Oakland City Planning Commission STAFF REPORT

Case File Number CMD10-0022 **April 7, 2010**

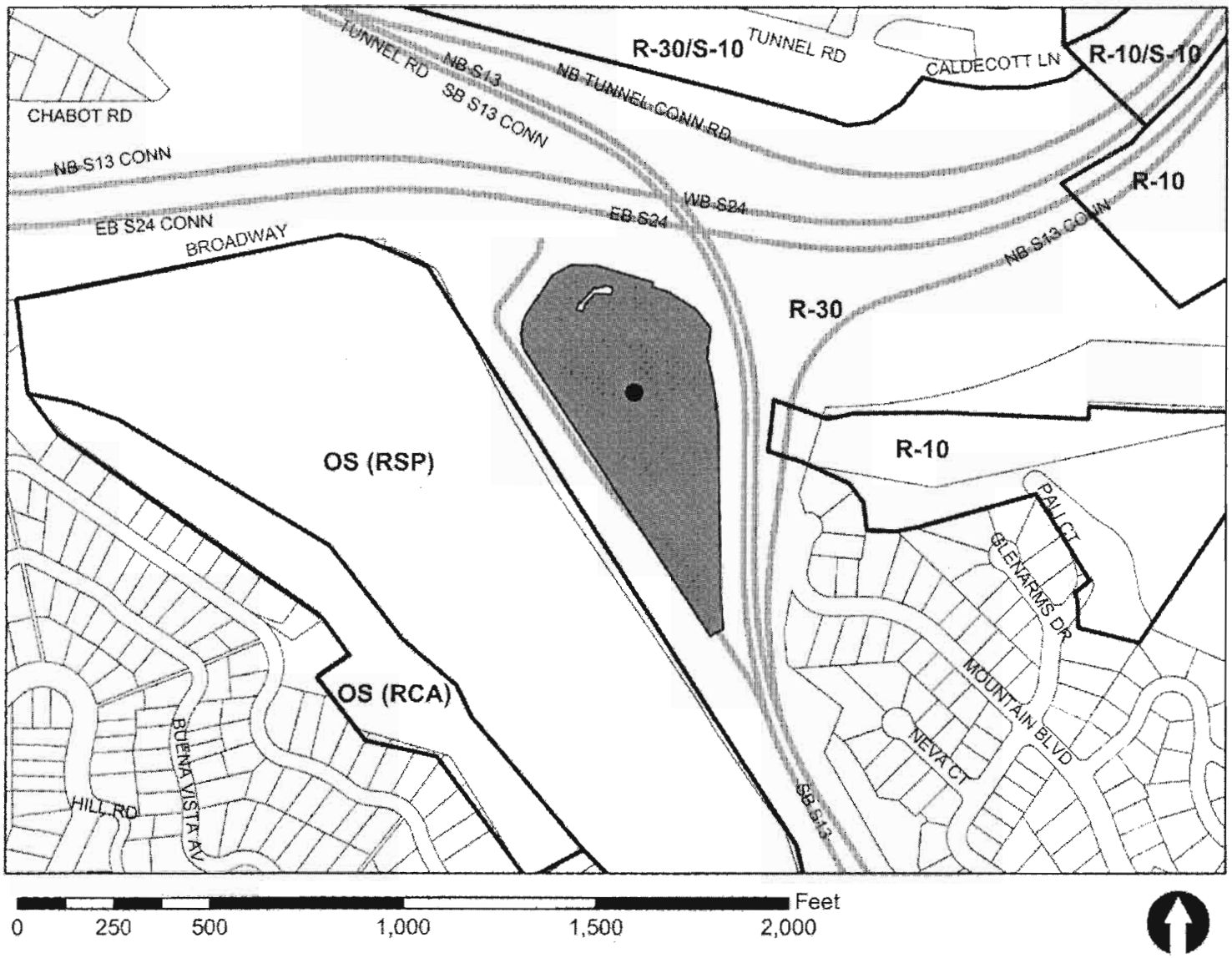
Location:	**6670 Broadway (APN.048H-7591-004-06)**
Proposal:	Installation of a wireless telecommunication facility consisting of: one equipment cabinet located within existing chain link enclosure cabinet equipment area at the site; one (1) microwave antenna and three (3) panel antennas at approximately 58'-8" high attached to an existing 65' high Monopole with nine (9) existing antennas for total of 13 telecommunication antennas.
Applicant/ Phone Number:	Michelle Weller/Cortel, LLC (for: Clearwire) (925) 997-1312
Owner:	PG & E
Planning Permits Required:	Major Conditional Use Permit with special findings to allow the expansion of a Monopole Facility within a Residential Zone (OMC Sec. 17.16.070, 17.128.080(C), 17.134.020(A)(3)(i)); and Regular Design Review with special findings to allow the expansion of a Monopole Facility (OMC Sec. 17.16.030, 17.128.080(B), 17.136.040(A)(10))
General Plan:	Resource and Conservation
Zoning:	R-30 One-Family Residential Zone
Environmental Determination:	Exempt, Section 15301(e) of the State CEQA Guidelines: Existing Facilities (Additions to existing structures); Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan, or Zoning
Historic Status:	Non-Historic Property; no survey rating
Service Delivery District:	2
City Council District:	1
Date Filed:	January 27 2010
Action to be Taken:	Decision based on staff report
Finality of Decision:	*Appealable to City Council within 10 days*
For Further Information:	Contact case planner Jason Madani, **Planner II** at **(510) 238-4790** or **jsmadani@oaklandnet.com**

