

Case File Number: PLN14054

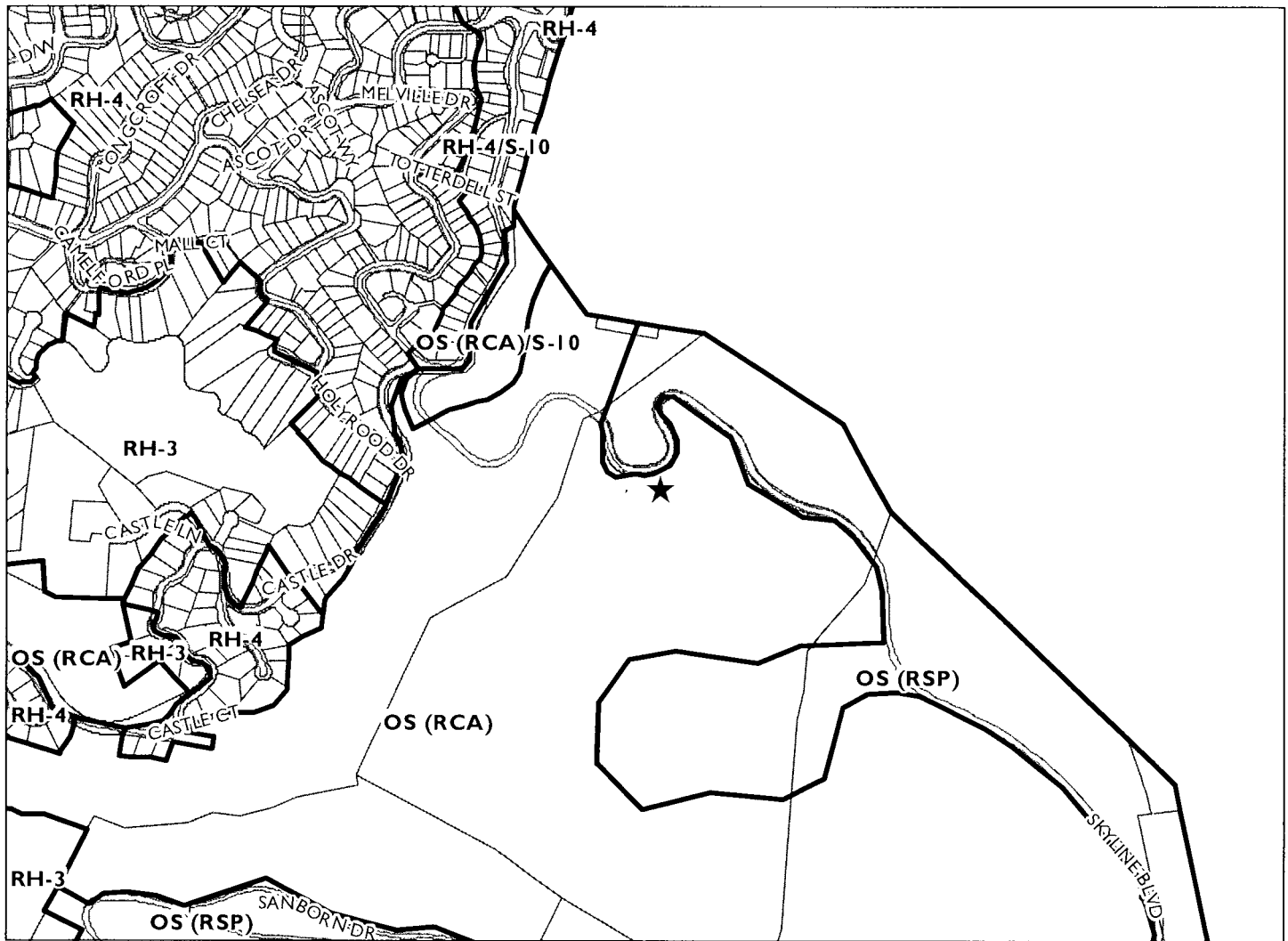
May 6, 2015

Location:	The Public Right-of-Way on Skyline Blvd. (adjacent to the EBMUD water tank of Roberts Regional Recreation Area of Joaquin Miller Park) (See map on reverse)
Assessors Parcel Numbers:	(029-1200-001-00) nearest lot adjacent to the project site.
Proposal:	Installation of a new wireless Telecommunications Facility (AT&T wireless) on a new 45' foot tall wood pole located in the public right-of-way. Install two panel antennas (two-feet long and ten inches wide) mounted at 42' pole height; an associated equipment box, one battery backup and meter boxes within a 6' tall by 18" wide singular equipment box attached to the pole at 10' above the ground.
Applicant:	New Cingular Wireless PCS, LLC. For AT&T Mobility
Contact Person/ Phone Number:	Matthew Yergovich (415)596-3474
Owner:	City of Oakland
Case File Number:	PLN14054
Planning Permits Required:	Major Conditional Use Permit, Regular Design Review (non-residential) to install a wireless Monopole Telecommunications Facility (OMC Sec.17.128.100, 17.136.050 (B)(2);
General Plan:	Resource Conservation Area
Zoning:	OS (RCA) Open Space Zone – Resource Conservation Area
Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines (small facilities or structures; installation of small new equipment and facilities in small structures), and that none of the exceptions to the exemption in CEQA Guidelines section 15300.2 are triggered by the proposal. Exempt, Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
Historic Status:	Not a Potential Designated Historic Property; Survey rating: N/A
Service Delivery District:	IV
City Council District:	4
Date Filed:	March 11 th , 2014
Finality of Decision:	Appealable to City Council within 10 Days
For Further Information:	Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or jherrera@oaklandnet.com

SUMMARY

The proposal is to install a new wireless Monopole Telecommunications Facility on a new wood pole intended to resemble existing PG&E utility poles in the public right-of-way along Skyline Blvd. New Cingular Wireless PCS for AT&T Mobility is proposing to install two panel antennas mounted onto the new wood pole at 42' above the right-of-way; an associated equipment box, one battery backup and meter boxes within a 6' tall by 18" wide singular equipment box attached to the pole at 7'-9' above the ground.

