CITY OF OAKLAND

AGENDA REPORT

TO: HENRY L. GARDNER
INTERIM CITY ADMINISTRATOR

FROM: Rachel Flynn

SUBJECT: 6758-6766 Saroni Drive Utility Pole Telecommunications Project Appeal

DATE: November 17, 2014

City Administrator Approval

Date 11.24.14

COUNCIL DISTRICT: 4

RECOMMENDATION

Planning staff recommends that the City Council conduct a public hearing and upon conclusion adopt:

A Resolution Denying Appeal #PLN14040-A01 and Upholding the Decision of the City Planning Commission to Approve Regular Design Review to Attach a Telecommunications Facility to a Utility Pole Located in the Public Right-of-Way At 6758-6766 Saroni Drive

Alternatively, should the Council wish to approve the Appeal and deny the Regular Design Review application, the City Council may, upon conclusion of a public hearing, adopt:

A Resolution Approving Appeal #PLN14040-A01, Thereby Reversing the Decision of the City Planning Commission and Denying Regular Design Review to Attach a Telecommunications Facility to a Utility Pole Located in the Public Right-of-Way at 6758-6766 Saroni Drive

EXECUTIVE SUMMARY

On May 21, 2014, the Planning Commission held a public hearing and approved an application submitted by Mr. Matthew Yergovich on behalf of AT&T ("AT&T") for Regular Design Review with additional telecommunications findings to attach an extension and two antennas to the top of an existing wooden utility pole, and to mount equipment to the side of the utility pole. On June 2, 2014, the appellant Ms. Wendy Parfrey (6676 Colton Boulevard) filed a timely Appeal of the Planning Commission's decision (#PLN1404-A01) on behalf of a neighborhood group, including residents of Saroni Drive, Heartwood Drive, and Colton Boulevard (collectively, "Appellants"). Staff recommends the City Council deny the Appeal and uphold the City Planning Commission's decision to approve the application. However, staff has also attached an

alternative Resolution and Findings for Denial which provides the City Council with the option of approving this appeal.

OUTCOME

Denial of the Appeal would result in upholding the Planning Commission's approval of the Regular Design Review application to attach a telecommunications facility to a utility pole located in the public right-of-way at 6758-6766 Saroni Drive.

Alternatively, approval of the Appeal would reverse the Planning Commission's decision of May 21, 2014, and deny the Regular Design Review application for the proposed telecommunications facility.

BACKGROUND

Local Government Zoning Authority

In 2009, a State Supreme Court decision provided Oakland with design review discretion over telecommunications projects when located in the public right-of-way. Prior to this decision, these types of projects were not subject to Zoning permits. Telecommunications projects located in the public right-of-way are also distinct from those located on private property, which have always been subject to design review as well as a conditional use permit and possible variances in certain situations.

In addition, the Telecommunications Act of 1996 prohibits any local zoning regulations purporting to regulate the placement, construction and modification of personal wireless service facilities on the basis, either directly or indirectly, of the environmental effects of radio frequency emissions (RF) of such facilities, which otherwise comply with FCC standards in this regard. This means that local authorities may not regulate the siting or construction of personal wireless facilities based on RF standards that are more stringent than those promulgated by the FCC.

Application

On March 7, 2014, a representative for AT&T submitted a Regular Design Review application to the Bureau of Planning to construct a telecommunications facility on an existing utility pole located in the public right-of-way. The proposal was to install an extension with two antennas to a 38-foot wooden Joint Pole Authority (JPA) utility pole owned by PG&E and located in the City public right-of-way adjacent to the property line between 6758 and 6766 Saroni Drive, and to mount equipment to the side of the pole between 8' and 18'-10" in height.

On May 21, 2014, the Planning Commission held a public hearing and approved the application.

Application Review and Decision

The site is a section of public right-of-way along Saroni Drive containing a 38-foot wooden utility pole. This section of road contains no sidewalk. The surrounding area consists of a hillside residential neighborhood with single-family homes. To the rear of the site are single family homes on downslope lots.

The proposal was to attach telecommunications antennas and equipment to a wooden utility pole to enhance wireless telecommunications services (i.e., cellular telephone and wireless data). The extension on top of the utility pole, which is required for antenna clearance above overhead utility lines, would result in a top height of 47'-11". The antennas would generally maintain the shape of the pole, and the pole mounted equipment cabinet would be contained in a singular shroud. Both the equipment cabinet and antennas would be painted matte (non-reflective) brown to match the color and finish of the wooden pole.

For the subject application at 6758-6766 Saroni Drive, staff visited the site and utilized internet aerial images. Staff did not discern a view or proximity issue, given the elevation of homes uphill from the pole and across the street, the distance to adjacent homes on downslope lots, and the lack of a bay view. The City publicly noticed the project for seventeen (17) days for the Planning Commission hearing of May 21, 2014. At the hearing on May 21, 2014, no evidence was presented to indicate a view obstruction, and the Planning Commission approved (by a vote of 6 to 0) the requested planning permit for the Project.

The applicant submitted a Site Design Alternatives Analysis and a satisfactory emissions report. In consideration of the proposal and site surroundings, including its proposed public right-of-way location, staff recommended Planning Commission approval of this application because the proposal met Regular Design Review findings required for approval and additional findings for telecommunications facilities.

On June 2, 2014, the Appellant filed an Appeal on behalf of numerous adjacent residents (***Attachment A***). The bases of the appeal were:

(1) The City provided inadequate public notification for the project;
(2) The City relied upon outdated Federal radio frequency emissions standards;
(3) The City improperly relied upon a CEQA exemption for the project;
(4) The applicant inadequately demonstrated a need for telecommunications coverage at the site;
(5) The applicant inadequately demonstrated fire safety with the telecommunications facility;
(6) The City inadequately reviewed adverse effect on neighboring property values; and
(7) Other jurisdictions have adopted more stringent regulations and denied similar applications.

ANALYSIS

The Planning Code indicates that for an appeal of a Planning Commission decision on a Regular Design Review:

The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. (OMC Sec. 17.132.070(A))

In considering the appeal, the Council shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. (OMC Sec. 17.136.090)

Below are the primary issues presented by the Appellants in their Appeal and staff's response to each issue (shown in *italicized* text).

Appellants' Issue #1:
The City provided inadequate public notification for the project.

The Appeal states:

> "The due process of the Planning Commission is inadequate and citizens are left with virtually no meaningful input on the AT&T proposal for DAS nodes in the Oakland Hills. Below are examples from the Saroni application process supporting this."

The appeal claims that the notices were posted too low at the site for ideal visibility, and on utility poles adjacent to the site at inefficient viewing locations with the notices facing ineffective viewing directions; neighbors within three hundred feet of the site were not mailed a notice; the diagram on the notice was not legible; the description of the proposal on the notice was vague; insufficient time was provided for neighborhood review; the Planning Commission would not grant a continuance to provide neighbors with additional time for review; the applicant was not adequately responsive; and, the policy for a ten-day appeal period and fee creates hardships.

Staff Response:

The City adhered to all the requirements of the Planning Code regarding noticing, and the Appellants received adequate notice and due process. The State requires a ten-day notification period and a ten-day appeal period; the City voluntarily adopted a Planning Code requirement for a longer seventeen-day notice period (OMC Sec. 17.136.040(C)(2)). The Planning Code requires notification on site but does not indicate signage height or inclusion of a plan. The notice was also posted on the City's website and at City Hall. Although not a requirement, the

Bureau of Planning voluntarily posts notices on adjacent utility poles and includes a diagram on the signage posted on site. The public notices are also mailed to owners of all properties located within or partially within three-hundred feet of the project site pursuant to the Planning Code (Attachment C). All notices contain contact information for the Bureau and case planner. The full size plans can be viewed at the Bureau's office at the City Hall complex, and the case planner is available to answer questions during the seventeen-day notice period. Contact information for the applicant is also available during this time. Additionally, certain construction activities related to the project do not require City permits. Lastly, the appellant attended the meeting which implies adequate public notification was provided. The Planning Commission was within its rights to decide on the application at that time rather than direct a continuance of the item. The fee for appeals is based on the City's master fee schedule (page 6) and telecommunications applications are subject to the same procedures as non-telecommunications applications. In conclusion, staff finds that public notification was provided properly, adequately, and fairly.

Appellants' Issue #2:
The City relied upon outdated Federal radio frequency emissions standards.

The Appeal states:

> "The Federal Communications Commission (FCC) standards on which the Planning Commission' approvals of all AT&T DAS nodes do not represent the most current research studies that have been published in the last 30 years. Therefore, the FCC standards are inaccurate and misleading and the AT&T application and approval of the Saroni DAS node was not supported by substantial evidence.

The appeal goes on to state that "local governments have limited power to restrict installations that abide by these outdated standards."

Staff Response:

Where a proposed facility complies with FCC regulations, the City is preempted from considering the issue further. The City cannot deny a telecommunications application on the basis of radiation/emissions concerns if a satisfactory radio frequency emissions (RF) report is provided pursuant to the Planning Code. Section 17.128.130 of the Planning Code requires submittal of an RF emissions report indicating that the proposed site will operate within the current acceptable thresholds as established by the Federal government. The applicant submitted a satisfactory RF emissions report (Attachment B). This is not a City Zoning issue but an issue to be raised with the FCC.

Appellants' Issue #3:
The City improperly relied upon a CEQA exemption for the project.

The Appeal states:

> "Radiation is a Class 2B carcinogen similar to lead, DDT and diesel fuel along with 285 other chemicals. We do not believe that approving Class 2B chemicals near homes is CEQA exempt and the Planning Commission's approval was in error."

The appeal goes on to indicate that the project approval's decision letter contained an environmental notice of exemption in which the facility was mischaracterized as a business.

Staff Response:

As stated in the Planning Commission staff report, the Project is exempt from environmental review under the California Environmental Quality Act (CEQA). CEQA Guidelines categorically exempts specific types of projects from environmental review. Section 15301 of the CEQA Guidelines exempts projects involving "...the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use..." The proposal to attach wireless telecommunications antennas and related equipment to an existing wooden utility pole meets this description The Appellant provides no information to support their assertion that certain chemicals associated with the project would prevent it from receiving a CEQA exemption. The Project is also subject to CEQA Guidelines section 15183 (projects consistent with a community plan, general plan or zoning). The appellants' concern for certain chemicals again would fall under the FCC's jurisdiction. As stated above, although the City cannot regulate wireless communications facilities based on RF exposure, it can require documentation of compliance with applicable FCC guidelines. With regard to the typographical error, staff apologizes for the oversight but this minor error is not a substantive basis to overturn the project approval. In conclusion, staff finds that a CEQA exemption was properly utilized for the project.

Appellants' Issue #4:
The applicant inadequately demonstrated a need for telecommunications coverage at the site.

The Appeal states:

> "The AT&T plan for 32 DAS nodes in the Oakland Hills is an integrated network that is based on the assumption that AT&T cell service is needed in the area and 911 service is inadequate. We believe this is a false assumption."

The appeal goes on to indicate that no data to provide the gap in coverage was provided and that, according to the applicant team's testimony, numerous hills residents do not rely upon cell phones at home.

Staff Response:

The required Zoning approval for the project was for a Design Review Permit, only. The criteria necessary to approve the permit relates to design issues and not to the use itself, such as with a conditional use permit. While the staff report to the Planning Commission did not contain it as an Attachment, the application did in fact contain a coverage map indicating a need for additional service in the vicinity of the project site. The application is for DAS technology which boosts existing telecommunication signals in an area. Also, in the event of an emergency such as a wildfire, greater than thirty-five percent of hillside residents may need to rely upon their cell phones to call for emergency services. Staff finds that to the extent necessary for required permits, that need was demonstrated for a facility at the proposed site. The staff report contained the following section:

> *In addition to ensuring this type of request meets required legal findings, proposed wireless telecommunications facilities must meet specific development standards, and site location and design preferenees, and possess a satisfactory radio frequency emissions report.*
>
> *Project Site*
> *Section 17.128.110 of the City of Oakland Telecommunication Regulations requires that wireless facilities shall generally be located on designated properties or facilities in the following order of preference:*
>
> *A. Co-located on an existing structure or facility with existing wireless antennas.*
> *B. City owned properties or other public or quasi-public facilities.*
> *C. Existing commercial or industrial structures in non-residential zones.*
> *D. Existing commercial or industrial structures in residential zones.*
> *E. Other non-residential uses in residential zones.*
> *F. Residential uses in non-residential zones.*
> *G. Residential uses in residential zones.*
>
> **Facilities locating on an A, B or C ranked preference do not require a site alternatives analysis.*
>
> *Since the proposed project involves the attachment antennas on an existing structure, the proposed development meets the (B) located on an existing structure or facility, therefore a site alternatives analysis is not required.*

In conclusion, staff finds that, although not a part of the approval criteria, the applicant adequately demonstrated a need for telecommunications coverage at the site.

Appellants' Issue #5:
The applicant inadequately demonstrated fire safety with the telecommunications facility.

The Appeal states:

> "There is a serious question about fire safety which AT&T refuses to answer. The Planning Commission was in error when it approved a project that is a fire hazard in a neighborhood that is rated as a 'high fire hazard zone.'"

The appeal goes on to indicate that the facilities contain battery packs close to the ground, the flammability of which was not adequately addressed by the applicant team; and, that such facilities may have contributed to the Malibu fire of 2007.

Staff Response:

This again is not a design issue. All facilities are subject to Building Permits. Nonetheless, during the City Council hearing of July 29, 2014, the City's Fire Chief did not indicate this to be a critical issue, either. The Malibu fire of 2007 occurred prior to Design Review for utility pole-mounted telecommunications facilities, and more importantly, the facility was installed without proper structural review The utility poles already exist in the area, and may be undergrounded in the future. With regards to safety, the Planning Commission's approval does contain the following Finding:

> 7. That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, feneing, anti climbing measures and anti-tampering devices.
>
> Equipment will be pole mounted a minimum of eight feet above grade and, as conditioned, will be encased in a shroud; the antenna and apparatus will be located at thirty-eight feet above grade.

In conclusion, staff finds that, although not a part of the approval criteria, the applicant adequately demonstrated fire safety in regard to the telecommunications facility.

Appellants' Issue #6:
The City inadequately reviewed adverse effect on neighboring property values.

The Appeal states:

"If the Planning Commission did not evaluate the overall decline in property values due to the 32 AT&T DAS nodes in the Oakland Hills, then the approval of the Saroni node was in conflict with the fiscal responsibilities of the City. When property values decline, there is less tax revenue for the City of Oakland."

Staff Response:

A project's effect on adjacent property values is a concern under Design Review. Staff respectfully disagrees that this was not considered. Furthermore, staff disagrees with the assessment that the project would cause property values to decline. The project will enhance services which could in fact serve to increase property values. The utility pole is existing and not obstructing the appellants' views or located directly in front of all but one home which is on a downslope lot. The Planning Commission's approval contained the following Findings:

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;

The facility will not be visually intrusive given no view impact, singular shroud around equipment, and paint to match color. Given advancing technologies, enhanced service at this location will assist users in the residential zone. The antennas will generally maintain the shape of the JPA pole and pole mounted equipment cabinets, as conditioned, will be contained in a singular sheath painted matte brown to match the color and finish of the wooden pole.

2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;

This finding is met for the following reasons:

The site does not directly front:

- *a residence;*
- *a significant view from a home (for example, view of the Bay; views from 6730 Saroni Drive and 6801 Saroni Drive were considered); or*
- *a scenic vista.*

The proposal features:

- *an existing structure (JPA pole) in an area lacking other non-residential structures;*

- *a facility not appreciably taller than adjacent trees; and*
- *no ground mounted equipment cabinets*

Conditions of approval require:

- *encased pole mounted equipment cabinets in a single, continuous shroud painted matte brown to match the color and finish of the wooden utility pole; and*
- *paint the antennas and connecting apparatus and all equipment matte brown to match the color and finish of the wooden pole.*

DESIGN REVIEW CRITERIA FOR MACRO FACILITIES (OMC SEC. 17 128.070(B)).
1. Antennas should be painted and/or textured to match the existing structure.

The antennas will be painted matte brown to match the color and finish of the wooden pole, as conditioned.

2. Antennas mounted on architecturally significant structures or significant architectural detail of the building should be covered by appropriate casings which are manufactured to match existing architectural features found on the building.

The antennas will be attached to an existing wooden utility pole.

3. Where feasible, antennas can be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.

The antennas will be mounted directly on top of the existing wooden utility pole

4. Equipment shelters or cabinets shall be screened from the public view by using landscaping, or materials and colors consistent with surrounding backdrop or placed underground or inside existing facilities or behind screening fences.

As conditioned, equipment cabinets will be mounted to the pole in a singular shroud that is significantly smaller than typical ground mounted cabinets and shelters and the exterior will be painted matte brown to match the color and finish of the wooden pole.

5. Equipment shelters or cabinets shall be consistent with the general character of the area.

As conditioned, equipment cabinets will be housed in a singular shroud attached to a wooden utility pole and painted to match its color.

6 For antennas attached to the roof, maintain a 1:1 ratio (example: ten feet high antenna requires ten feet setback from facade) for equipment setback; screen the antennas to

match existing air conditioning units, stairs, or elevator towers; avoid placing roof mounted antennas in direct line with significant view corridors.

This finding is inapplicable; the proposal does not involve a roofed structure.

The staff report also contained the following section:

Project Design
Section 17.128.120 of the City of Oakland Telecommunications Regulations indicates that new wireless facilities shall generally be designed in the following order of preference:

A. Building or structure mounted antennas completely concealed from view.
B. Building or structure mounted antennas set back from roof edge, not visible from public right-of way.
C. Building or structure mounted antennas below roof line (facade mount, pole mount) visible from public right-of-way, painted to match existing structure.
D. Building or structure mounted antennas above roof line visible from public right of-way.
E. Monopoles.
F Towers.

** Facilities designed to meet an A or B ranked preference do not require site design alternatives analysis. Facilities designed to meet a C through F ranked preference, inclusive, must submit a site design alternatives analysis as part of the required application materials. A site design alternatives analysis shall, at a minimum, consist of:*

a. Written evidence indicating why each such higher preference design alternative cannot be used. Such evidence shall be in sufficient detail that independent verification could be obtained if required by the City of Oakland Zoning Manager. Evidence should indicate if the reason an alternative was rejected was technical (e.g. incorrect height, interference from existing RF sources, inability to cover required area) or for other concerns (e.g. inability to provide utilities, construction or structural impediments).

The project meets preference (D) since the antennas would be visible from the public right-of-way and a site design alternatives is therefore required. A satisfactory report has been submitted and is attached to this report.

In conclusion, staff finds that there was adequate review of adverse effect on neighboring property values.

Appellants' Issue #7:
Other jurisdictions have adopted more stringent regulations and denied similar applications.

The Appeal states:

> "There are many actions that the City of Oakland can undertake to demonstrate leadership and a commitment to the residents of Oakland. This takes courage, but other California cities have shown the way."

The appeal goes on to indicate examples of the efforts of other cities to update the telecommunications ordinances and/or deny telecommunications applications; and, questions the lack of setback requirement for JPA facilities, as well as the disposition of the Oakland General Plan with regard to telecommunications facilities.

Staff Response:

Staff would point out that the Planning Commission has also previously denied similar telecommunications projects in the Oakland Hills. The City takes a proactive approach in regulating telecommunication facilities. In fact, the Oakland Planning Code has a designated telecommunications chapter which is periodically updated and recently issued a Zoning Code Bulletin in addition to exercising design review in the public right-of-way as described earlier in this report Although the project does not involve a monopole, staff would point out that the City's regulations are more strict for monopoles than are utilities' regulations for utility poles with regard to height adjacent to structures such as homes. The experience of other cities is irrelevant here. With regards to setback requirements, the Planning Code does require setbacks for monopoles but this is not a monopole. Finally, the General Plan's silence with regard to the Essential Service Civic Activity provided by telecommunications facilities is intended to promote such facilities only as appropriate rather than prohibit them in certain areas as with certain other land uses that can sometimes be problematic in certain districts; the following section is from the Planning Commission's Findings to approve this project:

> *3. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.*
>
> *The site is located in a Hillside Residential area under the General Plan. The intent of the Hillside Residential area is: "to create, maintain, and enhance residential areas characterized by detached, single unit structures." The General Plan is silent on telecommunications activities (which are classified as Essential Service Civic Activity under the Planning Code). The proposal is meant to enhance service to residents from a highly effective location with a relatively unobtrusive design.*

In conclusion, staff finds the City proactive in regulating telecommunications facilities..

