

Case File Number: PLN15-181

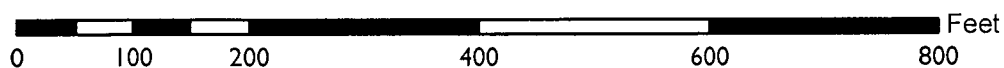
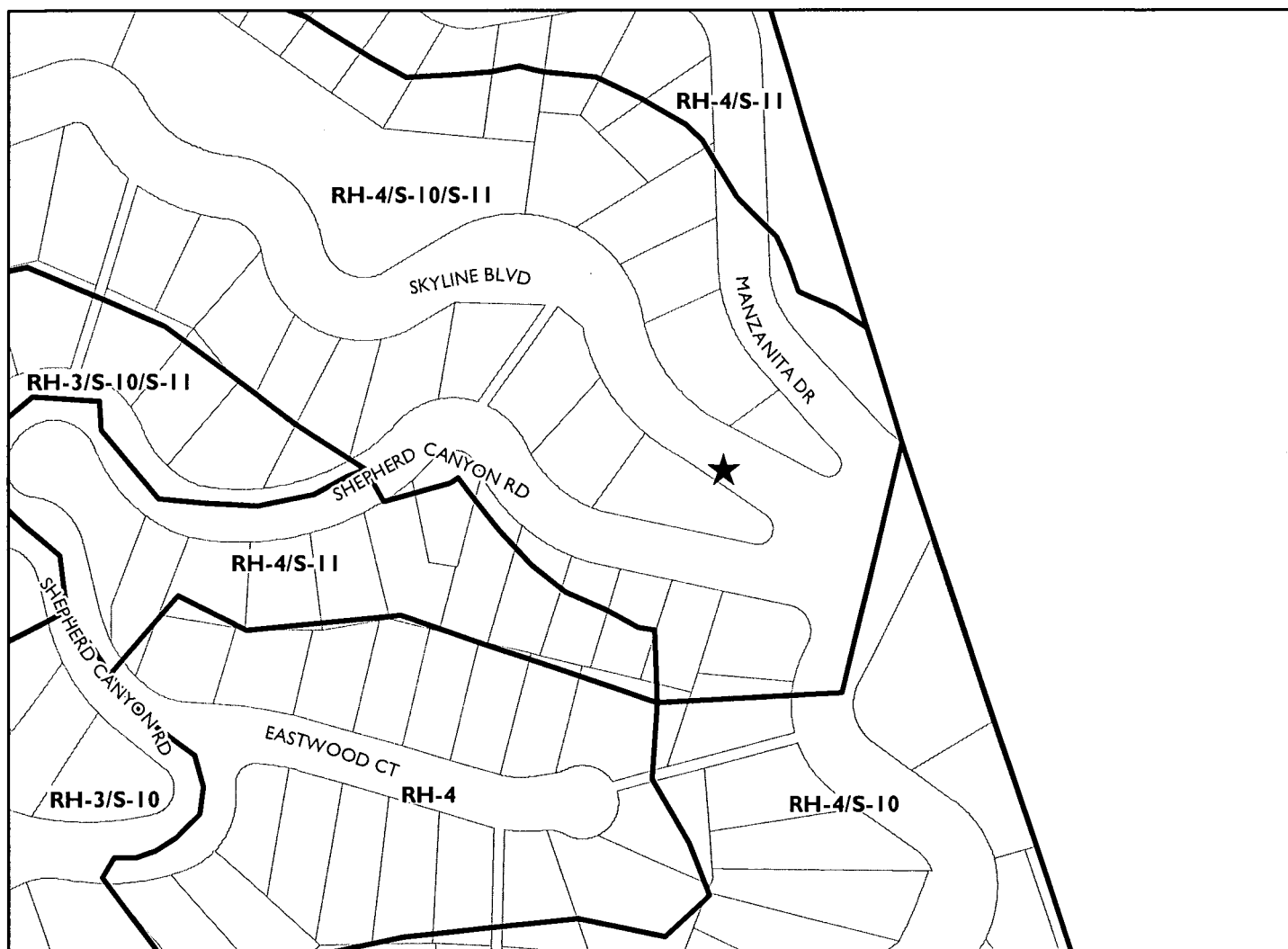
October 7, 2015

Location:	The Public Right of Way near to 8173 Skyline Boulevard. (See map reverse)
Assessors Parcel Numbers:	Nearest lot adjacent to the project site (048E-7321-022-04)
Proposal:	The project involves the installation of a new wireless Telecommunications facility (AT&T Wireless) on a new 45' tall wood pole located in the public right-of-way; installation of two panel antennas (two-foot long and ten inches wide) mounted at 45 feet above the ground; an associated equipment box, one battery backup and electrical meter boxes meter box within a 8 foot long by 2 foot wide equipment shroud mounted on the pole at 8 feet above the ground.
Applicant:	Extenet Systems Inc./AT&T Mobility
Contact Person/	Matthew Yergovich
Phone Number:	(415) 596-3474
Owner:	City of Oakland
Case File Number:	PLN14-181
Planning Permits Required:	Major Conditional Use Permit and Design Review to install a new Monopole Telecommunication Facility in the residential zone.
General Plan:	Hillside Residential
Zoning:	RH-4/S-10/S-11 Zone
Environmental	Exempt, Section 15303 of the State CEQA Guidelines; New
Determination:	construction of small structures. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, General Plan or zoning.
Historic Status:	Not a Potential Designated Historic Property; Survey Rating: N/A
Service Delivery District:	3
City Council District:	4
Date Filed:	4/14/2015
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner Jason Madani at (510) 238-4790 or jmadani@oaklandnet.com

SUMMARY

The proposal is to install a new wireless Telecommunications Facility on a new 45 foot tall wood pole designed to resemble a PG&E utility pole located in the public right-of-way near to 8173 Skyline Boulevard and adjacent to City of Oakland vacant sloped parcel and about 10 feet west of existing "bicycle sign". ExteNet Systems Inc. for (AT&T Mobility) is proposing to install two panel antennas (two-feet long and ten inches wide) mounted at 45' pole height; an associated equipment box, one battery backup and electrical meter box within an 8 foot long by 2 foot wide

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN15181

Applicant: ExteNet System for AT&T Mobility

Address: The public Right of Way near 8173 Skyline Boulevard

Zone: RH-4 /S-10/S-11

equipment shroud mounted on the pole at 8 feet above the ground. Because this installation is a stand-alone telecommunication pole and not a joint-use utility pole, it is considered a Monopole by City of Oakland regulations. A Major Conditional Use Permit and Design Review is required for the installation of a new Monopole Telecommunication Facility in a residential zone. Staff believes, given the topography, mature vegetation, and lack of close residences, the project meets all the required findings listed below for an approval of the project.

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".

PROJECT DESCRIPTION

The applicant (Extenet Systems Inc. for AT&T Mobility) is proposing to install a new 45-foot tall wood pole located in the City of Oakland public right-of-way. The project involves installation of two panel antennas (two-feet long and ten inches wide) mounted at 45' pole above ground; an associated equipment box, one battery backup and electrical meter box within a 8 foot long by 2 foot wide equipment shroud mounted on the pole at 8 feet above the ground.
(See Attachment A)

PROPERTY DESCRIPTION

The project site is located in the City of Oakland public right-of-way near 8173 Skyline Boulevard and adjacent to a City of Oakland owned vacant sloped parcel and about 10 feet west of existing "bicycle sign" near to the intersection of Shepherd Canyon Road and Skyline Boulevard.

GENERAL PLAN ANALYSIS

The subject property is located within the Hillside Residential General Plan designation. The Hillside Residential Land Use Classification is intended "to identify, create, maintain and enhance neighborhood residential areas that are characterized by detached, single unit structures on hillside lot. The antennas and equipment cabinet will be mounted on a monopole telecommunication facility located in public right-of-away and is camouflage with the existing mature tall trees; therefore, the proposed unmanned wireless telecommunication facility will not adversely affect or detract from the residential characteristics of the neighborhood.

