



CITY OF MISSION VIEJO
PLANNING AND TRANSPORTATION
COMMISSION MEETING

February 10, 2020

A G E N D A

Mission Viejo City Hall, 200 Civic Center
City Council Chamber

CALL TO ORDER 6:30 PM

PLEDGE OF ALLEGIANCE: Led by Commissioner Leckness

ROLL CALL: Commissioner Blum
 Commissioner Knauerhaze
 Commissioner Leckness
 Vice Chairman Ruesch
 Chairman Breton

PUBLIC COMMENT PROCEDURE

Any person wishing to address the Commission on any matter, either under the Public Comments section of the Agenda or scheduled items or public hearings, must fill out a "Request to Speak" form available at the door. The completed form must be submitted to the Secretary prior to the Agenda item being called by the Chairperson. In speaking to the Commission, members of the public shall be limited to three minutes per person, except for the applicant for entitlement. The Commission may establish an overall time limit for comments on a particular Agenda Item. Members of the public must direct their questions to the Chairperson of the Commission and not to other members of the Commission, the applicant, the Staff, or the audience.

PUBLIC COMMENTS – NON AGENDA MATTERS AND AGENDA MATTERS OTHER THAN PUBLIC HEARINGS

This is the time for members of the public to address the Commission on matters, which are on the Commission's consent calendar or on matters, which do not appear on the Commission's Agenda. Under state law, no action can be taken on comments from the public if the matter is not on the Commission's Agenda unless the Commission makes a determination that (1) an emergency exists or (2) that the need to take action arose after the posting of the Agenda and that action must be taken before the next regular meeting of the Commission. There shall be an overall time limit of 15 minutes for the Public Comments portion of the Agenda unless the Commission makes a decision to extend the time period.

CONSENT CALENDAR

1 January 10, 2020, Minutes

Procedure:

Recommended Action: Approve Minutes.

2 Status Report Planning and Transportation Commission Matters

Procedure:

Recommended Action: Receive and file report.

PUBLIC HEARINGS

- 3 Conditional Use Permit CUP2019-409, being a petition submitted by Gabriel Ruiz to permit a State Department of Alcoholic Beverage Control (ABC) Type 41 beer and wine license, for on-site consumption in conjunction with food service at a new restaurant, Wurshaus, located within Silverado Plaza at 25522 Jeronimo Road, in the CN (Commercial Neighborhood) zone. SP2019-462 is requested to allow an outdoor seating area, where alcoholic beverage service is also proposed.**

Procedure: Staff report; public hearing; discussion and determination.

Recommended Action: Adopt Resolution approving CUP2019-409.

- 4 Conditional Use Permit CUP2019-406, being a petition submitted by Feiyan You to permit operation of a new 1,400-square-foot massage establishment located in the Alicia Trabuco shopping center, at 26821 Trabuco Road, Suite C, in the CN (Commercial Neighborhood) zone.**

Procedure: Staff report; public hearing; discussion and determination.

Recommended Action: Adopt Resolution approving CUP2019-406.

- 5 Planned Development Permit PDP2019-311, being a petition submitted by Pramira Inc., agent for AT&T, to construct a new “small-cell” wireless telecommunication monopole facility located within the public right-of-way along Marguerite Parkway, adjacent to the U.S. Post Office at 28081 Marguerite Parkway, between Shops Boulevard to the north and College Center to the south. Equipment installed on the new 33’-5”-tall steel pole would include four remote radio units, one omni-directional antenna, and one raycap disconnect, all located at the top of the pole within an equipment shroud.**

Procedure: Staff report; public hearing; discussion and determination.

Recommended Action: Adopt Resolution approving PDP2019-311.

- 6 Planned Development Permit PDP2019-312, being a petition submitted by Pramira Inc., agent for AT&T, to construct a new “small-cell” wireless telecommunication**

monopole facility located within the public right-of-way along Marguerite Parkway, north of Avery Parkway, adjacent to the Burlington store at 28452 Marguerite Parkway and Conroy's Flowers at 28442 Marguerite Parkway. Equipment installed on the new 33'-5"-tall steel pole would include four remote radio units, one omni-directional antenna, and one raycap disconnect, all located at the top of the pole within an equipment shroud.

Procedure: Staff report; public hearing; discussion and determination.

Recommended Action: Adopt Resolution approving PDP2019-312.

COMMITTEE REPORTS

COMMITTEE	COMMISSIONERS	SCHEDULED MEETING(S)
Traffic	Knauerhaze, Leckness	No meeting held.
Design Review	Blum, Ruesch	January 29, 2020 and February 4, 2020

STAFF COMMENTS

PLANNING AND TRANSPORTATION COMMISSION COMMENTS

ADJOURNMENT

Adjourn to March 9, 2020, at 6:30 PM for regular Planning and Transportation Commission meeting.

PLANNING AND TRANSPORTATION COMMISSION

The Mission Viejo Planning and Transportation Commission consist of five residents of the City who are appointed by Mission Viejo City Council members. The Mission Viejo Planning and Transportation Commission meets regularly on the second Monday of each month in the Council Chamber located at 200 Civic Center, Mission Viejo. Meetings begin at 6:30 p.m.

Each city in California must adopt a comprehensive, long-term general plan for the physical development of the city. Mission Viejo's long range planning goals and master strategy are embodied in its General Plan. The Planning and Transportation Commission advises the City Council regarding amendments to that Plan. The policies, goals and objectives of the General Plan are implemented through the City's development standards.

The Planning and Transportation Commission has the authority to approve or deny applications for development within the City. Types of applications included are: tentative tract maps, tentative parcel maps, planned development permits, conditional use permits, architectural review, variances, and sign programs. The Planning and Transportation Commission makes recommendations to the City Council on all applications for changes in the Development Code and Zoning Map. The Commission also acts in advisory capacity to the City Council on all traffic matters relating to: receiving complaints on traffic matters; surveying, reviewing, and making recommendations relative to traffic conditions, improvement of traffic conditions, and the administration and enforcement of traffic regulations; surveying, reviewing, and recommending plans for improved parking; and surveying, reviewing, and recommending safety programs, campaigns, and activities to educate the public in traffic safety.

AGENDA

The Planning and Transportation Commission provides an agenda for each of its meetings identifying the items to be considered. Prior to consideration of the listed agenda items, the Commission allows oral communications for the public to address the Commission on items NOT listed on the agenda. Time is limited to three minutes per person. The items on the agenda are arranged into three categories, depending upon the type of case: Consent Calendar Items: These are relatively minor in nature, do not have significant issues or concerns, and do not require a public hearing. All consent calendar items are considered by the Commission as one item and a single vote is taken for their approval, unless an item is removed from the consent calendar for individual discussion. Public Hearings: This category is for applications that require by law a hearing open to public comment because of the discretionary nature of the request. Public hearings are formally conducted and have a specific time where public testimony is requested. This is your opportunity to speak on the item(s) that concern you. New/Old Business: Items in this category are general in nature for the Commission's discussion. At 10:00 p.m. the Commission will review the remaining agenda items and make a decision regarding the items to be considered before the 11:00 p.m. curfew and the items to be continued until the next meeting. By a majority vote, the Commission may extend the meeting beyond that hour.

PUBLIC INPUT

If you are interested in addressing the Planning and Transportation Commission on any item, please fill out your full name and address (address optional) on a form provided at the speaker's table. Submit the completed form to the secretary at the front of the chambers. The chairman will recognize you to speak when the item is considered. When you speak to the Commission, state your full name and address for the record. Members of the public must direct their questions to the chairman and not to other members of the Commission, the staff, or the audience.

STAFF AND STAFF REPORTS

The Planning staff, which is situated on the Commission's left, is responsible for reviewing applications submitted for conformance with City's planning and zoning standards and for providing a report with findings and recommendation. The Planning and Transportation Commission uses the staff reports as informational documents when reviewing development proposals or other agenda items. Any supplemental writings or documents distributed to a majority of the Planning and Transportation Commission regarding any item on this Agenda, after the posting of the Agenda, will be available for public review in the Community Development Department located at 200 Civic Center, Mission Viejo, California, during normal business hours. In addition, such writings or documents will be made available on the City's web site at www.cityofmissionviejo.org and will be available for public review at the respective meeting. If you have any questions regarding any item of business on the Agenda for this meeting, please contact the Community Development Department at (949) 470-3053 or by email at cd@cityofmissionviejo.org.

APPEALS

Any interested person may appeal a decision of the Planning and Transportation Commission regarding the action taken on a discretionary planning application. Appeals must be in writing, must state the reasons for the appeal, must be accompanied by the appeal fee (\$1,500 for action on a single family dwelling, \$2,000 for all others), and must be submitted to the City Clerk within 15 calendar days of the Commission's action for discretionary planning matters other than the subdivision of land; the appeal period for the subdivision of land is 10 days. For additional information please call (949) 470-3053.

AMERICANS WITH DISABILITIES ACT (ADA) ACCOMMODATIONS

In accordance with the Americans with Disabilities Act of 1990, if you require a disability related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the Community Development Department at (949) 470-3053 (voice) or the California Relay Service at least 48 hours prior to the meeting. If you have special accessibility needs, please notify the Community Development Department as soon as possible before the meeting so that reasonable arrangements for accessibility can be made.



City of Mission Viejo

Minutes of the Planning and Transportation Commission

January 13, 2020

CALL TO ORDER

The Regular Meeting of the Planning and Transportation Commission of the City of Mission Viejo was called to order by Chairman Blum at 6:30 p.m., January 13, 2019, at 200 Civic Center, Mission Viejo, California.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Commissioners present: Commissioner Knauerhaze, Commissioner Leckness, Commissioner Ruesch, Vice Chairman Breton, and Chairman Blum.

Staff present: Elaine Lister, Community Development Director; William P. Curley III, City Attorney; Larry Longenecker, Planning Manager; Mark Chagnon, Public Works Director; Sarah McMillan, Planning Technician; and Angela Hannis, Administrative Assistant.

PUBLIC COMMENTS

None.

CONSENT CALENDAR

On motion by Commissioner Ruesch, seconded by Commissioner Knauerhaze, and unanimously carried, the Commission approved the DECEMBER 9, 2019 MINUTES.

Vice Chairman Breton discussed Item B, Page 6, of the Status Report regarding the La Paz Road Widening Project. Due to Caltrans delays in the project, he inquired if the funding would be extended to include 2019-2020. Director Lister stated he could address this question to Director Chagnon later in the meeting, or she could inquire on Tuesday and respond back to the Commission.

On motion by Vice Chairman Breton, seconded by Chairman Blum, and unanimously carried, the Commission received and filed the STATUS REPORT PLANNING AND TRANSPORTATION COMMISSION MATTERS.

PUBLIC HEARINGS

CONDITIONAL USE PERMIT CUP2019-407

Conditional Use Permit CUP2019-407, being a petition submitted by Recap "Reggie" Koch to permit a State Department of Alcoholic Beverage Control (ABC) Type 41 beer and wine license, for on-site consumption in conjunction with food service at an existing restaurant, Epic Wings, located within Avery Center at 28621 Marguerite Parkway, Suite B6, in the CH zone.

Planning Technician McMillan presented the staff report and power point presentation. Epic Wings, a fast- casual wings restaurant opened in February 2018. The hours of operation are 10:30 a.m. to 9:30 p.m. Sunday through Thursday, and 10:30 a.m. to 9:30 p.m. Friday and Saturday. The restaurant services approximately 30 guests at one time. As part of the hiring process, the management staff will complete the Licensee Education on Alcohol and Drugs certification (LEAD) program. According to the Alcohol Beverage Control there is an over-concentration of on-sale licenses within this census tract. Staff does not think the project will result in detrimental conditions to the public because of the size of the census tract, the distance between food establishments in the area, and the fact that Epic Wings is not located within 100 feet of a residence or school.

City Attorney Curley clarified for the Commission that Alcohol Beverage Control uses a formula to calculate if the ABC licenses in a census tract are over-concentrated. Successful commercial venues serve alcohol with meals. Over-concentration is not necessarily viewed as a negative; it can be an indication of a successful business area. ABC provides a threshold, and then the local jurisdictions determine if the license is allowed.

Director Lister noted that staff will call ABC to get a better understanding of how their formula is determined.

Chairman Blum opened the public hearing.

Al Hogue, spoke in favor of the project adding offering beer and wine will bring more business to this establishment.

Reggie Koch, owner and manager, noted he is applying for a beer and wine license as his customers ask for beer and wine with their wings. He has been in the restaurant industry for over 20 years, and he has experience in the LEAD program.

There being no further testimony, Chairman Blum closed the public hearing.

On motion by Vice Chairman Breton, seconded by Commissioner Leckness, and unanimously carried, the Commission adopted Resolution **2020-1422** approving CUP2019-407 to permit a beer and wine license at Epic Wings, 28621 Marguerite Parkway.

OLD BUSINESS

VIA FABRICANTE ANGLED PARKING AND TRAFFIC CALMING

Director of Public Works Chagnon presented the staff report. In March 2019, angled parking was

installed on Via Fabricante, with a follow-up survey sent to the businesses after six months to reevaluate the traffic calming measures. He noted there has been one reported collision on Via Fabricante during that time, however, it was not related to the angled parking. The traffic speed on the street has been reduced from 41 mph to 35 mph as a result of the parking. The result of the survey showed that the majority of business owners indicated a preference for the angled parking to be converted to parallel parking and had concerns about safety and vehicle speeds. In December, after review by the Traffic Committee, the recommendation was to leave the angled parking in place and implement further traffic calming measures. Those measures would consist of electronic speed feedback signs and implementing a 5 mph speed limit reduction from 35 mph to 30 mph.

Chairman Blum discussed the Traffic Committee meeting that he attended with Commissioner Leckness. He noted a significant majority of the business owners were originally in favor of angled parking to add more street parking. As there have been no reported accidents in six months, the Committee understood there were still some concerns, but recommended that the owners give it a little more time. Chairman Blum stated the Committee favored additional traffic calming measures, including educating the business customers.

Vice Chairman Breton stated he was concerned with some of the comments on the survey such as stating accidents are just waiting to happen. Trucks parked in the angled spaces affect visibility and it is dangerous to back up from adjacent spaces or from parking lot. Others comments included speeding vehicles down the street, and that certain businesses park their vehicles on the street, so the spaces are filled early in the morning. Director Chagnon noted that included in the original survey was an option to restrict the length of time a vehicle could park on the street, but it was opposed by a majority of the business owners.

Darryl Bellissimo, All Right Pool and Spa, 23632 Via Fabricante, #D, spoke in opposition to staff's recommendation. He stated trucks are too big for the angled parking, and as a result vehicles have to drive down the center of the street to avoid hitting the parked vehicle. There is also limited visibility leaving driveways. He witnessed an accident across from Evolution Swim School, and he noted he has videos he could show the Commission of the dangers on Via Fabricante. Lastly, he stated he would forgo the additional parking for safety.

Tina Tran, 23881 Via Fabricante, owner Elegant Tailoring, stated since the change in parking she has noticed a problem with blocked views leaving her parking lot. Her customers have also complained, and she would like a return to the parallel parking.

Amir Mohammadpour, A to Z Automotive, 23672 Via Fabricante, thanked the Commission for the extra parking, but did note that there is a sight issue when vehicles pull out of parking lots.

Karin Krawiec, Neighborhood Car Care, 23761 Via Fabricante, was in favor of keeping the angled parking. She did not agree that the street is more dangerous, and stated things seem calmer. There are still challenges to finding parking, and that more parking is needed. She agreed with the implementation of the 30 mph speed limit.

Lilly Mohammadpour, owner, A-Z Automotive, 23672 Via Fabricante, was in opposition. She stated she has to drive down the middle of the street so as not to hit the large trucks in the angled parking spaces. She also mentioned she had a near miss accident. Lastly, she stated she doesn't feel they have gained any spaces, but she feels that she lost some due to the white markers.

Chairman Blum noted the Traffic Committee did its best to accommodate the owners by adding parking stalls. Forty-three business owners originally voted for the angled parking. This was to benefit the business community, but he added public health and safety are also important. Reducing the speed will help with traffic calming, and he suggested asking the business owners to move any of their vehicles off the street for more customer on-street parking.

Vice Chairman Breton inquired of staff if there could be a restriction on angled parking to limit it to non-trucks, only passenger cars. Director Chagnon stated staff can look into it. However, posting a sign at every spot may be impractical. He stated he would confirm with the Transportation Engineer and get back to the Commission.

Commissioner Leckness noted for years parking has been terrible on Via Fabricante. Staff put forth a lot of effort and money to find a solution, and he agrees with staff's recommendation to leave the angled parking in place.

Commissioner Ruesch, stated he was in favor of staff's recommendation. However, reducing the speed is only as good as enforcement or nothing is accomplished. He also questioned the size of a vehicle that could park in the angled spaces, noting there needs to be some restrictions.

Commissioner Knauerhaze, noted that the drive area is a cut-through from Alicia Parkway to Target, as the corner of Alicia and Jeronimo is very congested. Six months is too short of a time frame to determine if the angled parking is working. The data heard is not enough to reverse the parking. He noted change is hard, and he looks forward to more discussion on the issues at the Traffic Committee, but the business owners need to give it more time.

Vice Chairman Breton summarized the recommended action that includes keeping the angled parking, installing two electronic feedback signs, and reducing the speed limit to 30 mph. Director Chagnon concurred that was the recommendation.

Chairman Blum noted the Traffic Committee will see that the sheriff's deputies enforce the speed limit.

Darryl Bellissimo, All Right Pool and Spa, 23632 Via Fabricante, #D, asked where he can send weekly dash cam videos of the street traffic. Director Lister noted he can send them to the Public Works Administrative Secretary.

Tina Tran, 23881 Via Fabricante, Elegant Tailoring, asked that the Commissioners drive over to view the parking and the issues with exiting driveways.

On motion by Commissioner Leckness, seconded by Commissioner Ruesch, and unanimously carried, the Commission approved: 1) to preserve the parking on Via Fabricante and implement traffic calming in the form of electronic speed feedback signs; and 2) recommended to City Council the reduction of the posted speed limit on Via Fabricante from 35 mph to 30 mph and the corresponding approval of Ordinance 20-XX amending Chapter 12.04.010(d) of the Mission Viejo Municipal Code regarding prima facie speed limits on certain streets.

The Commission took a five minute break.

PLANNING AND TRANSPORTATION COMMISSION REORGANIZATION

ELECTION OF CHAIRMAN, VICE CHAIRMAN, TRAFFIC COMMITTEE, AND DESIGN REVIEW COMMITTEE MEMBERS

On motion by Chairman Blum, seconded by Commissioner Leckness, and unanimously carried, Vice Chairman Breton was nominated and elected Chairman. Vice Chairman Breton abstained from voting.

On motion by Vice Chairman Breton, seconded by Commissioner Leckness, and unanimously carried, Commissioner Ruesch was nominated and elected Vice Chairman. Commissioner Ruesch abstained from voting.

Commissioners Leckness and Knauerhaze were appointed to the Traffic Committee. Vice Chairman Ruesch and Commissioner Blum were appointed to the Design Review Committee.

Chairman Breton thanked former Chairman Blum for an outstanding job as Chairman and his exemplary handling of the meetings using tact and diplomacy, as well as his work in the reaching out to the community to help manage resident concerns.

COMMITTEE REPORTS

There was no Design Review Committee meeting scheduled. The Traffic Committee met on December 16, 2019. The agenda included discussion of the review of the parking and traffic calming on Via Fabricante.

STAFF COMMENTS

Director Lister had no comments.

PLANNING AND TRANSPORTATION COMMISSION COMMENTS, REPORTS, AND ACTIONS

Commissioner Knauerhaze wished everyone a Happy New Year. He extended his gratitude to staff noting that their outstanding work has been noticed by residents throughout the community; he has received compliments on multiple projects including the sport fields, center dividers, and the trees. He has learned a lot from the Commission in 2019 and looks forward to learning more in 2020.

Commissioner Leckness thanked Commissioner Blum for a great job as Chairman, and commented that his soft spoken manner is an asset as Chairman.

Vice Chairman Ruesch also thanked Commissioner Blum for his role as Chairman and for all he has learned from him. He looks forward to serving the Commission in 2020.

Commissioner Blum stated he was flattered by all the compliments and thanked staff and his fellow Commissioners for their tremendous support. He stated he couldn't have done it without a good team, and was fortunate for having a great Commission.

Chairman Breton commented on the State changing the law for accessory dwelling units. The City had sent proposed ordinance to the State for comment, but will now have to revise to comply with the new changes.

City Attorney Curley, noted the State will take into consideration that the City made a good faith effort to comply with the previous law. He also noted that at the next meeting there will be a new Assistant City Attorney in attendance.

Commissioner Leckness thanked City staff for all their hard work.

Chairman Breton thanked the staff for the job they do on a daily basis, and wished everyone a Happy New Year.

ADJOURNMENT

Chairman Breton adjourned the meeting at 7:55 p.m., to 6:30 p.m., Monday, February 10, 2020 for the regular Planning and Transportation Commission meeting.

Joseph C. Blum, Chairman

Elaine Lister, Secretary



City of Mission Viejo

Planning and Transportation Commission

Staff Report

Date: January 31, 2020

To: Planning and Transportation Commission

From: Larry Longenecker, Planning Manager through
Elaine S. Lister, Director of Community Development *ESL*

For: Planning and Transportation Commission Meeting of February 10, 2020

Subject: Status Report - Planning and Transportation Commission Matters

RECOMMENDED ACTION

Receive and file report.

DISCUSSION

1. PENDING DEVELOPMENT PROJECTS

A. ZONE CHANGE ZC2019-22 / CONDITIONAL USE PERMIT CUP2019-408 / PLANNED DEVELOPMENT PERMIT PDP2019-309 / VARIANCE VAR2019-53 (REVISED)

Petitions submitted by Confluent Development, doing business as CDP-MS Marguerite LLC, to permit development of an assisted living facility located at 28570 Marguerite Parkway, in the CH (Commercial Highway) zone. The 3-story, 166,000-square-foot facility would have 132 living units with 166 beds, including 102 assisted living units with 136 beds, and 30 memory/congregate care units with 30 beds. Below-grade parking is proposed with 121 parking spaces, and four surface spaces for a total of 125 parking spaces. Zone Change ZC2019-22 proposes a Senior Housing Overlay required to permit the senior/assisted living project. Item considered by Design Review Committee on 11/06/19 and considered by Planning and Transportation Commission on 12/09/19. (Application submitted 6/14/19) (Nick Lagura)

Item approved by City Council on 1/14/20.

B. CONDITIONAL USE PERMIT CUP2019-406 (REVISED)

Petition submitted by Feiyan You to permit operation of a new 1,400-square-foot massage establishment located in the Alicia Trabuco shopping center, at 26821 Trabuco Road, Suite C, in the CN (Commercial Neighborhood) zone. (Application submitted 10/18/19) (Nick Lagura)

Item scheduled for 2/10/20 Planning and Transportation Commission meeting.

C. CONDITIONAL USE PERMIT CUP2019-409 / SITE PLAN SP2019-462 (REVISED)

Petitions submitted by Gabriel Ruiz to permit a State Department of Alcoholic Beverage Control (ABC) Type 41 beer and wine license, for on-site consumption in conjunction with food service at a new restaurant, Wurshaus, located within Silverado Plaza at 25522 Jeronimo Road, in the CN (Commercial Neighborhood) zone. SP2019-462 is requested to allow an outdoor seating area, where alcoholic beverage service is also proposed. A façade renovation is proposed for the new restaurant including a brick façade and new color scheme that will be incorporated into the existing color and material palette for the building. *Item considered by Design Review Committee on 2/04/20.* (Application submitted 12/02/19) (Sarah McMillan)

Item scheduled for 2/10/20 Planning and Transportation Commission meeting.

D. PLANNED DEVELOPMENT PERMIT PDP2019-311 (REVISED)

Petition submitted by Pramira Inc., agent for AT&T, to construct a new “small-cell” wireless telecommunication monopole facility located within the public right-of-way along Marguerite Parkway, adjacent to the U.S. Post Office at 28081 Marguerite Parkway, between Shops Boulevard to the north and College Center to the south. Equipment installed on the new 33’-5”-tall steel pole would include four remote radio units, one omni-directional antenna, and one raycap disconnect, all located at the top of the pole within an equipment shroud. *Item considered by Design Review Committee on 1/29/20.* (Application submitted 11/27/19) (Tim Martin)

Item scheduled for 2/10/20 Planning and Transportation Commission meeting.

E. PLANNED DEVELOPMENT PERMIT PDP2019-312 (REVISED)

Petition submitted by Pramira Inc., agent for AT&T, to construct a new “small-cell” wireless telecommunication monopole facility located within the public right-of-way along Marguerite Parkway, north of Avery Parkway, adjacent to the Burlington store at 28452 Marguerite Parkway and Conroy’s Flowers at 28442 Marguerite Parkway. Equipment installed on the new 33’-5”-tall steel pole would include four remote radio units, one omni-directional antenna, and one raycap disconnect, all located at the top of the pole within an equipment shroud. *Item considered by Design Review Committee on 1/29/20.* (Application submitted 11/27/19) (Tim Martin)

Item scheduled for 2/10/20 Planning and Transportation Commission meeting.

F. SPECIAL SIGN PERMIT SSP2019-172

Petition submitted by Hector Betancourt, agent for TR Mission Ridge LLC, to permit a third monument sign and a 35-foot-tall freeway-oriented pylon sign at the existing Mission Ridge office complex located at 27101 – 27301 Puerta Real, in the OP (Office/Professional) zone. Item considered by Design Review Committee on 3/18/19 and on 6/04/19. Application is incomplete. (Application submitted 1/28/19) (Larry Longenecker)

Item will be scheduled for Planning and Transportation Commission when ready.

G. PLANNED SIGN PROGRAM PSP2019-11 (REVISED)

Petition submitted by Angel Deprimio, agent for HighPark Property Owner Association, to permit a new sign program for the High Park Business Center, generally located northeast of the intersection of Alicia Parkway and Jeronimo Road, and extending to the intersection of Madero and Los Alisos Boulevard, with all properties in the BP (Business Park/Industrial) zone. (Application submitted 4/01/19) (Nick Lagura)

Item approved administratively on 1/22/20.

H. MINOR MODIFICATION MM2018-469

Petition submitted by Withee Malcolm Architects LLP, agent for Mosaic Apartment Homes (formerly Park Ridge Villas), to permit renovation of an existing apartment complex located at 27444 Camden, in the RPD 30 (Residential Planned Development) zone. The renovation includes: conversion of a tennis court to an outdoor resident amenity area; new branding monument signage; vehicular gates; building upgrades; and landscape improvements. Item considered by Design Review Committee on 3/18/19. Applicant is modifying plans. (Application submitted 11/15/18) (Nick Lagura)

Item will be processed administratively.

I. MINOR MODIFICATION MM2019-485 (REVISED)

Petition submitted by Jonathan Ho, agent for Verizon Wireless, to permit modification of an existing wireless telecommunication facility on the roof of an existing two-story medical office building located at 27725 Santa Margarita Parkway, in the CC (Commercial Community) zone. (Application submitted 8/30/19) (Nick Lagura)

Item approved administratively on 1/24/20.

J. MINOR MODIFICATION MM2019-486

Petition submitted by Darci Hernandez, with Boulder Associates Inc., to permit minor modification of a three-building medical office complex located in the southeastern portion of the hospital campus, at 27800 Medical Center Road, in the CF (Community Facilities) zone. Modifications include new paint, new cornice detail, new lighting, new landscape, and new benches and trash receptacles. Application is incomplete. (Application submitted 9/26/19) (Tim Martin)

Item will be processed administratively.

K. MINOR MODIFICATION MM2019-487 (REVISED)

Petition submitted by Monica James, with Consolidated Development Services, to permit minor exterior modifications, including a new color scheme and new metal awnings, for the existing Chili's restaurant located at 27407 Bellogente, in the OP (Office/Professional) zone. (Application submitted 10/23/19) (Nick Lagura)

Item approved administratively on 1/17/20.

L. MINOR MODIFICATION MM2019-488

Petition submitted by Derek Karimoto, with N Consulting Engineers Inc., to permit a modification of the existing parking lot and drive aisles to add 10 new parking spaces at Sunrise Senior Living, an existing assisted living facility located at 26151 Country Club Drive, in the OP (Office/Professional) zone. (Application submitted 10/30/19) (Tim Martin)

Item will be processed administratively.

M. MINOR MODIFICATION MM2019-489

Petition submitted by Jeffrey T. Harlan, agent for Robert C. Kronick and Jann Kronick-Gath, to permit modification of an existing building, previously occupied by Michaels, located within the Mission Viejo Village Center at 25310 Marguerite Parkway, in the CC (Commercial Community) zone. The proposal includes a façade renovation to accommodate demising the 32,500-square-foot building into two tenant spaces, including a 20,000-square-foot space for Aldi's Food Market and a 12,500-square-foot space for a future tenant. Application is incomplete. (Application submitted 11/04/19) (Larry Longenecker)

Item will be scheduled for Design Review Committee and Planning and Transportation Commission when ready.

N. MINOR MODIFICATION MM2019-490

Petition submitted by SureSite Consulting Group LLC, agent for AT&T, to permit modification of an existing wireless telecommunication facility located on a Santa Margarita Water District tank facility, at 24986 Felipe Road, in the R (Recreation) zone. The applicant proposes: installing three new panel antennas for a total of 12 antennas; installing six new remote radio units for a total of 12 RRUs; and modifying associated equipment within an existing at-grade enclosure. Application is incomplete. (Application submitted 12/12/19) (Sarah McMillan)

Item will be processed administratively.

O. MINOR MODIFICATION MM2019-491 (REVISED)

Petition submitted by Niall Saunders, agent for Alireza Gorgi, to permit an 800-square-foot expansion of an existing 5,000-square-foot veterinary office and animal hospital (for a total of 5,800 square feet) located within the Mission Viejo Marketplace shopping center at 26012 Marguerite Parkway, Suite O, in the CC (Commercial Community) zone. (Application submitted 12/23/19) (Nick Lagura)

Item approved administratively on 1/28/20.

P. MINOR MODIFICATION MM2019-492

Petition submitted by Ben Hackstedde, agent for Verizon Wireless, to permit modification of an existing wireless telecommunication facility on the roof of an existing two-story medical office building located at 26691 Plaza, in the OP (Office/Professional) zone. Application is incomplete. (Application submitted 12/23/19) (Sarah McMillan)

Item will be processed administratively.

Q. MINOR MODIFICATION MM2020-493 (NEW)

Petition submitted by M Squared Wireless, agent for Sprint, to permit modification of an existing wireless telecommunication facility mounted on a 140-foot-tall Southern California Edison (SCE) utility tower located southwesterly of Interstate I-5 and Oso Parkway (APN 784-681-32), in the CF (Community Facilities) zone. Related equipment will be installed in an existing equipment enclosure. (Application submitted 1/10/20) (Tim Martin)

Item will be processed administratively.

R. SITE PLAN SP2019-460 (REVISED)

Petition submitted by Pacific Castle Management, agent for Baray Karim, to permit an outdoor seating area for a new restaurant, Stacks Pancake House, located in Portola Plaza at 27762 Santa Margarita Parkway, in the CC (Commercial Community) zone. The outdoor seating area is proposed to be located at the front of the restaurant, with seating capacity for 34 people. (Application submitted 10/09/19) (Nick Lagura)

Item approved administratively on 1/24/20.

2. GENERAL PLAN, PROPOSED ORDINANCES, AND OTHER ADVANCE PLANNING STUDIES

A. DEVELOPMENT CODE AMENDMENT DCA2019-17

A City initiated petition to amend the City of Mission Viejo Development Code related to Second Dwelling Units (Accessory Dwelling Units, ADUs) pursuant to Government Code Section 65852.2, updating regulations for accessory dwelling units in conjunction with single-family residences. On 7/8/19 the Planning and Transportation Commission voted unanimously to recommend City Council adoption of the ADU ordinance and to direct staff to send a copy of the draft ordinance to the state Department of Housing and Community Development, for review and comment prior to Council consideration of the ordinance. New ADU legislation became effective 1/01/20 that necessitates revision of the City's draft ordinance. (Larry Longenecker)

Item will be scheduled for Planning and Transportation Commission and City Council when ready.

B. **CITY OF MISSION VIEJO - 2020-2024 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SCHEDULE FOR THE 5-YEAR CONSOLIDATED PLAN/ANNUAL ACTION PLAN (NEW)**

A notice of funding availability and call for public service grant applications was published in the Saddleback Valley News on 12/26/19, with applications due to the City on 1/24/20. A noticed public meeting is scheduled with the Community Services Commission for 2/18/20 to consider the public service grant applications. A 30-day public review period for the Consolidated Plan/Annual Action Plan (CP/AAP) is anticipated to commence on 3/12/20 and end on 4/13/20, and a public hearing with the Planning and Transportation Commission is tentatively scheduled for 4/13/20. City Council's review/adoption of the draft CP/AAP is tentatively scheduled for 5/12/20, with the final CP/AAP submitted to the US Department of Housing and Urban Development by the 5/15/20 deadline. (Sarah McMillan and Mike Linares).

3. **PLANNING RELATED PROJECTS REQUIRING FURTHER REVIEW BY THE COMMISSION**

No items pending.

4. **TRAFFIC AND TRANSPORTATION RELATED ITEMS**

A. **CAPITAL IMPROVEMENT PROJECT SUMMARY (REVISED)**

As updates become available, staff will forward a status report of ongoing City-wide capital improvement projects (CIP), prepared by Mark Chagnon, Director of Public Works, in the City's Public Works Department. *A CIP update is included with this Status Report.* (Mark Chagnon)

B. **CITY AND REGIONAL TRAFFIC AND TRANSPORTATION PROJECTS**

- **La Paz Road Widening Project – Muirlands Boulevard to Chrisanta Drive** – This \$8 million project will add one through-lane in each direction of La Paz Road, including widening of the existing bridges over the railroad tracks. Right of way acquisition and final design have been completed. Federal construction authorization had been delayed due to Caltrans and the Federal Highway Administration (FHWA) requiring an update of the existing Construction and Maintenance (C&M) Agreement for the bridges over the railroad tracks. Based on the availability of funds in the federal bridge program, funding has been re-programmed to FY 16-17. City Council approved the C&M Agreement with the railroad authority (SCRRA) in February. OCTA approved its portion of the agreement in March 2017 and SCRRA's Board approved the agreement in May 2017. Staff has requested federal construction authorization and is currently addressing comments received from Caltrans/FHWA. (Mark Chagnon)
- **Orange County Transportation Authority Program - Project P (Traffic Signal Synchronization) – (REVISED)** The Measure M2 Transportation Investment Plan is a 30-year program that is designed to reduce traffic congestion and improve the quality of life by upgrading freeways, maintaining roads, synchronizing traffic signals and improving the rail-transit system. Project P is one of the programs funded by the Measure M2 (TIP)

which allocates program funds specifically for Traffic Signal Synchronization. Since the inception of the Project P Program, OCTA has conducted eight rounds of calls for projects. The following is a summary of each round of calls and the status of each application. Round 5 Call for Projects (October 2014) – On 10/24/14, City staff submitted two Project P applications for Round 5, one for the Alicia Parkway Corridor and one for Olympiad Road – Felipe Road Corridor. The Alicia Parkway application consisted of 40 intersections throughout its entire corridor and crosses five local agencies (including CALTRANS). City staff also selected the Olympiad Road – Felipe Road corridor because of its eligibility and needs for capital improvements. It should be noted that the Olympiad Road – Felipe Road application is anticipated to score lower than other multi-jurisdictional applications because the Project P program criteria provides more points for regional corridor projects. On 2/15/15, OCTA's Technical Steering Committee approved grant funding for the Alicia Parkway Project P application and the grant application for the Olympiad Road – Felipe Road project was unfunded because the requested amount was beyond the available programming capacity. In June 2016, the Alicia Parkway Project P Cooperative Agreement between OCTA and all participating agencies was signed and OCTA issued a Contract Task Order (CTO) to the awarded consultant Albert Grover & Associates (AGA). OCTA held a kick-off meeting in July 2016 at which the consultant (AGA) indicated the implementation phase for the Alicia Pkwy Project P will require 2 years (as opposed to the traditional 1 year) due to the magnitude of capital improvements. Traffic signal fiber communication improvements have been partially completed along Marguerite Parkway as part of the Alicia Parkway project in July 2017. New and improved traffic signal timing parameters along the entire Alicia Parkway corridor were implemented in January 2019. AGA's contractor (Crosstown) has modified the construction schedule to be completed in early 2020. ***In January 2020, OCTA issued the contract to AGA to start Phase II (Ongoing Monitoring and Maintenance Phase) which consists of monthly travel time runs along the corridor. Phase II started in January 2020 and is anticipated to be finished by January 2022.*** (Mark Chagnon / Rich Schlesinger / Philip Nitollama / Brett Canedy)procurement.

Round 6 Call for Projects (October 2015) – The City of Mission Viejo submitted three Project P Grant Applications for the 2015 (Round 6) Call for Projects. On 4/11/16, the OCTA Board formally approved Measure M2 funding allocation for both Project P Applications (Marguerite Parkway & El Toro Road). City staff, along with other participating agencies (Lake Forest, Laguna Hills, County of Orange), held a progress update meeting with OCTA & Kimley Horn & Associates, Inc. for the El Toro Road Project P on 3/19/19. The project schedule anticipates construction to start in early 2019 and improved timing plans are to be implemented in the fall of 2019. The professional design services contract for the Marguerite Parkway Project P was awarded to Iteris, Inc. at the 4/11/17 City Council Meeting. Improved signal timing parameters were implemented along the Marguerite Parkway corridor in September 2018. The City Council awarded the construction contract to Siemens at the 3/27/18 meeting. The construction project is complete. The professional design services contract for the Ongoing Maintenance and Monitoring (OMM) phase was awarded to Iteris, Inc. at the 9/24/19 City Council Meeting. Iteris will monitor and maintain the Marguerite Parkway corridor for the next 24 months, then submit a Final Report at the conclusion of the project. The entire Marguerite Parkway TSSP is scheduled to be finished in October 2021. Once again, the Olympiad Road-Felipe Road application was unfunded due to a low project scoring criteria. (Mark Chagnon /

Rich Schlesinger / Philip Nitollama / Brett Canedy)

Round 7 Call for Projects (October 2016) – City Staff resubmitted the Olympiad Road-Felipe Road Project P Grant application in October 2016 (previously unfunded in 2014 and 2015). At the April 2017 Regional Planning and Highways Committee Meeting, the committee approved the Olympiad Rd-Felipe Rd Project P Application. At the 10/24/17 City Council Meeting, the Council awarded the design contract for the Olympiad Road – Felipe Road Project P to DKS Associates, Inc. Improved signal timing parameters were implemented along the Olympiad Road-Felipe Road corridor in October 2018. The construction contract was awarded to Elecnor Belco Electric, Inc. at the 7/10/18 City Council Meeting. Construction of all traffic signal infrastructure upgrades is complete. The primary implementation phase has been completed and the two-year ongoing monitoring and maintenance phase contract was awarded to DKS Associates, Inc. at the 6/25/19 City Council Meeting. Phase 2 (monitoring and maintenance phase) has begun and monthly travel time reports have been submitted. The monthly travel time runs and reports are scheduled to be completed monthly through June 2021. (Mark Chagnon / Rich Schlesinger / Philip Nitollama / Brett Canedy)

Round 8 Call for CTFP Projects (October 2017) – **(REVISED)** In conjunction with five other jurisdictions (Aliso Viejo, Laguna Hills, Lake Forest, CALTRANS, Rancho Santa Margarita), City staff submitted the Los Alisos Boulevard Route Project P Grant application to OCTA. (Previously funded in Round 2 in 2012). The grant application, in the amount of 2.25 million, was officially awarded at the June 2018 Regional Planning & Highways Committee Meeting. The cooperative agreement with OCTA was approved at the 9/25/18 City Council Meeting. ***OCTA selected Advantec Consulting Engineers, Inc. as the consultant to manage the project and status update meetings were held on 11/21/19 and 1/15/20.*** Monthly status meetings are planned through the summer of 2020 and the capital improvements, along with improved traffic signal timing parameters, are anticipated to be completed within a year as part of the Primary Implementation Phase. Advantec Consulting Engineers, Inc. will be completing the design plans while Crosstown is the selected contractor to finish the construction component. (Mark Chagnon / Philip Nitollama)

- Ortega Highway Improvements – Preliminary design was completed on the widening of State Route 74 (SR-74) from two lanes to four lanes from Via Cordova/Hunt Club Drive to the City/County line. The segment between I-5 and Hunt Club, and the segment from the City/County line east to Antonio Parkway/La Pata Avenue, are already four lanes. However, on 1/11/16, the San Juan Capistrano City Council voted to not award the contract for final design, effectively scrapping the project. Recently, Caltrans and the County have taken on the project and M2 funding, in the amount of \$1.95 million, was approved by the OCTA Board on April 10, 2017, to prepare the environmental document. Once the environmental document has been certified, there will be an application for funding for final design and right of way acquisition. The environmental document has been completed and final design is scheduled to commence in 2020. Construction is anticipated to begin in 2023 with completion sometime in 2024. (Mark Chagnon)
- Los Patrones Parkway In County Unincorporated Area – The County of Orange is the lead

agency for this \$100 million project, which will effectively provide a toll-free extension of SR 241 from Oso Parkway to Cow Camp Road. The first phase of the 4-lane roadway opened in 2018, the segment from Oso Parkway to Chiquita Canyon Drive. The remaining segment south to Cow Camp Road opened this past October 2019. OC Public Works is overseeing a \$30 million project to turn Oso Parkway into a bridge and to connect the 241 toll road directly to Los Patrones Parkway. The bridge improvements are expected to be complete in the spring of 2020. (Mark Chagnon)

- Interstate 5 Widening - SR 73 to El Toro Road – This \$580 million project will add one general purpose lane in each direction of Interstate 5, extend the second HOV lanes from Alicia Parkway to El Toro Road, reconstruct the Avery Parkway and La Paz Road interchanges and add sound walls. Construction of the middle segment (Oso to Alicia) has been underway since June 2019. Construction on the southerly segment (SR 73 to Oso) is scheduled to commence in early 2020. Construction is scheduled to continue into 2024. OCTA made presentations to the Commission on 6/11/18 and 5/14/19. More information is available at [https://www.octa.net/Projects-and-Programs/All-Projects/Freeway-Projects/Santa-Ana-Freeway-\(I-5\)/I-5-\(SR-73-to-El-Toro-Road\)/?frm=7128](https://www.octa.net/Projects-and-Programs/All-Projects/Freeway-Projects/Santa-Ana-Freeway-(I-5)/I-5-(SR-73-to-El-Toro-Road)/?frm=7128).
- El Toro Road Interchange Project – **(REVISED)** This project in the cities of Laguna Hills and Lake Forest will improve the I-5 interchange operations. *Caltrans completed the Project Approval/Environmental Document (PA/ED) phase of the project and OCTA is handling public outreach. The PA/ED phase yielded two interchange configuration alternatives; however, Lake Forest and Laguna Hills each support different alternatives and are at an impasse. Caltrans will attempt to create a compromise alternative acceptable to both.* (Mark Chagnon)
- Laguna Niguel to San Juan Capistrano Passing Siding Project – **(REVISED)** On 1/14/19 OCTA approved a contract to construct the Laguna Niguel to San Juan Capistrano Passing Siding Project which will provide an additional 1.8 miles of double track right-of-way for trains south of the existing Mission Viejo/Laguna Niguel commuter rail station. The project also includes additional storage tracks where trains are held between trips to Los Angeles and the Inland Empire. The Laguna Niguel to San Juan Capistrano Passing Siding Project will reduce the existing train congestion at the Mission Viejo/Laguna Niguel train station, but will not have an impact on the number of trains that operate through the station. City staff will work with OCTA during the construction process to inform residents about any impacts to train service at the station. *On 1/14/20 OCTA's project management staff reported that construction is approximately 40% complete. Two of the retaining walls are complete and construction on the third is in progress. The passing track from the south end of the project towards the Laguna Niguel/Mission Viejo train station is under construction. The project remains on schedule to be complete by late 2020. Staff is briefed on this project quarterly at OCTA's Rail Technical Advisory Committee. The next Rail TAC meeting is scheduled for 4/15/20.* (Brett Canedy)

C. MV Shuttle **(REVISED)**

In an effort to help offset service reductions in regional bus service, OCTA offers Project V, a grant-funded program for local transit. Mission Viejo applied for and received a grant to operate a local shuttle between the Norman P. Murray Center and the Laguna Niguel/Mission

Viejo Metrolink station with stops at key destinations including The Shops, Mission Hospital, Saddleback College and Capistrano Valley High School (CVHS). Service began October 10, 2016 and is currently free of charge to encourage ridership. Ridership reached a monthly high of about 1,950 passengers for the month of May 2017. City staff increased marketing efforts, including partnering with Metrolink to promote the shuttle, creating a video about the service which airs on MVTv, and holding a ridership contest. Schedule adjustments were implemented as well to increase ridership and by summer's end, efforts paid off with ridership reaching 4,260 for the month of September. In October 2017, a special afternoon pick-up and drop-off route for Mission Viejo High School was added. On 6/11/18, service was extended from the Norman P. Murray Center north on Marguerite Parkway to Lake Mission Viejo, including a special stop inside the gate at Casta Del Sol. In September 2018, a second bus was routed to CVHS to serve the morning bell time due to ridership demand. OCTA recently notified the City it intended to cancel the MV Shuttle due to failure to meet minimum ridership requirements. The City opposed the cancellation and presented proposed service modifications to increase ridership. The OCTA Board approved the City's proposal which includes the elimination of mid-day service hours and the elimination of summer service. In addition, the City must take over operation of the shuttle from OCTA by October. The MV Shuttle resumed operations on 8/20/19 with the following service modifications: New stops added at the Library and The Shops, stop inside Casta Del Sol eliminated, and service interrupted between 11:00 am and 2:00 pm. The City Council awarded a contract to LAZ Parking to operate the service for the City beginning 10/14/19. The new service will include: buses with greater total capacity (70 people vs. 46); automatic passenger counters; and a GPS app to allow both City staff and riders to track bus locations and determine when the next bus is expected to arrive at a given stop. The City's estimated cost share is expected to be slightly less than what was being paid to OCTA to operate the service on the City's behalf. The first week of service with LAZ Parking yielded average ridership of 10 boardings per vehicle per hour, which is the minimum required to sustain the grant. December 2019 boardings averaged between 11 and 12 per vehicle service hour. *The second week of January 2020 saw average boardings top 12 for the first time.* (Mark Chagnon)

5. PROJECT(S) REQUIRING REVIEW BY DESIGN REVIEW COMMITTEE (DRC)

- A. MINOR MODIFICATION MM2019-489 – Petition submitted by Jeffrey T. Harlan, agent for Robert C. Kronick and Jann Kronick-Gath, to permit modification of an existing building, previously occupied by Michaels, located within the Mission Viejo Village Center at 25310 Marguerite Parkway, in the CC (Commercial Community) zone.

6. PENDING BRIEFINGS / STUDY SESSIONS / CONFERENCES / WORKSHOPS

No items pending.

Staff Report prepared by: Larry Longenecker, Planning Manager - (949) 470-3024

CAPITAL IMPROVEMENT PROGRAM

CIP NO.	PROJECT TITLE	BUDGET AMOUNT	STATUS
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FY 2019-2020 PROJECTS

PUBLIC WORKS

241	Via Fabricante Catch Basin Debris Screens	\$150,000	Completed
242	I-5 Sound Wall Design	\$350,000	On hold pending OCTA approval.
243	Storm Drain Atlas Update	\$30,000	Scheduled for completion by Summer 2020.
244	Los Alisos/SMP Bus Stop Expansion	\$34,500	Construction Scheduled for April 2020.
245	TRAP Olympiad Road Bio-Retention Basin	\$450,000	Construction scheduled for Summer 2020.
837	Arterial Highway Resurfacing (Portions of Alicia/Jeronimo/Marguerite)	\$2,300,100	Design ongoing through April 2020.
838	Residential Resurfacing Program (2020)	\$1,260,000	Design ongoing through April 2020.

PUBLIC SERVICES

314	Montanoso Recreation Center Rehab	\$1,193,950	Design scheduled to commence March 2020.
315	Craycraft Park Restroom/Snack Bar	\$800,000	Construction scheduled to commence in March 2020.
326	Marguerite Aquatics Pool Chillers	\$29,500	Construction scheduled for Summer 2020.

ONGOING PRIOR FISCAL YEARS PROJECTS

PUBLIC WORKS

224	Felipe/Oso Intersection Improvements	\$3,500,000	Final design ongoing through June 2021.
226	Oso/I-5 Northbound On-Ramp Improvements	\$750,000	Final design ongoing through 2020.
240	Los Alisos Boulevard Signal Synchronization	\$300,000	Implementation scheduled for May 2020.
756/ 761	La Paz Road/Bridge Widening	\$8,000,000	Federal construction authorization pending.

PUBLIC SERVICES

312	Christopher Park Playground Renovations	\$632,000	Construction ongoing through summer 2020.
313	Marty Russo Park ADA Ramp Improvements	\$215,000	Design complete. Construction authorization pending.

Updated: Jan 10, 2020



City of Mission Viejo

Planning and Transportation Commission Staff Report

Date: January 30, 2020

To: Planning and Transportation Commission

From: Sarah McMillan, Planning Technician through
Elaine Lister, Director of Community Development

For: Planning and Transportation Commission Meeting of February 10, 2020

Subject: Conditional Use Permit CUP2019-409 – Petition submitted by Gabriel and Monique Ruiz to permit a State Department of Alcoholic Beverage Control (ABC) Type 41 beer and wine license, for on-site consumption in conjunction with food service at a new gastropub restaurant, Wursthaus, located within Silverado Plaza at 25522 Jeronimo Road, in the CN (Commercial Neighborhood) zone.

RECOMMENDED ACTION

Adopt resolution approving CUP2019-409.

DISCUSSION

A. Background

The subject site is located at 25522 Jeronimo Road in the Silverado Plaza shopping center. The site is identified as Assessor Parcel Number (APN) 809-311-16. The site is immediately southeast of the City of Lake Forest and the intersection of Jeronimo Road and Los Alisos Boulevard, and north of the Via Fabricante Industrial Park. The site is surrounded by business commercial, fast food restaurants, and office uses such as Saddleback Unified School District. A vicinity map is provided as Attachment 2. The commercial shopping center features restaurants and services, including Cali's Pet Grooming, Appletree Montessori School and Rebel Femme Salon to name a few.

B. Project Description

The subject application is a request to permit a Type 41 (On-Sale Beer and Wine - Public Eating Place – Restaurant) liquor license from the California Department of Alcoholic Beverage Control (ABC) in conjunction with Wursthaus, a new sausage gastropub restaurant. The restaurant proposes serving alcoholic beverages (beer and wine) in conjunction with meals to enhance the customers dining experience. A site plan, floor plan, and letter of explanation are attached for reference (Attachments 3 and 4). The business, including alcoholic beverage service, propose hours from 11:00 a.m. to 12:00

a.m. Sunday through Tuesday, 11:00 a.m. to 1:00 a.m. Wednesday and Thursday, and 11:00 a.m. to 2:00 a.m. Friday and Saturday (Attachment 5). The interior of the restaurant serves, on average, 80 guests at any one time. The exterior patio where beer and wine will be served will accommodate serve up to 30 patrons at any one time. The nearest residential property is located over 500 feet to the north, across both Jeronimo and Los Alisos Parkway, in the City of Lake Forest.

The applicants propose to modify the existing façade of the end building unit, facing Jeronimo Road, to align with their restaurant brand identity. The applicants first restaurant located in Santa Ana, California comprises of a brick and industrial façade and they wish to reproduce that style Mission Viejo. The applicants assert that their Santa Ana location has established placemaking, in that the community recognizes their establishment and based on their food service, aesthetics and social offerings the public is drawn to return to their restaurant. Therefore, in order to establish brand cohesiveness, they are requesting to modify the suite from the existing stone and beige stucco to their restaurant design. Additionally, the restaurant owners have agreed with the City and property owners that, if they discontinue their occupancy, they will return the unit to its previous façade design. The proposed design enhancements were reviewed at Design Review Committee on February 4, 2020.

C. Concentration and Location Criteria

The subject property is located in Census Tract 320.28. This census tract is generally bounded by the BANSF Railroad to the west, Los Alisos Blvd to the north, Trabuco Road to the east, and Alicia Parkway to the south. For this census tract, the ABC authorizes a maximum of three (3) on-sale alcoholic beverage licenses. According to ABC, the census tract has been allotted nine (9) on-sale active licenses (Attachments 6). Therefore, there is an over-concentration for on-sale licenses within this census tract. While there may be a relatively high concentration of on-sale licenses in Census Tract 320.22, the project will not result in conditions detrimental to the public welfare because of the size of the census tract, the distance between food establishments in the area, and the fact that the subject parcel is not located within 100 feet of a residence or other sensitive use (i.e., school, park, religious institution etc.).

