

Location:	Skyline Boulevard, south of Roberts Park street entrance at AC Transit bus stop (see map on reverse)
Assessor's Parcel Number:	None
Proposal:	To install a 25-ft. Monopole Telecommunications Facility consisting of a 2'-8" antenna attached to a 22'-4" pole that would replace an AC Transit bus stop sign.
	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
Applicant/	Sharon James / NextG (for Verizon)
Phone Number:	(408) 426-6629
Owner:	City of Oakland
Planning Permits Required:	Major Conditional Use Permit with two (2) sets of additional findings to allow a Monopole Telecommunications Facility in the Open Space Zone
General Plan:	Urban Open Space
Zoning:	OS (RSP) Open Space (Region-Serving Park) Zone
Environmental	Exempt, Section 15270 of the State CEQA Guidelines:
Determination:	Projects Which Are Disapproved
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:	To deny the application
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 Ms. 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 twenty-five (25) foot tall Monopole Telecommunications Facility consisting of a 2'-8" antenna attached to a 22'-4" pole that would replace an AC Transit bus stop sign located in the public right-of-way. 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 denial of the requested permits as described in this report, subject to Findings for Denial (Attachment A).

SITE DESCRIPTION

The property is an unpaved portion of City public right-of-way situated alongside a two-lane section of Skyline Boulevard lacking sidewalks. The views on the parkland from this site and overall aesthetics of this portion of Skyline Boulevard are highly regarded and appreciated by Oakland residents and visitors. The area is a regional outdoor recreation destination.

The proposed monopole would be situated at an AC Transit bus stop, located directly south of the street entrance to Roberts Park (East Bay Regional Park District). Both sides of the street adjacent to the site are lined by pristine forests consisting primarily of Redwoods. This portion of Skyline Boulevard has no visible utilities and passes through city and regional parklands. The only man-made structures adjacent to the site are 9'-6" tall No Parking signs and an AC Transit bus stop sign. There are no structures directly along the public right-of-way close to the height of the proposed poles in proximity to the proposed site. The closest structures similar in height are traffic signals and lights standards located at the terminus of Joaquin Miller Drive at Skyline Boulevard located approximately 2,500-linear feet to the south and a light standard on Skyline Boulevard located approximately 2,000-linear feet to the north located at a crosswalk.

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. The previous design involved a tall manmade structure, as does the current proposal.

The project is to install a twenty-five (25) foot tall Monopole Telecommunications Facility consisting of a 2'-8" antenna attached to a 22'-4" pole that would replace an AC Transit bus stop sign located in the public right-of-way. The equipment cabinet would be vaulted (undergrounded). 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 does not conform to the LUTE or to the following Policies of the General Plan's Open Space, Conservation and Recreation (OSCAR) Element:

POLICY OS-6.1: INTERGOVERNMENTAL COORDINATION

Coordinate Oakland's open space planning with other agencies, including adjacent cities and counties, the Port of Oakland, and the East Bay Regional Park District.

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 not in conformance with the General Plan. The location is along a natural wooded corridor serving as a gateway to a City facility and regional park. The area offers relief for citizens and area residents from the built environment. The 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.

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 not consistent with the Intent of the Zoning District or 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))

In conclusion, the proposal is inconsistent with the Planning Code and findings required to approve the project cannot be made (Attachment A – Findings for Denial). The proposed structure would not preserve open space and would not be compatible with the minimal built environment and prevailing natural environment in the area. The area does not contain any other large poles such as telephone poles or telecommunications monopoles. Lastly, the proposed facility is not complementary to Roberts Park and would have adverse visual impacts to this pristine portion of Skyline Boulevard.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines statutorily exempt projects which are disapproved (Section 15270) and the proposal is therefore not subject to further Environmental Review.

