

Oakland City Planning Commission

STAFF REPORT

Case no. PLN17322

May 16, 2018

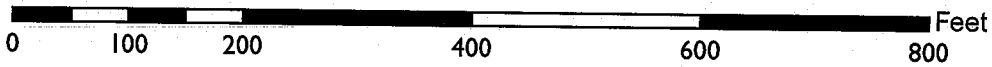
Locations:	City light pole in public right-of-way adjacent to: Case no. PLN17322; 6501 Pine Needle Dr (APN 048G-7429-019-00) Zoning: RH-4 Hillside Residential Zone / S-9 Fire Safety Protection Combining Zone; General Plan: Hillside Residential; Council District: 1; Submitted: 9/18/17 <i>*The 1138 Drury Rd application has been continued to June 20, 2018</i> <i>(see reverse for map)</i>
Proposal:	To consider requests for one (1) application to install a new "small cell site" Monopole Telecommunications Facility on a City light pole by attaching antennas and equipment.
Applicant / Phone Number:	Ms. Ana Gomez-Abarca / Black & Veatch (913) 458-9148
Owner:	City of Oakland
Planning Permits Required:	Major Conditional Use Permit and Regular Design Review with additional findings for Monopole Telecommunications Facility in Residential Zone; Minor Variance for Monopole not meeting 1:1 height/setback to residential lot line
Environmental Determination:	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
Historic Status:	Non-historic property
Action to be Taken:	Approve with Conditions
Finality of Decision:	<i>Appealable to City Council</i>
For Further Information:	Contact case planner Aubrey Rose AICP at (510) 238-2071 or by email at arose@oaklandnet.com

EXECUTIVE SUMMARY

The applicant requests Planning Commission approval to establish one (1) small cell wireless telecommunication facility site at a City street light pole located in the public right-of-way in a hillside residential neighborhood. The project involves attaching two (2) antennas within a shroud to the top of a pole and equipment mounted to the side of the pole, as described in the submitted plans, to enhance wireless services in those areas or accommodate forthcoming bandwidth technology upgrades.

Regular Design Review and a Major Conditional Use Permit decided by the Planning Commission, each with additional findings, are required for the installation of a new Monopole Telecommunications Facility in a residential zone. Additionally, a Minor Variance is required for a Monopole directly adjacent to a residential property line. The proposed project, antennas and associated equipment, would be similar to other facilities around the hills and City. The proposed telecommunication facility is, therefore, sited at an appropriate location and would not significantly increase negative visual impacts to adjacent properties. The project meets all the required findings for approval of this one (1) small cell site.

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN17322
Applicant: Ms. Ana Gomez-Abarca (913) 458-9148 / Black & Veatch
Address: City light pole in public right-of-way adjacent to
6501 Pine Needle Drive
Zone: RH-4 / S-9

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

PROPERTY DESCRIPTION

The site consists of a 26'-4" Cobra-head style City street light pole in the public right-of-way. The pole sits along Pine Needle Drive's T-intersection termination at Broadway Terrace. The adjacent property contains a 29'-7" tall tree towards. The pole lies approximately 30-feet west of the front and shared side property lines between 6501 Pine Needle Drive and 6629 Woodland Place. The homes are set back approximately 55-feet from the front property lines; a detached garage is located at 6501 Pine Needle Drive towards the site/pole.

PROJECT DESCRIPTION

The proposal is for:

- Installation by top-mounting two panel antennas within a shroud above the street light to extend to 27-feet in height (revised from original proposal for 31'-6" in height).
- Installation of side-mounted equipment below the street light above 12-feet in height, with meter below;
- Paint the proposed antennas and associated equipment to match the pole, for appearance.

No portion of the telecommunication facility would be located at grade. The proposed antenna and associated equipment would not be accessible to the public.

SIMILAR CASES

Records show that the Planning Commission has approved numerous Monopole Telecommunications Facilities requiring Design Review, Conditional Use Permits and Variances throughout the hills and City since 2016 and prior.

GENERAL PLAN ANALYSIS

The site is located in the 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 size range from approximately 8,000 square feet to one acre in size."* The proposed telecommunication facility would be mounted on a City street light poles within the City of Oakland public right-of-way. The proposed unmanned wireless telecommunication facility would not generate significant adverse impacts on the neighborhood.

ZONING ANALYSIS

The site is located in the RH-4 Hillside Residential and S-9 Fire Safety Protection Combining Zones. Monopole Telecommunications Facilities on City street light poles require a Conditional Use Permit and a Regular Design Review, each with additional findings for Monopoles; these permits are decided by the Planning Commission for sites located within a residential zone. New wireless telecommunications facilities may also be subject to a Site Alternatives Analysis, Site Design Alternatives Analysis, and are always subject to 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. Additionally, attachment to City infrastructure requires review by the City's Real Estate Department, Public Works Agency's Electrical Division, and Information Technology Department. Given residents' and visitors' increasing reliance upon cellular service for phone and Wi-Fi, the proposal for a Monopole Telecommunications Facility that is not adjacent to a primary living space or obstructing a view conforms to this intent.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines list the projects that qualify as categorical exemptions from environmental review. The proposed project is categorically exempt from the environmental review requirements pursuant to Section 15301, minor additions and alterations to an existing City street light pole; Section 15302, replacement or reconstruction of existing utility systems and/or facilities; Section 15303, new construction or conversion of small structures, and Section 15183, projects consistent with the General Plan or Zoning.

KEY ISSUES AND IMPACTS

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

17.128.080 Monopole Telecommunications Facilities.

A. General Development Standards for Monopole Telecommunications Facilities.

1. Applicant and owner shall allow other future wireless communications companies including public and quasi-public agencies using similar technology to collocate antenna equipment and facilities on the monopole unless specific technical or other constraints, subject to independent verification, at the applicant's expense, at the discretion of the City of Oakland Zoning Manager, prohibit said collocation. Applicant and other wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for equitable sharing of cost in accordance with industry standards. Construction of future facilities shall not interrupt or interfere with the continuous operation of applicant's facilities.

The proposal involves use of a City of Oakland metal street light pole that would remain available for future collocation purposes as practicable. To date, no carriers have elected to collocate on City street light poles.

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 and equipment to match the appearance of the metal pole. There is no equipment shelter or cabinet proposed; however, minimal equipment would be closely mounted onto the side of the metal pole, rather than on the ground, for example.

3. When a monopole is in a Residential Zone or adjacent to a residential use, it must be set back from the nearest residential lot line a distance at least equal to its total height.

This standard is not met by the proposal, and a Minor Variance is, therefore, required; the City light pole's proposed height increase would not be set back from nearest residential lot lines a distance at least equal to its height. Necessary criteria for approval can be met, as under this design solution, no new pole is required in an area with fewer infrastructure options, and as new appurtenances are not close to windows and should not obstruct downtown, bay or bridge views from residences which are setback from the pole are screened by trees, as described in Attachment A to this report.

4. In all zones other than the D-CE-5, D-CE-6, IG, CIX-2, and IO Zones, the maximum height of Monopole Telecommunications Facilities and connecting appurtenances may be increased from the otherwise required maximum height to forty-five (45) feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the Conditional Use Permit Procedure).

This requirement does not apply; the subject property is not located in any of the described zoning districts. Nonetheless, the facility would not exceed the height of 27-feet.

5. In the D-CE-5, D-CE-6, CIX-2, and IO Zones, the maximum height of Monopole Telecommunications Facilities and connecting appurtenances may be increased from the otherwise required maximum height to eighty (80) feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the Conditional Use Permit Procedure).

This requirement does not apply; the subject property is not located in any of the described zoning districts. Nonetheless, the facility would not exceed the height of 27-feet.

6. In the IG Zone, the maximum height of Monopole Telecommunications Facilities and connecting appurtenances may reach a height of forty-five (45) feet. These facilities may reach a height of eighty (80) feet upon the granting of Regular Design Review approval (see Chapter 17.136 for the Design Review Procedure).

This requirement does not apply; the subject property is not located in any of the described zoning districts. Nonetheless, the facility would not exceed the height 27-feet.

7. 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 C).

8. Antennas may not extend more than fifteen (15) feet above their supporting structure.

The proposed antenna would project less than fifteen feet above the City light pole.

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.

Facilities locating on an A, B or C ranked preference do not require a site alternatives analysis. Facilities proposing to locate on a D through G ranked preference, inclusive, must submit a site alternatives analysis as part of the required application materials. A site alternatives analysis shall, at a minimum, consist of: a. The identification of all A, B and C ranked preference sites within one thousand (1,000) feet of the proposed location. If more than three (3) sites in each preference order exist, the three such closest to the proposed location shall be required. b. Written evidence indicating why each such identified alternative cannot be used. Such evidence shall be in sufficient detail that independent verification, at the applicant's expense, could be obtained if required by the 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. refusal to lease, inability to provide utilities).

A site alternatives analysis is not required because the proposal conforms to 'B' as it would be located on a public facility (City light pole). Nonetheless, the applicant has submitted an analysis which is attached to this report (Attachment C).

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 'E' (monopole) and the applicant has submitted a satisfactory site design alternatives analysis (Attachment C).

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 C).

Analysis

Staff visited the site and spoke with concerned neighbors during the fall. The applicant responded to by submitting revised plans depicting the proposed monopole height at the top of the antennas extension lowered 4'-6", from 31'-6" to 27-feet, 8-inches taller than the pole and 2'-7" shorter than adjacent trees. Staff has viewed a photograph of the view taken from inside an adjacent home and does not anticipate a potential view impact; that is, the proposed pole would not obstruct any views of a downtown, the bay, or a bridge, from any primary living space such as a living room or master bedrooms.

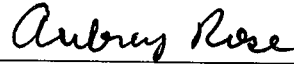
In conclusion, staff finds that the proposed site design would not be situated on an historic or decorative pole or structure, or require installation of a new structure at a vacant site; would not create a view obstruction or be situated close to a home or window; would not emit unsafe levels of radiation or harm trees; would be similar to many other sites Citywide installed due to citizens' increasing use of bandwidth; and, that outreach, consideration of alternatives, and a revision did occur; and, all legal requirements have been met. Staff, therefore, finds the proposal to provide an essential service with a least-intrusive possible design. Draft conditions of approval stipulate that the components be painted and textured to match the metal pole in appearance for camouflaging.

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

RECOMMENDATIONS:

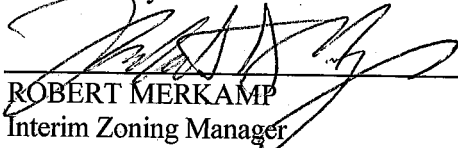
1. Affirm staff's environmental determination.
2. Approve the Major Conditional Use Permit, Regular Design Review and Minor Variance subject to the attached Findings and Conditions of Approval.

Prepared by:



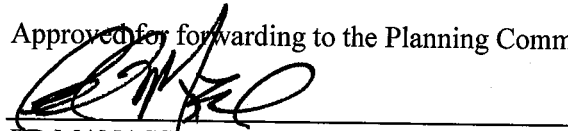
AUBREY ROSE, AICP
Planner III

Reviewed by:



ROBERT MERKAMP
Interim Zoning Manager

Approved for forwarding to the Planning Commission:



ED MANASSE, Interim Deputy Director
Planning Bureau

ATTACHMENTS:

- A. Findings
- B. Conditions of Approval
- C. Plans / Photo-Simulations / Site Analyses / RF Report / Proof of Posting

ATTACHMENT A: FINDINGS

This proposal meets the required findings under General Use Permit Criteria (OMC Sec. 17.134.050), Conditional Use Permit Criteria for Monopole Facilities (OMC Sec. 17.136.040 (A)), Regular Design Review Criteria for Nonresidential Facilities (OMC Sec. 17.136.050(B)), Design Review Criteria for Monopole Telecommunications Facilities (OMC Sec. 17.128.070(B)), and Variance Procedure/Findings Required (OMC Sec. 17.148.050), as set forth below. Required findings are shown in **bold type**; explanations as to why findings can be made are shown in normal type.

GENERAL USE PERMIT CRITERIA (OMC SEC. 17.134.050):

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

The proposal is to establish a Monopole Telecommunications Facility in a residential zone by attaching to a City light pole. The project will enhance existing service for residents and visitors including potentially at hiking trails in the area; will not emit unsafe levels of radiation or harm trees; and will be similar to many other sites Citywide installed due to citizens' increasing use of bandwidth. The proposal will provide an essential service with a least-intrusive possible design to meet needs with minimal possible impact to neighborhood character.

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

The proposal is to establish a Monopole Telecommunications Facility in a residential zone by attaching to a City light pole. The project will enhance existing service for residents and visitors including potentially at hiking trails in the area; will not emit unsafe levels of radiation or harm trees; and will be similar to many other sites Citywide installed due to citizens' increasing use of bandwidth. The proposal will provide an essential service with a least-intrusive possible design to meet needs with minimal possible impact to neighborhood character.

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

The proposal is to establish a Monopole Telecommunications Facility in a residential zone by attaching to a City light pole. The project will enhance existing service for residents and visitors including potentially at hiking trails in the area; will not emit unsafe levels of radiation or harm trees; and will be similar to many other sites Citywide installed due to citizens' increasing use of bandwidth. The proposal will provide an essential service with a least-intrusive possible design to meet needs with minimal possible impact to neighborhood character.

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

The proposal conforms to Design Review findings which are included in that section of this attachment of Findings for Approval.

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

The site is located in the 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 size range from approximately 8,000 square feet to one acre in size."* The proposed telecommunication facility will be mounted on a City street light pole within the City of Oakland public right-of-way. The proposed unmanned wireless telecommunication facility will not significantly adversely affect the characteristics of the neighborhood.

CONDITIONAL USE PERMIT CRITERIA FOR MONOPOLE FACILITIES (OMC SEC. 17.128.070(C))

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

The proposal conforms to Design Review findings which are included in that section of this attachment of Findings for Approval.

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

Use of this pole precludes placement of a new pole with facility fronting an upper story residences at various viable sites in the surrounding area and is therefore "visually preferable."

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

The proposal is to establish a Monopole Telecommunications Facility in a residential zone by attaching to a City light pole. The project will enhance existing service for residents and visitors including potentially at hiking trails in the area; will not emit unsafe levels of radiation or harm trees; and will be similar to many other sites Citywide installed due to citizens' increasing use of bandwidth. The proposal will provide an essential service with a least-intrusive possible design to meet needs with minimal possible impact to neighborhood character.

4. If a major conditional use permit is required, the Planning Director or the Planning Commission may request independent expert review regarding site location, collocation and facility configuration. Any party may request that the Planning Commission consider making such request for independent expert review.

a. If there is any objection to the appointment of an independent expert engineer, the applicant must notify the Planning Director within ten (10) days of the Commission request. The Commission will hear arguments regarding the need for the independent expert and the applicant's objection to having one appointed. The Commission will rule as to whether an independent expert should be appointed.

b. Should the Commission appoint an independent expert, the Commission will direct the Planning Director to pick an expert from a panel of licensed engineers, a list of which will be compiled, updated and maintained by the Planning Department.

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

A Major Conditional Use Permit is required and the Planning Director or Planning Commission may therefore independent expert review in addition to that which is attached to this report.

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

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

The proposed site design consists the least intrusive design with smallest possible components painted and texturized to match the pole will be the least intrusive design. The facility will not be situated on an historic or decorative pole or structure, or require installation of a new structure at a vacant site, and will not create a view obstruction or be situated close to a home or window. The original proposal has been revised for the proposed monopole height at the top of the antennas extension lowered 4'-6", from 31'-6" to 27-feet, 8-inches taller than the pole and 2'-7" shorter than adjacent trees.

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

The proposed site design consists the least intrusive design with smallest possible components painted and texturized to match the pole will be the least intrusive design. The facility will not be situated on an historic or decorative pole or structure, or require installation of a new structure at a vacant site, and will not create a view obstruction or be situated close to a home or window.

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

The proposal will enhance essential services in a hillside residential neighborhood.

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

The proposal will not be ground mounted.

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

This finding is inapplicable because the site is level.

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

This finding is met by this proposal as described in a previous section of this attachment.

DESIGN REVIEW CRITERIA FOR MONOPOLE TELECOMMUNICATIONS FACILITIES
(OMC SEC. 17.128.070(B))

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

The project does not involve collocation as it involves the establishment of a new telecommunications facility; however, the project should not preclude any future proposals for location at the site.

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

The Monopole Facility is sited on infrastructure where it will not create clutter or negatively affect specific views. The eight-inch extension to the top of the existing City street light should not obstruct views from adjacent residences of downtowns or bridges.

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

The Monopole Facility will be camouflaged and texturized to match the appearance of the existing light pole that will host it. The City street light is not located directly adjacent to a residential facility

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

Recommended conditions of approval require painting and texturing the antenna and equipment to match the appearance of the metal pole. There is no equipment shelter or cabinet proposed, however minimal equipment will be closely mounted on the side of the metal pole.

