



**verizon**  
2741 MITCHELL BL.  
WALNUT CREEK, CA 94598

**PROJECT INFORMATION:**

ALBANY  
CROWN CASTLE SITE # 814025  
VERIZON WIRELESS JOB# 2008316200  
VERIZON WIRELESS SITE# 123577  
423 SAN PABLO AVENUE  
ALBANY, CA 94706

**ISSUED FOR:**

100% CONSTRUCTION

**REVISIONS:**

NO.	DATE	DESCRIPTION	BY

**COORDINATING ARCHITECT:**



1400 BROADWAY  
SUITE 200  
FREMONT, CA 94538  
415-778-1000  
www.digiarchitects.com

**CONSULTANT:**



DRAWN BY:            DATE:            APP:           

SHEET TITLE:           

SHEET NUMBER:            REVISION:

# verizon wireless

ALBANY  
CROWN CASTLE SITE#: 814025  
VERIZON WIRELESS JOB#: 2008316200  
VERIZON WIRELESS SITE#: 123577  
423 SAN PABLO AVENUE  
ALBANY, CA. 94706  
COUNTY OF ALAMEDA

SHEET	DESCRIPTION	REV.
T-1	TITLE SHEET	
A-1	OVERALL SITE PLAN	
A-2	SITE, EQUIPMENT AND ANTENNA PLANS	
A-3	CLOWNS	
A-4	ANTENNA SPECIFICATIONS	

**PROJECT TEAM**

**ARCHITECT:**  
DANI DESIGNS GROUP, INC.  
NAME: DANIELA SPURDAN, INC.  
ADDRESS: 3000 UNIVERSITY BLVD., SUITE 140  
CITY: SAN JOSE, CA 95128  
ARCHITECT: DANIELA SPURDAN, INC.  
PHONE: (408) 253-8942  
FAX: (408) 253-8327

**PROJECT MANAGER:**  
CONTACT: RICK FORD  
ADDRESS: 1000 UNIVERSITY BLVD., SUITE 140  
CITY: SAN JOSE, CA 95128  
PHONE: (408) 253-8942

**CONSTRUCTION MANAGER:**  
CONTACT: RICK FORD  
ADDRESS: 1000 UNIVERSITY BLVD., SUITE 140  
CITY: SAN JOSE, CA 95128  
PHONE: (408) 253-8942

**PROJECT SUMMARY**

**LESSEE:**  
VERIZON WIRELESS  
WALNUT CREEK, CA 94598  
PROJECT ADDRESS: 423 SAN PABLO AVENUE  
ALBANY, CA 94706  
PHONE: (925) 237-6333

**PROPERTY INFORMATION**

OWNER: CROWN CASTLE  
ADDRESS: 423 SAN PABLO AVENUE, SUITE 300  
ALBANY, CA 94706  
PROPERTY CONTACT: VICTORIA PETER  
PHONE: (925) 237-1005

AREA OF CONSTRUCTION: N/A  
SHELTER OCCUPANCY TYPE: U  
CURRENT ZONING: N/A  
CONSTRUCTION TYPE: N/A  
A.P.N.: 817-2827-12

ACCESSIBILITY REQUIREMENTS:  
FACILITY IS UNANNEXED AND NOT FOR  
ACCESSIBILITY COMPLIANCE

THE CENTER OF THE PROPOSED ANTENNA IS ON THE  
SECTION IS LOCATED AT THE FOLLOWING COORDINATES:  
NAD 83 437250.77  
Easting  
492500.00  
Northing

**VERIZON SIGNATURE BLOCK**

DISCIPLINE	SIGNATURE	DATE
CONSTRUCTION		
RADIO		
MICROWAVE		
EQUIPMENT		
PROJECT MANAGER		
NO ADMINISTRATOR		

**CROWN CASTLE**

DISCIPLINE	SIGNATURE	DATE
SITE		
PLANNING		
CONSTRUCTION		
MANAGER		
UTILITY		
MANAGER		
UNCLASSIFIED		

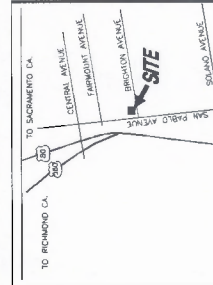
**CODE COMPLIANCE**

ALL WORK AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE LOCAL GOVERNING AUTHORITIES AS NOTED IN THE NOTES. WORK NOT CONFORMANCE TO THESE CODES:

1. CALIFORNIA ADMINISTRATIVE CODE 4. 407(6)-22-0.101 SAFETY
2. CALIFORNIA ADMINISTRATIVE CODE 407(6)-22-0.102 SAFETY
3. INTERNATIONAL MECHANICAL CODE 2009
4. INTERNATIONAL PLUMBING CODE 2009
5. CALIFORNIA FIRE CODE 2007
6. CALIFORNIA ELECTRICAL CODE 2002
7. INTERNATIONAL MECHANICAL CODE 2009
8. CALIFORNIA ELECTRICAL CODE 2002
9. CALIFORNIA FIRE CODE 2007

**PROJECT DESCRIPTION**

VERIZON WIRELESS PROPOSES TO INSTALL:  
(1) ADDITIONAL ANTENNAS LOCATED ON EXISTING  
ANTENNA MASTS AND/OR ON TOWERS.  
ADD (6) ADDITIONAL COAXIAL CABLES



**DRIVING DIRECTIONS**

FROM WALNUT CREEK  
FROM THE INTERSECTION OF 680 AND 1880 AT THE  
BAY BRIDGE IN BERKELEY, FOLLOW CENTRAL AVE. SOUTH  
0.8 MILES. TURN RIGHT ON SAN PABLO AVE. ABOUT  
0.8 MILES. TURN RIGHT ON SAN PABLO AVE. AND  
LEFT ON BROADWAY AVE. GO ONE BLOCK AND TURN  
LEFT ON KANG AVE. THEN TURN LEFT INTO BANK  
PARKING LOT.

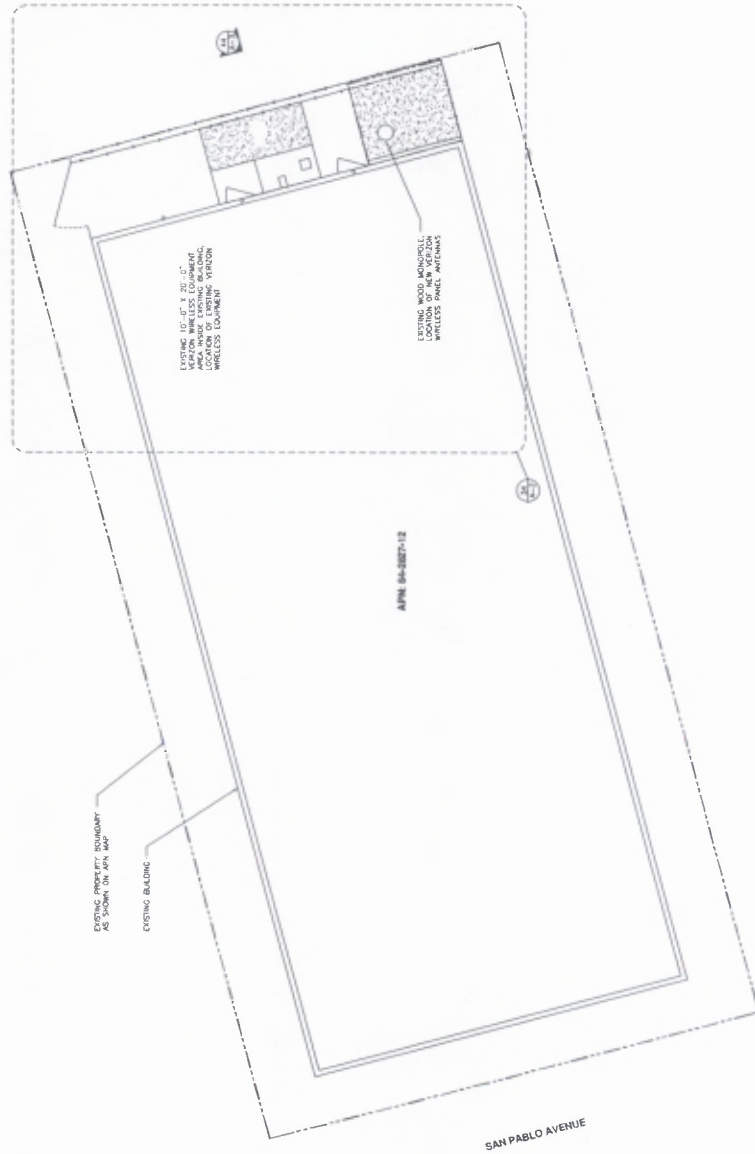
**JURISDICTION**

JURISDICTION: CITY OF ALBANY  
PHONE: (510) 747-6800

 <p>2725 MITCHELL AVE. MILPITAS, CALIF. 95035</p>		<p><b>PROJECT INFORMATION:</b></p> <p>ALBANY CROWN CASTLE SITE # 81-4025 VERICON WIRELESS JOB# 200814020 VERICON WIRELESS SITE# 125377 425 SAN PABLO AVENUE ALBANY, CA 94706</p>		<p>06/16/09</p>		<p>ISSUED FOR:</p> <p>100% CONSTRUCTION</p>		<p>REV: DATE DESCRIPTION: BY:</p>		<p><b>COORDINATING ARCHITECT:</b></p> <p>Architectural Group Engineering / Interiors/Construction</p> <p><b>omni</b></p> <p>20 East Fremont, Suite 100 Milpitas, CA 95035 Phone: (888) 644-3300 Fax: (415) 951-1000 www.omnigroup.com</p>		<p><b>CONSULTANT:</b></p> <p><b>McCROWN CASTLE</b></p>		<p>DRAWN BY: CHK: APPV:</p>		<p>SHEET TITLE: OVERALL SITE PLAN</p>		<p>SHEET NUMBER: REVISION:</p> <p><b>A-1</b> 640-125A</p>	
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NOTE: LOCATIONS SHOWN ON THIS PLAN ARE BASED ON INFORMATION PROVIDED TO OMNI BY VERICON WIRELESS. VERICON WIRELESS HAS CONDUCTED VISUAL FIELD SURVEYS AND SURVEY HAS BEEN MADE BY OMNI DESIGN GROUP.

