

Anne Hersch

To: Jeff Bond
Subject: RE: Update on AT&T cell phone coverage for Albany ?

From: davidsanger@gmail.com [<mailto:davidsanger@gmail.com>] **On Behalf Of** David Sanger
Sent: Tuesday, September 13, 2011 4:38 PM
To: Jeff Bond
Cc: albanychamber@albanychamber.org
Subject: Update on AT&T cell phone coverage for Albany ?

Hello Jeff.

Could you please give me an update on any AT&T wireless applications that are underway in the Albany area, when or whether they might be approved and when they might be operational.

At the recent Solano Stroll, which is very important to Albany and North Berkley merchants, there was almost no coverage for AT&T customers because of lack of service.

Thanks

David Sanger

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January 3, 2012

Ms. Anne Hersch
City Planner, City of Albany
1000 San Pablo Avenue
Albany, CA 94707

Re: ATT Transmitter

Dear Ms. Hersch:

This letter is in support of ATT's application for a transmitter in the City of Albany, which I understand is up for consideration at the upcoming Planning and Zoning meeting. This is a city that has billed itself as business-friendly, but one of the most difficult aspects of trying to do business in Albany is the almost total lack of cell phone coverage. I have dropped more calls than I can possibly recount, and reception when I do have a connection is typically very poor. Most frustratingly, I cannot even retrieve my cell phone messages on a regular basis. There are actually times when I have had to get in my car and drive to the freeway, or to Berkeley in order to get my messages.

It is my hope that the city acts as quickly as possible to rectify this horrible situation.

Sincerely,

Howard McNenny, AIA

Anne Hersch

From: Jeff Bond
Sent: Wednesday, January 04, 2012 1:52 PM
To: Anne Hersch
Subject: FW: 1035 San Pablo and other cell antenna issues

Jeff Bond, Community Development Director City of Albany
1000 San Pablo Avenue
Albany, CA 94706
510-528-5769

-----Original Message-----

From: Nan Wishner - Undoing Yoga [<mailto:nan@undoingyoga.com>]
Sent: Wednesday, January 04, 2012 1:31 PM
To: Jeff Bond
Subject: 1035 San Pablo and other cell antenna issues

Hi Jeff
Happy new year!

I just heard from a resident of the neighborhood that there is a P&Z study session on Jan 10 re a new design for AT&T antennas at 1035 San Pablo. Is the design available electronically yet, and can you tell me the high points of how it differs from the last ones?

Have we ever gotten an independent analysis (vs the one RMC - not sure i have the initials right - did where they just followed the AT&T engineer around and did not question any of the engineer's assumptions) showing that AT&T really cannot provide the required coverage from CMX, given that 1035 SP is in the last-choice district for antennas in the city?

Id like to circle back with you about the idea of establishing one or more municipal or preferred antenna sites in the city where carriers are given some kind of incentive to go, before we go down the road of fighting over 1035 SPA again, as well as the other two applications that you said in the Patch article a few weeks ago are in the hopper. Has there been any further consideration given to the idea of establishing such a preferred site or sites and if not what can ARROW do to help move that discussion along?

Warm wishes,
Nan

Anne Hersch

From: Jeff Bond
Sent: Wednesday, January 04, 2012 3:40 PM
To: Anne Hersch
Subject: FW: AT&T Tower

Jeff Bond, Community Development Director City of Albany
1000 San Pablo Avenue
Albany, CA 94706
510-528-5769

-----Original Message-----

From: Jonathan Leavitt [<mailto:doublesquids@mac.com>]
Sent: Wednesday, January 04, 2012 2:48 PM
To: Jeff Bond
Subject: AT&T Tower

I heard from a fellow Albany resident that erection of a cellphone tower in Albany has been blocked by a bunch of Luddite NIMBYs. I hope it's not true.

Meanwhile my Albany AT&T voice service in the flats is terrible. I would expect better service in Timbuktu!

Can you explain what is going on?

Sent from my iPhone

Anne Hersch

From: Jeff Bond
Sent: Friday, January 06, 2012 11:33 AM
To: Anne Hersch
Subject: FW: Agenda Item For Jan 10 P&Z Meeting - Cellular Study

Jeff Bond, Community Development Director City of Albany
1000 San Pablo Avenue
Albany, CA 94706
510-528-5769

-----Original Message-----

From: Bernard Knapp [<mailto:bernardknapp@gmail.com>]
Sent: Friday, January 06, 2012 11:00 AM
To: Jeff Bond
Subject: Agenda Item For Jan 10 P&Z Meeting - Cellular Study

Hello Mr. Bond,

I'm writing to express my support for any measure that would improve ATT cellular service in Albany. It seems from the poll on the Patch and my personal experience that ATT service in our city is execrable. I'd support any reasonable development that would improve service, and I would like the P&Z commission to take this problem very seriously, and not allow its deliberations to be influenced by the volume level from a few of our residents who irrationally fear electromagnetic radiation from cell towers will give them cancer, and for that reason will oppose any improvement in cell service by any means they can find. In this as in other areas in City politics, it is time for our city officials to stop taking their directions from the few and dedicated who are idle enough or motivated enough to show up for interminable meetings to vociferously air their minority views, and begin to pay a little attention to what will benefit the majority of our residents. A quick review of the comments on this issue in the Albany Patch will confirm how many of us are hoping the Commission will take the need to improve cell service in Albany seriously.

Please convey these thoughts to the commissioners, if, as I expect, I am unable to personally attend the meeting on January 10.

Thanks,

Bernard Knapp

Anne Hersch

From: lauramargie@sbcglobal.net
Sent: Saturday, January 07, 2012 11:51 AM
To: david@arkintilt.com; pcmaass@pacbell.net; pmoss@sbcglobal.net; leo.panian@gmail.com; eisenmann.arch@me.com; Anne Hersch
Subject: cell phone towers

Dear Planning and Zoning Commissioners:

Thank you for holding a study session on AT&T's proposal for a total of 21 new cell antennas (9 enclosures each housing multiple antennas) on the roof of 1035 San Pablo Ave., which already hosts a Sprint/Nextel cell antenna array. I am opposed to the addition of these antennas in such close proximity to a residential area. I encourage the City of Albany to engage in an active process of determining acceptable locations for cell antennas to avoid the current site-by-site controversies, as it is clear that these large cell phone companies have more money to waste on such legal battles than the City of Albany or its residents.

Sincerely,

Margie Groeninger
1072 Evelyn Avenue

Anne Hersch

From: Jim Sanetra [jsanetra@sungevity.com]
Sent: Monday, January 09, 2012 9:22 AM
To: David Arkin; Peter Maass; Phillip Moss; Leo Panian; Stacy Eisenmann; Anne Hersch
Subject: AT&T's proposal for a total of 21 new cell antennas (9 enclosures each housing multiple antennas) on the roof of 1035 San Pablo Ave

Dear Planning and Zoning Commissioners:

Thank you for holding a study session on AT&T's proposal for a total of 21 new cell antennas (9 enclosures each housing multiple antennas) on the roof of 1035 San Pablo Ave., which already hosts a Sprint/Nextel cell antenna array.

While I support improved coverage for AT&T customers in Albany, the current proposed design does not meet the requirements of Albany's general zoning code, for the same reasons as were true of the last set of plans that AT&T proposed for this location. The equipment cabinets and other structures AT&T would add to the existing Sprint/Nextel and other roof-mounted equipment would exceed the zoning code's limit on percent of roof area that can be covered by rooftop structures. The new installation might also exceed zoning code height limits.

In addition, this site is in the San Pablo commercial district, which is the *last-preference* zoning district for antennas as specified in Albany's wireless ordinance, and AT&T has not met the burden of proving that coverage cannot be achieved from the first-choice district, CMX, or the second-choice district, PF.

AT&T's alternative site analysis looks at only 1 location in CMX and dismisses it based on height considerations.

A site in CMX would be the least intrusive solution to AT&T's stated need and would fulfill the primary requirement of our ordinance for preferred location. What about the roof of Target or the Toyota service center?

I request that the city retain an independent RF expert knowledgeable about siting issues to determine whether there are, in fact, feasible locations in CMX from which AT&T could cover its target area, and how high a cell site would need to be to accomplish this coverage from CMX. This should be a truly independent analysis that does not simply accept AT&T's assertions and propagation maps at face value.

In addition, the roof of the USDA building, which is zoned PF [public facilities], the second-preference zoning district for antennas, would be a much less intrusive site. According to AT&T's maps, antennas at this location would cover most of the target area. This site should be actively pursued until a definitive response is received from USDA. AT&T's alternatives analysis is inconclusive regarding this location, stating only that the applicant has not been able to speak with the appropriate party at USDA who could address leasing negotiations.

