Supplemental Material

For

City of Sacramento

City Council
Financing Authority
Housing Authority
Redevelopment Agency

Agenda Packet

Submitted: 10/23/09

For the Meeting of: 10/27/09

✓ Additional Material
Revised Material

TITLE: Call-up: Club Center Treepole for Verizon (P09-003)

Supplemental No. 3 (dated 10/20/09): correspondence from Mackenzie & Albritton, LLP. (page 1)

***Previously delivered Supplementals 1&2 are included for reference as follows:*

Supplemental 1: Page 7
Supplemental 2: Page 30

Contact Information: Elise Gumm, Associate Planner (916) 808-1927

Please include this supplemental material in your agenda packet. This material will also be published to the City's Internet. For additional information, contact the City Clerk Department at Historic City Hall, 915 I Street, First Floor, Sacramento, CA 95814-2604, (916) 808-7200.

MACKENZIE & ALBRITTON LLP
423 WASHINGTON STREET, SIXTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111

TELEPHONE 415 / 288-4000
FACSIMILE 415 / 288-4010

October 20, 2009

VIA ELECTRONIC MAIL

Hon. Ray Tretheway
City of Sacramento
c/o City Hall
915 I Street, Fifth Floor
Sacramento, CA 95814

Re: Verizon Wireless Club Center Tree Pole (P09-003)
5508 Sorrento Road, Sacramento, CA

Dear Councilmember Tretheway:

We write to you on behalf of our client Verizon Wireless regarding your "call-up" of the June 25, 2009, decision of the Sacramento Planning Commission to approve the above captioned stealth monopine telecommunications facility (the "Proposed Facility") in the Club Center area of the City of Sacramento ("City"). Since our meeting in your office of September 22, 2009, we have learned of your renewed interest in four of the alternative sites previously reviewed by Verizon Wireless. This letter is to update you on the status of those four alternatives, and, based upon this additional information, to encourage you to reach the same conclusion as Verizon Wireless, staff and the Planning Commission: that the Proposed Facility remains the least intrusive means to fill the significant coverage gap identified by Verizon Wireless.

As we write this letter, we have learned that this matter will be continued yet again, this time to October 27, 2009.[1] This marks the fifth continuance since the original call-up in June, each without any stated reason. This delay itself violates federal law. For the reasons set forth in this letter, we encourage you to immediately withdraw your call up.

Site Selection (Alternatives) Analysis Update October 20, 2009

We understand that you are specifically interested in an update on the sites referenced in the Site Selection Analysis as: Alternative 2 - Crown Castle Collocation, Alternative 3 – Twin Rivers Unified School District ("TRUSD") East Natomas Education Complex ("ENEC"), Alterative 4 – Natomas Park and Alternative 5 – Natomas Charter School. Those specific updates are set forth below and confirm that each remains unavailable to Verizon Wireless:

Alternative 2 - Crown Castle Collocation: As a result of your communication, Verizon Wireless was contacted by Colliers International regarding placement of an additional antenna on the Crown Castle tower near the Proposed Facility. Upon learning that Verizon Wireless would require a lease for

[1] This matter has previously been scheduled, but not heard, on August 28, September 22, October 6, October 13, and today,

additional ground space to locate its equipment shelter, the Colliers broker advised Verizon Wireless that the owner was not interested in further encumbering the property, as that would complicate Colliers' plans to dispose of the property in its entirety. To confirm the property owner's position on a proposed collocation, Verizon Wireless sent a draft lease and proposed location for the lease premises to Colliers. On October 16, 2009, Verizon Wireless received a response from Colliers, confirming that the current property owner is unwilling to "handcuff" the property with a lease to Verizon Wireless at a time it is seeking to sell the property. A copy of the Colliers correspondence is attached to this letter.

With regard to this alternative, please also note that current FEMA flood plain requirements would necessarily place the equipment shelter on top of a 6-foot elevated platform at this location. The Site Selection Analysis contains a discussion of the Planning Commission's preference for the aesthetics of the Proposed Facility and a letter from Crown Castle, operators of the site, indicating that it cannot accommodate Verizon Wireless ground space requirements.

Alternative 3 – Twin Rivers Unified School District East Natomas Education Complex. As you know, we have received a letter from TRUSD stating that they cannot accommodate a facility that is elevated as required to meet FEMA floodplain standards. We understand that you have asked TRUSD if it would consider a "temporary" elevated facility to be replaced with a permanent lower facility once FEMA has re-evaluated floodplain levels following required levee repairs.

Verizon Wireless consulted with the County Planning Director Charles Dyer, regarding the process for temporary facilities in Sacramento County. Mr. Dyer advises that there simply is no temporary permit process in Sacramento County. In order to obtain a "temporary permit," Verizon Wireless would have to apply for a full Conditional Use Permit, which could only be approved following a public hearing. In addition, the County would issue a CUP for a "temporary" facility only in conjunction with the application for a permanent site at the same location, and only if Verizon Wireless could demonstrate a clear hardship and inability to timely and properly permit the permanent facility. Further, based on past experience, Verizon Wireless could only expect that a use permit for a "temporary" facility would be valid for one year. We understand that completion of levee repair and lowering of FEMA floodplain levels is likely several years away. Of course, if the permanent design is not approved, the temporary facility must be removed and the process has to start all over again.

Any temporary site at ENEC, with the equipment shelter elevated 8' in the air and a 70' guyed tower, will not be attractive. Structural requirements to elevate the necessary 10 tons of equipment will not make the site appear temporary. Power and telephone runs must be brought over two thousand feet to the site. It will also be impossible to propose a permanent site plan when elevations are unknown. Quite apart from the unacceptable cost and delay involved, the uncertainty and environmental impact from this proposed "temporary to permanent" site solution disqualify it as the least intrusive feasible alternative for federal law purposes. [2]

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[2] It would also be cost-prohibitive, since erecting the temporary facility would cost as much or more than the Proposed Facility, and relocating to a permanent facility would then cost at least that much again.

Alternative 4 - Natomas Park: Verizon Wireless is always interested in locating facilities in parks in order to provide revenue to the City of Sacramento. Unfortunately, the entirety of Natomas Park has an average elevation that is 15-18 feet below FEMA flood plain levels. The highest location at the park would require a 13-foot elevated platform for the Verizon Wireless equipment and would be located only 50 feet from residences. Verizon Wireless carefully explored options at the park nearly 18 months ago, before working with planning staff to arrive at the less intrusive Proposed Facility. An elevated site at the park, on a monolithic platform 13 feet high, is now simply not feasible from a cost, timing, or aesthetic standpoint.

Alternative 5 – Natomas Charter School. Verizon Wireless conducted extensive discussions with the Natomas Charter School between June 2008 and October 2008, but the parties were unable to identify a final site location. Verizon Wireless consultants re-engaged the Natomas Charter School last week through an e-mal correspondence with executive officer Charlie Leo. The correspondence included a detailed description of Verizon Wireless needs, including a 20' by 50' lease space area. The parties discussed an area in the Gymnasium Yard. In correspondence dated October 17, 2009, Mr. Leo confirmed that the Natomas Charter School is unable to accommodate Verizon Wireless space needs. A copy of Mr. Leo's correspondence is attached to this letter.

Again, it should be noted that present FEMA flood plain requirements would necessitate elevation of Verizon Wireless equipment at the Gymnasium Yard (or anywhere on the school property) by 13-14 feet. Any site at the school would have greater aesthetic and environmental impacts than the Proposed Facility.[3]

The Proposed Facility Remains the Least Intrusive Means to Fill the Identified Significant Coverage Gap

As we have described in prior correspondence, since January of 2008, Verizon Wireless has sought to identify a location in the Club Center area to install a wireless services facility to fill a coverage gap in its network. In January of this year, Verizon Wireless sent correspondence to your office seeking your assistance in identifying the preferred location. As detailed in the Site Selection Analysis, Verizon Wireless explored several alternatives prior to applying in February 2009 for the tree pole design to be located within a grove of trees at 5508 Sorrento Road. As confirmed by recommendations of the planning staff and favorable vote of the Planning Commission, the tree pole facility will have no impacts on the environment and is the least intrusive of all available alternatives to fill the signal gap identified by Verizon Wireless.

Federal Law Requires Present Approval

Our prior correspondence sets forth the federal preemption of local regulation that has the effect of prohibiting the provision of wireless services. This pre-emption applies where, as here, a carrier has demonstrated a significant gap in coverage and has identified the least intrusive means to fill that gap. Federal law further requires that any denial of the site be based upon substantial evidence. Here, there is simply no evidence of any negative impact from the facility that would qualify as substantial evidence for

[3] The Site Selection Analysis also notes that radio signal propagation from this location is "marginal."

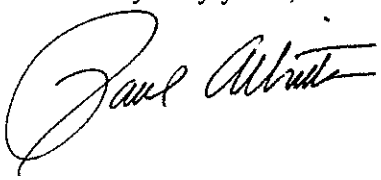
denial. As we have re-affirmed above, there simply is no alternative site that can fill the identified significant gap in coverage with less intrusive environmental impacts than the Proposed Facility.

Finally, as we conveyed in prior correspondence, federal law also requires the City to take final action on the permit application for the Proposed Facility within a reasonable period of time.[4] From Verizon Wireless's perspective, the opportunity for the City to timely act on this application has come and gone. It is time for your call-up to be withdrawn and for the approval of the Planning Commission to be allowed to stand. While your office continues an endless effort to breathe new life into one of the many alternatives ruled out by Verizon Wireless professionals, we have yet to hear a valid reason to oppose the Proposed Facility. Once again, we urge you to withdraw your call up to avoid unnecessary and costly litigation.

Conclusion

Verizon Wireless has provided an exhaustive alternatives analysis that demonstrates the absence of any less intrusive alternative to the Proposed Facility. You personally confirmed during our last meeting that you had never seen such a thorough alternatives analysis, and that the City Attorney had informed you that the City would not stand a chance if Verizon Wireless is forced to litigate this matter. To avoid conflict with federal law, we encourage you to either withdraw your call-up, or in the alternative, with the City Council, re-affirm the well considered decision of the Planning Commission and approve the proposed Verizon Wireless tree pole at Club Center. Thank you for your careful consideration of our request.

Very truly yours,



Paul B. Albritton

cc: Sabina Gilbert, Esq.
Lindsey Alagozian
Elise Gumm
Tom Mahr, Esq.
Peter Maushardt
James Heard, Esq.
Alan Heine

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4 47 USC § 332(c)(7)(B)(iii).

-----Original Message-----
From: clcharter@aol.com [mailto:clcharter@aol.com]
Sent: Saturday, October 17, 2009 8:56 AM
To: a.heine@comcast.net
Subject: Re:

Alan,

Based on the information you have provided, we do not have the available space for a platform and tower as described in your email. Thank you for the consideration. Keep Natomas Charter School in mind should another need arise that does not require as much space.

Thanks,
Charlie Leo

Charlie Leo
Founder/Executive Director
Natomas Charter School
4600 Blackrock Drive
Sacramento, CA 95835
cell (916) 416-6839
fax (916) 848-3396

-----Original Message-----
From: Chamberlain, Steve [mailto:Steve.Chamberlain@colliers.com]
Sent: Friday, October 16, 2009 9:31 AM
To: Alan
Subject: RE: Club Center

Alan

Per our telephone conversation I am following up with this email.

Comerica is not interested in working with Verizon (or any other cell tower
co.) on selling an easement or a part of the parcel they foreclosed on Dunmore on

Sorrento Rd.. They are currently trying to sell the property and we are entertaining offers at this time. It is not in the best interest of the bank
to "handcuff"

the parcel with the type of development you are proposing. Please give me a
call with any questions. SC

Steve Chamberlain
Senior Vice President
CA DRE# 00813856

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September 15, 2009

VIA ELECTRONIC MAIL

Mayor Kevin Johnson
Members of the Sacramento City Council
Ray Tretheway, Sandy Sheedy, Steve Cohn, Robert King Fong, Vice-Mayor Lauren Hammond, Kevin McCarty, Robbie Waters, Bonnie Pannell
City Hall
915 I Street
Sacramento, CA 95814

Re: Verizon Wireless Club Center Tree Pole (P09-003)
5508 Sorrento Road, Sacramento; Council Agenda September 22, 2009

Dear Mayor Johnson and Honorable Councilmembers:

We write to you on behalf of our client Verizon Wireless to encourage you to re-affirm the June 25, 2009, decision of the Sacramento Planning Commission to approve a stealth monopine telecommunications facility to provide needed wireless services to the Club Center/Natomas area of the City of Sacramento ("City").

Since January of 2008, Verizon Wireless has been seeking to identify a location in the Club Center area to install a wireless services facility to fill a signal gap in its network. Verizon Wireless explored and rejected several alternatives prior to applying in February 2009 for the tree pole design to be located within a grove of trees at 5508 Sorrento Road. As confirmed by recommendations of the planning staff and favorable vote of the Planning Commission, the tree pole facility will have no impacts on the environment and is the least intrusive of available alternatives to fill the signal gap identified by Verizon Wireless.

Subsequent to Planning Commission approval, Councilmember Tretheway requested that the approval be reviewed by the Sacramento City Council and, specifically, that Verizon Wireless revisit available alternatives for the proposed site, including potential location of the facility at a proposed high school and city corporation yard. Verizon Wireless has diligently re-examined these alternatives and re-confirmed that the proposed facility at 5508 Sorrento Road remains the least intrusive means to fill the identified signal gap in Verizon Wireless coverage.

As described below, federal law preempts local authority where local regulation has the effect of prohibiting the provision of wireless services. This pre-emption applies where, as here, a carrier has demonstrated a significant gap in coverage and has identified the least intrusive means to fill that gap. Federal law further requires that any denial of the site be based upon substantial evidence. Here, there is simply no evidence of any negative impact from the facility

that would qualify as substantial evidence for denial. To avoid conflict with federal law, we encourage the City Council to re-affirm the well-considered decision of the Planning Commission and approve the proposed Verizon Wireless tree pole at Club Center.

The Proposed Facility:

Verizon Wireless proposes to install a 70' monopole disguised as a pine tree at 5508 Sorrento Road along with a 12' x 20' radio equipment shelter and an emergency back-up generator (the "Proposed Facility"). The Proposed Facility will be located in the middle of a grove of 30'-50' trees situated 400' back from Sorrento Road on a 3.73 acre parcel zoned agricultural (A) with a general plan designation of "Rural Estate." The Rural Estate designation is characterized under the Sacramento Municipal Code ("SMC") as:

> a very low density residential zone . . . intended to be applied primarily to areas impacted by high noise levels, within designated approach or clear zones around airports, within identified floodway and floodway fringe areas, and other areas where physical and/or safety considerations necessitate very low density residential use.[1]

The nearest residence to the Proposed Facility is over 200' away and there are few homes in the immediate vicinity. An survey conducted by Gell Engineering has identified scores of trees, including pine trees and trees as tall as 85' within a 1,500 foot radius of the Proposed Facility. Under the conditions of approval, Verizon Wireless will plant additional evergreen trees. Noise generation from the site will be minimal, limited to periodic use of air conditioning units mounted on the shelter (equivalent to home units) and periodic remote testing of the generator, and in full compliance with the SMC. The Proposed Facility is described as "invisible" by planning staff and findings of the Planning Commission. We have attached a photo-simulation of the Proposed Facility as Exhibit A to this letter.

The Proposed Facility Fully Complies with the Requirements of the Sacramento Municipal Code, Sacramento Wireless Guidelines and General Plan

Section 17.24.050 of the SMC requires a Special Permit for the location of wireless telecommunications facilities in Agricultural zones. Required findings for a Special Permit for the Proposed Facility include:

A. A Special Permit shall be granted upon sound principles of land use.
B. A special permit shall not be granted if it will be detrimental to the public health, safety or welfare or if its results in the creation of a nuisance; and
C. A special permit use must comply with the objectives of he general or specific plan for the area in which it is to be located.

Both the Planning Commission and planning staff concluded that the Proposed Facility meets all of the findings for a Special Permit. With respect to finding (A) staff and the Planning

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[1] SMC Chapter 17.20 Zoning Districts

Commission reference the land use policies embodied in the Sacramento Guidelines for Telecommunication Facilities ("Guidelines"), noting that "the proposed monopole complies with the intent of the Guidelines to create 'invisible' cellular facilities in that the proposed pole is designed to appear as a pine tree."[2] With respect to finding (B) the staff noted in its report for the June 25th hearing that the site will be located some 400' from Sorrento Road, will be surrounded by trees, will have no traffic or parking impacts and imposes no impacts on health and welfare of the community. Finally, with respect to finding (C), staff in its report, and the Planning Commission in its findings, identified several General Plan policies that are consistent with the Proposed Facility related to the promotion of public infrastructure (Policy U1.1), and promotion of state-of-the-art telecommunications services and emergency communications infrastructure Policy (U 7.1).

The Proposed Facility Complies with Applicable State and Federal Law

1. State Law.

Verizon Wireless is a telephone corporation under California law and registered with the California Public Utilities Commission to provide wireless telecommunications services in Sacramento as a public utility under utility number U-3001-C. The Proposed Facility qualifies for a categorical exemption under the California Environmental Quality Act as a small structure.

2. Federal Law

Verizon Wireless is licensed by the Federal Communications Commission to provide wireless telecommunications services in Sacramento. As part of its application, Verizon Wireless has provided evidence of its FCC license to the City.

The Federal Telecommunications Act of 1996 (the "Telecommunications Act") contains fundamental limits on the right of a local jurisdiction to regulate the placement of wireless facilities. Section 332 states:

> No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.[3]

To confirm compliance with federal standards, and in compliance with the SMC, Hammett & Edison Consulting Engineers has provided the City with a radio frequency engineering analysis dated January 22, 2009 (the "H&E Report"). The H&E Report confirms that the Proposed Facility, when operational, will be well within (and actually far below) all applicable FCC public exposure limits. Indeed, the H&E Report states that with the Proposed Facility operating at

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2 See Planning Staff Report and Findings for Planning Commission hearing June 25, 2009, Item 3

3 47 USC § 332(c)(7)(B)(iv).

maximum theoretical power levels, the RF exposure for a person anywhere at ground level near the site would be a mere 2.6% of the applicable public limit. A copy of the H&E Report is attached as Exhibit B to this letter.

In addition to pre-empting regulation on the basis of concerns over RF emissions, the Telecommunications Act also:

- Requires the City to take final action on a permit application within a reasonable period of time;[4]
- Requires that any permit denial be in writing and based on substantial evidence in the record;[5]
- Prohibits unreasonable discrimination among competing wireless carriers;[6] and
- Bars local regulation that would prohibit or have the effect of prohibiting the provision of personal wireless services.[7]

Prohibition of Service

Federal case law has clarified the circumstances when local authority is pre-empted by federal law under the prohibition of service restriction of the Telecommunications Act. Once a wireless service provider has established a gap in signal coverage, the provider need only show that the proposed antenna facility is the "least intrusive means" to fill that gap based upon the land use values embodied in local regulation.[8] The courts have clarified that the applicant need not show that a site is the "only" alternative to fill a signal gap, but rather that the site is equivalent to, or no more intrusive, than any other feasible site location.[9] Once a provider has made a "prima facie" showing that a proposed facility is the least intrusive the requirements for federal pre-emption have been satisfied. For the local jurisdiction to overcome this pre-emption, it must show that another alternative is both "feasible" and "less intrusive" than the proposed facility.[10]

Signal Gap

Verizon Wireless submitted detailed radio propagation coverage maps to show the significant gap in coverage in the vicinity of the Proposed Facility. The Proposed Facility will be located in the center of a ring created by five existing Verizon Wireless facilities (Mirage to the Northwest, Arco Park to the Southwest, Northgate to the South, Del Paso to the Southeast and

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4 47 USC § 332(c)(7)(B)(iii).
5 47 USC § 332(c)(7)(B)(iii).
6 47 USC 332(c)(7)(B)(i)(I).
7 47 USC 332(c)(7)(B)(i)(II).
8 *See MetroPCS, Inc. v. City & County of San Francisco*, 400 F.3d 715 (9th Cir. 2004).
9 Ibid
10 *See T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987 (9th Cir. 2009)

Rio Linda to the Northeast). The location of the Proposed Facility is dictated by the proximity to these adjacent sites, and has been selected to fill a significant gap in in-building coverage and network capacity. Coverage maps that show this gap and the improved coverage following installation of the Proposed Facility are enclosed as Exhibit C to this letter.

