STAFF REPORT

TO: PLANNING COMMISSION

PREPARED BY: Anjana Mepani, Associate Planner

GENERAL INFORMATION

APPLICANT: Verizon Wireless/Ridge Communications, Inc. – Clarence Chavis

PROPERTY OWNER: Michael and Norma Hansen

LOCATION: PG&E Tower at 814 Carter Acres Lane (APN 365-150-053)

GENERAL PLAN: CUL: Open Space/Conservation Use Land

ZONING: Residential: R-80 (One-Family Residential: 80,000 sq. ft. minimum lot area) / ECD (Environmental Conservation District)

ENVIRONMENTAL REVIEW: Staff proposes that the Planning Commission find that this permit be categorically exempt (Class 1 - Section 15301 - Existing Facilities and Class 11 - Section 15311 - Accessory Structures) from the requirements of CEQA. If the Planning Commission adopts this proposed finding, no further environmental review would be required by State law.

PROPOSAL: Public hearing to consider approval of a proposal for the installation of a new co-located wireless telecommunications facility on an existing PG&E tower located on a private residential lot. The proposed project consists of adding a 12' lattice structure, with 9 antennas, on top of the existing approximately 162' tall tower. Verizon Wireless will be leasing an approximately 473 sq. ft. area within the tower footprint for an equipment enclosure. The proposed project is located in a residential zoning district, which requires a Use Permit and Design Review.

RECOMMENDATION

Approve Use Permit and Design Review application, Permit #12PLN-0002, subject to the attached conditions of approval.

BACKGROUND

On December 13, 2011, a study session with the Planning Commission was held to discuss the proposed project and receive public comments (Attachment E - Planning

Commission Study Session Minutes). The Planning Commission provided comments to the applicant on the project and requested that the access issue be resolved. Verizon's legal counsel determined that Verizon Wireless can lawfully enter into an agreement with the Hansen's to have the right to access the proposed project site for utility purposes via Carter Acres Lane for construction, operation, and maintenance of a communications facility (Attachment F - Verizon Legal Counsel Letter). The letter from Verizon's legal counsel states that Verizon Wireless has agreed to pay $30,000 into the Carter Acres Community Road Fund for future improvements to be made to Carter Acres Lane. The letter from Verizon's legal counsel was sent by the applicant to the residents of Carter Acres Lane, however two of the residents continue to disagree (Attachment G - Applicant's Letter to Residents of Carter Acres Lane regarding access and Attachment H - Ms. St. Clare and Mr. & Ms. Scharmer's Letter). Should these residents wish to pursue their claims, it would be a private dispute to be resolved in a forum separate from the City's use permit review. Such a legal conflict between the private property owners and Verizon Wireless would be similar to the access/rights litigation that took place between the residents (DeVito, Buell, Brooke) of Carter Acres Lane and Cingular (now T-Mobile) in 2001/2002. Further, the applicant has provided a detailed letter addressing the comments from the study session (Attachment I - Applicant's Letter dated March 5, 2012, addressing Study Session comments, etc.). Also, since the study session the applicant has revised the equipment enclosure layout for better visibility around the tower.

On March 28, 2012, the project was reviewed by the Design Review Committee (DRC). The DRC reviewed the top hat design, antennas, and equipment materials and colors, and no changes were suggested for the items to be placed at the top of the tower. However, the DRC did recommend that the fence for the equipment enclosure be treated with a stain preservative or natural stain. The DRC's recommendation for staining the fence has been added as a condition of approval.

SITE, CONTEXT, PROJECT DESCRIPTION

The existing Pacific Gas and Electric Company (PG&E) utility tower and easement are located on a private residential lot at 814 Carter Acres Lane. The subject property has a lot size of 2.27 acres (99,055 sq. ft.) and contains one single-family residence, which is located over 100 feet away from the tower. The PG&E 100-foot right-of-way easement traverses along a portion of Carter Acres Lane and the PG&E tower is located at the western edge of the subject property. Further, T-Mobile currently operates a wireless telecommunications facility at the PG&E tower, which consists of antennas on the tower and an equipment area at the base of the tower.

The subject property is located in a residential zoning district, where pursuant to Martinez Municipal Code Chapter 22.39, "Wireless Telecommunications Facilities," a Use Permit and Design Review approval is required for any wireless facility installation. The subject property is located in a residential neighborhood, where many of the surrounding single-family residences are also located on large lots. According to the applicant, the nearest residence besides the Hansen residence is more than 200 feet away. To the north of the subject property is the Briones Horse Center and Briones Regional Park is located nearby. On July 6, 2011, the applicant held a neighborhood meeting at the Hansen residence with the property owners that reside on Carter Acres

Lane to describe the project and to answer questions.

The applicant is proposing to install a new wireless telecommunications facility by adding a 12-foot lattice top hat extension structure and 9 antennas to the top of an existing approximately 162 foot tall PG&E tower. The applicant is also proposing to place an equipment enclosure at the base of the tower. Verizon Wireless will be leasing an approximately 473 sq. ft. area within the towers footprint. According to the applicant, the proposed facility is needed to provide cell and LTE (3G) coverage to Alhambra Valley and the surrounding area that currently receive no or inadequate Verizon wireless coverage. The improved network coverage would effectively meet the wireless service needs and expectations of Verizon's customer base, which consist of local area residents, commuters, and professionals in the area.

The wireless facility will operate unmanned and the equipment will be serviced twice monthly. Further, a noise study was conducted for the proposed equipment area along with the noise generated from the existing T-Mobile equipment area and the noise requirements set in the Martinez Municipal Code Chapter 8.34.020 will be met (Attachment O - Noise Study). In addition, the attached Radio Frequency Radiation Report demonstrates that the proposed wireless facility, along with the operation of the other wireless carrier, will be within the permissible public exposure standards set by the Federal Communications Commission (FCC) (Attachment N - Radio Frequency Radiation Report). It should be noted that the Telecommunications Act of 1996 states that no state or local governmental entity may regulate the placement, construction, or modification of wireless facilities on the basis of environmental effects of radio frequency emissions to the extent that the emissions comply with FCC regulations.

DISCUSSION

Use Permit

As mentioned above, a Use Permit is required to permit a wireless telecommunications facility of this type. The "Wireless Telecommunications Facilities" ordinance (MMC Chapter 22.39) promotes co-location of wireless facilities to reduce the amount of wireless facility sites, which applies to the proposed project. Co-location occurs when a single tower or building supports one or more antennas, dishes, or similar devices owned by more than one public or private entity, such as multiple wireless carriers. Also, in order for a wireless telecommunications facility to be located in a residential area the applicant must demonstrate that no other feasible alternative site exists. The applicant considered an alternate site on an existing PG&E tower in Briones Regional Park. However, Verizon Wireless was unable to gain access to the tower, which was the only other co-locatable site in the search ring to provide adequate service. According to the applicant, there were no other viable alternative sites without the need for a monopole (Attachment L - Alternative Site Analysis).

Design Review

The existing PG&E tower is approximately 162 feet high, with existing antennas that belong to T-Mobile located at 67.9 feet high. The applicant is proposing to add a 12-foot lattice extension/top hat structure to the existing tower, thus bringing the overall tower height to approximately 174.2 feet. A top hat is an industry term that refers to a

tower extension structure to separate cell antennas from power lines. It should be noted that utility poles and towers are not subject to height limits (Martinez Municipal Code Chapter 22.34.170B). Further, the nine antennas proposed to be placed on the top hat will be located on three sectors around the extension, with three antennas mounted per sector, with the top of the antennas at approximately 174.2 feet in height. To gain the required separation from the PG&E power lines and to get necessary coverage the top hat will accommodate the antennas. The antennas are proposed to be mounted on the top hat extension level to provide Verizon Wireless network coverage to the surrounding area that currently has no or poor Verizon cell service. Thus, the top hat will be designed to look like an extension of the PG&E tower. The lattice top hat extension and antennas will be painted to match the existing PG&E tower.

The proposed equipment enclosure will be located within the footprint of the tower, next to an existing equipment area belonging to T-Mobile. At grade, the equipment within the enclosure will not be visible above the 8-foot solid wooden fence line. DRC recommended that the fence have a stain preservative or natural stain. Further, the antennas on the top hat will be visible to the surrounding area in general. The applicant has provided photo simulations with various views of the lattice top hat extension, antennas, and equipment enclosure (Attachment D - Photo Simulations).

CONCLUSION

Staff recommends approval of the project, and the draft resolution attached contains the necessary findings for Planning Commission approval. The attached draft conditions of approval have been prepared, also for Planning Commission approval.

ATTACHMENTS

A. Site Context Map
B. Resolution [Draft]
C. Conditions of Approval [Draft]
D. Photo Simulations
E. Planning Commission Study Session Minutes – December 13, 2011
F. Verizon Legal Counsel Letter regarding access received December 21, 2011
G. Applicant's Letter to Residents of Carter Acres Lane regarding access dated January 9, 2012
H. Ms. St. Clare and Mr. & Ms. Scharmer's Letter responding to Applicant and Verizon Legal Counsel received January 23, 2012
I. Applicant's Letter dated March 5, 2012 addressing Study Session comments, etc.
J. Design Review Committee Comment Forms from March 28, 2012 meeting
K. Letter of Authorization from PG&E
L. Alternative Site Analysis
M. Coverage Maps
N. Radio Frequency Radiation Report
O. Noise Study

EXHIBITS

Site Map, Tower Detail, Site Plan, Equipment Area Layout and Plan, Antenna Layout, Elevations, and Details

Attachment A

1" = 394'

N

CityGIS

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Attachment B

DRAFT RESOLUTION NO. PC 12-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARTINEZ MAKING FINDINGS FOR THE APPROVAL OF USE PERMIT AND DESIGN REVIEW APPLICATION PERMIT #12PLN-0002, FOR A NEW VERIZON WIRELESS TELECOMMUNICATION FACILITY ON A PG&E TOWER AND EQUIPMENT IN A LEASED AREA WITHIN THE TOWER FOOTPRINT AT 814 CARTER ACRES LANE (APN 365-150-053)

WHEREAS, the City of Martinez received a request for a Use Permit and Design Review from Verizon Wireless to allow construction of a new co-located wireless telecommunication facility on an existing PG&E tower and equipment in a leased area within the tower footprint ("Project") at 814 Carter Acres Lane, identified as APN 365-150-053 ("Project Lot", "Project site" or "site"), within the City of Martinez; and

WHEREAS, the policies applicable to the project site are set forth in the General Plan with the land use designation of CUL: Open Space/Conservation Use Land; and

WHEREAS, the zoning applicable to the site is Residential: R-80 (One-Family Residential: 80,000 sq. ft. minimum lot area) / ECD (Environmental Conservation District) as set forth in the Martinez Municipal Code, at Title 22-Zoning, and Chapter 22.12-Residential Districts (Zoning Ordinance) which allows for wireless telecommunication facilities with a conditional use permit and design review permit; and

WHEREAS, Chapter 22.39 Wireless Telecommunications Facilities - Section 22.39.050(3) requires Use Permit and Design Review approval by the Planning Commission to permit a wireless telecommunication facility; and

WHEREAS, the Project is categorically exempt from the requirements of CEQA, under Section 15301-Existing Facilities and Section 15311-Accessory Structures, because the Project consists of construction that is appurtenant to the existing PG&E facility; and

WHEREAS, the Planning Commission of the City of Martinez held a duly noticed public hearing on April 24, 2012, and considered public testimony on the matter and all other substantial evidence in the record; and

WHEREAS, the Planning Commission as part of its public hearing imposed certain Conditions of Approval on the Project for the Use Permit and Design Review which are required for the Project and incorporated into this Resolution; and

NOW, THEREFORE, the Planning Commission of the City of Martinez resolves as follows:

1. That the above recitals are found to be true and constitute part of the findings upon which this resolution is based.

2. In order to approve the Use Permit application, the Planning Commission must make the following findings (in bold below), which it hereby does:

(a) **The proposed location of the conditional use is in accord with the objectives of this title, and the purposes of the district in which the site is located.** The proposed wireless telecommunication facility is appropriate for the residential project site because of the existing PG&E tower with the other wireless carrier that is already located there. Co-location of wireless telecommunication facilities is promoted to condense the number of sites with such facilities.

(b) **The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.** The Project will be a co-located facility, which is promoted by the "Wireless Telecommunications Facilities" ordinance (MMC Chapter 22.39), to reduce the amount of wireless facility sites in the City. Also, in order to be located in a residential area, Verizon Wireless has demonstrated that no other feasible alternative site exists. The equipment for the wireless telecommunication facility will be fenced and secured. The equipment will make minimal noise and will require maintenance twice monthly, not significantly increasing traffic activity at the site. Thus, the Project as proposed will not be detrimental to the public heath, safety or welfare or materially injurious to properties or improvements in the vicinity.

(c) **The proposed conditional use will comply with each of the applicable provisions of this title.** The Project complies with each of the applicable provisions of Title 22-Zoning of the Martinez Municipal Code, including the standards and criteria for telecommunication facilities. In addition, the project meets the Federal Communications Commission (FCC) requirements for levels of Radio Frequency Radiation.

3. In order to approve the Design Review application, the Planning Commission must make the following findings (in bold below), which it hereby does.

a) **Complying with all other applicable provisions of the Martinez Municipal Code involving the physical development of buildings, structures and property, including use restrictions.** The proposed wireless telecommunication facility complies with all other applicable provisions of the Martinez Municipal Code and is also consistent with the design review criteria and standards.

(b) **Provides desirable surroundings for occupants as well as for neighbors. Emphasis is placed upon exterior design with regard to**

height, bulk, and area openings; breaks in the facade facing on a public or private street; line and pitch of the roof; and arrangement of structures on the parcel. The Project would be a co-located facility, which is promoted by the "Wireless Telecommunications Facilities" ordinance (MMC Chapter 22.39) to reduce the amount of wireless facility sites in the City. Also, in order to be located in a residential area, Verizon Wireless has demonstrated that no other feasible alternative site exists. Verizon Wireless has designed the top hat to look similar to the PG&E tower and will paint the top hat, antennas, and brackets the match the tower. The equipment will comply with all FCC regulations and will be serviced twice monthly, which will not have a significant impact on traffic and activity at the site. The telecommunication site will only create a negligible amount of noise and will give off no fumes or odors.

(c) **Has a harmonious relationship with existing and proposed neighboring developments avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted**. The Project will fit in with the site since it is similar to the other wireless facility at the site and the top hat, antennas, and brackets will resemble the PG&E towers materials and colors, allowing similarity of style. In addition, the proposed wireless facility will not exceed noise levels as required by the City's Noise Ordinance and will be in compliance with all FCC radio frequency regulations.

