

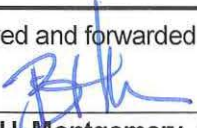
# OAKLEY



## CALIFORNIA

### STAFF REPORT

Approved and forwarded to City Council

  
Bryan H. Montgomery, City Manager

**Date:** 12/08/2015  
**To:** Bryan H. Montgomery, City Manager  
**From:** Kenneth W. Strelo, Senior Planner  
**Subject:** **Color and Logo Design Approval for 2092 Oakley Road Wireless Communication Facility**

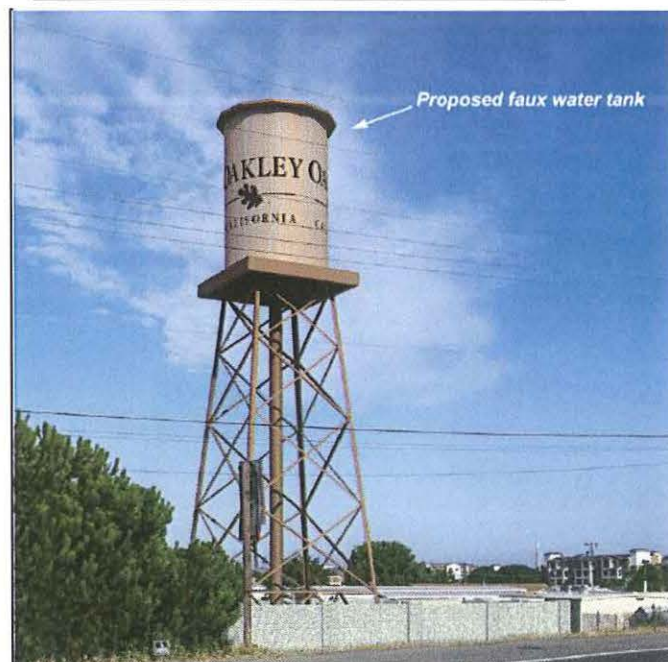
#### Summary

The project, "2092 Oakley Road Wireless Communications Facility (DR 07-15)", was presented to the City Council as a public hearing item on September 8, 2015. The project was approved (4 ayes, 1 no), through adoption of City Council Resolution No. 113-15, with added conditions of approval related to the final design, including bringing the proposed tank color and "Oakley" logo back to the City Council for final approval. This regular calendar item serves to not only update the Council on changes made as a result of added conditions of approval, but also for direction to Staff on the tank color and logo design.

#### Background

This project was originally submitted as a monopine tree. Through discussions with Staff, the applicant revised the structure to replicate a water tower. During deliberations by the City Council, three conditions of approval were added and eventually included in the adopted resolution (see condition of approval nos. 9a, 9b, and 9c in the attached Resolution 113-15). To summarize, the added conditions required the applicant to modify the structure by a) angling the 4 legs of the structure outward

**Figure 1. Close up of Water Tower with logo**



to the maximum extent feasible, b) painting the tank a traditional water tank color, and c) affixing or painting an antique-style Oakley logo onto the walls of the tank.

Staff and the applicant went through several renditions of tank designs, colors, and logos. The plans provided to Council with this report represent the final revisions, which Staff felt best represented the wishes of the City Council. In the attached photosimulations (and as shown in Figure 1.), it is evident the legs have been angled outward, the tank (and structure) has been painted a more traditional color, and an Oakley logo has been proposed. It is noted that the specific condition of approval requested an "Oakley est. 1999" logo; however, with the recent Council approval of an updated logo, Staff felt it was appropriate to include on this tank. One addition to the design not originally proposed or required by the Council is the center pole, which functions as additional structure support. Staff believes this support pole actually improves the design because most water towers include this pole as a conduit for the water. It enhances the design by making it appear more like a functioning water tower.

One detail that has not yet been provided is the "aging" of the logo. Staff will ensure that the final logo is altered to give it an aged appearance, whether that be through fading or vintage enhancement (similar to a vintage t-shirt).

