

**CITY OF ALBANY  
PLANNING AND ZONING AGENDA  
STAFF REPORT**

Agenda date: July 24, 2012  
Prepared by: ALH

**ITEM: 6B**

**SUBJECT: PA 12-037 Verizon Wireless Zoning Clearance**

The applicant has filed a building permit application for the removal of four existing wireless communication antennas and replacement with four new antennas on an existing 65-foot high monopole. The existing pole is located at the rear (east) side of the property. The monopole is an existing legal non-conforming facility pursuant to the Wireless Communication Facility provisions of the City's Planning and Zoning Code. A previous application was denied by the City of Albany, but in response to recent changes in Federal law, the applicant has submitted a new application.

**SITE: 423 San Pablo Avenue**

**APPLICANT/  
OWNER: Crown Castle for Verizon Wireless**

**ZONING: SPC (San Pablo Commercial)**

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**STAFF RECOMMENDATION**

Staff recommends that the Planning and Zoning Commission do the following:

- Make a determination that the application is subject to Section 6409 which preempts the City's Planning & Zoning Code requirements for approval of a Conditional Use Permit
- Approve Zoning Clearance subject to attached standard conditions of approval

**BACKGROUND/PROJECT DESCRIPTION**

Crown Castle on behalf of Verizon Wireless has filed a building permit application to remove and replace antennas on an existing monopole at 423 San Pablo Ave. Previously, the application request was presented to the Planning & Zoning Commission on July 26, 2011 at which time the Commission denied the request. The decision was appealed to the City Council who later upheld the Commission's decision. Consequently, Crown Castle filed a lawsuit against the City of Albany in federal court in November 2011.

On July 18, 2012 a settlement agreement between the City of Albany and Crown Castle was executed and the lawsuit dismissed. As part of the settlement agreement, Verizon may reapply for the antenna replacement under new federal regulations.

## CHANGES IN FEDERAL LAW

On February 22, 2012 Congress adopted the Middle Class Tax Relief and Job Creation Act of 2012. Section 6409 “Wireless Facilities Deployment” prohibits local governments from denying modifications to existing towers or base stations where the physical dimensions of such facilities do not substantially change.

### **47 USC 1455\_SEC. 6409. WIRELESS FACILITIES DEPLOYMENT.**

*(a) FACILITY MODIFICATIONS. –*

*(1) IN GENERAL. – Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.*

*(2) ELIGIBLE FACILITIES REQUEST. – For purposes of this subsection, the term “eligible facilities request” means any request for modification of an existing wireless tower or base station that involves –*

- (A) collocation of new transmission equipment;*
- (B) removal of transmission equipment; or*
- (C) replacement of transmission equipment.*

As part of the agreement, the City has acknowledged that recent changes in federal law creates a change in circumstances. As a result, the requirements of Section 20.100.010 (L) which would have required the applicant to wait for one year to file a new application, has been waived. Both the City and the applicant have agreed to a review process to formally determine if Section 6409 applies to the new project application. Under the agreement, the City has sixty (60) days from the date of the agreement to act on the application request.

This application request involves an existing wireless tower where the replacement of transmission equipment is requested. The appearance and dimensions of the tower are not proposed to change.

## DISCUSSION OF KEY ISSUES

### New Application

As part of the settlement agreement, the applicant has filed a building permit application for the removal of the existing wireless communication antennas and replacement with four new antennas on an existing 65-foot high monopole. Since the facility is an existing wireless tower and the scope of work involves the replacement of transmission equipment, it is subject to building permit review under the new federal law.

As part of the settlement agreement, it was agreed by both parties that the Planning & Zoning shall review the new application through the Zoning Clearance process pursuant to Section 20.100.020 of the Albany Municipal Code. Additionally, a special condition is included with the

agreement which requires documentation of the structural condition of the pole be submitted prior to the issuance of a building permit.

### Zoning Clearance

The Zoning Clearance process is included below. The applicability of this section is very broad and requires the Commission to find that the application request complies with applicable regulations and standards of Chapter 20 "Land Development."

#### 20.100.020 Zoning Clearances.

A. *Purpose.* Zoning clearances are intended to ensure compliance with the regulations and standards of this Chapter through nondiscretionary, administrative review by the Community Development Director.

B. *Applicability.*

1. *General Requirement.* A zoning clearance shall be required prior to issuance of a building permit or business license, except where other approvals are required by this Chapter.

2. *Requirement for Signs, Home Occupations, and Tree Removal.* A zoning clearance shall be required for certain new or expanded signs; for home occupations; and for tree removal in the HD Zoning District.

C. *Procedures and Standards of Review.* Approval of zoning clearances shall be subject to the common procedures in subsection 20.100.010. In addition, approval is subject to the following procedures and standards of review:

1. *General Procedures.* The Director of Community Development shall grant a zoning clearance upon determining that the proposed development complies with the applicable regulations and standards of this Chapter. In the case of any non-compliance with said regulations and standards, the application shall be considered by the Planning and Zoning Commission through the appropriate process.

2. *Applications for Home Occupations.* The Community Development Director shall review all applications for home occupations and shall approve applications that comply with the regulations and standards for home occupations in subsection 20.20.040. Review may include an inspection of the site of the home occupation.

3. *Applications for Tree Removal (HD Hillside Development Zoning District Only).* Zoning clearance applications for tree removal in the HD Zoning District shall be approved only if they are in accord with the following standards:

a. *No Unnecessary Tree Removal.* Living trees on undeveloped property shall be retained unless their removal is necessary for new development or any requirement of the Municipal Code.

b. *Maintenance of Hillsides and Soils. Living trees that help maintain slope stability and prevent erosion shall be retained whenever possible.*

c. *Emergency Removal. In the event that a tree is in immediate danger of endangering either life or property, the tree may be removed with approval of the Community Development Director.*

4. *Applications for Signs. The Community Development Director shall review all applications for signs for conformance to the standards of this Chapter or an approved master sign program.*

D. *Appeals. An appeal of any determination made pursuant to this subsection may be made under the provisions of subsection 20.100.080.*

(Ord. No. 04-09)

### Analysis

The existing monopole is 65-feet in height and features two sets of antennas. The first set, located at 45 feet above grade, serves Metro PCS. The second set, at 59 feet, serves the applicant. The existing pole is located at the rear (east) side of the property. Verizon is proposing to replace four (4) existing panel antennas with four (4) new panel antennas similar to the existing antennas. The existing antennas are 4 ft. in height. The new antennas are approximately 4'6" in height and are mounted on galvanized pipe. They have also proposed to add eight (8) new coaxial cables to be installed on the exterior of the pole.

### Draft Project Conditions

A review of building permit application is a ministerial act which requires the City to review the request for compliance with the Building Code. The City does not have discretionary review or an ability to impose operating conditions/standards as part of a ministerial act.