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

The proposed Monopole Facility will be placed on a non-decorative City light pole screened by trees and not near a window or causing a view obstruction, and does not cause a new pole to be installed at a new site. This enables the preservation of character in the area and will not pose a negative visual impact as the proposal will be camouflaged to match the pole.

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

The minimal clearance to the facility will measure 12-feet in height.

VARIANCE PROCEDURE/FINDINGS REQUIRED (OMC SEC. 17.148.050)

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

The project requires a Minor Variance: the proposal does not meet the following requirement

When a monopole is in a Residential Zone or adjacent to a residential use, it must be set back from the nearest residential lot line a distance at least equal to its total height. (OMC Sec. 17.128.0809(A)(3))

The 26'-4" tall pole will be extended to 27-feet in height, by attachment of two shrouded antennas at top. Strict compliance will preclude an effective design solution improving livability, operational efficiency, or appearance. The intent of the ordinance is to avoid the installation of a new structure looming adjacent to a home, and to avoid view obstructions and visual clutter. A code conforming alternative in this case might consist of a new, shorter structure to include the attached telecommunications facility. In this case, the pole is screened by trees and set back from structures. The proposal will use a facility to enhance essential services with the least-intrusive design.

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

Strict compliance will preclude an effective design solution fulfilling the basic intent of the applicable regulation. The intent of the ordinance is to avoid the installation of a new structure looming adjacent to a home, and to avoid view obstructions and visual clutter. A code conforming alternative in this case might consist of a new, shorter structure to include the attached telecommunications facility. In this case, the pole is screened by trees and set back from structures. The proposal will use a facility to enhance essential services with the least-intrusive design.

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

The pole is screened by trees and set back from structures, and is an existing site. The proposal will use a facility to enhance essential services with the least-intrusive design.

4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.

Other telecommunications facilities throughout the hills and City have been granted a similar variance.

5. That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set forth in the design review procedure at Section 17.136.050

This finding is met by this proposal as described in a previous section of this attachment.

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

This finding is met by this proposal as described in a previous section of this attachment.

7. For proposals involving one (1) or two (2) residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or maximum floor area ratio, the proposal also conforms with at least one of the following additional criteria:

- a. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or**
- b. Over sixty percent (60%) of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.**

This finding is non-applicable to the project; the proposal does not involve a house or duplex.

Attachment B: Conditions of Approval

1. 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 revised approved plans **dated November 13, 2017 for the application originally submitted September 18, 2017** as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

One (1) approval to install a new “small cell site” Monopole Telecommunications Facility on a City street light pole in public right-of-way by attaching two (2) antennas within a shroud to the top of the pole and equipment mounted to the side of the pole adjacent to:

Case no. PLN17322; 6501 Pine Needle Dr (APN 048G-7429-019-00)

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 and equipment shall be painted, texturized, and maintained the same color and finish of the City light 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. 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



OAKHILLS AT&T SOUTH NETWORK OAKS-043E

(PROW) AT 6501 PINE NEEDLE DRIVE
OAKLAND, CA 94611



PROJECT INFORMATION:
**OAKHILLS AT&T
SOUTH NETWORK
OAKS-043E**
(PROW) AT 6501 PINE NEEDLE DRIVE
OAKLAND, CA 94611

CURRENT ISSUE DATE:
11/13/17

ISSUED FOR:
**100% CONSTRUCTION
DRAWING**

REV.:	DATE:	DESCRIPTION:	BY:
A	02/08/17	90% CONSTRUCTION DRAWING	RSD
0	06/29/17	100% CONSTRUCTION DRAWING	RED
1	11/13/17	CLIENT REDLINES	JBM



CONSULTANT:
extenet SYSTEMS
YOUR NETWORK. EVERYWHERE.
3030 WARRENVILLE RD., SUITE 340
LISLE, IL 60532

DRAWN BY: RSD
CHK.: JBM
APV.: SAS



SHEET TITLE:
**TITLE SHEET,
SITE INFORMATION
AND VICINITY MAP**

SHEET NUMBER:
T-1

CODE COMPLIANCE	
ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUCTED TO PERMIT WORK NOT CONFORMING TO THESE CODES.	
<ol style="list-style-type: none"> 2016 CALIFORNIA ADMINISTRATIVE CODE 2016 CALIFORNIA BUILDING CODE 2016 CALIFORNIA ELECTRIC CODE 2016 CALIFORNIA MECHANICAL CODE 2016 CALIFORNIA PLUMBING CODE 2016 CALIFORNIA FIRE CODE ANY LOCAL BUILDING CODE AMENDMENTS TO THE ABOVE CITY/COUNTY ORDINANCES 	
HANDICAP REQUIREMENTS:	FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS NOT REQUIRED IN ACCORDANCE WITH CALIFORNIA ADMINISTRATIVE STATE CODE PART 2, TITLE 24, CHAPTER 11B, SECTION 1103B.

PROJECT DESCRIPTION
THIS IS AN UNMANNED TELECOMMUNICATIONS FACILITY FOR AT&T WIRELESS CONSISTING OF THE INSTALLATION OF THE FOLLOWING:
<ol style="list-style-type: none"> NEW ONE (1) LIGHTPOLE (DESIGN BY OTHERS) TO REPLACE EXISTING LIGHTPOLE. MATCH EXISTING LIGHTING FIXTURE. NEW TWO (2) PANEL ANTENNAS MOUNTED ON NEW LIGHTPOLE. NEW ONE (1) EQUIPMENT SHROUD MOUNTED TO NEW LIGHTPOLE. NEW ONE (1) SAFETY SWITCH MOUNTED TO NEW LIGHTPOLE. NEW ONE (1) METER CAN MOUNTED TO NEW LIGHTPOLE.

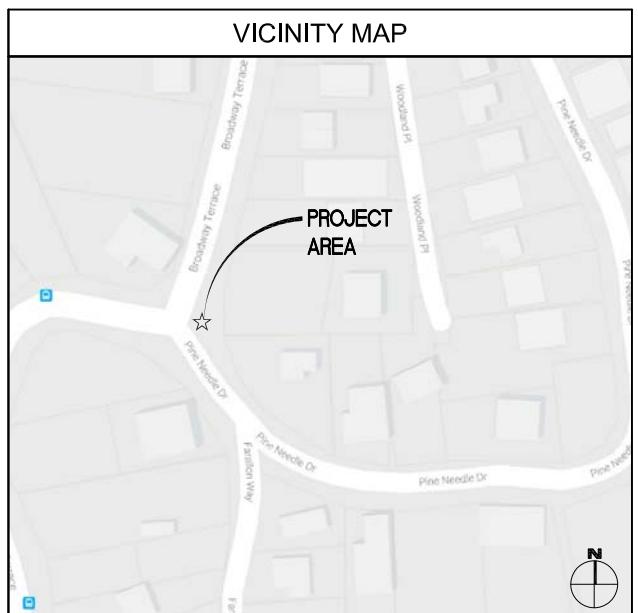
DRIVING DIRECTIONS
FROM AT&T OFFICE - SAN RAMON, CA
<ol style="list-style-type: none"> HEAD NORTHEAST ON BISHOP DR TOWARD SUNSET DR 256 FT TURN RIGHT ONTO SUNSET DR 0.1 MI USE THE MIDDLE LANE TO TURN RIGHT ONTO BOLLINGER CANYON RD 0.3 MI USE THE RIGHT LANE TO MERGE ONTO I-680 S VIA THE RAMP TO SAN JOSE 0.3 MI MERGE ONTO I-680 S 4.2 MI TAKE EXIT 30A TO MERGE ONTO I-580 W TOWARD DUBLIN/OAKLAND 10.1 MI KEEP RIGHT AT THE FORK TO STAY ON I-580 W, FOLLOW SIGNS FOR OAKLAND/SAN FRANCISCO 8.3 MI KEEP RIGHT AT THE FORK TO CONTINUE ON CA-13 N/WARREN FWY, FOLLOW SIGNS FOR BERKELEY 4.1 MI TAKE EXIT 4 FOR MORAGA AVE/THORNHILL DR 0.2 MI SLIGHT RIGHT ONTO THORNHILL DR 0.1 MI TURN LEFT ONTO MOUNTAIN BLVD 0.6 MI TURN RIGHT ONTO BROADWAY TERRACE 0.3 MI TURN RIGHT TO STAY ON BROADWAY TERRACE 1.0 MI ARRIVE AT SITE UPON REACHING PINE NEEDLE DRIVE.

GENERAL CONTRACTOR NOTES
DO NOT SCALE DRAWING: CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

SHEET INDEX		
SHEET	DESCRIPTION	REV.
T-1	TITLE SHEET, SITE INFORMATION AND VICINITY MAP	1
T-2	GENERAL NOTES, LEGEND AND ABBREVIATIONS	1
T-3	POWER AND RF SAFETY PROTOCOLS	1
C-1	EXISTING SITE CONDITIONS	1
A-1	SITE PLAN	1
A-2	SOUTHEAST ELEVATIONS & DETAILS	1
A-3	EQUIPMENT AND CONSTRUCTION DETAILS	1
A-4	RF SIGNAGE	1

PROJECT TEAM	
ENGINEER: PDC CORPORATION 4555 LAS POSITAS RD, BLDG. A, STE. B LIVERMORE, CA 94551 ENGR. OF RECORD: SOHAIL A. SHAH, P.E. CONTACT: PAULO PUELIU OFFICE: (925) 606-5868 MOBILE: (510) 385-5541 EMAIL: paulo@pdccorp.net	APPLICANT/LESSEE: AT&T 5001 EXECUTIVE PARKWAY SAN RAMON, CA 94583 CONTACT: VANI MULLER PHONE: (510) 258-1703
APPLICANT AGENT: CHARLES LINDSAY EXTENET SYSTEMS (CA) LLC 2000 CROW CANYON PLACE, SUITE 210 SAN RAMON, CA 94583 PHONE: (510) 910-7787 EMAIL: clindsay@extenetsystems.com	
CONSTRUCTION MANAGER: EXTENET SYSTEMS (CA) LLC CONTACT: KEN BOOKER PHONE: (510) 406-0829	

PROJECT INFORMATION	
SITE ADDRESS:	6501 PINE NEEDLE DRIVE OAKLAND, CA 94611
APN:	PUBLIC RIGHT-OF-WAY
PROPERTY OWNER:	PUBLIC RIGHT-OF-WAY AT 6501 PINE NEEDLE DRIVE OAKLAND, CA 94611
LATITUDE:	37° 50' 51.49" N (NAD 83)
LONGITUDE:	122° 12' 48.92" W (NAD 83)
GROUND ELEVATION:	±1163.4' AMSL (AT BASE OF STEEL LIGHT POLE)
HEIGHT OF STRUCTURE:	±25' AGL (AT TOP OF STREET LIGHT POLE)
TYPE OF CONSTRUCTION:	ATTACHMENTS TO A NEW STEEL POLE
JURISDICTION:	CITY OF OAKLAND
TELEPHONE:	AT&T
POWER:	PG&E



APPROVALS
LANDLORD: _____
CONSTRUCTION MANAGER: _____
RF ENGINEER: _____
SITE ACQUISITION MANAGER: _____
ZONING MANAGER: _____
UTILITY COORDINATOR: _____
PROGRAM REGIONAL MANAGER: _____
NETWORK OPERATIONS MANAGER: _____

PROJECT INFORMATION:

**OAKHILLS AT&T
SOUTH NETWORK
OAKS-043E**
(PROW) AT 6501 PINE NEEDLE DRIVE
OAKLAND, CA 94611

CURRENT ISSUE DATE:

11/13/17

ISSUED FOR:

**100% CONSTRUCTION
DRAWING**

REV.: DATE: DESCRIPTION: BY:

REV.	DATE	DESCRIPTION	BY
A	02/08/17	90% CONSTRUCTION DRAWING	RSD JBM
0	06/29/17	100% CONSTRUCTION DRAWING	RED
1	11/13/17	CLIENT REDLINES	JBM

PLANS PREPARED BY:



4555 LAS POSTAS RD, BLDG. A, STE. B
LIVERMORE, CA 94551
TEL: (925) 606-5868

CONSULTANT:

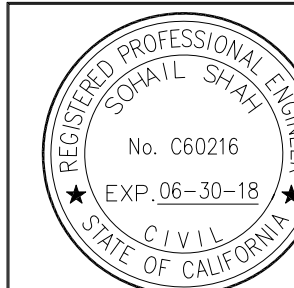


3030 WARRENVILLE RD, SUITE 340
LISLE, IL 60532

DRAWN BY: CHK.: APV.:

RSD JBM SAS

LICENSER:



DATE SIGNED: 06/29/17

SHEET TITLE:

**POWER & RF SAFETY
PROTOCOLS**

SHEET NUMBER:

T-3



AT&T oDAS Shutdown Procedure

**PROCEDURE TO DE-ENERGIZE RADIO FREQUENCY (RF) SIGNAL
EMERGENCY and NON-EMERGENCY WORK REQUIRING RF SIGNAL
SHUTDOWN**

(A) PG&E personnel SHALL contact AT&T Mobility Switch Center to notify them of an emergency shutdown 800-638-2822. Dial option 9 for cell site "Related" emergency's then option 1. Provide the following information when calling or leave a voicemail:

- (1) Identify yourself and give callback phone number.
- (2) Site number and if applicable site name (located on the shutdown box)
- (3) Site address and location
- (4) Nature of emergency and site condition

(B) Pull Disconnect Handle down to the Open or "OFF" Position. The RF signal will shut down within a few seconds. A visual inspection of the interior blade will confirm that both incoming AC Lead and Battery Backup are disconnected.

(C) Notify AT&T (New Cingular) Switch Center when the emergency work is completed.

See reverse side to view photo of the "on" and "off" position.

FRONT



Switch in the Closed Position ("ON")



Blade in the Closed or "ON" Position.



Switch in the Open Position ("Off")



Blade in the Open or "OFF" Position.



