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|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Location:</b>                    | Utility pole in public right-of-way adjacent to: 3800 Mountain Boulevard                                                                                                                                                                                                                                                                            |
| <b>Assessor's Parcel Numbers:</b>   | Nearest adjacent lot: 029-1090-002-06                                                                                                                                                                                                                                                                                                               |
| <b>Proposal:</b>                    | To install a new "small cell site" Macro Telecommunications Facility to improve services by placing one canister antenna (48" high and 14.6" in diameter) at the top of an existing utility pole located in the public right-of-way. The antenna would up to 50'-4" in height, related equipment mounted on the side of the pole above ground-level |
| <b>Applicant / Phone Number:</b>    | Christy Beltran/ The CBR Group, Inc. (for: Verizon)<br>(415) 806-2323                                                                                                                                                                                                                                                                               |
| <b>Owner:</b>                       | Joint Pole Authority                                                                                                                                                                                                                                                                                                                                |
| <b>Case File Number:</b>            | PLN17-512                                                                                                                                                                                                                                                                                                                                           |
| <b>Planning Permits Required:</b>   | Regular Design Review with additional findings for Macro Telecommunications Facility in the public right-of-way in a residential zone                                                                                                                                                                                                               |
| <b>General Plan:</b>                | Hillside Residential                                                                                                                                                                                                                                                                                                                                |
| <b>Zoning:</b>                      | Hillside Residential – 4 Zone (RH-4)                                                                                                                                                                                                                                                                                                                |
| <b>Environmental Determination:</b> | Exempt, Section 15301 of the State CEQA Guidelines:<br>Existing Facilities;<br>Exempt, Section 15302:<br>Replacement or Reconstruction;<br>Exempt, Section 15303:<br>New Construction of Small Structures;<br>Section 15183:<br>Projects Consistent with a Community Plan, General Plan or Zoning                                                   |
| <b>Historic Status:</b>             | Non-historic Property                                                                                                                                                                                                                                                                                                                               |
| <b>City Council District:</b>       | 4                                                                                                                                                                                                                                                                                                                                                   |
| <b>Date Filed:</b>                  | December 28, 2017                                                                                                                                                                                                                                                                                                                                   |
| <b>Action to be Taken:</b>          | Decision based on staff report                                                                                                                                                                                                                                                                                                                      |
| <b>Finality of Decision:</b>        | <i>Appealable to City Council within 10 days</i>                                                                                                                                                                                                                                                                                                    |
| <b>For Further Information:</b>     | Contact case planner <b>Marilu Garcia</b><br>at (510) 238-5217 or <a href="mailto:mgarcia2@oaklandnet.com">mgarcia2@oaklandnet.com</a>                                                                                                                                                                                                              |

**SUMMARY**

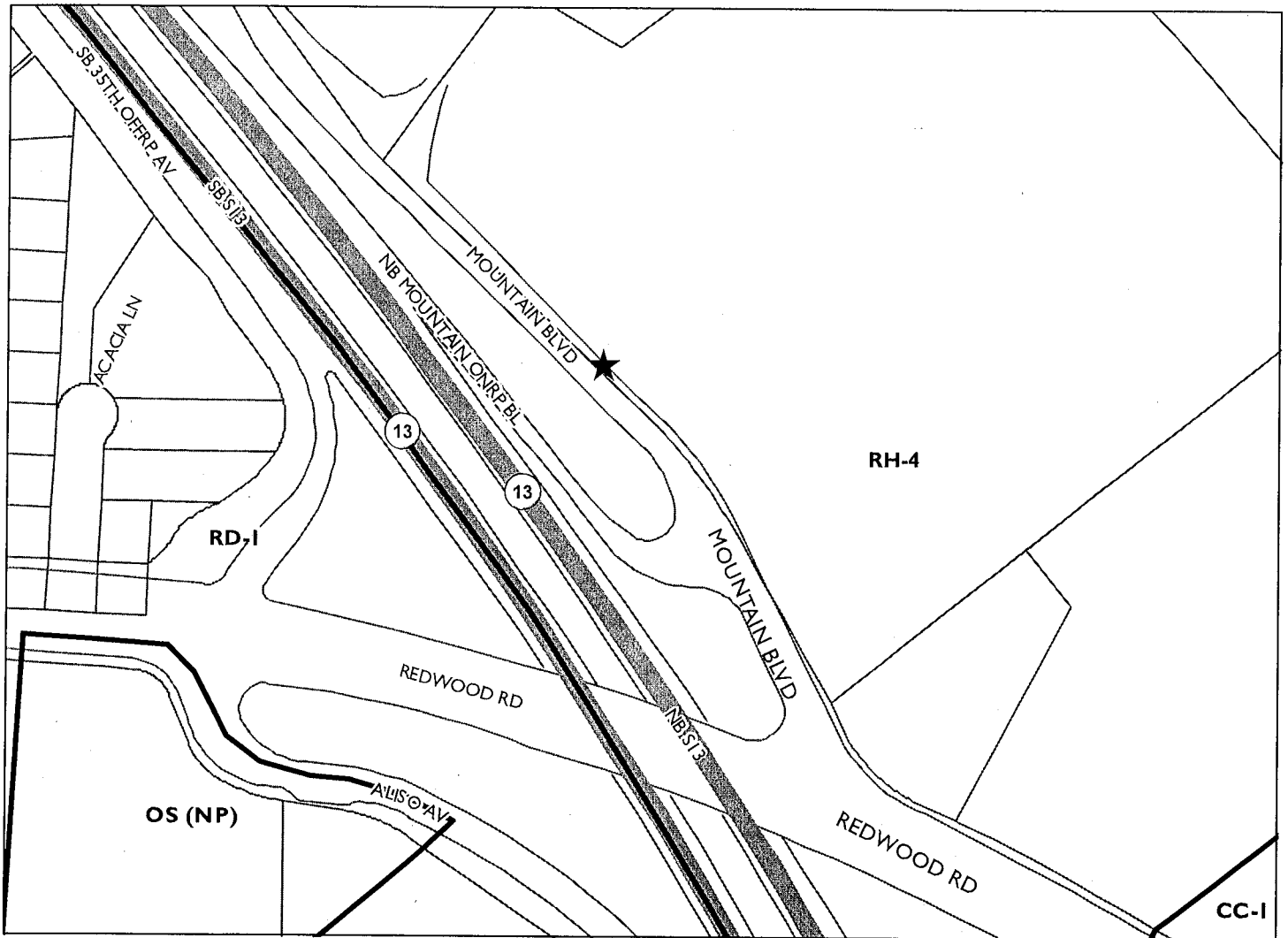
The applicant requests Planning Commission approval of a Major Design Review to establish a Macro Telecommunications Facility ("small cell site"). The purpose is to enhance existing wireless services. The project involves attaching an antenna and equipment to a replacement of an existing utility pole located in the public right-of-way in a residential neighborhood.

Staff recommends approval, subject to conditions, as described in this report.

**BACKGROUND**

For several years in the City of Oakland, telecommunications carriers have proposed facility installation within the public right-of-way, instead of private property. These facilities typically consist of antennas and associated equipment attached to utility poles or street light poles. Poles are often replaced with replicas for technical purposes. The main purpose is to enhance existing service, given increasing technological demands for bandwidth, through new technology and locational advantages. The City exercises zoning jurisdiction over such projects in response to a 2009 State Supreme Court case decision

# CITY OF OAKLAND PLANNING COMMISSION



0 100 200 400 600 800 Feet



Case File: PLN17512

Applicant: Cristy Beltran, The CBR Ground, Inc. (for: Verizon)

Address: Utility pole in public right-of-way adjacent to 3800 Mountain Blvd

Zone: RH-4

(Sprint v. Palos Verdes Estates). Pursuant to the Planning Code, utility or joint pole authority (JPA) sites are classified by staff as "Macro Facilities," and street light pole sites (lamps, not traffic signals) as "Monopole Facilities." For JPA poles, only Design Review approval may be required, as opposed to Design Review and a Conditional Use Permit, for example. For non-JPA pole sites, such as City light poles, projects also require review by the City's Public Works Agency (PWA) and Real Estate Division, and involve other considerations such as impacts to historical poles. The PWA may also review projects involving street lights. In either case, the practice has been to refer all such projects to the Planning Commission for decision when located in or near a residential zone.

Several projects for new DAS (distributed antenna services) facilities have come before the Planning Commission for a decision and have been installed throughout the Oakland Hills. Some applications have been denied due to view obstructions or propinquity to residences. Improved practices for the processing of all types of sites incorporating Planning Commission direction have been developed as a result. Conditions of approval typically attach requirements such as painting and texturing of approved components to more closely match utility poles in appearance. Approvals do not apply to any replacement project should the poles be removed for any reason. As with sites located on private property, the Federal Government precludes cities from denying an application on the basis of emissions concerns if a satisfactory emissions report is submitted. More recent Federal changes have streamlined the process to service existing facilities.

Currently, telecommunications carriers are in the process of attempting to deploy "small cell sites." These projects also involve attachment of antennas and equipment at public right-of-way facilities such as poles or lights for further enhancement of services. However, components are now somewhat smaller in size than in the past. Also, sites tend to be located in flatland neighborhoods and Downtown where view obstructions are less likely to be an issue. Good design and placement is given full consideration nonetheless, especially with the greater presence of historic structures in Downtown. Additionally, given the sheer multitude of applications, and, out of consideration for Federal requirements for permit processing timelines, staff may develop alternatives to traditional staffing and agendizing.

## **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. Specifically:

- 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 Federal Communication Commission (FCC) standards in this regard. (See 47 U.S.C. Section 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 (See 47 U.S.C.332(c)(7)(B)(ii) and 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, consult the following:

Competition & Infrastructure Policy Division (CIPD) of the Wireless Telecommunications Bureau, main division number: (202) 418-1310.

Main division website:

<https://www.fcc.gov/general/competition-infrastructure-policy-division-wireless-telecommunications-bureau>

Tower siting:

<https://www.fcc.gov/general/tower-and-antenna-siting>

## **SITE DESCRIPTION**

The project site consists of an existing wooden utility pole that measures 39-feet in height and is located in the public right-of-way. The pole hosts power lines on one horizontal post towards its top. The pole is located adjacent to 3800 Mountain Boulevard. This property is used as a school, approximately 270-feet in distance to the east. The closest residential building is approximately 77-feet to the north. The neighborhood consists of detached single-family homes and civic uses. Highway 13 is located immediately west.

## **PROJECT DESCRIPTION**

The proposal is to establish a Macro Telecommunications Facility (“small cell site”). The project involves the following:

- Install (1) canister antenna measuring 48” high and 14.6” in diameter on the top of the pole (with 8’-1” pole extension) up to 50’-4” in height;
- Install (3) RRU-units on the pole;
- Install (2) new utility disconnect switch;
- Install (1) electrical meter on the pole;
- Paint the proposed antennas and associated equipment to match the pole and/or other utilities located on the pole.

## GENERAL PLAN ANALYSIS

The site is located in a Hillside Residential area under the General Plan's Land Use and Transportation Element (LUTE). The intent of the area is to: *"create, maintain, and enhance neighborhood residential areas that are characterized by detached, single unit structures on hillside lots. Typical lot sizes range from approximately 8,000 square feet to one acre in size."* Given residents' and visitors' increasing reliance upon cellular service for phone and internet, the proposal for a Macro Telecommunications Facility that is not adjacent to a primary living space or historic structure conforms to this intent.

Staff therefore finds the proposal, as conditioned, to conform to the General Plan.

## ZONING ANALYSIS

The site is located within the Hillside Residential - 4 Zone (RH-4). The intent of the RH-4 Zone is: *"to create, maintain, and enhance areas for single-family dwellings on lots of six thousand five hundred (6,500) to eight thousand (8,000) square feet and is typically appropriate in already developed areas of the Oakland Hills."* Per OMC Sections 17.13.02, 17.128.070, 17.136.040 and 2015 Telecom Zoning Code Bulletin, a Macro Telecommunication facility in the RH-4 zone requires a Regular Design Review with additional findings, to be decided by the Planning Commission.

Additionally, new wireless telecommunications facilities may also be subject to a Site Alternatives Analysis, Site Design Alternatives Analysis, and a satisfactory radio-frequency (RF) emissions report. Staff analyzes the proposal in consideration of these requirements in the 'Key Issues and Impacts' section of this report. Given increased reliance upon cellular service for phone and Wi-Fi, the proposal for a Macro Telecommunications Facility that is not adjacent to a primary living space or historic structure conforms to this intent.

Staff finds the proposal, as conditioned, to conform to the Planning Code.

## ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15301 exempts projects involving 'Existing Facilities'; Section 15302 exempts projects involving 'Replacement or Reconstruction'; and, Section 15303 exempts projects involving 'Construction of Small Structures.' The proposal fits all of these descriptions. The project is also subject to Section 15183 for 'Projects consistent with a community plan, general plan or zoning.' The project is therefore exempt from further Environmental Review.

## KEY ISSUES AND IMPACTS

The proposal to establish a Macro Telecommunications Facility is subject to the following Planning Code development standards, which are followed by staff's analysis in relation to this application:

### **17.128.070 Macro Telecommunications Facilities.**

#### **A. General Development Standards for Macro Telecommunications Facilities.**

**1. The Macro Facilities shall be located on existing buildings, poles or other existing support structures, or shall be post mounted.**

The facility involves attachment to an existing utility pole hosting power lines.

**2. 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.**

Recommended conditions of approval require painting and texturing the antenna to match the appearance of the wooden utility pole and power line posts.

**3. Macro Facilities may exceed the height limitation specified for all zones but may not exceed fifteen (15) feet above the roof line or parapet. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.**

This standard is inapplicable because the proposal does not involve attachment to a roofed structure.

**4. Ground post mounted Macro Facilities must not exceed seventeen (17) feet to the top of the antenna.**

This standard is inapplicable because the proposal does not involve ground post mounting.

**5. The applicant shall submit written documentation demonstrating that the emissions from the proposed project are within the limits set by the Federal Communications Commission.**

This standard is met by the proposal; a satisfactory emissions report has been submitted and is attached to this report (Attachment F).

**17.128.110 Site location preferences.**

New wireless facilities shall generally be located on the following properties or facilities in 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 Nonresidential Zones (excluding all HBX Zones and the D-CE-3 and D-CE-4 Zones).
- D. Existing commercial or industrial structures in Residential Zones, HBX Zones, or the DCE-3 or D-CE-4 Zones.
- E. Other Nonresidential uses in Residential Zones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.
- F. Residential uses in Nonresidential 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.

A site alternatives analysis is not required because the proposal conforms to 'B' as it would be located on a quasi-public facility (utility pole with power lines). Nonetheless, the applicant has submitted an analysis which is attached to this report (Attachment E).

**17.128.120 Site design preferences.**

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 such higher

preference design alternative cannot 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).

The proposal most closely conforms to 'C' (Building or structure mounted antennas below roof line (facade mount, pole mount) visible from public right-of-way, painted to match existing structure), and the applicant has submitted a satisfactory site design alternatives analysis (Attachment E).

**17.128.130 Radio frequency emissions standards.**

The applicant for all wireless facilities, including requests for modifications to existing facilities, shall submit the following verifications:

- a. With the initial application, a RF emissions report, prepared by a licensed professional engineer or other expert, indicating that the proposed site will operate within the current acceptable thresholds as established by the Federal government or any such agency who may be subsequently authorized to establish such standards.
- b. Prior to commencement of construction, a RF emissions report indicating the baseline RF emissions condition at the proposed site.
- c. 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.

A satisfactory report is attached to this report (Attachment F). In the analysis prepared by Hammett & Edison, Inc. the proposed project was evaluated for compliance with appropriate guidelines limiting human exposure to radio frequency electromagnetic fields. According to the report, 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. The RF emissions report, states that the proposed project will not cause a significant impact on the environment. Additionally, staff recommends that, prior to the final building permit sign off, the applicant submit a certified RF emissions report stating that the facility is operating within acceptable thresholds established by the regulatory federal agency.

## CONCLUSION

The proposed site design would not be situated on a historic pole or structure, create a view obstruction, or be directly adjacent to a primary living space such as a living room or bedroom window. Staff requested a slimmer design consisting of tucking the antenna in closer to the pole. The applicant responded that this was not feasible due to the technological requirements by the Public Utilities Commission and subscriber demands. Staff finds the proposal is the less intrusive alternative and will improve wireless communication services in this area. Draft conditions of approval stipulate that the components be painted and textured to match the wooden utility pole for camouflaging.

### Outreach


The applicant held a community meeting open to the public to introduce the proposed technology on October 2, 2017.

In conclusion, staff recommends approval subject to recommended Conditions of Approval.

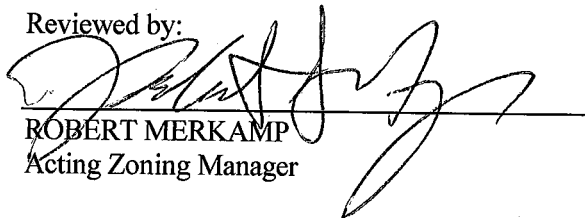
**RECOMMENDATIONS:**

1. Affirm staff's environmental determination.
2. Approve the Regular Design Review subject to the attached Findings and Conditions of Approval.

