CITY OF BURLINGAME

City Hall – 501 Primrose Road
Burlingame, California 94010-3997

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

PH: (650) 558-7250
FAX: (650) 696-3790

October 9, 2012

James Elgee
Cortel
4282 Coolidge Avenue
Oakland, CA 94602

Re: 1333 Bayshore Highway – Administrative Use Permit (Clearwire)

Dear Mr. Elgee,

Your request for an Administrative Use Permit to alter an existing wireless communication facility (facility) at 1333 Bayshore Highway, zoned IB (Inner Bayshore District) was reviewed by property owners within 300 feet and the Community Development Department – Planning Division.

Since there was no appeal, the Administrative Use Permit has been approved for an application which includes replacing one (1) existing 2'-0" diameter microwave dish with one (1) new 3'-0" diameter microwave dish in its place on an existing mount on the rooftop of the building.

The Administrative Use Permit was approved with the following conditions of approval:

1. that the Administrative Use Permit for to alter the existing wireless communication facility shall be valid for ten (10) years from the date of approval. At least one hundred twenty (120) days prior to the expiration of the initial ten (10) year term, the applicant shall complete and submit a renewal application to the Community Development Director;

2. that the project shall be built as shown on the plans submitted to the Planning Division date stamped August 15, 2012, sheets T-1 and A-1 through A-5;

3. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, 2010 Edition, as amended by the City of Burlingame;

4. that the wireless communication facility shall operate in conformance with all applicable provisions of Chapter 25.77 of the Burlingame Municipal Code (Wireless Communications); where any conflicts exist between the applicable provisions of that chapter and this approval, the more restrictive provision shall apply;

5. that prior to issuance of a building permit for construction of the project, the project construction plans shall be modified to include a cover sheet listing all conditions of approval for the Administrative Use Permit; which shall remain a part of all sets of approved plans throughout the construction process. Compliance with all conditions of approval is required; the conditions of approval shall not be modified or changed without an amendment to the Administrative Use Permit;

6. that the facility shall meet or exceed current standards and regulations of the FCC, the FAA, and any other agency of the state or federal government with the authority to regulate wireless communication facilities. If such standards and regulations are changed and are made applicable to existing facilities, the owners of the facilities governed by this chapter shall bring such facilities into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring the facility into compliance with such revised standards and regulations shall constitute grounds for the removal of the facilities at the owner's expense, revocation of any permit or imposition of any other applicable penalty;

7. that the facility shall be constructed of graffiti-resistant materials and shall be painted a non-reflective material consistent with the color scheme on the building;

8. that any exterior lighting on the facility should have a manual on/off switch and be contained on-site;

9. that signage in, on or near the facility should be prohibited with the exception of warning and informational signs, which shall be designed with minimal aesthetic impact;

10. that within forty-five (45) days of commencement of the facility operation, the applicant shall provide verification by independent qualified experts that the RF (radio frequency) levels of the facility complies with FCC regulations and with the City noise regulations;

11. that the applicant shall report to the City every five (5) years from the date of commencement of the facility operation, a review of the condition of the facility, of the facility's compliance with federal and state regulations and of the facility's compliance with the provisions of this chapter and the conditions of approval. The applicant shall also provide updated contact information for the owner and the applicant and verifiable confirmation information as to what carrier(s) are using the facility;

12. that the applicant shall procure and maintain a City business license, contact information for the applicant, for the agent responsible for maintenance of the facility and for emergency contact;

13. that the applicant shall either secure a bond, letter of credit or other similar financial assurance, in a form acceptable to the City, for the removal of the facility in the event that its use is abandoned, its operation is ceased or the approval is terminated;

14. that maintenance and repairs to facility shall be permitted provided that such maintenance and repair does not enlarge or extend the facility structure or equipment enclosures or change the number, type, dimensions, of the antenna or related equipment;

15. that current contact information of the person or entity responsible for maintaining and repairing the facility shall be provided to and maintained by the Community Development Department;

16. that the facility shall be kept clean and free of graffiti, litter and debris. Lighting, fences, shields, cabinets, and poles, shall be maintained in good repair and free of graffiti and other forms of vandalism, and any damage from any cause, including degradation from wind and weather, shall be repaired as soon as reasonably possible to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility as soon as practicable, and in no instance more than two (2) business days from the time of notification by any person or entity;

17. that except for emergency repairs, testing and maintenance activities that will be audible beyond the property line shall only occur between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, excluding holidays;

18. that noise originating from any equipment shall be mitigated to the extent necessary to ensure compliance with applicable noise limitations under the Burlingame Municipal Code;

19. that backup generators shall only be operated during periods of power outages or for testing during a set period;

20. that the service provider shall notify the Community Development Director of the intent to vacate a site at least thirty (30) days prior to the vacation;

21. that if the facility site is not operated for a continuous period of twelve (12) months, the Administrative Use Permit shall be deemed terminated unless before the end of the twelve (12) month period:

    (1) The Community Development Director has determined that the same operator resumed operation; or
    (2) The City has received an application to transfer the permit to another service provider.

22. that no later than ninety (90) days from the date the facility is determined to have ceased operation or the Provider has notified the Community Development Director of the intent to vacate the site, the owner of the wireless communication facilities or the owner of the property on which the facility is sited shall remove all equipment and improvements associated with the use and shall restore the site to its original condition as required by the Community Development Director. The provider or owner may use any bond or other assurances provided by the operator to do so. The owner or his or her agent shall provide written verification of the removal of the facility within thirty (30) days of the date the removal is completed.

All site improvements and construction work will require separate application to the Building Department. **This approval is valid for one year from the date of this approval letter, during which time a building permit must be issued.** One extension of up to one year may be considered by the Community Development Director if such a request is received at least 120-days in advance of the expiration date.

Sincerely,

Maureen Brooks for

William Meeker
Community Development Director

c. HMC Burlingame Hotels LLC, property owner

Chief Deputy Valuation
Assessor's Office

(8.14 AC MOL PTN OF PAR 63 ASSESSOR'S MAP B/16 & PTN OF BAYSHORE HWY ABAND CITY OF BURLINGAME; APN: 026-112-140)