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OFFICE OF THE CITY CLERK
OAKLAND

2016 JAN -6 PM 4: 04

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Rachel Flynn, Director
Planning & Building
Department

SUBJECT: 6046 Colton Boulevard Utility Pole
Telecommunications Project Appeal

DATE: January 19, 2016

City Administrator Approval

Date:

1/7/15

RECOMMENDATION

Planning Staff Recommends That The City Council Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying Appeal #PLN15071-A01 and Upholding the Decision of the City Planning Commission to Approve Regular Design Review to Install A Telecommunications Facility Onto a Replacement Utility Pole Located in the Public Right-of-Way Fronting the Lot Line At 6046 Colton Boulevard.

EXECUTIVE SUMMARY

On July 1, 2015, the Planning Commission held a public hearing and approved an application submitted by New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (the "Applicant") for Regular Design Review, with additional telecommunications findings, to replace an existing utility pole with a new utility pole and add two antennas to the new utility pole, and mount associated equipment in a singular cabinet on the utility pole. On July 13, 2015, the appellants, Ms. Lynne Stocker & Mr. Jess Yanez, homeowners at 6046 Colton Boulevard, and Mr. Jerome Aubin, homeowner of 6050 Colton Boulevard (together, the "Appellants"), filed a timely Appeal of the Planning Commission's decision (#PLN15071-A01) on the basis of the lack of due process, lack of transparency, burden of proof, the application is false and inaccurate, design and issues related with site selection. Staff recommends the City Council deny the Appeal and uphold the Planning Commission's decision to approve the application.

BACKGROUND / LEGISLATIVE HISTORY

Local Government Zoning Authority

In 2009, a State Supreme Court decision provided the City of 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 discretionary 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.

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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 Federal Communications Commission (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 17, 2015, a representative for the Applicant submitted a Regular Design Review application to the Bureau of Planning to install a telecommunications facility by replacing an existing utility pole located in the public right-of-way adjacent to 6046 Colton Boulevard. The proposal was to replace an existing 24'-9" Joint Pole Authority ("JPA") utility pole with a new JPA utility pole owned by PG&E and attach two panel antennas (each two feet long, 10 inches wide) to the top, extending to a height of 50'-5" above ground and to mount a singular equipment box, as case #PLN15071 ("Project" or "Application").

Application Review and Decision

The site is in a section of the public right-of-way along Colton Boulevard containing a 24'-9" 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 down slope lots.

The proposal is to replace the existing JPA utility pole, in the same location, with a new wooden pole at a taller height and attach telecommunications antennas on top of the utility pole and install associated equipment to enhance wireless telecommunications services (i.e., cellular telephone and wireless data). The new utility pole, which is required for antenna clearance above overhead utility lines, would result in a top height of 50'-5". 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 with a matte (non-reflective) brown finish to match the color and finish of the wooden pole.

Staff visited the site and studied internet aerial images. Staff did not discern a view impact issue, given the elevation of homes downhill and uphill from the utility pole. In consideration of the proposal, but without having access to certain vantage points on private property during a site visit, staff recommended Planning Commission approval of the Application with consideration given to the surrounding context of large trees providing further concealment of the facility. In addition, the Application met Regular Design Review findings required for approval and additional findings for telecommunications facilities. A site design alternatives analysis and a satisfactory emissions report were also submitted.

The City publicly noticed the project for seventeen (17) days for the Planning Commission hearing of June 17, 2015. That meeting was adjourned to the July 1, 2015 Planning Commission meeting due to a lack of meeting space. The Application was subsequently agendaized and noticed for the Planning Commission hearing of July 1, 2015 (in an effort to save

printing costs, the Planning Commission staff report was not re-copied and includes the original hearing date of June 17, 2015). Staff did not receive evidence of potential view obstructions during this period. At the hearing on July 1, 2015, the Planning Commission approved (by a vote of 4-0) the application for the Project. On July 13, 2015, the Appellants filed an Appeal on behalf of the property owners at 6046 Colton Boulevard and 6050 Colton Boulevard (**Attachment A**).

The bases of the appeal were (1) Appellants claim a lack of due process; (2) Appellants claim a lack of transparency; (3) Appellants claim AT&T/Applicant has not met its burden of proof; (4) Appellants claim AT&T/Applicant's application is inaccurate and false; (5) Appellants claim the new pole is grossly intrusive and unsightly; and (6) Appellants claim the City of Oakland deprived residents of choice. On July 13, 2015, the Appellants submitted additional materials, including photographs, to the City that are attached to this Appeal as **Attachment A**.

ANALYSIS AND POLICY ALTERNATIVES

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

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.

Appellants' Issue #1:

Lack of Due Process. The City's limit of two minutes per speaker is a violation of due process, and is especially egregious because the agenda included matters previously set for hearing on June 17th which meeting was cancelled. In addition, the Commissioners conceded that state and federal regulations sharply limit their right to decide against the Project.

Staff Response:

The City held a properly noticed, fair and impartial public hearing on the Project, provided all interested parties with the right to address the Commission, and did not violate the Appellants' due process rights. In accordance with the Policies and Procedures for Conduct of City Planning Commission Meetings, the Chair of the Commission has discretion to set time limits for all speakers, which is generally limited to two minutes or less.

The Project was properly noticed and the Appellants attended the public hearing and provided testimony. The application was initially scheduled for the June 3 Planning Commission meeting (public notice was posted on May 15). However, during the 17 day public notice period it was brought to staff's attention on May 26 that no neighbors within a 300' foot radius of the proposed site had received the notice. Staff confirmed that there was an inadvertent oversight in the noticing process and removed the application from the June 3 agenda. Staff re-scheduled the item for June 17, the next regularly scheduled meeting, and re-noticed and re-posted public notice on May 28. Staff confirmed the application was posted on-site, and the property owners within a 300' radius received mail notification. Though properly noticed, the June 17 Planning Commission meeting was adjourned to the July 1 Planning Commission meeting due to lack of meeting space. Notices of the adjournment were distributed and posted as required by law. The item was then re-scheduled for July 1, 2015, and was considered by the Planning Commission at that meeting. The Appellants attended the July 1 public hearing and addressed the Commission at the hearing.

Finally, the Planning Commissioners are authorized to – and often do – acknowledge the legal framework within which they must make their decision. Applicable state and federal laws do limit local regulation of wireless telecommunications facilities, as described in more detail in the Planning Commission staff report dated June 17, 2015 (**Attachment A**).

Appellants' Issue #2:

Lack of Transparency. The Appellant questions the order of priority of the sites presented in the site alternatives analysis and on how the sites were chosen. The Appellant further question of why they're was a need to evaluate other sites when a previous site was approved.

Staff's Response

The Appellants are correct in that the application for the site adjacent to 6046 Colton Boulevard is AT&T's second attempt to close a significant gap in coverage in this specific area of the Oakland Hills. The first application was located adjacent to 5826 Mendoza Drive, which was approved by the Planning Commission and appealed to City Council. At the July 29, 2014 hearing regarding the appeal, the City Council took a straw vote and directed staff to return with a resolution to approve the appeal and overturn the Planning Commission's decision due primarily to concerns about view impacts. Staff agendized the appeal for an October 23, 2014 hearing and included an alternate resolution as directed by the Council, but AT&T voluntarily withdrew the application before the item was to heard in front of the City Council and agreed to pursue an alternate site. AT&T worked with staff to identify an alternate site (the Project), which was approved by the Planning Commission and is the subject of this Appeal. As stated in AT&T's site alternatives analysis, the 5826 Mendoza Drive location is the preferred location to close the gap in coverage.

The Appellants suggest that the City has a financial interest in approving AT&T's telecommunications applications. This is not true. The City of Oakland, the City Council, the Planning Commission and the Bureau of Planning & Zoning have no financial benefit by approving these types of applications. The Planning Commission properly applied the Regular Design Review Criteria and additional design review criteria for Macro Facilities to this Project,

which is located in the public right of way. As stated above, state and federal law define the scope and parameters of the City's ability to regulate telecommunications facilities. The California Public Utilities Code provides certain telecommunications companies with the right to construct telecommunications facilities "in such manner and at such points as not to incommode the public use of the road or highway", and states that "municipalities shall have the right to exercise reasonable control as to the time, place, and manner in which roads, highways, and waterways are accessed." (Cal. Pub. Util. Code, §§ 7901, 7901.1.) In 2009, the Ninth Circuit Court of Appeal held that the City may consider aesthetics with respect to the siting of telecommunications facilities within its rights-of-way (see Sprint PCS Assets, LLC v. City of Palos Verdes Estates (9th Cir. 2009) 583 F.3d 716, 725). Based on this decision, the City began requiring Design Review for the co-location of telecommunications facilities on existing utility infrastructure located within the rights-of-way, whereas previously these co-location projects had undergone only a ministerial review process (see Planning Commission director's report and zoning code bulletin dated August 5, 2015) (**Attachment C**). Thus, applications for the co-location of telecommunications facilities on joint utility poles located in the public right of way are subject only to Regular Design Review with additional Design Review findings for Macro Telecommunications Facilities (and any other additional Design Review findings required by the Zoning District), and are decided by the Planning Commission as a Major Permit. In addition to regular and additional design review criteria, these facilities are also subject to the Site Design and Location Preference requirements contained in Chapter 17.128 of the Oakland Planning Code.

Appellants' Issue #3

Appellants claim AT&T has not met its burden of proof. The Appellant claims that coverage maps submitted as part of the application do not accurately reflect the significant gap in coverage AT&T's proposed facility will cover and the "Engineer Statement" that no wireless telecommunications facilities exist in the area are flawed.

Staff's Response:

As required by the Planning Code and as part of the AT&T's application material, an "Engineer Statement" indicating what current coverage conditions exist in the area and how the proposed facility will improve and enhance coverage was submitted and "supporting documents" that include coverage maps and location of existing AT&T facilities (Exhibit A) were submitted stating the proposed facility will close a significant gap in coverage based on AT&T's existing infrastructure in this area of the Oakland Hills. The coverage map clearly calls out existing infrastructure and level of coverage in the Oakland Hills.

Appellants' Issue #4

Appellants claim AT&T's application is inaccurate and false, due to a change in the project description from a pole top extension to a replacement JPA utility pole, the location of the pole not being located in the public right-of-way and the need of a tree protection permit makes the project inaccurate and false.

Staff's Response:

The basic application submitted by the New Cingular Wireless PCS LLC reflects a "modification" of an existing pole, but all other documents submitted call for the JPA utility pole to be replaced, including the staff report that went before the Planning Commission. An Application may be altered after it is submitted, as written in the public notice, the description of the application is preliminary in nature and that the project and/or such description may change prior to a decision being made. In either case, i.e. a pole extension or a replacement JPA utility pole, the Oakland Planning Code requires a Major Design Review including a public hearing, and the review criteria and findings are the same

AT&T submitted a survey showing the location of the JPA Pole located in the public right-of-way and not on private property.

The Appellants have raised the question whether a tree protection permit may be necessary due to an existing evergreen tree adjacent to the Project. As part of the Appeal, the Appellants provided documentation showing a city tree located within 10' feet of the proposed facility. The tree is identified as a pine tree with a 14" diameter at breast height (dbh) qualifies the tree as a protected tree per the City Tree Ordinance. If the appeal is denied and the project is approved a tree protection permit Condition of Approval shall be added as condition number #17. As such, before the issuance of a building permit, AT&T will be required to apply for a tree protection permit.

Appellants' Issue #5

Appellants claim the design element is grossly intrusive and unsightly due to the location of the proposed equipment cabinet on the pole, the subsequent decrease in property value due to the new facility and the disturbance of peace and quiet to the potential noise impacts from the proposed facility.

Staff's Response:

The Planning Commission properly applied all applicable design review criteria and found that the Project meets ALL the required findings for approval, as set forth in the Planning Commission staff report.

As stated above (Staff's Response to Appellants' Issue #2), after the Palos Verdes Estates decision in 2009, the City began requiring Design Review for these types of facilities. Thus, applications for the co-location of telecommunications facilities on joint utility poles located in the public right of way are subject only to Regular Design Review with additional Design Review findings for Macro Telecommunications Facilities (and any other additional Design Review findings required by the Zoning District), and are decided by the Planning Commission as a Major Permit. In addition to regular and additional design review criteria, these facilities are also subject to the Site Design and Location Preference requirements contained in Chapter 17.128. Existing vegetation near the pole within the right of way will help to screen the equipment from public view. The statement is consistent with the recent action of the City Council with respect to an Appeal of an AT&T telecom installation in the public right-of-way near 6846 Saroni Drive,

staff is recommending the addition of a condition providing limitations on tree trimming and a tree protection permit (**Attachment D**)

The operational noise levels from the proposed facilities equipment shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code as stated in condition of approval #14. The typical noise that emanates from these types of facilities is generated from the cooling equipment inside the cabinets from an internal fan, which creates a "humming" noise, when the equipment needs ventilation to reduce temperature. When the fan is operational, the noise level is less than 45 dbh, which satisfies the applicable noise performance standard.

Appellants' Issue #6

Appellants claim the City of Oakland deprives residents of choice. The Appellant claims the City of Oakland should allow the residents a choice of repairing pot holes on Colton Blvd., the choice of appropriate street lights for the Oakland Hills and choice of the type of addition allowed at the Montclair Elementary School.

Staff's Response:

The proposed project does not intend to address the need for roadway repairs near or around the proposed facility, the appropriateness of city street lights in certain area of the City or impose restriction on the local Elementary School.

FISCAL IMPACT

This Appeal action would have no fiscal impact.

PUBLIC OUTREACH / INTEREST

The Appeal was publicly noticed to the Applicant and the Appellants pursuant to applicable state and local requirements. Notices were posted on the City website and the Public Notice Kiosk at City Hall.

COORDINATION

This agenda report and legislation have been reviewed by the Office of the City Attorney and by the Controller's Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: The Project would have no economic impact

Environmental: The Project would not have an adverse effect on the environment

Social Equity: The Project would not affect social equity.

CEQA

As stated in the Planning Commission staff report, the Project is exempt from environmental review under the California Environmental Quality Act ("CEQA") under CEQA Guidelines sections 15301 (existing facilities), 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.

ACTION REQUESTED OF THE CITY COUNCIL

In conclusion, staff recommends that the City Council deny the Appeal and uphold the Planning Commission decision, with 2 added condition of approval for Tree Trimming and Tree Protection Permit. The Appellants have not demonstrated 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 evidence in the record.

For questions regarding this report, please contact Jose M. Herrera-Preza, Planner II, at (510) 238-3808 or jherrera@oaklandnet.com.

Respectfully submitted,



Rachel Flynn, Director
Planning and Building Department

Reviewed by:
Scott Miller, Zoning Manager

Prepared by:
Jose M. Herrera-Preza, Planner II

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City Council
January 19, 2016

Attachments (#):

- A. **Appeal #PLN15071-A01, filed July 13, 2015**
- B. **Planning Commission Staff Report with Attachments (dated June 17, 2015 but heard on July 1, 2015)**
- C. **Planning Commission Director's Report with attached Zoning Code Bulletin dated August 5, 2015**
- D. **Tree Trimming Condition**
- E. **Tree Protection Permit Condition**

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION DENYING APPEAL #PLN15071-A01 AND UPHOLDING THE DECISION OF THE CITY PLANNING COMMISSION TO APPROVE REGULAR DESIGN REVIEW TO INSTALL A TELECOMMUNICATIONS FACILITY ONTO A REPLACEMENT UTILITY POLE LOCATED IN THE PUBLIC RIGHT-OF-WAY FRONTING THE LOT LINE AT 6046 COLTON BOULEVARD

WHEREAS, on March 17, 2015, the applicant, New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("Applicant"), submitted an application for Regular Design Review, with additional findings, to replace an existing 24'-9" Joint Pole Authority ("JPA") utility pole with a new JPA utility pole owned by PG&E and attach two panel antennae (each two feet long, 10 inches wide) to the top, extending to a height of 50'-5" above ground, located in the City public right-of-way adjacent to 6046 Colton Boulevard, and to mount a singular equipment box to the side of the pole 10'-10" above ground, as case # PLN15071 ("Project" or "Application"); and

WHEREAS, based on a site visit and review of internet aerial images of the site, staff did not discern a design issue or a view issue, given the elevation of homes uphill from the utility pole and the presence of a ridge to the southwest of the site; and

WHEREAS, the Application was agendized for the Planning Commission hearing of June 17, 2015, and public notices were duly distributed; and

WHEREAS, the June 17, 2015 Planning Commission was adjourned to the July 1, 2015 Planning Commission due to lack of meeting space, and notices of the adjournment were duly distributed and posted; and

WHEREAS, the Application was agendized for the Planning Commission hearing of July 1, 2015, and public notices were duly distributed; and

WHEREAS, in an effort to save printing costs, the Planning Commission staff report for the Application was not re-copied and includes the original hearing date of June 17, 2015; and

WHEREAS, on July 1, 2015, 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), 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

WHEREAS, on July 1, 2015, the Planning Commission approved the Regular Design Review application, subject to the Regular Design Review findings, additional findings, and conditions of approval; and

WHEREAS, on July 13, 2015, the appellants, Ms. Lynne Stocker and Mr. Jess Yanez, homeowners of 6046 Colton Boulevard, and Mr. Jerome Aubin, homeowner of 6050 Colton Boulevard (together, "Appellants") filed a timely Appeal (#PLN15071-A01) of the Planning Commission's decision to approve the Project; and

WHEREAS, after giving due notice to the Appellants, the Applicant, supporters of the application, those opposed to the application and interested neutral parties, the Appeal came before the City Council in a duly noticed public hearing on January 19, 2016; 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 January 19, 2016; now, therefore, be it

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 January 19, 2016, City Council Agenda Report and the June 17, 2015 Planning Commission staff report, both of 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 the replacement of a 24'-9" JPA utility pole with a new JPA utility pole owned by PG&E with two panel antennae (each two feet long, 10 inches wide) attached to the top, extending to a height of 50'-5" above ground, and a singular equipment box mounted 10'-10" above ground, located in the City public right-of-way adjacent to 6046 Colton Boulevard, 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 January 19, 2016 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 June 17, 2015 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: That the record before this Council relating to this Project and Appeal includes, without limitation, the following:

1. the Application, including all accompanying maps and papers;
2. all plans submitted by the Applicant and its 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 before and 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: That 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: That 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, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND
PRESIDENT GIBSON MCELHANEY

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.

CITY OF OAKLAND
BUREAU OF PLANNING
250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031
Phone: 510-238-3911 Fax: 510-238-4730

NOTICE
TO ALL INTERESTED PARTIES

December 27, 2015

This is to notify all interested parties that the item shown below will appear on the Agenda of the Oakland City Council at **6:30 p.m. on Tuesday, January 19, 2016.**

PUBLIC HEARINGS

Public hearing on the appeal of Ms. Lynne Stocker & Mr. Jess Yanez on behalf of themselves of the decision of the City Planning Commission to approve the application (Case No. PLN15071) for a Regular Design Review with additional findings to replace an existing JPA utility pole with a new JPA utility pole and attach a telecommunications facility onto the top of the new utility pole adjacent to 6046 Colton Boulevard.

Service Delivery District: 2; City Council District: 4

If you challenge the project described in this notice (including any permits and/or environmental determination) in court, you will be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Bureau of Planning at, or prior to, the public hearing, provided, however, such issues have previously been raised in the appeal itself.

In considering the appeal, the Council shall determine whether the proposed use conforms to the applicable permit criteria and may grant or deny the permit or require such changes in the proposed use or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said criteria. The decision of the City Council shall be made by resolution and shall be final. The City Council shall vote on the appeal within thirty (30) days after its first public hearing on the appeal. If the City Council is unable to decide the appeal at that meeting, it shall appear for a vote on each regular meeting of the Council thereafter until decided.

Interested persons are invited to speak for or against the item.

The Council will meet at the Council Chambers, **1 Frank H. Ogawa Plaza, 3rd Floor, Oakland.**

If you need information regarding the above case please call the case planner **Jose M. Herrera-Preza, Planner II** at **(510) 238-3808** or by email at **jherrera@oaklandnet.com**. If you need further information regarding the Council meeting please call the City Clerk's Office at **(510) 238-3611**.

Scott Miller, Zoning Manager
Bureau of Planning

cc: Appellant; Lynne Stocker & Jess Yanez, 6046 Colton Blvd., Oakland, Ca. 94611

Appellant; Jerome Aubin, 6050 Colton Blvd., Oakland, Ca 94611

Applicant; New Cingular Wireless c/o Matt Yergovich 1826 Webster St. S.F., Ca. 94115

ATTACHMENT A

RECEIVED
JUL 13 2015

CITY OF OAKLAND

City of Oakland
Planning & Zoning Division



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

PROJECT INFORMATION

Case No. of Appealed Project: PLN15071
Project Address of Appealed Project: 6046 COLTON BLVD.
Assigned Case Planner/City Staff: JOSE HERRERA-REZA

APPELLANT INFORMATION:

Printed Name: LYNNE STOCKER/ESS YANG Phone Number: 510 339 8993
Mailing Address: 6046 COLTON BLVD Alternate Contact Number: 510 287-2910
City/Zip Code: OAKLAND Representing: Property owners
Email: lstocker@andrada.com

JEROME AUBIN
6050 COLTON BLVD
(510) 708-2290

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) OMC § 17.128.100; 17.136.050; 17.128.070

(continued on reverse)

(Continued)

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

INSTALL WIRELESS ATT FACILITY
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) OMCs 17.128.100; 17.136.050; 17.128.070

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)

(Continued)

L. G. Stocker

Signature of Appellant or Representative of
Appealing Organization

13 July 2015

Date

Date/Time Received Stamp Below:

Below For Staff Use Only

Cashier's Receipt Stamp Below:

**Appeal of Planning Commission's Approval of Application
To Install AT&T Wireless At 6046 Colton Blvd.
Case File Number PLN15071**

The appeal is based on the following:

1. Lack of Due Process:

The public hearing process itself is flawed. Arbitrarily limiting the time available to express verbal opposition to the AT&T application to two minutes is, on its face, inadequate to address the issues presented and a violation of due process. The violation is especially egregious because the agenda included matters previously set for hearing on June 17th which meeting was cancelled.

The Commissioners present at the July 1, 2015 hearing made it clear that of their concession that state and federal regulations sharply limited the Commission's right to decide against the placement of a Fifty-Five Foot tower (55') directly in front of the residence at 6046 Colton Blvd. and the neighboring residence at 6050 Colton Blvd. Thus, the Commission abrogated its function in favor of AT&T.

2. Lack of Transparency:

The documentation submitted by AT&T showed that our property at 6046 Colton Blvd. was 10th out of 17 proposed locations. The preferred location (5816-5826 Mendoza Drive) and one which the Commission approved, was apparently subject to former Council Member Libby Schaaf's veto when it came up for review. Meeting Minutes for July 29, 2014 reflect that City Council directed staff to provide an alternative option granting the appeal.