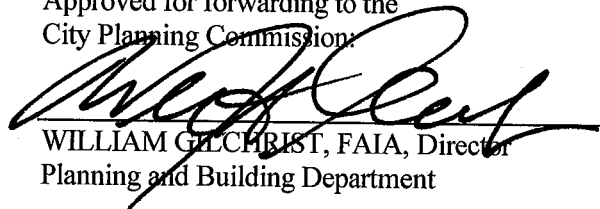
Prepared by:

  
MARILU GARCIA  
Planner I

Reviewed by:

  
ROBERT MERKAMP  
Acting Zoning Manager

Approved for forwarding to the  
City Planning Commission:

  
WILLIAM GILCHRIST, FAIA, Director  
Planning and Building Department

**ATTACHMENTS:**

- A. Findings
- B. Conditions of Approval
- C. Plans
- D. Applicant's Photo-Simulations
- E. Site Alternatives Analysis/Site Design Alternatives Analysis
- F. RF Emissions Report by Hammett & Edison, Inc.
- G. CPUC Compliance Letter
- H. Applicant's Proof of Public Notification Posting



**ATTACHMENT A: FINDINGS**

This proposal meets the required findings under Regular Design Review Criteria for Nonresidential Facilities (OMC Sec. 17.136.050(B)) and Telecommunications Regulations/Design Review Criteria for Macro Telecommunications Facilities (OMC Sec. 17.128.070(B)), as set forth below. Required findings are shown in **bold type**; explanations as to why these findings can be made are in normal type.

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

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

The proposal involves the attachment of one antenna and equipment to an existing utility pole and placement of equipment mounted on the side of the pole, painted and texturized to match the pole in appearance. The antenna will be placed on top of the pole and will have no projection over the streets. The facility will not adversely affect and detract from the characteristics of the neighborhood.

**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 proposal will not create a view obstruction, be directly adjacent to a primary living space such as a living room or bedroom window, or be located on an historic structure. Improving wireless services in this area will enable better response from emergency services such as police, fire department and emergency response teams.

**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**

The site is located in a Hillside Residential area under the General Plan's Land Use and Transportation Element (LUTE). The intent of the area is to: *"create, maintain, and enhance neighborhood residential areas that are characterized by detached, single unit structures on hillside lots. Typical lot sizes range from approximately 8,000 square feet to one acre in size."* Given residents' and visitors' increasing reliance upon cellular service for phone and internet, the proposal for a Monopole Telecommunications Facility that is not adjacent to a primary living space or historic structure conforms to this intent.

**TELECOMMUNICATIONS REGULATIONS/DESIGN REVIEW CRITERIA FOR MACRO TELECOMMUNICATIONS FACILITIES (OMC SEC. 17.128.070(B))**

**1. Antennas should be painted and/or textured to match the existing structure.**

The antenna and related equipment will be painted and texturized to match the pole in appearance for camouflaging will be the least intrusive design, as required by conditions of approval.

**2. Antennas mounted on architecturally significant structures or significant architectural detail of the building should be covered by appropriate casings which are manufactured to match existing architectural features found on the building.**

This finding is inapplicable because the antenna will not be mounted onto an architecturally significant structure but to a wooden utility pole.

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

The antenna is proposed to be located on top of the pole.

**4. Equipment shelters or cabinets shall be screened from the public view by using landscaping, or materials and colors consistent with surrounding backdrop or placed underground or inside existing facilities or behind screening fences.**

Conditions of approval require painting and texturing to match the pole in appearance for camouflaging.

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

Equipment will be attached to the utility pole with an unobtrusive design.

**6. For antennas attached to the roof, maintain a 1:1 ratio (example: ten (10) feet high antenna requires ten (10) feet setback from facade) for equipment setback; screen the antennas to match existing air conditioning units, stairs, or elevator towers; avoid placing roof mounted antennas in direct line with significant view corridors.**

This finding is inapplicable because the antenna would be attached to a pole and not to a roofed structure.

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

The minimal clearance to the facility will be 7-feet.

**ATTACHMENT B: CONDITIONS OF APPROVAL**

**Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, **staff report** and the approved plans **dated December 7, 2017** 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 calendar 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.

**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 Monitoring**

The project applicant may be required to cover the full costs of independent third-party technical review and City monitoring and inspection, including without limitation, special inspector(s)/inspection(s) during times of extensive or specialized plan-check review or construction, and inspections of potential violations of the Conditions of Approval. The project applicant shall establish a deposit with the Bureau of Building, if directed by the Building Official, Director of City Planning, or designee, prior to the issuance of a construction-related permit and on an ongoing as-needed basis.

**12. Public Improvements**

The project applicant shall obtain all necessary permits/approvals, such as encroachment permits, obstruction permits, curb/gutter/sidewalk permits, and public improvement ("p-job") permits from the City for work in the public right-of-way, including but not limited to, streets, curbs, gutters, sidewalks, utilities, and fire hydrants. Prior to any work in the public right-of-way, the applicant shall submit plans for review and approval by the Bureau of Planning, the Bureau of Building, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City.

**13. Construction Days/Hours**

**Requirement:** The project applicant shall comply with the following restrictions concerning construction days and hours:

- a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling 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.
- b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.
- c. No construction is allowed on Sunday or federal holidays.

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.

Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and

duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **PROJECT-SPECIFIC CONDITIONS**

### **14. Emissions Report**

Requirement: A RF emissions report shall be submitted to the Planning Bureau 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.

Requirement: Prior to a final inspection

When Required: Prior to final building permit inspection sign-off

Initial Approval: N/A

Monitoring/Inspection: N/A

### **15. Camouflage**

Requirement: The antenna, related equipment shall be painted, texturized, and maintained matte brown, and the equipment and any other accessory items including cables gray, to better camouflage the facility to the utility pole.

When Required: Prior to a final inspection

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

### **16. Operational**

Requirement: 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.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

### **17. Possible District Undergrounding PG&E Pole**

Requirement: Should the City light pole be permanently removed for purposes of district undergrounding or otherwise, the telecommunications facility can only be re-established by applying for and receiving approval of a new application to the Oakland Planning Bureau as required by the regulations.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

**18. Graffiti Control Requirement:**

- a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
- b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
  - i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
  - ii. For galvanized poles, covering with new paint to match the color of the surrounding surface.
  - iii. Replace pole numbers.

When Required: Ongoing

Initial Approval: N/A

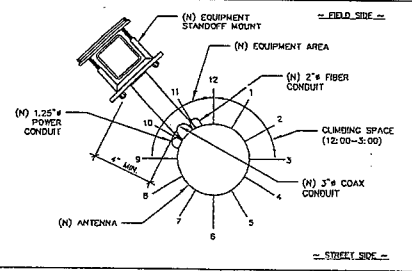
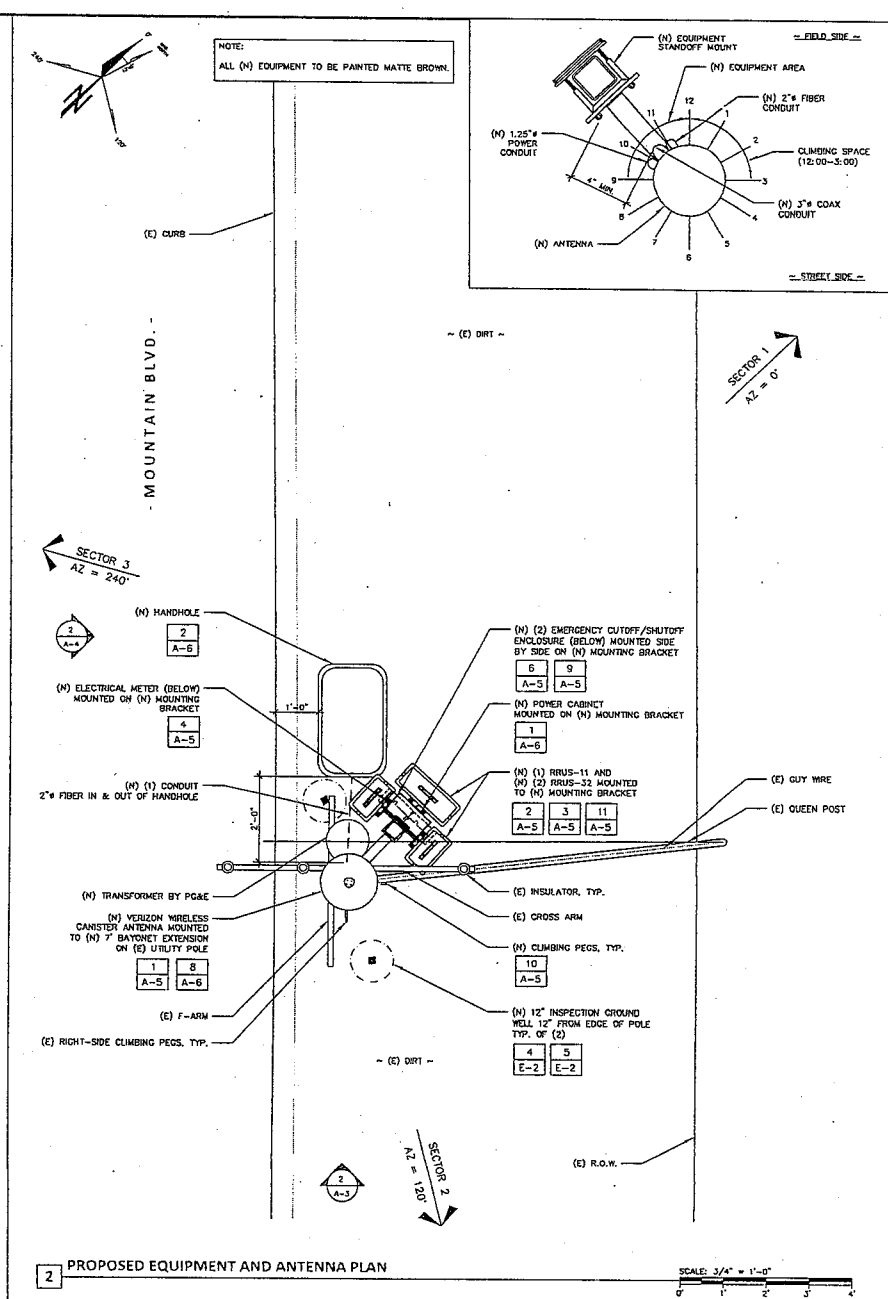
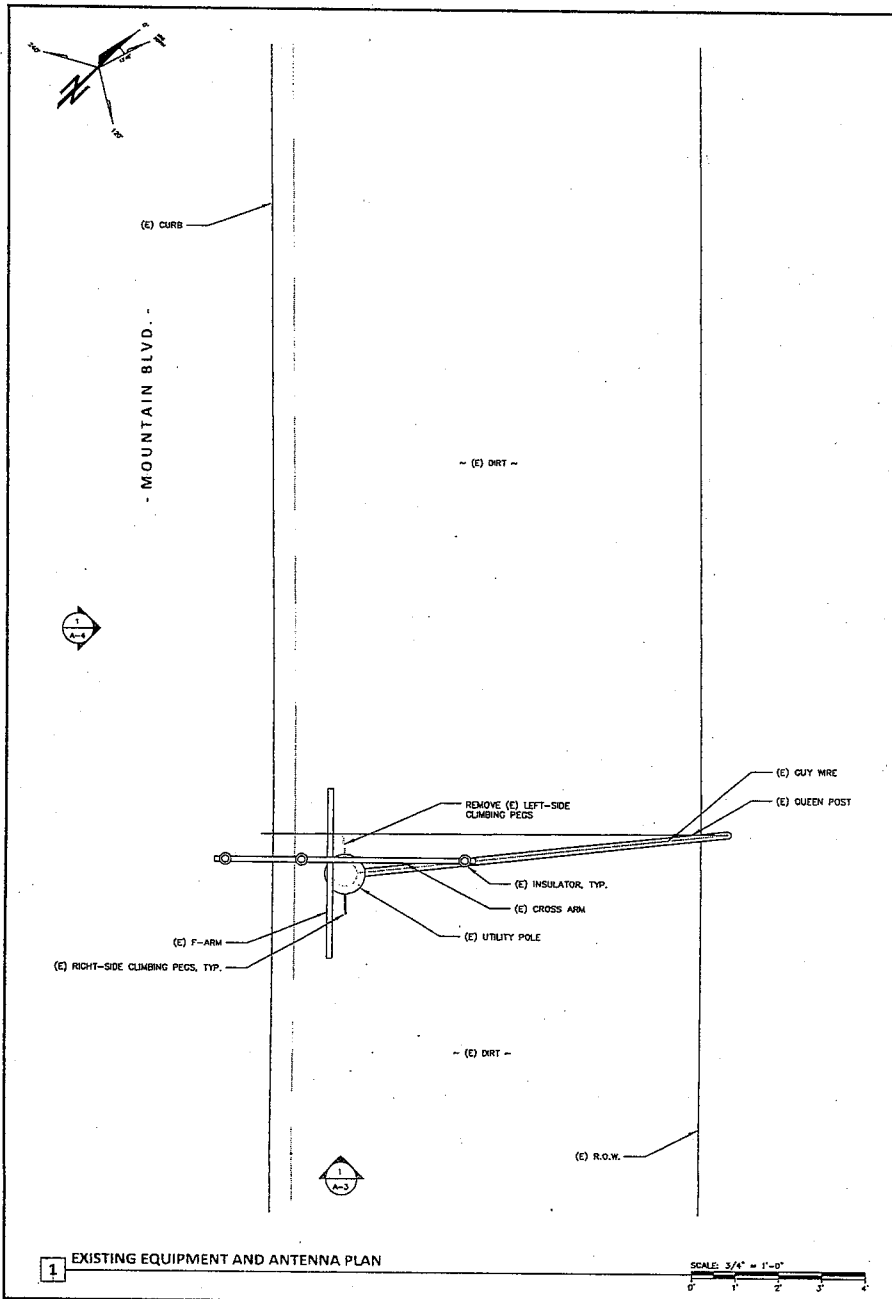
Monitoring/Inspection: Bureau of Building









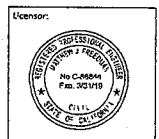


Prepared For:  
**verizon**  
 2785 MITCHELL DRIVE, SUITE 9  
 WALNUT CREEK, CA 94588

Prepared For:  
 (Blank)

Site Number: 427167  
 Site Name: HIGHWAY 13 SC1  
 Site Address: 3800 MOUNTAIN BLVD. OAKLAND, CA 94619  
 County: ALAMEDA COUNTY

Engineer:  
**THE CBR GROUP**  
 841 ARNOLD DRIVE, SUITE A MARTINEZ, CA 94553  
 www.TheCBRGroup.com



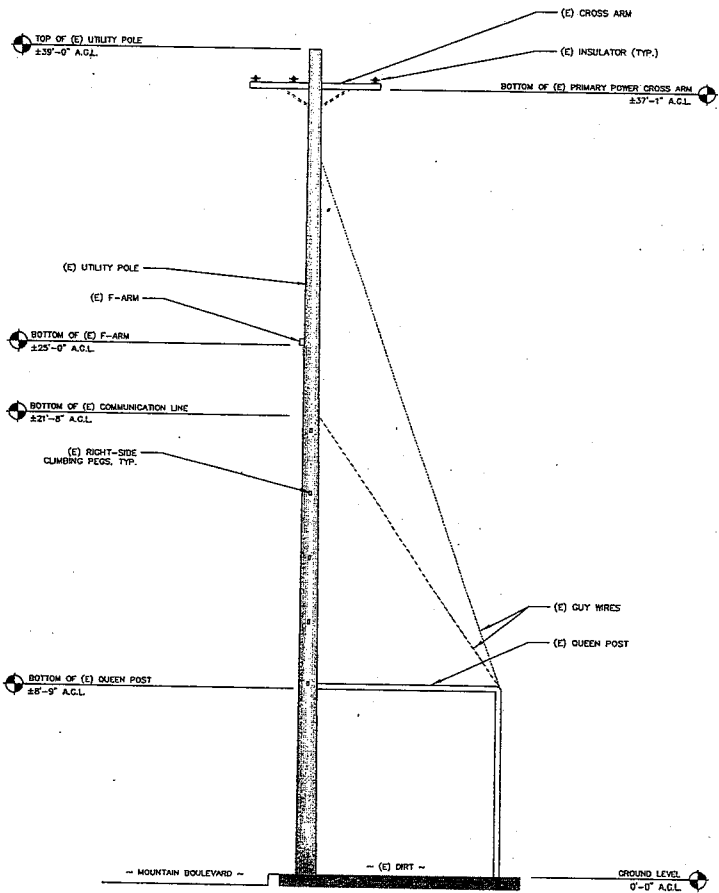
IT IS A VIOLATION OF LAW FOR ANY PERSON UNLESS THEY ARE ACTING UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

Issued For:  
 CONSTRUCTION

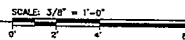
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Sheet Title:  
 EXISTING AND PROPOSED EQUIPMENT AND ANTENNA PLANS

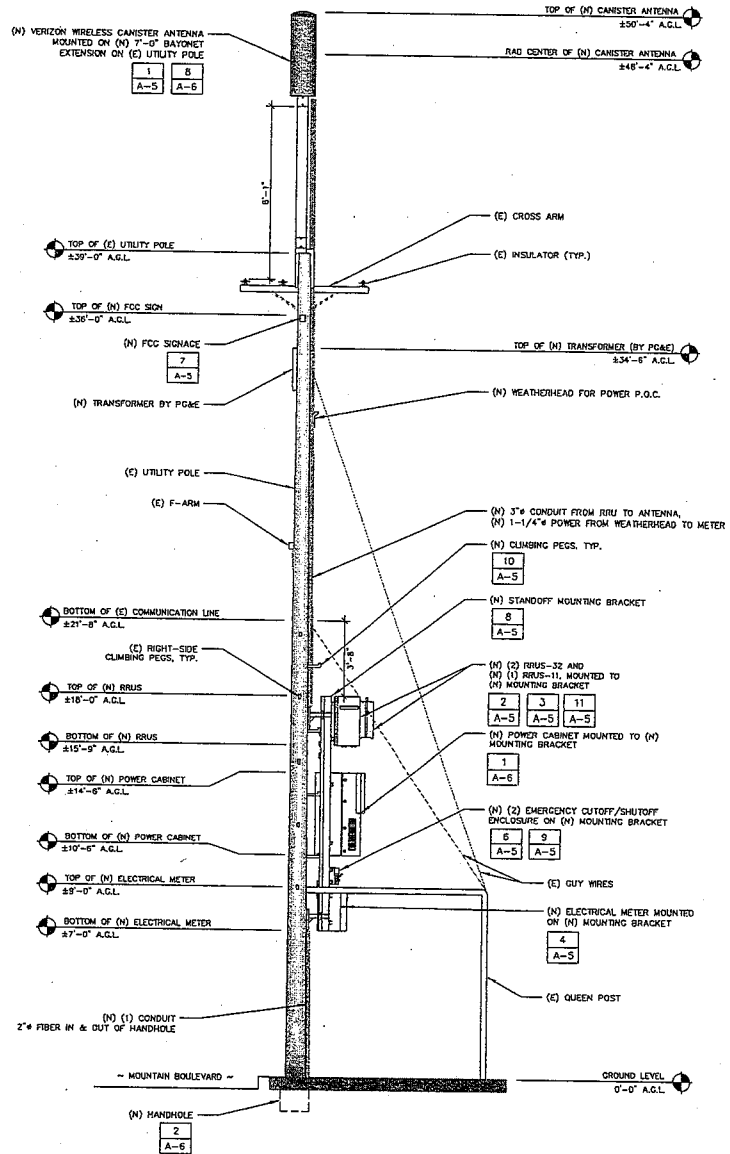
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**A-2**



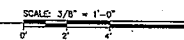
1 EXISTING SOUTHEAST ELEVATION



NOTE:  
ALL (N) EQUIPMENT TO BE PAINTED MATTE BROWN.