A Zoning Clearance is a one-time approval where any project conditions must be satisfied at the time of building permit issuance and final inspection. A Zoning Clearance does not run with the land as it is a onetime review. Through the Zoning Clearance process, general Conditions may be imposed. As part of this review, conditions related to signage, a maintenance and facility removal agreement, and compliance with conditions in the settlement agreement.

### ENVIRONMENTAL ANALYSIS

Staff has determined that the proposed project is categorically exempt from the requirements of CEQA per Section 15301, "Existing Facilities" of the CEQA Guidelines, which exempts alterations to existing facilities.

### **Appeals:**

The Albany Municipal Code provides that any action of the Planning and Zoning Commission may be appealed to the City Council if such appeal is filed within 14 days of the date of action.

Appeals may be filed in the Community Development Department by completing the required form and paying the required fee.

**Attachments:**

1. Analysis of Zoning Requirements
2. Draft Conditions of Approval
3. Application History through November 2011
4. Application & Plans
5. Executed Settlement Agreement

## ATTACHMENT 1 - ANALYSIS OF COMPLIANCE WITH ZONING REQUIREMENTS

### 20.12 Zoning Districts and Permitted Uses

General Plan: Commercial  
Zoning: SPC (San Pablo Commercial)

### 20.16 Land Use Classifications

Wireless Communication

Surrounding	North - Commercial	East - Residential
Property Use	South - Commercial	West - Commercial

#### 20.20.080 Secondary Residential Units.

Not applicable.

#### 20.24.020 Table of Site Regulations by District.

Not applicable.

#### 20.24.030 Overlay District Regulations.

See Discussion.

#### 20.24.040 Hillside Residential Regulations.

Not applicable.

#### 20.24.050 Floor-Area-Ratio.

Not applicable.

#### 20.24.060 Setback Areas, Encroachments.

Not applicable.

#### 20.24.070 Setbacks with Daylight Planes.

Not applicable.

#### 20.24.080 Height Limits and Exceptions.

Not applicable.

#### 20.24.100 Distances between Structures.

Not applicable.

#### 20.24.110 Fences, Landscaping, Screening.

Not applicable.

#### 20.24.130 Accessory Buildings.

Not applicable.

**20.28 Off-Street Parking Requirement.**

Not applicable.

**20.40 Housing Provisions**

Not applicable.

**20.44 Non-conforming Uses, Structures and Lot**

Not applicable.

**20.48 Removal of Trees**

Not applicable.

**20.52 Flood Damage Prevention Regulations**

Not applicable.

**20.58 Art in Public Places Program**

Not applicable.

**20.100.030 Use Permits.**

Not applicable.

**20.100.040 Variances.**

Not applicable.

**20.100.010 Common Permit Procedures.**

Public notice of this application was provided on July 13, 2012 in the form of mailed notice to property owners and occupants within a 300-foot radius, and posted in three locations.

**20.100.050 Design Review.**

Not applicable.

## ATTACHMENT 2 CONDITIONS OF APPROVAL

### COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS OF APPROVAL

#### SPECIAL CONDITIONS

- SPECIAL-1 Verizon shall permanently place and at all times maintain in good condition radio frequency emission notice signs in English and Spanish that are compliant with ANSI C95.2 color, symbol, and content conventions.
- SPECIAL-2 Each sign shall at all times bear the name of the carrier, the site identification number, and a 24-7 local or toll-free telephone number to reach a live person at the carrier's Network Operations Center.
- SPECIAL-3 The applicant shall comply with the Special Condition contained in Exhibit C of the settlement agreement and submit documentation on the structural condition of the pole prior to the issuance of a building permit.
- SPECIAL-4 The applicant shall enter into a maintenance and facility removal agreement pursuant to Section 20.20.100 (F) (6) of the Albany Municipal Code.

#### GENERAL PROJECT CONDITIONS

- Gen-1 **Project Approval.** This approval is for 423 San Pablo Ave. Crown Castle/Verizon Wireless, as substantially shown and described on the project plans, except as may be modified by conditions herein. Plans include plans prepared by Omni Design Group, date received July 17, 2012, (project plans include site plan, elevations), as presented to the Planning and Zoning Commission on July 24, 2012. For any condition herein that requires preparation of a Final Plan where the project developer has submitted a conceptual plan, the project developer shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required by the conditions herein for approval by the City.
- GEN-2 **Project Approval Expiration.** The Zoning Clearance approval will expire on August 7, 2013 (one year from the date on which this approval becomes effective), or at an alternate time specified as a condition of approval, unless a building permit has been issued and construction diligently pursued; a certificate of occupancy has been issued; the use is established; the use permit, variance or design review approval is renewed. The approval may be renewed by the Community Development Director for a period up to an additional two (2) years, provided that, at least ten (10) days before expiration of one (1) year from the date when the approval becomes effective, an application for renewal of the approval is filed with the Community Development Department. The Community Development Director may grant a renewal of an approval where



there is no change in the original application, or there is no request to change any condition of approval.

- Gen-3 **FEES.** The applicant shall pay any and all City and other related fees applicable to the property, as may be modified by conditions herein. Fees shall be based on the current fee structure in effect at the time the relevant permits are secured, and shall be paid before issuance of said permit or before any City Council final action approval. Notice shall be taken specifically of Plan Check, Engineering, Fire and Inspection Fees. The project developer shall also reimburse the City for direct costs of planning; building and engineering plan check and inspection, as mutually agreed between the City and developer.
- GEN-4 **Appeals.** The Albany Municipal Code provides that any action of the Planning staff may be appealed to the Planning and Zoning Commission, and any action of the Planning and Zoning Commission may be appealed to the City Council as per the procedures described in Section 20.100.080. The City Clerk will then schedule the matter for the next available City Council meeting.
- GEN-5 **Requirement for Building Permit.** Approval granted by the Planning and Zoning Commission does not constitute a building permit or authorization to begin any construction or demolish an existing structure. An appropriate permit issued by the Community Development Department must be obtained before constructing, enlarging, moving, converting, or demolishing any building or structure within the City.
- GEN-6 **Fire Department Approval.** As part of a building permit application, the applicant shall submit written documentation that all requirements of the Albany Fire Department have, or will be, met to the satisfaction of the AFD.
- GEN-7 **Engineering Approval.** As part of a building permit application, the applicant shall submit written documentation that all requirements of the Public Works Department have, or will be, met to the satisfaction of the City Engineer.
- GEN-8 **Construction Hours.** Construction activity shall be restricted to the hours of 8:00 a.m. to 6:00 p.m. Mondays through Saturdays, and 10:00 a.m. to 6:00 p.m., Sundays and legal holidays, unless otherwise approved in writing by the City Engineer for general construction activity. Failure to comply with construction hours may result in stop work orders or other administrative actions.
- GEN-9 **Modifications to Approved Plans.** The project shall be constructed as approved. Planning staff may approve minor modifications in the project design, but not the permitted land use (per MC 20.12). A change in an item requiring discretionary approval and any other changes deemed appropriate by the Planning staff shall require further Planning and Zoning Commission approval through the Design Review process.
- GEN-10 **Hold Harmless Agreement.** Pursuant to Government Code Section 66474.9, the applicant (including any agent thereof) shall defend, indemnify, and hold

harmless, the City of Albany and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul the City's approval concerning this application, which action is brought within the time period provide for in Section 66499.37. The City will promptly notify the applicant of any such claim action or proceeding and cooperate fully in the defense.

