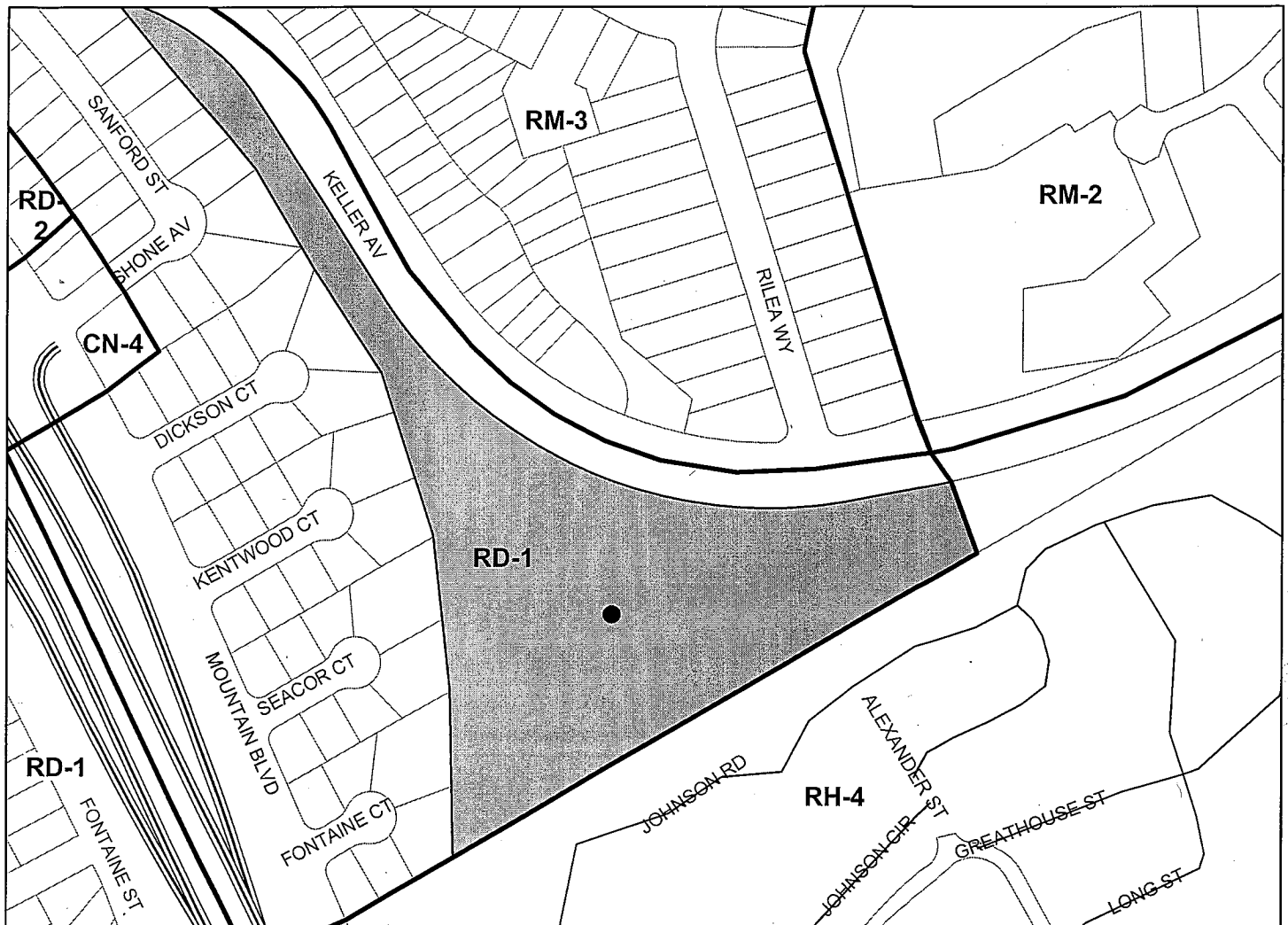


<b>Location:</b>	4292 Keller Avenue Sequoyah Community Church	(see map on reverse)
<b>Assessor's Parcel Number:</b>	040A-3847-004-16	
<b>Proposal:</b>	To expand a wireless telecommunications facility consisting of several carriers' antennas attached to the sides of a church's roof parapet and equipment cabinets located in a ground level shelter by replacing antennas and cabinets and installing additional antennas.	
	<i>On October 19, 2011 the Planning Commission took a non-binding straw vote of 4-1 requesting that staff prepare findings for denying the applicant's current proposal and advised the applicant to return with a revised design consisting of concealed new antennas</i>	
<b>Applicant/</b>	Michelle Weller/Cortel (for: Sprint, carrier)	
<b>Phone Number:</b>	(925) 997-1312	
<b>Owner:</b>	Sequoyah Community Church	
<b>Planning Permits Required:</b>	Major Conditional Use Permit and Regular Design Review each with additional findings to expand a Macro telecommunications facility located within a residential zone	
<b>General Plan:</b>	Detached Unit Residential	
<b>Zoning:</b>	RD-1 Detached Unit Residential Zone – 1	
<b>Environmental</b>	Exempt, Section 15301(e) of the State CEQA Guidelines:	
<b>Determination:</b>	Existing Facilities (Additions to existing structures); Section 15183 of the State CEQA Guidelines:	
	Projects consistent with a community plan, general plan or zoning	
<b>Historic Status:</b>	Not a Potential Designated Historic Property Survey Rating: *3	
<b>Service Delivery District:</b>	6	
<b>City Council District:</b>	7	
<b>Date Filed:</b>	August 18, 2011	
<b>Staff Recommendation:</b>	Approve with the attached conditions	
<b>Finality of Decision:</b>	Appealable to City Council	
<b>For Further Information:</b>	Contact case planner <b>Aubrey Rose, Planner II</b> at (510) 238-2071 or <a href="mailto:arose@oaklandnet.com">arose@oaklandnet.com</a>	

**SUMMARY**

The applicant requests Planning Commission approval of a Major Conditional Use Permit and Regular Design Review each with additional findings to expand a wireless telecommunications facility collocated at a church. On October 16, 2011 the Planning Commission took a non-binding straw vote of 4-1 and advised the applicant to return with a revised design consisting of concealed new antennas. That hearing and the applicant's subsequent response are described in this report.

# CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: CMD11-160  
Applicant: Michelle Weller/Cortel (for: Sprint)  
Address: 4292 Keller Avenue  
Zone: RD-1

## BACKGROUND

The proposal involves installing new and replacement antennas and equipment cabinets at a church located on Keller Avenue. Several telecommunications facilities are collocated at the site. Antennas are attached to the side of a parapet and painted beige to match the building's color; several are attached to the elevation facing the 580 freeway. Cabinets are located in a ground level shelter. The placement of the existing antennas is not ideal from an aesthetic standpoint but several applications for additional antennas have been granted given the precedent of facility approvals and construction.

On October 16, 2011 the Planning Commission took a non-binding straw vote of 4-1 requesting that staff prepare findings for denying the applicant's current proposal and advised the applicant to return with a revised design consisting of concealed new antennas if they sought an approval. Commissioners were particularly concerned with the attachment of multiple unconcealed antennas of various sizes along the freeway-facing parapet. The applicant was advised to consider submitting an alternative design consisting of, for example, attaching an enclosure to the top of the parapet and locating antennas inside it. Staff subsequently confirmed with the applicant that they would *not* submit an alternative design nor withdraw their original application. The reason for not revising the proposed design is a combination of engineering and financial concerns.

Therefore, the proposal remains the same as the original. Staff continues to recommend approval of the original proposal. As an alternate on behalf of the Planning Commission, staff has also drafted Findings for Denial, should the Planning Commission wish to deny the project based on aesthetic grounds.

### *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.*

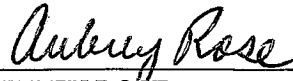
*For more information on the FCC's jurisdiction in this area, contact Steve Markendorff, Chief of the Broadband Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-0640 or e-mail "smarkend@fcc.gov".*

## **ENVIRONMENTAL DETERMINATION**

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15301(e) of the State CEQA Guidelines exempts projects involving additions to existing facilities or structures. The proposal to replace antennas with two larger antennas, to replace two equipment cabinets, and to install related small antennas meets this description: the project would constitute a minor addition only. Alternately, should the application be disapproved, the project is statutorily exempt from CEQA under Section 15270(a)(b)(c) of the State CEQA Guidelines: Project Which Are Disapproved. The project is therefore exempt from Environmental Review.

- RECOMMENDATIONS:**
1. Affirm staff's environmental determination.
  2. Approve the Major Conditional Use Permit and Regular Design Review subject to the attached Findings (Attachment A) and Conditions of Approval (Attachment B)  
or  
Deny the Major Conditional Use Permit and Regular Design Review subject to the attached Findings (Attachment C)

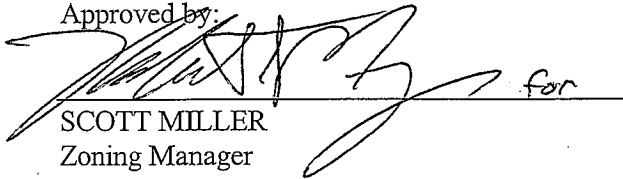
Prepared by:



AUBREY ROSE

Planner II

Approved by:



for

SCOTT MILLER

Zoning Manager

Approved for forwarding to the  
City Planning Commission:



ERIC ANGSTADT

Deputy Director

Community and Economic Development Agency

**ATTACHMENTS:**

- A. Findings for Approval
- B. Alternative findings: Findings for Denial
- C. Conditions of Approval for Attachment A
- D. Plans
- E. Photo-Simulations
- F. October 19, 2011 staff report to Planning Commission (attachments not included)

## Attachment A: Findings for Approval

This proposal meets the required findings under General Use Permit Criteria (OMC Sec. 17.134.050), Conditional Use Permit for Macro Facilities (OMC Sec. 17.128.070(C)), Regular Design Review/For Non-Residential Facilities (OMC Sec. 17.136.050(B)), and Regular Design Review for Macro Facilities (OMC Sec. 17.128.070(B)), as set forth below. Required findings are shown in bold type; explanations as to why these findings can be made are in normal type.

### **GENERAL USE PERMIT CRITERIA (OMC SEC. 17.134.050)**

**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 proposed facility constitutes a 'Macro' Facility because it consists of more than 12 antennas. New or expanded Macro Facilities located within residential zones require Planning Commission review. The project site is located in the RD-1 Detached Unit Residential Zone – 1. The intent of the RD-1 zone is: *"to create, maintain, and enhance areas with detached, single unit structures. A limited number of commercial uses will be permitted or conditionally permitted in existing non-residential facilities."* The site contains several antennas that are camouflaged by paint to match the color of the church building and equipment cabinets that are concealed by enclosures located behind the building.

**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 replacement of camouflaged antennas and concealed equipment cabinets at a technologically ideal location (hilltop between neighborhood and freeway) will not generate negative aesthetic impacts.

**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 replacement of camouflaged antennas and concealed equipment cabinets at a technologically ideal location (hilltop between neighborhood and freeway) will enhance services while maintaining compatibility with surrounding land uses.

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

Design Review findings are met as described in a following section of this Attachment.

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

The project site is located within a Detached Unit Residential area under the General Plan's Land Use & Transportation Element (LUTE) adopted 1998. The Conformity Guidelines are silent on Telecommunications Facilities. The Intent of the area is: *"to create, maintain, and enhance residential areas characterized by detached, single unit structures"* and the Desired Character and Uses is that *"Future development within this classification should remain residential in character with appropriate allowances for schools and other small scale civic institutions."* The proposal would enhance an essential service while ensuring, as conditioned, the facility would remain camouflaged and concealed, and the site area be maintained. The project therefore conforms to the area's intent and to the following Objective of the LUTE:

#### CIVIC AND INSTITUTIONAL USES.

##### Objective N2

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

#### **CONDITIONAL USE PERMIT CRITERIA FOR MACRO FACILITIES (OMC SEC. 17.128.070(C))**

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

These findings are met as described in a following section of this Attachment.

##### **2. The proposed project must not disrupt the overall community character.**

The project to replace existing camouflaged antennas and concealed equipment cabinets and to install related equipment at a church set back from residences, as conditioned, will not be almost entirely indiscernible off-site and will therefore have a completely negligible effect upon overall community character. Conditions of approval ensure that litter be removed from the parking lot and fronting public right-of-way.

