

**ADDITIONAL CORRESPONDENCE  
RECEIVED AFTER COUNCIL PACKET  
PREPARATION**

*July 2, 2012*

**DO NOT REMOVE**

**Please return to Eileen Harrington, Administration**

## Eileen Harrington

---

**From:** Peggy Wilcox [pwilcox00@yahoo.com]  
**Sent:** Wednesday, June 27, 2012 5:07 PM  
**To:** City General Email Box  
**Subject:** Albany needs technology infrastructure

Dear Albany Vice Mayor Atkinson,

The Bay Area is one of the most technologically savvy parts of the world, yet there are some areas of our city in which our fancy wireless gadgets (and even basic cell phones) have trouble maintaining a connection. I support AT&T's efforts to improve its wireless network in Albany and hope the City Council will approve the company's plans for 1035 San Pablo.

Sincerely,

Peggy Wilcox  
1428 Lawrence St  
El Cerrito, CA 94530

**Eileen Harrington**

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**Sent:** Thursday, June 28, 2012 2:30 AM  
**To:** City General Email Box  
**Subject:** Improve our Safety

Dear Albany Vice Mayor Atkinson,

Cell phone coverage in Albany needs to be improved. There are many areas of the city that could benefit from AT&T's planned deployment at 1035 San Pablo. It's as much a matter of public safety as it is about the ability to do business or connect with friends and family. This private investment would serve the public good, so please do your part and support AT&T's wireless infrastructure plans in Albany.

In many areas of Albany, I have been unable to call 911 during an emergency... This is frightening for me due to the assumed ubiquitousness of cell phone coverage. Having a City Council of elected officials is just that - individuals WE chose to make choices for our well being. Pushing against improving the safety of locals is a horrid realization for me. Please allow this one phone tower to be put up, and let piece of mind come to all who do business in Albany!

Sincerely,

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439 Boynton Ave  
Berkeley, CA 94707

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**From:** Charles Cruff [c31941@aol.com]  
**Sent:** Wednesday, June 27, 2012 7:05 PM  
**To:** City General Email Box  
**Subject:** Albany Deserves the Best Wireless Network Possible

Dear Albany Vice Mayor Atkinson,

I am writing to express my support for AT&T's plan to improve wireless service and coverage in Albany through the installation at 1035 San Pablo. We need a strong wireless network in order to succeed in our businesses and communicate with our families. If you agree that Albany deserves the best wireless network possible, then please allow AT&T to move forward with its plans to improve the wireless infrastructure that so many of us rely on to stay connected at home, at business, and on the go.

Sincerely,

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## Eileen Harrington

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**From:** Anne Hersch  
**Sent:** Friday, June 29, 2012 10:12 AM  
**To:** Eileen Harrington  
**Subject:** FW: AT&T Appeal

Hi Eileen,

This one was sent to me directly. Can you forward it to the full Council?

Thank you in advance for your help.

Sincerely,

**Anne L. Hersch, AICP**  
**City Planner** | City of Albany, CA  
(510) 528-5765 direct  
(510) 524-9359 fax  
E-Mail: [ahersch@albanyca.org](mailto:ahersch@albanyca.org)  
<http://www.albanyca.org/>

**From:** [jwynberg@aol.com](mailto:jwynberg@aol.com) [<mailto:jwynberg@aol.com>]  
**Sent:** Tuesday, June 26, 2012 4:17 PM  
**To:** Anne Hersch  
**Subject:** AT&T Appeal

.Hi Anne

I wish to reiterate my objection to putting the wireless facility on the roof of 1035 San Pablo Ave. As I stated in my first email, the facility should be placed farther away from residential property. The two tenants at our duplex at 1013-1015 Kains are single mothers and are very unhappy at the thought of more wireless antennas. We are worried we may lose our excellent tenants and have our rents reduced by the necessity of disclosing to future tenants. Our income from the rental is essential to our financial well being. As a local real estate agent, I know how important it is to disclose any relevant negative fact and these antennas are a major detraction to renters and buyers alike. Please deny AT&T's appeal.  
Thank you

Juliana Wynberg

Marvin Gardens Real Estate  
1577 Solano Ave.  
Berkeley, Ca. 95707  
DRE #00986390  
510-917-7247

## Eileen Harrington

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**From:** miyoko kawashima [mimi.o@live.com]  
**Sent:** Monday, July 02, 2012 8:32 AM  
**To:** City General Email Box  
**Subject:** Albany needs technology infrastructure

Dear Albany Vice Mayor Atkinson,

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I personally changed carriers (from AT&T to Verizon) expressly because in Albany, I got little to no cell reception. Unfortunately my residential Internet carrier remains AT&T which continues to be troubling to me. I hope Albany approves the cell infrastructure so that we may improve our communities technological abilities.

Sincerely,

miyoko kawashima  
928 Carmel Ave  
Albany, CA 94706

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**From:** Maryellen Sternad [MSt3@aol.com]  
**Sent:** Monday, July 02, 2012 2:30 AM  
**To:** City General Email Box  
**Subject:** Support Improved Cell Connectivity and Reliability

Dear Albany Vice Mayor Atkinson,

AT&T has plans to improve its wireless network in Albany, and we drastically need this important infrastructure. The City Council should support these efforts, specifically AT&T's application for 1035 San Pablo, because Albany deserves to have at least as good a wireless network as its Bay Area neighbors. I want improved cell phone connectivity and reliability, so please approve AT&T's plans to invest in infrastructure improvements in Albany.

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**From:** julie beck [beckinovsky@sbcglobal.net]  
**Sent:** Monday, July 02, 2012 1:18 AM  
**To:** City General Email Box  
**Cc:** Anne Hersch  
**Subject:** Request for Extra time, AT&T Appeal Hearing 7-2-12

Hello,

I will be representing the citizens' group, the Albany Residents for Responsible Oversight of Wireless (ARROW) at this Monday evening's City Council hearing regarding AT&T's request for appeal of the P&Z's decision to deny 21 more rooftop antennas at 1035 San Pablo Avenue. I am requesting that I be given extra time to speak on behalf of ARROW, at least as much time as the AT&T representative will have.

Thank you very much,

Sincerely,

Julie A. Beck  
ARROW Coalition Member  
1039 Kains Avenue,  
Albany, CA 94706

## Eileen Harrington

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**From:** John Cassero [metakeys@gmail.com]  
**Sent:** Sunday, July 01, 2012 8:35 PM  
**To:** City General Email Box  
**Subject:** In support of AT&T's infrastructure upgrades in Albany

Dear Albany Vice Mayor Atkinson,

Our family depends on AT&T for mobile communications, however it is often very difficult to get cell phone coverage in Albany.

Please support AT&T's infrastructure upgrades in Albany.

John & Alisa Cassero  
1107 Talbot Ave  
Albany, CA 94706

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**Subject:** In support of AT&T's infrastructure upgrades in Albany

Dear Albany Councilmember Thomsen,

Our family depends on AT&T for mobile communications, however it is often very difficult to get cell phone coverage in Albany.

Please support AT&T's infrastructure upgrades in Albany.

John & Alisa Cassero  
1107 Talbot Ave  
Albany, CA 94706

Sincerely,

John Cassero  
1107 Talbot Ave  
Albany, CA 94706

**Eileen Harrington**

---

**From:** James Furuichi [jifuruich@pacbell.net]  
**Sent:** Saturday, June 30, 2012 6:18 PM  
**To:** City General Email Box  
**Subject:** A.T. & T. service

Dear City Council,

Please have A.T.& T. upgrade their service in Albany, I urge you to approve of their plan for the improved service for Albany. It will help our community and business for now and in the future.