"Least Intrusive Means"

Verizon Wireless began its search for an appropriate location for the Proposed Facility in early 2008. Each collocation, commercial and institutional property within the proposed coverage area was investigated. In March of 2008, Verizon Wireless went so far as to send a letter to all residents of he Natomas area seeking input on possible locations for its wireless facility. Ultimately, this search resulted in the identification of the Proposed Facility as the least intrusive means to fill the intended signal gap, a conclusion confirmed by planning staff and the Planning Commission on June 25, 2009.

Upon the subsequent request of Councilmember Tretheway, Verizon Wireless reexamined its list of potential alternatives, with particular emphasis on collocation and institutional opportunities. The results of this effort are contained in an updated alternatives analysis submitted by OnAir LLC for this hearing (the "Alternatives Analysis Update"). The summary matrix from the Alternatives Analysis Update is enclosed as Exhibit D to this letter. The Alternatives Analysis Update confirms that the Proposed Faculty remains the least intrusive means to fill the coverage gap identified by Verizon Wireless. In all, the Updated Alternatives Analysis reviews eight (8) potential locations for the proposed wireless facility, each of which, other than the Proposed Facility, was found to be infeasible, unavailable or unable to provide the necessary radio signal coverage. A brief summary of these eight alternatives is as follows:

Proposed Facility, 5508 Sorrento Road. As described above, the Proposed Facility, a tree pole surrounded by existing trees, 200' from the nearest residence and 400' from Sorrento Road, remains the least intrusive alternative. The Proposed Facility location is ideally situated in the center of the geographic service area that Verizon Wireless seeks to address with this site. Located on land above floodplain levels identified by the Federal Emergency Management Agency ("FEMA"), and with available electrical power, telephone service and access roadway, the Proposed Facility will remain viable during disasters and will cause the least disruption to the environment for installation and continued operation.

Existing Crown Castle Facility. An older, existing lattice tower facility exists .3 miles northwest of the Proposed Facility and is operated for a single carrier by Crown Castle. Unfortunately, Crown Castle does not control sufficient ground space under the tower, or sufficient utility and vehicle access, for collocation by Verizon Wireless. During 2008, Verizon Wireless sought, unsuccessfully, to negotiate with the underlying landowner for space. However, the owner did not want to further encumber the property, which it hoped to develop as a subdivision. More recently, the property was foreclosed upon by Comerica Bank. Once again, Crown Castle has been unable to negotiate ground space rights for Verizon Wireless. A letter confirming Crown Castle's inability to provide collocation space is enclosed as Exhibit E to this letter. We should also note that comments by the Planning Commission expressed an aesthetic preference for the Proposed Facility and a desire for the existing lattice tower to "disappear".

Proposed East Natomas Education Complex ("ENEC") of the Twin Rivers Unified School district ("TRUSD") 5921 East Levee Road. The ENEC, located outside of City limits in Sacramento County, has been approved for construction. Plans include stadium light standards that have been under review for possible location of a wireless facility. In 2008, Verizon Wireless was advised that construction of the ENEC had been postponed for 3-5 years, and as a consequence Verizon Wireless abandoned this alternative. More recently, Councilmember Tretheway and the TRUSD interim facilities director have revived this alternative at the behest of opponents to the Proposed Facility. As of the date of this letter, Verizon Wireless continues to have serious doubts regarding the feasibility of locating its facility at the ENEC. Principal among these concerns is whether the facility can be built above FEMA floodplain levels (mounted on a platform some 8' above the playing field) as required by federal regulations; whether Sacramento County approvals can be obtained, particularly if there is neighbor opposition; and whether such a facility can be timely constructed given necessary approvals from the TRUSD, Department of State Architect, State Historic Preservation Office and the County Board. While Verizon Wireless hopes to construct the Proposed Facility in the next year, the ENEC stadium is not planned to be constructed for some 15 years. Verizon Wireless has asked TRUSD to respond to the floodplain issue in a letter dated September 13, 2009, which we have attached as Exhibit F-1 to this letter. A possible design for a facility at this location is attached as Exhibit F-2. This drawing has been reviewed by County staff who indicate, on the drawing, that a use permit will be required causing additional delay, cost and uncertainty to this alternative.

City of Sacramento Corporate Yard, 918 Del Paso Blvd., Sacramento. Councilmember Tretheway requested review of this alternative. Unfortunately, this location is too far south to provide coverage to the signal gap to be remedied by the Proposed Facility. Verizon Wireless RF engineers have confirmed that locating the facility at this site would result in a continuing signal gap to the north of the proposed coverage area, resulting in the need for an additional site to fill this northern gap.

Natomas Park, 1839 Bend Drive, Sacramento. The Parks Department and Verizon Wireless were unable to agree upon lease terms. While the department could not agree to a lease term longer than five years, Verizon Wireless requires a much longer term in order to amortize its investment and maintain its network.

Natomas Charter School, 4600 Blackrock Road. This location was determined to be too far south and ruled out by Verizon Wireless RF engineers due to poor signal propagation to the north. Further, the school was not responsive to Verizon Wireless's need to clarify site location.

NEMDC Storm Water Treatment Plant, E. Levee Road. The storm water agency was not willing to allow an antenna support on its structure and an adequate tower foundation location could not be located ruling out this alternative.

Avdis Family Trust, 5625 E. Levee Road. Although Nick Avdis, acting President of the Valley View Acres Community Association, was a willing landlord, this location was determined to be too close to Sorrento Road, and, lacking any existing tree cover, aesthetically inferior to the Proposed Facility according to Planning staff.

The Updated Alternatives Analysis and staff's comprehensive review of alternatives plainly demonstrate that there is no less intrusive site than the Proposed Facility to fill the signal gap identified by Verizon Wireless. Having identified the signal gap and shown the Proposed Alternative to be the least intrusive means to fill that gap of feasible alternatives, Verizon Wireless has met the burden to pre-empt local regulation of the Proposed Facility.

Substantial Evidence

Finally, as noted above, the Telecommunications Act requires that any decision to deny a wireless facility must be in writing and supported by "substantial evidence."[11] The principal opposition to the Proposed Facility to date has been neighbor concern over the health effects from RF emissions.[12] Under federal law, such concerns are beyond the authority of the City Council and do not qualify as substantial evidence for denial. Indeed, that preemption applies whether the local decision is explicitly based on environmental effects, or through some proxy such as property values. A federal district court in California has held that in light of the federal preemption of RF regulation, "concern over the decrease in property values may not be considered as substantial evidence if the fear of property value depreciation is based on concern over the health effects caused by RF emissions." *AT&T Wireless Services of California LLC v. City of Carlsbad,* 308 F.Supp.2d 1148, 1159 (S.D. Cal. 2003).

Similarly, opponents argue that there must be some other alternative location for the site. Yet, again, federal law only requires that the Proposed Facility be no more intrusive than any other alternative, not that the Proposed Facility is the only alternative for filling a coverage gap. Through an exhaustive site search as shown in the Alternatives Analysis Update, Verizon Wireless has demonstrated that the Proposed Facility is the best alternative to fill the identified signal gap with no environmental impacts.

In sum, no evidence has been presented of environmental or other impacts from the Proposed Facility that would justify overturning the reasoned findings and decision of the Planning Commission. Further, none of the concerns expressed by opponents would qualify as "substantial evidence" for denial under federal law. As such, there is simply no evidence for denial of the Proposed Facility, let alone the substantial evidence required by federal law.

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11 47 USC § 332(c)(7)(B)(iii).

12 *See* Valley View Acres Community Association Letter to the Planning Commission dated April 19, 2009: "The proposed site of this project is in close proximity of residential sites posing health risks such as Cancer, Leukemia and Neurological Effects associated with the over exposure to Electro Magnetic Radiation (EMR) emitted by these types of cell towers." Signed by Nick Avdis, President.

Conclusion

The Proposed Facility complies with all applicable provisions of the SMC and Guidelines as well as state and federal law. Verizon Wireless has provided substantial evidence in the form of coverage maps, photo-simulations and the Alternatives Analysis Update to confirm the decision of the Planning Commission and make all necessary findings to approve the Proposed Facility. The Planning Commission properly found that the Proposed Facility is the least intrusive alternative, "invisible" in design and compliant with both RF regulations and local Guidelines for approval. Sacramento residents and visitors demand the enhanced wireless coverage and capacity that will be provided by the Proposed Facility. Verizon Wireless's application clearly demonstrates that such life saving technology can be provided to the community in an environmentally and aesthetically sensitive manner. We encourage you to re-affirm the Planning Commission and approve the Proposed Facility.

Very truly yours,

Paul B. Albritton

Cc: Ed McGah, Esq
Eileen M. Teichert, Esq

Exhibits

Exhibit A: Photo-simulation
Exhibit B: H&E Report
Exhibit C: Coverage Maps
Exhibit D: Alternative Analysis Update Summary Matrix
Exhibit E: Crown Castle Letter
Exhibit F-1: TRUSD Letter
Exhibit F-2: ENEC Design and County Staff Comments

Exhibit A-1

verizon wireless

Club Center
5508 Sorento Road
Sacramento, CA 95835

6/15/09

Looking Northeast from Sorento Road

Applied Imagination 510.9[illegible].0900

Exhibit A-2

verizon wireless

Club Center
5508 Sorento Road
Sacramento, CA 95835

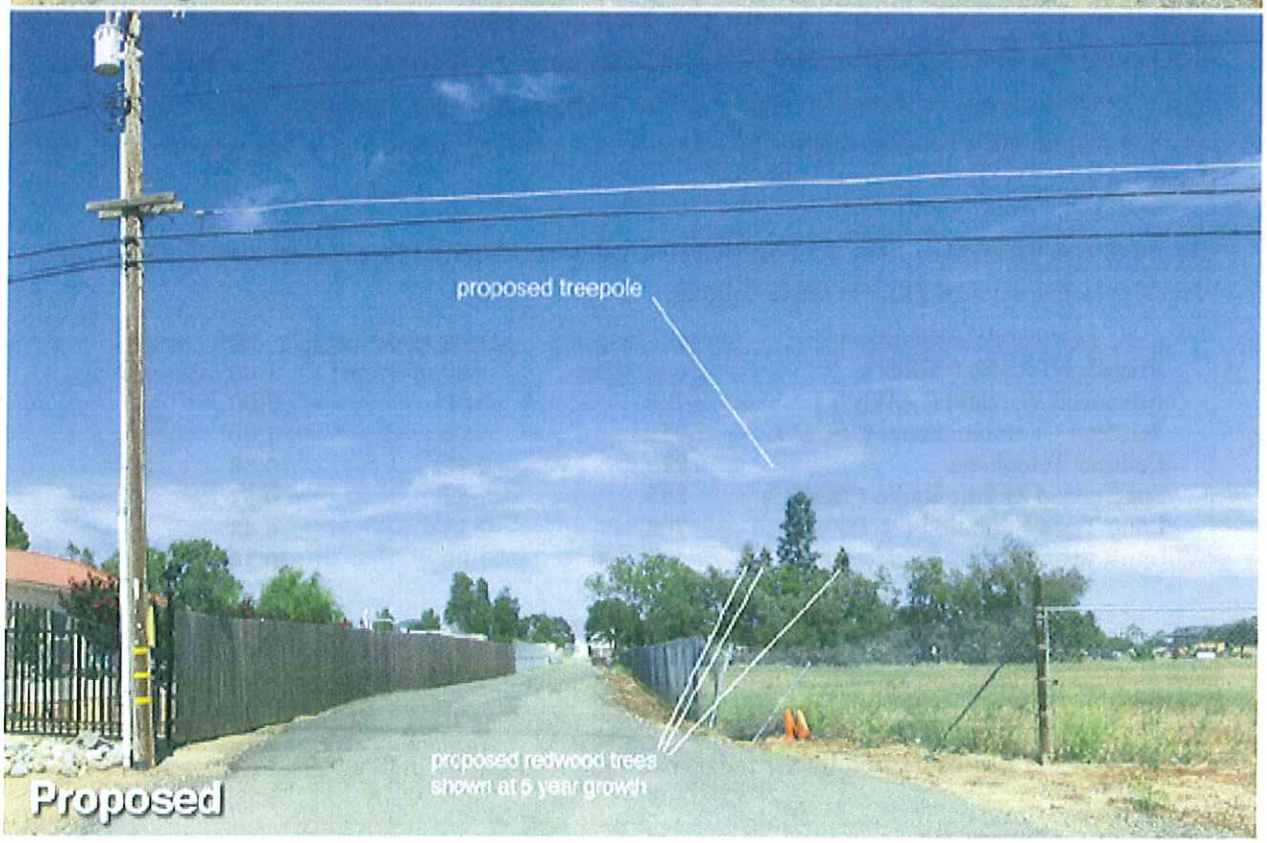
Site # ----------

Looking South from Sorento Road

6/15/09

Applied Imagination 510.914.0500

Exhibit A-3



verizon wireless

Club Center
5508 Sorento Road
Sacramento, CA 95835

6/15/09

Looking East from Sorento Road

Applied Imagination 510.914.0500

Verizon Wireless • Proposed Base Station (Site No. 183684 "Club Center")
5508 Sorento Road • Sacramento, California

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of Verizon Wireless, a personal wireless telecommunications carrier, to evaluate the base station (Site No. 183684 "Club Center") proposed to be located at 5508 Sorento Road in Sacramento, California, for compliance with appropriate guidelines limiting human exposure to radio frequency ("RF") electromagnetic fields.

Prevailing Exposure Standards

The U.S. Congress requires that the Federal Communications Commission ("FCC") evaluate its actions for possible significant impact on the environment. In Docket 93-62, effective October 15, 1997, the FCC adopted the human exposure limits for field strength and power density recommended in 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 exposure limits. 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:

Personal Wireless Service	Approx. Frequency	Occupational Limit	Public Limit
Broadband Radio ("BRS")	2,600 MHz	5.00 mW/cm^2	1.00 mW/cm^2
Advanced Wireless ("AWS")	2,100	5.00	1.00
Personal Communication ("PCS")	1,950	5.00	1.00
Cellular Telephone	870	2.90	0.58
Specialized Mobile Radio ("SMR")	855	2.85	0.57
Long Term Evolution ("LTE")	700	2.15	0.43
[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 about 1 inch thick. Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. Along with the low power of such facilities, this means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

Computer Modeling Method

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

Site and Facility Description

Based upon information provided by Verizon, including drawings by L.D. Strobel Co., Inc., dated December 22, 2008, it is proposed to mount twelve directional antennas, six Antel Model LPD7905/8 cellular antennas and six RFS Model APL196516 PCS antennas, on a new 65-foot steel pole, configured to resemble a pine tree, to be sited on agricultural land located at 5508 Sorento Road in Sacramento. The cellular antennas would be mounted in pairs at an effective height of about 51 feet above ground and the PCS antennas would be mounted in pairs at an effective height of about 61 feet above ground. The stacked pairs would be oriented toward 95°T, 215°T, and 335°T. The maximum effective radiated power in any direction would be 6,256 watts, representing the simultaneous operation of eight cellular channels at 382 watts each and eight PCS channels at 400 watts each. There are reported no other wireless base stations installed nearby.

Study Results

For a person anywhere at ground, the maximum ambient RF exposure level due to the proposed Verizon operation is calculated to be 0.015 mW/cm^2, which is 2.6% of the applicable public exposure limit; the maximum calculated level at the second-floor elevation of any nearby building would be 4.3% of the public exposure limit. It should be noted that these results include several "worst-case" assumptions and therefore are expected to overstate actual power density levels.

No Recommended Mitigation Measures

Due to their mounting locations, the Verizon antennas are not accessible to the general public, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. It is presumed that Verizon 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 the base station proposed by Verizon Wireless at 5508 Sorento Road in Sacramento, 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, 2009. This work has been carried out by him or under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

William F. Hammett, P.E.

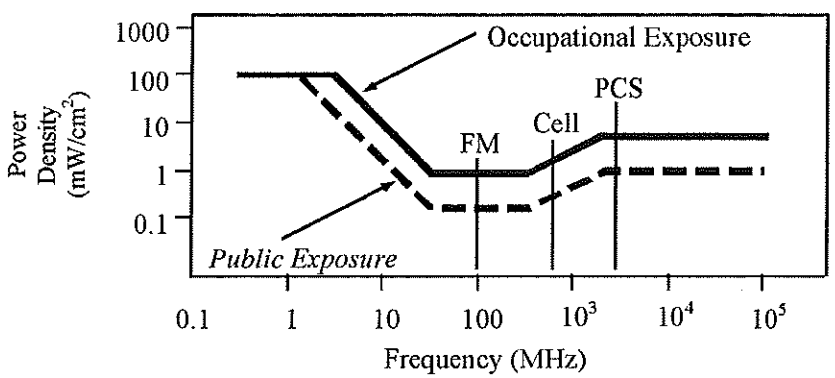
January 22, 2009

FCC Radio Frequency Protection Guide

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

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

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



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

RFR.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

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

Near Field.

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

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

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

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

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

Far Field.

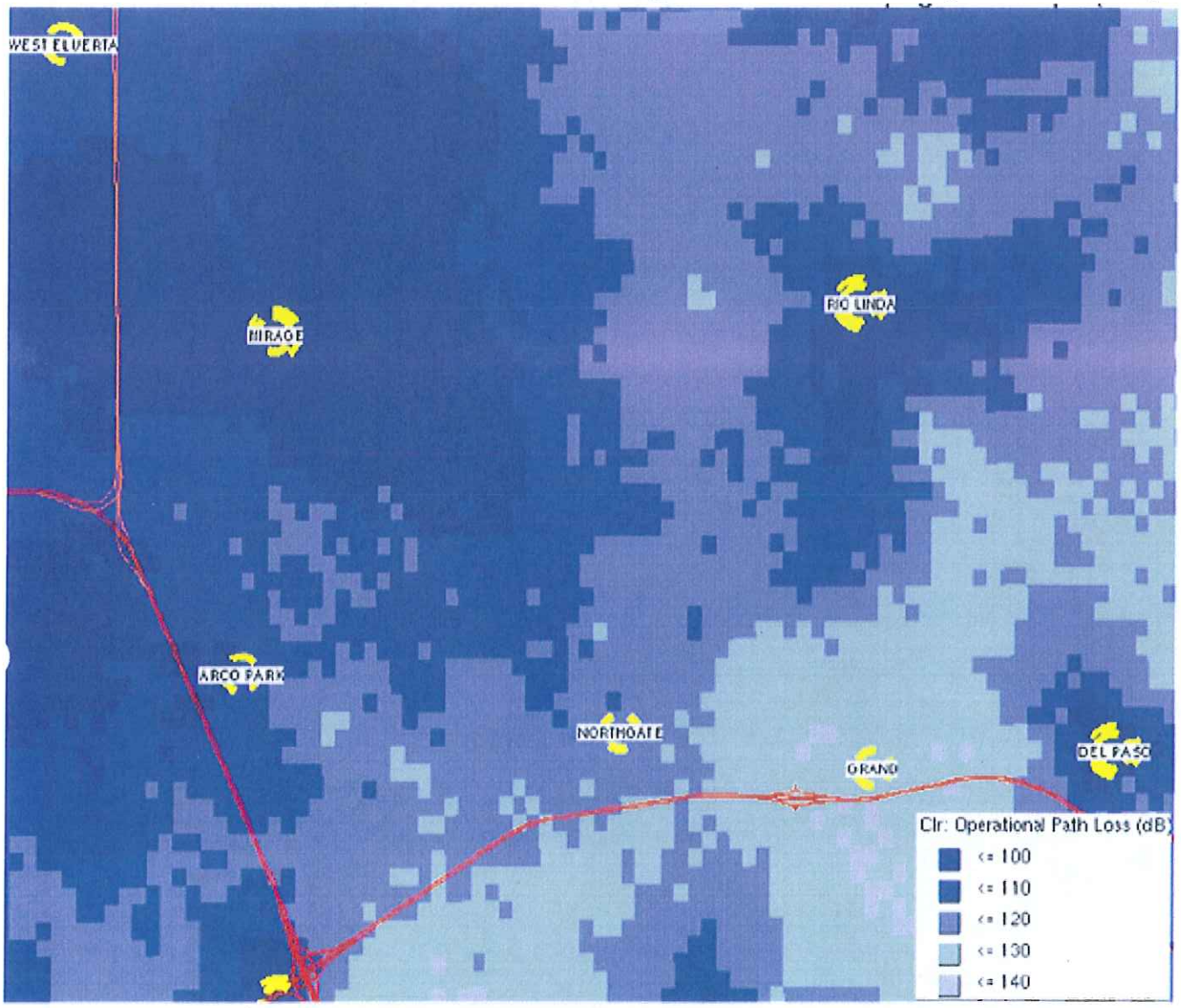
OET-65 gives this formula for calculating power density in the far field of an individual RF source:

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

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

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

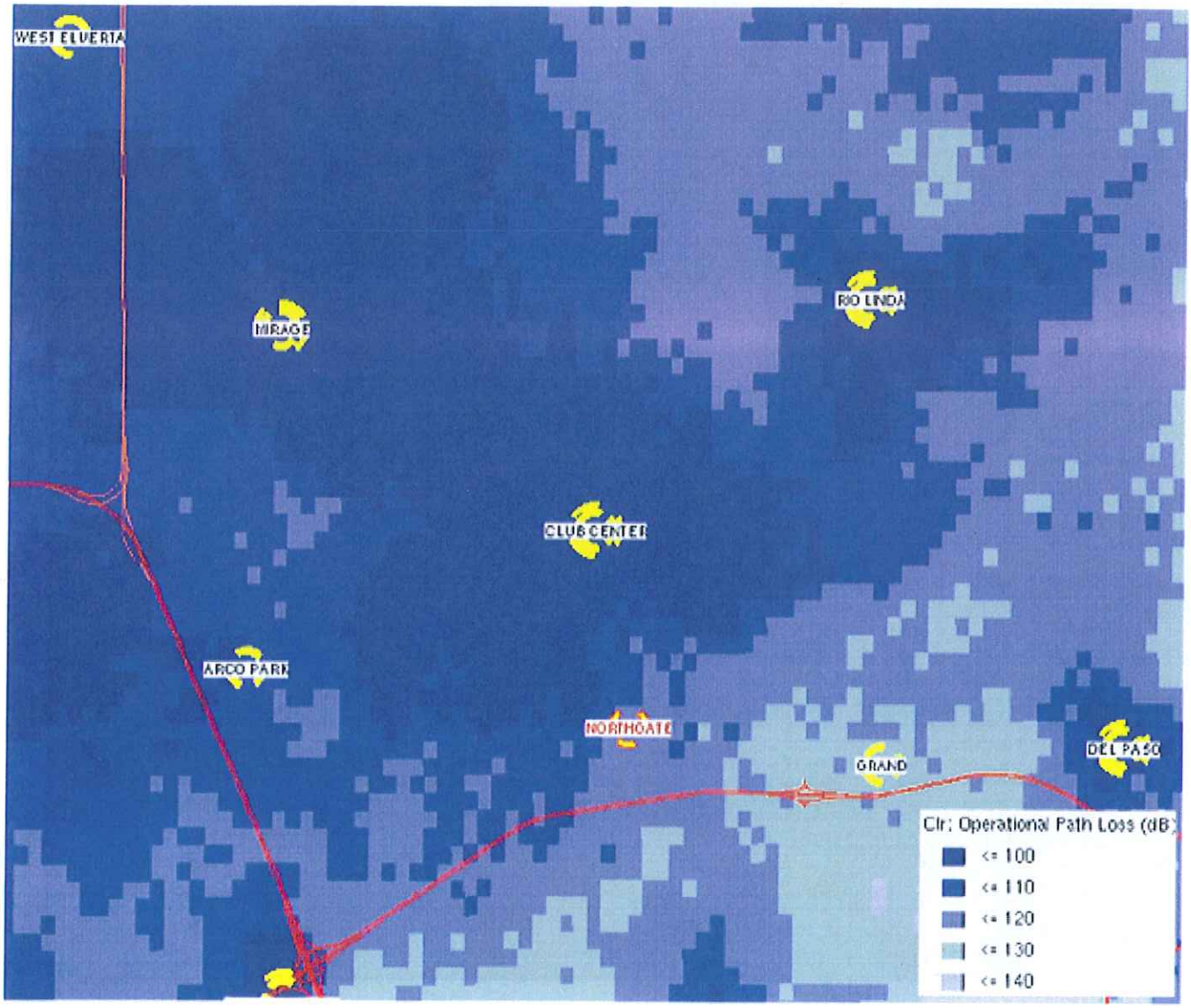
Exhibit C-1
Coverage Without Proposed Site)



The map is not a guarantee of coverage and contains areas with no service.

This map shows approximately where rates and coverage apply based on our internal data. Wireless service is subject to network and transmission limitations, including cell site unavailability, particularly near boundaries and in remote areas. Customer equipment, weather, topography and other environmental considerations associated with radio technology also affect service and service may vary significantly within buildings. Some information on service outside the Verizon Wireless proprietary network, although depicted as Local DigitalChoice or America's Choice, is based on information from other carriers or publicly available information, and we can not vouch for its accuracy. With "all-digital" devices you can only make and receive calls when digital service is available. When digital service is not available your device will not operate or be able to make 911 calls. Check the roam indicator on your phone to determine actual areas where service rates apply.

Exhibit C-2
(Coverage With Proposed Site)



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Site Selection Analysis

#	Site Name	Adequately Fills RF Gap	Available for Lease	Significant Visual Impact	Time to On Air	Utilities available in onsite easements	Standard Foundation	City Planning Approval Req'd/Rec'd
1	Proposed Facility	Yes	Yes	No	4 months	Within 389'	Yes	Yes/Yes
2	Crown Castle	Yes	No	Yes	Unknown (min 1.5 yrs)	Within 400'	Yes	Yes/No
3	TRUSD ENEC	Yes at 100'	Unknown	Yes	2 to 3 years	Offsite 2500'	No, 8' elevated foundation	No/No Not in City County Use Permit Req'd
4	Natomas Park	Yes	No	Yes	N/A	N/A	N/A	Yes/No
5	Natomas Charter School	Marginal	No	Yes	N/A	N/A	N/A	Yes/No
6	NEMDC plant	Yes	No	Yes	N/A	N/A	N/A	Yes/No
7	Avdis Family Trust	Yes	Unknown	Yes	Unknown (min 1.5 yrs)	N/A	No, 4' elevated foundation	Yes/No
8	City of Sac Corp yard	No	Yes	Unknown	Unknown	N/A	N/A	Yes/No

CROWN CASTLE

Joanne Gundermann
Account Executive
5820 Stoneridge Mall Rd #300
Pleasanton, CA 94588
Office 925-737-1007
Cell 510-816-8303

09/09/09

Alan Heine
Representing Verizon Wireless
4305 Hensley Circle
El Dorado Hills, CA 95762

Dear Alan,

As per our phone conversation yesterday I will re-cap the difficulties we have had in trying to provide Verizon a collocation solution at our site number 874118 off Sorento Rd. in Sacramento.

We were approached by Allen Fink back in early 2008 when the property was still owned by Dunmore Homes. Verizon looked over the facility and determined they would require additional lease space for their equipment. In addition Verizon needed to acquire easements to extend the utilities and access road to the proposed Verizon space. Dunmore was unwilling to allow such changes to the site footprint as it did not work with their future development plans. Allen Fink attempted to work around these issues but ultimately was unable to provide a secure site solution at this location.

Sometime thereafter in early 2009 the property went into bankruptcy which continued to stall the potential of expanding the required lease conditions for Verizon.

We have been informed that Verizon has acquired another site candidate in the area. We are sorry we could not control the problematic underlying Landlord issues at this site, and hope that you consider Crown Castle for future site solutions.

Regards,

Joanne Gundermann

MACKENZIE & ALBRITTON LLP
423 WASHINGTON STREET, SIXTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111

TELEPHONE 415 / 288-4000
FACSIMILE 415 / 288-4010

September 14, 2009

VIA ELECTRONIC MAIL AND FEDERAL EXPRESS

Jeff Doyle
Interim Director
Facilities Planning and Construction
5115 Dudley Blvd.
McClellan, CA 95652

Re: Proposed Verizon Wireless Facility

Dear Mr. Doyle:

We write to you on behalf of our client Verizon Wireless. Thank you for meeting with Alan Heine of OnAir LLC last week to discuss the alternative of locating a Verizon Wireless facility at the East Natomas Education Complex ("ENEC").

We understand that there are many facilities issues to be resolved in the possible location of a Verizon Wireless site at ENEC. One issue of paramount concern is whether Verizon Wireless will be able to locate a permanent facility at an elevation that satisfies current Federal Emergency Management Agency ("FEMA") floodplain requirements for the ENEC parcel. While we understand that the ENEC plan may be exempt from such requirements, Verizon Wireless must comply with federal requirements that prevent placing facilities below FEMA floodplain levels. We include a copy of the current FEMA floodplain map for your reference.

Please confirm, at your earliest convenience, whether Verizon Wireless will be able to locate a permanent wireless facility at ENEC that is placed above the FEMA floodplain required elevation. Obviously, we hope to hear your response in time for us to prepare for the Sacramento City Council meeting of September 22, 2009.
Again, thank you for every courtesy extended in this matter.

Very truly yours,

Paul B. Albritton

Exhibit F1

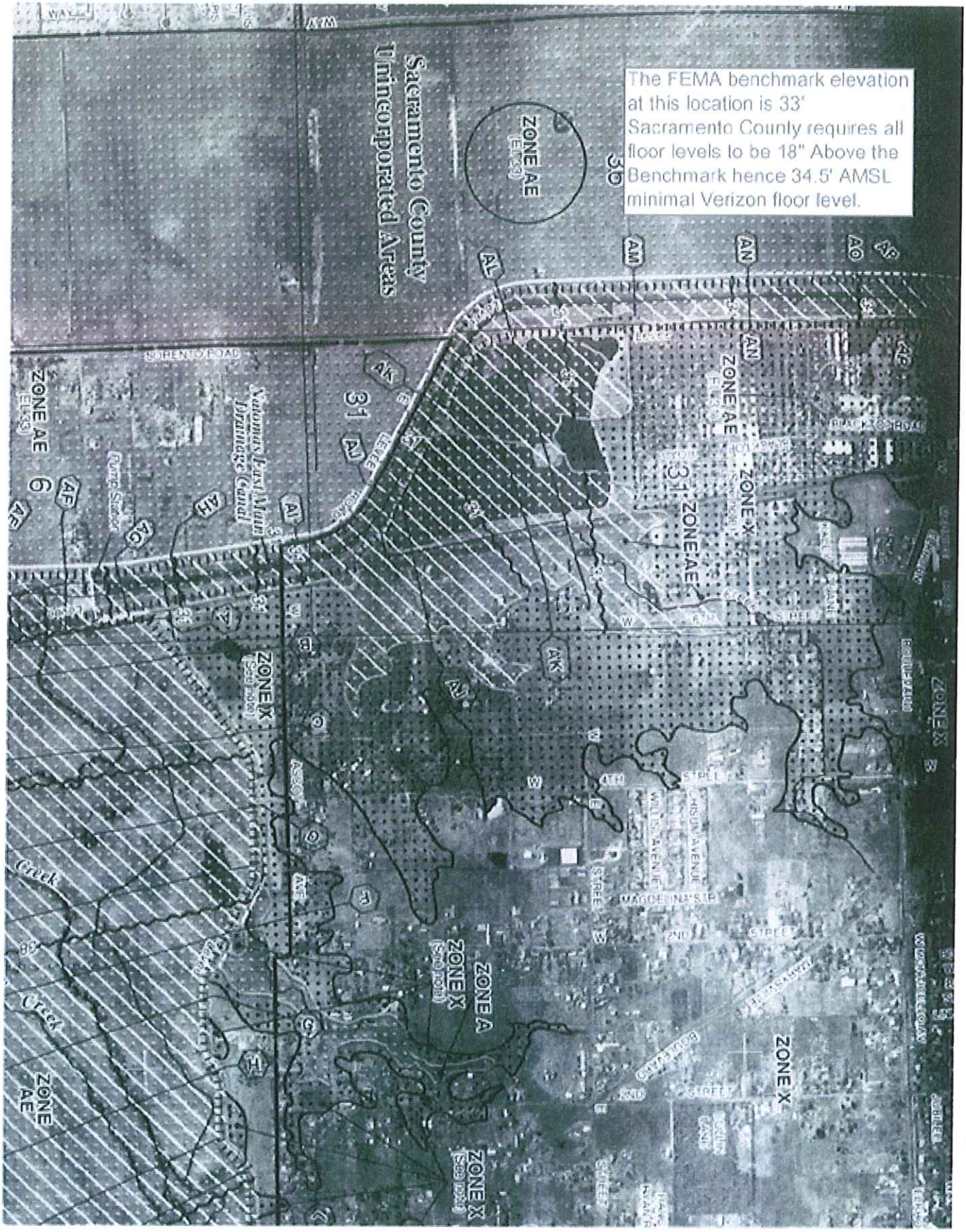
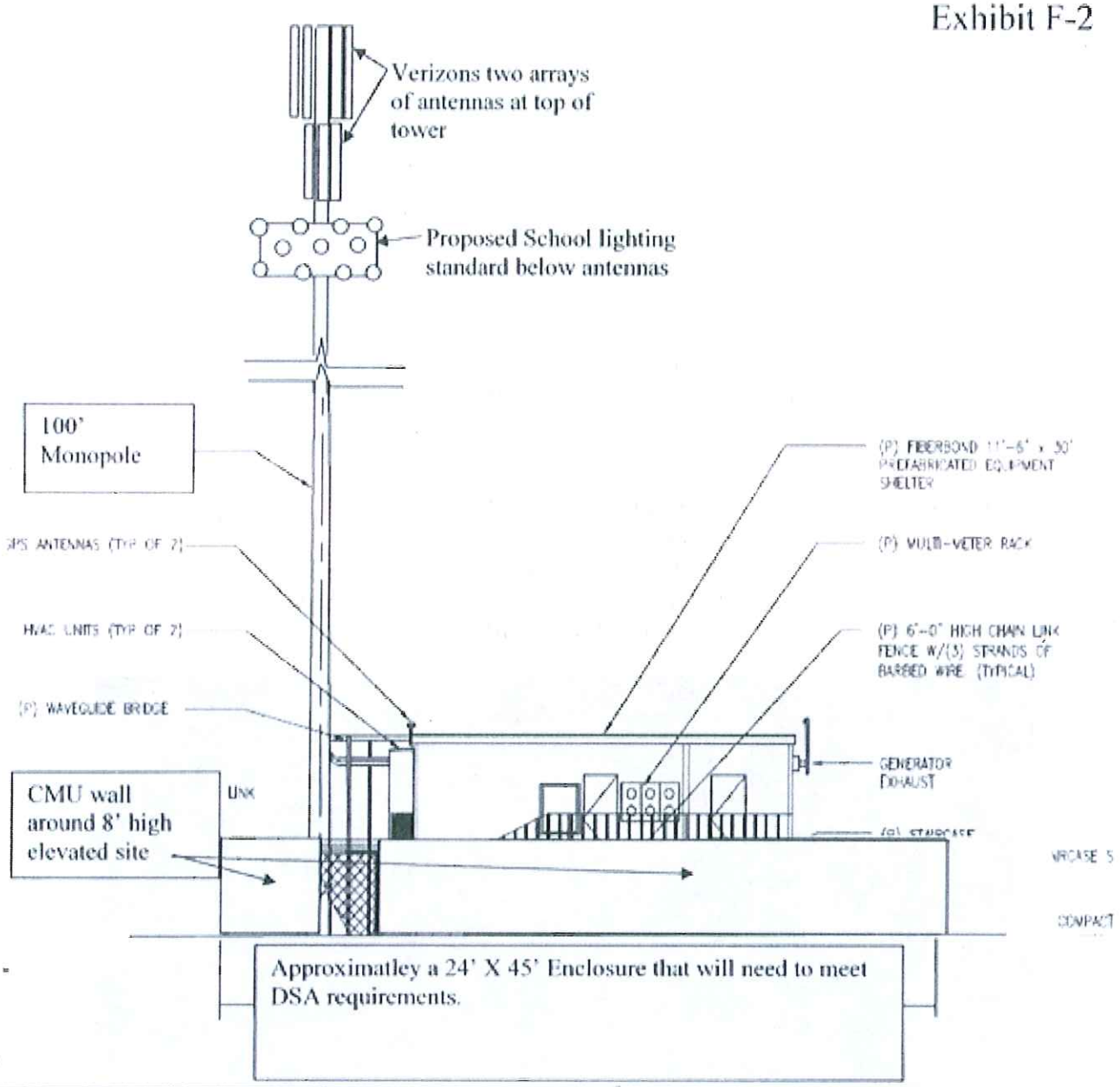

The FEMA benchmark elevation at this location is 33'
Sacramento County requires all floor levels to be 18" Above the Benchmark hence 34.5' AMSL minimal Verizon floor level.
Sacramento County
Unincorporated Areas
ZONE AE
ZONE X
ZONE A
30
31
6
Creek
Pump Station

Exhibit F-2



Based upon initial review of this proposed Verizon Facility at the ENEC location off of Levy Rd in Sacramento the following list reflect the basic application requirements, Such requirements may change depending on what is submitted at the time of application.

1. A Use permit is required by Sacramento County and will be heard by the Planning Commission
2. The fees required to apply will be $12,822
3. The site will also require an application to DERA Yes
4. The approximate time frame to complete the planning process from stat to finish is 4 to 6 months

Signed : Jane Petrie Date: 9-14-09

Print name: Jane Petrie
Title: Planner III

On Air LLC
465 First Street West, Ste 101
Sonoma, CA 95476

Site Selection Analysis
Prepared by: Alan Heine
[ALTERNATIVES ANALYSIS UPDATE 9-22-09]

Project Name:	**Verizon Wireless "Club Center"**
Site Number:	**183684**
Site Address:	**5508 Sorrento Rd. Sacramento, CA**
Jurisdiction:	**City of Sacramento Planning Dept.**
Application:	**Special Use Permit**

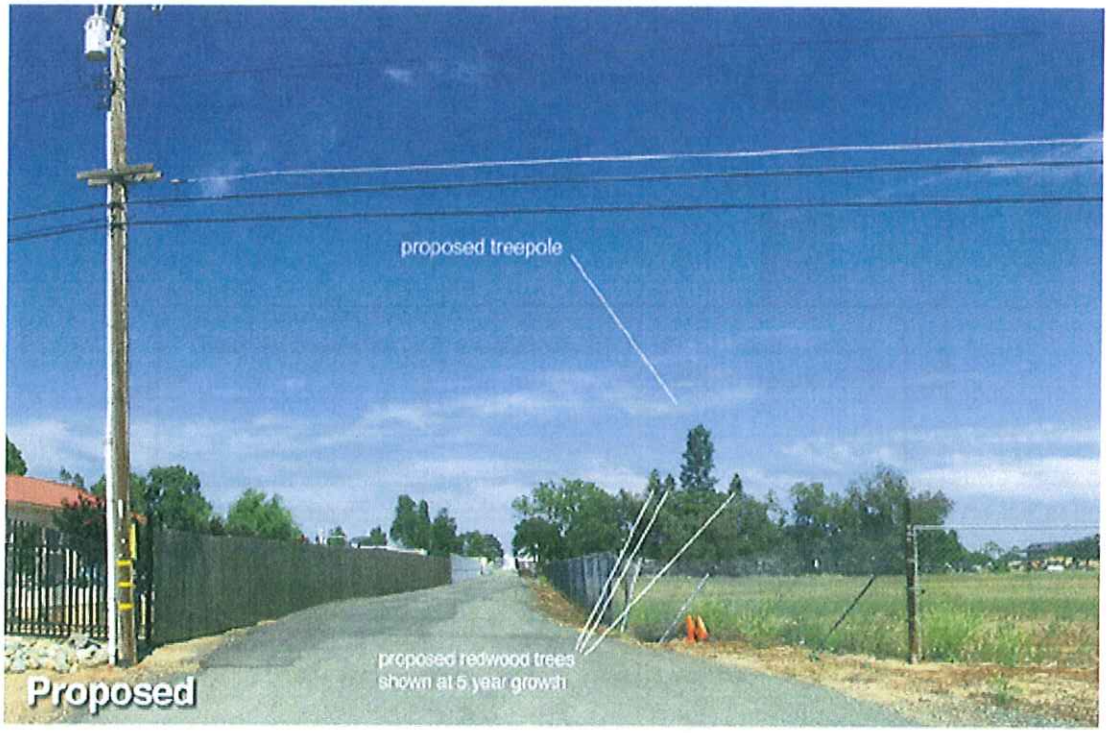


Photo Simulation of the proposed Club Center Verizon Wireless Tree Pole
looking east from Sorrento Road.