GEN-11      **Public Improvements Standards.** Public improvements, as required by the City Engineer during building permit review, shall be designed and constructed in accordance with the City's Standard Specifications and Standard Details, unless specifically waived in writing by the City Engineer.

GEN-12      **Title 24 Standards.** All construction shall be designed and built in accordance with California Title 24 handicap accessibility standards. Appropriate details and specifications shall be incorporated into the plans and submitted at time of building permit application.

GEN-13      **Energy Conservation Standards.** All buildings shall be designed in accordance with the State of California energy conservation standards for non-residential buildings. The necessary plans and documentation shall be submitted at time of building permit application.

#### ARCHITECTURE CONDITION

ARCH-1      **Material Samples.** Samples of final exterior materials and the proposed color palette shall be submitted for review and approval by the Community Development Department as part of building permit application.

ARCH-2      **Final Architectural Drawings.** The applicant shall submit final architectural elevations, details and revisions for the review and approval of the Community Development Department as part of building permit application.

**Appeals:**      The Albany Municipal Code provides that any action of the Planning and Zoning Commission may be appealed to the City Council, if such appeal is filed within 14 days of the date of the action. Appeals may be filed in the Community Development Department by completing the required form and paying the required fee. The City Clerk will then schedule the matter for the next available City Council meeting.

## ATTACHMENT 3

### APPLICATION HISTORY THROUGH NOVEMBER 2011

An application for a Conditional Use Permit was originally submitted on June 22, 2009 and reviewed by the Commission on April 27, 2010. At that time, the proposal was to increase the number of antenna enclosures from four to six. The Commission expressed concern that the proposed project was an expansion of a legal non-conforming use, and continued the item to its May 25, 2010 in order to allow time for the applicant to provide additional information.

The May 25, 2010 hearing date was continued to June 22, 2010, and then subsequently to a future undetermined date because the information requested by the Commission had not been received. On September 24, 2010, the City's building inspector observed new antennas being installed without City approval, and issued a stop work order.

On October 14, 2010, the applicant submitted revised plans that reflect the installation of four antenna enclosures rather than six. On October 26, 2010, the Planning and Zoning Commission reviewed the revised application. The Commission noted that the proposal was similar to maintenance and did not require formal Commission action, and thus voted 3-0 to authorize staff to approve the installation of the antennas as a ministerial action. In the course of the meeting, the applicant withdrew the application for the use permit.

On November 1, 2010, Councilmember Atkinson made a request that the City Council review the Commission's decision on this matter.

The review was conducted on December 13, 2010, and the City Council voted unanimously to approve a determination that the proposed project was not routine maintenance but instead an upgrade to a nonconforming facility. The council directed that the matter be returned to the Planning & Zoning Commission and staff for a Conditional Use Permit including a full analysis of whether alternative solutions are feasible if a new application is filed.

On January 20, 2011, the applicant submitted a new application. This appears to be the same plans evaluated by the City in 2010.

On July 26, 2011 the Planning & Zoning Commission reviewed the application request and denied the Conditional Use Permit.

Crown Castle on behalf of Verizon Wireless filed an appeal of this decision with the City Clerk.

An appeal of the Commission decision was filed by Crown Castle on August 8, 2011.

On September 9, 2011, the City Council scheduled a public hearing on the appeal. Action on the appeal was continued to September 19 because the City's legal counsel was not available.

On September 19, 2011, members of the City Council discussed the application and approved a motion to do the following:

- 1) Postpone action until next meeting pending an independent review by a City selected technical advisor;

2) Ask for written documentations of the actual alternative analysis conducted by the applicant

The appeal and additionally requested information was presented to the City Council on November 7, 2011. The Council voted 5-0 to uphold the decision of the Planning & Zoning Commission and deny the use permit request for Verizon Wireless.

Verizon filed a lawsuit against the City of Albany shortly thereafter in November 2011.

# verizon wireless

## ALBANY

**CROWN CASTLE SITE#: 814025**  
**VERIZON WIRELESS JOB#: 2008316200**  
**VERIZON WIRELESS SITE#: 123577**  
**423 SAN PABLO AVENUE**  
**ALBANY, CA. 94706**  
**COUNTY OF ALAMEDA**



**PROJECT INFORMATION:**  
**ALBANY**  
**CROWN CASTLE SITE# 814025**  
**VERIZON WIRELESS JOB# 2008316200**  
**VERIZON WIRELESS SITE# 123577**  
**423 SAN PABLO AVENUE**  
**ALBANY, CA 94706**

**CURRENT ISSUE DATE:**  
 04/27/12

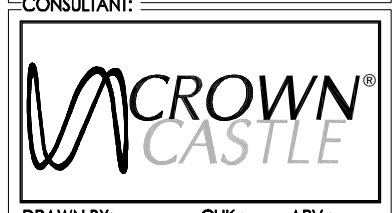
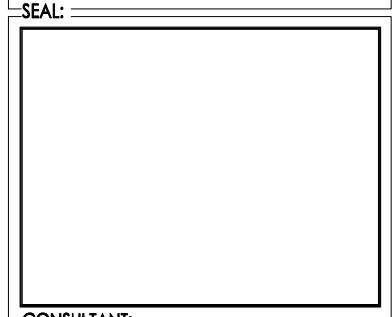
**ISSUED FOR:**  
 100% CONSTRUCTION

REV.:	DATE:	DESCRIPTION:	BY:

**COORDINATING ARCHITECT:**

Architecture  
Civil Engineering  
Surveying  
Telecommunications

689 Tank Farm Road, Suite 140  
San Luis Obispo, California 93401  
Phone: (805) 544-9700  
www.omnidesigngroup.com  
email: omni@odglo.com