James Furuichi  
Merchant

## Eileen Harrington

---

**From:** Jo Ann Esselborn [joesselborn@gmail.com]  
**Sent:** Saturday, June 30, 2012 2:13 PM  
**To:** City General Email Box  
**Subject:** Albany needs technology infrastructure

Dear Albany Vice Mayor Atkinson,

The most recent Albany mailer included so many Facebook or Twitter or Weblinks for Police and other local services, which will probably be more important in an emergency than landlines. Seems ridiculous and dangerous not to facilitate ATT providing decent service to this area.

The Bay Area is one of the most technologically savvy parts of the world, yet there are some areas of our city in which our fancy wireless gadgets (and even basic cell phones) have trouble maintaining a connection. I support AT&T's efforts to improve its wireless network in Albany and hope the City Council will approve the company's plans for 1035 San Pablo.

Sincerely,

Jo Ann Esselborn  
1560 Marin Ave  
Albany, CA 94706



## **Eileen Harrington**

---

**From:** Jo Ann Esselborn [joesselborn@gmail.com]  
**Sent:** Saturday, June 30, 2012 2:13 PM  
**To:** City General Email Box  
**Subject:** Albany needs technology infrastructure

Dear Albany Mayor Javandel,

The most recent Albany mailer included so many Facebook or Twitter or Weblinks for Police and other local services, which will probably be more important in an emergency than landlines. Seems ridiculous and dangerous not to facilitate ATT providing decent service to this area.

The Bay Area is one of the most technologically savvy parts of the world, yet there are some areas of our city in which our fancy wireless gadgets (and even basic cell phones) have trouble maintaining a connection. I support AT&T's efforts to improve its wireless network in Albany and hope the City Council will approve the company's plans for 1035 San Pablo.

Sincerely,

Jo Ann Esselborn  
1560 Marin Ave  
Albany, CA 94706

**Eileen Harrington**

---

**From:** Jo Ann Esselborn [joesselborn@gmail.com]  
**Sent:** Saturday, June 30, 2012 2:13 PM  
**To:** City General Email Box  
**Subject:** Albany needs technology infrastructure

Dear Albany Councilmember Lieber,

The most recent Albany mailer included so many Facebook or Twitter or Weblinks for Police and other local services, which will probably be more important in an emergency than landlines. Seems ridiculous and dangerous not to facilitate ATT providing decent service to this area.

The Bay Area is one of the most technologically savvy parts of the world, yet there are some areas of our city in which our fancy wireless gadgets (and even basic cell phones) have trouble maintaining a connection. I support AT&T's efforts to improve its wireless network in Albany and hope the City Council will approve the company's plans for 1035 San Pablo.

Sincerely,

Jo Ann Esselborn  
1560 Marin Ave  
Albany, CA 94706

**Eileen Harrington**

---

**From:** Jo Ann Esselborn [joesselborn@gmail.com]  
**Sent:** Saturday, June 30, 2012 2:13 PM  
**To:** City General Email Box  
**Subject:** Albany needs technology infrastructure

Dear Albany Councilmember Thomsen,

The most recent Albany mailer included so many Facebook or Twitter or Weblinks for Police and other local services, which will probably be more important in an emergency than landlines. Seems ridiculous and dangerous not to facilitate ATT providing decent service to this area.

The Bay Area is one of the most technologically savvy parts of the world, yet there are some areas of our city in which our fancy wireless gadgets (and even basic cell phones) have trouble maintaining a connection. I support AT&T's efforts to improve its wireless network in Albany and hope the City Council will approve the company's plans for 1035 San Pablo.

Sincerely,

Jo Ann Esselborn  
1560 Marin Ave  
Albany, CA 94706

**Eileen Harrington**

---

**From:** Jo Ann Esselborn [joesselborn@gmail.com]  
**Sent:** Saturday, June 30, 2012 2:13 PM  
**To:** City General Email Box  
**Subject:** Albany needs technology infrastructure

Dear Albany Councilmember Wile,

The most recent Albany mailer included so many Facebook or Twitter or Weblinks for Police and other local services, which will probably be more important in an emergency than landlines. Seems ridiculous and dangerous not to facilitate ATT providing decent service to this area.

The Bay Area is one of the most technologically savvy parts of the world, yet there are some areas of our city in which our fancy wireless gadgets (and even basic cell phones) have trouble maintaining a connection. I support AT&T's efforts to improve its wireless network in Albany and hope the City Council will approve the company's plans for 1035 San Pablo.

Sincerely,

Jo Ann Esselborn  
1560 Marin Ave  
Albany, CA 94706

## Eileen Harrington

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**From:** julie beck [beckinovsky@sbcglobal.net]  
**Sent:** Monday, July 02, 2012 2:07 PM  
**To:** City General Email Box; Hon.Lieber@comcast.net; marge.atkinson@mac.com; jwile46@gmail.com; Peggy.thomsen@gmail.com  
**Subject:** Please Deny AT&T's Appeal for Proposed New Cell Antennas at 1035 San Pablo Ave.

Dear Mayor and Members of the City Council:

Please uphold the Planning and Zoning Commission's denial of a permit for AT&T to install cellular antennas on the roof of 1035 San Pablo Ave

Approving these antennas would violate the zoning code's limit on the percentage of rooftop that can be covered by structures

In addition, this site is in the last-preference zoning district where wireless antennas are permitted. AT&T has not demonstrated that it cannot provide coverage from a higher-preference district. The email from a USDA representative that is in the packet for the Council meeting does not address the fact that a recently signed federal law mandates preparation of a master contract for locating cellular antennas on federal buildings

The Council should not be bullied by AT&T's threats to sue. There are more suitable solutions that would be consistent with our community's values, which are embodied in our zoning code, and which would allow AT&T to provide service to customers. AT&T's own coverage maps show sufficient coverage is possible from the roof of the USDA building, and that building is in a higher-preference district for antennas. Another solution would be to allow AT&T to set up a temporary mobile site in a location where it would not negatively impact neighbors and would enable AT&T to wait until the city has completed its planning for a wireless site on city property where carriers would be encouraged to locate.

The staff report's suggestion that 979 San Pablo might be a "less intrusive" site does not address the fact that, like 1035 San Pablo, 979 San Pablo is in the last-preference zoning district for antennas. AT&T must be treated like every other carrier and required to prove that it cannot provide coverage from a higher-preference zoning district where the impact on residential neighborhoods would be minimized. Thank you for protecting our neighborhoods from the intrusion of wireless sites.

Julie A. Beck, Ph.D.  
Albany Resident

## Eileen Harrington

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**From:** Linda Berland [techmomster@gmail.com]  
**Sent:** Monday, July 02, 2012 1:45 PM  
**To:** City General Email Box  
**Subject:** AT&T Proposal

Hello,

I am a long time Albany resident (30 years) and I am sick and tired of paying for a landline because my cell phone does not work in my home.

I worry when I walk my dog or ride my bike that I will not be able to call anyone in an emergency or that my son will not be able to reach me should he have an emergency.

It is absurd that I cannot use my cell phone within Albany limits - and a hazard to my health and safety.

PLEASE allow the AT&T tower proposal. I am not the only person who has this concern. We are not talking about wanting to call out for pizza - we are talking about a lack of essential service in case of an emergency.

thank you

Linda Berland  
943 Evelyn Avenue  
Albany CA 94706

## Eileen Harrington

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**From:** Ellen Marks [emarks@apr.com]  
**Sent:** Monday, July 02, 2012 2:18 PM  
**To:** City General Email Box; hon.Lieber@comcast.net; marge.atkinson@mac.com;  
jwile@gmail.com; peggy.thomsen@gmail.com  
**Subject:** AT&T- Ca. Brain Tumor Assoc.

Dear Mayor and Members of the City Council:

Please uphold the Planning and Zoning Commission's denial of a permit for AT&T to install cellular antennas on the roof of 1035 San Pablo Ave.

Approving these antennas would violate the zoning code's limit on the percentage of rooftop that can be covered by structures.