Additionally, Lt. Quyen Vuong, Chief of Mission Viejo Police Services, reviewed the subject application and has no concerns with the request to operate with an ABC license. Given information provided by ABC and analysis conducted by staff, including the Police Chief's assessment that no issues are anticipated with service of alcoholic beverages in a bona-fide public eating establishment, staff recommends approval of CUP2019-409 for a Type 41 Beer and Wine ABC license for Wursthhaus a Gastropub restaurant. ABC does not require a public convenience and necessity finding for on-sale ABC licenses (i.e. restaurants).

D. Environmental Determination

Article 19 "Categorical Exemption" of the California Environmental Quality Act includes a list of projects which have been determined not to have a significant effect on the environment and which are, therefore, exempt from CEQA. Staff evaluation of the

proposed use determined that the project qualifies as a Class 1 exemption for “Existing Facilities,” pursuant to Section 15301 of the CEQA Guidelines.

E. Project Land Use Consistency

The City of Mission Viejo General Plan Land Use Policy Map and the City of Mission Viejo Development code and Zoning Map designate the site as the “CN” (Commercial Neighborhood) The proposed on-site consumption of alcoholic beverages in conjunction with a restaurant is permitted in the CN zone with approval of a Conditional Use Permit.

F. Authority for Review

Section 9.11.020(c)(1) and Section 9.11.015 of the Mission Viejo Development Code require a Conditional Use Permit for an application of a new ABC License. The applicant has filed CUP2019-409 in response to this requirement. Applicable findings required in conjunction with a Conditional Use Permit are as follows:

1. General Plan. The project proposed is consistent with the General Plan.
2. Zoning Code. The use, activity or improvement(s) proposed by the application is consistent with the provisions of the Zoning Code.
3. CEQA. The approval for the permit application is in compliance with the requirements of the California Environmental Quality Act.
4. Compatibility. The location, size, design, and operating characteristics of the proposed use are compatible with existing and known future uses and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

G. Inter-Departmental Review

The application was reviewed by the City's Building Division, Public Services Department, Public Works Department and Police Services. Their comments, if any, are incorporated in the attached draft resolution of approval.

H. Notice

Notice was sent to all property owners within 300 feet from the subject site, placed in the newspaper, and posted as required by state and local law.

ATTACHMENTS

1. Draft resolution approving CUP2019-409.
2. Vicinity Map.
3. Letter of Explanation marked Exhibit “A” and dated 02/10/2020.
4. Plans marked Exhibit “B” and dated 02/10/2020.
5. Table of Restaurants and Bars Open Late in Mission Viejo
6. Report of the active licenses for the subject Census tract from the California Department of Alcoholic Beverage Control (ABC).
7. Census Tract map.
8. Planning Application.
9. Minutes from Design Review Committee (DRC) meeting February 4, 2020.

cc: Mohammed Baghdadi
West Ridge Commercial Inc.
23101 Mouton Pkwy Suite 210
Laguna Hills, CA 92653
mb@wcil.net

Gabriel Ruiz
Wursthaus, Inc.
35 Umbria
Lake Forest, CA 92630
gabriel@flooroc.com

This report was prepared by Sarah McMillan, Planning Technician: (949) 470-3020.

G:\CD\WP\currentplan\Sarah\Projects\CUP\CUP2019-409 - ABC - 25522 Jeronimo Rd - Wursthaus

RESOLUTION 2020-XXX

A RESOLUTION OF THE CITY OF MISSION VIEJO PLANNING AND TRANSPORTATION COMMISSION APPROVING CONDITIONAL USE PERMIT CUP2019-409, SUBMITTED BY GABRIEL AND MONIQUE RUIZ OF WURSTHAUS, INC., APPLICANTS, TO PERMIT A STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) TYPE 41 ON-SALE BEER AND WINE - PUBLIC EATING PLACE – RESTAURANT LICENSE, FOR ON-SITE CONSUMPTION IN CONJUNCTION WITH FOOD SERVICE AT A RESTAURANT, WURSTHAUS, LOCATED AT 25522 JERONIMO ROAD, IN THE CN (COMMERCIAL NEIGHBORHOOD) ZONE.

WHEREAS, Conditional Use Permit CUP2019-409 was filed by Gabriel and Monique Ruiz, applicants, in accordance with the provisions of the City of Mission Viejo Municipal Code; and

WHEREAS, Conditional Use Permit CUP2019-409 was processed in the time and manner prescribed by state and local law; and

WHEREAS, the Planning and Transportation Commission conducted a noticed public hearing on February 10, 2020, at which time interested persons had an opportunity to testify either in support or opposition.

NOW, THEREFORE, THE PLANNING AND TRANSPORTATION COMMISSION OF THE CITY OF MISSION VIEJO DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1 - FINDINGS

That the City of Mission Viejo Planning and Transportation Commission hereby makes the following findings:

1. That the proposed use is consistent with the City of Mission Viejo General Plan.
2. That the proposed use is conditionally permitted within the CN (Commercial Neighborhood) zoning district and complies with all of the applicable provisions of the City of Mission Viejo Development Code.
3. That the location, size, design, and operating characteristics of the proposed use are compatible with existing and known future uses and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

4. That the proposed use will not impair the integrity or character of the CN (Commercial Neighborhood) zoning district in which it is located.
5. That the subject site is physically suitable for the type and intensity of use being proposed.
6. That there are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use will not be detrimental to public health and safety.
7. That approval of the Conditional Use Permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act.
8. That the data and analysis upon which these findings of fact are based are set forth in staff report, staff presentations, public testimony, and Commission comments that constituted the Planning and Transportation Commissioners' review of this application.

SECTION 2 - ENVIRONMENTAL REVIEW

The Community Development Department staff examined the proposal and determined that it is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15301 "Existing Facilities" of the CEQA Guidelines.

SECTION 3 - CONDITIONS OF APPROVAL

That the City of Mission Viejo Planning and Transportation Commission hereby approves Conditional Use Permit CUP2019-409 to permit a Type 41 (On-Sale Beer and Wine - Public Eating Place – Restaurant) alcoholic beverage license in conjunction with Wursthaus, a restaurant located at 25522 Jeronimo Road subject to the following conditions:

1. That this approval constitutes approval of the proposed project only to the extent that the project complies with the City of Mission Viejo Development Code and any other applicable zoning regulations. Approval does not include any action or findings as to compliance or approval of the project regarding any other applicable ordinance, regulation or requirement.
2. That this approval is valid for a period of one year from the date of final determination. If the use approved by this action is not established within such period of time, CUP2019-409 shall expire unless upon written request by the applicant prior to the expiration date, an extension is granted by the Planning and Transportation Commission.
3. That except as otherwise provided herein, this permit is approved as a precise plan. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Director of Community Development for approval. If the Director determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and

that the action would have been the same for the changed plan as for the approved plot plan, the Director may approve the changed plan without requiring a new public hearing.

4. That the exterior façade of the lease space shall be remodeled in a manner consistent with that discussed and agreed upon in the February 4, 2020 Design Review Committee (DRC) meeting. Final plan showing the remodel shall be subject to joint review and approval by the Director of Community Development and Assistant City Manager / Director of Public Services (Attachment 9).
5. That this restaurant use vacate the premises, either the restaurant owner or property owner shall restore the exterior of the building to pre-existing conditions within 60 days of vacation of said restaurant use, including replacement of the original stone veneer, building colors, window features, etc., to the satisfaction of the Director of Community Development.
6. That if the approved use is discontinued for 90 continuous days or an aggregate of 120 days during any 365-day period, CUP2019-409 shall automatically lapse and shall become null and void.
7. That if, in the opinion of the Director of Community Development, any aspect of the restaurant creates a nuisance, the property owner and applicant shall take measures to eliminate the nuisance. For purposes of this condition, a nuisance includes, but is not limited to, the following:
 - A. Building exterior, roof, landscaping, grounds, walls, fences, driveways, parking lot, sidewalk, or walkways which are defective, hazardous, or unsightly;
 - B. Refuse placed so as to be visible from neighboring properties or streets;
 - C. Improperly maintained signs or illegal signs;
 - D. Occupancy exceeding the limit set forth in the City's Building Code, City's Fire Code, or this resolution, whichever limit is most stringent.
 - E. Lack of adequate ventilation, sanitation, or plumbing facilities, or a condition that constitutes a fire hazard;
 - F. Loitering;
 - G. Noise;
 - H. Parking congestion;
 - I. Overnight outside storage of vehicles;
 - J. Any other condition or practice declared by state, county, or City statute, code, or regulation to be a public nuisance;
 - K. Violation of the Planning and Transportation Commission's conditions of approval of CUP2019-409.
8. That all window signs, banners, pennants, A-frame signs, balloons, neon signs or other freestanding signs (with the exception of one "Open" sign), flashing or blinking lights, and flags (with the exception of the American or California State flag on a stanchion not

exceeding 20 feet in height) shall be prohibited at all times except as otherwise permitted in a City approved sign program. No exposed neon shall be located on the exterior portions of the building, including signage.

9. That the applicant shall maintain the premises in a clean and sanitary condition at all times. A trash control policy shall be instituted by the applicant to ensure the prompt removal of empty bottles, cans, and debris that may accumulate at the site. If at anytime in the future it is determined by the Director of Community Development that the trash facility is inadequate, the property owner at his/her expense shall expand the trash facility to meet trash requirements as evidenced by operations. All trash, storage of cartons, containers, and other discarded items shall be screened from public view at all times. The applicant agrees to work with Waste Management to develop a recycling plan to include employee training, and to utilize appropriate recycle containers.
10. That the applicant shall obtain a "Type 41" (On-Sale Beer and Wine - Public Eating Place – Restaurant) license from the California Department of Alcoholic Beverage Control prior to the sale of alcoholic beverages at the subject site. The on-sale of liquor shall be conducted in compliance with all California Department of Alcoholic Beverage Control rules and regulations. The applicant acknowledges that use of the subject facility is a restaurant and that it will not be converted into a bar.
11. That the applicant shall attend the Licensee Education on Alcohol and Drugs (LEAD) training seminar from the California Department of Alcoholic Beverage Control (ABC). Prior to the sale of alcohol, the applicant shall provide the City with proof that local managers have completed the State Alcoholic Beverage Control LEAD training.
12. That live entertainment or other uses not expressly permitted in this resolution shall not be allowed unless prior written approval by the Director of Community Development is received.
13. That the management of this business shall immediately report any incidents involving unusual disturbances, physical injury/altercations, or unlawful conduct to the City's Police Department. This business shall educate its management staff and employees of the need to report such incidents.
14. That the business hours of operation shall be 11:00 a.m. to 12:00 a.m. Sunday through Tuesday, 11:00 a.m. to 1:00 a.m. Wednesday and Thursday, and 11:00 a.m. to 2:00 a.m. Friday and Saturday unless longer hours are expressly authorized by the Director of Community Development.
15. That this approval excludes the rental of any portion of the subject lease space for a use not authorized under this approval without written approval by the Planning and Transportation Commission.

16. That this business operation shall be carried out in general conformance with the letter of explanation plans marked Exhibit “A”, and plans submitted by the applicant marked Exhibit “B” and dated February 10, 2020 for reference.
17. That this approval is expressly granted to Gabriel and Monique Ruiz of Wursthause and is not transferable unless and until the new owner/operator submits a letter to the City's Director of Community Development wherein said owner/operator states he/she has read, understands, and agrees to the conditions of approval of Conditional Use Permit CUP209-409.
18. That prior to use of the outdoor patio area, a separate outdoor seating permit must be obtained from the City.
19. That failure to abide by and faithfully comply with any and all conditions attached to the granting of this conditional use permit shall constitute grounds for revocation of said CUP approval by the Planning and Transportation Commission.
20. That this approval is contingent upon written acknowledgment from the property owner and applicant indicating that they accept the benefits conferred by this approval subject to the conditions imposed herein.

PASSED, APPROVED, AND ADOPTED THIS 10th DAY OF FEBRUARY, 2020.

Robert Breton, Chairman

Elaine Lister, Secretary

PROPERTY OWNER'S AND APPLICANT'S ACKNOWLEDGMENT

I have read, understand, and accept the conditions of approval set forth herein above in this resolution of approval for Conditional Use Permit CUP2019-409.

Date

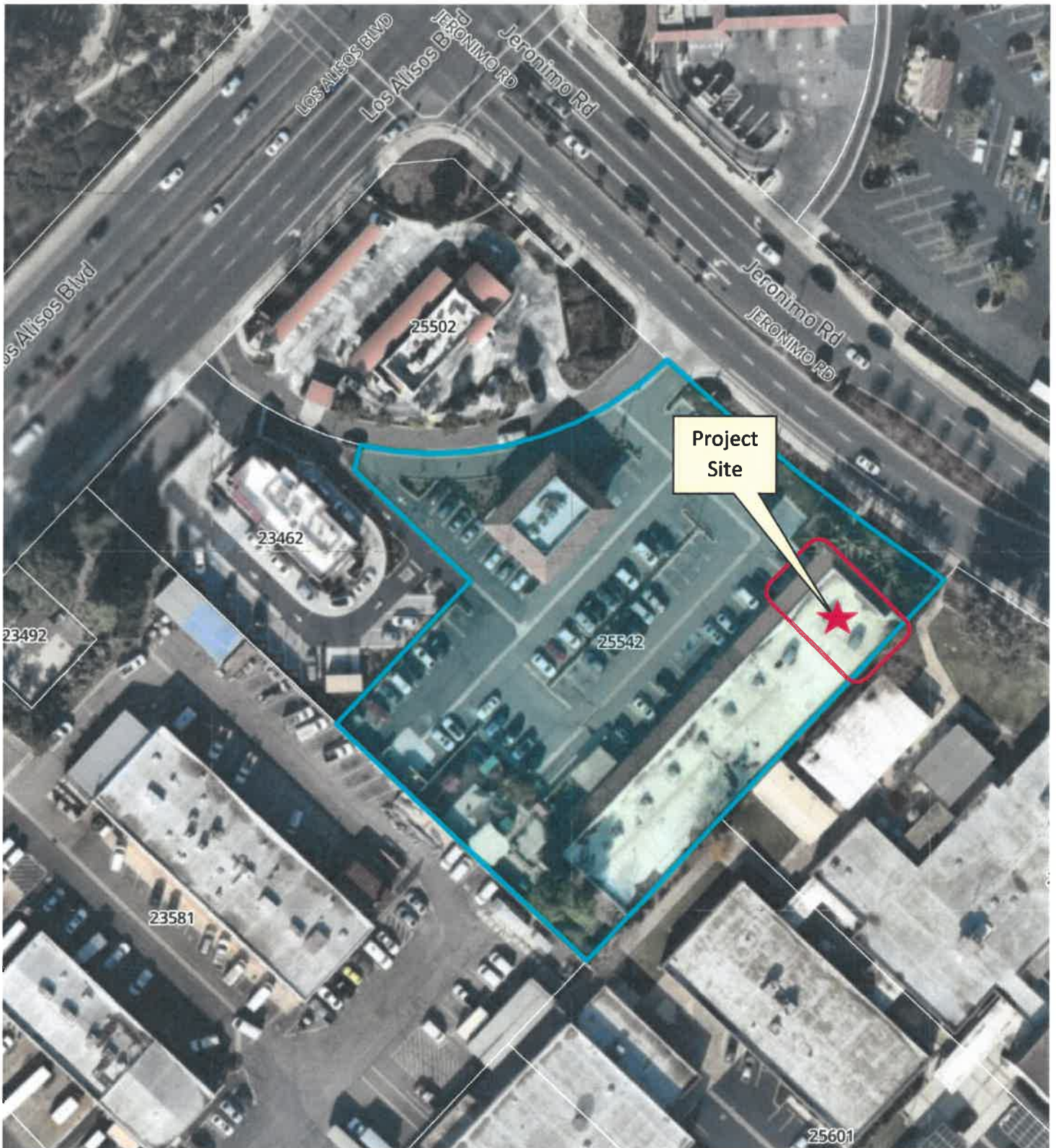
Gabriel Ruiz or Monique Ruiz, Wursthau Inc. (Applicant)

Date

Jeronimo LLC (Property Owner)

G:\CD\WP\currentplan\Sarah\Projects\CUP\CUP2019-409 - ABC - 25522 Jeronimo Rd - Wursthau

Vicinity Map



1" = 93 ft

CUP2019-409

02/10/2020



This map may represents a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

To whom this may concern,

We are Wursthhaus, a family oriented European style restaurant located in Downtown Santa Ana. We serve a variety of specialty sausages and 20 belgian and german beers on tap. Our current hours vary daily: Sunday-Tuesday 11am-12am, Wednesday & Thursday 11am-1am, and Friday & Saturday 11am-2am. Wursthhaus has become a staple in Downtown Santa Ana where families and friends can gather to enjoy delicious food and cold brews.

Wursthhaus was established in 2014 and has been a thriving success ever since. We take great pride in knowing that we have created a fun and safe environment for people of all ages to enjoy. Our menu items consist of traditional and exotic sausages, belgian style french fries, homemade dips & sauces, german pretzels and belgian waffles. Some of our most popular items are the alligator & rattlesnake sausage, our drunken fries, and the habanero cheese sauce for our brats and pretzel. We also offer vegan sausages that many of our customers appreciate as well. As for our beverages, we serve beer and wine, along with soft drinks.

Our goal is to expand Wursthhaus to Mission Viejo where we can create a welcoming, relaxed, and friendly environment for customers to enjoy, indoor and outdoor. We are requesting our restaurant hours be similar to Santa Ana: Sunday-Tuesday 11am-12am, Wednesday & Thursday 11am-1am, and Friday & Saturday 11am-2am. We would like to serve our food, beer, and wine on the patio for our guest to enjoy as well. We are also interested in hosting weekly events such as trivia nights, open mic nights, and possibly comedy nights to entertain our guests inside the restaurant. These events will likely take place during weekday hours, ending approximately around 10pm (depending on the event). We are also interested in becoming sponsors for local sports leagues for the youth in the community. Safety is our top priority for our guest and we are proud to say that we have never had an incident that required police assistance in our Santa Ana location. Our interior occupancy is expected to be roughly 80 patrons. In regard to our outdoor patio occupancy, it is set to be roughly 30 patrons.

There will be approximately 418 feet square footage that will be utilized in the outdoor patio space and surrounded by 3 feet 6 inches iron post, actual fencing will be made of distressed wood. We will also design hanging planter boxes of succulents on the outer side of the perimeter wall. These planter boxes will be roughly 6 inches in depth and 2 feet wide spread across sporadically across the wall. We will have a variety of colorful succulents along the wood wall in the planter boxes, however, we are not knowledgeable about succulents, so we will have someone who is knowledge about succulents come to inform us of which plants are best for the climate. We will water the succulents as needed. We plan on using pottery (as shown in the photo below) that we around the

outside of the patio. We plan to use a total of 3. One at the far end of the patio wood fence, one at the center of the wood fence, and one at the far right of the wood fence. The outdoor patio will only be accessed from the interior and emergency access from the exterior. Please refer to our submitted plans for greater detail.

In addition to the outdoor patio, we will be creating a painted facade of our logo that will be displayed on patio side wall and side-walk wall for guest to see. This facade will be designed as 1 foot 8 inches tall in height and the length being 9 feet ten inches and painted black and white. Underneath our logo on the patio side, we will build 2 benches (one of each side of the patio entrance door) made of wood that will hold 9 people and seated across two-top tables and stools (iron frame; wood seat) to eat and drink. These benches will be 10 foot 7 inches and the other side (near the door) will be 9 feet. There is also a countertop in the patio that will be 38 feet long and 42 inches tall made of quartz. The seats will be bar stool height made of iron and wood. All of the outdoor tables and benches will be similar to the inside of the current restaurant as depicted in the photos below. Please refer to architects plans for details.

There will be no ashtrays displayed on our patio, as smoking will be prohibited. In lieu of having trash cans outside, they will only be inside the restaurant because we will have servers and bussers consistently clear all trash from tables to take inside. We do not plan to have any awnings, canopies, or umbrellas displayed on our outdoor patio.

All dimensions are provided in the plans that have been submitted. Please refer to plans for greater details. Attached to this letter are photos that propose the ideas we are referring to, with slight differences.

We look forward to working with the city of Santa Ana in continuing the growth of Wursthause. We appreciate all the efforts and help in this process.

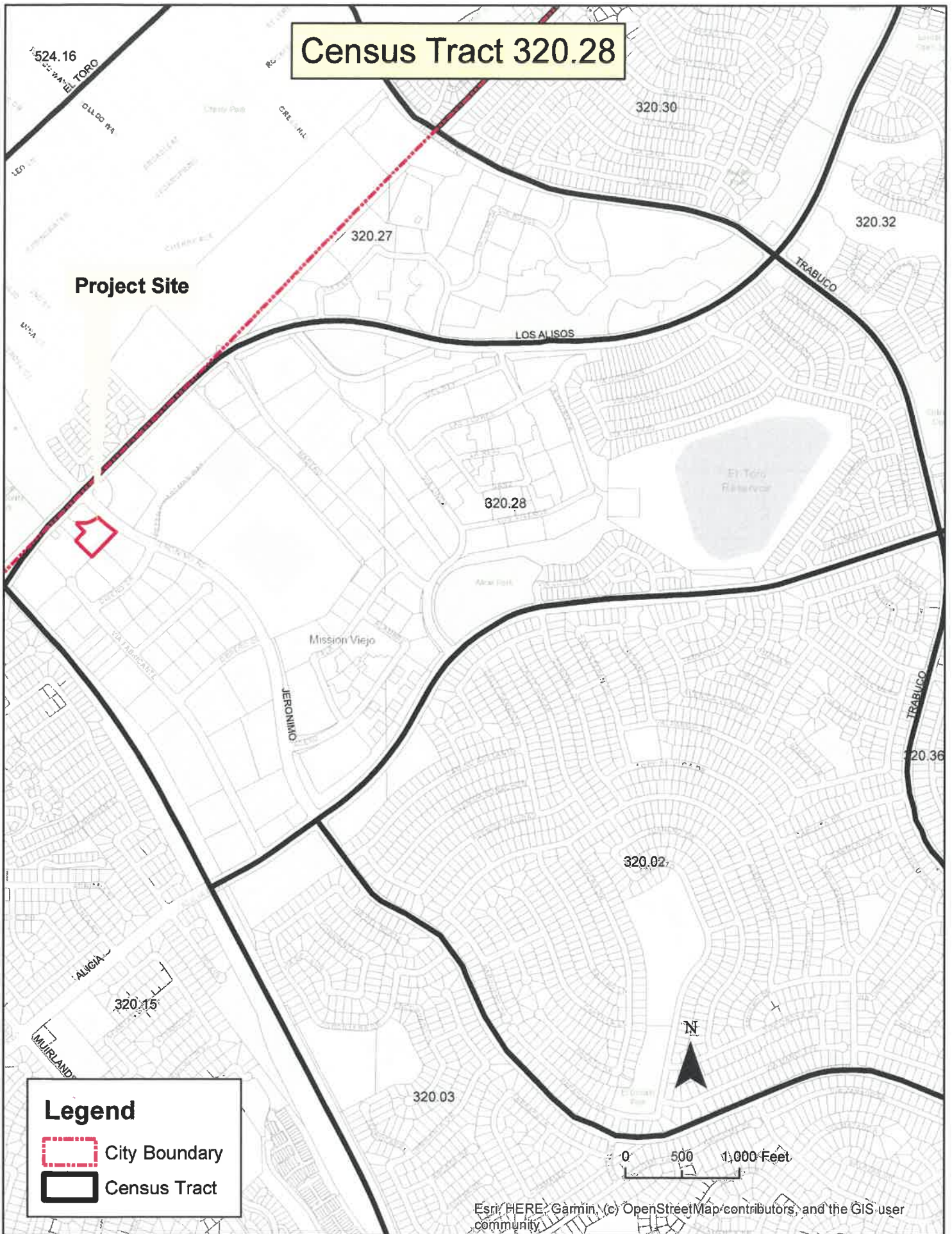
Best Regards,
Gabriel Ruiz

Restaurants and Bars Open Late in Mission Viejo

Restaurant	Address	Hours of Operation	Last Call Food Service	Zoning
<i>Patsy's Irish Pub</i>	25571 Jeronimo Rd, Mission Viejo, CA 92691	10 am to 2 am daily	Weekdays till 9:30 pm Weekends till 11 pm	(CN) Commercial Neighborhood
<i>Pub Thirty Two</i>	23962 Alicia Pkwy, Mission Viejo, CA 92691	Monday - Saturday 12pm - 2am Sunday - 11am - 2am	Fri and Sat – until 10 pm Sun -Thurs - until 9 pm Late Night Menu - every night 9 pm to 1 pm	(CN) Commercial Neighborhood
<i>Costello's Neighborhood Tavern</i>	27567 Puerta Real, Mission Viejo, CA 92691	M-Th 11am - 11pm Fri - Sat 11am - 2am Sun 11am - 11pm	No answer – recorded message only	(CH) Commercial Highway
<i>Hacienda on the Lake</i>	27792 Vista Del Lago Mission Viejo, CA 92692 (949) 215-7313	Sunday 10:00am - 10:00pm Mon, Wed & Thurs 11:00am - 10:00pm Tuesday 11:00am - 12:00am Fri & Sat 11:00am - 11:00pm	Serves food until closing	(CN) Commercial Neighborhood
<i>Mulleady's Pub and Grill</i>	27695 Santa Margarita Pkwy B, Mission Viejo, CA 92691	Mon: 11am - Close (Typical 9 - 10pm) Tues -Thurs: 11am - Close (Typical 10pm) Fri: 11am - Close (Typical 11 pm to 12:30 am) Sat & Sun: 9am - Close (10 pm to 11 pm)	Food service typically stops at 9pm	(CC) Commercial Community
<i>Oggi's Brewhouse (Sports & Pizza)</i>	24042 Alicia Pkwy Mission Viejo, CA 92691	Monday-Thursday 11am-10pm Friday-Saturday 11am-11pm Sunday 11am-10pm	Half hour before close	(CN) Commercial Neighborhood
<i>Riptide Rockin Sushi & Teppan</i>	27741 Crown Valley Pkwy Suite 325 Mission Viejo, CA 92691	M - W 5:00pm – 10pm TH - F 5:00pm – 12am Saturdays 11:00am – 12am Sundays 11:00am – 10pm	Serves food until closing	(CH) Commercial Highway
<i>Dublin 4 Gastropub</i>	26342 Oso Pkwy, Mission Viejo, CA 92691	Sunday - Thursday 11:30am - 10:30pm Friday - Saturday 11:30am-11:00pm	Kitchen closes at 9:30 pm every night	(OP) Office Professional
<i>Sol Agave</i>	27741 Crown Valley Pkwy, Mission Viejo, CA 92691	Mon - Thu: 11:00 am - 9:00 pm Fri - Sat: 11:00 am - 10:00 pm Sun: 10:00 am - 9:00 pm	Serves food until closing	(CH) Commercial Highway
<i>High Park Tap House</i>	23641 Via Linda, Mission Viejo, CA 92691	Mon - Sun 11:00AM - 10:00PM	9:30 last call for food	(BP) Business Park / Industrial
<i>Dry Society – at the Kaleidoscope in the Union Market</i>	27741 Crown Valley Pkwy, Mission Viejo, CA 92691	Sunday - Thursday: 12:00pm - 10:00pm Friday & Saturday: 12:00pm - 2:00am	No answer – recorded message only	(CH) Commercial Highway
<i>Old Camp Bar and Grill inside Ayres Hotel & Spa</i>	28951 Los Alisos Blvd, Mission Viejo, CA 92692	Sunday - Monday 4pm - 9pm Tuesday - Saturday 4pm - 10pm	Kitchen 5pm - 9pm daily	(CH) Commercial Highway

This report was prepared by Sarah McMillan, Planning Technician: (949) 470-3020.

License Number	Status	License Type	Orig. Iss. Date	Expir. Date	Primary Owner	Premises Addr.	Business Name	Geo Code
341040	ACTIVE	48	6/8/1998	5/31/2020	IMPERIAL REPUBLIC INC	25571 JERONIMO RD, # 5 & 6, MISSION VIEJO, CA 92691Census Tract: 0320.28	PATSY'S IRISH PUB	3027
346176	ACTIVE	41	11/30/1998	10/31/2020	CHEUNG, DA TING	25571 JERONIMO RD, STE 16, MISSION VIEJO, CA 92691Census Tract: 0320.28	SHANGHAI PLACE	3027
467234	ACTIVE	41	7/1/2008	6/30/2020	KOYA USA INC	24001 VIA FABRICANTE, STE 903, MISSION VIEJO, CA 92691-3163Census Tract: 0320.28	NORI SUSHI	3027
500264	SUREND	47	11/5/2010	10/31/2020	MARIA BARRIENTOS, LILIANA	25571 JERONIMO RD, STE 8, MISSION VIEJO, CA 92691-2726Census Tract: 0320.28	MAYA INN MEXICAN RESTAURANT	3027
503571	ACTIVE	47	4/27/2011	3/31/2020	SOLANA INVESTMENTS INC	23641 VIA LINDA, MISSION VIEJO, CA 92691-2807Census Tract: 0320.28	HIGH PARK TAP HOUSE	3027
547825	ACTIVE	41	10/13/2014	9/30/2020	FRANCO, KARINA	25542 JERONIMO RD, STE 6, MISSION VIEJO, CA 92691-2724Census Tract: 0320.28	HACIENDA LA JOYA	3027
576675	ACTIVE	41	8/28/2019	7/31/2020	MBSC, INC.	25800 JERONIMO RD, STE 402-403, MISSION VIEJO, CA 92691-2725Census Tract: 0320.28	HATAM RESTAURANT	3027
599327	ACTIVE	41	11/10/2018	10/31/2020	MANAHAN, JERRY ANGELES	25571 JERONIMO RD, STE 1 & 2, MISSION VIEJO, CA 92691-2726Census Tract: 0320.28	MANILA KUSINA GRILL	3000
603394	ACTIVE	41	4/15/2019	3/31/2020	LLC JL DEANDA ENTERPRISES	23981 ALICIA PKWY, STE 100, MISSION VIEJO, CA 92691-3944Census Tract: 0320.28	TAQUERIA DEANDA GRILL	3027





City of Mission Viejo Planning Application

PROPERTY OWNER OF RECORD

NAME Jeronimo LLC
ADDRESS 23105 Moulton Pkwy
Suite 210, CA 92653
PHONE 949-305-7929
E-MAIL mbe@ca.net

AUTHORIZED AGENT

NAME Michael Westridge Commercial
ADDRESS 23105 Moulton Pkwy #210
L.H. CA 92653
PHONE 949-305-7929
E-MAIL mbe@ca.net

APPLICANT

NAME Gabriel Ruiz
ADDRESS 35 Umbria
Lake Forest, CA 92630
PHONE 949-282-7649 714-661-0084
E-MAIL Gabriel@floroc.com

FOR OFFICE USE ONLY

APPLICATION FOR:

CONDITIONAL USE PERMIT (CUP)

Outdoor Seating (SP)
CASE NO.: CUP 2019-409 (JRC)
SP 2019-462

FEE: \$3,600 + \$300 DATE: 12/2/19

PROJECT LOCATION

ADDRESS: 25522 Jeronimo Rd.

ZONING AREA: CN

ASSESSOR PARCEL NO.: 809-311-16

Census
TRACT/P.M. No.: 320.28 LOT No.:

PROJECT DESCRIPTION

Including as appropriate: use (existing and proposed); number (of buildings, stories, units, rooms); size (of site-acreage, building height/square footage); operational characteristics; and other pertinent details.

Proposed use of space to be Wursthau - a sausage restaurant with specialty German + Belgium beers. We will utilize approximately 1500 ft plus an outdoor patio. We will create an outside facade to be that of brick, iron, + wood. Please see letter.

CERTIFICATION (sign and print name)

I have read and understand the requirements on the reverse side of this application. I certify that to the best of my knowledge the information I have presented in this form and accompanying materials is true and correct.

		<u>[Signature]</u>		<u>Gabriel Ruiz</u> Monique Ruiz	
		<u>[Signature]</u>		<u>12/11/19</u>	
PROPERTY OWNER	DATE	AUTHORIZED AGENT	DATE	APPLICANT	DATE
OF RECORD		<u>Michael Westridge</u>		<u>Gabriel Ruiz</u>	



MINUTES

Planning and Transportation Commission's
Design Review Committee
February 4, 2020

A Meeting of the Design Review Committee of **February 4, 2020 at 4:00 p.m.** in the Marguerite Room, at Mission Viejo City Hall, 200 Civic Center, Mission Viejo, California.

A complete copy of the agenda for the meeting containing the items as shown herein was posted on outdoor bulletin board at City Hall. Copies were also posted at the Montanoso Recreation and Fitness Center, 25800 Montanoso Drive, and the Norman P. Murray Community and Senior Center, 24932 Veterans Way.

Present: Vice Chairman, Robert Ruesch
Commissioner Joe Blum
Elaine Lister, Director of Community Development
Sarah McMillan, Planning Technician
Keith Rattay, Assistant City Manager/Director of Public Services
Gabriel Ruiz, Wursthau Inc.

AGENDA ITEM:

CONDITIONAL USE PERMIT CUP2019-409

Petition submitted by Gabriel Ruiz to permit a State Department of Alcoholic Beverage Control (ABC) Type 41 beer and wine license, for on-site consumption in conjunction with food service at a new restaurant, Wursthau, located within Silverado Plaza at 25522 Jeronimo Road, in the CN (Commercial Neighborhood) zone. A façade renovation is proposed for the new restaurant including a brick façade and new color scheme that will be incorporated into the existing color and material palette for the building.

Gabriel Ruiz, applicant, gave an overview of proposed exterior building modifications to the end unit. Questions were asked regarding the specifics of the design change such as color scheme, type of materials, fixtures and etc.

The existing stone work on the proposed patio side of the property, which faces Jeronimo road, will be removed and will be replaced with light tan brick. Additionally, on the patio wall mounted near the top right will be a painted sign on wood substrate consisting of the business name, Wursthau, which will be illuminated by galvanized steel gooseneck lighting fixtures. The northerly or the front side of the restaurant, that faces the parking lot, will continue the light tan

brick around the corner for approximately 4 to 5 foot. The remainder of the front of the restaurant will consist of an industrial matrix of windows surrounding by a complementary color tone of smooth stucco. The smooth stucco will continue the on face of the restaurant stopping before the adjacent unit, which ends where the existing front entrance of the restaurant is located. Additionally, on the front of the restaurant will be the restaurants white “W” logo mounted on wood substrate.

ADJOURNMENT

With no further business to come before the Design Review Committee at this session, the meeting was adjourned at 4:45 p.m.

Submitted by:

Elaine Lister, Director of Community Development



City of Mission Viejo

Planning and Transportation Commission Staff Report

Date: January 31, 2020

To: Planning and Transportation Commission

From: Nick Lagura, Associate Planner through
Elaine Lister, Director of Community Development

For: Planning and Transportation Commission meeting of February 10, 2020

Subject: Conditional Use Permit CUP2019-406 – Petition submitted by Feiyan You to permit operation of a new 1,400-square-foot massage establishment, New Squared Massage Spa, located in the Alicia Trabuco shopping center, at 26861 Trabuco Road, Suite C, in the CN (Commercial Neighborhood) zone.

RECOMMENDED ACTION

Adopt resolution approving CUP2019-406.

DISCUSSION

A. Project Location and Surrounding Land Uses

The project site is located in the Alicia Trabuco shopping center at 26861 Trabuco Road, Suite C, in the CN (Commercial Neighborhood) zone. Other tenants in the shopping center include Smart & Final, CVS, Cicero's Pizzeria, Subway, and Maison De Pho to name a few. The site is surrounded by single-family residential neighborhoods. A vicinity map is included as Attachment 2. The tenant space was formerly occupied by several massage establishments. New Nail and Skin Care Salon, approved under CUP1998-100, originally occupied the lease space in 1998. Subsequently, the business was replaced by Zen Day Spa in 2009, New Blessing Day Spa in 2013, and more recently, Six Star Villa Foot Spa, approved under CUP2017-369, occupied the lease space from 2017 to 2019.

B. Project Description

The subject application is to permit a new spa/massage establishment, New Squared Massage Spa. The proposed establishment will occupy approximately 1,400 square feet of lease area and will include seven massage therapy rooms with eight massage tables, reception/lobby area, restroom, and break room. Up to five massage therapists will be present onsite. Proposed business hours are from 10 a.m. to 10 p.m. daily. Services include traditional Swedish massage, deep tissue massage, foot massage, hot stone massage, and reflexology massage. The applicant currently operates an existing

establishment in Laguna Hills (24881 Alicia Parkway, Suite B). The applicant's letter of explanation is provided in Attachment 4.

All massage therapists working within the City of Mission Viejo are required to be licensed by the State of California. If the subject CUP application is approved by the Planning and Transportation Commission, the City will require the business to obtain a Massage Establishment License, while the individual therapists will each be required to provide the City a copy of a valid State of California massage therapist license. The City has the authority under Municipal Code Section 5.03.214 to inspect the massage establishment to ensure it adheres to this CUP application. In addition, a background check was conducted by the California Department of Justice on the applicant and the results have come back clean with no criminal record.

Parking

Parking for the facility will be within the existing parking lot for the center. In this particular case, staff does not believe the proposed business will create a parking demand beyond what is available in the center.

C. Environmental Determination

Article 19 "Categorical Exemption" of the California Environmental Quality Act includes a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from CEQA. Staff evaluation of the proposed massage establishment determined that the project qualifies as a Class 1 exemption, "Existing Facilities."

D. Project Land Use Consistency

The City of Mission Viejo General Plan and the City of Mission Viejo Development Code and Zoning Map designate the site as CN (Commercial Neighborhood). A massage establishment is permitted in this zoning district subject to approval of a Conditional Use Permit.

E. Authority for Review

This petition is being processed as a Conditional Use Permit. Section 9.11.015 of the Mission Viejo Development Code requires a Conditional Use Permit for a massage establishment in any commercial zone. The applicant has filed a Conditional Use Permit in response to this requirement. Applicable findings required in conjunction with a Conditional Use Permit are as follows:

1. General Plan. The project proposed is consistent with the General Plan.
2. Zoning Code. The use, activity or improvement(s) proposed by the application is consistent with the provisions of the Zoning Code.
3. CEQA. The approval for the permit application is in compliance with the requirements of the California Environmental Quality Act.

4. Compatibility. The location, size, design, and operating characteristics of the proposed use are compatible with existing and known future uses and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

F. Inter-Departmental Review

The proposed project was reviewed by the City's Building Official, Transportation Manager, City Engineer, Assistant City Manager/Director of Public Services and the Orange County Sheriff Department. No concerns were raised in response to the applicant's request. Additionally, the applicant, representatives of the property owner, and staff including Code Enforcement and Police Services, discussed the requirements for opening a massage establishment in the City during a pre-application meeting.

G. Notice

Notice was sent to all property owners within 300 feet of the subject site, placed in the newspaper, and posted as required by state and local law.

ATTACHMENTS

1. Draft Resolution approving CUP2019-406
2. Vicinity Map
3. Plans, marked Exhibit "A"
4. Letter of Explanation, marked Exhibit "B"
5. Planning Application

CC: Tim Chung
Westwood Financial
11440 San Vicente #200
Los Angeles, CA 90049
(310) 820-5443
tchung@westfin.com

G:\CD\WP\currentplan\Nick\Projects\^CUP\CUP2019-406_New Squared Massage

RESOLUTION 2020-XXX

A RESOLUTION OF THE CITY OF MISSION VIEJO PLANNING AND TRANSPORTATION COMMISSION APPROVING CONDITIONAL USE PERMIT CUP2019-406 SUBMITTED BY FEIYAN YOU, TO PERMIT A NEW 1,400-SQUARE-FOOT MASSAGE ESTABLISHMENT, NEW SQUARED MASSAGE SPA, LOCATED IN THE ALICIA TRABUCO SHOPPING CENTER, AT 26861 TRABUCO ROAD, SUITE C, IN THE CN (COMMERCIAL NEIGHBORHOOD) ZONE.

WHEREAS, Conditional Use Permit CUP2019-406 was filed by Feyian You in accordance with the provisions of the City of Mission Viejo Municipal Code; and

WHEREAS, Conditional Use Permit CUP2019-406 was processed in the time and manner prescribed by state and local law; and

WHEREAS, the Planning and Transportation Commission conducted a noticed public hearing on February 10, 2020, at which time interested persons had an opportunity to testify either in support or opposition.

NOW, THEREFORE, THE PLANNING AND TRANSPORTATION COMMISSION OF THE CITY OF MISSION VIEJO DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1 - FINDINGS

That the City of Mission Viejo Planning and Transportation Commission hereby makes the following findings:

1. That the proposed use is consistent with the City of Mission Viejo General Plan.
2. That the proposed use is conditionally permitted within the CN (Commercial Neighborhood) zoning district and complies with all of the applicable provisions of the City of Mission Viejo Development Code.
3. That the location, size, design, and operating characteristics of the proposed use are compatible with existing and known future uses and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.
4. That the proposed use will not impair the integrity or character of the commercial zoning district in which it is located.
5. That the subject site is physically suitable for the type and intensity of use being proposed.

6. That there are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use will not be detrimental to public health and safety.
7. That approval of the Conditional Use Permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act.
8. That the data and analysis upon which these findings of fact are based are set forth in the staff report for CUP2019-406, staff presentations, public testimony, and Commission comments that constituted the Planning and Transportation Commissioners' review of this application.

SECTION 2 - ENVIRONMENTAL REVIEW

The Community Development Department staff examined the proposal and determined that it is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15301 "Existing Facilities" of the CEQA Guidelines.

SECTION 3 - CONDITIONS OF APPROVAL

That the City of Mission Viejo Planning and Transportation Commission hereby approves CUP2019-406 to permit massage therapy services for New Squared Massage Spa, subject to the following conditions:

1. That this approval constitutes approval of the proposed project only to the extent that the project complies with the City of Mission Viejo Development Code and any other applicable zoning regulations. Approval does not include any action or findings as to compliance or approval of the project regarding any other applicable ordinance, regulation or requirement.
2. That this approval is valid for a period of one year from the date of final determination. If the use approved by this action is not established within such period of time, CUP2019-406 shall expire unless upon written request by the applicant prior to the expiration date, an extension is granted by the Planning and Transportation Commission.
3. That except as otherwise provided herein, this permit is approved as a precise plan. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Director of Community Development for approval. If the Director determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plot plan, the Director may approve the changed plan without requiring a new public hearing.
4. That if the approved use is discontinued for 90 continuous days or an aggregate of 120 days during any 365-day period, CUP2019-406 shall automatically lapse and shall become null and void.

5. That all window signs, banners, pennants, A-frame signs, balloons, neon signs (with the exception of one open/closed sign) or other freestanding signs, flashing or blinking lights, and flags (with the exception of the American or California State flag on a stanchion not exceeding 20 feet in height) shall be prohibited at all times except as otherwise permitted in a City approved sign program. No exposed neon shall be located on the exterior portions of the building, including signage, unless specifically permitted by City code. In addition, there shall be no curtains, or vinyl graphics placed on store front windows without Community Development Approval, and there shall be no signage in common area landscape or sidewalks.
6. That if, in the opinion of the Director of Community Development, an aspect of the business creates a nuisance, the property owner and applicant shall take measures to eliminate the nuisance. For purposes of this condition, a nuisance includes, but is not limited to, the following:
 - A. Building exterior, roof, landscaping, grounds, walls, fences, driveways, parking lot, sidewalk, or walkway that are defective, hazardous, or unsightly;
 - B. Refuse placed so as to be visible from neighboring properties or streets;
 - C. Improperly maintained signs or illegal signs;
 - D. Occupancy exceeding limit set forth in the City's Building Code, City's Fire Code, or this resolution, whichever limit is most stringent.
 - E. Lack of adequate ventilation, sanitation, or plumbing facilities, or a condition that constitutes a fire hazard;
 - F. Loitering;
 - G. Noise;
 - H. Parking congestion;
 - I. Overnight outside storage of vehicles;
 - J. Any other condition or practice declared by state, county, or City statute, code, or regulation to be a public nuisance.
 - K. Violation of the Planning and Transportation Commission's conditions of approval of this Conditional Use Permit.
7. That the applicant shall maintain the portion of the shopping center in close proximity to his business in a clean and sanitary condition at all times.
8. That the proposed use shall meet the City's interior and exterior noise standards.
9. That any change to the approved site plan or floor plan shall be subject to further review and approval by the Director of Community Development.
10. That applicable provisions of the California Building Code, Fire Code, and all other applicable City codes, ordinances, and development standards in effect at the time of this

approval shall be complied with. Building plans and permits will be required for any modification to the suite.

11. That the hours of operation of shall be limited to 10:00 a.m. to 10:00 p.m. daily.
12. That the business operations shall be carried out in general conformance with the plans and letter of explanation, marked Exhibits "A" through "B," respectively, for identification. Furthermore, the massage therapy rooms shall be located in accordance with the applicant's floor plan identified in Exhibit "A" of the staff report.
13. That the business shall have a maximum of five (5) customers in the establishment at any one time.
14. That the applicant shall comply with Mission Viejo Municipal Code Chapter 5.03 Division 2, Massage Establishments, and that the applicant shall obtain a Massage Establishment License from the City prior to the conduct of any massage activities.
15. That prior to commencement of massage therapy, all massage technicians and/or massage practitioners shall obtain the appropriate massage license from the State of California.
16. That all employees, massage technicians and massage practitioners shall be clean and dressed appropriately while performing services upon the premises. All patrons shall be appropriately draped while receiving such services.
17. That each service offered, price thereof, and the minimum length of time of such service, shall be posted in a conspicuous public location within the business. No services shall be performed and no sums shall be charged for such services other than those posted. All arrangements for services to be performed shall be made in a room in the massage establishment which is not used for administering massages, baths or health treatments. No massage technician or massage practitioner shall, after the commencement of any service for any patron, advise, suggest or otherwise indicate to such patron that any additional service is available, or ask or inquire of such patron whether such patron desires additional service to be performed. No massage technician or massage practitioner shall perform any service for any patron which was not ordered by such patron prior to the commencement of performance of any service rendered.
18. That no alcoholic beverages shall be sold, served, furnished, kept or possessed on the premises.
19. That this approval excludes the rental of any portion of the subject lease space for a use not authorized under this approval, without written approval by the Planning and Transportation Commission.

20. That no products/furniture shall be stored or displayed in storefront windows, to the satisfaction of the Assistant City Manager/Director of Public Services. Frosted vinyl 36” from the ground shall be used on the interior of the windows to screen the view of the furniture if it is placed in front of the windows in the tenant space.
21. That this approval is expressly granted to “New Squared Massage Spa” and is not transferable unless and until the new owner/operator submits a letter to the City's Director of Community Development wherein said owner/operator states he has read, understand, and agrees to the conditions of approval of Conditional Use Permit CUP2019-406.
22. That failure to abide by and faithfully comply with any and all conditions attached to the granting of this conditional use permit shall constitute grounds for revocation of said site plan approval by the Planning and Transportation Commission.
23. That this approval is contingent upon written acknowledgment from the property owner and applicant indicating that they accept the benefits conferred by this approval subject to the conditions imposed herein.

PASSED, APPROVED AND ADOPTED THIS 10TH DAY OF FEBRUARY 2020.

Robert Breton, Chairman

Elaine Lister, Secretary

PROPERTY OWNER'S AND APPLICANT'S ACKNOWLEDGMENT

I have read, understand, and accept the conditions of approval set forth herein above in this resolution of approval for Conditional Use Permit CUP2019-406.

Date

Feiyan You, Applicant

Date

Westwood Financial, Property Owner

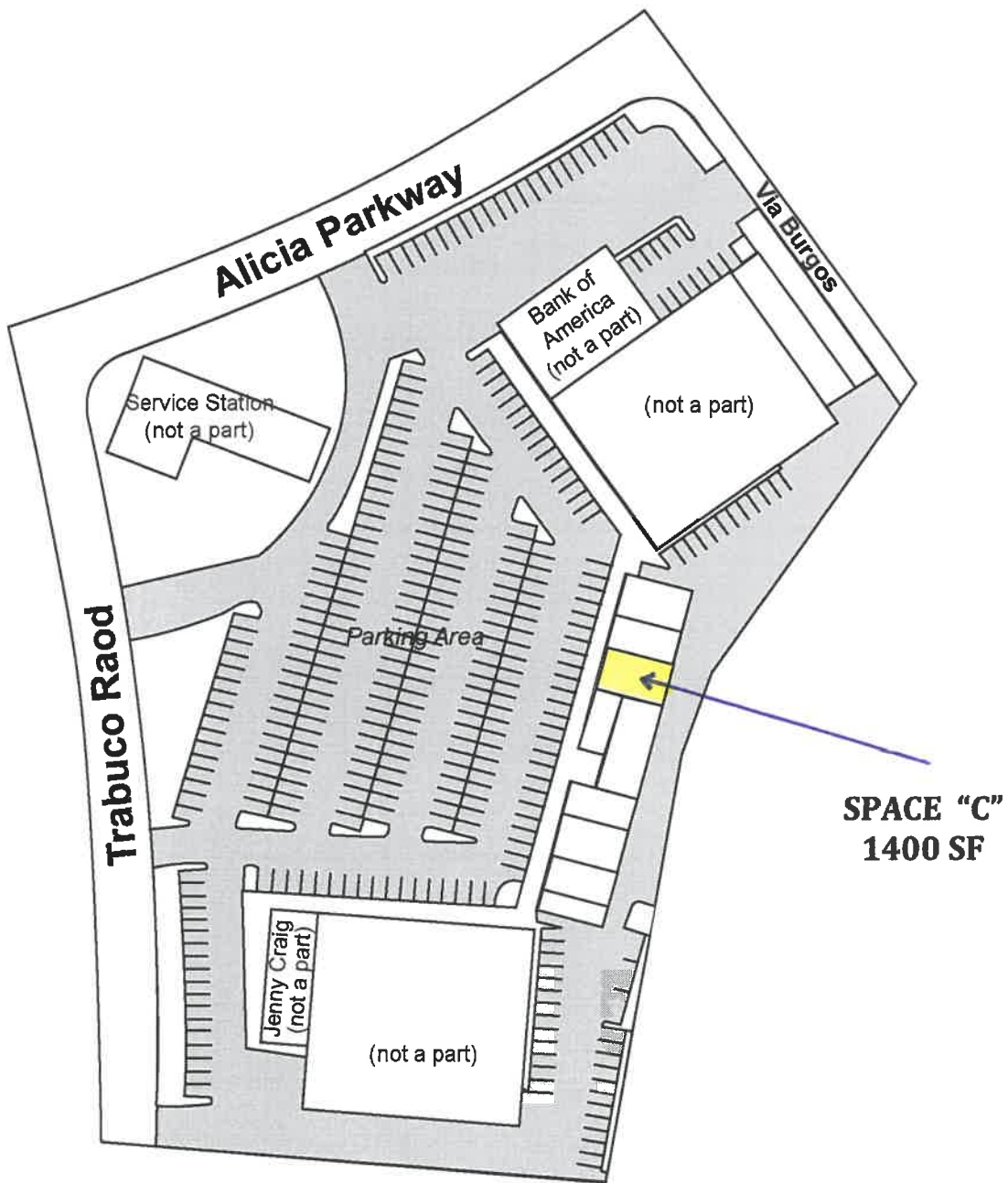
G:\CD\WP\currentplan\Nick\Projects\^CUP\CUP2019-406_New Squared Massage

Vicinity Map

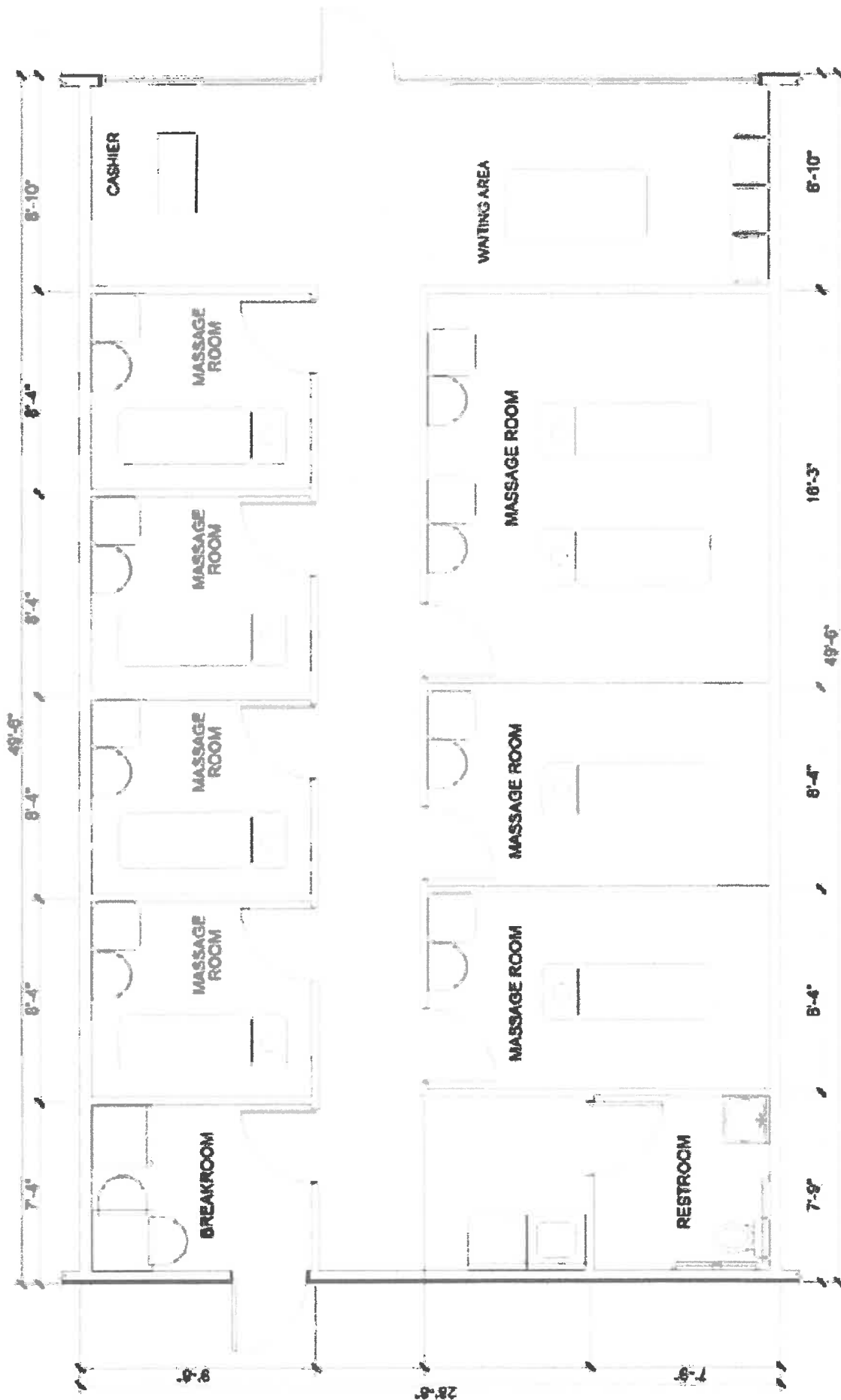


Project
Site

SITE PLAN



End of Exhibit



SCHEMIC FLOOR PLAN (NOT FOR CONSTRUCTION)
SCALE: 3/16" = 1'-0"

LETTER OF EXPLANATION JUSTIFICATION

New Squared Massage Spa plans to open a professional massage salon in a 1400 square foot facility in the Alicia/Trabuco Shopping Plaza located at 26861 Trabuco Road, Unit C, Mission Viejo, CA 92691. Operating hours will be from 10am to 10pm, seven (7) days a week. New Squared Massage Spa will provide a reasonably priced therapeutic massage in a caring, professional environment and will offer traditional Swedish Massage, Deep Tissue Massage, Foot Massage, Hot Stone Massage, and Reflexology Massage. Our goal is to tailor the client's experience based on initial interview information, as well as in-the-minute feedback during the massage, to insure the client's comfort and satisfaction, and to increase repeat business. We intend to offer massage that is effective, yet respectful of the client's personal boundaries, so that the experience is relaxing and energizing for both the client and the provider. We are mindful of the overall experience - using only the finest oils and lotions, appropriate scents, and soothing music, nature sounds or silence - as the client prefers. We initially anticipate approximately 10 to 20 clients per day, with the majority on weekends. Obviously, with that relatively low number of clients and the overall nature of the business, New Squared Massage Spa will not create any unusual noise, traffic or situations which may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.