SUMMARY

The applicant, Michelle Weller/Cortel, LLC (for: Clearwire), on behalf of the property owner, PG & E , requests Planning Commission approval of a Major Conditional Use Permit and Regular Design Review, both with special findings for telecommunications facilities, to expand an existing Monopole Wireless Telecommunications Facility. The proposal is to add four (4) new wireless antennas to an existing 65 foot high Monopole Telecommunication facility with nine (9) existing antennas for a total of 13 telecommunication antennas and one equipment cabinet located on a concrete pad adjacent to the existing Monopole structure on PG & E Substation property. The request triggers Planning Commission review, pursuant to the Planning Code, as it features the expansion of a Monopole located within a Residential Zone.

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

CITY OF OAKLAND PLANNING COMMISSION



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Case File: CMD10-022
Applicant: Cortel c/o Clearwire
Address: 6670 Broadway
Zone: R-30

PROJECT DESCRIPTION

The applicant (Cortel c/o Clearwire) is proposing a co-location for the installation of four (4) wireless telecommunication antennas mounted at approximately 58'-8 high on an existing 65' high Monopole structure with nine (9) existing antennas, for the total of 13 telecommunication antennas located on the PG & E sub-station property. The proposed equipment shelters will be located within an existing Verizon telecommunication equipment enclosure area adjacent to the monopole structure. The proposed antennas and associated equipment will not be accessible to the public. (See attachment A).

PROPERTY DESCRIPTION

The subject property is approximately 6.29 acres, with one principal building and office trailer and several transformer structures used by PG&E. There is an existing 65' high Monopole Telecommunication Facility on the parcel and associated equipment cabinets adjacent to the PG&E building. The property is bounded by HWY 13 to the East and open space to the West. Currently there are four other existing wireless communications facilities as well as the monopole facility. However, all other carrier antennas are façade- mounted on the existing PG&E building. The Clear wire proposal is to add : (4) wireless telecommunication antennas mounted at approximately 58'-8 high on the existing 65' high Monopole structure with one equipment shelter located on a concrete pad adjacent to the existing monopole. The existing and proposed telecommunication facilities are using approximately 1000 square feet of the site.

GENERAL PLAN ANALYSIS

The project site is located within a Resource and Conservation area under the General Plan's Land Use designation adopted 1998. The Intent of the area is: "to identify, enhance and maintain publicly-owned lands for the purpose of conserving and appropriately managing undeveloped area which have high natural resource value, scenic value, or natural hazards which preclude safe development." The General Plan Conformity Guidelines are silent on Telecommunications Facilities in the Resource and Conservation areas. The antennas will be mounted on an existing monopole structure and visual impacts will be minimal since the antennas will be painted to match existing monopole structure. Staff finds the proposal to conform to the General Plan.

ZONING ANALYSIS

The project site is located in an R-30 One-Family Residential Zone. The intent of the R-30 Zone is: "to create, preserve, and enhance areas for single-family dwellings in desirable settings for urban living, and is typically appropriate to already developed lower density dwelling areas of the city." Although the project is located within a Residential Zone, but the proposal site is over 1000' a way from any residences. The project requires a Major Conditional Use Permit and a Regular Design

Review, each with special findings, to allow the expansion of an existing Monopole Facility located within a Residential Zone. Special findings required to approve the Conditional Use Permit ensure the facility is compatible with surroundings and does not constitute an over-concentration of facilities in the area. Special findings required to approve the Design Review ensure the facility is collocated and components are concealed to the extent possible. These findings are met by this proposal; the existing facility is well-suited for function and is not located near any facilities or visible from the public right of way. Staff finds the proposal to be consistent with the Planning Code.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as Categorical Exemptions from environmental review. The proposed project is Categorically Exempt from the environmental review requirements pursuant to 15301(e), additions and alterations to existing facilities, and 15183, projects consistent with a community plan, general plan or zoning. The project is therefore exempt from Environmental Review.

