

**LIST OF ATTACHMENTS FOR PUBLIC HEARING
ITEM NO. 1 – HOLD A PUBLIC HEARING FOR THE
APPEAL OF THE PLANNING COMMISSION’S
APPROVAL OF A WIRELESS TELECOMMUNICATION
FACILITY AT 777 SOUTH MAIN STREET**

- A. City Council Resolutions for:**
- **Approval**
 - **Denial**
- B. Appellant No. 1, John Ozag, Appeal Form**
- C. Appellant No. 2, Capital Telecom, Appeal Form**
- D. Planning Commission Staff Report of 8/24/2011 Meeting**
- E. Planning Commission’s Approved Minutes of 8/24/2011 Meeting**
- F. Radio Frequency (RF) Study**
- G. Project Plans**
- H. Public Comments**

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AFFIRMING AND OVERTURNING IN PART THE DECISION OF THE PLANNING COMMISSION IN ITS RESOLUTION NO. 11-040 REGARDING CONDITIONAL USE PERMIT NO. UP09-0026 FOR A WIRELESS TELECOMMUNICATION FACILITY CAMOUFLAGED AS A MONO-TREE POLE AND APPROVING THE PROJECT WITH AN 80-FOOT HEIGHT LIMITATION AS REQUESTED BY APPLICANT

WHEREAS, the above-captioned matter arises from a decision rendered by the Planning Commission for the City of Milpitas on August 24, 2011, conditionally approving a request to locate a wireless telecommunications facility camouflaged as a mono-tree pole that would provide co-location for up to four service carriers at Milpitas Fire Station No. 1, located at 777 South Main Street in Milpitas, California; and

WHEREAS, on September 1, 2011, John Ozag filed an appeal requesting that the City Council overturn the Planning Commission decision and not allow the construction and operations of the proposed wireless telecommunications facility due to alleged health risks from radio frequency (RF) emission, loss of aesthetics, and precedents of other jurisdictions denying similar applications. On September 6, 2011, a cross-appeal of the Planning Commission decision was filed by the project applicant, Capital Telecom, requesting that the City Council affirm the Planning Commission’s general approval of the project, but grant relief from the Planning Commission’s condition of approval reducing the maximum height of the tower from 80 feet to 60 feet; and

WHEREAS, the City Council reviewed the appeal, de novo, and held a duly noticed public hearing on the matter on October 4, 2011 and considered public testimony and reviewed various written submissions, materials and the underlying record; and

WHEREAS, in reaching the decision set forth herein, the City Council explicitly declares that it did not take into consideration any testimony, written evidence or other materials as to the alleged health impacts of radio frequency emissions from wireless communication facilities except that in the record there is uncontroverted expert evidence that the radio emissions will be far below the federal standards with which the facilities must comply. The City Council acknowledges that federal law prohibits local regulation of radio frequency emissions, which are the sole province of the Federal Communications Commission and certain State regulations. Thus, concluding that the facility meets federal emission standards, the City Council has based the decision stated herein solely on zoning and land use bases unrelated to radio frequency emission impacts and any alleged impacts such emissions might have on human health or property values, in conformity with the provisions of 47 U.S.C. § 332(c)(7)(A).

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities) and Class 3, Section 15303 (New Construction) in that the project entails the construction of a mono-tree pole and installation of associated ground mounted equipment within the Fire Station compound.
3. The project is consistent with the Milpitas General Plan in that the project provides updated technology that improves wireless service that supports surrounding businesses, residents, and facilitates communication.

4. The project conforms to the Milpitas Zoning Ordinance in that the project is permitted in the Institutional Zoning District with a conditional use permit. The project complies with the development standards in terms of setbacks and height. No additional parking is required considering the facility will be unmanned.

5. The project will not be injurious or detrimental to property, improvements or to public health and safety in that it will not generate noise, odors, and will be within the allowable radio frequency emissions threshold under federal law. As conditioned, the proposed facility will not create a negative visual impact or detract from the existing architecture in that the proposed wireless telecommunication facility will be camouflaged as an elm tree.

6. The City Council of the City of Milpitas hereby affirms the Planning Commission's approval of Conditional Use Permit No. UP11-0026, Capital Telecom Inc., pursuant to the above findings and
 - Does hereby grant the applicant's request for amendment to increase the height restrictions on the project from 60 feet to 80 feet based upon the findings above, or

 - Does hereby deny the applicant's request for amendment to increase the height restrictions on the project from 60 to 80 feet based upon the inconsistency of such height with surrounding structures in the area, none of which exceed 60 feet, and the greater aesthetic intrusion that would be caused by the higher structure and finding thus to be injurious or detrimental to property and improvements and their value in the surrounding neighborhood.

An amended and restated set of Conditions of Approval are attached hereto as Exhibit 1.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

EXHIBIT 1

AMENDED AND RESTATED CONDITIONS OF APPROVAL CONDITIONAL USE PERMIT NO. UP11-0026, Capital Telecom Inc. 777 S. Main Street (APN 86-11-008)

Planning Division

1. The owner or designee shall develop the approved project in conformance with the plans approved by the City Council on October 4, 2011, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. (P)

2. Conditional Use Permit No. UP11-0026 shall become null and void if the project is not commenced within 18 months from the date of approval, pursuant to Section 64.06(2) of the Zoning Ordinance of the City of Milpitas. If the project requires the issuance of a building permit, the project shall be deemed to have commenced when the date of the building permit is issued and/or a foundation is completed, if a foundation is a part of the project. If the project does not require the issuance of a building permit, the project shall be deemed to have commenced when dedication of any land or easement is required or complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner. (P)

Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of Conditional Use Permit No. UP11-0026 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. (P)

3. The project shall be operated in accordance with all local, state and federal regulations. (P)
4. The applicant shall utilize "elm tree camouflage" to improve the compatibility with the surrounding trees. The camouflaged monopole shall not exceed eighty (80) feet in height. Prior to building permit issuance, the applicant shall submit revised elevations and submit manufacturer's specifications, details, and foliage samples for Planning Division review and approval. (P)
5. Prior to building permit issuance, the applicant shall submit a landscaping and irrigation plan that will incorporate additional trees where possible to provide a clustering of trees (a minimum cluster of two to three). All plant materials shall be maintained in a viable growth condition throughout the life of this permit. (P)
6. The color of the mono-tree (trunk) shall be light to dark brown, and the color of the antenna array shall be dark green, in order to minimize visual impacts. Changes in the above listed colors shall be reviewed and approved by the Planning Division prior to installation of the structures, or prior to repainting of the structures. (P)
7. The applicant shall perform annual inspections and perform necessary maintenance to ensure that the project maintains an aesthetic appearance in perpetuity. Maintenance shall include but not limited to repainting and replacement of camouflaging material due to weathering. (P)
8. Private Job Account - If at the time of application for building permit there is a project job account balance due to the City for recovery of review fees, the review of permits will not be initiated until the balance is paid in full and there is at least 25% of the initial account balance maintained. (P)

9. The applicant shall increase the height of the fence to 10-feet or to the height of the installed equipment shelters to ensure that the equipment is fully and suitably screened. The applicant shall provide an 18 to 24-inch planting strip to incorporate installation of a creeping vine to match existing on the north side of enclosure. (P)

10. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in a Special Flood Hazard Zone AO (depth 1). Therefore, floodproofing is required. Floodproofing can be accomplished either by elevating or floodproofing of the structure and related utilities and equipment. The structure pad(s) shall be properly designed by a registered civil engineer and compacted to meet FEMA's criterion (currently, 95% relative density by the Standard Proctor test procedure, ASTM D-698). All electrical equipment, mechanical equipment, and utility type equipment proposed shall be located above the BFE, or shall be floodproofed and constructed to prevent damage from flooding events. The applicant's civil engineer shall complete and submit a FEMA Elevation Certificate to the City prior to final building inspection. The Elevation Certificate shall certify the "as built" lowest floor elevation. (E)

Planning = (P)

Engineering = (E)

Fire = (F)

Building = (B)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS OVERTURNING THE DECISION OF THE PLANNING COMMISSION IN ITS RESOLUTION NO. 11-040 REGARDING CONDITIONAL USE PERMIT NO. UP09-0026 FOR A WIRELESS TELECOMMUNICATION FACILITY CAMOUFLAGED AS A MONO-TREE POLE AND DENYING APPROVAL OF THE PROJECT

WHEREAS, the above-captioned matter arises from a decision rendered by the Planning Commission for the City of Milpitas on August 24, 2011, conditionally approving a request to locate a wireless telecommunications facility camouflaged as a mono-tree pole that would provide co-location for up to four service carriers at Milpitas Fire Station No. 1, located at 777 South Main Street in Milpitas, California; and

WHEREAS, on September 1, 2011, John Ozag filed an appeal requesting that the City Council overturn the Planning Commission decision and not allow the construction and operation of the proposed wireless telecommunications facility due to alleged health risks from radio frequency (RF) emission, loss of aesthetics, and precedents of other jurisdictions denying similar applications. On September 6, 2011, a cross-appeal of the Planning Commission decision was filed by the project applicant, Capital Telecom, requesting that the City Council affirm the Planning Commission's general approval of the project, but grant relief from the Planning Commission's condition of approval reducing the maximum height of the tower from 80 feet to 60 feet; and

WHEREAS, the City Council reviewed the appeal, de novo, and held a duly noticed public hearing on the matter on October 4, 2011 and considered public testimony and reviewed various written submissions, materials and the underlying record; and

WHEREAS, in reaching the decision set forth herein, the City Council explicitly declares that it did not take into consideration any testimony, written evidence or other materials as to the alleged health impacts of radio frequency emissions from wireless communication facilities except that in the record there is uncontroverted expert evidence that the radio emissions will be far below the federal standards with which the facilities must comply. The City Council acknowledges that federal law prohibits local regulation of radio frequency emissions, which are the sole province of the Federal Communications Commission and certain State regulations. Thus, concluding that the facility meets federal emission standards, the City Council has based the decision stated herein solely on zoning and land use bases unrelated to radio frequency emission impacts and any alleged impacts such emissions might have on human health or property values, in conformity with the provisions of 47 U.S.C. § 332(c)(7)(A).

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The project fails to conform to the Milpitas Zoning Ordinance in that the project fails to meet the conditional use permit requirements for a wireless communications facility. The project would be injurious or detrimental to property, improvements or to public health and safety in that it would create an aesthetic detriment to the community in that due to its proposed height it would be highly visible from all directions to the surrounding neighborhood and public streets and, notwithstanding that it is intended to appear to be a natural tree, it is not a convincing substitute and is visible as a fake to many individuals, creating a mockery of nature and a basis for ridicule within and outside of the Milpitas community.

3. The Council overturns the decision of the Planning Commission, overruling and nullifying the effects of Planning Commission Resolution 11-040, and hereby rejects the underlying application and denies approval of the proposed project.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

SEP 2 2011

B

RECEIVED

City of Milpitas

455 E. Calaveras Blvd.
Milpitas, CA 95035

3rd floor



File with: Milpitas City Clerk
455 E. Calaveras Blvd.
Milpitas, CA 95035

PLANNING: (408) 586-3271
CITY CLERK: (408) 586-3001

APPEAL FORM

1. APPELLANT(S):

Name JOHN OZAG

Address: 600 S. ABEL UNIT 520

City, Zip MILPITAS 95035

2. DECISION BEING APPEALED:

A REQUEST TO CONSTRUCT AN 80 FOOT TALL WIRELESS TELECOMMUNICATION FACILITY DISGUISED AS A PINE TREE WITH ANCHORING GROUND MOUNTED EQUIPMENT THAT WOULD

I (we), the Undersigned, do hereby appeal a decision of the Planning Commission's approval of:

CONDITIONAL USE PERMIT
PROJECT: UP 11-0026

PROVIDE CO-LOCATION FOR UP TO FOUR SERVICE CARRIERS

LOCATION: 777 SOUTH MAIN, MILPITAS 95035

DATE OF DECISION BEING APPEALED:

AUGUST 24, 2011

3. STATE THE SPECIFIC RELIEF WHICH THE APPLICANT SEEKS:

DO NOT BUILD THE PROPOSED CELL TOWER AT THIS SITE. RELOCATE IT TO A LESS RESIDENTIAL AREA.

