



## MEMORANDUM

DATE: October 29, 2019

TO: Planning Commission

FROM: Kevin Jackson, Director Planning & Building

SUBJECT: Consideration of Wireless Communication Facilities Permit Applications and Exceptions filed by Crown Castle NG West LLC and SureSite for sites PHS10 to PHS18 (Applications #19-0188)

### AGENDA ITEM NUMBER 1

#### APPLICATION SUMMARY:

Wireless Communication Facilities (WCF) Permit

#19-0188

Crown Castle NG West LLC and SureSite

Project locations include sites identified by the following addresses:

- 201 Hillside Avenue (PHS10)
- 237 El Cerrito Avenue (PHS11)
- 410 Hillside Court (PHS12)
- 338 Magnolia Avenue (PHS13)
- 96 Fairview Avenue (PHS14)
- 116 MacKinnon Place (PHS15)
- 100 Palm Drive (PHS16)
- 185 Wildwood Avenue (PHS17)
- 523 Boulevard Way (PHS18)

Crown Castle NG West LLC and SureSite, henceforth referred to as “Applicant,” request City Council review and approval of wireless communications facilities (WCF) permits and exceptions for proposed installations at 17 sites located within the public rights-of-way in neighborhoods generally north and west of Piedmont Park and Piedmont High School. The group of applications for wireless communication facilities permits and exceptions are for a proposed small cell telecommunications network intended to improve data coverage and capacity to the immediate area around each installation. The proposed projects include three installations at existing streetlight locations, 13 installations on utility poles, and one strand-mounted antenna located adjacent to a utility pole. None of the proposed facilities include underground equipment vaults beneath the sidewalk. The applications include requests for exceptions from WCF permit development standards to meet state and federal requirements.

#### ITEM CONSIDERATION AND HEARING PROCESS:

The consideration and hearing for this item will be segmented due to conflicts of interest which exist for Planning Commissioner Ramsey. Commissioner Ramsey owns property within 500 feet

of a potential wireless communication facility located near 96 Fairview Avenue (PHS14). Commissioner Ramsey must recuse himself from any discussion or decision related to the wireless communication facility identified above because he is presumed to have a conflict of interest with that specific facility due to the proximity of his property to the facility location. However, the Political Reform Act also allows an agency to segment a decision in which any public official has a financial interest, to allow participation by the official. Consequently, this item will be segmented in accordance with the Political Reform Act, and the item will be heard and acted upon in the following manner:

1. Receive an introductory staff report consisting of a general overview of the basic design of the proposed wireless communication facilities;
2. Commissioner Ramsey will state his conflict for the record and leave the Council Chamber;
3. Staff will then proceed with providing a staff report consisting of specific information on the site near 96 Fairview Avenue, and the Commission will be able to ask questions of staff;
4. Chair Levine will open public comment related only to that site located near 96 Fairview Avenue;
5. Chair Levine will close public comment related to that site and bring back to Commission for deliberation only the site near 96 Fairview Avenue. At the conclusion of deliberations, the Commission will vote on whether to recommend approval of the wireless communication facilities permit application as it relates to the site near 96 Fairview Avenue only. Once the Commission votes on the action related to the one site, that action is final, and action on the 96 Fairview Avenue site cannot be reconsidered;
6. Commissioner Ramsey will then return to the dais after which the Commission will receive a staff report consisting of information on the seven remaining wireless communication facilities being considered by the Commission;
7. Chair Levine will open public comment related only to the remaining seven sites;
8. Chair Levine will close public comment related to those seven sites and bring back to Commission for deliberation only on the remaining seven sites. At the conclusion of deliberations, the Commission will vote on motions to recommend approval of resolutions deciding Wireless Communication Facilities Permit applications filed by Crown Castle NG West LLC.

#### PROJECT BACKGROUND:

In November 2016, Crown Castle NG West LLC ("Crown Castle") filed nine applications to install wireless communication facilities (WCF) as part of a distributed antenna system. Enclosures for support equipment consisted of underground vaults. In June 2017, the Park Commission reviewed the possible impacts to street trees, and the Planning Commission reviewed the proposals and made recommendations to City Council on the design and location of each proposed wireless communications facility, which led Crown Castle to revise the project and resubmit plans in response.

The City Council considered the applications at a duly noticed public hearing held at its regular meeting in October 2017. The City Council denied the applications for sites at or near 150 Highland Avenue (PHS-02), 303 Hillside Avenue (PHS-05), 428 El Cerrito Avenue (PHS-06), 352 Jerome Avenue (PHS-07), and 1159 Winsor Avenue (PHS-08). In addition, the City Council approved, with conditions, the applications for sites at or near 340-370 Highland Avenue (PHS-01), 740 Magnolia Avenue (PHS-04), and 799 Magnolia Avenue (PHS-03).

On November 16, 2017, Crown Castle filed a complaint against the City of Piedmont in federal court. The suit addressed both the City's approvals and denials of the above WCF permit applications.

On November 20, 2017, the City Council approved the WCF permit application for a new light post and wireless communication facility in Piedmont Park, across from 314 Wildwood Avenue (site PHS09), subject to conditions of approval. Site PHS09 was not subject to litigation and was not included in settlement negotiations.

Settlement negotiations related to the Crown Castle complaint resulted in a settlement agreement which improved the design of the wireless communication facilities and offered a potential resolution to the pending litigation should the City Council ultimately approve facilities which are consistent with the location and design of the facilities, as configured in the settlement agreement.

On December 17, 2018, the City Council approved the settlement agreement. The settlement agreement provided for Crown Castle to file applications for 18 small wireless communication facilities permits as described in the settlement agreement. As part of the settlement agreement terms, the Council is required to review the permit applications, and if the applications meet the requirements of the settlement agreement and the City Council provides final approval of the permit applications, Crown Castle is obligated to dismiss the pending litigation.

Crown Castle NG West LLC has now submitted WCF permit applications to build 17 small wireless communication facilities within the public right-of-way on utility poles and street lights. The Planning Commission reviewed and made recommendations to Council on sites 1 to 8 in 2017. Sites 10 to 18 are new applications and therefore are subject to Planning Commission review and recommendation before City Council action on the applications. The proposals include antennas and telecommunications equipment mounted on utility poles along residential streets. None of the designs include underground equipment vaults beneath City sidewalks. A 19<sup>th</sup> application (PHS19) was withdrawn by Crown Castle on October 3, 2019.

#### WIRELESS COMMUNICATION FACILITIES PERMITS:

The WCF permit applications for Planning Commission consideration consist of nine sites. These additional sites were included in the applicant's telecommunications network because all of the applications no longer have the 700 MHz radios that were proposed in the 2017 applications. Instead, the applications use only 1900 and 2100 MHz bandwidths to serve the area in the 2017 proposal. Elimination of the 700 MHz radios allows for smaller antennas and radios that have a smaller broadcast range. In order to serve the same area, the project includes the nine additional sites. Eight of the sites are proposed for existing utility pole locations. Site PHS08 would have a new utility pole location. Antennas are proposed to be located at the top of utility poles with a maximum height of 3 feet. The radios are proposed to be mounted on the utility poles. The antennas

and the radios are proposed to be concealed in shrouds. Application considerations include requests for exceptions to WCF permit standards to comply with federal and state law.

#### ZONING AND CODE COMPLIANCE:

Wireless communication facilities, located on street lights and in underground vaults, are subject to the Piedmont Municipal Code, including the following regulations: Division 17.46 (Wireless Communication Facilities), Chapter 3 (Trees), Chapter 5 (Building Code), and Chapter 18 (Streets and Sidewalks) of the City Code.

The table provided as Attachment A (pages 11-15) provides detailed information for each of the proposed WCF installations. As shown in the table, the facilities individually meet WCF Permit application development standards, City regulations for trees, sidewalks, and noise, and Public Works Development Standards, subject to standard and project-specific conditions of approval. A summary of the projects' compliance with City requirements is provided below.

#### ***Piedmont Municipal Code Section 17.46.040 Location***

##### **Location within the City**

The applicants propose to construct new WCF installations in the public right-of-way on utility poles. The location preference in the City Code (section 17.46.040) is, in order of preference, (i) on publicly-owned property outside of the public right of way, in Zone B within the city, (ii) on publicly-owned facilities in any other zone outside of the public right of way, or (iii) public rights-of-way. All of the proposed sites are within the public right-of-way, the third preference. ***Complies.***

##### **Collocation Preference**

The applicants propose to construct WCF installations on utility poles and to conceal the equipment in shrouds and enclosures. The applicants have stated their willingness to collocate with additional wireless service providers. The location preference in the City Code (section 17.46.040) is to locate on or in an existing structure in which the wireless communication facility can be concealed, to collocate on an existing wireless communication facility, or to locate on a new structure that can be incorporated in an inconspicuous or compatible manner with the surrounding area. *Collocation* means the location of two or more wireless communication facilities on a single support structure. Collocation limits the proliferation of new antennas and associated visual clutter. ***Complies.***

##### **Site Agreement**

None of the nine proposed WCF installations are located on City-owned facilities. ***Not applicable.***

#### ***Piedmont Municipal Code Section 17.46.070 Development Standards.***

##### **Collocation**

The applicants propose to construct WCF installations on utility poles and to conceal the equipment in shrouds and enclosures. The applicants have stated their willingness to collocate with additional wireless service provider, see above. ***Complies.***

### **Height Limit**

The applications propose WCF installations ranging in heights from 39 feet tall to 57 feet 2.5 inches. The height limit for wireless communication facilities in the City Code (section 17.46.070.A.2) is 35 feet, measured from the ground to the highest point of the facility. The applicant requests exceptions to this limit pursuant to Section 17.46.080.D.2 of the Piedmont City Code. Pursuant to section 17.46.080.D.2, an applicant may apply for an exception to the standards for wireless communication facilities if the applicant contends that the City is required by federal or state law to approve the facility. The applicant has submitted information stating that an exception is warranted on the basis of CPUC safety regulations. *Complies.*

### **Screening**

The applications propose radome shrouds and radio enclosures to conceal and screen the proposed WCF installations. The screening requirement for WCF permits in the City Code (section 17.46.070.A.2) states that roof mounted equipment and antennas must be located to minimize visibility. *Not applicable.*

### **Concealed or Camouflaged**

City Code (section 17.46.070.A.3) states wireless communication facilities must be designed to minimize visual impacts. When feasible, the facilities must be concealed or camouflaged. The facilities must have a non-reflective finish and be painted or otherwise treated to minimize visibility and the obstruction of views. The facilities may not bear signs, other than certification, warning, emergency contacts, or other signage required by law or expressly required by the city. The applicants propose radome shrouds and radio enclosures to conceal and screen the proposed WCF installations. The plans show facility signage that is small and consists of required safety warnings. *Complies.*

### **Public Health, Peace and Safety**

On July 9, 2019, the applicant submitted Radio Frequency (RF) Emissions Compliance Reports prepared by Waterford Consultants, LLC, consulting engineers. The reports state that the projects as proposed will be in full compliance with the Federal Communications Commission (FCC) regulations and guidelines limiting human exposure to RF emissions. The reports conclude that for each of the nine sites the exposure to electromagnetic field/radio frequency emissions from the proposed antennas would be less than 1% of the safe exposure limits established by the FCC. The requirement to maintain public health, peace and safety for wireless communication facilities in the City Code section 17.46.070.A.4 states that a wireless communication facility may not adversely affect the public health, peace and safety. *Complies.*

### **Physical Safety in the Right-of-Way**

City Code section 17.46.070.A.5 states that a wireless communication facility located in the public right-of-way may not cause: (i) physical or visual obstruction, or safety hazard, to pedestrians, cyclists, or motorists; or (ii) inconvenience to the public's use of the right-of-way. Equipment, walls, and landscaping located above grade must be at least 18 inches from the front of the curb and not interfere with the public's use of the right-of-way. Proposed equipment cabinets will be pole-mounted a minimum of 7 feet above the ground. No sites will utilize underground equipment vaults. Additionally, as compared to the 2017 project designs previously reviewed by the Fire Department, the current project designs filed in 2019 are smaller, have lower-powered equipment, and are located further from the edge of curb and away from travel lanes. Also, conditions of

approval have been prepared by staff relating to construction management and on-going maintenance of the facilities to ensure that traffic impacts are minimized and emergency vehicle access is maintained.