KEY ISSUES AND IMPACTS

Staff cannot support the application for the following reasons: it involves a new structure that would create significant adverse visual impacts to a wooded corridor serving as a gateway to City and regional

facilities located in a park/open space area. Additionally, it could create a highly undesirable precedent for monopolies along the corridor running through open space. Staff informed the applicant and suggested the applicant propose a site set back from the public right-of-way; however, this applicant's business model is solely for projects located in the public rights-of-way. Staff is not opposed to the use; however, due to lack of concealment, the facility would be incompatible with the surrounding natural environment. Therefore, staff recommends the Planning Commission deny the requested Major Conditional Use Permit and two (2) sets of additional findings for a Monopole Telecommunications Facility in the Open Space Zone.

East Bay Regional Park District representatives have contacted the Planning & Zoning Department to express opposition to the application, due to the proximity of the project site to the entrance of Roberts Park.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.
2. Deny the Major Conditional Use Permit and two (2) sets of additional findings.

Prepared by:



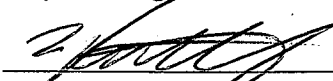
AUBREY ROSE
Planner II

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 Denial
- B. Plans with Photo-Simulations

Attachment A: Findings for Denial

This proposal does not meet 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 that cannot be made are shown in bold type; explanations as to why these findings cannot be made are in normal type.

SECTION 17.134.050 – GENERAL USE PERMIT CRITERIA:

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

This finding cannot be made: the proposed Monopole would not be compatible with the surrounding open space/region-serving park area and would be excessively tall and bulky in comparison to the minimal examples of man-made structures found in the area. The design of the tall pole along a scenic stretch of Skyline Boulevard that is unencumbered by similar taller man-made structures (including telephone pole and telecommunications monopoles) will adversely affect the district's character. Manmade objects in the vicinity are essentially limited to necessary No Parking signs, which are much smaller than the proposed twenty-five (25) foot tall Monopole. Additionally, the project could set a highly undesirable precedent for monopoles along the corridor running through open space. The existing bus stop sign is only 9'-6" tall, so placing a bus stop sign on a new pole that is 25-feet in height is a significant change in appearance that would adversely affect the relatively pristine visual character. The tall pole is not necessary to support the bus stop sign.

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 cannot be made: the proposal does not conform 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."* or to the following Policies of the General Plan's Open Space, Conservation and Recreation (OSCAR) Element:

POLICY OS-6.1: INTERGOVERNMENTAL COORDINATION

Coordinate Oakland's open space planning with other agencies, including adjacent cities and counties, the Port of Oakland, and the East Bay Regional Park District.

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 City and regional parks and facilities. The area offers relief for citizen and area residents from the built environment. 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 project would have adverse visual impacts to the Roberts Park entrance.

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 cannot be made as described in the following section of this Attachment.

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

This finding cannot be made: the area consists predominantly of the natural environment featuring Redwood groves. Manmade objects in the vicinity are essentially limited to necessary No Parking signs. The addition of a tall pole along a scenic stretch of Skyline Boulevard that is unencumbered by similar man-made structures (including telephone poles and telecommunications monopoles) will disrupt the overall community character. The existing bus stop sign is only 9'-6" tall, so placing a bus stop sign on a new pole that is 25-feet in height is a significant change in appearance that would adversely affect the relatively pristine visual character. The tall pole is not necessary to support the bus stop sign.

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 new facilities in an area completely lacking such structures.

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

The Monopole would negatively impact a wooded corridor essentially serving as a gateway to a City facility and regional park. The only manmade structures along this stretch of Skyline Boulevard are No Parking signs, which are much smaller than the proposed twenty-five (25) foot tall Monopole. Installation of such tall structures where none exist would adversely impact the aesthetic quality of the area. Furthermore, additional Monopoles in this area would dramatically affect specific views and create greater visual clutter. The existing bus stop sign is only 9'-6" tall, so placing a bus stop sign on a new pole that is 25-feet in height is a significant change in appearance that would adversely affect the relatively pristine visual character. The tall pole is not necessary to support the bus stop sign.