Date:

10/22/19

Signed:

Feiyan You - Owner



City of Mission Viejo

Planning Application

PROPERTY OWNER OF RECORD

NAME Westwood Financial
 ADDRESS 11440 San Vicente Blvd. Suite 200
Los Angeles, CA ZIP 90049
 PHONE 310-820-5443
 E-MAIL _____

AUTHORIZED AGENT

NAME Feiyan You
 ADDRESS 701 Cipriano Place
Monterey Park, CA ZIP 91754
 PHONE 626-383-8768
 E-MAIL newmassagesquaredspa@gmail.com

APPLICANT

NAME Feiyan You
 ADDRESS 701 Cipriano Place
Monterey Park, CA ZIP 91754
 PHONE 626-383-8768
 E-MAIL newmassagesquaredspa@gmail.com

FOR OFFICE USE ONLY

APPLICATION FOR:
CONDITIONAL USE PERMIT

CASE NO.: CUP 2019-406

FEE: \$3,600 DATE: 10-18-19

PROJECT LOCATION
 ADDRESS 26861 Trabuco Rd.

ZONING AREA: CN Unit-C

ASSESSOR PARCEL NO.: 808-141-21

TRACT/P.M. NO.: _____ LOT NO.: _____

PROJECT DESCRIPTION

Including as appropriate: use (existing and proposed); number (of buildings, stories, units, rooms); size (of site-acreage, building height/square footage); operational characteristics; and other pertinent details.

location: 1400 square foot facility in the Alicia / Trabuco shopping
plaza located at 26861 Trabuco Road Unit C Mission Viejo, CA
92691 operating hours will be from 10am to 10pm 7 days a week.
The store has 7 rooms and we offer traditional Swedish Massage,
deep tissue Massage, Fast Massage, Hot Stone Massage and Reflexology
Massage.

CERTIFICATION (sign and print name)

I have read and understand the requirements on the reverse side of this application. I certify that to the best of my knowledge the information I have presented in this form and accompanying materials is true and correct.

See letter from

the application 10/18/19

PROPERTY OWNER
 OF RECORD

DATE

AUTHORIZED AGENT

DATE

APPLICANT

DATE

10/18/19

October 16, 2019

City of Mission Viejo
Planning Department
200 Civic Center,
Mission Viejo, CA 92691

RE: 26861 Trabuco Road, Unit 0103
Mission Viejo, CA 92691 ("Premises")

As the manager of Alicia Trabuco L.P., a California Limited Partnership, I hereby give my consent to allow Feiyan You ("Tenant"), to act on our behalf and apply for application and permits necessary for Tenant to occupy and use the Premises for a Professional Massage Salon.

If you have any questions, please contact Tim Chung, Associate General Counsel of Westwood Financial, at (310) 820-5443 or tchung@westfin.com.

Sincerely,



Tim Chung
Associate General Counsel
Westwood Financial
11440 San Vicente Boulevard, Suite 200
Los Angeles, California 90049



City of Mission Viejo

Planning and Transportation Commission Staff Report

Date: January 31, 2020

To: Planning and Transportation Commission

From: Tim Martin, Senior Planner through
Elaine Lister, Director of Community Development

For: Planning and Transportation Commission Meeting of February 10, 2020

Subject: Planned Development Permit PDP2019-311 - Petition submitted by Pramira Inc., agent for AT&T, to construct a new “small-cell” wireless telecommunication monopole facility located within the public right-of-way along Marguerite Parkway, adjacent to the U.S. Post Office at 28081 Marguerite Parkway, between Shops Boulevard to the north and College Center to the south. Equipment installed on the new 33’-5”-tall steel pole would include four remote radio units, one omni-directional antenna, and one raycap disconnect, all located at the top of the pole within an equipment shroud.

RECOMMENDED ACTION

Adopt resolution approving Planned Development Permit PDP2019-311.

DISCUSSION

A. Site Location

The project site is located within the public right-of-way along Marguerite Parkway on an existing sidewalk, adjacent to the U.S. Post Office at 28081 Marguerite Parkway, between Shops Boulevard to the north and College Center to the south. The subject site is located just south of the ingress/egress driveway for the Post Office. The subject site is further identified by the following coordinates: Latitude: 33.55456, Longitude: -117.670144. The site is located approximately 150 ft east of the Idyllwillow Apartments, across Marguerite Parkway. College Center, a retail shopping center, is located just south of the site while the Shops at Mission Viejo mall is located to the north. A vicinity map is included as Attachment 2.

B. Project Description

Planned Development Permit PDP2019-311 is a petition submitted by Pramira Inc., agent for AT&T, to construct a new “small-cell” wireless telecommunication monopole facility located within the public right-of-way along Marguerite Parkway, on an existing

sidewalk adjacent to the U.S. Post Office. More specifically, the proposed slim-line monopole has an overall height of 33'5", is 12" wide with a 2' x 6" base. Equipment installed on the new steel monopole would include one omni-directional antenna, four remote radio units, and one raycap disconnect, all located at the top of the pole within an equipment shroud. The omni-directional antenna mounted at the top of the pole is a low-powered pico node which will extend coverage and network capacity to the surrounding dense commercial area. The applicant states that the proposed monopole will utilize a fully integrated design which includes the radios, disconnect switch and cooling fans within the pole, maintaining a sleek profile. The antenna and other equipment on the monopole will be textured and painted to match other city poles and street lights. The proposed facility will also include equipment cabinets located underground so as to be screened from public view. The applicant states that any noise emitted by the installation is related to the speed of the internal cooling fans and is well within the level of usual noise for the roadside of a heavily trafficked commercial area. The proposed monopole will be setback five feet (4'11") from the face of curb to allow unrestricted pedestrian mobility along Marguerite Parkway and in accordance with required ADA clearances. AT&T also proposes to install a 12" high concrete retaining curb to maintain a clear pedestrian walkway due to a slight upslope to the west of the site and to meet ADA clearance requirements. AT&T states that the maintenance of the subject facility is minimal. AT&T will be responsible for maintenance of the telecom facility including, but not limited to, repairing any missing, discolored or damaged screening and prompt removal of graffiti. The proposed plans and photo simulations are included as Attachment 3 and 4 within this report.

The agent for the project, Matt Levesque of Pramira Inc., states in his letter of justification that "small cells" are low-power, low-profile wireless communications facilities that improve signal quality and capacity within AT&T's existing wireless network (Attachment 5). He further states that the proposed small cell facility will help AT&T provide and improve critical wireless services in the dense commercial area along Marguerite Parkway. Specifically, Mr. Levesque states that this proposed small cell facility will help improve AT&T's wireless services by offloading network traffic carried by existing macro cell site facilities in the area. In addition, he states that faster data rates allow customers to get on and off the network quickly, which produces more efficient use of AT&T's limited spectrum. Furthermore, Mr. Levesque says by placing the small cell facility in areas where AT&T's existing wireless telecommunications facilities are constrained, and where AT&T experiences especially high network traffic, AT&T can address the existing and forecasted demand, and may support 5G speeds in the future. However, the facility currently proposed would utilize 4G technology only, not 5G. Use of 5G technology would require separate and additional approval. The propagation plots for the subject AT&T facility are included as Attachment 6 of this staff report.

AT &T has identified an initial plan to install two of these small cell facilities, one at the subject site and one across Marguerite Parkway located approximately 1,750 feet south of the subject site. This second site would also be located on the sidewalk within the public

right-of-way adjacent to the Conroy's Flowers store at 28442 Marguerite Parkway. This second site has been submitted separately under PDP2019-312. This small cell facility will be of the same design (Pico Node) and total height as the subject small cell monopole. Overall, AT&T anticipates a total of 15 future small cell sites located within the City. Each of these sites would be submitted separately as a Planned Development Permit. A map showing the 15 proposed future sites is included as Attachment 7.

The Federal Telecommunications Act of 1996

Wireless facilities in the U.S. are governed by the Federal Telecommunication Act of 1996, which was intended to balance the national interest in advanced communications infrastructure deployment with the local interest in maintaining authority to protect public health, safety and welfare. The industry is also regulated by the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC), and the City is subject to the Telecommunications Act, FCC regulations, and state law and regulations that control cell site deployments. Under the Act, the City may not regulate the placement, construction or modification of wireless service facilities in a manner that prohibits or effectively prohibits the provision of personal wireless services. Although recent FCC regulations limit local authority over small wireless facilities, federal law does not prohibit a City from reviewing a small cell facility for its aesthetics and location under reasonable, nondiscriminatory, objective, and published criteria. Pursuant to the California Constitution and Section 7901 of the California Public Utilities Code, carriers have a right to construct telecommunications facilities and place poles within the public rights-of-way so long as it does not obstruct or disturb the public way (Attachment 8).

On October 15, 2018, the Federal Communications Commission published a Declaratory Ruling and Third Report and Order (WT Docket No. 17-79 and WC Docket 17-84), which went into effect January 14, 2019, and imposes certain limits on state and local government's ability to regulate the deployment of small cell telecommunication facilities (Attachment 9). The Declaratory Rule and Order limits the type and amount of fees the City can collect for private use of public property and limits the City's ability to regulate design aesthetics. The City must review wireless facility applications within a reasonable period of time, as defined pursuant to a shot clock (90 day shot clock for wireless facilities on new structures). Any decision to deny the application must be supported by substantial evidence contained in a written record.

Small Cell Wireless Facility Encroachment Permit

AT&T will be required to obtain from the City an encroachment permit for maintenance of each wireless installation located in the City's right-of-way, for each year (or partial year). The Encroachment Permit Fee is per structure and includes all appurtenant equipment and facilities used in connection with the wireless facility. The encroachment permit for this wireless facility is \$1,000 per year. This encroachment permit fee does not include any required building permits or encroachment permits required for initial installation.

C. Alternate Site Analysis

Prior to filing the subject application with the City of Mission Viejo, the applicant considered other potential sites for the location of its wireless telecommunications facility (Attachment 10). Based upon network build-out plans and RF propagation analysis the applicant ultimately decided upon this site after considering the unique characteristics of the other candidates. It is the applicant's assertion that this location provides the greatest likelihood for satisfying the carrier's needs while minimizing potential detrimental impacts to the City.

D. Radio Frequency (RF) Study

A radio frequency (RF) emissions study was prepared and concluded that the RF exposure of the wireless facility for the general public is below the required maximum established by the Federal Communications Commission (FCC). As demonstrated in the study, the general public calculated cumulative RF exposure level at the ground would be 0.00068% of the maximum allowed, and the nearest second-story elevation of any nearby building would be at 0.16% of the maximum allowed, and therefore would not pose a safety concern based on FCC standards (Attachment 11).

E. Project Land Use/Zoning Consistency

The City of Mission Viejo General Plan Land Use Policy Map and the City of Mission Viejo Development Code and Zoning Map both designate the site as "CH" (Commercial Highway). The proposed wireless telecommunications facility is allowed in this zone with the approval of a Planned Development Permit.

F. Inter-Departmental Review

The proposed project was reviewed by the City's Building, Public Services, and Public Works Departments. Their conditions of approval, if any, have been incorporated in the attached draft resolution of approval.

G. Design Review

The Commission's Design Review Committee comprising Commissioners Ruesch and Blum reviewed the wireless telecommunication project on January 29, 2020. The Applicant presented an overview of the proposed AT&T project and responded to Commissioner comments and questions. A copy of the meeting minutes is attached for reference (Attachment 14).

H. Environmental Review

Article 19 "Categorical Exemption" of the California Environmental Quality Act includes a list of projects which have been determined not to have a significant effect on the environment and which are, therefore, exempt from CEQA. Staff evaluation of the proposed use determined that the project qualifies as a Class 3 exemption for "New Construction or Conversion of Small Structures," pursuant to Section 15303 of the CEQA Guidelines.

I. Notice

Notice of this public hearing was sent to all property owners within 300 feet of the subject site, placed in the newspaper, and posted as required by state and local law.

Attachments

1. Draft resolution approving PDP2019-311.
2. Vicinity/Aerial Map.
3. Plans marked Exhibit "A".
4. Photo simulations of proposed facility marked Exhibit "B".
5. Applicant's letter of explanation marked Exhibit "C."
6. Propagation/coverage maps marked Exhibit "D."
7. Map of the 15 potential future sites where AT&T would like to add small cell sites within the City.
8. California Public Utilities Code – PUC, Division 4, Chapter 3. Telegraph or Telephone Corporations (7901 – 7912) for reference.
9. Federal Communications Commission- Small Entity Compliance Guide - Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79 and WC Docket No. 17-84.
10. Alternative Site Analysis submitted by the applicant.
11. Radio frequency (RF) Study submitted by the applicant.
12. FCC Appendix A Checklist submitted by the applicant.
13. AT&T and Small Cells Design Review Presentation, dated January 29, 2020.
14. Minutes from the January 30, 2020 Design Review Committee meeting.
15. Planning Application and Initial Study submitted by the applicant.

cc: Matt Levesque
Site Acquisition Manager
Pramira Inc.
2552 Walnut Ave, Ste #200
Tustin, CA 92780
(714) 266-5950
matt.levesque@pramira.com

Dan Vosenilek
Area Manager Network Engineering
New Cingular Wireless, PCS, dba AT&T Mobility
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(714) 562-716-4647
dv574p@att.com

Cory Autrey
Vice President, Land Use Entitlements
Wireless Policy Group LLC (AT&T Consultant)
147 W. Route 66, #643, Glendora, CA 91740
626-290-3143
cory.autrey@wirelesspolicy.com

This report was prepared by Tim Martin, Senior Planner:
Ph. (949) 470-3025 or Email: tmartin@cityofmissionviejo.org

RESOLUTION 2020-XXX

A RESOLUTION OF THE CITY OF MISSION VIEJO PLANNING AND TRANSPORTATION COMMISSION APPROVING PLANNED DEVELOPMENT PERMIT PDP2019-311, BEING A PETITION SUBMITTED BY PRAMIRA INC., AGENT FOR AT&T, TO CONSTRUCT A NEW “SMALL-CELL” WIRELESS TELECOMMUNICATION MONOPOLE FACILITY LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY ALONG MARGUERITE PARKWAY, ADJACENT TO THE U.S. POST OFFICE AT 28081 MARGUERITE PARKWAY, BETWEEN SHOPS BOULEVARD TO THE NORTH AND COLLEGE CENTER TO THE SOUTH. EQUIPMENT INSTALLED ON THE NEW 33’-5”-TALL STEEL POLE WOULD INCLUDE FOUR REMOTE RADIO UNITS, ONE OMNI-DIRECTIONAL ANTENNA, AND ONE RAYCAP DISCONNECT, ALL LOCATED AT THE TOP OF THE POLE WITHIN AN EQUIPMENT SHROUD.

WHEREAS, Planned Development Permit PDP2019-311 for the construction of a wireless telecommunications facility was filed by Pramira Inc., agent for AT&T, in accordance with the provisions of the City of Mission Viejo Municipal Code; and

WHEREAS, Planned Development Permit PDP2019-311 was processed in the time and manner prescribed by state and local law; and

WHEREAS, telecommunications facilities can be allowed in any of the City’s zoning districts, including the CH (Commercial Highway) zoning district, provided approval of a Planned Development Permit is first obtained; and

WHEREAS, in order to grant approval of a Planned Development Permit, the reviewing authority, which in this case is the Planning and Transportation Commission, must make all of the findings set forth in Section 9.47.030 of Title 9 the Mission Viejo Municipal Code; and

WHEREAS, the Planning and Transportation Commission conducted a noticed public hearing on February 10, 2020, at which time interested persons had an opportunity to testify either in support of or opposition to the proposal; and

NOW, THEREFORE, THE PLANNING AND TRANSPORTATION COMMISSION OF THE CITY OF MISSION VIEJO DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1 - FINDINGS

That the Planning and Transportation Commission of the City of Mission Viejo hereby makes the following findings:

1. That the proposed wireless telecommunications facility is permitted within the subject zoning district and complies with the applicable provisions of the City of Mission Viejo Development Code, including prescribed development standards and design guidelines.

2. That the subject site is physically suitable for the type and intensity of the land use being proposed.
3. That the proposed wireless telecommunications facility would be harmonious and compatible with existing and future developments within the zoning district and general area.
4. That the proposed wireless telecommunications facility is harmonious and compatible with the land uses presently on the subject property.
5. That there are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed development is not detrimental to public health and safety.
6. That there is adequate public access to serve the proposed wireless telecommunications facility.
7. That the proposed wireless telecommunications facility is consistent with the General Plan.
8. That the location, size, design and operating characteristics of the proposed wireless telecommunications facility are not detrimental to the public interest, health, safety, convenience or welfare of the City.
9. That the approval of the Planned Development Permit for a wireless telecommunications facility is in compliance with the requirements of the California Environmental Quality Act.
10. That the data and analysis upon which these findings of fact are based are set forth in the staff report for Planned Development Permit PDP2019-311, staff's oral presentation, public testimony, and Commissioner comments which constituted the Planning and Transportation Commission's review of this application.

SECTION 2 - ENVIRONMENTAL REVIEW

The Community Development Department staff examined the proposal and determined that the unmanned communication facility is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15303 "New Construction or Conversion of Small Structures" of the CEQA Guidelines.

SECTION 3 - CONDITIONS OF APPROVAL

That the Planning and Transportation Commission of the City of Mission Viejo hereby approves Planned Development Permit PDP2019-311, subject to the following conditions:

1. That this approval constitutes approval of the proposed project only to the extent that the project complies with the Mission Viejo Development Code. Approval does not include any action or findings as to compliance or approval of the project regarding any other applicable ordinance, regulation or requirement.
2. That this approval is valid for a period of twelve months from the date of final determination. If the use approved by this action is not established within such period of time, Planned Development Permit PDP2019-311 shall expire unless the applicant submits a written request for an extension to the Director of Community Development prior to the expiration date; the extension request shall be subject to review and approval by the Planning and Transportation Commission.
3. That except as otherwise provided herein, this permit is approved as a precise plan. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Director of Community Development for approval. If the Director determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plot plan, the Director may approve the changed plan without requiring a new public hearing or referral to the Planning and Transportation Commission.
4. That Planned Development Permit PDP2019-311 shall be valid for a period of ten years from the date of installation. Upon request by the City at any time during the term, applicant shall provide the City with a certificate of continued compliance with the Conditions of Approval. The Permit shall remain valid for the term unless either the City's Director of Community Development or the Planning and Transportation Commission finds that there has been a history of well-founded written complaints related to the use and that the applicant has violated the Conditions of Approval, or that the appearance of the installation has deteriorated in violation of the Conditions of Approval. Any revocation of this approval shall be preceded by public notice and public hearing.
5. That except as modified by the terms of this approval, the wireless telecommunications facility shall be constructed and maintained by the applicant in substantial conformance with the construction plans, photo simulations, and letter of explanation submitted by the applicant, and included as Exhibit A, Exhibit B and Exhibit C, and for identification.
6. That appropriate clearances from the City's Building, Public Services, and Public Works Departments shall be secured prior to establishing the communication facility. The proposed project shall require a building permit from the City's Building Division. The proposed project will be subject to conformance with all adopted City codes and ordinances and Title 24 access requirements in effect at the time of submittal. The proposed work shall be designed by a California registered civil or structural engineer or

architect. Plans and building permits shall be required for all the proposed work, including retaining walls, and any fencing in excess of 6' in height. Structural calculations prepared by a California Registered Professional shall be required for the design of the unmanned equipment facility and antennas, and shall be reviewed and approved by the Building Services Division. Detailed construction plans shall be submitted to the Public Works Department to determine whether or not the facility requires a grading permit.

7. That prior to the issuance of a building permit, the applicant shall comply with all applicable provisions of the 2019 California Building Code, the 2018 International Building Code (IBC), American Society of Civil Engineers (ASCE) standard 7-16 for Minimum Design Loads and Associated Criteria for Buildings and Other Structures, California Fire Code, and Mission Viejo Municipal Code. In addition, the project must provide structural calculations; including providing wind and seismic design criteria.
8. That an encroachment permit from the Public Works Department will be required for installation within the public right-of-way.
9. That a minimum of four feet clearance on the sidewalk shall be maintained around any structures/devices for the path of travel on the sidewalk.
10. That no separate meter/power pedestal shall be installed. The City will require the use of a Wireless Tariff Rate (WTR) to provide electrical power for any equipment.
11. That any equipment associated with this project, excluding the monopole and base must be placed in an underground vault.
12. That all concrete placed (i.e. sidewalk) that comes in contact with native soils shall contain Type V cement.
13. That if any cuts are made into existing asphalt for the installation of conduit, etc., the subject roadway shall be ground down and overlaid from the gutter line to the centerline or median of roadway. All street cuts are subject to the requirements of the City's Street Trench Cut Moratorium.
14. That any required retaining walls will require a separate Building Permit from the City's Community Development Department.
15. That any damaged landscaping, hardscape, etc. shall be repaired or replaced to the satisfaction of the City Engineer.
16. That unenclosed construction operations shall not commence prior to 7:00 a.m. Monday through Saturday and shall cease before 8:00 p.m. on those days. There shall be no unenclosed construction activities on Sunday or a federal holiday, as celebrated by the City of Mission Viejo. Further, the applicant agrees that preventative maintenance at the

subject facility shall be permitted only during the hours from 8:00 a.m. to 6:00 p.m., except under emergency circumstances.

17. That any mitigation measures and/or similar recommendations provided in the project RF report, including the posting of explanatory warning signs, shall be implemented by the carrier to ensure compliance with Federal Communication Commission (FCC) guidelines, with implementation to be field verified by City staff prior to operation of the facility.
18. That no off-premises or on-premises signs shall be permitted in conjunction with the wireless telecommunications facility, except as required by law, or for RF warning.
19. That all antennas and related equipment shall have a non-corrosive, non-metallic finish that is not conducive to reflection or glare. The exact color of all aspects of the facility shall be subject to review and approval by the City's Director of Community Development to ensure there is no misunderstanding in this regard prior to the issuance of a building permit.
20. That if at any time in the future an exterior stationary noise generating source associated with the wireless telecommunications equipment installed at this location causes a disturbance to adjoining properties or residential tracts as determined by the Director of Community Development, the applicant shall provide additional sound attenuation through the use of enclosures or other means, to the satisfaction of the Director of Community Development.
21. That the Planning and Transportation Commission reserves the right to terminate this approval and cause the antennas to be removed if the use is interfering with electrical equipment in the surrounding neighborhood (i.e. television, radio, telephone, computer, etc.), in violation of FCC rules and regulations, or if it is causing a health hazard according to FCC policies and guidelines, including operative testing. Any rescission of this approval by the Commission shall be preceded by public notice and a public hearing, and shall be supported by well documented findings.
22. That the applicant shall provide evidence of: (i) co-operative agreements from other co-located carriers of any co-operative mitigation measures to be implemented, and (ii) mitigation measures that are to be implemented by other workforce parties such as property owners/managers who may have employees or contract personnel in the vicinity of the proposed antenna(s) have been implemented.
23. If a support structure, or an antenna array affixed to a support structure, becomes inoperable or ceases to be used for a period of 6 consecutive months, the permittee must give written notice of such inoperability or nonuse to the Director of Community Development. The antenna array and, if applicable, the support structure, must be

removed within a 90-day period. If such removal does not occur, the City may remove the antenna array and, if applicable, the support structure, at the permittee's expense; provided, however, that if other antenna arrays owned or operated by other service providers are affixed to the same support structure, then only the antenna array that has become inoperable or has ceased to be used is required to be removed, and the support structure may remain in place until all service providers cease to use it.

24. That failure to abide and faithfully comply with any and all conditions of this approving action shall constitute grounds for the revocation of said action by the Planning and Transportation Commission.
25. That prior to issuance of a building permit, the applicant shall provide the City with the name and contact information for the engineering and maintenance departments at AT&T responsible for the subject site. This information shall also be posted at the subject site and this condition shall apply to all AT&T facilities within the City of Mission Viejo. When contact information changes, the applicant shall update the City of Mission Viejo and the sites.
26. That during installation of the small cell wireless facility, or if at any time in the future AT&T would like to add fiber at this wireless telecommunications facility, that AT&T shall contact and discuss the feasibility of adding additional conduit for City use as part of the installation.
27. That AT&T will be required to obtain from the City an encroachment permit for maintenance of each wireless installation located in the City's right-of-way, for each year (or partial year). The Encroachment Permit Fee is per structure and includes all appurtenant equipment and facilities used in connection with the wireless facility. The encroachment permit for this wireless facility is \$1,000 per year. This encroachment permit fee does not include any required building permits or encroachment permits required for initial installation.
28. That the subject small cell wireless facility will utilize 4G technology only, not 5G. That the use of 5G technology would require separate and additional approval.
29. That this approval is contingent upon written acknowledgment from the applicant to the effect that they have read, understand, and agree to these conditions of approval.

PASSED, APPROVED AND ADOPTED THIS 10th DAY OF FEBRUARY, 2020.

Robert Breton, Chairman

Elaine Lister, Secretary

PDP2019-311

Page 8

PROPERTY OWNER'S/ APPLICANT'S ACKNOWLEDGMENT

I have read, understand, and accept the conditions of approval set forth herein above in this resolution of approval for Planned Development Permit PDP2019-311.


Date

Matt Levesque, Pramira Inc. (Agent)

Date


Officer, AT&T (Applicant)



<p>1" = 147 ft</p>		<p>01/08/2020</p>	
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This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.



<p>1" = 57 ft</p>		<p>01/08/2020</p>	
<p>This map may represent a visual display of related geographic information. Data provided here on is not guarantee of acrtual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.</p>			



SITE NAME: MSVJ1_016A
SITE NUMBER: CRAN_RLOS_MSVJ1_016
PROJECT: CRAN / SMALL CELL/ PICO
FA #: 14823495 / USID #: 213685
PACE#: MRLOS052274
POLE TYPE: (N) STEEL MONOPOLE
POLE ID #: TBD
LATITUDE/LONGITUDE: 33.55456/-117.670144
SITE ADDRESS: 28081 MARGUERITE PKWY,
MISSION VIEJO, CA 92691



ERICSSON

330 COMMERCE, STE. 200
IRVINE, CA 92602



Pramira

2552 WALNUT AVE.
TUSTIN, CA 92780

REV	DATE	DESCRIPTION	BY
1	10/20/19	99% COA RELEASE	MD/PT
0	09/17/19	99% COA	MD/PT

PROJECT DESCRIPTION

• INSTALL (1) NEW STEEL MONOPOLE.
• INSTALL (4) NEW AT&T REMOTE RADIO UNITS.
• INSTALL (1) NEW AT&T OMNI-DIRECTIONAL ANTENNA.
• INSTALL (1) NEW AT&T EQUIPMENT SHROUD.
• INSTALL (1) NEW RAYCAP DISCONNECT.
• INSTALL (1) NEW RAYCAP F.

THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS & AUTHORIZE THE SUBCONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREIN. ALL DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT & MAY IMPOSE CHANGES OR MODIFICATIONS.

DATE:	INITIALS:	APPROVED BY:
		STAT REP ENGINEER:
		STAT OPERATIONS:
		WTE ACQUISITION MANAGER:
		PROJECT MANAGER:
		DRILLING VENDOR:
		EASING VENDOR:
		CONSTRUCTION MANAGER:
		VE MANAGER:
		PROPERTY OWNER:

APPROVAL

DRAWING INDEX

WHT NO.	SHEET TITLE
1-1	TITLE SHEET
1-2	GENERAL NOTES, LEGEND AND ABBREVIATIONS
A-1	SITE PLAN
A-1-1	IMPROVED SITE PLAN AND PROPOSED EQUIPMENT LAYOUT
A-2	EQUIPMENT LAYOUT
A-3	SITE MAGE
D-1	EQUIPMENT DETAILS
D-2	EQUIPMENT DETAILS
E-1	POLE DETAILS
E-1	ELECTRICAL AND GROUNDING DETAILS
TOP-1	TRAFFIC CONTROL PLAN

CRAN-RSFR
MSJV1_016
FA #: 14823495
28081 MARGUERITE PKWY,
MISSION VIEJO, CA 92691

SHEET TITLE

TITLE SHEET

SHEET NUMBER

1



Dig Alert
Know what's below.
Call before you dig.

Call Two Working Days Before You Dig!
Know what's below. 811 / 800-227-2600
Call before you dig.

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND 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 CONSIDERED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

1. CALIFORNIA CODE OF REGULATIONS
2. 2016 CALIFORNIA BUILDING CODE
3. 2016 CALIFORNIA MECHANICAL CODE
4. 2016 CALIFORNIA PLUMBING CODE
5. 2016 CALIFORNIA ELECTRIC CODE
6. 2016 GREEN CODE
7. 2016 EDITION OF TITLE 24 ENERGY STANDARDS
8. ANY LOCAL BUILDING CODE AMENDMENTS TO THE ABOVE
9. CITY/COUNTY ORDINANCES
10. 2016 CALIFORNIA FIRE CODES WITH ALL LOCAL AMENDMENTS
11. ASHOTO LITS-6

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.

SITE INFORMATION

[illegible]

PROJECT TEAM

MANAGER:
JENNIFER
330 CAMBERG, STE. 200
CONTACT: SCOTT ELLIS
PHONE: 714.942.1100
FAX: 714.942.1101
EMAIL: SCOTT.ELLIS@BRISCON.COM

MANAGER:
ALEX
2302 WALNUT AVE.
CONTACT: PATRICK PEREZ
PHONE: 714.942.1100
FAX: 714.942.1101
EMAIL: PATRICK.PEREZ@BRISCON.COM

MANAGER:
ALEX
2302 WALNUT AVE.
CONTACT: MATT LANDSIDE
PHONE: 714.942.1100
FAX: 714.942.1101
EMAIL: MATT.LANDSIDE@BRISCON.COM

A/E:
PRAMIIRA
2552 WALNUT AVE.
TUSTIN, CA 92780
CONTACT: PATRICK PEDROZA
PHONE: 1-800-678-1168 EXT. 2067
EMAIL: PATRICK.PEDROZA@PRAMIIRA.COM

ZONING:
PRAMIIRA
2552 WALNUT AVE.
TUSTIN, CA 92780
CONTACT: PATRICK PEDROZA
PHONE: 1-800-678-1168 EXT. 2067
EMAIL: PATRICK.PEDROZA@PRAMIIRA.COM

SITE ACQUISITION:
PRIMURA
2552 WALNUT AVE.
TUSTIN, CA 92780
CONTACT: MATT LEVESQUE
PHONE: (714) 268-5850
EMAIL: MATT.LEVESQUE@PRIMURA.COM

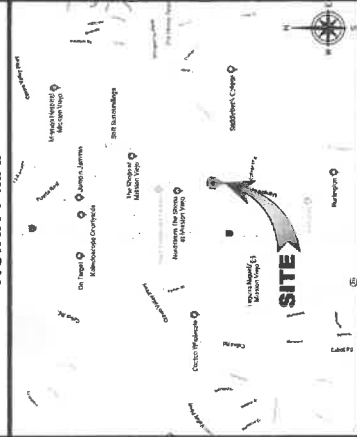
CONSTRUCTION MANAGER:
ERICSSON
330 COMMERCIAL STE. 200
IRVINE, CA 92602
CONTACT: DAVID FRITTS
PHONE: (760) 817-1815
EMAIL: DAVID.FRITTS@ERICSSON.COM

CONSTRUCTION MANAGER:
RICSSON
30 COMMERCE STE. 200
WINE, CA 92602
CONTACT: DAVID FRITTS
PHONE: (760) 817-1815
MAIL: DAVID.FRITTS@RICSSON.COM

DO NOT SCALE DRAWINGS

SUBCONTRACTOR SHALL VERIFY ALL PLANS & EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

VICINITY MAP



LOCAL MAP



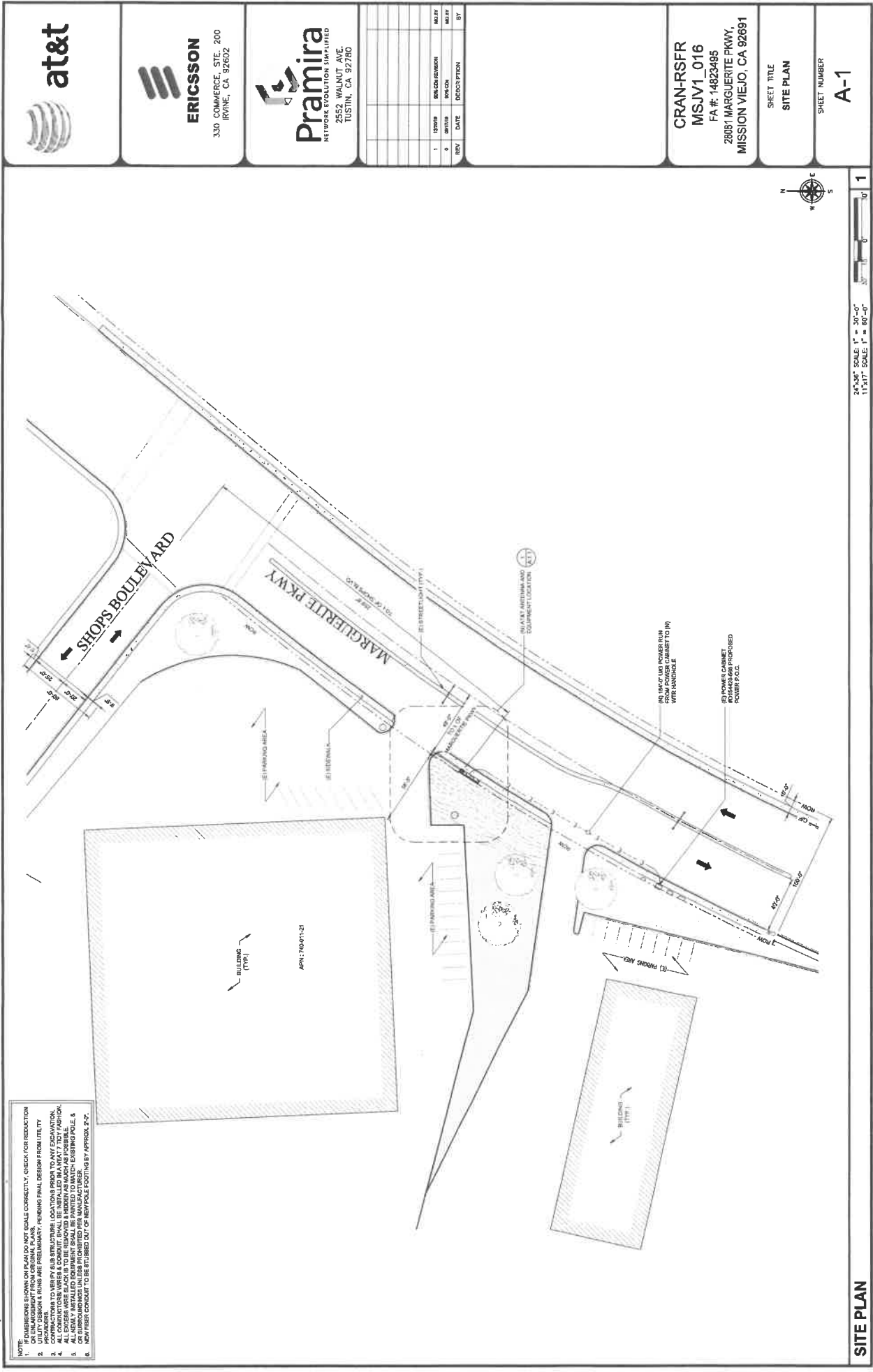
DIRECTIONS FROM AT&T OFFICE:

HEAD NORTHEAST TOWARD AT&T, TURN LEFT TOWARD AT&T, TURN RIGHT ONTO EDINGER AVE, TURN LEFT ONTO RED HILL AVE, MERGE ONTO I-5 S TOWARD SAN DIEGO, MERGE ONTO I-5 S, TAKE EXIT 86 FOR CROWN VALLEY PKWY, TURN LEFT ONTO CROWN VALLEY PKWY, TURN RIGHT ONTO MEDICAL CENTER RD, TURN RIGHT, TURN LEFT TOWARD MARGUERITE PKWY, TURN RIGHT ONTO MARGUERITE PKWY. DESTINATION WILL BE ON THE RIGHT. W/S/O MARGUERITE PKWY, 260' SW/O SHOPS BLVD, MISSION VIEJO, CA 92691.

DRIVING DIRECTIONS

ATTACHMENT 3 EXHIBIT A

ABBREVIATIONS





ERICSSON

3330 COMMERCE, STE. 200
IRVINE, CA 92602



**2552 WALNUT AVE.
TUSTIN, CA 92780**

[illegible]

CRAN-RSFR
MSJV1_016
FA #: 14823495
28081 MARGUERITE PKWY,
MISSION VIEJO, CA 92691

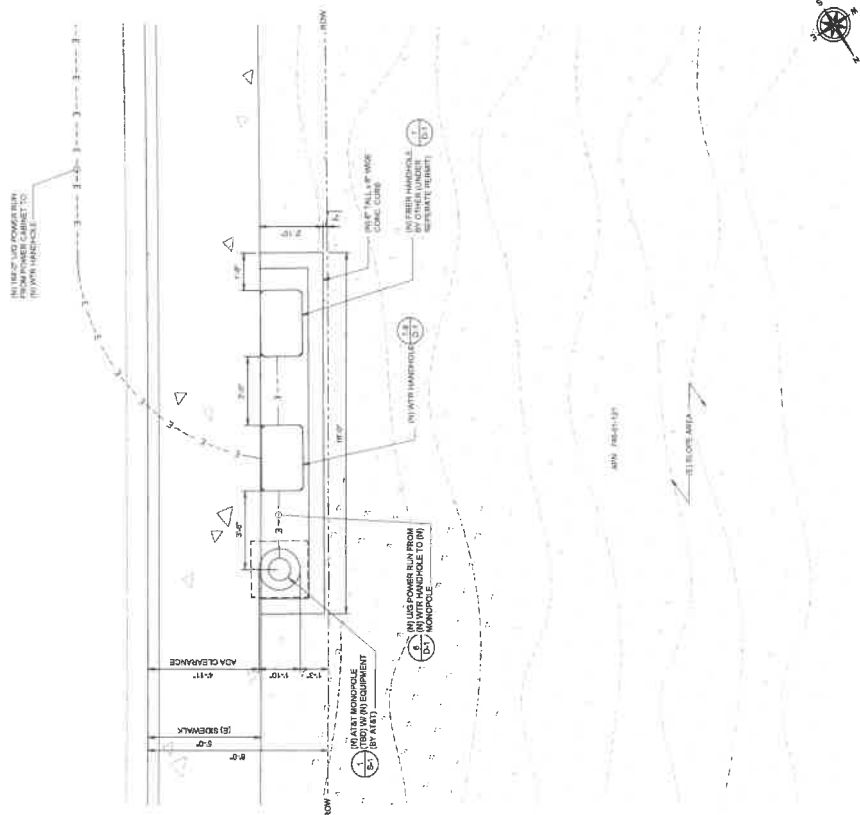
SHEET TITLE

ENLARGED SITE PLAN AND
PROPOSED EQUIPMENT LAYOUT

SHEET NUMBER

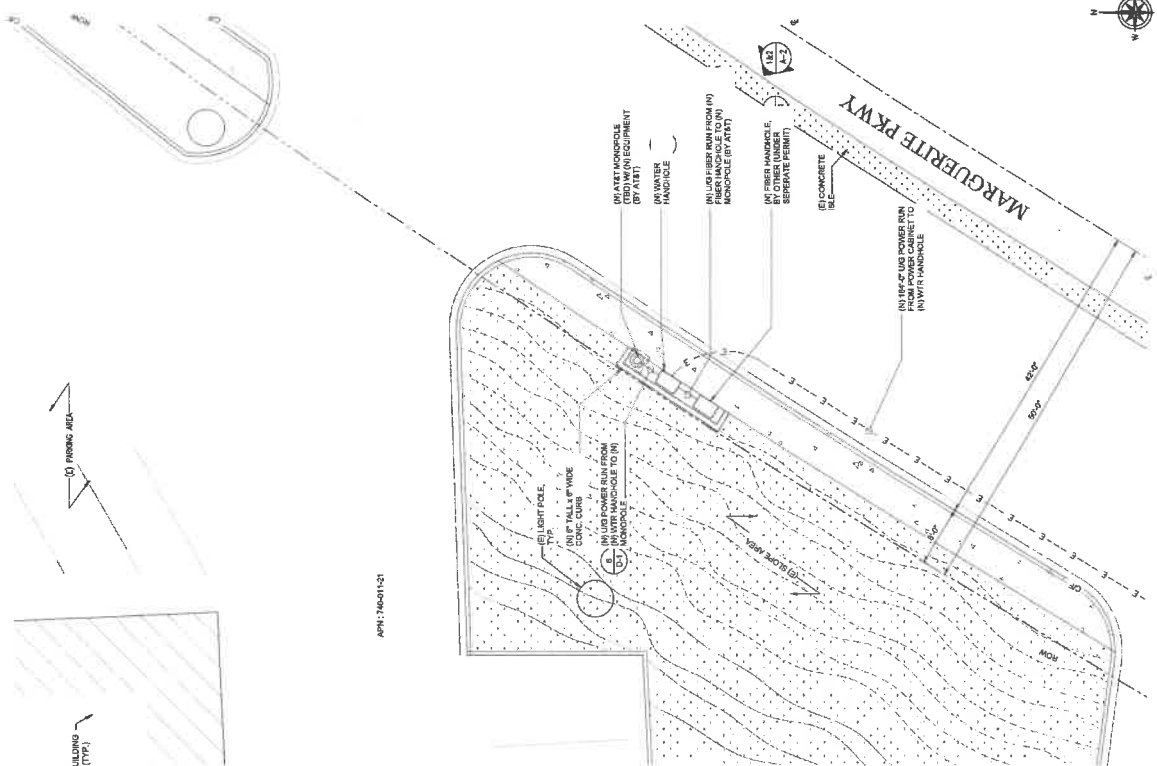
A-1.1

MARGUERITE PKWY



24"x38" SCALE: 3/4" = 1'-0"
11"x17" SCALE: 3/8" = 1'-0"

PROPOSED EQUIPMENT LAYOUT



24"x36" SCALE: 1/4" = 1'-0"
11"x17" SCALE: 1/8" = 1'-0"

ENLARGED SITE PLAN

330 COMMERCE, STE. 200
IRVINE, CA 92602

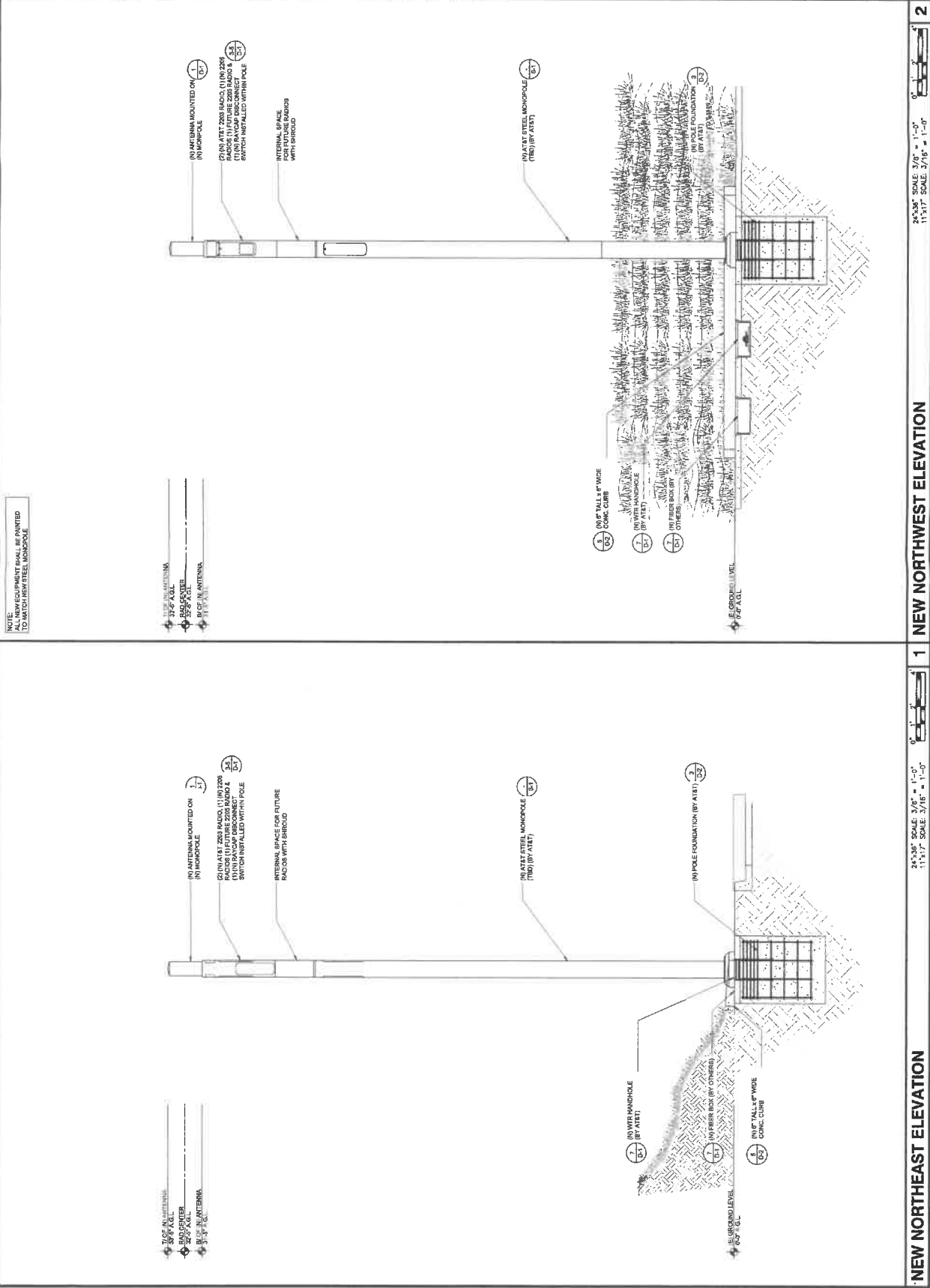
NETWORK SOLUTIONS FOR LIFE
2552 WALNUT AVE
TUSTIN, CA 92780

REV	DATE	DESCRIPTION	BY
1	12/20/19	ISSUED FOR PERMIT	MSJ
2	01/10/20	ISSUED FOR PERMIT	MSJ

CRAN-RSFR
MSJV1_016
FA #: 14823495
28081 MARGUERITE PKWY,
MISSION VIEJO, CA 92691

SHEET TITLE
ELEVATIONS

SHEET NUMBER
A-2





ERICSSON
330 COMMERCE, STE. 200
IRVINE, CA 92602



Pramira
NETWORK SOLUTIONS
2552 WALNUT AVE.
TUSTIN, CA 92780

REV	DATE	DESCRIPTION	BY
1	10/27/19	NEW POLE LOCATION	MSJ/V1
2	11/14/19	SCALE 3/16" = 1'-0"	MSJ/V1

CRAN-RSFR
MSJ/V1_016
FA # 14823495
28081 MARGUERITE PKWY,
MISSION VIEJO, CA 92691

SHEET TITLE
SITE IMAGE

SHEET NUMBER
A-3





PROPOSED SITE LOCATION LOOKING SOUTH

24'-0" SCALE 3/8" = 1'-0"
11'-0" SCALE 3/16" = 1'-0"


1

[illegible]





ERICSSON
330 COMMERCE, STE. 200
IRVINE, CA 92602



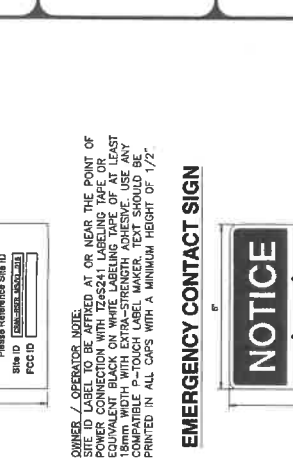
Pramira
NETWORK EVOLUTION. SIMPLY BOLD.
2552 WALNUT AVE
TUSTIN, CA 92780

REV	DATE	DESCRIPTION	BY
1	12/20/19	WPS ON REVISION	MLB/T
0	09/17/19	WPS ON	MLB/T

CRAN-RSFR
MSJV1_016
FA # 14823495
28081 MARGUERITE PKWY,
MISSION VIEJO, CA 92691

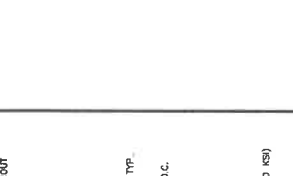
SHEET TITLE
DETAILS

SHEET NUMBER
D-2



OWNER / OPERATOR NOTE:
ANCHOR RODS SHALL BE INSTALLED AT OR NEAR THE POINT OF POWER CONNECTION WITH TIAS241 LABELING TAPE OR EQUIVALENT BLACK ON WHITE LABELING TAPE OF AT LEAST 18mm WIDTH WITH EXTRA-STRENGTH ADHESIVE. USE ANY OTHER TAPE OR LABELING METHOD AT YOUR OWN RISK. ALL PRINTED IN ALL CAPS WITH A MINIMUM HEIGHT OF 1/2".

