



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Christopher Burton

SUBJECT: SEE BELOW

DATE: September 19, 2024

Approved

Date:

9/20/24

COUNCIL DISTRICT: 7

SUPPLEMENTAL

**SUBJECT: PDC24-036 & PD23-013 - Planned Development Zoning District and
Planned Development Permit for Certain Real Property Located at
2919 South King Road**

REASON FOR SUPPLEMENTAL

This supplemental memorandum summarizes the community engagement event requested by the City Council at its August 27, 2024 meeting.

BACKGROUND

On August 27, 2024, the City Council considered the CEQA exemption, Planned Development Rezoning, and Planned Development Permit for the subject project.

This item was pulled from the City Council's consent calendar by Councilmember Doan. Eight members of the public spoke against the project. Councilmember Doan made a motion, seconded by Councilmember Ortiz, to ask staff to conduct community engagement and defer the item to September 24, 2024. The motion passed 6-4-1 (Cohen, Davis, Foley, Jimenez against; Torres absent).

ANALYSIS

As requested by the City Council, a community engagement event was held on the evening of Monday, September 16, 2024, at the Tully Library. City staff from the Planning Division's Development Review Team were present. Staff from the Council District 7 Office and the Mayor's Office were also present at the event. The applicant, Eric Lentz, on behalf of AT&T, and David Witkowski, CEO of Oka Solutions, made

presentations at this meeting, and Ellen Kamei and Ben Foust were also present on behalf of AT&T. Approximately 25 members of the public were present at the meeting and live Vietnamese interpretation was provided to residents who requested the service.

At the meeting, staff provided an overview of the Planning applications and a general site and project overview. Mr. Lentz then spoke about the alternatives analysis, the decision-making process in choosing the site, and presented renderings of the tower from various locations around the site. Finally, Mr. Witkowski gave a presentation on electromagnetic safety and radiofrequency emissions. The slides from all presentations are attached to this supplemental memorandum.

After the presentations, staff and the applicant engaged with residents in responding to their questions and comments. The topics predominantly focused on wireless device interference; the distance of the monopole to homes and its impact on the residents; the potential to move the monopole further away on the project site; the alternatives analysis, including the effort made in contacting the owners of other sites further away from the neighborhood; and the potential of colocation and additional electromagnetic radiation and additional safety concerns should this occur.

Mr. Witkowski referenced regulations that there were overriding federal laws regarding wifi interference. Mr. Lentz explained the process of finding sites and listed the alternative sites that were considered, and stated that they were either not suitable (due to lack of ground space, building height, or space for antennas) or uninterested owners, despite multiple methods of outreach (mail, phone, doorknocking). Therefore, the storage site was the only possible site within AT&T's search ring. Mr. Lentz also stated that colocation, should it be proposed, was a requirement per City policy and would also be required to meet FCC requirements for electromagnetic radiation.

Much of the discussion was focused on the location of the monopole on the site; specifically, the neighbors asked whether other locations at the site, further from existing residences, were available to AT&T to construct the monopole. Mr. Lentz explained that due to site constraints, namely the existing buildings, required ground space, fire access, and electrical equipment, there were only three locations on the site where a monopole could be placed, all of which were close to residential sites. Of the three locations, the proposed location was ultimately chosen due to its proximity to existing power supplies.

After the formal meeting ended, staff and the applicants remained for informal follow-up discussions with residents.

HONORABLE MAYOR AND CITY COUNCIL

September 19, 2024

Subject: PDC24-036 and PD23-013 - Planned Development Zoning District and Planned Development Permit for Certain Real Property Located at 2919 South King Road

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COORDINATION

This supplemental memorandum was coordinated with the City Attorney's Office.

/s/

CHRISTOPHER BURTON,
Director, Planning, Building and Code
Enforcement

For questions, please contact the Division Manager of the Planning Division's Development Review Team, John Tu, at (408) 535-6818.

Attachment:

Presentation slides from the September 16, 2024, Community Engagement Event

Welcome to the September 16, 2024
Community Engagement Event for the
AT&T Monopine at Storquest Storage (2919 South King Road)
PDC24-036, PD23-013, & ER23-098

Presenter: Jason Lee, Project Manager

The meeting will begin at 7:00 p.m.



Meeting Agenda

1. **Welcome from the Council District, Introductions, and Agenda Overview**
2. **Project Overview**
3. **Project Presentation** – the project applicant will present the proposed project
4. **Electromagnetic Safety Presentation** – Oku Solutions will present about electromagnetic safety
5. **Questions & Answers** – the Project Manager will facilitate questions and comments from members of the community to staff and presenters
6. **Adjournment** – we will adjourn at about 8:15 p.m., or earlier if there are no further questions. Staff will be around to answer questions until 8:30 p.m., when we must vacate this room.