ZONING ANALYSIS

The project site is located in RH-4 Hillside Residential, S-10 Scenic Route Combining and S-11 Site Development and Design Review Combining Residential Zones. The intent of the RH-4 Zone is: "to create, preserve, and enhance areas for single-family estate living at very low densities in spacious environments and is typically appropriate to portions of the Oakland hill areas. The proposal for a new unmanned wireless telecommunication facility on a new monopole telecommunication facility requires a Major Conditional Use Permit and Design Review because the project is located within a residential zone. Given the topography, mature vegetation, and limited close homes, the proposed monopole will be camouflaged by the existing mature trees. Staff finds that the proposal meets the applicable RH-4 and S-10 and S-11 zoning and City of Oakland Telecommunication regulations.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines list the projects that qualify as categorical exemptions from environmental review. The proposed project is categorically exempt from the environmental review requirements pursuant to Section 15303, new construction of small structures, and 15183, projects consistent with a community plan, general plan or zoning.

KEY ISSUES AND IMPACTS

1. Conditional Use Permit and Design Review

Section 17.17.040 and 17.128.080 of the City of Oakland Planning Code requires a Conditional Use Permit and Design Review to install a Monopole Telecommunication facility in the RH-4 zone. Furthermore, Section 17.134.020 defines a major and minor conditional use permit. Subsections (A) (3) (i) lists a major conditional use permit: "Any telecommunication facility within any residential zone". The required findings for a major conditional use permit are listed and included in staff's evaluation as part of this report.

2. Project Site

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

- A. Co-located on an existing structure or facility with existing wireless antennas.
- B. City owned properties or other public or quasi-public facilities.
- C. Existing commercial or industrial structures in non-residential zones (excluding all HBX Zones and the D-CE3 and D-C-4 Zones).
- D. Existing commercial or industrial structures in residential zones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.
- E. Other non-residential uses in residential zones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.
- F. Residential uses in non-residential zones. (excluding all HBX Zones and the D-CE-3 and D-CE-4 Zones).
- G. Residential uses in residential zones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.

*Facilities locating on an A, B or C ranked preference do not require a site alternatives analysis. Facilities proposing to locate on a D through G ranked preference, inclusive, must submit a site alternatives analysis as part of the required application materials.

Since the proposed project involves installation of a new monopole facility with new antennas and associated equipment cabinets on a site, the proposed project meets (B), hence a site alternatives analysis is not required, although the applicant did provide one.

Alternative Site Analysis:

ExteNet considered alternative sites on other utility poles in this area but none of these sites are as desirable from a coverage perspective or from an aesthetics perspective to minimize visual impact. The proposed location is approximately equidistant from other DAS nodes proposed in the surrounding area so that service coverage can be evenly distributed.

Staff has reviewed the applicant's written evidence of an alternative sites analysis (see attachment C) and determined that the site selected conforms to the telecommunication regulation requirements. In addition, staff agrees that no other sites are more suitable. The project has met design criteria (B and G) since, the proposed two (2) new antennas are mounted

on a new monopole facility 45' above ground, an associated equipment box within a 8 foot long by 2 foot wide equipment shroud mounted on the pole at 8feet above the ground.

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 a site design alternatives analysis. Facilities designed to meet a C through F ranked preference, inclusive, must submit a site design alternatives analysis as part of the required application materials. A site design alternatives analysis shall, at a minimum, consist of:

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

City of Oakland Planning staff has reviewed and determined that the site selected conforms to all other telecommunication regulation requirements. The project has met design criteria (C) since the antennas will be mounted on a new wood pole resembling existing PG&E wood poles and is adjacent to City of Oakland vacant parcel with mature trees, the wooden pole will be camouflaged partially within the existing mature trees and an associated equipment cabinet will be within a singular equipment box (shroud) attached to the pole and painted to match the color of wooden pole to minimize potential visual impacts from public view. The applicant has revised the original location of their proposal to this site to reduce potential impact on the adjacent neighboring properties. (See Attachment C)

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. The telecommunications regulations require that the applicant submit written documentation demonstrating that the emission from the proposed project are within the limits set by the Federal Communications Commission. In the document (attachment B) prepared by Hammett & Edison RF Compliance Experts, Inc. Inc. Registered Professional Engineer, the proposed project was evaluated for compliance with appropriate guidelines limiting human exposure to radio

frequency electromagnetic fields. According to the report on the proposal, the project will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, the proposed site will operate within the current acceptable thresholds as established by the Federal government or any such agency that may be subsequently authorized to establish such standards.

b. Prior to final building permit sign off, an RF emissions report indicating that the site is actually operating within the acceptable thresholds as established by the Federal government or any such agency who may be subsequently authorized to establish such standards.

The RF emissions report, states that the proposed project will not cause a significant impact on the environment. Additionally, staff recommends that prior to the final building permit sign off; the applicant submit a certified RF emissions report stating that the facility is operating within acceptable thresholds established by the regulatory federal agency.

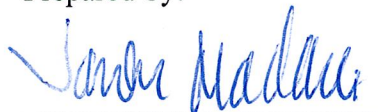
CONCLUSION

The proposed project meets all of the required findings for approval. The proposal will provide an essential telecommunication services to the community and the City of Oakland at large. It will also be available to emergency services such as Police, Fire and Health response teams. Staff believes that the findings for approval can be made to support the Conditional Use Permit and Design Review.

RECOMMENDATIONS:

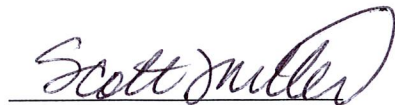
1. Affirm staff's environmental determination
2. Approve Major Conditional Use Permit, and Design Review application PLN14-181 subject to the attached findings and conditions of approval.

Prepared by:



Jason Madani
Planner II

Reviewed by:



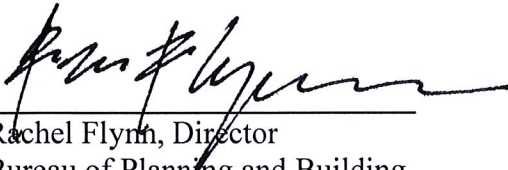
Scott Miller
Zoning Manager

Reviewed by:



Darin Ranelletti, Deputy Director
Bureau of Planning and Building

Approved for forwarding to the
City Planning Commission



Rachel Flynn, Director
Bureau of Planning and Building

ATTACHMENTS:

- A. Project Plans & Photo simulations
- B. Site Safe RE Compliance Experts RF Emissions Report
- C. Site Alternative Analysis and Coverage Maps

FINDINGS FOR APPROVAL

FINDINGS FOR APPROVAL:

This proposal meets all the required findings under Section 17.134.050, of the General Use Permit criteria; all the required findings under Section 17.136.050. (B), of the Non-Residential Design Review criteria; all the required findings under Section 17.128.080 (B), of the telecommunication facilities (Monopole) Design Review criteria; and all the required findings under Section 17.128.080. (C), of the telecommunication facilities (Monopole) Conditional Use Permit 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.

SECTION 17.134.050 – GENERAL USE PERMIT FINDINGS:

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

The purpose of the project is to enhance wireless telecommunications in the area along Skyline line Boulevard. The new facilities are designed to resemble utility poles found in the area and is located next to a vacant City of Oakland vacant sloped parcel with mature tall trees. The proposal will be partially camouflaged by the existing mature trees. The facility will be unmanned and will not create additional vehicular traffic in the area and will not adversely affect the operating characteristics or livability of the hillside area.

B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.

The proposed unmanned wireless telecommunication facility will not adversely affect or detract from the civic, commercial or residential characteristics of the neighborhood, because the antennas will be mounted on a monopole telecommunication facility located in an unpopulated area

C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.

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

D. That the proposal conforms to all applicable design review criteria set forth in the DESIGN REVIEW PROCEDURE of Chapter 17.136 of the Oakland Planning Code.