ANALYSIS

The Planning Code indicates that for an appeal of a Planning Commission decision on a Regular Design Review:

The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. (OMC Sec. 17.132.070(A).)

In considering the appeal, the Council shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. (OMC Sec. 17.136.090.)

POLICY ALTERNATIVES

After the Appeal was submitted, the applicant installed story poles with staff's permission because the applicant wished to provide an opportunity to Councilmembers, staff, and the public to view a representation of the proposed height. Staff conducted a site visit to view the story poles and concluded that the proposal remains supportable. Attached to this staff report are photographs of the story poles, as well as the requested resolution overturning the Planning Commission approval and denying the application.

PUBLIC OUTREACH/INTEREST

The appeal was publicly noticed and discussed with the appellants by staff.

COORDINATION

This agenda report and legislation have been reviewed by the Office of the City Attorney and by the Budget Office.

COST SUMMARY/IMPLICATIONS

This appeal action would have no fiscal impact.

SUSTAINABLE OPPORTUNITIES

Economic: The Project Denial or Approval would have no economic impact.

Environmental: The Project Denial or Approval would not have an adverse effect on the environment.

Social Equity: The Project Denial or Approval would not affect social equity.

CEQA

Should the Council uphold the Appeal and thereby reverse the Planning Commission's approval, CEQA Guidelines Section 15270 (projects which are disapproved) would apply.

Should the Council deny the Appeal and uphold the Planning Commission's approval, the proposed telecommunications facilities are exempt from CEQA under CEQA Guidelines ssections 15301 (minor alterations), 15183 (projects consistent with a community plan, general plan, or zoning), and 15303 (small facilities or structures, installation of small new equipment and facilities in small structures). None of the exceptions to the exemptions in CEQA Guidelines Section 15300.2 are triggered by the proposed telecommunication facilities. Specifically, a) the location is not designated hazardous or critical; b) the telecommunications facilities do not have a cumulative impact because other telecommunications facilities are dispersed from each other and not in the same places such that any visual or noise impacts do not cumulate; c) utility facilities are common in the public right-of-way and are not an unusual circumstance; d) the area is not a scenic highway; e) the area is not a hazardous waste site; and f) there is no change to a historical resource.

For questions regarding this report, please contact Aubrey Rose AICP, Planner II, at (510) 238-2071 or arose@oaklandnet.com.

Respectfully submitted,

Rachel Flynn, Director
Planning and Building Department

Reviewed by:
Scott Miller, Zoning Manager

Prepared by:
Aubrey Rose AICP, Planner II

Attachments:

A. ***Appeal #PLN14040-A01 dated June 2, 2014***

B. ***May 21, 2014 Planning Commission Staff Report with Attachments including RF Emissions Report***

C. ***Public Notification***

D. ***Photographs of story poles***

ATTACHMENT A

CITY OF OAKLAND
APPEAL FORM
FOR DECISION TO PLANNING COMMISSION, CITY COUNCIL OR HEARING OFFICER

Community and Economic Development Agency

PROJECT INFORMATION

Case No. of Appealed Project: PLN 14040

Project Address of Appealed Project: 6758 Saroni Drive & 6766 Saroni Drive

Assigned Case Planner/City Staff: Aubrey Rose, AICP

APPELLANT INFORMATION:

Printed Name: WENDY PARFREY Phone Number: 510-287-3310

Mailing Address: 6676 COLTON BLVD Alternate Contact Number: 339-1071

City/Zip Code: OAKLAND CA Representing: Residents of Saroni, Heartwood & Colton in Oakland

Email: _____

An appeal is hereby submitted on:

☐ **AN ADMINISTRATIVE DECISION (APPEALABLE TO THE CITY PLANNING COMMISSION OR HEARING OFFICER)**

YOU MUST INDICATE ALL THAT APPLY:

- ☐ Approving an application on an Administrative Decision
- ☐ Denying an application for an Administrative Decision
- ☐ Administrative Determination or Interpretation by the Zoning Administrator
- ☐ Other (please specify) _____

Please Identify the specific Administrative Decision/Determination Upon Which Your Appeal is Based Pursuant to the Oakland Municipal and Planning Codes listed below:

- ☐ Administrative Determination or Interpretation (OPC Sec. 17 132 020)
- ☐ Determination of General Plan Conformity (OPC Sec 17.01 080)
- ☐ Design Review (OPC Sec 17 136.080)
- ☐ Small Project Design Review (OPC Sec. 17 136 130)
- ☐ Minor Conditional Use Permit (OPC Sec 17 134.060)
- ☐ Minor Variance (OPC Sec 17 148 060)
- ☐ Tentative Parcel Map (OMC Section 16 304 100)
- ☐ Certain Environmental Determinations (OPC Sec 17.158 220)
- ☐ Creek Protection Permit (OMC Sec 13 16 450)
- ☐ Creek Determination (OMC Sec 13 16 460)
- ☐ City Planner's determination regarding a revocation hearing (OPC Sec 17 152 080)
- ☐ Hearing Officer's revocation/impose or amend conditions (OPC Secs 17 152 150 &/or 17 156 160)
- ☐ Other (please specify) _____

(continued on reverse)

(Continued)

☒ **A DECISION OF THE CITY PLANNING COMMISSION (APPEALABLE TO THE CITY COUNCIL)** ☐ Granting an application to: **OR** ☐ Denying an application t

YOU MUST INDICATE ALL THAT APPLY:

Pursuant to the Oakland Municipal and Planning Codes listed below:

- ☐ Major Conditional Use Permit (OPC Sec 17.134 070)
- ☐ Major Variance (OPC Sec 17 148 070)
- ☒ Design Review (OPC Sec 17.136.090)
- ☐ Tentative Map (OMC Sec 16 32 090)
- ☐ Planned Unit Development (OPC Sec 17.140.070)
- ☐ Environmental Impact Report Certification (OPC Sec 17 158.220F)
- ☐ Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec 17 144 070)
- ☐ Revocation/impose or amend conditions (OPC Sec. 17 152.160)
- ☐ Revocation of Deemed Approved Status (OPC Sec 17 156 170)
- ☐ Other (please specify) _____

FOR ANY APPEAL An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision

You must raise each and every issue you wish to appeal on this Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Appeal Form (or attached additional sheets), and provide supporting documentation along with this Appeal Form, may preclude you from raising such issues during your appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter

The appeal is based on the following: *(Attach additional sheets as needed.)*

See attached

Supporting Evidence or Documents Attached. *(The appellant must submit all supporting evidence along with this Appeal Form,* however, the appeal will be limited evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter

(Continued on reverse)

The Appeal to the City Council of Oakland

June 2, 2014

Re: Case File No. PLN14040

This appeal is being submitted by the City of Oakland, Montclair residents to appeal the Planning Commission's approval of Case File No. PLN14040/Utility pole in public right-of-way adjacent to: 6858 Saroni Drive and 6766 Saroni Drive as presented in the City Hall of Oakland on May 21, 2014.

Executive Summary

- There is a serious breach of accountability and transparency within the City of Oakland's Planning Commission, extending to the Planning and Building Department.
- The City of Oakland is neglecting to enact zoning ordinances that are within its jurisdiction that other municipalities have already enacted throughout California to protect its citizens from hazardous materials.
- The City of Oakland is potentially allowing its residents to suffer a decline in their property values which generate important tax revenue for the City, contributing to supporting a strong police force, good schools and other essential residential support services.
- The Planning Commission approved AT&T's application to install a DAS node at the above Oakland Hills location. The submitters of this appeal believe that this approval was based on inaccurate and misleading data supplied by the applicant relating to such issues as radiation dangers at the biological level (not thermal level as measured in the FCC standard), area fire safety, availability of redundant cell service and future plans to build out in excess of 32 DAS nodes in the future or additional antenna or channels on each approved DAS node.
- We believe that the approval of Case PLN14040 by the Planning Commission on May 21 also occurred as a direct result of lack of appropriate notice to the affected residents of this installation constituting a serious lack of due process, fair notice and right to be heard by citizens of the City of Oakland.

1. **The due process of the Planning Commission is inadequate and citizens are left with virtually no meaningful input on the AT&T proposal for DAS nodes in the Oakland Hills. Below are examples from the Saroni application process supporting this.**

    - Notices were placed during the week of May 7 on four poles on Saroni in a south-southwest direction away from the location of the Saroni tower.

- There were no notices placed in the north-northeast direction on Saroni where a cell tower had been proposed last year and withdrawn. *We question why the previous Saroni neighbors were not notified that the new installation was moved just three utility poles from the previous location.*
- There were three notices placed on poles on Asilomar Ave. which is not a cross street and quite far away from the proposed site.
- There were no notices placed along Paso Robles (one house away from the proposed site), Heartwood (one house away) nor Colton Ave. There are residents on each of these streets who could be affected by a cell tower much more readily than half a mile away on Asilomar Ave.
- Only one neighbor within 300 ft of the site remembers receiving a blue mailing during the week of May 7 from the City about the May 21 hearing and the need to appear in front of the Commission with less then two weeks warning.
- The diagram and schematic of the proposed tower was not clearly legible unless the reader knelt directly in front of it. It was too close to the ground to drive by or stand and read it. One of the interested neighbors thought that it was noticing a home improvement in the area not a new cell tower.
- The description of the project is stated as 'preliminary in nature' and can change at any time during the application process. How are residents to be notified of any and ell changes of the installation when the design is so tenuous.
- One resident asked the Planning staff for more time to do a thorough research of the project and was denied. Eleven days hardly seems an appropriate length of time to gather necessary information to prepare for the May 21 Commission meeting. That is a travesty of due process. ***It appears that the AT&T applications on a fast track with the City of Oakland Planning department.***
- Nearby residents who noticed the signage were not given enough detail or context to understand what this meant for their lives and families. Furthermore, they were not told that the Saroni node was part of a 32-node network and that their neighbors throughout the Oakland Hills were asking the same questions and trying to grasp the same complex topics. ***Why are the neighborhoods not being notified of the AT&T plan in its entirety by the City of Oakland instead of every DAS node application treated as an isolated project with only a minimal amount of information of the build out as a whole?***
- Residents who complained about the location of the DAS node were asked by AT&T to find an alternative site – which is highly inappropriate given that the applicant is a paid employee of AT&T and has a team of engineers and site planners to do that evaluation.
- The AT&T applicant was asked questions by the Planning Commission and gave in the opinion of these submitters vague and often disingenuous answers without providing the research data to substantiate their claims regarding studies of no appropriate alternative sites.

- Residents were told that the only defense would be if the DAS node obstructed 'a view of water.' This means that citizens in Oakland are protected from involuntary, continual irradiation by AT&T ***only if they have Bay views.*** *This is an arbitrary and discriminatory aesthetics rule by the Planning department.*
- Other approvals throughout the Oakland Hills for the AT&T DAS nodes have left residents angry and cynical about the lack of due process: this includes residents living near the DAS nodes at Snake, Elderberry, Pineneedle, Mendoza, Crane Way, Grisborn, and the previous Saroni location (6828).
- AT&T was so confident that the Planning Commission would approve the application on May 21, that neighbors would not appeal within the ten day period and that the City Council would never consider the appeal, that AT&T workers appeared on Saroni on May 23 to install fiber optic cables to service the DAS node that was approved a mere 36 hours earlier.
- In fact, so confident is AT&T in the lack of due process by the City of Oakland, that today (June 2) as this appeal is being finalized there is an AT&T truck at the proposed site with a worker using survey equipment to calculate the global coordinates of where the antennas are to be installed on Saroni. There is also an AT&T truck and worker at the communication box located up the street on Colton who is already implementing the new DAS node. ***Why is AT&T not following the legal due process in Oakland?***
- We understand that there is already one appeal by neighbors on the approval of the Mendoza node. This appeal was filed in April 2013 and has not yet been acted upon by the City Council. During this year delay AT&T has added 12 additional DAS nodes which have been approved by the City of Oakland. *We want to understand why there a delay in the Mendoza appeal so we know where the City Council stands on the same issues that are being raised in this appeal.*
- In the next step of 'due process', residents are given only 10 days to file an appeal that must be comprehensive with substantial evidence for the City Council, again favoring the applicant that has been working closely with the Planning staff for a number of years and seriously disadvantaging the neighbors that are impacted.
- Lastly we feel that it is truly inappropriate to demand residents to pay a $1;353 fee should they wish to appeal a Commission vote. The fee is not listed in the Master Fee Schedule for the City - who set it and what is the justification for setting such a high punitive cost to the neighbors whose voices have already been suppressed by the entire Planning department process (note that AT&T must file an Environmental Declaration to complete the application process and that fee is only $50.00.)
- ***Those who can't afford the appeal fee are financially excluded by the City of Oakland in a due-process violation that is highly arbitrary and discriminatory.***

2. **The Federal Communications Commission (FCC) standards on which the Planning Commissions' approvals of all AT&T DAS nodes do not represent the most current research studies that have been published in the last 30 years. Therefore, the FCC standards are inaccurate and misleading and the AT&T application and approval of the Saroni DAS node was not supported by substantial evidence.**

- The FCC standard upon which the Planning Commission's approval is based was developed in 1996 by the telecom industry. These standards are based on studies done 30 years ago on ***radio-frequency thermal (heat) effects*** on the human body. AT&T's cell technology uses a more advanced form of ***electrical magnetic field radiation (EMF)*** which is not covered by the older FCC standards and which has entirely different biological effects. *There are over 5,000 scientific papers from around the world published in the last 30 years that verify adverse biological effects of EMF radiation on humans at the cellular (non-thermal) level.*
- Local governments have limited power to restrict telecom installations that abide by these outdated standards. These standards are what AT&T based each of their 32 applications for DAS nodes in the Oakland Hills.
- The Environmental Protection Agency has stated that this is a serious fallacy of the FCC standards used in the Telecommunications Act of 1996.
- Equally significantly, the FCC standards were based on a human model represented by a 200-lb male who had served in the military (that is, a strong, healthy man). ***The standards were not based on women, children or the elderly.***
- Children can experience eight times the radiation exposure level of adults because their brains are smaller, their skull is thinner and the EMF emissions can more deeply be absorbed throughout their smaller bodies.
- The earliest studies on EMF related health issues revealed higher rates of leukemia in children and numerous subsequent research verified these findings.
- In many of the medical studies, women have higher levels of cancer due to EMF radiation emissions than men, leading to the conclusion that there are dramatically different minimum levels of exposure than what the FCC established and what is cited in the 1996 FCC Act.
- The antennas for the Saroni DAS node will be at eye level to the living spaces of homes directly across the street from the installation. Exposure to EMF radiation is 4.6 times more harmful at this level because antennas emit directly level with the horizon. This problem of higher exposure at eye level is particularly an issue in the Oakland Hills due to the hilly terrain. *This is a structural design issue that calls into question the Planning Commission's approval of DAS nodes next to homes where the antennas are at eye level.*

3. **Radiation is a Class 2B carcinogen similar to lead, DDT and diesel fuel along with 285 other chemicals. We do not believe that approving Class 2B chemicals near homes is CEQA exempt and the Planning Commission's approval was in error.**

   - Was this included in any of AT&T's applications for the 32 DAS nodes?
   - Why would the City of Oakland allow a known carcinogen to be used in the public right-of-way in residential neighborhoods within 25 feet of homes?
   - Class 2B chemicals are regulated for industrial and commercial use. We question why the City of Oakland approved the installation of a potential carcinogen in our neighborhood. Surely there are city ordinances that restrict exposure of children to these harmful substances?
   - These laws should apply to restricting use of Class 2B carcinogens, including AT&T's DAS nodes in Oakland.
   - The final notification of approval and NOE dated May 23 and sent to the applicant by the Planning department is erroneous, stating that the project is exempt from CEQA for this reason: *'To open a bar in an existing commercial building along a commercial corridor will not have a significant effect on the environment.'*

4. **The AT&T plan for 32 DAS nodes in the Oakland Hills is an integrated network that is based on the assumption that AT&T cell service is needed in the area and 911 service is inadequate. We believe this is a false assumption.**

   - The application for the Saroni node does not include any data to show a gap in service or a gap in 911 emergency service in the neighborhoods where the DAS installations are planned.
   - Both individual Planning Commissioners and a resident asked for this data prior to plan approval and during the May 21 meeting. One Commissioner asked the applicant's representative, Matt Yergovich, for a map locating all cell towers in Oakland in a number of other meetings concerning the entire network of DAS nodes.
   - A resident located 42 cell towers and 960 antennas within a 3-mile radius of the proposed Saroni node and this data was given in the series of emails to Planning staff.
   - During the May 21 meeting, the AT&T spokesperson stated that only 35 percent of residents rely on cell service (meaning that 65% of residents have landlines that are used in an emergency). Of the 35 percent of cell users, the majority who live in the Oakland Hills have found other providers that are already established.
   - We are requesting to be shown the AT&T data indicating a significant gap in service or the need for expanded 911 service in the neighborhood of the Saroni node.

5. **There is a serious question about fire safety which AT&T refuses to answer. The Planning Commission was in error when it approved a project that is a fire hazard in a neighborhood that is rated as a 'high fire hazard zone'.**

- The DAS nodes include a battery pack close to the ground which is a potential fire hazard.
- A resident asked three times about fire safety in direct emails to the AT&T applicant and there was only silence. The resident pointed out that the applicant had been asked three times about fire safety. The resident asked again about fire safety during the May 21 meeting which the applicant did not answer.
- Other safety questions which AT&T would not answer: explosive and toxic chemical hazards with batteries, structural integrity and seismic safety of the pole with additional heavy equipment, noise and heat levels.
- One Planning Commissioner asked about fire safety in an earlier DAS node application and the applicant answered that 'there was an alleged fire in southern California.'
- The Malibu fire in 2007 which destroyed 14 houses is believed to have been caused when three cell towers fell during a windstorm and caught fire. The cell antennas were installed on top of wooden electric power poles similar to the DAS nodes in the Oakland Hills proposal. There are currently numerous lawsuits underway concerning the cause of the fire.
- ***Who is responsible for ensuring that AT&T's approved DAS nodes do not contribute to another Oakland Hills firestorm?***
- A resident also asked about the future build-out of the DAS nodes with additional antennas and equipment and AT&T's response was silence. These are older, wooden power line poles that will have new heavy equipment installed which was not intended in the original structural design. AT&T's corporate strategy is to expand service by 30,000% in the next few years per the applicant's statement at the May 21 meeting.
- As a related note about fire safety, the International Association of Fire Fighters banned all cell phone towers and antennas from being placed near fire stations around the country because there was direct evidence that exposed fire fighters were experiencing neurological disturbances affecting their ability to do their job - protecting the public from fire.

6. **If the Planning Commission did not evaluate the overall decline in property values due to the 32 AT&T DAS nodes in the Oakland Hills, then the approval of the Saroni node was in conflict with the fiscal responsibilities of the City. When property values decline, there is less tax revenue for the City of Oakland.**

- The first email sent by a resident to the Planning staff regarding the Saroni application included a link to a list of articles by the Appraisal Institute about declining property values when a cell tower is erected.

- Local realtors in Oakland are required by law to disclose any environmental hazards in the neighborhood, including power lines and telecom nodes. People do not want to live or purchase homes near a cell tower – it is the perception that is important.
- The range of estimates in the various studies for a home near e cell installation is 2-20% loss of property value.
- Using conservative assumptions: at an average market value of $750k per home and a 10% decline in value for 20 homes within the visual range of 32 AT&T DAS nodes, that is **a loss in property value of $ 48 Million ($48,000,000).**
- This means less money for Oakland schools, police, community services such as libraries and parks and essential services as the fire department.
- The Planning Commission heard this testimony in the May 21 meeting and still voted unanimously to approve the latest of 32 AT&T applications. One Commissioner commented that 'property values were not important' to him.