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Coverage Objective Location

The identified Verizon Wireless objective is to: (i) relieve a gap in coverage and capacity and (ii) to provide in-building coverage to the residential, rural residential and industrial properties, all within the East Natomas area known as Club Center. This search area was identified by Verizon Wireless Radio Frequency ("RF") engineers in 2008 as a source of complaints and dropped calls. The proposed Verizon Wireless facility will fill a gap in coverage that will improve network coverage and capacity by off-loading Club Center calls from five surrounding Verizon Wireless sites: the North Gate, Arco Park, Mirage, Rio Linda and Grand sites.

Topography & Zoning:

The topography of the Club Center area is generally flat, leading to 360° unimpeded propagation of radio signal. Under these conditions antenna facilities must generally be equidistant to avoid signal overlap or gaps.

The predominant zoning in this area is Agricultural with a Rural Estate general plan designation. The Rural Estate designation is used to limit dense residential development due to noise (flight path) or flood (flood plain) hazards. The general property use in this area consists of rural residential Agricultural properties on large parcels, with a mix of a few industrial zone properties in the area along Levy road to the east of the proposed coverage area.

Project Description:

Verizon Wireless proposes the installation of a new wireless communication facility in the Club Center area that meets the radio frequency hand off distances for surrounding sites, primarily to the northeast, northwest and southwest.
The proposed installation will include a minimum 65' Monopole to achieve necessary signal propagation and must accommodate up to 12 panel antennas. Verizon Wireless's ground space equipment requirements include a 12' X 20' radio equipment shelter and a standalone 60KW Diesel Generator mounted on a cement pad. Generally, the equipment requires a 30' X 40' lease area. Federal policy discourages development of facilities in floodplains and requires critical communications infrastructure to be elevated above flood levels.

Site Selection Guidelines:

Verizon Wireless conducts a candidate search for site solutions under the following minimal conditions.

1. The proposed site must fulfill the RF coverage and/or capacity objective.

2. The proposed site must meet the jurisdictional design and height restrictions required to obtain necessary entitlements and building permit.

3. The proposed site must not be in a location containing hazardous materials or an environmentally sensitive area as determined by FCC and Verizon Wireless policy.

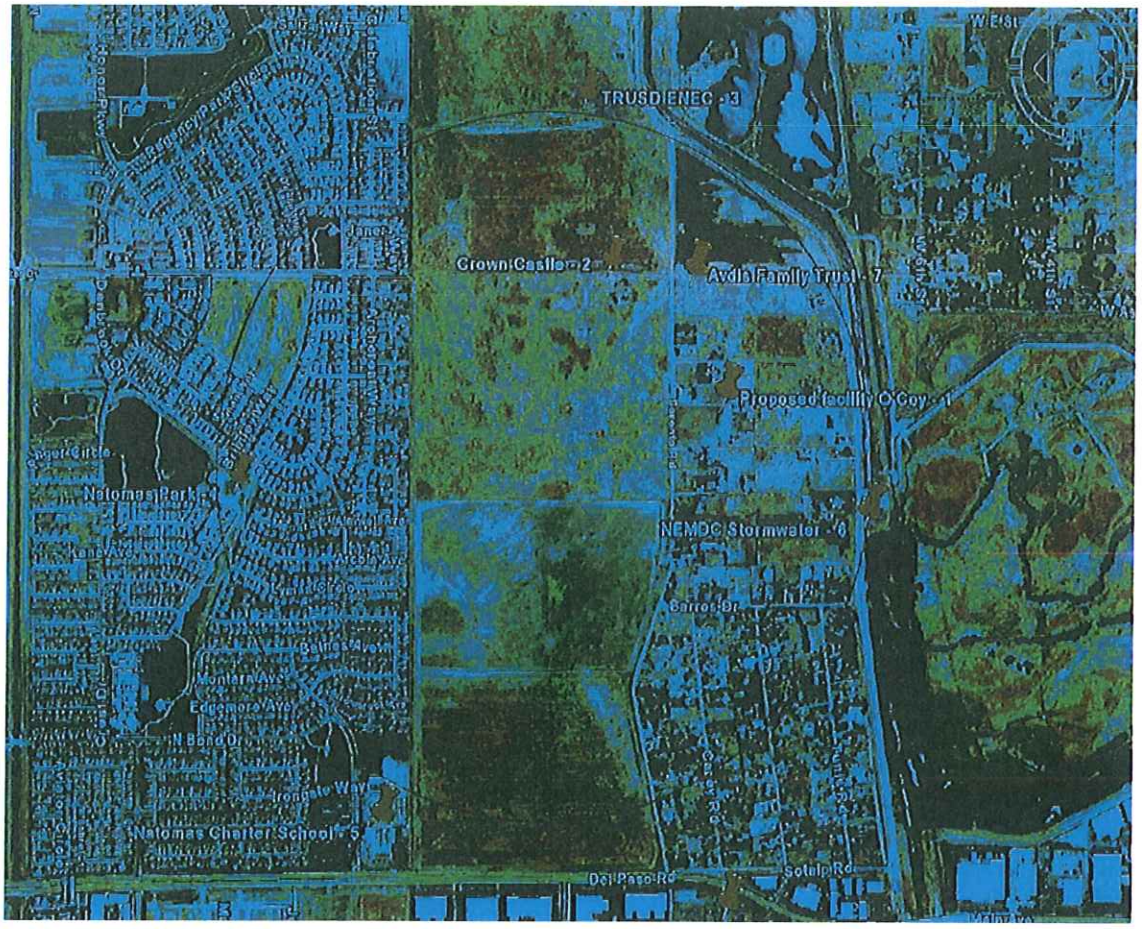
4. The proposed site must allow 24 hour 7 days a week access for emergency repairs.

5. The proposed site must permit connection to local utility infrastructure (electrical power and telephone interconnect) without unreasonable burdens to provide such utilities.

6. The proposed site must conform to a reasonable budget in which to construct.

Site Selection Analysis

Refer to the map below for specific locations of the site candidates reviewed.



Candidate 1: O'Coy Property (Proposed tree pole facility)
Candidate 2: Crown Castle Facility (Unavailable lease space)
Candidate 3: TRUSD/ENEC site (Floodplain design rejected by District)
Candidate 4: Natomas Park (Unwilling landlord re: term)
Candidate 5: Natomas Charter School (Disinterested landlord)
Candidate 6: NEMDC Storm Water Treatment Plant (No available location)
Candidate 7: Avdis Family Trust (Aesthetically inferior per City policy)
Candidate 8: City of Sacramento Corporate Yard (Coverage too far South)

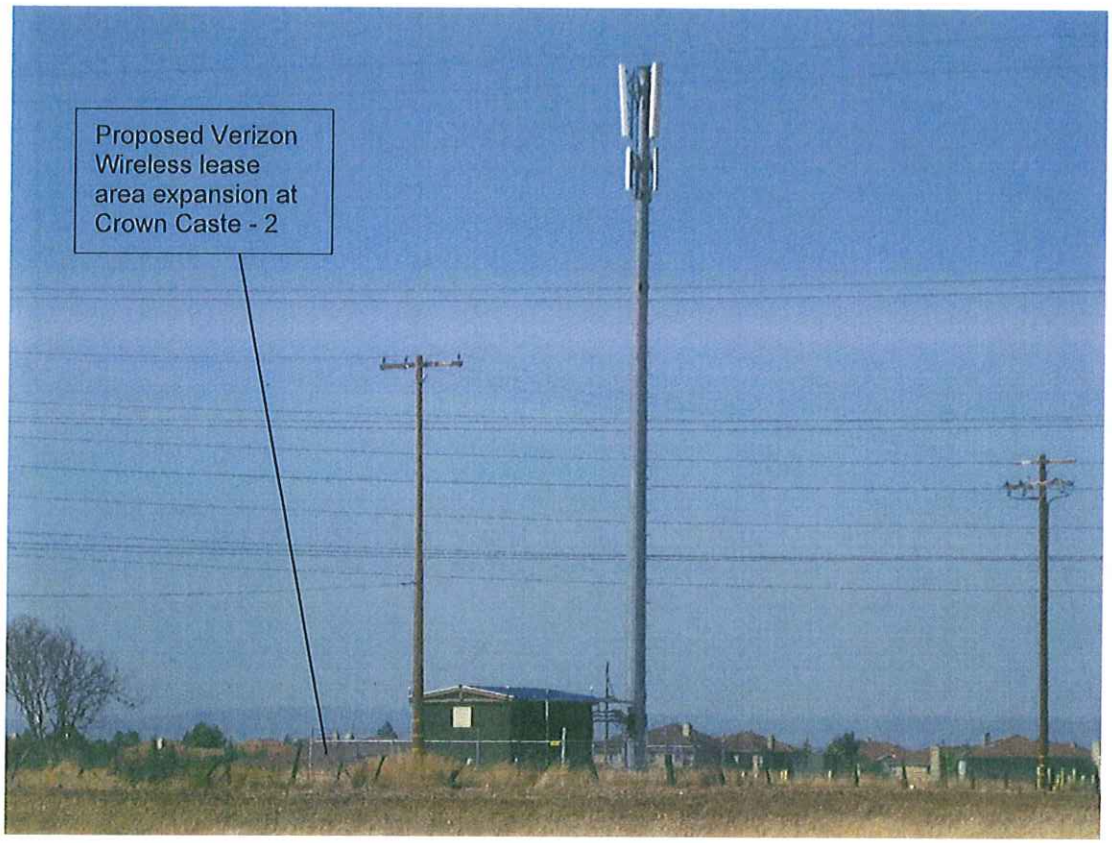
Candidate 1 - O'Coy Property. Contact: Larry O'Coy
5508 Sorrento Rd. Sacramento, CA

It is the professional opinion of OnAir LLC this is the preferred candidate. It proposes a new wireless communication facility at 5508 Sorrento Road, that includes a 70' Monopine structure set within a grove of existing 42' to 49' high trees. The 12' X 20' radio equipment shelter and stand-by 60KW Diesel Generator will all be located within a 30' X 40' lease area that is also hidden by the grove of trees.

In our opinion, the O'Coy property is the best candidate for the following reasons:

1. It meets the City's natural Screening, Height and Setback requirements from Sorrento Rd., and, of all candidates, best fulfills the policy of promoting "invisible" wireless facilities.
2. It meets the Verizon Wireless RF objective best of all the candidates.
3. It complies with all other City Guidelines and policies, including installation of a collocatable structure for future carriers
4. It benefits from a willing landlord and agreed upon lease terms
5. It provides readily available access and utilities without excess ground disturbance or development.

Candidate 2 - Existing Crown Castle Cell site
Contact: Joanne Gundermann



This collocation opportunity was Verizon Wireless's first choice and diligently pursued for more than a year with Crown Castle and two successive landowners. Although Crown Castle is willing to lease tower space to Verizon Wireless, the prior landowner (Dunmore) had long since wanted this facility removed from the property to allow for a future subdivision development. Dunmore made collocation impossible for Verizon Wireless to achieve by blocking the ability to expand the site compound and provide utilities with access to the site. The property has subsequently been foreclosed upon by Comerica Bank. Direct communication with Comerica Bank was rejected and/or directed to its tenant Crown Castle. Verizon Wireless again worked diligently through Crown Castle to seek ground space for its equipment requirements. Crown Castle has been unable to secure space to accommodate Verizon Wireless.

A letter from Crown Castle confirming their inability to accommodate Verizon Wireless is attached to this Analysis.

CROWN CASTLE

Joanne Gundermann
Account Executive
5820 Stoneridge Mall Rd #300
Pleasanton, CA 94588
Office 925-737-1007
Cell 510-816-8303

09/09/09

Alan Heine
Representing Verizon Wireless
4305 Hensley Circle
El Dorado Hills, CA 95762

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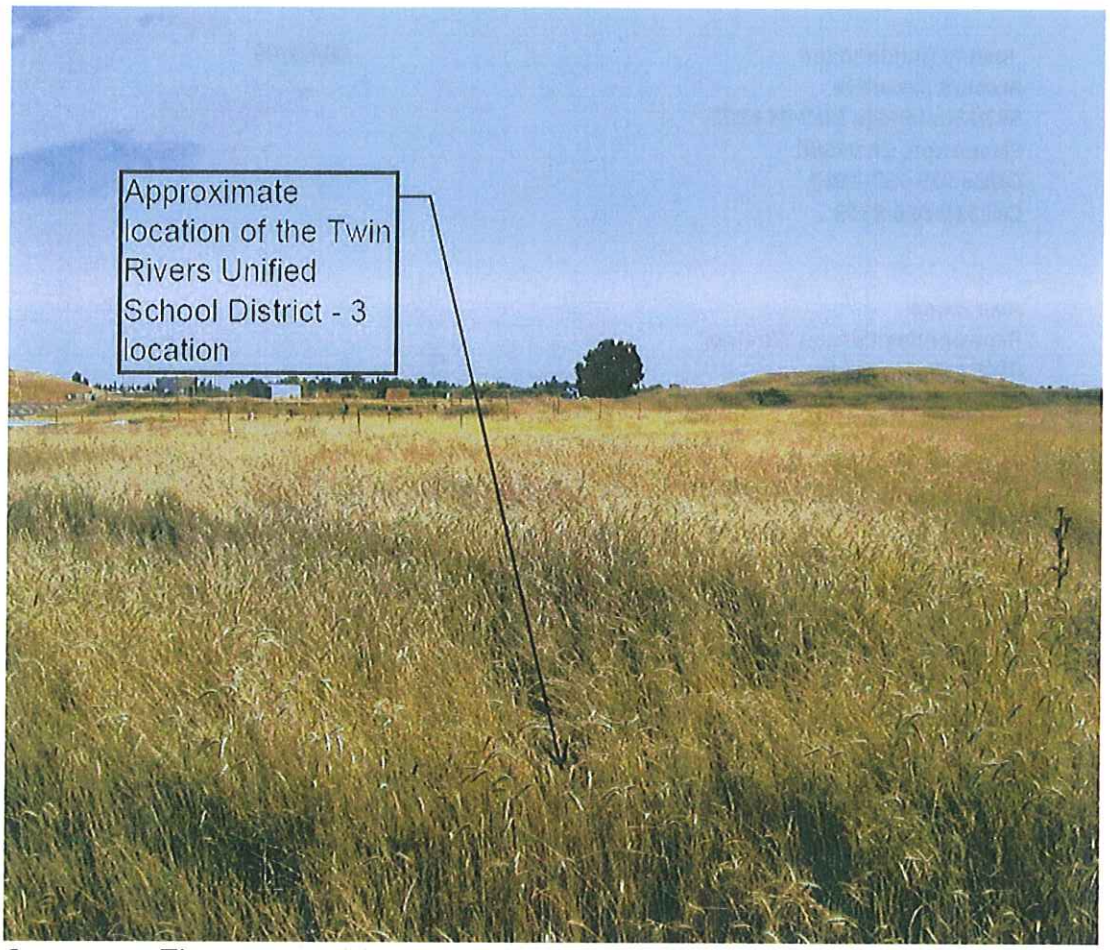
Regards,

Joanne Gundermann

5820 Stoneridge Mall Road, Suite 300 • Pleasanton, CA 94588
• FAX 925.737.1234

Candidate 3 - Twin Rivers Unified School District ("TRUSD")
Contact: Jeff Doyle (Previously Grant Union School District)
5921 E Levee Rd. Sacramento, CA



Summary: The proposed future TRUSD East Natomas Educational Complex ("ENEC") stadium location is north west of the intersection at Levee and Sorrento Road. Verizon Wireless has previous successful partnerships with TRUSD. Verizon Wireless first contacted TRUSD in July 2008. While the opportunity to locate a facility on a stadium light standard with a wiling landlord at first appeared viable, a number of obstacles arose. Primary among those has been the delay in construction of the ENEC. Stadium construction may now be delayed for 15 years. Secondly, although TRUSD has received approval to construct the ENEC below FEMA proscribed flood plain levels, Verizon Wireless is prohibited from doing so by FCC policy[1]. While Verizon Wireless has provided TRUSD with a design that would accommodate the required elevation of the radio equipment above flood levels, TRUSD has rejected such a design (7' above playing field).

[1] See Executive Order No. 11988 - Floodplain Management updated January 12, 2009.

A copy of the proposed design and TRUSD's rejection letter are attached.

Recent TRUSD Discussions and Conclusions.

At the urging of Councilmember Tretheway, Verizon Wireless re-visited the ENEC candidate and a meeting was held at the Twin Rivers facility office on September 3, 2009. The Engineers at the meeting were very helpful and answered specific questions regarding the TRUSD proposed site location. TRUSD proposed burying the site on three sides within a knoll located at the NE corner of the proposed stadium.

At the meeting the parties reviewed general ENEC site plans, Electrical and overall underground utility distribution plans and the Muscco lighting engineering and design. Verizon Wireless was also provided a full set of design drawings. Based upon the foregoing we make the comments below.

1. The proposed TRUSD/ENEC site location is in a flood plain that is 7.5' below the FEMA benchmark approved building elevation of 34.5' Verizon Wireless would need to elevate the equipment shelter and generator a minimal of 7.5' above the current grade that is just below 27'. To comply with federal floodplain policies, Verizon Wireless must construct at 34.5 elevation.
2. No Electrical or Fiber utilities are currently within 2000' from Verizon Wireless's proposed locations and all utilities would require new applications directly to the service providers i.e. SMUD (electric) and Surewest (fiber). If fiber is unavailable, a 4' microwave dish would be mounted below the lighting array to provide telephone interconnect, increasing pole height by approximately 5'.
3. The proposed site would need to be a 100' Monopole rather than an 88' foot monopole previously thought as the lighting for the stadium is at 80'. Verizon Wireless's two antenna arrays would have to start 5' above the lighting for safety requirements.
4. The existing Mussco light standard design and permit cannot be revised for Verizon Wireless's use. A new application and design would need to be filed directly by Verizon Wireless with the Department of State Architect ("DSA"). The Mussco foundation is a pre-cast driven foundation base with approximately 45.8 cubic feet of concrete and a monolithic poured in place design.
5. The proposed TRUSD stadium may not be built for 15 years, therefore the proposed Verizon site would stand alone for up to that period in time on an elevated platform. Consequently, it would be perhaps the most visually obtrusive alternative among all the candidates.
6. The conditions of TRUSD build out have not improved in timing from their original schedule shared with Verizon Wireless in July of 2008. A new site would take nearly 2 years to have on air based upon the information provided at the meeting.

TwinRivers
UNIFIED SCHOOL DISTRICT

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Superintendent

September 21, 2009

Mr. Paul Albritton
Mackenzie & Albritton, LLP
423 Washington Street, Sixth Floor
San Francisco, CA 94111

RE: Verizon Wireless Facility
East Natomas Educatiom Complex

Dear Paul,

The Twin Rivers USD staff, inspector, and architect met with Alan Heine of OnAir LLC on September 3, 2009, to discuss technical details related to the District's approved plans for the East Natomas Education Complex (ENEC) that would support the Verizon request to locate at this site.

Of the various issues discussed, it appeared that Verizon's need to comply with Federal Emergency Management Agency (FEMA) floodplain requirements was the most challenging. The current FEMA designation would set the Verizon permanent wireless facility at an elevation of 34.5', over seven feet higher than the finish grade of the school site.

The school site grade was established in accordance with the master plan grade for the Panhandle development and the District's approved plans are exempt from the FEMA requirements. It is difficult to accommodate the Verizon request without adversely impacting the school site. Accordingly, the District must decline the Verizon request if the building floor elevation must meet the FEMA requirements.