A letter dated March 12, 2015, from ExteNet Systems to the City Planning Department indicates that AT&T is pursuing the relocated site at 6046 Colton Blvd. consistent with discussions between the City and AT&T. The content of those discussions is not disclosed.

No explanation has been provided for why Libby Schaaf, in particular, and the City Council in general, granted the appeal. Why Ms. Schaaf intervened to reject AT&T's preferred location is not explained. Although, at the July 1st hearing, Commissioner Chris Patillo stated that she "agreed with Mayor Schaaf that this location (6046 Colton Blvd.) will be more hidden." Said statement lacks credibility and lacks foundation in that there was no evidence presented as to Ms. Schaaf's state of mind on the matter. There was no evidence presented that our property at 6046 Colton Blvd. was addressed at any of the hearings on the preferred location. This shows a lack of transparency as to why nine other locations were rejected as well as the number one location, which, by the way, is still the preferred location according to AT&T's application.

Unanswered Query: What political clout is possessed by the property owners at the preferred location? Why is the original location "not preferred by City Council?"

Unanswered Query: What financial benefit accrues to the City of Oakland by approving AT&T's boilerplate applications for wireless equipment? At no time has the City of Oakland, or the City Council, or the Planning Department, or the Planning Commission, provided any information in support of its nearly universal approval of AT&T's applications.

3. AT&T Has Not Met Its Burden of Proof:

AT&T's application includes a map, dated **February 6, 2015**, which allegedly identifies "Existing UMTS 850 Coverage" and "existing macro sites." The map, however, is flawed because it does not reflect the nearby macro sites currently located at 6133 Snake Road, 1991 Gaspar Drive, and 6097 Colton Blvd. The map also does not reflect the AT&T equipment recently installed, or about to be installed, at Elderberry and Girvin.

AT&T's application is supported by an "Engineer Statement" dated February 13, 2015 which states, 'there are reported no other wireless telecommunications base states at the site or nearby.'" This statement is equally flawed for the reasons stated above.

AT&T's application is supported by a Mobility Radio Frequency Statement which is based on the foregoing map and thus is equally flawed.

Thus, AT&T has not met its burden of proving that the installation of yet another wireless facility, over the strenuous objections of the property owners, is necessary to close any 'service gap' in the area.

4. AT&T's Application is Inaccurate and False:

AT&T has not been forthright or honest. Its application (Basic Application for Development Review dated 3/12/15) signed under penalty of perjury by its agent, attorney Matthew Yergovich, indicates that the proposal would involve "modification of an existing utility pole" to add DAS node consisting of 2 panel antennas and associated equipment. By the time the Planning Commission's Staff Report was issued on June 17, 2015, the proposal morphed into the installation of an AT&T wireless facility on a REPLACEMENT PG&E utility pole greater than twice the height of the existing utility pole. The Application has been altered, on its face, by handwritten changes indicating that the height of the proposed tower will result in a change of 25'6" to an existing height. (See, §4.)

The application is supported by a Radio Frequency Statement which indicates that the wireless telecommunications facility, or distributed antenna system (DAS) is to be located on an "existing utility pole." This statement is, apparently, now inaccurate.

AT&T's application, signed under penalty of perjury by its agent, attorney Matthew Yergovich, certifies that "there are no 'Protected Trees' anywhere on the property or within 10 feet of the

proposed construction activities, including neighbor's property or the adjacent public right-of-way." (See, §6.) In reality, there is an historic Protected Coast Live Oak of diameter substantially larger than 4 inches that is immediately adjacent to the proposed installation. The limbs of the Protected Tree surround the existing utility pole and will undoubtedly be harmed by the proposed installation.

Additionally, the designation of "Protected Tree" includes "any tree of any size located in the public right-of-way." Assuming that the proposed pole will be located in the public right-of-way (which we dispute), there exists a large, evergreen tree (specific type unknown) substantially greater in diameter than 9 inches directly in front of the existing utility pole.

See attached photographs provided by Appellants.

5. Design Element is Grossly Intrusive and Unsightly:

As reflected in the application, the proposed new utility pole will double the height of the existing pole. Attached to the pole will be "meter boxes" within a SIX FOOT TALL BY EIGHTEEN INCHES WIDE box attached to the pole at 10 feet above the ground. The digitized photographs provided by AT&T in support of the application show how grossly intrusive the equipment will be. It is proposed to be located on a tree directly in front of the residence at 6046 Colton Blvd. and in front of the next door residence at 6050 Colton Blvd. The equipment will be less than 30 feet from bedrooms of both residences.

Under no circumstances will the proposed giant brown metal boxes ever blend into the surroundings. The unsightly boxes will be the first thing seen by the property owners (or anyone else) when they approach the residence and the first thing seen by the property owners as they leave their home's front door and ascend to street level.

It can not be disputed that the proposed equipment will significantly diminish the economic value of the residences at 6046 and 6050 Colton Blvd. The current property owners purchased their respective properties without the unsightly AT&T equipment on it and are entitled to maintain their property in the condition it was in when purchased. The property owners would have REJECTED these properties if the AT&T equipment had been present at time of purchase.

Attached hereto are photographs of the subject property which reflect not only the ambiance and views of the Oakland Hills for which the owners paid a premium price, but also the distance from the existing utility pole (and proposed location of new pole and unsightly equipment) but also the extremely close proximity to bedrooms and other living quarters of the residences.

The AT&T application neglects to address the noise factor – it is appellants’ understanding that there will be a constant, loud humming emanating from the meter box which apparently contains a loud and annoying fan and other noise-producing elements. Appellants are entitled to the peace and quiet of their existing homes.

6. City of Oakland Deprive Residents of Choice:

The value of curb appeal is undisputed. There currently exists a pothole the size of Rhode Island in front of the subject residences. Despite repeated reports to the City, no repairs have been made. In fact, the tax-paying property owners have been advised that they should not expect any repairs to be made because there are so many potholes elsewhere in the City more deserving of repair.

The City recently caused to be installed, without regard to its residents’ objections, extremely bright and annoying new street lights that interfere with the residents’ quiet enjoyment – especially residents of the Oakland Hills who chose to live in the Hills to enjoy, among other things, the natural nighttime darkness unaffected by excessive lighting.

The Oakland School District approved the construction of an addition to Montclair Elementary School which is directly downhill from the subject residences and within direct line of sight of the Bay, the Bridges, and the view for which the homes were purchased. The addition is lit up like a federal prison every night which has completely altered and diminished the view from the residences at 6046 and 6050 Colton Blvd.

For the foregoing reasons, and contrary to the Staff Report, the AT&T project fails to meet all of the required findings for approval. The Planning Commission abused its discretion in granting the AT&T application. Neither the AT&T application nor the Commission's decision is supported by substantial evidence in the record. The resolution approving the AT&T application should be reversed and denied.





ATTACHMENT B



CITY OF OAKLAND
BUREAU OF PLANNING - ZONING DIVISION
250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031
Phone: 510-238-3911 Fax: 510-238-4730

Sent via U.S. Mail and Electronic Mail

July 8, 2015

New Cingular Wireless PCS, LLC
c/o Matt Yergovich
1826 Webster St.
San Francisco, CA 94115

RE: Case File No. PLN15071 / The Public Right-of-Way at Colton Blvd. (adjacent to 6046 Colton Blvd.) (029-1162-012-00)

Dear Mr. Yergovich:

The above application was **APPROVED** at the City Planning Commission meeting (by a 4-0 vote) on **July 1st, 2015**. The Commission's action is indicated below. This action becomes final ten (10) days after the date of the announcement of the decision unless an appeal to the City Council is filed by **4:00 pm on July 13th, 2015**.

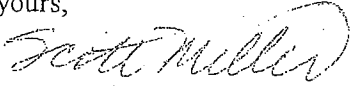
- 1. Adoption/approval of the CEQA Findings.**
- 2. Approval of the Major Design Review subject to the attached findings and conditions of approval, including the Standard Conditions of Approval.**

If you, or any interested party, seeks to challenge this decision, an appeal **must** be filed by no later than ten calendar (10) days from the announcement of the decision by **4:00 pm on July 13th, 2015**. An appeal shall be on a form provided by the Planning and Zoning Division of the Department of Planning and Building, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Jose M. Herrera-Preza, Planner I**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein their decision is not supported by substantial evidence and must include payment of \$3,575.61 in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the City Planning Commission prior to the close of the City Planning Commission's public hearing on the matter.

A signed Notice of Exemption (NOE) is enclosed certifying that the project has been found to be exempt from CEQA review. It is your responsibility to record the NOE and the Environmental Declaration at the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a cost of \$50.00 made payable to the Alameda County Clerk. Please bring the original NOE related documents and five copies to the Alameda County Clerk, and return one date stamped copy to the Zoning Division, to the attention of **Jose M. Herrera-Preza, Planner I**. Pursuant to Section 15062(d) of the California Environmental Quality Act (CEQA) Guidelines, recordation of the NOE starts a 35-day statute of limitations on court challenges to the approval under CEQA.

If you have any questions, please contact the case planner, **Jose M. Herrera-Preza, Planner I** at (510) 238-3808 or jherrera@oaklandnet.com, however, this does not substitute for filing of an appeal as described above.

Very truly yours,



SCOTT MILLER
Zoning Manager

Attachments: A. Findings
B. Conditions of Approval, including Standard Conditions of Approvals

CC: Lynne G. Stocker, Esq. Andrade & Associates: 180 Grand Ave. Suite 225. Oakland, Ca. 94612
Jess Yanez: 6046 Colton Blvd. Oakland, Ca. 94611
Jana Grittersova & Jerome Aubin: 6050 Colton Blvd. Oakland, Ca. 94611

FINDINGS FOR APPROVAL

This proposal meets all the required findings under Section 17.136.050.(B), of the Non-Residential Design Review criteria and all the required findings under Section 17.128.070(B), of the telecommunication facilities (Macro) Design Review criteria and as set forth below: Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

17.136.050(B) – NONRESIDENTIAL DESIGN REVIEW CRITERIA:

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 project consists of replacing a 24'-9" Joint Pole Authority (JPA) utility pole with a new 50' JPA utility in the same location and adding two telecommunications panel antennas (two feet long and 10-inches wide), affixed on top of the utility pole; an associated equipment box, one battery backup and meter boxes within a 6' tall by 18" wide equipment box attached to the pole 10'-10" above the ground, located in the public right-of-way along Colton Blvd. near the intersection of Mazuela Dr. and Colton Blvd. The proposed antennas and equipment cabinet attached to the utility pole will be located 50' above the right-of-way above the existing trees and vegetation which will serve as camouflage to help the facility to blend in with the existing surrounding hillside residential area. Therefore, the proposal will have minimal visual impacts from public view.

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 proposal improves wireless telecommunication service in the hillside residential area. The installation will be camouflaged to blend in with the existing mature trees surrounding the area to have minimal visual impacts on public views, thereby protecting the value of private and public investments in the area.

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 subject property is located within the Hillside Residential Area of the General Plan's Land Use & Transportation Element (LUTE). The Hillside Residential Classification is intended "to create, maintain, and enhance neighborhood residential areas that are characterized by detached, single unit structures on hillside lots". The proposed telecommunication facilities will be mounted onto a wood JPA pole intended to resemble existing utility poles within the City of Oakland public right-of-way. The proposed unmanned wireless telecommunication facility will be located on an existing utility pole and will not detract from the hillside residential value of the neighborhood. Visual impacts will be minimized since the site is relatively wooded, with trees partially obscuring views of the pole. Therefore, the Project conforms to the applicable General Plan and Design Review criteria.

17.128.070(B) DESIGN REVIEW CRITERIA FOR MACRO FACILITIES

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

The proposed antennas will be painted to match the existing utility pole and blend with the surroundings.

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

The proposed antennas will not be mounted on any building or architecturally significant structure, but rather on a 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 proposed antennas will be mounted on a new JPA utility pole (at the same location) and painted to match the pole, which will be further camouflaged by surrounding mature trees.

4. Equipment shelters or cabinets shall be screened from the public view by using landscaping, or materials and colors consistent with surrounding backdrop:

The associated equipment will be located within a single equipment box attached to the existing utility pole and painted to match the pole and blend with the surroundings.

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

The proposed equipment cabinets will be compatible with the existing utility related equipment.

6. For antennas attached to the roof, maintain a 1:1 ratio 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.

N/A.

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.

The antennas will be mounted onto a new JPA utility pole. They will not be accessible to the public due to their location. The equipment accommodation and battery backup boxes will also be inside a single equipment box and attached to the pole at a height of 10'-10" above ground.

CONDITIONS OF APPROVAL

PLN15071

STANDARD CONDITIONS:

1. Approved Use

Ongoing

a) The project shall be constructed and operated in accordance with the authorized use as plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.

b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: **To install a wireless Telecommunications Facility (AT&T wireless) on a replacement JPA utility pole located in the public right-of-way on Colton Blvd. Scope will install two panel antennas (two-feet long and ten inches wide) mounted onto a new JPA pole at 50'-5" to top of pole, replacing at the existing pole at same location; an associated equipment box, one battery backup and meter boxes within a 6' tall by 18" wide equipment box attached to the pole at 10'-10" above the ground, under Oakland Municipal Code 17.128 and 17.136.**

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two calendar 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 **Oakland 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 codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency.
 - 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
 - c) limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.
-

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) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, conditions or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these conditions if it is found that there is violation of any of the conditions 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.

6. Signed Copy of the Conditions

With submittal of a demolition, grading, and building permit

A copy of the approval letter and conditions 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 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 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, and if any one or more of such conditions is found to be invalid by a court of competent

jurisdiction this Approval would not have been granted without requiring other valid conditions consistent with achieving the same purpose and intent of such Approval.

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval, shall be available for review at the job site at all times.

11. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management

Prior to issuance of a demolition, grading, and/or construction permit

The project applicant may be required to pay for on-call special inspector(s)/inspections as needed during the times of extensive or specialized plan check review, or construction. The project applicant may also be required to cover the full costs of independent technical and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

12. Days/Hours of Construction Operation

Ongoing throughout demolition, grading, and/or construction

The project applicant shall require construction contractors to limit standard construction activities as follows:

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.

- b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring

which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.

- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:

- i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.

- ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.

- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.

- e) No construction activity shall take place on Sundays or Federal holidays.
-

- f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

PROJECT SPECIFIC CONDITIONS:

13. Radio Frequency Emissions

Prior to the final building permit sign off.

The applicant shall submit a certified RF emissions report stating the facility is operating within the acceptable standards established by the regulatory Federal Communications Commission.

14. Operational

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 Planning and Zoning Division and Building Services.

15 Possible District Undergrounding PG&E Pole

Ongoing

Should the PG &E 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 Planning Department as required by the regulations.

APPROVED BY:

City Planning Commission: 4-0 _____ (July 1st, 2015) _____ (vote).

City of Oakland

Bureau of Planning and Building
Bureau of Planning / Zoning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

NOTICE OF EXEMPTION

TO: Alameda County Clerk
1106 Madison Street
Oakland, CA 94612

Project Title: Case No. PLN15071
Project Applicant: New Cingular Wireless PCS, LLC / Matt Yergovich
Project Location: 6046 Colton Blvd. (APN: 029-1162-012-00)
Project Description: Telecom Site installation

Exempt Status:

Statutory Exemptions

Categorical Exemptions

- | | |
|---|--|
| <input type="checkbox"/> Ministerial {Sec.15268} | <input checked="" type="checkbox"/> Existing Facilities {Sec.15301} |
| <input type="checkbox"/> Feasibility/Planning Study {Sec.15262} | <input type="checkbox"/> Replacement or Reconstruction {Sec.15302} |
| <input type="checkbox"/> Emergency Project {Sec.15269} | <input checked="" type="checkbox"/> Small Structures {Sec.15303} |
| <input type="checkbox"/> Other: {Sec. _____} | <input type="checkbox"/> Minor Alterations {Sec.15304} |
| | <input type="checkbox"/> In-fill Development {Sec. 15332} |
| | <input type="checkbox"/> General Rule {Sec.15061(b)(3)} |

Other

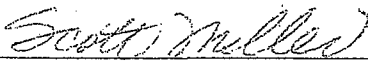
- Projects consistent with a community plan, general plan or zoning {Sec. 15183(f)}
- _____ (Sec. _____)

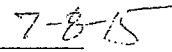
Reason why project is exempt:

New monopole telecom site.

Lead Agency: City of Oakland, Department of Planning and Building, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612

Division/Contact Person: Bureau of Planning / Zoning / Jose M. Herrera-Preza, Planner I **Phone:** 510-238-3808


 Signature (Scott Miller, Environmental Review Officer)


 Date:

Pursuant to Section 711.4(d)(1) of the Fish and Game Code, statutory and categorical exemptions are also exempt from Department of Fish and Game filing fees.

***ENVIRONMENTAL DECLARATION
(CALIF. FISH AND GAME CODE SEC. 711.4)**

: FOR COURT USE ONLY

NAME AND ADDRESS OF APPLICANT OR LEAD AGENCY

LEAD AGENCY: CITY OF OAKLAND
Department of Planning and Building
Bureau of Planning / Zoning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

APPLICANT: New Cingular Wireless PCS, LLC
c/o Matt Yergovich
1826 Webster St.
San Francisco, CA 94115

: FILING NO.
: PLN15071

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT: Check the box(es) that applies. CLERKS
USE ONLY

- | | | |
|-------------------------------------|--|---------|
| 1. | NOTICE OF EXEMPTION | PLU 117 |
| <input checked="" type="checkbox"/> | A - STATUTORILY OR CATEGORICALLY EXEMPT
\$50.00 (Fifty Dollars) - CLERK'S FEE | |
| <input type="checkbox"/> | B - FEE EXEMPTION -NO IMPACT DETERMINATION ISSUED BY F&G
\$50.00 (Fifty Dollars) - CLERK'S FEE | PLU 117 |
| 2. | NOTICE OF DETERMINATION | |
| <input type="checkbox"/> | A - NEGATIVE DECLARATION
\$2,044.00 (Two Thousand Forty Four Dollars)-STATE FILING FEE
\$50.00 (Fifty Dollars) - CLERK'S FEE | PLU 116 |
| <input type="checkbox"/> | B - MITIGATED NEGATIVE DECLARATION
\$2,044.00 (Two Thousand Forty Four Dollars)-STATE FILING FEE
\$50.00 (Fifty Dollars) - CLERK'S FEE | PLU 116 |
| <input type="checkbox"/> | C - ENVIRONMENTAL IMPACT REPORT
\$2,839.25 (Two Thousand Eight Hundred Thirty Nine Dollars and Twenty Five Cents) - STATE FILING FEE
\$50.00 (Fifty Dollars) - CLERK'S FEE | PLU 115 |
| 3. <input type="checkbox"/> | OTHER (Specify) Notice of Finding of No Significant Impact
\$50.00 (Fifty Dollars) - CLERK'S FEE | PLU 117 |

***THIS FORM MUST BE COMPLETED AND SUBMITTED WITH ALL ENVIRONMENTAL DOCUMENTS FILED WITH THE ALAMEDA COUNTY CLERK'S OFFICE.**

FOUR COPIES OF ALL NECESSARY DOCUMENTATION ARE REQUIRED FOR FILING PURPOSES.

APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING AN ENVIRONMENTAL DOCUMENT WITH THE ALAMEDA COUNTY CLERK'S OFFICE.

