

Location:	Skyline Boulevard, east of Chabot Space & Science Center entrance at Metropolitan Horsemen's Association cabin (see map on reverse)
Assessor's Parcel Number:	None
Proposal:	To install a 30'-4" Monopole Telecommunications Facility consisting of a 28-ft. replacement light pole with a 2'4" antenna and located in the public right-of-way.
	On August 4, 2010 the Planning Commission denied a previous design (#CM10140) and on November 9, 2010 the City Council denied an Appeal (#A10224); this application is for a new design adjacent to the prior location.
Applicant/Phone Number:	Sharon James / NextG (for Verizon) (408) 426-6629
Owner:	City of Oakland
Planning Permits Required:	Major Conditional Use Permit with 2 sets of additional findings to allow a Monopole Telecommunications Facility in the OS Zone
General Plan:	Urban Open Space
Zoning:	OS (RSP) Open Space (Region-Serving Park) Zone
Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines: New Construction of Small Structures; Section 15183 of the State CEQA Guidelines: Projects consistent with a Community Plan, General Plan, or Zoning
Historic Status:	No Historic Status (vacant portion of public right-of-way)
Service Delivery District:	IV
City Council District:	4
Date Filed:	January 11, 2011
Staff Recommendation:	Decision based on staff report – recommendation for approval
Finality of Decision:	<i>Appealable to City Council within 10 days</i>
For Further Information:	Contact case planner Aubrey Rose, Planner II at (510) 238-2071 or arose@oaklandnet.com

SUMMARY

The applicant Sharon James of NextG (for Verizon) requests Planning Commission approval of a Major Conditional Use Permit with two (2) sets of additional findings to install a 30'-4" Monopole Telecommunications Facility consisting of a twenty-eight (28) foot replacement light pole with a 2'-4" antenna and located in the public right-of-way., and the proposed equipment would be placed in a vault underground. The request requires Planning Commission review, pursuant to the Planning Code, because the proposed project involves a Monopole in an Open Space Zone.

Staff recommends approval of the requested permits, subject to Findings for Approval (Attachment A) and Conditions of Approval (Attachment B).

SITE DESCRIPTION

The property is an unpaved portion of City public right-of-way situated alongside a section of Skyline Boulevard without sidewalks. The site contains a City light standard. To the east (rear) are a cabin (Metropolitan Horseman's Association office) and a City parking lot with light standards. To the north is the street entrance to the Chabot Space and Science Center, indicated by signage. Trees line both sides of the street. The nearest manmade structures similar in height to the light standard are telephone poles located approximately 500-radial-feet to the north and light standards located over 3,000-radial-feet to the south at the terminus of Joaquin Miller Road at Skyline Boulevard.

PROJECT DESCRIPTION

On August 4, 2010 the Planning Commission denied a previous design (#CM10140) and on November 9, 2010 the City Council denied an Appeal (#A10224); this application is for a new design adjacent to the prior location. This proposal is different from the previous proposal in that it is not a separate, stand-alone structure, but rather, incorporated into a replacement light pole.

The project is to install a 30'-4" Monopole Telecommunications Facility consisting of a twenty-eight (28) foot tall replacement light pole with a 2'-4" antenna and located in the public right-of-way five-feet from the edge of pavement. The monopole would be designed to resemble and function as a city street light, and would actually replace an existing street light. The equipment cabinet would be vaulted (located underground). The purpose of the project is to improve cellular telephone reception in the area. Other carriers would be eligible to apply to co-locate on or use the services of the Monopole.

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

GENERAL PLAN ANALYSIS

The proposed project site is located in an Urban Open Space of the General Plan's Land Use & Transportation Element (LUTE). The Intent of the area is: *"To identify, enhance and maintain land for parks and open space. Its purpose is to maintain and urban park, schoolyard, and garden system which provides open space for outdoor recreation, psychological and physical well-being, and relief from the urban environment."* The site is located in a Maintain and Enhance area of the LUTE. The proposal conforms to the LUTE or to the following Policies of the General Plan's Open Space, Conservation and Recreation (OSCAR) Element:

POLICY OS-10.2: MINIMIZING ADVERSE VISUAL IMPACTS

Encourage site planning for new development which minimizes adverse visual impacts and takes advantages of opportunities for new vistas and scenic enhancement.