4. SUMMARY OF REASONS WHY THE APPELLANT CLAIMS ENTITLEMENT TO THE RELIEF SOUGHT:

SEE ENCLOSED STATEMENT,

If more space is needed, attach additional sheets.

DATE: 9.1.2011

Filing Fee \$100.00

SIGNATURE: John P. [Signature]
ADDRESS: 600 S. ABEL UNIT 500
CITY: MILPITAS 95085
PHONE: 408 433 3902
E-MAIL ADDRESS: johnp@jhotmail.com

RECEIVED BY: Donna Biles

DATE: 9-2-11

John Ozag / Terra Serena Luna Residents 600 - 800 S. Abel St.
Cell Tower Appeal Project UP 11 - 0026

September 1, 2011

Appeal Form - Point Four

We are appealing the preliminary decision by the city of Milpitas to allow AT&T Mobility to build a cell tower base station for directional panel antennas at 777 South Main for the following reasons:

1. Health risks - This type of proposed station produces a significant amount of low intensity radio frequency electromagnetic radiation (RF). Various groups including The World Health Organization (1), the U.S. Food and Drug Administration (2), Studies done by the US Air Force (3), and the International Association of Firefighters (4) and others have pointed out the possible dangers from RF. These dangers include increased occurrence of cancer, tumor and abnormal cell growth, damage to DNA, headaches, neurological changes, etc. These groups call for more study of the effects of RF and agree that safe levels of exposure have not yet been established. Several of these studies found increased cancer rates in residents living within 400 meters of cell phone towers. Our entire condominium complex, with up to 700 residents, is well within this 400 meter perimeter. In addition, there is a day care center, some privately owned small business shops, a city park and a Milpitas Fire Department station and training facility that are basically adjacent to the proposed tower that would be at the highest level of risk. There is also a condominium - owned clubhouse, swimming pool, barbecue area and exercise room within 50 meters.

According to the certified report of the retained consulting engineering firm of Hammett & Edison, the maximum effective radiated power in any direction from this structure would be 8380 watts. According to this report that level is 0.83% of the acceptable public exposure limit. However, the report indicates that some nearby buildings could be exposed up to 2.6% of the public exposure limit in a worst case scenario.

2. Environmental - The initial plan was to install these antennas on an 80 foot steel pole configured to resemble an elm tree. Later discussions mentioned reducing this to 60 feet. Reducing it to 60 feet could actually intensify the RF making it even more dangerous. In either case, a 60 or 80 foot man - made tree would be an eyesore on a street where most structures are about one story. Even people driving down Main Street couldn't help but notice this odd, out of place structure which literally towers over everything else on the street.

This tower would be even taller than our five story condominiums, any nearby trees or any structures at the fire department's training facility. For some nearby homeowners, it would be visually intrusive and esthetically undesirable, impeding their view of the mountains. This could lead to a lowering of property values and difficulty in selling those units near the tower. Having a 60 or 80 foot radiating steel tree within eyesight of your home's windows would not be a positive selling point. Potential renters would also not find this tower desirable.

Precedents

1. The City of Los Angeles Board of Education adopted a ban on building future cellular telecommunication towers adjacent to school property until appropriate regulatory standards are adopted on June 27, 2000.
2. The City Council of Daly City, CA rejected a proposal for expanding an existing cell tower near a high school in August, 2011. Sal Torres, the Vice Mayor of the Daly City, said "There ought to be a way to put (such projects) underground so that they won't adversely impact the aesthetics, the community and the safety of the people.
3. In April, 2011, AT&T abandoned its plans to install a 50 foot cell tower in Palo Alto's Crescent Park neighborhood. Palo Alto's Planning Director had originally approved the structure but local residents said they were against the project for health and aesthetic reasons. Two thirds of local residents opposed the tower and the application was withdrawn by the owner of the land.
4. In August 2004, the International Association of Firefighters banned cell towers from all fire fighting facilities due to firefighters' health concerns.

References

1. World Health Organization Fact Sheet N181, "Electromagnetic Fields and Public Health, The International EMF Project," reviewed May 1998.
2. U.S. Food and Drug Administration, January 14, 1998 letter to the House Telecommunications Subcommittee
3. "Effects of Long - Term Low - Level Radio frequency Radiation Exposure on Rats." Volume 9, Summary, Brooks Air Force Base, Texas, USAF School of Aerospace Medicine, USF - SAM - TR - 11; 1985.
4. <http://www.iaff.org/hs/Facts/CellTowerFinal.asp> IAFF bans cell towers on fire department facilities in August, 2004.

City of Milpitas

455 E. Calaveras Blvd.
Milpitas, CA 95035



File with: Milpitas City Clerk
455 E. Calaveras Blvd.
Milpitas, CA 95035

PLANNING: (408) 586-3271
CITY CLERK: (408) 586-3001

APPEAL FORM

1. APPELLANT(S):

Name CAPITAL TELECOM ACQUISITION, LLC
Address: 1500 MT. KEMBLE RD, SUITE 203
City, Zip MORRISTOWN, NJ 07960

2. DECISION BEING APPEALED:

I (we), the Undersigned, do hereby appeal a decision of the Planning Commission's approval of: 60' WIRELESS TELECOMMUNICATION FACILITY

PROJECT: UP 11-0026

LOCATION: 777 SOUTH MAIN, MILPITAS, CA

DATE OF DECISION BEING APPEALED:

AUGUST 24, 2011

3. STATE THE SPECIFIC RELIEF WHICH THE APPLICANT SEEKS:

Applicant requests the approval of the wireless telecommunication facility be amended to the original height of 80'.

4. SUMMARY OF REASONS WHY THE APPELLANT CLAIMS ENTITLEMENT TO THE RELIEF SOUGHT:

- (1) City arbitrarily lowered the height of the tower from 80' to 60' without consideration of ATET's radio frequency design. With the decrease in height, ATET's anticipated coverage will be reduced.
- (2) The lower height will reduce the number of potential carriers on the ~~frequency~~ ^{frequency}, which may result in the need for additional towers to serve the area.

If more space is needed, attach additional sheets.

DATE: 9/6/11

Filing Fee \$100.00

SIGNATURE 
ADDRESS 1500 Mt. Kemble Rd, Ste 203
CITY Morristown, NJ
PHONE (973) 425-0606
E-MAIL ADDRESS: clouria@capitalcity.com

RECEIVED BY: _____

DATE: _____



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: August 24, 2011

- APPLICATION:** **Conditional Use Permit No. UP11-0026, Wireless Telecommunication Facility**
- APPLICATION SUMMARY:** A request to construct an 80-foot tall wireless telecommunication wireless facility camouflaged as a pine tree and installation of ancillary ground mounted equipment.
- LOCATION:** 777 S. Main Street (APN 86-11-008)
- APPLICANT:** Scot Von Rein, Capital Telecom, 1500 Mt. Kemble Ave. #203, Morristown, NJ 07960
- OWNER:** City of Milpitas Redevelopment Agency, 455 E. Calaveras Blvd. Milpitas, CA 95035
- RECOMMENDATION:** **Staff recommends that the Planning Commission: Adopt Resolution No. 11-040 approving the project subject to conditions of approval.**
- PROJECT DATA:**
General Plan/
Zoning Designation: Mixed Use Development (MXD)/ Mixed Use Development (MXD)
- Project Site Area: 3.28 Acres
Proposed Height of Structure: 80-feet
Proposed Square Footage of Enclosure: 2,812.5 square feet
- CEQA Determination:** Categorically exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities), Class 3, Section 15303 (New Construction and Location of Small Appurtenant Structures and Facilities), Class 4, Section 15304 (Minor Alterations to Land), and Class 11, Section 15311 (Accessory Structures) of the California Environmental Quality Act.
- PLANNER:** Cindy Hom, Assistant Planner
- PJ:** 2753
- ATTACHMENTS:**
A. Resolution No. 11-040/Conditions of Approval
B. Project Plans
C. Project Letter

LOCATION MAP



No scale

BACKGROUND

In 1998, the Planning Commission approved conditional use permit (UP 1449) and granted site and architectural approval for the expansion and remodel of the existing Fire Station. The approval allowed for the construction of a new two-story, 18,500 square foot fire station. Subsequent approvals included a conditional use permit (UP1572) approval for a 60-foot tall telecommunication monopole with cellular phone and municipal emergency radio antennas and installation of an equipment shelter. The monopole was never constructed.

On July 27, 2011, Scott Von Rein of Capital Telcom Inc. submitted a conditional use permit application to construct an 80-foot tall wireless telecommunication facility camouflaged as a pine tree (mono-pine tree pole) and installation of ancillary ground mounted equipment within a 2,812 square foot equipment enclosure. The proposed facility would eventually accommodate four service carriers. However, AT&T will be the first service provider to be located on the proposed structure and will install twelve (12) panel antennas (four per sector) near the top of the mono-pine tree pole. The application is submitted pursuant to Milpitas Municipal Code XI-10-13.09 (Wireless Telecommunication Facility) which requires Planning Commission review and approval of a conditional use permit.

PROJECT DESCRIPTION

The project site is located on a 3.28 acre site developed with an 18,500 square foot two-story fire station (Fire Station 1), various accessory buildings, and a 56-foot tall training tower. Fire Station 1 is located on

the northwest corner of South Main Street and West Curtis Avenue. Surrounding land uses includes a day care to north, four-story multi-family residential homes to the west, three-story multi-family residential apartments to the south and southeast, and various single story commercial building and uses to the east, three-story residential condominiums and attached single family homes are located further east.

The project proposal entails the construction of a new wireless telecommunication facility that will be camouflaged as an 80-foot tall mono-pine tree pole that can accommodate four service carriers. The project also proposes installation of ground mounted equipment shelters within a 2,812 square foot enclosure consisting of an 8-foot tall tight board fence. The proposed facility would be constructed in the northeast corner of the parking lot area of Fire Station 1. The facility would remove approximately four parking spaces and would not impact any existing landscaping.

The facility is designed to accommodate up to four carriers. At this time, only one carrier is proposed. Three additional carriers would be allowed administratively as long as the overall design (including height and width) of the facility is not substantially changed.

Structure Architecture

The applicant proposed a mono-pine tree pole structure. The proposed artificial tree would be designed as a pine tree and constructed of steel trunk and branches, as well as fiberglass “foliage”. The horizontal span of the branches would provide a 20-foot diameter at the base and tapers at the crown. The trunk surface would be molded and colored to resemble brown tree bark and the artificial pine needle clusters to conceal the panel antennas. Each panel antenna will be covered with an “antenna sock” that helps conceal and blend the antennas with the foliage.

The proposed mono-pine tree would be located next to the newly developed O’Toole Elm Linear Park consisting Frontier Elm trees to the north and ornamental Crape Myrtle street trees along S. Main Street to the east. Other on-site trees within the parking lot area include London Plane (Sycamore) trees that are planted along the S. Main Street frontage. The site currently doesn’t have any pine tree and/or other evergreen trees. Therefore, the compatibility of an artificial pine tree where there are no natural pine trees is of concern to staff. The mono-tree pole would be located over the existing asphalt parking area and is nestled between other accessory buildings. As a result, the layout does not provide any opportunity to incorporate a cluster of live pine trees and/or other evergreen trees to provide adequate context and continuity with the surrounding landscaping.