The applicants request exceptions to the 18-inch setback from front of curb limit pursuant to section 17.46.080.D.2 of the Piedmont City Code, which states that an applicant may apply for an exception to the standards for wireless communication facilities if the applicant contends that the City is required by federal or state law to approve the facility. The applicants request to adjust utility poles closer than 18 inches to maintain current ADA clearances on the adjacent sidewalks. ***Complies.***

### **Compliance with State and Federal Law**

City Code section 17.46.070.A.6 requires each wireless communication facility application to comply with federal and state statutes governing local agencies' land use authority regarding the siting of wireless communication facilities, including without limitation 47 USC sections 253, 332(c)(7), 47 USC section 1455 (also known as section 6409 of the 2012 Middle Class Tax Relief and Jobs Act), California Government Code sections 50030, 65850.6 and 65964, and California Public Utilities Code sections 7901 and 7901.1. Each reference to a federal and state statute is to the statute as it may be as amended from time-to-time and to the extent the statute remains in effect. ***Complies.***

### ***Piedmont Municipal Code Chapter 18 Streets and Sidewalks Ordinance***

#### **Sidewalk Obstruction Section 18.22**

Equipment cabinets are proposed to be pole-mounted a minimum of 7 feet above the adjacent sidewalks. No sites will utilize underground equipment vaults. Conditions of approval have been prepared by staff relating to construction management and on-going maintenance of the facilities to ensure that sidewalk impacts are minimized and pedestrian access is maintained. Section 18.22 of the Streets and Sidewalks Ordinance of the Piedmont Municipal Code states that it is illegal to obstruct a sidewalk or roadway, as follows, "It shall be unlawful for any person to place or cause to be placed anywhere upon any sidewalk or roadway, anything which shall obstruct, restrict or prevent the use of any portion of such sidewalk or roadway; provided, that this section shall not apply to the articles or things listed in section 18.16." ***Complies.***

### ***Noise - Section 5.4.11 of the Piedmont City Code***

Section 5.4.11 of the Piedmont City Code regulates mechanically generated noise sources. It states, "Machines and other devices located on the exterior of structures which generate sounds perceptible outside the perimeters of the lot on which the machine or other device is located shall be installed with such sound transmission control measures to adequately minimize or eliminate the transmission of the sound to a level not to exceed 50 decibels, A-weighted, beyond property perimeters. This section is directed to and includes, but is not limited to, pool and spa filter systems, air conditioning units, and exterior mounted blowers for exhaust systems." According to the application materials, the project does not include any noise-generating equipment. ***Complies.***

### ***Chapter 3 (Trees)***

Article IV of City Code Chapter 3, Trees, provides the regulations applicable to City trees. Pursuant to section 3.14, City Approval Required, the vegetation on public property is owned by

the City of Piedmont. No person other than a City employee or other contractual agent of the City may plant, prune, treat, or remove vegetation on public property. The current applications do not include underground equipment vaults that were part of the 2017 applications and that were found to have significant impacts on the root systems of adjacent trees. For the current applications, the applicants filed arborist reports prepared by Hortscience on July 9, 2019 which found that the impacts to street trees would be related to clearance for pole installations only. As conditioned, the applicants must obtain Public Works Director approval before installing the utility poles and before conducting clearance pruning. The Public Works Director may direct the pruning work. ***Complies, as conditioned.***

### **Public Works Standard Details**

The City of Piedmont provides City-Council approved [Public Works Standard Details](#) for utilities and private developers doing work in the public right-of-way. These standards ensure that work involving the City's sidewalks, planters, medians, roads, and other areas are standardized, safe, and designed to maintain convenient access to pedestrians, bicyclists, and vehicles. Pursuant to the Public Works Standard Details General Requirements in the Public Right-of-Way (General Requirements), modifications to the standard details are permitted in cases where modifications are required to achieve the intent of the standard details, existing physical conditions at the site of the work require modifications of the standard details to maintain or improve public safety, or the outcome of the modifications will result in an equivalency in function and appearance of the standard details. Crown Castle's projects are consistent with the Public Works Standard Details requirements because the applicants have worked with the City Engineer's office and Planning & Building staff to ensure that the WCF permit applications address site-specific physical conditions and maintain safe and convenient access to pedestrians, bicyclists, and vehicles. All of the proposed telecommunications network facilities have been presented to the City simultaneously and reviewed by the City Engineer and Public Works Director. ***Complies.***

### **CONFORMANCE TO DESIGN GUIDELINES AND GENERAL PLAN:**

Compliance with the Piedmont General Plan is a requirement of the Piedmont Design Guidelines and Wireless Communication Facilities Ordinance. The Piedmont General Plan includes policies and actions intended to preserve the residential character of the community. The City of Piedmont General Plan includes goals and policies related to wireless communication facilities, public spaces, civic center, street trees, undergrounding of utilities, and public sidewalks.

The proposed designs are consistent with the Piedmont Design Guidelines and General Plan in that the scale and mass of the communication equipment are appropriate for the utility poles and streetscape in the residential (Zone A) and Civic Center (Zone B) areas; the facilities are concealed and camouflaged to blend with their surroundings; and the projects satisfy Piedmont General Plan Policy 35.8, "Telecommunication Services: Collaborate with telecommunication service providers to foster access to emerging communication and information technology for Piedmont residents," and Policy 37.4, "Siting and Design of Infrastructure: Ensure that the siting and design of infrastructure facilities, including water tanks and telecommunication towers mitigate the potential for adverse visual impacts and are consistent with policies in the Design and Preservation Element."

The following Piedmont Design Guidelines are applicable to structures including utilities in the public right-of-way:

### **Site Design**

Design Guideline 3.02, Relation to the Public Realm, states, “Improvements...which abut the public realm should reinforce the City’s efforts to make these spaces attractive and visually cohesive.” The current applications propose relatively small radio enclosures and antennas that minimize their visibility. In addition, they are attached to the utility poles in a manner consistent with other utility equipment on the poles and, in the case of the antenna, are meant to be seen as an extension of the pole itself. **Complies.**

Design Guideline 3.03.01.1, Significant Views, Compatibility with Nearby Lots, states, “The siting and construction of a new or modified existing structure, including its site plantings at mature growth, should make all reasonable efforts to avoid adverse impacts on significant views currently available to existing nearby residences.” The current applications propose radios in cabinets and cables in risers that hug the pole in a manner that avoids an adverse impact on views. Poletop antennas are proposed instead of antennas attached to the side of the utility pole in order to mitigate the overall bulk of the equipment. At sites where the height of the utility pole with the antenna is proposed to increase in order to meet state and/or federal regulations, the size of the equipment has been kept as small as possible to minimize impacts of views. **Complies.**

Design Guideline 3.03.02.1, Visual and Acoustical Privacy, Access to Direct and Indirect Light, Compatibility with Contiguous Lots, states “The siting of a new or modified existing structure, the location of its exterior openings, and the location of exterior mounted appliance ventilation and exhaust ports should respect the visual and acoustical privacy of the residences located on contiguous properties, including their outdoor living areas or open spaces.” The proposed WCF equipment is relatively small in size and is closely attached to utility poles. The applications propose no equipment producing mechanically-generated noise. Therefore, there will be no adverse impact on visual and acoustical privacy or access to direct and indirect light. **Complies.**

### **Building Design: General**

Design Guideline 4.04.01.1, Mechanical Equipment, Neighborhood and Contiguous Parcel Compatibility, states, “Noise and odor generating equipment, such as water pumps, heat pumps, air conditioning condensers, kitchen hood exhaust fans, and pool equipment, should be located so that noise generation is within the maximum decibel limit regulated by the Piedmont Building Code.” The applications meet this guideline because the proposed facilities do not include mechanical equipment that generates noise in excess of that allowed by the Piedmont Building Code. **Complies.**

Design Guideline 4.04.02.1, Mechanical Equipment, On-Site Aesthetic Design Compatibility, states, “Site-and ground-mounted mechanical or electrical equipment should be screened using plant materials, fencing, walls, or other approved means to shield the equipment from view.” The proposed WCF include concealment and screening devices: a radome to enclose the antenna, shrouds to enclose the radios, and risers to enclose the cables. **Complies.**

Design Guideline 4.04.02.4, Mechanical Equipment, On-Site Aesthetic Design Compatibility, states, “Runs of all supply, exhaust and venting plumbing, conduits, and flues should be concealed within the walls of a building. If concealment is infeasible, the run should be minimized, discretely placed, and painted to match the adjacent wall.” The cabling for the proposed WCF equipment



will be discretely placed within risers attached to the utility pole so that the run is as concealed as possible. *Complies.*

Design Guideline, 4.04.02.5, Mechanical Equipment, On-Site Aesthetic Design Compatibility, states, “Utility connections should be screened or painted to blend in with the exterior materials to which they are mounted.” As conditioned, and where feasible, the equipment attached to the utility poles will be painted to closely match the color of the pole. *Complies.*

Following review of plans, staff believe that the WCF permit applications, as conditioned in the attached draft resolutions, are consistent with these Design Guidelines and General Plan requirements.

### CEQA COMPLIANCE

Based upon the applications, plans and documentation submitted in connection with the project applications, the project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the CEQA Guidelines, Construction or Conversion of Small Structures, subsection (d) (water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction) because the proposed wireless communication facilities are small utility structures located in a developed setting. No exceptions to the above exemption has been identified that would make the proposals ineligible for use of a categorical exemption because the projects’ settings are not in a location that is particularly sensitive, the surrounding area is developed and urbanized, and existing utilities are located at or near each of the proposed installations, there are no unusual circumstances relating to the proposed installations, and no scenic highways, hazardous waste sites, or historical resources could be affected by the project.

### STAFF RECOMMENDATION AND PLANNING COMMISSION ACTION:

Pursuant to Piedmont Municipal Code section 17.46.080.D, the City Council must make findings when taking action on a proposed WCF permit application. The Planning Commission is the recommending body in the case of WCF permit applications in the public right-of-way.

Staff recommends the Planning Commission following the hearing process identified on page 2 of this report, and take the actions listed below. To do so, the Commission may adopt the resolutions provided as Attachments B (pages 17-26) and C (pages 27-36).

1. Based upon the applications, plans and documentation submitted in connection with the WCF permit applications, recommend that the City Council determine the WCF permit applications to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the CEQA Guidelines, Construction or Conversion of Small Structures, subsection (d) (water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction) because the proposed wireless communication facilities are small utility structures located in a developed setting. No exceptions to the exemptions have been identified that would make the proposals ineligible for the categorical exemptions because the projects’ settings are not environmentally sensitive, the surrounding area is developed and urbanized, and existing utilities are located at or near each of the proposed installations.

2. Recommend to the City Council the approval of facilities proposed at sites PHS10 to PHS 18, as conditioned, based on the findings and associated conditions of approval as presented in the draft resolutions prepared as follows:
  - a. Resolution 1, recommending approval of Site PHS14; and
  - b. Resolution 2, recommending approval of Sites PHS10, PHS11, PHS12, PHS13, PHS15, PHS16, PHS17, and PHS18.

CITY COUNCIL ACTION REQUIRED:

City Council action is required to approve or disapprove the WCF permit applications.