POLICY OS-10.4: RETENTION OF CITY-OWNED OPEN SPACE IN SCENIC CORRIDORS

Retain City-owned parcels adjacent to Skyline Boulevard, Shepherd Canyon Road, and other scenic roadways to preserve panoramic views, vegetation, and natural character.

The proposal is in conformance with the General Plan. The location is along a natural wooded corridor adjacent to a major City facility. The area offers relief for citizen and area residents from the built

environment and the City facility is a regional attraction. The replacement and retrofitting of an existing City light standard with a vaulted equipment cabinet does not detract from the Open Space area and would be visually consistent with the existing facilities located at the Metropolitan Horseman's Association office.

ZONING ANALYSIS

The proposed project site is located within the OS (RSP) Open Space (Region-Serving Park) Zone. The Intent of the OS (RSP) 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 zone is typically appropriate in areas of public open space only."* The proposal is consistent with the Intent of the Zoning District and with the following Purposes of the Zoning regulations:

"To especially protect and improve the appearance and orderliness of major trafficways and transit lines and views therefrom, thereby increasing the enjoyment of travel, reducing traffic hazards, and enhancing the image of Oakland derived by residents, businesspeople, commuters, visitors, and potential investors;

To protect the very substantial public investment in, and the character and dignity of, public buildings, open spaces, thoroughfares, and rapid transit lines" (OMC Sec. 17.07.030(L, M))

The proposal is also consistent with the following development standard for Monopoles:

The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. (OMC Sec. 17.128.080(A)(2))

In conclusion, the proposal is consistent with the Planning Code and findings required to approve the project can be made (Attachment A – Findings for Approval). The proposed structure would preserve open space and would be compatible with the minimal built environment and prevailing natural environment in the area. The replacement and retrofitting of an existing City light standard with a vaulted equipment cabinet does not detract from the Open Space area and would be visually consistent with the existing facilities located at the Metropolitan Horseman's Association office.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines 15303 exempts projects involving new construction of small structures. The proposal to replace an existing City light standard with a new one retrofitted with a telecommunications antenna and to vault an equipment cabinet meets this description. The proposal is therefore not subject to further Environmental Review.

KEY ISSUES AND IMPACTS

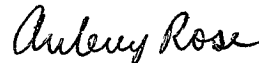
Staff worked with the applicant on a location and design that could be supported. Staff indicated only the retrofitting of an existing facility with equipment cabinets that are vaulted (undergrounded) could be supported in this area. The applicant therefore proposed use of this site with a City light standard and

space where undergrounding can be accommodated. Therefore, staff recommends the Planning Commission approve the requested Major Conditional Use Permit and two (2) sets of additional findings for a Monopole Telecommunications Facility in the Open Space Zone, as described in the attached findings (Attachment A – Findings for Approval).

The director of the Chabot Space & Science Center has previously expressed interest in increased telecommunications service in the area.

- RECOMMENDATIONS:**
1. Affirm staff's environmental determination.
 2. Approve the Major Conditional Use Permit and two (2) sets of additional findings.

Prepared by:



AUBREY ROSE
Planner II

Approved by:



SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:



ERIC ANGSTADT
Deputy Director
Community and Economic Development Agency

ATTACHMENTS:

- A. Findings for Approval
- B. Conditions of Approval
- C. Plans with Photo-Simulations

Attachment A: Findings for Approval

This proposal meets the required findings under General Use Permit Criteria (OMC Sec. 17.134.050), Conditional Use Permit Criteria for Monopoles (OMC Sec. 17.128.080(C)), and Design Review for Monopoles (OMC Sec. 17.128.080(B)), as set forth below. Required findings are shown in bold type; explanations as to why these findings can be made are shown 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.

This finding can be made: the proposed Monopole stealth to resemble and function as a city light pole similar to the one it will be replacing will be compatible with the surrounding open space/region-serving park area, will not contain unsightly attached equipment, will not set an undesirable precedent, and will nearly match the height and bulk of an existing structure to be replaced. The design of the replacement light pole will not adversely affect the neighborhood character.

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 project has potential to increase telecommunications service in the area with essentially no alterations to the built environment.

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 project has potential to increase telecommunications service to visitors of the open space including the Chabot Space & Science Center.