Phiên dịch tiếng Việt có sẵn

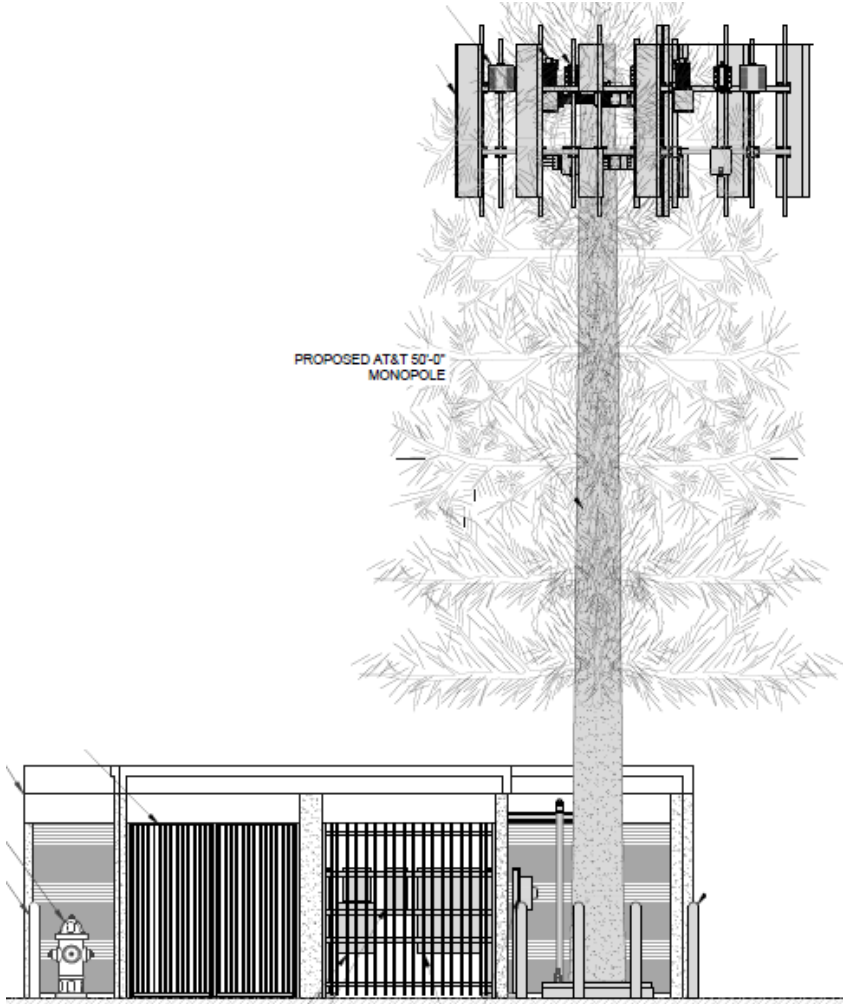


Site Description



- **Site Address:** 2919 South King Road
- **Site Area:** 4.93 gross acres (project site), 9.8 gross acres (rezoning)
- **Existing Use:** Self-storage
- **General Plan Land Use Designation:** Light Industrial
- **Zoning District:** LI(PD) Planned Development (File No. PDC16-037)

Project Description



PDC24-036:

- Rezone the storage site and adjacent vacant lot (2905 S King Road) to add wireless communications use to the storage site (2919 S King Road)
- Ensures that mini-storage will continue to be only main allowed use at 2919 S King Road site (as opposed to all Light Industrial uses)

PD23-013:

- Construct a 55-foot-high monopole telecommunications tower with 15 wireless antennas and associated ground equipment (within storage units)

Telecommunications Act of 1996

Cities and other local agencies are prohibited from denying wireless facilities on the basis of radiofrequency emissions. The project will be required to comply with all FCC standards with regard to radiofrequency emissions.

47 U.S. Code § 332(c)(7)(iv): 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.

Owner:
San Jose Storage Owner LLC

Applicant:
AT&T Mobility
(Eric Lentz)

PDC24-036, PD23-013, ER23-098:
AT&T Monopine at Storquest Storage
(2919 South King Road)



South King Road - Rezoning and Permit Application

AT&T Site ID# CCL06076

2919 SOUTH KING ROAD

Case No. PDC24-036, PD23-013 & ER23-141

September 16, 2024

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1

Introductions

AT&T Team

2

Background

Coverage Objective

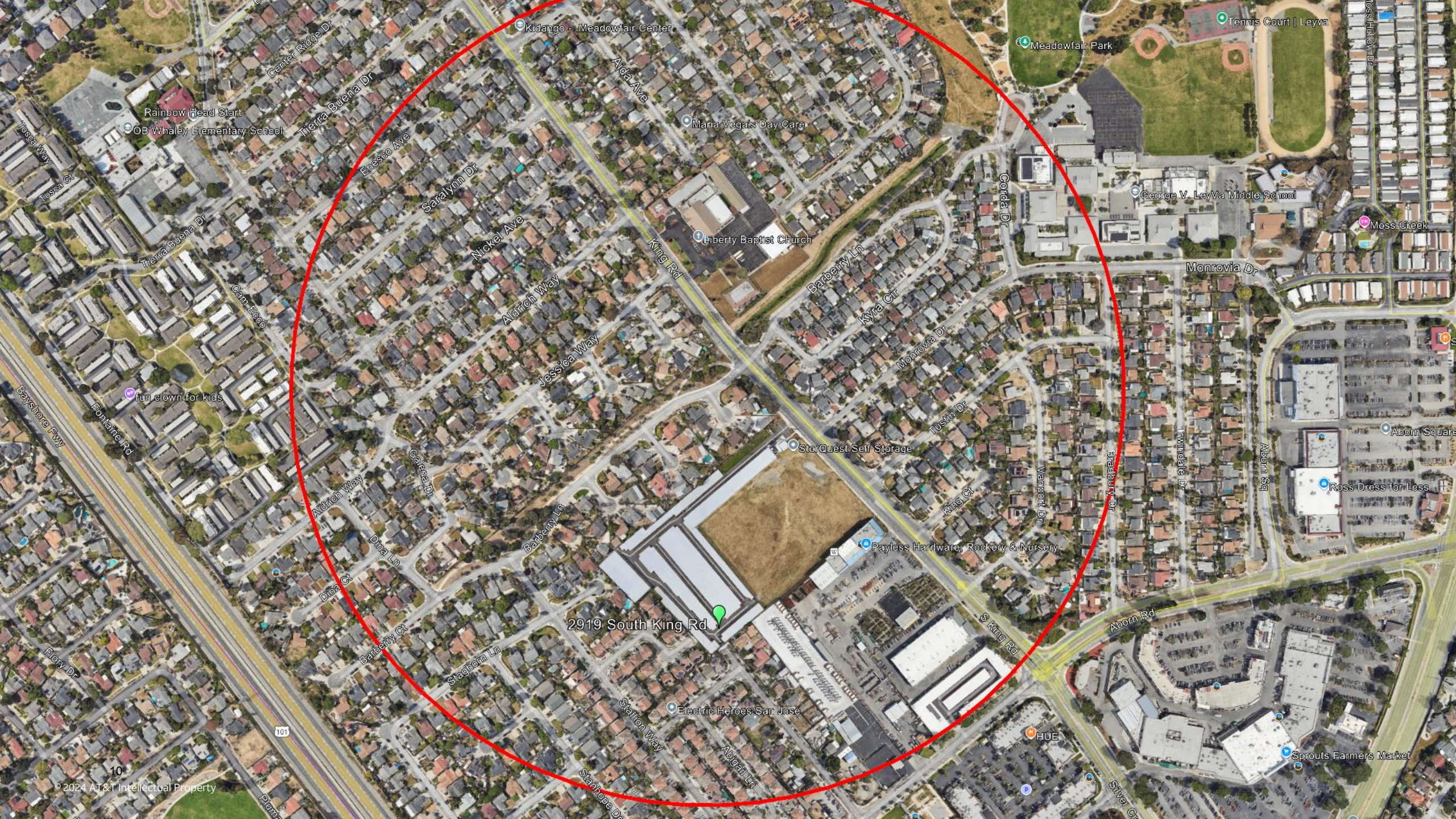
This primary objective for this project is to improve network coverage and capacity along S King Rd between E Capitol Expy and Hwy 101.