### **Recommendation**

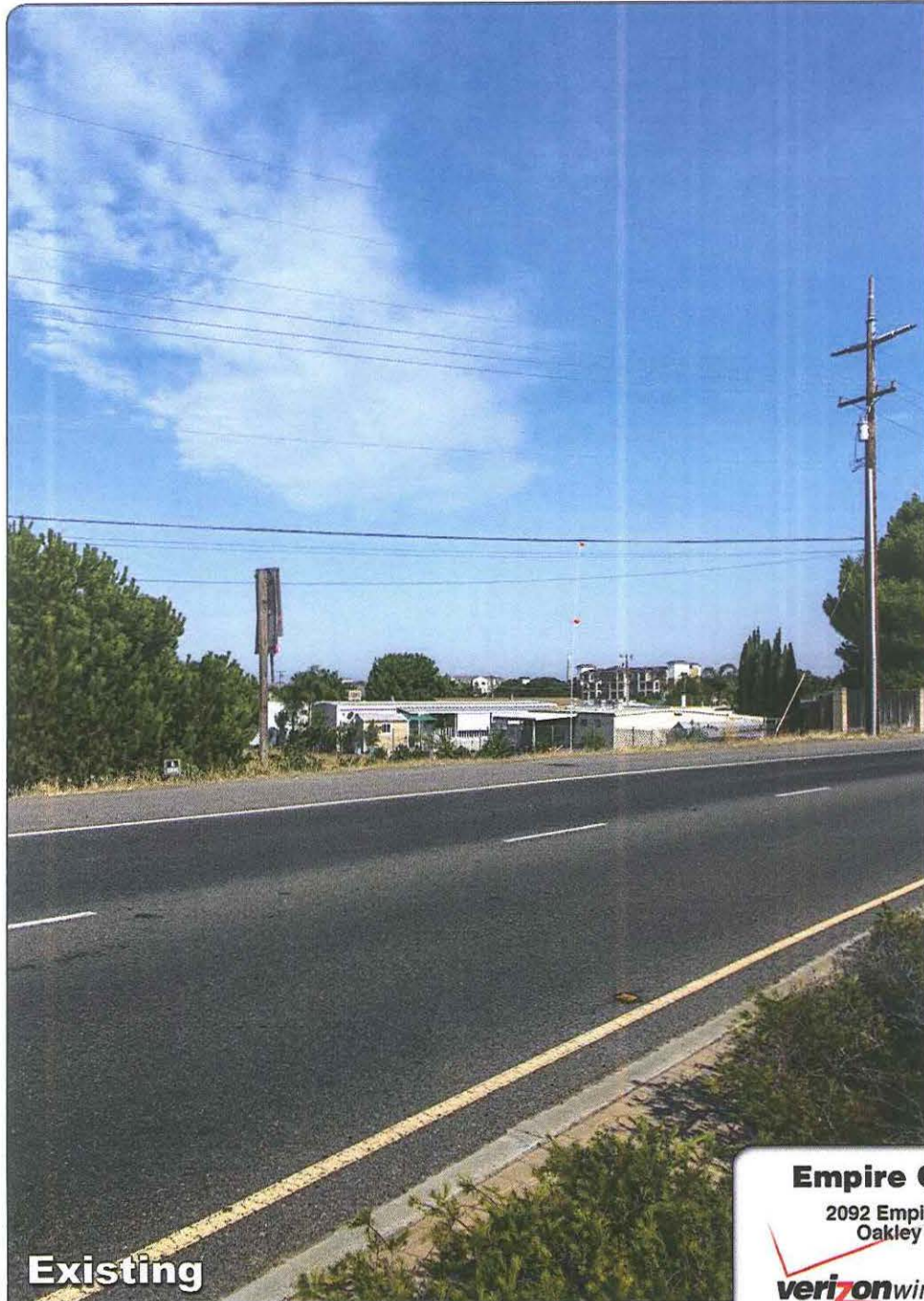
City Council, through consensus, provide feedback to Staff on the proposed tank color and logo design.

