

Case File Number: PLN14036

September 17, 2014

Location:	1265 Mountain Boulevard (located in the Public Right-of-Way adjacent to 1265, 1244, & 1300 Mountain Boulevard (See map on reverse)
Assessors Parcel Number:	Adjacent to APN: 048G-7418-023-01, 048G-7404-018-00, and 048G-7418-062-00,
Proposal:	Placement of two (2) antennas on a PG&E utility pole on the west side of the street and associated equipment on a separated PG&E utility pole directly across the street (the east side of Mountain Blvd.) this is a Macro Telecommunication facility.
Applicant:	Matt Yergovich & Associates LLC for AT&T
Contact Person/ Phone Number:	Matt Yergovich (415)596-3474
Owner:	PG&E & New Cingular Wireless PCS, LLC Joint Utility Pole located in the City of Oakland Public right of way
Case File Number:	PLN14036
Planning Permits Required:	Regular Design Review for the replacement of two (2) antennas; one (1) new Radio Remote Unit (RRU), and new associated equipment on two existing utility poles in the public right of way Macro telecommunication facility within 100 feet of a residential zone.
General Plan:	Hillside Residential
Zoning:	RH-4 Hillside Residential Zone-4
Environmental Determination:	Exempt, Sections 15301 and 15303 of the State CEQA Guidelines; minor additions and alterations to existing structures and new small facilities. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
Historic Status:	No Historic Record
Service Delivery District:	2
City Council District:	4
Date Filed:	3/6/14
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner Moe Hackett at (510) 238-3973 or mhackett@oaklandnet.com

SUMMARY

This project would provide for the establishment of a macro telecommunications facility consisting of two (2) antennas, one (1) Radio Unit, and other associated equipment cabinets to be located on two existing utility poles within the public right of way. The poles are operated by PG&E and exist within a joint pole authority of which PG&E & New Cingular Wireless PCS, LLC are members.

Major Design Review is required for the creation, expansion and alterations of a Macro telecommunications facility involving modifications to existing utility poles located in or 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.

CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: PLN14036

Applicant: Matt Yergovich (for: AT&T)

Address: Public right-of-way adjacent to
1244, 1265 and 1300 Mountain Boulevard

Zone: RH-4

PROJECT DESCRIPTION

This project would provide for the establishment of a Macro telecommunication facility consisting of two (2) antennas on an existing utility pole on the west side of Mountain Boulevard and associated utility pole mounted equipment on a second utility pole located on the east side of the street. The project would also allow for one (1) radio unit. The existing poles are located in the public right-of-way approximately mid-way on the block of Mountain Boulevard between Broadway Terrace and Florence Terrace.

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 utility poles are located on the public right-of-way sidewalk reserve (unfinished) of Mountain Boulevard. The telecommunication facilities would be self-contained and unmanned and would be mounted to two separate poles, with the equipment cabinet's pole on the east side of the street (in a vegetated divide between 1244 and 1300 Mountain), and the 2 antennas mounted above the pole on the west side of Mountain. The subject site is located within a residential zone and surrounded by residential properties.

GENERAL PLAN ANALYSIS

The subject property is located within the Hillside Residential General Plan designation. The Hillside Residential land use classification is intended to create, maintain and enhance neighborhood residential areas that are characterized by detached, single unit structures on hillside lots. The proposed unmanned wireless telecommunication facility will not adversely affect or detract from the residential characteristics of the neighborhood along Mountain Boulevard.

ZONING ANALYSIS

The zoning for the subject property is RH-4, Hillside Residential Zone-4. The intent of the RH-4 zone is to create, maintain, and enhance areas for single-family dwellings on lots of 6,500 to 8,000 square feet and is typically appropriate in already developed areas of the Oakland Hills. Major Design Review is required for the addition of a Macro Telecommunication Facility mounted on existing utility poles since the project is located in a residential zone. Staff finds that the proposed application meets the City of Oakland Telecommunication regulations (see Findings for Approval).

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as categorical exemptions from environmental review. The proposed project is categorically exempt from the environmental review requirements pursuant to Sec. 15301, minor alterations to an existing facility, Sec. 15303, construction of new small facilities, and 15183, projects consistent with the general plan or zoning.

KEY ISSUES AND IMPACTS

1. Design Review

The project is located along the public right-of-way of Mountain Boulevard. The proposed antenna and equipment cabinets will be painted to match the existing light pole and placed approximately 30' and 10' respectively above grade away from the line of sight associated with abutting residential properties. The equipment cabinet and antennas were located on separate poles to reduce the total overall massing on a single pole. The choice of the east side pole for the equipment cabinets was chosen because it offered the least obtrusive visual impacts for the west facing (view) windows on the upslope houses.

2. Project Site

Section 17.128.110 of the City of Oakland Telecommunication Regulations requires that 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.
- D. Existing commercial or industrial structures in residential zones.
- E. Other non-residential uses in residential zones.
- F. Residential uses in non-residential zones.
- G. Residential uses in residential zones.

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

Since the proposed project involves the co-location of an unmanned wireless telecommunications facility on existing utility poles (one with an existing City street light), the proposed development meets the (B) City owned properties or other public or quasi-public facilities, therefore a site alternatives analysis is not required.

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 or B ranked preference do not require 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. This project is a proposed co-location establishing a new telecommunications facility.

The project best meets design criteria (A) and (E) since the panel antennas, though not screened, will be located in the least obtrusive location available. As proposed, the antenna and equipment cabinets have been co-located on existing utility poles at angles and levels that are (to the greatest extent possible) below the sight lines / the interior views of the nearest homes. While it is impossible to completely conceal from view pole mounted telecommunications appurtenances the considerable bulk of the equipment cabinets and the antenna mountings have been divided in to two locations (poles) rather than placed on one single pole. The placement of the equipment on the east side of the street is done in an attempt to screen some of its bulk by placing it within close proximity to existing trees and other vegetation which is not present on the west side of the street. The use of utility poles most closely resembles the creation of Monopoles. Collocating on existing poles is seen as a better option that establishing a wholly new utility pole in or on the public right of way. Finally all proposed antennas and equipment are to be painted to match the utility /light pole thus minimizing their impacts from the public view. Furthermore, to mitigate visual impacts the equipment and antenna will be mounted at least 10' above any pedestrian pathway.

