



**COMMUNITY
DEVELOPMENT**

June 5, 2024

ROB SEARCY
2000 AUBURN DRIVE, SUITE 200
BEACHWOOD, OH 44122

**RE: Project No. 23-0005025 – Administrative Use Permit
Located at 800 S. Main Street
Notice of Decision**

Dear Rob Searcy:

This letter is to notify you the Community Development Director has conditionally approved your application for an Administrative Use Permit (Project No. 23-0005025) to install a roof-mounted wireless telecommunication facility at 800 S. Main Street within the Neighborhood Business (NB) zone. Enclosed is the Administrative Use Permit approval with conditions.

Please be advised that the decision of the Community Development Director will become final fifteen (15) days from the date of this letter, unless the decision is appealed to the Planning Commission within 15 days. Any appeal of the Director's decision must be submitted to the Planning Division with the applicable filing fee prior to the expiration of the fifteen (15) day appeal period, or by 5:00 p.m. on June 20, 2024. Please note, any appeal filed between the hours of 12 and 5 p.m. requires an appointment to be scheduled with the Project Planner.

If you have any questions concerning this letter, please call me at (818) 238-5250 or email me at fbenitez@burbankca.gov.

Sincerely,

FATIMA BENITEZ
Associate Planner
COMMUNITY DEVELOPMENT DEPARTMENT

Community Development Department Director's Decision

DATE: June 5, 2024

PROJECT TITLE: Project No. 23-0005025 – Administrative Use Permit

PROJECT ADDRESS: 800 S. Main Street

APPLICANT: Rob Searcy on behalf of Dish Wireless

PROJECT DESCRIPTION: The “Project” includes the installation of a new unmanned roof-mounted wireless telecommunication facility (WTF) on the roof of an existing 35-foot-tall, three-story commercial office building at 800 S. Main Street. The facility will be comprised of six antennas distributed between three sectors, and accessory equipment, including, but not limited to remote radio units, cable trays, and miscellaneous rooftop equipment. The facility will occupy three areas on the roof of the building for a total area of 365.88 square-feet and include a 10’-0” high visual screen, and will have a setback range from the edge of the roof between 10’-0” and 44’-2”. The antenna arrays will be constructed with a fiberglass reinforced plastic visual screen enclosure measuring 10’-0” in height to fully screen the equipment from the public right-of-way and adjacent properties. The accessory equipment will be centrally located on the roof behind an existing mechanical wall, which is proposed to be increased in height to screen the proposed equipment from the general public’s view. The applicant has submitted verification that shows the proposed WTF Project is in compliance with the Federal Communications Commission (FCC) regulations regarding radio frequency emissions in the information submitted with the application. (Attachment C)

ZONING: NB

GENERAL PLAN: Rancho Commercial

MUNICIPAL CODE CONFORMANCE: The Project conforms to all applicable code requirements per Burbank Municipal Code (BMC) Section 10-1-1118 for roof-mounted wireless facilities, including an integrated, stealth design that complements the existing building design and limits the visibility of the equipment. Additionally, the facility is within the maximum 15’ height limit above the existing roof (at 10’-0” in height) and is setback from the face of the building between 10’-0” and 44’-2” along Main Street, Valencia Avenue, and towards the rear of the Project site. A summary matrix of the Project’s compliance with applicable BMC development standards is included in Attachment B.

ENVIRONMENTAL REVIEW: The Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 pertaining to construction or conversion of small structures, consisting of construction and location of limited numbers of new, small facilities or structures, as well as installation of small new equipment and facilities in small structures. There are no unusual circumstances that would preclude the use of this exemption. None of the Exceptions to the Categorical Exemptions listed in Section 15300.2 of the CEQA Guidelines apply to this Project. The Project is not located in a sensitive, designated, or precisely mapped environmental resource area; and the Project is not proposed on building or site that is a historical resource or located within or near a scenic highway. Furthermore, the Project is not a mapped hazardous waste site and is not expected to have a significant effect on the environment due to any unusual circumstances.

DATE SIGN POSTED ON-SITE: April 10, 2024
DATE PUBLIC NOTICE MAILED: May 20, 2024
DATE OF DIRECTOR'S DECISION: June 5, 2024
END OF APPEAL PERIOD: June 20, 2024

Fatima Benitez, Associate Planner
Planning Division (818) 238-5250


Patrick Prescott
Community Development Director

Attachments:

- Attachment A – Plans
- Attachment B – Municipal Code Compliance
- Attachment C – Radiofrequency-Electromagnetic Energy Report
- Attachment D – Noise Compliance
- Attachment E – Administrative Hearing, City of Long Beach

ADMINISTRATIVE USE PERMIT NO. 23-0005025
(800 S. Main Street – Rob Searcy for Dish Wireless, Applicant)

REQUIREMENTS FOR GRANTING AN ADMINISTRATIVE USE PERMIT

The Community Development Director finds the proposed Project satisfies the requisite findings contained in Burbank Municipal Code (BMC) Section 10-1-1956 necessary for approval of the Administrative Use Permit (AUP), subject to the attached conditions of approval.

- (1) *The use applied for at the location set forth in the application is properly one for which an administrative use permit is authorized by Title 10 of the Burbank Municipal Code.*

Per Table 10-1-1118(C) of the BMC, the use of a new WTF in a non-residential zoning district, such as the NB (Neighborhood Business) zone, requires an AUP if proposed within 150 feet of a residential zone. The subject property abuts the R-1 (Single-Family Residential) zoning district to the Northeast and therefore, is permitted upon approval of an AUP.

- (2) *The use is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located.*

The proposed Project is not detrimental to existing or permitted uses within the NB zone. The design of the facility includes a new 10'-0" tall roof screen that is complementary to the design of the existing building, consistent with the design requirements in the BMC Section 10-1-1118(D)(3)(b) and will not result in a visual or aesthetic impact to the surrounding commercial and residential uses. The applicant has also indicated that the operation of the WTF will not generate noise exceeding City regulations, or generate traffic, waste, or other adverse impacts in excess of what is typical of commercial and industrial uses permitted by right in the NB zone. A noise study was included in the Supplemental Wireless Application (Attachment D), which states that the maximum noise level from any of the proposed equipment that can be heard by any residential property in the vicinity of the Project is 42.4 dBA, which is below the City's most restrictive allowable noise generation level of 45 dBA.

Public comments were submitted for the Project regarding potential detrimental health and safety impacts from radio frequency (RF) emissions from the facility. Local governments are precluded from considering the health effects of RF emissions from a WTF pursuant to federal regulations. The Federal Telecommunications Act of 1996 expressly preempts any state or local government regulation on the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of RF emissions to the extent that such facilities comply with the FCC's regulations concerning such emissions (47 U.S.C. Section 332(c)(7)(B)(iv)).

However, the City can and does require that an applicant comply with objective code requirements related to development standards and aesthetics and provide verification of compliance with the federal regulations on RF emissions as part of the application submittal requirements, as well as periodic reporting demonstrating ongoing compliance with federal regulations. The applicant provided this information as part of a completed "Supplemental

Application Form” for WTFs by providing a Radio Frequency – Electromagnetic Energy (RF-EME) Site Compliance Report prepared by an independent third party (enclosed herein as Attachment C). The Report indicates that the applicant will be compliant with FCC regulations when mitigation measures are implemented, such as installing caution signs to ensure disclosure of occupational health and safety information for persons performing maintenance on the facility itself or the rooftop where the facility is located. The Report indicates that at ground level, the type of facility proposed in the Project “generally results in no possibility for exposure to approach the [FCC’s] Maximum Permissible Exposure (MPE) levels.”¹ This is confirmed in the Report’s calculations that show that maximum predicted emissions at ground level are less than half of one percent of both general population and occupational MPE levels.² The mitigation measures identified in the Report account for higher emissions occurring exclusively within the immediate rooftop-level 8-foot vicinity of the proposed facility (not accessible to the public), and will ensure the facility complies with applicable FCC regulations.³ Staff has incorporated these recommendations into the Project’s Conditions of Approval to ensure ongoing compliance. Further, the applicant is required to maintain and demonstrate proper licensing for this facility on an annual basis and this requirement has been included in the Conditions of Approval.

Several public comments were submitted with information that other communities, such as within the City of Long Beach, appealed approvals of similar facilities on the basis of health impacts, and therefore, the City of Burbank should deny the project based on similar health impacts. However, as stated above, cities are federally preempted from considering RF emissions when reviewing a WTF application. Further, any decision to deny a WTF application must be supported by substantial evidence contained in a written record. (47 U.S.C. Section 332(c)(7)(B)(iii)). The evidence must show that the specific zoning decision at issue is supported by substantial evidence in the context of applicable local regulations.⁴ No substantial evidence has been provided demonstrating that the application at issue should be denied or further conditioned based on applicable local regulations in the Burbank Municipal Code. Therefore, there is no basis for denial or further conditions of approval and this finding has been satisfied.

- (3) *The use will be compatible with other uses on the same lot, and in the general area in which the use is proposed to be located.*

The provision of mobile service for communication and data transfer is compatible with the needs of commercial and residential uses occurring on the same lot and more broadly in the general Project area. The applicant has provided documentation, including coverage maps, that the proposed WTF facility will provide wireless and data coverage for a portion of Burbank, which currently has a gap in coverage. In addition, the use will have no impact on the ability of other uses in the surrounding area to operate. The WTF is commercial in

¹ Report, Section 1.0.

² Report, Section 5.0

³ Report, Section 4.1

⁴ MetroPCS, Inc. v. City and County of San Francisco (9th Cir. 2005) 400 F.3d 715, *abrogated on other grounds by T-Mobile S., LLC v. City of Roswell* (2015) 574 U.S. 293.

nature and operates in a manner similar to other commercial equipment such as equipment generators, broadcast or radio equipment, emergency wireless transmitters that may be found at other commercial or industrial businesses in the general area, in addition to providing vital telecommunications for the general public.

Furthermore, the proposed wireless telecommunications facility will be concealed from public view so that it is visually compatible with the architectural design of the existing building and commercial buildings generally seen in the NB zone and have no detrimental visual impact on the surrounding area. Therefore, as the proposed use will be compatible with the commercial uses on the same lot and with the mixed-use commercial-residential nature of the general area this finding has been satisfied.

- (4) *The site for the proposed use is adequate in size and shape to accommodate the use and all of the yards, setbacks, walls, fences, landscaping, and other features required to adjust the use to the existing or future use is permitted in the neighborhood.*

The site for the proposed facility is adequate in size and shape to accommodate the Project. The Project site is approximately 1.12 acres in size, with street frontage at S. Main Street, W Elmwood Avenue, and W. Valencia Avenue, and is currently developed with an existing, 35-foot-tall, three-story commercial building housing commercial offices. Surface and semi-subterranean parking is also provided onsite. The proposed facility would be located on the roof of the existing commercial building. One of the two WTF antenna sectors of the facility is proposed to be located on the North corner of the building facing the existing parking lot fronting S. Main Street, the second antenna sector is located towards the Southeast corner of the building facing W. Valencia Avenue, and the accessory equipment will be centrally located on the roof behind an existing mechanical screen that will be increased in height to fully screen the equipment. All the facilities are proposed to be within a new 10'-0" tall roof screen, which screens visibility of the WTF from all elevations and from the public right-of-way. The roof screens will be compatible with the existing architectural style of the building. Additionally, the screen is set back between 10'-0" and 44"-2" from the face of the building along S. Main Street and W. Valencia Avenue. The Project complies with the development standards required for new building-mounted (roof top) WTF installations as provided in Attachment B.

Public comments were submitted with references that there is a required minimum distance for WTFs from certain uses, or that other private organizations suggest such minimum distances. However, upon review of these comments, there are no applicable federal or state distance or setback requirements for roof-mounted WTF installations. Further, the Project complies with BMC Section 10-1-1118(D)(3)(j), which requires that a WTF may not be located within a required setback area. The City may not impose additional minimum distance requirements on this facility that are not already required under applicable laws, as such action may unreasonably discriminate among providers of functionally equivalent services in violation of federal law (47 U.S.C. Section 332(c)(7)). Therefore, no substantial evidence has been furnished indicating that the Project fails to satisfy this finding.

Therefore, the Project site is adequate in size and shape to accommodate the proposed use while meeting all the required development standards and this finding is satisfied.

- (5) *The site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use.*

The Project site is primarily served by South Main Street, a fully improved collector street, and two local neighborhood streets — W. Valencia and W. Elmwood Avenues — which abut the Project site along the North and the South, respectively. In addition, the site is improved with a surface parking lot to serve the needs of all occupants, visitors, and maintenance workers to the building. The quantity and type of traffic generated by installation of unmanned roof-mounted wireless telecommunication facility will be limited to occasional service-related visits, consistent with traffic generated by other commercial equipment maintenance and repair businesses found in a commercial zone and will not exceed the parking demand of the available spaces. Therefore, the Project site and the existing street network can accommodate the minimal traffic generated by the Project and this finding is satisfied.

- (6) *The conditions imposed are necessary to protect the public health, convenience, safety, and welfare.*

The Project was reviewed by staff from the Planning and Building & Safety Divisions of the Community Development Department and the Burbank Water & Power and Public Works Departments. The Public Works Department provided standard conditions of approval regarding not allowing structures in any public right-of-way or any public utility easements/pole line easements; requiring all work within the public right-of-way to be approved by the Public Works Department; and no construction material can be placed in the public right-of-way without a “Street Use” permit which have been incorporated into the decision letter approving the Project.

In addition, as mentioned in response to findings above, Planning conditions of approval specific to the Project have been imposed to address safety and public health concerns. These conditions include requiring the proposed WTF to maintain a minimum setback of at least 10 feet from the roof edge to minimize aesthetic impacts; requiring a sign in a visible location identifying the contact information of the responsible party in case of an emergency; and requiring the applicant, within 30 days following the activation of the facility, to provide a radio frequency emission compliance certifying the unit has been inspected and tested. Further, the conditions impose the mitigation measures required for the Project to comply with applicable FCC RF regulations. These conditions will ensure the public health, convenience, safety, and welfare of the community are maintained throughout the life of the operation of the subject use.

Public comments were submitted for the Project requesting additional conditions of approval, such as relocating the proposed WTF 1,000 feet away from all public and private schools. However, as discussed above, there is no applicable law that requires this type of distancing, and therefore no legal nexus to require such additional conditions of approval. Therefore, this finding has been satisfied.

CONDITIONS OF APPROVAL

ADMINISTRATIVE USE PERMIT NO. 23-0005025 (800 S. Main Street– Rob Searcy for Dish Wireless, Applicant)

CDD-PLANNING DIVISION

1. Project No. 23-0005025, Administrative Use Permit, approves installation of a new unmanned roof-mounted wireless telecommunication facility with six panel antennas with accessory equipment located on the roof of the existing commercial office building located at 800 S. Main Street, as shown on the set of approved plans (Attachment A).
2. The operation/construction on site shall remain in substantial conformance with the approved plans (Attachment A) and the development standards contained in the Burbank Municipal Code (BMC) for wireless facilities (Attachment B). Any modifications to the design of the facility requires review and approval by the Planning Division and may require modifications to this Administrative Use Permit.
3. The applicant shall comply with all federal, state, and local laws. Violation or conviction of any of those laws in connection with the use will be cause for revocation of this permit.
4. The approved wireless facility must comply with all standards and regulations of the Federal Communications Commission (FCC), and any other agency of the State or Federal government agency with the authority to regulate wireless telecommunication facilities.
5. Per BMC Section 10-1-1118(D)(3)(e), all cable trays and cable runs for building-mounted wireless facilities shall be located within existing building walls. Any accessory equipment and components of the new wireless facility mounted to the building roof or exterior shall be coated or painted to match the existing building and mounted as close to the façade surface as possible.
6. Per BMC Section 10-1-1118(D)(3)(i)(1), all wireless facilities are required to post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. Note the location of this sign in building plans submitted for Building Plan Check review.
7. All wireless facilities must be setback a minimum of 10-feet from the roof edge.
8. Within 30 calendar days following the activation of the facility, the applicant shall provide an updated radio frequency emissions compliance report to the Community Development Director certifying that the unit has been inspected and tested in compliance with FCC standards. The report shall include all information outlined in BMC Section 10-1-1118(E)(1).
9. The applicant shall install applicable signs (Guidelines sign, NOC Information sign,

caution signs) at each access point to the rooftop and behind the antenna sectors, as directed in Section 4.1 of the Radio Frequency- Electromagnetic Energy (RF-EME) Site Compliance Report submitted with the Project application (Attachment C).

10. Every 5 years on the effective date of this approval, the applicant shall, at the owners sole cost, prepare and submit to the City an independently prepared updated radio frequency emissions compliance report and certification, and shall certify that the facility complies with all applicable FCC standards as of the date of the update. If the radio frequency emissions compliance report and certification demonstrates that the cumulative levels of radio frequency emissions exceed FCC standards, the Community Development Director may require the applicant to modify the location or design of the facility and/or implement other mitigation measures to ensure compliance with the FCC standards.
11. Eligible Facilities Requests that do not require a “Substantial Change in Physical Dimensions” shall be processed in accordance with 47 U.S.C. Section 1455, and any duly authorized implementing orders and regulations of the Federal Communication Commission. In reviewing permits for qualifying Eligible Facilities Requests, the Community Development Director shall be required to approve applications, but shall retain discretion to enforce and condition approval on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.
12. Within 30 days after discontinuation of the use, the wireless telecommunication provider (applicant) shall notify the Community Development Director in writing that use of the facility has been discontinued. The wireless telecommunications provider must completely remove the approved facility, and the site shall be returned to its pre-facility condition within 180 days of discontinuation of use.
13. Should the applicant violate any of the conditions of this approval, this permit may be modified or revoked by the City.
14. The applicant shall incorporate this Decision Letter and the Conditions of Approval into the Building Permit plan sets and provide a written response to how, or where, each condition of approval has been addressed in the building permit plans and associated technical reports and submittals, providing the same number of copies of the written response as plans required by the Building Division for Plan Check review.
15. By signing and/or using this Administrative Use Permit, the permittee acknowledges all of the conditions of approval imposed and accepts this permit subject to those conditions and with full awareness of the provisions of the Burbank Municipal Code. Failure of the permittee or property owners to sign these conditions does not affect their enforceability by the City of other responsible entity. These conditions are binding upon all future property owners and occupants of the subject property.
16. This permit approval shall expire if the use is not initiated within one year of the date of this approval (June 5, 2025) with issuance of a Building Permit (i.e., the build-out period).

Per BMC Section 10-1-1118(C)(4), Administrative Use Permits for WTFs shall expire after 10 years. The applicant may reapply for a new Administrative Use Permit as required by the BMC to continue to use and operate the existing facility, but may, upon review, be required to upgrade it to comply with such additional standards, and incorporate such additional technologies, as the City may lawfully impose through its evaluation and approval of such re-application.

CDD-BUILDING AND SAFETY DIVISION

17. All projects shall comply with Title 9, Chapter 1, of the Burbank Municipal Code (BMC), and the **2022 edition** of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and Building Energy Efficiency Standards, including all intervening Code Cycles.
18. Plans and reports submitted for Plan Check Review are to be submitted electronically. For more information about the online submittal process, please contact the Building Division at 818-238-5220 or via email at eplancheck@burbankca.gov.
19. All Conditions of Approval are to be reproduced on the construction document drawings as part of the Approved Construction Set.
20. All Departments that have provide Conditions of Approval are to review drawings and provide final approval via online electronic review, prior to issuance of Building Permit.
21. Business Tax should be updated to reflect change in business type.
22. Separate Permits will be required for the following:
 - a. Demolition
 - b. Grading & Shoring
 - c. Architectural & Structural
 - d. Mechanical
 - e. Plumbing
 - f. Electrical
23. The property shall comply with accessibility requirements for the various occupancies as stated in California Building Code Chapter 11. Accessibility regulations apply to all common areas and pools and spas.
24. Construction projects must comply with Best Management Practices for construction and stormwater runoff requirements of the National Pollutant Discharge Elimination System MS4 Permit.
25. The City's mandatory Construction & Demolition Debris Diversion Ordinance requires the recycling and diversion of at least 65% of construction and demolition debris. A refundable deposit and non-refundable administrative fee will be collected prior to permit

issuance. The Ordinance applies to all demolitions and to new construction, additions, remodels, renovation, tenant improvement and alteration projects over 500 square feet in scope of work.

26. Approved hours of construction are:

Monday – Friday 7:00 am to 7:00 pm

Saturday 8:00 am to 5:00 pm

No construction is permitted by contractors or subcontractors after hours, on Sunday or on City holidays without prior written request and approval from the Community Development Department.

27. Deferral of any submittal items shall have prior approval of building official. The registered design professional in responsible charge shall list the deferred submittals on construction documents for review.

