

Case File Number: PLN15-386

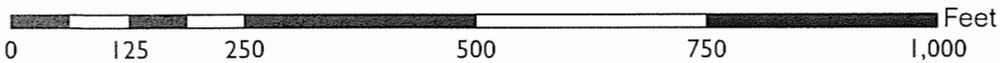
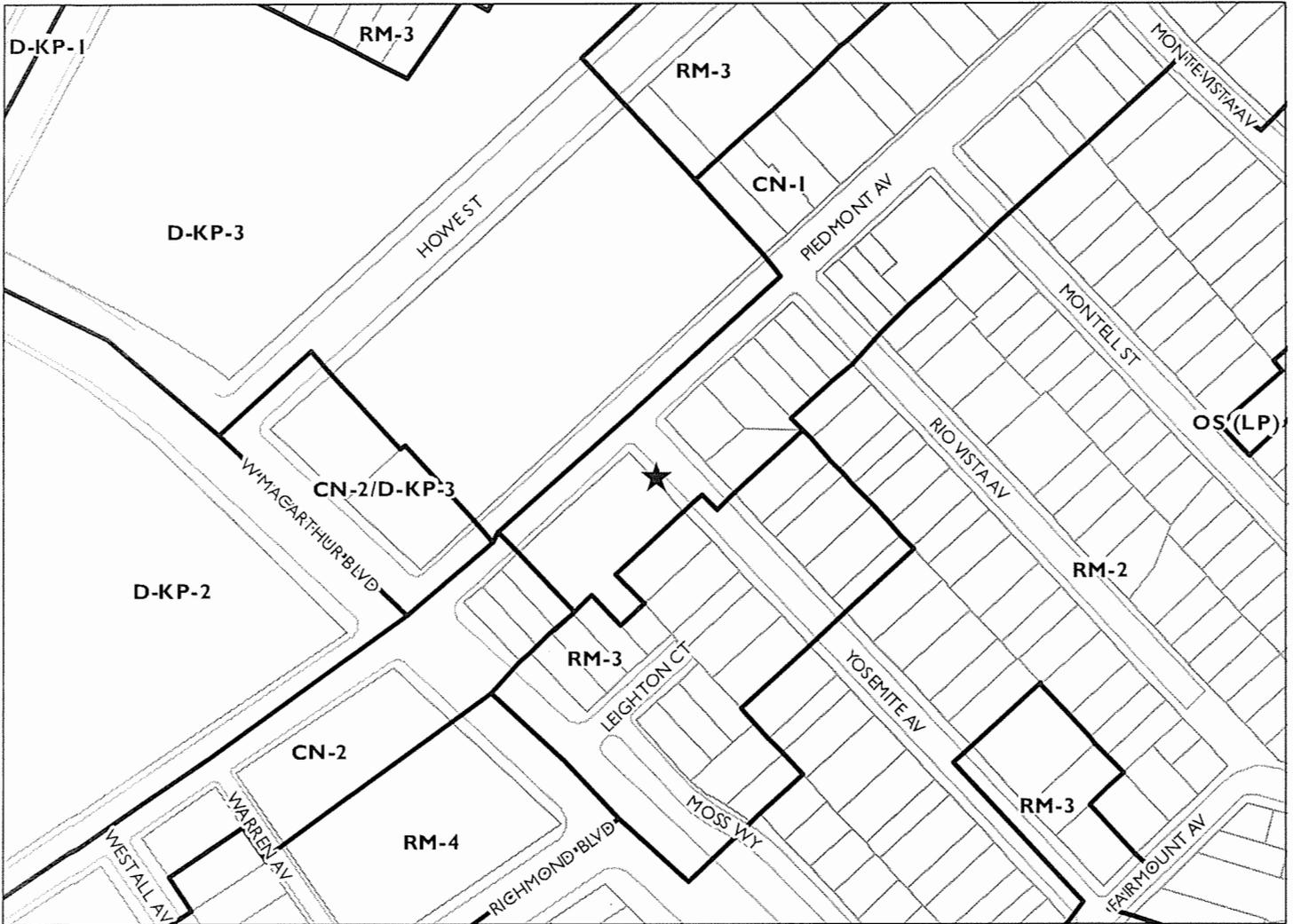
May 4, 2016

Location:	The Public Right of Way near 3770 Piedmont Avenue and Yosemite Avenue (See map on reverse)
Assessors Parcel Numbers:	Nearest lot adjacent to the project site (012-0938-021-00)
Proposal:	The project (revised design) involves the installation of a new wireless Telecommunications facility on a new 24' tall metal light pole located in the public right-of-way; installation of two 24" wide panel antenna mounted at a height of 23' above the ground; an associated equipment box will be located within a 31" tall by 27" wide wrap around enclosure attached to the pole 10' above the ground.
Applicant:	Crown Castle
Contact Person/	Bob Gundermann & Jason Osborn
Phone Number:	(925) 899-1999
Owner:	City of Oakland
Case File Number:	PLN15-386
Planning Permits Required:	Major Conditional Use Permit and Design Review to install a new Monopole Telecommunication Facility within 100' of a residential zone, and a Minor Variance to establish a Monopole facility within 1500 feet of another monopole facility.
General Plan:	Neighborhood Center Mixed Use
Zoning:	CN-1 Neighborhood Center
Environmental	Exempt, Section 15303 of the State CEQA Guidelines;
Determination:	installation of new telecommunication/light pole. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, General Plan or zoning.
Historic Status:	Not a Potential Designated Historic Property; Survey Rating: N/A
Service Delivery District:	2
City Council District:	1
Date Filed:	December 7, 2015
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner Jason Madani at (510) 238-4790 or jmadani@oaklandnet.com

SUMMARY

On April 6, 2016, the Planning Commission held a public hearing to discuss Crown Castle's application to install a telecommunications facility in the public right of way near 3770 Piedmont Avenue and Yosemite Avenue. During the public hearing, members of the public raised concerns that the proposed facility would be out of scale and would have negative visual impacts on the their neighborhood. The Planning Commissioners directed staff and Crown Castle to meet with the public and discuss alternative designs, including a light pole with an equipment

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN15-386
Applicant: Crown Castle
Address: Public Right-of-Way adjacent to
5 Yosemite Avenue and Piedmont Avenue
Zone: CN-1

cabinet built into the base. Subsequently, Crown Castle developed three different alternative design options which were presented to the Piedmont Avenue Neighborhood Improvement League (PANIL) community meeting on April 27, 2016. The majority of the community members voted to support alternative design option (3) to install round steel street light; install two 24" wide panel antennas mounted at a height of 23'; an associated equipment box will be located within a 31" tall by 27" wide wrap around enclosure attached to the pole 10' above the ground. (which reduces equipment cabinet size) see (attachment A)

PROJECT DESCRIPTION

In response to the Planning Commission's direction Crown Castle was advised to meet with PANIL and Staff to discuss alternative designs for the two nodes under review. Among the options presented, Crown Castle is proposing "Option 3", which consists of a new 24' tall metal light pole located in the City of Oakland public right-of-way. The project involves the installation of two 24" wide panel antennas mounted at 23' above the ground; an associated equipment box, within a 31" tall by 27" wide wrap around enclosure attached to the light pole 10' above the ground. . (See Attachment A)

Crown Castle has also provided another alternative design, "Option 1", which approximately 4' tall and 26" wide equipment cabinet structure built into the base of light pole.

REQUIRED FINDINGS AND CONDITIONS OF APPROVAL

As demonstrated in the attached findings, staff believes the new design proposal (Design Option 3) meets all the required findings under Planning Code sections 17.134.050 (General Use Permit criteria), 17.136.050(B) (Non-Residential Design Review criteria), 17.128.080(B) ((Monopole) Design Review criteria); 17.128.080(C) ((Monopole) Conditional Use Permit criteria); and 17.148.050 (Minor Variance). For convenience purposes, staff has attached all required findings to this staff report. The attached findings have been updated to reflect the newly proposed Design Option 3.

In addition, staff inadvertently attached outdated Conditions of Approval to the April 6, 2016 Staff Report. Attached to this staff report is a complete set of updated Conditions of Approval that will apply to the project.

CONCLUSION

Staff continues to recommend approval of either Design Option 3 or Design Option 1 for the proposed telecommunications facility and is available for questions.

RECOMMENDATIONS:

1. Affirm staff's environmental determination; and
2. Approve Major Conditional Use Permit, Design Review and Minor Variance application PLN15-386 subject to the attached findings and conditions of approval.

Prepared by:



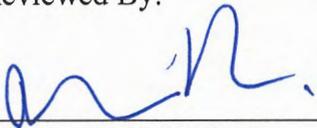
Jason Madani
Planner II

Reviewed by:



Scott Miller
Zoning Manager

Reviewed By:



Darin Ranelletti, Deputy Director
Bureau of Planning and Building

Approved for forwarding to the
City Planning Commission



Rachel Flynn, Director
Bureau of Planning and Building

ATTACHMENTS:

- A. Revised Project Plans & Photo Simulations & Alternative Site Analysis & Design Alternative
- B. Jerrold T. Bushberg Health and Medical Physics Consulting, Inc. Engineering RF Emissions Report
- C. Correspondence
- D. April 6, 2016 Staff Report

FINDINGS FOR APPROVAL

FINDINGS FOR APPROVAL:

As stated in the April 6, 2016 Staff Report, the proposal meets all the required findings under Planning Code sections 17.134.050 (General Use Permit criteria), 17.136.050(B) (Non-Residential Design Review criteria), 17.128.080(B) ((Monopole) Design Review criteria); 17.128.080(C) ((Monopole) Conditional Use Permit criteria); and 17.148.050 (Variance Findings). The attached findings have been updated to reflect the newly proposed Design Option 3. Staff has carefully reviewed Design Option 3, and it is staff's opinion that all of the required findings can be met with this design alternative. Staff has included all required findings below. Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

SECTION 17.134.050 – GENERAL USE PERMIT FINDINGS:

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

The location, size, design, and operating characteristics of the proposed project will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood. The project involves the installation of a new wireless telecommunications facility (Crown Castle) on a new 24' tall metal light pole located in the public right-of-way adjacent to a parking lot; installation of two 24" wide panel antennas mounted at a height of 23' above the ground; an associated equipment box located within a 31" tall by 27" wide wrap-around enclosure attached to the light pole 10' above the ground. The proposed monopole facility is designed to look like a City light pole. The proposed antennas will be screened and painted green color to match the City of Oakland light poles. The sidewalk is more than 8' wide at this location, thus the light pole will not impede the flow of pedestrian traffic.

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 project will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant. The proposed unmanned wireless telecommunication facility with appropriate conditions of approval will not adversely affect or detract from the civic, commercial or residential characteristics of the neighborhood, because the proposed monopole facility is designed to look like a City light pole and the antennas will be mounted on a 24' tall monopole telecommunication facility that is located in the public right-of-

way adjacent to the parking lot of an existing commercial building and provide approximately 30' separation from the nearest residential building within the commercial corridor. The equipment box located within a 31" tall by 27" wide wrap-around enclosure attached to the light pole, and will be as attractive as other light poles in the area.

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

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

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

The proposal conforms with all significant aspects of the design review criteria set forth in Chapter 17.136.050 of the Oakland Planning Code, as outlined below.

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

The proposal conforms in all significant respects with the Oakland General Plan. The subject property is located within the Neighborhood Center Mixed Use General Plan designation and conforms in all significant respects with this designation. The Neighborhood Center Mixed Use land use classification is intended to identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses. The proposed unmanned wireless telecommunication facility will not adversely affect and detract from the characteristics of the neighborhood. The proposal will not negatively affect the general quality and character of the neighborhood. The proposed project is not expected to have a significant visual impact on the existing structure and surrounding area.

SECTION 17.136.050(B) – NONRESIDENTIAL DESIGN REVIEW CRITERIA:

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;

The proposed project will help achieve consistency in design because it will be designed to look like other City of Oakland utility light poles within this important pedestrian and commercial corridor. The proposal is to install a new 24' tall metal light pole located in the public right-of-way. The project involves installation of two 24" wide panel antennas mounted at a height of 23' above the ground; an associated equipment box located within a 31" tall by 27" wide wrap-around enclosure attached to the light pole located within (8'-4" side walk) the City of Oakland public right-of-way.

2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;

The design will be of a quality and character that harmonizes with, and serves to protect the value of, private and public investments in the area. The antennas will be located on a monopole designed to look like a City of Oakland light pole, and the equipment box located within a 31" tall by 27" wide wrap-around enclosure attached to the light pole, , and will be as attractive as other light poles in the area. The monopole will be located within public right-of-way of a commercial corridor and is consistent with other public utility pole structures.

3. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

The proposal conforms in all significant respects with the Oakland General Plan. See Finding 17.134.050(E).

SECTION 17.128.080(B) DESIGN REVIEW CRITERIA FOR MONOPOLE FACILITIES

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

The proposed 24' tall monopole telecommunication facility design has been revised to incorporate the equipment cabinets within a 31" tall by 27" wide wrap-around enclosure attached to the light pole, and is designed to look like a City light pole and the antenna will be painted green to match the City of Oakland light poles. The proposal is consistent with other public utility pole structures within a commercial corridor.

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

The proposed pole will be visible from public view but is designed to blend in with existing utility poles and other public infrastructure in the immediate area to minimize visual impact.

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

The proposed monopole facility is designed to look like a City utility light pole. The proposed antenna will be screened and painted green color to match the City of Oakland light pole, and the equipment cabinet will be located within a 31" tall by 27" wide wrap-around enclosure attached to the light pole 10' above the ground. .

- 4. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.**

The associated equipment box, one battery backup and meter boxes will be within a 31" tall by 27" wide wrap-around enclosure attached to the light pole 10' above the ground, and painted green color to match City of Oakland light pole. The proposed antennas and equipment are consistent with other existing utility poles located within the public right-of-way of the commercial corridor. The equipment will be constructed such that it will not be accessed by the public.

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

The proposed monopole facility is designed to look like a City light pole. The proposed antenna and equipment cabinet will be screened and is located within a commercial corridor and it is consistent with other utility poles in this neighborhood.

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

The antennas will be mounted to a 24' tall monopole and will not be accessible to the public due to its location. The equipment will be constructed such that it will not be accessible to the public.

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

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

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

- 2. Monopoles should not be located any closer than one thousand five hundred (1,500) feet from existing monopoles unless technologically required or visually preferable:**

The antenna system that Crown castle is proposing as a small cell distributed antenna system. These Small cells are very low powered sites compared to a traditional Macro site. A macro site provides coverage for miles in all directions depending on the height and power output, whereas Small Cell is designed to cover very small areas approximately quarter mile in total diameter. The sites are designed to be close together with lower RAD centers in order to supply coverage

for the high density of population. As a result, Crown Castle is proposing several cell sites which are located within 1500 feet of each other along Piedmont Avenue. Thus, Crown Castle's proposal to add monopoles that are closer than 1500 feet from existing monopoles is necessary in this case is technologically required.