MAKE CHECK PAYABLE TO: ALAMEDA COUNTY CLERK

CERTIFICATION OF MAILING

I certify that on July 8, 2015 this decision letter, relating to Approval of a Major Design Review for 6046 Colton Blvd. was placed in the U.S. mail system, postage prepaid for first class mail, and sent to

New Cingular Wireless PCS, LLC
c/o Matt Yergovich
1826 Webster St.
San Francisco, CA 94115

Versa M. Chatman

(NAME & SIGNATURE OF PERSON PLACING IN MAIL)

July 8, 2015

(DATE)

Case File Number: PLN15071

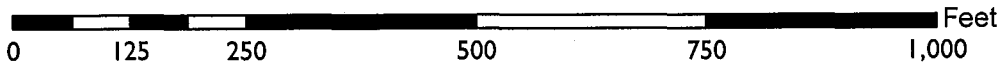
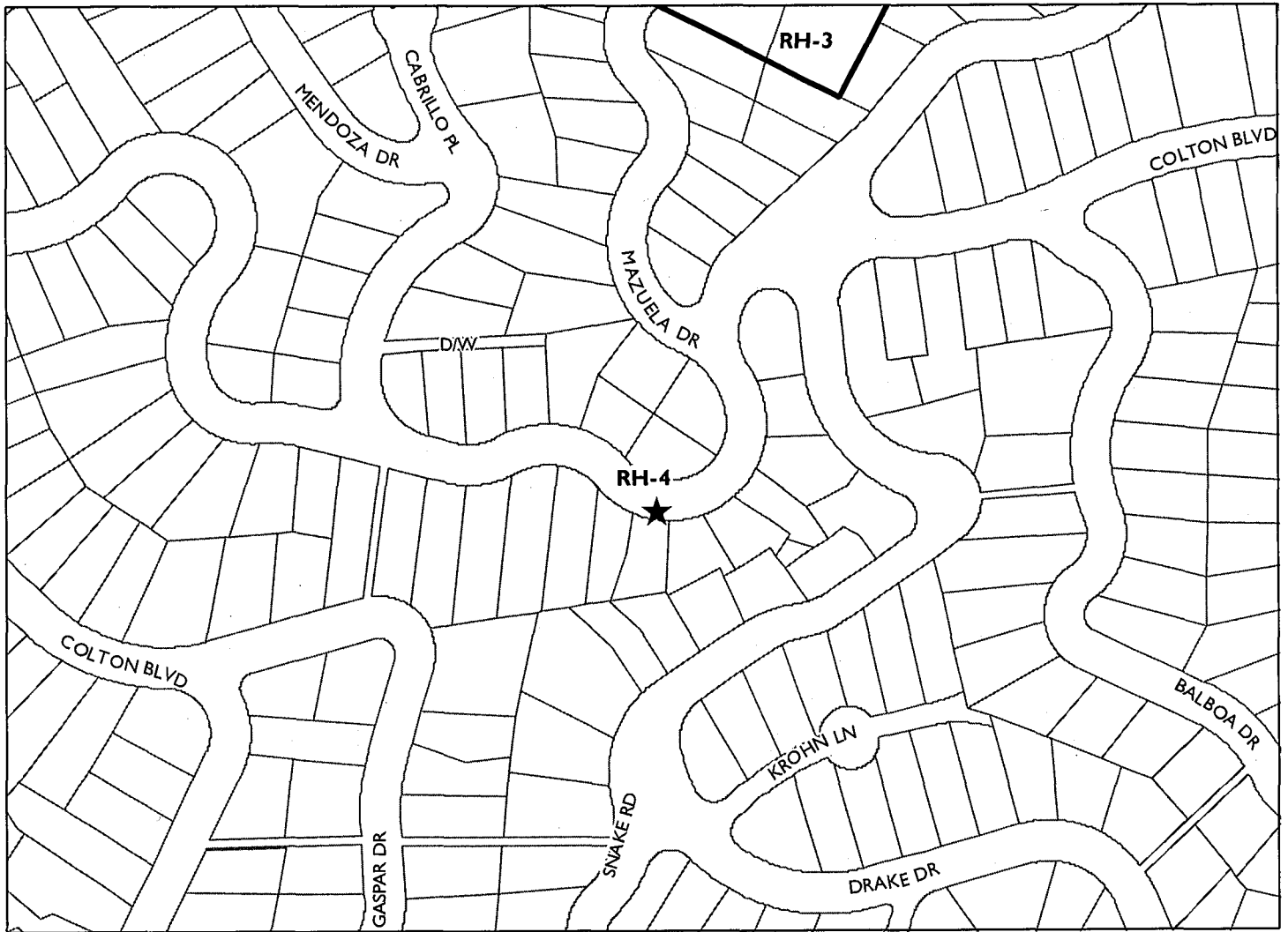
June 17, 2015

Location:	The Public Right-of-Way at Colton Blvd. (Adjacent to 6046 Colton Blvd.) (See map on reverse)
Assessors Parcel Numbers:	(048F-7368-021-06) nearest lot adjacent to the project site.
Proposal:	To install a wireless Telecommunications Facility (AT&T wireless) on a replacement PG&E utility pole located in the public right -of- way. Install two panel antennas (two feet long and ten inches wide) mounted onto a new utility pole at 50'-5" high and; an associated equipment box, one battery backup and meter boxes within a 6' tall by 18" wide singular equipment box attached to the pole at 10'-10" above the ground.
Applicant:	New Cingular Wireless PCS, LLC. For AT&T Mobility
Contact Person/ Phone Number:	Matthew Yergovich (415)596-3474
Owner:	City of Oakland
Case File Number:	PLN15071
Planning Permits Required:	Regular Design Review (non-residential) to install a wireless Macro Telecommunications Facility (OMC Sec.17.128.100, 17.136.050 (B)(2); Additional Findings for a Macro Facility (OMC Sec. 17.128.070(B)(C).
General Plan:	Hillside Residential
Zoning:	RH-4 Hillside Residential 4 Zone
Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines (small facilities or structures; installation of small new equipment and facilities in small structures), and none of the exceptions to the exemption in CEQA Guidelines Section 15300.2 apply to the proposal. Exempt, Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
Historic Status:	Not a Potential Designated Historic Property; Survey rating: N/A
Service Delivery District:	2
City Council District:	4
Date Filed:	March 17 th , 2015
Finality of Decision:	Appealable to City Council within 10 Days
For Further Information:	Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or jherrera@oaklandnet.com

SUMMARY

The proposal is to install a wireless Telecommunications Macro Facility on a replacement Joint Pole Authority (JPA) utility pole located in the public right-of-way along Colton Blvd near the intersection of Mazuela Dr. and Colton Blvd. New Cingular Wireless PCS for AT&T Mobility is proposing to install two panel antennas mounted on top of a new JPA pole, resulting in a new height of 50'-5" (to top of antennas); an associated equipment box, one battery backup and meter boxes within a 6' tall by 18" wide singular equipment box attached to the pole at 10'-10" above the ground.

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN15071
Applicant: Yergovich & Associates, LLC / Matthew Yergovich
Address: 6046 Colton Boulevard (in Public Right of Way)
Zone: RH-4

A Major Design Review permit is required to install a new Telecommunications Facility located within 100' of a residential zone. As detailed below, the project meets all of the required findings for approval. Therefore, staff recommends approval of the project subject to the attached conditions of approval.

PROJECT DESCRIPTION

The applicant (New Cingular Wireless PCS, LLC. for AT&T Mobility) is proposing to install a wireless Telecommunications Macro Facility on a new JPA utility pole located in the public right-of-way along Colton Blvd near 6046 Colton Blvd in a hillside area surrounded by single-family homes. The project consists of swapping an existing 24'-9" JPA pole with a new JPA pole in the same location, with two panel antennas (each is two-feet long and 10- inches wide) mounted onto the new JPA pole resulting in a 50'-5" tall pole; an associated equipment box, one battery backup and meter boxes within a 6' tall by 18" wide single equipment box attached to the pole at the height of 10'-10" above the ground, located in public right-of-way. No portion of the telecommunication facilities will be located on the ground within the City of Oakland public right-of-way. The proposed antennas and associated equipment will not be accessible to the public. (See Attachment A).

TELECOMMUNICATIONS BACKGROUND

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".

PROPERTY DESCRIPTION

The existing 24'-9" tall JPA utility pole is located in the City of Oakland public right-of-way adjacent to 6046 Colton Blvd., which contains a single-family residence on a steep downslope parcel to the south, and another residence on an upslope parcel to the north in a relatively wooded hillside residential area.

GENERAL PLAN ANALYSIS

The subject property is located within the Hillside Residential Area of the General Plan's Land Use & Transportation Element (LUTE). The Hillside Residential Classification is intended *"to create, maintain, and enhance neighborhood residential areas that are characterized by detached, single unit structures on hillside lots"*. The proposed telecommunication facilities will be mounted on a new wood JPA pole intended to resemble existing PG&E utility poles within the City of Oakland public right-of-way. Visual impacts will be mitigated since the antennas are mounted 50'+ plus feet above the right-of-way and "climb through" existing trees and vegetation lining the street. The existing wooded area will provide camouflage and blend in the equipment cabinet box which will be within a single box and painted to match the existing utility pole. Therefore, the proposed unmanned wireless telecommunication facility will not adversely affect or detract from the resource conservation characteristics of the neighborhood.

Civic and Institutional uses

Objective N2

Encourage adequate civic, institutional and educational facilities located within Oakland, appropriately designed and sited to serve the community.

Staff finds the proposal to be in conformance with the objectives of the General Plan by servicing the community with enhanced telecommunications capability.

ZONING ANALYSIS

The proposed project is located in RH-4 Hillside Residential 4 Zone. The intent of the RH-4 Zone is: *"to create, maintain, and enhance areas for single-family dwellings on lots of six thousand five hundred (6,500) to eight thousand (8,000) square feet and is typically appropriate in already developed areas of the Oakland Hills"*. The proposed telecommunication facility is located adjacent to 6046 Colton Blvd. in a hillside residential area of the Oakland Hills. The project requires Regular Design Review per 17.128.100, which states that Telecommunications Facilities proposed in residential areas with special findings, to allow the installation of new telecommunication facilities on an existing JPA pole located in the public right-of-way in a Residential Zone. Special findings are required for Design Review approval to ensure that the facility is concealed to the extent possible.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as categorical exemptions from environmental review. Staff finds that the proposed project is categorically exempt from the environmental review requirements pursuant to Section 15301, (additions and alterations to existing facilities), and Section 15303 (small facilities or structures; installation of small new equipment and facilities in small structures), and that none of the exceptions to the exemption in CEQA Guidelines Section 15300.2 are triggered by the proposal, and 15183 (projects consistent with a General Plan or Zoning) further applies.

KEY ISSUES AND IMPACTS

1. Regular Design Review

Section 17.128.100, 17.136.040 and 17.128.070 of the City of Oakland Planning Code requires Regular Design Review for Macro Telecommunication Facilities in the Hillside Residential zone or that are located within one hundred (100) feet of the boundary of any residential zone. The required findings for Regular Design Review, and the reasons this project meets them, are listed and included in staff's evaluation as part of this report.

2. Project Site

Section 17.128.110 of the City of Oakland Telecommunication Regulations indicate that new 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 (excluding all HBX Zones and the D-CE-3 and D-CE-4 Zones).
- D. Existing commercial or industrial structures in residential zones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.
- E. Other non-residential uses in residential zones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.
- F. Residential uses in non-residential zones (excluding all HBX Zones and the D-CE-3 and D-CE-4 Zones).
- G. Residential uses in residential zones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.

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

Since the proposed project involves locating the installation of new antennas and associated equipment cabinets on an existing utility pole, the proposed project meets: (B) quasi-public facilities on for a new wood JPA pole in the public right-of-way. The applicant has also provided a statement on site alternative analysis to indicate a public necessity for telecommunication services in the area.

3. 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 & B ranked preference does not require a 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. (c) site design alternatives analysis shall, at a minimum, consist of:

- a. Written evidence indicating why each 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).

City of Oakland Planning staff, along with the applicant, completed an on-site site design analysis and determined that the site selected is conforming to all other telecommunication regulation requirements. The project meets design criteria (E) since the antennas will be mounted on a new wood JPA pole resembling existing PG&E wood poles in the area, in addition to locating the new pole in an area where the new facility will be camouflaged partially by the existing mature trees and the equipment cabinet box and battery backup box will be within a single equipment box attached to the utility pole and painted to match the color of an existing PG&E utility pole to minimize potential visual impacts from public view.

4. 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.

The RF-EME Electromagnetic Energy Compliance Report, prepared by William F. Hammett, P.E. for Hammett & Edison Inc. Consulting Engineers, indicates that the proposed project meets the radio frequency (RF) emissions standards as required by the regulatory agency. The report states that the proposed project will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not cause a significant impact on the environment. Additionally, staff recommends as a condition of approval that, prior to the issuance of a final building permit, the applicant submits a certified RF emissions report stating that the facility is operating within acceptable thresholds established by the regulatory federal agency.

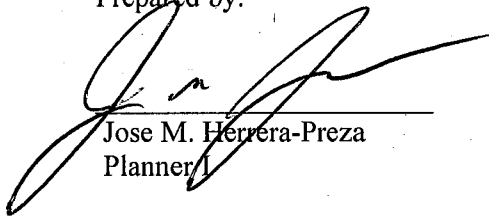
CONCLUSION

The proposed project meets all of the required findings for approval. Therefore, staff recommends approval of the project subject to the attached conditions.

RECOMMENDATIONS:

1. Affirm staff's environmental determination
2. Approve Design Review application PLN15071 subject to the attached findings and conditions of approval

Prepared by:



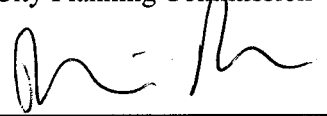
Jose M. Herrera-Preza
Planner I

Approved by:



Scott Miller
Zoning Manager

Approved for forwarding to the
City Planning Commission



Darin Ranelletti, Deputy Director
Bureau of Planning

ATTACHMENTS:

- A. Project Plans & Photo simulations & Alternative Site Analysis
- B. Hammett & Edison, Inc., Consulting Engineering RF Emissions Report
- C. Site Alternative Analysis

FINDINGS FOR APPROVAL

This proposal meets all the required findings under Section 17.136.050.(B), of the Non-Residential Design Review criteria and all the required findings under Section 17.128.070(B), of the telecommunication facilities (Macro) Design Review criteria and as set forth below: Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

17.136.050(B) – NONRESIDENTIAL DESIGN REVIEW CRITERIA:

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 project consists of replacing a 24'-9" Joint Pole Authority (JPA) utility pole with a new 50' JPA utility in the same location and adding two telecommunications panel antennas (two feet long and 10-inches wide), affixed on top of the utility pole; an associated equipment box, one battery backup and meter boxes within a 6' tall by 18" wide equipment box attached to the pole 10'-10" above the ground, located in the public right-of-way along Colton Blvd. near the intersection of Mazuela Dr. and Colton Blvd. The proposed antennas and equipment cabinet attached to the utility pole will be located 50' above the right-of-way above the existing trees and vegetation which will serve as camouflage to help the facility to blend in with the existing surrounding hillside residential area. Therefore, the proposal will have minimal visual impacts from public view.

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 proposal improves wireless telecommunication service in the hillside residential area. The installation will be camouflaged to blend in with the existing mature trees surrounding the area to have minimal visual impacts on public views, thereby protecting the value of private and public investments in the area.

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 subject property is located within the Hillside Residential Area of the General Plan's Land Use & Transportation Element (LUTE). The Hillside Residential Classification is intended "to create, maintain, and enhance neighborhood residential areas that are characterized by detached, single unit structures on hillside lots". The proposed telecommunication facilities will be mounted onto a wood JPA pole intended to resemble existing utility poles within the City of Oakland public right-of-way. The proposed unmanned wireless telecommunication facility will be located on an existing utility pole and will not detract from the hillside residential value of the neighborhood. Visual impacts will be minimized since the site is relatively wooded, with trees partially obscuring views of the pole. Therefore, the Project conforms to the applicable General Plan and Design Review criteria.

17.128.070(B) DESIGN REVIEW CRITERIA FOR MACRO FACILITIES

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

The proposed antennas will be painted to match the existing utility pole and blend with the surroundings.

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

The proposed antennas will not be mounted on any building or architecturally significant structure, but rather on a 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 proposed antennas will be mounted on a new JPA utility pole (at the same location) and painted to match the pole, which will be further camouflaged by surrounding mature trees.

4. Equipment shelters or cabinets shall be screened from the public view by using landscaping, or materials and colors consistent with surrounding backdrop:

The associated equipment will be located within a single equipment box attached to the existing utility pole and painted to match the pole and blend with the surroundings.

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

The proposed equipment cabinets will be compatible with the existing utility related equipment.

6. For antennas attached to the roof, maintain a 1:1 ratio 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.

N/A.

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.

The antennas will be mounted onto a new JPA utility pole. They will not be accessible to the public due to their location. The equipment accommodation and battery backup boxes will also be inside a single equipment box and attached to the pole at a height of 10'-10" above ground.

CONDITIONS OF APPROVAL
PLN15071

STANDARD CONDITIONS:

1. Approved Use

Ongoing

a) The project shall be constructed and operated in accordance with the authorized use as plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.

b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: **To install a wireless Telecommunications Facility (AT&T wireless) on a existing 24'-9" tall JPA utility pole located in the public right -of- way. Install two panel antennas (two-feet long and ten inches wide) mounted onto a new JPA pole at 50'-5" high on the pole; an associated equipment box, one battery backup and meter boxes within a 6' tall by 18" wide equipment box attached to the pole at 10'-10" above the ground, under Oakland Municipal Code 17.128 and 17.136.**

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two calendar 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 **Oakland 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 codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency.
 - 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
 - c) limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.
-

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) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, conditions or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these conditions if it is found that there is violation of any of the conditions 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.

6. Signed Copy of the Conditions

With submittal of a demolition, grading, and building permit

A copy of the approval letter and conditions 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 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 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, and if any one or more of such conditions is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions consistent with achieving the same purpose and intent of such Approval.

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval, shall be available for review at the job site at all times.

11. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management

Prior to issuance of a demolition, grading, and/or construction permit

The project applicant may be required to pay for on-call special inspector(s)/inspections as needed during the times of extensive or specialized plan check review, or construction. The project applicant may also be required to cover the full costs of independent technical and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

12. Days/Hours of Construction Operation

Ongoing throughout demolition, grading, and/or construction

The project applicant shall require construction contractors to limit standard construction activities as follows:

a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.

b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring

which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.

c) Construction activity shall not occur on Saturdays, with the following possible exceptions:

i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.

- ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction activity shall take place on Sundays or Federal holidays.
- f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

PROJECT SPECIFIC CONDITIONS:

13. Radio Frequency Emissions

Prior to the final building permit sign off.

The applicant shall submit a certified RF emissions report stating the facility is operating within the acceptable standards established by the regulatory Federal Communications Commission.

14. Operational

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 Planning and Zoning Division and Building Services.

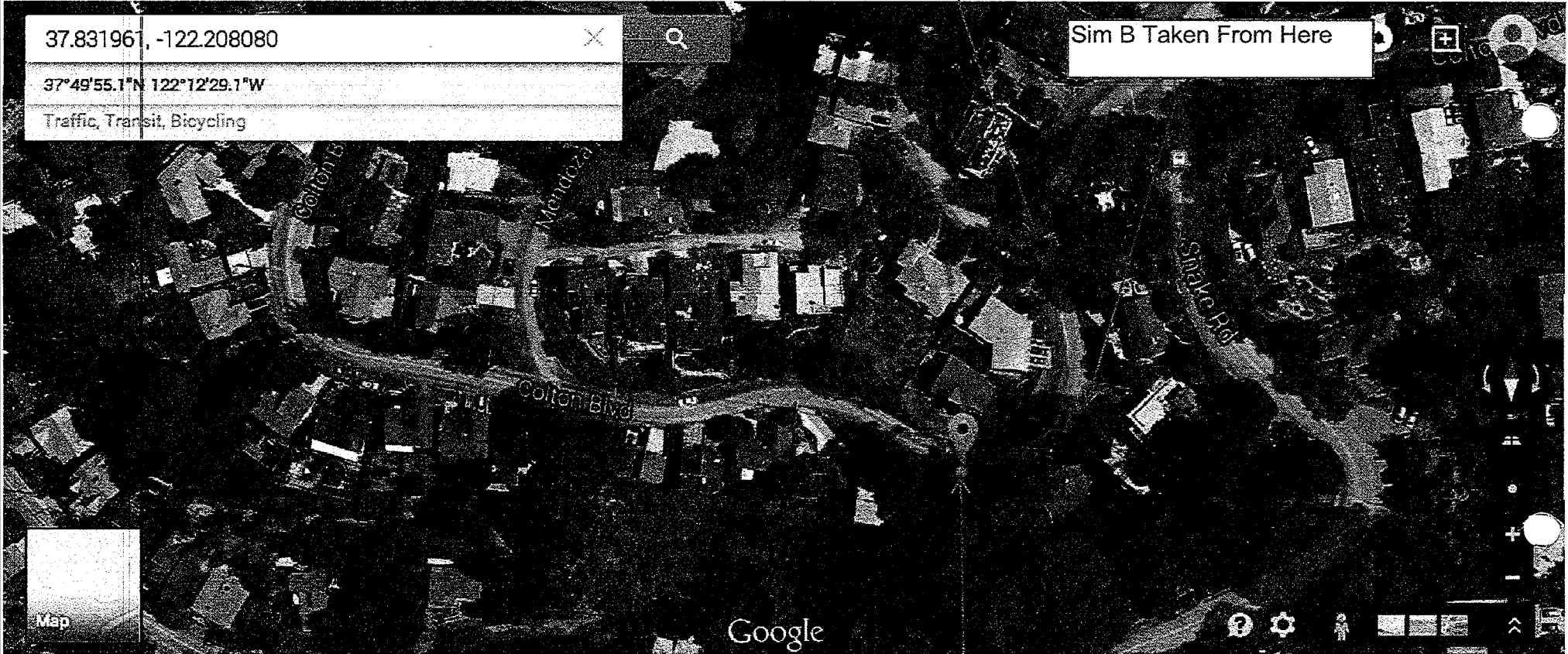
15. Possible District Undergrounding PG&E Pole

Ongoing

Should the PG &E 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 Planning Department as required by the regulations.

OAKS-ATT Node 52L Map for Photosims

Sim A Taken From Here



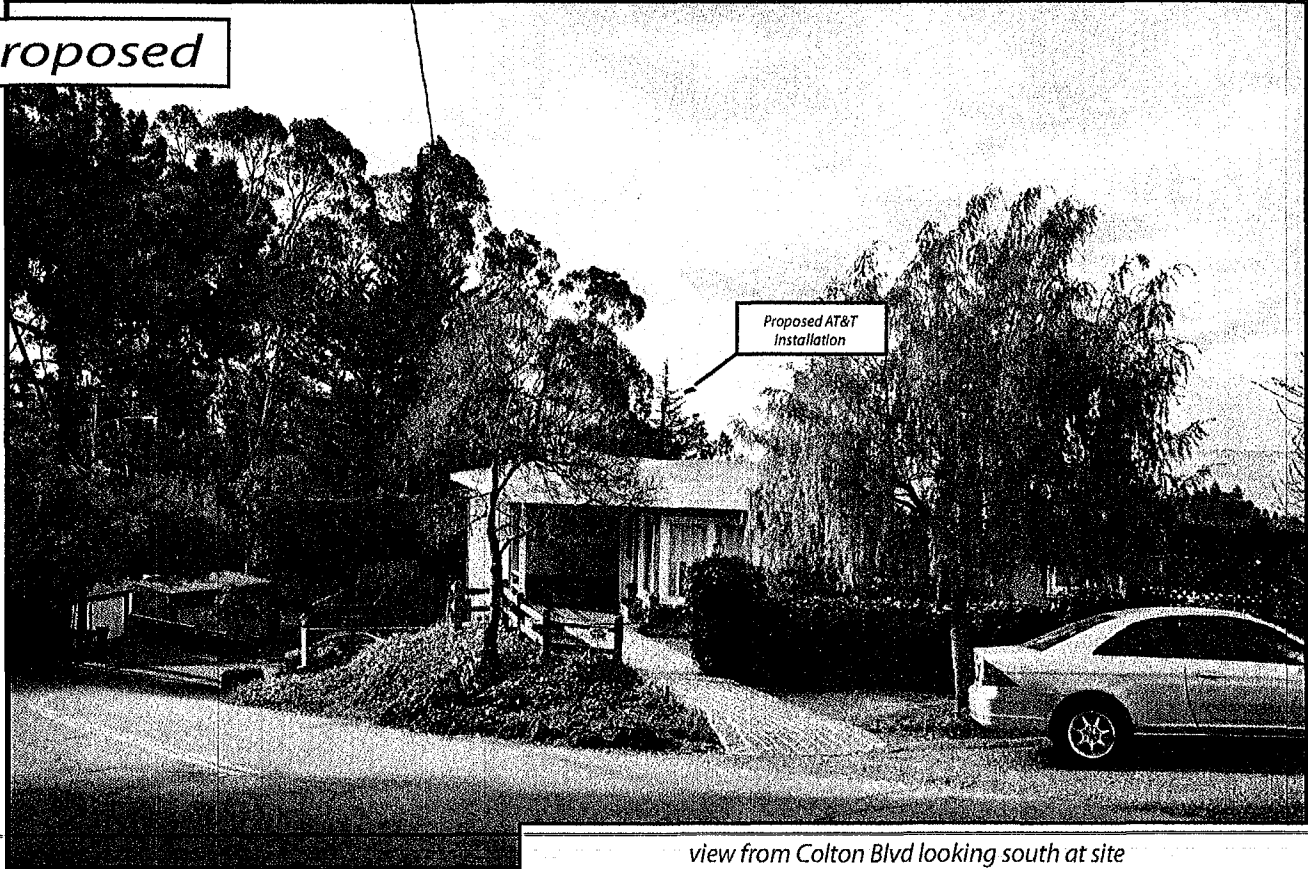
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Proposed Node 52L