The Search Ring covers mostly residential customers with commercial and industrial areas to the southeast.

AT&T proposes to deploy FirstNet, the nationwide emergency response network which the County of Santa Clara and City of San Jose are subscribers.

Height proposed is necessary to close the existing gap.

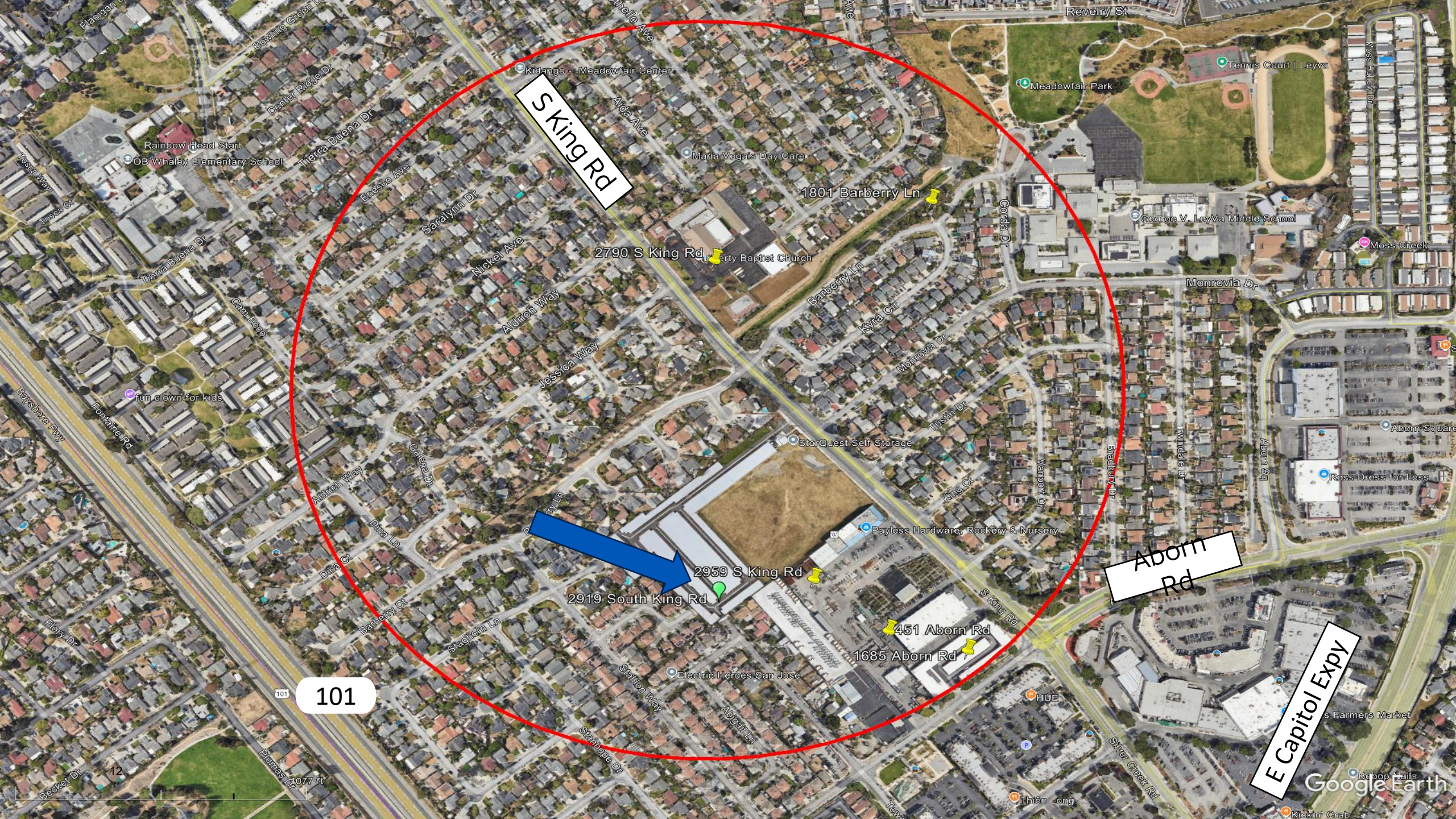
Proposed tower would be co-locatable and allow an additional wireless operator to co-locate, reducing the need for additional towers in the immediate area.



Alternative Sites

- Best of 6 alternatives.
- Subject property owner has MLA with AT&T and other carriers nationwide.
- Single Family Residential.

Address	Landlord Interest	RF Acceptance	Additional Notes
2919 South King Rd	Yes	Yes	Primary candidate. Lease in place with AT&T.
1801 Barberry Ln	Yes	No	This is an existing T-Mobile site that includes antennas on a PG&E lattice tower. This tower is full and will not allow additional AT&T antennas.
2790 S King Rd	No	Yes	Landlord was originally interested but later declined.
451 Aborn Rd	No	Yes	Landlord not responsive and deemed not interested.
2959 S King Rd	No	Yes	Landlord not responsive and deemed not interested.
1685 Aborn Rd	Yes	No	Landlord is interested. However, there is no ground space for a tower and the rooftop would be too low for a rooftop installation.