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

The site is located within public right-of-way located next to a commercial building parking lot and provides approximately 30' of separation from the adjacent residential zone. The proposed antennas will be screened and located on a 24' tall light pole monopole and painted green color to match City of Oakland light poles on the commercial corridor, thus it will not disrupt the overall community character of the site.

SECTION 17.148.050(A) VARIANCE FINDINGS:

- 1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the Zoning Regulations, due to unique physical or topographical circumstances or conditions of design; or, as an alternative in the case of a Minor Variance, that such strict compliance would preclude an effective design solution improving the livability, operational efficiency, or appearance.**

Strict compliance with the 1500 foot distance separation for monopoles would preclude an effective design solution that would result in improved cellular coverage in the area. Crown Castle is proposing to install a Monopole Telecommunications Facility within 1500 feet of another monopole facility located on Piedmont Avenue. Because this installation is a stand-alone telecommunications pole and not a joint-use utility pole, it is considered a Monopole by City of Oakland zoning regulations. The antenna system that Crown Castle is proposing is a Small Cell distributed antenna system. These Small Cells are very low powered sites compared to the full Macro site. A macro provides coverage for miles in all directions depending on the height and power output. Small Cell telecommunications facilities are designed to cover very small areas approximately one quarter mile in total diameter. The sites are designed to be close together with lower RAD centers in order to supply coverage for the high density of population. As a result, Crown Castle is proposing several cell sites which are located within 1500 feet of each other along the Piedmont Avenue corridor area. These are limited in height (24') and designed as light poles and hence are an effective design solution.

- 2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a Minor Variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.**

Strict compliance would preclude an effective design solution allowing the use of small cell technology. The proposal is limited in height (24") and designed on light poles and hence are an effective design solution.

- 3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.**

The variance will not adversely affect the character, livability or appropriate development of abutting properties and the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy because the associated equipment box, will be within a 31" tall by 27" wide wrap-around enclosure attached to the light pole 10' above the ground and painted green color to match City of Oakland light poles. Photo simulations submitted for the project show the view of the proposed antennas and screen as seen from the street with minimum visual impacts (see attachment A).

- 4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the Zoning Regulations.**

Granting this project is not a grant of special privilege as it is typical that antennas like this are mounted on poles in the right of way. There are limited in height (24') and designed as light poles and hence are an effective design solution.

- 5. That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set forth in the design review procedure at Section 17.136.**

Other than establishing the monopole structure within 1500 feet of other monopole facilities, all other design components of this project are consistent with design review criteria. As stated previously, these are limited in height (24') and designed as light poles and hence conform to the applicable design review criteria.

- 6. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.**

The proposal conforms in all significant respects with the Oakland General Plan. See Finding 17.134.050(E).

CONDITIONS OF APPROVAL
PLN15-386

STANDARD CONDITIONS:

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, **PLN15-386** and the approved plans **dated December 7, 2015 and April 27, 2016 (design option C)**, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

2. Effective Date, Expiration, Extensions and Extinguishment

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire **two years** from the Approval date, or from the date of the final decision in the event of an appeal, 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 Approval, 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 or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. Compliance with Other Requirements

The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City’s Bureau of Building, Fire Marshal, and Public Works Department. 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 #4.

4. Minor and Major Changes

- a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning
- b. Major changes to the approved project, plans, Conditions, facilities, or use shall be reviewed by the Director of City Planning to determine whether such changes require submittal and approval of a revision to the Approval by the original approving body or a new independent permit/approval. Major revisions shall be reviewed in accordance with the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

5. Compliance with Conditions of Approval

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant’s expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c. Violation of any term, Condition, or project description relating to the Approval 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 Approval 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 Approval or Conditions.

6. Signed Copy of the Approval/Conditions

A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times.

7. Blight/Nuisances

The project site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60 days of approval, unless an earlier date is specified elsewhere.

8. Indemnification

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (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 this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project 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 project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. Severability

The Approval 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.

PROJECT SPECIFIC CONDITONS:

10. 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.

11. Operational

Ongoing.

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

12. 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.

13. Operational

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.

14. Revised Plan

Prior to issuance of building permit.

Revised detail plans, to scale, for either of the alternative design options, that will not include meters box and equipment will be passively cooled reviewed and approved, by the Planning Commission shall be submitted to and approved by Planning Bureau.

15. Height limitation

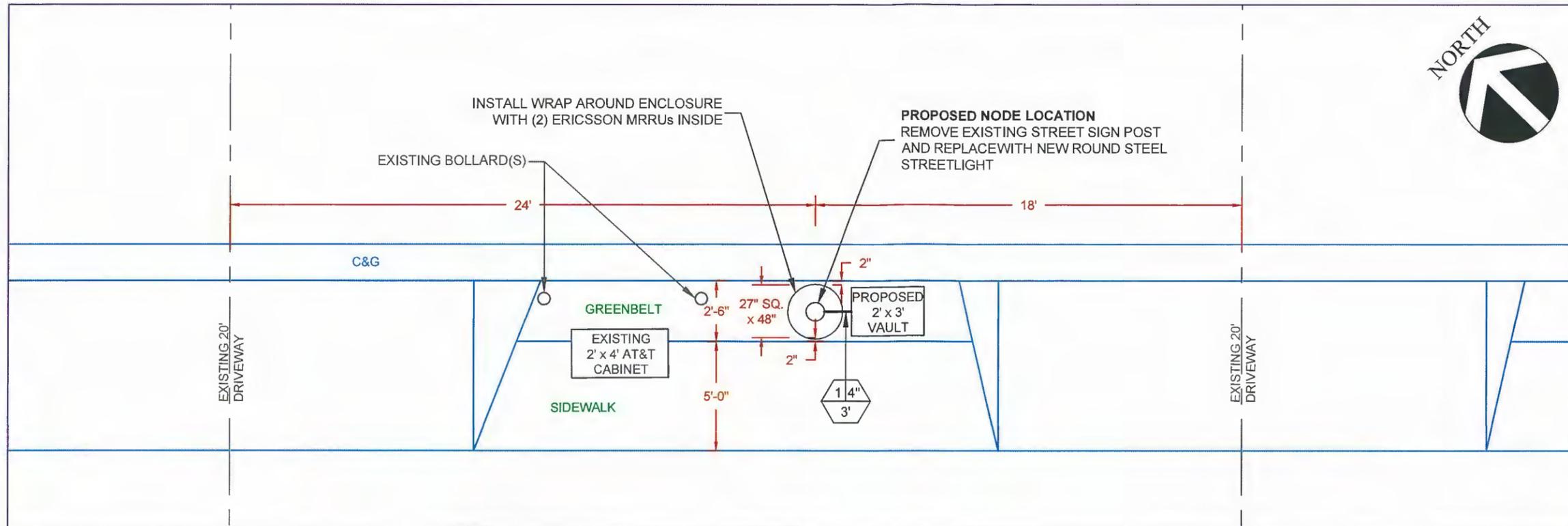
Ongoing

The Planning Bureau recommended approval, and the City Planning Commission approved a monopole height of 24' because it is similar in height to the standard City of Oakland light pole.

ATTACHMENT A

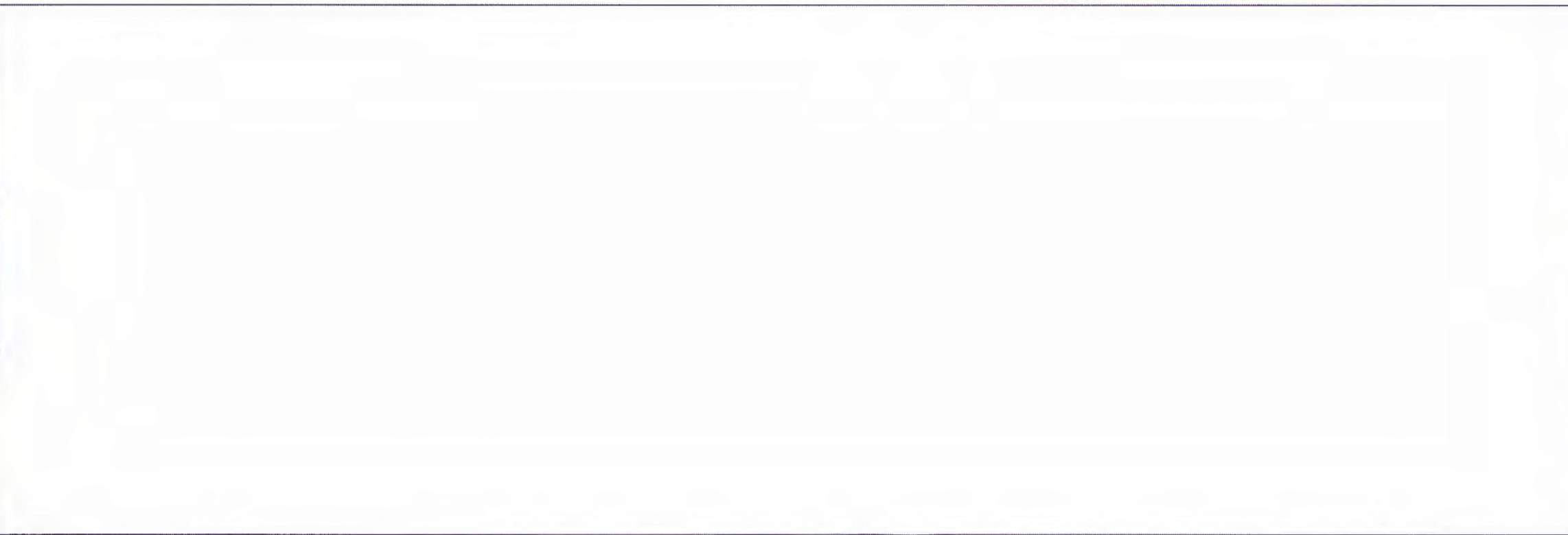


Proposed Site PA01 Option 3



A ENLARGED VIEW

SCALE: 1" = 5'



B N/A

SCALE: N.T.S.

PA01m

CROWN CASTLE PROJECT NO.
V243288

CLIENT:



695 RIVER OAKS PARKWAY
SAN JOSE, CA 95134
www.crowncastle.com

PREPARED BY:



5841 EDISON PLACE, SUITE 110
CARLSBAD, CA 92008
PHONE: (760) 929-0910
FAX: (760) 929-0936
www.coastalcomminc.com

PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY AND CONFIDENTIAL TO VERIZON. ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON IS STRICTLY PROHIBITED.



1-800-227-2600
CALL AT
LEAST TWO
DAYS BEFORE
YOU DIG

UNDERGROUND SERVICE ALERT
TICKET #

SET UP INDIVIDUAL PACKET 9/29/15

REVISION / ISSUE	DATE

SITE NAME & ADDRESS:

PROW ADJACENT TO
5 YOSEMITE AVE
OAKLAND, CA

SITE PLAN

DRAWN BY: AC DRAFT DATE: 03/24/15 APPROVED BY: SY

SHEET NO.

SP-2

PA01m

CROWN CASTLE PROJECT NO.
V243288

CLIENT:



695 RIVER OAKS PARKWAY
SAN JOSE, CA 95134
www.crowncastle.com

PREPARED BY:



5841 EDISON PLACE, SUITE 110
CARLSBAD, CA 92008
PHONE: (760) 929-0910
FAX: (760) 929-0936
www.coastalcomminc.com

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SET UP INDIVIDUAL PACKET 9/29/15

REVISION / ISSUE	DATE

SITE NAME & ADDRESS:

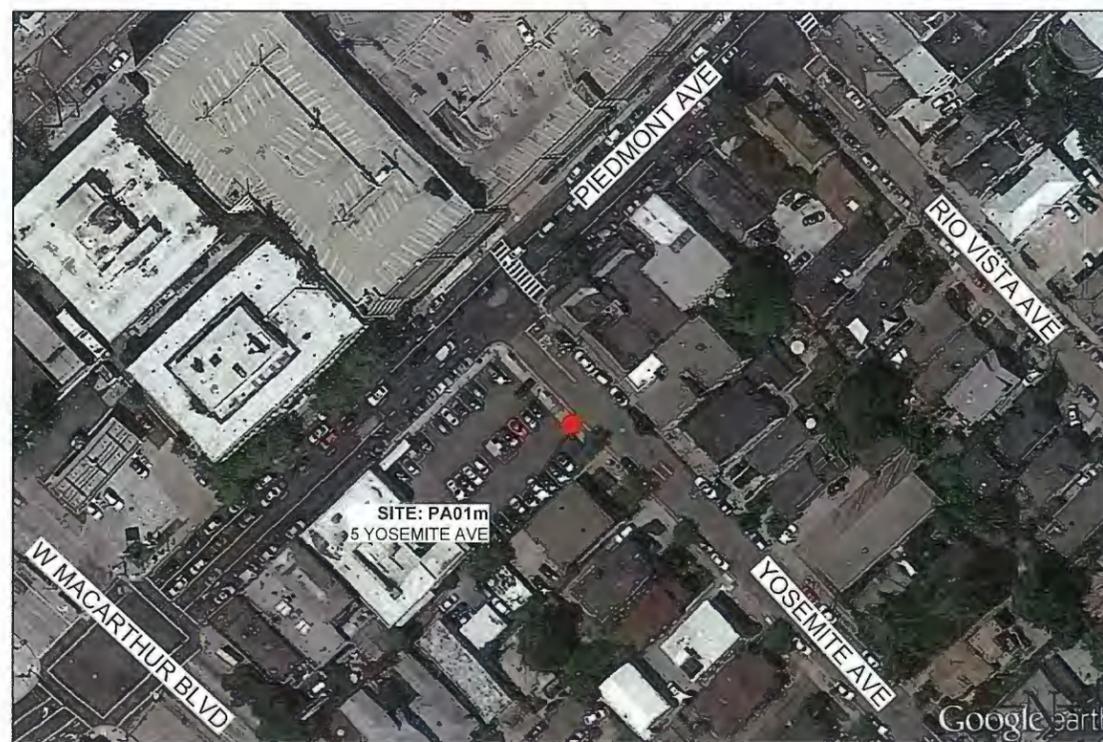
PROW ADJACENT TO
5 YOSEMITE AVE
OAKLAND, CA

PHOTOS

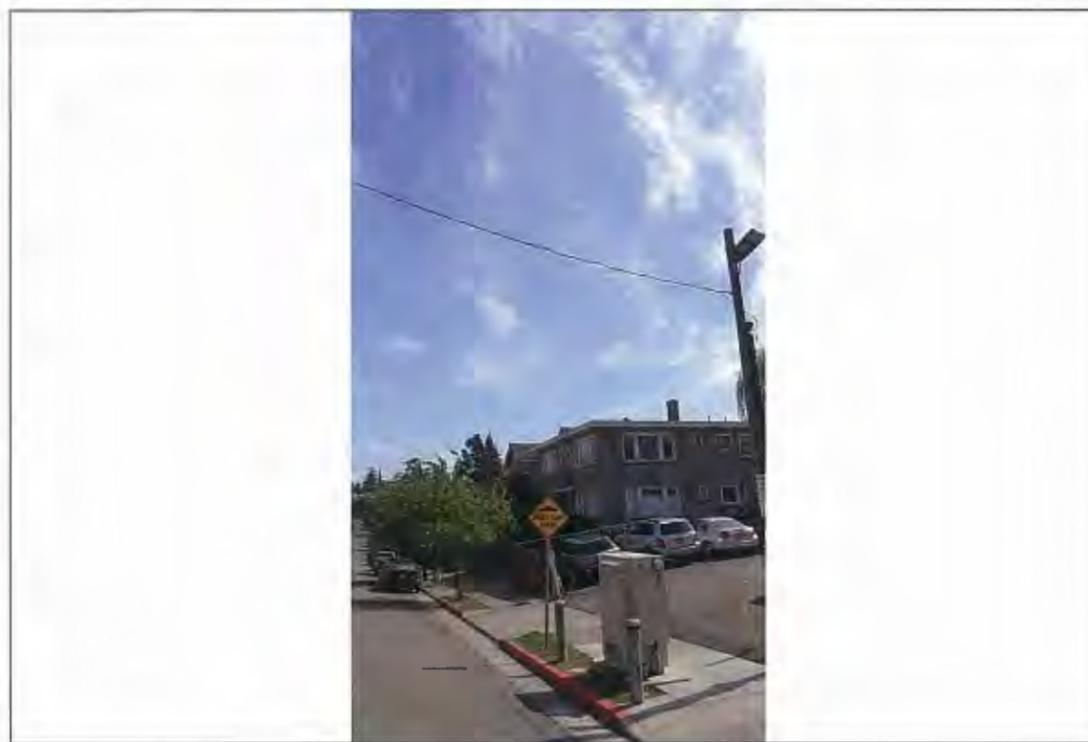
DRAWN BY: AC DRAFT DATE: 03/24/15 APPROVED BY: SY

SHEET NO.