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

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

The proposal conforms in all significant aspects with the Oakland General Plan and with any other applicable plan or zoning maps adopted by the City of Oakland. The proposed monopole telecommunication facility expansion in the Hillside Residential General Plan designation will enhance and improve communication service for a mix of civic, commercial, residential and institutional uses in the area.

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 install a new 45' tall wood pole located in the public right-of-way. The project involves the installation of two panel antennas mounted at 45' above the ground; an associated equipment box, one battery backup and meter boxes within a shroud mounted on the pole at 8 feet above the ground and located within the City of Oakland public right-of-way. It is partially camouflaged with mature tall trees.

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 design will be appropriate and compatible with current zoning and general plan land use designations. The antennas will be located on a monopole designed to look like a PG&E utility pole set in a wooded area and will have minimal visual impacts as seen from the roadway.

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 and meets specific General Plan policies and the Supplemental Report and Recommendations on Revisions to the Citywide 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 monopole-facility definitions set forth in Section 17.128.080 and meets all design review criteria to minimize all impacts throughout the neighborhood.

17.128.080(B) DESIGN REVIEW CRITERIA FOR MONOPOLE FACILITIES

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

The proposed project entails a new monopole design to look like a PG&E utility pole set in a wooded area and will have minimal visual impacts as seen from the roadway.

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

The proposed antennas will be mounted to a monopole which will be located in an area with limited houses and is screened by dense vegetation. Given the topography, and the location of wooden pole, the project will have minimal visual impacts in the hillside area.

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

See above #2 finding

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 associated equipment box, one battery backup and meter boxes will be within a 8 foot long by 2 foot wide equipment shroud attached to the utility pole and painted to match the wooden pole. The equipment will be placed where it will not be accessed by the public.

5. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zone district as much as possible. Wireless communication towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area:

The proposed antennas will be located on a monopole in an area with limited houses, and screened by existing dense vegetation. Based on the location of site, the proposed monopole will not result in a visual impact and will blend in with the existing characteristics of the site.

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

The antennas will be mounted to a monopole and will not be accessible to the public due to its location. The equipment cabinet will be located in a service area which is only accessible to maintenance workers and not to the public.

**Section 17.128.080(C) CONDITIONAL USE PERMIT (CUP) FINDINGS FOR
MONOPOLE FACILITIES**

1. The project must meet the special design review criteria listed in subsection B of this section (17.128.080C):

The proposed project meets the special design review criteria listed in section 17.128.080B. (see Staff's findings in the preceding Section).

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 appropriate because the proposed antennas will be located on a monopole in an area with limited homes, and existing tall trees and will serve the near by residential neighborhood without actually being located on a residential property.

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

The site is appropriate because the proposed antennas will be located on a monopole within City of Oakland public right-of-way in wooded area, thus it will not disrupt the overall community character of the site.

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 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.

N/A

CONDITIONS OF APPROVAL
PLN14-181

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, **PLN14-181**, and the plans dated **August 15, 2015** and submitted on **September 2, 2015** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.

b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: **The project involves the installation of a new wireless Telecommunications facility (AT&T Wireless) on a new 45' tall wood pole located in the public right-of-way; installation two panel antennas (two-foot long and ten inches wide) mounted at 45 feet above the ground; an associated equipment box, one battery backup and electrical meter boxes meter box within a 8 foot long by 2 foot wide equipment shroud mounted on the pole at 8 feet above the ground.**

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

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

3. Scope of This Approval; Major and Minor Changes

Ongoing

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

4. Conformance with other Requirements

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

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency.

- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not 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 of 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 of Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or Conditions of Approval that may be imposed by the City.

8. Compliance with Conditions of Approval

Ongoing

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

9. Severability

Ongoing

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

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

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

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

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

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

12. Days/Hours of Construction Operation

Ongoing throughout demolition, grading, and/or construction

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

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.

- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
 - i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
 - ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction activity shall take place on Sundays or Federal holidays.
- f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

13. Landscape Maintenance

Ongoing

All new landscaping shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements.

14. 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.

PROJECT SPECIFIC CONDITONS:

15. Radio Frequency Emissions

Prior to the final building permit sign off

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

16. Monopole height limitation

Prior to the issuance of building permit

The applicant shall submit a revised elevation to indicate that, the proposed monopole structure height is limited to 45 feet.

Existing



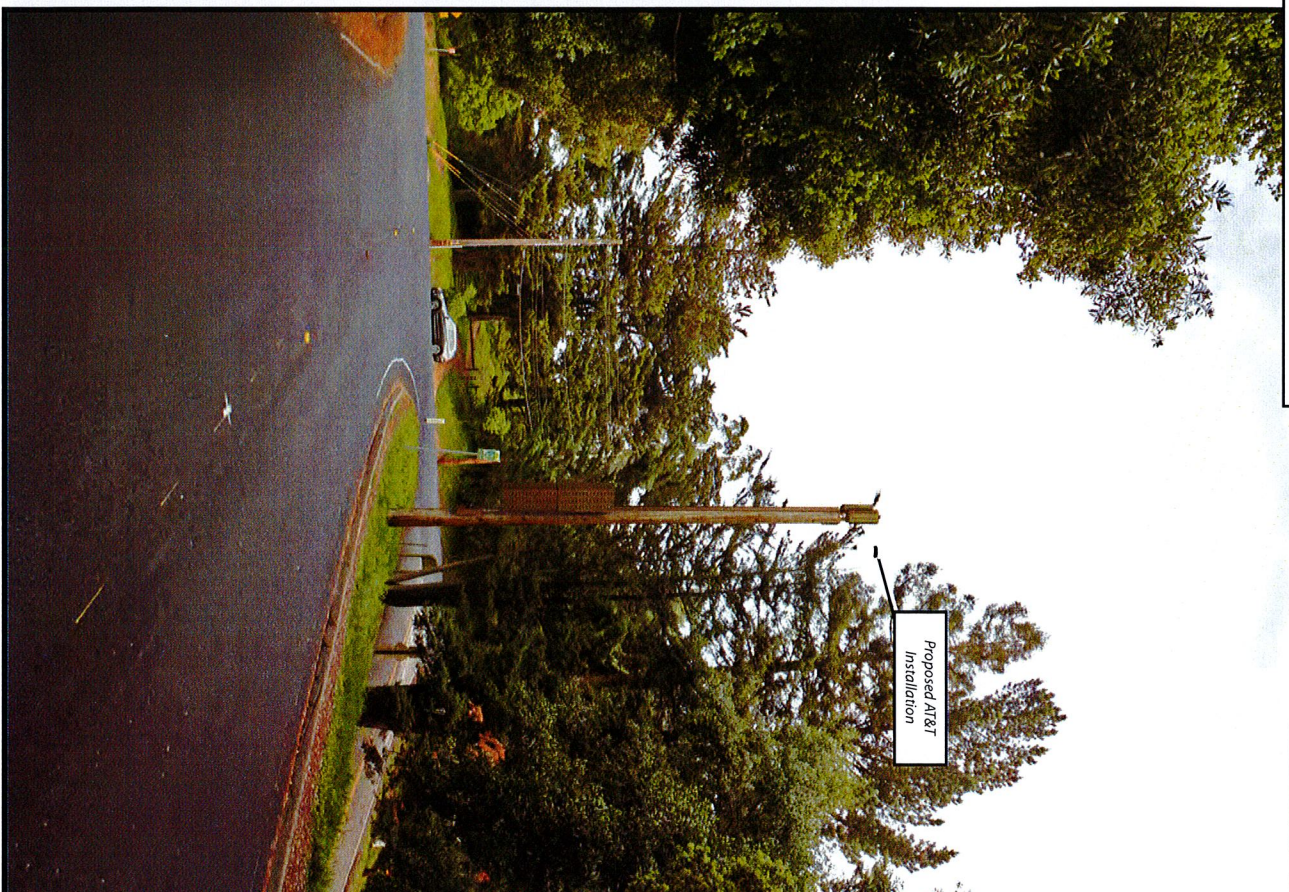
AT&T Wireless

view from Skyline Blvd looking southeast at site

8173 Skyline Blvd, Oakland, CA
Oak Hills AT&T South Network Node 55E

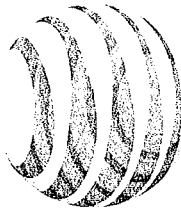
Proposed

ATTACHMENT A



Proposed AT&T
Installation

ATTACHMENT A



at&t

OAKHILLS AT&T SOUTH NETWORK OAKS-055E

(PROW) NEXT TO 8173 SKYLINE RD, OAKLAND, CA 94611

PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS THE PROPERTY OF AT&T. NO PART OF THIS SET OF DRAWINGS IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF AT&T. THIS SET OF DRAWINGS IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE USED FOR ANY OTHER PROJECT OR SITE WITHOUT THE WRITTEN PERMISSION OF AT&T. RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.

