

CITY OF ALBANY
PLANNING AND ZONING AGENDA
STAFF REPORT

Agenda date October 26, 2010
Prepared by: JB

ITEM/ 6b

SUBJECT. Planning Application #09-027. Conditional Use Permit. Design Review. The applicant requests City approval to allow the replacing six existing wireless antennas and the addition of three new antennas and a microwave dish on an existing racetrack tower at Golden Gate Fields

SITE: 1100 Eastshore (Golden Gate Fields)

**APPLICANT/
OWNER:** Chad Christie for Pacific Racing Assoc.

ZONING: Waterfront

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission refer the application to staff for administrative action as a ministerial permit

BACKGROUND/PROJECT DESCRIPTION

The applicant requests City approval to allow the replacement of six existing cell phone antennas with nine new antennas and a microwave dish on an existing racetrack observation tower at Golden Gate Fields. The tower is located at the northwest corner of the racetrack. The current installation is an existing legal non-conforming facility pursuant to the Wireless Communication Facility provisions of the City's Planning and Zoning Code

On June 22, 2010, the Commission reviewed the application and concurred with staff recommendation that approval of a use permit is not allowed under current provisions of the Planning and Zoning Code because antennas are not allowed in the Waterfront zoning district

At the meeting, it was suggested that an application to modify the zoning ordinance to allow wireless antennas might be an appropriate course of action. Subsequently, it was determined that a revision to the Planning and Zoning Code is not practical due to the provisions of Measure C, which do not allow a change in use without approval of a ballot measure by the voters

ENVIRONMENTAL ANALYSIS

Staff has determined that the proposed project is categorically exempt from the requirements of CEQA per Section 15301, "Existing Facilities" of the CEQA Guidelines, which exempts alterations to existing facilities.

DISCUSSION OF KEY ISSUES

As an alternative to a conditional use permit or a rezoning, the application could be evaluated as a ministerial administrative action. The antenna, which was installed originally as a "minor utility" use, has been in continuous use since, and otherwise conforms to Planning and Zoning Code site regulations. Furthermore, the proposal is consistent with the purpose and intent of the City's wireless regulations (Planning and Zoning Code 20 20 100 A). In addition, the work involves new fixtures and equipment on new mounting brackets, and does not involve any new addition to the structure, which would clearly trigger a Planning and Zoning Commission action. Staff routinely works with utility providers in the location of facilities, and could review and approve this application in that context by taking a ministerial action.

The City's Wireless regulations call for establishment of a monitoring program for all wireless communications facilities. This is a work initiative that staff has been aware of, but have not had the opportunity to implement. As a condition of approval, staff would require the applicant to make a commitment to cooperate in good faith to participate in the monitoring program.

Appeals

The Albany Municipal Code provides that any action of the Planning and Zoning Commission may be appealed to the City Council if such appeal is filed within 14 days of the date of action. Appeals may be filed in the Community Development Department by completing the required form and paying the required fee.

Attachments:

- 1 Analysis of Zoning Requirements
- 2 Application, Plans

ATTACHMENT 1 - ANALYSIS OF COMPLIANCE WITH ZONING REQUIREMENTS

20.12 Zoning Districts and Permitted Uses

General Plan. Commercial/Recreation
Zoning WF (Waterfront)

20.16 Land Use Classifications

Minor Utility

Surrounding	North - racetrack	East - I-80/580
Property Use	South - racetrack	West - racetrack

20.20.080 Secondary Residential Units.

Not applicable.

20.24.020 Table of Site Regulations by District.

Not applicable

20.24.030 Overlay District Regulations.

See Discussion

20.24.040 Hillside Residential Regulations.

Not applicable

20.24.050 Floor-Area-Ratio.

Not applicable

20.24.060 Setback Areas, Encroachments.

Not applicable

20.24.070 Setbacks with Daylight Planes.

Not applicable

20.24.080 Height Limits and Exceptions.

See Discussion of Key Issues

20.24.100 Distances between Structures.

Not applicable

20.24.110 Fences, Landscaping, Screening.

Not applicable

20.24.130 Accessory Buildings.

Not applicable.

20.28 Off-Street Parking Requirement.

Not applicable.

20.40 Housing Provisions

Not applicable.

20.44 Non-conforming Uses, Structures and Lot

Not applicable

20.48 Removal of Trees

Not applicable

20.52 Flood Damage Prevention Regulations

Not applicable.

20.58 Art in Public Places Program

Not applicable

20.100.030 Use Permits.

Not applicable

20.100.040 Variances.

Not applicable

20.100.010 Common Permit Procedures.

Public notice of this application was provided on October 15 2010 in the form of mailed notice to property owners and occupants within a 300-foot radius, and posted in three locations.

20.100.050 Design Review.

Not applicable



GOLDEN GATE FIELDS LTE- ANTENNA ADD/MOD PSL#-123761

**1100 EASTSHORE HIGHWAY
BURLINGAME, CA 94010**

**HMH
DESIGN GROUP**

5164 FRY ROAD
VACAVILLE, CA. 95687
PHONE: 707-448-8011
FAX: 707-448-8190



2785 MITCHELL DRIVE, BLDG 9
WALNUT CREEK, CA. 94598
OFFICE: (925) 279-6000
JAY INOUE
(925) 179-6391

PSL NO. 123761
GOLDEN GATE FIELDS
1100 EASTSHORE HIGHWAY
BERKELEY, CA
ALAMEDA COUNTY

VERIZON WIRELESS
EQUIP. ENGINEER:

SIGNATURE _____ DATE _____

VERIZON WIRELESS
REAL ESTATE:

SIGNATURE _____ DATE _____

VERIZON WIRELESS
CONSTRUCTION:

SIGNATURE _____ DATE _____

VERIZON WIRELESS
RF ENGINEER:

SIGNATURE _____ DATE _____

PROPERTY OWNER:

SIGNATURE _____ DATE _____

DRAWN BY _____ CHECKED BY _____
PGM

NO.	DATE	ISSUE
A	7/14/09	FOR REVIEW
0	8/17/09	REV ANT. MOUNTS

SHEET TITLE

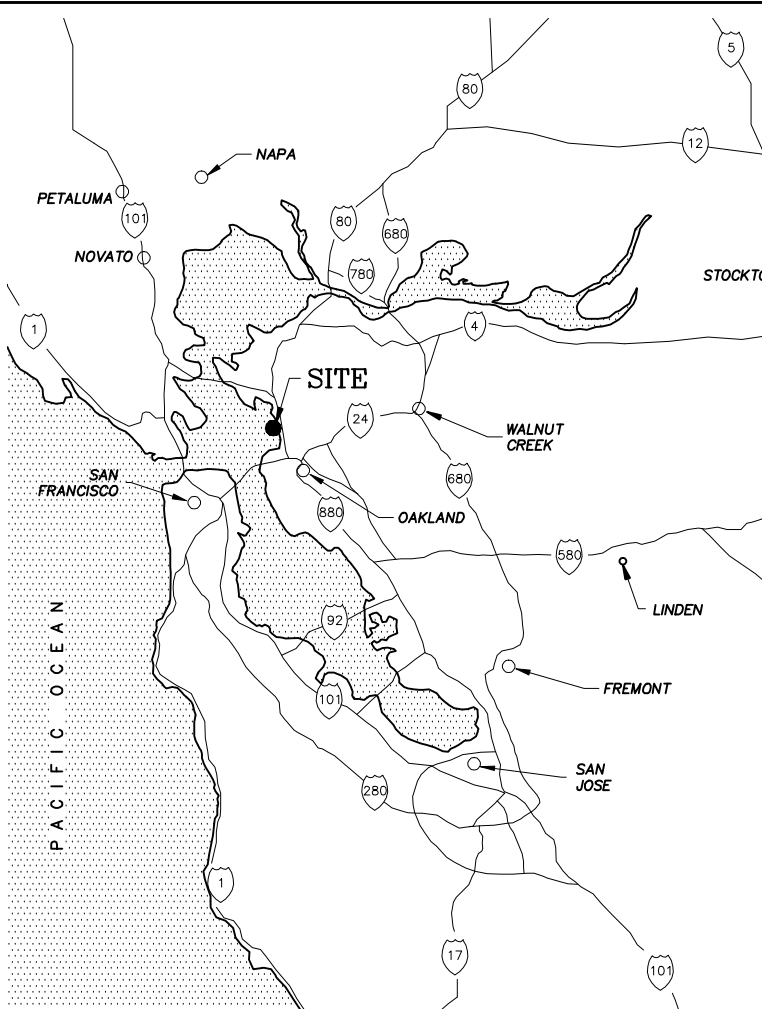
TITLE SHEET

SHEET NUMBER

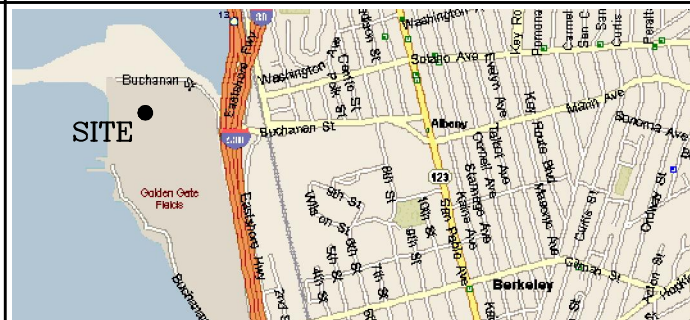
T-1

HMH JOB # 0975

LOCATION MAP



VICINITY MAP



DRIVING DIRECTIONS

Depart Walnut Creek on N Main St (South) 0.3 mi
Turn RIGHT (West) onto Mt Diablo Blvd 0.6 mi
Take Ramp onto SR-24 [Grove Shafter Fwy] 12.8 mi CA-24 / Oakland
Turn RIGHT onto Ramp 0.4 mi I-580 / San Francisco / Hayward
Keep RIGHT to stay on Ramp 0.3 mi I-580 / San Francisco
Take Ramp (LEFT) onto I-580 [MacArthur Fwy] 4.4 mi I-580 / Hayward
Turn RIGHT onto Ramp 0.3 mi Gilman Street
Turn RIGHT (East) onto Gilman St, then immediately turn LEFT (North)
onto Eastshore Hwy 0.3 mi
Arrive 1100 Eastshore Hwy, Berkeley, CA 94710

SHEET INDEX

- T-1 TITLE SHEET
- A-1 SITE AND ANTENNA PLAN
- A-2 ELEVATION VIEWS
- A-3 ELEVATION VIEWS
- A-4 NOTES AND DETAILS

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN COMPLIANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUCTED NOT CONFORMING TO THESE CODES.

1. CALIFORNIA ADMINISTRATIVE CODE (INCLUDING TITLES 24 & 25)
2. CALIFORNIA BUILDING CODE (CBC) 2007
3. CALIFORNIA MECHANICAL CODE (CMC) 2007
4. CALIFORNIA PLUMBING CODE (CPC) 2007
5. CALIFORNIA ELECTRIC CODE (CEC) 2007
6. COUNTY ORDINANCES

ACCESSIBILITY REQUIREMENTS:
FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS REQUIREMENTS ARE NOT REQUIRED IN ACCORDANCE WITH THE 2001 CBC.

