CITY OF OAKLAND

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AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Fred Blackwell

SUBJECT: Telecommunication Facility Appeal

DATE: October 29, 2012

City Administrator Approval: Deanna J. Santana

Date 11/27/12

COUNCIL DISTRICT: #4

RECOMMENDATION

Staff recommends that the City Council adopt:

A Resolution Denying The Appeal (A12-172) Of The Decision of the Oakland Planning Commission, To Grant Approval Of An Application For A Major Conditional Use Permit And Regular Design Review To Make Alterations To An Existing Wireless Telecommunication Facility Located In A Commercial Zone Property, At 5745 Thornhill Drive. (Planning Case File: CMD12-056)

EXECUTIVE SUMMARY

The project Applicant, Streamline Engineering on behalf of Sprint, requested approval from the Planning Commission for a Major Conditional Use Permit and Regular Design Review to replace and relocate an existing telecommunications wireless facility, located on the roof of a two-story mixed use building. The existing wireless facility, located about three feet from the easterly edge of the roof, contains four antenna panels and it is enclosed by a nine square foot and seven foot high screen. The proposed wireless facility will be located about seven feet from the easterly edge of the roof and near the center of the second-story building roof and will contain two new antenna panels. The new antenna panels will be enclosed by a 45 square foot and seven foot high fiberglass reinforced panel screen, and will be painted to match the building. The project also includes the replacement of three existing equipment cabinets with two equipment cabinets inside the existing equipment room, located on the rear roof of the one-story commercial building.

Item: _____
City Council
December 18, 2012

OUTCOME

The Denial of this Appeal will affirm the Planning Commission's approval of the application that was presented at the August 29, 2012 public hearing, and will provide Zoning Entitlements to the applicant thus approving the project. This approval becomes effective immediately and will allow the Applicant to proceed and to apply for the required building permits from the Building Department.

Based on the facts of the record and because the project satisfies all applicable criteria, staff recommends that the City Council deny the appeal. Should the City Council were to approve the Appeal, the Council should direct staff to return at a later date with a Resolution approving the Appeal.

BACKGROUND/LEGISLATIVE HISTORY

Oakland Planning Code

Per Sections 17.33.02 and 17.134.020 (A)(3)(i) of the Oakland Planning Code (OPC), the proposal for a Mini Telecommunication Facility requires a Major Conditional Use Permit if located within 100 feet of the boundary of any residential zone. The project is located in the CN-3 Neighborhood Commercial Zone, and it is within 100 feet of the RH-4 Hillside Residential Zone to the west, northeast and southeast. Per Sections 17.33.020 and 17.128.060 (B) (OPC), the proposal for a Mini Telecommunication Facility requires Regular Design Review. Also, per Section 17.134.040 (A)(1) (OPC), the proposal for a Major Conditional Use Permit to operate a wireless telecommunication facihty shall be considered and decided by the Planning Commission.

Telecommunications Act of 1996 (TCA)

Under the Telecommunications Act of 1996 (TCA), the Federal Communications Commission (FCC) provided limits on cities' zoning jurisdiction over wireless telecommunications facilities, essentially limiting their authority to aesthetic review and confirmation of satisfactory radio frequency (RF) emissions reports.

Section 704 of the TCA provides federal standards for the siting of Personal Wireless Services Facilities that include all commercial mobile and personal mobile communications services and common carrier wireless exchange access services.

Per 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.

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.

Importantly, 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 RF emissions 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).

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.

Public Process/Hearings

On June 21, 2012, the project was noticed for review by the Planning Commission at the July 11, 2012 pubhc hearing. A public notice was posted on the property, and such notices were also mailed to property owners within 300 feet from the subject property at least 17-days prior to the hearing date. At the July 11, 2012 public hearing, and at the request by Staff, the Planning Commission continued the application to the August 29, 2012 hearing, so that the applicant could address the concerns raised by the public regarding the project's RF report. (See ***Attachment B*** in the Staff Report, dated August 29, 2012.) On August 9, 2012, the project was re-noticed to the August 29, 2012 public hearing, and new notices were mailed to property owners. At the August 29, 2012 meeting, staff presented to the Planning Commission the application and recommended approval with conditions. The Planning Commission heard concerns from a nearby resident claiming the project's emission levels went well beyond the maximum permissible exposure estabhshed by the FCC. The Planning Commission also heard testimony from the applicant's engineer who responded to the Commission's questions about how the operation of the proposed project at the site. The Planning Commission then voted to support Staff's recommendation and approved the application with conditions. Sec ***Attachment A*** for the Staff Report, dated July 11, 2012.

ANALYSIS

On August 29, 2012 the Planning Commission approved a Major Conditional Use Permit and Regular Design Review to make alterations to an existing telecommunications wireless facility. The approval of the project included the removal of four antenna panels enclosed by a seven foot

high and nine square foot screen; and the reinstallation of two antenna panels also enclosed by a seven foot high and 45 square foot fiberglass reinforced panel screen, located near the center of the two-story mixed-use building, and included the replacement of cabinets inside the existing equipment room.

The Planning Commission found that the project was a compatible use for the commercial and surrounding residential area, that the collocation and operation of the wireless facility will not create a cumulative impact to the site, and that the project complied with the regulations established by the FCC. The Planning Commission then affirmed Staff s environmental determination and made the required findings thus approving the project with conditions.

On September 11, 2012, the approved project was appealed by Karen Chambers, an adjacent property owner residing at 5747 Grisbome Avenue. The appellant raised concerns that the project does not meet Federal Safety Standards, and that the project does not provide evidence of safety protection to the surrounding neighbors and to school children.

SPECIFIC GROUNDS FOR THE APPEAL

The appellant of the project raised the following issues (See ***Attachment B***/ Letter submitted on September 11, 2012 for details):

1. The project is in a residential community and within a block of schools.
   The Appellant argues that the proposed project is located in a residential community, and the existing telecommunications facility that was originally approved in 2000 was allowed to be placed on top of a residential apartment over a commercial building with no protections to the surrounding hillside residences. The appellant also argues that there are five schools within a block of the existing wireless facility, and no site alternative analysis was prepared for the proposed project.

2. The location and design of the project is not consistent with the character of the area.
   The Appellant argues that the proposed project is isolated and located on the roof of the second-story building and is closer to the residences along Grisbome Avenue. The appellant also argues that the size of the proposed 45 square feet antenna enclosure will impact views of the surrounding homes.

3. The application calls the building commercial, but the project sits on a residential facility.
   The Appellant refers to Section 17.128.110 (OPC), which states the order of preference for placing telecommunication facilities. The appellant indicates that the last order of site location preference is on a residential use building; therefore, the project requires an alternative site analysis.

4. The FCC states that telecommunication facilities must pass safety standards for human exposure to RF emissions. The project's RF report exceeds the FCC's general public limit by 1,638 percent in the 12 foot area around the wireless facility, located over the residential apartment and surrounding residential properties.
   The Appellant argues that the project to replace and expand the existing wireless facility will drastically exceed the guidelines set by the FCC in the surrounding area. The appellant also indicates that the project's power density is 1,638 percent of the FCC's maximum general public limit, that the wireless facility is over the roof of a residential apartment and the facility is at the same height level from the surrounding residences. The appellant states that there was no evidence submitted that shows that the public is safe from the project which has the potential to emit power density of 1,638 percent of the general public limit.

STAFF RESPONSES TO THE APPEAL

1. The proposed wireless facility is located on the roof of a mixed-use (commercial and residential) building in the CN-3 Neighborhood Commercial Zone. The immediate properties to the north, east and south of the project are also zoned commercial, and are occupied by commercial and mixed-use (commercial and residential) facilities. The immediate properties to the west of the project are in a residential zone (RH-4) with residential facilities. The existing wireless facility approved in 2000 under a Conditional Use Permit and Design Review Permit is conforming because it met the required findings, and building permits were issued for its operation. Although staff agrees that there are five schools within one block of the project, two of the schools are located north about 200 feet +/-, and the other three schools are located south about 500 feet +/- from the project site. Staff does not agree that a site alternative analysis should be provided because the project meets Section 17.128.110(A) of the Planning Code for collocating on an existing facility with existing wireless antennas. The project is not located in a residential zone as argued by the appellant, but it is instead located in a commercial zone; therefore for all of these reasons, no site alternative analysis is required.

2. The project meets the findings for design review because the wireless facility is set back from the front facade four feet towards the center of the roof to meet the required 1:1 ratio, the relocation of the facility provides balance, and the antennas will be screened with fiberglass panels to match with the building design. The relocation of the antenna facility will be distanced about 85 feet to the nearest southwest residence along Grisbome Avenue.

3. Two staff reports were published and they described the project to be located on the roof of a two-story mixed-use building (commercial and residential use). Staff disagrees with the appellant statement that the project should require a site alternative analysis because it

is proposed on a residential building. The project does not require a site alternative analysis because the project is not located in a residential zone; the project is located in a commercial zone on the roof of a second-story residential facility over a commercial building. Furthermore, per Section 17.128.110(A) of the Telecommunication Facility regulations, the project was found to meet the Site Location Preference A, for collocating on an existing structure or facility with existing wireless antennas.

4. Staff disagrees with the appellant's argument because the 2012 RF report concludes that the existing and proposed alterations to the wireless facility meet the requirements of the FCC regulations. The project includes an RF emissions report dated August 13, 2012 which states that the project meets the requirements from the FCC, and therefore meets the safety standards for human exposure. The project consultant also provided a letter (See Attachment 4 from the August 29, 2012 Staff Report, included here within ***Attachment A***) stating that pre-construction and theoretical post-construction monitoring at the site found no levels above the FCC's general public or occupational limits. The project's RF report does not exceed the FCC's general public limit because it applies theoretical modeling (Estimated Ambient RF Fields) that predicts conditions on site at the worst-case scenarios. The modeling used to measure maximum exposure level from the proposed antennas at the accessible rooftop area exceeds the FCC occupational and general public exposure. It is common practice for wireless carriers to analyze potential Maximum Permissible Exposure (MPE) levels to ensure that site control measures are adequate to meet FCC requirements. The maximum power density modeling used is 1,638 percent of the FCC's general public limit and 328 percent of the FCC's occupational limit. However, the survey in the RF report finds no power density readings greater than the FCC's MPE for occupational and general public exposure limits on the rooftop surface, and at ground level. The project uses directional antenna panels that focus outward and not downward to the residential apartment below the wireless facility. The predictive modeling used at the upper rooftop and nearest to the walking surface adjacent to the antennas indicate that if someone is more than 3 feet away, they do not exceed the maximum occupational exposure limit standards, and if someone is more than 12 feet away, they do not exceed the maximum general public exposure limit standard. Based on this modeling, the project does not affect the surrounding residences. The rooftop area is inaccessible to the public.

PUBLIC OUTREACH/INTEREST

At the August 29, 2012 Planning Commission hearing, two letters of concern from the public were attached to the Staff report. The Commission also heard public testimony from one of the concerned residents, Karen Chambers, the appellant for this project.

COORDINATION

Planning staff consulted with the City Attorney's Office in the preparation of this report.

COST SUMMARY/IMPLICATIONS

There are no fiscal impacts related to this project from the decision of the City Council to approve or deny the appeal of the Planning Commission's decision of the project. There is no fiscal impact related with this project because it is not in City property.

SUSTAINABLE OPPORTUNITIES

Economic: The project to replace the wireless antenna facility will enhance telecommunication services to the surrounding commercial and residential area. The project will continue to meet the demand for improved telecommunication wireless services for businesses in the commercial zone area and will provide economic opportunities for residents who may operate home-based businesses from their own residences in the area. Overall, the project will continue to provide economic vitality to the existing mixed-use neighborhood area.

Environmental: The project replaces an existing wireless telecommunication facility on the roof of a mixed-use facility in a commercially zoned property. The project is categorically exempt from the California Environmental Quality Act (CEQA), and also complies with the standards for limiting public exposure to RF emissions established by the FCC.

Social Equity: The City's goals are to meet the interest of all businesses and residents alike in order to provide social equity for wireless or internet users throughout the City of Oakland. The City has supported and approved similar telecommunication facilities in order to serve and meet the demand of the public in today's technology market.

CEQA

The project is categorically exempt from the environmental review requirements pursuant to Section 15301(e) for additions and/or alterations to existing structures and pursuant to Section 15183 for projects consistent with a Community Plan, General Plan or Zoning.

For questions regarding this report, please contact Mike Rivera, Planner II, at (510) 238-6417.

Respectfully submitted,

Fred Blackwell
Assistant City Administrator

Reviewed by:
Scott Miller
Interim Planning and Zoning Director
Department of Planning and Building

Robert Merkamp
Acting Zoning Manager

Prepared by:
Mike Rivera, Planner II
Planning and Zoning Division

Attachment A- ***Planning Commission Staff Reports, dated Juiy11 and August 29, 2012***
Attachment B- ***Appeal Letter, dated September 11, 2012***

Item: _____
City Council
December 18, 2012

Location:	5745 Thornhill Drive (APN:048G-7420-002-00)
Proposal:	To relocate and replace an existing 9 s.f, 7' high wireless enclosure with a new 45 s.f, 7' high wireless enclosure that would replace 4 antenna panels with 2 new concealed antenna panels, collocate 4 concealed small Radio Remote Unit (RRU's) antennas and to replace 3 equipment cabinets with 2 concealed cabinets, located on the roof of a mixed-use facility. (NOTE: ***This application was not discussed, but it was continued from the July 11th Planning Commission meeting)***
Applicant/Contact Person: Phone Number:	Streamline Engineering, Sam Savig (for Sprint) (916) 622-3737
Owner/Contact:	Carlos Yang & Alicia Halperin
Case File Number:	CMD12-056
Planning Permits Required:	Major Conditional Use Permit for a Mini Telecommunication Facility within 100 feet of the boundary of a residential zone; and Regular Design Review for alterations to existing wireless facility.
General Plan:	Neighborhood Center
Zoning:	CN-3 Neighborhood Commercial Zone
Environmental Determination:	Exempt, Section 15301(e) of the State CEQA Guidelines: Existing Facilities (additions to existing structures); 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: X
Service Delivery District:	2
City Council District:	4
Date Filed:	May 10, 2012 (revised plans submitted on June 12, 2012)
Action to be Taken:	Decision based on staff report
Finality of Decision:	Appealable to City Council within 10 calendar days
For Further Information:	Contact Case Planner Mike Rivera at (510) 238-6417, or by email at mrivera@oaklandnet.com

PROJECT BACKGROUND

This addendum is to the July 11, 2012 Staff Report attached to this document. (See Attachment 1) This addendum addresses the issues raised regarding the Radio Frequency Report, as explained below.

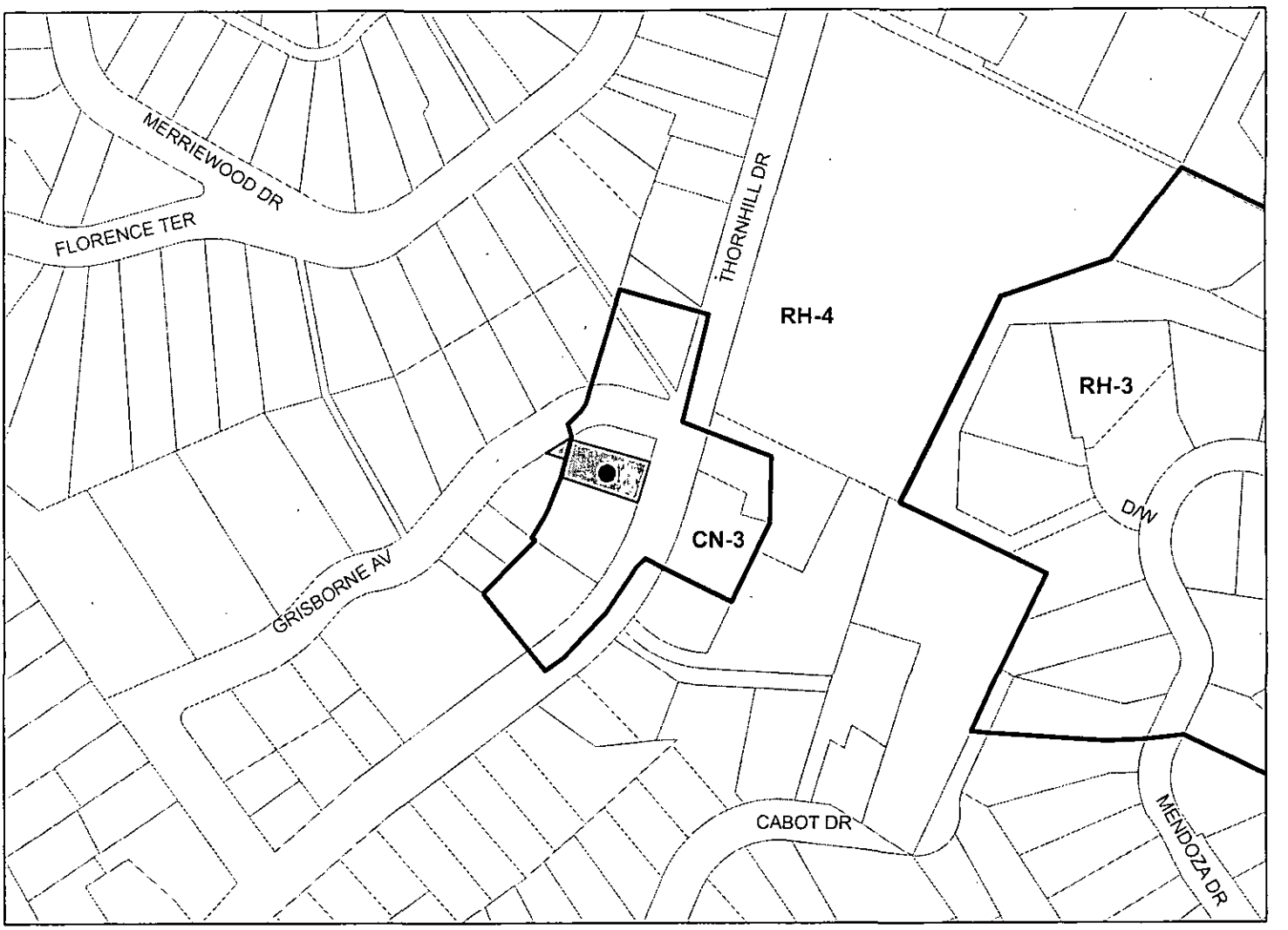
On July 2, 2012, staff received two letters of concern from the public regarding the project's Radio Frequency report. These two letters were not attached to the July 11th staff report because they were submitted after the report was completed. However, copies of these letters were made available at the July 11th Planning Commission meeting and to the general public.

At the July 11th meeting and at Staff s request, the Planning Commission continued the item to the next available August 29th meeting.

On August 9, 2012, the City mailed out new public notices for this proposed application to the surrounding property owners within 300 feet from the subject property, and public notices were also posted around the site in five different locations.

ATTACHMENT A

CITY OF OAKLAND PLANNING COMMISSION



Case File: CMD12-056
Applicant: Streamline Engineering, Sam Savig (for Sprint)
Address: 5745 Thornhill Drive
Zone: CN-3

PUBLIC COMMENTS

The two separate letters submitted on July 2, 2012 by Ms. Karen Chambers (residing at 5747 Grisbome Avenue) and by Ms. Myra Mitzman (residing at 5741 Grisbome Avenue) raised concerns about the information contained in Section 8.0 for the "ESTIMATED AMBIENT RADIO FREQUENCY FIELDS FOR THE PROPOSED SITE" of the Radio Frequency report, prepared on May 3, 2012 by EBI Consulting. In summary, the neighbors' concerns relate to the proposed replacement of the existing wireless antenna facility, and its excess of emitting higher levels of radio frequency electromagnetic fields.(See Attachment 2)

APPLICANT'S RESPONSE

To address the neighbors concerns, staff asked the applicant to respond to the neighbors concerns and submit a revised Radio Frequency report that made it clear that the replacement of the wireless facility meets the requirements of the (FCC) Federal Communications Commission. On August 14, 2012 the applicant submitted a revised Radio Frequency report, dated August 13, 2012, prepared by the same consultant EBI. (See Attachment 3) Furthermore, on August 16, 2012, the applicant submitted a letter by EBI Consulting stating that EBI completed a pre-constmction and theoretical post constmction monitoring at the proposed development site. EBI concluded that there were no levels above the FCC general public or occupational limits based on current conditions. (See Attachment 4) The applicant has also indicated that the project engineer for EBI Consulting will attend the Planning Commission meeting to answer any questions.