Given its proximity to the O’Toole Elm linear park, Staff recommends the following as conditions of approval:

1. The applicant shall utilize “elm tree camouflage” to improve the compatibility with the surrounding trees. Prior to building permit issuance, the applicant shall submit revised elevations and submit manufacturer’s specifications, details, and foliage samples for Planning Division review and approval.
2. Prior to building permit issuance, the applicant shall submit a landscaping and irrigation plan that will incorporate additional trees where possible to provide a clustering of trees (a minimum cluster of two to three). All plant materials shall be maintained in a viable growth condition throughout the life of this permit.
3. The color of the mono-tree (trunk) shall be light to dark brown, and the color of the antenna array shall be dark green, in order to minimize visual impacts. Changes in the above listed colors shall be reviewed and approved by the Planning Division prior to installation of the structures, or prior to repainting of the structures.

4. The applicant shall perform annual inspections and perform necessary maintenance to ensure that the project maintains an aesthetic appearance in perpetuity. Maintenance shall include but not limited to repainting and replacement of foliage due to weathering.

Equipment Enclosure

The applicant proposes an 8-foot tall tight board fence enclosure around the equipment supporting the facility. To ensure design consistency, staff recommends as a condition of approval that prior to building permit issuance; the applicant shall propose a mission style wooden fence and gate design that also incorporate metal ornaments and fixtures to match the mission style architecture of the Fire Station Building. Staff also recommends that the height of the fence shall be increase to 10-feet or to the height of the installed equipment shelters to ensure that the equipment is fully and suitably screened. The applicant shall provide an 18 to 24-inch planting strip to incorporate installation of a creeping vine to match existing on the north side of enclosure.

Development Standards

Compliance with applicable development standards are demonstrated in Table 1 below:

Table 1
Development Standards

	<i>Zoning Ordinance</i>	<i>Proposed Mono-tree pole Facility</i>
<u>Setbacks</u> (Minimum)		
Front to Primary Structure	Back of easement	20'
Interior Side	10'	60'
Rear	10'	150'
<u>Floor Area Ratio</u> (Maximum)	.75	.59
<u>Height Limit</u> (Maximum)*	45'	80'
<u>Parking</u> (Minimum) may be discussed in T&C/P section below include additional table	44	54

Telecommunication monopoles may exceed height with CUP approval

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

The table below outlines the project’s consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 2
General Plan Consistency

Policy	Consistency Finding
<p>Implementing Policy 2.a-I-7 <i>Provide opportunity to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.</i></p>	<p>Consistent. The project provides an opportunity for the city to partner with private businesses. The project would receive rental income service carriers leasing the facility. The project would also facilitate communication by improving the service coverage area for all wireless users.</p>

Policy	Consistency Finding
<p>Implementing Policies 2.a-G-1 <i>Maintains land use program that balances Milpitas’s regional and local roles by providing a highly amendable community environment and a thriving regional industrial center.</i></p>	<p>Consistent. The project provides for improved wireless telecommunications coverage without creating aesthetic disharmony and promotes a highly amenable community environment.</p>
<p>Implementing Policy 2.a-I-3 <i>Encourage economic pursuits which will strengthen and promote development through stability and balance.</i></p>	<p>Consistent. The project would encourage economic pursuits that will strengthen and promote development through stability and balance by enabling AT&T and other service carrier to provide improved coverage within the City.</p>

Zoning Ordinance

The project complies with the Milpitas Zoning Ordinance in that wireless telecommunication facilities are conditionally permitted in the Mixed Use (MXD) Zoning District. The project complies with the development standards in terms of setbacks, Floor Area Ratio, and height. Although the MXD has a height limit of 45-feet, an exception to exceed the height limitation may be granted by the Planning Commission with a conditional use permit.

The proposed camouflaged telecommunications facility allows what would otherwise be a tower to be integrated into the built urban environment. As conditioned, the mono-tree pole would be designed as an elm tree in which the material and colors would be compatible and blend in with existing landscaping. In addition, the proposed 80-foot tree pole would be located near an existing 56 foot tall training tower.

The project, as conditioned will not be detrimental or injurious to property, improvements, public health, safety and general welfare in that Federal law preserves the City’s authority to regulate the placement, construction, and modification of personal wireless service facilities, so long as such regulations do not impose a blanket prohibition on the construction of such facilities or intrude into the regulation of radio frequency emissions, which are the sole province of the Federal Communications Commission and certain state regulations. Thus, the City has the power to conduct a limited review of wireless communication facilities for compliance with zoning and land use requirements. (47 U.S.C. 332((c)(7)(A).) Here, the proposed project complies with the City’s Zoning Ordinance. Wireless telecommunications facilities are conditionally permitted uses in all zoning districts. The project is also consistent with the development standards for the Mixed Use Zoning District.

The project is not anticipated to create any negative visual impact or detract from the existing architecture in that the monopole and panel antennas will be camouflaged as an elm tree and the equipment cabinet will fully screened behind decorative wooden fence. Furthermore, views from adjacent residential buildings to the southwest would be obscured by maturing Redwood trees and Olive trees that have both vertical and horizontal span. The double row of elm trees planted in the O’Toole Elm Park also provides natural screening for the residential units to the northwest.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the project is categorically exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the California

Environmental Quality Act in that the project is a negligible expansion beyond the existing use. The project would also be categorically exempt under Section 15303 (New Construction of Structures). The project entails the construction of an 80-foot tall mono-tree pole and installation of associated ground mounted equipment within the Fire Station compound.

PUBLIC COMMENT/OUTREACH

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public.

CONCLUSION

The proposed facility will help provides for a reliable high speed wireless network that will enable businesses and individuals to access to the internet. The project will not be detrimental to public health or safety of persons working or residing in the neighborhood or materially injurious to public improvements and private properties in that it does not generate traffic, negative visual impacts or objectionable levels of noise, odors, or dust.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission recommend adoption of Resolution No. 11-040, approving Conditional Use Permit No. UP11-0026, subject to the attached Conditions of Approval.

Attachments:

- A. Resolution No.
- B. Project Letter

RESOLUTION NO. 11-040

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. UP11-0026, CAPITAL TELECOM, A REQUEST LOCATE A WIRELESS TELECOMMUNICATION FACILITY CAMOUFLAGED AS AN 80-FOOT MONO-TREE POLE THAT WILL PROVIDE CO-LOCATION FOR UP TO FOUR SERVICE CARRIERS AT MILPITAS FIRE STATION #1 LOCATED AT 777 S. MAIN STREET.

WHEREAS, on July 27, 2011, a conditional use permit application was submitted by Scott Von Rein for Capital Telecom Inc., to locate a wireless telecommunication facility with the parking lot area of Fire Station 1 located at 777 S. Main Street (APN 86-11-008). The property is located within the Mixed Use Zoning District and within the Midtown Specific Plan Area; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project is categorically exempt; and

WHEREAS, on August 24, 2011, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities) and Class 3, Section 15303 (New Construction) in that the project entails the construction of an 80-foot tall mono-tree pole and installation of associated ground mounted equipment within the Fire Station compound.

Section 3: The project is consistent with the Milpitas General Plan in that the project provides updated technology that improves wireless service that supports surrounding businesses, residents, and facilitates communication.

Section 4: The project conforms to the Milpitas Zoning Ordinance in that the project is permitted in the Mixed Use Zoning District with a conditional use permit. The project complies with the development standards in terms setbacks and height. No additional parking is required considering the facility will be unmanned.

Section 5: The project will not be injurious or detrimental to property, improvements or to public health and safety in that it will not generate noise, odors, and will be within the allowable radio frequency emissions threshold under federal law. As conditioned, the proposed

facility will not create a negative visual impact or detract from the existing architecture in that the proposed wireless telecommunication facility will camouflaged as an 80-foot tall elm tree.

Section 6: The Planning Commission of the City of Milpitas hereby approves Conditional Use Permit No. UP11-0026, Capital Telecom Inc., subject to the above Findings, and Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on August 24, 2011.

Sudhir Mandal
Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on August 24, 2011, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Lawrence Ciardella	X			
Sudhir Mandal	X			
Zeya Moshin			X	
Gurdev Sandhu	X			
Noella Tabladillo	X			
Steve Tao				X
Mark Tiernan				X
John Luk	X			

EXHIBIT 1

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. UP11-0026, Capital Telecom Inc.
777 S. Main Street (APN 86-11-008)

Planning Division

1. The owner or designee shall develop the approved project in conformance with the plans approved by the Planning Commission on August 24, 2011, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. **(P)**

2. Conditional Use Permit No. UP11-0026 shall become null and void if the project is not commenced within 18 months from the date of approval, pursuant to Section 64.06(2) of the Zoning Ordinance of the City of Milpitas. If the project requires the issuance of a building permit, the project shall be deemed to have commenced when the date of the building permit is issued and/or a foundation is completed, if a foundation is a part of the project. If the project does not require the issuance of a building permit, the project shall be deemed to have commenced when dedication of any land or easement is required or complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner. **(P)**

Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of Conditional Use Permit No. UP11-0026 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. **(P)**

3. The project shall be operated in accordance with all local, state and federal regulations. **(P)**
4. The applicant shall utilize "elm tree camouflage" to improve the compatibility with the surrounding trees. Prior to building permit issuance, the applicant shall submit revised elevations and submit manufacturer's specifications, details, and foliage samples for Planning Division review and approval. **(P)**
5. Prior to building permit issuance, the applicant shall submit a landscaping and irrigation plan that will incorporate additional trees where possible to provide a clustering of trees (a minimum cluster of two to three). All plant materials shall be maintained in a viable growth condition throughout the life of this permit. **(P)**

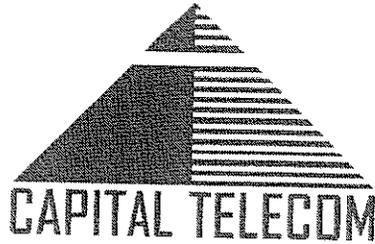
6. The color of the mono-tree (trunk) shall be light to dark brown, and the color of the antenna array shall be dark green, in order to minimize visual impacts. Changes in the above listed colors shall be reviewed and approved by the Planning Division prior to installation of the structures, or prior to repainting of the structures. **(P)**
7. The applicant shall perform annual inspections and perform necessary maintenance to ensure that the project maintains an aesthetic appearance in perpetuity. Maintenance shall include but not limited to repainting and replacement of camouflaging material due to weathering. **(P)**
8. Private Job Account - If at the time of application for building permit there is a project job account balance due to the City for recovery of review fees, the review of permits will not be initiated until the balance is paid in full and there is at least 25% of the initial account balance maintained. **(P)**
9. The applicant shall increase the height of the fence to 10-feet or to the height of the installed equipment shelters to ensure that the equipment is fully and suitably screened. The applicant shall provide an 18 to 24-inch planting strip to incorporate installation of a creeping vine to match existing on the north side of enclosure. **(P)**
10. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in a Special Flood Hazard Zone **AO (depth 1)**. Therefore, floodproofing is required. Floodproofing can be accomplished either by elevating or floodproofing of the structure and related utilities and equipment. The structure pad(s) shall be properly designed by a registered civil engineer and compacted to meet FEMA's criterion (currently, 95% relative density by the Standard Proctor test procedure, ASTM D-698). All electrical equipment, mechanical equipment, and utility type equipment proposed shall be located above the BFE, or shall be floodproofed and constructed to prevent damage from flooding events. The applicant's civil engineer shall complete and submit a FEMA Elevation Certificate to the City prior to final building inspection. The Elevation Certificate shall certify the "as built" lowest floor elevation. **(E)**
11. The maximum height of the wireless telecommunication facility shall not exceed 60-feet. **(PC)**

Planning = (P)

Engineering = (E)

Fire = (F)

Building = (B)



July 27, 2011

City of Milpitas
Planning Division
Attn: Sheldon S. Ah Sing
Sr. Planner
455 E. Calaveras Blvd
Milpitas, CA 95035

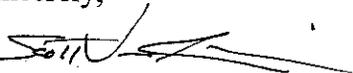
Re: Capital Telecom Proposed Cell Tower, 777 S. Main St, Milpitas, CA
Letter of Explanation

Mr. Ah Sing,

Capital Telecom is proposing an 80' stealth tree (monopine) cell tower within an approximately 2813 square foot fenced compound located on the Milpitas Fire Department property. The tower will be designed to accommodate 4 cell phone service providers. The faux tree branches that will conceal the antennas on the tower will start at the top of the tower and continue to approximately 18' above grade. The steel pole itself will be painted brown. To conceal the radio equipment within the compound we are proposing an 8', board on board, wood fence.