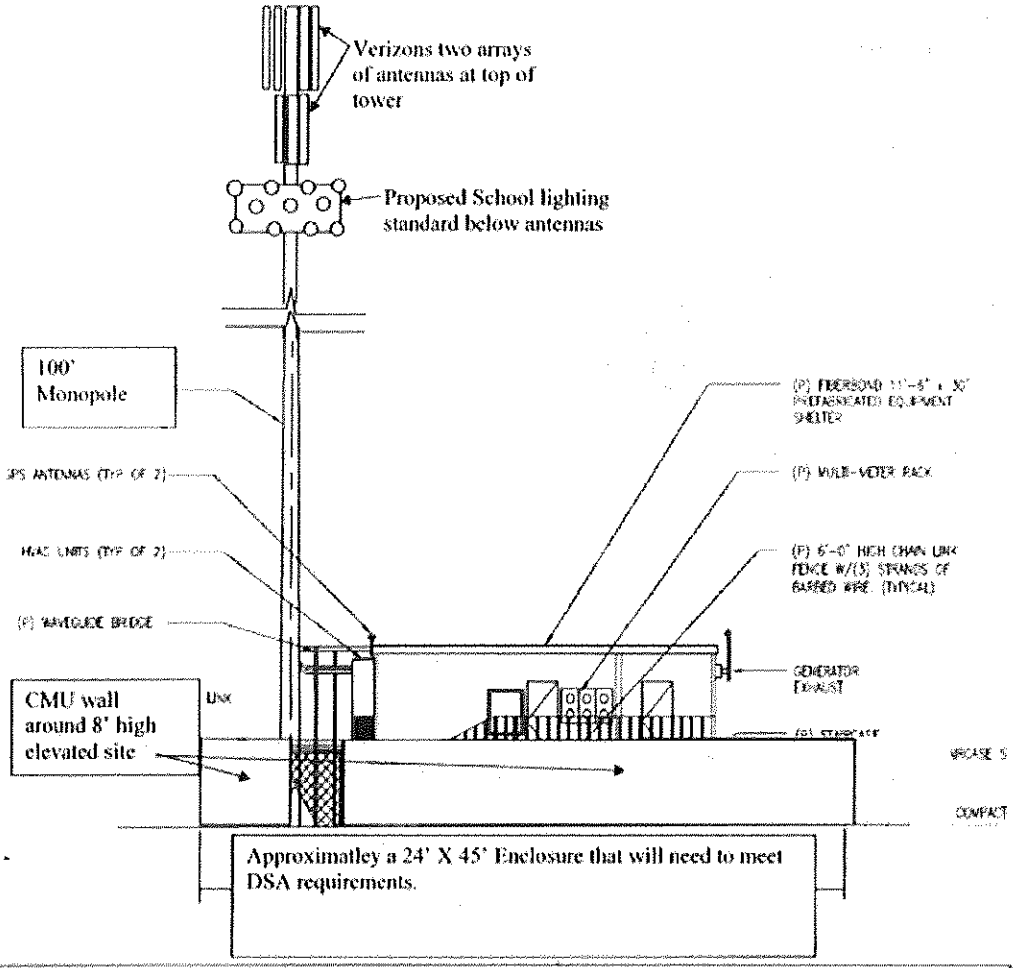
Please contact me with any questions.

Sincerely,
TWIN RIVERS UNIFIED SCHOOL DISTRICT

Alan Colombo
Assistant Superintendent Facilities Services

Our Mission:
To inspire each student to extraordinary achievement every day.

District Address: 5115 Dudley Blvd. McClellan CA 95652
Mailing Address: 3222 Winona Way North Highlands CA 95660
(916) 566-1600 FAX (916) 566-1784 *www.twinriversusd.org*



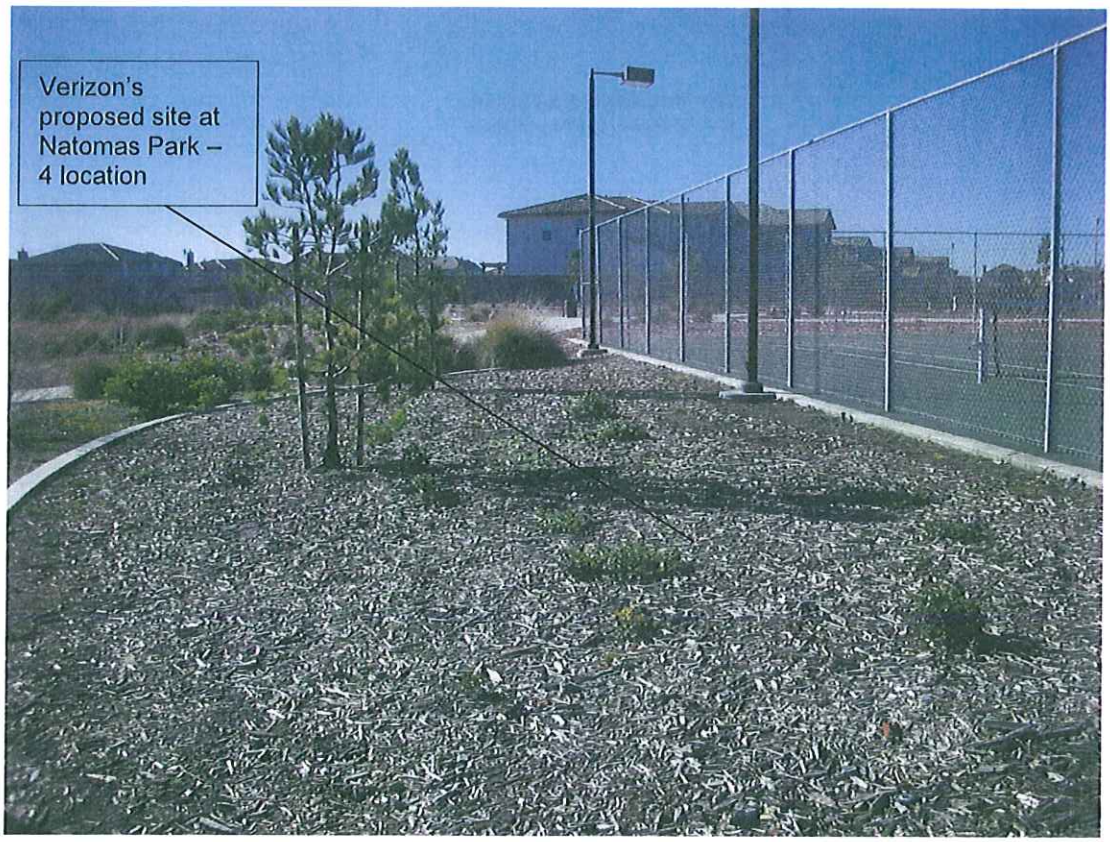
Based upon initial review of this proposed Verizon Facility at the ENEC location off of Levy Rd in Sacramento the following list reflect the basic application requirements, Such requirements may change depending on what is submitted at the time of application.

1. A Use permit is required by Sacramento County and will be heard by the Planning Commission
2. The fees required to apply will be $12,822
3. The site will also require an application to DERA Yes
4. The approximate time frame to complete the planning process from stat to finish is 4 to 6 months

Signed : Jane Petrie Date: 9-14-09

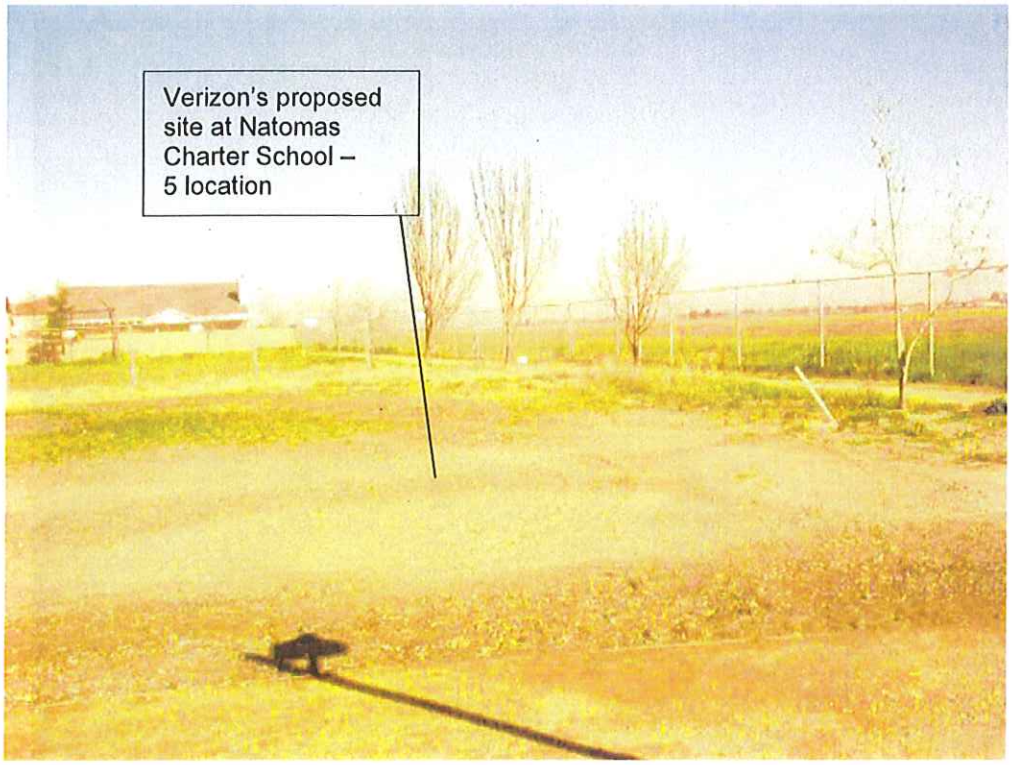
Print name: Jane Petrie
Title: Planner III

Candidate 4 - Natomas Park. Contact: Bill Sinclair.
1839 Bend Drive, Sacramento, CA.



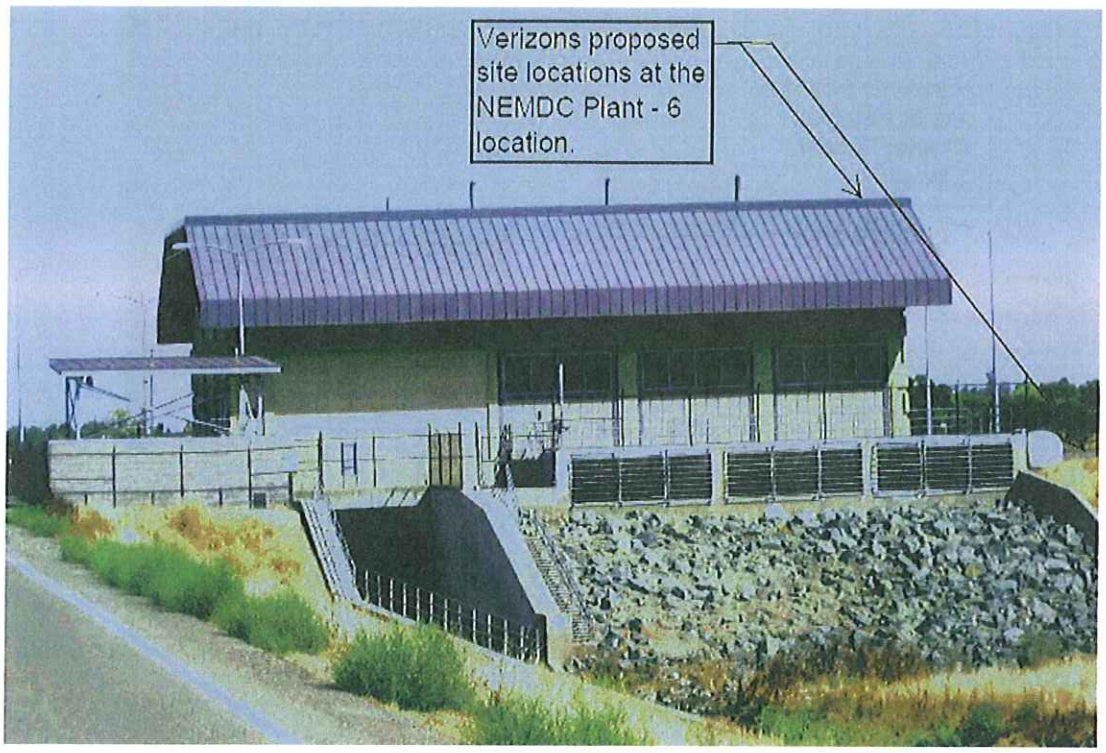
Negotiations to place a facility at the Natomas Park location ended when the Parks Department determined that they could not accept a long term lease over 5 years without the option to terminate.
Verizon Wireless requires 15-25 year lease terms in order to amortize the high expense of developing a wireless facility and integration of the site into its network.

Candidate 5 - Natomas Charter School. Contact: Mike Cannon
4600 Blackrock Dr. Sacramento, CA



The Natomas Charter School is located to the far south end of the search area identified by Verizon Wireless for desired signal coverage. Two locations on the property were considered but the School was disinterested in follow up to negotiate a lease or selecting a final location.

Candidate 6 - NEMDC Storm Water treatment plant
Contact: Ron Hunley Supervisor
E. Levee Road APN# 226-0280-004

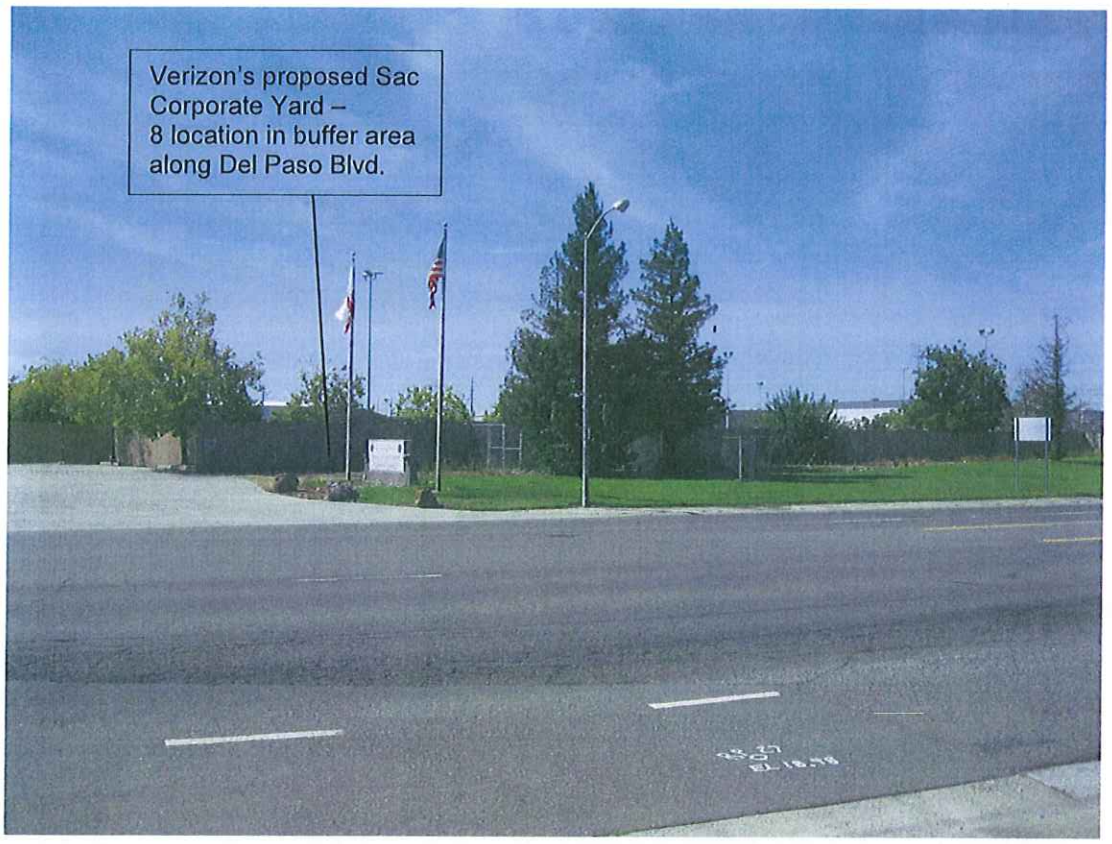


The Storm Water control agency stated that the Agency would not allow a rooftop or short standard antenna on the building and a Tower was not possible. Also the approval would have been tied up in a lengthy environmental regulatory process for years with no guarantees of the outcome.

Candidate 7 - Avdis Family Trust. Contact: Nick Avdis
5625 E. Levee Road, Sacramento, CA

As acting President of the Valley View Acres Community Association the Avdis property was also a potential candidate for the proposed site. Mr. Avdis stated he was interested in the proposed lease and reviewed the Verizon Wireless document concluding that he thought he could work things out and accept the Verizon Wireless lease deal. Mr. Avdis discussed the rental amount offered at $900 per month and selected a location on his property where he wanted the Verizon Wireless site during the preliminary field visit.
The location was determined to be too close to Sorrento Road and was not concealed by any existing trees which was counter to the City's request to camouflage the site. Mr. Avdis has subsequently withdrawn his offer to lease to Verizon Wireless.

Candidate 8 - City of Sacramento Corporate Yard
918 Del Paso Blvd Sacramento, CA



This location was specifically identified by Councilmember Tretheway and subsequently evaluated by Verizon Wireless RF engineers. Unfortunately, this candidate is a minimum of 3/8 of a mile south of the southernmost location possible that would provide the RF signal propagation necessary to fill the coverage and capacity gap identified by Verizon Wireless. For this reason alone the site must be rejected.

Exhibit D - Matrix Summary of Site Selection Analysis

Exhibit D

Site Selection Analysis

#	Site Name	Adequately Fills RF Gap	Available for Lease	Significant Visual Impact	Time to On Air	Utilities available in onsite easements	Standard Foundation	City Planning Approval Req'd/Rec'd
1	Proposed Facility	Yes	Yes	No	4 months	Within 389'	Yes	Yes/Yes
2	Crown Castle	Yes	No	Yes	Unknown (min 1.5 yrs)	Within 400'	Yes	Yes/No
3	TRUSD ENEC	Yes at 100'	Unknown	Yes	2 to 3 years	Offsite 2500'	No, 8' elevated foundation	No/No Not in City County Use Permit Req'd
4	Natomas Park	Yes	No	Yes	N/A	N/A	N/A	Yes/No
5	Natomas Charter School	Marginal	No	Yes	N/A	N/A	N/A	Yes/No
6	NEMDC plant	Yes	No	Yes	N/A	N/A	N/A	Yes/No
7	Avdis Family Trust	Yes	Unknown	Yes	Unknown (min 1.5 yrs)	N/A	No, 4' elevated foundation	Yes/No
8	City of Sac Corp yard	No	Yes	Unknown	Unknown	N/A	N/A	Yes/No

Conclusion of Analysis

In comparison to all the candidates reviewed the O'Coy property offers the best solution with the least impact to the community, for the following reasons:

1. The O'Coy property is heavily wooded with trees, which is the ideal setting to conceal a tree pole facility and makes the facility nearly invisible as a wireless facility. Approved conditions of approval include additional trees.
2. The proposed site on the O'Coy property will be 400' east of the Sorrento Roadway and distant from the public observer.
3. The proposed ground equipment location on the O'Coy property will be completely shielded from view along Sorrento Road by trees and shrubbery.
4. The proposed 70' Monopine tower is a heavily branched latest technology of mock Tree Poles available. The pole will be nearly 60% covered by existing trees. (See Photo Simulations and example pictures of tree quality). A separately commissioned survey confirms the abundant frequency of evergreens in the immediate radius of the O'Coy property.
5. The O'Coy site location will be safe and hundreds of feet from the nearest adjacent residence. An independent engineering analysis shows that RF emissions fall well below FCC public exposure limits.
6. At the O'Coy location, the site will provide the best possible wireless infrastructure for the community in terms of call reliability and E911 phone location from emergency calls, in keeping with General Plan policies. It will also allow Verizon Wireless to provide improved coverage and capacity at the earliest possible date.
7. The O'Coy location allows the proposed facility to meet all structural safety requirements under EIT/TIA Rev G and meet or exceed California CBC requirements.
8. The O'Coy property elevation allows compliance with FCC and FEMA flood plain requirements.

Planning Department Guidance and Planning Commission Approvals Further Qualify O'Coy Property as Best Candidate

The below information regarding the City of Sacrament Planning Department involvement in site selection and the Planning Commission approval and conditions further support our conclusion that the O'Coy Property is the least intrusive and preferred candidate as follows:

Verizon Wireless worked diligently with the City of Sacramento to determine the best location out of 7 Candidates prior to presenting the proposal to the Planning Commission. Verizon Wireless focuses on trying to collocate whenever possible or place a new facility that would least impact any community. After numerous and open discussions regarding the potential candidates, the City of Sacramento Planning Department decided that the proposed O'Coy property was the best solution. The city directed Verizon Wireless to alter the site design with the following guidelines.

