

Case File Number: PLN15149

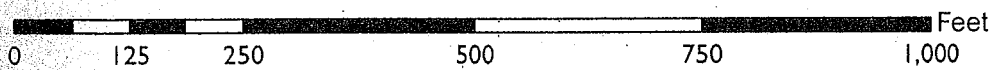
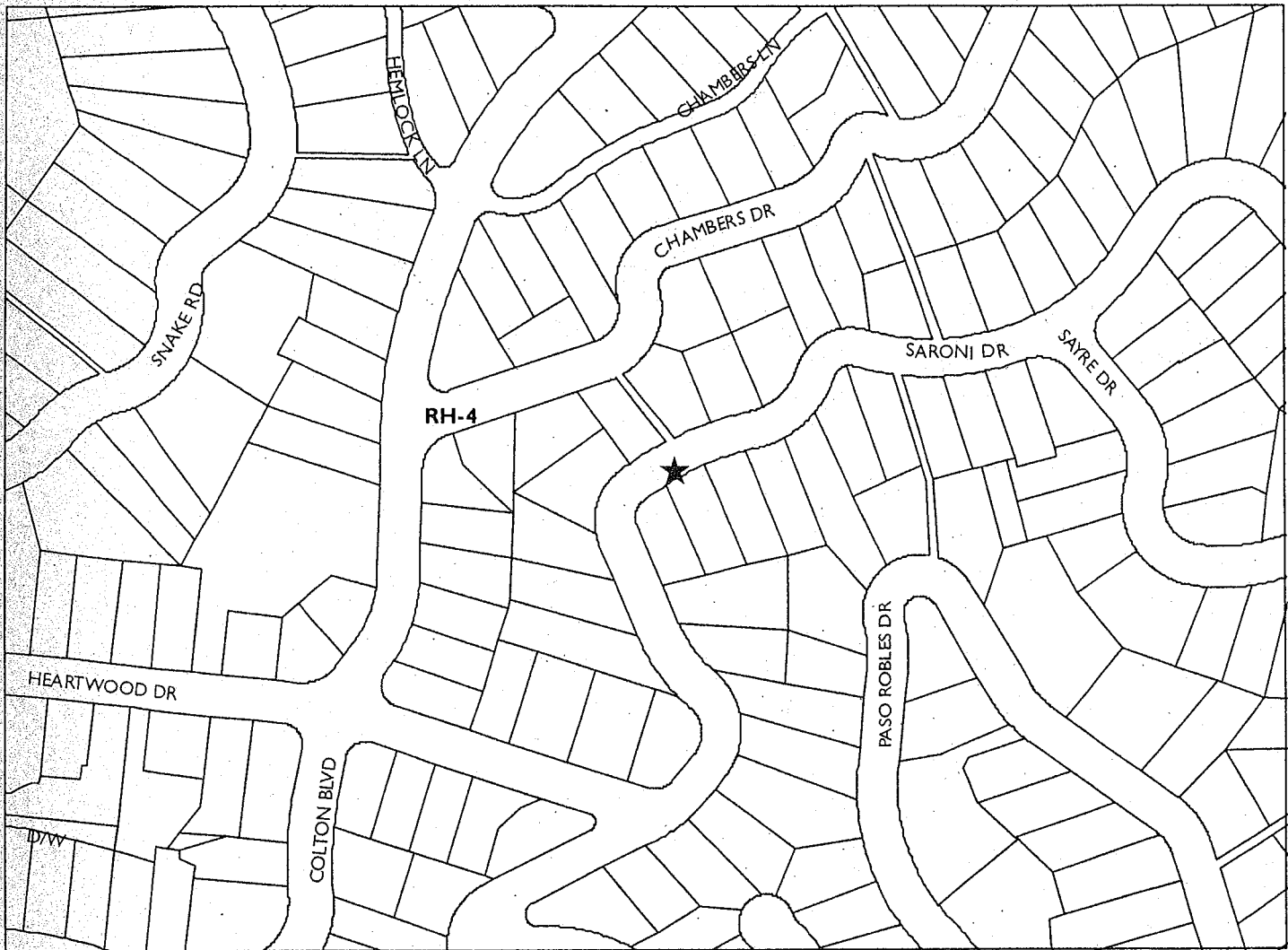
July 15, 2015

<b>Location:</b>	<b>The Public Right-of-Way at Saroni Dr. (Adjacent to 6846 Saroni Dr.)</b> (See map on reverse)
<b>Assessors Parcel Numbers:</b>	<b>(048E-7329-038-00) nearest lot adjacent to the project site.</b>
<b>Proposal:</b>	Alternative site location in response to PLN14040 & PLN14040-A01 for the installation of a wireless telecommunication facility on a new public utility pole in the right-of-way on Saroni Dr.; two panel Kathrein antennas mounted at approximately at 48'-3" pole height; and associated equipment box (6' tall by 18" wide); one battery backup, and one meter box attached to the new pole, at a height of between 10'-10" above ground in public right of way.
<b>Applicant:</b>	New Cingular Wireless PCS, LLC. For AT&T Mobility
<b>Contact Person/ Phone Number:</b>	Matthew Yergovich (415)596-3474
<b>Owner:</b>	City of Oakland
<b>Case File Number:</b>	<b>PLN15149</b>
<b>Planning Permits Required:</b>	Regular Design Review (non-residential) to install a wireless Macro Telecommunications Facility.(17.136.050 (B)(2); Additional Findings for a Macro Facility (OMC Sec. 17.128.070(B)(C).
<b>General Plan:</b>	Hillside Residential
<b>Zoning:</b>	RH-4 Hillside Residential 4 Zone
<b>Environmental Determination:</b>	Exempt, Section 15303 of the State CEQA Guidelines (small facilities or structures; installation of small new equipment and facilities in small structures), and none of the exceptions to the exemption in CEQA Guidelines Section 15300.2 apply to the proposal. Exempt, Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
<b>Historic Status:</b>	Not a Potential Designated Historic Property; Survey rating: N/A
<b>Service Delivery District:</b>	2
<b>City Council District:</b>	4
<b>Date Filed:</b>	May 11 <sup>th</sup> , 2015
<b>Finality of Decision:</b>	Appealable to City Council within 10 Days
<b>For Further Information:</b>	Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or <a href="mailto:jherrera@oaklandnet.com">jherrera@oaklandnet.com</a>

## SUMMARY

The proposal is to install a wireless Telecommunications Macro Facility on a replacement Joint Pole Authority (JPA) utility pole located in the public right-of-way along Saroni Drive between Heartwood Dr. and Sayre Dr. New Cingular Wireless PCS for AT&T Mobility is proposing to install two panel antennas mounted on top of a new JPA replacement pole, resulting in a new height of 48'-3" (to top of antennas); an associated equipment box, one battery backup and meter boxes within a 6' tall by 18" wide singular equipment box attached to the pole at 10'-10" above the ground.

# CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN15149  
Applicant: Yergovich & Associates, LLC / Matthew Yergovich  
Address: New Utility Pole in Public Right-of-Way  
adjacent to 6846 Saroni Drive  
Zone: RH-4

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

## **PROJECT DESCRIPTION**

The applicant (New Cingular Wireless PCS, LLC. for AT&T Mobility ) is proposing to install a wireless Telecommunications Macro Facility on a new replacement JPA utility pole located in the public right-of-way along Saroni Dr. near 6846 Saroni Dr. in a hillside area surrounded by single-family homes. The project consists of swapping an existing 39' foot JPA pole with a new 48'-3" JPA pole in the same location, with two panel antennas (each is two-feet long and 10- inches wide) mounted onto the new JPA pole resulting in a 48'-3" tall pole; an associated equipment box, one battery backup and meter boxes within a 6' tall by 18" wide single equipment box attached to the pole at the height of 10'-10" above the ground, located in public right-of-way. The proposed facility is an alternative location chosen by the applicant as a response to an appeal for a previously-approved facility (PLN14040-A01) near 6766 Saroni Drive. No portion of the telecommunication facilities will be located on the ground within the public right-of-way. The proposed antennas and associated equipment will not be accessible to the public. (See Attachment A).

## **TELECOMMUNICATIONS BACKGROUND**

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

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

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

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

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

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

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

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

## **PROPERTY DESCRIPTION**

The existing 39' tall JPA utility pole is located in the City of Oakland public right-of-way adjacent to 6846 Saroni Dr. to the South, which contains a single-family residence on a steep downslope parcel, and another residence on an upslope parcel to the north, in a relatively wooded hillside residential area.

## **GENERAL PLAN ANALYSIS**

The subject property is located within the Hillside Residential Area of the General Plan Land Use & Transportation Element (LUTE). The Hillside Residential Classification is intended *"to create, maintain, and enhance neighborhood residential areas that are characterized by detached, single unit structures on hillside lots"*. The proposed telecommunication facilities will be mounted on a new wood JPA pole intended to resemble existing PG&E utility poles within the City of Oakland public right-of-way. Visual impacts will be mitigated since the antennas are mounted 48'+ plus feet above the right-of-way and "climb through" existing trees and vegetation lining the street. The existing wooded area will provide camouflage and blend in the equipment cabinet box which will be within a single box and painted to match the existing utility pole. Therefore, the proposed unmanned wireless telecommunication facility will not adversely affect or detract from the resource conservation characteristics of the neighborhood.

Civic and Institutional uses

Objective N2

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

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

## **ZONING ANALYSIS**

The proposed project is located in RH-4 Hillside Residential 4 Zone. The intent of the RH-4 Zone is: *"to create, maintain, and enhance areas for single-family dwellings on lots of six thousand five hundred (6,500) to eight thousand (8,000) square feet and is typically appropriate in already developed areas of the Oakland Hills"*. The proposed telecommunication facility is located adjacent to 6846 Saroni Dr. in a hillside residential area of the Oakland Hills. The project requires Regular Design Review per 17.136.050, which states that Telecommunications Facilities proposed in residential areas with special findings, to allow the installation of new telecommunication facilities on an existing JPA pole located in the public right-of-way in a Residential Zone. Special findings are required for Design Review approval to ensure that the facility is concealed to the extent possible.