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.

A RF emissions report, prepared by EBI Consulting, (**Attachment B**) indicated 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 that prior to the issuance of a final building permit, that the applicant submits 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:

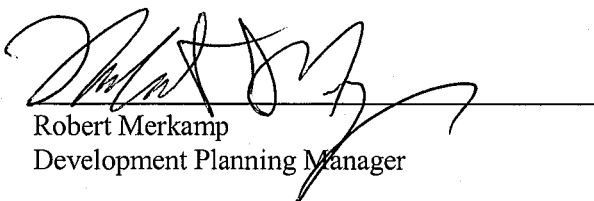
1. Affirm staff's environmental determination
2. Approve Major Design Review application PLN14036 subject to the attached findings and conditions of approval.

Prepared by:



Moe Hackett
Planner II

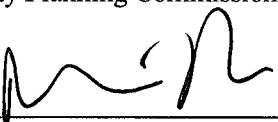
Approved by:



Robert Merkamp
Development Planning Manager

Approved for forwarding to the

City Planning Commission



Darin Ranelletti

Deputy Director of Department of Planning and Building

ATTACHMENTS:

- A. Project Plans & Photo simulation
- B. AT&T Mobility Radio Frequency Statement

FINDINGS FOR APPROVAL

FINDINGS FOR APPROVAL:

This proposal meets all the required findings under Section 17.136.050.(B), of the Non-Residential Design Review criteria; all the required findings under Section 17.128.070(B), of the telecommunication facilities (Macro) Design Review criteria; and as set forth below and which are required to approve your application. 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 proposal is to establish a macro Telecommunication facility consisting of two (2) antennas and associated equipment cabinets that would be mounted on two separate utility poles (one containing a city street light) on either side of Mountain Boulevard. The proposed antennas and equipment cabinet would be painted to match the existing pole to which they would be mounted. The equipment cabinets, and antennas are placed on their respective poles at heights and locations that are calculated to have the fewest visual impacts as seen from within the nearby houses primary view windows. as designed this proposal is consistent and well related to the surrounding area in scale, bulk, height, materials, and textures. Through the design and conditions of approval all proposed antennas and equipment will be paint to match the existing pole and poles in the surrounding area.

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 protects and preserves the surrounding neighborhood context by adding additional wireless telecommunication antennas to a residential area on two separate utility poles, and thus reducing the combined visual impacts were the devices combined on a single poles. The antennas will be located approximately 30' (center) above grade on a level area at the Street and will not have little visual impact on the adjacent neighborhood. The equipment cabinet (on the east side of the street) will be located approximately 11 feet above the ground and will reach a height of approximately 19 feet above the street.

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 proposal conforms with the City of Oakland General Plan meeting specific General Plan policies (N2.2) and the Supplemental Report and Recommendations on Revisions to the Citywide

FINDINGS

Telecommunications Regulations. The proposal will conform to performance standards for noise set forth in Section 17.120.050 for decibels levels in residential areas for both day and nighttime use. The Project conforms to all macro-facility definitions set forth in Section 17.128.070 and meets all design review criteria to minimize all impacts throughout the neighborhood.

DESIGN REVIEW CRITERIA FOR MACRO FACILITIES (OMC SEC. 17.128.070(B)):

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

The antennas will be painted matte brown to match the color of the wooden pole, as conditioned.

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

The antennas will be attached to an existing wooden 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 antennas will be mounted directly on top of an existing wooden utility pole.

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

As conditioned, equipment cabinets will be mounted to the pole in a singular shroud that is significantly smaller than typical ground mounted cabinets and shelters and the exterior will be painted matte brown to match the color of the wooden pole.

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

As conditioned, equipment cabinets will be housed in a singular shroud attached to an existing structure (wooden utility pole) and painted to match its color.

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

This finding is inapplicable; the proposal does not involve a roofed structure.

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.

Equipment will be pole mounted a minimum of 10' above grade of the street and, as conditioned, will be encased in a shroud; the antenna will be located at 30' (center) above the street.

CONDITIONS OF APPROVAL

STANDARD CONDITIONS:

1. Approved Use

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, **PLN14039**, and the plans dated **October 17, 2013** and submitted on **March 6, 2014** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.
- b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: **the creation of two (2) antennas and associated equipment and cabinets (including one radio unit) on two existing Utility Poles in the public right of way of Mountain Boulevard. These macro telecommunication facilities will be located in the public right-of-way in front of 1244, 1265, and 1300 Mountain Boulevard (adjacent to APN: 048G-7418-023-01, 048G-7404-018-00, and 048G-7418-062-00), under Oakland Planning 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 Telecommunications Regulations** 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 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. Operational Noise

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.

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 CONDITONS:**13. 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.

14. Architectural Detailing and Painting***Prior to the final building permit sign off***

The applicant shall paint the light pole (monopole), all proposed antennas, and other related equipment attached brown to match the existing pole.

15. Underground Districts***Ongoing***

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

11. 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 **October 17, 2013** and submitted on **March 6, 2014**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.
- b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: **the creation of two (2) antennas and associated equipment and cabinets (including one radio unit) on two existing Utility Poles in the public right of way of Mountain Boulevard. These macro telecommunication facilities will be located in the public right-of-way in front of 1244, 1265, and 1300 Mountain Boulevard (adjacent to APN: 048G-7418-023-01, 048G-7404-018-00, and 048G-7418-062-00), under Oakland Planning Code 17.128 and 17.136**

12. 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.