(d) **Uses a limited palette of exterior colors; those colors must be harmonious and architecturally compatible with their surrounding environment.** Verizon Wireless will paint the top hat, antennas, and brackets to match the existing PG&E tower. The wooden fence surrounding the equipment enclosure will have a stain to blend in with the base and footprint of the utility tower.

(e) **Uses a limited number of materials on the exterior face of the building or structure. In addition, all interior surfaces normally visible from public property shall be finished.** A limited number of exterior materials will be used since Verizon Wireless will use materials that are similar to and resemble the PG&E tower for the 12' top hat lattice structure. The fence surrounding the equipment enclosure at the base of the tower will be made of wood.

(f) **Has exterior lighting appropriately designed with respect to convenience, safety, and effect on occupants as well as neighbors.** This standard is not applicable to the Project since no exterior lighting is proposed.

(g) **Effectively concealing work areas, both inside and outside of buildings, in the case of non-residential facilities.** The equipment cabinets will be concealed by the wooden fence at the towers base.

(h) **Under grounding all utility boxes unless it can be shown that they can be effectively screened from the view of the general public.** The utility boxes in the equipment enclosure will be screened from view of the general public by the wooden fence.

(i) **Designing the type and location of planting with respect to the preservation of specimen and landmark trees, water conservation as set forth in Chapter 22.35, and maintenance of all planting.** This standard is not applicable to the Project.

(j) **Establishing a circulation pattern, parking layout and points of ingress and egress (both vehicular and pedestrian), designed to maximize pedestrian safety and convenience and to minimize traffic congestion resulting from the impediment of vehicular movement. When applicable, access for handicapped individuals should be considered.** This standard is not applicable to the Project.

(k) **Ensuring that all signs be designed so that they are in scale with the subject development, and will not create a traffic hazard. Emphasis is placed upon the identification of the use or building rather than the advertising of same.** This standard is not applicable to the Project.

(l) **Substantially preserves views from nearby properties where this can be done without severe or undue restrictions on the use of the site, balancing the property rights of the applicant and the affected property owner(s).** Given that the top hat will be designed to resemble the existing PG&E tower; the top hat, antennas, and brackets materials and paint will match the existing tower; the overall height of the tower will increase approximately twelve feet; and the equipment enclosure will be located at the base and within the footprint of the tower, the Project will not result in any significant view loss.

NOW, BE IT FURTHER RESOLVED that based on the information contained in the entire administrative record and the findings set forth above, the Planning Commission of the City of Martinez hereby approves Use Permit and Design Review application Permit #12PLN-0002, subject to the Conditions of Approval, incorporated herein by reference.

* * * * * * * * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a Regular Meeting of said Commission held on the 24th day of April, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

BY: _____
Rachael Ford
Planning Commission Chair

_____
Anjana Mepani
Associate Planner

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CONDITIONS OF APPROVAL

DRAFT AS APPROVED BY PLANNING COMMISSION

Applicant Name: **Verizon Wireless/Ridge Communications, Inc. - Clarence Chavis**

Location: **814 Carter Acres Lane (APN 365-150-053) / PG&E Right-of-Way**

I. Description of Permit

These conditions apply to and constitute the approval of Permit #12PLN-0002 for Use Permit and Design Review application, to allow construction of a new co-located wireless telecommunications facility on an existing PG&E tower located on a private residential lot at 814 Carter Acres. The project consists of adding a 12' lattice structure, with 9 antennas, on top of the existing approximately 162' tall tower. Verizon Wireless will be leasing an approximately 473 sq. ft. area within the tower footprint for an equipment enclosure. The project is located in a residential zoning district, which requires a Use Permit and Design Review.

II. Exhibits

The following exhibits are hereby approved and incorporated as conditions of approval, except where specifically modified by these conditions:

EXHIBIT	DATE RECEIVED	PREPARED BY	PAGES
Site Map, Tower Detail, Site Plan, Equipment Area Layout and Plan, Antenna Layout, Elevations, and Details	April 16, 2012	Delta Groups Engineering, Inc.	7
Photo Simulations	March 16, 2012, and July 15, 2011	AdvanceSim	3
Coverage Maps	October 28, 2011	Verizon Wireless	3

All construction plans and all improvements constructed pursuant to Permit #12PLN-0002 and shall conform to these exhibits. Building permit plans shall include a checklist of these conditions for staff review and verification that the conditions have been met. Where a plan or further information is required by these conditions, it is subject to review and approval by the Planning Division, Engineering Division, or Building Division as noted.

III. Special Conditions that Apply to Permit #12PLN-0002

A. Antennas, brackets, and top hat shall be painted to match the existing PG&E tower.

B. Permit applications for wireless telecommunication facilities shall be valid for a period of up to ten (10) years from date of final discretionary approval and may be renewed prior to expiration by administrative action.

IV. Site Plan

A. Provide site plan that shows all existing features and proposed structures.

B. Fences, walls and retaining walls:

1. All fencing, retaining walls, etc., shall be shown on the site plan.

2. The equipment enclosure fence shall be wooden with a stain preservative or natural stain. Alternate materials will be subject to staff review and approval.

V. Noise Control and Dust

A. All construction activities shall be restricted to Monday - Friday and to the hours of 7:00 a.m. to 7:00 p.m. Work on weekends and holidays shall be permitted between 9:00 a.m. to 5:00 p.m. The permittee shall post a sign on the site notifying all workers of this restriction.

B. Telecommunication facilities shall operate in compliance with the noise exposure standards contained in the City's Noise Control Ordinance, Chapter 8.34 of the Martinez Municipal Code.

C. Normal testing and maintenance activities shall occur between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding emergency repairs. Normal testing and maintenance activities, which do not involve the use or operation of telecommunications and maintenance equipment that is not audible from residences and other nearby sensitive receptors, may occur at all other times. The level of noise of any equipment used in routine maintenance and repairs shall not exceed the City's noise standards at any adjacent property line.

D. Backup generators shall comply with the same noise standards referenced above and shall only be operated during power outages, emergency occurrences, or for testing and maintenance in accordance with item C above.

E. All construction equipment shall be muffled in accordance with State Law.

VI. Radio Frequency Radiation

A. Wireless telecommunication facilities operating alone and in conjunction with other telecommunication facilities shall not emit Radio Frequency Radiation

(RFR) in excess of the standards for permissible human exposure to RFR as adopted by the Federal Communications Commission (FCC).

B. The City may require one or more (periodic) post-construction RFR reports as a condition of project approval to verify that actual levels of RFR emitted by the approved facilities, operating alone and in combination with other approved facilities, substantially conform to the pre-approval RFR report and do not exceed current standards for permissible human exposure to RFR as adopted by the FCC.

VII. Lighting

A. Manually operated, low wattage, hooded and downward directed exterior lighting shall be permitted for safety purposes only and shall not operate except when maintenance or safety personnel are present at night.

B. Nighttime lighting of warning signs required near publicly accessible facilities must consist of low-wattage fixtures, and must be directed downward and hooded.

C. Plans submitted for Building Permits shall include a detailed lighting plan including the location and type of all exterior lighting fixtures.

VIII. Grading

A. All grading shall require a grading and drainage plan prepared by a registered Civil Engineer. A grading permit or a site development permit, as approved by the City Engineer will be required prior to construction.

B. The on-site finish grading shall require drainage to be directed away from all building foundations at a slope of 5 percent minimum toward approved drainage facilities or swales. Non-paved drainage swales shall have a minimum slope of 1 percent.

C. Contour grading techniques with spot elevations shall be employed throughout the project to achieve a more natural appearance, even where this will increase the amount of grading.

D. Erosion control measures shall be implemented per plans approved by the City Engineer for all grading work not completed before October 1. At the time of approval of the improvement and/or grading plans, an approved Erosion Control Plan prepared by a registered Civil Engineer shall be filed with the City Engineer.

E. The finished grading shall be inspected and certified by the developer's engineer that it is in conformance with the approved Grading Plan and Soils Report pursuant to the provisions of Title 15 of the Martinez Municipal Code.

F. Any grading on adjacent properties will require written approval of those property owners affected.

G. If cultural resources are discovered during subsurface excavations, the Contractor shall cease construction and a qualified archeologist shall be contacted to make recommendations for mitigation.

H. The plans shall include the boundary treatment shown on cross sections, drawn to scale, for retaining walls, fencing and drainage.

IX. Drainage

A. All concentrated runoff shall be collected and conveyed to an approved storm drainage system. Existing slopes that have no additional discharge directed onto them or are not substantially re-graded can remain as natural runoff.

B. Applicant shall not increase storm water runoff to adjacent downhill properties unless either, (1) a Drainage Release is signed by the property owner(s) of affected downhill lots and recorded in the office of the County Recorder; or (2) site drainage is collected and conveyed in approved drainage facilities within a private drainage easement through a downhill property. This condition may require collection of on-site runoff and construction of an off-site storm drainage system. All required releases and/or easements should be obtained prior to issuance of the site development or Building Permit whichever comes first.

C. The developer shall comply with City and Contra Costa County Flood Control District Design requirements.

X. Agreements, Fees and Bonds

A. All required improvement agreement(s) and all required fees and security deposits in connection with the proposed project shall be submitted to and approved by City and ant other agencies having jurisdiction prior to City issuance of the building or site development permit, whichever comes first.

XI. Other Requirements

A. Construction shall comply with all applicable City and State building codes and requirements including handicapped and energy conservation requirements, grading and erosion control ordinances.

B. Electrical conduits shall be installed underground in an easement from source to proposed facilities as approved by the City Engineer. Applicant shall be responsible for repairing/replacing any damage to existing facilities

and structures including but not limited to landscape, irrigation system, asphalt, curb, gutter, pavement, paths, structures, drainage facilities, utilities, etc.

C. Applicant shall provide the City with documents from PG&E and the property owner approving installation of the telecommunication facility and equipment on their property.

D. Complete improvement plans shall be submitted to the City for review and approval prior to construction.

E. Where required, an encroachment permit is required prior to any work with the public right of way.

F. Carter Acres Lane shall be open to traffic at all times. Adequate traffic control and safety measures shall be provided during construction.

G. All debris and sediments shall be cleaned daily prior to leaving the job site. Loose materials shall be picked up. Paved surfaces shall be cleaned or washed. Safety hazards shall be removed immediately.

XII. Validity of Permit and Approval

A. Planning Commission approval is subject to appeal to the City Council within ten calendar days of the approval.

B. The use permit and design review application, Permit#12PLN-0002 approval shall expire one year from the date on which they became effective (unless extended under C below) unless a building permit is obtained and construction begun within the one year time period. The effective date of the use permit and design review application, Permit#12PLN-0002 and approvals is April 24, 2012.

C. The applicant may apply to extend the expiration date, April 24, 2013, if an application with the required fee is filed at least 45 days before the said expiration date. (Otherwise the use permit and design review application, Permit#12PLN-0002 approval expires and are of no further force or effect and a new application for such permits is required.) A public hearing will be required for all extension applications, except those involving only Design Review. Extensions are not automatically approved: Changes in conditions, City policies, surrounding neighborhood, and other factors permitted to be considered under the law, may require or permit denial.

D. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Martinez, or other public agency having jurisdiction.

E. The applicant (and successor in interest) shall properly maintain and ultimately remove, if required, the approved wireless telecommunication facilities in compliance with the provisions of the Standards and Criteria for Telecommunication Facilities and any conditions of permit approval. The applicant shall cover the costs of removal from the premises if it has been inoperative or abandoned for a two-year period, or upon expiration of the permit applications.

F. Posting of a financial security may be required to pay for the cost of preparation of electromagnetic frequency radiation reports evaluating the conformance of approved and operative facilities with applicable standards adopted by the Federal Communications Commission, if complaints are received. The applicant may post a single financial security in an amount not to exceed $25,000.00 to satisfy electromagnetic frequency radiation reports for build out of the applicant's network facilities plan.

G. The applicant, Verizon Wireless, shall defend, indemnify and hold harmless the City and its agents, officers, attorneys and employees from any claim, action, or proceeding brought against the City or its agents, officers, attorneys or employees to attack, set aside, void, or annul the Planning Commission's decision to approve Permit#12PLN-0002 - Use Permit and Design Review application and any environmental document approved in connection therewith. The indemnification shall include damages or fees awarded against the City, if any, cost of suit, attorney's fees, and other costs and expenses incurred in connection with such action whether incurred by Verizon Wireless, the City, and/or the parties initiating or bringing such action. The City shall promptly notify the applicant of any such claim, action or proceeding. The City shall retain the right to participate in any claim, action, or proceeding.

H. Verizon Wireless shall defend, indemnify and hold harmless the City, its agents, officers, employees and attorneys for all costs incurred in additional investigation of, or study of, or for supplementing, preparing, redrafting, revising, or amending any document (such as the Negative Declaration), if made necessary by said legal action and if Verizon Wireless desires to pursue securing such approvals, after initiation of such litigation, which are conditioned on the approval of such documents.

I. In the event that a claim, action or proceeding described in item G, above, is brought, the City shall promptly notify Verizon Wireless of the existence of the claim, action or proceeding, and the City will cooperate fully in the defense of such claim, action or proceeding. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding. In the event that Verizon Wireless is required to defend the City in connection with any said claim, action, or proceeding, the City shall retain the right to (i) approve the counsel to so defend the City, (ii) approve all significant decisions concerning the manner in which the defense is conducted, and (iii) approve any and all settlements, which approval shall not

be unreasonably be withheld. The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with Verizon Wireless in the defense of said claim, action or proceeding. If the City chooses to have counsel of its own to defend any claim, action or proceeding where Verizon Wireless have already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City, except that the fees and expenses of the City Attorney shall be paid by the applicant.