STAFF COMMENTS

Based on the additional information submitted by the applicant, T-Mobile and based on the original staff report prepared for the July 11, 2012 Planning Commission meeting, staff s position has not changed and thus recommends approval subject to those Finding and Conditions of Approval. (See Attachment 1)

Prepared by:

Mike Rivera
City Planner II

Approved by:

Robert D. Merkamp, Acting Zoning Manager
Department of Planning, Building, and Neighborhood Preservation

Approved for forwarding to the
City Planning Commission:

Scott Miller, Interim Director
Department of Planning, Building, and Neighborhood Preservation

ATTACHMENTS

1. Original Staff Report, dated July11, 2012
2. Neighbors Letters of Concerns, dated received July 2, 2012
3. Revised Radio Frequency report by EBI Consultant, dated received August 14, 2012
4. EBI Consultant's Letter, dated received August 16, 2012

Location:	5745 Thornhill Drive (APN:048G-7420-002-00)
Proposal:	To relocate and replace an existing 9 s.f., 7' high wireless enclosure with a new 45 s.f., 7' high wireless enclosure that would replace 4 antenna panels with 2 new concealed antenna panels, collocate 4 concealed small Radio Remote Unit (RRU's) antennas and to replace 3 equipment cabinets with 2 concealed cabinets, located on the roof of a mixed-use facility.
Applicant/Contact Person: Phone Number:	Streamline Engineering, Sam Savig (for Sprint) (916) 622-3737
Owner/Contact:	Carlos Yang & Alicia Halperin
Case File Number:	CMD12-056
Planning Permits Required:	Major Conditional Use Permit for a Mini Telecommunication Facility within 100 feet of the boundary of a residential zone; and Regular Design Review for alterations to existing wireless facility.
General Plan:	Neighborhood Center
Zoning:	CN-3 Neighborhood Commercial Zone
Environmental Determination:	Exempt, Section 15301(e) of the State CEQA Guidelines: Existing Facilities (additions to existing structures); 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: X
Service Delivery District:	2
City Council District:	4
Date Filed:	May 10, 2012 (revised plans submitted on June 12, 2012)
Action to be Taken:	Decision based on staff report
Finality of Decision:	Appealable to City Council within 10 calendar days
For Further Information:	Contact Case Planner Mike Rivera at (510) 238-6417, or by email at mrivera@oaklandnet.com

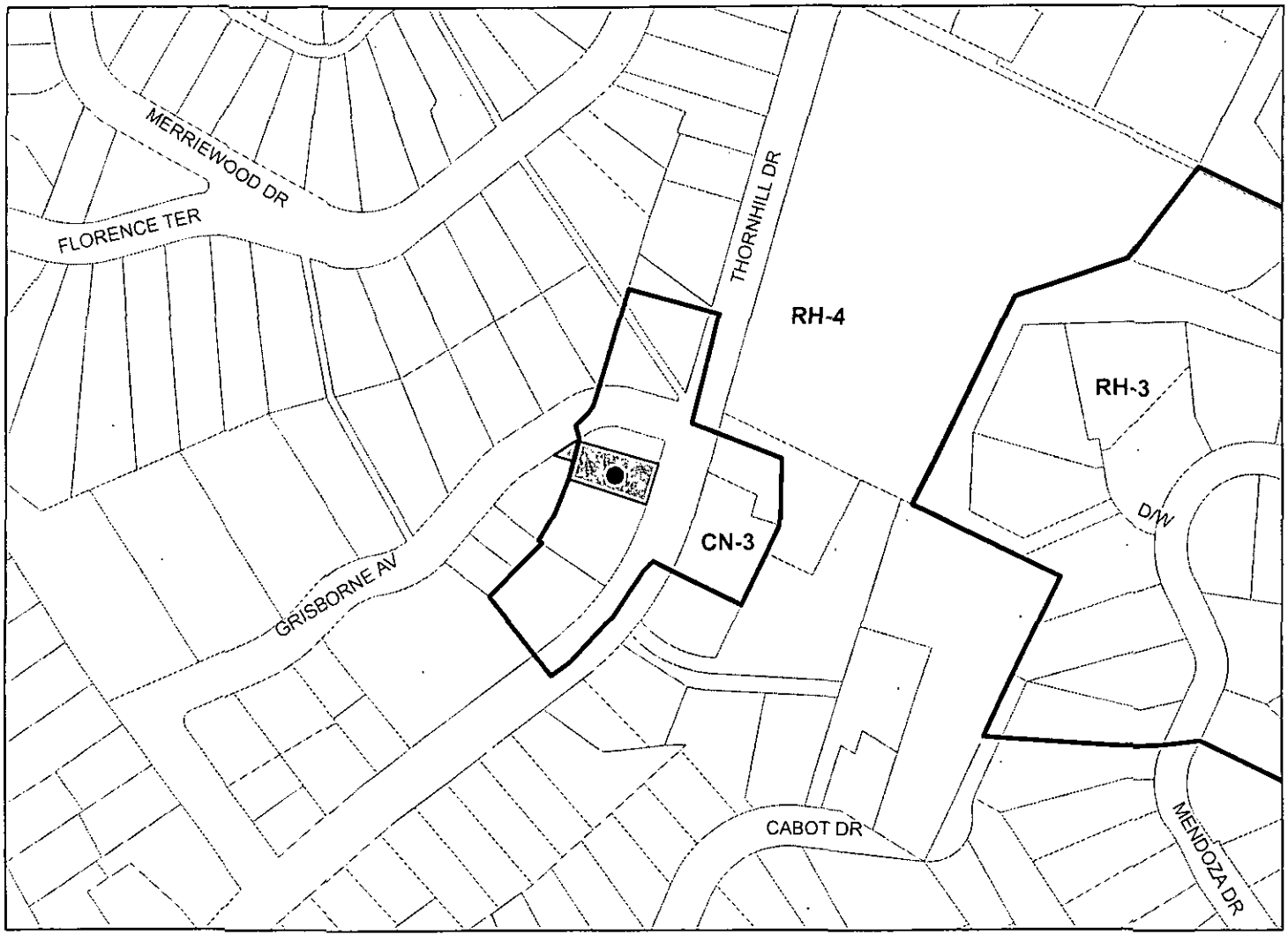
PROJECT SUMMARY

The applicant, on behalf of Sprint, requests a Major Conditional Use Permit and Regular Design Review to relocate an existing 9 square foot, 7 foot high (enclosed by a faux chimney) wireless facility with a new 45 square, and 7 foot high wireless facility to be located near the center of the second-story roof. The relocation of the new wireless facility includes the replacement of 4 antenna panels with 2 new antenna panels and the collocation of 4 new small Radio Remote Unit (RRU's) antennas. The new wireless facility will also be screened by a new fiberglass reinforced panel enclosure. The proposal includes the replacement of 3 equipment cabinets with 2 new cabinets inside the existing equipment room located on the rear roof of the one-story commercial building. The property is surrounded to the north, east and south by commercial zone properties and to the west by residential zone properties.

Per Section 17.134.020(A)(3)(i) of the Oakland Planning Code, a Major Conditional Use Permit is required for a Telecommunications Facility located within one hundred (100) feet of the boundary of any residential zone. This property is located within 100 feet of the RH-4 Residential Zone to the west. The Planning Commission is the decision-making body for this proposed application.

Attachment 1

CITY OF OAKLAND PLANNING COMMISSION



Case File: CMD12-056
Applicant: Streamline Engineering, Sam Savig (for Sprint)
Address: 5745 Thornhill Drive
Zone: CN-3

Staff recommends approval subject to the required Findings (Attachment A) and Conditions of Approval (Attachment B).

TELECOMMUNICATIONS BACKGROUND

Under the Telecommunications Act of 1996, the Federal Communications Commission (FCC) provided limits on cities' zoning jurisdiction over wireless telecommunications facilities, essentially limiting their authority to aesthetic review and confirmation of satisfactory radio frequency (RF) emissions reports. For further information, the Federal Communications Commission can be contacted at 1-888-225-5322 or at www.fcc.gov

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 level parcel measures 5,620 square foot and contains a long rectangular-shaped 13 foot high, one-story commercial building with a cantilevered 22 foot high, second-story residential building to the rear.

The second-story building is located about 60 feet from Thornhill Drive (to the east), and about 30 feet from Grisbome Avenue (to the west). The property also has a long driveway along the north side of the building that starts from Thornhill Drive, goes under the cantilevered second-story building and connects to the other side of the property on Brisbome Avenue. The property is occupied by different commercial businesses, and contains an existing telecommunication facility (Sprint) that was approved by the City with a Conditional Use Permit and Design Review in 2000 (CD00-14). The existing wireless facility is located about 3 feet from the edge of the second-story building roof , and contains four (4) antenna panels that are enclosed by a 9 square foot and 7 foot high faux chimney. The existing 10 feet high, 250 square foot equipment room that contains 3 equipment cabinets is located on the far west side of the one-story building roof The commercial facility is bounded to the north, east (across Thornhill Drive), and south by one-story and two-story mixed-use commercial facilities, and to the west by one-story and two-story residential properties.

PROJECT DESCRIPTION

The applicant proposes to replace and relocate the existing 9 square foot, 7 foot high (faux chimney) wireless facility with a new 45 square foot, 7 foot high penthouse wireless facility. The new facility will replace 4 antenna panels with 2 new antenna panels, and collocate 4 small Radio Remote Unit (RRU's) antennas. The proposed wireless facility will be screened by a fiberglass reinforced panel penthouse, and will be set back 7 feet farther west from the edge of the two-story building roof The proposed wireless facility will be finished with stucco and will have a decorative stucco band wrapped around the top edge of the penthouse and painted to match the main building. On Sheet A-4 of the proposed plans, it shows the two 6 foot high antenna panels mounted on a steel frame and each of them is positioned to the northeast (Sector A), and to the southwest (Sector C). The plans also show the collocation of a total of four small Radio Remote Unit (RRU'S) antennas mounted on the same steel frame structure, and located east of the facility. The plans also show the installation of new hybrid cables for fiber and power routed through an existing 12- inch cable tray running to the south and west over the roof of the two-story and one-story building. The existing cable tray will be connected to the existing rear cabinet equipment room. The proposal also includes the replacement of 3 equipment cabinets with 2 new equipment cabinets, inside the existing equipment room, located west on the rear of the one-story building. (See Attachment C)

The proposal also includes existing and proposed photo simulations of the property viewed from different public areas around the property. View #1 and View #2 shows existing (faux chimney) and proposed (penthouse) photos of the enclosed wireless facility, looking northwest and southwest from and along Thornhill Drive. View #3 also shows existing (faux chimney) and proposed (penthouse) photos of the enclosed wireless facility, looking southeast from and along Grisbome Avenue. (See Attachment E)

The proposal also includes a Radio Frequency (RF) Emissions Report, prepared by EBI Consulting. (See Attachment D) Staff will discuss the content of this document in the Key and Impacts section of this staff report.

GENERAL PLAN ANALYSIS

The property is located in the Neighborhood Center Mixed Use Land Use Classification of the Oakland General Plan. The intent of the Neighborhood Center Mixed Use is to identify, create, maintain and enhance mixed use neighborhood commercial centers. The goals set forth in the General Plan include personal and business services and entertainment uses. The proposed wireless communication facility will provide and improve telephone, data and internet services to meet the demand of the daily and long-term needs of the public. Improvements to the telecommunication networks are important to provide services to the surrounding businesses and to the general public. The General Plan Objective I/C3 states that Oakland needs to serve a wide variety of commercial uses and provide personal and professional services. Therefore, the proposal will serve the needs of the surrounding businesses and residents alike, because of the demand for faster, quality and reliable wireless communication service and internet use.

ZONING ANALYSIS

The property is located in the CN-3 Neighborhood Commercial Zone. The intent of the CN-3 zone is to create, improve, and enhance areas of neighborhood commercial centers that have a compact, vibrant pedestrian environment. The intent of the CN-3 Zone is to enhance the character of the neighborhood commercial centers that have compact and vibrant pedestrian environment. The proposal to replace the existing wireless telecommunication facility with new equipment would be a service enhancement to the established commercial neighborhood and to the general public. The proposal would meet the need and demand for basic and improved wireless communication services to residential and commercial establishments in the immediate area.

Per Sections 17.128.02 and 17.134.020(A)(3)(i) of the Oakland Planning Code, the proposal for a Mini Telecommunication Facility if located within one hundred (100) feet of the boundary of any residential zone requires a Major Conditional Use Permit. The proposal is situated within 100 feet of the boundary of the RH-4 Hillside Residential Zone located west. The purpose of the Major Conditional Use Permit is to analyze the operating characteristics or potential adverse effects of a proposed development on the surrounding areas.

Per Sections 17.33.020 and 17.128.060(B) of the Planning Code, the proposal for a Mini Telecommunication Facility also requires the making of Design Review Findings. The purpose of Design Review is to analyze projects that require special design treatment and consideration of relationship to the physical surroundings. Staff will evaluate these findings in the Findings section of this report and can justify approval of the proposed application. (See Attachment A)

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as Categorical Exemptions from environmental review. The development proposal is categorically exempt from the environmental review requirements pursuant to Section 15301(e) for additions and/or alterations to existing structures and pursuant to Section 15183 for projects consistent with a Community Plan, General Plan or Zoning.

KEY ISSUES AND IMPACTS

Site Location Preferences

Planning Code Section 17.128.110 of the Telecommunication Regulations, states that new wireless facilities shall generally be located on the following properties or facilities in order of preference:

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

The regulations above state that wireless facilities proposals locating on an A, B or C ranked preference, do not require a site alternative analysis. In this case, the proposal to replace the existing 4 antenna panels with 2 similar antenna panels and 4 small radio remote unit antennas within a relocated new wireless enclosure corresponds with the first site location preference (A) for collocating with other existing wireless antennas, located on the roof of the second-story building. (See Attachment C)

Staff finds that the collocation of the proposed antenna on a new steel frame structure and concealed by a fiberglass reinforced panel enclosure is more preferable because the relocated wireless facility will be set back farther from the edge of the two-story roof to meet regulations and will be finished with stucco and painted to match the building, thus the proposed wireless antennas will not be visible from public view. Therefore, a site alternative analysis will not be required.

Site Design Preferences

Per Planning Code, Section 17.128.120 of the Telecommunication Regulations it states that new wireless facilities shall generally be designed in the following order of preference:

A. Building or structure mounted antennas 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 (façade mount, pole mount) visible from public right-of-way, painted to match existing stmcture;
D. Building or stmcture mounted antennas above roof line visible from public right-of-way;
E. Monopoles;
F. Towers.

The regulations above state that proposed telecommunication facilities (mounted wireless antennas) designed to meet A or B ranked preference, do not require a site design alternative analysis. For facilities designed to meet C through F must submit a site design alternative analysis. A site design alternative analysis consists of written evidence showing the reason each higher preference design alternative can not be used. This evidence must be in sufficient detail for independent verification that can be obtained if required by the Zoning Manager. The evidence should indicate if the reason an alternative was rejected due to technical issues (e.g. inappropriate height or interference with other Radio Frequency (RF) sources), or for other constrains (e.g. inability to provide utilities or construction impediments).

Staff finds the proposal to collocate two antenna panels and four small radio remote unit antennas inside the new penthouse wireless enclosure fits with Site Design Preference (A). The collocation of the wireless antenna panels are completely concealed from view, and no part of the antennas or associated equipment cabinets will be visible from the public right-of-way.

Radio Frequency Emissions Standards

Planning Code Section 17.128.130 of the Telecommunications Regulations, requires the applicant to submit the following verifications:

a. With the initial application submittal, a Radio Frequency (RF) emissions report shall be 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 established such standards.
b. Prior to commencement of constmction, 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 proposal includes a site compliance study on Radio Frequency Emissions, dated May 3, 2012. The report prepared by the project engineer, Drew Duncklee from EBI Consulting analyzes the proposal based on information and plans submitted by the applicant, Sprint. In summary, the report concludes that the proposal

will comply with the set standards for limiting public exposure to Radio Frequency Emissions and will not cause significant impacts on the environment. (See Attachment D) To confirm that the applicant meets the standards of Section 17.128.130 of the Planning Code, staff requires a condition of approval that the applicant submits a final Radio Frequency emissions report prior to the issuance of a final building permit stating that the facility is operating within the acceptable thresholds as established by the regulatory Federal Communication Commission. (See Conditions of Approval # 14)

CONCLUSION

The proposal to replace the antenna panels and to collocate four small radio remote unit antennas inside the relocated telecommunication penthouse, located on the roof of a two-story commercial building is a compatible use for the commercial and residential area because the telecommunication facility will improve wireless telephone services, data and internet use to the general public, without creating impacts to the environment. Staff finds that the collocation and replacement of telecommunication facility will not create a cumulative impact to the site because the antenna and radio remote unit panels are located inside the penthouse facility. Therefore, the proposal will not be visible from public view. The proposal also complies with the regulations for Radio Frequency emissions set by the Federal Communication Commission. Staff determines that the application meets the required findings (See Attachment A), and recommends approval to the Planning Commission, subject to the Conditions (See Attachment B).

RECOMMENDATIONS

1. Affirm staff's environmental determination.

2. Approve Major Conditional Use Permit and Regular Design Review application CMD12-056 subject to the attached findings and conditions of approval.

Prepared by:

Mike Rivera
City Planner II

Approved by:

Robert D. Merkamp, Acting Zoning Manager
Department of Planning, Building, and Neighborhood Preservation

Approved for forwarding to the
City Planning Commission:

Scott Miller
Scon Miller, Interim Director
Department of Planning, Building, and Neighborhood Preservation

ATTACHMENTS

A. Condifional Use Permit and Regular Design Review Findings
B. Conditions of Approval
C. Revised Project Plans, submitted on June 27, 2012
D. Radio Frequency Emissions Report, dated May 3, 2012
E. Revised Photo Simulations, dated June 27, 2012

ATTACHMENT A

Findings for Approval

The findings required granting your application for Major Conditional Use Permit and Design Review found in Sections 17.134.050, 17.128.060(C), 17.128.060(B) and 17.136.050(D) of the Oakland Zoning Regulations, and the reasons your proposal satisfy these findings, are as follows:

SECTION 17.134.050 –CONDITIONAL USE PERMIT FINDINGS

A. That the location, size, design, and operating characteristics of the proposed development will be compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

The proposal will not adversely affect the development of the surrounding neighborhood. The antenna panels and related equipment cabinets will be screened by a new penthouse, and by an existing equipment room. The penthouse will be placed farther away from the edge of the roof on a building well set back from the streets and will have stucco finish with a decorative trim to match with the design and color of the main building. The proposal also includes a Radio Frequency Emissions report and determines that the development complies with the regulations set by the Federal Communication Commission. To comply with the Radio Frequency Standards, staff recommends the applicant submit a final Radio Frequency Emissions report prior to the final building permit sign-off stating that the facility is operating within the acceptable Federal Communication Commission (FCC) thresholds. (See Condition of Approval #14)

B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.

The proposal will create a convenient and functional working environment. The wireless facility will be located farther from the edge of the building roof, and will be screened by a new penthouse, thus minimizing its visibility from public views. The proposal will provide high speed internet, reliable and quality wireless phone services to the general public.

C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.

The proposal will provide improved wireless telephone communication and internet services to surrounding commercial and residential users. The location of the antenna panels is designed to cover distant areas along public streets and surrounding properties, thus improving essential services to motorists including residents.

D. That the proposal conforms with all applicable Regular Design Review criteria set forth in Section 17.136.050 of the Oakland Planning Code.

The proposal conforms to the applicable design review findings in section 17.128.060(B) for Telecommunication Macro Facilities. See design review findings listed below.

E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable plan or development control map which has been adopted by the City Council.

The property is located in the Neighborhood Center Mixed Use Land Use Classification of the Oakland General Plan. The proposed wireless communication facility will provide and improve telephone, data and internet services to meet the demand of the daily and long-term needs of the public. improvements to the telecommunication networks are important to provide services to the surrounding businesses and to the general public.

SECTION 17.128.060 (C)–CONDITIONAL USE PERMIT CRITERIA FOR MINI FACILITIES

1. The project must meet the special design review criteria listed in subsection B of this section.

The development proposal conforms to the design review criteria for Mini Facilities as described in section 17.128.060 (B). See design review findings listed below.

2. The proposed project must not disrupt the overall community character.

The proposal will not disrupt the characteristics of the commercial and nearby residential zone. The wireless antenna panels and related equipment cabinets will not be visible because they are located inside the new telecommunication penthouse and the existing equipment cabinet room, thus concealing their visibility from public view.