ATTACHMENTS:

	<u>Pages</u>	<u>Document</u>
A	11-15	Applications Detail Table
B	17-26	Resolution 1, recommending approval of Site PHS14
C	27-36	Resolution 2, recommending approval of Sites PHS10, PHS11, PHS12, PHS13, PHS15, PHS16, PHS17, and PHS18

Separate and available on the City website at <https://go.usa.gov/xVhkM>

Site PHS10 [Application Materials and Plans](#)  
Site PHS11 [Application Materials and Plans](#)  
Site PHS12 [Application Materials and Plans](#)  
Site PHS13 [Application Materials and Plans](#)  
Site PHS14 [Application Materials and Plans](#)  
Site PHS15 [Application Materials and Plans](#)  
Site PHS16 [Application Materials and Plans](#)  
Site PHS17 [Application Materials and Plans](#)  
Site PHS18 [Application Materials and Plans](#)

By: Kevin Jackson, Director of Planning & Building  
Pierce Macdonald-Powell, Senior Planner

2019 Site Number	Location (at or near)	Pole Type	Antenna	Radio Equipment and Enclosure	Complies with City Codes and Regulations	Complies with General Plan and Design Guidelines	Complies with Public Works Standard Details
<b>Application PHS10</b>	201 Hillside Avenue  Zone A  64 feet to nearest residence at 201 Hillside Avenue	New Utility Pole #110118103	Canister type  3-foot long, 8-inch diameter pole top  Model dbSpectra DB362-XD3S-M  14-inch diameter radome enclosure  8-foot 6-inches taper  57 feet 2.5 inches tall  Signal emits .028% of the FCC limit.	Pole-mounted enclosures  Two AK009A shrouds  24 x 9 x 6.5 inches, each shroud  Four Ericsson Radio 2203  5 watts of power per radio Four radios total  Frequency specs: 1900 and 2100 MHZ	Based on the reasons outlined in the staff report summary, the project complies with Piedmont Municipal Code Section 17.46.040, WCF Location; Piedmont Municipal Code Section 17.46.070, WCF Development Standards; Piedmont Municipal Code Chapter 18, Streets and Sidewalks Ordinance; Piedmont Municipal Code Section 5.4.11, Noise; and Piedmont Municipal Code Chapter 3, Trees  <b>Exception required for height greater than 35 feet in Zone A.</b>	This project complies because the scale and mass of the communication equipment are appropriate for the streetlight and streetscape in the area and the equipment is concealed and camouflaged to blend with the surroundings and satisfies General Plan Policy 35.8, Telecommunication Services and Policy 37.4, Siting and Design of Infrastructure; and Design Guidelines Section 3.02 Relation to the Public Realm; Section 3.03.01.1 Significant Views, Compatibility with Nearby Lots; Section 3.03.02.1 Visual and Acoustical Privacy, Access to Direct and Indirect Light, Compatibility with Contiguous Lots; Section 4.04.01.1 Mechanical Equipment, Neighborhood and Contiguous Parcel Compatibility; Section 4.04.02.1 Mechanical Equipment, On-Site Aesthetic Design Compatibility; Section 4.04.02.4 Mechanical Equipment, On-Site Aesthetic Design Compatibility; and Section 4.04.02.5 Mechanical Equipment, On-Site Aesthetic Design Compatibility	The project is consistent because it addresses site-specific physical conditions and maintains safe and convenient access to pedestrians, bicyclists, and vehicles. All of the proposed facilities have been presented to the City as part of a comprehensive plan and reviewed by the City Engineer and Public Works Director. The designs are subject to the terms of the existing settlement agreement. Per the Public Works Standard Details General Requirements, City Council agreements, such as the settlement agreement take precedence over the requirements of the Standard Details.
<b>Application PHS11</b>	237 El Cerrito Avenue  Zone A  17 feet from nearest residence at 237 El Cerrito Avenue, 52 feet in the air	New Utility Pole #110110200	Canister type  3-foot long, 8 inch diameter, pole top  Model dbSpectra DB362-XD3S-M  14-inch diameter radome enclosure  8-foot 6-inches taper  57 feet 2.5 inches tall  Signal emits .028% of the FCC limit.	Pole-mounted enclosures  Two AK009A shrouds  24 x 9 x 6.5 inches, each shroud  Four Ericsson Radio 2203  5 watts of power per radio Four radios total  Frequency specs: 1900 and 2100 MHZ	Based on the reasons outlined in the staff report summary, the project complies with Piedmont Municipal Code Section 17.46.040, WCF Location; Piedmont Municipal Code Section 17.46.070, WCF Development Standards; Piedmont Municipal Code Chapter 18, Streets and Sidewalks Ordinance; Piedmont Municipal Code Section 5.4.11, Noise; and Piedmont Municipal Code Chapter 3, Trees.  <b>Exception required for height greater than 35 feet in Zone A.</b>	This project complies because the scale and mass of the communication equipment are appropriate for the streetlight and streetscape in the area and the equipment is concealed and camouflaged to blend with the surroundings and satisfies General Plan Policy 35.8, Telecommunication Services and Policy 37.4, Siting and Design of Infrastructure; and Design Guidelines Section 3.02 Relation to the Public Realm; Section 3.03.01.1 Significant Views, Compatibility with Nearby Lots; Section 3.03.02.1 Visual and Acoustical Privacy, Access to Direct and Indirect Light, Compatibility with Contiguous Lots; Section 4.04.01.1 Mechanical Equipment, Neighborhood and Contiguous Parcel Compatibility; Section 4.04.02.1 Mechanical Equipment, On-Site Aesthetic Design Compatibility; Section 4.04.02.4 Mechanical Equipment, On-Site Aesthetic Design Compatibility; and Section 4.04.02.5 Mechanical Equipment, On-Site Aesthetic Design Compatibility.	The project is consistent because it addresses site-specific physical conditions and maintains safe and convenient access to pedestrians, bicyclists, and vehicles. All of the proposed facilities have been presented to the City as part of a comprehensive plan and reviewed by the City Engineer and Public Works Director. The designs are subject to the terms of the existing settlement agreement. Per the Public Works Standard Details General Requirements, City Council agreements, such as the settlement agreement take precedence over the requirements of the Standard Details.

2019 Site Number	Location (at or near)	Pole Type	Antenna	Radio Equipment and Enclosure	Complies with City Codes and Regulations	Complies with General Plan and Design Guidelines	Complies with Public Works Standard Details
<b>Application PHS12</b>	410 Hillside Court (shown as thru street) Zone A  18 feet to residence at 410 Hillside Court, 47 feet in the air	New Utility Pole #110118153	Canister type  3-foot long, 8-inch diameter, pole top  Model dbSpectra DB362-XD3S-M  14-inch diameter radome enclosure  8 foot 6 inches taper  52 feet 8.5 inches tall  Signal emits .033% of the FCC limit.	Pole-mounted enclosures  Two AK009A shrouds  24 x 9 x 6.5 inches, each shroud  Four Ericsson Radio 2203  5 watts of power per radio Four radios total  Frequency specs: 1900 and 2100 MHZ	Based on the reasons outlined in the staff report summary, the project complies with Piedmont Municipal Code Section 17.46.040, WCF Location; Piedmont Municipal Code Section 17.46.070, WCF Development Standards; Piedmont Municipal Code Chapter 18, Streets and Sidewalks Ordinance; Piedmont Municipal Code Section 5.4.11, Noise; and Piedmont Municipal Code Chapter 3, Trees.  <b>Exception required for height greater than 35 feet in Zone A.</b>  <b>As conditioned, Public Works Director will manage tree pruning to control aesthetics of 30% crown of tree loss needed for pole clearance.</b>	This project complies because the scale and mass of the communication equipment are appropriate for the streetlight and streetscape in the area and the equipment is concealed and camouflaged to blend with the surroundings and satisfies General Plan Policy 35.8, Telecommunication Services and Policy 37.4, Siting and Design of Infrastructure; and Design Guidelines Section 3.02 Relation to the Public Realm; Section 3.03.01.1 Significant Views, Compatibility with Nearby Lots; Section 3.03.02.1 Visual and Acoustical Privacy, Access to Direct and Indirect Light, Compatibility with Contiguous Lots; Section 4.04.01.1 Mechanical Equipment, Neighborhood and Contiguous Parcel Compatibility; Section 4.04.02.1 Mechanical Equipment, On-Site Aesthetic Design Compatibility; Section 4.04.02.4 Mechanical Equipment, On-Site Aesthetic Design Compatibility; and Section 4.04.02.5 Mechanical Equipment, On-Site Aesthetic Design Compatibility	The project is consistent because it addresses site-specific physical conditions and maintains safe and convenient access to pedestrians, bicyclists, and vehicles. All of the proposed facilities have been presented to the City as part of a comprehensive plan and reviewed by the City Engineer and Public Works Director. The designs are subject to the terms of the existing settlement agreement. Per the Public Works Standard Details General Requirements, City Council agreements, such as the settlement agreement take precedence over the requirements of the Standard Details.
<b>Application PHS13</b>	338 Magnolia Avenue Zone A  31 feet to 338 Magnolia Ave	New Utility Pole #110482679	Canister type  3-foot long, 8-inch diameter, pole top  Model dbSpectra DB362-XD3S-M  14-inch diameter radome enclosure  8 foot 6 inches taper  57 feet 2.5 inches tall  Signal emits .028% of the FCC limit.	Pole-mounted enclosures  Two AK009A shrouds  24 x 9 x 6.5 inches, each shroud  Four Ericsson Radio 2203  5 watts of power per radio Four radios total  Frequency specs: 1900 and 2100 MHZ	Based on the reasons outlined in the staff report summary, the project complies with Piedmont Municipal Code Section 17.46.040, WCF Location; Piedmont Municipal Code Section 17.46.070, WCF Development Standards; Piedmont Municipal Code Chapter 18, Streets and Sidewalks Ordinance; Piedmont Municipal Code Section 5.4.11, Noise; and Piedmont Municipal Code Chapter 3, Trees.  <b>Exception required for height greater than 35 feet in Zone A.</b>  <b>As conditioned, the applicant shall re-use the existing pole location to avoid impacts to street trees.</b>	This project complies because the scale and mass of the communication equipment are appropriate for the streetlight and streetscape in the area and the equipment is concealed and camouflaged to blend with the surroundings and satisfies General Plan Policy 35.8, Telecommunication Services and Policy 37.4, Siting and Design of Infrastructure; and Design Guidelines Section 3.02 Relation to the Public Realm; Section 3.03.01.1 Significant Views, Compatibility with Nearby Lots; Section 3.03.02.1 Visual and Acoustical Privacy, Access to Direct and Indirect Light, Compatibility with Contiguous Lots; Section 4.04.01.1 Mechanical Equipment, Neighborhood and Contiguous Parcel Compatibility; Section 4.04.02.1 Mechanical Equipment, On-Site Aesthetic Design Compatibility; Section 4.04.02.4 Mechanical Equipment, On-Site Aesthetic Design Compatibility; and Section 4.04.02.5 Mechanical Equipment, On-Site Aesthetic Design Compatibility.	The project is consistent because it addresses site-specific physical conditions and maintains safe and convenient access to pedestrians, bicyclists, and vehicles. All of the proposed facilities have been presented to the City as part of a comprehensive plan and reviewed by the City Engineer and Public Works Director. The designs are subject to the terms of the existing settlement agreement. Per the Public Works Standard Details General Requirements, City Council agreements, such as the settlement agreement take precedence over the requirements of the Standard Details.