The first cell phone service provider proposed on the tower is AT&T. AT&T will install 12 antennas near the top of the tower which will be concealed by the faux tree branches. All cabling for the antennas will be routed inside the tower to the proposed equipment shelter within the compound. The prefabricated concrete equipment shelter is 11' x 20' x 10'-6" and sits on a concrete slab or piers as necessary. All of AT&T's radio equipment will be housed within the shelter. The remaining space within the compound will be available for future cell phone service providers. Finally, power and telephone service will be routed into the compound. Metering equipment will be mounted on an h-frame within the compound.

Sincerely,


Scott Von Rein
Director of Site Development
svonrein@capitaltelecomsites.com

Tabladillo asked about the shared restroom. Ms. Bahal stated there is one restroom enclosed in the classroom. The shared restroom will only be open in the evenings and weekends when the clinic is open. During the week the shared restroom would be used by the children only.

Commissioner Ciardella asked about the clinic’s hours of operation. Ms. Bahal stated the clinic is open Wednesday evenings and Saturday mornings. The clinic is used mainly on the weekends.

Chair Mandal asked if they have an evacuation plan. Ms. Bahal stated yes that is part of the child care licensing.

Chair Mandal opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Tabladillo, Ciardella

AYES: 7

NOES: 0

ABSENT: 1 (Zeya Mohsin)

ABSTAIN: 0

Motion to adopt Resolution No. 11-039 approving the project subject to conditions of approval with the amended changes:

1. Shared restroom shall have a partition that can be secured during hours of operation.
2. Partition wall to be installed in existing classroom.

M/S: Ciardella, Tabladillo

AYES: 7

NOES: 0

ABSENT: 1 (Zeya Mohsin)

ABSTAIN: 0

**2. CONDITIONAL USE
PERMIT NO. UP11-0026**

Commissioner Tao excused himself from this item.

Cindy Hom, Assistant Planner, presented a request to construct an 80 foot tall wireless telecommunication facility camouflaged as an elm tree with ancillary ground mounted equipment that would provide co-location for up to four service carriers located at 777 So. Main Street. Ms. Hom recommended adopting Resolution No. 11-040 approving the project subject to conditions of approval.

Commissioner Ciardella asked what the existing height of the trees is. Ms. Hom stated the trees will grow to 80 ft tall. Commissioner Ciardella asked who will maintain this site. Ms. Hom stated the operator will maintain this site on a yearly basis.

Commissioner Tiernan asked if there was a lease agreement on this project since it is City owned property. Mr. Lindsay stated yes.

Chair Mandal asked what would happen if in five years if there is exposure, what would happen then. Mr. Lindsay stated the carriers are required to obtain licensing through the Federal Communications Commission. If the Federal Government decides to lower

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those safe exposure levels the carriers would have to comply with those changes.

Scot Von Rein, Capital Telecom, 1500 Mt. Kemble Ave, Morristown, NJ, stated he was available to answer any questions from the Commission.

Commissioner Ciardella asked if this tower would stand a powerful windstorm. Mr. Von Rein stated the tower would meet any standards for the State. The branches themselves are rated at 130 mph.

Vice-Chair Tabladillo asked the number of times a year this tower will be maintained. Mr. Von Rein stated the tower is typically maintenance free. The carrier is on site once a month for servicing of their equipment. Vice-Chair Tabladillo asked how many carriers will be on the monopole. Mr. Von Rein stated the pole is designed to support four carriers.

Chair Mandal opened the public hearing.

Speaker #1, 800 So. Abel Street, stated the walkway would be obstructed and that the monopole would be taller than the fire station.

Yue Sun Chen, 700 So. Abel Street #418, stated he is concerned with health and safety (radiation). He opposes this project.

Speaker #3, 700 So. Abel Street stated there are too many children in that area. He opposes this project.

Feng Ma, 46 Park Place Dr, stated he believes it is a huge health risk. He opposes this project.

Mr. Mahesh, 800 So. Abel Street stated this pole should be placed in the mountain area not in a residential area. There are too many children in this area. He opposes this project.

Zheng-wu, 31 Rain Walk, stated this is a high cancer risk. He feels this monopole should be relocated. He opposes this project.

Pitlean Yong, 800 So. Abel Street, stated she is concerned with the height and if this monopole would withstand a strong wind or earthquake.

Virginia Cheong, 800 So. Abel Street stated she is concerned with radiation.

Motion to close the public hearing.

M/S: Tabladillo, Sandhu

AYES: 6

NOES: 0

ABSENT: 1 (Zeya Mohsin)

ABSTAIN: 1 (Steve Tao)

Lynn Bruno, Hammett & Edison, Inc., Sonoma, CA, stated they did the RF study. It is very low power. She stated exposure at these levels is very safe.

Commissioner Tiernan asked if these studies been replicated. Ms. Bruno stated no they have not.

Commissioner Ciardella asked what the need to be 80 ft is. Ms. Bruno stated it is a combination of several things depending on height and the number of antennas used.

Mr. Von Rein stated there is no difference in height regarding power density.

Commissioner Ciardella asked if the pole could be placed on the hillside. Mr. Von Rein

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stated there would be interference with other towers. Commissioner Ciardella asked if the City have antennas that are 80 ft high. Ms. Hom stated the Planning Commission approved a 90 ft monopole on Ames Avenue in an industrial area.

Commissioner Luk asked if the City did research on this project. Mr. Otake stated the City Council approved a lease in concept. Federal law has set up a national standard for radio emissions.

Vice-Chair Tabladillo asked if there is a minimum of carriers the project can have. Ms. Hom stated for this application the limit is four. Vice-Chair Tabladillo asked why the 80 ft. height. Ms. Hom stated due to the number of carriers and equipment.

Commissioner Sandhu asked if this project went through the Telecommunication Commission. Ms. Hom stated because the project uses existing technology, it did not need to go through the Telecommunication Commission.

Chair Mandal asked how often will the RF monitoring to be done. Mr. Von Rein stated the RF monitoring is done remotely by the carrier. It is done once or twice a month. Chair Mandal asked if there will be interference with the walkway. Ms. Hom stated the pole will be contained fully on the side. The branches will not interfere with the walkway.

Motion to adopt Resolution No. 11-040 approving the project subject to conditions of approval with the amended change:

1. The height restriction will not exceed 60 ft in height.

M/S: Tabladillo, Ciardella

AYES: 5

NOES: 0

ABSENT: 1 (Zeya Mohsin)

ABSTAIN: 2 (Steve Tao and Mark Tiernan)

**X.
ADJOURNMENT**

The meeting was adjourned at 9:00 p.m. to the next meeting of September 10, 2011.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Yvonne Andrade
Recording Secretary

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Planning Commission Minutes
August 24, 2011

**AT&T Mobility • Proposed Base Station (Site No. CC2272)
777 South Main Street • Milpitas, California**

F

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 the base station (Site No. CC2272) proposed to be located at 777 South Main Street in Milpitas, California, for compliance with appropriate guidelines limiting human exposure to radio frequency (“RF”) electromagnetic fields.

Executive Summary

AT&T proposes to install directional panel antennas on a tall steel pole, configured to resemble an elm tree, to be located at 777 South Main Street in Milpitas. 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 FCC limit for exposures of unlimited duration to radio frequency energy for several personal wireless services are as follows:

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

General Facility Requirements

Base stations typically consist of two distinct parts: the electronic transceivers (also called “radios” or “channels”) that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are often located at ground level and are connected to the antennas by coaxial cables. A small antenna for reception of GPS signals is also required, mounted with a clear view of the sky. Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some

**AT&T Mobility • Proposed Base Station (Site No. CC2272)
777 South Main Street • Milpitas, California**

height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. Along with the low power of such facilities, this means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

Computer Modeling Method

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

Site and Facility Description

Based upon information provided by AT&T, including zoning drawings by Caltrop Telecom, dated August 17, 2011, it is proposed to install twelve Andrew Model DBXNH-6565B-R2M directional panel antennas on a new 80-foot steel pole, configured to resemble an elm tree, to be installed in the north corner of the parking lot of the fire station located at 777 South Main Street in Milpitas. The antennas would be mounted with up to 4° downtilt at an effective height of about 75 feet above ground and would be oriented in groups of four toward 20°T, 140°T, and 260°T, to provide service in all directions. The maximum effective radiated power in any direction would be 8,380 watts, representing simultaneous operation at 2,300 watts for AWS, 2,860 watts for PCS, 2,100 watts for cellular, and 1,120 watts for 700 MHz service. 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 0.0056 mW/cm², which is 0.83% of the applicable public exposure limit. The maximum calculated level at any nearby building* is 2.6% 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.

* Including the nearby residences.



**AT&T Mobility • Proposed Base Station (Site No. CC2272)
777 South Main Street • Milpitas, California**

No Recommended Mitigation Measures

Due to their mounting locations, the AT&T antennas would not be accessible to the general public, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. It is presumed that AT&T will, as an FCC licensee, take adequate steps to ensure that its employees or contractors 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 base station proposed by AT&T Mobility at 777 South Main Street in Milpitas, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations.

Authorship

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



William F. Hammett

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

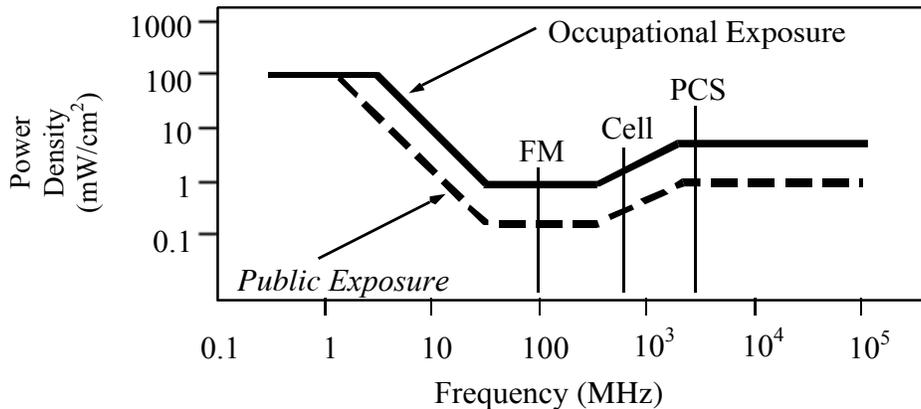
August 22, 2011

FCC Radio Frequency Protection Guide

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

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

Frequency Applicable Range (MHz)	Electromagnetic Fields (f 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√f	<i>1.59√f</i>	√f/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.



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

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

Far Field.