In addition, this site is in the last-preference zoning district where wireless antennas are permitted. AT&T has not demonstrated that it cannot provide coverage from a higher-preference district. The email from a USDA representative that is in the packet for the Council meeting does not address the fact that a recently signed federal law mandates preparation of a master contract for locating cellular antennas on federal buildings.

The Council should not be bullied by AT&T's threats to sue. There are more suitable solutions that would be consistent with our community's values, which are embodied in our zoning code, and which would allow AT&T to provide service to customers. AT&T's own coverage maps show sufficient coverage is possible from the roof of the USDA building, and that building is in a higher-preference district for antennas. Another solution would be to allow AT&T to set up a temporary mobile site in a location where it would not negatively impact neighbors and would enable AT&T to wait until the city has completed its planning for a wireless site on city property where carriers would be encouraged to locate.

The staff report's suggestion that 979 San Pablo might be a "less intrusive" site does not address the fact that, like 1035 San Pablo, 979 San Pablo is in the last-preference zoning district for antennas. AT&T must be treated like every other carrier and required to prove that it cannot provide coverage from a higher-preference zoning district where the impact on residential neighborhoods would be minimized.

Thank you for protecting our neighborhoods from the intrusion of wireless sites.

Respectfully,  
Ellen Marks  
Director, California Brain Tumor Association

## Eileen Harrington

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**From:** Anne Hersch  
**Sent:** Monday, July 02, 2012 2:41 PM  
**To:** Eileen Harrington  
**Subject:** FW: ARROW letter re: tonight's AT&T wireless appeal hearing  
**Attachments:** ARROWLettertoCouncilRe1035SPAappealFINAL7\_2\_12.pdf

Just wanted to make sure you got this for the Correspondence packet (I didn't see either of our e-mail addresses on the original message).

Thanks!

Anne L. Hersch, AICP  
City Planner |City of Albany, CA  
(510) 528-5765 direct  
(510) 524-9359 fax  
E-Mail: [ahersch@albanyca.org](mailto:ahersch@albanyca.org)  
<http://www.albanyca.org/>

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

From: Jeff Bond  
Sent: Monday, July 02, 2012 2:32 PM  
To: Anne Hersch  
Subject: FW: ARROW letter re: tonight's AT&T wireless appeal hearing

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

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

From: Cell Tower Info [<mailto:albanycellinfo@gmail.com>]  
Sent: Monday, July 02, 2012 2:06 PM  
To: Peggy Thomsen; Marge Atkinson; Robert Lieber; Farid Javandel; Joanne Wile  
Cc: Beth Pollard; Nicole Almaguer; Jeff Bond; Craig Labadie; Julie Beck\_home; Edward Fields  
Subject: ARROW letter re: tonight's AT&T wireless appeal hearing

Dear Mayor Javandel and Council Members, Please find attached a letter from Albany Residents for Responsible Oversight of Wireless (ARROW) regarding AT&T's appeal of the Planning and Zoning Commission's denial of a permit for wireless antennas at 1035 San Pablo Ave.



Best wishes,  
Nan

July 2, 2012

**Re: Support for upholding Planning and Zoning Commission denial of permit for new AT&T cellular antennas at 1035 San Pablo Ave.**

Dear Mayor and Council Members:

Albany Residents for Responsible Oversight of Wireless (ARROW) urges you to uphold the Planning and Zoning Commission's May, 2012 denial of a permit for new cellular antennas at 1035 San Pablo Ave. for the following reasons:

- 1) **Addition of more equipment and structures to that roof denied would violate the zoning code's rooftop coverage limits (code section 20.24.080B) for structures.** This remains true on the latest revised drawings dated 5/3/12 where, despite AT&T's assertion that the total roof coverage would be only 1 square foot, the 2' by 10' antenna enclosure near the northern edge of the roof remains. Moreover, even if the east-facing antennas would "hover" above the rooftop and touch the roof surface only where they would rest on a support pole, they are nonetheless covering the rooftop.
- 2) **AT&T has not meaningfully explored alternatives that both meet the applicant's stated coverage objectives and are consistent with the requirements for geographic location of antennas within the city.** In particular, AT&T continues to cite the city code *preference* for co-located sites while ignoring the code's *requirement* for sites to be located by priority order of zoning districts. Moreover, AT&T neglects the fact that the Sprint site with which it would co-locate on this rooftop is a non-conforming site that was built before the city adopted wireless regulations and does not conform to those regulations. If the city were to accept AT&T's assertion that not to allow AT&T to co-locate with a non-conforming site would be discriminatory, the city would be accepting the premise that endless co-location is allowable at any site, even if the co-location would expand a non-conforming use or violate other code provisions -- in this case, rooftop coverage limits.

ARROW recommends that, in upholding the P&Z denial of the permit:

- a) The Council direct AT&T to make a meaningful attempt to relocate the site to the USDA building, which AT&T's own coverage maps show coverage is possible, and which, based on a new federal law passed in February, should now be available for lease for wireless facilities. This site best meets both AT&T's and the wireless regulations' objectives and is by far the least intrusive solution.
- b) As an alternative, the Council could invite AT&T to apply for a temporary permit for a mobile site, to enable AT&T to rapidly improve service to AT&T's vocal critics

in Albany while finding a more suitable location, ideally at the city's preferred antenna site or sites that are under now under study.

Additional details about these and other points are below.

*The "floating" antenna enclosure*

We have commented in our letter to the P&Z dated May 8, which is included in the Council packet, on the most recent set of AT&T drawings dated May 3, 2012, which AT&T attempts to remedy the rooftop coverage exceedance by "floating" the east-facing antennas above the roof. Even if the enclosure "hovers" above the roof, it still covers the roof surface (as do all the other pieces of equipment that protrude over the roof from the parapet walls). The code provision related to rooftop coverage (20.24.080B) refers to "the roof area of the top floor of the structure to which [the structures] are attached,"; it is not limited to equipment that is *mounted on* the roof surface.

*USDA building as least-intrusive alternative site*

With regard to the USDA location as the least intrusive alternative site: The USDA building is zoned Public Facilities (PF) which is the second-priority zoning district for antennas and is therefore less intrusive and preferred in comparison to 1035 San Pablo, which is in the third- and last-priority district. AT&T has over time offered several incomplete reasons why that site would not be feasible even though AT&T's own coverage maps show that coverage could be achieved to the target area from that location.

First, we were told that AT&T had been unable to reach the appropriate person at USDA to discuss the possibility of locating the antennas there.

Later, an AT&T representative said the USDA building is not feasible because it is not accessible 24 hours a day, which AT&T requires for an antenna site.

Most recently, AT&T submitted a copy of a brief April 28, 2012 email from Gwyn Watson at USDA saying a wireless site at the building was not within USDA's "current leasing authority."

However, the Middle Class Tax Relief and Job Creation Act of 2012, H.R. 3630, which was signed into law in late February, 2012, requires, in Sec. 6409. WIRELESS FACILITIES DEPLOYMENT, that "not later than 60 days after the date of the enactment of this Act, the Administrator of General Services shall-- (A) develop 1 or more master contracts that shall govern the placement of wireless service antenna structures on buildings and other property owned by the Federal Government" and further states, emphasis added), "The master contract or contracts developed by the Administrator of General Services under paragraph (1) shall apply to all publicly accessible buildings and other property owned by the Federal Government, unless the Administrator of General Services decides that issues with respect to the siting of a wireless service antenna structure on a specific building or other property warrant nonstandard treatment of such building or other property." From this it appears likely

that USDA's "current leasing authority ought to have already changed since the date of Ms. Watson's email or will shortly change to facilitate the locating of wireless sites.

*979 San Pablo as an Alternative Site*

The staff report suggests that 979 San Pablo is a viable alternative site. However, this location is also in the last-priority geographic zone for antennas and is not less intrusive than sites in the first- and second-priority zones.