7. **There are a many actions that the City of Oakland can undertake to demonstrate leadership and a commitment to the residents of Oakland. This takes courage, but other California cities have shown the way.**

- The City of Kensington denied an application by the same AT&T applicant (Matt Yergovich) for a network of nine DAS nodes, similar to the Oakland Hills proposal.
- The City of Berkeley has been actively engaged with the community in dealing with DAS node applications by the same AT&T applicant (Matt Yergovich).
- The Town Council of Fairfax (Marin County) has a moratorium on DAS nodes.
- Davis has a telecommunications ordinance with a 500-foot setback in residential neighborhoods.
- The City of Burbank restricts cell towers in R-1 zones.
- The City of Lafayette is working closely with residents on issues of telecom installations in neighborhoods
- San Diego has a 50-foot setback that survived the 9th Circuit Court of Appeals.
- ***Why is the City of Oakland 'silent' on a setback requirement near homes in the current zoning regulations?***
- The City of Palos Verdes Estates denied a DAS node on a street that was tree-lined, hilly, winding and aesthetically pleasing with regard to nature (incidentally, with no 'views of water'). This action was upheld in the 9th Circuit Court of Appeals in 2009.
- Residents of Palo Alto evaluated the City's zoning ordinances and determined numerous violations that would occur if an AT&T cell tower was built in a residential neighborhood (AT&T withdrew its application).
- ***Why is the City of Oakland 'silent' in the General Plan on the issue of telecom towers in Hillside Residential areas?***

- The County of Los Angeles actively supports a change to the Federal Telecommunications Act of 1996.
- Other cities and counties have changed zoning ordinances to exclude commercial projects from public rights easements, or to exclude telecom installations in residential zones.
- What does Oakland's general land use plan say about protecting the unique aesthetics, nature, scenery and charm of residential neighborhoods and restricting industrial or commercial projects that would deteriorate the quality of life for residents?
- Many local governments adopt the ***'precautionary principle'*** in their decisions. Simply stated, it is better to be safe than sorry. There is not enough evidence to make the community feel safe about living next to a cell tower, DAS node or other EMR instellation.

Lastly, this is not an appeal to the City Council to focus on issues that are unique to the Oakland Hills residents – the site location of cell towers anywhere within city boundaries needs to be determined with public input, thoughtful discussion and disclosure of accurate scientific and engineering data provided by the applicant, in this case AT&T.

All references for the above stated facts are available to the City Council.

An excellent article written in 1998 and still very relevant is here:
http://arts.envirolink.org/arts_and_activism/BlakeLevitt.html

Thank you for your thoughtful consideration of this neighborhood appeal.

Respectfully submitted,

Wendy Parfrey, MLIS, MBA
6676 Colton Blvd, Oakland 94611

Representative for the Neighbors on Saroni Avenue, Heartwood Avenue and Colton Blvd Oakland, California

Cc:

Libby Schaaf, Council Member - District 4

Dan Kalb, Council Member - District 1

Public Testimony to the Oakland City Planning Commission
May 21, 2014
Re: Agenda item #2, 6758 and 6766 Saroni Drive proposal to install telecom antennas

My name is Wendy Parfrey and I have lived at 6676 Colton Blvd for 24 years.

I have an environmental science degree from Berkeley, a library masters and an MBA and I work just a few blocks from here in the Office of the President, University of California.

I live about 200 feet from the proposed DAS node on Saroni. Our house is the blue house in the photo on Attachment D of the applicant's report.

Eleven days ago I was living in blissful ignorance and I had no idea what a DAS node was. I started to investigate and then I told Aubrey Rose that I could quit my job and spend a year doing research on DAS nodes because it touches on so many complex topics such as electrical engineering, physics and medical fields such as immunology, oncology and neuropsychology.

I am asking that you deny the application for the Saroni DAS node on these grounds:

- I need a year to research this so I can make an informed decision. I can't do that in 11 days.
- I believe that the recommendation to approve the DAS node on Saroni by the planning staff was not supported by substantial evidence. My emails to AT&T and the Planning department support this statement as does this public testimony.
- Questions that I posed on behalf of myself, my husband and nearby neighbors were not answered in detail and the most serious questions about public safety were completely ignored.
    - Including: fire prevention of the equipment such as antennas and batteries. Seismic safety and structural integrity of the pole. Handling and disposal of the batteries. Noise levels and abatement. Future build-out of the DAS nodes into full cell towers if AT&T merges with DirectTV. Gaps in 911 service.

I asked the AT&T applicant 3 times about fire safety and I never got an answer. The plan is to install 32 DAS nodes with 'refrigerator-size' battery packs eight feet from the ground. We all know not to throw batteries into a fireplace. The Oakland Hills, unfortunately, can be one big fireplace.

Both my husband and myself asked about radiation exposure at eye level in a second story house. Using GPS, we determined that the elevation is 1201 feet where the antennas will be installed. The elevation at eye level in our living, dining and bedroom of our home is 1199 feet. I submitted this data in the photos of the view from our house and I calculated that the exposure level is 4.6 times greater at eye level because the antennas continuously emit radiation toward the horizon, in our case: EYE LEVEL.

There is no safe level of exposure to radiation. You can turn off your cell phone anytime. You can choose not to use the microwave. But when you live within a few hundred feet of cellular antennas that emit radiation 24/7 at eye level ... you have lost your freedom to live safely and to protect your family.

The financial consequence of the radiation issue is that no one wants to live near a cell tower or even a DAS node. There are many, many articles that show a decline in property values of 2-20% for this reason. In my first email to Aubrey I sent a link to a series of articles showing this.

There is a much bigger, more important issue here: the conflict between Federal and local control.

And the question is: who is now responsible for public health and safety?

Over the last 11 days of researching the issues surrounding cell towers and related installations that emit radiation, and in dealing with AT&T and the City of Oakland, I have learned the terrible answer: no one is responsible. Certainly not the FCC and not Congress. And definitely not corporations like AT&T which simply want to sell more 3G and 4G contracts to maximize profits.

AT&T's application includes 32 DAS nodes in the Oakland Hills. Why wasn't this application treated as a neighborhood-wide issue that could be discussed openly and honestly with all the concerned residents who are affected? Why didn't the Planning Commission look at the impacts 'as a whole' since the AT&T proposal will affect thousands of people living in the Oakland Hills.

Other municipalities have figured out how to deal with the Federal Telecommunications Act of 1996.

They have passed zoning laws that do not allow industrial structures like DAS nodes in residential neighborhoods or do not allow commercial use of public right of ways. Other cities now have setbacks to property lines that effectively prohibit radiation-emitting structures from being placed so close to homes.

Furthermore, if radiation really isn't a problem, why has the International Association of Fire Fighters banned all cell phone towers and antennas from being placed near fire stations around the country due to health hazards? Fire-fighters are deeply committed to their community's health and safety.

As California goes, so goes the rest of the country.

We should be at the leading edge in local regulation of telecom facilities.

San Diego has a 50-ft setback ordinance that survived a 9th Circuit Court of Appeals.

Oakland could join Glendale or Palo Alto and Massachusetts or Vermont or dozens of other cities and counties that are doing the right thing for their neighborhoods, following democratic principles of self-regulation and protection of rights to live a healthy life without fear of high rates of leukemia in their children, neurological and sleep disorders, increased breast cancer in women and electrosensitivity in seniors. An Israeli study showed that the incidence of cancer was 4 times greater in those living within 350 meters of antennas, and 7 out of 8 cancer victims were women.

Maybe this is a health care issue for women.

Last year, Oakland was voted as the 'hippest city in America'. We have people here who are smart and who care deeply about the health of children, seniors, and people who don't have a voice by themselves.

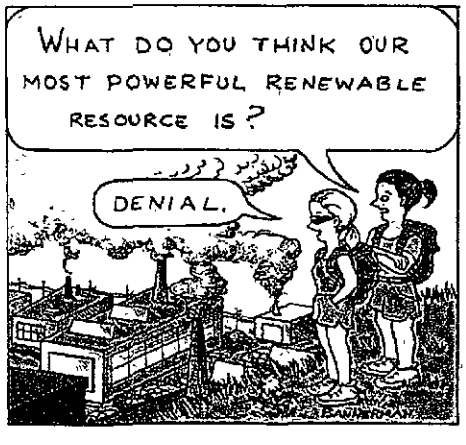
We have always cared about the environment – including birds, wildlife, bees, all of which are affected by changes in their natural habitat. We care about vistas and natural landscapes, views of the Bay and views of the East Bay Hills.

We are stewards of this beautiful place and its very uncertain future.

I am hoping that you vote to deny this application due to all the questions that I have raised, both in my emails and my testimony, in just the last 11 days.

Thank you for your time.

Wendy Parfrey
Wendy.parfrey@ucop.edu



Oakland City Planning Commission STAFF REPORT

Case File Number PLN14040 **May 21, 2014**

Location:	**Utility pole in public right-of-way adjacent to: 6758 Saroni Drive & 6766 Saroni Drive (see map on reverse)**
Assessor's Parcel Numbers:	**Adjacent to: 048E-7329-028-00 & 048E-7329-029-00**
Proposal:	To install 2 telecommunications antennas and an extension on top of a 38' utility pole (proposed top height = 47'-11") and pole mounted equipment between 8' and 18'-10". ***Proposed site is relocated from previously proposed site for purpose of protecting private views***
Applicant / Phone Number:	Matt Yergovich (for: AT&T) (415) 596-3747
Owners:	Public right-of-way: City of Oakland/ Utility pole: PG&E (JPA)
Planning Permits Required:	Regular Design Review and additional findings for a telecommunications facility
General Plan:	Hillside Residential
Zoning:	RH-4 Hillside Residential Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan or Zoning
Historic Status:	Non-historic property
Service Delivery District:	2
City Council District:	4
Date Filed:	March 7, 2014
Staff Recommendation:	Approve with conditions
Finality of Decision:	*Appealable to City Council within 10 days*
For Further Information:	Contact case planner **Aubrey Rose AICP, Planner II** at **(510) 238-2071** or arose@oaklandnet.com

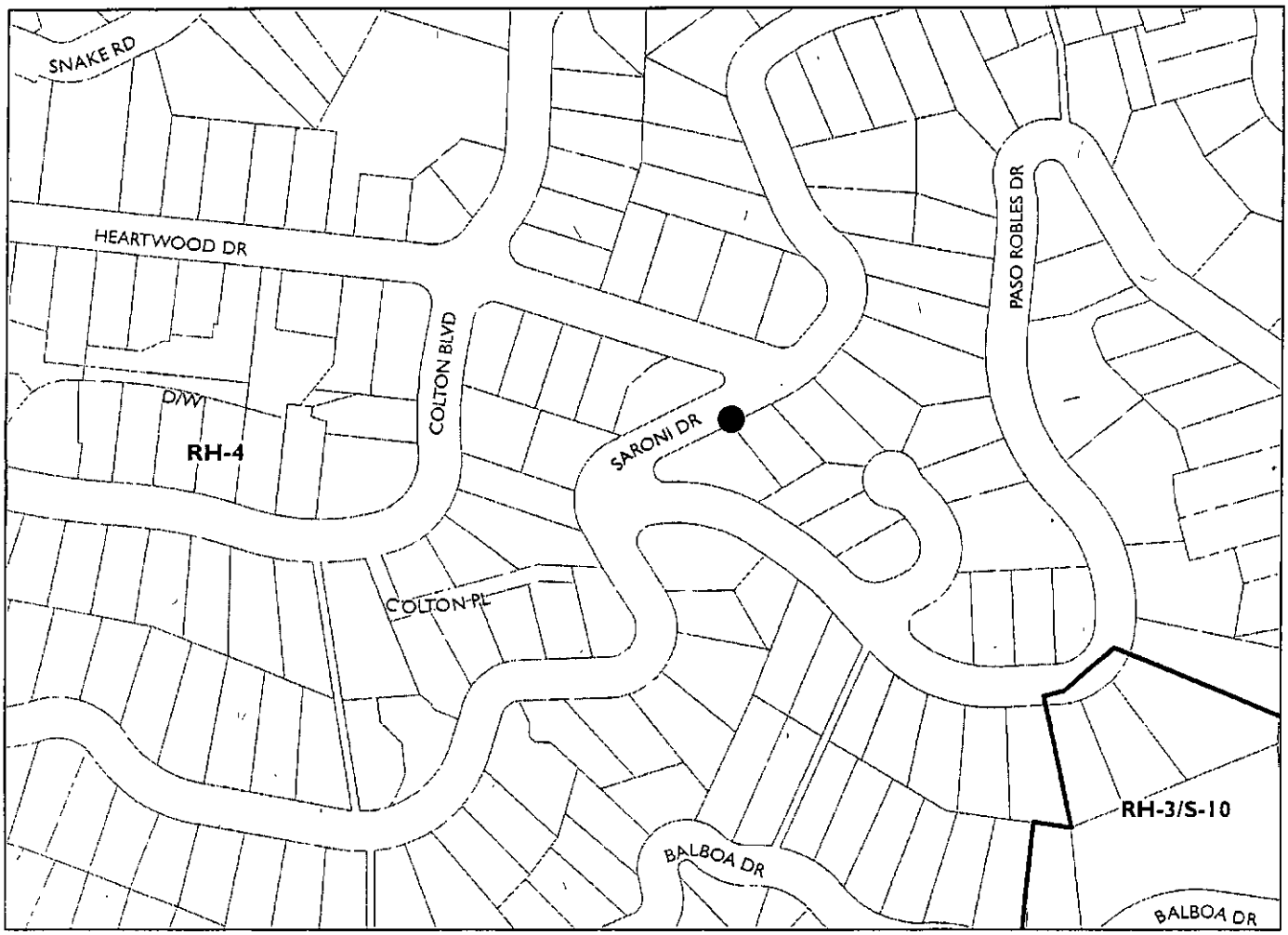
SUMMARY

The applicant requests Planning Commission approval to install an extension and two antennas on top of a utility pole, with equipment attached to the side of the pole, for wireless telecommunications purposes. The project is subject to Regular Design Review as an attachment to a utility pole located in a residential zone. The Zoning Manager has referred the application to the Planning Commission for review.

Staff recommends approval of the requested permit subject to the attached Findings and Conditions of Approval.

ATTACHMENT B

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN14040
Applicant: Matt Yergovich (for: AT&T)
Address: Utility pole in pubic right-of-way adjacent to:
6758 Saroni Drive & 6766 Saroni Drive
Zone: RH-4

BACKGROUND

State case law (Sprint v. Palos Verdes Estates) has enabled the City to require Design Review for telecommunications facilities attached to existing utility poles located within the right-of-way. The Bureau of Planning has determined that such Design Reviews be decided at the equivalent level as telecommunications projects located on private property located in the same zone. Pursuant to Federal and State law, City review for this application is essentially limited to design considerations only.

Limitations on Local Government Zoning Authority under the Telecommunications Act of 1996

Section 704 of the Telecommunications Act of 1996 (TCA) provides federal standards for the siting of "Personal Wireless Services Facilities." "Personal Wireless Services" include all commercial mobile services (including personal communications services (PCS), cellular radio mobile services, and paging); unlicensed wireless services; and common carrier wireless exchange access services. Under Section 704, local zoning authority over personal wireless services is preserved such that the FCC is prevented from preempting local land use decisions; however, local government zoning decisions are still restricted by several provisions of federal law.

Under Section 253 of the TCA, no state or local regulation or other legal requirement can prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.

Further, Section 704 of the TCA imposes limitations on what local and state governments can do. Section 704 prohibits any state and local government action which unreasonably discriminates among personal wireless providers. Local governments must ensure that its wireless ordinance does not contain requirements in the form of regulatory terms or fees which may have the "effect" of prohibiting the placement, construction, or modification of personal wireless services.

Section 704 also preempts any local zoning regulation purporting to regulate the placement, construction and modification of personal wireless service facilities on the basis, either directly or indirectly, on the environmental effects of radio frequency emissions (RF) of such facilities, which otherwise comply with FCC standards in this regard. See, 47 U.S.C. 332(c)(7)(B)(iv) (1996). This means that local authorities may not regulate the siting or construction of personal wireless facilities based on RF standards that are more stringent than those promulgated by the FCC.

Section 704 mandates that local governments act upon personal wireless service facility siting applications to place, construct, or modify a facility within a reasonable time. 47 U.S.C.332(c)(7)(B)(ii). See FCC Shot Clock ruling setting forth "reasonable time" standards for applications deemed complete.

Section 704 also mandates that the FCC provide technical support to local governments in order to encourage them to make property, rights-of-way, and easements under their jurisdiction available for the placement of new spectrum-based telecommunications services. This proceeding is currently at the comment stage.

For more information on the FCC's jurisdiction in this area, contact Steve Markendorff, Chief of the Broadband Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-0640 or e-mail "smarkend@fcc.gov".

The effect of the preceding section on this application is discussed in the Key Issues And Impacts section of this report.

SITE DESCRIPTION

The site is a section of public right-of-way with no sidewalk containing a wooden utility pole measuring thirty-eight feet in height. The pole is located in a wooded hillside residential neighborhood adjacent to the property line between 6758 Saroni Drive and 6766 Saroni Drive which are downslope lots each containing a single family home.

PROJECT DESCRIPTION

The proposal is to install one "antennas mast" extension with two antennas on top of the utility pole for a top height of 47'-11", and pole mounted equipment between 8' and 18'-10". The antennas would be slightly wider than the extension. The extension on top of the pole is required for antenna clearance above overhead utility lines. The purpose of the project would be to enhance wireless telecommunications (cellular telephones service) through a DAS (Distributed Antennas Service) network. The proposed site is relocated from a previously proposed site a few blocks away for purpose of protecting private views.

GENERAL PLAN ANALYSIS

The site is located in a Hillside Residential area under the General Plan. The intent of the Hillside Residential area is: *"to create, maintain, and enhance residential areas characterized by detached, single unit structures."* The General Plan is silent on telecommunications activities (which are classified as Essential Service Civic Activity under the Planning Code). The purpose of the proposal would be to enhance service to residents from a highly effective location with a non-obstructive design Staff finds the proposal to be in conformance with the General Plan.

ZONING ANALYSIS

The site is located within the RH-4 Hillside Residential Zone - 4. The intent of the RH-4 zone is: *"to create, maintain, and enhance areas for single-family dwellings on lots of 6,500 to 8,000 square feet and is typically appropriate in already developed areas of the Oakland Hills."*

As described in the Background section of this report, telecommunications facilities located on Joint Pole Authority (JPA) utility poles are subject to Design Review. Additional findings for Macro facilities apply to all JPA cases. Findings required to approve the project ensure the location and design are not obstructive and are concealed to the extent practicable. The subject proposal requires Planning Commission review (OMC Sec. 17.136.040(D)(1)). The Planning Commission has approved cases that were located in front of trees and not residences, and has denied cases fronting residences with significant views where the proposal would create an obstruction.

Given advancing technologies, enhanced service at this location would assist users in the residential zone. The antennas would generally maintain the shape of the JPA pole. The proposal meets the Telecommunications Regulations for Site Location Preferences for locating on City property on a quasi-public facility and, therefore, a site alternatives analysis is not required. A site design preference analysis and a satisfactory emissions (RF) report have been submitted that indicate this site is satisfactory for the proposal given surroundings and that emission levels will be below Federally-stipulated limits. Staff finds the proposal to be consistent with the Planning Code.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15301 of the State CEQA Guidelines exempts projects involving *"...the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use.."* The proposal to attach wireless telecommunications antennas and related equipment to an existing wooden utility pole meets this description. The project is therefore exempt from further Environmental Review.

KEY ISSUES AND IMPACTS

In addition to ensuring this type of request meets required legal findings, proposed wireless telecommunications facilities must meet specific development standards, and site location and design preferences, and possess a satisfactory radio frequency emissions report.