KEY ISSUES AND IMPACTS

1. Conditional Use Permit

Section 17.16.070 of the City of Oakland Planning Code requires a Major Conditional Use Permit to install or to expand a Monopole Telecommunication facility in the R-30 One-Family Residential 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 in or within one hundred (100) feet of the boundary of 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;
D. Existing commercial or industrial structures in residential zones;
E. Other non-residential uses in residential zones;
F. Residential uses in non-residential zones;
G. Residential uses in residential zones.

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

Since the proposed project involves co-locating the installation of new antennas and associated equipment cabinets on an existing facility, the proposed project meets: (A) co-locating on an existing structure or facility with existing wireless antennas.

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. 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 Radio Frequency (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 is conforming to all other telecommunication regulation requirements. The project has met design criteria (A), since the antennas will be mounted on an existing monopole structure and painted to match the color of the existing monopole metal structure and equipment cabinet will be within an existing chain link fence enclosure to minimize visual impacts.

4. Project Radio Frequency Emissions Standards

Section 17.128.130 of the City of Oakland Telecommunication Regulations requires that the applicant submit the following verifications including requests for modifications to existing facilities:

a. With the initial application, a RF emissions report must be submitted, prepared by a licensed professional engineer or other expert, indicating that FCC accepted RF exposure is 1000 microwatts per centimeter squared for 1900 MHZ service & 580 microwatts per centimeter squared for 850 MHz services (see attachment B). Total aggregate existing emissions are 1.5697% of the maximum Permissible Exposure when on the ground and 3.818% when on a nearby building. (See attachment B). The total aggregate emission, including Clearwire, are 1.5872% of the maximum permissible exposure when on the ground and 4.2669% when on a nearby building (see attachment B). 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 commencement of construction, a RF emissions report must be submitted indicating the baseline RF emissions condition at the proposed site.
c. Prior to final building permit sign off, an RF emissions report must be submitted 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 applicant states that the proposed project meets the Radio Frequency (RF) emissions standards as required by the regulatory agency. Submitted with the initial application was a RF emissions report, **prepared by Engineer, Sei Yuen Sylvan Wong, (attachment B)**. The report states that the proposed project will comply with the prevailing standards for limiting public exposure to Radio Frequency energy and, therefore, will not cause a significant impact on the environment. Additionally, staff recommends that prior to the final building permit sign off; the applicant submits certified RF emissions report stating that the facility is operating within acceptable thresholds established by the regulatory federal agency.

CONCLUSION
City of Oakland planning staff finds that the proposed project and subject property can be developed to meet the established zoning and telecommunication regulations that were created and adopted to set certain criteria minimums and maximums for similar types of developments. Staff believes that the findings for approval can be made to support the Conditional Use Permit and Design Review.

No correspondence has been received by staff and there are no outstanding issues regarding the project.

Staff recommends Planning Commission approval of the requested Major Conditional Use Permit and Regular Design Review to allow the expansion of a Monopole Wireless Telecommunications Facility.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.
2. Approve the Major Conditional Use Permit and Design Review application CMD10-0022, subject to the attached findings and Conditions of approval.

Prepared by:

Jason Madani
Planner II

Approved by:

SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:

WALTER S. COHEN
Director
Community and Economic Development Agency

ATTACHMENTS:

A. Project Plans & Photo simulations
B. Sei Yuen Sylvan Wong, Engineering RF Emission

FINDINGS FOR APPROVAL

This proposal meets the required findings under General Use Permit Criteria (OMC Sec. 17.134.050), Conditional Use Permit Criteria for Monopoles (OMC Sec. 17.128.080(C)), Regular Design Review Criteria for Non-Residential Facilities (OMC Sec. 17.136.050(B)), and Design Review Criteria for Monopoles (OMC Sec. 17.128.080(B)), as set forth below. Required findings are shown in bold type; explanations as to why these findings can be made are 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 proposal is to expand an existing Monopole Wireless Telecommunications Facility. The monopole measures 65-feet in height. It is contained within a fenced enclosure at a remote location adjacent to a PG&E substation building within a 6.29 acre parcel. The proposal is to attach four (4) new antennas at 58'-8" high elevation on the existing monopole structure, and to install one (1) new equipment cabinet within the fenced enclosure underneath the monopole structure. The proposed ClearWire will co-locate a wireless facility on an existing monopole structure, so the additional antennas will not be creating a significant change in the aesthetics of the existing monopole structure. The facility will be unmanned and will not create additional vehicular traffic in the area. The project will increase service without creating incompatibilities with other uses.