BOUNDARY SHOWN IS AN APPROXIMATION BASED ON INFORMATION PROVIDED TO OMNI BY VERICON WIRELESS. NO BOUNDARY SURVEY WAS PERFORMED BY OMNI DESIGN GROUP.



OVERALL SITE PLAN  
SCALE: 3/16"=1'-0"

**verizon**  
WALWART CENTER, 6th FLOOR

**PROJECT INFORMATION:**  
ALBANY  
CROWN CASTLE SITE # 814025  
VERIZON WIRELESS JOHN ZDORNI (608) 782-1377  
VERIZON WIRELESS JOHN ZDORNI (608) 782-1377  
VERIZON WIRELESS JOHN ZDORNI (608) 782-1377  
ALBANY, NY

**CURRENT ISSUE DATE:** 06/16/09

**ISSUED FOR:** 100% CONSTRUCTION

**REV. DATE DESCRIPTION:** BY:

**COORDINATING ARCHITECT:**  
O&G  
omni  
1001 W. WASHINGTON ST.  
ALBANY, NY 12206  
TEL: 518.263.8211  
WWW.OMNIDSG.COM  
MAIL: OMNIDSG@OMNIDSG.COM

**CONSULTANT:**  
MCCROWN  
CASTLE

**DRAWN BY:** MPC  
**CHKD BY:** APV  
**TR:** TR

**SHEET TITLE:** SITE PLAN  
ANTENNA LAYOUT PLAN

**SHEET NUMBER:** A-2

640-125A

**NOTE:** CONSULT REFERENCE FILE WITH ALL ELEVATIONS PERFORMED AGAINST WALLS. ALL ELEVATIONS SHALL BE TO THE TOP OF THE WALL UNLESS OTHERWISE NOTED. THE 5' CONSTRUCTION SHALL BE THE PROJECT MANAGER'S RESPONSIBILITY. THE PROJECT MANAGER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SHALL LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. THE PERFORMED WORK SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SHALL LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION.

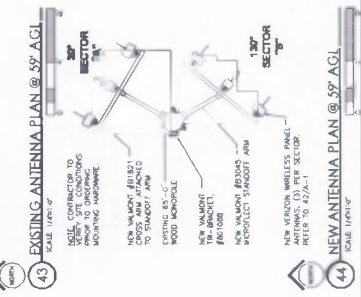
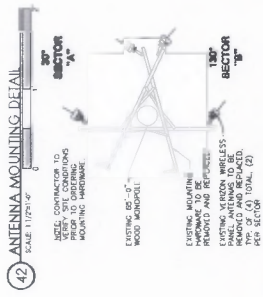
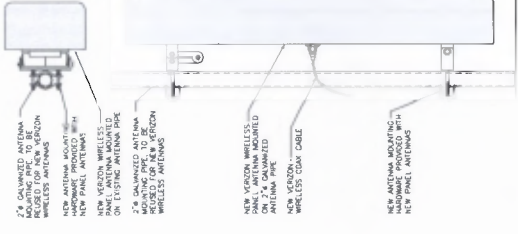
**NOTE:** EXISTING CONDITIONS AND SITE DATA ARE FOR INFORMATION ONLY. THE DESIGN GROUP HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE. THE DESIGN GROUP HAS CONDUCTED A VISUAL ANALYSIS OF THE SITE. THE DESIGN GROUP HAS CONDUCTED A VISUAL ANALYSIS OF THE SITE. THE DESIGN GROUP HAS CONDUCTED A VISUAL ANALYSIS OF THE SITE.

**NOTE:** BOUNDARY SHOWN IS AN APPROXIMATION BASED ON THE DESIGN GROUP'S VISUAL ANALYSIS. THE DESIGN GROUP HAS CONDUCTED A VISUAL ANALYSIS OF THE SITE. THE DESIGN GROUP HAS CONDUCTED A VISUAL ANALYSIS OF THE SITE. THE DESIGN GROUP HAS CONDUCTED A VISUAL ANALYSIS OF THE SITE.



**33 REDATA CHART**  
SCALE: 1/8"=1'-0"

ALTIMETER SECTOR	REF DATA CHART	ANT. TYPE	ANT. HGT.	ANT. R
1307	(1) ANDREW LINC-821008-YM	LOG P	59'-0"	59'-0"
1307	(1) ANDREW LINC-821008-YM	LOG P	59'-0"	59'-0"
1307	(1) ANDREW LINC-821008-YM	LOG P	59'-0"	59'-0"
1307	(1) ANDREW LINC-821008-YM	LOG P	59'-0"	59'-0"
1307	(1) ANDREW LINC-821008-YM	LOG P	59'-0"	59'-0"





**verizon**  
374 WATGHELL DR.  
ALBANY, NY 12205  
TEL: 518-869-8444

PROJECT INFORMATION:  
ALBANY  
CROWN CASTLE SITE # 81-4025  
VERICON WIRELESS JOB# Z08616300  
VERICON WIRELESS SITE # 25277  
420 WATGHELL DRIVE  
ALBANY, NY 12205

CURRENT ISSUE DATE:  
06/16/09

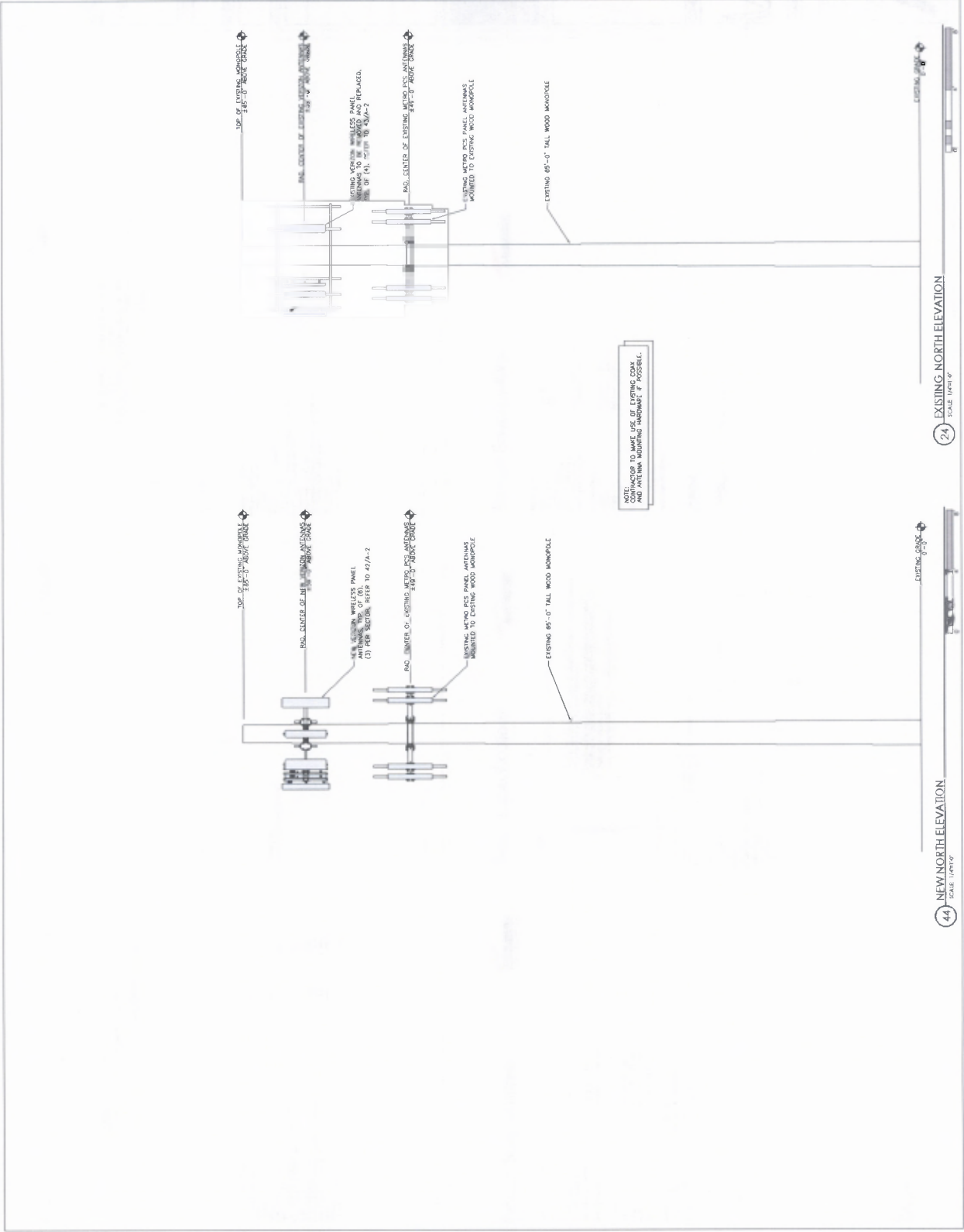
ISSUED FOR:  
100% CONSTRUCTION

REV.: DATE DESCRIPTION: BY:

REV.	DATE	DESCRIPTION	BY

COORDINATING ARCHITECT:  
 Ogilvy & Mather  
100 Park Ave. Suite 405  
Albany, NY 12242  
Tel: 518-449-9400  
Fax: 518-449-9400  
www.ogilvy.com  
www.omny.com  
www.earthlink.net