Please do not approve an antenna site that does not conform to our code and that would disproportionately affect the residents of the adjoining neighborhood.

Finally, I urge the Commission to support a proactive solution to wireless siting in the city that would avoid continued site-by-site controversies. I support the proposal of Albany Residents for Responsible Oversight of Wireless (ARROW) that the city establish one or more preferred, municipally owned antenna sites away from residences where carriers would be encouraged to locate and from which coverage could be provided to most or all of the city. This solution would benefit everyone: city residents, carriers, and the city itself.

Sincerely,

Jim Sanetra
 1037 Kains Ave
 Albany CA 94706

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Dear Planning and Zoning Commissioners:

We write on behalf of Albany Residents for Responsible Oversight of Wireless (ARROW) regarding Planning Application 08-038, which is scheduled for a study session (item 6B) on your Jan. 10, 2012 agenda.

Background

This application is for new AT&T cellular antennas on the rooftop of 1035 San Pablo Ave. The application specifies 9 antenna enclosures, each housing multiple antennas, for a total of either 21 or 24 antennas. The discrepancy is a result of different antenna models being specified on AT&T's plans (which would total 24 antennas), and in the radio frequency (RF) exposure report prepared by Hammett and Edison (which would total 21 antennas).¹

The rooftop at 1035 San Pablo Ave. already hosts a Sprint/Nextel cellular antenna array.

Summary of Concerns

ARROW's concerns regarding the AT&T application fall into two categories: the elements of the application that do not conform to our zoning code, and the technical elements of the application that are inconsistent, missing, or questionable.

Our concerns are summarized here and explained in detail in the following sections of this letter.

Zoning concerns:

1. The installation as described on the current plans exceeds the percentage rooftop coverage (and possibly also height limits) specified in Albany's general zoning code.
2. This site is in the third- and last-preference zone for antennas as specified in Albany's wireless regulations [Section 20.20.100 (D)] and is significantly more intrusive than other options in the first- and second-preference zones that have not been adequately explored in AT&T's alternative site analysis.

Technical Concerns:

1. As noted above, there is confusion regarding the models and total numbers of antennas that would be installed, and therefore regarding the accuracy of the emissions calculations for the proposed site.
2. A number of technical details about the antennas are not disclosed, including down-tilt and the basis for the assumed maximum power at which the antennas could or would be operated, which affects the accuracy of the exposure calculations.
3. The exposures calculated for the proposed antennas, though still within Federal Communications Commission (FCC) limits, are the highest we have ever seen in a cellular antenna application, roughly 7 times greater than the usual percentage of the FCC limits. According to the Hammett and Edison RF exposure report, exposures at nearby

¹ AT&T's plans show two triple-band (three antennas in one) 7780.00 models and one dual-band (two antennas in one) P65 model per sector. The Hammett and Edison RF exposure analysis is based on two P65 dual-band models and one 7780.00 triple-band model per sector.

buildings would be equivalent to standing 6 inches away from a new, operating microwave oven.

4. The report by the city's independent wireless communications consultant, Jonathan Kramer, relies on data apparently supplied by AT&T and not independently verified, including the power at which the antennas would be operated and AT&T's conclusions regarding the feasibility of providing coverage from sites in higher-preference districts.

The concerns summarized above, which are explained in detail below, are for the most part the same concerns ARROW raised when this application was presented to the Commission previously.

Although we appreciate that the applicant has made an effort to meet code setback requirements and to prepare an alternatives analysis, both of which were also problems in previous iterations of the application, the fundamental problems with this proposal have still not been addressed, and the alternatives analysis is still incomplete.

Summary of Recommendations

ARROW requests that :

1. The city retain an independent wireless engineer and siting consultant to evaluate the feasibility and technical requirements for alternative sites for the proposed AT&T antennas in the first- and second-choice districts where antennas are to be located according to the city's wireless ordinance.
2. AT&T actively pursue to a definitive conclusion the option of locating antennas at the USDA building. This building is in a higher-preference antenna district than 1035 San Pablo Ave, and AT&T's propagation maps show that antennas at this site could provide coverage to almost all of the target area.
3. The Commission join us in supporting accelerated exploration, and, if feasible, implementation of one or more municipally owned antenna sites that meet the requirements of our zoning code, would be available to carriers with a streamlined application process, would allow carriers to provide coverage to most or all of the city, and would eliminate the type of controversy that has arisen over this and another recent wireless antenna applications.
4. RF emissions monitoring of all antenna base stations in the city, as specified in the city's wireless ordinance, be implemented immediately, and permit conditions for wireless facility approved by the city include the requirement that the carrier cooperate with the city's monitoring program, including depositing the required funds with the city.

Detailed Explanation of Concerns and Recommendations

A. Zoning concerns

- 1. This application does not meet zoning code requirements regarding allowable percentage of rooftop coverage and likely also exceeds height limits.***

Albany zoning code section 20.24.080, Height Limits and Exceptions, specifies the percentage of roof area that can be covered by rooftop structures as well as maximum height and screening requirements for these structures.

As we expressed to the Commission in 2010 when this application was last discussed and as specified in code section 20.20.100 (E) (2) (h), cellular antennas and associated equipment fall under code section 20.24.080 (B), which applies to penthouses, towers, and other similar structures that do not house mechanical equipment that directly serves the building on which it is located.

Section 20.24.080 (B) specifies that the aggregate of such rooftop structures may not exceed 10% of the total roof area and may also not exceed 10 feet above the height limit for the zoning district.

Existing penthouses and other structures that exceed the maximum building height must be counted under 20.24.080 (B). The rooftop structures associated with the AT&T antennas would, in aggregate with other existing rooftop structures that exceed the maximum building height (the Sprint/Nextel equipment cabinets and existing penthouses), cover more than 10% of the roof area, as explained at the Oct. 26, P&Z 2010 meeting by Albany resident Maureen Crowley.

The total roof area shown on AT&T's plans is 4,354 square feet. Based on the plans submitted by AT&T, it appears the existing penthouse area is in excess of 600 square feet, and the Sprint/Nextel equipment area is 265 square feet. In combination with the proposed AT&T equipment, which totals 151.55 square feet, the total roof area covered by the Sprint/Nextel equipment, the existing penthouses, and the proposed AT&T equipment is approximately 1,016 square feet or is 23% of the total roof area. This is more than double than the 10% coverage allowed in section 20.24.080 (B).

In addition, the report prepared by the city's independent consultant, Jonathan Kramer, states that the south antenna enclosure proposed by AT&T would be 10 feet above the roof line. If this is correct, then that antenna enclosure would exceed the permissible limit of no more than 10 feet above the maximum height for the zoning district, which is specified in 20.24.080 (B). The roof of the building is 40 feet, according to the staff report for this application, which is 2 feet higher than the current height limit for the district; this leaves only 8 feet for only roof-top structures if they are to conform to the maximum 10-foot height exceedance under 20.24.080 (B).

Thus, the proposed AT&T installation still exceeds the zoning code limits and potentially the height limit for roof-mounted equipment, as we objected at the last P&Z meeting where this application was discussed. Therefore, the Commission cannot approve this application.

The staff report for this application indicates that the proposed AT&T installation was evaluated for rooftop coverage and height limits under code section 20.24.080 (C) rather than (B) as required by section 20.20.100 (E) (2) (h). Section 20.24.080 (C) applies to "mechanical appurtenances," which usually refers to heating, ventilation, and air conditioning (HVAC) and similar mechanical equipment that directly serves the building on which it is located. Appurtenances are secondary and necessary to the function of the building; wireless communication equipment is not. Given the explicit direction in 20.20.100 (E) (2) (h) to use 20.24.080 (B) as well as the function of the wireless equipment, the AT&T equipment cannot

reasonably be considered to be mechanical appurtenances.

Even if the AT&T equipment could be considered to fit the definition of mechanical appurtenances in section 20.24.080 (C), it would not meet the requirements of that section. The calculations of total roof area covered would have to include the building's existing mechanical appurtenances (HVAC equipment, etc.). Moreover, the AT&T equipment would have to meet the height limits and screening requirements section 20.24.080 (C), which specifies that mechanical appurtenances may exceed the height limit for the district by no more than 6 feet and must be "screened in accordance with subsection 20.24.110, and further provided that no screening is located within ten (10) feet of the perimeter of the plate line of the top story."

Given that the building itself exceeds the height limit for the district by 2 feet, the AT&T equipment including the antennas, if evaluated under this code section, could be no more than 4 feet above the roof. As noted above, the Kramer report states that the south antenna enclosure proposed by AT&T would be 10 feet above the roof line, which would exceed the permissible height 20.24.080 (C).

