City of Albany

PLANNING & ZONING APPEAL

GENERAL INFORMATION

Who: Any Applicant or party with standing may appeal an administrative decision by Planning staff or a Planning & Zoning Commission action

When: A written appeal must be filed within 14 calendar days of the administrative or Commission action

Where: Appeals of administrative decisions are filed with the Community Development Department. Appeals of Planning & Zoning Commission actions are filed with the City Clerk

Cost: $550.00 (non-refundable)

Process: Appeals of Planning Staff decisions will be considered by the Planning & Zoning Commission. Appeals of Planning & Zoning Commission decisions will be heard before the City Council. For appeals of Planning & Zoning Commission decisions on items not requiring a Public Hearing, the appeal will be set for formal City Council consideration within 30 days. For items which required a Public Hearing, the City Council will schedule a Public Hearing within 30 days to consider the appeal.

Date of decision being appealed: 05/08/2012

Type of decision: **Please check one**

Administrative	
Planning & Zoning Commission	X
Municipal Code or Zoning Ordinance Section	

If you have any questions regarding this procedure, please call the City Clerk at (510) 528-5720 or Planning Division at (510) 528-5760.

Description of Project: See Attached

Applicant Name: New Cingular Wireless PCS c/o John di Bene
Address: AT&T Services Inc. 2600 Camino Ramon, RM 2W901 San Ramon, CA 94583
Phone Number: 925-543-1548

Appellant Name: Same
Address:
Phone Number:

FILED
MAY 22 2012
ALBANY CITY CLERK

Basis of Appeal: (Please be precise) See Attached

Signature: [signature] Date: May 22, 2012

Date Filed:	Received by:	Fee: $	Receipt #:

Appeal Agenda Date: P & Z ☐ City Council ☐

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May 22, 2012

By Hand

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Re: Appeal Re: Planning Application #08-038 (1035 San Pablo Ave.)

Dear Councilmembers:

New Cingular Wireless PCS, LLC, d/b/a AT&T Wireless (AT&T) hereby appeals the May 8, 2012 decision by the Planning and Zoning Commission (Commission) denying the above-referenced Application. The Application sought a conditional use permit authorizing AT&T to collocate a fully-screened wireless communication facility on the rooftop of 1035 San Pablo Avenue. The Commission voted 3-1 to deny the Application even though two separate city consultants recommended in favor of the site because AT&T has a significant gap in personal wireless services coverage in the area and the site would be the least intrusive means by which AT&T could fill that gap.

AT&T has no wireless service facilities in the City of Albany. While certain portions of the city have limited "overflow" coverage from AT&T's facilities in neighboring communities, AT&T's wireless customers suffer a significant gap in

wireless service coverage throughout much of the city. This Application would allow AT&T to fill the significant gap in southeast Albany.

Four years ago today, AT&T filed this Application to collocate wireless communication facilities with existing Sprint facilities at 1035 San Pablo Avenue. Before and after filing, on its own initiative and at the suggestion of staff and residents, AT&T attempted to find all possible alternative locations where it could place a site to fill the service gap. But there is no less intrusive site available to fill the service coverage gap in southeast Albany.

As discussed in more detail below, the Commission's denial of AT&T's application was based on an overly-stringent interpretation of the city's planning and zoning code as it applies to a preexisting break room penthouse at 1035 San Pablo Avenue. AT&T believes the interpretation is erroneous and the Council is legally required to interpret the code in a more reasonable and appropriate manner. But regardless how the city interprets the code, this Application must be granted under the federal Telecommunications Act of 1996 because denial of this Application will effectively prohibit AT&T from providing personal wireless services in southeast Albany and will unlawfully discriminate against AT&T.

Because the Commission's denial of AT&T's Application is improper under the city's code and is inconsistent with the requirements of federal law, AT&T urges the City Council to reverse the decision of the Commission and approve the Application.

FACTUAL BACKGROUND

AT&T Identifies A Service Coverage Gap In Its Network

This Application began with AT&T identifying a significant gap in its personal wireless service network in and around southeast Albany. Exhibit A is a map previously submitted to the planning commission and staff that shows the coverage from AT&T's personal wireless service network as of that date.[1] While AT&T customers may have service in some outdoor areas of the city, the coverage is inadequate to meet the needs of Albany residents and visitors.

Specifically, AT&T's radio frequency engineers identified a significant service coverage gap in an area that is roughly bounded by Pomona Avenue to the east, Washington Avenue and Solano Avenue to the north, Polk Street, Taylor Street, Marin Avenue and 8th Street to the west, Harrison Street and Dartmouth Street to the south. This gap is significant because it impacts a wide swath of commercial, residential, and

[1] Exhibit B, attached hereto, contains updated maps showing the current coverage gap in AT&T's personal wireless services network.

governmental districts in the city, including City Hall, the City Police Department, the Albany Library, large residential areas, and major commercial areas along San Pablo Avenue. Exhibit C is the Statement of Michael Quinto, AT&T's Radio Frequency Engineer assigned to this site, which explains the extent of the gap and AT&T's need to provide in-building and in-transit service throughout southeast Albany.

AT&T Identifies 1035 San Pablo As The Best Location For A Site To Fill The Gap

AT&T designs network improvements to be the least intrusive means under the local code to fill its coverage gaps. The Albany Municipal Code has a number of policies and objectives for siting wireless communication facilities, as contained in Section 20.20.100(E) of the Planning and Zoning code, including two primary siting requirements. First, the city prefers collocations to brand new sites. Collocation is a stated preference in Section 20.20.100(E)(2)(a) of the Municipal Code, which provides:

> a. 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. Service providers are encouraged to co-locate antennas with other facilities such as water tanks, light standards, and other utility structures where the co-location is found to minimize the overall visual impact;[2]

Collocation is also encouraged in Section 20.20.100(A)(5), which sets forth the purpose and intent of the city's wireless code:

> A. Purpose and intent. The purpose and intent of this section are to:
>
> * * *
>
> 5. Allow antennas to be located according to demonstrated need; encourage the use of existing facilities, including co-location by multiple companies; encourage the placement of antennas on existing structures and encourage use of smaller, less-obtrusive facilities such as repeaters and microcell facilities where they are feasible alternatives to base station facilities;

[2] See also Planning & Zoning Code sec. 20.20.100(E)(1)(h) ("[a]ll service providers shall cooperate in the locating of equipment and antennas to accommodate the maximum number of operators at a given site where feasible and aesthetically desirable. This will facilitate the co-location of wireless communication facilities....")

Further, in the event that a wireless service provider seeks to construct a wireless communication facility that is not a collocation, Section 20.20.100(F)(5)(b)(2) requires a specific and detailed showing why it could not collocate.[3]

Second, the Albany Municipal Code establishes a set of preferences for locating wireless communication facilities within certain zoning districts. Subject to certain exceptions not applicable here, the city prohibits the installation of wireless communication facilities "in any residential zone." The city allows wireless communication facilities in only three areas: (1) in the Commercial Mixed Use (CMX) District (top preference); (2) on public facilities (second preference); and (3) in the San Pablo or the Solano Commercial Districts. *See* Sections 20.20.100(D)(2).

AT&T identified possible sites pursuant to these preferences. There were no existing sites in the CMX District on which AT&T could collocate. As far as public property, AT&T investigated the possibility of collocating on the city's monopole at 1000 San Pablo Avenue, but the city did not approve of that proposal. No other collocation opportunities were identified on public facilities.[4] AT&T next looked to collocate in the San Pablo Commercial District or the Solano Commercial District. The only available collocation opportunity in those commercial districts is the proposed site at 1035 San Pablo Avenue.

AT&T also sought to identify non-collocation locations in these preferred zoning districts. AT&T determined that there was no feasible way to meet its coverage objective by building a new site in the CMX District. AT&T continued to pursue sites on public facilities, but it did not identify any other site where it could collocate its facilities and was both available and technologically feasible. AT&T also analyzed several other locations in the San Pablo and the Solano Commercial Districts. These sites were either unavailable, not feasible, or both. Exhibit D is a summary of AT&T's alternatives sites analysis. Over the four years that AT&T's application has been pending, AT&T has submitted documentation of the lack of alternative sites on several occasions, including AT&T's October 2010 Alternatives Analysis (Exhibit E), AT&T's February 2011

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[3] Section 20.20.100(F)(5)(b)(2) of the Albany Municipal Code provides:

> 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 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 [sic]

[4] The city is currently evaluating a proposal to make space available for future wireless sites on city property. The city describes this plan as one that will generate revenue for that city and increase its control over the siting of wireless communication facilities. To that end, the Planning and Zoning Commission authorized the release of a Request for Qualifications to identify a radio frequency engineer to consult with the city.

Alternatives Analysis (Exhibit F), AT&T's Alternatives Matrix (Exhibit G), AT&T's presentation of propagation maps relative to its alternative sites analysis (Exhibit H), and AT&T's May 2012 analysis of 1760 Solano Avenue, Berkeley (Exhibit I). All told, AT&T investigated more than ten alternative sites in detail. None of them would be a less intrusive means to fill the gap in coverage.

May 2008: AT&T Files This Application

On May 22, 2008, AT&T filed Application PA08-038. Exhibit J is a copy of AT&T's Application and the accompanying materials submitted on May 22, 2008. In 2010, the city engaged RCC Consulting, Inc. (RCC) to conduct an independent review of AT&T's revised application. RCC reviewed the data showing a significant gap in personal wireless service coverage and confirmed that the data "demonstrates the existence of a coverage gap in AT&T's network." Exhibit K is RCC's October 19, 2010 report, which concludes:

- AT&T's need for a wireless site is justified, based on stated design objectives for the intended area of coverage and the demonstrated coverage gap depicted on the RF coverage prediction maps as verified by AT&T's drive test data.

- The proposed design is considered reasonable and consistent with industry best practices to fill coverage gaps in areas similar to the subject target area

* * *

Id., at 12. RCC also concluded that alternative sites and technologies will not meet AT&T's coverage objective, with particular focus on the lack of available locations in the CMX district. *Id.*

The Commission's October 26, 2010 Hearing

Based in part on RCC's findings, the city planning staff recommended approval of AT&T's application in their staff report for the Commission's October 26, 2010 hearing. At that hearing, AT&T put forth evidence of its service coverage gap by including relevant propagation maps. AT&T also provided an alternative site analysis that addressed nine possible alternative sites. Some members of the public commented about the health effects of radio frequency emissions, and other residents supported the Application. At the conclusion of the hearing, the Commission requested AT&T to prepare a more rigorous alternative sites analysis, and it voted to continue the matter.

On March 24, 2011, AT&T filed supplemental materials in support of its application. These materials included a revised alternatives sites analysis and propagation maps (Exhibit L). By letter dated April 15, 2011, the city requested

additional information so that staff could complete its analysis of the application (Exhibit M). AT&T responded in full on October 20, 2011, by further supplementing its application with several documents including the revised Alternatives Analysis (Exhibit F), an Alternatives Matrix (Exhibit G), revised drawings, coverage propagation maps (Exhibit H), and a radio frequency report by Hammett & Edison, Inc. At that time, AT&T revised its proposal by moving its eastward-facing antennas more than three feet to the west on the rooftop in order to maximize setbacks (to meet the noted 50-foot setback) and to reduce the visibility of the screening material to be placed over the wireless communication facilities.

The city then engaged another consultant, the Kramer Firm, to obtain an independent review of AT&T's application by a radio frequency engineer who would evaluate the basis and appropriateness of AT&T's proposed site. On January 4, 2012, the Kramer Firm issued its report and determined that (1) based on AT&T's alternative sites analysis, the proposed site at 1035 San Pablo Avenue "is a logical site," (2) AT&T's coverage maps and project documentation support AT&T's stated objective to improve "a lower grade of existing coverage in its Cellular band of service," and (3) AT&T needs to address certain issues with projected radio frequency emissions (Exhibit N). AT&T has agreed to conditions suggested by the Kramer Firm in regards to radio frequency emissions, and these issues were not the basis of the Commission's denial of AT&T's Application.

The Commission's January 10, 2012 Study Session

Based in part on the Kramer Firm's report, the planning staff presented findings of approval in its report to the Commission for its scheduled January 10, 2012 meeting. These findings included the Kramer Firm's conditions. At that meeting, the Commission focused on the applicable height and rooftop coverage limitation, which were enacted on October 5, 2009, after AT&T filed its application. The City Planner testified that AT&T's proposed wireless communication facilities would comply with the applicable height limits under the city's code, and offered her opinion that the break room penthouse should not be counted towards the ten percent rooftop coverage limitation. At the conclusion of the meeting, the Commission instructed city staff to visit the site, walk the roof, and view the break room penthouse.

On January 18, 2012, city staff (including the City Planner, the City Building Inspector, and the Community Development Director) visited the proposed site to examine the break room penthouse to determine whether it should be included in calculating the rooftop coverage limit under Section 20.24.080(B) of the city's code.

The Planning Commission's February 28, 2012 Hearing

Based in part on that site visit, the planning staff report for the Commission's February 28, 2012 hearing again recommended approval of AT&T's application. Staff prepared two sets of rooftop coverage calculations to include or exclude the break room penthouse in the rooftop coverage percentage calculation, and it again recommended that the Commission approve AT&T's application. At the hearing, staff discussed their site visit and described the break room penthouse to the Commissioners.

The Commission suggested that AT&T consider whether it would be possible to lower its equipment to six feet in height in order to meet the alternative twenty percent rooftop coverage limit under 20.24.080(C) for mechanical appurtenances. The Commission then developed two alternative options to AT&T's primary proposal to work within the city's rooftop coverage limits under Section 20.24.080. The first such alternative (option #1) involves moving AT&T's equipment from the rooftop into the break room penthouse, to avoid triggering the ten percent rooftop coverage limit under Section 20.24.080(B). Under this option, AT&T's equipment would be within the 50-foot setback, but the Commission easily could have made the necessary findings to reduce the setback to ten feet because the equipment would be inside the break room penthouse.[5] The second alternative (option #2) involves applying the twenty percent rooftop coverage limit under 20.24.080(C) for mechanical appurtenances to AT&T's proposed facilities if they can be lowered to a maximum of six feet in height. At the conclusion of the meeting, the Commission voted to continue consideration of the application so that AT&T could develop plans to meet these options.

The Commission Denies AT&T's Application At Its April 24, 2012 Hearing

On April 24, 2012, the Commission heard AT&T's application for a fourth time. AT&T presented alternative plans to meet the city's site options. The Commission considered whether the alternative options would comply with one of the two rooftop coverage limits under Section 20.24.080 of the city's code. At the conclusion of the hearing, the Commission determined that neither AT&T's proposal nor the two options would comply with Section 20.24.080 of the city's code, and it requested city staff to draft denial findings to be presented at the next Commission meeting.

[5] Under Section 20.20.100(D)(4) of the Municipal Code, the Commission is empowered to reduce the setback to "no less than ten (10) feet of separation between a property line that is contiguous to the residential district and the subject wireless communication facility" pursuant to a finding that "the lesser distance will not have perceptibly greater noise impact or greater visual impact with respect to the properties in the abutting residential district...."

The Commission Adopts Denial Findings At Its May 8, 2012 Hearing

On May 8, 2012, the Commission again heard AT&T's application, during which AT&T offered yet another proposal that would have removed all equipment from the rooftop and added to the roof only one small support for one set of antennas that would occupy less than one square foot of space on the roof. My May 4, 2012 letter to the Planning Commissioners (Exhibit O), explains and attaches plans for this third option (option #3) to AT&T's primary proposal. Like option #1, under option #3 AT&T's equipment would be within the 50-foot setback, but the Commission easily could have made the necessary findings to reduce the setback to ten feet because the equipment would be inside the penthouse. Here is a summary of the four site options that the Commission considered:

Site Options	Description
Primary Proposal	AT&T's proposal pursuant to revised plans submitted October 2011, as clarified by plans submitted April 9, 2012. Three sets of antennas would be fully screened and meet all applicable setback provisions, with two sets of antennas wall-mounted and one set of antennas roof-mounted in excess of 50 feet from the abutting residential district to the east. The equipment and antennas on rooftop would total 65.21 square feet.
Site Option #1	AT&T would move all equipment off of the rooftop and into the break room penthouse and onto the parapet wall. AT&T would erect a wall inside of the penthouse that would be greater than 10 feet from the abutting residential district, and mount the equipment on and to the west side of that wall. This would allow the Commission to make the finding under Section 20.20.100(D)(4). The antennas would remain in the same locations as under AT&T's primary proposal. The roof-mounted set of antennas could not be moved off of the roof because a signal could not be propagated from the only available east-facing wall that is more than 50 feet from the abutting residential district to the east.
Site Option #2	AT&T's equipment would be located the same as its primary proposal, but AT&T would lower all of its equipment and antennas to below six feet in height. The city would apply the 20% rooftop coverage and six foot excess height limitations for mechanical appurtenances under Section 20.24.080(C) of the city's code rather than the 10% rooftop coverage and ten foot excess height limitations under Section 20.24.080(B). Notably, when the building (including the break room penthouse) was constructed, the applicable height limit for the applicable zoning district was 45 feet. See former Section 20-2.12(c)(1). Thus, the break room penthouse, which is under 48 feet, is well less than six feet above

	the height limit that applied when it was constructed.
Site Option #3	AT&T would move all equipment off of the rooftop and into the break room penthouse and onto the parapet wall. AT&T would erect a wall inside of the penthouse that would be greater than 10 feet from the abutting residential district and mount the equipment on and to the west side of that wall. This would allow the Commission to make the finding under Section 20.20.100(D)(4). The antennas would remain in the same locations as under AT&T's primary proposal. The roof-mounted set of antennas would be mounted to a post with a three-inch diameter such that the base would occupy less than one square foot of the rooftop.

Each one of AT&T's options would be screened as required under the code and would meet all required setbacks and visual impact regulations. Not a single antenna would be visible from the street and no equipment would be visible (and under option #1 all of the equipment would have been moved off of the roof and into the break room penthouse). There also would be no noise impacts from the wireless communication facilities.

Citing Section 20.24.080(B), the Commission ultimately denied AT&T's application and issued denial findings. The primary basis for the denial was the conclusion that the existing structures on the rooftop occupy more than ten percent of the 4,786 square-foot roof. The break room penthouse, however, was part of the original building, constructed in 1985. Even though the penthouse was part of the original building (with a roof top of its own), the Commission applied the area of the penthouse to the calculation of roof top coverage. The break room penthouse alone occupies 432 square feet (about 9.0% of the roof), and the wireless service facilities operated by Sprint take up 265 square feet (about 5.5% of the roof). Together the penthouse and the Sprint facility occupy more than 14.5% of the rooftop, meaning that no other enumerated or "similar structure" can ever be collocated on the building under the city's interpretation of Section 20.24.080(B). Given that the Sprint facilities were constructed years before the rooftop coverage limits were enacted, that means that the enactment of those limits as they are now being interpreted by the Commission, prevented any other such structure to be collocated on that rooftop, in spite of the city's clear preference for collocations.

The Commissioners discussed that 1035 San Pablo Avenue is a legal non-conforming structure because it was built above the after-enacted height limitation. A split majority of the Commissioners determined that it could not be expanded by even a very small amount to accommodate AT&T's proposed wireless communication facilities. In the end, the difference between approval and denial was no more than the three-inch pipe that would have to attach to the roof under AT&T's option #3. Even if that three-inch pipe required a full square foot of space, it would have occupied only two hundredths of one percent (0.02%) of the rooftop. Accordingly, the Commission voted 3-

1 to deny AT&T's application and adopted denial findings. Exhibit P are the Commission's denial findings, from which AT&T brings this appeal.

The Council Should Approve AT&T's Application

1. The Commission Erred In Denying AT&T's Application

After four years of review and study, the Commission denied AT&T's application because it determined that AT&T cannot occupy even a single square foot of the roof at 1035 San Pablo Avenue. The Commission determined that the 432 square foot break room penthouse needed to be included within the 10% rooftop coverage percentage in Section 20.24.080(B). But, as noted above, the entire structure at 1035 San Pablo Avenue was built before the Council adopted the current height and rooftop coverage standards, and it does not easily conform to the current code requirements. In this situation, and in light of the applicable federal law discussed below, the Planning Commission should have approved AT&T's application, as proposed or by the site options presented over time. Approval would have been reasonable and would have conformed to the overall purpose of the Zoning Ordinance as specified in Section 20.04.030. Instead, the Commission tried to force-fit the height and rooftop coverage requirements into this fact pattern, and its decision is wrong for several reasons.

First, the Commission committed plain error by refusing to consider the actual use (as opposed to the approved use) of the break room penthouse . Section 20.24.080(B) specifically states that "no such structure *shall be used* for habitable space or advertising purposes." (emphasis added). The code does not state that the habitable use must be authorized or approved, conforming or not; it merely states that if a structure is "used" in such a manner, it cannot count toward the 10% height limitation. The uncontested evidence is that the penthouse is, and was at the time of the Commission decision, being used as a break room, and thus as habitable space. Thus, even if the break room penthouse is a "similar structure," under the plain language of the code it cannot be included in the 10% rooftop coverage requirements because of its current use.

Second, if the Council considers the approved use, rather than the actual use, the penthouse still should not be counted against the 10% rooftop coverage limit. The penthouse was approved to house mechanical equipment, and Section 20.24.080(C) allows mechanical equipment to cover 20% of the rooftop. While this section allows mechanical equipment to be up to 6' above the applicable height limitation, and the penthouse is higher than the 6' over the height limit for the District, the Commission could have reasonably concluded that the height is a preexisting nonconformity. When the penthouse was constructed, at the same time as the building, the applicable height limit was 45 feet under former Section 20-2.12(c)(1). The penthouse is a little less than 48 feet tall, and, therefore, is less than six feet above the height limit that applied when it

was built. Such a reading would better fit the intent of the code than counting the penthouse within the 10' and 10% rooftop coverage percentages.

Third, the Commission erred in finding that the very large, 10' high, break room penthouse was a "similar structure" to "towers, spires, cupolas, chimneys, elevator penthouses, water tanks, monuments, flagpoles, theatre scenery storage structures, [and] fire towers." The break room penthouse is nothing like most of these structures, and it is significantly larger than most of them. The enumerated structure most similar to the penthouse is an elevator penthouse, but the break room penthouse is much larger than a single-shaft elevator penthouse that one would find on a 40 foot building. In short, Section 20.24.080(B) was never intended to apply to a structure like the break room penthouse at issue here.

Finally, given that the structure was preexisting and that it did not easily fit within the code requirements, the Commission should not have applied the 10% limitation so strictly. AT&T's option #3 would have covered only a single square foot of the rooftop – less than 0.02% of the total rooftop area. In fact, as Commissioner Maass noted during the deliberations at the May 8, 2012 meeting, the code has conflicting goals between preferring, on the one hand, carriers collocate together on rooftops, but restricting wireless facilities, and many other structures, on the other hand, from covering more than 10% of any rooftop. Commissioner Maass urged the Commission to recognize that AT&T's single square foot proposal would have a *de minimus* effect on the rooftop, and he urged the Commission to approve the Application. The Council should find that the break room penthouse does not fall within the 10% limitation and reverse the Commission's decision.

2. Denial of AT&T's Application Is Preempted By Federal Law

Even if the Council concludes the Commission correctly interpreted and applied its code – which it should not – the federal Telecommunications Act of 1996 (Act) requires approval of AT&T's application. The Act provides rights to wireless service providers and establishes limitations upon state and local zoning authorities with respect to applications for permits to construct personal wireless service facilities. The United States Supreme Court has explained,

> Congress enacted the Telecommunications Act of 1996 (TCA), 110 Stat. 56, to promote competition and higher quality in American telecommunications services and to "encourage the rapid deployment of new telecommunications technologies." *Ibid.* One of the means by which it sought to accomplish these goals was reduction of the impediments imposed by local governments upon the installation of facilities for wireless communications, such as antenna towers. To this end, the TCA amended the Communications Act of 1934, 48 Stat. 1064, to include §

> 332(c)(7), which imposes specific limitations on the traditional authority of state and local governments to regulate the location, construction, and modification of such facilities, 110 Stat. 151, codified at 47 U. S. C. § 332(c)(7).

City of Rancho Palos Verdes v. Abrams, 544 U.S. 113, 115-16 (2005).

Under the Act, a state or local government must, within a reasonable period of time, take final action on a permit application seeking to construct personal wireless service facilities by issuing its decision in writing and supported by substantial evidence. When considering such an application, a state or local government may not, by its action or inaction, effectively prohibit the applicant from providing personal wireless services. Nor may a state or local government unreasonably discriminate among providers of functionally equivalent services. Nor may a state or local government regulate the siting or construction of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions. The way this application has been handled raises significant legal issues regarding most of these standards, but this letter will focus specifically on the "effective prohibition" and unreasonable discrimination preemptions in federal law.[6]

a. Denial Would Effectively Prohibit AT&T From Providing Personal Wireless Services.

By denying the least intrusive means to fill its significant service coverage gap in the southeastern portion of the city, the Commission's decision prohibits AT&T from providing personal wireless service in this area. Doing so violates federal law. The Act provides:

> (i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof--
>
> * * *
>
> (II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

47 U.S.C. § 332(c)(7)(B)(i)(II).

[6] AT&T expressly reserves the right to raise all available claims under the Act, as well as under any other federal or state laws. Additional claims under the Act include, but are not limited to, the failure of the city to act within a reasonable period of time, lack of substantial evidence to support the city's denial of AT&T's application, lack of an adequate written decision, and improper consideration of the health effects of radio frequency emissions. From the record to date, all of these standards could give rise to legal claims.

When a local government acts to prohibit a wireless provider from providing personal wireless services, federal law takes over, focusing on two main issues – whether there is a "significant gap in coverage of personal wireless services" and whether the proposed site is the "least intrusive means" to fill gap.

As to the first issue, there is no legitimate question that AT&T has a significant gap in service coverage in southeast Albany. City staff has acknowledged that AT&T has no wireless communication facilities in the city – a fact also found in the communications from AT&T customers to the city. AT&T analyzed its coverage gap in detail, using predictive tools and drive test data. The result is that AT&T has no in-transit or in-building service in southeast Albany. This coverage gap continues to this day, as shown in the current coverage maps and statement of Michael Quinto contained in Exhibit C.

In addition to the extensive and unrebutted evidence AT&T has provided, the RCC and Kramer analyses also confirm the existence of the significant coverage gap. RCC was retained by city staff "to conduct an independent review, consistent with recognized industry standard practices, of the proposal from AT&T...." RCC's October report concluded that the data "substantially validates the coverage prediction maps provided originally and demonstrates the existence of a coverage gap in AT&T's network." The Kramer Firm's January 2012 report likewise confirmed that AT&T's "coverage maps and project documentation support the proposition that AT&T is attempting to improve its Cellular band to southeast Albany and indicates that AT&T has a lower grade of existing coverage in its Cellular band of service...."

At the several public hearings of AT&T's application, city residents described their inability to access AT&T's cellular service within the city. Many residents spoke out in favor of AT&T's Application. Even opponents of AT&T's application readily acknowledge this service coverage gap. This gap is significant because it impacts a wide swath of commercial, numerous residential neighborhoods, and governmental districts in the city, including a major commercial area along San Pablo Avenue. In sum, there is overwhelming, undisputed evidence of a "significant coverage gap" in AT&T's network in southeast Albany.

The second part of the "effective prohibition" test is whether the proposal is the least intrusive means to fill the coverage gap. *See, e.g., MetroPCS, Inc. v. City and County of San Francisco*, 400 F.3d 715, 734-35 (9th Cir. 2005) (adopting least intrusive means test and explaining that the test "gives providers an incentive to choose the least intrusive site in their first siting applications, and it promises to ultimately identify the best solution for the community, not merely the last one remaining after a series of application denials"); *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 995 (9th Cir. 2009). When a claim of effective prohibition is litigated, the wireless service provider first must make a prima facie showing of effective prohibition, including

evidence of its analysis of alternative sites. The burden then shifts to the state or local government to demonstrate the existence of a less intrusive, available, and technologically feasible alternative site. *City of Anacortes*, at 997-98. The provider then has the opportunity to dispute the availability and feasibility of the alternative favored by the state or local government. *Id.*

There is similarly overwhelming evidence that 1035 San Pablo Avenue is the "least intrusive means" to fill the coverage gap in southeast Albany. The area is largely residential, and the code generally prohibits placement of wireless sites in residential areas. As discussed above, the code prefers collocations. Sprint has a site on 1035 San Pablo Avenue, which makes this site a "preferred" location for AT&T's facility. The city does not dispute this key point. AT&T has shown repeatedly that there are no other, similarly preferred alternatives to cover the significant gap in the area.

As far as the design of the site, AT&T did everything it possibly could do to meet the multiplicity of requirements in the city code. AT&T sought out and analyzed several alternative sites and alternative designs. AT&T offered the Commission four separate designs, including one that required only *one square foot of coverage on the rooftop.* Indeed, AT&T worked closely with the planning staff, and twice the planning staff recommended approval of the Application. The city also engaged another outside consultant to review AT&T's alternative sites analysis, Jonathan Kramer, and Mr. Kramer, after reviewing AT&T's analysis, concluded that 1035 San Pablo Avenue was "a logical site." The city has not shown any other available and technologically feasible site that would be less intrusive.

The Act provides AT&T with a remedy in the form of injunctive relief. In a lawsuit over "effective prohibition," when the wireless provider prevails, a federal court generally instructs the local government to issue the permits necessary to install the wireless communication facilities without further discretionary processes or delay, and the decision of what will be built is decided by the federal court.

b. Denial Would Unreasonably Discriminate Against AT&T

The Act also forbids unreasonable discrimination among providers of functionally equivalent services, 47 U.S.C. § 332(c)(7)(B)(i)(I). Sprint owns and operates wireless communication facilities on this same roof, which facilities occupy 265 square feet of rooftop space. Sprint's facilities were permitted by the city even though they are not screened and even though they are visible from the neighboring properties. Moreover, if the break room penthouse is considered a "similar structure" under Section 20.24.080(B) of the code, as the Commission found with AT&T's proposal, Sprint's site also covers too much of the rooftop – Sprint's 265 square feet plus the 432 square feet of the break room penthouse total 697 square feet, or 14.56% of the rooftop.

AT&T and Sprint provide functionally equivalent services within the meaning of the Act. Considering all the circumstances surrounding this site and AT&T's application, including the length of time this application has been pending, the size and significance of the personal wireless service gap, the preferences in the code, and the various alternatives proposed by AT&T to try to satisfy the code, it is unreasonable for the city to allow one wireless provider to occupy 265 square feet on the rooftop with an unscreened, non-stealthy facility but to disallow AT&T to use a *single square foot* of the rooftop to collocate its screened and stealthy facility.

The remedy for unreasonable discrimination, as with the remedy for an "effective prohibition," would be injunctive relief. Affirming the Commission's denial of AT&T's Application will most likely result in AT&T gaining the right to build its proposal with no further city input.

In conclusion, AT&T respectfully requests that the Council grant AT&T's appeal, reverse the decision of the Planning Commission, and grant AT&T's Application.

Very truly yours,

John di Bene

cc: Mr. Craig Labadie, Esq., City Attorney (w/encl.)
Ms. Nicole Almaguer, City Clerk (w/encl.)
Ms. Anne Hersh, City Planner (w/encl.)

EXHIBIT A

Existing 850 Coverage

November 21, 2011

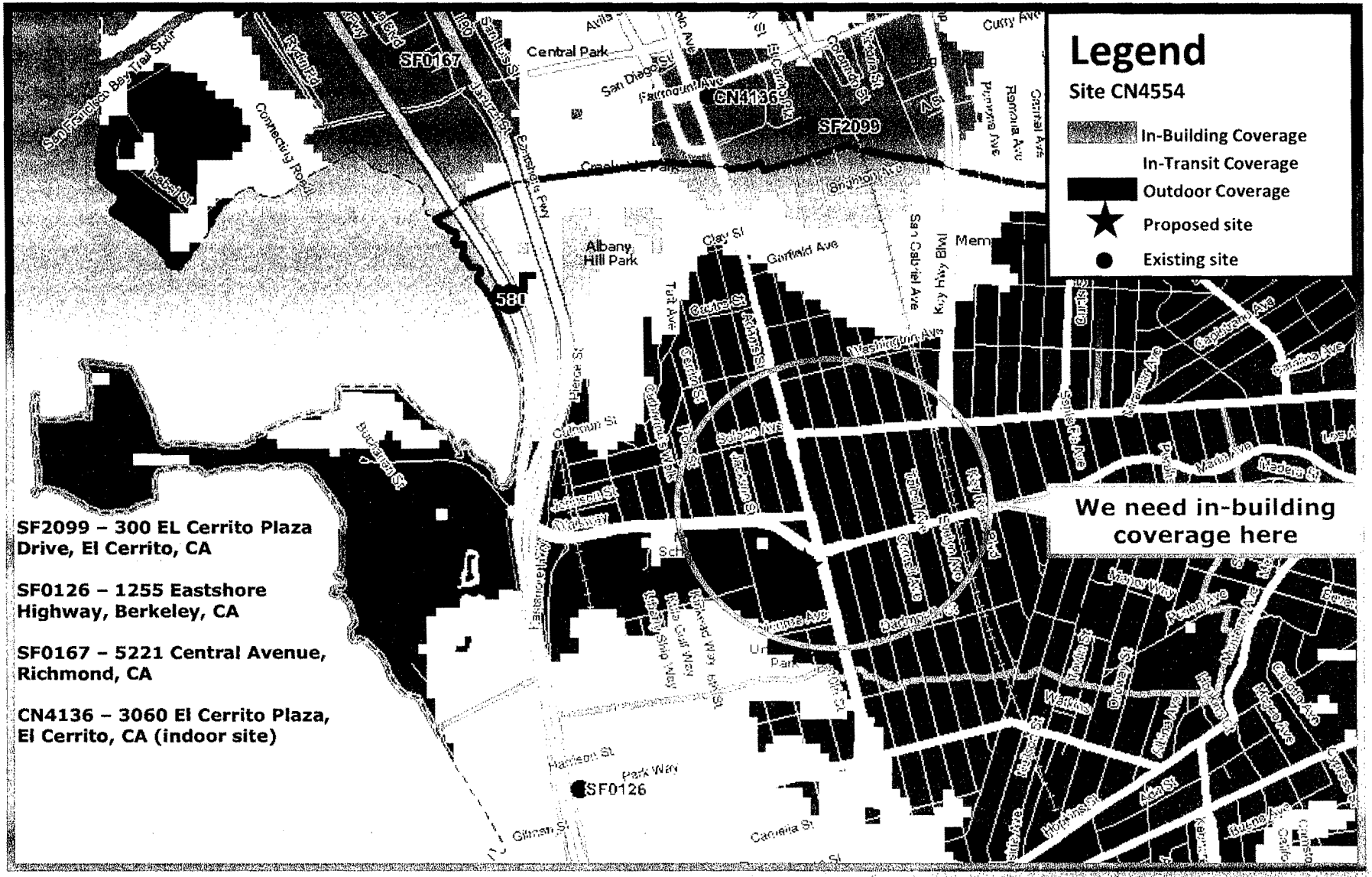


EXHIBIT B

Existing 850 Coverage

May 18, 2012

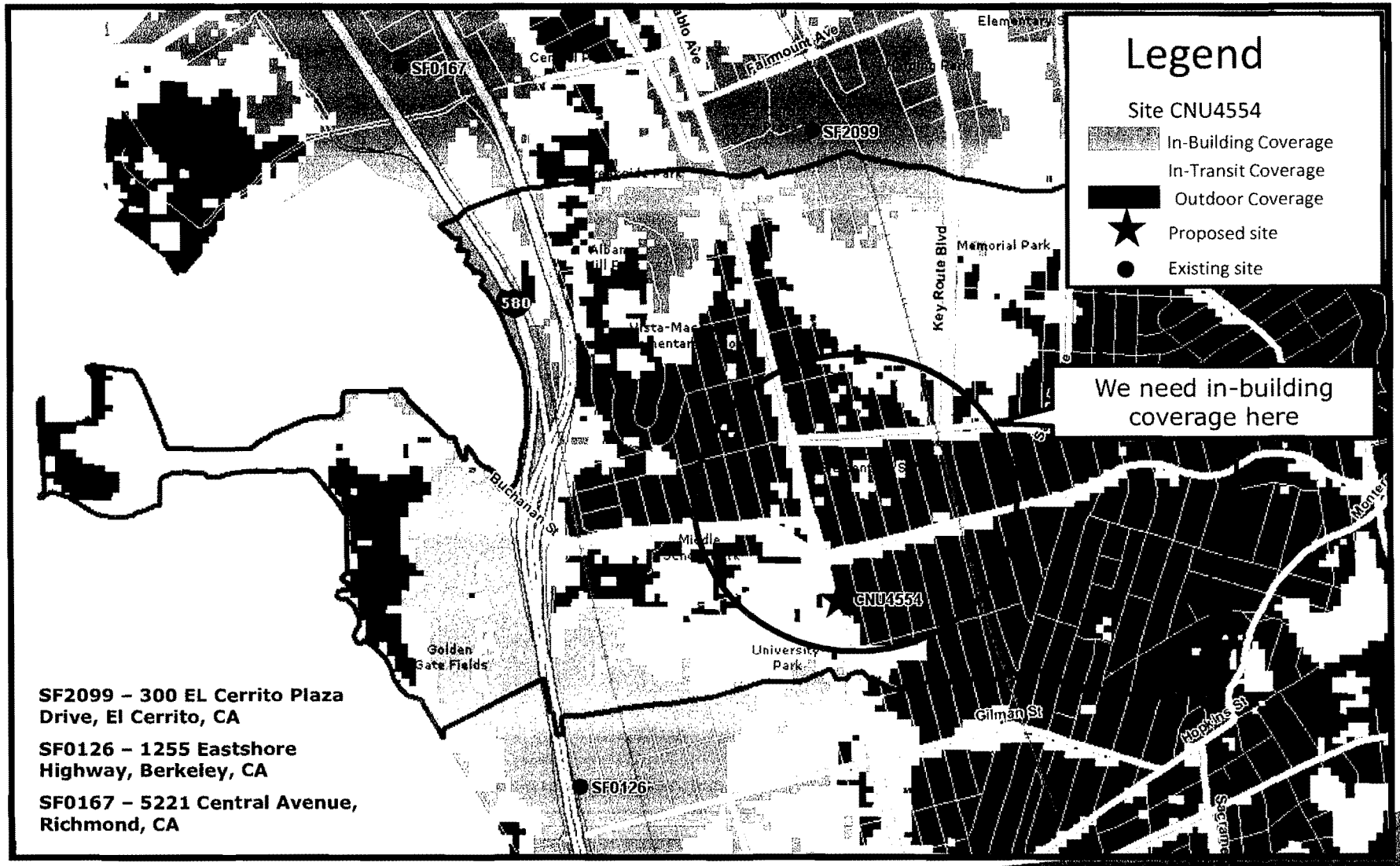


EXHIBIT C

AT&T MOBILITY CONDITIONAL USE PERMIT APPLICATION
1035 SAN PABLO AVE.

STATEMENT OF MICHAEL QUINTO

I served as AT&T's radio frequency engineer with respect to the proposed wireless communications facility at 1035 San Pablo Ave. (the "Property"). Based on my personal knowledge of the Property and with AT&T's wireless network, as well as my review of AT&T's records with respect to the Property and its wireless telecommunications facilities in the surrounding area, I have concluded that the work associated with this permit request is needed to close a significant service coverage gap in the area roughly bordered by Pomona Avenue to the east, Washington Avenue and Solano Avenue to the north, Polk Street, Taylor Street, Marin Avenue and 8th Street to the west, Harrison Street and Dartmouth Street to the south. As explained below, the service coverage gap is due to the fact that there are currently no AT&T cell sites in Albany. Any outdoor coverage that exists is a result of cell sites in neighboring communities. The new site is necessary to close this service coverage gap and provide the infrastructure needed to address the increasing demand for mobile data services.

Mobile devices using AT&T's technology transmit a radio signal to antennas mounted on a tower, pole, building, or other structure. The antenna feeds the signal to electronic devices housed in a small equipment cabinet, or base station. The base station is connected by microwave, fiber optic cable, or ordinary copper telephone wire to the Radio Network Controller, subsequently routing the calls and data throughout the world.

The operation of AT&T's wireless network depends upon a network of wireless communications facilities. The range between wireless facilities varies based on a number of factors. For example, the range between AT&T mobile telephones and the antennas can be particularly limited as a result of topographical challenges, blockage from buildings, trees, and other obstructions as well as the limited capacity of existing facilities.

To provide effective, reliable, and uninterrupted service to AT&T customers in their cars, public transportation, home, and office, without interruption or lack of access, coverage must overlap in a grid pattern resembling a honeycomb. As noted above, there are currently no AT&T

MQ 5/22

cell sites in Albany, thus, there are instances where there is no overlap with service provided by sites in neighboring communities. Attached as Exhibit 1 is a map that depicts the service coverage before the proposed site is on air. I am providing this map to update the propagation map AT&T submitted in November 2011, which did not reflect network optimizations projects that AT&T has completed since that time. As you can see from the map, there is a significant service coverage gap for in-building and in-transit service, which the proposed site addresses. It is critical that this gap be closed because it impacts a wide swath of commercial, residential, and governmental districts in the city, including a major commercial area along San Pablo Avenue. Exhibit 2 depicts the coverage after the proposed site is on air, and it shows that the proposed site closes the significant service coverage gap.

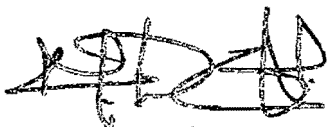
The site is also necessary to address the impact of AT&T customers' smart phone adoption and usage. AT&T customers are using their smart phones and wireless tablets in a manner that has caused a ***20,000% increase in mobile data usage on AT&T's network over the past five years (2007-2011).*** AT&T expects total mobile data volume to ***grow 8x-10x over the next five years***. To put this estimate in perspective, all of AT&T Mobility's mobile traffic during 2010 would be equal to only six or seven weeks of mobile traffic volume in 2015.

To address this increase in usage, AT&T is deploying its 4G LTE service at the proposed site, which will provide the most advanced personal wireless experience available. 4G LTE is capable of delivering speeds up to 10 times faster than industry-average 3G speeds. LTE technology also offers lower latency, or the processing time it takes to move data through a network, such as how long it takes to start downloading a webpage or file once you've sent the request. Lower latency helps to improve the quality of personal wireless services. What's more, LTE uses spectrum more efficiently than other technologies, creating more space to carry data traffic and services and to deliver a better overall network experience.

Exhibit 3 is a map that measures 4G LTE service in the area surrounding the Property. The map clearly shows that without the proposed site there is no 4G LTE service in the area. After the site is on air, Exhibit 4 shows that 4G LTE service is available both indoors and outdoors in the targeted service area. This is important because AT&T holds a FCC license for the 700 MHz spectrum it intends to use to bring 4G LTE service to its customers in Albany, and

it seeks to fully utilize this finite resource. It is also important because as existing customers migrate to 4G LTE, the LTE technology will provide the added benefit of reducing 3G data traffic, which can contribute to degradation of service on the UMTS (3G) network during peak usage periods.

I have a BS in electronics and communications engineering (EE) and have worked as an engineering expert in the wireless communications industry for over 11 years.

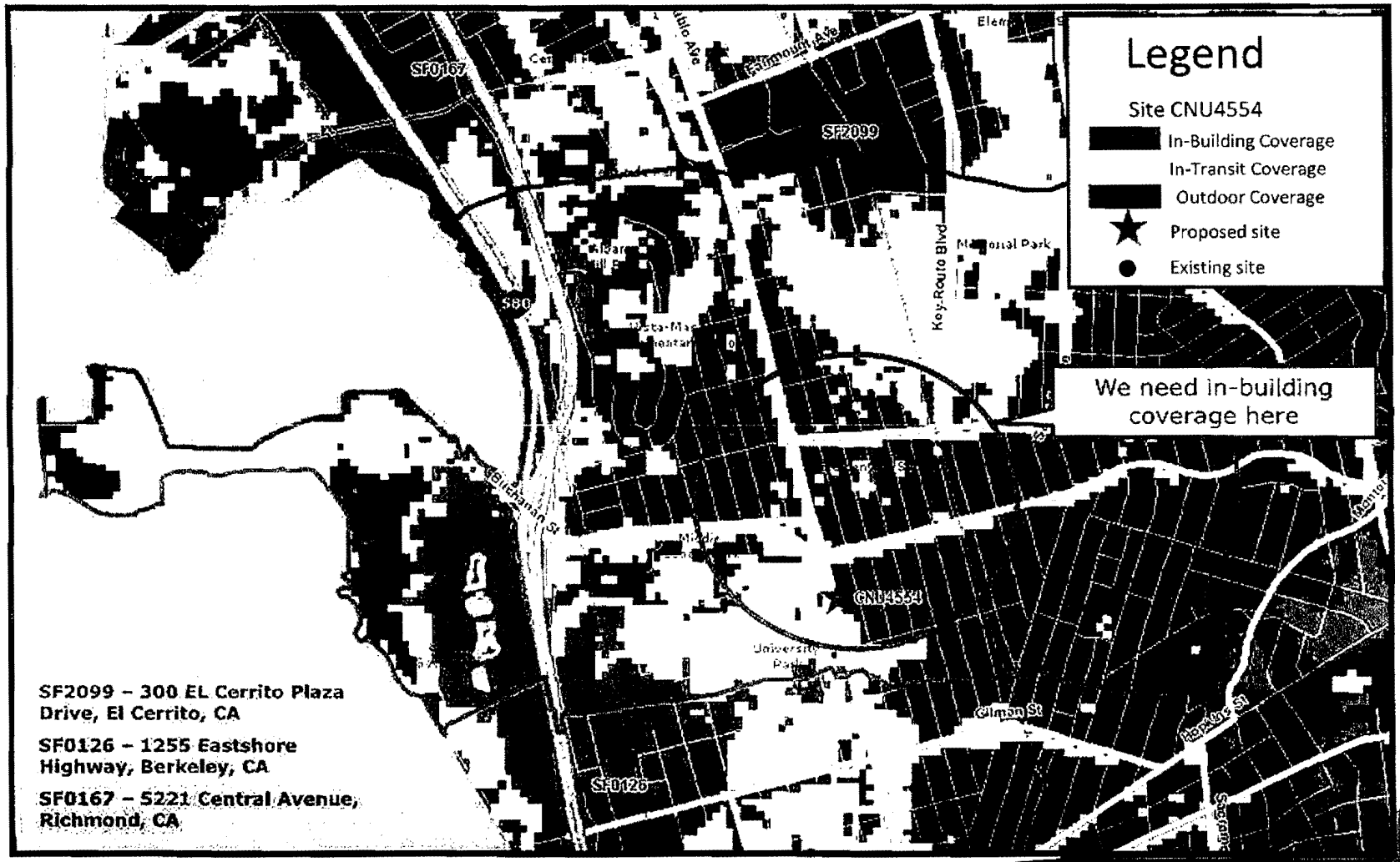


Michael Quinto

May 22, 2012

Existing UMTS 850 MHz Coverage

May 21, 2012



MD 5/22

Proposed UMTS 850 MHz Coverage
1035 San Pablo Avenue

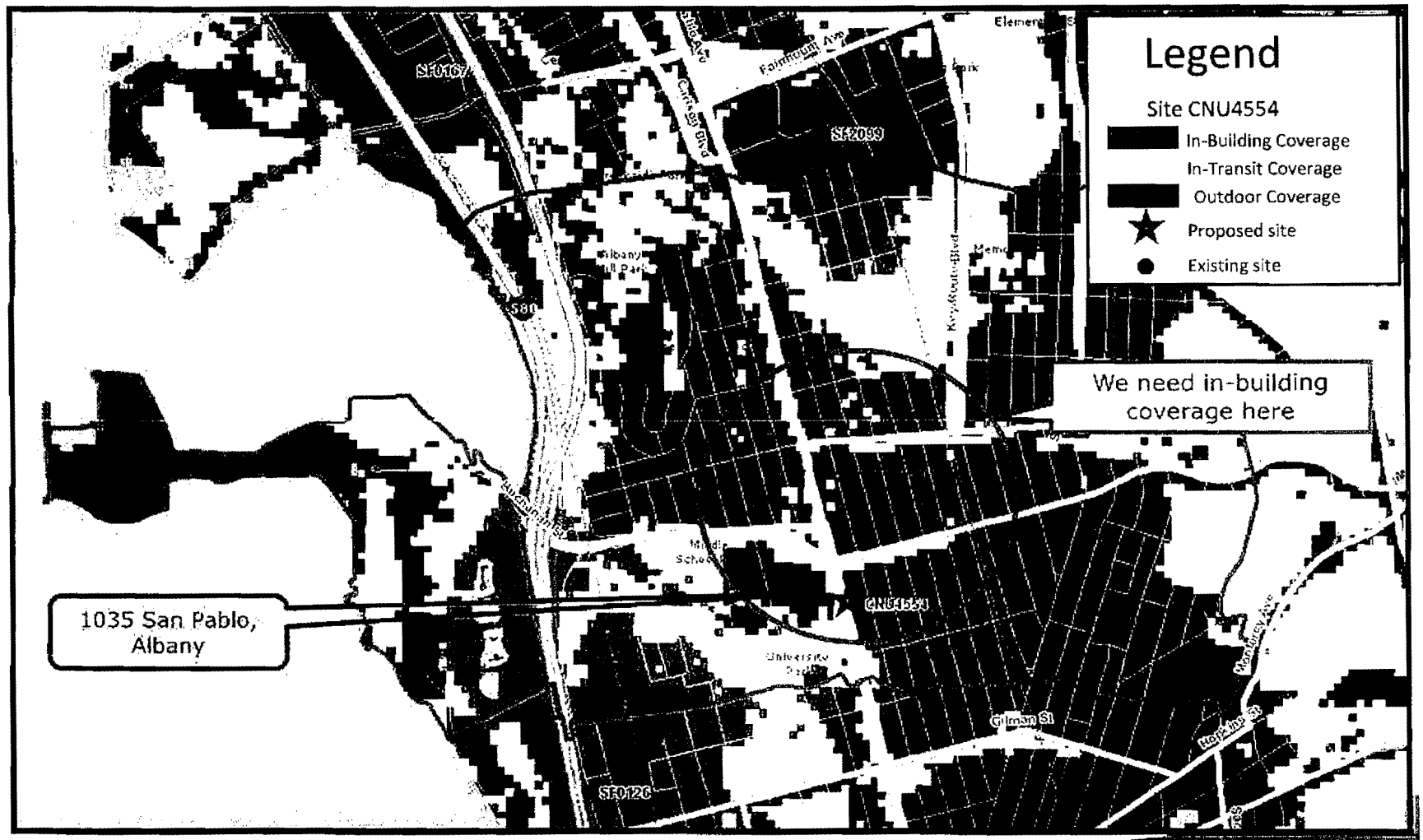
May 21, 2012

AT&T

HP 5/22

Existing LTE 700 MHz Coverage

May 21, 2012



at&t

PCD 5/22

Proposed 700 MHz Coverage
1035 San Pablo Avenue

May 21, 2012

AT&T

HP 8/22

EXHIBIT D

AT&T Alternative Sites Analysis
Planning Application #08-038
1035 San Pablo Avenue, Albany, CA

Site	Analysis
CMX District	This is the first location preference under the city's code. There were no available and/or technologically feasible sites identified. In fact, AT&T determined that even at 150 feet high, well in excess of the City height requirements, a new wireless communication facility in the CMX district would not provide in-building coverage throughout most of the gap area.
1000 San Pablo Avenue	Albany Fire Department monopole; Public Facility; collocation; unavailable because city refused to allow AT&T to attach. AT&T was unable to identify any other public facility on which to construct, either by collocation or new facility.
800 Buchanan Street	Based on suggestions from the city and residents, AT&T analyzed the USDA Building, a second preference location as a public facility. However, this site is unavailable because USDA refuses to allow AT&T to locate there. As recently as April 28, 2012, the USDA confirmed that it will not allow AT&T to install facilities at this site. Exhibit D-1, attached hereto, is an email from the USDA confirming its policy disallowing AT&T to site wireless communication facilities on its roof. In addition, AT&T's analysis shows that a wireless communication facilities installed on the roof of the USDA building is not a technologically feasible site because AT&T could not meet its coverage objectives from this site even with a wireless communication facility at 65 feet tall (which is too high under the Code).
1035 San Pablo Avenue	Proposed site; San Pablo Commercial District; collocation opportunity; available and technologically feasible
979 San Pablo Avenue	San Pablo Commercial District; no collocation opportunity. This site was available due to landlord interest, but it is not technologically feasible as AT&T's radio frequency engineers determined that a wireless communication facility there would need to extend to 50 feet in height to meet the coverage objective. In addition to not being a collocation opportunity, this would have required building new

	large penthouse on the rooftop and a wireless communication facility in excess of ten feet above the maximum height for the San Pablo Commercial District (and significantly higher than the building itself). For these reasons, a wireless communication facility at 979 San Pablo Avenue would be far more intrusive than one at the proposed site.
1231 Solano Avenue	Solano Commercial District; no collocation opportunity; not technologically feasible.
1115 Solano Avenue	San Pablo Commercial District/Com. Node Overlay; no collocation opportunity; unavailable because property owner refused to allow AT&T to locate here; not technologically feasible.
940 San Pablo Avenue	San Pablo Commercial District; collocation opportunity; property owner refused to allow AT&T to locate here.
850 Stannage Avenue	Residential facility within commercial district; no collocation opportunity; not technologically feasible.
1051 Monroe Street	Residential District (R-2); unavailable due to lack of response from property owner; not technologically feasible to fill portion of target coverage gap.
1760 Solano Avenue, Berkeley	Considered at request of citizen group ARROW; In May 2012, AT&T analyzed this additional site at the request of city residents, 1760 Solano Avenue, Berkeley. This site is not technologically feasible to fill AT&T's significant service coverage gap in southeast Albany.

EXHIBIT D-1

From: "Watson, Gwyn" <Gwyn.Watson@ARS.USDA.GOV>
To: Gordon Bell <gordon.bell@cortel-llc.com>
Cc: "Zhang, Howard" <Howard.Zhang@ARS.USDA.GOV>; "Moreno, Thomas" <Thomas.Moreno@ARS.USDA.GOV>; "Williams, Carolyn" <Carolyn.Williams@ARS.USDA.GOV>; WARWICK DAVID E <dw989v@att.com>; TASHA (ATTCINW) SKINNER <ts670x@att.com>; BARBARA (ATTSI) LESLIE <bl4981@att.com>; VERNIZZI MARIO <mv3894@att.com>
Sent: Saturday, April 28, 2012 12:49 PM
Subject: RE: AT&T Mobility - Albany Site - Potential Lease with USDA

Good Morning Gordon,

Regarding AT&Ts inquiry as to "leas(ing) space on the USDA building for a wireless communications facility" the USDA cannot accommodate your request under our current leasing authority which does not include space rental to commercial businesses.

Regards,

Gwyn

Gwyn Watson
Administrative Officer
USDA, ARS, WRRC
800 Buchanan Street
Albany, CA 94710
510.559.6029 phone
510.559.5638 fax

From: Gordon Bell [mailto:gordon.bell@cortel-llc.com]
Sent: Wednesday, April 25, 2012 2:47 PM
To: Zhang, Howard; Watson, Gwyn
Cc: WARWICK DAVID E; TASHA (ATTCINW) SKINNER; BARBARA (ATTSI) LESLIE; VERNIZZI MARIO
Subject: AT&T Mobility - Albany Site - Potential Lease with USDA

Gwyn/Howard-

A while back I spoke with Tom Moreno about the potential for AT&T to lease space on the USDA building for a wireless communications facility. He referred me to the both of you as a point of contact to investigate this potential. As you may or may not know, we currently have a planning application in with the City of Albany for a facility at 1035 San Pablo Avenue. This application has been subject to significant controversy and has recently been heard by the Albany Planning Commission (January 10th, February 28th, and April 24th). Opponents of the project have continually suggested that we enter into a lease for a site on the USDA building and that we withdraw our application at 1035 San Pablo Avenue.

When I spoke to Tom, we discussed briefly AT&T's needs regarding 24-hour access and the fact that the research facility is a secured facility, and how this might be problematic.

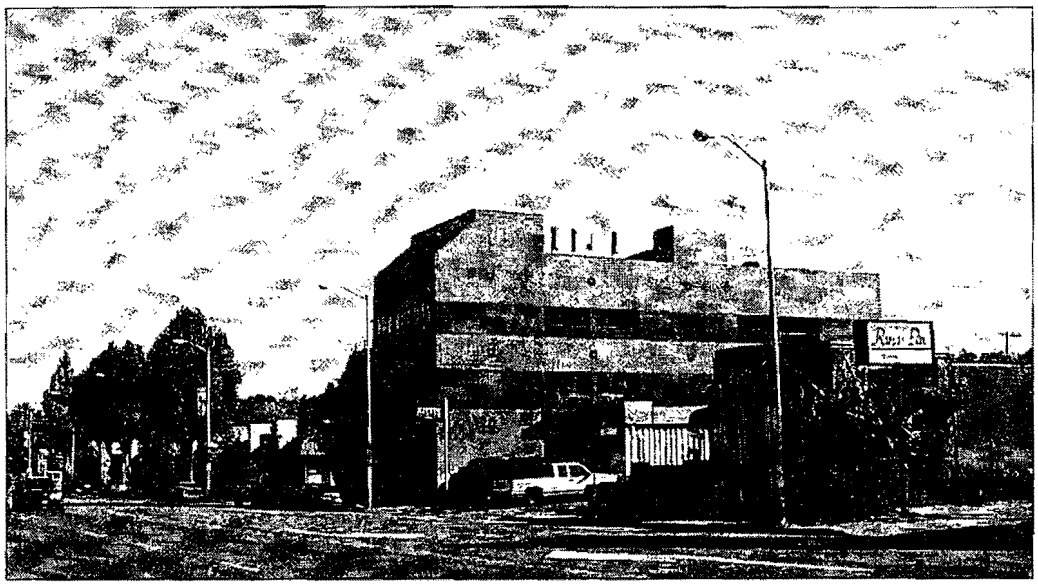
Can you please confirm for us via email whether or not you believe that the USDA would be interested in leasing to AT&T so that we can put this issue to bed? We would greatly appreciate it. If neither one of you can confirm this, can you please direct me to someone who can?