3. In the residential RH, RD, RM, RU-1, or RU-2 zones, and in HBX zones, the project must not have any visual impact.

The proposal is located in the CN-3 Neighborhood Commercial zone; therefore this required finding does not apply.

SECTION 17.128.060 (B)–DESIGN REVIEW CRITERIA FOR MINI WIRELESS FACILITIES

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

The proposal does not require the antenna panels to be painted because the antennas will be concealed by a fiberglass reinforced panel enclosure (penthouse) and will be finished with stucco, contain a horizontal band and painted to match the main building.

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

The proposed antenna panels will not be mounted on an architectural significant structure or significant architectural detail of the building. The existing building does not have any distinctive design elements; therefore the proposal does not require the installation of casings to cover the wireless antennas. The enclosure will be painted and textured to match the building.

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

The proposed wireless antenna panels and small radio remote unit antennas will be located inside the telecommunication penthouse; therefore, the collocation of the wireless antennas does not need to be camouflaged.

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

   The proposal does not include the installation of any related equipment shelters. However, the proposal includes the replacement of 3 cabinets with 2 cabinets inside the existing equipment room, located on the rear of the one-story building roof

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

   The proposal includes the replacement of equipment cabinets located inside the existing equipment room, located to the rear of the property. Therefore, this required finding does not apply.

6. **For antennas attached to the roof, maintain a 1:1 ratio (example: ten feet high antenna requires ten feet setback from façade) 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.**

   The proposed wireless antenna panels are located inside the penthouse. The antennas and the enclosed penthouse will be set back to meet the regulations for the 1:1 ratio from the edge of the building roof

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 location of the penthouse that contains the wireless antenna panels is located on the roof of the second-story building. The equipment cabinets are also located inside a room located on the rear roof of the one-story building. Access to the roof is limited to authorized personnel and access to the wireless facilities requires a key for the door.

FINDINGS

ATTACHMENT B

Conditions of approval

1. Approved Use

Ongoing

a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, and the ***revised*** design review plans dated **June 11, 2012** and submitted to the City on **June 12, 2012** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved design 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 ***P**lanni**n**g* Commission ("this Approval") includes the approvals set forth below. This Approval is to replace and relocate the existing 9 square foot, 7 feet high (faux chimney) wireless facility with a new 45 square foot, 7 foot high penthouse wireless facility. The new facility will be enclosed and will replace 4 antenna panels with 2 new antenna panels, and collocate 4 small Radio Remote Unit (RRU's) antennas. This proposal includes the replacement of 3 equipment cabinets with 2 small equipment cabinets located inside the existing equipment room.

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

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

3. Scope of This Approval; Major and Minor Changes

Ongoing

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

4. Conformance with other Requirements

Prior to issuance of a demolition, grading, P-job, or other construction related permit

a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval #3.

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

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 of approval 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 of approval if it is found that there is violation of any of the conditions of approval or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

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

7. Indemnification
Ongoing

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

b. Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter 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 of approval, and if one or more of such conditions of approval is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions of approval consistent with achieving the same purpose and intent of such Approval.

10. 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 by City officials and project developer 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 third-party special inspector(s)/inspections as needed during the times of extensive or specialized plancheck review or construction. The project applicant may also be required to cover the full costs of independent technical review 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. Operational Noise-General

Ongoing.

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

13. Lighting Plan

Prior to the issuance of an electrical or building permit

The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

SPECIFIC PROJECT CONDITIONS

14. Emissions Report

Prior to final inspection

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

15. Encroachment Permits

Prior to issuance of a demolition, grading or building permit

The applicant shall obtain any encroachment permits, waiver of damages or other approvals required by the Building Services Division, for any privately constructed public improvements, or any permanent or temporary elements located in the public right of way. This shall include telecommunication equipment, overhead wires, underground trenching, etc.

APPROVED BY:

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

– REVISED SET –

RECEIVED
JUN 27 2012
City of Oakland
Planning & Zoning Division

– CMD12-056 –

Sprint

PROJECT: NETWORK VISION MM
MARKET: SAN FRANCISCO BAY

SF33XC712-B-THORNHILL DRIVE WEST

5745 THORNHILL DR
OAKLAND, CA 94611

PROJECT DESCRIPTION

A MODIFICATION TO AN (E) UNMANNED TELECOMMUNICATION FACILITY CONSISTING OF REMOVING & REPLACING AN (E) FAUX CHIMNEY W/ (N) 9'-0"X5'-0" FRP PENTHOUSE & (2) (E) SPRINT ANTENNAS W/ (2) (N) ANTENNAS AS WELL AS ADDING (4) (N) SPRINT RRU'S, A (N) GPS ANTENNA & (2) (N) HYBRID CABLES FOR FIBER & DC POWER ROUTED THRU (E) 12" CABLE TRAY. ALSO REMOVING (3) (E) SPRINT CABINETS & REPLACING W/ A (N) SPRINT BATTERY CABINET & ADDING A (N) MMBS CABINET.

PROJECT INFORMATION

SITE NAME:	THORNHILL DRIVE WEST	SITE #:	SF33XC712-B
COUNTY:	ALAMEDA	JURISDICTION:	CITY OF OAKLAND
APN:	48C-7420-2	POWER:	PG&E
SITE ADDRESS:	5745 THORNHILL DR OAKLAND, CA 94611	TELEPHONE:	AT&T
CURRENT ZONING:	-		
CONSTRUCTION TYPE:	V		
OCCUPANCY TYPE:	U, (UNMANNED COMMUNICATIONS FACILITY)		
PROPERTY OWNER:	CARLOS M. YANG & ALICIA HALPERN 5745 THORNHILL DR OAKLAND, CA 94611		
APPLICANT:	BLACK & VEATCH 2999 OAK RD SUITE 490 WALNUT CREEK, CA 94597		
LEASING CONTACT:	ATTN: LAURA SONATY (925) 949-5976		
ZONING CONTACT:	ATTN: LARRY HOUGHTBY (916) 275-4180		
CONSTRUCTION CONTACT:	ATTN: KEVIN FOSTER (650) 281-4675		
LATITUDE:	N 37° 50' 5.6" NAD 83 N 37.834889° NAD 83		
LONGITUDE:	W 122° 12' 44.6" NAD 83 W -122.212389° NAD 83		
AMSL:	±583'		

VICINITY MAP

DRIVING DIRECTIONS

FROM: 2999 OAK RD SUITE 490, WALNUT CREEK, CA 94597
TO: 5745 THORNHILL DR, OAKLAND, CA 94611

1. HEAD SOUTHEAST ON OAK RD TOWARD OGGONS DR	0.1 MI
2. TURN RIGHT ONTO TREAT BLVD	0.1 MI
3. CONTINUE STRAIGHT TO STAY ON TREAT BLVD	0.1 MI
4. TURN RIGHT ONTO N MAIN ST	0.2 MI
5. TURN RIGHT ONTO THE INTERSTATE 680 S RAMP TO OAKLAND/SAN JOSE	0.1 MI
6. MERGE ONTO I-680 S	1.4 MI
7. TAKE EXIT 45 FOR CALIFORNIA 24 TOWARD LAFAYETTE/OAKLAND	1.3 MI
8. MERGE ONTO CA-24 W	9.6 MI
9. TAKE EXIT 5A TO MERGE ONTO CA-13 S TOWARD HAYWARD	1.4 MI
10. TAKE EXIT 4 FOR MORAGA AVENUE E TOWARD THORNHILL DRIVE	0.3 MI
11. MERGE ONTO MORAGA AVE	295 FT
12. TURN LEFT TOWARD THORNHILL DR	46 FT
13. TURN LEFT ONTO THORNHILL DR DESTINATION WILL BE ON THE LEFT	0.3 MI

END AT: 5745 THORNHILL DR, OAKLAND, CA 94611

ESTIMATED TIME: 20 MINUTES   ESTIMATED DISTANCE: 15.1 MILES

CODE COMPLIANCE

ALL WORK & MATERIALS SHALL BE PERFORMED & 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 CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES:

1. 2010 CALIFORNIA ADMINISTRATIVE CODE (INCL. TITLES 24 & 25)
2. 2010 CALIFORNIA BUILDING CODE
3. 2010 CALIFORNIA ELECTRICAL CODE
4. 2010 CALIFORNIA MECHANICAL CODE
5. 2010 CALIFORNIA PLUMBING CODE
6. 2010 CALIFORNIA FIRE CODE
7. LOCAL BUILDING CODES
8. CITY/COUNTY ORDINANCES
9. ANSI/EIA-TIA-222-G

ALONG WITH ANY OTHER APPLICABLE LOCAL & STATE LAWS AND REGULATIONS

DISABLED ACCESS REQUIREMENTS

THIS FACILITY IS UNMANNED & NOT FOR HUMAN HABITATION. DISABLED ACCESS & REQUIREMENTS ARE NOT REQUIRED IN ACCORDANCE WITH CALIFORNIA STATE BUILDING CODE TITLE 24 PART 2, SECTION 11348.2.1, EXCEPTION 4

SHEET INDEX

SHEET	DESCRIPTION	REV
T-1	TITLE SHEET	-
A-1	SITE PLAN	-
A-2	EXISTING/INTERIM EQUIPMENT PLAN & DETAIL	-
A-3	FINAL CONFIGURATION EQUIPMENT PLAN & DETAIL	-
A-4	EXISTING/INTERIM & FINAL ANTENNA PLANS & DETAILS	-
A-5	ELEVATIONS	-
A-6	DETAILS	-

APPROVAL

RF

LEASING

ZONING

CONSTRUCTION

THORNHILL DRIVE WEST
SF33XC712-B
5745 THORNHILL DR
OAKLAND, CA 94611

ISSUE STATUS

△	DATE	DESCRIPTION	
	03/09/12	ZD 90%	M.S.
	04/03/12	ZD 100%	J.K.
	06/11/12	CLIENT REV	K.P.
	06/27/12	CLIENT REV	J.K.
	-	-	-
	-	-	-

DRAWN BY: M. STARR
CHECKED BY: L. HOUGHTBY
APPROVED BY: -
DATE: 06/27/12

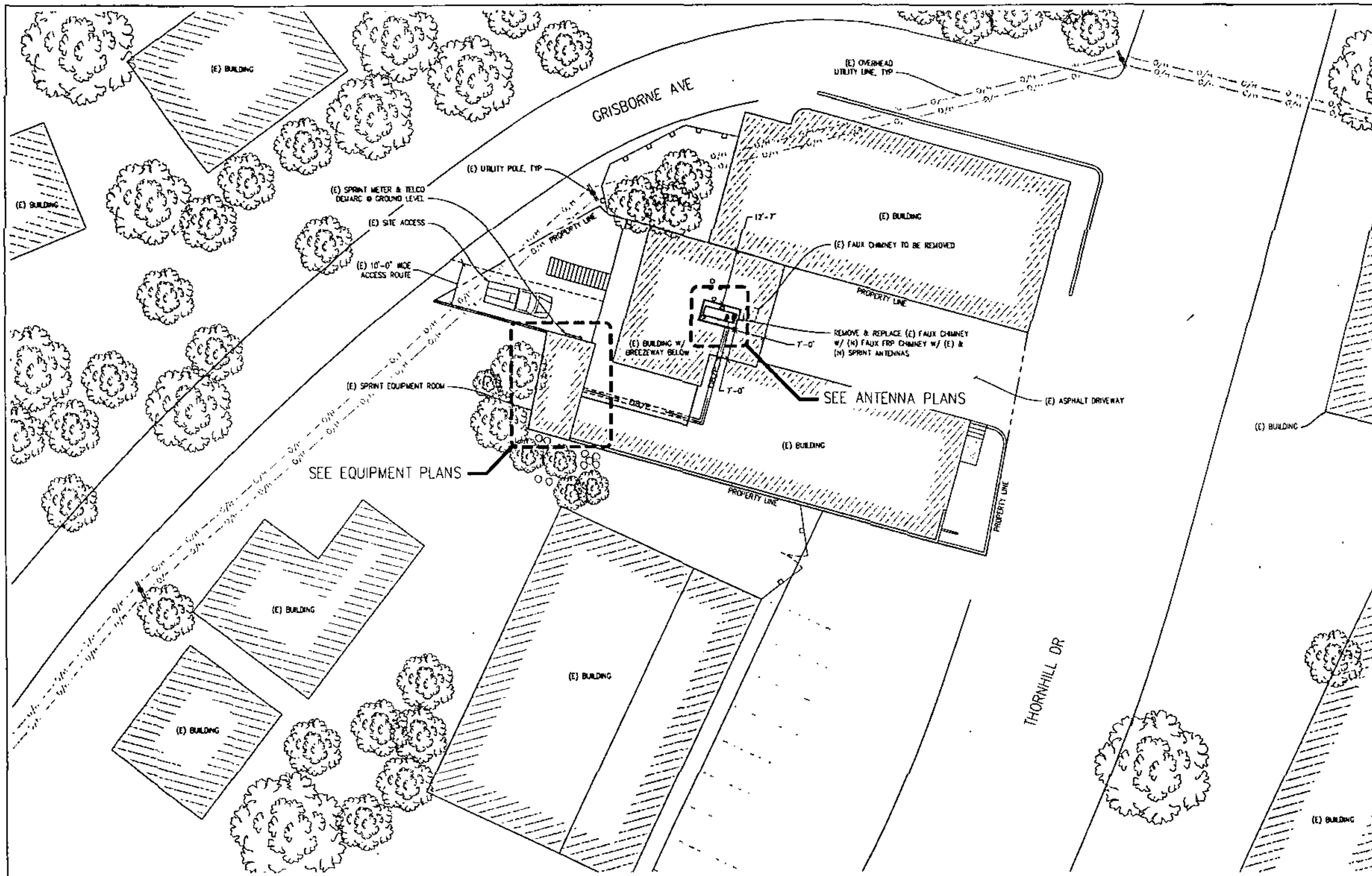
Streamline Engineering and Design, Inc.
3256 Penryn Rd, Suite 200 Loomis, CA 95650
Contact: Larry Houghtby Phone: 916-275-4180
E-Mail: larry@streamlineeng.com Fax: 916-660-1941

Sprint
12657 ALCOSTA BLVD SUITE 300
SAN RAMON, CA 94583

SHEET TITLE:
TITLE

SHEET NUMBER:
T-1

ATTACHMENT C



SITE PLAN

1"=10'-0"

THORNHILL DRIVE WEST

SF33XC712-B

5745 THORNHILL DR
OAKLAND, CA 94611

ISSUE STATUS

△	DATE	DESCRIPTION	
	03/09/12	ZD 90%	M.S
	04/03/12	ZD 100%	J.K
	06/11/12	CLIENT REV	K.P
	06/27/12	CLIENT REV	J.K
	-	-	-
	-	-	-

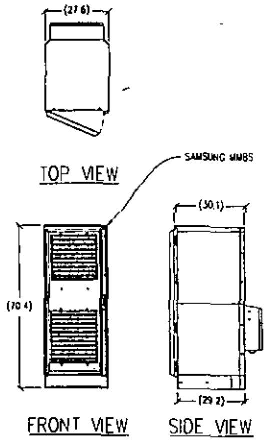
DRAWN BY:	M. STARR
CHECKED BY:	L. HOUGHTBY
APPROVED BY:	-
DATE:	06/27/12

Streamline Engineering
3258 Penryn Rd. Suite 200 Loomis, CA 95650
Contact: Larry Houghtby Phone: 916-275-4180
E-Mail: larry@streamlineeng.com Fax: 916-660-1941

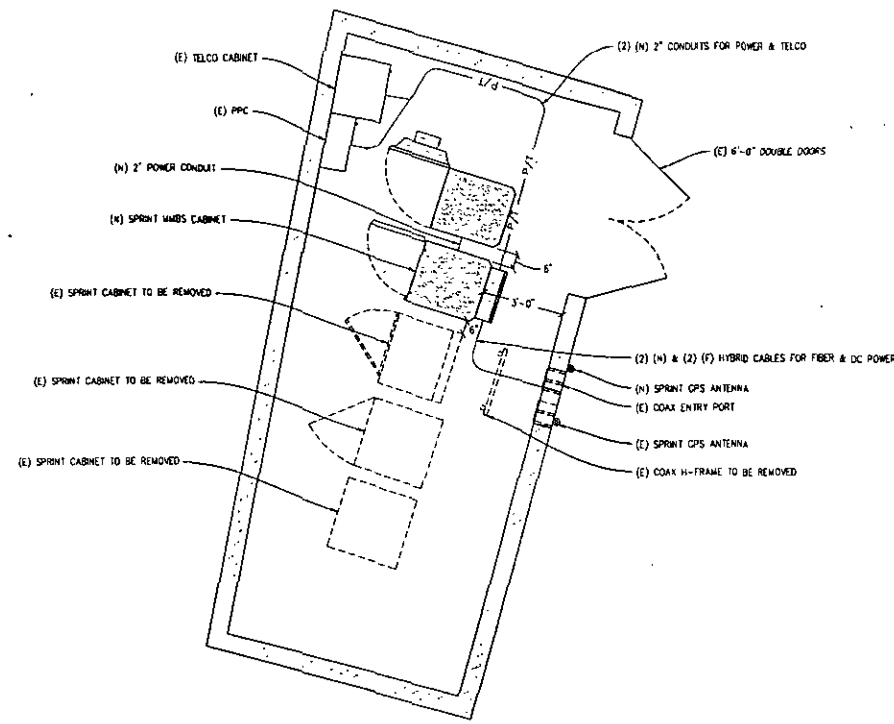
Sprint
12657 ALCOSTA BLVD SUITE 300
SAN RAMON, CA 94583

SHEET TITLE:
SITE PLAN

SHEET NUMBER:
A-1



1 MMBS CABINET
½"=1'-0"



EXISTING/INTERIM EQUIPMENT PLAN
½"=1'-0"

THORNHILL DRIVE WEST

SF33XC712-B
5715 THORNHILL DR
OAKLAND, CA 94611

ISSUE STATUS

△	DATE	DESCRIPTION	
	03/09/12	ZD 90%	M.S.
	04/03/12	ZD 100%	J.K.
	06/11/12	CLIENT REV	K.P.
	06/27/12	CLIENT REV	J.K.
	-	-	-
	-	-	-

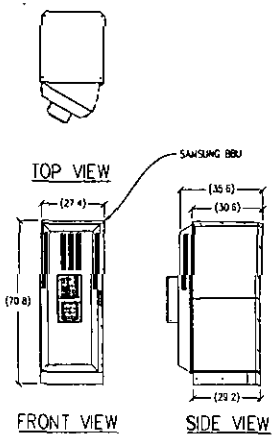
DRAWN BY: M. STARR
CHECKED BY: L. HOUGHTBY
APPROVED BY: -
DATE: 06/27/12

Streamline Engineering
3265 Penryn Rd. Suite 200 Loomis, CA 95650

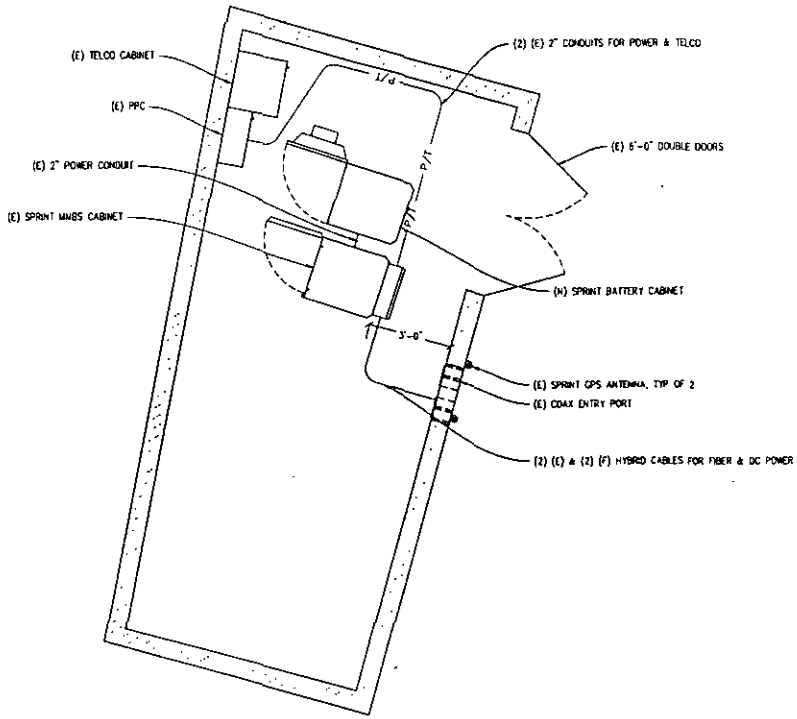
Sprint
12657 ALCOSTA BLVD SUITE 300
SAN RAMON, CA 94583