1. The tower must be lowered to 70' rather than 80'.
2. The tower must be set behind a grove of trees on the property.
3. The Tower must be a mock tree simulating a pine

Verizon Wireless agreed to all conditions requested and proposed to place the latest technology of mock pines at the site.
Verizon Wireless also agreed to plant three new redwoods surrounding the mock pine in an effort to increase the natural screening. The Planning Department staff reviewed all the proposed changes and supported the project. The proposed site was approved in the Planning Commission hearing held on June 25th, 2009.

Due Diligence Review — T-Mobile's Unsuccessful Efforts to Locate in Club Center 2006-2008

As part of our due diligence we contacted representatives of T-Mobile West who we understood to have been looking to close a similar gap in coverage in the Club Center area. T-Mobile confirmed that, notwithstanding efforts between 2006 and 2008, they were unable to locate a facility with Crown Castle or at the TRUSD/ENEC location.

A letter explaining T-Mobile's unsuccessful efforts is attached to this analysis.

T-Mobile USA, Inc.
Sacramento Market
Central CA / Northern NV

September 18, 2009

Alan J. Heine
4305 Hensley Circle
El Dorado Hills, CA 95762

RE: Telecommunications Site at Sorento Road, Sacramento, California

Dear Mr. Heine:

T-Mobile issued a search ring to cover the Sorento Road area of Sacramento in early 2005. The ring was assigned to me in 2006, with little progress having been made.

As you know, at first glance it appears to be an easy search ring, containing a collocatable monopole, and both SMUD and WAPA utility towers. As you discovered, the underlying landowner refused to entertain the idea of a ground lease for the utility towers, nor would they provide the necessary consent required for a collocation on the monopole.

In late 2006, T-Mobile then signed a lease for a proposed new site at 5428 Sorento Road. That project, however, died in planning in 2007.

Further efforts led me to parcels further north of Del Paso Road (i.e., closer to Elkhorn Blvd.). The primary landowner in that area is Grant Joint Union High School District. Knowing that the school district had allowed wireless carriers on other district properties, I contacted them in mid-2007. Because the property was undeveloped, the district was not willing to allow a project on that parcel at that time. Unfortunately, however, I lost all of my previous emails in June 2009, thus losing any written records of my efforts with the district.

Please contact me at 916/505-3088 or bruce.piland@t-mobile.com if I can provide additional information.

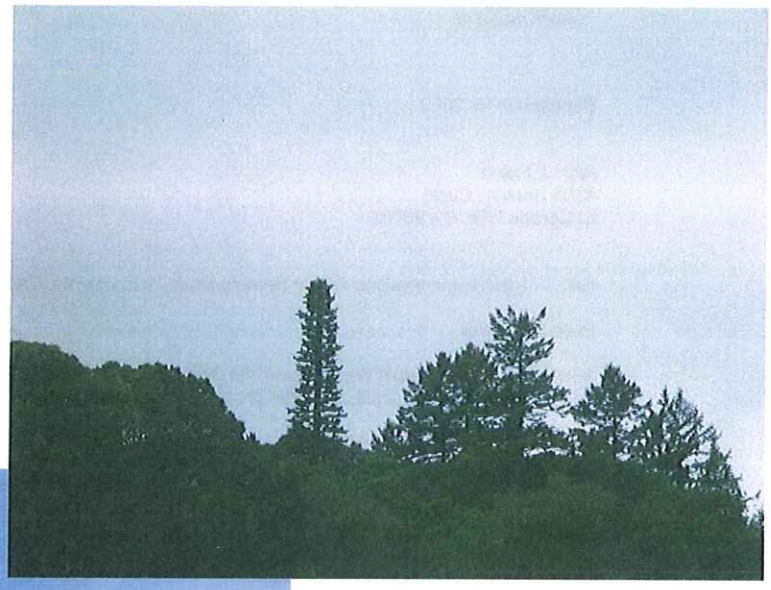
Cordially,

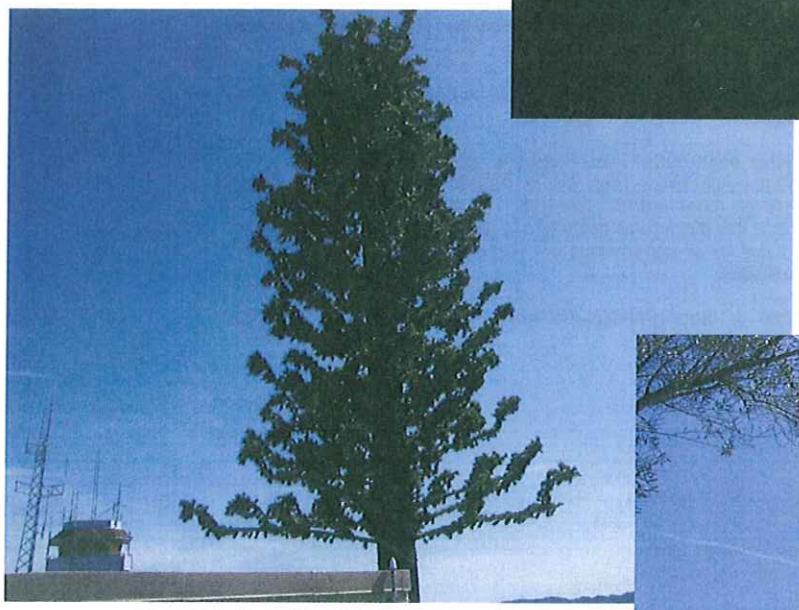
Bruce Piland
Development Supervisor
T-Mobile

T-Mobile USA, Inc.
Office: (916) 643-6900
Fax: (916) 643-6910
1755 Creekside Oaks Drive, Ste 190
Sacramento, CA 95833-3662

Due Diligence Review — Existing Treepole Locations

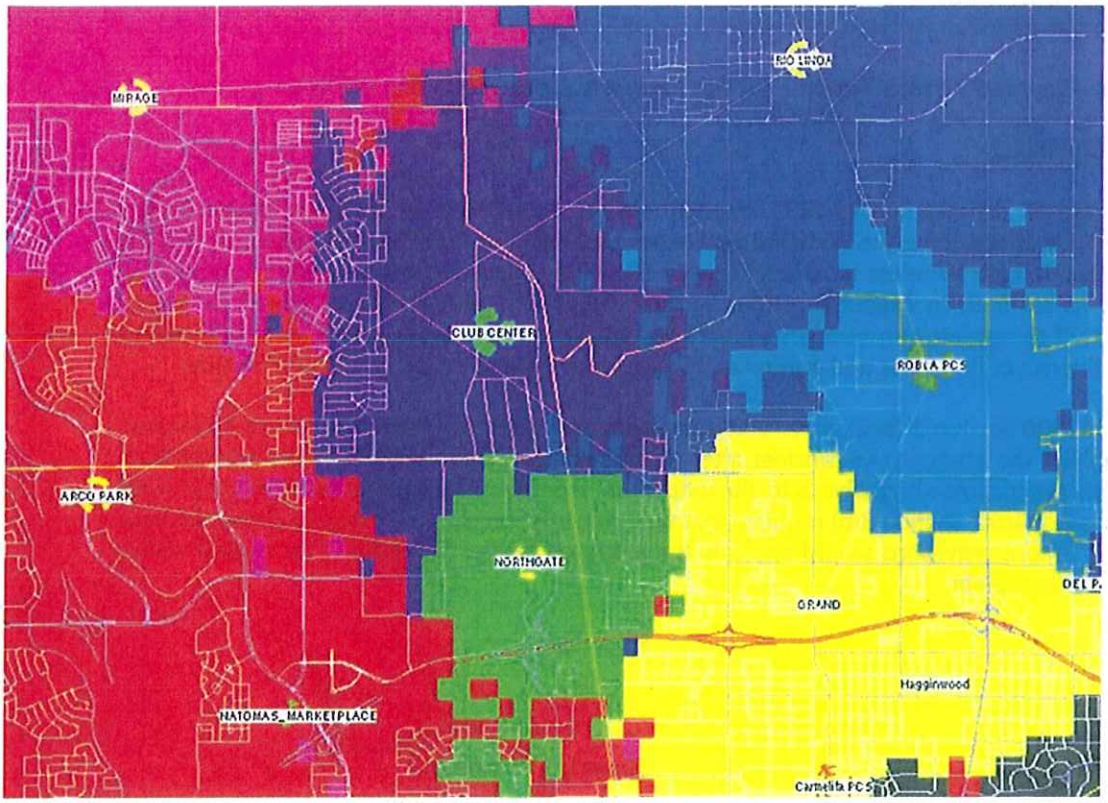
We reviewed existing tree poles to confirm the O'Coy property and tree pole design as the preferred candidate. The photos below are example of the quality of tree Verizon Wireless proposes to place at the property. Note that Verizon Wireless's proposed site at 5508 Sorrento Rd. will be screened 60% by trees making it even less visible.





From: <Wick Oliver>
Date: Tue, 22 Sep 2009 09:18:50 -0700
To: <Paul Albritton>

Paul,
Shown below is the coverage area from Club Center and the areas surrounding cell sites. The City of Sacramento Corporate Yard at 918 Del Paso Blvd., Sacramento is too far south for the Club Center coverage objective, as that is at the very edge of where coverage is needed. Sites need to be spaced apart in a combination of coverage and call volume. Placing the site at the corporate yard is not an option since the Northern part of the coverage objective would not be met. This candidate is a minimum of 3/8 of a mile south of the southern most location possible that would provide the RF signal propagation necessary to fill the coverage and capacity gap identified by Verizon Wireless.



Wick Oliver
Verizon Wireless
Senior Radio Frequency Engineer
Northern California / Northern Nevada
Phone: (916) 357-2518

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

Timothy G. Lignoul
Direct: 310.315.8267

McGUIREWOODS

tlignoul@mcguirewoods.com
Direct Fax: 310.956.3167

File No. 1580037-0861

September 21, 2009

Alan Columbo
Twin River Unified School District
5115 Dudley Boulevard
McClellan, CA 95652

Re: Proposed Verizon Wireless Facility for East Natomas Education Complex

Dear Mr. Columbo:

Please be advised that all FCC licensed telecommunications facilities are subject to the FCC's regulations regarding the National Environmental Policy Act (NEPA). Pursuant to 47 CFR 1.1307(a)(6), Verizon Wireless must evaluate whether the proposed facility will be located in a floodplain as set forth in Executive Order 11990 (EO11990). EO11990 was signed by Jimmy Carter in 1977 to regulate construction within a floodplain and directed the agencies to take action to reduce the risk of flood loss and minimize the impact on human safety, health and welfare.

EO11990 Section 2 (a)(2) states that if an agency proposes to allow an action to be located in a floodplain, the agency is to consider alternatives to avoid adverse effects. If the agency finds that the only practicable alternative is to site within the floodplain, the agency shall design in order to minimize impacts. Section 3(b) requires that new construction shall be elevated above the base flood level. These provisions would apply to the proposed facility if it were to be located within the 100-year floodplain.

Sincerely,

Timothy G. Lignoul

Timothy G. Lignoul

cc: Peter Maushardt
Paul Albritton

\9936454.1

Geil Engineering Inc
1226 High Street - Auburn, CA 95603-5015
Phone (530) 885-0426 Fax (530) 823-1309

September 15, 2009

Alan J. Heine
4305 Hensley Circle
El Dorado Hills, CA 95762

Re: Verizon Wireless Club Center Site
5508 Sorento Road, Sacramento, CA

Dear Alan:

As per your instructions, I measured the height of various trees at 5525 E. Levee Road, 5333 E. Levee Road, 5310 Sorento Road and on APN 226-0010-017. The purpose of the survey was to measure the tallest or most significant trees nearest to the proposed cellular tower site.

Surveying was performed with a Leica theodolite, using reflectorless mode. Tree height accuracy is within 1 to 2 feet.

Trees were located as follows:

5310 Sorento Rd.....	Redwood 85' high
	Redwood 60' high
	Black walnut 43' high
	Eucalyptus 55' high
5333 E. Levee Rd.....	Redwood 67' high
	Palm 57' high
5525 E. Levee Rd.....	Palm 57' high
	Valley oak 59' high
	Valley oak 43' high
APN 226-0010-017.....	Eucalyptus 46' high
	Eucalyptus 57' high

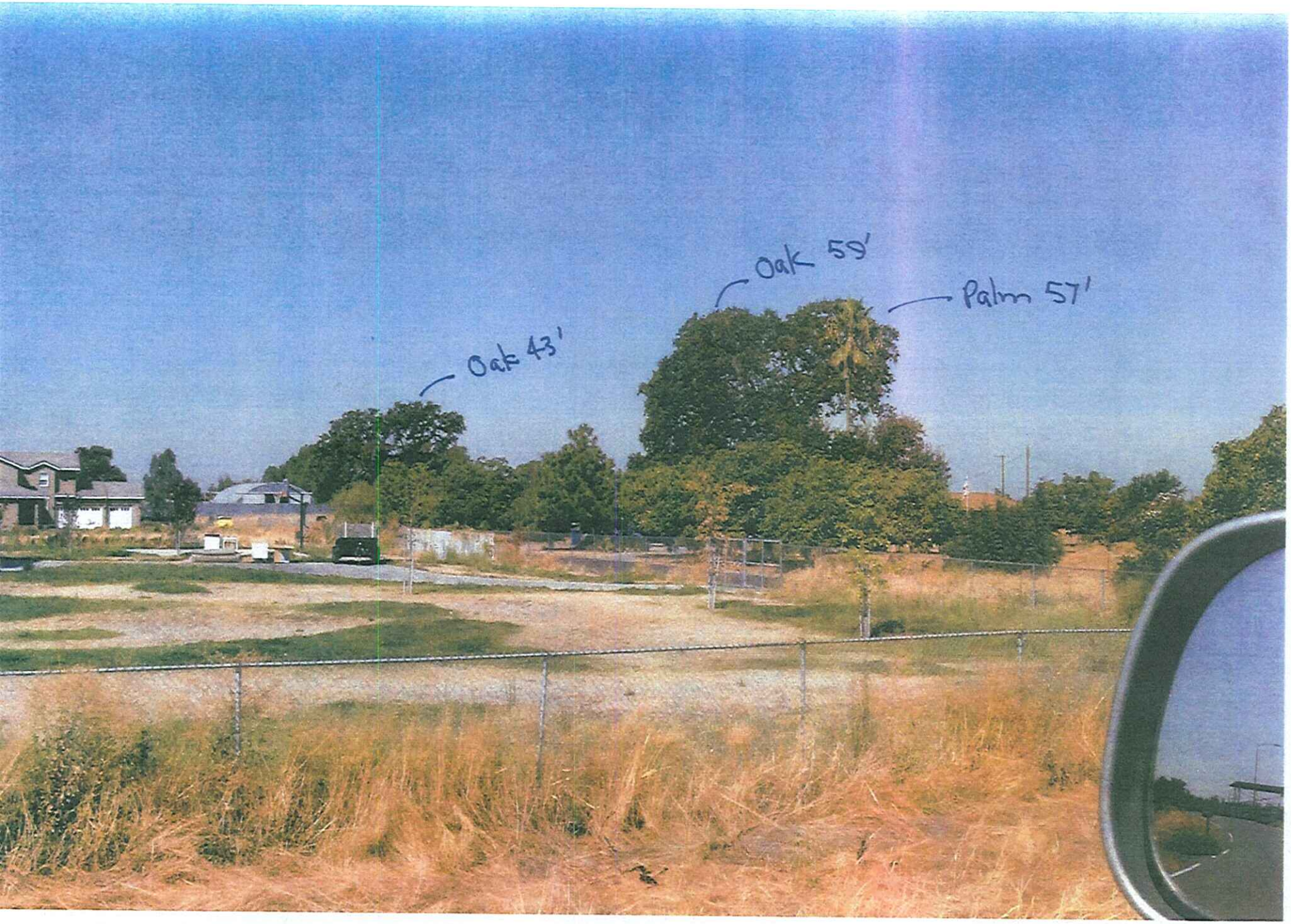
Yours very truly,

K. D. Geil

REGISTERED PROFESSIONAL ENGINEER
KENNETH D. GEIL
14803
EXP 3-31 11
CIVIL
STATE OF CALIFORNIA

① Rdwd. 85'
② Rdwd 60'
③ Walnut ? 43'
4 Euc. 55'
Height of this tree and the surrounding trees below
①
②
③
④

5333 E. Level



5525 E. Lowe Rd

APN 262-0020-017

VALLEY VIEW ACRES COMMUNITY ASSOCIATION

September 21, 2009

Mayor Kevin Johnson
Members of the City Council
City of Sacramento
915 I Street
Sacramento, CA 95814

Re: Valley View Acres Community Association
Opposition to Approval of Verizon Cell Tower

Honorable Members In Session:

The Valley View Acres Community Association (VVACA) thanks you for the opportunity to provide comments to the above captioned matter. Valley View Acres (VVA) is a long established residential community within the City, located in North Natomas. It is generally located north of Del Paso Road, west and south of East Levee Road and east of Sorento Road. Our community overwhelmingly opposes the building the proposed cell tower in our neighborhood. Our community continues to believe that this proposal will have unacceptable aesthetic impacts. Notwithstanding the applicant's September 15, 2009 letter addressed to the City Council, we believe that a more appropriate and viable location exists, that of the East Natomas Educational Complex.

Unacceptable Aesthetic Impacts

The applicant proposes to construct a "monopine" to mitigate the visual impacts of the proposed cellular tower. For the stealth goal of such a proposal to be adequately achieved, the placement of the "monopine" must be similar in size and appearance to nearby trees. While there are some trees located near the proposed site, such trees are not of similar height or type. In its September 15, 2009, the applicant concedes that the proposed tower would be situated within a grove of trees 30′ to 50′ in height, meaning that the proposed cellular tower, at a height of 70′, would exceed the average height of the surrounding trees by up 40′. To put that in perspective, the height of an average single story, single family residence is less than 17′ or so. Although the existing trees will provide some screening, the visual screening success of the location varies greatly, depending on vantage point of the observer. With that said, the proposed cellular tower

will be clearly visible from surrounding residences, and the true nature of the structure will be plainly obvious and obtrusive to those residences, as well as the general public.

In addition, the applicant proposes to plant trees that, over a long period of time, are intended to assist in the screening of the proposed tower. The soils in our community are heavy in clay. This proves to be a problem in many aspects. Importantly, clay soils can cause a number of problems related to the planting and maintaining of trees. Clay soil drains slowly. So, as rains set in, clay soil tends to remain saturated long after average or sandy soils have drained. This results in instability in the root system to withstand high winds or excessive weight, as many in our neighborhood would attest first hand. It is also much slower to warm up in spring. Clay compacts easily making it hard for roots to penetrate, resulting in stunted root systems. With clay soil, there are often problems with frost heave and root damage as the soil freezes and thaws during changing weather. More often than not, clay soil is alkaline (has a high pH) and that can be very hard on trees. What this tends to suggest, and is a large reason why there are not many large, tall trees in the neighborhood as a whole, not to mention redwood trees, which have a very limited presence in our community. Furthermore, if the redwood trees are not cared for properly in the clay soils of the neighborhood, they will not thrive and most certainly will not grow to 70' tall over the course of the tree's lifetime. Not to mention the fact that even if the trees survive, a redwood would take a considerable time to reach a height adequate to screen the proposed tower.

In sum, the existing trees are not of adequate height, location or character to fully conceal the proposed cellular tower and the proposed trees will not grow at a pace that will be sufficient nor can be reasonably relied upon as an adequate and reliable screen to the visual intrusion, resulting in an unreasonable obtrusion in to neighbors day-to-day lives, as well as the impacts to the general public, as the cellular tower will be visible from various public vantage points.