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

The Monopole would not be screened; it would be ten-feet from the road and twenty-five (25) feet in height in an area where no other structures similar in height exist, and would modify (replace) a bus stop sign that is only 9'-6" in height.

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

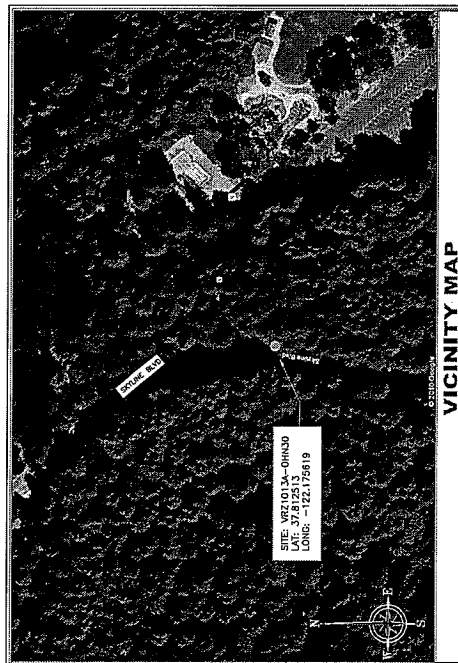
disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.

The unconcealed tall monopole would be incompatible with the area consisting of open space with parks lacking tall manmade structures. The proposed structure would not preserve open space and would not be compatible with the unbuilt natural environment in the area. The design is relatively tall and the area does not contain any other large poles such as telephone poles or telecommunications monopoles. The existing bus stop sign is only 9'-6" tall, so placing a bus stop sign on a new pole that is 25-feet in height is a significant change in appearance that would adversely affect the relatively pristine visual character. The tall pole is not necessary to support the bus stop sign.



SIGNATURE:

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VICINITY MAP

INSTALL / PLACE NEW FIBER TO NEW OR EXISTING POLE. SET A NEW VAULT FOR NEXT TO EQUIPMENT. INSTALL PANEL ANTENNAS AND ALL ASSOCIATED BRACKETS IN ACCORDANCE TO CONSTRUCTION SPECIFICATIONS. REARRANGE ANY EXISTING FACILITIES IN ACCORDANCE TO GOVERNING CONSTRUCTION GUIDELINES.

PROJECT SCOPE

THE PROJECT CONSISTS OF THE INSTALLATION AND OPERATION OF ANTENNAS AND ASSOCIATED POLE EQUIPMENT FOR NEXTG.

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

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS APPLICABLE TO THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY NECESSARY PERMITS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE AREAS COVERING CODES.

1. STATE ADMINISTRATIVE CODE	5. STATE PLUMBING CODE
2. STATE BUILDING CODE	6. STATE ELECTRIC CODE
3. ASHRAE-90.1-2001 LIFE SAFETY	7. STATE MECHANICAL CODE
4. STATE MECHANICAL CODE	8. CITY/COUNTY ORDINANCES
	9. MAJOR STANDARDS

CODE COMPLIANCE

PROPERTY INFORMATION

CUSTOMER:	NEXIG		
PROJECT:	OAKLAND HILLS		
MODE:	VZT0134-00H00		
LATITUDE:	37.812513		
LONGITUDE:	-122.175819		
STREET ADDRESS:	10570 SKYLINE BLVD.		
CITY, STATE:	OAKLAND, CA 94619		
POLE#:	NEW POLE		
POLES 2:	STEEL POLE		
RAD CENTER / ANTENNA HEIGHT:	24'-0"		
ANTENNA TYPE:	DB7770685UM		

PROJECT SUMMARY

SHEET	DESCRIPTION	REV.
1	TITLE SHEET	2
2	LIFTING HOIST / REPRESENTATIVE EQUIPMENT POOLIES	2
3	SYSTEM OPERATIONS	2
4	TYPICALS	2