2019 Site Number	Location (at or near)	Pole Type	Antenna	Radio Equipment and Enclosure	Complies with City Codes and Regulations	Complies with General Plan and Design Guidelines	Complies with Public Works Standard Details
<b>Application PHS14</b>	96 Fairview Avenue  Zone A  32 feet to residence at 90 Fairview Avenue	New Utility Pole #110135595	Canister type  3-foot long, 8-inch diameter, pole top  Model dbSpectra DB362-XD3S-M  14-inch diameter radome enclosure  8-foot 6-inches taper  57 feet 2.5 inches tall  Signal emits .028% of the FCC limit.	Pole-mounted enclosures  Two AK009A shrouds  24 x 9 x 6.5 inches, each shroud  Four Ericsson Radio 2203  5 watts of power per radio Four radios total  Frequency specs: 1900 and 2100 MHZ	Based on the reasons outlined in the staff report summary, the project complies with Piedmont Municipal Code Section 17.46.040, WCF Location; Piedmont Municipal Code Section 17.46.070, WCF Development Standards; Piedmont Municipal Code Chapter 18, Streets and Sidewalks Ordinance; Piedmont Municipal Code Section 5.4.11, Noise; and Piedmont Municipal Code Chapter 3, Trees.  <b>Exception required for height greater than 35 feet in Zone A.</b>  <b>As conditioned, Public Works Director will manage tree pruning to control aesthetics of 40% crown of tree loss needed for pole clearance.</b>	This project complies because the scale and mass of the communication equipment are appropriate for the streetlight and streetscape in the area and the equipment is concealed and camouflaged to blend with the surroundings and satisfies General Plan Policy 35.8, Telecommunication Services and Policy 37.4, Siting and Design of Infrastructure; and Design Guidelines Section 3.02 Relation to the Public Realm; Section 3.03.01.1 Significant Views, Compatibility with Nearby Lots; Section 3.03.02.1 Visual and Acoustical Privacy, Access to Direct and Indirect Light, Compatibility with Contiguous Lots; Section 4.04.01.1 Mechanical Equipment, Neighborhood and Contiguous Parcel Compatibility; Section 4.04.02.1 Mechanical Equipment, On-Site Aesthetic Design Compatibility; Section 4.04.02.4 Mechanical Equipment, On-Site Aesthetic Design Compatibility; and Section 4.04.02.5 Mechanical Equipment, On-Site Aesthetic Design Compatibility	The project is consistent because it addresses site-specific physical conditions and maintains safe and convenient access to pedestrians, bicyclists, and vehicles. All of the proposed facilities have been presented to the City as part of a comprehensive plan and reviewed by the City Engineer and Public Works Director. The designs are subject to the terms of the existing settlement agreement. Per the Public Works Standard Details General Requirements, City Council agreements, such as the settlement agreement take precedence over the requirements of the Standard Details.
<b>Application PHS15</b>	108 / 116 MacKinnon Place  Zone A  33 feet to residence at 112 Hillside Ct	New Utility Pole #110112771	Canister type  3-foot long, 8 inch diameter, pole top  Model dbSpectra DB362-XD3S-M  14-inch diameter radome enclosure  8-foot 6-inches taper  "Western Utility PR-251"  39 feet 2.5 inches tall  Signal emits .063% of the FCC limit.	Pole-mounted enclosures  Two AK009A shrouds  24 x 9 x 6.5 inches, each shroud  Four Ericsson Radio 2203  5 watts of power per radio Four radios total  Frequency specs: 1900 and 2100 MHZ	Based on the reasons outlined in the staff report summary, the project complies with Piedmont Municipal Code Section 17.46.040, WCF Location; Piedmont Municipal Code Section 17.46.070, WCF Development Standards; Piedmont Municipal Code Chapter 18, Streets and Sidewalks Ordinance; Piedmont Municipal Code Section 5.4.11, Noise; and Piedmont Municipal Code Chapter 3, Trees.  <b>Exception required for height greater than 35 feet in Zone A.</b>  <b>As conditioned, applicant shall provide a survey to property line(s) at 116 Arbor Drive to confirm that utility pole is located in the public right-of-way.</b>	This project complies because the scale and mass of the communication equipment are appropriate for the streetlight and streetscape in the area and the equipment is concealed and camouflaged to blend with the surroundings and satisfies General Plan Policy 35.8, Telecommunication Services and Policy 37.4, Siting and Design of Infrastructure; and Design Guidelines Section 3.02 Relation to the Public Realm; Section 3.03.01.1 Significant Views, Compatibility with Nearby Lots; Section 3.03.02.1 Visual and Acoustical Privacy, Access to Direct and Indirect Light, Compatibility with Contiguous Lots; Section 4.04.01.1 Mechanical Equipment, Neighborhood and Contiguous Parcel Compatibility; Section 4.04.02.1 Mechanical Equipment, On-Site Aesthetic Design Compatibility; Section 4.04.02.4 Mechanical Equipment, On-Site Aesthetic Design Compatibility; and Section 4.04.02.5 Mechanical Equipment, On-Site Aesthetic Design Compatibility.	The project is consistent because it addresses site-specific physical conditions and maintains safe and convenient access to pedestrians, bicyclists, and vehicles. All of the proposed facilities have been presented to the City as part of a comprehensive plan and reviewed by the City Engineer and Public Works Director. The designs are subject to the terms of the existing settlement agreement. Per the Public Works Standard Details General Requirements, City Council agreements, such as the settlement agreement take precedence over the requirements of the Standard Details.



2019 Site Number	Location (at or near)	Pole Type	Antenna	Radio Equipment and Enclosure	Complies with City Codes and Regulations	Complies with General Plan and Design Guidelines	Complies with Public Works Standard Details
<p><b>Application PHS16</b></p>	<p>100 Palm Drive Zone A 31 feet to nearest residence at 100 Palm Dr</p>	<p>New Utility Pole #110112788</p>	<p>Canister type 3-foot long, 8 inch diameter, pole top Model dbSpectra DB362-XD3S-M 14-inch diameter radome enclosure 8-foot 6-inch taper "Western Utility PR-251" 52 feet 8.5 inches tall Signal emits .032% of the FCC limit.</p>	<p>Pole-mounted enclosures Two AK009A shrouds 24 x 9 x 6.5 inches, each shroud Four Ericsson Radio 2203 5 watts of power per radio Four radios total Frequency specs: 1900 and 2100 MHZ</p>	<p>Based on the reasons outlined in the staff report summary, the project complies with Piedmont Municipal Code Section 17.46.040, WCF Location; Piedmont Municipal Code Section 17.46.070, WCF Development Standards; Piedmont Municipal Code Chapter 18, Streets and Sidewalks Ordinance; Piedmont Municipal Code Section 5.4.11, Noise; and Piedmont Municipal Code Chapter 3, Trees.  <b>Exception required for height greater than 35 feet in Zone A.</b>  <b>Exception required for distance to front of curb less than 18 inches to maintain ADA access.</b></p>	<p>This project complies because the scale and mass of the communication equipment are appropriate for the streetlight and streetscape in the area and the equipment is concealed and camouflaged to blend with the surroundings and satisfies General Plan Policy 35.8, Telecommunication Services and Policy 37.4, Siting and Design of Infrastructure; and Design Guidelines Section 3.02 Relation to the Public Realm; Section 3.03.01.1 Significant Views, Compatibility with Nearby Lots; Section 3.03.02.1 Visual and Acoustical Privacy, Access to Direct and Indirect Light, Compatibility with Contiguous Lots; Section 4.04.01.1 Mechanical Equipment, Neighborhood and Contiguous Parcel Compatibility; Section 4.04.02.1 Mechanical Equipment, On-Site Aesthetic Design Compatibility; Section 4.04.02.4 Mechanical Equipment, On-Site Aesthetic Design Compatibility; and Section 4.04.02.5 Mechanical Equipment, On-Site Aesthetic Design Compatibility</p>	<p>The project is consistent because it addresses site-specific physical conditions and maintains safe and convenient access to pedestrians, bicyclists, and vehicles. All of the proposed facilities have been presented to the City as part of a comprehensive plan and reviewed by the City Engineer and Public Works Director. The designs are subject to the terms of the existing settlement agreement. Per the Public Works Standard Details General Requirements, City Council agreements, such as the settlement agreement take precedence over the requirements of the Standard Details.</p>
<p><b>Application PHS17</b></p>	<p>185 Wildwood Avenue Zone A 55 feet to 185 Wildwood</p>	<p>Utility Pole No Pole # on plans New pole?</p>	<p>Canister type 3-foot long, 8 inch diameter, pole top Model dbSpectra DB362-XD3S-M 14-inch diameter radome enclosure 8-foot 6-inch taper 39 feet 2 .5 inch tall Signal emits .063% of the FCC limit</p>	<p>Pole-mounted enclosures Two AK009A shrouds 24 x 9 x 6.5 inches, each shroud Four Ericsson Radio 2203 5 watts of power per radio Four radios total Frequency specs: 1900 and 2100 MHZ</p>	<p>Based on the reasons outlined in the staff report summary, the project complies with Piedmont Municipal Code Section 17.46.040, WCF Location; Piedmont Municipal Code Section 17.46.070, WCF Development Standards; Piedmont Municipal Code Chapter 18, Streets and Sidewalks Ordinance; Piedmont Municipal Code Section 5.4.11, Noise; and Piedmont Municipal Code Chapter 3, Trees.  <b>Exception required for height greater than 35 feet in Zone A.</b></p>	<p>This project complies because the scale and mass of the communication equipment are appropriate for the streetlight and streetscape in the area and the equipment is concealed and camouflaged to blend with the surroundings and satisfies General Plan Policy 35.8, Telecommunication Services and Policy 37.4, Siting and Design of Infrastructure; and Design Guidelines Section 3.02 Relation to the Public Realm; Section 3.03.01.1 Significant Views, Compatibility with Nearby Lots; Section 3.03.02.1 Visual and Acoustical Privacy, Access to Direct and Indirect Light, Compatibility with Contiguous Lots; Section 4.04.01.1 Mechanical Equipment, Neighborhood and Contiguous Parcel Compatibility; Section 4.04.02.1 Mechanical Equipment, On-Site Aesthetic Design Compatibility; Section 4.04.02.4 Mechanical Equipment, On-Site Aesthetic Design Compatibility; and Section 4.04.02.5 Mechanical Equipment, On-Site Aesthetic Design Compatibility.</p>	<p>The project is consistent because it addresses site-specific physical conditions and maintains safe and convenient access to pedestrians, bicyclists, and vehicles. All of the proposed facilities have been presented to the City as part of a comprehensive plan and reviewed by the City Engineer and Public Works Director. The designs are subject to the terms of the existing settlement agreement. Per the Public Works Standard Details General Requirements, City Council agreements, such as the settlement agreement take precedence over the requirements of the Standard Details.</p>

2019 Site Number	Location (at or near)	Pole Type	Antenna	Radio Equipment and Enclosure	Complies with City Codes and Regulations	Complies with General Plan and Design Guidelines	Complies with Public Works Standard Details
<b>Application PHS18</b>	523 Boulevard Way  Zone A  52 feet to 513 Boulevard Way	New Utility Pole #110112972	Canister type  3-foot long, 8-inch diameter, pole top  Model dbSpectra DB362-XD3S-M  14-inch diameter radome enclosure  8-foot 6-inch taper "Western Utility PR-251"  52 feet 8.5 inch tall  Signal emits .033% of the FCC limit.	Pole-mounted enclosures  Two AK009A shrouds  24 x 9 x 6.5 inches, each shroud  Four Ericsson Radio 2203  5 watts of power per radio Four radios total  Frequency specs: 1900 and 2100 MHZ	Based on the reasons outlined in the staff report summary, the project complies with Piedmont Municipal Code Section 17.46.040, WCF Location; Piedmont Municipal Code Section 17.46.070, WCF Development Standards; Piedmont Municipal Code Chapter 18, Streets and Sidewalks Ordinance; Piedmont Municipal Code Section 5.4.11, Noise; and Piedmont Municipal Code Chapter 3, Trees.  <b>Exception required for height greater than 35 feet in Zone A.</b>	This project complies because the scale and mass of the communication equipment are appropriate for the streetlight and streetscape in the area and the equipment is concealed and camouflaged to blend with the surroundings and satisfies General Plan Policy 35.8, Telecommunication Services and Policy 37.4, Siting and Design of Infrastructure; and Design Guidelines Section 3.02 Relation to the Public Realm; Section 3.03.01.1 Significant Views, Compatibility with Nearby Lots; Section 3.03.02.1 Visual and Acoustical Privacy, Access to Direct and Indirect Light, Compatibility with Contiguous Lots; Section 4.04.01.1 Mechanical Equipment, Neighborhood and Contiguous Parcel Compatibility; Section 4.04.02.1 Mechanical Equipment, On-Site Aesthetic Design Compatibility; Section 4.04.02.4 Mechanical Equipment, On-Site Aesthetic Design Compatibility; and Section 4.04.02.5 Mechanical Equipment, On-Site Aesthetic Design Compatibility	The project is consistent because it addresses site-specific physical conditions and maintains safe and convenient access to pedestrians, bicyclists, and vehicles. All of the proposed facilities have been presented to the City as part of a comprehensive plan and reviewed by the City Engineer and Public Works Director. The designs are subject to the terms of the existing settlement agreement. Per the Public Works Standard Details General Requirements, City Council agreements, such as the settlement agreement take precedence over the requirements of the Standard Details.