### **Attachments**

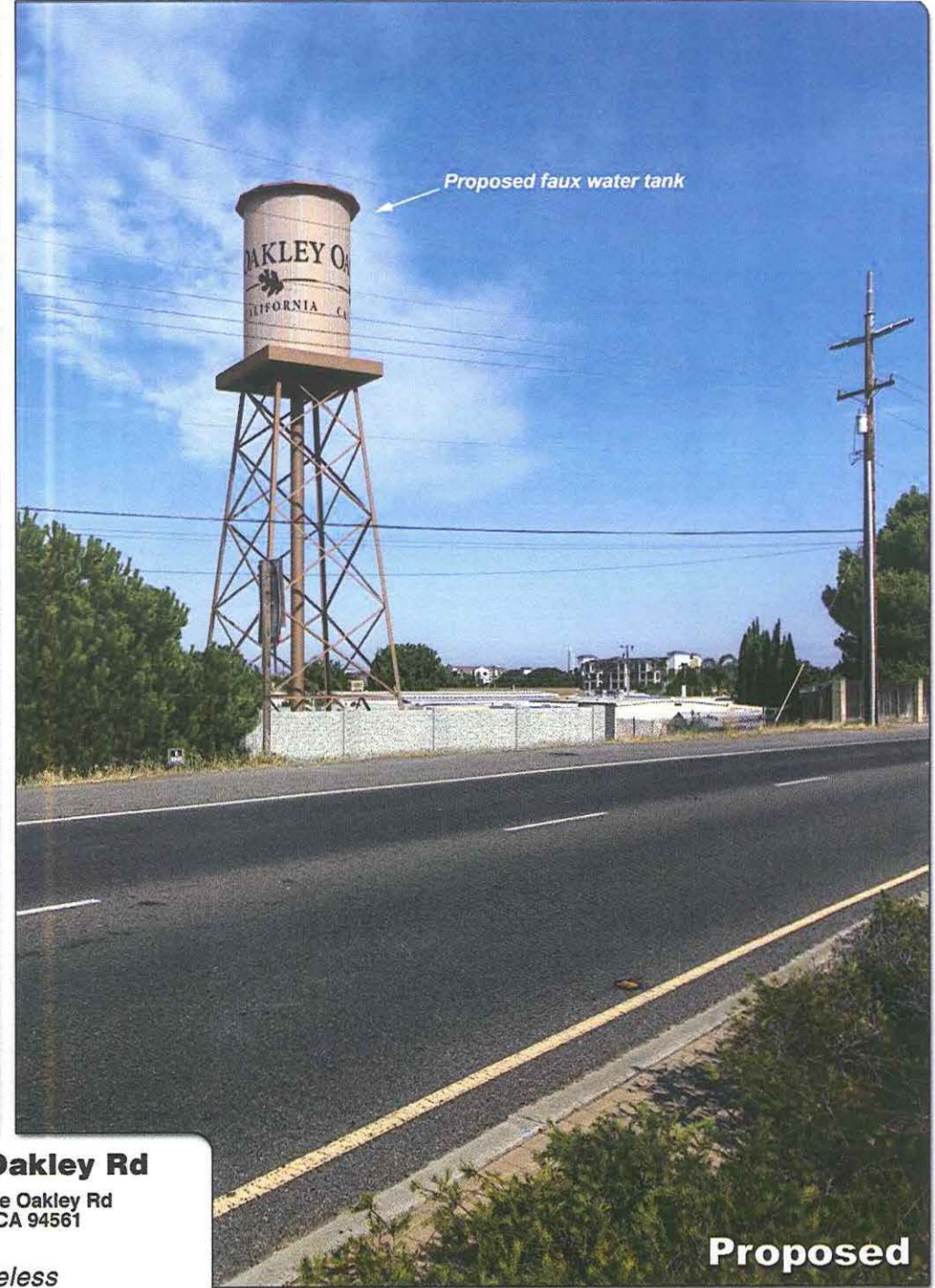
1. Photosimulations
2. City Council Resolution No. 113-15 Approving DR 07-15



Photosimulation of the view looking west from the median of Main Street.