PROJECT DESCRIPTION

ADD (1) ANTENNA SECTOR (3) ANTENNAS TOTAL.
REMOVE EXISTING ANTENNA MOUNTING ARMS AND RE-MOUNT EXISTING ANTENNAS

BUILDING / SITE DATA LEGEND

A.P.N.: 066-2680-003-01, 066-2680-003-02
AND 060-2635-001
PSL NUMBER: 123761
OCCUPANCY TYPE: UNOCCUPIED
CONSTRUCTION TYPE: V-N

NOTE: IF DRAWING IS 11"x 17"
DRAWING IS 1/2 SCALE

PROJECT TEAM

DESIGNER: HMH DESIGN GROUP
5164 FRY ROAD
VACAVILLE, CA. 95687
PHONE: (707) 448-8011
FAX: (707) 448-8190

LANDLORD: PACIFIC RACING ASSOCIATION
1100 EASTSHORE HIGHWAY
ALBANY, CA

APPLICANT: **verizonwireless**
2785 MITCHELL DRIVE
WALNUT CREEK, CA. 94598
JAY INOUE
PHONE: (925) 279-6391

AGENT: ON AIR, LLC
465 FIRST ST. WEST, SUITE 101
SONOMA, CA 95476

CONTACT: CHAD CHRISTIE
(916) 396-1470

CONTS.MGR: SCOTT COWAN
PHONE: (707) 689-4144

ON AIR, LLC - CONSTRUCTION

SIGNATURE _____ DATE _____

ON AIR, LLC - LEASING

SIGNATURE _____ DATE _____

ON AIR, LLC - ZONING

SIGNATURE _____ DATE _____

HMH DESIGN GROUP

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(925) 179-6391

PSL NO. 123761
GOLDEN GATE FIELDS
1100 EASTSHORE HIGHWAY
BERKELEY, CA
ALAMEDA COUNTY

VERIZON WIRELESS
EQUIP. ENGINEER:

SIGNATURE _____ DATE _____

VERIZON WIRELESS
REAL ESTATE:

SIGNATURE _____ DATE _____

VERIZON WIRELESS
CONSTRUCTION:

SIGNATURE _____ DATE _____

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RF ENGINEER:

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PROPERTY OWNER:

SIGNATURE _____ DATE _____

DRAWN BY _____ CHECKED BY _____
NJH

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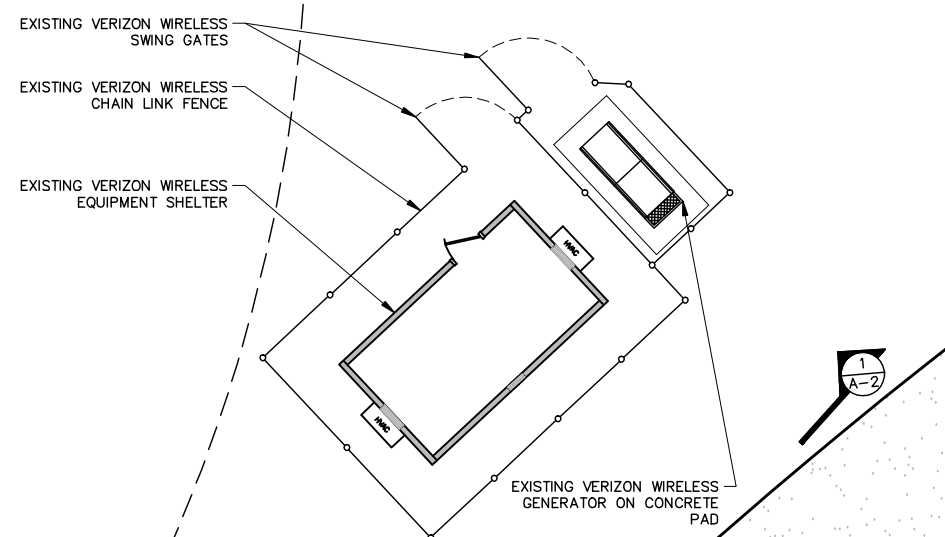
SHEET TITLE

**SITE AND
ANTENNA PLAN**

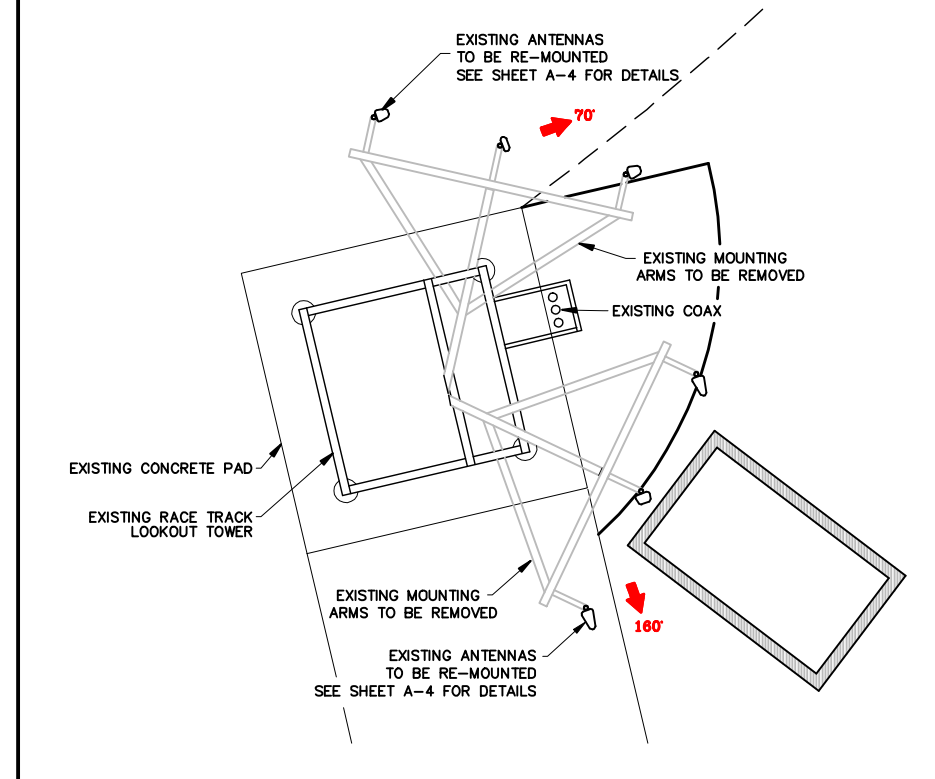
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A-1

