



CITY OF OAKLAND
DESIGN REVIEW EXEMPTION CHECKLIST
(TELECOM / PUBLIC RIGHT-OF-WAY)
250 Frank H. Ogawa Plaza, 2nd Floor, Oakland CA 94612
Information: 510-238-3911 / Appointments: 510-238-3940

DESIGN REVIEW EXEMPTION (DRX) CHECKLIST
TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY

PURPOSE AND INTENT

This Checklist is intended for use with applications for Telecommunications Facilities to be located in the public right-of-way. As of January 1, 2019, these projects are to be reviewed under a ministerial (non-discretionary) procedure, pursuant to Federal Regulations (FCC “Carr Order” 2018). On August 21, 2019, the City issued “Design Standards For Small Cell Telecommunications Facilities Located In The Public Right-Of-Way.” This Checklist implements the Standards. **This DRX may be issued only if the Planning Bureau can check “YES” to each of the following 3 criteria, as described in further detail in the following pages of this Checklist:**

(1) Small Wireless Facilities (SWF) YES NO

The project consists of a SWF.

(2) Public Right-of-Way YES NO

The project site is located in the public right-of-way.

(3) General Development Standards

The project meets *all* of the following General Development Standards:

A. Installation and Development. YES NO

B. Permits YES NO

C. Facility, Equipment, Wiring and Cabling YES NO

D. Construction Period Requirements YES NO

E. Appearance YES NO

F. Site Location Preferences YES NO

G. Radio Frequency Emissions Standards. YES NO

H. Public Outreach YES NO

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(1) Small Wireless Facilities

“**Small Wireless Facilities**” means telecommunications facilities that meet *each* of the following conditions:

(1) The facilities:

- _____ (i) Are mounted on structures fifty (50) feet or less in height including their antennas, or
 - _____ (ii) Are mounted on structures no more than ten percent (10%) taller than other adjacent structures, or
 - _____ (iii) Do not extend existing structures on which they are located to a height of more than fifty (50) feet or by more than ten percent (10%), whichever is greater;
- _____ (2) Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three (3) cubic feet in volume;
- _____ (3) All other related equipment, including the antenna equipment, is no more than twenty-eight (28) cubic feet in volume.
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_____ **(2) Public Right-of-Way**

The project site is *not* located on property (private or public), and, is located in the public right-of-way (City sidewalk or street shoulder).

(3) General Development Standards

A. Installation and Development.

1. _____ **General Information – the application contains:**

- _____ Nearest address
- _____ Nearest assessor’s parcel number (APN)
- _____ Street light pole number
- _____ Mapped coordinates (by GIS or other method approved by City)
- _____ Description in reasonable detail of the type of existing light pole
- _____ Description of proposed Small Wireless Facility
- _____ Description of proposed method of installation
- _____ Photo-simulations from at least 3 reasonable line-of-site locations near the proposed project site

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2. _____ Distance Separation

Not be located closer than two hundred (200) feet from any other existing or proposed Small Wireless Facility unless the city requests that the applicant move a proposed antenna location (See Section H) and by so doing would have to move to within 200-feet of an existing or approved but not yet constructed facility.

3. _____ Type of Pole

Located on existing non-ornamental light poles, utility poles or other support structures, except as otherwise permitted.

4. _____ Vegetation / Topography

_____ 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.

5. _____ Traffic Signal Poles

No use of traffic signal poles will be allowed.

6. _____ New Poles

New poles will be allowed where there is a demonstrated lack of a suitable pole in existence and where there is a demonstrated need to fill a coverage gap. *For the purposes of this section a new pole is defined as a new facility where no pole currently exists, not a replacement pole*

B. _____ Permits

All other applicable City permissions are or will be obtained prior to final installation / energization (which may include Real Estate Department, Department of Transportation, Public Works Agency, and / or Building Bureau)

C. _____ Facility, Equipment, Wiring and Cabling

Except for wiring and cabling, Small Wireless Facilities shall be located entirely on the subject pole, including any utility meter, *unless the City determines based on evidence provided by the applicant that such installation is infeasible.*

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D. _____ Construction Period Requirements

The applicant must submit:

- _____ Fully-dimensioned site plans
- _____ Elevation drawings. Drawings must depict:
 - _____ Any existing wireless facilities with all existing transmission equipment identified;
 - _____ Any other related improvements;
 - _____ The proposed facility, with all proposed transmission equipment and other improvements; and
 - _____ The boundaries of the area surrounding the proposed facility and any associated access or utility easements or setbacks

E. Appearance

1. _____ Antennas shall be covered by appropriate casings that are manufactured, textured and painted to match features found on the existing structure.
2. _____ Equipment cabinets shall be of the same type and design of the surrounding utility structures, (and screened from public view by using materials and colors consistent with surrounding Backdrop – See E1) -- the equipment cabinet must be maintained per industry standards.
3. _____ All reasonable means of reducing public access to the antennas and equipment must be made.
4. _____ Except when Small Wireless Facilities are attached to a wooden pole, exposed wires are not permitted.
5. _____ Small Wireless Facilities must meet the size and height limitations within the definition of Small Wireless Facilities, above (See 1).

F. Site Location Preferences

New Small Wireless Facilities in the public right-of-way shall be located in the following areas *in order of preference*:

- a. _____ Areas that are *not* located adjacent to a public park (city, regional or state); or within a designated Historic Area of Primary Importance (API) or Secondary Importance (ASI).
- b. _____ Areas that are located adjacent to a public park (city, regional or state); or within a designated Historic Area of Secondary Importance (ASI).
- c. _____ Areas that are located within a designated Historic Area of Primary Importance (API).

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Facilities locating in an A-ranked preference area do not require a **site alternatives analysis**.

Facilities proposing to locate in a B- or C-ranked preference area must submit a site alternatives analysis as part of the required application materials. A site alternatives analysis shall, at a minimum, consist of:

_____ The identification of all A-ranked preference sites within two-hundred (200) feet of the proposed location (If more than three (3) A-ranked preference sites exist, the three such closest to the proposed location shall be required).

_____ Written evidence indicating why each such identified alternative cannot be used. Such evidence shall be in sufficient detail that independent verification, at the applicant's expense, could be obtained if required by the Oakland Zoning Manager. Evidence should indicate if the reason an alternative was rejected was technical (e.g. incorrect height, interference from existing Radio Frequency (RF) sources, inability to cover required area) or for other concerns (e.g. refusal to lease, inability to provide utilities).

Please note: If the City determines based on the required site alternatives analysis that the preferred-location alternatives are not feasible, then the Small Wireless Facility may be installed in a non-preferred location.

G. Radio Frequency Emissions Standards.

_____ Submit written documentation demonstrating that the emissions from the proposed project, combined with the baseline Radio Frequency (RF) emissions condition at the proposed location, are within the limits set by the Federal Communications Commission or any such agency who may be subsequently authorized to establish such standards.

The applicant for all Small Wireless Facilities, including requests for modifications to existing facilities, shall submit the following verification:

1. _____ With the initial application to the Planning Bureau, a RF emissions report, prepared by a licensed professional engineer or other expert, indicating that the emissions from the proposed project, combined with the baseline RF emissions condition at the proposed location and other approved by not yet constructed telecommunications facilities, will be within the current acceptable thresholds as established by the Federal government or any such agency who may be subsequently authorized to establish such standards.

Please note: Prior to final Department of Transportation (DOT) Permit sign off, a second RF emissions report indicating that the actual, measured emissions from the project upon operation, combined with the baseline RF emissions condition at the project location and other approved by not yet constructed telecommunications facilities, is within the acceptable thresholds as established by the Federal government or any such agency who may be subsequently authorized to establish such standards shall be submitted to the Planning Bureau for review. If the RF emissions report show required mitigations to bring the Small Wireless Facility into compliance with the applicable standards, such mitigation measures shall be shown on all plans and constructed as designed. Should any modifications to the exterior appearance be required, DOT will consult with Planning to see if additional Design Review is necessary.

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H. Public Outreach

_____ The applicant shall show proof that they held a community meeting for each site under consideration.
The information shall include:

- _____ Location of meeting
- _____ Date of meeting
- _____ Time of the meeting
- _____ Number of attendees
- _____ Modifications requested by the public were accommodated
- _____ Nature of requested accommodations

I have reviewed the above "Design Review Exemption Checklist," and certify that the project conforms to all applicable criteria.

Applicant's Signature

Date

Reviewer's Signature

Date