13. 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.

14. Conformance with other Requirements***Prior to issuance of a demolition, grading, P-job, or other construction related permit***

- c) 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

CONDITIONS OF APPROVAL

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.

- d) 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.

15. 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. 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.

16. 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.

17. 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

CONDITIONS OF APPROVAL

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.

18. 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.

19. 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.

20. 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.

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

Prior to issuance of a demolition, grading, and/or construction permit (if applicable)

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

CONDITIONS OF APPROVAL

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.

PROJECT SPECIFIC CONDCTIONS:

22. 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.

23. Architectural Detailing and Painting

Prior to the final building permit sign off

The applicant shall paint the light pole (monopole), all proposed antennas, and other related equipment attached brown to match the existing pole.

24. Underground Districts

Ongoing

Should the utility pole be voluntarily removed for purposes of district under grounding or otherwise, the telecommunications facility can only be re-established by applying for and receiving approval of a new application to the Oakland Planning and Zoning Division as required by the regulations

APPROVED BY:

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

City Council: _____ (date) _____ (vote)

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on _____. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

CONDITIONS OF APPROVAL

Signature of Owner/Applicant:

(date)

Signature of Contractor

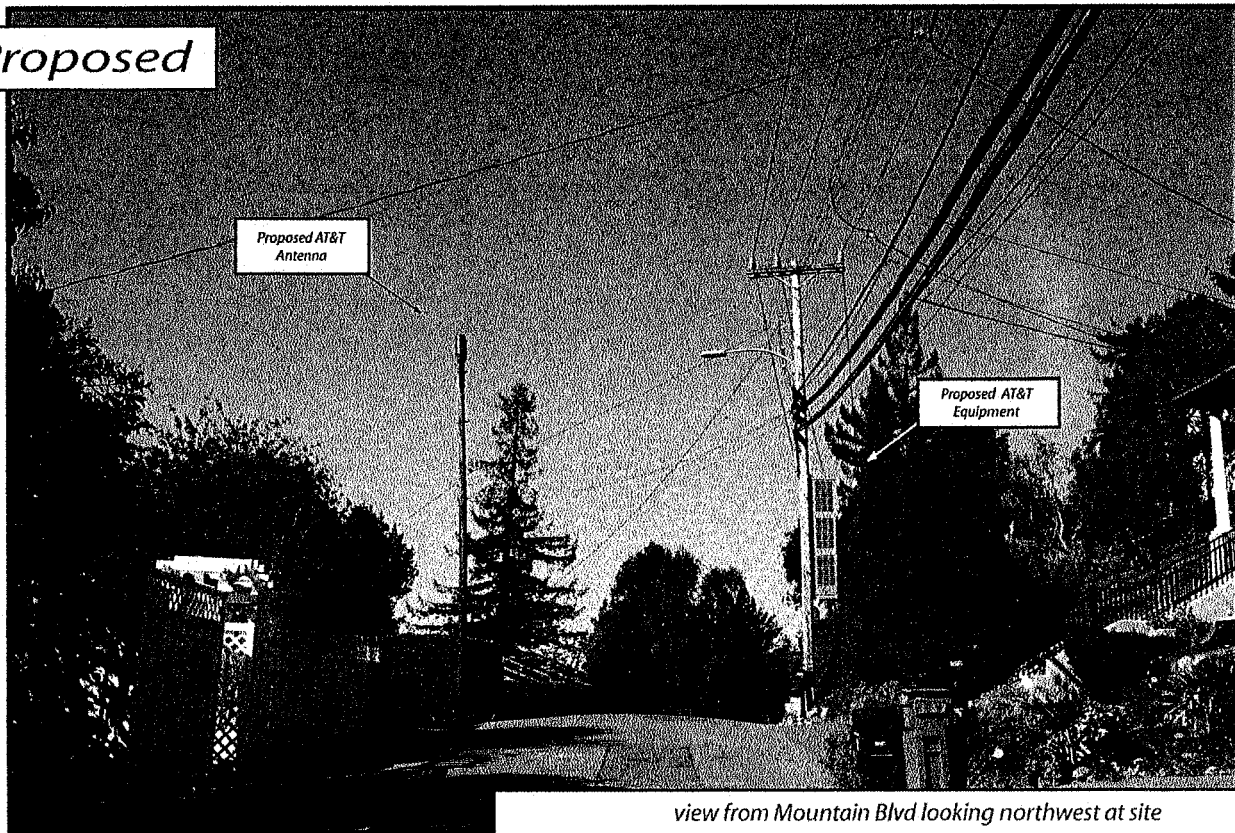
(date)

CONDITIONS OF APPROVAL

Existing



Proposed



view from Mountain Blvd looking northwest at site



AT&T Wireless

1265 Mountain Blvd, Oakland, CA
Oakhills AT&T South Network Node 046B

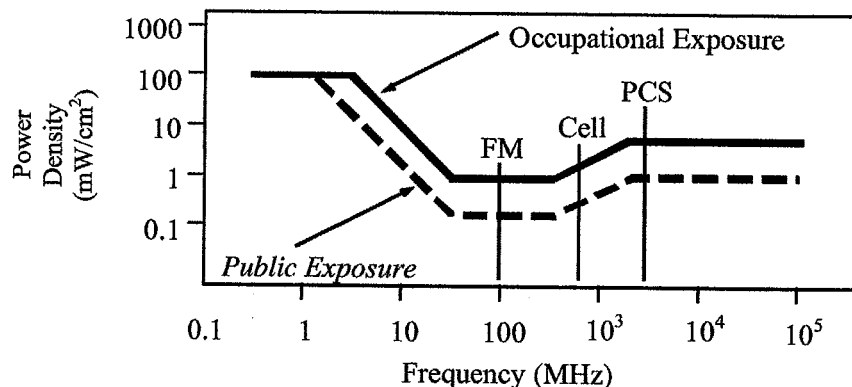
ATTACHMENT A

FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, "Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields," published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements ("NCRP"). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz," includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