EMERGENCY CONTACT SIGN

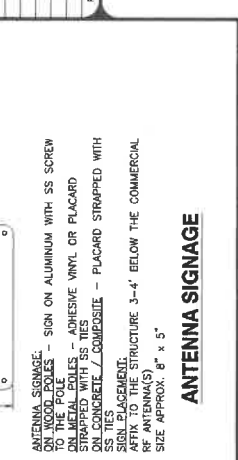


ANTENNA SIGNAGE

ANTENNA SIGNAGE - SIGN ON ALUMINUM WITH SS SCREW ON WOOD POLES TO THE POLE.
ON METAL POLES - ADHESIVE VINYL OR PLACARD ON CONCRETE / COMPOSITE - PLACARD STRAPPED WITH SS TIES.
SIGN PLACEMENT: STRUCTURE 3-4' BELOW THE COMMERCIAL RF ANTENNAS.
SIZE APPROX. 8" x 5"

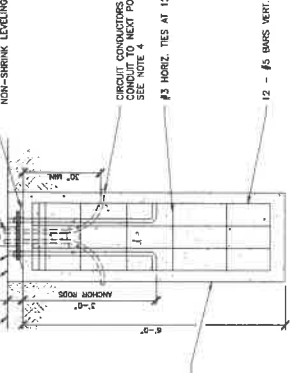
CONCRETE NOTES:
1. ALL CONCRETE MATERIALS AND WORKMANSHIP SHALL CONFORM TO CHAPTER 19 BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE.
2. MK DESIGN REQUIREMENTS:
2.A. MINIMUM COMPRESSIVE STRENGTH = 3,000 PSI
2.B. MAXIMUM WATER/CEMENT RATIO (W/CM) SHALL BE 0.50
2.C. ALL CONCRETE SHALL BE PROPERLY CURED AND INSPECTED BY THE BUILDING OFFICIAL PRIOR TO PLACING CONCRETE.
3. FOR REBAR CONDUIT, STUB CUT FROM FOUNDATION AWAY FROM STREET SIDE FOR FUTURE FIBER HANDPOLE INSTALLATION.

CONCRETE FOUNDATION



POLE MOUNTED SIGNS

(E) SIDEWALK TO (N) CURB



NOT USED

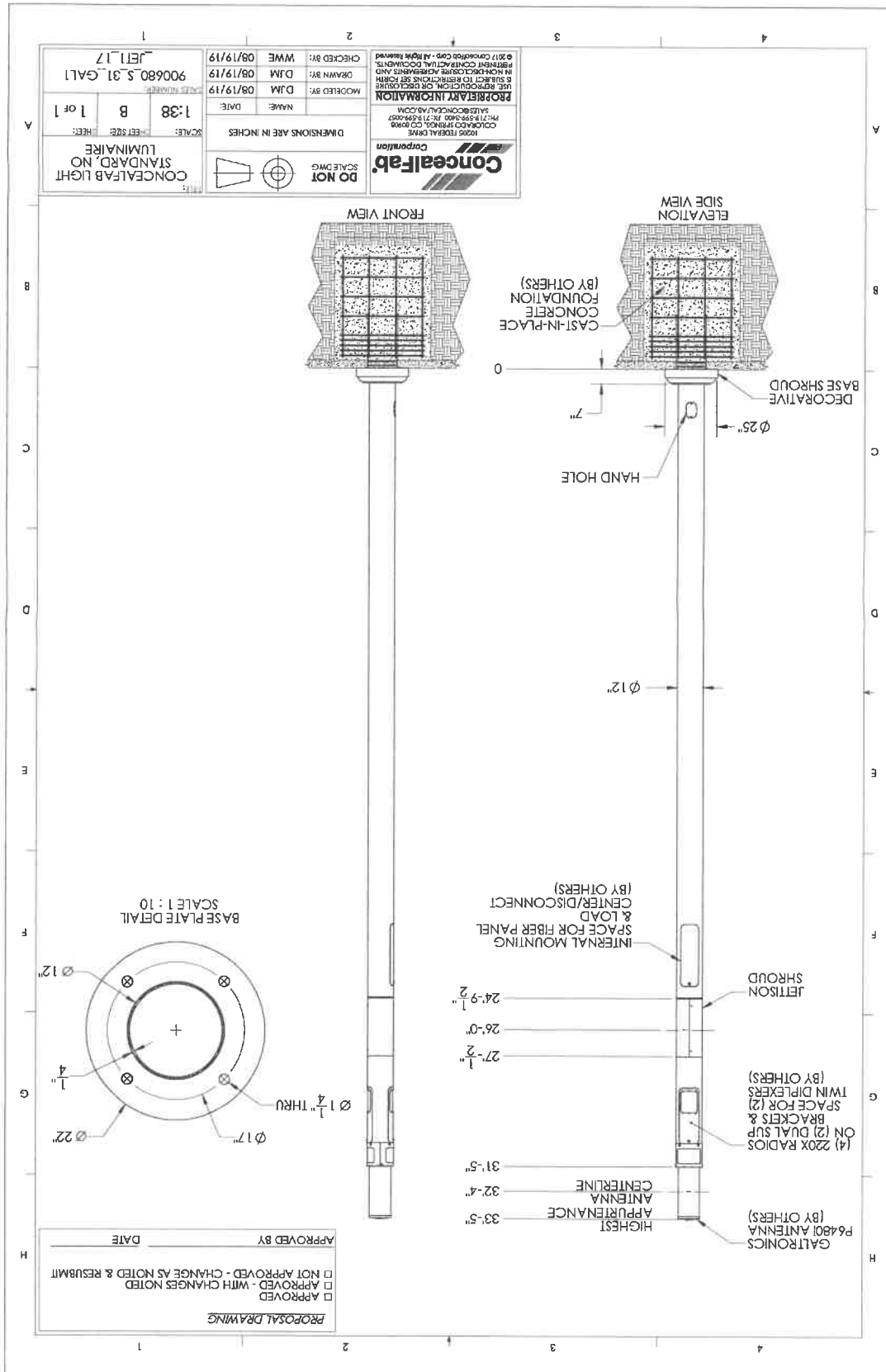
NOT USED

NOT USED

NOT USED

NOT USED

FOR REFERENCE ONLY





ERICSSON

330 COMMERCE, STE. 200
IRVINE, CA 92602



2552 WALNUT AVE.
TUSTIN, CA 92780

REV	DATE	DESCRIPTION	BY
1	10/22/18	90% CO ₂ 40% O ₂ 70% O ₂	MO JKH
0	08/27/19	90% CO ₂	MO JKH

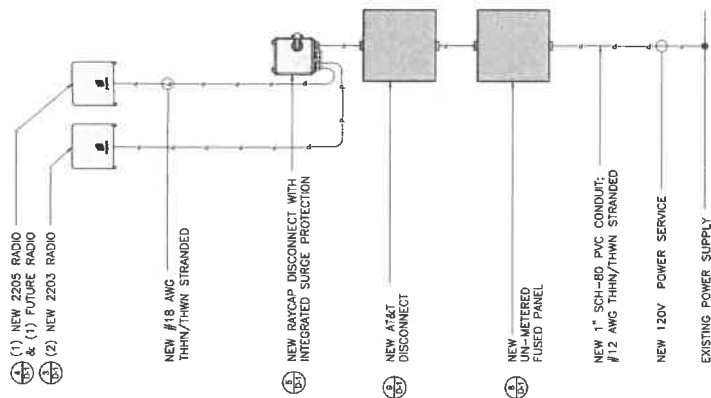
CRAN-RSFR
MSJV1_016
FA #: 14823495
28081 MARGUERITE PKWY,
MISSION VIEJO, CA 92691

SHEET TITLE
ELECTRICAL DETAILS

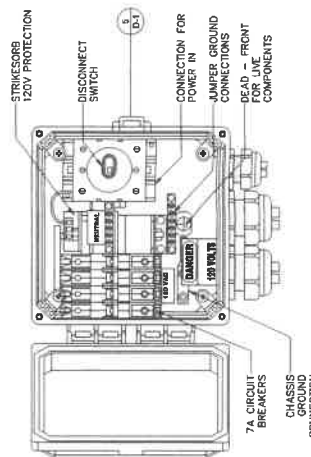
SHEET NUMBER

五

NOTE: UTILITY DESIGN AND RUNS ARE PRELIMINARY. PENDING FINAL DESIGN FROM UTILITY PROVIDERS



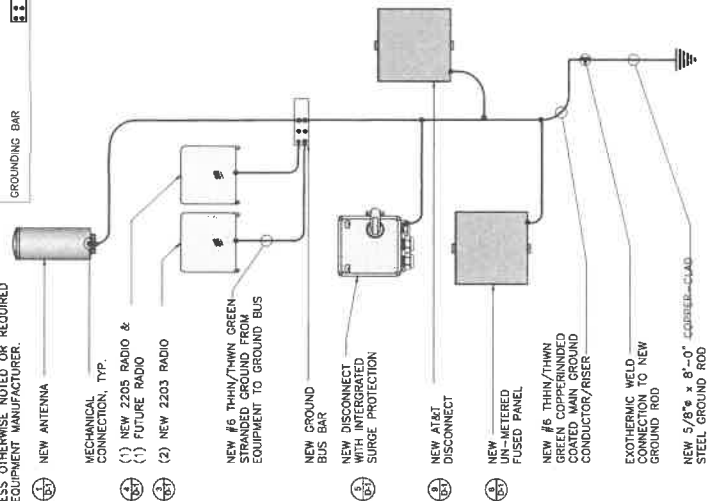
SINGLE LINE DIAGRAM



BREAKER SCHEDULE

24"x36" SCALE: NTS
11"x17" SCALE: NTS

EXOTHERMIC WELD CONNECTIONS
MECHANICAL TYPE CONNECTIONS
GROUNDING BAR

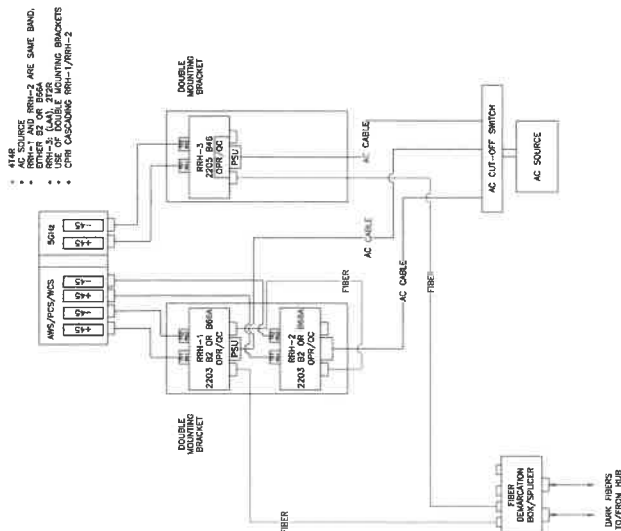


GROUNDING SCHEMATIC

24"x36"	SCALE: NTS
11"x17"	SCALE: NTS

24"x36" SCALE: NTS	1
11"x17" SCALE: NTS	

NOTE:
ALL GR
HHN/
INLESS
Y EOL



PICO PLUMBING DIAGRAM

14" x 36"	SCALE: NTS	5
11" x 17"	SCALE: NTS	

NOT USED

NOT USED

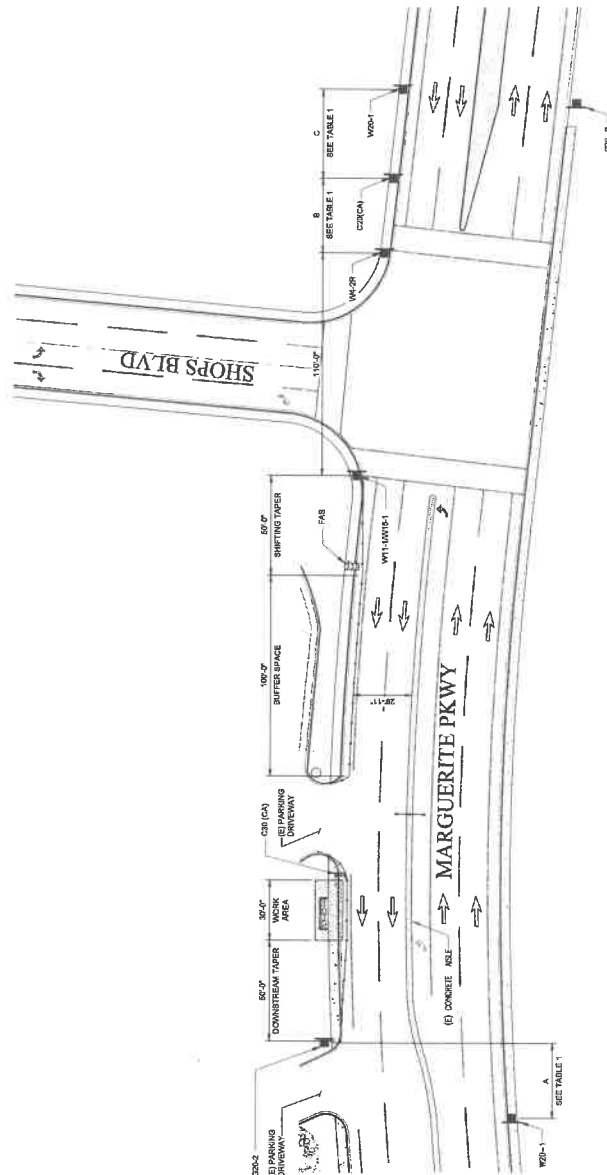
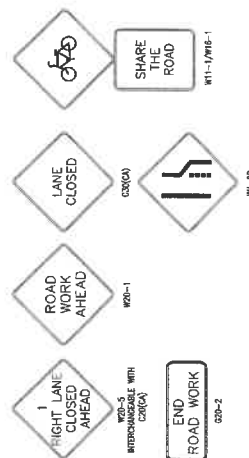
24"x36"	SCALE: NTS	4
11"x17"	SCALE: NTS	

24"x36" SCALE: NTS	2
11"x17" SCALE: NTS	














TRAFFIC CONTROL PLAN
SINGLE LANE CLOSURE
(RIGHT LANE)

TRAFFIC CONTROL NOTES:

1. IT IS THE RESPONSIBILITY OF THE CONTRACTOR PERFORMING WORK ON A PUBLIC STREET TO INSTALL AND MAINTAIN THE TRAFFIC CONTROL DEVICES AS SHOWN HEREIN, AS WELL AS ANY OTHER DEVICES NECESSARY TO PROTECT THE PUBLIC FROM THE CONSTRUCTION WORK AND PROVIDE MAXIMUM PROTECTION AND PREVENTION OF DAMAGE TO THE WORK AREA AND ADJACENT PROPERTIES AND TO THE TRAFFIC OF THE CITY.
2. ALL TRAFFIC SIGNALS SHALL BE EQUIPPED WITH REFLECTORS AT NIGHT TIME.
3. THE CONTRACTOR SHALL NOTIFY THE CITY OFFICE OF RECORDS AND CITY OF WISCONSIN ROAD DEPARTMENT AT LEAST TWO WEEKS PRIOR IN ORDER TO OBTAIN A TRAVELING PERMIT TO CONDUCT THE WORK.
4. ALL TRAFFIC CONTROL DEVICES, CONES, WARNING, LIGHTS AND FLAGGED PERSONNEL SHALL BE PLACED IN POSITION PRIOR TO THE BEGINNING OF THE WORK.
5. THE CITY OFFICE OF RECORDS AND CITY OF WISCONSIN ROAD DEPARTMENT SHALL BE NOTIFIED IN WRITING OF THE LOCATION OF THE TRAFFIC CONTROL DEVICES AT LEAST TWO WEEKS PRIOR TO THE BEGINNING OF THE WORK.
6. THE TRAFFIC CONTROL DEVICES SHALL BE PLACED IN THEIR PROPER POSITION AT ALL TIMES AND SHALL BE MAINTAINED IN SUCH A MANNER AS TO BE NECESSARY TO PROTECT THE TRAFFIC OF THE CITY.
7. ALL TRAFFIC SIGNALS SHALL BE MAINTAINED IN SUCH A MANNER AS TO BE NECESSARY TO PROTECT THE TRAFFIC OF THE CITY.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES AND SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES AND SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES.
10. ALL ADVANCE WARNING SIGNS SHALL BE DISPLAYED WITH FLARES.
11. TRAFFIC SIGNALS SHALL REMAIN IN OPERATION AT ALL TIMES. SIGNAL OPERATIONS DURING THE CONSTRUCTION PERIOD SHALL BE AS DETERMINED BY THE CITY OF WISCONSIN ROAD DEPARTMENT AND SHALL BE AS DETERMINED BY THE CITY OF WISCONSIN ROAD DEPARTMENT.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES AND SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES AND SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES AND SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES.
15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES AND SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES.
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES AND SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES.
17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES AND SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES.
18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES AND SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES.
19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES AND SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES.
20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES AND SHALL BE RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES AT ALL TIMES.

[illegible]

LEGEND:

- | | |
|---|---|
|  | TYPE I BARRICADE W/ SIGN |
|  | TYPE II BARRICADE W/O SIGN |
|  | TYPE III BARRICADE W/ SIGN |
|  | TYPE IV BARRICADE W/O SIGN |
|  | CHANNELIZING DEVICE (SEE TABLE F FOR SIZING) |
|  | TRAFFIC CONE WITH CLIP ON SIDE |
|  | SIGN |
|  | STANDARDIZED INTERSECTION |
|  | [FMS] ARROW PANEL (FLASHING ARROW) |
|  | HIGH LEVEL WARNING DEVICE (FLUORESCENT, (OPTIONAL)) |
|  | FLAGGER |
|  | DIRECTION OF TRAFFIC FLOW (NOT PAVEMENT MARKING) |
|  | WORK SPACE |

DIGALERT

1-800-227-2600
DIAL BEFORE YOU DIG

1-800-227-2600
AT LEAST TWO DAYS
BEFORE YOU DIG



A PUBLIC SERVICE BY
UNDERGROUND SERVICE ALERT

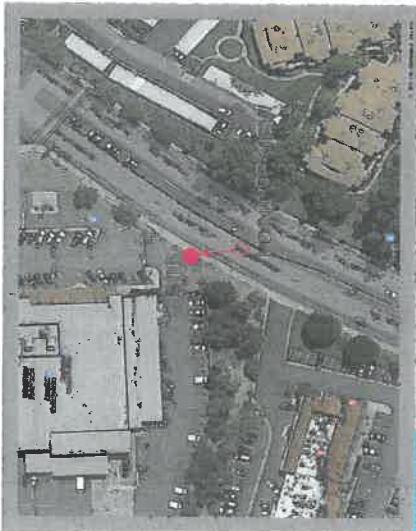
TRAFFIC CONTROL PLAN



CRAN_RLOS_MSVJ1_016
28101 MARGUERITE PKWY, MISSION VIEJO, CA 92691



VIEW 1 LOOKING NORTH FROM MARGUERITE PKWY



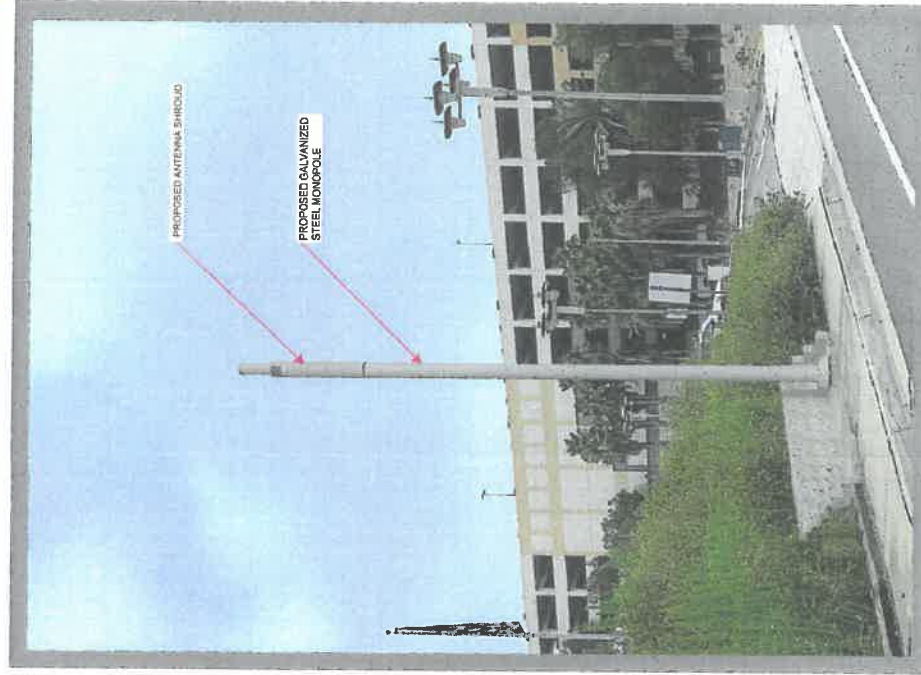
LOCATION

LATITUDE:
33.55456
LONGITUDE:
-117.670144
POLE TYPE:
(N) STEEL MONOPOLE
POLE HEIGHT:
33'-5" A.G.L. (ANTENNA HEIGHT INCLUDED)
POLE DIAMETER/WIDTH:
12" DIAMETER
DISTANCE TO RESIDENTIAL:
260' SW/O SHOPS BLVD.
MISSION VIEJO, CA 92691

SITE INFORMATION



EXISTING



PROPOSED

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

ATTACHMENT 4 EXHIBIT B



at&t

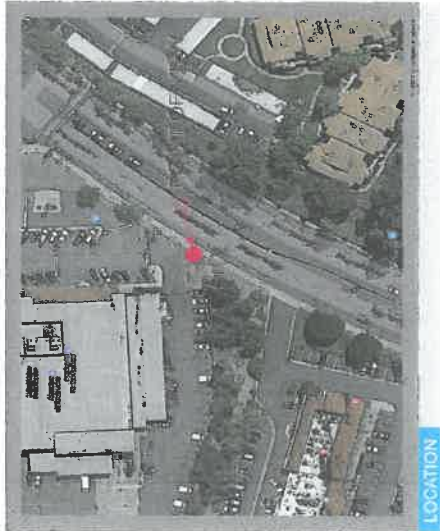
CRAN_RLOS_MSVJ1_016

28101 MARGUERITE PKWY, MISSION VIEJO, CA 92691



Pramira
NETWORK EVOLUTION SIMPLIFIED

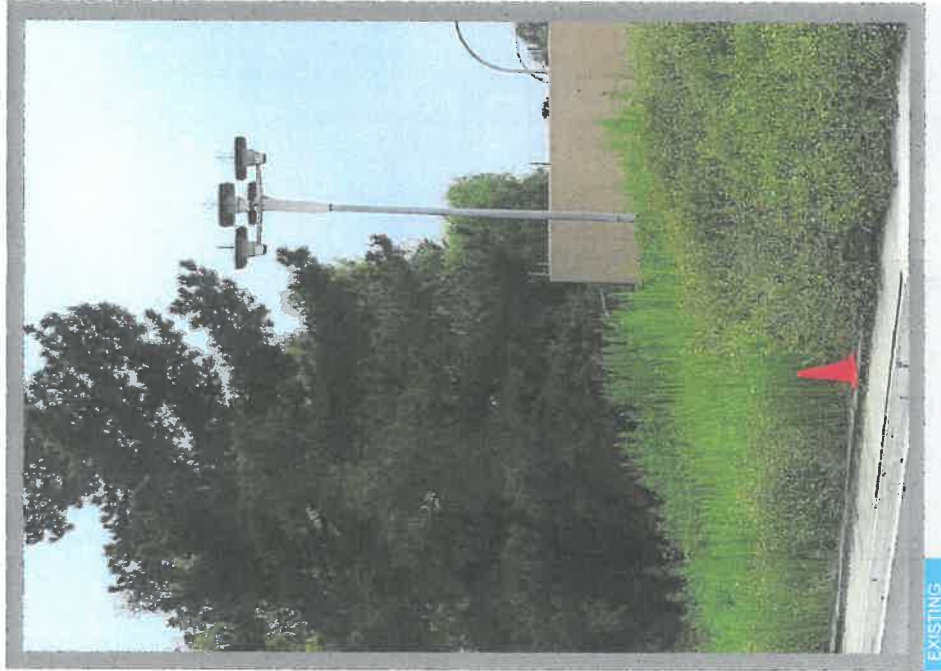
VIEW 2 LOOKING SOUTHWEST FROM MARGUERITE PKWY



LOCATION

LATITUDE: 33.55458
LONGITUDE: -117.870144
POLE TYPE: (N) STEEL MONOPOLE
POLE HEIGHT: 33'-5" A.G.L. (ANTENNA HEIGHT INCLUDED)
POLE DIAMETER/WIDTH: 12" DIAMETER
DISTANCE TO RESIDENTIAL: 280' SMO SHOPS BLVD, MISSION VIEJO, CA 92691

SITE INFORMATION



EXISTING



PROPOSED

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

Letter of Justification

Address of Proposed Site: 28101 MARGUERITE PKWY, MISSION VIEJO, CA 92692

Latitude + Longitude: 33.55456/-117.670144

Carrier Site Identification: AT&T Site ID CRAN_RLOS_MSVJ1_016 / FA #: 14823495 / USID #: 213685

Facility Purpose

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T") is proposing to install new small cell wireless telecommunications facility to serve residents and businesses in this portion of the community. Small cells are low-power, low-profile wireless communications facilities that improve signal quality and capacity within AT&T's existing wireless network. The proposed small cell facility will help AT&T provide and improve critical wireless services in the dense commercial area along Marguerite Pkwy.

AT&T estimates that since introduction of the iPhone in 2007, mobile data usage has increased 470,000% on its network. AT&T forecasts its customers' growing demand for mobile data services to continue. Customer needs require AT&T to design and maintain its network to provide and improve wireless signal quality and to increase data rates sufficient to stream video. Areas that do not meet this minimal standard, or where wireless service is otherwise compromised, represent service issues that must be addressed.

Specifically, this proposed small cell facility will help improve AT&T's wireless services by offloading network traffic carried by existing macro facilities in the area. In addition, faster data rates allow customers to get on and off the network quickly, which produces more efficient use of AT&T's limited spectrum. By placing the small cell facility in areas where AT&T's existing wireless telecommunications facilities are constrained and where AT&T experiences especially high network traffic, AT&T can address the existing and forecasted demand and support 5G speeds in the near future.

Improving signal quality and Increasing data speed is critical to providing the mobile experience customers demand and to manage the unprecedented increase in mobile data usage on AT&T's network. The Center for Disease Control and Prevention (CDC) tracks the rates at which American households are shifting from landlines to wireless telecommunications. According to the CDC's Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, January-June 2018, more than 72 percent of Americans rely exclusively or primarily on wireless communications in their homes.¹ In addition, the FCC estimates that 70 percent of all 911 calls are made from wireless devices.² And with AT&T's selection by FirstNet as the wireless service provider to build and manage the nationwide first responder wireless network, each new or modified facility will help strengthen first responder communications.

Facility Specifications

AT&T selected the proposed facility as the best available means to address its service objectives in this portion of the city. The overall site location and design will comply with applicable code provisions, General Plan, and other published siting guidelines. In addition, the proposed facility fully complies with applicable design criteria. The proposed small cell facility will be located in the public right-of-way where AT&T has a right to place its equipment pursuant to Section 7901 of the California Public Utilities Code. The project will involve the

¹ See *Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, January-June 2018*, available at <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201812.pdf>.

placement of a small cell Pico node antenna and associated small cell equipment integrated within a slimline purpose-built pole. The new installation is depicted on the project site plan.

AT&T is proposing to install the following equipment in the public right-of-way along Marguerite Pkwy, north of College Dr.:

- (1) New 33'5" fully integrated steel purpose-built pole
- (4) New AT&T remote radio units
- (1) New AT&T omni-directional antenna
- (1) New AT&T equipment shroud
- (1) New Raycap disconnect
- (1) New handhole
- (1) New 6" concrete retaining curb

The proposed installation along Marguerite Pkwy is in a heavily trafficked commercial area highlighted by the Marguerite Shoppes. The dimensions of the slim-line purpose-built pole with the shrouded antenna has an overall height of 33'5" with a 12" diameter. The proposed installation is setback four feet eleven inches (4'11") from the front of the curb and is off the sidewalk to maintain unrestricted pedestrian mobility in accordance with relevant ADA clearances. As part of the installation, AT&T is also proposing to install a six inch (6") high concrete retaining curb. By utilizing a concrete retaining curb, AT&T can set the proposed purpose-built pole further back to maintain a clear pedestrian walkway and meet ADA clearances. The proposed purpose-built pole utilizes a fully integrated design which includes the radios, disconnect switch and cooling fans within the pole, maintaining a sleek profile that blends seamlessly within the surrounding area. The shrouded omni-directional antenna mounted at the top of the pole is a low-powered Pico node which will extend coverage and network capacity to the dense commercial area while maintaining the character of the surrounding area. Noise emitted by the installation is related to the speed of the internal cooling fans and is well within the level of usual noise for the roadside of a heavily trafficked commercial area.

The facility will not obstruct pedestrian or vehicular traffic. It will not adversely affect the surrounding properties and will have a minimal physical and aesthetic footprint in this area.

Construction, Maintenance and Monitoring

Construction of the proposed project will take approximately 30-days. All construction will be done in a manner that minimizes impact to residents and/or businesses in the area. Existing underground or overhead power and fiber connections will be used with minimal trenching. Directional boring will be used when deemed appropriate for each specific location.

Maintenance of the subject facility is minimal. The telecom operator will be responsible for maintenance of the telecom facility including, but not limited to, repairing any missing, discolored or damaged screening, prompt removal of graffiti as required by MVMC Section 9.30.025(e)(1) and keeping the facility clean and free of litter. Monitoring is typically done from AT&T's switching offices. If needed, a site visit to change any radio equipment will be coordinated with the city through the appropriate process.

Conclusion

As shown above, the proposed facility will not create unusual noise, traffic or other conditions or situations which may be objectionable, detrimental, or incompatible with other uses in the vicinity. The design of the

proposed facility promotes the public health, safety and general welfare of the City by improving wireless coverage in the surrounding area. AT&T therefore respectfully requests approval of the proposed facility.



November 27, 2019

Via Hand Delivery

City of Mission Viejo
Planning Division
200 Civic Center Drive
Mission Viejo, CA 92691

RE: AT&T Application for a Small Cell Wireless Facility in the public right-of-way at the following location:
Address of Proposed Site: 28101 Marguerite Pkwy
Latitude + Longitude: 33.55456/-117.670144
Carrier Site Identification: AT&T Site ID MSVJ1_016A / FA #: 14823495 / USID #: 213685





Dear Planning Department:

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T") submits the enclosed application materials to obtain planning approval, right of way permit/allowance for the proposed scope of work and all necessary authorizations to construct a small cell wireless facility at the above referenced location. If any additional applications or information are needed for any phase of this project, please let me know. Small cells are a low-power, low-profile wireless communication facilities that improve signal quality and capacity within AT&T's existing wireless network. The proposed small cell facility will help AT&T provide and improve critical wireless services in this area – providing the community with better coverage at a higher capacity.

Application Contents

- CDs
- EME Study
- Photo Simulations
- Project Cover Letter
- Project Narrative
- Propagation Map
- Public Notifications + Labeled and Stamped Envelopes
- Radius Mapping

Application Review

Under the FFC Guidelines (federal law), the City of Mission Viejo must determine whether the application is complete within ten (10) days and take final action on the application within ninety (90) days from this submittal (the "shot clock"). See 47 C.F.R. § 1.6003. Within the same period, the city must also take action with respect to all necessary authorizations and approvals for construction and operation of the proposed small cell. The shot clock begins on the date of submittal and runs unless or until it is tolled, either by mutual agreement or based on a timely and proper notice that the application is materially incomplete. To toll the shot clock for incompleteness, the city must, within ten (10) days, identify in writing the missing information that is required by local codes or other published application guidelines. In the case of a timely and proper incomplete notice, the shot clock stops and restarts at day 0 once AT&T submits the additional information required. If the City of Mission Viejo fails to act before the shot clock expires, the city will be in violation of state and federal laws.

- This Application was filed on 11/27/2019.
- Notification of incompleteness is due by 12/09/2019.
- Absent tolling, the city must take final action by 03/10/2020.

The City of Mission Viejo must grant all necessary authorizations as the proposed facility is consistent with applicable law and there is no basis for denial under the municipal code of the City of Mission Viejo.

Applicable Law

Approval is required under the federal Telecommunications Act of 1996, 47 U.S.C. §§ 253, 332 ("Act"). The Act, which was enacted to prioritize and streamline deployment of wireless technologies, limits the ability of state and local governments to regulate wireless service. The Act establishes substantive and procedural limitations on the review of wireless facility siting applications. A state or local government cannot take action that would unreasonably discriminate against AT&T in acting on the application. A state or local government cannot take any action that would prohibit or effectively prohibit the provision of wireless services. An effective prohibition occurs when the jurisdiction's denial of an application materially limits or inhibits AT&T's ability to provide or improve wireless services. A state or local government may not consider the effects of radio frequency emissions when considering this application.

The city must review this application within a reasonable period of time, as defined pursuant to the shot clock. Any decision to deny the application must be in writing contemporaneously with the decision and supported by substantial evidence contained in a

2552 Walnut Ave. Ste. 200 Tustin, CA 92780

800-678-1169



written record. The written denial must provide the basis therefor with a recitation of findings of fact and conclusions of law supporting the denial.

Pursuant to the California Constitution and Section 7901 of the California Public Utilities Code, AT&T has a statewide franchise right to construct telecommunications facilities and place poles within the public rights-of-way so long as it does not incommode the public way. AT&T's right is subject only to the municipality's authority to impose reasonable and equivalent time, place and manner restrictions pursuant to Section 7901.1 of the California Public Utilities Code. AT&T's proposed small cell facility does not incommode the public way.

Payment of application fees totaling \$5,600 is enclosed with this letter.

The FCC set a standard for fees such that only objectively reasonable cost-based fees may be imposed on a nondiscriminatory basis. The FCC established a safe harbor for presumptively reasonable fees: \$500 for non-recurring fees for an application including up to five small cells, plus \$100 for each small cell beyond five, or \$1,000 for non-recurring fees for a new pole to support small cells. In addition, California Government Code 50030 limits permit fees for telecommunications installations to the reasonable cost-based fees. The city's application fee greatly exceeds the FCC's standard and is inconsistent with the state-law standard. AT&T considers the fee for this application to be excessive and potentially unlawful under federal and state laws. In the interest of expediency, AT&T is submitting its application and the excessive fee in order to avoid disruption to its business, but it does so under protest and explicitly reserves its rights to pursue any and all legal remedies for the excessive nature of the fee.

Questions or notices related to this Application may be directed to:

Matt Levesque
matt.levesque@pramira.com
2552 Walnut Avenue, Suite 200
Tustin, CA 92780
(714) 266-5950

We look forward to working with you to complete this wireless communications project in the City of Mission Viejo.

Sincerely,

Matt Levesque
Site Acquisition Manager
2552 Walnut Ave. Ste 200
Tustin, CA 92780
Office: (800) 678-1169
Mobile: (714) 266-5950





Dan Vozenilek
Area Manager – Network Engineering

AT&T Mobility
1452 Edinger Avenue
3rd Floor
Tustin, CA 92780

m 562.716.4647
dv574p@att.com
att.com

January 28, 2020

Tim Martin
Senior Planner, Community Development
City of Mission Viejo
200 Civic Center
Mission Viejo, CA 92691

Dear Mr. Martin,

Thank you for your message regarding AT&T's proposed small cell sites in the City of Mission Viejo.

The equipment we are planning to install is to improve AT&T's 4G LTE network for Mission Viejo residents and businesses and will provide faster, more reliable service. These sites were selected to provide greater wireless coverage and capacity in Mission Viejo. The new small cell sites will improve customer wireless call quality and reliability, including emergency 911 calls. The sites could potentially be upgraded to a 5G site in the future.

A small cell wireless facility is part of a larger network that provides cellular service to smartphones, tablets and other cellular devices. The facilities have a shorter range and use smaller equipment than larger cellular towers. Small cells allow for strong, continued wireless service because the coverage provided by small cells help offload the capacity limits that would have otherwise been too restricted by macro sites alone.

Small cell facilities are different than traditional cell towers. Small cells typically are located 30 feet or more above the ground on light, traffic, or utility poles. Small cell facilities operate at power levels lower than antennas on cell towers. These low power operations reduce the chance that they will interfere with each other.

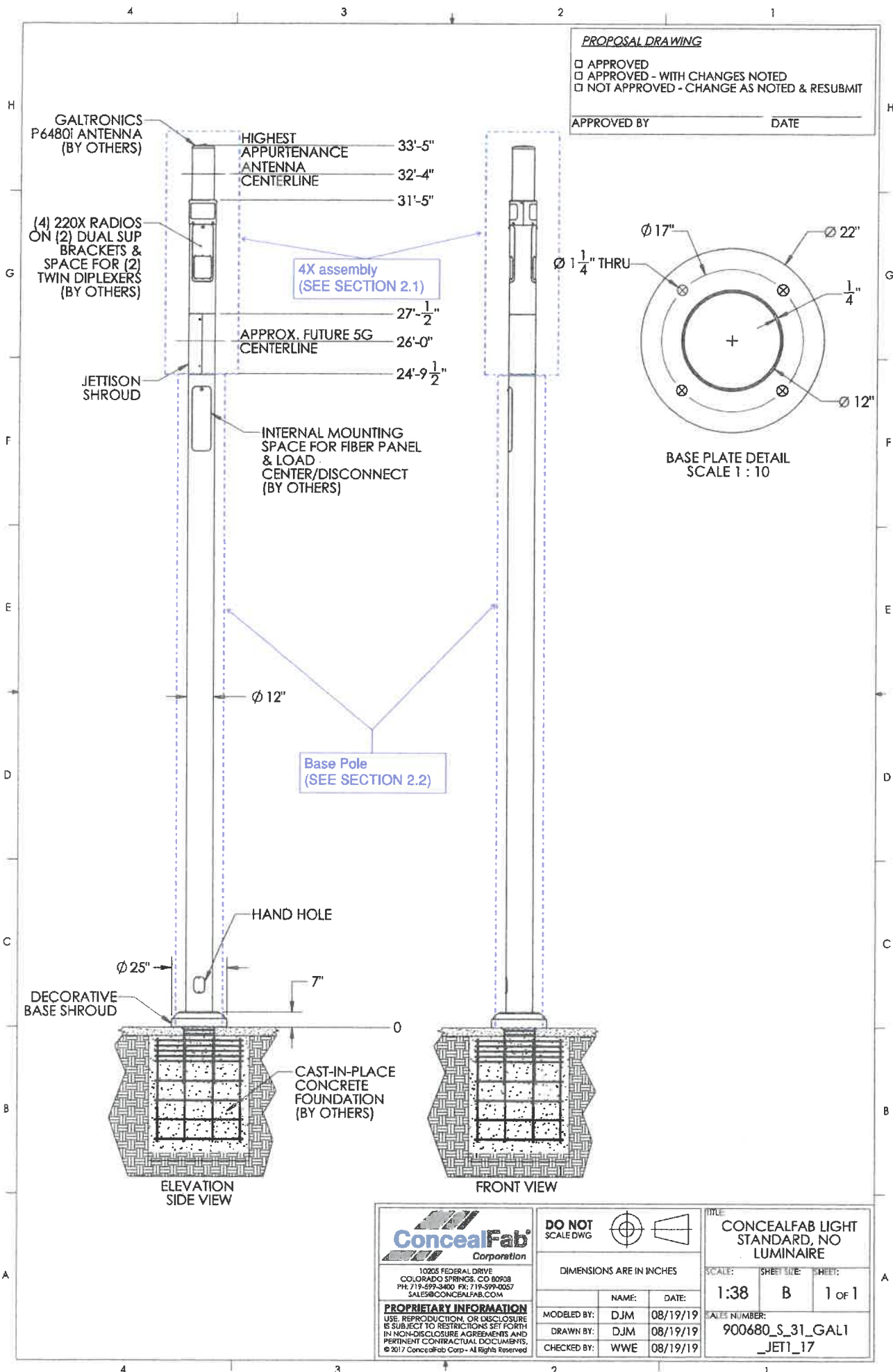
AT&T ensures that all its small cell sites meet FCC rules for radio frequency exposure. Wireless antennas operate at low power levels and on an intermittent basis. Expert scientists and government agencies from organizations like the American Cancer Society, World Health Organization and FCC have stated repeatedly that wireless antennas operating in compliance with FCC regulations do not pose health concerns.

AT&T's wireless facilities, including small cell antennas, comply with regulations established by the FCC. And, small cell facilities generate RF exposure to the general public that is hundreds of times below conservative FCC limits.

Thank you for your time and consideration.

Sincerely,

Dan Vozenilek
Area Manager – Network Engineering
CRAN Densification – Los Angeles Region, C&E West



AT&T Coverage Maps*

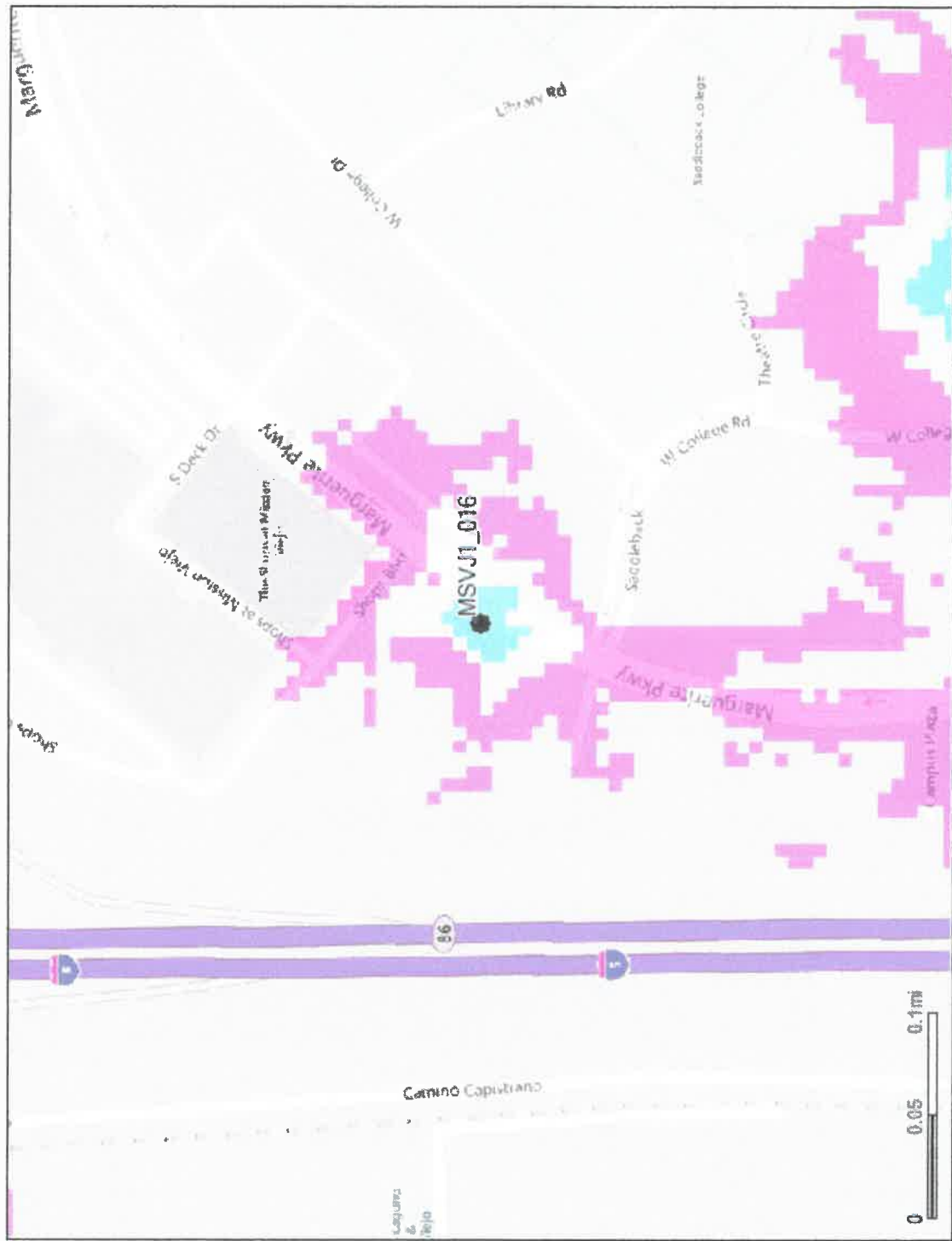
Small Cell node CRAN_RLOS_MSVJ1_NODE_016

* In its recent small cell deployment order, the FCC rejected the need for wireless providers to demonstrate a significant gap to support a wireless siting application. The FCC explained that a local government could effectively prohibit wireless service “not only by rendering a service provider unable to provide existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services. Thus, an effective prohibition includes materially inhibiting additional services or improving existing services.” So, such maps cannot be required. Nonetheless, to comply with the city’s application requirements, AT&T is submitting signal strength coverage maps that depict its wireless service coverage for LTE service at 1900 MHz as it exists now and as predicted after the small cell is installed and on air. Note, however, that the city’s requirement for these maps is inappropriate under applicable law and not relevant in any event because AT&T’s proposed facility provides capacity relief within the existing wireless network.

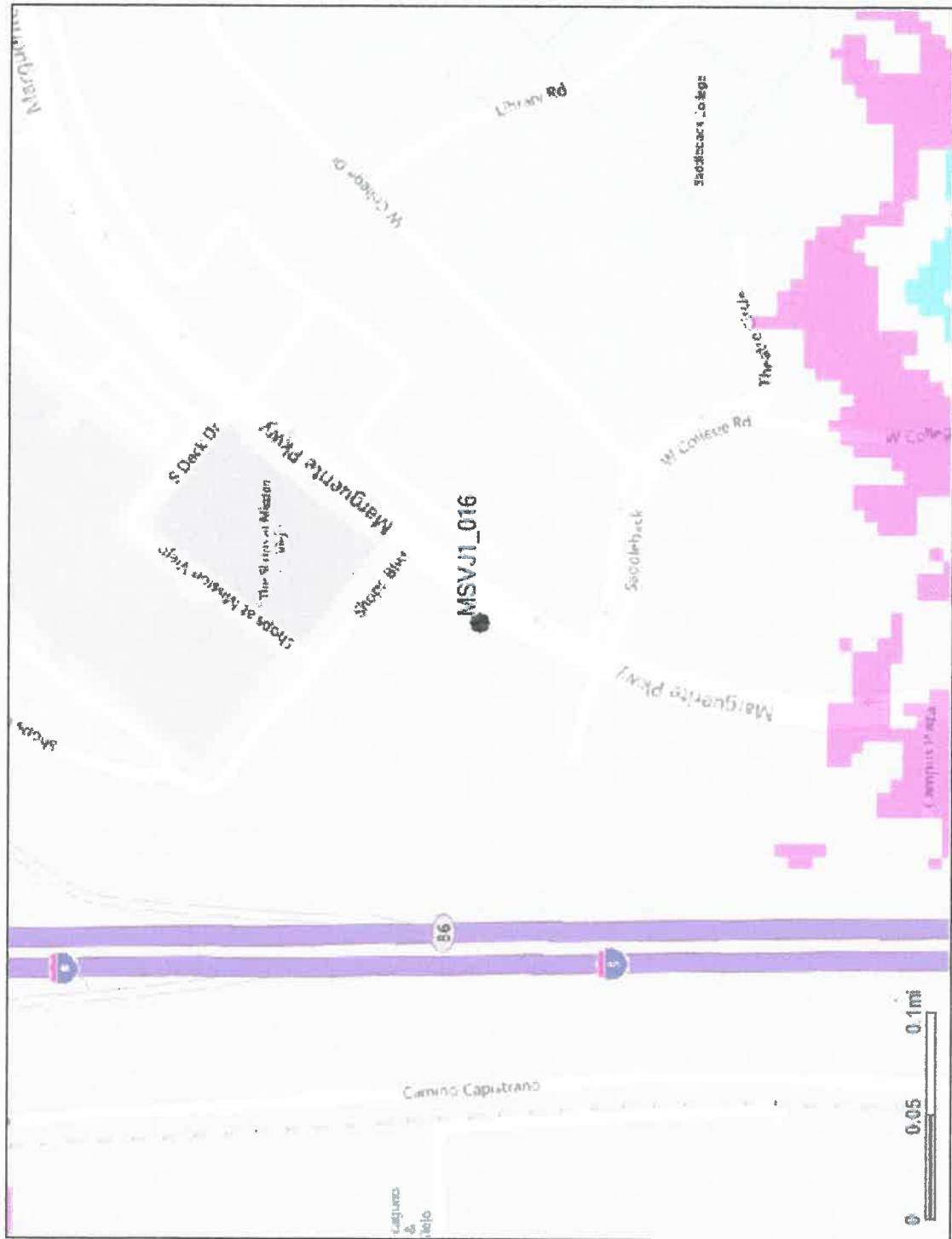
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LTE 1900_Coverage with Small cell



LTE 1900_Coverage without Small cell



Item# 5





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PUBLIC UTILITIES CODE - PUC

DIVISION 4. LAWS RELATING TO UTILITY CORPORATIONS AND THEIR EMPLOYEES [7503 - 8286] (*Division 4 enacted by Stats. 1951, Ch. 764.*)

CHAPTER 3. Telegraph or Telephone Corporations [7901 - 7912] (*Chapter 3 enacted by Stats. 1951, Ch. 764.*)

7901. Telegraph or telephone corporations may construct lines of telegraph or telephone lines along and upon any public road or highway, along or across any of the waters or lands within this State, and may erect poles, posts, piers, or abutments for supporting the insulators, wires, and other necessary fixtures of their lines, in such manner and at such points as not to incommode the public use of the road or highway or interrupt the navigation of the waters.

(Enacted by Stats. 1951, Ch. 764.)

7901.1. (a) It is the intent of the Legislature, consistent with Section 7901, that municipalities shall have the right to exercise reasonable control as to the time, place, and manner in which roads, highways, and waterways are accessed.

(b) The control, to be reasonable, shall, at a minimum, be applied to all entities in an equivalent manner.

(c) Nothing in this section shall add to or subtract from any existing authority with respect to the imposition of fees by municipalities.

(Added by Stats. 1995, Ch. 968, Sec. 1. Effective January 1, 1996.)

7903. Every agent, operator, or employee of any telegraph or telephone office, who in any way uses or appropriates any information derived by him from any private message passing through his hands, and addressed to any other person, or in any other manner acquired by him by reason of his trust as such agent, operator, or employee, or trades or speculates upon any such information so obtained, or in any manner turns, or attempts to turn, the information so obtained to his own account, profit, or advantage, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or by imprisonment in a county jail not exceeding one year, or by fine not exceeding ten thousand dollars (\$10,000), or by both that fine and imprisonment.

(Amended by Stats. 2011, Ch. 15, Sec. 563. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

7904. Every agent, operator, or employee of any telegraph or telephone office, who wilfully refuses or neglects to send any message received at such office for transmission, or wilfully postpones the transmission of the message out of its order, or wilfully refuses or neglects to deliver any message received by telegraph or telephone, is guilty of a misdemeanor. Nothing in this section shall be construed to require any message to be received, transmitted or delivered, unless the charges thereon have been paid or tendered, nor to require the sending, receiving, or delivery of any message counseling, aiding, abetting, or encouraging treason against the Government of the United States or of this State, or other resistance to the lawful authority, or any message calculated to further any fraudulent plan or purpose, or to instigate or encourage the perpetration of any unlawful act, or to facilitate the escape of any criminal or person accused of crime.

(Enacted by Stats. 1951, Ch. 764.)

7905. The Public Utilities Commission shall issue regulations requiring every telephone corporation subject to its jurisdiction to maintain complete records of all instances in which its employees discover any device installed for the purpose of overhearing communications over the lines of such corporation and all instances in which such employees reasonably believe and report to the corporation their belief that such device is installed or has been installed but has since been removed.



Federal Communications Commission
Washington, D.C. 20554

April 11, 2019

DA 19-277

SMALL ENTITY COMPLIANCE GUIDE

**Accelerating Wireless Broadband Deployment by Removing
Barriers to Infrastructure Investment
WT Docket No. 17-79**

**Accelerating Wireline Broadband Deployment by Removing
Barriers to Infrastructure Investment
WC Docket No. 17-84
FCC 18-133**

Released: September 27, 2018

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the revised rules adopted in the above-referenced Federal Communications Commission (FCC or Commission) rulemaking dockets. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decision regarding a particular small entity will be based on the statute and any relevant rules.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation. The FCC will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or it may clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

**1-888-CALL-FCC (1-888-225-5322)
TTY: 1-888-TELL-FCC (1-888-835-5322)
Videophone: 1-844-4-FCC-ASL (1-844-432-2275)
Fax: 1-866-418-0232**

TABLE OF CONTENTS

I.	OBJECTIVES OF THE PROCEEDING	1
II.	COMPLIANCE REQUIREMENTS	1
III.	RECORDKEEPING AND REPORTING REQUIREMENTS	2
IV.	IMPLEMENTATION DATE	3
V.	INTERNET LINKS	3

I. OBJECTIVES OF THE PROCEEDING

In the *Declaratory Ruling and Third Report and Order (Third Report and Order)* in FCC 18-133, WT Docket No. 17-79 and WC Docket No. 17-84, the Commission continued its efforts to streamline the regulatory framework for deployment of small wireless facilities and 5G service. The rules adopted in the *Third Report and Order* will accelerate the deployment of wireless infrastructure needed for the mobile wireless services of the future, while preserving the fundamental role of localities in this process.