## **ENVIRONMENTAL DETERMINATION**

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

## **KEY ISSUES AND IMPACTS**

### **1. Regular Design Review**

Section, 17.136.050 and 17.128.070 of the City of Oakland Planning Code requires Regular Design Review for Macro Telecommunication Facilities in the Hillside Residential zone or that are located within one hundred (100) feet of the boundary of any residential zone. The required findings for Regular Design Review, and the reasons this project meets them, are listed and included in staff's evaluation as part of this report.

### **2. Project Site**

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

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

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

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

### **3. Project Design**

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

- A. Building or structure mounted antennas completely concealed from view.
- B. Building or structure mounted antennas set back from roof edge, not visible from public right-of way.

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

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

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

City of Oakland Planning staff, along with the applicant, completed an on-site site design analysis and determined that the site selected conforms to all other telecommunication regulation requirements. The project meets design criteria (C) since the antennas will be mounted on a new wood JPA pole resembling existing PG&E wood poles in the area, in addition to locating the new pole in an area where the new facility will be camouflaged partially by the existing mature trees and the equipment cabinet box and battery backup box will be within a single equipment box attached to the utility pole and painted to match the color of an existing PG&E utility pole to minimize potential visual impacts from public view. In addition, the applicant conducted an extensive site design alternative analysis of 15 alternative sites (See attachment C) where significant gaps in coverage exist and was visually the least obtrusive.

#### **4. Project Radio Frequency Emissions Standards**

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

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

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

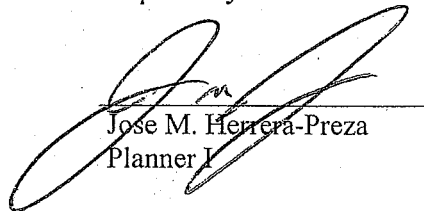
**CONCLUSION**

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

**RECOMMENDATIONS:**

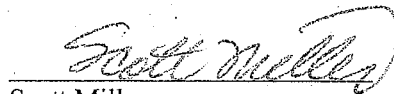
1. Affirm staff's environmental determination
2. Approve Design Review application  
PLN15149 subject to the attached findings  
and conditions of approval

Prepared by:




Jose M. Herrera-Preza  
Planner I

Approved by:



Scott Miller  
Zoning Manager

Approved for forwarding to the  
City Planning Commission



Darin Ranelletti, Deputy Director  
Bureau of Planning

**ATTACHMENTS:**

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

## **FINDINGS FOR APPROVAL**

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

### **17.136.050(B) – NONRESIDENTIAL DESIGN REVIEW CRITERIA:**

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

The project consists of replacing a 39' Joint Pole Authority (JPA) utility pole with a new 48'-3" JPA utility in the same location and adding two telecommunications panel antennas (two feet long and 10-inches wide), affixed on top of the utility pole; an associated equipment box, one battery backup and meter boxes within a 6' tall by 18" wide equipment box attached to the pole 10'-10" above the ground, located in the public right-of-way along Saroni Dr. between Heartwood Dr. and Sayre Dr. The proposed antennas and equipment cabinet attached to the utility pole will be located 48' above the right-of-way above the existing trees and vegetation which will serve as camouflage to help the facility to blend in with the existing surrounding hillside residential area. Therefore, the proposal will have minimal visual impacts from public view.

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

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

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

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

**17.128.070(B) DESIGN REVIEW CRITERIA FOR MACRO FACILITIES**

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

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

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

The proposed antennas will not be mounted on any building or architecturally significant structure, but rather on a utility pole.

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

The proposed antennas will be mounted on a new JPA utility pole (at the same location to replace an existing JPA pole) and painted to match the pole, which will be further camouflaged by surrounding mature trees.

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

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

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

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

**6. For antennas attached to the roof, maintain a 1:1 ratio for equipment setback; screen the antennas to match existing air conditioning units, stairs, or elevator towers; avoid placing roof mounted antennas in direct line with significant view corridors.**

N/A.

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

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

**CONDITIONS OF APPROVAL**  
**PLN15149**

**STANDARD CONDITIONS:**

**1. Approved Use**

***Ongoing***

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

b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: **To install a wireless Telecommunications Facility (AT&T wireless) through the replacement of an existing 39' foot tall JPA utility pole located in the public right-of-way onto a new JPA pole at 48'-3" high on the pole in the same location; includes two panel antennas, an associated equipment box, one battery backup and meter boxes within a 6' tall by 18" wide equipment box attached to the pole at 10'-10" above the ground, under Oakland Municipal Code 17.128 and 17.136.**

**2. Effective Date, Expiration, Extensions and Extinguishment**

***Ongoing***

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

**3. Scope of This Approval; Major and Minor Changes**

***Ongoing***

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

**4. Conformance with other Requirements**

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

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency.
- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not
- c) limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