Gordon J. Bell
Cortel, LLC
4020 Sierra Springs Drive
Pollock Pines, CA 95726
Ph: 530.647.1932 (preferred)
Mobile: 530.409.5927

EXHIBIT E

ALTERNATIVES ANALYSIS

AT&T Wireless Facility



1035 SAN PABLO, ALBANY, CALIFORNIA

ATTACHMENT 5

Table of Contents

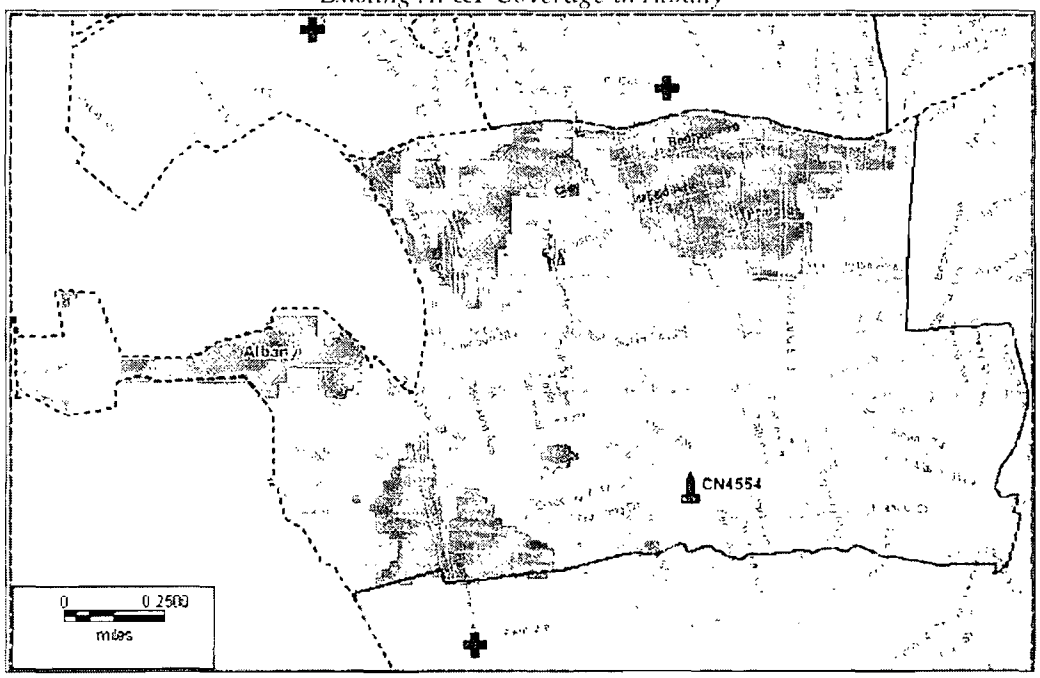
Summary

AT&T Mobility has identified a significant gap in its 3G service in southeast Albany AT&T Mobility proposes to install a wireless communications facility ("WCF") at 1035 San Pablo Avenue ("The Proposed Facility") as a means to fill this gap in coverage The facility consists of nine panel antennas (three antennas for each of three sectors) and five equipment cabinets concealed from view by screening materials which match the color and texture of the building The antennas will be mounted approximately 43 feet above ground level on the roof of the building, which is the tallest building in the area The Proposed Facility is the least intrusive means to fill the significant gap of the nine alternatives investigated by AT&T Mobility as set forth below

Objective

AT&T Mobility has identified a significant gap in its indoor 3G coverage in the southeast portion of the City of Albany, an area roughly bounded by Washington Avenue and Solano Avenue to the north, Harrison Street, Dartmouth Street and Posen Avenue to the south, Ventura Avenue to the east, and Polk Street, Taylor Street, Marin Avenue, and 8th Street to the west The following map shows the coverage currently available in Albany

Existing AT&T Coverage in Albany



- Indoor Coverage (Green) AT&T customers can make and receive calls indoors
- Outdoor Coverage (Yellow) AT&T customers can make and receive calls outdoors but not inside of a vehicle, public transportation or building
- Existing AT&T wireless communications facilities are marked with blue crosses

Methodology and Zoning Criteria

The location of a WCF to fill a significant gap in coverage is dependant upon topography, zoning, existing structures, collocations opportunities, available utilities, access and a willing landlord Wireless communications is line-of-sight technology which requires WCFs to be in relatively close proximity to the wireless handsets to be served The gently sloping urban topography of the gap to be filled in Albany requires elevation to serve a broader coverage area

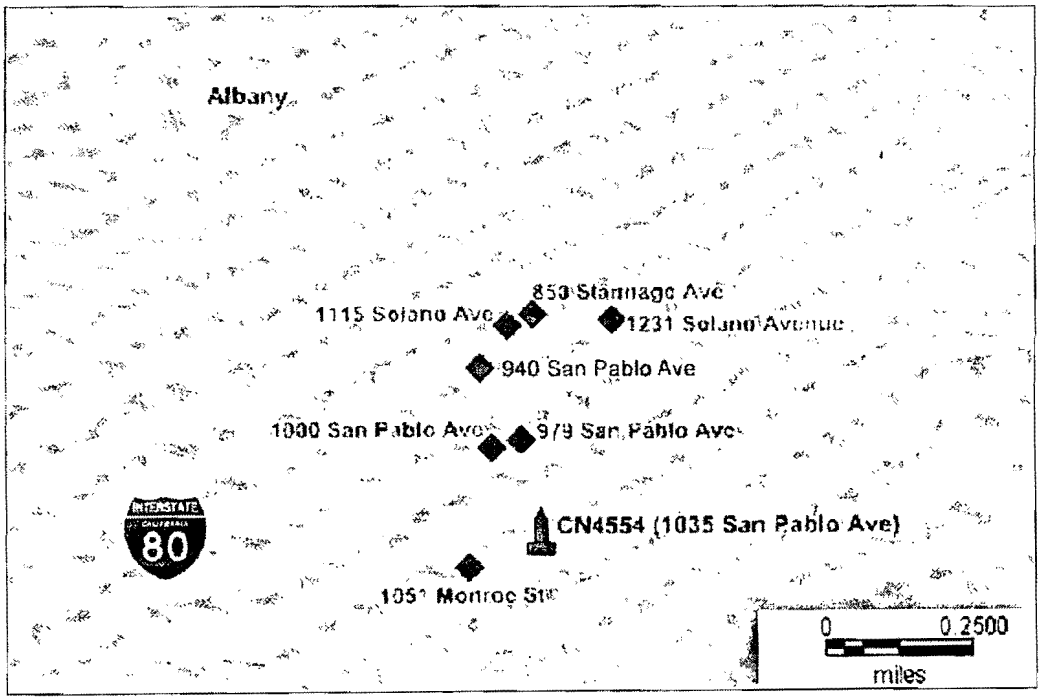
AT&T Mobility seeks to fill any significant gap in coverage using the least intrusive means under the values expressed in the Wireless Communications Facilities provisions of the Albany Municipal Code (Sec 20 20 100 et seq , "The Wireless Code") and General Plan The Wireless Code sets forth the preferences for the locations of WCFs in Albany Facilities are effectively prohibited in residential zones (Sec 20 20 100 D 1) In descending order, facilities are preferred in Commercial Mixed Use Districts ("CMX"), Public Facilities Districts ("PF") and the San Pablo Commercial District ("SPC") or Solano Commercial District ("SC") The Wireless Code further establishes preferences for co-location (See Sec 20 20 100 E 2 a) and for use of existing structures Further, the Wireless Code requires maximum setback from permitted child care facilities and schools (See Sec 20 20 100 D 3 a) and specifies setbacks from residential districts (See Secs 20 20 100 D 3 b and 20 20 100 D 4)

Based on the foregoing parameters, AT&T investigated available site locations that could provide coverage to the significant gap, first looking to collocate with facilities and existing structures that would provide adequate elevation for propagation of RF signal over the coverage area AT&T Mobility also investigated preferred zoning districts and sought the use of public facilities The result of AT&T Mobility's analysis is set forth below

Analysis

AT&T Mobility investigated nine potential alternatives for facilities to fill the identified significant gap in Albany. Following is a map showing the locations of eight of these alternatives (we explain below why the ninth alternative, placing a WCF in the CMX zone, is infeasible). All nine alternatives are discussed in the analysis which follows.

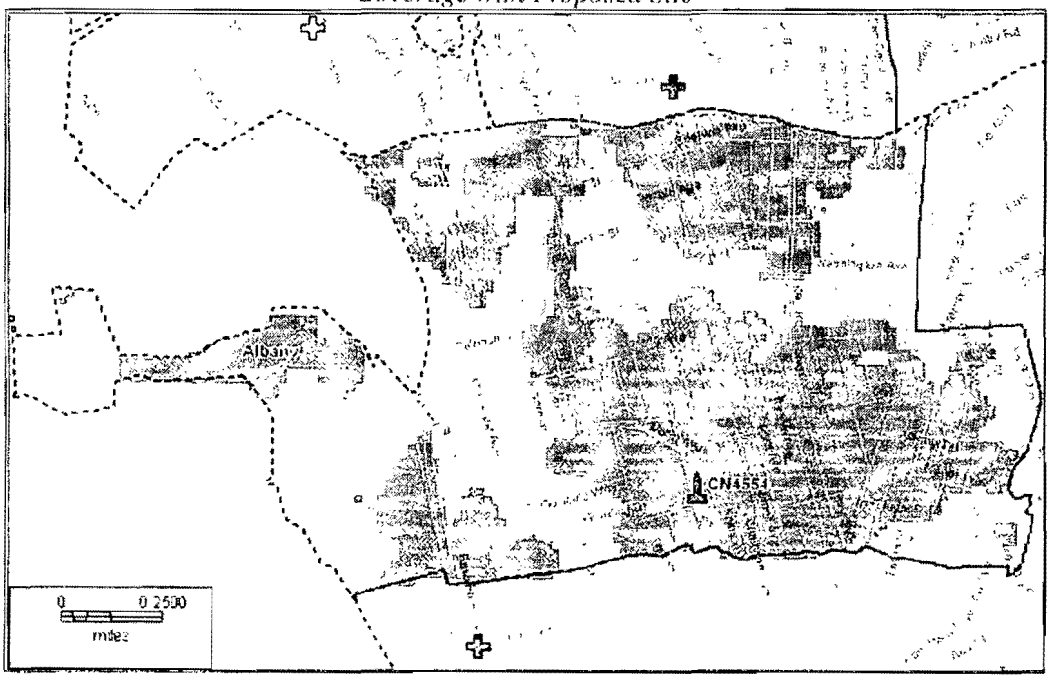
Locations of Candidate Sites



1. 1035 San Pablo Avenue -- Proposed Facility

The Proposed Facility is located on the tallest building closest to the center of the identified coverage gap, providing ideal line-of-sight coverage to the identified coverage objective A propagation map depicting the anticipated signal coverage from the facility is shown below The facility will be located on an existing structure in compliance with Section 20 20 100 E 3 of the Wireless Code In addition, the building currently hosts an existing wireless facility and qualifies as a collocation under Section 20 20 100 E 2 a Antennas and radio equipment on the facility will be camouflaged and screened from view in compliance with Section 20 20 100 E 1 j Finally, the Proposed Facility is located in the San Pablo Commercial District, which is a permitted location for wireless facilities and meets required setbacks from adjacent residential zone according to Section 20 20 100 D 2 c As designed the Proposed Facility will have no aesthetic impacts on the surrounding neighborhood as shown in the photosimulation on the cover of this report Based upon the superior coverage as shown in the proposed coverage map, the camouflage design shown in the photosimulation and compliance with the Wireless Code described above, the proposed facility constitutes the least intrusive means for AT&T Mobility to provide 3G service to the significant gap described above

Coverage with Proposed Site



2. 1000 San Pablo Avenue –Albany Fire Department

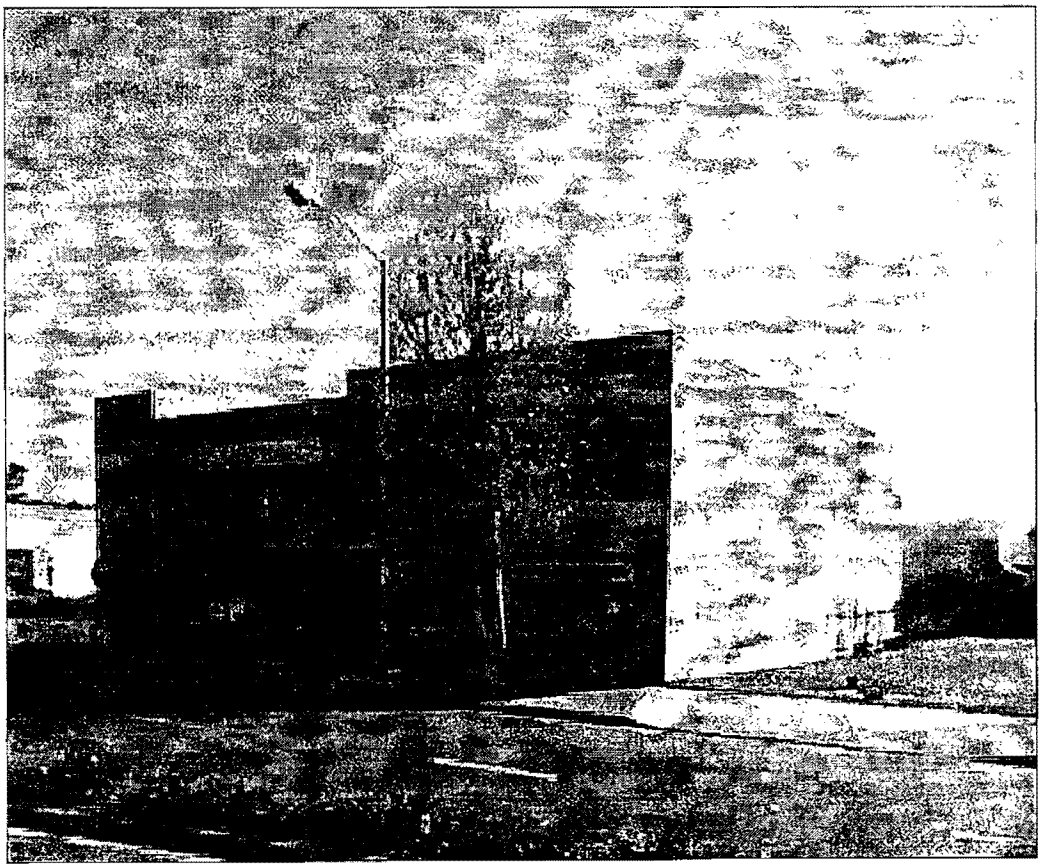
The Albany Fire Department located at 1000 San Pablo Avenue represents the only public facility (that is not a school) located sufficiently close to the center of the coverage gap to provide adequate signal propagation to the coverage objective Schools within Public Facility Districts located at 1001 Santa Fe Avenue and 920 Talbot Avenue in the coverage area were not considered due to the prohibitions of Section 20 20 100 D 2 b of the Wireless Code The Albany Fire Department declined to lease the facility to AT&T for a WCF The unavailability of this location was confirmed by Albany Planning and Building Manager Jeff Bond in November 2009 and September 2010

3. 850 Stannage Avenue

The commercial building located at 850 Stannage Avenue was investigated by AT&T Mobility as a possible site location Upon further review by AT&T Mobility RF engineers, the site was determined to have inadequate elevation to provide sufficient signal propagation to the proposed coverage area In addition, there are no existing WCFs at the site so it would not satisfy the Wireless Code's collocation preference

4. 979 San Pablo Avenue

The commercial building located at 979 San Pablo Avenue was investigated by AT&T Mobility as a possible site location Upon further review by AT&T Mobility RF engineers, the site was determined to have inadequate elevation to provide sufficient signal propagation to the proposed coverage area In addition, there are no existing WCFs at the site so it would not satisfy the Wireless Code's collocation preference



5. 1231 Solano Avenue

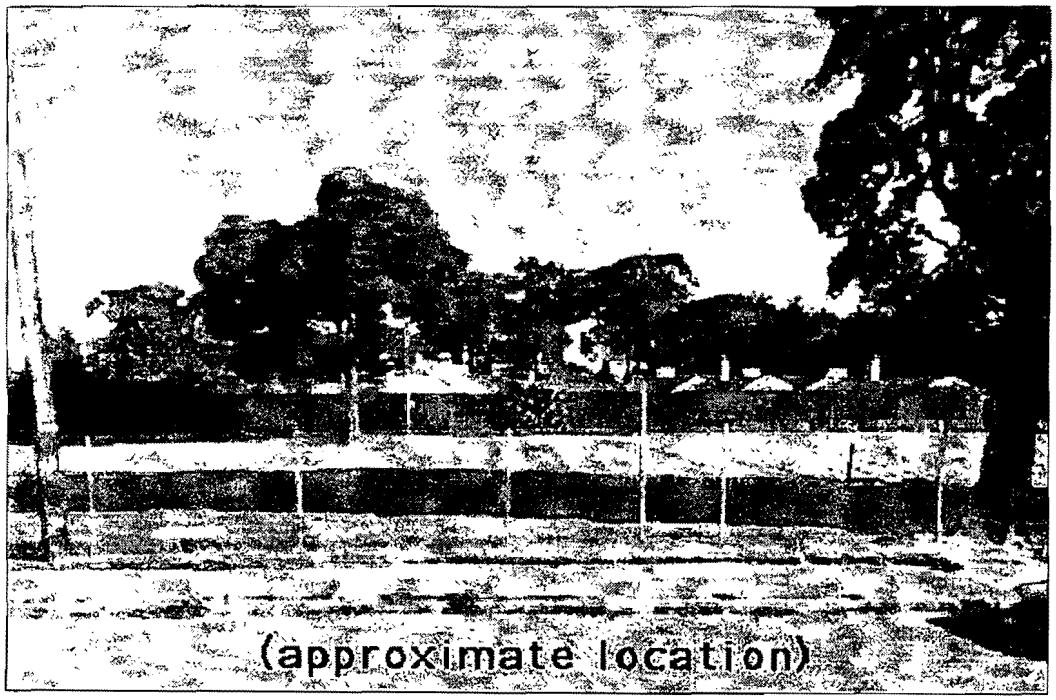
The commercial building located at 1231 Solano Avenue was investigated by AT&T Mobility as a possible site location Upon further review by AT&T Mobility RF engineers, the site was determined to have inadequate elevation to provide sufficient signal propagation to the proposed coverage area In addition, there are no existing WCFs at the site so it would not satisfy the Wireless Code's collocation preference

6. 1115 Solano Avenue -- Albany Theater

AT&T Mobility considered the Albany Theater building located at 1115 Solano Avenue Upon further investigation, it was determined that this building has likely historical significance and probable historical status According to its website, the building that the Albany Theatre occupies was built in the 1920s, originally as a meeting hall and then a dance hall with live music In 1935, the building was converted to the new home of the Albany Theatre Potential historical significance would require extensive analysis by environmental consultants to comply with the California Environmental Quality Act and the National Environmental Policy Act The site is disfavored due to cost and time delays to determine historical significance as well as the possible impacts on historical significance which could result from locating a WCF at this location In addition, there are no existing WCFs at the site so it would not satisfy the Wireless Code's collocation preference

7. 1051 Monroe Street – University of California, Albany Unified School District

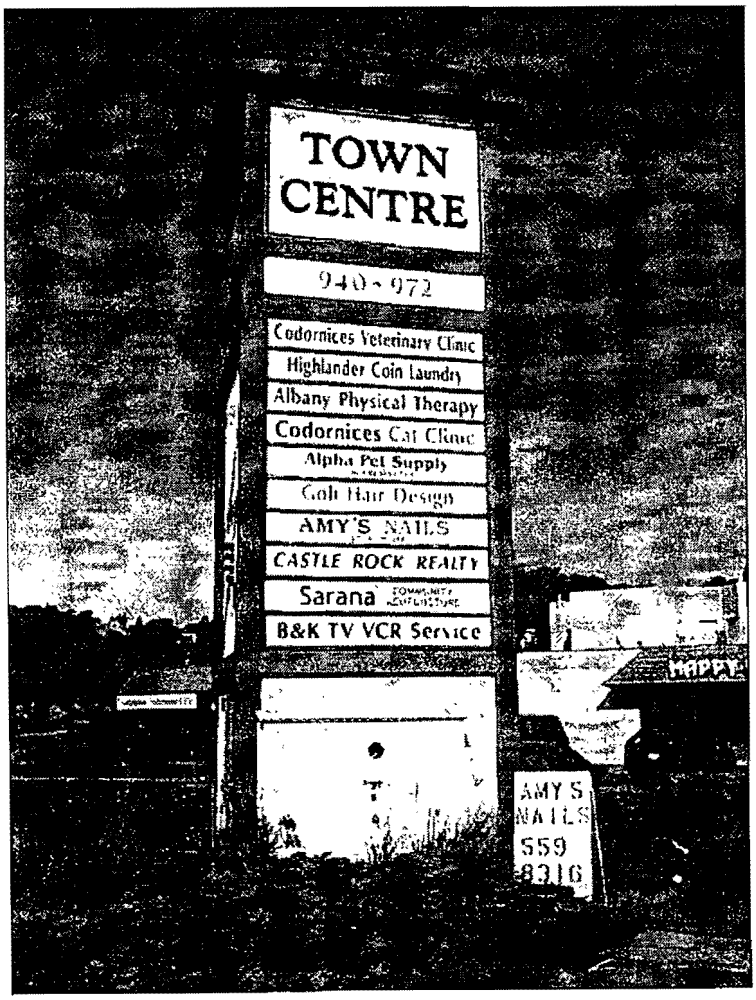
AT&T Mobility investigated the property located at 1051 Monroe Street This site was considered because it is owned by the University of California and would be exempt from review by the City of Albany The University of California was unresponsive when contacted by AT&T Mobility about leasing of this portion of the 75 acre raw land site Future use of this land has not been determined by the University of California which precludes present commitment to a long-term WCF In addition, the location is in close proximity to Ocean View Elementary School and is therefore disfavored under the Wireless Code



8. 940 San Pablo Avenue -- Town Centre Structure

AT&T investigated the property located at 940 San Pablo Avenue Although formerly a Cingular facility, T-Mobile currently owns and operates the wireless facility at this site The existing sign structure housing T-Mobile's antennas would not accommodate another carrier unless the height of the structure were increased another 10-15 feet This would not only create an additional visual impact, but would require a height variance because it would exceed the maximum height of 30 feet for free-standing signs As such this site is disfavored due to aesthetic impacts and inconsistency with the zoning code height limits

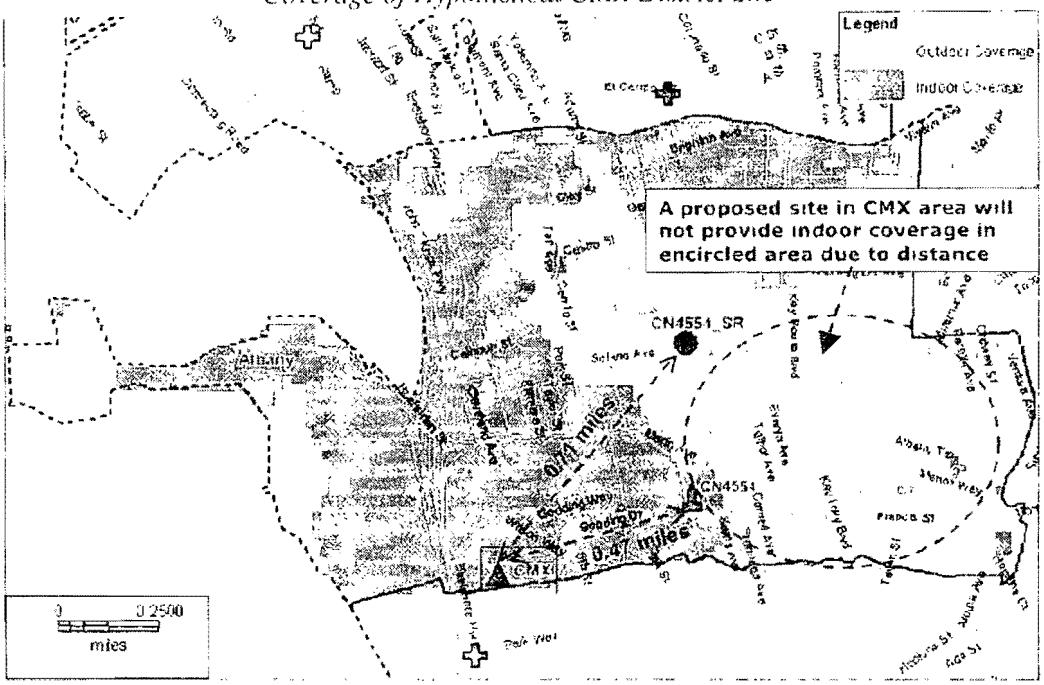
Additionally, City of Albany staff have stated that if AT&T were to locate in this area the preferred location would be a roof top design and not a sign extension The existing structures in the Town Centre are 20'-25' tall and a proposed facility at this location would not provide adequate height to fill the current coverage gap



9. CMX District

The City of Albany permits WCFs in four zoning districts with a first preference for location in the Commercial Mixed Use District ("CMX") The only areas of Albany zoned as CMX are located on the far west edge of the City near San Francisco Bay and fall well outside of the area in which a site must be located to provide coverage to the significant gap area in southeast Albany The boundaries of the CMX District are generally located one-half mile or more from the proposed coverage area A map showing coverage from a hypothetical CMX site is shown below

Coverage of Hypothetical CMX District Site



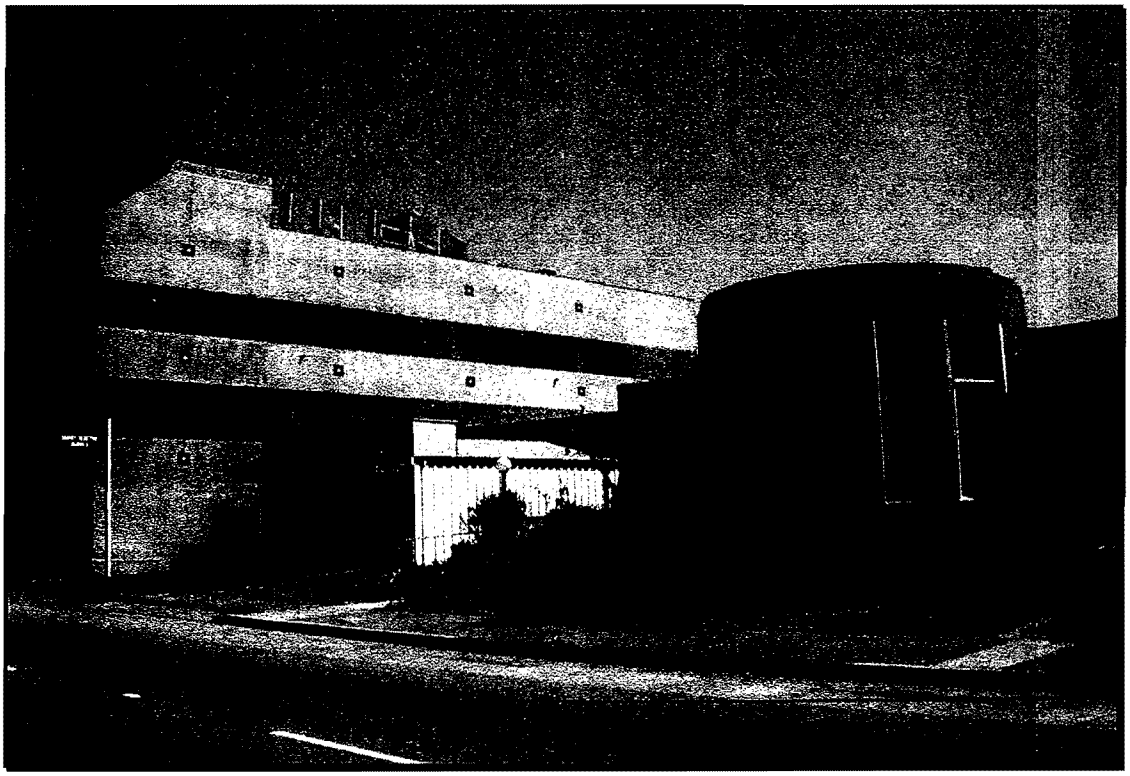
Conclusion

Based on the foregoing analysis, the Proposed Facility constitutes the least intrusive means to fill the significant gap in AT&T 3G coverage based upon the values expressed in the Wireless Code and Albany General Plan In compliance with those values, the Proposed Facility will be collocated on an existing three-story commercial building in the San Pablo Commercial District utilizing stealth and camouflage techniques to minimize aesthetic impacts None of the other eight alternatives reviewed provided comparable signal coverage while complying with the requirements and values of the Wireless Code and General Plan

EXHIBIT F

ALTERNATIVES ANALYSIS

AT&T Wireless Facility



1035 SAN PABLO, ALBANY, CALIFORNIA

Table of Contents

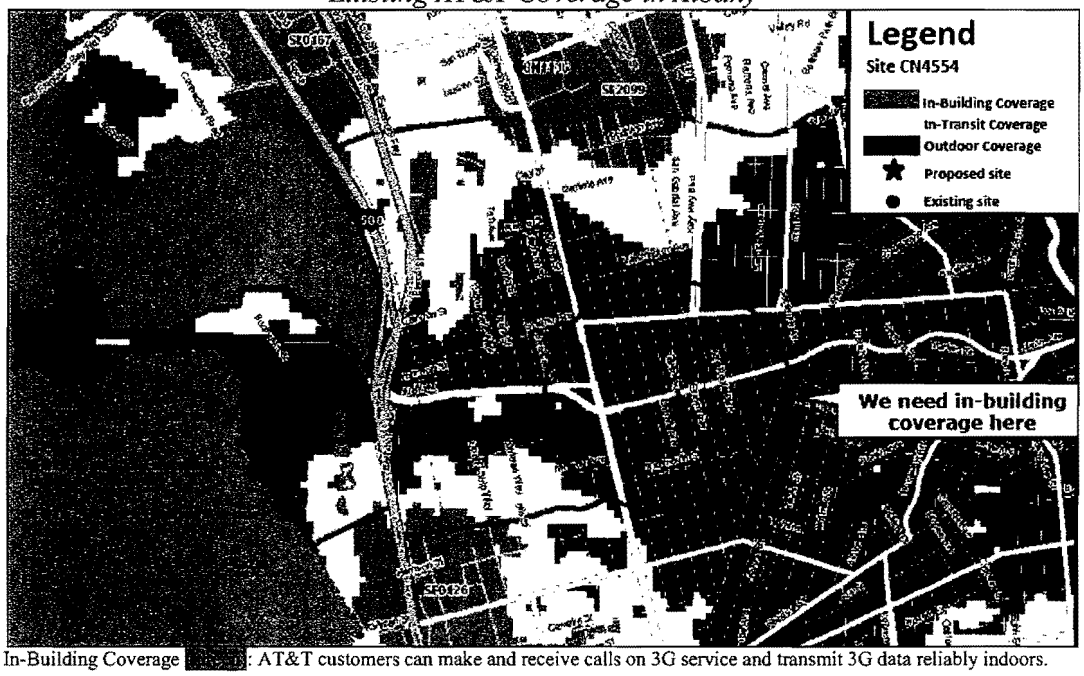
Summary

AT&T Mobility has identified a significant gap in its 3G service in southeast Albany. AT&T Mobility proposes to install a wireless communications facility ("WCF") at 1035 San Pablo Avenue ("The Proposed Facility") as a means to fill this gap in coverage. The facility consists of nine panel antennas (three antennas for each of three sectors) and five equipment cabinets concealed from view by screening materials which match the color and texture of the building. The antennas will be mounted approximately 43 feet above ground level on the roof of the building, which is the tallest building in the area. The Proposed Facility is the least intrusive means to fill the significant gap of the ten alternatives investigated by AT&T Mobility as set forth below.

Objective

AT&T Mobility has identified a significant gap in its indoor 3G coverage in the southeast portion of the City of Albany, an area roughly bounded by Washington Avenue and Solano Avenue to the north; Harrison Street, Dartmouth Street and Posen Avenue to the south; Ventura Avenue to the east; and Polk Street, Taylor Street, Marin Avenue, and 8th Street to the west. The following map shows the coverage currently available in Albany.

Existing AT&T Coverage in Albany



- In-Building Coverage : AT&T customers can make and receive calls on 3G service and transmit 3G data reliably indoors.
- In Transit Coverage (Yellow): AT&T customers can make or receive calls and transmit data reliably on 3G service in a bus, train, vehicle or other above ground transportation, and unreliably indoors .
- Outdoor Coverage : AT&T customers can make and receive calls on 3G service and transmit 3G data outdoors but not inside of a vehicle, public transportation or indoors reliably.
- Existing AT&T Wireless communications facilities are marked with black circle.

Methodology and Zoning Criteria

The location of a WCF to fill a significant gap in coverage is dependant upon topography, zoning, existing structures, collocations opportunities, available utilities, access and a willing landlord. Wireless communications is line-of-sight technology which requires WCFs to be in relatively close proximity to the wireless handsets to be served. The gently sloping urban topography of the gap to be filled in Albany requires elevation to serve a broader coverage area.

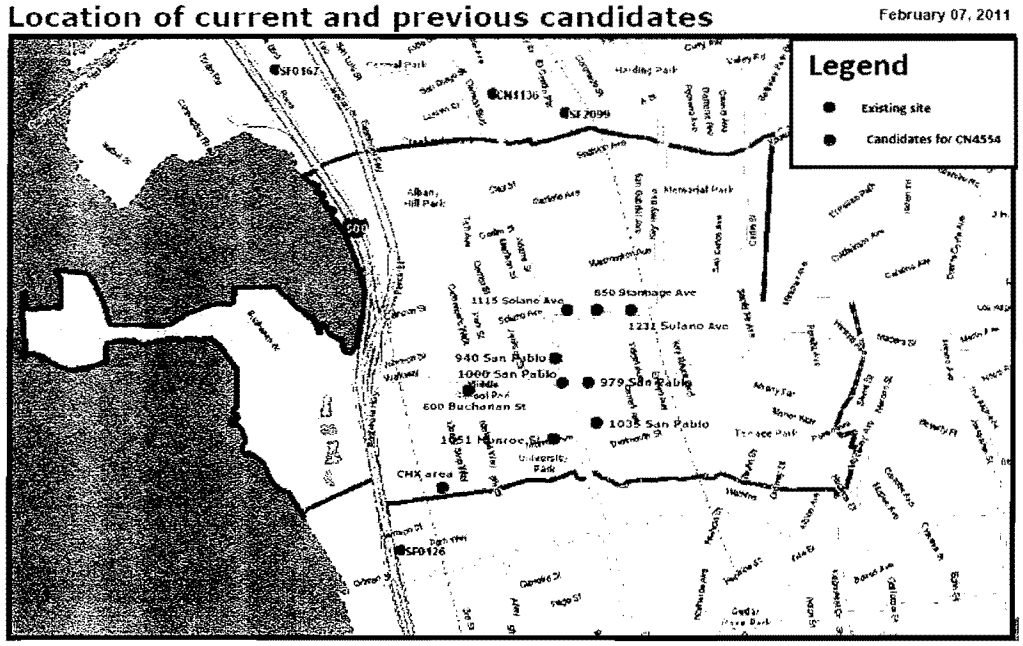
AT&T Mobility seeks to fill any significant gap in coverage using the least intrusive means under the values expressed in the Wireless Communications Facilities provisions of the Albany Municipal Code (Sec. 20.20.100 et. seq., "The Wireless Code") and General Plan. The Wireless Code sets forth the preferences for the locations of WCFs in Albany. Facilities are effectively prohibited in residential zones (Sec. 20.20.100.D.1). In descending order, facilities are preferred in Commercial Mixed Use Districts ("CMX"), Public Facilities Districts ("PF") and the San Pablo Commercial District ("SPC") or Solano Commercial District ("SC"). The Wireless Code further establishes preferences for co-location (See Sec. 20.20.100.E.2.a) and for use of existing structures. Further, the Wireless Code requires maximum setback from permitted child care facilities and schools (See Sec. 20.20.100.D.3.a.) and specifies setbacks from residential districts (See Secs. 20.20.100.D.3.b and 20.20.100.D.4).

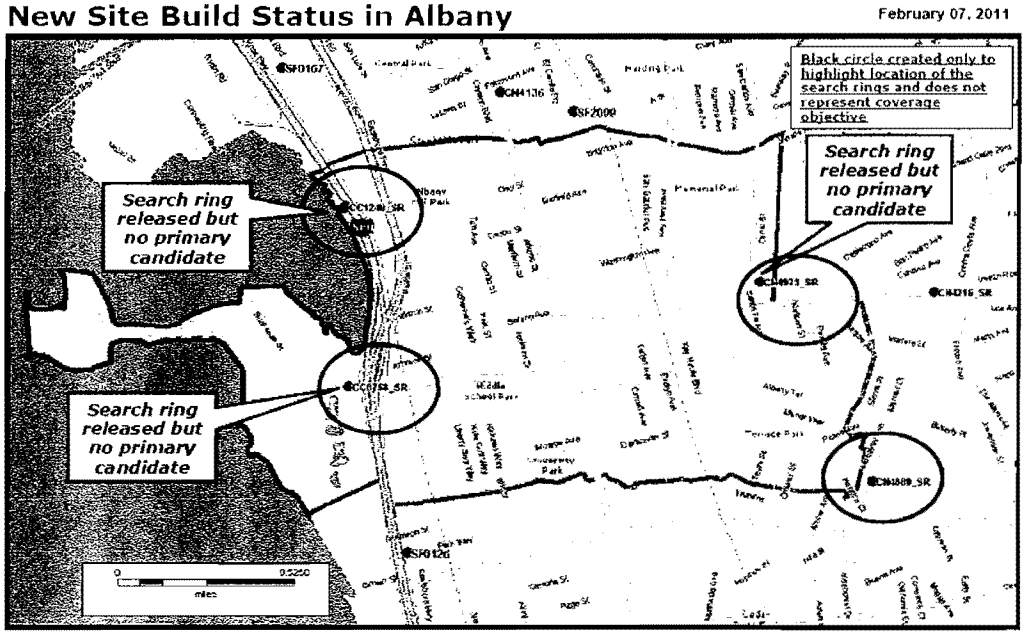
Based on the foregoing parameters, AT&T investigated available site locations that could provide coverage to the significant gap, first looking to collocate with facilities and existing structures that would provide adequate elevation for propagation of RF signal over the coverage area. AT&T Mobility also investigated preferred zoning districts and sought the use of public facilities. The result of AT&T Mobility's analysis is set forth below.

Analysis

AT&T Mobility investigated ten potential alternatives for facilities to fill the identified significant gap in Albany. Following is a map showing the locations of these alternatives (we explain below why the tenth alternative, placing a WCF in the CMX zone, is infeasible). All ten alternatives are discussed in the analysis which follows.

Locations of Candidate Sites





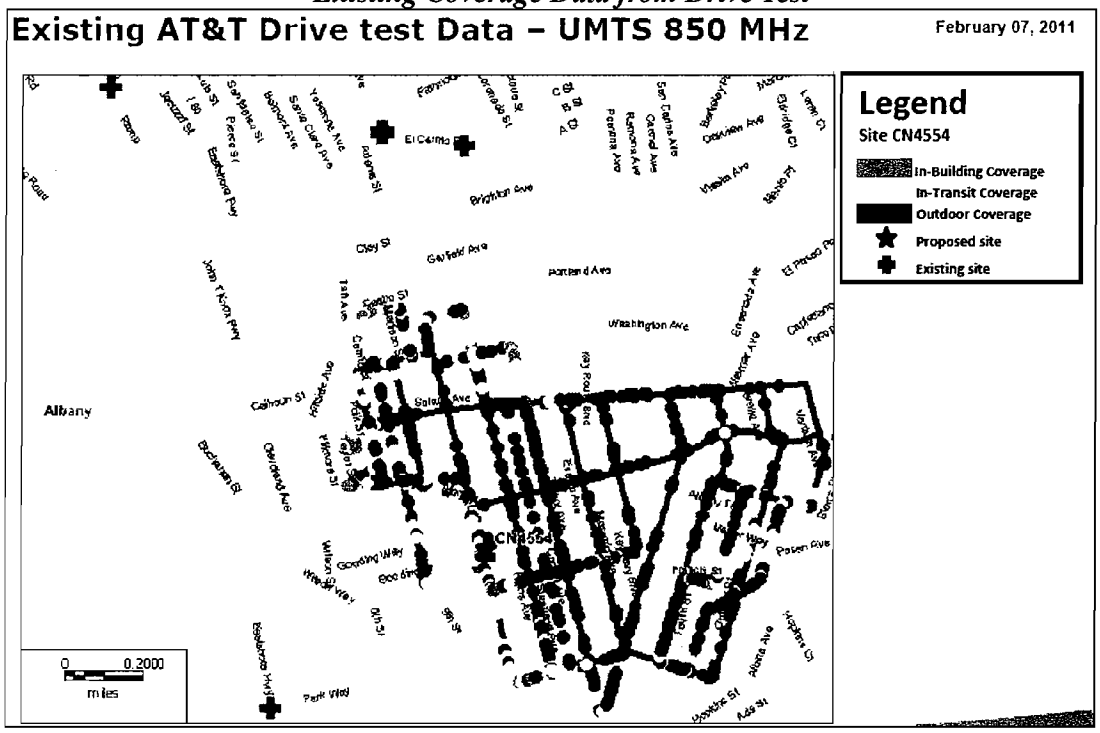
Description of Tools Used to Calculate Propagation Predictions

AT&T uses "RF" (radio frequency) Planning software, ATOLL, to analyze and predict its network's coverage, as well as performing other analysis such as interference and hand-over data.

The prediction software is calibrated with network's live service coverage measurement data and is accurate to within the industry's 9 dB standard deviation metric. i.e., the predicted coverage has a +/- 9 dB margin of error relative to real life measurement.

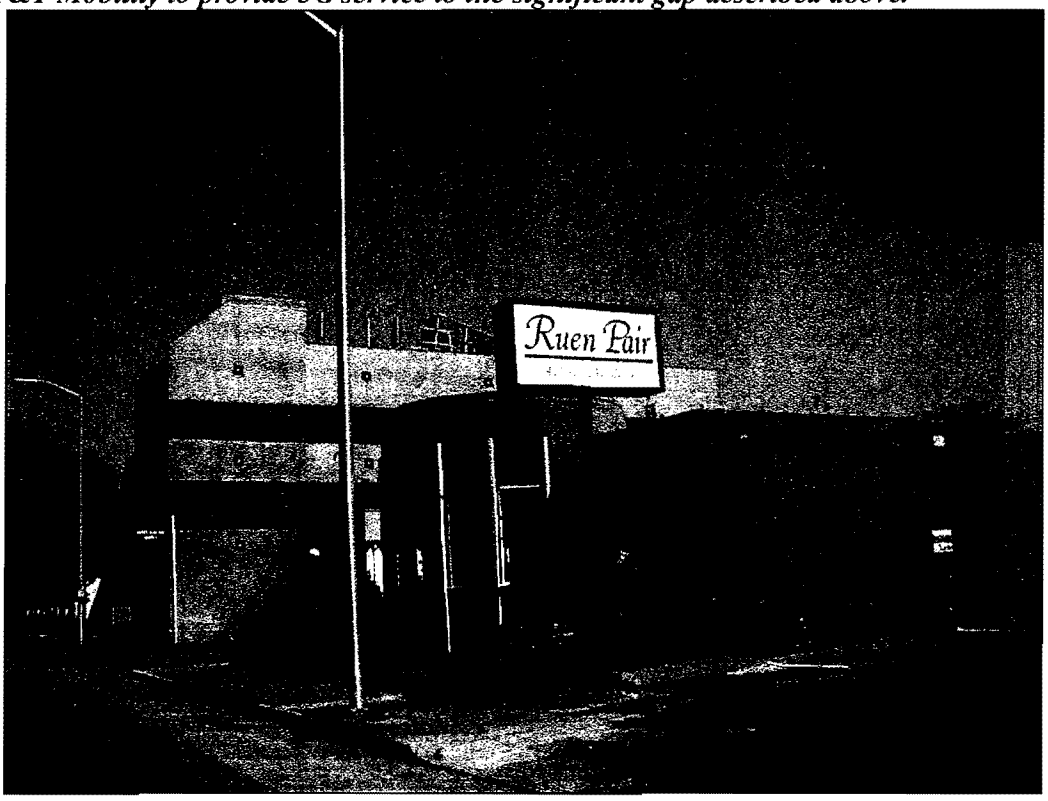
Typically, ATOLL's predicted coverage is color coded to represent the various service coverage conditions that wireless devices can reliably operate under. For example, green levels are suitable for wireless devices to be used reliably inside most buildings, yellow levels are suitable for wireless devices to be used reliably inside most vehicles (but not reliably in the majority of buildings), and blue levels are suitable for wireless devices to be used reliably outside (but not reliably in vehicles and in buildings).

Existing Coverage Data from Drive Test



1. 1035 San Pablo Avenue -- Proposed Facility

Conclusion: Based upon the superior coverage as shown in the proposed coverage map, the camouflage design shown in the photo simulation and compliance with the Wireless Code described above, the proposed facility constitutes the least intrusive means for AT&T Mobility to provide 3G service to the significant gap described above.



Leasing/Construction Considerations

This site has a willing landlord and is feasible from a construction standpoint with all facilities being located on the rooftop of the existing building.

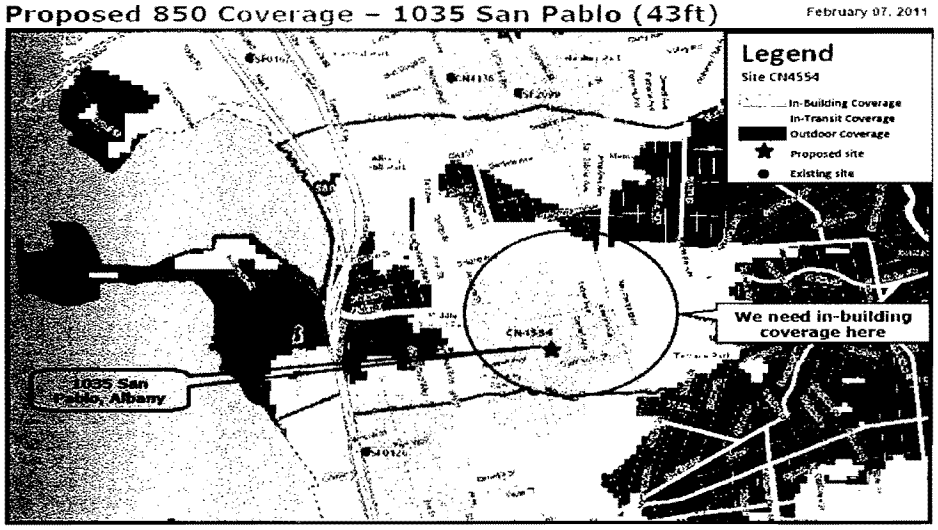
Zoning Considerations

The facility will be located on an existing structure in compliance with Section 20.20.100.E.3 of the Wireless Code. In addition, the building currently hosts an existing wireless facility and qualifies as a collocation under Section 20.20.100.E.2.a. Antennas and radio equipment on the facility will be camouflaged and screened from view in compliance with Section 20.20.100.E.1.j. Finally, the Proposed Facility is located in the San Pablo Commercial District, which is a permitted location for wireless facilities and meets required setbacks from adjacent residential zone according to Section 20.20.100.D.2.c. As designed the Proposed Facility will have no aesthetic impacts on the surrounding neighborhood as shown in the photo simulations provided with the use permit application and on the cover of this report.

RF Considerations

The Proposed Facility is located on the tallest building closest to the center of the identified coverage gap, providing ideal line-of-sight coverage to the identified coverage objective. A propagation map depicting the anticipated signal coverage from the facility is shown below.

Coverage with Proposed Site



2. 1000 San Pablo Avenue –Albany Fire Department

Conclusion: Landlord declined lease negotiations.

Leasing/Construction Considerations

The Albany Fire Department declined to lease the facility to AT&T for a WCF. The unavailability of this location was confirmed by Albany Planning and Building Manager Jeff Bond in November 2009, September 2010, and once again on December 16, 2010. Mr. Bond stated in correspondence from the Fire Department, "our technical consultants with Motorola have expressed concern about interference with our public safety radios. As a result, we are not interested in pursuing this".

Zoning Considerations

A proposed replacement tower at this location would meet the zoning code with respect to collocation on PF-zoned property; however, a replacement tower would need to be larger and more obtrusive than that which currently exists at the site, thus exacerbating visual impacts.

RF Considerations

The Albany Fire Department located at 1000 San Pablo Avenue represents the only public facility (that is not a school) located sufficiently close to the center of the coverage gap to provide adequate signal propagation to the coverage objective.

3. 850 Stannage Avenue

Conclusion: Inadequate elevation to meet AT&T coverage objective

Leasing/Construction Considerations

LL was not approached due to the fact that the building is a residential use and would not meet RF or Zoning objectives.

Zoning Considerations

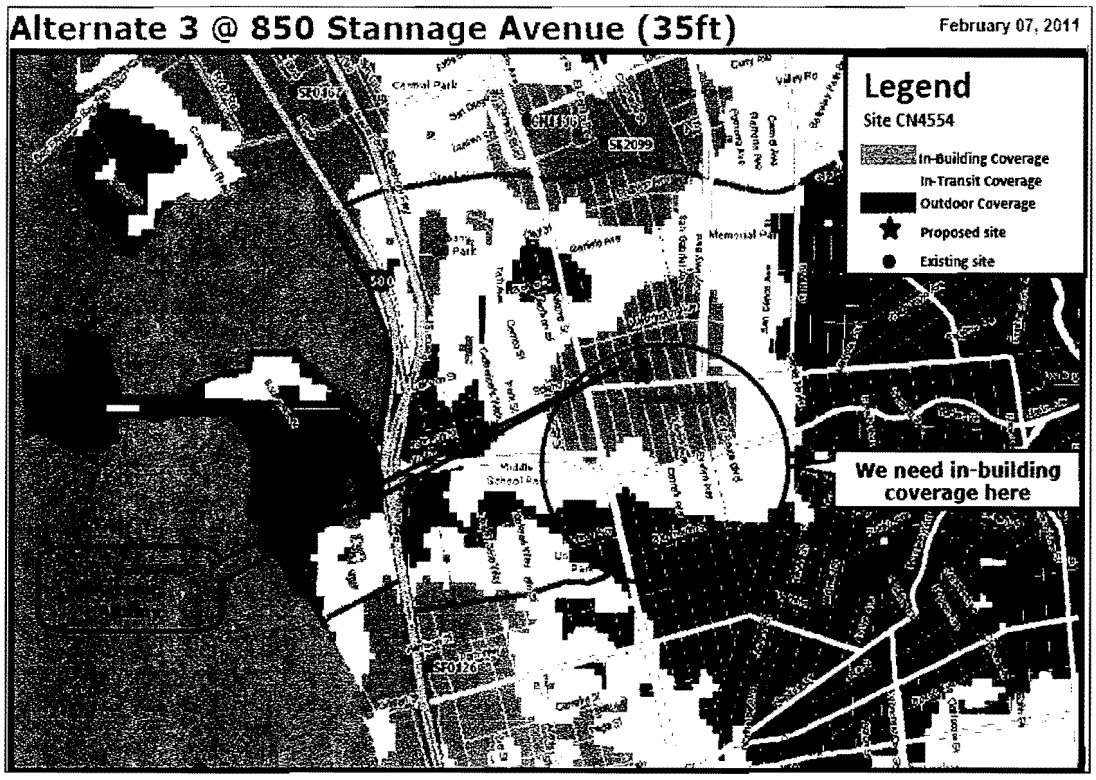
Project would not meet zoning code requirements/preferences for a collocated facility when existing collocation potential exists. There are no existing WCFs on the building.

The existing structure is residential although it is located in a commercial zone district. In order to achieve satisfactory coverage objectives an approximately 90'-tall structure would be required. This would consist of a monopole or other support tower which would be highly intrusive and inconsistent with the character of the neighborhood.

RF Considerations

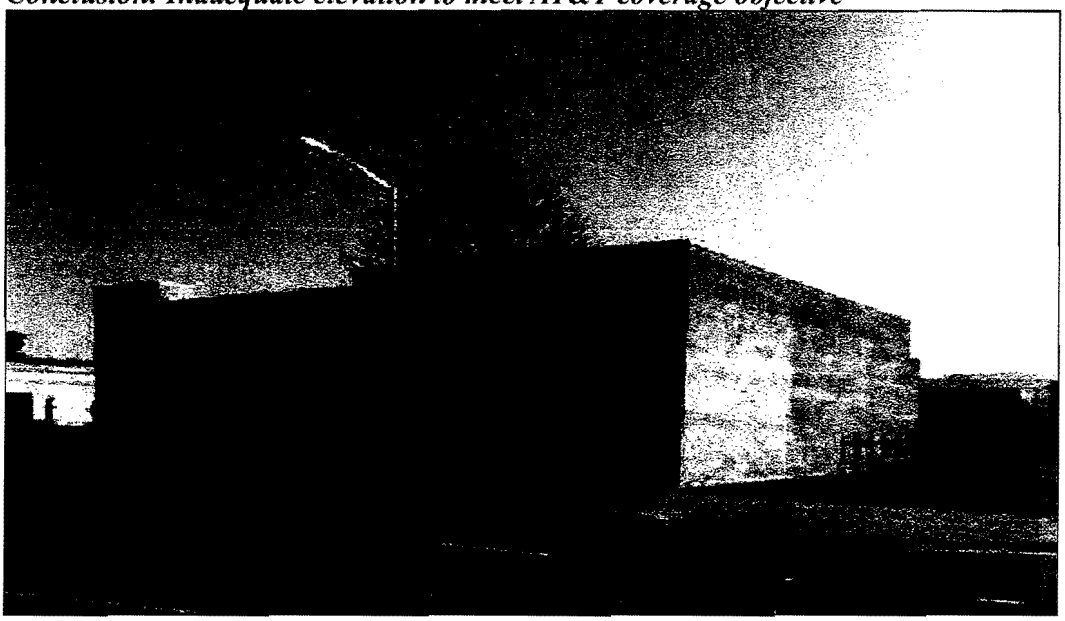
A facility at this location would most likely consist of a facade mounted facility with a rad center of 33'. Propagation at this rad center would not achieve coverage objectives of the search ring, as it would have poor coverage in the southern portion of the ring. In order to achieve satisfactory coverage of the ring, a 90'-tall structure would be required.

Please see below photograph and radio frequency propagation map that demonstrates a gap in coverage if AT&T were to locate on this building.



4. 979 San Pablo Avenue

Conclusion: Inadequate elevation to meet AT&T coverage objective



Leasing/Construction Considerations

The landlord at this location would be willing to lease to AT&T.

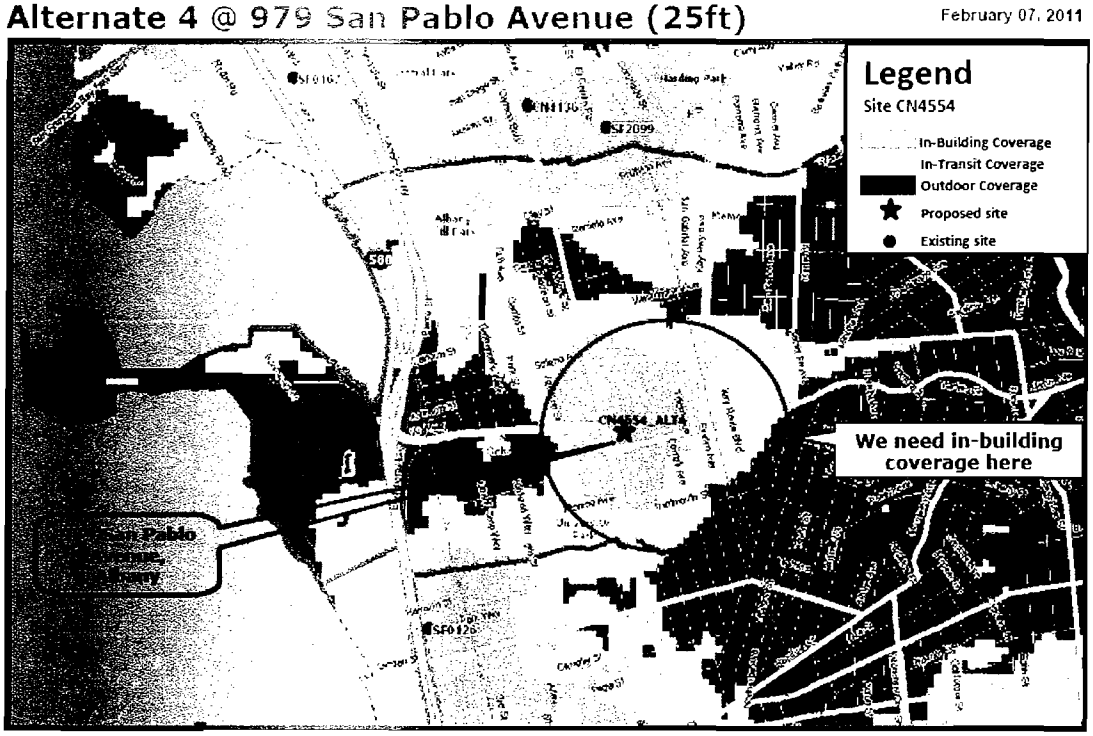
Zoning Considerations

There are no existing WCFs at the site so it would not satisfy the Wireless Code's collocation preference.

A project at this location would consist of a roof-mounted structure, which would obtain a maximum height of roughly 38' (approximately 10'-13' above existing rooftop). The most likely solution would involve a structure 5-7 feet on the rooftop in order to maintain architectural integrity of the building. However, such a proposal would be considered more intrusive than the proposed facility as it would involve an increase in height of the building and modification of existing building architecture.