In addition, based on AT&T's drawings, it appears both the equipment cabinets and other antennas would exceed the height limit in this code section. The cabinets are 69.5 inches tall, and the antennas range from 51 inches to 61.5 inches tall. The staff report for this application indicates that the maximum height of the facility would be 47 feet 4 inches, which would exceed the maximum allowed under 20.24.080 (C). Furthermore, the footprint of the equipment area, screened as required by 20.24.080 (C) (the application appears to assume the equipment would be left unscreened) would have to be added to the existing footprint of mechanical appurtenances on the roof, including the HVAC equipment as well as the Sprint/Nextel antenna equipment, which would have to be considered under the same code section for consistency.

2. The application does not meet wireless ordinance requirements regarding priority order of zones for locating antennas.

The staff report and Mr. Kramer's report both cite the fact that this application is for a co-location with existing antennas as a reason for its desirability. However, co-location is not a requirement of the city's regulations but rather a preference (when "feasible and aesthetically desirable"). The preference for co-location does not supersede the wireless ordinance's fundamental requirement that antennas be located in the city according to a priority order of zoning districts, with applicants being required to justify any request to locate in a lower-priority district. The priority order of districts is Commercial mixed use (CMX), Public Facilities (PF), and San Pablo/Solano Commercial, with CMX being the first-choice district and Solano/San Pablo Commercial, where the antenna site proposed in this application is located, being the last choice.

The Sprint/Nextel antennas already located at 1035 San Pablo Ave. were installed before our wireless ordinance was passed in 2005; therefore, that installation was not subject to the priority order of zones requirement for antennas. The presence of the Sprint/Nextel antennas at this location is therefore not a valid argument for co-location unless the applicant has demonstrated that it cannot provide coverage from a site in a higher-priority zone. ARROW made this point in our letter to the Commission dated Oct. 26, 2010 (included as a separate attachment because it was omitted from the Oct. 2010 previous correspondence that was part of the Commission's packet for the Jan. 10, 2012 meeting).

AT&T has not demonstrated that coverage to the target area is not possible from the first- or second-choice zones.

AT&T's alternatives analysis looked at only 1 site in the first-choice CMX district and dismissed that site based on height considerations. A wireless siting expert with whom ARROW consulted in 2010 stated that, based on the terrain and nature of the buildings in the area, it should be quite possible to cover AT&T's target area from a CMX location. Several potentially feasible alternatives in CMX, such as the roofs of Target and the Toyota service center on the frontage road, were not considered in AT&T's alternatives analysis.

AT&T's own propagation maps indicate that most or all of the target area could be covered from antennas on the USDA building, which is in the second-choice district for antennas, PF.

2. Both of the above issues were raised previously about this application, and AT&T has had multiple opportunities to address these problems.

While we sympathize with AT&T subscribers who might have substandard coverage in Albany, AT&T has been apprised since it first sought to locate at 1035 San Pablo of the problems with its application vis a vis the zoning code as well as the neighbors' strong objections to locating additional antennas at the site, and the need to explore alternative sites. The fact that a more desirable alternate choice in the third-preference antenna district (Town Centre) is not available does not relieve AT&T of the need to adequately investigate sites in the zoning districts where the city's ordinance makes very clear antennas are preferred to be located.

Furthermore, it is important to consider that the lack of AT&T sites in Albany is directly attributable to AT&T's own decision to divest itself of the Cingular network at the time of the Cingular-AT&T merger in 2005 (what is now called AT&T is the former Cingular, which purchased AT&T in 2005 and changed the company's name to AT&T). Cingular had two cellular sites in Albany in 2005, at the Town Centre shopping center and at St. Mary's High School. Those sites were among those sold to T-Mobile. The city had no say in this change of ownership in the sites it had permitted to Cingular (AT&T). It is not reasonable to expect the city to make exceptions to its ordinance to give AT&T new sites in the least-desirable location in the city because AT&T gave away that sites it previously owned and thereby compromised its own ability to provide service.

B. Technical Concerns

1. We do not know how many of which antenna models would be installed.

As noted earlier, there is a discrepancy between AT&T's drawings and the Hammett and Edison RF exposure report regarding which antenna models would be installed. As a result, we do not know how many total antennas would be installed or whether the exposure calculations provided in the Hammett and Edison RF exposure report included with the application are correct. Because the Hammett and Edison exposure report is based on fewer antennas (21) than shown on AT&T's plans (24), if the plans are correct, then the Hammett and Edison report underestimates the actual exposures and thus potentially the area of the roof (or beyond) where those exposures would be exceeded. The fact that this discrepancy regarding a fundamental fact exists between AT&T's plans and their consultant engineer's analysis leaves us to wonder what other errors or omissions the application might contain that are less obvious but potentially significant.

2. The RF exposure report and independent consultant's evaluation are both based on information supplied by AT&T, which has not been independently verified.

The RF exposure analysis provided by Hammett and Edison is apparently based on information supplied by AT&T, which, in turn, the city's independent consultant, Mr. Kramer, simply accepts. The antennas specified are all rated to handle at least a maximum of 250 Watts per input. Although the Hammett and Edison report assumes correctly that the antennas not be operated at the maximum input, we do not have any way of knowing whether the lower power input assumed by Hammett and Edison is correct or of monitoring the actual power at which the antennas would be operated. The power input to an antenna is directly related to its emissions and therefore to the safety zones that must be maintained around antennas as well as the maximum exposures that would be experienced by those living in the adjacent neighborhood.

3. This application is for some of the highest RF power emissions we have seen for a base station in such close proximity to residences.

AT&T proposes to operate at a maximum effective radiated power (ERP) in any direction of 5,920 watts; this is in addition to the estimated maximum ERP of 1,500 watts from the existing Sprint/Nextel antennas. In order to calculate continuous exposure levels for the general public, we multiply these power levels by 1.64, as Hammett and Edison do in their analysis, to get what is called Effective Isotropic Radiated Power, which would be in excess of 12,000 Watts for all the antennas, although we have to take into account the Sprint Nextel antennas are 50 feet away (and closer to homes) at the eastern edge of the building.

According to Hammett and Edison, the FCC's occupational exposure limits for RF radiation could be exceeded for a distance of more than 19 feet in front of the proposed AT&T antennas. The occupational exposure limit is 5 times greater than the exposure limit for the general public. The general public exposure limit would be exceeded up to 42 feet in front of the antennas. What about exposure of people who might be working in the roof penthouse areas? What about the calculation for the 5% or 10% of the radiated power of the antennas that is directed downward at a 30-degree angle toward the building roof, and the resulting exposure of occupants of the building at 1035 San Pablo Avenue?

These exposure questions must be answered with certainty, based on the correct number and down-tilt of antennas, before this application can be considered complete.

4. No information is supplied in the application regarding antenna down-tilt or other technical issues.

The down-tilt of all of the antennas proposed is at least manually adjustable at time of installation or maintenance, in the range of 10 to 12 to 15 degrees for the different antennas and elements within them. It is not clear whether the down-tilt is remotely adjustable once the antennas are in operation, nor is it clear what down-tilt of the antennas was assumed for the propagation maps provided by AT&T for the proposed site as well as for the analysis of alternative sites. Down-tilt affects the area an antenna can cover as well as the emissions within the antenna's coverage area.

There has also been no mention in any of the analyses included with the application of possible interference from the four existing HVAC units on the roof directly east of the antenna sector that is proposed at 70 degrees. This potential significance of this issue is that the antennas would need to be relocated to avoid the obstruction of the AC equipment; under the code, the antennas could not be located higher than the equipment to avoid the interference.

5. AT&T's maps show that AT&T has outdoor coverage throughout most of Albany, and the application asserts that the proposed new antennas are needed to provide in-building coverage. Federal law only specifies that cities cannot prohibit wireless carriers from providing coverage; it does not establish the level of coverage that carriers are entitled to provide. It remains an open question whether carriers are entitled under the law to build whatever facilities are needed to provide in-building coverage. Given that Albany already has 7 antenna sites (which host 11 individual installations of different carriers) within 1 square mile, which is vastly more per land area than in neighboring cities, and given that AT&T's "search ring" map implies AT&T will soon be proposing 3 more sites in Albany to provide "in-building coverage," this is an important question for the Commission to consider before setting a precedent allowing in-building coverage as a justification for a new site. For comparison, consider that the city of Berkeley, at 18 square miles, has only 26 cell antenna sites. At Albany's current ratio of 7 sites per square mile, Berkeley would have **126** sites.

Conclusions and Recommendations

ARROW opposes this application proceeding in its current form or, if the application does proceed to a hearing, we recommend that the Commission deny it for the reasons explained in this letter.