S King Rd

Aborn Rd

E Capitol Expy

101

2790 S King Rd

1801 Barberrry Ln

2959 S King Rd

2919 South King Rd

451 Aborn Rd

1685 Aborn Rd

OB Whaley Elementary School

George W. Layva Middle School

Meadowfair Park

Tennis Court | Layva

Liberty Baptist Church

StorQuest Self Storage

Payless Hardware, Rockery & Nursery

Google Earth

Existing Sites with Proposed CCL06076 LTE 700 Coverage



Coverage Gap

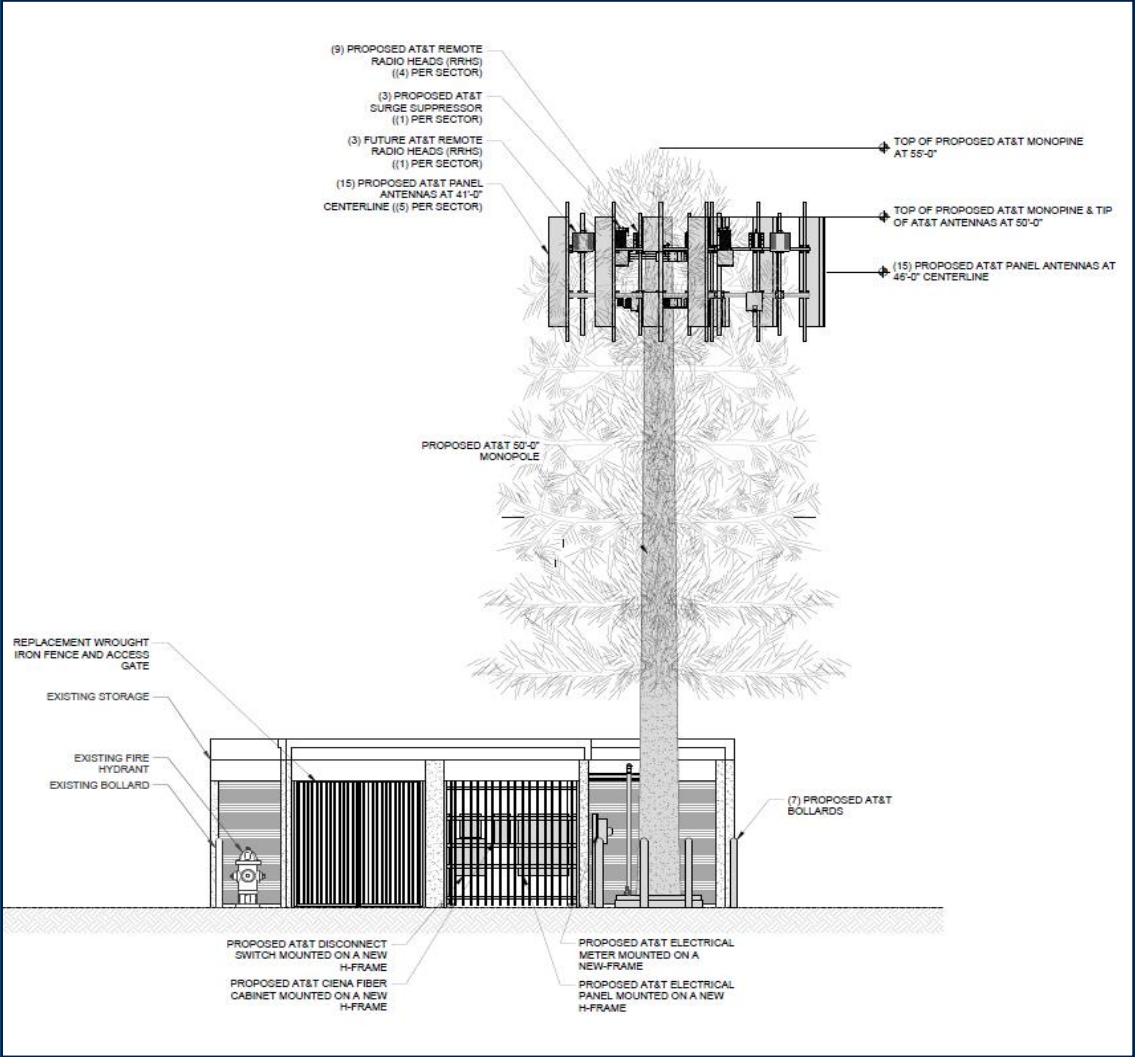
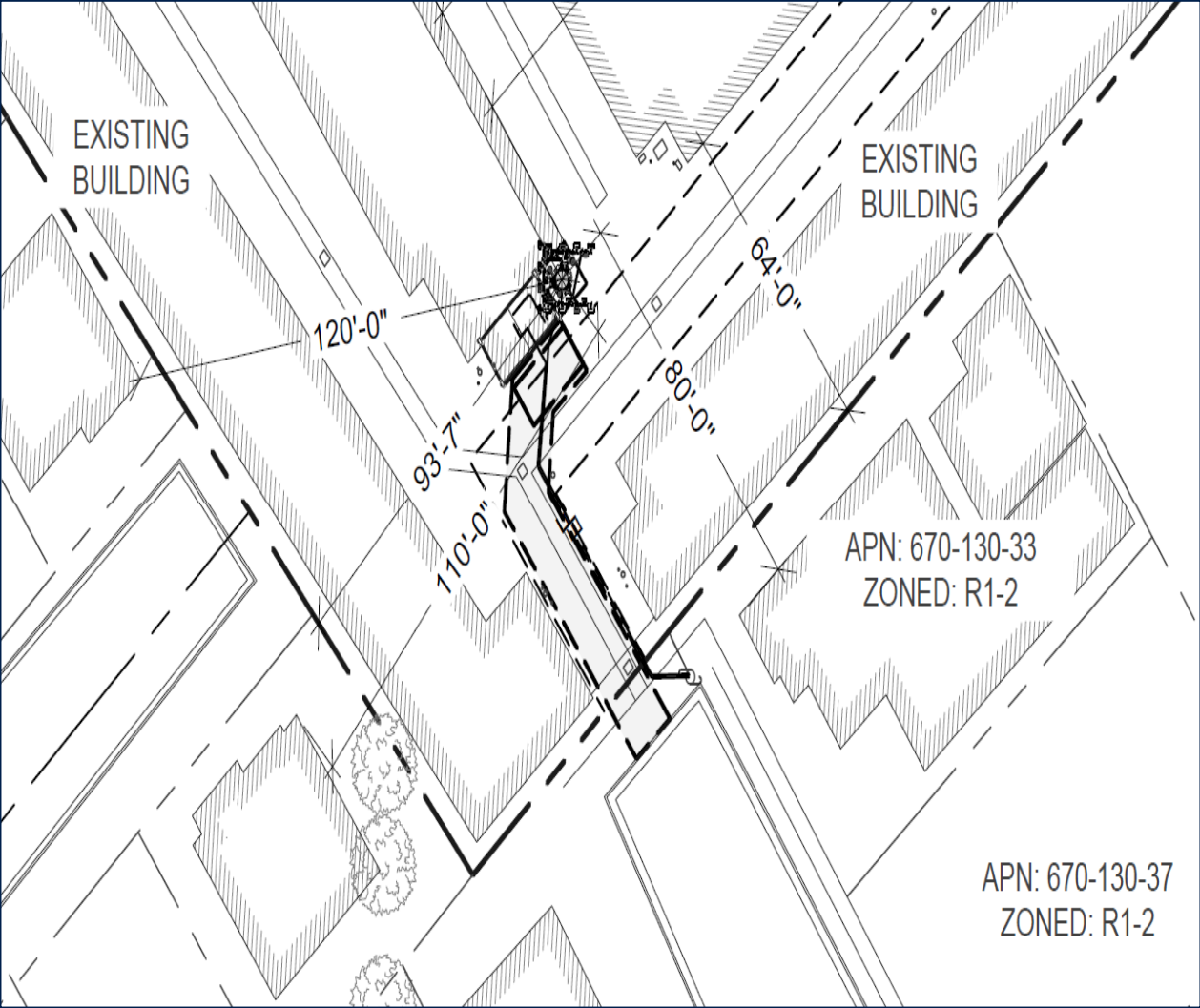
"AT&T PROPRIETARY -- This information constitutes confidential trade secrets and commercial or financial information owned by AT&T and is shared for Critical Infrastructure Protection purposes only. It is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552), Exemptions (b)(3)&(4), and its disclosure is prohibited under the Trade Secrets Act (18 U.S.C. 1905), the Critical Infrastructure Information Act of 2002, 6 U.S.C. 1133, and any State or local law requiring disclosure of information or records. This information must not be copied (whether mechanically or electronically through screen shots or other recording) or distributed to others not agreed upon by AT&T, but in all events do not copy or distribute to such others without notification pursuant to Executive Order 12600."