*Most recent Correspondence from AT&T's Attorney*

The most recent letter from AT&T's attorney repeats several misrepresentations to which we have previously responded:

- AT&T persists in inaccurately characterizing the city as responsible for the four-year lifetime of this application. In fact, the delay is a result of AT&T failing to return in a timely manner with information or changes that the P&Z requested. AT&T's delays in providing new information or submittals were on the order of many months to over a year.
- In an interesting phrasing, AT&T cites our zoning code's "mandatory preference for co-location." A "preference" is, by definition, not mandatory. Moreover, AT&T chooses to ignore a provision of our ordinance that *is* mandatory: the need to locate antennas by priority order of zoning district. A "preference" for co-location does not supersede a requirement regarding the geographic location of antennas. This is even more true because the site with which AT&T would be co-locating in this case is non-conforming; among other things, the Sprint site already exceeds the rooftop coverage limit and is not camouflaged to minimize visual impacts, as required by our code. Therefore, to allow a co-location with the Sprint site would, as noted above, expand a non-conforming use, which is directly in contradiction to a fundamental tenet of our zoning code and local zoning authority.
- AT&T's attorney asserts again in his most recent letter that to deny this application would constitute discrimination among carriers because Sprint was allowed to locate on the rooftop at 1035 San Pablo. The assumption underlying that claim seems to be that all carriers must have the exact same sites to avoid discrimination, which is of course, physically impossible. Moreover, carriers installing new sites are not entitled to sites equivalent to previously constructed sites that are non-conforming. Federal law does not require the city to violate its own codes in order to permit sites. The prohibition clause in the federal law simply means the city cannot bar a carrier from providing service to the community.

We have previously commented at length on the issues regarding the penthouse and whether it is or was originally intended for mechanical appurtenances vs. its current use, which violates the zoning code's explicit prohibition (20.24.080B) on using rooftop structures for habitable space. Please see our letters to the P&Z dated April 23 and May

8, 2012, which are in the Council's packet of correspondence.

Finally, we would like to remind the Council that the proposed AT&T antennas would exceed Federal Communications Commission (FCC) limits for public exposure to radio-frequency (RF) radiation at the level where a third floor could be constructed on the neighboring property to the south of 1035 San Pablo. Staff recommended that a condition be attached to any permit stating that the antennas would have to be moved if the owner of the adjacent property ever developed a three-story building there. ARROW is very concerned about the city potentially approving a permit where FCC exposure limits would be exceeded in potentially habitable space, and about what means the city would use to ensure that this permit condition would, without fail, be triggered and enforced to protect public safety if the neighboring building owner ever submitted plans for a three-story building at the site.

Sincerely, on behalf of ARROW,

Nan Wishner, San Carlos Ave., Albany

Julie Beck, Kains Ave., Albany

Ed Fields, Kains Ave., Albany



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

Farid Javandel, Mayor; Joanne Wile, Councilmember  
Marge Atkinson, Vice Mayor; Robert Lieber, Councilmember  
Peggy Thomsen, Councilmember; Craig Labadie, City Attorney

Albany City Council  
1000 San Pablo Ave.,  
Albany, CA 94706

July 2, 2012

Dear Mayor Javandel and Councilmembers

I am writing to urge you to grant the **pending appeal by AT&T of the Planning and Zoning Commission's denial of the AT&T application #08-038 for a Wireless Facility at 1035 San Pablo Ave.**

Providing quality wireless service to all citizens should be a **clearly identified public policy goal** for the City of Albany. Residents, small businesses, retail outlets, shoppers and visitors all rely on a working wireless system in their everyday lives. Lack of such service is a major impediment that affects the quality of life in Albany

The lack of AT&T wireless coverage in Albany is a **public health and safety issue**. Without access to basic telephone service while away from their own homes, AT&T customers cannot call police or doctors in case of emergencies. This is an everyday worry for many Albany citizens and has an immediate impact on our safety.

**Majority of Albany residents support the application.** ATT has at least 5000 wireless customers in Albany.<sup>1</sup> By almost 2 to 1 people who wrote or spoke to the P&Z supported this project and wanted approval.<sup>2</sup> The ratio is over 5 to 1 when you add in the February AT&T customer and merchant petitions. Even though opponents have been vocal they represent only a small section of the community.

**Inefficient process and needless delay.** This application was initially submitted in 2008. Albany customers who use AT&T have now had poor to non-existent coverage for over four years while the application has been repeatedly delayed and obstructed. In fact, with increasing demand the quality of service in Albany is getting worse and

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<sup>1</sup> Estimate based on Albany population of 18,000, nationwide mobile penetration of 110% and ATT <http://www.slideshare.net/chetansharma/us-wireless-marketq12012updatemay2012chetansharmaconsulting>

<sup>2</sup> See attached summary "Number of Albany Residents speaking for and against AT&T wireless application for 1035 San Pablo Avenue"

worse. The City is required by the FCC to process wireless applications in a timely manner.

The initial application by AT&T for this site was received May 22, 2008. Over the next four years P&Z repeatedly asked AT&T to modify their application to meet various concerns. Each time they did so and came back and P&Z staff recommended approval of the application. Finally in 2012 P&Z discussed the height exception limit under 20.24.080(B). Despite staff recommendation to the contrary they chose to interpret the roof coverage to include the existing break room/penthouse. As a result they concluded that there never ever could have been an AT&T facility there. All the analysis and engineering and negotiation work by AT&T, and review by staff and consultants over almost four years, was thus for naught. Before the project was even proposed, P&Z has now concluded, the allowable rooftop coverage for the height exception had been exceeded. Taking four year at great expense for the applicant and the city to reach this conclusion is inexcusable.

**10% roof coverage ordinance is arbitrary.** There are no safety concerns that require a limit of 10% for rooftop coverage. Commissioner Moss admits that when the ordinance was drafted there was no consideration at all given to why 10% rather than 20% or 25% or more. Most contemporary California municipal codes are not similarly limited though a few have 25% (based on online search and review). The finding in the staff report (p.12) states "the project as proposed does not protect the public health, safety and general welfare of the community" but there is no evidence whatsoever that this is the case. However, as the staff reports notes in their *Interpretation for Approval*, this could easily be changed to 33% so that the application could be approved.

**Meeting the public need.** Balancing the broader public good (usually expressed in a general plan) with narrowly focused zoning concerns is often a difficult issue for planning commissioners. According to the League of California Cities Planning Commissioner's Handbook<sup>3</sup>, commissioners should:

*"Consider which approach will best promote the public's confidence in the planning process. Will the public's confidence be undermined if the commission doesn't enforce the plan? Or will denying the amendment look so rigid and unfair to the applicant that it will undermine the public's faith in the planning commission as a decision-making body? What decision will best support the commission's stewardship of the community's growth and development?"*

The Handbook further states that findings on a project should address:

*"What is the connection between the action and the benefits of the project?  
What public policy interests are advanced by the decision?"*

So far discussion of "public policy interests" has been completely missing from the AT&T permit discussion. The Planning and Zoning Commission's desire to stick to narrow issues may be a result of political tensions surrounding this issue, but it does not serve the broader public interest. The intent of the wireless ordinance is "the

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<sup>3</sup> <http://www.ca-ilg.org/document/planning-commissioners-handbook>

provision of personal wireless service facilities for the benefit of the Albany community." We have lost sight of that and consequently the community's well-being suffers.

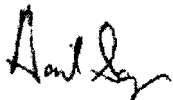
**Wireless communication is essential for public life.** In their June 2012 report on wireless<sup>4</sup> the government indicated that " One-third of American homes (34.0%) had only wireless telephones" and "In addition, nearly one of every six American homes (16.0%) received all or almost all calls on wireless telephones despite also having a landline telephone." Thus half of all telephone communication now is now wireless. Contrary to some stated opinions these are indeed "services that are required for people to get by every day."

**Avoid expensive litigation.** Albany citizens are already facing unknown legal costs for the ongoing Verizon lawsuit. We do not need another lawsuit to drain the city budget, particularly if it is to resist the installation of services most Albany citizens actually want and need. Our taxpayer money could be much better spent in countless ways.