Project Site

Section 17.128.110 of the City of Oakland Telecommunication Regulations requires that wireless facilities shall generally be located on designated properties or facilities in the following order of preference:

A. Co-located on an existing structure or facility with existing wireless antennas.
B. City owned properties or other public or quasi-public facilities.
C. Existing commercial or industrial structures in non-residential zones.
D. Existing commercial or industrial structures in residential zones.
E. Other non-residential uses in residential zones.
F. Residential uses in non-residential zones.
G. Residential uses in residential zones.

*Facilities locating on an A, B or C ranked preference do not require a site alternatives analysis.

Since the proposed project involves the attachment antennas on an existing structure, the proposed development meets the (B) located on an existing structure or facility, therefore a site alternatives analysis is not required.

Project Design

Section 17.128.120 of the City of Oakland Telecommunications Regulations indicates that new wireless facilities shall generally be designed in the following order of preference:

A. Building or structure mounted antennas completely concealed from view.
B. Building or structure mounted antennas set back from roof edge, not visible from public right-of way.
C. Building or structure mounted antennas below roof line (facade mount, pole mount) visible from public right-of-way, painted to match existing structure.
D. Building or structure mounted antennas above roof line visible from public right of-way.
E. Monopoles.
F. Towers.

* Facilities designed to meet an A or B ranked preference do not require site design alternatives analysis. Facilities designed to meet a C through F ranked preference, inclusive, must submit a site design alternatives analysis as part of the required application materials. A site design alternatives analysis shall, at a minimum, consist of:

a. Written evidence indicating why each such higher preference design alternative cannot be used. Such evidence shall be in sufficient detail that independent verification could be obtained if required by the City of Oakland Zoning Manager. Evidence should indicate if the reason an alternative was rejected was technical (e.g. incorrect height, interference from existing RF sources, inability to cover required area) or for other concerns (e.g. inability to provide utilities, construction or structural impediments).

The project meets preference (D) since the antennas would be visible from the public right-of-way and a site design alternatives is therefore required. A satisfactory report has been submitted and is attached to this report.

Project Radio Frequency Emissions Standards

Section 17.128.130 of the City of Oakland Telecommunication Regulations require that the applicant submit the following verifications including requests for modifications to existing facilities:

a. With the initial application, a RF emissions report, prepared by a licensed professional engineer or other expert, indicating that the proposed site will operate within the current acceptable thresholds as established by the Federal government or any such agency who may be subsequently authorized to establish such standards.
b. Prior to commencement of construction, a RF emissions report indicating the baseline RF emissions condition at the proposed site.
c. Prior to final building permit sign off, an RF emissions report indicating that the site is actually operating within the acceptable thresholds as established by the Federal government or any such agency who may be subsequently authorized to establish such standards.

A satisfactory RF emissions report has been submitted and is attached to this report.

In consideration of the proposal, site surroundings, and discussions regarding cases under this type of review, staff recommends Planning Commission approval of this application for the following reasons:

The site does not directly front:

- a residence;
- a significant view from a home (for example, view of the Bay; views from across the street at 6730 Saroni Drive and 6801 Saroni Drive were considered); or
- a scenic vista.

The proposal features:

- an existing structure (JPA pole) in an area lacking other non-residential structures;
- a facility not appreciably taller than adjacent trees;
- no ground mounted equipment cabinets; and
- satisfactory reports.

Staff recommends the following conditions:

- encase pole mounted equipment cabinets in a single, continuous shroud painted matte brown to match the color and finish of the wooden utility pole; and
- paint the antennas and connecting apparatus and all equipment matte brown to match the color and finish of the wooden pole.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.
2. Approve the Regular Design Review subject to the attached Findings, Additional Findings, and Conditions.

Prepared by:

AUBREY ROSE, AICP
Planner II

Approved by:

SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:

DARIN RANELLETTI, Deputy Director
Bureau of Planning

ATTACHMENTS:

A. Findings for Approval
B. Conditions of Approval
C. Plans
D. Applicant's Photo-Simulations
E. Site Design Preference Analysis
F. RF Emissions Report by Hammett & Edison, Inc. dated February 6, 2014

Attachment A: Findings for Approval

This proposal meets the required findings under Regular Design Review Criteria (OMC Sec. 17.136.040(B)) and Design Review Criteria for Macro Facilities (OMC Sec. 17.128.070(B)) as set forth below. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type.

REGULAR DESIGN REVIEW CRITERIA FOR NONRESIDENTIAL FACILITIES(OMC SEC. 17.136.040(B))

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;

The facility will not be visually intrusive given no view impact, singular shroud around equipment, and paint to match color. Given advancing technologies, enhanced service at this location will assist users in the residential zone. The antennas will generally maintain the shape of the JPA pole and pole mounted equipment cabinets, as conditioned, will be contained in a singular sheath painted matte brown to match the color and finish of the wooden pole.

2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;

This finding is met for the following reasons:

The site does not directly front:

- a residence;
- a significant view from a home (for example, view of the Bay; views from 6730 Saroni Drive and 6801 Saroni Drive were considered); or
- a scenic vista.

The proposal features:

- an existing structure (JPA pole) in an area lacking other non-residential structures;
- a facility not appreciably taller than adjacent trees; and
- no ground mounted equipment cabinets

Conditions of approval require:

- encased pole mounted equipment cabinets in a single, continuous shroud painted matte brown to match the color and finish of the wooden utility pole; and
- paint the antennas and connecting apparatus and all equipment matte brown to match the color and finish of the wooden pole.

3. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

The site is located in a Hillside Residential area under the General Plan. The intent of the Hillside Residential area is: *"to create, maintain, and enhance residential areas characterized by detached, single unit structures."* The General Plan is silent on telecommunications activities (which are classified as Essential Service Civic Activity under the Planning Code). The proposal is meant to enhance service to residents from a highly effective location with a relatively unobtrusive design.

DESIGN REVIEW CRITERIA FOR MACRO FACILITIES (OMC SEC. 17.128.070(B)):

1. Antennas should be painted and/or textured to match the existing structure.

The antennas will be painted matte brown to match the color and finish of the wooden pole, as conditioned.

2. Antennas mounted on architecturally significant structures or significant architectural detail of the building should be covered by appropriate casings which are manufactured to match existing architectural features found on the building.

The antennas will be attached to an existing wooden utility pole.

3. Where feasible, antennas can be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.

The antennas will be mounted directly on top of the existing wooden utility pole.

4. Equipment shelters or cabinets shall be screened from the public view by using landscaping, or materials and colors consistent with surrounding backdrop or placed underground or inside existing facilities or behind screening fences.

As conditioned, equipment cabinets will be mounted to the pole in a singular shroud that is significantly smaller than typical ground mounted cabinets and shelters and the exterior will be painted matte brown to match the color and finish of the wooden pole.

5. Equipment shelters or cabinets shall be consistent with the general character of the area.

As conditioned, equipment cabinets will be housed in a singular shroud attached to a wooden utility pole and painted to match its color.

6. For antennas attached to the roof, maintain a 1:1 ratio (example: ten feet high antenna requires ten feet setback from facade) for equipment setback; screen the antennas to match existing air conditioning units, stairs, or elevator towers; avoid placing roof mounted antennas in direct line with significant view corridors.

This finding is inapplicable; the proposal does not involve a roofed structure.

7. That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, fencing, anti climbing measures and anti-tampering devices.

Equipment will be pole mounted a minimum of eight feet above grade and, as conditioned, will be encased in a shroud; the antenna and apparatus will be located at thirty-eight feet above grade.

Attachment B: Conditions of Approval

1. **Approved Use**
   Ongoing
   a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials and the **plans dated October 17, 2013 and submitted to the City on March 7, 2014**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee.
   b) This action by the **Planning Commission** ("this Approval") includes the approvals set forth below. This Approval includes **establishment of a wireless telecommunications facility on a utility pole including two antennas attached to the top of the pole and a singular shroud containing pole mounted equipment, all painted matte brown**

2. **Effective Date, Expiration, Extensions and Extinguishment**
   Ongoing
   Unless a different termination date is prescribed, this Approval shall expire **two (2) years** from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

3. **Scope of This Approval; Major and Minor Changes**
   Ongoing
   The project is approved pursuant to the **Planning Code** only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. **Conformance with other Requirements**
   Prior to issuance of a demolition, grading, P-job, or other construction related permit
   a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Bureau of Building, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval #3.

   b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, elevated walking pathways, safety railings, emergency access and lighting.

5. **Conformance to Approved Plans; Modification of Conditions or Revocation**
   Ongoing
   a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.

   b) Violation of any term, **Conditions of Approval** or **project description** relating to the **Conditions of Approval** is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforeement and/or abatemem proceedings, or after notice and public hearing, to revoke the Approvals or alter these **Conditions of Approval** if it is found that there is violation of any of the **Conditions of Approval** or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

6. **Signed Copy of the Conditions of Approval**
   A copy of the approval letter and **Conditions of Approval** shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

7. **Indemnification**
   Ongoing
   a. To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect)action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

   b. Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter of Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or Conditions of Approval that may be imposed by the City.

8. **Compliance with Conditions of Approval**
   Ongoing
   The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. **Severability**
Ongoing
Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified **Conditions of Approval**, and if one or more of such **Conditions of Approval** is found to be invalid by a court of competent jurisdiction, this Approval would not have been granted without requiring other valid **Conditions of Approval** consistent with achieving the same purpose and intent of such Approval.

10. **Construction-Related Air Pollution Controls (Dust and Equipment Emissions)**
Ongoing throughout demolition, grading, and/or construction
During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the Bay Area Air Quality Management District (BAAQMD):
a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
d) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
e) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
f) Limit vehicle speeds on unpaved roads to 15 miles per hour.
g) Idling times shall be minimized either by shutting equipment off when not is use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.
h) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
i) Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required on-site signage.

11. **Noise Control**
Ongoing throughout demolition, grading, and/or construction
To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Bureau of Planning and the Bureau of Building review and approval, which includes the following measures:
a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).

b) Except as provided herein, Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.

c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.

d) The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

12. Noise Complaint Procedures

Ongoing throughout demolition, grading, and/or construction

Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the Bureau of Building a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

a) A procedure and phone numbers for notifying the Bureau of Building staff and Oakland Police Department; (during regular construction hours and off-hours);

b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);

c) The designation of an on-site construction complaint and enforcement manager for the project;

d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and

e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

13. Operational Noise-General

Ongoing.

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Bureau of Planning and Bureau of Building.

14. Hazards Best Management Practices

Prior to commencement of demolition, grading, or construction

The project applicant and construction contractor shall ensure that construction of Best Management Practices (BMPs) are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;
b) Avoid overtopping construction equipment fuel gas tanks;
c) During routine maintenance of construction equipment, properly contain and remove grease and oils;
d) Properly dispose of discarded containers of fuels and other chemicals.
e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.
f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as neeessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

15. Tree Protection During Construction

Prior to issuance of a demolition, grading, or building permit

Adequate protection shall be provided during the construetion period for any trees whieh are to remain standing, including the following, plus any recommendations of an arborist:

a) Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.
b) Where proposed development or other site work is to encroaeh upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the proteeted perimeter shall be minimized. No change in existing gronnd level shall occur within a distance to be determined by the City Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.
c) No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as

needed for support of the tree. No sign, other than a tag showing the botanical classification, shall he attached to any protected tree.

d) Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.

e) If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Agency of such damage If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.

f) All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

SPECIFIC CONDITIONS FOR TELECOMMUNICATIONS FACILITIES

16. Emissions Report

Prior to a final inspection

The applicant shall provide an RF emissions report to the City of Oakland Bureau of Planning indicating that the site is actually operating within the acceptable thresholds as established by the Federal government or any such agency that may be subsequently authorized to establish such standards.

17. Equipment Concealment

Prior to submitting for a Building Permit

Plans shall be revised to depict all pole mounted equipment contained within a singular casing that is as small in size as possible.

18. Camouflaging

Prior to building permit approval

Plans shall be revised to show all apparatus (including but not limited to antenna and equipment) painted matte or non-reflective brown to match the color and finish of the existing wooden utility pole.

19. Underground Districts

Ongoing

Should the utility pole be voluntarily removed for purposes of district undergrounding or otherwise, the telecommunications facility can only be re-established by applying for and receiving approval of a new application to the Oakland Bureau of Planning as required by the zoning regulations.

APPROVED BY:

City Planning Commission:_____(date)_____(vote)

at&t

OAKHILLS AT&T SOUTH NETWORK
OAKS-058B
(PROW) 6758 SARONI DR, OAKLAND, CA 94611

PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.

LEGEND & SYMBOLS

	CENTERLINE		SPOT ELEVATION (DATUM)
	PROPERTY/LEASE LINE		FLAG NOTE
— — — —	PROPOSED CONDUIT		ITEM BALLOON (DETAIL SHEETS)
	POWER CONDUIT		DETAIL REFERENCE
	TELEPHONE CONDUIT		SECTION REFERENCE
	AERIAL ELECTRICAL LINE		
	COAXIAL CABLE/CONDUIT		
	OVERHEAD CONDUCTORS		
—o—	CHAIN LINK FENCING		

ABBREVIATIONS

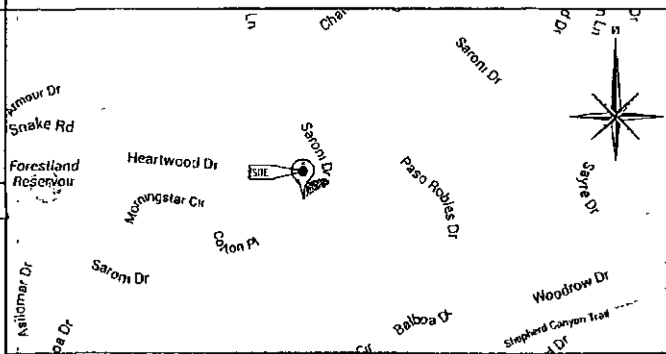
AL	ALUMINUM	FLR	FLOOR	PRELIM	PRELIMINARY
ALY	ALLOY	FT	FOOT	PWR	POWER
ANT	ANTENNA	FS	FARSIDE	QTY	QUANTITY
AGL	ABOVE GROUND LEVEL	FSTNR	FASTENER	R	RADIUS
AMSL	ABOVE MEAN SEA LEVEL	GALV	GALVANIZED	RAD	RADIATION
APVD	APPROVED	GA	GAUGE	RC	RAD CENTER
APPROX	APPROXIMATE	GEN	GENERATOR	RCVR	RECEIVER
AR A/R	AS REQUIRED	GND	GROUND/GROUNDING	ALY	ALLOY
BAT	BATTERY	ID	INSIDE DIAMETER	RELOC	RELOCATED
BC	BOLT CIRCLE	MATL	MATERIAL	REQD	REQUIRED
BLDG	BUILDING	MAX	MAXIMUM	SH	SHEET
BRKT	BRACKET	MFR	MANUFACTURER	SPLY	SUPPLY
CAB	CABINET	MTD	MOUNTED	SS	STAINLESS STL
CL	CENTERLINE	MTG	MOUNTING	STD	STANDARD
CONC	CONCRETE	MTR	METER	STL	STEEL
CND	CONDUIT	MAX	MAXIMUM	STRL	STRUCTURAL
DN	DOWN	MIN	MINIMUM	SQ	SQUARE
(E)	EXISTING	(N)	NEW	SW	SWITCH
EA	EACH	NS	NEARSIDE	THD	THREAD
EL	ELEVATION	NTS	NOT TO SCALE	THK	THICK
EMBED	EMBEDMENT	OC	ON CENTER	TNND	TINNED
EMER	EMERGENCY	OD	OUTSIDE DIAMETER	TYP	TYPICAL
ENCL	ENCLOSURE	(P)	PROPOSED	UBC	UNIFORM BUILDING CODE
EQPT	EQUIPMENT	PLYWD	PLYWOOD	W/	WITH
EQ SP	EQUAL SPACE	PL	PLACES	W/O	WITHOUT
HGT	HEIGHT	PNL	PANEL	XFMR	TRANSFORMER
(F)	FUTURE	P/O	PART OF	XMTR	TRANSMITTER
		POSN	POSITION		

CODE COMPLIANCE

[illegible]ERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH [illegible]IONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL [illegible] NOTHING IN THESE PLANS IS TO BE CONSTRUCTED TO PERMIT [illegible]ING TO THESE CODES

[illegible]DING CODE CBC-2010
[illegible] BUILDING CODE
[illegible] & 25) 2010
[illegible] LIFE SAFETY CODE NFPA
[illegible] AND CODE
[illegible] (BOCA)
[illegible]TRICAL CODE CEC-2010
6. CALIFORNIA MECHANICAL CODE CMC-2010
7. CALIFORNIA PLUMBING CODE CPC 2010
8. LOCAL BUILDING CODE(S)
9. CITY AND/OR COUNTY ORDINANCES
10. MUST COMPLY TO LATEST CALIFORNIA FIRE CODE (AND LATEST MUNICIPAL FIRE CODE)
11. CALIFORNIA GENERAL ORDER 95 AND 128

VICINITY MAP



DRIVING DIRECTIONS

FROM: 4430 ROSEWOOD DR, PLEASANTON, CA 94588-3050 TO: 6758 SARONI DR, OAKLAND, CA 94611
DISTANCE: 26.9 MILES (31 MIN)

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]
5. [illegible]
6. [illegible]
7. [illegible]
8. [illegible]
9. [illegible]
10. [illegible]
11. [illegible]
12. [illegible]
13. [illegible]

SIGNATURE BLOCK

APPROVED BY	INITIALS	DATE
MUNICIPAL AFFAIRS		
RF MANAGER		
CONSTRUCTION MANAGER		
PROJECT MANAGER		
APPLICANT AGENT		
APPLICANT		

PROJECT DESCRIPTION

THESE DRAWINGS DEPICT A PORTION OF A DISTRIBUTED ANTENNA SYSTEM (DAS) TELECOMMUNICATIONS NETWORK, TO BE CONSTRUCTED BY EXTENET SYSTEMS AND OWNED AND OPERATED BY NEW CINGULAR WIRELESS PCS LLC, IN THE PUBLIC RIGHT OF WAY PURSUANT TO AUTHORITY GRANTED BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION

THE MAIN COMPONENTS OF THIS INSTALLATION ARE:
THE ADDITION OF TWO (2) 27.75"x10.625"x6.25" PANEL ANTENNAS, ONE (1) BBU CABINET, ONE (1) RADIO UNIT, ASSOCIATED ELECTRICAL COMPONENTS, AND MOUNTING BRACKETS AS REQUIRED, LOCATED ON AN EXISTING PG&E UTILITY POLE

DRAWING INDEX

BUILDING / SITE DATA

LATITUDE	37.833418	TYPE OF CONSTRUCTION	ATTACHMENTS TO EXISTING WOOD POLE
LONGITUDE	-122.200279	AREA OF CONST.	-
ELEVATION	N / A	HANDICAP REQUIREMENTS	FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS NOT REQUIRED.
JURISDICTION	CITY OF OAKLAND	TITLE 24 REQUIREMENTS	FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. THIS PROJECT IS EXEMPT
A.P.N.	48E732902800		
ZONING	PUBLIC RIGHT OF WAY		
OCCUPANCY	U, UNMANNED		

PROJECT TEAM

PROPERTY OWNER:
NAME: PUBLIC RIGHT OF WAY
ADDRESS: 6758 SARONI DR,
OAKLAND, CA 94611

CONSTRUCTION MANAGER:
EXTENET SYSTEMS CA LLC
CONTACT: KEN BOOKER
PHONE: (510) 406-0829

MUNICIPAL AFFAIRS:
EXTENET SYSTEMS CA LLC
CONTACT: [illegible] STEPHENS
PHONE: (510) 612-2511

APPLICANT:
NEW CINGULAR WIRELESS PCS LLC
4430 ROSEWOOD DR, BLDG 3
PLEASANTON, CA 94588-3050
CONTACT: [illegible] MULLER
PHONE: (510) 258-1703

APPLICANT AGENT:
MATTHEW YERGOVICH
EXTENET SYSTEMS REAL ESTATE CONTRACTOR FOR AT&T MOBILITY
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SAN FRANCISCO, CA 94115
PHONE: (415) 596-3474
EMAIL: myergo@gmail.com