**Existing**



**Proposed**

**Empire Oakley Rd**  
2092 Empire Oakley Rd  
Oakley CA 94561







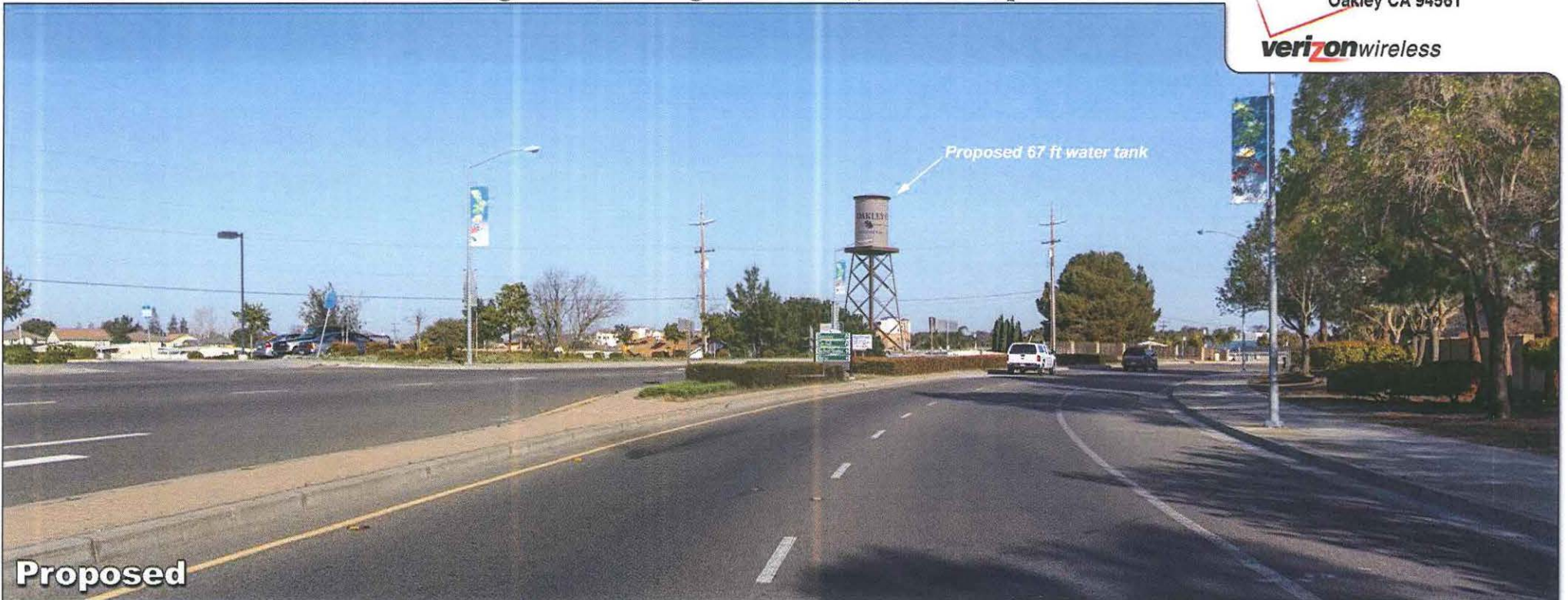
**Existing**

Photosimulation of the view looking northwest along Main Street, just after Empire Ave.