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

***Ongoing***

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

**6. Signed Copy of the Conditions**

***With submittal of a demolition, grading, and building permit***

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

**7. Indemnification**

***Ongoing***

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

**8. Compliance with Conditions of Approval**

***Ongoing***

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

**9. Severability**

***Ongoing***

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

**10. Job Site Plans**

***Ongoing throughout demolition, grading, and/or construction***

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

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

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

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

**12. Days/Hours of Construction Operation**

***Ongoing throughout demolition, grading, and/or construction***

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

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



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

**PROJECT SPECIFIC CONDITIONS:**

**13. Radio Frequency Emissions**

***Prior to the final building permit sign off.***

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

**14. Operational**

***Ongoing.***

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

**15. Possible District Undergrounding PG&E Pole**

***Ongoing***

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

Existing

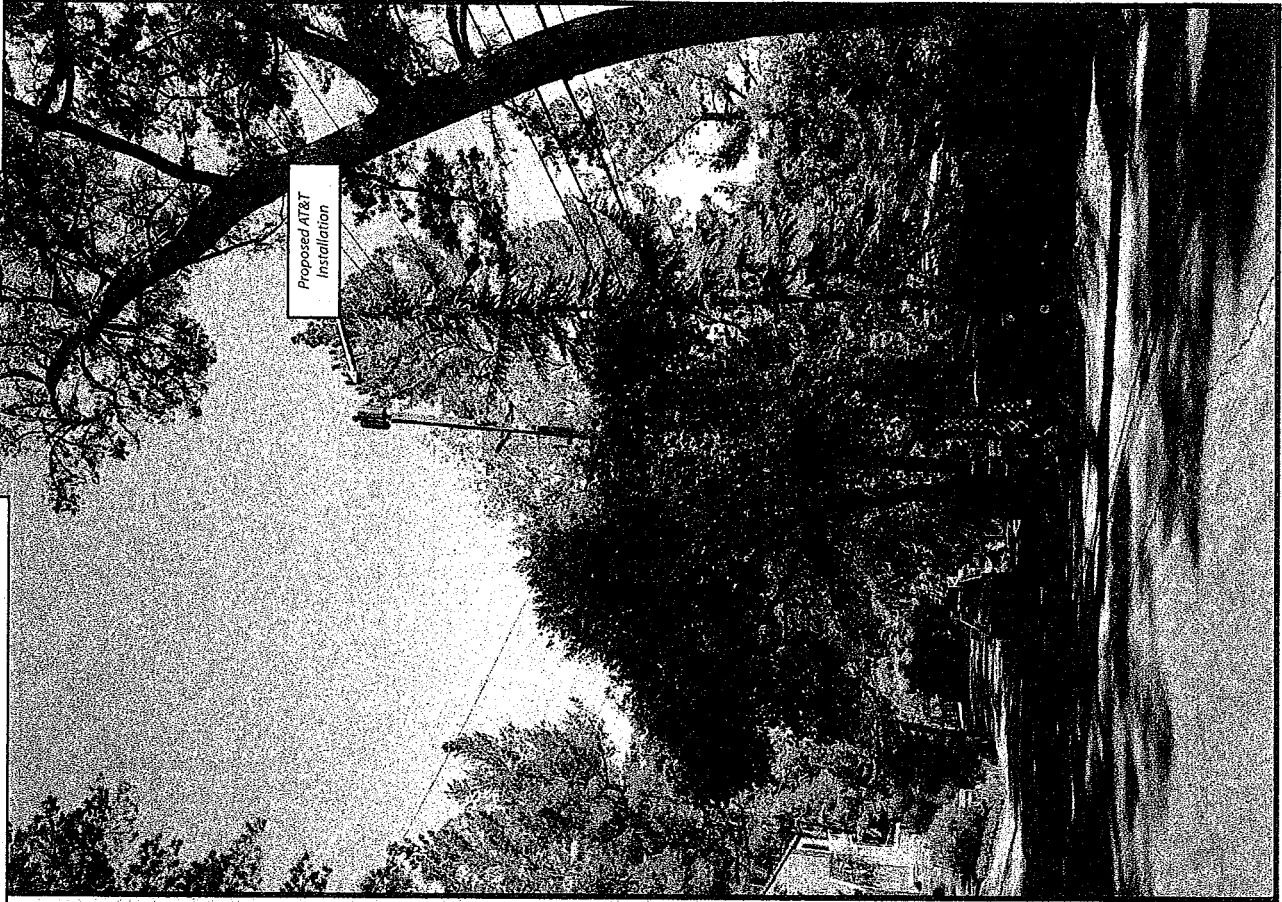


view from Saroni Drive looking east at site



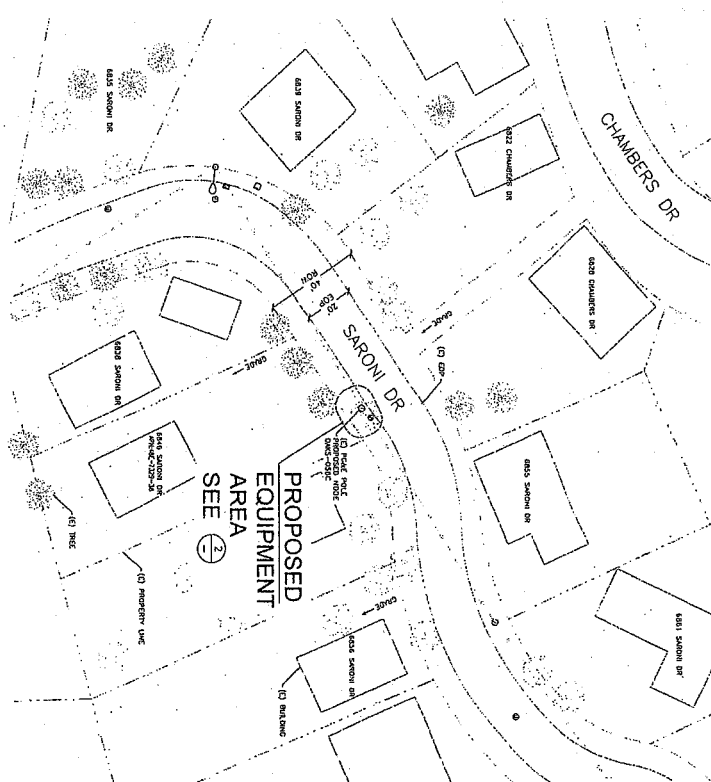
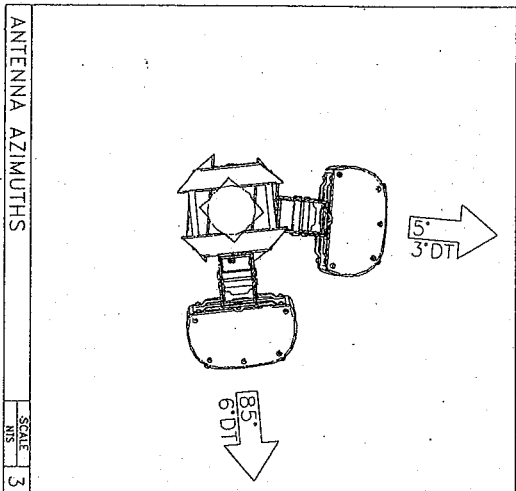
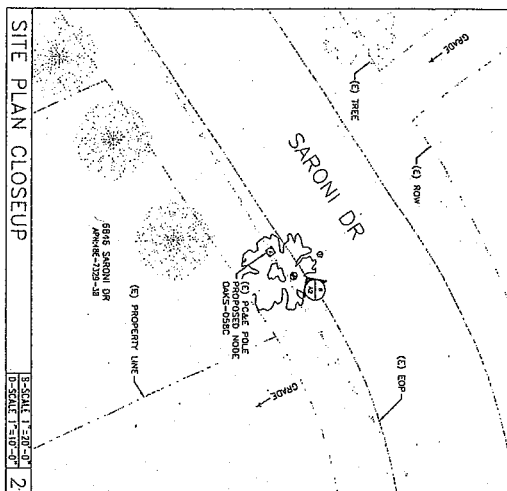
6846 Saroni Drive, Oakland, CA  
Oakhills AT&T South Network Node 058C

Proposed









NEW CIRCULAR WIRELESS PCS, LLC  
4430 ROSEWOOD DR, BLDG 3  
PLEASANTON, CA 94588-3550

OAKHILLS AT&T  
SOUTH NETWORK  
NODE 058C  
6846 SABONI DR.  
OAKLAND, CA 94611

ISSUED FOR: 03/10/15

ZONING


BY	DATE	DESCRIPTION	RDV
ACI	03/10/15	ZDx	0

**ACI**  
A/Cs Commercial/Storm Inc.  
1-800-825-4ACI  
5711 Research Drive  
Canton, MI 48188

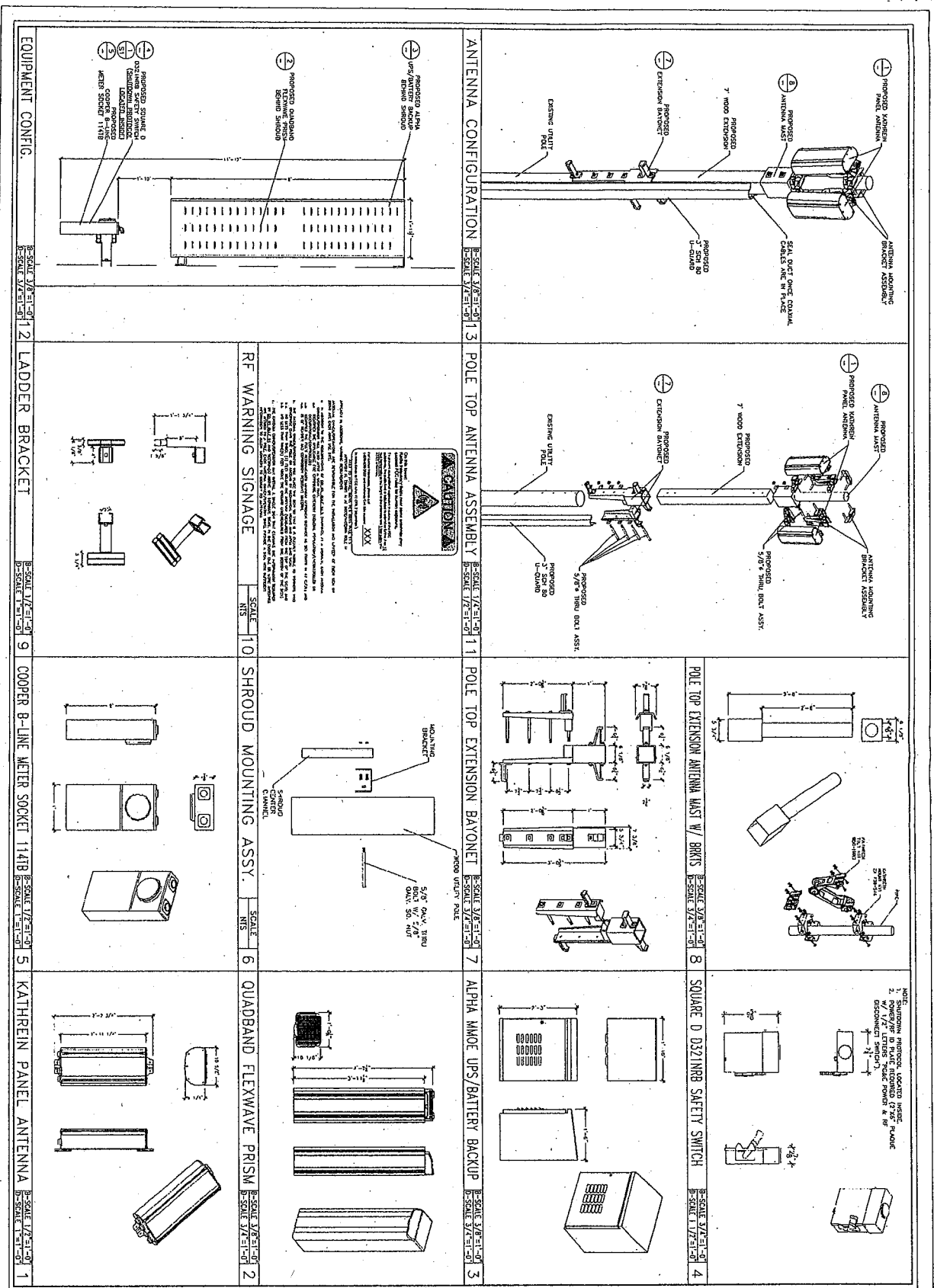
**nef**  
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SYSTEMS

3030 Worrenville Rd, Suite 340  
Lisle, IL 60532  
[www.enetnet.com](http://www.enetnet.com)

SEAL OF APPROVAL: \_\_\_\_\_







NEW CINCULAR WIRELESS PCS, LLC  
4420 GREENWOOD DR. BLDG. 3  
FARMERSVILLE, CA 95829

**OAKHILLS AT&T**  
**SOUTH NETWORK**  
**NODE 058C**  
6845 SARON DR.  
OAKLAND, CA 94611

PROJECT INFORMATION:  
ISSUED FOR: 03/10/15  
ZONING: ZONING  
DATE: 03/10/15  
DESCRIPTION: 20s  
REV: 0

PLANS PREPARED BY:  
CONSTRUCTED BY:  
net  
3000 Westerville Rd, Suite 340  
Lisle, IL 60532  
www.netwireless.com

SHEET TITLE:  
EQUIPMENT DETAILS  
SHEET NUMBER: D1  
REVISION: 0  
03/10/15

# SHUTDOWN PROTOCOL 7"x9" LAMINATED CARD CARDSTOCK



## AT&T oDas Shutdown Procedure

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

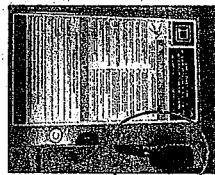
- (A) PG&E personnel SHALL contact AT&T Mobility Switch Center to notify them of an emergency shutdown 800-638-2822. Dial option 9 for cell site "related" emergency's then option 1. Provide the following information when calling or leave a voicemail:
- (1) Identify yourself and give callback phone number.
  - (2) Site number and if applicable site name (located on the shutdown box)
  - (3) Site address and location
  - (4) Nature of emergency and site condition
- (B) Pull Disconnect Handle down to the Open or "Off" Position. The RF signal will shut down within a few seconds. A visual inspection of the interior blade will confirm that both incoming AC lead and Battery Backup are disconnected.
- (C) Notify AT&T (New Circular) Switch Center when the emergency work is completed.