Frequency Applicable Range (MHz)	Electromagnetic Fields (<i>f</i> is frequency of emission in MHz)					
	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm ²)	
0.3 – 1.34	614	<i>614</i>	1.63	<i>1.63</i>	100	<i>100</i>
1.34 – 3.0	614	<i>823.8/f</i>	1.63	<i>2.19/f</i>	100	<i>180/f²</i>
3.0 – 30	1842/f	<i>823.8/f</i>	4.89/f	<i>2.19/f</i>	900/f ²	<i>180/f²</i>
30 – 300	61.4	<i>27.5</i>	0.163	<i>0.0729</i>	1.0	<i>0.2</i>
300 – 1,500	<i>3.54√f</i>	<i>1.59√f</i>	<i>√f/106</i>	<i>√f/238</i>	<i>f/300</i>	<i>f/1500</i>
1,500 – 100,000	137	<i>61.4</i>	0.364	<i>0.163</i>	5.0	<i>1.0</i>




Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. However, neither of these allowances is incorporated in the conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels. Hammett & Edison has built those formulas into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radio sources. The program allows for the description of buildings and uneven terrain, if required to obtain more accurate projections.

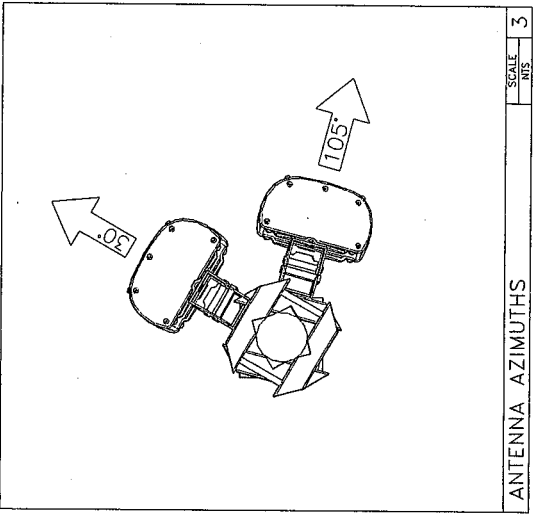
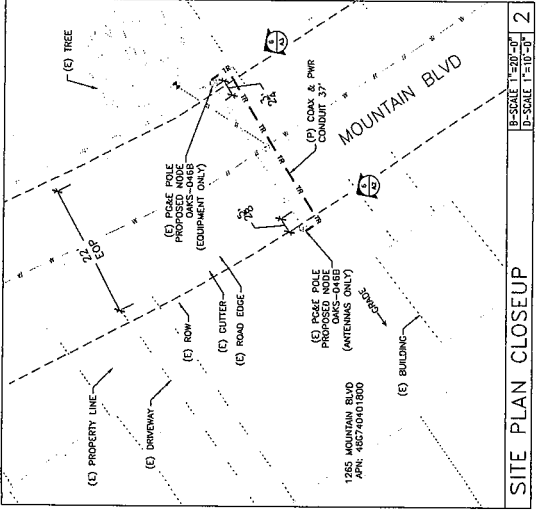
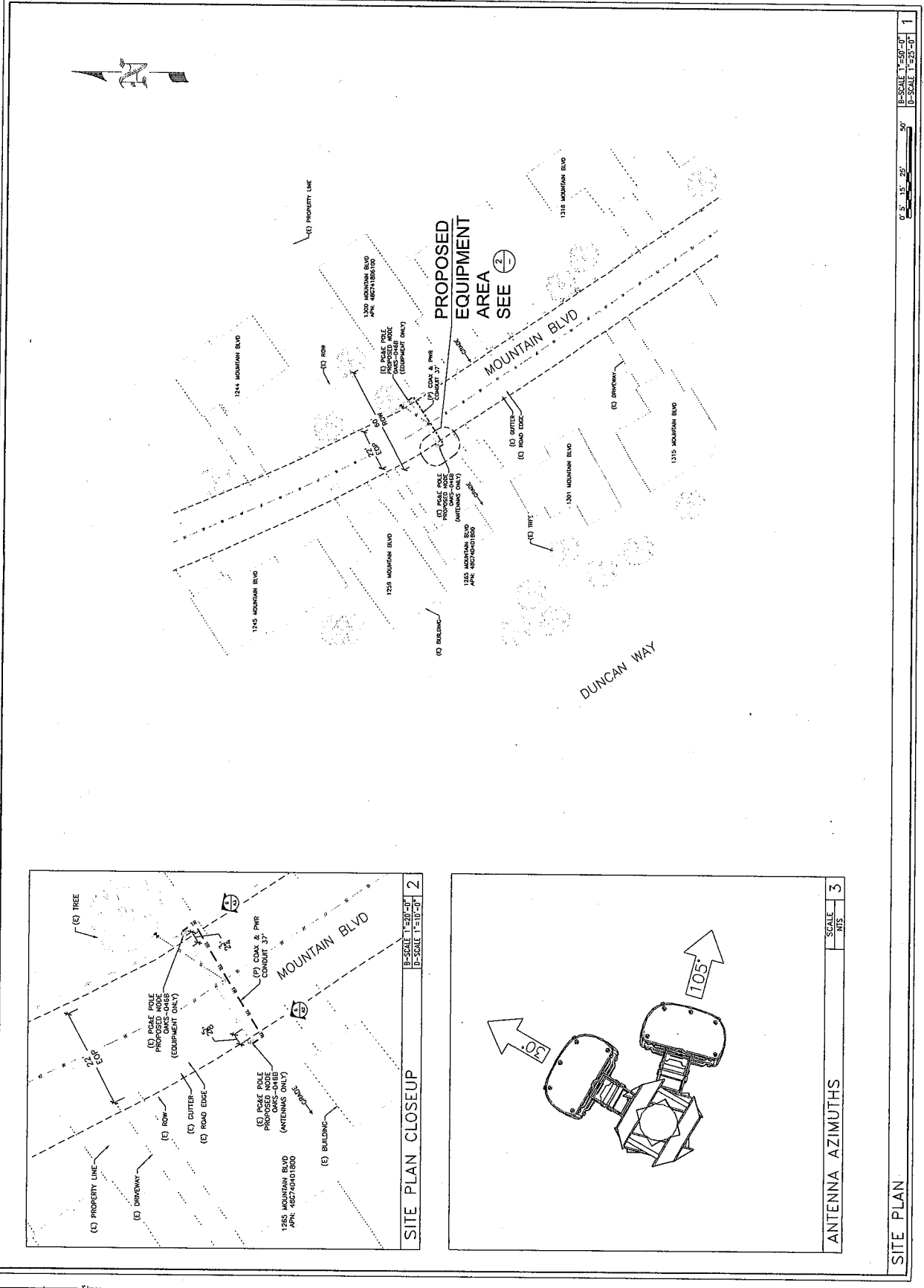



HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
SAN FRANCISCO

FCC Guidelines
Figure 1

ATTACHMENT B

 <p>NEW CINGULAR WIRELESS PCS, LLC 1500 CUSHWOOD BLVD, SUITE 300 PLEASANTON, CA 94588-3530</p>		<p>PROJECT INFORMATION:</p> <p>OAKHILLS AT&T SOUTH NETWORK NODE 046B 1265 MOUNTAIN BLVD OAKLAND, CA 94611</p>		<p>CURRENT ISSUE DATE: 10/17/13</p>		<p>ISSUED FOR: ZONING</p>		<p>BY: DATE: DESCRIPTION: REV:</p> <table border="1"> <tr> <td>ACI</td> <td>10/17/13</td> <td>SPLIT POLE CONFIG</td> <td>1</td> </tr> <tr> <td>ACI</td> <td>12/14/12</td> <td>ZDs</td> <td>0</td> </tr> <tr> <td>BY</td> <td>DATE</td> <td>DESCRIPTION</td> <td>REV</td> </tr> </table>		ACI	10/17/13	SPLIT POLE CONFIG	1	ACI	12/14/12	ZDs	0	BY	DATE	DESCRIPTION	REV	<p>PLANS PREPARED BY:</p> <p>ACI 7-800-823-4451 5711 Research Drive Canton, MI 48188</p>		<p>CONSTRUCTED BY:</p> <p>netel YOUR NETWORK EVERYWHERE 3030 Winesville Rd, Suite 340 Lisle, IL 60532 www.netel.com</p>		<p>SEAL OF APPROVAL:</p>		<p>SHEET TITLE: SITE PLAN</p>		<p>SHEET NUMBER: A1 REVISION: 1</p>	
ACI	10/17/13	SPLIT POLE CONFIG	1																												
ACI	12/14/12	ZDs	0																												
BY	DATE	DESCRIPTION	REV																												





NEW ENGLAND WIRELESS P.S., LLC
4430 ROSEWOOD DR. BLDG. 3
PLEASANTON, CA 94588-3030


OAKHILLS AT&T
SOUTH NETWORK
NODE 046B
1889 MOUNTAIN BLVD
OAKLAND, CA 94611

CURRENT ISSUE DATE: 10/17/13

ISSUED FOR: ZONING

BY: DATE: DESCRIPTION: REV:

ACI	10/17/13	SPAT POLE CONFIG	1
ACI	12/14/12	ZONING	0
BY	DATE	DESCRIPTION	REV



1-800-825-4ACI
5711 Research Drive
Canton, MI 48106

CONSTRUCTED BY: net SYSTEMS

3030 Worrenville Rd., Suite 340
Lisle, IL 60532
www.netnet.com

SEAL OF APPROVAL:

SHEET TITLE: ELEVATIONS & RISER DETAILS ANTENNA POLE

SHEET NUMBER: A2

REVISION: 1

10/17/13

COMMUNICATIONS MAKE-READY

1. INSTALL 3" SCH 80 U-GUARD AT 11:00 POSITION OVER COAX.
2. INSTALL SAFETY SWITCH 4" OFF OF POLE (USING UNISTRUTS) AT 12:00 POSITION.
3. INSTALL CLIMBING PEGS AT 3:00 & 6:00 POSITION, 8'-6" AGL TO COMM ZONE

POWER MAKE-READY

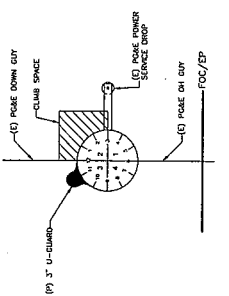
1. REPLACE EXISTING CL4 30' POLE WITH CL3 35.
2. INSTALL (2) PANEL ANTENNAS W/ MOUNTING BRACKET ON POLE TOP AT 29'-0" AGL
3. INSTALL COMBINERS AND (4/6) 1/2" COAX.
4. INSTALL 3" SCH 80 U-GUARD AT 11:00 POSITION OVER COAX.