J. Verizon Wireless shall indemnify the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.

K. The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirement, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

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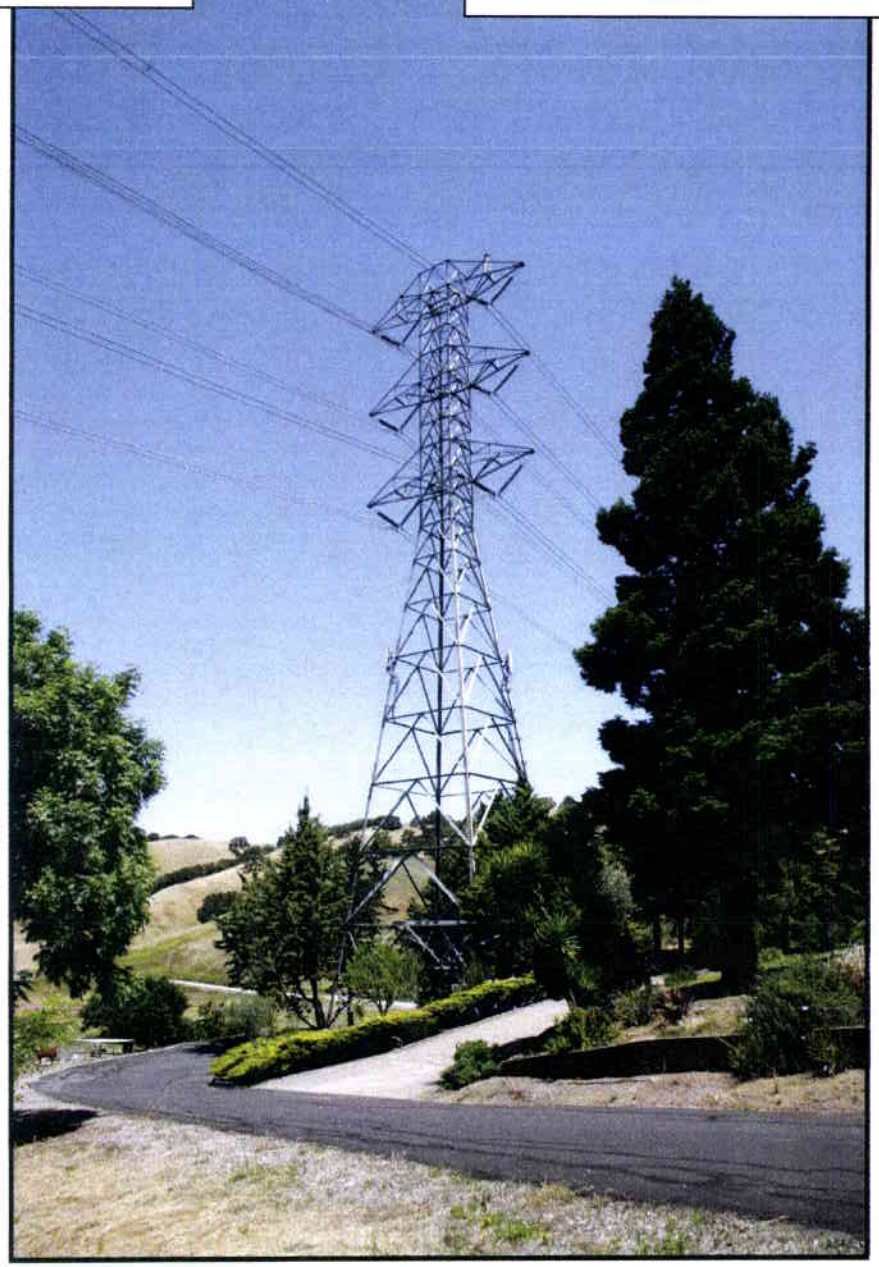
view from Carter Acres Road looking northeast at site

verizon

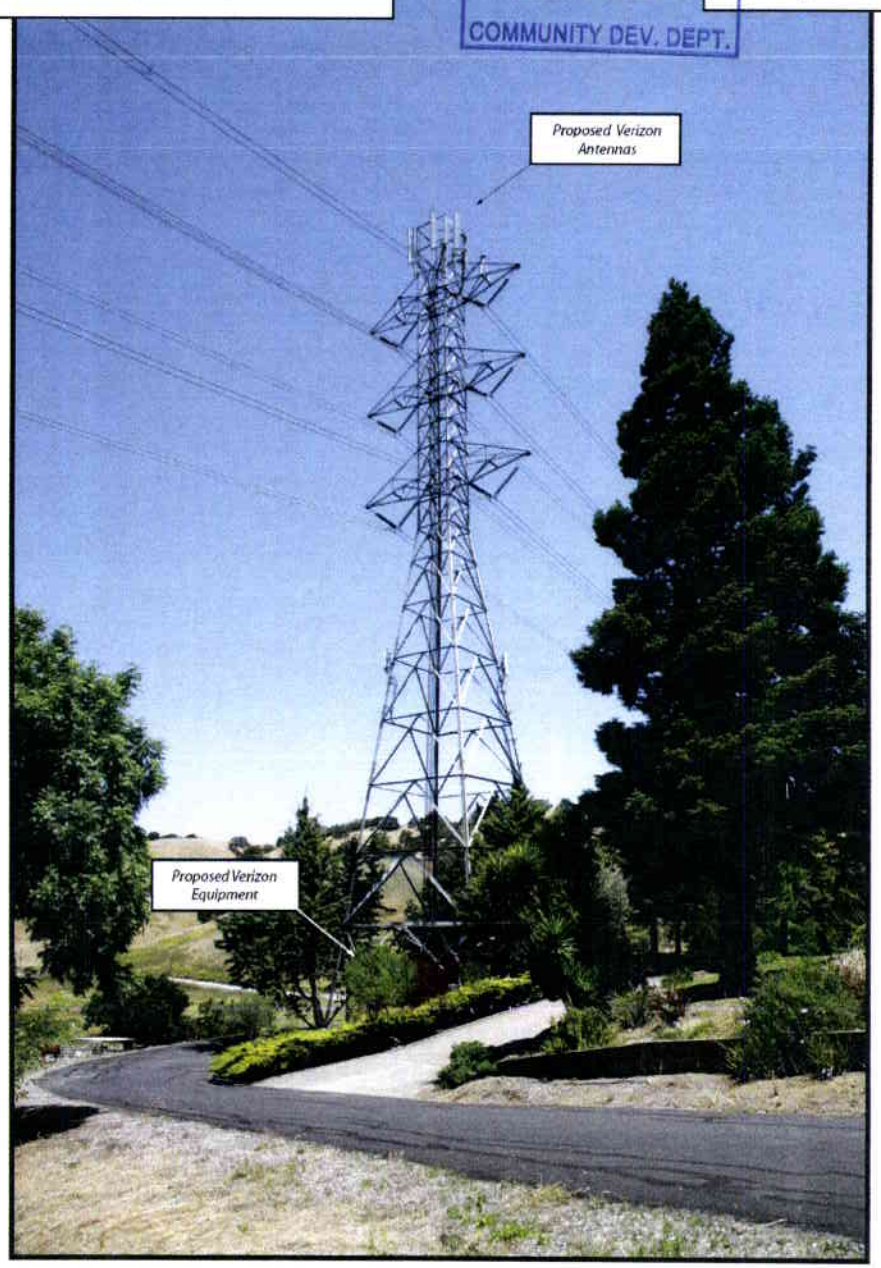
248124 Alhambra Reliez
814 Carter Acres Road, Martinez, CA

RECEIVED
MAR 16 2012
COMMUNITY DEV. DEPT.

Existing



Proposed



AdvanceSim
Photo Simulation Solutions
Contact | 925 | 262-8507

Attachment D

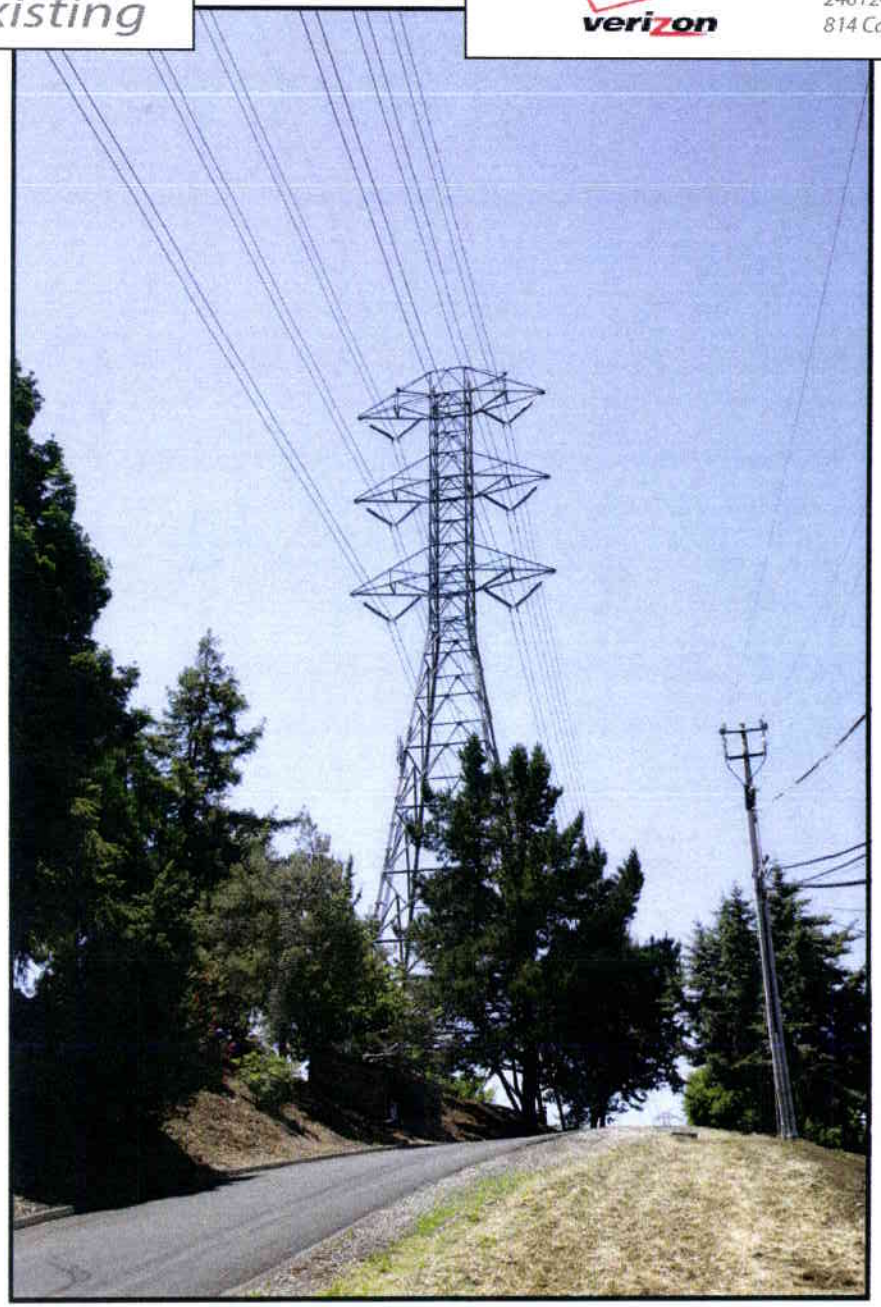
view from Carter Acres Road looking southwest at site

verizon

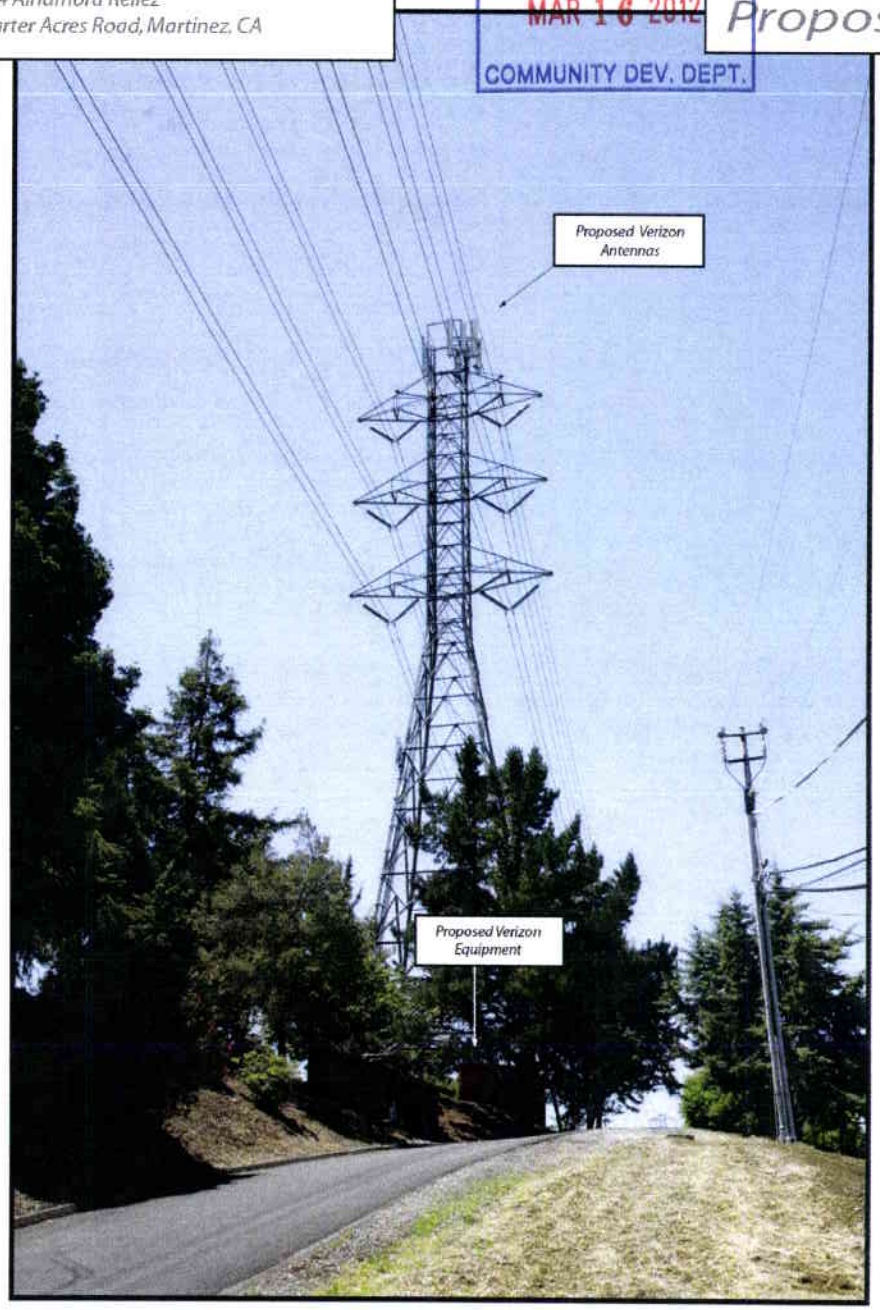
248124 Alhambra Reliez
814 Carter Acres Road, Martinez, CA

RECEIVED
MAR 16 2012
COMMUNITY DEV. DEPT.

