 = Intensity 2 at D_2

D_1 = Distance 1 from source

D_2 = Distance 2 from source

$$\frac{I_1}{I_2} = \frac{D_2^2}{D_1^2}$$

8

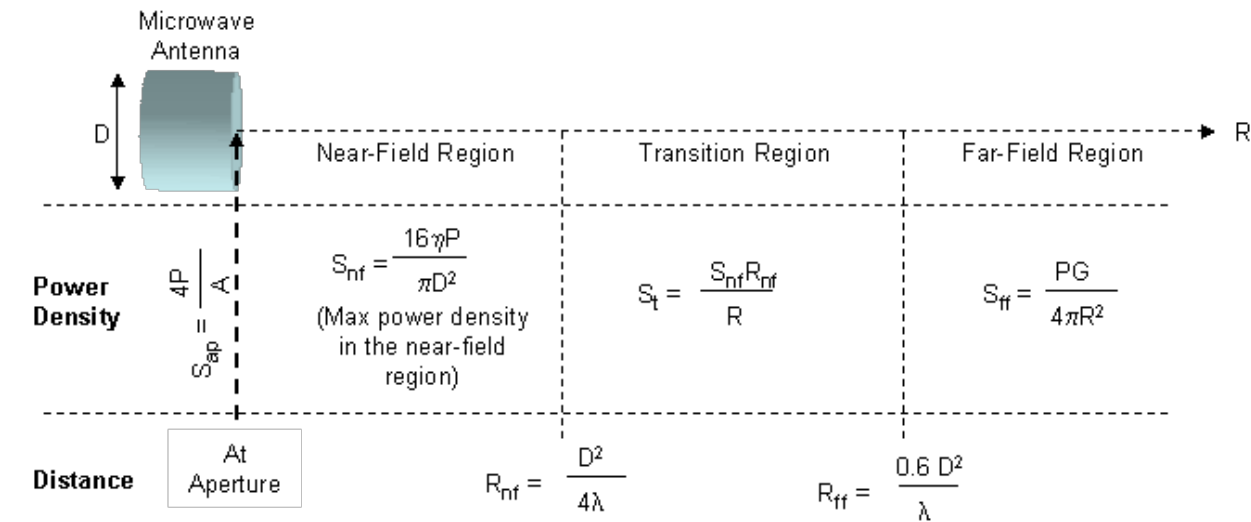
⁶ https://en.wikipedia.org/wiki/Inverse-square_law

⁷ <http://hyperphysics.phy-astr.gsu.edu/hbase/Forces/isq.html>

⁸ <https://www.nde-ed.org/GeneralResources/Formula/RTFormula/InverseSquare/InverseSquareLaw.htm>

Microwave Antennas

The input power for the microwave antenna(s) utilizes a generic default value of .01 Watts. This value is below the maximum for General Population RF Safety Compliance per the AT&T ND-00059 document. Therefore the microwave antennas are determined to be compliant with AT&T Mobility's guidelines.



Geometry and equations for computation of exposure levels⁹

Maximum Power into Microwave Antenna Input Ports		
Diameter (ft)	Diameter (cm)	Power (W)
1	30.5	0.017
2	61.0	0.7
3	91.4	1.6
4	121.9	2.9
5	152.4	4.5
6	182.9	6.5
7	213.4	8.8
8	243.8	11.6
9	274.3	14.7
10	304.8	18.2
11	335.3	22.0
12	365.8	26.2
13	396.2	30.7
14	426.7	35.6
15	457.2	40.9

Maximum power into microwave antenna ports for GP RF safety compliance¹⁰

⁹ ND-00059 Rev 5.1 Page 29 of 81. Section; Microwave site

¹⁰ ND-00059 Rev 5.1 Page 30 of 81. Section; Microwave site

Certification

The undersigned is a Professional Engineer, holding a California Registration No. E22553

Reviewed and approved by:



Takeshi Tsuji, PE

Date: May 04, 2020

The engineering and design of all related structures as well as the impact of the antennas on the structural integrity of the design are specifically excluded from this report's scope of work. This report's scope of work is limited to an evaluation of the Electromagnetic Energy (EME) RF emissions field generated by the antennas listed in this report. When client and others have supplied data, it is assumed to be correct.