2 PROPOSED SOUTHEAST ELEVATION



Prepared For:

**verizon**  
2785 MITCHELL DRIVE, SUITE 9  
WALNUT CREEK, CA 94598

Prepared For:

Site Number:  
027167

Site Name:  
HIGHWAY 13 SC1

Site Address:  
3800 MOUNTAIN BLVD.  
OAKLAND, CA 94619

County:  
ALAMEDA COUNTY

Engineer:

**THE CBR GROUP**  
841 ARNOLD DRIVE, SUITE A  
MARTINEZ, CA 94553  
www.TheCBRGroup.com

License:



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UNLESS THEY ARE NOTICED AND/OR  
WRITTEN BY AN ENGINEER OR LICENSED  
ENGINEER, TO ALTER THIS DOCUMENT.

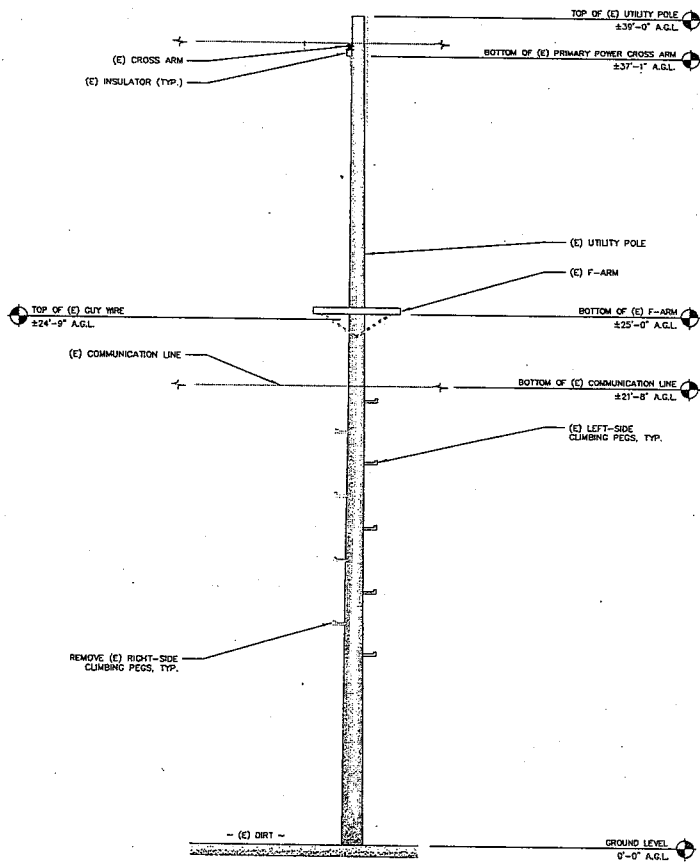
Issued For:  
CONSTRUCTION

| REV | DATE     | DESCRIPTION       | BY |
|-----|----------|-------------------|----|
| C   | 11/27/13 | PLANNING COMMENTS | JK |
| B   | 11/27/13 | ISSUE FOR REVIEW  | JK |
| A   | 11/27/13 | ISSUE FOR REVIEW  | JK |
| REV | DATE     | DESCRIPTION       | BY |

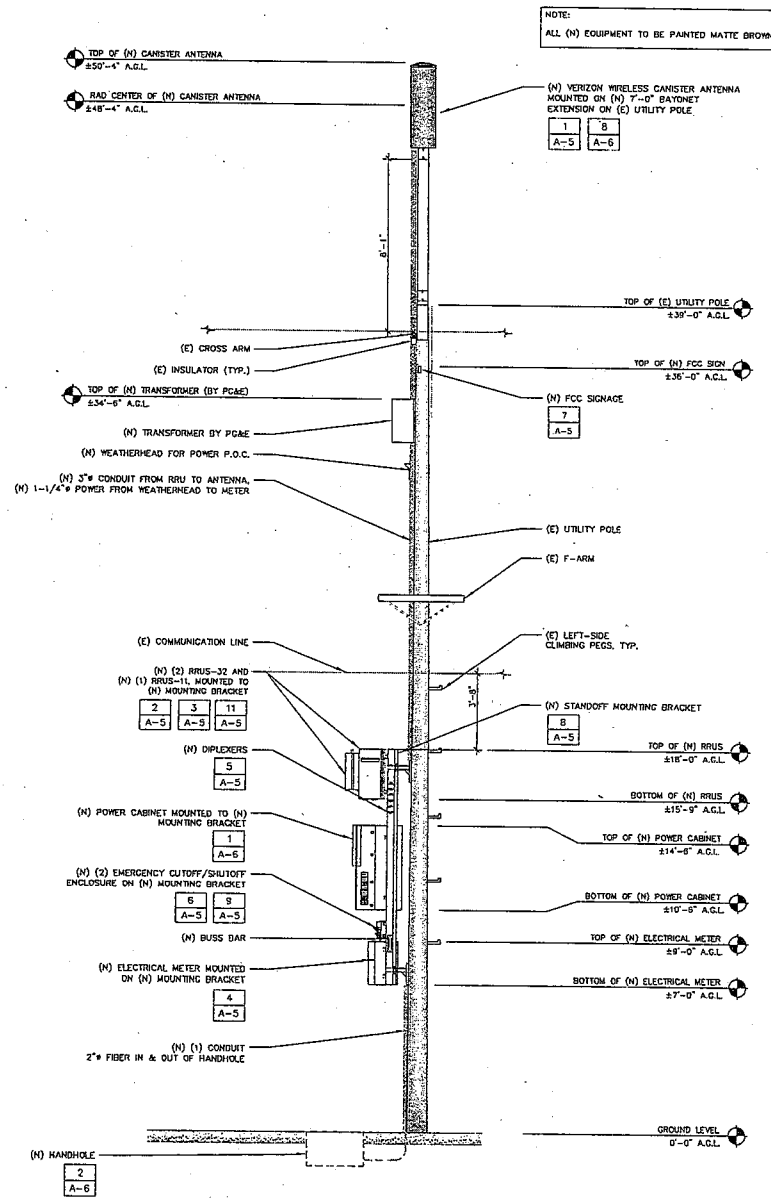
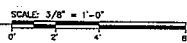
Sheet Title:  
EXISTING AND PROPOSED  
SOUTHEAST ELEVATIONS

Sheet Number:

**A-3**



1 EXISTING SOUTHWEST ELEVATION



2 PROPOSED SOUTHWEST ELEVATION

NOTE:  
ALL (N) EQUIPMENT TO BE PAINTED MATTE BROWN.

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|-----|-----|
| 1   | 8   |
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| 2   | 3   | 11  |
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| 5   |
| A-5 |

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| 1   |
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|     |     |
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| 6   | 9   |
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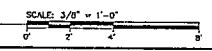
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| 4   |
| A-5 |

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| 2   |
| A-6 |



Prepared For:

**verizon**  
2785 MITCHELL DRIVE, SUITE 8  
WALNUT CREEK, CA 94598

Prepared For:

Site Number: 027167  
Site Name: HIGHWAY 13 SC1  
Site Address: 3800 MOUNTAIN BLVD.  
OAKLAND, CA 94619  
County: ALAMEDA COUNTY

Engineer:  
**THE CBR GROUP**  
841 ARNOLD DRIVE, SUITE A  
MARETINEZ, CA 94553  
www.TheCBRGroup.com

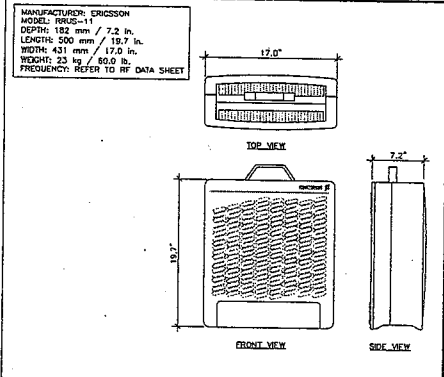
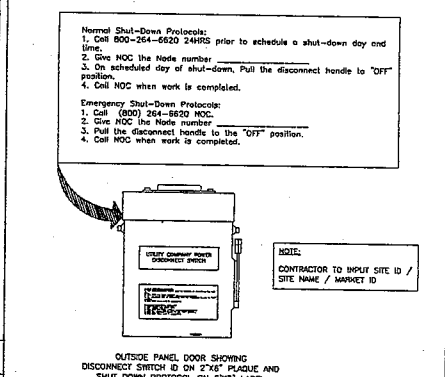
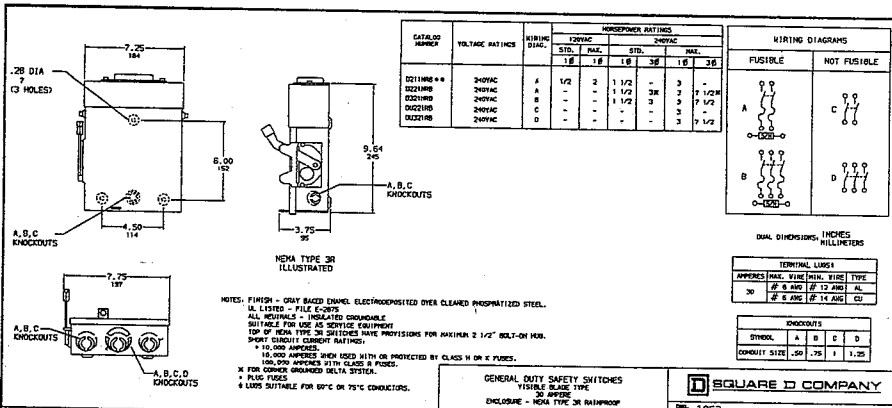
License:  
  
# A PROFESSIONAL ENGINEER DESIGNING OR SUPERVISING THE CONSTRUCTION OF ANY STRUCTURE, TO ALTER THE DESIGN.

Issued For:  
CONSTRUCTION

|     |          |                        |    |
|-----|----------|------------------------|----|
| C   | 12/29/17 | PLANNING COMPLETION    | 00 |
| B   | 11/27/17 | 100% PERMITS & PERMITS | 00 |
| A   | 09/11/17 | 50% COST FOR REVIEW    | 00 |
| REV | 04/17    | CONSTRUCTION           | 00 |

Sheet Title:  
EXISTING AND PROPOSED SOUTHWEST ELEVATIONS

Sheet Number:  
**A-4**



Prepared For:  
**verizon**  
2785 MITCHELL DRIVE, SUITE 9  
WALNUT CREEK, CA 94598

Prepared For:

Site Number: 427167

Site Name: HIGHWAY 13 SC1

Site Address: 3800 MOUNTAIN BLVD  
OAKLAND, CA 94619

County: ALAMEDA COUNTY

Engineer: THE CBR GROUP  
841 ARNOLD DRIVE, SUITE A  
MARTINEZ, CA 94553  
www.TheCBRGroup.com

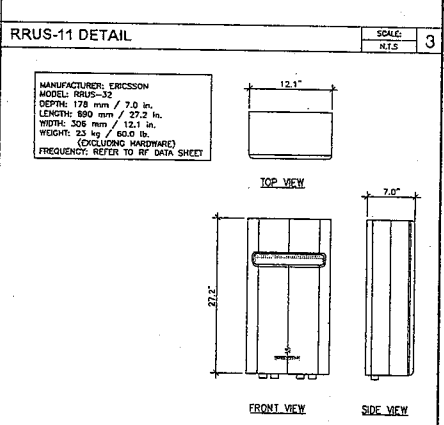
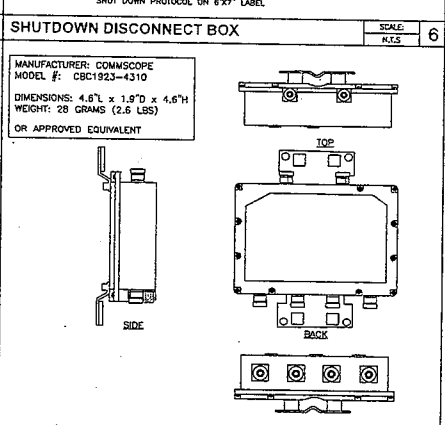
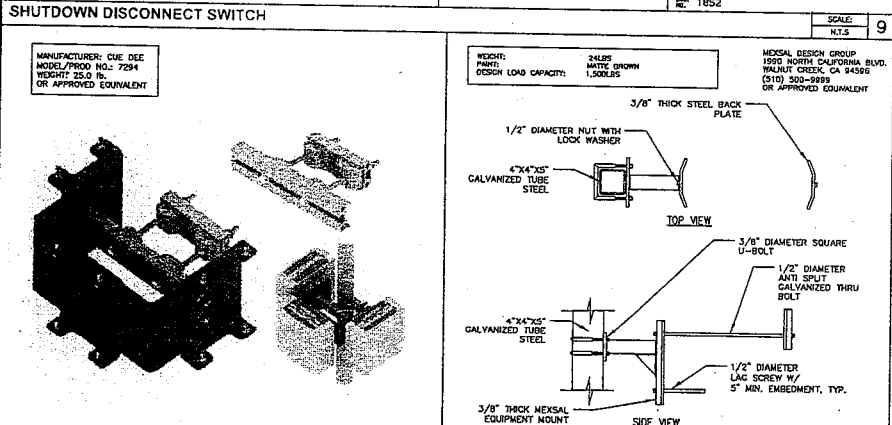
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No. C-8886  
Exp. 03/31/10  
Civil  
State of California

Issued For: CONSTRUCTION

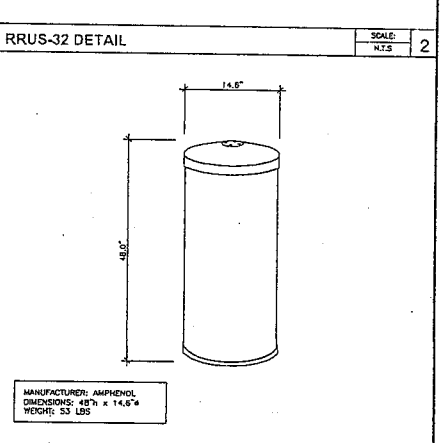
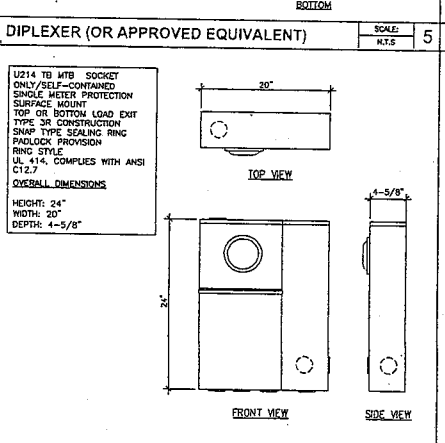
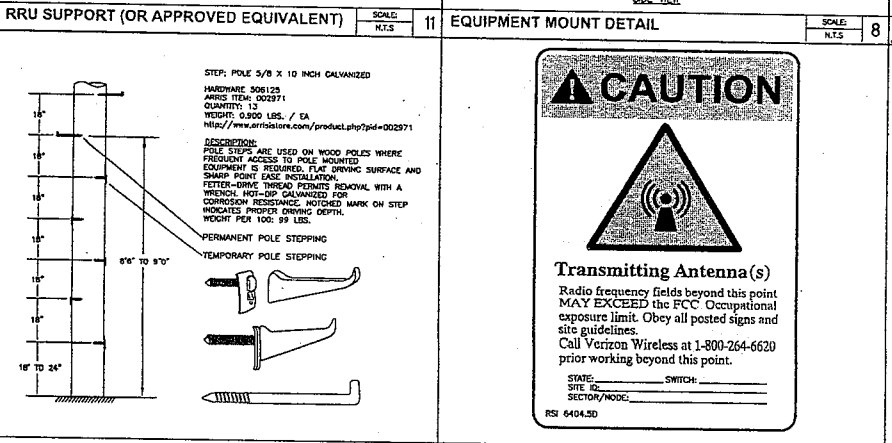
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| H  | 12/27/12 | IRON LIDS FOR REVEALS  | AC  |
| A  | 09/27/12 | CON. CHECK FOR REVEALS | PA1 |
| MP | DATE     | DESCRIPTION            | ST  |