Existing

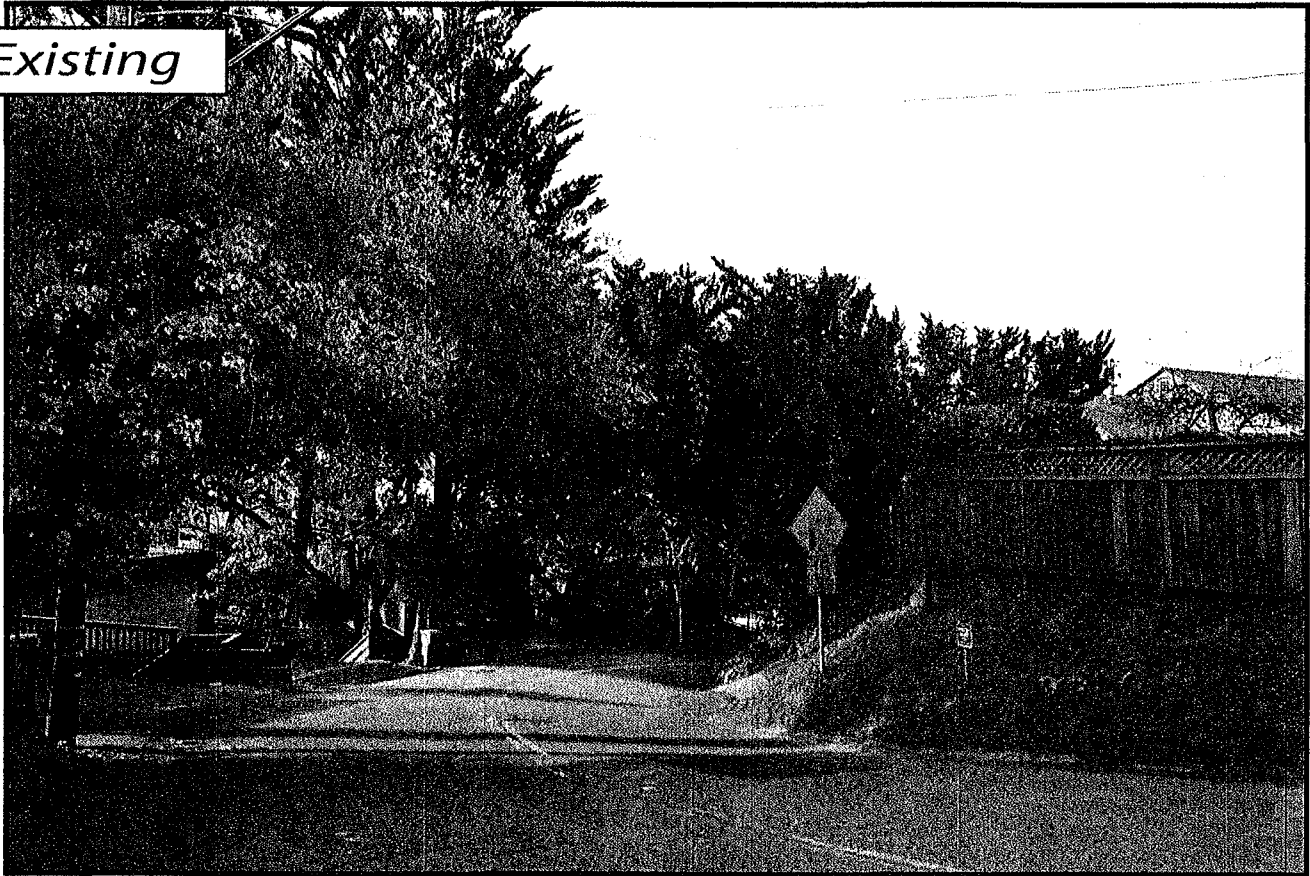


Proposed

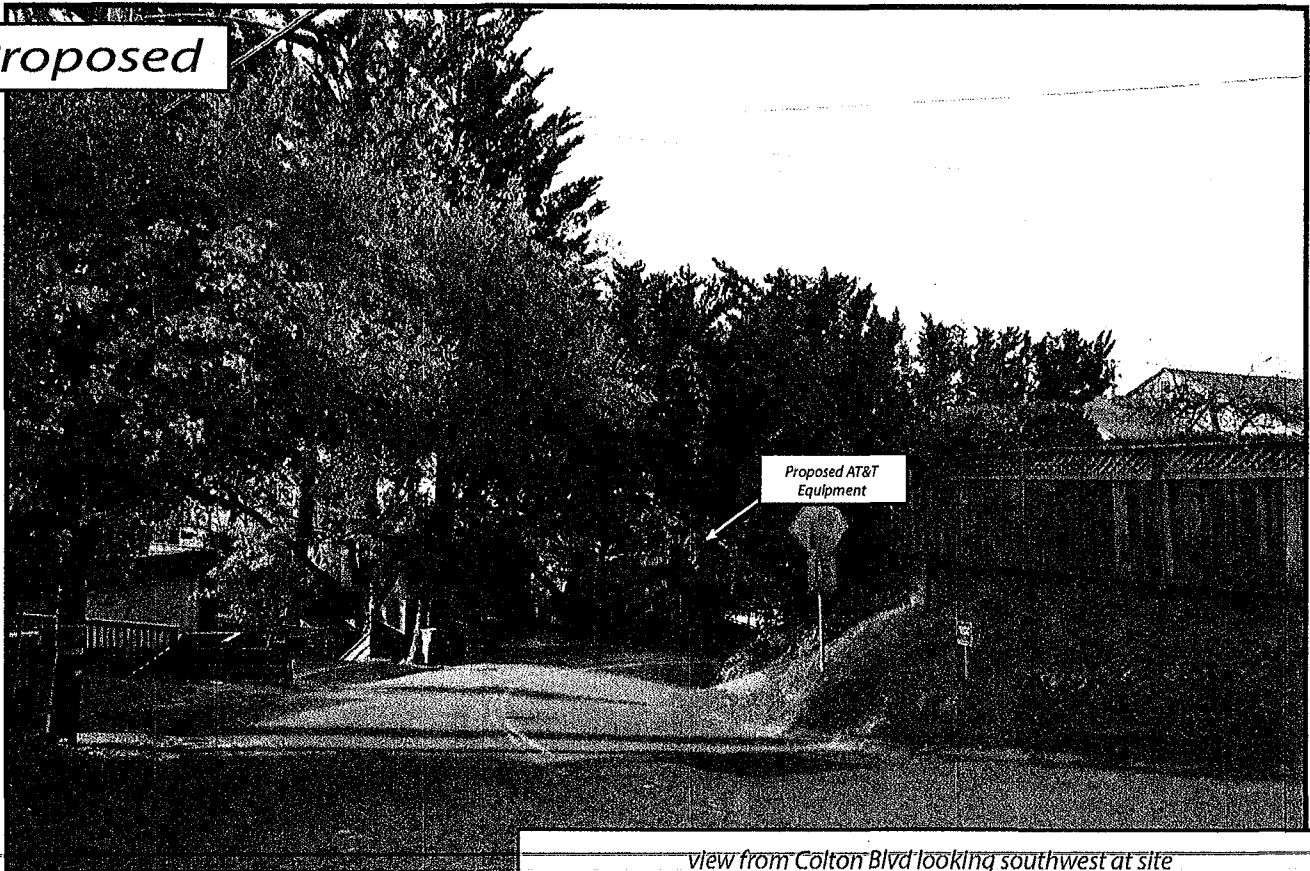


view from Colton Blvd looking south at site

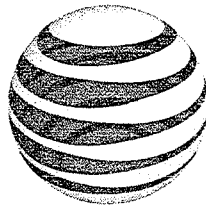
Existing



Proposed



view from Colton Blvd looking southwest at site



at&t

OAKHILLS AT&T SOUTH NETWORK OAKS-052L (PROV) 6046 COLTON BLVD, 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.



NEW CINGULAR WIRELESS PCS, LLC
4430 ROSEWOOD DR, BLDG 3
PLEASANTON, CA 94688-3050

PROJECT INFORMATION:

**OAKHILLS AT&T
SOUTH NETWORK
NODE 052L**

6046 COLTON BLVD
OAKLAND, CA 94611

CURRENT ISSUE DATE:

12/02/14

ISSUED FOR:

ZONING

BY: DATE: DESCRIPTION: REV:

BY	DATE	DESCRIPTION	REV
ACI	12/02/14	ZDS	0

PLANS PREPARED BY:



ACI Communications Inc.
1-800-925-6461
5711 Research Drive
Canton, MI 48188

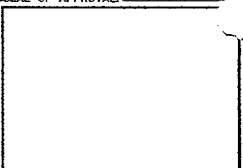
ACI NUMBER: OAKS-052L

CONSTRUCTED BY:



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

12/02/14

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		
---	CHAIN LINK FENCING		

ABBREVIATIONS

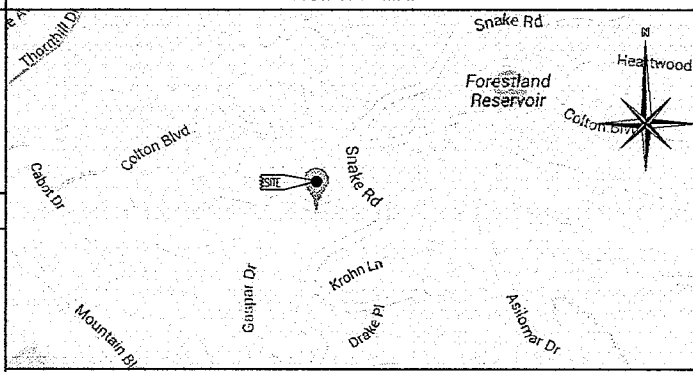
AL	ALUMINUM	FLR	FLOOR	PRELIM	PRELIMINARY
ALY	ALLOY	FT	FOOT	PWR	POWER
ANT	ANTENNA	PS	PARADE	QTY	QUANTITY
AGL	ABOVE GROUND	FSTR	FASTENER	R	RADIUS
AMSLS	ABOVE MEAN SEA LEVEL	GA	GALVANIZED	PAD	RADIATION
APVD	APPROVED	GEN	GENERATOR	RD	ROAD CENTER
APPROX	APPROXIMATE	GRD	GROUND/GROUNDING	RCVR	RECEIVER
AR, A/R	AS REQUIRED	ID	INSIDE DIAMETER	RELOC	RELOCATED
BAT	BATTERY	MAX	MAXIMUM	REQD	REQUIRED
BC	BOLT CIRCLE	MFR	MANUFACTURER	SHT	SHEET
BLDG	BUILDING	MNTD	MOUNTED	SS	STAINLESS STEEL
BRKT	BRACKET	MTC	MOUNTING	STD	STANDARD
CAB	CABINET	MTR	METER	STL	STEEL
CL	CENTERLINE	MAX	MAXIMUM	STRL	STRUCTURAL
CONC	CONCRETE	MIN	MINIMUM	SQ	SQUARE
CND	CONDUIT	NS	NEAR SIDE	SW	SWITCH
DN	DOWN	NTS	NOT TO SCALE	THD	THREAD
(E)	EXISTING	OC	ON CENTER	THK	THICK
EA	EACH	OD	OUTSIDE DIAMETER	TRND	TYPICAL
EL	ELEVATION	OD	OUTSIDE DIAMETER	TRP	TRANSFORMER
EMBR	EMBEDMENT	(P)	PROPOSED	UBC	UNIFORM
EMER	EMERGENCY	PLYWD	PLYWOOD	W/	WITH
ENCL	ENCLOSURE	PL	PANEL	W/O	WITHOUT
EQUIP	EQUIPMENT	PNE	PANEL	XMFR	TRANSFORMER
EQ SP	EQUAL SPACE	P/O	PART OF	XMTR	TRANSMITTER
HGT	HEIGHT	POSN	POSITION		
(F)	FUTURE				

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUCTED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

- CALIFORNIA BUILDING CODE CBC-2010
- CALIFORNIA ADMINISTRATIVE CODE (NCL, TITLES 24 & 25) 2010
- ANSI/AIA-222-F LIFE SAFETY CODE NFPA 9, CITY AND/OR COUNTY ORDINANCES
- BUILDING OFFICIALS AND CODE ADMINISTRATORS (OPCA)
- CALIFORNIA ELECTRICAL CODE CEC-2010
- CALIFORNIA MECHANICAL CODE CMC-2010
- CALIFORNIA PLUMBING CODE CPC 2010
- LOCAL BUILDING CODE(S)
- CITY AND/OR COUNTY ORDINANCES
- MUST COMPLY TO LATEST CALIFORNIA FIRE CODE (AND LATEST MUNICIPAL FIRE CODE)
- CALIFORNIA GENERAL ORDER 95 AND 128

VICINITY MAP



DRIVING DIRECTIONS

FROM: 2678 BISHOP RANCH DR, SAN RAMON, CA 94583 TO: 6046 COLTON BLVD, OAKLAND, CA 94611
DISTANCE: 24.1 MILES (28 MIN)

- HEAD NORTHWEST ON CONVO TASSAJARA TOWARD ALTA VISTA WAY 0.2 MI
- CONTINUE STRAIGHT ONTO SYDNEY VALLEY RD R 1.4 MI
- TURN RIGHT ONTO THE INTERSTATE 680 N RAMP TO SACRAMENTO 0.3 MI
- MERGE ONTO I-680 N 0.7 MI
- TAKE THE STATE ROUTE 24/OLYMPIC BLVD EXIT TOWARD OAKLAND/LAFAYETTE 190 FT
- KEEP LEFT, FOLLOW SIGNS FOR OAKLAND/LAFAYETTE/STATE ROUTE 24 1.1 MI
- CONTINUE ONTO CH-24 W 0.1 MI
- KEEP LEFT AT THE FORK TO STAY ON CA-24 W 1.7 MI
- TAKE THE EXIT TOWARD HAYWARD/CALIFORNIA 13 S 0.2 MI
- MERGE ONTO CA-13 S 1.2 MI
- TAKE THE MORGAN AVENUE E LEFT TOWARD THORNHILL DRIVE 0.3 MI
- MERGE ONTO MORGAN AVE 308 FT
- TURN LEFT ONTO THORNHILL DR 0.1 MI
- TURN RIGHT ONTO MOUNTAIN BLVD 0.3 MI
- TURN LEFT ONTO COLTON BLVD 0.2 MI
- RIGHT LEFT TO STAY ON COLTON BLVD 0.4 MI
- DESTINATION WILL BE ON THE RIGHT

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 PQ&E UTILITY POLE.

DRAWING INDEX

T1	TITLE SHEET & PROJECT INFORMATION
T2	GENERAL NOTES AND SCHEDULES
A1	SITE PLAN
A2	UTILITY POLE ELEVATIONS / RISER DETAILS
D1	EQUIPMENT DETAILS
S1	POWER & RF SAFETY PROTOCOLS

BUILDING / SITE DATA

LONGITUDE:	37.831961	TYPE OF CONSTRUCTION:	ATTACHMENTS TO EXISTING WOOD POLE
ELEVATION:	-122.208000	AREA OF CONC:	-
JURISDICTION:	N / A	HANDICAP REQUIREMENTS:	FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS NOT REQUIRED.
A.P.N.:	48F-7368-21-6	TITLE 24 REQUIREMENTS:	FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. THIS PROJECT IS EXEMPT.
ZONING:	CITY OF OAKLAND		
OCCUPANCY:	PUBLIC RIGHT OF WAY		
	U, UNMANNED		

PROJECT TEAM

PROPERTY OWNER:	CONSTRUCTION MANAGER:	MUNICIPAL AFFAIRS:
NAME: PUBLIC RIGHT OF WAY ADDRESS: 6046 COLTON BLVD, OAKLAND, CA 94611	EXTENET SYSTEMS CA, LLC CONTACT: KEN BOOKER PHONE: (510) 406-0829	EXTENET SYSTEMS CA, LLC CONTACT: BILL STEPHENS PHONE: (510) 612-2511
APPLICANT:	APPLICANT AGENT:	ARCHITECT:
NEW CINGULAR WIRELESS PCS, LLC 4430 ROSEWOOD DR, BLDG 3 PLEASANTON, CA 94688-3050 CONTACT: VAN MILLER PHONE: (510) 258-1703	MATTHEW YERGOVICH EXTENET SYSTEMS REAL ESTATE CONTRACTOR FOR AER1 MOBILITY 1826 WEBSTER ST SAN FRANCISCO, CA 94115 PHONE: (415) 596-3474 EMAIL: myergo@gnoc.com	AERO COMMUNICATIONS, INC. 5711 RESEARCH DRIVE CANTON, MI 48188 CONTACT: GARY GETCHELL PHONE: (510) 292-8918

SIGNATURE BLOCK

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

GENERAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SURVEY MONUMENTS AND/OR VERTICAL CONTROL BENCHMARKS WHICH ARE DESTROYED OR DESTROYED BY CONSTRUCTION. A LAND SURVEYOR MUST FIELD LOG, REFERENCE AND/OR PREPARE AN HISTORICAL OR CONTINUING MONUMENT PRIOR TO ANY ERECTION. IF DESTROYED, SUCH MONUMENTS SHALL BE REPLACED WITH APPROPRIATE MONUMENTS BY A LAND SURVEYOR. A CORNER RECORD OF RECORD OF SURVEY, AS APPROPRIATE, SHALL BE FILED AS REQUIRED BY THE PROFESSIONAL LAND SURVEYOR (PLS).
2. IMPORTANT NOTICE: SECTION 4515 OF THE CONSTRUCTION CODE REQUIRES A BIL ALERT DEFERRATION NUMBER BE ISSUED BEFORE A "PERMIT TO EXCAVATE" WILL BE VALID FOR YOUR DIG ALERT ID NUMBER, CALL UNDERGROUND SERVICE ALERT, TOLL FREE 1-800-227-2600, TWO DAYS BEFORE YOU DIG.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR THE POT HOLE AND LOCKING OF ALL EXISTING UTILITIES THAT CROSS THE PROPOSED TRENCH LINE AND MUST MAINTAIN A 1" MINIMUM VERTICAL CLEARANCE.
4. IF ANY EXISTING WAREHOUSE OR LUMBERPILE MONUMENT ON THE APPROX. PLANS IS DAMAGED OR REMOVED DURING BREAKDOWN OF CONSTRUCTION, IT SHALL BE REPAIRED AND/OR REPLACED IN KIND PER THE APPROVED PLANS.
5. CONTRACTOR SHALL REPLACE OR REPAIR ALL TRAFFIC SIGNAL LOOPS, CONDUIT, AND LANE STRIPPING DAMAGED DURING CONSTRUCTION.
6. THIS PROJECT WILL BE INSPECTED BY ENGINEERING AND FIELD ENGINEERING DIVISION.
7. MANHOLELS OR COVERS SHALL BE LABELED EVIDENT.
8. CONTRACTOR SHALL MAINTAIN AN EROSION CONTROL PROGRAM DURING THE PROJECT CONSTRUCTION ACTIVITIES. THE PROGRAM SHALL MEET THE EROSION CONTROL REQUIREMENTS OF THE STATE WATER RESOURCE CONTROL BOARD.
9. THE CONTRACTOR SHALL HAVE EMERGENCY MATERIALS AND EQUIPMENT ON HAND FOR UNFORESEEN SITUATIONS, SUCH AS DAMAGE TO UNDERGROUND WATER, SEWER, AND STORM DRAIN FACILITIES WHEREBY PLOTS MAY OCCUR. EROSION AND SEDIMENT POLLUTION.

CAUTIONS NOTES

1. ANY REMOVED OR DAMAGED STRIPING AND MARKINGS SHALL BE REPLACED IN KIND AS PER CAUTIONS STANDARDS AND AT PERMITTEE'S EXPENSE.

SPECIAL NOTES

1. IDENTIFICATION CLAUSE: THE CONTRACTOR AGREES AND SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY OF THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING THE SAFETY OF ALL PERSONS AND PROPERTIES. THAT THESE REQUIREMENTS SHALL APPLY CONJUNCTIVELY AND NOT BE LIMITED TO NORMAL WORKING HOURS AND CONDITIONS. THE CONTRACTOR FURTHER AGREES TO DEFEND AND HOLD HARMLESS, REPRESENTATIVES AND EMPLOYEES HARMLESS FROM AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF THE WORK ON THIS PROJECT.
2. PRIOR TO THE BEGINNING OF ANY CONSTRUCTION AND THROUGHOUT THE COURSE OF CONSTRUCTION WORK, THE CONTRACTOR SHALL FULLY COMPLY WITH "CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH" ACT OF 1973 INCLUDING ALL PERISSOS AND AMENDMENTS THEREIN.
3. ALL WORK SHALL CONFORM TO THE LATEST EDITIONS OF CODES AND THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION AS ADOPTED BY THE CITY, COUNTY OR STATE AS INDICATED BY STANDARD PLANS AND ADDENDUMS.
4. THE EXISTENCE AND LOCATION OF UTILITIES AND OTHER AGENCY'S FACILITIES AS SHOWN HEREON ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. OTHER FACILITIES MAY EXIST. THE CONTRACTOR SHALL VERIFY PRIOR TO THE START OF CONSTRUCTION AND SHALL USE EXERCISE CARE AND PREVENTIVE MEASURES TO PREVENT DAMAGE TO THESE FACILITIES. THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL UTILITY OR AGENCY FACILITIES WITHIN THE LIMITS OF WORK, WHETHER THEY ARE SHOWN ON THIS PLAN OR NOT.
5. THE CONTRACTOR SHALL NOTIFY THE CITY, COUNTY OR STATE ENGINEER SUPERVISOR DEPARTMENT, AT LEAST TWO DAYS BEFORE START OF ANY WORK REQUIRING THEIR INTERVENTION.
6. THE CITY, COUNTY OR STATE SHALL SPECIFY THE EXPIRATION PERIOD OF THE PERMIT FOR THIS CONSTRUCTION PROJECT.
7. THE MINIMUM COVER FOR ALL CONCRETE PLACED UNDERGROUND SHALL BE 30 INCHES TO THE FINISHED GRADE AT ALL TIMES.
8. THE CONTRACTOR SHALL TUNNEL ALL CURB AND OUTLETS AND BORE ALL CONCRETE DRENCHWAYS AND MAINWAYS AT THE DISCRETION OF THE CITY, COUNTY OR STATE ENGINEER.
9. ALL A/C AND/OR CONCRETE PRECAST SHALL BE REPLACED AT THE DISCRETION OF THE CITY, COUNTY OR STATE ENGINEER.
10. ALL SLOTTED PLANTS OR TREES THAT HAVE BEEN DAMAGED OR DISTURBED DURING THE COURSE OF THE WORK, SHALL BE REPLANTED AND/OR REPLACED SO AS TO RESTORE THE WORK SITE TO ITS ORIGINAL CONDITION.
11. THE CONTRACTOR WILL BE RESPONSIBLE FOR THE PROCESSING OF ALL APPLICANT PERMITS FORMS ALONG WITH THE REQUIRED LIABILITY INSURANCE FORMS, CLEARLY DEMONSTRATING THAT EXCEEDS THE CITY, COUNTY OR STATE TO ALSO INSURE WITH THE REQUIRED LIABILITY INSURANCE IN THE AMOUNT OF \$1,000,000.00 FOR THIS CONSTRUCTION PROJECT.
12. UTILITIES, PEDESTALS, CONDUITS AND OTHER TYPES OF SUBSTRUCTURE ARE EITHER SPECIFIED ON THIS PLAN OR WILL BE SPECIFIED BY THE CONSTRUCTION ENGINEER AND ALL LOCATIONS FROM THE SPECIFIED TYPES OF MATERIAL MUST BE APPROVED BY THE SYSTEM ENGINEER, IN WRITING BEFORE INSTALLATION THEREOF.
13. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES INCLUDING SENIOR LATERALS & WATER SERVICES TO REMOVAL LOTS BOTH VERTICAL AND HORIZONTAL PRIOR TO COMMENCING IMPROVEMENT OPERATIONS.
14. CONTRACTOR SHALL MAKE EXPLORATION LOCATIONS AND LOCATE EXISTING FACILITIES SUFFICIENTLY AHEAD OF CONSTRUCTION TO PERMIT REVISIONS TO PLANS IF REVISION IS NECESSARY BECAUSE OF LOCATION OF EXISTING UTILITIES.
15. THE LOCATIONS OF ALL EXISTING UTILITIES SHOWN ON THESE PLANS ARE FROM EXISTING RECORDS AND CONSIDERED, WHERE POSSIBLE, WITH FIELD TESTS. THE CONTRACTOR IS RESPONSIBLE FOR CONFIRMING THE LOCATIONS SHOWN, BOTH HORIZONTAL AND VERTICAL, PRIOR TO CONSTRUCTION. IF EXISTING LOCATIONS VARY SUBSTANTIALLY FROM THE PLANS, THE ENGINEER SHOULD BE NOTIFIED TO MAKE ANY CONSTRUCTION CHANGES REQUIRED.