CITY OF OAKLAND PLANNING COMMISSION



0 500 1,000 2,000 3,000 4,000 Feet



Case File: PLN14054

Applicant: Yergovich & Associates, LLC / Matthew Yergovich

Address: 0 Skyline Boulevard (adjacent to the EBMUD water tank
of Roberts Regional Recreation Area of Joaquin Miller Park)

Zone: OS (RCA)

A Major Conditional Use Permit is required for installation of a new Monopole Telecommunications Facility located in an Open Space Zone. As detailed below, the project meets all of the required findings for approval. Therefore, staff recommends approval of the project subject to the attached conditions of approval.

PROJECT DESCRIPTION

The applicant (New Cingular Wireless PCS, LLC. for AT&T Mobility) is proposing to install a new wireless Monopole Telecommunications Facility on a new 45 foot tall wood pole designed to resemble a PG&E utility pole located in the public right-of-way along Skyline Blvd. near the Roberts Regional Recreation Area EBMUD water basin. The project consists of two panel antennas (two-feet long and 10-inches wide) mounted onto the pole at approximately 42' above the public right-of-way, an associated equipment box, one battery backup and meter boxes within a 6' tall by 18" wide single equipment box attached to the pole 7'-9' above the ground. No portion of the telecommunication facility will be located on the ground within City of Oakland public right-of-way. The proposed antennas and associated equipment will not be accessible to the public. (See Attachment A).

TELECOMMUNICATIONS BACKGROUND

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

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

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

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

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

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

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

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

PROPERTY DESCRIPTION

The project site is located in the City of Oakland public right-of-way along Skyline Blvd. near the Roberts Regional Recreation Area of Joaquin Miller Park. The area of installation is a heavily wooded area filled with large old growth trees, natural vegetation and hiking trails. The site is across the street from an EBMUD water tank, and a marked street crossing into a hiking trail.

GENERAL PLAN ANALYSIS

The subject property is located within the Resource Conservation Area land use classification in the General Plan's Land Use & Transportation Element (LUTE). The Resource Conservation Area is intended *"to identify, enhance and maintain publicly-owned lands for the purpose of conserving and appropriately managing undeveloped areas which have high natural resource value, scenic value, or natural hazards which preclude safe development"*. The proposed telecommunication facilities will be mounted on new wood pole intended to resemble a PG&E utility pole within the City of Oakland public right-of-way. Visual impacts will be mitigated since the new pole would be sited in an area where various street signs exist, the new pole will replace a no parking street sign and antennas are mounted 43 feet above the right-of-way screened by old growth trees and vegetation. Therefore, the proposed unmanned wireless telecommunication facility will not adversely affect or detract from the resource conservation characteristics of the park like setting.

ZONING ANALYSIS

The proposed project is located in the OS Open Space Zone. The intent of the OS Zone is: *"to create, preserve, and enhance land for permanent open space to meet the active and passive recreational needs of Oakland residents and to promote park uses which are compatible with surrounding land uses and the city's natural environment"*. The proposed telecommunication facility is located across the street from the EBMUD water basin to the north and Joaquin Miller Park to the south in a park like area surrounded by old growth trees. The project requires a Major Conditional Use Permit and Regular Design Review per section 17.128.100, which states that Telecommunications Facilities proposed in parks and other similar open space land shall be subject to the same regulations as set forth in the nearest residential zone, with special findings, in order to allow the installation of new telecommunication facilities on a new wood pole located in the public right-of-way in a Residential Zone. Special findings required for Design Review approval to ensure that the facility is concealed to the extent possible.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as categorical exemptions from environmental review. The proposed project is categorically exempt from the environmental review requirements pursuant to Section 15303, additions and alterations to existing facilities, and Section 15183, projects consistent with a General Plan or Zoning.

KEY ISSUES AND IMPACTS

1. Regular Design Review

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

2. Project Site

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

- A. Co-located on an existing structure or facility with existing wireless antennas.
- B. City-owned properties or other public or quasi-public facilities.
- C. Existing commercial or industrial structures in non-residential zones (excluding all HBX Zones and the D-CE-3 and D-CE-4 Zones).
- D. Existing commercial or industrial structures in residential zones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.
- E. Other non-residential uses in residential zones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.
- F. Residential uses in non-residential zones (excluding all HBX Zones and the D-CE-3 and D-CE-4 Zones).
- G. Residential uses in residential zones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.

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

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

3. Project Design

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

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

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

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

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

4. Project Radio Frequency Emissions Standards

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

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

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

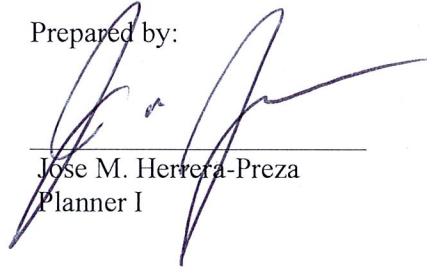
CONCLUSION

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

RECOMMENDATIONS:

1. Affirm staff's environmental determination
2. Approve Design Review application
PLN14054 subject to the attached findings
and conditions of approval

Prepared by:



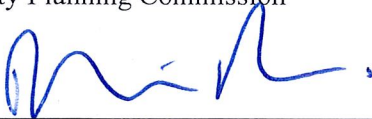
Jose M. Herrera-Preza
Planner I

Approved by:



Scott Miller
Zoning Manager

Approved for forwarding to the
City Planning Commission



Darin Ranelletti, Deputy Director
Bureau of Planning

ATTACHMENTS:

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

FINDINGS FOR APPROVAL

This proposal meets the required findings under Section 17.134.050, General Use Permit Criteria; Section 17.128.070(C), Conditional Use Permit Criteria for Macro Facilities; Section 17.136.050(B), Regular Design Review; and Section 17.128.080(B), Design Review Criteria for Monopole Facilities, as set forth below. Required findings are shown in bold type; explanations as to why these findings can be made are in normal type.

SECTION 17.134.050 – GENERAL USE PERMIT CRITERIA:

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 purpose of the project is to enhance wireless telecommunications in the area along Skyline Blvd. The new facility is designed to resemble utility poles found in the area. The siting of the facilities were reviewed to minimize the impacts to the parkland setting by placing the facilities in areas where street signs and other directional signage exist. This installation is near public utilities such as the EBMUD water basin.