P-1.1



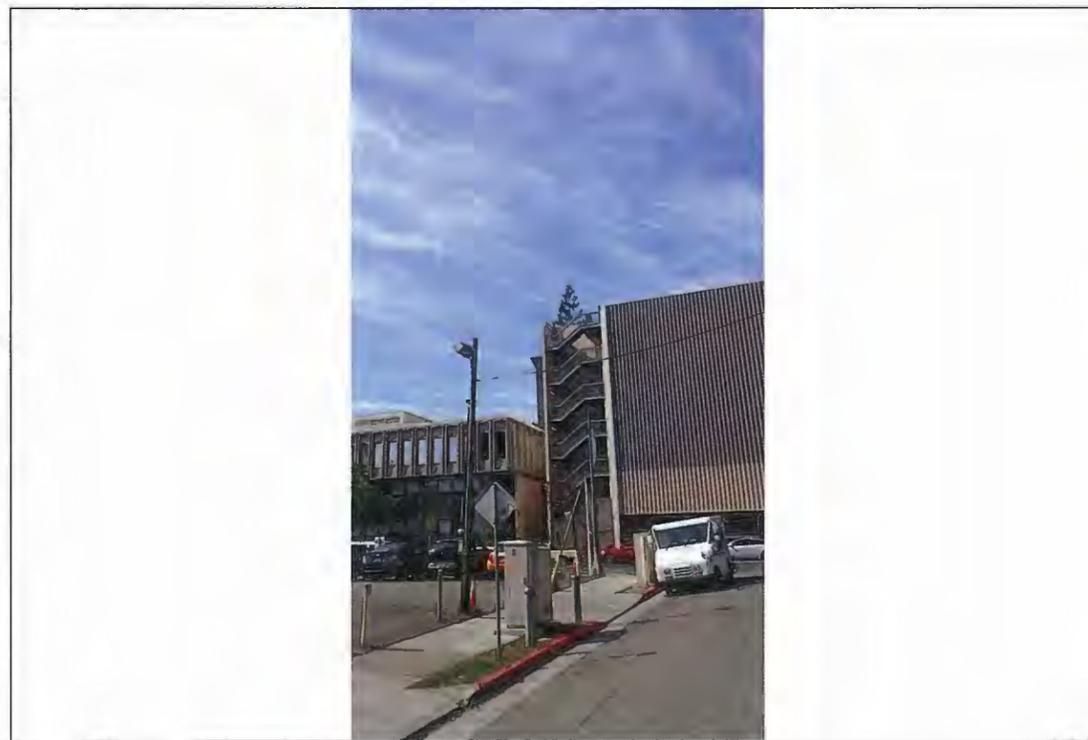
A KEY MAP



B 9 O'CLOCK VIEW



C 12 O'CLOCK VIEW



D 3 O'CLOCK VIEW

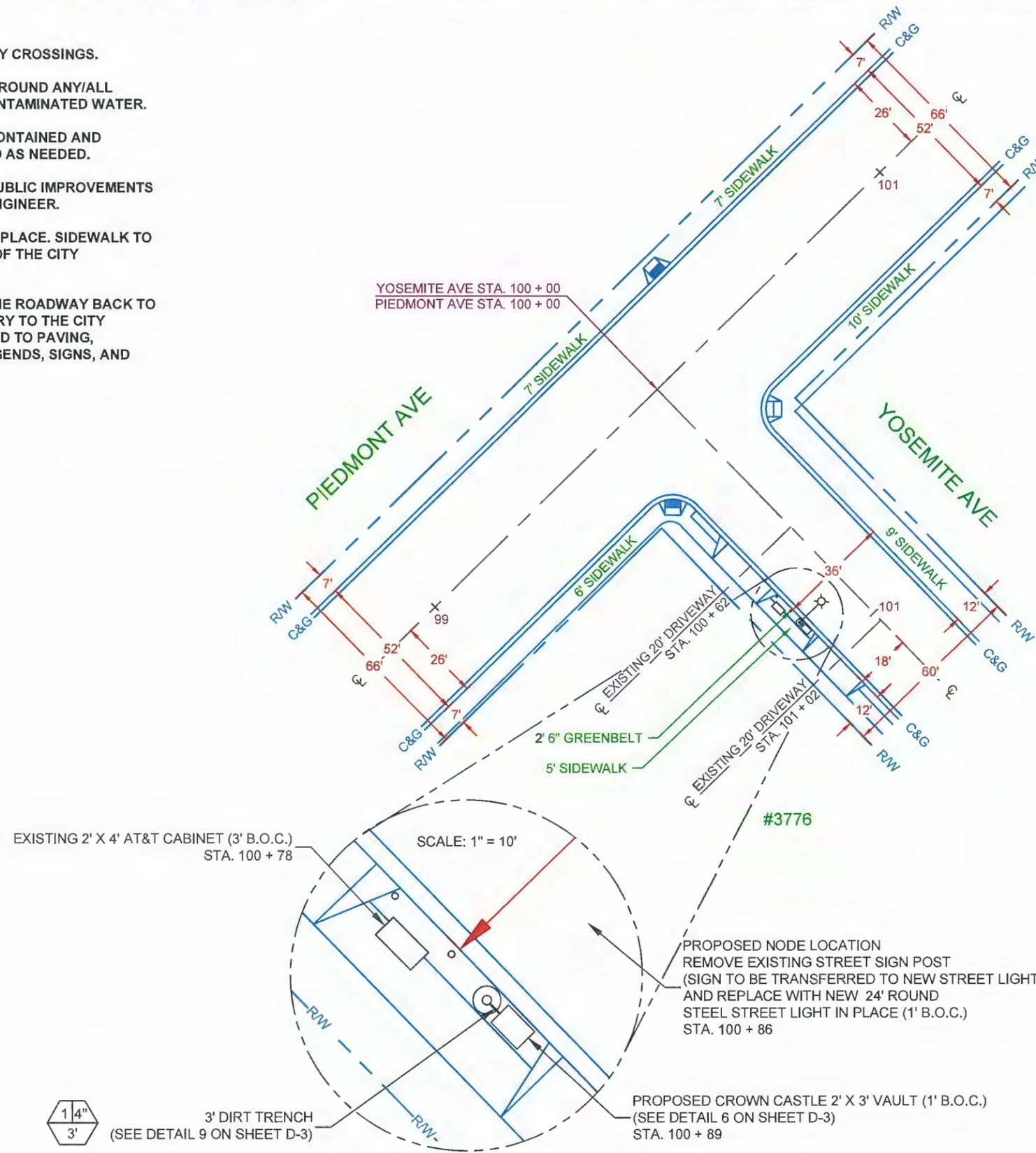
NOTES:

1. CONTRACTOR TO POTHOLE ALL UTILITY CROSSINGS.
2. CONTRACTOR TO PLACE SANDBAGS AROUND ANY/ALL STORM DRAIN INLETS TO PREVENT CONTAMINATED WATER.
3. SPOILS PILE WILL BE COVERED AND CONTAINED AND STREET WILL BE SWEEPED AND CLEANED AS NEEDED.
4. CONTRACTOR TO REPAIR DAMAGED PUBLIC IMPROVEMENTS TO THE SATISFACTION OF THE CITY ENGINEER.
5. CURB & GUTTER TO BE PROTECTED IN PLACE. SIDEWALK TO BE REPLACED TO THE SATISFACTION OF THE CITY ENGINEER.
6. THE CONTRACTOR SHALL RESTORE THE ROADWAY BACK TO ITS ORIGINAL CONDITION SATISFACTORY TO THE CITY ENGINEER INCLUDING, BUT NOT LIMITED TO PAVING, STRIPING, BIKE LANES, PAVEMENT LEGENDS, SIGNS, AND TRAFFIC LOOP DETECTORS.

NORTH



SCALE: 1" = 40'



COORDINATES	
LATITUDE:	37.82373°
LONGITUDE:	-122.25554°

FOOTAGE TOTALS	
ASPHALT TRENCH	0'
DIRT TRENCH	3'
BORE	0'
PUNCH THRU	0'
TOTAL	3'
PCC SIDEWALK TOTAL	0 SQ. FT.

BILL OF MATERIALS		
DESCRIPTION	QTY	
VAULTS (PVT)	17" X 30"	0
	2' X 3'	1
	3' X 5'	0
CONDUIT (PVT)	1" PVC	0'
	3" PVC	0'
	4" PVC	3'

PA01m

CROWN CASTLE PROJECT NO.
V243288

CLIENT:

CROWN CASTLE

695 RIVER OAKS PARKWAY
SAN JOSE, CA 95134
www.crowncastle.com

PREPARED BY:

Coastal Communications

Telecommunications Engineering

5841 EDISON PLACE, SUITE 110
CARLSBAD, CA 92008
PHONE: (760) 929-0910
FAX: (760) 929-0936
www.coastalcomminc.com

PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY AND CONFIDENTIAL TO VERIZON. ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON IS STRICTLY PROHIBITED.

1-800-227-2600
CALL AT
LEAST TWO
DAYS BEFORE
YOU DIG

UNDERGROUND SERVICE ALERT
TICKET #

SET UP INDIVIDUAL PACKET	9/29/15
REVISION / ISSUE	DATE

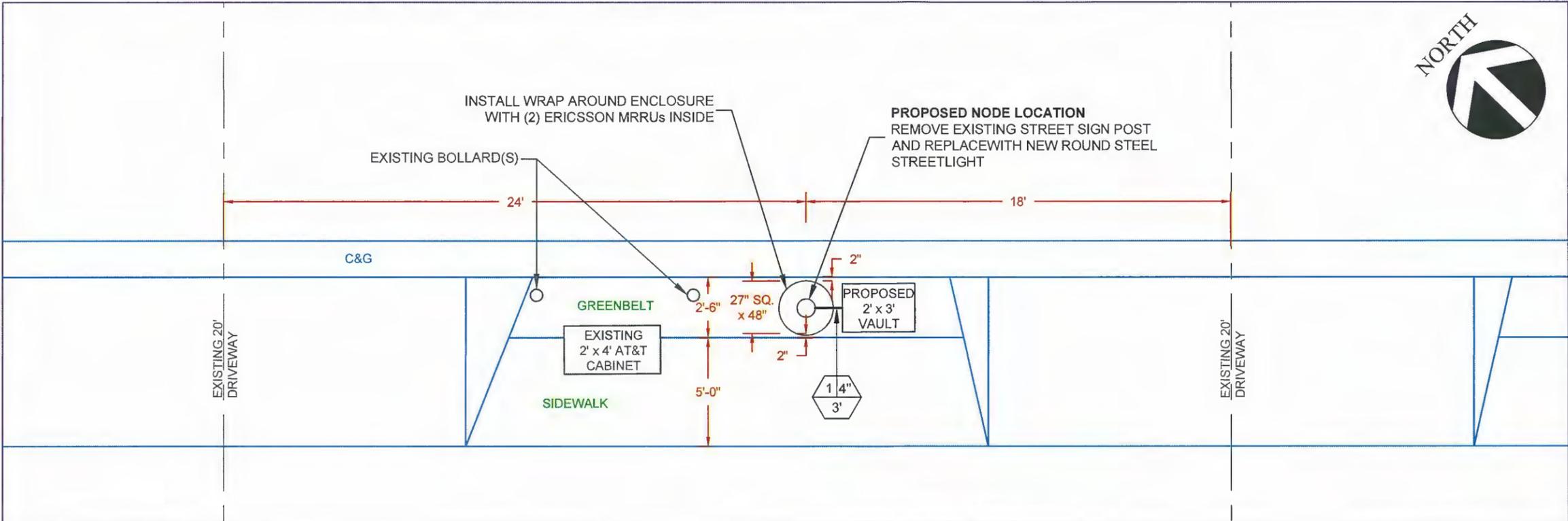
SITE NAME & ADDRESS:

PROW ADJACENT TO
5 YOSEMITE AVE
OAKLAND, CA

SITE PLAN

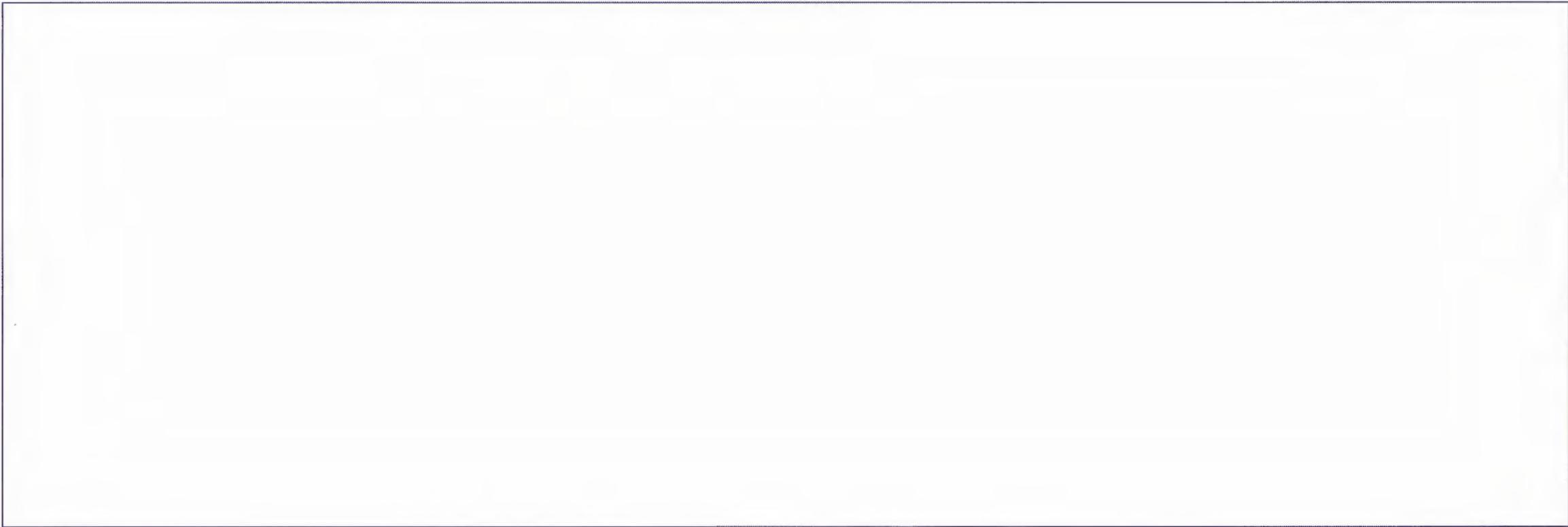
DRAWN BY: AC	DRAFT DATE: 03/24/15	APPROVED BY: SY
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SP-1



A ENLARGED VIEW

SCALE: 1" = 5'



B N/A

SCALE: N.T.S.