MAKE-READY NOTES

4

POWER SPACE PLAN VIEW

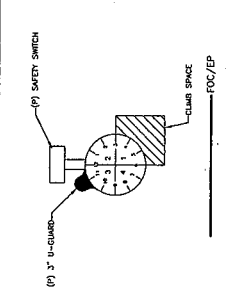
MOUNTAIN BLVD



3

COMM. SPACE PLAN VIEW

MOUNTAIN BLVD

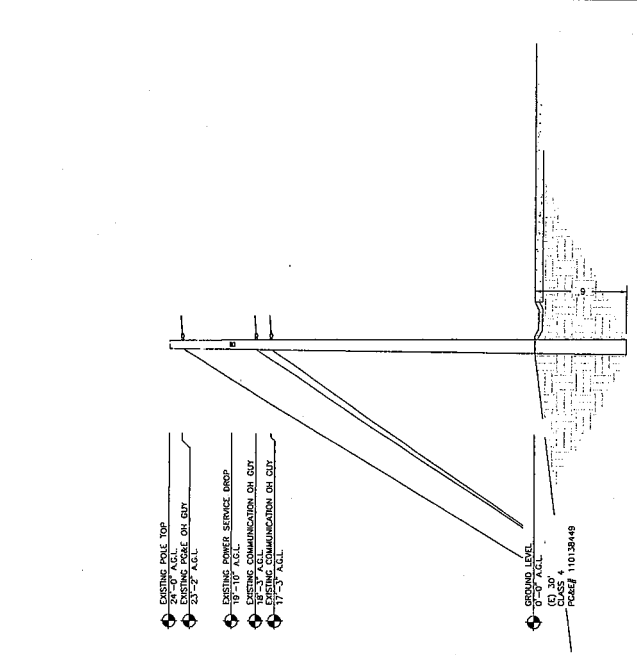


2

EXISTING ELEVATION SOUTHEAST

6

B-Scale 1/8"=1'-0"
P-Scale 1/4"=1'-0"

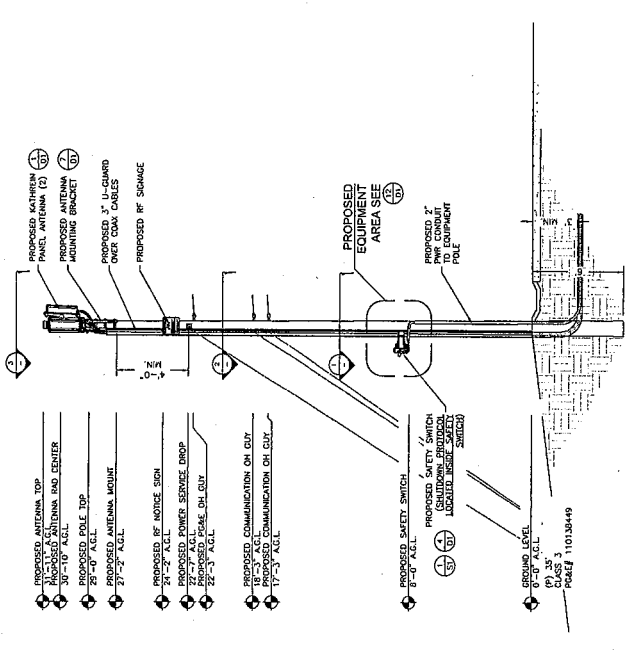


EXISTING POLE TOP
24'-0" AGL
EXISTING POLE ON GUY
20'-2" AGL
EXISTING POWER SERVICE DROP
19'-10" AGL
EXISTING COMMUNICATION ON GUY
17'-3" AGL
EXISTING COMMUNICATION ON GUY
17'-3" AGL
GROUND LEVEL
0'-0" AGL
CLAS 4
POLE# 11013848

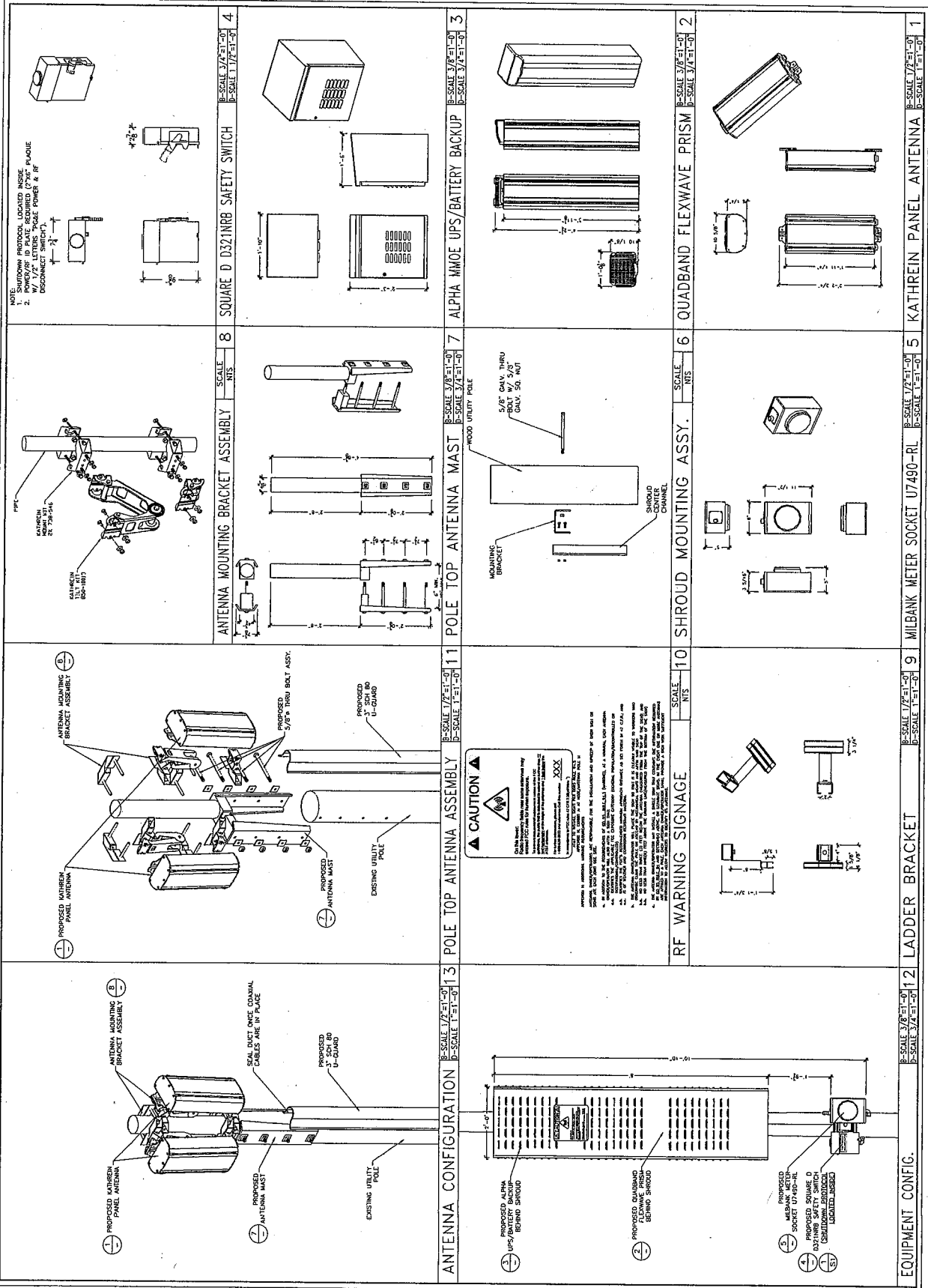
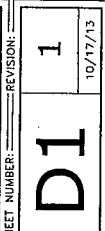
PROPOSED ELEVATION SOUTHEAST