EROSION AND SEDIMENT CONTROL NOTES

- TEMPORARY EROSION/SEDIMENT CONTROL PRIOR TO COMPLETION OF FINAL IMPROVEMENTS, SHALL BE PERFORMED BY THE CONTRACTOR OR QUALIFIED PERSON AS INDICATED BELOW:
1. ALL REQUIREMENTS OF THE CITY, COUNTY AND STATE "STORM WATER STANDARDS" MUST BE INCORPORATED INTO THE DESIGN AND CONSTRUCTION OF THE PROPOSED GRADING/IMPROVEMENTS CONSISTENT WITH THE APPROVED STORM WATER POLLUTION PREVENTION PLAN (SWPPP), WATER QUALITY TECHNICAL REPORT (WQTR), AND/OR WATER POLLUTION CONTROL PLAN (WPCL).
 2. FOR STORM DRAIN INLETS, PROVIDE A GRAVEL BAG SET DESIGN HANGWEITLY UPSTREAM OF INLET AS INDICATED ON DETAILS.
 3. FOR INLETS LOCATED AT SHIMS ADJACENT TO TOP OF SLOPES, THE CONTRACTOR SHALL ENSURE THAT WATER DRAINING TO THE SHIM IS DIRECTIONED INTO THE INLET AND THAT A MINIMUM OF 1.00' FREEBOARD EXISTS AND IS MAINTAINED ABOVE THE TOP OF THE INLET. IF FREEBOARD IS NOT PROVIDED BY GRADING SHOWN ON THESE PLANS THE CONTRACTOR SHALL PROVIDE IT VIA TEMPORARY MEASURES, I.E. CONCRETE BAGS OR DICES.
 4. THE CONTRACTOR OR QUALIFIED PERSON SHALL BE RESPONSIBLE FOR CLEANUP OF SILT AND MUD ON ADJACENT STREET(S) AND STORM DRAIN SYSTEM DUE TO CONSTRUCTION ACTIVITY.
 5. THE CONTRACTOR OR QUALIFIED PERSON SHALL CHECK AND MAINTAIN ALL LINED AND UNLINED CROPPES AFTER EACH RAINFALL.
 6. THE CONTRACTOR SHALL REMOVE SILT AND DEBRIS AFTER EACH MAJOR RAINFALL.
 7. EQUIPMENT AND WORKERS FOR EMERGENCY WORK SHALL BE MADE AVAILABLE AT ALL TIMES DURING THE WINTER SEASON. ALL NECESSARY MATERIALS SHALL BE STOCKPILED ON SITE AT CONVENIENT LOCATIONS TO FACILITATE RAPID CONSTRUCTION OF TEMPORARY DEVICES WHEN EMERGENCY OCCURS.
 8. THE CONTRACTOR SHALL RESUME ALL EROSION/SEDIMENT CONTROL DEVICES TO WORKING ORDER TO THE SATISFACTION OF THE CITY ENGINEER OF RESIDENT ENGINEER AFTER EACH PAUSE-OUT PRODUING RAINFALL.
 9. THE CONTRACTOR SHALL INSTALL ADDITIONAL EROSION/SEDIMENT CONTROL MEASURES AS MAY BE REQUIRED BY THE RESIDENT ENGINEER DUE TO UNCOMPLETED GRADING OPERATIONS OR UNFORESEEN CIRCUMSTANCES, WHICH MAY ARISE.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE AND SHALL TAKE NECESSARY PRECAUTIONS TO PREVENT PUBLIC "STRESS" ONLY AREAS WHERE IMPROVED MEASURES CREATE A HAZARDOUS CONDITION.
 11. ALL EROSION/SEDIMENT CONTROL MEASURES PROVIDED FOR THE APPROVED GRADING PLAN SHALL BE INCORPORATED HEREON. ALL EROSION/SEDIMENT CONTROL FOR UTILITY CONDUITS SHALL BE DONE TO THE SATISFACTION OF THE RESIDENT ENGINEER.
 12. GRADED AREAS AROUND THE PROJECT PERIMETER MUST DRAIN AWAY FROM THE FACE OF THE SLOPE AT THE COMPLETION OF EACH WORKING DAY.
 13. ALL REMOVABLE PROTECTIVE DEVICES SHOWN SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHEN THIS IS BUREAU.
 14. THE CONTRACTOR SHALL ONLY GRADE, INCLUDING CLEANING AND DRAINING FOR THE AREAS FOR WHICH THE CONTRACTOR OR QUALIFIED PERSON CAN PROVIDE EROSION/SEDIMENT CONTROL MEASURES.
 15. THE CONTRACTOR SHALL ARRANGE FOR WEEKLY MEETINGS DURING 1ST TO APRIL 30TH FOR PROJECT TEAM (GENERAL CONTRACTOR, QUALIFIED PERSON, EROSION CONTROL SUBCONTRACTOR IF ANY, LOCATION OF WORK, OWNER/DEVELOPER AND THE RESIDENT ENGINEER) TO EVALUATE THE ADEQUACY OF THE EROSION/SEDIMENT CONTROL MEASURE AND OTHER RELATED CONSTRUCTION ACTIVITIES.



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

GENERAL NOTES

ROW 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, 0095 AND 60128 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. CALL K CABINET BASE AT PAUL.

STANDARD GROUNDING NOTES:

1. GROUND TESTED AT 5 OHMS OR LESS.
2. 5/8" x 8" ROD, CAP 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 2" GALVANIZED STEEL CONDUIT FOR ANY CONDUIT UNDER 3". STUB UP 10" THEN CONVERT TO SCHEDULE 80.
4. CONVERT AT CARRIER CONDUIT 1" AT BASE OF POLE.
5. GC TO STUB UP POLE 10" IN 3/4" POWER CONDUIT, POWER CO. TO CONVERT FROM 3" SCA. BE 10" TO 2" SCA. 90 FROM TOP OF STUB UP.
6. ALL CONDUIT WILL BE MAN DRILLED AND EQUIPPED WITH 3/8" PULL ROD.

STANDARD BRANCHING NOTES:

1. MAINTAIN 40" MINIMUM COVER FOR ELECTRICAL CONDUIT.
2. MAINTAIN 30" MINIMUM COVER FOR COMMUNICATIONS CONDUIT.
3. SAND SHAKING 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 MLL DOWN 1-1/2" FOR A/C CAP.
6. IN DIRT SLURRY 18" FROM GRADE, AND FILL WITH 95% COMPACTION NATIVE SOIL FOR BALANCE.
7. PLACE WARNING TAPE IN TRENCH 12" ABOVE ALL CONDUITS AND #18 WARNING TAPE ABOVE GROUND RING.

ROW UTILITY POLE CONSTRUCTION NOTES:

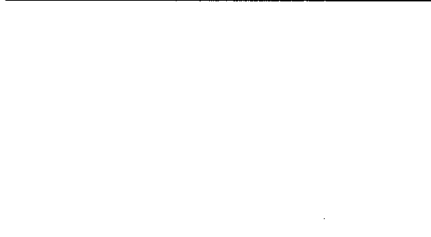
1. NO BOLT THROUGH TO PROTRUDE MORE THAN 1-1/2".
2. FILL ALL HOLES LEFT IN POLE FROM REARRANGEMENT OF CLIMBERS.
3. ALL CLIMB STEPS NEXT TO CONDUIT SHALL HAVE EXTENDED STEPS.
4. CABLE NOT TO INEED 15" CLEAR SPACE OFF POLE FACE (1200).
5. 90° SHORT SHEETS UNDER ANTENNA ARM, ALL CABLES MUST ONLY TRANSMIT 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 TO TAGS ON BOTH SIDES OF ARMS.
7. USE 90° CONNECTOR AT CABLE CONNECTION TO ANTENNAS.
8. PLACE OPS ON ARM WITH SOUTHERN SKY EXPOSURE, AT MINIMUM 6" FROM TRANSMIT 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.

WIND LOADING INFORMATION

AREA	39.02 SQ. FT
ANTENNA/WOOD ARM AREA TOTAL	50'-10"
TOP GRADE	48'-10"
BOTTOM GRADE	14.62 SQ. FT.
METER/BREAKER AREA TOTAL	8'-11"
TOP GRADE	8'-0"
BOTTOM GRADE	IN SHROUD
BATTERY BACK-UP AREA TOTAL	IN SHROUD
TOP GRADE	-
BOTTOM GRADE	-
FRONT DECK AREA TOTAL	IN SHROUD
TOP GRADE	-
BOTTOM GRADE	-
EQUIPMENT SHROUD AREA TOTAL	192 SQ. FT.
TOP GRADE	16'-10"
BOTTOM GRADE	8'-10"
COAT RISEP SIZE	3"U
COAT RISEP TOP GRADE	47'-0"
COAT RISEP B/W GRADE	11'-7"
PWB RISEP SIZE	1 1/2"
PWB RISEP TOP GRADE	30'-0"
PWB RISEP B/W GRADE	8'-0"

ANTENNA & CABLE SCHEDULE

ANTENNA SECTOR	AZIMUTH	ANTENNA MAKE / MODEL	CONICAL CABLE LENGTH	CABLES PER SECTOR	CABLE SIZE
SECTOR NORTH	61°	KATHREIN 840-10525	36'/3'	4/6	1/2"
SECTOR SOUTHWEST	121°	KATHREIN 840-10525			
SECTOR SOUTH					
SECTOR NORTHWEST					



ROW CONSTRUCTION GENERAL NOTES

SCALE NTS 3

LOADING AND ANTENNA CABLE SCHEDULES

SCALE NTS 1

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

PROJECT INFORMATION:
OAKHILLS AT&T SOUTH NETWORK NODE 052L
6046 COLTON BLVD
OAKLAND, CA 94611

CURRENT ISSUE DATE:
12/02/14

ISSUED FOR:
ZONING

ACI	DATE	DESCRIPTION	REV
ACI	12/02/14	ZDs	0

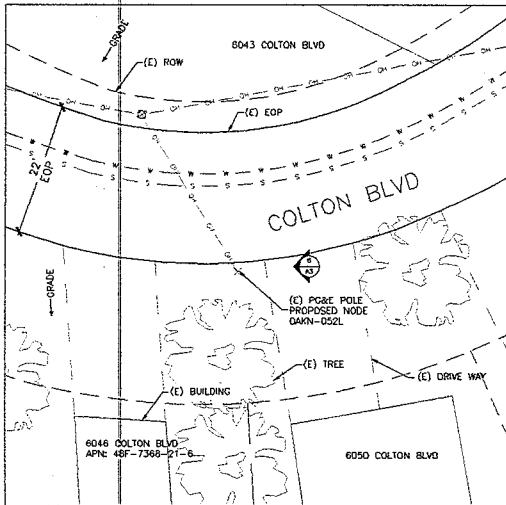
PLANS PREPARED BY:
ACI
Aci Communications Inc.
1-800-825-4ACI
5711 Research Drive
Canton, MI 48188
ACI NUMBER: OAKS-052L

CONSTRUCTED BY:
net SYSTEMS
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3030 Warrenville Rd, Suite 34D
Lisle, IL 60532
www.netnet.com

SEAL OF APPROVAL:

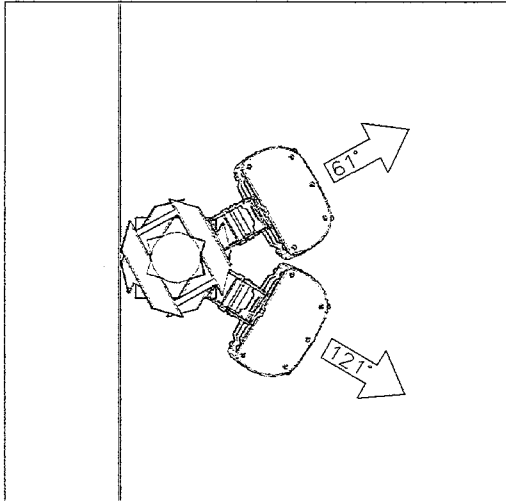
SHEET TITLE:
GENERAL NOTES AND SCHEDULES

SHEET NUMBER: **T2** REVISION: **0**
12/02/14



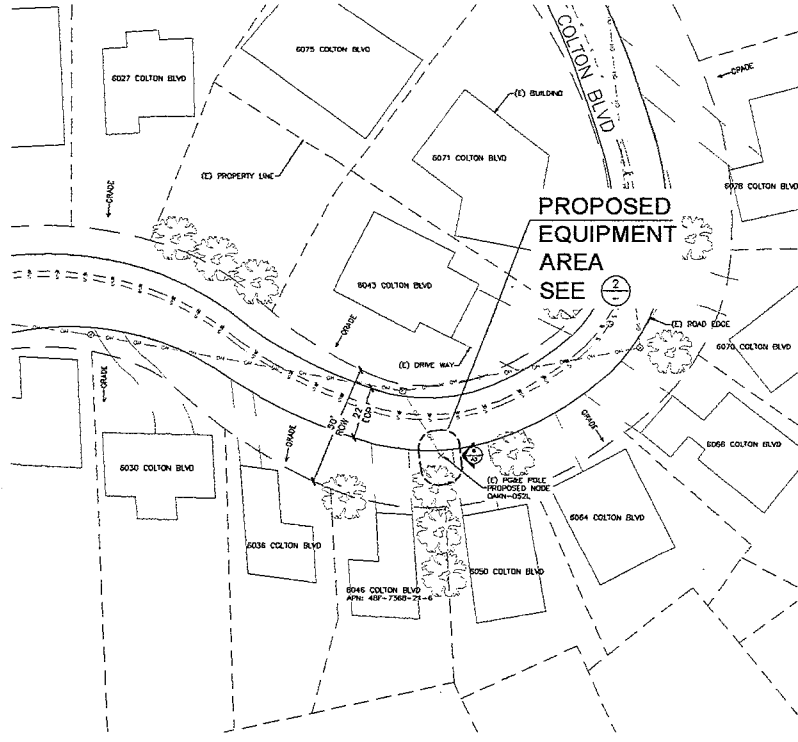
SITE PLAN CLOSEUP

B-SCALE 1"=20'-0"
 D-SCALE 1"=10'-0" 2



ANTENNA AZIMUTHS

SCALE
 NTS 3



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

PROJECT INFORMATION:
**OAKHILLS AT&T
 SOUTH NETWORK
 NODE 052L**
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 OAKLAND, CA 94611

CURRENT ISSUE DATE:
 12/02/14

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ZONING

BY: DATE: DESCRIPTION: REV:

BY	DATE	DESCRIPTION	REV
ACI	12/02/14	ZDs	0

PLANS PREPARED BY:



ACI COMMUNICATIONS, INC.
 1-800-825-4ACI
 5711 Research Drive
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ACI NUMBER: OAKS-052L

CONSTRUCTED BY:



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 Lisle, IL 60532
 www.netnet.com

SEAL OF APPROVAL:

SHEET TITLE:

SITE PLAN

SHEET NUMBER: REVISION:

A1 0
 12/02/14

SITE PLAN

0' 5' 10' 25' 50' B-SCALE 1"=50'-0"
 D-SCALE 1"=25'-0" 1



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

PROJECT INFORMATION:

**OAKHILLS AT&T
SOUTH NETWORK
NODE 052L**
6046 COLTON BLVD
OAKLAND, CA 94611

CURRENT ISSUE DATE:

12/02/14

ISSUED FOR:

ZONING

BY: DATE: DESCRIPTION: REV:

BY	DATE	DESCRIPTION	REV
ACI	12/02/14	ZDs	0

PLANS PREPARED BY:



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

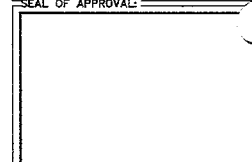
ACI NUMBER: OAKS-052L

CONSTRUCTED BY:



3030 Warrenville Rd, Suite 340
Lisle, IL 60532
www.extenet.com

SEAL OF APPROVAL:



SHEET TITLE:

**ELEVATIONS &
RISER DETAILS
ANTENNA POLE**

SHEET NUMBER: REVISION:

A2 **0**
12/02/14

COMMUNICATIONS MAKE-READY

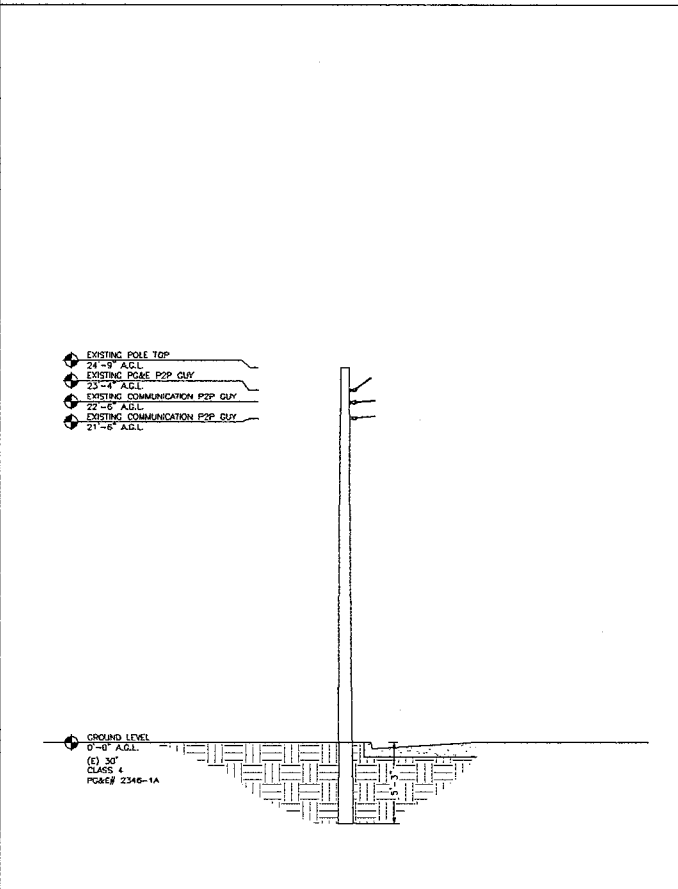
1. REPLACE EXISTING 30' CL4 W/ 55' CL3
2. INSTALL PG&E 1" SCH 80 CONDUIT AT 7:30 POSITION FOR POWER SERVICE.
3. INSTALL 3" SCH 80 U-GUARD AT 10:30 POSITION OVER COAX.
4. INSTALL METER SOCKET & SAFETY SWITCH 4" OFF OF POLE (USING UNISTRUTS) AT 9:00 POSITION.
5. INSTALL CLIMBING PEGS AT 9:00 & 12:00 POSITION, 8'-6" AGL TO COMM ZONE.