**DRAWN BY:** MPC **CHK:** SM **APV.:** TJR

**SHEET TITLE:**  
 TITLE SHEET

**SHEET NUMBER:** T-1 **REVISION:** 640-125A

**PROJECT DESCRIPTION**

VERIZON WIRELESS PROPOSES TO:  
 REMOVE (4) EXISTING ANTENNAS, (2) PER SECTOR, FROM EXISTING HARDWARE ON EXISTING MONOPOLE  
 INSTALL (4) NEW ANTENNAS, (2) PER SECTOR, MOUNTED TO EXISTING HARDWARE ON EXISTING MONOPOLE  
 INSTALL (8) NEW COAXIAL CABLES, (4) PER SECTOR, FROM EXISTING EQUIPMENT TO NEW ANTENNAS FOR A TOTAL OF (12)

**VERIZON SIGNATURE BLOCK**

DISCIPLINE	SIGNATURE	DATE
SITE ACQUISITION		
CONSTRUCTION		
RADIO		
MICROWAVE		
TELCO		
EQUIPMENT		
PROJECT ADMINISTRATOR		
WO ADMINISTRATOR		

**PROJECT SUMMARY**

**LESSEE**  
 VERIZON WIRELESS  
 2785 MITCHELL DRIVE  
 WALNUT CREEK, CA 94598  
 CONTACT: WAYNE LOWELL  
 PHONE: 925.279.6333  
 FAX: 925.279.6365

**PROPERTY INFORMATION**  
 OWNER: CROWN CASTLE  
 ADDRESS: 5820 STONERIDGE MALL ROAD, SUITE 300 PLEASANTON, CA 94588  
 PROPERTY CONTACT: VICTORIA PETERS  
 PHONE: (925) 737-1005  
 AREA OF CONSTRUCTION: N/A  
 SHELTER OCCUPANCY TYPE: U  
 CURRENT ZONING: N/A  
 CONSTRUCTION TYPE: N/A  
 A.P.N.: 67-2827-12

ACCESSIBILITY REQUIREMENTS:  
 FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS NOT REQUIRED.

THE CENTER OF THE PROPOSED ANTENNAS AS SHOWN HEREON IS LOCATED AT THE FOLLOWING COORDINATES:  
 NAD 83  
 LATITUDE: N 37° 53' 49.73"  
 LONGITUDE: W 122° 18' 01.89"

**PROJECT TEAM**

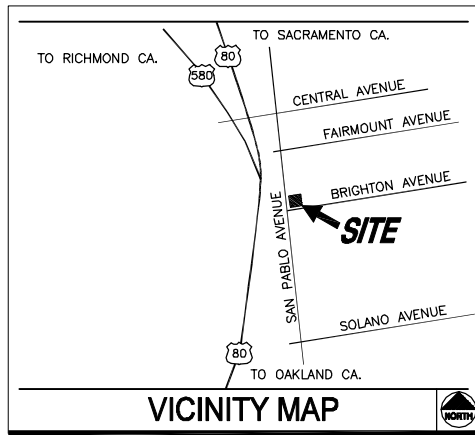
**ARCHITECT:**  
 OMNI DESIGN GROUP, INC.  
 689 TANK FARM ROAD, SUITE 140  
 SAN LUIS OBISPO, CA 93401  
 CITY, STATE, ZIP  
 PROJECT MANAGER: NICK BOCHE  
 ARCHITECT: TOM REAY, C-19442  
 PHONE: 805-544-9700  
 FAX: 805-544-4327

**PROJECT MANAGER:**  
 CONTACT: MARK GAGNE  
 PHONE: (925) 737-1245

**CONSTRUCTION MANAGER:**  
 CONTACT: TED CONGER  
 PHONE: (925) 980-0098

**SHEET INDEX**

SHEET	DESCRIPTION	REV.
T-1	TITLE SHEET	
A-1	OVERALL SITE PLAN	
A-2	SITE PLAN	
A-3	SITE, EQUIPMENT, AND ANTENNA PLANS	
A-4	ELEVATIONS	
A-5	ELEVATIONS	
A-6	ANTENNA SPECIFICATIONS	



**CROWN CASTLE**

DISCIPLINE	SIGNATURE	DATE
SITE ACQUISITION		
PLANNER		
CONSTRUCTION		
PROJECT MANAGER		
UTILITY MANAGER		
LANDLORD		

**CODE COMPLIANCE**

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

1. CALIFORNIA ADMINISTRATIVE CODE (INC. TITLES 24 & 29) 2010	4. ANSI/EIA-222-G LIFE SAFETY CODE NFPA-101-2010
2. CALIFORNIA BUILDING CODE 2010	5. CALIFORNIA PLUMBING CODE 2010
3. CALIFORNIA MECHANICAL CODE 2010	6. NATIONAL ELECTRIC CODE 2010 CALIFORNIA ELECTRIC CODE 2010
	7. LOCAL BUILDING CODE
	8. CITY/COUNTY ORDINANCES

**DRIVING DIRECTIONS**

FROM THE INTERSECTION OF I-80 AND I-580 AT THE BAY BRIDGE IN BERKELEY TAKE I-80 EAST. FOLLOW I-80 ABOUT 5 MILES AND TAKE THE CENTRAL AVE. EXIT. TURN RIGHT AND FOLLOW CENTRAL AVE. ABOUT 0.5 MILES. TURN RIGHT ON SAN PABLO AVE. AND FOLLOW FOR ABOUT 0.5 MILES. SITE IS ON LEFT. TURN LEFT ON BRIGHTON AVE. GO ONE BLOCK AND TURN LEFT ON KAINS AVE. THEN TURN LEFT INTO BANK PARKING LOT.

**JURISDICTION**

JURISDICTION: CITY OF ALBANY  
 PHONE: (510) 747-6800



2785 MITCHELL DR.  
WALNUT CREEK, CA 94598

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www.omnidesigngroup.com  
email: omni@odginfo.com

SEAL:

CONSULTANT:

DRAWN BY:    CHK:    APV.:   

JM NB TR

SHEET TITLE:  
**OVERALL SITE PLAN**

SHEET NUMBER: **A-1** REVISION:   

640-125A



NOTE:  
EXISTING CONDITIONS AND SITE DATA ARE  
BASED ON INFORMATION PROVIDED TO OMNI  
DESIGN GROUP BY CROWN CASTLE. SHOULD  
OBSERVED CONDITIONS VARY FROM THESE  
SHOWN HEREIN, NOTIFY OMNI DESIGN GROUP.

BOUNDARY SHOWN IS AN APPROXIMATION BASED  
ON APN MAPS AND INFORMATION PROVIDED BY  
OTHERS. NO BOUNDARY SURVEY WAS PERFORMED  
BY OMNI DESIGN GROUP.