ARCHITECT:
AERO COMMUNICATIONS, INC
5711 RESEARCH DRIVE
CANTON, MI 48188
CONTACT: GARY GETCHELL
PHONE: (510) 292-8918

at&t
NEW CINGULAR WIRELESS PCS, LLC
4430 ROSEWOOD DR, BLDG 3
PLEASANTON, CA 94588-3050

PROJECT INFORMATION
OAKHILLS AT&T SOUTH NETWORK NODE 058B
6758 SARONI DR
OAKLAND, CA 94611

CURRENT ISSUE DATE
10/17/13

ISSUED FOR
ZONING

BY	DATE	DESCRIPTION	REV
ACI	10/17/13	ZDs	C

PLANS PREPARED BY
ACI
1-800-825-4ACI
5711 Research Drive
Canton, MI 48188
ACI NUMBER: OAKS-058B

CONSTRUCTED BY
net SYSTEMS
3030 Warrenville Rd, Suite 340
Lisle, IL 60532
www.extenet.com

SEAL OF APPROVAL:

SHEET TITLE
TITLE SHEET AND PROJECT INFORMATION

SHEET NUMBER	REVISION
T1	0
	10/17/13

ATTACHMENT C

GENERAL NOTES

[illegible]

Call before you dig
811 / 1-800-227-2600
www usanorth org

GENERAL NOTES — SCALE NTS — 2

ROW CONSTRUCTION GENERAL NOTES

POLE GROUND CONSTRUCTION NOTES

1. 120/240 POWER REQUIRED FOR 3-WIRE SERVICE
2. GC TO REMOVE/CLEAN ALL DEBRIS NAILS STAPLES OR NON-USED VERTICALS OFF THE POLE
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH MUNICIPAL COUNTY STATE FEDERAL GO95 AND GO128 STANDARDS AND REGULATIONS
4. CALL USA 48 HOURS PRIOR TO EXCAVATING AT (800) 227-2600
5. ALL LANDSCAPING TO BE RESTORED TO ORIGINAL CONDITION OR BETTER
6. ALL EQUIPMENT TO BE BONDED
7. METERING CABINET REQUIRES 3' CLEARANCE AT DOOR OPENING
8. CAULK CABINET BASE AT PAD

STANDARD GROUNDING NOTES

1. GROUND TESTED AT 5 OHMS OR LESS.
2. 5/8"x8' ROD CAD WELD BELOW GRADE
3. #6 GROUND AND BOND WIRE
4. WOOD MOLDING STAPLED EVERY 3' AND AT EACH END
5. GROUNDS 3' FROM POLE
6. PLACE 3 #10GA WIRES FROM BREAKER TO METER BOX

STANDARD CONDUIT NOTES

1. FOR UNDERGROUND USE SCHEDULE 40
2. FOR RISERS USE SCHEDULE 80
3. PLACE 3" GALVANIZED STEEL CONDUIT FOR ALL CONDUIT UNDER 3' STUB UP 10' THEN CONVERT TO SCHEDULE 80
4. CONVERT 4" CARRIER CONDUIT TO 3" AT BASE OF POLE
5. GC TO STUB UP POLE 10' w/3" POWER CONDUIT POWER CO TO CONVERT FROM 3" SCH 80 TO 2" SCH 80 FROM TOP OF STUB UP
6. ALL CONDUIT WILL BE MAN DRILLED AND EQUIPPED WITH 3/8" PULL ROPE

STANDARD TRENCHING NOTES

1. MAINTAIN 40" MINIMUM COVER FOR ELECTRICAL CONDUIT
2. MAINTAIN 30" MINIMUM COVER FOR COMMUNICATIONS CONDUIT
3. SAND SHADING MINIMUM 1" UNDER CONDUITS AND 6" COVERING ON TOP REQUIRED
4. ALL ELECTRICAL SERVICE CONDUITS FROM POWER COMPANY WHETHER FROM POLES TRANSFORMERS OR OTHER LOCATIONS WILL BE SLURRY BACKFILLED
5. IN STREET SLURRY TO GRADE AND MILL DOWN 1-1/2" FOR AC CAP
6. IN DIRT SLURRY 12" FROM GRADE AND FILL WITH 95% COMPACTION NATIVE SOIL FOR BALANCE
7. PLACE WARNING TAPE IN TRENCH 12" ABOVE ALL CONDUITS AND FIBER WARNING TAPE ABOVE GROUND RING

ROW UTILITY POLE CONSTRUCTION NOTES

1. NO BOLT THREADS TO PROTRUDE MORE THAN 2-1/2"
2. FILL ALL HOLES LEFT IN POLE FROM REARRANGEMENT OF CUSTOMERS
3. ALL CLIMB STEPS NEXT TO CONDUIT SHALL HAVE EXTENDED STEPS
4. CABLE NOT TO IMPEDE 15" CLEAR SPACE OFF POLE FACE (12:00)
5. 90° RIGHT SWEEPS UNDER ANTENNA ARM. ALL CABLES MUST ONLY TRANSITION ON THE INSIDE OR BOTTOM OF ARMS (NO CABLE ON TOP OF ARMS)
6. USE CABLE CLAMPS TO SECURE CABLE TO ARMS. PLACE 2" CARRIER CABLE ID TAGS ON BOTH SIDES OF ARMS
7. USE "PC" CONNECTOR AT CABLE CONNECTION TO ANTENNAS
8. PLACE GPS ON ARM WITH SOUTHERN SKY EXPOSURE AT [illegible] FROM [illegible] ANTENNA, WHICH IS 24" AWAY FROM CENTER OF POLE
9. USE 1/2" CABLE ON ANTENNAS, UNLESS OTHERWISE SPECIFIED
10. FILL VOID AROUND CABLES AT CONDUIT OPENING WITH FOAM SEALANT TO PREVENT WATER INTRUSION

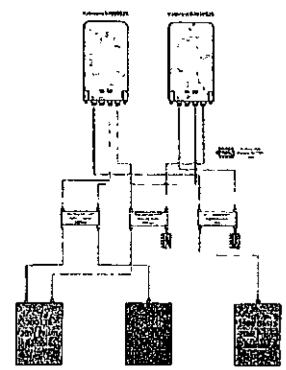
ROW CONSTRUCTION GENERAL NOTES — SCALE NTS — 3

LOADING AND ANTENNA CABLE SCHEDULES

WIND LOADING INFORMATION	
ANTENNA/HOOD [illegible] AREA TOTAL	82.52 SQ FT
TOP GRADE	47'-11"
BOTTOM GRADE	38'-0"
METER/BREAKER AREA TOTAL	14.62 SQ FT
TOP GRADE	8'-11"
BOTTOM GRADE	6'-0
BATTERY BACK-UP AREA TOTAL	IN SHROUD
TOP GRADE	-
BOTTOM GRADE	-
RADIO [illegible] AREA TOTAL	IN SHROUD
TOP GRADE	-
BOTTOM GRADE	-
EQUIPMENT SHROUD AREA TOTAL	192 SQ FT
TOP GRADE	18'-10"
BOTTOM GRADE	10'-10"
COAX RISER SIZE	3"Ø
COAX RISER TOP GRADE	44'-0"
COAX RISER BTM GRADE	11'-7"
PWR RISER SIZE	1"Ø
PWR RISER TOP GRADE	3[illegible]'-6"
PWR RISER BTM GRADE	6'-0

ANTENNA SECTOR	AZIMUTH	ANTENNA MAKE / MODEL	COAXIAL CABLE LENGTH	CABLES PER SECTOR	CABLE SIZE
SECTOR ALPHA	5°/50T	KATHREIN 840-10525	36'/3	4/6	1/2"
SECTOR BETA	65°/60T	KATHREIN 840-10525			
SECTOR GAMMA					

NOTE:
[illegible]



LOADING AND ANTENNA CABLE SCHEDULES — SCALE NTS — 1

NEW CINGULAR WIRELESS PCS LLC
4430 ROSEWOOD DR BLDG 3
PLEASANTON CA 94588-3050

PROJECT INFORMATION
OAKHILLS AT&T SOUTH NETWORK NODE 058B
6750 SARONI DR
OAKLAND CA 94611

CURRENT ISSUE DATE:
10/17/13

ISSUED FOR:
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BY	DATE	DESCRIPTION	REV
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PLANS PREPARED BY:
ACI
1-800-825-4ACI
5711 Research Drive
Canton MI 48188

ACI PROJECT #: OAKS-058B

CONSTRUCTED BY:
net SYSTEMS
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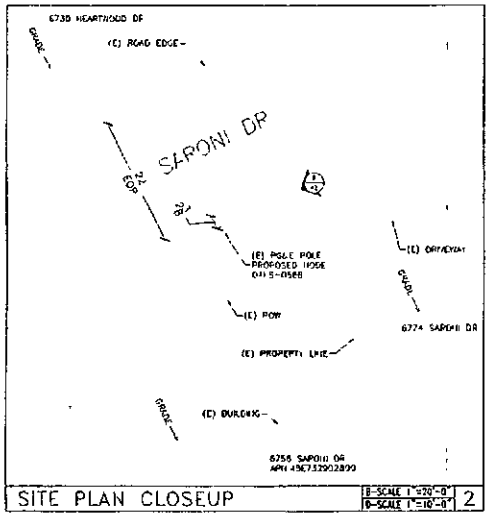
www extenet com

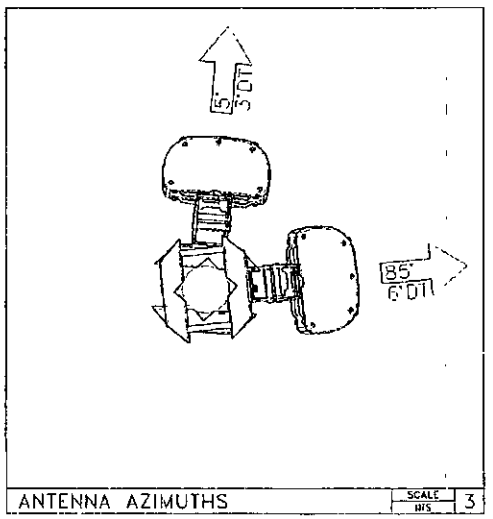
SEAL OF APPROVAL

SHEET TITLE
GENERAL NOTES AND SCHEDULES

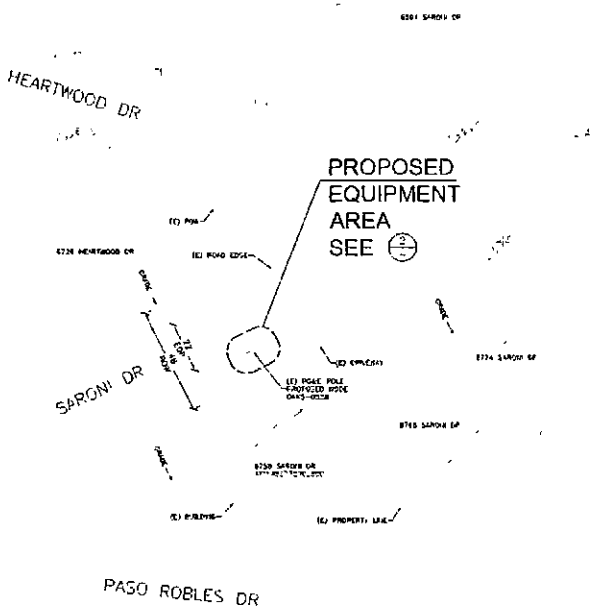
SHEET NUMBER: T2
REVISION: 0
10/17/13



SITE PLAN CLOSEUP | B-SCALE 1"=20'-0" D-SCALE 1"=10'-0" | 2



ANTENNA AZIMUTHS | SCALE NTS | 3



SITE PLAN | B-SCALE 1"=50'-0" D-SCALE 1"=25'-0" | 1

at&t

NEW CINGULAR WIRELESS PCS LLC
4430 ROSEWOOD DR, BLDG 3
PLEASANTON, CA 94588-3350

PROJECT INFORMATION

OAKHILLS AT&T
SOUTH NETWORK
NODE 058B

6758 SARONI DR
OAKLAND, CA 94611

CURRENT ISSUE DATE

10/17/13

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BY:	DATE	DESCRIPTION	REV

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1-800-825-4ACI
5711 Research Drive
Canton, MI 48188

ACI NUMBER OAKS-058B

CONSTRUCTED BY

net SYSTEMS
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www.calenet.com

SEAL OF APPROVAL

SHEET TITLE

SITE PLAN

SHEET NUMBER | REVISION

A1 | 0 | 10/ 7/13

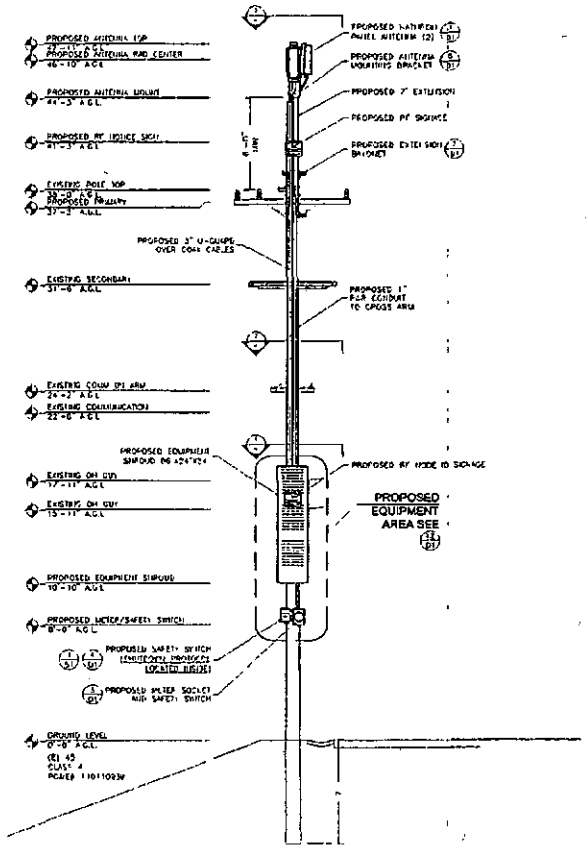
COMMUNICATIONS MAKE-READY

1. INSTALL PG&E 1" SCH 80 CONDUIT AT 10:30 POSITION FOR POWER SERVICE
2. INSTALL 3" SCH 80 U-GUARD AT 7:00 POSITION OVER COAX
3. INSTALL SHROUD (RADIO & BBU) METER SOCKET & SAFETY SWITCH 4" OFF OF POLE (USING UNISTRUTS) AT 9:00 POSITION
4. RELOCATE CLIMBING PEGS AT 9:00 POSITION 8'-6" AGL TO COMM ZONE TO 6:00 POSITION

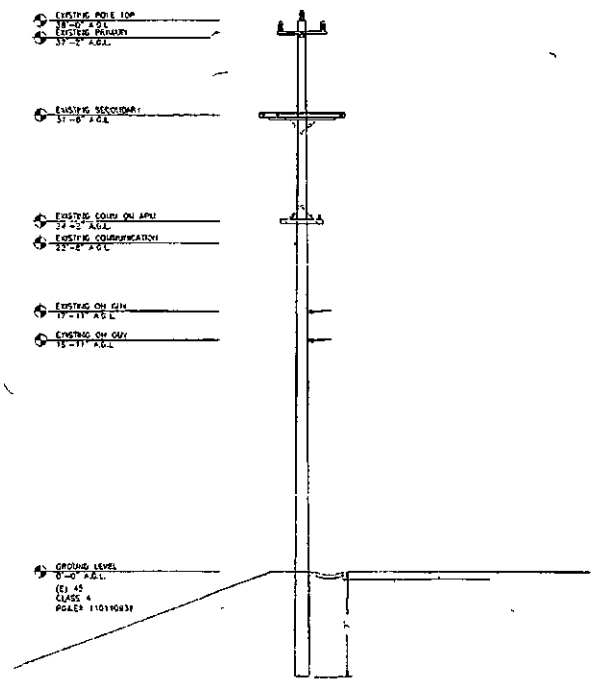
POWER MAKE-READY

1. PREPARE PRIMARY TO 8' CROSS ARM
2. INSTALL 7' POLE TOP EXTENSION
3. INSTALL (2) PANEL ANTENNAS W/ MOUNTING BRACKET ON POLE TOP EXTENSION AT 45'-3" AGL
4. INSTALL COMBINERS AND (4/6) 1/2" COAX
5. INSTALL PG&E 1" SCH 80 CONDUIT TO SECONDARY CROSSARM, AT 10:30 POSITION FOR POWER SERVICE
6. INSTALL 3" SCH 80 U-GUARD AT 7:00 POSITION OVER COAX
7. PROVIDE 120/240 3-WIRE SINGLE PHASE, 100 AMP SERVICE TO 1" PG&E CONDUIT AT 10:30 POSITION TO METER SOCKET FROM SECONDARY 31'-6" AGL

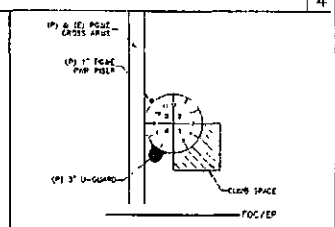
MAKE-READY NOTES 4



PROPOSED ELEVATION NORTHEAST — B-SCALE 1/8"=1'-0" / D-SCALE 1/4"=1'-0" — 6

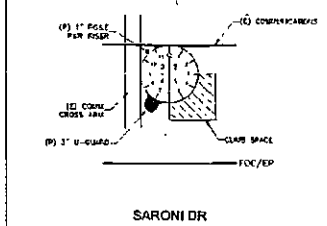


EXISTING ELEVATION NORTHEAST — B-SCALE 1/8"=1'-0" / D-SCALE 1/4"=1'-0" — 5



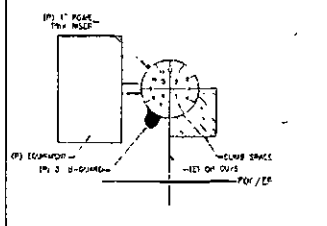
SARONI DR

EQUIP. SPACE PLAN VIEW — 1



SARONI DR

POWER SPACE PLAN VIEW — 3



SARONI DR

COMM. SPACE PLAN VIEW — 2

at&t
NEW CINGULAR WIRELESS PCS, LLC
4430 ROSEWOOD DR BLDG 3
PLEASANTON, CA 94588-3050

PROJECT INFORMATION

OAKHILLS AT&T SOUTH NETWORK NODE 058B

6756 SARONI DR
OAKLAND, CA 94611

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ACI	10/17/13	ZDs	0

PLANS PREPARED BY
ACI
1-800-825-4ACI
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Canton MI 48188
ACI NUMBER: CAPS-05NE

CONSTRUCTED BY
net SYSTEMS
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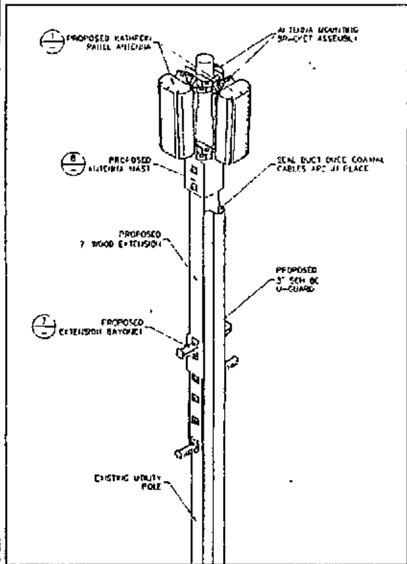
SEAL OF APPROVAL