#### **REGULAR DESIGN REVIEW CRITERIA/FOR NONRESIDENTIAL FACILITIES (OMC SEC. 17.136.050(B))**

**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 alter a telecommunications facility located within a residential zone will be collocated at a civic facility. No variances are for height or otherwise are required, appurtenances will be camouflaged or concealed, and no view obstructions to residences or otherwise will be created. Conditions of approval ensure that all visible equipment (antennas, cables, related equipment) be painted to match the color of the building as camouflaging, and that the equipment shelters completely conceal their contents (cabinets).

**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 project to replace existing camouflaged antennas and concealed equipment cabinets and to install related equipment at a church set back from residences, as conditioned, will be almost entirely indiscernible off-site and will therefore have a nearly negligible effect upon overall community character.

**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.**

This finding is met: the proposal meets the intent of the General Plan and Zoning areas as discussed in a previous section of this attachment.

**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.**

Conditions of approval ensure new antennas be painted to match the building's color.

**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.**

This finding is not applicable: the building (built in 1986 or 1987 according to County records) onto which the antennas will be mounted is not architecturally significant.

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

This finding is not applicable: the location on the building where the antennas will be added contains no vertical design elements.

**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.**

Equipment cabinets will be contained within an existing shelter that will remain screened chain-link fencing containing wooden slats and with landscaping.

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

The equipment shelters will be located within an existing shelter located behind a church building set back from a nonresidential section of street by a parking lot.

**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.**

Conditions of approval ensure a new five-inch GPS antenna to be attached at the roofline be relocated/redesigned to meet this finding. Conditions also ensure all visible equipment (antennas, cables,



related equipment) be painted to match the color of the building as camouflaging, and that the equipment shelters completely conceal their contents (cabinets).

**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.**

Antennas will be attached to the side of a three-story building's parapet below its roofline and will not be Accessible. The equipment will be concealed in shelters located at ground level on private property at a distance of more than 100-feet from the public right-of-way and no known record of tampering exists.

## **Attachment B: Findings for Denial**

The Planning Commission finds that this proposal *does not* meet the required findings under General Use Permit Criteria (OMC Sec. 17.134.050), Conditional Use Permit Criteria for Macro Facilities (OMC Sec. 17.128.070(C)), Regular Design Review/For Nonresidential Facilities (OMC Sec. 17.136.050(B)), and Design Review Criteria for Macro Facilities (OMC Sec. 17.128.070(B)) as set forth below. Required findings that *cannot* be met are shown in bold type; explanations as to why these findings *cannot* be made are in normal type.

### **GENERAL USE PERMIT CRITERIA (OMC SEC. 17.134.050)**

**E. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070.**

This finding cannot be made; the proposal does not conform to design review findings as described in a following section of this attachment.

### **CONDITIONAL USE PERMIT CRITERIA FOR MACRO FACILITIES (OMC SEC. 17.128.070(C))**

**2. The proposed project must not disrupt the overall community character.**

This finding cannot be made: the proposal featuring antennas visible from the public right-of-way and not matching in shape to numerous approved antennas at the site. The addition of proposed antennas would therefore contribute to adverse cumulative visual impacts at an orderly civic location in a pleasant residential area with a high presence from the public right-of-way, the 580 freeway (a Scenic Highway), and the proposal would therefore contribute to a disruption of the overall community character.

### **REGULAR DESIGN REVIEW CRITERIA/FOR NON-RESIDENTIAL FACILITIES (OMC SEC. 17.136.050(B))**

**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.**

This finding cannot be made; the project would result in adverse cumulative visual impacts as described in a previous finding of this attachment. Additionally, the proposal does not conform to the following policy of the General Plan's Scenic Highways Element (1974) for Specific Policies related to the MacArthur Freeway #2 (p. 26):

*Visual intrusions within the scenic corridor should be removed, converted, buffered, or screened from the motorist's view*

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

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

This finding cannot be made: antennas were proposed for vertical attachment to a building a parapet without screening at a location highly visible from the public right-of-way, the 580 freeway (a Scenic Highway under the General Plan).

## Attachment C: Conditions of Approval for Attachment A

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### 1. Approved Use

#### *Ongoing*

a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, **staff report**, and the plans dated **June 25, 2011** and submitted on **August 18, 2011**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.

b) This action by the **City Planning Commission** ("this Approval") includes the approvals set forth below. This Approval includes:

- i) **Major Conditional Use Permit and Regular Design Review each with additional findings to expand a Macro wireless telecommunications facility collocated at a church at 4292 Keller Avenue**

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

#### *Ongoing*

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

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

#### *Ongoing*

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

### 4. Conformance with other Requirements

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

a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval 3.

b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

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

6. **Signed Copy of the Conditions**

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

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

7. **Indemnification**

*Ongoing*

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement

shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

8. **Compliance with Conditions of Approval**

***Ongoing***

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

9. **Severability**

***Ongoing***

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

10. **Job Site Plans**

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

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

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

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

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

12. **Construction-Related Air Pollution Controls (Dust and Equipment Emissions)**

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

During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the Bay Area Air Quality Management District (BAAQMD):

- a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

- e) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f) Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.
- h) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- i) Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required on-site signage.

### **13. Construction Emissions**

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

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

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

### **14. Days/Hours of Construction Operation**

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

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

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

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

#### 15. **Noise Control**

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

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

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

#### 16. **Noise Complaint Procedures**

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

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

- a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);
- b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);
- c) The designation of an on-site construction complaint and enforcement manager for the project;
- d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and
- e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

#### **17. Interior Noise**

##### ***Prior to issuance of a building permit and Certificate of Occupancy***

If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls), and/or other appropriate features/measures, shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval prior to issuance of building permit. Final recommendations for sound-rated assemblies, and/or other appropriate features/measures, will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phases. Written confirmation by the acoustical consultant, HVAC or HERS specialist, shall be submitted for City review and approval, prior to Certificate of Occupancy (or equivalent) that:

- (a) Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and
- (b) Demonstrates compliance with interior noise standards based upon performance testing of a sample unit.
- (c) Inclusion of a Statement of Disclosure Notice in the CC&R's on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity and the single event noise occurrences. Potential features/measures to reduce interior noise could include, but are not limited to, the following:

- a) Installation of an alternative form of ventilation in all units identified in the acoustical analysis as not being able to meet the interior noise requirements due to adjacency to a noise generating activity, filtration of ambient make-up air in each unit and analysis of ventilation noise if ventilation is included in the recommendations by the acoustical analysis.
- b) Prohibition of Z-duct construction.