SHEET INDEX

DO NOT SCALE DRAWINGS

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

[illegible]



Nextig Networks of California Inc.
1570 Skyline Blvd.
Oakland, CA 94619
Phone: 408.268.1818

PROJECT INFORMATION:

1570 SKYLINE BLVD.
OAKLAND, CA 94619

CURRENT ISSUE DATE: 5/9/11

PERMIT SUBMISSION:

REV. DATE DESCRIPTION BY

REV.	DATE	DESCRIPTION	BY
1	4/29/11	UPDATED NOTES CHANGED POLE TYPE	MZ
2	5/9/11	REVISED AZIMUTHS	MZ

PLANS PREPARED BY:

HP COMMUNICATIONS INC.
13341 Telegraph City Rd.
Cerritos, CA 92620
Phone: (909) 971-1818

PLANS APPROVED BY:

Nextig Networks of California Inc.

COMMENTS:

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811

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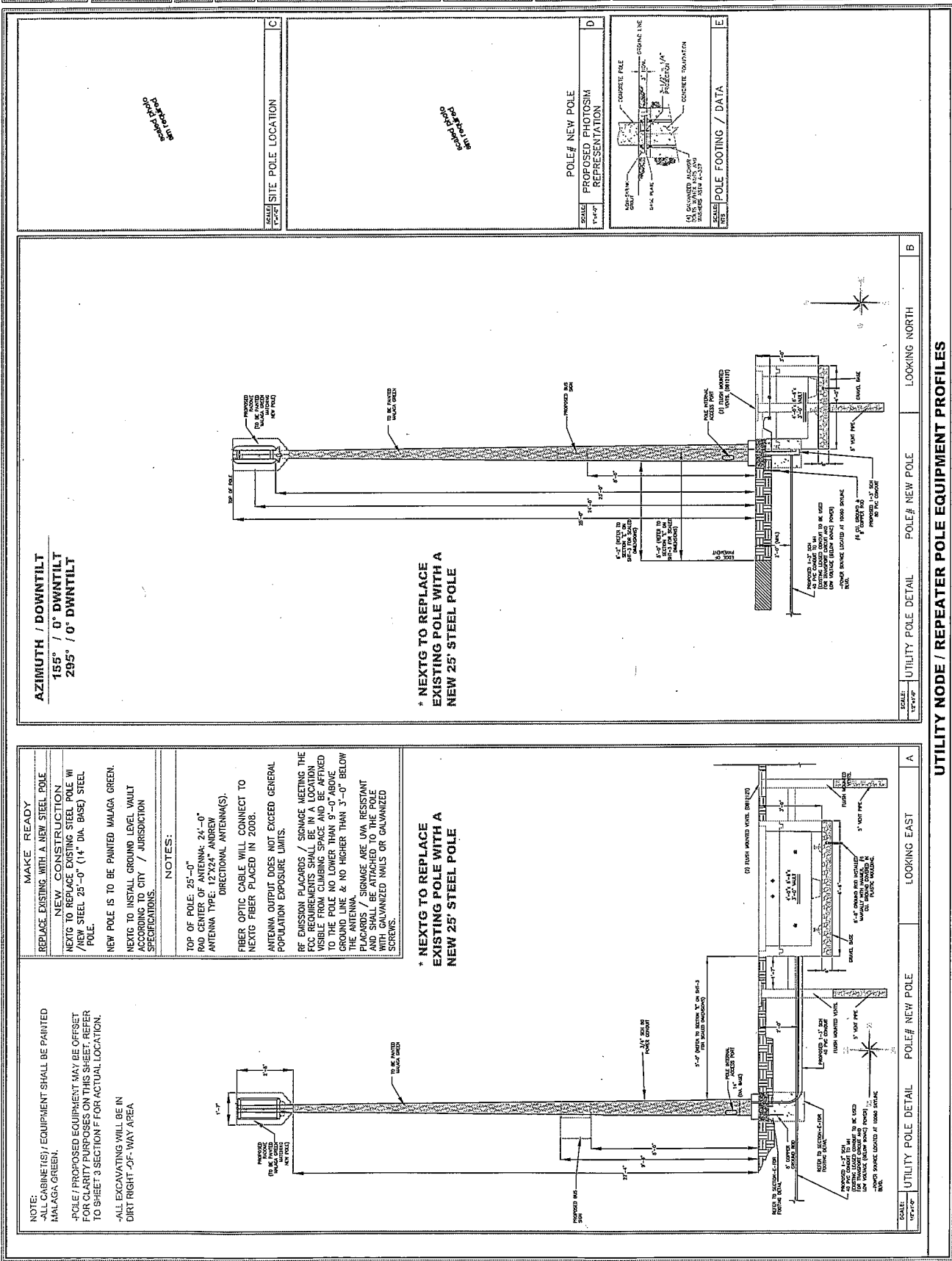
SHEET TITLE:

UTILITY POLE DETAIL



Nextig Networks
OAKLAND HILLS PROJECT
POLE PROFILE WEC1013A-0H30
SHEET NUMBER: (24"x36" - 3125)

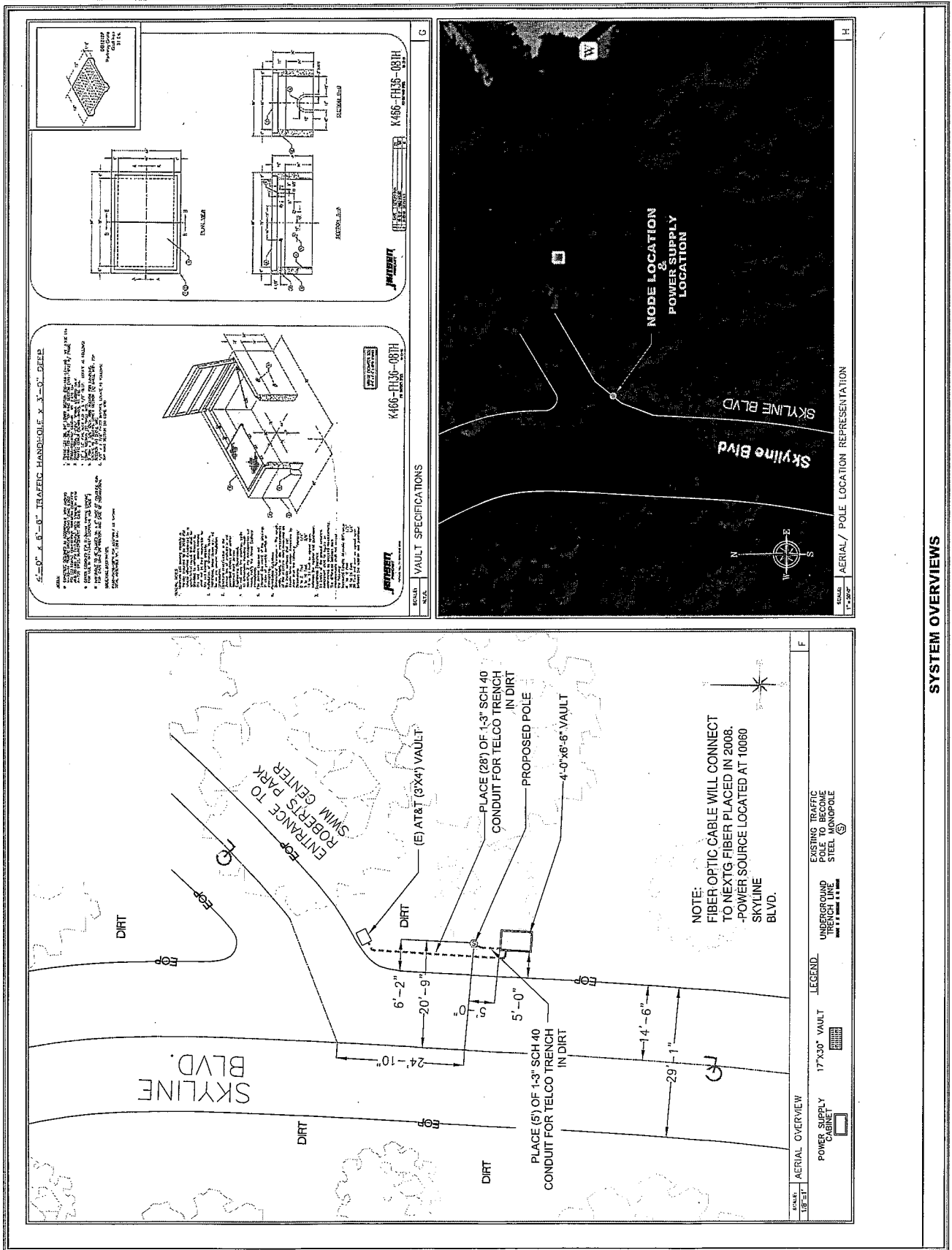
2

2 OF 4



UTILITY NODE / REPEATER POLE EQUIPMENT PROFILES

 NextG Networks of California Inc. 1879 Skyline Blvd. Oakland, CA 94619	PROJECT INFORMATION: 1879 SKYLINE BLVD. OAKLAND, CA 94619	CURRENT ISSUE DATE: 5/9/11	PERMIT SUBMISSION: 5/9/11	REV. DATE DESCRIPTION BY 1 4/29/11 CHANGED ON SECTION-F MZ 2 5/9/11 ADJUSTED SECTION F T. DODGE MZ	PLANS PREPARED BY: HP COMMUNICATIONS INC. 1501 Broadway, Suite 602 Emeryville, CA 94608 PHONE: (909) 471-1919	PLANS APPROVED BY:  NextG Networks of California Inc. REP. COMMENTS:	SHEET TITLE: NEXTG NETWORKS OAKLAND HILLS PROJECT POLE PROFILE VER210131A-00HND30	SHEET NUMBER: (24"x36" SIZE) REVISION: 3 2 3 OF 4
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PROJECT INFORMATION:

10570 SKYLINE BLVD.
OAKLAND, CA. 94619

CURRENT ISSUE DATE: 5/9/11

PERMIT SUBMISSION:

REV. DATE DESCRIPTION

1	4/29/11	ADDED SECTION-N	M2
2	5/9/11	UPDATED SECTION 'J'	M2

PLANS PREPARED BY:

HP COMMUNICATIONS INC.

13411 Townsend Dr. #4
San Diego, CA 92121
PHONE: (619) 471-1119

PLANS APPROVED BY:

Nextg Networks of California Inc.

SHEET TITLE:

NEXTG NETWORKS
ANTENNA
POLE PROFILE VIZ1013A-01H30

SHEET NUMBER: 2

REVISION: (24"x36" - 31JF5)

4

2

4 OF 4

REPEATER EQUIPMENT DIMENSIONS

SCALE: 1/2" = 1'-0"

ANTENNA BRACKET ASSEMBLY / KIT

SCALE: 1/2" = 1'-0"

UTILITY POLE EQUIPMENT TYPICALS

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ANTENNA BRACKET ASSEMBLY / KIT