**Conclusion.** In conclusion I urge you to approve the AT&T appeal of the PZ decision and find a way to proceed with installation of a wireless facility at 1035 San Pablo Avenue.

This way improved wireless service can be expedited for benefit of the citizens and businesses of Albany.

Thank you for your consideration,



David Sanger,  
David Sanger Photography LLC  
Albany CA

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<sup>4</sup> <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201206.pdf>



## Number of Albany Residents speaking for and against AT&T wireless application for 1035 San Pablo Avenue

First communication in black,  
subsequent communications in  
orange

		FOR		AGAINST
pre 5/26/09 correspondence			5/25/09	Nan Wishner
at 5/26/09 meeting			5/26/09	Ed Fields
			5/26/09	Julie Beck
			5/26/09	Miriam Kaminski
			5/26/09	Signe Magnussen
			5/26/09	Kim Linden
pre 10/26/10 correspondence	10/18/10	Ingo Piroth Uli Elser	10/26/10	Nan Wishner
		Cass Gulden		
	10/19/10	Thorston Tichenor		
		Julie Durkee		
		Alan Stein		
		Laura Peck		
		Geprge Teoh		
	10/20/10	Kathleen Fay		
		Mary Chou		
		Eric Okomoto		
	10/21/10	Chris Cuevas		
		John Sladkus		
		John Cassero		
	10/22/10	Andrew Hoffman		
at 10/26/10 meeting	10/26/10	Dmitri Belser	10/26/10	Francis Chapman
	10/26/10	Michael Barnes	10/26/10	Maureen Crowley
	10/26/10	Ms. McDougall	10/26/10	Ed Fields
			10/26/10	Julie Beck
			10/26/10	Heike Abeck
			10/26/10	Clay Larson
			10/26/10	Margie Keel
			10/26/10	Jan Hitchcock
			10/26/10	Eric Bergman
pre 1/10/12 correspondence	9/13/11	David Sanger	1/7/12	Margie Groeninger
	1/3/12	Howard Mcnenny	1/9/12	Jim Sanetra
	1/4/12	Jonathan Leavitt	1/10/12	Ed Fields
	1/6/12	Bernard Knapp	1/10/12	Julie Beck
	1/10/12	Lee Foster	1/9/12	Soula Culver
	1/10/12	Allen Cain	1/9/12	Sun Yung Kim
	1/10/12	Tod Abbott	1/9/12	Yongyop Kim
	1/10/12	Treve Johnson	1/9/12	Eric Bergman
	1/10/12	Michael Barnes	1/10/12	Kelley Bullard
	1/10/12	Rhasaan Fernandez		

at 1/10/12 meeting	1/10/12	Ellen Graves	1/10/12	Ed Fields
	1/10/12	Clay (Stannage St)		Maureen Crowley
	1/10/12	John Kendall		Heike Abeck
	1/10/12	Daniel Geese		Julie Beck
	1/10/12	Michael Barnes		Clay Larson
	1/10/12	Doug Donaldson		
	1/10/12	David Sanger		
	1/10/12	Doug Donaldson		
	1/10/12	Peggy McQuaid		
pre 2/28/12 correspondence	1/12/12	Paul Cruce	2/26/12	Kelley Bullard
	1/13/12	Janna Patee	2/26/12	Julie Beck
	2/22/12	Brendan Pritikin	2/27/12	Clay Larson
	2/22/12	Dan Augustine	2/27/12	Jan Sanetra
	2/27/12	Mike Skinner	2/27/12	Sun Yung Kim
	2/27/12	Catherine Riley	2/27/12	Yongyop Kim
	2/28/12	Alisa Casero	2/27/12	Eric Bergman
	2/28/12	Virginia Brothers	2/28/12	Francis Cebulski
	2/28/12	John Cassero family	2/28/12	Steve Hitchcock
	2/26/12	Dale Greene	2/28/12	Jan Hitchcock
	2/28/12	Gary Kritikos		
	2/28/12	Dmitri Belser		
	2/28/12	David Sanger		
at 2/28/12 meeting	2/28/12	Del Price	2/28/12	Eric Bergman
	2/28/12	John Kindle	2/28/10	Clay Larson
	2/28/12	Winkie Campbell-Notar	2/28/10	Heike Abeck
	2/28/12	Tod Abbott (CofC)		
	2/28/12	Francesco Papalio		
	2/28/12	Peggy McQuaid		
	2/28/12	David Sanger		
	2/28/12	Michael Barnes		
pre 4/24/12 correspondence	2/29/12	Benjamin Hensler	3/9/12	Terry Dillon
	3/7/12	Montgomery Kosma	4/12/12	Wendy Stephens
			4/23/12	Al Chen
			4/23/12	Susan Adamé
			4/23/12	Anna Weinstein
			4/24/12	Julie Beck
			4/24/12	Clay Larson
			4/24/12	Francis Cebulski
			4/24/12	Yin King Wong
			4/24/12	Nian Ren
		4/24/12	David Sanger	4/23/12
at 4/24 meeting	4/24/12	John Kindle	4/24/12	Peter Bernhardt
	4/24/12	Winkie Campbell-Notar	4/24/12	Sara Sunstein
	4/24/12	Doug Donaldson	4/24/12	Jerina ??
	4/24/12	David Sanger	4/24/12	Kelley Bullard

	4/24/12	Michael Barnes	4/24/12	Signe Magnussen
	4/24/12	Tod Abbott (CofC)	4/24/12	Heike Abeck
	4/24/12	Peggy McQuaid	4/24/12	Clay Larson
			4/24/12	Jackie Hermes-Fletcher
			4/24/12	Mara Duncan
			4/24/12	Karen Matsuoka
pre 5/8/12 correspondence			5/7/12	Juliana Wynberg
			5/7/12	Delley Bulford
			5/7/12	Julie Beck
			5/7/12	Al Chen
			5/7/12	Geraldo Santana
			5/7/12	Darina Drapkin
			5/7/12	Sun Yung Kim
			5/7/12	Yongyop Kim
			5/7/12	Heike Abeck
			5/8/12	Nan Wishner
at 5/8/12 meeting	5/8/12	Greg Brazil	5/8/12	Clay Larson
	5/8/12	Winkie Campbell-Notari	5/8/12	Julie Beck
	5/8/12	Doug Donaldson	5/8/12	Pablo ??
at 6/18/12 CC meeting	6/18/12	Robert Outis		
Albany Patch	1/10/12	dgeis		
	1/11/12	John Kindle		
	1/17/12	Dan Johnson	1/17/12	Nan Wishner
	1/17/12	Doug Donaldson		
	1/17/12	Dei Price		
	1/17/12	Montgomery Kosma		
	2/9/12	Jez H		
	2/9/12	Chris Roche	2/11/12	Joy Kekki
	2/9/12	Dale Greene	2/19/12	Tina Klugman
	2/29/12	William		
	2/29/12	Tatter Salad (sic)		
	2/29/12	Caryl O'Keefe		
	2/29/12	Don Ford		
	2/29/12	Brian Parsley		
	2/29/12	Peggy McQuaid		
	2/29/12	Alex Molochko		
	2/29/12	Montgomery Kosma		
	2/29/12	Peter Goodman		
	2/29/12	Paul D		
	3/4/12	A Deweyan		
	3/7/12	David Sanger		
	3/7/12	Howard McNenny	3/7/12	Clay Larson
	3/7/12	Andrew Day		
	3/7/12	William Krahl		
	3/7/12	Edith Morrow		
	3/8/12	Michael Barnes		
	3/8/12	Peggy McQuaid		

3/8/12	Trevor		
3/9/12	Paul D	3/12/12	Janice Hitchcock
4/24/12	William Krahl	4/24/12	Nan Wisner
4/24/12	Chris Roche		
4/24/12	vinb		
4/24/12	Tom Abbot		
4/25/12	Craig Westbrooke		
4/25/12	Eugene Veklerov		

<b>SUBTOTAL</b>	<b>71 people</b>	<b>40 people</b>
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PETITIONS via AT&T	2/28/12	<b>100 subscribers</b>
	2/28/12	<b>45 merchants</b>

<b>TOTAL</b>	<b>216 people</b>	<b>40 people</b>
	<b>FOR</b>	<b>AGAINST</b>

## Eileen Harrington

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**From:** Anne Hersch  
**Sent:** Monday, July 02, 2012 3:19 PM  
**To:** Eileen Harrington  
**Subject:** FW: Appeal of AT&T wireless application decision by P&Z  
**Attachments:** sanger CC letter 7-2.pdf

We have another letter to be included in the correspondence.