FCC MPE Limits (from OET-65)

Occupational/controlled¹¹ exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/uncontrolled limits (see below), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means. As discussed later, the occupational/controlled exposure limits also apply to amateur radio operators and members of their immediate household.

General population/uncontrolled¹² exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public would always be considered under this category when exposure is not employment-related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area.

¹¹ OET-65 "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields pg. 9.

¹² OET-65 "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields pg. 9.

Limits for Maximum Permissible Exposure (MPE)¹³

"The FCC Exposure limits are based on data showing that the human body absorbs RF energy at some frequencies more efficiently than at others. The most restrictive limits occur in the frequency range of 30-300MHz where whole-body absorption of RF energy by human beings is most efficient. At other frequencies whole-body absorption is less efficient, and, consequently, the MPE limits are less restrictive."¹⁴

(A) Limits for Occupational/Controlled Exposure

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time E ² , H ² or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f ²)*	6
32-300	61.4	0.163	1.0	6
300-1500	--	--	f/300	6
1500-100,000	--	--	5	6

(B) Limits for General Population /Uncontrolled Exposure

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

f= Frequency in MHz

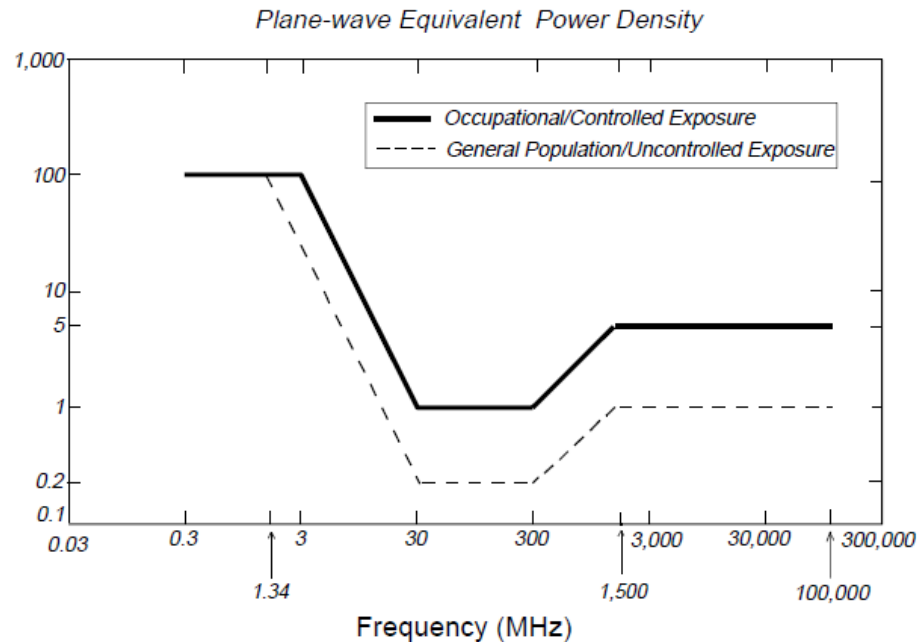
*Plane-wave equivalent power density

¹³ OET-65 "FCC Guidelines Table 1 pg. 72.

¹⁴ OET-65 "FCC Guidelines for Evaluating Exposure to RF Emissions", pg. 8

Limits for Maximum Permissible Exposure (MPE) continued¹⁵

Figure 1. FCC Limits for Maximum Permissible Exposure (MPE)



"MPE Limits are defined in terms of power density (units of milliwatts per centimeter squared: mW/cm²), electric field strength (units of volts per meter: V/m) and magnetic field strength (units of amperes per meter: A/m). In the far-field of a transmitting antenna, where the electric field vector (E), the magnetic field vector (H), and the direction of propagation can be considered to be all mutually orthogonal ("plane-wave" conditions), these quantities are related by the following equation:

$$S = \frac{E^2}{3770} = 37.7 H^2$$

where: S = power density (mW/cm²)
 E = electric field strength (V/m)
 H = magnetic field strength (A/m)

¹⁵ OET-65 "FCC Guidelines Table 1 pg. 72.