POWER MAKE-READY

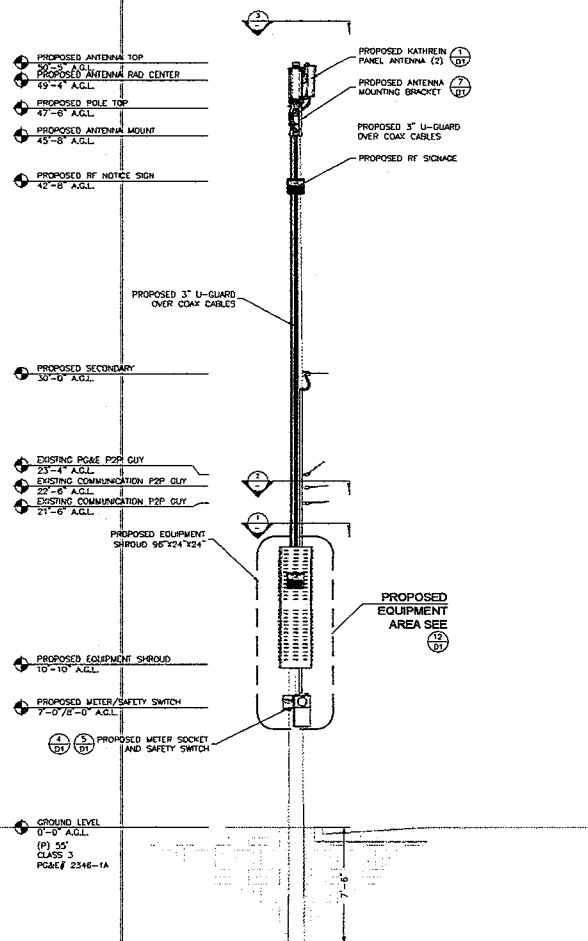
1. INSTALL (2) PANEL ANTENNAS W/ MOUNTING BRACKET ON POLE TOP AT 48'-6" AGL.
2. INSTALL COMBINERS AND (4/6) 1/2" COAX.
3. INSTALL PG&E 1" SCH 80 CONDUIT AT 7:30 POSITION FOR POWER SERVICE.
4. INSTALL 3" SCH 80 U-GUARD AT 10:30 POSITION OVER COAX.
5. PROVIDE 120/240 3-WIRE SINGLE PHASE, 100 AMP SERVICE DROP 30'-0" TO 1" PG&E CONDUIT AT 7:30 POSITION TO METER SOCKET

MAKE-READY NOTES

4

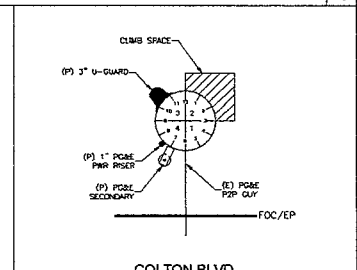


6 EXISTING ELEVATION EAST

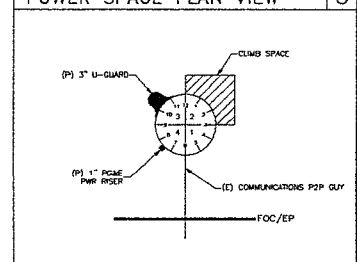


PROPOSED ELEVATION EAST

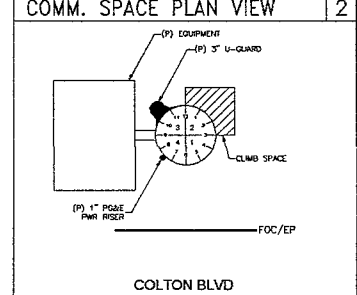
B-SCALE 1/8"=1'-0"
B-SCALE 1/4"=1'-0"



POWER SPACE PLAN VIEW 3



COMM. SPACE PLAN VIEW 2



EQUIP. SPACE PLAN VIEW 1

B-SCALE 1/8"=1'-0"
B-SCALE 1/4"=1'-0"

AT&T Mobility Radio Frequency Statement
DAS Node 52L: Existing Utility Pole in Public Right-of-Way
Near 6046 Colton Blvd., Oakland, CA

I am the AT&T radio frequency engineer assigned to the proposed wireless telecommunications facility ("Node 52L"), which is a distributed antenna system ("DAS") node to be located on an existing utility pole in the public right-of-way near 6046 Colton Blvd., Oakland (the "Property"). Based on my personal knowledge of the Property and with AT&T's wireless network, as well as my review of AT&T's records with respect to the Property and its wireless telecommunications facilities in the surrounding area, I have concluded that the work associated with this permit request is needed to close a service coverage gap in the area immediately surrounding the Property.

The service coverage gap is caused by inadequate infrastructure in the area. As explained further in Exhibit 1, AT&T's existing facilities cannot adequately serve its customers in the desired area of coverage, let alone address rapidly increasing data usage. Moreover, 4G LTE service coverage has not yet been fully deployed in this area. To remedy this service coverage gap, AT&T needs to construct a new wireless telecommunications facility.

AT&T uses industry standard propagation tools to identify the areas in its network where signal strength is too weak to provide reliable in-building service quality. This information is developed from many sources including terrain and clutter databases, which simulate the environment, and propagation models that simulate signal propagation in the presence of terrain and clutter variation. AT&T designs and builds its network to ensure customers receive reliable in-building service quality.

Exhibit 2 to this Statement is a map of the existing service coverage (without Node 52L) in the area at issue. It includes service coverage provided by existing AT&T sites. The green shaded areas depict areas within a signal strength range that provide acceptable in-building service coverage. In-building coverage means customers are able to place or receive a call on the ground floor of a building. The yellow shaded areas depict areas within a signal strength range that provide acceptable in-vehicle coverage. In this area, an AT&T customer should be able to successfully place or receive a call within a vehicle. The blue shading depicts areas within a signal strength range in which a customer might have difficulty receiving a consistently acceptable level of service. The quality of service experienced by any individual can differ greatly depending on whether that customer is indoors, outdoors, stationary, or in transit. Any area in the blue or yellow category is considered inadequate service coverage and constitutes a service coverage gap.

Exhibit 3 predicts service coverage in the vicinity of the Property if the Node 52L antennas are placed as proposed in the application. As shown by this map, placement of Node 52L closes the significant 3G service coverage gap in the area immediately surrounding the Property.

In addition to these 3G wireless service gap issues; AT&T is in the process of deploying its 4G LTE service in Oakland with the goal of providing the most advanced personal wireless experience available to residents of the City. 4G LTE is capable of delivering speeds up to 10 times faster than industry-average 3G speeds. LTE technology also offers lower latency, or the processing time it takes to move data through a network, such as how long it takes to start downloading a webpage or file once a customer has sent the request. Lower latency helps to improve the quality of personal wireless services. What's more, LTE uses spectrum more efficiently than other technologies, creating more space to carry data traffic and services and to deliver a better overall network experience.

Exhibit 4 is a map that depicts 4G LTE service in the area surrounding the Property, and it shows a significant 4G LTE service coverage gap in the area. Exhibit 5 shows that after Node 52L is on air, 4G LTE service is available both indoors and outdoors in the area. This is important not only to bring 4G LTE to residents of Oakland but also because as existing customers migrate to 4G LTE, the LTE technology will provide the added benefit of reducing 3G data traffic, which can cause capacity issues on the UMTS (3G) network during peak usage periods, especially in light of the forecasted increase in usage noted in Exhibit 1.

I have a Bachelor's Degree in Electrical Engineering from Ain Shams University, and I have worked as a radio frequency design engineer in the wireless communications industry for over 14 years.



Amr Kharaba

March 3, 2015

EXHIBIT 1

Prepared by AT&T Mobility

AT&T's digital wireless technology converts voice or data signals into a stream of digits to allow a single radio channel to carry multiple simultaneous signal transmissions. This technology allows AT&T to offer services such as secured transmissions and enhanced voice, high-speed data, texting, video conferencing, paging and imaging capabilities, as well as voicemail, visual voicemail, call forwarding and call waiting that are unavailable in analog-based systems. With consumers' strong adoption of smartphones, customers now have access to wireless broadband applications, which consumers utilize at a growing number.

Mobile data traffic in the United States grew by 75,000 percent over a six-year span, from 2001-2006. And in the seven years that followed, mobile data traffic on AT&T's national wireless network increased more than 50,000 percent (*from January 2007 through December 2013*). AT&T expects total mobile data volume to **grow 8x-10x over the next five years**. To put this estimate in perspective, all of AT&T Mobility's mobile traffic during 2010 would be equal to only six or seven weeks of mobile traffic volume in 2015. The FCC noted that U.S. mobile data traffic grew almost 300% in 2011, and driven by 4G LTE smartphones and tablets, traffic is projected to grow an additional 16-fold by 2016.

Mobile devices using AT&T's technology transmit a radio signal to antennas mounted on a tower, pole, building, or other structure. The antenna feeds the signal to electronic devices housed in a small equipment cabinet, or base station. The base station is connected by microwave, fiber optic cable, or ordinary copper telephone wire to the Radio Network Controller, subsequently routing the calls and data throughout the world.

The operation of AT&T's wireless network depends upon a network of wireless communications facilities. The range between wireless facilities varies based on a number of factors. The range between AT&T mobile telephones and the antennas in and nearby Oakland, for example, is particularly limited as a result of topographical challenges, blockage from buildings, trees, and other obstructions as well as the limited capacity of existing facilities.

To provide effective, reliable, and uninterrupted service to AT&T customers in their cars, public transportation, home, and office, without interruption or lack of access, coverage must overlap in a grid pattern resembling a honeycomb.

In the event that AT&T is unable to construct or upgrade a wireless communications facility within a specific geographic area, so that each site's coverage reliably overlaps with at least one adjacent facility, AT&T will not be able to provide adequate personal wireless service to its customers within that area. Some consumers will experience an abrupt loss of service. Others will be unable to obtain reliable service, particularly if they are placing a call inside a building.

Service problems occur for customers even in locations where the coverage maps on AT&T's "Coverage Viewer" website appear to indicate that coverage is available. As the legend to the Coverage Viewer maps indicates, these maps depict a high-level *approximation* of coverage, which may not show gaps in coverage; *actual* coverage in an area may differ substantially from map graphics, and may be affected by such things as terrain, foliage, buildings and other construction, motion, customer equipment, and network traffic. The legend states that AT&T does not guarantee coverage and its coverage maps are not intended to show actual

customer performance on the network, nor are they intended to show future network needs or build requirements inside or outside of AT&T's existing coverage areas.

It is also important to note that the signal losses and service problems described above can and do occur for customers even at times when certain other customers in the same vicinity may be able to initiate and complete calls on AT&T's network (or other networks) on their wireless phones. These problems also can and do occur even when certain customers' wireless phones indicate "all bars" of signal strength on the handset.

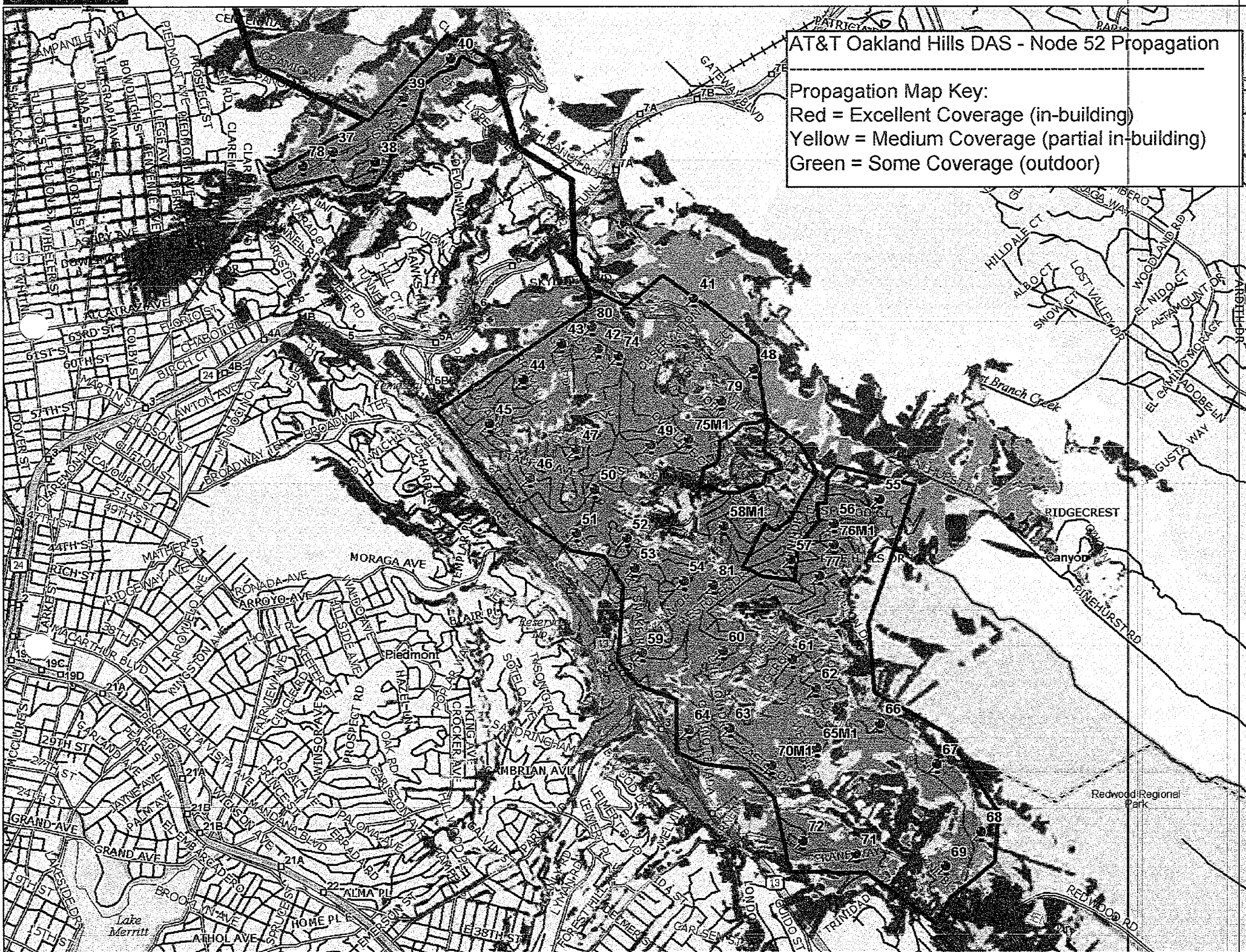
The bars of signal strength that individual customers can see on their wireless phones are an imprecise and slow-to-update estimate of service quality. In other words, a customer's wireless phone can show "four bars" of signal strength, but that customer can still, at times, be unable to initiate voice calls, complete calls, or download data reliably and without service interruptions.

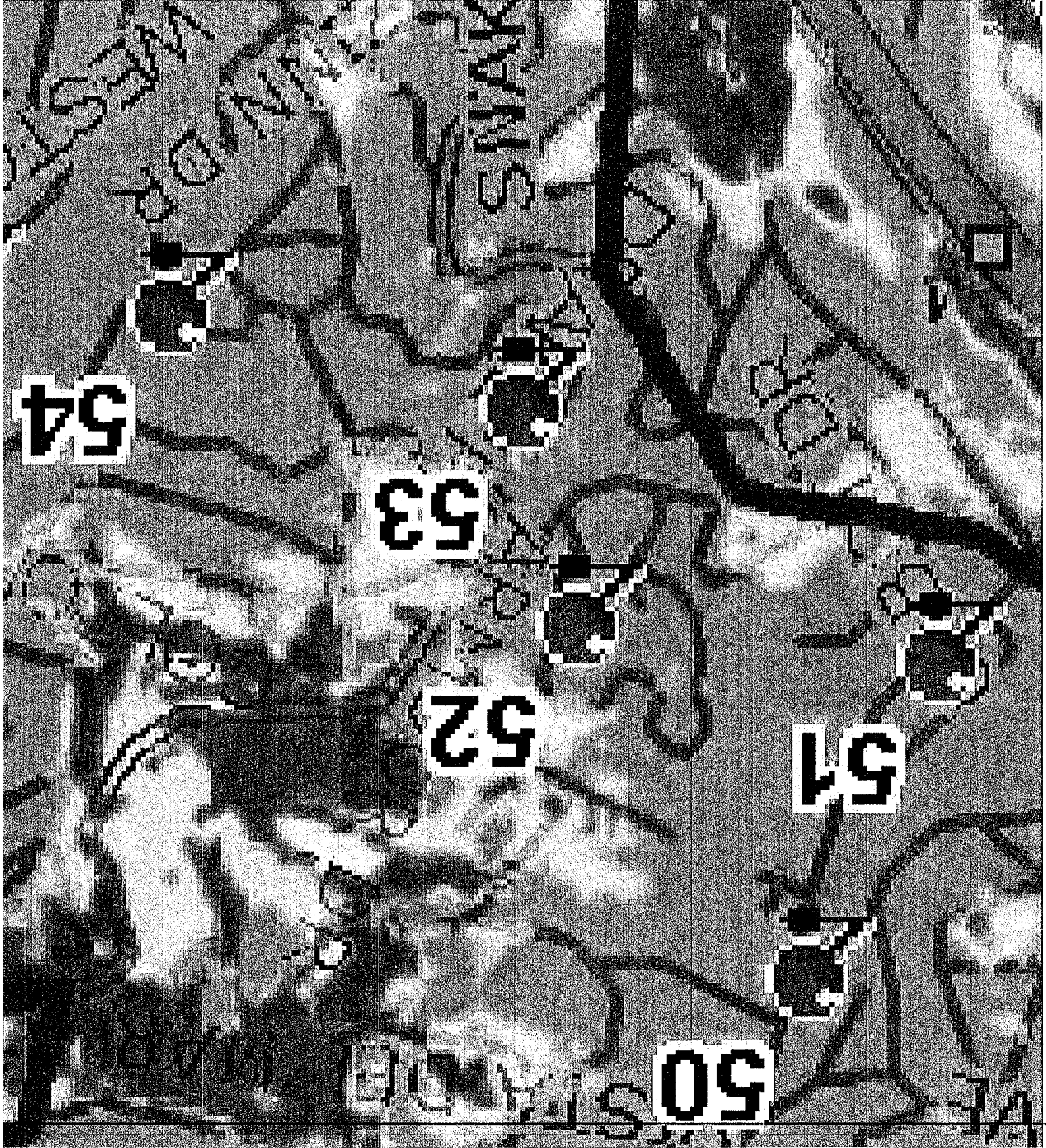
To determine where new or upgraded telecommunications facilities need to be located for the provision of reliable service in any area, AT&T's radio frequency engineers rely on far more complete tools and data sources than just signal strength from individual phones. AT&T creates maps incorporating signal strength that depict existing service coverage and service coverage gaps in a given area.

To rectify this significant gap in its service coverage, AT&T needs to locate a wireless facility in the immediate vicinity of the Property.

AT&T Oakland Hills DAS - Node 52 Propagation

Propagation Map Key:
Red = Excellent Coverage (in-building)
Yellow = Medium Coverage (partial in-building)
Green = Some Coverage (outdoor)





LG

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OG

LG

OG

**AT&T Mobility • Proposed Distributed Antenna System Node
Node No. OAKS-052L • 6046 Colton Boulevard • 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 personal wireless telecommunications carrier, to evaluate a distributed antenna system (DAS) node (No. OAKS-052L) proposed to be located near 6046 Colton Boulevard in Oakland, California, for compliance with appropriate guidelines limiting human exposure to radio frequency (“RF”) electromagnetic fields.

Executive Summary

AT&T proposes to install directional panel antennas on top of a utility pole sited in the public right-of-way located near 6046 Colton Boulevard in 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
WCS (Wireless Communication)	2,300	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	2.40	0.48
[most restrictive frequency range]	30–300	1.00	0.20

General Facility Requirements

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

**AT&T Mobility • Proposed Distributed Antenna System Node
Node No. OAKS-052L • 6046 Colton Boulevard • Oakland, California**

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

Computer Modeling Method

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

Site and Facility Description

Based upon information provided by AT&T, including zoning drawings by Aero Communications, Inc., dated December 2, 2014, it is proposed to install two Kathrein Model 840-10525 directional panel antennas on top of a new 48-foot utility pole to replace the existing pole sited in the public right-of-way in front of the residence located at 6046 Colton Boulevard in Oakland. The antennas would be mounted with no downtilt* at an effective height of about 49½ feet above ground and would be oriented toward 61°T and 121°T. The maximum effective radiated power in any direction would be 219 watts, representing simultaneous operation 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.

Study Results

For a person anywhere at ground, the maximum RF exposure level due to the proposed AT&T operation is calculated to be 0.0038 mW/cm², which is 0.68% of the applicable public exposure limit. The maximum calculated level at the second-floor elevation of any nearby residence† is 1.1% of the public exposure limit. It should be noted that these results include several "worst-case" assumptions and therefore are expected to overstate actual power density levels from the proposed operation.

* Assumed for the purposes of this study.

† Located at least 25 feet away, based on the drawings.



**AT&T Mobility • Proposed Distributed Antenna System Node
Node No. OAKS-052L • 6046 Colton Boulevard • Oakland, California**

Recommended Mitigation Measures

Due to their mounting locations, the AT&T antennas would not be accessible to the general public, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. 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 pole, should be allowed while the node is in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. Posting explanatory signs[‡] on the pole at or 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.

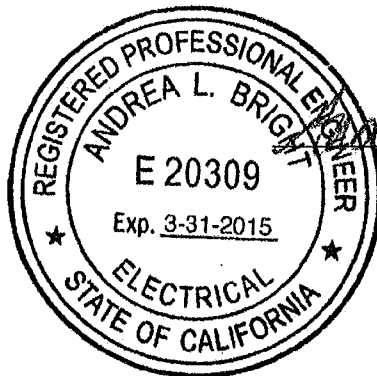
Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that operation of the base station proposed by AT&T Mobility near 6046 Colton Boulevard 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.

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration No. E-20309, which expires on March 31, 2015. This work has been carried out under her direction, and all statements are true and correct of her own knowledge except, where noted, when data has been supplied by others, which data she believes to be correct.

February 13, 2015



Andrea L. Bright

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

[‡] 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.

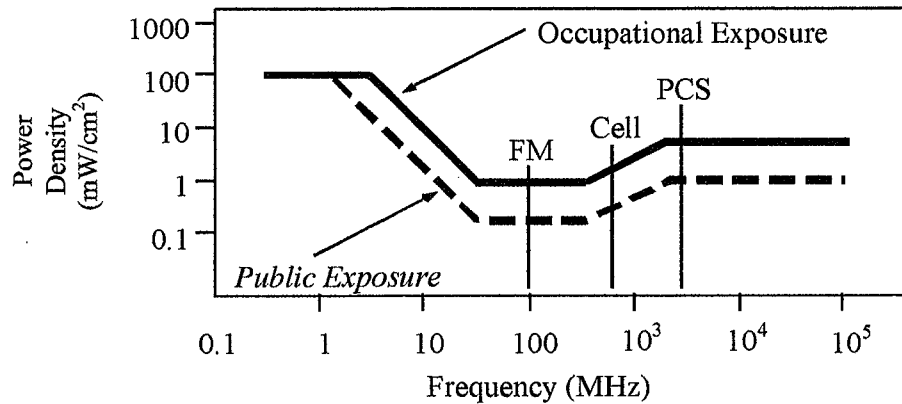


FCC Radio Frequency Protection Guide

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

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

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



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

RFR.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

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

Near Field.

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

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

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

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

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

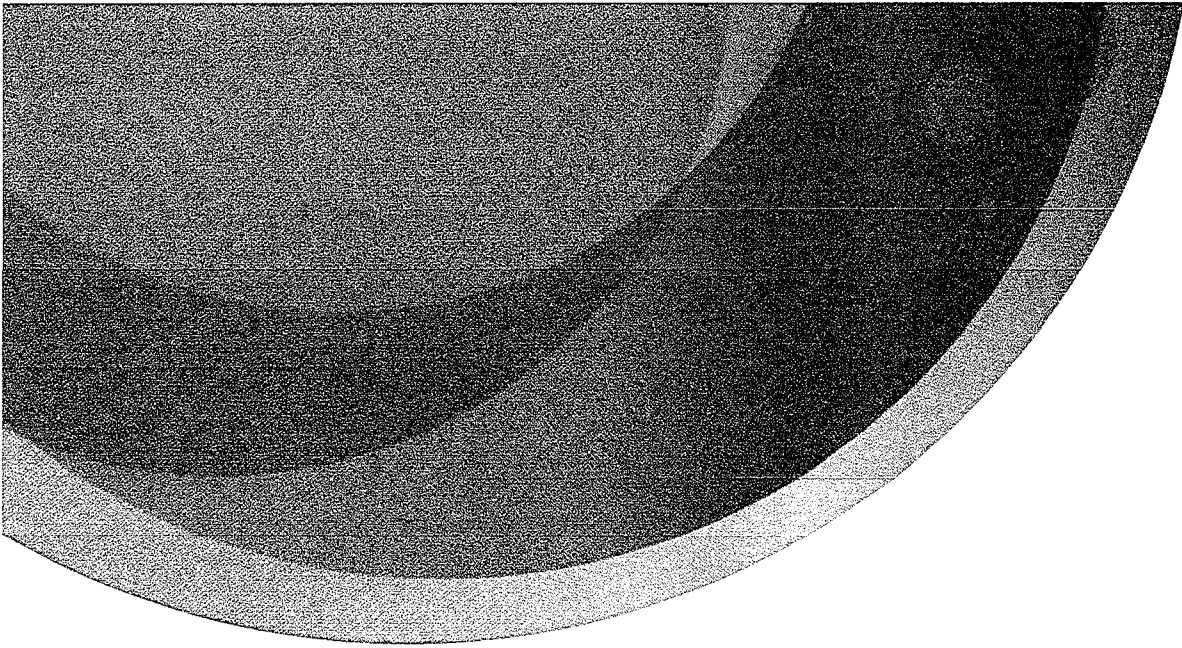
Far Field.