Thanks!

**Anne L. Hersch, AICP**  
**City Planner** | City of Albany, CA  
(510) 528-5765 direct  
(510) 524-9359 fax  
E-Mail: [ahersch@albanyca.org](mailto:ahersch@albanyca.org)  
<http://www.albanyca.org/>

**From:** [davidsanger@gmail.com](mailto:davidsanger@gmail.com) [<mailto:davidsanger@gmail.com>] **On Behalf Of** David Sanger  
**Sent:** Monday, July 02, 2012 3:12 PM  
**To:** Anne Hersch; Jeff Bond  
**Subject:** Re: Appeal of AT&T wireless application decision by P&Z

Hi Anne and Jeff,

Could you please add this letter to the public record for the meeting tonight and see that it gets distributed promptly to the City Council members.

thanks

David Sanger  
Albany, CA

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t [510-526-0800](tel:510-526-0800)  
m [510-526-2800](tel:510-526-2800)

## Eileen Harrington

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**From:** Kelley Bullard [tarheeldoc@sbcglobal.net]  
**Sent:** Monday, July 02, 2012 3:02 PM  
**To:** City General Email Box; Hon.Lieber@comcast.net; marge.atkinson@mac.com; jwile46@gmail.com; Peggy.thomsen@gmail.com  
**Subject:** Please Deny AT&T's Appeal for Proposed New Cell Antennas at 1035 San Pablo Ave.

Dear Mayor and Members of the City Council:

Please uphold the Planning and Zoning Commission's denial of a permit for AT&T to install cellular antennas on the roof of 1035 San Pablo Ave

Approving these antennas would violate the zoning code's limit on the percentage of rooftop that can be covered by structures

In addition, this site is in the last-preference zoning district where wireless antennas are permitted. AT&T has not demonstrated that it cannot provide coverage from a higher-preference district. The email from a USDA representative that is in the packet for the Council meeting does not address the fact that a recently signed federal law mandates preparation of a master contract for locating cellular antennas on federal buildings

The Council should not be bullied by AT&T's threats to sue. There are more suitable solutions that would be consistent with our community's values, which are embodied in our zoning code, and which would allow AT&T to provide service to customers. AT&T's own coverage maps show sufficient coverage is possible from the roof of the USDA building, and that building is in a higher-preference district for antennas. Another solution would be to allow AT&T to set up a temporary mobile site in a location where it would not negatively impact neighbors and would enable AT&T to wait until the city has completed its planning for a wireless site on city property where carriers would be encouraged to locate.

The staff report's suggestion that 979 San Pablo might be a "less intrusive" site does not address the fact that, like 1035 San Pablo, 979 San Pablo is in the last-preference zoning district for antennas. AT&T must be treated like every other carrier and required to prove that it cannot provide coverage from a higher-preference zoning district where the impact on residential neighborhoods would be minimized. Thank you for protecting our neighborhoods from the intrusion of wireless sites.

M. Kelley Bullard, M.D.  
1039 Kains Avenue  
Albany

**Eileen Harrington**

---

**From:** Janet Seltzer [seltzer6@pacbell.net]  
**Sent:** Monday, July 02, 2012 3:53 PM  
**To:** City General Email Box  
**Subject:** Support Improved Cell Connectivity and Reliability

Dear Albany Vice Mayor Atkinson,

AT&T has plans to improve its wireless network in Albany, and we drastically need this important infrastructure. The City Council should support these efforts, specifically AT&T's application for 1035 San Pablo, because Albany deserves to have at least as good a wireless network as its Bay Area neighbors. I want improved cell phone connectivity and reliability, so please approve AT&T's plans to invest in infrastructure improvements in Albany.

Please support this effort by AT&T to improve our service. We truly need this, and as a citizen of Albany, I urge your support.

Sincerely,

Janet Seltzer  
1435 Thousand Oaks Blvd  
Albany, CA 94706

## Eileen Harrington

---

**From:** Janet Seltzer [seltzer6@pacbell.net]  
**ent:** Monday, July 02, 2012 3:53 PM  
**To:** City General Email Box  
**Subject:** Support Improved Cell Connectivity and Reliability

Dear Albany Mayor Javandel,

AT&T has plans to improve its wireless network in Albany, and we drastically need this important infrastructure. The City Council should support these efforts, specifically AT&T's application for 1035 San Pablo, because Albany deserves to have at least as good a wireless network as its Bay Area neighbors. I want improved cell phone connectivity and reliability, so please approve AT&T's plans to invest in infrastructure improvements in Albany.

Please support this effort by AT&T to improve our service. We truly need this, and as a citizen of Albany, I urge your support.

Sincerely,

Janet Seltzer  
1435 Thousand Oaks Blvd  
Albany, CA 94706



**Eileen Harrington**

---

**From:** Janet Seltzer [seltzer6@pacbell.net]  
**Sent:** Monday, July 02, 2012 3:53 PM  
**To:** City General Email Box  
**Subject:** Support Improved Cell Connectivity and Reliability

Dear Albany Councilmember Lieber,

AT&T has plans to improve its wireless network in Albany, and we drastically need this important infrastructure. The City Council should support these efforts, specifically AT&T's application for 1035 San Pablo, because Albany deserves to have at least as good a wireless network as its Bay Area neighbors. I want improved cell phone connectivity and reliability, so please approve AT&T's plans to invest in infrastructure improvements in Albany.

Please support this effort by AT&T to improve our service. We truly need this, and as a citizen of Albany, I urge your support.

Sincerely,

Janet Seltzer  
1435 Thousand Oaks Blvd  
Albany, CA 94706

**Eileen Harrington**

---

**From:** Janet Seltzer [seltzer6@pacbell.net]  
**Sent:** Monday, July 02, 2012 3:53 PM  
**To:** City General Email Box  
**Subject:** Support Improved Cell Connectivity and Reliability

Dear Albany Councilmember Thomsen,

AT&T has plans to improve its wireless network in Albany, and we drastically need this important infrastructure. The City Council should support these efforts, specifically AT&T's application for 1035 San Pablo, because Albany deserves to have at least as good a wireless network as its Bay Area neighbors. I want improved cell phone connectivity and reliability, so please approve AT&T's plans to invest in infrastructure improvements in Albany.

Please support this effort by AT&T to improve our service. We truly need this, and as a citizen of Albany, I urge your support.

Sincerely,

Janet Seltzer  
1435 Thousand Oaks Blvd  
Albany, CA 94706

**Eileen Harrington**

---

**From:** Janet Seltzer [seltzer6@pacbell.net]  
**Sent:** Monday, July 02, 2012 3:53 PM  
**To:** City General Email Box  
**Subject:** Support Improved Cell Connectivity and Reliability

Dear Albany Councilmember Wile,

AT&T has plans to improve its wireless network in Albany, and we drastically need this important infrastructure. The City Council should support these efforts, specifically AT&T's application for 1035 San Pablo, because Albany deserves to have at least as good a wireless network as its Bay Area neighbors. I want improved cell phone connectivity and reliability, so please approve AT&T's plans to invest in infrastructure improvements in Albany.