SHEET TITLE:
EXISTING/INTERIM EQUIPMENT PLAN & DETAIL

SHEET NUMBER:
A-2



1 BATTERY CABINET
½"=1'-0"



D FINAL CONFIGURATION EQUIPMENT PLAN
½"=1'-0"

THORNHILL DRIVE WEST

SF33XC712-B

3745 THORNHILL DR.
OAKLAND, CA 94611

ISSUE STATUS

△	DATE	DESCRIPTION	
	03/09/12	ZD 90%	M.S.
	04/03/12	ZD 100%	J.K.
	05/11/12	CLIENT REV	K.P.
	06/27/12	CLIENT REV	J.K.
	-	-	-
	-	-	-

DRAWN BY: M. STARR
CHECKED BY: L. HOUGHTBY
APPROVED BY: -
DATE: 06/27/12

Streamline Engineering
2958 Penryn Rd, Suite 200 Loomis, CA 95650
Contact: Larry Houghtby Phone: 916-275-4180
E-Mail: larry@streamlineeng.com Fax: 916-660-1941

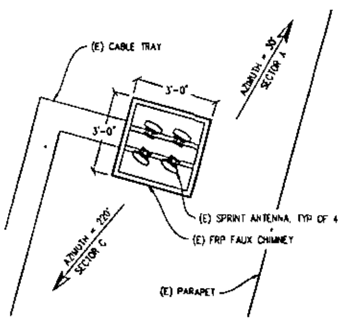
Sprint

12657 ALCOSTA BLVD SUITE 300
SAN RAMON, CA 94583

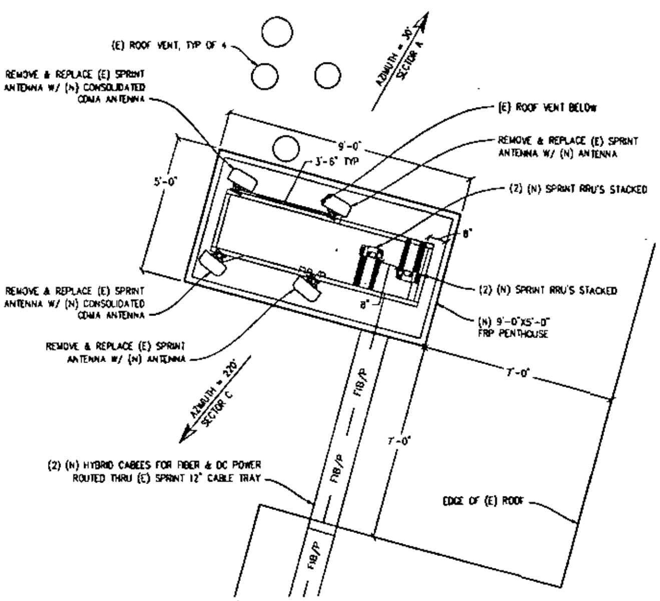
SHEET TITLE:
FINAL CONFIGURATION EQUIPMENT PLAN & DETAIL

SHEET NUMBER:
A-3

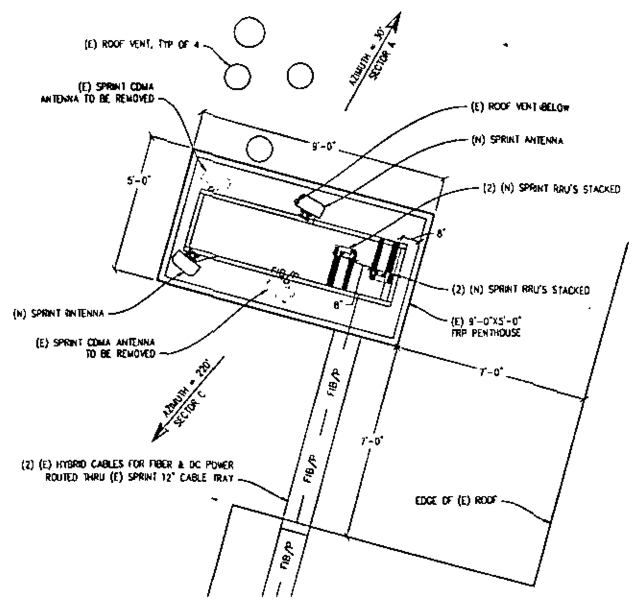
	ANTENNA SCHEDULE [SF33XC712]-B																
	ANTENNAS					RRU'S				CABLING							
	SECTOR	TECHNOLOGY	ANTENNA MODEL	RAD CENTER	AZIMUTH	RRU FREQ	RRU MODEL	NO. OF RRU/S	NO. OF FILTERS	NO. OF JUMPERS	JUMPER LENGTH (N/J)	NO. OF RET CABLES	NO. OF HYBRID CABLES	HYBRID CABLE LENGTH (LINEAR FEET)	NO. OF COAX CABLES	COAX DIA	COAX LENGTH
ALPHA SECTOR	A1	800/1900 MHz	P65-16-XLPP-RR	25'-7"	30'	800 MHz	RRH-C2	1	1	2	10'	0	1	72'	N/A	N/A	N/A
						1900 MHz	RRH-P4	1	0	4	10'	1			N/A	N/A	N/A
	A2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A			N/A	N/A	N/A
	A3	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A			N/A	N/A	N/A
GAMMA SECTOR	C1	800/1900 MHz	P65-16-XLPP-RR	25'-7"	220'	800 MHz	RRH-C2	1	1	2	10'	0	[illegible]	[illegible]	N/A	N/A	N/A
						1900 MHz	RRH-P4	1	0	4	10'	1			N/A	N/A	N/A
	C2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A			N/A	N/A	N/A
	C3	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A			N/A	N/A	N/A



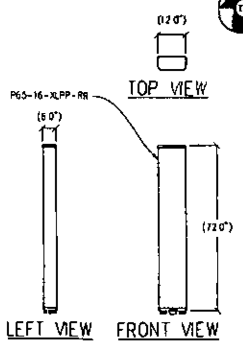
EXISTING ANTENNA PLAN
½"=1'-0"



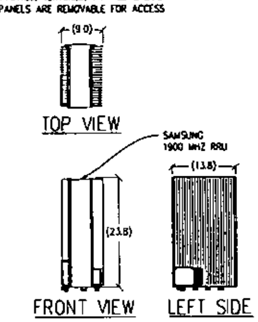
EXISTING/INTERIM ANTENNA PLAN
½"=1'-0"
NOTE: (N) PENTHOUSE TO BE PAINTED, TEXTURED, TRIMMED & BUILT TO MATCH (E) BUILDING. FRP PANELS ARE REMOVABLE FOR ACCESS



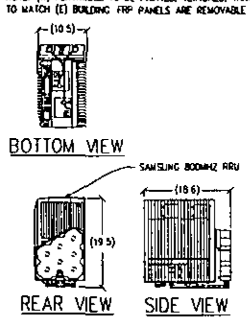
FINAL CONFIGURATION ANTENNA PLAN
½"=1'-0"
NOTE: (N) PENTHOUSE TO BE PAINTED, TEXTURED, TRIMMED & BUILT TO MATCH (E) BUILDING. FRP PANELS ARE REMOVABLE FOR ACCESS



1 ANTENNA DETAIL
½"=1'-0"



2 1900MHZ RRU UNIT
1"=1'-0"



3 800MHZ RRU UNIT
1"=1'-0"

THORNHILL DRIVE WEST

SF33XC712-B
5743 THORNHILL DR
OAKLAND, CA 94611

ISSUE STATUS

△	DATE	DESCRIPTION	
	03/09/12	ZD 90%	M.S.
	04/03/12	ZD 100%	J.K.
	06/11/12	CLIENT REV	K.P.
	06/27/12	CLIENT REV	J.K.
	-	-	-
	-	-	-

DRAWN BY: M. STARR
CHECKED BY: L. HOUGHTBY
APPROVED BY: -
DATE: 06/27/12

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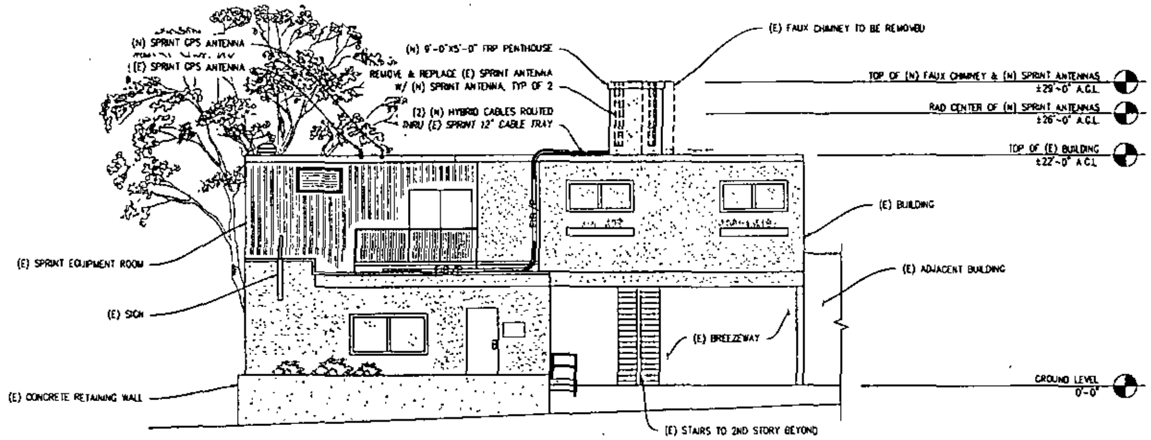
E-Mail: larry@streamlineeng.com Fax: 916-660-1941

Sprint
12657 ALCOSTA BLVD SUITE 300
SAN RAMON, CA 94583

SHEET TITLE:
EXISTING/INTERIM & FINAL ANTENNA PLANS & DETAILS

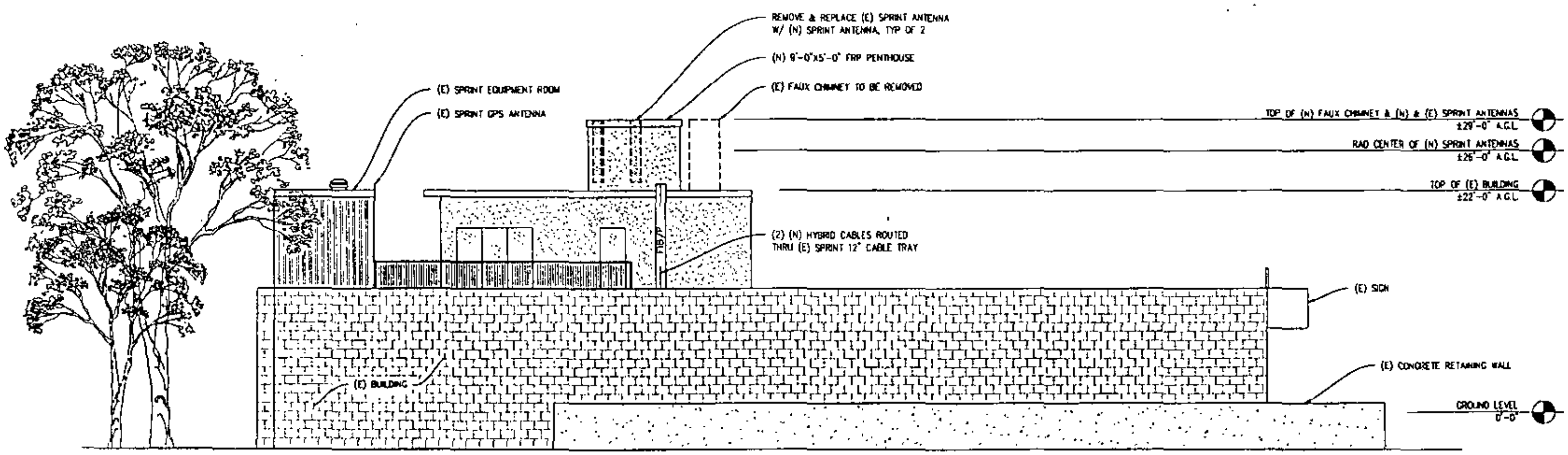
SHEET NUMBER:
A-4



EAST ELEVATION

3/16"=1'-0"

NOTE: (N) PENTHOUSE TO BE PAINTED, TEXTURED, TRIMMED & BUILT TO MATCH (E) BUILDING. FRP PANELS ARE REMOVABLE FOR ACCESS



SOUTHWEST ELEVATION

3/16"=1'-0"

NOTE: (N) PENTHOUSE TO BE PAINTED, TEXTURED, TRIMMED & BUILT TO MATCH (E) BUILDING. FRP PANELS ARE REMOVABLE FOR ACCESS

THORNHILL DRIVE WEST

SF33XC712-B

5745 THORNHILL DR
OAKLAND, CA 94611

ISSUE STATUS

△	DATE	DESCRIPTION	
	03/09/12	ZD 90%	M.S.
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	-	-	-
	-	-	-

DRAWN BY: M. STARR

CHECKED BY: L. HOUGHTBY

APPROVED BY: -

DATE: 06/27/12

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E-Mail: larry@streamlineeng.com Fax: 916-660-1941

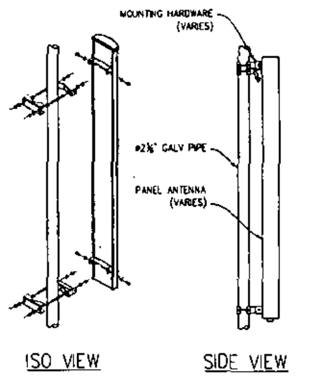
Sprint
12657 ALCOSTA BLVD SUITE 300
SAN RAMON, CA 94583

SHEET TITLE:

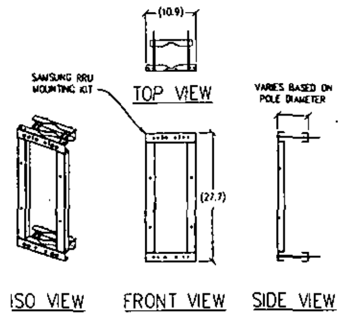
ELEVATIONS

SHEET NUMBER:

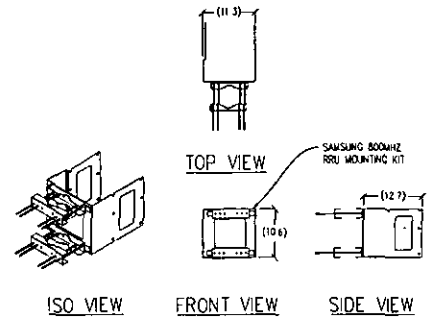
A-5



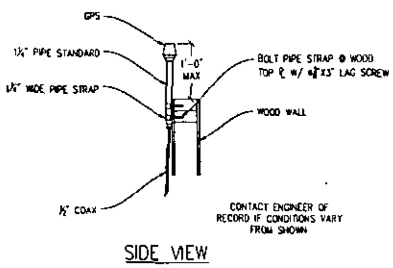
(1) ANTENNA MOUNT DETAIL
1"=1'-0"



(2) 1900MHZ RRU PIPE MOUNT
1"=1'-0"



(3) 800MHZ RRU PIPE MOUNT
1"=1'-0"



(4) GPS ANTENNA DETAIL
1"=1'-0"

THORNHILL DRIVE WEST

SF33XC712-B
5745 THORNHILL DR
OAKLAND, CA 94611

ISSUE STATUS

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	06/11/12	CLIENT REV	K.P.
	06/27/12	CLIENT REV	J.K.
	-	-	-
	-	-	-

DRAWN BY: M. STARR
CHECKED BY: L. HOUGHTBY
APPROVED BY: -
DATE: 06/27/12

Streamline Engineering

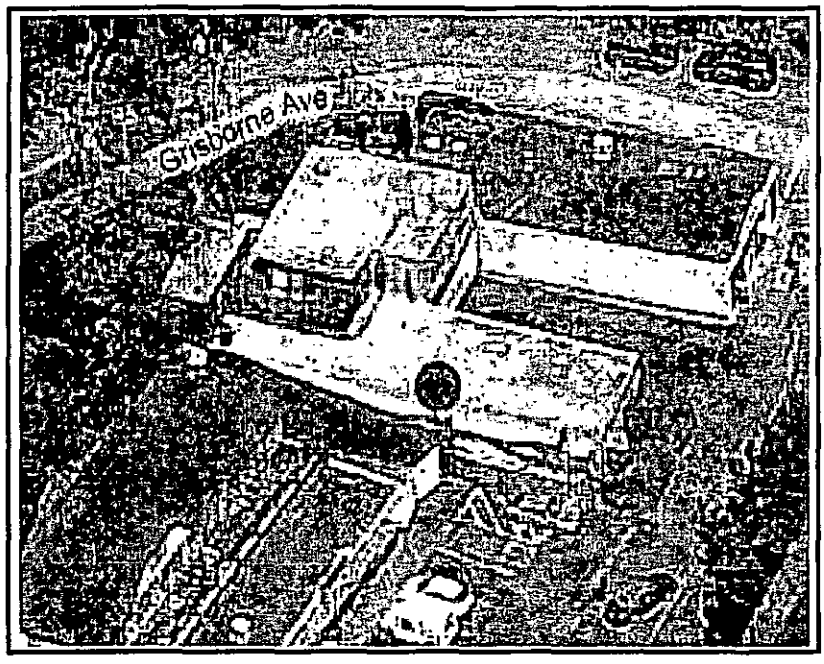
Sprint

12657 ALCOSTA BLVD SUITE 300
SAN RAMON, CA 94583

SHEET TITLE:
DETAILS

SHEET NUMBER:
A-6

Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report



Prepared for:
Sprint Nextel
c/o Black & Veatch Corporation
2999 Oak Rd. Suite 910
Walnut Creek,CA 94597

Site No. SF33XC712
Thornhill Drive West
5745 Thornhill Dr.
Oakland, California 94611
Alameda County
37.834889; -122.212389 NAD83
rooftop

EBI Project No. 62120987
May 3, 2012

EBI CONSULTING
Creating Value for Your Business

ATTACHMENT D

EXECUTIVE SUMMARY

Purpose of Report

EnviroBusiness Inc. (dba EBI Consulting) has been contracted by Sprint Nextel to conduct radio frequency electromagnetic (RF-EME) modeling for Sprint Site SF33XC712 located at 5745 Thornhill Dr. in Oakland, California to determine RF-EME exposure levels from existing and proposed Sprint wireless communications equipment at this site. As described in greater detail in Section 11.0 of this report, the Federal Communications Commission (FCC) has developed Maximum Permissible Exposure (MPE) Limits for general public exposures and occupational exposures. This report summarizes the results of RF-EME modeling in relation to relevant FCC RF-EME compliance standards for limiting human exposure to RF-EME fields.

This report contains a detailed summary of the RF EME analysis for the site.

This document addresses the compliance of Sprint's proposed transmitting facilities independently.

1.0 LOCATION OF ALL EXISTING ANTENNAS AND FACILITIES AND EXISTING RF LEVELS

This project involves the removal of four (4) existing antennas and replaced with two (2) proposed Sprint wireless telecommunication antennas on a rooftop located at 5745 Thornhill Dr. in Oakland, California. There are two Sectors (A and C) proposed to be replaced at the site, with one (1) antenna that may be re-installed per sector.

There were no collocated carriers on the rooftop.

2.0 LOCATION OR ALL APPROVED (BUT NOT INSTALLED) ANTENNAS AND FACILITIES AND EXPECTED RF LEVELS FROM THE APPROVED FACILITIES

There are no antennas or facilities that are approved and not installed based on information provided to EBI and Sprint at the time of this report.

3.0 NUMBER AND TYPES OF WTS WITHIN 100 FEET OF THE PROPOSED SITE AND ESTIMATES OF CUMULATIVE EMR EMISSIONS AT THE PROPOSED SITE

There are no other Wireless Telecommunication Service (WTS) sites observed within 100 feet of the proposed site.