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 proposed unmanned telecommunications facility will be sited in an area of Skyline Blvd. where street signage, directional signage or public utilities exist and designed to resemble a wood utility pole found throughout the area.

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 proposed facility will enhance the successful operation of the surrounding area in its basic community function and will provide an essential service to the community and region. This will be achieved by providing a regional telecommunication facility for the community and will be available to police, fire, public safety organizations and the general public.

D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070.

The proposal conforms with all significant aspects of the design review criteria set forth in Chapter 17.136 of the Oakland Planning Code, as outlined below.

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

The project is consistent with the following Policy of the Oakland General Plan's Open Space, Conservation and Recreation Element (OSCAR)

Objective OS 2 No Net Loss

The installation of the new telecommunication facilities will result no net loss in public open space or restrict access in any way to parklands. The facility is a stand lone pole in the public right of way in any area where there is limited public access points.

17.128.080 (C), Conditional Use Permit for Monopole Facilities

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

The proposal will meet all design review criteria (see below).

2. Monopoles should not be located any closer than one thousand five hundred (1,500) feet from existing monopoles unless technologically required or visually preferable.

No Monopoles exist within a 1,500 foot distance from this installation.

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

The installation of the facility is designed and located in an area of Skyline Blvd. that contain street sign, directional signage and city utilities so that any disruption to the park land setting is minimized.

17.136.050(B) – NONRESIDENTIAL DESIGN REVIEW CRITERIA:

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

The project consists of adding a new 45 foot tall wood pole within the City of Oakland public right-of-way in a stretch of right-of-way where the proposed pole would integrate with a group of other public facilities existing in the area. The proposal will blend in with the existing PG&E utility poles in the right-of-way with consideration given to any potential view and visual impacts from Skyline Blvd. The proposal was also determined to minimize any potential impact through the existing public utilities found in the area and the mature trees will serve as camouflage helping screen the facility from Skyline Blvd. and the surrounding natural park area. Therefore, the proposal will have minimal visual impacts from public view.

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

The proposal improves wireless telecommunication service in the surrounding open space areas. The installation will be camouflaged to blend in with the existing surrounding wooded area to have minimal visual impacts on public views. It will protect the value of private and public investments in the area.

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

The subject site is located within the Resource Conservation General Plan classification which is intended *"to identify, enhance and maintain publicly-owned lands for the purpose of conserving and appropriately managing undeveloped areas which have a high natural resource value, scenic value, or natural hazard which preclude safe development"*. The proposed unmanned wireless telecommunication facility will be on a new wood pole resembling existing PG &E utility poles in the area and will not have a significant affect or detract from the natural resource value of Joaquin Miller Park. Visual impacts will be minimized since the area is heavily wooded with trees partially obscuring views of the pole. Therefore, the Project conforms to the General Plan and applicable Design Review criteria.

17.128.080 DESIGN REVIEW CRITERIA FOR MONOPOLES

- 1. Collocation is to be encouraged when it will decrease visual impact and collocation is to be discouraged when it will increase negative visual impact.**

The proposed pole is sited in an area where street signs and public utilities exist. The pole will be sited in a manner that is consistent with the separation distance of the street signs to reduce any visual impact.

- 2. Monopoles should not be sited to create visual clutter or negatively affect specific views.**

The proposal is sited to minimize visual clutter or visual impacts by adding the pole on a stretch of right-of-way that contains mature trees, street signs and public utilities exist.

- 3. Monopoles shall be screened from the public view wherever possible.**

The proposed pole will be visible from public view but is designed to blend in with existing utility poles in the immediate area this minimizing visual impact because the pole will blend in with public infrastructure.

- 4. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.**

The proposed equipment cabinet will be placed on the pole 10' above the right-of-way and will be painted to match the pole. The paint and texture will serve as a camouflage technique to minimize visual impact of the cabinet.

- 5. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zone district as much as possible. Wireless communication towers shall be integrated through location and design to blend in with the existing**

characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.

The proposed location of the new pole will blend in with the immediate surrounding as EBMUD water basin serving Roberts Regional Recreation Area is adjacent from the site and is screened from Skyline Blvd. by old growth trees and vegetation. Furthermore the site location is in between existing street signs and no modification of grade or vegetation will be removed.

- 6. 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 equipment cabinets will be placed 10' above the public right-of-way in a secured cabinet. The pole will have anti-climbing measures similar to PG&E utility poles.

CONDITIONS OF APPROVAL

PLN14054

STANDARD CONDITIONS:

1. Approved Use

Ongoing

a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials for case number **PLN14054**, and the plans dated **March 26th, 2015** and submitted on **March 26th, 2015** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.

b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: **To install a wireless telecommunications facility (AT&T wireless) on an new 45' high utility pole located in public right -of- way; install two panel antennas (two-feet long and 10- inches wide) mounted onto a seven-foot tall extension affixed on top of the pole; an associated equipment box, one battery backup and meter boxes within a 6' tall by 18" wide single equipment box attached to the pole 10' above the ground at the Public Right-of-Way of Skyline Blvd., under Oakland Municipal Code 17.128 and 17.136.**

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

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

3. Scope of This Approval; Major and Minor Changes

Ongoing

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

4. Conformance with other Requirements

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

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency.
- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not

- c) limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

5. Conformance to Approved Plans; Modification of Conditions or Revocation***Ongoing***

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, conditions or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these conditions if it is found that there is violation of any of the conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions.

6. Signed Copy of the Conditions***With submittal of a demolition, grading, and building permit***

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

7. Indemnification***Ongoing***

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

8. Compliance with Conditions of Approval***Ongoing***

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

9. Severability

Ongoing

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

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

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

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

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

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

12. Days/Hours of Construction Operation

Ongoing throughout demolition, grading, and/or construction

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

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.
- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
 - i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and

a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.

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

PROJECT SPECIFIC CONDITIONS:

13. Radio Frequency Emissions

Prior to the final building permit sign off.

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

14. Operational

Ongoing.

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

15. Equipment cabinets

Prior to building permit Issuances.