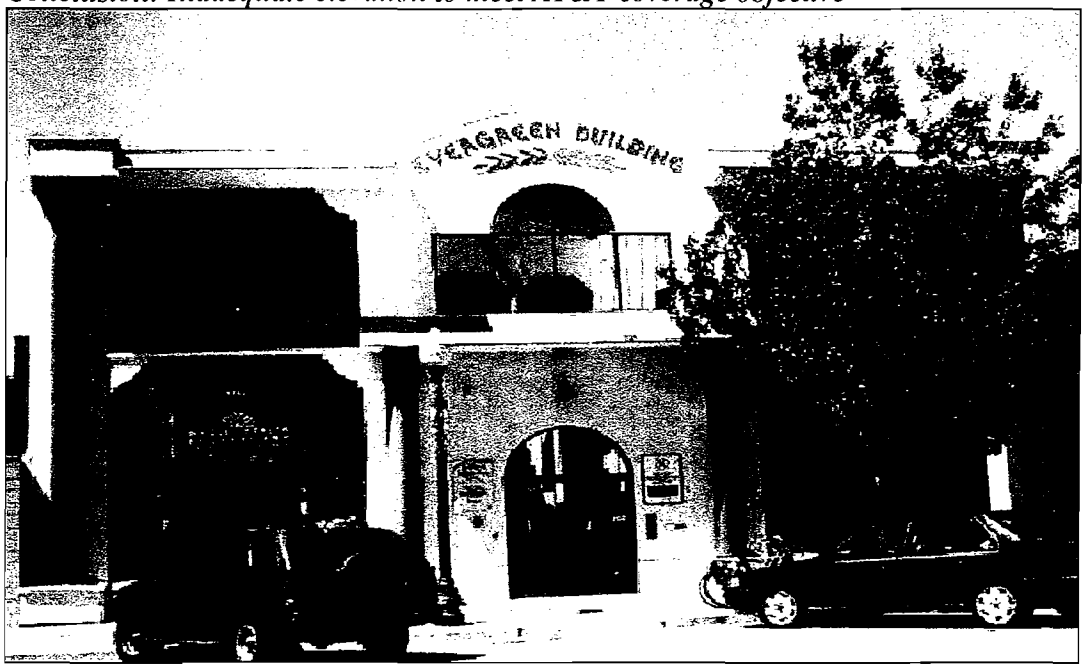
RF Considerations

A facility at this location would most likely consist of a rooftop facility with a rad center of 25'-30' involving some type of rooftop extension (e.g., penthouse structure). Such a facility would provide satisfactory coverage throughout a majority of the ring similar to the proposed site; however, marginal coverage would still exist in the western portion of the ring. In order to provide coverage more similar to that of the proposed site, a structure of approximately 50 feet or more would be required.



5. 1231 Solano Avenue

***Conclusion:** Inadequate elevation to meet AT&T coverage objective*



Leasing/Construction Considerations

LL was not approached due to the fact that the building is too low to meet RF objectives and would not satisfy the City's requirements for collocation.

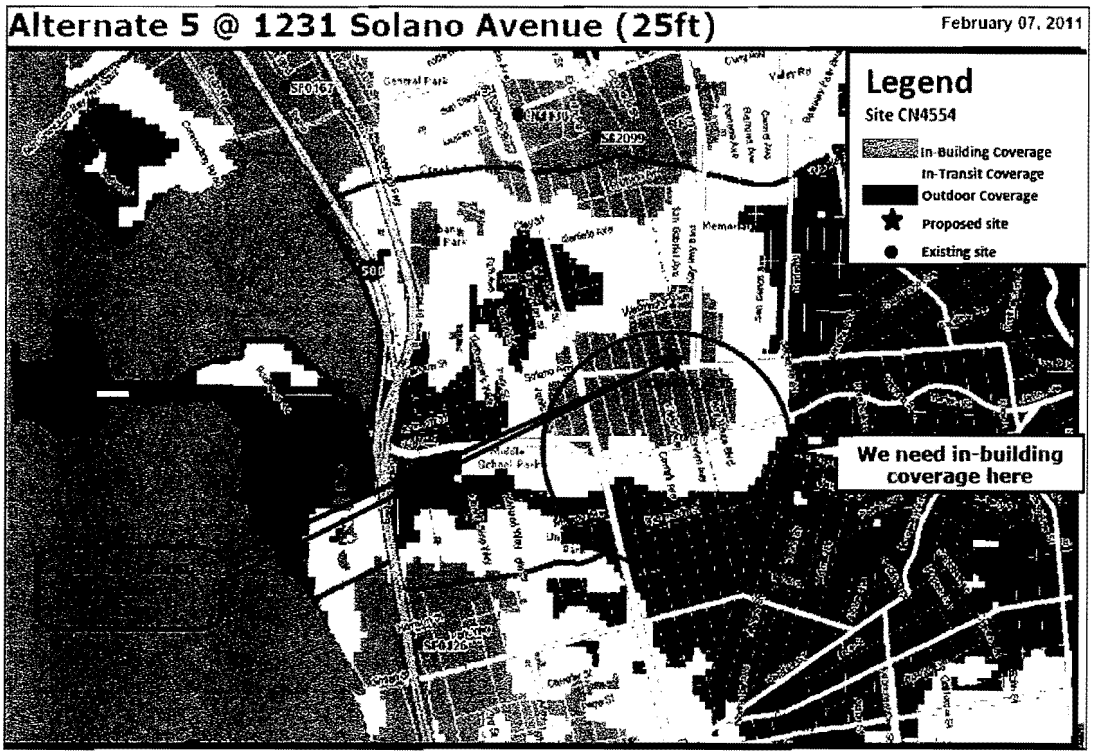
Zoning Considerations

There are no existing WCFs at the site so it would not satisfy the Wireless Code's collocation preference.

A project at this location would consist of a roof-mounted structure, which would obtain a maximum height of roughly 35' (approximately 10' above existing rooftop). The most likely solution would involve a structure 5-7 feet above the rooftop in order to maintain architectural integrity of the building. However, such a proposal would be considered more intrusive than the proposed facility as it would involve an increase in height of the building and modification of existing building architecture.

RF Considerations

A facility at this location would most likely consist of a rooftop facility with a rad center of 25'-30' involving some type of rooftop extension (e.g., penthouse structure). Such a facility would provide satisfactory coverage in the northern portion of the search ring but would not achieve in-building coverage in a majority of the southern portion of the ring.



6. 1115 Solano Avenue -- Albany Theater
Conclusion: Landlord declined lease negotiations.

Leasing/Construction Considerations

The leasing manager for the Albany Theatre (run by Landmark Theaters), Jennifer Palm, , verbally stated on January 13, 2011 that the landlord has no interest in leasing space to AT&T nor will they in the foreseeable future. This was again confirmed in a string of emails and letters sent to Landmark Theaters representatives in May through June 2011.

Zoning Considerations

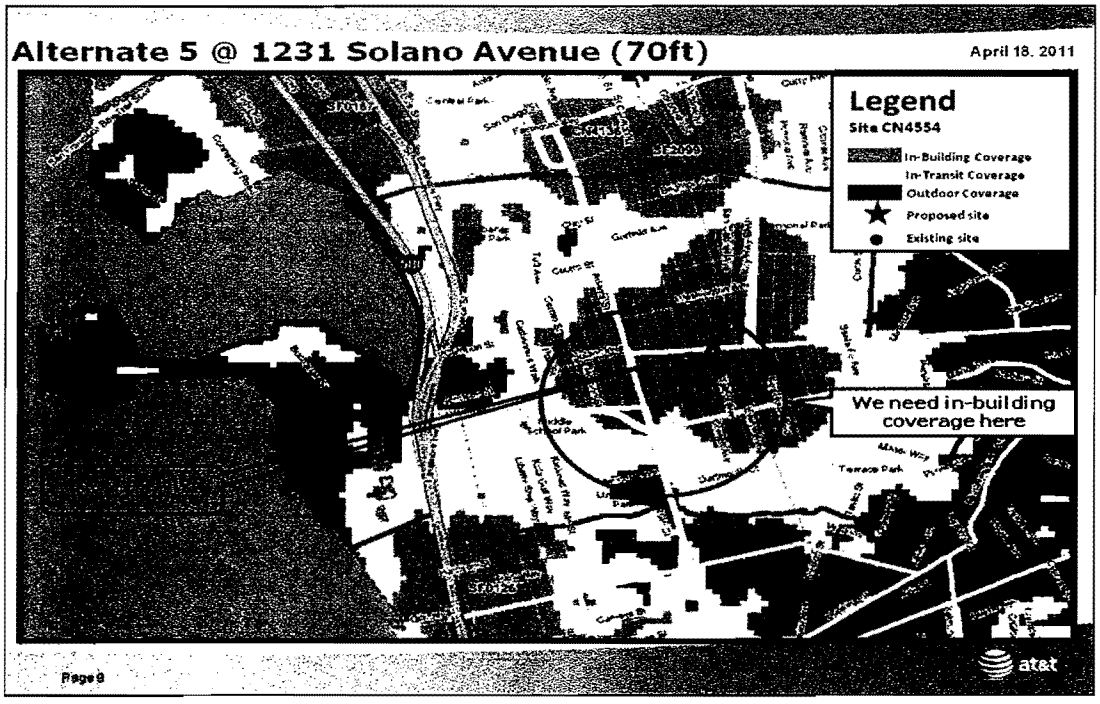
There are no existing WCFs at the site so it would not satisfy the Wireless Code's collocation preference.

It was determined that this building has likely historical significance and probable historical status. According to its website, the building that the Albany Theatre occupies was built in the 1920s, originally as a meeting hall and then a dance hall with live music. In 1935, the building was converted to the new home of the Albany Theatre. Potential historical significance would require extensive analysis by environmental consultants to comply with the California Environmental Quality Act and the National Environmental Policy Act. The site is disfavored due to cost and time delays to determine historical

significance as well as the possible impacts on a historical structure which could result from locating a WCF at this location.

RF Considerations

Facility design at this location is difficult to determine due to the architectural and historical significance of the building. Propagation maps prepared by AT&T indicate that a facility at this location could provide good in-building coverage in the northern half of the search ring but not in the southern half of the ring. Any facility at this location would likely be in the 30'-35' foot range, however, and would not provide coverage similar to the proposed project. A structure of approximately 70 feet or more would be necessary to provide coverage characteristics similar to the proposed project. See prop map below.



7. 1051 Monroe Street – University of California, Albany Unified School District

Conclusion: Disfavored location under Wireless Code

Leasing/Construction Considerations

The University of California was unresponsive when contacted by AT&T Mobility about leasing of this portion of the 75 acre raw land site.

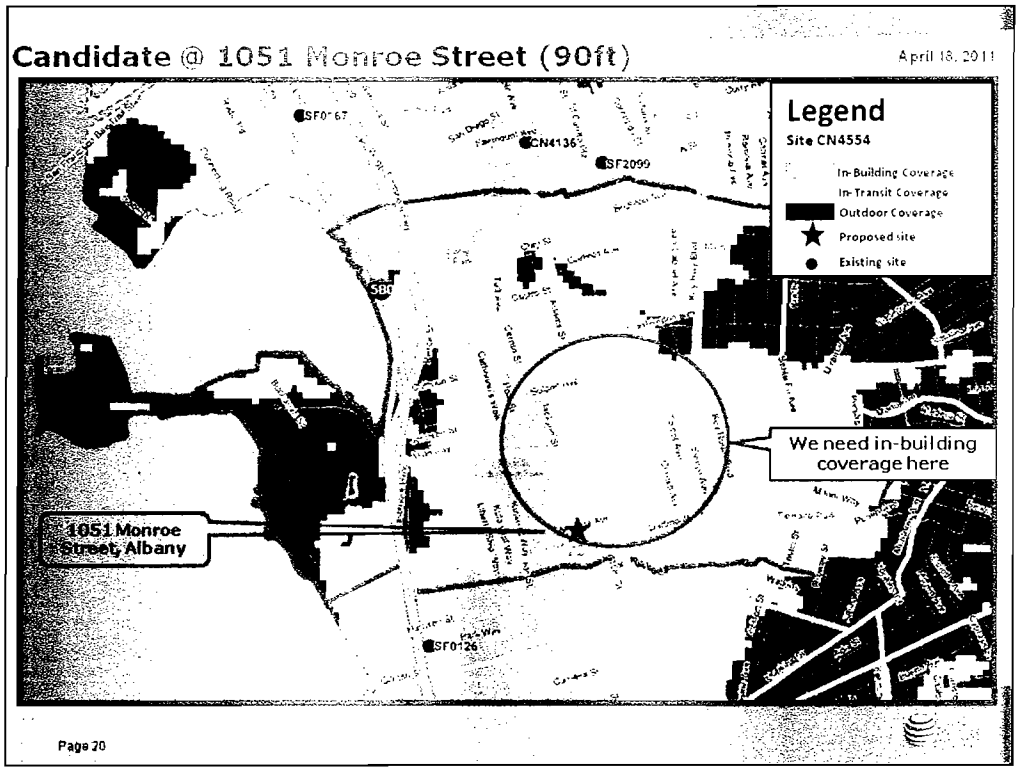
Zoning Considerations

The property is owned by the State of California and thus is not subject to the City's Zoning Code. However, a proposal at this location would be inconsistent with the City's code given its proximity to Ocean View School and the fact that it is zoned residential and would not be allowed with such a zoning designation.

A facility at this location would be a new build and would require a tower type structure. RF propagation indicates we would likely need 90 feet to cover the objective due to existing tree clutter. A proposal at this location would involve some type of tree pole. This proposal would be far more aesthetically obtrusive than the proposed project which is integrated into building architecture.

RF Considerations

RF propagation maps indicate that a 90'-tall structure would have coverage characteristics similar to that of the proposed facility. A majority of the search ring would have good in-building coverage except for the northeast quadrant. See prop map below.



8. 940 San Pablo Avenue -- Town Centre Structure
Conclusion: *Landlord declined lease negotiations.*

Leasing/Construction Considerations

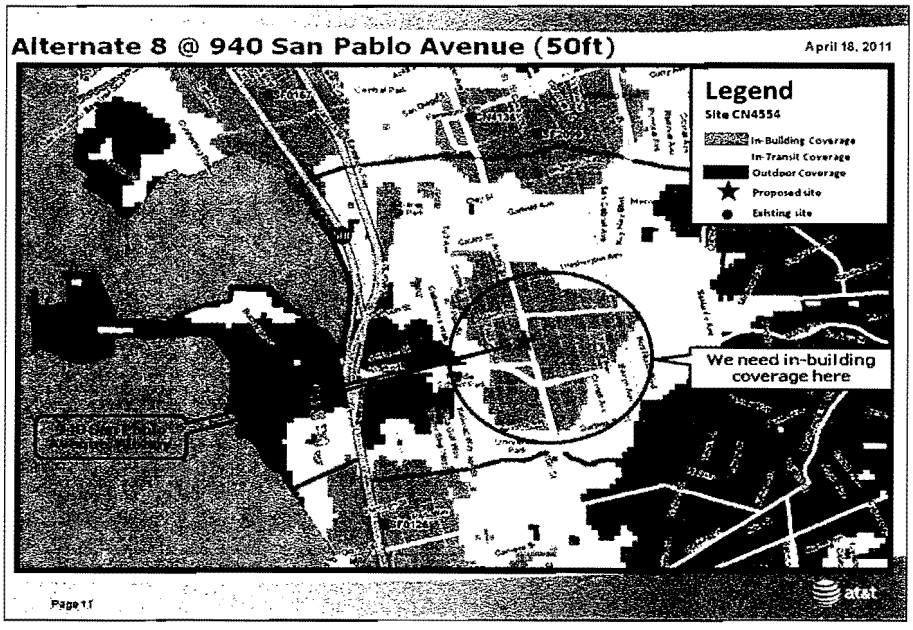
On December 6th, 2010, AT&T contacted Deborah Ritchie, owner of Ritchie Real Estate and 972 San Pablo Avenue on which the Town Centre Sign is located. As the owner had done when approached about a year and a half ago, she flatly refused AT&T's interest and offer stating clearly that she no longer will accept wireless tenants on the property. This was reconfirmed by Albany Planning and Building Manager Jeff Bond on May 19, 2011.

Zoning Considerations

A proposed facility at this location would meet zoning code requirements for collocation. However, a facility at this location would require extension of the monument sign to a height that would exceed zoning code requirements. A variance would be required and the resulting impacts are considered to be more significant than the proposed facility. AT&T investigated the property located at 924 San Pablo Avenue. Although formerly a Cingular facility, T-Mobile currently owns and operates the wireless facility at this site. The existing sign structure housing T-Mobile's antennas would not accommodate another carrier unless the height of the structure were increased another 10-15 feet. This would not only create an additional visual impact, but would require a height variance because it would exceed the maximum height of 30 feet for free-standing signs. As such this site is disfavored due to aesthetic impacts and inconsistency with the zoning code height limits.

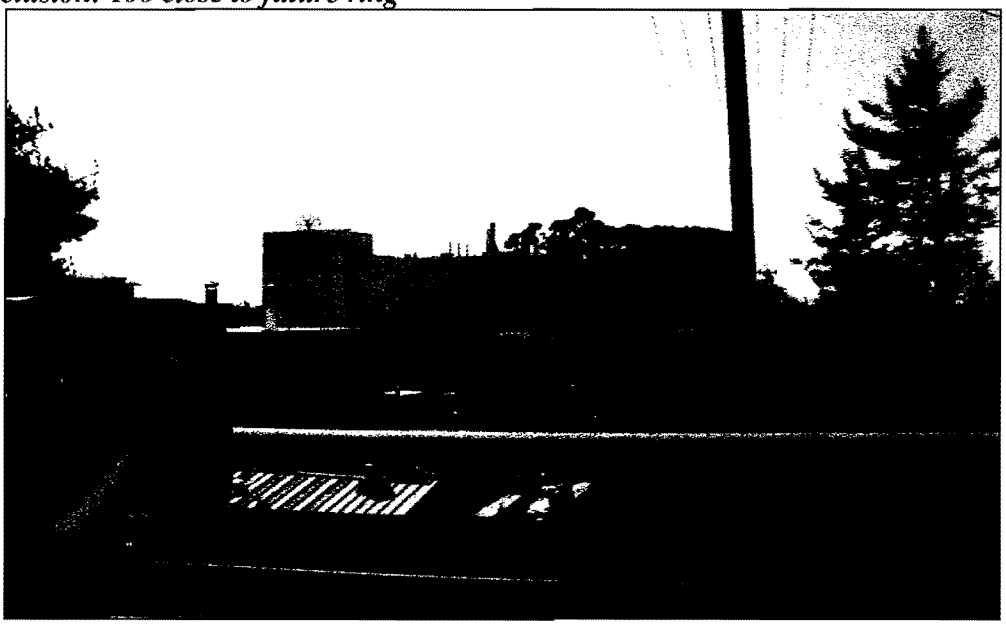
RF Considerations

RF propagation maps indicate that a 50'-tall structure would meet a majority, but not all, of the coverage objectives for the search ring similar to the proposed location. Propagation at 35' also indicates that coverage objectives could be met similar to the proposed location; however, antennas would have to be placed at a height approximately 10 feet lower than this rad center due to the fact that an existing carrier retains the top position.



9. 800 Buchanan Street/US Agricultural Building

Conclusion: Too close to future ring



Leasing/Construction Considerations

AT&T has contacted the USDA representatives and to date they have not been able to formally decline or accept potential lease negotiations.

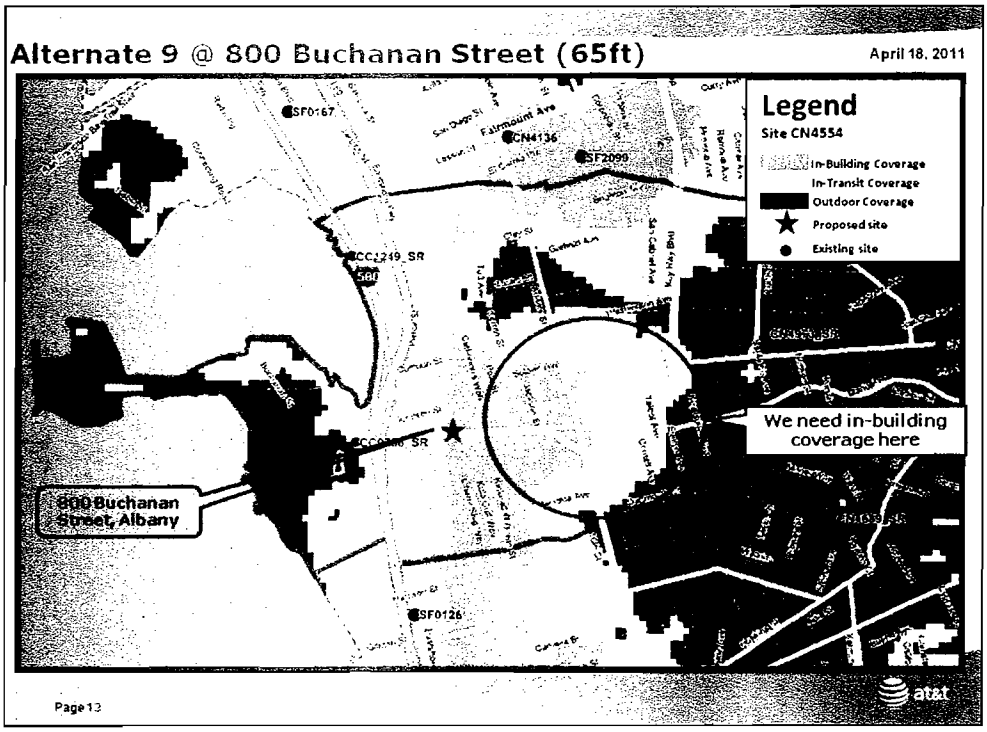
Zoning Considerations

The property is owned by the Federal Government and thus is not subject to the City's Zoning Code. However, a proposal at this location would be inconsistent with the City's code given that it would exceed height limits of the zone district.

A roof mounted facility could most likely be developed at this location, however, at the height that could be obtained on the roof a large portion of the southern part of the ring would remain with unsatisfactory coverage. Thus a tower would have to be proposed to gain the additional height. Such a facility would be much more intrusive than the proposed facility which is integrated into the existing building.

RF Considerations

A facility at this location would most likely involve a rooftop structure which could potentially achieve a height close to 65'. Propagation maps show that this height would not meet the coverage objectives of the search ring primarily because the candidate is located outside the ring and would be shooting into the designated area. In-building coverage would be good on the western half of the search ring but less than satisfactory throughout the remainder of the ring. Please see prop map below.



10. CMX District

Conclusion: Does not meet AT&T coverage objective

Leasing/Construction Considerations

Not applicable. No specific site identified for a proposed facility.

Zoning Considerations

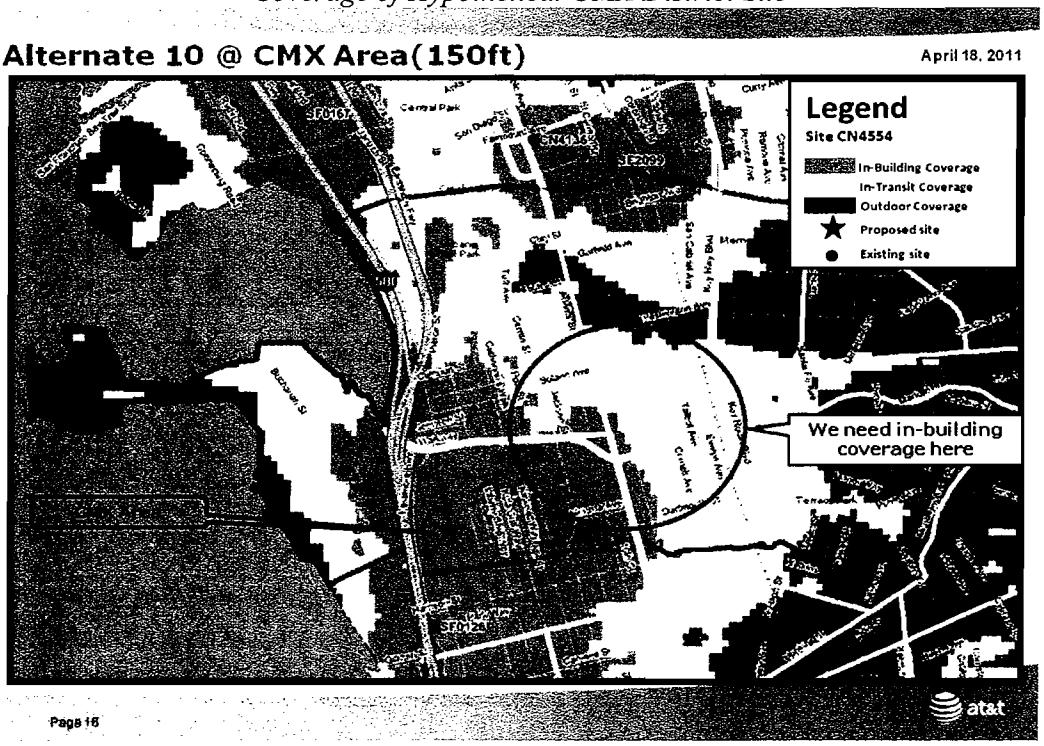
A facility in the CMX zone district would not meet the requirements of the zoning code because it would exceed the height limits of the zone district in an effort to meet the coverage objectives. The facility would also be a new build, which is not favored by the zoning code.

A facility in this area would have to be extremely tall to even remotely meet the coverage objectives of the search ring. This would create a significant visual impact and be far more intrusive than the proposed facility which is integrated into the existing building.

RF Considerations

RF coverage, even with a 150'-tall tower would not even meet half of the RF coverage objective for the search. The CMX zone district is located to far from the intended target area. See propagation map below for coverage at 150 feet.

Coverage of Hypothetical CMX District Site



Conclusion

Based on the foregoing analysis, the Proposed Facility constitutes the least intrusive means to fill the significant gap in AT&T 3G coverage based upon the values expressed in the Wireless Code and Albany General Plan. In compliance with those values, the Proposed Facility will be collocated on an existing three-story commercial building in the San Pablo Commercial District utilizing stealth and camouflage techniques to minimize aesthetic impacts. None of the other nine alternatives reviewed provided comparable signal coverage while complying with the requirements and values of the Wireless Code and General Plan.

EXHIBIT G

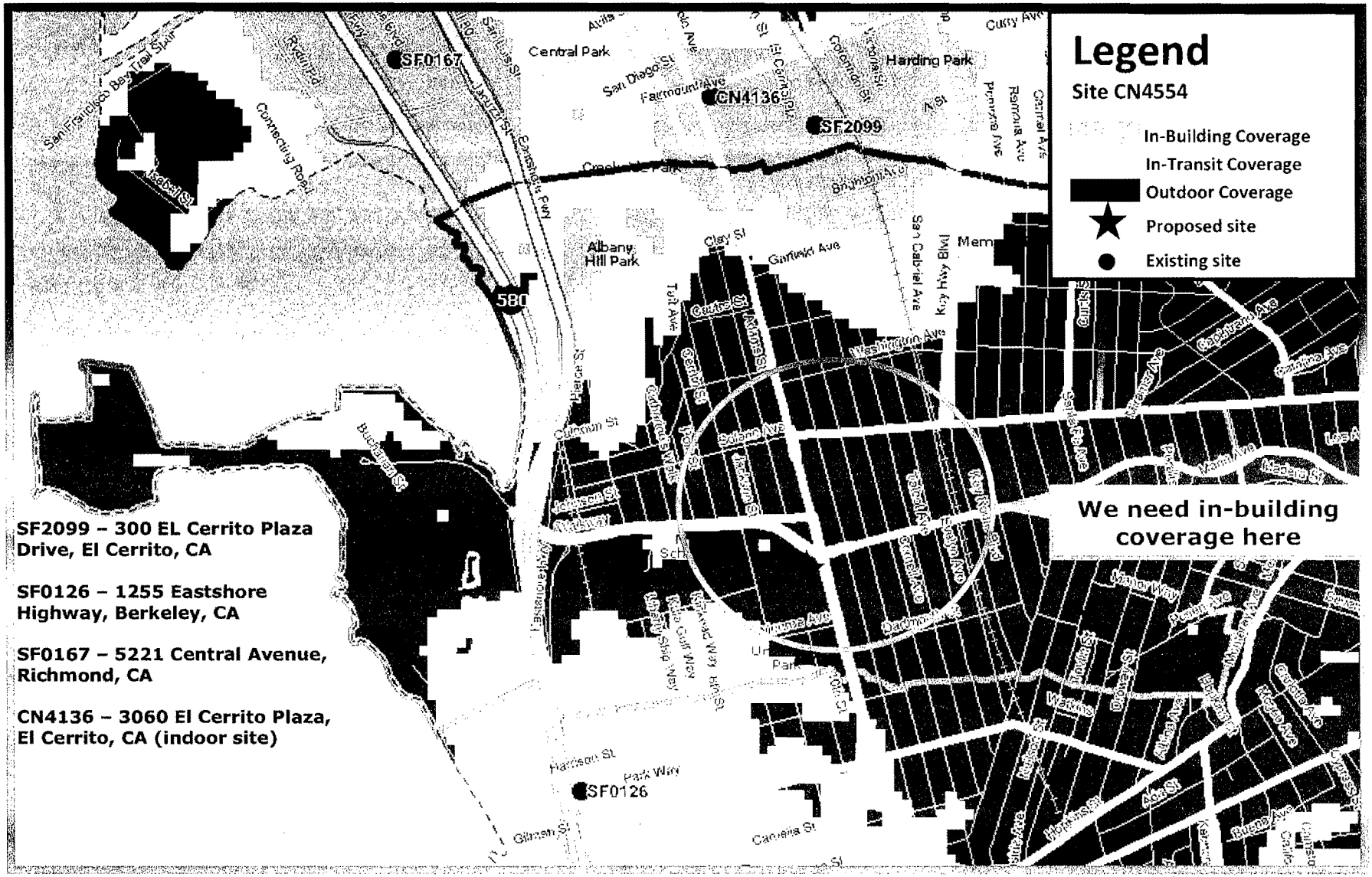
CN4554 - ALTERNATIVES MATRIX

Alternative #	Address	Site Photo	Rad Center Modeled	Height Necessary to Fulfill Minimum RF Objectives for Search Ring	Azimuths Modeled (Sector 1, 2, 3)	Type of Antenna Modeled/Frequency	Type of Proposal	Zone District	Zone District Height Limit	Meets Ordinance Standards (Y/N?), Reasoning	Leasing Consideration	Zoning Consideration	RF Considerations
1- Proposed Project	1035 San Pablo Avenue		43'	43'			Roof mounted	SPC, San Pablo Com	38'	YES. The facility will be located on an existing structure in compliance with Section 20 20 100 E 3 of the Wireless Code. In addition, the building currently hosts an existing wireless facility and qualifies as a collocation under Section 20 20 100 E 2 a. Antennas and radio equipment on the facility will be camouflaged and screened from view in compliance with Section 20 20 100 E 1 j. Finally, the Proposed Facility is located in the San Pablo Commercial District, which is a permitted location for wireless facilities and meets required setbacks from adjacent residential zone according to Section 20 20 100 D 2 c	YES. Willing landlord	As designed the Proposed Facility will have no aesthetic impacts on the surrounding neighborhood as shown in the photosimulation provided with the application submittal	Proposed facility will meet the majority of RF coverage objectives of the search ring, providing good in-building coverage throughout the center of the ring and good in transit coverage on the northeast and northwest portions of the ring
2- Albany Fire Dept.	1000 San Pablo Avenue		Not modeled	Undetermined	N/A	N/A	Tower replacement	PF, Public Facility	40'	YES. A proposed replacement tower at this location would meet the zoning code with respect to collocation on PF zoned property	NO. The Albany Fire Department declined to lease the facility to AT&T for a WCF. The unavailability of this location was confirmed by Albany Planning and Building Manager Jeff Bond in November 2009, and September 2010	A proposed replacement tower at this location would meet the zoning code with respect to collocation on PF zoned property, however, a replacement tower would need to be larger and more obtrusive than that which currently exists at the site, thus exacerbating visual impacts	Due to the fact that the LL is unwilling to lease to AT&T and it does not meet zoning requirements, no modeling was performed on this site
3 Apt. Building	850 Stannage Avenue		35' & 90'	90'	20, 260, 140	Powerwave 4ft/850 MHz	Roof mounted/tower	SC, Solano Com	35'	NO. Project would not meet zoning code requirements/preferences for a collocated facility when existing collocation potential exists. There are no existing WCFs on the building.	NO. LL was not approached due to the fact that the building is a residential use and would not meet RF or zoning objectives	The existing structure is residential although it is located in a commercial zone district. In order to achieve satisfactory coverage objectives an approximately 90' tall structure would be required. This would consist of a monopole or other support tower which would be highly intrusive and inconsistent with the character of the neighborhood	A facility at this location would most likely consist of a facade mounted facility with a rad center of 33'. Propagation at this rad center would not achieve coverage objectives of the search ring, as it would have poor coverage in the southern portions of the ring. In order to achieve satisfactory coverage of the ring, a 90' tall structure would be required
4- Villa del Mar Realty	979 San Pablo Avenue		35' & 50'	50'	70, 345, 165	Powerwave 4ft/850 MHz	Roofmounted	SPC, San Pablo Com.	38'	NO. There are no existing WCFs at the site so it would not satisfy the Wireless Code's collocation preference	YES. LL is willing to lease to AT&T	A project at this location would consist of a roof mounted structure, which would obtain a maximum height of roughly 38' (approximately 10' 13' above existing rooftop). The most likely solution would involve a structure 5-7 feet a the rooftop in order to maintain architectural integrity of the building. However, such a proposal would be considered more intrusive than the proposed facility as it would involve an increase in height of the building and modification of existing building architecture	A facility at this location would most likely consist of a rooftop facility with a rad center of 25' 30' involving some type of rooftop extension (e.g., penthouse structure). Such a facility would provide satisfactory coverage throughout a majority of the search ring with the exception of the far western edge of the ring. A taller facility, up to 50 feet would satisfy all coverage objectives
5 - Evergreen Building	1231 Solano Avenue		25' & 70'	50'	20, 260, 140	Powerwave 4ft/850 MHz	Roof mounted	SC, Solano Com	35'	NO. There are no existing WCFs at the site so it would not satisfy the Wireless Code's collocation preference	NO. LL was not approached due to the fact that the building is too low to meet RF objectives and would not satisfy the City's requirements for collocation	A project at this location would consist of a roof mounted structure, which would obtain a maximum height of roughly 35' (approximately 10' above existing rooftop). The most likely solution would involve a structure 5-7 feet a the rooftop in order to maintain architectural integrity of the building. However, such a proposal would be considered more intrusive than the proposed facility as it would involve an increase in heights of the building and modification of existing building architecture	A facility at this location would most likely consist of a rooftop facility with a rad center of 25' 30' involving some type of rooftop extension (e.g., penthouse structure). Such a facility would provide satisfactory coverage in the northern portion of the search ring, but would not achieve in building coverage in a majority of the southern portion of the ring. A facility approximately 70 feet in height would be needed to provide adequate coverage to the search ring, similar to the proposed project
6- Albany Theater	1115 Solano Avenue		45' & 90'	45'	20, 260, 140	Powerwave 4ft/850 MHz	Roof mounted	SPC, San Pablo Com/Com Node Overlay	38'	NO. There are no existing WCFs at the site so it would not satisfy the Wireless Code's collocation preference	NO. The leasing manager for the Albany Theatre (run by Landmark Theatres), Jennifer Palm, 512 474-0044, verbally stated on January 18, 2011 that the landlord has no interest in leasing space to AT&T nor will they in the foreseeable future. This was again confirmed in a string of emails and letters sent to Landmark Theaters in May through June 2011	A was determined that this building has likely historical significance and probable historical status. According to its website, the building that the Albany Theatre occupies was built in the 1920s, originally as a meeting hall and then a dance hall with live music. In 1935, the building was converted to the new home of the Albany Theatre. Potential historical significance would require extensive analysis by environmental consultants to comply with the California Environmental Quality Act and the National Environmental Policy Act. The site is disfavored due to cost and time delays to determine historical significance as well as the possible impacts on a historical structure which could result from locating a WCF at this location	Facility design at this location is difficult to determine due to the architectural and historical significance of the building. Propagation maps prepared by AT&T indicate that a facility at this location could provide good in building coverage in the northern half of the search ring but not in the southern half of the ring. Any facility at this location would likely be in the 30' 35' foot range, however, and would not provide coverage similar to the proposed project. A structure of approximately 70 feet or more would be necessary to provide coverage characteristics similar to the proposed project.
7- UC Property	1051 Monroe Street		45' & 90'	90'	70, 345, 165	Powerwave 4ft/850 MHz	Tree pole	R 2, Res. Multi Fam.	28'	NO. The property is owned by the State of California and thus is not subject to the City's Zoning Code. However, a proposal at this location would be inconsistent with the City's code given it's proximity to Ocean View School and the fact that it is zoned residential and would not be allowed with such a zoning designation.	The University of California was unresponsive when contacted by AT&T Mobility about leasing of this portion of the 75 acre raw land site	A facility at this location would be a new build and would require a tower type structure. RF propagation indicates we would likely need 90 feet to cover the objective due to existing tree clutter. A proposal at this location would involve some type of tree pole. This proposal would be far more aesthetically obtrusive than the proposed project which is integrated into building architecture	RF propagation maps indicate that a 90' tall structure would have coverage characteristics similar to that of the proposed facility. A majority of the search ring would have good in building coverage except for the northeast quadrant.
8- Town Center Structure	940 San Pablo Ave		35' & 50'	50'	70, 345, 165	Powerwave 4ft/850 MHz	Faux monument sign	SPC, San Pablo Com	38'	YES. A proposed facility at this location would meet zoning code requirements for collocation. However, a facility at this location would require extension of the monument sign to a height that would exceed zoning code requirements. A variance would be required and the resulting impacts are considered to be more significant than the proposed facility.	NO. Planning and Building Manager Jeff Bond has confirmed that the Town Center has no interest in leasing any space to wireless carriers at this location (email dated 5/19/2011)	AT&T investigated the property located at 924 San Pablo Avenue. Although formerly a Cingular facility, T-Mobile currently owns and operates the wireless facility at this site. The existing sign structure housing T-Mobile's antennas would not accommodate another carrier unless the height of the structure were increased another 10-15 feet. This would not only create an additional visual impact, but would require a height variance because it would exceed the maximum height of 30 feet for free-standing signs. As such this site is disfavored due to aesthetic impacts and inconsistency with the zoning code height limits.	RF propagation maps indicate that a 50'-tall structure would meet a majority, but not all, of the coverage objectives for the search ring similar to the proposed location. Propagation at 35' also indicates that coverage objectives could be met similar to the proposed location, however, antennas would have to be placed at a height approximately 10 feet lower than the rad center due to the fact that an existing carrier retains the top position
9- USDA Building	800 Buchanan Street		35' & 65' & 100'	100'	70, 345, 165	Powerwave 4ft/850 MHz	Roof mounted/towers	PF, Public Facility	40'	NO. The property is owned by the Federal Government and thus is not subject to the City's Zoning Code. However, a proposal at this location would be inconsistent with the City's code given that it would exceed height limits of the zone district.	NO. AT&T has contacted the USDA representatives and to date they have not been able to formally decline or accept potential lease negotiations	A roof mounted facility could most likely be developed at this location. However, at the height that could be obtained on the roof a large portion of the southern part of the ring would remain with unsatisfactory coverage. Thus a tower would have to be proposed to gain the additional height. Such a facility would be much more intrusive than the proposed facility which is integrated into the existing building	A facility at this location would most likely involve a rooftop structure which could potentially achieve a height close to 65'. Propagation maps show that this height would not meet the coverage objectives of the search ring primarily because the candidate is located outside the ring and would be shooting into the designated area. In building coverage would be good on the western half of the search ring but less than satisfactory throughout the remainder of the ring
10- CMX District	No Specific address		50' & 150'	150'	70, 345, 165	Powerwave 4ft/850 MHz	Light standard in park/monopole?	CMX, Com. Mixed Use	45'	NO. A facility in the CMX zone district would not meet the requirements of the zoning code because it would exceed the height limits of the zone district in an effort to meet the coverage objectives. The facility would also be a new build, which is not favored by the zoning code.	N/A	A facility in this area would have to be extremely tall to even remotely meet the coverage objectives of the search ring. This would create a significant visual impact and be far more intrusive than the proposed facility which is integrated into the existing building.	RF coverage, even with a 150' tall tower would not even meet half of the RF coverage objective for the search. The CMX zone district is located to far from the intended target area.

EXHIBIT H

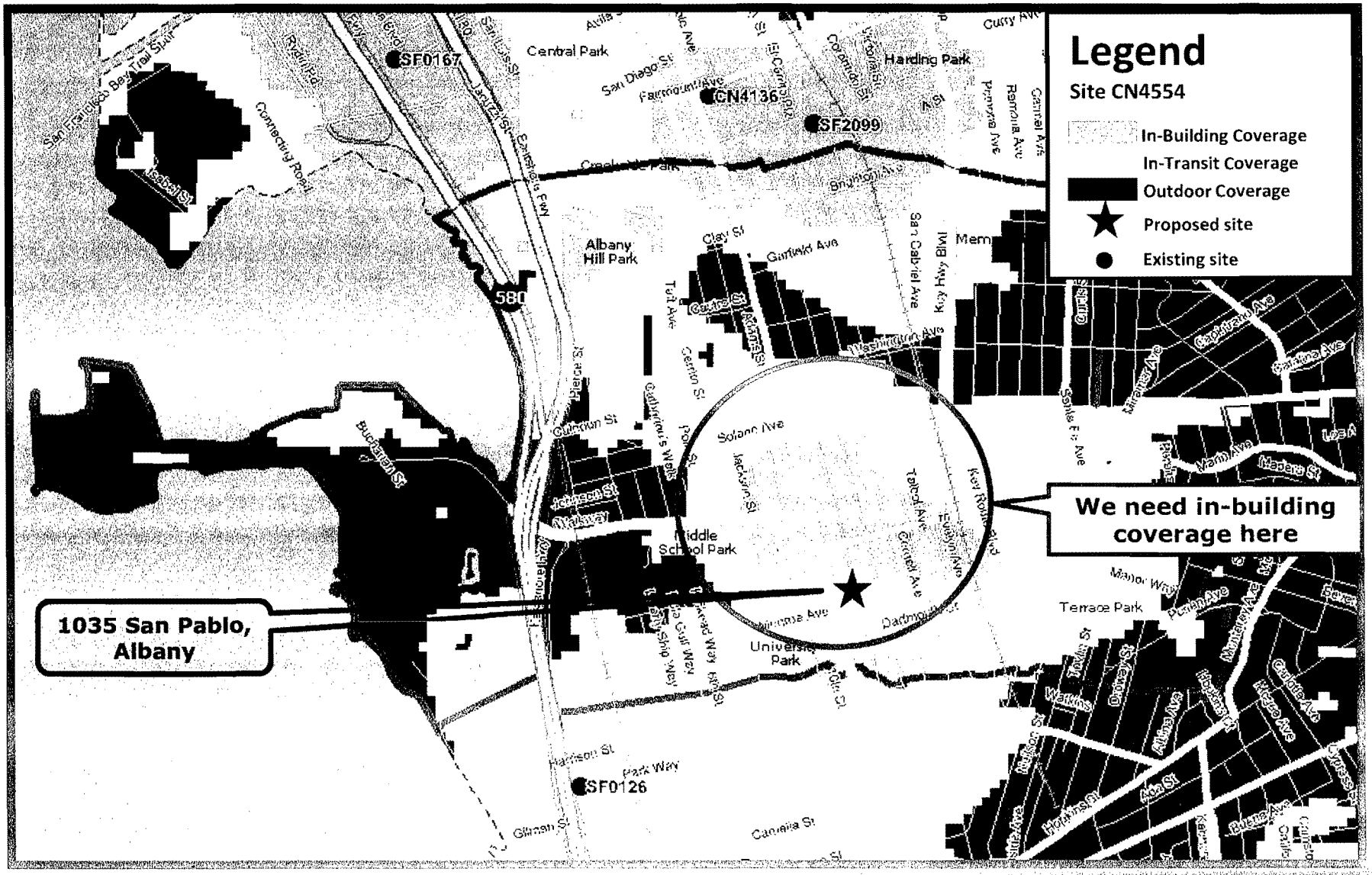
Existing 850 Coverage

November 21, 2011



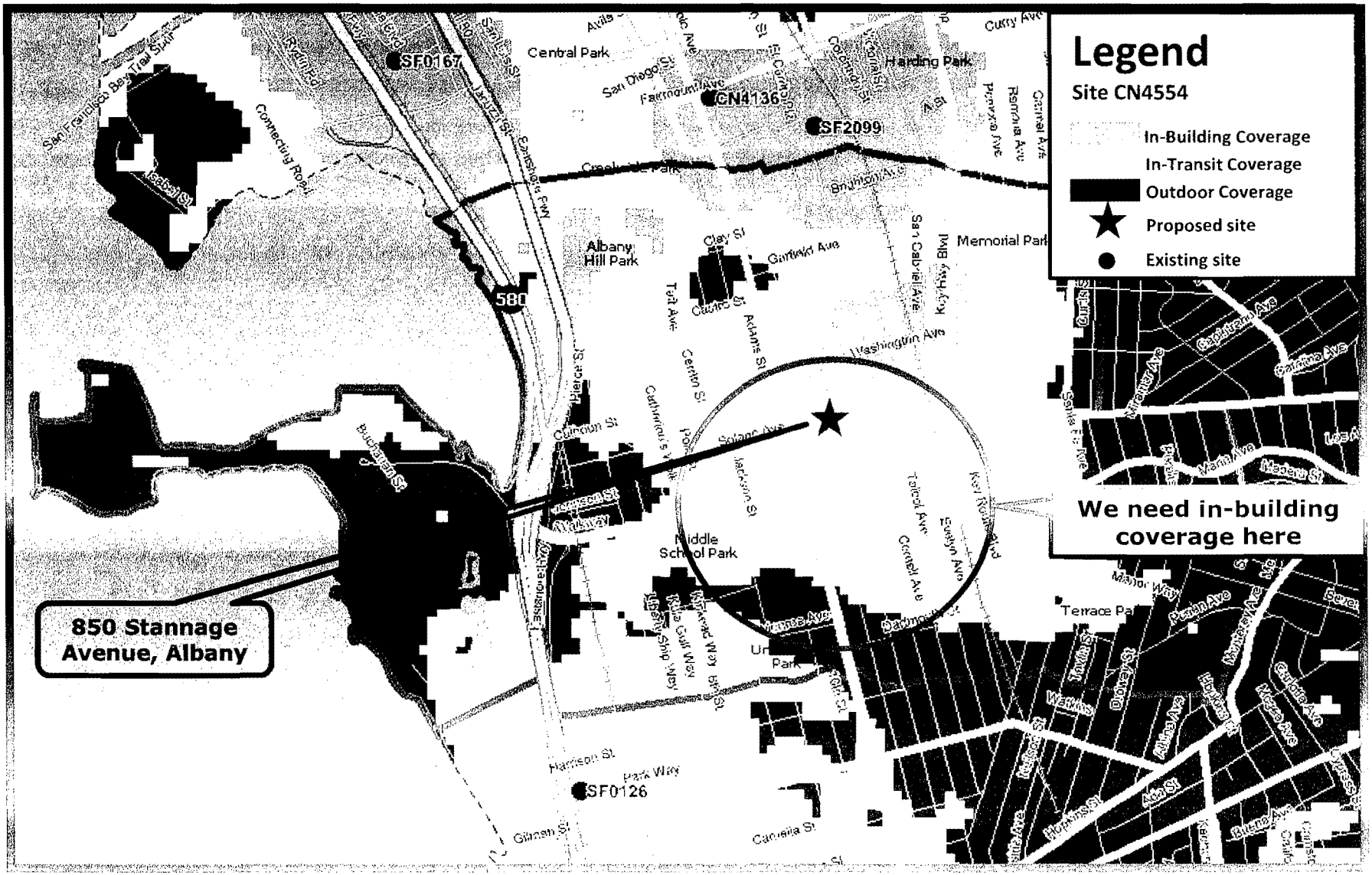
Proposed 850 Coverage – 1035 San Pablo (43ft)

November 21, 2011



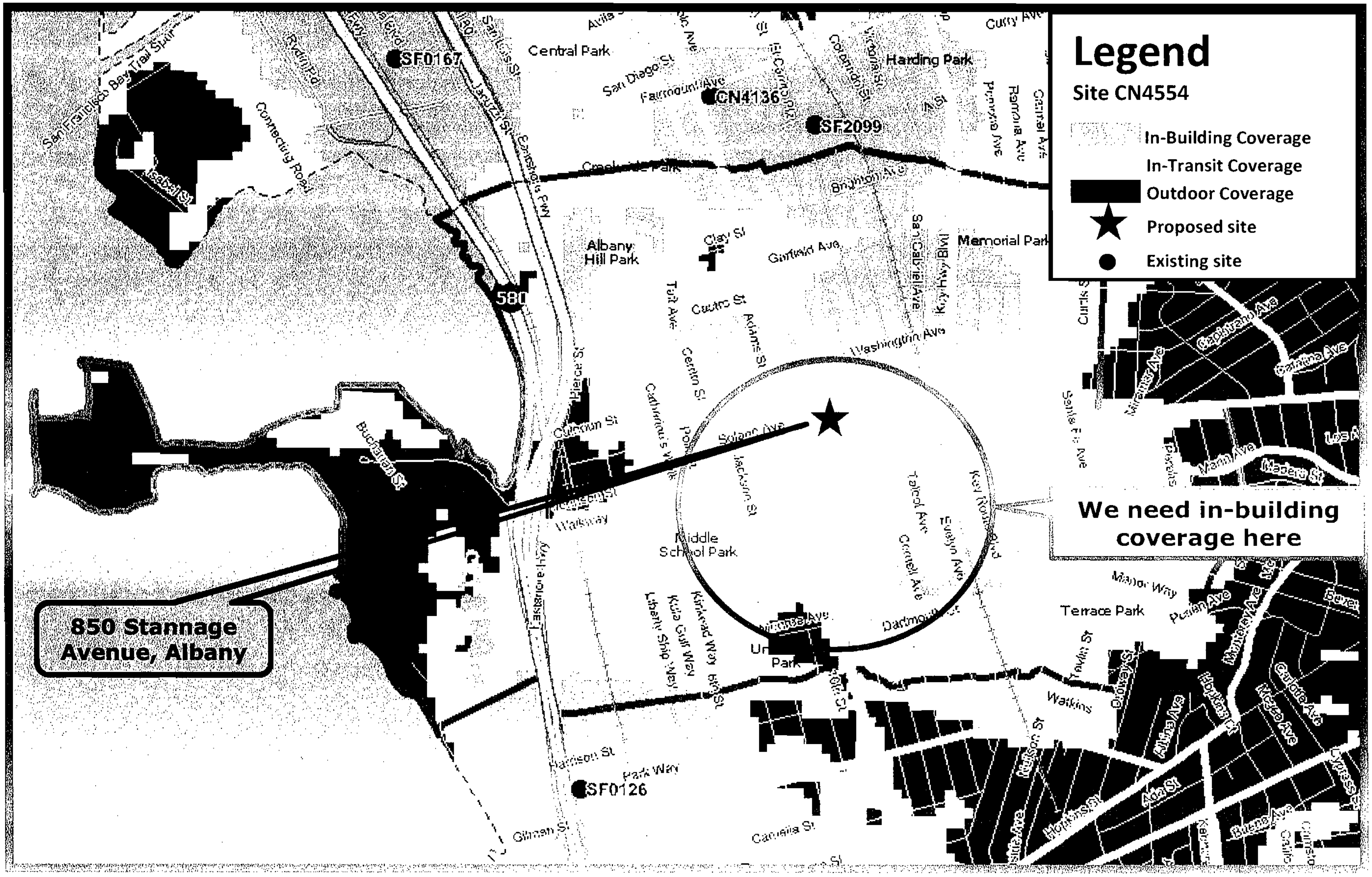
Alternate 3 @ 850 Stannage Avenue (35ft)

November 21, 2011



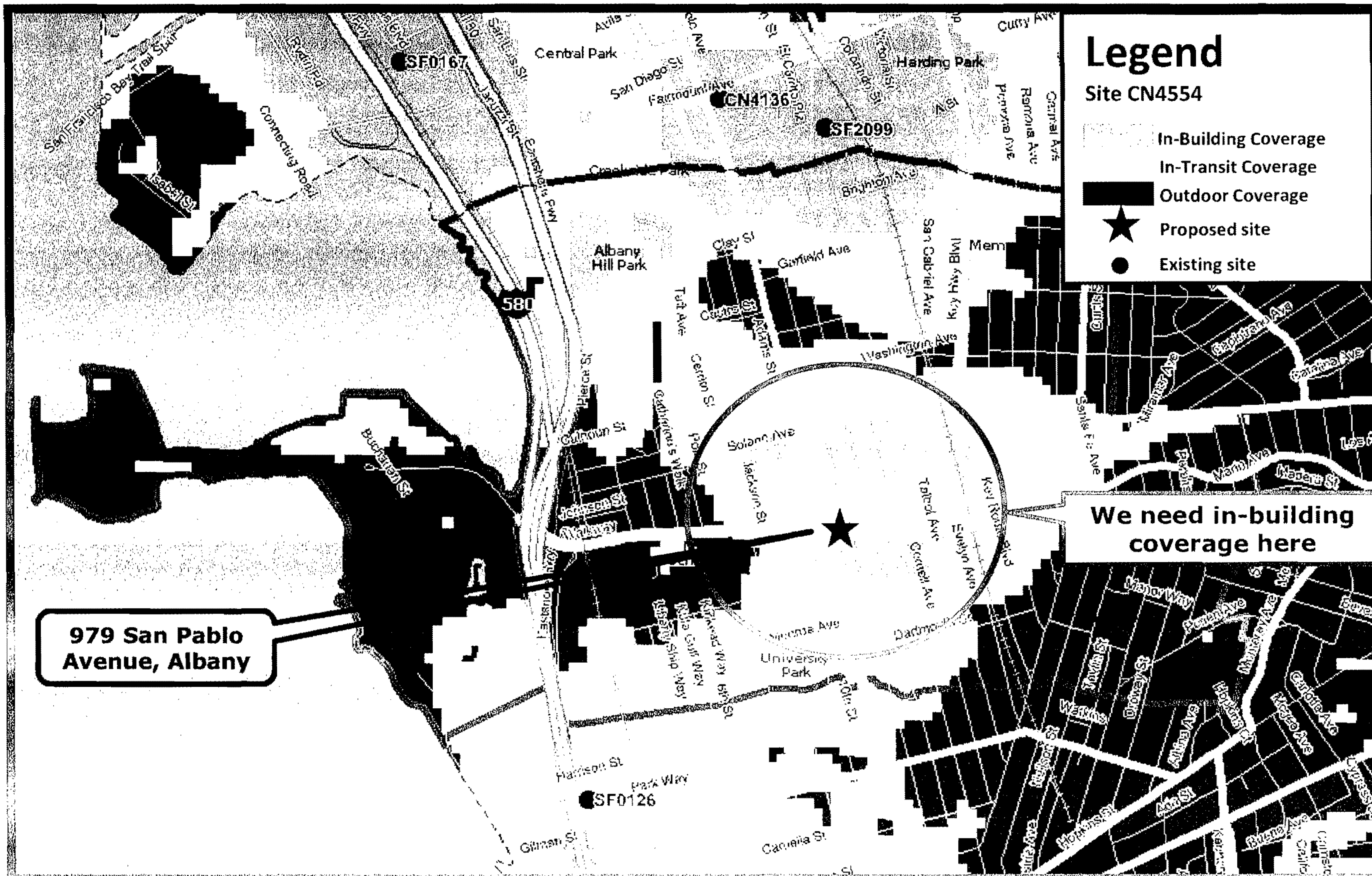
Alternate 3 @ 850 Stannage Avenue (90ft)

November 21, 2011



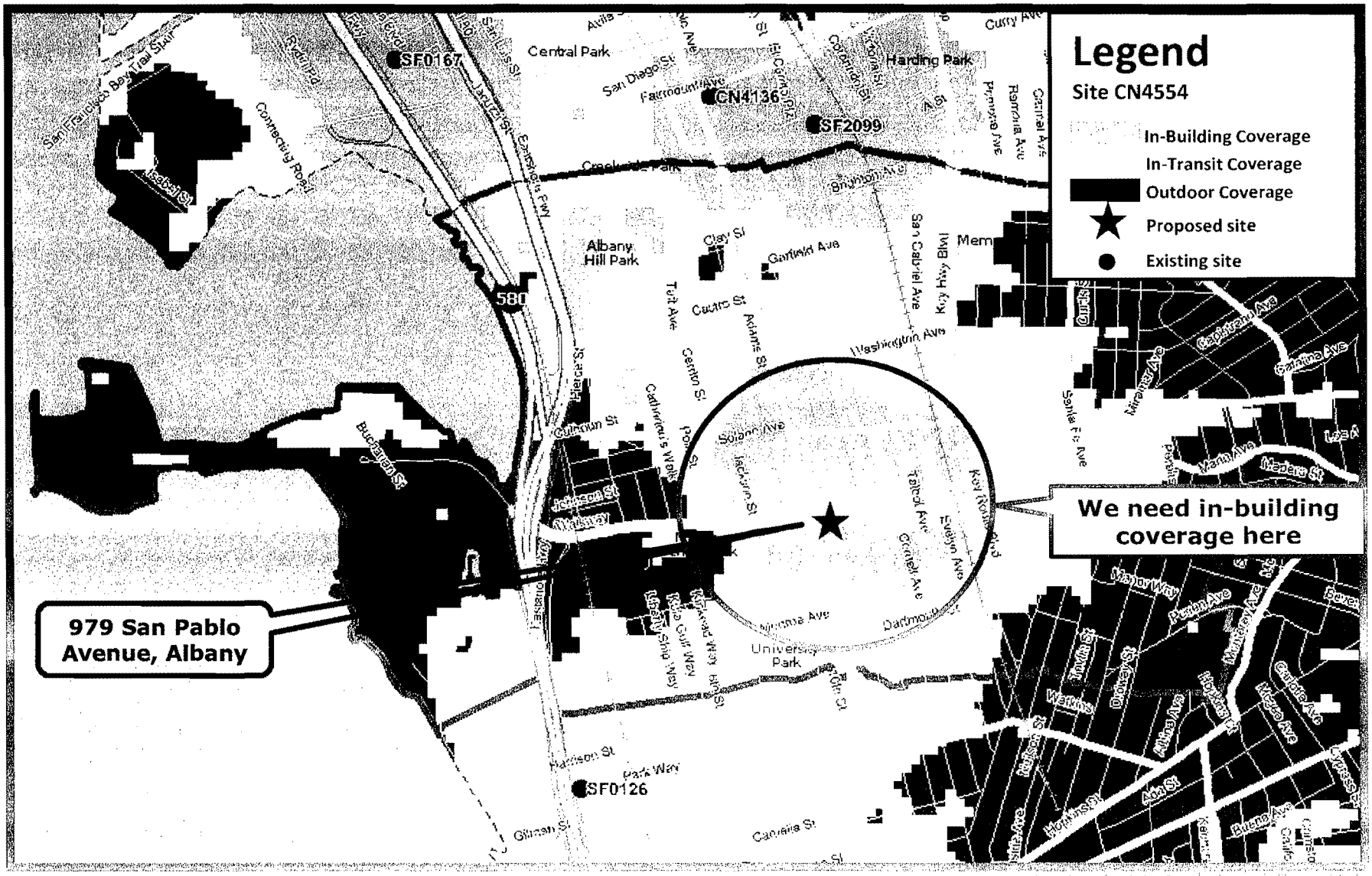
Alternate 4 @ 979 San Pablo Avenue (25ft)

