POLICY FOR LEASING CITY-OWNED PROPERTY FOR WIRELESS TELECOMMUNICATION FACILITIES

CITY OF LIVERMORE

Purpose

The purpose of this policy is to facilitate the siting and permitting of wireless telecommunication facilities[1] (hereafter called "telecom facilities") on City-owned property to meet the communication needs of the community with minimal aesthetic impacts on the environment. To meet this goal, the policy identifies appropriate sites and design standards for establishing telecommunication facilities on City property. The policy is intended to streamline the permit approval for telecommunication facilities on pre-selected City-owned properties. It is not intended to supersede the Development Code or any other local, state, or federal code regulating telecom facilities.

Location

A number of City-owned properties are desirable sites for telecom facilities for several reasons, including their location, relatively large size, quantity of open space, and the convenience of a single property owner representing multiple properties throughout the city. The inventory of City-owned property was studied to identify appropriate sites for wireless telecommunication facilities. The sites were selected using the following criteria:

- Visual impact. The site is conducive to placing the telecom facility into the existing environment in a visually unobtrusive manner.

- Access. The site must be accessible to the telecom operator for maintenance and repairs, allowing access by a service vehicle as necessary.

- Sufficient buffer or setback. There is sufficient space on the site to provide adequate setback/buffer from adjacent uses.

- Compatibility with existing use. The telecom facility must not impede existing and/or planned use of the property and surrounding land.

[1] Wireless telecommunication facility is defined as a land use that consists of one or more antennas and antenna-supporting structures, accessory equipment, buildings or cabinets, fences, and any related components, that is used to send or receive limited range radio-frequency signals for commercial cellular telephone service, personal communications service, internet access service, or other video, voice or data communication services.

- Sensitive receptors on adjacent properties. Sites with nearby residences, schools, biological habitat, and scenic vistas should be avoided wherever possible. However, in areas where there is no better alternative, a site may be selected near a sensitive receptor.

- Proximity to telecom users. Sites near transportation corridors and dense population are preferable for their ability to cover more telecom users.

- The lack of other viable sites in the area. In some areas of the city very few sites meet all of the criteria above. In such areas, City-owned properties, such as park sites, are often the best alternative with the least potential for visual impact on the environment.

City-owned properties were evaluated on the basis of the above criteria and the following sites were identified as desirable locations for telecom facilities. Where appropriate, further details are given regarding the specific location within the property and requirements for co-locating on an existing structure and/or the type of pole to be constructed for the specific site.

Pre-Selected Sites:

1. Water Tanks and Communication Tower, Doolan Road. Locate antennas on existing communication tower, replace existing tower with a slim-line pole, or construct a new slim-line pole near the existing tower or lattice tower if necessary.

2. Water Tank Site, Dalton Road. Locate antennas on a new slim-line pole or a new camouflage tree pole outside of the interior security fence. Ground equipment should be screened by evergreen plants.

3. Las Positas Golf Course, 917 Clubhouse Drive. Locate antennas on a new camouflage tree pole near maintenance building or on poles supporting nets at the driving range. Ground equipment should be screened by evergreen plant material.

4. Springtown Golf Course, 939 Larkspur Drive. Locate antennas on a new slim-line pole or a camouflage tree pole near the maintenance building at the north end of the golf course. Ground equipment should be screened by evergreen plants.

5. Civic Center, 1188 South Livermore Avenue. Locate antennas on a new slim-line pole behind library (east of building). Ground equipment should be screened by evergreen plants.

6. Water Treatment Plant, 101 W. Jack London Boulevard. Co-locate on existing structures or new monopole in interior of the site.

7. Livermore Valley Center Parking Garage, 2350 Railroad Avenue. Co-located on parking structure or a new slimline monopole on the north side of the property, near the railroad.

8. Cayetano Park, Portola Avenue, east of Isabel Avenue. Locate antennas on sports field lights.

9. Ernie Rodriguez Sports Fields at Robertson Park, South Livermore Avenue, north of Concannon Boulevard. Locate antennas on sports field light poles. Ground-mounted equipment shall be screened by an opaque fence or wall.

10. Independence Park, 2798 Holmes Street. Locate antennas on new camouflage tree pole north of parking lot. Ground-mounted equipment shall be screened by evergreen plants.

11. William Payne Sports Park, 5800 Patterson Pass Road. Locate antennas on new sports field light poles or new slim-line pole. (Currently there are no sports field lights at the park, but is in the LARPD Master Plan as a planned improvement.)

12. Robert Livermore Park, 4444 East Avenue. Locate antennas on a new camouflage tree pole in the interior of the park near existing trees, on rooftop at the rear of the Robert Livermore Community Center building, or on new field lights. Rooftop antennas must be located within an architecturally integrated screen.

13. May Nissen Park/Rincon Library, 685-725 Rincon Avenue. Locate antennas on a new camouflage tree pole west of the library building. Ground equipment should be screened by evergreen plants. Alternatively, new sports field or swimming pool lights may be constructed to support new antennas. Ground equipment near the swimming pool or basketball courts may be screened by an opaque wall or fence.