PA01m

CROWN CASTLE PROJECT NO.
V243288

CLIENT:



695 RIVER OAKS PARKWAY
SAN JOSE, CA 95134
www.crowncastle.com

PREPARED BY:



5841 EDISON PLACE, SUITE 110
CARLSBAD, CA 92008
PHONE: (760) 929-0910
FAX: (760) 929-0936
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UNDERGROUND SERVICE ALERT
TICKET #

REVISION / ISSUE	DATE
SET UP INDIVIDUAL PACKET	9/29/15

SITE NAME & ADDRESS:

PROW ADJACENT TO
5 YOSEMITE AVE
OAKLAND, CA

SITE PLAN

DRAWN BY: AC	DRAFT DATE: 03/24/15	APPROVED BY: SY
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SHEET NO.
SP-2



ATTACHMENT A

Project Description

Crown Castle Small-Cell Telecom Facility
PROW Adjacent to:
5 Yosemite Ave., Oakland, CA (PA01m)

Project Description

The proposal is for a new, unmanned, pole-mounted "small cell" facility. This project involves the installation of a new aluminum utility pole in the public right-of-way, as part of a distributed antennas system that will improve wireless coverage in the community. The equipment on the pole will be painted to match the metal and will be compatible with other poles in the area. The new utility pole will not adversely affect abutting and surrounding neighborhoods and will have no effect on traffic. Furthermore, this project fulfills the criteria set forth in Section 17.136.050 of the Oakland Planning Code in that the pole will match other metal poles in the area.

The specifically includes:

- Remove existing street sign post (sign to be transferred to new street light) and replace with new 24' round aluminum streetlight in place.
- Install disconnect box with PG&E shutdown procedure inside.
- Install rectifier unit box.
- Install MPE placard.
- Install Mush-41 shroud with (2) Ericsson MRRUs inside.
- Install (2) 24" Amphenol (HTXCWW63111414F000) antennas.
- Install Crown Castle 2' x 3' vault with conduits.
- Street light, antennas and equipment to be painted to match surrounding poles.

Statement of Operations

The proposed facility will use existing electrical and telephone services, which are readily available to the site. No nuisances will be generated by the proposed facility, nor will the facility injure the public health, safety, morals or general welfare of the community. The technology does not interfere with any other forms of communication devices whether public or private.

Upon completion of construction, fine-tuning of the facility may be necessary, meaning the site will be adjusted once or twice a month by a service technician for routine maintenance. No additional parking spaces are needed at the project site for maintenance activities. The site is entirely self-monitored and connects directly to a central office where sophisticated computers alert personnel to any equipment malfunction or breach of security.

Because the facility will be un-staffed, there will be no regular hours of operation and no impact to existing traffic patterns. Existing public roads will provide access to the technician who arrives infrequently to service the site. No on-site water or sanitation services will be required as a part of this proposal.

1. Street use permit shall be obtained by contractor prior to commencing work.
2. All work to be conducted in the right of way.
3. All disturbed landscaping shall be replaced to similar existing conditions.
4. Any sidewalk closure shall be coordinated with the city and proper signing will be placed.
5. No materials or equipment shall be stored on private property or block access to private property.
6. Cleanup of site will be completed each evening and the site will be returned to existing conditions at the completion of construction.

Zoning Analysis

Crown Castle is full facilities based local exchange carrier, they have been granted a certificate of public convenience and necessity (CPNC). Crown Castle has the same rights as any other public utility. The same rights that are granted to PG&E, Comcast and AT&T need to be shared by Crown Castle. As a public utility these projects are technically exempt from any discretionary planning review. Crown cannot be discriminated in any way and needs to be afforded the same rights as any other public utility. Crown Castle is submitting this application to the city to allow for comment and review. Crown wants to maintain a good relationship with the city and continue to work with them on the design and location.

Alternative Site Analysis

No rooftop locations or other alternative locations were sought. Mr. Scott Miller, Planning Manager, expressed the desire of the City of Oakland that Crown Castle locate these small cell installations off of Piedmont Avenue. Therefore, this project and the remaining 4 small-cell projects will be installed on poles not directly on Piedmont Avenue, along with (1) project which is only an equipment cabinet install to power the NODE system. The proposal of these particular projects are to cover a very small concentrated area, and are designed to be innocuous to blend into the surrounding public infrastructure.

Compliance with Federal Regulations

Please be advised that Crown Castle reserves all of its rights under California Public Utilities Code § 7901, the federal Telecommunications Act, Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (codified at 47 U.S.C. § 1455(a)), the Federal Communications Commission (“FCC”) declaratory ruling In Re: Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review, Etc., FCC 09-99 (FCC November 18, 2009), and the FCC rules adopted in In Re: Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, Etc., FCC 14-153 (FCC October 17, 2014), the licenses granted to it by the FCC, and all of its other rights that arise under any federal or state statute, regulation, or other legal authority (collectively, “Federal and State Rights”). Among other Federal and State Rights, we note that California Public Utilities Code § 7901 grants a statewide franchise to telephone corporations to place telephone equipment in the public rights-of-way and that use of the rights-of-way by telephone corporations is a matter of statewide concern that is not subject to local regulation except for limited regulation of the time, place, and manner of such use. In addition, the Telecommunications Act limits the authority of local jurisdictions by, among other restrictions, requiring approval within a reasonable period of time. In submitting this application, Crown Castle expressly reserves all of its Federal and State Rights, including, without limitation, its rights under federal and state law to challenge the requirement for a discretionary permit for its proposed installation in the public right-of-way. Neither the act of submitting the application nor anything contained therein shall be construed as a waiver of any such rights.

Please send all written requests for additional information regarding this application to:

Bob Gundermann / Jason Osborne

Beacon Development, LLC

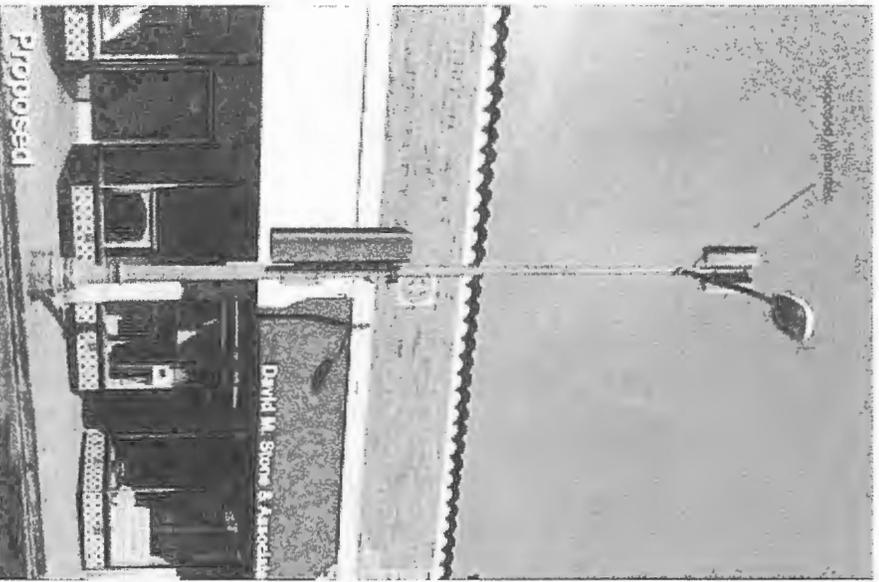
925-899-1999 / 415-559-2121

bob@beacondev.net & jason@beacondev.net

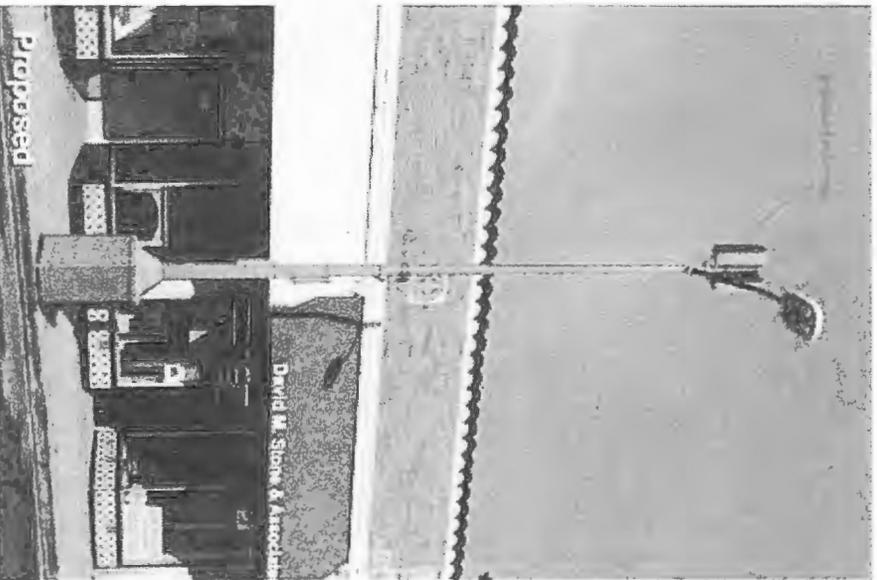
ATTACHMENT A

Storefront Configurations

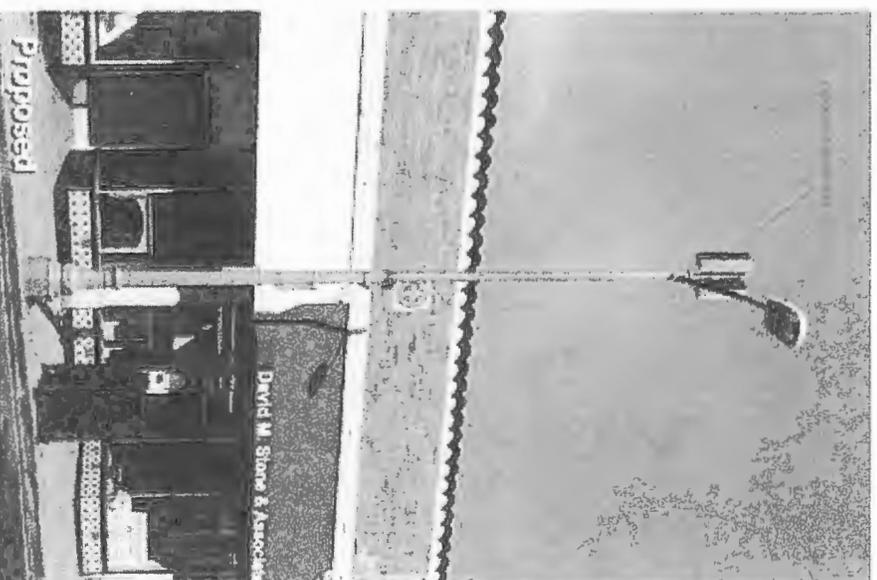
A



B



C



ATTACHMENT B

JERROLD T. BUSHBERG Ph.D., DABMP, DABSNM, FAAPM, FHPS
◆HEALTH AND MEDICAL PHYSICS CONSULTING◆

7784 Oak Bay Circle Sacramento, CA 95831
(800) 760-8414-jbushberg@hampc.com

Ernesto Figueroa
Sr. RF Engineer
Crown Castle
695 River Oaks Parkway
San Jose, CA 95134

July 18, 2015

Introduction

At your request, I have reviewed the technical specifications and calculated the maximum radiofrequency, (RF), power density from the proposed Crown Castle nodes to be located in the public right-of-way. These nodes will be used for wireless telecommunications transmission and reception utilizing two directional Amphenol antennae model #HTXCWW63111414 mounted to a street light, traffic light or similar structure. Each of the panel antennae used in this network is designed to transmit with a maximum input power of up to 3.17 watts, with a gain of up to 8.35 dBd at approximately 700 MHz and 3.17 watts with a gain of up to 11.85 dBd at approximately 2,100 MHz. The distance from the antenna center to the ground for all nodes will be at least 22.0 feet. An example of the site configurations is shown in attachment one. The antenna specification details are depicted in attachment two. This analysis represent the worst case of any of the proposed nodes that are utilizing these transmission and antennae specifications. There will be one node of this configuration proposed for Oakland, CA (see Appendix A-0).

Calculation Methodology

Calculations at the level of the antenna were made in accordance with the cylindrical model recommendations for near-field analysis contained in the Federal Communications Commission, Office of Engineering and Technology Bulletin 65 (OET 65) entitled "Evaluating Compliance with FCC-Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields." RF exposure calculations at ground level were made using equation 10 from the same OET document. Several assumptions were made in order to provide the most conservative or "worse case" projections of power densities. Calculations were made assuming that all channels were operating simultaneously at their maximum design effective radiated power. Attenuation (weakening) of the signal that would result from surrounding foliage or buildings was ignored. Buildings or other structures can reduce the signal strength by a factor of 10 (i.e., 10 dB) or more depending upon the construction material. In addition, for ground level calculations, the ground or other surfaces were considered to be perfect reflectors (which they are not) and the RF energy was assumed to overlap and interact constructively at all locations (which they would not) thereby resulting in the calculation of the maximum potential exposure. In fact, the accumulations of all these very conservative assumptions, will significantly overestimate the actual exposures that would typically be expected from such a facility. However, this method is a prudent approach that errs on the side of safety.

RF Safety Standards

The two most widely recognized standards for protection against RF field exposure are those published by the American National Standards Institute (ANSI) C95.1 and the National Council on Radiation Protection and measurement (NCRP) report #86.

The NCRP is a private, congressionally chartered institution with the charge to provide expert analysis of a variety of issues (especially health and safety recommendations) on radiations of all forms. The scientific analyses of the NCRP are held in high esteem in the scientific and regulatory community both nationally and internationally. In fact, the vast majority of the radiological health regulations currently in existence can trace their origin, in some way, to the recommendations of the NCRP.