BACK

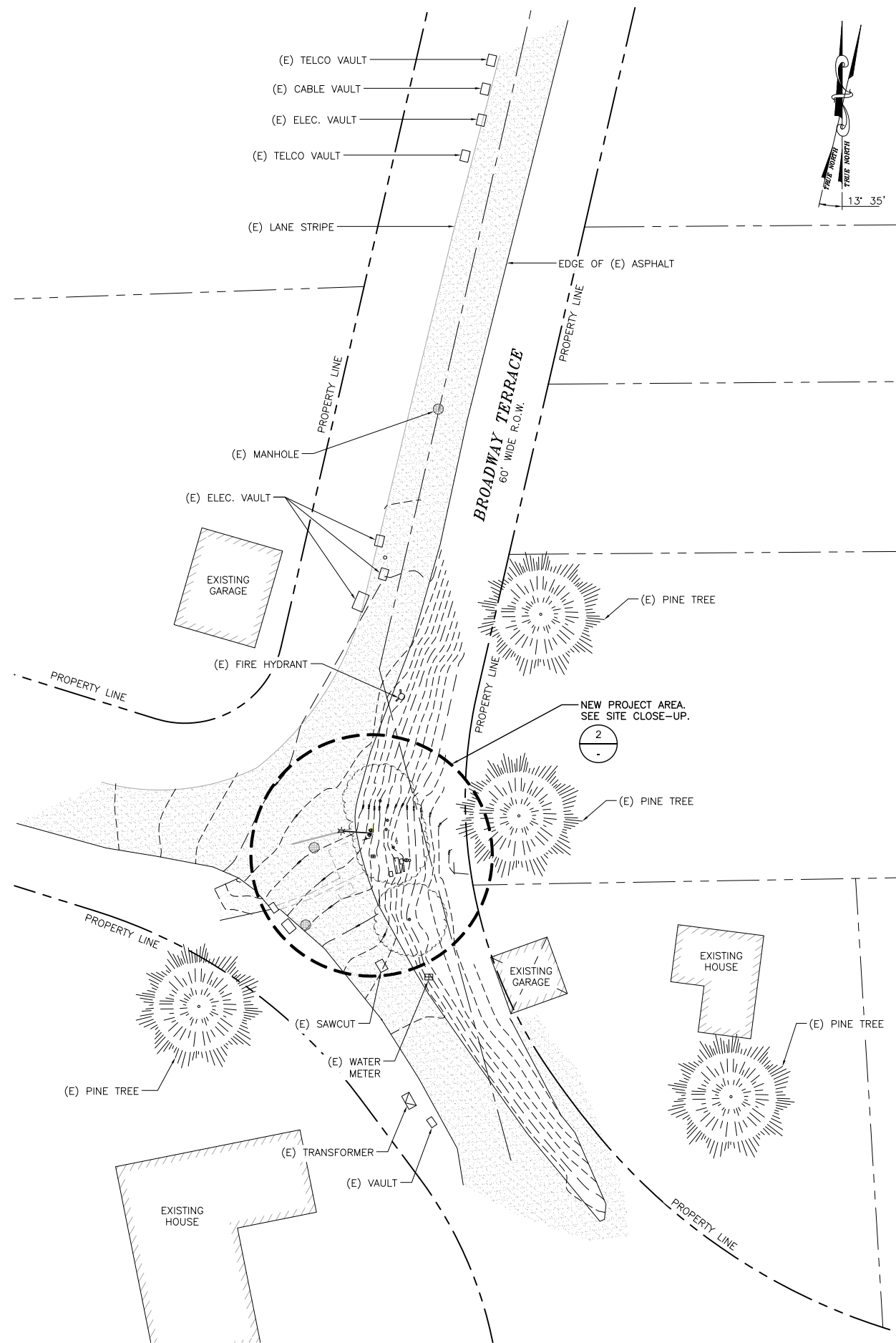
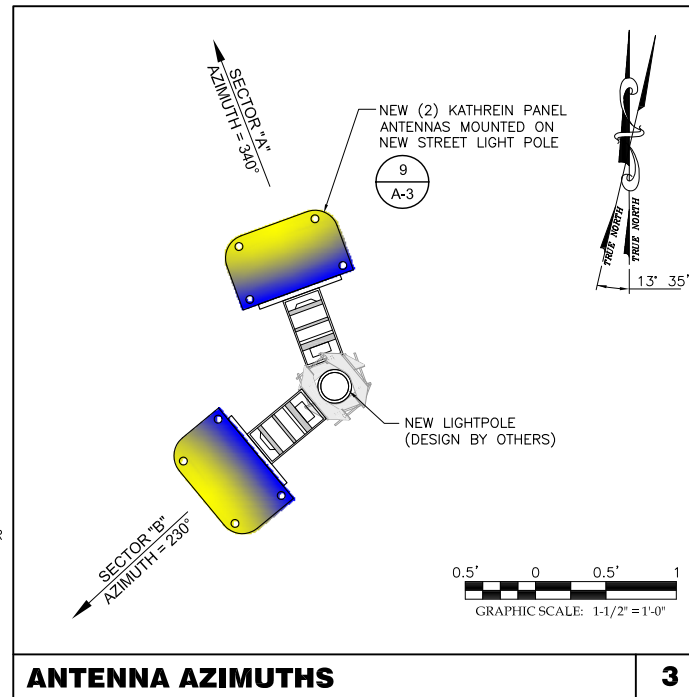
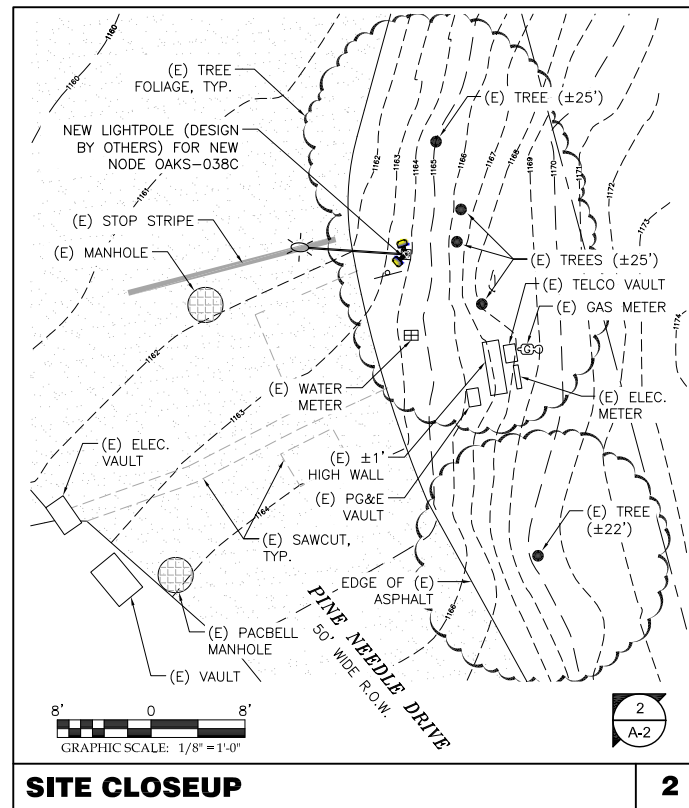
SCALE NOTE:
IF DIMENSIONS SHOWN ON PLAN DO NOT SCALE CORRECTLY,
CHECK FOR REDUCTION OR ENLARGEMENT FROM ORIGINAL PLANS.

GENERAL NOTES:

1. THIS PROPOSAL IS FOR THE MODIFICATION OF AN EXISTING UNMANNED TELECOMMUNICATIONS FACILITY CONSISTING OF INSTALLATION OF THE FOLLOWING: .
2. THE EXISTING FACILITY WILL BE UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SEWER SERVICE.
3. THE EXISTING FACILITY IS UNMANNED AND IS NOT FOR HUMAN HABITAT. (NO HANDICAP ACCESS IS REQUIRED).
4. OCCUPANCY IS LIMITED TO PERIODIC MAINTENANCE AND INSPECTION, APPROXIMATELY 2 TIMES PER MONTH, BY AT&T TECHNICIANS.
5. NO NOISE, SMOKE, DUST OR ODOR WILL RESULT FROM THIS PROPOSAL.
6. OUTDOOR STORAGE AND SOLID WASTE CONTAINERS ARE NOT NEW.
7. ALL MATERIAL SHALL BE FURNISHED AND WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS.
8. SUBCONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY DAMAGE CAUSED BY THE CONSTRUCTION OPERATION.
9. SUBCONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTION REQUIRED FOR CONSTRUCTION.
10. SUBCONTRACTOR SHALL REMOVE ALL TRASH AND DEBRIS FROM THE SITE ON A DAILY BASIS.
11. INFORMATION SHOWN ON THESE DRAWINGS WAS OBTAINED FROM SITE VISITS AND DRAWINGS PROVIDED BY THE SITE OWNER. SUBCONTRACTOR SHALL NOTIFY AT&T OF ANY DISCREPANCIES PRIOR TO ORDERING MATERIAL OR PROCEEDING WITH CONSTRUCTION.

SITE WORK GENERAL NOTES:

1. ALL EXISTING ACTIVE SEWER, WATER, GAS, ELECTRIC, AND OTHER UTILITIES WHERE ENCOUNTERED IN THE WORK, SHALL BE PROTECTED AT ALL TIMES, AND WHERE REQUIRED FOR THE PROPER EXECUTION OF THE WORK, SHALL BE RELOCATED AS DIRECTED BY ENGINEERS. EXTREME CAUTION SHOULD BE USED BY THE SUBCONTRACTOR WHEN EXCAVATING OR DRILLING PIERS AROUND OR NEAR UTILITIES. SUBCONTRACTOR SHALL PROVIDE SAFETY TRAINING FOR THE WORKING CREW. THIS WILL INCLUDE BUT NOT BE LIMITED TO A) FALL PROTECTION B) CONFINED SPACE C) ELECTRICAL SAFETY D) TRENCHING & EXCAVATION.
2. ALL SITE WORK SHALL BE AS INDICATED ON THE DRAWINGS AND PROJECT SPECIFICATIONS.
3. IF NECESSARY, RUBBISH, STUMPS, DEBRIS, STICKS, STONES AND OTHER REFUSE SHALL BE REMOVED FROM THE SITE AND DISPOSED OF LEGALLY.
4. THE SITE SHALL BE GRADED TO CAUSE SURFACE WATER TO FLOW AWAY FROM THE BTS EQUIPMENT AND TOWER AREAS.
5. NO FILL OR EMBANKMENT MATERIAL SHALL BE PLACED ON FROZEN GROUND. FROZEN MATERIALS, SNOW OR ICE SHALL NOT BE PLACED IN ANY FILL OR EMBANKMENT.
6. THE SUB GRADE SHALL BE COMPACTED AND BROUGHT TO A SMOOTH UNIFORM GRADE PRIOR TO FINISHED SURFACE APPLICATION.
7. ALL EXISTING INACTIVE SEWER, WATER, GAS, ELECTRIC AND OTHER UTILITIES, WHICH INTERFERE WITH THE EXECUTION OF THE WORK, SHALL BE REMOVED AND/OR CAPPED, PLUGGED OR OTHERWISE DISCONTINUED AT POINTS WHICH WILL NOT INTERFERE WITH THE EXECUTION OF THE WORK, SUBJECT TO THE APPROVAL OF ENGINEERING, OWNER AND/OR LOCAL UTILITIES.
8. THE AREAS OF THE OWNERS PROPERTY DISTURBED BY THE WORK AND NOT COVERED BY THE TOWER, EQUIPMENT OR DRIVEWAY, SHALL BE GRADED TO A UNIFORM SLOPE AND STABILIZED TO PREVENT EROSION AS SPECIFIED IN THE PROJECT SPECIFICATIONS.
9. SUBCONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES, IF REQUIRED DURING CONSTRUCTION, SHALL BE IN CONFORMANCE WITH THE LOCAL GUIDELINES FOR EROSION AND SEDIMENT CONTROL.
10. ADD ELECTRICAL CONNECTIONS IN THE PUBLIC RIGHT OF WAY SHALL BE INSTALLED UNDERGROUND TO THE NEAREST UTILITY POLE.
11. NO WORK SHALL BE DONE WITHIN THE PUBLIC RIGHT-OF-WAY WITHOUT THE PRIOR APPROVAL AND PERMIT FROM THE ENVIRONMENTAL AND PUBLIC WORKS MANAGEMENT DEPARTMENT - ADMINISTRATIVE SERVICES.
12. CONTRACTOR IS RESPONSIBLE FOR REPAIR OF ALL DAMAGED OFFSITE IMPROVEMENTS CAUSED BY CONSTRUCTION. CALL PUBLIC WORKS INSPECTOR FOR INSPECTION OF OFFSITE IMPROVEMENTS AT SUBSTANTIAL COMPLETION OF ONSITE WORK.
13. NO CONSTRUCTION DEBRIS SHALL BE SPILLED OR STORED ONTO PUBLIC RIGHT-OF-WAY.
14. NO RUNOFF SEDIMENT OR WASTES IS ALLOWED IN WATER LEAVING THE SITE.
15. ALL SITE UTILITIES SHALL BE CONSTRUCTED UNDERGROUND TO THE NEAREST POLE.
16. ALL LABOR, EQUIPMENT AND MATERIAL REQUIRED FOR OFF-SITE IMPROVEMENTS ARE THE RESPONSIBILITY OF THE CONTRACTOR.



PROJECT INFORMATION:
OAKHILLS AT&T SOUTH NETWORK OAKS-043E
(PROW) AT 6501 PINE NEEDLE DRIVE OAKLAND, CA 94611

CURRENT ISSUE DATE:
11/13/17

ISSUED FOR:
100% CONSTRUCTION DRAWING

REV. #	DATE	DESCRIPTION	BY
A	02/08/17	90% CONSTRUCTION DRAWING	RSD
0	06/29/17	100% CONSTRUCTION DRAWING	RED
1	11/13/17	CLIENT REDLINES	JBM

PLANS PREPARED BY:

5555 LAS POSTAS RD, BLDG. A, STE. B
LIVERMORE, CA 94551
TEL: (925) 606-5868

CONSULTANT:

3030 WARRENVILLE RD, SUITE 340
LISLE, IL 60532

DRAWN BY: RSD **CHK.:** JBM **APV.:** SAS

LICENSER:

DATE SIGNED: 06/29/17

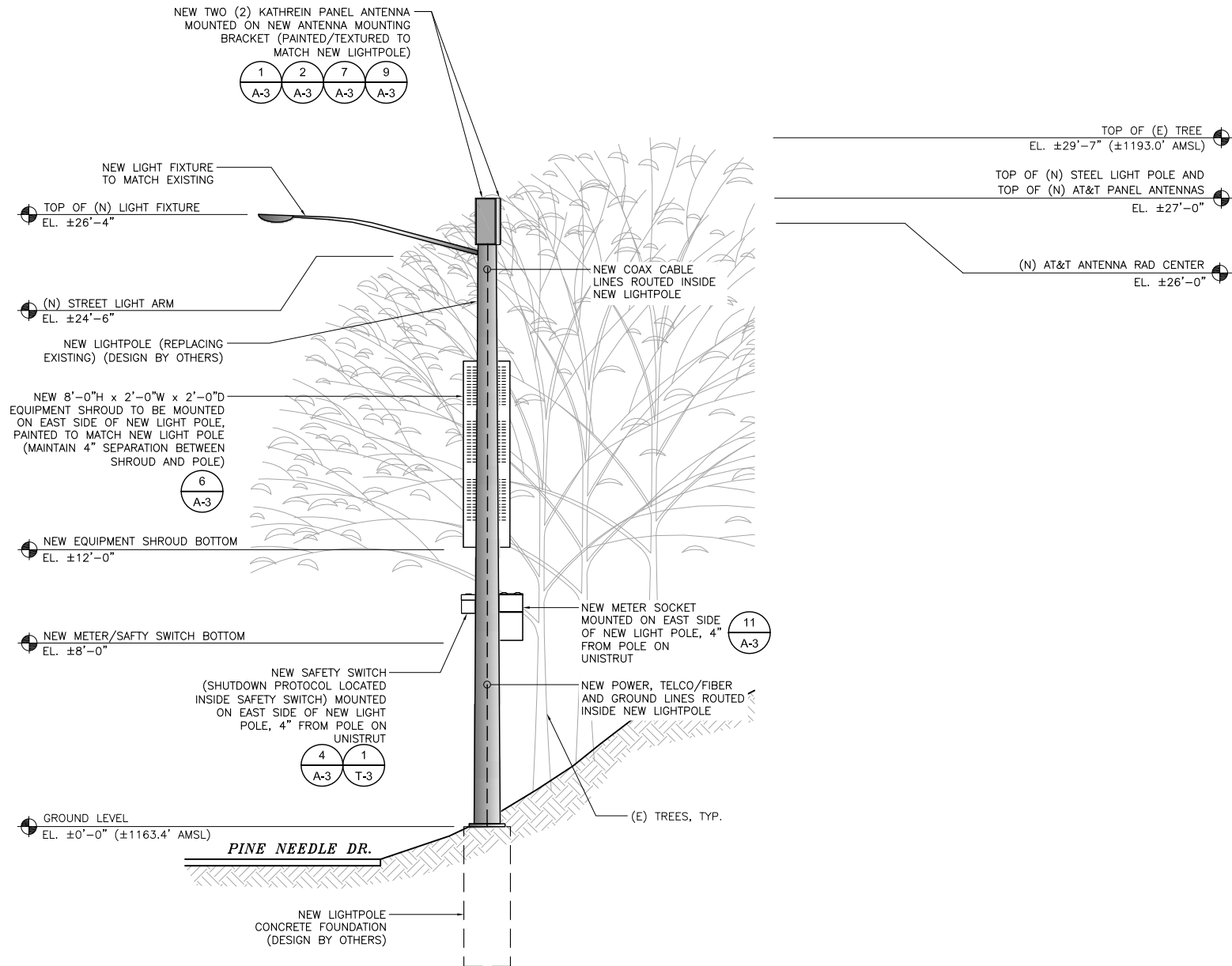
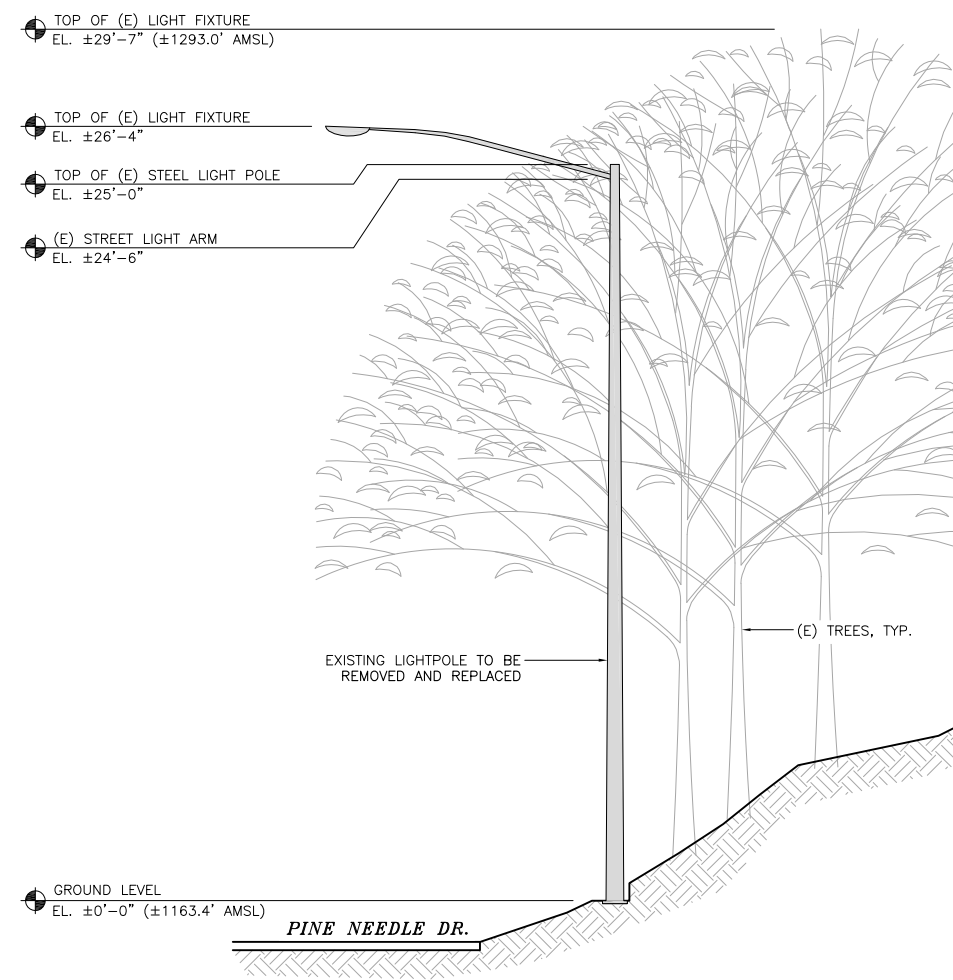
SHEET TITLE:
SITE PLAN

SHEET NUMBER:
A-1

SCALE NOTE:
IF DIMENSIONS SHOWN ON PLAN DO NOT SCALE CORRECTLY, CHECK FOR REDUCTION OR ENLARGEMENT FROM ORIGINAL PLANS.