**Empire Oakley Rd**

2092 Empire Oakley Rd  
Oakley CA 94561

**verizon**wireless



**Proposed**

Proposed 67 ft water tank

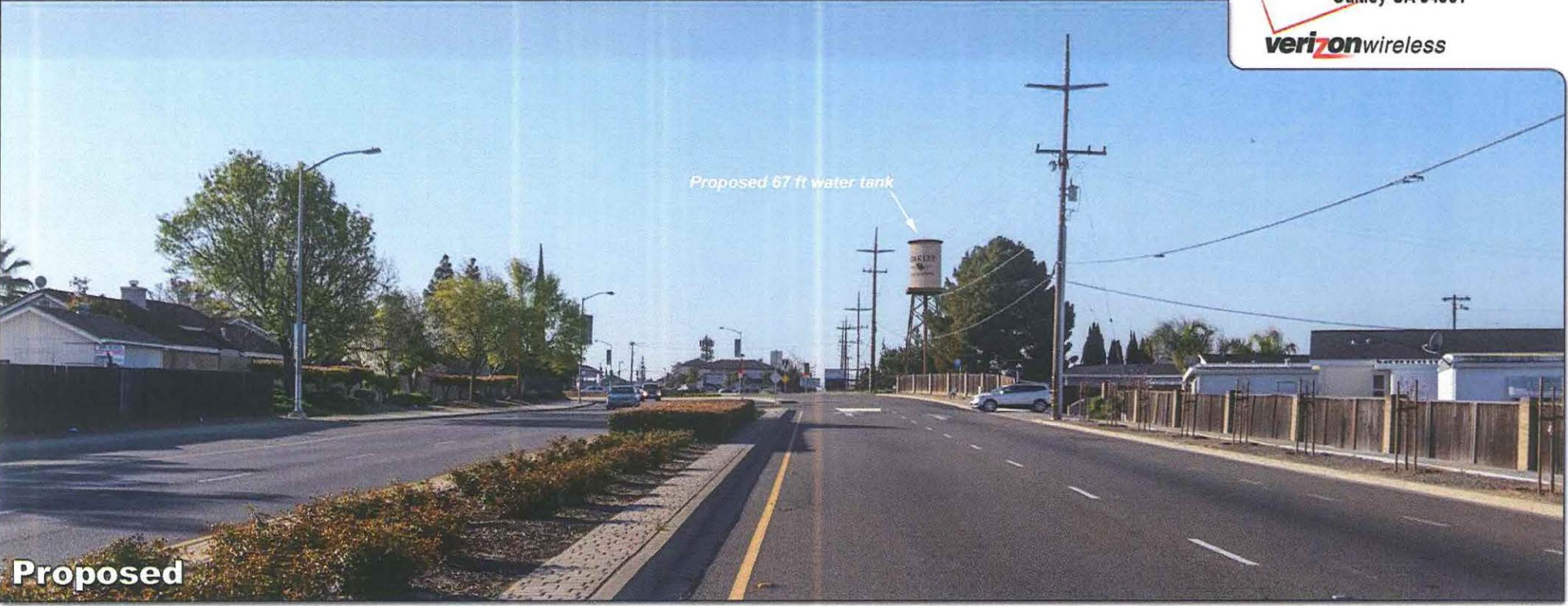




**Existing**

Photosimulation of the view looking due south along southbound Main Street.