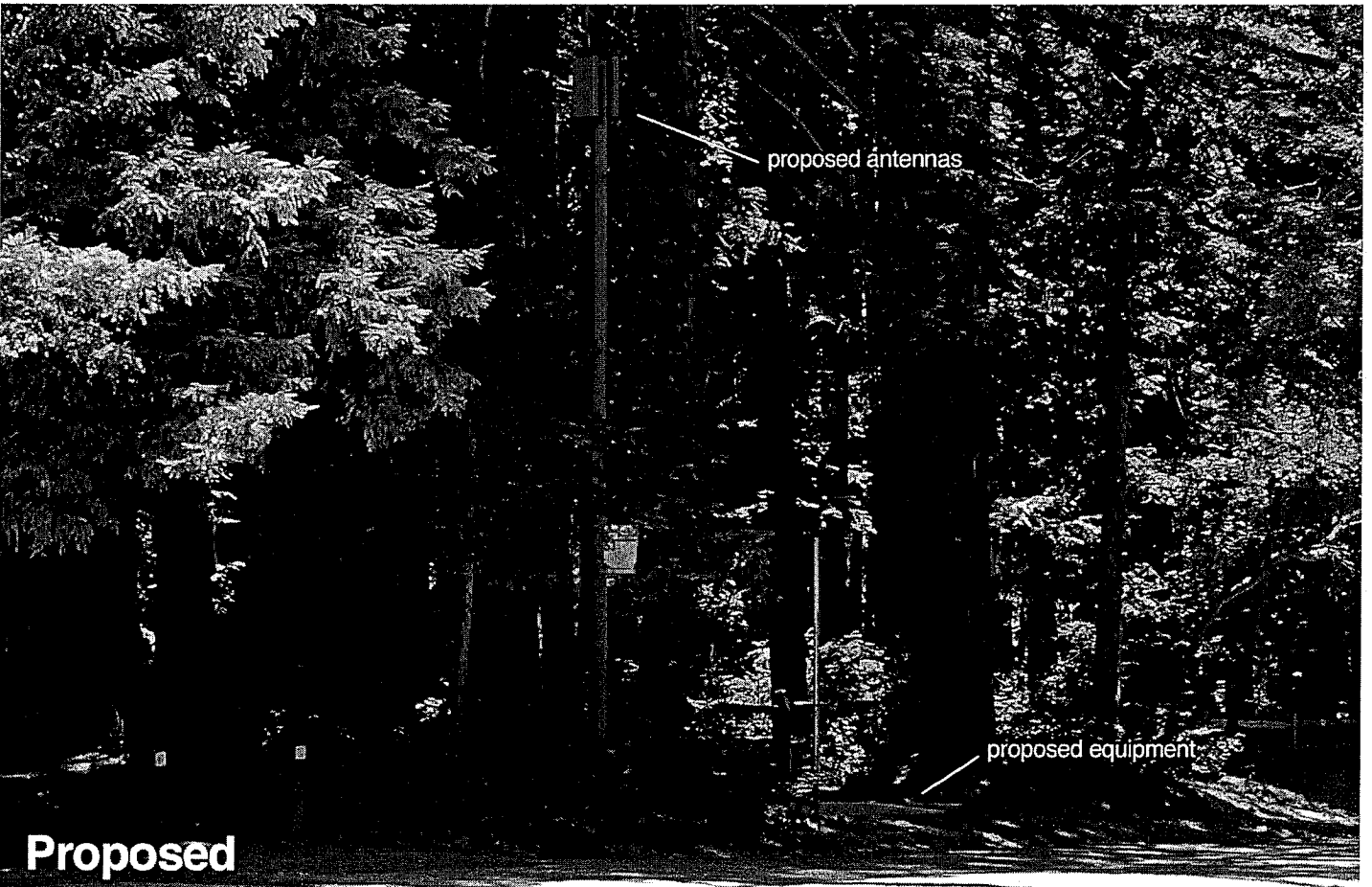
SCALE: 1/2" = 1'-0"

UTILITY POLE EQUIPMENT TYPICALS

SCALE: 1/2" = 1'-0"



Existing



Proposed



Oakland Hills

Site # OHN30

5/25/11

10570 Skyline Blvd.
Oakland, CA 94611

View # 1g

Applied Imagination 510 914-0500