Sheet Title: EQUIPMENT AND CONSTRUCTION DETAILS

Sheet Number: A-5

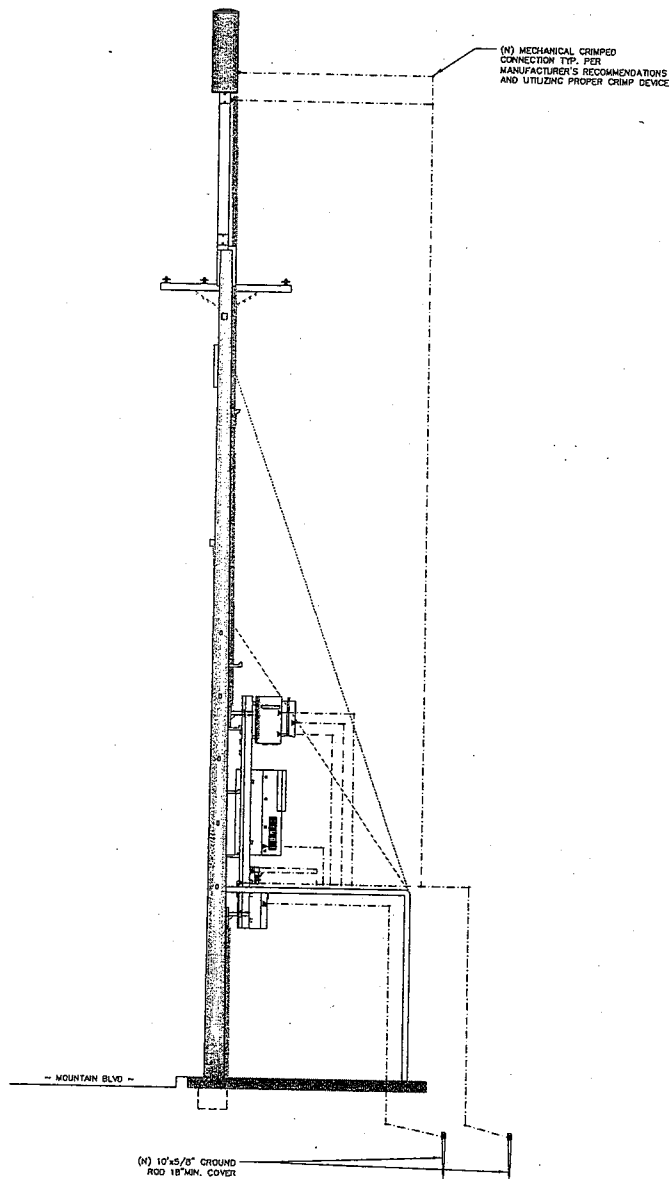


IF IT IS A VERIFICATION OF WORK OR OTHER SERVICE THAT AN ACTING ENGINEER IS THE ONLY LICENSED PROFESSIONAL ENGINEER TO ALTER THE DOCUMENT



Sheet Number: A-5





1 POLE GROUNDING DIAGRAM

SCALE: 3/8" = 1'-0"

**POWER AND TELCO CONNECTIONS:**

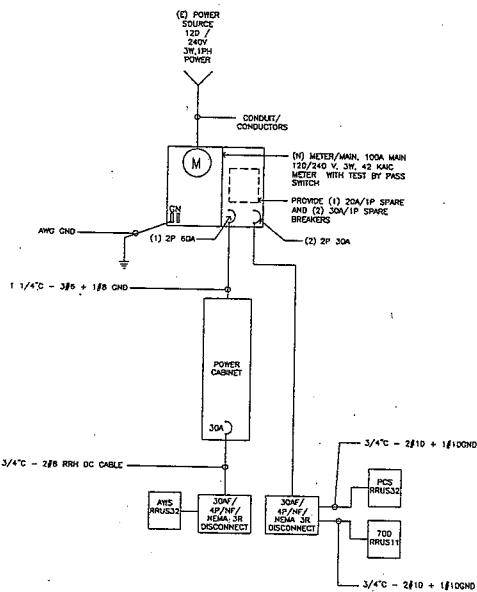
1. POWER AND TELCO POINT OF CONNECTION AND ROUTE ARE PRELIMINARY AND SUBJECT TO CHANGE TO CONFIRMATION BY THE UTILITY COMPANIES RESPECTIVELY.
2. CONTRACTOR SHALL COORDINATE WITH UTILITY COMPANY FOR FINAL AND EXACT WORK/MATERIALS REQUIREMENTS AND CONSTRUCT TO UTILITY ENGINEERING PLAN AND SPECIFICATIONS ONLY WHERE APPLICABLE PER PROJECT SCOPE OF WORK.
3. CONTRACTOR SHALL FURNISH AND INSTALL CONDUIT, PULL WIRES, CABLE PULL BOXES, CONDUITE ENCLOSURE OF CONDUIT, TRANSFORMER PAD, BARRIERS, RISER, TRENCHING, BACK FILL AND UTILITY FEES, AND INCLUDE REQUIREMENTS IN THE SCOPE.
4. CONTRACTOR SHALL LABEL ALL MAIN DISCONNECT SWITCHES AS REQUIRED BY CODE.

**POWER AND TELCO CONNECTIONS:**

1. SUBCONTRACTOR SHALL PROVIDE METER WITH DIST. PANE, AND BREAKERS FOR POWER TO THE SITE UNITS AND THE DIS/UTILITY CABINET.
2. ALL SERVICE EQUIPMENT AND INSTALLATIONS SHALL COMPLY WITH THE N.E.C. AND UTILITY COMPANY AND LOCAL CODE REQUIREMENTS.
3. SUBCONTRACTOR SHALL PROVIDE ELECTRICAL SERVICE ENTRANCE EQUIPMENT WITH FAULT CURRENT RATINGS GREATER THAN THE AVAILABLE FAULT CURRENT FROM THE POWER UTILITY.
4. FIELD ROUTE CONDUIT TO CABINETS AS REQUIRED.
5. MAXIMUM ONE WAY CIRCUIT RUN NOT TO EXCEED 75 FEET.

**GENERAL ELECTRICAL NOTES:**

1. PROVIDE ALL ELECTRICAL WORK & MATERIALS AS SHOWN ON THE DWGS, AS CALLED FOR HEREIN, & AS IS NECESSARY TO FURNISH A COMPLETE INSTALLATION.
2. THE INSTALLATION SHALL CONFORM TO THE REQUIREMENTS OF THE CURRENT ADOPTED CALIFORNIA ELECTRICAL CODE, STATE OF CALIFORNIA TITLES 4, ALL OTHER APPLICABLE CODES AND ORDINANCES & THE REQUIREMENTS OF THE FIRE MARSHALL. ALL EQUIPMENT & WIRING SHALL BEAR THE APPROVAL STAMP OF UNDERWRITERS LABORATORY (UL) OR AN APPROVED TESTING LABORATORY, PAYMENT FOR ALL INSPECTION FEES AND PERMITS ARE PART OF THIS CONTRACT.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY AND GOOD CONDITION OF ALL MATERIALS & EQUIPMENT FOR THE ENTIRE INSTALLATION & UNIT COMPLETION OF WORK, DIRECT & MAINTAIN APPROVED & SUITABLE BARRIERS, PROTECTIVE DEVICES & WARNING SIGNS, BE FULLY RESPONSIBLE FOR ANY LOSS OR INJURY TO PERSONS OR PROPERTY RESULTING FROM NEGLIGENCE AND/OR ENFORCEMENT OF ALL SAFETY PRECAUTIONS & WARNINGS.
4. COORDINATE THE ELECTRICAL INSTALLATION WITH ALL OTHER TRADES.
5. ALL SAW CUTTING, TRENCHING, BACK FILLING & PATCHING SHALL BE PART OF THIS CONTRACT.
6. FINALIZE ALL ELECTRICAL SERVICE ARRANGEMENTS, INCLUDING VERIFICATION OF LOCATIONS, DETAILS, COORDINATION OF THE INSTALLATION & PAYMENT OF ACCRUED CHARGES WITH LOCAL POWER COMPANY, VERIFY LOCATION FOR FACILITIES & DETAILS WITH POWER UTILITY IN ADDITION TO THE REQUIREMENTS SHOWN IN THE CONTRACT DOCUMENTS. WORK SHALL COMPLY WITH CONSTRUCTION STANDARDS & SERVICE REQUIREMENTS OF THE RESPECTIVE UTILITIES, INCLUDING ANY SUPPLEMENTAL DWGS ISSUED & SHALL BE SUBJECT TO APPROVAL OF THESE UTILITIES.
7. ALL WIRING SHALL BE COPPER, INSULATION FOR BRANCH CIRCUIT CONDUCTORS SHALL BE TYPE "DMV" CONDUCTORS LARGER AND 8% AWG MAY BE TYPE "DMV" OR "DM".
8. PROVIDE CONDUIT SEALS FOR ALL CONDUITS PENETRATING WEATHERPROOFING OR WEATHERPROOF ENVELOPE, MASTIC SEAL, ALL CONDUIT OPENING PENETRATIONS COMPLETELY WEATHERTIGHT.
9. UNLESS SHOWN OTHERWISE, FUSED DISCONNECT SWITCHES SHALL BE PROVIDED WITH LOW-PEAK 3/4"X4" ELEMENT FUSERS SIZED TO EQUIPMENT NAMEPLATE FUSE CURRENT RATING. MOTOR STARTERS SHALL BE PROVIDED WITH SIMILARLY SIZED FUSIBLE ELEMENTS, SWITCHES AND OTHER OUTDOOR EQUIPMENT SHALL BE RATED NEMA 3R AND/OR UL LISTED FOR WET ENVIRONMENT.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR TESTING THE GROUNDING SYSTEM AND ENSURING A 5 OHM OR LESS GROUNDING PATH, ADDITIONAL GROUND ROD AND/OR CHEMICAL ROD SYSTEM SHALL BE USED TO ACHIEVE THIS REQUIREMENT.



**LOAD CALCULATIONS - VERIZON WIRELESS**

EXISTING LOAD: 0 AMPS  
 NEW LOAD: 10.0 AMPS MAX.  
 NEW TOTAL LOAD: 10.0 AMPS MAX.

POWER AND TELCO DESIGN IS BASED ON INITIAL SITE VISIT.

CONTRACTOR SHALL OBTAIN CURRENT UTILITY COORDINATOR PLANS PRIOR TO START OF CONSTRUCTION.

AVAILABLE FAULT CURRENT PER UTILITY.

NOTE: CONTRACTOR TO CHECK WITH UTILITY TO ENSURE ELECTRICAL METER IS BRACED FOR ACTUAL FAULT CURRENT.

Prepared For:

**verizon**  
 2785 MITCHELL DRIVE, SUITE 9  
 WALNUT CREEK, CA 94596

Prepared For:

Site Number:

427167

Site Name:

HIGHWAY 13 SC1

Site Address:

3800 MOUNTAIN BLVD.  
 OAKLAND, CA 94619

County:

ALAMEDA COUNTY

Engineer:

**THE CBR GROUP**  
 841 ARNOLD DRIVE, SUITE A  
 MARTINEZ, CA 94553  
 www.TheCBRGroup.com

Licenser:



IF A VIOLATION OF LAW FOR ANY PERSON UNDER THESE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO SEAL THIS DOCUMENT.

Issued For:

CONSTRUCTION

| NO. | DATE     | DESCRIPTION         | BY |
|-----|----------|---------------------|----|
| 1   | 11/07/17 | ISSUED FOR PERMITS  | EC |
| 2   | 11/07/17 | 100% CDS FOR REVIEW | EC |
| 3   | 07/07/17 | 99% CDS FOR REVIEW  | EC |
| 4   | 04/17    | 95% CDS FOR REVIEW  | EC |

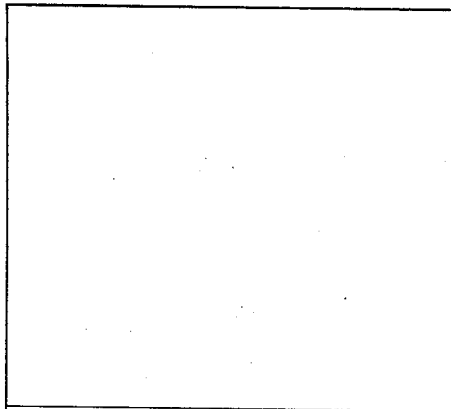
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ELECTRICAL GROUND DIAGRAMS, SINGLE LINE DIAGRAM

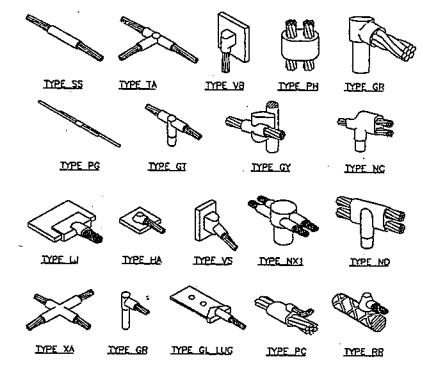
Sheet Number:

E-1





NOTES:  
 1. IF GROUND ROD IS INSTALLED IN SIDEWALK AREA, CORE DRILL SIDEWALK PRIOR TO INSTALLING INSPECTION WELL.  
 2. EXPOSED CONCRETE TO HAVE BROOM FINISH.



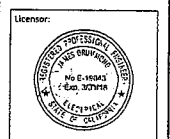
Prepared For:  
**verizon**  
 2785 MITCHELL DRIVE, SUITE 9  
 WALNUT CREEK, CA 94598

Prepared For:  
 (Blank)

Site Number:  
 427167  
 Site Name:  
 HIGHWAY 13 SCL

Site Address:  
 3800 MOUNTAIN BLVD  
 OAKLAND, CA 94619  
 County:  
 ALAMEDA COUNTY

Engineer:  
**THE CBR GROUP**  
 841 ARNOLD DRIVE, SUITE A  
 MARTINEZ, CA 94553  
 www.TheCBRGroup.com



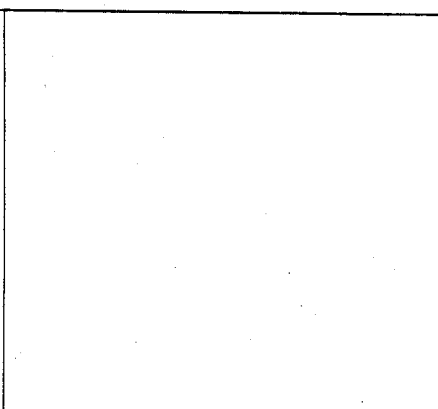
It is a violation of law for any person, unless they are a duly licensed professional engineer, to alter this document.

Issued For:  
 CONSTRUCTION

|     |         |                     |    |
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| C   | 12/0/11 | PLUMBING FEED/PTES  | 12 |
| B   | 11/0/11 | 100% TDS FOR REVIEW | 11 |
| A   | 02/0/11 | 50% TDS FOR REVIEW  | 10 |
| REV | DATE    | DESCRIPTION         | BY |

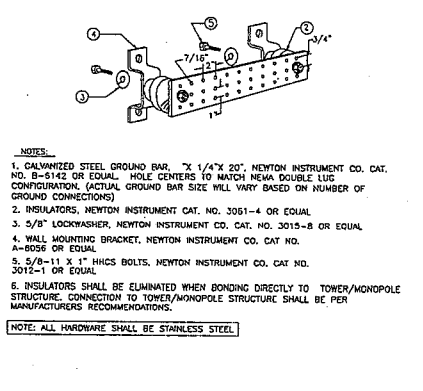
Sheet Title:  
 ELECTRICAL DETAILS

Sheet Number:  
**E-2**



NOTES:  
 1. IF GROUND ROD IS INSTALLED IN SIDEWALK AREA, CORE DRILL SIDEWALK PRIOR TO INSTALLING INSPECTION WELL.  
 2. EXPOSED CONCRETE TO HAVE BROOM FINISH.