November 21, 2011



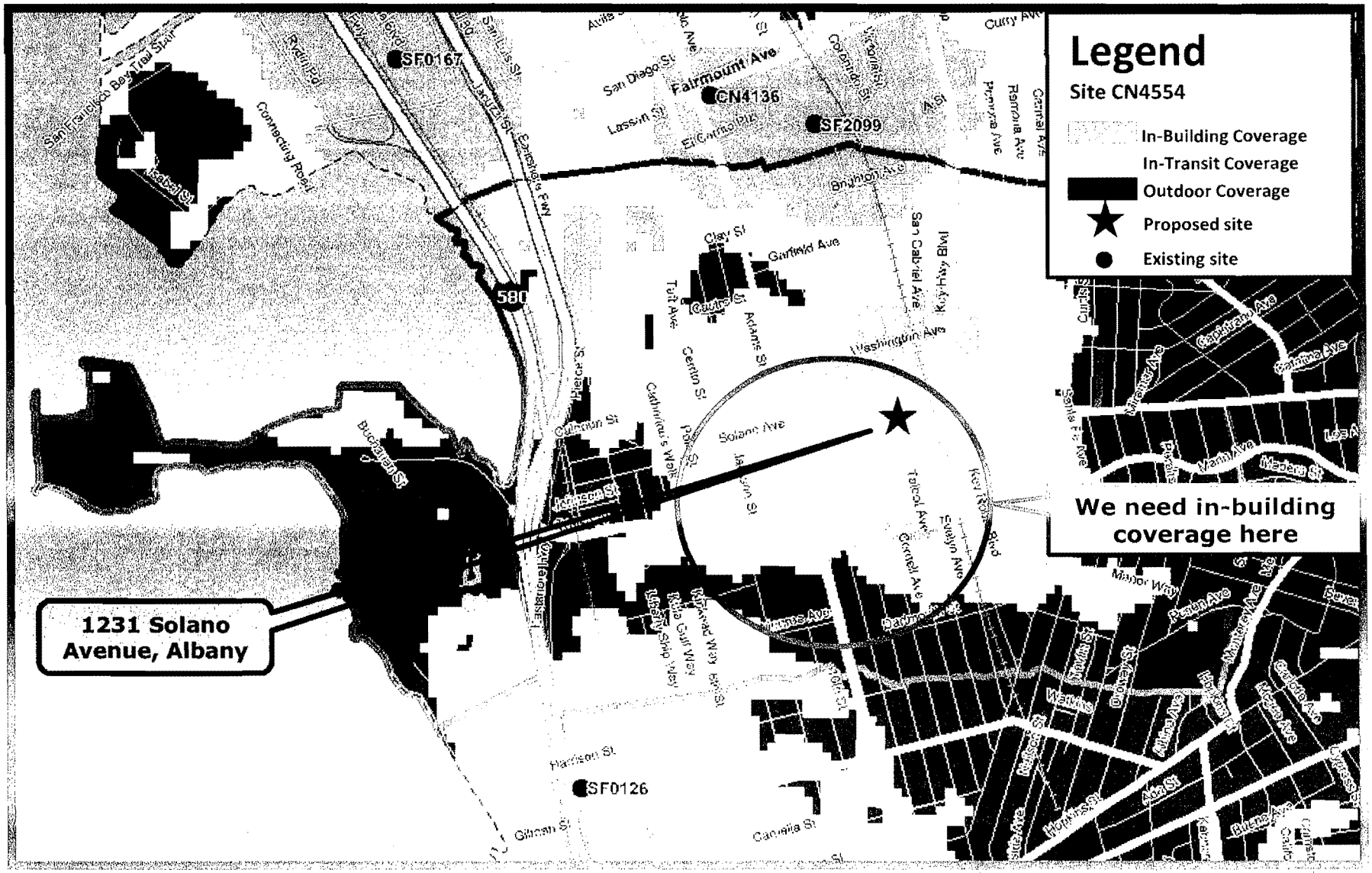
Alternate 4 @ 979 San Pablo Avenue (50ft)

November 21, 2011



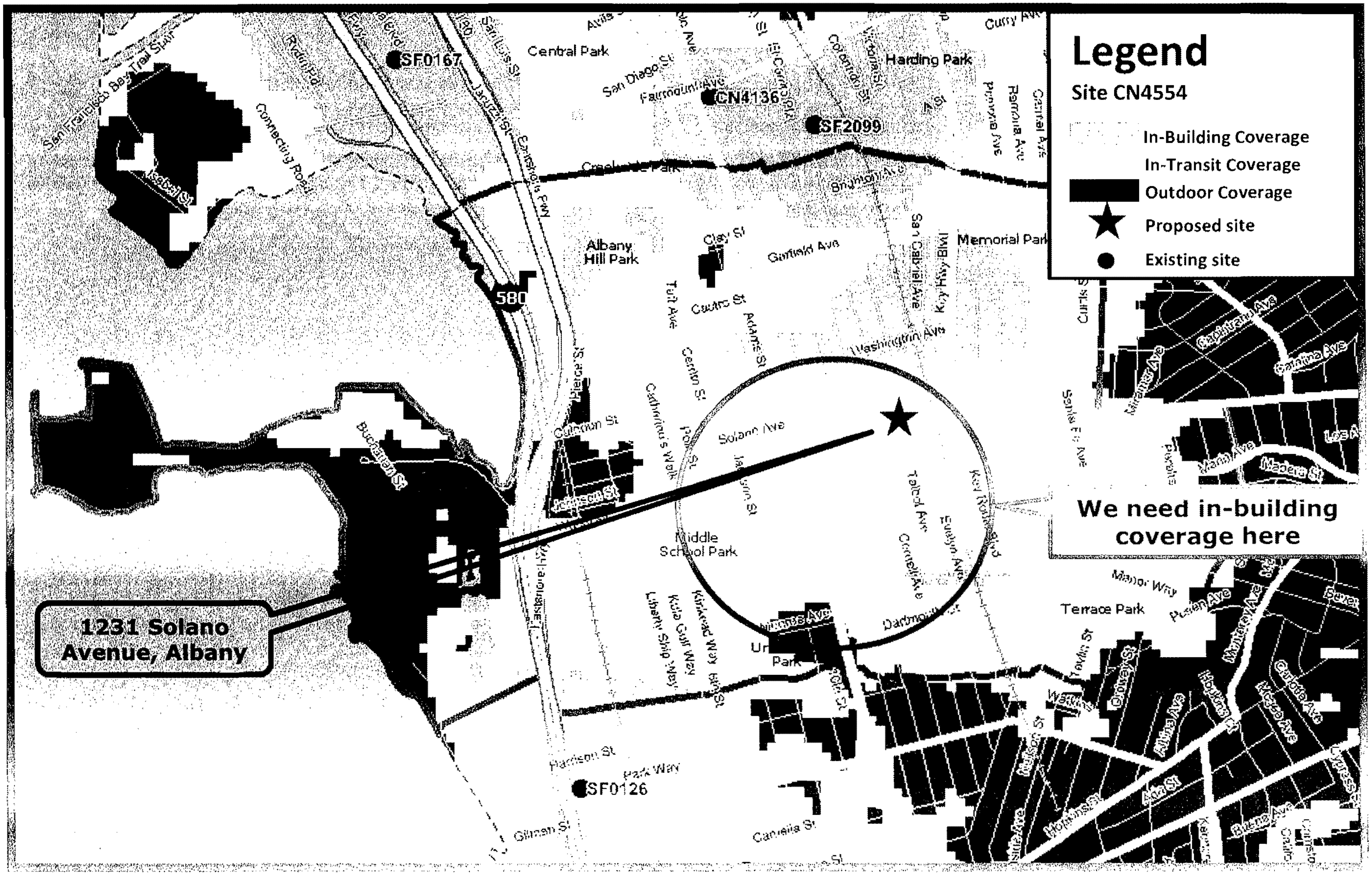
Alternate 5 @ 1231 Solano Avenue (25ft)

November 21, 2011



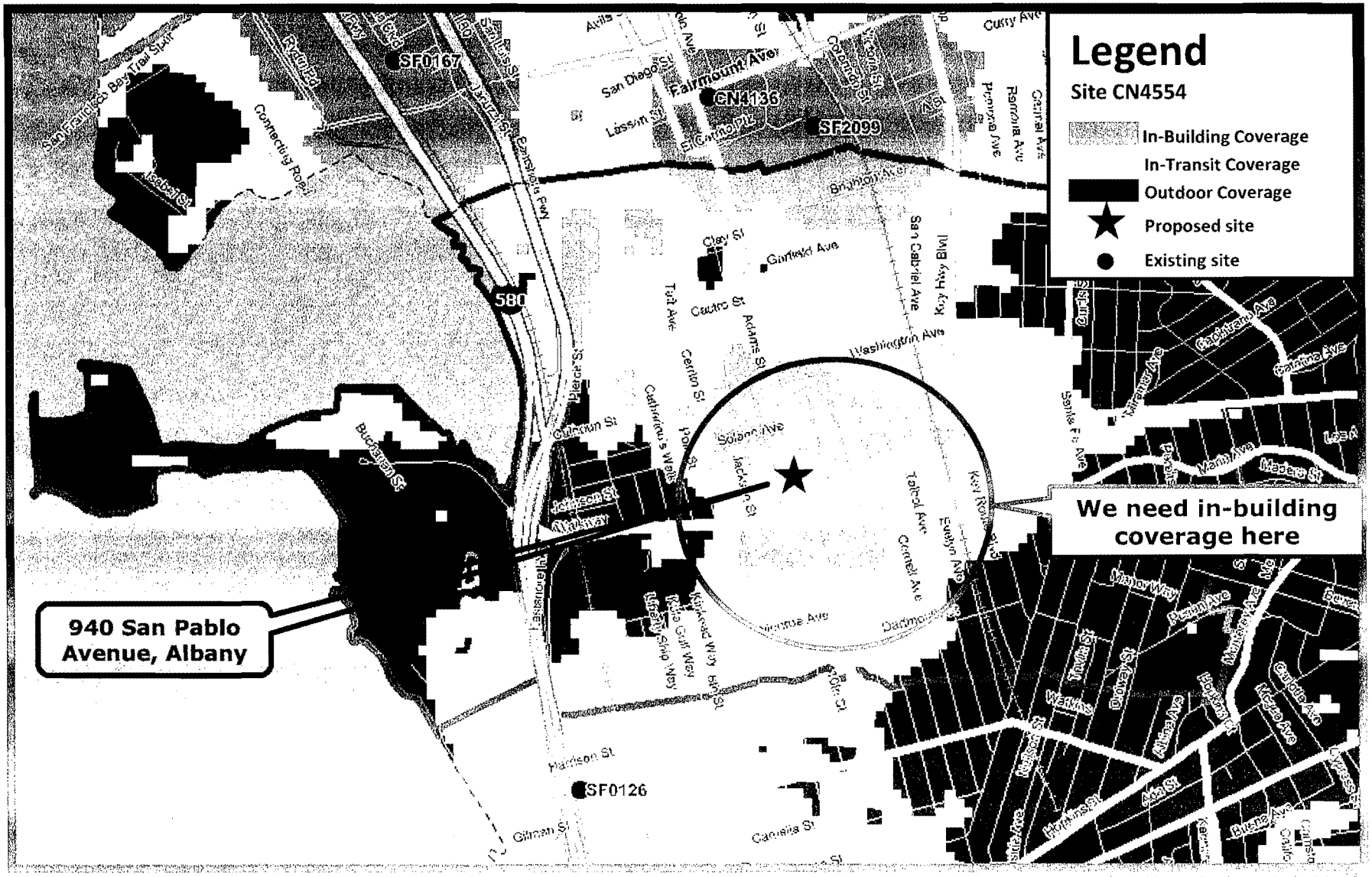
Alternate 5 @ 1231 Solano Avenue (70ft)

November 21, 2011



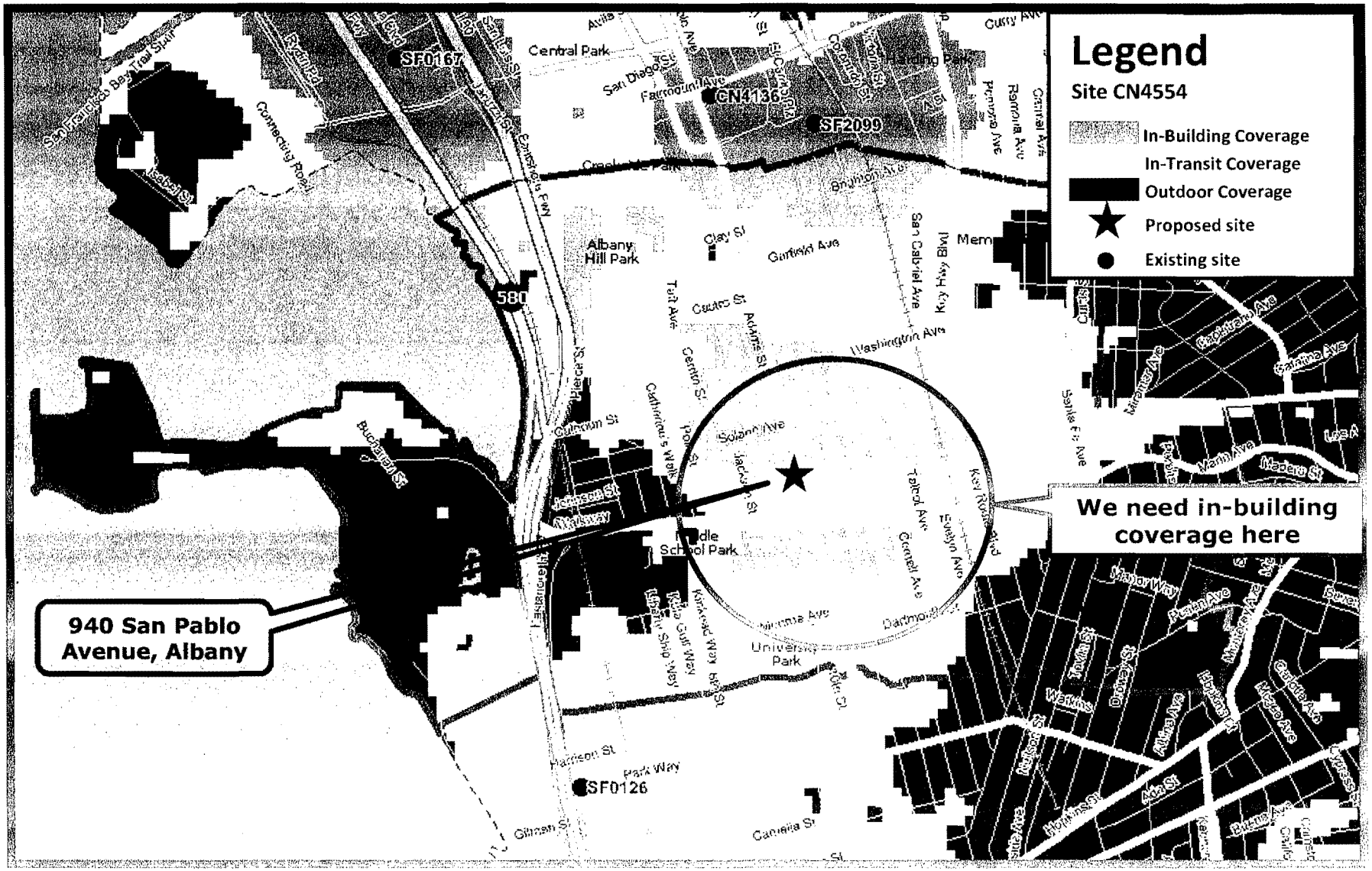
Alternate 8 @ 940 San Pablo Avenue (35ft)

November 21, 2011



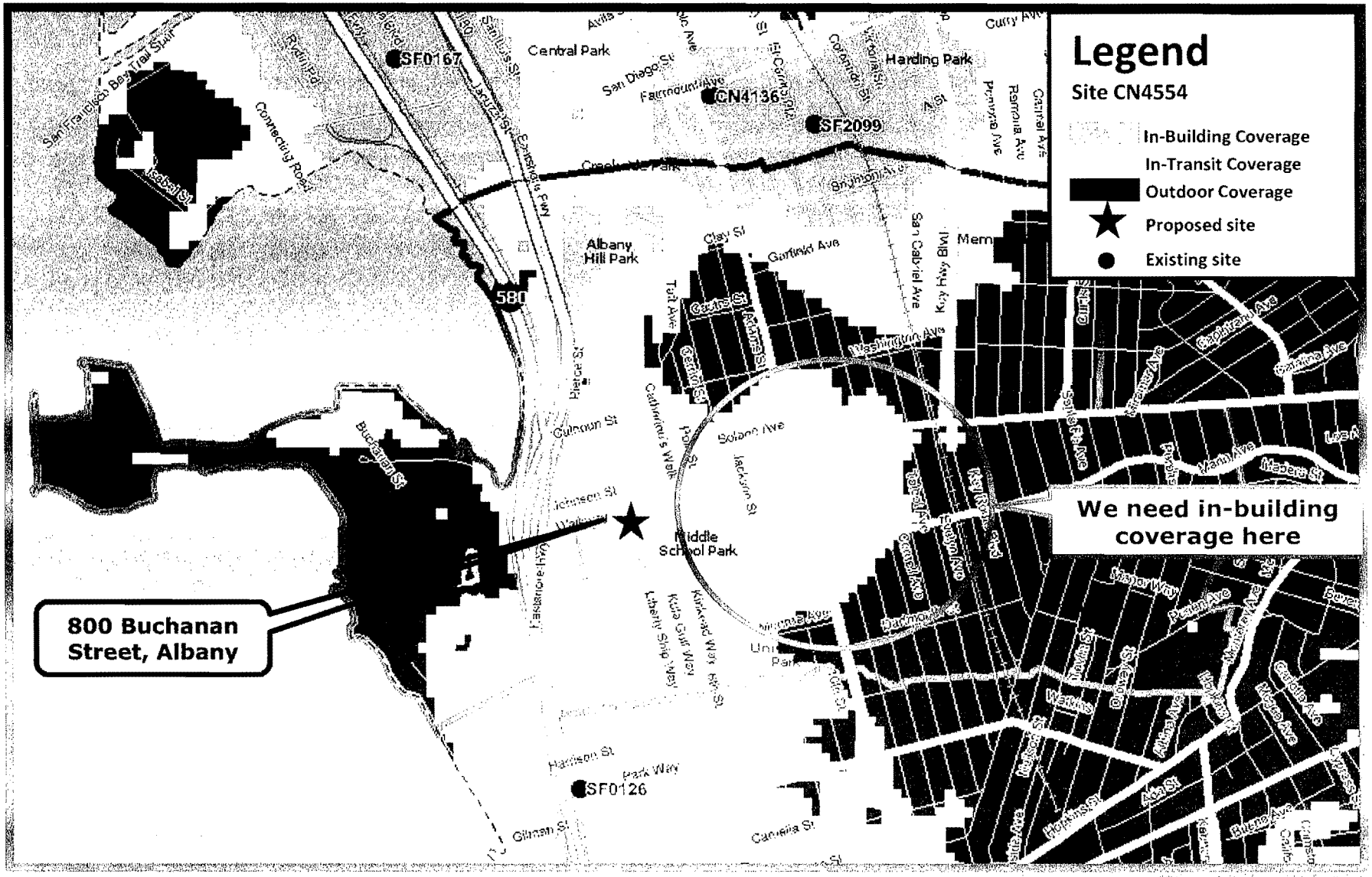
Alternate 8 @ 940 San Pablo Avenue (50ft)

November 21, 2011



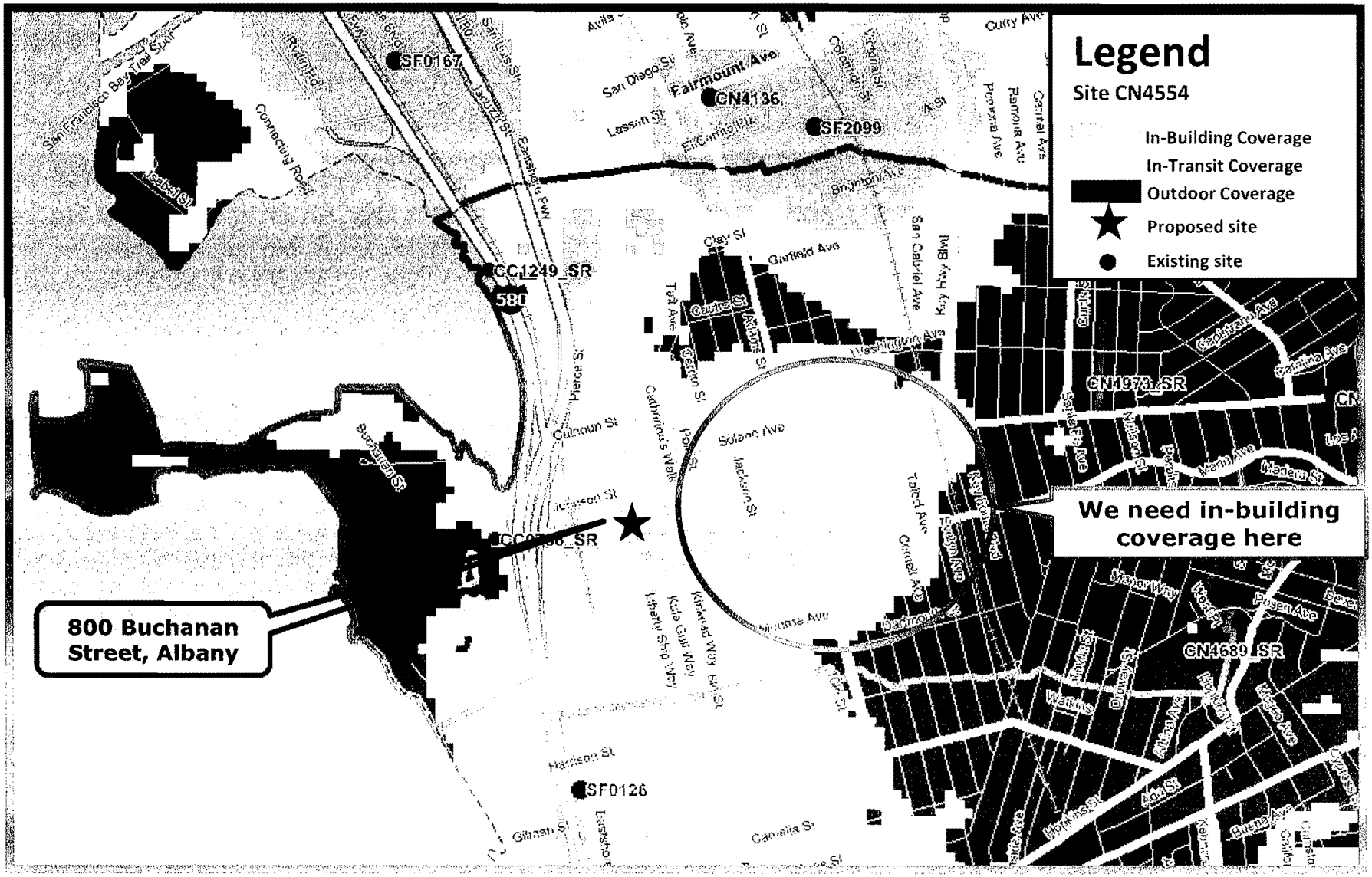
Alternate 9 @ 800 Buchanan Street (35ft)

November 21, 2011



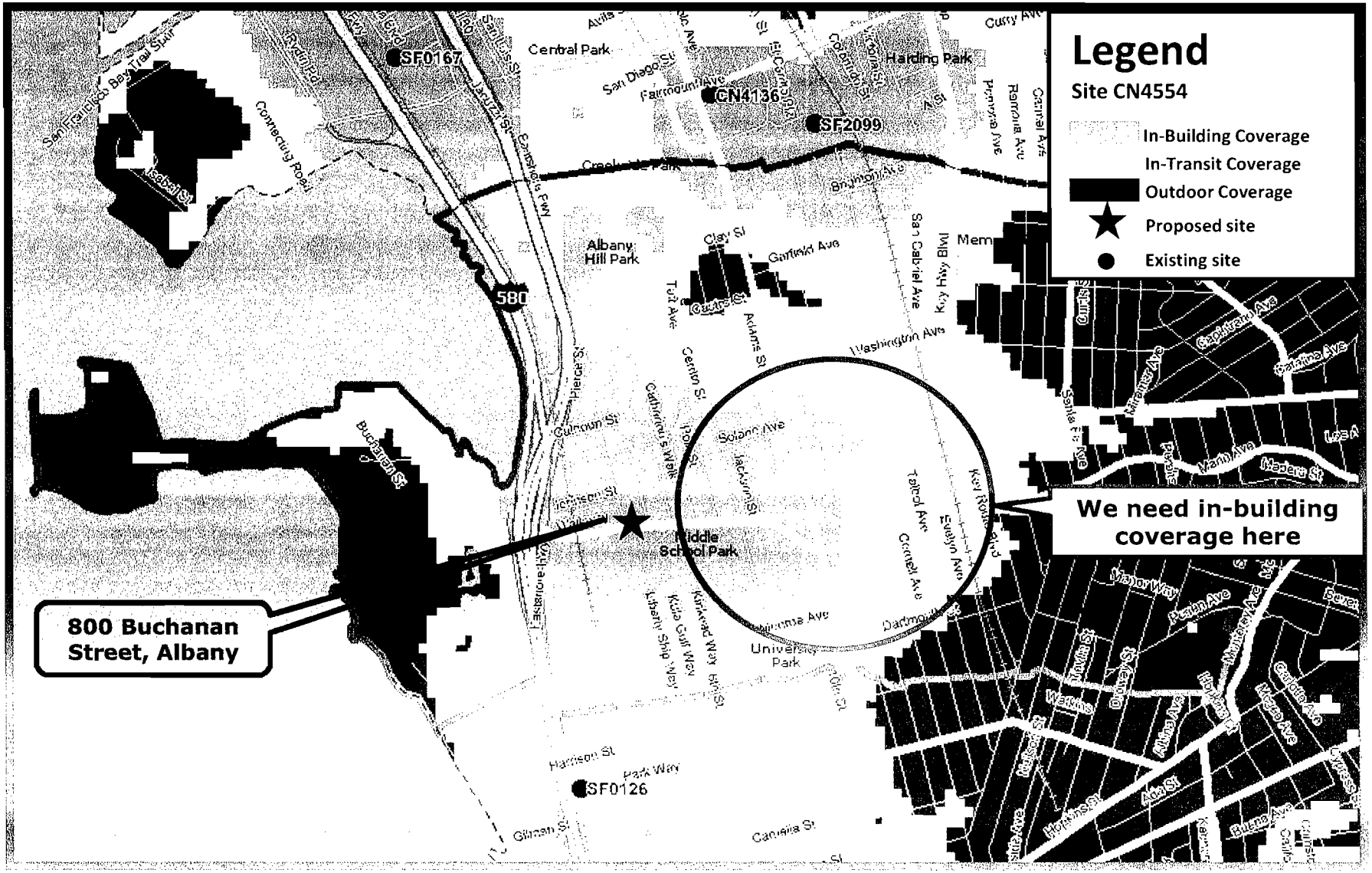
Alternate 9 @ 800 Buchanan Street (65ft)

November 21, 2011



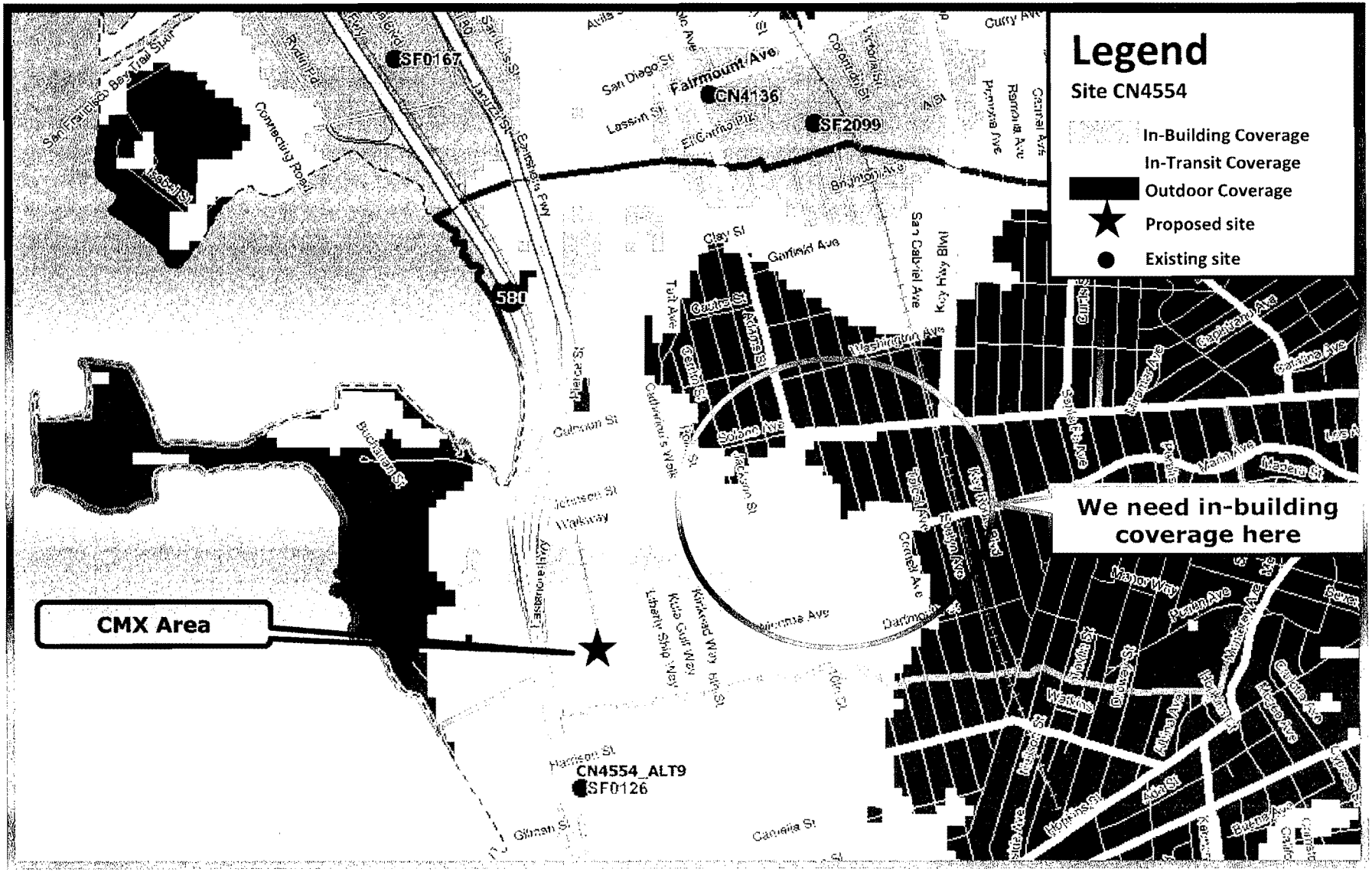
Alternate 9 @ 800 Buchanan Street (100ft)

November 21, 2011



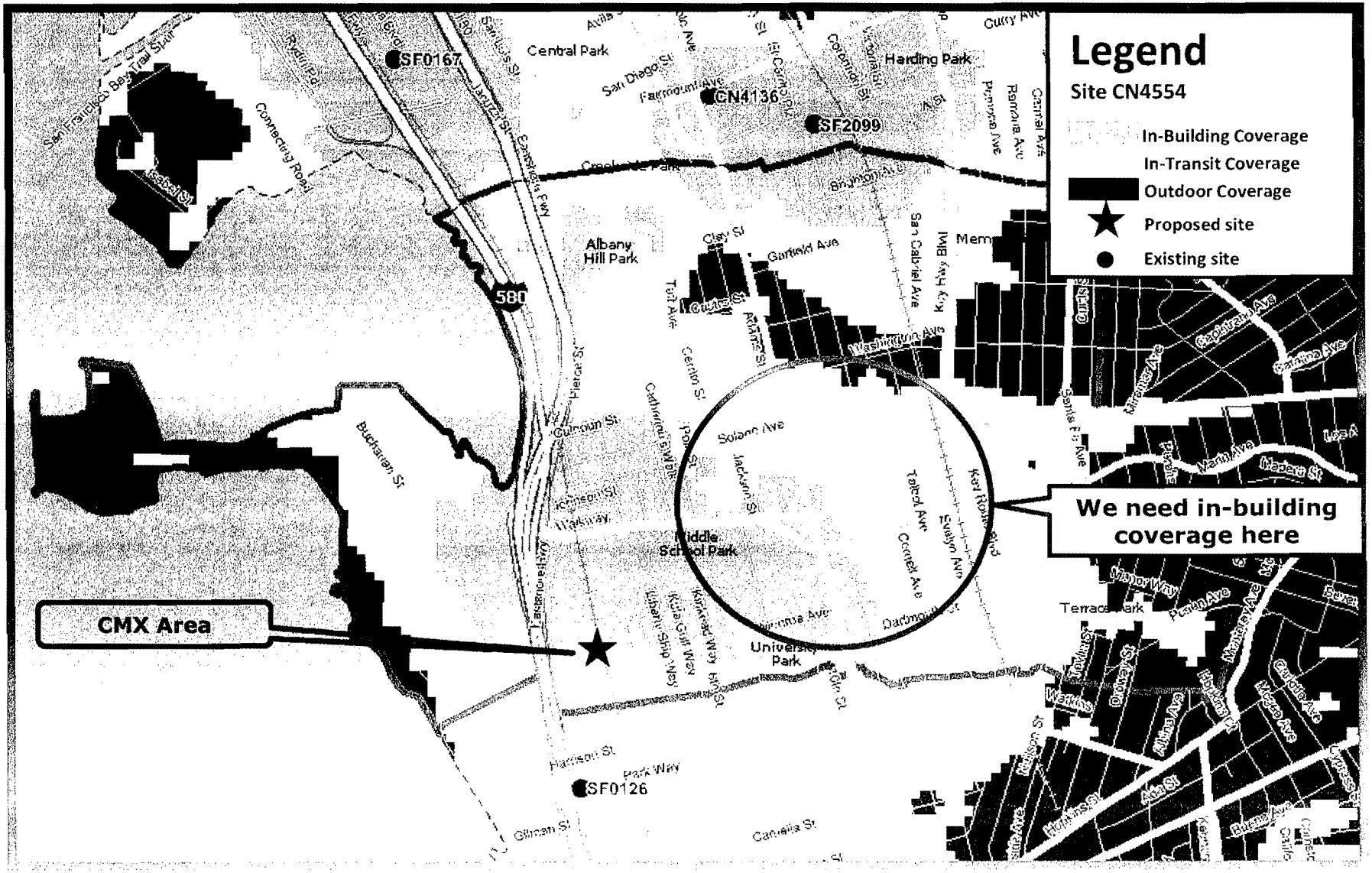
Alternate 10 @ CMX Area(50ft)

November 21, 2011



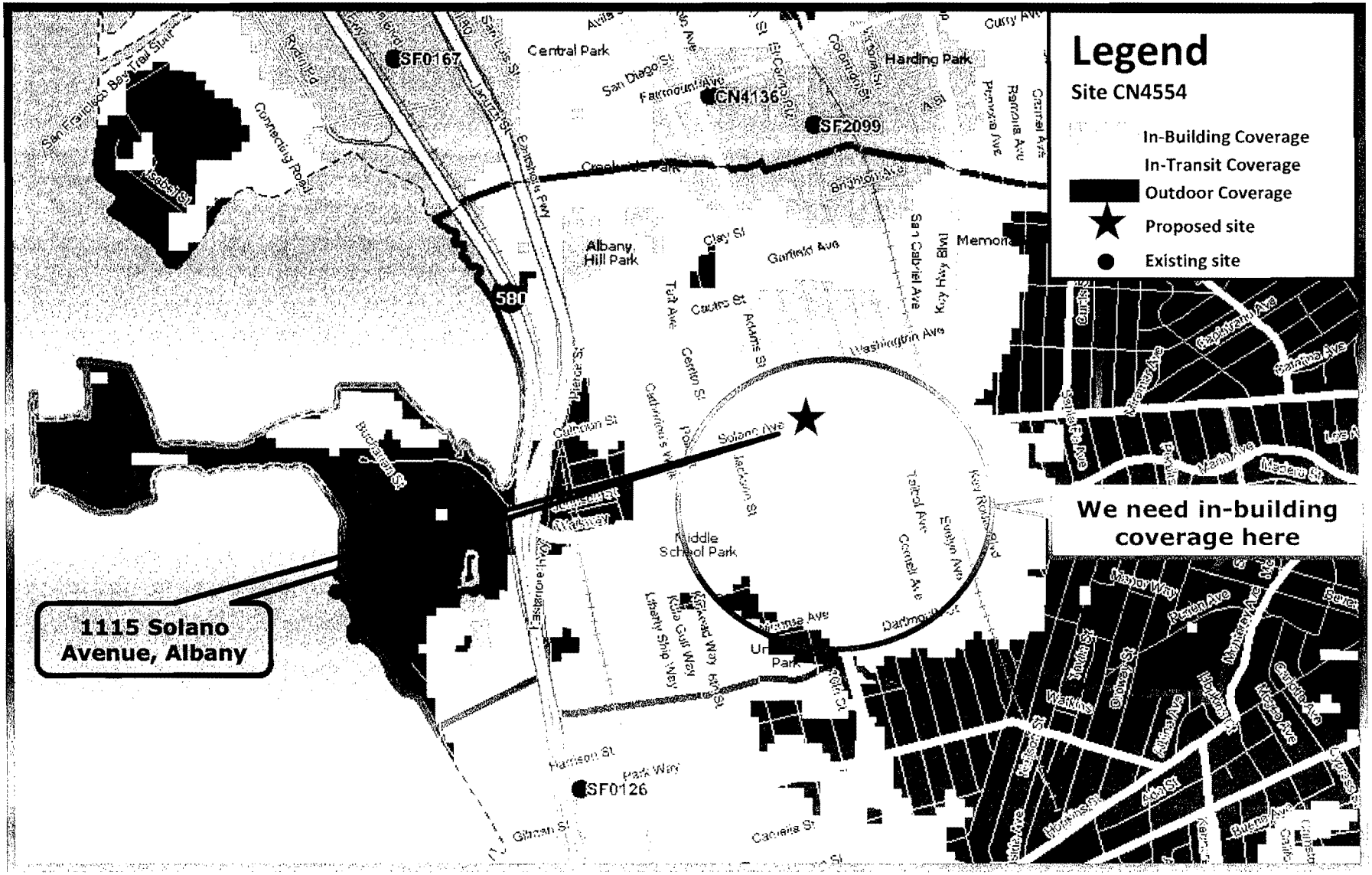
Alternate 10 @ CMX Area(150ft)

November 21, 2011



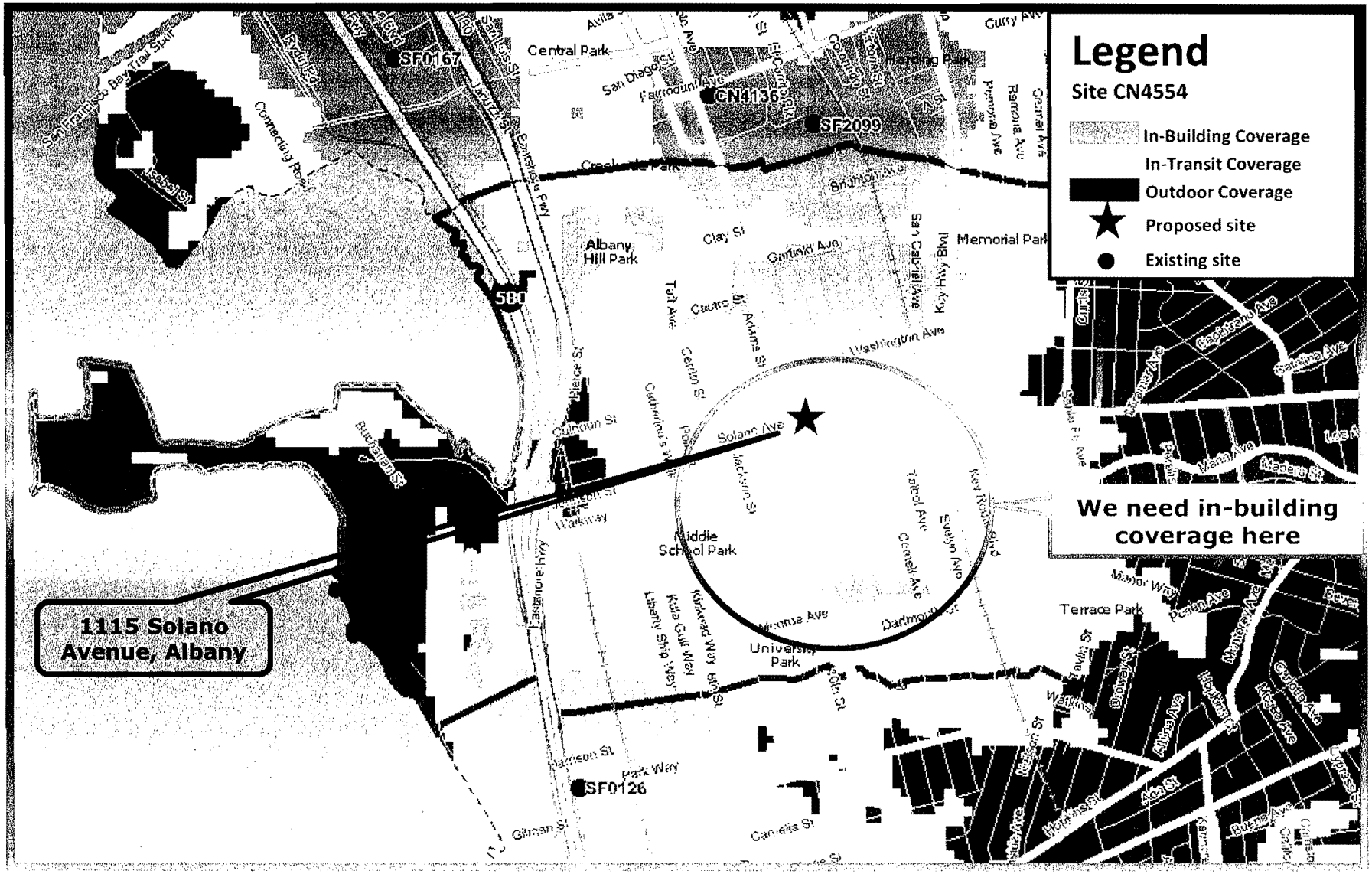
Candidate @ 1115 Solano Avenue (45ft)

November 21, 2011



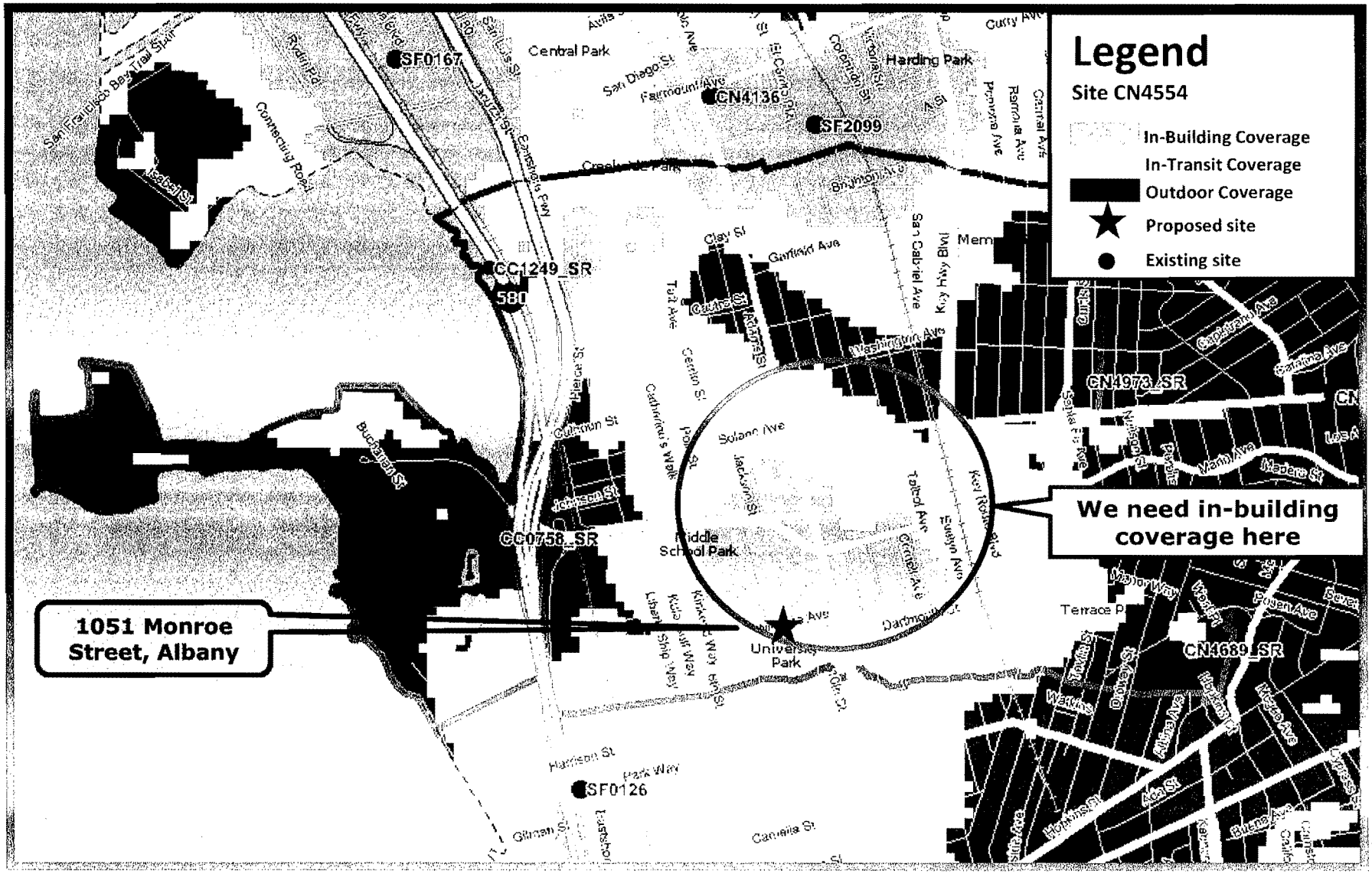
Candidate @ 1115 Solano Avenue (90ft)

November 21, 2011



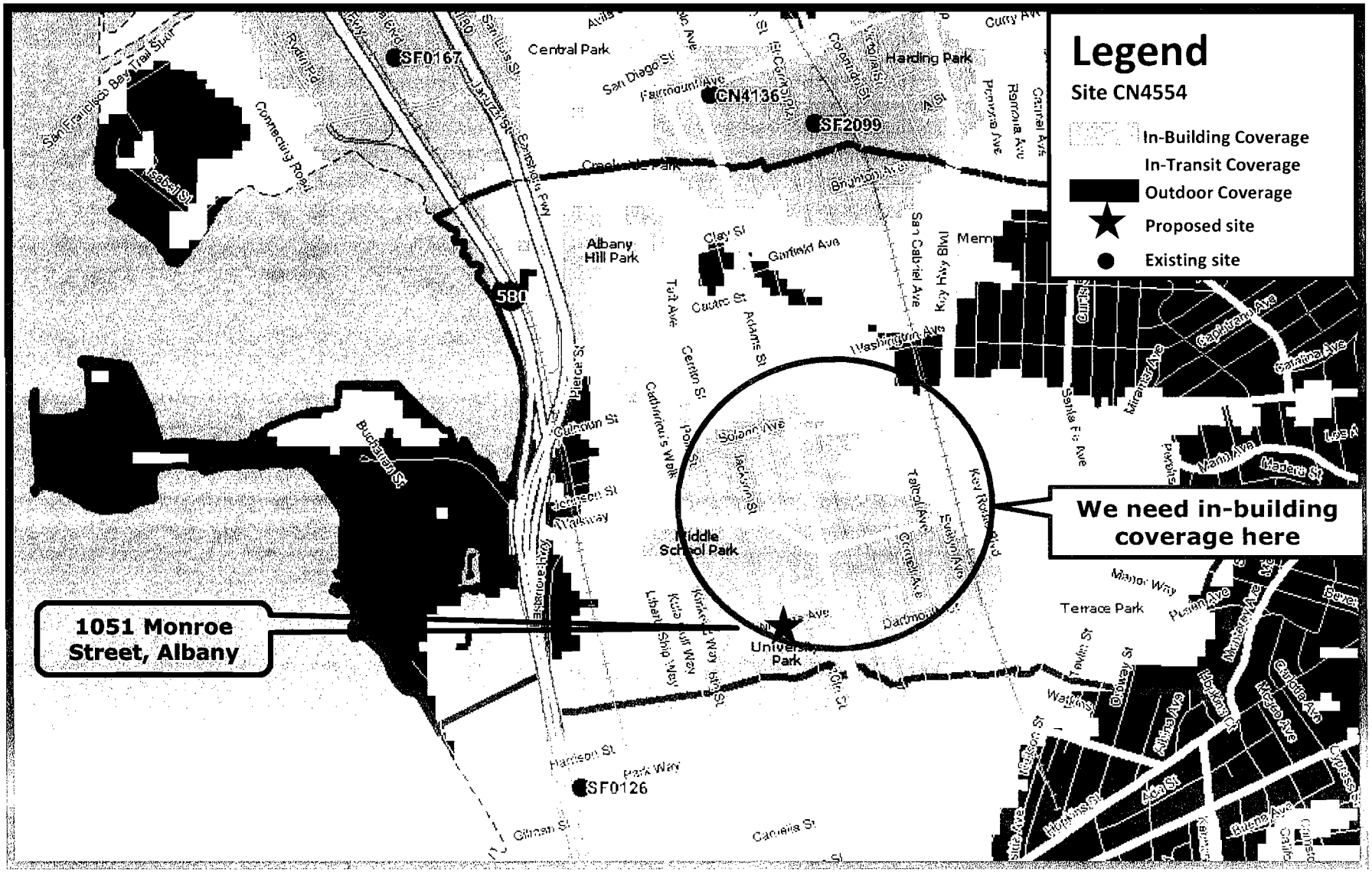
Candidate @ 1051 Monroe Street (45ft)

November 21, 2011



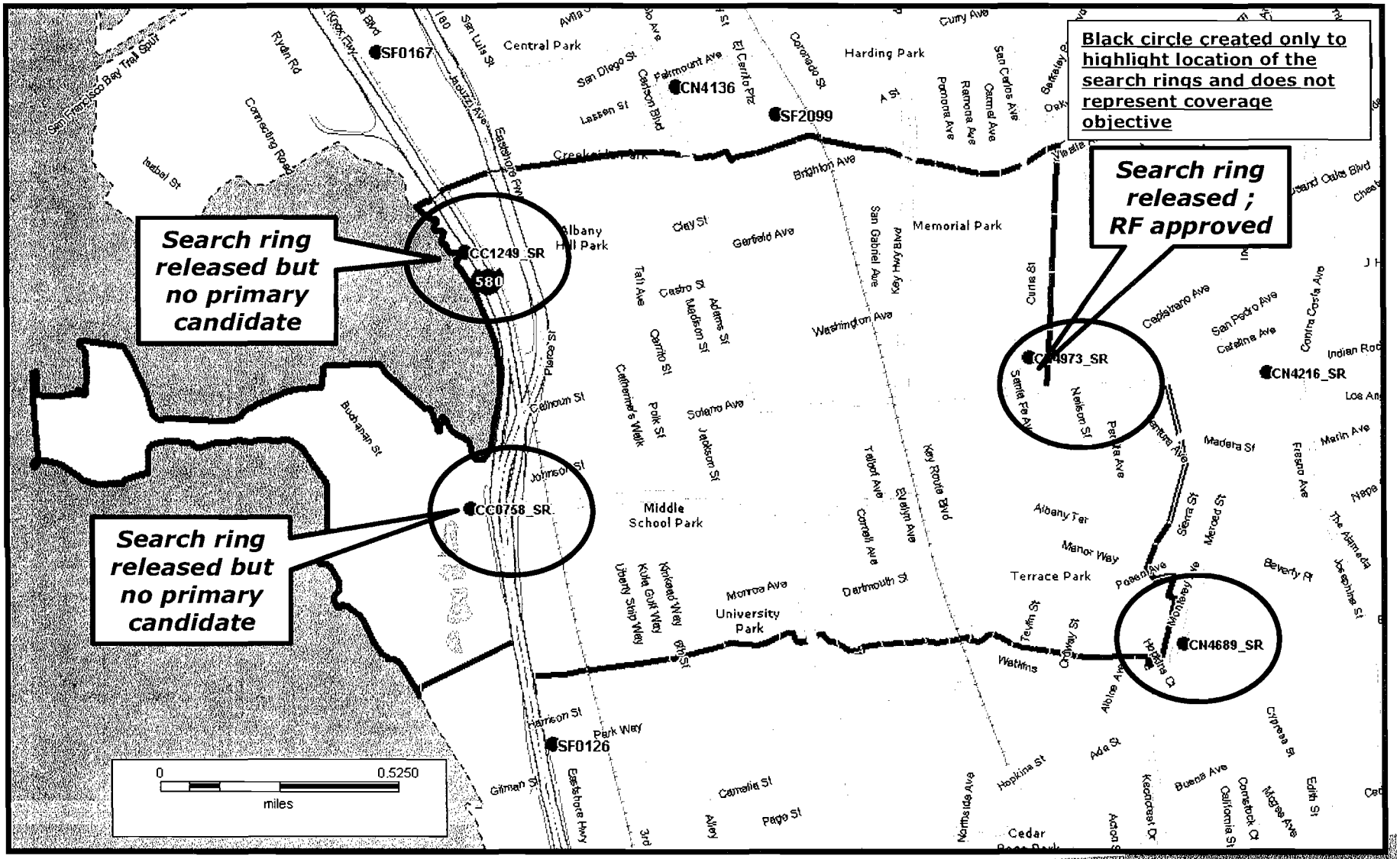
Candidate @ 1051 Monroe Street (90ft)

November 21, 2011



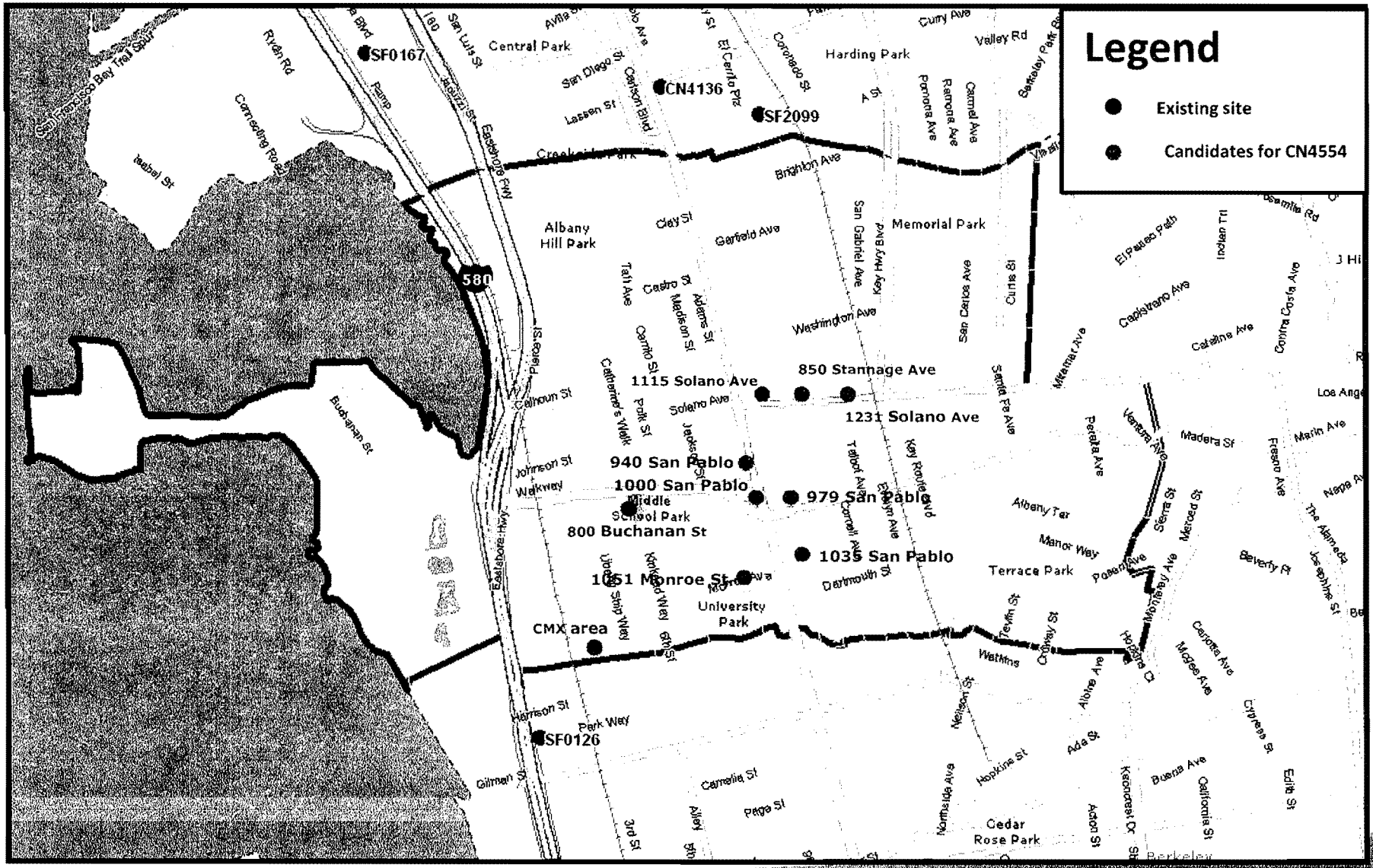
New Site Build Status in Albany

November 21, 2011



Location of current and previous candidates

November 21, 2011



Existing AT&T Drivetest Data – UMTS 850 MHz

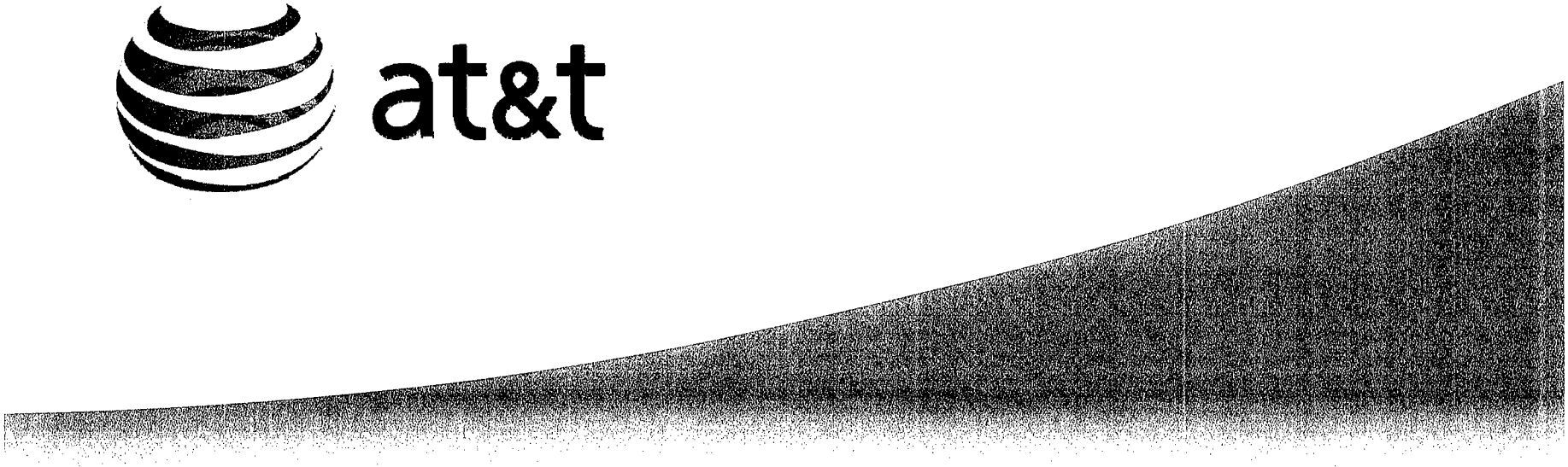
November 21, 2011

Propagation Maps Data Parameters

November 21, 2011

Candidates	Azimuth			Antenna Model	Frequency	Pilot Power (dBm)
	Sector 1	Sector 2	Sector 3			
CNU4554_1115 Solano Ave	20	260	140	Powerwave 4ft ant	850 MHz	34.5
CNU4554_1231 Solano Ave	20	260	140	Powerwave 4ft ant	850 MHz	34.5
CNU4554_850 Stannage	20	260	140	Powerwave 4ft ant	850 MHz	34.5
CNU4554_940 San Pablo	70	345	165	Powerwave 4ft ant	850 MHz	34.5
CNU4554_979 San Pablo	70	345	165	Powerwave 4ft ant	850 MHz	34.5
CNU4554_CMX	70	345	165	Powerwave 4ft ant	850 MHz	34.5
CNU4554_800 Buchanan	70	345	165	Powerwave 4ft ant	850 MHz	34.5
CNU4554_1035 San Pablo	70	345	165	Powerwave 4ft ant	850 MHz	34.5
CNU4554_1051 Monroe	70	345	165	Powerwave 4ft ant	850 MHz	34.5

EXHIBIT I



CNU4554 (Primary) @ 1035 San Pablo (43')

5/11/12

Alternative 11 @ 1760 Solano Avenue (47')

5/11/12

EXHIBIT J

Date Received: 5/22/08
Planning Application No.: 08-038
Fee Paid: 1110 + 5000 = $6110.00
Receipt # ~~42401~~ 5017

City of Albany

PLANNING APPLICATION FORM
(GENERAL PROJECTS)

For **PLANNING & ZONING COMMISSION** action:	For **ADMINISTRATIVE** action:
☐ Conditional Use Permit*	☐ Admin. Lot Line Relocation
☐ Design Review (residential, residential additions, commercial, office and multi-family*,)	☐ Home Occupations
☐ General Plan Amendment from _____ to _____	☐ Sign Review
☐ Parcel Map/ Tentative Map/ Vesting Tentative Map, Lot Line Relocation	☐ Other:
☐ Parking Exceptions/Reductions	
☐ Precise Development Plan	
☐ Second Unit Use Permit *	
☐ Variance *	
☐ Zone Change from_____ to_____	
☒ Other: Wireless Facility	

* *Please complete the appropriate Supplemental Questionnaire.*

The City of Albany Municipal Code has certain requirements for Planning Applications. Your answering the following questions will help staff assess how to process your application. Thus, we may have additional questions based on your responses below. Additionally, after your application is accepted for processing, staff and Planning and Zoning Commissioners will likely make at least one field visit to your house and neighborhood.