All RF exposure standards are frequency-specific, in recognition of the differential absorption of RF energy as a function of frequency. The most restrictive exposure levels in the standards are associated with those frequencies that are most readily absorbed in humans. Maximum absorption occurs at approximately 80 MHz in adults. The NCRP maximum allowable continuous occupational exposure at this frequency is 1,000 $\mu\text{W}/\text{cm}^2$. This compares to 5,000 $\mu\text{W}/\text{cm}^2$ at the most restrictive of the PCS frequencies (~1,800 MHz) that are absorbed much less efficiently than exposures in the VHF TV band.

The traditional NCRP philosophy of providing a higher standard of protection for members of the general population compared to occupationally exposed individuals, prompted a two-tiered safety standard by which levels of allowable exposure were substantially reduced for "uncontrolled " (e.g., public) and continuous exposures. This measure was taken to account for the fact that workers in an industrial environment are typically exposed no more than eight hours a day while members of the general population in proximity to a source of RF radiation may be exposed continuously. This additional protection factor also provides a greater margin of safety for children, the infirmed, aged, or others who might be more sensitive to RF exposure. After several years of evaluating the national and international scientific and biomedical literature, the members of the NCRP scientific committee selected 931 publications in the peer-reviewed scientific literature on which to base their recommendations. The current NCRP recommendations limit continuous public exposure at PCS frequencies to 1,000 $\mu\text{W}/\text{cm}^2$.

The 1992 ANSI standard was developed by Scientific Coordinating Committee 28 (SCC 28) under the auspices of the Institute of Electrical and Electronic Engineers (IEEE). This standard, entitled "IEEE Standards for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz" (IEEE C95.1-1991), was issued in April 1992 and subsequently adopted by ANSI. A complete revision of this standard (C95.1-2005) was completed in October 2005 by SCC 39 the IEEE International Committee on Electromagnetic Safety. The current version, including minor revisions, was published in March 2010. Their recommendations are similar to the NCRP recommendation for the maximum permissible exposure (MPE) to the public PCS frequencies (950 $\mu\text{W}/\text{cm}^2$ for continuous exposure at 1,900 MHz) and incorporates the convention of providing for a greater margin of safety for public as compared with occupational exposure. Higher whole body exposures are allowed for brief periods provided that no 30 minute time-weighted average exposure exceeds these aforementioned limits.

On August 9, 1996, the Federal Communications Commission (FCC) established a RF exposure standard that is a hybrid of the current ANSI and NCRP standards. The maximum permissible exposure values used to assess environmental exposures are those of the NCRP (i.e., maximum public continuous exposure at PCS frequencies of 1,000 $\mu\text{W}/\text{cm}^2$). The FCC issued these standards in order to address its responsibilities under the National Environmental Policy Act (NEPA) to consider whether its actions will "significantly affect the

quality of the human environment.” In as far as there was no other standard issued by a federal agency such as the Environmental Protection Agency (EPA), the FCC utilized their rulemaking procedure to consider which standards should be adopted. The FCC received thousands of pages of comments over a three-year review period from a variety of sources including the public, academia, federal health and safety agencies (e.g., EPA & FDA) and the telecommunications industry. The FCC gave special consideration to the recommendations by the federal health agencies because of their special responsibility for protecting the public health and safety. In fact, the maximum permissible exposure (MPE) values in the FCC standard are those recommended by EPA and FDA. The FCC standard incorporates various elements of the 1992 ANSI and NCRP standards which were chosen because they are widely accepted and technically supportable. There are a variety of other exposure guidelines and standards set by other national and international organizations and governments, most of which are similar to the current ANSI/IEEE or NCRP standard, figure one.

The FCC standards “Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation” (Report and Order FCC 96-326) adopted the ANSI/IEEE definitions for controlled and uncontrolled environments. In order to use the higher exposure levels associated with a controlled environment, RF exposures must be occupationally related (e.g., PCS company RF technicians) and they must be aware of and have sufficient knowledge to control their exposure. All other environmental areas are considered uncontrolled (e.g., public) for which the stricter (i.e., lower) environmental exposure limits apply. All carriers were required to be in compliance with the new FCC RF exposure standards for new telecommunications facilities by October 15, 1997. These standards applied retroactively for existing telecommunications facilities on September 1, 2000.

The task for the physical, biological, and medical scientists that evaluate health implications of the RF data base has been to identify those RF field conditions that can produce harmful biological effects. No panel of experts can guarantee safe levels of exposure because safety is a null concept, and negatives are not susceptible to proof. What a dispassionate scientific assessment can offer is the presumption of safety when RF-field conditions do not give rise to a demonstrable harmful effect.

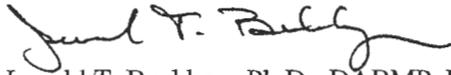
Summary & Conclusions

All Crown Castle antenna systems operating with the maximal exposure conditions characteristics as specified above and observing a 2 foot public exclusion zone directly in front of and at the same elevation as the antenna, will be in full compliance with FCC RF public and occupational safety exposure standards. These transmitters, by design and operation, are low-power devices (see appendix A-1). An RF safety notice sign, as depicted in appendix A-2 should be placed near the antenna. This sign should contain appropriate contact information and indicate that RF exposures at 2 feet or closer to the face of the antenna may exceed the FCC public exposure standard. Thus only qualified RF workers may work within the 2 foot public exclusion zone. The maximum RF exposure at ground level will not be in excess of 0.62% of the FCC public safety standard, (see appendix A-3). A chart of the electromagnetic spectrum and a comparison of RF power densities from various common sources is presented in figures two and three respectively in order to place exposures from wireless telecommunications systems in perspective.

Given the low levels of radiofrequency fields that would be generated from all Crown Castle directional antenna installations of this configuration, (e.g., antenna specification and input power); where the center of the antenna is at least 22.0 above grade, and the 2 foot (public) exclusion zone directly in front and at the same elevation as the antenna are observed, there is no scientific basis to conclude that harmful effects will attend the utilization of these proposed wireless telecommunications facilities. This conclusion is supported by a large numbers of scientists that have participated in standard-setting activities in the United States who

are overwhelmingly agreed that RF radiation exposure below the FCC exposure limits has no demonstrably harmful effects on humans. These findings are based on my professional evaluation of the scientific issues related to the health and safety of non-ionizing electromagnetic radiation and my analysis of the technical specification as provided by Crown Castle Networks. The opinions expressed herein are based on my professional judgement and are not intended to necessarily represent the views of any other organization or institution. Please contact me if you require any additional information.

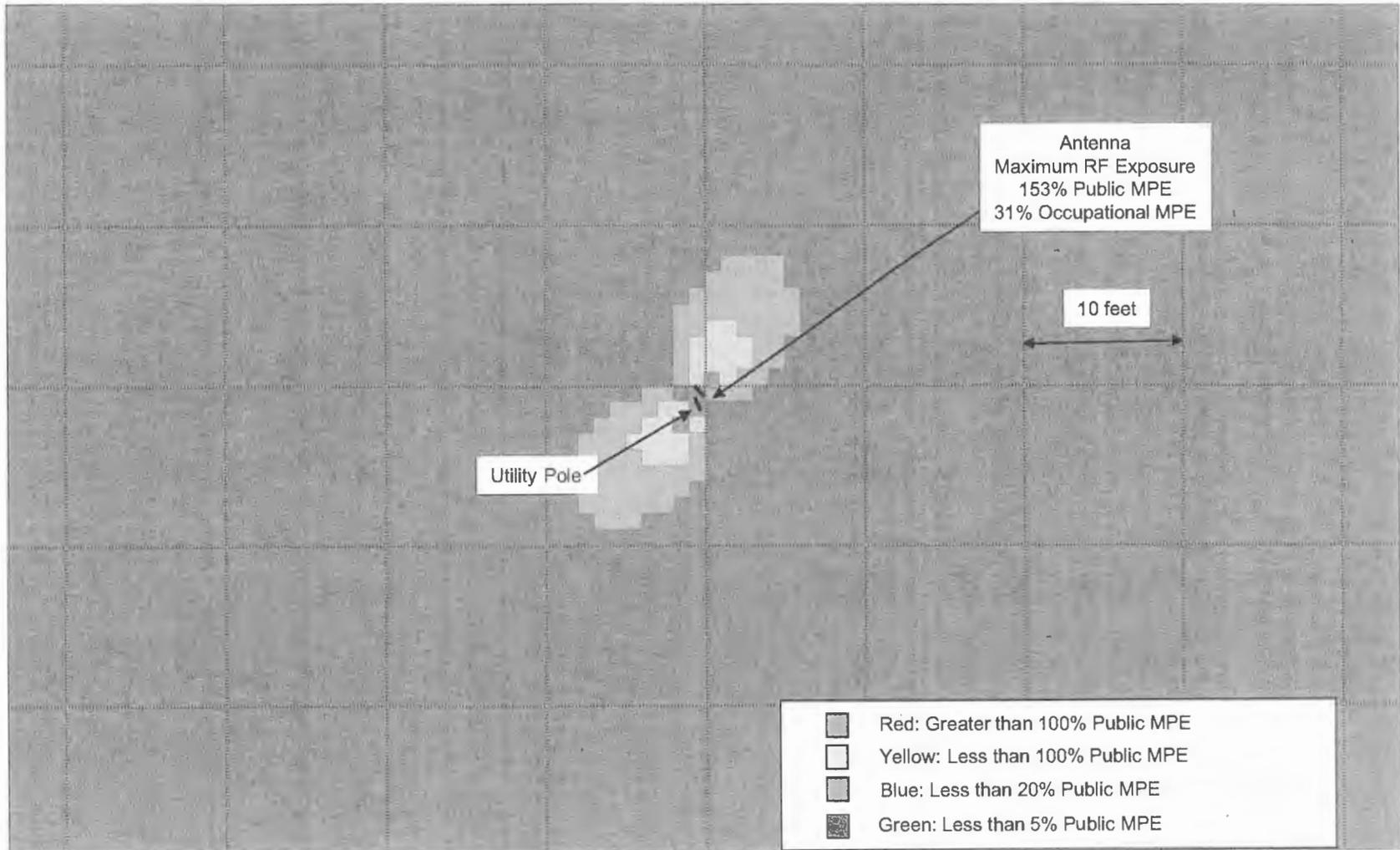
Sincerely,

A handwritten signature in black ink, appearing to read "Jerrold T. Bushberg". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jerrold T. Bushberg Ph.D., DABMP, DABSNM, FAAPM
Diplomate, American Board of Medical Physics (DABMP)
Diplomate, American Board of Science in Nuclear Medicine (DABSNM)
Fellow, American Association of Physicists in Medicine (FAAPM)
Fellow, Health Physics Society (FHPS)

Enclosures: Figures 1-3; Attachment 1,2; Appendix A-0, A-1, A-2, A-3 and Statement of Experience.

**RF EXPOSURE AT THE LEVEL OF THE ANTENNA
BASED ON PERCENTAGE OF FCC MAXIMUM PUBLIC EXPOSURE (MPE) LIMIT**

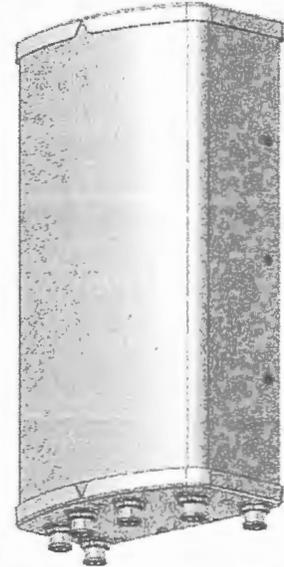


HTXCWW63111414Fx00

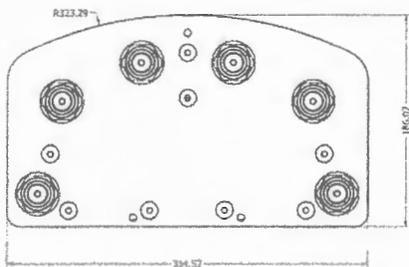
Replace "x" with desired electrical downtilt.

XXX-Pol | Tri Band FET Panel | 63° | 11.0 / 14.0 / 14.0 dBi

Electrical Characteristics	696-960 MHz		2 x 1710-2170 MHz		
	696-806	806-960	1710-1880	1850-1990	1900-2170
Frequency bands (MHz)	696-806	806-960	1710-1880	1850-1990	1900-2170
Polarization	±45°		±45°		
Horizontal beamwidth	70°	65°	65°	63°	61°
Vertical beamwidth	37°	35°	18°	18°	18°
Gain	10.5 dBi	11.0 dBi	13.5 dBi	14.0 dBi	14.0 dBi
Electrical downtilt (x)	0		0		
Impedance	50Ω		50Ω		
VSWR	≤1.5:1		≤1.5:1		
Front-to-back ratio	> 25 dB	> 25 dB	> 25 dB	> 25 dB	> 25 dB
Isolation between ports	25 dB		> 25 dB		
Input power	500 W		300 W		
IM3 (2x20W carriers)	< -153 dBc		< -153 dBc		
Lightning protection	Direct Ground				
Connector(s)	6 Ports / 7/16 DIN / Female / Bottom				
Mechanical Characteristics					
Dimensions Length x Width x Depth	589 x 305 x 180 mm		23.2 x 12.0 x 7.1 in		
Weight without mounting brackets	5.9 kg		13 lbs		
Survival wind speed	200 km/hr		125 mph		
Wind area	Front: 0.18 m ² ; Side: 0.11 m ²		Front: 1.9 ft ² ; Side: 1.1 ft ²		
Wind loads (160 km/hr or 100 mph)	Front: 219 N; Side: 129 N		Front: 49 lbf; Side: 29 lbf		
Mounting Options					
	Part Number	Fits Pipe Diameter		Weight	
2-Point Mounting Bracket Kit	MKS04P01	40-115 mm	2.0-4.5 in	2.9 kg	6.4 lbs
2-Point Mounting & Downtilt Bracket Kit	MKS04T03	40-115 mm	2.0-4.5 in	4.1 kg	9.0 lbs