EXOTHERMIC WELD CONNECTION



NOTES:  
 1. GALVANIZED STEEL GROUND BAR, "X" 1/4" X 20", NEWTON INSTRUMENT CO. CAT. NO. B-5142 OR EQUAL. HOLE CENTERS TO MATCH NEMA DOUBLE LUG CONFIGURATION. (ACTUAL GROUND BAR SIZE WILL VARY BASED ON NUMBER OF GROUND CONNECTIONS)  
 2. INSULATORS, NEWTON INSTRUMENT CO. CAT. NO. 3051-4 OR EQUAL  
 3. 5/8" LOCKWASHER, NEWTON INSTRUMENT CO. CAT. NO. 3015-B OR EQUAL  
 4. WALL MOUNTING BRACKET, NEWTON INSTRUMENT CO. CAT NO. A-4008 OR EQUAL  
 5. 5/8-11 X 1" HHCS BOLTS, NEWTON INSTRUMENT CO. CAT NO. 3012-1 OR EQUAL  
 6. INSULATORS SHALL BE ELIMINATED WHEN BONDING DIRECTLY TO TOWER/MONOPOLE STRUCTURE. CONNECTION TO TOWER/MONOPOLE STRUCTURE SHALL BE PER MANUFACTURERS RECOMMENDATIONS.

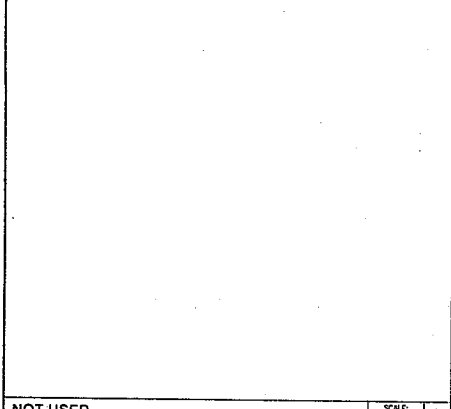
NOT USED

NOT USED

POLE GROUNDING ROD

SCALE: N.T.S. 4

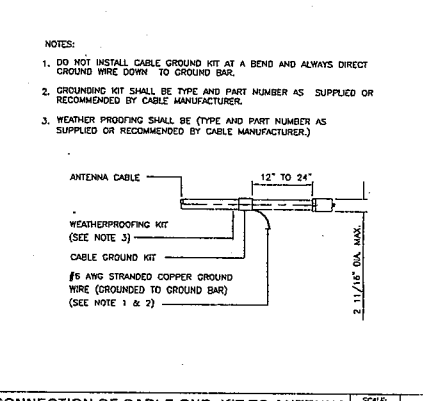
SCALE: N.T.S. 3



NOTES:  
 • ETCHED POLYPROPYLENE FACE  
 • FACE ANCHORED IN CONCRETE  
 • ULTRA-WOLET INHIBITOR  
 • EXCEEDS ASTM-D1583 STANDARDS  
 • FOR ENVIRONMENTAL STRESS CRACKING RESISTANCE

|         |     |       |                                                       |
|---------|-----|-------|-------------------------------------------------------|
| F08BOX  | BOX | 34LBS | F08 CURB VALVE BOX (6" ID X 12" HIGH) - 48 PER PALLET |
| F08BR   | LID | SLBS  | REINFORCED CONCRETE LID WITH PLASTIC RING             |
| F08C    | LID | SLBS  | CAST IRON LID                                         |
| V01-71C | LID | SLBS  | FIBREVE LID, NON-CONCRETE                             |
| V01-71C | LID | 12LBS | COST FROM GROUP AOA COMPLIANT                         |

BUSS BAR



NOTES:  
 1. DO NOT INSTALL CABLE GROUND KIT AT A BEND AND ALWAYS DIRECT GROUND WIRE DOWN TO GROUND BAR.  
 2. GROUNDING KIT SHALL BE TYPE AND PART NUMBER AS SUPPLIED OR RECOMMENDED BY CABLE MANUFACTURER.  
 3. WEATHER PROOFING SHALL BE (TYPE AND PART NUMBER AS SUPPLIED OR RECOMMENDED BY CABLE MANUFACTURER)

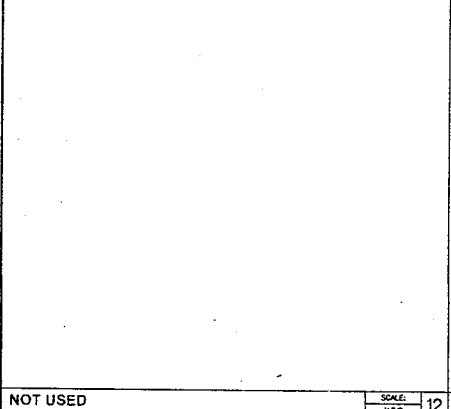
NOT USED

NOT USED

F08 BOX GROUND WELL DETAIL

SCALE: N.T.S. 5

SCALE: N.T.S. 2



NOTES:  
 1. IF GROUND ROD IS INSTALLED IN SIDEWALK AREA, CORE DRILL SIDEWALK PRIOR TO INSTALLING INSPECTION WELL.  
 2. EXPOSED CONCRETE TO HAVE BROOM FINISH.

CONNECTION OF CABLE GND. KIT TO ANTENNA

SCALE: N.T.S. 6

SCALE: N.T.S. 1

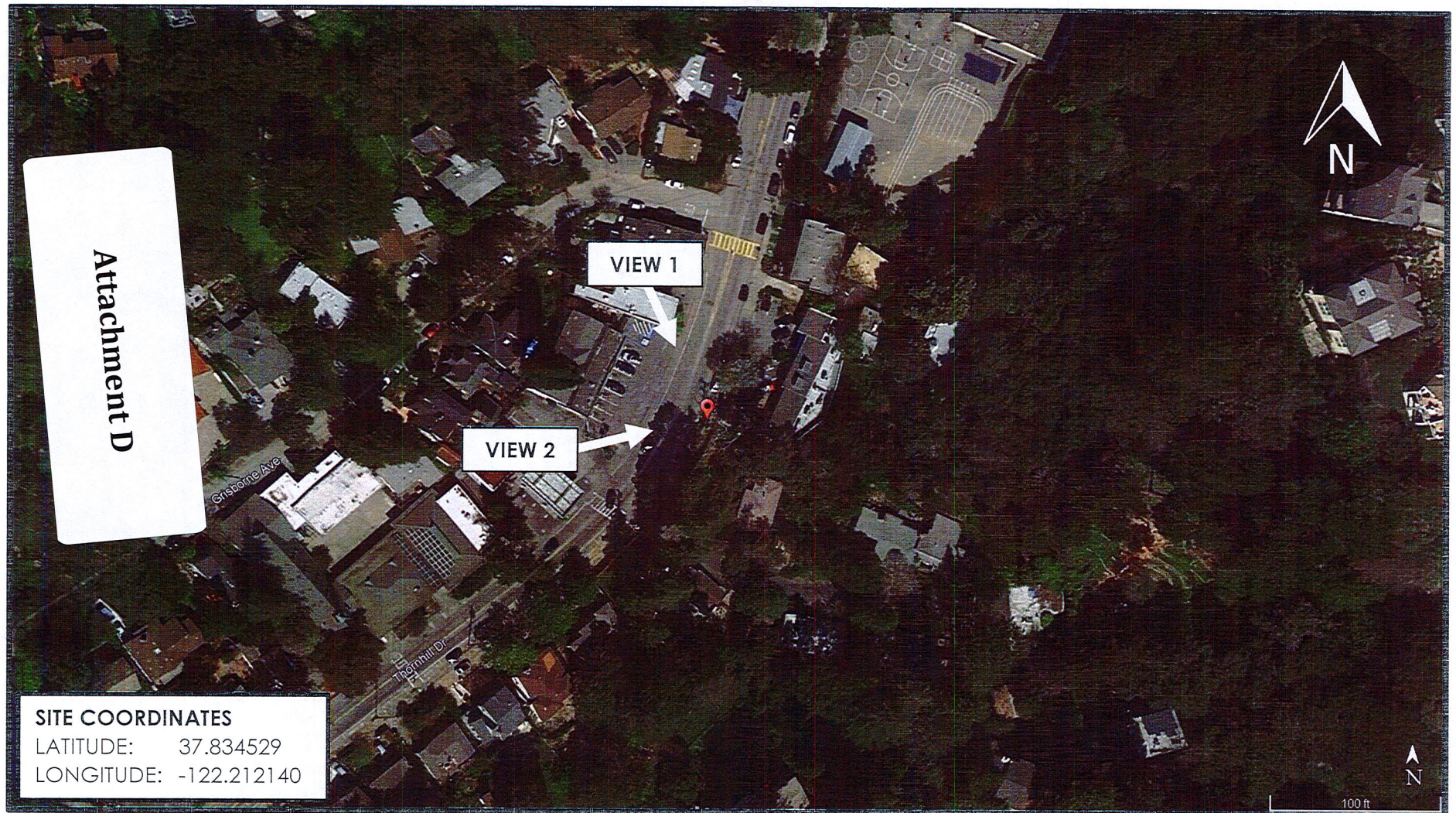
NOT USED

NOT USED

NOT USED



# PROPOSED SITE LOCATION



**SITE COORDINATES**  
LATITUDE: 37.834529  
LONGITUDE: -122.212140

**HWY 13 SC7**  
5730 Thornhill Drive  
Oakland, CA 94619  
Location Code: 434553

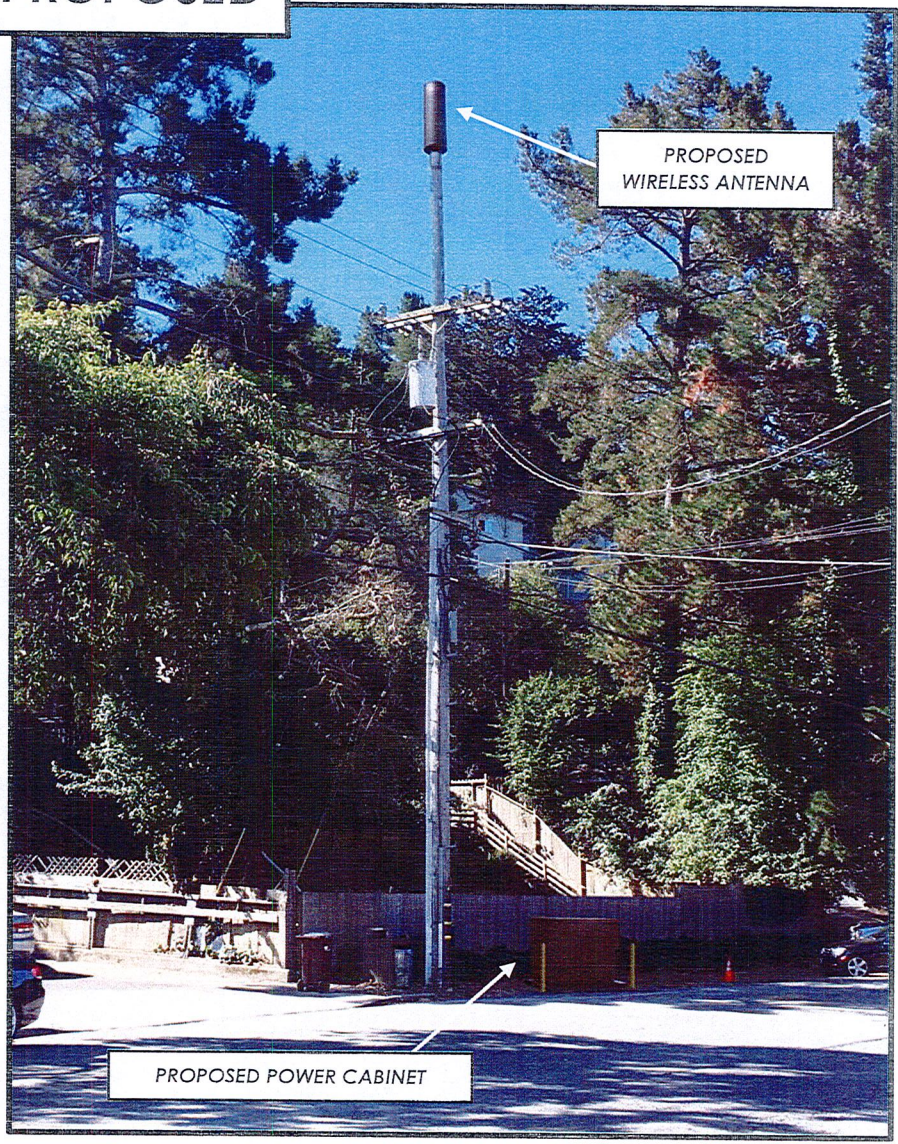
**SHOT MAP**  
**VERIZON NODE: "Hwy 13 SC7"**  
*Verizon Location Code: 434553*

 **THE CBR GROUP**  
The CBR Group  
841 Arnold Dr., Suite A  
Martinez, CA 94553  
info@thecbrgroup.com

**EXISTING**



**PROPOSED**



HWY 13 SC7  
 5730 Thornhill Drive  
 Oakland, CA 94619  
 Location Code: 434553

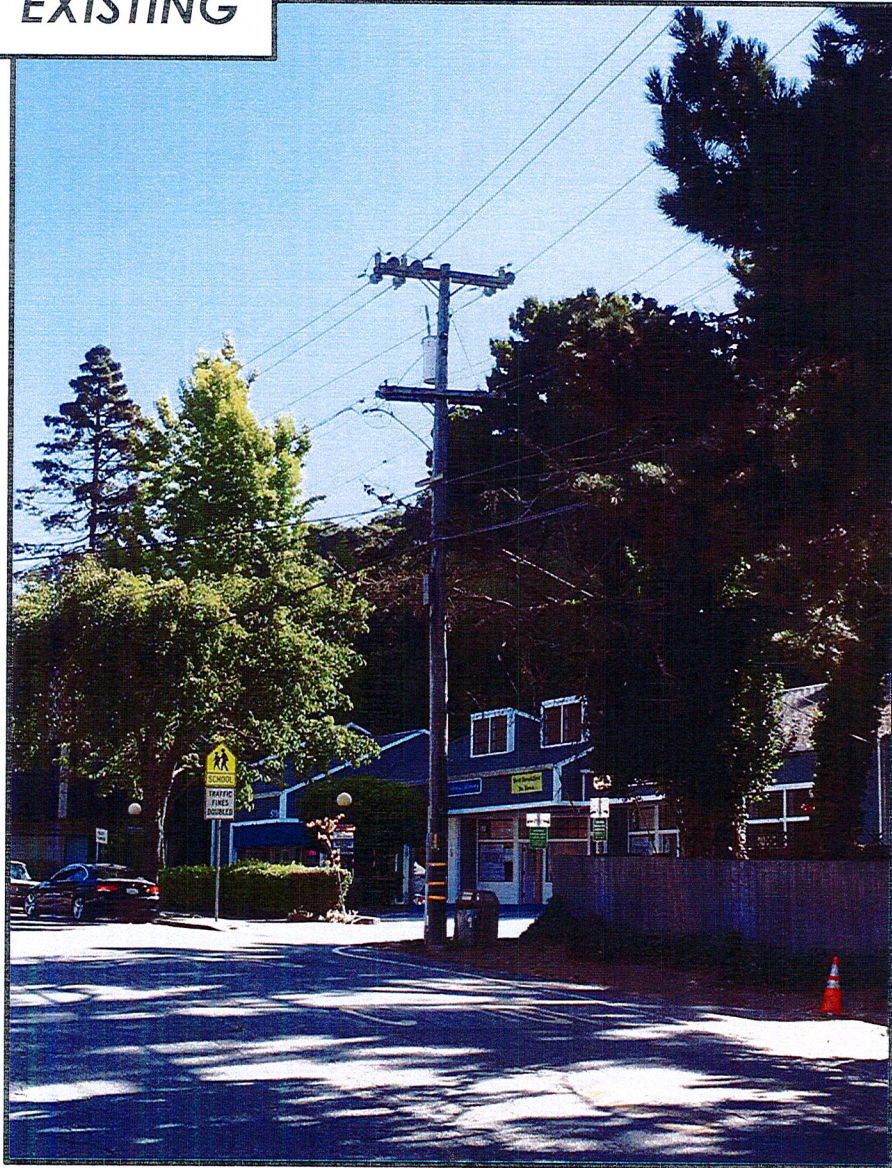
VIEW 1: LOOKING SOUTHEAST ACROSS  
 THORNHILL DRIVE  
 PHOTOSIMS PRODUCED 11/27/2017