The *Third Report & Order* establishes and codifies specific rules pertaining to the amount of time siting agencies may take to review and approve certain categories of wireless infrastructure siting applications. More specifically, the *Third Report and Order* establishes two new review period shot clocks for Small Wireless Facilities (60 days for collocation on existing structures and 90 days for new builds) and codifies the existing 90 and 150 day shot clocks for deployments of wireless facilities that do not qualify as small wireless facilities. In addition, the *Third Report and Order* sets out how the shot clock date is calculated, how any applicable shot clock tolling periods are applied and states that all state and local government authorizations necessary for the deployment of personal wireless service infrastructure are subject to the applicable shot clocks. The *Third Report and Order* also adopts a new remedy for applicants when siting authorities miss shot clocks for small wireless facilities.

II. COMPLIANCE REQUIREMENTS

The *Third Report & Order* amends the Commission's rules, adding 47 CFR § 1.6003 to require a siting authority (i.e., state or local governmental entity) to take timely action on a siting application and establishes the parameters for a reasonable time to act on a siting application.

Timely Action Required by A Siting Authority (47 CFR § 1.6003(a))

- Any siting authority that fails to act on a siting application by the expiration of the applicable shot clock is presumed not to have acted within a reasonable period of time.

Shot Clock Period for A Siting Application (47 CFR § 1.6003(b))

- The shot clock period for a siting application is the sum of the number of days specified for the relevant application type as the presumptively reasonable time for a siting authority to act plus the number of days of any applicable tolling period.

Presumptively Reasonable Period of Time for Action (47 CFR § 1.6003(c))

- Siting authorities must act in accordance with the following shot clocks:
 - Application to collocate a small wireless facility using an existing structure: 60 days.
 - Application to collocate a facility other than a small wireless facility using an existing structure: 90 days.
 - Application to deploy a small wireless facility using a new structure: 90 days.
 - Application to deploy a facility other than a small wireless facility using a new structure: 150 days.

Batched Applications (47 CFR § 1.6003(d))

- If an applicant files either a batched application to collocate small wireless facilities or a batched application to deploy new small wireless facilities, the shot clock that applies to the batch is the same one that would apply had the applicant submitted an individual application.
- If an applicant files a batch of applications that includes both collocation and new construction of small wireless facilities, the 90-day shot clock that applies to new construction of small wireless facilities would apply to the entire batch.
- Siting authorities may not refuse to accept batched applications.

Tolling Period (47 CFR § 1.6003(d))

- Absent a written agreement between an applicant and the siting authority specifying an alternative tolling period, the tolling period for an application is as follows:
 - For an initial application to deploy small wireless facilities, if the siting authority notifies the applicant on or before the 10th day after submission that the application is materially incomplete, and clearly and specifically identifies the missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information, ***the shot clock date calculation shall restart at zero*** on the date which the applicant submits all the documents and information identified by the siting authority to make the application complete.
 - For initial applications to deploy facilities other than small wireless facilities, the shot clock is paused if the siting authority notifies the applicant in writing, within 30 days of the initial submission, that the application is materially incomplete and clearly and specifically identifies the missing documents or information that the applicant must submit to render the application complete and the specific rule or regulation creating this obligation, and ***the shot clock resumes (the date calculation does not restart) to run*** on the date when the applicant submits all the documents and information identified by the siting authority to render the application complete.
 - If an applicant's supplemental submission fails to make the application complete, and the siting authority notifies the applicant of this determination within 10 days of the supplemental submission and clearly and specifically identifies the missing documents or information, the applicable shot clock would be paused until the applicant provides the missing documents or information. ***The shot clock resumes (the date calculation does not restart) to run*** on the date when the applicant submits all the documents and information identified by the siting authority to render the application complete.

Shot Clock Date (47 CFR § 1.6003(e))

- The shot clock dates (i.e., the dates by which the siting authority must act on an application) are determined by counting forward, by calendar days, including any pre-application period asserted by the siting authority. If the shot clock date falls on a "holiday" under FCC rules or within the relevant State or local jurisdiction, the shot clock date is the next business day.

An Additional Remedy for a Siting Authority's Failure to Act

- The failure of a state or local government to issue a decision on a Small Wireless Facility siting application within the presumptively reasonable time periods above will constitute a "failure to act" within the meaning of Section 332(c)(7)(B).
- The remedies granted under Section 332(c)(7)(B)(v) are independent of, and in addition to, any remedies that may be available under state or local law. An applicant must wait until the Commission shot clock period has expired to bring suit for a "failure to act" under Section 332(c)(7)(B)(v).
- Where a state or locality has established its own shot clocks, an applicant may pursue any remedies granted under state or local law in cases where the siting authority fails to act within those shot clocks.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The Commission's actions in the *Third Report and Order* did not create any new recordkeeping or reporting requirements.

IV. IMPLEMENTATION DATE

The rules in the *Third Report and Order* became effective on January 14, 2019, 90 days after publication in the Federal Register of a summary of the *Third Report and Order* (which contained the full text of the rules).

V. INTERNET LINKS

A copy of the *Third Report and Order* is available at:

https://docs.fcc.gov/public/attachments/FCC-18-133A1_Red.pdf

A copy of the Federal Register Summary of the *Third Report and Order* is available at:

<https://www.govinfo.gov/content/pkg/FR-2018-10-15/pdf/2018-22234.pdf>



AT&T Small Cell Site ID: MSVJ1_016

Alternate Sites Analysis

Public Right of Way

January 7, 2020



Proposed Small Cell – Small Cell Node MSVJ1_016

- AT&T is committed to providing and improving wireless telecommunications services and faster data rates throughout the City.
- The best means to improve these wireless services are through the deployment of very small facilities, called “small cells,” that can be installed on utility infrastructure in the public right-of-way. A small cell is a low-powered cell site, which, when grouped with other small cells, can provide coverage in areas where traditional macro wireless facilities are discouraged or where existing macro wireless facilities are fully maxed out in capacity. Small cells are effective tools to provide and improve critical wireless services with a minimal impact. By placing small cells in areas where AT&T’s existing facilities are constrained and where AT&T experiences poor coverage or high network traffic, AT&T can address existing and forecasted demands.
- Traditional macro facilities that cover large areas cannot be used in every situation, as their signals cause interference when the sites are placed too close to one another. Small cells are a technological solution to this problem. Small cells are intended to provide service to the areas immediately surrounding the node and are designed to work together with macro facilities, and neither technology is intended as a substitute for the other.
- Public Utilities Code Section 7901 grants a statewide franchise to telecommunications companies to install equipment in the public rights-of-way. As long as AT&T does not incommode public use, AT&T has the right to locate its’ facilities within the rights of way.
- Local preferences for specific types of wireless technology are preempted by federal law. Because local preferences for alternative technology interfere with federal regulatory schemes for wireless technology, it is inappropriate for a local jurisdiction to require telecommunications companies to utilize full-sized macro facilities when the company applies for permits to construct small wireless facilities.

- Small Cell Node MSVJ1_016 will address coverage and capacity concerns and improve signal quality and capacity within AT&T's wireless network for residents, businesses and visitors in this dense commercial area of the City.
- AT&T seeks to address its service objective using the least visibly intrusive means necessary to achieve coverage objectives. As such, AT&T worked with city staff to develop its proposed small cell solution and based upon the circumstances, the best option was to place a new pole in the public right-of-way that is compatible with the existing street landscape while meeting the objectives and intent for permit findings of approval.
- The following exhibits depict the project location and justification for approval. The subject node is part of a network of small cells designed to resolve the current service and data rate demands within the city of Mission Viejo.

Small Cell Node MSVJ1_016 and Alternate Sites Map



On this aerial map, AT&T's proposed Small Cell # MSVJ1_016 is designated by the yellow pin and the alternative candidates analyzed are identified by red dots. The red circle represents approximately 750' of coverage radius, the typical range for Pico Small Cells. AT&T's proposed Small Cell #MSVJ1_016 is designed to resolve service and data rate communication overload in this high-density area.

Proposed Location and Design



AT&T proposes to install a new pole small cell wireless facility (node) on the north side of Marguerite Pkwy, north of College Dr.

January 7, 2020



- The node includes a small omni-directional antenna and radio equipment concealed in a shroud on a steel purpose-built pole in the public right-of-way of Mission Viejo. The overall height of the proposed installation is 33'-5".
- This location is viable to serve AT&T's network needs. The node is in an unencumbered portion of the ROW and is centrally located within the proposed coverage objective.
- The new pole will be painted with a noncorrosive, nonmetallic finish that is not conducive to reflection or glare and is the least visually intrusive possible for the proposed project.
- The facility blends with the surrounding infrastructure and is no more visually intrusive than the standard streetlights in the surrounding area.

Alternate Site #1



- Alternative #1 shown on the map is located approximately 500 feet north easterly of the proposed node on Marguerite Pkwy.
- There is insufficient space in the right of way for a new installation which maintains applicable ADA clearances.
- The unique structural and design qualities of the existing streetlight structures in the surrounding area are limiting factors that render the existing support structures unsuitable for use by the applicant. City staff also did not prefer use of these city-owned decorative poles.

Alternate Site #2



- Alternative #2 shown on the map is located approximately 400 feet southwest of the proposed node on Marguerite Pkwy.
- The alternate location is on the outer edge of AT&T's intended coverage area and fails to meet coverage objectives.
- The unique structural and design qualities of the existing streetlight structures in the surrounding area are limiting factors that render the existing support structures unsuitable for use by the applicant. City staff also did not prefer use of these city-owned decorative poles.

Proposed Small Cell Node MSVJ1_016 - Conclusion

- Small Cell Node MSVJ1_016 is an integral part of an overall small cell solution to help close AT&T's significant service coverage and capacity gap in Mission Viejo. Increasing network demands over the past years require installing additional communication facilities throughout the city to provide a high-quality wireless communications service.
- Small Cell Node MSVJ1_016 will provide wireless telecommunications service and faster data rates to the area businesses, residents of Mission Viejo.
- The installation of a small cell antenna at the proposed site is the best available and least intrusive means to improve AT&T's critical wireless services in the surrounding areas by adding low-power, low-profile equipment within the public right-of-way.
- It should also be noted that there are very few alternative locations in this area that meet the coverage and capacity objectives set by AT&T.
- Denial of this proposal would materially inhibit AT&T's ability to provide and improve wireless services in this portion of Mission Viejo.



**AT&T Mobility • Proposed Small Cell (No. CRAN_RLOS_MSVJ1_016A)
Marguerite Parkway • Mission Viejo, California**

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of AT&T Mobility, a personal wireless telecommunications carrier, to evaluate its small cell (No. CRAN_RLOS_MSVJ1_016A) proposed to be sited in Mission Viejo, California, for compliance with appropriate guidelines limiting human exposure to radio frequency (“RF”) electromagnetic fields.

Executive Summary

AT&T proposes to install a cylindrical antenna on a tall steel pole to be sited in the public right-of-way along Marguerite Parkway, near Shops Boulevard, in Mission Viejo. The proposed operation will comply with the FCC guidelines limiting public exposure to RF energy.

Prevailing Exposure Standards

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

Wireless Service Band	Transmit Frequency	“Uncontrolled” Public Limit	Occupational Limit (5 times Public)
Microwave (point-to-point)	1–80 GHz	1.0 mW/cm ²	5.0 mW/cm ²
Millimeter-wave	24–47	1.0	5.0
Part 15 (WiFi & other unlicensed)	2–6	1.0	5.0
CBRS (Citizens Broadband Radio)	3,550 MHz	1.0	5.0
BRS (Broadband Radio)	2,490	1.0	5.0
WCS (Wireless Communication)	2,305	1.0	5.0
AWS (Advanced Wireless)	2,110	1.0	5.0
PCS (Personal Communication)	1,930	1.0	5.0
Cellular	869	0.58	2.9
SMR (Specialized Mobile Radio)	854	0.57	2.85
700 MHz	716	0.48	2.4
600 MHz	617	0.41	2.05
[most restrictive frequency range]	30–300	0.20	1.0

General Facility Requirements

Small cells typically consist of two distinct parts: the electronic transceivers (also called “radios” or “channels”) that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The radios are typically mounted on the support pole or placed in a cabinet at ground level, and they are



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P37-B5Z9
Page 1 of 3

**AT&T Mobility • Proposed Small Cell (No. CRAN_RLOS_MSVJ1_016A)
Marguerite Parkway • Mission Viejo, California**

connected to the antennas by coaxial cables. Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. This means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

Computer Modeling Method

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

Site and Facility Description

Based upon information provided by AT&T, including drawings by M Squared Wireless, dated August 19, 2019, it is proposed to install one Galtronics Model GQ2410-06621, 2-foot tall, omnidirectional* cylindrical antenna on top of a tall steel pole to be sited in the public right-of-way on the northwest side of Marguerite Parkway, about 230 feet southwest of its intersection with Shops Boulevard, in Mission Viejo. The antenna would employ no downtilt and would be mounted at an effective height of about 32½ feet above ground. The maximum effective radiated power proposed in any direction is 86.4 watts, representing simultaneous operation at 84 watts for PCS and at 2.4 watts for Part 15 service at 5 GHz. There are reported no other wireless telecommunications base stations at the site or nearby.

Study Results

For a person anywhere at ground, the maximum RF exposure level due to the proposed AT&T operation is calculated to be 0.00068 mW/cm², which is 0.068% of the applicable public exposure limit. The maximum calculated level at any nearby building† is 0.16% of the public exposure limit. It should be noted that these results include several “worst-case” assumptions and therefore are expected to overstate actual power density levels from the proposed operation.

* Assumed to be omnidirectional, although manufacturer’s patterns show reduced power in certain directions.

† Located at least 65 feet away, based on drawings.



**AT&T Mobility • Proposed Small Cell (No. CRAN_RLOS_MSVJ1_016A)
Marguerite Parkway • Mission Viejo, California**

No Recommended Compliance Measures

Due to its mounting location and height, the antenna would not be accessible to unauthorized persons, and so no measures are necessary to comply with the FCC public exposure guidelines. It is presumed that AT&T will, as an FCC licensee, take adequate steps to ensure that its employees or contractors receive appropriate training and comply with FCC occupational exposure guidelines whenever work is required near the antennas themselves.

Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that operation of the small cell proposed by AT&T Mobility along Marguerite Parkway in Mission Viejo, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating small cells.

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration No. E-20309, which expires on March 31, 2021. This work has been carried out under her direction, and all statements are true and correct of her own knowledge except, where noted, when data has been supplied by others, which data she believes to be correct.

August 28, 2019



Andrea L. Bright
Andrea L. Bright, P.E.
707/996-5200



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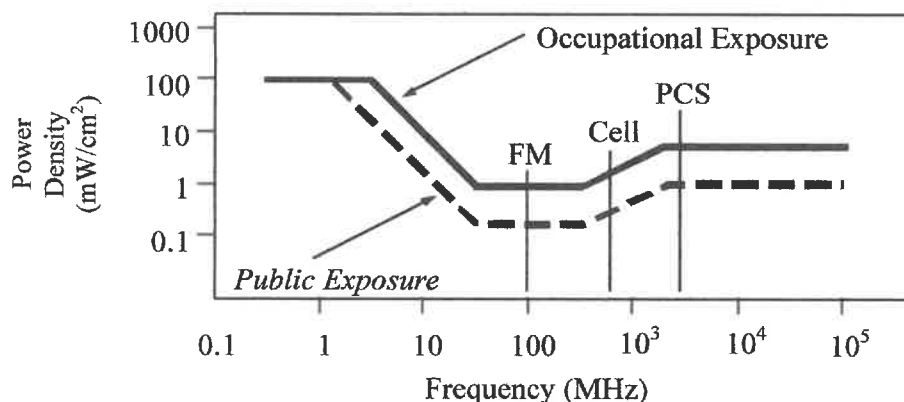
P37-B5Z9
Page 3 of 3

FCC Radio Frequency Protection Guide

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

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

Frequency Applicable Range (MHz)	Electromagnetic Fields (<i>f</i> is frequency of emission in MHz)					
	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm ²)	
0.3 – 1.34	614	<i>614</i>	1.63	<i>1.63</i>	100	<i>100</i>
1.34 – 3.0	614	<i>823.8/f</i>	1.63	<i>2.19/f</i>	100	<i>180/f²</i>
3.0 – 30	1842/f	<i>823.8/f</i>	4.89/f	<i>2.19/f</i>	900/f ²	<i>180/f²</i>
30 – 300	61.4	<i>27.5</i>	0.163	<i>0.0729</i>	1.0	<i>0.2</i>
300 – 1,500	3.54√ <i>f</i>	<i>1.59√f</i>	√ <i>f</i> /106	<i>√f/238</i>	<i>f/300</i>	<i>f/1500</i>
1,500 – 100,000	137	<i>61.4</i>	0.364	<i>0.163</i>	5.0	<i>1.0</i>



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



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FCC Guidelines
Figure 1

RFR.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

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

Near Field.

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

For a panel or whip antenna, power density $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h}$, in mW/cm²,

and for an aperture antenna, maximum power density $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$, in mW/cm²,

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

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

Far Field.

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

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

- where ERP = total ERP (all polarizations), in kilowatts,
RFF = three-dimensional relative field factor toward point of calculation, and
D = distance from antenna effective height to point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula is used in a computer program capable of calculating, at thousands of locations on an arbitrary grid, the total expected power density from any number of individual radio frequency sources. The program also allows for the inclusion of uneven terrain in the vicinity, as well as any number of nearby buildings, to obtain more accurate projections.



Exhibit - F

APPENDIX A

***Optional Checklist for Determination
Of Whether a Facility is Categorically Excluded***



SIGNED, 25 NOV 2019

**Optional Checklist for Local Government
To Determine Whether a Facility is Categorically Excluded**

Purpose: The FCC has determined that many wireless facilities are unlikely to cause human exposures in excess of RF exposure guidelines. Operators of those facilities are exempt from routinely having to determine their compliance. These facilities are termed "categorically excluded." Section 1.1307(b)(1) of the Commission's rules defines those categorically excluded facilities. This checklist will assist state and local government agencies in identifying those wireless facilities that are categorically excluded, and thus are highly unlikely to cause exposure in excess of the FCC's guidelines. Provision of the information identified on this checklist may also assist FCC staff in evaluating any inquiry regarding a facility's compliance with the RF exposure guidelines.

BACKGROUND INFORMATION

1. Facility Operator's Legal Name: AT&T Mobility
2. Facility Operator's Mailing Address: 1452 Edinger Avenue, Tustin, CA 92618
3. Facility Operator's Contact Name/Title: Alma Pineda
4. Facility Operator's Office Telephone: (800) 832-6662
5. Facility Operator's Fax: _____
6. Facility Name: CRAN_RLOS_MSVJ1_016
7. Facility Address: 28101 MARGUERITE PARKWAY (Public Right-of-Way)
8. Facility City/Community: MISSION VIEJO
9. Facility State and Zip Code: CA 92692
10. Latitude: 33.55456
11. Longitude: -117.670144

continue
→

Optional Local Government Checklist (page 2)

EVALUATION OF CATEGORICAL EXCLUSION

12. Licensed Radio Service (see attached Table 1): Personal Communications Services
13. Structure Type (free-standing or building/roof-mounted): Free-standing
14. Antenna Type [omnidirectional or directional (includes sectored)]: Omni
15. Height above ground of the lowest point of the antenna (in meters): 9.5758
16. ☐ Check if all of the following are true:
- (a) This facility will be operated in the Multipoint Distribution Service, Paging and Radiotelephone Service, Cellular Radiotelephone Service, Narrowband or Broadband Personal Communications Service, Private Land Mobile Radio Services Paging Operations, Private Land Mobile Radio Service Specialized Mobile Radio, Local Multipoint Distribution Service, or service regulated under Part 74, Subpart I (see question 12).
 - (b) This facility will not be mounted on a building (see question 13).
 - (c) The lowest point of the antenna will be at least 10 meters above the ground (see question 15).

If box 16 is checked, this facility is categorically excluded and is unlikely to cause exposure in excess of the FCC's guidelines. The remainder of the checklist need not be completed. If box 16 is not checked, continue to question 17.

17. Enter the power threshold for categorical exclusion for this service from the attached Table 1 in watts ERP or EIRP* (note: $EIRP = (1.64) \times ERP$): 1640 per Table 1 PCS (part 24)
18. Enter the total number of channels if this will be an omnidirectional antenna, or the maximum number of channels in any sector if this will be a sectored antenna: 4
19. Enter the ERP or EIRP per channel (using the same units as in question 17): 45.89
20. Multiply answer 18 by answer 19: 183.56
21. Is the answer to question 20 less than or equal to the value from question 17 (yes or no)?

If the answer to question 21 is YES, this facility is categorically excluded. It is unlikely to cause exposure in excess of the FCC's guidelines.

If the answer to question 21 is NO, this facility is not categorically excluded. Further investigation may be appropriate to verify whether the facility may cause exposure in excess of the FCC's guidelines.

*"ERP" means "effective radiated power" and "EIRP" means "effective isotropic radiated power"

TABLE 1 (cont.)

SERVICE (TITLE 47 CFR RULE PART)	EVALUATION REQUIRED IF:
Personal Communications Services (part 24)	<p>(1) Narrowband PCS (subpart D): <u>non-building-mounted antennas</u>: height above ground level to lowest point of antenna < 10 m <u>and</u> total power of all channels > 1000 W ERP (1640 W EIRP) <u>building-mounted antennas</u>: total power of all channels > 1000 W ERP (1640 W EIRP)</p> <p>(2) Broadband PCS (subpart E): <u>non-building-mounted antennas</u>: height above ground level to lowest point of antenna < 10 m <u>and</u> total power of all channels > 2000 W ERP (3280 W EIRP) <u>building-mounted antennas</u>: total power of all channels > 2000 W ERP (3280 W EIRP)</p>
Satellite Communications (part 25)	all included
General Wireless Communications Service (part 26)	total power of all channels > 1640 W EIRP
Wireless Communications Service (part 27)	total power of all channels > 1640 W EIRP
Radio Broadcast Services (part 73)	all included



AT&T and Small Cells

Mission Viejo Design Review Presentation – January 29, 2020

Enhancing our network to meet consumer demand today while preparing for the technologies and innovations of tomorrow.

Cory Autrey / Wireless Policy Group (AT&T Consultant)

Rickard Hardy Soderberg / Ericsson (AT&T Consultant)

William Depalma / Ericsson (AT&T Consultant)

Matt Levesque / Pramira (AT&T Consultant)

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AT&T and the need for small cells



Small cells are critical to provide reliable wireless service

PUBLIC SAFETY

- 76% of all 911 calls came from cell phones.¹

BUSINESS

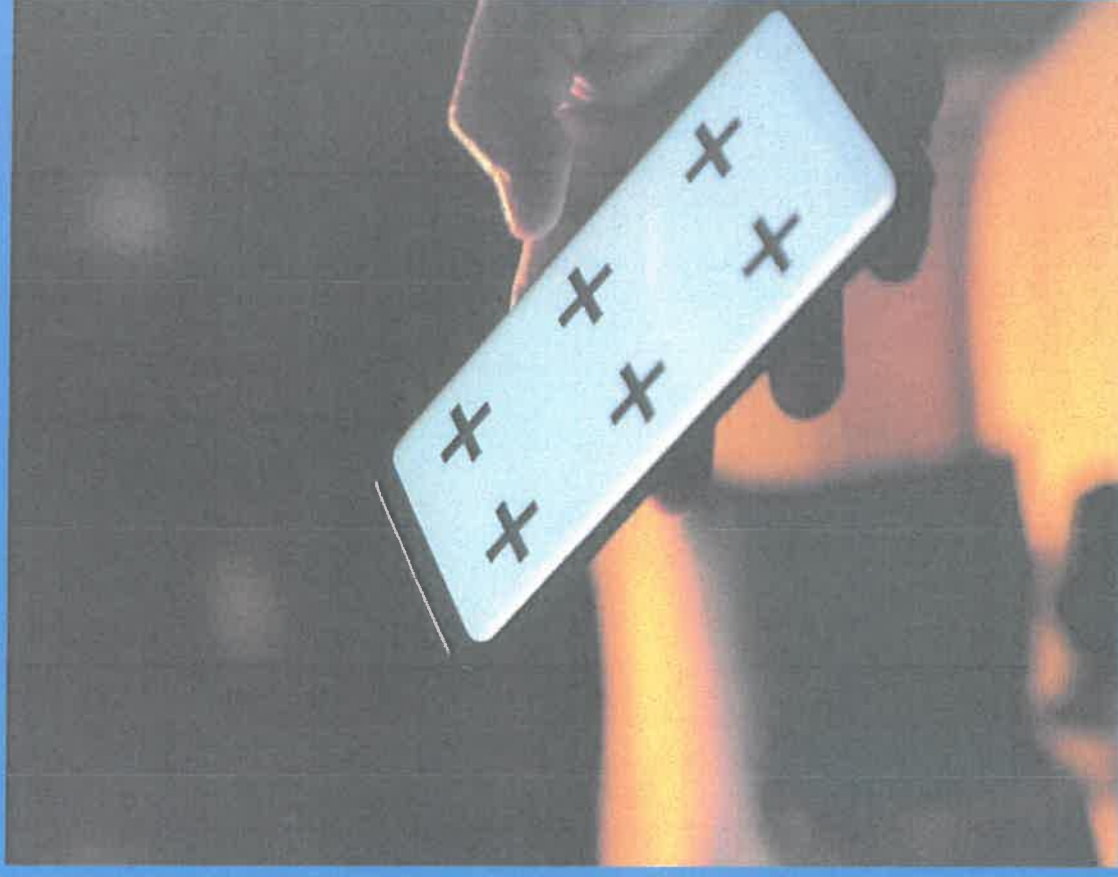
- 98% of small businesses rely on wireless technology.²

RESIDENTS

- Residents use smartphones, tablets, laptops at home – all driving the need for reliable and expanded connectivity.

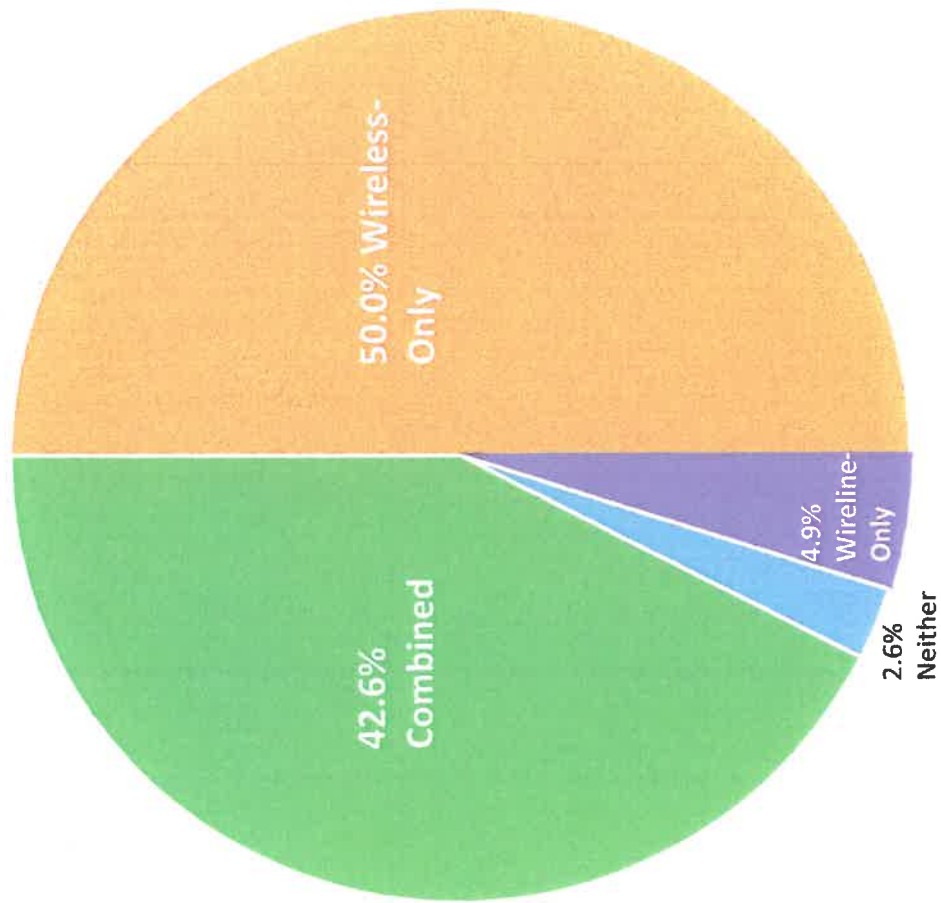
1. <https://www.911.gov/pdf/National-911-Program-2015-ProfileDatabaseProgressReport-021716.pdf>

2. <https://smallbiztrends.com/2013/05/small-business-use-wireless.html>

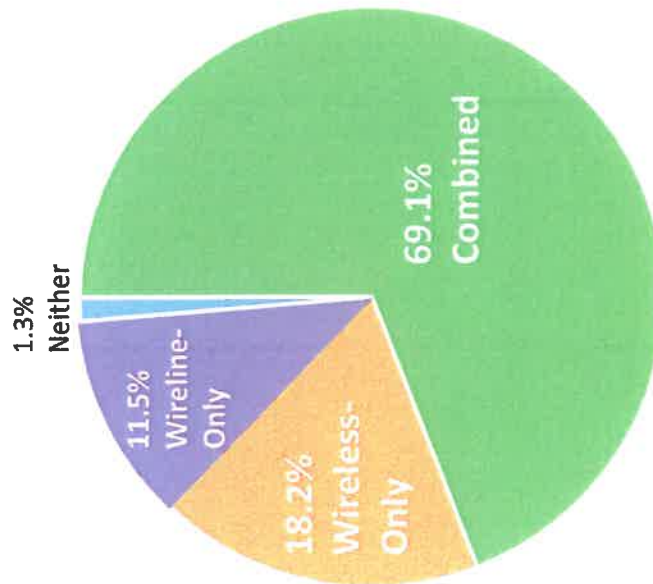


Growth of Wireless-Only Households in California¹

December 2016



June 2010



¹ CDC National Health Statistics Wireless Substitution Reports

Consumer and business demand for wireless data is on the rise



Network capacity must be upgraded to keep pace with surging demands for data.



Ways to Increase Wireless Network Capacity

①

Deploy more spectrum

- Spectrum is **not readily available**



②

Improve spectrum efficiency

- Repurposing existing spectrum
- e.g., 3G carves for LTE



③

Add more macro (cell sites) cells

- Optimal for low concentration areas



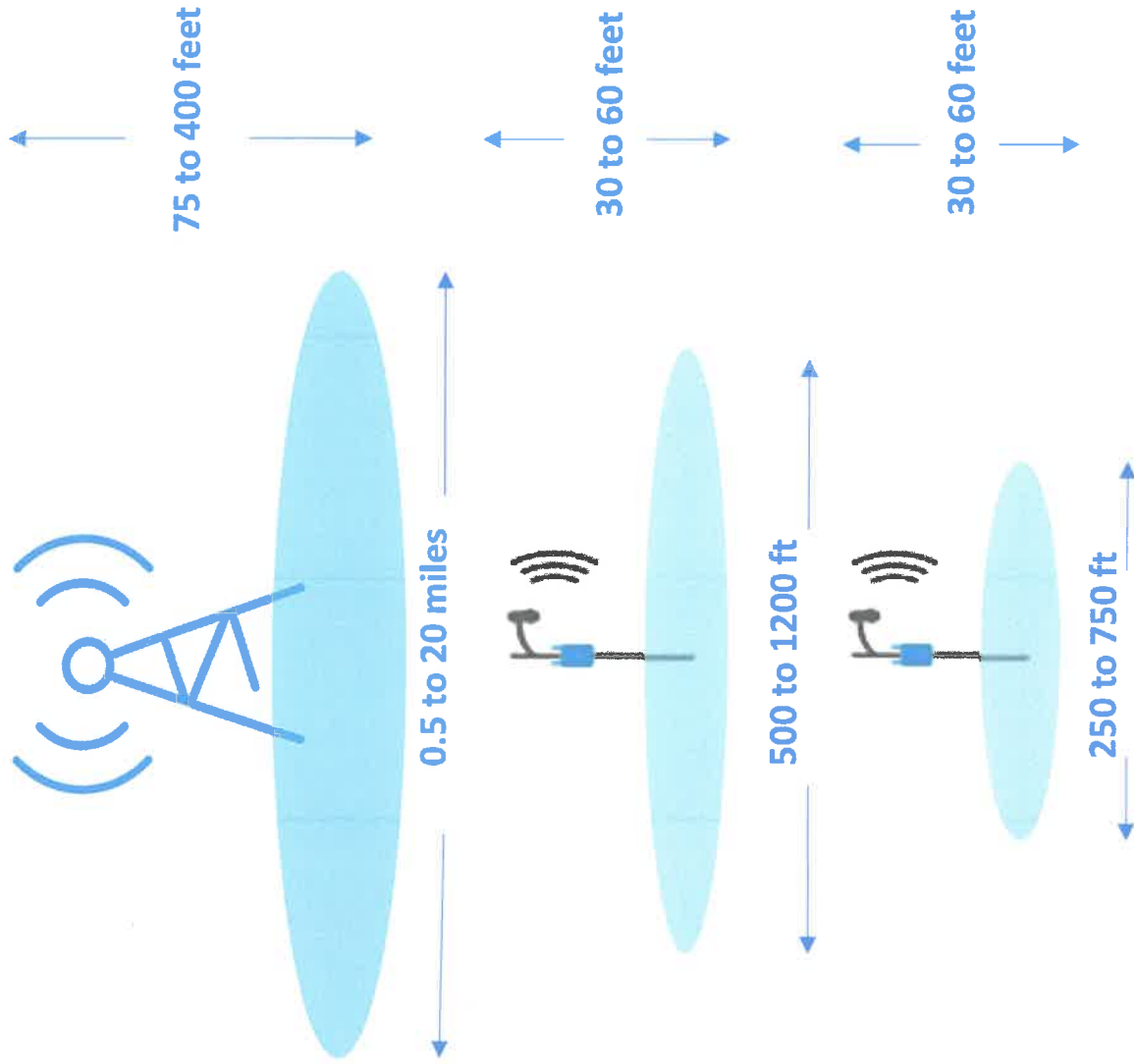
④

Add more small cells

- Offloads surrounding macro sites



Network Solutions: Comparison



Macrocell (4G LTE)

The common form factor for wireless communication. Higher height and lower frequencies used result in the larger service area.

Current Small Cell (4G LTE)

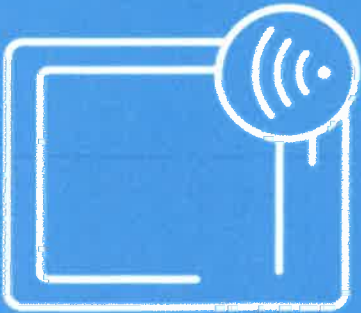
Uses the same frequencies as macrocells, in addition to utilizing unlicensed spectrum. Due to lower height, footprint is smaller. Increases capacity or coverage in target areas.

Future Small Cell (5G)

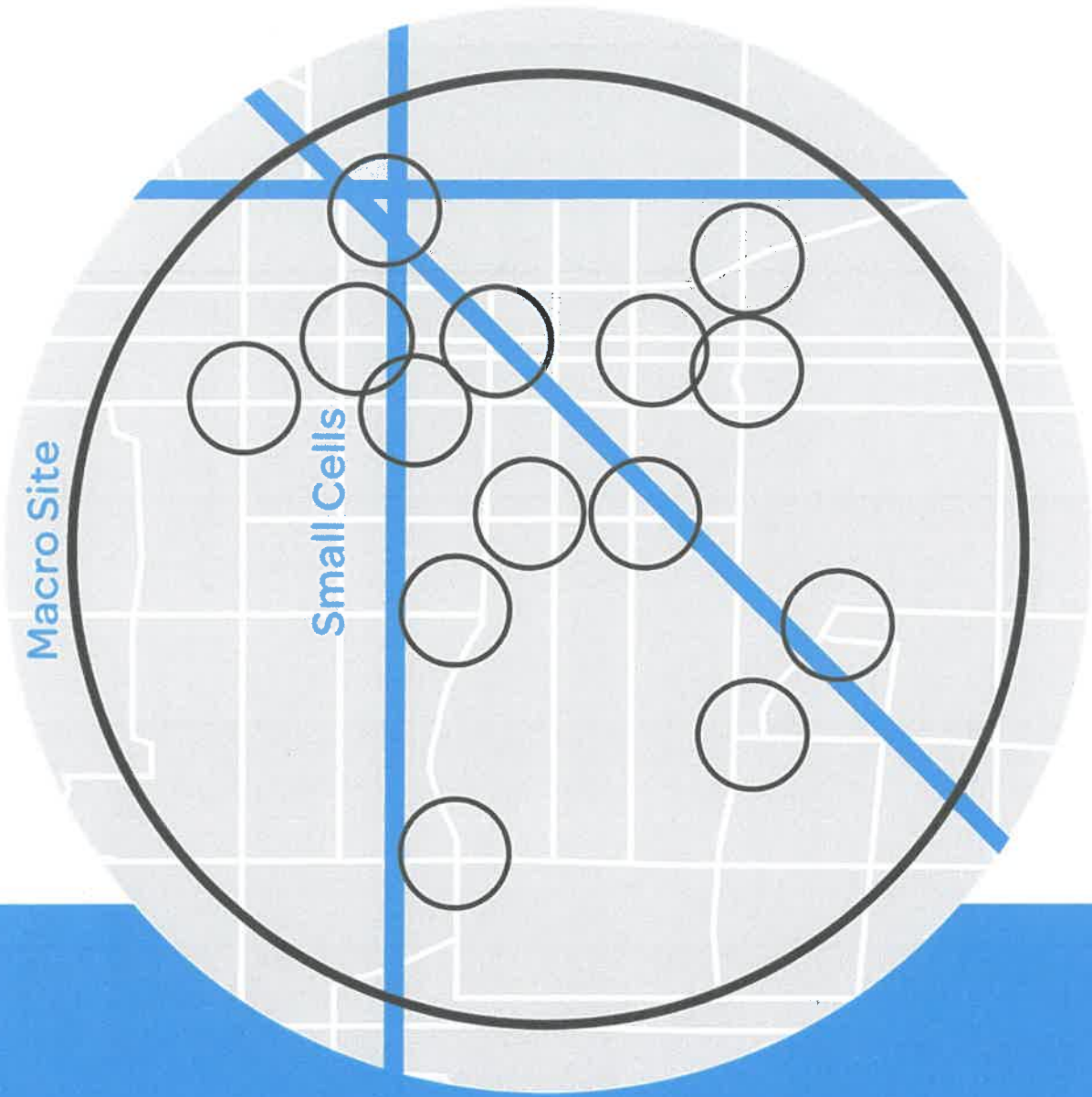
Very high frequencies enabled by future 5G technology will result in a smaller footprint, but can be used to meet the exponential increased capacity demand.

- Heights and service areas are approximations
- Small cell sites supplement vs. replace macrocell sites
- The footprint, or service area, of a site is determined by height and by frequency band





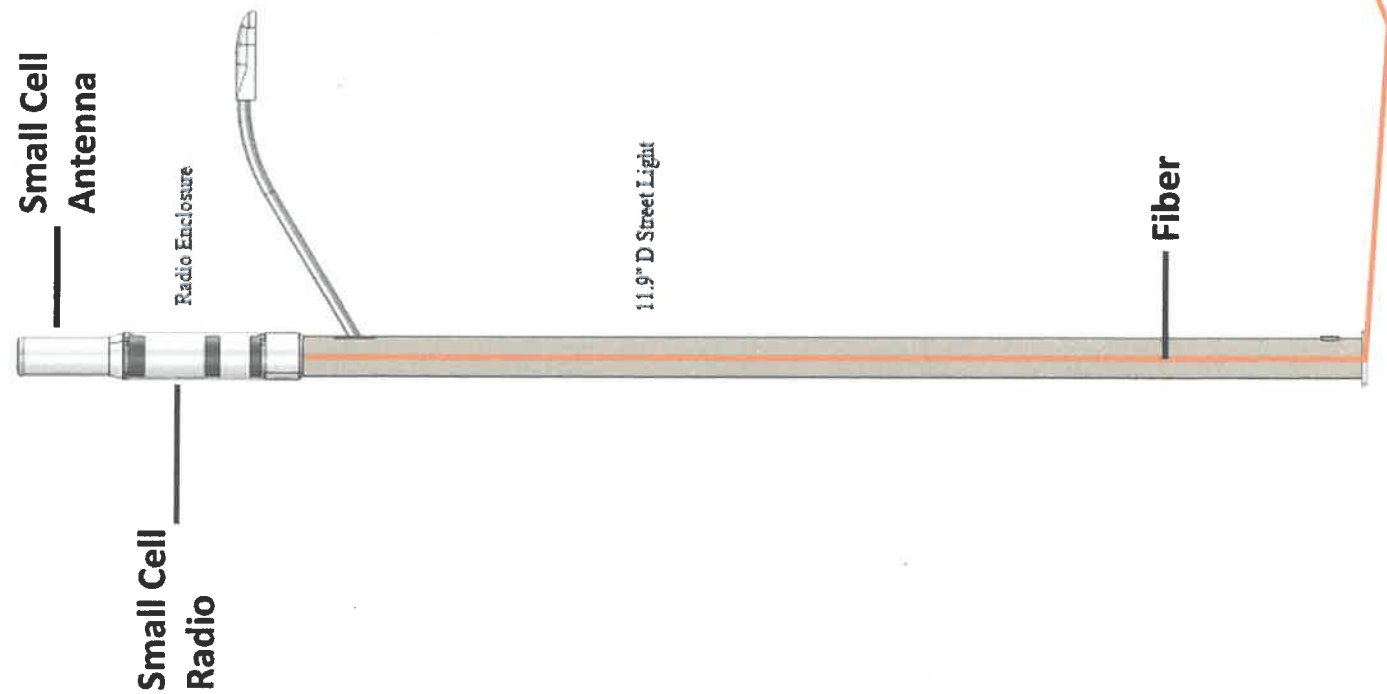
Small cells can
densify our
network to
meet customer
demand



What is a small cell?



What is a Small Cell?



A new network architecture is needed

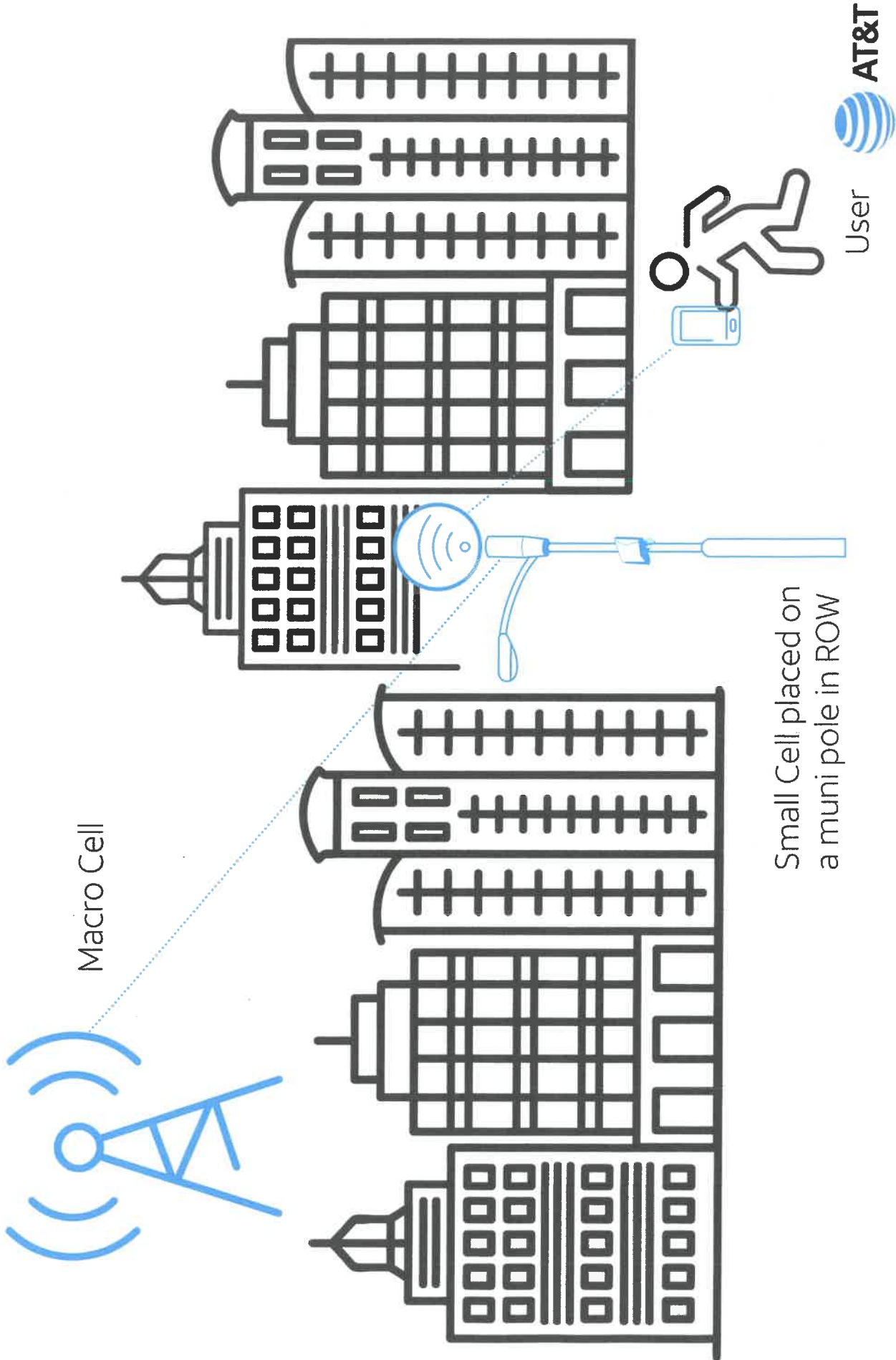
Small cells are **flexible, targeted** network solutions that cover a radius up to 1200+ feet and can be readily deployed to specific locations:

- Where customers are prone to experience connectivity issues
- Heavily populated areas that need more network capacity
- Areas that can't effectively be served by a traditional macro cell



This photo depicts an example of what a small cell could look like. Actual size, shape and dimensions may vary by location.

Small cells help to bring the network “closer” to its users to deliver increased data capacity, faster connectivity speeds and an overall better wireless experience.

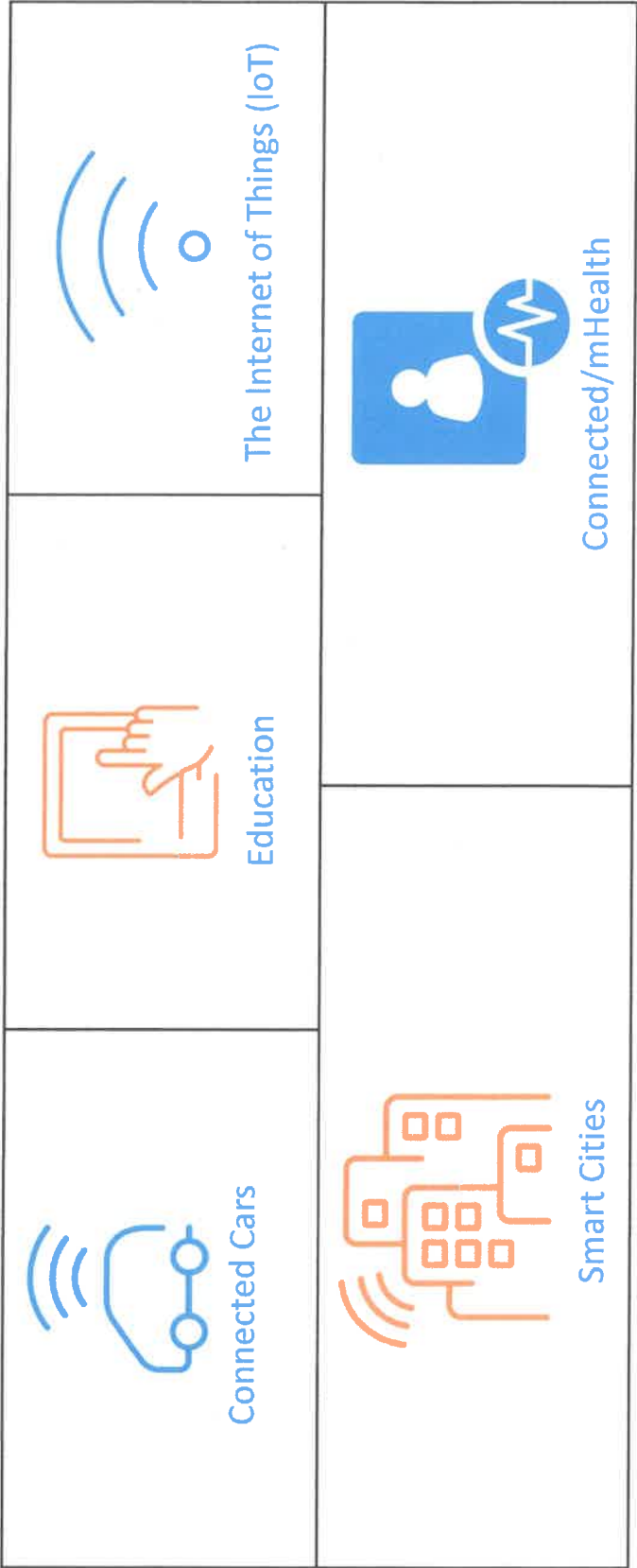


Small cells and our cities



Benefits of Small Cells to Consumers and Communities

- By bolstering network capacity, more efficiently using spectrum and expanding access to faster mobile internet speeds, small cells help us prepare for the technologies of the future—such as 5G, smart cities and new developments in the Internet of Things (IoT).



The **business community** is also becoming more and more connected and relying heavily on wireless technologies.

- Small businesses have streamlined their bookkeeping and now take payments using an app on their smart device.
- Companies can video-chat with clients from across the state or across the country with enhanced network capabilities.
- Ride-sharing drivers use an app on their smartphones to find customers and operate their businesses.







MINUTES

Planning and Transportation Commission's
Design Review Committee
January 29, 2020

A regular Meeting of the Design Review Committee of **January 29, 2020 at 3:00 p.m.** in the Marguerite Room , at Mission Viejo City Hall, 200 Civic Center, Mission Viejo, California.

A complete copy of the agenda for the meeting containing the items as shown herein was posted on Monday, January 27, 2020 on the outdoor bulletin board at City Hall. Copies were also posted at the Montanoso Recreation and Fitness Center, 25800 Montanoso Drive, and the Norman P. Murray Community and Senior Center, 24932 Veterans Way.

Present: Commissioner Robert Breton
Commissioner Joe Blum
Elaine Lister, Director of Community Development
Larry Longenecker, Planning Manager
Tim Martin, Senior Planner
Keith Rattay, Assistant City Manager/Director of Public Services
Rich Schlesinger, City Engineer
Philip Nitollama, Transportation Engineer
Richard Soderberg, Ericsson
William DePalma, Ericsson
Corey Autrey, WPG
Matt Levesque, Pramira

AGENDA ITEM:



PLANNED DEVELOPMENT PERMIT PDP2019-311

Petition submitted by Pramira Inc., agent for AT&T, to construct a new “small-cell” wireless telecommunication monopole facility located within the public right-of-way along Marguerite Parkway, adjacent to the U.S. Post Office at 28081 Marguerite Parkway, between Shops Boulevard to the north and College Center to the south. Equipment installed on the new 33’-5”-tall steel pole would include four remote radio units, one omni-directional antenna, and one raycap disconnect, all located at the top of the pole within an equipment shroud.

PLANNED DEVELOPMENT PERMIT PDP2019-312

Petition submitted by Pramira Inc., agent for AT&T, to construct a new “small-cell” wireless telecommunication monopole facility located within the public right-of-way along Marguerite Parkway, north of Avery Parkway, adjacent to the Burlington store at 28452 Marguerite Parkway

and Conroy's Flowers at 28442 Marguerite Parkway. Equipment installed on the new 33'-5"-tall steel pole would include four remote radio units, one omni-directional antenna, and one raycap disconnect, all located at the top of the pole within an equipment shroud.

Cory Autrey, WPG, gave an overview of AT&T and the two proposed small cells. Questions were asked regarding the two specific sites, the overall network, and setbacks.

PRE-APPLICATION CONSIDERATION- LAKE MISSION VIEJO ID SIGNS

Proposal by Lake Mission Viejo Association for three project identification signs that would replace existing ID signs located at the intersections of Marguerite Parkway and Olympiad Road, Marguerite Parkway and Alicia Parkway, and Lanzarote and Calefa.

The applicant reviewed the Lake Mission Viejo Association proposed replacement signs. The existing signs are old and in disrepair.

ADJOURNMENT

With no further business to come before the Design Review Committee at this session, the meeting was adjourned at 4:15 p.m.