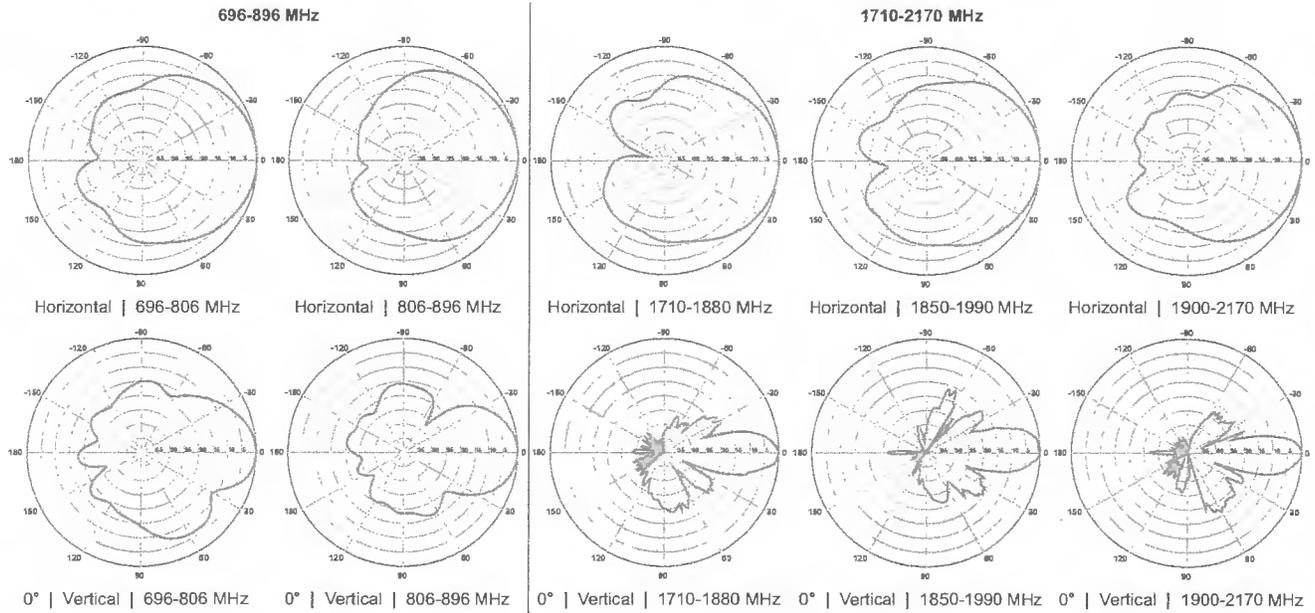
Bottom View



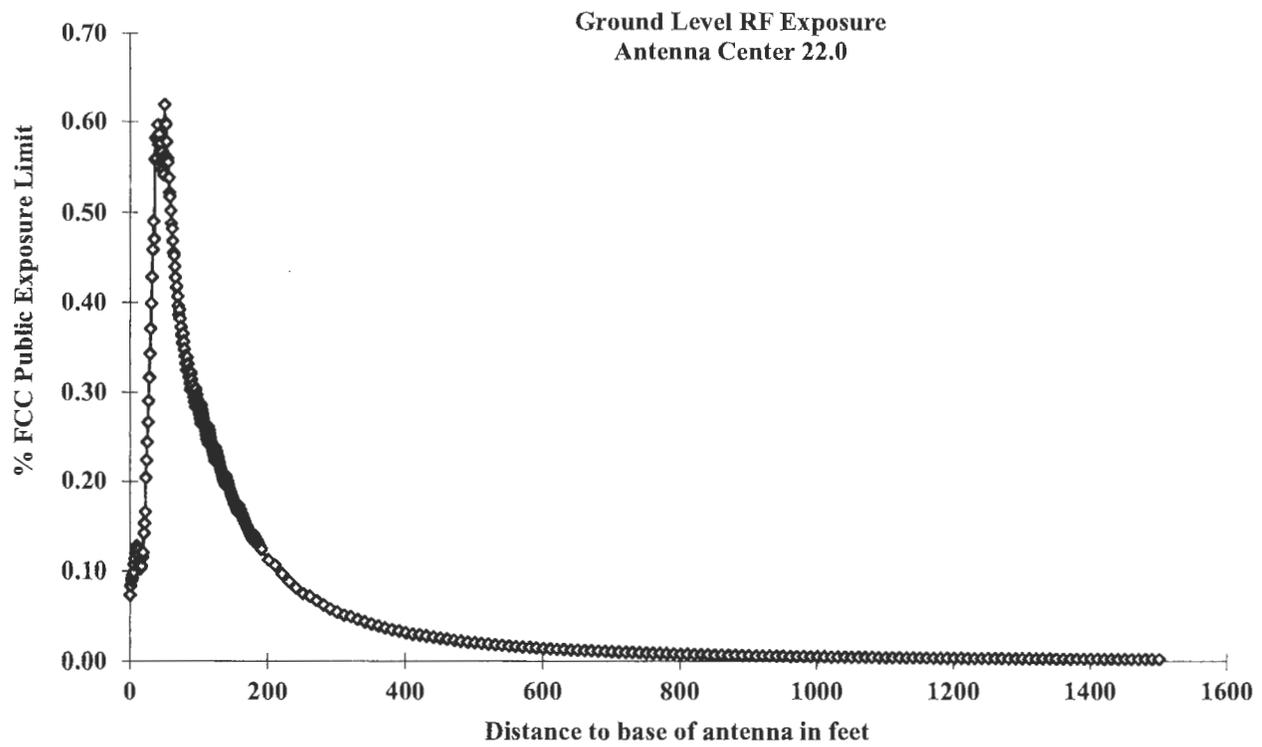
Quoted performance parameters are provided to offer typical or range values only and may vary as a result of normal manufacturing and operational conditions. Extreme operational conditions and/or stress on structural supports is beyond our control. Such conditions may result in damage to this product. Improvements to product may be made without notice.

HTXCWW63111414Fx00

XXX-Pol | Tri Band FET Panel | 63° | 11.0 / 14.0 / 14.0 dBi



Quoted performance parameters are provided to offer typical or range values only and may vary as a result of normal manufacturing and operational conditions. Extreme operational conditions and/or stress on structural supports is beyond our control. Such conditions may result in damage to this product. Improvements to product may be made without notice.



STATEMENT OF EXPERIENCE

Jerrold Talmadge Bushberg, Ph.D., DABMP, DABSNM, FAAPM, FHPS

Dr. Jerrold Bushberg has performed health and safety analysis for RF & ELF transmissions systems since 1978 and is an expert in both health physics and medical physics. The scientific discipline of Health Physics is devoted to radiation protection, which, among other things, involves providing analysis of radiation exposure conditions, biological effects research, regulations and standards as well as recommendations regarding the use and safety of ionizing and non-ionizing radiation. In addition, Dr. Bushberg has extensive experience and lectures on several related topics including medical physics, radiation protection, (ionizing and non-ionizing), radiation biology, the science of risk assessment and effective risk communication in the public sector.

Dr. Bushberg's doctoral dissertation at Purdue University was on various aspects of the biological effects of microwave radiation. He has maintained a strong professional involvement in this subject and has served as consultant or appeared as an expert witness on this subject to a wide variety of organizations/institutions including, local governments, school districts, city planning departments, telecommunications companies, the California Public Utilities Commission, the California Council on Science and Technology, national and international news organizations, and the U.S. Congress. In addition, his consultation services have included detailed computer based modeling of RF exposures as well as on-site safety inspections. Dr. Bushberg has performed RF & ELF environmental field measurements and recommend appropriate mitigation measures for numerous transmission facilities in order to assure compliance with FCC and other safety regulations and standards. The consultation services provided by Dr. Bushberg are based on his professional judgement as an independent scientist, however they are not intended to necessarily represent the views of any other organization.

Dr. Bushberg is a member of the main scientific body of International Committee on Electromagnetic Safety (ICES) which reviews and evaluates the scientific literature on the biological effects of nonionizing electromagnetic radiation and establishes exposure standards. He also serves on the ICES Risk Assessment Working Group that is responsible for evaluating and characterizing the risks of nonionizing electromagnetic radiation. Dr. Bushberg was appointed and is serving as a member of the main scientific council of the National Council on Radiation Protection and Measurements (NCRP). He is also the Senior Scientific Vice-President of the NCRP and chairman of the NCRP Board of Directors. Dr. Bushberg has served as chair of the NCRP scientific committee on Radiation Protection in Medicine and he continues to serve as a member of this committee as well as the NCRP scientific advisory committee on Non-ionizing Radiation Safety. The NCRP is the nation's preeminent scientific radiation protection organization, chartered by Congress to evaluate and provide expert consultation on a wide variety of radiological health issues. The current FCC RF exposure safety standards are based, in large part, on the recommendations of the NCRP. Dr. Bushberg holds several radiation detection technology patents and was awarded the NCRP *Sinclair Medal* for "Excellence in Radiation Science" in 2014. Dr. Bushberg was elected to the International Engineering in Medicine and Biology Society Committee on Man and Radiation (COMAR) which has as its primary area of responsibility the examination and interpreting the biological effects of non-ionizing electromagnetic energy and presenting its findings in an authoritative and professional manner. Dr. Bushberg also served for several years as a member of a six person U.S. expert delegation to the international scientific community on Scientific and Technical Issues for Mobile Communication Systems established by the FCC and the FDA Center for Devices and Radiological Health.

Dr. Bushberg is a full member of the Bioelectromagnetics Society, the Health Physics Society and the Radiation Research Society. Dr. Bushberg received both a Masters of Science and Ph.D. from the Department of Bionucleonics at Purdue University. Dr. Bushberg is a fellow of the American Association of Physicists in Medicine, a fellow of the National Health Physics Society and is certified by several national professional boards with specific sub-specialty certification in radiation protection and medical physics. Prior to coming to California, Dr. Bushberg was on the faculty of Yale University School of Medicine.

From: David Mitroff, Ph.D. <davidmitroff@gmail.com>
Sent: Saturday, March 19, 2016 4:41 PM
To: Madani, Jason
Cc: Harryeisenberg@aol.com; Kim@lipkin.us; Schaaf, Libby; contact@panil.org
Subject: Do not approve Case # PLN15-386 3770 Piedmont Ave and Yosemite Ave Light Pole and Wireless Tower

Hello Jason, This email is to inform you that I strongly object for numerous reasons, outlined below, to proposed project #PLN15-386 (telecommunications installation at Yosemite Avenue and Piedmont Avenue)... as well as the numerous other projects this same group is trying to install up and down Piedmont Avenue and will file whatever paperwork, attend meetings and/or engage in activities to see this proposal is not approved.

I live directly across the street (8 Yosemite Avenue) from this proposed site and the "light pole, cell tower, etc." will create unnecessary light onto my living space, be a source of dangerous radio frequency fields, will be unsightly and much more.

Below are my top concerns:

- 1.) I was just informed of this. Unlike ABC or other offices that require notices to be sent to all those within close proximity to the activity occurring, this has come to my attention via local outrage and the fact that an outside company is proposing to make money off of government right of way property by installing extremely powerful cellular towers disguised as unnecessary light poles on at least 5 streets right off Piedmont Avenue. I think your office may want to look into informing the public and/or requiring the contractors to inform the public better. The Planning Commission ideally can not only plan, but inform.
- 2.) The idea of adding a light pole when one exist right next to this proposed "light pole" and every direction you look makes no sense. We do not need a light pole or more light pollution in this area. Furthermore we do not need more cellular towers.
- 3.) Chow Restaurant Group is currently building a multi-million dollar new restaurant project and I'm highly confident they do not want a light pole and cell towers right in front of their new business. This will be unsightly and completely offset all of the landscaping and lighting work they are doing. This pole will also block my view and will be unsightly.
- 4.) Health and safety wise, Living across the street means the radio waves will be traveling directly through my living areas and creating unnecessary exposure to me and the other residents in my building. It is not ok to introduce even more radio waves into the air and especially that close to residence that have been labeled "exceed the FCC general public exposure limit"!!!
- 5.) The idea that public property is being used by private companies for profits is also very disturbing.

There are likely many other unforeseen issues I have not thought of. Please take this email as an official NO that I do not agree to or accept or approve of project #PLN15-386 and I will to the best of my ability work with others to make sure this project does not happen. I will also work with others to make sure the Planning Commission going forward focuses more attention on not only planning, but informing.

I have lived on Piedmont Avenue for 13 years, along with being an Oakland business owner and public servant and have supported many many good things in Oakland and continue too and at the same time also been

instrumental in making bad things go away, such as Egbert Souses, Kaiser trying to fence in their open space and more. I'm up to the challenge to make sure Oakland grows in the right way and that includes making sure this project does not happen. Let me know if you need anything else from me.

David Mitroff
8 Yosemite Avenue #6
Oakland, CA 94611
510-761-5895

Madani, Jason

From: George Horton <georgeleehorton@yahoo.com>
Sent: Wednesday, February 24, 2016 11:48 AM
To: Madani, Jason
Cc: Merkamp, Robert; Valerie Winemiller
Subject: Fwd: Piedmont Avenue Neighborhood Telecom Plan

Jason -

I sent this to Robert Merkamp yesterday but accidentally did not copy you on it. Please include this with your staff report to be sent to the Planning Commissioners regarding the proposed Yosemite telecom installation (Crown Castle, PLN15388).

I canvassed the neighborhood widely yesterday - no one received the first notice supposedly sent by the City on 2/11/16. Everyone to whom I spoke (on Montell, Rio Vista, and Yosemite) received two identical notices dated both 2/16 (Pitney Bowes) and 2/17 SF (USPS ?). Properties on Montell and Rio Vista received these duplicate notices on Saturday 2/20, residences on Yosemite received these notices on Monday 2/22 (two days ago). I will forward scans of the envelopes (a pair from each of the three streets) to you later today.

Why would duplicate notices be sent? Perhaps the first supposed mailing (2/11) was not stamped and did not reach the City until the second mailing was sent, resulting in identical notices arriving at residences on the same day.

As you may know, PANIL is one of the most active neighborhood organizations in Oakland. City mailings are carefully reviewed by many residents. If residents unanimously state that they never received the telecom mailing which was supposedly sent prior to the recent mailing, then it is virtually certain that the supposed 2/11 mailing never occurred.

Therefore, due to lack of sufficient notice, the neighborhood requests that the Yosemite item be removed from the March 2 agenda.

Thank you,
George Horton, Architect

Sent from my iPad

Begin forwarded message:

From: George Horton <georgeleehorton@yahoo.com>
Date: February 23, 2016 at 17:06:29 PST
To: rmerkamp@oaklandnet.com
Cc: Valerie Winemiller <vwinemiller@hotmail.com>
Subject: **Piedmont Avenue Neighborhood Telecom Plan**

Robert -

It seems to residents in the Piedmont Avenue neighborhood that the issue of the proposed telecom installations should be treated as a whole, not as individual installations. Because this issue affects the whole neighborhood and because residents have many concerns and questions, a neighborhood meeting where staff could explain the rationale for such a plan (as well as explore other options) plus answer questions would be very helpful. This most reasonably would occur

prior to any further consideration of these installations by the Planning Commission.