2785 MITCHELL DR.  
WALNUT CREEK, CA 94598

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ALBANY  
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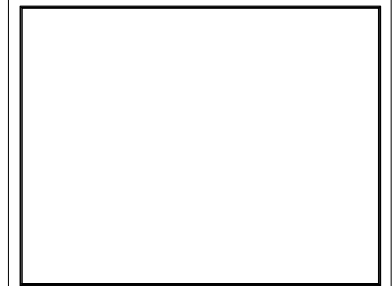
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www.omnidesigngroup.com  
email: omni@odginfo.com

SEAL:



CONSULTANT:



DRAWN BY:	CHK:	APV.:
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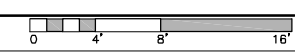
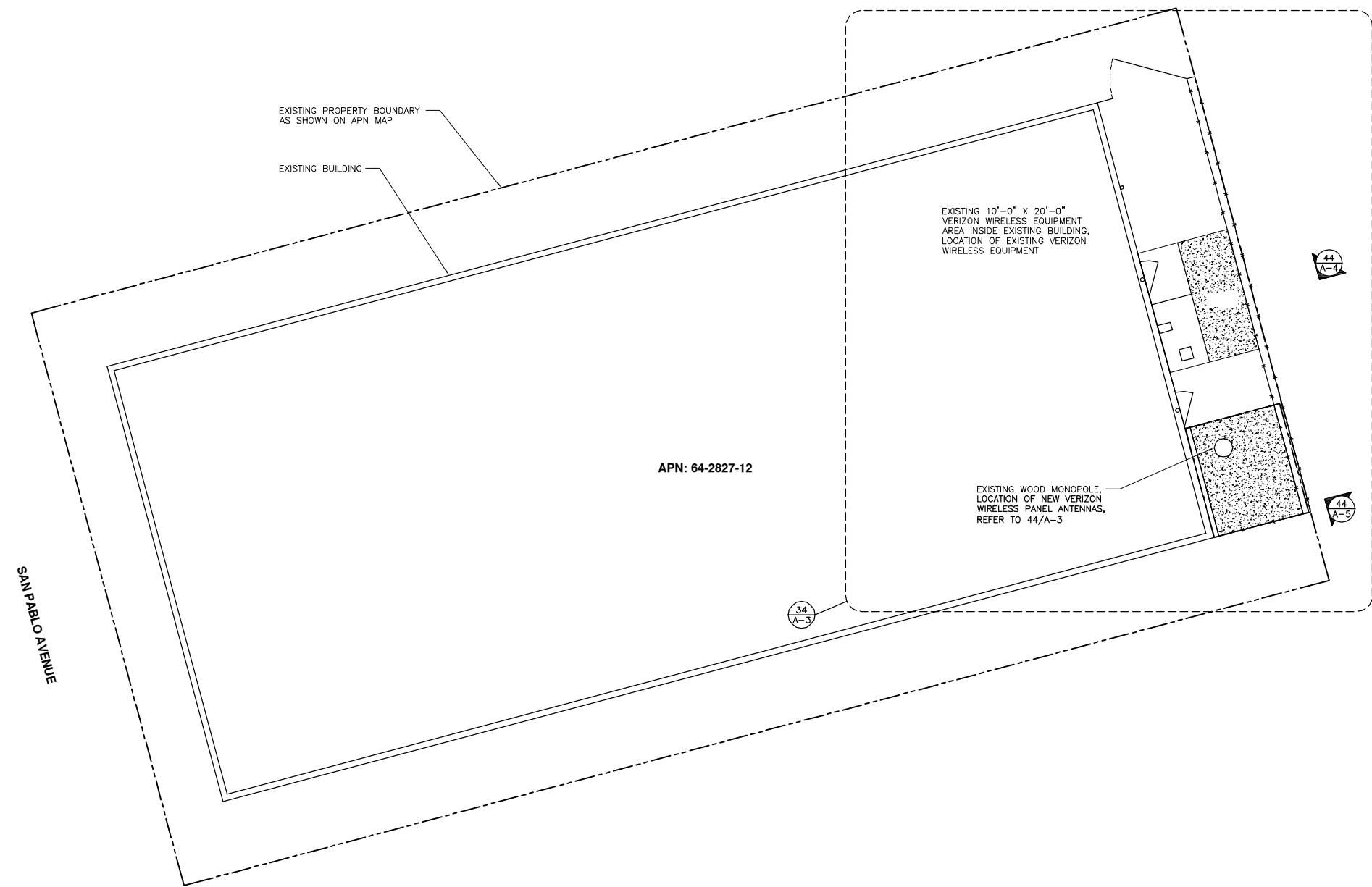
SHEET TITLE:  
SITE PLAN

SHEET NUMBER: REVISION:

**A-2** 640-125A

BOUNDARY SHOWN IS AN APPROXIMATION BASED ON APN MAPS AND INFORMATION PROVIDED BY OTHERS. NO BOUNDARY SURVEY WAS PERFORMED BY OMNI DESIGN GROUP.

NOTE:  
EXISTING CONDITIONS AND SITE DATA ARE BASED ON INFORMATION PROVIDED TO OMNI DESIGN GROUP BY CROWN CASTLE. SHOULD OBSERVED CONDITIONS VARY FROM THESE SHOWN HEREIN, NOTIFY OMNI DESIGN GROUP.





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**COORDINATING ARCHITECT:**  
 Architecture  
 Civil Engineering  
 Surveying  
 Telecommunications  
  
 689 Tank Farm Road, Suite 140  
 San Luis Obispo, California 93401  
 Phone: (805) 544-9700  
 www.omnidesigngroup.com  
 email: omni@odginfo.com

**SEAL:**

**CONSULTANT:**

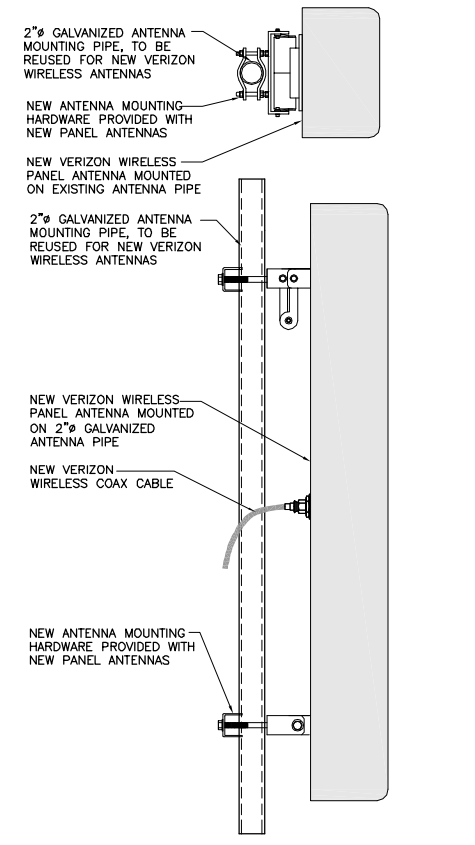
**DRAWN BY:** JM    **CHK:** NB    **APV.:** TR