4.0 LOCATION AND NUMBER OF THE SPRINT ANTENNAS AND BACK-UP FACILITIES PER BUILDING AND NUMBER AND LOCATION OF OTHER TELECOMMUNICATION FACILITIES ON THE PROPERTY

Sprint proposes the removal of four (4) existing antennas and replaced with two (2) proposed Sprint wireless telecommunication antennas on a rooftop located at 5745 Thornhill Dr. in Oakland, California. There are three Sectors (A and C) proposed to be replaced at the site, with one (1) antenna that may be re-installed per sector. In each sector, there is proposed to be one antenna transmitting in the 800 MHz and the 1900 MHz frequency ranges. The Sector A antenna will be oriented 30° from true north. The Sector C antenna will be oriented 220° from true north. The bottoms of the Sector antennas will be 1 foot above the main roof level.

There were no collocated carriers on the rooftop.

5.0 POWER RATING FOR ALL EXISTING AND PROPOSED BACKUP EQUIPMENT SUBJECT TO THE APPLICATION

The operating power for modeling purposes was assumed to be 20 Watts per transmitter for the 800 MHz antenna and there will be one (1) transmitter operating at this frequency. Additionally, for modeling purposes it was assumed to be 20 Watts per transmitter and five (5) transmitters operating at the 1900 MHz.

6.0 TOTAL NUMBER OF WATTS PER INSTALLATION AND THE TOTAL NUMBER OF WATTS FOR ALL INSTALLATIONS ON THE BUILDING

The effective radiated power (ERP) for the 800 MHz transmitter combined on site is 442 Watts. The ERP for the 1900 MHz transmitters combined on site is 4,113 Watts.

7.0 PREFERRED METHOD OF ATTACHMENT OF PROPOSED ANTENNA WITH PLOT OR ROOF PLAN INCLUDING: DIRECTIONALITY OF ANTENNAS, HEIGHT OF ANTENNAS ABOVE NEAREST WALKING SURFACE, DISCUSS NEARBY INHABITED BUILDINGS

Based on the information provided to EBI, the information indicates that the proposed antennas are to be pipe mounted behind a faux chimney on a rooftop, operating in the directions, frequencies, and heights mentioned in section 4.0 above. This site appears to be located in a commercial/residential area.

8.0 ESTIMATED AMBIENT RADIO FREQUENCY FIELDS FOR THE PROPOSED SITE

Based on worst-case predictive modeling, there are predicted areas on accessible rooftop or groundlevel walking/working surface related to the proposed Sprint antennas that exceed the FCC's occupational and general public exposure limits at this site. At the nearest walking/working surfaces to the proposed Sprint antennas, the maximum power density is 1,638.10 percent of the FCC's general public limit (327.62 percent of the FCC's occupational limit). Based on worst-case predictive modeling, there are no areas at ground level related to the proposed Sprint antennas that exceed the FCC's occupational or general public exposure limits at this site. At ground level, the maximum power density generated by the Sprint antennas is 13.40 percent of the FCC's general public limit (2.68 percent of the FCC's occupational limit). The inputs used in the modeling are summarized in the RoofView® export file presented in Appendix B.

9.0 SIGNAGE AT THE FACILITY IDENTIFYING ALL WTS EQUIPMENT AND SAFETY PRECAUTIONS FOR PEOPLE NEARING THE EQUIPMENT AS MAY BE REQUIRED BY THE APPLICABLE FCC ADOPTED STANDARDS (DISCUSS SIGNAGE FOR THOSE WHO SPEAK LANGUAGES OTHER THAN ENGLISH)

Signs are the primary means for control of access to areas where RF exposure levels may potentially exceed the MPE. It is recommended that additional signage be installed for the new antennas making people aware of the antennas locations. There are fields in front of the proposed antennas and therefore barriers are recommended.

Additionally, there are areas where workers elevated above the rooftop may be exposed to power densities greater than the general population and occupational limits. Workers and the general public should be informed about the presence and locations of antennas and their associated fields.

Additionally, access to this site is unknown. It is unknown if the site is monitored and as such, the modeling results are reported as though the general public is able to access the rooftop.

10.0 STATEMENT ON WHO PRODUCED THIS REPORT AND QUALIFICATIONS

Please see the certifications attached in Appendix A below.

11.0 FEDERAL COMMUNICATIONS COMMISSION (FCC) REQUIREMENTS

The FCC has established Maximum Permissible Exposure (MPE) limits for human exposure to Radiofrequency Electromagnetic (RF-EME) energy fields, based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits developed by the Institute of Electrical and Electronics Engineers, Inc. (IEEE) and adopted by the American National Standards Institute (ANSI) to replace the 1982 ANSI guidelines. Limits for localized absorption are based on recommendations of both ANSI/IEEE and NCRP.

The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupational/controlled exposure limits (for workers) and general public/uncontrolled exposure limits for members of the general public.

Occupational/controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/ controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general public/uncontrolled limits (see below), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

General public/uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public would always be considered under this category when exposure is not employment-related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area.

Table 1 and Figure 1 (below), which are included within the FCC's OET Bulletin 65, summarize the MPE limits for RF emissions. These limits are designed to provide a substantial margin of safety. They vary by frequency to take into account the different types of equipment that may be in operation at a particular facility and are "time-averaged" limits to reflect different durations resulting from controlled and uncontrolled exposures.

The FCC's MPEs are measured in terms of power (mW) over a unit surface area (cm^2). Known as the power density, the FCC has established an occupational MPE of 5 milliwatts per square centimeter (mW/cm^2) and an uncontrolled MPE of 1 mW/cm2 for equipment operating in the 1900 MHz frequency range. For the Sprint equipment operating at 800 MHz, the FCC's occupational MPE is 2.66 mW/cm^2 and an uncontrolled MPE of 0.53 mW/cm^2. These limits are considered protective of these populations.

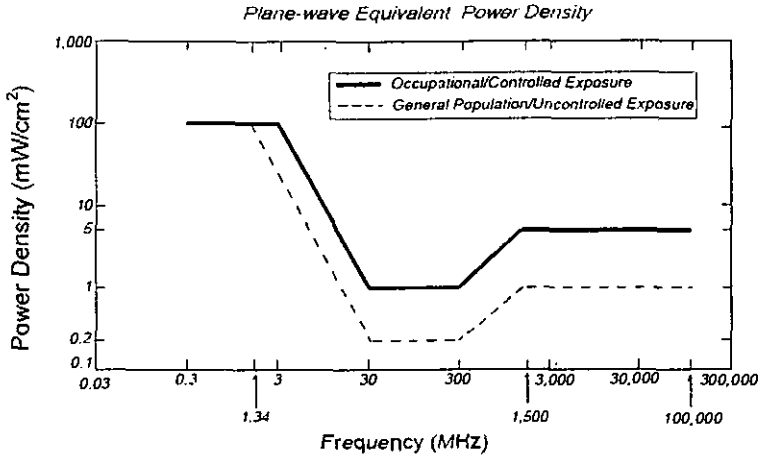
Table 1: Limits for Maximum Permissible Exposure (MPE)

(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	**Electric Field Strength (E) (V/m)**	**Magnetic Field Strength (H) (A/m)**	**Power Density (S) (mW/cm^2)**	**Averaging Time $[E]^2$, $[H]^2$, or S (minutes)**
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	($900/f^2$)*	6
30-300	61.4	0.163	1.0	6
300-1,500	--	--	f/300	6
1,500-100,000	--	--	5	6
(B) Limits for General Public/Uncontrolled Exposure				
Frequency Range (MHz)	**Electric Field Strength (E) (V/m)**	**Magnetic Field Strength (H) (A/m)**	**Power Density (S) (mW/cm^2)**	**Averaging Time $[E]^2$, $[H]^2$, or S (minutes)**
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	($180/f^2$)*	30
30-300	27.5	0.073	0.2	30
300-1,500	--	--	f/1,500	30

Table 1: Limits for Maximum Permissible Exposure (MPE)				
(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	**Electric Field Strength (E) (V/m)**	**Magnetic Field Strength (H) (A/m)**	**Power Density (S) (mW/cm^2)**	**Averaging Time $[E]^2$, $[H]^2$, or S (minutes)**
1,500-100,000	--	--	1.0	30

f = Frequency in (MHz)
* Plane-wave equivalent power density

Figure 1. FCC Limits for Maximum Permissible Exposure (MPE)



Based on the above, the most restrictive thresholds for exposures of unlimited duration to RF energy for several personal wireless services are summarized below:

Personal Wireless Service	Approximate Frequency	Occupational MPE	Public MPE
Personal Communication (PCS)	1,950 MHz	5.00 mW/cm^2	1.00 mW/cm^2
Cellular Telephone	870 MHz	2.90 mW/cm^2	0.58 mW/cm^2
Specialized Mobile Radio	855 MHz	2.85 mW/cm^2	0.57 mW/cm^2
Most Restrictive Freq. Range	30-300 MHz	1.00 mW/cm^2	0.20 mW/cm^2

MPE limits are designed to provide a substantial margin of safety. 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.

Personal Communication (PCS) facilities used by Sprint in this area operate within a frequency range of 800-1900 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation, and are typically installed above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for

exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of areas directly in front of the antennas.

Statement of Compliance

A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.

12.0 LIMITATIONS

This report was prepared for the use of Sprint Nextel. It was performed in accordance with generally accepted practices of other consultants undertaking similar studies at the same time and in the same locale under like circumstances. The conclusions provided by EBI are based solely on the information provided by the client. The observations in this report are valid on the date of the investigation. Any additional information that becomes available concerning the site should be provided to EBI so that our conclusions may be revised and modified, if necessary. This report has been prepared in accordance with Standard Conditions for Engagement and authorized proposal, both of which are integral parts of this report. No other warranty, expressed or implied, is made

13.0 SUMMARY AND CONCLUSIONS

EBI has prepared this Radiofrequency Emissions Compliance Report for the proposed Sprint telecommunications equipment at the site located at 5745 Thornhill Dr. in Oakland, California.

EBI has conducted theoretical modeling to estimate the worst-case power density from Sprint antennas to document potential MPE levels at this location and ensure that site control measures are adequate to meet FCC and OSHA requirements. As presented in the preceding sections, based on worst-case predictive modeling, the worst-case emitted power density may exceed the FCC's general public limit within approximately 3 feet of Sprint proposed antennas at the main roof level. Modeling also indicates that the worst-case emitted power density may exceed the FCC's occupational limit within approximately 12 feet of Sprint proposed antennas at the main roof level.

Posting of the signage and installation of the recommended barriers will bring the site into compliance with FCC rules and regulations.

Appendix A

Certifications

Preparer Certification

I, Drew Duncklee, state that:

- I am an employee of EnviroBusiness Inc. (d/b/a EBI Consulting), which provides RF-EME safety and compliance services to the wireless communications industry.
- I have successfully completed RF-EME safety training, and I am aware of the potential hazards from RF-EME and would be classified "occupational" under the FCC regulations.
- I am familiar with the FCC rules and regulations as well as OSHA regulations both in general and as they apply to RF-EME exposure.
- I have reviewed the data provided by the client and incorporated it into this Site Compliance Report such that the information contained in this report is true and accurate to the best of my knowledge.

Appendix B

Roofview® Export File

Map, Settings, Antenna, and Symbol Data Table .. Exported from workbook -> RoofView 4.15.xls
Done on 5/2/2012 at 2:23:32 PM.
Use this format to prepare other data sets for the RoofView workbook file.
You may use as many rows in this TOP header as you wish.
The critical point are the cells in COLUMN ONE that read 'Start...' (eg. StartMapDefinition)
If used, these (4) headers are required to be spelled exactly, as one word (eg. StartMapDefinition)
The very next row will be considered the start of that data block.
The first row of the data block can be a header (as shown below), but this is optional.
When building a text file for import, Add the Map info first, then the Antenna data, followed by the symbol data.
All rows above the first marker line 'Start...' will be ignored, no matter how many there are.
This area is for you use for documentation.
End of help comments.

You can place as much text here as you wish as long as you don't place it below
the Start Map Definition row below the blue line.
You may insert more rows using the Insert menu.
Should you need additional lines to document your project, simply insert additional rows
by highlighting the row number adjacent to the blue line below and then clicking on the insert menu
and selecting rows.

StartMapDefinition

Roof Max Y	Roof Max X	Map Max Y	Map Max X	Y Offset	X Offset	Number of envelope		List Of Area
170	160	180	170	10	10	1	SUS41:SFX SUS41:SFXS210	SUS41:SFX

StartSettingsData

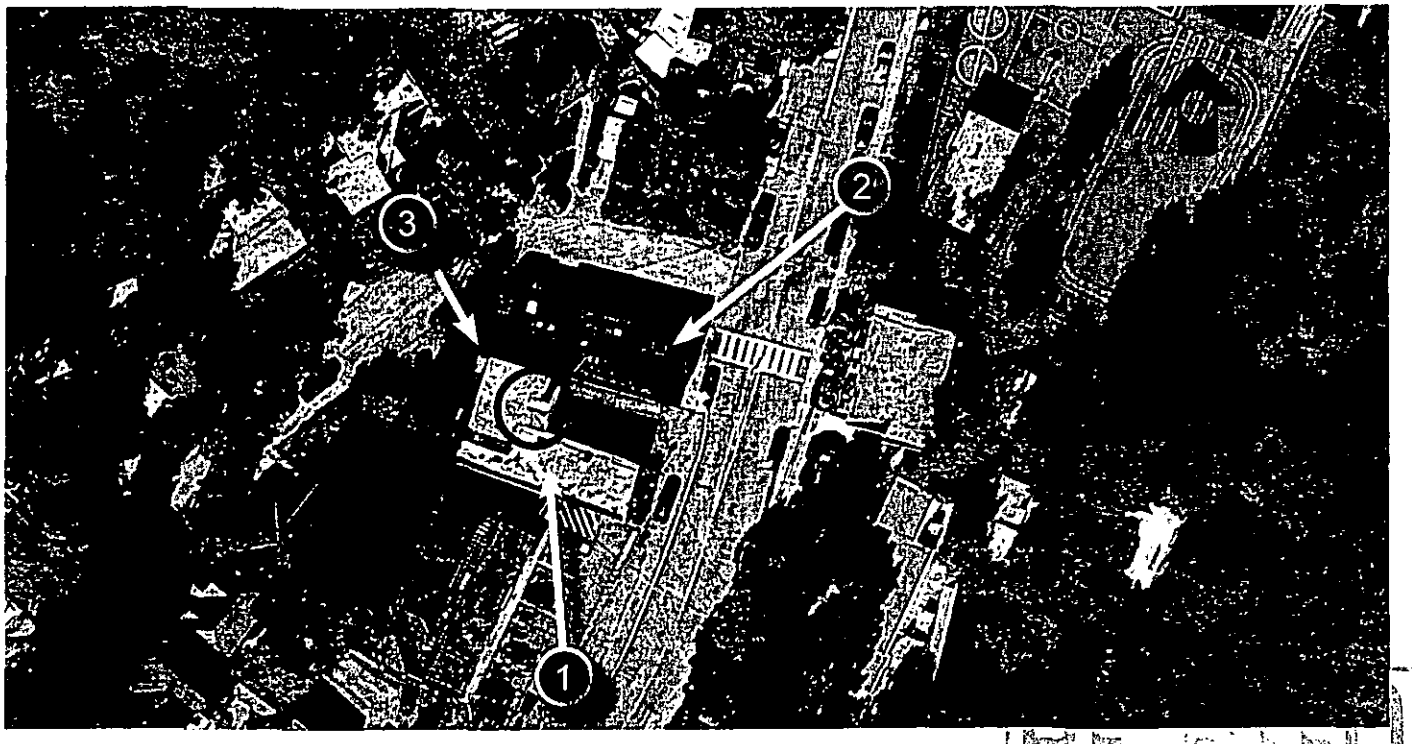
Standard	Method	Uptime	Scale Facte	Low Thr	Low Color	Mid Thr	Mid Color	HI Thr	Hi Color	Over Color	Ap Ht Mult	Ap Ht Method
4	2	3	1	100	1	500	4	5000	2	3	1.5	1

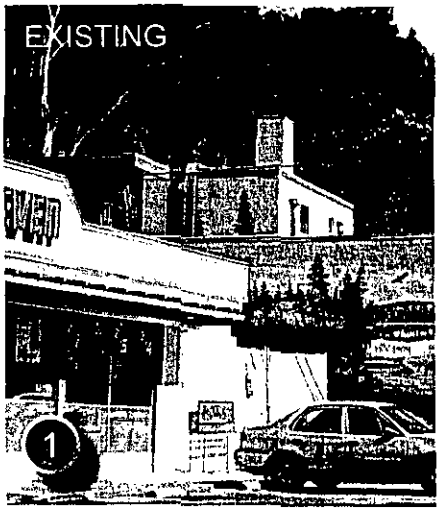
StartAntennaData It is advisable to provide an ID (ant 1) for all antennas

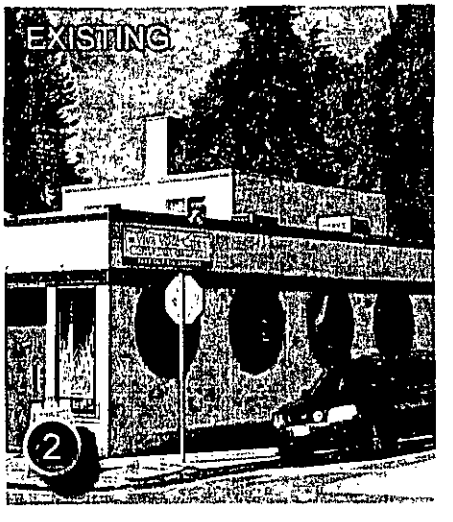
ID	Name	(MHz) Freq	Trans Power	Trans Count	Coax Len	Coax Type	Other Loss	Input Power	Calc Power	Mfg	Model	(ft) X	(ft) Y	(ft) Z	Type.	(ft) Aper	dBd Gain	BWdth Pt Dir	Uptime Profile	ON flag
SPT C1		800	20	1	5	1/2 LDF	0.5		17.33924	KMW	1900 800 KMW 65 Type 1	22	22	1		6	13.2	70;220		ON•
SPT C1		1900	20	2	5	1/2 LDF	0.5		34.67849	KMW	1900 800 KMW 65 Type 1	22	22	1		6	15.9	60;220		ON•
SPT C1		1900	20	3	5	1/2 LDF	0.5		52.01771	KMW	1900 800 KMW 65 Type 1	22	22	1		6	15.9	60;220		ON•
SPT A1		300	20	1	5	1/2 LDF	0.5		17.33924	KMW	1900 800 KMW 65 Type 1	27	25	1		6	13.2	70;30		ON•
SPT A1		1900	20	2	5	1/2 LDF	0.5		34.57343	KMW	1900 800 KMW 65 Type 1	27	25	1		6	15.9	60;30		ON•
SPT A1		1900	20	3	5	1/2 LDF	0.5		52.01771	KMW	1900 800 KMW 65 Type 1	27	25	1		6	15.9	60;30		ON•

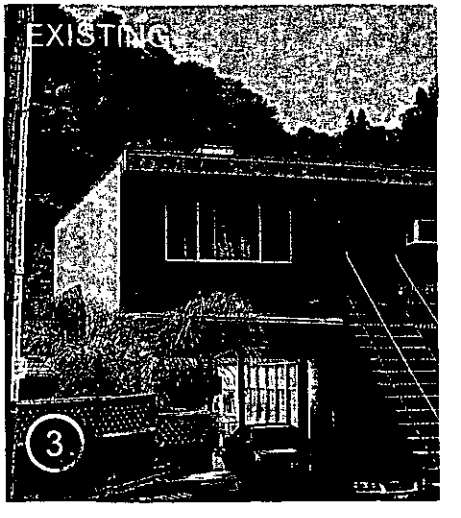
StartSymbolData

Sym	Map Mark	Roof X	Roof Y	Map Label	Description (notes for this table only)
Sym		5	35	AC Unit	Sample symbols
Sym		14	5	Roof Access	
Sym		45	5	AC Unit	
Sym		45	20	Ladder	