Submitted by:

Elaine Lister, Director of Community Development



City of Mission Viejo

Planning Application

PROPERTY OWNER OF RECORD

NAME City of Mission Viejo
 ADDRESS 28081 Marguerite Pkwy (public right-of-way)
Mission Viejo, CA ZIP 92691
 PHONE _____
 E-MAIL _____

AUTHORIZED AGENT

NAME Pramira Inc
 ADDRESS 2552 Walnut Ave
Tustin, CA ZIP 92780
 PHONE (714) 266 - 5950
 E-MAIL matt.levesque@pramira.com

APPLICANT

NAME New Cingular Wireless PCS, LLC *dba AT&T*
 ADDRESS 1452 Edinger Ave
Tustin, CA ZIP 92780
 PHONE (323) 420 -9500
 E-MAIL _____

FOR OFFICE USE ONLY

APPLICATION FOR:

Planned Development Permit

CASE No.: PDP 2019-311

FEE: 5,600 DATE: 11-27-19

PROJECT LOCATION

ADDRESS: 28081 Marguerite Pkwy

ZONING AREA: CF

ASSESSOR PARCEL No.: 740 - 011 - 021

TRACT/P.M. No.: _____ LOT No.: _____

PROJECT DESCRIPTION

Including as appropriate: use (existing and proposed); number (of buildings, stories, units, rooms); size (of site-acreage, building height/square footage); operational characteristics; and other pertinent details.

Install (1) new purpose built steel pole; install (4) new AT&T remote radio units; install (1) new omni-directional antenna; install (1) new AT&T equipment shroud; install (1) new Raycap disconnect; install (1) new handhole in the public right-of-way along Marguerite Pkwy (33.55456, -117.670144).

CERTIFICATION (sign and print name)

I have read and understand the requirements on the reverse side of this application. I certify that to the best of my knowledge the information I have presented in this form and accompanying materials is true and correct.

PROPERTY OWNER
OF RECORD

DATE

Matt Levesque

AUTHORIZED AGENT

DATE

New Cingular Wireless PCS, LLC

APPLICANT

DATE

INITIAL STUDY QUESTIONNAIRE
CITY OF MISSION VIEJO
COMMUNITY DEVELOPMENT DEPARTMENT
(To be completed by applicant)

(Staff Use)
Project Number(s):

This form will not be processed until it is completely filled out. If you have questions, call 949/470-3053.

A. GENERAL INFORMATION

Project Applicant (Owner):

Name
New Cingular Wireless PCS, LLC
Address
1452 Edinger Ave., Tustin, CA 92780
(323) 420 -9500
Phone Number

Project Representative (Agent):

Name
Matt Levesque
Address
2552 Walnut Ave. Tustin, CA
(714) 266 - 5950
Phone Number

1. Action requested and project name with brief description: New micro small cell facility in the public right-of-way
- 2a. Street location of project: 28081 Marguerite Pkwy (public right-of-way)
- 2b. Assessor Parcel number(s): N/A - public R.O.W Tract/Lot number: _____
- 3a. Present use of site: N/A - New Development
- 3b. Previous use of site or structure: N/A - New Development
- 3c. Proposed use of site (project for which this form is filed): Small Cell Wireless Facility
4. Please list all previous cases (if any) related to this project: N/A
5. Other related permit/approvals required for this project, including those required by other city, regional, state and federal agencies. Specify type and granting agency: N/A
6. Are you planning future phases of this project? ☒ Y ☐ N (circle) If yes, explain:
Wireless Facilities will require future maintenance and/or upgrades throughout the lifespan of the site.
7. Gross square footage of floor area, by type of use proposed (if more than one building, give square footage of each): N/A
8. Square feet of ground coverage: _____
9. Number of floors, including basement if any: N/A

10. Number of off-street parking spaces provided: N/A

11. Water and sewer services: Domestic Water Public Sewers
Does service exist at site? Y ☒ N (circle) Y ☒ N (circle)

Residential Projects:

12. Number, type, and size of units: N/A

13. Schools:
What school district(s) serves the property? N/A

Are existing school facilities adequate to meet project needs? Y N (circle)

If not, what provisions will be made for additional classrooms? N/A

Non-Residential Projects:

14. Distance to nearest residential use or sensitive use (school, hospital, etc.): 250' from multi-family residential

15. Number and floor area of building: 0

16. Number of employees and shifts: N/A - unmanned facility

17. Maximum employees per shift: N/A Operating hours: N/A

18. Timing, type and number of deliveries: N/A - unmanned facility

Identify any: End products: _____
Waste products: _____
Means of disposal: _____

19. Do project operations use, store, or produce hazardous substances such as oil, pesticides, chemicals, paints, or radioactive materials? Y ☒ N (circle)
If yes, explain: _____

20. Identify any flammable, reactive, or explosive materials to be located on-site: N/A

21. Will delivery or shipment trucks travel through residential areas to reach the nearest highway? Y ☒ N
If yes, explain: _____

B. ENVIRONMENTAL INFORMATION

1. Environmental Setting - Project Site
Describe:

- a. Existing use/structures N/A - New Development
- b. Topography/slopes Site is at the bottom of a slight slope
- c.* Vegetation Foliage is present near the site
- d.* Animals None
- e.* Watercourses None
- f. Cultural/historical resources None
- g. Other N/A

2. Environmental Setting - Surrounding Area

- a. existing uses/structures (types, densities) N/A - New Development
- b. Topography/slopes Site is at the bottom of a slight slope
- c.* Vegetation Foliage is present near the site
- d.* Animals None
- e.* Watercourses None
- f. Cultural/historical resources None
- g. Other N/A

*Answers are not required if the area does not contain natural, undeveloped land.

3. Are there any major trees on the site, including oak trees? Y N (circle)
If yes, type and number: No trees are being disturbed
4. Will any natural watercourses, surface flow pattern, etc., be changed through project development?
Y ☒ (circle) If yes, explain: _____
5. Will the project result in any changes in scenic views or vistas from existing residential areas or public lands or roads? Y ☒ (circle) If yes, explain: _____
6. Grading:
Will the project require grading? Y ☒ (circle)

If yes, how many cubic yards? _____
Will it be balanced on site? Y N (circle)

If not balanced, where will dirt be obtained or deposited? _____

7. Are there any identifiable landslides or other major geologic hazards on the property (including uncompacted fill)? Y ☒ N (circle) If yes, explain: _____

8. Is the property located within a high fire hazard area (hillsides with moderately dense vegetation)?
Y ☒ N (circle) Distance to the nearest fire station: _____

9. Noise:
Existing noise sources at site: _____
Noise to be generated by project: 36dB at 32'5" which dissipates at ground level

10. Fumes:
Odors generated by project: None

Could toxic fumes be generated? _____

11. What energy-conserving designs or material will be used? N/A

12. Water quality:

Could the proposed project result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical storm water pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash). No

Could the proposed project result in significant alteration of receiving water quality during or following construction? No

Could the proposed project result in increased impervious surfaces and associated increased runoff? No

Could the proposed project create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?
No

Could the proposed project result in increased erosion downstream? No

Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired? No

Is project tributary to other environmentally sensitive areas? If so, can it exacerbate already existing sensitive conditions? No

Could the proposed project have a potentially significant environmental impact on surface water quality to either marine, fresh, or wetland waters? No

Could the proposed project have a potentially significant adverse impact on ground water quality? No

Could the proposed project cause or contribute or exceed applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses? No

Can the project impact aquatic, wetland, or riparian habitat? No

CERTIFICATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

11/27/2019

Date

matt levesgue

Signature

For: _____

Revised 4/1/02



City of Mission Viejo

Planning and Transportation Commission Staff Report

Date: January 31, 2020

To: Planning and Transportation Commission

From: Tim Martin, Senior Planner through
Elaine Lister, Director of Community Development

For: Planning and Transportation Commission Meeting of February 10, 2020

Subject: Planned Development Permit PDP2019-312 - Petition submitted by Pramira Inc., agent for AT&T, to construct a new “small-cell” wireless telecommunication monopole facility located within the public right-of-way along Marguerite Parkway, north of Avery Parkway, adjacent to the Burlington store at 28452 Marguerite Parkway and Conroy’s Flowers at 28442 Marguerite Parkway. Equipment installed on the new 33’-5”-tall steel pole would include four remote radio units, one omni-directional antenna, and one raycap disconnect, all located at the top of the pole within an equipment shroud.

RECOMMENDED ACTION

Adopt resolution approving Planned Development Permit PDP2019-312.

DISCUSSION

A. Site Location

The project site is located within the public right-of-way along Marguerite Parkway on an existing sidewalk, adjacent to the Conroy’s Flowers store at 28442 Marguerite Parkway. The subject site is located just north of the ingress/egress driveway for Conroy’s Flowers and Burlington Coat Factory. The site is bounded by existing commercial uses to the north and south, Saddleback College to the east, and commercial and office use to the west, across Marguerite Parkway. The subject site is further identified by the following coordinates: Latitude: 33.550139, Longitude: -117.670531. The site is located approximately 650 ft north of Avery Center, a retail shopping center located at 28570 Marguerite Parkway. On January 14th of this year, the City Council approved Zone Change ZC2019-22, Conditional Use Permit CUP2019-408, Planned Development Permit PDP2019-309, and Variance VAR2019-53 by Confluent Development to demolish Avery Center and permit development of an assisted living facility. The 3-story, 166,000-square-foot facility will have 132 living units with 166 beds. The proposed monopole is approximately 615 feet away from the assisted living facility. A vicinity map is included as Attachment 2.

B. Project Description

Planned Development Permit PDP2019-312 is a petition submitted by Pramira Inc., agent for AT&T, to construct a new “small-cell” wireless telecommunication monopole facility located on the existing sidewalk, immediately adjacent to the Conroy’s Flowers building. Equipment installed on the new 33’-5”-tall steel pole would include four remote radio units, one omni-directional antenna, and one raycap disconnect, all located at the top of the pole within an equipment shroud. More specifically, the proposed slim-line monopole has an overall height of 33’5”, and is 12” wide. The omni-directional antenna mounted at the top of the pole is a low-powered pico node which will extend coverage and network capacity to the surrounding dense commercial area. The applicant states that the proposed monopole will utilize a fully integrated design which includes the radios, disconnect switch and cooling fans within the pole, maintaining a sleek profile. The antenna and other equipment on the monopole will be textured and painted to match other city poles and street lights.

The proposed facility will also include equipment cabinets located underground so as to be screened from public view. The applicant states that any noise emitted by the installation is related to the speed of the internal cooling fans and is well within the level of usual noise for the roadside of a heavily trafficked commercial area. The proposed monopole will be setback five feet (5’) from the face of curb to allow unrestricted pedestrian mobility along Marguerite Parkway and in accordance with required ADA clearances. AT&T also proposes to install a 12” high concrete retaining curb to maintain a clear pedestrian walkway due to a slight upslope to the east of the site and to meet ADA clearance requirements. AT&T states that the maintenance of the subject facility is minimal. AT&T will be responsible for maintenance of the telecom facility including, but not limited to, repairing any missing, discolored or damaged screening and prompt removal of graffiti. The proposed plans and photo simulations are included as Attachments 3 and 4 of this report.

The agent for the project, Matt Levesque of Pramira Inc., states in his letter of justification that “small cells” are low-power, low-profile wireless communications facilities that improve signal quality and capacity within AT&T’s existing wireless network (Attachment 5). He further states that the proposed small cell facility will help AT&T provide and improve critical wireless services in the dense commercial area along Marguerite Parkway. Specifically, Mr. Levesque states that this proposed small cell facility will help improve AT&T’s wireless services by offloading network traffic carried by existing macro cell site facilities in the area. In addition, he states that faster data rates allow customers to get on and off the network quickly, which produces more efficient use of AT&T’s limited spectrum. Furthermore, Mr. Levesque states that by placing the small cell facility in areas where AT&T’s existing wireless telecommunications facilities are constrained, and where AT&T experiences especially high network traffic, AT&T can address the existing and forecasted demand, and may support 5G speeds in the future. However, the facility currently proposed would utilize 4G technology only, not 5G. Use

of 5G technology would require separate and additional approval. The propagation plots for the subject AT&T facility are included as Attachment 6 of this staff report.

AT&T has identified an initial plan to install two of these small cell facilities, one at the subject site and one across Marguerite Parkway located approximately 1,750 feet north of the subject site. This second site would also be located on the sidewalk within the public right-of-way adjacent to the U.S. Post Office at 28081 Marguerite Parkway. This second site has been submitted separately under PDP2019-311. This small cell facility will be of the same design (Pico Node) and total height as the subject small cell monopole. Overall, AT&T anticipates a total of 15 future small cell sites located within the City. Each of these sites would be submitted separately as a Planned Development Permit application. A map showing the 15 proposed future sites is included as Attachment 7.

The Federal Telecommunications Act of 1996

Wireless facilities in the U.S. are governed by the Federal Telecommunication Act of 1996, which was intended to balance the national interest in advanced communications infrastructure deployment with the local interest in maintaining authority to protect public health, safety and welfare. The industry is also regulated by the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC), and the City is subject to the Telecommunications Act, FCC regulations, and state law and regulations that control cell site deployments. Under the Act, the City may not regulate the placement, construction or modification of wireless service facilities in a manner that prohibits or effectively prohibits the provision of personal wireless services. Although recent FCC regulations limit local authority over small wireless facilities, federal law does not prohibit a City from reviewing a small cell facility for its aesthetics and location under reasonable, nondiscriminatory, objective, and published criteria. Pursuant to the California Constitution and Section 7901 of the California Public Utilities Code, carriers have a right to construct telecommunications facilities and place poles within the public rights-of-way so long as it does not obstruct or disturb the public way (Attachment 8).

On October 15, 2018, the Federal Communications Commission published a Declaratory Ruling and Third Report and Order (WT Docket No. 17-79 and WC Docket 17-84), which went into effect January 14, 2019, and imposes certain limits on state and local government's ability to regulate the deployment of small cell telecommunication facilities (Attachment 9). The Declaratory Rule and Order limits the type and amount of fees the City can collect for private use of public property and limits the City's ability to regulate design aesthetics. The City must review wireless facility applications within a reasonable period of time, as defined pursuant to a shot clock (90 day shot clock for wireless facilities on new structures). Any decision to deny the application must be supported by substantial evidence contained in a written record.

Small Cell Wireless Facility Encroachment Permit

AT&T will be required to obtain from the City an encroachment permit for maintenance of each wireless installation located in the City's right-of-way, for each year (or partial

year). The Encroachment Permit Fee is per structure and includes all appurtenant equipment and facilities used in connection with the wireless facility. The encroachment permit for this wireless facility is \$1,000 per year. This encroachment permit fee does not include any required building permits or encroachment permits required for initial installation.

C. Alternate Site Analysis

Prior to filing the subject application with the City of Mission Viejo, the applicant considered other potential sites for the location of its wireless telecommunications facility (Attachment 10). Based upon network build-out plans and RF propagation analysis the applicant ultimately decided upon this site after considering the unique characteristics of the other candidates. It is the applicant's assertion that this location provides the greatest likelihood for satisfying the carrier's needs while minimizing potential detrimental impacts to the City.

D. Radio Frequency (RF) Study

A radio frequency (RF) emissions study was prepared and concluded that the RF exposure of the wireless facility for the general public is below the required maximum established by the Federal Communications Commission (FCC). As demonstrated in the study, the general public calculated cumulative RF exposure level at the ground would be 0.00087% of the maximum allowed, and the nearest second-story elevation of any nearby building would be at 0.24% of the maximum allowed, and therefore would not pose a safety concern based on FCC standards (Attachment 11).

E. Project Land Use/Zoning Consistency

The City of Mission Viejo General Plan Land Use Policy Map and the City of Mission Viejo Development Code and Zoning Map both designate the site as "CH" (Commercial Highway). The proposed wireless telecommunications facility is allowed in this zone with the approval of a Planned Development Permit.

F. Inter-Departmental Review

The proposed project was reviewed by the City's Building, Public Services, and Public Works Departments. Their conditions of approval, if any, have been incorporated in the attached draft resolution of approval.

G. Design Review

The Commission's Design Review Committee comprising Commissioners Ruesch and Blum reviewed the wireless telecommunication project on January 29, 2020. The Applicant presented an overview of the proposed AT&T project and responded to Commissioner comments and questions. A copy of the meeting minutes is attached for reference (Attachment 14).

H. Environmental Review

Article 19 "Categorical Exemption" of the California Environmental Quality Act includes

a list of projects which have been determined not to have a significant effect on the environment and which are, therefore, exempt from CEQA. Staff evaluation of the proposed use determined that the project qualifies as a Class 3 exemption for "New Construction or Conversion of Small Structures," pursuant to Section 15303 of the CEQA Guidelines.

I. Notice

Notice of this public hearing was sent to all property owners within 300 feet of the subject site, placed in the newspaper, and posted as required by state and local law.

Attachments

1. Draft resolution approving PDP2019-312.
2. Vicinity/Aerial Map.
3. Plans marked Exhibit "A".
4. Photo simulations of proposed facility marked Exhibit "B".
5. Applicant's letter of explanation marked Exhibit "C."
6. Propagation/coverage maps marked Exhibit "D."
7. Map of the 15 potential future sites where AT&T would like to add small cell sites within the City.
8. California Public Utilities Code – PUC, Division 4, Chapter 3. Telegraph or Telephone Corporations (7901 – 7912) for reference.
9. Federal Communications Commission- Small Entity Compliance Guide - Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79 and WC Docket No. 17-84.
10. Alternative Site Analysis submitted by the applicant.
11. Radio frequency (RF) Study submitted by the applicant.
12. FCC Appendix A Checklist submitted by the applicant.
13. AT&T and Small Cells Design Review Presentation, dated January 29, 2020.
14. Minutes from the January 30, 2020 Design Review Committee meeting.
15. Planning Application and Initial Study submitted by the applicant.

cc: Matt Levesque
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This report was prepared by Tim Martin, Senior Planner:
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RESOLUTION 2020-XXX

A RESOLUTION OF THE CITY OF MISSION VIEJO PLANNING AND TRANSPORTATION COMMISSION APPROVING PLANNED DEVELOPMENT PERMIT PDP2019-312, BEING A PETITION SUBMITTED BY PRAMIRA INC., AGENT FOR AT&T, TO CONSTRUCT A NEW “SMALL-CELL” WIRELESS TELECOMMUNICATION MONOPOLE FACILITY LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY ALONG MARGUERITE PARKWAY, NORTH OF AVERY PARKWAY, ADJACENT TO THE BURLINGTON STORE AT 28452 MARGUERITE PARKWAY AND CONROY’S FLOWERS AT 28442 MARGUERITE PARKWAY. EQUIPMENT INSTALLED ON THE NEW 33’-5”-TALL STEEL POLE WOULD INCLUDE FOUR REMOTE RADIO UNITS, ONE OMNI-DIRECTIONAL ANTENNA, AND ONE RAYCAP DISCONNECT, ALL LOCATED AT THE TOP OF THE POLE WITHIN AN EQUIPMENT SHROUD.

WHEREAS, Planned Development Permit PDP2019-312 for the construction of a wireless telecommunications facility was filed by Pramira Inc., agent for AT&T, in accordance with the provisions of the City of Mission Viejo Municipal Code; and

WHEREAS, Planned Development Permit PDP2019-312 was processed in the time and manner prescribed by state and local law; and

WHEREAS, telecommunications facilities can be allowed in any of the City’s zoning districts, including the CH (Commercial Highway) zoning district, provided approval of a Planned Development Permit is first obtained; and

WHEREAS, in order to grant approval of a Planned Development Permit, the reviewing authority, which in this case is the Planning and Transportation Commission, must make all of the findings set forth in Section 9.47.030 of Title 9 the Mission Viejo Municipal Code; and

WHEREAS, the Planning and Transportation Commission conducted a noticed public hearing on February 10, 2020, at which time interested persons had an opportunity to testify either in support of or opposition to the proposal; and

NOW, THEREFORE, THE PLANNING AND TRANSPORTATION COMMISSION OF THE CITY OF MISSION VIEJO DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1 - FINDINGS

That the Planning and Transportation Commission of the City of Mission Viejo hereby makes the following findings:

1. That the proposed wireless telecommunications facility is permitted within the subject zoning district and complies with the applicable provisions of the City of Mission Viejo Development Code, including prescribed development standards and design guidelines.

2. That the subject site is physically suitable for the type and intensity of the land use being proposed.
3. That the proposed wireless telecommunications facility would be harmonious and compatible with existing and future developments within the zoning district and general area.
4. That the proposed wireless telecommunications facility is harmonious and compatible with the land uses presently on the subject property.
5. That there are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed development is not detrimental to public health and safety.
6. That there is adequate public access to serve the proposed wireless telecommunications facility.
7. That the proposed wireless telecommunications facility is consistent with the General Plan.
8. That the location, size, design and operating characteristics of the proposed wireless telecommunications facility are not detrimental to the public interest, health, safety, convenience or welfare of the City.
9. That the approval of the Planned Development Permit for a wireless telecommunications facility is in compliance with the requirements of the California Environmental Quality Act.
10. That the data and analysis upon which these findings of fact are based are set forth in the staff report for Planned Development Permit PDP2019-312, staff's oral presentation, public testimony, and Commissioner comments which constituted the Planning and Transportation Commission's review of this application.

SECTION 2 - ENVIRONMENTAL REVIEW

The Community Development Department staff examined the proposal and determined that the unmanned communication facility is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15303 "New Construction or Conversion of Small Structures" of the CEQA Guidelines.

SECTION 3 - CONDITIONS OF APPROVAL

That the Planning and Transportation Commission of the City of Mission Viejo hereby approves Planned Development Permit PDP2019-312, subject to the following conditions:

1. That this approval constitutes approval of the proposed project only to the extent that the project complies with the Mission Viejo Development Code. Approval does not include any action or findings as to compliance or approval of the project regarding any other applicable ordinance, regulation or requirement.
2. That this approval is valid for a period of twelve months from the date of final determination. If the use approved by this action is not established within such period of time, Planned Development Permit PDP2019-312 shall expire unless the applicant submits a written request for an extension to the Director of Community Development prior to the expiration date; the extension request shall be subject to review and approval by the Planning and Transportation Commission.
3. That except as otherwise provided herein, this permit is approved as a precise plan. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Director of Community Development for approval. If the Director determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plot plan, the Director may approve the changed plan without requiring a new public hearing or referral to the Planning and Transportation Commission.
4. That Planned Development Permit PDP2019-312 shall be valid for a period of ten years from the date of installation. Upon request by the City at any time during the term, applicant shall provide the City with a certificate of continued compliance with the Conditions of Approval. The Permit shall remain valid for the term unless either the City's Director of Community Development or the Planning and Transportation Commission finds that there has been a history of well-founded written complaints related to the use and that the applicant has violated the Conditions of Approval, or that the appearance of the installation has deteriorated in violation of the Conditions of Approval. Any revocation of this approval shall be preceded by public notice and public hearing.
5. That except as modified by the terms of this approval, the wireless telecommunications facility shall be constructed and maintained by the applicant in substantial conformance with the construction plans, photo simulations, and letter of explanation submitted by the applicant, and included as Exhibit A, Exhibit B and Exhibit C, and for identification.
6. That appropriate clearances from the City's Building, Public Services, and Public Works Departments shall be secured prior to establishing the communication facility. The proposed project shall require a building permit from the City's Building Division. The proposed project will be subject to conformance with all adopted City codes and ordinances and Title 24 access requirements in effect at the time of submittal. The proposed work shall be designed by a California registered civil or structural engineer or

architect. Plans and building permits shall be required for all the proposed work, including retaining walls, and any fencing in excess of 6' in height. Structural calculations prepared by a California Registered Professional shall be required for the design of the unmanned equipment facility and antennas, and shall be reviewed and approved by the Building Services Division. Detailed construction plans shall be submitted to the Public Works Department to determine whether or not the facility requires a grading permit.

7. That prior to the issuance of a building permit, the applicant shall comply with all applicable provisions of the 2019 California Building Code, the 2018 International Building Code (IBC), American Society of Civil Engineers (ASCE) standard 7-16 for Minimum Design Loads and Associated Criteria for Buildings and Other Structures, California Fire Code, and Mission Viejo Municipal Code. In addition, the project must provide structural calculations; including providing wind and seismic design criteria.
8. That an encroachment permit from the Public Works Department will be required for installation within the public right-of-way.
9. That a minimum of four feet clearance on the sidewalk shall be maintained around any structures/devices for the path of travel on the sidewalk.
10. That no separate meter/power pedestal shall be installed. The City will require the use of a Wireless Tariff Rate (WTR) to provide electrical power for any equipment.
11. That any equipment associated with this project, excluding the monopole and base must be placed in an underground vault.
12. That all concrete placed (i.e. sidewalk) that comes in contact with native soils shall contain Type V cement.
13. That if any cuts are made into existing asphalt for the installation of conduit, etc., the subject roadway shall be ground down and overlaid from the gutter line to the centerline or median of roadway. All street cuts are subject to the requirements of the City's Street Trench Cut Moratorium.
14. That any required retaining walls will require a separate Building Permit from the City's Community Development Department.
15. That any damaged landscaping, hardscape, etc. shall be repaired or replaced to the satisfaction of the City Engineer.
16. That unenclosed construction operations shall not commence prior to 7:00 a.m. Monday through Saturday and shall cease before 8:00 p.m. on those days. There shall be no unenclosed construction activities on Sunday or a federal holiday, as celebrated by the City of Mission Viejo. Further, the applicant agrees that preventative maintenance at the

subject facility shall be permitted only during the hours from 8:00 a.m. to 6:00 p.m., except under emergency circumstances.

17. That any mitigation measures and/or similar recommendations provided in the project RF report, including the posting of explanatory warning signs, shall be implemented by the carrier to ensure compliance with Federal Communication Commission (FCC) guidelines, with implementation to be field verified by City staff prior to operation of the facility.
18. That no off-premises or on-premises signs shall be permitted in conjunction with the wireless telecommunications facility, except as required by law, or for RF warning.
19. That all antennas and related equipment shall have a non-corrosive, non-metallic finish that is not conducive to reflection or glare. The exact color of all aspects of the facility shall be subject to review and approval by the City's Director of Community Development to ensure there is no misunderstanding in this regard prior to the issuance of a building permit.
20. That if at any time in the future an exterior stationary noise generating source associated with the wireless telecommunications equipment installed at this location causes a disturbance to adjoining properties or residential tracts as determined by the Director of Community Development, the applicant shall provide additional sound attenuation through the use of enclosures or other means, to the satisfaction of the Director of Community Development.
21. That the Planning and Transportation Commission reserves the right to terminate this approval and cause the antennas to be removed if the use is interfering with electrical equipment in the surrounding neighborhood (i.e. television, radio, telephone, computer, etc.), in violation of FCC rules and regulations, or if it is causing a health hazard according to FCC policies and guidelines, including operative testing. Any rescission of this approval by the Commission shall be preceded by public notice and a public hearing, and shall be supported by well documented findings.
22. That the applicant shall provide evidence of: (i) co-operative agreements from other co-located carriers of any co-operative mitigation measures to be implemented, and (ii) mitigation measures that are to be implemented by other workforce parties such as property owners/managers who may have employees or contract personnel in the vicinity of the proposed antenna(s) have been implemented.
23. If a support structure, or an antenna array affixed to a support structure, becomes inoperable or ceases to be used for a period of 6 consecutive months, the permittee must give written notice of such inoperability or nonuse to the Director of Community Development. The antenna array and, if applicable, the support structure, must be

removed within a 90-day period. If such removal does not occur, the City may remove the antenna array and, if applicable, the support structure, at the permittee's expense; provided, however, that if other antenna arrays owned or operated by other service providers are affixed to the same support structure, then only the antenna array that has become inoperable or has ceased to be used is required to be removed, and the support structure may remain in place until all service providers cease to use it.

24. That failure to abide and faithfully comply with any and all conditions of this approving action shall constitute grounds for the revocation of said action by the Planning and Transportation Commission.
25. That prior to issuance of a building permit, the applicant shall provide the City with the name and contact information for the engineering and maintenance departments at AT&T responsible for the subject site. This information shall also be posted at the subject site and this condition shall apply to all AT&T facilities within the City of Mission Viejo. When contact information changes, the applicant shall update the City of Mission Viejo and the sites.
26. That during installation of the small cell wireless facility, or if at any time in the future AT&T would like to add fiber at this wireless telecommunications facility, that AT&T shall contact and discuss the feasibility of adding additional conduit for City use as part of the installation.
27. That AT&T will be required to obtain from the City an encroachment permit for maintenance of each wireless installation located in the City's right-of-way, for each year (or partial year). The Encroachment Permit Fee is per structure and includes all appurtenant equipment and facilities used in connection with the wireless facility. The encroachment permit for this wireless facility is \$1,000 per year. This encroachment permit fee does not include any required building permits or encroachment permits required for initial installation.
28. That the subject small cell wireless facility will utilize 4G technology only, not 5G. That the use of 5G technology would require separate and additional approval.
29. That this approval is contingent upon written acknowledgment from the applicant to the effect that they have read, understand, and agree to these conditions of approval.

PASSED, APPROVED AND ADOPTED THIS 10th DAY OF FEBRUARY, 2020.

Robert Breton, Chairman

Elaine Lister, Secretary

PDP2019-312

Page 8

PROPERTY OWNER'S/ APPLICANT'S ACKNOWLEDGMENT

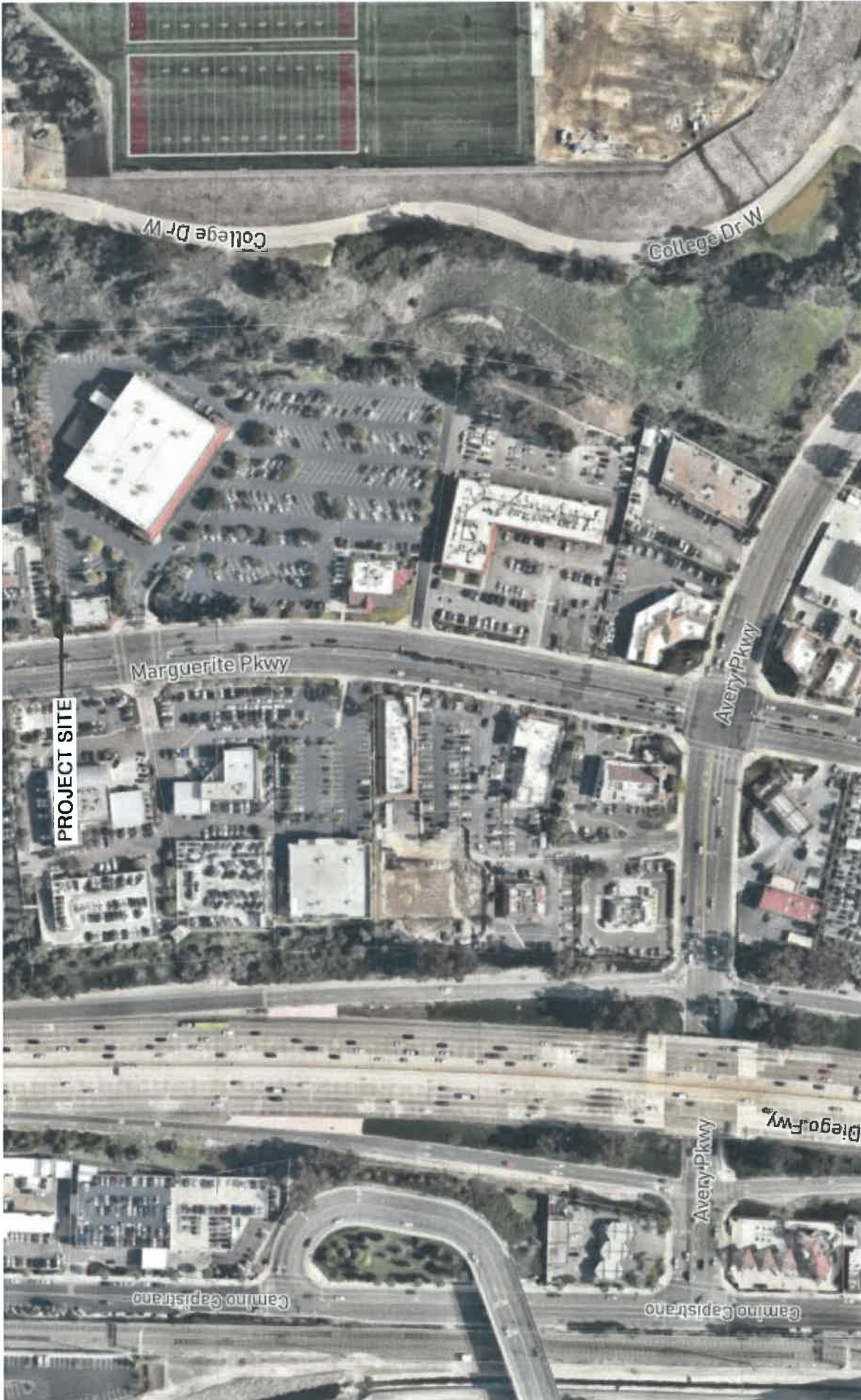
I have read, understand, and accept the conditions of approval set forth herein above in this resolution of approval for Planned Development Permit PDP2019-312.

Date

Matt Levesque, Pramira Inc. (Agent)

Date

Officer, AT&T (Applicant)

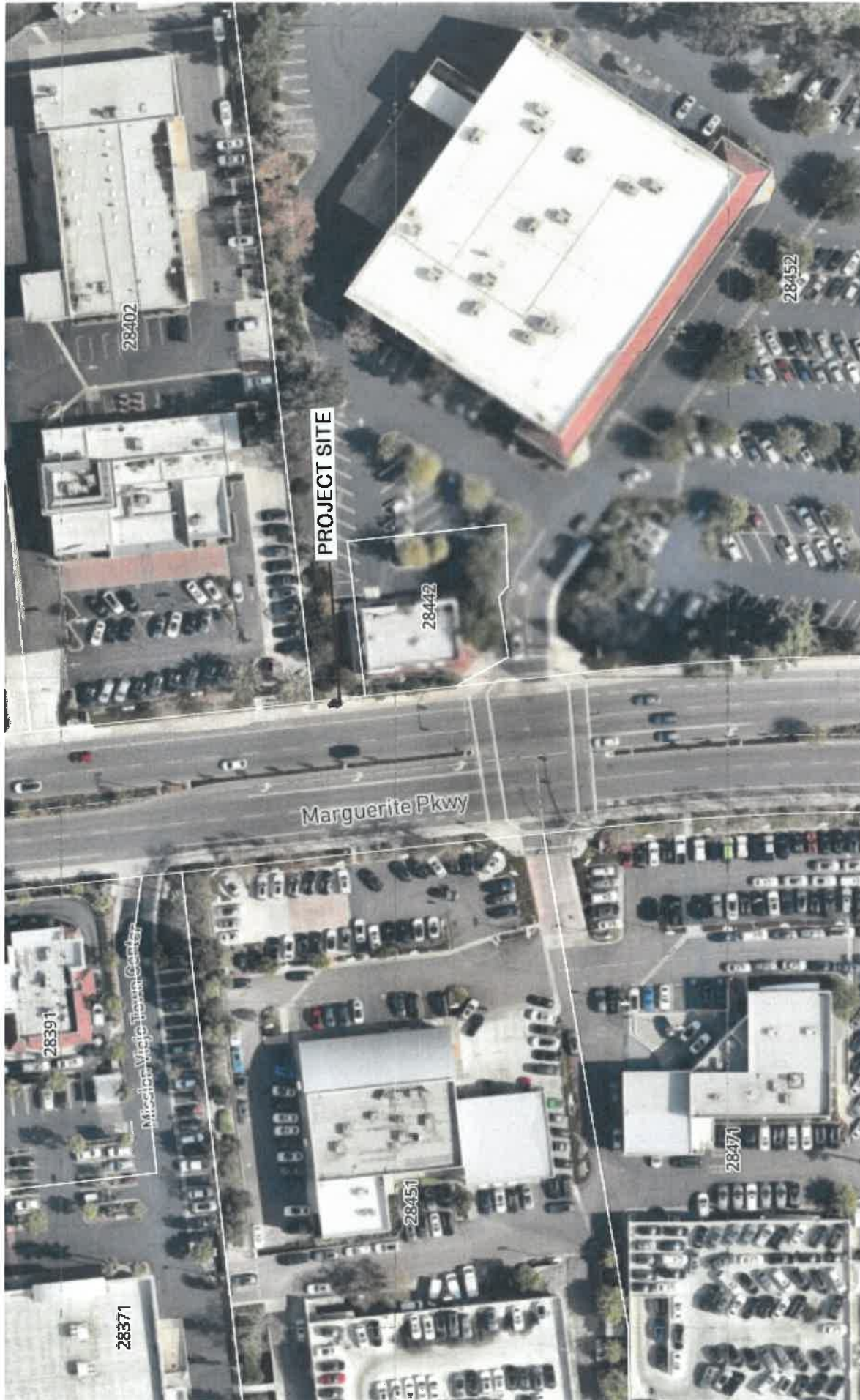


01/31/2020

1" = 264 ft

This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

ATTACHMENT 2



PROJECT SITE

Marguerite Pkwy

Mission Viejo Town Center



01/31/2020

1" = 104 ft

This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy please contact the responsible staff for most up-to-date information.



at&t



Pramira
NETWORK EVOLUTION SIMPLIFIED

2552 WALNUT AVE.
TUSTIN, CA 92780



22552 WALNUT AVE.
TUSTIN, CA 92780

[illegible]

CRAN_RLOS_
MSVJ1_015B
FA # MRL05052269
28400 MARGUERITE PKWY,
MISSION VIEJO, CA 92692

SHEET 711 F

TITLE SHEET

SHEET NUMBER

四

ALL WORK AND MATERIALS SHALL BE PERFORMED AND 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 CONSTRUCTED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

1. CALIFORNIA CODE OF REGULATIONS
2. 2016 CALIFORNIA BUILDING CODE
3. 2016 CALIFORNIA MECHANICAL CODE
4. 2016 CALIFORNIA PLUMBING CODE
5. 2016 CALIFORNIA ELECTRIC CODE
6. 2016 GREEN CODE
7. 2016 EDITION OF TITLE 24 ENERGY STANDARDS
8. 2016 CALIFORNIA FIRE CODE - ADDENDUMS TO THE ABOVE
9. CITY/COUNTY ORDINANCES
10. 2016 CALIFORNIA FIRE CODES WITH ALL LOCAL AMENDMENTS
11. ASHRAE 175-6

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 TROUGH DISPOSAL IS REQUIRED AND NO COMMERCIAL SKEWAGE IS PROPOSED.

ACCESSIBILITY NOTE:
PER CBC SECTION 1105B.3.4, EXCEPTION 1, THIS UNMANNED TELECOMMUNICATIONS FACILITY IS NOT SUBJECT TO ACCESSIBILITY REQUIREMENTS.

PUBLIC/RIGHT-OF-WAY	APPLICANT:	PUBLIC/PRIVATE
4387	ADDRESS:	
1452 EINGER AVENUE	SITE ADDRESS:	
TUSTIN, CA 92780	40M :	
29400 MARGUERITE PKWY,	LATITUDE	
IRVINE, CA 92612	74001712	
	LONGITUDE	
	-117.475351	
	NAD 83	
	4550' EANSL	
	CITY OF MISSION VERO	
	PUBLIC RIGHT OF WAY	
	CURRENT ZONING:	
	UNMANAGED TELECOMMUNICATIONS FACILITY	
	PROPOSED USE:	
	POWER COMPANY:	
	8336 CENTURY PARK CT.	
	ADDRESS:	

PROJECT MANAGER:
ERICSSON
330 COMMERCE, SUITE 200
IRVINE, CA 92602
CONTACT: SCOTT ELLIS
PHONE: (714) 308-9353
EMAIL: SCOTT.ELLIS@ERICSSON.COM

DE ENGINEER:
AT&T
CONTACT: HENRY PINEDA
PHONE: 908-482-1016
EMAIL: HPINED@ATT.COM

ARE: PRAMIIRA
2552 WALNUT AVE.
TUSTIN, CA 92780
CONTACT: PATRICK PEDROZA
PHONE: 1-800-678-1166 EXT. 2067
EMAIL: PATRICK.PEDROZA@PRAMIIRA.COM

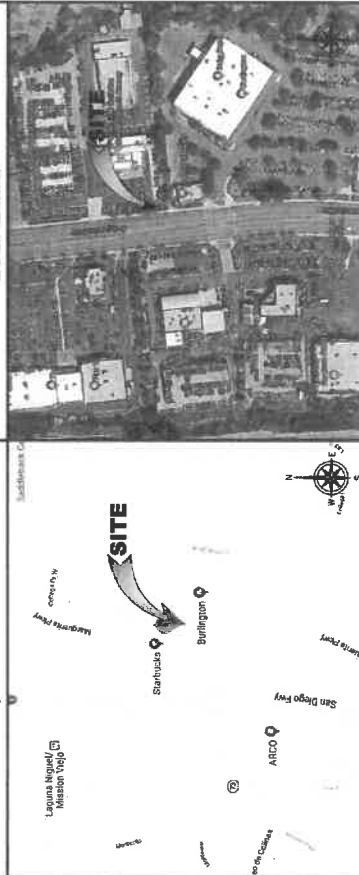
ZONING: PRAMIIRA
2552 WALNUT AVE.
TUSTIN, CA 92780
CONTACT: MATT LEVESQUE
PHONE: 1-800-678-1166 EXT. 2123
EMAIL: MATT.LEVESQUE@PRAMIIRA.COM

SITE ACQUISITION:
PRAMIRA
2552 WALNUT AVE.
TUSTIN, CA 92780
CONTACT: MATT LEVESQUE
PHONE: 1-800-678-1168 EXT. 2123
EMAIL: MATT.LEVESQUE@PRAMIRA.COM

CONSTRUCTION MANAGER:
ERICSSON
330 COMMERCE, SUITE 200
IRVINE, CA 92602
CONTACT: DAVID FRITTS
PHONE: (760) 817-1915
EMAIL: DAVID.FRITTS@ERICSSON.COM

DO NOT SCALE DRAWINGS

LOCAL MAP



DRIVING DIRECTIONS

DIRECTIONS FROM AT&T OFFICE:

GET ON I-5 S FROM RED HILL AVE, HEAD NORTHEAST TOWARD A1&1. TURN LEFT TOWARD A1&1. TURN RIGHT ONTO A1&1. TURN RIGHT ONTO ENDINGER AVE, USE THE LEFT 2 LANES TO TURN LEFT ON RED HILL AVE, TURN RIGHT TO MERGE ONTO I-5 S TOWARD SAN DIEGO, FOLLOW I-5 S TO AVERY PKWY IN MISSION VILLAGE. TAKE EXIT 85 FROM I-5 S, MERGE ONTO I-5 S, KEEP RIGHT TO STAY ON I-5 S. TAKE EXIT 85 FOR AVERY PKWY, DRIVE TO MARGUERITE PKWY, USE ANY LANE TO TURN LEFT ONTO AVERY PKWY, USE THE 2ND FROM THE LEFT LANE TO TURN LEFT ONTO MARGUERITE PKWY, DESTINATION WILL BE ON THE RIGHT.

AT&T WIRELESS PROPOSES TO INSTALL (N) TELECOM EQUIPMENT ON A (N) CONCRETE MONOPILE.

THE SCOPE WILL INCLUDE:

- INSTALL (1) NEW CONCRETE MONOPOLE.
- INSTALL (4) NEW AT&T REMOTE RADIO UNITS.
- INSTALL (1) NEW AT&T OMNI-DIRECTIONAL ANTENNA.
- INSTALL (1) NEW AT&T EQUIPMENT SHROUD.
- INSTALL (1) NEW PATCH/ DISCONNECT.
- INSTALL (1) NEW HANDPOLE.
- INSTALL (1) NEW 1'-0" CONCRETE CURB

THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS & AUTHORIZE THE SUBCONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREIN. ALL DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT & MAY IMPOSE CHANGES OR MODIFICATIONS.

DATE:	INITIALS:	APPROVED BY:
		AT&T RF ENGINEER:
		AT&T OPERATIONS:
		SITE ACQUISITION MANAGER:
		PROJECT MANAGER:
		ZONING VENDOR:
		LEASING VENDOR:
		CONSTRUCTION MANAGER:
		AE MANAGER:
		PROPERTY OWNER:

APPROVAL

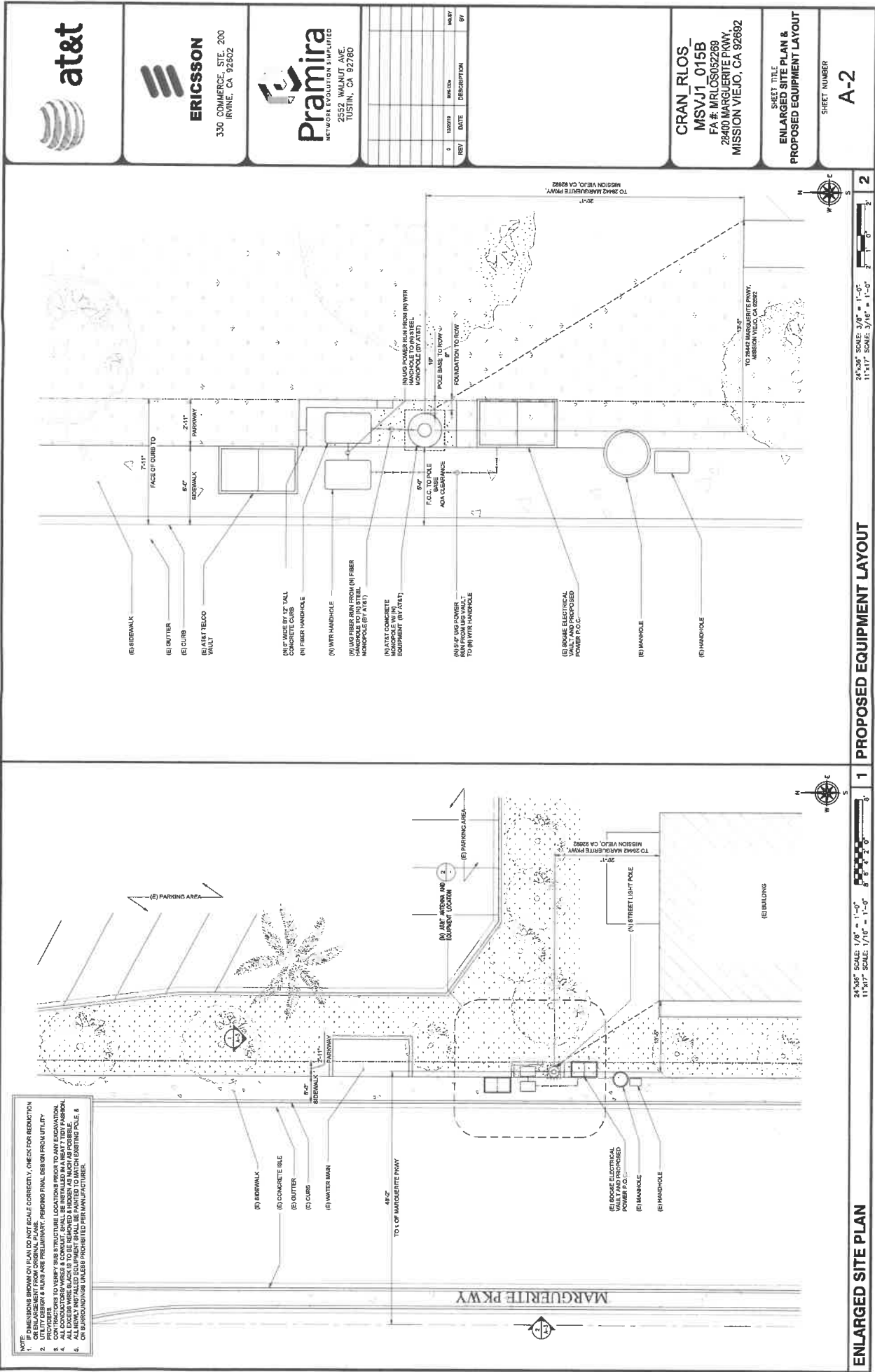
DRAWING INDEX

SHEET TITLE	
T-1	TITLE SHEET
T-2	GENERAL NOTES, LEGEND AND ABBREVIATIONS
A-1	SITE PLAN
A-2	SITE PLAN SITE PLAN AND PROPOSED EQUIPMENT LAYOUT
A-3	ELEVATIONS
A-4	ELEVATIONS
A-5	NEW POLE LOCATION
D-1	EQUIPMENT DETAILS
S-1	POLE DETAILS
S-2	POLE FOUNDATION DETAILS
E-1	ELECTRICAL DETAILS
TCP-1	TRAFFIC CONTROL PLAN



811
Dig Alert
Know what's below
Call before you dig

Dig Alert
Call Two Working Days Before You Dig!
Know what's below. 811 / 800-227-2600
Call before you dig.





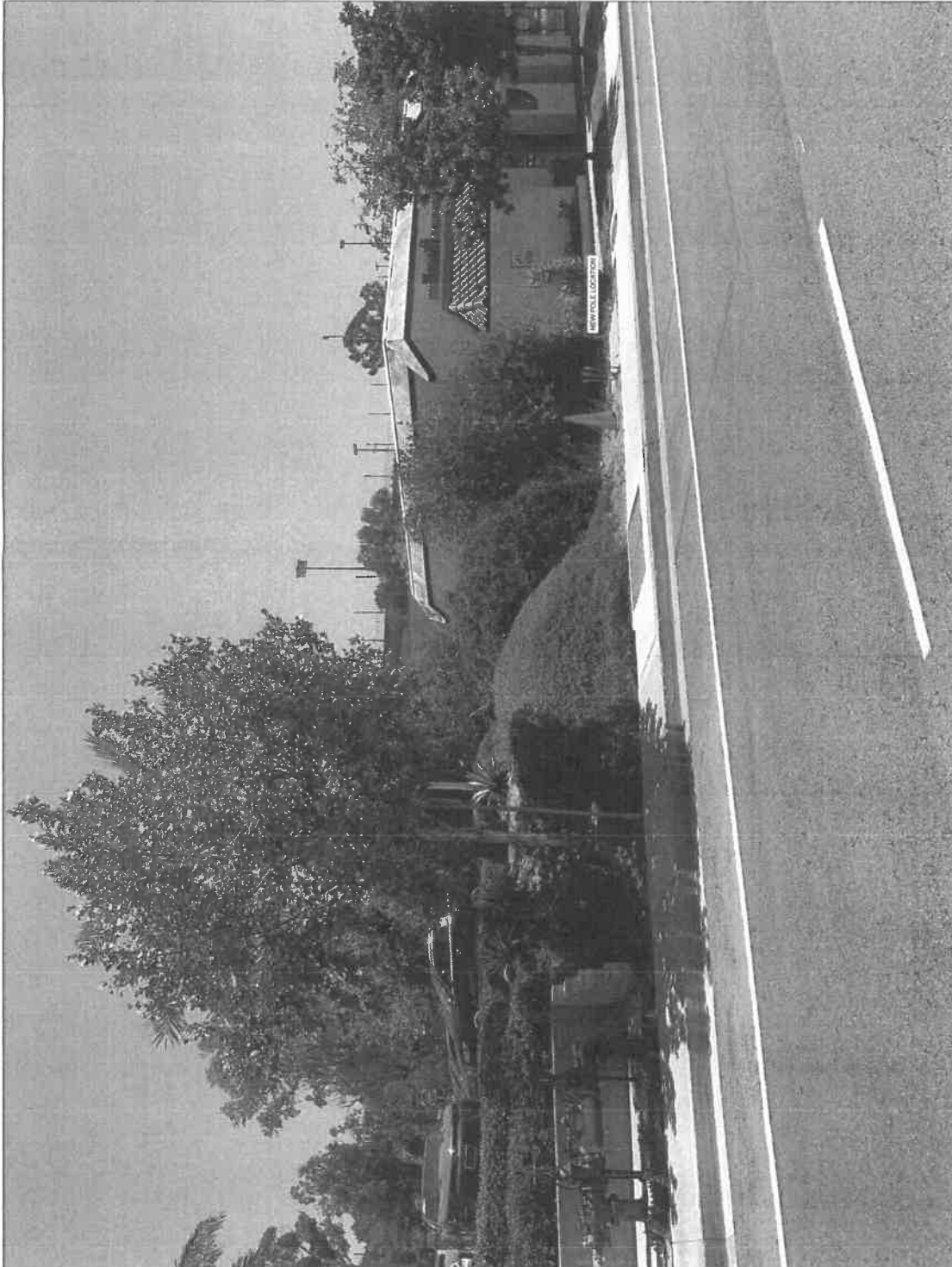


REV	DATE	DESCRIPTION	DESIGNED BY
0	1/22/2019	DESIGN	MSVJT

CRAN RLOS_
MSVJT_015B
FA # MRL05052269
28400 MARGUERITE PKWY,
MISSION VIEJO, CA 92692

SHEET TITLE
SITE IMAGE

SHEET NUMBER
A-4



PROPOSED SITE LOCATION LOOKING SOUTHEAST

1

[illegible]



ERICSSON
330 COMMERCE, STE. 200
IRVINE, CA 92602



Pramira
NETWORK EVOLUTION SIMPLIFIED

2552 WALNUT AVE.
TUSTIN, CA 92780

REV	DATE	DESCRIPTION	BY
0	12/23/19	90% COV	MJ ST

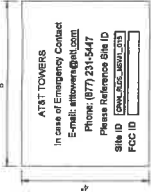
CRAN_RLOS_
MSVJ1_015B
FA #: MRLOS052269
28400 MARGUERITE PKWY,
MISSION VIEJO, CA 92592

SHEET TITLE

DETAILS

SHEET NUMBER 133HS

D-2



OWNER / OPERATOR NOTE:
SITE ID LABEL TO BE AFFIXED AT OR NEAR THE POINT OF
POWER CONNECTION WITH TZS241 LABELING TAPE OR
EQUIVALENT BLACK ON WHITE LABELING TAPE OF AT LEAST
18mm WIDTH WITH EXTRA-STRENGTH ADHESIVE. USE ANY
COMPATIBLE P-TOUCH LABEL MAKER. TEXT SHOULD BE
PRINTED IN ALL CAPS WITH A MINIMUM HEIGHT OF 1/2".