Existing



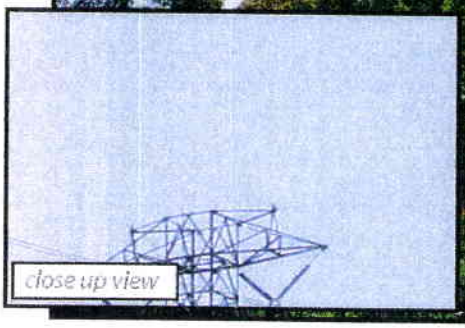
Proposed



AdvanceSim
Photo Simulation Solutions
Contact (925) 202-8507

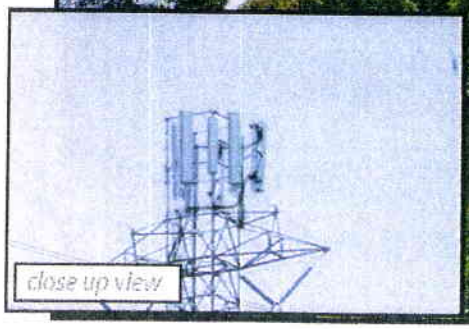
Existing

RECEIVED
JUL 15 2011
COMMUNITY DEV. DEPT.



Proposed

Proposed Verizon Antennas



Site

view from Reliez Valley Road looking south at site

verizon

248124 Alhambra Reliez
S1 Center Acres Road, Martinez, CA

Attachment E

Planning Commission
Regular Meeting
December 13, 2011
Martinez, CA

CALL TO ORDER

Acting Chair, Commissioner Donna Allen called the meeting to order at 7:04 p.m.

Staff present: Senior Planner Corey Simon, Associate Planner Anjana Mepani

ROLL CALL

PRESENT:	Donna Allen, Commissioner, Harriett Burt, Commissioner, Sigrid Waggener, Commissioner, Kimberley Glover, Commissioner, and James Blair, Commissioner (Alternate).
EXCUSED:	Rachael Ford (Chair), Jeff Keller, Commissioner, and Paul Kelly, Commissioner.
ABSENT:	None.

AGENDA CHANGES

Senior Planner Corey Simon noted that Commissioner Burt wanted to recuse herself from Item #3.

PUBLIC COMMENT

None.

CONSENT ITEMS

1. *Minutes of October 25, 2011, meeting.*

October 25, 2011, minutes
Associate Planner Anjana Mepani corrected the minutes regarding the vote on Consent Calendar, noting it should be a 7:0 vote, not 8:0; Commissioner Marchiano should not be listed as a member of the Commission, and Commissioner Glover is no longer the alternate.

On motion by Sigrid Waggener, Commissioner, seconded by Harriett Burt, Commissioner, to approve Minutes of October 25, 2011, meeting, as corrected. Motion unanimously passed 5 - 0. Yes: Commissioner Donna Allen, Commissioner Harriett Burt, Commissioner Sigrid Waggener, Commissioner Kimberley Glover, Commissioner James Blair (Alternate).

2. *Sale of Surplus Property - General Plan Consistency Find the sale of City owned Glendora Drive parcels (APN #370-095-001 thru 005), consistent with the General Plan.*

There were no members of the public comment wishing to speak regarding the sale.

Acting Chair Allen suggested doing a Certificate of Compliance, to clarify the existing easement and zoning restrictions, when the sale is completed. Mr. Simon said the easement will probably be removed since the owner of the upper parcel is interested in four of the lots, which will give him access. He agreed some memorialization of the easement and the restrictions on development or subdivision would be good for future reference.

Acting Chair Allen strongly reiterated the need for a Certificate of Compliance. Commissioner Burt agreed it would be helpful to specify the types of allowable uses.

On motion by Harriett Burt, Commissioner, seconded by Donna Allen, Commissioner, to approve Resolution finding the sale of City owned Glendora Drive parcels (APN #370-095-001 thru 005), consistent with the General Plan, and that the Planning Commission recommends a Certificate of Compliance be issued upon the sale of these parcels, to memorialize the zoning restrictions. Motion unanimously passed 5 - 0. Yes: Donna Allen, Commissioner Harriett Burt, Commissioner Sigrid Waggener, Commissioner Kimberley Glover, Commissioner, James Blair, Commissioner (Alternate).

3. *Acquisition and Sale of Property - General Plan Consistency Find that the City's purchase and pending sale of Contra Coast County owned parcel at 610 Court Street (APN #373-265-001), consistent with the General Plan.*

Commissioner Burt asked whether the finding of consistency needs to be made with the current General Plan or the one that is being developed. Mr. Simon said with the current one.

There was no public comment on the item. Commissioner Burt said she will abstain because of her membership in the Contra Costa County Historical Society and the remote possibility that it will be a party with the county for the building to be used for historical records.

On motion by James Blair, Commissioner (Alternate), seconded by Kimberley Glover, Commissioner, to approve a Resolution finding that the City's purchase and pending sale of Contra Costa County owned parcel at 610 Court Street (APN #373-265-001), is consistent with the General Plan. Motion unanimously passed 4 - 0. Yes: Sigrid Waggener, Commissioner Donna Allen, Commissioner Kimberley Glover, Commissioner, James Blair, Commissioner (Alternate), Abstain: Harriett Burt, Commissioner.

REGULAR ITEMS

4. *Verizon Wireless 11PLN-0036 Study session to discuss and receive public input on a proposal for an installation of a new co-located wireless telecommunications facility on an existing PG&E tower located on a private residential lot. The proposed project consists of adding a 12' lattice structure, with 9 antennas, on top of the existing approximately 162' tall tower. Verizon will be leasing an approximately 473 sq. ft. area within the tower footprint for an equipment enclosure. The proposed project is located in a residential*

zoning district, which requires a Use Permit and Design Review. This project is located on a PG&E Tower at 814 Carter Acres Lane (APN 365-150-053) Applicant: Chip Griffin, Ridge Communications (AM)

Associate Planner Mepani presented the staff report, discussing the proposal, the need for a use permit and design review in the future, and the reason for the study session.

Applicant Clarence Chavis, Ridge Communications, noted that the new equipment will be under the footprint of the PG&E tower, and it will meet the same standards as in the past.

Acting Chair Allen opened public comment on the item.

CHRISTINE SCHARMER thanked the City for the noticing of the study session, but expressed concern that proper protocol was not followed. She noted that Carter Acres Lane is private lane and any action needs to be approved by the residents. She explained that one resident was strongly opposed to a previous request for one antenna, but the majority approved. She indicated she was not notified of the plan by the owner who has signed an agreement with Verizon, but she just happened to observe activity at the site. She was concerned about the impacts on property values, noting they have already been affected by the PG&E tower and lines; and there is debate about the health effects from cell phone towers. She read a petition from property owners opposed to the new proposed cell phone tower installation. She expressed regret that Verizon was not made aware of the private road limitations. She shared written handouts with the Commission.

SIMONE ST. CLARE also shared written information related to the Reliez Valley Homeowners Association and the requirement for agreement of the neighbors before changes can be made. She noted that the majority of the owners agreed it was not a good idea.

CHIP GRIFFIN noted that his residence on Alhambra Valley Road has very poor cell reception. He would like better coverage. He noted that he had served as the initial representative of Ridge Communications but no longer works for them. He also indicated that a neighborhood meeting was held at which Ms. St. Clare and Ms. Scharmer attended and gave input. He also referred to coverage maps included in the Commission packets showing coverage in area before/after installation of this tower. He noted that some studies have shown that property values actually increase when there is good cell coverage. Mr. Griffin said he thought the main issue was the PG&E tower, not the cell phone antenna itself.

Commissioner Burt asked when the neighborhood meeting was held. Ms. Mepani said July 6, 2011.

Ms. St. Clare said yes, an informational meeting was held, but there was no information given regarding contracts that had been signed.

Ms. Scharmer acknowledged yes, better cell service might raise property values, unless in view of tower or close proximity.

Seeing no further speakers, Acting Chair Allen closed public comment on the item.

Rebuttal:

Mr. Chavis said there has been coordination and communication with the property owner regarding the project, and funds to upgrade the road.

Commissioner Waggener asked for staff input regarding the use of and access to Carter Acres Lane. Ms. Mepani said it is Verizon's responsibility to research access and easements. Acting Chair Allen noted it would be very important to get that information before the use permit/design review applications are submitted/processed.

Commissioner Blair said it was not the Planning Commission's responsibility to make that decision; rather, that is an issue between Verizon and the affected homeowners. Ms. St. Clare questioned whether the Planning Commission has the responsibility to review issues that run with land. Mr. Blair said not in this case, since it is a private road.

Acting Chair Allen said hopefully staff is fully aware of this issue and it will be resolved before the application comes back. Commissioner Waggener agreed.

Commissioner Burt said she would not be able to vote in support of the tower in the future unless those issues are resolved first. She expressed concern that the property owner was not in attendance to make a statement, etc.

Acting Chair Allen acknowledged there is an issue with cell phone service in the valley, and she was appreciative of co-locating on PG&E towers rather than adding new structures.

Commissioner Glover encouraged both sides to meet together to resolve things before the application comes back to the Commission.

Commissioner Burt discussed her role with the California Public Utilities Commission prior to her retirement in 2005 and her subsequent one-year restriction on voting on these applications. She acknowledged that the location of cell phone towers is one of the most difficult issues, and that there is no clear information available regarding public health impacts. She also commented on concerns with PG&E towers but they are necessary since we all use electricity. She was grateful for co-location possibilities now rather than adding new structures. She noted there is wide use of smart phones and devices, which has created the need for reliable coverage.

Commissioner Burt expressed a strong desire for Verizon to research the neighborhood issues and are fully dealt with, and for a Verizon representative to attend the next hearing for the application.

Acting Chair Allen said it would be good to have a greater discussion of the co-location possibilities. Commissioner Blair said that might be part of the neighbors' issues. The Commissioners present all seemed to agree that neighborhood issues need to be resolved before

the application proceeds further.

Mr. Chavis said it does seem obvious that road ownership and issues should be addressed.

Ms. Mepani asked whether the Commission would support the application in concept. The Commission said they could not answer until the access issues are settled.

Commissioner Burt asked about other alternative sites and asked Verizon to look again. Staff said it was included in the report. Commissioner Burt encouraged Verizon and Ridge Communications to keep their options open.

Mr. Griffin asked for clarification on the next steps in the process, which staff explained.

COMMISSION ITEMS

Acting Chair Allen asked if the Muir Station Road EIR is available. Mr. Simon discussed the status of the Initial Study status and noted the project is tentatively scheduled to be on the agenda for the Planning Commission meeting in late January. He indicated copies of the EIR and Initial Study should be out before the staff report for that meeting.

STAFF ITEMS

Mr. Simon announced the next General Plan Task Force meeting.

Commissioner Burt asked if there will be a meeting in the early part of January. Staff confirmed it was unlikely.

COMMUNICATIONS

Acting Chair Allen adjourned the meeting at 8:03 p.m., to the next regularly scheduled meeting at 7:00 p.m. on January 10, 2012, in the City Council Chambers.

Respectfully Submitted,	Approved by the Planning Commission Chairperson
Transcribed by Mary Hougey	Rachael Ford

Attachment F

McGuireWoods LLP
1800 Century Park East
8th Floor
Los Angeles, CA 90067
Phone: 310.315.8200
www.mcguirewoods.com

Lindsey Hansen
Direct: 310.956.3412

McGUIREWOODS

lrhansen@mcguirewoods.com
Direct Fax: 310.956.3185
File #1580036-1322

RECEIVED
DEC 21 2011
COMMUNITY DEV. DEPT.

December 20, 2011

VIA OVERNITE EXPRESS

Anjana Mepani
Associate Planner
City of Martinez
525 Henrietta Street
Martinez, CA 94553

RE: Use of Carter Acres Lane by GTE Mobilnet of California Limited Partnership, dba Verizon Wireless ("Verizon Wireless") in connection with Land Lease Agreement dated July 13, 2011 (the "Lease") between Verizon Wireless and Michael H. Hansen and Norma Hansen, as Trustees of the Hansen Family Trust, under Declaration of Trust dated ___, 2002, for the benefit of Michael H. Hansen and Norma Hansen (collectively, "Landlord")
Our Client: Verizon Wireless

Dear Ms. Mepani,

Pursuant to the Lease, Verizon Wireless has leased from Landlord a portion of the property (the "Premises") located at 814 Carter Acres Lane, Martinez, California (the "Property") for the construction, operation and maintenance of a communications facility. Landlord is the owner of the Property. Under the Lease, Verizon Wireless has the right to access the Premises via Carter Acres Lane. Landlord has the right to grant Verizon Wireless such access rights over Carter Acres Lane because Landlord is the owner of a non-exclusive easement for access and utility purposes encompassing Carter Acres Lane. The location of the easement is shown on the enclosed survey prepared by Foresight Land Surveying & Engineering dated August 30, 2011. This easement is appurtenant to the Property and is shown as Parcel Two in the legal description of the Property on the enclosed North American Title Company preliminary title report dated January 13, 2011. Therefore, Verizon Wireless' right to use Carter Acres Lane for access to the Premises derives from Landlord's easement interest in it.

Verizon Wireless has agreed under the Lease to make a one-time payment to the Carter Acres Community Road Fund in the amount of Thirty Thousand Dollars ($30,000.00) for future improvements to be made to Carter Acres Lane. Verizon Wireless will pay such amount to the

Carter Acres Community Road Fund within forty-five (45) days after the commencement date of the Lease.

Verizon Wireless does not believe that any additional approvals are necessary for its use of Carter Acres Lane. Please feel free to contact me if you need any further information or would like to discuss this issue.

Very truly yours,

Lindsey R. Hansen, Esq.

Enclosures
cc: Peter Maushardt (via e-mail w/o encls.)
Shannon Collins (via e-mail w/o encls.)
John McGaughey (via e-mail w/o encls.)
Lisa A. Atty, Esq. (w/o encls.)