PUBLIC WORKS DEPARTMENT

28. No Structure is permitted in any public, right-of-way, or any public utility easements/ pole line easements [BMC 7-3-701.1, BMC 9-1-1-3203]

29. Applicant shall protect in place all survey monuments (City, County, State, Federal, and private). Pursuant to California Business Profession Code Section 8771, when monuments exist that may be affected by the work, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or licensed civil engineer legally authorized to practice land surveying, prior to construction, and a corner record or record of survey of the references shall be filled with the county surveyor. A permanent monument shall be reset, or a witness monument or monuments set to perpetuate the location if any monument that could be affected, and a corner record or record of survey shall be filled with the county surveyor prior to then recording of a certificate of completion for the project.

30. Any works within the public right-of-way must be permitted and approved by the Public Works Department before construction can commence. All construction work in the public right-of-way must comply with Burbank Standard Plans and must be constructed to the satisfaction of the City Engineer.

31. A Public Works EXCAVATION PERMIT is required. The excavation permit requires a deposit acceptable to the Public Works Director to guarantee timely construction of all off-street improvements. Burbank Standard Plans can be accessed at; <http://file.burbankca.gov/publicworks/OnlineCounter/main/index.htm>

32. No construction material shall be placed within the public right-of-way without a “Street Use” Permit issued by the Public Works Department.

33. If any utility cuts or construction related impacts are made on S Main Street, applicant will have to resurface with rubber asphalt (ARHM) per moratorium requirements fronting the

property. South Main Street was resurfaced with ARHM in 2018 and falls under moratorium requirements.

34. If any utility cuts or construction related impacts are made on W. Elmwood Avenue, applicant will have to resurface with rubber asphalt (ARHM) per moratorium requirements fronting the property. West Elmwood Avenue was resurfaced with ARHM in 2018 and falls under moratorium requirements.
35. If any utility cuts or construction related impacts are made on W. Valencia Avenue, the applicant will have to restore the street fronting property per City of Burbank paving requirements.
36. Best Management Practices shall apply to all construction projects and shall be required from the time of land clearing, demolition, or commencement of construction until receipt of a certificate of occupancy [BMC 9-3-407].

BURBANK WATER & POWER (BWP) – ELECTRICAL DIVISION

37. Because the Project includes a dry-type transformer within the clear working space of a BWP transformer, the applicant will need to relocate all customer equipment clear of the 12' x 16.5' transformer safety clearance area per S-724B.
38. If the applicant intends to obtain new electrical service for the facilities, the applicant will be responsible for submitting a detailed utility plan, secondary load schedule for the entire property, and a single line diagram to obtain a confirmation of electrical service from BWP to include the permit application.
39. Any proposed switchgear modification will require pre-approval from BWP and the Building Division. A U.L, field evaluation may also be required.
40. BWP will require an Aide-In-Construction payment to de-energize the building for switchgear work. The applicant will be responsible for providing any temporary power to the property if needed.

X _____
Signature of Applicant/Permittee

X _____
Signature of Property Owner



DISH Wireless L.L.C. SITE ID:
LALAX04397B

SOUTH MAIN & ELMWOOD
DISH Wireless L.L.C. SITE ADDRESS:
800 SOUTH MAIN STREET
BURBANK, CA 91506

SCOPE OF WORK

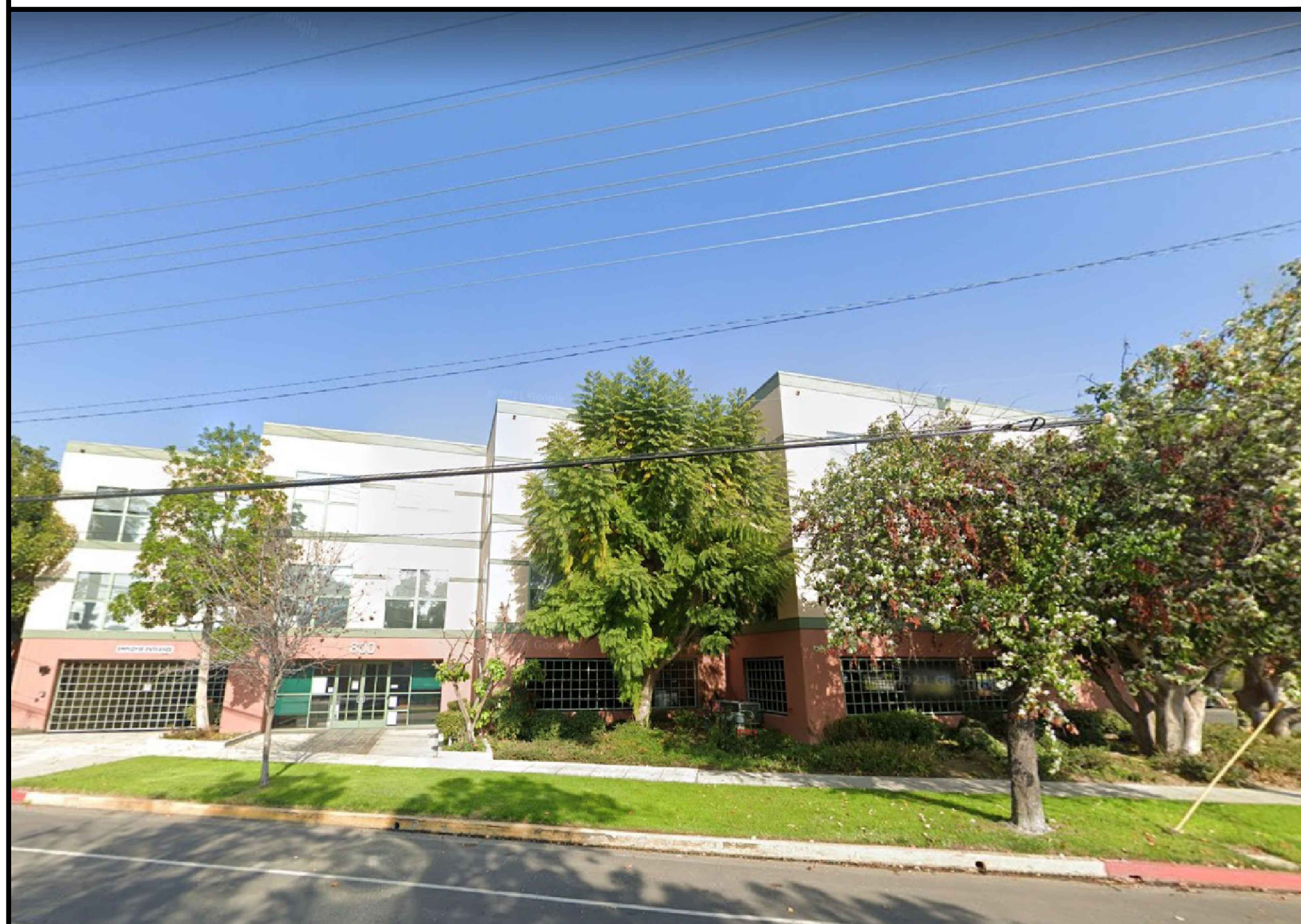
THIS IS NOT AN ALL INCLUSIVE LIST. CONTRACTOR SHALL UTILIZE SPECIFIED EQUIPMENT PART OR ENGINEER APPROVED EQUIVALENT. CONTRACTOR SHALL VERIFY ALL NEEDED EQUIPMENT TO PROVIDE A FUNCTIONAL SITE. THE PROJECT GENERALLY CONSISTS OF THE FOLLOWING:

- SECTOR SCOPE OF WORK:**
- INSTALL (3) PROPOSED PANEL ANTENNAS (1 PER SECTOR)
 - INSTALL (6) PROPOSED ANTENNA MOUNTS (2 PER SECTOR)
 - INSTALL (2) PROPOSED FRP SCREENS (1 PER SECTORS ALPHA & GAMMA, 1 PER SECTOR BETA)
 - INSTALL PROPOSED JUMPERS
 - INSTALL (6) PROPOSED RRUS (2 PER SECTOR)
 - INSTALL (6) PROPOSED BACK TO BACK MOUNT
 - INSTALL (2) PROPOSED OVER VOLTAGE PROTECTION DEVICE (OVP) (1 AT ALPHA & GAMMA, 1 AT BETA SECTORS)
 - INSTALL (2) PROPOSED HYBRID CABLES (1 AT ALPHA & GAMMA, 1 AT BETA SECTORS)

- ROOFTOP SCOPE OF WORK:**
- INSTALL (1) PROPOSED CURB FRAMING
 - INSTALL (2) PROPOSED H-FRAMES
 - INSTALL (1) PROPOSED CABLE TRAY
 - INSTALL (1) PROPOSED BBU IN CABINET
 - INSTALL (1) PROPOSED EQUIPMENT CABINET
 - INSTALL (1) PROPOSED POWER CONDUIT
 - INSTALL (1) PROPOSED TELCO CONDUIT
 - INSTALL (1) PROPOSED POWER PROTECTIVE CABINET
 - INSTALL (1) PROPOSED TELCO FIBER ENCLOSURE
 - INSTALL (1) PROPOSED FIBER NID, IF REQUIRED
 - INSTALL (1) PROPOSED GPS UNIT
 - INSTALL (1) PROPOSED SECURED ACCESS LADDER
 - INSTALL (1) PROPOSED CABLE ENCLOSURE
 - INSTALL (2) PROPOSED FRP SCREEN TO BE PAINTED AND TEXTURED TO MATCH W/EXISTING UPPER BUILDING
 - ADDING HORIZONTAL TRIM STRIP
 - INSTALL (1) PROPOSED EQUIPMENT SCREEN ENCLOSURE ATTACHED WITH EXISTING SCREEN WALL TO BE PAINTED AND TEXTURED TO MATCH W/EXISTING BUILDING

- SITE SCOPE OF WORK:**
- INSTALL (1) PROPOSED GENERATOR INTERFACE/CAMLOCK GEN PLUG
 - INSTALL (1) PROPOSED ELECTRICAL METER
 - INSTALL (1) PROPOSED ELECTRIC PANEL

SITE PHOTO



CALIFORNIA - LA COUNTY CODE COMPLIANCE

ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES:

CODE TYPE	CODE
BUILDING	2022 LA COUNTY BUILDING CODE (2022 CBC/2021 IBC)
MECHANICAL	2022 LA COUNTY MECHANICAL CODE (2022 CMC/2021 UMC)
ELECTRICAL	2022 LA COUNTY ELECTRICAL CODE (2022 CEC/2020 NEC)

SHEET INDEX

SHEET NO.	SHEET TITLE
T-1	TITLE SHEET
C-1	SITE SURVEY
A-1	OVERALL SITE PLAN
A-2	ENLARGED BUILDING PLAN
A-3	ANTENNA PLAN AND SCHEDULE
A-4	NORTHWEST AND SOUTHEAST ELEVATIONS
A-5	NORTHEAST AND SOUTHWEST ELEVATIONS

UNDERGROUND SERVICE ALERT
UTILITY NOTIFICATION CENTER OF CALIFORNIA
(800) 422-4133
WWW.CALIFORNIA811.ORG

CALL 2-14 WORKING DAYS UTILITY NOTIFICATION PRIOR TO CONSTRUCTION

GENERAL NOTES

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE. NO SANITARY SEWER SERVICE, POTABLE WATER, OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS PROPOSED.

11"x17" PLOT WILL BE HALF SCALE UNLESS OTHERWISE NOTED

CONTRACTOR SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS, AND CONDITIONS ON THE JOB SITE, AND SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK.

SITE INFORMATION

PROPERTY OWNER: DEL REY PROPERTIES, LLC
ADDRESS: 212 NORTH EVERGREEN ST
BURBANK, CA 91505

TOWER TYPE: ROOFTOP

TOWER CO SITE ID: TBD

TOWER APP NUMBER: TBD

COUNTY: LOS ANGELES

LATITUDE (NAD 83): 34° 09' 54.49" N
34.165136°

LONGITUDE (NAD 83): 118° 18' 43.80" W
-118.312167°

ZONING JURISDICTION: CITY OF BURBANK

ZONING DISTRICT: NB-NEIGHBORHOOD COMM.

PARCEL NUMBER: 2451-031-001

OCCUPANCY GROUP: B

CONSTRUCTION TYPE: II-B

POWER COMPANY: BG&E

TELEPHONE COMPANY: SPECTRUM

PROJECT DIRECTORY

APPLICANT: DISH Wireless L.L.C.
5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120

TOWER OWNER: DEL REY PROPERTIES, LLC
212 NORTH EVERGREEN ST
BURBANK, CA 91505
(818) 333-1407

SITE DESIGNER: SURESITE
2000 AUBURN DR. SUITE 200
BEACHWOOD, OH 44122
(216) 593-0400

SITE ACQUISITION: BECKY RHODES
becky.rhodes@dish.com

CONSTRUCTION MANAGER: MIKE HUBBARD
michael.hubbard@dish.com

RF ENGINEER: CRAIG STANZIANO
craig.stanziano@dish.com

DIRECTIONS

DIRECTIONS FROM DISH IRVINE OFFICE:
HEAD NORTHWEST TOWARD ARMSTRONG AVE, TURN RIGHT ONTO ARMSTRONG AVE, TURN LEFT ONTO BARRANCA PKWY. CONTINUE ONTO E DYER RD, USE THE RIGHT LANE TO MERGE ONTO CA-55 N/STATE RTE 55 N VIA THE RAMP TO RIVERSIDE, FOLLOW I-5 N TO BURBANK. TAKE EXIT 145B FROM I-5 N/GOLDEN STATE FWY, MERGE ONTO CA-55 N/STATE RTE 55 N. TAKE EXIT 10B TO MERGE ONTO I-5 N TOWARD SANTA ANA, KEEP LEFT TO STAY ON I-5 N, KEEP RIGHT TO STAY ON I-5 N, KEEP LEFT TO STAY ON I-5 N. KEEP RIGHT AT THE FORK TO STAY ON I-5 N, FOLLOW SIGNS FOR I-10 W/SANTA MONICA/INTERSTATE 5 N/SACRAMENTO, KEEP LEFT TO STAY ON I-5 N, FOLLOW SIGNS FOR SACRAMENTO, KEEP RIGHT TO CONTINUE ON I-5 N/GOLDEN STATE FWY, FOLLOW SIGNS FOR SACRAMENTO, TAKE EXIT 145B TOWARD ALAMEDA AVE. KEEP LEFT AT THE FORK, FOLLOW SIGNS FOR ALAMEDA AVENUE W AND MERGE ONTO W ALAMEDA AVE, CONTINUE ON W ALAMEDA AVE. DRIVE TO S MAIN ST. MERGE ONTO W ALAMEDA AVE, TURN RIGHT ONTO S MAIN ST, DESTINATION WILL BE ON THE RIGHT

VICINITY MAP

SITE LOCATION

800 S Main St, Burbank, CA 91506

NO SCALE



5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120



2000 AUBURN DR. SUITE 200
BEACHWOOD, OH 44122

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DRAWN BY: GCA CHECKED BY: AMR APPROVED BY: AA

RFDS REV #: 0

ZONING DOCUMENTS

SUBMITTALS

REV	DATE	DESCRIPTION
A	08/06/2021	ISSUED FOR REVIEW
0	10/11/2021	FINAL ZONING DOCUMENTS
1	04/12/2024	SAQ COMMENTS

A&E PROJECT NUMBER
SOUTH MAIN & ELMWOOD
LALAX04397B

DISH Wireless L.L.C.
PROJECT INFORMATION
LALAX04397B
800 SOUTH MAIN STREET
BURBANK, CA 91506

SHEET TITLE
TITLE SHEET

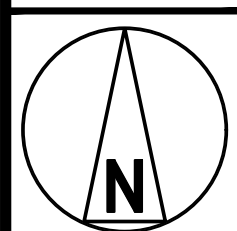
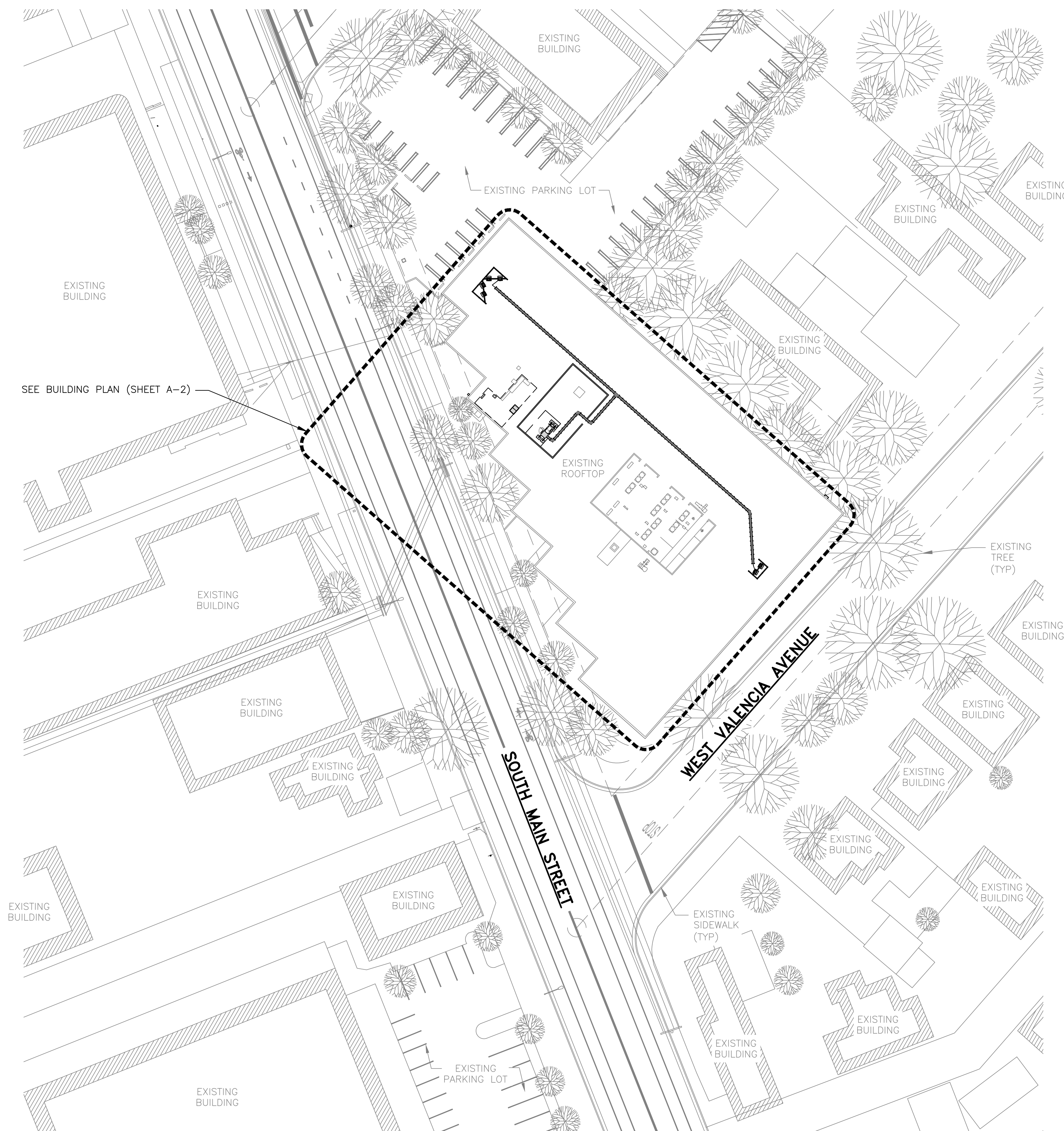
SHEET NUMBER
T-1

FRP ARCHITECTURAL AESTHETICS

1. PAINT TO MATCH UPPER BUILDING COLOR, ADDING HORIZONTAL TRIM STRIP TO MATCH. (THE BUILDING IS SALMON, GREEN AND CREAM. BY ADDING A GREEN OR SALMON TO THE TOP MIGHT REDUCE THE MASS OF THE FRP SCREENS)

NOTES

1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS UNIT, TRANSMITTING ANTENNAS AND EXISTING GPS UNITS.
3. ROOF-MOUNTED WTFS SHALL BE FULLY SCREENED FROM PUBLIC VIEW USING SCREENING DEVICES THAT ARE COMPATIBLE WITH THE EXISTING ARCHITECTURE, COLOR, TEXTURE, AND/OR MATERIALS OF THE BUILDING. ROOF-MOUNTED WTFS SHALL ALSO BE SCREENED FROM ABOVE, IF VISIBLE FROM ADJACENT PROPERTIES (BMC SECTION 10-1-1118(D)(4)(E)).