We recommend the following steps:

1. **An independent study of sites for the proposed AT&T antennas in CMX, the first-choice zoning district specified in the city's wireless ordinance**, to determine whether coverage can in fact be provided from this zone, what height facility would be required to provide the coverage, and what feasible sites are available for locating the antennas in CMX.
2. **That AT&T, with the assistance of the city if necessary, actively pursue negotiations for the USDA site**, which is in PF, the second-choice zone for antennas and which would, according to AT&T's maps, cover most or all of the target area.
3. **Immediate development by the city of one or more municipally owned antenna sites** where carriers would be given preference to locate, and from which it would be technically feasible to provide wireless coverage to most or all of the city. This proactive solution would benefit everyone: it would avoid site-by-site controversies and objections from neighborhood residents, it would avoid delays for carriers in obtaining permits to build necessary facilities, and it would provide income for the city.

Given the other three "search rings" identified on AT&T's site map, two of which appear to be in residential neighborhoods, it appears likely that AT&T could be back soon requesting three more sites in Albany. Developing a preferred, city-owned site or sites from which AT&T and other carriers could have the height and other technical advantages needed to provide coverage without having to establish multiple sites would proactively solve what will likely otherwise be a series of controversies with concerned neighbors.

4. Immediate implementation of independent monitoring of emissions from all base stations in the city, as required by our ordinance and as we have repeatedly requested since the ordinance was passed in 2005. We note that comments by P&Z commissioners from the October, 2010 meeting regarding this very application emphasize the need for this monitoring as well. The monitoring requirement was adopted in the city code 7 years ago and has never been implemented. The residents of Albany have a right to know the

emissions of the wireless facilities already operating in the city, and any new installations must be subject to monitoring within a short time after they begin operating, to ensure that they meet FCC requirements.

4. Finally, as mentioned above, should this application be considered for approval, we strongly recommend that cooperation with required RF emissions monitoring be included in the permit conditions, along with a requirement for a “kill” switch such as is required for fuel pumps at gas stations. This is for the protection fire and medical emergency personnel who might need to access the roof of this building. The switch enables emergency personnel to turn power off to the base station before entering the roof in an emergency, so that fire and rescue teams will not be subject to exposures that exceed the FCC occupational exposure limits.

Thank you for your thoughtful consideration of our concerns. Please feel free to contact us if you have any questions about the issues raised in this letter.

Sincerely,
Nan Wishner
San Carlos Ave, Albany

Ed Fields
Kains Ave., Albany

Julie Beck
Kains Ave., Albany

Anne Hersch

From: Soula Culver [soculver@gmail.com]
Sent: Monday, January 09, 2012 3:14 PM
To: David Arkin; Peter Maass; Phillip Moss; Leo Panian; Stacy Eisenmann
Cc: Anne Hersch; Cell Tower Info
Subject: Jan. 10 item re new cell antennas at 1035 SP Ave.

Dear Planning and Zoning Commissioners:

I am sending this to you also in memory of Marti Kheel, who died in December 2011. Marti had spoken eloquently at a meeting on this same subject, attending in person with me a year or so ago. I am sure she would do it again were she still with us.

Here we are, going through this again and again...

I shop in Albany and my chiropractor's and doctor's offices are in Albany.

Thank you for holding a study session on AT&T's proposal for a total of 21 new cell antennas (9 enclosures each housing multiple antennas) on the roof of 1035 San Pablo Ave., which already hosts a Sprint/Nextel cell antenna array.

While I support improved coverage for AT&T customers in Albany, the current proposed design does not meet the requirements of Albany's general zoning code, for the same reasons as were true of the last set of plans that AT&T proposed for this location. The equipment cabinets and other structures AT&T would add to the existing Sprint/Nextel and other roof-mounted equipment would exceed the zoning code's limit on percent of roof area that can be covered by rooftop structures. The new installation might also exceed zoning code height limits.

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A site in CMX would be the least intrusive solution to AT&T's stated need and would fulfill the primary requirement of our ordinance for preferred location. What about the roof of Target or the Toyota service center?

I request that the city retain an independent RF expert knowledgeable about siting issues to determine whether there are, in fact, feasible locations in CMX from which AT&T could cover its target area, and how high a cell site would need to be to accomplish this coverage from CMX. This should be a truly independent analysis that does not simply accept AT&T's assertions and propagation maps at face value.

In addition, the roof of the USDA building, which is zoned PF [public facilities], the second-preference zoning district for antennas, would be a much less intrusive site. According to AT&T's maps, antennas at this location would cover most of the target area. This site should be actively pursued until a definitive response is received from USDA. AT&T's alternatives analysis is inconclusive regarding this location, stating only that the applicant has not been able to speak with the appropriate party at USDA who could address leasing negotiations.

Please do not approve an antenna site that does not conform to our code and that would disproportionately

affect the residents of the adjoining neighborhood.

Finally, I urge the Commission to support a proactive solution to wireless siting in the city that would avoid continued site-by-site controversies. I support the proposal of Albany Residents for Responsible Oversight of Wireless (ARROW) that the city establish one or more preferred, municipally owned antenna sites away from residences where carriers would be encouraged to locate and from which coverage could be provided to most or all of the city. This solution would benefit everyone: city residents, carriers, and the city itself.

Sincerely,
Soula Culver
Berkeley

Anne Hersch

From: Eileen Harrington
Sent: Monday, January 09, 2012 6:33 PM
To: Jeff Bond; Anne Hersch
Subject: FW: Cell Antennas

For your commissioners.

Thanks,
Eileen

Eileen A. Harrington
Secretary to the City Manager
CITY OF ALBANY
1000 San Pablo Avenue
Albany, CA 94706
510.528.5710
FAX 510.528.5797

From: sun yung kim [<mailto:kimsunnyus@yahoo.com>]
Sent: Monday, January 09, 2012 6:31 PM
To: City General Email Box
Subject: Cell Antennas

Dear Planning and Zoning Commissioners:

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Sincerely,

Sunny and Yongyop Kim
412 Kains Ave.
Albany, CA 94706

60

Anne Hersch

From: efields@berkeley.edu
Sent: Monday, January 09, 2012 8:20 PM
To: Leo Panian; Phillip Moss; Peter Maass; Eisenmann Architecture; David Arkin
Cc: Anne Hersch
Subject: Letter re: AT&T antenna application/study session at Jan. 10 P&Z meeting

Dear Planning and Zoning Commissioners:

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Sincerely,

Ed Fields
Kains Avenue, Albany



7
post office box 6100
albany ca 94706 usa
voice 510 526 0800
mobile 510 526 2800
david@davidsanger.com
www.davidsanger.com

David Arkin <david@arkintilt.com>,
Peter Maass <pcmaass@pacbell.net>,
Phillip Moss <pmoss@sbcglobal.net>,
Leo Panian <leo.panian@gmail.com>,
Stacy Eisenmann <eisenmann.arch@me.com>,
Anne Hersch <ahersch@albanyca.org>,
Jeff Bond <jbond@albanyca.org>

Albany Planning and Zoning Commission
1000 San Pablo Ave.,
Albany, CA 94706

Dear Planning and Zoning Commissioners and Staff:

I am writing in support of the **pending application of AT&T for a Wireless Facility at 1035 San Pablo Ave** and offer the following items for your consideration:

- 1. The Albany City charter exercises its powers for “the general welfare of its inhabitants”.** Responsible public policy of necessity means balancing the various needs and concerns of all citizens and businesses in the city. In this case the public good of access to wireless communication by many Albany citizens has to be balanced against the concerns a few people have expressed about visual, noise, and other impacts, taking into account the costs, benefit and overall public good.
- 2. Wireless communication is increasingly essential for everyday life.** For some citizens wireless is the only telephone and communications access they have. For small businesses like mine it can be the primary means of communicating with clients and vendors. For many retail businesses it is an essential adjunct of their service providing customers with location maps, menus, reservations and reviews. Providing adequate wireless coverage for all citizens with the carrier of their choice ought to be a high public priority. The availability of wireless service is a net public benefit for a community. Lack of such service diminishes the attractiveness of a municipality.
- 3. ATT coverage in much of Albany at present is terrible to non-existent.** The company is being overly generous in their coverage map (Appendix 5, Alternative Analysis, p. 3) when they show complete “outdoor” 3G coverage in the center of Albany. My own experience and that of friends and neighbors is that 3G coverage on Solano Avenue is rarely available. During the recent Solano Stroll I found no coverage at all (cell, Edge or 3G) for the entire length of Solano Avenue. AT&T’s own drive test map (p. 5) clearly shows red dots of NO coverage in the center of town. AT&T is reluctant to admit it for obvious marketing and competitive reasons but their coverage in Albany is actually considerably worse than their coverage maps show.