Please support this effort by AT&T to improve our service. We truly need this, and as a citizen of Albany, I urge your support.

Sincerely,

Janet Seltzer  
1435 Thousand Oaks Blvd  
Albany, CA 94706

## Eileen Harrington

---

**From:** Abeck, Heike [heike.abeck@novartis.com]  
**Sent:** Monday, July 02, 2012 4:50 PM  
**To:** City General Email Box; Hon.Lieber@comcast.net; marge.atkinson@mac.com; jwile46@gmail.com; Peggy.thomsen@gmail.com  
**Subject:** Deny AT&T's application for wireless antennas at 1035 San Pablo Ave.

Dear Mayor and Members of the City Council:

I am a resident at 1037 Kains Ave. and have talked several times against the AT&T antennas at 1035 San Pablo. Unfortunately I had my 2<sup>nd</sup> son about 7 weeks early and am spending all my time at the hospital with him., so will not be able to convey my strong feelings about this in person.

I believe the Planning and Zoning Commission did their job appropriately by upholding the ordinance put in place to protect that Albany residents.

Please do not be swayed by AT&T tactics and uphold your decision to deny the permit for AT&T to install cellular antennas on the roof of 1035 San Pablo.

Approving these antennas would violate the zoning code's limit on the percentage of rooftop that can be covered by structures.

In addition, this site is in the last-preference zoning district where wireless antennas are permitted. AT&T has not demonstrated that it cannot provide coverage from a higher-preference district. The email from a USDA representative that is in the packet for the Council meeting does not address the fact that a recently signed federal law mandates preparation of a master contract for locating cellular antennas on federal buildings.

The Council should not be bullied by AT&T's threats to sue. There are more suitable solutions that would be consistent with our community's values, which are embodied in our zoning code, and which would allow AT&T to provide service to customers. AT&T's own coverage maps show sufficient coverage is possible from the roof of the USDA building, and that building is in a higher-preference district for antennas. Another solution would be to allow AT&T to set up a temporary mobile site in a location where it would not negatively impact neighbors and would enable AT&T to wait until the city has completed its planning for a wireless site on city property where carriers would be encouraged to locate.

The staff report's suggestion that 979 San Pablo might be a "less intrusive" site does not address the fact that, like 1035 San Pablo, 979 San Pablo is in the last-preference zoning district for antennas. AT&T must be treated like every other carrier and required to prove that it cannot provide coverage from a higher-preference zoning district where the impact on residential neighborhoods would be minimized.

I urge you to enforce the ordinance as it was intended to protect the Albany residents and neighborhoods.

Thanks, - Heike

**Heike Abeck, MS, PE, PMP**  
Novartis Diagnostics, TechOps  
Associate Director, Project and Portfolio Management  
6455 Christie Ave. B332  
Emeryville, CA 94608  
Phone: 510.923.3253  
cell. 510 387 6034  
[heike.abeck@novartis.com](mailto:heike.abeck@novartis.com)

## Anne Hersch

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**From:** Sara Sunstein [info@sarasunstein.com]  
**Sent:** Monday, July 09, 2012 10:00 PM  
**To:** City General Email Box  
**Subject:** To Farid Javandel/AT&T application

Since three of you council members have a generic email, I'm not sure if this letter I sent over the weekend got to you. If it did, please excuse redundancy. It's exactly the same as my previous one. If not, please read on. Thank you.

Dear Council Members,

I'd like to address Ms. Thomsen's question about the rooftop coverage, which AT&T's attorney said would take up only one additional square foot of roof top.

I was at Planning and Zoning Commission meeting in April and the chair of the committee asked a similar question, with a few additional questions that compelled the AT&T representative that evening (different man from the attorney) to reveal more, which they have not been forthcoming about.

My sense of the his answer that evening is that there are "feet" touching the roof that take up a square foot. The "feet" support a platform or panel that takes up many more square feet. It was hard for me to follow the details due to my lack of familiarity with the zoning codes and AT&T's hedging this way and that, but I gathered that the proposed roof top coverage is substantially more than one square foot. The minutes of that meeting are not online yet, so I can't quote directly, but if you talk to the chair of PZ, you'll get accurate info on how many square feet the antenna array truly takes up.

I've witnessed AT&T playing semantics: Does a 3 foot square table with 2" square legs cover 9 square feet of floor space or 16 square inches? They'd contend it's 16 square inches.

Likewise, my understanding of their 9 antennas is that there are multiple antennas on one stand--think candleabra--so the total number is more like 21 antennas.

Given their reluctance to be straightforward about their plans, I request that you all dig deep for specific clarifications and details before you make any decision regarding AT&T's application. And please do talk with the chair of PZ before your meeting on July 16.

Thank you for considering my request.

Sincerely,  
Sara Sunstein

Sara Sunstein  
Ortho-Bionomy®, Somatic therapy  
510.526.5414  
<http://www.sarasunstein.com>

*"As the soft yield of water cleaves obstinate stone, so to yield with life solves the insoluble." Lao Tzu*

**Anne Hersch**

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**From:** julie beck [beckinovsky@sbcglobal.net]  
**Sent:** Tuesday, July 10, 2012 9:18 AM  
**To:** City General Email Box  
**Subject:** Meet this week re: proposed AT&T antennas

Dear Mayor Javandel,

As residents of Albany who would be directly affected by the proposed AT&T antennas, which the P&Z denied for the 1035 San Pablo Ave. site, we would like to meet to talk with you at your convenience this week, before the July 16th hearing. We have urged the city to uphold the decision by the P&Z, and to relocate these 21 cell antennas at one of several other sites in Albany. And we would like to further discuss our position and available options and alternatives with you.

We are able to meet with you anytime on Wednesday or Friday of this week, and after 4pm on Thursday. We are requesting at least 15 minutes of your time.

Thank you, and please let me know your availability this week.

Sincerely,

Julie A. Beck, Ph.D.  
Albany Resident,  
Albany Residents for Responsible Oversight of Wireless participant

**From:** [Dmitri Belser](#)  
**To:** [City General Email Box](#)  
**Subject:** To Farid Javandel  
**Date:** Tuesday, July 10, 2012 9:46:41 AM

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Mayor Javandel,

I hope you will share this email with all the members of the City Council:

I gave input at the City Council meeting on July 2nd with regard to AT&T's application to install cell phone towers on San Pablo. (I'm easy to remember - I'm the blind guy.)

One of the City Council members, Robert Lieber, made a comment about how, when he was a kid, he went back and forth to school without cell phone access, as did all his friends, and it was not a big deal - since cell phones had not yet been invented at the time.

If we are looking to turn back to the 1950s and 60s, we are going to lose an awful lot as well. Yes, we did not have cell phones back then, and somehow we survived. But I can also tell you that we did not have access laws to enable people with disabilities to fully participate in our society back then either. As a blind person, I feel very little nostalgia for the past, because I know that, had I been born even 20 years earlier, I probably would have looked forward to a life of selling pencils on a street corner.

The technology that we are talking about is a convenience for some, but for many of us, it is a necessity. My cell phone gives me an increased ability to be independent. I am a contributing member of our community largely because of technology. If I did not have the ability to adapt documents so I can read them on my computer, have access to my iPad so I can read books magazines and newspapers, and have a cell phone so I can navigate seamlessly, I would be at a competitive disadvantage. My entire career has been made possible by technology.

Additionally, with regard to kids with cell phones: my own kids (now 27 and 23) had cell phones at a relatively young age. In a time when stranger abduction, violence and accidents are real fears for many parents, having that kind of a "tether" to our children has made it possible for our kids to be more independent. When my sons were young, they got to go out and be on their own more because they had their cell phones available for emergencies.