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**RESOLUTION No. \_\_\_\_\_**

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF PIEDMONT (“CITY”), STATE OF CALIFORNIA,  
RECOMMENDING THAT THE CITY COUNCIL APPROVE, SUBJECT TO  
CONDITIONS, WIRELESS COMMUNICATION FACILITIES PERMITS  
SUBMITTED BY CROWN CASTLE NG WEST LLC THROUGH SURESITE  
DEVELOPMENT FOR A SITE LOCATED AT OR NEAR 96 FAIRVIEW  
AVENUE (SITE PHS14)**

**(PART OF APPLICATION PROJECT #19-0188)**

**WHEREAS**, Crown Castle NG West LLC through SureSite Consulting Group LLC (“Applicant”) is requesting permits from the City of Piedmont (“City”) for wireless communication facilities (“WCF”) installations within the public right-of-way at or near 96 Fairview Avenue, a site identified in the application materials as PHS14. An additional site identified as PHS09 was filed separately, and an additional site PHS19 was withdrawn from the project applications on October 3, 2019. The proposed WCF installation design includes a single canister antenna atop utility poles, cables within covered risers on the sides of the utility poles, and equipment mounted to the side of the utility poles a minimum of 7 feet above adjacent grade, the construction of which requires a WCF permit; and

**WHEREAS**, as provided in Piedmont City Code sections 17.46.080 A and B, the Planning Commission is charged with reviewing this application for WCF permit and making a recommendation to the City Council, which is the decision-making body, because it is a facility proposed in Zones A located within the City-owned public right-of-way; and

**WHEREAS**, the Planning Commission did not review the sites for this facilities at its public hearing on June 12, 2017 because the application had not been filed with the City at that time; and,

**WHEREAS**, on July 9, 2019, the Applicant filed a new application and a new design for the site at or near 96 Fairview Avenue, a site identified in the application materials as PHS14; and

**WHEREAS**, the equipment proposed to be installed, including the machinery in the pole-mounted enclosure, is considered to be an exterior installation and thereby subject to Building Code requirements related to mechanically-generated noise sources provided in City Code Section 5.4.11 and the Applicant’s responses to the WCF permit application states that the WCF permit design does not include noise-generating equipment; and

**WHEREAS**, the Applicant filed requests for exceptions to the WCF permit development standards pursuant to section 17.46.080.D.2 of the City Code, which provides the basis for the approval of exceptions to the City’s height limit for site PHS14 due to conflicts with federal and state law; and

**WHEREAS**, based upon the evidence and after reviewing the applications, plans and any and all testimony and documentation submitted in connection with such

application, the Planning Commission finds that the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the CEQA Guidelines, Construction or Conversion of Small Structures, subsection (d) (water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction) because the proposed wireless communication facilities are small utility structures located in a developed setting. No exceptions to the above exemption has been identified that would make the proposals ineligible for use of a categorical exemption because the projects' settings are not in a location that is particularly sensitive, the surrounding area is developed and urbanized, and existing utilities are located at or near each of the proposed installations, there are no unusual circumstances relating to the proposed installations, and no scenic highways, hazardous waste sites, or historical resources could be affected by the project; and

**WHEREAS**, based upon the evidence and after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, the Planning Commission finds that the project, as conditioned, conforms to the criteria and standards of Piedmont City Code section 17.46.080.D.1, as follows;

- a. The City Code requires the applicant to demonstrate the facilities are necessary to close a significant gap in the operator's service coverage or capacity. In accordance with standards established by FCC Order 18-133, the applicant can be deemed to meet this requirement by instead demonstrating that a denial of the proposed facilities will materially inhibit the applicant's ability to either provide service in a new geographic area, or materially inhibit the introduction of new services or improvement of existing services, and the Applicant has submitted evidence that denial of the project will materially affect its ability to provide services, introduce new services, and improve existing services; and
- b. The applicant has evaluated and met the priority for location standards of Piedmont City Code section 17.46.040.A.1 in that the proposed sites are in Zone A and in the public right-of-way;
- c. The proposals satisfy each of the applicable development standards in Piedmont City Code section 17.46.070 as follows:
  - A. Development Standards:
    1. Collocation. The new wireless communication facilities are proposed on an existing utility pole location and the wireless communication facilities are designed to accommodate future collocation(s) of other wireless communication facilities unless the city determines that collocation would be infeasible because of physical or design issues specific to the site; and
    2. Height limits; Screening. The new antennas for sites PHS14 will be 36 inches tall and the facility is proposed at a height of 57 feet 2.5 inches, as measured to adjacent grade. The applicant requests exceptions to the 35-foot height limit (Code section 17.46.070.A.2) pursuant to Code Section 17.46.080.D.2 for Site PHS14 and has submitted information stating that an exception is warranted on the basis of CPUC safety regulations. As conditioned, the antenna will be concealed in a radome shroud. Radio equipment will be located in shrouds mounted to the side of the utility poles. Cables will be concealed within risers mounted to the side of the utility poles; and

3. Visual impact. As conditioned, the proposed wireless communication facilities are designed to minimize visual impacts because: the cables are proposed to be within the risers attached to the sides of the poles; the pole-mounted shrouds provide the concealment for the communication equipment; the antenna shall be no taller than 36 inches; a 14-inch-diameter radome shroud encases the antenna; and the facilities will have a non-reflective finish and be painted or otherwise treated to minimize visibility and glare; and  
  
As conditioned, the facilities will not bear signs, other than required FCC certifications, warnings, emergency contacts, or other signage required by law or expressly required by the city; and
4. Public health, peace and safety. As conditioned, the wireless communication facilities will not adversely affect the public health, peace and safety. The applicant submitted on July 9, 2019 a RF Emissions Compliance Report prepared by Waterford Consultants, LLC, consulting engineers stating that the project as proposed will be in full compliance with the Federal Communications Commission regulations and guidelines limiting human exposure to radio frequency emissions; and
5. Public right-of-way. The proposed wireless communication facilities are located in the public right-of-way. The designs and location, and the placement of equipment do not cause: (i) physical or visual obstruction, or safety hazard, to pedestrians, cyclists, or motorists; or (ii) inconvenience to the public's use of the right-of-way. The equipment is located at least 7 feet vertically from the adjacent grade, has adequate vertical and horizontal clearance, and does not otherwise interfere with the public's use of the right-of-way. As conditioned, the cover of any proposed utility hand hole vault will have a slip resistant surface; and
6. Compliance with laws. The proposed wireless communication facility complies with federal and state statutes governing local agencies' land use authority regarding the siting of wireless communication facilities, including without limitation 47 USC §253, 332(c)(7), 1455(a); California Government Code §§ 50030, 65850.6 and 65964; and California Public Utilities Code sections 7901 and 7901.1. Each reference to federal and state statutes is to the statute as it may be as amended from time-to-time and to the extent the statute remains in effect; and
  - A. Public Works Standard Details. As conditioned, the proposed wireless communication facilities will comply with the Public Works Standard Details for construction within the public right-of-way and exceptions to specific Public Works Standard Details have been reviewed and approved by the Public Works Director and City Engineer and incorporated into conceptual plans for the facilities reviewed by the City Council on December 17, 2018; and
  - B. Operation and Maintenance Standards. As conditioned, the proposed wireless communication facilities will comply with the operation and maintenance standards provided in Piedmont City Code section 17.46.070.B; and

- C. Term of Permit. As conditioned, the approved permits for wireless communication facilities will be valid for an initial period of ten years commencing on the approval date of this Resolution subject to renewals pursuant to local, state and federal law; and
- d. Design Guidelines and General Plan. The proposed design of PHS14 is consistent with the Piedmont General Plan in that the scale and mass of the communication equipment are appropriate for the utility poles and streetscape in the Zone A area, the facilities are concealed and camouflaged to blend with their surroundings; and the projects satisfy Piedmont General Plan Policy 35.8, “Telecommunication Services: Collaborate with telecommunication service providers to foster access to emerging communication and information technology for Piedmont residents” and Policy 37.4, “Siting and Design of Infrastructure: Ensure that the siting and design of infrastructure facilities, including water tanks and telecommunication towers mitigate the potential for adverse visual impacts and are consistent with policies in the Design and Preservation Element.” In addition, the proposed designs are consistent with relevant Piedmont Design Guidelines as follows:
- The facilities meet Design Guideline 3.02, “Relation to the Public Realm,” in that application proposes relatively small radio enclosures and antennas that minimize their visibility. In addition, they are attached to the utility poles in a manner consistent with other utility equipment on the poles and, in the case of the antenna, are meant to be seen as an extension of the pole itself; and
  - The facilities meet Design Guideline 3.03.01.1, “Significant Views,” in that the application proposes radios in cabinets and cables in risers that hug the pole in a manner that avoids an adverse impact on views. Pole top antennas are proposed instead of antennas attached to the side of the utility pole in order to mitigate the overall bulk of the equipment. At site PHS14 where the height of the utility pole with the antenna is proposed to increase in order to meet state and/or federal regulations, the size of the equipment has been kept as small as possible to minimize impacts on views.; and
  - The facilities meet Design Guideline 3.03.02.1, “Visual and Acoustical Privacy, Access to Direct and Indirect Light,” in that the proposed equipment is relatively small in size and is closely attached to utility poles. The application proposes no equipment producing mechanically-generated noise. Therefore, there will be no adverse impact on visual and acoustical privacy or access to direct and indirect light; and
  - The facilities meet Design Guideline 4.04.01.1, “Mechanical Equipment, Noise,” in that the proposed facilities do not include noise-generating equipment; and
  - The facilities meet Design Guideline 4.04.02.1, “Mechanical Equipment, Aesthetic Design,” in that he proposed facilities include concealment and screening devices: a radome to enclose the antenna, shrouds to enclose the radios, and risers to enclose the cables; and

- The facilities meet Design Guideline 4.04.02.4, “Mechanical Equipment, Aesthetic Design,” in that the cabling for the proposed WCF equipment will be discretely placed within risers attached to the utility pole so that the run is as concealed as possible; and
  - The facilities meet Design Guideline 4.04.02.5, “Mechanical Equipment, Aesthetic Design,” in that as conditioned, and where feasible, the equipment attached to the utility pole will be painted to closely match the color of the pole; and
- e. Future Collocation. Although future collocation at this site may not be feasible, the proposed facilities have been located and designed for future collocation to the greatest extent reasonable feasible, and the applicant has submitted a statement of its willingness to allow other wireless service providers to collocate on the proposed facilities, recognizing that such collocation may be subject to review by the City.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission resolves that:

**SECTION 1.** The above recitals are correct and are material to this Resolution and are incorporated into this Resolution as findings of the Planning Commission.

**SECTION 2. Recommendation.** Based on the findings and facts set forth heretofore, the staff report and evidence presented at the public hearing, the Planning Commission recommends that the City Council approves the application for wireless communication facilities permit for proposed facilities sited at or near 96 Jerome Avenue (a site identified in the application materials as PHS14) in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Conditions in construction documents.** These conditions of approval shall be included as a sheet in the plan set submitted for any City building permit, excavation permit or encroachment permit application (“City-required construction permits”) for the work approved herein.
2. **Design, heights of facilities and diameter of radome shroud.** The antenna shall have a maximum height of 36 inches. The radome shroud on the antenna shall be shown to have a maximum 14-inch diameter dimension. The maximum height, measured from adjacent grade, of Site PHS14 shall be 57 feet 2.5 inches. Cables shall be concealed in risers that are the minimum width for the requirements of the current technology. The pole-mounted enclosures used at this facility shall have maximum dimensions of 24 inches by 6.5 inches by 9 inches. Any proposed hand-hole vaults shall have slip resistant lids to the satisfaction of the City Engineer. Stand-off brackets shall mount equipment as close as possible to the side of the utility pole, pursuant to General Order 95 or amendments.
3. **Patch and repair.** The applicant shall patch and repair City sidewalks and other improvements in the public right-of-way affected by applicant’s project construction, such as curbs or walls, to match the color, texture, materials, and scoring pattern of the existing improvements, including custom integral concrete color in accordance with City of Piedmont standard plans and as directed by the Director of Public Works. Directional bore shall be utilized over trenching at the reasonable discretion of the Public Works Director.