<u>More Appropriate Locations</u>

Our neighborhood has long advocated for the location of the cellular tower either on the existing cell tower on Sorento Road, owned by Crown Castle, or that the tower be located on the Twin Rivers Unified School District (TRUSD) ENEC site. The applicant has long argued that the Crown Castle site is infeasible due the unwillingness of the underlying landowner to grant certain additional easements, however, this flies in the face of the approved conditions of approval for that site which <u>mandate</u> co-location. In essence, by refusing to co-locate on that site, our community is being asked

to bear the burdens of a blatant violation of the terms of a use permit. And, as a result of this use permit violation, our neighborhood is now being asked to burden the effects of yet additional cell tower within our community.

Besides the Crown Castle site, Twin Rivers Unified School District has strongly voiced their interest in locating the proposed cellular tower facility at the ENEC site. This is contrary to information given to community representatives by the applicant on multiple occasions. In any event, TRUSD's position regarding this matter stands in contrast to the repeated representations of the applicant. It is our understanding that within the last few weeks, representatives from the applicant met with school officials and from the position of the TRUSD, the ENEC location continues to be a real, viable and workable location for the proposed tower. This location would have the added benefit of providing financial support to a district that is facing its share of fiscal difficulties. This sort of public-private partnership should be encouraged by City policy, as it would be a win-win for all parties involved.

Legal Implications – Gap in Coverage Argument

In their September 15, 2009, the applicant outlines their opinion as to the legal implications of a denial of this project, as proposed. With all do respect to the applicant's attorney, it is our community's humble opinion that a City is well within its rights to deny this project in furtherance of its police powers, assuring the health, safety and welfare of the community at large. Among other things, the applicant must prove that they have evaluated less intrusive alternatives, including alternative designs and alternative locations. *APT Pittsburge L.P. v. Penn Township, 196 F 3d 469 (3d Cir. 1999).* If such locations are feasible, the denial of the proposal does not constitute a violation of federal law, even if the alternatives are "less than optimal". *Airtouch Cellular v. City of El Cajon, 83 F. Supp 2d 1158 (SD Cal 2000)* Regardless of what the applicant thinks is best, the choices that may result in increased costs, for example, are choices that Congress specifically reserved for local jurisdictions. *Town of Amherst v. Omnipoint Communications Enterprises, Inc. 173 F 3d 9 (1st Cir. 1999).*

In addition, and more to the service gap point, if courts were to follow the applicant's position in this matter, local jurisdictions would be obliged to approved virtually every application, i.e., that merely because there are some gaps in the service area the public interest necessarily tips the balance in favor of granting a permit for a cell tower. This also assumes there is a gap and not merely a decreased level of service area. In any event, the applicant's assertions are contrary to the established federal law

on the matter that has reserved the vast majority of zoning authority to local governing bodies.

Legal Implications – Flood Designation

In addition to the gap in coverage legal arguments, the applicant has now determined that there are flood issues related to the ENEC site related to the long existent Natomas flood issues. In particular, Verizon now claims that because ENEC is within the 100-year flood plain, this casts doubt on the viability of ENEC as an appropriate location for a cell tower. This argument was never brought up before by Verizon and it fails to acknowledge that all the other locations examined were within the 100-year flood plain. The applicant argues that other alternative sites were considered, but each and every one of the would have the same flood plain issue, begging the question as to why the other sites were being considered, if they were not real and viable all along? If that is the case, the alternatives analysis provided by the applicant, as proof that other sites were considered, is fatally flawed, as all of the "alternatives" in the Natomas Basin would have the same problem.

In any event, whether this argument is meritorious or not should be appropriately vetted by the City Attorney's office. This is an eleventh hour issue which is clearly intended at obfuscating the real issue, specifically, that the ENEC site is an appropriate and viable location for this cell tower, albeit one that will cost the applicant more than the current proposed site.

Conclusion

Therefore, the appeal of this proposal should be granted, as it fails to take in account the legitimate aesthetic and alternative siting concerns of the community that must bear the impacts. The TRUSD stands ready, willing and able to accommodate the installation of a tower on its ENEC site. This alternative would provide desperately needed resources to TRUSD, which benefits the community at large. Furthermore, the visual impacts installing a new cellular tower in a residential area in which increased visual impacts to the visual environment are undesired by the surrounding and greater neighborhood.

Neighbors within VVA greatly pride themselves on the eclectic look and feel of their neighborhood, as well as have very strong opinions as to their way of life. While neighbors understand that cellular phones are a necessary component of day to day life, and that cellular towers need to be installed to maintain this lifestyle, I think we are in

all in agreement in saying new cellular towers in residential areas should be the last resort, after all other viable locations are examined honestly and thoroughly. That is not the case in the project before you.

In the alternative, this item should be continued to allow time to adequately analyze the issues raised by the applicant in their recent letter. These are new issues that need to be properly vetted. A side note, for your reference, and for the purposes of maintaining the administrative record, enclosed with this letter is the letter submitted on behalf of our neighborhood association to the Planning Commission at the July 25, 2009 hearing.

Very Truly Yours,

Nick Avdis, President

Dolores Santos, Board Member

Shannon Summers, Vice President

Joe Angel, Board Member

Tony Trujillo, Secretary

Angela Angel, Board Member

Richard Garrison, Board Member

Enclosure

VALLEY VIEW ACRES COMMUNITY ASSOCIATION

June 25, 2009

Darrel Woo, Chairman
Michael Notestine, Vice Chairman
Panama Bartholomy, Member
Joseph Contreraz, Member
Chris Givens, Member
Michael Mendez, Member
Jodi Samuels, Member
Barry Wasserman, Member
Joseph Yee, Member
Planning Commission
City of Sacramento
915 I Street
Sacramento, CA 95814

VIA HAND DELIVERY

Re: Valley View Acres Community Association
Opposition to P09-003 Club Center Treepole for Verizon

Members In Session:

As the president of the Valley View Acres Community Association (VVACA), thank you for the opportunity to provide comments to the above captioned matter. Valley View Acres (VVA) is a long established residential community within the City, located in North Natomas. It is generally located north of Del Paso Road, west and south of East Levee Road and east of Sorento Road. The overwhelming sentiment amongst community members within VVA is to oppose this proposal for numerous reasons, including, but not limited to the lack of due diligence on behalf of the applicant to seek out more appropriate and viable locations for a cellular tower, the unacceptable aesthetic impacts to the existing neighborhood, the failure to collocate on an existing structure and the failure to meet the City's siting preferences.

More Appropriate Location – TRUSD – ENEC Site

Attached is a letter, dated June 24, 2009, from Mr. Jeff Doyle, Interim Facilities Director for the Twin Rivers Unified School District (TRUSD). Please see attached Exhibit A. In this letter, the TRUSD strongly indicates their interested in locating the proposed cellular tower facility at the East Natomas Education Complex (ENEC) site. This revelation is contrary to information given community representatives by the applicant. Community representative were told by the applicant's representative that while within the desired coverage ring, mutually agreeable terms of a lease agreement could not be reached. Please see attached Exhibit B (pages 1 and 2), which is the search ring exhibit provided by the applicant. In any event, TRUSD's position regarding this matter stands in contrast to the representations of the applicant.

The applicant failed to thoroughly examine a more appropriate and viable location for the proposed cellular tower.

Unacceptable Aesthetic Impacts

The applicant proposes to construct a "monopine" to mitigate the visual impacts of the proposed cellular tower. For the "stealth goal" of such a proposal to be adequately achieved, the placement of the "monopine" must be similar in size and appearance to nearby trees. While there are some trees located near the proposed site, such trees are not of similar height or type. In fact, the proposed cellular tower at a height of 70' will exceed the average height of the surrounding trees by 30' feet. Although the existing trees will provide some screening, the visual screening success of the location varies greatly, depending on vantage point of the observer. With that said, the proposed cellular tower will be clearly visible from surrounding residences, and the true nature of the structure will be plainly obvious and obtrusive to those residences. To put that in perspective, the height of an average single story, single family residence is less than 17' or so.

The bottom line is that the existing trees are not of adequate height, location or character to fully conceal the proposed cellular tower resulting in an unreasonable obtrusion in to neighbors day-to-day lives, as well as the impacts to the general public, as the cellular tower will be visible from public places, including the bike trail that is located on East Levee Road.

Existing Cellular Tower Near Proposed Site

There is an existing cellular tower structure west of Sorento Road and the proposed project. Attached Exhibit C is the approved Use Permit for this tower, located

at 5675 Sorento Road. While the applicant of the proposal before the Commission today has insisted that co-location on the 5675 Sorento Road tower has been explored, it is an impossibility due to the lack of access rights available to this site. In contrast to those statements, Condition of Approval No. 7 states, in relevant part, : "[t]he project proponent [of the 5675 Sorento Road site] *shall* agree to allow other cellular carriers to use the transmission tower..." [*emphasis added*]. Failure by the operator of the 5675 Sorento Road site or the underlying landowner to allow collocation on this site, such a violation may result in the suspension or extinguishment of the use permit.

The proposal before you fails to satisfy its burdens for justifying the erection of a new cellular tower facility so close to the proximity of an existing tower.

Failure to Meet Siting Preferences of the City

On April 29, 1997, the City adopted a Zoning Ordinance Amendment and Policies that were intended to provide location criteria and guidelines for evaluating proposed telecommunications facilities. The proposed project fails to satisfy the applicable siting preferences contained in these regulations, they are as follows:

1) *Locate completely within an existing or constructed structure.*
    a. There is an existing cell tower within approximately 1,900' to the west of Sorento Road. The use permit for this site requires the collocation of other cellular carriers.
    b. There are several structures completed on the ENEC site.
    c. The project fails to adequately satisfy this requirement.
2) *Collocation on existing poles or light standards at a lower height.*
    a. There is an existing cell tower within approximately 1,900' to the west of Sorento Road. The use permit for this site requires the collocation of other cellular carriers.
    b. The project fails to adequately satisfy this requirement.
3) *Collocation on existing poles or light standards at a higher height*
    a. There is an existing cell tower within approximately 1,900' to the west of Sorento Road. The use permit for this site requires the collocation of other cellular carriers.
    b. The project fails to adequately satisfy this requirement.

Furthermore, the aesthetic impacts to surrounding residences and the greater community, described in this letter, are significant and fail to create "invisible" cellular facilities as required by the City's Guidelines. Such aesthetic impacts would be

detrimental to the public health, safety and welfare of the community, resulting in a nuisance to the community.

Conclusion

For all the above sited reasons, this proposal should be denied. It fails to take in account the legitimate aesthetic and alternative siting concerns of the community that must bear the impacts, with deminimis benefit. There are multiple viable alternative sites that have not been thoroughly examined. The TRUSD stands ready to accommodate the installation of a tower on the ENEC site. This alternative would provide desperately needed resources to TRUSD, which benefits the community at large. Additionally, there is an existing cellular tower in close proximity to the proposed site whose use permit requires collocation. Furthermore, the visual impacts installing a new cellular tower in a residential area in which increased visual impacts to the visual environment are undesired by the surrounding and greater neighborhood.

People in VVA pride themselves on the look and feel of their neighborhood and well as having very strong opinions as to their way of life. While neighbors understand that cellular phones are a necessary component of day to day life, and that cellular towers need to be installed to maintain this lifestyle, I think we are in all in agreement in saying new cellular towers in residential areas should be the last resort, after all other viable locations are examined honestly and thoroughly. That is not the case in the project before you.

Therefore, on behalf of the VVACA, I urge you to DENY the project, as proposed. In the alternative, the hearing should be continued until such time as all other viable alternative site locations have been adequately exhausted.

Very Truly Yours,

Nicholas S. Avdis
President

Enclosures

Exhibit A

TwinRivers
UNIFIED SCHOOL DISTRICT

BOARD OF TRUSTEES

Michelle Rivas
President

Bob Bastian
Vice President

Roger Westrup
Clerk

Alecia Eugene-Chasten

Linda Fowler

Janis Green

Cortez Quinn

Frank Porter
Superintendent

June 24, 2009

City of Sacramento Planning Commission
c/o Elise Gumm
City of Sacramento
Development Services Department
300 Richards Blvd , 3rd Floor
Sacramento, CA 95811

RE: Panhandle Cellular Tower
Item #P09-003 Club Center Treepole for Verizon

Planning Commissioners,

The Twin Rivers Unified School District owns property near the proposed project site. Contractors representing Verizon contacted the former Grant Joint Union High School District and visited the District's Panhandle property in early 2008. It is the District's understanding that the TRUSD property is problematic for the Verizon coverage ring and that Verizon is not interested in locating its equipment at the TRUSD property.

However, in the event Verizon reconsiders the TRUS location, the District is open to further review and discussion.

Please call me with any questions or comments, 916-566-1717.

Sincerely,
TWIN RIVERS UNIFIED SCHOOL DISTRICT

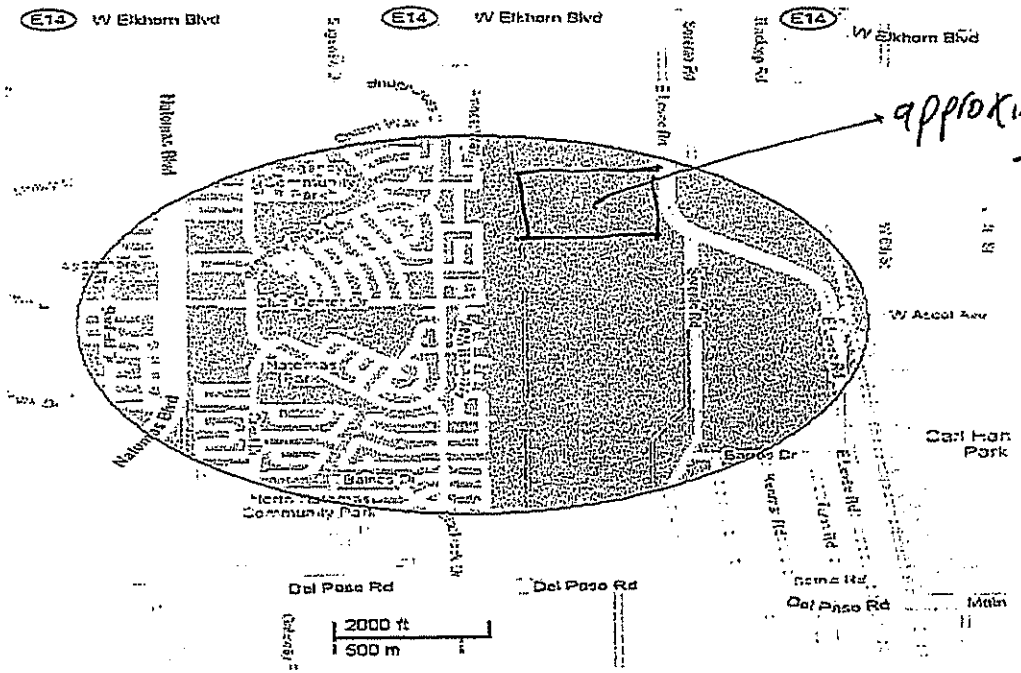
Jeff Doyle
Interim Director
Facilities Planning and Construction

Our Mission:
To inspire each student to extraordinary achievement every day.

District Address: 5115 Dudley Blvd. McClellan CA 95652
Mailing Address: 3222 Winona Way North Highlands CA 95660
(916) 566-1600 FAX (916) 566-1784 www.twinriversusd.org

Exhibit B

Best candidate is equidistant from surrounding sites within search ring.



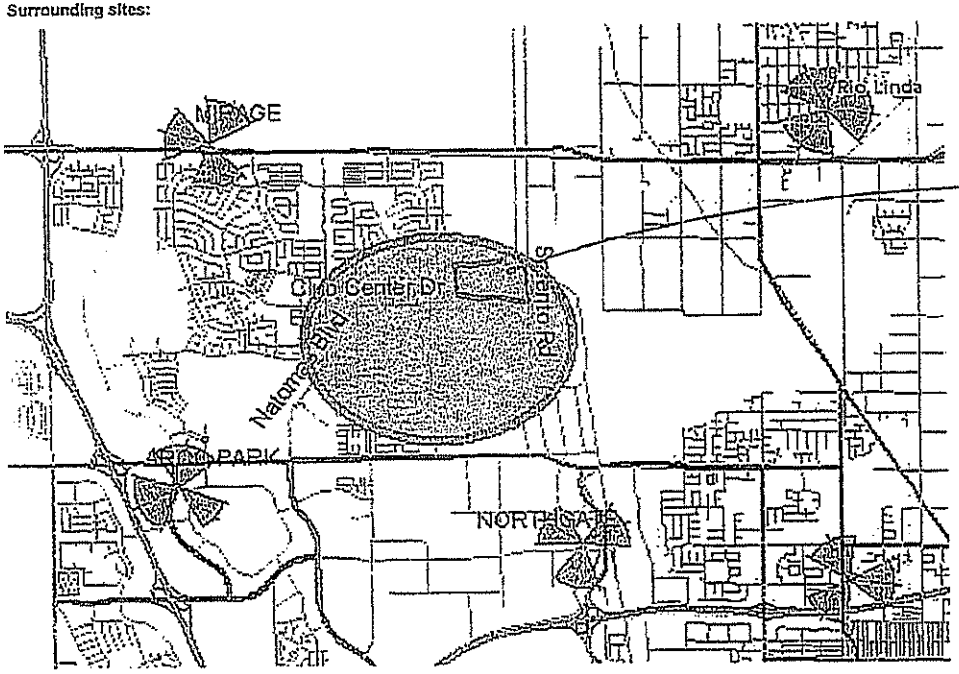
approximate location of TRUSD - ENEC School site

1

Theoretical Search Ring Coordinates

	Latitude (DMS) in NAD 27			Longitude (DMS) in NAD 27				Decimal NAD27	Decimal NAD27
	DD	MM	SS.SS	DD	MM	SS.SS		Lat	Long
DMS -> DD							-->		
	38	40.00	14.90	121	29	57.01	<--	38.6708060	-121.4994200

Surrounding sites:



approximate location of TRUSD ENEC school site

(2)

Exhibit C

USE PERMIT

Sacramento County
Office of the Planning and
Community Development Department
827 Seventh Street
Sacramento, California 95814

July 11, 2001

Assessor's Parcel No.: 225-0050-021
Control No.: 01-UPZ-0304
Zoned: AG-80

APPLICANT/DEVELOPER:	ENGINEER:	OWNER:
Nextel of California, Inc. 2180 Harvard Street, Suite 220 Sacramento, CA 95815 Attention: Timothy Miller	Western Planning and Engineering 11860 Kemper Road, #3 Auburn, CA 95603 Attention: Mike Fleming	LaVerne Brothers 5675 Sorento Road Sacramento, CA 95835 Attention: John Brothers

ACTION: **ON WEDNESDAY, JULY 11, 2001, THE ZONING ADMINISTRATOR APPROVED A USE PERMIT, WITH CONDITIONS, TO ALLOW A WIRELESS FACILITY WITHIN A 1,600 SQUARE FOOT LEASE AREA IN THE AG-80 ZONE. THE FACILITY WILL CONSIST OF THE CONSTRUCTION OF AN 80-FOOT HIGH STEEL MONOPOLE WITH THREE (3) FLUSH MOUNTED CROSS-POLAR ANTENNA PANELS AT THE 76-FOOT CENTERLINE AND THREE (3) FUTURE CROSS-POLAR ANTENNA PANELS AT THE 69-FOOT CENTERLINE. THE FLUSH MOUNTED ANTENNA PANELS ARE APPROXIMATELY 12-INCHES WIDE, 96-INCHES HIGH AND SIX INCHES DEEP AND THE SECOND PHASE ANTENNA PANELS ARE APPROXIMATELY 12-INCHES WIDE, 48-INCHES HIGH AND SIX INCHES DEEP.**

PROPERTY LOCATION: The property is located on the west side of Sorento Road, 1,973± feet east of the City of Sacramento limits, in the Natomas community.

ENVIRONMENTAL DOCUMENT: The Zoning Administrator determined that the NEGATIVE DECLARATION was adequate and appropriate and adopted the findings thereof.

FINDINGS AND CONDITIONS OF APPROVAL: See Pages 3 and 4.

Note: Appeal of this action may be made in writing, including a filing fee of $2,088.00, to the Secretary of the Board of Zoning Appeals within 10 calendar days of the date of hearing and pursuant to Title I, Chapter 15, Article 3 of the Zoning Code of Sacramento County. The Secretary of the Board of Zoning Appeals is located at 700 H Street, Room 2450, Sacramento, California 95814. For verification of fees for filing an appeal or further information contact the Planning Department at 874-6221 or the Board of Zoning Appeals at 874-7891.