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

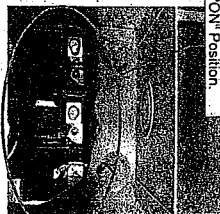
FRONT



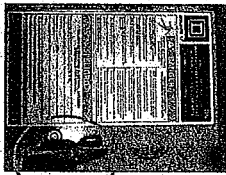
## Switch in the Closed Position ("ON")



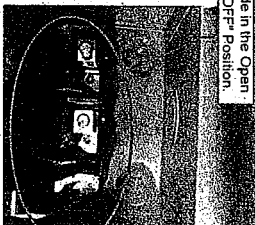
Blade in the Closed or "ON" Position



## Switch in the Open Position ("OFF")



Blade in the Open or "OFF" Position



BACK

SHUTDOWN PROTOCOL

SCALE 1



NEW CIRCULAR WIRELESS PCS, LLC  
4430 ROOSEWOLD DR., SUITE 3  
FLEXSMITH, CA 94588-3050

OAKHILLS AT&T  
SOUTH NETWORK  
NODE 058C  
6846 SARONI DR.  
OAKLAND, CA 94611

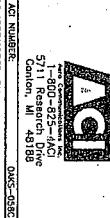
CURRENT ISSUE DATE: 03/10/15

ISSUED FOR: ZONING

BY: DATE: DESCRIPTION: REV:

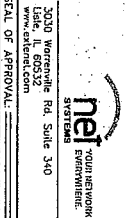
REV	DATE	DESCRIPTION	BY
0	03/10/15	ZON	

PLANS PREPARED BY:



ADI  
770-802-2211  
5711 Glenview Ave  
Garden, WI 43188

CONSTRUCTED BY: OMC-0306



3030 BROADWAY RD, SUITE 340  
LAKELAND, FL 33512  
www.net.com

SEAL OF APPROVAL:

SHEET TITLE: POWER & RF SAFETY PROTOCOLS

SHEET NUMBER: 1 REVISION:

S1 0 03/10/15





April 20, 2015

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

**Re: Proposed AT&T Mobility DAS Node Installation**  
**Applicant: New Cingular Wireless PCS, LLC (d/b/a AT&T Mobility)**  
**Nearest Site Address: Public Right of Way near 6846 Saroni Dr.**  
**Site ID: SW-CA-OAKHILLS-ATT Node 58C**  
**Latitude/Longitude: 37.834746, -122.199959**

Dear City Planner,

On behalf of New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility ("AT&T"), this letter and attached materials are to apply for a design review permit to install a distributed antenna system ("DAS") node in the public right-of-way near 6846 Saroni Drive ("Node 58C").<sup>1</sup> This is the same DAS node that AT&T pursued by its previous application filed on January 30, 2013 at 6828 Saroni Drive (Node 58A / PLN13-027). After receiving resident opposition to that proposal, we worked with Planning Staff to relocate the facility. Then on March 6, 2014, we withdrew that application and filed a new application for an AT&T facility on a utility pole at 6758 Saroni Drive (Node 58B / PLN14-040). This application was approved by the Planning Commission on May 21, 2014 and was subsequently appealed. Hearing of that appeal is pending consideration of this present proposal for a facility on a utility pole near 6846 Saroni Drive (Node 58C). The following is an explanation of the existing site, a project description of the redesigned facility, the project purpose and justifications in support of this proposal.

#### **A. Project Description.**

The proposed location for our facility currently consists of an approximate 39 feet nine inch tall wooden utility pole in the public right-of-way on the south side of Saroni Drive between Heartwood Drive and Sayre Drive, at about 6846 Saroni Drive. Communication lines are attached to the pole at 24 feet three inches, 23 feet nine inches, and 21 feet 10 inches above ground. Primary power lines are on the pole at about 39 feet and 36 feet 11 inches above ground; a secondary power line is on the pole at about 30 feet two inches above ground. A transformer is located on the pole at about 34 feet nine inches above ground.

AT&T proposes to add two panel antennas to the top that are approximately two feet long, 10 inches wide and six inches deep, extending to a height of 48 feet three inches above ground by a seven feet long wooden pole-top extension and antenna mounting bracket. We also propose a singular equipment box approximately 96 inches long by 24 inches wide and deep on this pole. A miniature emergency shut-off safety switch and electricity meter will be placed on the pole at about eight feet above ground. The equipment will be connected to telecommunications and lines already on the pole. The primary power lines at 36 feet 11 inches will be placed on a new cross arm. All

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

equipment will be painted brown to match the utility pole. Our proposal is depicted in the attached design drawings and photographic simulations.

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

### **B. Project Purpose.**

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

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

### **C. Project Justification, Design and Placement.**

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

Based on AT&T's analysis of alternative sites, if the originally chosen candidate 58B at 6758 Saroni Drive (also referred to as "Alternative 1") is not preferred by the City then the currently proposed Node 58C at 6846 Saroni Drive is the least intrusive means to close AT&T's significant service coverage gap in the area because it best uses existing utility infrastructure adding small equipment without disturbing the character of the neighborhoods served. Deploying a DAS node at an existing pole location minimizes any visual impact by utilizing an inconspicuous spot. By installing antennas and equipment at this existing pole location, AT&T does not need to propose any new infrastructure in this coverage area. Node 58C should be barely noticeable amidst the backdrop of trees and terrain.

The DAS node RF emissions are also much lower than the typical macro site and appropriate for the area, and they are fully compliant with the FCC's requirements for limiting human exposure to radio frequency energy. The attached radio frequency engineering analysis provided by Hammett & Edison, Inc., Consulting Engineers, confirms that the proposed equipment will operate well within (and actually far below) all applicable FCC public exposure limits. The facility will also comply with California Public Utility Commission (CPUC) General Orders 95 (concerning overhead line design, construction and maintenance) and 170 (CEQA review) that govern utility use in the public right-of-way.

This proposed redesign is a viable alternative design developed according to our discussions with the Planning Department in the context of Applications PLN13-027 and PLN14-040. As discussed with City Planning, Node 58C is the least intrusive option because antennas can be nestled amidst large trees without imposing any view impact.

ExteNet Systems  
For AT&T Mobility  
1826 Webster Street • San Francisco, CA 94115  
(415) 596-3474 • [mvergovich@extenetsystems.com](mailto:mvergovich@extenetsystems.com)

Also the proposed location is a good coverage option because it sits at a spot from which point AT&T can adequately propagate its wireless signal.

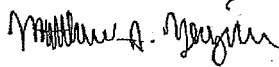
AT&T considered alternative sites on other utility poles in this area but none of these sites is as desirable from construction, coverage or aesthetics perspectives. The proposed location is approximately equidistant from other DAS nodes that AT&T plans to place in surrounding hard-to-reach areas, so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

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

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

Thank you.

Best Regards,  
EXTENET SYSTEMS



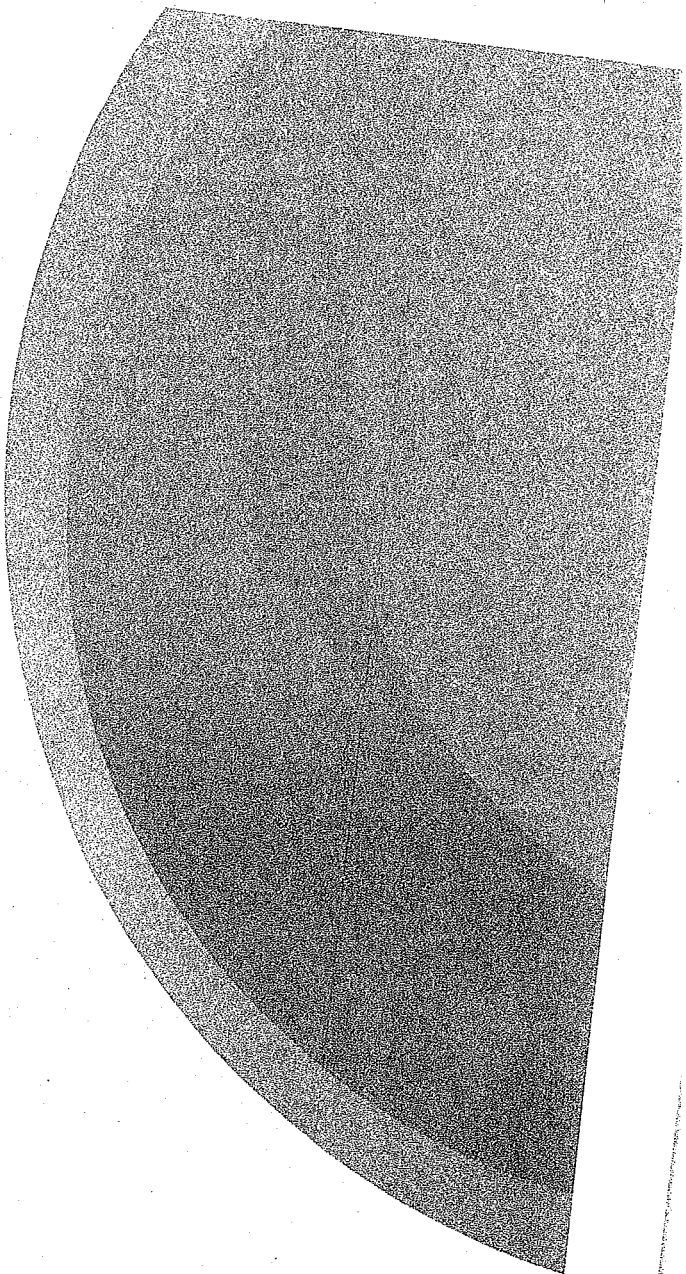
*Matthew S. Yergovich*  
*For AT&T Mobility*