OVERALL SITE PLAN



1



5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120



2000 AUBURN DR, SUITE 200
BEACHWOOD, OH 44122

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GCA	AMR	AA

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A&E PROJECT NUMBER
**SOUTH MAIN & ELMWOOD
LALAX04397B**

DISH Wireless L.L.C.
PROJECT INFORMATION
**LALAX04397B
800 SOUTH MAIN STREET
BURBANK, CA 91506**

SHEET TITLE
**OVERALL
SITE PLAN**

SHEET NUMBER

A-1

FRP ARCHITECTURAL AESTHETICS

1. PAINT TO MATCH UPPER BUILDING COLOR, ADDING HORIZONTAL TRIM STRIP TO MATCH. (THE BUILDING IS SALMON, GREEN AND CREAM. BY ADDING A GREEN OR SALMON TO THE TOP MIGHT REDUCE THE MASS OF THE FRP SCREENS)

NOTES

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2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS UNIT, TRANSMITTING ANTENNAS AND EXISTING GPS UNITS.
3. CONTRACTOR TO VERIFY WITH DISH WIRELESS L.L.C. C.M. THE LOCATION OF THE POWER AND FIBER SOURCE PRIOR TO CONSTRUCTION.
4. UTILITY RUBBER MAT TO BE INSTALLED UNDER ALL DISH WIRELESS L.L.C. EQUIPMENT THAT IS RESTING ON OR AFFIXED TO ROOF MEMBRANE.
5. ROOF-MOUNTED WTFS SHALL BE FULLY SCREENED FROM PUBLIC VIEW USING SCREENING DEVICES THAT ARE COMPATIBLE WITH THE EXISTING ARCHITECTURE, COLOR, TEXTURE, AND/OR MATERIALS OF THE BUILDING. ROOF-MOUNTED WTFS SHALL ALSO BE SCREENED FROM ABOVE, IF VISIBLE FROM ADJACENT PROPERTIES (BMC SECTION 10-1-1118(D)(4)(E)).



5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120



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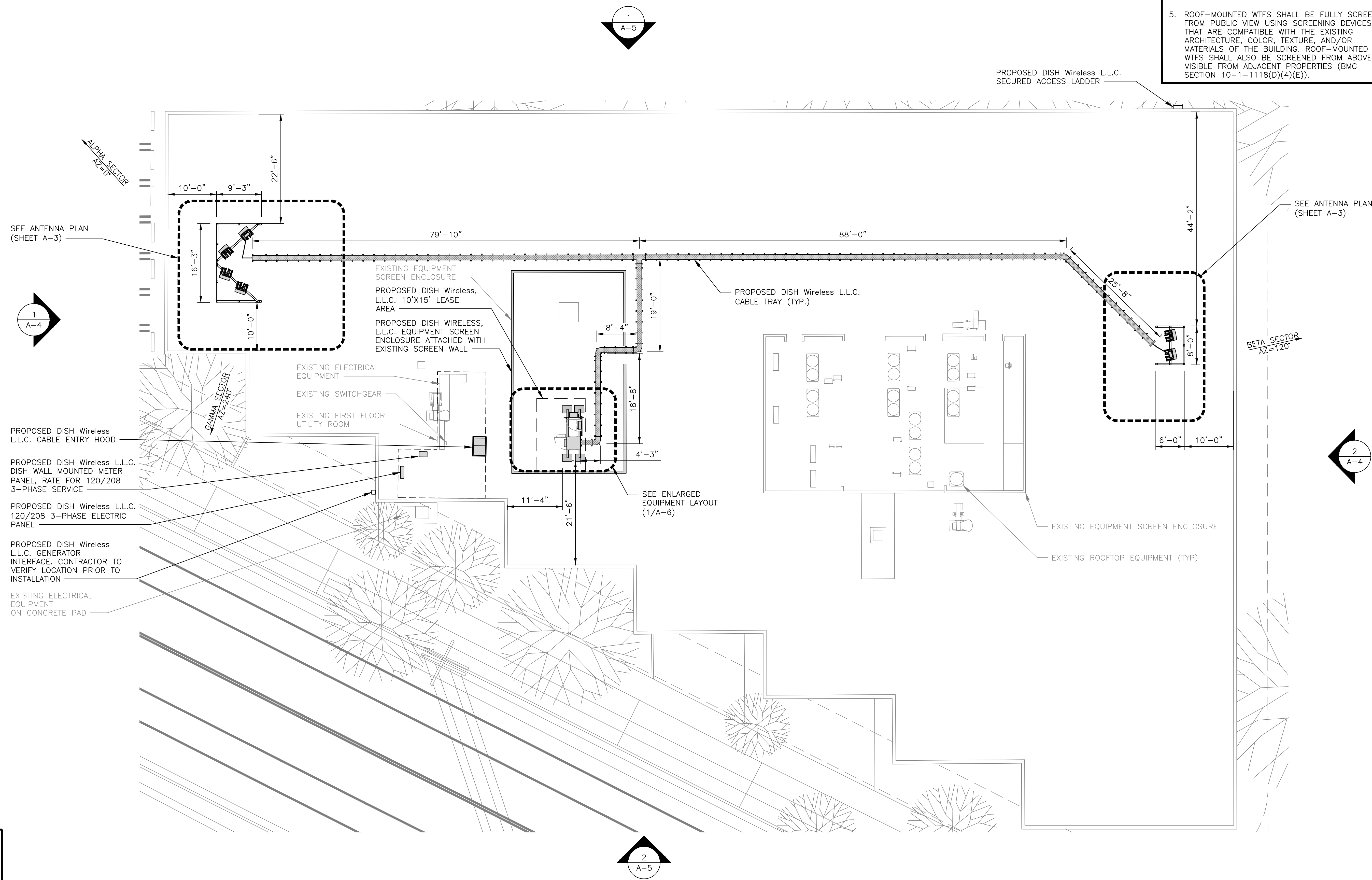
A&E PROJECT NUMBER
**SOUTH MAIN & ELMWOOD
LALAX04397B**

DISH Wireless L.L.C.
PROJECT INFORMATION
**LALAX04397B
800 SOUTH MAIN STREET
BURBANK, CA 91506**

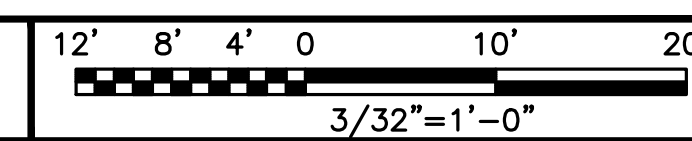
SHEET TITLE
**ENLARGED BUILDING
PLAN**

SHEET NUMBER

A-2



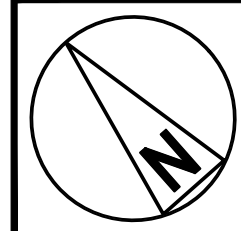
ENLARGED BUILDING PLAN



1

SECTOR	POSITION	ANTENNA						TRANSMISSION CABLE
		EXISTING OR PROPOSED	MANUFACTURER - MODEL NUMBER	TECHNOLOGY	SIZE (HxW)	AZIMUTH	RAD CENTER	FEED LINE TYPE AND LENGTH
ALPHA	A1	PROPOSED	CELLMAX CX12044x	5G	72.4"x26.7"x7.7"	0°	42'-0"	(2) HIGH-CAPACITY HYBRID CABLES
	A2	PROPOSED	CELLMAX CX12044x	5G	72.4"x26.7"x7.7"	0°	42'-0"	
BETA	B1	PROPOSED	CELLMAX CX12044x	5G	72.4"x26.7"x7.7"	120°	42'-0"	
	B2	PROPOSED	CELLMAX CX12044x	5G	72.4"x26.7"x7.7"	120°	42'-0"	
GAMMA	G1	PROPOSED	CELLMAX CX12044x	5G	72.4"x26.7"x7.7"	240°	42'-0"	
	G2	PROPOSED	CELLMAX CX12044x	5G	72.4"x26.7"x7.7"	240°	42'-0"	

SECTOR	POSITION	RRU		NOTES:
		MANUFACTURER - MODEL NUMBER	TECHNOLOGY	
ALPHA	A1 & A2	(1) FUJITSU - TA08025 B604	N70 N66	1. CONTRACTOR TO REFER TO FINAL CONSTRUCTION RFDS FOR ALL RF DETAILS. 2. ANTENNA AND RRH MODELS MAY CHANGE DUE TO EQUIPMENT AVAILABILITY, ALL EQUIPMENT CHANGES MUST BE APPROVED AND REMAIN IN COMPLIANCE WITH THE PROPOSED DESIGN AND STRUCTURAL ANALYSES.
	A1 & A2	(1) FUJITSU - TA08025 B605	N71	
BETA	B1 & B2	(1) FUJITSU - TA08025 B604	N70 N66	
	B1 & B2	(1) FUJITSU - TA08025 B605	N71	
GAMMA	G1 & G2	(1) FUJITSU - TA08025 B604	N70 N66	
	G1 & G2	(1) FUJITSU - TA08025 B605	N71	

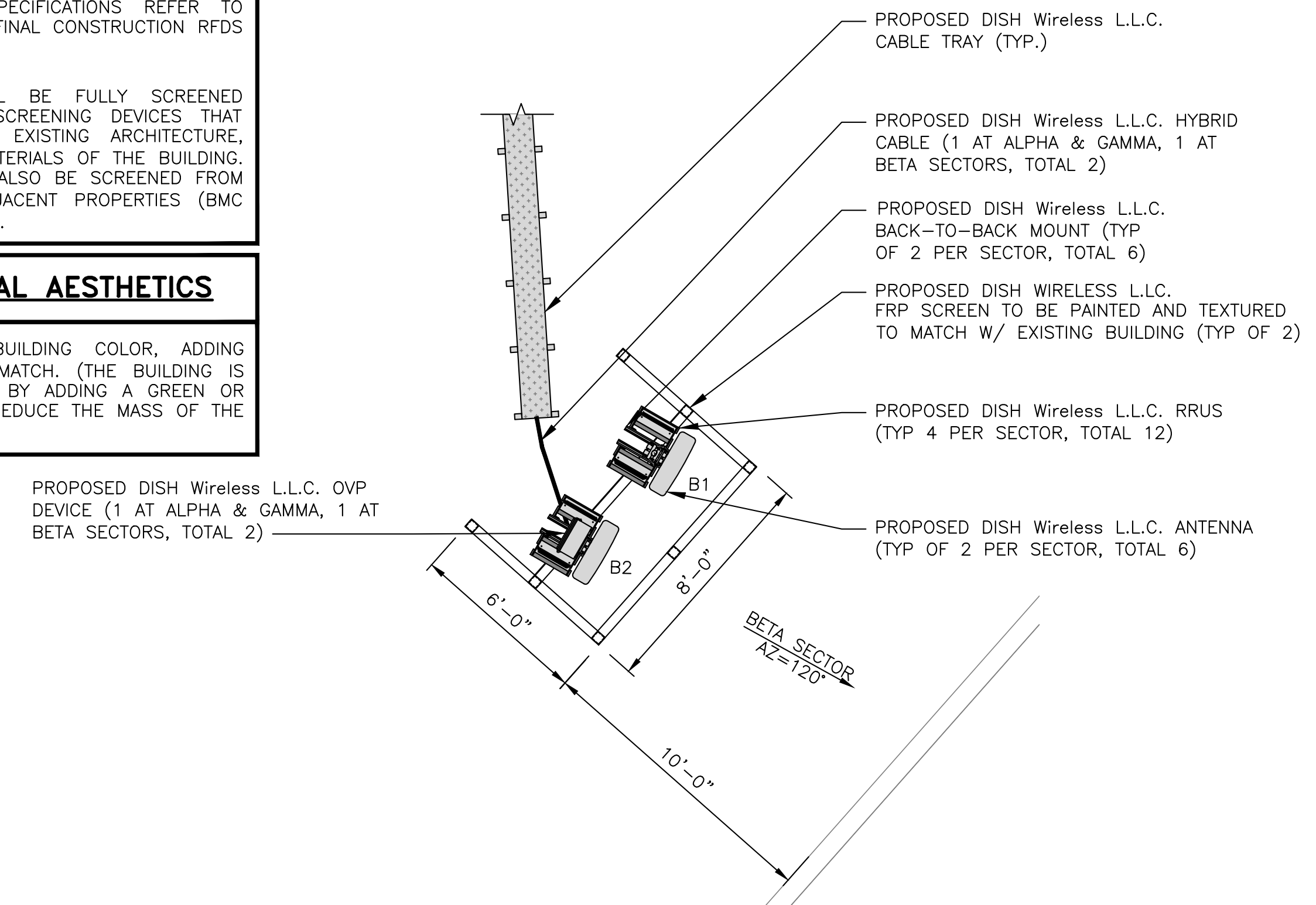


NOTES

- CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
- ANTENNA AND MW DISH SPECIFICATIONS REFER TO ANTENNA SCHEDULE AND TO FINAL CONSTRUCTION RFDS FOR ALL RF DETAILS
- ROOF-MOUNTED WTFS SHALL BE FULLY SCREENED FROM PUBLIC VIEW USING SCREENING DEVICES THAT ARE COMPATIBLE WITH THE EXISTING ARCHITECTURE, COLOR, TEXTURE, AND/OR MATERIALS OF THE BUILDING. ROOF-MOUNTED WTFS SHALL ALSO BE SCREENED FROM ABOVE, IF VISIBLE FROM ADJACENT PROPERTIES (BMC SECTION 10-1-1118(D)(4)(E)).

FRP ARCHITECTURAL AESTHETICS

- PAINT TO MATCH UPPER BUILDING COLOR, ADDING HORIZONTAL TRIM STRIP TO MATCH. (THE BUILDING IS SALMON, GREEN AND CREAM. BY ADDING A GREEN OR SALMON TO THE TOP MIGHT REDUCE THE MASS OF THE FRP SCREENS)

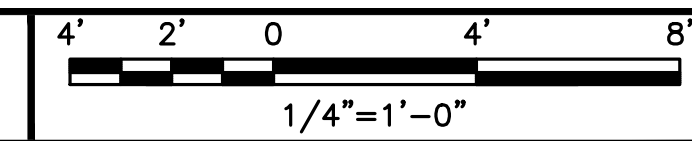


ANTENNA SCHEDULE

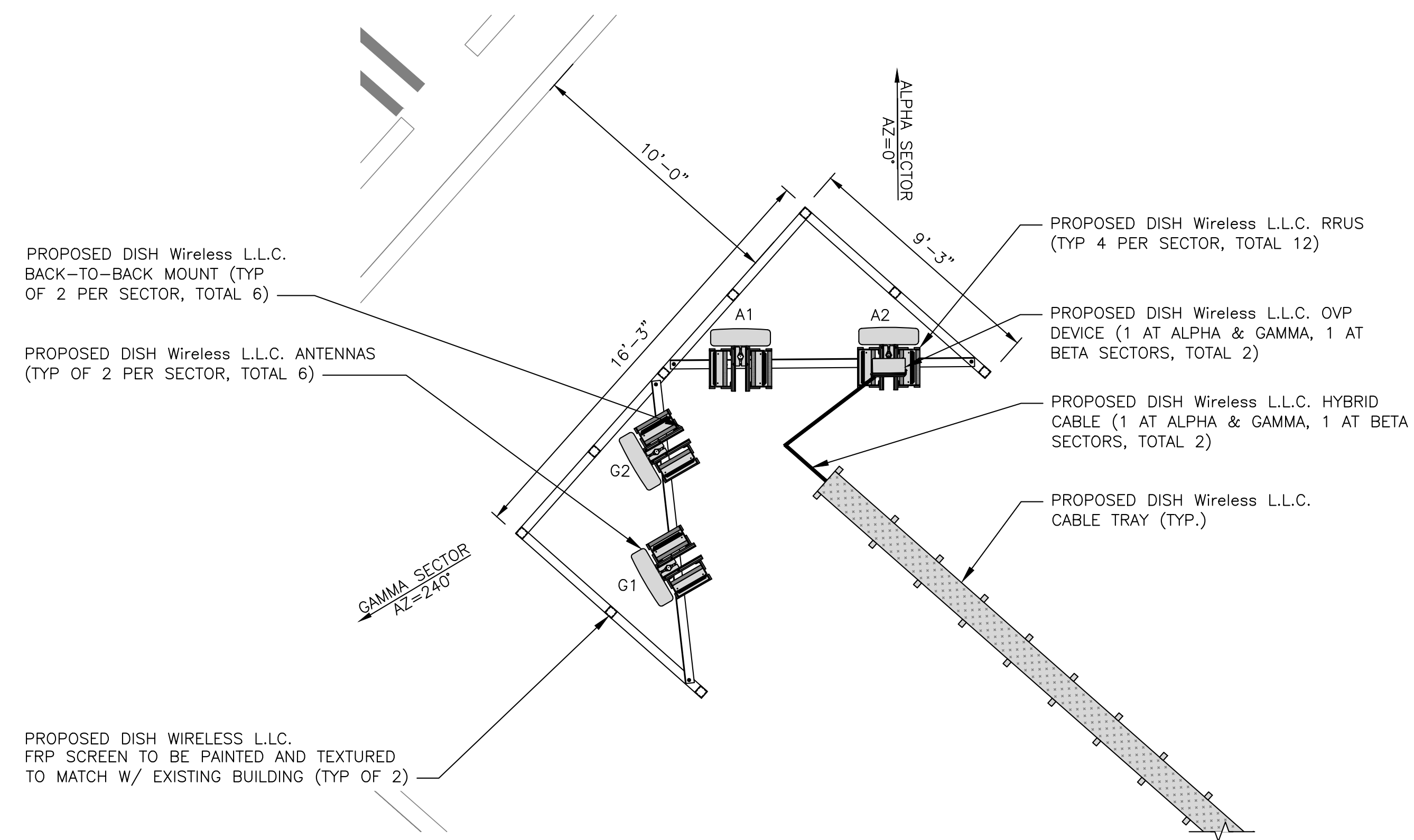
NO SCALE

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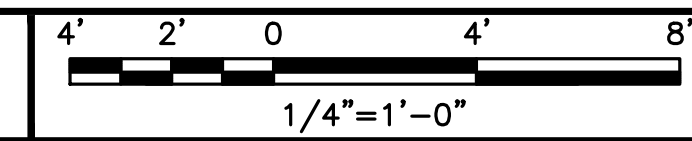
ANTENNA PLAN - BETA SECTOR



2



ANTENNA PLAN - ALPHA & GAMMA SECTORS



3



5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120



2000 AUBURN DR, SUITE 200
BEACHWOOD, OH 44122

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GCA	AMR	AA

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1	04/12/2024	SAQ COMMENTS

A&E PROJECT NUMBER
**SOUTH MAIN & ELMWOOD
LALAX04397B**

DISH Wireless L.L.C.
PROJECT INFORMATION
**LALAX04397B
800 SOUTH MAIN STREET
BURBANK, CA 91506**

SHEET TITLE
**ANTENNA PLAN,
ELEVATION AND SCHEDULE**

SHEET NUMBER
A-3

FRP ARCHITECTURAL AESTHETICS

1. PAINT TO MATCH UPPER BUILDING COLOR, ADDING HORIZONTAL TRIM STRIP TO MATCH. (THE BUILDING IS SALMON, GREEN AND CREAM. BY ADDING A GREEN OR SALMON TO THE TOP MIGHT REDUCE THE MASS OF THE FRP SCREENS)

PROPOSED DISH Wireless L.L.C. FRP SCREEN TO BE PAINTED AND TEXTURED TO MATCH W/EXISTING UPPER BUILDING ADDING HORIZONTAL TRIM STRIP. (TYP OF 2)

PROPOSED DISH Wireless L.L.C. ANTENNA MOUNT BEHIND PROPOSED FRP SCREEN ENCLOSURE

PROPOSED DISH Wireless L.L.C. ANTENNAS BEHIND FRP SCREEN (TYP 1 PER SECTOR, TOTAL 3)

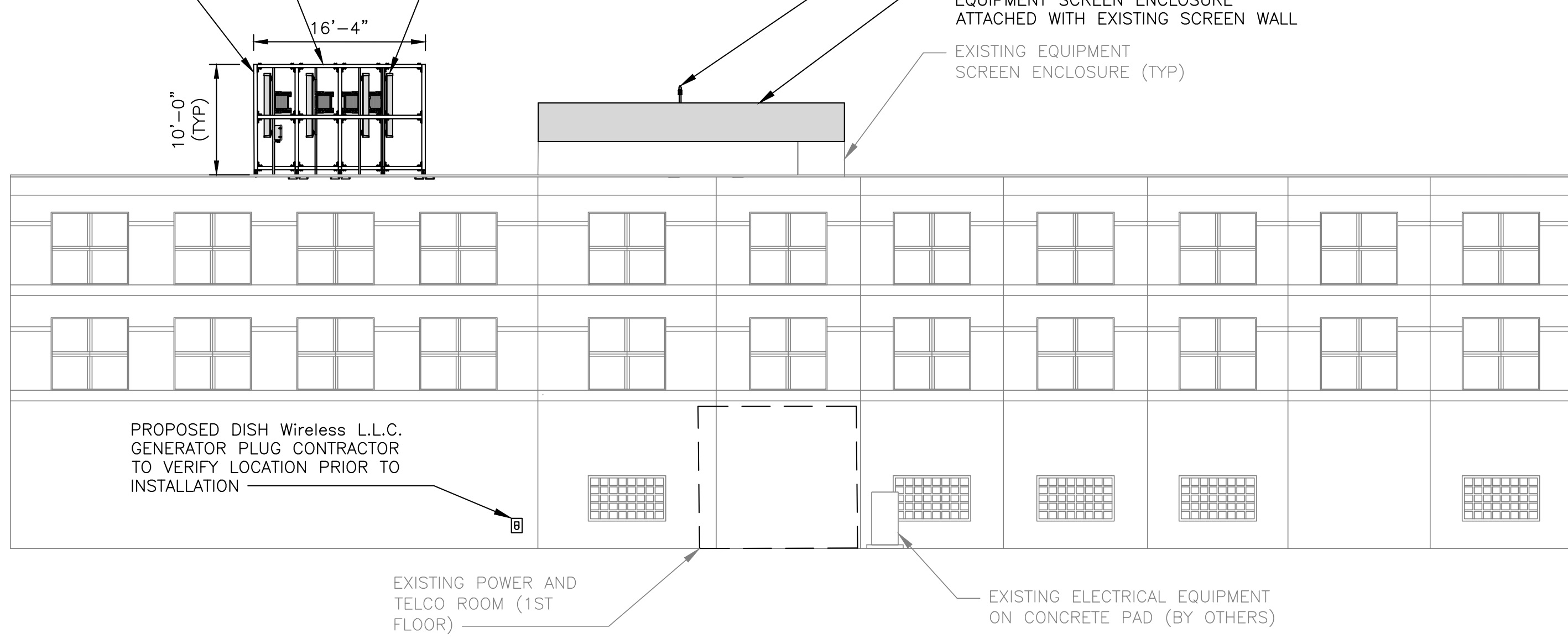
PROPOSED DISH Wireless L.L.C. GPS UNIT

PROPOSED DISH WIRELESS, L.L.C. EQUIPMENT SCREEN ENCLOSURE ATTACHED WITH EXISTING SCREEN WALL

EXISTING EQUIPMENT SCREEN ENCLOSURE (TYP)