The exact location of the telecom facility shall be determined with each individual application for entitlements. The types of poles noted above are recommendations. The

City may approve an alternative design if it is justified per the Telecom Ordinance (LDC 6.02.100). The telecom facility shall be sited so it does not interfere with the primary use of the property. Ground-mounted support equipment at all sites must be screened from public view, as required by the Wireless Telecommunication Ordinance (Livermore Development Code, Section 6.02.100).

Because these pre-selected sites have been assessed as appropriate locations for a telecom facility, the review of the entitlement application will be expedited. The review process will take less time since the site had already been analyzed by City staff for appropriateness for the use and general design. The review will focus mainly on the details of each specific proposal.

Telecom facilities proposed on City-owned property not identified as a pre-selected site may still be considered with the approval of Zoning Use Permit following the requirements of the Development Code, but the review process will likely take longer compared to an application for a pre-selected site, because there are site-specific issues that resulted in exclusion from the pre-selected site list.

Design

Each site requires its unique set of design standards based on the surroundings. For example, a telecom facility designed to appear like a tree is appropriate for site that has trees of comparable height as the proposed pole. But an imitation tree-pole would not be appropriate in a developed area barren of trees. When an imitation tree-pole is proposed, it must match the appearance of the natural trees in the immediate vicinity, as much as feasible. The amount of branches and foliage must be of sufficient density to effectively screen the antennas and other pole-mounted equipment.

Ground-mounted equipment must also be designed and/or screened to have the least possible visual impact on public areas. The design intent for each site is to blend a telecom facility into the existing context in the most aesthetically sensitive manner possible. The project is expected to conform to the design standards for a telecom facility set forth in the Development Code. Furthermore, this policy specifies the facility type, as defined in the Development Code, for each pre-selected location in the list above.

Permitting

New telecom facilities on City-owned property require a Zoning Use Permit (ZUP) and Site Plan and Design Review (SPDR) approval. Building permits are required prior to installation. As required by the Development Code, notices will be sent to owners within the vicinity of the proposed telecom facility (a minimum 300-foot radius of the subject property) before the City takes action on the ZUP application. Zoning Use Permits are

reviewed and approved by the Community Development Director or his or her designee. All telecom facilities on City property must conform to the Development Code, Building Code, the Telecommunications Act of 1996, the California Environmental Quality Act (CEQA) and all applicable local, State, and Federal regulations. Because the preferred sites have been evaluated by City staff for the siting of a telecom facility, permit review and approval will typically take less time for applications on these sites.

Applications to locate telecom facilities on buildings or structures owned and maintained by the Livermore Area Recreation and Park District (LARPD) on land owned by the City must receive the written approval of LARPD prior to approval of permits.

Telecom facilities proposed on City property that is not a pre-selected site can still be considered in accordance with the requirements of the Development Code. However, these sites may possess difficult land use and design issues that are not present on the preferred sites and, therefore, may require additional effort by the applicant to conform to the standards set forth in the Development Code and additional time by City staff to review the application.

Modifications of the existing facility or co-location of an additional facility on an existing facility on City property require a separate entitlement and permits, typically a Zoning Use Permit and/or an administrative Site Plan and Design Review approval.

Leasing

The telecom operator must enter into a lease agreement with the City for the use of the City-owned property. Each individual lease shall be negotiated separately based on the model lease agreement prepared by the City. The City Manager is authorized to sign the lease on the City's behalf for telecom facilities on pre-selected sites. Leases for telecom facilities on all other City properties require approval of the City Council.

Lease rates for each location shall be based on comparable market rates at the time of executing the lease. The initial term of the lease shall be five years, unless the City and the telecom operator mutually agree to a different term. The lease shall include the following standard provisions:

- The telecom facility must not interfere with public safety frequency
- The telecom facility must comply with FCC rules and regulations
- The lessee must maintain facility in good condition
- The lessee must remove the facility if abandoned and return the site to previous conditions
- The lessee must obtain and pay for required land use entitlements and comply with conditions of approval

- The lessee must bear all construction costs, including extension of utilities, and install separate utility meters
- The lessee must repair damage to city property and, when applicable, LAPRD property
- The operation, maintenance, and access to/from the telecommunications facility shall not materially interfere with the operation, security and maintenance of any City facility
- The lease must be amended if the facility is expanded and/or equipment is added