Limitations

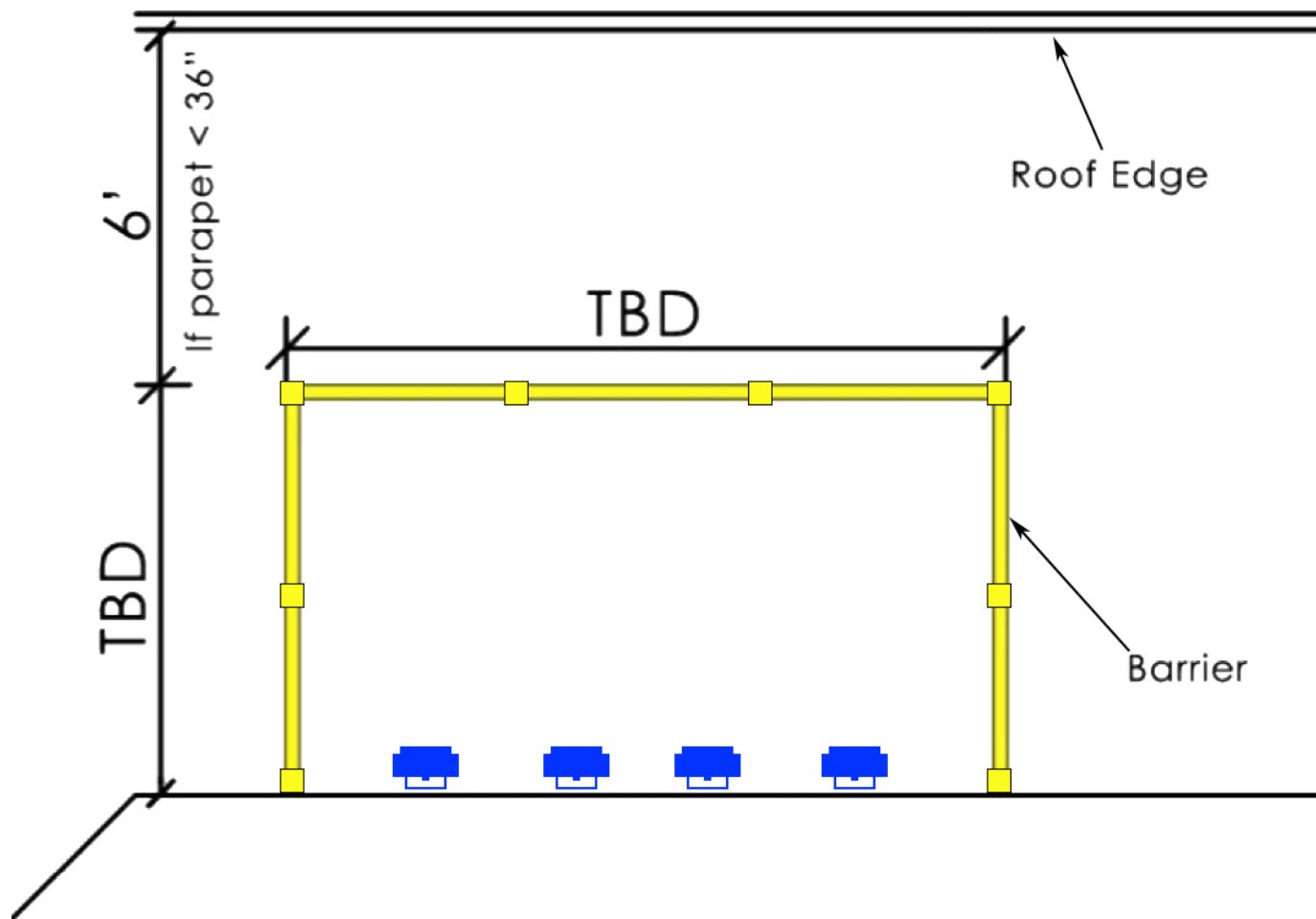
OSC Engineering completed this report based on information and data provided by the client and on-site data collection. The data provided by the client is assumed to be accurate. This report is completed by OSC Engineering to determine whether the wireless communications facility complies with the Federal Communications Commission (FCC) Radio Frequency (RF) Safety Guidelines. The Office of Engineering and Technology (OET-65) *Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Radiation* has been prepared to provide assistance in determining whether proposed or existing transmitting facilities, operations or devices comply with limits for human exposure to radiofrequency (RF) fields adopted by the Federal Communications Commission (FCC)¹⁶. As the site is being upgraded and changed this report will become obsolete. Use of this document will not hold OSC Engineering Inc. nor it's employees liable legally or otherwise. This report shall not be used as a determination as to what is safe or unsafe on a given site. All workers or other people accessing any transmitting site should have proper EME awareness training. This includes, but is not limited to, obeying posted signage, keeping a minimum distance from antennas, watching EME awareness videos and formal classroom training.