The applicant shall submit revised elevations showing associated equipment cabinet are concealed within a single equipment box that is painted to match the utility pole, to the Oakland Planning Department for review and approval.

16. Pedestrian Crossing Signage

Prior to building permit Issuances.

The applicant shall consult with the City's Public Works Department about moving the existing Pedestrian crossing sign onto the new pole in order to consolidate signage.

view from Skyline Blvd looking south at site



10570 Skyline Blvd, Oakland, CA
Oakhills AT&T South Network Node 068

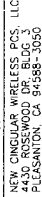
Existing

Proposed





10902 SKYLINE BLVD, OAKLAND, CA 94619



OAKHILLS AT&T
SOUTH NETWORK
NODE 068A-1
10902 SKYLINE BLVD.
OAKLAND, CA 94619

IRRENT ISSUE DATE: _____

03/26/15

ZCNING

AY. = DATE. = DESCRIPTION. = REV.

DATE	BY	DATE	DESCRIPTION	REV
	ACI	03/26/15	AZIMUTH CHANGED	1
	ACI	03/10/15	70%	0



Aero Communications Inc.
1-800-825-4ACI
5711 Research Drive
Canton, MI 48188



3030 Warrenton Rd, Suite 340
Lisle, IL 60532
www.extenel.com

LEGAL OF APPROVAL:

3111 23PM:

TITLE SHEET
AND
PROJECT INFORMATION

TEST NUMBER: _____ REVISION: _____

二

03/26/

PROPRIETARY INFORMATION

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

PROJECT DESCRIPTION	DATE	STATUS
Project A: New Product Development	2023-01-15	In Progress
Project B: Marketing Campaign Launch	2023-02-01	Completed
Project C: System Upgrade	2023-03-10	On Hold
Project D: Customer Service Training	2023-04-05	Planned

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

THE MAIN COMPONENTS OF THIS INSTALLATION ARE:
 THE ADDITION OF TWO (2) 27.75"x10.625"x6.25" PANEL ANTENNAS, ONE (1) BBU CABINET, ONE (1) RADIO UNIT, ASSOCIATED ELECTRICAL COMPONENTS, AND MOUNTING BRACKETS AS REQUIRED, LOCATED ON A NEW A1* POLE.

DRAWING INDEX

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

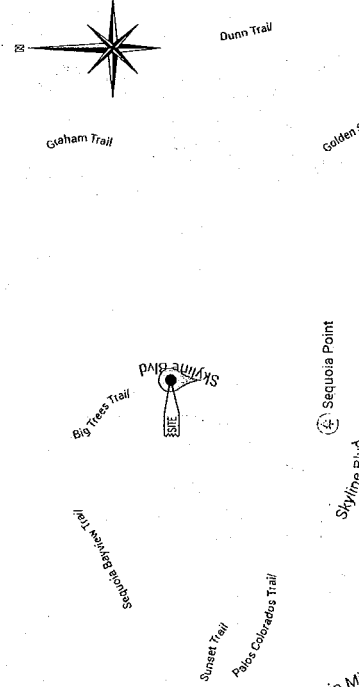
BUILDING / SITE DATA

LATITUDE:	37° 50'09"N	TITLE OF CONSTRUCTION:	ATTACHMENTS TO A NEW WOOD POLE
LONGITUDE:	-122° 17'52"W	AREA OF CONSIDERATION:	-
ELEVATION:	N / A	RECORDING INSTRUMENTS:	-
JURISDICTION:	CITY OF OAKLAND	FACILITY IS UNIMAGED AND NOT FOR HUMAN HABITATION. HANGAR/POST ACCESS NOT REQUIRED.	
A.P.N.:	029100007003	TITLE 24 REQUIREMENTS:	FACILITY IS UNIMAGED AND NOT FOR HUMAN HABITATION. THIS PROJECT IS EXEMPT.
ZONE:	EAST BAY REGIONAL PARK DISTRICT	OCCUPANCY:	U. UNIMAGED

PROJECT TEAM

PROPERTY OWNER	CONSTRUCTION MANAGER	MUNICIPAL AGENCIES
NAME: DEWOLF REGIONAL PARK ADDRESS: 15607 SHAVINE BLVD. OAKLAND, CA 94619	EXTREME SYSTEMS CA, LLC ADDRESS: 10000 SHAW BLVD. OAKLAND, CA 94629 PHONE: (510) 468-0829	EXTREME SYSTEMS CA, LLC ADDRESS: 10000 SHAW BLVD. OAKLAND, CA 94629 PHONE: (510) 812-1251
APPLICANT	APPLICANT AGENCY	ARCHITECT
MAY COUNCIL WINGS, LLC ADDRESS: 14500 SHAW BLVD. PULGASTON, CA 94588-3020 CONTACT: ANN MULLER PHONE: (510) 259-1703	MATTHEW TREVINO ADDRESS: 10000 SHAW BLVD. OAKLAND, CA 94629 CONTACTOR FOR AIR MOBILITY 1876 HUBBARD ST. OAKLAND, CA 94615 PHONE: (510) 562-9474 EMAIL: mtrvino@aol.com	AERO COMMUNICATIONS, INC ADDRESS: 10000 SHAW BLVD. OAKLAND, CA 94629 CONTACT: DARYL DUTCHELL PHONE: (510) 292-8818

VICINITY MAP



DRIVING DIRECTIONS

FROM: 4150 ROSEWOOD DR, ELEGANTIA, CA 94585-3050
TO: 10502 SKYLINE BLVD, OAKLAND, CA 94619

1. TURN LEFT ON ROSEWOOD DR
2. HEAD EAST ON ROSEWOOD DR 48 FT
3. MAKE A U-TURN 0.2 M
4. TURN RIGHT ONTO HALENDA DR 0.4 M
5. MAKE RIGHT TURN ONTO 1588 W TOWARD
6. RIGHT 11.9 M
7. KEEP RIGHT AT THE FORK TO SAY ON 540 W
8. KEEP RIGHT AT THE FORK TO CONTINUE ON CA-13
9. KEEP RIGHT AT THE FORK TO GO DOWN SLOPE FOR CALIFORNIA
10. AVENUE 2.3 M
11. TURN LEFT ON JOSEPH WALKER RD
12. TURN LEFT ONTO JOSEPH WALKER RD 1.2 M
13. DESTINATION WILL BE ON THE LEFT