**SHEET TITLE:**

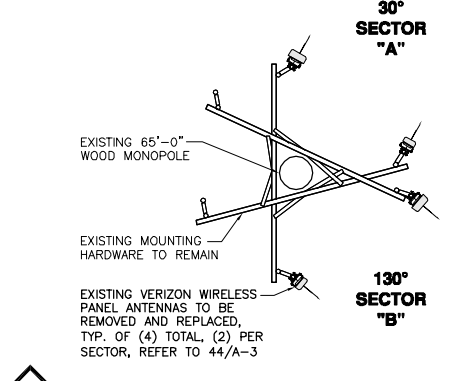
**SITE AND ANTENNA LAYOUT PLAN**

**SHEET NUMBER:** A-3    **REVISION:**

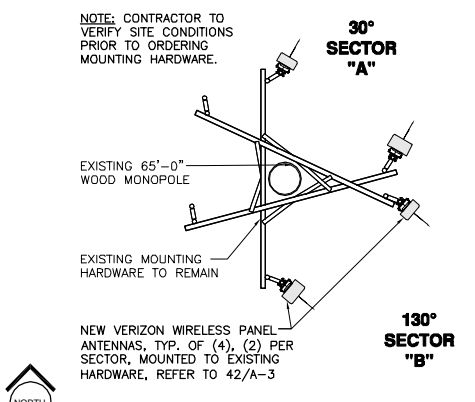
**A-3**    640-125A



**42 ANTENNA MOUNTING DETAIL**  
 SCALE: 1/2"=1'-0"



**43 EXISTING ANTENNA PLAN @ 59' AGL**  
 SCALE: 1/4"=1'-0"



**44 NEW ANTENNA PLAN @ 59' AGL**  
 SCALE: 1/4"=1'-0"

**NOTE:**  
 CONTRACTOR TO MAKE USE OF EXISTING COAX AND ANTENNA MOUNTING HARDWARE IF POSSIBLE

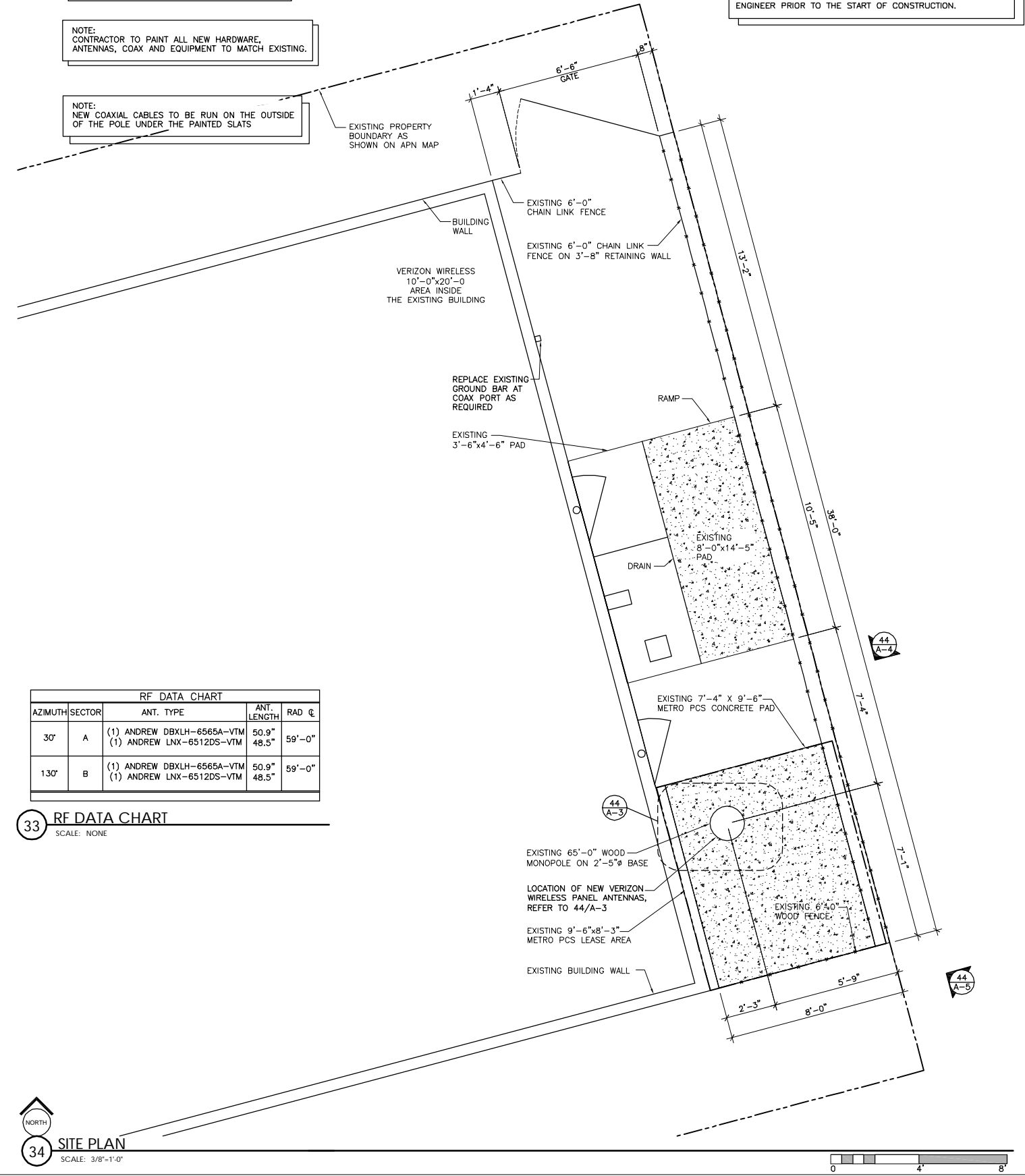
**NOTE:**  
 BOUNDARY SHOWN IS AN APPROXIMATION BASED ON APN MAPS AND INFORMATION PROVIDED BY OTHERS. NO BOUNDARY SURVEY WAS PERFORMED BY OMNI DESIGN GROUP.

**NOTE:**  
 CONTRACTOR TO PAINT ALL NEW HARDWARE, ANTENNAS, COAX AND EQUIPMENT TO MATCH EXISTING.

**NOTE:**  
 NEW COAXIAL CABLES TO BE RUN ON THE OUTSIDE OF THE POLE UNDER THE PAINTED SLATS

**NOTE:**  
 EXISTING CONDITIONS AND SITE DATA ARE BASED ON INFORMATION PROVIDED TO OMNI DESIGN GROUP BY CROWN CASTLE. SHOULD OBSERVED CONDITIONS VARY FROM THESE SHOWN HEREIN, NOTIFY OMNI DESIGN GROUP.