#### **18. 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.

**19. Construction Traffic and Parking*****Prior to the issuance of a demolition, grading or building permit***

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

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

**20. Hazards Best Management Practices*****Prior to commencement of demolition, grading, or construction***

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

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

**21. Waste Reduction and Recycling**

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

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

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

***Ongoing***

The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.

**SPECIFIC CONDITIONS****22. Telecommunications Facility Removal Agreement ("Sinking Fund*****Prior to issuance of a building permit***

The applicant shall file a Telecommunications Facility Removal Agreement and bond with the City as is standard practice to ensure that the facility be removed from the site should it cease to be operated.

**23. Emissions Report*****Prior to a final inspection***

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.

**24. GPS and RRU Antennas*****Prior to submitting for a Building Permit***

The GPS and RRU antenna shall be relocated/redesigned to either not exceed the height of the roofline or to meet the City's requirement for a 1:1 height/setback for antennas located above a roofline.

**25. Camouflaging*****Prior to a final inspection***

Paint antennas and all unconcealed equipment such as cable trays and attachment apparatus to match building color.

**26. Concealment*****Prior to submitting for a Building Permit***

Equipment cabinet shelters enclosed with chain link fencing shall be retrofitted with wooden slats

as necessary to completely conceal contents.

**27. Litter**

***Ongoing***

Litter shall be removed from the parking lot and public right-of-way (sidewalk and gutter) fronting the property along Keller Avenue at least once per week.

**APPROVED BY:**

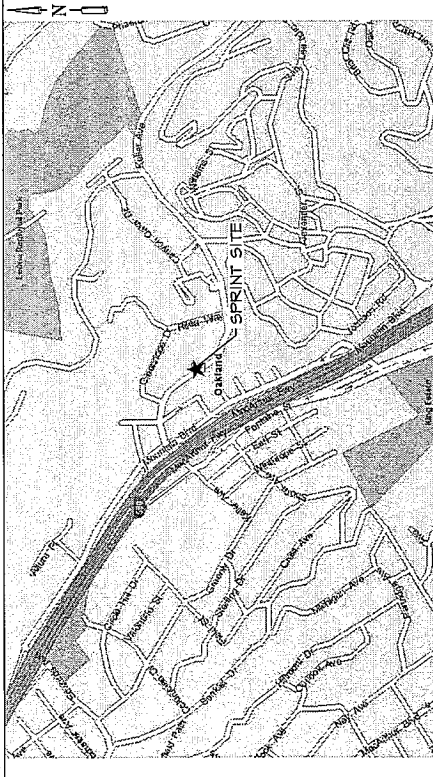
City Planning Commission: \_\_\_\_\_ (date) \_\_\_\_\_ (vote)



## SEQUOYAH CHURCH

NETWORK VISION MM LAUNCH  
SITE#: FNO3XC088-B  
ADDRESS: 4242 KELLER AVE  
OAKLAND, CA 94605  
SITE TYPE: ROOFTOP  
MARKET NAME: SAN FRANCISCO BAY

### VICINITY MAP - N.T.S.



### DRIVING DIRECTIONS FROM NEAREST AIRPORT

TO SEQUOYAH CHURCH  
4242 KELLER AVE  
OAKLAND, CA 94605

TO SEQUOYAH CHURCH  
4242 KELLER AVE  
OAKLAND, CA 94605

Know what's below.  
Call before you dig.



### CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AND REGULATIONS, NOTING THAT THE FOLLOWING GOVERNING AUTHORITIES, NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

- CALIFORNIA ADMINISTRATIVE CODE (INCL. TITLE 24 & 25)
- CALIFORNIA ELECTRICAL CODE
- BUILDING OFFICIALS AND CODE ADMINISTRATORS (BOCA)
- 2010 CALIFORNIA MECHANICAL CODE
- 2010 CALIFORNIA FIRE CODE
- 2010 CALIFORNIA ELECTRICAL CODE
- 2010 CALIFORNIA FIRE CODE
- LOCAL BUILDING CODE

### BUILDING/SITE DATA LEGEND

LATITUDE: 37° 46' 11.80" N (NAD 83)  
LONGITUDE: 122° 01' 05.10" W (NAD 83)  
APN: 040A-5847-004-16  
ZONING: R-50, MEDIUM DENSITY RESIDENTIAL  
OCCUPANCY: U, UNMANNED  
CONSTRUCTION TYPE: V-B  
EXISTING PROJECT AREA: 205 SQ. FT.  
ADA REG.: FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION, ADA ACCESS NOT REQUIRED.  
TITLE 24 REG.: FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION, TITLE 24 IS EXEMPT.

### PROJECT DESCRIPTION

PERFORM SITE MODIFICATIONS TO AN EXISTING WIRELESS COMMUNICATIONS FACILITY, INCLUDING THE REPLACEMENT OF (2) PANEL ANTENNAS, THE REPLACEMENT OF (2) EQUIPMENT CABINETS AND THE REMOVAL OF (1) EQUIPMENT CABINET.  
ANTENNA COUNT POST UPGRADE: (6)  
EQUIPMENT CABINET COUNT POST UPGRADE: (2)

### SIGNATURE BLOCK

ZONING MANAGER	DATE
SITE ACQ. MANAGER	DATE
RF MANAGER	DATE
MICROWAVE MANAGER	DATE
CONSTRUCTION MANAGER	DATE

### PROJECT SUMMARY

PROPERTY OWNER SEQUOYAH CHURCH 4242 KELLER AVE OAKLAND, CA 94605 PHONE: (916) 941-5060	CONSULTANT TRK ENGINEERING LTD. 1201 - 11600 66TH AVE SURREY, BC V2S 7X0, CANADA CONTACT: DENNIS ANATEA PHONE: (604) 574-0422
APPLICANT SPRINT 6850 SPRINT PARKWAY OVERLAND PARK, KANSAS 66251	LEASING MANAGER CORTEL, LLC CONTACT: MICHAEL @GUELOTTO PHONE: (733) 1330
EQUIPMENT SUPPLIER SAMSUNG TELECOMMUNICATIONS AMERICA (STA) 1501 EAST LOOKOUT DRIVE RICHMOND, TX 75382-1124 PHONE: (713) 781-7000	ZONING MANAGER CORTEL, LLC CONTACT: MICHELLE KELLER PHONE: (925) 981-1512
CONSULTANT BLACK & VEATCH CORPORATION 2444 OAK ROAD, SUITE 400 SAN FRANCISCO, CA 94115 PHONE: (415) 941-3116	POWER COMPANY PG&E
	TELCO COMPANY TSD.