- PROPOSED DISH Wireless L.L.C. FRP SCREEN 45'-5" AGL
- PROPOSED DISH WIRELESS, L.L.C. EQUIPMENT SCREEN ENCLOSURE 42'-3" AGL
- PROPOSED DISH Wireless L.L.C. ANTENNA (TYP 2 PER SECTOR, TOTAL OF 6) RAD CENTER @ 42'-0" AGL
- EXISTING BUILDING PARAPET 35'-5" AGL
- EXISTING BUILDING ROOF AT PLATFORM 35'-3" AGL

● EXISTING BUILDING GRADE 0'-0" AGL



PROPOSED DISH Wireless L.L.C. GENERATOR PLUG CONTRACTOR TO VERIFY LOCATION PRIOR TO INSTALLATION

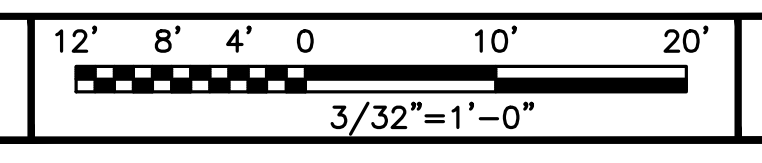
EXISTING POWER AND TELCO ROOM (1ST FLOOR)

EXISTING ELECTRICAL EQUIPMENT ON CONCRETE PAD (BY OTHERS)

NOTES

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2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS UNIT, TRANSMITTING ANTENNAS AND EXISTING GPS UNITS.
3. ROOF-MOUNTED WTFS SHALL BE FULLY SCREENED FROM PUBLIC VIEW USING SCREENING DEVICES THAT ARE COMPATIBLE WITH THE EXISTING ARCHITECTURE, COLOR, TEXTURE, AND/OR MATERIALS OF THE BUILDING. ROOF-MOUNTED WTFS SHALL ALSO BE SCREENED FROM ABOVE, IF VISIBLE FROM ADJACENT PROPERTIES (BMC SECTION 10-1-1118(D)(4)(E)).

BUILDING NORTHWEST ELEVATION



1

FRP ARCHITECTURAL AESTHETICS

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PROPOSED DISH Wireless L.L.C. GPS UNIT

PROPOSED DISH WIRELESS, L.L.C. EQUIPMENT SCREEN ENCLOSURE ATTACHED WITH EXISTING SCREEN WALL

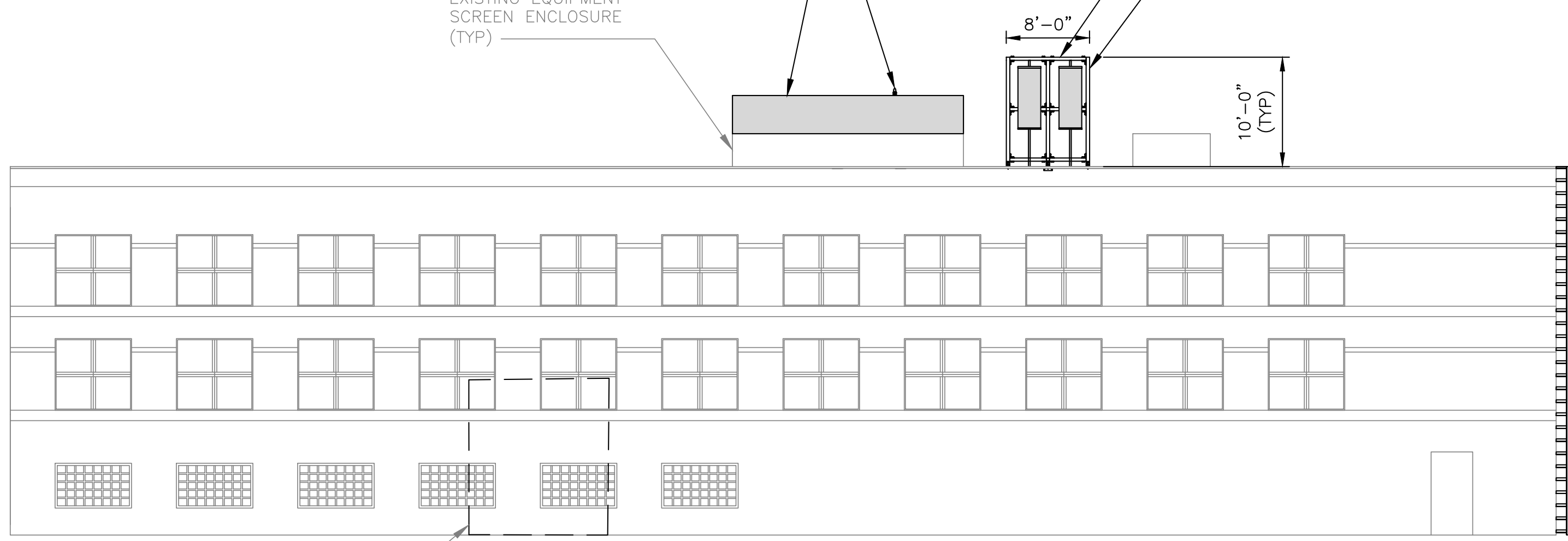
EXISTING EQUIPMENT SCREEN ENCLOSURE (TYP)

PROPOSED DISH Wireless L.L.C. ANTENNAS BEHIND FRP SCREEN (TYP 1 PER SECTOR, TOTAL 3)

PROPOSED DISH Wireless L.L.C. FRP SCREEN TO BE PAINTED AND TEXTURED TO MATCH W/EXISTING UPPER BUILDING ADDING HORIZONTAL TRIM STRIP. (TYP OF 2)

- PROPOSED DISH Wireless L.L.C. FRP SCREEN 45'-5" AGL
- PROPOSED DISH WIRELESS, L.L.C. EQUIPMENT SCREEN ENCLOSURE 42'-3" AGL
- PROPOSED DISH Wireless L.L.C. ANTENNA (TYP 2 PER SECTOR, TOTAL OF 6) RAD CENTER @ 42'-0" AGL
- EXISTING BUILDING PARAPET 35'-5" AGL
- EXISTING BUILDING ROOF AT PLATFORM 35'-3" AGL

● EXISTING BUILDING GRADE 0'-0" AGL



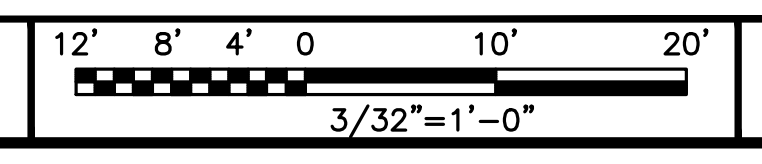
EXISTING ELECTRICAL ROOM

PROPOSED DISH Wireless L.L.C. SECURED ACCESS LADDER

NOTES

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BUILDING SOUTHEAST ELEVATION



2



5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120



2000 AUBURN DR, SUITE 200
BEACHWOOD, OH 44122

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A&E PROJECT NUMBER
SOUTH MAIN & ELMWOOD
LALAX04397B

DISH Wireless L.L.C.
PROJECT INFORMATION

LALAX04397B
800 SOUTH MAIN STREET
BURBANK, CA 91506

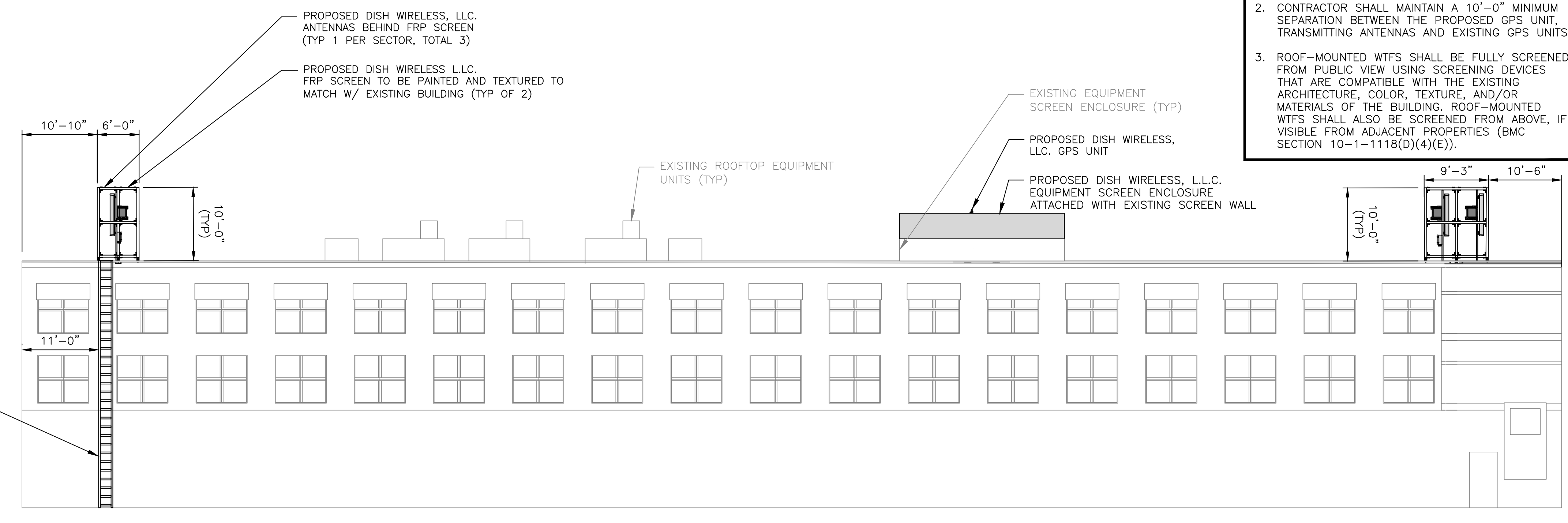
SHEET TITLE
NORTHWEST AND SOUTHEAST
ELEVATIONS

SHEET NUMBER
A-4

FRP ARCHITECTURAL AESTHETICS

1. PAINT TO MATCH UPPER BUILDING COLOR, ADDING HORIZONTAL TRIM STRIP TO MATCH. (THE BUILDING IS SALMON, GREEN AND CREAM. BY ADDING A GREEN OR SALMON TO THE TOP MIGHT REDUCE THE MASS OF THE FRP SCREENS)

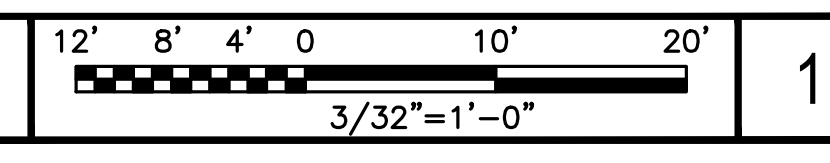
- PROPOSED DISH WIRELESS, LLC. FRP SCREEN
45'-5" AGL
- PROPOSED DISH WIRELESS, L.L.C. EQUIPMENT SCREEN ENCLOSURE
42'-3" AGL
- PROPOSED DISH WIRELESS, LLC. ANTENNA (TYP 2 PER SECTOR, TOTAL OF 6)
RAD CENTER @ 42'-0" AGL
- EXISTING BUILDING PARAPET
35'-5" AGL
- EXISTING BUILDING ROOF AT PLATFORM
35'-3" AGL
- EXISTING BUILDING GRADE
0'-0" AGL



NOTES

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2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS UNIT, TRANSMITTING ANTENNAS AND EXISTING GPS UNITS.
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BUILDING NORTHEAST ELEVATION

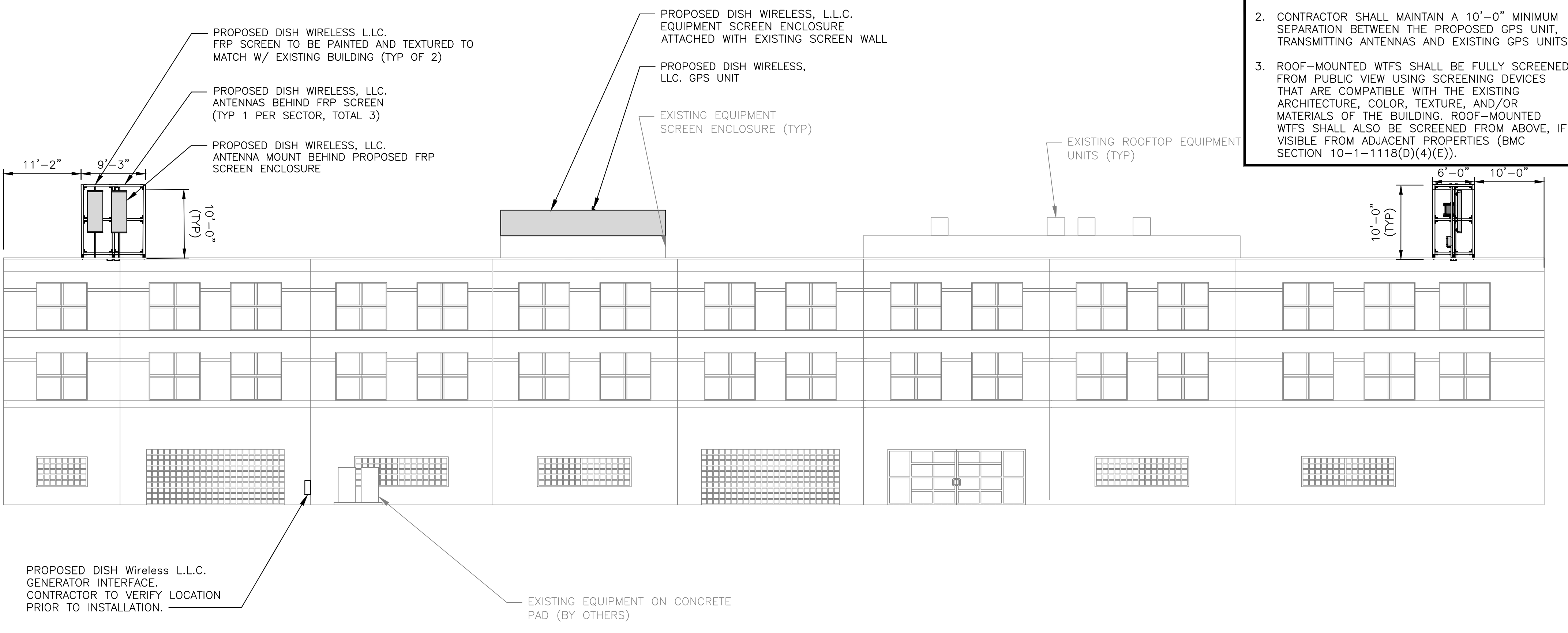


1

FRP ARCHITECTURAL AESTHETICS

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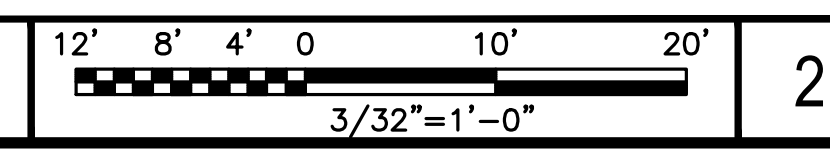
- PROPOSED DISH WIRELESS, LLC. FRP SCREEN
45'-5" AGL
- PROPOSED DISH WIRELESS, L.L.C. EQUIPMENT SCREEN ENCLOSURE
42'-3" AGL
- PROPOSED DISH WIRELESS, LLC. ANTENNA (TYP 2 PER SECTOR, TOTAL OF 6)
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- EXISTING BUILDING PARAPET
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- EXISTING BUILDING ROOF
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- EXISTING BUILDING GRADE
0'-0" AGL



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BUILDING SOUTHWEST ELEVATION



2



5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120



2000 AUBURN DR, SUITE 200
BEACHWOOD, OH 44122

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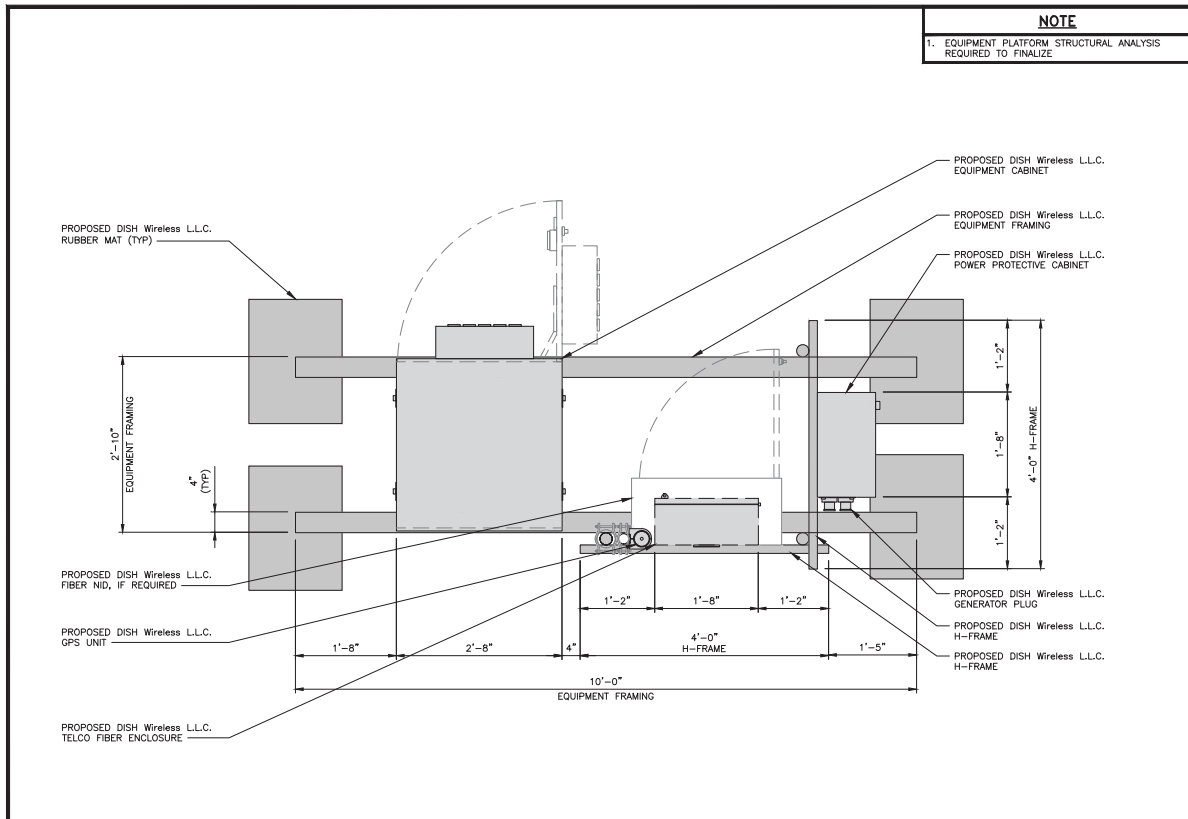
A&E PROJECT NUMBER
SOUTH MAIN & ELMWOOD
LALAX04397B

DISH Wireless L.L.C.
PROJECT INFORMATION

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800 SOUTH MAIN STREET
BURBANK, CA 91506