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DEC 21 2011
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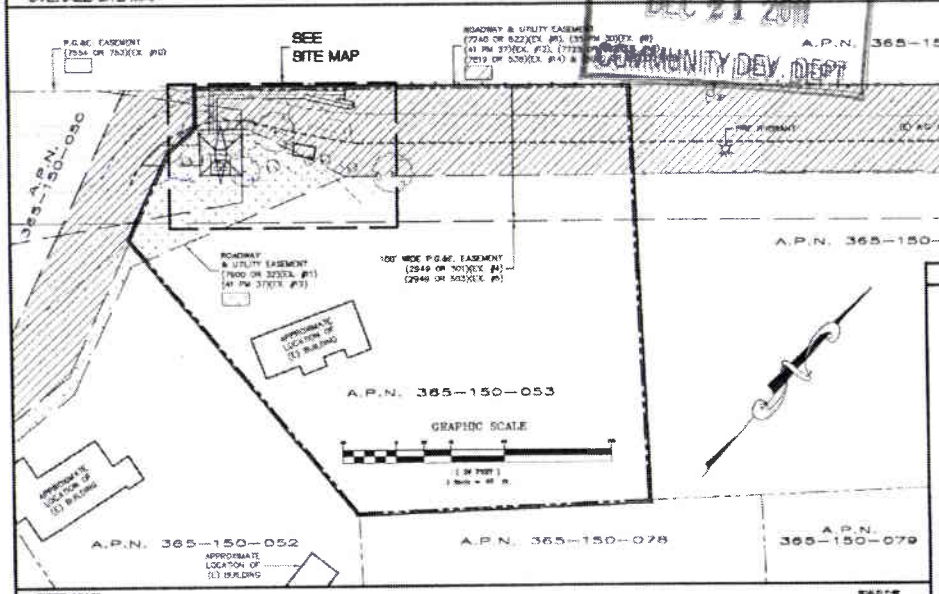
DEC 21 2011
COMMUNITY DEV. DEPT.

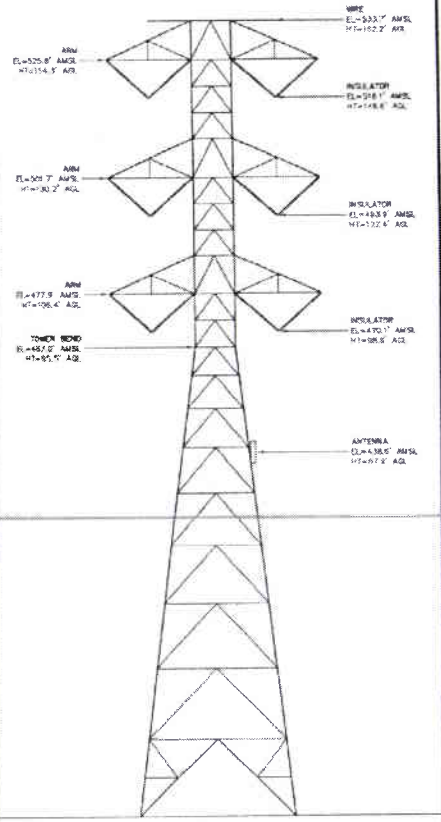
OVERALL SITE MAP



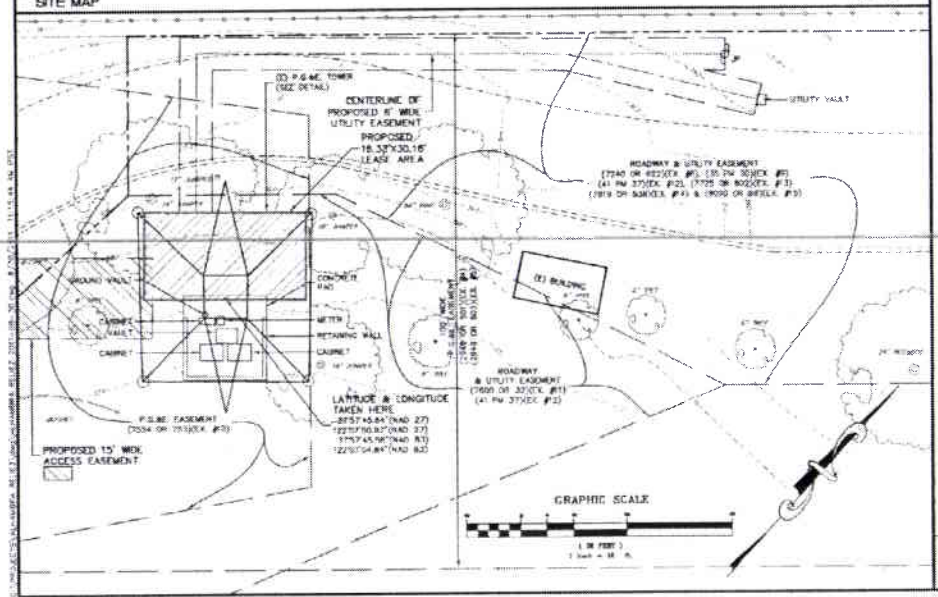
VICINITY MAP

Foresight
Land Surveying & Civil Engineering
Jim Schwindt
ph: 925-389-8150
email: foresight@comcast.net

TOWER DETAIL



SITE MAP



GENERAL NOTES

PROPERTY INFORMATION

OWNER: MICHAEL R. RANSEN, ET AL
ADDRESS: 914 CARTER ACRES LANE
MARTINEZ, CA 94553

SITE: ALHAMBRA RELIEZ
914 CARTER ACRES LANE
MARTINEZ, CA 94553

ASSESSOR'S PARCEL NUMBER 365-150-053
EXISTING GROUND ELEVATION: ELEV=371.5' AMSL

LESSOR'S LEGAL DESCRIPTION

LEGAL DESCRIPTION IS FOUND IN NORTH AMERICAN TITLE COMPANY TITLE REPORT FILE NUMBER 5486S-1067073-11, DATED JANUARY 13, 2011. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL ONE:

PARCEL "B", AS SHOWN ON THE PARCEL MAP, FILED DECEMBER 22, 1975, IN BOOK 41 OF PARCEL MAPS, PAGE 37, CONTRA COSTA COUNTY RECORDS.

PARCEL TWO:

A NON-EXCLUSIVE RIGHT OF WAY AS AN APPURTENANCE TO PARCEL ONE ABOVE FOR USE AS A ROADWAY FOR VEHICLES OF ALL KINDS, PEDESTRIANS, AND ANIMALS, FOR WATER, GAS, OIL AND SEWER PIPE LINES, AND FOR TELEPHONE, ELECTRIC LIGHT AND POWER LINES, TOGETHER WITH THE NECESSARY POLES OR CONDUITS TO CARRY SAID LINES OVER, UNDER, AND UPON THAT PORTION OF THE PARCEL MAP FILED OCTOBER 1, 1974 IN BOOK 35 OF PARCEL MAPS, PAGE 30, IN THE OFFICE OF THE CONTRA COSTA COUNTY RECORDER DESIGNATED AS "ACCESS AND UTILITY EASEMENT".

THE LAND REFERRED TO IN SAID REPORT IS SITUATED IN THE CITY OF MARTINEZ, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA.

TITLE REPORT

TITLE REPORT WAS AVAILABLE AT THE TIME OF FIELD SURVEY. TITLE REPORT PROVIDED BY NORTH AMERICAN TITLE COMPANY. TITLE REPORT FILE NUMBER 5486S-1067073-11, DATED JANUARY 13, 2011.

BASIS OF BEARING

BEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE NAD83 COORDINATE SYSTEM. STATE PLANE ORIENTATION TO BE DETERMINED BY GPS OBSERVATIONS.

BENCHMARK

(NAVD88)

SURVEY DATE

04/08/11

SURVEYOR'S NOTES

ALL EASEMENTS CONTAINED WITHIN SAID TITLE REPORT AFFECTING THE IMMEDIATE AREA SURROUNDING THE LEASE HAVE BEEN PLOTTED. SURVEYOR HAS NOT PERFORMED A SEARCH OF PUBLIC RECORDS TO DETERMINE ANY DEFECT IN TITLE (ISSUES). THE BOUNDARY SHOWN HEREON IS PLOTTED FROM RECORD INFORMATION AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY.

UTILITY NOTES

SURVEYOR DOES NOT GUARANTEE THAT ALL UTILITIES ARE SHOWN OR THEIR LOCATIONS ARE ACCURATE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND DEVELOPER TO CONTACT U.S.A. AND ANY OTHER INVOLVED AGENCIES TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. REMOVAL, RELOCATION AND/ OR REPLACEMENT IS THE RESPONSIBILITY OF THE CONTRACTOR.

LEGEND

———	PROPERTY LINE
- - - - -	EDGE OF PAVEMENT
———	FENCE LINE
AGL	ABOVE GROUND LEVEL
AMSL	ABOVE MEAN SEA LEVEL

REVISIONS			
NO.	DATE	DESCRIPTION	
1	04/08/11	ISSUED FOR REVIEW	
2	05/17/11	REV. #1 PER EMAIL	
3	06/30/11	REV. #2 PER EMAIL	

248124
ALHAMBRA RELIEZ
914 CARTER ACRES LANE
MARTINEZ, CA 94553

DRAWN: DATE 06/30/11
JOB NO: 11-04
SHEET NO: C-1

BOUNDARY SHOWN IS BASED ON RECORD INFORMATION AND FOUND MONUMENTATION. THIS IS NOT A BOUNDARY SURVEY. PROPERTY LINES SHOWN ARE APPROXIMATE.

K COPY OF WHAT WAS MAILED TO Carter Acres residents

Attachment 6

RIDGE COMMUNICATIONS, INC.

Ridge Communications, Inc.
12667 Alcosta Blvd., Suite 175
San Ramon, Ca. 94583
925.498.2340 | www.ridgecommunicate.com

January 9, 2011

RECEIVED
JAN - 9 2012
COMMUNITY DEV. DEPT.

To: Residents of Carter Acres

From: Clarence Chavis

Re: Verizon's Wireless telecommunications Proposal at Carter Acres Lane

Dear Residents:

On December 13, 2011, Verizon's project went before a study session which gave residents and the planning commission an opportunity to review Verizon's Wireless Telecommunications Facility proposal on Carter Acres Lane. Throughout the review of the application the primary question that was left unanswered was the legality of Verizon having access to the road.

There was testimony from some of the residents that a homeowners association had the right to review and make a decision on Verizon's access on Carter Acres and the proposed facility itself. The meeting adjourned with Verizon being required to provide the proof that Verizon had the right to enter an agreement with the underlying property owner and the right to use the road without consent from the homeowner's association.

Attached is a letter from Verizon's counsel, addressed to the City of Martinez, who has reviewed the proposed land lease agreement and the access rights to use the road. Based on the findings, it is determined that upon acceptance of the land lease agreement, Verizon will have access rights to use Carter Acres lane for construction purposes and for maintenance inspections when the site is developed.

It was the direction of the Planning Commission and the Planning Department for Verizon to reach out to the neighbors regarding this project. To date, we have established a neighborhood meeting, a study session and clarified the access issues for this proposal.

Ridge Communications, Inc. is representing Verizon Wireless on this application and will serve as the primary contact for this proposal. Thank you for your time.

Sincerely,

Clarence Chavis
Site Acquisition Specialist
Ridge Communications, Inc.
(925) 498-2340 office
(925) 498-2341 fax
clarence.chavis@ridgecommunicate.com

cc: Anjana Mepani, Associate Planner, City of Martinez

McGuireWoods LLP
1800 Century Park East
8th Floor
Los Angeles, CA 90067
Phone: 310.315.8200
www.mcguirewoods.com

Lindsey Hansen
Direct: 310.956.3412

McGUIREWOODS

lrhansen@mcguirewoods.com
Direct Fax: 310.956.3185
File #1580036-1322

December 20, 2011

VIA OVERNITE EXPRESS

Anjana Mepani
Associate Planner
City of Martinez
525 Henrietta Street
Martinez, CA 94553

RE: Use of Carter Acres Lane by GTE Mobilnet of California Limited Partnership, dba Verizon Wireless ("Verizon Wireless") in connection with Land Lease Agreement dated July 13, 2011 (the "Lease") between Verizon Wireless and Michael H. Hansen and Norma Hansen, as Trustees of the Hansen Family Trust, under Declaration of Trust dated ___, 2002, for the benefit of Michael H. Hansen and Norma Hansen (collectively, "Landlord")
Our Client: Verizon Wireless

Dear Ms. Mepani,

Pursuant to the Lease, Verizon Wireless has leased from Landlord a portion of the property (the "Premises") located at 814 Carter Acres Lane, Martinez, California (the "Property") for the construction, operation and maintenance of a communications facility. Landlord is the owner of the Property. Under the Lease, Verizon Wireless has the right to access the Premises via Carter Acres Lane. Landlord has the right to grant Verizon Wireless such access rights over Carter Acres Lane because Landlord is the owner of a non-exclusive easement for access and utility purposes encompassing Carter Acres Lane. The location of the easement is shown on the enclosed survey prepared by Foresight Land Surveying & Engineering dated August 30, 2011. This easement is appurtenant to the Property and is shown as Parcel Two in the legal description of the Property on the enclosed North American Title Company preliminary title report dated January 13, 2011. Therefore, Verizon Wireless' right to use Carter Acres Lane for access to the Premises derives from Landlord's easement interest in it.

Verizon Wireless has agreed under the Lease to make a one-time payment to the Carter Acres Community Road Fund in the amount of Thirty Thousand Dollars ($30,000.00) for future improvements to be made to Carter Acres Lane. Verizon Wireless will pay such amount to the

FILE COPY

Carter Acres Community Road Fund within forty-five (45) days after the commencement date of the Lease.

Verizon Wireless does not believe that any additional approvals are necessary for its use of Carter Acres Lane. Please feel free to contact me if you need any further information or would like to discuss this issue.

Very truly yours,

Lindsey R. Hansen, Esq.

Enclosures
cc: Peter Maushardt (via e-mail w/o encls.)
Shannon Collins (via e-mail w/o encls.)
John McGaughey (via e-mail w/o encls.)
Lisa A. Atty, Esq. (w/o encls.)

1" = 283'

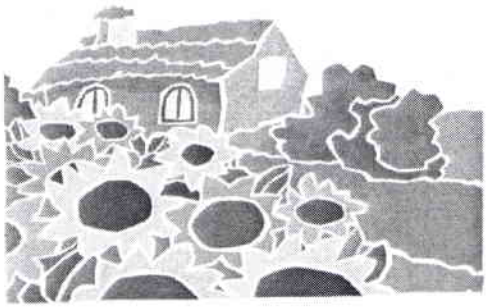
N

CityGIS

Copyright (C) 2007, Digital Map Products. All rights reserved.

	APN	PROP_ADDRESS	PROP_CITY	PROP_STATE	PROP_ZIP
1	3651300109	854 CARTER ACRES LN	MARTINEZ	CA	94553
2	3651500773	CARTER ACRES LN	MARTINEZ	CA	94553
3	3651500765	854 CARTER ACRES LN	MARTINEZ	CA	94553
4	3651500492	844 CARTER ACRES LN	MARTINEZ	CA	94553
5	3651500500	834 CARTER ACRES LN	MARTINEZ	CA	94553
6	3651500526	824 CARTER ACRES LN	MARTINEZ	CA	94553
7	3651500534	814 CARTER ACRES LN	MARTINEZ	CA	94553
8	3651500732	2495 RELIEZ VALLEY RD	MARTINEZ	CA	94553

Attachment H



RECEIVED
JAN 23 2012
COMMUNITY DEV. DEPT.