HMH JOB # 0975

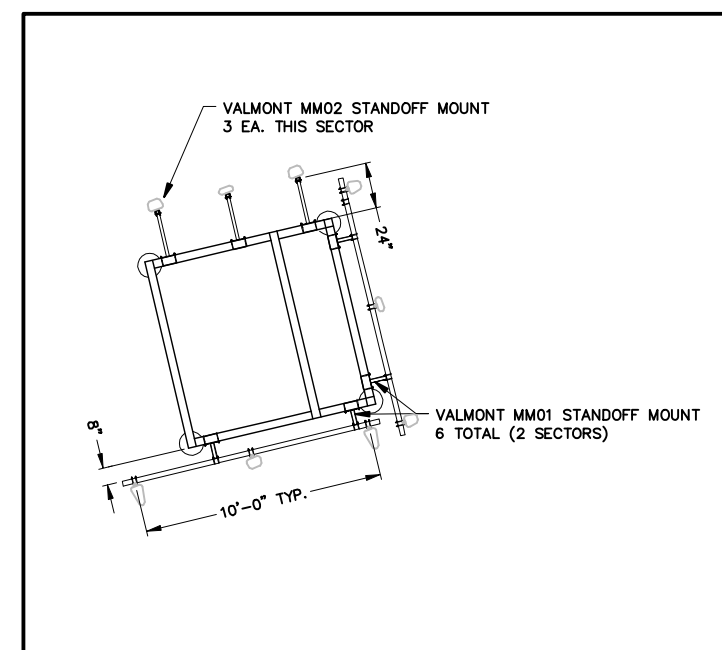


OVERALL SITE PLAN
SCALE: 1/8"=1'-0"
0' 8' 16' 24'



ENLARGED EXISTING ANTENNA PLAN

SCALE: 1/4"=1'-0"
0' 4' 8' 12'

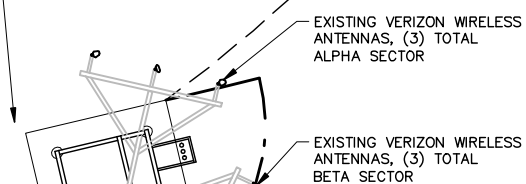


ENLARGED PROPOSED ANTENNA PLAN

SCALE: 1/4"=1'-0"
0' 4' 8' 12'

PROPOSED VERIZON WIRELESS ANTENNAS GAMMA SECTOR

INSTALL (3) NEW ANTENNAS



EXISTING RACE TRACK

1
A-3

HMH DESIGN GROUP

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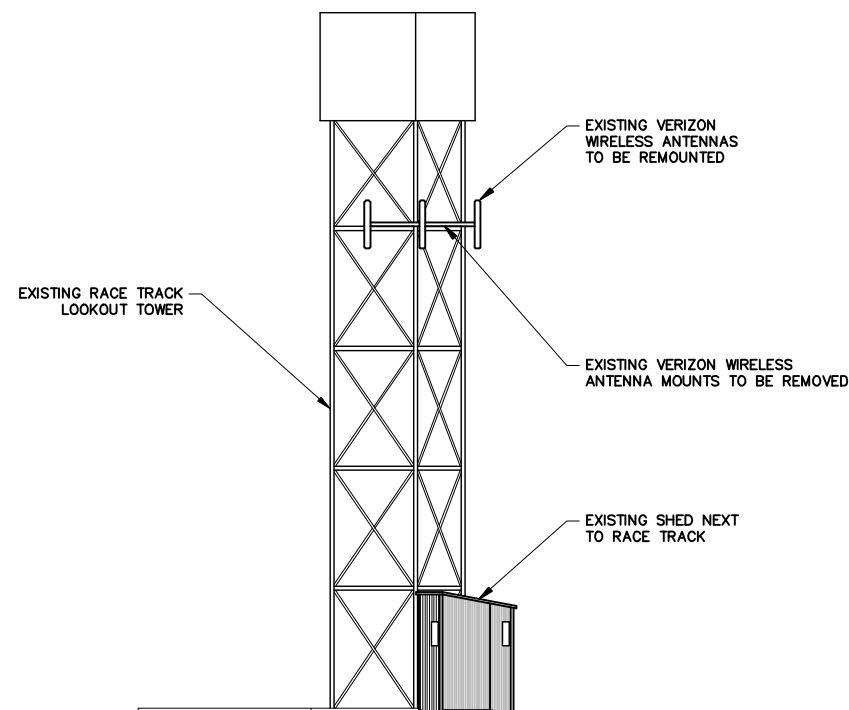
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**ELEVATION
VIEWS**