**NOTE:**  
 1. ALL AZIMUTHS REFERENCE TRUE NORTH. ALL ELEVATIONS REFERENCE ADJACENT GRADE.  
 2. AZIMUTH SHOWN IS PRELIMINARY. CONTRACTOR SHALL INSTALL ANTENNAS TO CONFORM TO THE SITE BUILD FORM PROVIDED BY VERIZON WIRELESS.  
 3. CONTRACTOR SHALL NOTIFY THE PROJECT MANAGER SHOULD ANY VARIATION IN AZIMUTH, BETWEEN THAT INDICATED HEREIN AND THAT SPECIFIED ON THE SITE BUILD FORM, CREATE POSSIBLE IMPACT OR DEGRADATION OF SITE PERFORMANCE.  
 4. VERIFY ANTENNA MAKE AND MODEL NUMBER WITH THE RF ENGINEER PRIOR TO THE START OF CONSTRUCTION.



**33 RF DATA CHART**  
 SCALE: NONE

AZIMUTH	SECTOR	ANT. TYPE	ANT. LENGTH	RAD Q.
30°	A	(1) ANDREW DBXLH-6565A-VTM (1) ANDREW LNX-6512DS-VTM	50.9" 48.5"	59'-0"
130°	B	(1) ANDREW DBXLH-6565A-VTM (1) ANDREW LNX-6512DS-VTM	50.9" 48.5"	59'-0"

**33 RF DATA CHART**  
 SCALE: NONE

**34 SITE PLAN**  
 SCALE: 3/8"=1'-0"

**NOTE:**  
 ALL MOUNTS AND ANTENNAS ARE TO MATCH EXISTING CONFIGURATION. THIS IS A LIKE FOR LIKE SWAP.





**PROJECT INFORMATION:**  
ALBANY  
CROWN CASTLE SITE# 814025  
VERIZON WIRELESS JOB# 2008316200  
VERIZON WIRELESS SITE# 123577  
423 SAN PABLO AVENUE  
ALBANY, CA 94706

**CURRENT ISSUE DATE:**  
04/27/12

**ISSUED FOR:**  
100% CONSTRUCTION

REV.: DATE: DESCRIPTION: BY:

REV.	DATE	DESCRIPTION	BY

**COORDINATING ARCHITECT:**

Architecture  
Civil Engineering  
Surveying  
Telecommunications

689 Tank Farm Road, Suite 140  
San Luis Obispo, California 93401  
Phone: (805) 544-9700  
www.omnidesigngroup.com  
email: omni@odginfo.com