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



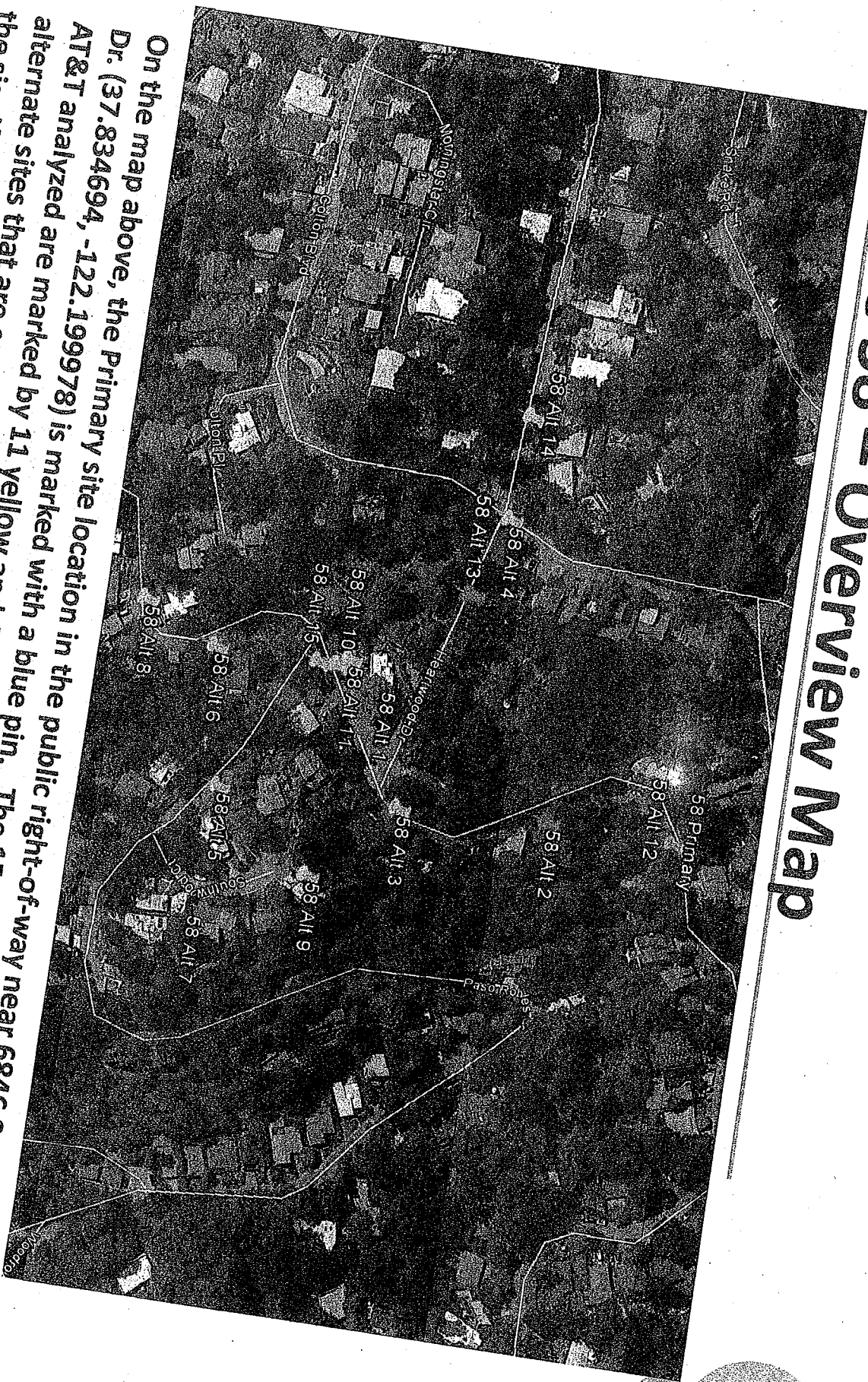
**Rethink Possible®**



# **Node 58 – 6846 Saroni Drive**

## **Viabile Alternates**

# Node 58 - Overview Map



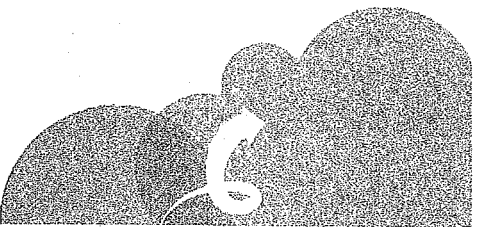
On the map above, the Primary site location in the public right-of-way near 6846 Saroni Dr. (37.834694, -122.199978) is marked with a blue pin. The 15 alternative sites that AT&T analyzed are marked by 11 yellow and 4 green pins. The 4 green pins represent the alternate sites that are constructible and work from a radio frequency perspective to fill the significant service gap but are more intrusive than the primary location.

# Node 58 – Primary Site Location

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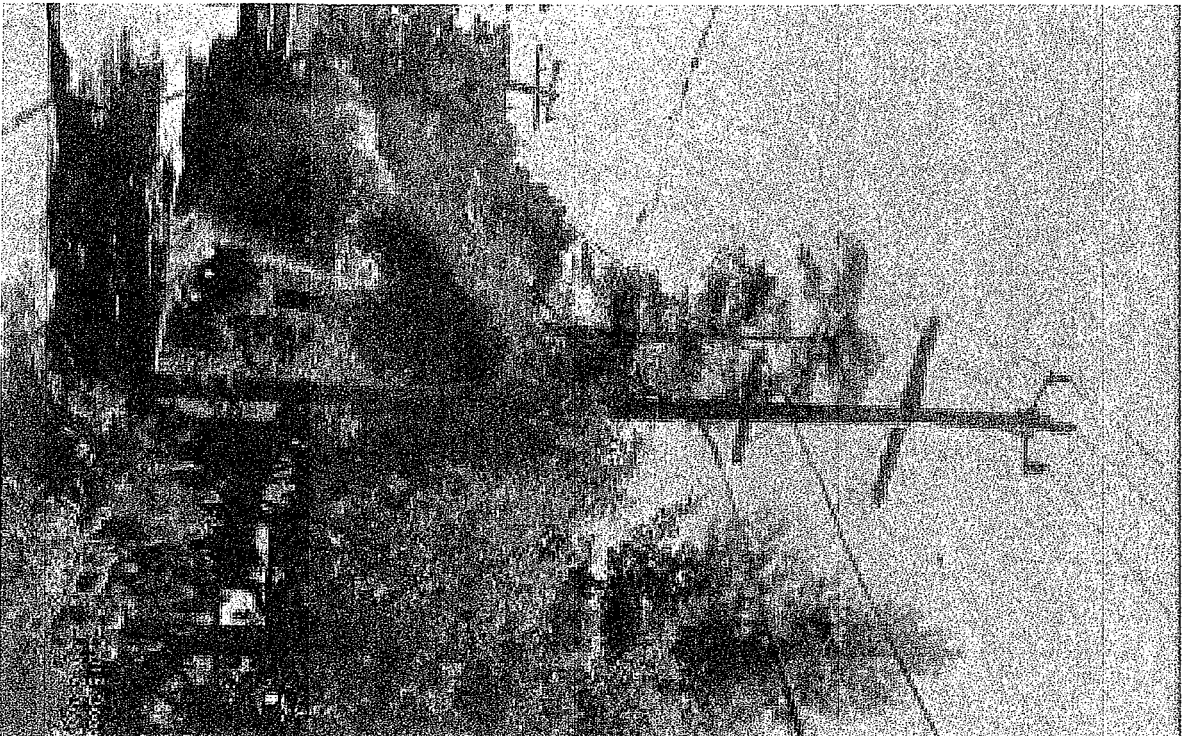


- The Primary site is located in the public right-of-way near 6846 Saroni Dr. (37.834694, -122.199978).
- This photo shows screening provided by surrounding foliage and the backdrop of trees minimizing any view impact of our proposed wireless facility.
- AT&T re-evaluated this site and nearby alternatives in order to evaluate whether it is the least intrusive means to close AT&T's significant service coverage gap in the area. AT&T's analysis considered the city's code, input of city staff, and concerns of the residents who live nearby. We were advised by City staff that this would be a preferred site location.