January 17, 2012

Mr. Clarence Chavis
Ridge Communications
12667 Alcosta Blvd. #175
San Ramon, Ca. 94583

Dear Mr. Chavis,

We are in receipt of your letter to the Residents of Carter Acres Lane dated January 9, 2012. In this letter you state that the primary question left unanswered during the review of Verizon's proposal before the Martinez planning commission was "the legality of Verizon having access to the road."

Not only do we disagree with your legal counsel's opinion, we would like to emphasize that there is another question that needs to be addressed even before the legality of road access is debated. That question is whether or not Mike and Norma Hansen had the right to sign a lease with Verizon without approval of their neighbors.

If you recall from points raised during the study session of December 13, 2011 there seems to be language in the Reliez Valley (Carter Acres) Homeowner's Association documents that inhibits a person's ability to make any improvement or contracts affecting the road without prior approval of the neighbors.

If the Hansens acted without necessary approval then any lease signed is invalid and voidable.

If Ridge Communications and Verizon Wireless intend to proceed with the application to the city of Martinez for installation of their "project" then we intend to hire legal counsel to defend our property rights. Remember, one of the Planning Commissioners remarked to you at the study session of December 13, "Verizon would be wise to look at alternate locations for this proposed project". We concur with that statement.

Sincerely,

Simone St. Clare

Simone St.Clare
824 Carter Acres Lane

Mark and Christine Scharmer
834 Carter Acres Lane

Christine Scharmer
Mark Scharmer

cc: Anjana Mepani, Associate Planner, City of Martinez

Attachment I

RIDGE COMMUNICATIONS, INC.

Ridge Communications, Inc.
12667 Alcosta Blvd., Suite 175
San Ramon, Ca. 94583
925.498.2340 | www.ridgecommunicate.com

March 5, 2012

To: Anjana Mepani
Associate Planner
City of Martinez
525 Henrietta Street
Martinez, CA 94553-2394

From: Clarence Chavis

Re: 814 Carter Acres Lane; APN: 365-150-053
Address Incomplete Letter dated 2/21/12

Dear Ms. Mepani:

In response to your letter dated February 21, 2012 pertaining to your review of the items I submitted on January 23, 2012. The following is to address the outstanding items that deemed this application incomplete.

A. Study Session Comments
I listened to the December 11, 2011 Study Session in its entirety. Below is a synopsis and the explanation of what was done to address the questions.

Mrs. Christine Scharmer; 834 Carter Acres Lane

- Mrs. Scharmer stated for the record that any access to the private road has to be approved through the Homeowners Association.
- Mrs. Scharmer stated back in 2003 the owners met for the T-Mobile proposal and the results were $60,000 paid by T-Mobile for road improvements.
- The neighbors were not notified when Verizon conducted their civil review at the site.
- Property values have been affected due to the existing power lines.
- Back in 2004, the prior residents of 824 Carter Acres Lane tried to sell their house and no one was interested. Finally the property was sold to Ms. St. Claire.
- Mrs. Scharmer stated there is controversy surrounding the use of cell phones that are related to health issues and negative property values.

Ms. Simone St. Clare; 824 Carter Acres Lane

- Residents of Clark Land Division automatically become members of the Reliez Valley Home Owners Association (Ratified on 9/21/72)

- Carter Acres Lane is a private road that is paid for by the owners and maintained by the owners.

Chip Griffin
- Nearby resident who is concerned about lack of cell phone coverage in the area.
- Former employee of Ridge Communications, Inc., who is a nearby resident.
- Coordinated the initial community meeting with Carter Acres Lane on July 6, 2011.
- Identified the coverage maps which showed poor coverage in the Reliez Valley Corridor which is the primary reason for Verizon's proposal at this location.

Ms. Simone St. Clare
- There was an informational meeting at Mike Hansen's house. We were not told there was a contract between Verizon and Mike Hansen.

Mrs. Christine Scharmer
- The idea that the Cell Phone tower that would raise property values may be true if you don't live near the tower.

The Planning Commission would like to have the issue of access resolved before this project returns to the Planning Commission for approval/denial of this project.

Commissioner Blair
This is a private matter (use of the private road) between Verizon and the homeowners. This is not something we (City of Martinez) would make a judgment on. We would not be the decision makers based on any documents we receive.

Ms. Simone St. Clare
- (Addressing Commissioner Blair) When you receive documentation that there are things the "run with the land" isn't that the scope of your jurisdiction.

Commissioner Blair
This is private property and not under City of Martinez control. Any judgments would be between homeowners and Verizon.

Toward the end of the study session, I agreed to review the issue of Verizon having the ability to enter into an agreement with the property owner for the use of the private road.

Resolution from the Planning Commission
Based on the study session, the primary concerns of the residents are as follows:
- Verizon's cannot enter into an agreement with the property owner without permission from the HOA.
- Verizon cannot utilize the private road without approval from the HOA.
- Property values suffer with the existing PG&E tower and Verizon's installation will make it worse.
- Potential health concerns with this proposal.

- Neighbors were not notified of the on-site "Civil Review" and not notified on the contractual agreement with Verizon.

Based on the study session, the primary concerns of the Planning Commissioners were as follows:

- The Planning Commissioners will require verification that Verizon would have access to use the private road.

Based on the outcome of the study session, Verizon has taken the following action:

- Reviewed the contractual agreement and title to properties for the Carter Acres Lane neighborhood. Based on the findings from Verizon's legal counsel, it is determined that Verizon can lawfully enter an agreement with the property owner and coordinated the use of the access road through this agreement.
- Verizon has maintained the one-time payment to pay for road improvements which is the similar stance T-Mobile choose to do.
- Verizon has mailed the findings of their legal counsel to the residents of Carter Acres Lane.
- The property owner has informed us that the HOA is inactive and doesn't recall a meeting during his years as a resident of the subdivision.
- Verizon has modified the configuration of the equipment area based on the concerns of the City's Planning Department and Engineering Department for better visibility for vehicles driving around the existing PG&E tower.

In addition to the above actions Verizon has previously:

- Conducted an independent review of all emissions from the proposed Verizon site and the existing T-Mobile site and submitted its findings to the City which explains the combined facilities would meet the emission requirements governed by the FCC.
- During this process, Verizon has reached out to the neighbors through a community meeting, study session with the Planning Commission and through mail regarding access to the site.
- The civil review was to determine the feasibility of the construction of the potential site only and not to be a decision making process without the residents knowledge.

Property Values

In addition, studies are inconclusive for the argument that property values will be ruined with the addition of a wireless communication facility. In many cases lack of coverage is often a major concern for homeowners and vital for emergency services for residents and customers in the area. Regarding property values, the major issue appears to be the existing PG&E tower which the residents had full knowledge of existing before they choose to purchase their homes.

B. Access Rights

The outstanding question from the study session from the December 13, 2011 study session is the access rights Verizon has to the site and can Verizon enter an agreement with the property owner to access their equipment. Opposition from a few neighbors was raised under the belief the project is to go before the homeowner's association for a vote. However the homeowner's association is inactive and hasn't held meetings. Verizon has had their attorney counsel review

the title report and inquiries from the neighbors who questioned Verizon's position. It was determined by Verizon's attorney that Verizon does have the right to enter into an agreement with the property owner for access to the site and the development of the wireless communications facility itself. Verizon has also agreed to provide funding for road improvements to the site.

Since the submittal of Verizon's attorney letter to the neighbors on January 9, 2012, we have not had further correspondence with the residents of Carter Acres except with Mr. Hansen the property owner in question. Since that time I have not responded to the January 17, 2012 letter submitted by Ms. St. Clare and Mr. & Mrs. Scharmer regarding their response to the letter they received from Verizon's attorney.

I have reviewed the mailing list of residents I sent the attorney's letter to in order to determine if all the Carter Acres' residents were addressed. I have determined all of the neighbors were addressed when the letter went out.

C. Line of Sight

Upon meeting the Associate Engineer and yourself regarding the line of sight concern with our equipment area, I went back to Verizon and asked if they can change the configuration of the equipment area to meet this request. Verizon has made a decision to modify the equipment area to meet this request. Since that time we have submitted revised drawings with the new equipment modification and the installed stakes under the tower to outline the new configuration of the equipment area. Verizon has space requirements for all their cabinets for access for installation and repairs. The cabinets themselves have doors that swing open for repairs and maintenance purposes. It is important that the right amount of space is required for the opening of cabinet doors and for the maintenance engineer to work on the project. These concerns are built in to the lease space required by Verizon for the installation of their facilities.

Verizon has taken measures to help alleviate the line of sight concern. Overall based on the lease area configuration, Verizon has made great strides to address this issue. However Verizon does not wish to take responsibility for any potential vehicular problems that may be caused through a variety of concerns and occurrences. This is a private road with only 5 houses that are beyond the PG&E Tower so vehicular traffic will be low and safe to navigate at the proper speed limit. Verizon is willing to install new traffic signs near the site if requested and approved the homeowners.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Clarence Chavis
(925) 498-2340 office
(925) 498-2341 fax
clarence.chavis@ridgecommunicate.com

Attachment J

CITY OF MARTINEZ
DESIGN REVIEW COMMITTEE
COMMENT FORM

PROJECT: VERIZON WIRELESS TOWER EXTENSION DATE: 8/28/12

REVIEW COMMENTS:

ENCLOSURE FOR EQUIPMENT & EXTENSION ARE FINE AS PRESENTED. RECOMMEND NAT. STAIN ON WOOD.

DO YOU WISH TO SEE THIS PROJECT AGAIN AT DRC? ☐ YES ☒ NO

This project can be recommended for approval if the following conditions of approval are incorporated into the plans prior to Planning Commission hearing:

1.

2.

3.

4.

5.

COMMITTEE MEMBER

CITY OF MARTINEZ
DESIGN REVIEW COMMITTEE
COMMENT FORM

PROJECT: Verizon Wireless DATE: 3/20/2012

REVIEW COMMENTS:

None

DO YOU WISH TO SEE THIS PROJECT AGAIN AT DRC? ☐ YES ☑ NO

This project can be recommended for approval if the following conditions of approval are incorporated into the plans prior to Planning Commission hearing:

1. —
2.
3.
4.
5.

COMMITTEE MEMBER

Simon Mercer

F:\Community Develop\Forms\Design Review Committee Form.doc

CITY OF MARTINEZ
DESIGN REVIEW COMMITTEE
COMMENT FORM

PROJECT: Verizon DATE: 3/28/12

REVIEW COMMENTS:

Recommend adding stain preservative to wood fencing.

Recommend approval as submitted.

DO YOU WISH TO SEE THIS PROJECT AGAIN AT DRC? ☐ YES ☒ NO

This project can be recommended for approval if the following conditions of approval are incorporated into the plans prior to Planning Commission hearing:

1.
2.
3.
4.
5.

COMMITTEE MEMBER

Attachment K

Pacific Gas and Electric Company
WE DELIVER ENERGY.

Telecommunications Business Development

US Mail:
Mail Code N10D
Pacific Gas and Electric Company
245 Market, 3rd Floor
San Francisco, CA 94177 0001

Overnight Mail:
Mail Code N10D
Pacific Gas and Electric Company
245 Market, 3rd Floor
San Francisco, CA 94105-1814

Fax 415.973.3884

Letter of Authorization

Wireless Provider: Verizon Wireless
Tower #: 16/80
Line Name: Pittsburg-Sobrante 230 kV
Location: 814 Carter Acres Lane, Martinez
APN: 365-150-053

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Pacific Gas and Electric Company, as the owner of the transmission tower noted above, hereby authorizes the Wireless Provider, its agents, and contractors to:

- Access the parcel noted above, subsequent to advance notice
- Conduct necessary activities such as site design visits, radio frequency tests
- Apply for and obtain all land use approvals and permits, which are appropriate for the installation, construction, and continued operation of a PCS communications site (including antennas and all ancillary equipment and structures).

In granting this authorization, the Wireless Provider, its agents and contractors understand and agree to the following:

- As the applicant, the Wireless Provider and/or its agents and contractors (not PG&E) are fully responsible for the payment of all application, review and permitting fees
- The Wireless Provider, its agents and contractors will be licensed and insured for any work they perform;
- The Wireless Provider, its agents and contractors will hold harmless and indemnify PG&E from any claims for damages resulting from the above-mentioned activities
- The Wireless Provider, its agents and contractors will not interfere with or impair access to the property
- Signing this letter does not constitute a legally binding agreement to lease the property
- The Wireless Provider shall be responsible and liable for all conditions contained in a conditional use permit issued by the responsible jurisdiction on behalf of "owner," "applicant" and/or "development permit holder" as referenced in the conditional use permit for as long as the same may exist (without regard to the term of the Master License Agreement).

Eric Jacobson/fm

Eric Jacobson
Manager, Wireless Business Development
Pacific Gas and Electric Company

Site #: VZN-248124
Site Name: Alhambra Reliez

Date: September 14, 2011

Rev 0 5.30.08

Attachment L

7/15/2011

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Alternative Site Analysis
Site No. 248124
814 Carter Acres Lane
Martinez, CA 94553

Coverage Objective:
This site is considered a coverage site which means it will provide Verizon Wireless coverage to a surrounding area that currently has no or poor cell coverage..

Faced with the continued demand and utilization of wireless communications services, Verizon Wireless is working to improve network coverage to effectively meet the needs and expectations of its customer base. The proposed facility is necessary to provide adequate wireless service to local area residents, commuters, and professionals in the area. The lack of coverage presents an issue of concern in the event of an emergency when call volume is highest. In the case of accidents, fires, seismic events or other disasters, adequate coverage is needed to handle call volume on the network. Without it calls cannot be made or received, a serious issue for public safety in the event of an emergency.