SHEET NUMBER

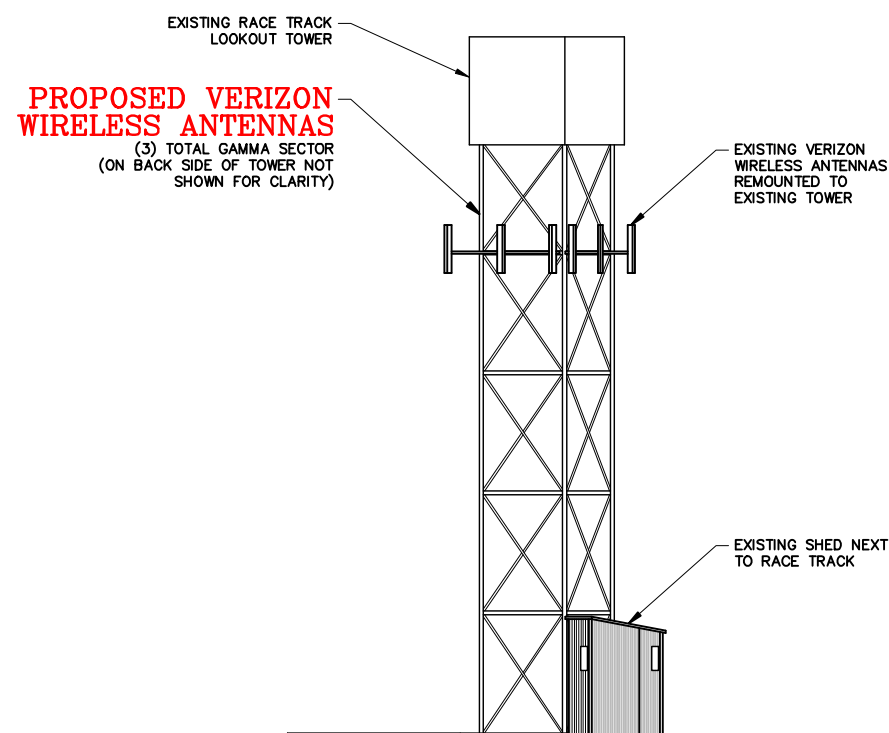
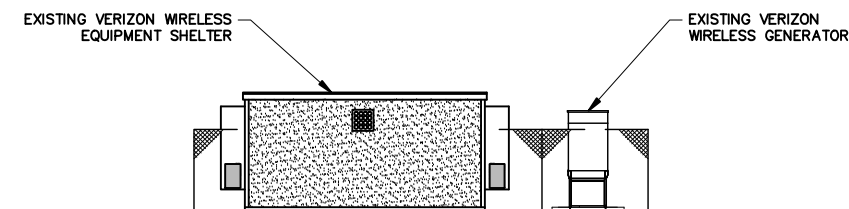
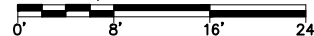
A-2

HMH JOB # 0975



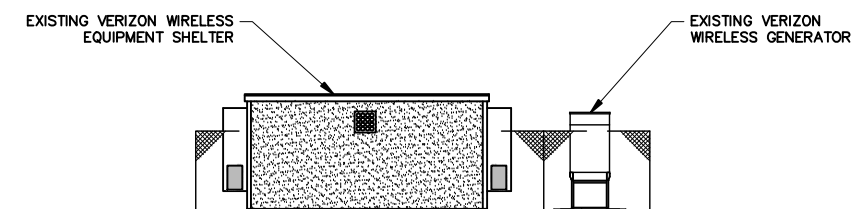
① EXISTING S. EASTERLY ELEVATION

SCALE: 1/8"=1'-0"



① PROPOSED S. EASTERLY ELEVATION

SCALE: 1/8"=1'-0"



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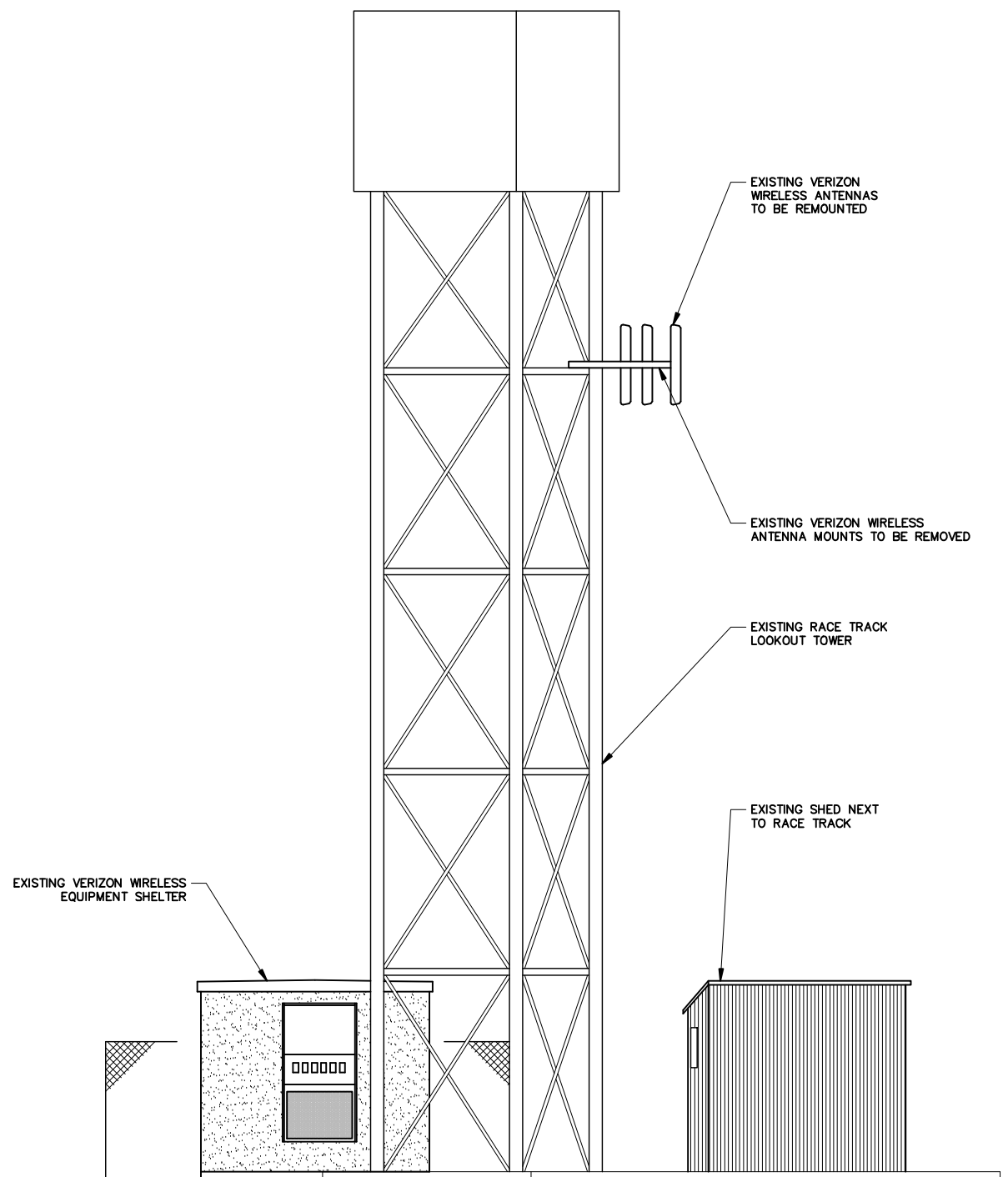
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**ELEVATION
VIEW**