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

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 = relative field factor at the direction to the actual point of calculation, and
D = distance from the center of radiation to the point of calculation, in meters.

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



APPROVALS

LANDLORD: _____

FIELD CONST. MGR.: _____

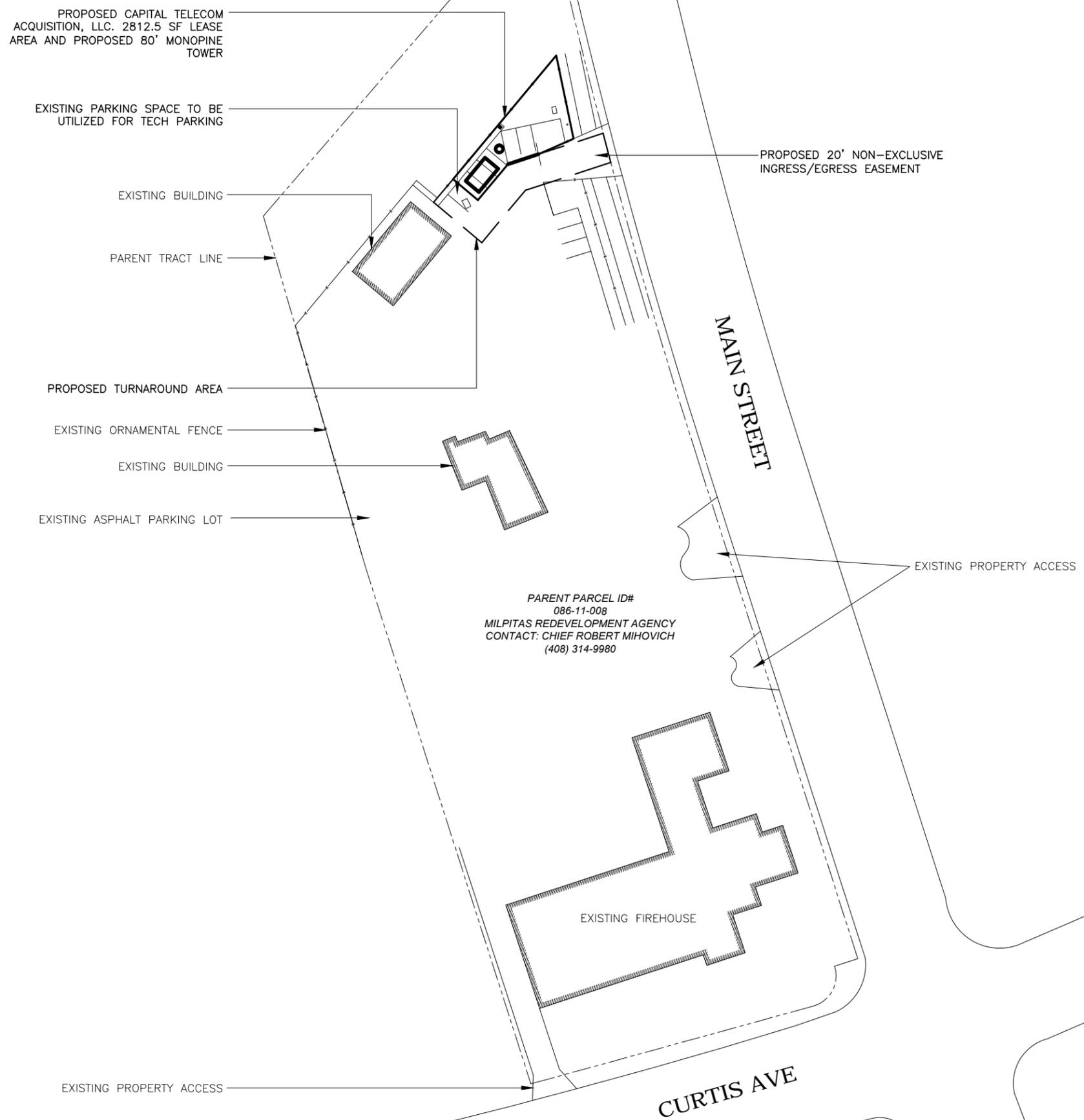
RF ENGINEER: _____

SITE ACQUISITION AGENT: _____

40' 0' 40' 80'

FOR 24"x36" DRAWINGS
GRAPHIC SCALE: 1" = 40'

FOR 11"x17" DRAWINGS
GRAPHIC SCALE: 1" = 80'



REV	DATE	DESCRIPTION
A	06/21/11	LEASE EXHIBIT

PROJECT NO.: 110457-04

DRAWN BY: C. OCHOVA

PROJECT MANAGER: T. ULRICH

CHECKED BY: J. FENNELL

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TAMPA, FL 33637
(813) 975-7252

CERTIFICATE OF AUTHORIZATION 29214

CAPITAL TELECOM ACQUISITION, LLC

1500 MT. KEMBLE AVE. #203
MORRISTOWN, NEW JERSEY 07960

4430 ROSEWOOD DRIVE
BUILDING 3
PLEASANTON, CALIFORNIA 94580

JAMES T. FENNELL FL. LIC.# 63808

DATE OF SIGNATURE: XX/XX/XX

MILPITAS, CA

777 S MAIN STREET
MILPITAS, CALIFORNIA 95035
(SANTA CLARA COUNTY)

SHEET NAME

SITE PLAN

SHEET NUMBER

LE2

4' 0' 4' 8'

FOR 24"x36" DRAWINGS
 GRAPHIC SCALE: 3/16" = 1'-0"
 FOR 11"x17" DRAWINGS
 GRAPHIC SCALE: 3/32" = 1'-0"

REV	DATE	DESCRIPTION
A	06/21/11	LEASE EXHIBIT

PROJECT NO.: 110457-04

DRAWN BY: C. OCHOVA

PROJECT MANAGER: T. ULRICH

CHECKED BY: J. FENNELL

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CALTROP Telecom

8875 HIDDEN RIVER PRKY
 SUITE #300
 TAMPA, FL 33637
 (813) 975-7252

CERTIFICATE OF AUTHORIZATION 29214

CAPITAL TELECOM

CAPITAL TELECOM ACQUISITION, LLC

1500 MT. KEMBLE AVE. #203
 MORRISTOWN, NEW JERSEY 07960

at&t

4430 ROSEWOOD DRIVE
 BUILDING 3
 PLEASANTON, CALIFORNIA 94580

JAMES T. FENNELL FL. LIC.# 63808

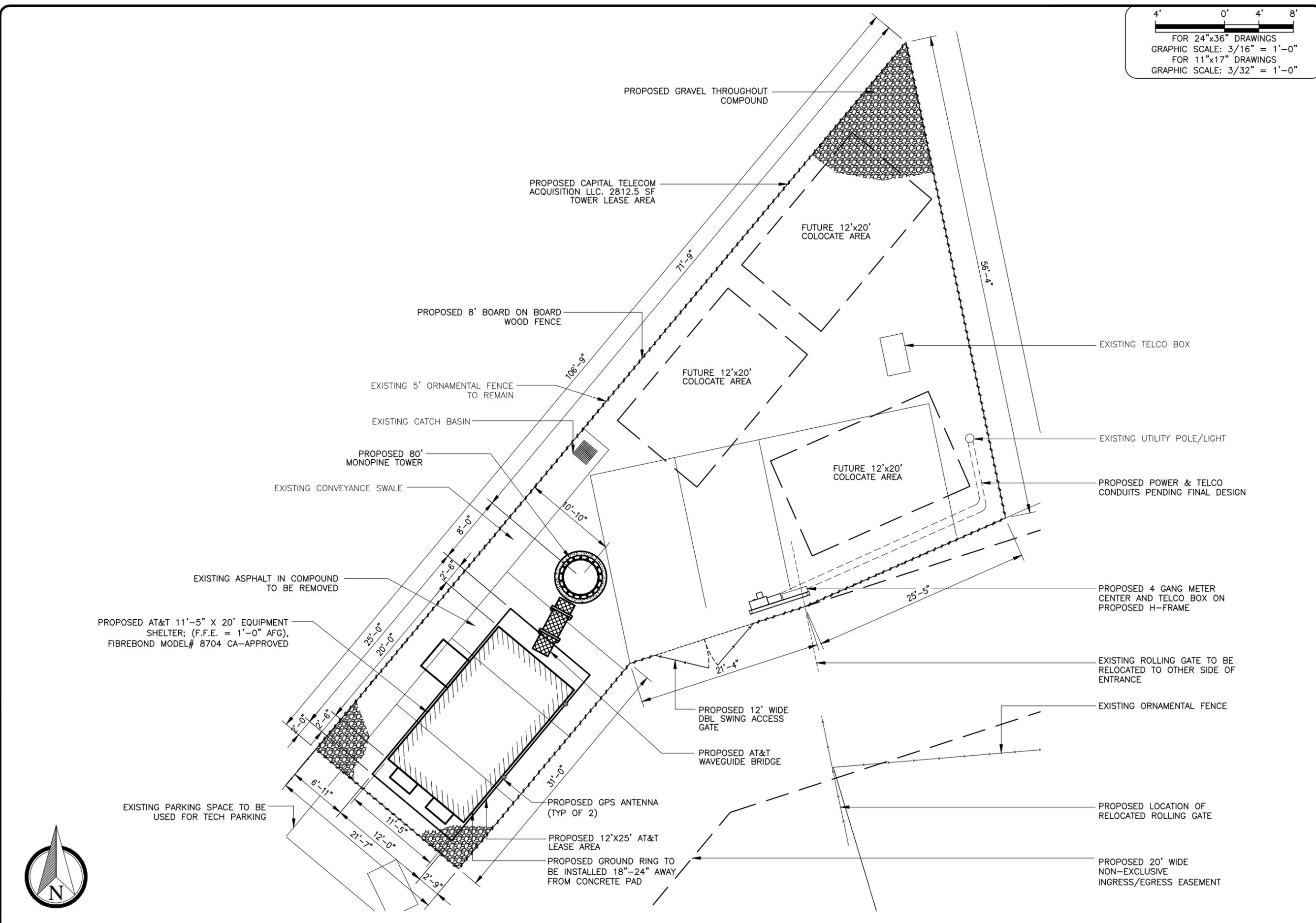
DATE OF SIGNATURE: XX/XX/XX

MILPITAS, CA

777 S MAIN STREET
 MILPITAS, CALIFORNIA 95035
 (SANTA CLARA COUNTY)

SHEET NAME
 COMPOUND
 DETAIL

SHEET NUMBER
 LE3



AT&T Site: CC2272/South Abel St.

Candidate Research Documentation

Summary:

A total of five candidates were reviewed for this search ring. No other carriers are present within the necessary radius and a new build was determined to be the only option. After speaking with all candidates, Candidate D was determined to be the most viable candidate. Please refer to GE Aerial Map for locations.

Candidate A: 800 S Abel St. - HOA was not interested in having a wireless site on their rooftop and compromise the architectural integrity of the building.

Contact:
Rreef Property Management -
596 Alder Drive, Milpitas - (408) 943-8304

Candidate B: 700 S Abel St. - HOA was not interested in having a wireless site on their rooftop and compromise the architectural integrity of the building.

Contact:
Rreef Property Management -
596 Alder Drive, Milpitas - (408) 943-8304

Candidate C: 600 S Abel St. - HOA was not interested in having a wireless site on their rooftop and compromise the architectural integrity of the building.

Contact:
Rreef Property Management -
596 Alder Drive, Milpitas - (408) 943-8304

Candidate D: Milpitas Fire Department – Proposed Location.

Candidate E: SBA/Railroad – Candidate D meets the Radio Frequency Engineer’s network requirements. Candidate no longer an option.