### SHEET INDEX

REV	DWG	NAME
1	T-1	TITLE SHEET
1	A-1	ROOF PLAN
1	A-2	COMPOND LAYOUT
1	A-3	WEST AND EAST ELEVATIONS
1	A-4	EQUIPMENT DETAILS
1	A-5	ANTENNA DETAILS



BLACK & VEATCH



PROJECT NO.	184-044
DRAWN BY	L.S.D./A.
CHECKED BY	P.A.
CAD FILE	184-044.rvt

### SUBMITTALS

1	NOI 301	PERMIT FOR R.O.V.
2	NOI 302	PERMIT FOR R.O.V.
3	NOI 303	PERMIT FOR R.O.V.

### AREAS

SEQUOYAH CHURCH FNO3XC088-B 4242 KELLER AVE OAKLAND, CA 94605
--

### SHEET TITLE

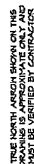
TITLE SHEET

### 4242 KELLER

T-1

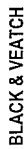


TRUE NORTH ARROW SHOWN ON THIS  
DRAWING IS APPROXIMATE ONLY AND  
MUST BE VERIFIED BY CONTRACTOR



2 1' 3' 4'

1. CONTRACTOR TO PROVIDE ALL REQUIRED MATERIALS NECESSARY TO FACILITATE ANTENNA CABLE ROUTING FROM EQUIPMENT TO ANTENNAS.
2. CONTRACTORS WORK SHALL COMPLY WITH ALL APPLICABLE CODES AND STANDARDS AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION (MAY BE FOR THE LOCATION, THE EDITION OF THE SAME, AND THE DATE OF CONTRACT AWARD SHALL GOVERN THE DESIGN).
3. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF ROOF MATERIALS DURING CONSTRUCTION. ALL WORK SHALL BE DONE IN ACCORDANCE WITH STANDARD ROOFING PRACTICES.
4. CONTRACTOR TO SITE VERIFY LOCATION OF ANTENNA CABLE ROUTING PRIOR TO CONSTRUCTION.
5. PAINT ANTENNAS, ANTENNA MOUNTS, ANTENNA CABLES AND ANTENNA MACHINERY TO MATCH EXISTING BUILDING EXTERIORS.



1164-014

DRAWN BY, L.S.D.M.

CHECKED BY: P.M.

CAD FILE: 1164-044A

## **SUBMITTALS**

INSURED FOR 2

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

THE UNIVERSITY OF CHICAGO

2015

6172

JOYAH CHUNG

2 KELLER A

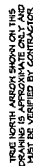
**SHEET TITLE**

## IAL ROOF

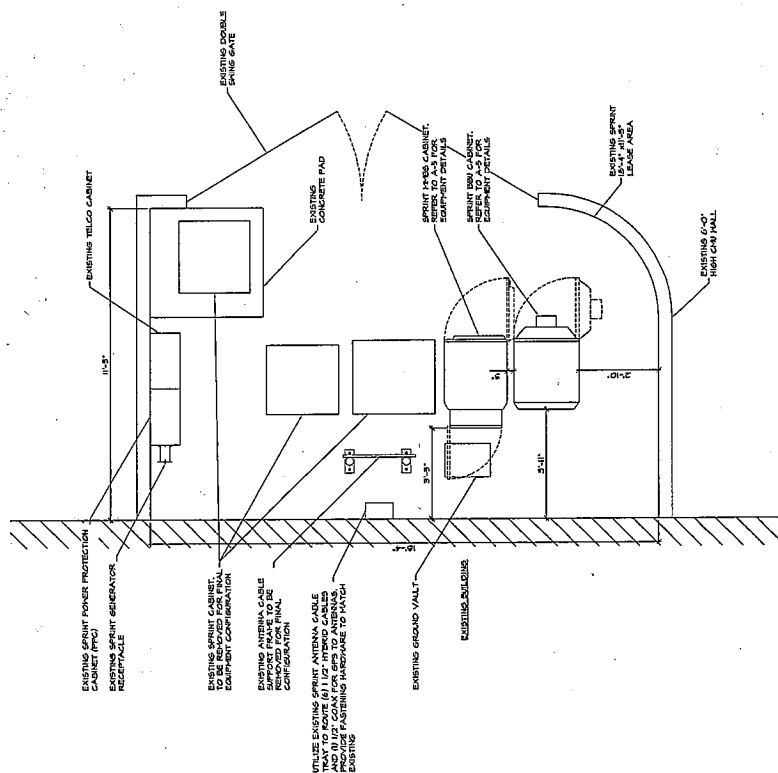
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A-5

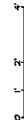
[illegible]



- [illegible]



① COMPOUND LAYOUT



**BLACK & VEATCH**



PROJECT NO. 1164-044

DRAWN BY: L.S./D.M.

CHECKED BY:

CVS #/LE, 1164-041A3

## SUBMITTALS

1	1/2 APR	RECEIVED PER DAY
2	8 APR	ISSUED FOR ZONING
3	1/27 MAY	ISSUED FOR REVIEW

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO THE CURRENT MARKET IS STRICTLY PROHIBITED.

**WE CAN:**

SEQUOYAH CHURCH  
FNO3XC088-B  
4292 KELLER AVE  
OAKLAND, CA 94605

### **DEBUT TIME**

## COMPOUND LAYOUT

**Index Number**

A-3









665 SPRINT PARKWAY  
OVERLAND PARK, KANSAS 66207



BLACK & VEATCH



PROJECT NO. 114-014

DRAWN BY: L.S.J.M.