Job Site Address: 1035 San Pablo Avenue		Zone: SPC
Property Owner(s) Name: James and Barbara Kelly, Al Satake	Phone: Fax:	Email:
Mailing Address: 619 San Pablo Avenue	City: Albany	State/Zip: CA/94706
Applicant(s) Name (contact person): Shannon McDougall	Phone: 415-244-8018 Fax: 415-704-3115	Email: shannon.mcdougall@cortel-llc.com
Mailing Address: 1023 Eagle Avenue	City: Alameda	State/Zip: CA/94501

ATTACHMENT 4

PROJECT DESCRIPTION (Please use back of sheet or attach extra sheets, if necessary): Please see attached project description.

GENERAL INFORMATION (Please fill out this section if you are asking for approval of a project that will require construction):

Item	Existing	Proposed
Lot size (square feet)	17,204	17,204
Size of structure(s) or commercial space (square feet)	17,204	17,204
Height and No. of stories	47' to top of penthouse / 3 floors	
Lot coverage [1]	47'	N/A
Floor Area Ratio (FAR)[2]	N/A	N/A
Impervious Area [3]	N/A	N/A
Slope Density[4]	N/A	N/A
No. of dwelling units	N/A	N/A
Parking[5] Number of off-street spaces	N/A	N/A
Number of spaces in garage		
Size of spaces		

[1] Lot Coverage applies to all zoning districts. It is defined as the land area covered by all the structures on a site, including all projections, except portions of uncovered decks, porches or landings, balconies, or stairways that are less than six feet above grade and are not enclosed by walls on more than two sides; eaves, trellises and similar structures that do not have solid roofs.

[2] Floor Area Ratio (FAR) is defined as the proportion of building floor area per area of the parcel of land upon which the building rests. See the informational handout "How to Calculate Floor Area Ratio" for details on what is included and excluded.

[3] Impervious Area includes the total square footage of building footprint(s), driveway(s), patio(s), parking lots, walkway(s), and any other impervious surfaces.

[4] Slope Density requirements apply in the HD Zoning District pursuant to Measure K. See handout on how to measure slope density in this area.

[5] Minimum parking requirements were enacted under Measure D. This Measure requires that all residential development must have a minimum of two off-street parking spaces. Some exceptions may apply to your project, see residential development handout.

Restrictions: Are there any deed restrictions, easements, etc. that affect the property, and, if so, what are they? In some instances, you may be required to provide a title report.

please see attached
Signature of Property Owner

Shannon McDougall
Signature of Applicant

Date

5/20/08
Date

Community Development Department staff is available between 8:30 a.m. and 7:00 p.m. on Mondays, 8:30 a.m. through 5:00 p.m. on Tuesdays through Thursdays, and 8:30 a.m. to 12:30 p.m. on Fridays at 1000 San Pablo Avenue, Albany, CA 94706; TEL: (510) 528-5760.

Radio Frequency Analysis
AT&T Mobility
Site# CN4554
"Marin Avenue"
1035 San Pablo Ave,
Albany, CA
By: Evan Wappel
Date 5/8/2008

at&t

Report Summary

Based upon information provided by AT&T Mobility and the design engineer, and using the calculated method for determining RF field strength, it is the engineer's opinion that the proposed AT&T Mobility site to be located at 1035 San Pablo Ave, Albany, CA will comply with the FCC's current prevailing standard for limiting human exposure to RF energy.

Due to the mounting method utilized, the general public would not normally be able to approach the antennas. Therefore, no significant impact on the general population is expected. The calculated electromagnetic field strength level in publicly accessible areas is less than the existing standard allows for exposure of unlimited duration. Additionally, due to the mounting method used, no significant impact on the environment is expected.

For personnel who work within 11' of the face of an antenna, a training program in exposure to RF fields is recommended. Maintenance personnel should be instructed to contact the appropriate Carrier prior to working in front of an antenna.

Recommended Signage

A standard yellow AT&T Mobility RF "Caution" sign should be posted at the antenna enclosures on the rooftop. A green 'Information' sign should be posted on the inside of the roof access door.

Background

Evan Wappel is the Market RF Safety Coordinator for AT&T Mobility and is responsible for conducting a Radio Frequency (RF) electromagnetic analysis for the AT&T Mobility site to be located at 1035 San Pablo Ave, Albany, CA. This analysis consists of a review of the proposed site conditions, calculation of the estimated RF field strength of the antennas, and the provision of a comparison of the estimated field strength with the Federal Communication Commission (FCC) recommended guidelines for human exposure to RF electromagnetic fields.

at&t

Site Description

Based upon the information provided by AT&T Mobility, 12 AT&T Mobility panel antennas are to be mounted inside new fiverglass enclosures on the rooftop. The antennas will be mounted approximately 40' (to bottom of antennas) above ground level. The antennas will be oriented such that the main lobes are oriented toward the horizon. Normal public access to the front of the antennas is not expected due to the mounting location and method utilized. Occupational access to the front of the antennas is not normally expected.

RF Field Strength Calculation Methodology

A generally accepted method is used to calculate the expected RF field strength. The method uses the FCC's recommended equation[1] which predicts field strength on a worst case basis by

Equation 1 $$S = \frac{(2)^2 PG}{4\pi R^2} = \frac{PG}{\pi R^2} = \frac{EIRP}{\pi R^2}$$

doubling the predicted field strength. The following equation is used to predict maximum RF field strength:

Where:
S = power density
P = power input to the antenna
G = power gain of the antenna in the direction of interest relative to an isotropic radiator
R = distance to the center of radiation of the antenna

[1] Reference Federal Communication Commission Office of Engineering Technology Bulletin 65

at&t

Cumulative Study
The ground level effect of the AT&T Mobility emissions coupled with the cumulative effect of other carriers was calculated using a maximum downtilt of 6°, and a maximum ERP of 188 watts. Results were calculated for a height of 6' above ground level. Using these factors, the maximum calculated fields at ground level are estimated at 0.2% of the existing standard for general population uncontrolled exposure.

See Table 1 for the FCC's guidelines on Maximum Permissible Exposure (MPE). Note that the RF ranges referenced for this analysis are the ranges of 300 – 1500 Mhz, and 1500 – 100,000 Mhz shown in Table 1, which is included in Appendix A.

Exposure Environments
The FCC guidelines incorporate two separate tiers of exposure limits that are dependent on the situation in which the exposure takes place and/or the status of the individuals who are subject to exposure. The decision as to which tier applies in a given situation should be based on the application of the following definitions.

Occupational/controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/uncontrolled limits (see below), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

General population/uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public always fall under this category when exposure is not employment-related.

at&t

For purposes of applying these definitions, awareness of the potential for RF exposure in a workplace or similar environment can be provided through specific training as part of a RF safety program. Warning signs and labels can also be used to establish such awareness as long as they provide information, in a prominent manner, on risk of potential exposure and Instructions on methods to minimize such exposure risk. For example, a sign warning of RF exposure risk and indicating that individuals should not remain in the area for more than a certain period of time could be acceptable.

Another important point to remember concerning the FCC's exposure guidelines is that they constitute ***exposure*** limits (not ***emission*** limits), and they are relevant only to locations that are ***accessible*** to workers or members of the public. Such access can be restricted or controlled by appropriate means such as the use of fences, warning signs, etc., as noted above. For the case of occupational/controlled exposure, procedures can be instituted for working in the vicinity of RF sources that will prevent exposures in excess of the guidelines. An example of such procedures would be restricting the time an individual could be near an RF source or requiring that work on or near such sources be performed while the transmitter is turned off or while power is appropriately reduced.

Qualifications of Reporting Engineer
Mr. Wappel has been involved in the analysis of RF emissions since 1999. He has designed numerous RF systems including both site design and RF system design. He is an Electrical Engineer, and all contents of this report are true and correct to the best of his knowledge.

Signed: _____ Date: 5/8/2008
Evan Wappel, BSc.

PROJECT DESCRIPTION

AT&T
Proposed Telecommunications Facility
1035 San Pablo Avenue
Albany, CA 94706
APN: 065-2662-049-01

Proposed Use

AT&T is currently deploying the infrastructure of its wireless communications network in California. AT&T proposes to mount 9 panel antennas on the roof-top of an existing building located at 1035 San Pablo Avenue. Six panel antennas will be located in the southeast corner of the roof-top and three will be located on the northwest wall of an existing penthouse. Each panel antenna will measure approximately 55.2" tall and 18.3" wide. All proposed equipment will screened from view and will not be visible. Five corresponding equipment cabinets will also be located on the roof-top and will not be visually obtrusive. AT&T's facility is an unmanned facility, which will operate 24 hours per day, 7 days per week. The facility will require access by company representatives less than twice a month.

AT&T will utilize existing roads and parking to access the site. After the initial construction, no noise, odors, dust, glare, or additional traffic will be generated by this project. AT&T does not plan any future use for this site other than the use being proposed by this application.

Type of Technology

As previously mentioned, AT&T is currently deploying the infrastructure of its wireless communications network in California, called a "Personal Communication Service" (PCS). PCS is, in essence, simply another form of radio communication. PCS uses radio frequencies to send and receive information or conversations from an antenna to a wireless telephone. The PCS technology works through a series of transmitting facilities, which carry and hand off phone signals as a caller moves from one area to another. As the caller moves from one cell area (the area where there is a transmitter and an antenna) to the next, signals to and from the first cell area fade and then "hand" the call off to an available channel in the cell area where the caller is entering.

Consumer Services

The new AT&T offers the largest digital voice and data network in the U.S. including service in all top 100 metropolitan areas. We offer our customers a nationwide GSM/GPRS footprint across our service areas.

GSM is the world's most popular wireless phone technology used by more than 1 billion people in 200 plus countries around the world. GSM offers customers unparalleled global roaming capabilities as well as the truest voice quality in wireless. We also maintain our TDMA network, which continues to provide high quality voice and data services.

In 2003, Cingular launched the world's first commercial deployment of wireless services using Enhanced Data rates for GSM Evolution (EDGE) technology. EDGE is a third generation high speed mobile data and internet access technology, with average rates that are fast enough to support a wide range of advanced data services, including streaming audio, video, fast Internet access, and large file downloads.

In 2004 AT&T launched Universal Mobile Telephone Service expanding the network nationwide. UMTS is the leading 3G-Technology choice today offering potential worldwide coverage and enabling economies of scale, global roaming, and a priority technology for software and applications developers. UMTS is one of the natural forward evolutionary paths for GSM network.

Performance Agreement

AT&T is prepared to enter into an agreement with the City of Albany to remove abandoned facilities, to maintain any required landscaping, and to perform periodic monitoring of radio frequency (RF) emissions. AT&T is also prepared to defend, indemnify, and hold the City harmless from any claims, actions, or proceedings from connection with the project.

Location Standards

The proposed facility at 1035 San Pablo Avenue is located in the City's SPC –San Pablo Commercial zone. AT&T was not able to locate in the CMX zone because all the properties available in the CMX zone are too far away from the search ring. Our coverage objective is east of Solano Avenue and there are not CMX zones located in this area.

We contacted the Albany Fire Department to possibly locate a facility on this PF parcel. Unfortunately, at this time the Fire Department is not interested in securing a lease with AT&T because of a proposed renovation project. There are no other PF locations within the designated search ring.

This facility was designed to have a minimal visual impact and will not be significantly visible from any vantage point within the City. The site is not near schools, daycare facilities, open spaces, or ridgelines.

AT&T currently does not an existing site in the City of Albany.

AT&T needs to bring coverage to the north and south of San Pablo Avenue and east toward the downtown area.

AT&T approached and considered several other candidates before deciding on the site located at 1035 San Pablo Avenue. Please see the below addresses and justifications.

924 San Pablo Avenue/Town Centre Structure

T-Mobile is currently operating behind the Town Centre sign/structure. The owner of the parcel declined to entertain another carrier.

1115 Solano Albany Theatre

AT&T approached the owner of the theatre and after several weeks of preliminary negotiations the owner decided not to pursue a lease.

850 Stannage

This site was rejected due to close proximity to residential.

1231 Solano Avenue

This site was also rejected due to close proximity to residential.

Please see the radio frequency propagation maps for further detail regarding coverage necessity.

Co-Location and Shared Location Standards

The proposed facility location is a collocation with another carrier. AT&T has a non-exclusive lease with the property owner. The design allows for the consolidation of future facilities (none are planned at this time).

Radio Frequency Report

This project complies with the Federal Communication Commission (FCC) standards. FCC guidelines are based on standards and recommendations developed by expert committees of physicians, scientists and engineers, most of whom are researchers from leading universities and government research laboratories.

These guidelines were extensively reviewed and endorsed by the major government agencies responsible for public health and the environment – the U.S. Food and Drug Administration, the Environmental Protection Agency, the Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health.

The standards and guidelines, which are based on careful scientific review and interpretation, prescribe specific exposure levels that are extremely protective.

The radio frequency emissions transmit non-ionizing radio waves. Non-ionizing electromagnetic emissions, at the low levels associated with this type of wireless technology **have not been** proven to be harmful to the public. Police/Fire/EMS radios, television broadcasts, CB radios, microwave ovens, and a variety of common household electronics including garage door openers and baby monitors all produce non-ionizing electromagnetic emissions.

Please refer to the attached "Radio Frequency Report Analysis" prepared by AT&T for additional information. This report is based on predicted RF levels. Predicted levels are determined by the theoretical maximum field strength (as predicted by the FCC equations contained in 08165). If the City is interested, AT&T will measure the actual RF levels once the proposed facility is in operation.

Road and Accessway Standards

AT&T will utilize existing roads and parking to access the site. No new access roads or parking spaces are required for the facility. The size of the parking area is not limited to the minimum necessary to accommodate maintenance vehicles.

Vegetation and Landscaping Standards

The AT&T project will not cause any new disturbance to vegetation and natural surroundings.

Noise and Traffic Standards

AT&T equipment operates quietly or virtually noise free. After construction, AT&T's maintenance personnel will access the site less than twice a month.

Visual Compatibility and Facility Design Standards

The facility was designed to integrate into the existing structure. Please refer to the attached photo simulations for further detail.

The proposed facility does not interfere with residential views, vistas or public view corridors. The proposed facility does not display any advertising signage or identifying logos.

Approval Request

AT&T respectively requests the City of Albany's approval of a Use Permit to install and operate a wireless communications facility located at 1035 San Pablo Avenue. The establishment and operation of this wireless communications facility as proposed will not create unusual noise, traffic or other conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity. This determination is supported by the following development standards for wireless communications facilities as listed in section 20.20.100 of the Municipal Code - Wireless Communication Facilities.

5. **Findings for Approval.**

   a. All of the following findings shall be made for the approval of a use permit for a wireless communication facility:

      1) Findings otherwise required for use permits by subsection 20.100.030.

The proposed facility is locating in the SPC zone a preferred location according to section 20.20.100D. number 2c of the municipal code.

      2) The establishment or expansion of the facility demonstrates a reasonable attempt to minimize stand-alone facilties, 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 proposed site is an expansion of an existing facility and all antennas have been screened with compatible architecture features to integrate the antennas into the existing structure. Please see attached photosimulations for further detail.

      3) 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.

The proposed site is located in a preferred location. An alternative analysis has been provided under "Location Standards" within the project description.

      4) The placement, construction, or modification of a wireless telecommunication 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 proposed facility is essential to providing service to all AT&T customers within the City of Albany. Please see attached search ring and radio frequency propagation maps depicting the need for coverage in this area.

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APPENDIX A

Term Definitions

Exposure Exposure occurs whenever and wherever a person is subjected to electric, magnetic or electromagnetic fields other than those originating from physiological processes in the body and other natural phenomena.

Exposure, partial-body. Partial-body exposure results when RF fields are substantially nonuniform over the body. Fields that are nonuniform over volumes comparable to the human body may occur due to highly directional sources, standing-waves, re-radiating sources or in the near field.

General population/uncontrolled exposure. For FCC purposes, applies to human exposure to RF fields when the general public is exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public always fall under this category when exposure is not employment-related.

Maximum permissible exposure (MPE). The rms and peak electric and magnetic field strength, their squares, or the plane-wave equivalent power densities associated with these fields to which a person may be exposed without harmful effect and with an acceptable safety factor.

Occupational/controlled exposure. For FCC purposes, applies to human exposure to RF fields when persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/uncontrolled limits (see definition above), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

at&t

Table 1
LIMITS FOR MAXIMUM PERMISSIBLE EXPOSURE (MPE)

(A) Limits for Occupational/Controlled Exposure

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm^2)	Averaging Time $|E|^2$, $|H|^2$ or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	($900/f^2$)*	6
30-300	61.4	0.163	1.0	6
300-1500	--	--	f/300	6
1500-100,000	--	--	5	6

(B) Limits for General Population/Uncontrolled Exposure

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm^2)	Averaging Time $|E|^2$, $|H|^2$ or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	($180/f^2$)*	30
30-300	27.5	0.073	0.2	30
300-1500	--	--	f/1500	30
1500-100,000	--	--	1.0	30

f = frequency in MHz *Plane-wave equivalent power density

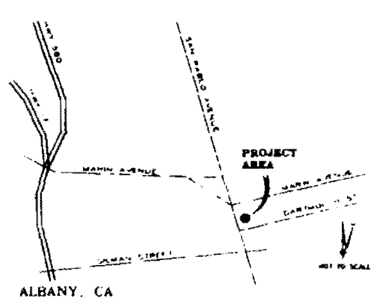
NOTE 1: ***Occupational/controlled*** limits apply in situations in which persons are exposed as a consequence of their employment provided those persons are fully aware of the potential for exposure and can exercise control over their exposure. Limits for occupational/controlled exposure also apply in situations when an individual is transient through a location where occupational/controlled limits apply provided he or she is made aware of the potential for exposure.

NOTE 2: ***General population/uncontrolled*** exposures apply in situations in which the general public may be exposed, or in which persons that are exposed as a consequence of their employment may not be fully aware of the potential for exposure or can not exercise control over their exposure.

GENERAL NOTES

1. DRAWINGS ARE NOT TO BE SCALED. WRITTEN DIMENSIONS TAKE PRECEDENCE AND THIS SET OF PLANS IS INTENDED TO BE USED FOR DIAGRAMMATIC PURPOSES ONLY, UNLESS NOTED OTHERWISE. THE GENERAL CONTRACTOR'S SCOPE OF WORK SHALL INCLUDE FURNISHING ALL MATERIALS, EQUIPMENT, LABOR AND ANYTHING ELSE DEEMED NECESSARY TO COMPLETE INSTALLATIONS AS DESCRIBED HEREIN.
2. PRIOR TO THE SUBMISSION OF BIDS, THE CONTRACTORS INVOLVED SHALL VISIT THE JOB SITE AND FAMILIARIZE THEMSELVES WITH ALL CONDITIONS AFFECTING THE PROPOSED PROJECT WITH THE CONSTRUCTION AND CONTRACT DOCUMENTS, FIELD CONDITIONS AND CONFIRM THAT THE PROJECT MAY BE ACCOMPLISHED AS SHOWN PRIOR TO PROCEEDING WITH CONSTRUCTION. ANY ERRORS, OMISSIONS, OR DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT/ENGINEER.
3. THE GENERAL CONTRACTOR SHALL RECEIVE WRITTEN AUTHORIZATION TO PROCEED WITH CONSTRUCTION PRIOR TO STARTING WORK ON ANY ITEM NOT CLEARLY DEFINED BY THE CONSTRUCTION DRAWINGS/ CONTRACT DOCUMENTS.
4. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE PROJECT DESCRIBED HEREIN. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES AND FOR COORDINATING ALL PORTIONS OF THE WORK UNDER THE CONTRACT.
5. THE CONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS ACCORDING TO MANUFACTURER'S/ VENDOR'S SPECIFICATIONS UNLESS NOTED OTHERWISE OR WHERE LOCAL CODES OR ORDINANCES TAKE PRECEDENCE.
6. ALL WORK PERFORMED ON PROJECT AND MATERIALS INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES. CONTRACTOR SHALL GIVE ALL NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY, MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS, AND LOCAL AND STATE JURISDICTIONAL CODES BEARING ON THE PERFORMANCE OF THE WORK.
7. GENERAL CONTRACTOR SHALL PROVIDE AT THE PROJECT SITE A FULL SET OF CONSTRUCTION DOCUMENTS UPDATED WITH THE LATEST REVISIONS AND ADDENDUMS OR CLARIFICATIONS FOR THE USE BY ALL PERSONNEL INVOLVED WITH THE PROJECT.
8. THE STRUCTURAL COMPONENTS OF THIS PROJECT SITE, FACILITY ARE NOT TO BE ALTERED BY THIS CONSTRUCTION PROJECT UNLESS NOTED OTHERWISE.
9. DETAILS INCLUDED HEREIN ARE INTENDED TO SHOW END RESULT OF DESIGN. MINOR MODIFICATIONS MAY BE REQUIRED TO SUIT JOB CONDITIONS OR SITUATIONS, AND SUCH MODIFICATIONS SHALL BE INCLUDED AS PART OF THE SCOPE OF WORK.
10. SEAL PENETRATIONS THROUGH FIRE-RATED AREAS WITH UL LISTED OR FIRE MARSHAL APPROVED MATERIALS IF APPLICABLE TO THIS FACILITY AND OR PROJECT SITE.
11. PROVIDE A PORTABLE FIRE EXTINGUISHER WITH A RATING OF NOT LESS THAN 2-A OR 2-A10BC WITHIN 75 FEET TRAVEL DISTANCE TO ALL PORTIONS OF THE PROJECT AREA DURING CONSTRUCTION.
12. THE CONTRACTOR SHALL MAKE NECESSARY PROVISIONS TO PROTECT EXISTING IMPROVEMENTS, EASEMENTS, PAVING, CURBING, ETC. DURING CONSTRUCTION. UPON COMPLETION OF WORK, CONTRACTOR SHALL REPAIR ANY DAMAGE THAT MAY HAVE OCCURRED DUE TO CONSTRUCTION ON OR ABOUT THE PROPERTY.
13. CONTRACTOR SHALL SEE TO IT THAT GENERAL WORK AREA IS KEPT CLEAN AND HAZARD FREE DURING CONSTRUCTION AND DISPOSE OF ALL DIRT, DEBRIS, RUBBISH AND REMOVE EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY. PREMISES SHALL BE LEFT IN CLEAN CONDITION AND FREE FROM PAINT SPOTS, DUST OR SMUDGES OF ANY NATURE.
14. THE ARCHITECTS/ENGINEERS HAVE MADE EVERY EFFORT TO SET FORTH IN THE CONSTRUCTION AND CONTRACT DOCUMENTS THE COMPLETE SCOPE OF WORK. CONTRACTORS BIDDING THE JOB ARE NEVERTHELESS CAUTIONED THAT MINOR OMISSIONS OR ERRORS IN THE DRAWINGS AND OR SPECIFICATIONS SHALL NOT EXCUSE SAID CONTRACTOR FROM COMPLETING THE PROJECT AND IMPROVEMENTS IN ACCORDANCE WITH THE INTENT OF THESE DOCUMENTS. THE BIDDER SHALL BEAR THE RESPONSIBILITY OF NOTIFYING (IN WRITING) THE ARCHITECT/ENGINEER OF ANY CONFLICTS, ERRORS, OR OMISSIONS PRIOR TO THE SUBMISSION OF CONTRACTOR'S PROPOSAL. IN THE EVENT OF DISCREPANCIES THE CONTRACTOR SHALL PRICE THE MORE COSTLY OR [illegible] WORK UNLESS DIRECTED OTHERWISE.

VICINITY MAP



at&t

MARIN AVENUE
CN4554

LEGEND

—— A ——	ANTENNA CABLE (ABOVE GROUND)
—— T ——	TELEPHONE SERVICE (ABOVE GROUND)
—— E ——	POWER SERVICE (ABOVE GROUND)
—— G ——	GROUND RING (ABOVE GROUND)
– – A – –	ANTENNA CABLE (BURIED)
– – T – –	TELEPHONE SERVICE (BURIED)
– – E – –	POWER SERVICE (BURIED)
– – G – –	GROUND RING (BURIED)

PROJECT SUMMARY

SITE NAME	MARIN AVENUE
SITE NUMBER	CN4554
SITE ADDRESS	1035 SAN PABLO AVE, ALBANY, CA 94706
OWNER	JAMES J. & BARBARA V. KELLY ET AL
OWNER ADDRESS	619 SAN PABLO AVE, ALBANY, CA 94706
APPLICANT	AT & T MOBILITY
APPLICANTS ADDRESS	3851 NORTH FREEWAY BLVD, SACRAMENTO, CA 95834
ASSESSORS PARCEL NUMBER(S)	065-2662-049-01

SHEET INDEX

CONTACTS

RF ENGINEERING:
AT & T
3851 NORTH FREEWAY BOULEVARD
SACRAMENTO, CALIFORNIA 95834

ENGINEERING FIRM:
PEEK SITE-COM
853 LINCOLN WAY, STE 106
AUBURN, CA 95603
(530) 885-6160

PROJECT MANAGER:
SHANNON MCDOUGAL
3265 BAKER ST
SAN FRANCISCO, CA 94112
(415) 244-8098

ERICSSON CONSTRUCTION MANAGER:
JOHN ELLISON
6160 STONERIDGE MALL SUITE 400
PLEASANTON, CA 94588
510-918-9991

OWNER:
AT & T
3851 NORTH FREEWAY BOULEVARD
SACRAMENTO, CALIFORNIA 95834
916-505-1880

SITE SURVEY:
SEA ENGINEERING
1226 HIGH STREET
AUBURN, CALIFORNIA 95603
530-885-8428

SITE ACQUISITION:
JOE PETERS
3265 BAKER ST
SAN FRANCISCO, CA 94112
(925) 354-1301

CODE COMPLIANCE

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

1. CALIFORNIA ADMINISTRATIVE CODE (INCL. TITLE 24 & 25)
2. 2007 CALIFORNIA BUILDING CODE
3. 2007 CALIFORNIA MECHANICAL CODE
4. 2007 CALIFORNIA PLUMBING CODE
5. 2007 CALIFORNIA ELECTRICAL CODE
6. LOCAL COUNTY OR CITY ORDINANCES

ACCESSIBILITY REQUIREMENTS:
THIS FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS REQUIREMENTS ARE NOT REQUIRED IN ACCORDANCE WITH THE 2007 CALIFORNIA BUILDING CODE.

PROJECT DESCRIPTION

AT&T PROPOSES TO ADD UP TO (5) NEW RBS RADIO CABINET ON A NEW 7' TALL RAISED PLATFORM ON TOP OF ROOF. NEW ANTENNA TO BE INSIDE NEW FIBERGLASS ENCLOSURES.

CLIENT:
at&t
3851 NORTH FREEWAY BOULEVARD
SACRAMENTO, CALIFORNIA 95834

PROJECT INFORMATION:
MARIN AVENUE
1035 SAN PABLO AVE
ALBANY, CA 94706

CURRENT ISSUE DATE: 5-2-08

ISSUE FOR: ZONING DOCS

REV	DATE	DESCRIPTION	BY
1	5-2-08	90% ZONING DOCS	VRT
2	5-16-08	100% ZONING DOCS	VRT

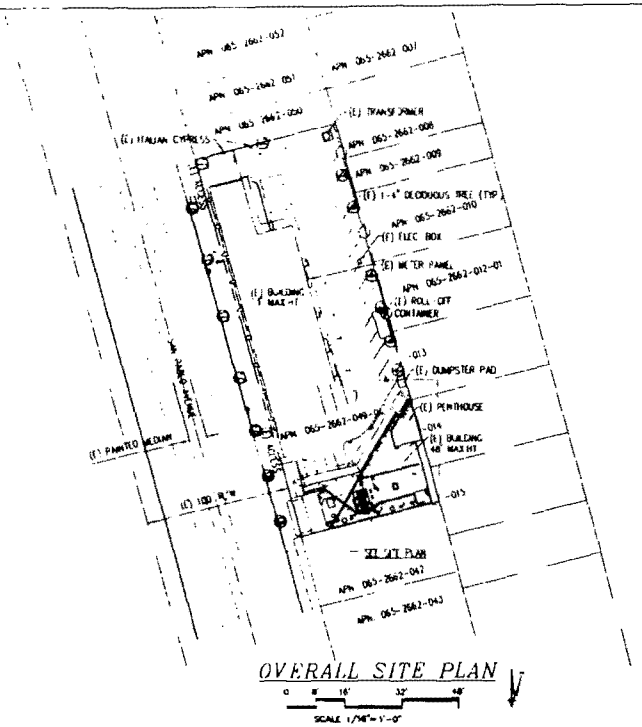
COORDINATING ENGINEER:
Peek Site-Com
853 Lincoln Way, Suite 106
Auburn, California 95603
Phone (530) 885-6160
E-Mail info@peeksitecom.com

SEAL: REGISTERED PROFESSIONAL ENGINEER, STATE OF CALIFORNIA

SITE #: CN4554 | DRAWN BY: VRT

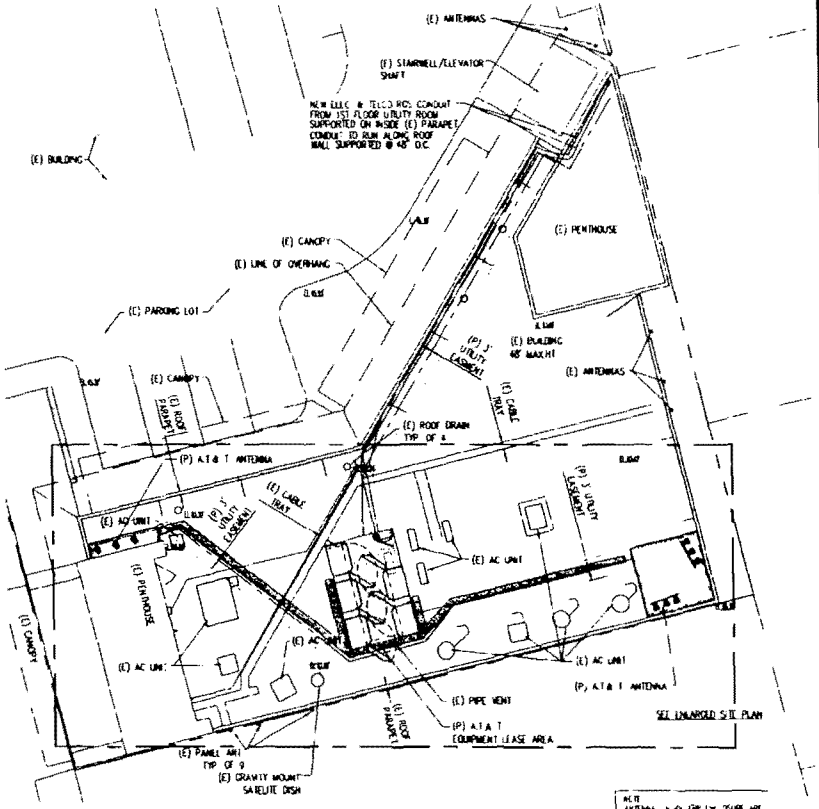
SHEET TITLE: TITLE SHEET

SHEET NUMBER: T-1 | REVISION: 0



OVERALL SITE PLAN

SCALE 1/16"=1'-0"



ENLARGED SITE PLAN

SCALE 1/8"=1'-0"

ALL ANTENNAS, AND EQUIPMENT ARE NOT VISIBLE FROM OUTSIDE

PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & NATURE ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO PEEK SITE COM IS STRICTLY PROHIBITED

CLIENT

at&t

3851 NORTH FREEWAY BOULEVARD
SACRAMENTO, CALIFORNIA 95834

PROJECT INFORMATION

MARIN AVENUE

1035 SAN PABLO AVE
ALBANY CA 94706

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COORDINATING ENGINEER

Peek Site-Com
853 Lincoln Way, Suite 106
Auburn, California 95603
Phone (530) 885-6160
E-Mail info@peeksitecom.com

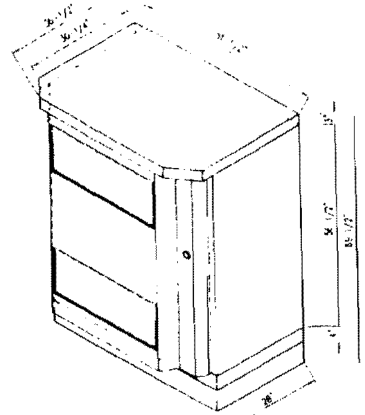
SEAL

SITE #	CHK	DRAWN BY
CN4556		VRT

SHEET TITLE

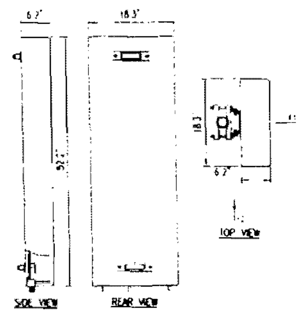
SITE PLAN

SHEET NUMBER	REVISION
A-1	0



TYP BTS CABINET DETAIL

SCALE: NTS



TYP ANTENNA DETAIL

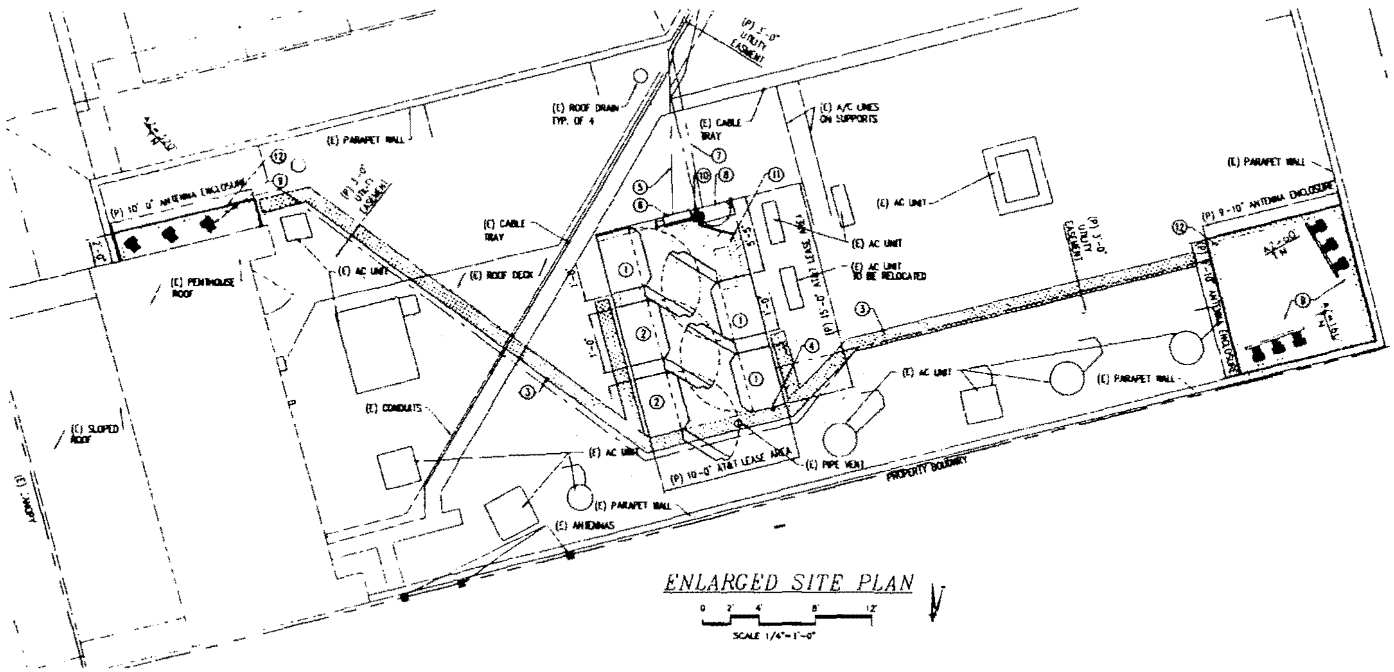
SCALE: NTS

KEY NOTES

1. NEW AT&T BTS EQUIP. CABINET(S)
2. [illegible] CABINET
3. NEW COAX CABLE TRAY WITH [illegible] COVER SUPPORTED ON [illegible] SLEEPERS @ 48" O.C. OVER ROOF
4. NEW GPS UNIT MOUNTED TO NEW BTS UNIT
5. NEW ELEC. RGS CONDUIT
6. NEW 200 AMP [illegible] ELECTRICAL PANEL
7. NEW TELCO RGS CONDUIT
8. NEW TELCO PANEL ON UNISTRUT SUPPORT
9. NEW AT&T ANTENNA, TYPICAL OF (3) PROPOSED PER SECTOR FOR A TOTAL OF (9) INSIDE NEW FIBERGLASS ENCLOSURE
10. NEW [illegible] SITE LIGHT @ [illegible] A.G.L. [illegible] BELOW
11. NEW [illegible] RAISED [illegible] EQUIP. CURB/PLATFORM
12. NEW [illegible] ENCLOSURE FOR RF TRANSPARENT SCREENING FOR NEW ANTENNAS PAINT & FINISH TO MATCH (E) BUILDING PRE-FAB FRP TYP. ALL SIDES

NOTE:
ANTENNAS INSIDE ENCLOSURE ARE NOT VISIBLE FROM OUTSIDE

NEED RF INFO



ENLARGED SITE PLAN

SCALE 1/4"=1'-0"

PROPRIETARY INFORMATION
THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO PEEK SITE-COM IS STRICTLY PROHIBITED

CLIENT

at&t

3851 NORTH FREEWAY BOULEVARD
SACRAMENTO, CALIFORNIA 95834

PROJECT INFORMATION

MARIN AVENUE

1035 SAN PABLO AVE
ALBANY, CA 94706

CURRENT ISSUE DATE

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2	5-16-08	100% ZONING DOCS	WT

COORDINATING ENGINEER

Peek Site-Com
853 Lincoln Way, Suite 106
Auburn, California 95603
Phone (530) 885-6160
E-Mail info@peeksitecom.com

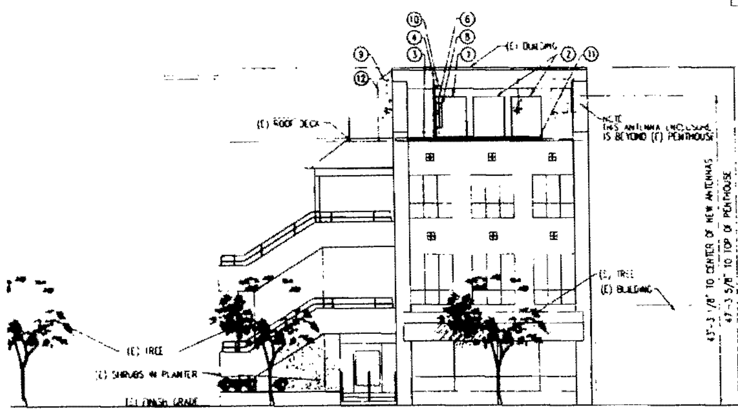
SEAL

SITE # CNA554 | CHK | DRAWN BY WT

SHEET TITLE

SITE PLAN

SHEET NUMBER A-1.1 | REVISION 0



WEST ELEVATION

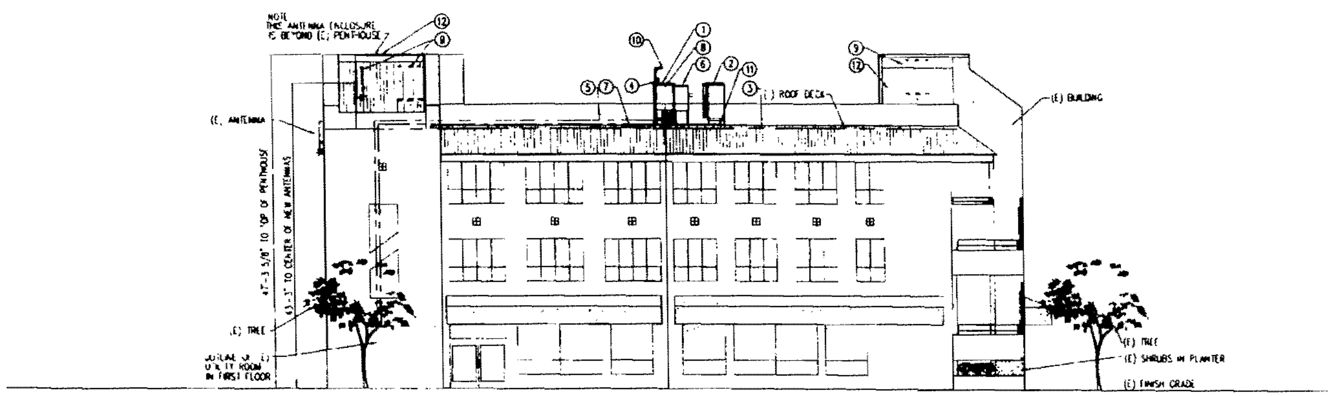
SCALE 1/8" = 1'-0"

NOTE:
ANTENNAS INSIDE ENCLOSURE ARE NOT VISIBLE FROM OUTSIDE

KEY NOTES

1. NEW AT&T [illegible] CABINET(S)
2. FUTURE BTS CABINET
3. NEW [illegible] SUPPORTED ON [illegible] SLEEPERS @ 48" O.C. OVER ROOF
4. NEW GPS UNIT @ [illegible] A.G.L.
5. NEW ELEC. RGS CONDUIT RUN FROM 1ST FLOOR UTILITY ROOM TO ROOF ALONG INSIDE PARAPET WALL TO SITE
6. NEW 200 AMP [illegible] ELECTRICAL PANEL
7. NEW TELCO RGS CONDUIT RUN FROM 1ST FLOOR UTILITY ROOM TO ROOF ALONG INSIDE PARAPET WALL TO SITE
8. NEW TELCO PANEL ON UNI-STRUT SUPPORT
9. NEW AT&T ANTENNA, TYPICAL OF (3) PROPOSED PER SECTOR FOR A TOTAL OF (9) INSIDE NEW FIBERGLASS ENCLOSURES
10. NEW 100W FLOODLIGHT SITE LIGHT @ [illegible] A.G.L. w/SWITCH BELOW
11. NEW [illegible] RAISED SITE BUILT EQUIP. CURB/PLATFORM
12. NEW PRE-FAB FRP [illegible] FOR RF TRANSPARENT STEALTHING FOR NEW ANTENNAS
PAINT & FINISH TO MATCH (E) BUILDING
PRE-FAB FRP TYP. ALL SIDES

NEED RF INFO



NORTH ELEVATION

SCALE 1/8" = 1'-0"

CLIENT

at&t

3851 NORTH FREEWAY BOULEVARD
SACRAMENTO, CALIFORNIA 95834

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1035 SAN PABLO AVE
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ZONING DOCS

REV	DATE	DESCRIPTION	BY
1	5-2-08	90% ZONING DOCS	VRT
2	5-16-08	100% ZONING DOCS	VRT

COORDINATING ENGINEER

Peek Site-Com
853 Lincoln Way, Suite 106
Auburn, California 95603
Phone (530) 885-6160
E-Mail info@peeksitecom.com

SEAL

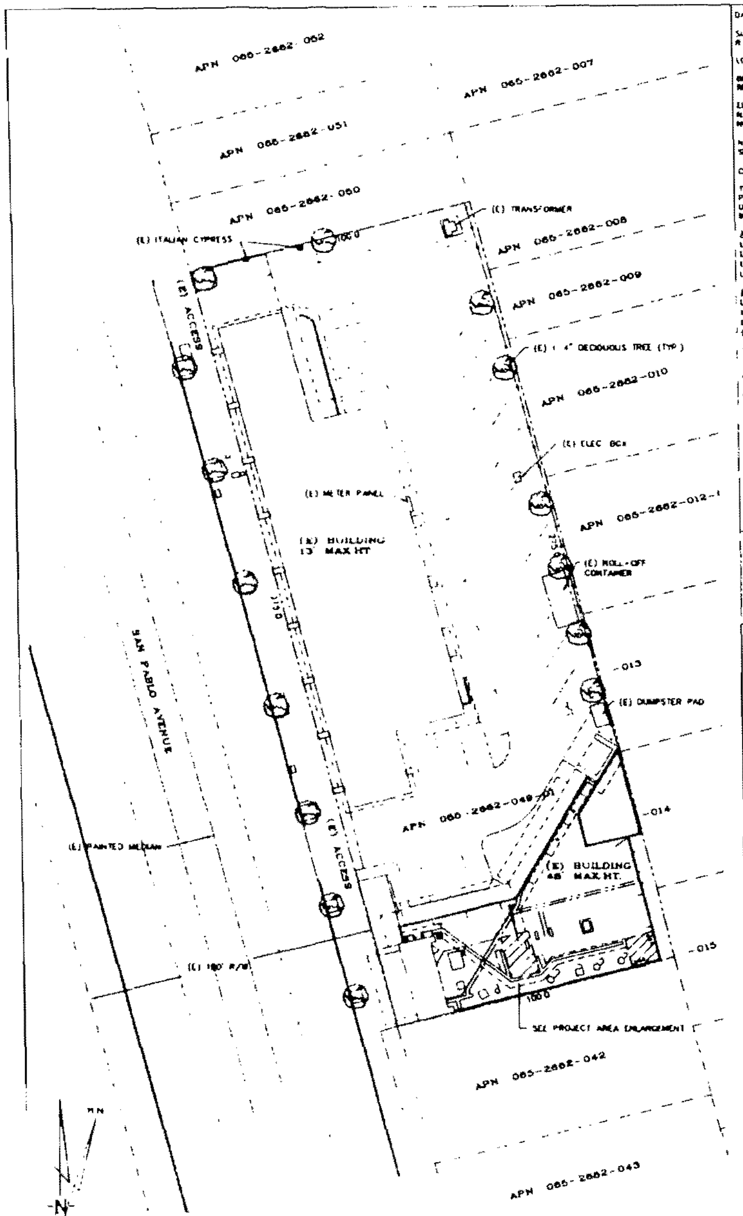
REGISTERED PROFESSIONAL ENGINEER
STATE OF CALIFORNIA
CIVIL

SITE #	CHK	DRAWN BY
CN4554		VRT

SHEET TITLE

ELEVATION

SHEET NUMBER	REVISION
A-2	0



OVERALL SITE PLAN

DATE OF SURVEY: 04-22-08

SURVEYED BY OR UNDER DIRECTION OF KENNETH D. GEIL R.C.E. 14803

LOCATED IN THE COUNTY OF ALAMEDA STATE OF CALIFORNIA

BEARINGS SHOWN ARE BASED UPON MONUMENTS FOUND AND RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY.

ELEVATIONS SHOWN ON THIS PLAN ARE BASED UPON U.S.G.S. N.A.V.D. 88 DATUM ABOVE MEAN SEA LEVEL UNLESS OTHERWISE NOTED

N.G.V.D. 29 CORRECTION: SUBTRACT 2.73 FROM ELEVATIONS SHOWN

CONTOUR INTERVAL: N/A

THE LATITUDE AND LONGITUDE WERE DETERMINED USING TRIMBLE PATHFINDER PRO XL G.P.S. AND UTILIZING PFINDER OFFICE DIFFERENTIAL CORRECTION SOFTWARE AT THE LOCATION INDICATED HEREON

ANTENNA LEASE AREA #1
LAT N 37°53'07.23" NAD 83
LONG W 122°17'48.72" NAD 83
LAT N 37°53'07.50" NAD 27
LONG W 122°17'44.83" NAD 27

ANTENNA LEASE AREA #2
LAT N 37°53'07.28" NAD 83
LONG W 122°17'49.70" NAD 83
LAT N 37°53'07.56" NAD 27
LONG W 122°17'45.81" NAD 27

THIS SURVEY MEETS OR EXCEEDS FAA 1A ACCURACY TOLERANCES

SITE NAME / NUMBER: CN4554 / MARIN AVENUE

SITE SITE ADDRESS: 1035 SAN PABLO AVENUE, ALBANY, CA 94706

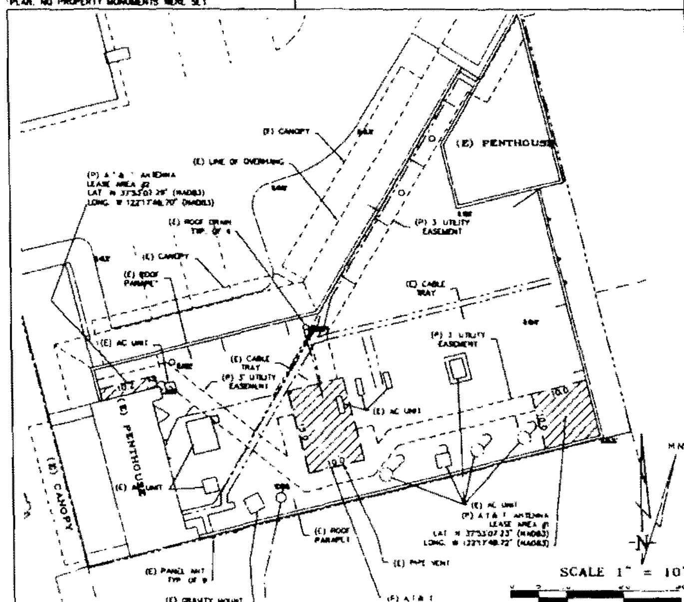
ASSESSOR'S PARCEL NUMBER: 065-2662-048-01

OWNER: JAMES J. & BARBARA V. KELLEY ET AL., 619 SAN PABLO AVENUE, ALBANY, CA 94706

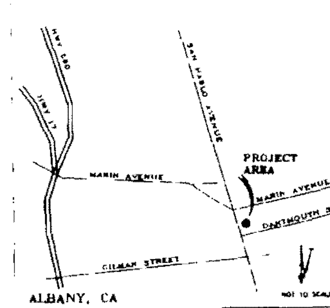
CURRENT ZONING: N/A

SITE CONTACT: JIM HALL, 916-561-4123

BOUNDARY SHOWN IS BASED ON MONUMENTATION FOUND AND RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY. THIS IS A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY LINES AND EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE MONUMENTATION FOUND DURING THE FIELD SURVEY. PROPERTY LINES AND LINES OF TITLE WERE NOT INVESTIGATED NOR SURVEYED EXCEPT AS SHOWN ON THIS PLAN. NO PROPERTY MONUMENTS WERE SET.



PROJECT AREA ENLARGEMENT



VICINITY MAP

CN4554 / MARIN AVENUE
Lease Area Description

All that certain lease area being a portion of Lot 20, Block 12, Map 4 Regent Park, filed in Book 21 of Maps, Page 31, Alameda County Records, being more particularly described as follows:

EQUIPMENT LEASE AREA
Commencing at a standard city monument found in the top of curb at the Northeast corner of San Pablo Avenue and Dartmouth Street, said monument is shown on that certain Parcel Map recorded in Book 155 of Parcel Maps at Page 83, Alameda County Records, from which a scribed "x" bears North 14°11'00" West 505.00 feet per the afore referenced Parcel Map, thence from said point of commencement North 07°12'26" West 515.37 feet to a point on the roof of an existing building and the True Point of Beginning; thence from said point of beginning North 14°04'47" West 15.00 feet, thence South 75°55'13" West 10.00 feet, thence South 14°04'47" East 15.00 feet, thence North 75°55'13" East 10.00 feet to the point of beginning.

ANTENNA LEASE AREA #1
Commencing at a standard city monument found in the top of curb at the Northeast corner of San Pablo Avenue and Dartmouth Street, said monument is shown on that certain Parcel Map recorded in Book 155 of Parcel Maps at Page 83, Alameda County Records, from which a scribed "x" bears North 14°11'00" West 505.00 feet per the afore referenced Parcel Map, thence from said point of commencement North 02°30'09" West 518.52 feet to a point on the roof of an existing building and the True Point of Beginning; thence from said point of beginning North 14°04'47" West 10.00 feet, thence South 75°55'13" West 10.00 feet, thence South 14°04'47" East 10.00 feet, thence North 75°55'13" East 10.00 feet to the point of beginning.

ANTENNA LEASE AREA #2
Commencing at a standard city monument found in the top of curb at the Northeast corner of San Pablo Avenue and Dartmouth Street, said monument is shown on that certain Parcel Map recorded in Book 155 of Parcel Maps at Page 83, Alameda County Records, from which a scribed "x" bears North 14°11'00" West 505.00 feet per the afore referenced Parcel Map, thence from said point of commencement North 10°56'38" West 533.78 feet to a point on the roof of an existing building and the True Point of Beginning; thence from said point of beginning North 14°04'47" West 2.08 feet, thence South 75°55'13" West 10.17 feet, thence South 14°04'47" East 2.08 feet, thence North 75°55'13" East 10.17 feet to the point of beginning.

Together with an easement for utility purposes three feet in width the centerline of which is described as follows: beginning at a point which bears South 14°04'47" East 1.50 feet from the Southeast corner of the above described equipment lease area and running thence North 75°55'13" East 0.50 feet, thence North 38°53'02" East 1.25 feet to a point hereafter defined as Point "A", thence North 38°53'02" East 5.65 feet, thence North 75°55'13" East 25.64 feet more or less to the above described antenna lease area #1.

Also together with an easement for utility purposes three feet in width the centerline of which is described as follows: beginning at Point "A" as previously described and running thence North 14°04'47" West 8.5 feet.

Also together with an easement for utility purposes three feet in width the centerline of which is described as follows: beginning at a point which bears South 14°04'47" East 1.50 feet from the Southwest corner of the above described equipment lease area and running thence South 75°55'13" West 10.73 feet, thence North 32°27'08" West 1.25 feet to a point hereafter defined as Point "B", thence North 32°27'08" West 30.78 feet, thence South 75°55'13" West 10.3 feet more or less to the above described antenna lease area #2.