SIGNATURE BLOCK

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

LEGEND & SYMBOLS

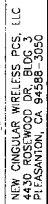
	CENTERLINE		SPOI ELEVATION (DATUM)
	PROPERTY/LEASE LINE		FLAG NOTE
	PROPOSED CONDUIT		ITEM BALLOON (DETAIL SHEETS)
	POWER CONDUIT		DETAIL REFERENCE
	TELEPHONE CONDUIT		
	AERIAL ELECTRICAL LINE		
	POWER CABLE/CONDUIT		
	COAXIAL CABLE/CONDUIT		
	OVERHEAD CONDUCTORS		
	CHAIN LINK FENCING		SECTION REFERENCE

ABBREVIATIONS

[illegible]

CODE COMPLIANCE

[illegible]



OAKHILLS AT&T
SOUTH NETWORK
NODE 068A-1
10902 SYLVINE BLVD.
OAKLAND, CA 94619

CURRENT ISSUE DATE: 03/26/15

ISSUED FOR: =

ZONING

BY: _____ DATE: _____ DESCRIPTION: _____ REV: _____

BY	DATE	DESCRIPTION	REV
AC	03/26/15	AMOUNT CHANGED	1
AC	03/10/15	ZDS	0

11-11-11



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

ACI NUMBER: OAKS-058A-1

ONSTRUCTED BY:

nei SYSTEMS
YOUR NETWORK.
EVERYWHERE.

3030 Warrenville Rd, Suite 340
Ilele IL 60532

DEAL OF APPROVAL

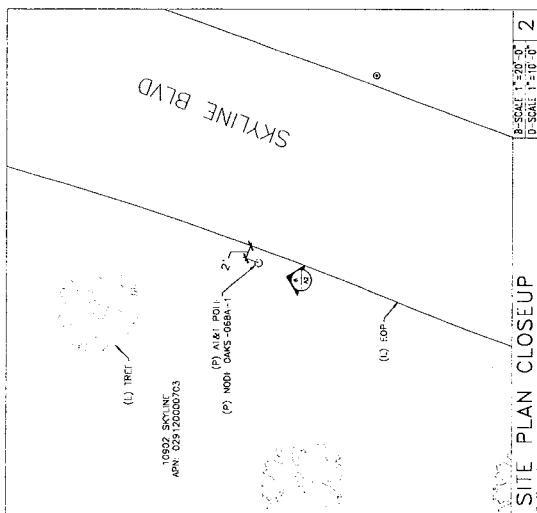
37111 133H

SITE PLAN

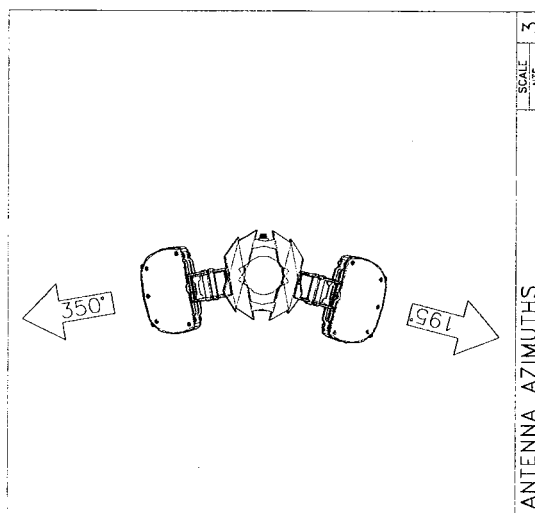
SHEET NUMBER: 13 OF 13

A1

03/26/



SITE PLAN CLOSEUP



ANTENNA AZIMUTHS

SITE PLAN

SALE	3
PTS	

0° 5' 15" 25" 50"



PROJECT INFORMATION: **OAKHILLS AT&T
SOUTH NETWORK
NODE 068A-1**
10902 SKYLINE BLVD.
OAKLAND, CA 94619

03/26/15

ISSUED FOR: =

ZONING

BY: _____ DATE: _____ DESCRIPTION: _____ REV: _____

REV	DESCRIPTION	DATE	BY
0	70%	03/10/15	ACI
1	AZMUTH CHANGED	03/26/15	ACI

PLANS PREPARED BY:



Aero Communications Inc.
 1-800-825-4ACI
 5711 Research Drive
 Canton, MI 48188

CONSTRUCTED BY:

net
SYSTEMS

YOUR NETWORK
EVERYWHERE

3030 Worrenville Rd., Suite 340
Lisle, IL 60532
www.exten.net

[illegible]

SHEET TITLE:

EQUIPMENT DETAILS

SHEET NUMBER: **REVISION:**

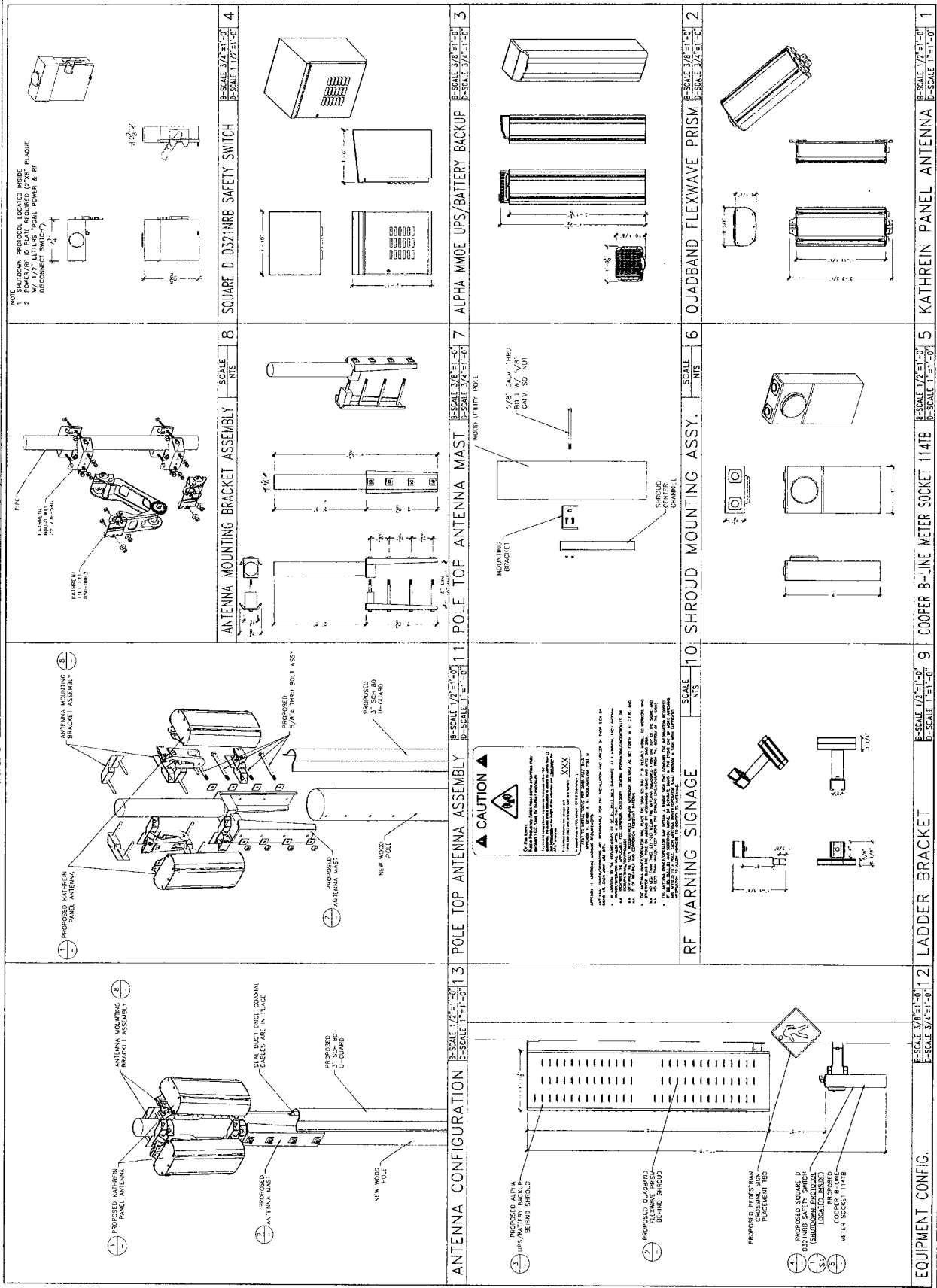
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EQUIPMENT CONFIG.

LADDER BRACKET

COOPER B-LINE METER SOCKET 114TB

KATHREIN PANEL ANTENNA



AT&T Mobility Radio Frequency Statement
DAS Node 68: New Pole in Public Right-of-Way
South of 10570 Skyline Blvd., Oakland, CA

I am the AT&T radio frequency engineer assigned to the proposed wireless telecommunications facility ("Node 68"), which is a distributed antenna system ("DAS") node to be located on a new pole in the public right-of-way south of 10570 Skyline Boulevard, Oakland (the "Property"). Based on my personal knowledge of the Property and with AT&T's wireless network, as well as my review of AT&T's records with respect to the Property and its wireless telecommunications facilities in the surrounding area, I have concluded that the work associated with this permit request is needed to close a service coverage gap in the area immediately surrounding the Property.

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

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


Exhibit 2 to this Statement is a map of the existing service coverage (without Node 68) in the area at issue. It includes service coverage provided by existing AT&T sites. The green shaded areas depict areas within a signal strength range that provide acceptable in-building service coverage. In-building coverage means customers are able to place or receive a call on the ground floor of a building. The yellow shaded areas depict areas within a signal strength range that provide acceptable in-vehicle coverage. In this area, an AT&T customer should be able to successfully place or receive a call within a vehicle. The blue shading depicts areas within a signal strength range in which a customer might have difficulty receiving a consistently acceptable level of service. The quality of service experienced by any individual can differ greatly depending on whether that customer is indoors, outdoors, stationary, or in transit. Any area in the blue or yellow category is considered inadequate service coverage and constitutes a service coverage gap.

Exhibit 3 predicts service coverage in the vicinity of the Property if the Node 68 antennas are placed as proposed in the application. As shown by this map, placement of Node 68 closes the significant 3G service coverage gap in the area immediately surrounding the Property.

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

Exhibit 4 is a map that depicts 4G LTE service in the area surrounding the Property, and it shows a significant 4G LTE service coverage gap in the area. Exhibit 5 shows that after Node 68 is on air, 4G LTE service is available both indoors and outdoors in the area. This is important not only to bring 4G LTE to residents of Oakland but also because as existing customers migrate to 4G LTE, the LTE technology will provide the added benefit of reducing 3G data traffic, which can cause capacity issues on the UMTS (3G) network during peak usage periods, especially in light of the forecasted increase in usage noted in Exhibit 1.

I have a Bachelor's Degree in Electrical Engineering from Concordia University, and I have worked as a radio frequency design engineer in the wireless communications industry for over 7 years.


Dimitri Gogas

February 10, 2014

EXHIBIT 1
Prepared by AT&T Mobility

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

AT&T customers are using these applications in a manner that has caused a **30,000% increase in mobile data usage on AT&T's network since 2007**. AT&T expects total mobile data volume to **grow 8x-10x over the next five years**. To put this estimate in perspective, all of AT&T Mobility's mobile traffic during 2010 would be equal to only six or seven weeks of mobile traffic volume in 2015. The FCC noted that U.S. mobile data traffic grew almost 300% in 2011, and driven by 4G LTE smartphones and tablets, traffic is projected to grow an additional 16-fold by 2016.

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

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

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

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

Service problems occur for customers even in locations where the coverage maps on AT&T's "Coverage Viewer" website appear to indicate that coverage is available. As the legend to the Coverage Viewer maps indicates, these maps depict a high-level *approximation* of coverage, which may not show gaps in coverage; *actual* coverage in an area may differ substantially from map graphics, and may be affected by such things as terrain, foliage, buildings and other construction, motion, customer equipment, and network traffic. The legend states that AT&T does not guarantee coverage and its coverage maps are not intended to show actual customer performance on the network, nor are they intended to show future network needs or build requirements inside or outside of AT&T's existing coverage areas.