CHECKED BY: P.M.

CAD FILE: 114-014.dwg

SUBMITTALS

1	NOV 2011	REVISION PER REV
2	MAY 2012	REVISION PER REV
3	MAY 2012	REVISION PER REV

THE DRAWING IS THE PROPERTY OF BLACK & VEATCH. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT 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 BLACK & VEATCH.

AS BUILT

SITE

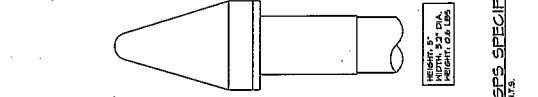
SEQUOIAH CHURCH  
FNO3XC08-B  
4242 KELLER AVE  
OAKLAND, CA 94605

SHEET TITLE

ANTENNA DETAILS

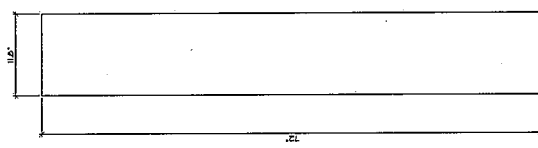
SHEET NUMBER

A-6



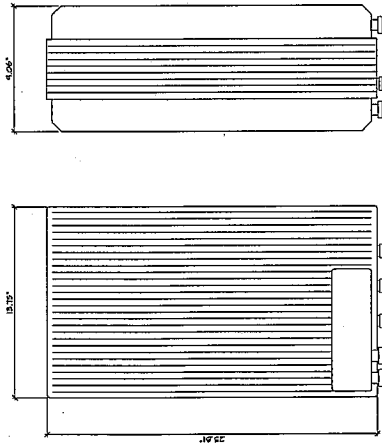
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DEPTH 5"  
WEIGHT 800 LBS W/POURING BRACKET

3 GPS SPECIFICATION  
N.T.S.



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DEPTH 5"  
WEIGHT 800 LBS W/POURING BRACKET