Some of the questions which have been raised in just the past few days:

1. Why is a 100-foot separation typically required to residential areas? Why would the City consider waiving this requirement? Many families, especially those with young children (and/or pregnant women) are concerned about radiation and the lessening of the typically required distance.
2. Why is a 1500-foot separation between installations typically required? Why would the City consider waiving this requirement? What is the effect of decreasing required distances on radiation levels?
3. Why are the installations not being placed on top of buildings as in other parts of Oakland, where they are out of sight and transmission not easily blocked by buildings (allowing antennae to be more widely separated)?
4. Why is the City not concerned about increasing clutter, including visual clutter, while other cities are undergrounding utilities, partly to reduce clutter? The City has strict rules about screening rooftop installations of antennae but seems to be turning a blind eye to these proposed installations at street level.
5. Providers who install antennae on building roofs pay the building owners rent. How much rent would this telecom company be paying to the City of Oakland?
6. Why does the City feel that it is acceptable to have a private company install its equipment on public land? The sidewalk areas are already increasingly congested with various signs, obstructing passage and the opening of car doors on the right side of the vehicle. This makes exiting/entering vehicles particularly difficult for elderly people as well as those with various physical challenges.
7. It seems that the proposed installations are for one telecom carrier. What happens when another carrier wants to install another set of poles next year? It seems that allowing the current applicant to install these poles sets a dangerous precedent for future installations.
8. A street light is proposed for the Montell location. This is directly opposite an existing streetlight. The Pet Food Express has bright lights mounted on the side of the building which illuminate the parking lot and sidewalk. Additional light is not needed at this location. In fact, it would be a waste of energy and contribute to light pollution. Has the City reviewed the appropriateness of each installation to its particular location?
9. And so on

It seems that an open forum where these issues could be discussed would be very helpful. Perhaps a more rational long term plan could be developed, based upon information provided by staff and neighborhood input.

Thanks,
George Horton, Architect

Sent from my iPad

March 22, 2015

Dear Members of Oakland City Planning Commission,

We attended the neighborhood meeting where Crown Castle Representatives presented their project.

We own a house on Montell St.

We are opposed to the installation of new wireless Telecommunications facilities on new poles at the public Right-of-Way adjacent to 3868 Piedmont Avenue and Montell St, at the public Right-of-Way adjacent to 3770 Piedmont Avenue and Yosemite Ave and at the public Right-of-Way 41st Street and Piedmont Avenue for the following reasons:

- This project is not intended for the benefit of the street residents but rather for Piedmont Ave passers-by, shoppers and drivers using data on their Verizon wireless device.
- The number and proximity of these new wireless facilities is a concern for aesthetic and safety reasons. Placing antennas at higher strategic levels (top of buildings) would be less if not visible and much more effective.
- Adding a light pole on Montell St where there is sufficient light provided by an existing street light across the street and lights from an adjacent business is unnecessary and will contribute to light pollution.
- Our neighborhood does not need more visual clutter. We already have our share of poles, wires, unsightly utility boxes from AT&T...
- Above all, if this project is accepted, Crown Castle will be able to add other antennas, equipment boxes, meter boxes for other wireless companies to their newly installed poles. Our streets seen from Piedmont Ave will definitely look unattractive with a clutter of metal boxes at 8' or 9' high.
- We need aesthetic enhancements of our urban environment and not degradation.

We sincerely hope that after reviewing the major conditional use permits, design reviews and variances and after hearing the concerns and issues brought up by our neighborhood, you will deny the application from Crown Castle.

We thank you for your consideration.

Sincerely,

Elisabeth Soeurs and André Jones
56, Montell St

Madani, Jason

From: Philip Cohen <phil@lmi.net>
Sent: Wednesday, February 24, 2016 8:58 AM
To: Madani, Jason
Subject: Crown Castle, PLN15388

Hello Mr Mandani

Please let it be known that I am opposed to allowing another telecommunications company to benefit from adding street-level obstacles to our already clogged public rights-of-way. Like the cable boxes that already grace the landscape, microwave antennas and associated equipment can be (and usually are) placed elsewhere. Let them put their crowns on their own castles.

Thank You,

Philip Cohen
41 Yosemite Avenue
Oakland, CA 94611

phil@lmi.net (510) 652-4944

Madani, Jason

From: Harryeisenberg@aol.com
Sent: Monday, March 28, 2016 11:46 AM
To: davidmitroff@gmail.com; Madani, Jason
Cc: Kim@lipkin.us; Schaaf, Libby; contact@panil.org
Subject: Re: Do not approve Case # PLN15-386 3770 Piedmont Ave and Yosemite Ave Light ...

Dear Jason,

May I please have a copy of your response to Mr. Mitroff.

Sincerely,
Harry (Eisenberg)
Chow Restaurant Group

In a message dated 3/19/2016 4:41:09 P.M. Pacific Daylight Time, davidmitroff@gmail.com writes:

Hello Jason, This email is to inform you that I strongly object for numerous reasons, outlined below, to proposed project #PLN15-386 (telecommunications installation at Yosemite Avenue and Piedmont Avenue)... as well as the numerous other projects this same group is trying to install up and down Piedmont Avenue and will file whatever paperwork, attend meetings and/or engage in activities to see this proposal is not approved.

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Below are my top concerns:

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There are likely many other unforeseen issues I have not thought of. Please take this email as an official NO that I do not agree to or accept or approve of project #PLN15-386 and I will to the best of my ability work with others to make sure this project does not happen. I will also work with others to make sure the Planning Commission going forward focuses more attention on not only planning, but informing.

I have lived on Piedmont Avenue for 13 years, along with being an Oakland business owner and public servant and have supported many many good things in Oakland and continue too and at the same time also been instrumental in making bad things go away, such as Egbert Souses, Kaiser trying to fence in their open space and more. I'm up to the challenge to make sure Oakland grows in the right way and that includes making sure this project does not happen. Let me know if you need anything else from me.

David Mitroff
8 Yosemite Avenue #6
Oakland, CA 94611
510-761-5895

Case File Number: PLN15-386

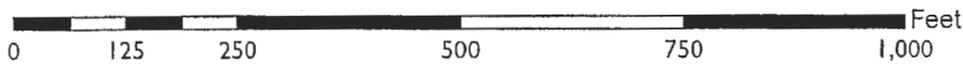
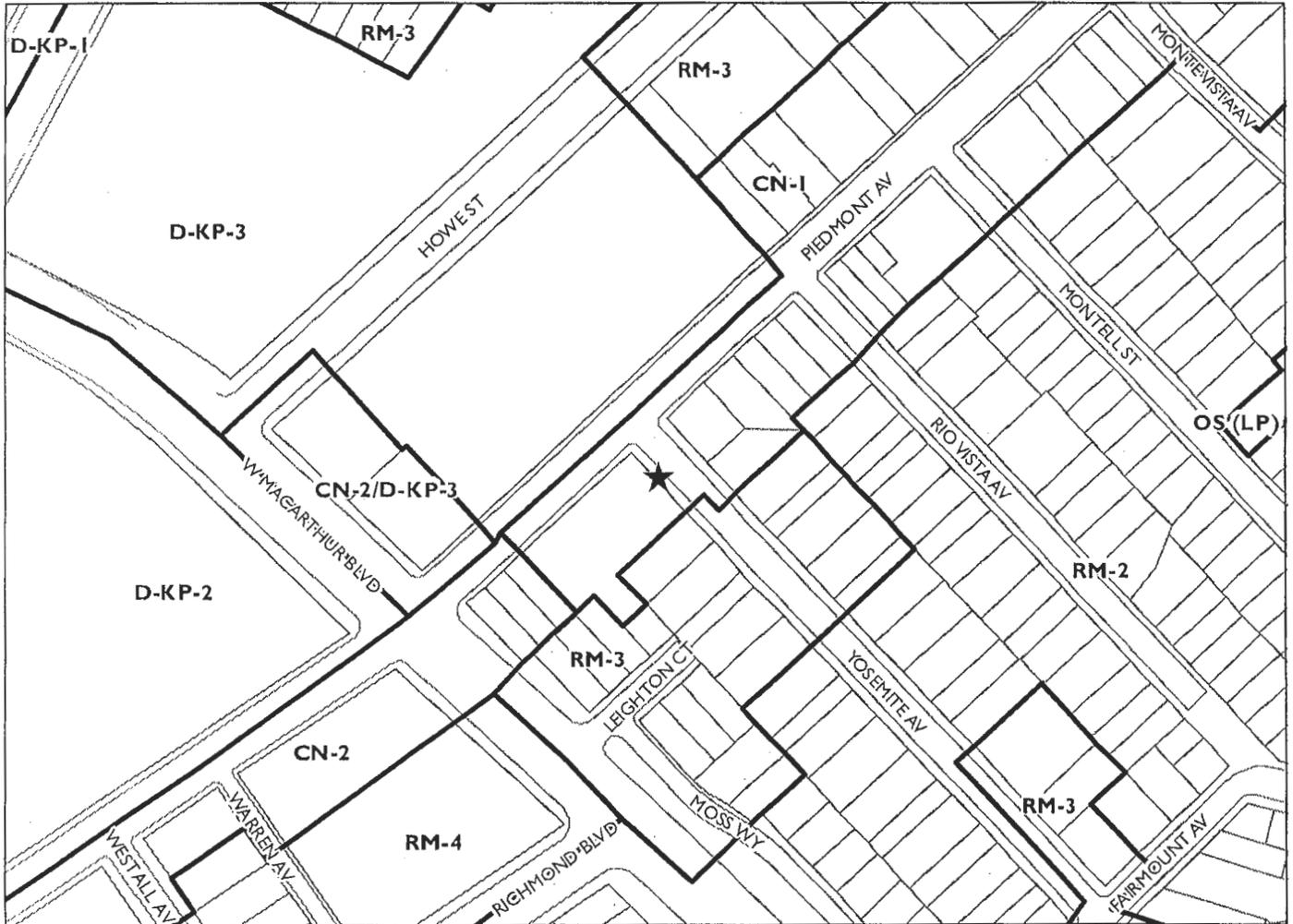
April 6, 2016

Location:	The Public Right of Way near 3770 Piedmont Avenue and Yosemite Avenue (See map on reverse)
Assessors Parcel Numbers:	Nearest lot adjacent to the project site (012-0938-039-021)
Proposal:	The project involves the installation of a new wireless Telecommunications facility on a new 24' tall metal light pole located in the public right-of-way; installation of two 24" wide panel antennas mounted at a height of 23' above the ground; an associated equipment box, one battery backup and meter box within a 5 feet long by 22 inch wide shroud attached to the light pole at 9' above the ground.
Applicant:	Crown Castle
Contact Person/	Bob Gundermann & Jason Osborn
Phone Number:	(925)899-1999
Owner:	City of Oakland
Case File Number:	PLN15-386
Planning Permits Required:	Major Conditional Use Permit and Design Review to install a new Monopole Telecommunication Facility within 100' of a residential zone, and a Minor Variance to establish a Monopole facility within 1500 feet of another monopole facility.
General Plan:	Neighborhood Center Mixed Use
Zoning:	CN-1 Neighborhood Center Zone
Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines; installation of new telecommunication/light pole. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, General Plan or zoning.
Historic Status:	Not a Potential Designated Historic Property; Survey Rating: N/A
Service Delivery District:	2
City Council District:	1
Date Filed:	December 7, 2015
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner Jason Madani at (510) 238-4790 or jmadani@oaklandnet.com

SUMMARY

The proposal is to install a new wireless Telecommunications Facility on a new 24 foot tall metal light pole located in the public right-of-way near 3770 Piedmont Avenue and Yosemite Avenue. Crown Castle is proposing to install two 24" wide panel antennas mounted at a height of 23 feet above the ground; an associated equipment box, one battery backup and meter box located within a 5 feet long by 22 inch wide shroud attached to the light pole at 9' above the ground. Because this installation is a stand-alone telecommunication pole and not a joint-use utility pole, it is defined as a Monopole by City of Oakland regulations. A Major Conditional Use Permit and

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN15-386
Applicant: Crown Castle
Address: Public Right-of-Way adjacent to
5 Yosemite Avenue and Piedmont Avenue
Zone: CN-1

Design Review is required for the installation of a new Monopole Telecommunication Facility within 100' of a residential zone and a Minor Variance is required to establish a monopole facility within 1500 feet of another monopole facility in the CN-zone. The proposed monopole facility is designed to look like a City of Oakland standard utility light pole; its antennas and associated equipment cabinets are within a shroud. The facility is located adjacent to the commercial parking lot of a commercial building on a commercial corridor and provides sufficient separation from the residential zone. The proposal will have minimal visual impacts as seen from commercial or residential buildings located on Piedmont Avenue and Yosemite Avenue. The project meets all the required findings (listed below) for an approval of the project.

TELECOMMUNICATIONS BACKGROUND

Limitations on Local Government Zoning Authority under the Telecommunications Act of 1996

Section 704 of the Telecommunications Act of 1996 (TCA) provides federal standards for the siting of "Personal Wireless Services Facilities." "Personal Wireless Services" include all commercial mobile services (including personal communications services (PCS), cellular radio mobile services, and paging); unlicensed wireless services; and common carrier wireless exchange access services. Under Section 704, local zoning authority over personal wireless services is preserved such that the FCC is prevented from preempting local land use decisions; however, local government zoning decisions are still restricted by several provisions of federal law. Under Section 253 of the TCA, no state or local regulation or other legal requirement can prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.

Further, Section 704 of the TCA imposes limitations on what local and state governments can do. Section 704 prohibits any state and local government action which unreasonably discriminates among personal wireless providers. Local governments must ensure that its wireless ordinance does not contain requirements in the form of regulatory terms or fees which may have the "effect" of prohibiting the placement, construction, or modification of personal wireless services. Section 704 also preempts any local zoning regulation purporting to regulate the placement, construction and modification of personal wireless service facilities on the basis, either directly or indirectly, on the environmental effects of radio frequency emissions (RF) of such facilities, which otherwise comply with FCC standards in this regard. See, 47 U.S.C. 332 (c) (7) (B) (iv) (1996). This means that local authorities may not regulate the siting or construction of personal wireless facilities based on RF standards that are more stringent than those promulgated by the FCC. Section 704 mandates that local governments act upon personal wireless service facility siting applications to place, construct, or modify a facility within a reasonable time. 47 U.S.C.332(c) (7) (B) (ii). See FCC Shot Clock ruling setting forth "reasonable time" standards for applications deemed complete.

Section 704 also mandates that the FCC provide technical support to local governments in order to encourage them to make property, rights-of-way, and easements under their jurisdiction available for the placement of new spectrum-based telecommunications services. This proceeding is currently at the comment stage.

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

PROJECT DESCRIPTION

The applicant (Crown Castle) is proposing to install a new 24' tall metal light pole located in the City of Oakland public right-of-way. The project involves the installation of two 24" wide panel antennas mounted at 23' above the ground; an associated equipment box, one battery backup and meter box within a 5 feet long by 22 inch wide equipment shroud mounted to the light pole at 9' above the ground. (See Attachment A)

PROPERTY DESCRIPTION

The project site is located in the City of Oakland public right-of-way near 3770 Piedmont Avenue and Yosemite Avenue adjacent to a commercial building parking lot, and approximately 30' away from a two-story residential building, and other utility equipment facilities. The proposed telecommunication pole provides approximately 30' of separation from the adjacent RM-3 residential zone.

GENERAL PLAN ANALYSIS

The subject property is located within the Neighborhood Center Mixed Use General Plan Land Use designation. The Neighborhood Center Mixed Use Land Use classification is intended to identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses. The proposed unmanned wireless telecommunications facility will not adversely affect and detract from the characteristics of the neighborhood. The proposal will not likely affect the general quality and character of the neighborhood. The proposed project is not expected to have a significant visual impact on the existing structure and surrounding area.