ATTACHMENT E

CMD12-056

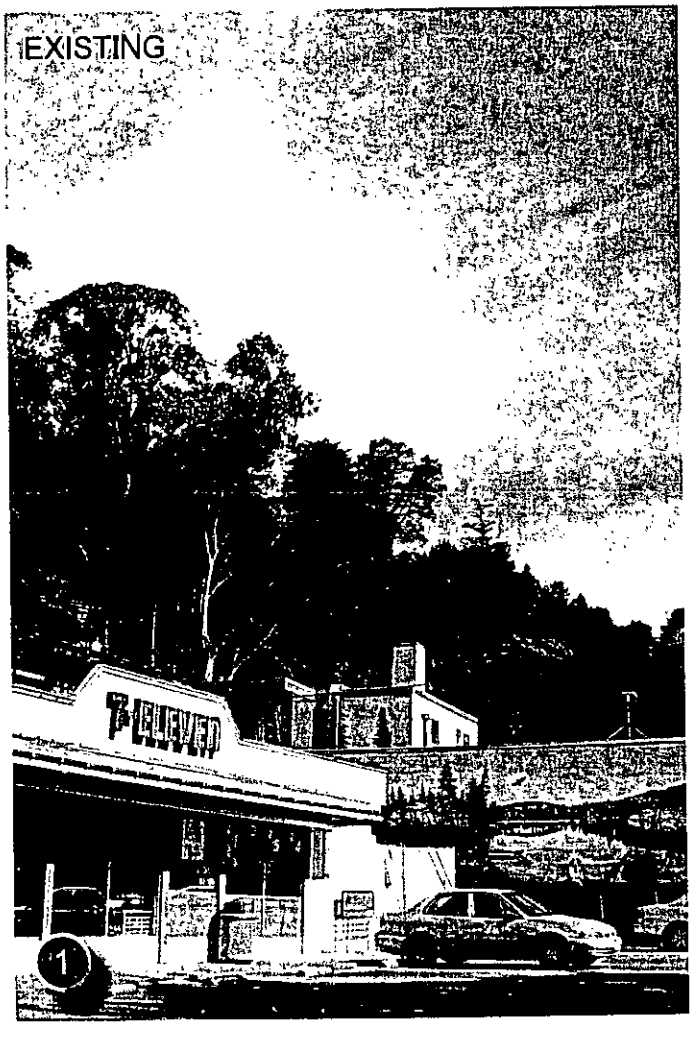
Sprint

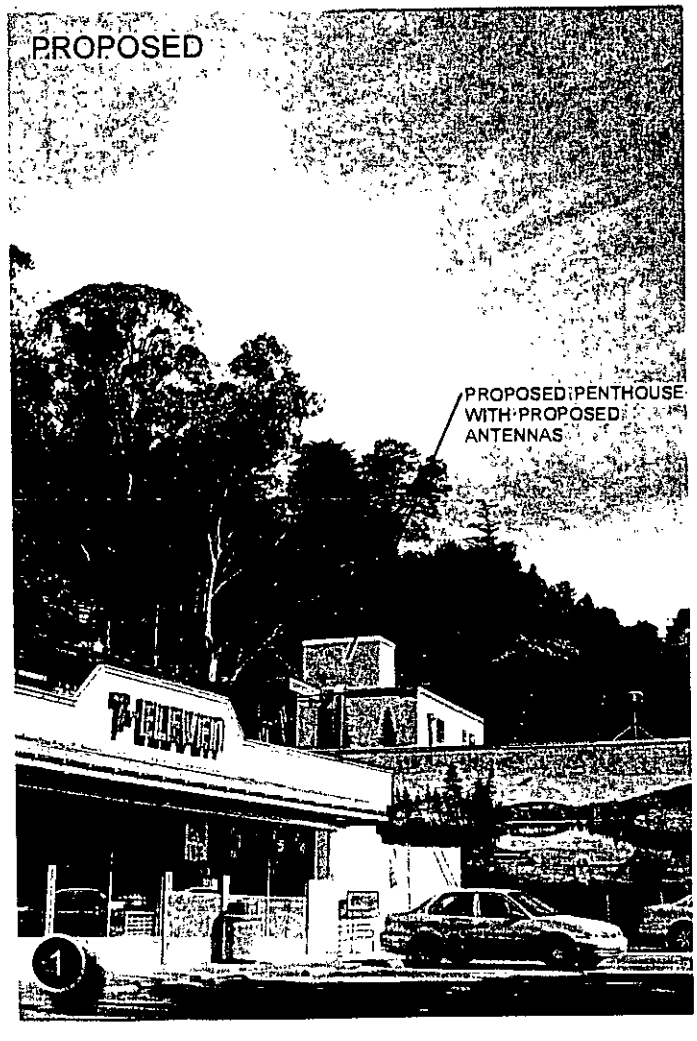
SITE PLAN & RESPECTIVE VIEWS

SPRINT-SF33XC712- THORNHILL DRIVE WEST
5745 THORNHILL DR, OAKLAND, CA 94611

Streamline Engineering and Design, Inc.
3268 PENRYN RD, SUITE 200 LOOMIS, CA 95650
PHONE: (915) 660-1930
FAX: (916) 600-1941

06/22/12





Streamline Engineering and Design, Inc.

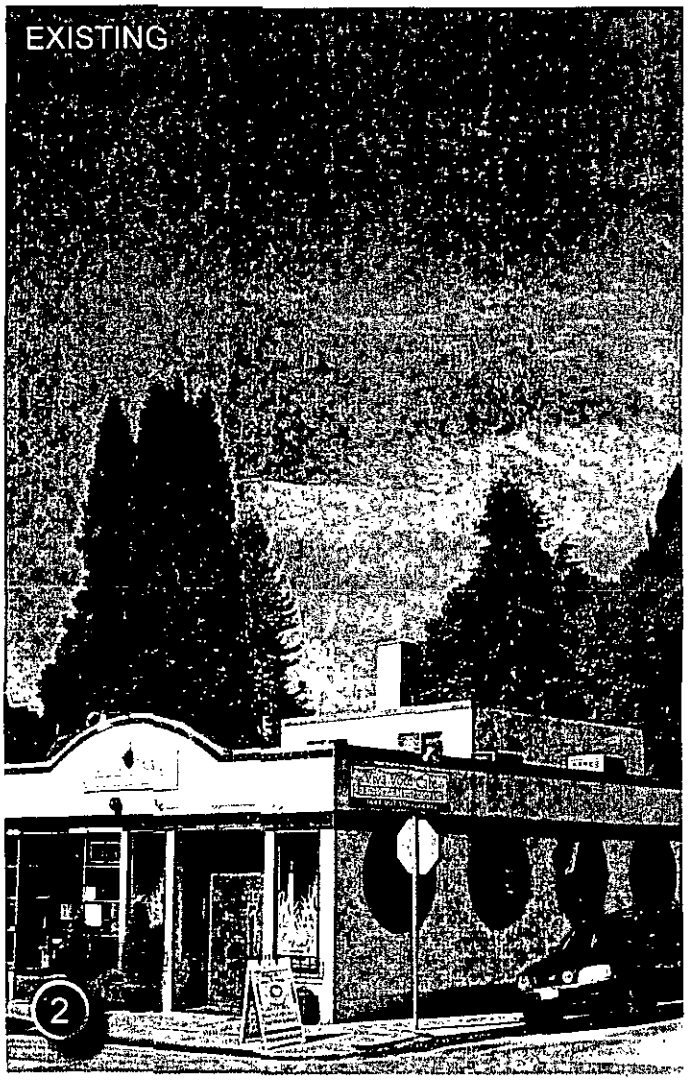
Sprint

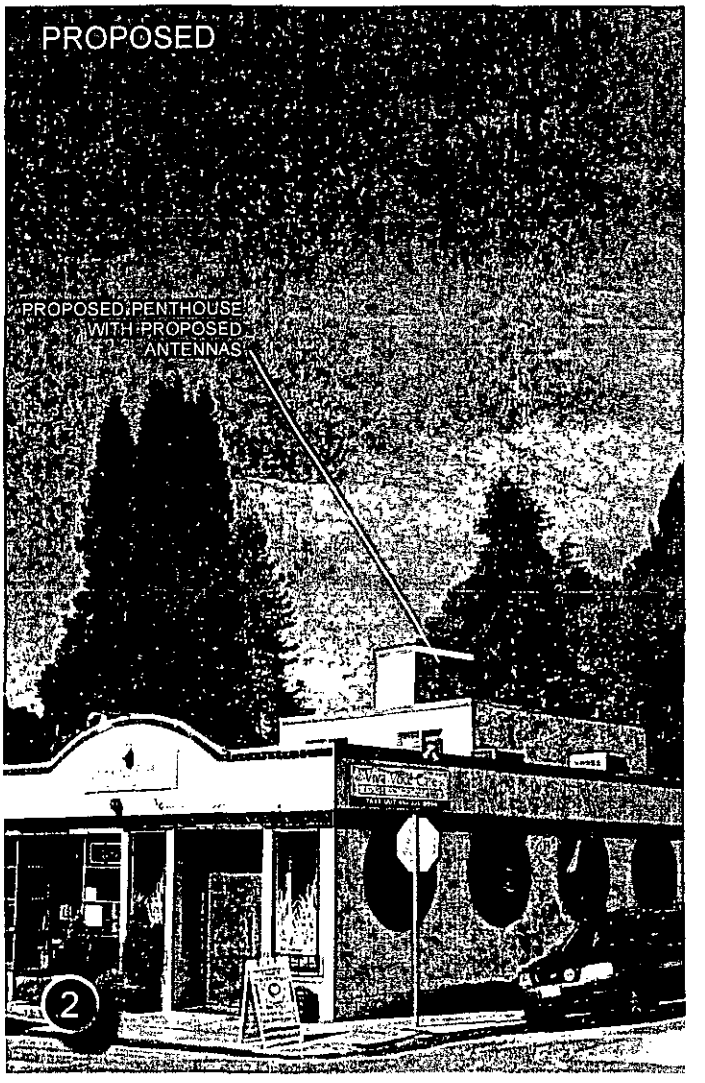
VIEW 1: LOOKING NW FROM THORNHILL DR

SPRINT-SF33XC712- THORNHILL DRIVE WEST
5745 THORNHILL DR, OAKLAND, CA 94611

3268 PENRYN RD, SUITE 200 LOOMIS, CA 95650
PHONE: (916) 660-1930
FAX: (916) 600-1941

06/22/12





StreamLine Engineering

SigI Design, Inc.

Sprint

VIEW 2: LOOKING SW FROM THORNHILL DR

SPRINT-SF33XC712- THORNHILL DRIVE WEST

5745 THORNHILL DR, OAKLAND, CA 94611

3268 PENRYN RD, SUITE 200 LOOMIS, CA 95650
PHONE: (916) 660-1930
FAX: (916) 600-1941

06/22/12

Streamline Engineering and Design, Inc.

VIEW 3: LOOKING SE FROM GRISBORNE AVE

Sprint

SPRINT-SF33XC712- THORNHILL DRIVE WEST
5745 THORNHILL DR, OAKLAND, CA 94611

3268 PENRYN RD, SUITE 200 LOOMIS, CA 95650
PHONE: (916) 660-1930
FAX: (916) 600-1941

06/22/12

June 30, 2012

Karen Chambers
Owner & Resident
5747 Grisborne Avenue
Oakland, CA 94611

City Planning Commission
City of Oakland
Planning & Zoning Services

RE: 5745 Thornhill Drive (APN: 048G-7420-002-00)
Proposal to Relocate & Replace High Wireless Enclosure

To the Oakland City Planning Commission,

I am the owner and resident of 5747 Grisborne Avenue, a single family home that is located directly across the street from the building containing the wireless enclosure that is the subject of this proposal. I am writing this letter to voice concerns on behalf of my family and our neighborhood community.

About our neighborhood and this location:

1. The existing enclosure was installed in 2000. I did not become aware of its existence until this proposal was made nor was it disclosed when we purchased our home in 2005.
2. This antenna enclosure sits directly on top of a residential apartment. The address of this apartment is 5756 Grisborne Avenue. The equipment room is located approximately 5 feet from the apartment's front door and directly across from the apartment's kitchen.
3. There is a one block commercial strip that sits directly in and completely surrounded by our residential neighborhood. The building in question has residential homes surrounding it on 3 sides either adjacent to or directly across the street. The homes directly behind the cell tower are on an upslope and sit at an elevation that is at or above both the existing and the

proposed cell tower – these homes sit in the direct path of the tower. The apartment building across the street on Thornhill is 3 stories tall and also sits in the direct path of the tower.

4. There are 4 pre-schools/day care facilities within ONE block of this facility.
5. Thornhill Elementary School is located diagonally across the street from this facility.
6. The Thornhill Coffee Shop is directly across the street from this building. This is a popular congregating spot for the neighborhood. Many Thornhill students hang out at the coffee shop for one to three hours each afternoon on school days socializing and doing homework until their parents pick them up. This is a direct line from the tower and a very short distance away.
7. There is a restaurant in the building next door to the tower.
8. The equipment room for this wireless facility is in the building which houses a vet hospital. Pets reside in the hospital overnight recovering from medical procedures.
9. This spot is inside a canyon where there is not great air flow in and out of the canyon.

What the Radio Frequency – Electromagnetic Energy Compliance Report states:

1. Section 8.0 states, "Based on worst-case predictive modeling, there are predicted areas on accessible rooftop or ground level walking/working surface related to the propose Sprint antennas that exceed the FCC's occupational and general public limits at this site. At the nearest walking walking/working surfaces to the proposed Sprint antennas, the maximum power density is 1,638.10 percent of the FCC's general public limit."
2. The limits for General Public exposure (which includes nearby residential areas) set out in Table 1. The average time of exposure listed in this table is 30 minutes.
3. After Table 1, the report states, "Antennas are constructed to concentrate energy towards the horizon..."

Summary of Concerns

- The tower is emitting 164 TIMES the FCC's general public limit.
- Even the "worst-case" predictive modeling only assumes an average exposure of 30 minutes for the General Public. What about all the people who live, work and attend school within a stone's throw of this tower?

- This cell tower sits directly on a residential apartment and is only a few feet above the bedrooms in this apartment. These residents are at even greater risk than occupational workers as they LIVE within 12 feet of the tower.
- This tower also sits at the same elevation of several surrounding homes that will be in the direct path of the energy emission coming from this tower.
- The neighborhood includes babies, young children and young teens who will be particularly vulnerable to any radiation exposure, particularly in light of the fact that they are in their homes up to 24 hours a day.
- Our community also includes stay at home parents and work at home parents. These people are subjected to 20 plus hours a day of elevated radiation exposure, especially those in homes at the height of the tower.
- There are **FIVE** preschool, daycare, and elementary school facilities within one block of this tower. These kids will be exposed for several hours each day to elevated levels of radiation from this tower.

We are asking the Planning Commission to deny the Conditional Use Permit and remove this harmful threat from our community. We are prepared to exhaust all avenues to eliminate this threat from our community.

Thank you for your consideration.

Regards, Karen Chambers

Myra S. Mitzman
ATTORNEY AT LAW

MAILING ADDRESS:
6114 LaSalle Avenue
Suite 4as
Oakland, CA 94611

(510) 338-0220 Phone
(510) 338-0202 Fax
MYRA@MITZMAN.COM

June 29, 2012

(510) 238-4730-Fax
MRivera@oaklandnet.com

City Planning Commission
City of Oakland
Planning & Zoning Services

Re: 5745 Thornhill Drive (APN: 048G-7420-002-00)
Proposal to relocate and replace the existing 9 s.f., 7' high wireless enclosure with a new 45 s.f., 7' high wireless enclosure that would replace 4 antenna panels with 2 new concealed antenna panels, collocate 4 concealed small Radio Remote Unit (RRU) antennas and to replace 3 equipment cabinets with 2 concealed cabinets, located on the roof of a commercial facility
Hearing Date: July 11, 2012

Ladies and Gentlemen:

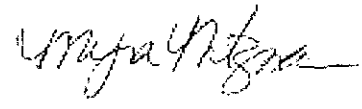
I am the homeowner at 5741 Grisborne Avenue, Oakland, California. I am writing this letter on behalf of myself and my family, as well as other concerned Grisborne Avenue residents, inasmuch as the proposed structure is located in the midst of a residential neighborhood surrounded by several homes at a similar elevation, as well as restaurants, schools and childcare facilities at street level.

After reading through the materials Mike Rivera forwarded to Karen Chambers Siegel on June 27th, I must say we are quite concerned about the information contained in the Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report prepared for Sprint Nextel by EBI Consulting (the "Report"). According to the Report, the proposed tower is going to emit "1,638.10 percent" (i.e., almost 164 ***TIMES***) the maximum level of permitted radiation under FCC guidelines (see Section 8.0 of the Report) at the "nearest walking/working surface," which presumably means on the roof next to the proposed facility. The proposed cell tower will sit directly on top of a residential apartment whose tenants live a scant few feet below these high levels of potentially harmful radiation. Moreover, the homes on the North side of Grisborne Avenue and the South side of Thornhill Drive are likewise at approximately the same elevation and in close proximity to the proposed tower. As such, nearby residents are extremely vulnerable to the adverse effects of higher-than-permissible EMF levels as our homes are not at "ground level".

As the Report clearly states, this new tower will generate levels of EMF's obscenely in excess of FCC permitted levels at the tower site. Many of the immediate neighbors, myself included, have children and include stay-at-home and work-at-home parents. These people will be exposed up to 24 hours per day to unacceptably high levels of radiation.

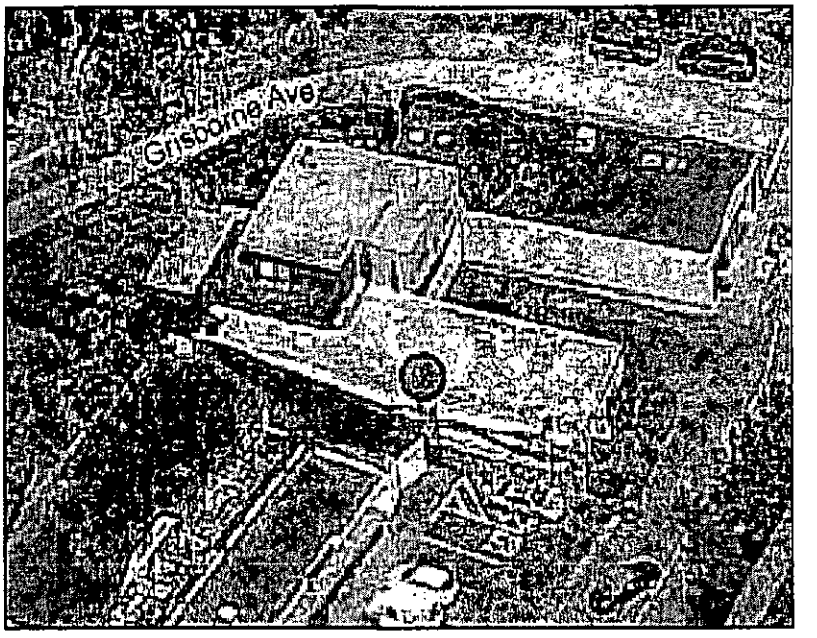
For the above reasons, I hereby go on record as strenuously opposing the granting of the proposed Conditional Use Permit and intend to exhaust all avenues of appeal if it is granted.

Very truly yours,



Myra S. Mitzman

Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report



Prepared for:
Sprint Nextel
c/o Black & Veatch Corporation
2999 Oak Rd. Suite 910
Walnut Creek,CA 94597

Site No. SF33XC712
Thornhill Drive West
5745 Thornhill Drive
Oakland, California 94611
Alameda County
37.834889; -122.212389 NAD83
rooftop

EBI Project No. 62120987
August 13, 2012

-REVISED REPORT-

EBI CONSULTING
Creating Value for Your Business

EXECUTIVE SUMMARY

Purpose of Report

EnviroBusiness Inc. (dba EBI Consulting) has been contracted by Sprint Nextel to conduct radio frequency electromagnetic (RF-EME)monitoring and modeling for Sprint Site SF33XC712 located at 5745 Thornhill Drive in Oakland, California to determine RF-EME exposure levels from existing and proposed Sprint wireless communications equipment at this site. As described in greater detail in Section 11.0 of this report, the Federal Communications Commission (FCC) has developed Maximum Permissible Exposure (MPE) Limits for general public exposures and occupational exposures. This report summarizes the results of RF-EME monitoring andmodeling in relation to relevant FCC RF-EME compliance standards for limiting human exposure to RF-EME fields.

EBI field personnel visited this site on August 10, 2012 . This report contains a detailed summary of the RF EME analysis for the site.

This document addresses the compliance of Sprint's proposed transmitting facilities independently.

1.0 LOCATION OF ALL EXISTING ANTENNAS AND FACILITIES AND EXISTING RF LEVELS

This project involves the removal of four (4) existing antennas and replaced with two (2) proposed Sprint wireless telecommunication antennas on a rooftop located at 5745 Thornhill Drive in Oakland, California. There are two Sectors (A and C) proposed to be replaced at the site, with one (1) antenna that may be re-installed per sector.

EBI conducted a site visit on August 10, 2012 . No additional carriers were collocated on the two-story rooftop located at 5745 Thornhill Drive in Oakland, California. Measurements were taken at the rooftop and ground to record existing RF-EME levels resulting from the existing Sprint antennas prior to the installation of Sprint's proposed equipment.