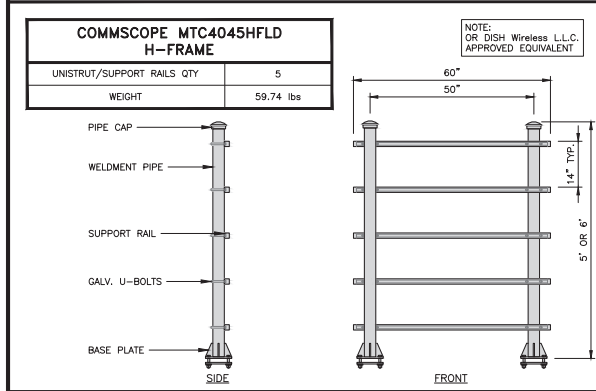
SHEET TITLE
NORTHEAST AND SOUTHWEST
ELEVATIONS

SHEET NUMBER
A-5

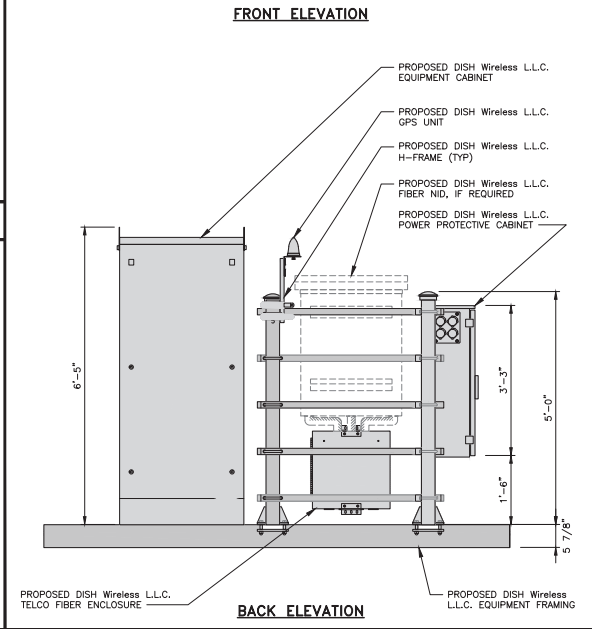
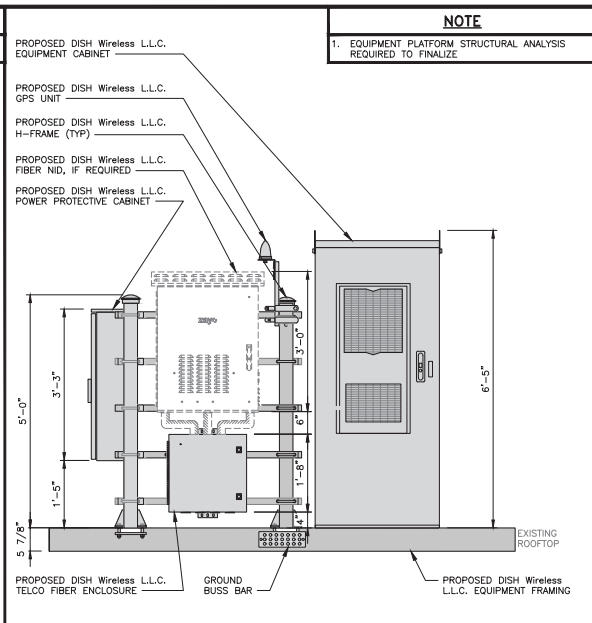
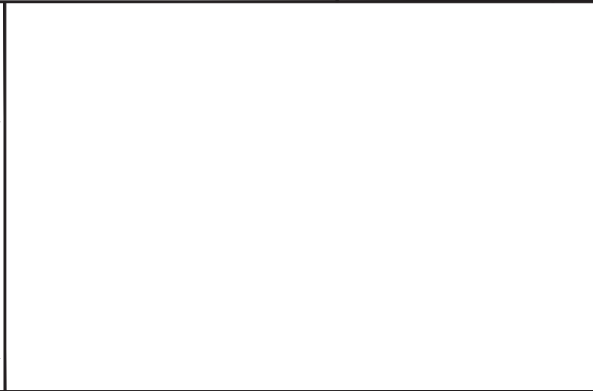


EQUIPMENT LAYOUT

12" 9" 6" 3" 0 1" 2" 1"=1'-0"



NO SCALE 2



H-FRAME EQUIPMENT ELEVATION

12" 9" 6" 3" 0 1" 2" 1"=1'-0"

5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120

2000 AUBURN DR. SUITE 200
BEACHWOOD, OH 44122

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

DRAWN BY:	CHECKED BY:	APPROVED BY:
ESM	AA	AMR

RFDS REV #: 1

PRELIMINARY DOCUMENTS

SUBMITTALS		
REV	DATE	DESCRIPTION
A	05/26/2022	ISSUED FOR REVIEW
B	09/15/2023	ISSUED FOR REVIEW
0	12/13/2023	FINAL CONSTRUCTION DRAWINGS

A&E PROJECT NUMBER
SOUTH MAIN & ELMWOOD LALAX04397B

DISH Wireless L.L.C. PROJECT INFORMATION
LALAX04397B
800 SOUTH MAIN STREET
BURBANK, CA 91506

SHEET TITLE
EQUIPMENT LAYOUT AND H-FRAME DETAILS

SHEET NUMBER
A-6

ATTACHMENT B

Municipal Code Compliance (New Building-Mounted WTF)		
Code Section:	Requirement:	Compliance:
Per Table 10-1-1118(C), building mounted WTFs are allowed in non-residential zone (except OS)	Permitted through approval of an AUP; [AUP is required if residentially adjacent.]	Dish Wireless applicant submitted an AUP for the proposed building mounted WTF at 800 S Main Street.
Required Development & Design Standards for all WTFs		
Section 10-1-1118(D)(3)(a)	Where practical, WTFs shall be integrated into existing or newly developed facilities that are functional for other purposes.	Applicant is proposing six antennas along with accessory equipment located on the rooftop of an existing commercial building, where it is permitted.
Section 10-1-1118(D)(3)(b)	WTFs shall incorporate stealth design so as to minimize aesthetic impacts on surrounding land uses. Related equipment shall be designed to match the architecture of adjacent buildings and/or be screened from public view by walls, fences, parapets, landscaping, and similar treatments.	Proposed antennas and accessory equipment will include a 10'-0" tall FRP screen enclosure that will match the design of the existing commercial building.
Section 10-1-1118(D)(3)(c)	Related equipment for co-located WTFs shall be co-located within an existing equipment enclosure, or if not possible then located within a new equipment enclosure as close to the existing equipment enclosure as possible.	Proposed accessory equipment will be centrally located within an existing screen enclosure. Applicant is including additional screen, not to exceed the max height of 15 feet, to ensure all equipment is not visible from the public view.
Section 10-1-1118(D)(3)(d)	Monopoles, antennas, and support structures for antennas shall be no greater in diameter or any other cross-sectional dimension than is reasonably necessary for the proper functioning and physical support of the WTF and future co-location of additional WTFs.	All supporting structures are no greater than necessary in diameter or any other cross-sectional dimension.
Section 10-1-1118(D)(3)(i)(1)	All WTFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency.	A condition of approval is included to require a sign to be posted in a readily location identifying the name and phone number of a party to contact in the event of an emergency.

Section 10-1-1118(D)(3)(i)(2)	No signs, flags, banners, or any form of advertising shall be attached to a WTF except for government-required certifications, warnings, or other required seals or signs.	The applicant is not proposing any signage, or any form of advertising attached to the proposed WTF.
Section 10-1-1118(D)(3)(j)	No WTF or any portion thereof may be located within a required setback area.	The proposed WTF is not located within a required setback area.
Section 10-1-1118(D)(3)(l)	No WTF may, by itself or in conjunction with other WTFs, generate radio frequency emissions and/or electromagnetic radiation in excess of FCC standards and any other applicable regulations. All WTFs must comply with all standards and regulations of the FCC, and any other agency of the State or Federal government agency with the authority to regulate wireless telecommunications facilities.	The approved wireless facility will be conditioned to comply with all standards and regulations of the FCC, and any other agency of the State or Federal government agency with the authority to regulate WTFs.
Section 10-1-1118(D)(3)(m)	Within 30 days after discontinuation of use, the WTF operator shall notify the Director in writing that use of the WTF has been discontinued.	A condition of approval will be included to require the applicant to notify the Community Development Director in writing that the use of the facility has been discontinued. Furthermore, the condition will require the facility to be completely removed, and the site returned to its pre-facility condition within 180 days of the discontinuation of use.
Section 10-1-1118(D)(3)(n)	A WTF must be completely removed, and the site returned to its pre-WTF condition within 180 days of discontinuation of use.	
Section 10-1-1118(D)(3)(o)	All WTF application approvals shall indicate that the approved WTF configuration was designed to conceal elements of the tower or base station to the extent feasible, and that further expansion of the WTF or its associated facilities would defeat those concealment elements.	The proposed WTF will include a screen enclosure that is designed to match the existing commercial building and limits the visibility of the equipment.
Additional Requirements for Building-Mounted WTFs		
Section 10-1-1118(D)(4)(a)	New Building-mounted WTFs, including any screening devices, shall not exceed a height of 15 feet	All proposed FRP screen enclosures do not exceed the maximum allowable height of 15 feet.

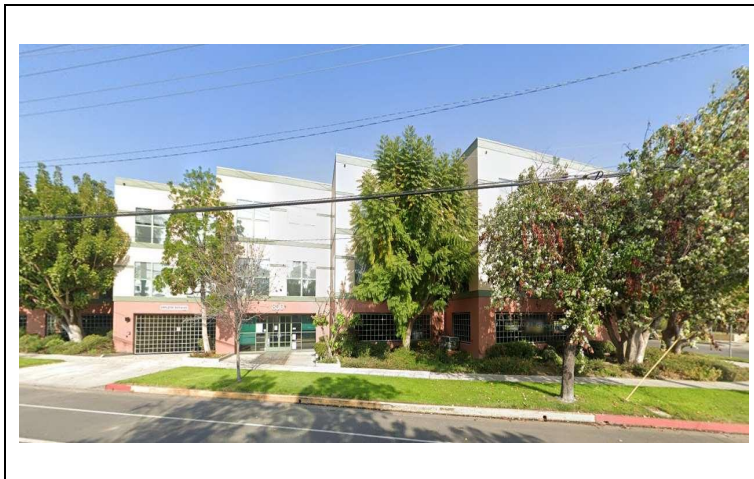
	above the roof or parapet, whichever is higher.	
Section 10-1-1118(D)(4)(b)	Building-mounted WTFs shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. Antennas shall be located entirely within an existing or newly created architectural feature so as to be completely screened from view.	The proposed WTF will include FRP screen enclosures that will be painted to match the building design to reduce the mass of the screens.
Section 10-1-1118(D)(4)(c)	Building-mounted WTFs shall be located on the facade of the building, parapet, or rooftop penthouse whenever practical.	The proposed WTF is located on top of a rooftop of an existing commercial building.
Section 10-1-1118(D)(4)(d)	Facade-mounted WTFs shall not extend more than 24 inches out from the building face. If a building mounted WTF is mounted flush against a building wall, the color and material of the antenna and other equipment shall match the exterior of the building. If there is a discernable gap between the antenna and the facade, the antenna shall be screened so as to hide the gap.	Not applicable. The applicant is proposing a new building mounted WTF on a rooftop of existing commercial office building.
Section 10-1-1118(D)(4)(e)	Roof-mounted WTFs shall be fully screened from public view using screening devices that are compatible with the existing architecture, color, texture, and/or materials of the building. Roof-mounted WTFs shall also be screened from above, if visible from adjacent properties	The proposed antennas and equipment will include an FRP screen enclosure not to exceed the maximum height of 15 feet. Proposed accessory equipment screen enclosure will be painted and textured to match the existing screen enclosure.
Section 10-1-1118(D)(4)(f)	Roof-mounted WTFs shall be located as far from the edge of the building as feasible.	All proposed antennas and accessory equipment have a setback range from the edge of the roof range between 10'-0" and 44'-2".
Radio Frequency Emissions Compliance		
Per Section 10-1-1118(E)(1), Within thirty (30) calendar days following the activation of any WTF, the applicant shall provide a radio frequency emissions compliance report to the Director certifying that the unit has been inspected and tested in compliance with FCC standards. Such report and certification shall include:		
Section 10-1-1118(E)(1)(a)	The make and model (or other identifying information) of the unit tested.	A condition of approval will be included to require the applicant, within 30 calendar

Section 10-1-1118(E)(1)(b)	The date and time of the inspection, the methodology used to make the determination,	<p>days following the activation of the facility, to provide a radio frequency emissions compliance report to Director certifying that the unit has been inspected and tested in compliance with FCC standards.</p> <p>In addition, the condition will require, every 5 years following the initial report, the applicant to prepare and submit to the City an independently prepared updated radio frequency emissions compliance and certification and shall certify that the facility complies with all applicable FCC standards as of the date of the update. The Community Development Director may require the applicant to modify the location or design of the facility and/ or implement other mitigation measures to ensure compliance with the FCC standards.</p>
Section 10-1-1118(E)(1)(c)	The name and title of the person(s) conducting the tests, and a certification that the unit is properly installed and working within applicable FCC standards.	
Section 10-1-1118(E)(1)(d)	As to DAS installations, the required radio frequency emissions compliance report certification shall be provided only by the wireless carrier(s) using the DAS system.	
Section 10-1-1118(E)(1)(e)	The report and certification shall also indicate that cumulative levels of radio frequency emissions from the WTF and all co-located WTFs are in compliance with FCC standards, including but not limited to FCC Office of Engineering Technology Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, as amended.	
Section 10-1-1118(E)(2)	Every five years following compliance with 1-1-1118 E(1) above, the applicant shall, at the WTF owners sole cost, prepare and submit to the City an independently prepared updated radio frequency emissions compliance report and certification, shall certify that the WTF complies with all applicable FCC standards as of the date of the update.	
Section 10-1-1118(E)(3)	If the radio frequency emissions compliance report and certification, and/or any update thereto, demonstrates that the cumulative levels of radio frequency emissions exceed or may exceed FCC standards, the Director may require the applicant to modify the location or design of the WTF and/or implement other mitigation measures to ensure compliance with FCC standards.	

	The Director may require additional independent technical evaluation of the WTF, at the applicant's sole cost, to ensure compliance with FCC standards.	
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Radio Frequency – Electromagnetic Energy (RF-EME) Site Compliance Report

Site Number: LALAX04397B
800 South Main
BURBANK, CA 91506
34.165042, -118.312027



Prepared For:



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Reference Documents

CD: 10112797.SICKLES STREET.AE201.C-BAND.11.17.21

**RFDS: NYC-NNJ_NYC_NYCMNYB115_2021-5G-NR-Radio_5G-NR-1SR-
CBAND_dp2443_2191A0YMH7_10112797_107271_02-08-2021_Preliminary-Approved_v1.00
(1)**

Overview

Centerline Communications, LLC (“Centerline”) has been contracted to provide a Radio Frequency (RF) Analysis for the following Dish Wireless rooftop facility to determine whether the facility is in compliance with federal standards and regulations regarding RF emissions. This analysis includes theoretical emissions calculations which were performed assuming that all of the proposed radios operate uncombined in their RF paths to yield a worst-case scenario.

Statement of Compliance

Dish Wireless will be compliant with FCC regulations when the proposed mitigation items in this report are implemented. See Section 4 for specific instructions.

The MPE Levels are predicted to exceed the General Public limits for those walking on the Main Level. The maximum prediction onsite is 624.47% of the FCC's General Public limits on this level.

Dish’s proposed antennas at Alpha Sector may exceed the FCC’s General Public limits within approximately 8 feet from the antenna face on the Main Level. Modeling also indicates that the worst-case emitted power density may exceed the FCC’s occupational limit within approximately 1 feet of Dish’s proposed antennas on the Main Level.

Recommended control measures are outlined in Section 4.0 and within the Signage Diagram (attached); Dish Wireless should also provide procedures to shut down and lockout/tagout this wireless equipment in accordance with their own standard operating protocol. Non-telecom workers who will be working in areas of exceedance are required to contact Dish Wireless since only Dish has the ability to lockout/tagout the facility, or to authorize others to do so.

1.0 Introduction

Radio frequency waves are electromagnetic waves from the portion of the electromagnetic spectrum at frequencies lower than visible light and microwaves. The wavelengths of radio waves range from thousands of meters to around 30 centimeters. These wavelengths correspond to frequencies as low as 3 cycles per second (or hertz [Hz]) to as high as one gigahertz (one billion cycles per second).

Personal Communication (PCS) facilities used by Dish Wireless in this area will potentially operate within a frequency range of 600 to 5000 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation and are typically installed a distance above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of in areas in the immediate vicinity of the antennas.

MPE limits do not represent levels where a health risk exists, since they are designed to provide a substantial margin of safety. 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.

2.0 Site Description

The facility is located on a Rooftop in BURBANK, California.

The **proposed antenna configuration** for Dish Wireless and any other known wireless carriers at this facility are shown on the following page on the following page in the **Site Antenna Data Table**.

For all other carrier systems on this facility, exact equipment was used if available. In instances where other carrier system equipment was not available, standard radio configurations for these systems were utilized based upon prior experience with these systems on facilities in this area.

Site Antenna Data Table

Ant Num	Carrier	Freq	Power Input (Watts)	ERP	Antenna Make	Antenna Model	Z Value (ft)*	Gain (dBd)	Az (°)	Horizontal BW
1	Dish	NR600	120	1459.42	CCI	OPA65R-TE6C	42	11.35	0.00	72.00
1	Dish	NR1900	160	5237.45	CCI	OPA65R-TE6C	42	15.65	0.00	63.00
1	Dish	NR2100	160	5118.23	CCI	OPA65R-TE6C	42	15.55	0.00	53.00
2	Dish	NR600	120	1459.42	CCI	OPA65R-TE6C	42	11.35	120.00	72.00
2	Dish	NR1900	160	5237.45	CCI	OPA65R-TE6C	42	15.65	120.00	63.00
2	Dish	NR2100	160	5118.23	CCI	OPA65R-TE6C	42	15.55	120.00	53.00
3	Dish	NR600	120	1923.89	CELLMAX	CX12044x	42	12.55	240.00	71.00
3	Dish	NR1900	160	7746.76	CELLMAX	CX12044x	42	17.35	240.00	64.00
3	Dish	NR2100	160	8494.15	CELLMAX	CX12044x	42	17.75	240.00	67.00

*Z-Value is the distance from the centerline to the ground level.

3.0 Calculation Methodology & Data

Centerline has performed theoretical calculations on all transmission equipment located on this facility. All calculations have been performed using the RoofMaster® software from Waterford Consultants LLC. This software performs calculations using a cylindrical model for very conservative power density predictions within the near-field of the antenna where the antenna pattern has not truly formed yet. Within this area power density values tend to decrease based upon an inverse distance function. At the point where it is appropriate for modeling to change from near-field calculations to far-field calculations the power decreases inversely with the square of the distance. This modeling technique is accurate with low antenna centerlines, such as rooftops, where persons can get close to the antennas and pass through fields in close proximity.

The below calculation in Figure 1 shows the theoretical distribution of power over an imaginary cylinder with equal power distribution in all directions.

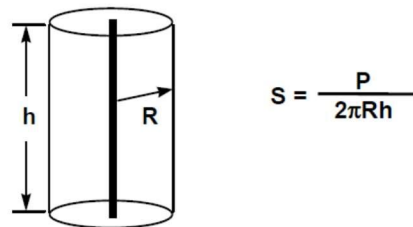


Figure 1: Distribution of power over an imaginary cylinder in all directions

This model can be modified for directional antennas to show directionality of power distribution. This formula will tend to be conservative as it assumes that all power is focused between the 3 dB power roll off points as shown in Figure 2.