3

Project

Project Design



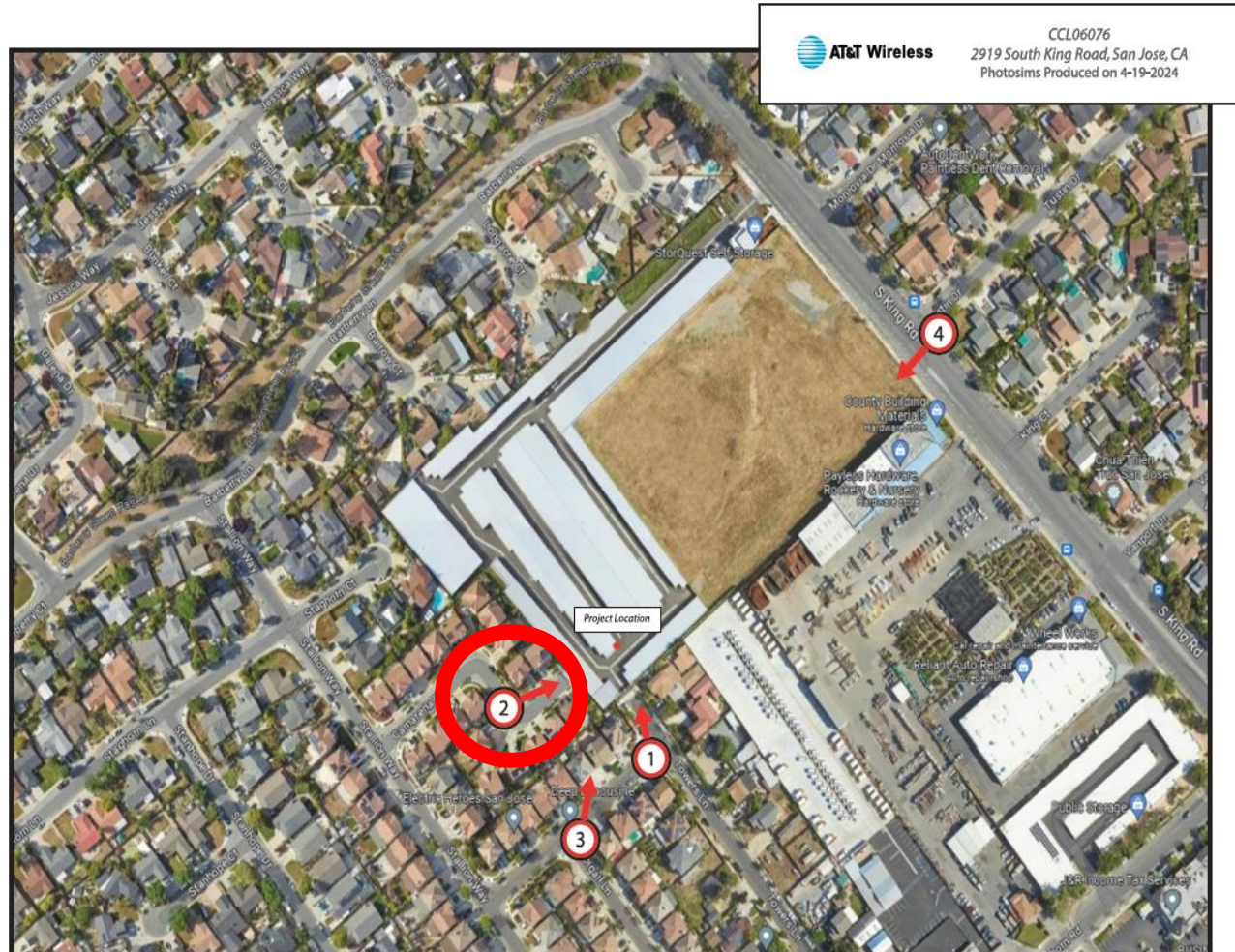
Photosimulations 1



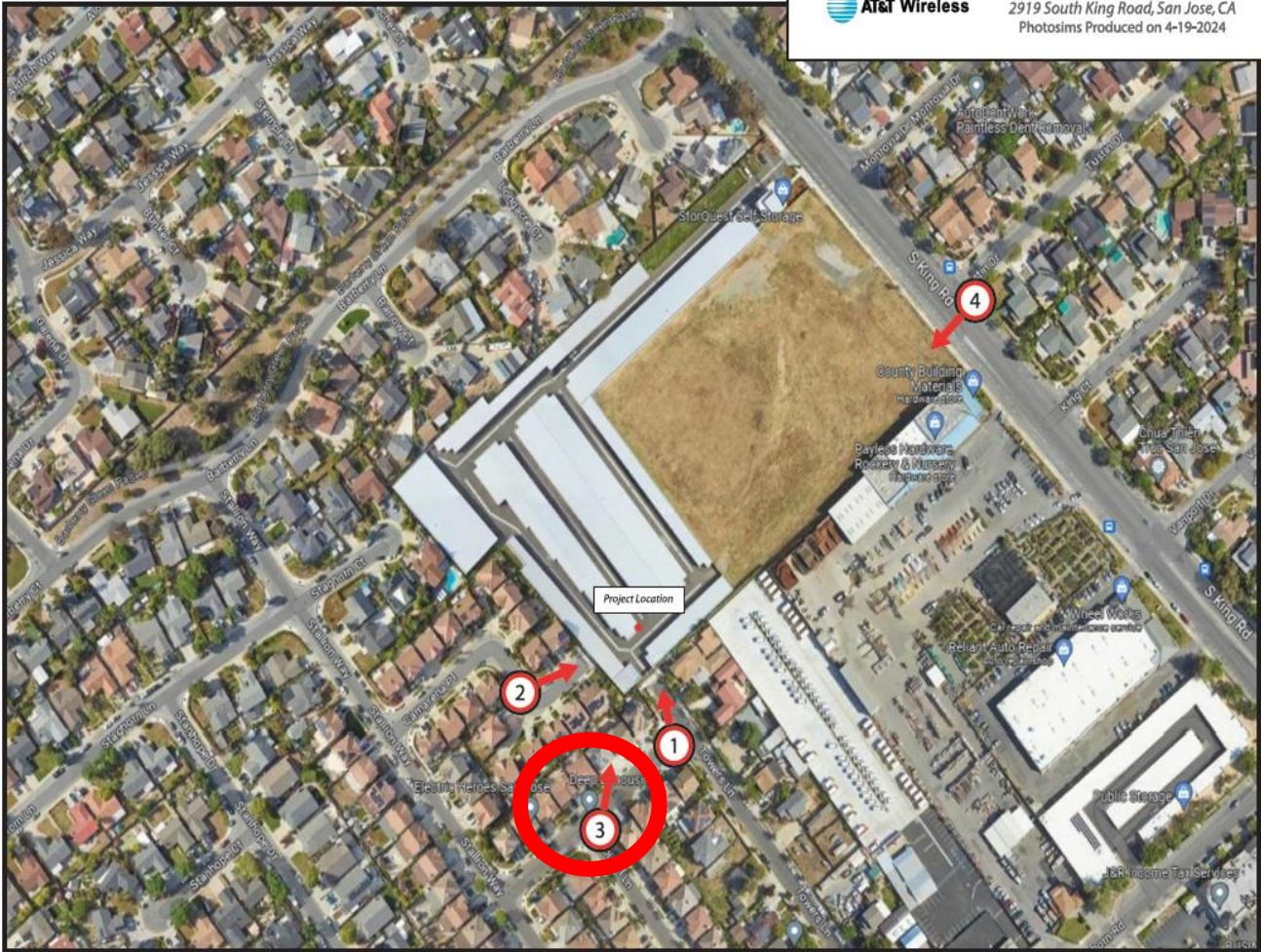
view from Towers lane looking north at site

AT&T Wireless
CCL06076
2919 South King Road, San Jose, CA
Photosims Produced on 4-19-2024