4. **Contractor's general liability insurance.** To ensure that the contractor doing work in the City will be responsible for damages caused by the work to City property or to neighboring property, prior to issuance of any required City permits for construction the applicant shall require all contractors performing work on the Project to maintain a General Commercial Liability policy covering bodily injury, including death, and property damage that may arise out of or result from the contractor's operations. Such insurance shall be written for not less than \$1,000,000 per occurrence. The insurance shall include an endorsement requiring 10 days prior notice to the City if the insurance is to be cancelled or changed, and the applicant shall ensure that the contractor immediately arranges for substitute insurance coverage. If the contractor's insurance carrier states in writing that it is unable to provide the required endorsement, then the applicant shall be responsible for providing the City with the required notice if the insurance is to be cancelled or changed. If the applicant self-performs the installation of the facility, the applicant shall maintain property insurance and coverage for contractors, which is substantially equivalent to the contractor's requirement of this section.
5. **Defense of legal challenges.** If there is a third party administrative, legal or equitable action challenging the project approvals, including without limitation to CEQA issues, the applicant shall defend, indemnify, and hold harmless the City against any and all liability, fees and costs arising out of the defense, including without limitation the costs of City's own selected legal counsel(s). If such an action is filed, the applicant and City shall then enter into an agreement regarding selection of counsel and other provisions related to the defense. For this purpose, "City" includes the City and its elected and appointed officials, agents, officers, employees, consultants, and volunteers.
6. **Future modifications.** Future modifications of the approved installation that extend beyond the approved project site or that remove or subvert the concealment designs of the approved antenna and equipment, including the cabinets enclosing the radio units, the perimeter of the radome shrouds concealing the antenna(s), shall constitute a new application and shall require new application forms and fees. Applications that extend beyond the approved project site, or that remove or subvert the concealment design of the approved antennas and equipment, or any other request to modify the installation that does not qualify for treatment as an eligible facilities request under Section 6409(a) shall not be eligible for Planning Director review under 47 U.S.C. §1455(a) processing.
7. **Construction Management Plan.** Prior to issuance of City required construction permits for the approved project, the applicant or contractor shall develop a comprehensive Construction Management Plan and file it with the Public Works Director. The Construction Management Plan shall address noise, vibrations, traffic control, parking, debris removal, dust control, sanitary facilities, site safety security, and other potential construction impacts, as well as other details involving the means and methods of completing the Project, including the construction route and the days and hours permitted for heavy excavation. Outside construction involving high levels of noise, including excavation, hammering, and pile driving, shall be limited to Monday through Saturday, from 8:30 a.m. to 4:30 p.m. Construction personnel shall be instructed not to park in front of driveways to

- private residences. The plan shall specify the sequencing of pruning, demolition, and construction activities. The City Public Works Director may require modifications and amendments to the Construction Management Plan throughout the course of the Project and until the Final Inspection is approved by the City.
- a. **Construction Site Control of Stormwater.** The California Regional Water Quality Control Board requires all projects that disturb the site to comply with Provision C.6 of the San Francisco Bay Regional Stormwater NPDES Permit in order to prevent construction site discharges of pollutants and other regulated materials during construction. Prior to the issuance of a building permit, the Applicant shall submit a construction stormwater management plan prepared by a licensed Civil Engineer to achieve timely and effective compliance with Provision C.6. Permit Provision C.6.c.ii provides sources for site specific, and seasonally- and phase-appropriate, effective Best Management Practices (BMPs) that must be incorporated into the stormwater management plan. Copies of the Municipal Regional Stormwater Permit are available from the Piedmont Public Works Department and on-line at [cleanwaterprogram.org](http://cleanwaterprogram.org).
  - b. **Continual street access for emergency vehicles.** The Construction Management Plan shall specifically address methods of providing continual street access for emergency vehicles at all times by means of a traffic control permit application submitted by the applicant and reviewed and approved by the Public Works Director.
  - c. **Haul routes.** All equipment and vehicle haul routes shall be provided to the City for review and approval. To the extent possible, haul routes shall attempt to minimize or eliminate use of minor residential roadways. Street and pavement conditions shall be observed and documented by the City on all haul routes prior to commencement of construction. Damage or observable and unusual wear and tear to haul routes on city roadways as specified by the City shall be repaired at applicant's expense after Final Inspection.
8. **Maintenance of facilities.** Applicant shall obtain City of Piedmont permits for maintenance work in the public right-of-way. Except for emergency maintenance needs, the maintenance of the wireless communication facilities shall not occur from 7:30 a.m. to 9:30 a.m. or from 2:30 p.m. to 4:00 p.m. during regular school days of any public schools located in any direction within one-quarter mile of the wireless facility. The prohibited hours for regular maintenance may be adjusted by the Director of Public Works upon at least 30 days written notice to the applicant to accommodate changes in the hours of instruction at the nearby public schools.
  9. **Project Security.** Applicant shall provide a performance bond or other form of security, in a form acceptable to the Director of Public Works, and in an amount sufficient to cover the cost of removal and restoration of the public right-of-way. Applicant shall provide an estimated cost of removal and restoration in the form of a quote from a bonded and licensed contractor.
  10. **Insurance.** The Applicant shall provide adequate and appropriate insurance covering the Applicant's construction, excavation, and related work involving the project, in a policy form approved by the Director of Public Works and City Attorney, and specifically covering bodily injury, property damage, products and

completed operations, in an amount not less than \$1,000,000.00 per occurrence and an aggregate policy limit not less than \$5,000,000.00, and not written on a claims-based policy form.

11. **Height verification.** Prior to completion of the project and final inspection by the City, the applicant shall provide the Building Official written verification by a licensed land surveyor stating that the height of the new wireless communication equipment mounted on the utility pole is less than or equal to the height measured from grade adjacent to the utility pole as shown on the approved plans, subject to the conditions of approval. If the height exceeds the approved height, then the applicant or contractor shall immediately reduce the height of the equipment until it is in compliance with the approved plan.
12. **Concealment design and project site.** As provided in the proposed plans, each antenna radome shroud and equipment enclosure provides concealment for each installation. The outer edge of the equipment as shown in elevation and in ‘plan view’ are identified as the “project site.” Future modifications shall incorporate the highest industry standards for compact designs that minimize visibility and shall not defeat the concealment strategies outlined in this condition of approval.
13. **Term.** The approval of the wireless communication facilities permit is valid for a term of 10 years.
14. **Cables and cabling.** To the best extent possible, the cables to the antennas atop the utility poles or strand mounted shall be enclosed within the risers, sleeves or other shrouds. No more than 5 inches of exposed cables, cabling or wires shall be evident on plans filed for City-required construction permits or evident on each of the wireless communication facility installation after completion of construction.
15. **City monitoring of City street trees.** The applicant and its contractors, partners, or agents are prohibited from performing any tree pruning related to construction, pre-construction clearance, or on-going maintenance and operation after construction. Tree trimming is restricted and may only occur with the approval of the Director of Public Works. The pruning of trees in the public right-of-way or on City-owned property is the exclusive responsibility of the Piedmont Department of Public Works, or its designee.
16. **Operation and Maintenance Standards.** The facility shall comply with the provisions of City Code Section 17.46.070.B as follows:
  - a. Contact and site information. The owner or operator of a wireless communication facility must submit basic contact and site information to the city, and notify the city within 30 days of any changes to this information, including the transfer of ownership. The contact and site information must include: (i) the name, address, email address, telephone number, and legal status of the owner of the facility, including official identification number and FCC certification, and, if different from the owner, the identity and legal status of the person or entity responsible for operating and maintaining the facility; and (ii) the name, address, email address, and telephone number of a local contact person for emergencies.



- b. Signage. The owner and/or operator must post an identification sign at each facility, including owner/operator emergency telephone numbers. The design, materials, colors, and location of the identification signs shall be subject to review and approval by the Director. If at any time a new owner or operator provider takes over operation of the facility, the new operator shall notify the Director of the change in operation within 30 days and the required and approved signs shall be updated within 30 days to reflect the name and phone number of the new wireless service provider. The colors, materials and design of the updated signs shall match those of the required and approved signs. No sign shall be greater than two square feet in size unless required by law. The facility shall not bear signs other than certification, warning, emergency contacts, or other signage required by law or expressly required by the City.
  - c. Non-Interference. Each wireless communication facility must at all times comply with laws, codes, and regulations, and avoid interfering with any city property, facilities, operations, utilities, or equipment.
  - d. Facility maintenance. Each wireless communication facility must at all times be maintained in good repair, free from trash, debris, litter, graffiti, and other forms of vandalism. The operator must repair any damage as soon as reasonably possible, but no later than the earlier of 10 days from the time of itself becoming aware of the non-compliance or the receipt of written notification from the City.
  - e. Noise. A wireless communication facility must be operated to comply with Chapter 5 of the City Code. Should the noise emanating from the facility be found to exceed the limits provided in City Code Chapter 5, operation of the facility shall cease immediately and shall not resume until a noise verification study prepared by a licensed acoustical engineer shows the facility's compliance with City Code Chapter 5 noise limits. The acoustical engineer shall be selected by the City and the cost of the engineer's services shall be paid by the applicant or wireless communications service provider.
  - f. Removal. All wireless communication facility equipment must be removed within 30 days of the discontinuation of the use, and the site and other property restored to its original, preconstruction condition. In addition, the service provider must provide the City with a notice of intent to vacate a site a minimum of 30 days before the vacation.
17. **Modifications to public facilities.** Should the City require modification to public right-of-way or other public facilities in the area of this facility that results in a conflict with the present location of the approved wireless communications facility, the wireless communication facility equipment shall, if necessary as determined by the Director of Public Works, be removed or relocated at the Applicant's expense subject to review and approval of the Director of Public Works.
18. **Expiration of Wireless Communication Facilities Permit.** An encroachment permit, excavation permit or building permit must be issued within one year of the approval of the City Council, and construction completed within two years of the approval of the City Council, or this approval shall be null and void.
19. **Construction Completion Schedule.** Work on the Project, once begun, shall be promptly executed with continuous good faith and reasonable progress. Since

timely completion of this Project is of the essence, the Applicant shall submit for approval a Construction Completion Schedule, which will specify, in detail, the duration and percentage complete of each phase.

- a. The Construction Completion Schedule with associated construction values for each benchmark shall set forth completion dates for the following benchmarks as needed: i) Completion of Excavation; ii) Completion of Electrical; iii) Completion of Mechanical; iv) Completion of Facilities; v) Completion of Hardscaping and Landscaping; and any further construction benchmarks and conditions as may be determined by the Director of Public Works.
- b. Before the Project begins, the Director of Public Works shall make a determination as to the reasonableness of the proposed completion dates applicable to the Project, and that determination shall constitute the "Approved Schedule" and be binding on the Applicant.

**SECTION 4.** All portions of this resolution are severable. If an individual component of this Resolution is adjudged by a court to be invalid and unenforceable, then the remaining portions will continue in effect.