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

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

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

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



Rethink Possible[®]



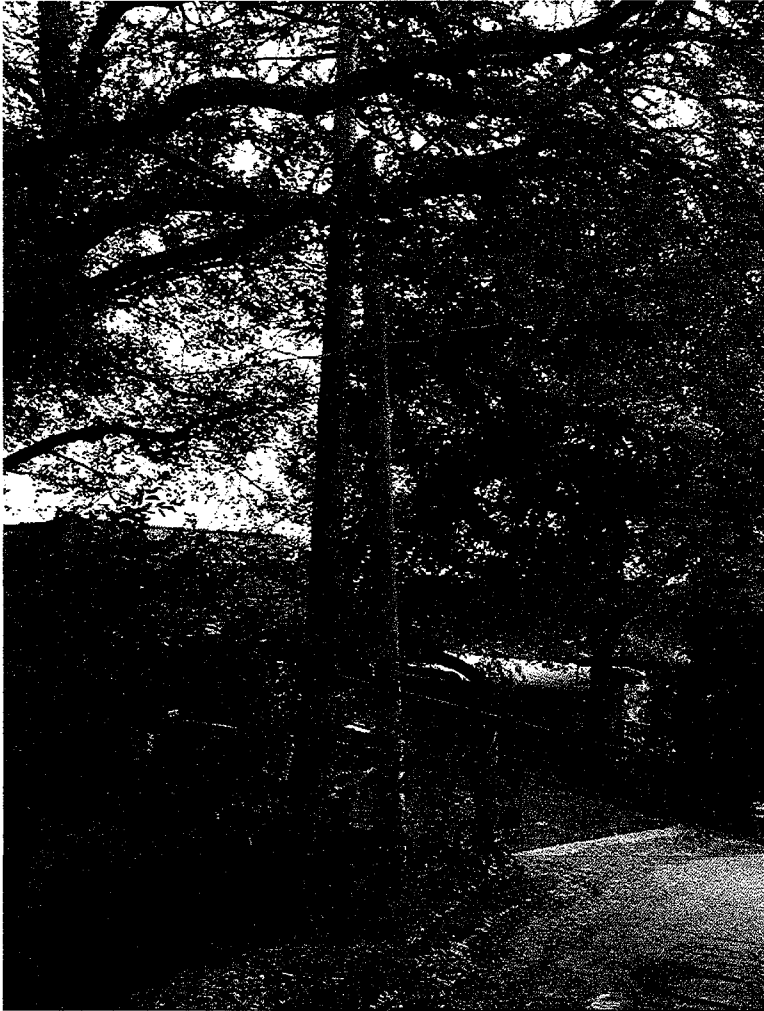
**Node 52L – 6046 Colton Blvd.
Alternative Site Analysis
March 4, 2015**

Node 52 – Overview Map

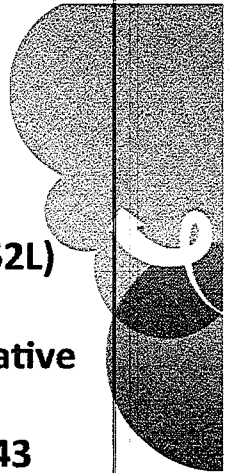


On the map above, the originally proposed site location in the public right-of-way near 5826 Mendoza Drive (JPA110107943) is marked with a blue pin. The 17 alternative sites that AT&T analyzed are marked by yellow pins including the present proposal Node 52L at 6046 Colton Boulevard.

Proposed Node 52L



- The newly proposed pole location (Node 52L) is identified as JPA 110110787, near 6046 Colton Boulevard. It was listed as “Alternative 10” in the original application DR13-020 (withdrawn) at JPA pole number 110107943 near 5826 Mendoza Drive (Node 52B, now listed here as “Alternative 10” to this proposal).
- AT&T re-evaluated this site and nearby alternatives in order to determine whether it is the least intrusive means to close AT&T’s significant service coverage gap in the area. AT&T’s analysis considered the city’s code, input of city staff, Planning Commission, City Council and residents nearby.



Alternative 1 – Node 52C

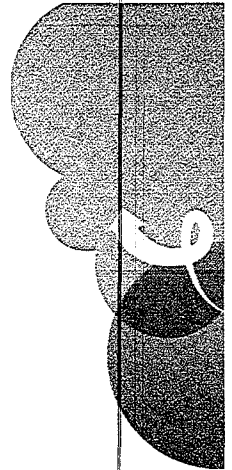


- **Alternative 1 (Node 52C) is identified as JPA 110306400 across from the side of 5826 Mendoza Drive.**
- **This site is located on the corner of a switchback along Mendoza Drive, which continues with a hard left (containing a view corridor) and splits off to Cabrillo Place. Behind the camera view, there are two residences overlooking this alternative pole, so this pole is more intrusive than the primary site in terms of view impact.**
- **This alternative is not feasible from a radio frequency perspective due to terrain obstruction.**

Alternative 2 – Node 52D



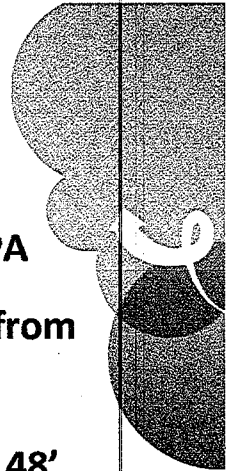
- **Alternative 2 (Node 52D) is identified as JPA 110107942 at 5801 Mendoza Drive.**
- **This site is located at the intersection of Mendoza Drive and Colton Boulevard, situated at a corner without the natural screening. A facility at this pole would be more intrusive than the proposed facility because it would impose more of a view impact.**



Alternative 3 – Node 52E



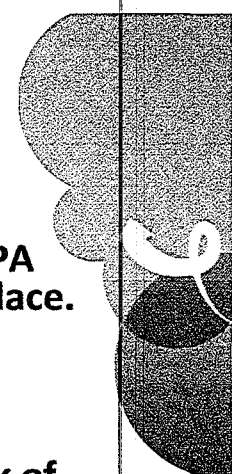
- **Alternative 3 (Node 52E) is identified as JPA 110107994, the standoff pole near 5817 Mendoza Drive, directly across the street from the originally chosen site.**
- **To be feasible from a radio frequency perspective, this site would require a new 48' 7" pole.**
- **A site here would impose a view impact to nearby residents and would be more intrusive than the proposed site.**



Alternative 4 – Node 52F



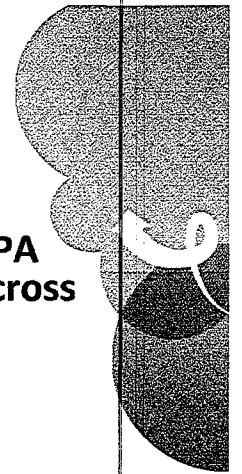
- **Alternative 4 (Node 52F) is identified as JPA 110107945, between 30 and 33 Cabrillo Place.**
- **This location is not a feasible from a construction perspective due to the configuration and loading on the pole. It cannot support our equipment due to lack of climbing space required per CPUC General Order 95.**



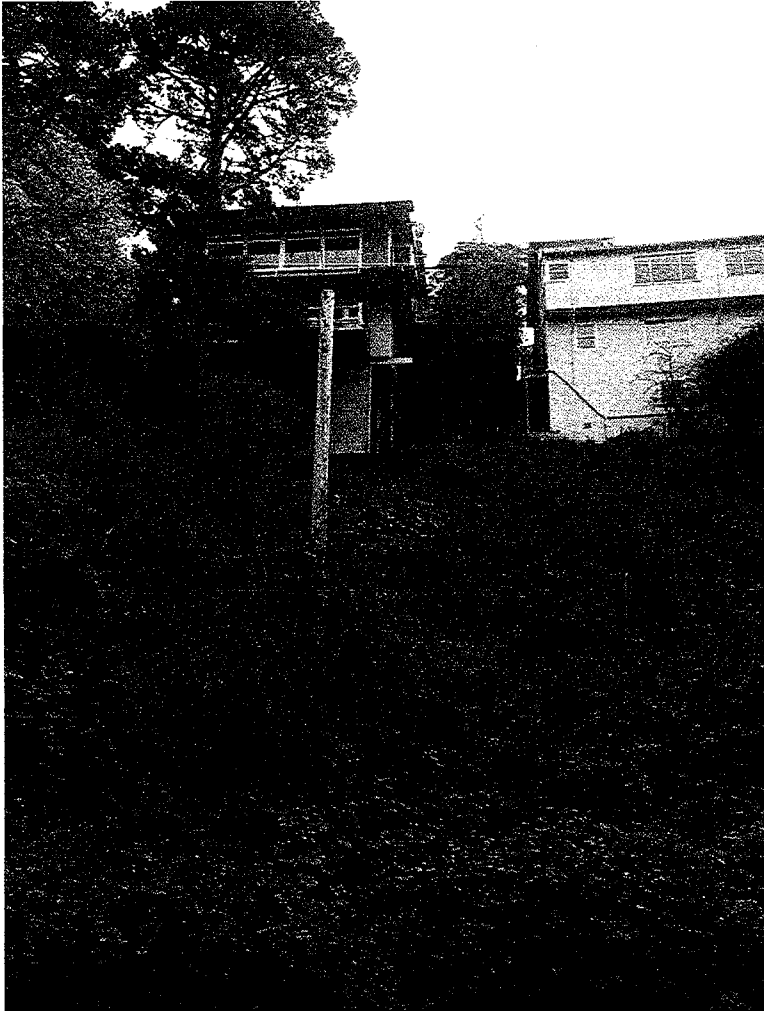
Alternative 5 – Node 52G



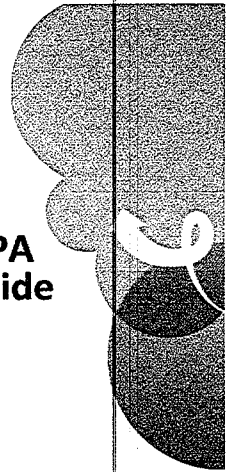
- **Alternative 5 (Node 52G) is identified as JPA 11017944, next to 10 Cabrillo Place and across the street from 1 Cabrillo Place.**
- **This location is not a feasible from a construction perspective due to the configuration and loading on the pole. It cannot support our equipment due to lack of climbing space required per CPUC General Order 95.**



Alternative 6 – Node 52H



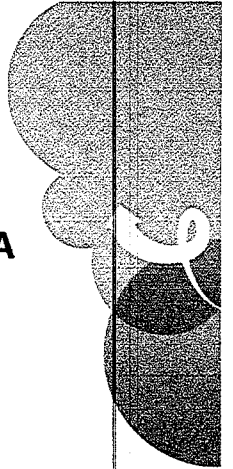
- **Alternative 6 (Node 52H) is identified as JPA 110107934, the support pole, at the east side of the intersection of Mendoza Drive and Cabrillo Place.**
- **This location is not feasible from a radio frequency perspective due to the steep hillside directly to the east and obstructions from the residential houses and trees.**
- **This pole is not well-screened and would impose a view impact to nearby uphill residents, so it would be more intrusive than the proposed site.**



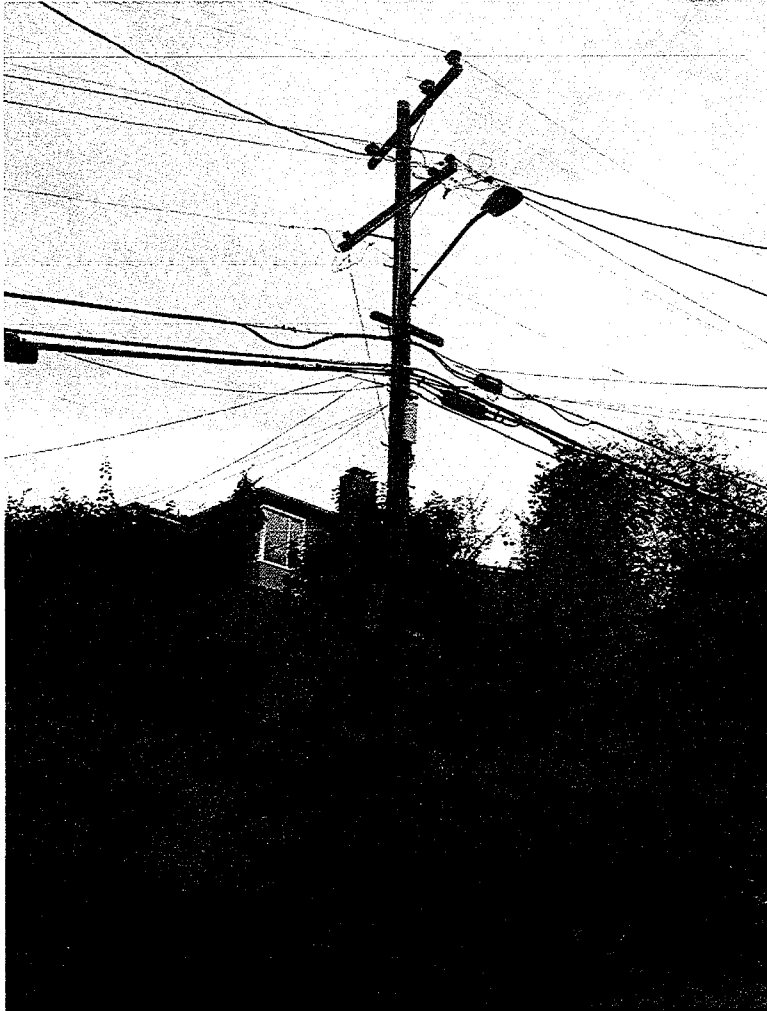
Alternative 7 – Node 52I



- **Alternative 7 (Node 52I) is identified as JPA 110110776, at the west corner of Colton Boulevard and Mendoza Drive.**
- **This location is not a feasible from a construction perspective due to the configuration and loading on the pole. It cannot support our equipment due to lack of climbing space required per CPUC General Order 95.**



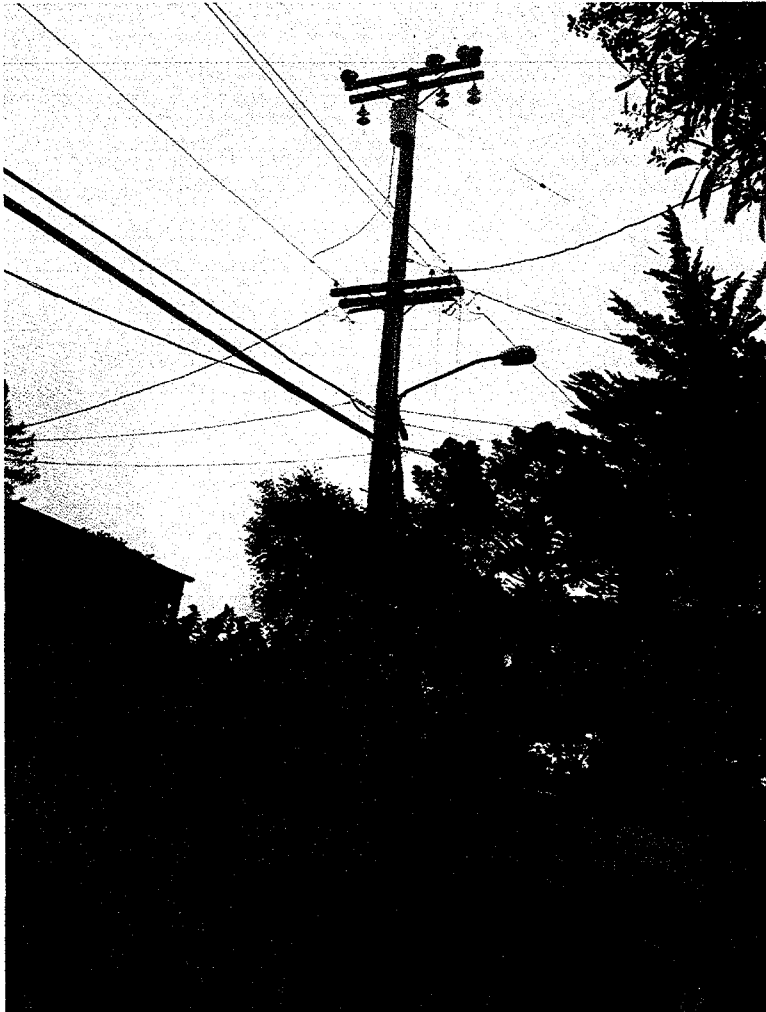
Alternative 8 – Node 52J



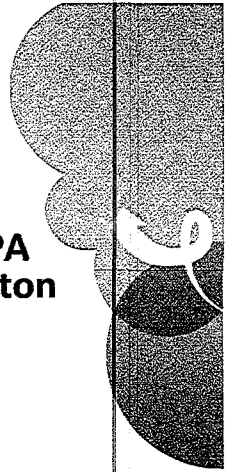
- **Alternative 8 (Node 52J) is identified as JPA 110110875, at the east corner of Colton Boulevard and Mendoza Drive.**
- **This location is not a viable alternative due to the current configuration and loading on the pole. It cannot support our equipment due to lack of climbing space required per CPUC General Order 95.**



Alternative 9 – Node 52K



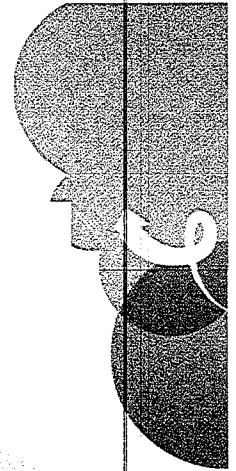
- **Alternative 9 (Node 52K) is identified as JPA 110110826, across the road from 6046 Colton Boulevard.**
- **This location is not a feasible from a construction perspective due to the configuration and loading on the pole. It cannot support our equipment due to lack of climbing space required per CPUC General Order 95.**



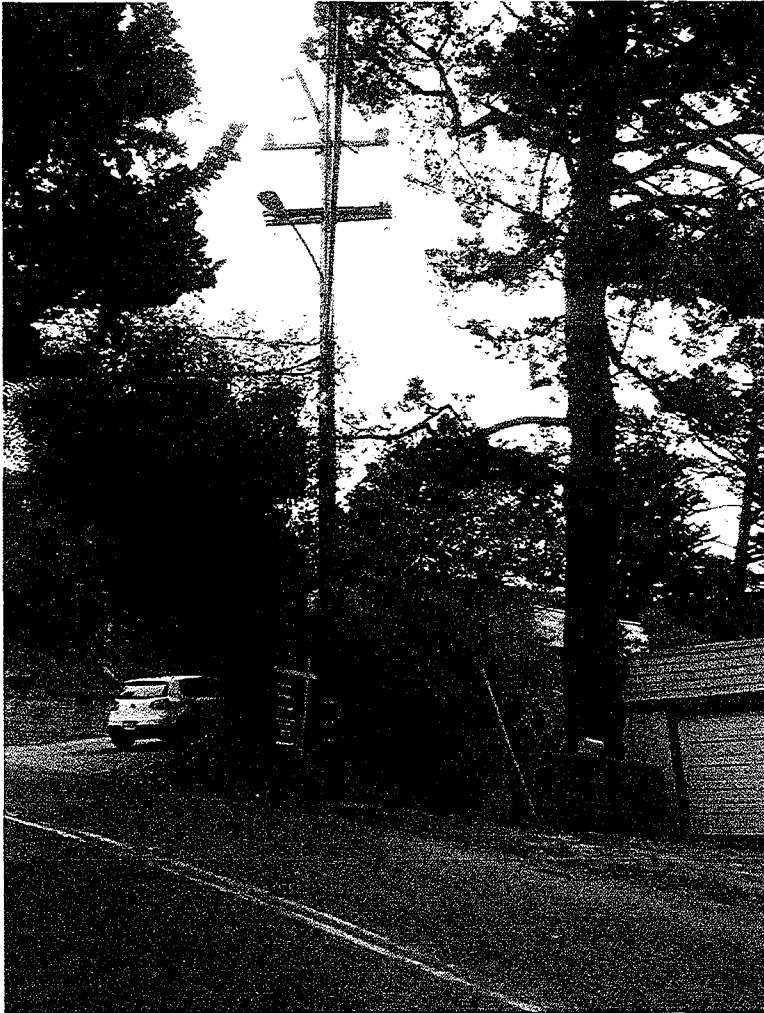
Alternative 10 - Node 52B (Originally Proposed Site)



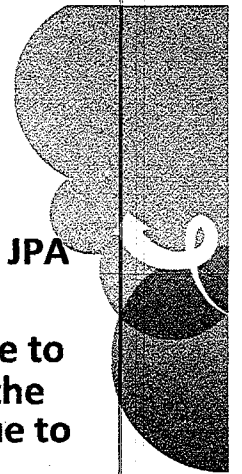
- The originally proposed site, here listed as Alternative 10 or Node 52B, is identified as JPA 110107943 near 5826 Mendoza Drive.
- The photo above is a panoramic view taken of the existing pole to capture its setting and surroundings.
- AT&T re-evaluated this site and nearby alternatives in order to determine whether it is the least intrusive means to close AT&T's significant service coverage gap in the area. AT&T's analysis considered the city's code, input of city staff, and concerns of the residents who live nearby. The currently proposed Node 52L is an alternative to this originally proposed Node 52B. A site here at 5826 Mendoza Drive is still viable to close AT&T's significant service coverage gap in the area, but is not preferred by City Council.