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A-3

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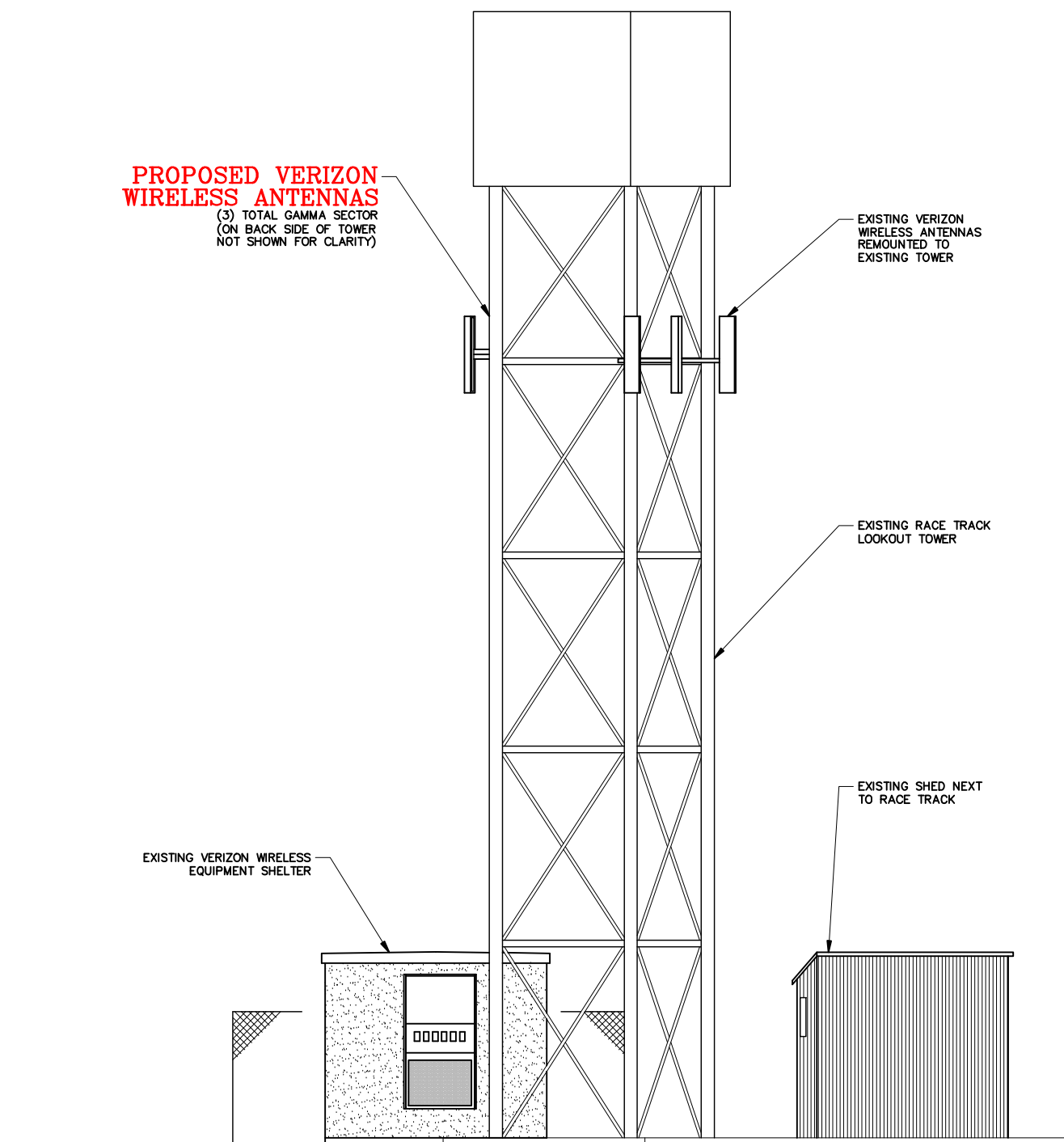


① EXISTING S. WESTERLY ELEVATION

SCALE: 1/4"=1'-0"
0' 2' 4' 8' 12'

**PROPOSED VERIZON
WIRELESS ANTENNAS**

(3) TOTAL GAMMA SECTOR
(ON BACK SIDE OF TOWER
NOT SHOWN FOR CLARITY)