4. **Lack of wireless coverage effects public safety** and the general welfare of many citizens who may not come forward to protest. In my own experience dropped calls or lack of service often prevent my contacting my home or office while out of the house in Albany. During a recent family medical emergency, AT&T repeatedly dropped my calls to arrange urgent same day air travel back to the East coast. A recent comment in Albany Patch quotes an Albany Police officer describing a citizen unable to make an emergency wireless call after being robbed. Any hypothetical long-term, low percentage health risks associated with cell phone base stations must be balanced against very real and immediate safety risks imposed by the lack of service,

5. Albany has adopted a very stringent wireless ordinance that makes it difficult for any carrier to upgrade their service. **The recent federal lawsuit by Verizon Wireless against the City of Albany** charges the city with violating the Federal Communications Act by "effectively prohibiting" their ability to provide personal wireless service. The City of Albany would be better served by avoiding such lawsuits and **making it a priority to actually find ways for carriers to provide service** rather than thwart their efforts.

6. I have read entire AT&T application and history as well the Wireless Ordinance 20.20.100. **For a carrier to reliably invest in municipal infrastructure they must have clear and predictable guidelines.** In the October 26, 2010 meeting, where staff recommended approval of the conditional use permit and design review, commission members made specific requests for additional input from AT&T on alternate sites, coverage maps, height, setback etc. These concerns have been addressed in the present updated application. There was no mention at the time that 1035 San Pablo would not be a permissible location. In fact the ordinance clearly says that "Wireless communication facilities **may be located** within the following Districts, subject to approval of a use permit, with the findings required by subsection 20.20.100.F.5 " P&Z staff has submitted these findings and recommends approval of the application. For the City to add yet more requirements at this late date certainly would seem obstructionist.

7. Looking at maps it appears that for all of the alternatives the "in building" 3G coverage extends only 10 to 15 blocks from the Wireless Facility itself. Opponents argue in favor of a preferred location in the CMX region, yet this is as far as possible from the area of intended coverage as is possible within the city limits (excluding the Bay itself!). It is disingenuous to expect that a tower well outside the desired area of coverage, at a lower elevation above sea level, could provide adequate coverage in the desired area (roughly bounded by Solano, San Pablo Marin and Masonic. Like it or not **to provide wireless coverage to Albany citizens with current technology requires having a transmitter actually in the center of Albany not in the outermost periphery.** Suggestions for yet another "independent" outside review are unwarranted and would merely add additional cost and delay.

8. **The notion that specific districts are "preferred" locations is ambiguous.** If the San Pablo Corridor is a permitted location for wireless facilities, then it is not a forbidden location. The city may "prefer" that my house be painted white, but unless it is forbidden by ordinance to paint it pink, then it is allowed to be pink, subject to the guidelines. To show that there is no possible site in the PF or CMX districts which could

possibly meet the coverage objectives (and with no consideration of the possible costs or delay) is to be forced to prove a negative.

9, **Changing the rules mid-stream is unfair.** Proposals by opponents for evaluation of a new city-run tower or for a city-wide moratorium on cell-towers are a transparent and unfair attempt to change the game. They may be ideas worth pursuing in the future but should have nothing to do with current applications prepared in good faith under the existing ordinance,

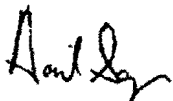
10. Another example of trying to change the rules is the suggestion that nearby residents would be disproportionately affected. **The ordinance already rules out installations in a residential district** and requires a setback of 50' from an adjacent residential property line in the San Pablo Corridor. 50 feet is 50 feet. To suggest after the fact that the ordinance didn't really mean 50 feet but some unspecified other larger distance is again problematical.

11. The purpose of wireless ordinance is to enact regulations to “[provide for] **personal wireless service facilities for the benefit of the Albany community.**” (20.20.100.A.1) The Albany community is not well served when opponents consistently use the ordinance in a blatant attempt to block all installations and deprive the community of adequate wireless service. The Planning and Zoning Commission represents all citizens including the majority of us who urgently desire better wireless service.

12. Looking forward I certainly agree that there are concerns among some citizens about the placement and impact of wireless facilities. In the interests of transparency and public education it might be worthwhile for the City to explore with the State of California options to provide the public with full online disclosure of the location and power density output of all wireless facilities in the region. The province of Tuscany in Italy has done this very successfully (ref <http://j.mp/AvksNd>)

13. In conclusion I urge you to approve the AT&T application for 1035 San Pablo so that improved wireless service can be expedited for the citizens and business of Albany.

Thank you for your consideration,



David Sanger,
David Sanger Photography LLC
Albany CA

Anne Hersch

From: Eric Bergman [erbergman@yahoo.com]
Sent: Monday, January 09, 2012 11:06 PM
To: David Arkin; Peter Maass; Phillip Moss; Leo Panian; Stacy Eisenmann
Cc: Anne Hersch
Subject: Please do not approve Cell towers above our homes!

Dear Planning and Zoning Commissioners:

We have a new baby in our home and do not want to raise our family directly under additional clusters of cell antennas. Please adhere to your guidelines and insist that the cell phone towers be placed in the industrial areas away from our homes.

Thank you for holding a study session on AT&T's proposal for a total of 21 new cell antennas (9 enclosures each housing multiple antennas) on the roof of 1035 San Pablo Ave., which already hosts a Sprint/Nextel cell antenna array.

While I support improved coverage for AT&T customers in Albany, the current proposed design does not meet the requirements of Albany's general zoning code, for the same reasons as were true of the last set of plans that AT&T proposed for this location. The equipment cabinets and other structures AT&T would add to the existing Sprint/Nextel and other roof-mounted equipment would exceed the zoning code's limit on percent of roof area that can be covered by rooftop structures. The new installation might also exceed zoning code height limits.

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Sincerely,
Eric Bergman
1041 Kains ave.
Albany, CA 94706

Anne Hersch

From: Lee Foster [lee@fostertravel.com]
Sent: Tuesday, January 10, 2012 9:06 AM
To: David Arkin; Peter Maass; Phillip Moss; Leo Panian; Stacy Eisenmann; Anne Hersch; Jeff Bond
Cc: David Sanger
Subject: Lee Foster supports all ATT upgrades

Dear All,

I am a travel journalist working from my home in Berkeley and writing about Berkeley frequently, as in my travel app titled Berkeley Essential Guide (http://sutromedia.com/apps/Berkeley_Essential_Guide).

We desperately need better ATT coverage in Berkeley and Albany. I need this for my own work. I even had to invest one one of those mini cell tower units to get passable coverage for my condo near MLK and Cedar.

Also, the more than hundred businesses that I covered in my travel app mentioned to me often, as I did the app, that our poor phone coverage damages their businesses. People can't make reservations at restaurants etc without getting dropped.

Please authorize all phone upgrades requested for Berkeley and Albany. We need this for our businesses. Please keep me informed of your progress on this issue.

Kind regards,
Lee Foster

--
Lee Foster
Foster Travel Publishing
PO Box 5715
Berkeley, CA 94705
(510) 549-2202
lee@fostertravel.com
<http://www.fostertravel.com>

Travel writing/photos on 200 destinations for consumers and content buyers at <http://www.fostertravel.com>
5,000 hi-res photos searchable and downloadable at <http://stockphotos.fostertravel.com>
Two new photo travel guidebooks at <http://www.fostertravel.com/book.html>
Latest thoughts on travel at <http://blog.fostertravel.com>
Travel photo guide app on San Francisco at <http://www.sutromedia.com/apps/sfphotoguide>
Travel photo guide app on Washington DC at http://sutromedia.com/apps/DC_Travel_Photo_Guide
Travel guide app on Berkeley, CA at http://sutromedia.com/apps/Berkeley_Essential_Guide

Anne Hersch

From: Julie Beck [julie.beck@csueastbay.edu]
Sent: Tuesday, January 10, 2012 10:38 AM
To: David Arkin; Peter Maass; Phillip Moss; Leo Panian; Stacy Eisenmann
Cc: Anne Hersch
Subject: Re: Reminder: Tomorrow, Planning Commission Discusses New Cell Antennas Proposed at 1035 San Pablo Ave.

Dear Planning and Zoning Commissioners:

I live on the 1000 block of Kains Avenue, directly across the street from the proposed 21 new wireless Antennas: this is a very residential neighborhood with babies and young children, single family homes, and a child care center located right below the Antenna site. While I support wireless technology, I am strongly opposed to locating it near (and practically in) residential neighborhoods. This location is the LAST priority zone listed on our city wireless ordinance. Because this is an important topic for citizens to debate, I thank you for holding a study session on AT&T's proposal for a total of 21 new cell antennas (9 enclosures each housing multiple antennas) on the roof of 1035 San Pablo Ave., which already hosts a Sprint/Nextel cell antenna array.