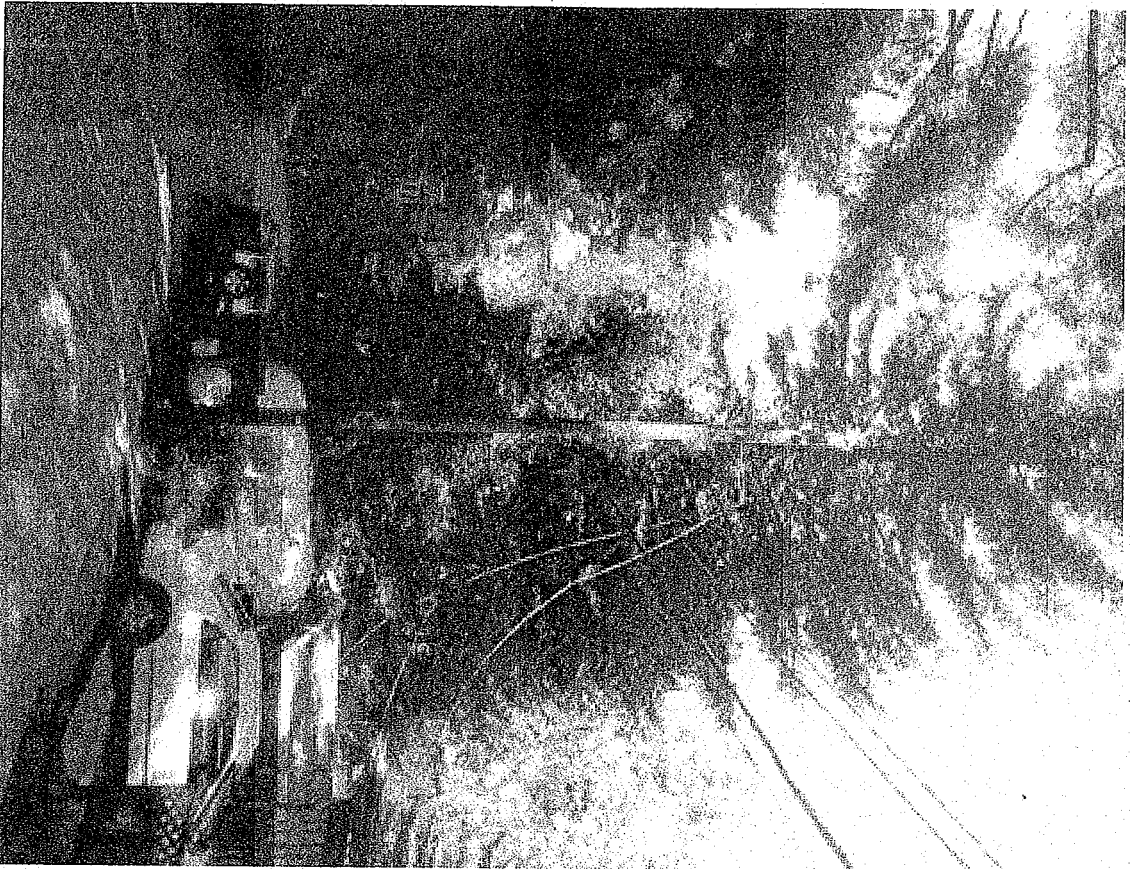
# Node 58 – Alternate 1



- Alternative 1 is identified as JPA located at about 6758 Saroni Drive (37.833421, -122.200305) to the southwest of the intersection of Saroni and Heartwood Drives.
- This location is currently an active application with the City that was approved by Planning Commission and is pending an appeal hearing before City Council under Case File No. PLN14040.
- AT&T re-evaluated this site and nearby alternatives in order to determine whether it is the least intrusive means to close AT&T's significant service coverage gap in the area. AT&T's analysis considered the city's code, input of city staff, and concerns of the residents who live nearby. The currently proposed location is an alternative to this current active location for Node 58. A site here at 6758 Saroni Drive is still viable to close AT&T's significant service coverage gap in the area, but is not preferred by City staff.

# Node 58 – Alternate 2

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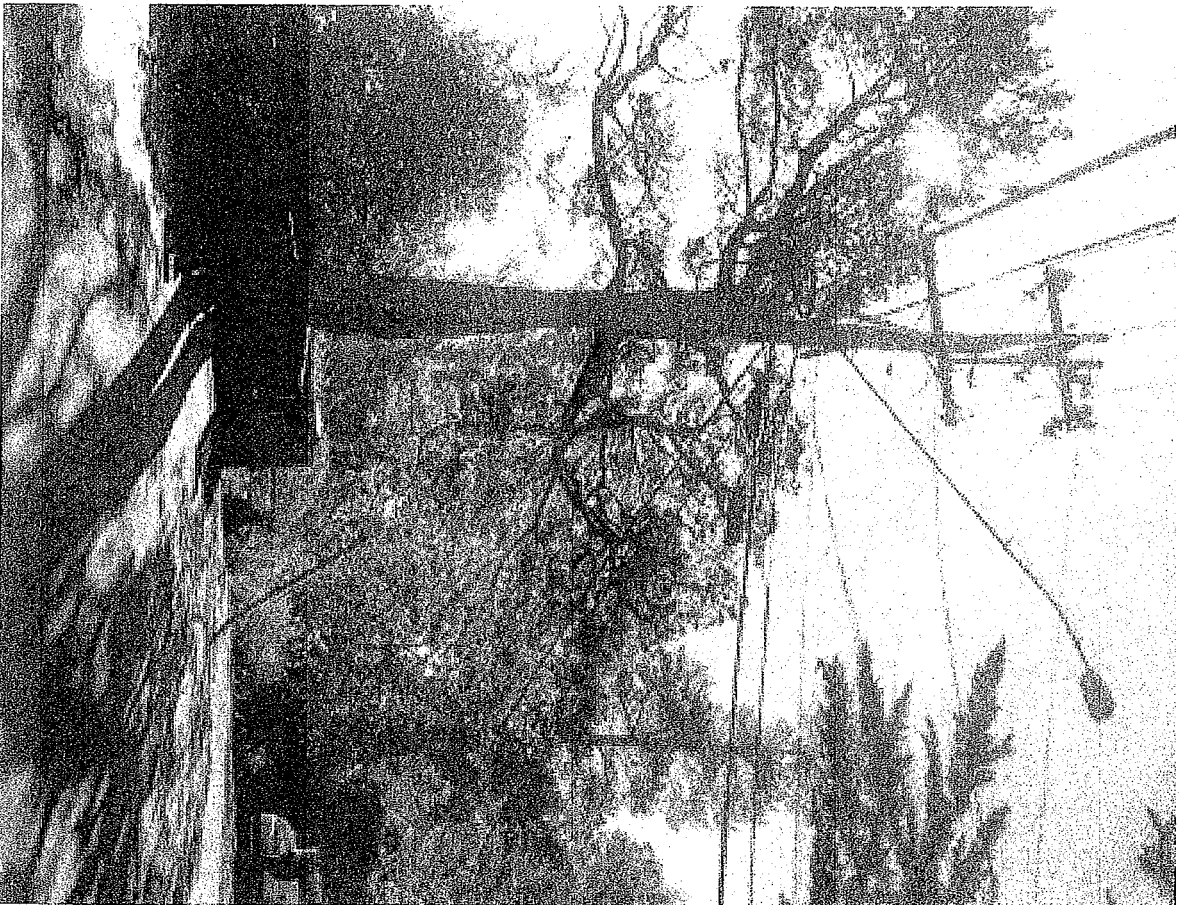


- Alternative 2 is identified as JPA located at about 6828 Saroni Drive (37.834189, -122.199995)
- This location was filed as our original location to close AT&T's significant service coverage gap in the area but was relocated to the Alternate 1 location at the request of the Oakland Planning Department.
- A site here at 6828 Saroni Drive is still viable to close AT&T's significant service coverage gap in the area, but is not preferred by Planning Staff.



## **Node 58 - Alternate 3**

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- Alternative 3 is identified as a JPA located at about 6808 Saroni Drive (37.833597, -122.199958) across from the intersection of Saroni and Heartwood Drives.
- This is not a viable alternative due to the configuration and loading on the pole. It cannot support our equipment due to lack of climbing space required per CPUC General Order 95.



## Node 58 - Alternate 4

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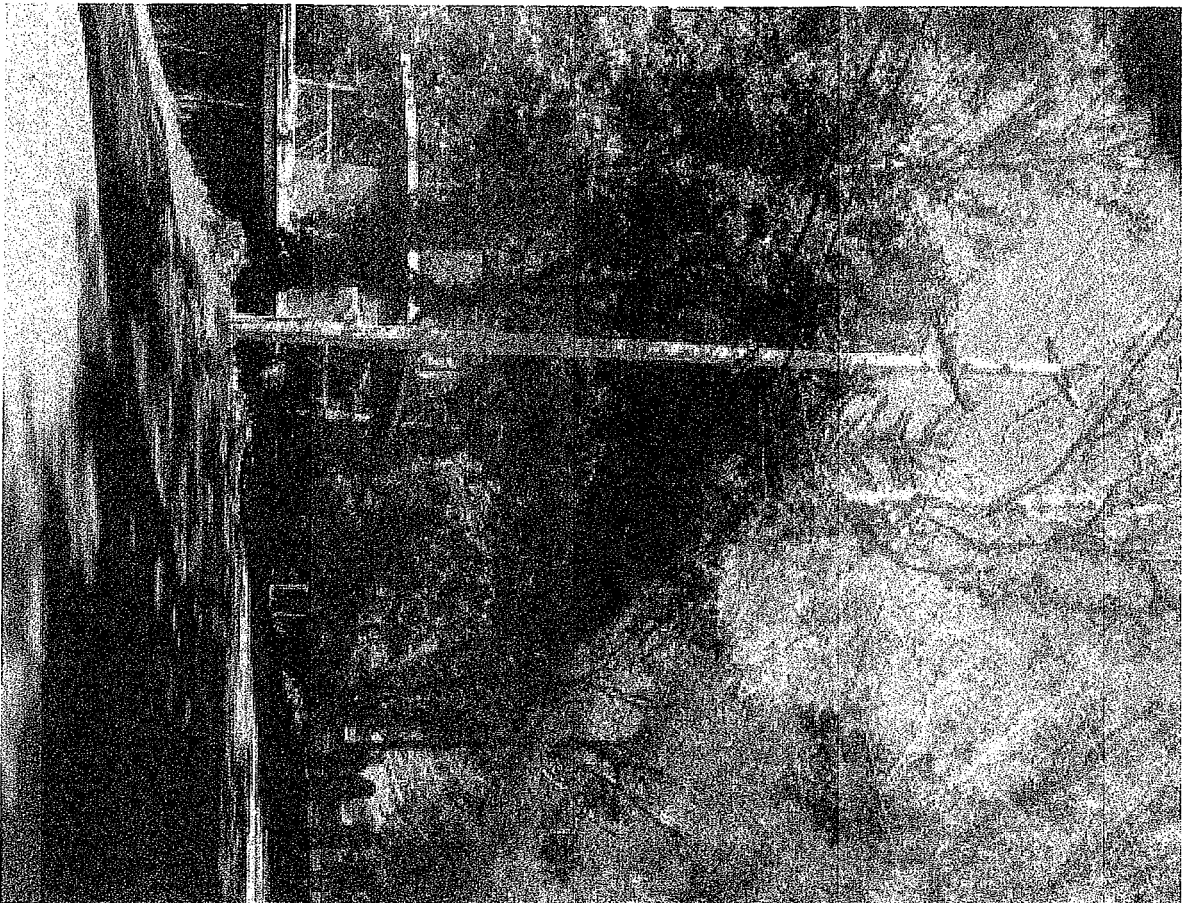


- Alternative 4 is identified as a JPA located at the southwest corner of Heartwood and Colton Drives (37.833853, -122.201365).
- This is not a viable alternative to fill AT&T's significant service gap due to the distance from the gap area as well as terrain and surrounding foliage obstructions.