<p>NEW CINCULAR WIRELESS PCS, LLC 2600 CAMINO RAMON SAN RAMON, CA 94583</p>		<p>OAKHILLS AT&T SOUTH NETWORK NODE 055E NEXT TO 8173 SKYLINE RD, OAKLAND, CA 94611</p>		<p>CURRENT ISSUE DATE: 8/15/15</p>		<p>ISSUED FOR: PERMITTING</p>		<p>BY: DATE: DESCRIPTION: REV:</p>		<p>PLANS PREPARED BY:</p>		<p>CONSTRUCTED BY:</p>		<p>SEAL OF APPROVAL:</p>		<p>SHEET TITLE: TITLE SHEET AND PROJECT INFORMATION</p>		<p>SHEET NUMBER: T1</p>		<p>REVISION: 0</p>		<p>8/15/15</p>	
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<h3>LEGEND & SYMBOLS</h3> <p>CONTINUE PROPERTY/LEASE LINE PROPOSED CONDUIT POWER CONDUIT TELEPHONE CONDUIT AERIAL ELECTRICAL LINE OVERHEAD CONDUCTORS CHAIN LINK FENCING</p>		<h3>VICINITY MAP</h3>		<h3>PROJECT DESCRIPTION</h3> <p>THESE DRAWINGS DEPICT A PORTION OF A DISTRIBUTED ANTENNA SYSTEM (DAS) TELECOMMUNICATIONS NETWORK TO BE CONSTRUCTED BY EXTENET SYSTEMS, INC. AND OWNED AND OPERATED BY NEW CINCULAR WIRELESS PCS, LLC, IN THE PUBLIC RIGHT OF WAY PURSUANT TO AUTHORITY GRANTED BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION.</p> <p>THE MAIN COMPONENTS OF THIS INSTALLATION ARE: THE ADDITION OF TWO (2) 27.75'X10.625'X6.25' PANEL ANTENNAS, ONE (1) BB1 CABINET, ONE (1) RADIO UNIT, ASSOCIATED ELECTRICAL COMPONENTS, AND MOUNTING BRACKETS AS REQUIRED. LOCATED ON A NEW WOOD POLE.</p>		<h3>DRAWING INDEX</h3> <table border="1"> <tr> <td>T1</td> <td>TITLE SHEET & PROJECT INFORMATION</td> </tr> <tr> <td>T2</td> <td>GENERAL NOTES AND SCHEDULES</td> </tr> <tr> <td>A1</td> <td>SITE PLAN</td> </tr> <tr> <td>A2</td> <td>UTILITY POLE ELEVATIONS / INSER DETAILS</td> </tr> <tr> <td>D1</td> <td>EQUIPMENT DETAILS</td> </tr> <tr> <td>S1</td> <td>POWER & RF SAFETY PROTOCOLS</td> </tr> </table>		T1	TITLE SHEET & PROJECT INFORMATION	T2	GENERAL NOTES AND SCHEDULES	A1	SITE PLAN	A2	UTILITY POLE ELEVATIONS / INSER DETAILS	D1	EQUIPMENT DETAILS	S1	POWER & RF SAFETY PROTOCOLS	<h3>DRIVING DIRECTIONS</h3> <p>FROM: 4430 ROCKWOOD DR, RILASANTON, CA 94586-3550 DISTANCE: 27.3 MILES (3.3 MI) TO: 8173 SKYLINE RD, OAKLAND, CA 94611</p> <ol style="list-style-type: none"> HEAD EAST ON ROCKWOOD DR 4.9 MI TURN RIGHT ONTO SKYLINE RD 0.1 MI TURN RIGHT ONTO WHITE CT 0.1 MI SLIGHT RIGHT TO INTERSECT ONTO SKYLINE RD 0.1 MI TOWARD OAKLAND 0.7 MI TURN RIGHT ONTO SKYLINE RD 0.1 MI KEEP RIGHT AT THE FORK TO STAY ON L-360 W. FOLLOW KEEP RIGHT AT THE FORK TO CONTINUE ON CA-13 KEEP RIGHT AT THE FORK TO CONTINUE ON CA-13 TURN RIGHT ONTO SKYLINE RD 0.1 MI TURN RIGHT ONTO SKYLINE RD 0.1 MI TURN RIGHT ONTO SKYLINE RD 0.1 MI TURN LEFT ONTO SKYLINE RD 0.1 MI TURN LEFT ONTO SKYLINE RD 0.1 MI 		<h3>PROJECT TEAM</h3> <p>PROPERTY OWNER: EXTENET SYSTEMS, INC. NAME: PUBLIC RIGHT OF WAY ADDRESS: NEXT TO 8173 SKYLINE RD, OAKLAND, CA 94611 CONTACT: KEN BOKER PHONE: (510) 406-0829</p> <p>CONSTRUCTION MANAGER: EXTENET SYSTEMS, INC. NAME: MATHIE VERGONCH ADDRESS: 5714 RICHMOND DRIVE, OAKLAND, CA 94618 CONTACT: MATHIE VERGONCH PHONE: (510) 292-8818</p> <p>APPLICANT: NEW CINCULAR WIRELESS PCS, LLC NAME: NEW CINCULAR WIRELESS PCS, LLC ADDRESS: 2600 CAMINO RAMON, SAN RAMON, CA 94583 CONTACT: KEN BOKER PHONE: (510) 292-8818</p> <p>APPLICANT AGENT: MATHIE VERGONCH ADDRESS: 5714 RICHMOND DRIVE, OAKLAND, CA 94618 CONTACT: MATHIE VERGONCH PHONE: (510) 292-8818</p>	
T1	TITLE SHEET & PROJECT INFORMATION																						
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S1	POWER & RF SAFETY PROTOCOLS																						
<h3>CODE COMPLIANCE</h3> <p>ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE CITY OF OAKLAND, CALIFORNIA, UNLESS OTHERWISE SPECIFIED TO THE CONTRARY. PERMIT WORK NOT CONFORMING TO THESE CODES.</p> <ol style="list-style-type: none"> CALIFORNIA BUILDING CODE (CBC-2010) CALIFORNIA ELECTRICAL CODE (CEC-2010) CALIFORNIA FIRE CODE (CFC-2010) CALIFORNIA PLUMBING CODE (CPC-2010) CALIFORNIA MECHANICAL CODE (CMC-2010) CALIFORNIA PAVEMENT CODE (CPC-2010) CALIFORNIA PUBLIC UTILITIES CODE (CUPUC-2010) CITY OF OAKLAND ORDINANCES CITY OF OAKLAND CODE NPA MUST COMPLY TO LATEST CALIFORNIA FIRE CODE (AND LATEST MUNICIPAL FIRE CODE) CALIFORNIA ELECTRICAL CODE (CEC-2010) CALIFORNIA GENERAL ORDER 95 AND 126 		<h3>SIGNATURE BLOCK</h3> <p>APPROVED BY: _____ DATE: _____</p> <p>MUNICIPAL AFFAIRS: _____</p> <p>RF MANAGER: _____</p> <p>CONSTRUCTION MANAGER: _____</p> <p>PROJECT MANAGER: _____</p> <p>APPLICANT AGENT: _____</p> <p>APPLICANT: _____</p>																					