CONSULTANT:  
 Mcrown Castle  
DRAWN BY: MFC  
SCALE: 1/8" = 1'-0"  
CHECKED BY: JAW  
SCALE: 1/8" = 1'-0"  
TITLE: ELEVATIONS AND DETAILS  
SHEET NUMBER: A-3  
REVISION:  
640-125A





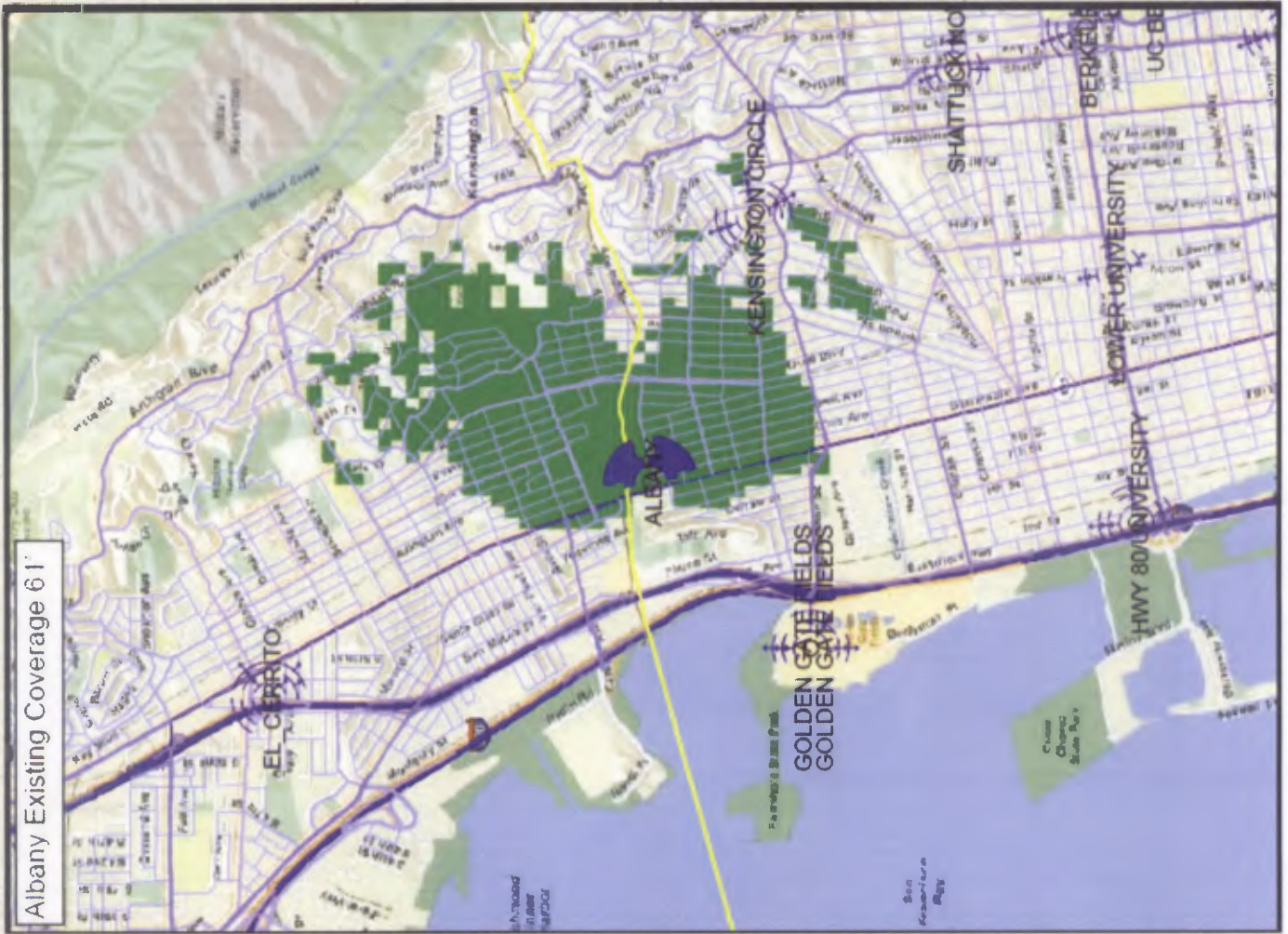
Existing Coverage of the Albany Site

In-building coverage is the norm for wireless carriers to achieve. Therefore, the reference signal is viewed at a strength of -75dBm.

Coverage area consists of both commercial and residential. Shopping malls and department stores along San Pablo Avenue as well as small businesses, cafes, and restaurants, and substantial residential in the surrounding neighborhoods.

2008 population census puts the population covered at 15,000.

The Albany site covers 1.7 sq miles. In the city of Albany this translates to 9,500 pops covered and 0.9 sq miles.



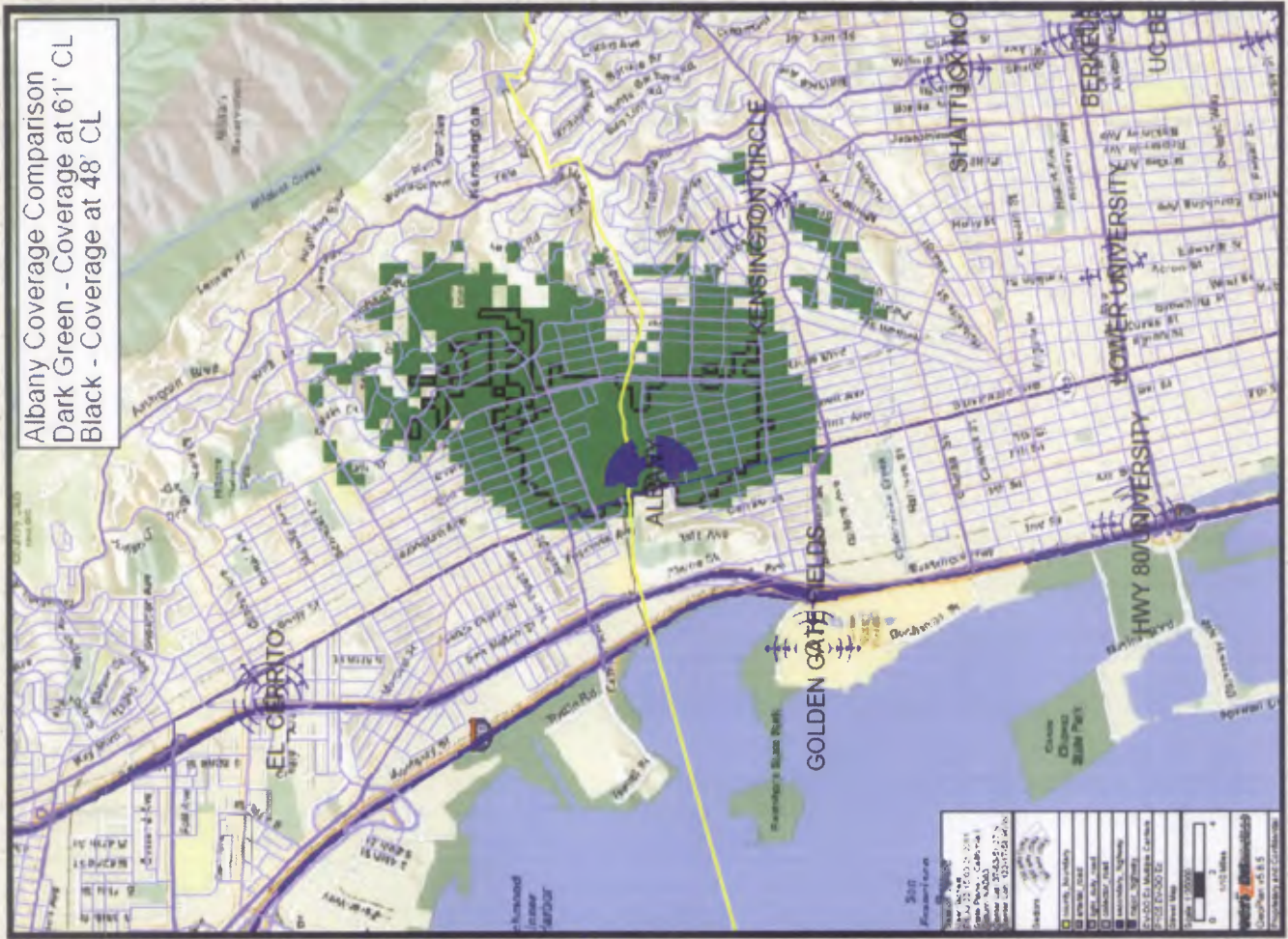


Coverage Comparison

Black line indicates the reduced coverage due to dropping antenna height. More than half of area is lost (1.1 sq miles and 9,000 pops lost).

In the City of Albany, this translates to 6,300 pops lost, and 0.6 sq miles.