During the survey, no spadally averaged power density readings above 2.4160% of the FCC's occupational MPE (12.0800% of the general public MPE) were encountered on any rooftop surface. In addition, no spatially averaged power density readings greater than 4.0490% of the FCC's uncontrolled or general public MPE were encountered at ground level.

Monitoring results are presented in Appendix C

2.0 LOCATION OR ALL APPROVED (BUT NOT INSTALLED) ANTENNAS AND FACILITIES AND EXPECTED RF LEVELS FROM THE APPROVED FACILITIES

There are no antennas or facilities that are approved and not installed based on information provided to EBI and Sprint at the time of this report.

3.0 NUMBER AND TYPES OF WTS WITHIN 100 FEET OF THE PROPOSED SITE AND ESTIMATES OF CUMULATIVE EMR EMISSIONS AT THE PROPOSED SITE

There are no other Wireless Telecommunication Service (WTS) sites observed within 100 feet of the proposed site.

4.0 LOCATION AND NUMBER OF THE SPRINT ANTENNAS AND BACK-UP FACILITIES PER BUILDING AND NUMBER AND LOCATION OF OTHER TELECOMMUNICATION FACILITIES ON THE PROPERTY

Sprint proposes the removal of four (4) existing antennas and replaced with two (2) proposed Sprint wireless telecommunication antennas on a rooftop located at 5745 Thornhill Drive in Oakland, California. There are two Sectors (A and C) proposed to be replaced at the site, with one (1) antenna that may be re-installed per sector. In each sector, there is proposed to be one antenna transmitting in the 800 MHz and the 1900 MHz frequency ranges. The Sector A antenna will be oriented 30° from true north. The Sector C antenna will be oriented 220° from true north. The bottoms of the antennas will be 1 foot above the main roof level.

There were no collocated carriers on the rooftop.

5.0 POWER RATING FOR ALL EXISTING AND PROPOSED BACKUP EQUIPMENT SUBJECT TO THE APPLICATION

The operating power for modeling purposes was assumed to be 20 Watts per transmitter for the 800 MHz antenna and there will be one (1) transmitter operating at this frequency. Additionally, for

modeling purposes it was assumed to be 20 Watts per transmitter and five (5) transmitters operating at the 1900 MHz.

6.0 TOTAL NUMBER OF WATTS PER INSTALLATION AND THE TOTAL NUMBER OF WATTS FOR ALL INSTALLATIONS ON THE BUILDING

The effective radiated power (ERP) for the 800 MHz transmitter combined on site is 442 Watts. The ERP for the 1900 MHz transmitters combined on site is 4,114 Watts.

7.0 PREFERRED METHOD OF ATTACHMENT OF PROPOSED ANTENNA WITH PLOT OR ROOF PLAN INCLUDING: DIRECTIONALITY OF ANTENNAS, HEIGHT OF ANTENNAS ABOVE NEAREST WALKING SURFACE, DISCUSS NEARBY INHABITED BUILDINGS

Based on the information provided to EBI, the information indicates that the proposed antennas are to be pipe-ounted behind a faux chimney on a rooftop, operating in the directions, frequencies, and heights mentioned in section 4.0 above. This site appears to be located in a commercial/residential area.

8.0 ESTIMATED AMBIENT RADIO FREQUENCY FIELDS FOR THE PROPOSED SITE

Based on worst-case predictive modeling, there are predicted areas on accessible rooftop-level walking/working surfaces related to the proposed Sprint antennas that exceed the FCC's occupational and general public exposure limits at this site. At the nearest walking/working surfaces to the proposed Sprint antennas, the maximum power density is 1,638.10 percent of the FCC's general public limit (327.62 percent of the FCC's occupational limit). Based on worst-case predictive modeling, there are no areas at ground level related to the proposed Sprint antennas that exceed the FCC's occupational or general public exposure limits at this site. At ground level, the maximum power density generated by the Sprint antennas is 13.40 percent of the FCC's general public limit (2.68 percent of the FCC's occupational limit). The inputs used in the modeling are summarized in the RoofView® export file presented in Appendix B.

9.0 SIGNAGE AT THE FACILITY IDENTIFYING ALL WTS EQUIPMENT AND SAFETY PRECAUTIONS FOR PEOPLE NEARING THE EQUIPMENT AS MAY BE REQUIRED BY THE APPLICABLE FCC ADOPTED STANDARDS (DISCUSS SIGNAGE FOR THOSE WHO SPEAK LANGUAGES OTHER THAN ENGLISH)

Signs are the primary means for control of access to areas where RF exposure levels may potentially exceed the MPE. It is recommended that additional signage be installed for the new antennas making people aware of the antennas locations. There are fields in front of the proposed antennas and therefore barriers are recommended.

Additionally, there are areas where workers elevated above the rooftop may be exposed to power densities greater than the general population and occupational limits. Workers and the general public should be informed about the presence and locations of antennas and their associated fields.

At the time of the site survey, it was noted that there was a blue "Notice" sign located on the equipment room door on the lower roof.

Additionally, access to this site upper rooftop is accomplished via a portable extension ladder. Access to the facility is monitored and as such, the general public is not able to access the upper rooftop.

10.0 STATEMENT ON WHO PRODUCED THIS REPORT AND QUALIFICATIONS

Please see the certifications attached in Appendix A below.

11.0 FEDERAL COMMUNICATIONS COMMISSION (FCC) REQUIREMENTS

The FCC has established Maximum Permissible Exposure (MPE) limits for human exposure to Radiofrequency Electromagnetic (RF-EME) energy fields, based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits developed by the Insdtute of Electrical and Electronics Engineers, Inc. (IEEE) and adopted by the American National Standards Institute (ANSI) to replace the 1982 ANSI guidelines. Limits for localized absorption are based on recommendations of both ANSI/IEEE and NCRP.

The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupational/controlled exposure limits (for workers) and general public/uncontrolled exposure limits for members of the general public.

Occupational/controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/ controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general public/uncontrolled limits (see below), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

General public/uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public would always be considered under this category when exposure is not employment-related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area.

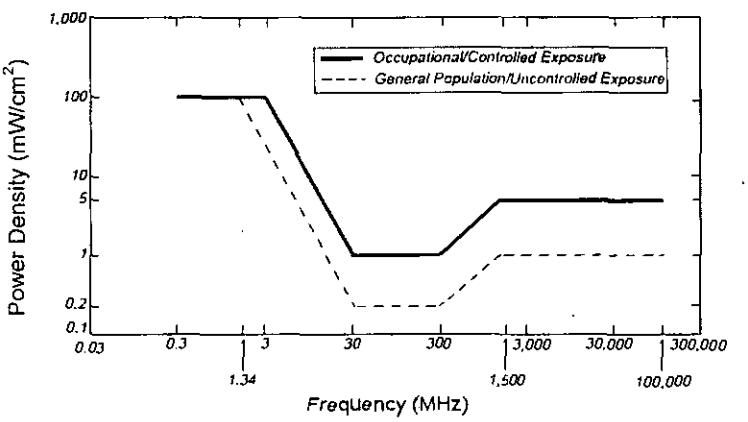
Table 1 and Figure 1 (below), which are included within the FCC's OET Bulletin 65, summarize the MPE limits for RF emissions. These limits are designed to provide a substantial margin of safety. They vary by frequency to take into account the different types of equipment that may be in operation at a particular facility and are "time-averaged" limits to reflect different durations resulting from controlled and uncontrolled exposures.

The FCC's MPEs are measured in terms of power (mW) over a unit surface area (cm^2). Known as the power density, the FCC has established an occupational MPE of 5 milliwatts per square centimeter (mW/cm^2) and an uncontrolled MPE of 1 mW/cm2 for equipment operating in the 1900 MHz frequency range. For the Sprint equipment operating at 800 MHz, the FCC's occupational MPE is 2.66 mW/cm^2 and an uncontrolled MPE of 0.53 mW/cm^2. These limits are considered protective of these populations.

Table 1: Limits for Maximum Permissible Exposure (MRE)				
(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	**Electric Field Strength (E) (V/m)**	**Magnetic Field Strength (H) (A/m)**	**Power Density (S) (mW/cm^2)**	**Averaging Time $[E]^2$, $[H]^2$, or S (minutes)**
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	($900/f^2$)*	6
30-300	61.4	0.163	1.0	6
300-1,500	--	--	f/300	6
1,500-100,000	--	--	5	6
(B) Limits for General Public/Uncontrolled Exposure				
Frequency Range (MHz)	**Electric Field Strength (E) (V/m)**	**Magnetic Field Strength (H) (A/m)**	**Power Density (S) (mW/cm^2)**	**Averaging Time $[E]^2$, $[H]^2$, or S (minutes)**
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	($180/f^2$)*	30
30-300	27.5	0.073	0.2	30
300-1,500	--	--	f/1,500	30
1,500-100,000	--	--	1.0	30

f = Frequency in (MHz)
* Plane-wave equivalent power density

Figure 1. FCC Limits for Maximum Permissible Exposure (MPE)
Plane-wave Equivalent Power Density



Based on the above, the most restrictive thresholds for exposures of unlimited duration to RF energy for several personal wireless services are summarized below:

Personal Wireless Service	Approximate Frequency	Occupational MPE	Public MPE
Personal Communication (PCS)	1,950 MHz	5.00 mW/cm^2	1.00 mW/cm^2
Cellular Telephone	870 MHz	2.90 mW/cm^2	0.58 mW/cm^2
Specialized Mobile Radio	855 MHz	2.85 mW/cm^2	0.57 mW/cm^2
Most Restrictive Freq. Range	30-300 MHz	1.00 mW/cm^2	0.20 mW/cm^2

MPE limits are designed to provide a substantial margin of safety. 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.

Personal Communication (PCS) facilities used by Sprint in this area operate within a frequency range of 800-1900 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation, and are typically installed above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of areas direcdy in front of the antennas.

Statement of Compliance

A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.

12.0 LIMITATIONS

This report was prepared for the use of Sprint Nextel. It was performed in accordance with generally accepted practices of other consultants undertaking similar studies at the same time and in the same locale under like circumstances. The conclusions provided by EBI are based solely on the information collected during the site survey andprovided by the client. The observations in this report are valid on the date of the investigation. Any additional information that becomes available concerning the site should be provided to EBI so that our conclusions may be revised and modified, if necessary. This report has been prepared in accordance with Standard Conditions for Engagement and authorized proposal, both of which are integral parts of this report. No other warranty, expressed or implied, is made

13.0 SUMMARY AND CONCLUSIONS

EBI has prepared this Radiofrequency Emissions Compliance Report for the proposed Sprint telecommunications equipment at the site located at 5745 Thornhill Drive in Oakland, California.

EBI has conducted theoretical modeling combined with on site monitoring to estimate the worst-case power density from Sprint antennas to document potential MPE levels at this location and ensure that site control measures are adequate to meet FCC and OSHA requirements. As presented in the preceding sections, based on worst-case predictive modeling, the worst-case emitted power density may exceed the FCC's general public limit within approximately 12 feet of Sprint's proposed antennas at the upper roof level. Modeling also indicates that the worst-case emitted power density may exceed the FCC's occupational limit within approximately 3 feet of Sprint's proposed antennas at the upper roof level.

Additionally, based on the FCC criteria, there are no measured areas on any accessible rooftop and ground-level walking/working surface related to the existing site conditions that exceed the FCC's occupational and general public exposure limits at this site.

Signage has been installed at the site as presented in Section 9.0. Posting of the additional signage and installation of the recommended barriers will bring the site into compliance with FCC rules and regulations.

Appendix A

Certifications

Field Personnel Certification

I, David Oliver, state that:

- I am an employee of EnviroBusiness Inc. (d/b/a EBI Consulting), which provides RF-EME safety and compliance services to the wireless communications industry.
- I have successfully completed RF-EME safety training, and I am aware of the potential hazards from RF-EME and would be classified "occupational" under the FCC regulations.
- I am familiar with the FCC rules and regulations as well as OSHA regulations both in general and as they apply to RF-EME exposure.
- I have been trained in the proper use of the RF-EME measurement equipment, and have successfully completed EBI training in the policies and procedures for site survey protocols.
- All information collected during the site survey and contained in this report is true and accurate to the best of my knowledge and based on the data gathered.

David Oliver

Preparer Certification

I, Drew Duncklee, state that:

- I am an employee of EnviroBusiness Inc. (d/b/a EBI Consulting), which provides RF-EME safety and compliance services to the wireless communications industry.
- I have successfully completed RF-EME safety training, and I am aware of the potential hazards from RF-EME and would be classified "occupational" under the FCC regulations.
- I am familiar with the FCC rules and regulations as well as OSHA regulations both in general and as they apply to RF-EME exposure.
- I have reviewed the data collected during the site survey andprovided by the client and incorporated it into this Site Compliance Report such that the information contained in this report is true and accurate to the best of my knowledge.

Appendix B

Roofview® Export File

Map, Settings, Antenna, and Symbol Data Table .. Exported from workbook -> RoofView 4.15.xls
Done on 5/2/2012 at 2:23:32 PM.
Use this format to prepare other data sets for the RoofView workbook file.
You may use as many rows in this TOP header as you wish.
The critical point are the cells in COLUMN ONE that read 'Start...' (eg. StartMapDefinition)
If used, these (4) headers are required to be spelled exactly, as one word (eg. StartMapDefinition)
The very next row will be considered the start of that data block.
The first row of the data block can be a header (as shown below), but this is optional.
When building a text file for import, Add the Map info first, then the Antenna data, followed by the symbol data.
All rows above the first marker line 'Start...' will be ignored, no matter how many there are.
This area is for you use for documentation.
End of help comments.

You can place as much text here as you wish as long as you don't place it below
the Start Map Definition row below the blue line.
You may insert more rows using the Insert menu.
Should you need additional lines to document your project, simply insert additional rows
by highlighting the row number adjacent to the blue line below and then clicking on the Insert menu
and selecting rows.

StartMapDefinition

Roof Max Y	Roof Max X	Map Max Y	Map Max X	Y Offset	X Offset	Number of envelope			List Of Area
170	160	180	170	10	10	1	SUS41:SFX	SUS41:SFXS210	SUS41:SFX

StartSettingsData

Standard	Method	Uptime	Scale Facte	Low Thr	Low Color	Mid Thr	Mid Color	Hi Thr	Hi Color	Over Color	Ap Ht Mult	Ap Ht Method
4	2	3	1	100	1	500	4	5000	2	3	1.5	1

StartAntennaData It is advisable to provide an ID (ant 1) for all antennas

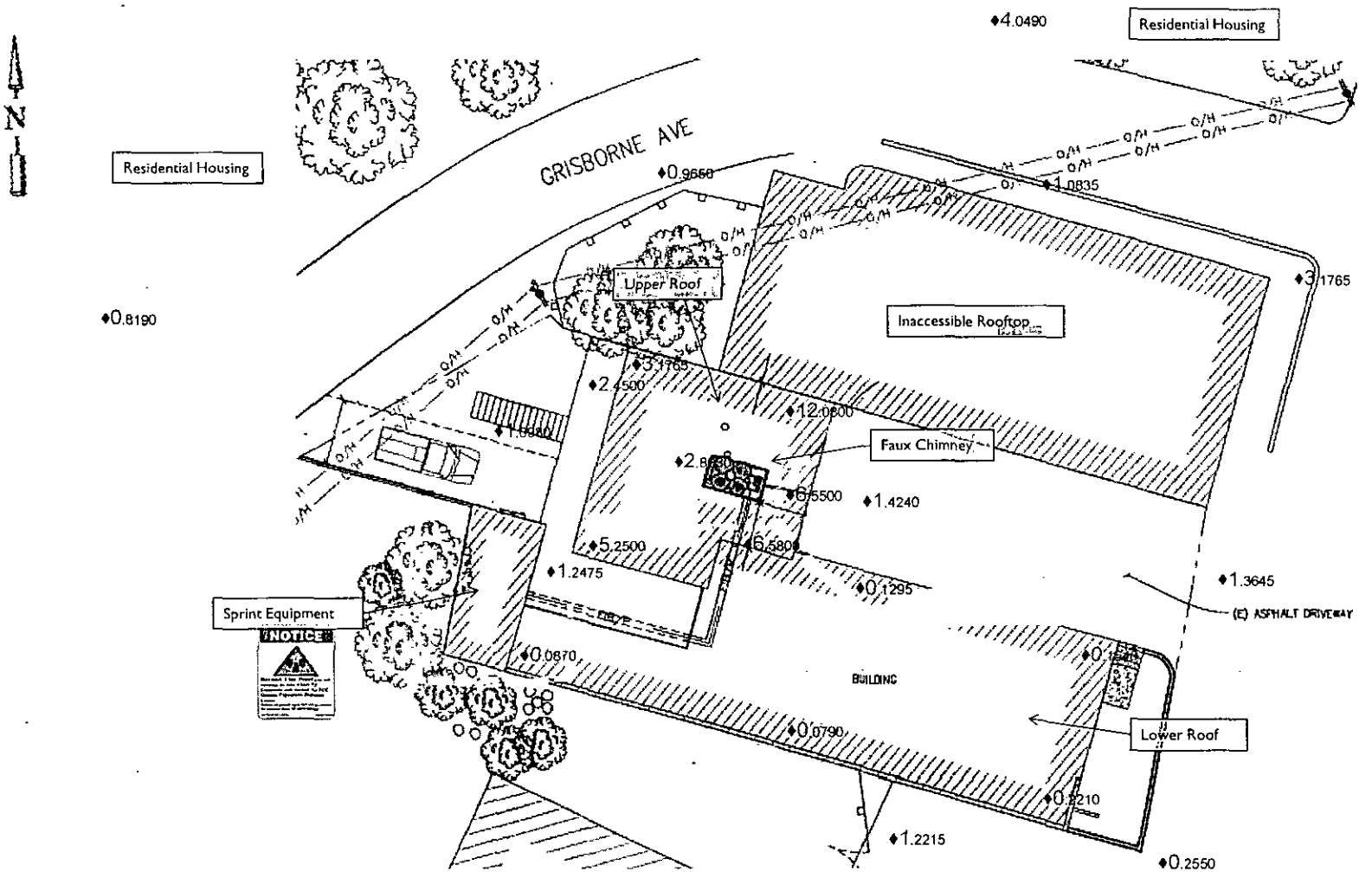
ID	Name	(MHz) Freq	Trans Power	Trans Count	Coax Len	Coax Type	Other Loss	Input Power	Calc Power	Mfg	Model	(ft) X	(ft) Y	(ft) Z	Type	(ft) Aper	dBd Gain	BWdth Pt Dir	Uptime Profile	ON flag
SPT C1		800	2D	1	S	1/2 LDF	0.5		17.33924	KMW	1900 800 K	22	22	1		6	13.2	70;220		ON•
SPT C1		1900	20	2	S	1/2 LDF	0.5		34.67848	KMW	1900 800 K	22	22	1		6	15.9	80;220		ON•
SPT C1		1900	20	3	S	1/2 LDF	0.5		52.01771	KMW	1900 800 K	22	22	1		6	15.9	60;220		ON•
SPT A1		800	20	1	S	1/2 LDF	0.5		17.33924	KMW	1900 800 K	27	25	1		6	13.2	70;30		ON•
SPT A1		1900	20	2	S	1/2 LDF	0.5		34.67848	KMW	1900 800 K	27	25	1		6	15.9	60;30		ON•
SPT A1		1900	20	3	S	1/2 LDF	0.5		52.01771	KMW	1900 800 K	27	25	1		6	15.9	60;30		ON•

StartSymbolData

Sym	Map Marki	Roof X	Roof Y	Map Label	Description (notes for this table only)
Sym		5	35	AC Unit	Sample symbols
Sym		14	5	Roof Access	
Sym		45	5	AC Unit	
Sym		45	20	Ladder	

Appendix C

Monitoring Plan



Site Plan with Monitoring Results

Facility Operator: Sprint
Site Number: SF33XC712
Site Name: Thornhill Drive West
Site Visit Date: 08-10-12

EBI CONSULTING

EBI
CONSULTING
www.ebiconsulting.com

21 B Street
Burlington, MA, 01803
Tel: (781) 273-2500
Fax: (781) 273-3311

Date: August 16, 2012

To: Streamline Engineering

From: Stephanie Penta, EBI

Re: Post Construction Monitoring SF33XC712

EBI has completed pre-construction monitoring and theoretical post construction monitoring at Sprint site SF33XC712 located in Oakland, CA. it was concluded that there were no levels above the FCC general public or occupational limits based on current conditions. It is recommended that on site monitoring is conducted post modification to ensure that the site is operating within the FCC limits. The theoretical modeling predicts conditions on site at the worst-case scenarios. On site monitoring will reflect actual emissions post modification.

