

ATTACHMENT 14

MEETING MINUTES EXCERPT FROM JANUARY 10, 2012

- a. **PA08-038 AT&T Roof Mounted Antennas Study Session**-The applicant is seeking Design Review and Conditional Use Permit approval to allow nine (9) new roof-top mounted panel antennas on an existing office building. The equipment will be housed in new fiberglass enclosures behind the existing parapet wall. The south facing enclosure is approximately 55 sq. ft. and will house six (6) antennas. The north facing enclosure is 20 sq. ft. and will house three (3) antennas. Both enclosures will be stealthed to match the existing roof penthouse.

Commissioner Arkin recused himself due to the proximity of his home to the subject site.

Ms. Hersch presented the staff report dated January 10, 2012.

Barbara Leslie, on behalf of AT&T, made a presentation to the Planning & Zoning Commission explaining wireless industry forecasts and the increase in data usage requirements.

Gordon Bell, applicant for AT&T, made a presentation to the Commission on wireless technology and siting. He presented the application request on behalf of AT&T and explained why the site is preferred.

PUBLIC HEARING OPENED.

Ed Fields, Albany Resident, made a presentation to the Planning & Zoning Commission on behalf of ARROW, Albany Residents for the Responsible Oversight of Wireless. He suggested that the roof coverage requirements would be exceeded and that the USDA site should be further considered. He also noted that co-location is preferred but not a requirement.

Maureen Crowley, Albany Resident, suggested that the staff report presented was bias and that staff and AT&T misrepresented application information. The alternatives analysis presented was not thorough enough. She reiterated the concern that the project was not consistent with Section 20.24.080 (B) of the Albany Municipal Code and that the 10% roof coverage threshold was exceeded.

Heike Abeck, resident of 1037 Kains Ave., indicated that she is an AT&T customer and has no issue with coverage. She encouraged the Commission to look at alternative sites, particularly the race track and the USDA property and suggested that roof coverage requirements be used to deny the application request. She indicated she might move from the neighborhood if the antennas are approved.

Ellen Graves, business owner at 1325 Solano Ave., noted that her cell phone does not work in her office and that her customers have trouble using their phones in her business. She supported AT&T's request.

Julie Beck, Kains Ave. resident, stated that she opposes the project. She suggested that this request was for twenty-one (21) new cell antennas composed of nine (9) enclosures housing multiple antennas on the roof. The site should be located further away from residences. She suggested that AT&T failed to show surrounding residential properties in their analysis and that the roof top coverage would be exceeded as the project is proposed.

Clay, resident of 1000 Stannage, wants his phone to work and does not receive 3G coverage. He supported the application request.

John Kendall, resident of Key Route & Marin, noted that he is an AT&T customer. His phone works in Berkeley but not as well in Albany. He noted that there is greater exposure to radiation when you have less coverage. He recommended that be approved for safety reasons.

Clay Larson, Albany resident, suggested that the City's wireless ordinance be amended. He also recommended that the building height be verified by staff in the field.

Daniel Geese, is a former AT&T customer. He suggested that AT&T has done their due diligence and he supported the application request.

Michael Barnes, Albany resident, suggested that the siting of wireless facilities had become a social justice issue. He noted that the predominantly white, middle class citizens of Albany were pushing these facilities to lower income minority areas where there were fewer challenges. He presented the Commission with Utility User Tax information and noted that the City collects a cell phone tax yet does not approve infrastructure to support cell service.

Doug Donaldson, former Albany Planning Commissioner, thought the application was approvable. The community deserves reasonable cell service. He disagrees with ARROW and believes that the ordinance should be revised. He also thought that Design Review should not be a requirement for wireless facilities.

David Sanger, Albany resident, relies on cell phone service for his business. He thought AT&T was too generous with their existing coverage maps as he had poor coverage in his home and business. He referenced legal case Cingular vs. Clarktown and suggested that the City is preempting federal law. He noted that the antenna configuration is not in the City's purview. He supported the application request.

Peggy McQuaid, Albany resident, described cell phone coverage as a joke and noted that most cell phones don't work in Albany. She suggested that this was not business friendly and created a safety issue as well. She supported the application and recommended that the Wireless Ordinance be amended.

Mr. Bell explained that the electromagnetic frequency report (EMF report) analyzes the worst case scenario, with all equipment at maximum capacity. He noted that coverage objectives from the CMX Zoning District cannot be achieved to the location and distance from the desired coverage area and noted that there are obstructions which would also prevent adequate coverage.

Michael Quinto, Radiofrequency Engineer for AT&T, stated for the record that a total of nine antennas are proposed. Power wave information for the proposed site is detailed on Sheet A-2 of the submittal. The propagation amps are calibrated and prepared based on the proposed equipment contained in the application request. The site is designed to cater to subscriber demands and must comply with all FCC standards.

PUBLIC HEARING CLOSED.

Commissioner Panian- the Commission has a narrow purview in the application request review and must act consistently with the Zoning Code. Wireless facilities are not considered a public utility and are subject to a different rule. Radiofrequency and the number of antennas are not defined or specified within the Zoning Code. He suggested that a wireless facility is a conforming use but additional information is necessary before the Commission can make a decision. He suggested that the building height needed to be verified as well as information about the mechanical equipment room.

Commissioner Eisenmann- recommended that staff measure the building height. She noted that there are safety and coverage obligations associated with the request and suggested that perhaps AT&T could pursue a temporary facility and find another location.

Commissioner Maass- stated that he agreed with former Commissioner Doug Donaldson. He noted that the application must be evaluated with the tools and Code currently applicable. He suggested that the roof square footage and related calculations should be evaluated by staff. The ordinance should be reviewed and amended.

The Commission directed staff to do the following for future review of the application:

- Staff to walk the roof top and measure the building height and verify the roof-top and penthouse dimensions provided in the plans
- Staff to visit the penthouse and provide a report with photographs of the interior space
- Staff to verify the use and history of the break room/penthouse and determine when it became conditioned space and if it was ever used for mechanical equipment