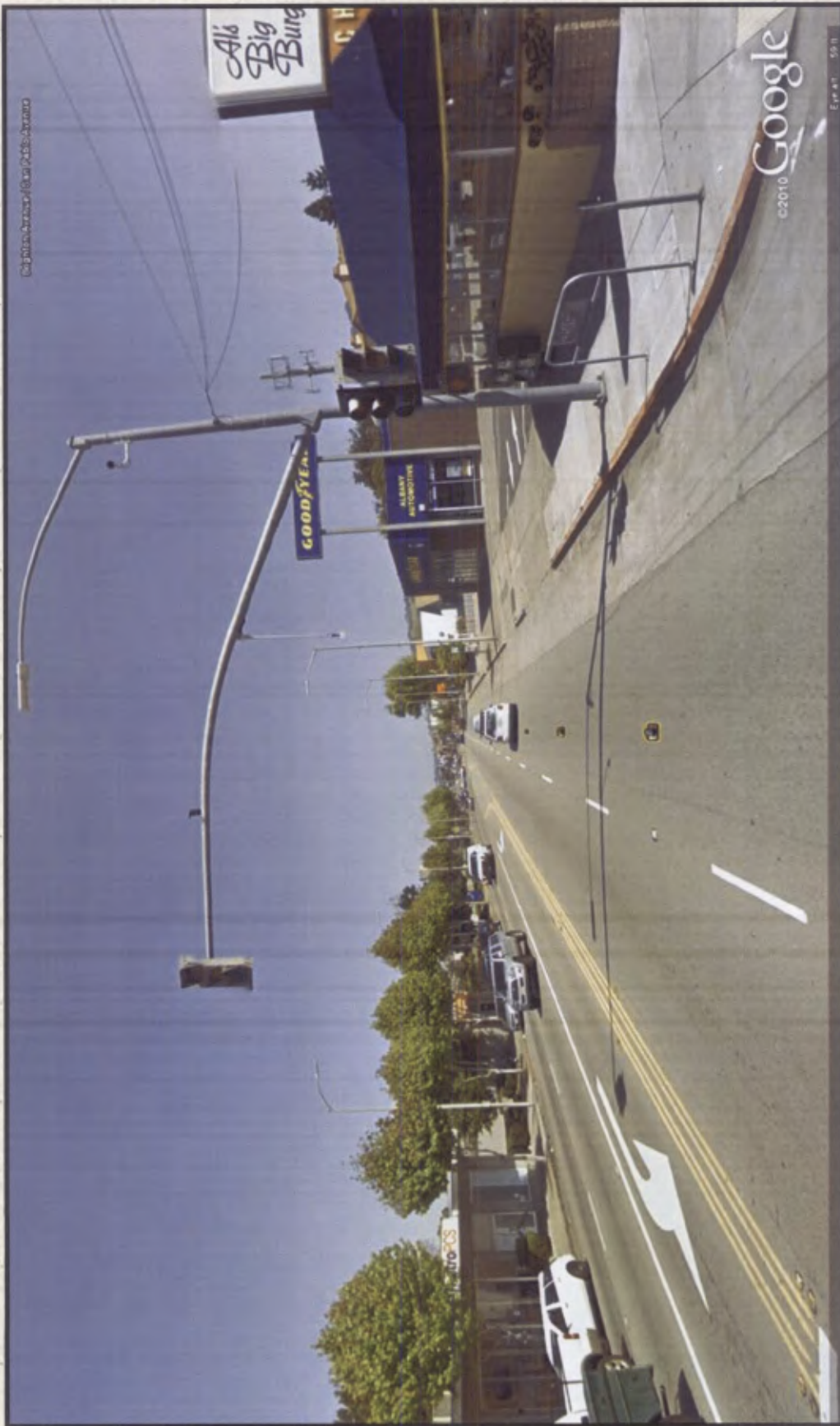
This will result in dropped calls from this site and neighboring sites. Call loading will increase on the surrounding sites which cannot handle it. Albany is already a highly congested site.











City of San Francisco / Office of Public Works



**Albany Cinema Sign Structure  
1115 Solano Avenue**

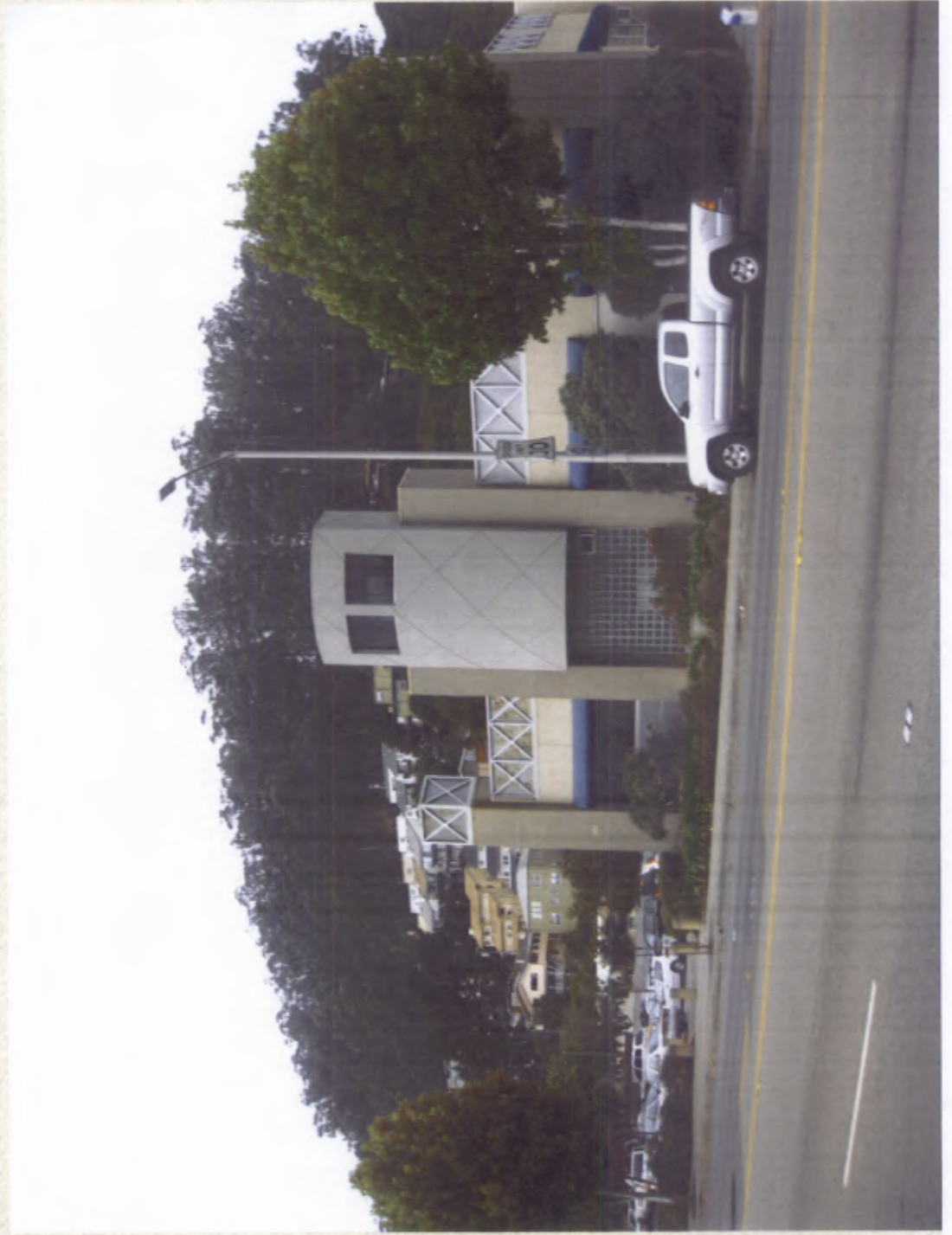
Too close to Berkeley sites; coverage will overlap greatly.  
Too far from existing Albany site. Requires construction of an additional site to meet the coverage of Albany site.





**500 San Pablo Avenue**

Will only provide coverage similar to lowering existing Albany site to 45-48'.





### 718 San Pablo Avenue - Ford Sign

Location is blocked by trees. Will only provide similar coverage to lowering existing Albany site to 45-48'.



**727 San Pablo Avenue**

Will only provide coverage similar to lowering the existing Albany site to 45-48'.





**811 San Pablo Avenue Royal Café**

Architectural structure is too far from existing Albany site. Requires construction of an additional site to meet coverage of Albany site.





**916 San Pablo Avenue**

This 3-story residential/retail structure w/ penthouse is too far from existing Albany site. Requires construction of an additional site to meet coverage of Albany site.