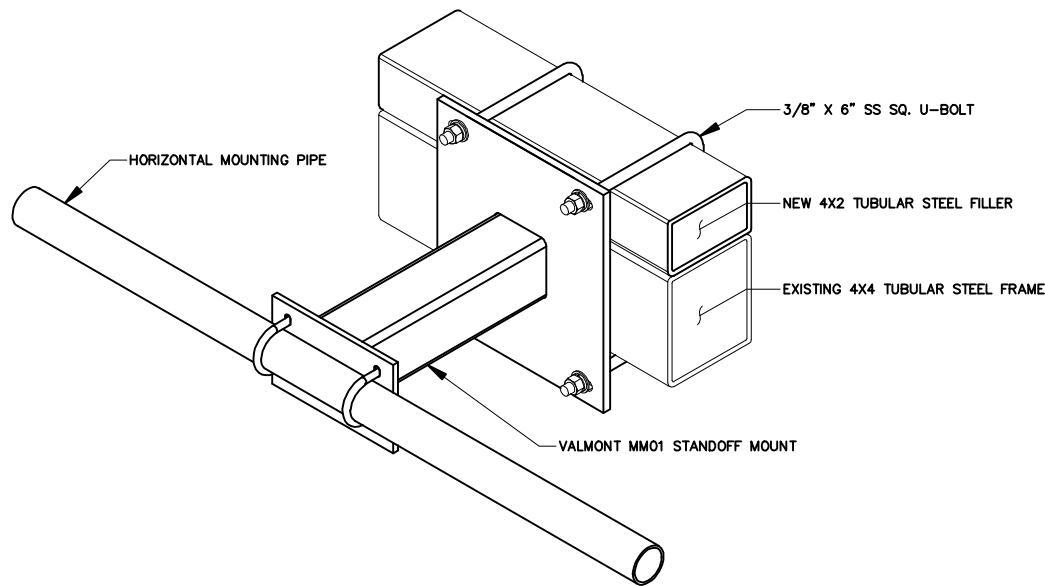


① PROPOSED S. WESTERLY ELEVATION

SCALE: 1/4"=1'-0"
0' 2' 4' 8' 12'

DESIGN CONFORMS TO THE CALIFORNIA BUILDING CODE, 2007 EDITION.

1. THE CONTRACTOR SHALL NOTIFY HMH DESIGN GROUP(WHERE REQUIRED) OF ANY ERRORS, OMISSIONS, OR INCONSISTENCIES AS THEY MAY BE DISCOVERED IN PLANS, DOCUMENTS, NOTES, OR SPECIFICATIONS PRIOR TO STARTING CONSTRUCTION INCLUDING, BUT NOT LIMITED BY DEMOLITION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CORRECTING ANY ERROR, OMISSION, OR INCONSISTENCY AFTER THE START OF CONSTRUCTION WHICH HAS NOT BEEN BROUGHT TO THE ATTENTION OF HMH DESIGN GROUP AND SHALL INCUR ANY EXPENSES TO RECTIFY THE SITUATION. THE MEANS OF CORRECTING ANY ERROR SHALL FIRST BE APPROVED BY HMH DESIGN GROUP.
2. THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO THE START OF ANY WORK. DISCREPANCIES SHALL BE REPORTED IMMEDIATELY TO HMH DESIGN GROUP. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK AND MATERIALS INCLUDING THOSE FURNISHED BY THE SUB-CONTRACTOR.
3. A COPY OF GOVERNING AGENCY APPROVED PLANS SHALL BE KEPT IN A PLACE SPECIFIED BY THE GOVERNING AGENCY, AND BY LAW, SHALL BE AVAILABLE FOR INSPECTION AT ALL TIMES. ALL CONSTRUCTION SETS SHALL REFLECT THE SAME INFORMATION GOVERNING AGENCY APPROVED PLANS. THE CONTRACTOR SHALL ALSO MAINTAIN ONE SET OF PLANS, IN GOOD CONDITION, COMPLETE WITH ALL REVISIONS, ADDENDA, AND/OR CHANGE ORDERS AT THE CONCLUSION OR THE WORK AS A PART OF THE AS-BUILT DRAWINGS RECORDS.
4. THE CONTRACTOR SHALL STUDY THE STRUCTURAL, ELECTRICAL, MECHANICAL, AND PLUMBING PLANS AND CROSS CHECK THEIR DETAILS, NOTES, DIMENSIONS, AND ALL REQUIREMENTS PRIOR TO THE START OF ANY WORK.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COMPLETE SECURITY OF THE PROJECT AND SITE WHILE THE WORK IS IN PROGRESS UNTIL THE JOB IS COMPLETE.
6. THE CONTRACTOR HAS THE RESPONSIBILITY OF LOCATING ALL EXISTING UTILITIES WHETHER OR NOT SHOWN ON THE PLANS, AND TO PROTECT THEM FROM DAMAGE. THE CONTRACTOR, OR SUB-CONTRACTOR AS SPECIFIED IN THE AGREEMENT BETWEEN THE SUB-CONTRACTOR AND CONTRACTOR, SHALL BEAR THE EXPENSES OF REPAIR AND/OR REPLACEMENT OF UTILITIES OR OTHER PROPERTY DAMAGED BY OPERATIONS IN CONJUNCTION WITH THE EXECUTION OF THE WORK.
7. THE REFERENCES OF THE DRAWINGS ARE FOR CONVENIENCE ONLY AND SHALL NOT LIMIT THE APPLICATION OF THE DRAWINGS OR DETAILS.
8. ALL CONSTRUCTION THROUGHOUT THE PROJECT SHALL CONFORM TO TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS. EXCEPT WHERE EXEMPTED.
9. THE GOVERNING AGENCIES, CODE AUTHORITIES AND BUILDING INSPECTORS SHALL PROVIDE THE MINIMUM STANDARDS FOR CONSTRUCTION TECHNIQUES, MATERIALS, AND FINISHES USED THROUGHOUT THE PROJECT. TRADE STANDARDS AND/OR PUBLISHED MANUFACTURERS SPECIFICATIONS MEETING OR EXCEEDING DESIGN REQUIREMENTS SHALL BE USED FOR INSTALLATION.
10. DRAWINGS ARE NOT TO BE SCALED UNDER ANY CIRCUMSTANCES. HMH DESIGN GROUP IS NOT RESPONSIBLE FOR ANY ERRORS RESULTING FROM THIS PRACTICE WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE SHOWN ON PLANS.
11. THE PROJECT, WHEN COMPLETED SHALL COMPLY WITH LOCAL SECURITY CODES AND TITLE 24 ENERGY CONSERVATION REQUIREMENTS. (TITLE 24 WHEN APPLICABLE)
12. CONTRACTOR TO REPLACE AND/OR REROUTE ANY EXISTING UNDERGROUND UTILITIES ENCOUNTERED DURING TRENCHING AND GENERAL CONSTRUCTION.
13. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING A PROJECT LEAVE, STRAIGHT, AND TRUE ACCORDING TO THE PLANS. THE CONTRACTOR SHALL COMPARE THE LINES AND LEVELS OF THE EXISTING CONDITIONS WITH THOSE SHOWN OF THE PLANS PRIOR TO START OF ANY CONSTRUCTION.
14. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY BACKING, BLOCKING, AND/OR SLEEVES REQUIRED FOR THE INSTALLATION OF FIXTURES, MECHANICAL EQUIPMENT, PLUMBING, HARDWARE, AND FINISH ITEMS TO INSURE A PROPER AND COMPLETE JOB.
15. TRADES INVOLVED IN THE PROJECT SHALL BE RESPONSIBLE FOR THEIR OWN CUTTING, FITTING, PATCHING, ETC. SO AS TO BE RECEIVED PROPERLY BY THE WORK OF OTHER TRADES.
16. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR AND SHALL REMEDY ALL FAULTY, INFERIOR, AND/OR IMPROPER MATERIALS, DAMAGED GOODS, AND/OR FAULTY WORKMANSHIP FOR ONE (1) YEAR AFTER THE PROJECT IS COMPLETE AND ACCEPTED UNDER THIS CONTRACT; UNLESS NOTED OTHERWISE IN THE CONTRACT BETWEEN THE OWNER AND THE CONTRACTOR.
17. THE CONTRACTOR SHALL BE REQUIRED TO PAY FOR ALL NECESSARY PERMITS AND/OR FEES WITH RESPECT TO THE WORK TO COMPLETE THE PROJECT. BUILDING PERMIT APPLICATIONS SHALL BE FILED BY THE OWNER OR THEIR REPRESENTATIVE. CONTRACTOR SHALL OBTAIN AND MAKE FINAL PAYMENT FOR SAID DOCUMENT.
18. FIRE EXTINGUISHER REQUIREMENTS SHALL BE VERIFIED WITH THE LOCAL FIRE MARSHALL.
19. CONTRACTOR TO LOCATE ALL UTILITIES PRIOR TO PLACEMENT OF NEW IMPROVEMENTS.
20. IF NECESSARY THE CONTRACTOR TO PROVIDE TRENCH AS REQUIRED TO INSTALL BOTH ELECTRICAL AND TELEPHONE UNDERGROUND CONDUITS (#40 PVC). BACKFILL WITH CLEAN SAND AND COMPACT TO THE SATISFACTION OF THE DISTRICTS INSPECTOR. REPLACE FINISH GRADE WITH MATCHING MATERIALS (GRASS, ASPHALT, CONCRETE, ETC.).
21. IF NECESSARY THE CONTRACTOR TO PROVIDE HEAVY STEEL PLATES AT OPEN TRENCHES FOR SAFTY AND TO PROTECT EXISTING GROUND SURFACES FROM HEAVY EQUIPMENT UTILIZED DURING CONSTRUCTION.
22. IF NECESSARY THE CONTRACTOR TO PATCH AND REPAIR ALL GROUND SURFACES WITHIN THE CONSTRUCTION AREA AS NECESSARY TO PROVIDE A UNIFORM SURFACE AND MAINTAIN EXISTING SURFACE DRAINAGE SLOPES.