2 ANTENNA SPECIFICATION  
N.T.S.

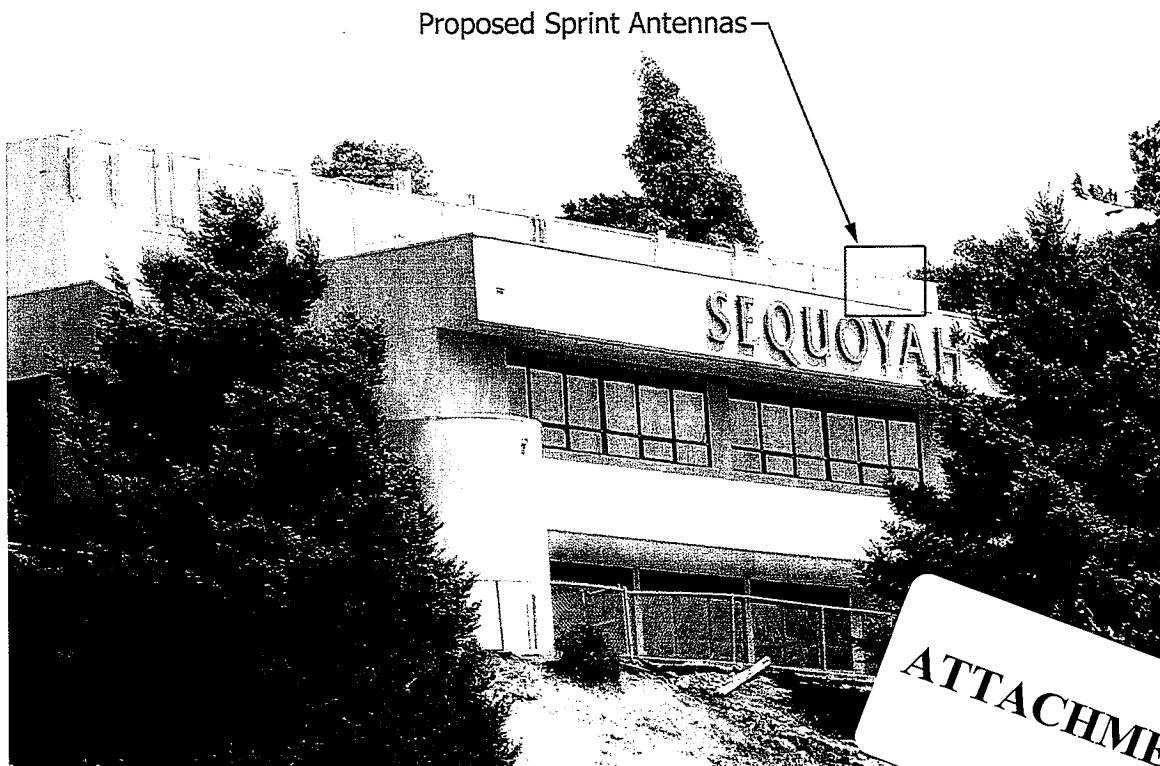


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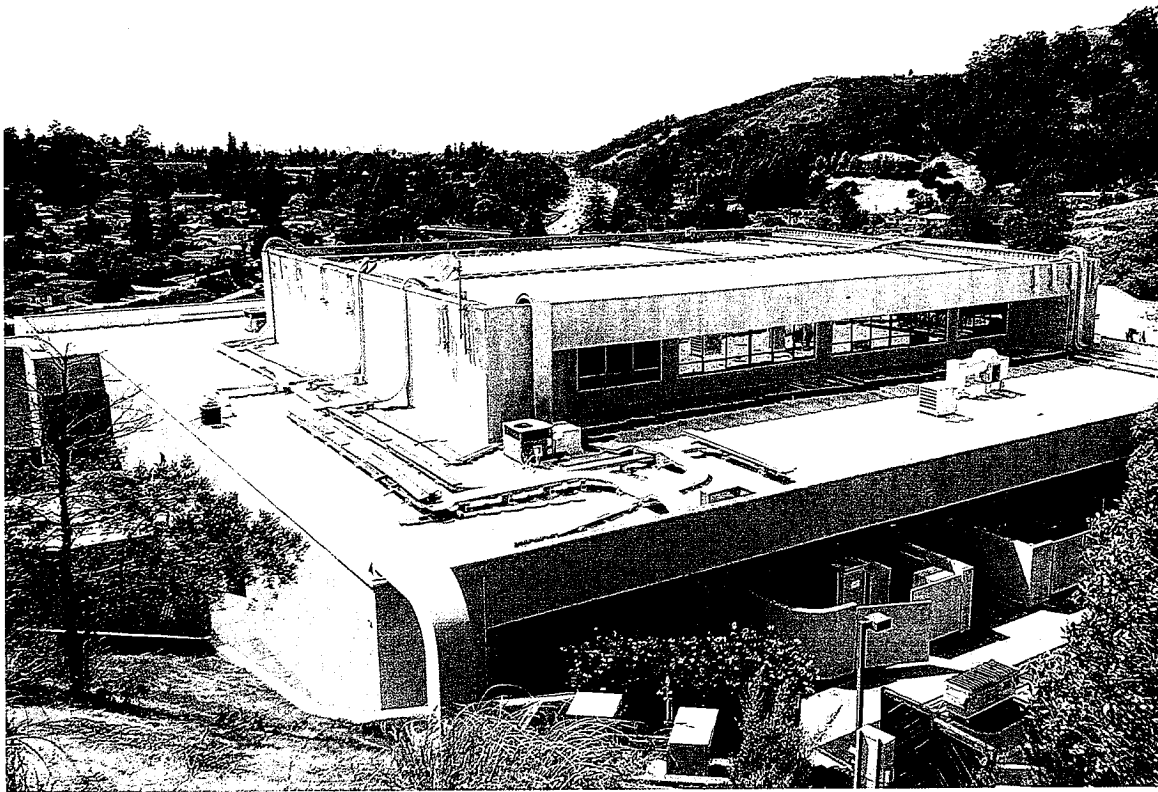
1 RRU SPECIFICATION  
N.T.S.



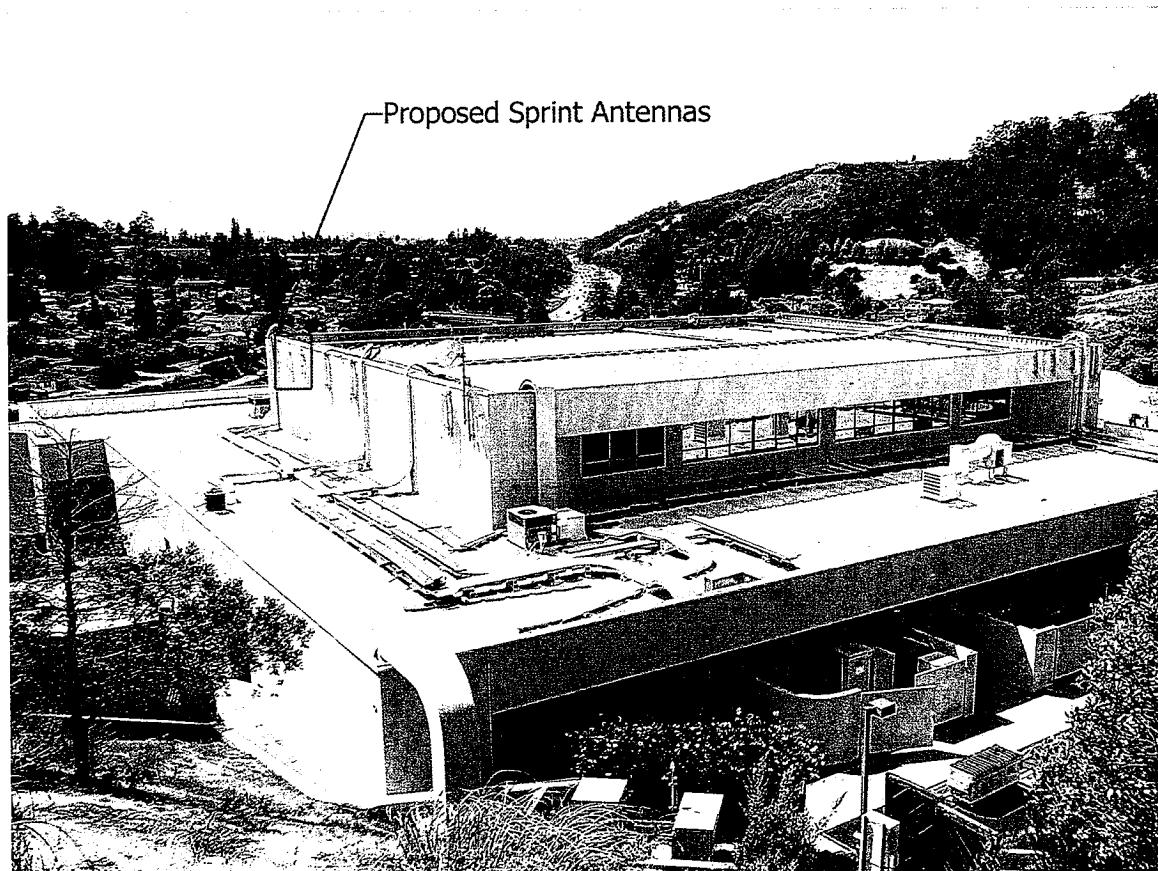
Proposed



Northwest Elevation



Proposed



<b>Location:</b>	<b>4292 Keller Avenue (Sequoyah Community Church)</b>
<b>Assessor's Parcel Number:</b>	<b>040A-3847-004-15</b>
<b>Proposal:</b>	To expand a wireless telecommunications facility consisting of antennas attached to the sides of a church's upper story and equipment cabinets located in ground level shelters by replacing two antennas and two cabinets and installing related equipment.
<b>Applicant/</b>	Michelle Weller/Cortel (for: Sprint, carrier)
<b>Phone Number:</b>	(925) 997-1312
<b>Owner:</b>	Sequoyah Community Church
<b>Planning Permits Required:</b>	Major Conditional Use Permit and Regular Design Review each with additional findings to expand a Macro telecommunications facility located within a residential zone
<b>General Plan:</b>	Detached Unit Residential
<b>Zoning:</b>	RD-1 Detached Unit Residential Zone – 1
<b>Environmental</b>	Exempt, Section 15301(e) of the State CEQA Guidelines:
<b>Determination:</b>	Existing Facilities (Additions to existing structures); Section 15183 of the State CEQA Guidelines:
	Projects consistent with a community plan, general plan or zoning
<b>Historic Status:</b>	Not a Potential Designated Historic Property Survey Ratings: *3
<b>Service Delivery District:</b>	6
<b>City Council District:</b>	7
<b>Date Filed:</b>	August 18, 2011
<b>Staff Recommendation:</b>	Approve with the attached conditions
<b>Finality of Decision:</b>	<i>Appealable to City Council</i>
<b>For Further Information:</b>	Contact case planner <b>Aubrey Rose, Planner II</b> at (510) 238-2071 or <a href="mailto:arose@oaklandnet.com">arose@oaklandnet.com</a>