¹⁶ OET-65 "FCC Guidelines for Evaluating Exposure to RF Emissions", pg. 1

AT&T Barrier Guidelines

Environmental, Health and Safety (EH&S) guidelines prohibit construction of RF safety barriers that extend to, or are within the 6-ft setback from, unprotected roof edges but do not meet the OSHA fall protection requirements of 29 CFR 1910.23 and 29 CFR 1926.500 through 1926.503. The following details are intended to assist AT&T RF safety engineers and RSVs in meeting the AT&T Mobility RF safety compliance guidelines as defined in ND-00059. Whereas, AT&T employees and contractors working within 6 ft. from an unprotected roof edge must follow OSHA guidelines with respect to fall protection and roof line safety.¹⁷

For Clarity: Unprotected roof edge refers to a parapet less than thirty-six (36) inches in height.



¹⁷ RF Safety Barrier 6-ft Rule v3_ehscmts_EHS cmts_ws, "Installing Radio Frequency (RF) safety barriers on roofs with unprotected edges job aid" Page 1 Overview

AT&T Antenna Shut-Down Protocol

AT&T provides Lockout/Tagout (LOTO) procedures in Section 9.4¹⁸ (9.4.1 - 9.4.9) in the ND-00059. These procedures are to be followed in the event of anyone who needs access at or in the vicinity of transmitting AT&T antennas. Contact AT&T when accessing the rooftop near the transmitting antennas. Below is information regarding when to contact an AT&T representative.

9.4.7 Maintenance work being performed near transmitting antennas

Whenever anyone is working within close proximity to the transmitting antenna(s), the antenna sector, multiple sectors, or entire cell site may need to be shut down to ensure compliance with the applicable FCC MPE limit. This work may include but is not limited to structural repairs, painting or non-RF equipment services by AT&T personnel/contractors or the owner of a tower, water tank, rooftop, or other low-centerline sites. The particular method of energy control will depend on the scope of work (e.g., duration, impact to the antenna or transmission cabling, etc.) and potential for RF levels to exceed the FCC MPE limits for General Population/Uncontrolled environments

9.4.8 AT&T Employees and Contractors

AT&T employees and contractors performing work on AT&T cell sites must be trained in RF awareness and must exercise control over their exposure to ensure compliance with the FCC MPE limit for Occupational/Controlled Environments ("Occupational MPE Limit").

The rule of staying at least 3 feet from antennas is no longer always adequate to prevent exposure above the Occupational MPE Limit. That general rule was applied early in the development of cellular when omni-directional antennas were primarily used and later when wide-beamwidth antennas were used. That application was then appropriate for the Occupational exposure category. However, the current prevalence of antennas with 60- and 70- degree horizontal half-power beamwidths at urban and suburban GSM and UMTS/HSDPA sites raises some question about the continued reliability of the 3-foot rule. Antennas with low bottom-tip heights and total input powers around 70-80 W can produce exposure levels exceeding the Occupational MPE Limits at 4 feet, and these levels can be augmented by emissions of co-located operators. Therefore, AT&T employees and contractors should apply the above general work procedures and use an RF personal monitor to assess exposure levels within the work vicinity.