6

B-Scale 1/8"=1'-0"
P-Scale 1/4"=1'-0"



PROPOSED KATHREIN
PANEL ANTENNA (2)
MOUNTING BRACKET
PROPOSED 3" U-GUARD
OVER COAX CABLES
PROPOSED RF SHIMMER
PROPOSED RF NOTICE SIGN
24'-2" AGL
PROPOSED POWER SERVICE DROP
22'-3" AGL
PROPOSED POLE ON GUY
22'-3" AGL
PROPOSED COMMUNICATION ON GUY
17'-3" AGL
PROPOSED COMMUNICATION ON GUY
17'-3" AGL
PROPOSED SAFETY SWITCH
8'-0" AGL
PROPOSED SAFETY SWITCH
(SHUTTERS PROVIDED
LOCATED 180 DEGREE
SWITCH)
PROPOSED EQUIPMENT
AREA SEE
POLE
PROPOSED 2" COAX CABLE
TO EQUIPMENT
POLE
GROUND LEVEL
0'-0" AGL
CLAS 3
POLE# 11013849



SHUTDOWN PROTOCOL 7"x9" LAMINATED CARD CARDSTOCK



AT&T oDAS Shutdown Procedure

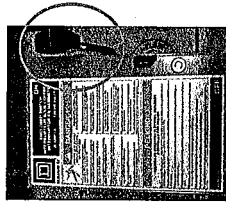
PROCEDURE TO DE-ENERGIZE RADIO FREQUENCY (RF) SIGNAL EMERGENCY and NON-EMERGENCY WORK REQUIRING RF SIGNAL SHUTDOWN

- (A) PC&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.

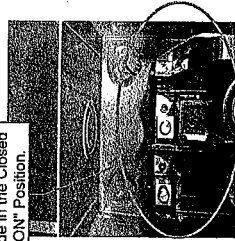
See reverse side to view photo of the "on" and "off" position.



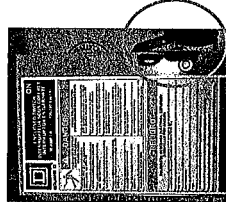
Switch in the Closed Position ("ON")



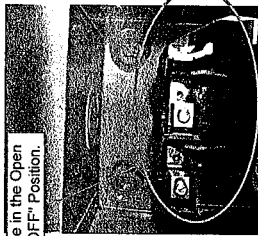
Blade in the Closed or "ON" Position.



Switch in the Open Position ("Off")



Blade in the Open or "OFF" Position.



FRONT

SHUTDOWN PROTOCOL

SCALE
1/16"

1

<p>NEW CIRCULAR WIRELESS PCS, LLC 4430 ROSEWOOD DR. SUITE 300 PLEASANTON, CA 94588-3030</p>		<p>OAKHILLS AT&T SOUTH NETWORK NODE 046B 1550 ADVENTURE BLVD OAKLAND, CA 94612</p>		<p>CURRENT ISSUE DATE: 10/17/13</p>		<p>ISSUED FOR: ZONING</p>		<p>BY: DATE: DESCRIPTION: REV:</p> <table border="1"> <tr> <td>AC</td> <td>10/17/13</td> <td>SPUT POLE CONFIG</td> <td>1</td> </tr> <tr> <td>AC</td> <td>12/14/12</td> <td>20s</td> <td>0</td> </tr> <tr> <td>BY</td> <td>DATE</td> <td>DESCRIPTION</td> <td>REV</td> </tr> </table>		AC	10/17/13	SPUT POLE CONFIG	1	AC	12/14/12	20s	0	BY	DATE	DESCRIPTION	REV	<p>3711 Reservoir Drive Garden, MI 48136 1-800-825-44CI</p>		<p>net YOUR NETWORK EVERYWHERE</p> <p>3030 Worrenville Rd, Suite 340 Lisle, IL 60532 www.net.com</p>		<p>POWER & RF SAFETY PROTOCOLS</p>		<p>SHEET NUMBER: 1 10/17/13</p>	
AC	10/17/13	SPUT POLE CONFIG	1																										
AC	12/14/12	20s	0																										
BY	DATE	DESCRIPTION	REV																										

BACK

RFR.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

Near Field.

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications base stations, as well as dish (aperture) antennas, typically used for microwave links. The antenna patterns are not fully formed in the near field at these antennas, and the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives suitable formulas for calculating power density within such zones.