Contact:
Deirdre Ransavage
Field Services Director
North Tower Blvd 702.308.4622 + C

GE Aerial Map

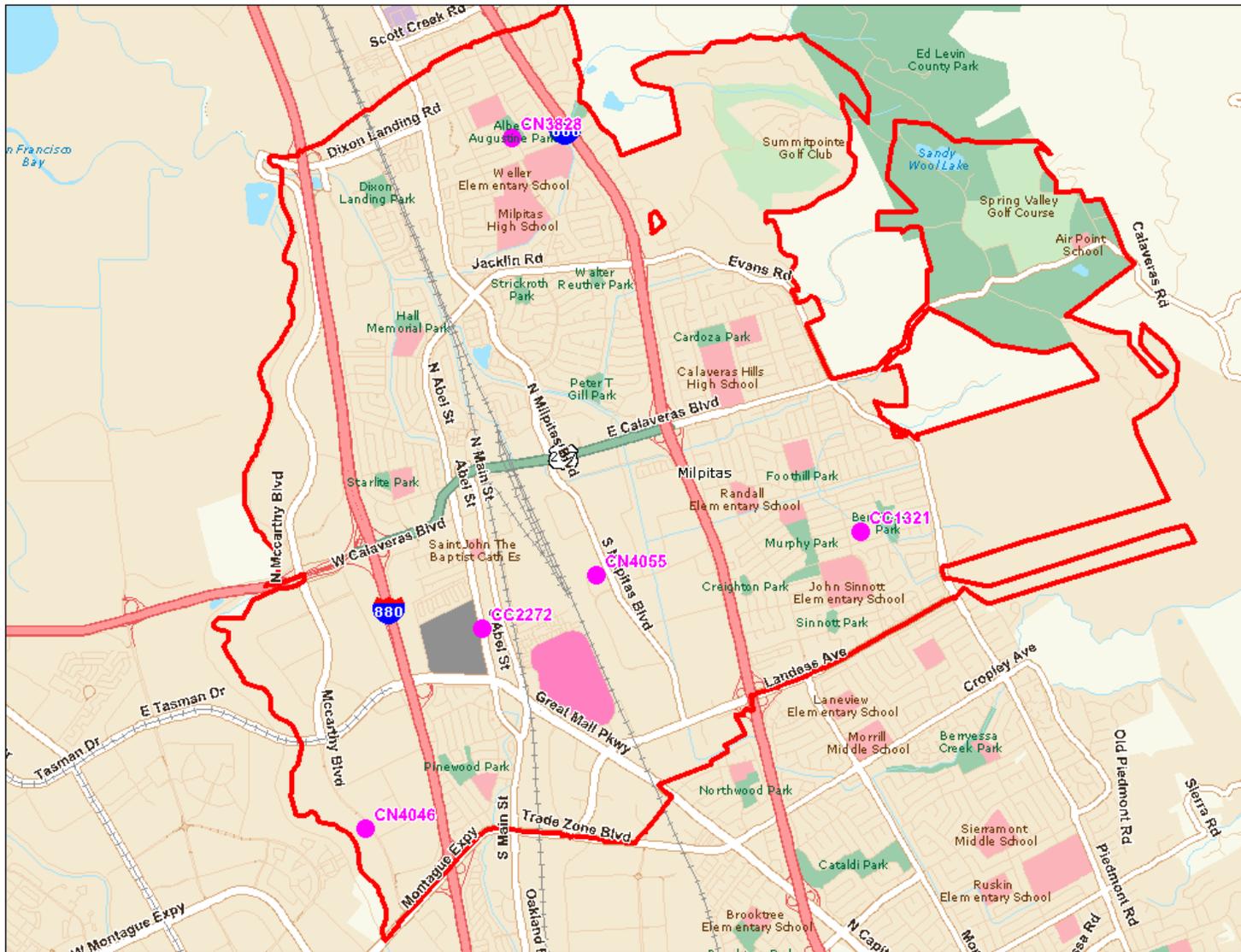


CCU2272 Milpitas Planned Sites

July 27th 2011

Milpitas Planned Sites

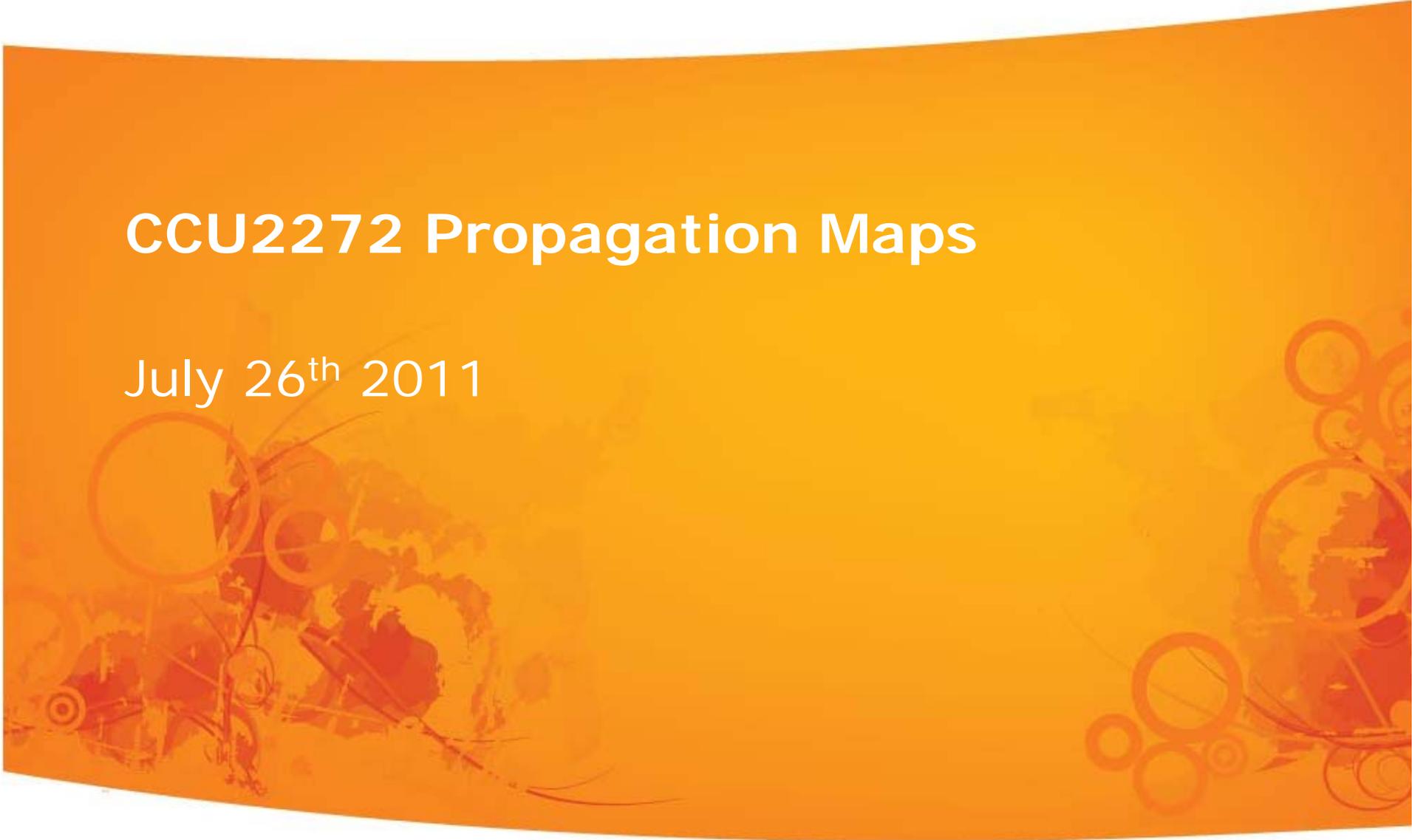
July 27, 2011



- Legend**
- Proposed Site
 - Milpitas City Boundary

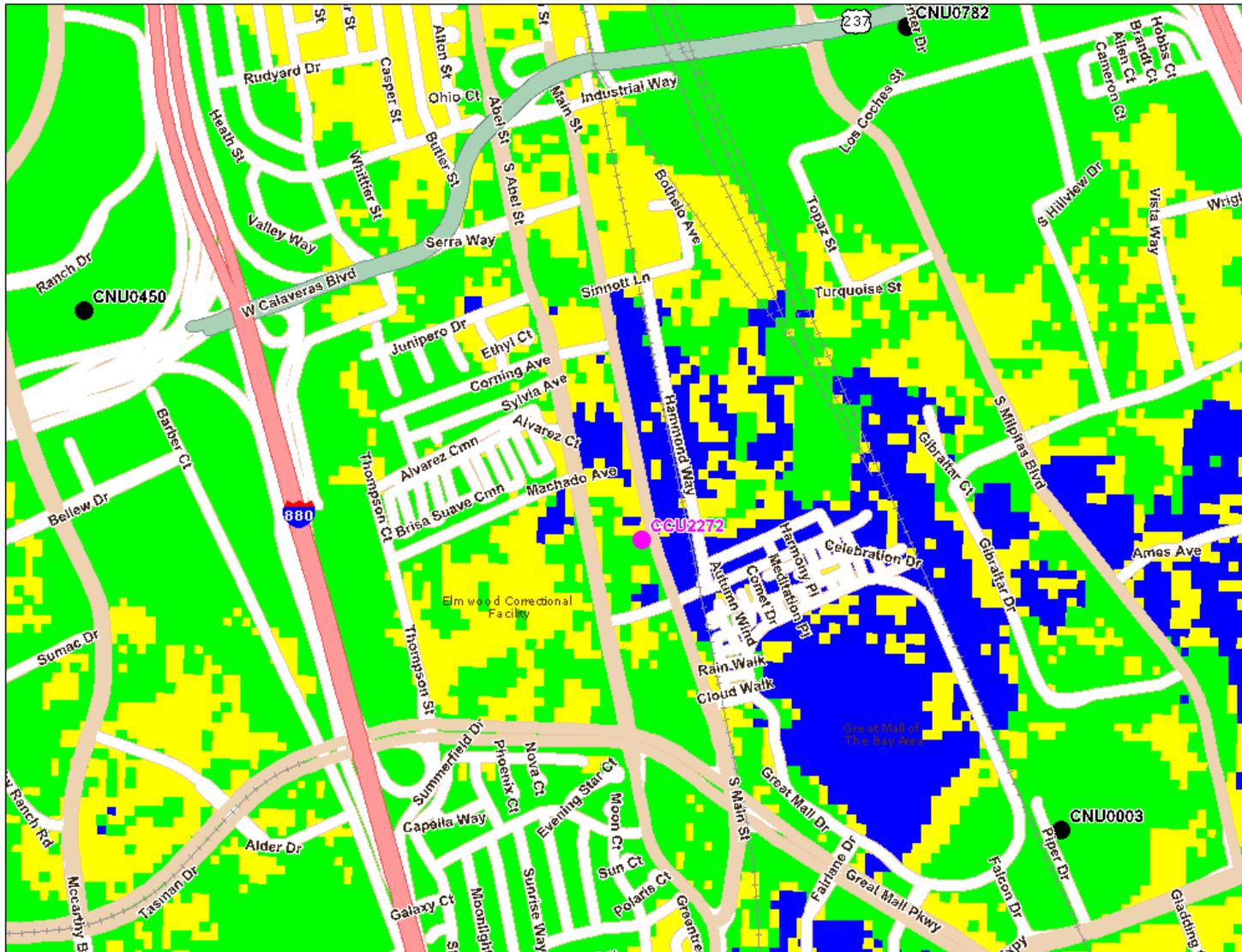
CCU2272 Propagation Maps

July 26th 2011



Coverage Without CCU2272

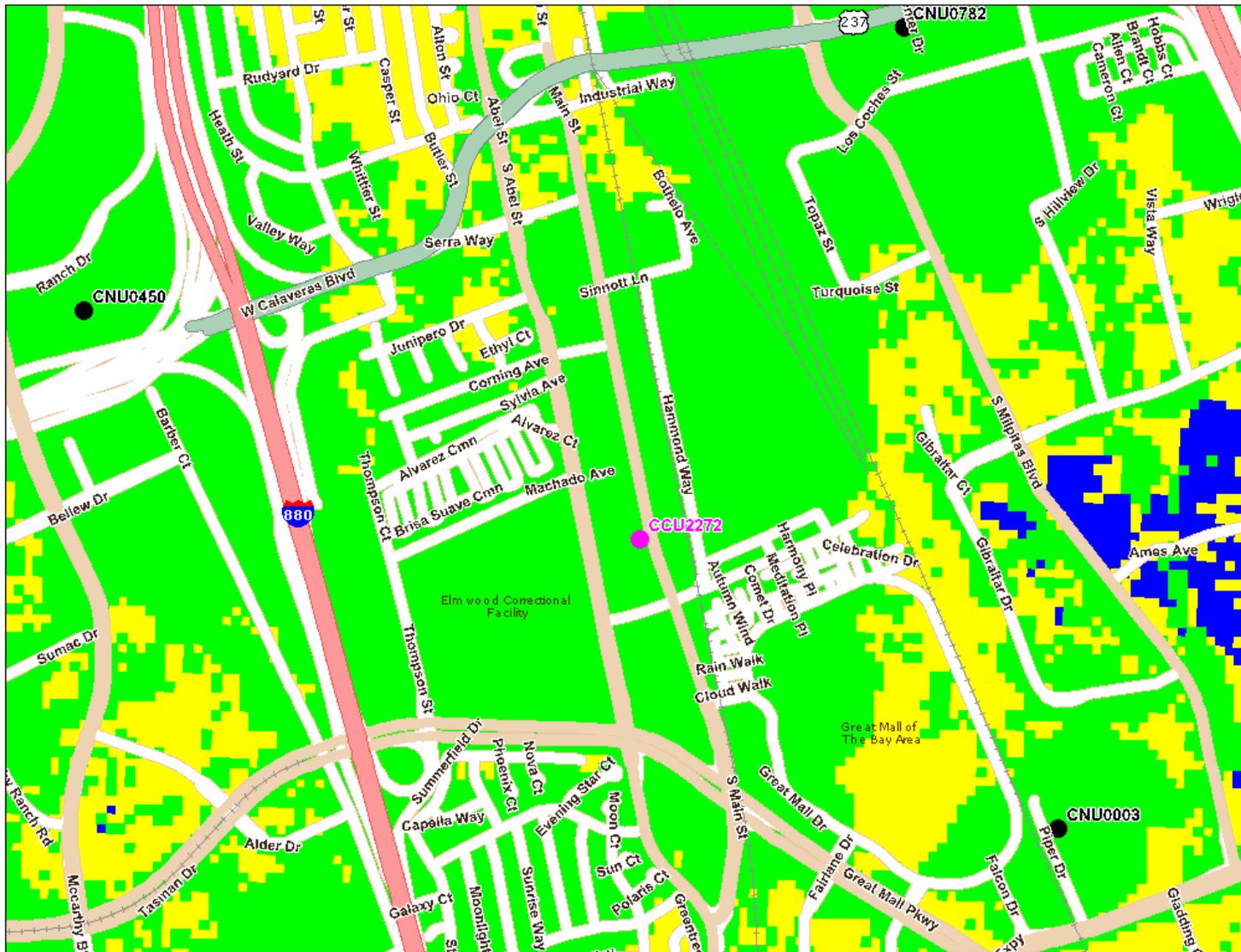
July 26, 2011



- Legend**
- In-Building Service
 - In-Transit Service
 - Outdoor Service
 - Proposed Site
 - Existing Site

Coverage With CCU2272 (75ft)

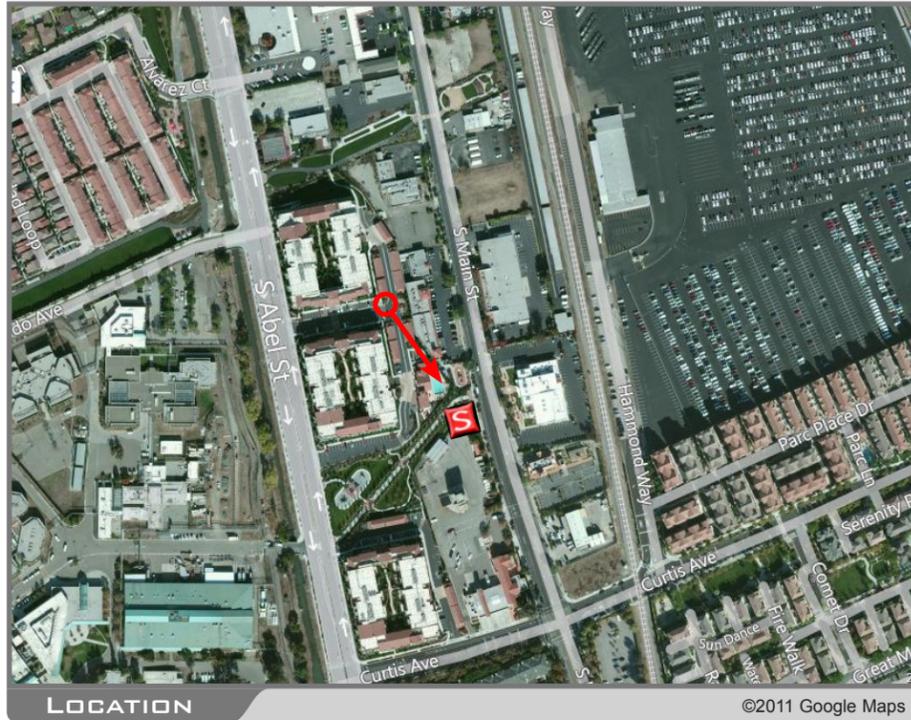
July 26, 2011



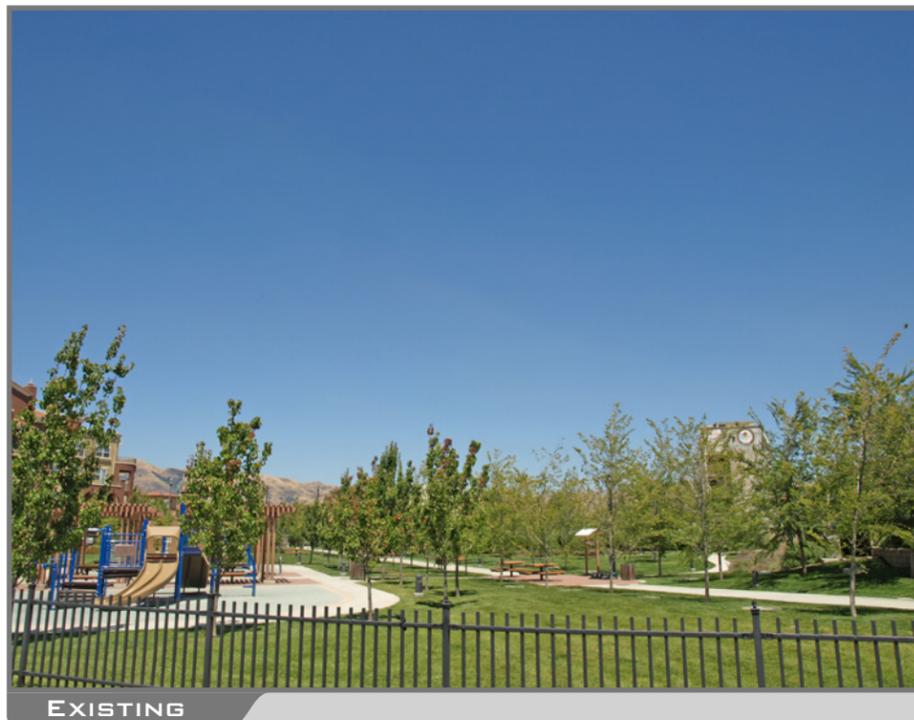
Legend

- In-Building Service
- In-Transit Service
- Outdoor Service
- Proposed Site
- Existing Site





LOOKING SOUTHEAST FROM TERRA SERRA LUNA









City of Milpitas
Planning Division
455 E. Calaveras Blvd.
Milpitas, CA 95035
(408) 586-3279

Questionnaire for Telecommunication Facility Providers

All applicants requesting to install telecommunications facilities within the City of Milpitas must complete this questionnaire as part of their use permit application submittal.

Applicant Name: NEW CINGULAR WIRELESS PCS, LLC
Applicant Address: 12555 CINGULAR WAY SUITE 1300, ALPHARETTA, GA 30004
Applicant Phone: (435) 646-7551 Applicant Fax: N/A
Applicant e-mail address: WILLIAM.JOHNSON@CORTEL-LLC.COM
Location of Project: 717 SOUTH MAIN STREET, MILPITAS, CA 95035
Is this an existing facility or a Co-Location? Yes No Previous Owner: _____
If yes, are you using the same technology? Yes No
Date previously approved by the Telecommunications Commission: N/A
Provide a brief description of project (Telecommunications Facility): PROPOSED 80' MONOPINE TOWER

1. Please indicate below the frequency range you plan to use?

- VHF Low-Band (30-50 Mhz or 72-76 Mhz)
- VHF High-Band (136-174 Mhz or 220-222 Mhz)
- UHF or T-Band (406-420 Mhz or 450-470 Mhz or 470-512 Mhz)