**Empire Oakley Rd**  
 2092 Empire Oakley Rd  
 Oakley CA 94561

*Proposed 67 ft water tank*

**Proposed**

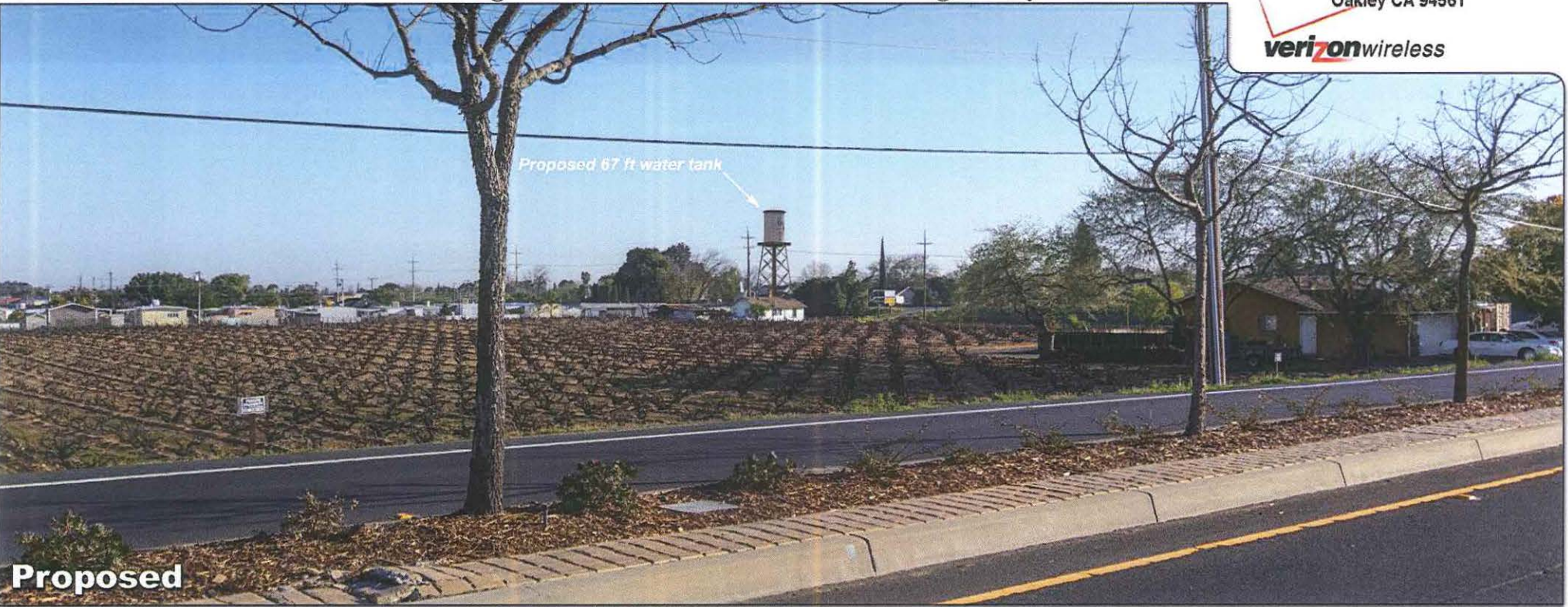




**Existing**

Photosimulation of the view looking northeast from the clearest view along Oakley Road.

**Empire Oakley Rd**  
 2092 Empire Oakley Rd  
 Oakley CA 94561

*Proposed 67 ft water tank*

**Proposed**



**RESOLUTION NO. 113-15****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY MAKING FINDINGS AND APPROVING DESIGN REVIEW FOR "2092 OAKLEY ROAD WIRELESS COMMUNICATIONS FACILITY" (DR 07-15)****FINDINGS**

**WHEREAS**, on April 16, 2015, Jenny Blocker of GTE Mobilnet of CA LP ("Applicant") filed an application for design review approval of a new approximately 67 foot tall wireless communications facility (cellular tower) designed as a faux water tank with nine (up to 18) hidden antennas. The structure and ancillary equipment will be within a 25 foot by 45 foot screened area on the northeast corner of an approximately 10-acre site located at 2092 Oakley Road. The site is zoned "C" (General Commercial) District. APN 037-110-031; and

**WHEREAS**, on May 16, 2015 the project application was deemed complete per Government Code section 65920 et. seq; and

**WHEREAS**, the project site is designated Commercial (C) on the Oakley 2020 General Plan Land Use Map, and zoned C (General Commercial) District; and

**WHEREAS**, an Initial Study and Negative Declaration ("ND") have been prepared for this project pursuant to the California Environmental Quality Act (CEQA). The Notice of Intent to adopt a ND and Initial Study was circulated for public review and comment from August 6, 2015 to September 7, 2015 and was filed with the County Clerk and Governor's Office of Planning and Research State Clearinghouse; and

**WHEREAS**, on August 28, 2015, the Notice of Public Hearing for the project was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site. The notice was also mailed out to all owners of property within a 300-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

**WHEREAS**, on September 8, 2015, the City Council opened the public hearing and received a report from City Staff, oral and written testimony from the applicant and public, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

**WHEREAS**, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City; and

**WHEREAS**, these Findings are based on the City's General Plan, the City's Zoning Ordinance, and the information submitted to the City Council at its September 8, 2015 meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the "Record").