EMERGENCY CONTACT SIGN



ANTENNA SIGNAGE:
ON WOOD POLES - SIGN ON ALUMINUM WITH SS SCREW TO THE POLE
ON METAL POLES - ADHESIVE VINYL OR PLACARD STRAPPED WITH SS TIES
ON CONCRETE / COMPOSITE - PLACARD STRAPPED WITH SS TIES

SIGN PLACEMENT:
AFFIX TO THE STRUCTURE 3'-4' BELOW THE COMMERCIAL RF ANTENNA(S)
SIZE APPROX. 8" x 5"

ANTENNA SIGNAGE

NOT USED	24"X36" SCALE: NTS 11"X17" SCALE: NTS	6	NOT USED	24"X36" SCALE: NTS 11"X17" SCALE: NTS	2
			NOT USED	24"X36" SCALE: NTS 11"X17" SCALE: NTS	3
			NOT USED	24"X36" SCALE: NTS 11"X17" SCALE: NTS	4
			POLE MOUNTED SIGNS	24"X36" SCALE: NTS 11"X17" SCALE: NTS	1



ERICSSON
330 COMMERCE, STE. 200
IRVINE, CA 92602



Pramira
NETWORK EVOLUTION SIMPLIFIED

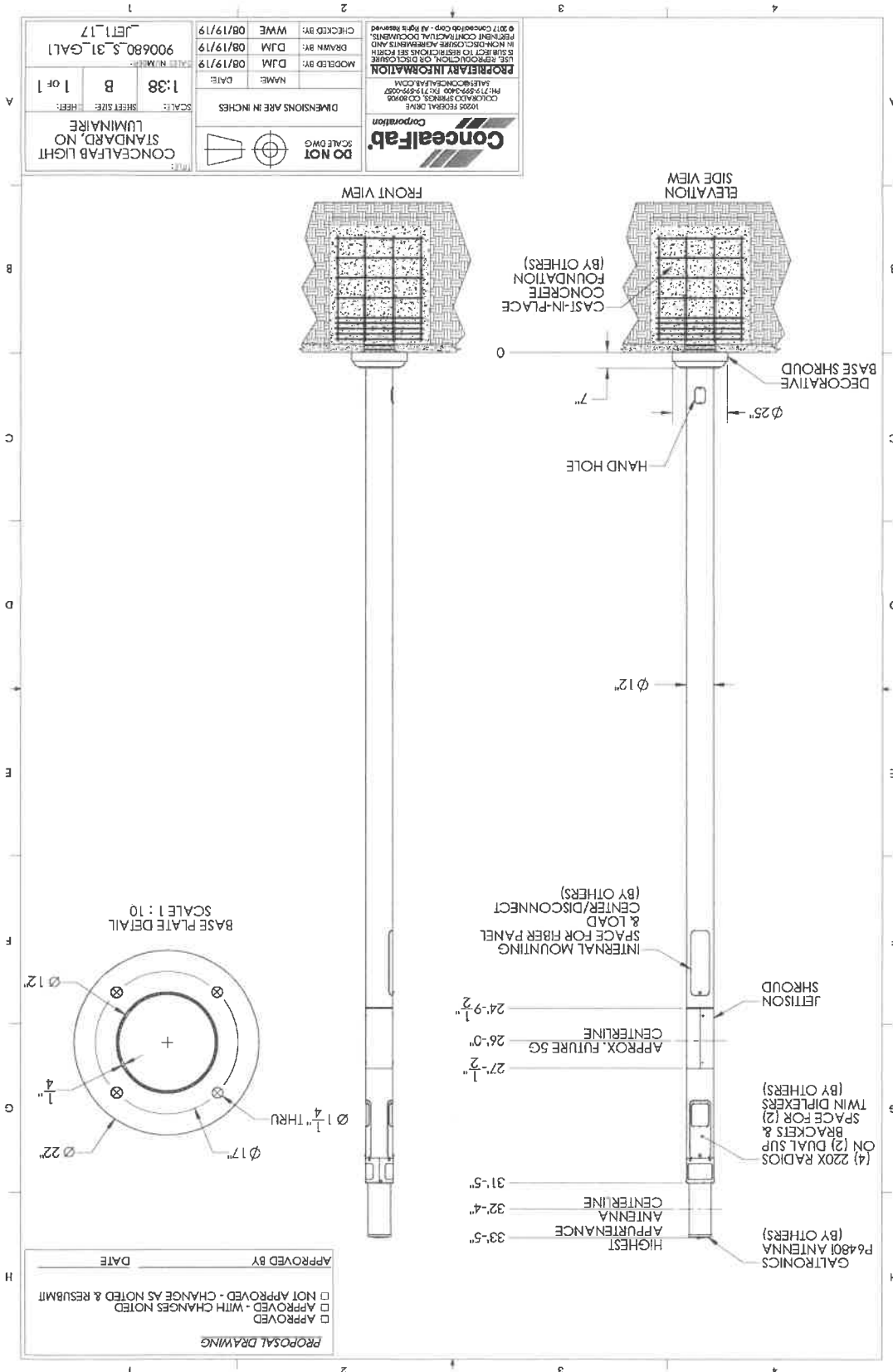
2552 WALNUT AVE.
TUSTIN, CA 92780

[illegible]

SHEET TITLE
POLE DETAILS

SHEET NUMBER

15



Item# 6



REV	DATE	DESCRIPTION	BY
0	12/20/12	80% CASH	WJBY

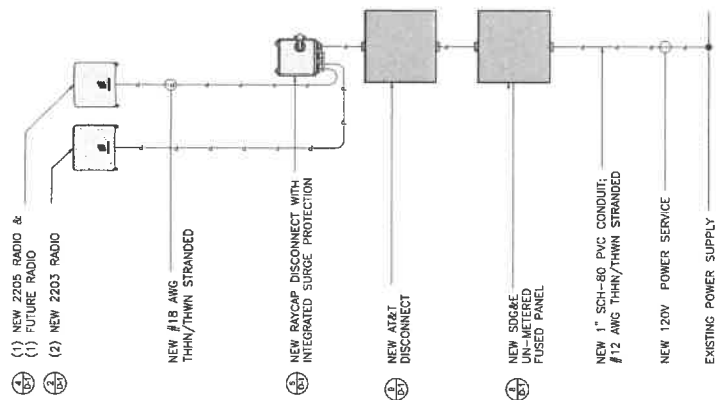
CRAN_RLOS_
MSVJ1_015B
FA #: MRLOS052269
28400 MARGUERITE PKWY,
MISSION VIEJO, CA 92692

SHEET TITLE
ELECTRICAL DETAILS

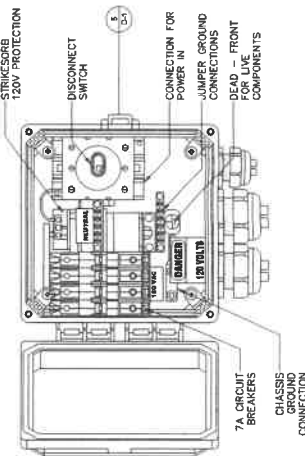
SHEET NUMBER

山

NOTE: UTILITY DESIGN AND RUNS ARE PRELIMINARY. PENDING FINAL DESIGN FROM UTILITY PROVIDERS

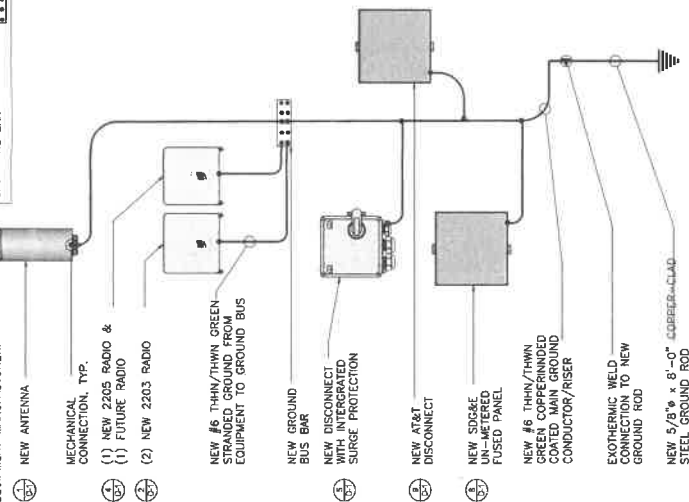


SINGLE LINE DIAGRAM

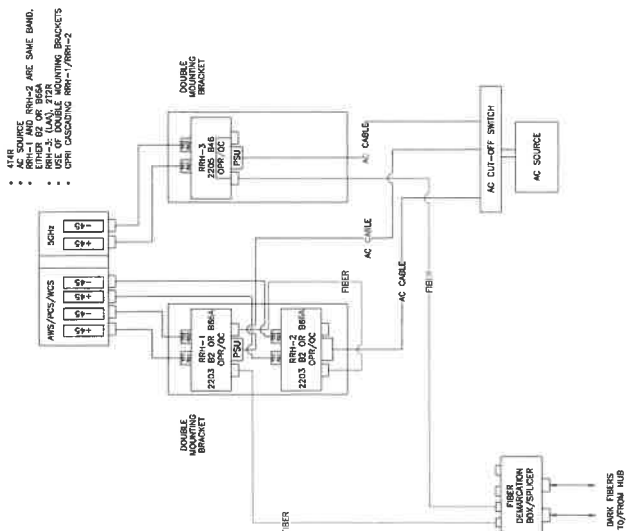


BREAKER SCHEDULE

NOTE:
ALL GROUND CONDUCTORS TO BE #6
THIN/THIN GREEN STRANDED COPPER
UNLESS OTHERWISE NOTED OR REQUIRED
BY EQUIPMENT MANUFACTURER.



GROUNDING SCHEMATIC



PICO PLUMBING DIAGRAM

NOT USED

NOT USED

24"x36"	SCALE: NTS	4
11"x17"	SCALE: NTS	

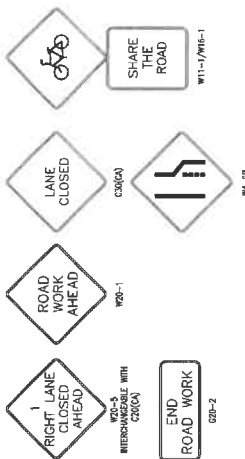
BREAKER SCHEDULE

24"x36" SCALE: NTS	1
11"x17" SCALE: NTS	

24"x36" SCALE: NTS	2
11"x17" SCALE: NTS	

TRAFFIC CONTROL PLAN
SINGLE LANE CLOSURE
(RIGHT LANE)

	TYPE III BARRIER W/ SIGN		
	TYPE III BARRIER W/O SIGN		
	TYPE II BARRIER W/O SIGN		
	TYPE II BARRIER W/ SIGN		
	TYPE I BARRIER W/O SIGN		
	CHANNELING DEVICE (SEE TABLE F FOR SHAPING)		
	TRAFFIC CONE WITH CUP ON SIGN		
	SIGN		
	SCHEMATIZED INTERSECTION		
	1605 ARROW PANEL (FLUORESCENT ARROW)		
	HIGH LEVEL WARNING DEVICE (FLUORESCENT)		
	FLAGGER		
	DIRECTION OF TRAFFIC FLOW (NOT PAVEMENT MARKING)		
	WORK SPACE		



POSTED SPEED (MPH)	DISTANCE BETWEEN SIGNS			TAPER	BUFFER
	A	B	C		
10	100	100	100	4	100
20	100	100	100	70	115
30	100	100	100	100	130
40	30	210	200	180	200
50	30	210	200	240	250
60	35	190	330	300	300
70	35	190	330	360	360
80	45	150	500	500	500
90	50	100	500	800	415
100	50	100	500	800	415
35	550	500	500	500	500
45	550	500	500	710	510
55	550	500	500	710	510
65	550	500	500	710	510

NOTES:

- ADJUSTMENTS IN TEXT UNLESS OTHERWISE NOTED.
- ADJUSTMENTS SHOWN ARE MINIMUMS FOR RURAL AREAS.
- ADJUSTMENTS CONSTANT STATE DOT MANUAL FOR DISTANCES.
- ADJUSTMENTS CONSTANT STATE DOT MANUAL FOR DISTANCES.
- THESE VALUES ARE BASED ON THE FOLLOWING ASSUMPTIONS:
 1. THE SIGN IS LOCATED WITHIN THE BUFFER ZONE.
 2. BUFFER DISTANCE IS BASED ON 15 MPH PER
 100 FT.



at&t



ERICSSON
3330 COMMERCE, STE. 200
IRVINE, CA 92602



Pramira
NETWORK EVOLUTION SIMPLIFIED

2552 WALNUT AVE.
TUSTIN, CA 92780

[illegible]

CRAN_RLOS_
MSVJ1_015B
FA #: MRL05052269
28400 MARGUERITE PKWY,
MISSION VIEJO, CA 92692

**TRAFFIC CONTROL
PLAN**

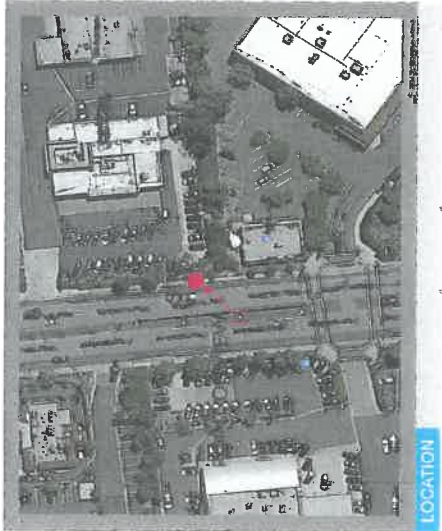
SHEET NUMBER
TCP-1



CRAN_RLOS_MSVJ1_015
MARGUERITE PKWY, MISSION VIEJO, CA 92692



VIEW 1 LOOKING NORTH-EAST FROM MARGUERITE PKWY.



LATITUDE:
33.550139

LONGITUDE:
-117.670531

POLE TYPE:
(N) STEEL MONOPOLE

POLE HEIGHT:
33'-5" A.G.L. (ANTENNA HEIGHT INCLUDED)

POLE DIAMETER/WIDTH:
12" DIAMETER

DISTANCE TO RESIDENTIAL:
120' SW OF 28400 MARGUERITE PKWY,
MISSION VIEJO, CA 92692

SITE INFORMATION



ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



CRAN RLOS_MSVJ1_015
MARGUERITE PKWY, MISSION VIEJO, CA 92692

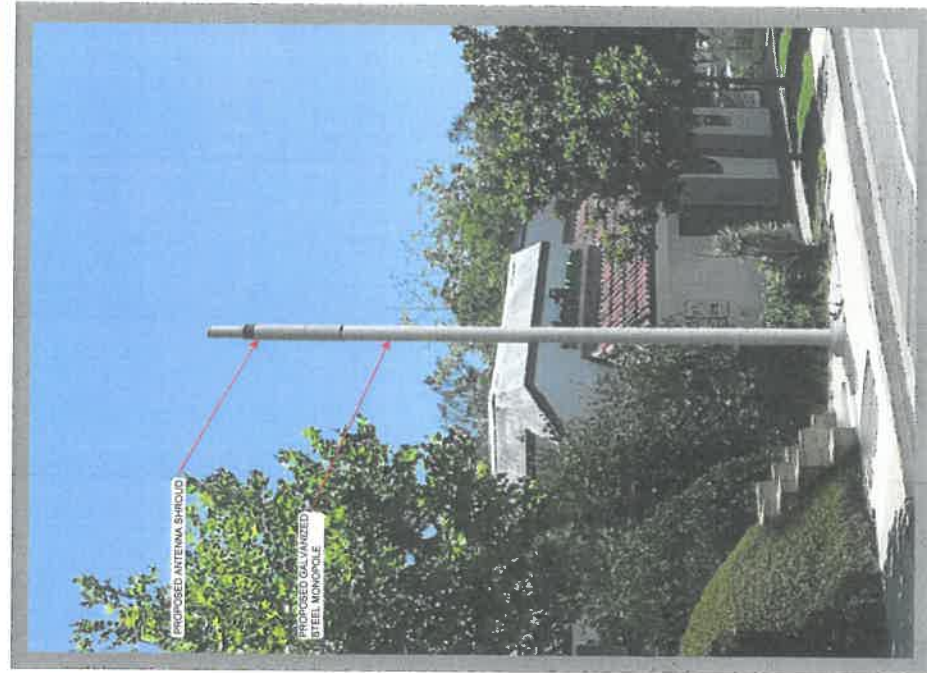


VIEW 2 LOOKING SOUTH-EAST FROM MARGUERITE PKWY



LATITUDE: 33.550139
LONGITUDE: -117.670531
POLE TYPE: (N) STEEL MONOPOLE
POLE HEIGHT: 33'-5" A.G.L. (ANTENNA HEIGHT INCLUDED)
POLE DIAMETER/WIDTH: 12" DIAMETER
DISTANCE TO RESIDENTIAL: 120' SW OF 28400 MARGUERITE PKWY, MISSION VIEJO, CA 92692

SITE INFORMATION



ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

Letter of Justification

Address of Proposed Site: 28400 MARGUERITE PKWY, MISSION VIEJO, CA 92692

Latitude + Longitude: 33.550139, -117.670531

Carrier Site Identification: AT&T Site ID CRAN_RLOS_MSVJ1_015 / FA #: 14823494 / USID #: 213593

Facility Purpose

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T") is proposing to install new small cell wireless telecommunications facility to serve residents and businesses in this portion of the community. Small cells are low-power, low-profile wireless communications facilities that improve signal quality and capacity within AT&T's existing wireless network. The proposed small cell facility will help AT&T provide and improve critical wireless services in the dense commercial area along Marguerite Pkwy.

AT&T estimates that since introduction of the iPhone in 2007, mobile data usage has increased 470,000% on its network. AT&T forecasts its customers' growing demand for mobile data services to continue. Customer needs require AT&T to design and maintain its network to provide and improve wireless signal quality and to increase data rates sufficient to stream video. Areas that do not meet this minimal standard, or where wireless service is otherwise compromised, represent service issues that must be addressed.

Specifically, this proposed small cell facility will help improve AT&T's wireless services by offloading network traffic carried by existing macro facilities in the area. In addition, faster data rates allow customers to get on and off the network quickly, which produces more efficient use of AT&T's limited spectrum. By placing the small cell facility in areas where AT&T's existing wireless telecommunications facilities are constrained and where AT&T experiences especially high network traffic, AT&T can address the existing and forecasted demand and support 5G speeds in the near future.

Improving signal quality and Increasing data speed is critical to providing the mobile experience customers demand and to manage the unprecedented increase in mobile data usage on AT&T's network. The Center for Disease Control and Prevention (CDC) tracks the rates at which American households are shifting from landlines to wireless telecommunications. According to the CDC's Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, January-June 2018, more than 72 percent of Americans rely exclusively or primarily on wireless communications in their homes. In addition, the FCC estimates that 70 percent of all 911 calls are made from wireless devices. And with AT&T's selection by FirstNet as the wireless service provider to build and manage the nationwide first responder wireless network, each new or modified facility will help strengthen first responder communications.

Facility Specifications

AT&T selected the proposed facility as the best available means to address its service objectives in this portion of the city. The overall site location and design will comply with applicable code provisions, General Plan, and other published siting guidelines. In addition, the proposed facility fully complies with applicable design criteria. The proposed small cell facility will be located in the public right-of-way where AT&T has a right to place its equipment pursuant to Section 7901 of the California Public Utilities Code. The project will involve the placement of a small cell Pico node antenna and associated small cell equipment integrated within a slimline purpose-built pole. The new installation is depicted on the project site plan.

¹ See *Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, January-June 2018*, available at <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201812.pdf>

AT&T is proposing to install the following equipment in the public right-of-way along Marguerite Pkwy, north of Avery Pkwy.:

- (1) New 33'5" fully integrated steel purpose-built pole
- (4) New AT&T remote radio units
- (1) New AT&T omni-directional antenna
- (1) New AT&T equipment shroud
- (1) New Raycap disconnect
- (1) New handhole
- (1) New 12" concrete retaining curb

The proposed installation along Marguerite Pkwy is in a heavily trafficked commercial area approximately 1500' from the nearest residential properties along Avery Pkwy. The dimensions of the slim-line purpose-built pole with the shrouded antenna has an overall height of 33'5" and is 12" wide with a 2' x 6" base. The proposed installation is setback five feet (5') from the front of the curb to allow unrestricted pedestrian mobility in accordance with relevant ADA clearances. As part of the installation, AT&T is also proposing to install a 12" high concrete retaining curb. By utilizing a concrete retaining curb, AT&T can set the proposed purpose-built pole further back to maintain a clear pedestrian walkway and meet ADA clearances. The proposed purpose-built pole utilizes a fully integrated design which includes the radios, disconnect switch and cooling fans within the pole, maintaining a sleek profile that blends seamlessly within the surrounding area. The shrouded omni-directional antenna mounted at the top of the pole is a low-powered Pico node which will extend coverage and network capacity to the dense commercial area while maintaining the character of the surrounding area. Noise emitted by the installation is related to the speed of the internal cooling fans and is well within the level of usual noise for the roadside of a heavily trafficked commercial area.

The facility will not obstruct pedestrian or vehicular traffic. It will not adversely affect the surrounding properties and will have a minimal physical and aesthetic footprint in this area.

Construction, Maintenance and Monitoring

Construction of the proposed project will take approximately 30-days. All construction will be done in a manner that minimizes impact to residents and/or businesses in the area. Existing underground or overhead power and fiber connections will be used with minimal trenching. Directional boring will be used when deemed appropriate for each specific location.

Maintenance of the subject facility is minimal. The telecom operator will be responsible for maintenance of the telecom facility including, but not limited to, repairing any missing, discolored or damaged screening, prompt removal of graffiti as required by MVMC Section 9.30.025(e)(1), and keeping the facility clean and free of litter. Monitoring is typically done from AT&T's switching offices. If needed, a site visit to change any radio equipment will be coordinated with the city through the appropriate process.

Conclusion

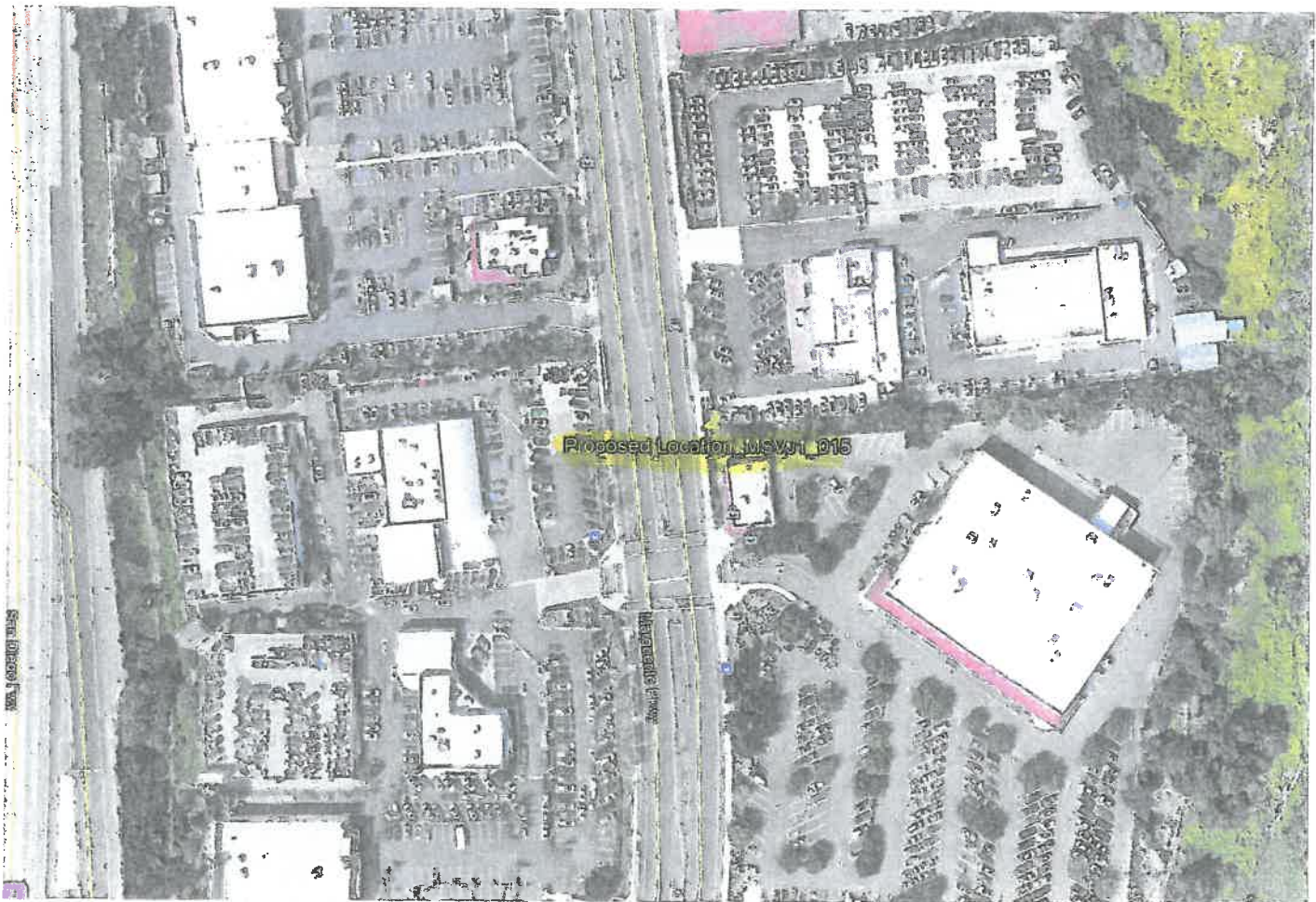
As shown above, the proposed facility will not create unusual noise, traffic or other conditions or situations which may be objectionable, detrimental, or incompatible with other uses in the vicinity. The design of the proposed facility promotes the public health, safety and general welfare of the City by improving wireless coverage in the surrounding area. AT&T therefore respectfully requests approval of the proposed facility.

November 27, 2019

Via Hand Delivery

City of Mission Viejo
Planning Division
200 Civic Center Drive
Mission Viejo, CA 92691

RE: AT&T Application for a Small Cell Wireless Facility in the public right-of-way at the following location:
Address of Proposed Site: 28400 Marguerite Pkwy
Latitude + Longitude: 33.550139 / -117.670531
Carrier Site Identification: AT&T Site ID MSVJ1_015B / FA #: 14823494 / USID #: 213593



2552 Walnut Ave. Ste. 200 Tustin, CA 92780

800-678-1169



Dear Planning Department:

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T") submits the enclosed application materials to obtain planning approval, right of way permit/allowance for the proposed scope of work and all necessary authorizations to construct a small cell wireless facility at the above referenced location. If any additional applications or information are needed for any phase of this project, please let me know. Small cells are a low-power, low-profile wireless communication facilities that improve signal quality and capacity within AT&T's existing wireless network. The proposed small cell facility will help AT&T provide and improve critical wireless services in this area – providing the community with better coverage at a higher capacity.

Application Contents

- Construction Drawings
- EME Study
- Photo Simulations
- Project Cover Letter
- Project Narrative
- Propagation Map
- Public Notifications + Labeled and Stamped Envelopes
- Radius Mapping

Application Review

Under the FFC Guidelines (federal law), the City of Mission Viejo must determine whether the application is complete within ten (10) days and take final action on the application within ninety (90) days from this submittal (the "shot clock"). See 47 C.F.R. § 1.6003. Within the same period, the city must also take action with respect to all necessary authorizations and approvals for construction and operation of the proposed small cell. The shot clock begins on the date of submittal and runs unless or until it is tolled, either by mutual agreement or based on a timely and proper notice that the application is materially incomplete. To toll the shot clock for incompleteness, the city must, within ten (10) days, identify in writing the missing information that is required by local codes or other published application guidelines. In the case of a timely and proper incomplete notice, the shot clock stops and restarts at day 0 once AT&T submits the additional information required. If the City of Mission Viejo fails to act before the shot clock expires, the city will be in violation of state and federal laws.

- This Application was filed on 11/27/2019.
- Notification of incompleteness is due by 12/06/2019.
- Absent tolling, the city must take final action by 03/08/2020.

The City of Mission Viejo must grant all necessary authorizations as the proposed facility is consistent with applicable law and there is no basis for denial under the municipal code of the City of Mission Viejo.

Applicable Law

Approval is required under the federal Telecommunications Act of 1996, 47 U.S.C. §§ 253, 332 ("Act"). The Act, which was enacted to prioritize and streamline deployment of wireless technologies, limits the ability of state and local governments to regulate wireless service. The Act establishes substantive and procedural limitations on the review of wireless facility siting applications. A state or local government cannot take action that would unreasonably discriminate against AT&T in acting on the application. A state or local government cannot take any action that would prohibit or effectively prohibit the provision of wireless services. An effective prohibition occurs when the jurisdiction's denial of an application materially limits or inhibits AT&T's ability to provide or improve wireless services. A state or local government may not consider the effects of radio frequency emissions when considering this application.

2552 Walnut Ave. Ste. 200 Tustin, CA 92780

800-678-1169



The city must review this application within a reasonable period of time, as defined pursuant to the shot clock. Any decision to deny the application must be in writing contemporaneously with the decision and supported by substantial evidence contained in a written record. The written denial must provide the basis therefor with a recitation of findings of fact and conclusions of law supporting the denial.

Pursuant to the California Constitution and Section 7901 of the California Public Utilities Code, AT&T has a statewide franchise right to construct telecommunications facilities and place poles within the public rights-of-way so long as it does not incommode the public way. AT&T's right is subject only to the municipality's authority to impose reasonable and equivalent time, place and manner restrictions pursuant to Section 7901.1 of the California Public Utilities Code. AT&T's proposed small cell facility does not incommode the public way.

Payment of application fees totaling \$5,600 is enclosed with this letter.

The FCC set a standard for fees such that only objectively reasonable cost-based fees may be imposed on a nondiscriminatory basis. The FCC established a safe harbor for presumptively reasonable fees: \$500 for non-recurring fees for an application including up to five small cells, plus \$100 for each small cell beyond five, or \$1,000 for non-recurring fees for a new pole to support small cells. In addition, California Government Code 50030 limits permit fees for telecommunications installations to the reasonable cost-based fees. The city's application fee greatly exceeds the FCC's standard and is inconsistent with the state-law standard. AT&T considers the fee for this application to be excessive and potentially unlawful under federal and state laws. In the interest of expediency, AT&T is submitting its application and the excessive fee in order to avoid disruption to its business, but it does so under protest and explicitly reserves its rights to pursue any and all legal remedies for the excessive nature of the fee.

Questions or notices related to this Application may be directed to:

Matt Levesque
matt.levesque@pramira.com
2552 Walnut Avenue, Suite 200
Tustin, CA 92780
(714) 266-5950

We look forward to working with you to complete this wireless communications project in the City of Mission Viejo.

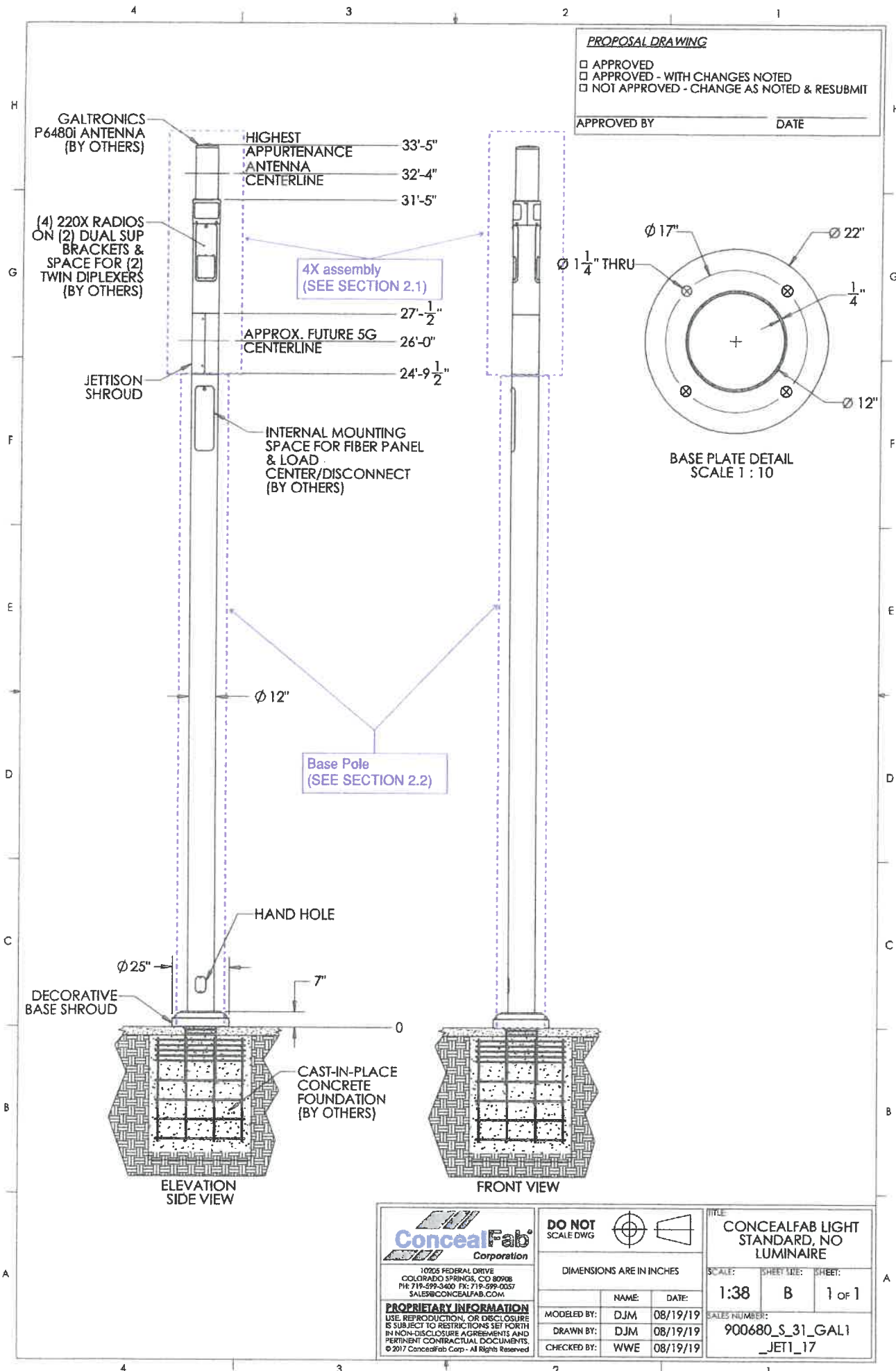
Sincerely,

Matt Levesque
Site Acquisition Manager
2552 Walnut Ave. Ste 200
Tustin, CA 92780
Office: (800) 678-1169
Mobile: (714) 266-5950



2552 Walnut Ave. Ste. 200 Tustin, CA 92780

800-678-1169





Dan Vozenilek
Area Manager – Network Engineering

AT&T Mobility
1452 Edinger Avenue
3rd Floor
Tustin, CA 92780

m 562.716.4647
dv574p@att.com
att.com

January 28, 2020

Tim Martin
Senior Planner, Community Development
City of Mission Viejo
200 Civic Center
Mission Viejo, CA 92691

Dear Mr. Martin,

Thank you for your message regarding AT&T's proposed small cell sites in the City of Mission Viejo.

The equipment we are planning to install is to improve AT&T's 4G LTE network for Mission Viejo residents and businesses and will provide faster, more reliable service. These sites were selected to provide greater wireless coverage and capacity in Mission Viejo. The new small cell sites will improve customer wireless call quality and reliability, including emergency 911 calls. The sites could potentially be upgraded to a 5G site in the future.

A small cell wireless facility is part of a larger network that provides cellular service to smartphones, tablets and other cellular devices. The facilities have a shorter range and use smaller equipment than larger cellular towers. Small cells allow for strong, continued wireless service because the coverage provided by small cells help offload the capacity limits that would have otherwise been too restricted by macro sites alone.

Small cell facilities are different than traditional cell towers. Small cells typically are located 30 feet or more above the ground on light, traffic, or utility poles. Small cell facilities operate at power levels lower than antennas on cell towers. These low power operations reduce the chance that they will interfere with each other.

AT&T ensures that all its small cell sites meet FCC rules for radio frequency exposure. Wireless antennas operate at low power levels and on an intermittent basis. Expert scientists and government agencies from organizations like the American Cancer Society, World Health Organization and FCC have stated repeatedly that wireless antennas operating in compliance with FCC regulations do not pose health concerns.

AT&T's wireless facilities, including small cell antennas, comply with regulations established by the FCC. And, small cell facilities generate RF exposure to the general public that is hundreds of times below conservative FCC limits.

Thank you for your time and consideration.

Sincerely,

Dan Vozenilek
Area Manager – Network Engineering
CRAN Densification – Los Angeles Region, C&E West

AT&T Coverage Maps*

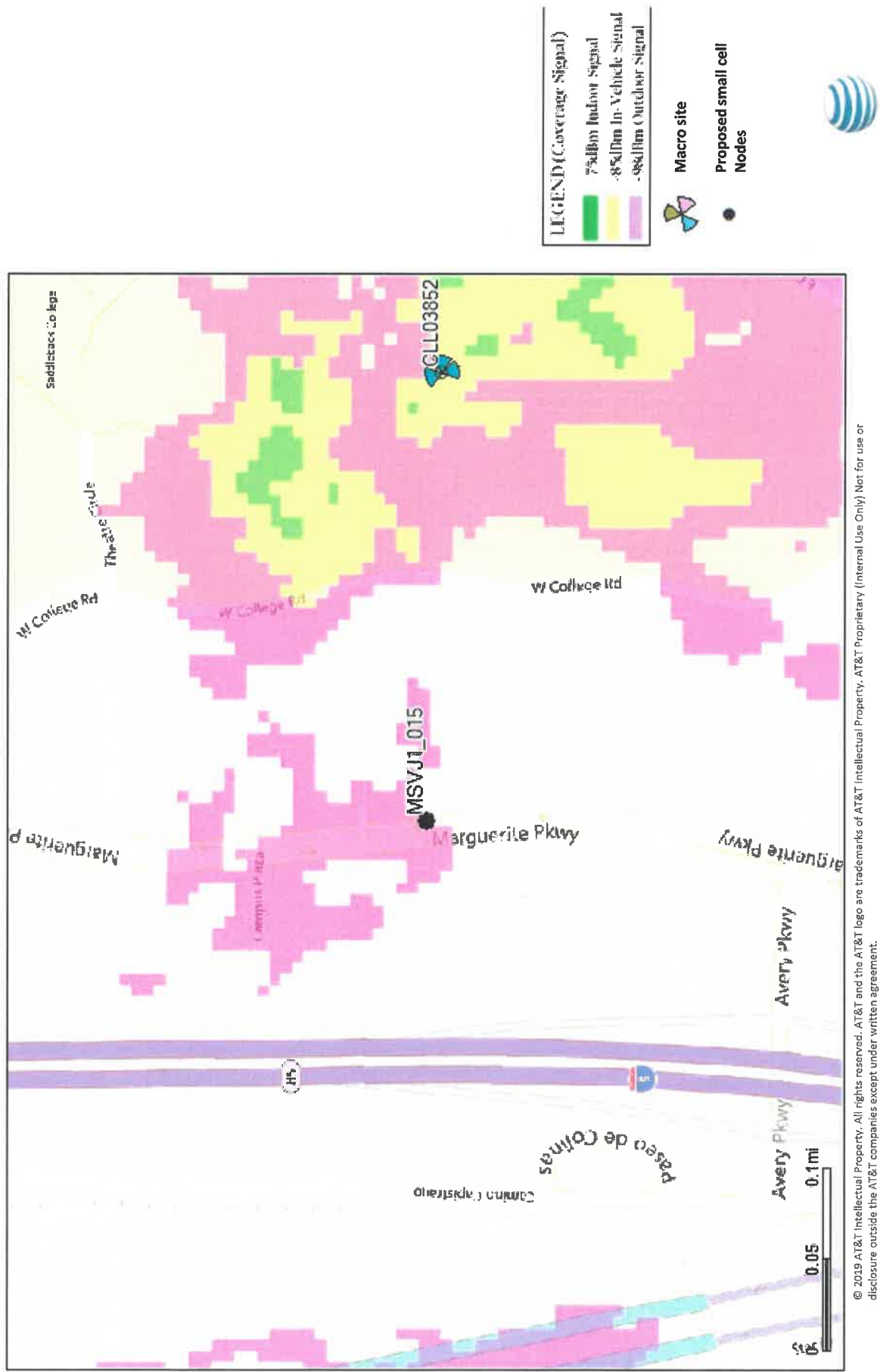
Small Cell node CRAN_RLOS_MSVJ1_NODE_015

* In its recent small cell deployment order, the FCC rejected the need for wireless providers to demonstrate a significant gap to support a wireless siting application. The FCC explained that a local government could effectively prohibit wireless service “not only by rendering a service provider unable to provide existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services. Thus, an effective prohibition includes materially inhibiting additional services or improving existing services.” So, such maps cannot be required. Nonetheless, to comply with the city’s application requirements, AT&T is submitting signal strength coverage maps that depict its wireless service coverage for LTE service at 1900 MHz as it exists now and as predicted after the small cell is installed and on air. Note, however, that the city’s requirement for these maps is inappropriate under applicable law and not relevant in any event because AT&T’s proposed facility provides capacity relief within the existing wireless network.

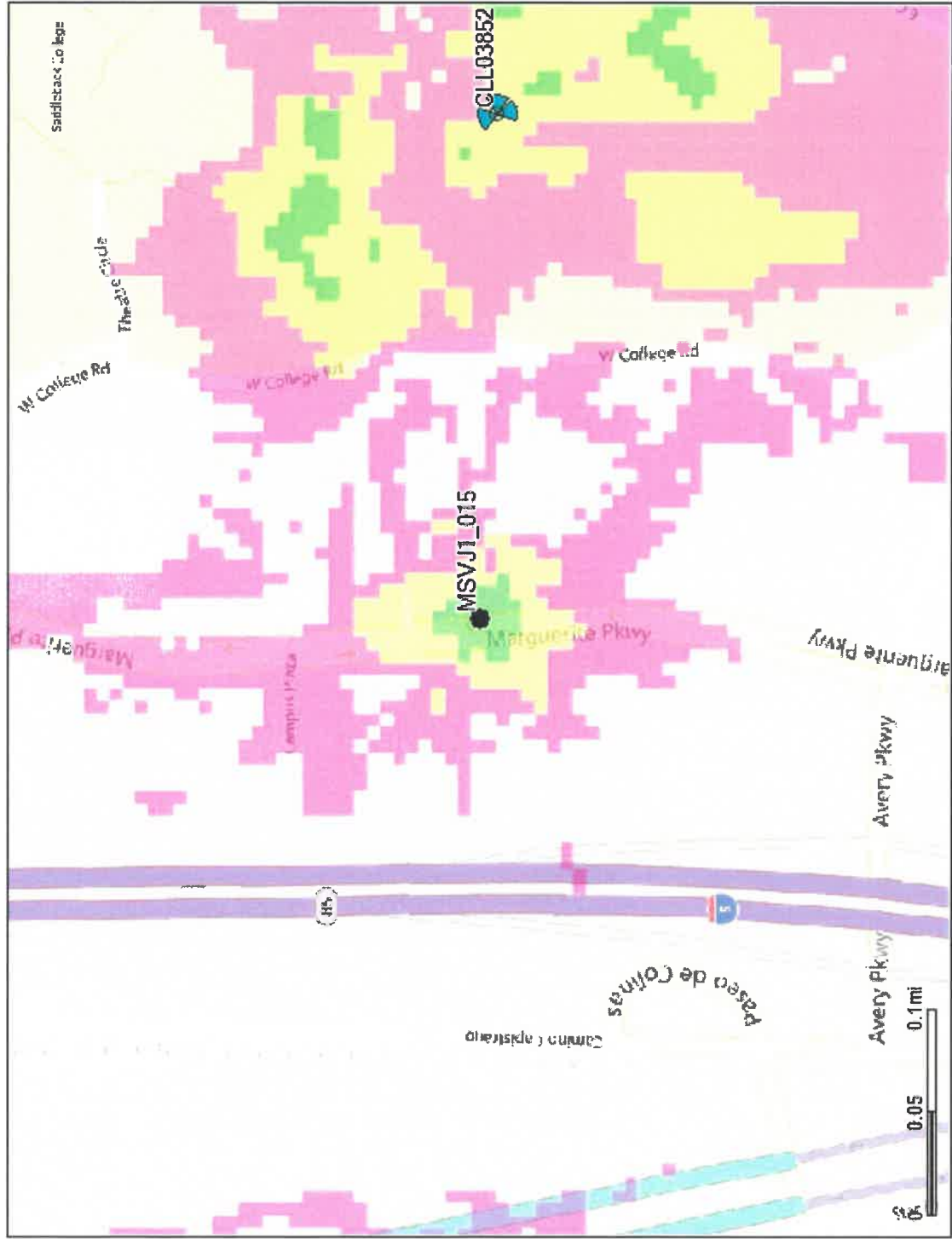
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LTE 1900_Coverage without Small cell



LTE 1900_Coverage with Small cell



LEGEND (Coverage Signal)

- 750/1900 Indoor Signal
- 850/1900 In-Vehicle Signal
- 900/1900 Outdoor Signal

Macro site

Proposed small cell

Nodes



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Item# 6





California

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PUBLIC UTILITIES CODE - PUC

DIVISION 4. LAWS RELATING TO UTILITY CORPORATIONS AND THEIR EMPLOYEES [7503 - 8286] (*Division 4 enacted by Stats. 1951, Ch. 764.*)

CHAPTER 3. Telegraph or Telephone Corporations [7901 - 7912]

(*Chapter 3 enacted by Stats. 1951, Ch. 764.*)

7901. Telegraph or telephone corporations may construct lines of telegraph or telephone lines along and upon any public road or highway, along or across any of the waters or lands within this State, and may erect poles, posts, piers, or abutments for supporting the insulators, wires, and other necessary fixtures of their lines, in such manner and at such points as not to incommode the public use of the road or highway or interrupt the navigation of the waters.

(*Enacted by Stats. 1951, Ch. 764.*)

7901.1. (a) It is the intent of the Legislature, consistent with Section 7901, that municipalities shall have the right to exercise reasonable control as to the time, place, and manner in which roads, highways, and waterways are accessed.

(b) The control, to be reasonable, shall, at a minimum, be applied to all entities in an equivalent manner.

(c) Nothing in this section shall add to or subtract from any existing authority with respect to the imposition of fees by municipalities.

(*Added by Stats. 1995, Ch. 968, Sec. 1. Effective January 1, 1996.*)

7903. Every agent, operator, or employee of any telegraph or telephone office, who in any way uses or appropriates any information derived by him from any private message passing through his hands, and addressed to any other person, or in any other manner acquired by him by reason of his trust as such agent, operator, or employee, or trades or speculates upon any such information so obtained, or in any manner turns, or attempts to turn, the information so obtained to his own account, profit, or advantage, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or by imprisonment in a county jail not exceeding one year, or by fine not exceeding ten thousand dollars (\$10,000), or by both that fine and imprisonment.

(*Amended by Stats. 2011, Ch. 15, Sec. 563. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.*)

7904. Every agent, operator, or employee of any telegraph or telephone office, who wilfully refuses or neglects to send any message received at such office for transmission, or wilfully postpones the transmission of the message out of its order, or wilfully refuses or neglects to deliver any message received by telegraph or telephone, is guilty of a misdemeanor. Nothing in this section shall be construed to require any message to be received, transmitted or delivered, unless the charges thereon have been paid or tendered, nor to require the sending, receiving, or delivery of any message counseling, aiding, abetting, or encouraging treason against the Government of the United States or of this State, or other resistance to the lawful authority, or any message calculated to further any fraudulent plan or purpose, or to instigate or encourage the perpetration of any unlawful act, or to facilitate the escape of any criminal or person accused of crime.

(*Enacted by Stats. 1951, Ch. 764.*)

7905. The Public Utilities Commission shall issue regulations requiring every telephone corporation subject to its jurisdiction to maintain complete records of all instances in which its employees discover any device installed for the purpose of overhearing communications over the lines of such corporation and all instances in which such employees reasonably believe and report to the corporation their belief that such device is installed or has been installed but has since been removed.



Federal Communications Commission
Washington, D.C. 20554

April 11, 2019

DA 19-277

SMALL ENTITY COMPLIANCE GUIDE

**Accelerating Wireless Broadband Deployment by Removing
Barriers to Infrastructure Investment
WT Docket No. 17-79**

**Accelerating Wireline Broadband Deployment by Removing
Barriers to Infrastructure Investment
WC Docket No. 17-84
FCC 18-133**

Released: September 27, 2018

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the revised rules adopted in the above-referenced Federal Communications Commission (FCC or Commission) rulemaking dockets. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decision regarding a particular small entity will be based on the statute and any relevant rules.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation. The FCC will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or it may clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

**1-888-CALL-FCC (1-888-225-5322)
TTY: 1-888-TELL-FCC (1-888-835-5322)
Videophone: 1-844-4-FCC-ASL (1-844-432-2275)
Fax: 1-866-418-0232**

TABLE OF CONTENTS

I.	OBJECTIVES OF THE PROCEEDING	1
II.	COMPLIANCE REQUIREMENTS	1
III.	RECORDKEEPING AND REPORTING REQUIREMENTS	2
IV.	IMPLEMENTATION DATE	3
V.	INTERNET LINKS	3

I. OBJECTIVES OF THE PROCEEDING

In the *Declaratory Ruling and Third Report and Order (Third Report and Order)* in FCC 18-133, WT Docket No. 17-79 and WC Docket No. 17-84, the Commission continued its efforts to streamline the regulatory framework for deployment of small wireless facilities and 5G service. The rules adopted in the *Third Report and Order* will accelerate the deployment of wireless infrastructure needed for the mobile wireless services of the future, while preserving the fundamental role of localities in this process.

The *Third Report & Order* establishes and codifies specific rules pertaining to the amount of time siting agencies may take to review and approve certain categories of wireless infrastructure siting applications. More specifically, the *Third Report and Order* establishes two new review period shot clocks for Small Wireless Facilities (60 days for collocation on existing structures and 90 days for new builds) and codifies the existing 90 and 150 day shot clocks for deployments of wireless facilities that do not qualify as small wireless facilities. In addition, the *Third Report and Order* sets out how the shot clock date is calculated, how any applicable shot clock tolling periods are applied and states that all state and local government authorizations necessary for the deployment of personal wireless service infrastructure are subject to the applicable shot clocks. The *Third Report and Order* also adopts a new remedy for applicants when siting authorities miss shot clocks for small wireless facilities.

II. COMPLIANCE REQUIREMENTS

The *Third Report & Order* amends the Commission's rules, adding 47 CFR § 1.6003 to require a siting authority (i.e., state or local governmental entity) to take timely action on a siting application and establishes the parameters for a reasonable time to act on a siting application.

Timely Action Required by A Siting Authority (47 CFR § 1.6003(a))

- Any siting authority that fails to act on a siting application by the expiration of the applicable shot clock is presumed not to have acted within a reasonable period of time.

Shot Clock Period for A Siting Application (47 CFR § 1.6003(b))

- The shot clock period for a siting application is the sum of the number of days specified for the relevant application type as the presumptively reasonable time for a siting authority to act plus the number of days of any applicable tolling period.

Presumptively Reasonable Period of Time for Action (47 CFR § 1.6003(c))

- Siting authorities must act in accordance with the following shot clocks:
 - Application to collocate a small wireless facility using an existing structure: 60 days.
 - Application to collocate a facility other than a small wireless facility using an existing structure: 90 days.
 - Application to deploy a small wireless facility using a new structure: 90 days.
 - Application to deploy a facility other than a small wireless facility using a new structure: 150 days.