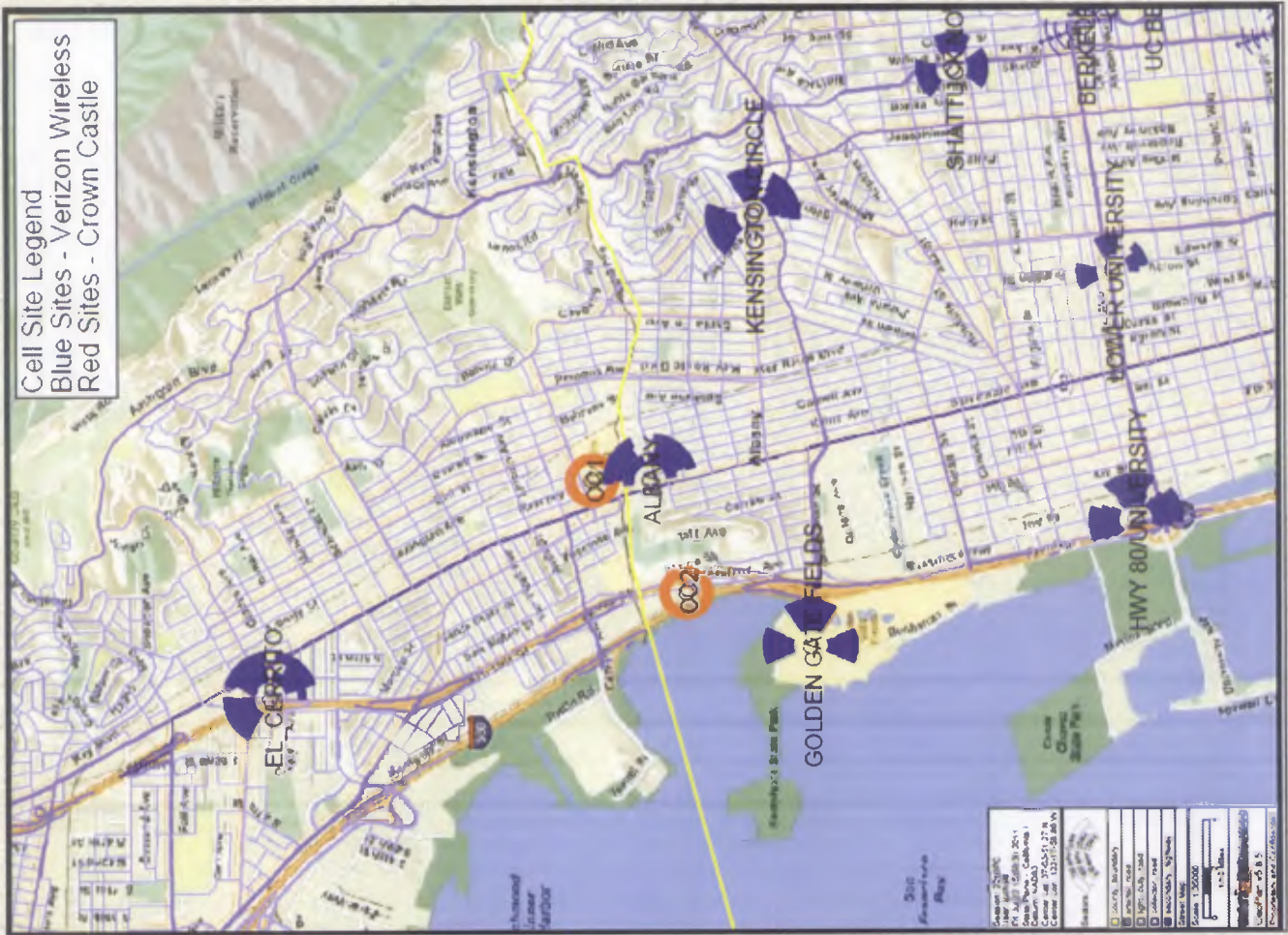


### **1035 San Pablo Avenue**

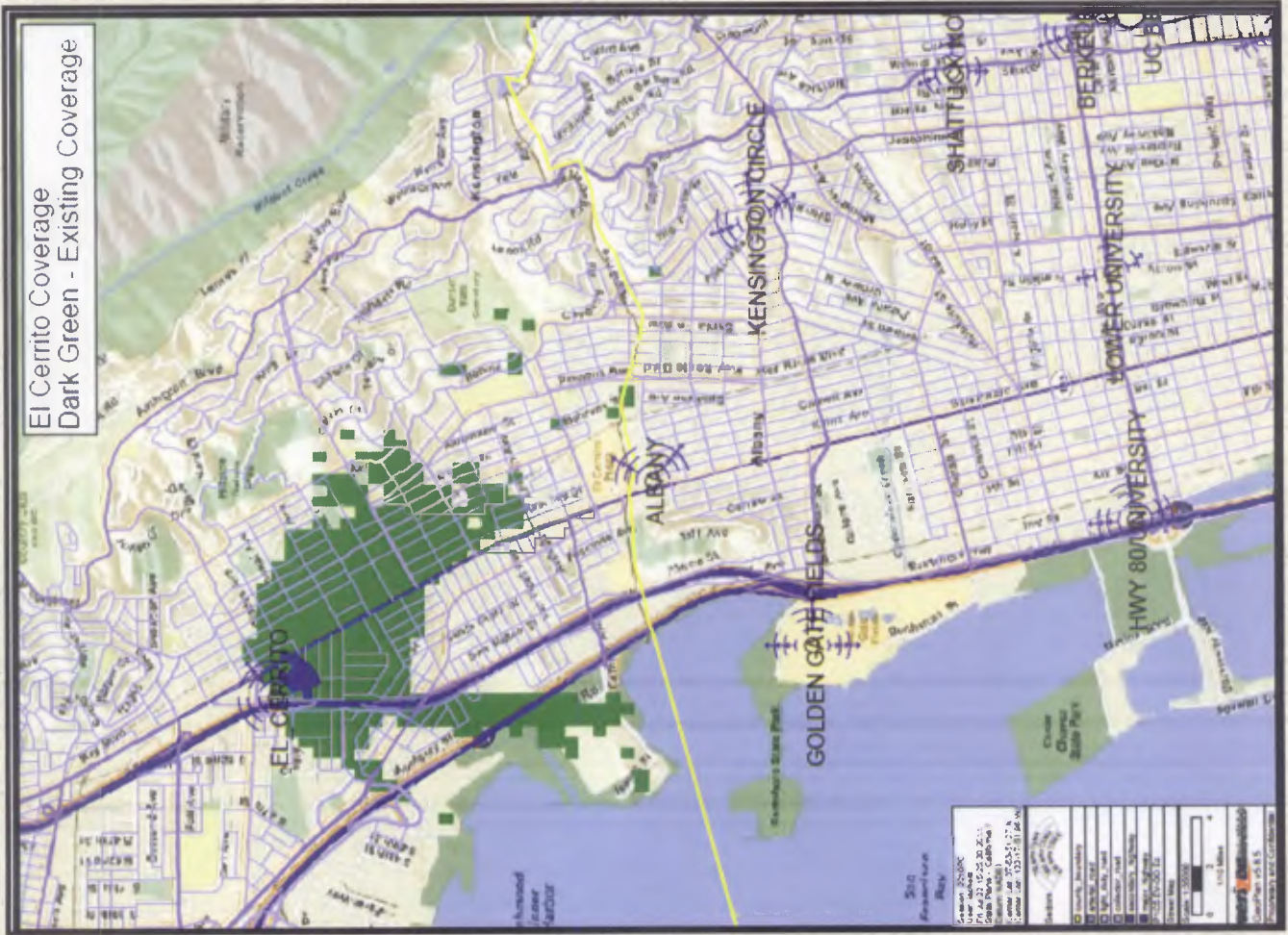
3-story structure w/ penthouse has Nextel on premises. Lacks sufficient ground space to co-locate with Nextel due to interfering frequencies. Too close to Berkeley sites; coverage will overlap greatly. Too far from existing Albany site. Requires construction of an additional site to meet coverage of Albany site.