NOTES:

- EXISTING TREES TO BE TRIMMED IF NECESSARY.
- EQUIPMENT AND SHROUD TO REMAIN ON POLE.



NODE 43 DESCRIPTION	
27'	MONO LIGHT POLE
9 x 13.41 x 31.5'	x 7ga (1.99) A572 55ksi
1 1/2 x 18.5 sq	BASEPLATE
(1)	3x5 ACCESS PORTS
(3)	4x8 ACCESS PORTS
	LIGHT ARM COBRA STYLE LED STREET LIGHT (ERS10BXCX5572GRAY)
1/4"	TOP PLATE
(1)	FLUSH MOUNT KIT
(2)	CONN. HDW.
(4)	1 1/2 x 72 F1554 GR55
(2)	TEMPLATES



PROJECT INFORMATION:
OAKHILLS AT&T SOUTH NETWORK OAKS-043E
(PROW) AT 6501 PINE NEEDLE DRIVE OAKLAND, CA 94611

CURRENT ISSUE DATE:
11/13/17

ISSUED FOR:
100% CONSTRUCTION DRAWING

REV.	DATE	DESCRIPTION	BY
A	02/08/17	90% CONSTRUCTION DRAWING	RSD JBM
0	06/29/17	100% CONSTRUCTION DRAWING	RED
1	11/13/17	CLIENT REDLINES	JBM

PLANS PREPARED BY:
PDC CORPORATION
CD
4555 LAS POSTAS RD, BLDG. A, STE. B LIVERMORE, CA 94551 TEL: (925) 606-5868

CONSULTANT:
extenet YOUR NETWORK EVERYWHERE.
SYSTEMS
3030 WARRENVILLE RD, SUITE 340 LISLE, IL 60532

DRAWN BY:	CHK.:	APV.:
RSD	JBM	SAS



SHEET TITLE:
NORTHEAST ELEVATIONS & DETAILS

SHEET NUMBER:
A-2

PROJECT INFORMATION:

**OAKHILLS AT&T
SOUTH NETWORK
OAKS-043E**
(PROV) AT 6501 PINE NEEDLE DRIVE
OAKLAND, CA 94611

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DRAWING**

REV.: DATE: DESCRIPTION: BY:

REV.	DATE	DESCRIPTION	BY
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0	06/29/17	100% CONSTRUCTION DRAWING	RED
1	11/13/17	CLIENT REDLINES	JBM

PLANS PREPARED BY:



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CONSULTANT:



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LISLE, IL 60532

DRAWN BY: CHK.: APV.:

RSD JBM SAS

LICENSER:

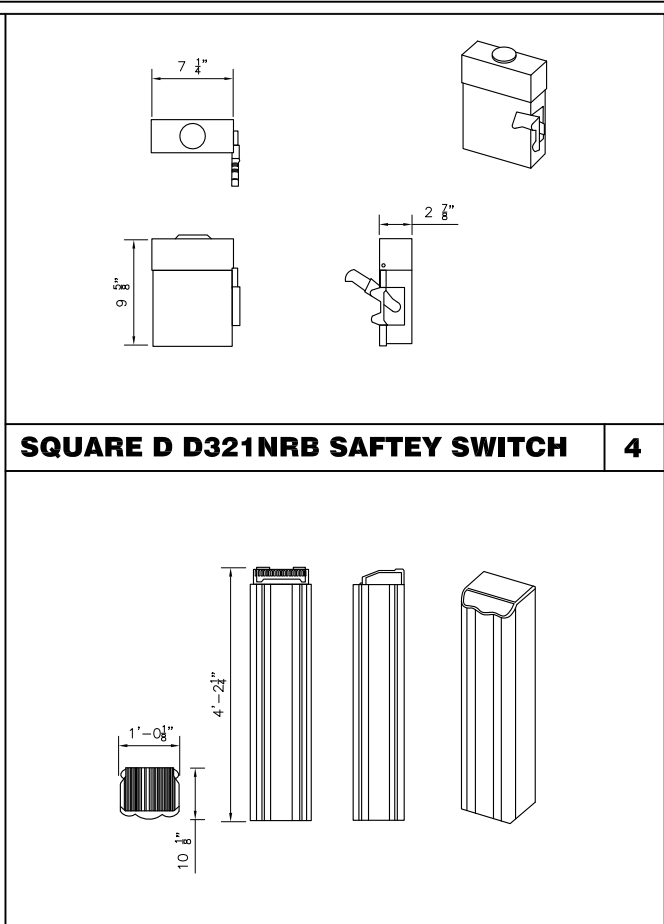
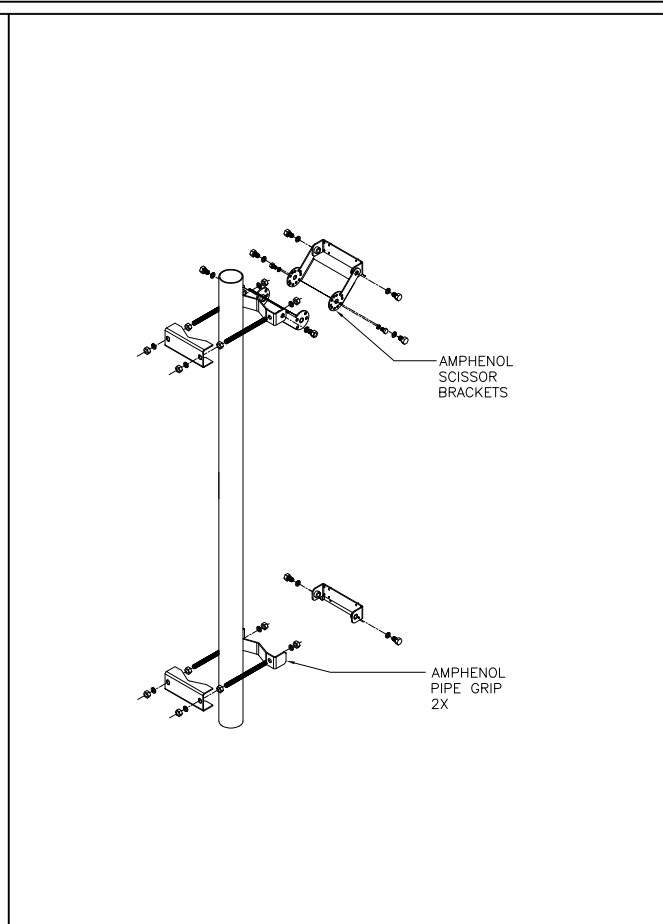
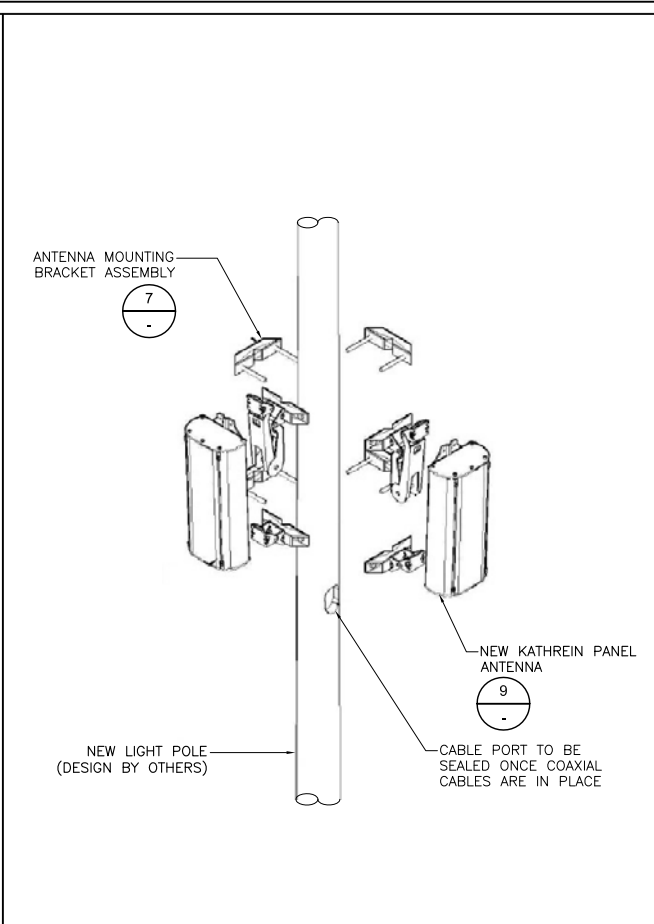
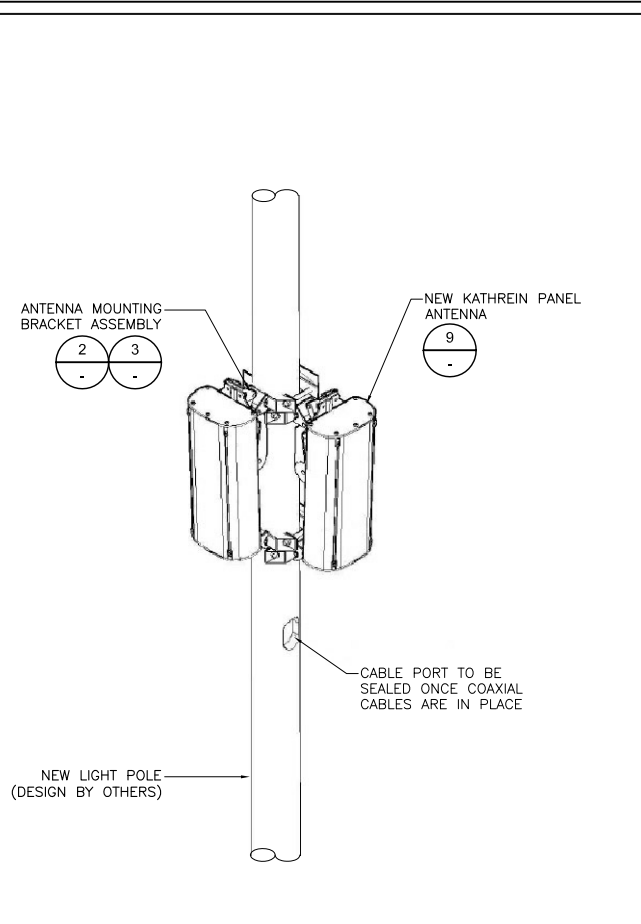


SHEET TITLE:

**EQUIPMENT AND
CONSTRUCTION
DETAILS**

SHEET NUMBER:

A-3

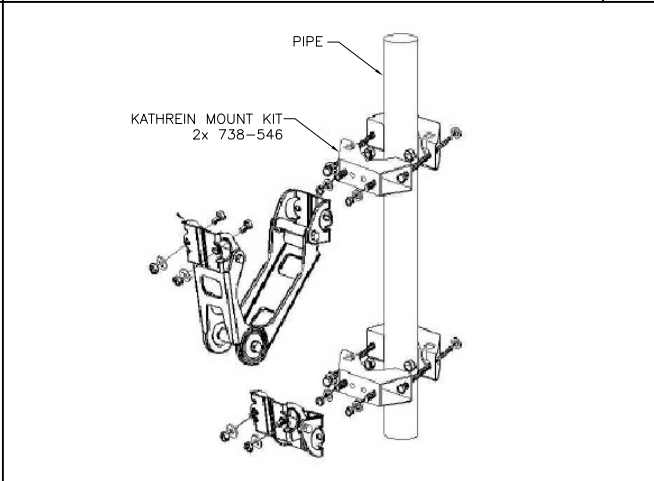
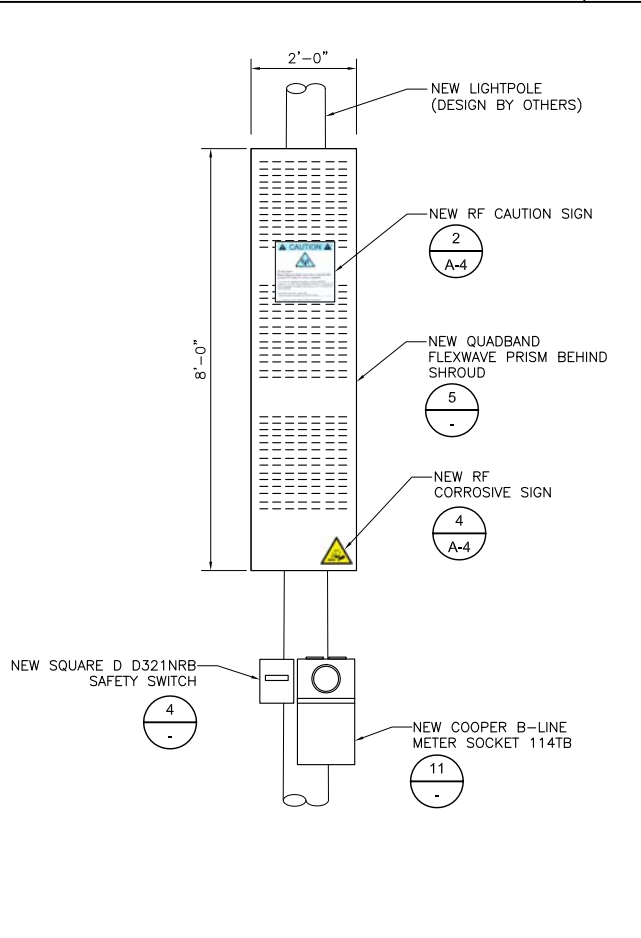


TYP. ANTENNA CONFIGURATION 1

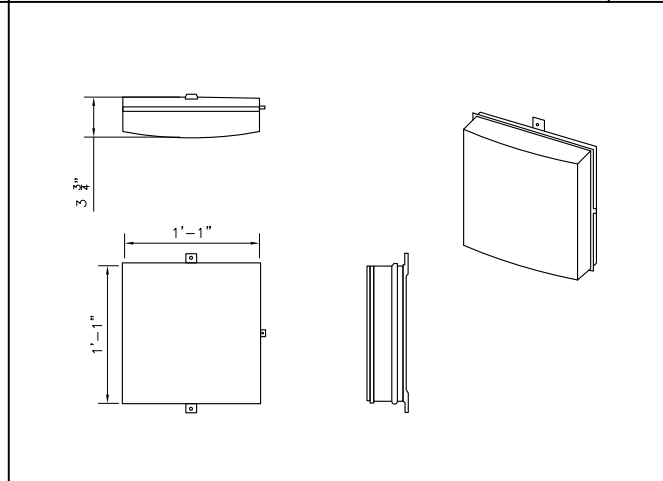
TYP. POLE TOP ANTENNA ASSEMBLY 2

ANTENNA MOUNTING BRACKET 3

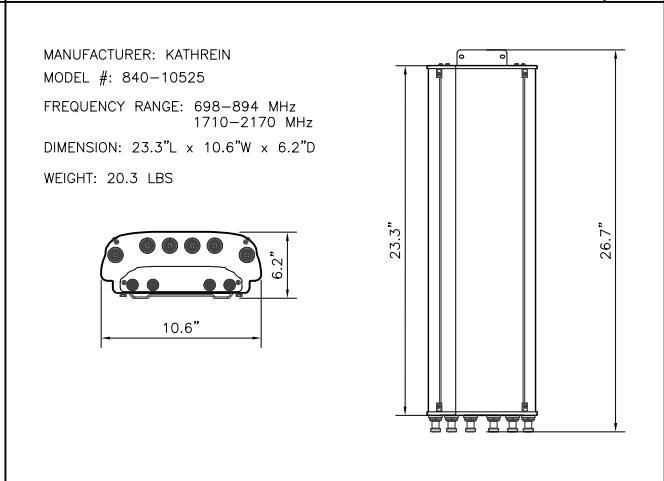
QUADBAND FLEXWAVE PRISM 5



ANT. MOUNT BRACKET ASSEMBLY 7



AFL OPTINID 760 XL 8



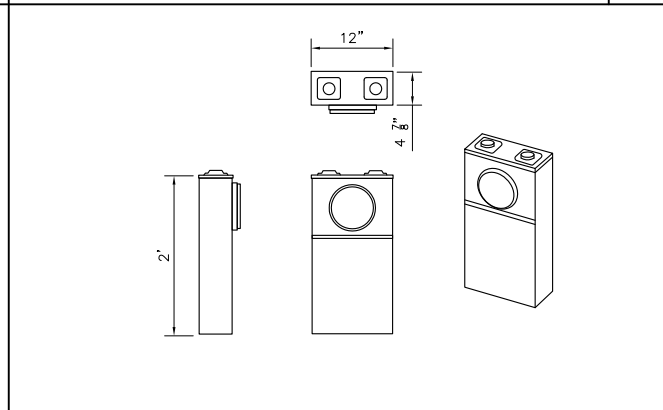
KATHREIN PANEL ANTENNA 9

EQUIPMENT CONFIGURATION 6

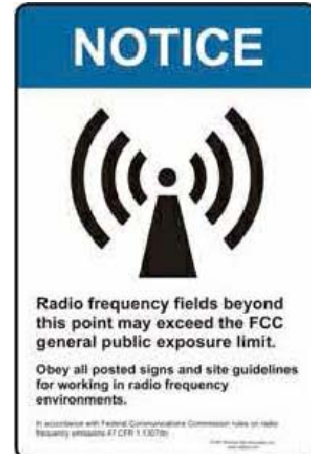
SHROUD MOUNTING DETAIL 10

COOPER B-LINE METER SOCKET 114TB 11

NOTES 12



NODE 43 DESCRIPTION
27' MONO LIGHT POLE
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1 1/2 x 18.5 sq BASEPLATE
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1/4" TOP PLATE
(1) FLUSH MOUNT KIT
(2) CONN. HDW.
(4) 1 1/2 x 72 F1554 GR55
(2) TEMPLATES



