EXHIBIT B

Attachment A: Findings for Denial

This proposal does not meet the required findings under General Use Permit Criteria (OMC Sec. 17.134.050), Conditional Use Permit Criteria for Monopoles (OMC Sec. 17.128.080(C)), and Design Review for Monopoles (OMC Sec. 17.128.080(B)), as set forth below. Required findings that cannot be made are shown in bold type; explanations as to why these findings cannot be made are in normal type.

SECTION 17.134.050 – GENERAL USE PERMIT CRITERIA:

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

This finding cannot be made: the proposed Monopole would not be compatible with the surrounding open space/region-serving park area, would contain unsightly attached equipment, and would be excessively tall and bulky in comparison to the minimal examples of man-made structures found in the area. The design of the tall pole with attached equipment along a scenic stretch of Skyline Boulevard that is unencumbered by similar man-made structures (including power poles and light standards) will adversely affect the neighborhood character. Manmade objects in the vicinity are essentially limited to necessary No Parking signs, a trail fence, and a regional park sign, which are much smaller than the proposed 41'-5"-tall Monopole.

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

This finding cannot be made: the proposal does not conform to the Intent of the Urban Open Space of the General Plan: "*To identify, enhance and maintain land for parks and open space. Its purpose is to maintain and urban park, schoolyard, and garden system which provides open space for outdoor recreation, psychological and physical well-being, and relief from the urban environment.*" or to the following Policies of the General Plan's Open Space, Conservation and Recreation (OSCAR) Element:

> POLICY OS-6.1: INTERGOVERNMENTAL COORDINATION
> Coordinate Oakland's open space planning with other agencies, including adjacent cities and counties, the Port of Oakland, and the East Bay Regional Park District.
>
> POLICY OS-10.2: MINIMIZING ADVERSE VISUAL IMPACTS
> Encourage site planning for new development which minimizes adverse visual impacts and takes advantages of opportunities for new vistas and scenic enhancement.
>
> POLICY OS-10.4: RETENTION OF CITY-OWNED OPEN SPACE IN SCENIC CORRIDORS
> Retain City-owned parcels adjacent to Skyline Boulevard, Shepherd Canyon Road, and other scenic roadways to preserve panoramic views, vegetation, and natural character.

The location is along a natural wooded corridor serving as a gateway to City and regional parks and facilities. The area offers relief for citizen and area residents from the built environment. The relatively unspoiled character of the area should be maintained for the continued enjoyment by residents and to

maintain the economic viability of facilities to attract regional visitors. Furthermore, the East Bay Regional Park District contacted CEDA about their concerns of such an imposing structure in a scenic open space area.

SECTION 17.128.080(C) – CONDITIONAL USE PERMIT CRITERIA FOR MONOPOLES.

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

These findings cannot be made as described in the following section of this Attachment.

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

This finding cannot be made: the area consists predominantly of the natural environment featuring Redwood groves. Manmade objects in the vicinity are essentially limited to necessary No Parking signs, a trail fence, and a regional park sign. The addition of a tall pole supporting equipment along a scenic stretch of Skyline Boulevard that is **unencumbered** by similar man-made structures (including power poles and light standards) will disrupt the overall community character.

SECTION 17.128.080(B) – DESIGN REVIEW CRITERIA FOR MONOPOLES.

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

The project does not involve collocation; the proposal is to install new facilities in an area completely lacking such structures.

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

The Monopole would negatively impact a wooded corridor essentially serving as a gateway to a City facility and regional park. The only manmade structures along this stretch of Skyline Boulevard are No Parking signs, a park entrance sign, and a trail fence, which are much smaller than the proposed 41'-5"-tall Monopole. Installation of such tall structures where none exist would adversely impact the aesthetic quality of the area. Furthermore, it is not clear from NextG whether additional Monopoles in this area would be necessary to completely service Verizon's needs. See Attachment C for a depiction of how NextG's system works. It is our understanding that a minimum of 6-8 Monopoles are needed to service the facility housing the base station equipment, which would further dramatically affect specific views and create greater visual clutter.

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

The Monopole would not be screened; it would be ten-feet from the road in an area where no other structures similar in height exist and would have bulky equipment attached to such Monopole

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

The equipment cabinet would be pole mounted and therefore would not be screened. The pole would therefore be bulky in comparison with a facility having ground-mounted equipment.

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

The Monopole would be incompatible with the area consisting of open space with parks and no tall manmade structures because it would not be concealed. The proposed structure would not preserve open space and would not be compatible with the minimal built environment and prevailing natural environment in the area. The design is relatively bulky as it would contain equipment and the area does not contain any other large poles such as light standards, telephone or power poles, or telecommunications facilities such as monopoles.