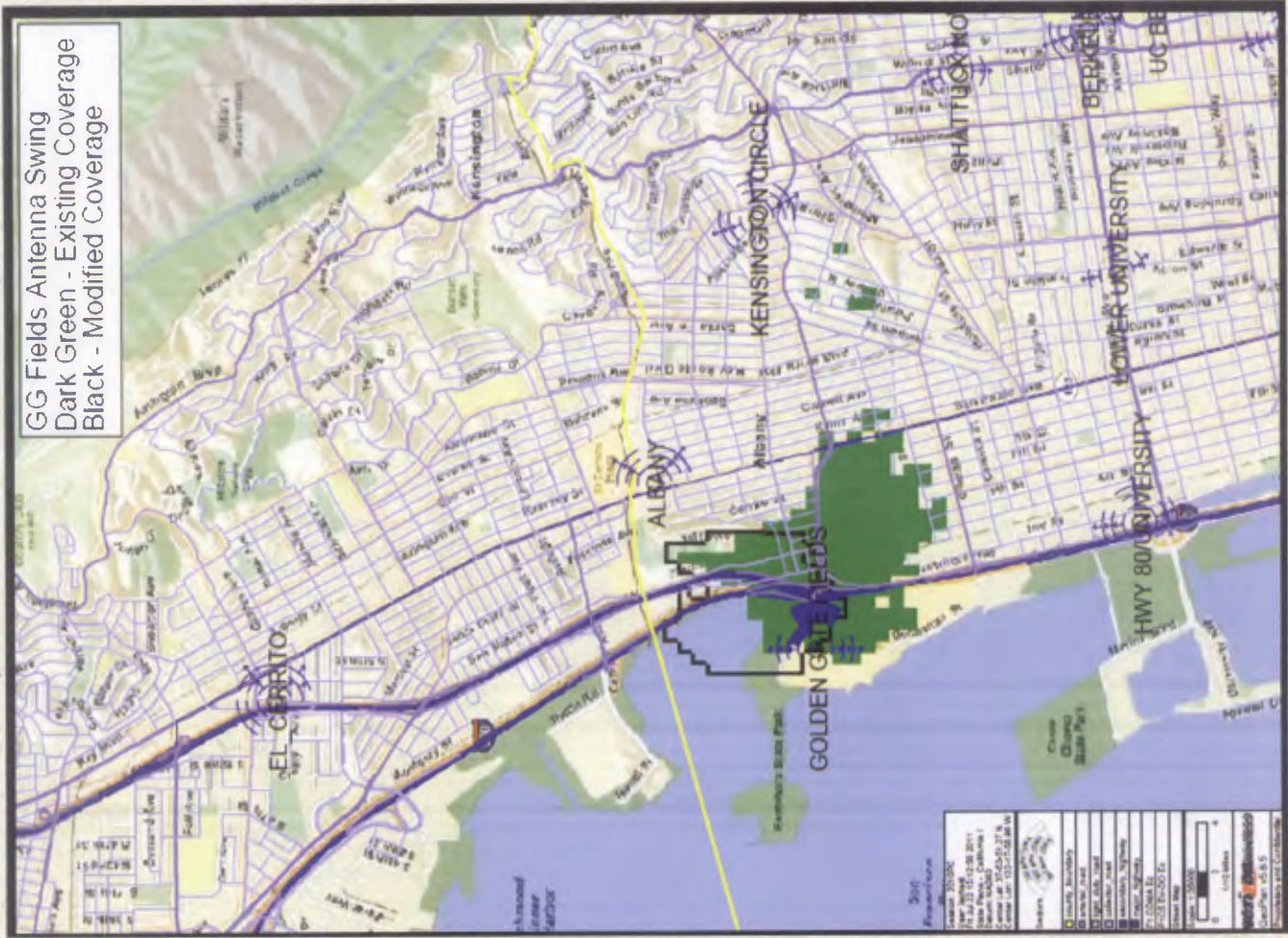




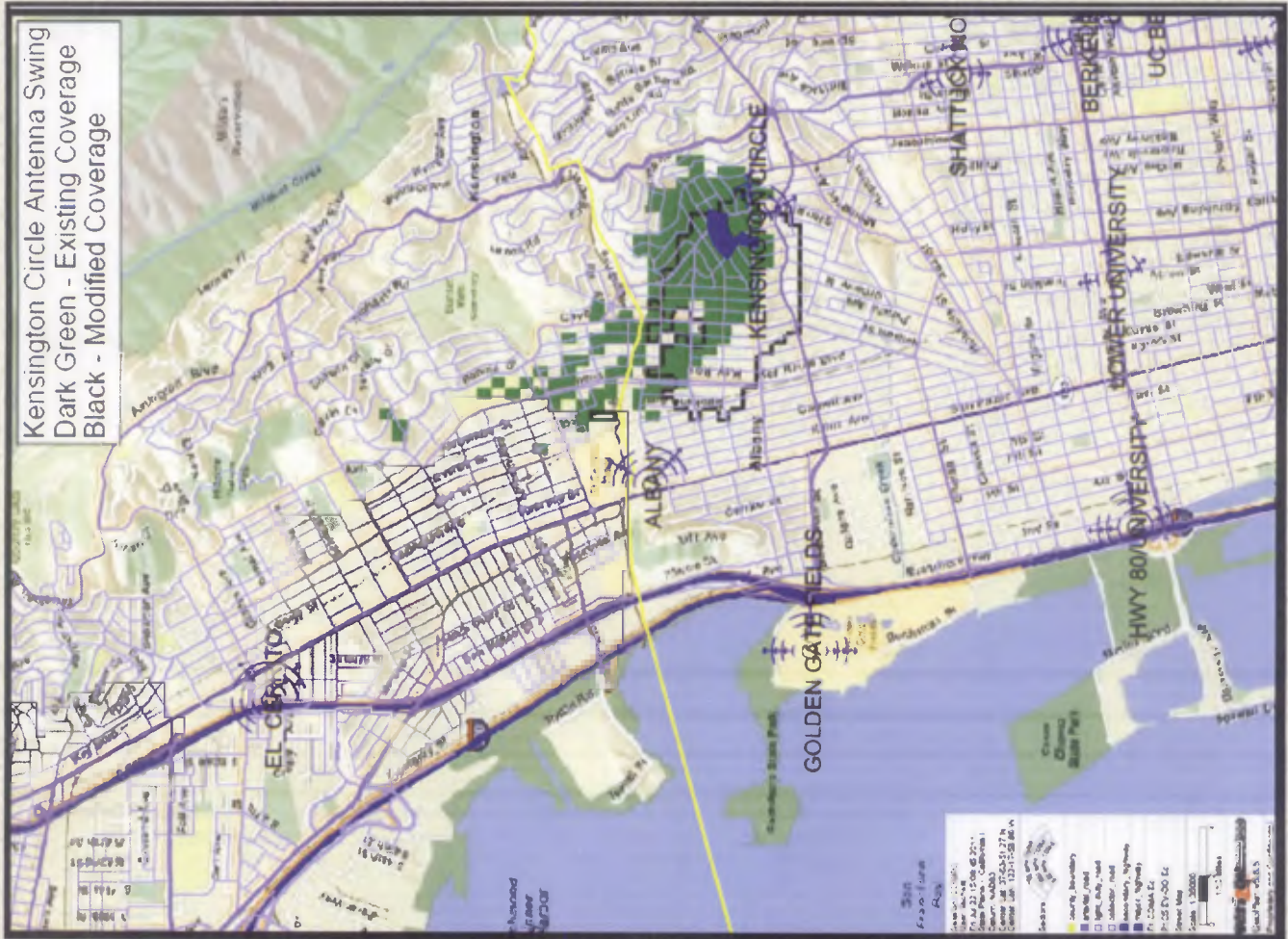










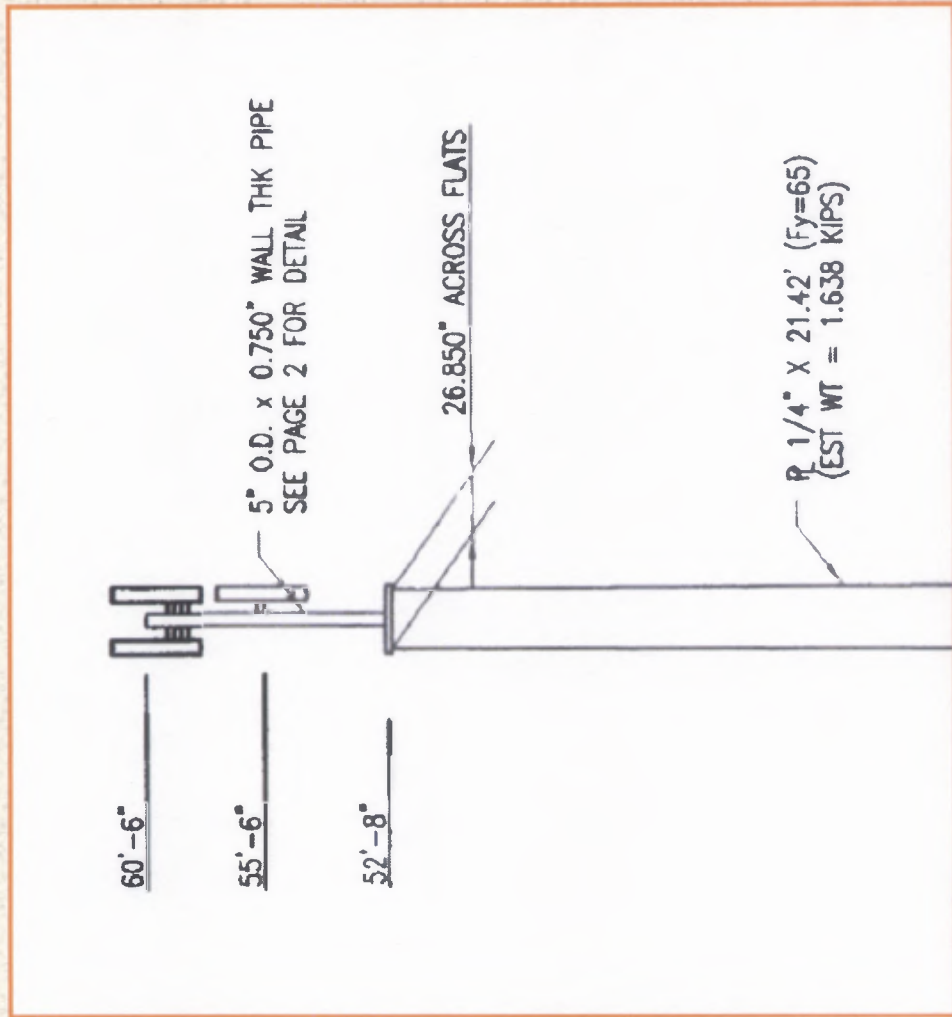








# Crown Site -Kensington (880503)





CITY OF ALBANY  
PLANNING AND ZONING AGENDA  
STAFF REPORT

Agenda date: April 27, 2010  
Prepared by: JB

ITEM/ 6b  
SUBJECT: **Planning Application #09-031. Conditional Use Permit. Design Review.** The applicant requests City approval to allow the removal of the existing wireless communication antennas located on an existing 65-foot high monopole and replacement with new antennas.

SITE: 423 San Pablo

APPLICANT/  
OWNER: Crown Castle for Verizon Wireless

ZONING: SPC (San Pablo Commercial)  
Residential Commercial Transition District Overlay

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**STAFF RECOMMENDATION**

Staff recommends that the Planning and Zoning Commission approve the Conditional Use Permit and Design Review, subject to the attached findings and conditions of approval.

**BACKGROUND/PROJECT DESCRIPTION**

The applicant requests City approval to allow the removal of the existing wireless communication antennas located on an existing 65-foot high monopole and replacement with new antennas. The existing pole is located at the rear (east) side of the property. Also currently installed on the monopole are antennas serving Metro PCS. The monopole is an existing legal non-conforming facility pursuant to the Wireless Communication Facility provisions of the City's Planning and Zoning Code.

**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**

This is the second application for a wireless communications facility to be processed under Planning and Zoning Code Section 20.20.100, which was adopted in 2005. The Federal Communications Commission (FCC) regulates radio frequency (RF) emissions safety standards, preempting any City attempt to regulate health implications of RF emissions. Thus, the city's

regulations are focused on the location and design of antennas. The key features of the regulations include:

- Prohibiting wireless facilities in residential areas thus leaving the SPC (San Pablo Avenue), SC (Solano Commercial), and CMX (Commercial Mixed-Use) zoning districts as potential areas to allow such a facility.
- Establishing development standards, operation and maintenance standards, and specifying application submittal requirements.
- Requiring a maintenance and facility removal agreement.
- Allowing the City to conduct studies to ensure compliance of with City and FCC standards.

## Summary of Issues

### 1. *Legal Non-Conforming Status*

Under the terms of the Wireless Communication section of the code, routine maintenance is permitted on existing, operational equipment and facilities (Section 20-20.100 I). However, new construction, other than routine maintenance on existing towers, antennas, buildings, or other facilities shall comply with the requirements of this Chapter.

In addition to the terms of the Wireless Communication section of the code, the Planning and Zoning Code also has a general Nonconforming Use section (Section 20-44), which allows maintenance of a non-conforming use, but "enlargement" of a non-residential use is not allowed.