SITE DI

SHUTDOWN PROTOCOL 7"X9" LAMINATED CARD CARDSTOCK



AT&T oDAS Shutdown Procedure

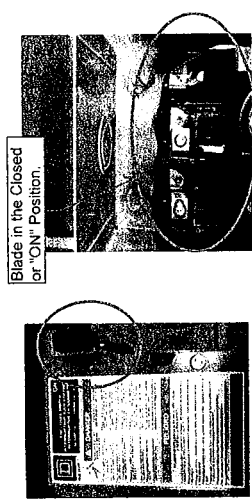
PROCEDURE TO DE-ENERGIZE RADIO FREQUENCY (RF) SIGNAL
EMERGENCY and NON-EMERGENCY WORK REQUIRING RF SIGNAL
SHUTDOWN

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

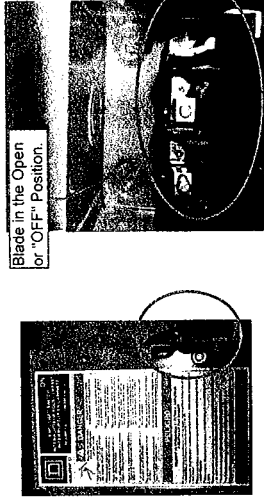
See reverse side to view photo of the "on" and "off" position.



Switch in the Closed Position ("ON")



Switch in the Open Position ("Off")



FRONT

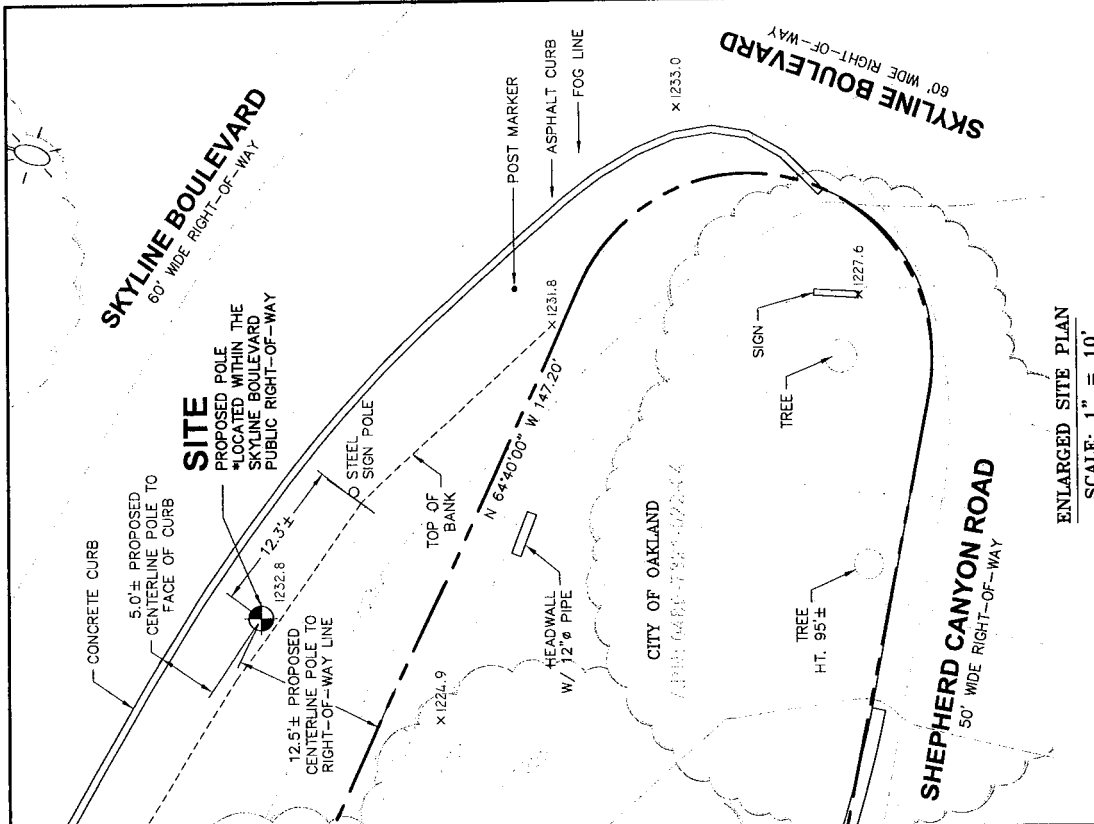
BACK

 NEW CINGULAR WIRELESS PCS, LLC 2500 CAMINO RAMON SAN RAMON, CA 94583	
PROJECT INFORMATION: OAKHILLS AT&T SOUTH NETWORK NODE 055E NEXT TO 8213 SKYLINE RD. OAKLAND, CA 94611	
CURRENT ISSUE DATE: 8/15/15	ISSUED FOR: PERMITTING
BY: DATE: DESCRIPTION: REV:	
ACI 8/15/15 Z0 0	
BY DATE DESCRIPTION REV	
PLANS PREPARED BY:	
 1-800-825-44CI 5711 Reservoir Road Carmel, CA 93928	
CONSTRUCTED BY:	DATE: 08/15/15
 YOUR NETWORK EVERYWHERE 3030 Waverly Rd., Suite 340 Lisle, IL 60532 www.nelnet.com	
SEAL OF APPROVAL:	
SHEET TITLE: POWER & RF SAFETY PROTOCOLS	
SHEET NUMBER: S1	
REVISION: 0	
8/15/15	

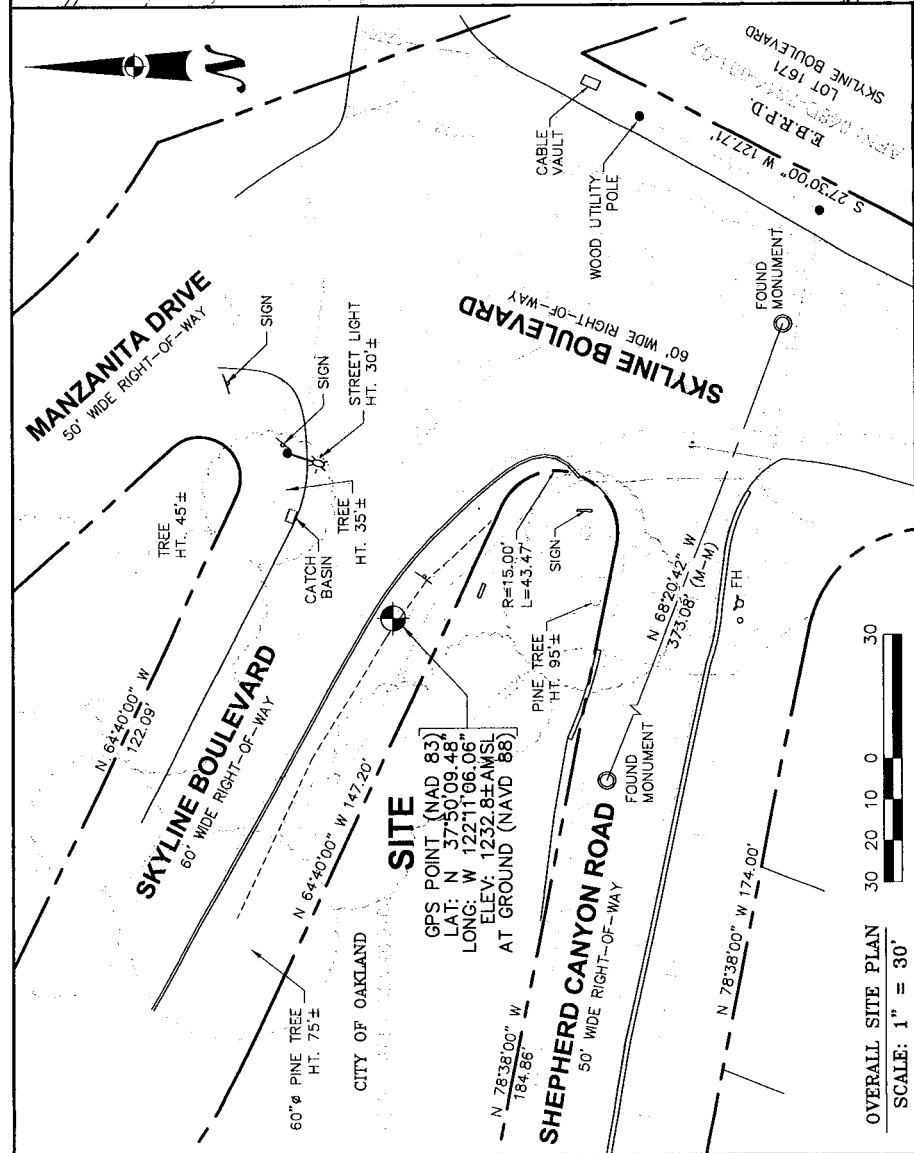
SHUTDOWN PROTOCOL

SCALE
N/S

1



ENLARGED SITE PLAN
SCALE: 1" = 10'