**NOW, THEREFORE, BE IT RESOLVED THAT**, on the basis of the above Findings and the entire Record, the City Council makes the following additional findings in support of the recommended approvals:

A. Regarding the application requesting design review approval for project titled, "2092 Oakley Road Wireless Communications Facility (DR 07-15)", the City Council finds that:

1. The proposed project minimizes overall visual impact in that it is designed as a public art facility and will hide the nine proposed and nine future antennas within the water tank structure;
2. Through the adoption of proposed conditions of approval, the project will:  
(a) comply with the Federal Communications Commission (FCC) and all other applicable federal, state, and local agencies, (b) use sufficient anti-climbing deterrents, (c) use a non-reflective finish on the structure and tank, (d) keep the structure and all associated equipment and signage maintained and in good working order, (e) not use the facility for advertising, and (f) not use exterior lighting on the facility;
3. The wireless communication tower has been designed at the minimum functional height required to fill the gap for coverage area;
4. The wireless communications facility has been designed as a public art facility, and also located on the site where there are additional trees that will help to reduce the visual prominence of the facility; and
5. Through the adoption of a condition of approval the project will be required to use the smallest available and least visible antennas that provide the coverage objective shall be mounted on towers. It is noted the antennas are already fully screened from view.

B. The Project complies with Measure J Growth Management requirements.

**BE IT FURTHER RESOLVED THAT**, on the basis of the above Findings and the Record, the City Council approves the applicant's request for design review approval of "2092 Oakley Road Wireless Communications Facility (DR 07-15)", subject to the following conditions:

Applicant shall comply with the requirements of the Municipal Code, unless otherwise stipulated in this resolution. Conditions of Approval are based on the plans received by



the Planning Division and made a part of the City Council's meeting packet for September 8, 2015.

**THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT UNLESS OTHERWISE NOTED (BOLD CONDITIONS ADDED OR AMENDED AT PUBLIC HEARING):**

**Planning Division Conditions**

General:

1. This Design Review is approved, as shown on the plans, date stamped by the Planning Department on August 5, 2015, and as conditioned below.
2. This approval shall be effectuated within a period of one (1) year from the effective date of this resolution and if not effectuated shall expire on September 8, 2016. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Municipal Code.
3. All construction drawings submitted for plan check shall be in substantial compliance with the plans presented to and approved by the City Council on September 8, 2015 and conditioned herein.
4. The project is approved to only include the 18 antennas and RRH units that will be screened from view and located within the water tank. Installation of any additional visible antennas is subject to a separate design review approval.
5. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.
6. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, and shall be prohibited on City, State and Federal Holidays. The restrictions on allowed working days and times may be modified on prior written approval by the Community Development Director.
7. Should archaeological materials be uncovered during grading, trenching or other on- site excavation(s), earthwork within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), if deemed necessary.
8. The applicant shall indemnify, defend, and hold harmless the City of Oakley, the City Approving Authorities, and the officers, agents, and employees of the City



from any and all claims, damages and liability (including, but not limited to, damages, attorney fees, expenses of litigation, costs of court).

9. **The water tower structure shall be modified from what was presented to the City Council at the September 8, 2015 meeting, as follows:**
  - a. **The structure's legs shall be angled outward as they approach the ground to the extent feasible, while still fitting within the approved 25' by 45' walled area housing the structure and ancillary equipment;**
  - b. **The support structure and faux water tank shall be painted a traditional water tank color (eg. off-white or grey), which shall be brought back to the City Council for final approval; and**
  - c. **A simple, antique-style "City of Oakley est. 1999" logo shall be affixed or painted onto the water tower's external wall in a location that is most visible to public view. The design and size of the logo shall be brought back to the City Council for final approval.**

East Contra Costa HCP/NCCP:

10. The applicant shall comply with the requirements of the East Contra Costa Habitat Conservation Plan / Natural Communities Conservation Plan, including finalization of the Planning Survey Report, implementation of applicable plant and animal surveys, and payment of applicant impact fees.