If the proposed replacement antennas are considered beyond the scope of routine maintenance and considered an enlargement, then there are several potential issues with the application:

- The existing pole is located within ten feet of an apartment building. Under current code, in the San Pablo Commercial District, any wireless communication facility shall be set back from a residential district by fifty feet. The distance may be reduced to no less than ten feet of separation by the Planning and Zoning Commission based on a determination that the lesser distance will not have noise visual impact on the residential district. This particular block of San Pablo, however, is zoned SPC all the way to Kains Avenue. Thus, while the apartment building is a legal use in a SPC district, it is not specifically located within a residential district. The Residential-Commercial Transition Overlay designation provides general guidance on mix of uses in the district related to primarily to street frontage.
- The existing monopole is 65-feet in height and features two sets of antennas. Under current codes, the maximum height of a monopole is 48 feet (ten feet greater than maximum height allowed in the zoning district).
- At the time of its installation, no effort was made to screen the antennas. Under current codes, a new facility could be required to be screened or to incorporate alternative designs such as flush mounting on existing buildings.



The key issue in processing this application is whether or not the proposed replacement antennas are considered a maintenance activity, and thus whether or not they need to comply with current standards for new wireless communication facilities. By allowing an upgrade of the antenna, the application would extend the life of a legal non-conforming situation.

## 2. *Co-Location*

The existing monopole is 65-feet in height features two sets of antennas. The first set, located at 45 feet above grade, serves Metro PCS. The second set, at 59 feet, serve the applicant. The City's Code requires that new wireless communication facilities shall be co-located with existing facilities and with other planned new facilities whenever feasible and aesthetically desirable to minimize overall visual impact.

## 3. *Design Review*

In a completely new facility, more subtle designs with screening or alternative approaches such as flush mounting on existing buildings would be preferred. Given the size and location of the monopole, additional screening would not appreciably improve the appearance, and could be counter-productive by making the tower more visible. Installations that attempt to mimic trees or other natural features are rarely effective aesthetically, particular in urban settings such as the case with this application.

## 4. *Monitoring Program*

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 recommend that Verizon make a commitment to cooperate in good faith to participate in the monitoring program.

## 5. *Independent Review of Application*

The consultant firm *Kramer. Firm Inc.*, who specializes in telecommunications review for municipalities, conducted a third-party review of the application (see attachment 5). The analysis concludes with a recommendation that the City approve the application.

### **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. Findings
3. Conditions
4. Application, Plans
5. Kramer. Firm Inc. report dated 2/8/2010

**ATTACHMENT 1 - ANALYSIS OF COMPLIANCE WITH ZONING REQUIREMENTS**

**20.12 Zoning Districts and Permitted Uses**

General Plan: Commercial  
Zoning: SPC (San Pablo Commercial)  
Residential-Commercial Transition Overlay

**20.16 Land Use Classifications**

Wireless Communication

Surrounding	North - Commercial	East - Residential
Property Use	South - Commercial	West - Commercial

**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**

Project may be subject to Art in Public Places Program requirements. Specific details will be required at time of application for a building permit.

**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 April 16, 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.**

See Discussion of Key Issues.



## ATTACHMENT 2 - FINDINGS

## Findings for Design Review approval (Per section 20.100.050.E of the AMC)

Required Finding	Explanation
<p>1. <i>The project conforms to the General Plan, any applicable specific plan, applicable design guidelines adopted by the City of Albany, and all applicable provisions of this Chapter.</i></p>	<p>The General Plan designates this area for commercial and commercially related development. Additionally, the project meets City zoning standards for location, intensity and type of development. The proposed replacement antennas are considered a maintenance activity, and thus do not need to comply with current standards for new wireless communication facilities.</p>
<p>2. <i>Approval of project design is consistent with the purpose and intent of this section, which states "designs of projects...will result in improvements that are visually and functionally appropriate to their site conditions and harmonious with their surroundings, including natural landforms and vegetation. Additional purposes of design review include (but are not limited to): that retention and maintenance of existing buildings and landscape features are considered; and that site access and vehicular parking are sufficient."</i></p>	<p>The proposal is a modification of an existing legal non-conforming use, and does not change the scale and harmony with existing development in the vicinity of the site. The facility is also co-locating with existing telecommunication carriers and there are no additional screening or design features that can be feasibly added to the antenna to improve its appearance.</p>
<p>3. <i>Approval of the project is in the interest of public health, safety and general welfare.</i></p>	<p>The proposed project will not be detrimental to the health, safety, convenience and welfare of those in the area and would not adversely impact property, improvements or potential future development in the area. A third party review has been conducted and a number of conditions of approval requiring signage about radio frequency levels, as well as relocation of the antennas if in future residential development in the controlled radio frequency level areas is constructed.</p>
<p>4. <i>The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.</i></p>	<p>The project is a modification to a legal non-conforming use, and would not change standards as stated, including access, architecture, natural features, coordination of design details, and privacy. The proposed project will not affect the use, drastically affect the aesthetics, or at all the privacy at or around the site.</p>



## Findings for Conditional Use Permit Approval as required by Section 20.100.030.D:

Required Finding	Explanation
<p>1. <i>The size, location and intensity of the project are desirable and compatible with the neighborhood and community.</i></p>	<p>The proposed wireless communication facility is co-located with existing facilities. It is located in one of three conditionally permitted zones and will provide additional wireless communication services to city residents and those travelling through the city.</p>
<p>2. <i>The project will not be detrimental to the health, safety, convenience or general welfare of people residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:</i></p> <ul style="list-style-type: none"> <li>a. <i>The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures</i></li> <li>b. <i>The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading.</i></li> <li>c. <i>The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.</i></li> <li>d. <i>Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.</i></li> </ul>	<ul style="list-style-type: none"> <li>a. The site is of sufficient size and shape to successfully install/construct the wireless facilities. They will be located on the existing monopole and will not change the use or dramatically change the aesthetics of the site.</li> <li>b. The project will not have any increased traffic impacts beyond those typical during the initial installation period. A technician will visit the site once every few weeks, and aside from the visits will be self-sufficient unless emergencies arise.</li> <li>c. The project will not develop new noxious noise, glare, dust or odor emissions beyond those associated with initial construction activities. The project will remain a residential activity with all such characteristics. Conditions of approval requiring signage and</li> <li>d. The antennas and equipment shall be painted and finished to match the existing building.</li> </ul>
<p>3. <i>That such use or feature as proposed will comply with the applicable provisions of this Chapter and will be consistent with the policies and standards of the General Plan.</i></p>	<p>The proposed project is otherwise consistent with the City's General Plan zoning standards and requirements relating to wireless facilities. The proposed replacement antennas are considered a maintenance activity, and thus do not need to comply with current standards for new wireless communication facilities.</p>



## Findings for Approval as required by Section 20.20.100F.5:

<i>Required Finding</i>	<i>Explanation</i>
The establishment or expansion of the facility demonstrates a reasonable attempt to minimize stand-alone facilities, is designed to protect the visual quality of the City, and will not have an undue adverse impact on historic resources, scenic views, or other natural or man-made resources.	The antennas and equipment will be painted to match the finish of the existing building. The facility is also co-locating with existing telecommunication carriers thus will not change the use or drastically change the aesthetics of the nearby buildings.
All applicable Development Standards in subsection 20.20.100.E. above have been met; or: Finding for an exception to the Development Standards: Strict compliance would not provide for adequate radio-frequency signal reception and that no other alternative solutions which would meet the Development Standards are feasible.	No exceptions required.
The placement, construction, or modification of a wireless telecommunications facility in the proposed location is necessary for the provision of wireless communication services to Albany residents and businesses, or their owners, customers, guests, or invitees, or other persons traveling in or about the City.	The City retained an independent third-party consultant specializing in telecommunications facilities. The consultant concluded that the project site is best suited location within the area for AT&T coverage and that the applicant's justification for the site is sound.
Finding for establishment of a satellite dish or parabolic antenna exceeding thirty-nine (39) inches in diameter: A smaller or different antenna cannot feasibly accomplish the provider's technical objectives and that the facility will not be readily visible.	Not applicable. Project does not require a satellite dish.
Findings for the establishment of a wireless communications facility that is not co-located with other existing or proposed facilities or a new freestanding pole or tower (at least one (1) finding required):  a) Co-location is not feasible;  b) Co-location would have more significant adverse effects on views or other environmental consideration;  c) Co-location is not permitted by the property owner;  d) Co-location would impair the	Not applicable. Project is co-located with other facilities.

<i>Required Finding</i>	<i>Explanation</i>
quality of service to the existing facility;  e) Co-location would require existing facilities at the same location to go off-line for a significant period of time; or	



## ATTACHMENT - 3

## COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS OF APPROVAL

## GENERAL PROJECT CONDITIONS

- Gen-1 **Project Approval.** This Design Review and Conditional Use Permit approval is for Crown Castle, for Verizon Wireless, as substantially shown and described on the project plans, except as may be modified by conditions herein. Plans include plans prepared by Crown Castle, date received \_\_\_\_, (project plans include site plan, elevations, RF report, details), all as presented to the Planning and Zoning Commission on April 27, 2010. For any condition herein that requires preparation of a Final Plan where the project developer has submitted a conceptual plan, the project developer shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required by the conditions herein for approval by the City.
- GEN-2 **Project Approval Expiration.** This Design Review and Conditional Use Permit approval will expire on May 11, 2011 (one year from the date on which this approval becomes effective), or at an alternate time specified as a condition of approval, unless a building permit has been issued and construction diligently pursued; a certificate of occupancy has been issued; the use is established; the use permit, variance or design review approval is renewed. The approval may be renewed by the Community Development Director for a period up to an additional two (2) years, provided that, at least ten (10) days before expiration of one (1) year from the date when the approval becomes effective, an application for renewal of the approval is filed with the Community Development Department. The Community Development Director may grant a renewal of an approval where there is no change in the original application, or there is no request to change any condition of approval.