OVERALL SITE PLAN
SCALE: 1" = 30'

SURVEY DATA

NAD 83 Datum:
Lat: N 37°50'09.48" Long: W 122°11'06.06"

Equipment Used: Topcon Hiperlite Receiver
Site Ground Elevation: 1232.8± AMSL

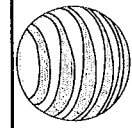
(NAVD 88) AT BASE OF PROPOSED POLE.

Basis of Elevations:
GLOBAL POSITIONING SYSTEM (GPS)

Basis of Bearings:
MAP OF FORESTLAND HEIGHTS FILED IN BOOK 10 AT
PAGE 81 IN THE RECORDS OF ALAMEDA COUNTY,
AND TWO FOUND MONUMENTS AS SHOWN.

Date of Field Survey: AUGUST 5, 2015

THIS MAP IS NOT A PROPERTY BOUNDARY SURVEY. THIS IS TOPOGRAPHY MAP. NO PROPERTY CORNER MONUMENTS WERE SET FOR THIS PROJECT. THE BOUNDARY REPRESENTED ON THIS MAP IS BASED ON COMPILED RECORD DATA AND BEST FIT ONTO EXISTING IMPROVEMENTS.



at&t
AT&T MOBILITY
5001 Executive Parkway
San Ramon, CA 94583

QUIET RIVER
Land Services Inc.
11501 Dublin Boulevard, Suite 200
Dublin, CA 94568
(925) 734-6788 Phone

SITE SURVEY PLAN VIEW

SW-CA-OAKHILLS-ATT NODE 055E
PUBLIC RIGHT-OF-WAY AT 8066 SHEPHERD CANYON ROAD
OAKLAND ALAMEDA COUNTY CALIFORNIA
EXNIT1543 DRN. BY: MAS |CHK. BY: KWM |DATE: 8/13/15

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of AT&T Mobility, a personal wireless telecommunications carrier, to evaluate a distributed antenna system (DAS) node proposed to be located at 8173 Skyline Road in Oakland, California, for compliance with appropriate guidelines limiting human exposure to radio frequency (“RF”) electromagnetic fields.

Executive Summary

AT&T proposes to install directional panel antennas on top of a proposed pole, to be sited at 8173 Skyline Road in Oakland. The proposed operation will comply with the FCC guidelines limiting public exposure to RF energy.

Prevailing Exposure Standards

The U.S. Congress requires that the Federal Communications Commission (“FCC”) evaluate its actions for possible significant impact on the environment. A summary of the FCC’s exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. The most restrictive FCC limit for exposures of unlimited duration to radio frequency energy for several personal wireless services are as follows:

Wireless Service	Frequency Band	Occupational Limit	Public Limit
Microwave (Point-to-Point)	5–80 GHz	5.00 mW/cm ²	1.00 mW/cm ²
WiFi (and unlicensed uses)	2–6	5.00	1.00
BRS (Broadband Radio)	2,600 MHz	5.00	1.00
WCS (Wireless Communication)	2,300	5.00	1.00
AWS (Advanced Wireless)	2,100	5.00	1.00
PCS (Personal Communication)	1,950	5.00	1.00
Cellular	870	2.90	0.58
SMR (Specialized Mobile Radio)	855	2.85	0.57
700 MHz	700	2.40	0.48
[most restrictive frequency range]	30–300	1.00	0.20

General Facility Requirements

Base stations typically consist of two distinct parts: the electronic transceivers (also called “radios” or “channels”) that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are often located at ground level and are connected to the antennas by coaxial cables. A small antenna for reception of GPS signals is also required, mounted with a clear view of the sky.

AT&T Mobility • DAS Node No. OAKS-055E
8173 Skyline Road • Oakland, California

Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. This means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

Computer Modeling Method

The FCC provides direction for determining compliance in its Office of Engineering and Technology Bulletin No. 65, "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation," dated August 1997. Figure 2 describes the calculation methodologies, reflecting the facts that a directional antenna's radiation pattern is not fully formed at locations very close by (the "near-field" effect) and that at greater distances the power level from an energy source decreases with the square of the distance from it (the "inverse square law"). The conservative nature of this method for evaluating exposure conditions has been verified by numerous field tests.

Site and Facility Description

Based upon information provided by AT&T, including zoning drawings by Aero Communications, Inc., dated August 15, 2015, it is proposed to install two Kathrein Model 840-10525 directional panel antennas on a proposed 45-foot pole to be sited at 8173 Skyline Road in Oakland. The antennas would employ no downtilt, would be mounted at an effective height of about 44 feet above ground, and would be oriented toward 75°T and 155°T. The maximum effective radiated power in any direction would be 219 watts, representing simultaneous operation at 104 watts for PCS, 61 watts for cellular, and 54 watts for 700 MHz service.

Study Results

For a person anywhere at ground, the maximum RF exposure level due to the proposed AT&T operation is calculated to be 0.0013 mW/cm², which is 0.26% of the applicable public exposure limit. The maximum calculated level at the second-floor elevation of any nearby residence* is 0.0023 mW/cm², which is 0.47% of the public exposure 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.

* Located at least 80 feet away, based on photographs from Google Maps.

**AT&T Mobility • DAS Node No. OAKS-055E
8173 Skyline Road • Oakland, California**

No Recommended Mitigation Measures

Due to their mounting locations and height, the AT&T antennas would not be accessible to unauthorized persons, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. It is presumed that AT&T will, as an FCC licensee, take adequate steps to ensure that its employees or contractors receive appropriate training and comply with FCC occupational exposure guidelines whenever work is required near the antennas themselves.

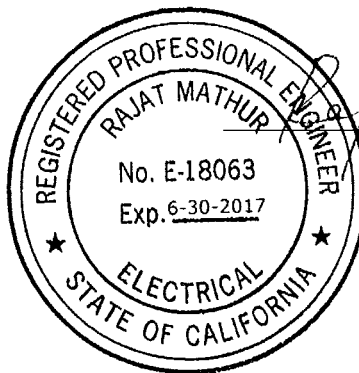
Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that operation of the base station proposed by AT&T Mobility near 8173 Skyline Road 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.

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration No. E-18063, which expires on June 30, 2017. 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.

August 31, 2015



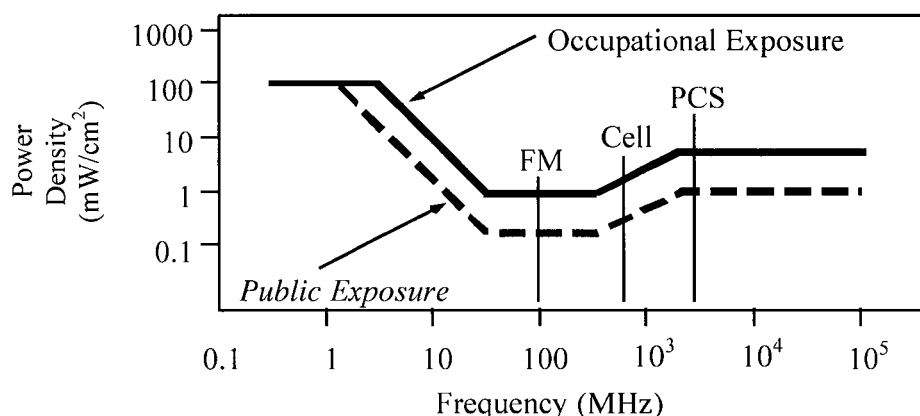
Rajat Mathur
Rajat Mathur, P.E.
707/996-5200

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	Electromagnetic Fields (f is frequency of emission in MHz)					
Applicable Range (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	3.54√f	<i>1.59√f</i>	√f/106	<i>√f/238</i>	f/300	<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.