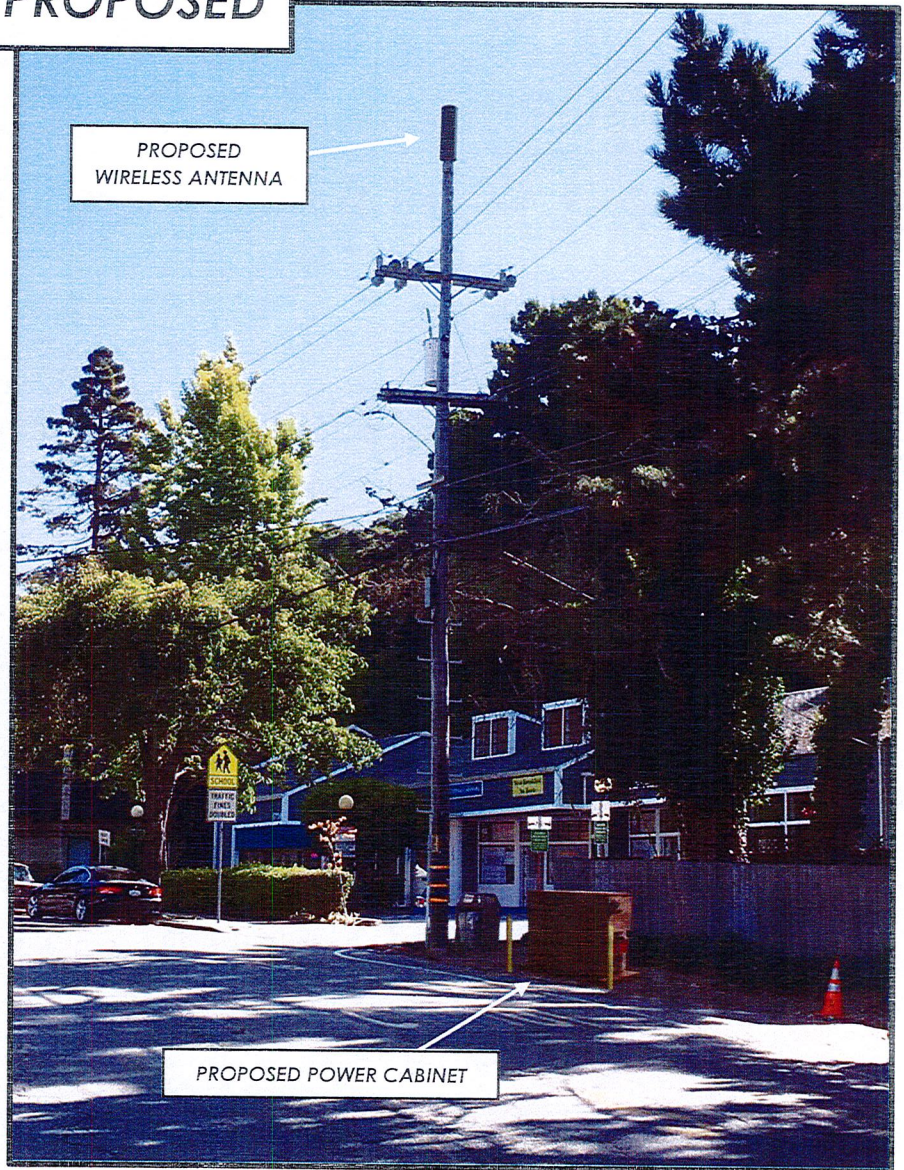
The CBR Group  
 841 Arnold Dr., Suite A  
 Martinez, CA 94553  
 info@thecbrgroup.com



**EXISTING**



**PROPOSED**



PROPOSED WIRELESS ANTENNA

PROPOSED POWER CABINET

HWY 13 SC7  
 5730 Thornhill Drive  
 Oakland, CA 94619  
 Location Code: 434553

VIEW 2: LOOKING NORTHEAST ACROSS  
 THORNHILL DRIVE  
 PHOTOSIMS PRODUCED 11/27/2017



The CBR Group  
 841 Arnold Dr., Suite A  
 Martinez, CA 94553  
 info@thecbrgroup.com



VERIZON SMALL CELL  
FOR HWY 13 POLYGON ALTERNATIVE  
SITE ANALYSIS

Attachment E

Verizon Small Cell Node "HWY 13 SC7" (near 5730 Thornhill Dr.)

Prepared September 08, 2017



## OVERVIEW

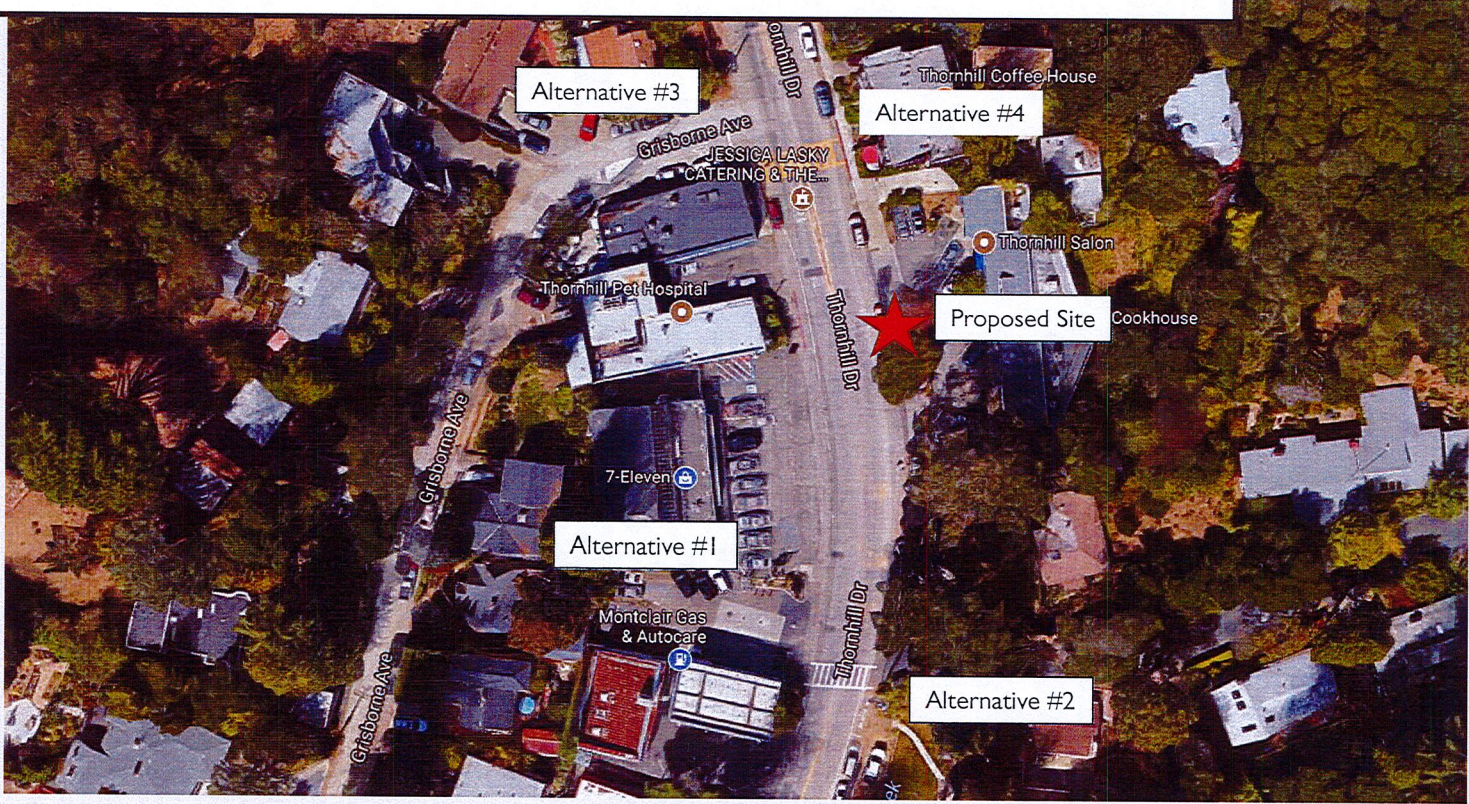
- Verizon is proposing to install a small cell standalone project in the area to improve network coverage and capacity.
- A small cell is just like the name implies. A small cell augments Verizon's capacity in a given area. It consists of a radio, antenna, power and a fiber connection. Small Cells are short range mobile cell sites used to complement larger macro cells (or cell towers). Small cells enable the Verizon network team to strategically add capacity to high traffic areas.
- Demand for wireless data services has nearly doubled over the last year, and is expected to grow 650% between 2013 and 2018 according to Cisco. It's part of Verizon's network strategy to provide reliable service and to stay ahead of this booming demand for wireless data.

## ALTERNATIVE ANALYSIS

- In addition to the proposed existing wooden utility pole location for this Node, Verizon considered poles immediately adjacent to the proposed pole to explain why it was selected.
- Existing antenna towers, monopoles, and rooftops located more than 150 feet from the proposed location are not viable alternatives for the small cell network because they do not meet Radio Frequency Coverage requirements, i.e., network objectives.
- The Node site is low in height, has low power, and is a reduced size antenna site that provides coverage to small areas.
- Cells interact with each other, and are laid out in a logical pattern to provide optimal coverage conditions to address service, capacity, reliability, and access for users. This network architecture in Small Cells is geographically very tight, and precludes alternative locations at greater distances.



# SHOT MAP OF PROPOSED SITE LOCATION AND ALTERNATIVES CONSIDERED



## TARGET POLE (5730 THORNHILL DR.)



Node – Target Pole

The Target Pole location is a wood utility pole located in the Public ROW. The nearest address is 5730 Thornhill Dr..

ALTERNATE SITE #1  
(5725 THORNHILL DR.)



Node - Alternative Site #1

This alternative location is a wood utility pole located in the Public ROW. The nearest address is 5725 Thornhill dr.

Pole Elimination Justification:

This is a private owned steel pole that is not colocatable and not big enough to support all of Verizon equipment.

**ALTERNATE SITE #2  
(ACROSS STREET FROM  
5725 THORNHILL DR.)**

Node - Alternative Site #2

This alternative location is a wood utility pole located in the Public ROW. This pole is located on South West corner of California St and Escuela Ave.

Pole Elimination Justification:

This pole is not feasible for Verizon to locate on as it will not comply with G095 JPA Pole Standards as it will cause climbing space issue.



ALTERNATE SITE #3  
(NORTH WEST CORNER OF THORNHILL DR.  
AND GRISBORNE AVE.)



Node - Alternative Site #3

This alternative location is a wood utility pole located in the Public ROW. The nearest address is North West corner of Thornhill Dr. and Grisborne Ave.

Pole Elimination Justification:

Verizon rejected the pole due to not be able to provide as optimal coverage to the area.

ALTERNATE SITE #4  
(5772 THORNHILL DR)



Node - Alternative Site #4

This alternative location is a wood utility pole located in the Public ROW. This pole is located on 5772 Thornhill Dr.

Pole Elimination Justification:

This candidate was eliminated as the City does not have a Master License Agreement in place for Verizon to locate equipment on the existing City Light Pole.

## LEAST INTRUSIVE MEANS

Small Cell facilities are small form factor, smaller radio frequency footprint base stations that allow carriers to place appropriate facilities in areas where full size radio base stations are not appropriate. Some equipment is located in a switch or Hub facility some miles away, further reducing the scale and quantity of equipment on site. This proposal is consistent with the least intrusive means to provide coverage for current generation of service within a residential district.

Typical Macro facility – industry standard sized collocateable facility with full compliment of radios



Small Cell example similar to this proposal



THANK YOU

The CBR Group, Inc.

Christy Beltran

415.806.2323

[Christy@thecbrgroup.com](mailto:Christy@thecbrgroup.com)



**Verizon Wireless • Proposed Small Cell (Node “Highway 13 SC7”)  
5730 Thornhill Drive • Oakland, California**

**Statement of Hammett & Edison, Inc., Consulting Engineers**

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of Verizon Wireless, a personal wireless telecommunications carrier, to evaluate its small cell (Node “Highway 13 SC7”) proposed to be sited in Oakland, California, for compliance with appropriate guidelines limiting human exposure to radio frequency (“RF”) electromagnetic fields.

**Executive Summary**

Verizon proposes to install one cylindrical antenna on a utility pole to be sited in the public right-of-way near 5730 Thornhill Drive in Oakland. The proposed operation will comply with the FCC guidelines limiting public exposure to RF energy.

**Prevailing Exposure Standard**

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

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

Power line frequencies (60 Hz) are well below the applicable range of this standard, and there is considered to be no compounding effect from simultaneous exposure to power line and radio frequency fields.

**General Facility Requirements**

Small cells typically consist of two distinct parts: the electronic transceivers (also called “radios”) that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are typically mounted on the support pole or placed in a cabinet at ground level, and they are connected to



**Verizon Wireless • Proposed Small Cell (Node “Highway 13 SC7”)  
5730 Thornhill Drive • Oakland, California**

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

### **Computer Modeling Method**

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

### **Site and Facility Description**

Based upon information provided by Verizon, including drawings by The CBR Group, dated August 9, 2017, it is proposed to install one Amphenol Model CUUT070X12Fxyz0, 4-foot tall, tri-directional cylindrical antenna, with three directions activated, on a new utility pole, to replace an existing utility pole, sited in the public right-of-way near the residence located at 5730 Thornhill Drive in Oakland. The antenna would employ no downtilt, would be mounted at an effective height of about 54½ feet above ground, and would have its principal directions oriented toward 0°T, 120°T, and 240°T. The maximum effective radiated power in any direction would be 2,590 watts, representing simultaneous operation at 1,250 watts for AWS, 1,130 watts for PCS, and 210 watts for 700 MHz service. There are reported no other wireless base stations at the site or nearby.

### **Study Results**

For a person anywhere at ground, the maximum RF exposure level due to the proposed Verizon operation is calculated to be 0.0028 mW/cm<sup>2</sup>, which is 0.34% of the applicable public exposure limit. The maximum calculated level at the second-floor elevation of any nearby building is 0.43% of the public exposure limit. It should be noted that these results include several “worst-case” assumptions and therefore are expected to overstate actual power density levels from the proposed operation.

### **Recommended Mitigation Measures**

Due to its mounting location and height, the Verizon antenna would not be accessible to unauthorized persons, and so no mitigation measures are necessary to comply with the FCC public exposure



**Verizon Wireless • Proposed Small Cell (Node "Highway 13 SC7")  
5730 Thornhill Drive • Oakland, California**

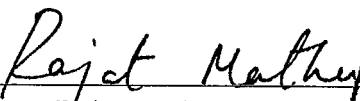
guidelines. To prevent occupational exposures in excess of the FCC guidelines, it is recommended that appropriate RF safety training be provided to all authorized personnel who have access to the antenna. No access within 9 feet at the same height as the Verizon antenna, such as might occur during certain maintenance activities at the top of the pole, should be allowed while the small cell is in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. It is recommended that an explanatory sign\* be posted at the antenna and/or on the pole below the antenna, readily visible from any angle of approach to persons who might need to work within that distance.

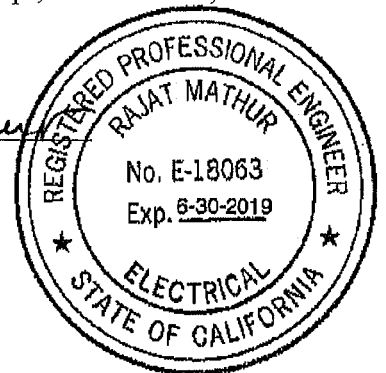
**Conclusion**

Based on the information and analysis above, it is the undersigned's professional opinion that operation of the small cell proposed by Verizon Wireless at 5730 Thornhill Drive in Oakland, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating small cells. Training authorized personnel and posting explanatory signs are recommended to establish compliance with occupational exposure limits.

**Authorship**

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration No. E-18063, which expires on June 30, 2019. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

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



September 25, 2017

\* Signs should comply with OET-65 color, symbol, and content recommendations. Contact information should be provided (e.g., a telephone number) to arrange for access to restricted areas. The selection of language(s) is not an engineering matter, and guidance from the landlord, local zoning or health authority, or appropriate professionals may be required. Signage may also need to comply with the requirements of California Public Utilities Commission General Order No. 95.

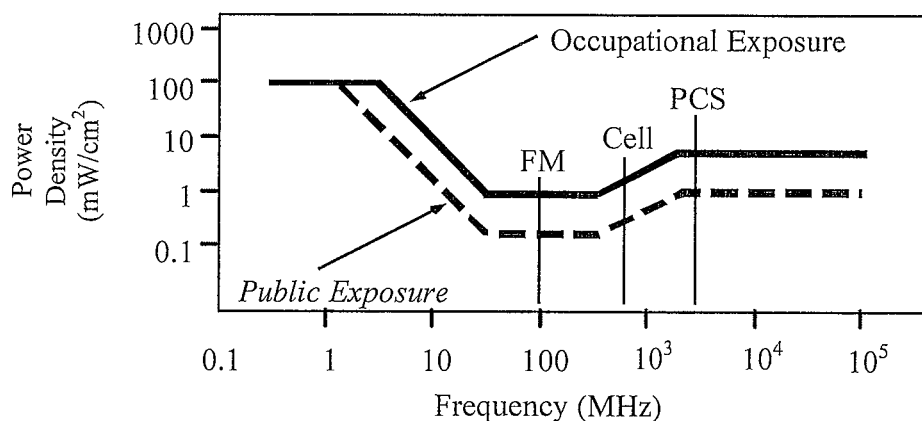


## FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission (“FCC”) to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, “Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields,” published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements (“NCRP”). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, “Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz,” includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

| Frequency<br>Applicable<br>Range<br>(MHz) | Electromagnetic Fields (f is frequency of emission in MHz) |                |                                     |               |                                                                |                          |
|-------------------------------------------|------------------------------------------------------------|----------------|-------------------------------------|---------------|----------------------------------------------------------------|--------------------------|
|                                           | Electric<br>Field Strength<br>(V/m)                        |                | Magnetic<br>Field Strength<br>(A/m) |               | Equivalent Far-Field<br>Power Density<br>(mW/cm <sup>2</sup> ) |                          |
| 0.3 – 1.34                                | 614                                                        | <i>614</i>     | 1.63                                | <i>1.63</i>   | 100                                                            | <i>100</i>               |
| 1.34 – 3.0                                | 614                                                        | <i>823.8/f</i> | 1.63                                | <i>2.19/f</i> | 100                                                            | <i>180/f<sup>2</sup></i> |
| 3.0 – 30                                  | 1842/f                                                     | <i>823.8/f</i> | 4.89/f                              | <i>2.19/f</i> | 900/f <sup>2</sup>                                             | <i>180/f<sup>2</sup></i> |
| 30 – 300                                  | 61.4                                                       | <i>27.5</i>    | 0.163                               | <i>0.0729</i> | 1.0                                                            | <i>0.2</i>               |
| 300 – 1,500                               | 3.54√f                                                     | <i>1.59√f</i>  | √f/106                              | <i>√f/238</i> | f/300                                                          | <i>f/1500</i>            |
| 1,500 – 100,000                           | 137                                                        | <i>61.4</i>    | 0.364                               | <i>0.163</i>  | 5.0                                                            | <i>1.0</i>               |



Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. However, neither of these allowances is incorporated in the conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels. Hammett & Edison has built those formulas into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radio sources. The program allows for the description of buildings and uneven terrain, if required to obtain more accurate projections.