Sincerely,

Stephanie Penta

Stephanie Penta
Program Manager

Attachment 4

Community and Economic Development Agency

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

SEP 11 2012 PM 1:03

PROJECT INFORMATION

Case No. of Appealed Project: CMD12-056

Project Address of Appealed Project: 5745 Thornhill Drive

Assigned Case Planner/City Staff: Mike Rivera

SEP 11 2012 PM 1:03

APPELLANT INFORMATION:

Printed Name: Karen Chambers Phone Number: 510-414-6762

Mailing Address: 5947 Grisborne Ave Alternate Contact Number: —

City/Zip Code Oakland 94611 Representing: self

Email: k.chamberssiegel@gmail.com

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 Adminstrative 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 Sees. 17.152.150 &/or 17.156.160)
- ☐ Other (please specify) _____

SEP 11 2012 PM 1:03

ATTACHMENT B

(continued on reverse)

RECEIVED
SEP 11 2012
City of Oakland
Planning & Zoning Division

(Continued)

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

YOU MUST INDICATE ALL THAT APPLY:

Pursuant to the Oakland Municipal and Planning Codes listed below:

- ☑ Major Conditional Use Permit (OPC Sec. 17.134.070)
- ☐ Major Variance (OPC Sec. 17.148.070)
- ☑ Design Review (OPC Sec. 17.136.090)
- ☐ Tentative Map (OMC Sec. 16.32.090)
- ☐ Planned Unit Development (OPC Sec. 17.140.070)
- ☐ Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- ☐ Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- ☐ Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- ☐ Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- ☐ Other (please specify) _____

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

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

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

see attached

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

(Continued on reverse)

(Continued)

Karen Chambers

Signature of Appellant or Representative of Appealing Organization

9/10/2012

Date

Below For Staff Use Only

Date/Time Received Stamp Below:

Cashier's Receipt Stamp Below:

APPEAL submitted 9-11-2012
OBJECTION to Grant of Major Conditional Use Permit for a Mini Telecommunication Facility within 100 feet of the boundary of a residential zone.
CASE PILE: GMD12-056

SEP 11 2012 PM 1:04

Submitted by Karen Chambers
Owner and Resident, Grisborne Ave.

On August 29, 2012, the Oaldand City Planning Commission reviewed and approved the apphcation for a Major Gonditionai Use Permit to modify a telecommunication facility within 100 feet of a residential zone. Although this heariog was suppose to be the forum for neighborhood concerns to be vetted, the concerns raised by myself and Myra Mitzman, as representatives of our street, were not addressed at all. In fact, during the first minute plus of our presentation, the Commission members were chattiog to each other, pouring water and rustling papers. They were clearly not hstening. After I was done speaking, there were a few questions addressed to the engineering firm who submitted the compliance report but none of those questions addressed our specific concerns. When we attempted to gain clarity, the Head of the Commission told us we were not allowed to speak at all since we used our allotted time and he didn't want to have "a lot of back and forth." Frankly, he was rude and patronizing to Ms. Mitzman and myself. Now we have had to pay over $1300 in hopes that the City Coumcil will be willing to hear and address our concerns and to ensure that Federal Safety Standards are being met. The evidence does NOT demonstrate that the neighbors and school children in the block surrounding this facility are safe and does not show that this facility meets Federal Safety Standards.

THE FACILITY IN QUESTION SITS IN A RESIDENTIAL COMMUNITY. THERE ARE 5 SCHOOLS WITHIN ONE BLOCK OF THIS INSTALLATION.

The Oakland City Planning Code states that telecommunications facilities shall not be permitted within 100 feet of a residential zone without a major conditional use permit. This is good public policy and provides a measure of protection for the residents of Oakland.

Unfortunately, in this case, an installation was approved and built in the year 2000 in the midst of my neighborhood 5 years before I became a resident. Although the site chosen by Sprint is within a neighborhood commercial zone, it is surroumded by a residential community. Within a single block of this facility are 5 schools:

Thornhill Elementary
Montclair Community Play Center
Smiles Day School
Montessori Apple Garden School

In spite of this, Sprint chose and was allowed to build the facility to be placed:

- directly on top of a residential apartment even though the building is described as a commercial building ,
- within one block of 5 Schools where children from newborn to age 11 can spend up to 9 hours a day, 5 days a week,
- and, at the same elevation and directly pointed at the surrounding homes that are on an upslope, including an apartment building directly across the street on one side and several homes directly across the street and next door on the other side

People every day make choices on issues that impact the well being of their lives from choosing to buy locally grown produce, to supporting companies that demonstrate corporate responsibility, to voting for candidates who support the issues they care about. The location of this site runs counter to the well being of this community and, in particular, subjects hundreds of children to unnecessary RF exposure.

At the time this installation was placed, there were no protections in place at all for the surrounding neighborhood. Only a Minor Conditional Use Permit was required along with a Design Review. SEE ATTACHMENT A. There was no alternate site analysis done even though placing a telecommunications facility within the same block as 5 schools, on top of an apartment and surrounded by upslope homes that are sitting in the direct path of the antenna would suggest that one would be appropriate.

Sprint was allowed to install the facility in 2000 without any meaningful review and at a time when protections for the residents and patrons of the neighborhood schools were not in place. The Oakland City Planning Code now has a hierarchy of preferred sites - this site falls at the bottom of that list. Sprint should not be allowed to expand their facility 5 times and move it even closer to the homes across the street. The evidence does not show that the facility would meet Federal guidelines for the residents of the neighborhood who live less than 100 feet away. An alternate site analysis should be performed.

THE DESIGN AND LOCATION OF THE PROPOSED EXPANSION IS NOT CONSISTENT WITH THE OVERALL CHARACTER OF THE SURROUNDING NEIGHBORHOOD.

The installation is proposed to increase from 9 square feet to 45 square feet. It will sit isolated on a rooftop and, with the expansion, essentially amounts to a second story room above the existing building. This installation will impact the view of dozens of surrounding homes. In addition, the new design actually moves the whole thing closer to the homes on Grisborne Avenue.

ALTHOUGH THE LANGUAGE IN THE PERMIT APPLICATION DESCRIBES THE BUILDING AS COMMERCIAL, THE FACILITY ACTUALLY SITS ON A RESIDENTIAL APARTMENT.

The existing facility sits directly on top of a 2 bedroom residential apartment located at 5756 Grisborne Ave. The people residing in the unit live and sleep in rooms that are less than 2 feet under the equipment. With the pubhc notice of Sprint's proposed modification, it has alerted the neighbors and the tenants of the apartment right under the tower of its existence. The tenants have expressed their serious concerns to the owners of the building.

The owners of the building, Carlos Yang and Alicia Halperin, purchased the property in 2007 and inherited the facility along with a lease that does not give them any say in what happens with the facility. The owners are reaching out to Sprint directly to express their concerns.

The requirement of a Major Conditional Use Permit is evidence that additional scrntiny is required when placing these facilities directly in a residential community.

Oakland City Planning Code 17.128.110 states an order of preference for placement of telecommunication facilities. At the bottom of this list is placement on a residential use building. In the case where a facility is being proposed on a residential use building, the code requires an alternate site analysis.

While the code does not require an alternate site analysis when there is an existing facility, the supposition is that the original facility imder went the appropriate scrutiny. The proper analysis was never done and should be done now.

Due to the location of this facihty and the significant change in size and potential emissions output of the proposed expansion, an alternate site analysis should be required.

FEDERAL LAW STATES THAT ANY TELECOMMUNICATIONS FACILITIES MUST PASS FEDERAL SAFETY STANDARDS FOR HUMAN EXPOSURE TO RF EMISSIONS. THE APPLICANT'S OWN REPORT STATES THAT THE FCC'S GENERAL PUBLIC LIMIT WOULD BE EXCEEDED BY 1,638.10 PERCENT IN THE 18 FOOT AREA SURROUNDING THE FACILITY WHICH, AS INDICATED EARLIER, SITS DIRECTLY ON AN APARTMET AND IS SURROUNDED BY PRIVATE HOMES AT THE SAME HEIGHT.

Federal law makes it clear that cities cannot consider general health concerns in considering placement of telecommunications facilities. However, Federal law REQUIRES that its safety standards are met to ensure that human beings are not exposed beyond certain levels.

In this case, the existing facility is 9 square feet. The RF-EME levels of the EXISTING facility, as stated in the Revised Comphance Report, do not exceed FCC guidelines either on the rooftop or at ground level.

IN CONTRAST, the proposed expansion would be 5 times the size of the existing facility going from 9 square feet to 45 square feet. The proposed expansion will drastically EXCEED FCC guidelines in the area surrounding the installation.

"At the nearest walking/working surfaces to the proposed Sprint antennas, the maximum power density is 1,638.10 percent of the FCC's general pubhc limit (327.62 percent of the FCC's occupational limlt)." SEE ATTACHMENT B. These antennas are on someone's home and only a foot above the rooftop. There was no testing done at all inside this apartment and nothing to demonstrate that someone spending 12 to 20 hours a day, 7 days a week, 365 days a year is safe.

In addition, because this facihty sits in a canyon, the antennas are at the same height as the residences surrounding this building. There are several homes and 1 apartment building that are right across the street from this antenna. The antennas are pointed directly into the homes of families with children, stay at home parents and work at home adults. The normal safeguard of having antennas concentrate energy toward the horizon works against the residents of this community as the hills surrounding this installation sit in the direct energy path of the antennas. The EBI representative himself stated that the main part of the energy path goes directly out from the tower. Again, there was no evidence submitted showing that the neighbors are safe with a tower that has the potential to emit power density 1,638.10 percent of the general pubhc limit. We aren't talking 30 minutes of exposure once in awhile. We are talking about famihes with young children spending 8 hours plus every day in the direct path of this tower. The groimd level exposure might be fine for people strolling by...but what about the people who spend 12 to 24 hours a day, 7 days a week who are at the same height as this tower and less than 100 feet away? There is no evidence showing these people are safe.

Not only do we have a facihty sitting directly in a neighborhood community, but we also have a facility sitting directly on top of a residential apartment. FCC guidelines are in place to protect people from excessive exposure. The power density reading of the existing facility is 12.0800% of the general MPE. The proposed modification increases to a potential 1638.10 percent of the federal safety standards putting the human beings who reside below and who work and reside at the same elevation in harm's way.

The major conditional use permit in question should have been denied because the FCC safety standards are exceeded by 1638.10 percent. No testing was done in the apartment that is right under the tower. No testing was done at the elevation of the homes that are surrounding this tower. The granting of this permit is in direct opposition to the FCC guidelines to limit human exposure and should be over turned.

ORIGINAL APPROVAL
2/9/2000

ATTACHMENT A

CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA, SUITE 2114 · OAKLAND, CALIFORNIA 94612-2031

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3911
FAX (510) 238-4730
TDD (510) 839-6451

February 9, 2000

Sprint PCS
Comcor Advisory Service
47 Kearny Street, Suite # 700
San Francisco, CA 94108

RE: CASE FILE NO.: CD00-14; 5745 Thornhill Drive.

Dear Ms. Mc Dougall:

Your application for a Minor Conditional Use Permit and Design Review to install a Mini Telecommunication facility consisting of two panel antennas within faux chimney on the rooftop and seven equipment cabinets enclosed storage facility located at 5745 Thornhill Drive in Neighborhood Center Mixed Use General Plan Land Use Classification and the C-20 Shopping Center Commercial Zone. (Environmental Determination: Exempt, Section 15301, State CEQA Guidelines; minor additions and alterations to an existing facilities.) (Historic Status*: none historic property has been found to comply with the Use permit criteria as set forth in Section 17.134.050 and Design Review criteria as set forth in section 17.136.070 of the Oakland Zoning Regulations.

The proposal is hereby approved subject to the following conditions of approval:

1. The site plan and elevations for the proposal shall be constructed substantially in accordance with the plans submitted on January 21, 2000; and any other revisions listed below as conditions of approval.

2. Prior to the issuance of any requested building permit, the applicant shall provide proof of the establishment of a sinking fund to cover the cost of removing the facility if it is abandoned within a prescribed period. The word "abandoned" shall mean a facility that has not been operational for a six (6) month period, except where nonoperation is the result of maintenance or renovation activity pursuant to valid City permits. The sinking fund shall be established to cover a two-year period, at a financial institution approved by the City's Office of Budget and Finance. The sinking fund payment shall be determined by the Office of Budget and Finance and shall be adequate to defray expenses associated with the removal of the telecommunication facility.

3. That all panel antennas mounted to the building shall be painted to match the exterior color of the building.

4. The final design, including all exterior design details, and exterior building materials, colors, and textures shall be submitted to and approved by the Zoning Administrator prior to the

issuance of any building permits.

5. Changes to approved plans shall be submitted to and approved by the Zoning Administrator prior to the issuance of any applicable building permits and/or prior to the construction of the changes.

6. This approval shall terminate one year from the effective date of its granting unless a building permit for the project has been applied for within such period or an extension has been applied for from the Community and Economic Development Agency prior to the expiration of the planning permit. In the event the building permit lapses, then the planning approval will also terminate unless an extension of the planning permit has been applied for prior to expiration of the building permit. This approval may be extended for one (1) year upon written request to the Zoning Administrator (maximum of three extensions allowed) prior to the expiration date.

This decision becomes effective in ten (10) days from the date of this letter unless appealed to the City Planning Commission. An appeal is made by completing an application and paying the required fee. ($413.00)

In order to file a building permit, please submit construction drawings consistent with the present approval and pay fees at the CEDA Permit Counter, 250 Frank H. Ogawa Plaza Suite 2114, 2nd Floor, Oakland.

If you have any questions, please contact Jason Madani of the Zoning Division at (510) 238-4790.

Sincerely,

WILLIE YEE JR.
Zoning Administrator

CC:4683 Chabot Drive, Suite #100 Pleasanton, CA 94588

COMPLIANCE REPORT ATTACHMENT B

modeling purposes it was assumed to be 20 Watts per transmitter and five (5) transmitters operating at the 1900 MHz.

6.0 TOTAL NUMBER OF WATTS PER INSTALLATION AND THE TOTAL NUMBER OF WATTS FOR ALL INSTALLATIONS ON THE BUILDING

The effective radiated power (ERP) for the 800 MHz transmitter combined on site is 442 Watts. The ERP for the 1900 MHz transmitters combined on site is 4,114 Watts.

7.0 PREFERRED METHOD OF ATTACHMENT OF PROPOSED ANTENNA WITH PLOT OR ROOF PLAN INCLUDING: DIRECTIONALITY OF ANTENNAS, HEIGHT OF ANTENNAS ABOVE NEAREST WALKING SURFACE, DISCUSS NEARBY INHABITED BUILDINGS

Based on the information provided to EBI, the information indicates that the proposed antennas are to be pipe-ounted behind a faux chimney on a rooftop, operating in the directions, frequencies, and heights mentioned in section 4.0 above. This site appears to be located in a commercial/residential area.

8.0 ESTIMATED AMBIENT RADIO FREQUENCY FIELDS FOR THE PROPOSED SITE

Based on worst-case predictive modeling, there are predicted areas on accessible rooftop-level walking/working surfaces related to the proposed Sprint antennas that exceed the FCC's occupational and general public exposure limits at this site. At the nearest walking/working surfaces to the proposed Sprint antennas, the maximum power density is 1,638.10 percent of the FCC's general public limit (327.62 percent of the FCC's occupational limit). Based on worst-case predictive modeling, there are no areas at ground level related to the proposed Sprint antennas that exceed the FCC's occupational or general public exposure limits at this site. At ground level, the maximum power density generated by the Sprint antennas is 13.40 percent of the FCC's general public limit (2.68 percent of the FCC's occupational limit). The inputs used in the modeling are summarized in the RoofView® export file presented in Appendix B.

9.0 SIGNAGE AT THE FACILITY IDENTIFYING ALL WTS EQUIPMENT AND SAFETY PRECAUTIONS FOR PEOPLE NEARING THE EQUIPMENT AS MAY BE REQUIRED BY THE APPLICABLE FCC ADOPTED STANDARDS (DISCUSS SIGNAGE FOR THOSE WHO SPEAK LANGUAGES OTHER THAN ENGLISH)

Signs are the primary means for control of access to areas where RF exposure levels may potentially exceed the MPE. It is recommended that additional signage be installed for the new antennas making people aware of the antennas locations. There are fields in front of the proposed antennas and therefore barriers are recommended.

Additionally, there are areas where workers elevated above the rooftop may be exposed to power densities greater than the general population and occupational limits. Workers and the general public should be informed about the presence and locations of antennas and their associated fields.

At the time of the site survey, it was noted that there was a blue "Notice" sign located on the equipment room door on the lower roof.

Additionally, access to this site upper rooftop is accomplished via a portable extension ladder. Access to the facility is monitored and as such, the general public is not able to access the upper rooftop.

Approved as to Form and Legality

City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2012 DEC

OAKLAND CITY COUNCIL

RESOLUTION NO._____C.M.S.

Introduced by Councilmember _____

A RESOLUTION DENYING THE APPEAL (A12-172) OF THE DECISION OF THE OAKLAND PLANNING COMMISSION, TO GRANT APPROVAL OF AN APPLICATION FOR A MAJOR CONDITIONAL USE PERMIT AND REGULAR DESIGN REVIEW TO MAKE ALTERATIONS TO AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY LOCATED AT 5745 THORNHILL DRIVE. (PLANNING CASE FILE: CMD12-056)

WHEREAS, on May 10, 2012, Streamline Engineering (the Applicant) on behalf of Sprint applied for a Major Conditional Use Permit and Regular Design Review to make alterations to the existing telecommunications wireless facility; and

WHEREAS, the Planning Commission, after taking testimony at a public hearing, approved the Major Conditional Use Permit and Regular Design Review on August 29, 2012; and

WHEREAS, on September 11, 2012, Karen Chambers ("Appellant") filed an appeal to the City Council to overtum the Planning Commission's approval of the Major Conditional Use Permit and Regular Design Review; and

WHEREAS, after giving due notice to the Appellant, Applicant, all interested parties and the public, the Appeal came before the City Council in a duly noticed public hearing on December 18, 2012; and

WHEREAS, the Appellant, Applicant and all other interested parties were given the opportunity to participate in the public hearing by submittal of oral and written comments; and

WHEREAS, the public hearing on the Appeal was closed by the City Coimcil on December 18, 2012; now, therefore be h

RESOLVED: The City Council, having independently heard, considered, reviewed and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Project and the applications therefor, the Planning Commission's decision and the Appeal, finds that the Appellant has not shown, by reliance on evidence in the record, that the Planning Commission's decision was made in error and there was abuse of discretion by the Coinmission, and/or that the Commission's decision was not supported by sufficient, substantial evidence in the record. This decision is based, in part, on the December 18, 2012 City Council Agenda Report and the July 11, 2012 and August 29, 2012 Planning Commission Staff reports, which are hereby incorporated by reference as if fully set forth herein. Accordingly, the Appeal is denied,

and the Planning Commission's decision to approve the Project is granted, and the Project and the application therefore is approved; and be it

FURTHER RESOLVED: That, in further support of the City Council's decision to deny the Appeal and approve the Project, the City Council affirms and adopts as its own findings and determination the December 18, 2012 City Council Agenda Report including without limitation the discussion, findings, conclusions, specified conditions of approval (including the Standard Conditions of Approval, each of which is hereby separately and independently adopted by the Council in full), in the July11, 2012 and August 29, 2012 City Planning Commission Reports, including without limitation of discussion, findings, conclusions, conditions of approval (each of which is hereby separately and independently adopted by this Council in full), except where otherwise expressly stated in this Resolution; and be it

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

1. The Project application, including all accompanying maps and papers;
2. All plans submitted by the Applicant and its representatives;
3. All final staff reports, decision letters and other documentation and information produced by or on behalf of the City;
4. All oral written evidence by the City staff, Planning Commission and City Coimcil before and during the public hearings on the Project and Appeal; and
5. All matters of common knowledge and all official enactments and acts of the City such as (a) the General Plan; (b) Oakland Planning Code; (c) 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 respectively: (a) City of Oakland, Office of Planning, Building and Neighborhood Preservation, located at 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA ; and (b) Office of the City Clerk, 1 Frank H. Ogawa Piaza, ist Floor, Oakland, CA; 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, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

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