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:

power density $S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}$, in mW/cm²,

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 x 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.

September 2, 2015

City Planner
Planning Department
City of Oakland
250 Frank Ogawa Plaza, 2nd Fl.
Oakland, CA 94612

Re: Proposed AT&T Mobility DAS Node Installation
Applicant: New Cingular Wireless PCS, LLC (d/b/a AT&T Mobility)
Nearest Site Address: Public Right of Way near 8173 Skyline Rd., Oakland, CA
Site ID: SW-CA-OAKHILLS-ATT Node 55E
Latitude/Longitude: 37.835985, -122.185034
City Planning #: PLN15-181

Dear City Planner,

On behalf of New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility ("AT&T"), this letter and attached materials are to apply for a design review permit to install a distributed antenna system ("DAS") node in the public right-of-way near 8173 Skyline Road ("Node 55E").¹ This is the same DAS node that AT&T pursued by its previous application filed on March 6, 2014 in the public right-of-way near 2400 Manzanita Drive (Node 55C / PLN14-047). AT&T hereby proposes to amend its current application number PLN15-181, filed on June 3, 2015, formerly proposed at the existing utility pole in the public right-of-way near 0 Park Boulevard (Node 55D), to relocate the proposal to the public right-of-way near 8173 Skyline Road about 10-feet west of the existing bicycle sign. City Planning Staff could not support application number PLN14-047 because of its perceived view impact, and the neighbors opposed application number PLN15-181 so the present application has been prepared as an alternative after working with Planning Staff and the neighbors. The following is an explanation of the existing site, a project description of the redesigned facility, the project purpose and justifications in support of this proposal.

A. Project Description.

The proposed location for our facility currently consists of raw land in the public right of way near 8173 Skyline Road about 10-feet west of an existing bicycle sign. There are no residential parcels or houses within at least 50-feet of this location, and the site is shrouded by nearby trees that are over 90-feet tall.

AT&T proposes a new wooden pole with two panel antennas on top that are approximately two feet long, 10 inches wide and six inches deep, extending to a height of 45 feet above ground. We also propose to install an equipment cabinet on the pole that is approximately eight feet tall by two feet wide and deep. A miniature emergency shut-off safety switch and electricity meter will be placed on the pole at about eight feet above ground. The equipment will be connected to underground telecommunications and power lines. All equipment will be painted brown to match the wooden pole. Our proposal is depicted in the attached design drawings and photographic simulations.

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

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

B. Project Purpose.

The purpose of this project is to provide AT&T third and fourth generation (3G and 4G) wireless voice and data coverage to the surrounding area where there is currently a significant gap in service coverage. These wireless services include mobile telephone, wireless broadband, emergency 911, data transfers, electronic mail, Internet, web browsing, wireless applications, wireless mapping and video streaming. The proposed node is part of a larger DAS providing coverage to areas of the Oakland, Berkeley, Kensington and El Cerrito that are otherwise very difficult or impossible to cover using traditional macro wireless telecommunications facilities due to the local topography and mature vegetation. The attached radio frequency propagation maps depict AT&T's larger DAS project. Further radio frequency details are set forth in the attached Radio Frequency Statement, including propagation maps depicting existing and proposed coverage in the vicinity of Node 55E.

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

C. Project Justification, Alternative Site and Design Analysis.

Node 55E is an integral part of the overall DAS project, and it is located in a difficult coverage area because of its winding roads, hilly terrain and plentiful trees. The coverage area consists of a hilly Oakland Hills neighborhood running off of Skyline Boulevard, Pinehurst Road, Manzanita Drive, and surrounding areas. Node 55E will cover transient traffic along the roadways and provide in-building service to the surrounding residences as depicted in the propagation maps, which are exhibits to the attached Radio Frequency Statement.

Based on AT&T's analysis of alternative sites, if the originally chosen candidates 55C at 2400 Manzanita Drive and 55D at 0 Park Boulevard are not preferred by the City then the currently proposed Node 55E at 8173 Skyline Boulevard is the least intrusive means to close AT&T's significant service coverage gap in the area because it best uses an inconspicuous location, adding small equipment without disturbing the character of the neighborhoods served. Node 55E should be barely noticeable amidst the backdrop of trees and terrain.

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

This proposed redesign is a viable alternative design and location developed according to our discussions with the Planning Department. We also evaluated whether equipment could be undergrounded but unfortunately this is not possible because there is insufficient right-of-way space for the necessary equipment access and the equipment would be compromised from saturation by rainwater. The antennas cannot be undergrounded because they rely on a line-of-site in order to properly transmit a signal. As discussed with City Planning, Node 55E is the least intrusive option because antennas can be nestled amidst large trees without imposing any view impact. Also the proposed location is a good coverage option because it sits at a spot from which point AT&T can adequately propagate its wireless signal.

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

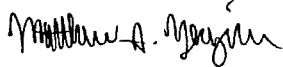
AT&T considered alternative sites on other utility poles in this area but none of these sites is as desirable from construction, coverage or aesthetics perspectives. The proposed location is approximately equidistant from other DAS nodes that AT&T plans to place in surrounding hard-to-reach areas, so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

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

As this application seeks authority to install a wireless telecommunication facility, the FCC's Shot Clock Order² requires the city to issue its final decision on AT&T's application within 150 days. We respectfully request expedited review and approval of this application. Feel free to contact me if you have any questions. Thank you.

Thank you.