**SUMMARY**

The applicant Ms. Michelle Weller/Cortel (for: Sprint, carrier) on behalf of the property owner Sequoyah Community Church requests Planning Commission approval of a Major Conditional Use Permit and Regular Design Review each with additional findings to expand a wireless telecommunications facility collocated at a church. The request triggers Planning Commission review, pursuant to the Planning Code, as it requests the expansion of a Macro Facility located within a residential zone.

Staff recommends approval of the requested permits, subject to the Findings and Conditions of Approval.

## **PROPERTY DESCRIPTION**

The property is an 8-acre triangle-shaped parcel with a level area to the northeast fronting Keller Avenue and a significant down slope to the west facing Mountain Boulevard and the 580 freeway. To the north across Keller Avenue is a residential neighborhood; to the southeast is the Oak Knoll property; downhill to the west is a residential neighborhood adjacent to Mountain Boulevard, and the 580 freeway.

The church building is situated in the center of the property, at the top of the slope; the parking lot is situated in the level area and is accessible from Keller Avenue. The church is three-stories and measures 26'-1" in height. It is over 200-feet in distance from the nearest residence in any direction. The building is most prominently visible off-site at its wide western façade from the 580 freeway, a scenic highway under the General Plan's Scenic Highways Element adopted in 1974.

The church building contains numerous wireless telecommunications antennas belonging to various carriers. These are positioned along the sides of a rooftop parapet on three sides including the western side and are attached below the roofline. There are Sprint antennas at the site measuring four-feet in height. At the rear of the parking lot adjacent to the building are various equipment cabinet shelters screened with wooden siding. There are a total of thirty-two (32) antennas on the building. The earliest installations date back to approximately 1996, and, while not the most attractive installation available today, the existing antennas have essentially taken on the look of architectural elements on the relatively simple facades of the building.

## **PROJECT DESCRIPTION**

The project is similar to requests that the Planning Commission approved in 2007 and 2009. The proposal consists of expansion to the wireless telecommunications facility by replacing two antennas and two cabinets and at current locations and installing related equipment. Replacement antennas would measure six-feet in height. Related equipment would consist of two remote radio units (RRU's) and one GPS antenna. The RRU's would measure nearly two-feet in height and would be installed on the parapet roof set back two-feet from the roofline. The GPS antenna would measure five-inches in height and its base would be attached to the parapet wall at the roofline so that the antenna would extend above it.

## **TELECOMMUNICATIONS BACKGROUND**

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

## **GENERAL PLAN ANALYSIS**

The project site is located within a Detached Unit Residential area under the General Plan's Land Use & Transportation Element (LUTE) adopted 1998. The Conformity Guidelines are silent on Telecommunications Facilities. The Intent of the area is: *"to create, maintain, and enhance residential areas characterized by detached, single unit structures"* and the Desired Character and Uses is that

*"Future development within this classification should remain residential in character with appropriate allowances for schools and other small scale civic institutions."* The proposal would enhance an essential service while ensuring, as conditioned, the facility would remain camouflaged and concealed, and the site area be maintained. The project therefore conforms to the area's intent and to the following Objective of the LUTE:

#### **CIVIC AND INSTITUTIONAL USES.**

##### **Objective N2**

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

Staff therefore finds the proposal, with conditions, to be in conformance with the General Plan.

#### **ZONING ANALYSIS**

The proposed facility constitutes a 'Macro' Facility because it consists of more than 12 antennas. New or expanded Macro Facilities located within residential zones require Planning Commission review. The project site is located in the RD-1 Detached Unit Residential Zone – 1. The intent of the RD-1 zone is: *"to create, maintain, and enhance areas with detached, single unit structures. A limited number of commercial uses will be permitted or conditionally permitted in existing non-residential facilities."* The site contains several antennas that are camouflaged by paint to match the color of the church building and equipment cabinets that are concealed by enclosures located behind the building. With proposed conditions discussed in the Key Issues And Impacts section of this report, staff finds the proposal to conform to the Planning Code.

#### **ENVIRONMENTAL DETERMINATION**

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15301(e) of the State CEQA Guidelines exempts projects involving additions to existing facilities or structures. The proposal to replace antennas with two larger antennas, to replace two equipment cabinets, and to install related equipment meets this description: the project would constitute a minor addition only. The project is therefore exempt from Environmental Review.

#### **KEY ISSUES AND IMPACTS**

The proposal is not subject to site location or site design preferences analyses and a satisfactory radio frequency emissions report (EF Report) has been submitted. Staff notes the five-inch GPS antenna is not set back five-inches from the roofline and therefore the "1:1 setback" finding (1:1 height/setback) is not met. Staff has added a condition of approval that the GPS antenna be relocated/redesigned to meet the 1:1 requirement. Additionally, conditions will ensure all visible equipment (antennas, cables, related equipment) be painted to match the color of the building as camouflaging, that the equipment shelters completely conceal their contents (cabinets), and that litter be removed from the parking lot and fronting public right-of-way.

No correspondence has been received by staff and there are no outstanding issues regarding the project. Staff recommends Planning Commission approval of the request.

- RECOMMENDATIONS:**
1. Affirm staff's environmental determination.
  2. Approve the Major Conditional Use Permit and the Regular Design Review subject to the attached Findings and Conditions.

Prepared by:

---

AUBREY ROSE  
Planner II

Approved by:

---

SCOTT MILLER  
Zoning Manager

Approved for forwarding to the  
City Planning Commission:

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ERIC ANGSTADT  
Deputy Director  
Community and Economic Development Agency

**ATTACHMENTS:**

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