9.4.9 Other Incidental Workers

All other incidental workers who are not trained in RF safety are considered general public and subject to the FCC MPE limits for General Population/Uncontrolled Environments. In such instance, the M-RFSC (primary contact) or R-RFSC (secondary contact) must refer to the Mobility RF site survey plan to assess the potential RF exposure levels associated with the antenna system. If capable of exceeding the FCC General Population/Uncontrolled MPE limit, then local sector/site shutdown is necessary. The FE/FT must also follow the local shutdown procedure and use their RF personal monitor as a screening tool for verification, as necessary.

¹⁸ ND-00059_Rev_5.1 "Lockout/Tagout (LOTO) Procedures" Page 45.

RECOMMENDATIONS

•AT&T Sector A

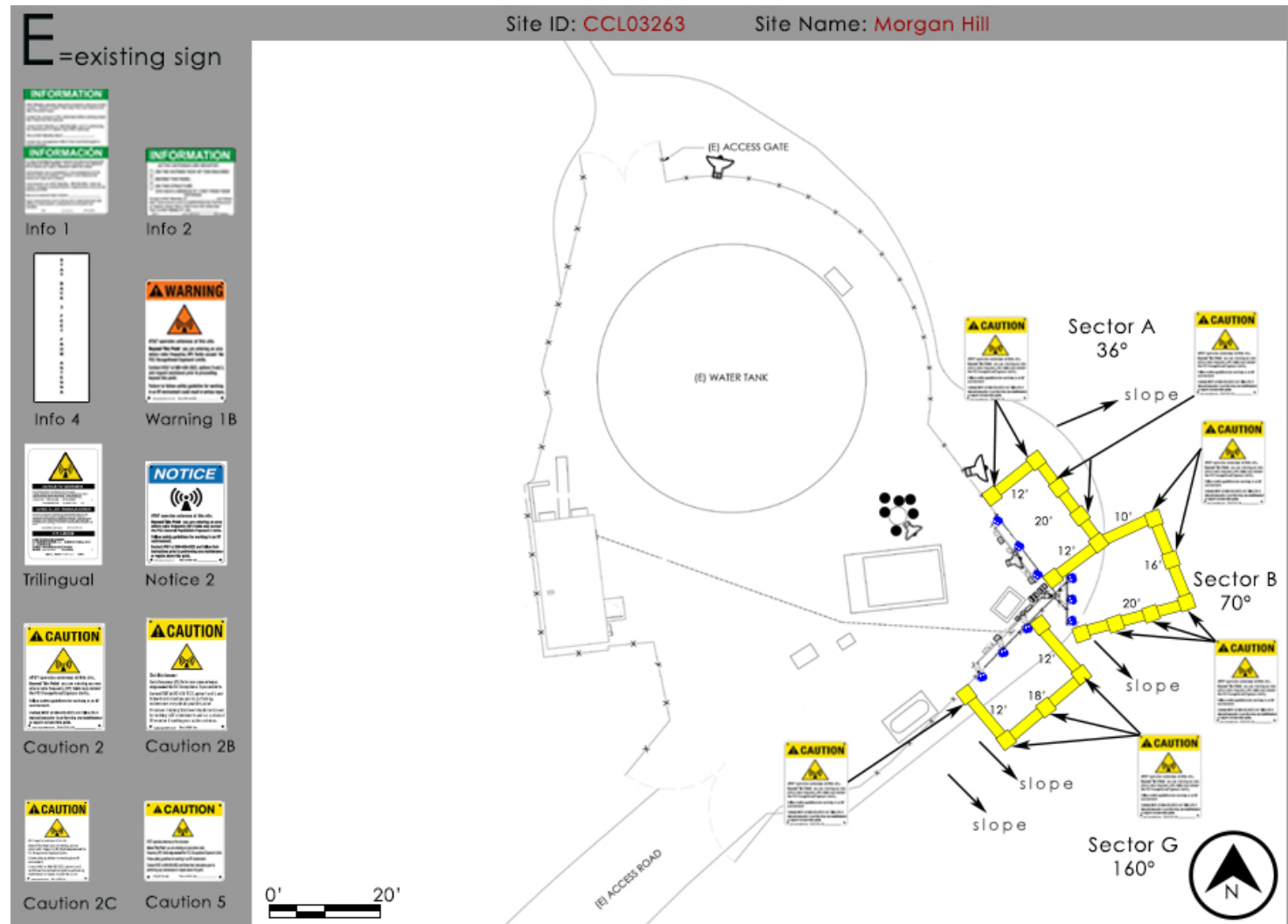
To be installed: a 12' X 20' wide physical barrier with Caution 2 sign on each post of the physical barrier every 8' apart