Best Regards,
EXTENET SYSTEMS



Matthew S. Yergovich
For AT&T Mobility

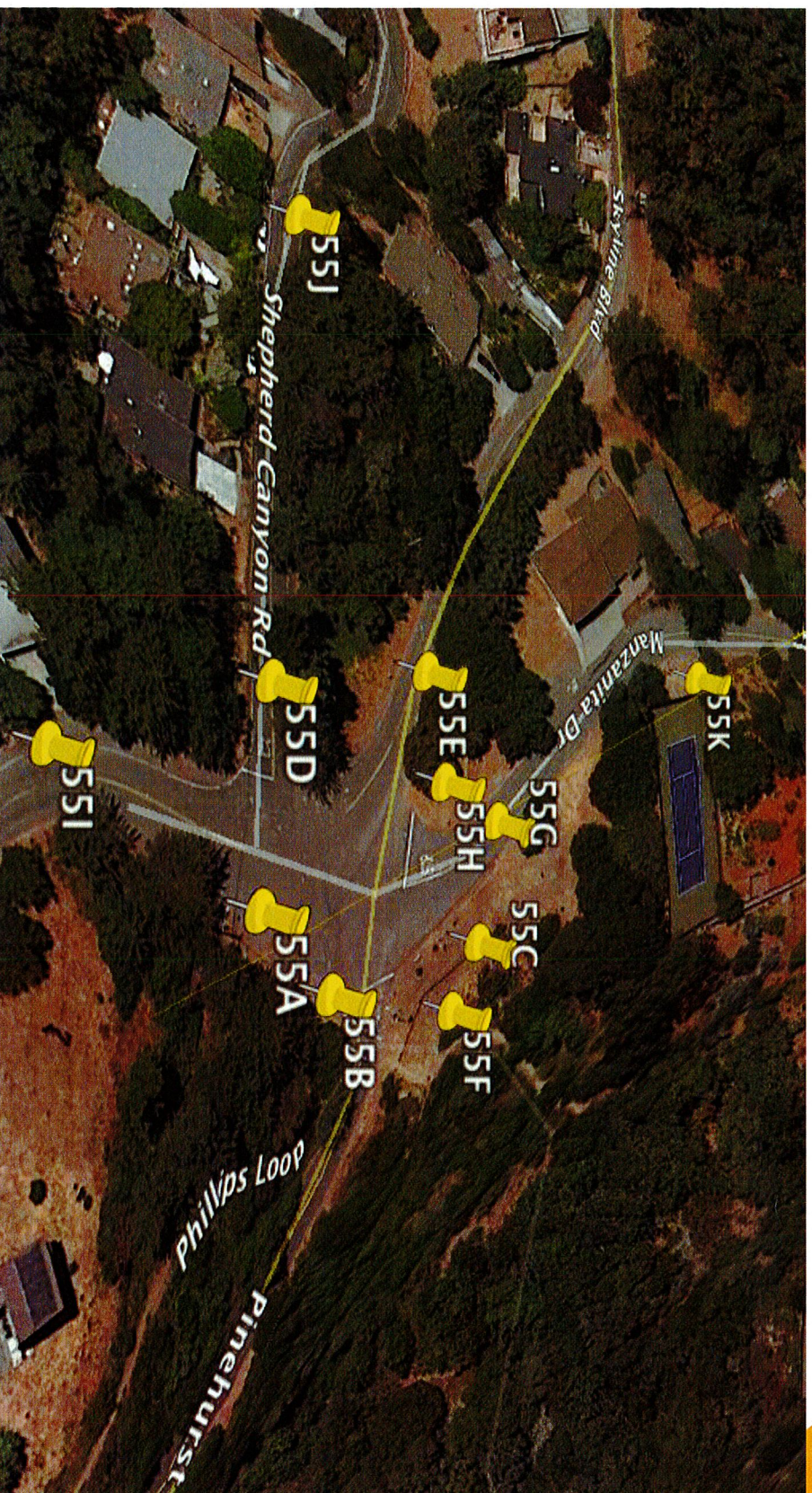
² See Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B), WT Docket No. 08-165, Declaratory Ruling, 24 F.C.C.R. 13994 (2009).



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ATTACHMENT C

Node 55E - 8173 Skyline Rd. Oakland, California Alternative Site Analysis



On the map above, the proposed AT&T wireless facility in the public right-of-way near 8173 Skyline Road (37.835985, -122.185034) is indicated as Node "55E." The 10 alternative locations that AT&T analyzed are marked by pins 55A, 55B, 55C, 55D, 55F, 55G, 55H, 55I, 55J and 55K.



55 A: 37.835680, -122.184684
55 B: 37.835873, -122.184552
55 C: 37.836107, -122.184664
55 D: 37.835732, -122.185013
55 E: 37.835985, -122.185034 (Present Proposal)
55 F: 37.836023, -122.184550
55 G: 37.836125, -122.184855
55 H: 37.836044, -122.184895
55 I: 37.835363, -122.184918
55 J: 37.835860, -122.185730
55 K: 37.836520, -122.185104

Alternative Node 55E - Present Proposal

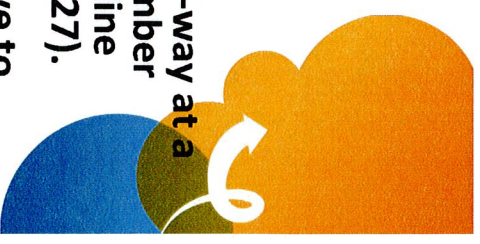


- The location for AT&T's proposed wireless facility (Node 55E) is in the public right-of-way about 10-feet west of a bicycle trail sign located near 8173 Skyline Road (37.835985, -122.185034).
- The pole is screened by adjacent trees and foliage, and does not block view corridors.
- AT&T re-evaluated this site and nearby alternatives to verify that the selected site is the least intrusive means to close AT&T's significant service coverage gap in the area.

Alternative Node 55A



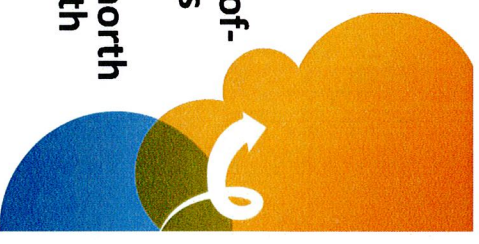
- Node 54A is in the public right-of-way at a joint utility pole identified by number 110109451 across from 8211 Skyline Boulevard (37.835684, -122.184727).
- This pole is not a viable alternative to close AT&T's significant service coverage gap. Placing wireless equipment on this pole would violate CPUC General Order 95 regulations because all four quadrants of the pole are occupied.



Alternative Node 55B



- Node 55B is in the public right-of-way at a joint utility pole across from 8211 Skyline Boulevard (37.835873, -122.184552) just north of 55A near the intersection with Pinehurst Road .
- This pole is not a viable alternative to close AT&T's significant service coverage gap. Placing wireless equipment on this pole would violate CPUC General Order 95 regulations because all four quadrants of the pole are occupied.



Alternative Node 55C



- Node 55C is in the public right-of-way at an open space near 2400 Manzanita Drive (37.836107, -122.184664).
- This location and design was proposed to the City in AT&T's land use permit application submitted on March 6, 2014.
- This location and design is a viable alternative but is not preferred by City Planning Staff because of the view impact imposed looking eastward.

Alternative Node 54D



- Node 55D is in the public right-of-way at a joint utility pole identified by pole number 110109452 at 8066 Shepherd Canyon Road (37.835732, -122.185013).
- This photo depicts an existing telecommunications cabinet mounted to the utility pole. In June 2015, AT&T proposed to mount antennas to the top of the pole, and place an associated equipment cabinet on the ground adjacent to the pole.
- AT&T relocated its proposal from this location to the present location (Node 55E) in response to public opposition to Node 55D. However, Node 55D remains a viable alternative location to close AT&T's significant service coverage gap in the area.



Alternative Node 55F



- Node 55F is in the public right-of-way at a city-owned light pole just southeast of 55C near 2400 Manzanita Drive (37.836023, -122.184550).
- This location and design is a viable alternative but is not preferred by City Planning Staff because of the view impact imposed looking eastward.



Alternative Node 55G



- Node 55G is in the public right-of-way at a city-owned light pole near 2425 Manzanita Drive (37.836125, -122.184855).
- This location and design is a viable alternative but is not preferred by City Planning Staff because the site is much more exposed and therefore an installation here would be more visually intrusive.



Alternative Node 55H



- Node 55H is in the public right-of-way at city-owned light pole near 8230 Skyline Boulevard (37.836044, -122.184895).
- This location and design is a viable alternative but is not preferred by City Planning Staff because the site is much more exposed and therefore an installation here would be more visually intrusive.



Alternative Node 55I



- Node 54I is in the public right-of-way at a joint utility pole near 8211 Skyline Boulevard (37.835363, -122.184918).
- This pole is not a viable alternative to close AT&T's significant service coverage gap. Placing wireless equipment on this pole would violate CPUC General Order 95 regulations because all four quadrants of the pole are occupied.



Alternative Node 55J



- Node 55J is in the public right-of-way at a joint utility pole near 8040 Shepherd Canyon Road (37.835860, -122.185730).
- This location does not close AT&T's significant service coverage gap due to the steep decline in elevation and associated blockage of AT&T's signal by nearby trees, houses and terrain.
- Antennas and equipment are already located on this pole, occupying the space needed for AT&T's proposed installation and therefore blocking AT&T from installing here.



Alternative Node 55K



- Node 55K is in the public right-of-way at a city-owned light pole near the Hills Swim and Tennis Club at 2400 Manzanita Drive (37.836520, -122.185104).
- This location and design is a viable alternative but is not preferred by City Planning Staff because the site is much more exposed and therefore an installation here would be more visually intrusive.



Node 55E – Alternative Site Analysis Conclusion

Based on AT&T's analysis of alternative sites, the currently proposed location at 8173 Skyline Road (Node 55E) is the least intrusive means to fill AT&T's significant wireless coverage gap.