Project also is subject to "Duration, Revocation and Discontinuance" regulations contained in Planning and Zoning Code Section 20.20.100.I :

*An approved use permit for a wireless communication facility must be activated within one (1) year from the date of final approval. If not activated within one (1) year from the date of final approval, the permit shall be deemed expired, as provided in subsection 20.100.010.K.1.*

*b. Once activated, all permit approvals for wireless communication facilities shall be valid for an initial maximum period of up to ten (10) years, or as specified by the approving body.*

*c. Permit approvals may be administratively extended without a public hearing for subsequent five (5)-year terms(s) by the Community Development Director upon verification of continued compliance with the findings and conditions of approval under which the application was originally approved, as well as any other provisions provided for in the Municipal Code,*

and Federal and State regulations which are in effect at the time of permit renewal.

d. In the event that the Community Development Director finds that the applicant has not maintained the facility in compliance with all applicable code requirements, conditions of approval and provisions of the maintenance agreement, the Director may initiate a revocation procedure as provided by subsection 20.100.010.M.

e. Costs associated with the process of verification of compliance and extension or revocation of approval shall be borne by the permit holder.

2. **Discontinuance of Use.** All equipment and improvements associated with a wireless communication facility shall be removed within thirty (30) days of the discontinuation of the use and the site shall be restored to its original, pre-construction condition, or as approved by the Community Development Director. For facilities located on City property, this removal requirement shall be included within the terms of the lease. For facilities located on private sites, the terms of private leases shall also require equipment removal as a provision of the lease. Written verification of the removal of wireless communication facilities on private property shall be provided to the Community Development Director within thirty (30) days of the discontinuation of the use.

a. If the operator fails to remove the wireless communication facilities from the site, the property owner shall be responsible for removal, and may use any bond or other assurances provided by the operator pursuant to the requirements of this Chapter to do so. If such facilities are not removed, the site shall be deemed to be a nuisance and the City may call the bond for removal or take such other action as it deems appropriate.

b. Failure to inform the Community Development Director of cessation of operations of any existing facility shall constitute a violation of the Zoning Ordinance and be grounds for:

- 1) Prosecution;
- 2) Revocation or modification of the permit;
- 3) Calling of any bond or other assurance secured by the operator pursuant to the requirements of this Chapter; and/or
- 4) Removal of the facilities.

Gen-3

**FEES.** The applicant shall pay any and all City and other related fees applicable to the property, as may be modified by conditions herein. Fees shall be based on the current fee structure in effect at the time the relevant permits are secured, and shall be paid before issuance of said permit or before any City Council final action approval. Notice shall be taken specifically of Plan Check, Engineering, Fire and Inspection Fees. The project developer shall also reimburse the City for



direct costs of planning; building and engineering plan check and inspection, as mutually agreed between the City and developer.

- GEN-4      **Appeals.** The Albany Municipal Code provides that any action of the Planning staff may be appealed to the Planning and Zoning Commission, and any action of the Planning and Zoning Commission may be appealed to the City Council as per the procedures described in Section 20.100.080. The City Clerk will then schedule the matter for the next available City Council meeting.
- GEN-5      **Requirement for Building Permit.** Approval granted by the Planning and Zoning Commission does not constitute a building permit or authorization to begin any construction or demolish an existing structure. An appropriate permit issued by the Community Development Department must be obtained before constructing, enlarging, moving, converting, or demolishing any building or structure within the City.
- GEN-6      **Fire Department Approval.** As part of a building permit application, the applicant shall submit written documentation that all requirements of the Albany Fire Department have, or will be, met to the satisfaction of the AFD.
- GEN-7      **Engineering Approval.** As part of a building permit application, the applicant shall submit written documentation that all requirements of the Public Works Department have, or will be, met to the satisfaction of the City Engineer.
- GEN-8      **Construction Hours.** Construction activity shall be restricted to the hours of 8:00 a.m. to 6:00 p.m. Mondays through Saturdays, and 10:00 a.m. to 6:00 p.m., Sundays and legal holidays, unless otherwise approved in writing by the City Engineer for general construction activity. Failure to comply with construction hours may result in stop work orders or other administrative actions.
- GEN-9      **Modifications to Approved Plans.** The project shall be constructed as approved. Planning staff may approve minor modifications in the project design, but not the permitted land use (per MC 20.12). A change in an item requiring discretionary approval and any other changes deemed appropriate by the Planning staff shall require further Planning and Zoning Commission approval through the Design Review process.
- GEN-10     **Hold Harmless Agreement.** Pursuant to Government Code Section 66474.9, the applicant (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Albany and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul the City's approval concerning this application, which action is brought within the time period provide for in Section 66499.37. The City will promptly notify the applicant of any such claim action or proceeding and cooperate fully in the defense.
- GEN-11     **Public Improvements Standards.** Public improvements, as required by the City Engineer during building permit review, shall be designed and constructed in

accordance with the City's Standard Specifications and Standard Details, unless specifically waived in writing by the City Engineer.

- GEN-12      **Title 24 Standards.** All construction shall be designed and built in accordance with California Title 24 handicap accessibility standards. Appropriate details and specifications shall be incorporated into the plans and submitted at time of building permit application.
- GEN-13      **Energy Conservation Standards.** All buildings shall be designed in accordance with the State of California energy conservation standards for non-residential buildings. The necessary plans and documentation shall be submitted at time of building permit application.

#### ARCHITECTURE CONDITION

- ARCH-1      **Material Samples.** Samples of final exterior materials and the proposed color palette shall be submitted for review and approval by the Community Development Department as part of building permit application.
- ARCH-2      **Final Architectural Drawings.** The applicant shall submit final architectural elevations, details and revisions for the review and approval of the Community Development Department as part of building permit application.

#### Project-Specific Conditions

- SPECIAL-1      The applicant shall permanently place and at all times maintain in good condition radio frequency emission notice signs in English and Spanish that are compliant with ANSI C95.2 color, symbol, and content conventions.
- SPECIAL-2      Each sign shall at all times bear the name of the carrier, the site identification number, and a 24-7 local or toll-free telephone number to reach a live person at the carrier's Network Operations Center.

**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 the action. Appeals may be filed in the Community Development Department by completing the required form and paying the required fee. The City Clerk will then schedule the matter for the next available City Council meeting.



**Planning Memorandum**

To: Jeff Bond, Planning Manager, City of Albany  
 From: Jonathan L. Kramer  
 Date: February 8, 2010  
 RE: CUP No. 09-031 - 423 San Pablo Avenue (Verizon Wireless)

At the direction of the City of Albany (the "City"), I have reviewed and technology and design details for the referenced project.

**Project Description**

Verizon Wireless ("Verizon") currently has four antennas affixed to the Crown Castle wood monopole at this project site. MetroPCS has an array of antennas below Verizon's existing antennas.

Two of Verizon's antennas serve to the northeast of the site, while the other two serve to the southeast of the site. These four antennas provide mobile telephone service and slower-speed data offerings.

Verizon proposes to replace all four of the existing antennas and to add two antennas (for a total of six antennas) installed to continue to serve to the northeast and the southeast of the site.

The replaced and new antennas are to be mounted on modern single-level off-set arms replacing the dual arms presently used to support the existing four panel antennas.

Verizon will add eight new coaxial cable runs within the wood monopole to connect to the replaced and new antennas.

**Project Purpose**

The new antennas and associated ground mounted equipment are proposed to allow Verizon to offer its new "Long Term Evolution" ("LTE") data communications services to its customers using this site.

**RF Safety Compliance**

Congress has delegated to the FCC the authority to set the national radio frequency (RF) emissions safety standards in the U.S. The FCC "completely occupies the field" of standards setting in this subject area. As such, the City is not permitted to independently set its own local standards for radio frequency emissions higher, the same, or lower than the FCC national limits. Congress and the FCC authorize local governments to evaluate planned and actual compliance with the federal emissions limits as described in FCC OET Bulletin 65 in connection with wireless applications and projects.



Kramer Firm Inc.

Telecommunications Technology  
 Counsel for Government Agencies  
 and Private Institutions  
 Since 1984

www.KramerFirm.com

Main Office:  
 Kramer@KramerFirm.com  
 Tel +1 (310) 473 9900  
 Fax +1 (310) 473 5900

Suite 306  
 2001 S. Barrington Avenue  
 Los Angeles, California  
 90025-5379



Jeff Bond, Planning Manager  
CUP No. 09-031 - 432 San Pablo Avenue - Verizon  
February 8, 2010  
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Under the FCC rules, some antennas projects are 'categorically excluded' from the need for detailed RF review based on the height of the lowest portion of the antenna. For example, categorical exclusion can be achieved when the lowest portion of an antenna is at least 10 meters (32.8 feet) above ground level, and the antenna is not mounted on a building.

In the case of the present project, the antennas are to be mounted on a stand-alone antenna support and the antennas are to be mounted above 10 meters above ground, thus the project can be deemed 'categorically excluded' under the FCC rules. A more detailed analysis of the proposed emissions is not necessary.

Although not necessary, Verizon has provided the City with a detailed RF safety analysis produced by its consulting engineer, Hammitt & Edison (H&E). The H&E report is dated June 5, 2009, and is signed by the firm's head engineer, William F. Hammitt, P.E.

The H&E report considers the planned emissions from this project as well as MetroPCS's emissions. The RF emissions data contained in the H&E is sufficient for me to independently determine compliance with the FCC emission rules at OET Bulletin 65.

H&E's assessment and my own both reach the same conclusion: If this project is permitted by the City, it will fully comply with the FCC's most stringent general population limit rules for unlimited 24x7 human exposure to radio frequency emissions from this site. Accordingly, the City has no basis to deny this project based solely on RF safety considerations or concerns.

#### ***Conclusions and Recommendation***

From an RF safety standpoint, the project complies with the FCC standards for general population exposure without time limits or distance limits. It is my professional opinion that the project as proposed by Verizon will have no safety impact on the community.

I believe that the replacement of the four existing antennas, and the addition of two more on the same plane as the replaced antennas will not materially or substantially alter the existing aesthetics of this site.

I recommend that this project proceed forward through the planning process.

/jlk