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Sincerely,

Julie Beck
 1039 Kains Avenue
 Albany, CA 94706

ARROW - Albany Residents for Responsible Oversight of Wireless
www.albanycellinfo.blogspot.com

Anne Hersch

From: Kelley Bullard [tarheeldoc@sbcglobal.net]
Sent: Tuesday, January 10, 2012 11:21 AM
To: david@arkintilt.com; pcmaass@pacbell.net; pmoss@sbcglobal.net; leo.panian@gmail.com; eisenmann.arch@me.com
Cc: Anne Hersch
Subject: AT and T wireless proposals

Dear Planning and Zoning Commissioners:

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Sincerely,
Kelley Bullard, M.D.
1039 Kains Avenue
Albany, Ca 94706

Anne Hersch

From: Allen Cain / Solano Avenue Association [info@solanoavenue.org]
Sent: Tuesday, January 10, 2012 12:28 PM
To: ds@davidsanger.com; David Arkin; Peter Maass; Phillip Moss; Leo Panian; Stacy Eisenmann; Anne Hersch; Jeff Bond
Cc: Farid Javandel; Marge Atkinson; Joanne Wile; Robert Lieber; Peggy Thomsen; Beth Pollard; info@solanoavenue.org; albanychamber@albanychamber.org
Subject: Re: Pending Application of AT&T for a Wireless Facility at 1035 San Pablo Ave

What an absolutely wonderful idea! The needs of the many outweigh the needs of the few – usually.

Allen Cain / SAA
 510-527-5358

From: David Sanger
Sent: Monday, January 09, 2012 9:52 PM
To: David Arkin ; Peter Maass ; Phillip Moss ; Leo Panian ; Stacy Eisenmann ; Anne Hersch ; Jeff Bond
Cc: Farid Javandel ; Marge Atkinson ; Joanne Wile ; Robert Lieber ; Peggy Thomsen ; Beth Pollard ; info@solanoavenue.org ; albanychamber@albanychamber.org
Subject: Pending Application of AT&T for a Wireless Facility at 1035 San Pablo Ave

Albany Planning and Zoning Commission

1000 San Pablo Ave.,

Albany, CA 94706

Dear Planning and Zoning Commissioners and Staff:

I am writing in support of the **pending application of AT&T for a Wireless Facility at 1035 San Pablo Ave** and offer the following items for your consideration:

1. **The Albany City charter exercises its powers for “the general welfare of its inhabitants”**. Responsible public policy of necessity means balancing the various needs and concerns of all citizens and businesses in the city. In this case the public good of access to wireless communication by many Albany citizens has to be balanced against the concerns a few people have expressed about visual, noise, and other impacts, taking into account the costs, benefit and overall public good.

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4. **Lack of wireless coverage effects public safety** and the general welfare of many citizens who may not come forward to protest. In my own experience dropped calls or lack of service often prevent my contacting my home or office while out of the house in Albany. During a recent family medical emergency, AT&T repeatedly dropped my calls to arrange urgent same day air travel back to the East coast. A recent comment in Albany Patch quotes an Albany Police officer describing a citizen unable to make an emergency wireless call after being robbed. Any hypothetical long-term, low percentage health risks associated with cell phone base stations must be balanced against very real and immediate safety risks imposed by the lack of service,

5. Albany has adopted a very stringent wireless ordinance that makes it difficult for any carrier to upgrade their service. **The recent federal lawsuit by Verizon Wireless against the City of Albany** charges the city with violating the Federal Communications Act by “effectively prohibiting” their ability to provide personal wireless service. The City of Albany would be better served by avoiding such lawsuits and **making it a priority to actually find ways for carriers to provide service** rather than thwart their efforts.

6. I have read entire AT&T application and history as well the Wireless Ordinance 20.20.100. **For a carrier to reliably invest in municipal infrastructure they must have clear and predictable guidelines.** In the October 26, 2010 meeting, where staff recommended approval of the conditional use permit and design review, commission members made specific requests for additional input from AT&T on alternate sites, coverage maps, height, setback etc. These concerns have been addressed in the present updated application. There was no mention at the time that 1035 San Pablo would not be a permissible location. In fact the ordinance clearly says that “Wireless communication facilities **may be located** within the following Districts, subject to approval of a use permit, with the findings required by subsection 20.20.100.F.5 “ P&Z staff has submitted these findings and recommends approval of the application. For the City to add yet more requirements at this late date certainly would seem obstructionist.

7. Looking at maps it appears that for all of the alternatives the “in building” 3G coverage extends only 10 to 15 blocks from the Wireless Facility itself. Opponents argue in favor of a preferred location in the CMX region, yet this is as far as possible from the area of intended coverage as is possible within the city limits (excluding the Bay itself!). It is disingenuous to expect that a tower well outside the desired area of coverage, at a lower elevation above sea level, could provide adequate coverage in the desired area (roughly bounded by Solano, San Pablo Marin and Masonic. **Like it or not to provide wireless coverage to Albany citizens with current technology requires having a transmitter actually in the center of Albany not in the outermost periphery.** Suggestions for yet another “independent” outside review are unwarranted and would merely add additional cost and delay.

8. **The notion that specific districts are “preferred” locations is ambiguous.** If the San Pablo Corridor is a permitted location for wireless facilities, then it is not a forbidden location. The city may “prefer” that my house be painted white, but unless it is forbidden by ordinance to paint it pink, then it is allowed to be pink, subject to the guidelines. To show that there is no possible site in the PF or CMX districts which could possibly meet the coverage objectives (and with no consideration of the possible costs or delay) is to be forced to prove a negative.

9, **Changing the rules mid-stream is unfair.** Proposals by opponents for evaluation of a new city-run tower or for a city-wide moratorium on cell-towers are a transparent and unfair attempt to change the game. They may be ideas worth pursuing in the future but should have nothing to do with current applications prepared in good faith under the existing ordinance,

10. Another example of trying to change the rules is the suggestion that nearby residents would be disproportionately affected. **The ordinance already rules out installations in a residential district** and requires a setback of 50’ from an adjacent residential property line in the San Pablo Corridor. 50 feet is 50 feet. To suggest after the fact that the ordinance didn’t really mean 50 feet but some unspecified other larger distance is again problematical.

11. The purpose of wireless ordinance is to enact regulations to **“[provide for] personal wireless service facilities for the benefit of the Albany community.”** (20.20.100.A.1) The Albany community is not well served when opponents consistently use the ordinance in a blatant attempt to block all installations and deprive the community of adequate wireless service. The Planning and Zoning Commission represents all citizens including the majority of us who urgently desire better wireless service.

12. Looking forward I certainly agree that there are concerns among some citizens about the placement and impact of wireless facilities. In the interests of transparency and public education it might be worthwhile for the City to explore with the State of California options to provide the public with full online disclosure of the location and power density output of all wireless facilities in the region. The province of Tuscany in Italy has done this very successfully (ref <http://j.mp/AvksNd>)

13. In conclusion I urge you to approve the AT&T application for 1035 San Pablo so that improved wireless service can be expedited for the citizens and business of Albany.

Thank you for your consideration,

David Sanger,

David Sanger Photography LLC
post office box 6100

albany ca 94706 usa

voice 510 526 0800

mobile 510 526 2800

david@davidsanger.com

www.davidsanger.com

pdf attached.

Anne Hersch

From: Tod Abbott [tod@almost-everything.com]
Sent: Tuesday, January 10, 2012 6:18 PM
To: AIA David Arkin; pcmaass@pacbell.net; pmoss@sbcglobal.net; leo.panian@gmail.com; Anne Hersch
Cc: Robert Lieber; Beth Pollard; Peggy Thomsen; Jeff Bond; Farid Javandel; Anne Hersch; Joanne Wile; Marge Atkinson
Subject: AT&T Application for Antenna at 1035 San Pablo Ave.

Greetings Commissioners.

I'm writing because I was planning to attend and speak at the meeting this evening, but I've got the bug that's been going around and need to stay at home.

On behalf of the Chamber of Commerce Board and members, I strongly support AT&T's application for a new wireless facility at 1035 San Pablo Ave.

Poor cell phone reception is more than an inconvenience for customers and business people, it is an impediment to the businesses that drive Albany's economy. Of all the issues we've had before us over the past few years, this is the item about which the Chamber of Commerce has received the most feedback (most of it unsolicited). Many business owners have contacted us to ask us what can be done to improve the cell phone reception in Albany, specifically along Solano Avenue. They report that the poor reception makes it difficult for themselves, for their employees, and their customers -- who sometimes walk out of the business to get a good signal and may or may not come back.

Poor data reception also makes it difficult for merchants to take full advantage of various online and mobile services that can connect them with customers. To illustrate, here is some detail on one such program:

We have been evaluating an online service called Local Gemz that provides reward points to customers who do business with local merchants. This is all handled via smartphones. When a participant makes a purchase from a member business, they scan a barcode with their smartphone and receive credits for that purchase. Credits can be traded in at participating businesses for discounts. The poor data connection on the street turns this simple operation into a significant inconvenience.