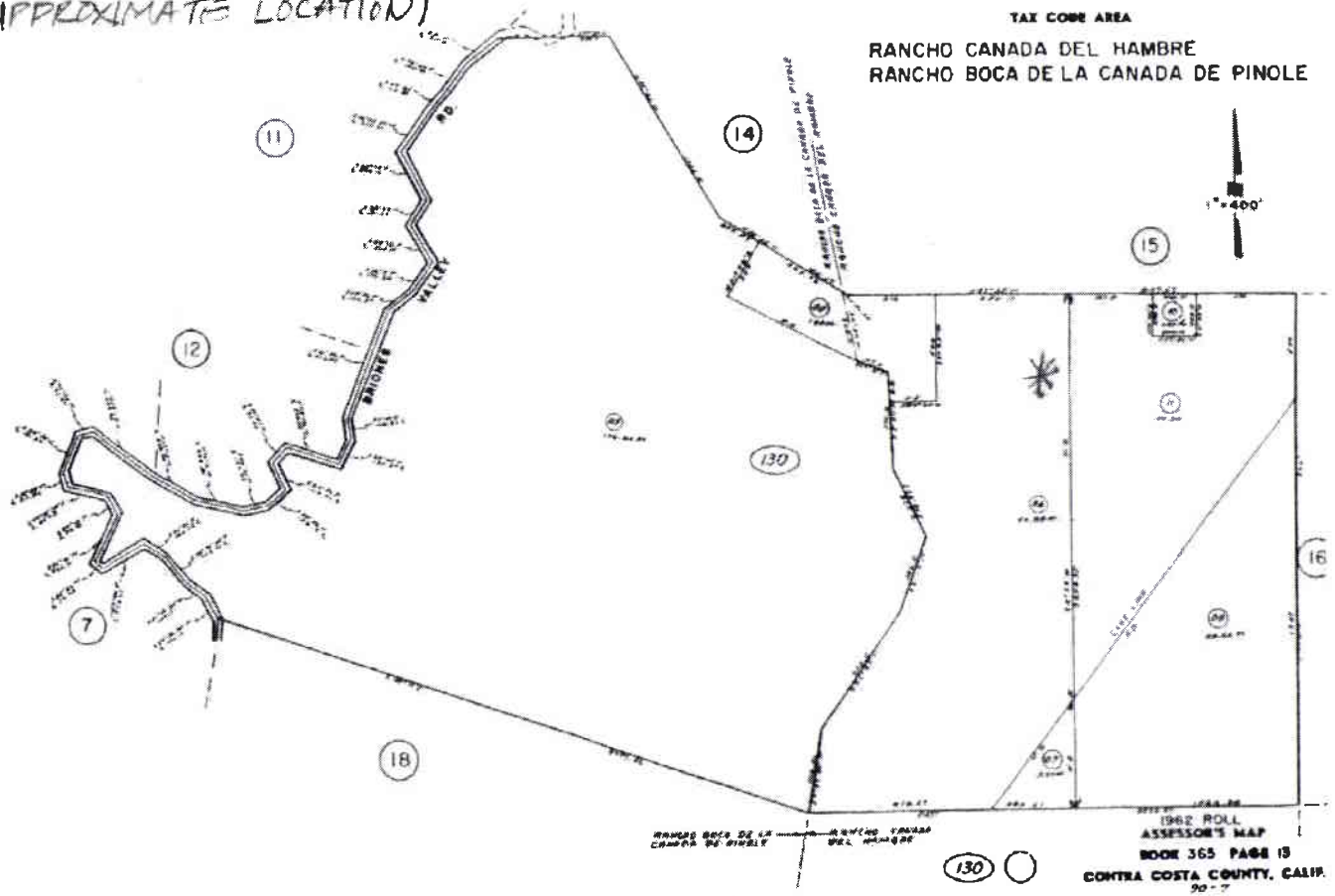
1. **PG&E tower adjacent to the west of the proposed tower along the same line. This tower is located on unimproved land owned by East Bay Regional Park District within Briones Park. This tower was looked at because it was the only other co-locatable facility in the search ring that provided adequate coverage. VZW was unable to gain access to the tower and it was therefore eliminated. See attached map for approximate location.**

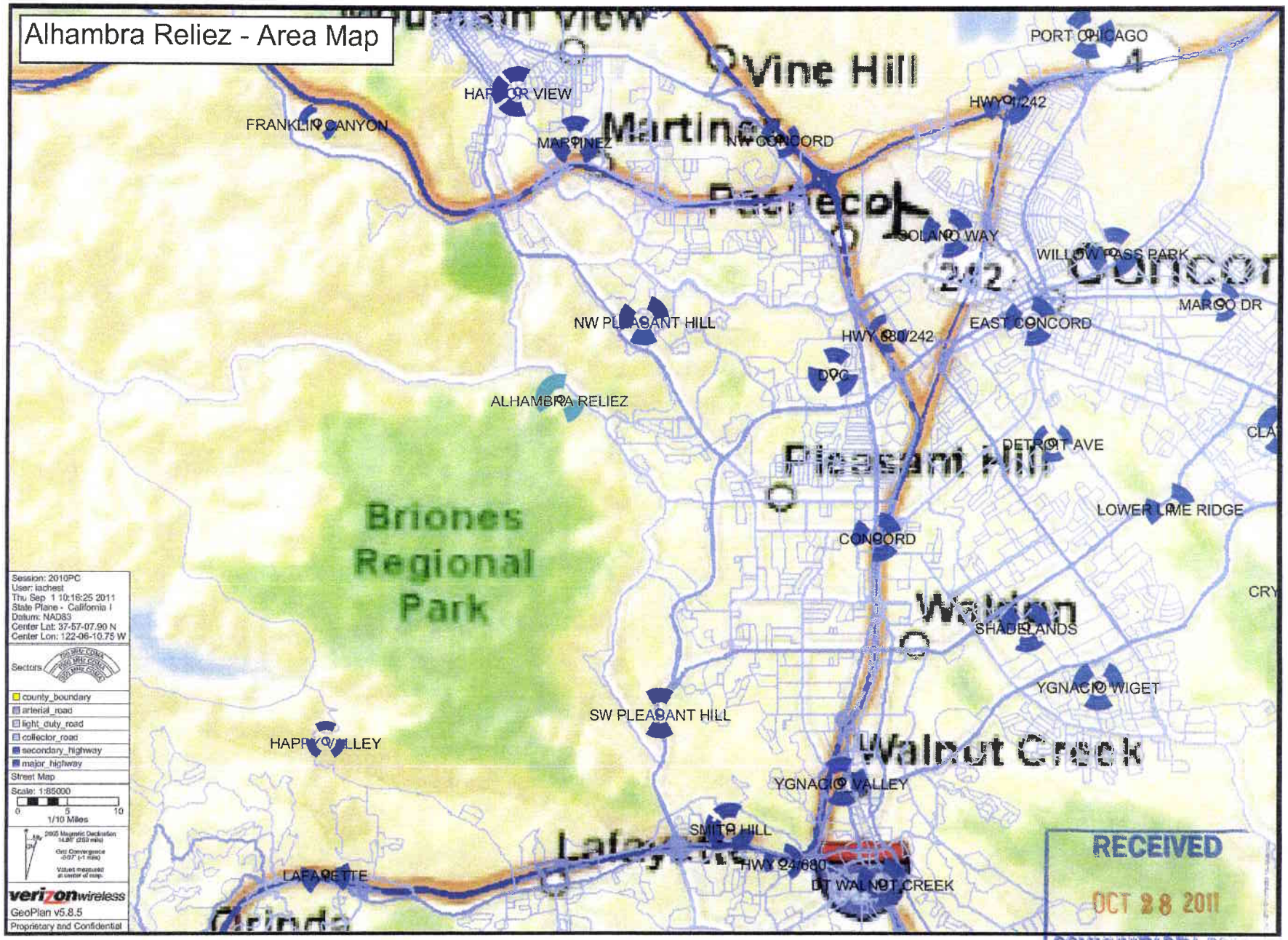
There were no other viable alternative sites without the need for a monopole.

Contra Costa, CA, 2011-2012 - 365-130-010-9, 854 [illegible] ER ACRES LN, MARTINEZ, CA 94553-6853, Sheet: 1 of 1

ALTERNATIVE SITE

ALTERNATIVE TOWER SITE
LOCATED NEARBY
(APPROXIMATE LOCATION)





Attachment 3

Alhambra Reliez - Existing Coverage
PORT CHICAGO
HARBOR VIEW
FRANKLIN CANYON
MARTINEZ
NW CONCORD
HWY 4/242
SOLANO WAY
WILLOW PASS PARK
MARSH DR
NW PLEASANT HILL
HWY 680/242
EAST CONCORD
DOC
ALHAMBRA RELIEZ
DETROIT AVE
LOWER LIME RIDGE
CONCORD
SHADELANDS
YGNACIO WIGET
SW PLEASANT HILL
HAPPY VALLEY
YGNACIO VALLEY
SMITH HILL
HWY 24/680
LAFAYETTE
DT WALNUT CREEK
Session: 2010PC
User: iachest
Thu Sep 1 10:15:14 2011
State Plane - California I
Datum: NAD83
Center Lat: 37-57-07.90 N
Center Lon: 122-06-10.75 W
Sectors
county_boundary
arterial_road
light_duty_road
collector_road
secondary_highway
major_highway
F1.CDMA Ec
Street Map
Scale: 1:65000
0 5 10
1/10 Miles
verizonwireless
GeoPlan v5.8.5
Proprietary and Confidential
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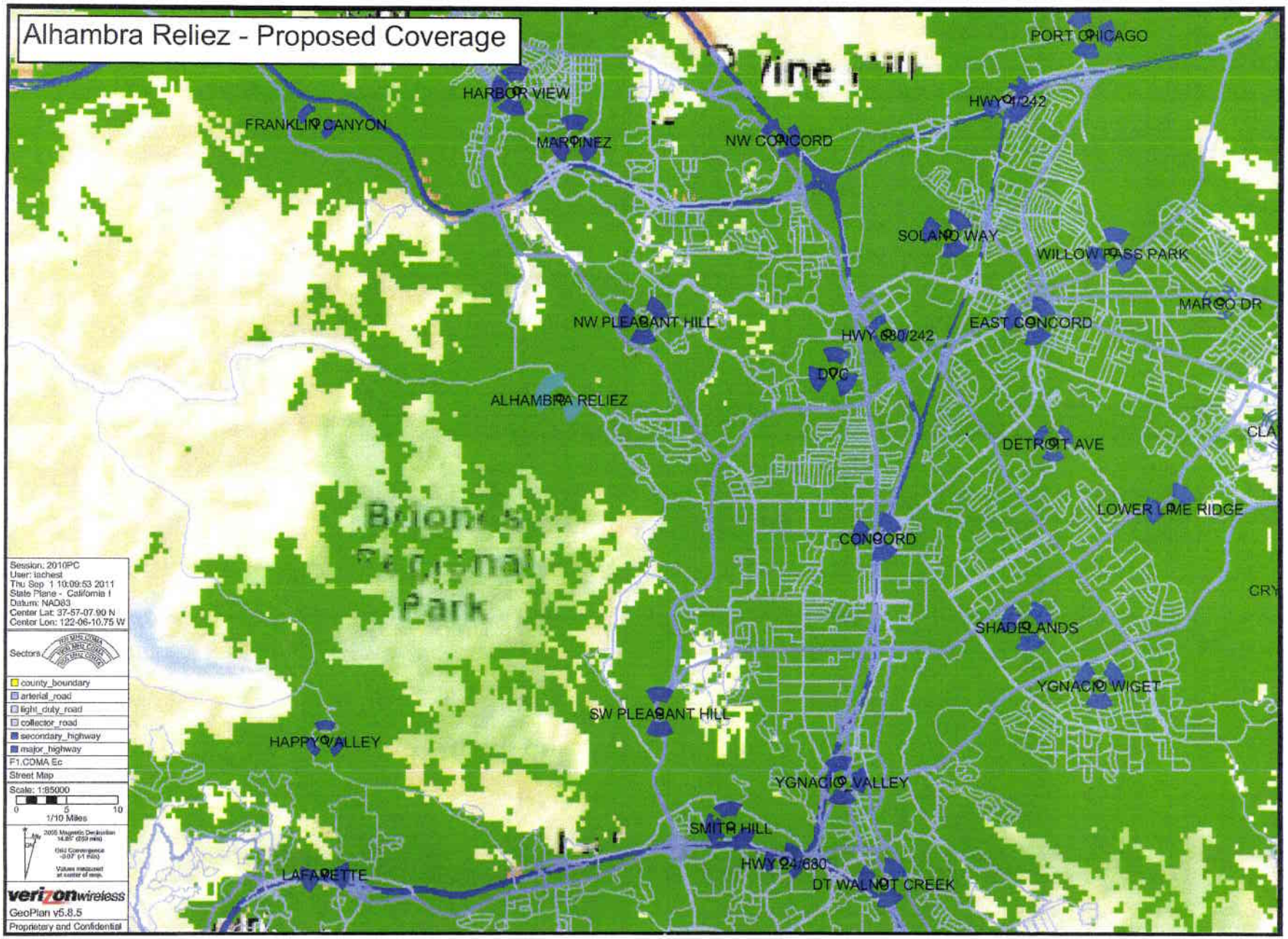
COMMUNITY DEV


Alhambra Reliez - Proposed Coverage
PORT CHICAGO
HARBOR VIEW
HWY 4/242
FRANKLIN CANYON
MARTINEZ
NW CONCORD
SOLANO WAY
WILLOW PASS PARK
MARSH DR
NW PLEASANT HILL
HWY 680/242
EAST CONCORD
DVC
ALHAMBRA RELIEZ
DETROIT AVE
LOWER LIME RIDGE
CONCORD
SHADELANDS
YGNACIO WIGET
SW PLEASANT HILL
HAPPY VALLEY
YGNACIO VALLEY
SMITH HILL
HWY 24/680
LAFAYETTE
DT WALNUT CREEK
Session: 2010PC
User: iachest
Thu Sep 1 10:09:53 2011
State Plane - California I
Datum: NAD83
Center Lat: 37-57-07.90 N
Center Lon: 122-06-10.75 W
Sectors
county_boundary
arterial_road
light_duty_road
collector_road
secondary_highway
major_highway
F1.CDMA Ec
Street Map
Scale: 1:85000
0 5 10
1/10 Miles
verizonwireless
GeoPlan v5.8.5
Proprietary and Confidential

Attachment N

Verizon Wireless • Proposed Base Station (Site No. 248124 "Alhambra Reliez")
814 Carter Acres Lane • Martinez, California

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of Verizon Wireless, a personal wireless telecommunications carrier, to evaluate the base station (Site No. 248124 "Alhambra Reliez") proposed to be located at 814 Carter Acres Lane in Martinez, California, for compliance with appropriate guidelines limiting human exposure to radio frequency ("RF") electromagnetic fields.