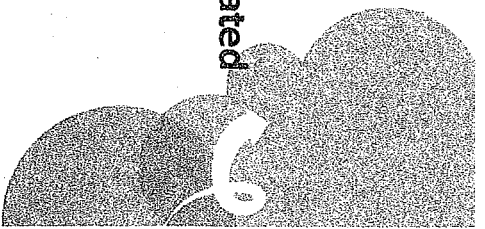


# Node 58 - Alternate 5

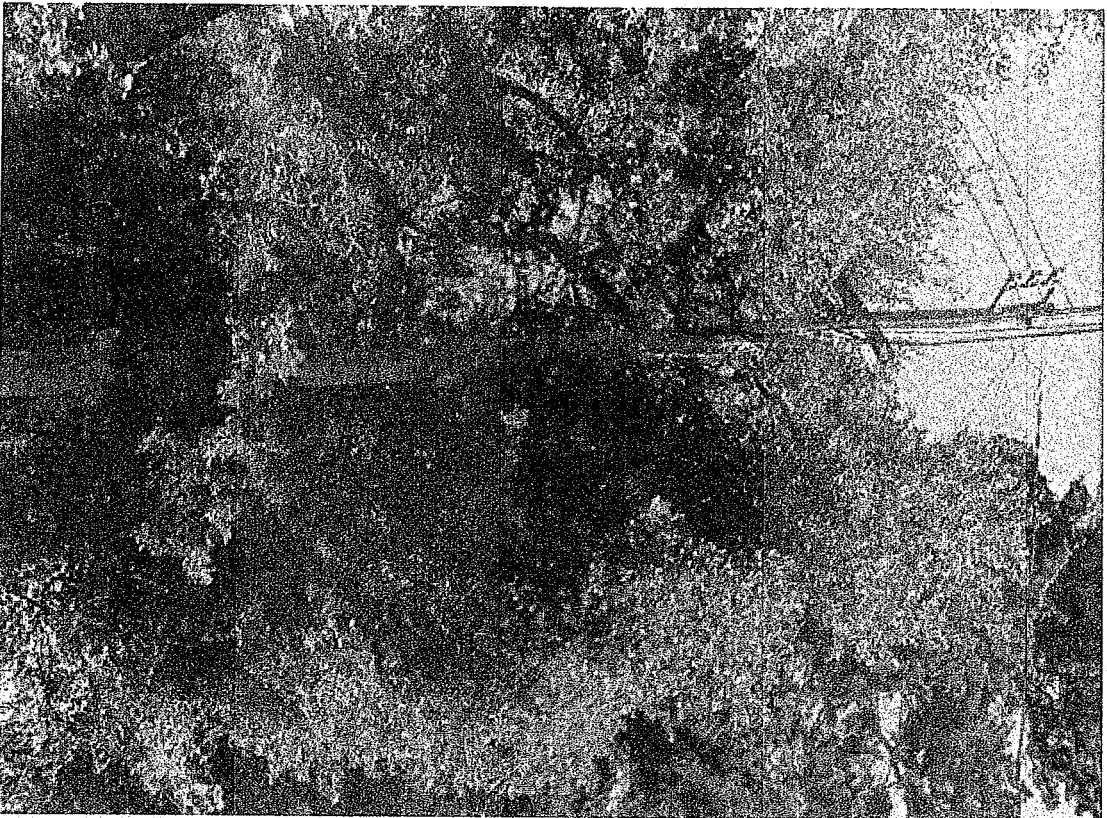
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- Alternative 5 is identified as a JPA located at about 6766/6772 Saroni Drive (37.832887, -122.199922).
- This is not a viable alternative to fill AT&T's significant service gap due to surrounding residential and terrain obstructions. Additionally the more exposed nature of this pole would make this a more intrusive alternative.



# Node 58 - Alternate 6



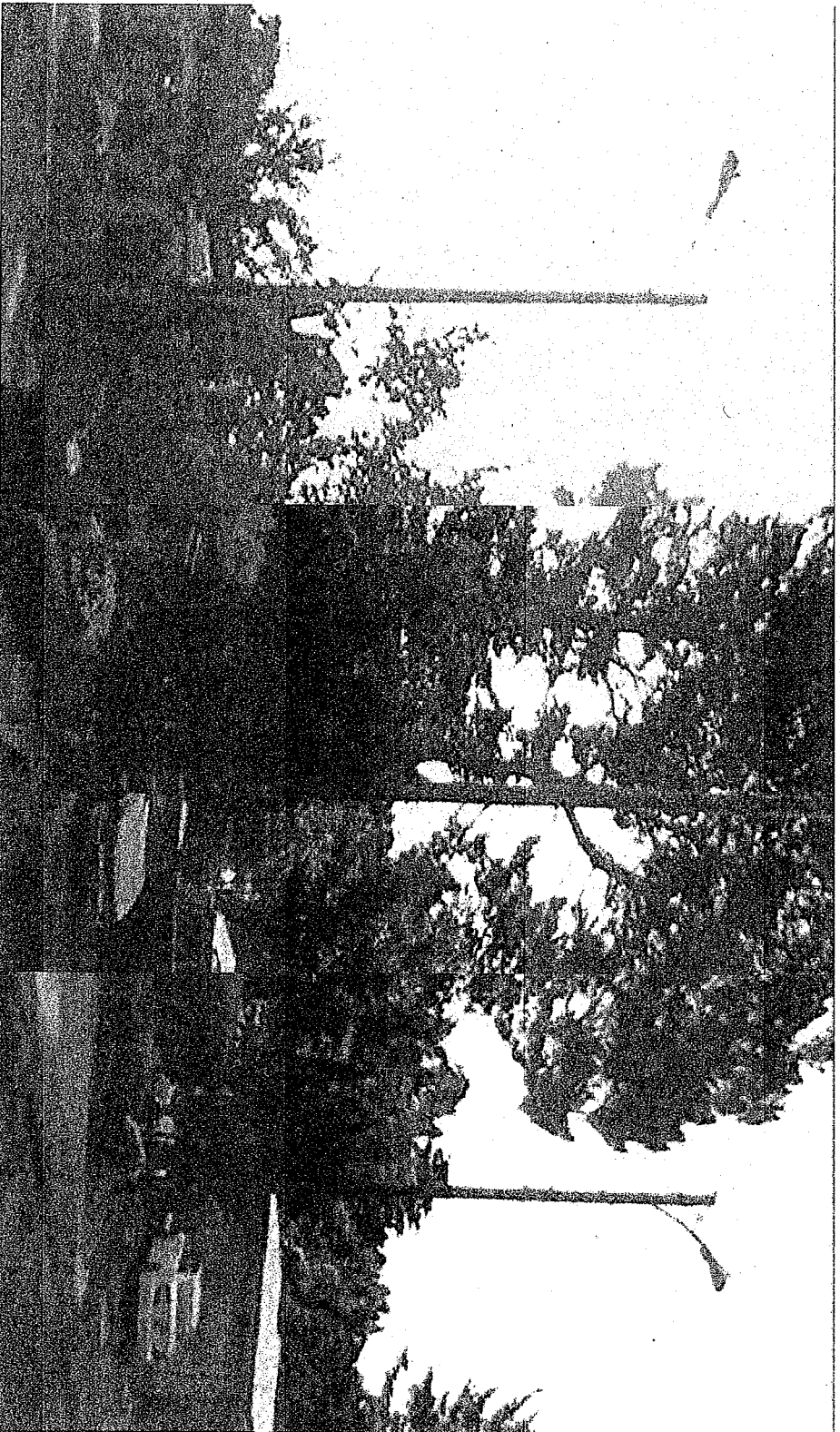
- Alternative 6 is identified as a JPA located at about 6726 Saroni Drive (37.83281, -122.200595).
- This is not a viable alternative to fill AT&T's significant service gap due to the distance from the gap area as well as surrounding terrain and foliage obstructions.





## **Node 58 - Alternate 7**

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- Alternative 7 is identified as a JPA located at between 8 and 10 Southwood Court (37.832914, -122.199307).
- This location is a viable alternative to fill AT&T's significant service gap but would require an extension of 30 feet to provide the necessary coverage. In addition to the required extension, the more exposed nature of this pole would make this a more intrusive alternative.