Also together with an easement for utility purposes three feet in width the centerline of which is described as follows: beginning at Point "B" as previously described and running thence North 14°04'47" West 11.5 feet.

Also together with an easement for utility purposes three feet in width the centerline of which is described as follows: beginning at a point which bears South 75°55'13" West 2.56 feet from the Northeast corner of the above described equipment lease area and running thence North 12°25'47" West 6.66 feet, thence North 30°40'57" East 51.88 feet, thence South 58°19'03" East 4.13 feet, thence North 30°40'57" East 11.8 feet and over, across and through the underlying building as is necessary to interconnect with the in-house power and telephone facilities.

Also together with an easement for access purposes from the above described lease areas over and across the existing vehicular and pedestrian improvements to the public right of way.

GEIL ENGINEERING
ENGINEERING * SURVEYING * PLANNING
1226 HIGH STREET
AUBURN, CALIFORNIA 95603
phone (530) 885-0426
fax (530) 823-1309

DATE: 04-22-08
SURVEYOR: N. ROHDE
DRAWN BY: N. ROHDE

REVISIONS

DATE	DESCRIPTION	INITIAL
04-25-08	90% SUBMITTAL	NR
05-19-08	LEASE AREA MOD	NR

at&t
3851 NORTH FREEWAY BOULEVARD
SACRAMENTO, CALIFORNIA 95834

RF ENGINEERING
AT&T
3851 N Freeway Blvd
Sacramento, CA 95834
Phone (916) 561-4026

INDEPENDENT CONTRACTOR
AT&T
3851 N Freeway Blvd
Sacramento, CA 95834
Phone (916) 561-4123
JIM HALL

CN4554
MARIN AVENUE

SURVEY

C-1

LETTER OF AUTHORIZATION

TO:

RE: APPLICATION FOR ZONING/USE/BUILDING PERMIT AND APPROVALS

Al Satake of the below-described property, does hereby appoint New Cingular Wireless, PCS, LLC, a Delaware Limited Liability Company, and its employees, agents and contractors, as agent for the purpose of consummating any application and obtaining any and all governmental permits and approvals to construct, maintain and operate mobile/wireless communications facilities on the below-described property. The undersigned understands that the application may be denied, modified or approved with conditions and that such conditions or modifications must be complied with prior to issuance of permits or approvals.

Address: 1035 San Pablo Avenue, Albany, CA 94706

Assessor's Parcel Number/Property Description: 065-2662-049-01

Signature of Property Owner:

By: Al Satake

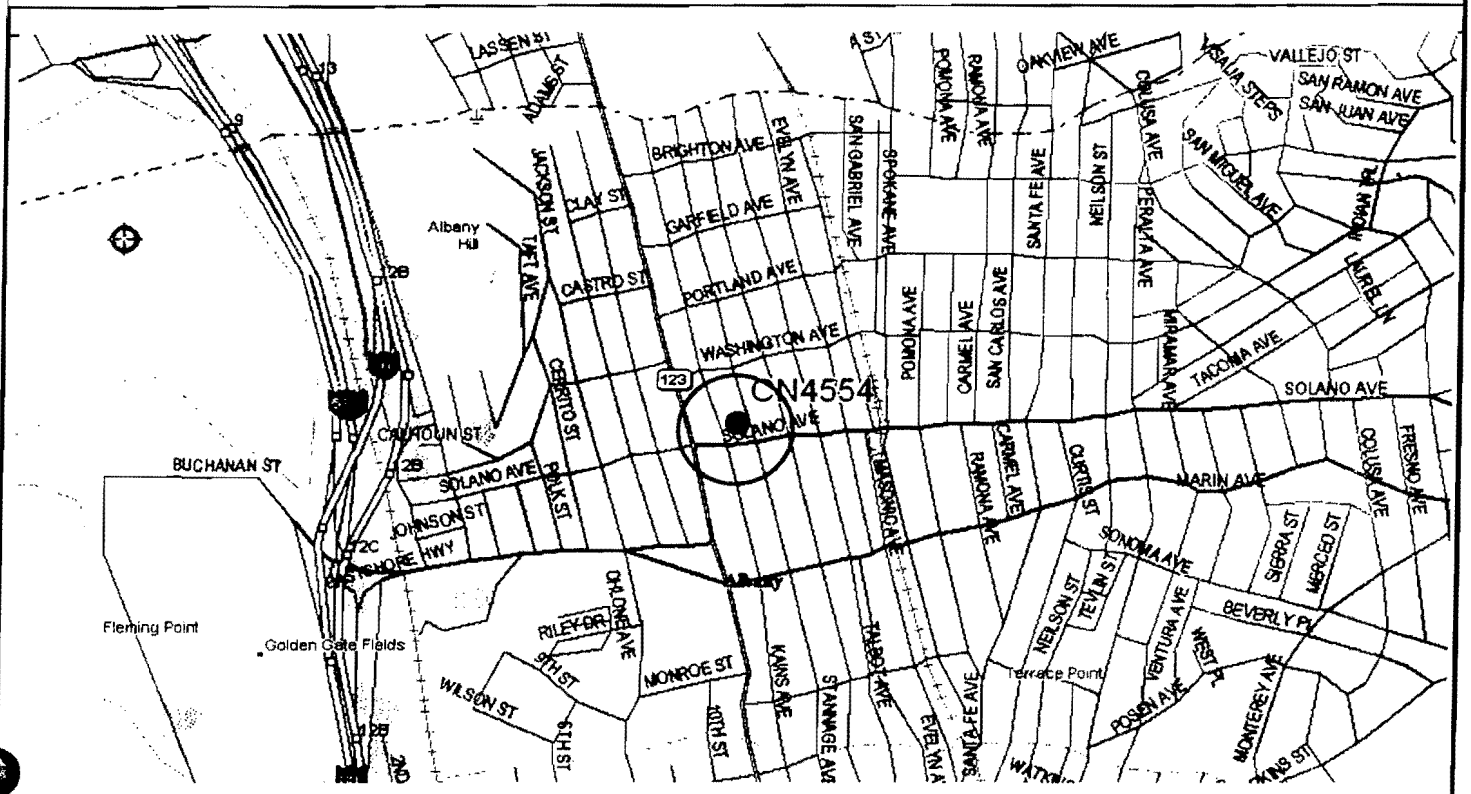
Name: AL SATAKE

Date: 4/23/08

at&t

SEARCH RING

N. CAL \ RENO MARKET	
SITE NAME:	Maria Ave
GSM SITE ID:	CN4554
UMTS SITE ID:	CNU4554



Candidate Information

Candidate Number	Candidate Name	Latitude (NAD 83)	Longitude (NAD 83)	Ground Elevation	Rad. Center
CN4554	Maria Ave	37.890808	-122.297438	52 feet	50 feet

Possible Candidate:

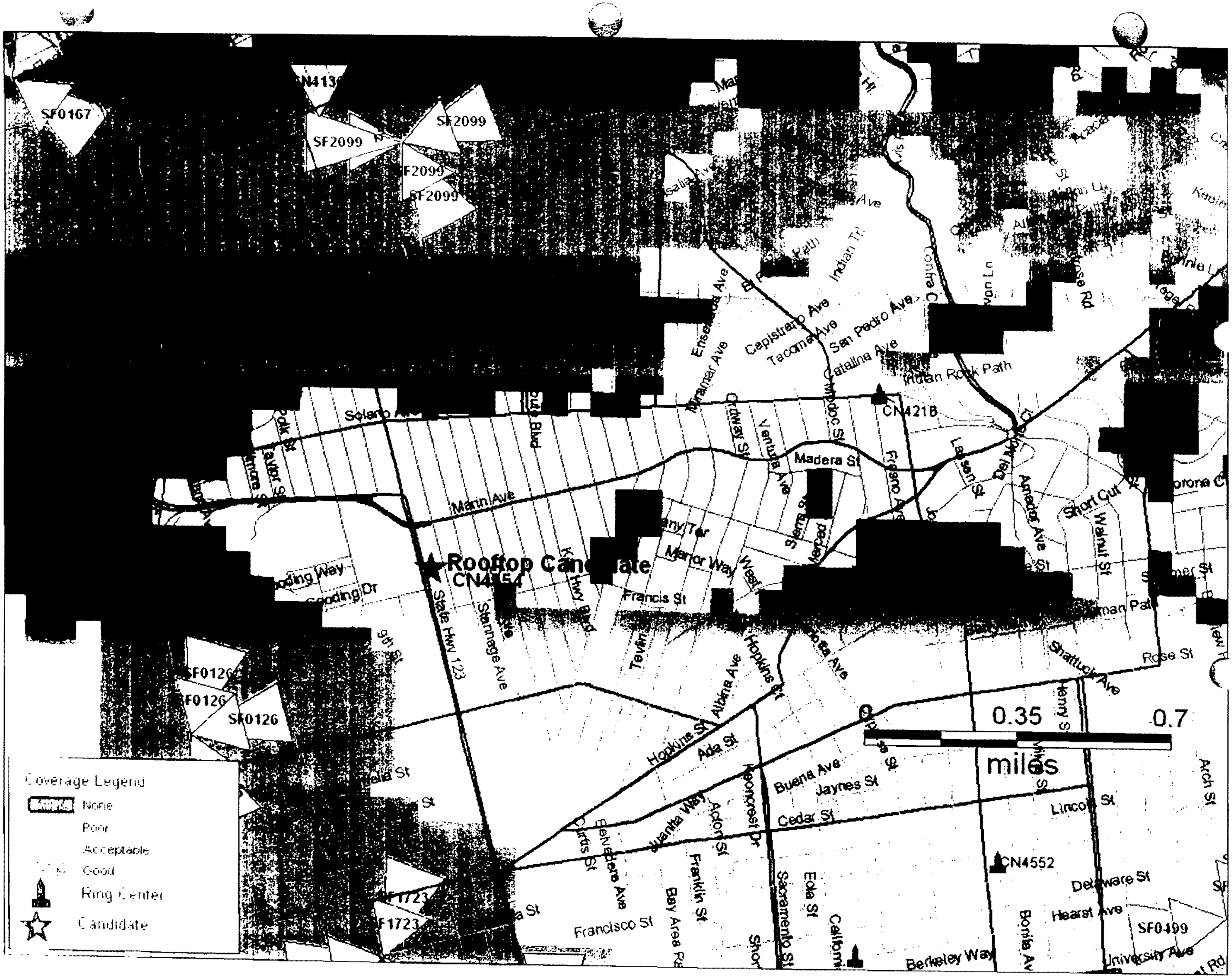
Comments: This is a revision to an existing search Ring.

Site Objectives and Comments

Major Street or Junction	Justification / Area Type	Desired Signal Strength Level in the target area	Detailed Coverage Objective
Marin Ave	CES Design Guidelines / Urban	-74 dBm	To cover San Pablo Ave from Garfield Ave to Harrison St. To cover Solano Ave from Santa Fe Ave to Polk St.

Comments:

Version	Release Date	County	City	Market	Performance Manager	Design Manager
Ver 1		Alameda	Albany	San Francisco	Michael Canigila	Sinan Akkaya
	MENS FORM Approval Date					Design Engineer
						Kemal Kara



Coverage Legend
None
Poor
Acceptable
Good
Ring Center
Candidate
Rooftop Candidate
0
0.35
0.7
miles
SF0167
SF2099
SF2099
SF2099
SF2099
SF0126
SF0126
SF0126
SF0499
CN4218
CN4552
Solano Ave
Marin Ave
Madera St
Francis St
State Hwy 123
Gooding Dr
Hopkins St
Ada St
Buena Ave
Jaynes St
Cedar St
Lincoln St
Delaware St
Hearst Ave
University Ave
Berkeley Way
Francisco St
Franklin St
Sacramento St
Eola St
Shattuck Ave
Rose St
Henry St
Arch St
Capistrano Ave
Tacoma Ave
San Pedro Ave
Catalina Ave
Indian Rock Path
Miramar Ave
Ventura Ave
Fresno Ave
Amador Ave
Walnut St
Short Cut
Albina Ave
Acton St
Curtis St
Belvedere Ave
Bay Area Rd
Juanita Way
Kains Ave
Bonita Ave
Stannage Ave
9th St

El Cerrito
Madera St
CN4216
Path
Short Cut
Eunice St
Beverly Pl
Berryman St
Berryman Path
Rose St
Ada St
Hopkins St
Buena Ave
Jaynes St
Cedar St
Lincoln St
Francisco St
Park Way
0.7
miles
SF0499
Coverage Legend
None
Poor
Acceptable
Good
Ring Center
Candidate

KATHREIN
SCALA DIVISION

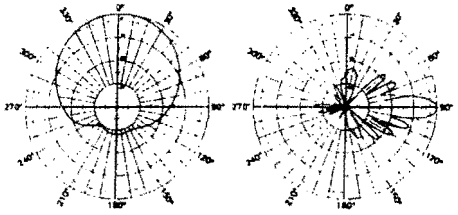
742 265

65° Dualband Directional Antenna

Kathrein's dual band antennas are ready for 3G applications, covering all existing wireless bands as well as all spectrum under consideration for future systems, AMPS, PCS and 3G/ UMTS. These cross-polarized antennas offer diversity operation in the same space as a conventional 800 MHz antenna, and are mountable on our compact sector brackets.

- Wide band operation.
- Exceptional intermodulation characteristics.
- Remote control ready.
- Various gain, beamwidth and downtilt ranges.
- AISG compatible.
- High strength pultruded fiberglass radome.

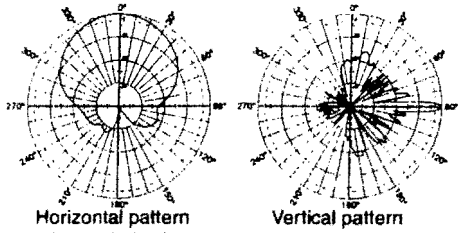
824–960 MHz



Horizontal pattern
±45°- polarization

Vertical pattern
±45°- polarization
0.5°–9.5° electrical downtilt

1710–2180 MHz



Horizontal pattern
±45°- polarization

Vertical pattern
±45°- polarization
0°–6° electrical downtilt

General specifications:

Frequency range	824–960 MHz 1710–2180 MHz
Impedance	50 ohms
VSWR	<1.5:1
Intermodulation (2x20w)	IM3:< -150 dBc
Polarization	+45° and -45°
Connector	4 x 7-16 DIN female
Isolation intrasystem intersystem	>30 dB >50 dB (824–960 // 1710–2180 MHz) typ.
Weight	48.5 lb (22 kg)
Dimensions	75.4 x 10.3 x 5.5 inches (1916 x 262 x 139 mm)
Equivalent flat plate area	6.16 ft² (0.572 m²)
Wind survival rating*	120 mph (200 kph)
Shipping dimensions	87.2 x 11.9 x 7.6 inches (2215 x 302 x 192 mm)
Shipping weight	59.5 lb (27 kg)
Mounting	Fixed mount options are available for 2 to 4.6 inch (50 to 115 mm) OD masts.

See reverse for order information.

Specifications:	**824–894 MHz**	**880–960 MHz**	**1710–1880 MHz**	**1850–1990 MHz**	**1920–2180 MHz**
Gain	15.5 dBi	16 dBi	17.8 dBi	18.2 dBi	18.3 dBi
Front-to-back ratio	>27 dB (co-polar)	>25 dB (co-polar)	>25 dB (co-polar)	>25 dB (co-polar)	>25 dB (co-polar)
Maximum input power per input total power	500 watts (at 50°C) 1000 watts (at 50°C)	500 watts (at 50°C)	250 watts (at 50°C)	250 watts (at 50°C) 500 watts (at 50°C)	250 watts (at 50°C)
+45° and -45° polarization horizontal beamwidth	68° (half-power)	65° (half-power)	67° (half-power)	65° (half-power)	63° (half-power)
+45° and -45° polarization vertical beamwidth	10.5° (half-power)	10° (half-power)	5.2° (half-power)	5° (half-power)	4.9° (half-power)
Electrical downtilt continuously adjustable	0.5°–9.5°	0.5°–9.5°	0°–6°	0°–6°	0°–6°
Sidelobe suppression for first sidelobe above horizon	0.5° 5° 9.5° T 15 15 15 dB	0.5° 5° 9.5° T 15 17 19 dB	0° 3° 6° T 14 15 15 dB	0° 3° 6° T 18 17 17 dB	0° 3° 6° T 17 17 16 dB
Cross polar ratio Main direction 0° Sector ±60°	20 dB (typical) >10 dB	20 dB (typical) >10 dB	16 dB (typical) >10 dB	18 dB (typical) >10 dB	18 dB (typical) >10 dB

*Mechanical design is based on environmental conditions as stipulated in EIA-222-F (June 1996) and/or ETS 300 019-1-4 which include the static mechanical load imposed on an antenna by wind at maximum velocity. See the Engineering Section of the catalog for further details.

RoHS
Lead-Free

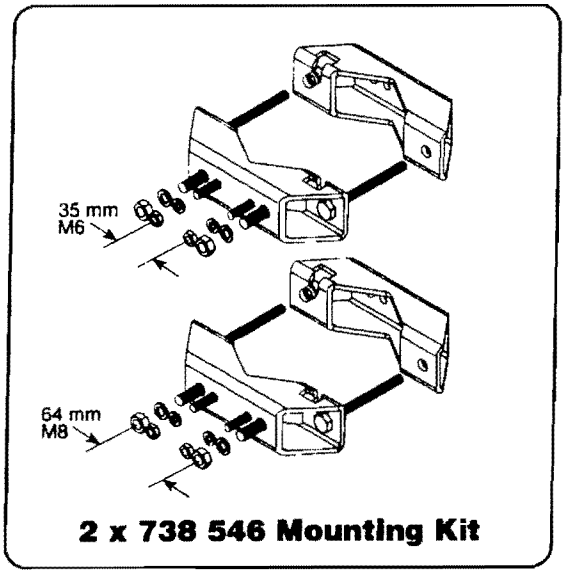
10634-J
936.3218/a

Kathrein Inc., Scala Division Post Office Box 4580 Medford, OR 97501 (USA) Phone: (541) 779-6500 Fax: (541) 779-3991
Email: communications@kathrein.com Internet: www.kathrein-scala.com

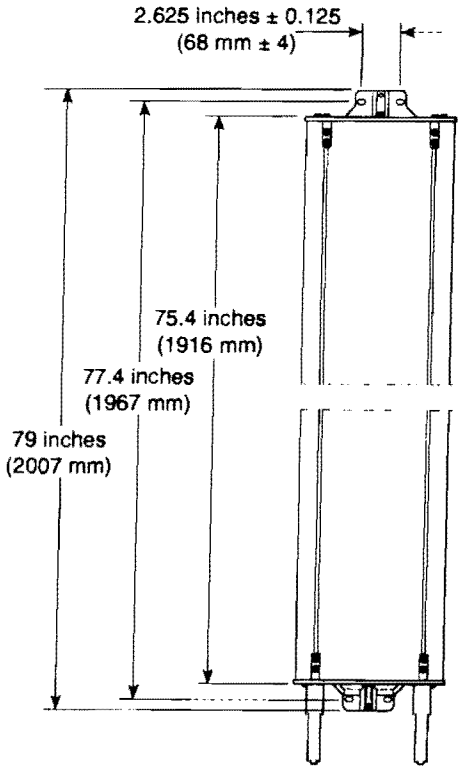
KATHREIN
SCALA DIVISION

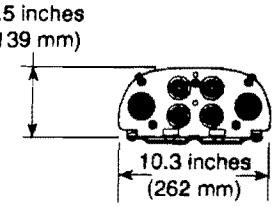
742 265

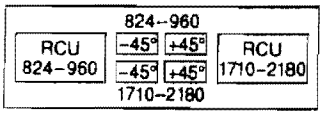
65° Dualband Directional Antenna



2 x 738 546 Mounting Kit







Mounting Options:

Model	Description
2 x 738 546	Mounting Kit for 2 to 4.6 inch (50 to 115 mm) OD mast.
742 033	Three-panel Sector Mounting Kit (120 deg. ea.) for 4.5 inch (114.3 mm mm) OD steel mast.
742 034	Three-panel Sector Mounting Kit (120 deg. ea.) for 5.5 inch (139.7 mm mm) OD steel mast.
737 978	Tilt Mount Kit 0–11 Degrees downtilt angle.

Order Information:

Model	Description
742 265	Antenna with 7-16 DIN connectors

Kathrein Inc., Scala Division Post Office Box 4580 Medford, OR 97501 (USA) Phone: (541) 779-6500 Fax: (541) 779-3991
Email: communications@kathrein.com Internet: www.kathrein-scala.com

Applicant Name: _____
Project Address: _____
Date Reviewed: _____ Planner _____

WIRELESS COMMUNICATION FACILITY APPLICATION
Submittal Requirements Checklist

Within 30 days of submittal, Community Development Staff will review this application for completeness of required information. All applicable information listed in the checklist below must be included for an application to be deemed complete. A notice of completeness or non-completeness will be mailed to the applicant. Further revisions of completed material may be necessary after the 30-day period.

Wireless Facility Submittal Requirements	Provided Y	N	NA
▪ **4 full size** sets plus **1 reduced copy** (11" X 17") of all drawings.	X		
▪ **1 electronic copy** must be included. The preferred format for electronic submissions is *Design Web Format (.dwf)*. However, for plans that were not created in AutoCAD, the submission may be made in *Adobe Portable Document Format (.pdf)*.			
▪ **2 copies** of all supporting documents.	X		
Completed Application Form			
▪ Including the contact information and signatures of Applicant(s) and Property Owner(s).	X		
Site Plan must be fully dimensioned and drawn to scale (1"=20' minimum) and include:			
▪ Distance of all elements of proposed facility from nearest property lines.	X		
▪ Horizontal and radial distances of antennas to nearest dwelling unit.			
▪ Locations of antennas and repeaters by degrees, minutes, seconds of latitude and longitude.	X		
▪ Mounting locations of antennas and repeaters, including height above ground to top of antenna.	X		
▪ Location of connection to land-line telephone network.	X		
▪ Point of access for servicing facility	X		
▪ North arrow, property boundaries and easements.	X		
▪ Existing visible landmarks (utility poles, street lights, fire hydrants).			X
▪ Foundation and roof lines of all existing and proposed structures located on the property; differentiate between proposed and existing structures	X		
▪ Foundation lines of all neighboring structures located on adjacent lots.	X		
▪ On-site driveways, parking spaces, landscaped areas, patios, etc.	X		
▪ Street right-of-way lines, curb line or pavement edge, sidewalks, and parkways.			X
▪ The trunk location, circumference measured 2' above grade, drip line, and species of all trees that are within 20 feet of the area proposed to be modified.			X
▪ Fences and walls (including retaining walls), showing height and indicating materials			X
▪ Topographic features: streams, drainage channels, ditches, rock outcroppings, etc.			X
▪ Accurate contour lines: a. Slopes below 5% - contours not required b. Slopes between 5% and 15% - contour interval must be two feet c. Slopes exceeding 15% - contour interval must be five feet.			X
Floor Plans must be fully dimensioned and drawn to scale (1/4" = 1' minimum) and must include:			
▪ Any proposed communications shelter or other appurtenant structure, existing, remodeled, demolished and new walls, stairs, windows, doors, etc., clearly delineated.			

Wireless Facility Submittal Requirements	Provided Y	N	NA
▪ Floor plans must be in context with setbacks from property lines clearly shown.	X		
Building Elevations and Sections must be fully dimensioned and drawn to scale (1/4" = 1' minimum), and must include:			
▪ Existing elevations, including ground line, wall height, floor height, ridge height and roof pitch.	X		
▪ Proposed elevations – include above information as well as façade or roof-mounted antennas and representation of all exterior materials.	X		
▪ Street elevation – including adjacent residences	X		
▪ Section drawing(s) through tallest portion of proposed structure(s) showing existing and proposed grade.	X		
▪ Color board and Color rendering, if not matching existing materials on building. Minimum size of (8 ½" x 11") to include exterior finish/color, window trim, roof material, siding materials, etc. (one copy)			X
Equipment Information:			
▪ Description of the number, manufacturer, model number and type, catalog number, frequency range, and dimensions of all antennas, equipment cabinets, other components of the facility (i.e. batteries, fuel tanks) and any related wireless communication facilities proposed to be installed.	X		
▪ Gain and radiation pattern for each antenna (radial plots for all repeaters or microcells).	X		
▪ Number of channels per antenna (anticipated and maximum).	X		
▪ Power input to antennas	X		
▪ Power output at projected and maximum use for each antenna and all antennas in aggregate.	X		
▪ Output frequency of transmitters.	X		
▪ Decibel ratings and/or acoustical analysis of any equipment that generates noise.			X
▪ Propagation diagram showing direction and strength of antenna beam pattern for full-capacity operation and indicating where exposure exceeds 1/100th of FCC guidelines at ground and second-story levels, including side and rear lobes of antenna beam.	X		
▪ Indicate where FCC maximum permissible exposure (MPE) limits are exceeded in human-occupiable space, including on rooftops.	X		
▪ Location and language of signage limiting access to areas where maximum permissible exposure levels are exceeded.	X		
Existing and Proposed Coverage Area:			
▪ Narrative description and map of coverage area for both existing and proposed sites owned or operated by the applicant for which site access rights or agreements have been secured by the provider in Albany and adjacent jurisdictions.	X		
▪ Narrative description and map of proposed coverage area of the specific application site.	X		
Technical Information:			
▪ Narrative description of reasons why a permit is being sought, why the subject site is considered necessary to accomplish coverage objectives, and why site is most appropriate location.	X		
▪ If proposing to locate within Public Facilities (PF) district, explanation of why locating a facility in the Commercial Mixed Use (CMX) district cannot be achieved.	X		
▪ If proposing to locate within San Pablo Commercial (SPC) or Solano Commercial (SC) districts, explanation of why locating a facility in the PF or CMX districts cannot be achieved.	X		
Visual Analysis:			
▪ Photomontage, field mock-up (when required by Community Development Director) to assess the effects on views from public areas and from private residences. Any analysis shall include feasible mitigations for any effects identified.	X		

• Description of how all facilities are proposed to be screened from view, including plans for installation and maintenance of landscaping, sample exterior materials and colors. Where applicable, a plan showing existing surrounding landscaping, proposed landscaping, a landscape protection plan for construction, and a maintenance plan including irrigation.			X
Co-Location Analysis (only if co-location is not proposed):			
• Analysis of whether it is feasible to locate proposed sites where facilities currently exist.	X		
• Information on the existing structure that is closest to the site of the applicant's proposed facility relative to the existing structure's structural capacity, radio frequency interface, or incompatibility of different technologies.			X
• Written notification of refusal of the existing structure owner to lease space on the structure.			X
Alternatives Analysis (for all sites in PF, SPC & SC zoning districts):			
• Identify and indicate on a map a minimum of two (2) viable technically feasible alternative locations outside the prohibited and restricted areas which could eliminate or substantially reduce the need to locate in a restricted area (this includes microcell and repeater sites).			X
• Evaluate the potential for co-location with existing wireless communication facilities as an alternative to the proposed facility.			X
• Evaluate the potential for use of inter-carrier roaming agreements as an alternative.			X
• Compare the relative merits of the proposed site with those of each of the identified technically feasible alternative locations and facility designs and all technically feasible inter-carrier roaming agreements.			X
• Photo Simulations of all alternatives.			X
• Document attempts to rent, lease, purchase or otherwise obtain the use of at least two (2) of the viable, technically feasible alternative sites.			X
Tower Submittal Requirements:			
• Written, irrevocable commitment by the proposed operator, valid for the duration of the existence of the tower, to rent or lease available space for co-location on the tower at fair-market prices and terms to other personal wireless service providers without discrimination.			X
• Professional structural engineer's written description of the proposed tower structure and its capacity to support additional equipment and ability to be shortened.			X
• Description of available space on the tower, including illustrations and examples of other facilities that could be mounted on the structure.			X
Miscellaneous Information – submit only if required by Planning staff			
• Report by a city approved consultant verifying that the site is necessary per the provider's submitted documentation.			
• If dropped calls or other network performance indicators are used as evidence of need for a facility, use network performance metrics to quantify and explain: baseline network performance; peak loads correctly handled and time periods; reasons for blocked/dropped calls. Dropped call information should be appropriately redacted to protect consumer privacy.			
• *Other* _____			

For Office Use:

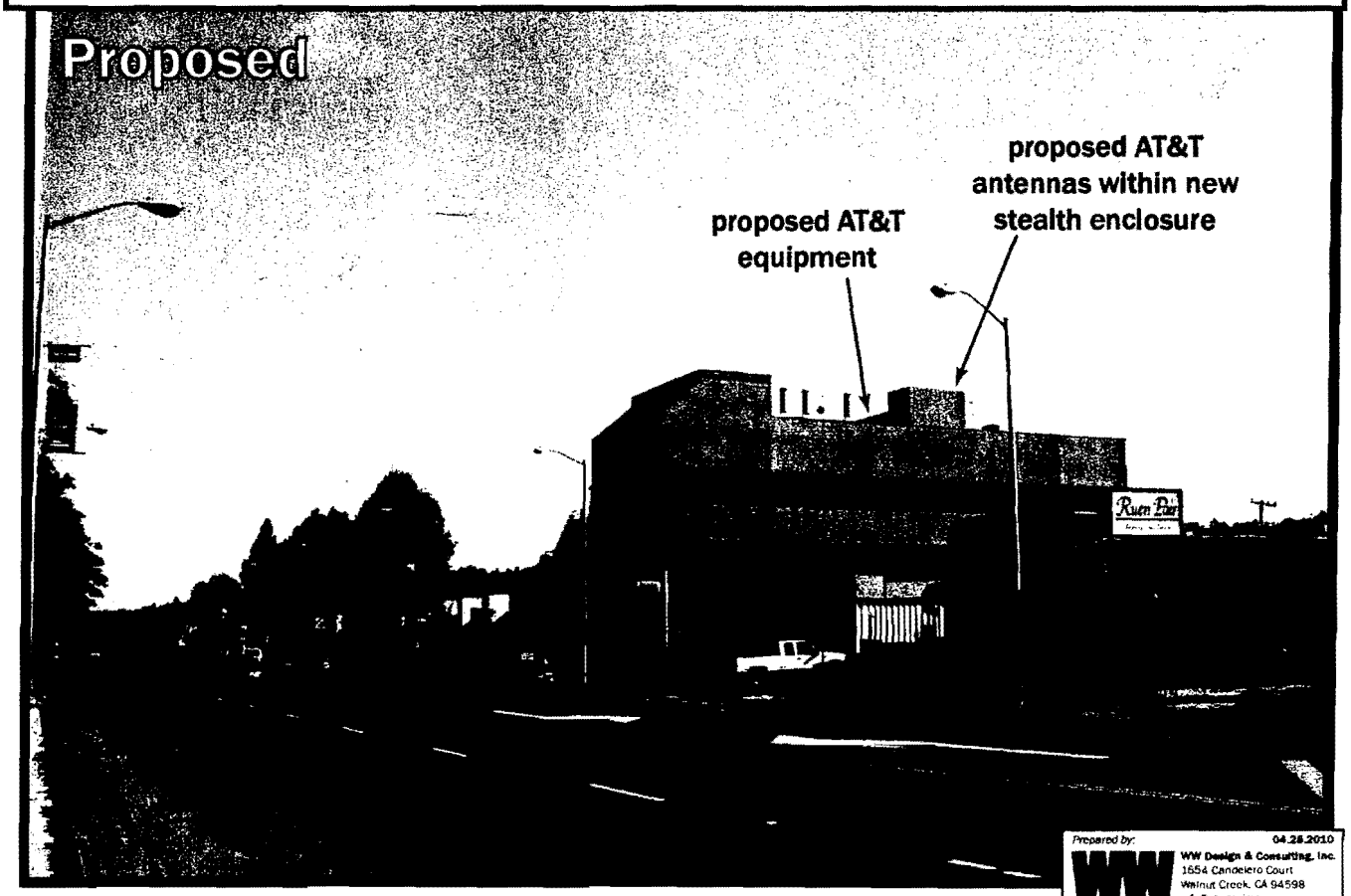
_____ This Quick Check has determined that the application submittal is incomplete and cannot be accepted.

_____ This Quick Check has determined that the application appears to contain the items required by this Submittal Checklist (completeness as defined by Section 65943 will be determined within 30 days of application) and processing will begin.

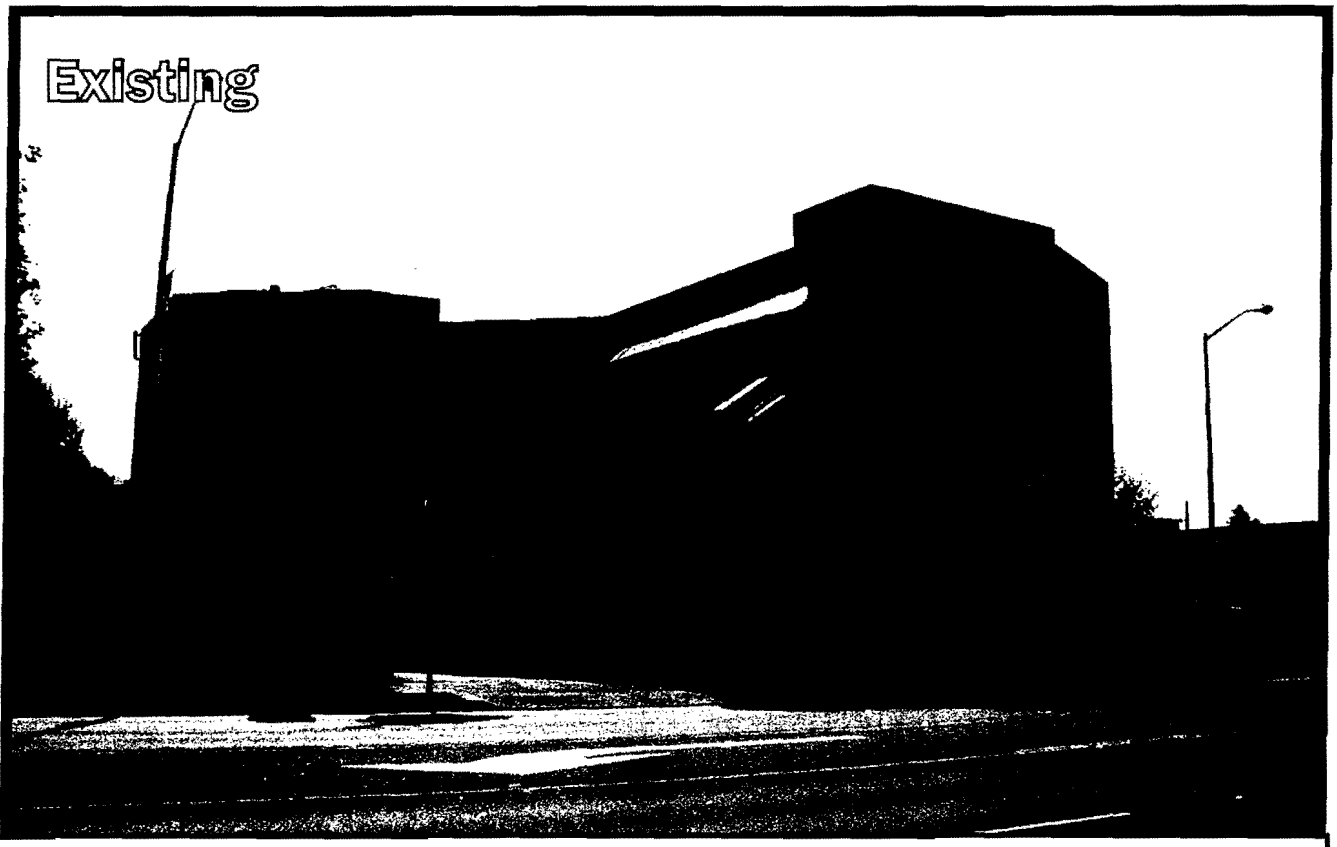
Community Development Department staff is available Monday, 8:30 AM to 7:00 PM, Tuesday through Thursday 8:30 AM to 5:00 PM, and Friday 8:30 AM to 12:30 PM at 1000 San Pablo Avenue, Albany, CA 94706 (510) 528-5760.

Photosimulation of the proposed telecommunication facility as seen looking north from San Pablo Avenue

at&t **CN4554** **Marin Avenue** 1035 San Pablo Ave. Albany, CA 94706



Prepared by: 04.28.2010
WW Design & Consulting, Inc.
1654 Candelero Court
Walnut Creek, CA 94598
info@photosims.com



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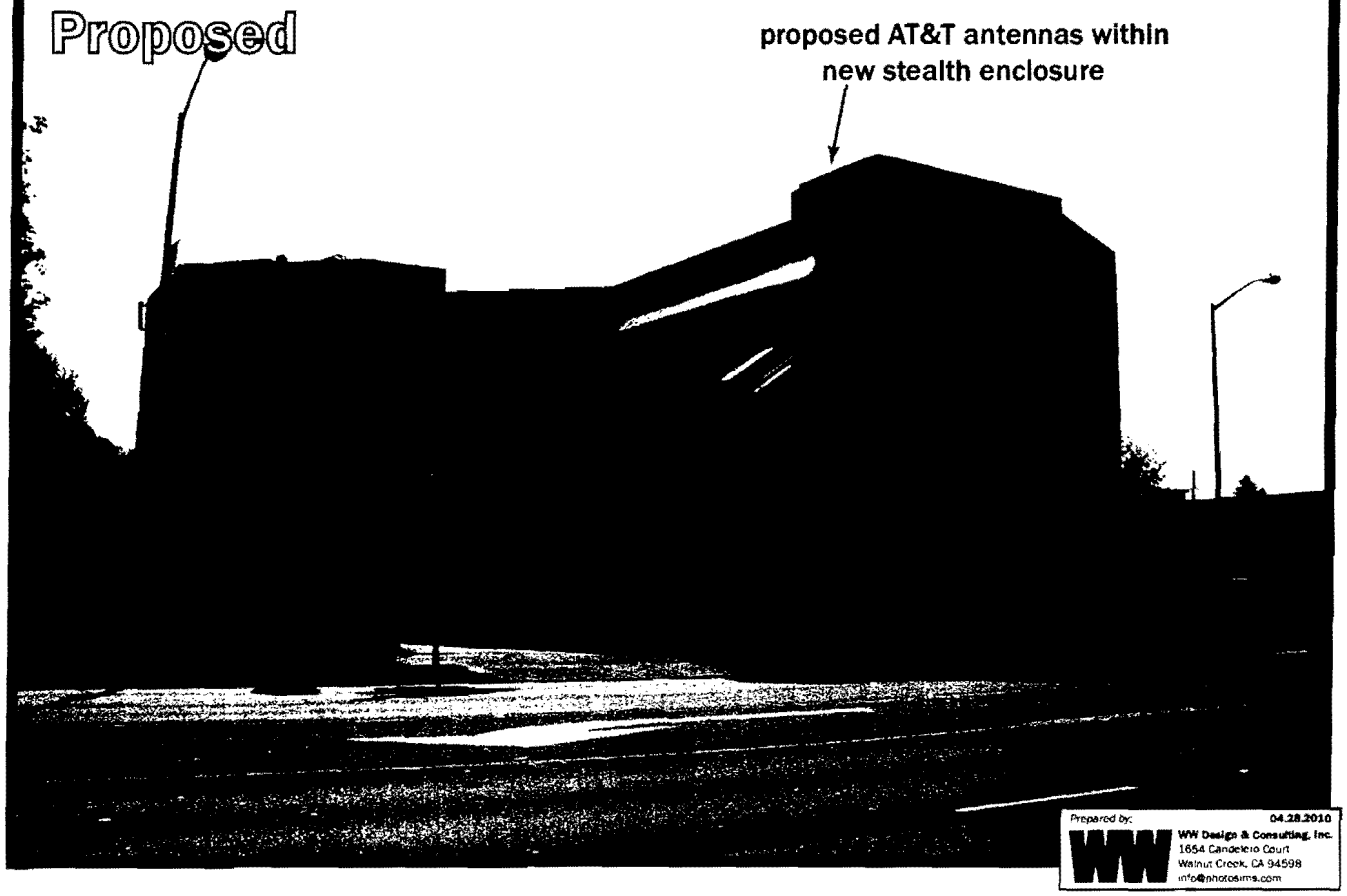


Prepared by: 04.28.2010
WW Design & Consulting, Inc.
1654 Candeleto Court
Walnut Creek, CA 94598
info@photosims.com

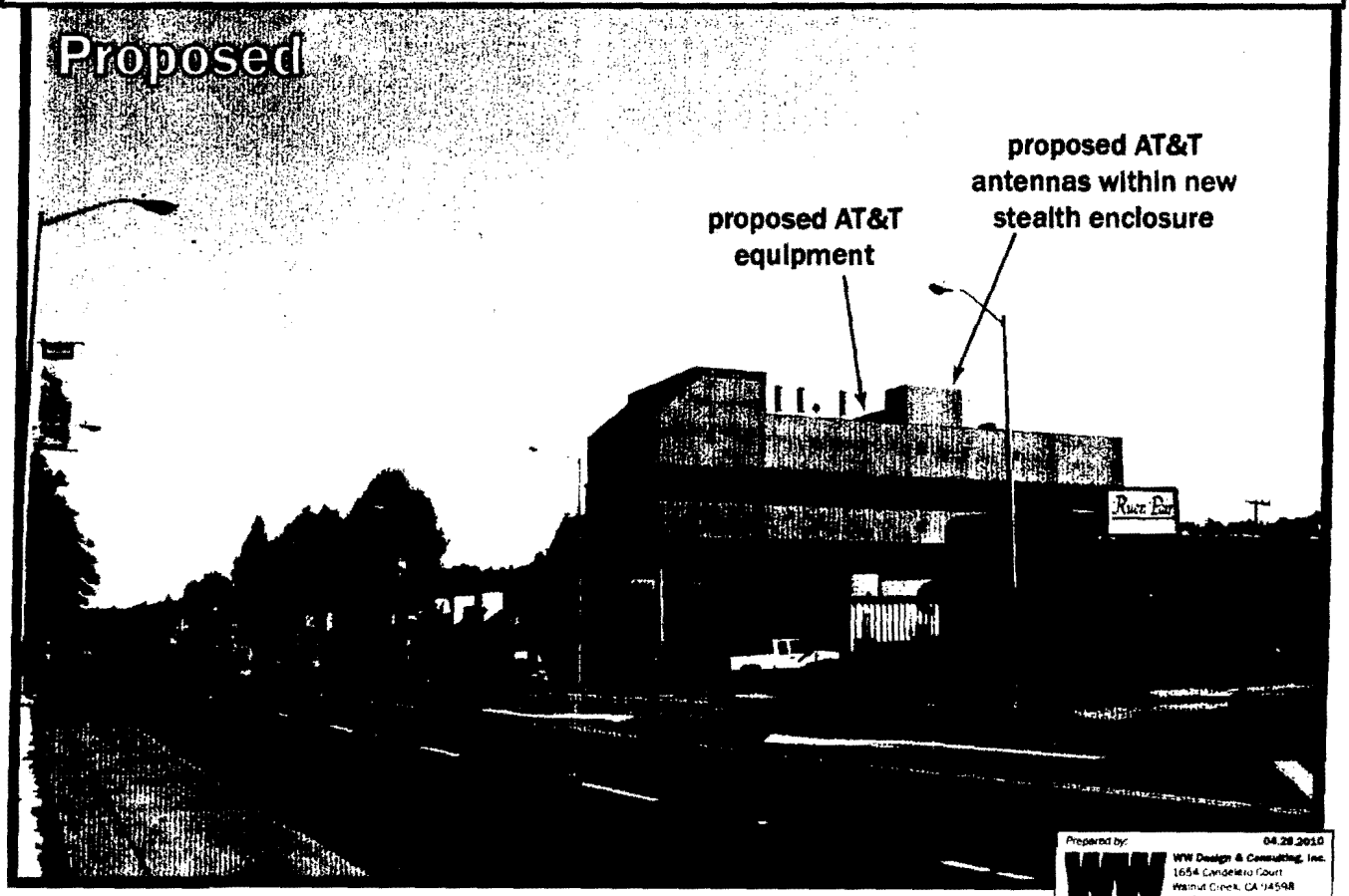
Photosimulation of the proposed telecommunication facility as seen looking southeast across San Pablo Avenue

Photosimulation of the proposed telecommunication facility as seen looking north from San Pablo Avenue

Existing

at&t CN4554 Marin Avenue 1035 San Pablo Ave. Albany, CA 94706

Proposed



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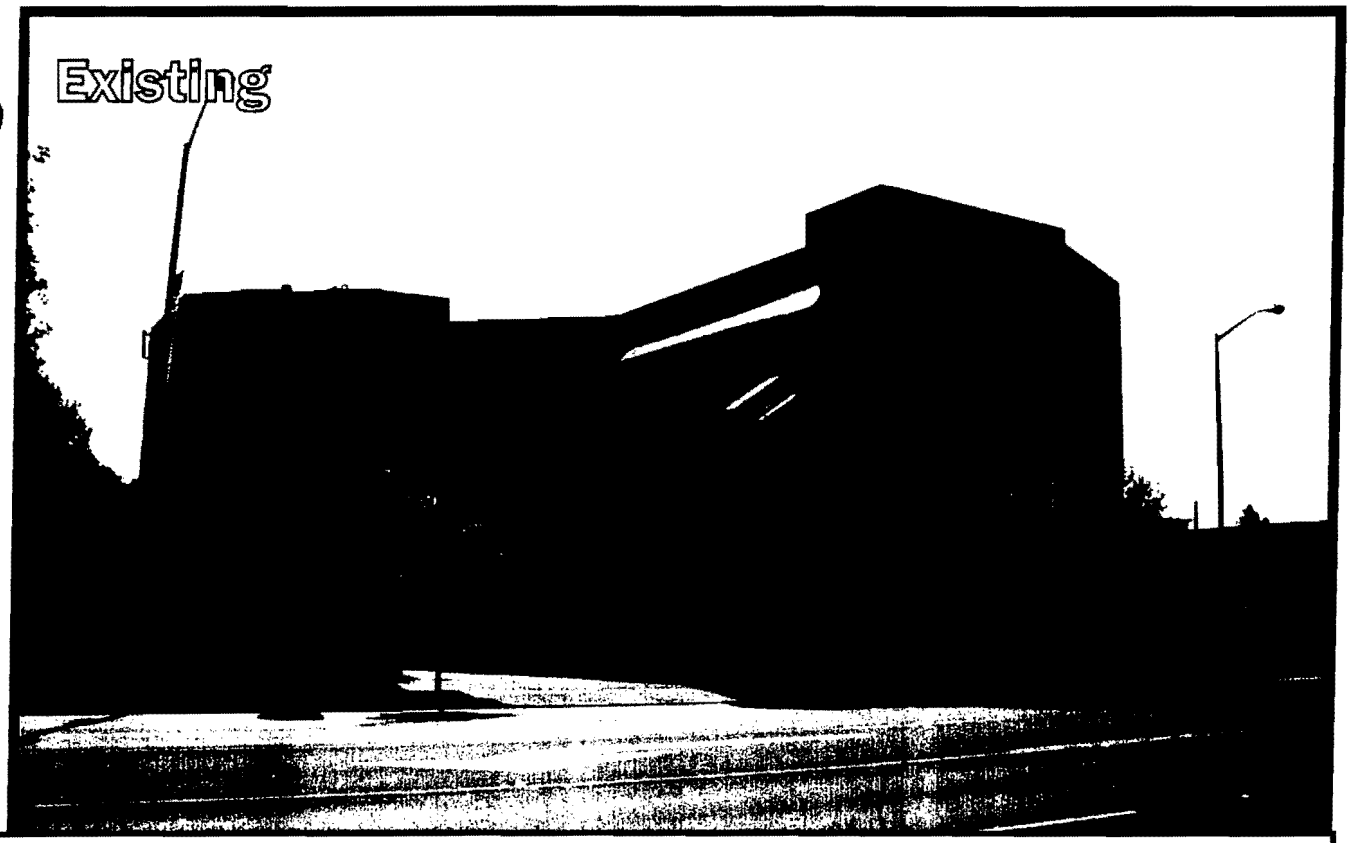
WW Design & Consulting, Inc.
1654 Candeleto Court
Walnut Creek, CA 94598

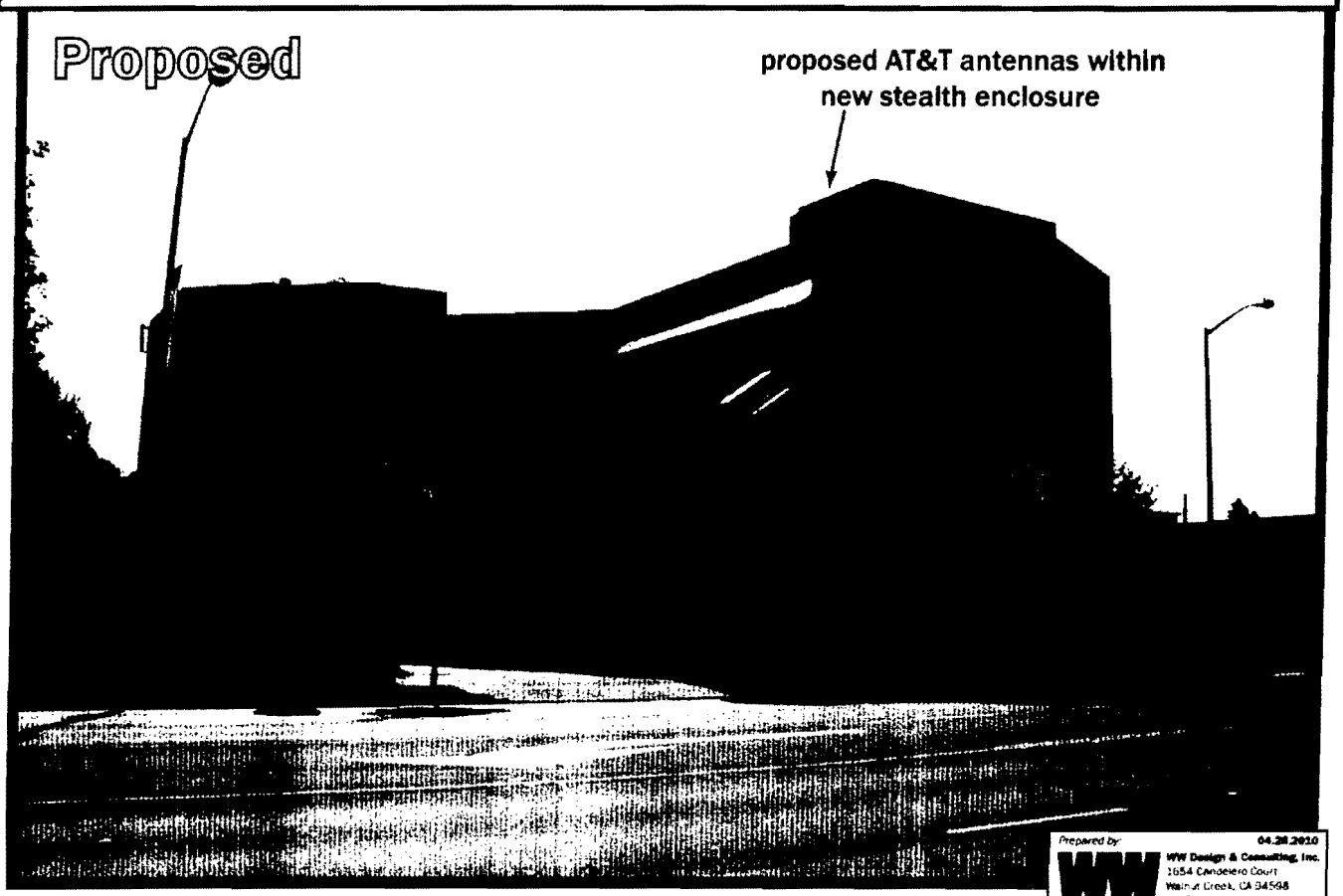
Existing



at&t CN4554 Marin Avenue 1035 San Pablo Ave. Albany, CA 94706

Proposed

proposed AT&T antennas within new stealth enclosure



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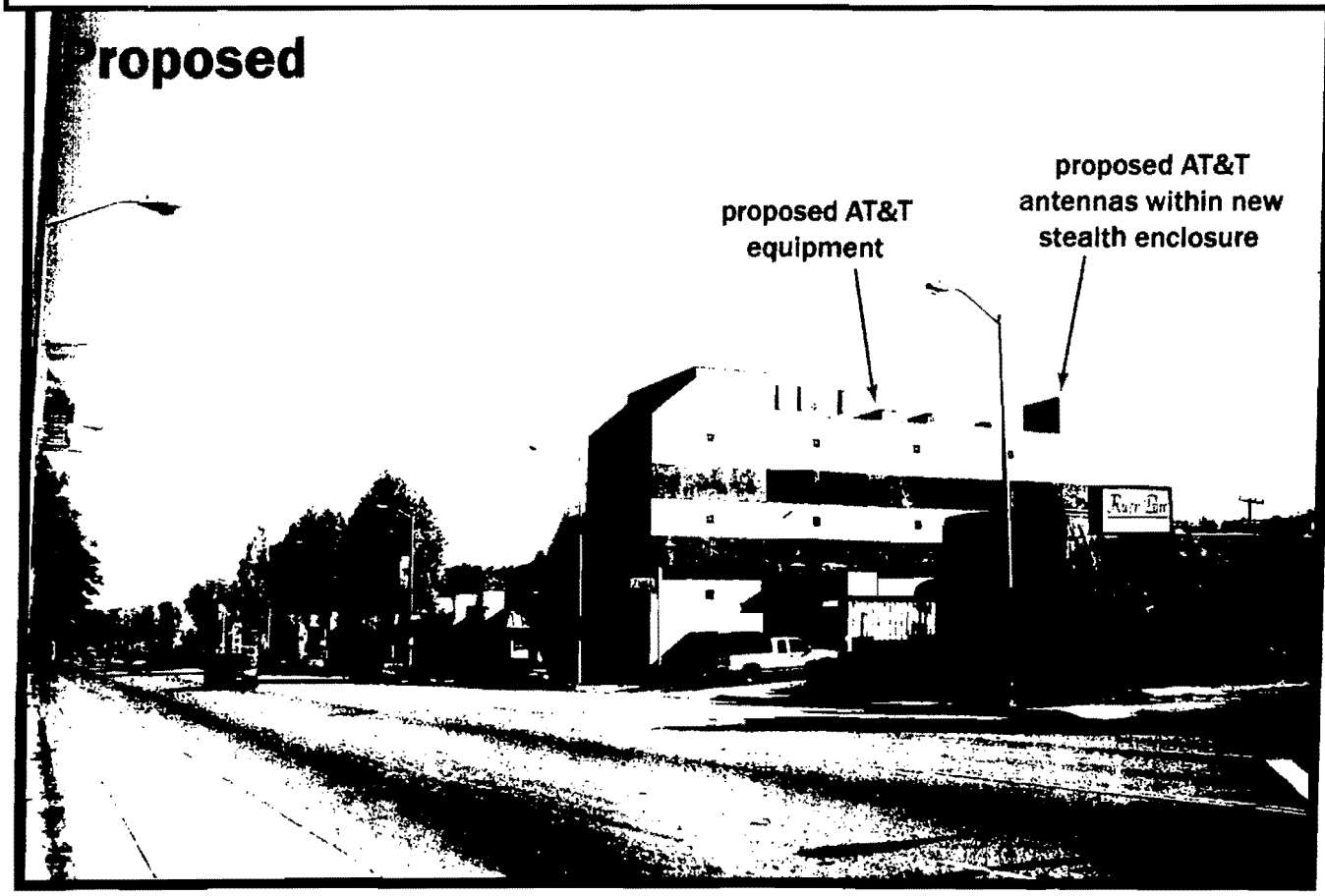
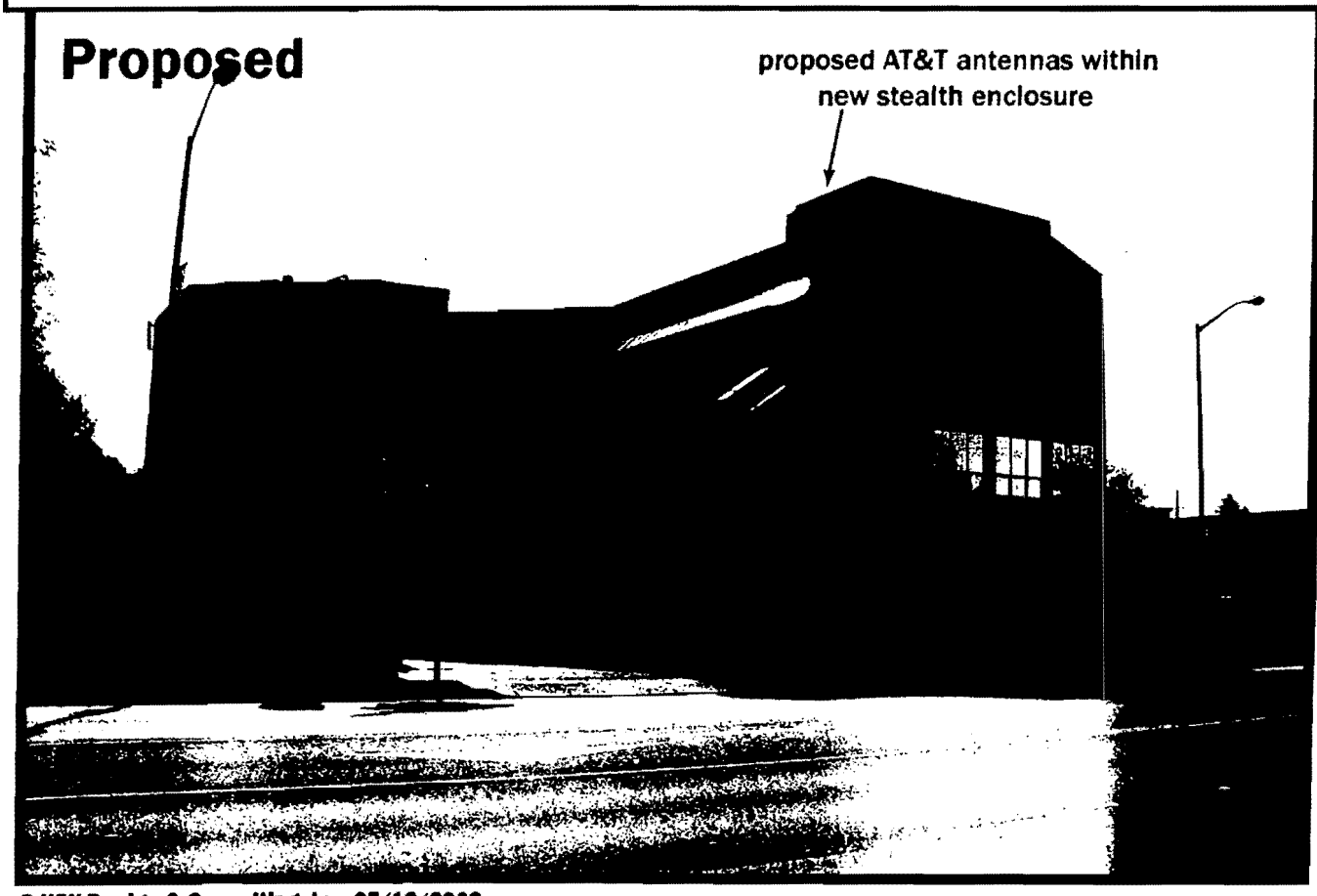


at&t CN4554 Marin Avenue 1035 San Pablo Ave. Albany, CA 94706



Photosimulation of the proposed telecommunication facility as seen looking southeast across San Pablo Avenue

EXHIBIT K

Wireless Facility Engineering Review

AT&T Applications for 1035 San Pablo Avenue (CN4554)
Albany, CA

Dieter J. Preiser, PMP

10/19/2010

RCC Consultants, Inc. - Western Regional Office
266 E. 33rd Street, San Bernardino, CA 92404
909.881.0250 Tel, 909.881.8979 Fax

RCC Consultants, Inc. has been engaged by the City of Albany to conduct an independent review, consistent with recognized industry standard practices, of the proposal from AT&T to construct a wireless base station site at 1035 San Pablo Avenue, Albany, CA. RCC has performed many similar independent reviews for municipal clients throughout the US, including several in the San Francisco Bay area.