AT&T TO INSTALL SIGNS PER 6095 RULE 94.5
 APPENDIX H, EXHIBIT A, AT NOCE/ANTENNA POLE U
 ANTENNA OWNER/OPERATORS ARE RESPONSIBLE FOR THE INSTALLATION AND UPKEEP OF THEIR SIGN OR SIGNS AT EACH JOINT USE SITE.

a. IN ADDITION TO THE REQUIREMENTS OF 60.95, RULE 94.5 (MARKING), AT A MINIMUM, EACH ANTENNA OWNER/OPERATOR WILL ALSO AFFIX A SIGN THAT
 a.i. IDENTIFIES THE APPLICABLE FCC EXPOSURE CATEGORY (GENERAL POPULATION/UNCONTROLLED OR OCCUPATIONAL/CONTROLLED)
 a.ii. IDENTIFIES THE FCC'S RECOMMENDED MINIMUM APPROACH DISTANCE AS SET FORTH IN 47 CFR 1.1307, AND IS OF WEATHER AND CORROSION RESISTANT MATERIAL
 b. THE ANTENNA OWNER/OPERATOR WILL PLACE THE SIGN SO THAT IT IS CLEARLY VISIBLE TO WORKERS WHO OTHERWISE CLIMB THE POLE OR ASCEND BY MECHANICAL MEANS AND AFFIX SAID SIGN
 b.i. NO LESS THAN THREE (3) FEET BELOW THE ANTENNA (MEASURED FROM THE TOP OF THE SIGN); AND
 b.ii. NO LESS THAN NINE(9) FEET ABOVE THE GROUND LINE (MEASURED FROM THE BOTTOM OF THE SIGN)
 c. THE ANTENNA OWNER/OPERATOR MAY INSTALL A SINGLE SIGN THAT CONTAINS THE INFORMATION REQUIRED BY 60.95, RULE 94.5 AND SECTION(A) ABOVE, OR SEPARATE SIGNS. IN THE EVENT ONE OR MORE ANTENNAS ARE AFFIXED TO A POLE, EACH ANTENNA OWNER/OPERATOR SHALL PROVIDE A SIGN WITH SUFFICIENT INFORMATION TO ALLOW WORKERS TO IDENTIFY ITS ANTENNAS

RF WARNING SIGNAGE

1 RF CAUTION SIGNAGE

2 RF NOTICE SIGNAGE

3 RF CORROSIVE SIGNAGE

4



PROJECT INFORMATION:
OAKHILLS AT&T SOUTH NETWORK OAKS-043E
 (PROV) AT 6501 PINE NEEDLE DRIVE OAKLAND, CA 94611

CURRENT ISSUE DATE:
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 4555 LAS POSITAS RD, BLDG. A, STE. B
 LIVERMORE, CA 94551
 TEL: (925) 606-5868

CONSULTANT:

 3030 WARRENVILLE RD, SUITE 340
 Lisle, IL 60532

DRAWN BY: RSD CHK.: JBM APV.: SAS

LICENSER:

 DATE SIGNED: 06/29/17

SHEET TITLE:
RF SIGNAGE

SHEET NUMBER:
A-4

view from Broadway Terrace looking north at site



OAKHILLS AT&T South Network Oaks-043E
6501 Pine Needle Drive, Oakland, CA
Photosims Produced On 12-7-2017

Existing

Proposed



Existing



Proposed



view from Pine Needle Drive looking northwest at site
OAKHILLS AT&T South Network Oaks-043E
6501 Pine Needle Drive, Oakland, CA
Photosims Produced On 12-7-2017

DAS Node OAKS-043E

PLN17373 | 6501 Pine Needle Drive

Alternative Site Analysis

MAP OF ALTERNATIVE POLES EVALUATED FOR NODE OAKS-043E



- The above map depicts ExteNet's proposed Node Oaks-043E in relation to other poles in the area that were evaluated as possibly being viable alternative candidates.
- The following is an analysis of each of those 8 alternative candidate locations.

DAS Node OAKS-043E – Proposed Location



- The location for ExteNet's proposed Node Oaks-043E is a metal light pole located adjacent to PROW 6501 Pine Needle Drive (37.847636, -122.213589).
- ExteNet's objective is to provide ATT wireless coverage and capacity as well as high speed wireless internet to the Oakland area.
- ExteNet evaluated this site and nearby alternative candidates to verify that the selected site is the least intrusive means to close ATT's significant service coverage gap.

Alternative DAS Node OAKS-043A



- Node OAKS-043A is a wood utility pole located adjacent to PROW 6540 Pine Needle Drive (37.847177, -122.212791)
- This pole is not a viable alternative candidate because the existing riser on the pole occupies space leaving no quadrant available for climbing space.
- This pole is not a viable alternative candidate because the signal will be blocked by the terrain.
- This pole is not a viable alternative candidate because the location of the pole is too far from the primary candidate to address the service cell coverage gap.

Alternative DAS Node OAKS-043B



- Node OAKS-043B is a wood utility pole located adjacent to PROW 6588 Farallon Way (37.847192, -122.213363)
- This pole is not a viable alternative candidate because the existing riser on the pole occupies space leaving no quadrant available for climbing space.
- This pole is not a viable alternative candidate because the signal will be blocked by the terrain.

Alternative DAS Node OAKS-043C



- Node OAKS-043C is a metal light pole located adjacent to PROW 17032 Broadway Terrace (37.848413, -122.213462)
- This pole is not a viable alternative candidate because the signal will be blocked by the terrain.
- This pole is not a viable alternative candidate because the location of the pole is too far the primary candidate to satisfy the service coverage gap.
- This pole is not a viable alternative candidate because it require a much taller and more intrusive pole to address the service cell coverage gap.



Alternative DAS Node OAKS-043D



- Node OAKS-043D is a metal light pole located adjacent to PROW 15753 Broadway Terrace (37.847500, -122.214421)
- This pole is not a viable alternative candidate because the location of the pole is at a lower elevation than the primary candidate and will require a much taller and intrusive pole to address the service cell coverage gap.

Alternative DAS Node OAKS-043F



- Node OAKS-043F is a metal light pole located adjacent to PROW 15351 Broadway Terrace (37.846895, -122.214317)
- This pole is not a viable alternative candidate because the signal will be blocked by the terrain.
- This pole is not a viable alternative candidate because the location of the pole is at a lower elevation than the primary candidate and will require a much taller and intrusive pole to address the service cell coverage gap.
- This pole is not a viable alternative candidate because the location of the pole is too far the primary candidate to satisfy the service coverage gap.

Alternative DAS Node OAKS-043G



- Node OAKS-043G is a wooden utility pole located in in the PROW behind 17045 Broadway Terrace (37.848675, -122.212463)
- This pole is not a viable alternative candidate because the existing equipment on the pole occupies space leaving no quadrant available for climbing space.
- This pole is not a viable alternative candidate because the location of the pole is too far the primary candidate to satisfy the service coverage gap.

Alternative DAS Node OAKS-043H



- Node OAKS-043H is a metal transmission tower located behind 17088 Broadway Terrace (37.849339, -122.213817)
- This tower is not a viable alternative candidate because the location of the transmission tower is at a lower elevation than the primary candidate and will require a much taller and intrusive tower to address the service cell coverage gap.
- This tower is not a viable alternative candidate because the location of the transmission tower is too far the primary candidate to satisfy the service coverage gap.

Alternative DAS Node OAKS-043I



- Node OAKS-043I is a wooden utility pole located adjacent to PROW 6535 Farallon Way (37.846694, -122.213439)
- This pole is not a viable alternative candidate because the location of the pole is too far the primary candidate to satisfy the service coverage gap.
- This pole is not a viable alternative candidate because the existing equipment on the pole occupies space leaving no quadrant available for climbing space.

DAS Node OAKS-043E – Alternative Site

Analysis Conclusion

Based on ExteNet's analysis of alternative sites, the currently proposed Node Oaks-043E is the least intrusive location from which to fill the surrounding significant wireless coverage gaps.





OAKS-043E: 37.847636°, -122.213589° (Proposed Site)

OAKS-043A: 37.847177°, -122.212791°

OAKS-043B: 37.847192°, -122.213363°

OAKS-043C: 37.848413°, -122.213462°

OAKS-043D: 37.847500°, -122.214421°

OAKS-043F: 37.846895°, -122.214317°

OAKS-043G: 37.848675°, -122.212463°

OAKS-043H: 37.849339°, -122.213817°

OAKS-043I: 37.846694°, -122.213439°

**AT&T Mobility • Proposed DAS Node (Site No. OAKS-043E)
6501 Pine Needle Drive • Oakland, California**

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of AT&T Mobility, a personal wireless telecommunications carrier, to evaluate the addition of Node No. OAKS-043E to be added to the AT&T distributed antenna system (“DAS”) in the Oakland Hills area of Oakland, California, for compliance with appropriate guidelines limiting human exposure to radio frequency (“RF”) electromagnetic fields.

Executive Summary

AT&T proposes to install two directional panel antennas on a replacement light pole to be sited in the public right-of-way at 6501 Pine Needle Drive in Oakland. The proposed operation will comply with the FCC guidelines limiting public exposure to RF energy.

Prevailing Exposure Standards

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 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 most restrictive FCC limit for exposures of unlimited duration to radio frequency energy for several personal wireless services are as follows:

Wireless Service	Frequency Band	Occupational Limit	Public Limit
Microwave (Point-to-Point)	5,000–80,000 MHz	5.00 mW/cm ²	1.00 mW/cm ²
BRS (Broadband Radio)	2,600	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	2.35	0.47
[most restrictive frequency range]	30–300	1.00	0.20

General Facility Requirements

Wireless nodes typically consist of two distinct parts: the electronic transceivers (also called “radios” or “channels”) that are connected to a central “hub” (which in turn are connected to the traditional wired telephone lines), and the passive antenna(s) that send the wireless signals created by the radios out to be received by individual subscriber units. The radios are often located on the same pole as the antennas and are connected to 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



**AT&T Mobility • Proposed DAS Node (Site No. OAKS-043E)
6501 Pine Needle Drive • Oakland, California**

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 attached 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 AT&T, including drawings by PCD Corporation, dated November 13, 2017, it is proposed to install two Kathrein Model 840-10525, 2-foot tall, directional panel antennas on top of a new light pole to replace the existing light pole sited in the public right-of-way at the east corner of the intersection of Pine Needle Drive with Broadway Terrace in the Oakland Hills area of Oakland. The antennas would employ no downtilt, would be mounted at an effective height of about 26 feet above ground, and would be oriented toward 230°T and 340°T. The maximum effective radiated power in any direction would be 219 watts, representing simultaneous operation of 104 watts for PCS, 61 watts for cellular, and 54 watts for 700 MHz service. There are reported no other wireless telecommunications base stations at this site or nearby.

Study Results

For a person anywhere at ground, the maximum RF exposure level due to the proposed AT&T operation is calculated to be 0.014 mW/cm², which is 2.1% of the applicable public exposure limit. The maximum calculated level at the second-floor elevation of any nearby building would be 1.6% 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 their mounting location and height, the AT&T antennas would not be accessible to the general public, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. To prevent occupational exposures in excess of the FCC guidelines, it is recommended



**AT&T Mobility • Proposed DAS Node (Site No. OAKS-043E)
6501 Pine Needle Drive • Oakland, California**

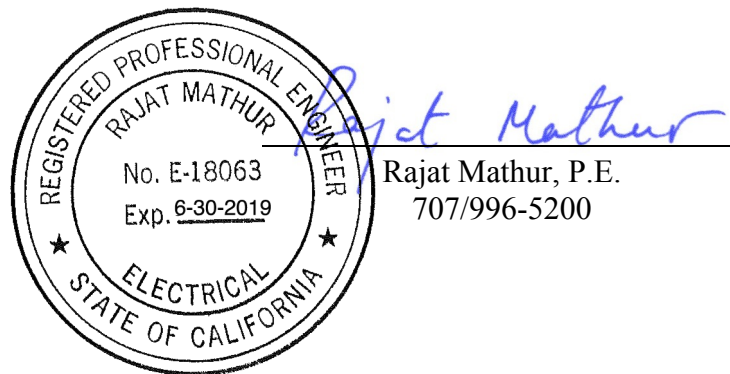
that appropriate RF safety training be provided to all authorized personnel who have access to the antennas. No access within 3 feet directly in front of the antennas themselves, such as might occur during certain maintenance activities, should be allowed while the node is in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. Posting explanatory signs* on the pole at or below the antennas, such that the signs would be readily visible from any angle of approach to persons who might need to work within that distance, would be sufficient to meet FCC-adopted guidelines.

Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that operation of the node proposed by AT&T Mobility, at 6501 Pine Needle 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 nodes.

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.



March 15, 2018

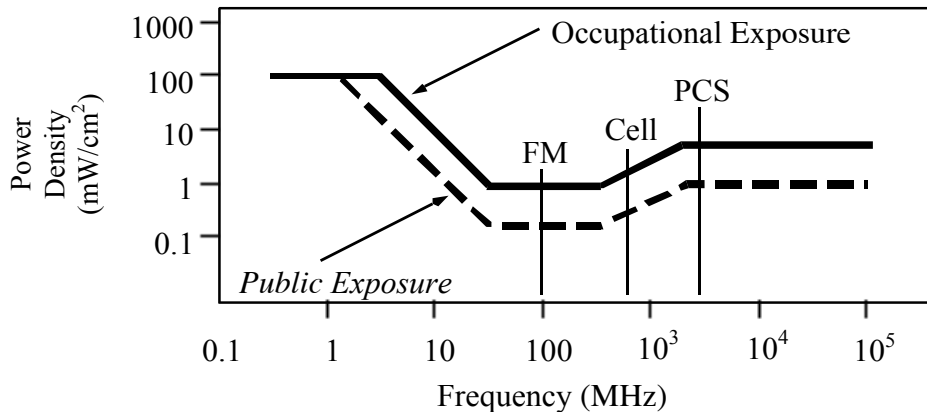
* Signs should comply with OET-65 color, symbol, and content recommendations. Contact information should be provided (e.g., a telephone number) to arrange for access to restricted areas. The selection of language(s) is not an engineering matter, and guidance from the landlord, local zoning or health authority, or appropriate professionals may be required.

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 Applicable Range (MHz)	Electromagnetic Fields (f is frequency of emission in MHz)					
	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm ²)	
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/f²</i>
3.0 – 30	1842/f	<i>823.8/f</i>	4.89/f	<i>2.19/f</i>	900/f ²	<i>180/f²</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/cm²,

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/cm²,

- where θ_{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
 η = 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/cm²,

- 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.



AT&T Radio Frequency Statement

DAS Node Oaks-043E: Light Pole in Public Right-of-Way 6501 Pine Needle Drive, Oakland, CA, 94611

I am the radio frequency (RF) engineer assigned to the proposed wireless telecommunications facility ("Node Oaks-043E"), which is a distributed antenna system ("DAS") node to be located on a metal light pole in the public right-of-way adjacent to 6501 Pine Needle Drive, Oakland, CA, 94611 (the "Property"). Based on my knowledge of the Property and with AT&T's wireless network, as well as my review of AT&T's records with respect to the Property and its wireless telecommunications facilities in the surrounding areas, I have concluded that the work associated with this permit request is needed to address wireless coverage and capacity needs in the area surrounding the Property.