[END OF DOCUMENT]

**RESOLUTION No. \_\_\_\_\_**

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF PIEDMONT (“CITY”), STATE OF CALIFORNIA,  
RECOMMENDING THAT THE CITY COUNCIL APPROVE, SUBJECT TO  
CONDITIONS, WIRELESS COMMUNICATION FACILITIES PERMITS  
SUBMITTED BY CROWN CASTLE NG WEST LLC THROUGH SURESITE  
DEVELOPMENT FOR SITES LOCATED AT OR NEAR THE FOLLOWING  
ADDRESSES: 201 HILLSIDE AVENUE (SITE PHS10), 237 EL CERRITO  
AVENUE (SITE PHS11), 410 HILLSIDE COURT (SITE PHS12), 338 MAGNOLIA  
AVENUE (PHS13), 108 MACKINNON PLACE (PHS15), 100 PALM DRIVE  
(PHS16), 185 WILDWOOD AVENUE (PHS17), 523 BOULEVARD WAY (PHS18)  
(PART OF APPLICATION PROJECT #19-0188)**

**WHEREAS**, Crown Castle NG West LLC through SureSite Consulting Group LLC (“Applicant”) is requesting permits from the City of Piedmont (“City”) for wireless communication facilities (“WCF”) installations within the public right-of-way at or near 201 Hillside Avenue, 237 El Cerrito Avenue, 410 Hillside Court, 338 Magnolia Avenue, 108 MacKinnon Place, 100 Palm Drive, 185 Wildwood Avenue, and 523 Boulevard Way, sites identified in the application materials as PHS10, PHS11, PHS12, PHS13, PHS15, PHS16, PHS17, and PHS18, respectively. An additional site identified as PHS09 was filed separately, and an additional site PHS19 was withdrawn from the project applications on October 3, 2019. The proposed WCF installation design includes a single canister antenna atop utility poles, cables within covered risers on the sides of the utility poles, and equipment mounted to the side of the utility poles a minimum of 7 feet above adjacent grade, the construction of which requires a WCF permit; and

**WHEREAS**, as provided in Piedmont City Code sections 17.46.080 A and B, the Planning Commission is charged with reviewing these applications for WCF permits and making a recommendation to the City Council, which is the decision-making body, because they are facilities proposed in Zones A and B located within the City-owned public right-of-way; and

**WHEREAS**, the Planning Commission did not review the sites for these facilities at its public hearing on June 12, 2017 because the applications had not been filed with the City at that time; and,

**WHEREAS**, on July 9, 2019, the Applicant filed new applications and new designs for the sites at or near 201 Hillside Avenue, 237 El Cerrito Avenue, 410 Hillside Court, 338 Magnolia Avenue, 108 MacKinnon Place, 100 Palm Drive, 185 Wildwood Avenue, and 523 Boulevard Way, sites identified in the application materials as PHS10, PHS11, PHS12, PHS13, PHS15, PHS16, PHS17, and PHS18, respectively; and

**WHEREAS**, the equipment proposed to be installed, including the machinery in the pole-mounted enclosure, is considered to be an exterior installation and thereby subject to Building Code requirements related to mechanically-generated noise sources provided in City Code Section 5.4.11 and the Applicant’s responses to the WCF permit application states that the WCF permit design does not include noise-generating equipment; and

**WHEREAS**, the Applicant filed requests for exceptions to the WCF permit development standards pursuant to section 17.46.080.D.2 of the City Code, which provides the basis for the approval of exceptions to the City's height limit for sites PHS10, PHS11, PHS12, PHS13, PHS15, PHS16, PHS17, and PHS18 and distance to the front of curb requirements for site PHS16 due to conflicts with federal and state law; and

**WHEREAS**, based upon the evidence and after reviewing the applications, plans and any and all testimony and documentation submitted in connection with such applications, the Planning Commission finds that the projects are categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the CEQA Guidelines, Construction or Conversion of Small Structures, subsection (d) (water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction) because the proposed wireless communication facilities are small utility structures located in a developed setting. No exceptions to the above exemption has been identified that would make the proposals ineligible for use of a categorical exemption because the projects' settings are not in a location that is particularly sensitive, the surrounding area is developed and urbanized, and existing utilities are located at or near each of the proposed installations, there are no unusual circumstances relating to the proposed installations, and no scenic highways, hazardous waste sites, or historical resources could be affected by the project; and

**WHEREAS**, based upon the evidence and after reviewing the applications, plans and any and all testimony and documentation submitted in connection with such applications, the Planning Commission finds that the projects, as conditioned, conform to the criteria and standards of Piedmont City Code section 17.46.080.D.1, as follows;

- a. The City Code requires the applicant to demonstrate the facilities are necessary to close a significant gap in the operator's service coverage or capacity. In accordance with standards established by FCC Order 18-133, the applicant can be deemed to meet this requirement by instead demonstrating that a denial of the proposed facilities will materially inhibit the applicant's ability to either provide service in a new geographic area, or materially inhibit the introduction of new services or improvement of existing services, and the Applicant has submitted evidence that denial of the project will materially affect its ability to provide services, introduce new services, and improve existing services; and
- b. The applicant has evaluated and met the priority for location standards of Piedmont City Code section 17.46.040.A.1 in that the proposed sites are in Zone A and in the public right-of-way;
- c. The proposals satisfy each of the applicable development standards in Piedmont City Code section 17.46.070 as follows:
  - A. Development Standards:
    1. Collocation. The new wireless communication facilities are proposed on existing utility pole locations and the wireless communication facilities are designed to accommodate future collocation(s) of other wireless communication facilities unless the city determines that collocation would be infeasible because of physical or design issues specific to the site; and

2. Height limits; Screening. The new antennas for sites PHS10, PHS11, PHS12, PHS13, PHS 15, PHS16, PHS17 and PHS18 will be 36 inches tall and the facilities shall range in height from 39 feet to 57 feet 2.5 inches, as measured to adjacent grade. The applicant requests exceptions to the 35-foot height limit (Code section 17.46.070.A.2) pursuant to Code Section 17.46.080.D.2 for Sites PHS10, PHS11, PHS12, PHS13, PHS16 and PHS18 and has submitted information stating that an exception is warranted on the basis of CPUC safety regulations. As conditioned, all of the antennas will be concealed in radome shrouds. Radio equipment will be located in shrouds mounted to the side of the utility poles. Cables will be concealed within risers mounted to the side of the utility poles; and
3. Visual impact. As conditioned, the proposed wireless communication facilities are designed to minimize visual impacts because: the cables are proposed to be within the risers attached to the sides of the poles; the pole-mounted shrouds provide the concealment for the communication equipment; the antenna shall be no taller than 36 inches; a 14-inch-diameter radome shroud encases the antenna; and the facilities will have a non-reflective finish and be painted or otherwise treated to minimize visibility and glare; and  
  
As conditioned, the facilities will not bear signs, other than required FCC certifications, warnings, emergency contacts, or other signage required by law or expressly required by the city; and
4. Public health, peace and safety. As conditioned, the wireless communication facilities will not adversely affect the public health, peace and safety. The applicant submitted on July 9, 2019 RF Emissions Compliance Reports prepared by Waterford Consultants, LLC, consulting engineers stating that the projects as proposed will be in full compliance with the Federal Communications Commission regulations and guidelines limiting human exposure to radio frequency emissions. The applicant requests exceptions to the requirement that the facility be at least 18 inches from the front of the curb and not interfere with the public's use of the right-of-way (Code section 17.46.070.A.5) pursuant to Code Section 17.46.080.D.2 for Site PHS16, and has submitted information stating that an exception is warranted in order to comply to the greatest extent feasible with the minimum width requirement for the sidewalk under the Americans with Disabilities Act (ADA); and
5. Public right-of-way. The proposed wireless communication facilities are located in the public right-of-way. The designs and locations, and the placement of equipment do not cause: (i) physical or visual obstruction, or safety hazard, to pedestrians, cyclists, or motorists; or (ii) inconvenience to the public's use of the right-of-way. The equipment is located at least 7 feet vertically from the adjacent grade, has adequate vertical and horizontal clearance, and does not otherwise interfere with the public's use of the right-of-way. As conditioned, the cover of any proposed utility hand hole vault will have a slip resistant surface; and
6. Compliance with laws. The proposed wireless communication facility complies with federal and state statutes governing local agencies' land use authority regarding the siting of wireless communication facilities, including without

limitation 47 USC §253, 332(c)(7), 1455(a); California Government Code §§ 50030, 65850.6 and 65964; and California Public Utilities Code sections 7901 and 7901.1. Each reference to federal and state statutes is to the statute as it may be as amended from time-to-time and to the extent the statute remains in effect; and

- A. Public Works Standard Details. As conditioned, the proposed wireless communication facilities will comply with the Public Works Standard Details for construction within the public right-of-way and exceptions to specific Public Works Standard Details have been reviewed and approved by the Public Works Director and City Engineer and incorporated into conceptual plans for the facilities reviewed by the City Council on December 17, 2018; and
- B. Operation and Maintenance Standards. As conditioned, the proposed wireless communication facilities will comply with the operation and maintenance standards provided in Piedmont City Code section 17.46.070.B; and
- C. Term of Permit. As conditioned, the approved permits for wireless communication facilities will be valid for an initial period of ten years commencing on the approval date of this Resolution subject to renewals pursuant to local, state and federal law; and
- d. Design Guidelines and General Plan. The proposed designs are consistent with the Piedmont General Plan in that the scale and mass of the communication equipment are appropriate for the utility poles and streetscape in the Zone A area, the facilities are concealed and camouflaged to blend with their surroundings; and the projects satisfy Piedmont General Plan Policy 35.8, “Telecommunication Services: Collaborate with telecommunication service providers to foster access to emerging communication and information technology for Piedmont residents” and Policy 37.4, “Siting and Design of Infrastructure: Ensure that the siting and design of infrastructure facilities, including water tanks and telecommunication towers mitigate the potential for adverse visual impacts and are consistent with policies in the Design and Preservation Element.” In addition, the proposed designs are consistent with relevant Piedmont Design Guidelines as follows:
  - The facilities meet Design Guideline 3.02, “Relation to the Public Realm,” in that applications propose relatively small radio enclosures and antennas that minimize their visibility. In addition, they are attached to the utility poles in a manner consistent with other utility equipment on the poles and, in the case of the antenna, are meant to be seen as an extension of the pole itself; and
  - The facilities meet Design Guideline 3.03.01.1, “Significant Views,” in that the applications propose radios in cabinets and cables in risers that hug the pole in a manner that avoids an adverse impact on views. Poletop antennas are proposed instead of antennas attached to the side of the utility pole in order to mitigate the overall bulk of the equipment. At sites where the height of the utility pole with the antenna is proposed to increase in order to meet

state and/or federal regulations, the size of the equipment has been kept as small as possible to minimize impacts on views; and

- The facilities meet Design Guideline 3.03.02.1, “Visual and Acoustical Privacy, Access to Direct and Indirect Light,” in that the proposed equipment is relatively small in size and is closely attached to utility poles. The applications propose no equipment producing mechanically-generated noise. Therefore, there will be no adverse impact on visual and acoustical privacy or access to direct and indirect light; and
  - The facilities meet Design Guideline 4.04.01.1, “Mechanical Equipment, Noise,” in that the proposed facilities do not include noise-generating equipment; and
  - The facilities meet Design Guideline 4.04.02.1, “Mechanical Equipment, Aesthetic Design,” in that the proposed facilities include concealment and screening devices: a radome to enclose the antenna, shrouds to enclose the radios, and risers to enclose the cables; and
  - The facilities meet Design Guideline 4.04.02.4, “Mechanical Equipment, Aesthetic Design,” in that the cabling for the proposed WCF equipment will be discretely placed within risers attached to the utility pole so that the run is as concealed as possible; and
  - The facilities meet Design Guideline 4.04.02.5, “Mechanical Equipment, Aesthetic Design,” in that as conditioned, and where feasible, the equipment attached to the utility poles will be painted to closely match the color of the pole; and
- e. Future Collocation. Although future collocation at these sites may not be feasible, the proposed facilities have been located and designed for future collocation to the greatest extent reasonable feasible, and the applicant has submitted a statement of its willingness to allow other wireless service providers to collocate on the proposed facilities, recognizing that such collocation may be subject to review by the City.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission resolves that:

**SECTION 1.** The above recitals are correct and are material to this Resolution and are incorporated into this Resolution as findings of the Planning Commission.

**SECTION 2. Recommendation.** Based on the findings and facts set forth heretofore, the staff report and evidence presented at the public hearing, the Planning Commission recommends that the City Council approves the applications for wireless communication facilities permits for proposed facilities sited at or near 201 Hillside Avenue, 237 El Cerrito Avenue, 410 Hillside Court, 338 Magnolia Avenue, 108 MacKinnon Place, 100 Palm Drive, 185 Wildwood Avenue, and 523 Boulevard Way (sites identified in the application materials as PHS10, PHS11, PHS12, PHS13, PHS15, PHS16, PHS17, and PHS18, respectively) in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Conditions in construction documents.** These conditions of approval shall be included as a sheet in the plan set submitted for any City building permit,

excavation permit or encroachment permit application (“City-required construction permits”) for the work approved herein.