D. That the proposal conforms to all applicable regular design review criteria set forth in the regular design review procedure at Section 17.136.050;

The proposal is subject to design review and required findings can be made as described in a following section of this attachment.

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.

This finding can be made: the proposal conforms to the Intent of the Urban Open Space of the General Plan: *"To identify, enhance and maintain land for parks and open space. Its purpose is to maintain and urban park, schoolyard, and garden system which provides open space for outdoor recreation, psychological and physical well-being, and relief from the urban environment"* and to the following Policies of the General Plan's Open Space, Conservation and Recreation (OSCAR) Element:

POLICY OS-10.2: MINIMIZING ADVERSE VISUAL IMPACTS

Encourage site planning for new development which minimizes adverse visual impacts and takes advantages of opportunities for new vistas and scenic enhancement.

POLICY OS-10.4: RETENTION OF CITY-OWNED OPEN SPACE IN SCENIC CORRIDORS

Retain City-owned parcels adjacent to Skyline Boulevard, Shepherd Canyon Road, and other scenic roadways to preserve panoramic views, vegetation, and natural character.

The location is along a natural wooded corridor serving as a gateway to a region-serving City facility. The relatively unspoiled character of the area should be maintained for the continued enjoyment by residents and to maintain the economic viability of facilities to attract regional visitors. The proposed Monopole stealth to resemble and function as a city light pole similar to the one it will be replacing will be compatible with the surrounding open space/region-serving park area, will not contain unsightly attached equipment, will not set an undesirable precedent, and will nearly match the height and bulk of an existing structure to be replaced.

SECTION 17.128.080(C) – CONDITIONAL USE PERMIT CRITERIA FOR MONOPOLES.

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

These findings can be made as described in the following section of this attachment.

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.

The site is not located within one thousand five hundred (1,500) feet of an existing monopole.

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

The replacement of a City light standard to include an antenna where equipment is vaulted along a scenic stretch of Skyline Boulevard will not disrupt the overall community character and will be visually consistent with the existing facilities located at the Metropolitan Horseman's Association office.

4. If a major conditional use permit is required, the Planning Director or the Planning Commission may request independent expert review regarding site location, collocation and facility configuration. Any party may request that the Planning Commission consider making such request for independent expert review.

a. If there is any objection to the appointment of an independent expert engineer, the applicant must notify the Planning Director within ten (10) days of the Commission request. The Commission will hear arguments regarding the need for the independent expert and the applicant's objection to having one appointed. The Commission will rule as to whether an independent expert should be appointed.

b. Should the Commission appoint an independent expert, the Commission will direct the Planning Director to pick an expert from a panel of licensed engineers, a list of which will be compiled, updated and maintained by the Planning Department.

c. No expert on the panel will be allowed to review any materials or investigate any application without first signing an agreement under penalty of perjury that the expert will keep confidential any and all information learned during the investigation of the application. No personnel currently employed by a telecommunication company are eligible for inclusion on the list.

- d. An applicant may elect to keep confidential any proprietary information during the expert's investigation. However, if an applicant does so elect to keep confidential various items of proprietary information, that applicant may not introduce the confidential proprietary information for the first time before the Commission in support of the application.**
- e. The Commission shall require that the independent expert prepare the report in a timely fashion so that it will be available to the public prior to any public hearing on the application.**
- f. Should the Commission appoint an independent expert, the expert's fees will be paid by the applicant through the application fee, imposed by the city.**

No independent expert review has been requested as of the completion of this report.

SECTION 17.128.080(B) – 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 project does not involve collocation; the proposal is to install a new facility in an area completely lacking such structures.

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

The proposed Monopole that is stealth to resemble and function as a city light pole similar to the one it will be replacing will be compatible with the surrounding open space/region-serving park area, will not contain unsightly attached equipment, will not set an undesirable precedent, and will nearly match the height and bulk of an existing structure to be replaced.

The replacement of an existing tall structure will not adversely impact the aesthetic quality of the area.

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

The Monopole will not be screened but will replace an existing City light standard and its equipment cabinet will be vaulted. The proposal will be visually consistent with the existing facilities located at the Metropolitan Horseman's Association office.

- 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 equipment cabinet will be vaulted (located underground) and not visible.