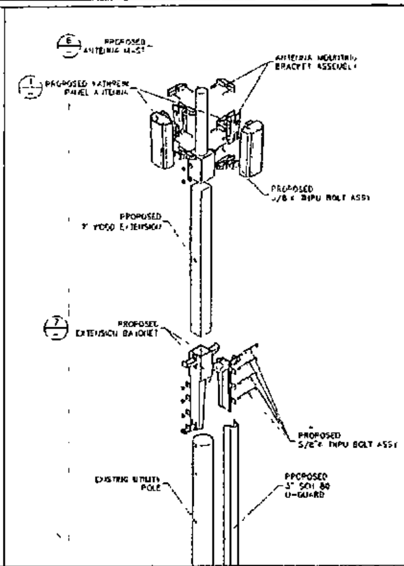
SHEET TITLE

ELEVATIONS & RISER DETAILS

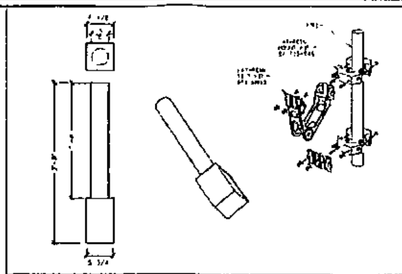
SHEET NUMBER: A2 — REVISION: 0 — 10/17/13



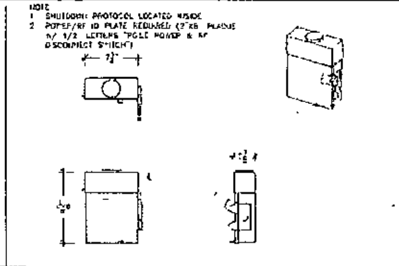
ANTENNA CONFIGURATION — B-SCALE 3/8"=1'-0" D-SCALE 3/4"=1'-0" — 13



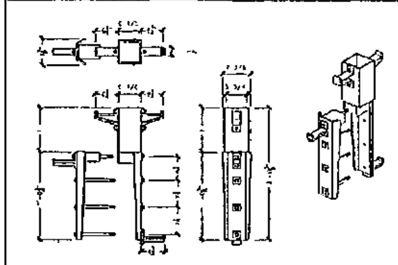
POLE TOP ANTENNA ASSEMBLY — B-SCALE 1/4"=1'-0" D-SCALE 1/2"=1'-0" — 11



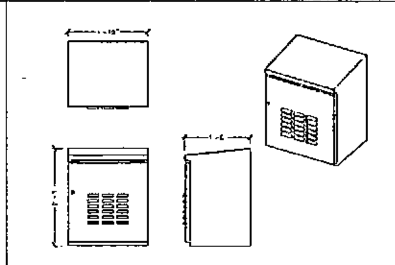
POLE TOP EXTENSION ANTENNA MAST W/ BRKTS — B-SCALE 3/8"=1'-0" D-SCALE 3/4"=1'-0" — 8



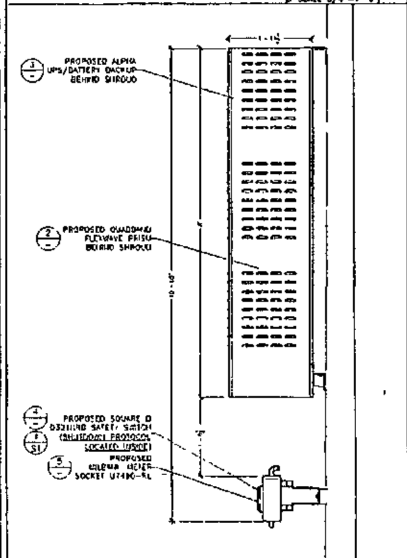
SQUARE D D321NRB SAFETY SWITCH — B-SCALE 3/4"=1'-0" D-SCALE 1 1/2"=1'-0" — 4



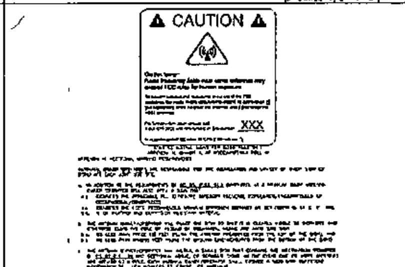
POLE TOP EXTENSION BAYONET — B-SCALE 3/8"=1'-0" D-SCALE 3/4"=1'-0" — 7



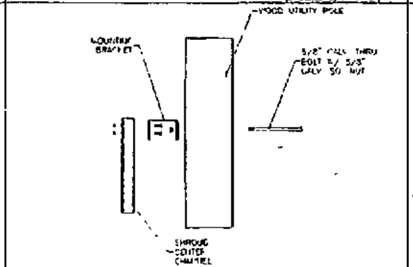
ALPHA MMOE UPS/BATTERY BACKUP — B-SCALE 3/8"=1'-0" D-SCALE 3/4"=1'-0" — 3



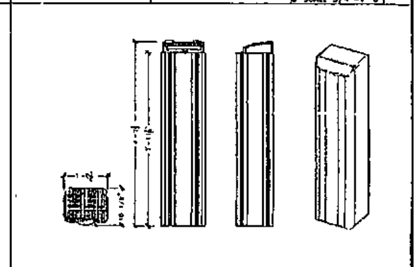
EQUIPMENT CONFIG — B-SCALE 3/8"=1'-0" D-SCALE 3/4"=1'-0" — 12



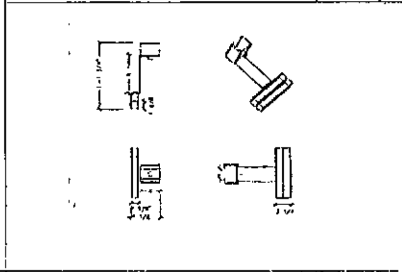
RF WARNING SIGNAGE — SCALE NTS — 10



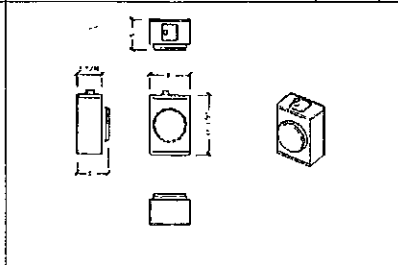
SHROUD MOUNTING ASSY. — SCALE NTS — 6



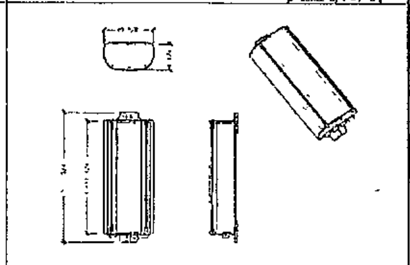
QUADBAND FLEXWAVE PRISM — B-SCALE 3/8"=1'-0" D-SCALE 3/4"=1'-0" — 2



LADDER BRACKET — B-SCALE 1/2"=1'-0" D-SCALE 1"=1'-0" — 9



MILBANK METER SOCKET U7490-RL — B-SCALE 1/2"=1'-0" D-SCALE 1"=1'-0" — 5



KATHREIN PANEL ANTENNA — B-SCALE 1/2"=1'-0" D-SCALE 1"=1'-0" — 1

at&t

NEW CINGULAR WIRELESS PCS, LLC
4430 ROSEWOOD DR. BLDG 2
PLEASANTON, CA 94588-3050

PROJECT INFORMATION

OAKHILLS AT&T SOUTH NETWORK NODE 058B

CURRENT ISSUE DATE: 10/17/13

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ACI	10/17/13	ZD	0

PLANS PREPARED BY: ACI
1-800-825-4ACI
5711 Research Drive
Canton, MI 48188

CONSTRUCTED BY: net SYSTEMS
3039 Warrenville Rd. Suite 340
Lisle, IL 60532

SEAL OF APPROVAL

SHEET TITLE: EQUIPMENT DETAILS

SHEET NUMBER: D1 — REVISION: 0 — 10/17/13

SHUTDOWN PROTOCOL 7"X9" LAMINATED CARD CARDSTOCK

at&t

AT&T oDAS Shutdown Procedure

PROCEDURE TO DE-ENERGIZE RADIO FREQUENCY (RF) SIGNAL EMERGENCY and NON-EMERGENCY WORK REQUIRING RF SIGNAL SHUTDOWN

(A) PG&E personnel SHALL contact AT&T Mobility Switch Center to notify them of an emergency shutdown 800-638-2822. Dial option 9 for cell site "Related" emergency's then option 1. Provide the following information when calling or leave a voicemail:
(1) Identify yourself and give callback phone number
(2) Site number and if applicable site name (located on the shutdown box)
(3) Site address and location
(4) Nature of emergency and site condition

(B) Pull Disconnect Handle down to the Open or "OFF" Position. The RF signal will shut down within a few seconds. A visual inspection of the interior blade will confirm that both incoming AC Lead and Battery Backup are disconnected.

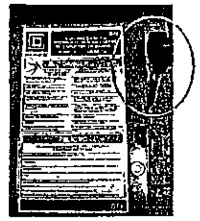
(C) Notify AT&T (New Cingular) Switch Center when the emergency work is completed.

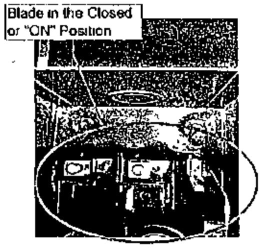
See reverse side to view photo of the "on" and "off" position

FRONT

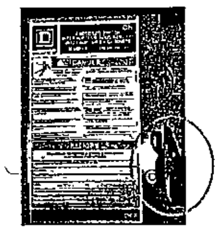
at&t

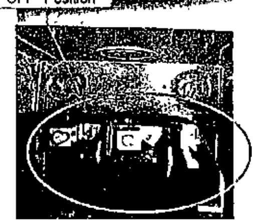
Switch in the Closed Position ("ON")





Switch in the Open Position ("Off")





BACK

SHUTDOWN PROTOCOL

SCALE NTS | 1

at&t
NEW CINGULAR WIRELESS PCS, LLC
4430 ROSEWOOD DR, BLDG 3
PLEASANTON, CA 94588-3050

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www.extenet.com

SEAL OF APPROVAL

SHEET TITLE
POWER & RF SAFETY PROTOCOLS

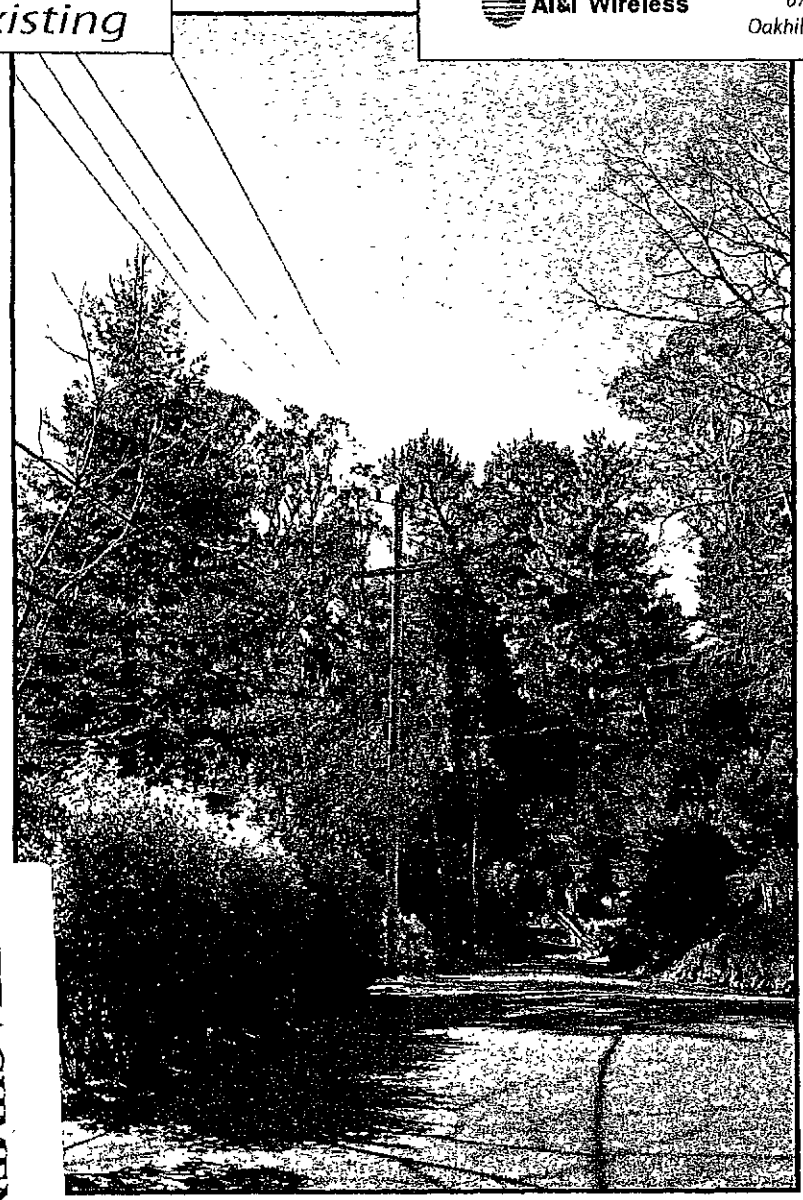
SHEET NUMBER: S1
REVISION: 0
10/17/13

view from Saroni Drive looking southwest at site

AT&T Wireless

6758 Saroni Drive, Oakland, CA
Oakhills AT&T South Network Node 0588

Existing



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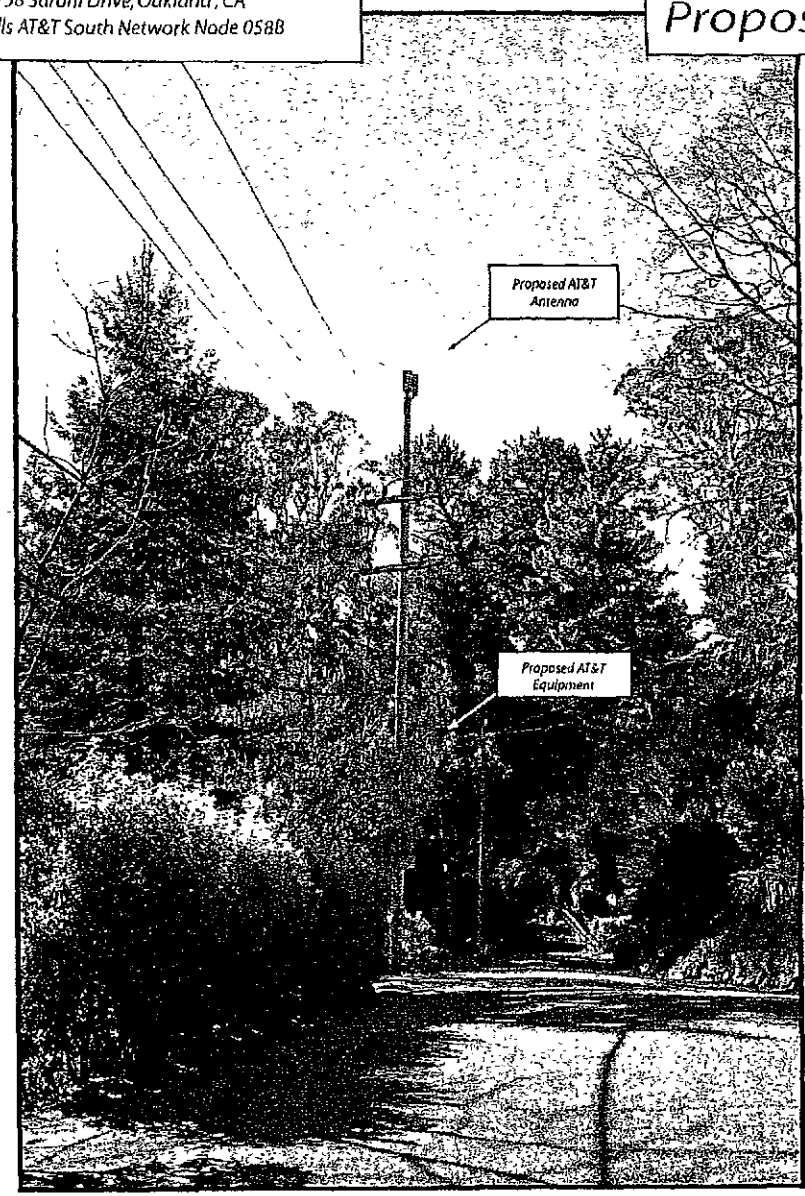

AdvanceSim
Photo Simulation Solutions
Contact (925) 202 6507

ATTACHMENT D

Yergovich and Associates, LLC

1826 Webster Street • San Francisco, CA 94115 • (415) 596-3474 • myergo@gmail.com

March 6, 2014

City Planner
Planning Department
City of Oakland
250 Frank Ogawa Plaza, 2nd Floor
Oakland, CA 94612

Re: Proposed AT&T Mobility DAS Node Installation, Expedited Review Requested

Applicant:	**New Cingular Wireless PCS, LLC (d/b/a AT&T Mobility)**
Site Address:	**Public Right of Way near 6758 Saroni Drive**
Site ID:	**OAKS-058B**
Latitude/Longitude:	**37.833418, -122.200279**

Dear City Planner,

On behalf of New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility ("AT&T"), this letter and attached materials are to apply for a conditional use permit to install a distributed antenna system ("DAS") node in the public right-of-way near 6758 Saroni Drive ("Node 58").[1] This is the same DAS node that AT&T pursued by its previous Application DR13-038. AT&T has withdrawn Application DR13-038 in order to provide this new application for a redesigned DAS node in the same area. Specifically, at the city's direction, AT&T is pursuing a redesign of Node 58 consistent with discussions between the city and AT&T. The following is an explanation of the existing site, a project description of the redesigned facility, the project purpose and justifications in support of this proposal.

A. Project Description.

The existing site consists of an approximate 38 feet tall wooden utility pole in the public right-of-way on the south side of Saroni Drive, southwest of the intersection with Heartwood Drive. Power lines are attached to a cross-arm at 37 feet two inches high and to the pole top at 38 feet above ground. Secondary power lines are attached to cross arms on the pole at 31 feet six inches. Communications lines are attached to a cross arm on the pole at 24 feet two inches high and to the pole at 22 feet eight inches high Guy wires are attached to the pole at 17 feet 11 inches and 15 feet 11 inches. There are numerous trees in the area and the pole is located on a ridgeline sloping downward to the north, east and south.

AT&T originally proposed to modify the 37 feet two inch tall utility pole near 6828 Saroni Drive by adding two panel antennas to an eight feet long pole-top extension and affixing two cabinets, a fiber unit, a meter and a shut-off switch to the pole.

After a City Planner visited the site, and after discussing AT&T's proposal with that Planner, we have revised our design consistent with our discussions to minimize any visual impact We are now proposing to modify the pole near 6758 Saroni Drive by adding two panel antennas to a seven feet long pole-top extension, combining for an overall

[1] AT&T expressly reserves all rights concerning the city's jurisdiction to assert zoning regulation over the placement of wireless facilities in the public rights-of-way.

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height of 47 feet 11 inches. This extended height provides for separation between the antennas and the power line as required by California Public Utility Commission General Order 95 (GO 95). We have further revised our application at the city's request to propose a singular equipment box approximately 96 inches long by 24 inches wide and deep on this pole. A miniature emergency shut-off safety switch and electricity meter will be placed on the pole at about eight-feet above ground. The equipment will be connected to power and telecommunications lines already on the pole, extended through one-inch and three-inch conduit. All equipment will be painted brown to match the utility pole. Our proposal is depicted in the attached design drawings and photographic simulations.

This is an unmanned facility that will operate at all times (24 hours per day, 7 days per week) and will be serviced about once per month by an AT&T technician. Our proposal will greatly benefit the area by improving wireless telecommunications service as detailed below.

B. Project Purpose.

The purpose of this project is to provide AT&T third and fourth generation (3G and 4G) wireless voice and data coverage to the surrounding area where there is currently a significant gap in service coverage These wireless services include mobile telephone, wireless broadband, emergency 911, data transfers, electronic mail, Internet, web browsing, wireless applications, wireless mapping and video streaming. The proposed node is part of a larger DAS providing coverage to areas of the Oakland, Berkeley, Kensington and El Cerrito that are otherwise very difficult or impossible to cover using traditional macro wireless telecommunications facilities due to the local topography and mature vegetation. The radio frequency propagation maps submitted with Application DR13-038 depict AT&T's larger DAS project. Those propagation maps are attached here for reference. Further radio frequency details are set forth in the attached Radio Frequency Statement, including propagation maps depicting existing and proposed coverage in the vicinity of Node 58.