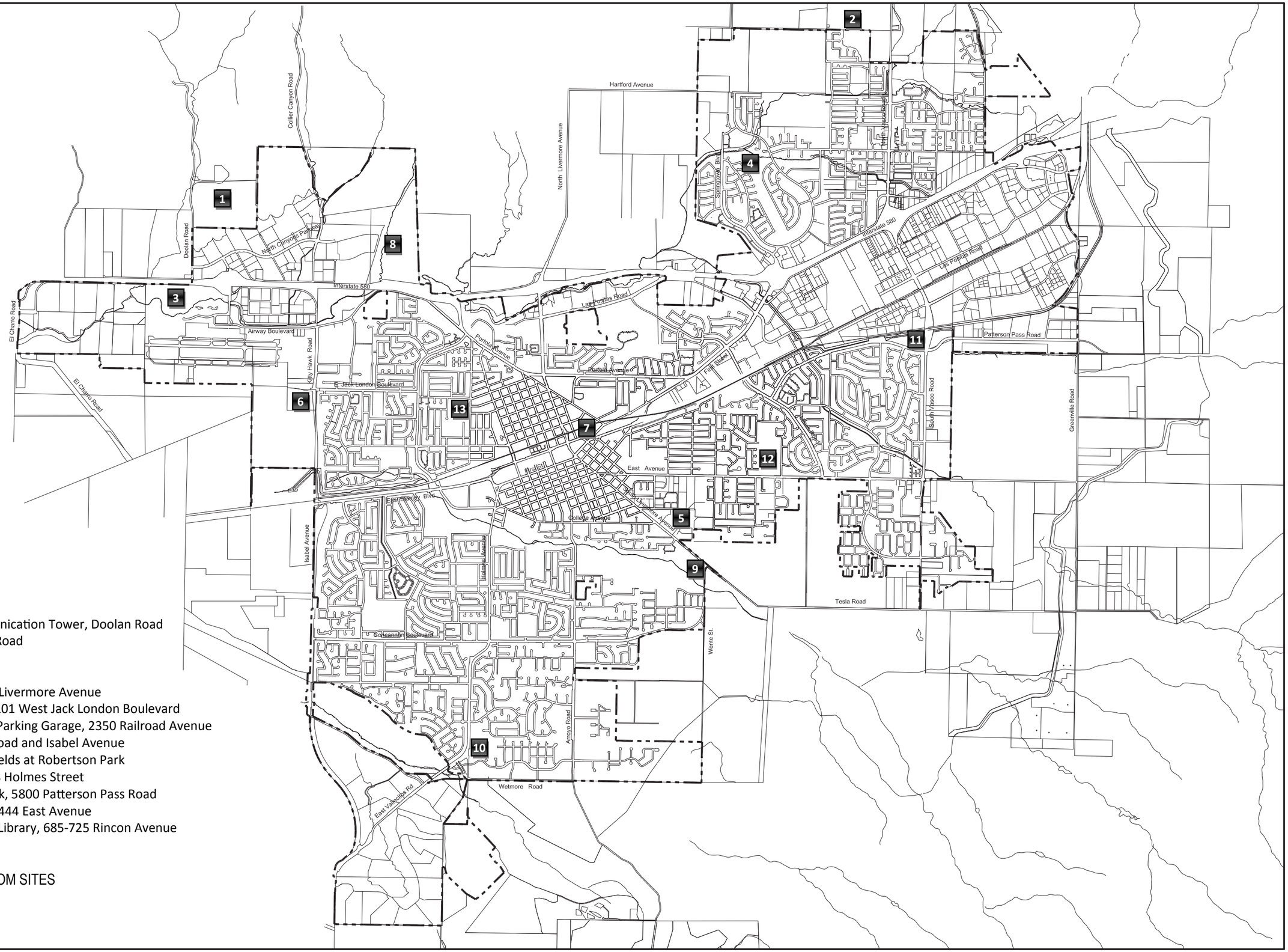
Revenue-Sharing with LARPD

For City-owned park land that is operated and maintained by the Livermore Area Recreation and Park District (LARPD), the lease shall be between the City and the telecom operator. A telecom facility application at a park operated and maintained by LARPD will be sent to the LARPD General Manager for review and comments before the City makes a decision on the land use entitlement. Furthermore, the City shall set aside a portion of the lease payment to LARPD.

For telecom facilities proposed on land owned by LARPD, LARPD has the option of retaining the City to market potential LARPD-owned sites to telecom operators, and to draft, negotiate, and manage the lease with the telecom operator in exchange for a share of the lease revenue. The lease will be between LARPD and the telecom operator and the City would serve as LARPD's representative.

The City may guide a telecom operator to locate on land owned and operated by LARPD. If a telecom facility is built on LARPD land as a result of the referral from the City, staff is proposing LARPD provide a referral fee to the City.

The specific terms for the sharing of revenue shall be established in a subsequent Revenue-Sharing Agreement between the City and LARPD, subject to the approval of the City Council and the LARPD Board.



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2 Water Tank Site, Dalton Road
3 Las Positas Golf Course
4 Springtown Golf Course
5 Civic Center, 1188 South Livermore Avenue
6 Water Treatment Plant, 101 West Jack London Boulevard
7 Livermore Valley Center Parking Garage, 2350 Railroad Avenue
8 Cayetano Park, Portola Road and Isabel Avenue
9 Ernie Rodriguez Sports Fields at Robertson Park
10 Independence Park, 2798 Holmes Street
11 William Payne Sports Park, 5800 Patterson Pass Road
12 Robert Livermore Park, 4444 East Avenue
13 May Nissen Park/Rincon Library, 685-725 Rincon Avenue

PRE-SELECTED TELECOM SITES
DRAFT 9/21/10
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