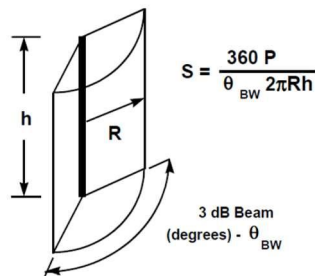
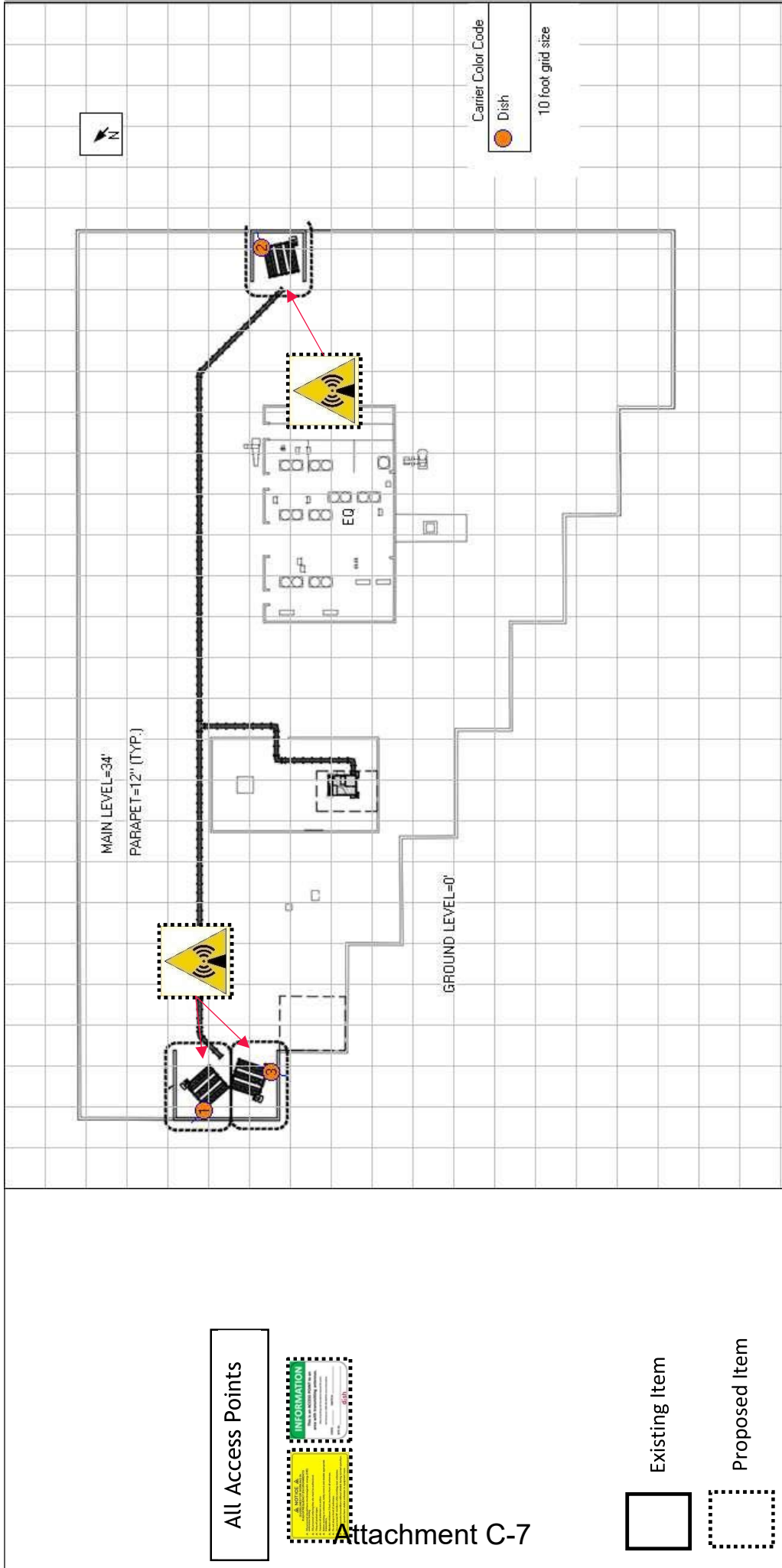


Figure 2: Distribution of power over an imaginary cylinder in all directions inside the half power roll off points (HBW)

4.0 Mitigation Recommendation



All Access Points



Attachment C-7

Existing Item

Proposed Item

Signage Count		Signage Diagram	
1	0	0	1
Signage for: LALAX04397B			

4.1 Compliance Summary

Dish Wireless will be compliant when the following is implemented.

Access	<ul style="list-style-type: none"> In order to alert people accessing the rooftop, a Guidelines sign and an NOC Information sign are recommended for installation at each access point to the rooftop.
Alpha Sector	<ul style="list-style-type: none"> Install (1) Caution sign behind the antenna at Alpha.
Beta Sector	<ul style="list-style-type: none"> Install (1) Caution sign behind the antenna at Beta.
Gamma Sector	<ul style="list-style-type: none"> Install (1) Caution sign behind the antenna at Gamma.
Notes:	<ul style="list-style-type: none"> Barriers are not recommended for installation because areas of exceeding MPE limits are inaccessible or within 6' of an unprotected roof edge.

5.0 Summary and Conclusions

Maximum Predicted MPE Level on Site:	% of MPE Limit:	Location:
Accessible General Population MPE Limits:	624.47	Main Level
Accessible Occupational MPE Limits:	124.89	

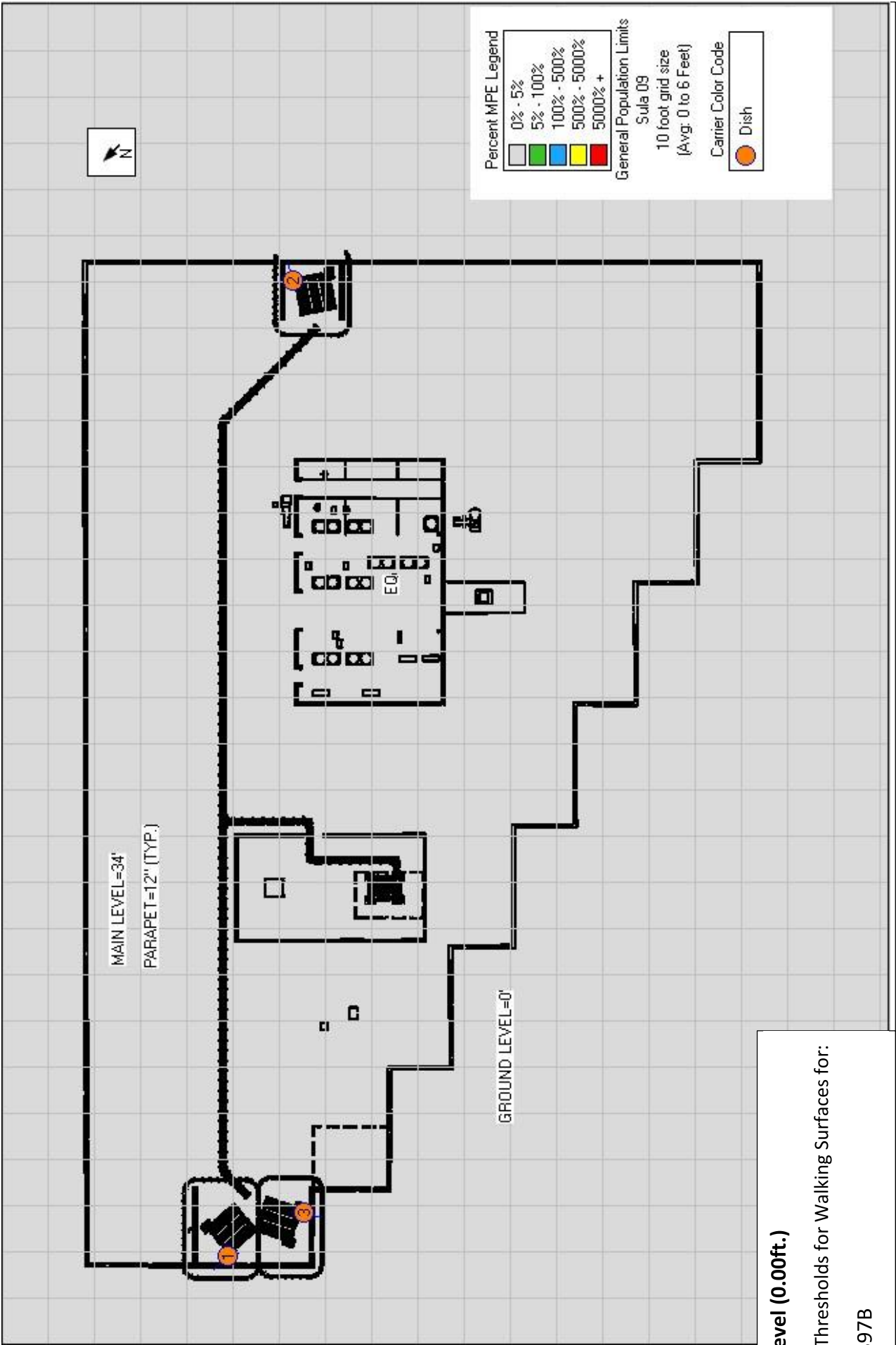
Ground Level Assessment:	% of MPE Limit:
Ground Level General Population MPE Limits:	0.48%
Ground Level Occupational MPE Limits:	0.10%

Sector A: Transmitting over Main Level	% of MPE Limit:	*Distance from Antenna:
Accessible General Population MPE Limits:	624.47%	8'
Accessible Occupational MPE Limits:	124.89%	1'

Sector B: Transmitting over Main Level	% of MPE Limit:	*Distance from Antenna:
Accessible General Population MPE Limits:	620.31%	5'
Accessible Occupational MPE Limits:	124.06%	1'

Sector C: Transmitting over Main Level	% of MPE Limit:	*Distance from Antenna:
Accessible General Population MPE Limits:	612.89%	4'
Accessible Occupational MPE Limits:	122.58%	1'

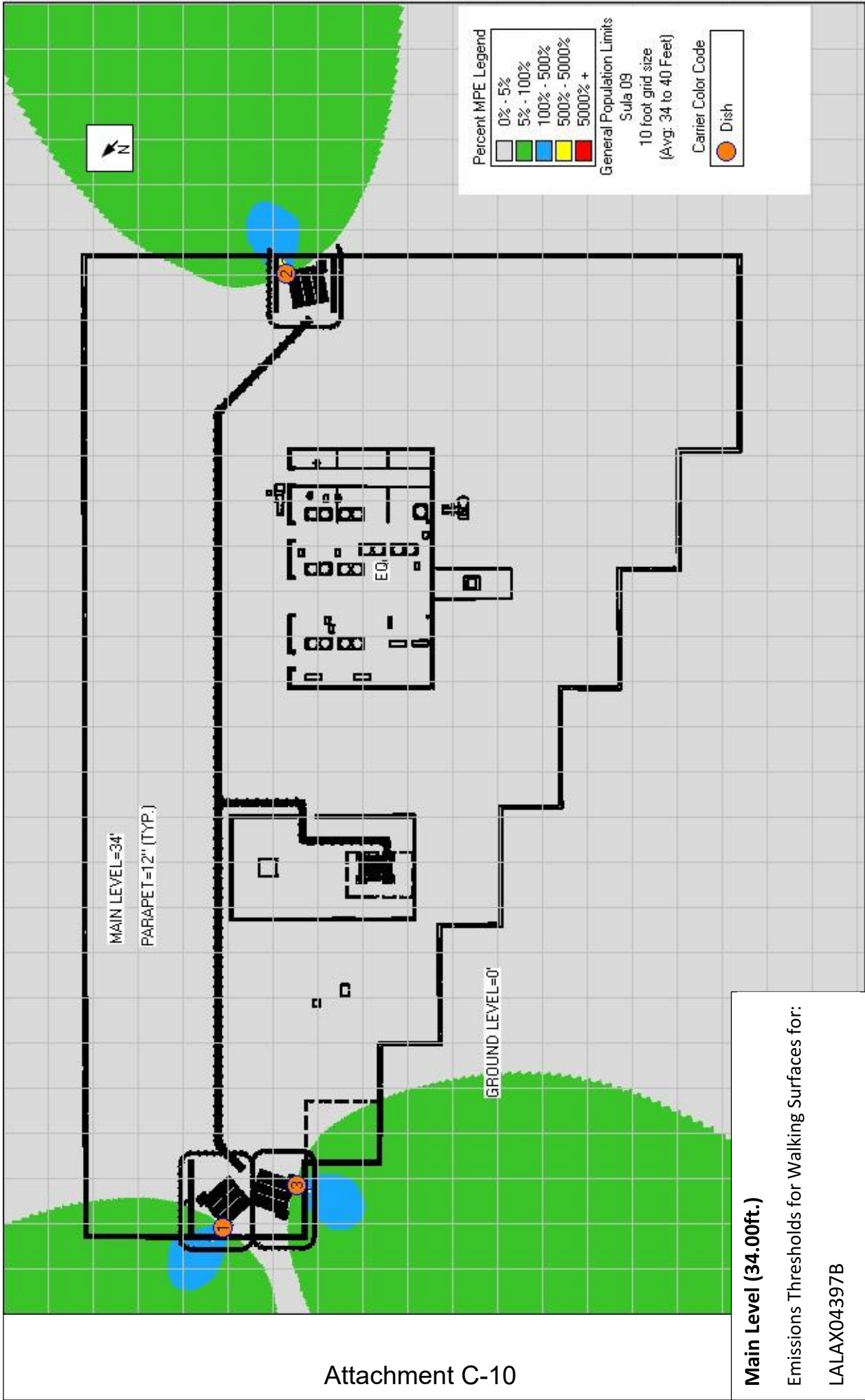
**Distance from Antenna is the distance in feet that the MPE limits are exceeded from the front face of the antenna, outward across an accessible area.*

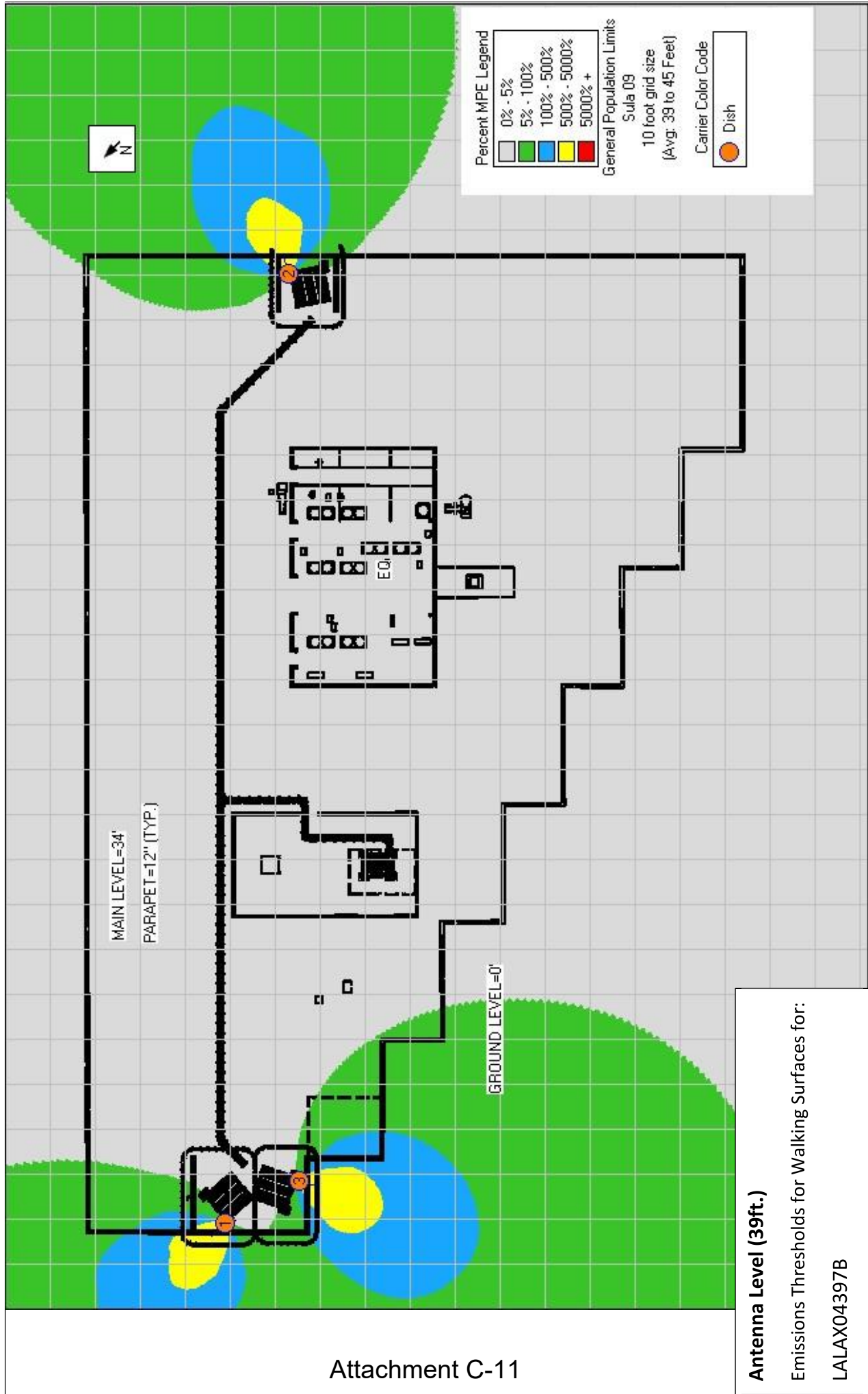


Ground Level (0.00ft.)

Emissions Thresholds for Walking Surfaces for:

LALAX04397B





Attachment C-11

Antenna Level (39ft.)

Emissions Thresholds for Walking Surfaces for:

LALAX04397B

6.0 Proprietary Statement

This report was prepared for the use of Dish Wireless to meet requirements specified in Dish Wireless' corporate RF safety guidelines. It was performed in accordance with generally accepted practices of other consultants undertaking similar studies at the same time and in the same locale under like circumstances. The conclusions provided by Centerline Communications, LLC are based solely on the information provided by Dish Wireless and all observations in this report are valid on the date of the investigation. Any additional information that becomes available concerning the site should be provided to Centerline Communications, LLC so that our conclusions may be revised and modified, if necessary. This report has been prepared in accordance with Standard Conditions for Engagement and authorized proposal, both of which are integral parts of this report. No other warranty, expressed or implied, is made.

Appendix A: FCC Guidelines

All power density values used in this report were analyzed as a percentage of current Maximum Permissible Exposure (% MPE) as listed in the FCC OET Bulletin 65 Edition 97-01 and ANSI/IEEE Std C95.1. The FCC regulates Maximum Permissible Exposure in units of microwatts per square centimeter ($\mu\text{W}/\text{cm}^2$). The number of $\mu\text{W}/\text{cm}^2$ calculated at each sample point is called the power density. The exposure limit for power density varies depending upon the frequencies being utilized. Wireless Carriers and Paging Services use different frequency bands each with different exposure limits, therefore it is necessary to report results and limits in terms of percent MPE rather than power density.

All results were compared to the FCC (Federal Communications Commission) radio frequency exposure rules, 47 CFR 1.1307(b)(1) – (b)(3), to determine compliance with the Maximum Permissible Exposure (MPE) limits for General Population/Uncontrolled environments as defined below.

APPENDIX B: FCC Emissions Threshold Limits

The Federal Communications Commission (FCC) has established safety guidelines relating to RF exposure from cell sites. The FCC developed those standards, known as Maximum Permissible Exposure (MPE) limits, in consultation with numerous other federal agencies, including the Environmental Protection Agency, the Food and Drug Administration, and the Occupational Safety and Health Administration. The standards were developed by expert scientists and engineers after extensive reviews of the scientific literature related to RF biological effects. The FCC explains that its standards “incorporate prudent margins of safety.” The following represents explanations of the most applicable information:

Two Classifications for Exposure Limits

<p><u>Occupational</u> – Applies to situations in which persons are “exposed as a consequence of their <i>employment</i>” and are “<i>fully aware</i> of the potential for exposure and can <i>exercise control</i> over their exposure”.</p>	<p><u>General Population</u> – Applies to situations in which persons are “exposed as a consequence of their employment <i>may not be made fully aware</i> of the potential for exposure or <i>cannot exercise control</i> over their exposure”. Generally speaking, those without significant and documented RF Safety & Awareness training would be in the General Population classification.</p>
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Environment Classification

<p><u>Controlled</u> – Applies to environments that are restricted or “controlled” in order to prevent access from members of the General Population classification.</p>	<p><u>Uncontrolled</u> – Applies to environments that are unrestricted or “uncontrolled” that allow access from members of the General Population classification.</p>
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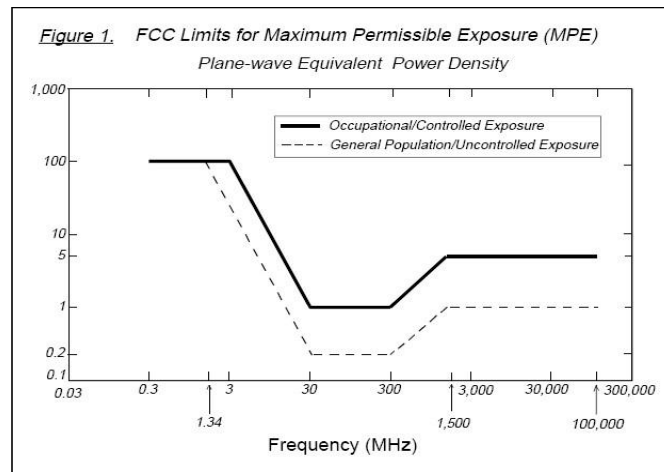
Table 1 and Figure 1 (on the following page), which are included within the FCC’s OET Bulletin 65, summarize the MPE limits for RF emissions. These limits are designed to provide a substantial margin of safety. They vary by frequency to take into account the different types of equipment that may be in operation at a particular facility and are “time-averaged” limits to reflect different durations resulting from controlled and uncontrolled exposures.