A DAS network consists of a series of radio access nodes connected to small telecommunications antennas, typically mounted on existing wooden utility poles within the public rights-of-way, to distribute wireless telecommunications signals DAS networks provide telecommunications transmission infrastructure for use by wireless services providers. These facilities allow service providers such as AT&T to establish or expand their network coverage and capacity. The nodes are linked by fiber optic cable that carry the signal stemming from a central equipment hub to a node antenna. Although the signal propagated from a node antenna spans over a shorter range than a conventional tower system, DAS can be an effective tool to close service coverage gaps.

C. Project Justification, Design and Placement.

Node 58 is an integral part of the overall DAS project, and it is located in a difficult coverage area because of its winding roads, hilly terrain and plentiful trees. The coverage area consists of a hilly Oakland Hills neighborhood north off of Shepherd Canyon Road and surrounding areas. Node 58 will cover transient traffic along the roadways and provide in-building service to the surrounding residences as depicted in the propagation maps, which are exhibits to the attached Radio Frequency Statement.

Node 58 is the least intrusive means to provide coverage to this area because it uses existing utility infrastructure, adding small equipment without disturbing the character of the neighborhoods served. Deploying a DAS node onto these existing poles minimizes any visual impact by utilizing an inconspicuous location. By installing antennas and equipment onto these existing poles, AT&T does not need to propose any new infrastructure in this coverage area. Node 58 should be barely noticeable amidst the backdrop of trees and terrain.

The DAS node RF emissions are also much lower than the typical macro site and appropriate for the area, and they are fully compliant with the FCC's requirements for limiting human exposure to radio frequency energy. The attached radio frequency engineering analysis provided by Hammett & Edison, Inc., Consulting Engineers, confirms that the proposed equipment will operate well within (and actually far below) all applicable FCC public exposure limits. The facility will also comply with California Public Utility Commission (CPUC) General Orders 95

(concerning overhead line design, construction and maintenance) and 170 (CEQA review) that govern utility use in the public right-of-way

This proposed redesign is a viable alternative design developed according to our discussions with the Planning Department in the context of Application DR13-038. As proposed, Node 58 is the least intrusive option because antennas can be installed on the non-view side of the street, nestled amidst large trees as the city suggested. Also the proposed location is the best coverage option because it sits on a ridge from which point AT&T can best propagate its wireless signal.

AT&T considered alternative sites on other utility poles in this area but none of these sites is as desirable from a coverage perspective or from an aesthetics perspective. The proposed location is approximately equidistant from other DAS nodes that AT&T plans to place in surrounding hard-to-reach areas, so that service coverage can be evenly distributed There are a number of trees near the proposed site that will allow the installation to blend in with the backdrop of foliage The other utility poles in the area are more conspicuous than the proposed pole. In addition to the utility poles proposed to host Node 58, AT&T considered the following alternative sites in the area:

- Alternative 1 (37.834189, -122.199995) / Original Proposal at 6828 Saroni Drive. This alternative is AT&T's original proposal as described above. Although a DAS node at this location would provide the best coverage vantage point and would blend in with nearby trees, we relocated our proposal at the request of the Oakland Planning Department for the proposed location that it identifies as less intrusive

- Alternative 2 (37.833889, - 122.199756) / 6808 Saroni Dr : This alternative consists of the utility pole on Saroni Drive, north of the intersection with Heartwood Drive. This pole is not feasible from an implementation engineering standpoint because the pole has cross arms, utility lines and a cobra head light that block the climbing zone required to be made available for AT&T's facilities by GO 95.

Because of the terrain challenges mentioned above, no alternatives other than a DAS on existing utility poles were feasible within the service area. Other poles down hill along Saroni to the north or south offer too low of an elevation to provide adequate radio frequency service coverage and the other poles along Heartwood Drive and Colton Boulevard would propagate coverage obstructed by houses, trees and terrain. There are no existing utility poles available on Chambers Lane. Any other locations would require new infrastructure imposing unnecessary visual impact and would not be able to provide service coverage to the intended coverage area. For these reasons, Node 58 is the least intrusive alternative to close AT&T's significant service coverage gap in the area.

Revised drawings, an AT&T Radio Frequency Statement, propagation maps, photographic simulations, and a radio-frequency engineering analysis are included with this packet.

As this application seeks authority to install a wireless telecommunication facility, the FCC's Shot Clock Order[2] requires the city to issue its final decision on AT&T's application within 150 days. We respectfully request expedited review and approval of this application Feel free to contact me if you have any questions. Thank you.

Best Regards,

Matthew S. Yergovich
ExteNet Real Estate Contractor
For AT&T Mobility

[2] *See* Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B), WT Docket No. 08-165, Declaratory Ruling, 24 F.C.C.R 13994 (2009).

AT&T Mobility • 32 Proposed Distributed Antenna System Nodes
Oakland Hills • Oakland, California

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of AT&T Mobility a wireless telecommunications service provider, to evaluate 32 distributed antenna system (DAS) nodes proposed to be located in the Oakland Hills area of Oakland, California, for compliance with appropriate guidelines limiting human exposure to radio frequency ("RF") electromagnetic fields.

Executive Summary

AT&T Mobility proposes to install two directional panel antennas on 32 existing or proposed utility poles sited in the Oakland Hills area of Oakland. The proposed operation will comply with the FCC guidelines limiting public exposure to RF energy.

Prevailing Exposure Standards

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

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

Power line frequencies (60 Hz) are well below the applicable range of these standards, and there is considered to be no compounding effect from simultaneous exposure to power line and radio frequency fields.

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.

ATTACHMENT F

A small antenna for reception of GPS signals is also required, mounted with a clear view of the sky. Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. Along with the low power of such facilities, this means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

Computer Modeling Method

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

Site and Facility Description

Based upon information provided by AT&T, that carrier proposes to install 32 new nodes, listed in Table 1 below, in the Oakland Hills area of Oakland. Each node would consist of two Kathrein Model 840-10525 directional panel antennas installed on a new or existing utility pole to be sited in a public right-of-way. The antennas would be mounted with no downtilt at an effective height of at least 31 feet above ground and would be oriented in different directions, as shown in Table 1. The maximum effective radiated power in any direction would be 219 watts, representing simultaneous operation by AT&T at 104 watts for PCS, 61 watts for cellular, and 54 watts for 700 MHz service. There are reported no other wireless telecommunications base stations at the site or nearby.

AT&T Mobility • 32 Proposed Distributed Antenna System Nodes
Oakland Hills • Oakland, California

Node #	Approximate Address	Antenna Orientations		Antenna Height Above Ground
035B	Grizzly Peak Boulevard and Golf Course Drive	116°T	321°T	42 ft
03A6	2501 Grizzly Peak Boulevard	65°T	248°T	35
037B	7541 Claremont Avenue	54°T	240°T	44
039A	8071 Claremont Avenue	36°T	215°T	48
041A	Grizzly Peak Boulevard and Skyline Boulevard	149°T	283°T	50
042A	6616 Pine Needle Drive	73°T	344°T	45
046B	1265 Mountain Boulevard	30°T	105°T	31
047A	5925 Sherwood Drive	13°T	285°T	34
048A	Skyline Boulevard and Elverton Drive	153°T	325°T	54
049A	1732 Indian Way	24°T	306°T	45
050A	5612 Merriewood Drive	46°T	110°T	45
051B	5658 Grisborne Avenue	87°T	355°T	45
052B	5826 Mendoza Drive	61°T	121°T	45
053B	6133 Snake Road	43°T	119°T	45
054C	2040 Tampa Avenue	0°T	100°T	49
055C	2400 Manzanita Drive	80°T	160°T	36
056A	6837 Aitken Drive	65°T	316°T	34
057C	6433 Westover Drive	137°T	302°T	47
058B	6758 Saroni Drive	5°T	85°T	47
059B	2181 Andrews Street	37°T	88°T	49
060B	5879 Scarborough Drive	33°T	81°T	45
062A	2997 Holyrood Drive	21°T	88°T	45
063B	2679 Mountain Gate Way	0°T	80°T	35
064E	10 El Patio Street	29°T	110°T	47
070C	95 Castle Park Way	0°T	70°T	45
071A	3343 Crane Way	72°T	355°T	46
074A	6925 Pinehaven Road	0°T	70°T	38
075B	6776 Thornhill Drive	66°T	127°T	45
077A	6659 Girvin Drive	100°T	180°T	45
078A	7380 Claremont Avenue	55°T	200°T	45
079B	6757 Sobrante Road	70°T	159°T	45
081A	Shepherd Canyon Road and Escher Drive	56°T	209°T	31

Table 1. New Cingular Wireless Nodes Evaluated

Study Results

For a person anywhere at ground, the maximum RF exposure level due to the proposed operation through is calculated to be 0.0036 mW/cm^2, which is 0.69% of the applicable public exposure limit. The maximum calculated level at the second-floor elevation of any nearby building* is 3.2% of the

* Including nearby residences located at least 9 feet from any pole, based on photographs from Google Maps.

public limit. It should be noted that these results include several "worst-case" assumptions and therefore are expected to overstate actual power density levels from the proposed operation.

Recommended Mitigation Measures

Due to their mounting locations on utility poles, the AT&T antennas would not be accessible to the general public, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. To prevent occupational exposures in excess of the FCC guidelines, it is recommended that access near the antennas be limited to authorized personnel who have been adequately trained in RF safety and awareness. No access within 3 feet directly in front of the antennas themselves, such as might occur during maintenance work on the poles, should be allowed while the pertinent node is in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. Posting explanatory signs† at the antennas and/or on the poles below the antennas, such that the signs would be readily visible from any angle of approach to persons who might need to work within that distance, would be sufficient to meet FCC-adopted guidelines.

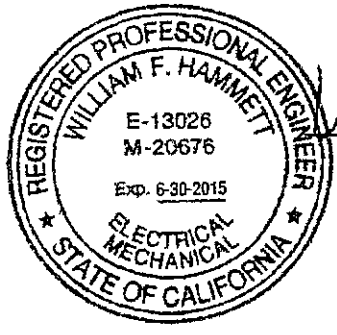
Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that the proposed operation of these AT&T Mobility nodes located in Oakland, 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. Training of authorized personnel and posting explanatory signs is recommended to establish compliance with occupational exposure limitations.

† Signs should comply with OET-65 color, symbol, and content recommendations. Signage may also need to comply with the requirements of California Public Utilities Commission General Order No 95.

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, 2015. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.



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

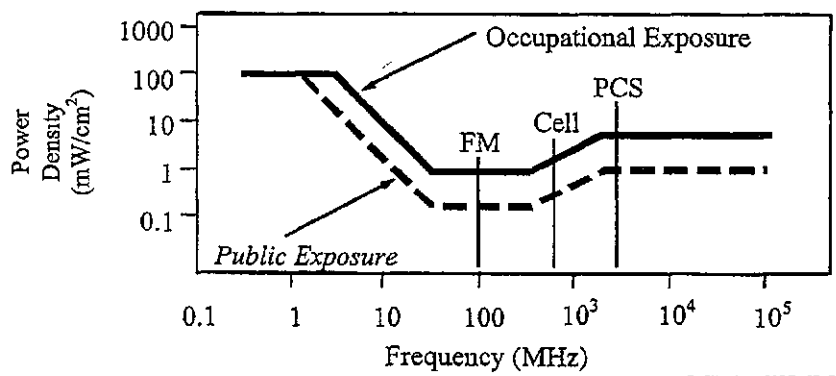
February 6, 2014

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.

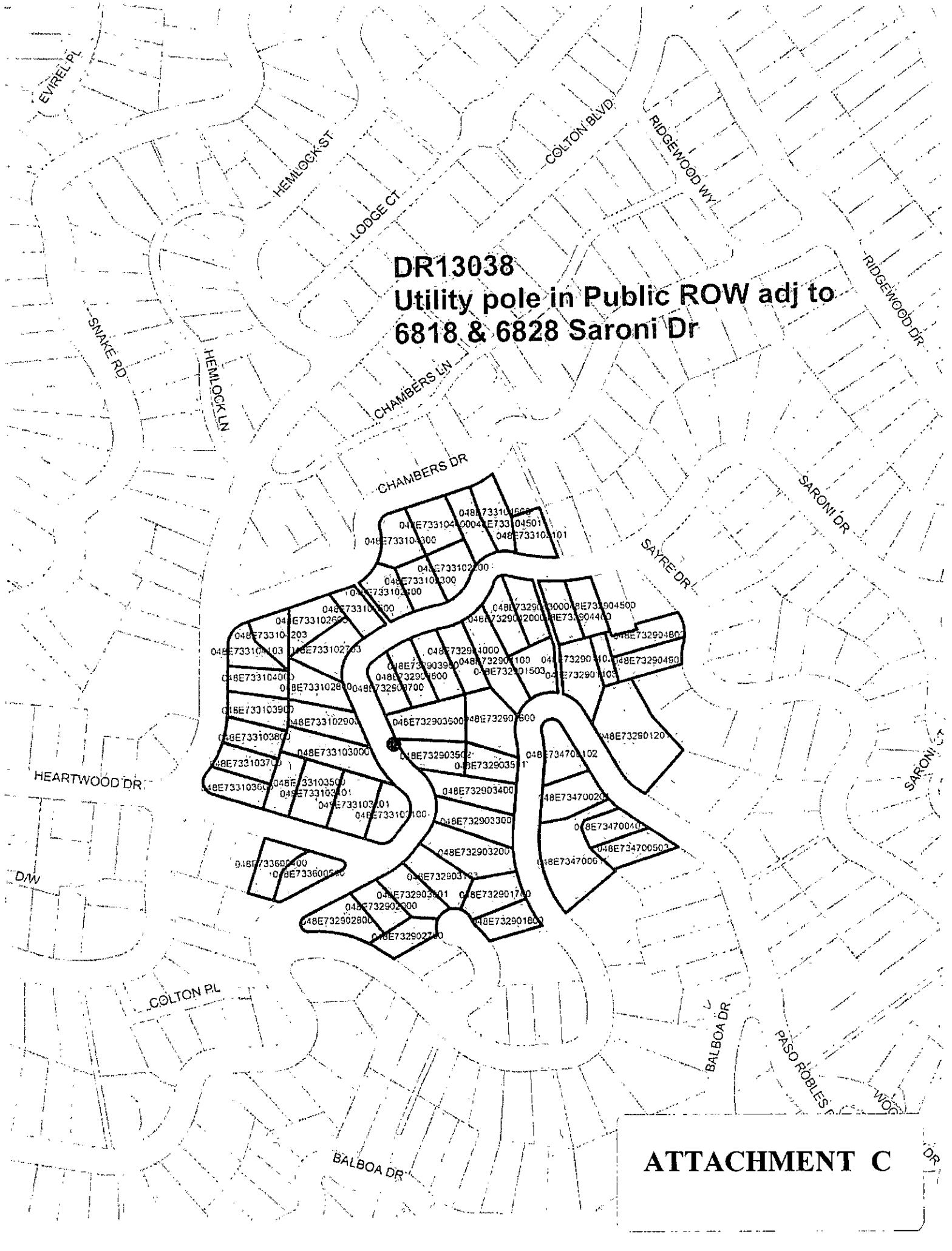
Far Field.

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 mnnber of individnal radiation sources. The program also allows for the description of uneven terrain in the vicinity, to obtain more accurate projections.


DR13038
Utility pole in Public ROW adj to
6818 & 6828 Saroni Dr
EVIREL PL
HEMLOCK ST
LODGE CT
COLTON BLVD
RIDGEWOOD WY
RIDGEWOOD DR
SNAKE RD
HEMLOCK LN
CHAMBERS LN
CHAMBERS DR
SAYRE DR
SARONI DR
HEARTWOOD DR
D/W
COLTON PL
BALBOA DR
PASO ROBLES
BALBOA DR
ATTACHMENT C

ALCORN RALPH B & SUSAN D TRS
25 SOUTHWOOD CT
OAKLAND CA 94611
DR13038

ALLENBY DAVID R & JULIA M
6714 COLTON BLVD
OAKLAND CA 94611
DR13038

ARMOUR WILLIAM V & ANDERSON PATRICIA M
6964 PASO ROBLES DR
OAKLAND CA 94611
DR13038

BAE KYONGHEE TR
6970 PASO ROBLES DR
OAKLAND CA 94611
DR13038

BELLMAYEDA MELANIE S & MAYEDA GREG J ETAL
6866 SARONI DR
OAKLAND CA 94611
DR13038

BENEDETTI DAVID B
6822 CHAMBERS DR
OAKLAND CA 94611
DR13038

BERNIER ANTHONY A & MARTINEZ CARMEN L
6868 CHAMBERS DR
OAKLAND CA 94611
DR13038

BLOSS NICOLE TR
6828 SARONI DR
OAKLAND CA 94611
DR13038

BRAMLETT VANESSA & REED MICHAEL
6802 CHAMBERS DR
OAKLAND CA 94611
DR13038

BUSTOS CHRISTINA
6758 SARONI DR
OAKLAND CA 94611
DR13038

CALLAN JUDY & KLEIN MICHAEL
6804 SARONI DR
OAKLAND CA 94611
DR13038

COLES JEREMY & MELISSA A
6959 PASO ROBLES DR
OAKLAND CA 94611
DR13038

DEW CATHERINE A TR
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DR13038

DEWITT DEBRA H
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TACOMA WA 98406
DR13038

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SAN FRANCISCO CA 94118
DR13038

GARDINER ANNIE H TR & HEYER LISA TR
6774 SARONI DR
OAKLAND CA 94611
DR13038

GEHRKE RICHARD A TR
MARNA GEHRKE
1187 ROYCOTT WAY
SAN JOSE CA 95125
DR13038

GILMORE JOHN B & MICHELLE V TRS
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OAKLAND CA 94611
DR13038

GOLDENBERG ALAN H & BARBARA TRS
6960 PASO ROBLES DR
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DR13038

GOPALAKRISHNAN JAY & JESSICA K
6926 SAYRE DR
OAKLAND CA 94611
DR13038

GULICK MARY S
6731 HEARTWOOD DR
OAKLAND CA 94611
DR13038

HAGGERTY SAMUEL JR
6818 SARONI DR
OAKLAND CA 94611
DR13038

HAZER BARTLEY M & AMY L
30 SOUTHWOOD CT
OAKLAND CA 94611
DR13038

HUYNH VINCENT & POON ANGIE
506 QUIMBY CT
SAN RAMON CA 94582
DR13038

JACOBS ERIK & MARSHALL MELISSA
6921 PASO ROBLES DR
OAKLAND CA 94611
DR13038

KASHIWASE DAVID T & ROBERTA L TRS
2506 WILDHORSE DR
SAN RAMON CA 94583
DR13038

KATTLER JASON & JENNIFER
6978 PASO ROBLES DR
OAKLAND CA 94611
DR13038

KAUFMAN ELIZABETH M TR ETAL
6939 PASO ROBLES DR
OAKLAND CA 94611
DR13038

KHOURI KENNETH M & JULIANNE K
6812 SARONI DR
OAKLAND CA 94611
DR13038

KIM SOOSA & KURIHARA RIKA
6846 SARONI DR
OAKLAND CA 94611
DR13038

KOPCHIK JOHN 3RD & CHUNG KRISTINE E
6947 PASO ROBLES DR
OAKLAND CA 94611
DR13038

LANDSBERG MORTIMER & GILMORE JOHN B & M V TRS
6725 HEARTWOOD DR
OAKLAND CA 94611
DR13038

LANDSBERG MORTIMER TR
6717 HEARTWOOD DR
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DR13038

MCCARTHY PATRICK W & LEILAH K
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DR13038

MERIWETHER JENNIFER & DAN
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DR13038

NUNEZ JODY A & HAYNES M L
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DR13038