2. **Design, heights of facilities and diameter of radome shroud.** Antennas shall have a maximum height of 36 inches. Radome shrouds on antennas at all sites shall be shown to have a maximum 14-inch diameter dimension. The maximum height, measured from adjacent grade, of Sites PHS10, PHS11, and PHS13 shall be 57 feet 2.5 inches. The maximum height, measured from adjacent grade, of Sites PHS12, PHS16, and PHS18 shall be 52 feet 8.5 inches. The maximum height, measured from adjacent grade, of Sites PHS15 and PHS17 shall be 39 feet 2.5 inches. Cables shall be concealed in risers that are the minimum width for the requirements of the current technology. The pole-mounted enclosures used at these facilities shall have maximum dimensions of 24 inches by 6.5 inches by 9 inches. Any proposed hand-hole vaults shall have slip resistant lids to the satisfaction of the City Engineer. Stand-off brackets shall mount equipment as close as possible to the side of the utility pole, pursuant to General Order 95 or amendments.
3. **Patch and repair.** The applicant shall patch and repair City sidewalks and other improvements in the public right-of-way affected by applicant’s project construction, such as curbs or walls, to match the color, texture, materials, and scoring pattern of the existing improvements, including custom integral concrete color in accordance with City of Piedmont standard plans and as directed by the Director of Public Works. Directional bore shall be utilized over trenching at the reasonable discretion of the Public Works Director.
4. **Contractor’s general liability insurance.** To ensure that the contractor doing work in the City will be responsible for damages caused by the work to City property or to neighboring property, prior to issuance of any required City permits for construction the applicant shall require all contractors performing work on the Project to maintain a General Commercial Liability policy covering bodily injury, including death, and property damage that may arise out of or result from the contractor’s operations. Such insurance shall be written for not less than \$1,000,000 per occurrence. The insurance shall include an endorsement requiring 10 days prior notice to the City if the insurance is to be cancelled or changed, and the applicant shall ensure that the contractor immediately arranges for substitute insurance coverage. If the contractor’s insurance carrier states in writing that it is unable to provide the required endorsement, then the applicant shall be responsible for providing the City with the required notice if the insurance is to be cancelled or changed. If the applicant self-performs the installation of the facility, the applicant shall maintain property insurance and coverage for contractors, which is substantially equivalent to the contractor's requirement of this section.
5. **Defense of legal challenges.** If there is a third party administrative, legal or equitable action challenging the project approvals, including without limitation to CEQA issues, the applicant shall defend, indemnify, and hold harmless the City against any and all liability, fees and costs arising out of the defense, including without limitation the costs of City's own selected legal counsel(s). If such an action is filed, the applicant and City shall then enter into an agreement regarding selection of counsel and other provisions related to the defense. For this purpose, "City"



includes the City and its elected and appointed officials, agents, officers, employees, consultants, and volunteers.

6. **Future modifications.** Future modifications of the approved installations that extend beyond the approved project sites or that remove or subvert the concealment designs of the approved antennas and equipment, including the cabinets enclosing the radio units, the perimeter of the radome shrouds concealing the antenna(s), shall constitute a new application and shall require new application forms and fees. Applications that extend beyond the approved project site, or that remove or subvert the concealment design of the approved antennas and equipment, or any other request to modify the installation that does not qualify for treatment as an eligible facilities request under Section 6409(a) shall not be eligible for Planning Director review under 47 U.S.C. §1455(a) processing.
7. **Construction Management Plan.** Prior to issuance of City required construction permits for the approved projects, the applicant or contractor shall develop a comprehensive Construction Management Plan and file it with the Public Works Director. The Construction Management Plan shall address noise, vibrations, traffic control, parking, debris removal, dust control, sanitary facilities, site safety security, and other potential construction impacts, as well as other details involving the means and methods of completing the Project, including the construction route and the days and hours permitted for heavy excavation. Outside construction involving high levels of noise, including excavation, hammering, and pile driving, shall be limited to Monday through Saturday, from 8:30 a.m. to 4:30 p.m. Construction personnel shall be instructed not to park in front of driveways to private residences. The plan shall specify the sequencing of pruning, demolition, and construction activities. The City Public Works Director may require modifications and amendments to the Construction Management Plan throughout the course of the Project and until the Final Inspection is approved by the City.
  - a. **Construction Site Control of Stormwater.** The California Regional Water Quality Control Board requires all projects that disturb the site to comply with Provision C.6 of the San Francisco Bay Regional Stormwater NPDES Permit in order to prevent construction site discharges of pollutants and other regulated materials during construction. Prior to the issuance of a building permit, the Applicant shall submit a construction stormwater management plan prepared by a licensed Civil Engineer to achieve timely and effective compliance with Provision C.6. Permit Provision C.6.c.ii provides sources for site specific, and seasonally- and phase-appropriate, effective Best Management Practices (BMPs) that must be incorporated into the stormwater management plan. Copies of the Municipal Regional Stormwater Permit are available from the Piedmont Public Works Department and on-line at [cleanwaterprogram.org](http://cleanwaterprogram.org).
  - b. **Continual street access for emergency vehicles.** The Construction Management Plan shall specifically address methods of providing continual street access for emergency vehicles at all times by means of a traffic control permit application submitted by the applicant and reviewed and approved by the Public Works Director.
  - c. **Haul routes.** All equipment and vehicle haul routes shall be provided to the City for review and approval. To the extent possible, haul routes shall attempt

to minimize or eliminate use of minor residential roadways. Street and pavement conditions shall be observed and documented by the City on all haul routes prior to commencement of construction. Damage or observable and unusual wear and tear to haul routes on city roadways as specified by the City shall be repaired at applicant's expense after Final Inspection.

8. **Maintenance of facilities.** Applicant shall obtain City of Piedmont permits for maintenance work in the public right-of-way. Except for emergency maintenance needs, the maintenance of the wireless communication facilities shall not occur from 7:30 a.m. to 9:30 a.m. or from 2:30 p.m. to 4:00 p.m. during regular school days of any public schools located in any direction within one-quarter mile of the wireless facility. The prohibited hours for regular maintenance may be adjusted by the Director of Public Works upon at least 30 days written notice to the applicant to accommodate changes in the hours of instruction at the nearby public schools.
9. **Project Security.** Applicant shall provide a performance bond or other form of security, in a form acceptable to the Director of Public Works, and in an amount sufficient to cover the cost of removal and restoration of the public right-of-way. Applicant shall provide an estimated cost of removal and restoration in the form of a quote from a bonded and licensed contractor.
10. **Insurance.** The Applicant shall provide adequate and appropriate insurance covering the Applicant's construction, excavation, and related work involving the project, in a policy form approved by the Director of Public Works and City Attorney, and specifically covering bodily injury, property damage, products and completed operations, in an amount not less than \$1,000,000.00 per occurrence and an aggregate policy limit not less than \$5,000,000.00, and not written on a claims-based policy form.
11. **Height verification.** Prior to completion of the project and final inspection by the City, the applicant shall provide the Building Official written verification by a licensed land surveyor stating that the height of the new wireless communication equipment mounted on the utility pole is less than or equal to the height measured from grade adjacent to the utility pole as shown on the approved plans, subject to the conditions of approval. If the height exceeds the approved height, then the applicant or contractor shall immediately reduce the height of the equipment until it is in compliance with the approved plan.
12. **Concealment design and project site.** As provided in the proposed plans, each antenna radome shroud and equipment enclosure provides concealment for each installation. The outer edge of the equipment as shown in elevation and in 'plan view' are identified as the "project site." Future modifications shall incorporate the highest industry standards for compact designs that minimize visibility and shall not defeat the concealment strategies outlined in this condition of approval.
13. **Term.** The approval of the wireless communication facilities permit is valid for a term of 10 years.
14. **Cables and cabling.** To the best extent possible, the cables to the antennas atop the utility poles or strand mounted shall be enclosed within the risers, sleeves or other shrouds. No more than 5 inches of exposed cables, cabling or wires shall be evident

on plans filed for City-required construction permits or evident on each of the wireless communication facility installation after completion of construction.

15. **City monitoring of City street trees.** The applicant and its contractors, partners, or agents are prohibited from performing any tree pruning related to construction, pre-construction clearance, or on-going maintenance and operation after construction. Tree trimming is restricted and may only occur with the approval of the Director of Public Works. The pruning of trees in the public right-of-way or on City-owned property is the exclusive responsibility of the Piedmont Department of Public Works, or its designee.
16. **Operation and Maintenance Standards.** The facility shall comply with the provisions of City Code Section 17.46.070.B as follows:
  - a. Contact and site information. The owner or operator of a wireless communication facility must submit basic contact and site information to the city, and notify the city within 30 days of any changes to this information, including the transfer of ownership. The contact and site information must include: (i) the name, address, email address, telephone number, and legal status of the owner of the facility, including official identification number and FCC certification, and, if different from the owner, the identity and legal status of the person or entity responsible for operating and maintaining the facility; and (ii) the name, address, email address, and telephone number of a local contact person for emergencies.
  - b. Signage. The owner and/or operator must post an identification sign at each facility, including owner/operator emergency telephone numbers. The design, materials, colors, and location of the identification signs shall be subject to review and approval by the Director. If at any time a new owner or operator provider takes over operation of the facility, the new operator shall notify the Director of the change in operation within 30 days and the required and approved signs shall be updated within 30 days to reflect the name and phone number of the new wireless service provider. The colors, materials and design of the updated signs shall match those of the required and approved signs. No sign shall be greater than two square feet in size unless required by law. The facility shall not bear signs other than certification, warning, emergency contacts, or other signage required by law or expressly required by the City.
  - c. Non-Interference. Each wireless communication facility must at all times comply with laws, codes, and regulations, and avoid interfering with any city property, facilities, operations, utilities, or equipment.
  - d. Facility maintenance. Each wireless communication facility must at all times be maintained in good repair, free from trash, debris, litter, graffiti, and other forms of vandalism. The operator must repair any damage as soon as reasonably possible, but no later than the earlier of 10 days from the time of itself becoming aware of the non-compliance or the receipt of written notification from the City.
  - e. Noise. A wireless communication facility must be operated to comply with Chapter 5 of the City Code. Should the noise emanating from the facility be found to exceed the limits provided in City Code Chapter 5, operation of the facility shall cease immediately and shall not resume until a noise verification

study prepared by a licensed acoustical engineer shows the facility's compliance with City Code Chapter 5 noise limits. The acoustical engineer shall be selected by the City and the cost of the engineer's services shall be paid by the applicant or wireless communications service provider.

- f. Removal. All wireless communication facility equipment must be removed within 30 days of the discontinuation of the use, and the site and other property restored to its original, preconstruction condition. In addition, the service provider must provide the City with a notice of intent to vacate a site a minimum of 30 days before the vacation.
17. **Modifications to public facilities**. Should the City require modification to public right-of-way or other public facilities in the area of this facility that results in a conflict with the present location of the approved wireless communications facility, the wireless communication facility equipment shall, if necessary as determined by the Director of Public Works, be removed or relocated at the Applicant's expense subject to review and approval of the Director of Public Works.
18. **Expiration of Wireless Communication Facilities Permit**. An encroachment permit, excavation permit or building permit must be issued within one year of the approval of the City Council, and construction completed within two years of the approval of the City Council, or this approval shall be null and void.
19. **Construction Completion Schedule**. Work on the Project, once begun, shall be promptly executed with continuous good faith and reasonable progress. Since timely completion of this Project is of the essence, the Applicant shall submit for approval a Construction Completion Schedule, which will specify, in detail, the duration and percentage complete of each phase.
  - a. The Construction Completion Schedule with associated construction values for each benchmark shall set forth completion dates for the following benchmarks as needed: i) Completion of Excavation; ii) Completion of Electrical; iii) Completion of Mechanical; iv) Completion of Facilities; v) Completion of Hardscaping and Landscaping; and any further construction benchmarks and conditions as may be determined by the Director of Public Works.
  - b. Before the Project begins, the Director of Public Works shall make a determination as to the reasonableness of the proposed completion dates applicable to the Project, and that determination shall constitute the "Approved Schedule" and be binding on the Applicant.

**SECTION 4.** All portions of this resolution are severable. If an individual component of this Resolution is adjudged by a court to be invalid and unenforceable, then the remaining portions will continue in effect.

[END OF DOCUMENT]