## RFR.CALC™ Calculation Methodology

### Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

#### Near Field.

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications base stations, as well as dish (aperture) antennas, typically used for microwave links. The antenna patterns are not fully formed in the near field at these antennas, and the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives suitable formulas for calculating power density within such zones.

For a panel or whip antenna, power density  $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h}$ , in mW/cm<sup>2</sup>,

and for an aperture antenna, maximum power density  $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$ , in mW/cm<sup>2</sup>,

where  $\theta_{BW}$  = half-power beamwidth of the antenna, in degrees, and

$P_{net}$  = net power input to the antenna, in watts,

$D$  = distance from antenna, in meters,

$h$  = aperture height of the antenna, in meters, and

$\eta$  = aperture efficiency (unitless, typically 0.5-0.8).

The factor of 0.1 in the numerators converts to the desired units of power density.

#### Far Field.

OET-65 gives this formula for calculating power density in the far field of an individual RF source:

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

where ERP = total ERP (all polarizations), in kilowatts,

RFF = relative field factor at the direction to the actual point of calculation, and

$D$  = distance from the center of radiation to the point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula has been built into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radiation sources. The program also allows for the description of uneven terrain in the vicinity, to obtain more accurate projections.



**DECLARATION OF JESUS G. ROMAN**

I, **Jesús G. Román**, declare and state:

1. I am the Associate General Counsel for GTE Mobilnet of California Limited Partnership dba Verizon Wireless (GTE Mobilnet). My business address is 15505 Sand Canyon Avenue, Irvine, CA 92618. My phone number is 949-286-7202.

2. I am providing this declaration in connection with establishing that GTE Mobilnet is authorized to use the Right of Way and operate in California pursuant to a Certificate of Public Convenience and Necessity (CPCN) with the California Public Utilities Commission (CPUC) and because it is deemed pursuant to law to hold a Wireless Identification Registration (WIR). GTE Mobilnet holds a CPCN by virtue of CPUC Decision No. 85-04-008. CPUC Decision 94-10-031, implementing Federal legislation that prohibits states from erecting barriers to wireless service entry, explicitly recognized that a wireless provider with a CPCN (like Mobilnet) is deemed to satisfy the WIR requirement, stating: "Such carriers are deemed to have complied with the Wireless Identification Registration requirement." See D.94-10-031, 1994 Cal. PUC LEXIS 700, \*7, 56 CPUC2d 578 (Cal. P.U.C. Oct. 12, 1994).

3. The CPUC maintains a publicly available database of public utilities that have authority to operate in California. The CPUC assigns a Utility Number to each such public utility. GTE Mobilnet's CPCN can be verified by visiting the CPUC's website <https://apps.cpuc.ca.gov/apex/f?p=102:1:0::NO:RP::> and entering GTE Mobilnet into the "Search Utility Name" field. Doing this will show the utility name as GTE Mobilnet of Ca., Ltd. Ptnrshp and show the dba as Verizon Wireless. It will also show the Utility number assigned to GTE Mobilnet as 3002. Graphically, it shows this:

**California Public Utilities Commission**

### Utility Contact System Search

The Utility Contact System (UCS) is the Communications Division's database for the primary regulatory contact for each telephone corporation in California. The Communications Division sends periodic regulatory notices to the regulatory contact for each telephone corporation via e-mail. It is important for primary regulatory contacts to update their UCS record if their e-mail address changes.

Telephone corporations may update UCS contact information using the form on the following page: [Carrier Reporting Requirements](#)

A description of the different utility types (granted authorities) are listed on the following page: [Utility Type Descriptions](#)

| Search Utility Name             | GTE Mobilnet     | Search Utility Number | 3002                           | Search        | City |
|---------------------------------|------------------|-----------------------|--------------------------------|---------------|------|
| GTE Mobilnet of Ca. Ltd Ptnrshp | VERIZON WIRELESS | 3002                  | 231 SPEAR STREET               | SAN FRANCISCO | CA   |
| GTE Mobilnet of Ca. Ltd Ptnrshp | VERIZON WIRELESS | 3002                  | ONE GTE PLACE                  | ALPHARETTA    | GA   |
| GTE Mobilnet of Ca. Ltd Ptnrshp | VERIZON WIRELESS | 3002                  | 3320 CUMBERLAND BLVD SUITE 700 | ATLANTA       | GA   |
| GTE Mobilnet of Ca. Ltd Ptnrshp | VERIZON WIRELESS | 3002                  | 6187 M IRO WEST BITE 400       | HOUSTON       | TX   |

More Search Results on CSV spreadsheet

1-4

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 6, 2017 at Simi Valley, CA.

*Jesús G. Román*

Jesús G. Román  
Associate General Counsel

**Attachment G**

## 8 of 8 DOCUMENTS

Application of GTE Mobilnet of California, Inc. for a certificate to resell  
cellular mobile telecommunications service

Decision No. 85-04-008, Application No. 85-02-021 (Filed February 5,  
1985; amended March 12, 1985)

California Public Utilities Commission

*1985 Cal. PUC LEXIS 157; 17 CPUC2d 492*

April 3, 1985

**PANEL:** [\*1]

Donald Vial, President; Victor Calvo, Priscilla C. Grew, William T. Bagley, Frederick R. Duda,  
Commissioners

**OPINION:** OPINION

Summary

GTE Mobilnet of California, Inc. (GTEM-California), a subsidiary of GTE Mobilnet (GTEM) is granted a certificate to resell cellular mobile radiotelephone service, subject to restrictions on separation of functions between applicant and its parent.

Background

Applicant's parent corporation, GTEM, was awarded a certificate to provide wireline cellular mobile radiotelephone service in the San Francisco-Oakland and San Jose Metropolitan areas. (GTE Mobilnet, Decision 84-11-029, November 7, 1984, Application 83-07-04.)

The decision established wholesale rates only and denied GTEM retail rates because of problems discussed in that decision. Ordering paragraph eight of that decision reads as follows:

"On or after the effective date of this decision, GTEM is authorized to apply for authority to conduct business as a reseller of cellular mobile radiotelephone service through a separate subsidiary."

This application is in response to that order. It should be well noted that this application requests for reseller authority throughout California and not just for [\*2] the San Francisco-Oakland and San Jose cellular geographic service area (CGSA). We have to date issued resellers statewide certificates, with the exception that we have not permitted a reseller which is an affiliate of a carrier to resell in the same CGSA when that carrier has its own retail department.

Qualifications of Applicant

For the present, applicant proposes strictly a resale operation and has no present plans to construct its own communications facilities.

In its first amendment to the application, it estimates its year-end customers as 3,679 for the first year, increasing to 7,807 for the fifth year. It anticipates revenues from those customers of approximately \$ 294,000 for the first year, increasing to slightly in excess of \$ 1.4 million for the fifth year. Its total operating expenses are estimated at approximately \$ 415,000 for the first year, growing to in excess of \$ 1.3 million for the fifth year. Based upon those figures, it estimates its net loss as \$ 656,000 for the first year, and a net income of \$ 540,000 for the fifth year. The first year figures mentioned are for a partial year.

With the amended application, GTEM-California also furnished a pro forma [\*3] balance sheet estimating total liability and shareholders' equity remaining constant at \$ 19,000 for the first five years, with assets increasing from \$ 565,000 to \$ 1,493,000 by the fifth year. We note that \$ 1,235,000 of the fifth year projection is accounts receivable. This is a large percentage but is traceable to the fact that it would be normal for a reseller of telecommunications services to have a revolving amount of accounts receivable from its customers.

Applicant has demonstrated financial fitness and, by its affiliation with its parent, has the technical proficiency to operate the proposed business.

#### Separation of Functions

In GTE Mobilnet, supra, we stated that there might possibly be certain exceptions to full separation. The decision noted that in General Telephone Company (D.84-07-108, July 18, 1984, A.83-07-02) we faced the problem of cost allocations for that company's customer premises equipment, and that after ordering structural separation, we allowed sharing of resources for:

1. Corporate officers, directors, and headquarters support staff.
2. Legal and accounting support for a period of two years.
3. Customer billing.

We did not specifically approve [\*4] those separations before the fact, and stated (GTE Mobilnet, mimeo p. 39):

"We are uncertain at this time whether such exceptions are equally appropriate for the stand-alone reseller business. We will make that decision when the reseller application is filed, but we wish full separation (physical and financial) for working level or operational activities, and if the applicant proposes any cost-sharing at the executive level or for specific support services, it will bear the task of showing that exemptions from full separation will not burden the Commission with exactly the kind of cost allocation and cross-subsidization issues which we are attempting to avoid."

(Emphasis added.)

In this application, GTEM-California proposes sharing consisting of three categories. The first appears to be the same as the first item listed above. The second is legal and accounting support with no time limit. The third is customer service. The application contains the following language in support of this proposal:

"The GTE Mobilnet Incorporated headquarters staff, located in Houston, will support both the Applicant and the Partnerships, as it does its subsidiaries and partnerships in other markets [\*5] in which GTE Mobilnet Incorporated has a presence. This support is provided by the legal, regulatory, accounting, marketing support and customer service functions. Any headquarters costs directly incurred for a particular entity will be charged directly; the residual headquarters costs will



be allocated on a basis that reflects San Francisco-Oakland and San Jose activities relative to total activity levels. GTE Mobilnet Incorporated believes that such a sharing arrangement is essential in order to allow the Applicant to achieve economics of scale, to draw upon the significant level of expertise based in Houston and, most importantly, to compete effectively with other retailers of cellular mobile radio telecommunications service in California."

The first item (corporate headquarters, directors, and headquarters support staff) is an acceptable exception and essential to GTEM-California's functioning as a subsidiary rather than as an independent company, but in the regulatory context of which this application is a part, the remaining exceptions are not, and allowing them would make GTEM-California simply a branch of GTEM, rather than a separated subsidiary -- the very result the [\*6] language in GTE Mobilnet sought to avoid.

It is clear that the second item mentioned in General Telephone (legal and accounting) was transitional. Here, there is no purpose served by starting a new operation with transitional sharing. Further, it is not in the public interest because (1) a carrier and a separate reseller may at times have interests adverse to each other, and sharing legal support can cause conflicts of interest, and (2) sharing accounting support would commingle cost and revenue data of two entities which should not share it on such a day-to-day basis.

Regarding the third item, it can be readily seen that customer service is not the same as customer billing. Customer service should not be shared because it will lead to the problem of determining whether cross-subsidy exists in the use of personnel and equipment at the operational level. We believe the same is true for customer billing and, in any case, GTEM should not have operational-level access to GTEM-California's billing information, and vice-versa. n1

n1 We are appreciative of applicant's concerns about economies of scale. If it chooses to do so, applicant may contract with outside companies specializing in billing and other functions, and the above discussion should not be construed as abridging management's discretion in this regard.

[\*7]

In making these determinations, we understand that corporate headquarters must function as a conduit for general, management-level information from both "sides," and such information may be commingled or integrated at that level. The Commission has no desire to prevent top management from acquiring data necessary to make intelligent corporate decisions. But below executive level there must be a real separation (see the emphasized language from GTE Mobilnet, supra) or our ruling in GTE Mobilnet, stemming from the problems discussed in that decision, will become meaningless.

#### Rates and Tariffs

GTEM-California proposes the following retail rates:

|                       |          |
|-----------------------|----------|
| Monthly access charge | \$ 45.00 |
| Peak minute usage     | 0.45     |
| Off-peak minute usage | 0.20     |

These rates are, on their face, reasonable, and will be allowed to go into effect. Other competing resellers have proposed similar or identical rates. As we have stated in previous decisions, we consider the business of reselling cellular mobile communications service to be

competitive and look primarily to the marketplace for rate regulation. The fact that, at the outset, basic rates are identical or similar should not be taken as our adopting [\*8] a "model" rate structure.

In Decision (D.) 84-04-014, concerning the Los Angeles SMSA Limited Partnership (Partnership), we did review in detail retail tariff provisions, and, as we have stated in other decisions concerning resellers which we are today issuing along with this decision, it is our intent that such tariff provisions be used as a model for other resellers in California. Consequently, we will require the filing of retail tariffs generally similar to the retail provisions authorized by D.84-04-014 and filed by the Partnership.

We recognize that the tariffs as a whole may be somewhat abbreviated from those of the Partnership; however, they must include the usual Table of Contents, Preliminary Statement, Rate Schedules, List of Contracts and Deviations, Rules, and Sample Forms, as prescribed in Section II of General Order (GO) Series 96. We will permit an initial filing to contain only the Preliminary Statement, Table of Contents, and Rate Schedules, to be effective on five days' notice; the remaining material will be prepared promptly and transmitted to the Commission staff by advice letter for review and filing per GO Series 96. We will authorize GTE-California to [\*9] deviate from the page numbering system prescribed by GO Series 96, Section II.C(1)(b), and to substitute the system generally employed by the major wireline exchange carriers at its election. n2

n2 The alternate system is described in Commission Resolutions U-275 (March 25, 1947) and T-4886 (February 26, 1962).

Applicant and other resellers of cellular services have asked that the Commission exempt them from requirements of GO Series 96, Sections IV, V, and VI.

There is merit to the arguments presented by resellers that the Commission consider some modifications of GO Series 96. The basic purpose of Sections IV, V, and VI of GO Series 96 is to provide an orderly procedure to control the rates and services of a monopoly utility. These rules are subject to revision where the Commission deems necessary.

In this case, we are not dealing with a monopoly situation. At this time, it appears that the cellular market will be a highly competitive one. The basic scheme established by the Federal Communications Commission allowing two major carriers, one wireline and one nonwireline, to operate in the same territory, coupled with the provisions for the wholesale marketing of this service, [\*10] is designed to promote vigorous competition in cellular markets.

Under these circumstances, our traditional tariff filing requirement of a 30-day review period should not be necessary. Indeed, in a new and dynamic market such as cellular telephone, this requirement could impede the provisions of rates and schedules which are responsive to customer needs. We will of course monitor the cellular market and if we find abusive or unfair practices by resellers, we will take corrective action aimed at eliminating such practices. Therefore, we will permit all resellers to make the requested tariff changes on 15 days' notice.

Copies of the application were served on potential competitors within California and no protests were received.

Upon certification by this Commission, GTEM-California will be subject to reporting requirements deemed appropriate by this Commission. One of these requirements is the manner in which records are kept.

The Commission is currently developing a Uniform System of Accounts for cellular communications companies. Until a uniform accounting system for cellular companies has been prescribed, the Commission will not issue detailed account instructions. Each [\*11] cellular communications company will, however, be expected to maintain its books in such detail that financial data relating to its operations can be assembled upon request:

1. Revenue and expenses of utility operations should be segregated from nonutility operations.
2. Charges from affiliates should be broken down so that each kind of charge can be identified.
3. Revenue accounts should be appropriately subdivided (access, peak, off-peak, service order charges, custom calling, directory listing, etc.).
4. Expense accounts should be grouped to provide a total for sales and marketing expense. This would include, in subaccounts, advertising, promotion and incentives, sales salaries and commissions, sales vehicle expense, etc.
5. General and administrative expenses should be subdivided to identify rent and lease expense, billing expense, salaries, insurance, and other appropriate subdivisions.
6. Other significant costs, such as unsold numbers inventory, should be separately identified.

GTEM-California will be directed to file an annual report with the Commission, in a form prescribed by the Commission. Although GTEM-California will be expected to have detailed operating [\*12] information available in its records, for competitive reasons it may not be required to disclose such detail in its filed annual reports.

D.85-01-008 (January 3, 1985, A.84-03-92) granted resellers exemption from Public Utilities (PU) Code §§ 816-830 (issuance of stocks and bonds). We continued our regulation of acquisition of controlling interests under *PU Code* §§ 851-855, and further proceedings in that application will decide what regulation will apply to certain other transactions governed by §§ 851-855. This applicant will be treated the same as other resellers in this regard.

GTEM-California is subject to the fee system set forth in *PU Code* §§ 401, et seq. n3 By Resolution M-4735, the Commission set the fee level for telephone corporations at 0.10 of 1% (0.0010) of revenue subject to the fee, prescribed the method of remitting the fee, and directed the application of a billing surcharge of 0.10% to customer billings. Applicant will be ordered to provide in its tariff rules for the imposition of this surcharge.

n3 In D.84-04-014 in A.83-01-012, we determined that resellers of cellular service area telephone corporations under PU §§ 216(b), 233, and 234, and are subject to our jurisdiction. [\*13]

#### Findings of Fact

1. GTEM-California has the ability, experience, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require the service proposed by GTEM-California.
3. GTEM-California should file a set of tariffs similar in scope to the retail tariffs set forth in D.84-04-014 for the Partnership.