## Node 58 - Alternate 8



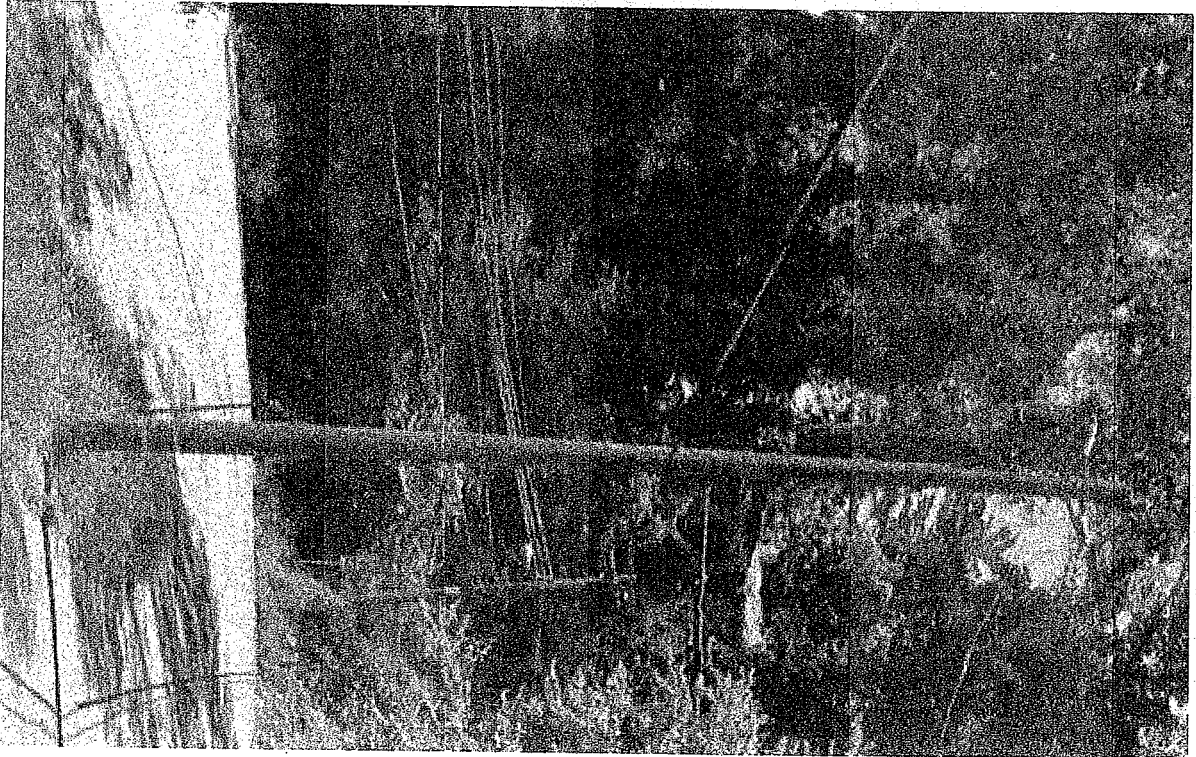
- Alternative 8 is identified as a JPA located at about 6726 Saroni Drive (37.83281, -122.200595).
- This is not a viable alternative to fill AT&T's significant service gap due to the distance from the gap area as well as terrain obstruction. Additionally the more exposed nature of this pole would make this a more intrusive alternative.

## Node 58 - Alternate 9



- Alternative 9 is identified as a JPA located at about 30 Southwood Court (37.833286, -122.199563).
- This is not a viable alternative to fill AT&T's significant service gap due to obstruction from surrounding trees and structures. Additionally the more exposed nature of this pole would make this a more intrusive alternative.

# Node 58 - Alternate 10

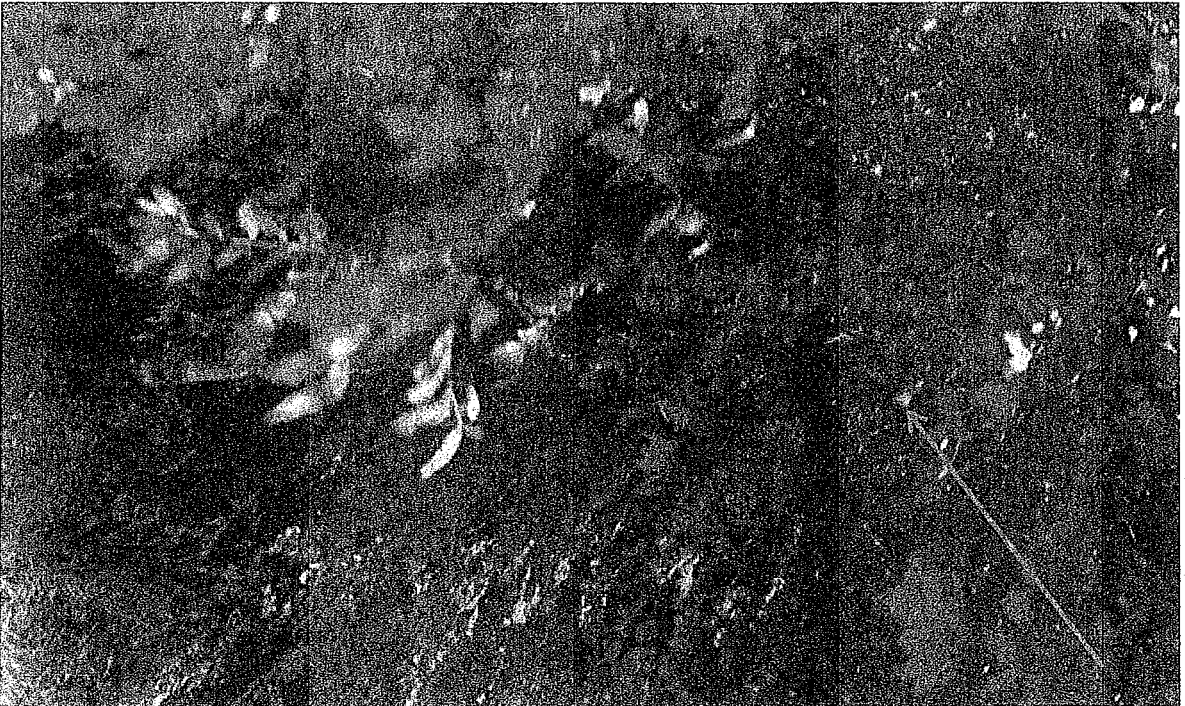


- Alternative 10 is identified as a JPA located at about 6758 Saroni Drive (37.833287, -122.200591), to the southwest of Alternate 1.
- This is not a viable alternative to fill AT&T's significant service gap due to the low elevation and obstruction from the surrounding terrain and structures.

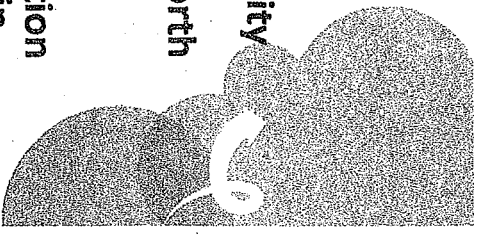


# Node 58 - Alternate 11

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- Alternative 11 is identified as a standoff utility pole located at about 6758 Saroni Drive (37.833332, -122.200627), directly to the north of Alternate 10.
- This is not a viable alternative to fill AT&T's significant service gap due to the low elevation and obstruction from the surrounding terrain and structures.



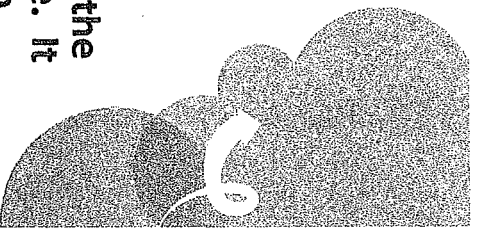
# Node 58 - Alternate 12

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Alternative 12 is identified as a JPA located at about 6839 Saroni Drive (37.834573, -122.200315).

This is not a viable alternative due to the configuration and loading on the pole. It cannot support our equipment due to lack of climbing space required per CPUC General Order 95.



## **Node 58 - Alternate 14**

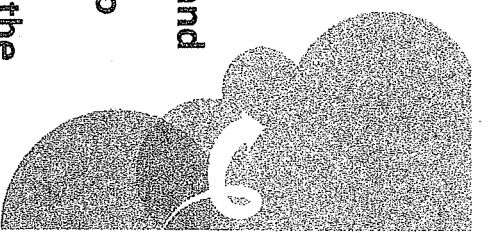


- Alternative 14 is identified as a JPA located at about 6690 Heartwood Drive (37.83388, -122.201848).
- This is not a viable alternative to fill AT&T's significant service gap due to the distance from the gap area and surrounding terrain obstruction.

# Node 58 - Alternate 15



- Alternative 15 is identified as a JPA located at the intersection of Saroni and Paso Robles Drives (37.833211, -122.200595) on the north side of Paso Robles.
- This is not a viable alternative due to the configuration and loading on the pole. It cannot support our equipment due to lack of climbing space required per CPUC General Order 95. Additionally, this is not a viable alternative to fill AT&T's significant service gap due to the low elevation and obstruction from the surrounding terrain and structures.

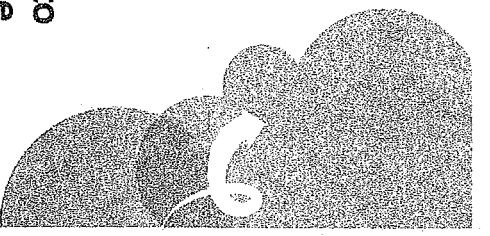




# Node 58 - Alternate 16



- Alternative 16 is identified as a JPA located at the southwest corner of Heartwood and Colton Drives (37.833902, -122.20127).
- This is not a viable alternative due to the configuration and loading on the pole. It cannot support our equipment due to lack of climbing space required per CPUC General Order 95.



## **Node 58 – Alternate Site Analysis Conclusion**

Based on AT&T's analysis of alternative sites, if the originally chosen candidate for Node 58 identified here as Alternative 1 at 6758 Saroni Drive is not preferred by the City then the currently proposed location at 6846 Saroni Drive is the least intrusive means to close AT&T's significant service coverage gap in the area.