- 800 or 900 Mhz Band (800-960 except 900 Mhz Spread Spectrum)
- 900 Mhz Spread Spectrum (902-928 Mhz)
- Other than specified above (State frequency band in Mhz). Describe: LTE 700 \$AWS; 734-746, 2140-2145

GSM 850 & 1900; 869.2-869.4 Mhz, 879.6-879.4 Mhz, 1940.4-1941.6 Mhz, 1946.8-1949.8 Mhz
UMT 850 & 1900; 874.6-879.4 Mhz, 869.6-874.4 Mhz, 1941.8-1946.6 Mhz, 1950.2-1954.8 Mhz

2. Please indicate below the channel/system proposed for use?

- A single channel
- Multiple channel
- A frequency agile system
- A spread spectrum system
- Other: _____

3. Please indicate below the frequency range you plan to use?

- Narrow band (± 5 KHz or less deviation)
- Broad band (greater than ± 5 KHz deviation)
- Spread Spectrum
- Other: _____

4. What will the effective radiated power (ERP) be when all channels at your proposed site are radiating?
1000 WATTS
5. Will the site be in compliance with current ANSI radiation health standards? Yes No
6. What horizontal radiation pattern is planned for this project?
 Omnidirectional
 Sectored
 Directional (provide half power beam width) HORIZONTAL BW's @ 700 MHz, 69° @ 850 MHz, 64° @ AWS, 63° @ 1900, 60°
7. What will the vertical radiation angle (half power beam width) be for your proposed antenna(s)?
VERTICAL BW'S @ 700 MHz; 12.3° @ 850 MHz, 11° @ 1900, 5.1° @ AWS, 5.4°
8. How high above the local terrain (e.g., surrounding structures) will the center of radiation of your proposed antenna(s) be? 75 feet
9. How close to your proposed project is the nearest roadway 30 ft feet/miles and, if elevated, what is the roadway's height above the local terrain? _____ feet
10. How close to your proposed project is the nearest regularly occupied building and how high is the top floor above local terrain? 200 ft
11. What is the distance to the nearest existing radio communications or broadcast antenna(s) if less than 1/2 mile? 0.52 MILES feet/miles. If known, identify owner/operator: N/A
12. What is the status of your FCC license grant? _____
 (Include a *copy of the license with submittal of this questionnaire.)