4. The time constraints of Sections IV, V, and VI of GO Series 96 are unduly restrictive at this time.

5. At this time, it appears that the cellular market will be a highly competitive one.

6. GTEM-California's proposed operations will provide competition in the cellular radio service market which will benefit the public at large.

7. While it is reasonable to allow headquarters functions of GTEM and GTEM-California to be combined, it is unreasonable and not in the interest of equal competition among resellers to allow the combining of certain operational-level functions as proposed in the application.

8. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

9. GTEM-California should keep its records in the detail described in the opinion [\*14] section of this decision.

10. There are no protests and a public hearing is not necessary.

#### Conclusions of Law

1. The application should be granted as provided in the order which follows.

2. GTEM-California should be exempt from the provisions of Sections IV, V, and VI of this Commission's GO Series 96 and may file tariff revisions to become effective on 15 days' notice.

3. GTEM-California is subject to the fee set forth in *PU Code §§ 401*, et seq.

4. Applicant should be exempted from the requirements of *PU Code §§ 816-830*.

5. The appropriate surcharge pursuant to Conclusion of Law 3 is 0.1% for the fiscal year 1984-1985.

6. Because of the immediate need for the service, the order should become effective today.

The certificate hereinafter granted is subject to the provision of law that the Commission shall have no power to authorize the capitalization of this CPC&N or the right to own, operate, or enjoy such CPC&N in excess of the amount (exclusive of any tax or annual charge) actually paid to the State as the consideration for the issuance of such CPC&N or right.

#### ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to GTE Mobilnet [\*15] of California, Inc. (GTEM-California) to operate as a reseller of cellular radio telecommunications services within California.

2. On or after the effective date of this order, GTEM-California is authorized to file tariff schedules for the resale of cellular mobile radiotelephone service in California. Service may not be offered until tariffs are on file. This filing shall comply with General Order (GO) Series 96, except that GTEM-California is authorized to employ the alternate method of page numbering described in Resolutions U-275 and T-4886 at its election. The initial filing shall contain at least the Preliminary Statement, Table of Contents, and Rate Schedules, the rates and charges to be those requested by GTEM-California in its application, together with the remaining retail rates and charges authorized

to the Los Angeles SMSA Limited Partnership by Decision 84-04-014, the filing to be effective on not less than five days' notice. GTEM-California shall file the remaining tariff schedules, to include rules and forms as prescribed by GO Series 96, no later than 10 days following the effective date of this order, to be effective on not less than five days' notice. The [\*16] tariff shall provide for a user fee surcharge of 0.10% for the fiscal year 1984-1985. Failure to file the tariff may result in revocation of the authority granted here.

3. GTEM-California shall keep its records as detailed on pages 7 and 8 of this decision.
4. GTEM-California shall maintain separate operational and working-level functions as discussed in the opinion.
5. GTEM-California is granted exemption from the requirements of *PU Code §§ 816-830*.
6. The certificate of public convenience and necessity is granted as set forth above; GTEM-California is exempted, in part, from the provisions of Sections IV, V, and VI of GO Series 96. The certificate granted and the authority to render service under the rates, rules, and charges authorized will expire if not exercised within 12 months after the effective date of this order.
7. Within 10 days after this order is effective GTEM-California shall file a written acceptance of the certificate granted in this proceeding.
8. The application is granted as set forth above, and otherwise denied.

This order is effective today.

Dated April 3, 1985, [\*17] at San Francisco, California.

#### **Legal Topics:**

For related research and practice materials, see the following legal topics:  
Communications Law Resale of Services Communications Law Telephone Services Cellular  
Services Energy & Utilities Law Utility Companies General Overview

**DATE STAMP WITH  
APPLICATION AND  
RETURN COPY TO:**

Verizon Wireless  
2785 Mitchell Drive, Bldg 9  
Walnut Creek, CA 94598

Attn: Small Cell Real Estate  
Manager

**PLEASE DATE STAMP TOGETHER WITH  
VERIZON WIRELESS APPLICATION**

**Verizon Wireless  
Reservation of Rights**

We have attached Verizon Wireless's use permit application to install a wireless facility in the public right-of-way as more particularly described in the application. Please be advised that Verizon Wireless reserves all of its rights under California Public Utilities Code § 7901, the federal Telecommunications Act, Section 6409 of the *Spectrum Act* (codified at 47 U.S.C. § 1455(a)), the Federal Communications Commission ("FCC") ruling *In Re: Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review, Etc.*, the FCC order *In Re: Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, Etc.*, FCC 14-153 (FCC October 17, 2014) and associated rules codified at 47 C.F.R. §1.40001, 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, California Public Utilities Code § 7901 grants a statewide franchise to telephone corporations such as Verizon Wireless to place telephone equipment in the public rights-of-way, and the use of the rights-of-way by telephone corporations is a matter of statewide concern that is not subject to local regulation except where such use incommodes the public use of a road or highway. In addition, the Telecommunications Act limits the authority of local jurisdictions by, among other restrictions, requiring final action within a reasonable period of time. In submitting this application, Verizon Wireless 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 use 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.



**Pacific Gas and  
Electric Company**

**WE DELIVER ENERGY.™**

October 17, 2017

City of Oakland  
Bureau of Planning  
250 Frank H Ogawa Plaza Suite 2114  
Oakland, CA 94612

**RE: Proposed Verizon telecommunications installation located on PG&E owned utility poles located in Oakland. Site names:**

**HWY 13 SC1: 3800 Mountain Blvd; HWY 13 SC2: 3255 Monterey Blvd; HWY 13 SC3: 3065 Monterey Blvd; HWY 13 SC4: 2820 Mountain Blvd; HWY 13 SC5: 5506 Thornhill Dr.; HWY 13 SC6: 5833 Moraga Ave; HWY 13 SC7: 5730 Thornhill Dr.; HWY 13 SC8: 206 Glenwood Glade**

To whom it may concern:

PG&E entered into a Master License Agreement (MLA) with Verizon Wireless in October 2016. The MLA allows Verizon to attach their equipment and antennas to PG&E distribution poles, subject to PG&E approval. Verizon had already been authorized to attach their equipment below the primary and secondary power lines in the "communications zone." Under the MLA, Verizon is now licensed to use the "power zone" space owned by PG&E. The power zone is at the pole top, above the power lines. California Public Utilities Commission (CPUC) General Order 95, Rule 94 established that antennas can be installed at the pole top position.

PG&E will comply with CPUC regulations and standards with regard to its distribution poles and reviews of proposed attachments.

However, Verizon is solely liable and responsible for complying with all applicable requirements, including CPUC General Order 95, with regard to its attachments on distribution poles. PG&E provides no guarantees that any or all of Verizon's applications will be approved, but consents to Verizon filing jurisdictional permit applications for space on the pole(s) listed in the LOA.

Please call me at (925) 270-2729 if you have any questions or concerns regarding this matter.


Regards,


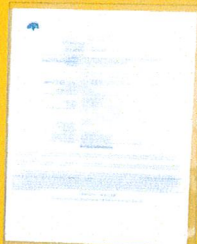
*Lee Vaughan*

Lee Vaughan  
[jlvf@pge.com](mailto:jlvf@pge.com)

Sr. Electric Program Manager  
PG&E Joint Utilities

**PUBLIC NOTICE**  
**CITY OF OAKLAND**

  
CITY OF OAKLAND  
Planning and Building Department  
Bureau of Planning

DEAN ROMBERG

**ATTACHMENT H**

Jan 5, 2018





**CITY OF OAKLAND  
BUREAU OF PLANNING**

250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031  
Phone: 510-238-3911 Fax: 510-238-4730

**PLANNING COMMISSION PUBLIC NOTICE**

|                                     |                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Location:</b>                    | Utility pole in public right-of-way adjacent to 3800 Mountain Blvd                                                                                                                                                                                                                                                                       |
| <b>Assessor's Parcel Number(s):</b> | Nearest adjacent lot 029-1090-002-06                                                                                                                                                                                                                                                                                                     |
| <b>Proposal:</b>                    | To establish a "small cell site" Telecommunications Facility, in order to enhance existing services, by attaching one antenna to an existing pole located in the public right-of-way. The antenna would be placed on top of the pole up to 50'-4" in height and minimal equipment mounted on the side of the pole at above ground-level. |
| <b>Applicant / Phone Number:</b>    | Cristy Beltran, The CBR Ground, Inc. (for: Verizon) (415)806-2323                                                                                                                                                                                                                                                                        |
| <b>Owner:</b>                       | PG&E                                                                                                                                                                                                                                                                                                                                     |
| <b>Case File Number:</b>            | PLN17512                                                                                                                                                                                                                                                                                                                                 |
| <b>Planning Permits Required:</b>   | Major Design Review with additional findings for Macro Telecommunications Facility in Residential Zone                                                                                                                                                                                                                                   |
| <b>General Plan:</b>                | Hillside Residential                                                                                                                                                                                                                                                                                                                     |
| <b>Zoning:</b>                      | Hillside Residential - 4 Zone (RH-4)                                                                                                                                                                                                                                                                                                     |
| <b>Environmental Determination:</b> | Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Exempt, Section 15302: Replacement or Reconstruction; Exempt, Section 15303: New Construction of Small Structures; Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning                                                             |
| <b>Historic Status:</b>             | Non-historic pole                                                                                                                                                                                                                                                                                                                        |
| <b>City Council District:</b>       | 4                                                                                                                                                                                                                                                                                                                                        |
| <b>Date Filed:</b>                  | December 28, 2017                                                                                                                                                                                                                                                                                                                        |
| <b>Action to be Taken:</b>          | Decision based on staff report                                                                                                                                                                                                                                                                                                           |
| <b>Finality of Decision:</b>        | Appealable to City Council                                                                                                                                                                                                                                                                                                               |
| <b>For Further Information:</b>     | Contact case planner Marilu Garcia at (510) 238-5217 or by email at <a href="mailto:mgarcia2@oaklandnet.com">mgarcia2@oaklandnet.com</a> .                                                                                                                                                                                               |

Your comments and questions, if any, should be directed to the Bureau of Planning, 250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, California 94612-2031 at or prior to the public hearing to be held on **January 24, 2018**, at Oakland City Hall, Sgt. Mark Dunakin Hearing Room 1, 1 Frank H. Ogawa Plaza, Oakland, California 94612. The public hearing will start at 6:00 p.m.

If you challenge the Planning Commission decision on appeal and/or in court, you will be limited to issues raised at the public hearing or in correspondence delivered to the Bureau of Planning, at or prior to, the public hearing on this case. If you wish to be notified of the decision of any of these cases, please provide the case planner with a regular mail or email address.

Please note that the description of the application found above is preliminary in nature and that the project and/or such description may change prior to a decision being made. Except where noted, once a decision is reached by the Planning Commission on these cases, they are appealable to the City Council. **Such appeals must be filed within ten (10) calendar days of the date of decision by the Planning Commission and by 4:00 p.m.** An appeal shall be on a form provided by the Bureau of Planning, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of the Case Planner. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the City of Oakland or wherein the decision is not supported by substantial evidence and must include payment in accordance with the City of Oakland Master Fee Schedule. Failure to file a timely appeal will preclude you from challenging the City's decision in court. The appeal itself must raise every issue that is contested along with all the arguments and evidence previously entered into the record prior to or at the public hearing mentioned above. Failure to do so will preclude you from raising such issues during the appeal hearing and/or in court.

**POSTING DATE: January 5, 2018**

**IT IS UNLAWFUL TO ALTER OR REMOVE THIS NOTICE WHEN POSTED ON SITE.**

**MISSING OR DAMAGED, PLEASE CALL ZONING AT (510) 238-3911. FOR BLIGHT NOTICES, PLEASE CALL (510) 238-6402**

Jan 5, 2018

**verizon**<sup>✓</sup>

Verizon Wireless

15505 Sand Canyon Ave, Bldg. D  
Irvine, CA 92618

November 28, 2017

Planning Commission  
City of Oakland  
250 Frank H. Ogawa Plaza  
Oakland, California 94612

Re: 730 Supporters for Verizon Wireless Small Cells  
Highway 13, Oakland

To Whom It May Concern:

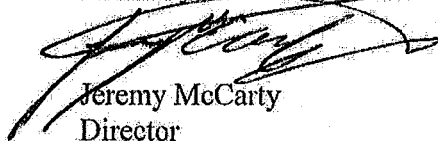
I am the Verizon Wireless Marketing Director over the team that maintains and manages all data and information messages that are sent to Verizon Wireless customers in California. In connection with the application referred to above, Verizon Wireless arranged for a text message to be sent to customers with billing addresses within ZIP codes 94602, 94611 and 94618 in the Highway 13 area of Oakland. The entire text message sent reads as follows:

Free Verizon Message: Reply YES to this text to show your support for improved Verizon Wireless service along Highway 13. Add a message to tell the City that you support adding small cells to existing utility poles along Highway 13 between Highway 24 and Redwood Rd. Include your email address for updates.

The text message above was sent on November 17, 2017. As of November 28, 2017, we have received 730 affirmative text message responses indicating support for the proposed facility and 30 respondents opposed. Text messages received confirmed the need to provide improved Verizon Wireless service along Highway 13 in Oakland. Samples of the text messages of support received from Verizon Wireless customers appear on the attached pages.

I am available to verify the above information as you may require.

Sincerely,



Jeremy McCarty

Director

Customer Relationship Management

Attachment

**Sample Text Messages of Support  
Verizon Wireless Small Cells  
Highway 13, Oakland**

?Yes This is the worst cell service I found in Oakland we just moved

?Yes. I? support adding small cells to existing utility poles along

GYES.??I? would like to see improved cell service on my regular free

I absolutely support this.

I support adding the extra small cells.

I support adding cell radios to Highway 13 corridor.

I support adding small cells to exist poles!!!!

I support adding small cells to existing utility poles along Highwa

I support adding small cells to utility poles along Highway 13.

I use my phone ?=?? everyday on that freeway. Ann Wilson

I? support for improved Verizon Wireless service along Highway 13.

YES - add small cells to boost service

Yes We should be supported with great quality wireless in the Oakland Hills.

Yes better cell service now!

YES Our phone reception in the hills is very spotty, so any improvement would be much appreciated. Thanks

Yes I do support improved Verizon wireless service along the highway 13/24 corridor.

Yes I support cells along Ryan 13

Yes I support improving Verizon wireless service on hwy 13 between redwood road and hwy 24.

YES I support more cell poles along Hwy 13.

YES please add more service to highway 13!

Yes please improve cell connectivity along highway 13.

YES reception in this area is awful! Verizon is supposed to be everywhere! Fix it! Give me a reason not to change providers.

Yes this support for improving Rison wireless along Highway 13 on existing poles

YES We need strong cell service on Highway 13 and the hills in general.

Yes yes yes!

Yes! I need better coverage in my house! I live right along 13

YES! I support adding small cells to existing utility poles along Highway 13 between Highway 34 and Redwood Road.

Yes! Cell service in the Oakland hills is generally terrible. More cells needed!

YES! Islanders who live in 94611 --like me-- need better service. THANKX

Yes! Safety and common sense demands this upgrade.

YES! We need better cell coverage in the Oakland hills / Highway 13. Thanks!

Yes!! If the poles are already in place there is no further detracton. The cell reception is NOT good in this area!! Thanks you

YES!! YES!!!

YES, I live in the Highway 13 cooridor and I'd definitely like the wireless system improved here.

Yes, also how about better service along hwy 24, too?

Yes, but the service in the Rockridge neighborhood is horrible. One bar and 1X at best.

Yes, everyone in Oakland needs this essential service!

Yes, i absolutely support more cell towers and service for hw 13 and into the oakland hills.

Yes, I do support adding cells to this area. I live off Rte 13 and

Yes, I support adding small cells to existing utility poles along H

YES, I support adding small cells to existing utility poles along Highway 13.

Yes, I want cell service from small cells to be installed.

YES, reception in the oakland hills is terrible.

Yes, Verizon needs to improve it's service in the Bay area

YES. I support improved Verizon wireless coverage along Highway 13 corridor by adding small cells to existing utility poles.

Yes. And along Moraga Ave as well. Cell coverage in these areas should be improved in these highly traveled areas.

Yes. I support adding small cells along Hgw 13 & 24.

YES. I support adding small cells to existing utility poles along Highway 13 between Highway 24 and Redwood Rd.

YES. Please add cell sites to improve cell phone service along 13 and 24.

YES. Please add more cell towers in the Hills!

Yes. We have spotting coverage in this area with continual dropping of ca

Yes. Coverage is a problem in Montclair. Need better coverage!

Yes. I have to be in a certain place in my home to get reliable reception. I would like to see more cells along highway 13 to improve service.

Yes. I live in the area & cell phone service is weak.

Yes. I support adding small cells to existing utility poles along Highway 13 between Highway 24 and Redwood Rd.

YES. I support adding small cells to existing utility poles along Hwy 13 btw hwy 24 and redwood rd.

Yes. I would definitely support small cells to existing Powe poles along high way 13.

Yes. Reception is terrible

YES. Service has been awful since April.

YES. We need better Verizon reception.

Yes. We support adding cells along highway 13 as we live near there and our cell reception has been less than adequate esp at home.

YES. We support adding small cells to existing utility poles along Highway 13 between Highway 24 and Redwood Rd.

YES. We support adding small cells to existing Utility poles alongside Hwy 13 between Hwy 24 and Redwood rd

Yes.. add the small cells please.

Yes.we have been waiting for better Verizon service near Highway 13.

Yes-I 1000% support adding small cells-service is horrendous here.