The service coverage gap is caused by inadequate infrastructure in the area. As explained further in Exhibit 2, AT&T's existing facilities cannot adequately serve its customers in the desired area of coverage, let alone address rapidly increasing data usage. Moreover, 4G LTE service coverage has not yet been fully deployed in this area. To remedy this service coverage gap, AT&T needs to construct a new wireless telecommunications facility. The coverage area consists of a hilly Oakland Hills neighborhood along Broadway Terrace stretching approximately from the intersection at Balsam Way to the intersections at Gwin Road, Pinehaven Road and surrounding areas. These wireless services include LTE mobile telephone, wireless broadband, emergency 911, data transfers, electronic mail, Internet, web browsing, wireless applications, wireless mapping and video streaming.

AT&T uses industry standard propagation tools to identify the areas in its network where signal strength is too weak to provide reliable in-building service quality. This information is developed from many sources including statistical reports that show which sites are congested; call geo-data reports that show geographically where subscriber calls are concentrated; population density maps that indicate where subscribers are likely to use their mobile devices; terrain and clutter databases, which simulate the environment, and propagation models that simulate signal propagation in the presence of terrain and clutter variation. After the areas are identified that require traffic offloading, propagation modeling tools are used, along with actual field drive data, to place the DAS in the optimal locations to carry voice and data traffic. AT&T designs and builds its network to ensure customers receive reliable in-building service quality.

Exhibit 2 to this Statement is a map of the existing service coverage (without Node 043) in the area at issue. It includes service coverage provided by existing AT&T sites. The green shaded areas depict areas with signal strength range that provide acceptable in-building service coverage. In-building coverage means customers are able to place or receive a call on the ground floor of a building. The yellow shaded areas depict areas within a signal range that provide acceptable in-vehicle coverage. In this area, an AT&T customer should be able to successfully place or receive a call within a vehicle. The blue shading depicts areas within a signal strength range in which a customer might have difficulty receiving a consistently acceptable level of service. The quality of service experienced by any individual can differ greatly depending on whether that customer is indoors,

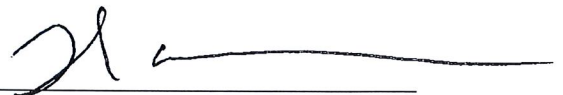
outdoors, stationary, or in transit. Any area in the blue or yellow category is considered inadequate service coverage and constitutes a service coverage gap.

Exhibit 3 to this Statement is a map depicting the proposed service coverage in the vicinity of the Property if the Node 43 antennas are placed as proposed in the application. As shown by this map, placement of Node 43 closes the significant 3G service coverage gap in the area immediately surrounding the area.

In addition to these 3G wireless service gap issues; AT&T is in the process of deploying its 4G LTE service in Oakland with the goal of providing the most advanced personal wireless experience available to residents of the City. 4G LTE is capable of delivering speeds up to 10 times faster than industry-average 3G speeds. LTE technology also offers lower latency, or the processing time it takes to move data through a network, such as how long it takes to start downloading a webpage or file once a customer has sent the request. Lower latency helps to improve the quality of personal wireless services. What's more, LTE uses spectrum more efficiently than other technologies, creating more space to carry data traffic and services and to deliver a better overall network experience.

Exhibit 4 to this Statement is a map of the existing 4G LTE service coverage in the area surrounding the Property, and it shows a significant 4G LTE service coverage gap in the area. Exhibit 5 shows that after Node 43 is on air, 4G LTE service is available both indoors and outdoors in the area. This is important not only to bring 4G LTE to residents of Oakland but also because as existing customers migrate to 4G LTE, the LTE technology will provide the added benefit of reducing 3G data traffic, which can cause capacity issues on the UMTS (3G) network during peak usage periods, especially in light of the forecasted increase in usage.

I have a Bachelors and Masters of Science Degrees in Electrical Engineering from The University of Missouri, and I have worked as a radio frequency design engineer in the wireless communications industry for over 17 years.



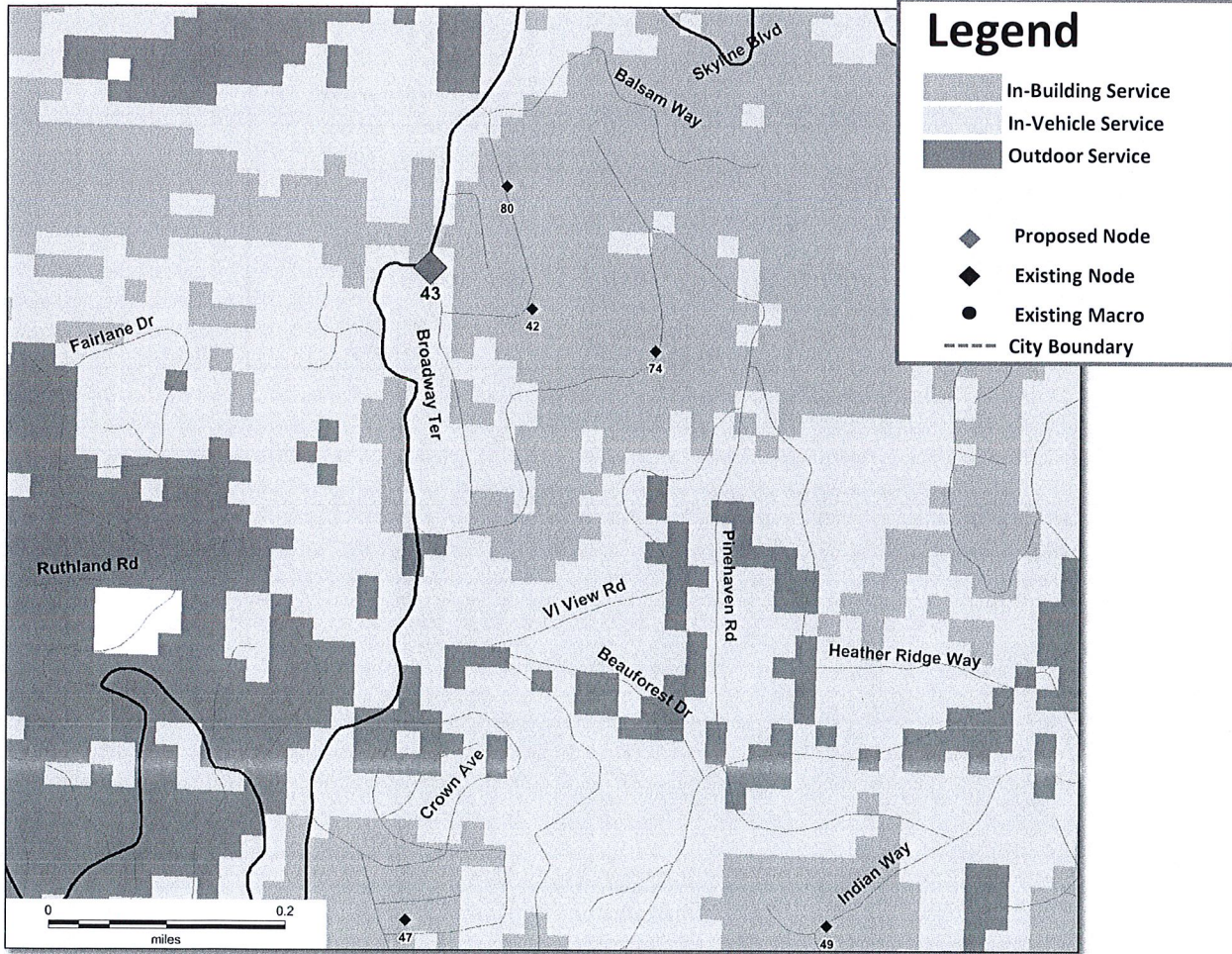
Hatem Rizk - AT&T RF

Engineer

November 8, 2017

Exhibit 2

Existing UMTS 850 Coverage

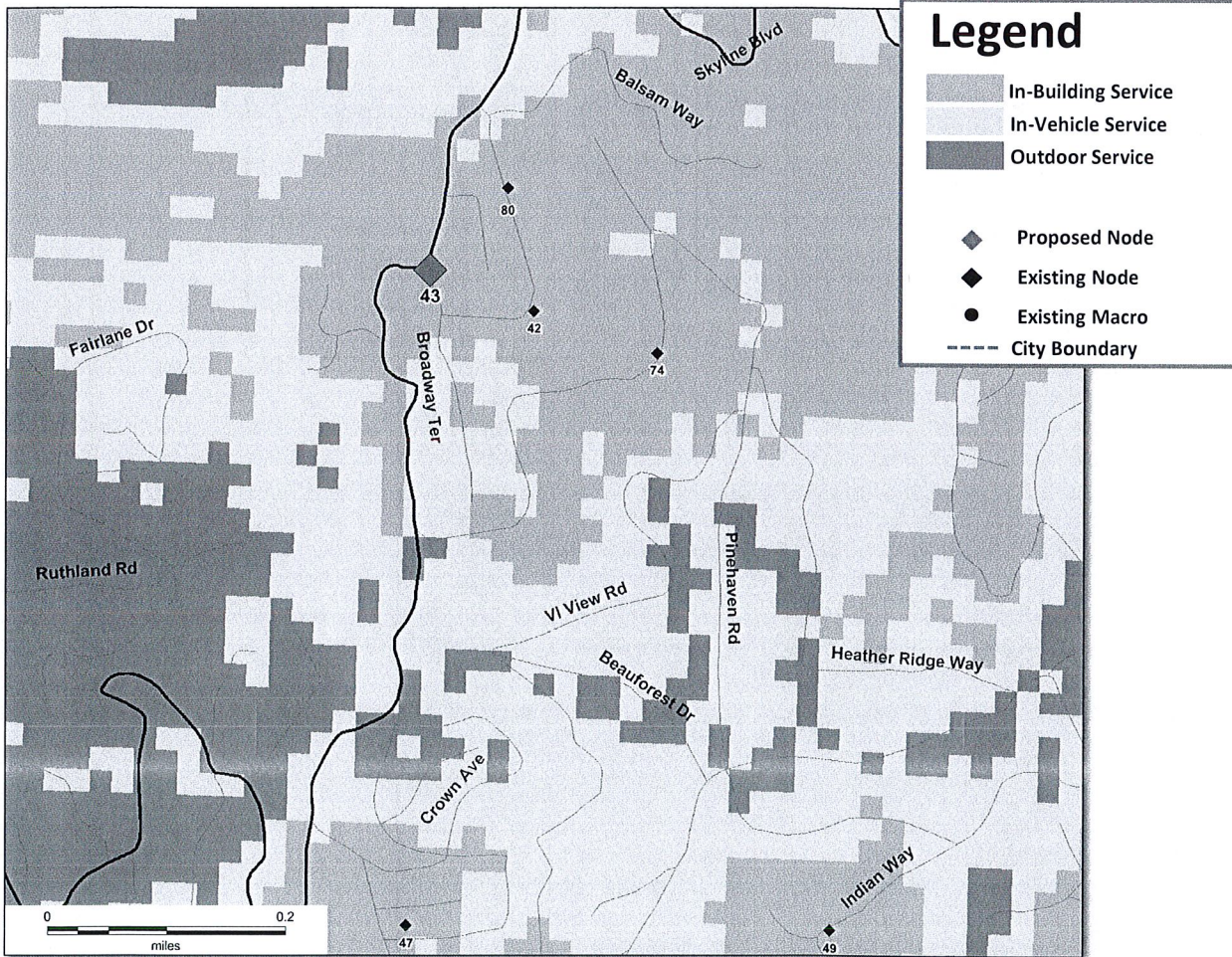


October 24th, 2017



Exhibit 3

Proposed UMTS 850 Coverage (With Node 43)

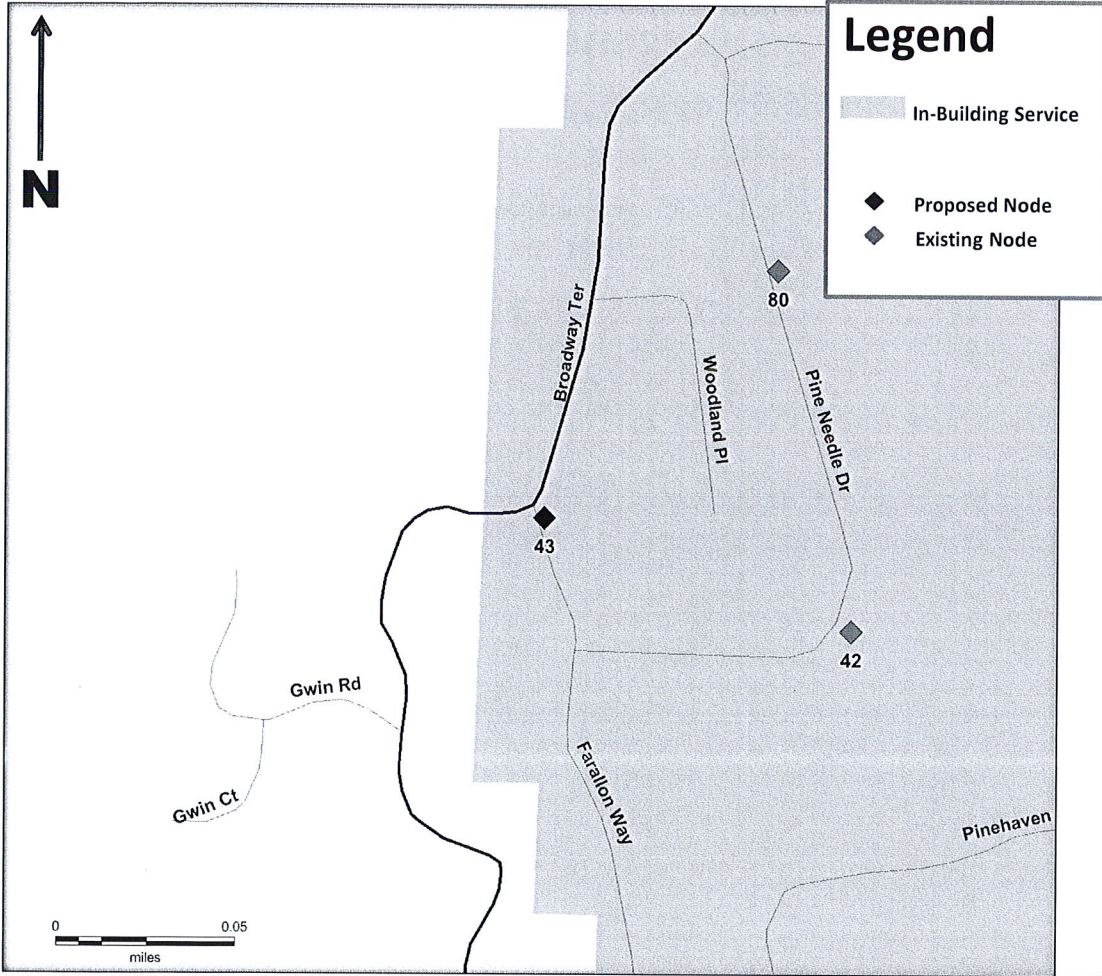


October 24th, 2017



Existing LTE 700 Coverage

Exhibit 4

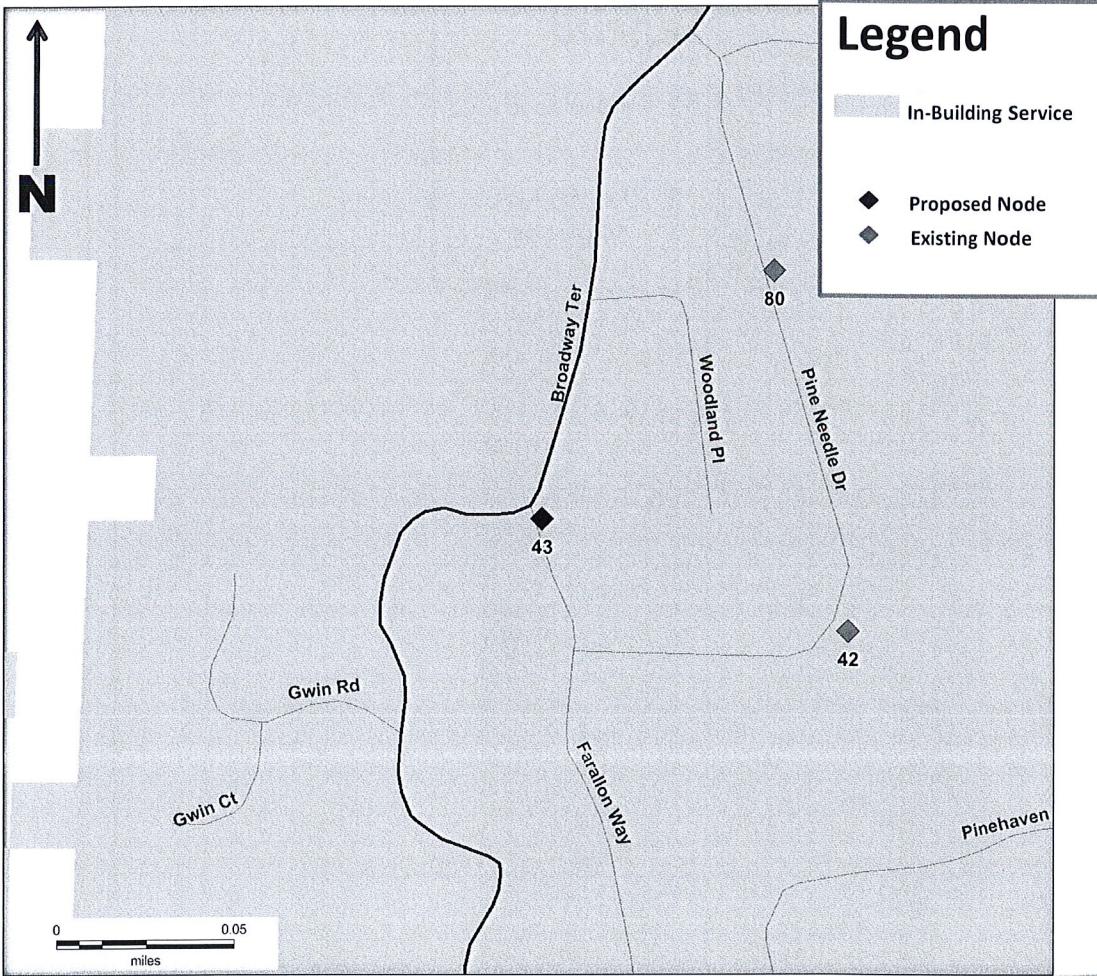


October 10, 2017



Proposed LTE 700 Coverage (With Node 43)