The FCC’s MPEs are measured in terms of power (mW) over a unit surface area (cm²). Known as the power density, the FCC has established an occupational MPE of 5 milliwatts per square centimeter (mW/cm²) and an uncontrolled MPE of 1 mW/cm² for equipment operating in the 1900 MHz frequency range. For the Dish Wireless equipment operating at 600 MHz or 850 MHz, the FCC’s occupational MPE is 2.83 mW/cm² and an uncontrolled MPE of 0.57 mW/cm². For the Dish Wireless equipment operating at 1900 MHz, the FCC’s occupational MPE is 5.0 mW/cm² and an uncontrolled MPE limit of 1.0 mW/cm². These limits are considered protective of these populations.





Table 1: Limits for Maximum Permissible Exposure (MPE)				
(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f ²)*	6
30-300	61.4	0.163	1.0	6
300-1,500	--	--	f/300	6
1,500-100,000	--	--	5	6
(B) Limits for General Public/Uncontrolled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f ²)*	30
30-300	27.5	0.073	0.2	30
300-1,500	--	--	f/1,500	30
1,500-100,000	--	--	1.0	30

f = Frequency in (MHz)

* Plane-wave equivalent power density



APPENDIX C: RF Signage Description Table

Sign	Description
	<p style="text-align: center;">RF Guideline Sign</p> <p style="text-align: center;">Gives guidelines on how to proceed in areas that may exceed either the FCC’s General Population or Occupational emissions limits.</p>
	<p style="text-align: center;">Blue Notice Sign</p> <p>Used to inform individuals that they are entering an area that may exceed the FCC’s General Population limits. Must be placed anywhere the public can get within 30 feet vertically or horizontally of an antenna.</p>
	<p style="text-align: center;">Yellow Caution Sign</p> <p>Used to inform individuals that they are entering an area that may exceed the either the FCC’s General Population or Occupational Emissions limits. It must be placed so it is visible from all approachable sides. It must also be just outside of the area predicted to exceed the MPE limits so it can be read without standing within the affected area.</p>
	<p style="text-align: center;">Orange Warning Sign (Previously Red)</p> <p>Used to inform individuals that they are entering an area that may exceed 5x the FCC’s Occupational emissions limit. It must be placed so it is visible from all approachable sides. It must also be just outside of the area predicted to exceed the MPE limits so it can be read without standing within the affected area.</p>

APPENDIX D: Certifications

I, Dane Folie, preparer of this report certify that I am fully trained and aware of the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation. I have been trained in the procedures and requirements outlined in Dish Wireless's FCC Regulatory Compliance Manual.

Dane Folie

Dane Folie

1/17/2022

I, Yasir Alqadhili, reviewer and approver of this report certify that I am fully trained and aware of the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation. I have been trained in the procedures and requirements outlined in Dish Wireless's FCC Regulatory Compliance Manual.

Yasir Alqadhili

Yasir Alqadhili

1/17/2022

**DISH Wireless LLC • Proposed Base Station (Site No. LALAX04397B)
800 South Main Street • Burbank, California**

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of DISH Wireless LLC, a personal telecommunications carrier, to evaluate its proposed base station (Site No. LALAX04397B) to be located at 800 South Main Street in Burbank, California, for compliance with appropriate guidelines limiting sound levels from the installation.

Executive Summary

DISH proposes to install antennas and equipment at the three-story office building located at 800 South Main Street in Burbank. Noise levels from the equipment operations will comply with the City's pertinent noise limits.

Prevailing Standard

The City of Burbank regulates noise in Title 9, Chapter 3 of its Municipal Code, permitting a 5 dBA increase in noise above the existing ambient level at the property line of the subject parcel. Section 9-3-208(B) establishes the following base ambient levels for three different land-use zones, as follows:

Zone	Daytime <i>7 am to 10 pm</i>	Nighttime <i>10 pm to 7 am</i>
Residential	55 dBA	45 dBA
Commercial	65 dBA	65 dBA
All other zones	70 dBA	70 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 base station for some number of hours in the event of a power outage. Many sites have back-up power generators installed, to run the station during an extended power outage.



**DISH Wireless LLC • Proposed Base Station (Site No. LALAX04397B)
800 South Main Street • Burbank, California**

Site & Facility Description

Based upon information provided by DISH, including zoning drawings by SureSite Consulting Group, LLC, dated November 2, 2021, that carrier proposes to install six directional panel antennas and twelve Fujitsu radios – six each Models 604 and 605* – in three groups behind two view screens to be constructed near the northwest and southeast sides of the roof of the three-story office building at 800 South Main Street in Burbank. DISH also proposes to install two equipment cabinets, assumed to be Ericsson Model 6160 cabinets for the purpose of this study, behind the view screen closer to the center of the roof.

From the equipment platform, the nearest property line of the subject parcel is about 30 feet to the west, at South Main Street, and the nearest residential property line is located about 90 feet to the northeast.

Study Results

The antennas are passive, generating no noise. Ericsson reports that the maximum noise level from one Model 4408 radio is 42.2 dBA[†] and that the maximum noise level from one Model 6160 cabinet is 64.3 dBA, both at a reference distance of 5 feet. The maximum calculated noise level at the nearest property line, for the simultaneous operation of all twelve radios and both cabinets, is 51.9 dBA, which would raise the applicable commercial base ambient noise level of 65 dBA to 65.2 dBA, an increase of 0.2 dBA, well below the City’s allowed increase of 5 dBA. The maximum calculated noise level at the property line closest to a residential property is 42.4 dBA, which would raise the applicable residential, nighttime base ambient noise level of 45 dBA to 46.9 dBA, an increase of 1.9 dBA, also well below the City’s allowed increase of 5 dBA.

Conclusion

Based on the information and analysis above, it is the undersigned’s professional opinion that the operation of the DISH Wireless LLC base station proposed to be located at 800 South Main Street in Burbank, California, will comply with that City’s requirements for limiting acoustic noise emission levels.

* Assumed to have the same noise rating as the Ericsson Model 4408 radio, for the limited purpose of this study.

† Adjusted to reflect the record high temperature of 114°F in Burbank.



**DISH Wireless LLC • Proposed Base Station (Site No. LALAX04397B)
800 South Main Street • Burbank, California**

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, 2023. 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.



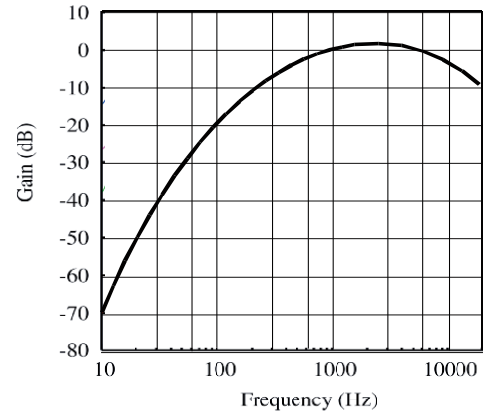
A handwritten signature in blue ink that reads "William F. Hammett".

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

March 17, 2022

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 L₁, L₂, etc are individual sound pressure levels.

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

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.

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8 **ADMINISTRATIVE HEARING**
9 **CITY OF LONG BEACH**
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11 MOIRA HAHN and MARK
12 HOTCHKISS,

13 APPELLANTS

14 vs.

15 CITY OF LONG BEACH,
16 PERMITTING AUTHORITY.

17 A T & T MOBILITY,
18 PERMIT APPLICANT
19

RECOMMENDATION AND FINDINGS

HEARING DATE: 3/18/22

ADMIN HEARING
OFFICER : LARRY MINSKY

20
21 **I. BACKGROUND, POSITIONS OF THE PARTIES AND**
22 **DECISION**

23 This matter came on for a remote hearing, via the WebEx platform, on
24 March 18, 2021 at 9:30 a.m. The hearing was conducted pursuant to the provisions
25 of § 15.34.030(L) of the Long Beach Municipal Code. The hearing was conducted
26 by Administrative Hearing Officer Larry Minsky, assigned to this matter by the
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1 CITY OF LONG BEACH to hear the undisputedly timely appeal filed on February
2 26, 2021 by Appellants Ms. MOIRA HAHN and Mr. MARK HOTCHKISS
3 (hereinafter generally referred to as Appellants unless otherwise appropriate)
4 (Appeal). The Appeal challenges the CITY of LONG BEACH, DEPARTMENT
5 OF PUBLIC WORKS' (City) January 19, 2021 decision to grant a Tier B Wireless
6 Right-of-Way Facility Permit application for the installation of a small cell
7 wireless communication facility (WCF) within the public right-of-way adjacent to
8 and/or across from Appellants' home located at 4351 Clark Avenue, Long Beach,
9 California (Permit). The WCF Applicant, AT&T Mobility (AT&T), seeks through
10 its application to replace an existing light pole with a new special light pole on
11 which a wireless telecommunication facility would be housed¹.

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16 ***The Parties:*** Appearing on behalf of Appellants was Douglas P. Carstens of
17 the law firm of Chatten-Brown, Carstens and Minter, LLP. Appearing on behalf
18 of the City were Deputy City Attorney Erin Weesner-McKinley and Jeffrey T.
19 Melching of the law firm of Rutan & Tucker. Appearing on behalf of AT&T was
20 Aaron M. Shank of the law firm of PorterWright.

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23 ¹ The City describes the installation as follows: "As proposed, the WCF will be integrated
24 into a new ConcealFab light pole that will replace the existing light pole at the site. The existing
25 light pole is twenty-six feet and three inches high and the top of the existing luminaire is twenty-
26 eight feet and three inches at the center of the luminaire." (Ex. 7, p. 168) "The ConcealFab
27 replacement light would be thirty-one feet and five inches at the top of the pole and twenty-eight
28 feet and six inches at the center of the luminaire....The ConcealFab pole design allows three
radios to sit concealed inside the pole, with the antenna installed at the top of the pole. The center
line of the antenna will sit thirty feet and five inches above the ground. One pull box for fiber
and power will be placed adjacent to the pole with all associated cables routed inside the
box....The proposed site does not exceed the existing street light pole's height by more than five
and one-half feet and the pole-mounted equipment is installed higher than ten feet." [City's Pre-
Hearing Brief, pg. 5, line 25-pg.6, line 22]

1 *The Hearing:* Because this matter arose from the granting of the Permit, the
2 City's Municipal Code requires the opportunity for Public Comment to be had as
3 part of the hearing. See: LBMC §15.34.030(1)(2). In compliance therewith, the
4 first thirty minutes of the hearing were set aside for members of the public to orally
5 express their concerns. Members of the public who spoke were: Corliss Lee,
6 Khalil Gharios, Stafford Cox, Andrew Campanelli, George Jackson, Nancy
7 Vandover, Patricia Hahn, Edwin Bernbaum, and Robert Berg. None of the
8 members of the public who spoke were sworn. Written statements were also
9 received and reviewed by the Hearing Officer and were admitted into the Record.
10 The Record of this proceeding is to be maintained by the City.

11 Briefing was submitted by the parties both prior to the hearing and by way
12 of post-hearing and rebuttal briefs. All exhibits from all parties were received and
13 admitted, each to be given the weight it is due. Each party was permitted the
14 opportunity to and did examine and cross-examine witnesses. The time within
15 which this Decision was to issue was extended by all parties from 14 days to 30
16 days following the Hearing Officer's receipt of all briefs.

17 *The Position of the Parties:* The City's actions were, by its own admission,
18 governed solely by Chapter 15.34 of its Municipal Code, referred to as the City's
19 Telecom Ordinance.² The City and AT&T jointly assert that the only viable issue
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27 ² Unless otherwise stated, all references to the Long Beach Municipal Code are to Chapter §
28 15.34.

1 which can and should be addressed by way of this hearing is whether substantial
2 evidence supports the City's decision that AT&T satisfied all factual and legal
3 obligations under Chapter 15.34 in seeking said Permit and that the City's decision
4 to grant AT&T's Permit application was neither arbitrary nor capricious. Having
5 satisfied all conditions precedent for obtaining the Permit, the City and AT&T
6 submit that the appeal must be denied. The City and AT&T further jointly assert
7 that the objections asserted by Appellant are without merit and/or are simply
8 inapplicable to the present proceedings.
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11 On the other hand, Appellants contend the City violated Chapter 15.34 in
12 granting the Permit application and that the City's decision in granting the Permit
13 application was both arbitrary and capricious in that the City's decision violates
14 both Chapter 15.34's provisions as well as the intent of the Telecom Ordinance.
15 Appellants further assert that the City's decision cannot stand as a matter of law as
16 the granting of the Permit here violated Appellants' rights to: (1) be free from
17 discrimination on the basis of disability, citing Title II of the Americans with
18 Disabilities Act, 42 USC § 12132 et seq. (ADA), the Fair Housing Act, 42 USC §§
19 3604 et seq. (FHA), and California's Fair Employment & Housing Act, CGC §§
20 12900 et seq. (FEHA), and (2) a healthy environment free from the injurious
21 effects of electromagnetic or wireless radiation. Appellants further assert that the
22 exemption to the City's need to comply with the California Environmental Quality
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1 Act, California Public Resources Code §§ 21000 et seq., and the National
2 Environmental Policy Act, 42 USC §§ 4321 et seq. was not satisfied despite the
3 City's receipt of a CEQA exemption.
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5 ***The Decision:*** For the reasons set forth below, I find that on this Record
6 substantial evidence supports the acts of the City in granting AT&T'S Permit
7 application. I further find that the City did not abuse its discretion in its
8 interpretation of Chapter 15.34 in the granting AT&T's Permit application.
9 Accordingly, the appeal is hereby denied.
10

11 **II. SUMMARY OF RELEVANT EVIDENCE**

12 ***A. The Potential Harm Created by the Prospective WCF to Appellants and 13 the Public:***

14 Appellant Hahn is a sixty-five-year-old retired Community College
15 Professor and artist who since 2001 has resided at 4351 Clark Avenue, Long
16 Beach, California 90808. (See: Hahn's 3/24/22 Dec. ¶2.) Her physician, Dr.
17 Richard Wexler, an internist who has treated Ms. Hahn since 2002, opined in his
18 2/24/21 report that Ms. Hahn has experienced severe headaches since childhood.
19 Dr. Wexler also noted that during the previous nineteen years, she has had four
20 separate neurologists who have treated her for chronic migraines and cluster
21 headaches. In his report, Dr. Wexler states that despite Ms. Hahn's use of various
22 coping mechanisms to address her migraines and headaches, she was nevertheless
23 required to retire from teaching due to the pain from her uncontrolled migraines.
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1 Dr. Wexler also notes that she suffers from repeated ear infections and is 100%
2 deaf in her left ear (Exhibit D, Appellant's Pre-Hearing Brief).

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4 Dr. Wexler goes on to opine at page two of his report, "[C]ertain people are
5 more sensitive to wireless radiation than others and those hypersensitive patients
6 often experience an exacerbation of their underlying medical problems when they
7 are exposed to continuous doses of wireless radiation." Dr. Wexler attributes
8 Appellant Hahn's radiation hypersensitivity to the various conditions to which she
9 suffers, such as her cluster headaches and migraines, sensitivity in her ears, and
10 strong family history of cancer. Dr. Wexler then opined as follows,
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13 "In my medical opinion, if a wireless telecommunications facility is
14 located in close proximity to Ms. Hahn's house and transmits wireless
15 radiation continuously-even at levels within the existing FCC
16 guidelines, Ms. Hahn may be physically harmed by the wireless
17 radiation," concluding with a request for accommodation to be made
18 for her by restricting any WCF to not be placed within a 1,000-foot
19 radius of her home.
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22 In further support of its appeal, Appellants introduced a number of credible
23 scientific articles and offered the testimony of Ms. Theodora Scarato, all of which
24 support Appellants' contention that radio-frequency radiation emissions or wireless
25 radiation (RF emissions) can and do cause injury to animal and human life
26 depending on a number of factors. This evidence sufficiently established to this
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1 Hearing Officer that RF emissions may and can injure animals and humans and
2 may very well cause further injury to Appellant Hahn if the WCF is installed.
3 These articles call into question the scientific and medical legitimacy of the legally
4 controlling Federal Communications Commission (FCC) regulations cited and
5 relied upon jointly by the City and AT&T here as to what is safe and acceptable RF
6 emission exposure levels to which the public in general and Appellant Hahn in
7 particular can and should be allowed to be exposed, especially where, as here, a
8 WCF is projected to be erected a few yards from Appellants' home.
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11 By way of said scientific/medical evidence,³ Appellants have shown that the
12 FCC's determination as to what are safe and acceptable RF emission exposure
13 levels are antiquated and not based on current scientific evidence and that the FCC
14 regulations are instead industry-sponsored, outdated, and just plain wrong, causing
15 the public to be exposed to unnecessary and harmful radiation.⁴
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18 ***B. The City's Purported Inadequate Notice of the WFC:***
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20 Appellants cite to the City's failure, inter alia, to provide accurate photo
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22 ³ See for example: Norm Alster's article, Captured Agency: How the Federal
23 Communications Commission is Dominated by the Industries It Presumably Regulates; Anthony
24 Miller, et. al., Risks to Health & Well-Being from Radio Frequency Radiation Emitted by Cell
25 Phones & Other Wireless Devises, and Martin Pall's article, Millimeter Wave & Microwave
26 Frequency Radiation Produces Deeply Penetrating Biology and Physics; Levitt and Lai's article,
27 Biological Effects from Exposure to Electromagnetic Radiation Emitted by Cell Tower Base
28 Stations and Other Antenna Arrays.

⁴ However, Appellant here has failed to cite let alone establish a legal basis upon which the City or this Hearing Officer can disregard the legal mandate established by Congress through the Telecommunications Act of 1966 (See: 47 USC §§ 332(c) (7)(B)(iv) (Telecom Act) (hereinafter §332) in situations such as the one at bar. Resort to other judicial or legislative channels might be appropriate.

1 simulations of what the WCF will actually look like when installed. Appellants
2 assert that the photo depictions provided by AT&T and relied upon by the City
3 inaccurately depict the WCF as being the same height as the existing light
4 standard. In point of fact, the actual light standard is but 26 feet tall whereas the
5 WFC will stand 31 feet tall. Appellants also cite to the fact that the address of the
6 proposed WCF was listed by the City as 43651 Clark Avenue when in fact the
7 correct address is 4351 Clark Avenue (Appellants' Pre-Hearing Brief, pps. 2, 5, 8-
8 10, and Appellants' Fourth Brief, pg.14). Appellants also assert that AT&T in its
9 application fail to disclose its plans for 5G expansion by and through use of the
10 proposed WCF (Appellants' Fifth Brief, pg.7). These objections are not material to
11 the determination at issue here.
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16 ***C. The City's Failure to Comply with Chapter 15.34:***

17 Appellants asserts that the City's evaluation and decision making here was
18 flawed in that the City did not: (1) engage in "strategic" or "smart planning" by
19 ensuring that WCFs were strategically placed within the City generally and outside
20 of Appellants' home in particular to ensure against enhanced RF emission
21 exposure, (2) consider whether the proposed WCF location was, in fact, needed or
22 even necessary, (3) consider the deleterious effects the placement of the WCF
23 would have on both the aesthetics of their community generally and Appellants'
24 home in particular, (4) consider the projected diminished property value Appellants
25 would experience if the WCF is placed but a few yards from the front door of
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1 Appellants' home, (5) failed to consider the cumulative harm to Appellants as
2 members of the general public, and to Appellant Hahn in particular,⁵ and (6)
3 consider Ms. Hahn's need for reasonable accommodation as a person with a
4 disability, by and through accommodating Appellant's disability by either placing a
5 hold on the granting of the Permit to allow a fair and objective study of the
6 possible ill effects of erecting the WCF within yards of Appellants' home or simply
7 moving the WCF to a location which is not within a 1,000-foot radius of
8 Appellants' home. For the reasons noted infra, these contentions are rejected.
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11 ***D. The City's Evaluation of AT&T's Permit Application:***

12 AT&T submitted its Permit application to the City on November 16, 2020
13 (City's Ex.#2), which the City approved on January 29, 2021. On February 26,
14 2021, Appellants filed the instant Appeal (City Pre-Hearing Brief pg. 10, lines 12-
15 19). The factual mechanics of what the City actually did to evaluate and
16 eventually approve the Permit application, such as, for example, the noise study or
17 structural analysis, were undisputed by Appellants⁶.
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21 _____
22 ⁵ In its Post-Hearing, 4th Brief, at page 7, lines 4-15, Appellants point out that by its own
23 admission, AT&T's proposed WCF will violate FCC's RF emission regulations which should
24 have, but did not, cause the City to reject AT&T's Permit application. In support of this
25 argument, Appellants quote from AT&T's Permit application that the proposed WCF will, "at
26 the working surfaces that are nearest to AT&T antennas at the light fixture level, the maximum
power density generated by the AT & T antenna is approximately 132.34 percent of the FCC's
general public limit." Because the harmful exposure levels admittedly violate FCC's standards,
by law, the City had no alternative but to deny the application. For the reasons articulated by
AT&T in its Post-Hearing Reply Brief at pages 1-2, I find this argument unpersuasive and
misleading.