What's more, one of the nicest features of the program is an interactive map that can display offers available from businesses right around you. A member finishing up a purchase at one merchant might check the map and see that there is another member business just a block away with an offer of interest to them, leading to another sale for local business. This is virtually impossible with the current data speeds that are normally available on Solano Avenue. It can take minutes for the map and data to download, and by that time the customer is back in the car, or blocks away.

The point is that this sort of connectivity is becoming more important in many different ways, and will continue to do so. Poor connectivity is hampering business right now, both directly and indirectly -- and we're only at the very start of the mobile data revolution. The problem will only become worse unless something is done to improve connection speeds in the area.

I appreciate the difficulty of this decision and the time and effort you are putting into deciding what is best for our city. I ask that as you make your decision, you keep in mind the ever-increasing importance of wireless voice and data connectivity to the small businesses in Albany.

Sincerely,

Tod Abbott
President
Albany Chamber of Commerce

Anne Hersch

From: Treve Johnson [treve@treve.com]
Sent: Tuesday, January 10, 2012 7:16 PM
To: David Arkin; Peter Maass; Phillip Moss; Leo Panian; Stacy Eisenmann; Anne Hersch; Jeff Bond
Subject: In support of cell phone service in Albany

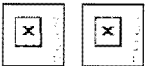
Dear Concerned Communicators:

I am writing in support AT&T's proposal to place a cell tower in Albany. I am a business person that lives and works in Albany. My business is highly mobile, and I find it quite perplexing that it's harder to manage mobile communications in Albany that just about any other place in the Bay Area. Just last week, I left my house for an important meeting, and was not able to call my client to confirm the meeting, nor could I pull up the directions to his facility on my iPhone. I had to drive out of Albany to a location I could trust, park and then conduct my business. I have on occasion had important calls drop out. I have family members that often need urgent assistance as well as business client, and I have opted to give up my land to cut down my communications expenses and to eliminate the confusion of having two numbers. I urge you to give your support for AT&T's proposal. It's time Albany joined the modern era.

Regards,



treve johnson photography
treve.com
[510-841-0905](tel:510-841-0905)



Statement to the Albany Planning and Zoning Commission
January 10, 2012

Good evening. My name is Michael Barnes. I am an Albany resident.

The City of Albany charges a 6.5 percent utility user tax on cell phone bills. According to the City Council staff report dated May 17, 2010:

“As an increasing number of telephone users gravitate away from land lines towards wireless communications, it becomes increasingly important to have an ordinance that can accommodate the changing technology in order to retain the City’s revenue base.”

I recently asked the city clerk how much the city earns from taxing cell phones. According to the attached analysis, the city collects more than \$300,000 annually from taxing cell phone subscribers.

Although the city is interested in accommodating changing technology in order to tax our cell phones, the city seems less interested in accommodating changing technology in order to allow our cell phones to work in the first place.

The result is that the city finds itself in the strange position of taxing a service that does not exist. For me, this is a violation of the principles of ethical government.

To remedy the situation, the city should expedite the approval of the cell site at 1035 San Pablo so that AT&T customers can actually use the phones they are paying taxes on.

In the future, when it comes to accommodating changing technology, the city should place at least as much emphasis on allowing cell phone services as it does on taxing them.

Thank you.

Memo

To: Beth Pollard
From: Charlie Adams
CC:
Date: 1/4/2012
Re: UUT Cell Phone Revenue

In order to respond to the request from Michael Barnes as to how much the City "is making on the UUT on cell phones," we performed an analysis of the City's UUT – Telephone revenue for the first quarter of fiscal year 2011-12. We do not record cell phone UUT revenue separately, so it is not feasible to produce a simple direct response.

The results of our analysis follows:

1. Total cell phone UUT revenue for the three months July, August and September 2011 was \$206,247.36.
2. For the quarter, nine vendors provided revenue of \$197,504.38, which was 96% of the total revenue collected.
3. Three of the nine vendors provide cell phone service, the other six vendors provide wire or cable service.
4. The total cell phone UUT for the three vendors was \$87,581.26, which was 44.3% of the total revenue from the nine vendors analyzed.
5. Total phone UUT revenue for fiscal year 2010-11 was \$699,490.
6. Applying the ratio of 44.3% to the total revenue of \$699,490 produces an estimate of cell phone UUT revenue for the year of \$309,874.

Jeff Bond

From: Rhasaan Fernandez [boffocart@gmail.com]
Sent: Tuesday, January 10, 2012 12:51 PM
To: Jeff Bond
Subject: AT&T service in Albany

Hello Mr. Bond,

I am a business owner in Albany (Sam's Log Cabin on San Pablo). My cell phone carrier is AT&T and the service has been sketchy at best - I can almost count on not having service when I get to the restaurant.

I wanted to write to show my support of updated cell service. I take and make calls, as well as email frequently for my business and better service would help ensure the we can keep up the lines of communication with people and vendors who contact us. Looking forward to this greatly.

Thank you,
Rhasaan Fernandez

Anne Hersch

From: Jeff Bond
Sent: Thursday, January 12, 2012 9:12 AM
To: Anne Hersch
Subject: FW: Another reason to approve the AT&T tower
Attachments: PastedGraphic-3.tiff; ATT00001.txt

Jeff Bond, Community Development Director City of Albany
1000 San Pablo Avenue
Albany, CA 94706
510-528-5769

-----Original Message-----

From: Paul Cruce [<mailto:packard5687@mac.com>]
Sent: Thursday, January 12, 2012 5:33 AM
To: Jeff Bond
Subject: Another reason to approve the AT&T tower

Jeff -

Here is another reason I encourage the approval of the new AT&T tower: I use the Square iPhone app for credit/debit payments at the farmers markets where I sell our coffees and teas. At the Albany market, I rarely could get the app to work because of the poor AT&T reception on my iPhone. I often had to take the customers' card info and process it manually when I got to a place with better reception. The manual processing costs me 1% +.15¢ more per transaction than swiping the card.

Thank you for your consideration of this.

Anne Hersch

From: Jeff Bond
Sent: Thursday, January 12, 2012 9:12 AM
To: Anne Hersch
Subject: FW: Another reason to approve the AT&T tower

Jeff Bond, Community Development Director City of Albany
1000 San Pablo Avenue
Albany, CA 94706
510-528-5769

-----Original Message-----

From: Allen Cain / Solano Avenue Association [<mailto:info@solanoavenue.org>]
Sent: Thursday, January 12, 2012 6:51 AM
To: Paul Cruce; Jeff Bond
Subject: Re: Another reason to approve the AT&T tower

Isn't debating cell phone towers something we used to do in the 1980s? I'm confused - it is the year 2012 correct?

Allen Cain / SAA - 510.527.5358

-----Original Message-----

From: Paul Cruce
Sent: Thursday, January 12, 2012 5:32 AM
To: jbond@albanyca.org
Subject: Another reason to approve the AT&T tower

Jeff -

Here is another reason I encourage the approval of the new AT&T tower: I use the Square iPhone app for credit/debit payments at the farmers markets where I sell our coffees and teas. At the Albany market, I rarely could get the app to work because of the poor AT&T reception on my iPhone. I often had to take the customers' card info and process it manually when I got to a place with better reception. The manual processing costs me 1% +.15¢ more per transaction than swiping the card.

Thank you for your consideration of this.

Anne Hersch

From: Jeff Bond
Sent: Thursday, January 12, 2012 9:12 AM
To: Anne Hersch
Subject: FW: Another reason to approve the AT&T tower (PS)

Jeff Bond, Community Development Director City of Albany
1000 San Pablo Avenue
Albany, CA 94706
510-528-5769

-----Original Message-----

From: Allen Cain / Solano Avenue Association [<mailto:info@solanoavenue.org>]
Sent: Thursday, January 12, 2012 6:52 AM
To: Paul Cruce; Jeff Bond
Subject: Re: Another reason to approve the AT&T tower (PS)

Statistically speaking, there are more deaths related to the Earth's sun than related to cell phones; maybe we should think about living in caves?

Allen Cain / SAA - 510.527.5358

-----Original Message-----

From: Paul Cruce
Sent: Thursday, January 12, 2012 5:32 AM
To: jbond@albanyca.org
Subject: Another reason to approve the AT&T tower

Jeff -

Here is another reason I encourage the approval of the new AT&T tower: I use the Square iPhone app for credit/debit payments at the farmers markets where I sell our coffees and teas. At the Albany market, I rarely could get the app to work because of the poor AT&T reception on my iPhone. I often had to take the customers' card info and process it manually when I got to a place with better reception. The manual processing costs me 1% +.15¢ more per transaction than swiping the card.