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

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

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

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

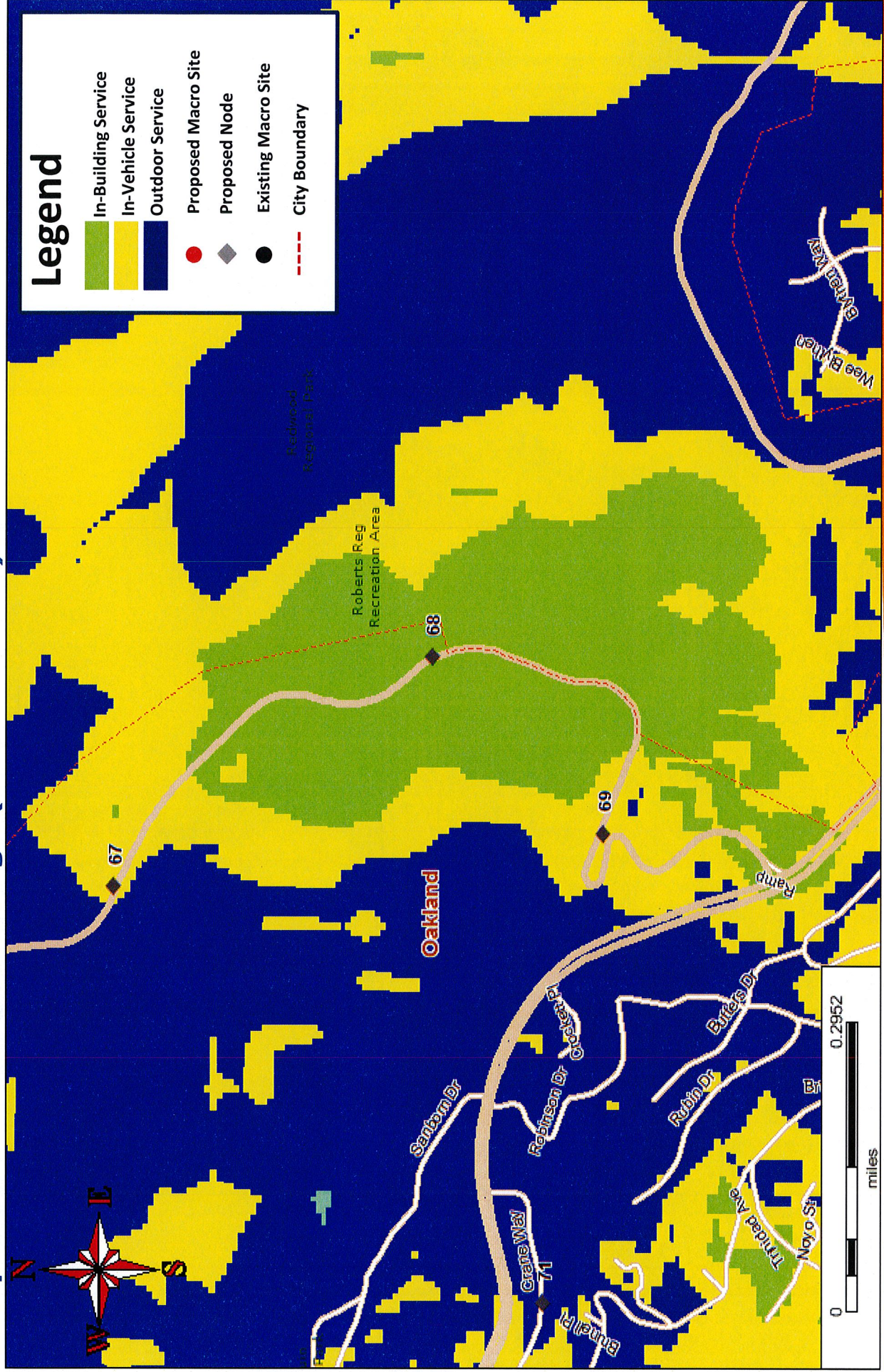
Existing UMTS 850 Coverage