- 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 Monopole will be compatible with the surrounding park area and natural environment to the extent of existing conditions as it will replace an existing City light standard. The proposed structure will preserve open space and will be compatible with the minimal built environment and prevailing natural environment in the area.

Attachment B: Conditions of Approval

1. Approved Use

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, **staff report**, and the plans dated **May 9, 2011** and submitted on **January 11, 2011**, 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.

I.b) This action by the **City Planning Commission** ("this Approval") includes the approvals set forth below. This Approval includes: *Major Conditional Use Permit with two (2) sets of additional findings to allow a Monopole Telecommunications Facility in the Open Space Zone*

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

4. Conformance with other Requirements

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

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval 3.
- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

5. Conformance to Approved Plans; Modification of Conditions or Revoc

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. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

6. Signed Copy of the Conditions

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

12. Underground Utilities

Prior to issuance of a building permit

The project applicant shall submit plans for review and approval by the Building Services Division and the Public Works Agency, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground. The new facilities shall be placed underground along the project applicant's street frontage and from the project applicant's structures to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.

13. Improvements in the Public Right-of-Way (General)

Approved prior to the issuance of a P-job or building permit

- a) The project applicant shall submit Public Improvement Plans to Building Services Division for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with the conditions and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements- located within the public ROW.
- b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition.

- c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.
- d) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

14. Payment for Public Improvements

Prior to issuance of a final inspection of the building permit.

The project applicant shall pay for and install public improvements made necessary by the project including damage caused by construction activity.

15. Compliance Matrix

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

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division a **Conditions** compliance matrix that lists each condition of approval, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance matrix for review and approval. The compliance matrix shall be organized per step in the plancheck/construction process unless another format is acceptable to the Planning and Zoning Division and the Building Services Division. The project applicant shall update the compliance matrix and provide it with each item submittal.

16. Construction Management Plan

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

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division for review and approval a construction management plan that identifies the conditions of approval related to construction impacts of the project and explains how the project applicant will comply with these construction-related conditions of approval.

17. Dust Control

Prior to issuance of a demolition, grading or building permit

During construction, the project applicant shall require the construction contractor to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic and enhanced dust control procedures required for construction sites. These include:

- a) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.
- e) Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.
- f) Limit the amount of the disturbed area at any one time, where feasible.
- g) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.

- h) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- i) Replant vegetation in disturbed areas as quickly as feasible.
- j) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- k) Limit traffic speeds on unpaved roads to 15 miles per hour.
- l) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.

18. Construction Emissions

Prior to issuance of a demolition, grading or building permit

To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:

- a) Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.
- b) Perform low- NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) shall be performed for such equipment used continuously during the construction period.

19. 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.
- g) Applicant shall use temporary power poles instead of generators where feasible.

20. Noise Control

Ongoing throughout demolition, grading, and/or construction

To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures:

- a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
- b) Except as provided herein, Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.
- c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.
- d) The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

21. Noise Complaint Procedures

Ongoing throughout demolition, grading, and/or construction

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

- a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);
- b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing

of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);

- c) The designation of an on-site construction complaint and enforcement manager for the project;
- d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and
- e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

22. Operational Noise-General

Ongoing.

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

23. Construction Traffic and Parking

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

The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:

- a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.
- d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.
- e) Provision for accommodation of pedestrian flow.

24. Erosion and Sedimentation Control

Ongoing throughout demolition grading, and/or construction activities

The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. Plans demonstrating the Best Management Practices shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.

25. Hazards Best Management Practices

Prior to commencement of demolition, grading, or construction

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

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

26. Waste Reduction and Recycling

The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.

Prior to issuance of demolition, grading, or building permit

Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

Ongoing

The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services

Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.

27. Lighting Plan

Prior to the issuance of an electrical or building permit

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

SPECIFIC CONDITIONS FOR TELECOMMUNICATIONS FACILITIES

28. Sinking Fund For Facility Removal Or Abandonment

Prior to the issuance of building permit

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

29. Emissions Report

Prior to a final inspection

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

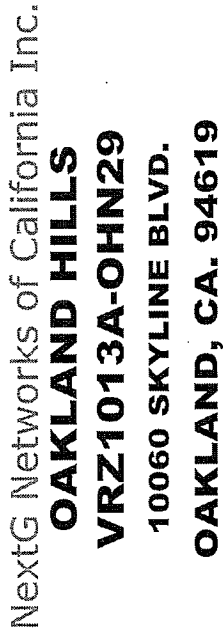
30. Equipment Cabinets

Prior to a final inspection and ongoing

All equipment cabinets shall be vaulted underground as shown on plans.