Batched Applications (47 CFR § 1.6003(d))

- If an applicant files either a batched application to collocate small wireless facilities or a batched application to deploy new small wireless facilities, the shot clock that applies to the batch is the same one that would apply had the applicant submitted an individual application.
- If an applicant files a batch of applications that includes both collocation and new construction of small wireless facilities, the 90-day shot clock that applies to new construction of small wireless facilities would apply to the entire batch.
- Siting authorities may not refuse to accept batched applications.

Tolling Period (47 CFR § 1.6003(d))

- Absent a written agreement between an applicant and the siting authority specifying an alternative tolling period, the tolling period for an application is as follows:
 - For an initial application to deploy small wireless facilities, if the siting authority notifies the applicant on or before the 10th day after submission that the application is materially incomplete, and clearly and specifically identifies the missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information, ***the shot clock date calculation shall restart at zero*** on the date which the applicant submits all the documents and information identified by the siting authority to make the application complete.
 - For initial applications to deploy facilities other than small wireless facilities, the shot clock is paused if the siting authority notifies the applicant in writing, within 30 days of the initial submission, that the application is materially incomplete and clearly and specifically identifies the missing documents or information that the applicant must submit to render the application complete and the specific rule or regulation creating this obligation, and ***the shot clock resumes (the date calculation does not restart) to run*** on the date when the applicant submits all the documents and information identified by the siting authority to render the application complete.
 - If an applicant's supplemental submission fails to make the application complete, and the siting authority notifies the applicant of this determination within 10 days of the supplemental submission and clearly and specifically identifies the missing documents or information, the applicable shot clock would be paused until the applicant provides the missing documents or information. ***The shot clock resumes (the date calculation does not restart) to run*** on the date when the applicant submits all the documents and information identified by the siting authority to render the application complete.

Shot Clock Date (47 CFR § 1.6003(e))

- The shot clock dates (i.e., the dates by which the siting authority must act on an application) are determined by counting forward, by calendar days, including any pre-application period asserted by the siting authority. If the shot clock date falls on a "holiday" under FCC rules or within the relevant State or local jurisdiction, the shot clock date is the next business day.

An Additional Remedy for a Siting Authority's Failure to Act

- The failure of a state or local government to issue a decision on a Small Wireless Facility siting application within the presumptively reasonable time periods above will constitute a "failure to act" within the meaning of Section 332(c)(7)(B).
- The remedies granted under Section 332(c)(7)(B)(v) are independent of, and in addition to, any remedies that may be available under state or local law. An applicant must wait until the Commission shot clock period has expired to bring suit for a "failure to act" under Section 332(c)(7)(B)(v).
- Where a state or locality has established its own shot clocks, an applicant may pursue any remedies granted under state or local law in cases where the siting authority fails to act within those shot clocks.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The Commission's actions in the *Third Report and Order* did not create any new recordkeeping or reporting requirements.

IV. IMPLEMENTATION DATE

The rules in the *Third Report and Order* became effective on January 14, 2019, 90 days after publication in the Federal Register of a summary of the *Third Report and Order* (which contained the full text of the rules).

V. INTERNET LINKS

A copy of the *Third Report and Order* is available at:

https://docs.fcc.gov/public/attachments/FCC-18-133A1_Rcd.pdf

A copy of the Federal Register Summary of the *Third Report and Order* is available at:

<https://www.govinfo.gov/content/pkg/FR-2018-10-15/pdf/2018-22234.pdf>



AT&T Small Cell Site ID: MSVJ1_015

Alternate Sites Analysis

Public Right of Way



Proposed Small Cell – Small Cell Node MSVJ1_015

- AT&T is committed to providing and improving wireless telecommunications services and faster data rates throughout the City.
- The best means to improve these wireless services are through the deployment of very small facilities, called “small cells,” that can be installed on utility infrastructure in the public right-of-way. A small cell is a low-powered cell site, which, when grouped with other small cells, can provide coverage in areas where traditional macro wireless facilities are discouraged or where existing macro wireless facilities are fully maxed out in capacity. Small cells are effective tools to provide and improve critical wireless services with a minimal impact. By placing small cells in areas where AT&T’s existing facilities are constrained and where AT&T experiences poor coverage or high network traffic, AT&T can address existing and forecasted demands.
- Traditional macro facilities that cover large areas cannot be used in every situation, as their signals cause interference when the sites are placed too close to one another. Small cell wireless facilities are a technological solution to this problem. Small cells are intended to work together with macro facilities, and neither technology is intended as a substitute for the other.
- Public Utilities Code Section 7901 grants a statewide franchise to telecommunications companies to install equipment in the public rights-of-way. As long as AT&T does not incommode public use, AT&T has the right to locate its facilities within the rights of way.
- Local preferences for specific types of wireless technology are preempted by federal law. Because local preferences for alternative technology interfere with federal regulatory schemes for wireless technology, it is inappropriate for a local jurisdiction to require telecommunications companies to utilize full-sized macro facilities when the company applies for permits to construct small wireless facilities.



- Small Cell Node MSVJ1_015 will address coverage and capacity concerns and improve signal quality and capacity within AT&T's wireless network for residents, businesses and visitors in this dense commercial area of the City.
- AT&T seeks to address its service objective using the least visibly intrusive means necessary to achieve coverage objectives. As such, AT&T worked with City staff to develop its proposed small cell solution and based upon the circumstances, the best option was to place a new pole in the public right-of-way that is compatible with the existing street landscape while meeting the objectives and intent for permit findings of approval.
- The following exhibits depict the project location and justification for approval. The subject node is part of a network of small cells designed to resolve the current service and data rate demands within the city of Mission Viejo.



Small Cell Node MSVJ1_015 and Alternate Sites Map



On this aerial map, AT&T's proposed Small Cell # MSVJ1_015 is designated by the yellow pin and the alternative candidates analyzed are identified by red dots. The red circle represents approximately 750' of coverage radius, the typical range for Pico Small Cells. AT&T's proposed Small Cell # MSVJ1_015 is designed to resolve service and data rate communication overload in this high density area.

Proposed Location and Design



AT&T proposes to install a new pole small cell wireless facility (node) on the east side of Marguerite Pkwy, north of Avery Pkwy.



- The node includes a small omni-directional antenna and radio equipment concealed in a shroud on a steel purpose-built pole in the public right-of-way of Mission Viejo. The overall height of the proposed installation is 33'-5".
- This location is viable to serve AT&T's network needs. The node is in an unencumbered portion of the ROW and is centrally located within the proposed coverage objective.
- The new pole will be painted with a non-corrosive, non-metallic finish that is not conducive to reflection or glare and is the least visually intrusive possible for the proposed project.
- The facility blends with the surrounding infrastructure and is no more visually intrusive than the standard streetlights in the surrounding area.



Alternate Site #1



- Alternative #1 shown on the map is located approximately 250 feet north of the proposed node on Marguerite Pkwy.
- The alternative is a decorative city-owned streetlight within the public right-of-way, similar in height to the proposed node.
- The unique structural and design qualities of the existing streetlight structures are limiting factors that render the existing support structures unsuitable for use by the applicant. City staff also did not prefer use of this decorative pole.

Alternate Site #2



- Alternative #2 shown on the map is located approximately 300 feet southwest of the proposed node on Marguerite Pkwy.
- The alternative is also a city-owned decorative streetlight similar in height to the proposed node.
- The unique structural and design qualities of the existing streetlight structures are limiting factors that render the existing support structures unsuitable for use by the applicant. City staff also did not prefer use of this decorative pole.

Proposed Small Cell Node MSVJ1_015 - Conclusion

- Small Cell Node MSVJ1_015 is an integral part of an overall small cell solution to help close AT&T's significant service coverage and capacity gap in Mission Viejo. Increasing network demands over the past years require installing additional communication facilities throughout the city to provide a high-quality wireless communications service.
- Small Cell Node MSVJ1_015 will provide wireless telecommunications service and faster data rates to the area businesses, residents of Mission Viejo.
- The installation of a small cell antenna at the proposed site is the best available and least intrusive means to improve AT&T's critical wireless services in the surrounding areas by adding low-power, low-profile equipment within the public right-of-way.
- It should also be noted that there are very few alternative locations in this area that meet the coverage and capacity objectives set by AT&T.
- Denial of this proposal would materially inhibit AT&T's ability to provide and improve wireless services in this portion of Mission Viejo.



**AT&T Mobility • Proposed Small Cell (No. CRAN_RLOS_MSVJ1_015A)
28400 Marguerite Parkway • Mission Viejo, California**

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of AT&T Mobility, a personal wireless telecommunications carrier, to evaluate its small cell (No. CRAN_RLOS_MSVJ1_015A) proposed to be sited in Mission Viejo, California, for compliance with appropriate guidelines limiting human exposure to radio frequency (“RF”) electromagnetic fields.

Executive Summary

AT&T proposes to install a cylindrical antenna on a tall steel pole to be sited in the public right-of-way at 28400 Marguerite Parkway in Mission Viejo. The proposed operation will comply with the FCC guidelines limiting public exposure to RF energy.

Prevailing Exposure Standards

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

Wireless Service Band	Transmit Frequency	“Uncontrolled” Public Limit	Occupational Limit (5 times Public)
Microwave (point-to-point)	1–80 GHz	1.0 mW/cm ²	5.0 mW/cm ²
Millimeter-wave	24–47	1.0	5.0
Part 15 (WiFi & other unlicensed)	2–6	1.0	5.0
CBRS (Citizens Broadband Radio)	3,550 MHz	1.0	5.0
BRS (Broadband Radio)	2,490	1.0	5.0
WCS (Wireless Communication)	2,305	1.0	5.0
AWS (Advanced Wireless)	2,110	1.0	5.0
PCS (Personal Communication)	1,930	1.0	5.0
Cellular	869	0.58	2.9
SMR (Specialized Mobile Radio)	854	0.57	2.85
700 MHz	716	0.48	2.4
600 MHz	617	0.41	2.05
[most restrictive frequency range]	30–300	0.20	1.0

General Facility Requirements

Small cells typically consist of two distinct parts: the electronic transceivers (also called “radios” or “channels”) that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The radios are typically mounted on the support pole or placed in a cabinet at ground level, and they are connected to the antennas by coaxial cables. Because of the short wavelength of the frequencies



HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
SAN FRANCISCO

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P37-S4MR
Page 1 of 3

**AT&T Mobility • Proposed Small Cell (No. CRAN_RLOS_MSVJ1_015A)
28400 Marguerite Parkway • Mission Viejo, California**

assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. This means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

Computer Modeling Method

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

Site and Facility Description

Based upon information provided by AT&T, including drawings by M Squared Wireless, dated June 18, 2019, it is proposed to install one Galtronics Model GQ2410-06621, 2-foot tall, omnidirectional* cylindrical antenna on top of a tall steel pole to be sited in the public right-of-way in front of the car dealership at 28400 Marguerite Parkway in Mission Viejo. The antenna would employ no downtilt and would be mounted at an effective height of about 32½ feet above ground. The maximum effective radiated power proposed in any direction is 86.4 watts, representing simultaneous operation at 84 watts for PCS and at 2.4 watts for Part 15 service at 5 GHz. There are reported no other wireless telecommunications base stations at the site or nearby.

Study Results

For a person anywhere at ground, the maximum RF exposure level due to the proposed AT&T operation is calculated to be 0.00087 mW/cm², which is 0.087% of the applicable public exposure limit. The maximum calculated level at the second-story elevation of any nearby building† is 0.24% of the public exposure limit. It should be noted that these results include several “worst-case” assumptions and therefore are expected to overstate actual power density levels from the proposed operation.

* Assumed to be omnidirectional, although manufacturer’s patterns show reduced power in certain directions.

† Located at least 23 feet away, based on drawings.



**AT&T Mobility • Proposed Small Cell (No. CRAN_RLOS_MSVJ1_015A)
28400 Marguerite Parkway • Mission Viejo, California**

No Recommended Compliance Measures

Due to its mounting location and height, the antenna would not be accessible to unauthorized persons, and so no measures are necessary to comply with the FCC public exposure guidelines. It is presumed that AT&T will, as an FCC licensee, take adequate steps to ensure that its employees or contractors receive appropriate training and comply with FCC occupational exposure guidelines whenever work is required near the antennas themselves.

Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that operation of the small cell proposed by AT&T Mobility at 28400 Marguerite Parkway in Mission Viejo, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating small cells.

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration No. E-20309, which expires on March 31, 2021. This work has been carried out under her direction, and all statements are true and correct of her own knowledge except, where noted, when data has been supplied by others, which data she believes to be correct.

August 28, 2019



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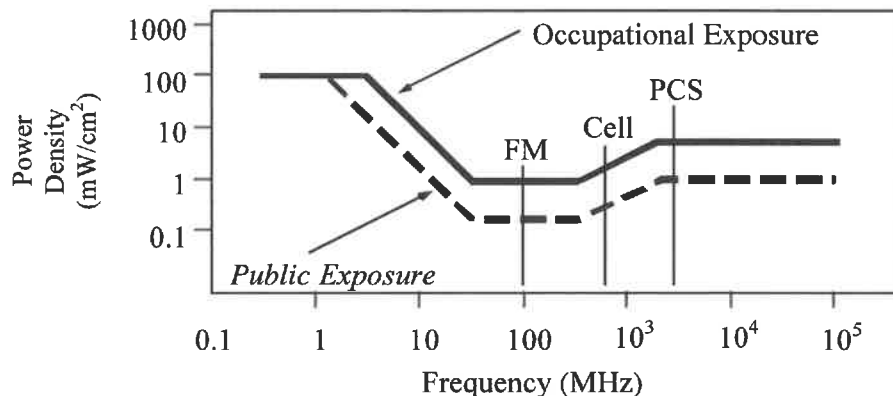
P37-S4MR
Page 3 of 3

FCC Radio Frequency Protection Guide

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

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

Frequency Applicable Range (MHz)	Electromagnetic Fields (<i>f</i> is frequency of emission in MHz)					
	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm ²)	
0.3 – 1.34	614	<i>614</i>	1.63	<i>1.63</i>	100	<i>100</i>
1.34 – 3.0	614	<i>823.8/f</i>	1.63	<i>2.19/f</i>	100	<i>180/f²</i>
3.0 – 30	1842/f	<i>823.8/f</i>	4.89/f	<i>2.19/f</i>	900/f ²	<i>180/f²</i>
30 – 300	61.4	<i>27.5</i>	0.163	<i>0.0729</i>	1.0	<i>0.2</i>
300 – 1,500	3.54√ <i>f</i>	<i>1.59√f</i>	√ <i>f</i> /106	<i>√f/238</i>	f/300	<i>f/1500</i>
1,500 – 100,000	137	<i>61.4</i>	0.364	<i>0.163</i>	5.0	<i>1.0</i>



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



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FCC Guidelines
Figure 1

RFR.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

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

Near Field.

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

For a panel or whip antenna, power density $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h}$, in mW/cm²,

and for an aperture antenna, maximum power density $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$, in mW/cm²,

where θ_{BW} = half-power beamwidth of antenna, in degrees,

P_{net} = net power input to antenna, in watts,

D = distance from antenna, in meters,

h = aperture height of antenna, in meters, and

η = aperture efficiency (unitless, typically 0.5-0.8).

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

Far Field.

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

power density $S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}$, in mW/cm²,

where ERP = total ERP (all polarizations), in kilowatts,

RFF = three-dimensional relative field factor toward point of calculation, and

D = distance from antenna effective height to point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula is used in a computer program capable of calculating, at thousands of locations on an arbitrary grid, the total expected power density from any number of individual radio frequency sources. The program also allows for the inclusion of uneven terrain in the vicinity, as well as any number of nearby buildings, to obtain more accurate projections.



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Methodology
Figure 2

APPENDIX A

*Optional Checklist for Determination
Of Whether a Facility is Categorically Excluded*

**Optional Checklist for Local Government
To Determine Whether a Facility is Categorically Excluded**

Purpose: The FCC has determined that many wireless facilities are unlikely to cause human exposures in excess of RF exposure guidelines. Operators of those facilities are exempt from routinely having to determine their compliance. These facilities are termed "categorically excluded." Section 1.1307(b)(1) of the Commission's rules defines those categorically excluded facilities. This checklist will assist state and local government agencies in identifying those wireless facilities that are categorically excluded, and thus are highly unlikely to cause exposure in excess of the FCC's guidelines. Provision of the information identified on this checklist may also assist FCC staff in evaluating any inquiry regarding a facility's compliance with the RF exposure guidelines.

BACKGROUND INFORMATION

1. Facility Operator's Legal Name: AT&T Mobility
2. Facility Operator's Mailing Address: 1452 Edinger Avenue, Tustin, CA 92618
3. Facility Operator's Contact Name/Title: Alma Pineda
4. Facility Operator's Office Telephone: (800) 832-6662
5. Facility Operator's Fax: _____
6. Facility Name: CRAN_RLOS_MSVJ1_015
7. Facility Address: 28400 MARGUERITE PARKWAY (Public Right-of-Way)
8. Facility City/Community: MISSION VIEJO
9. Facility State and Zip Code: CA 92692
10. Latitude: 33.550139
11. Longitude: -117.670531

continue
→

Optional Local Government Checklist (page 2)

EVALUATION OF CATEGORICAL EXCLUSION

12. Licensed Radio Service (see attached Table 1): Personal Communications Services
13. Structure Type (free-standing or building/roof-mounted): Free-standing
14. Antenna Type [omnidirectional or directional (includes sectored)]: Omni
15. Height above ground of the lowest point of the antenna (in meters): 9.88
16. ☐ Check if all of the following are true:
- (a) This facility will be operated in the Multipoint Distribution Service, Paging and Radiotelephone Service, Cellular Radiotelephone Service, Narrowband or Broadband Personal Communications Service, Private Land Mobile Radio Services Paging Operations, Private Land Mobile Radio Service Specialized Mobile Radio, Local Multipoint Distribution Service, or service regulated under Part 74, Subpart I (see question 12).
 - (b) This facility will not be mounted on a building (see question 13).
 - (c) The lowest point of the antenna will be at least 10 meters above the ground (see question 15).

If box 16 is checked, this facility is categorically excluded and is unlikely to cause exposure in excess of the FCC's guidelines. The remainder of the checklist need not be completed. If box 16 is not checked, continue to question 17.

17. Enter the power threshold for categorical exclusion for this service from the attached Table 1 in watts ERP or EIRP* (note: $EIRP = (1.64) \times ERP$): 1640 per Table 1 PCS (part 24)
18. Enter the total number of channels if this will be an omnidirectional antenna, or the maximum number of channels in any sector if this will be a sectored antenna: 4
19. Enter the ERP or EIRP per channel (using the same units as in question 17): 45.89
20. Multiply answer 18 by answer 19: 183.56
21. Is the answer to question 20 less than or equal to the value from question 17 (yes or no)?

If the answer to question 21 is YES, this facility is categorically excluded. It is unlikely to cause exposure in excess of the FCC's guidelines.

If the answer to question 21 is NO, this facility is not categorically excluded. Further investigation may be appropriate to verify whether the facility may cause exposure in excess of the FCC's guidelines.

*"ERP" means "effective radiated power" and "EIRP" means "effective isotropic radiated power"

TABLE 1 (cont.)

SERVICE (TITLE 47 CFR RULE PART)	EVALUATION REQUIRED IF:
Personal Communications Services (part 24)	<p>(1) Narrowband PCS (subpart D): <u>non-building-mounted antennas</u>: height above ground level to lowest point of antenna < 10 m <u>and</u> total power of all channels > 1000 W ERP (1640 W EIRP) <u>building-mounted antennas</u>: total power of all channels > 1000 W ERP (1640 W EIRP)</p> <p>(2) Broadband PCS (subpart E): <u>non-building-mounted antennas</u>: height above ground level to lowest point of antenna < 10 m <u>and</u> total power of all channels > 2000 W ERP (3280 W EIRP) <u>building-mounted antennas</u>: total power of all channels > 2000 W ERP (3280 W EIRP)</p>
Satellite Communications (part 25)	all included
General Wireless Communications Service (part 26)	total power of all channels > 1640 W EIRP
Wireless Communications Service (part 27)	total power of all channels > 1640 W EIRP
Radio Broadcast Services (part 73)	all included



AT&T and Small Cells

Mission Viejo Design Review Presentation – January 29, 2020

Enhancing our network to meet consumer demand today while preparing for the technologies and innovations of tomorrow.

Cory Autrey / Wireless Policy Group (AT&T Consultant)

Rickard Hardy Soderberg / Ericsson (AT&T Consultant)

William Depalma / Ericsson (AT&T Consultant)

Matt Levesque / Pramira (AT&T Consultant)

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AT&T and the need for small cells



Small cells are critical to provide reliable wireless service

PUBLIC SAFETY

- 76% of all 911 calls came from cell phones.¹

BUSINESS

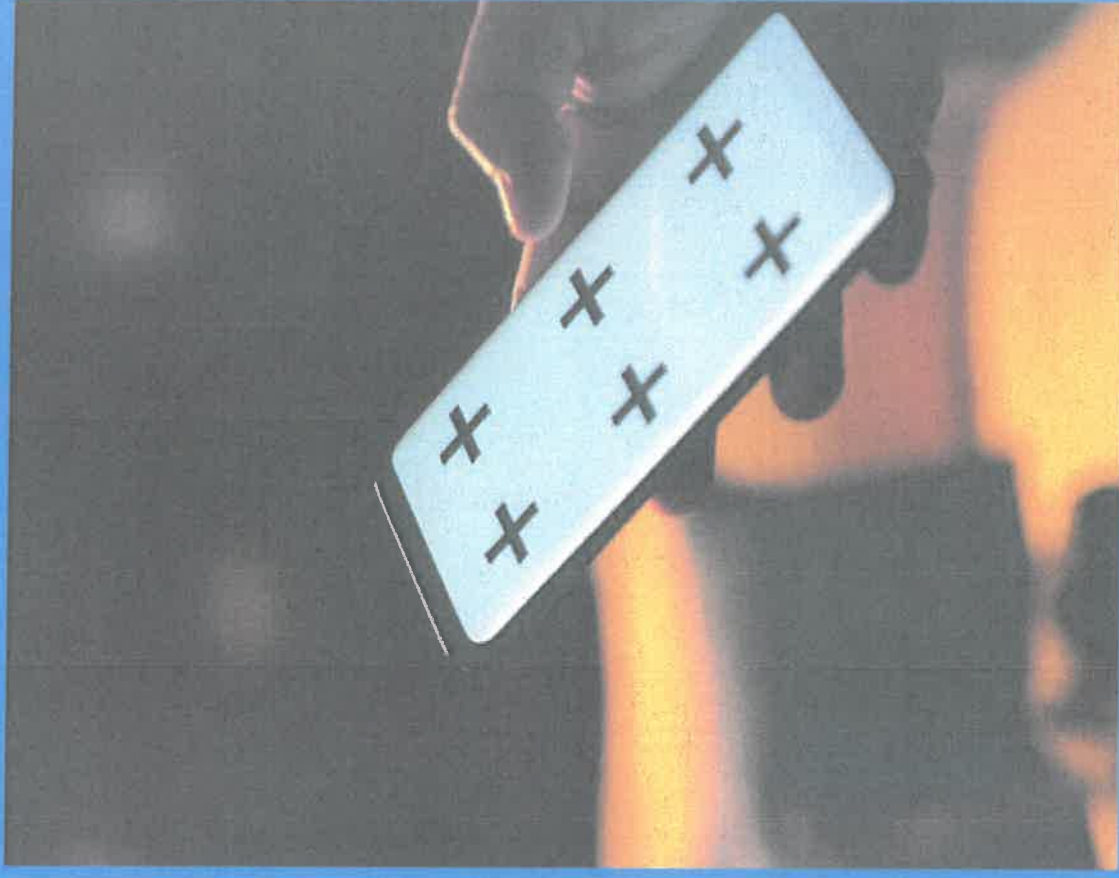
- 98% of small businesses rely on wireless technology.²

RESIDENTS

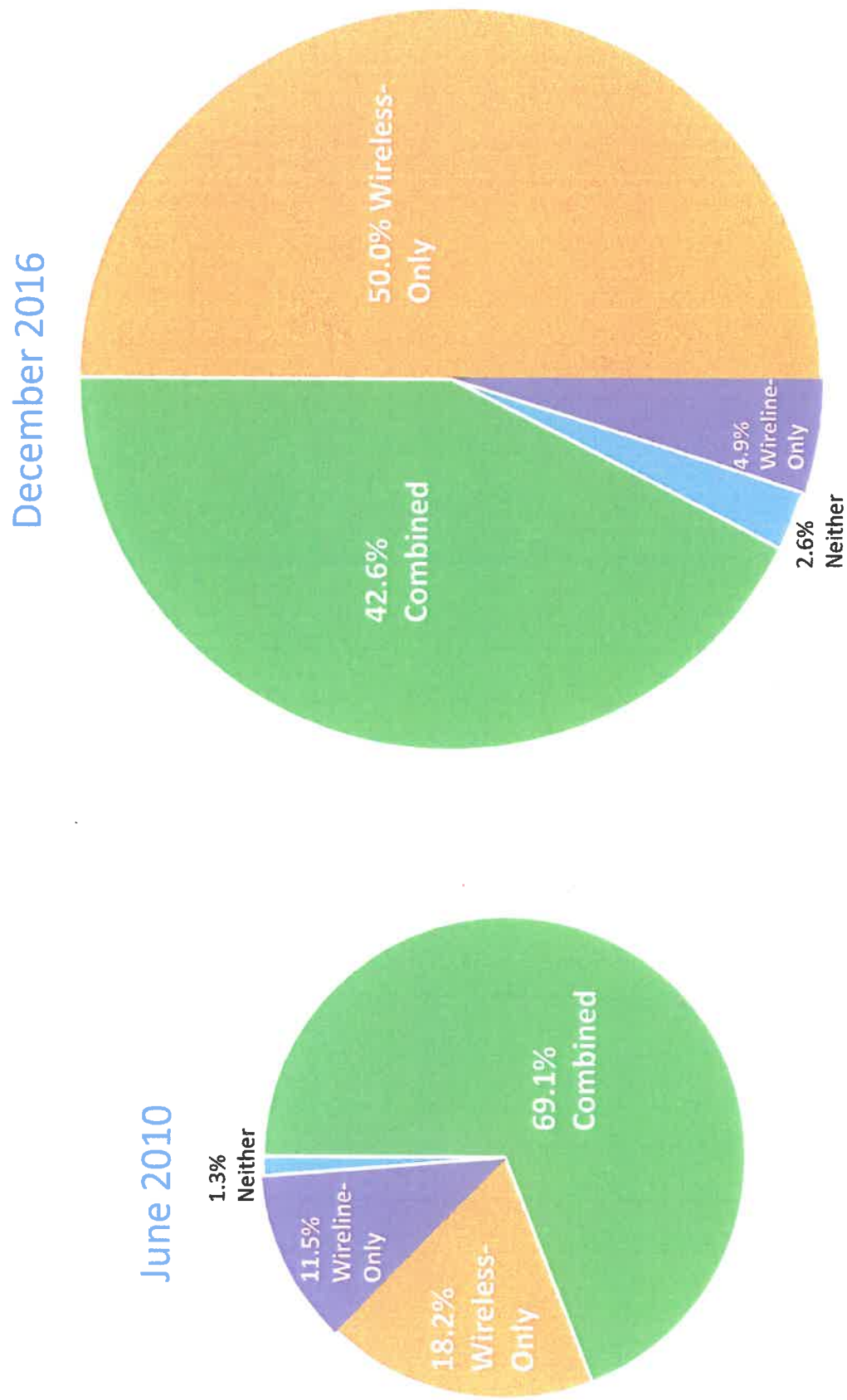
- Residents use smartphones, tablets, laptops at home – all driving the need for reliable and expanded connectivity.

1. <https://www.911.gov/pdf/National-911-Program-2015-ProfileDatabaseProgressReport-021716.pdf>

2. <https://smallbiztrends.com/2013/05/small-business-use-wireless.html>



Growth of Wireless-Only Households in California¹



¹ CDC National Health Statistics Wireless Substitution Reports



Consumer and business demand for wireless data is on the rise



Network capacity must be upgraded to keep pace with surging demands for data.



Ways to Increase Wireless Network Capacity

①

Deploy more spectrum

- Spectrum is **not readily available**



②

Improve spectrum efficiency

- Repurposing existing spectrum
- e.g., 3G carves for LTE



③

Add more macro (cell sites) cells

- Optimal for low concentration areas



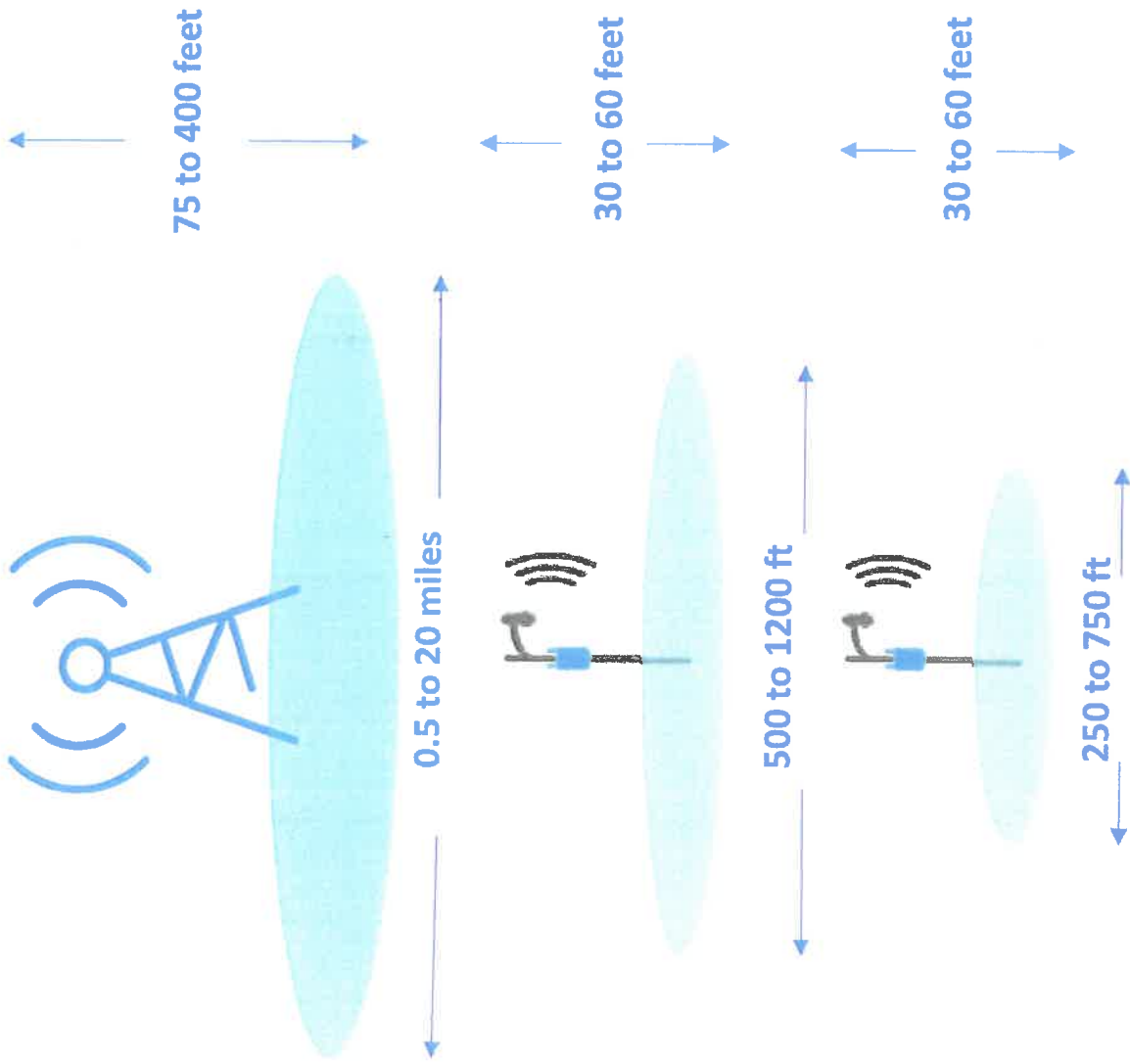
④

Add more small cells

- Offloads surrounding macro sites



Network Solutions: Comparison



Macrocell (4G LTE)

The common form factor for wireless communication. Higher height and lower frequencies used result in the larger service area.

Current Small Cell (4G LTE)

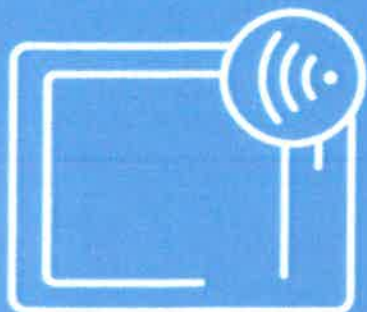
Uses the same frequencies as macrocells, in addition to utilizing unlicensed spectrum. Due to lower height, footprint is smaller. Increases capacity or coverage in target areas.

Future Small Cell (5G)

Very high frequencies enabled by future 5G technology will result in a smaller footprint, but can be used to meet the exponential increased capacity demand.

- Heights and service areas are approximations
- Small cell sites supplement vs. replace macrocell sites
- The footprint, or service area, of a site is determined by height and by frequency band

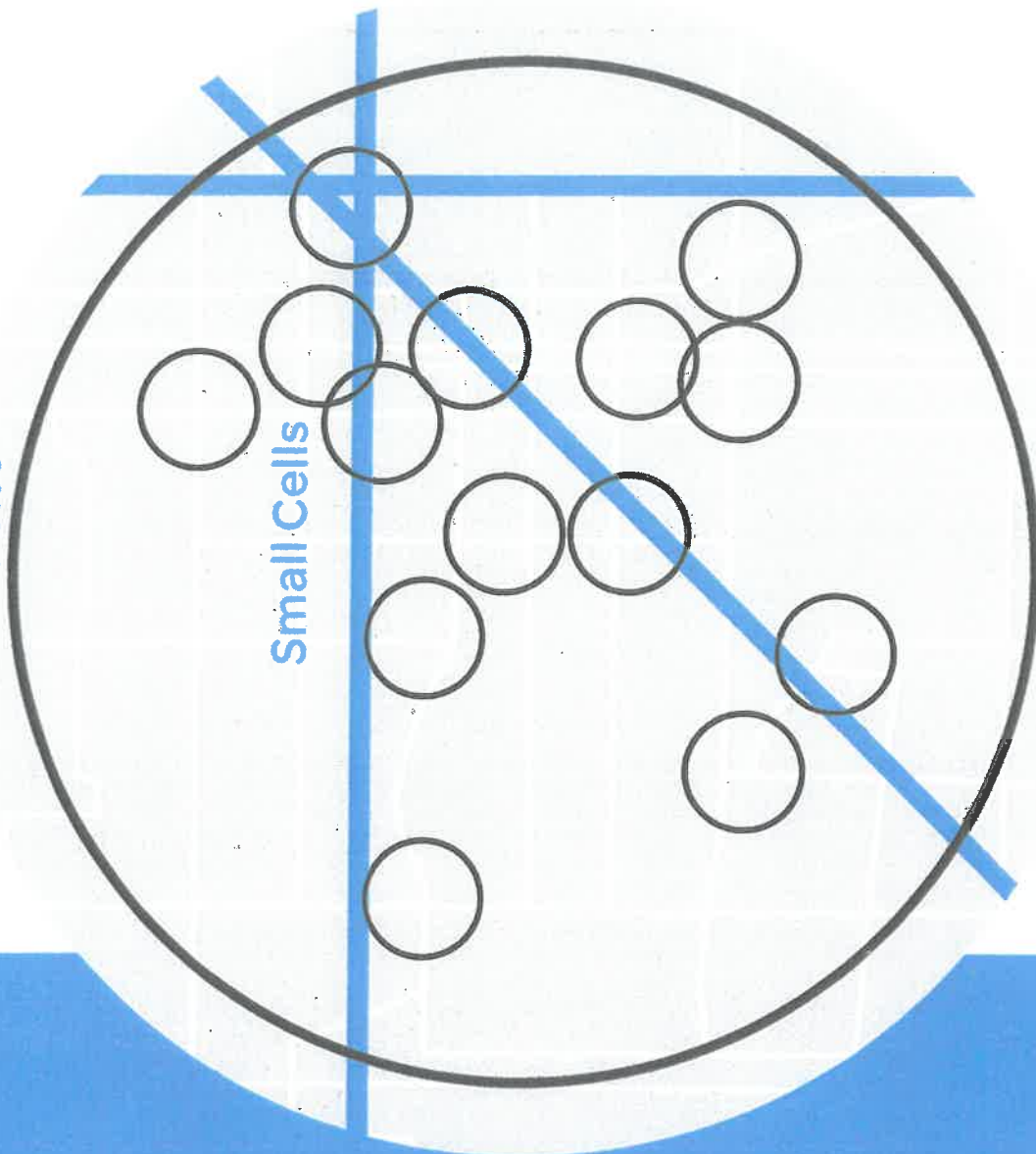




Small cells can
densify our
network to
meet customer
demand

Macro Site

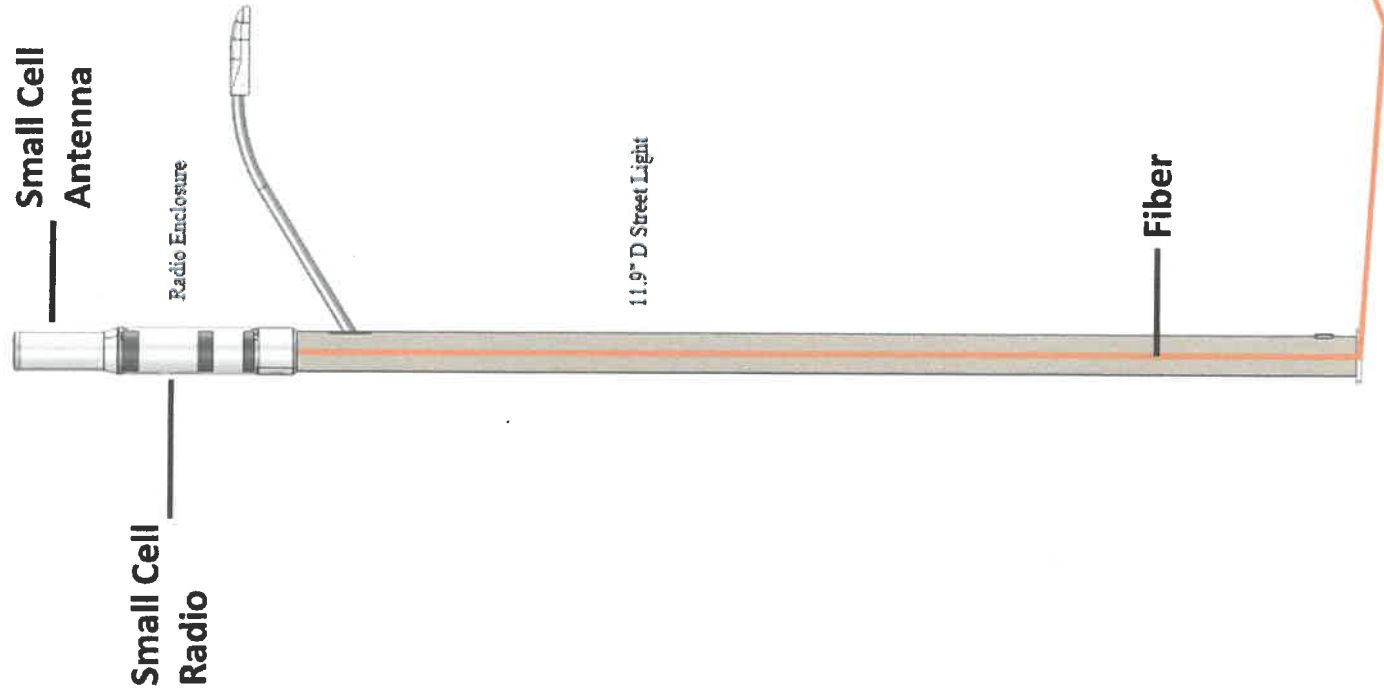
Small Cells



What is a small cell?



What is a Small Cell?



A new network architecture is needed

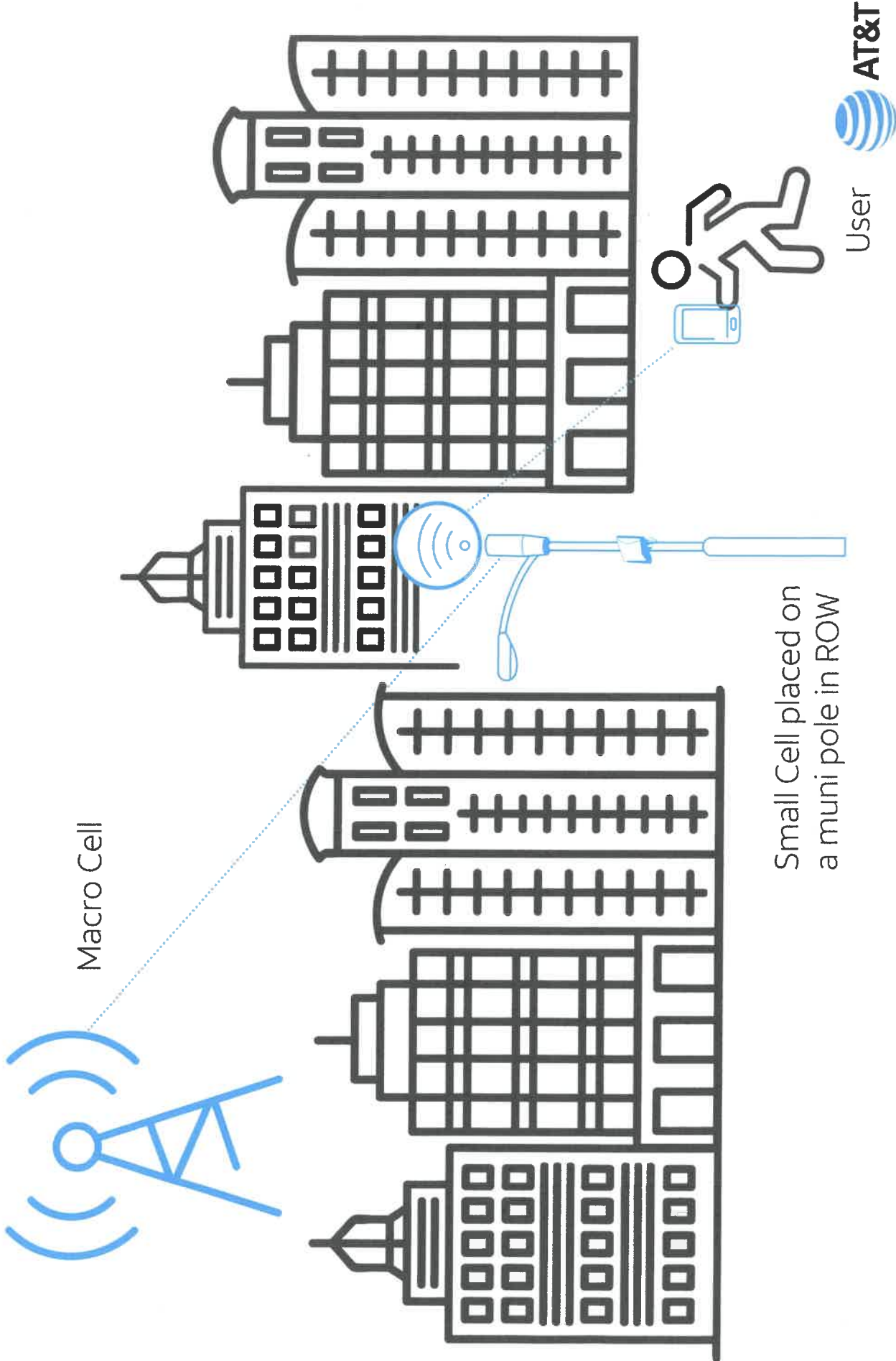
Small cells are **flexible, targeted** network solutions that cover a radius up to 1200+ feet and can be readily deployed to specific locations:

- Where customers are prone to experience connectivity issues
- Heavily populated areas that need more network capacity
- Areas that can't effectively be served by a traditional macro cell



This photo depicts an example of what a small cell could look like. Actual size, shape and dimensions may vary by location.

Small cells help to bring the network “closer” to its users to deliver increased data capacity, faster connectivity speeds and an overall better wireless experience.

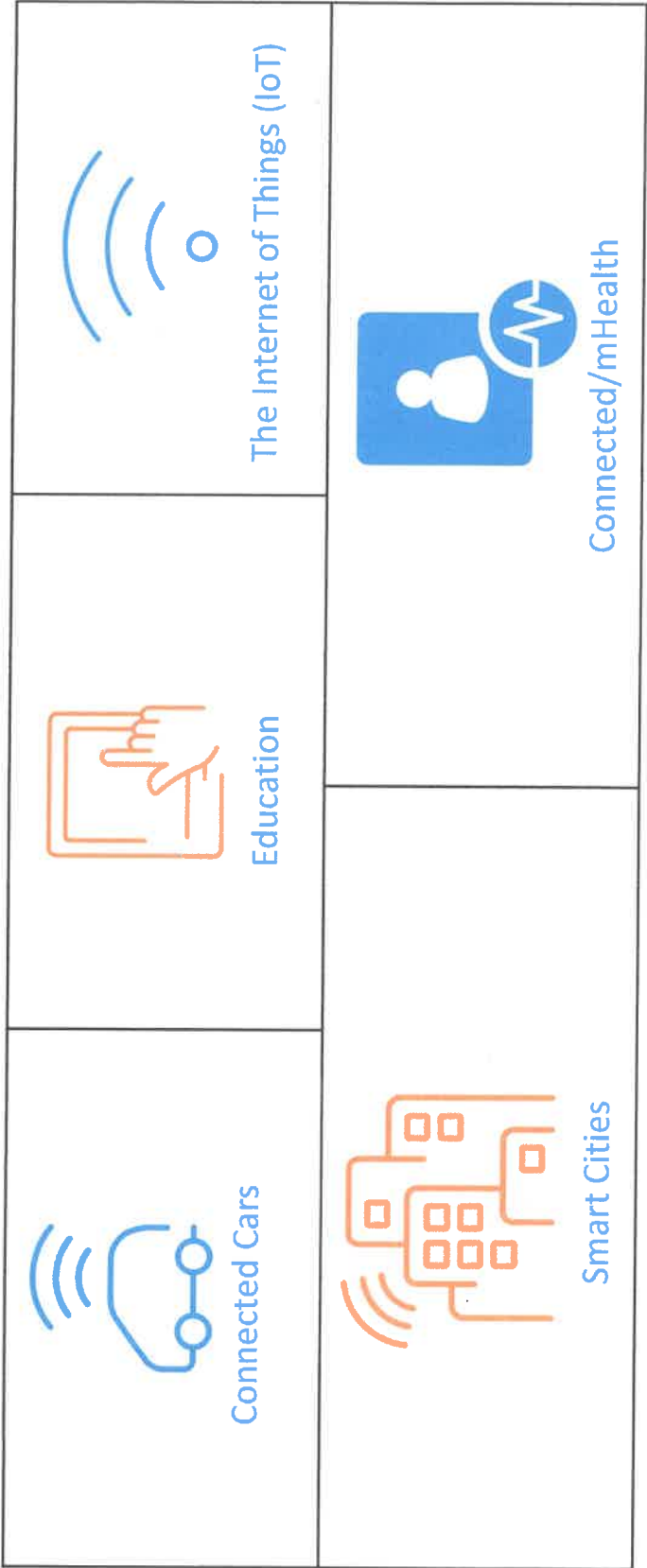


Small cells and our cities



Benefits of Small Cells to Consumers and Communities

- By bolstering network capacity, more efficiently using spectrum and expanding access to faster mobile internet speeds, small cells help us prepare for the technologies of the future—such as 5G, smart cities and new developments in the Internet of Things (IoT).



The **business community** is also becoming more and more connected and relying heavily on wireless technologies.

- Small businesses have streamlined their bookkeeping and now take payments using an app on their smart device.
- Companies can video-chat with clients from across the state or across the country with enhanced network capabilities.
- Ride-sharing drivers use an app on their smartphones to find customers and operate their businesses.







MINUTES

Planning and Transportation Commission's Design Review Committee

January 29, 2020

A regular Meeting of the Design Review Committee of **January 29, 2020 at 3:00 p.m.** in the Marguerite Room , at Mission Viejo City Hall, 200 Civic Center, Mission Viejo, California.

A complete copy of the agenda for the meeting containing the items as shown herein was posted on Monday, January 27, 2020 on the outdoor bulletin board at City Hall. Copies were also posted at the Montanoso Recreation and Fitness Center, 25800 Montanoso Drive, and the Norman P. Murray Community and Senior Center, 24932 Veterans Way.

Present: Commissioner Robert Breton
Commissioner Joe Blum
Elaine Lister, Director of Community Development
Larry Longenecker, Planning Manager
Tim Martin, Senior Planner
Keith Rattay, Assistant City Manager/Director of Public Services
Rich Schlesinger, City Engineer
Philip Nitollama, Transportation Engineer
Richard Soderberg, Ericsson
William DePalma, Ericsson
Corey Autrey, WPG
Matt Levesque, Pramira

AGENDA ITEM:

PLANNED DEVELOPMENT PERMIT PDP2019-311

Petition submitted by Pramira Inc., agent for AT&T, to construct a new "small-cell" wireless telecommunication monopole facility located within the public right-of-way along Marguerite Parkway, adjacent to the U.S. Post Office at 28081 Marguerite Parkway, between Shops Boulevard to the north and College Center to the south. Equipment installed on the new 33'-5"-tall steel pole would include four remote radio units, one omni-directional antenna, and one raycap disconnect, all located at the top of the pole within an equipment shroud.



PLANNED DEVELOPMENT PERMIT PDP2019-312

Petition submitted by Pramira Inc., agent for AT&T, to construct a new "small-cell" wireless telecommunication monopole facility located within the public right-of-way along Marguerite Parkway, north of Avery Parkway, adjacent to the Burlington store at 28452 Marguerite Parkway

and Conroy's Flowers at 28442 Marguerite Parkway. Equipment installed on the new 33'-5"-tall steel pole would include four remote radio units, one omni-directional antenna, and one raycap disconnect, all located at the top of the pole within an equipment shroud.

Cory Autrey, WPG, gave an overview of AT&T and the two proposed small cells. Questions were asked regarding the two specific sites, the overall network, and setbacks.

PRE-APPLICATION CONSIDERATION- LAKE MISSION VIEJO ID SIGNS

Proposal by Lake Mission Viejo Association for three project identification signs that would replace existing ID signs located at the intersections of Marguerite Parkway and Olympiad Road, Marguerite Parkway and Alicia Parkway, and Lanzarote and Calefa.

The applicant reviewed the Lake Mission Viejo Association proposed replacement signs. The existing signs are old and in disrepair.

ADJOURNMENT

With no further business to come before the Design Review Committee at this session, the meeting was adjourned at 4:15 p.m.

Submitted by:

Elaine Lister, Director of Community Development



City of Mission Viejo

Planning Application

PROPERTY OWNER OF RECORD

NAME City of Mission Viejo
ADDRESS 28400 Marguerite Ave. (Public Right-of-Way)
Mission Viejo, CA ZIP 92692
PHONE _____
E-MAIL _____

AUTHORIZED AGENT

NAME Pramira Inc.
ADDRESS 2552 Walnut Ave, Tustin, CA
Tustin, CA ZIP 92780
PHONE (714) 266 - 5950
E-MAIL matt.levesque@pramira.com

APPLICANT

NAME New Cingular Wireless PCS, LLC
ADDRESS 1452 Edinger Ave
Tustin, CA ZIP 92780
PHONE (323) 420 -9500
E-MAIL _____

FOR OFFICE USE ONLY

APPLICATION FOR:

Planned Development Permit

CASE NO.: PDP2019-312

FEE: 5,600 DATE: 11-27-19

PROJECT LOCATION

ADDRESS: 28400 Marguerite Pkwy

ZONING AREA: CH

ASSESSOR PARCEL NO.: 740-012-12

TRACT/P.M. NO.: _____ LOT NO.: _____

PROJECT DESCRIPTION

Including as appropriate: use (existing and proposed); number (of buildings, stories, units, rooms); size (of site-acreage, building height/square footage); operational characteristics; and other pertinent details.

Install (1) new steel monopole

Install (4) new AT&T remote radio units

Install (1) new AT&T omni-directional antenna

Install (1) new AT&T equipment ground

Install (1) new Raycap disconnect

Install (1) new handhole

Install (1) new 1'-0" concrete curb

CERTIFICATION (sign and print name)

I have read and understand the requirements on the reverse side of this application. I certify that to the best of my knowledge the information I have presented in this form and accompanying materials is true and correct.

PROPERTY OWNER
OF RECORD

DATE

Matt Levesque

AUTHORIZED AGENT

DATE

APPLICANT

DATE