

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: July 16, 2012
Reviewed by: BP

SUBJECT: Appeal of Planning Commission Decision Denying Planning Application #08-038- Conditional Use Permit & Design Review for a New AT&T Wireless Facility at 1035 San Pablo Avenue

REPORT BY: Anne L. Hersch, AICP, City Planner

CITY COUNCIL REVIEW

At the appeal hearing on July 2, 2012, the City Council voted 3-2 to continue the appeal hearing to a date certain of July 16, 2012 pending preparation of the following additional information to be further examined:

- AT&T and staff to further evaluate the 979 San Pablo Avenue site with regard to technical feasibility and availability
- Determine if there is any way to change roof coverage at the 1035 San Pablo site to prevent a net increase

ANALYSIS OF 979 SAN PABLO AVENUE

The building at 979 San Pablo Ave. is a two story commercial building with a flat roof. The building height is approximately 28 ft. In addition, there is a 40 ft. setback between the building and the rear property line which contains a parking.

The alternatives analysis provided by the applicant shows that the building at 979 San Pablo Ave. is less intrusive (i.e. no legal non-conforming issues) and that the landlord is willing to lease to AT&T. According to the alternatives analysis, AT&T could provide a majority of coverage in their desired search ring and 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.” (P.11 of the Alternatives Analysis)

A preliminary site visit at 979 San Pablo Ave. further indicates that the roof-top has no coverage issues, building height or daylight plane issues. Staff assumes the antenna and supporting equipment could easily be arranged in varying configurations to ensure that the setback is greater than 50 ft. Additionally, the equipment shelter could be stealthed to match the existing building and rooflines. The maximum height of the enclosure would be approximately 38 ft.

ROOF COVERAGE AT 1035 SAN PABLO AVENUE

The Council direction provided at the July 2, 2012 hearing directed AT&T to work with the landlord to determine if it would be possible to explore roof coverage changes at 1035 San Pablo Ave. In a recent conversation with the applicant, AT&T has indicated that they are working with the landlord at 1035 San Pablo Ave. to reduce the roof-top penthouse area. If the landlord is willing to reduce the overall size of the 432 sq. ft. roof-top penthouse, it is possible that there could be no net increase in roof coverage. AT&T shared with staff that they would like to reduce the penthouse size equivalent to the footprint of the roof-top coverage provided in the plans submitted as part of a letter dated May 4, 2012.

If the Council is satisfied with this additional information, they could suggest that AT&T amend their application to show modifications to the existing penthouse and project configuration.

In order to approve the amended application, the Council would need to make findings pursuant to Section 20.20.100 (D) (4) of the Albany Municipal Code to allow a reduction in the 50 ft. setback where noise and visual impacts will not increase.

4. In the San Pablo Commercial District and the Solano Commercial District any wireless communication facility that abuts a residential district shall be set back from a property line that is contiguous to the residential district a minimum distance of fifty (50) feet, provided that such distance may be reduced by the Planning and Zoning Commission based on a determination that the lesser distance will not have perceptibly greater noise impact or greater visual impact with respect to properties in the abutting residential district, and further provided that there be 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 (with the exception of such elements as transmission cables and meter boxes).

Attachments

1. City Council Staff Report dated July 2, 2012
2. Draft Council Resolution containing Findings of Denial
3. Letter from AT&T's Legal Counsel Received May 4, 2012 containing alternative project plans with less rooftop coverage
4. Appeal Form and Letter from AT&T
5. Alternatives Analysis
6. Correspondence received from July 2, 2012 to present