ZONING ANALYSIS

The subject property is located in the CN-1 Neighborhood Center Mixed Use. The intent of the CN-1 zone is to maintain and enhance vibrant commercial districts with a wide range of retail establishments serving both short and long term needs in attractive settings oriented to pedestrian comparison shopping. The proposal for a new unmanned wireless telecommunication facility on a new monopole telecommunication facility requires a Major Conditional Use Permit and Design Review, because the project is located within 100' of a residential zone and a Minor Variance to establish a Monopole telecommunication facility within 1500 feet of another telecommunication monopole facility. Staff finds that the proposed application meets the applicable CN-1 Zoning and City of Oakland Telecommunications Regulations as discussed under "Findings" of this report.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines list the projects that qualify as categorical exemptions from environmental review. The proposed project is categorically exempt from the environmental review requirements pursuant to Section 15303, new

construction of small structures, and 15183, projects consistent with a community plan, general plan or zoning.

KEY ISSUES AND IMPACTS

A community meeting was held on March 9th 2016. Many community members expressed concerns that a telecommunication facility within close proximity to homes or along Piedmont Avenue will have negative visual impacts on their neighborhood.

Staff believes that new telecommunication facility located on new monopole/ light pole located in the public right-of-way adjacent to a commercial building parking lot and approximately 30' away from the adjacent residential zone and with appropriate conditions of approval will not have significant visual impacts on the operating characteristic of this neighborhood. It will provide an essential telecommunication service to the community and the City of Oakland at large. It will also be available to emergency services such as Police, Fire and Health response teams. The submitted RF analysis indicates compliance with FCC Limitations regarding RF emissions.

1. Conditional Use Permit and Design Review and Variance

Section 17.17.040, 17.128.080 and 17.148.050 of the City of Oakland Planning Code requires a Conditional Use Permit and Design Review to install a Monopole Telecommunication facility within CN-1 zone and a Minor Variance to establish a monopole facility within 1500 feet of another monopole facility. Furthermore, Section 17.134.020 defines a major and minor conditional use permit. Subsection (A) (3) (i) lists as a Major Conditional Use Permit: "Any telecommunication facility within 100' of a residential zone." The required findings for a Major Conditional Use Permit, Design Review and Minor Variance are listed and included in staff's evaluation as part of this report.

2. Project Site

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

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

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

Alternative Site Analysis:

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

Staff has reviewed the applicant's written evidence of an alternative sites analysis (see Attachment A) and determined that the site selected conforms to the telecommunication regulation requirements. In addition, staff agrees that no other sites are more suitable. The project has met design criteria (B and D) since the proposed two 24" wide new antennas is mounted on a new monopole facility 23' above the ground, an associated equipment box is within a 5 foot long by 22 inches wide equipment shroud mounted on the pole at 9' above the ground.

3. Project Design

Section 17.128.120 of the City of Oakland Telecommunications Regulations indicates that new wireless facilities shall generally be designed in the following order of preference:

- A. Building or structure mounted antennas completely concealed from view.
- B. Building or structure mounted antennas set back from roof edge, not visible from public right-of way.
- C. Building or structure mounted antennas below roof line (facade mount, pole mount) visible from public right-of-way, painted to match existing structure.
- D. Building or structure mounted antennas above roof line visible from public right of-way.
- E. Monopoles.
- F. Towers.

* Facilities designed to meet an A or B ranked preference do not require a site design alternatives analysis. Facilities designed to meet a C through F ranked preference, inclusive, must submit a site design alternatives analysis as part of the required application materials. A site design alternatives analysis shall, at a minimum, consist of:

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

City of Oakland Planning staff has reviewed and determined that the site selected conforms to all other telecommunication regulation requirements. The project has met design criteria (E) since the antennas and equipment cabinet will be within a singular equipment box (shroud) attached to the pole and painted aluminum finish to match City of Oakland light-pole to minimize potential visual impacts from public view. Crown Castle considered as an original design concept to locate the equipment cabinet inside a faux mail box design next to the light pole and also an

equipment cabinet built into the base of the light pole located within the public right of way. (See Attachment A)

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. The Telecommunications regulations require that the applicant submit written documentation demonstrating that the emission from the proposed project are within the limits set by the Federal Communications Commission. In the document (attachment B) prepared by Jerrold T. Bushberg Health and Medical Physics Consulting, Inc. the proposed project was evaluated for compliance with appropriate guidelines limiting human exposure to radio frequency electromagnetic fields. According to the report on the proposal, the project will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, the proposed site will operate within the current acceptable thresholds as established by the Federal Government or any such agency that may be subsequently authorized to establish such standards.

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

The information submitted with the initial application was an RF emissions report, prepared by Jerrold T. Bushberg Health and Medical Physics Consulting, Inc. (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.

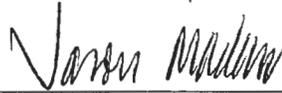
CONCLUSION

Staff recommends that the new telecommunication facility, with appropriate conditions of approval, will not have significant visual impacts on the operating characteristic of the existing mixed use neighborhood. It will also be available for services to the community and the City of Oakland at large. It will also be available to emergency services such as Police, Fire and Health response teams. Staff believes that the findings for approval can be made to support the Conditional Use Permit, Design Review and Variance.

RECOMMENDATIONS:

1. Affirm staff's environmental determination
2. Approve Major Conditional Use Permit, and Design Review and Minor Variance application PLN15-386 subject to the attached findings and conditions of approval.

Prepared by:



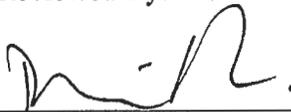
Jason Madani
Planner II

Reviewed by:



Scott Miller
Zoning Manager

Reviewed By:



Darin Ranelletti, Deputy Director
Bureau of Planning and Building

Approved for forwarding to the
City Planning Commission



Rachel Flynn, Director
Bureau of Planning and Building

ATTACHMENTS:

- A. Project Plans & Photo Simulations & Alternative Site Analysis & Design Alternative
- B. Jerrold T. Bushberg Health and Medical Physics Consulting, Inc. Engineering RF Emissions Report
- C. Correspondence

FINDINGS FOR APPROVAL

FINDINGS FOR APPROVAL:

This proposal meets all the required findings under Section 17.134.050, of the General Use Permit criteria; all the required findings under Section 17.136.050. (B), of the Non-Residential Design Review criteria; all the required findings under Section 17.128.080 (B), of the telecommunication facilities (Monopole) Design Review criteria; and all the required findings under Section 17.128.080. (C), of the telecommunication facilities (Monopole) Conditional Use Permit criteria; and Variance finding 17.148.050 and as set forth below and which are required to approve your application. Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

SECTION 17.134.050 – GENERAL USE PERMIT FINDINGS:

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

The project involves the installation of a new wireless telecommunications facility (Crown Castle) on a new 24' tall metal light pole located in the public right-of-way adjacent to a parking lot; installation of two 24" wide panel antennas mounted at a height of 23' above the ground; an associated equipment box, one battery backup and meter box within a 5 feet long by 22 inch wide shroud attached to the light pole at 9' above the ground. The proposed monopole facility is designed to look like a City utility light pole. The proposed antennas and equipment cabinet attached to the utility pole will be painted to match the aluminum finish of the City of Oakland light pole.

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

The proposed unmanned wireless telecommunication facility will not adversely affect or detract from the civic, commercial or residential characteristics of the neighborhood, because the proposed monopole facility is designed to look like a city utility light pole and the antennas will be mounted on a 24' tall monopole telecommunication facility that is located in the public right-of-way adjacent to the parking lot of an existing commercial building and provide approximately 30' separation from nearest residential building within the commercial corridor.

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

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

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

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

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

The subject property is located within the Neighborhood Center Mixed Use General Plan designation. The Neighborhood Center Mixed Use land use classification is intended to identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses. The proposed unmanned wireless telecommunication facility will not adversely affect and detract from the characteristics of the neighborhood. The proposal will not likely affect the general quality and character of the neighborhood. The proposed project is not expected to have a significant visual impact on the existing structure and surrounding area.

17.136.050(B) – NONRESIDENTIAL DESIGN REVIEW CRITERIA:

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;

The proposal is to install a new 24' tall metal light pole located in the public right-of-way. The project involves installation of two 24" wide panel antennas mounted at a height of 23' above the ground; an associated equipment box, one battery backup and meter box within a 5 feet long by 22 inch wide shroud attached to the light pole at 9' above the ground located within the City of Oakland public right-of-way. The proposed monopole facility is designed to look like a City of Oakland utility light pole to blend in with other public utility pole structures within commercial corridor.

2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;

The design will be appropriate and compatible with current zoning and general plan land use designations. The antennas will be located on a monopole designed to look like a City of Oakland utility light pole set in within public right-of- way of commercial corridor and is consistent with other public utility pole structures.

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.

See above E findings.

17.128.080(B) DESIGN REVIEW CRITERIA FOR MONOPOLE FACILITIES

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

The proposed 24' tall monopole telecommunication facility is designed to look like a City utility light pole and will be painted to match the aluminum finish of the City of Oakland light pole. The proposal is consistent with other public utility pole structures within a commercial corridor.

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

See above # 1 finding.

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

See above #1 finding

4. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained:

The associated equipment box, one battery backup and meter boxes will be within a 5 feet long by 22 inch wide equipment shroud attached to the 24'tall light pole 9' above ground and painted to match the aluminum finish of the City of Oakland light pole. The proposed antennas and equipment are consistent with other existing utility poles located within public right-of-way of the commercial corridor. The equipment will be placed where it will not be accessed by the public.

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

See above #4 finding.

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

The antennas will be mounted to a 24' tall monopole and will not be accessible to the public due to its location. The equipment cabinet will be located in a service area which is only accessible to maintenance workers and not to the public.

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

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

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

2. Monopoles should not be located any closer than one thousand five hundred (1,500) feet from existing monopoles unless technologically required or visually preferable:

The antenna system that Crown castle is proposing as a small cell distributed antenna system. These Small cells are very low powered sites compared to the full Macro site. A macro proved coverage for miles in all directions depending on the height and power output. Small Cell is designed to cover very small areas approximately quarter mile in total diameter. The sites are designed to be close together with lower RAD centers in order to supply coverage for the high density of population. As a result, Crown Castle is proposing several cell sites which are located within 1500 feet of each other along Piedmont Avenue.

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

The site is appropriate because is located within public right-of-way located next to a commercial parking lot and provides approximately 30' of separation from the adjacent residential zone. The proposed antennas will be located on a 24' tall light pole monopole and painted to match the aluminum finish of the City of Oakland light poles on the commercial corridor, thus it will not disrupt the overall community character of the site.

4. If a Major Conditional Use Permit is required, the Planning Director or the Planning Commission may request independent expert review regarding site location, collocation and facility configuration. Any party may request that the Planning Commission consider making such request for independent expert review.

a. If there is any objection to the appointment of an independent expert engineer, the applicant must notify the Planning Director within ten days of the Commission request. The Commission will hear arguments regarding the need for the independent expert and the applicant's objection to having one appointed. The Commission will rule as to whether an independent expert should be appointed.

- b. Should the Commission appoint an independent expert, the Commission will direct the Planning Director to pick an expert from a panel of licensed engineers, a list of which will be compiled, updated and maintained by the Planning Department.
- c. No expert on the panel will be allowed to review any materials or investigate any application without first signing an agreement under penalty of perjury that the expert will keep confidential any and all information learned during the investigation of the application. No personnel currently employed by a telecommunication company are eligible for inclusion on the list.
- d. An applicant may elect to keep confidential any proprietary information during the expert's investigation. However, if an applicant does so elect to keep confidential various items of proprietary information, that applicant may not introduce the confidential proprietary information for the first time before the Commission in support of the application.
- e. The Commission shall require that the independent expert prepare the report in a timely fashion so that it will be available to the public prior to any public hearing on the application.
- f. Should the Commission appoint an independent expert, the expert's fees will be paid by the applicant through the application fee, imposed by the city.

N/A

SECTION 17.148.050A VARIANCE FINDINGS REQUIRED:

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the Zoning Regulations, due to unique physical or topographical circumstances or conditions of design; or, as an alternative in the case of a Minor Variance, that such strict compliance would preclude an effective design solution improving the livability, operational efficiency, or appearance.

Crown Castle is proposing to install the Monopole Telecommunication Facility within 1500 feet of another monopole facility located on Piedmont Avenue. Because this installation is a stand-alone telecommunication pole and not a joint-use utility pole, it is considered a Monopole by City of Oakland zoning regulations. The antenna system that Crown castle is proposing is a Small Cell distributed antenna system. These Small Cells are very low powered sites compared to the full Macro site. A macro provides coverage for miles in all directions depending on the height and power output. Small Cell telecommunication facilities are designed to cover very small areas approximately quarter mile in total diameter. The sites are designed to be close together with lower RAD centers in order to supply coverage for the high density of population. As a result, Crown Castle is proposing several cell sites which are located within 1500 feet of each other along the Piedmont Avenue corridor area.

2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a Minor Variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.

See finding #1 above.

- 3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.**

The variance will not adversely affect the properties or surrounding properties because the associated equipment box, one battery backup and meter boxes will be within a 5 feet long by 22 inch wide equipment shroud attached to the 24'tall light pole 9' above ground and painted to match the aluminum finish of the City of Oakland light poles. Photo simulations submitted for the project show the view of the proposed antennas and screen as seen from the street with minimum visual impacts.

- 4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the Zoning Regulations.**

See above findings #3.

- 5. That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set forth in the design review procedure at Section 17.136.;**

Other than establishing the monopole structure within 1500 feet of other monopole facilities, all other design components of this project are consistent with design review criteria. Therefore, the proposal will comply with the Design Review procedure at Section 17.136.050.

- 6. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.**

See above finding E.

CONDITIONS OF APPROVAL

PLN15-386

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, **PLN15-386**, and the plans dated **March 24, 2015** and submitted on **December 7, 2015** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.

b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: **The project involves the installation of a new wireless Telecommunications facility (Crown Castle) on a new 24' tall metal light pole located in the public right-of-way; installation of two 24" wide panel antennas mounted at a height of 23' above the ground; an associated equipment box, one battery backup and meter box within a 5 feet long by 22 inch wide shroud attached to the light pole at 9' above the ground.**

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

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

3. Scope of This Approval; Major and Minor Changes

Ongoing

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

4. Conformance with other Requirements

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

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

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

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

Ongoing

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, conditions or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these conditions if it is found that there is violation of any of the conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it; limit in any manner whatsoever the ability of the City to take appropriate enforcement actions.

6. Signed Copy of the Conditions

With submittal of a demolition, grading, and building permit

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

7. Indemnification

Ongoing

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

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

8. Compliance with Conditions of Approval

Ongoing

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

9. Severability

Ongoing

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

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

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

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

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

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

12. Days/Hours of Construction Operation

Ongoing throughout demolition, grading, and/or construction

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

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

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

13. Landscape Maintenance

Ongoing

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

14. Operational Noise-General

Ongoing

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

PROJECT SPECIFIC CONDITIONS:

15. Radio Frequency Emissions

Prior to the final building permit sign off

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