For a panel or whip antenna, power density $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h}$, in mW/cm²,

and for an aperture antenna, maximum power density $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$, in mW/cm²,

where θ_{BW} = half-power beamwidth of the antenna, in degrees, and

P_{net} = net power input to the antenna, in watts,

D = distance from antenna, in meters,

h = aperture height of the antenna, in meters, and

η = aperture efficiency (unitless, typically 0.5-0.8).

The factor of 0.1 in the numerators converts to the desired units of power density.

Far Field.

OET-65 gives this formula for calculating power density in the far field of an individual RF source:

$$\text{power density } S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}, \text{ in mW/cm}^2,$$

where ERP = total ERP (all polarizations), in kilowatts,

RFF = relative field factor at the direction to the actual point of calculation, and

D = distance from the center of radiation to the point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 ($1.6 \times 1.6 = 2.56$). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula has been built into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radiation sources. The program also allows for the description of uneven terrain in the vicinity, to obtain more accurate projections.



**AT&T Mobility • 32 Proposed Distributed Antenna System Nodes
Oakland Hills • Oakland, California**

Node #	Approximate Address	Antenna Orientations		Antenna Height Above Ground
035B	Grizzly Peak Boulevard and Golf Course Drive	116°T	321°T	42 ft
03A6	2501 Grizzly Peak Boulevard	65°T	248°T	35
037B	7541 Claremont Avenue	54°T	240°T	44
039A	8071 Claremont Avenue	36°T	215°T	48
041A	Grizzly Peak Boulevard and Skyline Boulevard	149°T	283°T	50
042A	6616 Pine Needle Drive	73°T	344°T	45
046B	1265 Mountain Boulevard	30°T	105°T	31
047A	5925 Sherwood Drive	13°T	285°T	34
048A	Skyline Boulevard and Elverton Drive	153°T	325°T	54
049A	1732 Indian Way	24°T	306°T	45
050A	5612 Merriewood Drive	46°T	110°T	45
051B	5658 Grisborne Avenue	87°T	355°T	45
052B	5826 Mendoza Drive	61°T	121°T	45
053B	6133 Snake Road	43°T	119°T	45
054C	2040 Tampa Avenue	0°T	100°T	49
055C	2400 Manzanita Drive	80°T	160°T	36
056A	6837 Aitken Drive	65°T	316°T	34
057C	6433 Westover Drive	137°T	302°T	47
058B	6758 Saroni Drive	5°T	85°T	47
059B	2181 Andrews Street	37°T	88°T	49
060B	5879 Scarborough Drive	33°T	81°T	45
062A	2997 Holyrood Drive	21°T	88°T	45
063B	2679 Mountain Gate Way	0°T	80°T	35
064E	10 El Patio Street	29°T	110°T	47
070C	95 Castle Park Way	0°T	70°T	45
071A	3343 Crane Way	72°T	355°T	46
074A	6925 Pinehaven Road	0°T	70°T	38
075B	6776 Thornhill Drive	66°T	127°T	45
077A	6659 Girvin Drive	100°T	180°T	45
078A	7380 Claremont Avenue	55°T	200°T	45
079B	6757 Sobrante Road	70°T	159°T	45
081A	Shepherd Canyon Road and Escher Drive	56°T	209°T	31

Table 1. New Cingular Wireless Nodes Evaluated

Study Results

For a person anywhere at ground, the maximum RF exposure level due to the proposed operation through is calculated to be 0.0036 mW/cm², which is 0.69% of the applicable public exposure limit. The maximum calculated level at the second-floor elevation of any nearby building* is 3.2% of the

* Including nearby residences located at least 9 feet from any pole, based on photographs from Google Maps.



**AT&T Mobility • 32 Proposed Distributed Antenna System Nodes
Oakland Hills • Oakland, California**

public limit. It should be noted that these results include several "worst-case" assumptions and therefore are expected to overstate actual power density levels from the proposed operation.

Recommended Mitigation Measures

Due to their mounting locations on utility poles, the AT&T antennas would not be accessible to the general public, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. To prevent occupational exposures in excess of the FCC guidelines, it is recommended that access near the antennas be limited to authorized personnel who have been adequately trained in RF safety and awareness. No access within 3 feet directly in front of the antennas themselves, such as might occur during maintenance work on the poles, should be allowed while the pertinent node is in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. Posting explanatory signs[†] at the antennas and/or on the poles below the antennas, such that the signs would be readily visible from any angle of approach to persons who might need to work within that distance, would be sufficient to meet FCC-adopted guidelines.

Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that the proposed operation of these AT&T Mobility nodes located in Oakland, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations. Training of authorized personnel and posting explanatory signs is recommended to establish compliance with occupational exposure limitations.

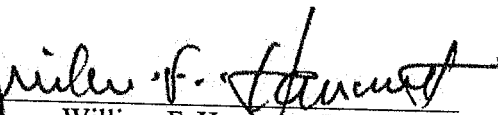
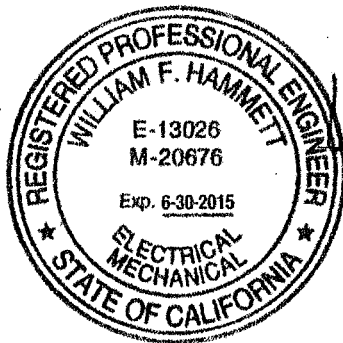
[†] Signs should comply with OET-65 color, symbol, and content recommendations. Signage may also need to comply with the requirements of California Public Utilities Commission General Order No. 95.



**AT&T Mobility • 32 Proposed Distributed Antenna System Nodes
Oakland Hills • Oakland, California**

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2015. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.



William F. Hammett, P.E.

707/996-5200

February 6, 2014



HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
SAN FRANCISCO