NOTE: The below listed items are required by the applicant as part of this submittal if required to go to the Telecommunications Commission:

- Provider's build-out map* showing all sites anticipated within Milpitas (see question no. 2)
- Photo simulations** of antenna(s) as viewed from at least three surrounding view points. Show "worst case" vantage points.
- List of all sites that were investigated** for a particular search ring and the reasons why they were discarded. Include names and phone numbers of persons contacted regarding potential sites.
- Copy of applicants Power Density Study* (see item no. 4).

* 20 copies (Telecommunication Commission)

** 35 copies (Telecommunication Commission & Planning Commission)

Back of
Telecommunication Questionnaire

City Manager

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H
SEPT. 27, 2011

City Council
City of Milpitas
455 E. Calaveras Boulevard
Milpitas, California 95035-5479

Re: The construction of the 60-foot tall wireless Telecommunication Facility

Dear Honorable Milpitas City Council Members:

It has been urgently concerned in our community and especially in our neighborhood, being so close to the 777 S. Main St. site.

Our Milpitas City Government is supposed to be for the health and well being of our Milpitas residents. Your public service has been truly appreciated. We hope that our Serious concern, of the health danger and the immense personal financial loss, about the building of CELL TOWER IN OUR NEIGHBORHOOD is totally understood by your full and kind attention.

You have had our votes and full trusting support in the past and hopefully we can give you the same strong support in the future with the trust getting your strong support for us at this crucial issue of cancelling the proposal of building the CELL TOWER in our immediate neighborhood for the welfare of our Milpitas children, youth, old folks and all other residents in Milpitas.

The proposal for building CELL TOWER was appealed and rejected by the residents of Daly City and Palo Alto of California. We, Milpitas residents, would appreciate it greatly to get the same strong support from our honorable Milpitas Council Members.

Please kindly refer to the attached CELL TOWER article per EMT-HEALTH.COM. Please also refer to the Mercury News on 8/24/11 about the Daly City residents' appeal stops CELL TOWER project in their city. Your thorough research about the CELL TOWER is to be greatly appreciated.

Both my husband and myself are cancer survivors. We went through pains taking treatment. We sure do not want it happens to others. We, concerned Milpitas residents, thank you very much in advance.

Best regards,
Therese Wang, 800 S. Abel St. #406, Milpitas, Ca. 95035

Therese Wang
George Wang
(GEORGE WANG)



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Cell Phone Towers: How Far is Safe?

by Taraka Serrano

If you or people you know live within a quarter mile of a cell phone tower, this may be of concern. Two studies, one in Germany and the other in Israel, reveal that living in proximity of a cell phone tower or antenna could put your health at significant risk.

German study: 3 times increased cancer risk

Several doctors living in Southern Germany city of Naila conducted a study to assess the risk of mobile phone radiation. Their research examined whether population living close to two transmitter antennas installed in 1993 and 1997 in Naila had increased risk of cancer.

Data was gathered from nearly 1,000 patients who had been residing at the same address during the entire observation period of 10 years. The social differences are small, with no ethnic diversity. There is no heavy industry, and in the inner area there are neither roads, cables nor electric trains. The average of the residences is similar in both the inner and outer area.

What they found is quite telling: the proportion of newly developed cancer cases was three times higher among those who had lived during the past ten years at a distance of up to 400m (about 1300 feet) from the cellular transmitter site, compared to those living further away. They also revealed that the patients fell ill on average 8 years earlier.

Computer simulation and measurements used in the study both show that radiation in the inner area (within 400m) is 100 times higher compared to the outer area, mainly due to additional emissions coming from the secondary lobes of the transmitter.

Looking at only the first 5 years, there was no significant increased risk of getting cancer in the inner area. However, for the period 1999 to 2004, the odds ratio for getting cancer was 3.38 in the inner area compared to the outer area. Breast cancer topped the list, with an average age of 50.8 year compared with 69.9 years in the outer area, but cancers of the prostate, pancreas, bowel, skin melanoma, lung and blood cancer were all increased.

Israel study: fourfold cancer risk

Another study, this one from Israel's Tel Aviv University, examined 622 people living near a cell-phone transmitter station for 3-7 years who were patients in one clinic in Netanya and compared them against 1,222 control patients from a nearby clinic. Participants were very closely matched in environment, workplace and occupational characteristics. The people in the first group live within a half circle of 350m (1148 feet) radius from the transmitter, which came into service in July 1996.

The results were startling. Out of the 622 exposed patients, 8 cases of different kinds of cancer were diagnosed in a period of just one year (July 1997 to June 1998): 3 cases of breast cancer, one of ovarian cancer, lung cancer, Hodgkin's disease (cancer of the lymphatic system), osteoid osteoma (bone tumour) and kidney cancer. This compares with 2 per 1,222 in the matched controls of the nearby clinic. The relative risk of cancer was 4.15 for those living near the cell-phone transmitter compared with the entire population of Israel.

Women were more susceptible. As seven out of eight cancer cases were women, the relative cancer rates for females were 10.5 for those living near the transmitter station and 0.6 for the controls relative for the whole town of Netanya. One year after the close of the study, 8 new cases of cancer were diagnosed in the microwave exposed area and two in the control area.

Locate the Cell Phone Towers and Antennas Near You

Do you know how many cell phone transmitters are in your neighborhood? You'd be surprised. Visit antennasearch.com to find out where the towers and antennas are in your area and how close they are to your home or place of work. The site will also pinpoint future tower locations, additional helpful information for those considering buying a home.

For clarity, towers are tall structures where antennas are installed. A typical tower may easily hold over 10 antennas for various companies. Antennas, on the other hand, are the actual emitters of signals for various radio services including cellular, paging and others. Antennas are placed on high towers or can be installed by themselves (stand alone) on top of buildings and other structures.

Using where I live as an example, I've located 3 cell phone towers and 22 antennas within a quarter mile from our home, with the closest one at 845 feet. And this is in a relatively quiet residential neighborhood by the ocean in the small city of Hilo in Hawaii. As you may guess, I did my research only well after we've moved in. Fortunately, we're here on just a lease and we'll be a bit wiser next time we look for a new home.

What to Do if You Live Near a Cell Phone Transmitter

Short of relocating, there are some things you can do to fight the effects of electromagnetic

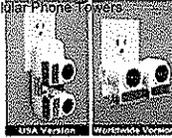
Electromagnetic Radiation Protection Solutions

Personal EMF Protection:



Q-Link Pendant

Home EMF Protection:



Cellular Phone Towers

EarthCalm Home Protection System

Cell Phone EMF Protection



BIOPRO Cell Phone Radiation Protection w/ Patented Technology

radiation (EMR). The Safe Wireless Initiative of the Science and Public Policy Institute in Washington, DC, outlines three levels of intervention in accordance with the public health paradigm that everyone can apply. Here are our suggestions based on these guidelines:

City Manager

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The primary means of intervention is through avoidance or minimizing exposure. This simply means to avoid contact with EMR as much as possible. In case of a cell phone tower close to your home, this could mean using specially formulated RF shield paint, shielding fabric, shielding glass or film for windows, etc. Although they may sound extreme, these measures are a life-saver for someone who suffers from electrosensitivity, a condition in which a person experiences physical symptoms aggravated by electromagnetic fields. (Sweden is the only country so far that recognizes electrosensitivity as a real medical condition, and their government pays for measures to reduce exposure in their homes and workplaces).

The secondary means of intervention is to minimize the effects of exposure. This includes the use of bioenergetic devices that help reduce the effects of EMR, such as pendants, chips or other devices designed to strengthen the biofield of the individual. A biofield is the matrix of weak electromagnetic signals that the body's cells use to communicate with each other. EMR disrupts these signals, causing the cells to eventually shut down and result in build up of toxins and waste products within the cells, including free radicals known to result in cellular dysfunction and interference with DNA repair. A scientifically validated bioenergetic device restores intercellular communications and normal cellular function by strengthening the biofield against the effects of EMR.

The third means of intervention is to help reverse damage caused by exposure. This includes nutritional support such as anti-oxidant supplementation, particularly helpful in countering the effects of free radicals. Supplementing with anti-oxidants SOD, catalase, glutathione, and Coq10 are especially recommended. Microwave radiation has been shown to decrease levels of these anti-oxidants that the body normally produces to protect itself. These levels are sensitive indicators in stress, aging, infections and various other disease states.

Additional information:

1. [The Influence of Being Physically Near to a Cell Phone Transmission Mast on the Incidence of Cancer \(PDF\) \(German study\)](#)
2. [Increased Incidence of Cancer Near a Cell-Phone Transmitter Station \(PDF\) \(Israel study\)](#)
3. [Environmental Epidemiological Study of Cancer Incidence in the Municipalities of Hausmannstätten & Vasoldsberg \(Austria\) \(PDF\)](#)

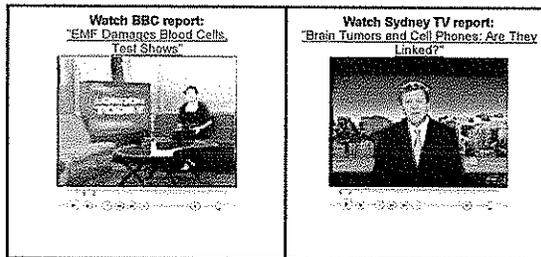
(Note: This article is shared for educational purposes only and does not constitute medical advice. If you believe that you have a health problem, see your doctor or health professional immediately.)

© 2007 Taraka Serrano

Taraka Serrano is a health advocate dedicated to sharing information and solutions relating to serious health issues of our time. Watch video reports on the dangers of cell phone and EMF radiation, and learn more about the right [emf protection](#) solutions for you. Visit [EMF-Health.com](#)

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Word count: 1,235



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Rachelle Currie

From: Mary Lavelle
Sent: Tuesday, September 27, 2011 2:20 PM
To: Rachelle Currie
Subject: FW: concerns regarding the construction of 60 foot tall wireless telecommunication facility located at 777 S. Main street
 Include with Agenda Packet for Item No. 1 public hearing on October 4 agenda.

From: Cindy Hom
Sent: Tuesday, September 27, 2011 11:14 AM
To: 'gubo huang'
Cc: Mike Ogaz; Bryan Otake; Bronwen Lacey; James Lindsay; Mary Lavelle
Subject: RE: concerns regarding the construction of 60 foot tall wireless telecommunication facility located at 777 S. Main street

Hi Gubo,

I am in receipt of your comment. I will forward your comment to the City Council for their consideration.

Regards,
 Cindy

From: gubo huang [mailto:ghuang87@hotmail.com]
Sent: Tuesday, September 27, 2011 10:58 AM
To: Cindy Hom
Cc: ghuang87@hotmail.com
Subject: concerns regarding the construction of 60 foot tall wireless telecommunication facility located at 777 S. Main street

Hi Cindy:

My name is Gubo Huang. I lived in Milpitas for more than ten years.

Yesterday I received a letter regarding the construction of 60 foot tall wireless tele facility which will be built at 777 S. Main Street. I have tons of concerns about this proposal.

As you can see, there are lots of residential homes surrounding in that area, including town houses, apartments, single family houses. As for the wireless, every one knows it is NOT good for health. The RF will hurt everyone health in a long run. Considering that area is a high population density area and building a wireless facility is really NOT a good idea.

Therefore, I am totally against this construction proposal.

Thanks very much for listening one of the resident's voice. Your careful consideration will be greatly appreciated.

Regards,

gubo

9/28/2011