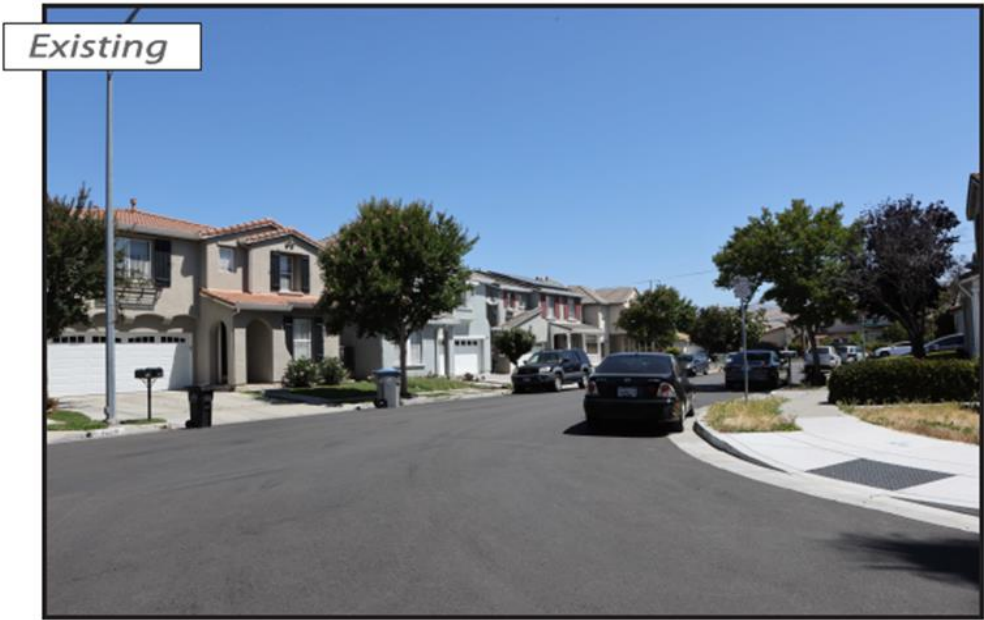
Photosimulations 2



Photosimulations 3



Photosimulations 4



Coverage Objective

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Electromagnetic Safety Presentation

David Witkowski

Oku Solutions LLC

PDC24-036, PD23-013, ER23-098:
AT&T Monopine at Storquest Storage
(2919 South King Road)

Electromagnetic Safety

Prepared for SJ Community Meeting, September 16th 2024

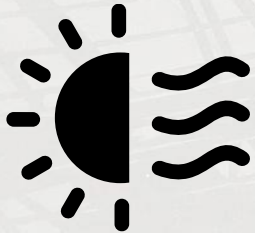
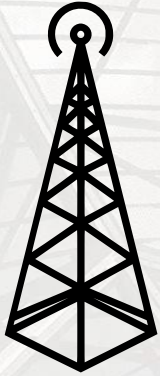
David Witkowski, CEO, Oku Solutions LLC

www.okusolutions.com



The science of Electromagnetic Safety

Factors Influencing EMF Safety




- Power output
- Antenna (esp. directional gain if any)
- Frequencies used
- Distance from source (*Free-Space Path Loss*)

Free-Space Path Loss



- We all understand free-space path loss from our experience with heat (aka infrared EMF)
 - Distance from the source changes our exposure to EMF sources.



What does current high-quality research tell us about Electromagnetic Safety?

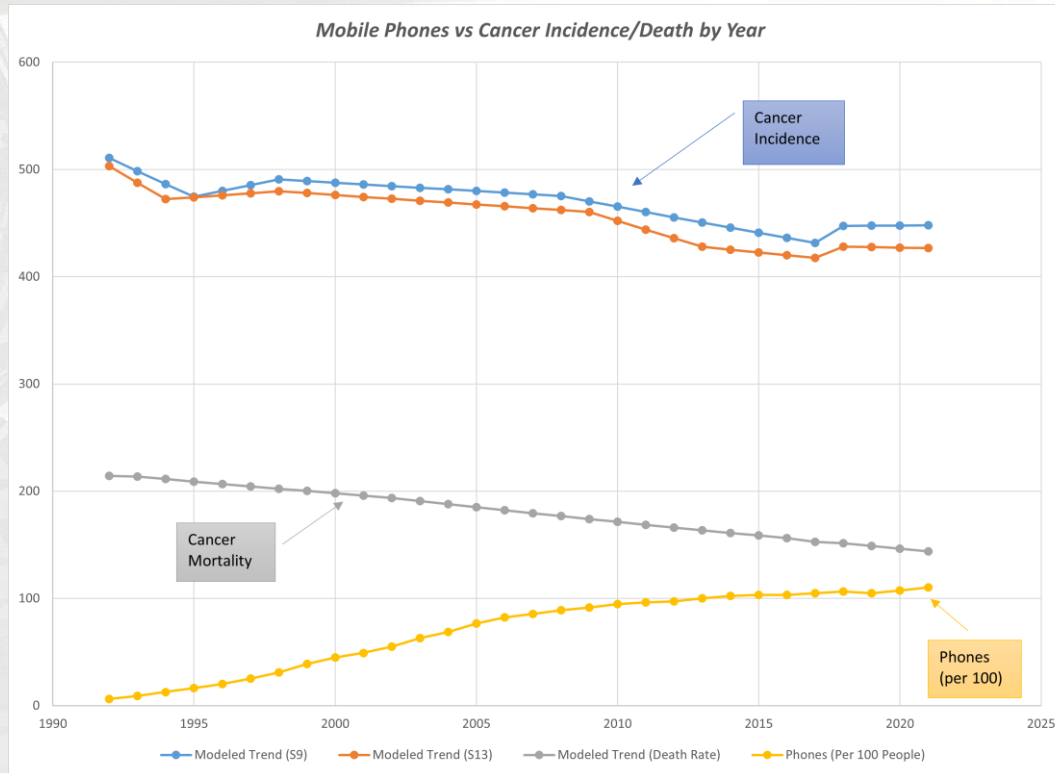
International Cohort Study of Mobile Phone Use and Health (COSMOS)

- International Agency for Research on Cancer, 2024: Looked at mobile phone use and brain tumor risk in over 250,000 phone users, many with 15 years or more of use.
 - “Emergence of tumors in the cohort groups did not correlate with phone usage.”
- Tracks with previous cohort studies e.g. the Danish Cohort.