APPROVED BY:

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



SIGNATURE:

ATTACHMENT C


**Know what's below.
Call before you dig.
Call 811 Before you Dig!**

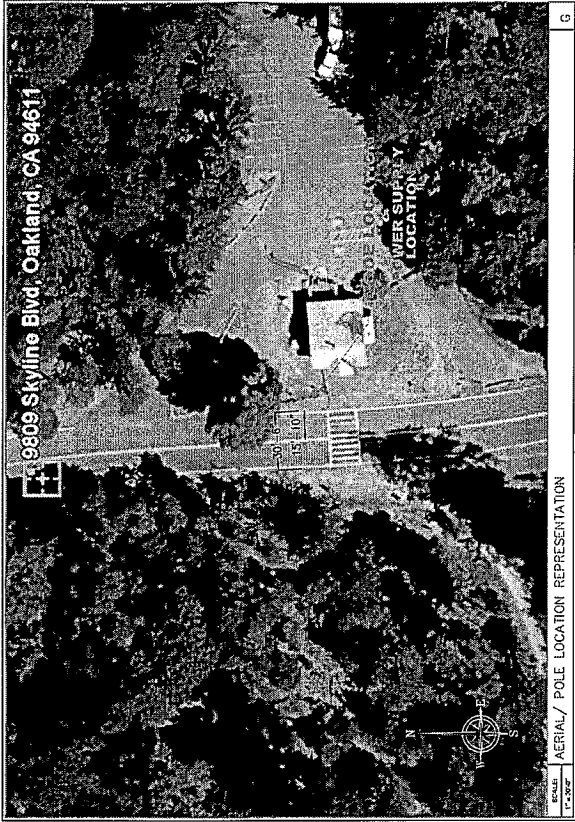
SHEET INDEX

CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ARCHITECT IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

GENERAL CONTRACTOR NOTES

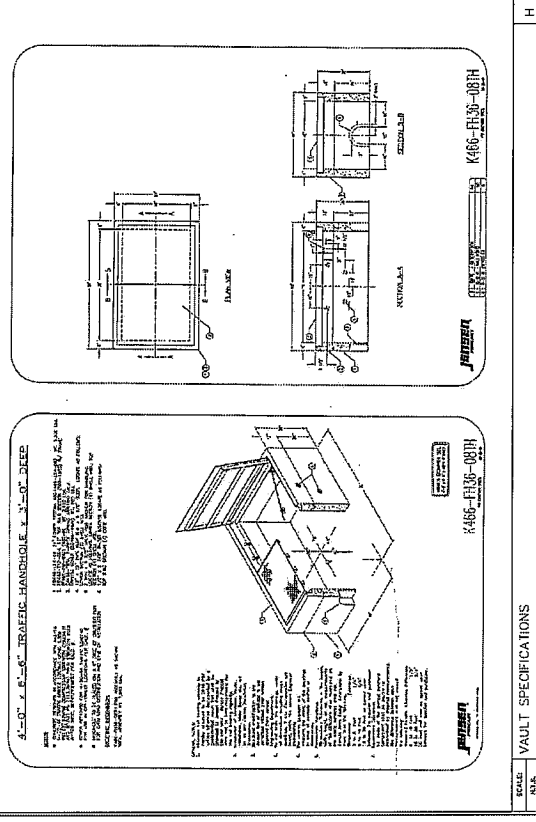
(24"X36" SIZE)
 SHEET NUMBER: **1**
 REVISION: **2**
 1 OF 4