This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations and procedures. All costs incurred by the County to enforce the conditions listed in this permit shall be the responsibility of the permit holder and/or property owner. The above use will not be conducted to constitute either a public or private nuisance. Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any construction is planned.

A conditional use permit, if not used for the purpose for which it was granted, shall lapse and shall become void three years following the date on which the permit became effective, unless by condition of the permit a greater time is allowed, or upon the expiration date of a valid building permit obtained after the grant of the conditional use permit, whichever date is last to occur

Don Terrell

DON TERRELL
ZONING ADMINISTRATOR

DT:cc
za010304

FINDINGS:

1. The use is consistent with the Sacramento County General Plan and with the Natomas Community Plan.

2. The establishment and operation of the use will not be detrimental to the health, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County, in that:

   a. No documentation was received from any agency or person to give evidence of any significant detrimental effects which cannot be mitigated.

   b. No testimony was presented at the public hearing to give evidence of any significant detrimental effects which cannot be mitigated.

   c. Research, investigation, and field observation of the site revealed no evidence of any significant detrimental effects which cannot be mitigated.

3. All the conditions imposed are reasonably related to the use and should serve to mitigate any potential impacts.

CONDITIONS OF APPROVAL:

1. The cellular communication tower/antennas shall comply with the safety requirements of the Uniform Building Code, as well as all other applicable regulations and permits, including those of the Public Utilities Commission (PUC) of the State of California and the Federal Communication Commission (FCC).

2. Identification signs, including emergency phone numbers of the utility provider, shall be posted at all tower and equipment sites

3. The cellular communication monopole and antenna shall be painted a muted gray/blue color to the satisfaction of the Planning Director.

4. All unused or obsolete towers/antennas and equipment shall be removed from their respective sites within six months after their operation has ceased.

5. The development approved by this action shall be in substantial compliance with submitted exhibits.

6 Comply with all applicable standards of the American National Standards Institute (ANSI), National Council on Radiation Protection and Measurements (NCRP), and Institute of Electrical and Electronics Engineers (IEEE), as may be amended from time to time.

7 The project proponent shall agree to allow other cellular carriers to use the transmission tower. All uses may be subject to a use permit to be approved by the Project Planning Commission, as regulated by the Zoning Code at the time of application.

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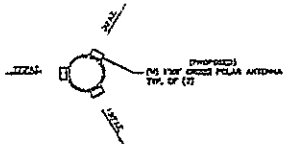
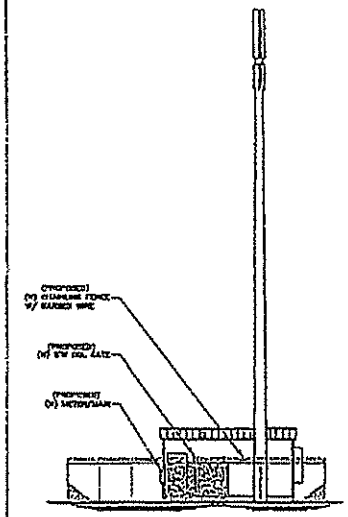
RECEIVED

APR 27 2001

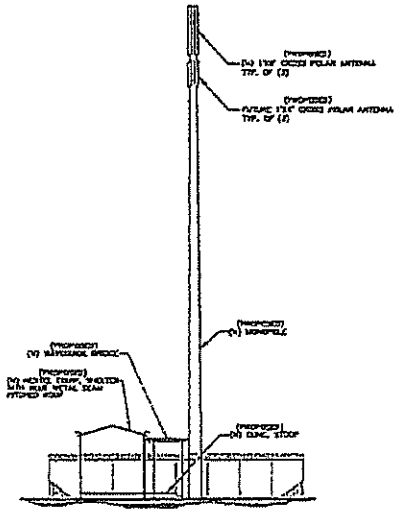
PLANNING DEPT.
County of Sacramento



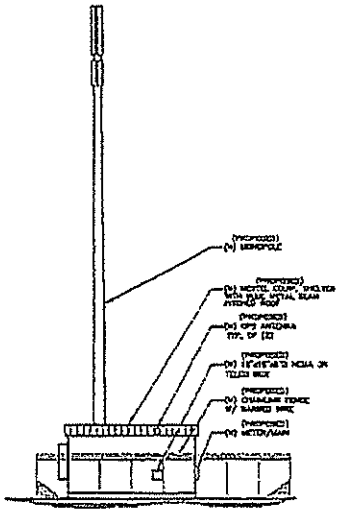
5 A-2 NEXTEL ANTENNA DETAIL – PLAN VIEW
NOT TO SCALE



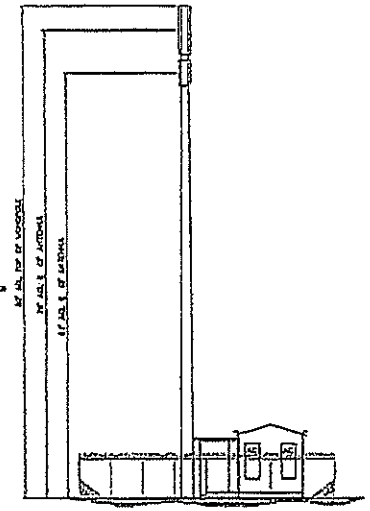
4 A-2 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



3 A-2 EAST ELEVATION
SCALE: 1/8" = 1'-0"



2 A-2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



1 A-2 WEST ELEVATION
SCALE: 1/8" = 1'-0"

WESTERN PLANNING & ENGINEERING
11040 KEMPER POINT, #3
AUBURN, CA 95603
PHONE: (530) 823-4997
FAX: (530) 823-0018

Nextel of California, Inc.
dba NEXTEL Communications
2180 HARVARD ST., STE. 220
SACRAMENTO, CA 95815
PHONE: (916) 929-4132
FAX: (916) 300-1548
CONTACT: TIMOTHY MILLER

SORENTO
CA-1532A
5875 SORENTO RD
SACRAMENTO, CA 95835

SACRAMENTO COUNTY

ZONING

APPROVALS

LEASING		DATE:
ZONING		DATE:
RF ENGINEER		DATE:
CONSTRUCTION		DATE:
TAC DIRECTOR		DATE:
OWNER		DATE:

PROJECT NO CA-1532A

DRAWN BY KLB

CHECKED BY M.C.F.

NO.	DATE	ISSUE
0	4/23/01	PLANNING REVISION
1		

SHEET TITLE
ELEVATIONS & ANTENNA DETAILS

SHEET NUMBER
A-2

1st SUBMITTAL 4/11/01

2nd SUBMITTAL 4/24/01

COMPANY JOB NO. 15

ATTACHMENT D

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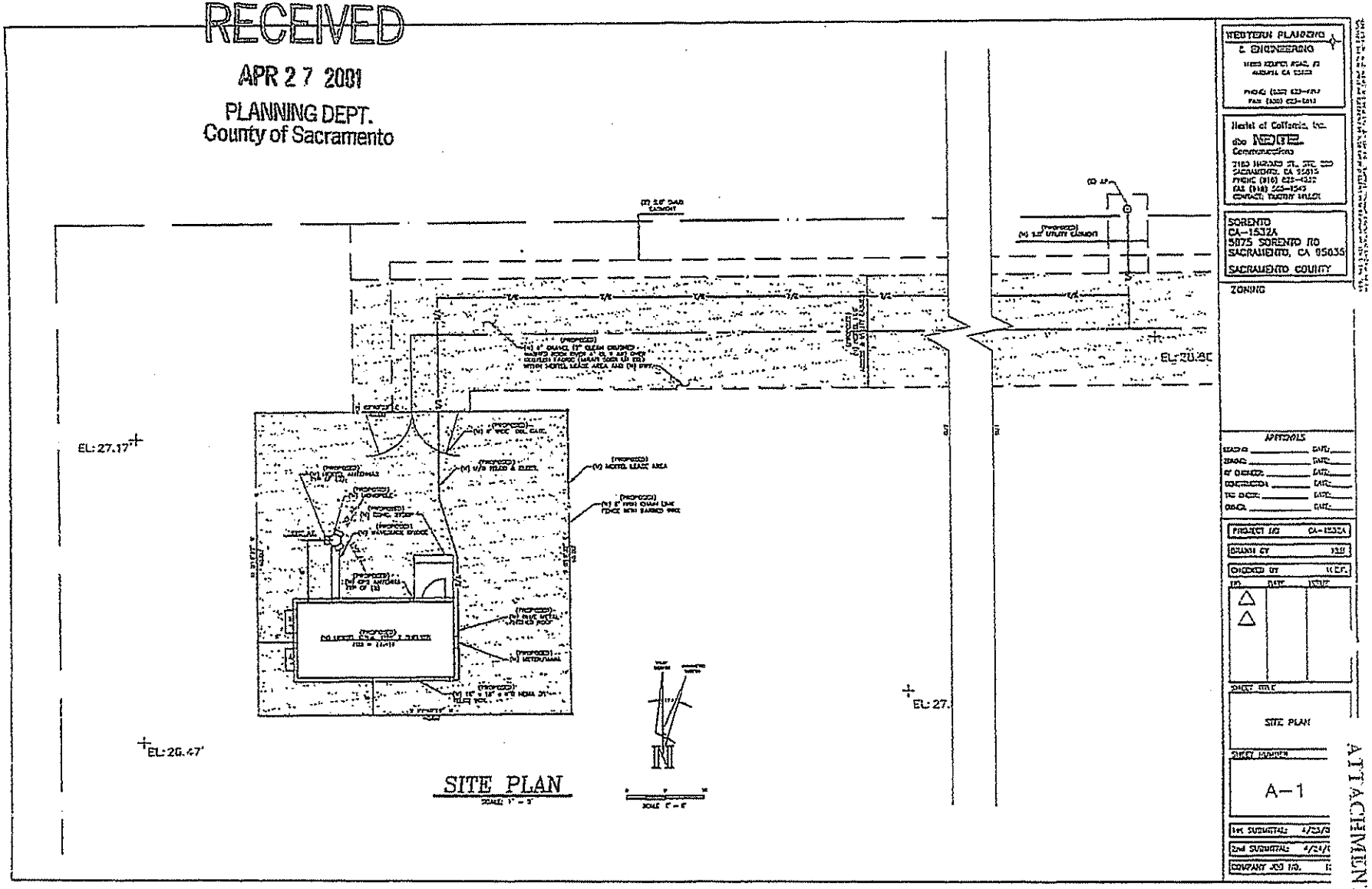
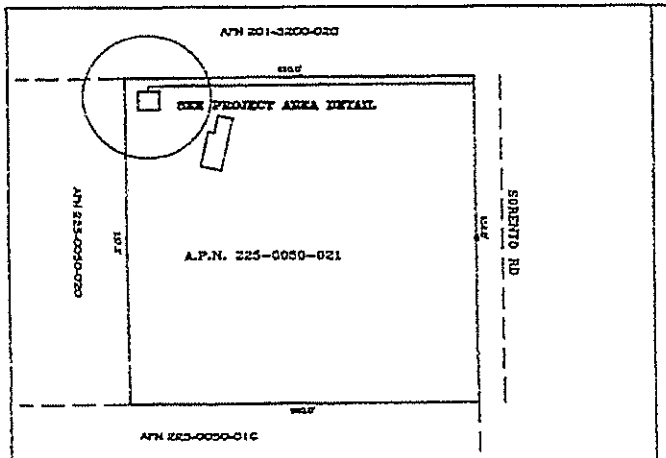
County of Sacramento



ATTACHMENT C



SITE PLAN & PROPERTY BOUNDARY

SCALE 1" = 100'

01 0304

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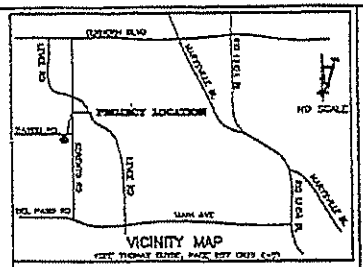
APR 27 2001

PLANNING DEPT.
County of Sacramento



DESCRIPTION OF PROJECT AREA

All that certain lease area being a portion of the west 660 feet of the North one-half of Lot 63 of Natomas East Side Subdivision according to the official plat thereof, filed in the office of the Recorder of Sacramento County, California, on January 16, 1924, in Book 17 of Maps, Map No. 34 being more particularly described as follows:

Beginning at a point which bears South 0°16'43" East 33.00 feet and North 89°42'28" East 33.00 feet from the Northwest corner of the west 660 feet of the North one-half of Lot 63 of Natomas East Side Subdivision according to the official plat thereof, filed in the office of the Recorder of Sacramento County, California, on January 16, 1924, in Book 17 of Maps, Map No. 34; thence from said point of beginning North 89°42'28" East 40.00 feet; thence South 0°16'43" East 40.00 feet; thence South 89°42'28" West 40.00 feet; thence North 0°16'43" West 40.00 feet to the point of beginning.

Together with an easement for utility purposes five (5) feet in width the centerline of which is described as follows: Beginning at a point on the North boundary of the above described lease area which bears North 89°42'28" East 33.00 feet from the Northwest corner thereof and running thence Northerly along an existing licensed way to the public right of way commonly known as Sorrento Road.

Also together with an easement for ingress, egress and utility purposes fifteen (15) feet in width, the centerline of which is described as follows: Beginning at a point on the North boundary of the above described lease area which bears North 89°42'28" East 33.00 feet from the Northwest corner thereof and running thence Northerly along an existing licensed way to the public right of way commonly known as Sorrento Road.

GEIL ENGINEERING
ENGINEERING • SURVEYING • PLANNING
1226 HIGH STREET
AUBURN, CALIFORNIA 95603
phone (530) 823-0425
FAX (530) 823-1302

Nextel of California, Inc.
dba NEXTEL Communications
3180 HARVARD ST., STE. 220
SACRAMENTO, CA 95815
PHONE (916) 926-4232
FAX (916) 326-1547
CONTACT: TIMOTHY WALTER

SORENTO
CA-1532A
5075 SORENTO RD
SACRAMENTO, CA 95835

SACRAMENTO COUNTY

APPROVALS

LEASING:		DATE:
ZONING:		DATE:
ST ENGINEER:		DATE:
CONTRACTOR:		DATE:
TAX DIRECT:		DATE:
OWNER:		DATE:

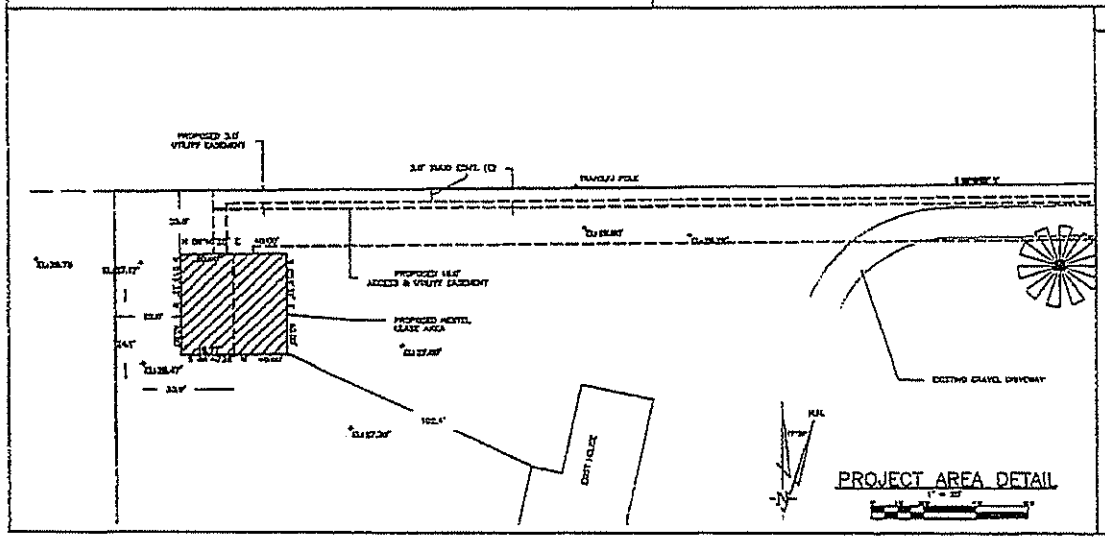
PROJECT NO CA-1532-A
DRAWN BY DC
CHECKED BY KC

NO	DATE	ISSUE
△		
△		

SHEET TITLE
SITE SURVEY

SHEET NUMBER
C-1

1st SUBMITTAL: 04-08-
2nd SUBMITTAL:
COMPANY JOB NO.



SURVEY GENERAL NOTES

DATE OF SURVEY: 08-28-2000

SURVEYED BY: KENNETH D. COX
PLS 14403

TITLE REPORT WAS AVAILABLE AT THE TIME OF THE FIELD SURVEY. EASEMENT SHOWN IS BASED ON MONUMENTATION FOUND AND RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY. THIS IS A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY LINES AND EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE MONUMENTATION FOUND DURING THE FIELD SURVEY. NO EASEMENTS WERE RESEARCHED OR PLOTTED. PROPERTY LINES AND LINES OF TITLE WERE NOT RESTORED NOR SURVEYED. NO PROPERTY MONUMENTS WERE SET.

DESCRIPTION OF PARCEL:

The west 660 feet of the North one-half of Lot 63 of Natomas East Side Subdivision according to the official plat thereof, filed in the office of the Recorder of Sacramento County, California, on January 16, 1924, in Book 17 of Maps, Map No. 34.

Assessor's Parcel No: 225-0050-021

SITE NAME & NO.: SORENTO / CA 1532-A

SITE ADDRESS: 5075 SORENTO RD
SACRAMENTO, CA 95835

ASSESSOR'S PARCEL NUMBER: 225-0050-021

APPLICANT: NEXTEL OF CALIFORNIA, INC.
3180 HARVARD STREET SUITE 220
SACRAMENTO, CA 95815

OWNER: LAVERNE F SMITHUTS
P.O. BOX 246378
SACRAMENTO, CA 95824

ELEVATIONS SHOWN ARE BASED ON NAVD 88

BEARINGS SHOWN ARE BASED ON NAD83

FLOOD PLAIN ELEVATION OF PROJECT AREA IN ZONE "X", AS SHOWN ON FEMA FIRM MAP PANEL 060262-0065C DATED JULY 6, 1998 AS PROVIDED BY SACRAMENTO CO. NOVEMBER 29 EXCEEDING CONTRACT 2.21' FROM ELEVATIONS SHOWN/POSTED (NOT APPLIED, INFORMATION PROVIDED BY NOAA).

THE LOCATION OF EXISTING UTILITY FACILITIES HAS NOT BEEN ASCERTAINED. THE CONTRACTOR SHALL CONTACT THE RESPECTIVE UTILITY COMPANIES TO OBTAIN INFORMATION REGARDING EXACT DEPTH OF BURIAL AND HORIZONTAL LOCATION OF UTILITY LINES PRIOR TO CONSTRUCTION. NEXTEL DOES DISCLAIM ANY THEIR REPRESENTATIVES ACCURACY AND RESPONSIBILITY FOR THE LOCATION OF SUCH UNDERGROUND UTILITIES, NOR FOR THE EXISTENCE OF BURIED OBJECTS WHICH ARE NOT SHOWN ON THIS PLAN.

LATITUDE AND LONGITUDE FOR THE PROJECT AREA WAS OBTAINED FROM INFORMATION PROVIDED BY A GPS SURVEY. THE GEOGRAPHIC POSITION SHOWN WAS DETERMINED UTILIZING TRIMBLE PATHFINDER PRO XL G.P.S. RECEIVER. THE DATA WAS DIFFERENTIALLY CORRECTED WITH PATHFINDER OFFICE VERSION 2.0.

FAA 1A CERTIFICATION

LATITUDE AND LONGITUDE DISPLAYED ON THIS PLAN ARE ACCURATE TO WITHIN 120 FEET HORIZONTALLY AND THE ELEVATIONS SHOWN ON THIS PLAN ARE ACCURATE TO WITHIN 24 FEET VERTICALLY.

LATITUDE: 38°47'14.84"
LONGITUDE: 121°29'37.04" (NAD 27)

LATITUDE: 38°47'14.49"
LONGITUDE: 121°29'15.35" (NAD 83)

CONTOURS: NTC CLOS 316.6' MSL

ATTACHMENT B