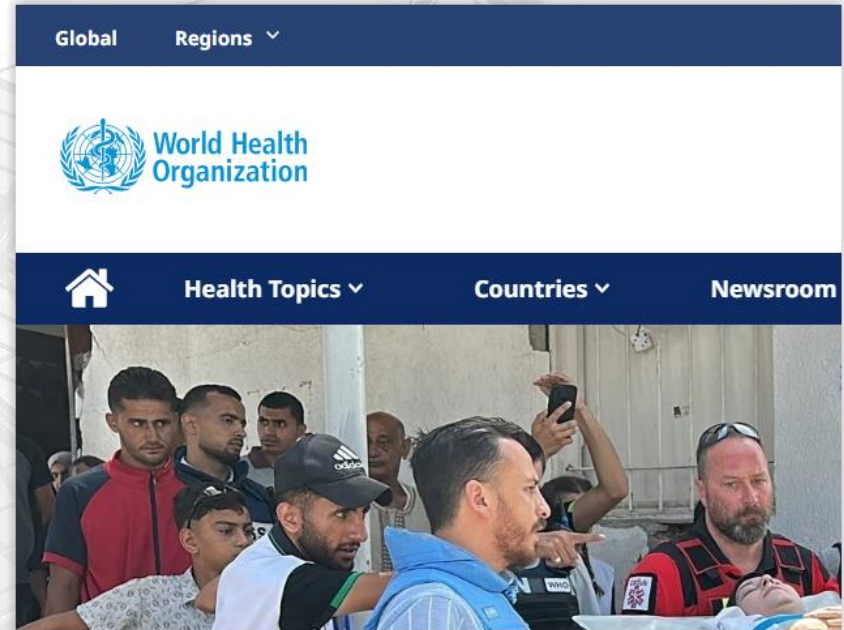
Phones vs Cancer

- Number of cellular phones (and by extension sites) are *increasing*, while cancer incidence and mortality are *decreasing*.

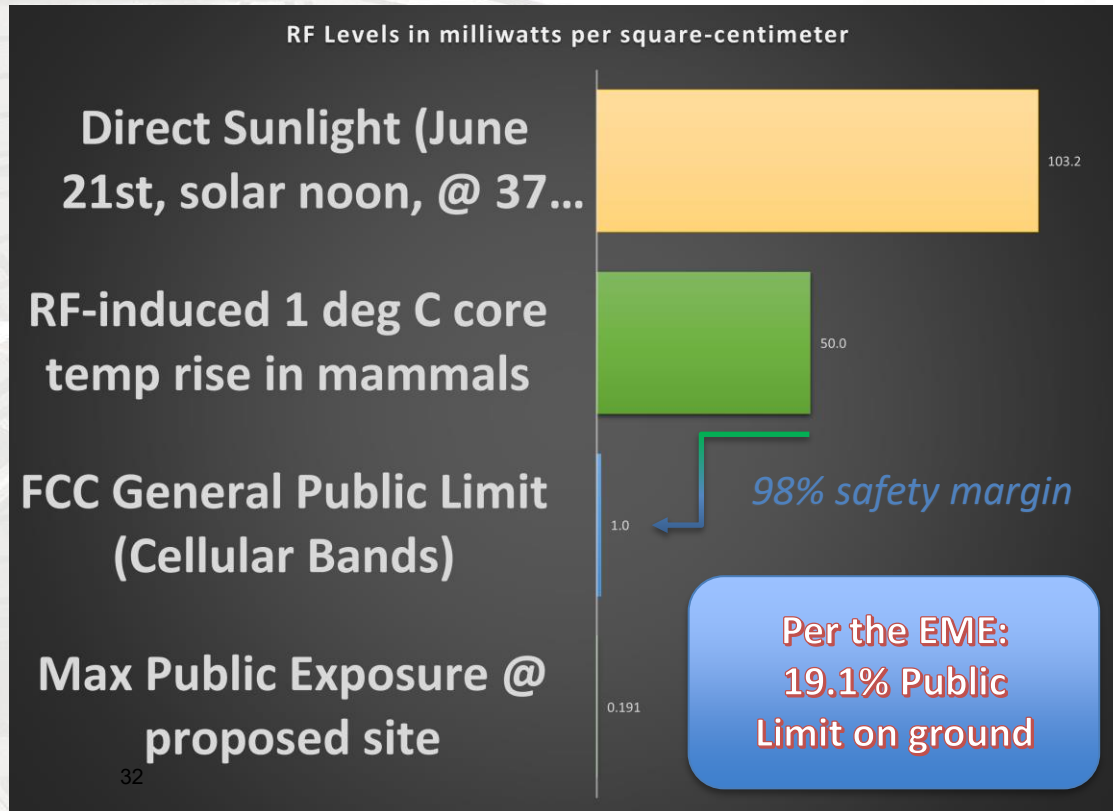


World Health Organization

- 2024: Meta-Analysis of 63 studies (selected from over 5,000 proposed)
- 2024: Cognition, Self-Reported EHS, Male Fertility.
- 2023: Tinnitus Migraine and Non-specific Symptoms, Pregnancy and Birth Defect Outcomes.
- *All had negative or likely-negative findings.*



Reviewed levels for proposed site



Note that predictive EMEs are always worst-case, and actual measured post-installation levels will be 5x to 10x lower.

Real Estate Valuation



- 2005 *survey* by a realtor in NZ
 - Claimed up to 20% reduction in valuations – but this was a *survey*
- Scientific studies have *not* found this effect using objective data
 - JVSV (2012 & 2021) :
<http://bit.ly/cellsiteMLSstudy> and
<https://bit.ly/SCREstudy>
 - Valbridge (2018: Boston, Dallas, Phoenix*, and Raleigh-Durham) :
<https://www.valbridge.com/market-studies>
 - Maennig (2010 : Hamburg DE)
<https://econpapers.repec.org/RePEc:hc:e:wpaper:039>

2021 Small Cell Valuation Study



- Years: 2010 – 2020
- Small Cell Sites: 1,734
- Real Estate Transactions: 11,684,458
- Method Used: Spatial Difference in Differences (aka Hedonic Analysis)
- Grouping: Metropolitan areas
- Resolution: 0.1 km (100 meters)

Questions and Answers



Meeting Adjournment

*Thanks for
joining us!*

Per direction at the City Council meeting on August 27, 2024, this item will be reheard at City Council on **September 24, 2024, at 1:30 p.m.**

Contact Information and Further Questions

Planning Project Manager: Jason Lee

Email: jason.lee@sanjoseca.gov

Phone Number: (408) 535-3887

Project Comments

Email: city.clerk@sanjoseca.gov & cc jason.lee@sanjoseca.gov

Subject should include **9/24 CC, Item 10.2** (PD23-013, PDC24-036)