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 location, design and site planning of the proposed development will provide a convenient and functional working and shopping environment, and will attempt to preserve the attractive nature of the use and its location and setting warrant. Although the project is located within a Residential Zone, but the proposal site is over 1000' a way from any residences. The proposal will preserve a convenient and functional working and living environment; therefore it would not affect the general quality and character of the neighborhood.

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 and 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 at Section 17.136.070.

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 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 Resource and Conservation area under the General Plan's Land Use adopted 1998. The Intent of the area is: "to identify, enhance and maintain publicly-owned lands for the purpose of conserving and appropriately managing undeveloped area which have high natural resource value, scenic value, or natural hazards which preclude safe development." The General Plan Conformity Guidelines are silent on Telecommunications Facilities in Institutional areas. The antennas will be mounted on the existing monopole structure and visual impacts will be mitigated since the antennas will be painted to match existing monopole structure. Staff finds the proposal to conform to the General Plan.

CONDITIONAL USE PERMIT CRITERIA FOR MONOPOLES (OMC SEC. 17.128.080(C))

In addition to the Conditional Use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a Conditional Use Permit can be granted:

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

The proposed antennas will be flush mounted on an existing monopole structure and the antennas will be painted to match the existing structure.

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.

This finding is not applicable; the project involves an existing monopole.

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

This finding is met; the project is located within a Residential Zone, but the proposal site is over 1000' a way from any residences. The monopole is an existing facility at a remote location that is not visible from the public right-of-way.

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 Major Conditional Use Permit is required; however, no independent expert review has been requested for this existing facility.

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

1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures:

The proposal is the addition to an existing Monopole telecommunications facility which includes the addition of four (4) antennas mounted to the an existing 65' high monopole structure at 58'-8" elevation and one equipment cabinet will be on a concrete pad next to the monopole within an existing chain link fence enclosure. The 4 proposed antennas will not be mounted on an architecturally significant structures and will be painted to match the existing monopole structure; therefore is consistent and well related to the surrounding area in scale, bulk, height, materials, and textures.

2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics;

The design will be appropriate and compatible with current zoning and General Plan Land use designations. The proposal protects and preserves the surrounding neighborhood context by adding additional wireless telecommunication antennas to an existing telecommunication site in a remote, open space area. The antennas will be painted to match the monopole structure and will not have any visual impact on the surrounding neighborhood.

3. The project will provide a necessary function without negatively impacting surrounding open space and hillside residential properties.

The subject property is approximately 6.29 acres, with one principal building and one office trailer and several transformers structures on the parcel and it is used by PG&E. There is an existing 65' high Monopole Telecommunication Facility and associated equipment cabinets adjacent to the PG&E building. The property is bounded with HWY 13 to the East and open space to the West. Therefore, the proposal is over1000' away from any residential properties.

4. That the proposed design will be sensitive to the topography and landscape.

The proposed telecommunication facility will be located on a level pad adjacent to an existing PG &E building.

5. That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill.

The existing monopole structure is near an existing P G &E building on a flat portion of the site.

6. 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 to the General Plan as described in a previous section of this Findings Attachment.

DESIGN REVIEW CRITERIA FOR MONOPOLES (OMC SEC. 17.128.080(B))
In addition to the design review criteria listed in Chapter 17.136, the following specific additional criteria must be met when design review is required before an application can be granted:

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 Clearwire project will co-locate a wireless facility on an existing monopole structure, so the additional antennas will not be creating a significant change in the aesthetics of the existing monopole structure.

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

The proposed four (4) new antennas will be co-located with nine (9) existing antennas for total of 13 antennas on an existing 65' high monopole structure at 58'-8" high elevation and will not have significant visual impact. The proposal will not be creating a significant change in the aesthetics of the existing monopole.

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

The project involves an existing monopole that is not visible from a public right-of-way.

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 one (1) new cabinet will be located within a fenced enclosure next to the monopole structure far away from public view.

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 project involves intensification of an existing site at a remote location that is not visible from the public right-of-way. The existing monopole will not be increased in height and the enclosure area will not be increased in size.

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 existing fenced enclosure contains a locked gate and barbed wire not visible from a public right-of-way and staff is not aware that tampering has ever been an issue.

CONDITIONS OF APPROVALCMD10-0022

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, staff report, and the plans dated **November 10, 2009** and submitted on **January 27, 2010**, 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.

   i) This Approval includes: Major Conditional Use Permit and Regular Design Review to expand an existing Monopole Wireless Telecommunications Facility by attaching four (4) new panel antennas, related equipment, and by installing one (1) new equipment cabinet within the chain link fenced enclosure located next to the existing monopole structure.