Thank you for your consideration of this.

Anne Hersch

From: Jeff Bond
Sent: Friday, January 13, 2012 11:57 AM
To: Anne Hersch
Subject: Fwd: Proposed new AT&T tower

Begin forwarded message:

From: <dakitthehs@comcast.net>
Date: January 13, 2012 10:11:29 AM PST
To: <jbond@albanyca.org>
Subject: Proposed new AT&T tower

Please support this new tower -- it would be so nice to have really good cell reception in Albany! It should be clear to everyone now that this "cellular thing" isn't going to go away, so let's keep Albany's reputation for doing it right intact.

Janna Patee

1035 San Pablo Ave. AT&T Proposed Cell Site

*Albany Residents for Responsible Oversight of Wireless
(ARROW)*

*Presentation to Albany Planning & Zoning Commission
Jan. 10, 2012*

OVERVIEW

- What is proposed?
- What does city zoning code say?
 - rooftop coverage
 - priority order of zones for antennas
- How many antennas, which models?
 - exposure calculations & protected zones
- What should we do?

Existing Conditions

- Majority of building rooftop 40' tall per staff report (height limit for district is 38')
- Sprint/Nextel cell antenna array on roof, installed prior to adoption of city's 2005 wireless facilities ordinance

Concerns

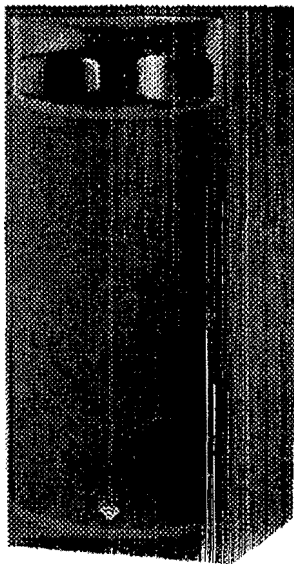
- Proposed antennas and equipment exceed rooftop coverage limits and likely also height limits [20.20.100 (E) (2) (h) and 20.24.080 (B)]
- Site is in last-preference zone for antennas [20.20.100 (D)]
- Application not complete; missing information and discrepancies

What is proposed?

- A new cell site with 9 antenna enclosures, each housing 2-3 antennas for a total of 21-24 antennas + equipment cabinets

How many antennas?

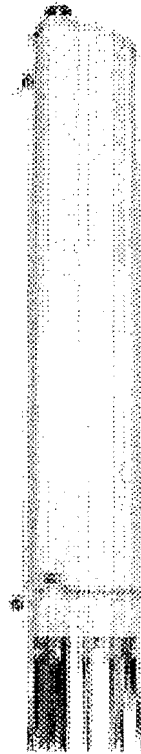
Analogy with a 3-way speaker



"Tweeter"
1900-2170 MHz

"Mid-range"
1710-1880 MHz

"Woofers"
824-960 MHz



Powerwave technologies RA31.7780
Triple Broadband Antenna

6 inputs/cables, 2 per band

Power Handling,
Average per input 250 W or 300 W

Antenna Gain >20 (approx. 14 dBi)

What code sections apply?

20.20.100 (E) (2) (h):

“The height of a wireless communication facility (building or ground mounted) shall not exceed ten (10) feet above the basic maximum building height prescribed by the regulations for the district in which the site is located, as provided by subsection 20.24.080.B, and shall be subject to applicable daylight plane restrictions”

What code sections apply?

20.24.080 (B)

“General Exceptions. Subject to approval of a use permit, towers, spires, cupolas, chimneys, elevator penthouses, water tanks, monuments, flagpoles, theatre scenery storage structures, fire towers, and similar structures may be erected to a height not more than ten (10) feet above the height limit prescribed by the regulations for the district in which the site is located, provided that no such structure shall be used for habitable space or advertising purposes, and provided that the aggregate of such structures does not cover more than ten (10%) percent of the roof area of the top floor of the structure to which they are attached. All structures that exceed the height limit shall be subject to design review. “

(NOTE: staff report based on 20.24.080 (C), not (B))

Does proposal meet 10% roof coverage limit?

- Total roof area = 4,354 sq. ft.
- Existing penthouses 600+ sq. ft.
- Sprint/Nextel equip. 265 sq. ft.
- Proposed AT&T equip. 151 sq. ft.
- Total roof covered incl. proposed AT&T = 1,016 sq. ft., approx. 23% of roof area

Does proposal meet 10' height limit?

- Existing roof height exceeds district height limit by 2', so rooftop structures limited to 8' tall to stay within 10' total limit
- Kramer report: south antenna enclosure would be 10' above roof line

Site is in last-preference district

20.20.100 (D) (2)

“Wireless communication facilities may be located within the following Districts, subject to approval of a use permit, with the findings required by subsection 20.20.100.F.5 of this Chapter. The following permitted Districts are listed in a descending order of preference for the location of wireless communication facilities, with the CMX District being the most preferred location:

- a. Commercial Mixed Use District (CMX).
- b. Public Facilities District (PF), except on sites occupied by schools and parks.
- c. San Pablo Commercial District (SPC) or Solano Commercial District (SC).”

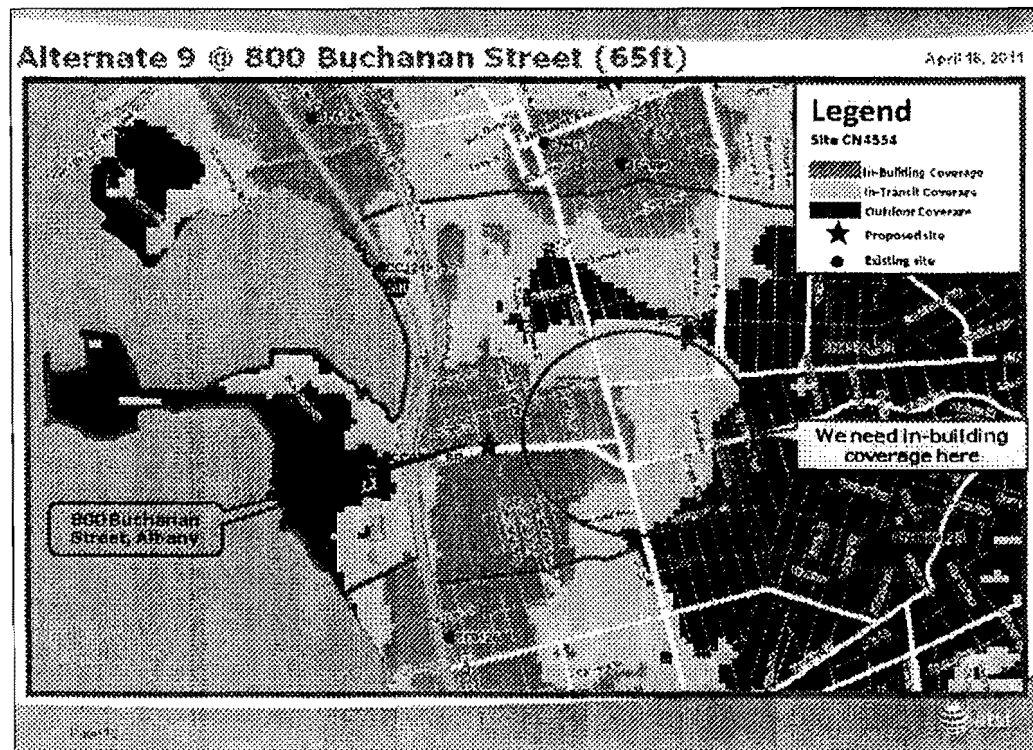
Co-location

Co-location does not supersede priority order of zoning districts for antenna locations

Sprint/Nextel antennas w/ which AT&T would co-locate were installed before wireless code including priority of districts was adopted, so co-location with S/N antennas not consistent with current code requirements

Is coverage possible from higher-preference districts?

- Only 1 CMX site considered
- Maps shows coverage possible from PF (USDA)



What difference does the number of antennas make?

- Exposure calculations and exceedance zones

History of Application

ARROW letter and public testimony in Oct. 2010 raised the priority order of zones and rooftop coverage and height issues

AT&T has waited more than 1 year after each appearance at the Commission, before proposing a “new” set of plans.

Recommendations

Application should not be approved as is; it is not in compliance with Zoning Code and analysis is not complete

Independent consultant to determine feasible sites in CMX and PF – locations, height requirements

USDA building in PF should be pursued until definite answer from bldg. owner

More Recommendations

- City creates 1 or more city-owned sites away from homes & schools, designed to host multiple carriers and serve most or all of city
- City implements RF monitoring requirements and makes compliance a permit condition for any wireless facility in future
- City requires “kill” switches at any site where emergency crews could be exposed beyond FCC limits