February 4, 2014



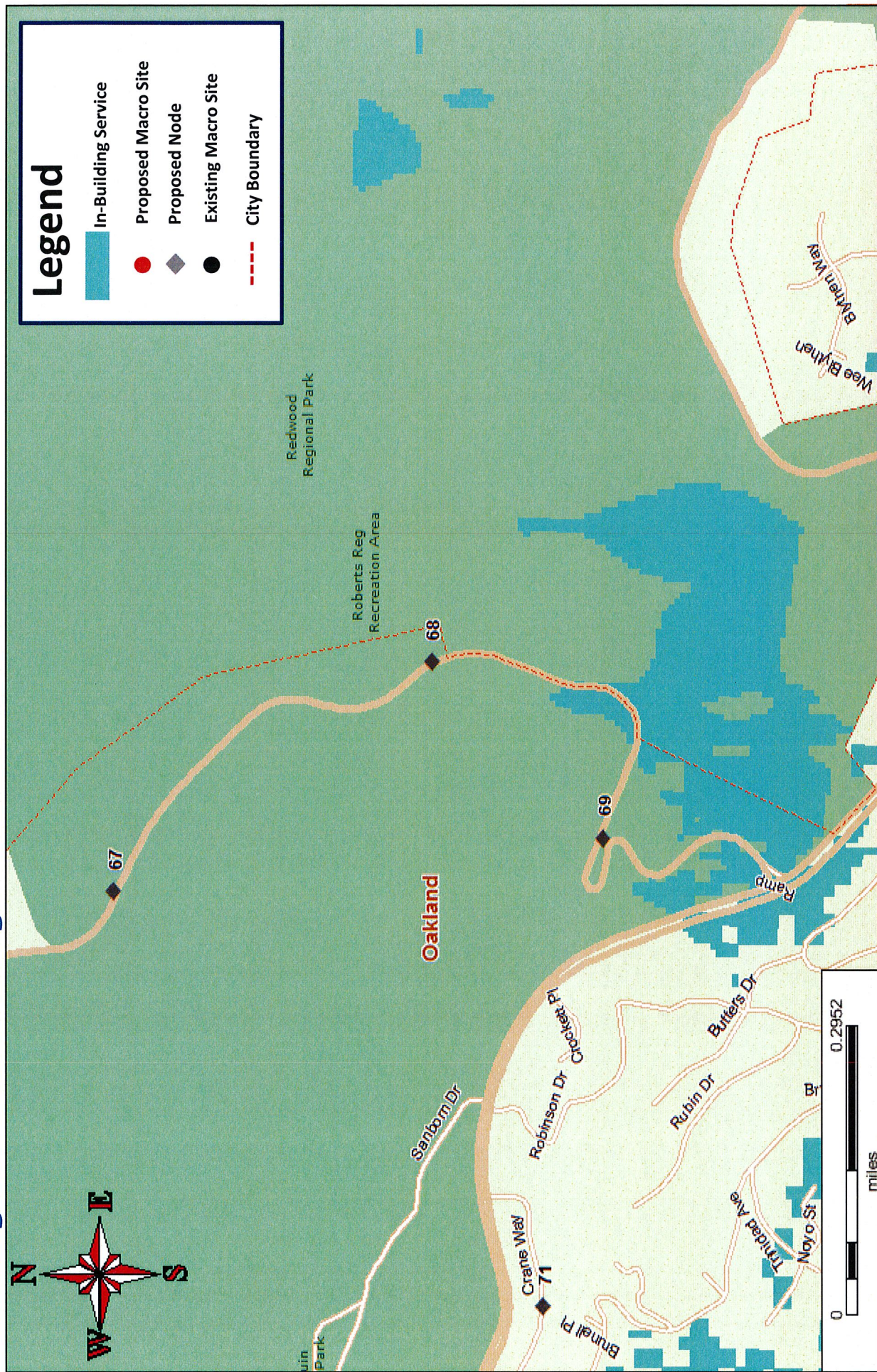
Proposed UMTS 850 Coverage (With Node 68)



February 4, 2014



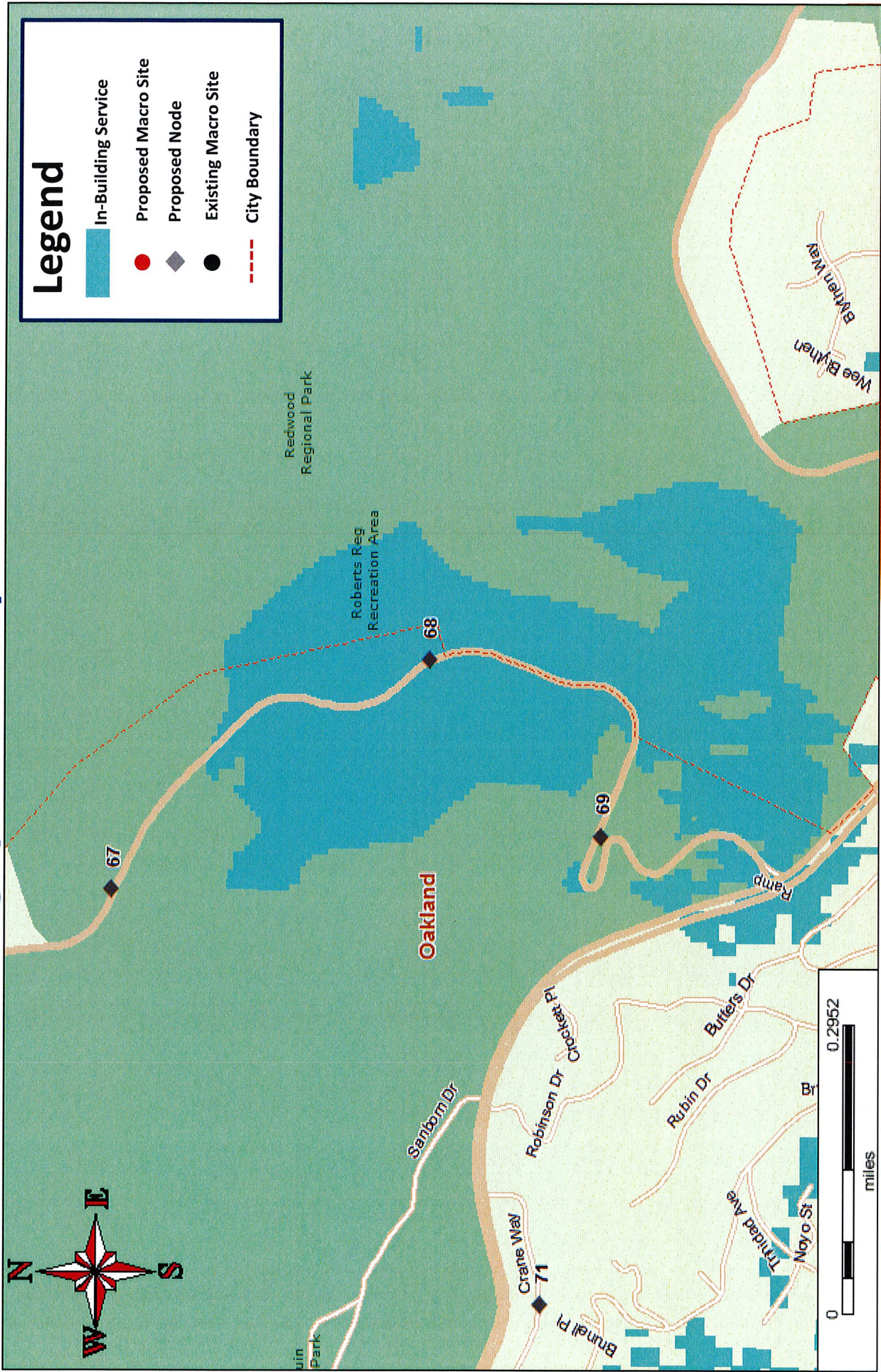
Existing LTE 700 Coverage



February 4, 2014



Proposed LTE 700 Coverage (With Node 68)



February 4, 2014