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 plan check 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. Dust Control

Prior to issuance of a demolition, grading or building permit

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

a) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.

b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).

c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.

d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.

e) Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.

f) Limit the amount of the disturbed area at any one time, where feasible.

g) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.

h) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

i) Replant vegetation in disturbed areas as quickly as feasible.

j) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).

k) Limit traffic speeds on unpaved roads to 15 miles per hour.

l) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.

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. 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. <u>Erosion and Sedimentation Control</u>

Ongoing throughout demolition grading, and/or construction activities

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

21. <u>Hazards Best Management Practices</u>

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.

22. Waste Reduction and Recycling

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

Prior to issuance of demolition, grading, or building permit

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

Ongoing

The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be in 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.

23. Lighting Plan

Prior to the issuance of an electrical or building permit

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

24. Archaeological Resources

Ongoing throughout demolition, grading, and/or construction

a) Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.

b) In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.

c) Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.

25. Human Remains

Ongoing throughout demolition, grading, and/or construction

In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the

find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

26. **Paleontological Resources**

Ongoing throughout demolition, grading, and/or construction

In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

27. **Erosion and Sedimentation Control Plan**

Prior to any grading activities

a) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.660 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

Ongoing throughout grading and construction activities

b) The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.

28. Vegetation Management Plan
http://www.oaklandnet.com/wildfirePrevention/WildfirePreventionAssessmentDistrictMap.pdf
Prior to issuance of a demolition, grading, and/or construction and Ongoing

a) The project applicant shall submit a vegetation management plan to the Planning and Zoning Division and Fire Services Division that includes if deemed appropriate, but not limited to the, following measures:
   i. Removal of dead vegetation overhanging roof and chimney areas;
   ii. Removal of leaves and needles from roofs;
   iii. Planting and placement of fire-resistant plants around the house and phasing out flammable vegetation;
   iv. Trimming back vegetation around windows;
   v. Removal of flammable vegetation on hillside slopes greater than 20%;
   vi. Pruning the lower branches of tall trees;
   vii. Clearing out ground-level brush and debris;
   viii. Stacking woodpiles away from structures.

b) The project applicant shall enter into a maintenance agreement with the City that ensures that landscaping will be maintained and adhere to measures listed above.

29. Drainage Plan for Projects on Slopes Greater than 20%
Prior to issuance of building permit (or other construction-related permit)

The project drawings submitted for a building permit (or other construction-related permit) shall contain a drainage plan to be reviewed and approved by the Building Services Division. The drainage plan shall include measures to reduce the post-construction volume and velocity of stormwater runoff to the maximum extent practicable. Stormwater runoff shall not be augmented to adjacent properties or creeks. The drainage plan shall include and identify the following:
i. All proposed impervious surface on the site;
ii. Anticipated directional flows of on-site stormwater runoff;
iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces;
iv. Source control measures to limit the potential for stormwater pollution; and
v. Stormwater treatment measures to remove pollutants from stormwater runoff.

30. Erosion, Sedimentation, and Debris Control Measures
Prior to issuance of demolition, grading, or construction-related permit

The project applicant shall submit an erosion and sedimentation control plan for review and approval by the Building Services Division. All work shall incorporate all applicable "Best Management Practices (BMPs) for the construction industry, and as outlined in the Alameda Countywide Clean Water Program pamphlets, including BMP's for dust, erosion and sedimentation abatement per Chapter Section 15.04 of the Oakland Municipal Code. The measures shall include, but are not limited to, the following:

a) On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented

parallel to the contours of the slope (at a constant elevation) to prevent erosion into the street, gutters, stormdrains.

b) In accordance with an approved erosion control plan, the project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent degradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.

c) Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.

d) Install filter materials acceptable to the Engineering Division at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.

e) Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.

f) Direct and locate tool and equipment cleaning so that wash water does not discharge into the street, gutters, or stormdrains.

g) Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.

h) Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.

i) Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.

j) Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the street, gutter, stormdrains.

k) All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and

Sediment Control Field Manual published by the Regional Water Quality Board (RWQB).

l) All erosion and sedimentation control measures shall be monitored regularly by the project applicant. The City may require erosion and sedimentation control measures to be inspected by a qualified environmental consultant (paid for by the project applicant) during or after rain events. If measures are insufficient to control sedimentation and erosion then the project applicant shall develop and implement additional and more effective measures immediately

PROJECT SPECIFIC CONDTIONS:

31. **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.

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

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