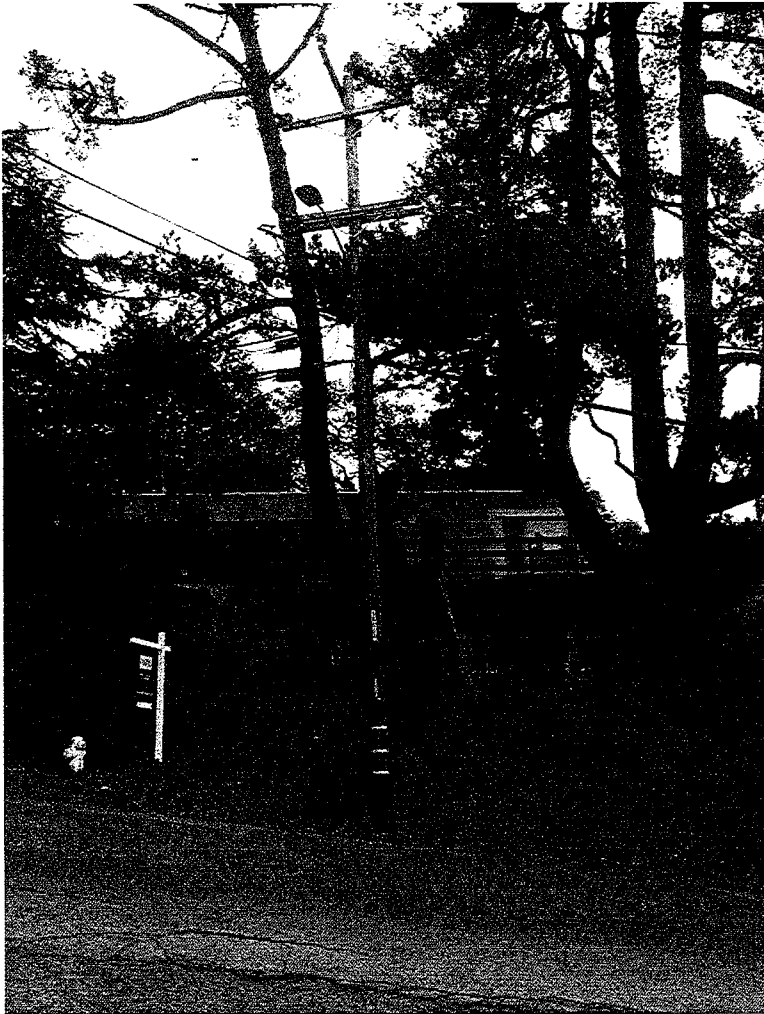
Alternative 11 – Node 52M



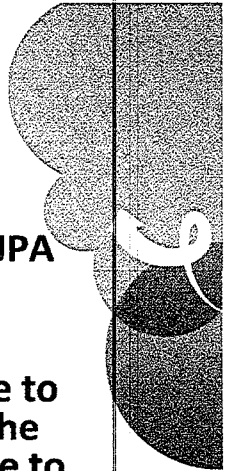
- **Alternative 11 (Node 52M) is identified as JPA 110110784, at 6066 Colton Boulevard.**
- **This location is not a viable alternative due to the current configuration and loading on the pole. It cannot support our equipment due to lack of climbing space required per CPUC General Order 95.**



Alternative 12 – Node 52N



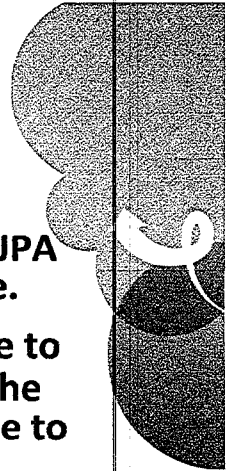
- **Alternative 12 (Node 52N) is identified as JPA 110350126, located at the intersection of Colton Boulevard Mazuela Drive.**
- **This location is not a viable alternative due to the current configuration and loading on the pole. It cannot support our equipment due to lack of climbing space required per CPUC General Order 95.**



Alternative 13 – Node 520



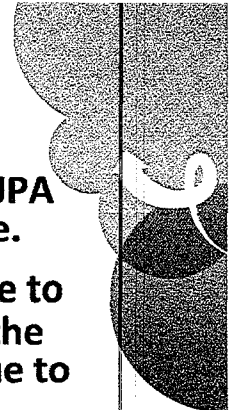
- **Alternative 13 (Node 520) is identified as JPA 110110858, located at 5901 Mazuela Drive.**
- **This location is not a viable alternative due to the current configuration and loading on the pole. It cannot support our equipment due to lack of climbing space required per CPUC General Order 95.**



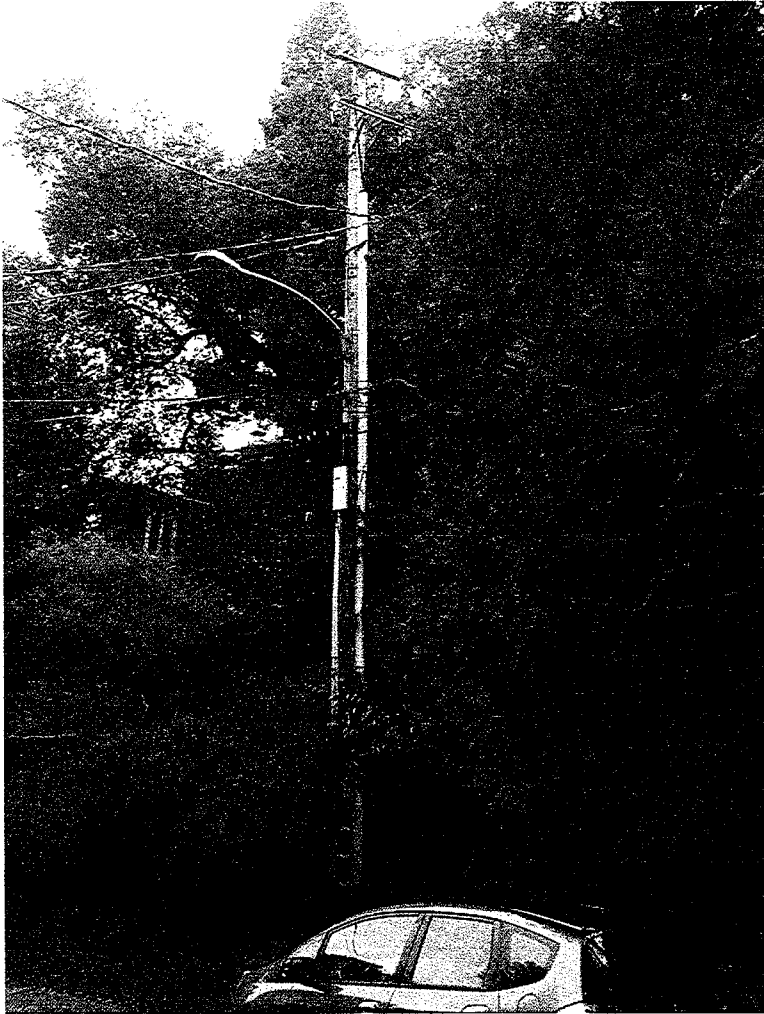
Alternative 14 – Node 52P



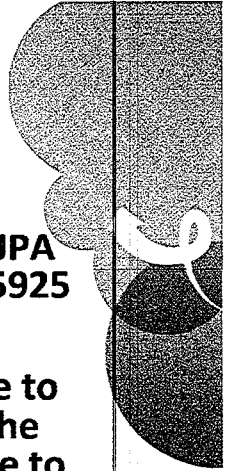
- **Alternative 14 (Node 52P) is identified as JPA 110110859, located at 5907 Mazuela Drive.**
- **This location is not a viable alternative due to the current configuration and loading on the pole. It cannot support our equipment due to lack of climbing space required per CPUC General Order 95.**



Alternative 15 – Node 52Q



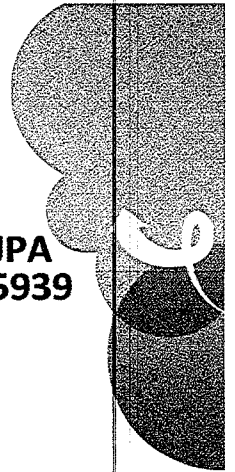
- **Alternative 15 (Node 52Q) is identified as JPA 110110785, located across the road from 5925 Mazuela Drive.**
- **This location is not a viable alternative due to the current configuration and loading on the pole. It cannot support our equipment due to lack of climbing space required per CPUC General Order 95.**



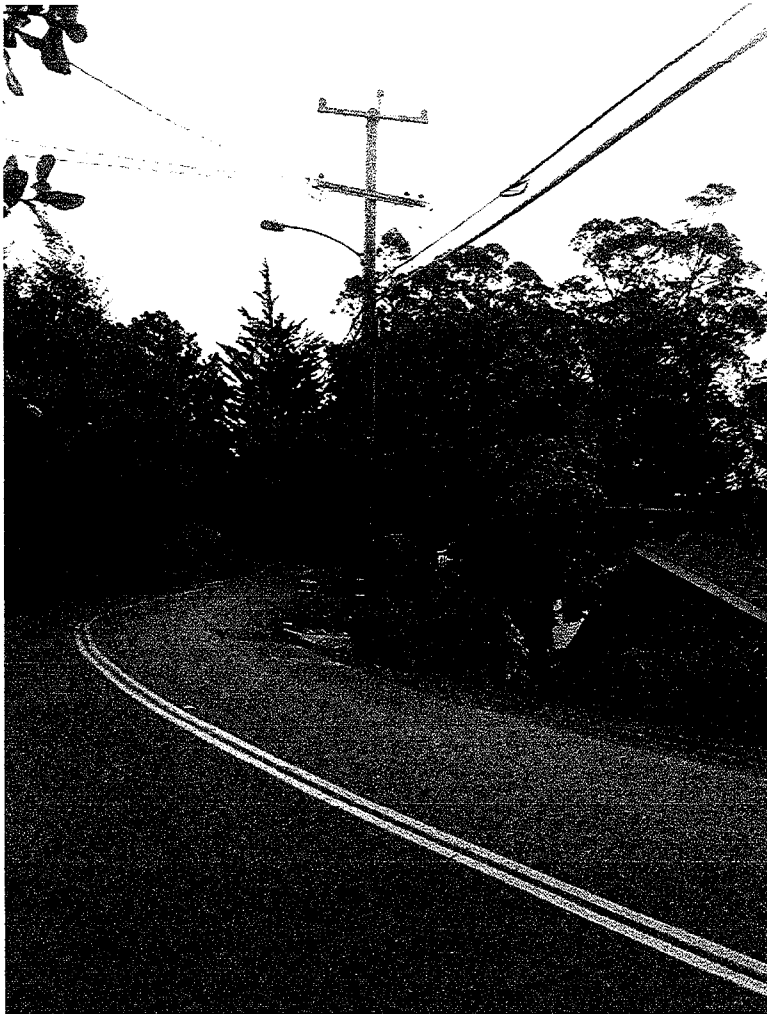
Alternative 16 – Node 52R



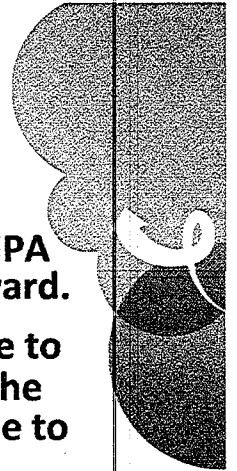
- **Alternative 16 (Node 52R) is identified as JPA 110107935, located across the road from 5939 Mazuela Drive.**
- **This location is not feasible from a radio frequency perspective.**



Alternative 17 – Node 52S

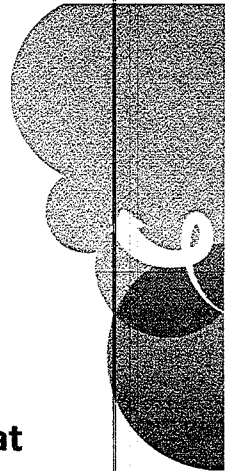


- **Alternative 17 (Node 52S) is identified as JPA 110418488, located at 6030 Colton Boulevard.**
- **This location is not a viable alternative due to the current configuration and loading on the pole. It cannot support our equipment due to lack of climbing space required per CPUC General Order 95.**



Conclusion

Based on AT&T's analysis of alternative sites, if the originally chosen candidate Node 52B at 5826 Mendoza Drive is not preferred by the City then the proposed Node 52L at 6046 Colton Boulevard is the least intrusive means to close AT&T's significant service coverage gap in the area.



As the popularity of wireless devices (including tablets and smartphones) continues to increase, wireless providers continue to upgrade their networks. Local governments play an important role in the deployment of wireless communications facilities with land use regulations which seek to balance the need for faster, better service and the aesthetic and other impacts these facilities have on communities.

The Federal Communications Commission (FCC) recently issued new regulations that *require* local governments to approve some co-locations at previously approved and built facilities. These co-locations are not limited to traditional telecommunications towers (the large industrial monopoles) but apply to essentially any telecommunications facility.

The attached Zoning Code Bulletin provides a summary of the new FCC regulations and the limitations it imposes on certain co-location proposals (see Attachment A, Question 1).

The Zoning Code Bulletin also summarizes the now long-standing policy of the City of Oakland to require formal Design Review Approval of telecommunications facilities within the rights-of-way, such as panel antennae and related equipment on joint-use telephone poles. This policy was implemented after, and as a result of, the court case Sprint PCS Assets, LLC vs. the City of Palos Verdes Estates which occurred late in 2009. In November, 2010, staff provided a Director's Report regarding this policy. Prior to this policy implementation, such right-of-way installations were handled ministerially by the Public Works staff (see Attachment A, Question 2).

Prepared by:



Scott Miller, Zoning Manager

Approved for forwarding to Planning Commission by:



Darin Ranelletti, Deputy Director
Bureau of Planning

Attachment: A. Zoning Code Bulletin, Telecommunications Facilities, Issued July 15, 2015



Planning and Building
Department

ZONING CODE BULLETIN

DATE EFFECTIVE: April 8, 2015 (original issue date: April 23, 2013)

ZONING TOPICS: Exclusions from the Telecommunications Regulations (Chapter 17.128) for minor modifications to existing telecommunications facilities and Applications for Joint Utility Pole Mounted Telecommunications Facilities

PERTINENT CODE SECTION: 17.128.020 Telecommunications Regulations/Exclusions, 17.128.025 Restrictions on telecommunications facilities; 17.136 Design Review Procedure

QUESTIONS:

(1) How does the Planning and Zoning Division interpret and process applications for proposed modifications subject to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (codified at 47 U.S.C. 1455) ("Section 6409(a)") as implemented by 47 C.F.R. 1.40001 ("FCC Regulations"); this relates to what constitutes a "minor modification" to an existing telecommunications facility for purposes of exclusion from zoning approvals under Section 17.128.020 of the Planning Code; and

(2) How does the Planning and Zoning Division interpret Section 17.128.025 of the Planning Code and process applications for proposed joint (utility) pole mounted telecommunications facilities subject to California Public Utilities Code section 7901?

QUESTION 1) Section 6409(a)

Section 6409(a) and recently adopted FCC Regulations that implement Section 6409(a) mandate approval of requests for specified modifications to existing telecommunications facilities that do not "substantially change" the physical dimensions of the telecommunication facilities. Requests for such modifications are quite routine, and typically involve replacements of antennas, equipment cabinets, and other related equipment. Section 17.128.020 of the Planning Code exempts "minor modifications of existing wireless communications facilities" from the City's Telecommunications Regulations. The purpose of this Zoning Code Bulletin is to clarify that "minor modifications" to existing telecommunications facilities shall be those modifications that fall within the scope of Section 6409(a) and the FCC Regulations, to describe the City's interpretation of Section 6409(a) and the FCC Regulations, and to update applicable timelines for processing of such applications. *Projects subject to Section 6409 have been subject to a Small Project Design Review ("DS-1"), generally decided by staff at the Zoning Counter; under updated regulations mandated by the FCC, a wider range of projects will now be subject to a DS-1 Zoning Permit procedure (See Sections C1-3 & D1-4, below).*

A. Overview. To the extent expressly required by Section 6409(a) and the FCC Regulations, previously approved telecommunications facilities may be modified in a manner that does not substantially change the physical dimensions of the telecommunications facility's Tower or Base Station as set forth in sections (C) and (D) below.

Effective April 8, 2015

B. Definitions. Terms used in this Zoning Code Bulletin have the following meanings:

1. "Base Station" means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network, including (a) equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and (b) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks). Base Station does not include Tower.

2. "Collocation" means the mounting or installation of transmission equipment on the Base Station or Tower of an existing telecommunication facility for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

3. "Site" means (a) for Towers other than Towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the Site, and, (b) for all other Towers or Base Stations, further restricted to that area in proximity to the Tower or Base Station and to other Transmission Equipment already deployed on the ground.

4. "Transmission Equipment" means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

5. "Tower" means any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

C. Towers Outside of the ROW. Any request to modify a Tower located outside of the public right of way for the Collocation, removal or replacement of Transmission Equipment shall be approved pursuant to section (E) unless it meets any of the following criteria:

1. It increases the height of the Tower by more than ten percent (10%) or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater;

2. It involves adding an appurtenance to the body of the Tower that would protrude from the edge of the Tower more than twenty (20) feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater;

3. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets;
4. It entails any excavation or deployment outside the Site;
5. It would defeat the concealment elements of the Tower;
6. It does not comply with existing conditions of approval for the Tower provided that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in this subsection; or
7. It does not comply with applicable building codes or other applicable health and safety standards.

D. Other Telecommunications Facilities. Any request to modify a Base Station or a Tower located within the public right of way for the Collocation, removal or replacement of Transmission Equipment shall be approved pursuant to section (E) unless it meets any of the following criteria:

1. It increases the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater;
2. It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
3. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets;
4. It involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure;
5. It entails any excavation or deployment outside the Site;
6. It would defeat the concealment elements of the Tower or Base Station;
7. It does not comply with existing conditions of approval for the Tower or Base Station provided that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in this subsection; or
8. It does not comply with applicable building codes or other applicable health and safety standards.

E. Zoning Manager Review and Approval.

1. Any applicant requesting review pursuant to Section 6409(a) and/or the FCC Regulations shall do so at the time the initial application is filed with the City and shall submit a photo-simulation of the proposed modification and a RF (Radio Frequency) 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. However, projects involving accessory equipment only and not antennas and/or equipment cabinets need not submit photo-simulations and RF Reports, unless specifically requested for due cause on a case-by-case basis. Moreover, the Zoning Manager shall accept such application upon payment of the applicable fee. Except as otherwise provided, the application shall be considered a "minor modification" under Section 17.128.020 of the Planning Code and shall be processed as a Small Project Design Review under Section 17.136.030 of the Planning Code.

2. Upon application submittal, the Zoning Manager shall review the application to determine if it meets the requirements of section (C) or (D). The Zoning Manager may require additional information from the applicant as necessary to make this determination. Subject to section (F), the Zoning Manager shall approve a request that meets the criteria of section (C) or (D). However, the Zoning Manager may condition the approval on compliance with applicable building codes or reasonable health and safety standards.

3. The timeline ("shot clock") for the Zoning Manager to review applications for compliance with Section 6409(a) is 60 days from the date the application is filed and accepted by the City, and the shot clock is tolled or paused if an application is deemed incomplete. The City must send written notice of incompleteness specifically identifying all missing documents and information within 30 days of receipt, and must send written notice of incompleteness no later than 10 days following a supplemental submission to notify the applicant if the supplemental submission did not provide information identified in the prior notice. Alternatively, the applicant and the Zoning Manager may agree to extend or toll the shot clock.

F. Effect of Changes to Federal Law. This section does not and shall not be construed to grant any rights beyond those granted by Section 6409(a) as implemented by the FCC Regulations. In the event Section 6409(a) or the FCC Regulations are stayed, amended, revised or otherwise not in effect, no modifications to a telecommunications facility shall be approved under section (E).

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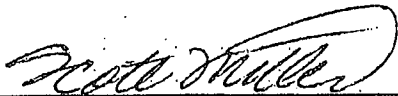
QUESTION 2) California Public Utilities Code section 7901

Section 17.128.025 of the Planning Code, which provides, “[a]ny Telecommunications Facility shall not be permitted in, or within one hundred (100) feet of the boundary of, any residential zone, HBX Zone, or D-CE-3 or D-CE-4 Zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134”, does not apply to telecommunications facilities located on joint utility poles located in the public right of way.

The California Public Utilities Code provides certain telecommunications companies with a right to construct telecommunications facilities “in such manner and at such points as not to incommode the public use of the road or highway”, and states that “municipalities shall have the right to exercise reasonable control as to the time, place, and manner in which roads, highways, and waterways are accessed.” (Cal. Pub. Util. Code, §§ 7901, 7901.1.) In 2009, the Ninth Circuit Court of Appeal held that the City may consider aesthetics with respect to the siting of telecommunications facilities within its rights-of-way (see Sprint PCS Assets, LLC v. City of Palos Verdes Estates (9th Cir. 2009) 583 F.3d 716, 725). Based on this decision, the City began requiring Design Review for the co-location of telecommunications facilities on existing utility infrastructure located within the rights-of-way, whereas previously these co-location projects had undergone only a ministerial review process (see Planning Commission director’s report dated November 17, 2010).

Thus, applications for the co-location of telecommunications facilities on joint utility poles located in the public right of way are subject only to Regular Design Review with additional Design Review findings for Macro Telecommunications Facilities (and any other additional Design Review findings required by the Zoning District), and are decided by the Planning Commission as a Major Permit. In addition to regular and additional design review criteria, these facilities are also subject to the Site Design and Location Preference requirements contained in Chapter 17.128.

REVIEWED AND APPROVED BY:



Scott Miller
ZONING MANAGER

Date Issued: July 15, 2015

REFERENCES

- Planning Code Chapters 17.128, 136

ATTACHMENT D

16. TREE TRIMMING CONDITION OF APPROVAL:

Existing vegetation within the right-of-way immediately surrounding the replacement utility pole shall be preserved and only minimal pruning (if any) shall be allowed if absolutely necessary to facilitate the actual installation of the replacement pole, antennas, and/or equipment. Furthermore, any vegetation proposed for trimming and/or removal shall be 1st marked with colored tape or ribbon (visible from ground level) at least 14 calendar days in advance of proposed removal, with review and approval to trim and/or remove vegetation granted by the Zoning Division Manager, and if applicable, by the Department of Public Works Tree Services Division. The only exception to this protocol would be trimming necessary for immediate life safety considerations for public safety.

ATTACHMENT E

17. TREE PERMIT CONDITON OF APPROVAL

▪ ***Tree Permit Required***

Requirement: Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit.

When Required: Prior to approval of construction-related permit

Initial Approval: Permit approval by Public Works Department, Tree Division; evidence of approval submitted to Bureau of Building

Monitoring/Inspection: Bureau of Building

▪ ***Tree Protection During Construction***

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

- i. 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 project's consulting arborist. 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.
 - ii. Where proposed development or other site work is to encroach 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 protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist 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.
 - iii. 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 project's consulting arborist 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 project's consulting arborist. 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 be attached to any protected tree.
 - iv. 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.
 - v. 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 Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in
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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.

- vi. 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.

When Required: During construction

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building