OSULLIVAN PATRICK J & RUTH TRS
6720 COLTON BLVD
OAKLAND CA 94611
DR13038

PAGE WARREN G & SEQUEIRAPAGE MONISHA M
6726 COLTON BLVD
OAKLAND CA 94611
DR13038

PERRY LORALYN R
6766 SARONI DR
OAKLAND CA 94611
DR13038

PHILLIPS JAMES M & JOAN T
6880 SARONI DR
OAKLAND CA 94611
DR13038

REFINO CANIO J & JANS JOHANNA S TRS
6842 CHAMBERS DR
OAKLAND CA 94611
DR13038

ROSS DARREN G & CARRIE R TRS
6860 SARONI DR
OAKLAND CA 94611
DR13038

RUTLEDGE NANCY E
20 SOUTHWOOD CT
OAKLAND CA 94611
DR13038

SCHULTZ WILLIAM B & ALICE L
6855 SARONI DR
OAKLAND CA 94611
DR13038

SELINGER AMY
6852 SARONI DR
OAKLAND CA 94611
DR13038

SHURTLEFF ALLAN R & JANET A TRS
19514 CENTER ST
CASTRO VALLEY CA 94546
DR13038

STONE SUSAN
6808 SARONI DR
OAKLAND CA 94611
DR13038

STONGE EUGENE E & JAN C TRS
6839 SARONI DR
OAKLAND CA 94611
DR13038

TELLES WALTER P
2040 E 15TH ST
OAKLAND CA 94606
DR13038

THOMAS LUCY
6852 CHAMBERS DR
OAKLAND CA 94611
DR13038

THOMPSON RONALD P & PAMELA J TRS
PO BOX 13281 STATION E
OAKLAND CA 94661
DR13038

VOHLAND LEWIS L TR
3255 KEMPTON AVE
OAKLAND CA 94611
DR13038

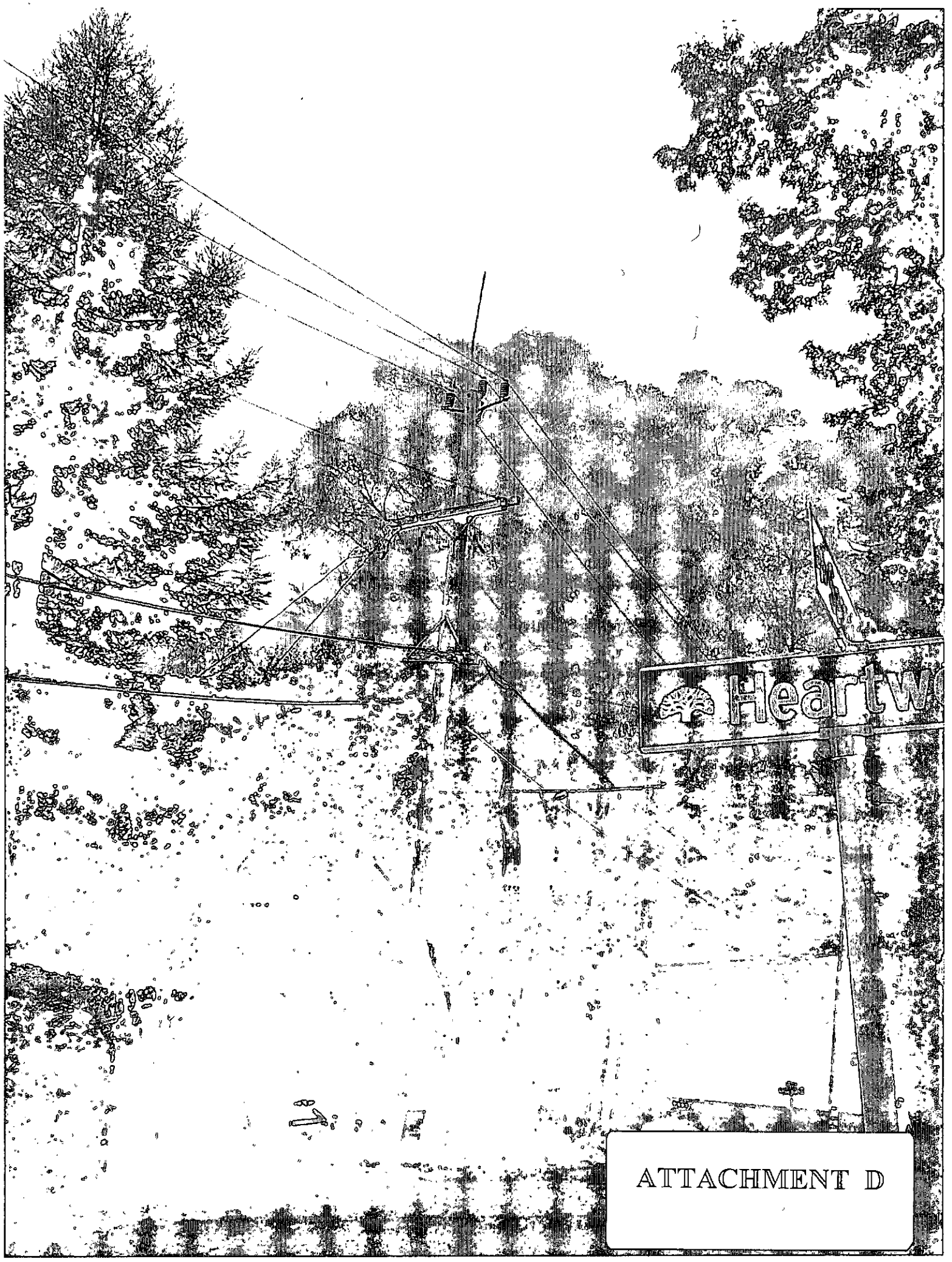
WEEMS SHEILA T
6920 SAYRE DR
OAKLAND CA 94611
DR13038

WEISS JAMES
124 KNIGHT DR
SAN RAFAEL CA 94901
DR13038

WENDELL DANIEL E
6718 HEARTWOOD DR
OAKLAND CA 94611
DR13038

WU DERRICK T
6856 SARONI DR
OAKLAND CA 94611
DR13038

YAMADA TOMOKIYO & MIYE TRS
6950 PASO ROBLES DR
OAKLAND CA 94611
DR13038



ATTACHMENT D

Introduced by Councilmember _____

Approved as to Form and Legality
Office of the City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2014 NOV 25 AM 10:59

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

A RESOLUTION DENYING APPEAL #PLN14040-A01 AND UPHOLDING THE DECISION OF THE CITY PLANNING COMMISSION TO APPROVE REGULAR DESIGN REVIEW TO ATTACH A TELECOMMUNICATIONS FACILITY TO A UTILITY POLE LOCATED IN THE PUBLIC RIGHT-OF-WAY AT 6758-6766 SARONI DRIVE

WHEREAS, on March 7, 2014, the Applicant Mr. Matthew Yergovich/AT&T submitted an application for Regular Design Review with additional findings to attach a 7'-9" extension with two 2'-2" antennae to a 37'-2" wooden Joint Pole Authority (JPA) utility pole owned by PG&E and located in the City public right-of-way adjacent to 6758-6766 Saroni Drive, and to mount equipment to the side of the pole between 8' and 18'-10" in height, as case # PLN14040 ("Project"); and

WHEREAS, based on a site visit and review of internet aerial images of the site, staff did not discern an aesthetic, view or proximity issue, given the elevation of homes downhill and across the street from tha utility pole, the distance of adjanent downslope homes, and the lack of a bay view; and

WHEREAS, the application was agendized for the Planning Commission hearing of May 21, 2014, and public notices were duly distributed; and

WHEREAS, on May 21, 2014, the Planning Commission independently reviewed, considered, and determined that the Project is exempt from the environmental review requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines sections 15301 (existing facilities) and 15183 (projects consistent with a community plan, general plan or zoning); and

WHEREAS, on May 21, 2014, the Planning Commission approved the Regular Design Review application for case # PLN14040, subject to findings, additional findings, and conditions of approval; and

WHEREAS, on June 2, 2014, Ms. Wendy Parfrey filed a timely Appeal (#PLN14040-A01) of the Planning Commission's decision to approve the Project on behalf of a neighborhood group, including residents of Saroni Drive, Heartwood Drive, and Colton Boulevard (collectively, "Appellants"); and

WHEREAS, after the Appeal was submitted, and with the City's permission, the Applicant installed story poles on the subject utility pole to demonstrate the proposed height of the Project;

WHEREAS, after giving due notice to the Appellants, the Applicant, all interested parties, and the public, the Appeal came before the City Council in a duly noticed public hearing on December 9, 2014; and

WHEREAS, the Appellants, the Applicant, supporters of the application, those opposed to the application and interested neutral parties were given the opportunity to participate in the public hearing by submittal of oral and/or written comments; and

WHEREAS, the public hearing on the Appeal was closed by the City Council on December 9, 2014; and

RESOLVED: The City Council independently finds and determines that this Resolution complies with CEQA, as the Project is exempt from CEQA pursuant to CEQA Guidelines sections 15301 (existing facilities), 15303 (small facilities or structures, installation of small new equipment and facilities in small structures), and 15183 (projects consistent with a community plan, general plan or zoning), and the Environmental Review Officer is directed to cause to be filed a Notice of Determination/Exemption with the appropriate agencies; and be it

FURTHER RESOLVED: That the City Council, having independently heard, considered and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Application, the Planning Commission's decision, and the Appeal, hereby finds and determines that the Appellants have **not** shown, by reliance on appropriate/proper evidence in the record, that the Planning Commission's decision was made in error, that there was an abuse of discretion by the Planning Commission, or that the Planning Commission's decision was not supported by substantial evidence in the record. This decision is based, in part, on the December 9, 2014 City Council Agenda Report and the May 21, 2014 Planning Commission staff report, which are hereby incorporated by reference as if fully set forth herein, on the reports and testimony provided at the hearing, and on the City's General Plan, Planning Code, and other planning regulations as set forth below; and be it

FURTHER RESOLVED: That the Appeal is hereby denied, and the Planning Commission's decision to approve an extension with two telecommunications antennas to a 37'-2" wooden utility pole located in the City public right-of-way at 6758-6766 Saroni Drive, and to mount equipment to the side of the pole between 8'" and 18'-10" in height, is upheld, subject to the findings for approval, additional findings, and conditions of approval adopted by the Planning Commission, each of which is hereby separately and independently adopted by this Council in full; and be it

FURTHER RESOLVED: That, in support of the City Council's decision to deny the Appeal and approve the Project, the City Council affirms and adopts as its own independent findings and determinations: (i) the December 9, 2014 City Council Agenda Report (including without limitation the discussion, findings and conclusions (each of which is hereby separately and independently adopted by this Council in full), and (ii) the May 21, 2014 Planning Commission staff report approving the Project, including without limitation the discussion, findings, additional findings, conclusions, and conditions of approval (each of which is hereby separately and independently adopted

by this Council in full); and be it

FURTHER RESOLVED: The record before this Council relating to this Project Application and Appeal includes, without limitation, the following:

1. the Application, including all accompanying maps and papers;
2. all plans submitted by the Applicant and his representatives;
3. the notice of appeal and all accompanying statements and materials;
4. all final staff reports, final decision letters, and other final documentation and information produced by or on behalf of the City, including without limitation all related/supporting final materials, and all final notices relating to the Application and attendant hearings;
5. all oral and written evidence received by the Planning Commission and City Council during the public hearings on the Application and Appeal; and all written evidence received by relevant City Staff before and during the public hearings on the Application and Appeal; and
6. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) the Oakland Municipal Code; (c) the Oakland Planning Code; (d) other applicable City policies and regulations; and (e) all applicable State and federal laws, rules and regulations; and be it

FURTHER RESOLVED: That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are located at (a) the Planning and Building Department, Planning and Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, and (b) the Office of the City Clerk, 1 Frank H. Ogawa Plaza, First Floor, Oakland, California; and be it

FURTHER RESOLVED: Per standard City practice, if litigation is filed challenging this decision, or any subsequent implementing actions, then the time period for obtaining necessary permits for construction or alteration and/or commencement of authorized construction-related activities stated in Condition of Approval #2 is automatically extended for the duration of the litigation; and be it

FURTHER RESOLVED: The recitals contained in this Resolution are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION –

ATTEST:_____
LaTonda Simmons
City Clerk and Clerk of the Council of the
City of Oakland, California

LEGAL NOTICE:

PURSUANT TO OAKLAND MUNICIPAL CODE SECTION 17.136.090, THIS DECISION OF THE CITY COUNCIL IS FINAL IMMEDIATELY AND IS NOT ADMINISTRATIVELY APPEALABLE. ANY PARTY SEEKING TO CHALLENGE SUCH DECISION IN COURT MUST DO SO WITHIN NINETY (90) DAYS OF THE DATE OF THIS DECISION, UNLESS A DIFFERENT DATE APPLIES.

Introduced by Councilmember _____

Approved as to Form and Legality

_____
Office of the City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 NOV 25 AM 10: 59

OAKLAND CITY COUNCIL

RESOLUTION NO._____C.M.S.

A RESOLUTION UPHOLDING APPEAL #PLN14040-A01, THEREBY REVERSING THE DECISION OF THE CITY PLANNING COMMISSION AND DENYING REGULAR DESIGN REVIEW TO ATTACH A TELECOMMUNICATIONS FACILITY TO A UTILITY POLE LOCATED IN THE PUBLIC RIGHT-OF-WAY AT 6758-6766 SARONI DRIVE

WHEREAS, on March 7, 2014, Mr. Matthew Yergovich for AT&T (Applicant) submitted an application for Regular Design Review with additional findings to attach a 7'-9" extension with two 2'-2" antennas to a 37'-2" wooden Joint Pole Authority (JPA) utility pole owned by PG&E and located in the City public right-of-way adjacent to 6758 and 6766 Saroni Drive, and to mount equipment to the side of the pole between 8' and 18'-10" in height, as case # PLN14040-A01 (Project); and

WHEREAS, on May 21, 2014, the Planning Commission conducted a duly noticed public hearing on the matter, closed the hearing and then voted to approve the Regular Design Review application for case # PLN14040, subject to findings, additional findings, and conditions of approval; and

WHEREAS, on June 2, 2014, Ms. Wendy Parfrey filed an Appeal (#PLN14040-A01) of the Planning Commission's decision on behalf of a neighborhood group, including residents of Saroni Drive, Heartwood Drive, and Colton Boulevard (collectively, "Appellants"); and

WHEREAS, after the Appeal was submitted, and with the City's permission, the Applicant installed story poles on the subject utility pole to demonstrate the proposed height of the Project; and

WHEREAS, after giving due notice to the Appellants, the Applicant, all interested parties, and the public, the Appeal came before the City Council for a public hearing on December 9, 2014; and

WHEREAS, the Appellants, the Applicant, supporters of the application, those opposed to the application and interested neutral parties were given ample opportunity to participate in the public hearing by submittal of oral and/or written comments; and

WHEREAS, the public hearing on the Appeal was closed by the City Council on December 9, 2014; now, therefore, be it

RESOLVED: That the City Council, having independently heard, considered and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Application, the Planning Commission's decision, and the Appeal,

finds that the Appellants **have** shown, by reliance on appropriate/proper evidence already contained in the record before the City Planning Commission, that the Planning Commission's decision was made in error, that there was an abuse of discretion by the Commission, and/or that the Commission's decision was not supported by substantial evidence in the record. This decision is based, in part, on the December 9, 2014 City Council Agenda Report, which is hereby incorporated by reference as if fully set forth herein; and be it

FURTHER RESOLVED: That the Appeal is upheld, the Planning Commission's decision approving Regular Design Review is reversed, and the Application is denied; and be it

FURTHER RESOLVED: That in further support of the City Council's decision to reverse the Planning Commission's approval of the Application, the City Council rejects the December 9, 2014 City Council Agenda Report and the May 21, 2014 Planning Commission staff report, and instead, hereby adopts and incorporates by reference, as if fully set forth herein, the Findings for Denial contained in Exhibit A. Each of the reasons for denial listed therein provides a separate and independent basis to uphold the Appeal and deny the Application, and when viewed collectively, provides an overall basis to deny the Application; and be it

FURTHER RESOLVED: That the City Council finds and determines that this Resolution complies with CEQA pursuant to State CEQA Guidelines section 15270, which states that CEQA does not apply to projects which are disapproved; and be it

FURTHER RESOLVED: That the record before this Council relating to this Application and Appeal includes, without limitation, the following:

1. the Application, including all accompanying maps and papers;
2. all plans submitted by the Applicant and his representatives;
3. the notice of appeal and all accompanying statements and materials;
4. all final staff reports, final decision letters, and other final documentation and information produced by or on behalf of the City, including without limitation all related/supporting final materials, and all final notices relating to the Application and attendant hearings;
5. all oral and written evidence received by the Planning Commission and City Council during the public hearings on the Application and Appeal; and all written evidence received by relevant City Staff before and during the public hearings on the Application and Appeal;
6. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) the Oakland Municipal Code; (c) the Oakland Planning Code; (d) other applicable City policies and regulations; and (e) all applicable State and federal laws, rules and regulations; and be it

FURTHER RESOLVED: That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are located at (a) the Planning and Building Department,

Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, and (b) the Office of the City Clerk, 1 Frank H. Ogawa Plaza, First Floor, Oakland, California; and be it

FURTHER RESOLVED: That the recitals contained in the Resolution are true and correct and are an integral part of the City Council's decision; and be it

FURTHER RESOLVED: That the Applicant may submit a new application that identifies alternative less intrusive sites and facilities with payment of all the appropriate fees, and City staff shall process the application and it shall be considered without prejudice.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION –

ATTEST:_____
LaTonda Simmons
City Clerk and Clerk of the Council of the
City of Oakland, California

LEGAL NOTICE:

PURSUANT TO OAKLAND MUNICIPAL CODE SECTION 17.136.090, THIS DECISION OF THE CITY COUNCIL IS FINAL IMMEDIATELY AND IS NOT ADMINISTRATIVELY APPEALABLE. ANY PARTY SEEKING TO CHALLENGE SUCH DECISION IN COURT MUST DO SO WITHIN NINETY (90) DAYS OF THE DATE OF THIS DECISION, UNLESS A DIFFERENT DATE APPLIES.

EXHIBIT A
FINDINGS FOR DENIAL

The City Council finds that this proposal does not meet all the required findings under Regular Design Review Criteria (OMC Sec. 17.136.040(B)) as set forth below. A legislative body shall deny a recommendation of Planning Approval of Design Review for a proposed telecommunications facility and related equipment on an existing utility pole if it cannot make all of the required findings. The required findings that cannot be made are shown in **bold** type; the explanation as to why the City Council finds that these finding cannot be made is shown in normal type.

GENERAL FINDINGS

The City Council finds that the Planning Commission's decision to approve the Regular Design Review application was made in error, constituted an abuse of discretion, and/or was not supported by substantial evidence in the record because the following two findings were **not** met:

Finding No. 1: There is a significant gap in coverage.
In submitting its application for the project, AT&T asserted that a "significant gap" in coverage exists, but did not provide a survey or other documentation as a basis for this assertion. Presentation of a radio frequency statement and propagation maps does not establish a "significant gap."

Finding No. 2: If there is a significant gap in coverage, the proposed location is the "least intrusive way" to address this gap. Even if AT&T did demonstrate that a significant gap in service coverage existed, AT&T did not demonstrate that the proposal at 6758-6766 Saroni Drive is the least intrusive way to provide wireless services in this area. City Planning staff is willing to work with AT&T to identify alternative sites that may be less intrusive.

REGULAR DESIGN REVIEW CRITERIA FOR NONRESIDENTIAL FACILITIES (OMC SEC. 17.136.040(B))

2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;

The City Council finds that this finding is **not** met, and that the Planning Commission's decision to approve the Regular Design Review application despite the proposal's view obstruction was made in error, constituted an abuse of discretion, and/or was not supported by substantial evidence in the record, for the following reason:

The proposal would not harmonize with the surrounding area. The utility pole, that would have a top extension with telecommunications antennas attached, is located on directly fronting two residences, and is not compatible with the scenic and residential character and appearance in the surrounding neighborhood. Given the adjacency of the proposal to the front of residential properties with views and a hillside sylvan setting, the proposal does not harmonize with, and would have significant adverse aesthetic impacts on, private property in the area. The proposed project will increase the mechanical clutter visible and very near to residential properties and cannot be altered to eliminate this adverse impact.