 <p>NextG Networks of California Inc. 1000 Skyline Blvd. Oakland, CA 94619</p>		<p>PROJECT INFORMATION:</p> <p>CURRENT ISSUE DATE: 5/9/11</p> <p>PERMIT SUBMISSION:</p>		<p>PERY DATE DESCRIPTION BY:</p> <table border="1"> <tr> <td>1</td> <td>4/29/11</td> <td>SHEET FORMAT CHANGE MZ</td> </tr> <tr> <td>2</td> <td>5/9/11</td> <td>LOCATED SECTION MZ</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>		1	4/29/11	SHEET FORMAT CHANGE MZ	2	5/9/11	LOCATED SECTION MZ																									<p>PLANS PREPARED BY:</p> <p>HP COMMUNICATIONS INC. 13541 Tenthred Dr. N. Cerritos, CA 92603 PHONE: (909) 411-4939</p>		<p>PLANS APPROVED BY:</p> <p>NextG Networks of California Inc. REP.</p>		<p>COMMENTS:</p>		<p>SHEET TITLE:</p>		<p>NextG Networks OAKLAND HILLS PROJECT POLE PROFILE VIEW 1/13A-01H29</p>		<p>SHEET NUMBER: 3 REVISION: 2 3 OF 4</p>	
1	4/29/11	SHEET FORMAT CHANGE MZ																																													
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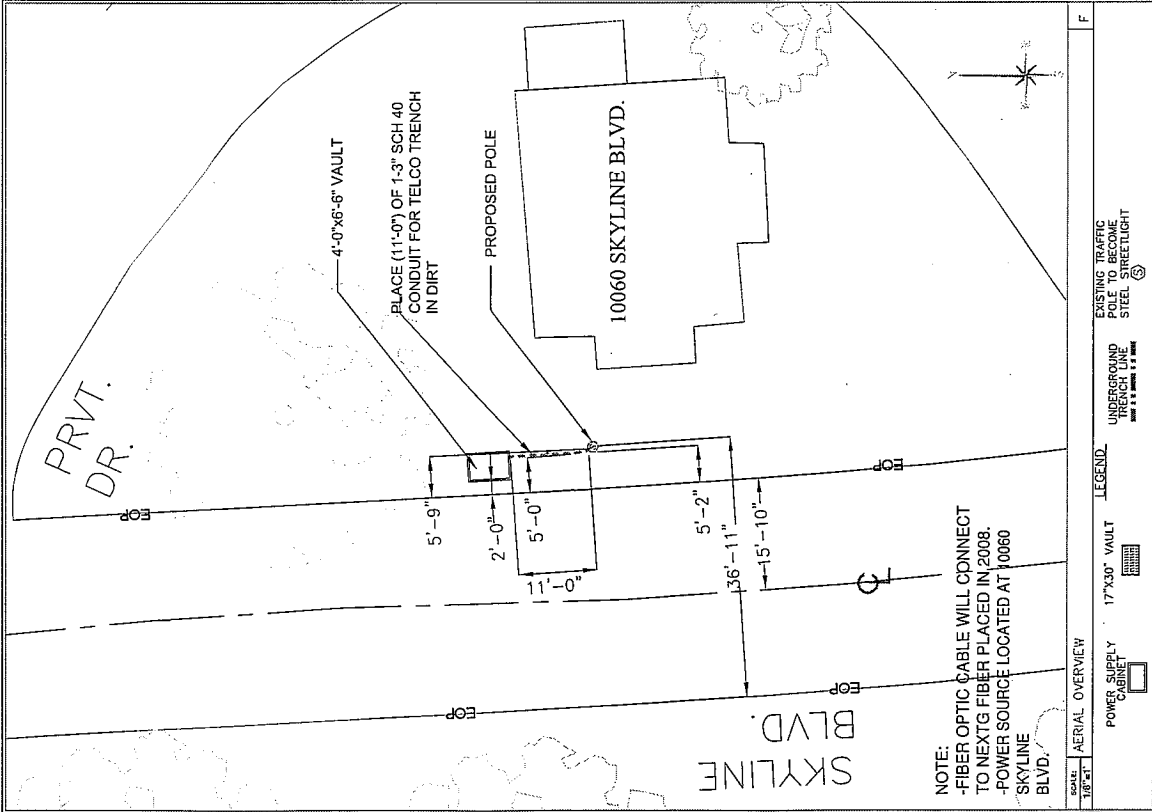
AERIAL / POLE LOCATION REPRESENTATION

SCALE: 1" = 200'



VAULT SPECIFICATIONS

SCALE: 1/8" = 1'-0"



SYSTEM OVERVIEWS