Surrounding Environment

The proposed site is located in a 3-story office building on the east side of San Pablo Avenue, between Marin Avenue and Monroe Street. The immediate area on San Pablo Avenue consist of a mix of office and retail establishments, with a mostly multi-dwelling, residential neighborhood extending to the east of the proposed site.

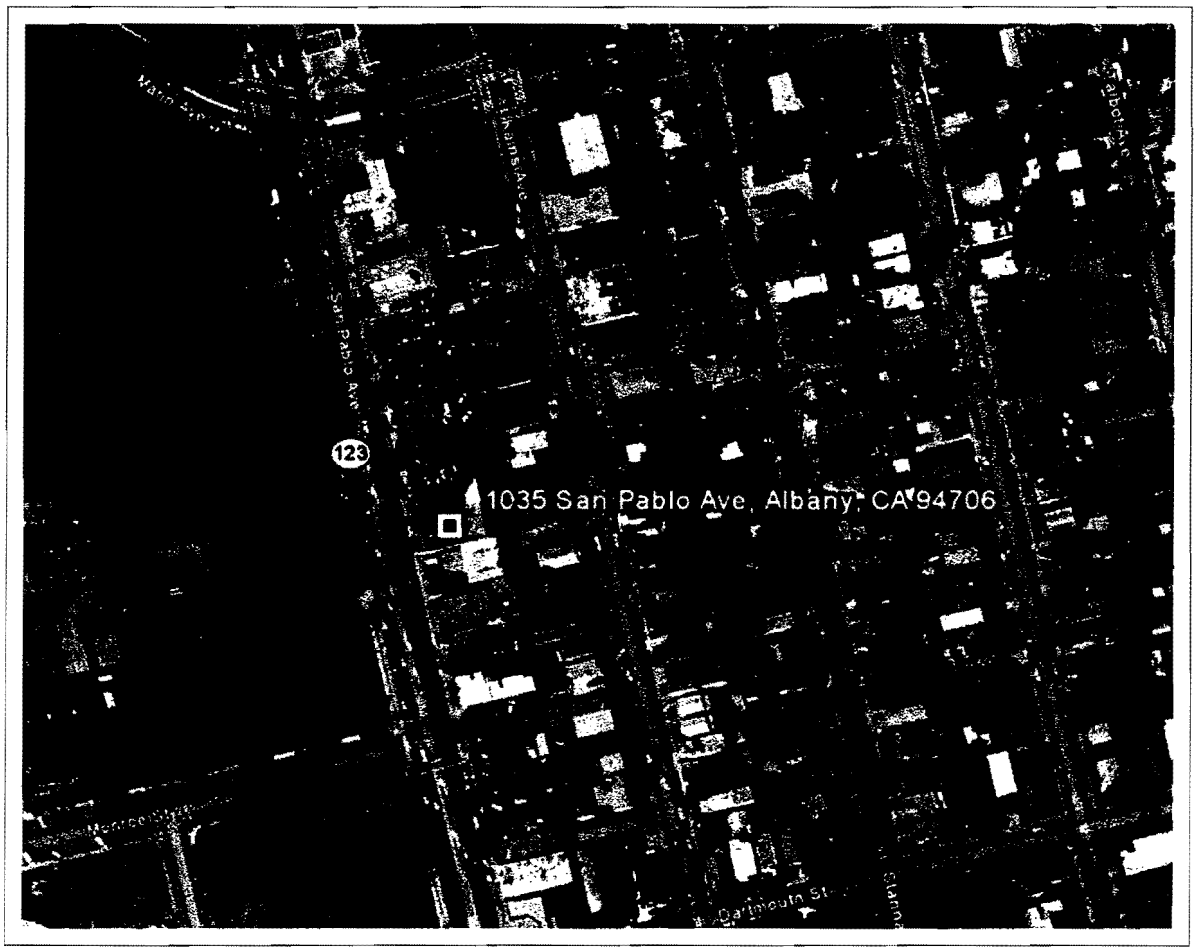


Figure 1 - Aerial View of the Vicinity

Proposed Installation Location

AT&T is licensed by the Federal Communications Commission (FCC) to operate in both the Cellular and PCS portions of the commercial radio frequency spectrum and has proposed to locate the wireless telecommunications facility on the roof of a 3-story office building which currently already serves as a Sprint Nextel site. The installation will consist of nine (9) panel antennas and associated equipment. The antenna installation will have three sectors, each sector containing two (2) Powerwave, Model RA31-7780.00, dual-band antennas for GSM and UTMS service in both the 870 and 1950 MHz bands, and a third antenna, Powerwave, Model P65-15 XLH-RR, for future operation of LTE in the 700 MHz band and in the Advanced Wireless Services (AWS) band of 1710-1755 MHz and 2110-2155 MHz.

One antenna sector will be installed on the north face of the penthouse located on the west side of the building with the antennas oriented at 345 degrees. The other two sectors will be located on the south side of the building, behind the parapet. One of these two sectors will have the antennas oriented at 70 degrees, the other at 165 degrees. To mitigate potential aesthetic impacts, AT&T is planning to install view screens to blend in with the building color and texture for all antenna sectors.

The associated base station equipment will be located inside three equipment cabinets on the roof. The plan also shows space allocation to accommodate two additional equipment cabinets for future LTE operation.

Methodology

In conducting an independent review, RCC reviews and analyzes site application documents against wireless industry standards and best practices. In this case, RCC considered the application and supplemental application materials submitted by AT&T. RCC made several requests to AT&T for clarification, including parameters used for the RF coverage predictions and asked for additional supportive materials such as equipment specifications and system design parameters. AT&T responded with additional data which RCC then analyzed.

RCC also made a site visit on October 13th, to assess the proposed installation location and surrounding area to identify any additional factors that may be relevant to the pending application. On that date,

RCC also witnessed a drive test by AT&T to measure existing signals from adjacent sites in the proposed coverage area.

Justification for the New Antenna Site

AT&T states that the proposed facility is required to improve coverage in an area that currently has inadequate signal to provide reliable service. The area is described as approximately bounded by Ventura Ave to the east, Washington Ave, Solano Ave to the north, Polk St, Taylor St, Marin Ave, 8th St, to the west, and Harrison St, Dartmouth St, Posen Ave to the south.

Wireless carriers generally design for sufficient signal strength to achieve adequate in-vehicle and in-building coverage in the target area. In the case of in-vehicle coverage, an idle phone is ordinarily assumed to be in a person's pocket, on belt, or in purse, relatively well below the window line. Radio signals are attenuated significantly as they propagate from free space through materials of varying density, such as those presented by a vehicle or building. To compensate for this attenuation, carriers design for additional signal margins over and above that required for reliable on-street coverage.

RCC has reviewed the coverage plots (propagation maps) indicating existing and post deployment coverage (Figures 2 and 3, respectively), submitted by AT&T. These propagation studies were performed using the FORSK ATOLL v2.8.2 software application. The coverage maps provided indicate a gap in coverage in the surrounding area, as described above, which would be substantially filled by the proposed site. RF coverage maps based on statistical, predictive modeling methods should closely align with real world conditions and are accepted as sufficiently accurate to make sound design and investment decisions.

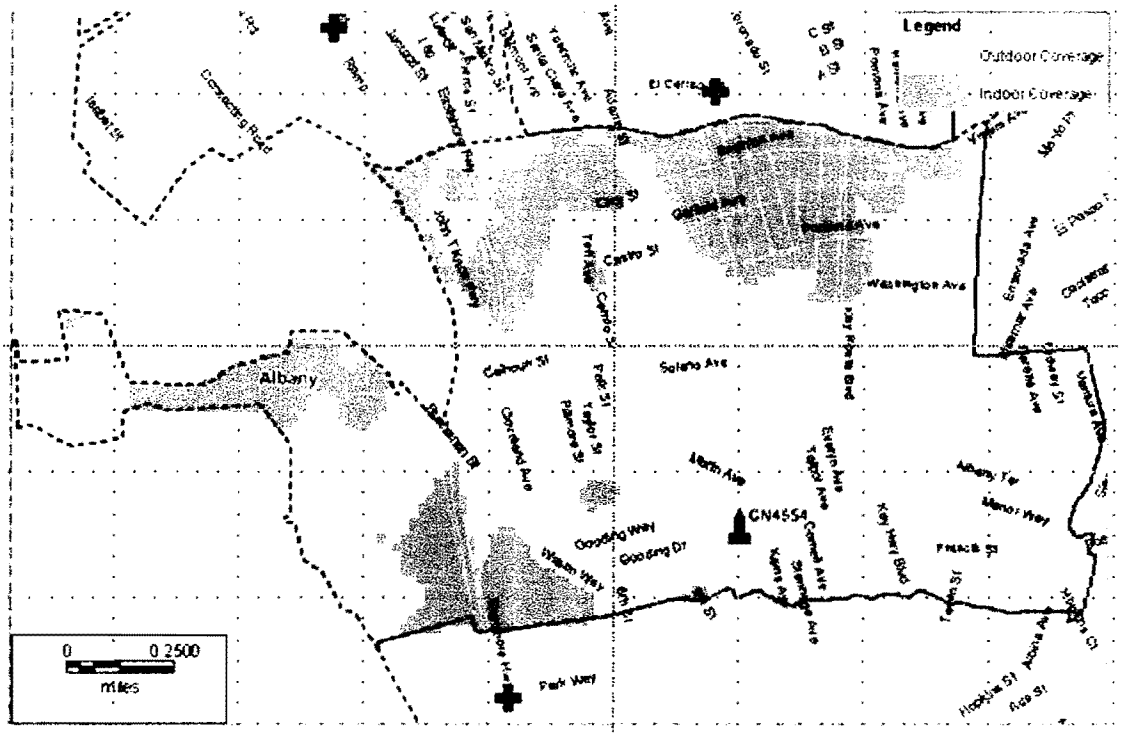


Figure 2 – Modeled Pre-Implementation Coverage

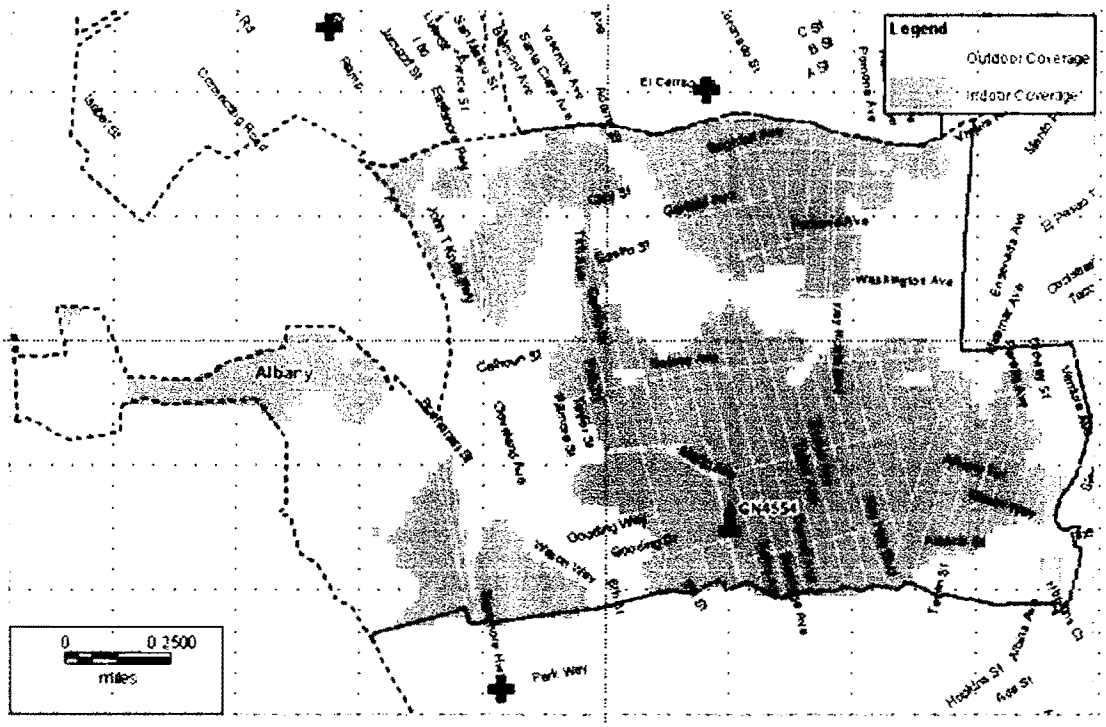


Figure 3 – Modeled Post-Implementation Coverage

To validate AT&T's modeling of existing coverage, RCC requested drive test data from AT&T that shows the measurement of their existing system coverage in the area using test transceivers and a software tool on a laptop to collect actual signal strength readings. AT&T agreed to conduct a drive test to obtain this data on October 13th. RCC met with an AT&T engineer on that data to verify the proper test configuration and drove along the test route to witness the collection of data.

The results of the drive test are depicted in Figures 4 and 5, below.

Figure 4 – Witnessed Drive Test Results (870 MHz Band)

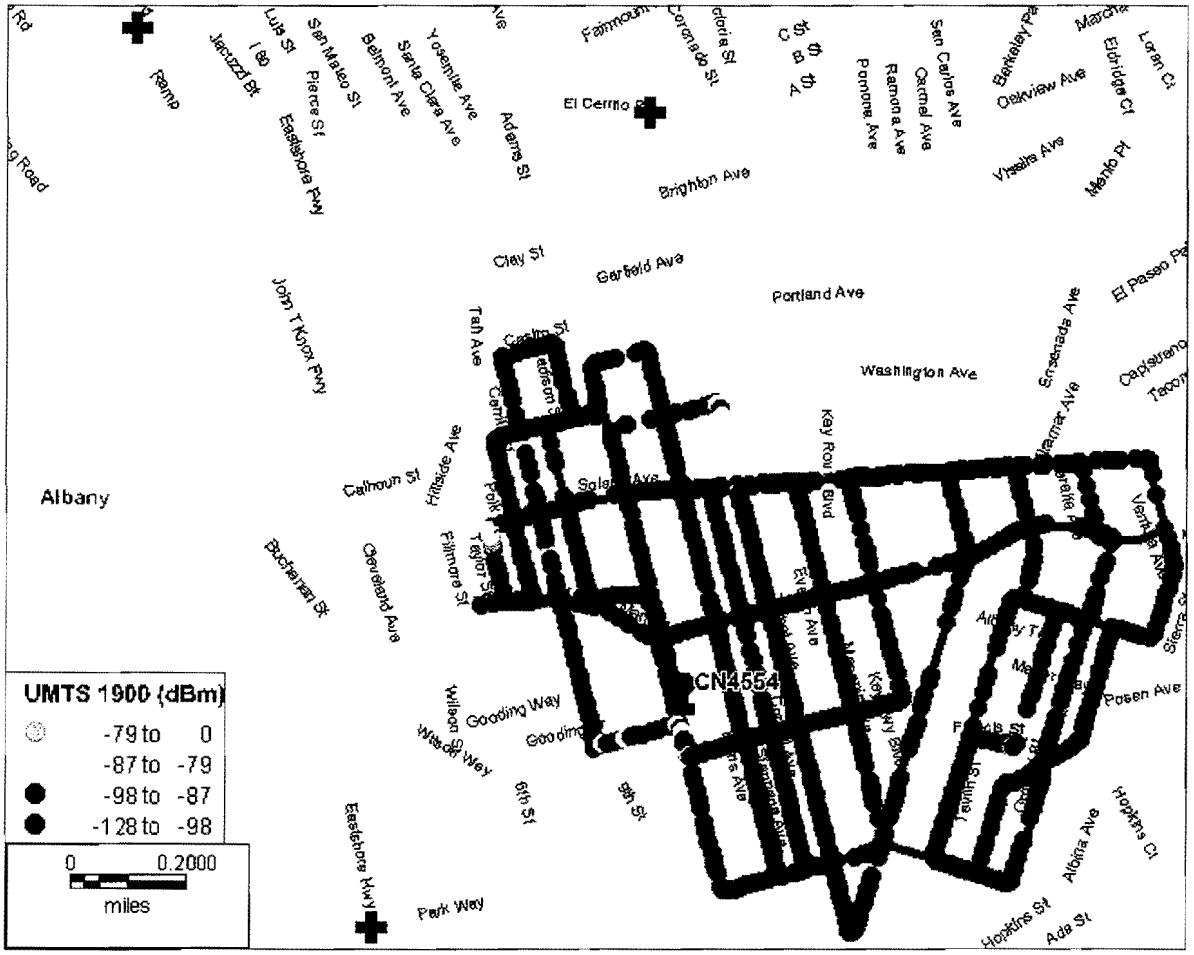


Figure 5 – Witnessed Drive Test Results (1950 MHz Band)

RCC's analysis of the drive test results indicates that existing signal levels within the target area do not meet the design objectives stated by AT&T. In the case of the 870 MHz frequency band, while there is substantial on-street coverage, signals are insufficient to provide reliable in-vehicle coverage, except in some locations in the western portion of the target area, and essentially no in-building coverage in the target area. In the case of the 1950 MHz band, signals are insufficient to provide reliable on-street coverage throughout most of the target area, except for some locations in the western portion of the target area. This substantially validates the coverage prediction maps provided originally and demonstrates the existence of a coverage gap in AT&T's network.

It must be noted that radio frequency signals have inherent spatial and temporal (both short term and seasonal) variability. Short term variations in signal strength occur also due to reflection by moving objects, such as vehicles in the area, while long-term variations can occur due to seasonal factors such as changes in vegetation. Drive test results may indicate sporadic signals in some small areas from adjacent sites, but the level of signals in the target area is not adequate to provide consistent, reliable service. This would include the ability for the cellular user to consistently receive calls when the phone is in idle mode and the ability to initiate and carry on a conversation without dropouts, while driving through the area or while within a building.

Based on our observation of the drive test and evaluation of the field measurements, it is RCC's opinion that AT&T's assertion of a coverage gap in its network, as measured against their stated design criteria, i.e. signal levels sufficient to provide reliable in-building penetration for the designated target area, is valid.

Alternative Sites

AT&T provided a coverage map for an alternative site located in the CMX zone, southwest of the City of Albany. RCC has analyzed this coverage plot and confirmed that the CMX site would not meet the design target stated by AT&T, and is therefore not a viable alternative. The coverage map is shown below.

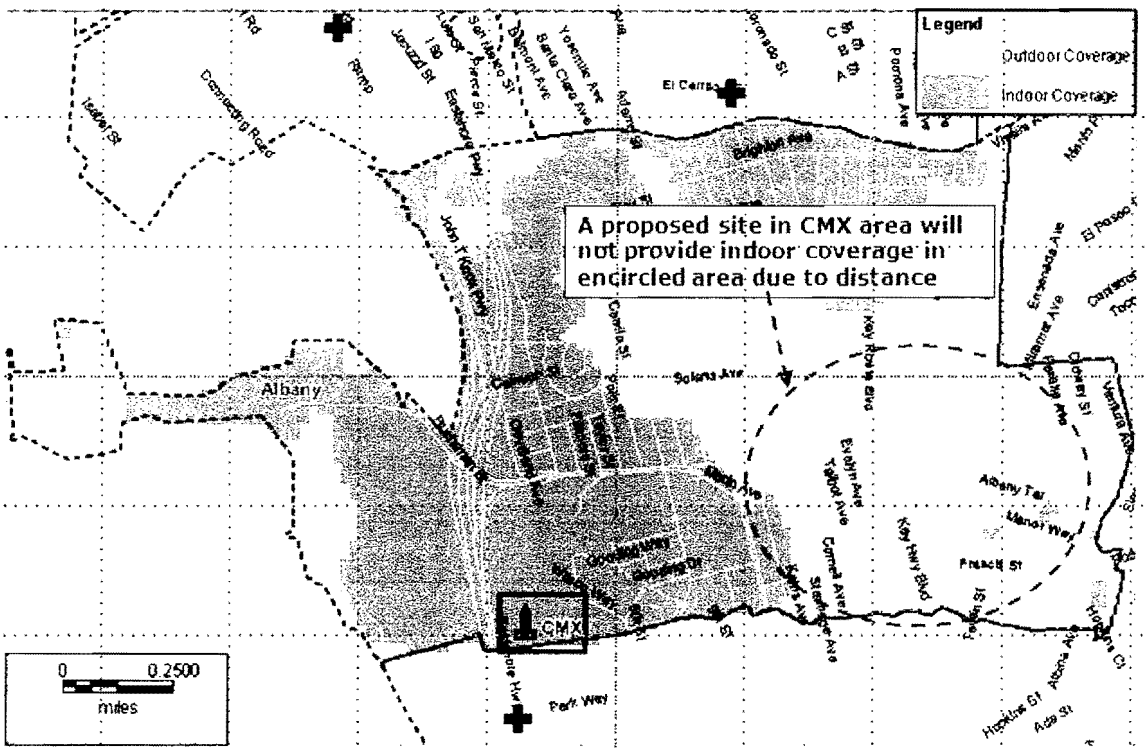


Figure 6 – Modeled Coverage from Site in CMX area

Other Technology Alternatives Considered

RCC has considered other methods sometimes used to provide coverage enhancements, including the use of Distributed Antenna Systems (DAS) and Femtocells. These are briefly discussed below.

1) Distributed Antenna Systems (DAS)

Distributed Antenna Systems (DAS) are traditionally deployed to provide high capacity service to discrete areas such as airports, stadiums, tunnels, underground garages, large office or other commercial buildings. This technology is generally not used for wide-area deployment in commercial or residential neighborhoods and is constrained by relatively low power output. Moreover, a DAS deployment would require installation of a fiber optic cable distribution system throughout the area which may likely entail installation of additional utility poles or underground conduits. Further studies, conceptual designs and analyses would have to be performed to determine the impact of such a deployment, including the suitability of existing utility poles to accommodate the additional load and

space requirements, and the quantity and location of additional utility poles required to meet the design criteria.

RCC does not consider a DAS to be the appropriate technology for deployment of wireless services in this area.

2) Femtocells

Femtocells are customer-owned, indoor, cellular gateway devices (mini base stations) that connect to the service provider's infrastructure via the customer's broadband service. They operate in the same frequency spectrum as outdoor base stations but at much lower power levels, thus providing coverage primarily within the home only, similar to wireless phones, and typically support only 2 to 4 phones. Femtocells are not designed to improve on-street or in-vehicle coverage, only in-building coverage. They are therefore not a solution to fill the area-wide coverage gap. Moreover, Femtocells are dependent upon the customer provided power and broadband connection, and are therefore not deemed as reliable as a carrier provided base station installation, especially in a disaster scenario. While AT&T network currently support the Femtocell technology, for the reasons stated above, it is not considered a substitute for conventional, macro-site cellular facilities.

Radio Frequency Emissions Safety

RCC has reviewed the report prepared by Hammett & Edison, Inc. and concurs with its conclusion that the proposed antenna installation will comply with the Federal Communications Commission's guidelines for radio frequency emissions exposure as detailed in their Office of Engineering & Technology Bulletin No. 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields," August 1997 ("OET Bulletin 65"). OET Bulletin 65 states that the Maximum Permissible Exposure ("MPE") for the general population/uncontrolled exposure is 0.58 milli-Watt per square centimeter (mW/cm^2) in the 870 MHz Band and 1 mW/cm^2 in the 1,500 to 100,000 MHz frequency range. Permissible levels for exposure under occupational conditions, such as may be encountered by maintenance personnel, are five times higher.

Two worst case scenarios for potential exposure were calculated by Hammett & Edison, Inc.: Scenario 1 at ground level exposure and Scenario 2 at the second floor of any nearby residence. The installation at the proposed site would result in a maximum level of exposure for the general population as follows:

- Scenario 1 - less than 1.4% of the maximum permissible exposure based on the proposed AT&T equipment and 2.5% of maximum permissible exposure based on simultaneous operation of the both carriers' equipment.
- Scenario 2 - less than 4.6% of the maximum permissible exposure would be encountered at the second-floor elevation of any nearby building.

During RCC's site visit, it was noted that the penthouse on the northwest side of the rooftop may at times be occupied by office personnel. This may potentially expose personnel in the penthouse to significantly higher levels of RF energy, primarily from the antennas oriented at 70 degrees. Hammett & Edison, Inc. specifically calculated the maximum exposure levels at the penthouse and found it to be less than one quarter (25%) of the FCC public limit.

Persons working on the roof of the building however could find themselves in a location where the permissible MPE value is exceeded. It is likely that areas of the roof near the antennas would exceed this value. Therefore, RCC recommends that all points of access to the roof be labeled with the following sign, or equivalent:

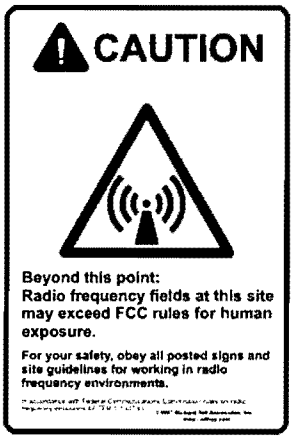


Figure 7 - RF Safety Warning Sign

Further, the roof areas within six feet (horizontally) of an antenna should be clearly and indelibly marked and another of the same sign placed within the area to warn of the hazard.

The penthouse on the northeast corner of the roof and other areas of the building will be well within the permissible MPE limits.

Summary & Conclusion

RCC Consultants, Inc. is of the opinion that:

- AT&T's need for a wireless site is justified, based on stated design objectives for the intended area of coverage and the demonstrated coverage gap depicted on the RF coverage prediction maps as verified by AT&T's drive test data.
- The proposed design is considered reasonable and consistent with industry best practices to fill coverage gaps in areas similar to the subject target area.
- Neither DAS nor Femtocell technology is a viable alternative to fill the coverage gap.
- The alternative site in the CMX zone will not meet the coverage objective in the gap area.
- The proposed installation will meet Federal Communications Commission guidelines pertaining to radio frequency emissions exposure to the general public. However, RCC recommends that, upon installation of the site equipment, and annually thereafter, an RF survey be performed to measure actual RF levels, and the result submitted to the City of Albany for review. Also, RCC recommends that AT&T be required to perform another RF study prior to adding LTE base stations which are planned for future installation, followed by another RF survey after the LTE equipment is installed.

Date: October 20, 2010

Dieter J. Preiser

Dieter J. Preiser, PMP

EXHIBIT L

Cortel

March 24, 2011

City of Albany
Jeff Bond
Community Development Department
1000 San Pablo Avenue
Albany, CA 94706

RE: AT&T Application #08-038
1035 San Pablo Avenue

Dear Mr. Bond,

In response to concerns raised at the last planning commission hearing we offer the following documents:

- Revised alternatives analysis that includes landlord responses to AT&T's proposals.
- Rooftop capacity analysis.
- Current propagation maps including drive test results.
- Zoning drawings with survey.

Please contact me at 530.647.1932 if you need additional materials or information.

Thank you.

Gordon Bell
Project Planner
Cortel, LLC
530.647.1932

EXHIBIT M

City of Albany
1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

April 15, 2011

Gordon Bell
Cortel, LLC
4020 Sierra Springs Dr.
Pollock Pines, CA 95726

Subject: Application for Wireless Antenna - 1035 San Pablo Avenue

Dear Mr. Bell:

Thank you for your revised application received March 24, 2011. In order for the city to complete the analysis of the application, please provide the following information:

1. In the material provided, there are propagation maps dated January 24, 2011 and February 7, 2011. Please clarify the difference between the maps.
2. Please indicate the date and time of the collection of the drive test data shown on page 7 of materials submitted on March 24. In addition, please describe the data collection equipment/ methodology and the individual or organization responsible for collecting the data.
3. Please provide similar information for the drive test data underlying the rest of the RF coverage maps.
4. Please provide information on the assumptions used for the propagation maps regarding the frequency, rated power, direction, and orientation of the antennas at the proposed site and at the alternative sites.
5. Please confirm that the height shown on the propagation maps is the assumed height of the antenna installation.
6. It appears that an antenna placement on the USDA building could be more than 35 feet in height. Please consider revising the propagation maps for a more realistic height.
7. Please provide a more detailed discussion of the viability of an antenna in the CMX district. You analysis indicated that other locations are not suitable because of relatively modest reductions in height. Would modest increases in height at the CMX district location overcome the location disadvantage?

Thank you for your attention to these items. If you have any questions, I can be reach at jbond@albanyca.org or 510-528-5769 (please note I will be out of the office between April 18 and April 25). Upon submittal of the additional information, we will promptly complete our staff review and discuss with you the scheduling of a public hearing before the Planning and Zoning Commission. In the meantime, until the required information is provided, we will consider the application incomplete.

Regards,

Jeff Bond
Planning and Building Manager

EXHIBIT N

Memorandum

To: Anne Hersch, City of Albany
From: Christy O'Berry
Reviewed by: Jonathan L. Kramer
Date: January 4, 2012
RE: PA08-038 (AT&T Mobility)
1035 San Pablo Ave

At the direction of the City, I have reviewed the AT&T Mobility ("AT&T") application to install a new wireless telecommunications facility on the roof of the commercial building located at 1035 San Pablo Ave. Sprint is also located at this site, and on the same roof.

Project Description

AT&T proposes to install 9 new panel antennas, each approximately 4' in height, on the roof of the building. The antennas will be capable of supporting AT&T service in the Cellular (850 MHz), LTE (700 MHz), AWS (1,700 MHz), and PCS (1,900 MHz) bands of service. The proposed antennas are shown in 3 sectors of antennas with 3 antennas per sector oriented towards 70° TN, 165° TN, and 345° TN.

AT&T proposes to center mount the antennas at 43'-3" above ground level inside a new RF transparent fiberglass-reinforced plastic ("FRP") pop-up enclosure and a new FRP screen attached to the north face of the existing penthouse.

The proposed FRP pop-up enclosure will camouflage the antennas in Sectors A (70° TN) and C (165° TN) from public view. The proposed pop-up will be 10' by 5'-6" and will extend approximately 10' above the roof line on the south side of the building.

The proposed FRP enclosure at the north face of the existing penthouse will be approximately 2' by 10' and will camouflage Sector B (345° TN) from view. The new pop-up and new screen walls are proposed to be architecturally integrated into the building by texturing and painting to match the existing building.

AT&T proposes to paint new RF safe zone 6" striping in front of Sectors A and B that will extend 2' in front of the panel antennas in those sectors.

AT&T also proposes to install new base telecommunications station ("BTS") equipment on a new raised steel platform located behind the proposed Sector A & C antenna pop-up on the center of the roof. AT&T proposes to install 5 new outdoor equipment cabinets with some of the cabinets indicated as future cabinets, a new electrical panel, a new telephone interface ("Telco") cabinet, and a new GPS antenna on the BTS platform. AT&T proposes to mount the

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

new GPS antenna to a new equipment cabinet. Depending on its location, the GPS antenna may be visible to the public from the ground level.

The GPS antenna facilitates communication between AT&T wireless facilities through synchronization and timing of wireless signals in order to seamlessly pass the telecommunications between wireless facilities.

The BTS equipment will be partially screened by an existing 3'-6" parapet wall that surrounds the building roof. It is unclear from the site plans if AT&T proposes to install any mechanical or other screening around the BTS equipment.

The new and existing panel antennas are to be connected to the BTS equipment through new cable trays and conduit placed on the roof.

AT&T does not indicate that it will install any tower mounted amplifiers, remote radio units, DC surge suppressors or other panel antenna equipment.

Alternative Site Analysis

AT&T has submitted an alternative site analysis that asserts that they explored 9 alternative sites, not including the referenced site. I have *not* independently verified the data provided in AT&T's alternative site analysis. Therefore, the analysis provided below is based solely on information provided by AT&T.

Of the 9 sites selected by AT&T as alternatives:

1. AT&T was not able to negotiate a lease with the building owner for 3 of the sites;
2. Three sites had inadequate elevation to meet AT&T's coverage objective;
3. One site was disfavored based on Albany's wireless code;
4. One site was too close to a future search ring; and
5. One site did not meet AT&T's unidentified coverage objective.

Based on AT&T's analysis of the alternative sites, AT&T determined that 1035 San Pablo was the least intrusive means to fill AT&T's coverage objectives for the City of Albany.

The alternative site analysis prepared by AT&T leaves open the opportunity for AT&T to review some of the sites it rejected, however the proposed site (as an existing Sprint wireless facility being expanded to permit collocation with AT&T rather than newly developed) is a logical site.

Project Purpose

AT&T discloses that the dominant purpose of this project is to close a significant gap in AT&T's 3G (Cellular 850 MHz) service in southeast Albany. Its computerized coverage maps, below, show existing coverage of what they call "Outdoors Coverage" (its lowest level of asserted coverage).

The project documentation submitted indicates that AT&T is also adding service in the PCS, AWS and LTE bands to the site, but AT&T has not submitted coverage maps for those bands so I have no basis to opine regarding its existing coverage on those bands, if any.

Figure 1 below, depicts AT&T's computer projection assertions of the existing coverage levels in only the Cellular band for the area surrounding the proposed site. The coverage map indicates that AT&T currently has "outdoor" signal level coverage, as AT&T defines that term, to the areas surrounding the proposed site.

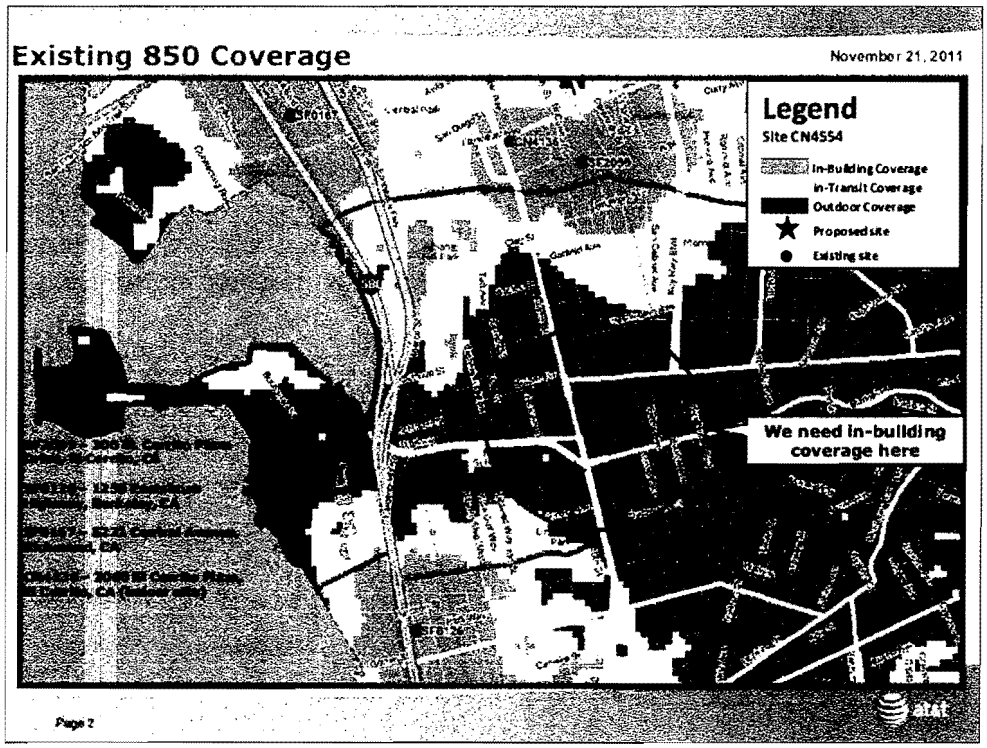

Figure 1: Existing AT&T signal coverage in the Cellular band without the proposed site, all as asserted by AT&T. (Source: AT&T Mobility).

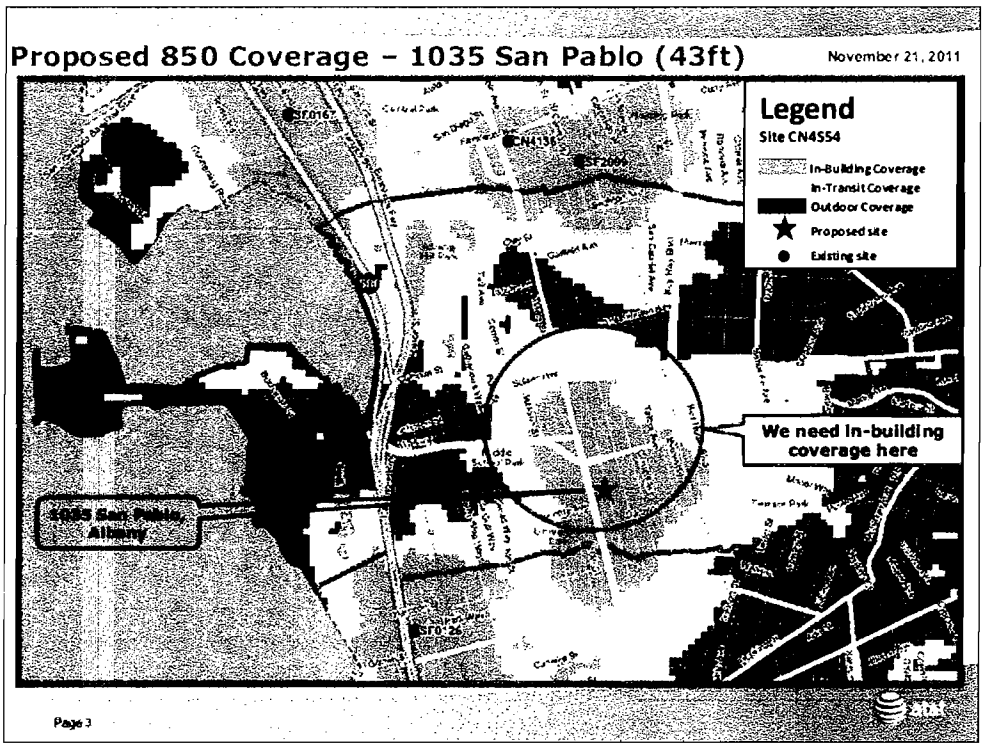

Figure 2: Proposed AT&T signal coverage in the Cellular band with the proposed site operational, all as asserted by AT&T. (Source: AT&T Mobility).

Figure 2 above, indicates that the proposed site will provide "in-building" signal coverage, as AT&T defines that term, to the area surrounding the site in the Cellular band of service, and "in-transit" (mobile) coverage beyond the "in-building" coverage area.

The coverage maps and project documentation support the proposition that AT&T is attempting to improve its service in the Cellular band to southeast Albany and indicates that AT&T has a lower grade of existing coverage in its Cellular band of service this area, whatever that grade may be.

Physical Design Considerations

Based on the future equipment proposed by AT&T in the design plans, AT&T is seeking permission to install more equipment than is necessary for the currently proposed facility. To ensure that all future elements are properly evaluated at the time they are actually necessary, I recommend that the City require AT&T to strike all future elements from the project application and the permit reflect this change as a condition of permit approval.

The GPS antenna as proposed in the project plans may be visible above the parapet wall and potentially visible from the ground level. Although a GPS antenna is not a requirement of FCC regulations, a GPS antenna is a necessary technical element for proper operation of the wireless telecommunications facility. However, a visible GPS antenna is both technically unnecessary and visually unappealing. The GPS antenna at this site can be mounted in such a manner that it is not visible above the roof level.

To ensure that no portion of the BTS or GPS is visible to the public, I recommend that the City add as a condition of approval the following:

1. No portion of the project, including without limitation the equipment cabinets; the mounting platforms, rails and racks; the GPS antenna; cables; work lights; and all other elements of the project shall protrude above the height of the parapet wall.

RF Safety Considerations

The FCC completely occupies the field as to setting RF safety standards in the United States. The City is not permitted to set its own standards regardless of whether higher, lower, or even the same as the FCC's standards. The Commission does, however, permit the City to determine whether a proposed wireless project meets the required FCC 47 CFR § 1.1307 et seq. (the "FCC rules") and FCC Office of Engineering and Technology Bulletin 65 ("OET 65") RF safety directives.

Under the FCC rules, certain types of wireless projects are deemed to be "categorically excluded," thus not subject to further RF evaluation under the rules due to identified factors including: whether the antenna supporting structure is not a building or shared to perform some other function, and the lowest portion of the transmitting antenna is at least 10 meters above ground.

The proposed project does ***not*** qualify for categorical exclusion under the FCC rules because it is to be mounted on an occupied building. An analysis of the RF emissions is necessary to determine whether a project design will comply with the FCC rules.

AT&T has submitted a third party RF emission report from Hammett & Edison, Inc. dated June 27, 2011 (the "Hammett & Edison Report"). The Hammett & Edison Report has sufficient emissions data to perform an independent analysis of the proposed emissions. Based on the frequency and power to be emitted from AT&T' antennas, a controlled access zone of 42 feet will extend outward from each transmitting antenna at the same level as the antennas.

The existence of a controlled zone does not mean that the project violates the FCC rules; rather, it merely requires that the wireless carrier take affirmative steps to restrict access to the controlled zones. In this case, the controlled zone for Sector C will be in inaccessible airspace at the same level as the antennas. However, the controlled zones in front of Sectors A and B will be accessible by the General Population (i.e. roofers, HVAC operators, building maintenance staff, etc.).

To comply with the existing FCC rules and FCC OET Bulletin 65 directives regarding RF safety, I recommend the City condition the project as follows:

1. All roof access doors shall remain locked at all times except during active maintenance by AT&T or authorized building personnel; and

2. AT&T shall place and maintain permanent RF Notice signs in English and Spanish on the roof access doors. The signage must be a minimum of 8" wide by 12" high, compliant with FCC OET Bulletin 65 or ANSI C95.2 for color, symbol, and content conventions. All such signage shall at all times provide a working local or toll-free telephone number to its network operations center, and such telephone number shall be able to reach a live person who can exert transmitter power-down control over this site as required by the FCC. The location of the sign must be visible to persons immediately prior to entering the roof area; and

3. AT&T shall place and maintain a permanent RF Notice sign in English and Spanish on the BTS platform. The signage must be a minimum of 8" wide by 12" high, compliant with FCC OET Bulletin 65 or ANSI C95.2 for color, symbol, and content conventions. All such signage shall at all times provide a working local or toll-free telephone number to its network operations center, and such telephone number shall be able to reach a live person who can exert transmitter power-down control over this site as required by the FCC. The location of the sign must be visible to persons no less than 3 feet from the BTS platform; and

4. All access to the proposed pop-up and FRP screen walls shall be secured by AT&T at all times, except during active maintenance by AT&T; and

5. AT&T shall place and maintain a permanent RF Caution sign in English and Spanish at the access point to the interior of each pop-up enclosure. The signage must be a minimum of 8" wide by 12" high, compliant with FCC OET Bulletin 65 or ANSI C95.2 for color, symbol, and content conventions. All such signage shall at all times provide a working local or toll-free telephone number to its network operations center, and such telephone number shall be able to reach a live person who can exert transmitter power-down control over this site as required by the FCC. The location of the sign must be visible immediately prior to entering the pop-up; and

6. AT&T shall install and at all times maintain in good condition alternating bright color UV stabilized floor stripes in front of Sector A extending from the pop-up in front of Sector A to the end of the controlled zone, at least 42' towards the eastern wall of the building; and

7. Consistent with AT&T's proposed RF safety zone for Sector B, AT&T shall install and at all times maintain in good condition alternating bright color UV stabilized floor stripes in front of Sector B extending from the FRP screen walls to the parapet wall; and

8. If members of the General Population are required to be in the controlled zone in front of Sectors A or B, denoted by the roof stripping other than to transit the controlled zone area (i.e., to perform maintenance or repairs on the air conditioning units or roof area, etc. within the controlled zone), AT&T shall coordinate signal transmissions from the that Sector during the entire work period to ensure compliance with the FCC rules.

If AT&T agrees to the conditions just stated, there will be no RF emissions basis to deny or further condition the project.

/cob

EXHIBIT O

at&t

JOHN DI BENE
General Attorney
Legal Department

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2600 Camino Ramon
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925.543.1548 Phone
925.867.3869 Fax
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May 4, 2012

Via Electronic Mail

Commissioner Leo Panian
City Hall
Planning & Zoning Commission
1000 San Pablo Avenue
Albany, CA 94706

Commissioner Peter Maass
City Hall
Planning & Zoning Commission
1000 San Pablo Avenue
Albany, CA 94706

Commissioner David Arkin
City Hall
Planning & Zoning Commission
1000 San Pablo Avenue
Albany, CA 94706

Commissioner Phillip Moss
City Hall
Planning & Zoning Commission
1000 San Pablo Avenue
Albany, CA 94706

Commissioner Stacy Eisenmann
City Hall
Planning & Zoning Commission
1000 San Pablo Avenue
Albany, CA 94706

Re: AT&T Mobility's Application for a Cell Site on 1035 San Pablo Ave. Planning Application #08-038

Dear Commissioners:

I write to ask the Planning Commission to reconsider its decision of April 24, 2012, denying the application of AT&T Mobility ("AT&T"), referenced above, to install a personal wireless service site consisting of nine panel antennas and related equipment at 1035 San Pablo Avenue. For the reasons explained below, AT&T believes that decision – resting primarily on the characterization of the large mechanical penthouse on the roof in such a way that that it covers most of the space available for wireless facilities – was erroneous. The denial has the effect of prohibiting AT&T from providing personal wireless services in the city. The denial also highlights the city's unreasonable discrimination in allowing one wireless carrier on the rooftop of this site while denying all others the opportunity to collocate there.

At the April 24, 2012 hearing, the Commission asked whether AT&T could consider an alternative where it removed all of its proposed equipment, including its antennas, off the rooftop. AT&T fully investigated all possible ways to work with the existing structures on and about the rooftop, and the myriad and assorted planning requirements in order to remove all of its facilities from the rooftop of the structure. In the end, AT&T was able to prepare yet one more alternative – option #3 – that minimizes the amount of equipment on the roof to the greatest extent feasible. The plans for this option are attached in Exhibit A to this letter. All equipment is either placed within the mechanical penthouse or on the parapet right by the antennas. All cables are routed along the parapets, not on the rooftop. The Southward- and Northward-facing antennas in this option are mounted on the Sprint penthouse wall and the parapet. All of those structures use absolutely zero rooftop space. However, AT&T's Eastward-facing antennas cannot be mounted on any other existing structure in order to meet the required setbacks and coverage requirements. In order to mount these antennas, they have to be mounted above the floor from the parapet with a 3 inch round post base that is well under 1 foot square that will support the approximately 8 foot by 2 foot antenna arrays. With this structure, AT&T will only add a 3 inch round post that is under 1 square foot to the rooftop; but it cannot build this site without placing that under 1 square foot mounting base on the rooftop. AT&T stands ready, willing, and able to build this site using this option #3, or options #1 or #2 presented at the last Commission meeting, or its original proposal.

In my letter of February 24, 2012, I detailed how AT&T has established that it has a significant gap in personal wireless service coverage in the area around 1035 San Pablo Avenue. I also explained how the record shows that the site at 1035 San Pablo Avenue is the least intrusive means by which AT&T can fill that gap. Proof of these two elements are sufficient to make out a prima facie case for federal preemption of local zoning regulation under the "prohibition of service" preemption in the Telecommunications Act of 1996 (the "Act"), 47 U.S.C. § 332(c)(7)(B)(i)(II). In my letter to City Attorney Labadie of April 18, 2012, which is in the record for these proceedings, I also explained how the nearly four years it has taken the city to consider this application has exceeded the "reasonable period of time" allowed for local review of an application to construct a cell site under the Act, 47 U.S.C. § 332(c)(7)(B)(ii). I will not repeat these arguments, except to note that the record evidence supporting these claims has only strengthened in the intervening weeks.

1. The Commission's Inclusion Of The Mechanical Penthouse In The 10% Rooftop Calculation Was Erroneous.

Notwithstanding the federal legal mandates, the Commission voted to deny AT&T's application at the April 24, 2012 hearing because of a mechanical penthouse that covers 432 square feet of the rooftop at 1035 San Pablo Avenue. The Commission apparently concluded that this mechanical penthouse should be treated within the category of structures, like wireless facilities, that combined can cover only 10% of the building rooftop under Municipal Code Section 20.24.080(B). If this penthouse counts against the 10% rooftop coverage requirement, there is no other space on the rooftop that

can be used for wireless facilities (or any of the long list of enumerated structures). Specifically, according to the April 24, 2012 Staff Report, page 4, the rooftop is 4,786 square feet, which means that only 478.6 square feet is available at 1035 San Pablo for all Section 20.24.080(B) structures, including wireless facilities. Subtracting the 432 square feet of the mechanical penthouse leaves a mere 46.6 square feet to be used for all other Section 20.24.080(B) facilities, including all wireless facilities. The existing Sprint facility takes up an additional 265 square feet, which means that the mechanical penthouse and the Sprint facility together take up 14.6% of the rooftop. So, if the mechanical penthouse is counted towards the 10% rooftop coverage limit, then no available space remains for wireless facilities or any of the other structures enumerated under Section 20.24.080(B). The city's misinterpretation of this provision also makes it impossible for wireless service providers like AT&T to collocate on this site, which is contrary to the city's mandated preference for collocation under Section 20.20.100(E)(2)(a).

The Commission impliedly found that this mechanical penthouse should be treated as falling under the 10% rooftop coverage requirement of 20.24.080(B). AT&T believes it is an error to attempt to apply the 10% limitation to this structure, for a few reasons. First, the mechanical penthouse is not listed as one of the enumerated structures. Section 20.24.080(B) applies only to a very limited list of structures: "towers, spires, cupolas, chimneys, elevator penthouses, water tanks, monuments, flagpoles, theatre scenery storage structures, fire towers, and similar structures." AT&T submits that the mechanical penthouse/break room is nothing like these structures – as shown by its current use as a break room. Indeed, the current use of the space as a break room underscores the fact that it cannot count against the 10% rooftop footprint because Section 20.24.080(B) specifically provides that "no such structure shall be *used* for habitable space or advertising purposes" (emphasis added). Regardless of the legal status of such use, the record is unambiguous that this preexisting structure has been, and currently is, being actively and affirmatively used as habitable space as a break room. The fact that this one structure almost fills the entire 10% standard by itself is evidence that it is far larger than one would expect such structures to be. The only way the mechanical penthouse can be interpreted to apply to the limitation is as a "similar structure." The structure most similar in this list is an elevator penthouse, but, at 432 square feet, the mechanical penthouse/break room is much larger than the typical single-shaft elevator penthouse for a 40 foot building.

There is a good reason why the 10% rooftop coverage limitation is intended to apply to smaller structures. If it were intended to apply to larger structures, then one such structure could preclude placement of any additional structures above 6 feet high on the building. This mechanical penthouse is simply is not that type of structure. This penthouse is much larger than the listed items, and it is not of the same character as any of the others. It was never intended to be used as any of the listed structures or in a similar manner, and it never has been used as any of the listed structures or in a similar manner. As such, the Commission should not attempt to include the mechanical penthouse in the 10% rooftop coverage limitation.

It is not clear at all that the mechanical penthouse fits within either of the two rooftop coverage limits under Section 20.24.080. Given that the mechanical penthouse/break room is not the size or sort of structure listed in Section 20.24.080(B), if either rooftop coverage calculation is to be applied, it would more logically fit within the 20% limit for mechanical appurtenances under Section 20.24.080(C) than under the 10% limit for enumerated structures in Section 20.24.080(B). If the Commission considers the original plans to determine the character of the penthouse, then it must be viewed as a location reserved for placement of mechanical appurtenances. And because the mechanical penthouse was constructed as part of the building when originally constructed in 1985, long before the zoning height limits were enacted, it is not relevant that it exceeds 6 feet in height. In short, for all these reasons, it is a plain error to apply the 10% rooftop coverage limitation to the mechanical penthouse structure.

2. Denying AT&T's Application Would Be Unreasonably Discriminatory.

I also want to call your attention to another provision of the Telecommunications Act that would be implicated by the denial of AT&T's application – the one that that prohibits unreasonable discrimination against one provider's network in favor of another, 47 U.S.C. § 332(c)(7)(B)(i)(I).

As you know, AT&T has investigated numerous sites to meet its coverage needs, and in the end identified the subject property as the only available and feasible solution to close its service coverage gap in the city. The city's own consultant agreed that it is a "logical" site. Section 20.20.100(E)(2)(a) of the city's code establishes a preference in favor of wireless sites that are collocated with existing wireless sites "whenever feasible." As discussed, Sprint has installed and operates wireless communication facilities on the roof of this very building. If the mechanical penthouse is considered to count under Section 20.24.080(B), Sprint's facility also exceeds the 10% rooftop limit.[1] AT&T submits that this entire factual pattern, taken as a whole, shows that it would be unreasonably discriminatory to allow Sprint to maintain a site on this particular rooftop in excess of the rooftop coverage requirements while denying AT&T the opportunity to collocate on the same rooftop. It would not be reasonable for the city to punish AT&T for seeking to collocate, and it would amount to discrimination between carriers of functionally equivalent services, which is prohibited by the Act, 47 U.S.C. § 332(c)(7)(B)(i)(I). Indeed, AT&T's proposal is stealthy whereas Sprint's facility is not, and AT&T's proposed facility would take up only about one-fourth of the square footage occupied by Sprint's facility. Because AT&T's proposal, as designed or consistent with one of the alternative designs, meets the city's numerous and burdensome requirements, and in particular would meet the city's screening and visual standards (unlike Sprint's

[1] Of course, Sprint's facilities were installed before the city enacted its roof coverage limits, but the point is that it could not have been built under the current code, and, as a result, no other Section 20.24.080(B) could ever be built on this roof if the mechanical penthouse is counted towards that 10% limit.

facilities), it would be unreasonable to discriminate against AT&T by denying the application.

AT&T urges the Commission to reverse its decision to deny its application and instead should grant the application with directions to implement either the original proposal or one of the three options AT&T has committed to build on the site.

Very truly yours,

John di Bene

cc: Mr. Craig Labadie, Esq., City Attorney (w/encl.)
Ms. Nicole Almaguer, City Clerk (w/encl.)
Ms. Anne Hersh, City Planner (w/encl.)

at&t

MARIN AVENUE
CN4554

GENERAL NOTES

1. DRAWINGS ARE NOT TO BE SCALED. WRITTEN DIMENSIONS TAKE PRECEDENCE, AND THIS SET OF PLANS IS INTENDED TO BE USED FOR DIAGRAMMATIC PURPOSES ONLY, UNLESS NOTED OTHERWISE. THE GENERAL CONTRACTOR'S SCOPE OF WORK SHALL INCLUDE FURNISHING ALL MATERIALS, EQUIPMENT, LABOR, AND ANYTHING ELSE DEEMED NECESSARY TO COMPLETE INSTALLATIONS AS DESCRIBED HEREIN.
2. PRIOR TO THE SUBMISSION OF BIDS, THE CONTRACTORS INVOLVED SHALL VISIT THE JOB SITE AND FAMILIARIZE THEMSELVES WITH ALL CONDITIONS AFFECTING THE PROPOSED PROJECT WITH THE CONSTRUCTION AND CONTRACT DOCUMENTS, [illegible] AND CONFIRM THAT THE PROJECT MAY BE ACCOMPLISHED AS SHOWN PRIOR TO PROCEEDING WITH CONSTRUCTION. ANY ERRORS, OMISSIONS, OR DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT/ENGINEER.
3. THE GENERAL CONTRACTOR SHALL RECEIVE WRITTEN AUTHORIZATION TO PROCEED WITH CONSTRUCTION PRIOR TO STARTING WORK ON ANY ITEM NOT CLEARLY DEFINED BY THE CONSTRUCTION DRAWINGS/ CONTRACT DOCUMENTS.
4. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE PROJECT DESCRIBED HEREIN. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES AND FOR COORDINATING ALL PORTIONS OF THE WORK UNDER THE CONTRACT.
5. THE CONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS ACCORDING TO MANUFACTURER'S/ VENDOR'S SPECIFICATIONS UNLESS NOTED OTHERWISE OR WHERE LOCAL CODES OR ORDINANCES TAKE PRECEDENCE.
6. ALL WORK [illegible] ON PROJECT AND MATERIALS INSTALLED SHALL BE IN [illegible] ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND [illegible] SHALL GIVE ALL NOTICES AND COMPLY WITH ALL LAWS, [illegible] REGULATIONS AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY, [illegible] AND UTILITY COMPANY SPECIFICATIONS, AND LOCAL AND STATE [illegible] CODES BEARING ON THE PERFORMANCE OF THE WORK.
7. [illegible] SHALL [illegible] AT THE PROJECT SITE A FULL SET OF [illegible] WITH THE LATEST REVISIONS AND [illegible] FOR THE USE BY ALL PERSONNEL INVOLVED WITH THE PROJECT.
8. THE STRUCTURAL COMPONENTS OF THIS PROJECT SITE/ FACILITY ARE NOT TO BE ALTERED BY THIS CONSTRUCTION PROJECT UNLESS NOTED OTHERWISE.
9. DETAILS INCLUDED HEREIN ARE INTENDED TO SHOW END RESULT OF DESIGN. MINOR MODIFICATIONS MAY BE REQUIRED TO SUIT JOB CONDITIONS OR SITUATIONS, AND SUCH MODIFICATIONS SHALL BE INCLUDED AS PART OF THE SCOPE OF WORK.
10. SEAL PENETRATIONS THROUGH FIRE-RATED AREAS WITH [illegible] LISTED OR FIRE MARSHALL APPROVED MATERIALS IF APPLICABLE TO THIS FACILITY AND OR PROJECT SITE.
11. PROVIDE A PORTABLE FIRE EXTINGUISHER WITH A RATING OF NOT LESS THAN 2-A OR 2-A:10-C WITHIN 75 FEET TRAVEL DISTANCE TO ALL PORTIONS OF THE PROJECT AREA DURING CONSTRUCTION.
12. THE CONTRACTOR SHALL MAKE NECESSARY PROVISIONS TO PROTECT EXISTING IMPROVEMENTS, EASEMENTS, PAVING, CURBING, ETC. DURING CONSTRUCTION. UPON COMPLETION OF WORK, CONTRACTOR SHALL REPAIR ANY DAMAGE THAT MAY HAVE OCCURED DUE TO CONSTRUCTION ON OR ABOUT THE PROPERTY.
13. CONTRACTOR SHALL SEE TO IT THAT GENERAL WORK AREA IS KEPT CLEAN AND HAZARD FREE DURING CONSTRUCTION AND DISPOSE OF ALL DIRT, DEBRIS, RUBBISH AND REMOVE EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY. PREMISES SHALL BE LEFT IN CLEAN CONDITION AND FREE FROM PAINT SPOTS, DUST, OR SMUDGES OF ANY NATURE.
14. [illegible] HAVE MADE EVERY EFFORT TO SET FORTH IN THE [illegible] AND CONTRACT DOCUMENTS THE COMPLETE SCOPE OF WORK. [illegible] THE JOB ARE NEVERTHELESS CAUTIONED THAT MINOR [illegible] IN THE DRAWINGS AND OR SPECIFICATIONS SHALL NOT [illegible] FROM COMPLETING THE PROJECT AND [illegible] IN ACCORDANCE WITH THE INTENT OF THESE DOCUMENTS. THE BIDDER [illegible] BEAR THE RESPONSIBILITY OF NOTIFYING (IN WRITING) THE ARCHITECT/ENGINEER OF ANY CONFLICTS, ERRORS, OR OMISSIONS PRIOR TO THE SUBMISSION OF CONTRACTOR'S PROPOSAL. IN THE EVENT OF DISCREPANCIES THE CONTRACTOR SHALL PRICE THE MORE COSTLY OR EXTENSIVE WORK, UNLESS DIRECTED OTHERWISE.