VALMONT MM01 STANDOFF ARM
NOT TO SCALE

HMH DESIGN GROUP

5164 FRY ROAD
VACAVILLE, CA. 94587
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NOTES & DETAILS

SHEET NUMBER

A-4

HMH JOB # 0975

Existing



View west from Buchanon St at I-80 off ramp (close up)

Proposed



 **verizon**wireless
We never stop working for you.®

"GOLDEN GATE FIELD"
1100 Eastshore Hwy
APN: 066-2680-003



November 2, 2009

Amber Curl, Associate Planner
City of Albany Planning Department
979 San Pablo Avenue
Albany, CA 94706

Re: Verizon Wireless Modification of Existing Cell Site at Golden Gate Fields at 1100 Eastshore Highway

Dear Ms. Curl:

Per our discussion approximately 6 weeks ago, you stated that the City will process an application by Verizon Wireless to modify its existing cell site, at the address above (by adding three additional antennas and relocating the existing six antennas on the same tower so as to decrease the potential for visual impact) as a Major Conditional Use Permit and Design Review application. This process would also require public noticing and Planning Commission.

Pursuant to Senate Bill 1627, Verizon respectfully requests that an application to add three antennas and redesign its existing antennas to be less visually intrusive be reviewed through an administrative process, rather than as Conditional Use Permit (as detailed in paragraph 1 of SB 1627). SB 1627, Paragraph 1 states that, "this bill would require a city, including a charter city, or county to administratively approve an application for a collocation facility on or immediately adjacent to a wireless telecommunications collocation facility, as defined, through the issuance of a building permit or a non-discretionary permit, as specified. Simply requiring a discretionary permit for this type of modification would be in direct conflict with the provisions of SB1627.

Verizon believes that the addition of the three antennas onto this existing tower accomplishes several goals in that the scope of the proposed work is: 1) Not inconsistent with substantial compliance of the existing use permit 2) Decreases the current visual impact of its existing design 3) Increases Verizon's capacity to provide essential coverage for users in the area.

Verizon Wireless is currently operating under full compliance with the existing use permit. Furthermore, the originally approved facility was not subject to a negative declaration or an environmental impact report (as the tower was existing at the time of collocation) and finally, the addition of three antennas will not violate FCC Guidelines in regards to exposure limits or it's FCC license. These combined factors assist in applying the SB 1627 Statute (please see attached).

Please review this letter and SB 1627 with the Albany City Attorney. Verizon Wireless looks forward to having this request processed through an administrative review.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Chad Christie', with a long horizontal line extending to the right.

Chad Christie
On Air, LLC for Verizon Wireless
361 Groth Circle
Sacramento, CA 95834
916-396-1470