Exhibit 5



October 10, 2017





HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
BROADCAST & WIRELESS

WILLIAM F. HAMMETT, P.E.
RAJAT MATHUR, P.E.
ROBERT P. SMITH, JR.
NEIL J. OLIJ, P.E.
AMELIA NGAI
MANAS REDDY

ROBERT L. HAMMETT, P.E.
1920-2002
EDWARD EDISON, P.E.
1920-2009

DANE E. ERICKSEN, P.E.
ANDREA L. BRIGHT, P.E.
CONSULTANTS

BY E-MAIL CLINDSAY@EXTENETSYSTEMS.COM

November 17, 2017

Mr. Charles Lindsay
ExteNet Systems (California) LLC
2000 Crow Canyon Place
Suite 210
San Ramon, California 94583

Dear Charles:

As you requested, we have evaluated the noise emissions from the proposed AT&T Mobility node (Site No. OAKS-043E) proposed to be located on a light pole in the public right-of-way at the east corner of the intersection of Pine Needle Drive with Broadway Terrace in Oakland. The noise source at the site would be a cabinet on the pole housing a CommScope FlexWave Prism FP4-100000E2111RU transmitter (with Enhanced Fan Shroud). Also on the pole are a meter/safety switch and a meter socket, neither of which has cooling fans. The nearest property line is located uphill to the east, about 27 feet from the pole; that parcel is zoned "Residential." The applicable noise limits for residential areas in the City of Oakland (Section 17.120.050 of its Municipal Code) are 60 dBA daytime and 45 dBA at night.

CommScope reports that the maximum noise level from its Prism cabinet is 48 dBA, measured at a reference distance of 5 feet and applying for ambient temperatures not exceeding 114°F.* Based on this information, the maximum calculated noise level at the nearest property line is 33.4 dBA, well below the City's noise limits.

Please let us know if any questions arise on this analysis.

Sincerely yours,

William F. Hammett, P.E.

jp

cc: Mr. Lawrence Beer – BY E-MAIL LBEER@EXTENETSYSTEMS.COM
Ms. Ana Gomez-Abarca – BY E-MAIL GOMEZABARCAA@BV.COM

* The maximum recorded temperature in Oakland is 109°F, according to Intellicast.com as of November 14, 2017.

Decision 06-04-063 April 27, 2006

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of ClearLinx Network Corporation (U-6959-C) for a Modification to its Certificate of Public Convenience and Necessity in Order to Provide Competitive Local Exchange, Access and Non-Dominant Interexchange Services.

Application 05-07-025
(Filed July 27, 2005)

**OPINION GRANTING MODIFICATION
OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

I. Summary

ClearLinx Network Corporation (U-6959-C) (Applicant) seeks a modification of its existing certificate of public convenience and necessity (CPCN) under Pub. Util. Code § 1001 to obtain authority to provide full facilities-based local exchange and interexchange telecommunications services.¹ We grant the application, subject to the requirements and conditions stated below.

We also specify a procedure to be followed if Applicant wishes to pursue full facilities-based construction activities that involve potential exemptions from environmental review under the California Environmental Quality Act (CEQA).

II. Background

Applicant, a Delaware corporation, seeks authority to provide full facilities-based local exchange and interexchange services. Applicant's principal

¹ In Decision (D.) 05-07-004, the Commission previously granted Applicant a CPCN (U-6959-C) authorizing the provision of limited facilities-based interexchange services in California.

place of business is located at 1901 S. Meyers Road, Suite 190, Oakbrook Terrace, IL 60181.

In this application, Applicant requests full facilities-based authority to provide local exchange services in the service territories of Pacific Bell Telephone Company, Verizon California Inc., SureWest Telephone,² and Citizens Telephone Company and interexchange services statewide.

Applicant plans to initially offer point to point circuits carried on fiber optic facilities. These point to point circuits will carry the Radio Frequency traffic of wireless services providers (WSPs) between Applicant's newly-deployed share distributed antenna systems and the WSPs' existing facilities. Applicant states that these fiber-fed shared distributed antenna systems will extend wireless networks, will address the increasing demand from WSPs for a solution to long-standing service coverage problems, and will provide network enhancements that add capacity to accommodate high speed data applications.

Applicant proposes to provide these services through a combination of its own facilities and services leased from existing carriers and other suppliers. The fiber optic facilities will be deployed primarily in an aerial configuration, attached to utility poles and other aerial support structures. However, for some routes, Applicant may need to construct additional facilities in or near to rights-of-way.³

² SureWest Telephone was formerly known as Roseville Telephone Company.

³ ClearLinx states in its Supplement that its plant construction will differ from other, more traditional telecommunications providers because:

- Its projects consist largely of deploying aerial facilities (fiber optic cable and pole-mounted antenna node equipment);
- Its projects will cover short distances;
- Its projects are widely separated geographically, and are not interconnected in a traditional network; and

Footnote continued on next page

The requirements for the expanded CPCN authority requested by Applicant here are the same as those previously met by Applicant for its existing CPCN (U-6959-C), except for the requirements of the CEQA as applied to any proposed full facilities-based construction by Applicant.⁴ Therefore, the only issue before us in this application is whether Applicant's proposed construction and process for requesting determinations of exemption from CEQA by Commission staff meets the requirements of CEQA and should be approved. Applicant remains subject to the requirements of D.05-07-004, which granted Applicant authority to provide limited facilities-based interexchange services.

III. Environmental (CEQA) Review

The CEQA (Public Resources Code Sections 21000 et seq.) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to "inform governmental decision-makers and the public about the potential significant environmental effects of the proposed activities." (Title 14 of the California Code of Regulations, hereafter CEQA Guidelines, Section 15002.)

Since the Commission must issue a discretionary decision (i.e., grant Section 1001 certificate authority) without which the proposed activity will not proceed, the Commission must act as either a Lead or Responsible Agency under CEQA. The Lead Agency is the public agency with the greatest responsibility for supervising or approving the project as a whole (CEQA Guidelines, Section 15051(b)). The Commission is the Lead Agency for this project under

-
- Its projects are driven by customer needs, so that ClearLinx does not know very far in advance where its next project will be located.

⁴ Applicant has also filed financial documentation, information regarding required deposits, and biographical information regarding the experience of its management, which demonstrates that Applicant otherwise meets the requirements for a full facilities-based CPCN.

CEQA. CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval.

Applicant seeks authority in this application to modify its existing CPCN to include full facilities-based competitive local exchange, access and non-dominant interexchange service. Applicant initially filed this application on July 27, 2005, and filed a supplement to the application on November 2, 2005 (Supplement) and a second supplement on February 17, 2006. Although Applicant did not file a Preliminary Environmental Assessment with the application, Applicant provided additional information in the Supplement to address compliance with Rule 17.1 of the Commission Rules of Practice and Procedure and the degree to which its planned outside construction implicates CEQA. In its application and Supplement, Applicant outlined its projected business activities and described the types of facilities it may utilize and construct, including their geographical location and extent. The application and Supplement provide adequate information to determine the environmental impacts (if any) of such activities and the degree to which such activities and facilities may be exempt from further CEQA review.

In its application and Supplement, Applicant states that its business activities associated with the installation of its Distributed Antenna System (DAS) facilities are so limited that they should potentially qualify for a number of categorical exemptions available under CEQA. In its Supplement, Applicant provides two attachments to support its case. Attachment A provides a description of the types of facilities involved in a DAS network, and Attachment B provides both a proposed procedure by which Applicant would provide notice of the claimed exemption, and a detailed list of existing CEQA categorical exemptions that would apply to the installation of DAS facilities by Applicant.

Applicant has proposed the following procedure for obtaining Commission approval of its claimed CEQA exemptions for proposed construction projects:

- Applicant will provide the Commission Energy Division with:
 - A detailed description of the proposed project, including:
 - Customer(s) to be served;
 - The precise location of the proposed construction project; and
 - Regional and local site maps.
 - A description of the environmental setting, to include at a minimum:
 - Cultural, historical, and paleontologic resources;
 - Biological resources; and
 - Current land use and zoning.
 - A construction workplan, to include:
 - Commission Preconstruction Survey Checklist—Archaeological Resources;
 - Commission Preconstruction Survey Checklist—Biological Resources;
 - A detailed schedule of construction activities, including site restoration activities;
 - A description of construction/installation techniques;
 - A list of other agencies contacted with respect to siting, land use planning, and environmental resource issues, including contact information; and
 - A list of permits required for the proposed project.
 - A statement of the CEQA exemption(s) applicable to the proposed project; and
 - Documentation and factual evidence sufficient to support a finding that the claimed exemption(s) is (are) applicable.
- The Commission Energy Division will review the Applicant's submission for the proposed project to confirm that the claimed exemption(s) from CEQA are applicable.

- Within 21 days from the date of Applicant's submittal, the Commission Energy Division will issue either:
 - A Notice to Proceed (NTP) and file a Notice of Exemption with the State Clearinghouse, Office of Planning and Research, or
 - A letter of denial stating the specific reasons why the claimed exemption(s) are not applicable to the proposed project.

The application makes clear that Applicant's facilities-based DAS projects will consist of: predominantly aerial fiber optic facilities; the installation of compact "nodes" on existing utility poles; a minor amount of ground disturbance (100 – 200 feet) associated with connecting equipment enclosures on private property with the aerial right-of-way; and aerial fiber runs of short distances, rarely exceeding 1,000 feet in length. All facilities will be located within public utility rights-of-way (with the exception of ingress and egress to and from the facilities). The projects and facilities will be widely separated geographically.

We have carefully reviewed the application and Supplement and find that:

- Applicant's proposed facilities-based project activities are very limited;
- These activities would in almost all circumstances be very likely to qualify for an exemption from CEQA; and
- The proposed process for reviewing the applicability of CEQA exemptions to Applicant's DAS facilities-based projects is not only adequate for the Commission's purposes as CEQA Lead Agency, but is also in the public interest because it enables Applicant to respond in a timely manner to WSPs' requests for service without the delay or burden of a full CEQA review when such review is unnecessary.

We therefore approve Applicant's proposed process for Commission review of claimed CEQA exemptions for construction projects undertaken pursuant to Applicant's full facilities-based authority, based on the specific facts

of this case with the following modifications related to the Commission Energy Division's review and approval or disapproval of the proposed exemptions.

- If the Commission Energy Division disapproves Applicant's claimed CEQA exemption(s), and issues a letter of denial to Applicant, Applicant shall either re-design the specific project and facilities and then reapply for a finding of exemption from CEQA, or file a formal application with the Commission seeking the requisite approval and full CEQA review, before commencing any construction activities.

Applicant shall not perform any full facilities-based construction activities without first obtaining an NTP from the Commission Energy Division or authorization by the Commission after the requisite environmental review.

However, the Commission is reviewing CEQA issues affecting telecommunications providers on a broader, policy level in Rulemaking (R.) 00-02-003. Applicant may utilize the above process for obtaining Commission review, and approval or disapproval of, proposed CEQA exemptions unless or until the Commission adopts different requirements applicable to Applicant in R.00-02-003 or a subsequent proceeding.

IV. Conclusion

We conclude that the application conforms to our rules for authority to provide full facilities-based local exchange and interexchange telecommunications services. Accordingly, we shall approve the application subject to the terms and conditions set forth herein.

V. Request to File Under Seal

Applicant requests that the financial information filed as Exhibits 2, 3, and 4 to this application be filed under seal. The financial information consists of Applicant's financial statements and financial documentation. We have granted similar requests in the past, and we grant Applicant's request here.

VI. Categorization and Need for Hearings

In Resolution ALJ 176-3157 dated August 25, 2005, the Commission preliminarily categorized this proceeding as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. There is no apparent reason why the application should not be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations.

VII. Comments on the Draft Decision

No protests were filed in this proceeding. Therefore, this is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

VIII. Assignment of Proceeding

John A. Bohn is the Assigned Commissioner and Myra J. Prestidge is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. Notice of this application appeared in the Daily Calendar on August 26, 2005.
2. No protests were filed.
3. Hearings are not required.
4. Applicant seeks expansion of its existing CPCN to obtain authorization to provide full facilities-based local exchange and interexchange services by installing and operating DAS facilities.
5. The Commission is the Lead Agency for this project under CEQA.
6. Applicant filed a supplement to its application on November 2, 2005, which provided detailed information on the degree to which its planned outside construction implicates CEQA.
7. Applicant contends that its business activities associated with the installation of its DAS facilities are of such a limited nature that they should

potentially qualify for a number of categorical exemptions available under CEQA.

8. Applicant has proposed a procedure, in which Applicant would notify Commission Energy Division staff of the claimed CEQA exemptions and Commission Energy Division staff would review and act upon Applicant's claimed CEQA exemptions.

9. Applicant has provided a detailed list of existing CEQA categorical exemptions that would potentially apply to the installation of DAS facilities.

10. Applicant's proposed facilities-based project activities are of a limited nature and would in almost all circumstances be highly likely to qualify for an exemption from CEQA.

11. Applicant's proposed process for reviewing the applicability of the CEQA exemptions for DAS facilities-based projects, as modified in this decision, is adequate for the Commission's purposes as the CEQA Lead Agency and is in the public interest.

12. The Commission is reviewing CEQA issues related to telecommunications providers on a broader, policy basis in R.00-02-003.

13. As part of its second supplement to the application, Applicant submitted a draft of its initial tariffs that contained the deficiencies identified in Attachment A to this decision. Except for these deficiencies, Applicant's draft tariffs complied with the Commission's requirements.

14. Applicant has met the requirements for issuance of a CPCN authorizing the provision of full facilities-based local exchange and interexchange services.

Conclusions of Law

1. Except for the requirement for additional environmental (CEQA) review, the requirements for a full facilities-based CPCN are generally the same as for a limited facilities-based CPCN.

2. Applicant's description of its future construction projects and proposed process for Commission review of claimed CEQA exemptions for these projects,

as described above, meet the requirements of CEQA, based on the specific facts of this case.

3. If the Commission subsequently adopts different requirements for review of claimed CEQA exemptions for telecommunications carriers generally in R.00-02-003 or a subsequent proceeding, Applicant should be subject to those requirements, as applicable.

4. Public convenience and necessity require Applicant's full facilities-based local exchange and interexchange services to be offered to the public subject to the terms and conditions set forth herein.

5. The application should be approved.

6. Upon approval of the application, Applicant should be subject to the applicable Commission rules, decisions, General Orders, and statutes that pertain to California public utilities.

7. Applicant should remain subject to the requirement of D.05-07-004, its licensing decision.

8. Applicant's request to file its financial information under seal should be granted, to the extent set forth below.

9. Because of the public interest in competitive local exchange services, the following order should be effective immediately.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity (CPCN) is granted to ClearLinx Network Corporation (Applicant) to operate as a full facilities-based provider of local exchange services in the service territories of Pacific Bell Telephone Company, Verizon California Inc., SureWest Telephone, and Citizens Telephone Company and interexchange services statewide, subject to the terms and conditions set forth below. This authorization expands Applicant's existing authority to provide limited facilities-based interexchange services in this state.

2. Applicant is authorized to construct the facilities addressed in this decision only upon receiving prior Commission approval.

3. The staff of the Commission Energy Division is authorized to review, process, and act upon Applicant's requests for a determination that its full facilities-based construction activities are exempt from the requirements of the California Environmental Quality Act (CEQA).