Executive Summary

Verizon proposes to install directional panel antennas on the tall PG&E lattice tower sited in front of the residence located at 814 Carter Acres Lane in Martinez. The proposed operation will, together with the existing base station at the site, comply with the FCC guidelines limiting public exposure to RF energy.

Prevailing Exposure Standards

The U.S. Congress requires that the Federal Communications Commission ("FCC") evaluate its actions for possible significant impact on the environment. A summary of the FCC's exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. The most restrictive FCC limit for exposures of unlimited duration to radio frequency energy for several personal wireless services are as follows:

Wireless Service	Frequency Band	Occupational Limit	Public Limit
Microwave (Point-to-Point)	5,000–80,000 MHz	5.00 mW/cm^2	1.00 mW/cm^2
BRS (Broadband Radio)	2,600	5.00	1.00
AWS (Advanced Wireless)	2,100	5.00	1.00
PCS (Personal Communication)	1,950	5.00	1.00
Cellular	870	2.90	0.58
SMR (Specialized Mobile Radio)	855	2.85	0.57
700 MHz	700	2.35	0.47
[most restrictive frequency range]	30–300	1.00	0.20

Power line frequencies (60 Hz) are well below the applicable range of these standards, and there is considered to be no compounding effect from simultaneous exposure to power line and radio frequency fields.

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General Facility Requirements

Base stations typically consist of two distinct parts: the electronic transceivers (also called "radios" or "channels") that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are often located at ground level and are connected to the antennas by coaxial cables. A small antenna for reception of GPS signals is also required, mounted with a clear view of the sky. Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. Along with the low power of such facilities, this means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

Computer Modeling Method

The FCC provides direction for determining compliance in its Office of Engineering and Technology Bulletin No. 65, "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation," dated August 1997. Figure 2 attached describes the calculation methodologies, reflecting the facts that a directional antenna's radiation pattern is not fully formed at locations very close by (the "near-field" effect) and that at greater distances the power level from an energy source decreases with the square of the distance from it (the "inverse square law"). The conservative nature of this method for evaluating exposure conditions has been verified by numerous field tests.

Site and Facility Description

Based upon information provided by Verizon, including zoning drawings by Delta Groups Engineering, Inc., dated April 29, 2011, it is proposed to install nine Andrew directional panel antennas – six Model LNX-6515DS-VTM and three Model HBX-6517DS-VTM – on a 12-foot extension to the existing 174-foot PG&E lattice tower sited in front of the residence located at 814 Carter Acres Lane in Martinez. The antennas would be mounted with up to 4° downtilt at an effective height of about 170 feet above ground and would be oriented in groups of three (two LNX and one HBX) toward 130°T, 270°T, and 340°T. The maximum effective radiated power in any direction would be 3,070 watts, representing simultaneous operation at 390 watts for PCS, and 2,280 watts for cellular, and 400 watts for 700 MHz service.

Presently located on the same tower are similar antennas for use by T-Mobile. For the limited purpose of this study, the transmitting facilities of that carrier are assumed to be as follows:

Operator	Service	Maximum ERP	Antenna Model	Downtilt	Height
T-Mobile	AWS	1,500 watts	Andrew TMBX-6516	2°	80½ ft
	PCS	1,500			

Study Results

For a person anywhere at ground, the maximum RF exposure level due to the proposed Verizon operation by itself is calculated to be 0.00042 mW/cm^2, which is 0.074% of the applicable public exposure limit. The maximum calculated cumulative level at ground, for the simultaneous operation of both carriers, is 0.16% of the public exposure limit. The maximum calculated cumulative level at the second-floor elevation of any nearby residence* is 0.19% of the public exposure limit. It should be noted that these results include several "worst-case" assumptions and therefore are expected to overstate actual power density levels.

No Recommended Mitigation Measures

Due to their mounting locations, the Verizon antennas would not be accessible to the general public, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. It is presumed that PG&E already takes adequate precautions to ensure that there is no unauthorized access to its tower. To prevent exposures in excess of the occupational limit by authorized PG&E workers, it is expected that they will adhere to appropriate safety protocols adopted by that company.

Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that operation of the base station proposed by Verizon Wireless at 814 Carter Acres Lane in Martinez, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations.

* Located at least 110 feet away, based on photographs from Google Maps.

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2013. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

William F. Hammett, P.E.
707/996-5200

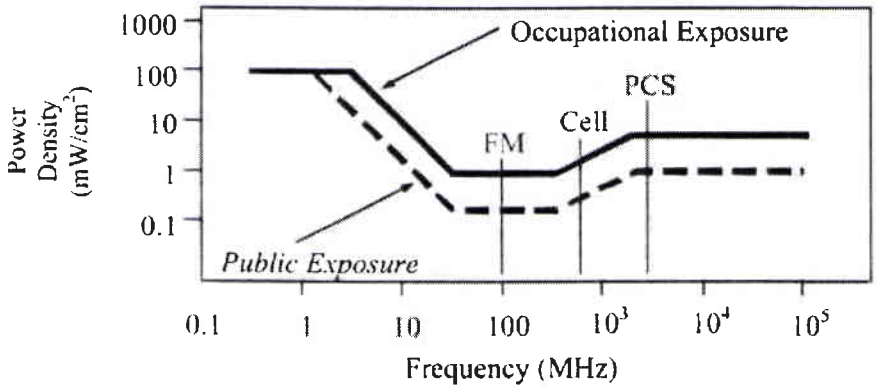
June 16, 2011

FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, "Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields," published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements ("NCRP"). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz," includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

Frequency	Electromagnetic Fields (f is frequency of emission in MHz)					
Applicable Range (MHz)	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm^2)	
0.3 – 1.34	614	*614*	1.63	*1.63*	100	*100*
1.34 – 3.0	614	*823.8/f*	1.63	*2.19/f*	100	*180/f^2*
3.0 – 30	1842/ f	*823.8/f*	4.89/ f	*2.19/f*	900/ f^2	*180/f^2*
30 – 300	61.4	*27.5*	0.163	*0.0729*	1.0	*0.2*
300 – 1,500	$3.54\sqrt{f}$	*$1.59\sqrt{f}$*	$\sqrt{f}/106$	*$\sqrt{f}/238$*	f/300	*f/1500*
1,500 – 100,000	137	*61.4*	0.364	*0.163*	5.0	*1.0*



Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. However, neither of these allowances is incorporated in the conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels. Hammett & Edison has built those formulas into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radio sources. The program allows for the description of buildings and uneven terrain, if required to obtain more accurate projections.

RFR.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

Near Field.

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications base stations, as well as dish (aperture) antennas, typically used for microwave links. The antenna patterns are not fully formed in the near field at these antennas, and the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives suitable formulas for calculating power density within such zones.

For a panel or whip antenna, power density $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h}$, in mW/cm^2,

and for an aperture antenna, maximum power density $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$, in mW/cm^2,

where θ_{BW} = half-power beamwidth of the antenna, in degrees, and
P_{net} = net power input to the antenna, in watts,
D = distance from antenna, in meters,
h = aperture height of the antenna, in meters, and
η = aperture efficiency (unitless, typically 0.5-0.8).

The factor of 0.1 in the numerators converts to the desired units of power density.

Far Field.

OET-65 gives this formula for calculating power density in the far field of an individual RF source:

$$\text{power density } S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}, \text{ in } mW/cm^2,$$

where ERP = total ERP (all polarizations), in kilowatts,
RFF = relative field factor at the direction to the actual point of calculation, and
D = distance from the center of radiation to the point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula has been built into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radiation sources. The program also allows for the description of uneven terrain in the vicinity, to obtain more accurate projections.

Attachment O

Verizon Wireless • Proposed Base Station (Site No. 248124 "Alhambra-Reliez")
814 Carter Acres Lane • Martinez, California

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of Verizon Wireless, a personal telecommunications carrier, to evaluate its base station (Site No. 248124 "Alhambra-Reliez") proposed to be located at 814 Carter Acres Lane in Martinez, California, for compliance with appropriate guidelines limiting sound levels from the installation.

Executive Summary

Verizon proposes to install a new base station at the base of a tall lattice tower located at 814 Carter Acres Lane in Martinez. The proposed operation will, together with the existing base station at the site, comply with the City's Code limiting noise emissions from the site.

Prevailing Standard

The City of Martinez sets forth regulations on sound levels in Chapter 8.34 (Noise Control) of its Code of Ordinances, including in Section 8.34.020 the following limits for noise:

Time Period	Noise Limit
"Day" 7 a.m. to 10 p.m.	60 dBA
"Night" 10 p.m. to 7 a.m.	50 dBA

Figure 1 attached describes the calculation methodology used to determine applicable noise levels for evaluation against the prevailing standard.

General Facility Requirements

Wireless telecommunications facilities ("cell sites") typically consist of two distinct parts: the electronic base transceiver stations ("BTS" or "cabinets") that are connected to traditional wired telephone lines, and the antennas that send wireless signals created by the BTS out to be received by individual subscriber units. The BTS are often located outdoors at ground level and are connected to the antennas by coaxial cables. The BTS typically require environmental units to cool the electronics inside. Such cooling is often integrated into the BTS, although external air conditioning may be installed, especially when the BTS are housed within a larger enclosure.

Most cell sites have back-up battery power available, to run the site for some number of hours in the event of a power outage. Many sites have back-up power generators installed, to provide continued operation of the base stations during an extended power outage.

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Site & Facility Description

According to information provided by Verizon Wireless, including zoning drawings by Delta Groups Engineering, Inc., dated July 8, 2011, and a site detail, dated October 10, 2011, that carrier proposes to install five equipment cabinets – two Lucent "Modcell," two for LTE (assumed for the purpose of this study to be Ericsson Model 6601, and one for batteries (assumed to be a Commscope Model RBA72) – on a concrete pad within a fence enclosure to be constructed at the base of the 162-foot PG&E lattice tower sited west of the two-story residence located at 814 Carter Acres Lane in Martinez.

Also within the fenced enclosure, Verizon proposes to install a Generac Model SD030 stand-by diesel power generator for emergency use, in the event of a commercial power outage. Such generators typically operate for a 15-minute test period once a week during normal business hours on a non-holiday weekday, in order to ensure their readiness in the event of a power outage.

The nearest property line is to the northwest, at a distance of 5 feet from the enclosure. The property lines in other directions are considerably farther away.

Presently located under the tower are two cabinets, assumed to be Ericsson Model 2106/3106, for use by T-Mobile, another telecommunications carrier, with directional panel antennas installed about 68 feet above ground on the existing 162-foot PG&E lattice tower. Verizon proposes to install its own antennas at the top of tower. Neither the tower nor the antennas emit acoustic energy.

Study Results

The equipment manufacturers report maximum sound pressure reference levels as follows:

Manufacturer	Reference* Noise Level	Reference Distance	Reference Direction
Lucent	65.0 dBA	5 ft	rear
Ericsson (6601)	53.0	1 m	front
Commscope	58.7	5 ft	any
Ericsson (x106)	60.2	1 m	front
Generac	65.6	23 ft†	front

The calculated noise level at the nearest property line for the combined operations of all the fans in all five Verizon equipment cabinets is 47.9 dBA. Including the simultaneous operation of the two T-Mobile cabinets, the calculated cumulative noise level 48.8 dBA, which is under the City's most restrictive nighttime limit of 50 dBA.

* Adjusted as required to approximate noise level at 100°F ambient temperature.
† Measured from the center of the unit.

For the day on which the generator is tested, the additive noise level over the 15-hour "daytime" period specified in the City Code is 48.3 dBA. This brings the cumulative average daytime noise level, for the Verizon and T-Mobile cabinets plus the generator, to 51.5 dBA, well below the City's daytime limit of 60 dBA.

Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that the operation of the Verizon Wireless base station proposed to be located at 814 Carter Acres Lane in Martinez, California, will comply with that city's standards limiting acoustic noise emission levels and, therefore, will not for this reason have an adverse impact on the environment.

Authorship

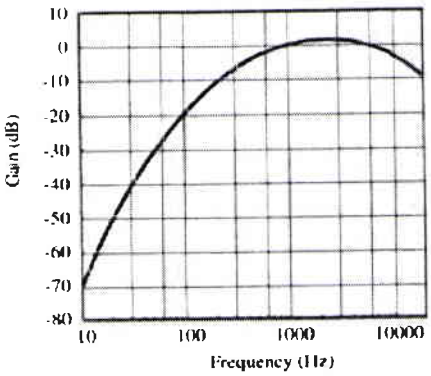
The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2013. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

William F. Hammett, P.E.
707/996-5200

October 25, 2011

Noise Level Calculation Methodology

Most municipalities and other agencies specify noise limits in units of dBA, which is intended to mimic the reduced receptivity of the human ear to Sound Pressure ("L_P") at particularly low or high frequencies. This frequency-sensitive filter shape, shown in the graph to the right as defined in the International Electrotechnical Commission Standard No. 179, the American National Standards Institute Standard No. 5.1, and various other standards, is also incorporated into most calibrated field test equipment for measuring noise levels.



30 dBA	library
40 dBA	rural background
50 dBA	office space
60 dBA	conversation
70 dBA	car radio
80 dBA	traffic corner
90 dBA	lawnmower

The dBA units of measure are referenced to a pressure of 20 μPa (micropascals), which is the threshold of normal hearing. Although noise levels vary greatly by location and noise source, representative levels are shown in the box to the left.

Manufacturers of many types of equipment, such as air conditioners, generators, and telecommunications devices, often test their products in various configurations to determine the acoustical emissions at certain distances. This data, normally expressed in dBA at a known reference distance, can be used to determine the corresponding sound pressure level at any particular distance, such as at a nearby building or property line. The sound pressure drops as the square of the increase in distance, according to the formula:

$$L_P = L_K + 20 \log(D_K/D_P),$$

where L_P is the sound pressure level at distance D_p and L_K is the known sound pressure level at distance D_K.

Individual sound pressure levels at a particular point from several different noise sources cannot be combined directly in units of dBA. Rather, the units need to be converted to scalar sound intensity units in order to be added together, then converted back to decibel units, according to the formula:

where L_T is the total sound pressure level and L_1, L_2, etc are individual sound pressure levels.

$$L_T = 10 \log \left(10^{L_1/10} + 10^{L_2/10} + \ldots\right),$$

Certain equipment installations may include the placement of barriers and/or absorptive materials to reduce transmission of noise beyond the site. Noise Reduction Coefficients ("NRC") are published for many different materials, expressed as unitless power factors, with 0 being perfect reflection and 1 being perfect absorption. Unpainted concrete block, for instance, can have an NRC as high as 0.35. However, a barrier's effectiveness depends on its specific configuration, as well as the materials used and their surface treatment.