27 ⁶ In its Pre-Hearing Brief, the City sets forth precisely what it did to evaluate, consider,
28 and eventually approve AT&T's Permit application in its claimed compliance with the mandates
of Chapter 15.34. While Appellants dispute the City's conclusions on the Permit application as
noted above and attack the approval by arguing that other considerations should have been done

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III. DISCUSSION

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A. Appellant's Disability Discrimination Contentions:

A key component of Appellants' argument hinges on their claim that because Appellant Hahn is a qualified person with a disability, she is, as a matter of law, entitled to reasonable accommodation, a legal right secured her by the federal and state disability discrimination statutes. Neither the City nor AT&T presented much to rebut Appellants' factual/legal conclusion that Appellant Hahn was a qualified individual with a disability and accordingly based on this record, I find that Appellant Hahn is a qualified person with a disability.

However, the right to reasonable accommodation for Appellant Hahn does not attach unless Appellants can also establish that by granting the Permit application, they/she is, was, or will be excluded from the benefits of a City program, service, or activity.⁷ Under the law, if one seeks to avail her- or himself of the protections of the anti-disability discrimination statutes and to be reasonably accommodated, one must establish, that she is: (1) a qualified person with a disability, (2) she was excluded from participation in or denied the benefits of a public entity's services, programs, or activities or otherwise discriminated against

but were not, Appellants did not contest what the City actually did in its evaluation process, such as its evaluation of the appropriate design for the WCF, or the noise analysis, or the structural analysis and accordingly the Hearing Officer adopts the City's factual account of what it did as spelled out at pages 5 to 11 of the City's Pre-Hearing Brief; however, the legal conclusions of the City and AT&T are not adopted here.

⁷ Even assuming that the ADA, like the FHA or even the Rehabilitation Act of 1973 at section 504 (29 USC § 794) are not preempted by the Telecommunication Communications Act, Appellants here cannot, for the reasons cited herein, make out a claim entitling Appellants to reasonable accommodation.

1 by the public entity, and (3) that the exclusion from said programs, services, or
2 activities was by reason of her disability. See: *Updike v. Multnomah City* (9th Cir.,
3 2017) 870 F3rd 939, 949; *Wolf v. City of Millbrae* (N.D. Cal., 2021), 2021 U.S.
4 Dist. LEXIS 159025.
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6 Here, there has been no showing by the Appellants that they jointly or
7 severally were denied or excluded from a City benefit, program, or activity.
8 Likewise, no evidence has been presented which suggests let alone establishes that
9 the City or AT&T has engaged in any denial of opportunities to participate in any
10 City program because of Appellant Hahn's disability.⁸ The issue of reasonable
11 accommodation comes into play as a vehicle through which persons with
12 disabilities can show they can participate either with or without reasonable
13 accommodation. In the employment context, for example, the employee or
14 applicant is able to use the opportunities provided by reasonable accommodation to
15 prove she is qualified, that is, reasonable accommodation is irrelevant if the
16 employee is unable to establish that she was not subjected to an adverse
17 employment action. Here, Appellants must be able to prove they were denied
18 access to a City benefit or program and where, as here, Appellant Hahn cannot
19 satisfy that element, she cannot avail herself of an entitlement to be
20 accommodated. Without such a showing, Appellants' reasonable accommodation/
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27 ⁸ The Record here establishes that the City did correspond with Appellants on the issue of
28 reasonable accommodation (see Appellants Ex. E) but a fair reading of its reply to Appellants
suggests it simply cut off Appellants from any further reasonable discussion on the issue.

1 disability discrimination arguments must and fail.⁹

2 Focusing on a different approach to this issue of accommodation, the USDC
3 of the Northern District in *Wolf* addressed this issue by focusing on the issue of
4 reasonableness. The plaintiff there, like Appellant Hahn here, suffered from
5 electromagnetic hypersensitivity causing him to suffer a myriad of mental and
6 physical impairments which would be made worse by RF emissions resulting from
7 cell towers located near his home. Mr. Wolf sought to be accommodated by
8 moving or halting the operation of the cell tower near his home which would
9 lessen and/or alleviate his impairments. In dismissing Mr. Wolf's ADA, FHA, and
10 FEHA disability claims, the Court found that as a matter of law, that because Mr.
11 Wolf's reasonable accommodation requests (the moving of the cell tower or
12 shutting it down) would cause the City of Millbrae to violate §332 of the Telecom
13 Act, the accommodations sought were not reasonable.

14 The Telecommunications Act of 1996 provides in pertinent part, at 47
15 U.S.C. 332(c)(7)(B)(iv) that,

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22 ⁹ While Appellants in their briefs refer to the ADA, FHA, and FEHA and provide some
23 case authority regarding the contours of reasonable accommodations, none of the Title II, FHA,
24 or FEHA authority Appellants cite address the key issue which is missing from its analysis, that
25 being, was Appellant Hahn denied access to a City program, service, or activity or discriminated
26 because of her disability. If they had, then Appellants might have been able to establish the
27 existence of what may have been a reasonable accommodation which the City might have been
28 required to provide, despite the language of 47 U.S.C. §332(c)(7)(B)(iv). However, having
failed to establish that missing factual element, their reasonable accommodation argument must
fail and this Hearing Officer need not decide that issue. Moreover, Appellants' reference to the
ADA set forth at LBMC §15.34.030(B)(1)(b)(viii) appears to be of no help. As noted by the
City, the inclusion of ADA reference at LBMC §15.34.030(B)(1)(b)(viii) only meant that the
City needed to comply with the ADA, *for example*, where and when a WCF or other device is
erected on a sidewalk, the WCF must be constructed in such a way so as to ensure that persons in
wheelchairs can ambulate around the WCF.

1 “No State or local government or instrumentality thereof may regulate
2 the placement, construction, and modification of personal wireless
3 service facilities on the basis of environmental effects of radio
4 frequency emissions to the extent that such facilities comply with the
5 [Federal Communications] Commission’s regulations concerning said
6 emissions.” [Explanation supplied]

7 As noted supra, while it does appear through reliable, credible evidence that
8 the FCC’s regulations as to what are safe RF emission standards are outmoded and
9 inadequate to safeguard the public, until those FCC RF emission standards are
10 successfully challenged or amended, this Hearing Officer is precluded from
11 disallowing the legal import of said mandated FCC RF emission standards. For the
12 reasons stated, Appellants’ disability arguments cannot be sustained.
13

14 ***B. Appellants’ Failed Notice Contentions:***

15 There is no dispute that the City failed to correctly cite the location for the
16 projected AT&T WCF location. Likewise, it appears there is no real dispute that
17 the photographs do not depict how the WCF would look if one were to be looking
18 at the WCF from the vantage point if one were in Appellants’ home or garden and
19 looking toward the WCF site situated on Clark Avenue. However, it is also clear
20 that both the public and Appellants had no difficulty in discerning prior to the
21 hearing as to where the WCF was to be erected or what the WCF would look like
22 once installed. Finally, as to AT&T’s projected use of the WCF for 5G purposes,
23 even if accurate, Appellants failed to prove that such an omission can and should,
24 as a matter of law, amount to a denial of AT&T’s Permit application. Accordingly,
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1 I find Appellants' notice arguments de minimis and unpersuasive.

2 ***C. Appellants' Contentions that the Granting of AT&T's Permit***
3 ***Application Violated LBMC Chapter 15.34:***

4 All of Appellants' arguments that the City violated Chapter 15.34, with the
5 exception of its disability arguments, hinge on two claims, those being: (1) that the
6 intent of Chapter 15.34 as expressed in the Purpose and Objections section of the
7 Chapter (see: LBMC §15.34.010) were violated by the City when it granted
8 AT&T's Permit application and (2) the City should have engaged in "smart" or
9 "strategic" planning, which §15.34.010 implicitly requires, the City would and
10 should have required AT&T to prove as part of its application that: (a) the WCF at
11 issue was needed and/or necessary, (b) the WCF would not adversely affect the
12 aesthetics or property value of Appellants' home or the community's homes or the
13 community in general, and (c) that RF emissions emanating from the WCF would
14 not harm Appellants or the public in general.

15 While there are a great many things that local governments may do when
16 evaluating how to handle the servicing of its communities and its residents, that is
17 not what is before this Hearing Officer in this matter. Local governments possess a
18 great deal of discretion in the enforcement of their regulations and responding to
19 regulations imposed upon it by law. But where, as here, the acts of a city are called
20 into question, for courts and administrative officers seeking to oversee said acts,
21 the focus must be on what the local entity did legislate and whether it complied

1 with its legal obligations thereunder and not what it could or should have¹⁰
2 legislated.

3 Appellants here did not establish that the City was mandated either by
4 California or federal law or its Telecom Ordinance to employ “smart” or
5 “strategic” planning. The federal case law and regulatory actions of other states
6 cited by Appellants, stand for the proposition that when local entities exercise their
7 discretion to enact requirements such as strategic planning, the acts and course of
8 conduct of said legislative bodies can be scrutinized to ensure compliance
9 therewith. While the actions of those other jurisdictions are interesting, they are
10 not controlling in evaluating the validity of the actions of the City at issue here.

11 Hence, if the City had exercised its discretion and had legislated into its
12 Telecom Ordinance “strategic planning,” Appellants would be correct in arguing
13 that City’s approval of AT&T’s Permit application would be an abuse of its
14 discretion in that “smart” or “strategic” planning was required but not considered.
15 If that were the case, this Appeal would be granted. But the City here did not
16 include such requirements into its Telecom Ordinance and therefore the City’s
17 failure to ensure that the projected WCF was needed or was strategically necessary
18 is of no help to Appellants here.

19 As to the issue of aesthetics and property values, I find that the permit
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26
27 ¹⁰ If Appellants believe that the City failed to properly legislate when it enacted its
28 Telecom Ordinance, then Appellants may choose to attack the Ordinance by way of a different
attack in a different forum.

1 standard requirements set forth in the City's Telecom Ordinance (§15.34.030) do
2 not require the considerations sought here by Appellants, other than those
3 aesthetics-related requirements actually set forth at §15.34.030(b)(vi),
4 requirements the City did in fact evaluate.
5

6 Like the proposition of "smart planning," Appellants' concerns relative to a
7 potential decrease in the value of their property is a subject which the City could
8 have but did not include in its Telecom Ordinance other than the general reference
9 to promoting property values in the purpose clause of the Telecom Ordinance.
10

11 While it may be true that the property values of Appellants' and their neighbors'
12 homes may suffer as a result of the WCF installation, because the City did not
13 include into the permit requirement sections a mandate for the City to consider the
14 individual property values where a resident's home is impacted, neither the City
15 nor AT&T here need prove whether Appellants have or will suffer a diminution in
16 the value of their property.
17
18

19 While the loss in the value of Appellants' home caused by the WCF may, in
20 a different forum, be a viable claim, here it is not. Hence the reference to
21 aesthetics, property values, health and safety of its residents as set forth in the
22 City's Telecom Ordinance at (§15.34.010(D)) cannot be inserted into the specific
23 permit requirements set forth at §15.34.030(b) through §15.34.030(K) other than as
24 referenced within §15.34.030. (See for example the reference to aesthetics noted
25 in the City's Telecom Ordinance at §15.34.030(b)(vi).)
26
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1 ***D. Appellant's CEQA and National Environmental Act Contentions:***

2 Appellants assert that the California Environmental Quality Act, California
3 Pubic Resources Code §§ 21000 et seq. (CEQA) and the National Environmental
4 Policy Act, 42 USC §§ 4321 et seq. (NEPA) establish viable reasons why this
5 Appeal should be granted.
6

7 In support, Appellants note that the law disfavors the application of
8 exemptions obtained here by the City. Appellants cite to the case law which holds
9 that such exemptions are to be strictly and narrowly construed, *Save Our Carmel*
10 *River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal. App. 4th
11 677, 697, and the agency invoking an exemption bears the burden of demonstrating
12 that substantial evidence supports the factual basis of the proposed exemption,
13 *Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal. 4th 372,
14 386. Additionally, Appellants point out that where, as here, a party asserts that an
15 exception to the agency's proposed exception exists, then the party asserting that
16 an exception to the exemption exists, here Appellants, need only show a reasonable
17 possibility of a significant effect due to unusual circumstances such as a project's
18 size or location, *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.
19 4th 1086, 1116.
20

21 Appellants further cite to: (a) the District of Columbia decision in *United*
22 *Keetoowah Band of Cherokee Indians in Oklahoma v. FCC* (DC Cir., 2019) 933 F.
23 3d.728 which held, inter alia, that the FCC failed to justify its confidence that small
24

1 cell deployments pose little to no cognizable environmental risks given the vast
2 number of proposed deployments, and (b) CEQA's finding that California's
3 Legislature seeks to ensure the long-term protection of the environment, see:
4 Public Resources Code §§ 21000 et seq. and more specifically §15065(a) and
5 §21001(a)&(d).
6

7
8 Armed with this authority, Appellants assert that the City failed to articulate
9 any viable or substantive support for its use of the CEQA exemption it obtained
10 and that the granting of the Permit application at issue fails to account for the
11 unusual circumstances which the installation of the WCF at issue creates, namely
12 (1) cabling and excavation (Appellants' Fifth Post-Hearing Brief p.9), and (2) the
13 cumulative effect of the unlimited installation of multiple WCFs throughout the
14 City (Appellants' Fifth Post Hearing Brief p.9).
15
16

17 Countering Appellants' argument, the City posits the argument that the
18 California Courts have consistently supported class 1, 2, and 3 exemptions as
19 obtained here by the City in situations similar to the one at bar. See: *San Francisco*
20 *Beautiful et al. v. City and County of San Francisco, et al.*, (2014) 226 Cal. App. 4th
21 1012 [Court approved installation of AT&T's 726 new utility cabinets at
22 undetermined locations on public sidewalks throughout the city within 300 feet of
23 existing cabinets] and *Robinson v. City and County of San Francisco* (2012) 208
24 Cal. App. 4th 950 [Court held class 3 CEQA exemption applied to the installation
25 of small telecommunications equipment on utility poles]. Supporting said
26
27
28

1 exemption, the City did introduce evidence supporting its sought-for and awarded
2 exemption.

3
4 While Appellants may in fact be correct as to the possible cumulative effect
5 of installing numerous WCFs throughout the City, they did not establish that either
6 CEQA nor NEPA mandated the City or AT&T to conduct a cumulative evaluation
7 in this case. Appellants fail to cite specific sections of the City's Telecom
8 Ordinance nor to CEQA or NEPA which mandated that the City engage in such an
9 analysis here. The force and clarity of 47 U.S.C. 332 (c)(7)(B)(iv) was not
10 successfully countered by Appellants.
11
12

13 It is worthy of note that Appellants citation to AT&T's admission that the
14 WCF at the antenna level is 132.43% of the FCC's general public RF emission
15 exposure level is disingenuous (Appellants' fourth Post-Hearing Brief at page 7).
16 As pointed out by AT&T in its Post-Hearing Brief, FCC's general public exposure
17 level is not in fact breached at the level where the public will be. The 132.4%
18 measurement is predicated on the location of the antennas at 28.5 feet above the
19 ground, whereas the actual public exposure level where the public will be is at
20 .04% of the FCC general public exposure limit.
21
22

23
24 As to the excavation, cabling, and pulling of lines to install the WCF, the
25 City's Deputy Director of Development Services Christopher Koontz's testimony
26 affirmed that as such activities must and will comply with applicable building and
27 safety codes, such activities fall outside of any special circumstances which would
28

1 trigger the need for an environmental study. See, unofficial Hearing Transcript at
2 pps. 93-100.

3 Hence, while issues of cumulative harm caused or potentially caused to
4 Appellants and the community appear to be a real danger, for the reasons noted
5 supra such concerns do not and cannot serve, in this instance, as a viable argument
6 to overturn the City's approval of the AT&T's Permit application, *San Francisco*
7 *Beautiful v. City and County of San Francisco, supra*, 226 Cal. App. 4th at 1022-
8 1023 [An agency's determination that project falls within categorical exemption
9 include implied finding that none of the exceptions is applicable. Burden then
10 shifts to challenging party to produce evidence showing that one of the exceptions
11 apply.]
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16 V. RECOMMENDATION AND FINDINGS

17 **This Hearing Officer Issues the following findings of fact and**
18 **conclusions of law:**

19 A. Findings of Fact:

- 20 1. Appellants Ms. Moira Hahn and Mark Hotchkiss are homeowners who,
21 since 2001, have resided at 4351 Clark Avenue, Long Beach, California
22 90808.
23
- 24 2. Appellant Hahn is a sixty-five-year-old retired Community College
25 Professor and artist who has been medically determined to have chronic
26 migraines and cluster headaches since childhood, is 100% deaf in her left
27
28

1 ear, and has a history of cancer in her family, which impairments have
2 not abated despite her use of various coping mechanisms.

- 3
4 3. Dr. Richard Wexler, Appellant Hahn's internist of over two decades,
5 established that Appellant Hahn is hypersensitive to RF emissions and
6 that her impairments will be exacerbated if she is exposed to RF
7 emissions from the projected cite location of AT&T's projected WCF
8 unless said WCF is located at a distance further than 1,000 feet of her
9 home.
10
11 4. The evidence in the Record supports a factual finding that Appellant
12 Hahn was a qualified and able to participate in the City's programs,
13 services and activities.
14
15 5. Scientific and medical literature admitted in this proceeding places into
16 question the FCC RE emission standards and establishes that the FCC RF
17 emission standards will not and do not protect Appellants and Appellant
18 Hahn in particular from unsafe RF emissions and from RF exposure.
19
20 6. The City engaged Appellants only in a limited interactive process
21 because it determined that the accommodation sought, the moving of the
22 site for the WCF, would have forced it to violate the law.
23
24 7. Reasonable accommodations other than the movement of the WCF
25 location site might have been considered.
26
27 8. On November 16, 2020, AT&T submitted its Permit application.
28

1 9. In connection with its evaluation of AT&T's Permit application, the City
2 conducted several reviews and satisfactorily performed all aspects of its
3 review of said Permit application in compliance with the mandates of the
4 City's Telecom Ordinance as set forth at LBMC § 15.34.

5
6 10. In compliance with the notice provision set forth at LBMC §
7 15.34.030(K), on February 21, 2021, the City mailed and posted its
8 required notice to the public and Appellants in particular.

9
10 11. On February 26, 2021, Appellants filed their Appeal.

11
12 12. On March 18, 2022, an administrative hearing was held, with the public
13 given an opportunity to comment about the City's actions at issue here.

14
15 13. The Permit Application submitted by AT&T and reviewed by the City
16 satisfied all obligations and requirements as set forth at LBMC § 15.34.

17
18 14. To the extent any conclusion of law identified below constitutes a
19 finding of fact, it is hereby incorporated.

20 **B. Conclusions of Law:**

21 A. Appellants timely appealed the City's decision to grant AT&T's Permit
22 application, triggering this Hearing.

23
24 B. The jurisdictional limits of this Administrative Hearing are controlled by
25 the City's Telecom Ordinance, LBMC §§ 15.34, and by applicable law,
26 where appropriate.

27
28 C. Appellant Hahn is a qualified individual with disabilities. Appellant

1 Hahn's disabilities include but are not limited to: her family history of
2 cancer, her hypersensitivity to RF emissions, her cluster headaches and
3 migraines, and that she is 100% deaf in her left ear, *Brown v. LAUSD*
4 (2021) 60 Cal. App. 5th 1092, 1103-1104.
5

6 D. Appellants have failed to establish that either of them are entitled to
7 invoke the protections of Title II of the Americans with Disabilities Act,
8 the Fair Housing Act, the Fair Employment and Housing Act, or even
9 Section 504 of the Rehabilitation Act of 1973, as neither Appellant has
10 shown they have been deprived of a City program, service, or activity,
11 *Updike v. Multnomah City* (9th Cir., 2017) 870 F. 3rd 939, 949; *Wolf v.*
12 *City of Millbrae* (N.D. Cal., 2021), 2021 U.S. Dist. LEXIS 159025.
13
14
15

16 E. Appellants have failed to establish that the exemption to CEQA obtained
17 by the City was inappropriate or unsupported by substantial evidence or
18 legally deficient sufficient to grant this Appeal.
19

20 F. Appellants have failed to establish that the City's decision to grant
21 AT&T's Permit application was an abuse of the City's obligations as
22 imposed on it by the provisions of the City's Telecom Ordinance, LBMC
23 §§15.34 et seq.
24

25 G. Appellants have failed to establish that the City's notice or its actions in
26 connection with its notice obligations pertaining to the proposed
27 installation of the WCF at issue here violated due process or Appellants'
28

rights guaranteed them by LBMC § 15.34.030(K).

H. The City has met its evidentiary burden by establishing through the introduction of admissible substantial evidence that it did not abuse its discretion in granting AT&T's Permit application.

J. To the extent any conclusion of fact identified above constitutes a conclusion of law, said conclusion is hereby incorporated.

VI CONCLUSION

For the foregoing reasons, the Appeal is denied and the Permit application sought by AT&T should be granted. To the extent Appellants' arguments challenging this decision are viable, Appellants are not forestalled from seeking appropriate relief elsewhere.

Dated: April 18, 2022



LARRY MINSKY,
ADMINISTRATIVE HEARING OFFICER

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