LEGEND

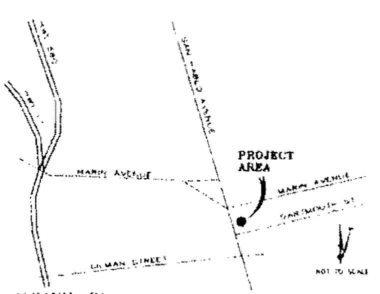
A	ANTENNA CABLE (ABOVE GROUND)
T	TELEPHONE SERVICE (ABOVE GROUND)
E	POWER SERVICE (ABOVE GROUND)
G	GROUND RING (ABOVE GROUND)
A	ANTENNA CABLE (BURIED)
T	TELEPHONE SERVICE (BURIED)
E	POWER SERVICE (BURIED)
G	GROUND RING (BURIED)

PROJECT SUMMARY

SITE NAME:	MARIN AVENUE
SITE NUMBER:	CN4554
SITE ADDRESS:	1035 SAN PABLO AVE ALBANY, CA 94706
OWNER:	JAMES J. & BARBARA Y. KELLY ET AL
OWNER ADDRESS:	819 SAN PABLO AVE ALBANY, CA 94706
APPLICANT:	AT & T MOBILITY
APPLICANTS ADDRESS:	4430 ROSEWOOD DRIVE BUILDING 3, 6TH FLOOR PLEASANTON, CA 94588
ASSESSORS PARCEL NUMBER(S):	065-2662-049-01

SHEET INDEX

VICINITY MAP



ALBANY, CA

CONTACTS

RF ENGINEERING
AT & T MOBILITY
MICHAEL QUINTO
4430 ROSEWOOD DRIVE
BUILDING 3, 6TH FLOOR
PLEASANTON, CA 94588
(925) 573-7062

ENGINEERING FIRM
PEEK SITE COM
12852 EARHART AVE., STE 101
AUBURN, CA 95602
(530) 885-6160

PROJECT MANAGER
DAVID WARWICK
4430 ROSEWOOD DRIVE
BUILDING 3, 6TH FLOOR
PLEASANTON, CA 94588
(925) 699-6563

CONSTRUCTION MANAGER
TBD

APPLICANT
AT & T MOBILITY
4430 ROSEWOOD DRIVE
BUILDING 3, 6TH FLOOR
PLEASANTON, CA 94588

SITE SURVEY
GCL ENGINEERING
1226 HIGH STREET
AUBURN, CA 95603
530-885-0426

SITE ACQUISITION
TBD

CODE COMPLIANCE

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

1. CALIFORNIA ADMINISTRATIVE CODE (INCL. TITLE 24 & 25)
2. 2010 CALIFORNIA BUILDING CODE
3. 2010 CALIFORNIA MECHANICAL CODE
4. 2010 CALIFORNIA PLUMBING CODE
5. 2010 CALIFORNIA ELECTRICAL CODE
6. LOCAL COUNTY OR CITY ORDINANCES

ACCESSIBILITY REQUIREMENTS:
THIS FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS REQUIREMENTS ARE NOT REQUIRED IN ACCORDANCE WITH THE 2007 CALIFORNIA BUILDING CODE

PROJECT DESCRIPTION

THE PROPOSED AT&T PROJECT CONSISTS OF:
THE INSTALLATION OF NEW INDOOR CABINETS IN A NEW PARTITIONED SPACE INSIDE AN (E) PENTHOUSE EQUIPMENT ROOM. AT&T ALSO PROPOSES TO INSTALL (3) NEW PANEL ANTENNAS PER SECTOR IN (3) SECTORS FOR A TOTAL OF (9) ANTENNAS. THE NEW PANEL ANTENNAS WILL BE CONCEALED BEHIND TWO NEW CUSTOM RF TRANSPARENT FRP SCREEN WALL/ENCLOSURES. THE NEW CUSTOM FRP ANTENNA ENCLOSURES ON (E) BUILDING FACADE & ROOF, WILL BE FINISHED & PAINTED TO MATCH THE COLOR OF THE EXISTING BUILDING. (2) SMALL GPS ANTENNAS WILL ALSO BE MOUNTED ON THE WALL OF THE EXISTING PENTHOUSE.

CLIENT:

at&t
3851 NORTH FREEWAY BOULEVARD
SACRAMENTO, CALIFORNIA 95834

PROJECT INFORMATION:

MARIN AVENUE
1035 SAN PABLO AVE
ALBANY, CA 94706

CURRENT ISSUE DATE:

5-2-08

ISSUE FOR:

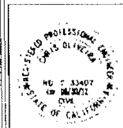
ZONING DOCS

REV.	DATE	DESCRIPTION	BY
7	5-16-11	REV 100% ZONING DOCS	TAP
8	5-27-11	REV 100% ZONING DOCS	JMR
9	8-15-11	REV 100% ZONING DOCS	JMR
10	10-11-11	REV 100% ZONING DOCS	VRT
11	3-14-12	REV LAYOUT SKETCH	JMR
12	4-27-12	REV LAYOUT SKETCH	JMR
13	5-2-12	REV LAYOUT SKETCH	JMR
14	5-3-12	REV SITE LAYOUT	JMR

COORDINATING ENGINEER:

Peek Site-Com
12852 Earhart Ave. Suite 101
Auburn, California 95602
Phone (530) 885-6160
E-Mail info@peeksitecom.com

SEAL:

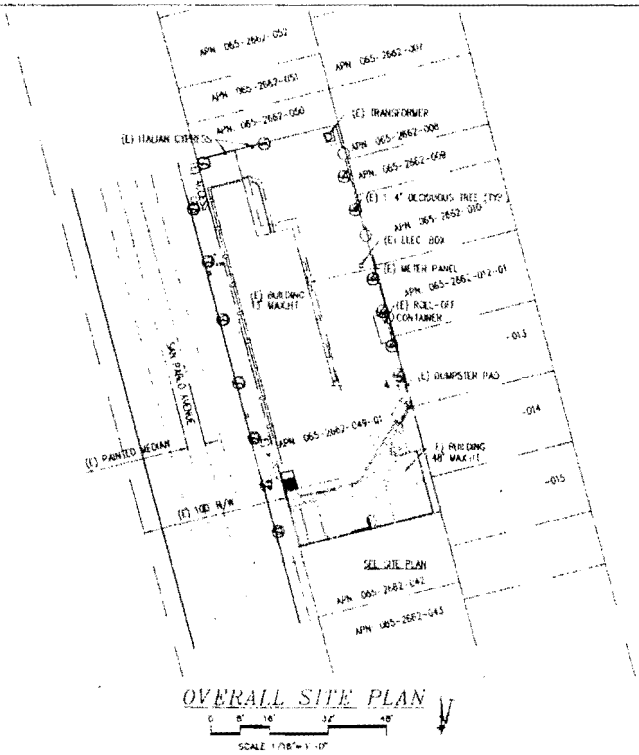


SITE #	CHK	DRAWN BY
CN4554		VRT

SHEET TITLE:

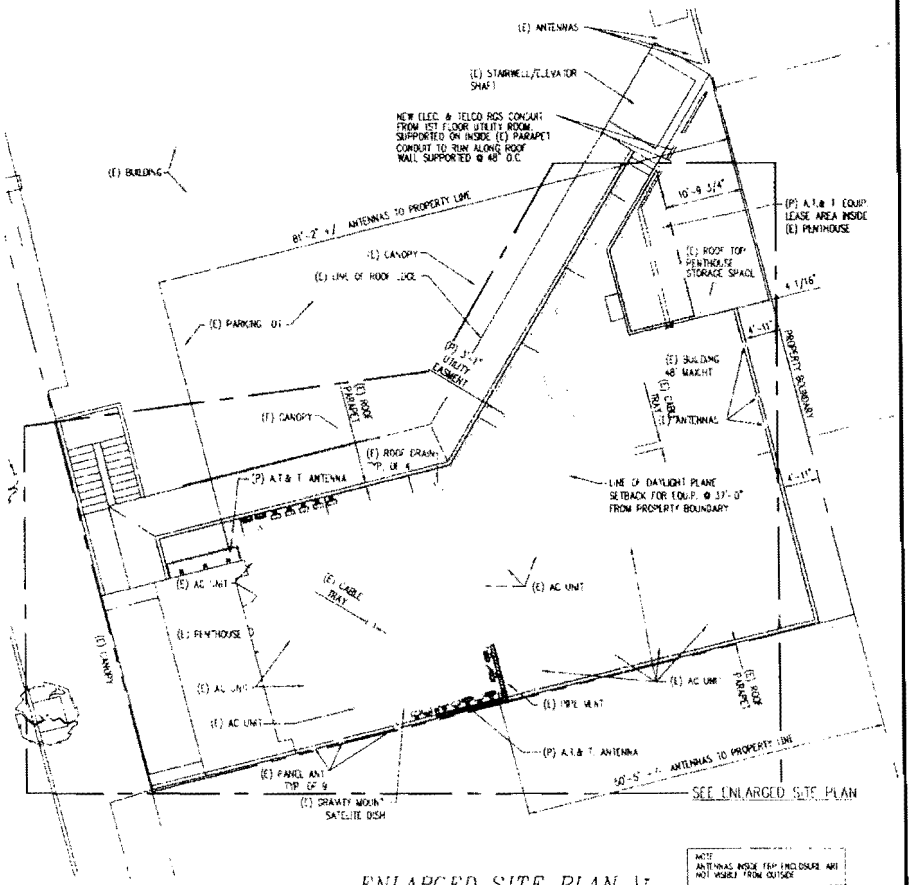
TITLE SHEET

SHEET NUMBER:	REVISION:
T-1	0



OVERALL SITE PLAN

SCALE 1/16"=1'-0"



ENLARGED SITE PLAN

SCALE 1/8"=1'-0"

NOTE
ANTENNAS INSIDE FRP ENCLOSURE ARE NOT VISIBLE FROM OUTSIDE

CLIENT

at&t

3851 NORTH FREEWAY BOULEVARD
SACRAMENTO, CALIFORNIA 95834

PROJECT INFORMATION

MARIN AVENUE
1035 SAN PABLO AVE.
ALBANY, CA 94706

CURRENT ISSUE DATE:

5-2-08

ISSUED FOR

ZONING DOCS

REV #	DATE	DESCRIPTION	BY
7	5-15-11	REV 100% ZONING DOCS	TAF
8	5-27-11	REV 100% ZONING DOCS	JMR
9	8-15-11	REV 100% ZONING DOCS	JMR
10	11-1-11	REV 100% ZONING DOCS	JMR
11	3-14-12	REV LAYOUT SKETCH	JMR
12	4-27-12	REV LAYOUT SKETCH	JMR
13	5-2-12	REV LAYOUT SKETCH	JMR
14	5-3-12	REV STE LAYOUT	JMR

COORDINATING ENGINEER

Peek Site-Com
12852 Earhart Ave, Suite 101
Auburn, California 95602
Phone (530) 885-6160
E Mail info@peeksitecom.com

SEAL

REGISTERED PROFESSIONAL ENGINEER CHRIS OLIVER No. C 33407 OF 06/2013 CIVIL STATE OF CALIFORNIA

SITE #	CHK	DRAWN BY
CN4004		VKT

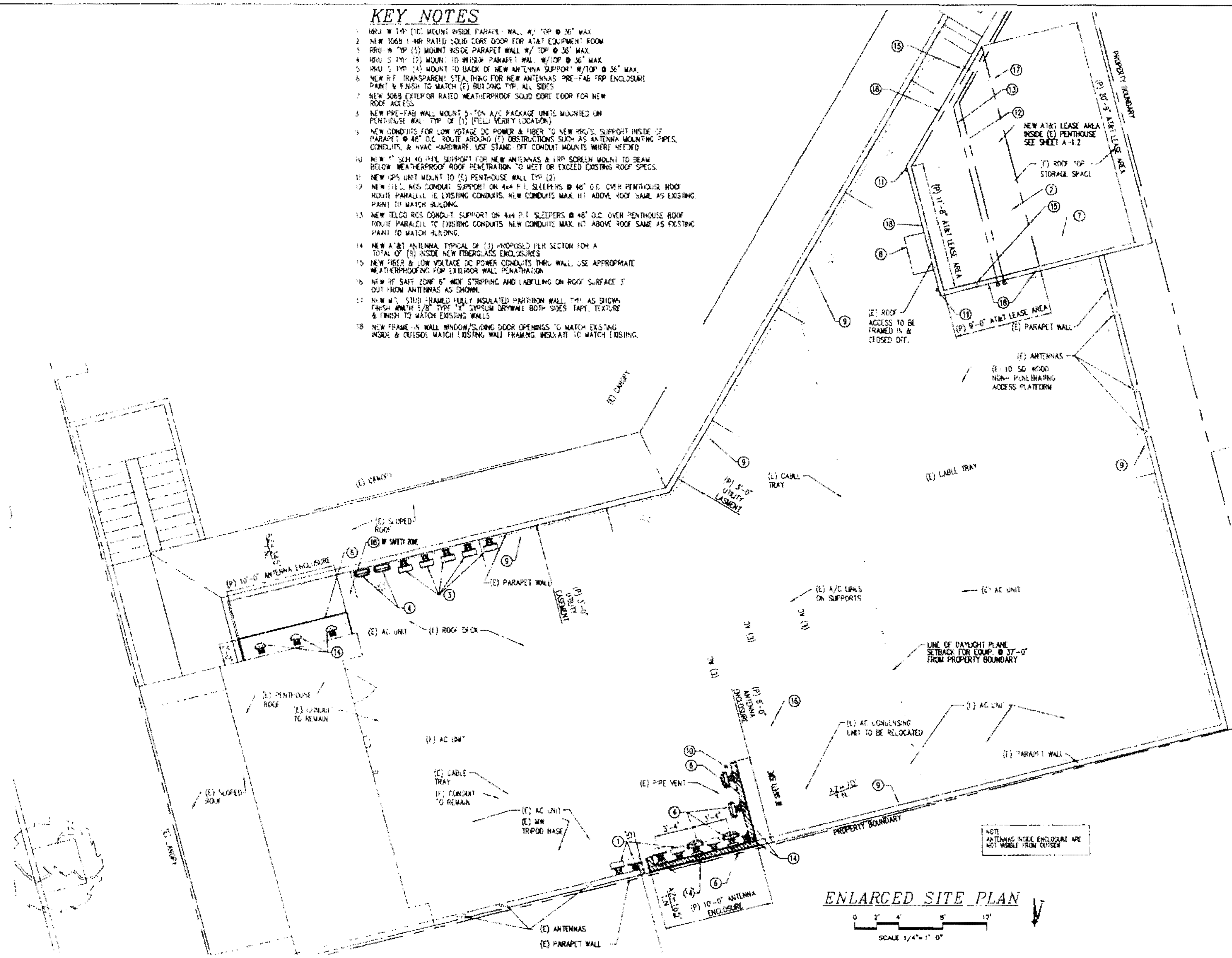
SHEET TITLE

SITE PLAN

SHEET NUMBER	REVISION
A-1	0

KEY NOTES

1. RRU W TYP (10) MOUNT INSIDE PARAPET WALL W/ TOP @ 36" MAX
2. NEW 3068 1-HR RATED SOLID CORE DOOR FOR AT&T EQUIPMENT ROOM
3. RRU-W TYP (5) MOUNT INSIDE PARAPET WALL W/ TOP @ 36" MAX.
4. RRU S TYP (2) MOUNT TO INSIDE PARAPET WALL W/TOP @ 36" MAX
5. RRU S TYP (4) MOUNT TO BACK OF NEW ANTENNA SUPPORT W/TOP @ 36" MAX.
6. NEW R.F. TRANSPARENT STEALTHING FOR NEW ANTENNAS PRE-FAB FRP ENCLOSURE PAINT & FINISH TO MATCH (E) BUILDING TYP. ALL SIDES
7. NEW 3068 EXTERIOR RATED WEATHERPROOF SOLID CORE DOOR FOR NEW ROOF ACCESS
8. NEW PRE-FAB WALL MOUNT 5-TON A/C PACKAGE UNITS MOUNTED ON PENTHOUSE WALL TYP OF (1) (FIELD VERIFY LOCATION)
9. NEW CONDUITS FOR LOW VOLTAGE DC POWER & FIBER TO NEW RRU'S. SUPPORT INSIDE OF PARAPET @ 48" O.C. ROUTE AROUND (E) OBSTRUCTIONS SUCH AS ANTENNA MOUNTING PIPES, CONDUITS, & HVAC HARDWARE. USE STAND-OFF CONDUIT MOUNTS WHERE NEEDED
10. NEW 4" SCH 40 PIPE SUPPORT FOR NEW ANTENNAS & FRP SCREEN MOUNT TO BEAM BELOW WEATHERPROOF ROOF PENETRATION TO MEET OR EXCEED EXISTING ROOF SPECS.
11. NEW GPS UNIT MOUNT TO (E) PENTHOUSE WALL TYP (2)
12. NEW STEEL RGS CONDUIT SUPPORT ON 4x4 P.T. SLEEPERS @ 48" O.C. OVER PENTHOUSE ROOF ROUTE PARALLEL TO EXISTING CONDUITS. NEW CONDUITS MAX. HT. ABOVE ROOF SAME AS EXISTING. PAINT TO MATCH BUILDING.
13. NEW TELCO RGS CONDUIT SUPPORT ON 4x4 P.T. SLEEPERS @ 48" O.C. OVER PENTHOUSE ROOF ROUTE PARALLEL TO EXISTING CONDUITS NEW CONDUITS MAX. HT. ABOVE ROOF SAME AS EXISTING PAINT TO MATCH BUILDING.
14. NEW AT&T ANTENNA. TYPICAL OF (3) PROPOSED PER SECTOR FOR A TOTAL OF (9) INSIDE NEW FIBERGLASS ENCLOSURES
15. NEW FIBER & LOW VOLTAGE DC POWER CONDUITS THRU WALL. USE APPROPRIATE WEATHERPROOFING FOR EXTERIOR WALL PENETRATION
16. NEW RF SAFE ZONE 6" WIDE STRIPPING AND LABELLING ON ROOF SURFACE 3' OUT FROM ANTENNAS AS SHOWN.
17. NEW MTL STUD FRAMED FULLY INSULATED PARTITION WALL. TYP. AS SHOWN FINISH W/ 5/8" TYPE "X" GYPSUM DRYWALL BOTH SIDES. TAPE, TEXTURE & FINISH TO MATCH EXISTING WALLS
18. NEW FRAME-IN WALL WINDOW/SLIDING DOOR OPENINGS TO MATCH EXISTING INSIDE & OUTSIDE. MATCH EXISTING WALL FRAMING. INSULATE TO MATCH EXISTING.



ENLARGED SITE PLAN

SCALE 1/4"=1'-0"

PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO PEEK SITE-COM IS STRICTLY PROHIBITED

CLIENT:

at&t

3851 NORTH FREEWAY BOULEVARD
SACRAMENTO, CALIFORNIA 95834

PROJECT INFORMATION:

MARIN AVENUE
1035 SAN PABLO AVE
ALBANY, CA 94706

CURRENT ISSUE DATE:

5-2-08

ISSUE FOR:

ZONING DOCS

REV.#	DATE	DESCRIPTION:	BY:
7	5-15-11	REV 100% ZONING DOCS	TAF
8	5-27-11	REV 100% ZONING DOCS	JMR
9	8-15-11	REV 100% ZONING DOCS	JMR
10	0-11-11	REV 100% ZONING DOCS	VPT
11	3-4-12	REV LAYOUT SKETCH	JMR
12	4-27-12	REV LAYOUT SKETCH	JMR
13	5-2-12	REV LAYOUT SKETCH	JMR
14	5-3-12	REV SITE LAYOUT	JMR

COORDINATING ENGINEER:

Peek Site-Com
12852 Earhart Ave, Suite 101
Auburn, California 95602
Phone (530) 885-6160
E-Mail info@peeksitecom.com

SEAL:

SITE #	CHK:	DRAWN BY:
CN4554		VPT

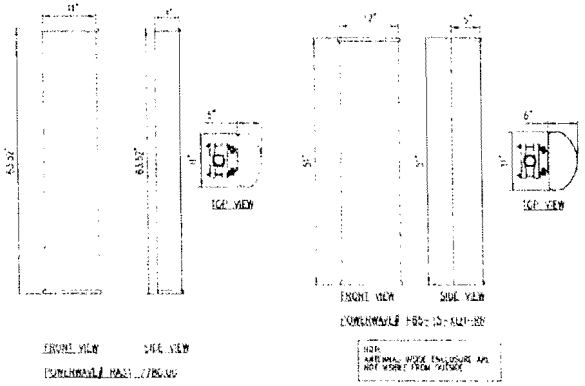
SHEET TITLE:

SITE PLAN

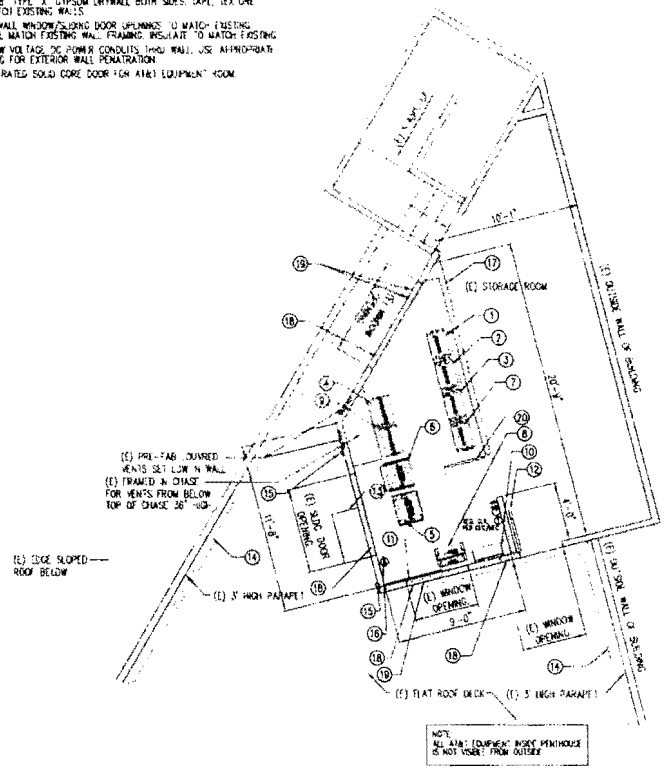
SHEET NUMBER:	REVISION:
A-1.1	0

KEY NOTES

1. 23" RACK #1 FOR 6601 UNITS
2. 23" RACK #2 FOR 6801 UNITS
3. 23" RACK #3 FOR 6601 UNITS & LTE
4. 23" TRANSPORT/MISC RACK
5. NEW LINEAGE INFINITY D DC POWER PLANT
6. BATTERY RACK (LINEAGE 23"-16 BATTERY RACK)
7. FUTURE 23" RACK #4 FOR 6601 UNITS & LTE
8. MUX & FUTURE UAM/OBNA MOUNT ON 23" TELCO RACK
9. FUTURE 23" MISC RACK
10. 200 AMP MARCONI ELECTRICAL PANEL
11. PLYWOOD TELCO BACKBOARD (48"x48"x3/4" PROVIDED by/SELLER)
12. NEW 30x8 EXTERIOR RATED WEATHERPROOF SOLID CORE DOOR FOR NEW ROOF ACCESS
13. NEW PRE-FAB WALL MOUNT 5-TON A/C PACKAGE UNITS MOUNTED ON PENTHOUSE WALL TYP. OF (1) (FIELD VERIFY LOCATION)
14. NEW CONDUITS FOR LOW VOLTAGE DC POWER & FIBER TO NEW RRU'S. SUPPORT INSIDE OF PARAPET @ 48" O.C. ROUTE AROUND (E) OBSTRUCTIONS SUCH AS ANTENNA MOUNTING PIPES, CONDUITS, & HVAC HARDWARE. USE STAND-OFF CONDUIT MOUNTS WHERE NEEDED.
15. NEW GPS UNIT MOUNT TO (E) PENTHOUSE WALL TYP. (2)
16. NEW NEW 6-A-10-B.C FIRE EXTINGUISHER MOUNT TO WALL
17. NEW MTL. STUD FRAMED FULLY INSULATED PARTITION WALL TYP. AS SHOWN FINISH WITH 5/8" TYPE 'X' GYPSUM DRYWALL BOTH SIDES. LAPL. TEXTURE & FINISH TO MATCH EXISTING WALLS.
18. NEW FRAMING W/ WINDOW/SLIDING DOOR OPENINGS TO MATCH EXISTING INSIDE & OUTSIDE MATCH EXISTING WALL FRAMING. INSULATE TO MATCH EXISTING
19. NEW FIBER & LOW VOLTAGE DC POWER CONDUITS THRU WALL. USE APPROPRIATE WEATHERPROOFING FOR EXTERIOR WALL PENETRATION
20. NEW 3068 1-HR RATED SOLID CORE DOOR FOR AT&T EQUIPMENT ROOM



TYP. ANTENNA DETAIL
SCALE: N.T.S.



ENLARGED EQUIPMENT ROOM PLAN
SCALE 1/4"=1'-0"

CLIENT

at&t

3851 NORTH FREEWAY BOULEVARD
SACRAMENTO, CALIFORNIA 95834

PROJECT INFORMATION

MARIN AVENUE
1030 SAN PABLO AVE
ALBANY, CA 94706

CURRENT ISSUE DATE

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10	10-11-11	REV 100% ZONING DOCS	VKT
11	3-14-12	REV LAYOUT SKETCH	JMR
12	4-27-12	REV LAYOUT SKETCH	JMR
13	5-2-12	REV LAYOUT SKETCH	JMR
14	5-3-12	REV SITE LAYOUT	JMR

COORDINATING ENGINEER

Peek Site-Com
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Auburn, California 95602
Phone (530) 885-6160
E Mail info@peeksitecom.com

SEAL

SITE #: CHK: DRAWN BY:
CN4504 VKT

SHEET TITLE

SITE PLAN

SHEET NUMBER: REVISION:

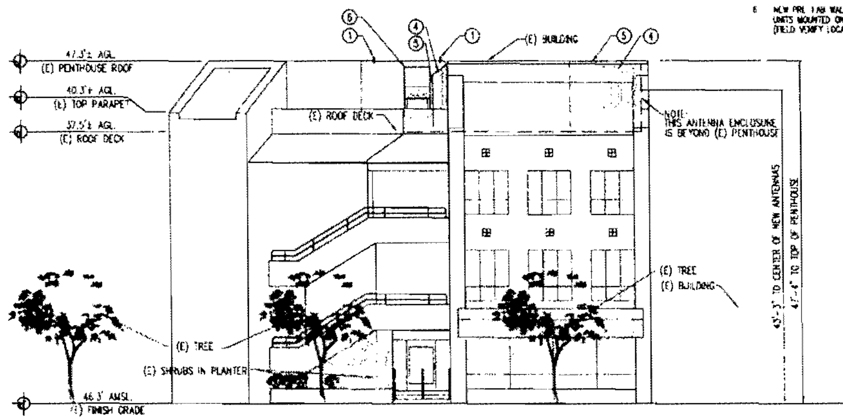
A-1.2 | 0

ANTENNAS/COAX SCHEDULE		DATE:			
SECTOR	AZIMUTH	MODEL #	COAX SIZE	# COAX & LENGTH	RAD CENTER
SECTOR "A"	70°	P65-15-XLH-RR	⅞"	(4) 30'	43'-3"
		RA31-7780.00	⅞"	(4) 30'	43'-3"
		RA31-7780.00	⅞"	(8) 30'	43'-3"
SECTOR "B"	345°	P65-15-XLH-RR	⅞"	(4) 54'	43'-3"
		RA31-7780.00	⅞"	(4) 54'	43'-3"
		RA31-7780.00	⅞"	(6) 54'	43'-3"
SECTOR "C"	165°	P65-15-XLH-RR	⅞"	(4) 24'	43'-3"
		RA31-7780.00	⅞"	(4) 24'	43'-3"
		RA31-7780.00	⅞"	(6) 24'	43'-3"

NOTE
ANTENNAS INSIDE ENCLOSURE ARE NOT VISIBLE FROM OUTSIDE

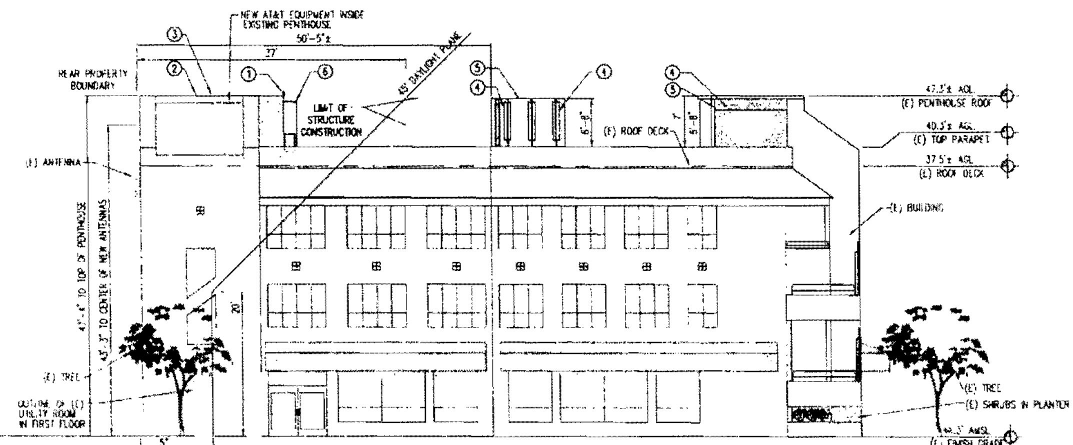
KEY NOTES

1 NEW GPS UNIT @ 10' A.G.L.
2 NEW ELEC. RGS CONDUIT RUN FROM 1ST FLOOR UTILITY ROOM TO ROOF ALONG SIDE PENTHOUSE WALL TO SIIL
3 NEW TELCO RGS CONDUIT RUN FROM 1ST FLOOR UTILITY ROOM TO ROOF ALONG SIDE PENTHOUSE WALL TO SIIL
4 NEW AT&T ANTENNA, TYPICAL OF (3) PROPOSED PER SECTOR FOR A TOTAL OF (9) INSIDE NEW FIBERGLASS ENCLOSURES
5 NEW PRE-FAB FRP SCREEN FOR R.F. TRANSPARENT SCREENING FOR NEW ANTENNAS. PAINT & FINISH TO MATCH (E) BUILDING PRE-FAB FRP TYP. ALL SIDES
6 NEW PRE-FAB WALL MOUNT 5 TON A/C PACKAGE UNITS MOUNTED ON PENTHOUSE WALL TYP. OF (1) (FIELD VERIFY LOCATION)



WEST ELEVATION

SCALE 1/8"=1'-0"



NORTH ELEVATION

SCALE 1/8"=1'-0"

PROPRIETARY INFORMATION

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CLIENT:

at&t

3851 NORTH FREEWAY BOULEVARD
SACRAMENTO, CALIFORNIA 95834

PROJECT INFORMATION:

MARIN AVENUE
1035 SAN PABLO AVE
ALBANY, CA 94706

CURRENT ISSUE DATE

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9	8-15-11	REV 100% ZONING DOCS	MR
10	10-11-11	REV 100% ZONING DOCS	VRI
11	3-14-12	REV LAYOUT SKETCH	MR
12	4-27-12	REV LAYOUT SKETCH	MR
13	5-2-12	REV LAYOUT SKETCH	MR
14	5-3-12	REV SITE LAYOUT	MR

COORDINATING ENGINEER

Peek Site-Com
12852 Earhart Ave, Suite 101
Auburn, California 95602
Phone (530) 885-6160
E-Mail info@peeksitecom.com

SEAL:

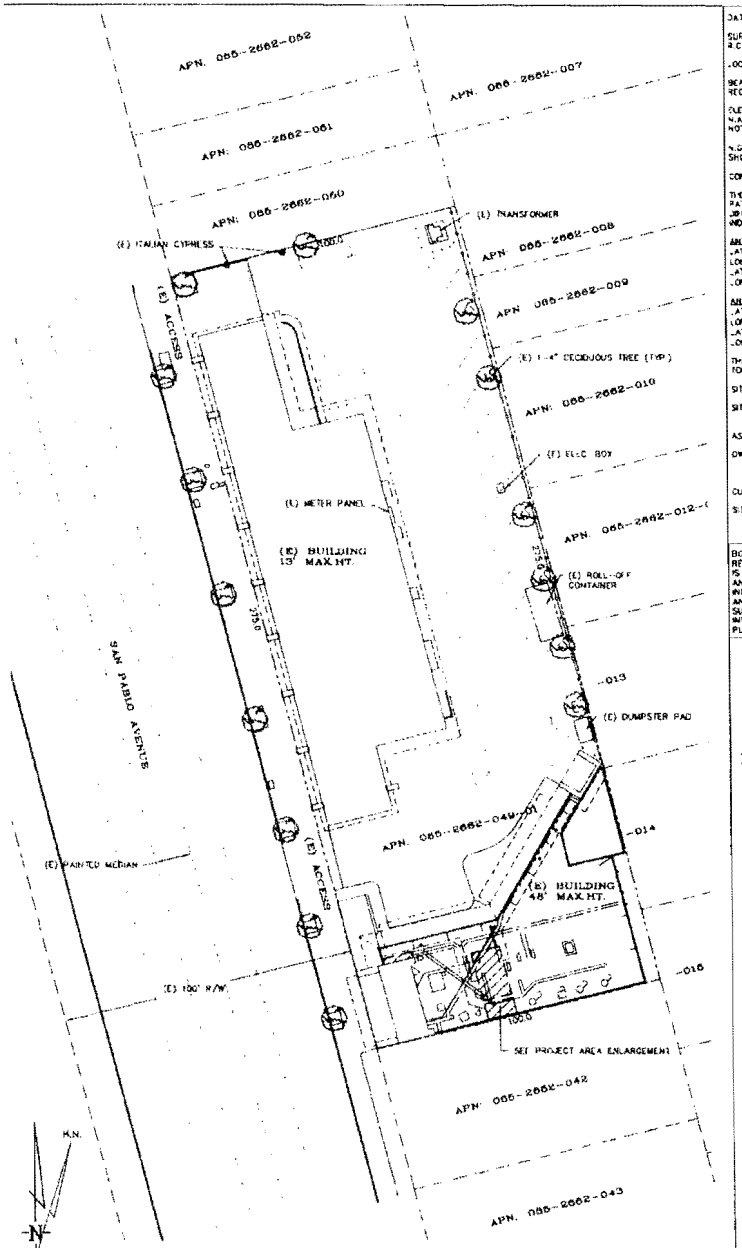
REGISTERED PROFESSIONAL ENGINEER
NO. C 33407
CIVIL
STATE OF CALIFORNIA

SITE #	CHK.	DRAWN BY:
CN4554		VRI

SHEET TITLE:

ELEVATION

SHEET NUMBER:	REVISION:
A-2	0



OVERALL SITE PLAN

DATE OF SURVEY: 04-22-08

SURVEYED BY OR UNDER DIRECTION OF: KENNETH D. GEIL R.C.E. 14803

LOCATED IN THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BEARINGS SHOWN ARE BASED UPON MONUMENTS FOUND AND RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY

ELEVATIONS SHOWN ON THIS PLAN ARE BASED UPON U.S.G.S. N.A.V.D. 88 DATUM ABOVE MEAN SEA LEVEL UNLESS OTHERWISE NOTED.

N.G.V.D. 29 CORRECTION: SUBTRACT 2.73' FROM ELEVATIONS SHOWN.

CONTOUR INTERVAL: N/A

THE LATITUDE AND LONGITUDE WERE DETERMINED USING TRIMBLE PATHFINDER PRO XL G.P.S. AND UTILIZING PATHFINDER OFFICE DIFFERENTIAL CORRECTION SOFTWARE AT THE LOCATION INDICATED HEREON.

ANTENNA LEASE AREA #1:
LAT. N 37°53'07.11" NAD 83
LONG. W 122°17'49.26" NAD 83
LAT. N 37°53'07.38" NAD 27
LONG. W 122°17'45.31" NAD 27

ANTENNA LEASE AREA #2:
LAT. N 37°53'07.29" NAD 83
LONG. W 122°17'49.76" NAD 83
LAT. N 37°53'07.56" NAD 27
LONG. W 122°17'45.81" NAD 27

THIS SURVEY MEETS OR EXCEEDS FAA 1A ACCURACY TOLERANCES.

SITE NAME / NUMBER: CN4554 / MARIN AVENUE

SITE SITE ADDRESS: 1035 SAN PABLO AVENUE
ALBANY, CA 94706

ASSESSOR'S PARCEL NUMBER: 085-2662-049-01

OWNER: JAMES J. & BARBARA V. KELLEY ET. AL.
819 SAN PABLO AVENUE
ALBANY, CA 94706

CURRENT ZONING: N/A

SITE CONTACT: JIM HALL
916-561-4123

BOUNDARY SHOWN IS BASED ON MONUMENTATION FOUND AND RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY. THIS IS A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY LINES AND EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE MONUMENTATION FOUND DURING THE FIELD SURVEY. PROPERTY LINES AND LINES OF TITLE WERE NOT INVESTIGATED NOR SURVEYED EXCEPT AS SHOWN ON THIS PLAN. NO PROPERTY MONUMENTS WERE SET.

Geil Engineering
Engineering * Surveying * Planning
1226 High Street
Auburn, California 95603-5015
Phone: (530) 885-0426 * Fax: (530) 823-1309

A.T.&.T.
PCS Equipment A.S.A.C. Survey Form

Project No./Name: CN4554 / Marin Avenue

Project Site Location: 1035 San Pablo Avenue
Albany, CA 94706
Alameda County

Date of Observation: 04-22-08

Equipment/Procedure Used to Obtain Coordinates: Trimble Geo-XT post processed with Pathfinder Office software.

Type of Antenna Mount: Proposed Rooftop

Number of Antennas Observed: 11

ANTENNA LEASE AREA #1:
Latitude: N 37° 53' 07.11"(NAD83) Latitude: N 37° 53' 07.38"(NAD27)
Longitude: W 122° 17' 49.26"(NAD83) Longitude: W 122° 17' 45.31"(NAD27)

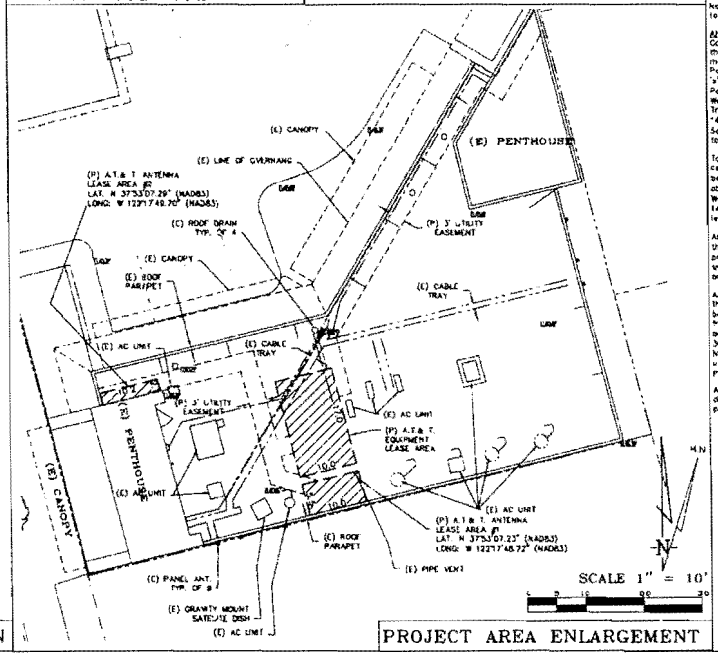
ANTENNA LEASE AREA #2:
Latitude: N 37° 53' 07.29"(NAD83) Latitude: N 37° 53' 07.56"(NAD27)
Longitude: W 122° 17' 49.76"(NAD83) Longitude: W 122° 17' 45.81"(NAD27)

ELEVATION of Ground at Base of Proposed Structure (NAVD88): 46.3' AMSL
STRUCTURE HEIGHT: (Top of Penthouse) 43.5' AGL
OVERALL HEIGHT: (Top of TV Ant.) 50' AGL

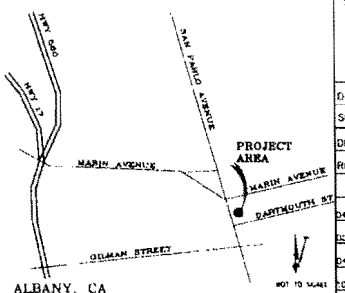
CERTIFICATION: I the undersigned, do hereby certify and attest listed above is based on a field survey done under my supervision and that the accuracy of these elevations meet or exceed 1-A Standards as defined in the FAA ASAC Information Sheet 9N.003, and they are true and accurate to the best of my knowledge and belief.

Kenneth D. Geil California R.C.E. 14803 Date

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF GEIL ENGINEERING AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE AND CARRIER FOR WHICH THEY ARE PREPARED. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM GEIL ENGINEERING. TITLE TO THESE PLANS AND/OR SPECIFICATIONS SHALL REMAIN WITH GEIL ENGINEERING WITHOUT PREJUDICE AND VISUAL CONTACT WITH THEM SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.



PROJECT AREA ENLARGEMENT



VICINITY MAP

CN4554 / MARIN AVENUE
Lessee Area Description

All that certain lessee area being a portion of Lot 20, Block 12, Map 4, Regent Park, filed in Book 2° of Maps, Page 51, Alameda County Records, being more particularly described as follows:

EQUIPMENT LEASE AREA:
Commencing at a standard city monument found in the top of curb at the Northeast corner of San Pablo Avenue and Dartmouth Street, said monument is shown on that certain Parcel Map recorded at Book 158 of Parcel Maps at Page 83, Alameda County Records, from which a scribed "x" bears North 14°11'00" West 505.00 feet per the afore referenced Parcel Map; thence from said point of commencement North 07°33'05" West 518.01 feet to a point on the roof of an existing building and the True Point of Beginning; thence from said point of beginning North 14°04'47" West 17.00 feet; thence South 75°55'13" West 10.00 feet, thence South 14°04'47" East 17.00 feet; thence North 75°55'13" East 10.00 feet to the point of beginning.

ANTENNA LEASE AREA #1:
Commencing at a standard city monument found in the top of curb at the Northeast corner of San Pablo Avenue and Dartmouth Street, said monument is shown on that certain Parcel Map recorded at Book 158 of Parcel Maps at Page 83, Alameda County Records, from which a scribed "x" bears North 14°11'00" West 505.00 feet per the afore referenced Parcel Map; thence from said point of commencement North 07°27'48" West 509.21 feet to a point on the roof of an existing building and the True Point of Beginning; thence from said point of beginning South 14°04'47" East 5.50 feet; thence South 75°55'13" West 10.00 feet; thence North 14°04'47" West 5.50 feet; thence North 75°55'13" East 10.00 feet to the point of beginning.

ANTENNA LEASE AREA #2:
Commencing at a standard city monument found in the top of curb at the Northeast corner of San Pablo Avenue and Dartmouth Street, said monument is shown on that certain Parcel Map recorded at Book 158 of Parcel Maps at Page 83, Alameda County Records, from which a scribed "x" bears North 14°11'00" West 505.00 feet per the afore referenced Parcel Map; thence from said point of commencement North 10°30'36" West 533.78 feet to a point on the roof of an existing building and the True Point of Beginning; thence from said point of beginning North 14°04'47" West 2.08 feet, thence South 75°55'13" West 10.17 feet; thence South 14°04'47" East 2.08 feet; thence North 75°55'13" East 10.17 feet to the point of beginning.

Together with an easement for utility purposes three feet in width the centerline of which is described as follows: beginning at a point which bears South 14°04'47" East 11.23 feet from the Northwest corner of the above described equipment lease area and running thence South 75°55'13" West 3.71 feet to a point hereafter defined as Point "A"; thence North 14°04'47" West 15.96 feet; thence South 75°55'13" West 26 feet more or less to the above described antenna lease area #2

Also together with an easement for utility purposes three feet in width the centerline of which is described as follows: beginning at Point "A" as previously described and running thence South 14°04'47" East 4.82 feet, thence South 73°11'43" East 4.3 feet more or less to the above described antenna lease area #1.

Also together with an easement for utility purposes three feet in width the centerline of which is described as follows: beginning at a point which bears South 14°04'47" East 5.10 feet and North 75°55'13" East 0.88 feet from the Northeast corner of the above described equipment lease area and running thence North 14°04'47" West 10.75 feet, thence North 30°40'57" East 51.69 feet; thence South 59°19'03" East 4.11 feet; thence North 30°40'57" East 41.6 feet and over, across and through the underlying building as is necessary to interconnect with the in-house power and telephone facilities.

Also together with an easement for access purposes from the above described lease areas over and across the existing vehicular and pedestrian improvements to the public right of way.

GEIL ENGINEERING
ENGINEERING * SURVEYING * PLANNING
1226 HIGH STREET
AUBURN, CALIFORNIA 95603
phone: (530) 885-0426
fax: (530) 823-1309

DATE: 04-22-08
SURVEYOR: N. ROHDE
DRAWN BY: N. ROHDE

REVISIONS:

DATE	DESCRIPTION	INITIA
04-25-08	RFDS SUBMITTAL	NR
05-19-08	LEASE AREA MOD.	NR
04-19-10	LEASE AREA MOD.	RR
05-12-11	LEASE AREA MOD.	NR

at&t

RF ENGINEERING
AT&T.
3851 N Freeway Blvd.
Sacramento, CA 95834
Phone: (916) 561-4026

INDEPENDENT CONTRACTOR
AT&T
3851 N Freeway Blvd.
Sacramento, CA 95824
Phone: (916) 561-4123
JIM HALL

BOUNDARY SHOWN IS BASED ON MONUMENTATION FOUND AND RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY. THIS IS A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY LINES AND EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE MONUMENTATION FOUND DURING THE FIELD SURVEY. EASEMENTS WERE RESEARCHED OR PLOTTED. PROPERTY LINES AND LINES OF TITLE WERE NOT INVESTIGATED NOR SURVEYED EXCEPT AS SHOWN ON THIS PLAN. NO PROPERTY MONUMENTS WERE SET.

CN4554
MARIN AVENUE

SURVEY

C-1

EXHIBIT P

DECISION AND ADOPTION OF FINDINGS
BY THE PLANNING AND ZONING COMMISSION
OF THE CITY OF ALBANY, STATE OF CALIFORNIA,
DENYING DESIGN REVIEW APPROVAL AND A CONDITIONAL USE
PERMIT FOR APPLICATION # PA08-038
AT&T WIRELESS APPLICATION FOR A NEW FACILITY
AT 1035 SAN PABLO AVENUE

WHEREAS, In 2005, the City Council of the City of Albany adopted Ordinance #05-02 approving Planning and Zoning Code Section 20.20.100 (Wireless Communications Facilities); and

WHEREAS, in summary, the purpose and intent of Planning and Zoning Code Section 20.20.100 is to establish standards to regulate the placement and design of wireless communications facilities in a manner consistent with Federal law; and

WHEREAS, Planning and Zoning Code Section 20.20.100 F. requires that wireless communications facilities are subject to the approval of a Conditional Use Permit and approval of Design Review pursuant to procedures and findings established in Section 20.20.100 and Section 20.100; and

WHEREAS, AT&T Wireless (hereinafter referred to as Applicant) filed an application on May 22, 2008 with the City of Albany (hereinafter referred to as City) requesting a Conditional Use Permit and Design Review approval for the construction, operation, and maintenance of new wireless equipment at 1035 San Pablo Ave.; and

WHEREAS, the property at 1035 San Pablo Avenue is located in the "SPC" (San Pablo Commercial) zoning district; and

WHEREAS, abutting properties to the east located on Kains Avenue are located in "R-3" (High Density Residential) zoning district; and

WHEREAS, the Planning and Zoning Commission initially reviewed the application request at its May 26, 2009 hearing and continued the project to a date uncertain pending further preparation of an alternatives analysis, verification of field measurements, and a review by a third party consultant; and

WHEREAS, the applicant submitted revised plans on July 22, 2010; and

WHEREAS, the Planning and Zoning Commission subsequently reviewed the application at its October 26, 2010 hearing and continued the project to a date uncertain pending further revisions to the application; and

WHEREAS, on October 22, 2011 AT&T submitted a revised application request including the additional information previously requested by the Planning & Zoning Commission; and

WHEREAS, the application was deemed complete on December 15, 2011; and

WHEREAS, the City retained the services of the consulting firm Kramer. Firm Inc., who specializes in telecommunications review for municipalities, to conduct a third-party review of the application;

WHEREAS, Kramer. Firm Inc. prepared a report on the application dated January 4, 2012;

WHEREAS, a study session was held on January 10, 2012 to introduce the revised project to the Planning & Zoning Commission and determine if additional information was necessary to complete the review; and

WHEREAS, the Planning & Zoning Commission requested at the January 10, 2012 meeting that staff verify the building height, roof-top penthouse use, and building measurements prior to scheduling the application for action; and

WHEREAS, the requested information was prepared by staff and presented to the Planning & Zoning Commission on February 28, 2012 and the Commission continued the project to a date uncertain pending further design changes; and

WHEREAS, the Planning & Zoning Commission identified the existing roof-top penthouse as part of the roof-top coverage calculations at its February 28, 2012 hearing; and

WHEREAS, the inclusion of the roof-top penthouse as part of the roof-top coverage results in an existing roof-top coverage of 14.5%, and exceeds the 10% roof-top coverage maximum contained in Section 20.24.080 (B) of the Albany Municipal Code; and

WHEREAS, Section 20.20.100 (2) (h) contained in the "Wireless Facilities Ordinance" cross references Section 20.24.080 (B) for roof coverage compliance and identifies a wireless facility as an ancillary building structure; and

WHEREAS, a "Wireless Communication Facility" is defined in Section 20.08.020 as follows:

> ***Wireless Communications Facility*** *means any device or system for the transmitting and/or receiving of electromagnetic signals, including but not limited to radio waves and microwaves, for cellular technology, personal communications services, mobile services, paging systems and related technologies. Facilities include antennas, microwave dishes, parabolic antennas and all other types of equipment used in the transmission and*

reception of such signals; structures for the support of such facilities, associated buildings or cabinets to house support equipment, and other accessory development; and

WHEREAS, the building at 1035 San Pablo Ave. was constructed in 1984 when the subject site was zoned C-2 Highway Commercial and the maximum building height for the District was 45 ft.; and

WHEREAS, the subject site was rezoned to San Pablo Commercial in 2005 and the new zoning classification also reduced the maximum permitted building height in the San Pablo corridor from 45 ft. to 38 ft.; and

WHEREAS, the current building height of 40 ft. makes the subject site legal non-conforming; and

WHEREAS, a public hearing notice mailed to property owners within 300 ft. of the subject site and was posted in three public places on Friday, April 13, 2012 pursuant to Government Code Section 65090; and

WHEREAS, on April 24, 2012 the Planning & Zoning Commission has held a public hearing, considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request; and

WHEREAS, the Planning & Zoning Commission continued the item to a date certain of May 8, 2012 and directed City staff to craft draft findings of denial for review and subsequent action;

NOW, THEREFORE, BE IT RESOLVED, that the Planning & Zoning Commission of the City of Albany denies application request PA08-083 based on the following findings:

1. **CEQA**

Finding: The project proposal is not subject to the California Environmental Quality Act Guidelines as it is being denied approval.

Evidence: The Planning & Zoning Commission hereby finds that this project is exempt from CEQA pursuant to CEQA Guidelines Section 15270(a), which exempts projects that are denied by the public agency.

2. **Design Review**

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

1. **Finding Required for Approval:** 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.

   Evidence: The Commission is unable to make the required findings for approval because the project does not comply with Section 20.24.080 (B) where roof coverage cannot exceed 10%. Currently, the roof-top coverage exceeds the threshold and is 14.5%. This coverage includes existing Sprint equipment facilities and the roof-top penthouse.

   The Commission is unable to make the required findings for approval because the project does not comply with Section 20.24.080 (C) as the installation on the south side of the site exceeds the height limit by more than 6' and is within ten feet of the perimeter of the plate line of the top story.

2. **Finding Required for Approval:** 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."

   Evidence: The Commission is unable to make the required findings for approval because the project as proposed would make the legal non-conforming subject site further non-conforming by increasing the roof coverage area. Additionally, the existing building height is legal non-conforming and is 40 ft. in height.

3. **Finding Required for Approval:** Approval of the project is in the interest of public health, safety and general welfare.

   Evidence: The Commission is unable to make the required findings for approval because the Zoning Code is adopted in order to protect and promote public health, safety, peace, comfort, convenience, prosperity, and general welfare. The project as it is proposed fails to comply with Section 20.24.080 (B) of the Albany Municipal Code. By failing to comply with provisions contained in the Zoning Code, the project as proposed does not protect the public health, safety and general welfare of the community.

4. **Finding Required for Approval:** The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.

Evidence: The Commission is unable to make the required findings for approval because the proposed project is inconsistent with provision (j) "Retention and Maintenance of Buildings." The project design fails to improve the existing building and would make the building further non-compliant by increasing roof coverage.

3. **Conditional Use Permit**

1. **Finding Required for Approval:** The size, location and intensity of the project are desirable and compatible with the neighborhood and community.

   Evidence: The Commission is unable to make the required findings for approval because the size of the project as proposed exceeds the roof-top coverage requirements contained in Section 20.24.080 (B). The project location is proposed to be a legal non-conforming building and roof-top. The intensity of roof coverage would be further increased if the use were to be approved and the project constructed. Due to these inconsistencies, the project is not compatible with the surrounding neighborhood and community.

2. **Finding Required for Approval:** 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:
   a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures
   b. 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.

c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.

d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

Evidence:

a. The Commission is unable to make the required findings for approval because the proposed equipment and arrangement of structures would increase the roof-top coverage, which is already fails to comply with provision 20.24.080 (B) where there is a maximum of 10% roof-top coverage.

b. N/A

c. N/A

d. N/A

3. **Finding Required for Approval:** 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.

Evidence: The Commission is unable to make the required findings for approval because the project as proposed fails to comply with Section 20.24.080 (B) where roof coverage cannot exceed 10%. Currently, the roof-top coverage exceeds the threshold and is 14.5%. This coverage includes existing Sprint equipment facilities and the roof-top penthouse.

4. Section 20.20.100F.5 of the Albany Municipal Code

1. **Finding Required for Approval:** 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.

Evidence: The Commission is unable to make the required findings for approval because the establishment of the facility would adversely impact an existing non-conforming building. As proposed, the project would increase the roof-top coverage and fails to comply with the Albany Municipal Code.

2. **Finding Required for Approval:** 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.

   Evidence: The Commission is unable to make the required findings for approval because the Section 20.20.100 (E) (2) (h) specifically cross references compliance with Section 20.24.080 (B) and classifies wireless facilities as ancillary roof-top structures which cannot exceed 10% roof-top coverage.

3. **Finding Required for Approval:** 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.

   Evidence: The Commission is unable to make the required findings for approval because the proposed location is not suitable for the

installation of wireless facility as the building and roof top coverage are legal-nonconforming.

4. **Finding Required for Approval:** 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.

   Evidence: N/A

5. **Finding Required for Approval:** 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 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

   Evidence: The project as proposed would be considered a co-location. These provisions are not applicable to the application request.

PASSED AND ADOPTED by the Planning & Zoning Commission of the City of Albany on the 8th day of May 2012.

AYES: Panian, Maass, Eisenmann

NOES: Moss

ABSENT:

ABSTAIN:

LEO PANIAN, PLANNING AND ZONING COMMISSION VICE CHAIR

ATTEST: Jeff Bond

Jeff Bond
Community Development Director