Development Standards:

11. The wireless communication facilities shall comply at all times with all Federal Communications Commission (FCC) rules, regulations, and standards, and any other applicable federal, state or city laws or regulations.
12. Sufficient anti-climbing deterrents, including warning signs (ANSI Standard C95.2-1982 Warning Symbol), shall be incorporated into the facility, as needed, to reduce the potential for trespass and injury.
13. All related equipment, equipment enclosures, antennas, poles or towers shall have a non-reflective finish and shall be painted or otherwise treated to minimize visual impacts.
14. Proposed equipment cabinets/structures and accessory structures shall be maintained in good condition over the term of the permit. This shall include keeping equipment cabinets and structures graffiti-free and maintaining security fences and warning signs in good condition.
15. Antennas, towers, dishes or mountings shall not be used for advertising.



16. Exterior lighting shall not be allowed on the wireless communication facility except for that required for use of authorized persons on-site during hours of darkness or where antenna structure owner or registrant is required to light the antenna structure by the terms of the FAA antenna structure registration applicable to the facility.

Waste Management Plan:

17. The applicant shall submit a Waste Management Plan that complies with the City of Oakley Construction and Demolition Debris Recycling Ordinance..

**Building Division Conditions**

18. Plans shall meet the currently adopted Uniform Codes as well as the newest T-24 Energy requirements from the State of California Energy Commission. To confirm the most recent adopted codes please contact the Building Division at (925) 625-7005.

**Public Works and Engineering Conditions**

19. Submit improvement plans prepared by a registered civil engineer to the City Engineer for review and approval and pay the appropriate processing costs in accordance with the Municipal Code and these conditions of approval.
20. Submit grading plans including erosion control measures and revegetation plans prepared by a registered civil engineer to the City Engineer for review and pay appropriate processing costs in accordance with the Code and these conditions of approval.
21. Submit a geotechnical report to the City Engineer for review that substantiates the design features incorporated into the project including, but not limited to grading activities, compaction requirements, utility construction, slopes and retaining walls.
22. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300 feet of the exterior boundary of the project site notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The name of the person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of the individual responsible for noise and litter control shall be expressly identified in the notice. The notice shall be reissued with each phase of major grading activity. A copy of the notice shall be concurrently transmitted to the City Engineer. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.



23. Any work proposed to be performed within the City's right of way will require an encroachment permit. The application for the permit should be submitted to the City no less than a week before work is proposed to commence.
24. The applicant shall work with Public Works and Engineering staff to obtain an easement for the proposed utility conduits within the City's right of way. No work within the City right of way may be started until the easement is granted.

#### ***Advisory Notes***

The following Advisory Notes are provided to the applicant as a courtesy but are not a part of the conditions of approval. Advisory Notes are provided for the purpose of informing the applicant of additional ordinance requirements that must be met in order to proceed with development.

- A. The applicant/owner should be aware of the expiration dates and renewing requirements prior to requesting building or grading permits.
- B. The project will require a grading permit pursuant to the Ordinance Code.
- C. Applicant shall comply with the requirements of Ironhouse Sanitary District.
- D. The applicant shall comply with the requirements of the Diablo Water District.
- E. Comply with the requirements of the East Contra Costa Fire Protection District.
- F. Comply with the requirements of the Building Inspection Division. Building permits are required prior to the construction of most structures.
- G. This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.
- H. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- I. The applicant shall obtain an encroachment permit for construction within existing City rights of way.

**PASSED AND ADOPTED** by the City Council of the City of Oakley at a meeting held on the September 8, 2015 by the following vote:

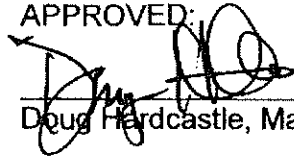
AYES: Hardcastle, Higgins, Pope, Romick

NOES: Perry

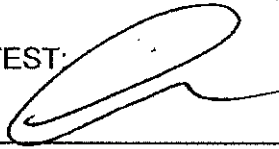
ABSENT:

ABSTENTIONS:

APPROVED:

  
\_\_\_\_\_  
Doug Hardcastle, Mayor

ATTEST:

  
\_\_\_\_\_  
Libby Vreonis, City Clerk

9-14-15  
Date