•AT&T Sector B

To be installed: a 10' X 16' X 20' physical barrier with Caution 2 sign on each post of the physical barrier every 8' apart

•AT&T Sector G

To be installed: a 12' X 18' wide physical barrier with Caution 2 sign on each post of the physical barrier every 8' apart



If work is being performed in the vicinity of the transmitting antennas, site shut-down procedures must be followed. See page entitled AT&T Antenna Shut-down protocol for further information.

Notice of Exemption

To: County Clerk
County of: Santa Clara
70 West Hedding Street, 1st Floor
San Jose, CA 95110

From: (Public Agency): City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Project Title: AAE2020-0003: W. Dunne – AT&T

Project Applicant: AT&T/J5 Infrastructure Partners

Project Location - Specific:

The project site is at the existing City of Morgan Hill water tank on the easterly side of El Toro (foothill), located at 1305 W. Dunne Ave in the City of Morgan Hill, California. The site is identified by Assessor's Parcel Number (APN) 773-09-030.

Project Location - City: Morgan Hill

Project Location - County: Santa Clara

Description of Nature, Purpose and Beneficiaries of Project:

The proposed project would remove or relocate to install up to nine (9) panel antennas on existing poles along the perimeter fence of the telecommunication facility and water tank. In addition, associated telecommunication equipment would be either replaced, relocated, or installed such as RRUs, DC6 boxes, #8 AWG DC power trunks and fiber trunks, coax cables, BBU, and rectifiers. The request is to amend an existing use permit to increase the total allowed panel antennas from eight (8) to nine (9). The proposed project would be consistent with the General Plan land use and zoning designations for the site and is the preferred location for the project since it is an existing telecommunication facility on City-owned property according to the City's Zoning Ordinance (MHMC 18.93.070-C.1). Approval of the proposed project would require issuance of a building permit.

Name of Public Agency Approving Project: City of Morgan Hill

Name of Person or Agency Carrying Out Project: AT&T/J5 Infrastructure Partners

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ Categorical Exemption. State code number: Section 15301, Class 1

Reasons why project is exempt:

The proposed project is categorically exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The project will not result in any specific or general exceptions to the use of the categorical exemption as detailed under State CEQA Guidelines Section 15300.2. The project will not cause an impact to an environmental resource of hazardous or critical concern nor would the project involve unusual circumstances that could potentially have a significant effect on the environment. The project would not result in impacts to scenic highways, hazardous waste sites, historic resources, or other sensitive natural environments, or have a cumulative effect to the environment. No significant environmental impacts are anticipated to occur with the First Amendment. This categorical exemption includes the operation, repair, maintenance, leasing, or minor alteration of existing public or private structures or facilities, provided the exemption only involves negligible or no expansion of the previous site's use. The project, as proposed, is limited to an existing communication site. The project will install one additional panel antenna (for a total of nine panel antennas) on an existing 18'-0" pole along the perimeter fence of the facility. This addition will result in the installation of a mountain bracket that will increase from approximately 4'-0" in length to 8'-0". The height and overall footprint of the facility will not change and is limited to the continued use of the site in a similar capacity; therefore, the project is exempt as the project meets the scope and intent of the Class 1 Exemption identified in Section 15301, Article 19, Categorical Exemptions of the CEQA Guidelines. Therefore, the proposed project would be considered exempt under CEQA Guidelines Section 15332, Class 32.

Lead Agency

Contact Person: Joey Dinh, Associate Planner, City of Morgan Hill Development Services Department

Area Code/Telephone/Extension: (408) 310-4676

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ Date: _____ Title: _____
☐ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.

Date Received for filing at OPR: _____

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Attachment: NOE [Revision 1] (2919 : AAE2020-0003: W. Dunne-AT&T)