It saddens me that a vocal group of NIMBY neighbors can stop this type of progress, using groundless fears of health issues that have no basis in scientific reality. I feel confident that a lawsuit against the City of Albany will be forthcoming from AT&T, and the denial of the permit, based on the arbitrary percentage of square footage covered on top of the building, will eventually be overturned. Listening to the comments, it was clear that no one actually cares about the coverage on top of the building - it is a convenient tool to use to stop more cell phone towers.

I urge the Council to move Albany forward into the 21st Century, and to approve AT&T's appeal of the denial. There are real issues to deal with in the Bay Area, and spending more time on this is a waste of everyone's time and the City's money.

Dmitri

---

Dmitri Belser, Executive Director  
Center for Accessible Technology  
3075 Adeline, Suite 220  
Berkeley, California 94703  
510/841-3224 ext. 2012 - phone  
510/841-7956 - fax  
<http://cforat.org>  
<http://atcoalition.org>

**From:** [Antoinette Stein](#)  
**To:** [Anne Hersch](#)  
**Subject:** Appeal of AT&T application 08-038  
**Date:** Wednesday, July 11, 2012 2:59:17 PM

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Anne:

I stopped in today and thank you for providing me with your e-mail.

I am interested to:

**1. New plans submitted by applicant or the Mayor or CC?**

Receive any new plans that have been submitted and all new correspondence.

**2. CEQA review process.**

Learn if there has been a proper CEQA review on this and am wondering what is its status. Was there a neg dec or was it exempt for some reason and if so what was the reason found.

**3. Please obtain relevant resources and info from Center for Municipal Solutions to**

Encourage and facilitate that you or your Staff interact with the Center for Municipal Solutions regarding the Mayor's/CC directive to you to work on resolving this. I would like to facilitate setting up a conference call with CMS to obtain educational information on what resources they have available so that you may present this at the next meeting. The Mayor directed you to come back with new information that CMS can provide on what he asked for.

**4. Visual detail on the appealed project**

More detail on exactly what this project is proposed to look like.

**5. Please advise on how to have the Public Comments reopened**

Request that public comments be reopened since it was unfair for public comments to be closed while new information was requested to be presented. Please advise me on the process to get the public comments reopened.

Sincerely,

Antoinette "Toni" Stein PhD  
892 Arlington Ave  
Berkeley, CA 94707  
650-823-7662  
[tweil@igc.org](mailto:tweil@igc.org)

---

**From:** liz menkes [mailto:[liz@menkes-telecom.com](mailto:liz@menkes-telecom.com)]  
**Sent:** Friday, July 06, 2012 3:00 PM  
**To:** Toni Stein  
**Subject:** What We Do



Hi Toni. Nice talking to you again. FYI, here is a one-page document that summarizes what we do.

Best,

Liz

Liz Menkes  
Director, Northern California Operations  
Center for Municipal Solutions  
340 N. Civic Drive, Suite #104  
Walnut Creek, CA 94596  
Office: 925-478-8441  
Cell: 925-708-1805

## THE CENTER FOR MUNICIPAL SOLUTIONS (CMS)

REGULATING TOWERS & WIRELESS FACILITIES

FOR ALMOST 800 COMMUNITIES IN **33** STATES FOR MORE THAN 15 YEARS

### WHO WE ARE

- CMS advises local governments on the regulation of towers and wireless facilities.
- To our knowledge, we are the oldest, most experienced firm of this kind in the nation, with largest team of experts exclusively serving local governments.
- CMS represents almost 800 communities in 33 states.
- CMS has reviewed more than 3,000 applications with no recommendation successfully challenged.
- There is no cost ever to our clients for our services.

### SERVICES

#### Review Applications

- Ensure compliance with the community's regulations
- Ensure compliance with the national safety standards and state and local building codes
- Enable clients to make informed decisions, so the client knows about any less intrusive or less objectionable alternatives to what is proposed.

## Provide Ordinance/Regulations

- Develop or revise wireless facilities regulatory ordinances. Approximately 2,000 communities have used CMS's model ordinance as the basis for their own.
- Customize the model ordinance for each community to reflect its choice of policies.
- The model ordinance has never been successfully challenged, in whole or in part.
- The ordinance places the community in control so it can enable 'win-win' situations.
- There is never a charge to clients for the ordinance, customizing it and attending meetings and hearings related to its adoption.

## Negotiate Leases

- We typically obtain at least twice the amount the community has been able to get.

## TEAM MEMBERS

- CMS was founded by two former Industry Executives who have done it all, from the capital budgeting and design of networks through site selection, permitting and actual construction of towers and wireless facilities and who for 15 years have dedicated their careers exclusively to helping local governments.
- We have professionals from all disciplines involved in the issue, including professional engineers, attorneys, planners and former industry regulatory specialists.

## GUARANTEE

We guarantee that we can place a community in control of the issue . . . at no cost to the community.

## CONTACT INFORMATION

Liz Menkes

Director, Northern California Operations

Office: (925) 478-8441

Cell: (925) 708-1805

[liz@menkes-telecom.com](mailto:liz@menkes-telecom.com)

Rusty Monroe

Co-Founder

Office: (919) 266-5990

Cell: (518) 573-8842

[imonroe8@nc.rr.com](mailto:imonroe8@nc.rr.com)

**From:** [Eileen Harrington](mailto:Eileen.Harrington@cityofalbany.org)  
**To:** [Anne Hersch](mailto:Anne.Hersch@cityofalbany.org); [Anne Hsu](mailto:Anne.Hsu@cityofalbany.org); [Jeff Bond](mailto:Jeff.Bond@cityofalbany.org); [Beth Pollard](mailto:Beth.Pollard@cityofalbany.org); [Craig Labadie](mailto:Craig.Labadie@cityofalbany.org); [Nicole Almaguer](mailto:Nicole.Almaguer@cityofalbany.org); [Councilmember Joanne Wile \(jwile46@gmail.com\)](mailto:Councilmember.Joanne.Wile@cityofalbany.org); [fjavandel@ci.berkeley.ca.us](mailto:fjavandel@ci.berkeley.ca.us); [marge.atkinson@mac.com](mailto:marge.atkinson@mac.com); [peggy.thomsen@gmail.com](mailto:peggy.thomsen@gmail.com); [peggy.thomsen@heald.edu](mailto:peggy.thomsen@heald.edu); [Robert Lieber \(Hon.Lieber@comcast.net\)](mailto:Robert.Lieber@comcast.net)  
**Subject:** FW: Request for Brief Meeting with You Fri or Mon  
**Date:** Thursday, July 12, 2012 9:33:07 AM

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*Eileen A. Harrington*

Secretary to the City Manager

CITY OF ALBANY

1000 San Pablo Avenue

Albany, CA 94706

510.528.5710

FAX 510.528.5797



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**From:** julie beck [mailto:beckinovsky@sbcglobal.net]  
**Sent:** Thursday, July 12, 2012 8:54 AM  
**To:** City General Email Box  
**Cc:** albanycellinfo@gmail.com  
**Subject:** Request for Brief Meeting with You Fri or Mon

Dear Council Member Joanne Wile and Mayor Javendel,

Hello, I and several of my neighbors are requesting to briefly meet with each of you, separately, before the July 16th hearing regarding the application to locate 21 new cellular antennas at 1035 San Pablo Ave. As residents of Albany who would be directly affected by the proposed AT&T antennas, which the P&Z denied for the 1035 San Pablo Avenue site, we would like 15 minutes of your time to discuss this important issue.

We have urged the city to uphold the decision by the P&Z, and to relocate these 21 cell antennas at one of several other sites in Albany. And we would like to further discuss our position with you--the importance of locating the 21 antennas in a 1st or 2nd priority zone in Albany, the zoning problems at the 1035 San Pablo Ave site, and available options and alternatives.

We are able to meet with you anytime on Friday of this week, or anytime on Monday July 16th before 5pm.

Thank you, and \*please let me know your availability\*,

Sincerely,

Julie A. Beck, Ph.D.

Albany Resident,

Participant in ARROW (Albany Residents for Responsible Oversight of Wireless)