

## **Exhibit A**

### **Draft Conditions of Approval P13-2070 (AT&T) 3589 Nevada Street**

1. The installation of the wireless shall be constructed and maintained substantially as shown on the plans, photo simulations, coverage map, site analysis, and RF report, Exhibit B, dated "March 26, 2014," on file with the Planning Division, except as modified by these conditions. Minor changes to the project may be allowed subject to prior approval by the Director of Community Development if found to be in substantial conformance with the approved exhibits.
2. The personal wireless service facility shall adhere to the regulations contained in Chapter 18.110, (Personal Wireless Service Facilities) of the Pleasanton Municipal Code.
3. All conditions of approval for this case shall be written by the project developer on all building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all construction plans kept on the project site. It is the responsibility of the applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Division must be received before any changes are constituted in design of the wireless facility.
4. The construction plans submitted for issuance of a building permit shall clearly show the following as recommended by the peer review report by Telecom Law Firm, P.C. dated "Received March 19, 2014," on file with the Planning Division:
  - AT&T shall install and at all times maintain in good condition an RF Notice sign at all rooftop access points. AT&T shall install the RF Notice sign(s) in a location where anyone can clearly see the sign before entering the rooftop area.
  - AT&T shall install and at all times maintain in good condition an RF Notice sign at each sector of antennas. AT&T shall install the RF Notice signs in a location where anyone can clearly see the sign before passing in front of the antennas.
  - AT&T shall ensure that all signage complies with FCC OET Bulletin 65 or ANSI C95.2 for color, symbol, and content conventions. All signage shall, at all times, provide a working local or toll-free telephone number to its network operations center, and such telephone number shall be able to reach a live person who can exert transmitter power-down control over this site as required by the FCC.

5. The proposed GPS antennas shall be lowered to the level of the equipment shelter, or they shall be relocated behind the proposed faux building wall to minimize visual impact. The specific location shall be shown on the construction plan sets submitted for building permit and is subject to review and approval by the Director of Community Development.
6. The equipment shelter shall be painted to match the color of the existing trash enclosure. This revision shall be shown on the construction plan sets submitted for issuance of building permit and is subject for review and approval by the Director of Community Development.
7. Prior to issuance of building permit, the applicant shall provide manufacturer's specification sheet of the pre-fabricated equipment shelter and is subject to review and approval by the Director of Community Development. The specification sheet shall include details of the shelter's exterior finish.
8. The applicant shall provide a color/material sample of the proposed faux building wall for review and approval by the Director of Community Development prior to the issuance of building permit.
9. Prior to issuance of building permit, the applicant provide manufacturer's specification sheet of the 50KW emergency standby generator. The specification sheet shall include dimensions and noise level.
10. The generator shall meet the Best Available Control Technology requirements as established by the Bay Area Air Quality Management District (BAAQMD). The applicant shall obtain all applicable permits from the BAAQMD before installation of the generator.
11. The emergency standby generator and related equipment shall adhere to the noise requirements in Chapter 9.04 (Noise Ordinance).
12. The emergency standby generator shall only be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday. It shall not be tested more than one hour during any day, and no testing shall be on "Spare the Air Days" in Alameda County.
13. Items, such as wooden pallets, boxes, etc., that are stored in the parking lot area shall be removed prior to issuance of building permit.
14. Final detailed panel antenna drawings shall be included in the plans submitted for the issuance of a building permit. Said detailed drawings shall be consistent with the approved design review plans plus any conditions of approval, and shall be detailed in terms of dimensions.

15. Prior to the issuance of a building permit, the applicant shall submit to the Building and Safety Division a report from a structural engineer, licensed by the State of California, stating that the proposal would be structurally sound. No building permit shall be issued until the Chief Building Official reviews and approves the structural report.
16. Prior to the issuance of a building permit, the property owner or authorized agent for the project shall provide a financial guarantee to the Building and Safety Division for the removal of the facility in the event that the use is abandoned, or its approval terminated. The financial guarantee shall be 10% of the cost of constructing the facility and shall be submitted in cash or as a bond. If submitted as a bond, the bond shall be valid for a minimum of eleven (11) years from the date of building permit issuance. Prior to the issuance of a building permit, the property owner or the authorized agent for the project shall also sign an interest waiver for the financial guarantee. In the event that the entire facility is removed from the site, the property owner or authorized agent for the project may request a refund of the financial guarantee. All refund requests shall be made through the Planning Division.
17. The mounting equipment used to support the antennas shall be fire resistant, termite proof, and subject to all requirements of the Uniform Building Code.
18. The personal wireless service facility shall be reviewed and approved by the Livermore-Pleasanton Fire Department and the Building and Safety Division prior to the installation of the personal wireless service facility. All required City permits must be obtained prior to the installation of the personal wireless service facility.
19. Within 45 days of initial operation, AT&T Wireless shall submit to the Planning Division a written certification by an electrical engineer licensed by the State of California that the personal wireless service facility, including the actual radio frequency emission of the facility, is in compliance with the application submitted, all conditions imposed, and all provisions of Chapter 18.110 (Personal Wireless Service Facilities).
20. AT&T Wireless shall hire a qualified electrical engineer licensed by the State of California, and approved by the Zoning Administrator to measure the actual radio frequency emission of the personal wireless service facility and determine if it meets the Federal Communications Commission's standards. A report of all calculations, required measurements, and the engineering's findings, with respect to compliance with radio frequency standards shall be submitted to the Planning Division within 2-3 years of the date of approval for this case and every 3 years after.
21. As specified in Chapter 18.110 (Personal Wireless Service Facilities), approval of the personal wireless service facility in this case, Case P13-2070 is valid for a maximum of ten years from the date of approval, until April 24, 2024. After ten years, the applicant must reapply for approval to continue operation.

22. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

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