4. If Applicant wishes to engage in full facilities-based construction activities and believes that these activities are exempt from CEQA, Applicant shall first apply to the Commission Energy Division staff for a determination of exemption from CEQA using the following procedure:

- Applicant will provide the Commission Energy Division with:
 - A detailed description of the proposed project, including:
 - Customer(s) to be served;
 - The precise location of the proposed construction project; and
 - Regional and local site maps.
 - A description of the environmental setting, including at a minimum:
 - Cultural, historical, and paleontologic resources;
 - Biological resources; and
 - Current land use and zoning.
 - A construction workplan, including:
 - Commission Preconstruction Survey Checklist—Archaeological Resources;
 - Commission Preconstruction Survey Checklist—Biological Resources;
 - A detailed schedule of construction activities, including site restoration activities;
 - A description of construction/installation techniques;

- A list of other agencies contacted with respect to siting, land use planning, and environmental resource issues, including contact information; and
 - A list of permits required for the proposed project.
 - A statement of the CEQA exemption(s) claimed to apply to the proposed project; and
 - Documentation supporting the finding of exemption from CEQA.
 - The Commission Energy Division will then review the submittal and notify Applicant of either its approval or its denial of Applicant's claim for exemption from CEQA review within 21 days from the time that Applicant's submittal is complete.
 - If the Commission Energy Division approves Applicant's claimed CEQA exemption(s), the staff will prepare a Notice to Proceed and file a Notice of Exemption with the State Clearinghouse, Office of Planning and Research.
 - If the Commission Energy Division disapproves Applicant's claimed CEQA exemptions, the staff will issue to Applicant a letter which states the specific reasons that the claimed CEQA exemptions do not apply to the proposed project.
 - If the Commission Energy Division disapproves Applicant's claimed CEQA exemption(s), Applicant shall either re-design the specific project and facilities and then reapply for a finding of exemption from CEQA, or file a formal application with the Commission seeking the requisite approval and full CEQA review, before commencing any full facilities-based construction activities.
5. Applicant shall not engage in any construction activity relating to a pending CEQA exemption request before receiving an NTP from Commission Energy Division staff.
6. If the Commission adopts different requirements for obtaining Commission review of proposed CEQA exemptions applicable to Applicant in Rulemaking 00-02-003 or a subsequent proceeding, Applicant shall be subject to those requirements.

7. Applicant remains subject to the requirements of Decision 05-07-004, which granted Applicant a CPCN authorizing the provision of interexchange services.

8. Applicant is authorized to file tariff schedules for the provision of competitive local exchange services. Applicant may not offer competitive local exchange services until tariffs are on file. Applicant's initial filing shall be made in accordance with General Order (GO) 96-A, excluding Sections IV, V, and VI, and shall correct the deficiency noted in Attachment A. The tariffs shall be effective not less than one day after approval by the Commission's Telecommunications Division. Applicant shall comply with its tariffs.

9. The certificate granted and the authority to render service under the rates, charges, and rules authorized herein will expire if not exercised within 12 months after the effective date of this order.

10. The corporate identification number assigned to Applicant, U-6959-C, shall be included in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.

11. Applicant shall comply with all applicable rules adopted in the Local Exchange Competition proceeding (Rulemaking 95-04-043/ Investigation 95-04-044), as well as all other applicable Commission rules, decisions, GOs, and statutes that pertain to California public utilities, subject to the exemptions granted in this decision.

12. Applicant shall comply with the requirements applicable to competitive local exchange carriers included in Attachments B, C, and D to this decision.

13. Applicant's financial statements and information filed as Exhibits 2, 3, and 4 to the application shall be filed under seal and shall remain under seal for a period of two years after the date of this order. During this two-year period, the information filed as Exhibits 2, 3, and 4 to the application shall remain under seal and shall not be viewed by any person other than the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), the Assistant Chief ALJ, or the Chief ALJ, except as agreed to in writing by Applicant or as ordered by a court of competent jurisdiction. If Applicant believes that it is necessary for this

information to remain under seal for longer than two years, Applicant shall file a new motion at least 30 days before the expiration of this limited protective order.

14. Application 05-07-025 is closed.

This order is effective today.

Dated April 27, 2006, at San Francisco, California.

MICHAEL R. PEEVEY
President
GEOFFREY F. BROWN
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
Commissioners

ATTACHMENT A

List of deficiencies filed by ClearLinx Network Corporation in A.05-07-025 and to be corrected in its Tariff Compliance filing:

1. Sheet 6: Include the actual service area map in the tariff.
2. Sheet 26: Include the following in the CLC tariff: "Pursuant to Resolution T-16901, all telecommunications carriers are required to apply CPUC mandated Public Program surcharge rates (excluding (a) Universal Lifeline Telephone Service (ULTS) billings; (b) charges to other certificated carriers for services that are to be resold; (c) coin sent paid telephone calls (coin in box) and debit card calls; (d) customer-specific contracts effective before 9/15/94; (e) usage charges for coin-operated pay telephones; (f) directory advertising; and (g) one-way radio paging) and the CPUC Reimbursement Fee rate (excluding (a) directory advertising and sales; (b) terminal equipment sales; (c) inter-utility sales) to intrastate services. For a list of the Public Program surcharges and Reimbursement Fee, and the amounts, please refer to the Pacific Bell (d.b.a. SBC California) tariffs."

(END OF ATTACHMENT A)

ATTACHMENT B

REQUIREMENTS APPLICABLE TO COMPETITIVE LOCAL EXCHANGE CARRIERS

1. Applicant shall file, in this docket, a written acceptance of the certificate granted in this proceeding within 30 days of the effective date of this order.

2. Applicant is subject to the following fee and surcharges that must be regularly remitted per the instructions in Appendix E to Decision (D.) 00-10-028. The Combined California PUC Telephone Surcharge Transmittal Form must be submitted even if the amount due is zero.

- a. The current 1.29% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the Universal Lifeline Telephone Service Trust Administrative Committee Fund (Pub. Util. Code § 879; Resolution T-16966, dated December 1, 2005, effective January 1, 2006);
- b. The current 0.27% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California Relay Service and Communications Devices Fund (Pub. Util. Code § 2881; D.98-12-073 and Resolution T-16965, dated December 1, 2005, effective January 1, 2006);
- c. The user fee provided in Pub. Util. Code §§ 431-435, which is 0.11% of gross intrastate revenue (Resolution M-4816, dated March 15, 2006, effective April 1, 2006);
- d. The current 0.21% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California High Cost Fund-A (Pub. Util. Code § 739.3; D.96-10-066, pp. 3-4, App. B, Rule 1.C; Resolution T-16963, dated December 1, 2005, effective January 1, 2006);

- e. The current 2.00% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California High Cost Fund-B (D.96-10-066, p. 191, App. B, Rule 6.F.; Resolution T-16964, dated December 1, 2005, effective January 1, 2006); and
- f. The current 0.13% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California Teleconnect Fund (D.96-10--066, p. 88, App. B, Rule 8.G; Resolution T-16888, dated December 1, 2005, effective January 1, 2006).

Note: These fees change periodically. In compliance with Resolution T-16901, December 2, 2004, Applicant should check the joint tariff for surcharges and fees filed by Pacific Bell (dba SBC California) and apply the current surcharge and fee amounts in that joint tariff on end-user bills until further revised.

3. Applicant is a competitive local exchange carrier (CLC). The effectiveness of its future tariffs is subject to the schedules set forth in Appendix C, Section 4.E of D.95-12-056:

“E. CLCs shall be subject to the following tariff and contract filing, revision and service pricing standards:

- “(1) Uniform rate reductions for existing tariff services shall become effective on five (5) working days’ notice to the Commission. Customer notification is not required for rate decreases.
- “(2) Uniform major rate increases for existing tariff services shall become effective on thirty (30) days’ notice to the Commission, and shall require bill inserts, or a message on the bill itself, or first class mail notice to customers at least 30 days in advance of the pending rate increase.
- “(3) Uniform minor rate increases, as defined in D.90-11-029, shall become effective on not less than five (5) working days’ notice to the Commission. Customer notification is not required for such minor rate increases.

- “(4) Advice letter filings for new services and for all other types of tariff revisions, except changes in text not affecting rates or relocations of text in the tariff schedules, shall become effective on forty (40) days’ notice to the Commission.
- “(5) Advice letter filings revising the text or location of text material which do not result in an increase in any rate or charge shall become effective on not less than five (5) days’ notice to the Commission.
- “(6) Contracts shall be subject to GO 96-A rules for NDIECs, except interconnection contracts.
- “(7) CLCs shall file tariffs in accordance with PU Code Section 876.”

4. Applicant may deviate from the following provisions of GO 96-A: (a) paragraph II.C.(1)(b), which requires consecutive sheet numbering and prohibits the reuse of sheet numbers; and (b) paragraph II.C.(4), which requires that “a separate sheet or series of sheets should be used for each rule.” Tariff filings incorporating these deviations shall be subject to the approval of the Commission’s Telecommunications Division. Tariff filings shall reflect all fees and surcharges to which Applicant is subject, as reflected in 2 above.

5. Applicant shall file a service area map as part of its initial tariff.

6. Prior to initiating service, Applicant shall provide the Commission’s Consumer Affairs Branch with the name and address of its designated contact person(s) for purposes of resolving consumer complaints. This information shall be updated if the name or telephone number changes, or at least annually.

7. Applicant shall notify the Director of the Telecommunications Division in writing of the date that local exchange service is first rendered to the public, no later than five days after service first begins.

8. Applicant shall notify the Director of the Telecommunications Division in writing of the date interLATA service is first rendered to the public within

five days after service begins, and again within five days after intraLATA service begins.¹

9. Applicant shall keep its books and records in accordance with the Generally Accepted Accounting Principles.

10. In the event Applicant's books and records are required for inspection by the Commission or its staff, it shall either produce such records at the Commission's offices or reimburse the Commission for the reasonable costs incurred in having Commission staff travel to its office.

11. Applicant shall file an annual report with the Director of the Telecommunications Division, in compliance with GO 104-A, on a calendar-year basis with the information contained in Attachment C to this decision.

12. Applicant shall file an affiliate transaction report with the Director of the Telecommunications Division, in compliance with D.93-02-019, on a calendar-year basis using the form contained in Attachment D.

13. Applicant shall ensure that its employees comply with the provisions of Pub. Util. Code § 2889.5 regarding solicitation of customers.

14. Within 60 days of the effective date of this order, Applicant shall comply with Pub. Util. Code § 708, Employee Identification Cards, and notify the Director of the Telecommunications Division in writing of its compliance.

15. If Applicant is 90 days or more late in filing an annual report, or in remitting the surcharges and fee listed in 2 above, the Telecommunications Division shall prepare for Commission consideration a resolution that revokes Applicant's CPCN unless it has received written permission from the Telecommunications Division to file or remit late.

¹ California is divided into ten Local Access and Transport Areas (LATAs), each containing numerous local telephone exchanges. InterLATA describes services, revenues and functions relating to telecommunications originating within one LATA and terminating in another LATA. IntraLATA describes services, revenues and functions relating to telecommunications originating within a single LATA.

16. Applicant is exempt from General Order 96-A, subsections III.G (1) and (2), and Rule 18(b) of the Commission's Rules of Practice and Procedure.

17. Applicant is exempt from Pub. Util. Code §§ 816-830.

18. Applicant is exempt from the requirements of Pub. Util. Code § 851 for the transfer or encumbrance of property whenever such transfer or encumbrance serves to secure debt.

19. If Applicant decides to discontinue service or file for bankruptcy, it shall immediately notify the Telecommunications Division's Bankruptcy Coordinator.

20. Applicant shall send a copy of this decision to concerned local permitting agencies not later than 30 days from the date of this order.

(END OF ATTACHMENT B)

ATTACHMENT C
ANNUAL REPORT

An original and a machine readable, copy using Microsoft Word or compatible format shall be filed with the California Public Utilities Commission, 505 Van Ness Avenue, Room 3107, San Francisco, CA 94102-3298, no later than March 31st of the year following the calendar year for which the annual report is submitted.

Failure to file this information on time may result in a penalty as provided for in Sections 2107 and 2108 of the Public Utilities Code.

Required information:

1. Exact legal name and U # of the reporting utility.
2. Address.
3. Name, title, address, and telephone number of the person to be contacted concerning the reported information.
4. Name and title of the officer having custody of the general books of account and the address of the office where such books are kept.
5. Type of organization (e.g., corporation, partnership, sole proprietorship, etc.).
If incorporated, specify:
 - a. Date of filing articles of incorporation with the Secretary of State.
 - b. State in which incorporated.
6. Number and date of the Commission decision granting the Certificate of Public Convenience and Necessity.
7. Date operations were begun.
8. Description of other business activities in which the utility is engaged.
9. List of all affiliated companies and their relationship to the utility. State if affiliate is a:
 - a. Regulated public utility.
 - b. Publicly held corporation.
10. Balance sheet as of December 31st of the year for which information is submitted.
11. Income statement for California operations for the calendar year for which information is submitted.

For answers to any questions concerning this report, call (415) 703-2883.

(END OF ATTACHMENT C)

ATTACHMENT D
CALENDAR YEAR AFFILIATE TRANSACTION REPORT

1. Each utility shall list and provide the following information for each affiliated entity and regulated subsidiary that the utility had during the period covered by the annual Affiliate Transaction report.

- Form of organization (e.g., corporation, partnership, joint venture, strategic alliance, etc.);
- Brief description of business activities engaged in;
- Relationship to the utility (e.g., controlling corporation, subsidiary, regulated subsidiary, affiliate);
- Ownership of the utility (including type and percent ownership);
- Voting rights held by the utility and percent; and
- Corporate officers.

2. The utility shall prepare and submit a corporate organization chart showing any and all corporate relationships between the utility and its affiliated entities and regulated subsidiaries in #1 above. The chart should have the controlling corporation (if any) at the top of the chart; the utility and any subsidiaries and/or affiliates of the controlling corporation in the middle levels of the chart and all secondary subsidiaries and affiliates (e.g., a subsidiary that in turn is owned by another subsidiary and/or affiliate) in the lower levels. Any regulated subsidiary should be clearly noted.

3. For a utility that has individuals who are classified as “controlling corporations” of the competitive utility, the utility must only report under the requirements of #1 and #2 above any affiliated entity that either (a) is a public utility or (b) transacts any business with the utility filing the annual report excluding the provision of tariff services.

4. Each annual report must be signed by a corporate officer of the utility stating under penalty of perjury under the laws of the State of California

(CCP 2015.5) that the annual report is complete and accurate with no material omissions.

5. Any required material that a utility is unable to provide must be reasonably described and the reasons the data cannot be obtained, as well as the efforts expended to obtain the information, must be set forth in the utility's annual Affiliate Transaction Report and verified in accordance with Sections I-F of Decision 93-02-019.

6. Utilities that do not have affiliated entities must file, in lieu of the annual transaction report, an annual statement to the commission stating that the utility had no affiliated entities during the report period. This statement must be signed by a corporate officer of the utility, stating under penalty of perjury under the laws of the State of California (CCP 2015.5) that the annual report is complete and accurate with no material omissions.

(END OF ATTACHMENT D)

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

Locations:	City light poles in public rights-of-way adjacent to: <ul style="list-style-type: none">a) 1138 Drury Rd (PLN17314; APN 048H-7613-011-01)b) 6501 Pine Needle Dr (PLN17322; APN 048G-7429-019-00) Zoning: RH-4 Zone / S-9 Fire Safety Protection Combining Zone; General Plan: Hillside Residential; Council District: 1; Submitted: 9/18/17 <p style="text-align: center;"><i>*This is a re-notification*</i></p>
Proposal:	To consider requests for two (2) applications to install new "small cell site" Monopole Telecommunications Facilities on City light poles by attaching antenna and equipment.
File Number:	Ms. Ana Gomez-Abarca / Black & Veatch (913) 458-9148
Owner:	Extenet, et al.
Permits Required:	Major Conditional Use Permit and Regular Design Review with additional findings for Monopole Telecommunications Facility in Residential Zone; Minor Variance for Monopole not meeting 1:1 height/setback to residential lot line
Exemption:	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
Historic Status:	Non-historic properties
Action to be Taken:	Decision based on staff report
Appeal of Decision:	Appealable to City Council
Contact Information:	Contact case planner Aubrey Rose AICP at (510) 238-2071 or by email at arose@oaklandnet.com .

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 **April 16, 2018**, at Oakland City Hall, Council Chambers, 1 Frank H. Ogawa Plaza, Oakland, California 94612. The public hearing will start at 6:00

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 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

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. If 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) business days of the decision by the Planning Commission and by 4:00p.m.** An appeal shall be on a form provided by the Bureau of Planning, and submitted to the Bureau of Planning, 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. If the decision is not supported by substantial evidence and must include payment in accordance with the City of Oakland Master Fee Schedule. Failure to do so 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 issues 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

POSTING DATE: **April 27, 2018**

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

Attachment H