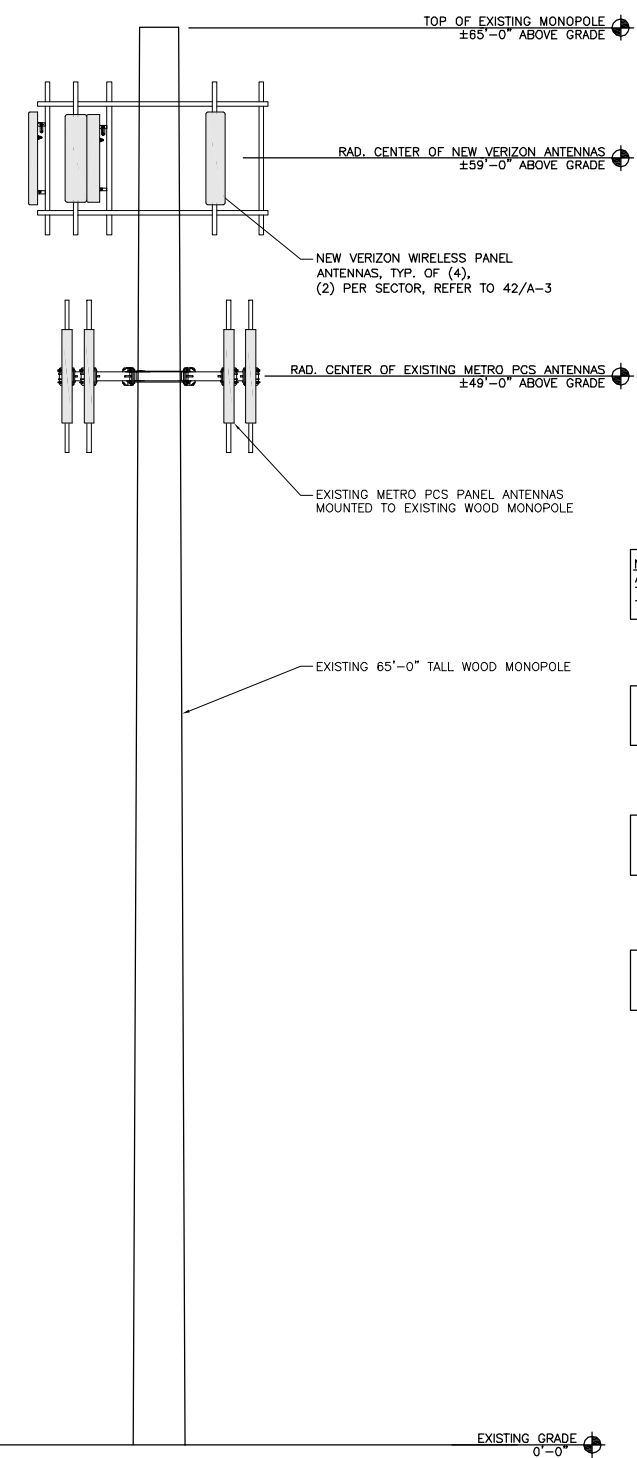
**SEAL:**

**CONSULTANT:**

**DRAWN BY:** JM    **CHK.:** NB    **APV.:** TR

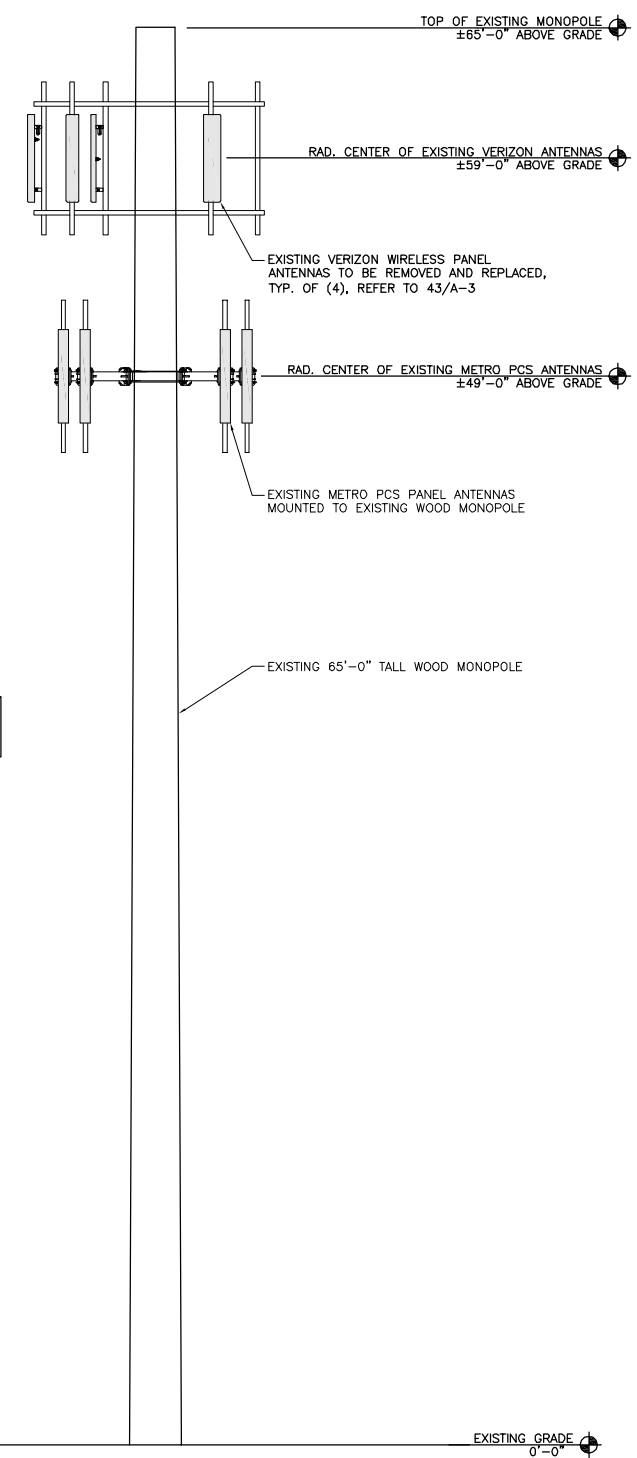
**SHEET TITLE:**  
ELEVATIONS

**SHEET NUMBER:** A-4    **REVISION:** 640-125A



**44 NEW NORTHEAST ELEVATION**  
SCALE: 1/4"=1'-0"  
0 4 8

- NOTE:  
ALL MOUNTS AND ANTENNAS ARE TO MATCH EXISTING CONFIGURATION. THIS IS A LIKE FOR LIKE SWAP.
- NOTE:  
CONTRACTOR TO PAINT ALL NEW HARDWARE, ANTENNAS, COAX AND EQUIPMENT TO MATCH EXISTING.
- NOTE:  
CONTRACTOR TO MAKE USE OF EXISTING COAX AND ANTENNA MOUNTING HARDWARE IF POSSIBLE.
- NOTE:  
NEW COAXIAL CABLES TO BE RUN ON THE OUTSIDE OF THE POLE UNDER THE PAINTED SLATS



**24 EXISTING NORTHEAST ELEVATION**  
SCALE: 1/4"=1'-0"  
0 4 8



**PROJECT INFORMATION:**  
ALBANY  
CROWN CASTLE SITE# 814025  
VERIZON WIRELESS JOB# 2008316200  
VERIZON WIRELESS SITE# 123577  
423 SAN PABLO AVENUE  
ALBANY, CA 94706

**CURRENT ISSUE DATE:**  
04/27/12

**ISSUED FOR:**  
100% CONSTRUCTION

REV.: DATE: DESCRIPTION: BY:

REV.	DATE	DESCRIPTION	BY

**COORDINATING ARCHITECT:**

Architecture  
Civil Engineering  
Surveying  
Telecommunications

689 Tank Farm Road, Suite 140  
San Luis Obispo, California 93401  
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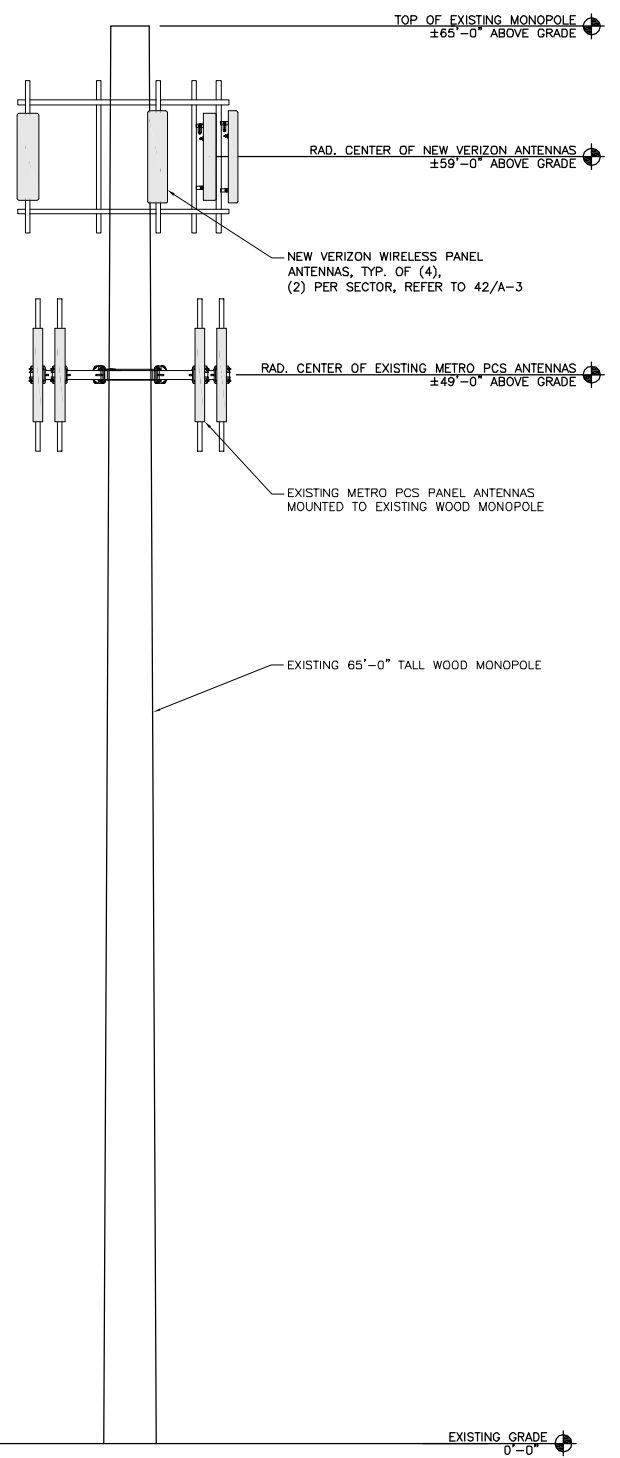
**SEAL:**

**CONSULTANT:**

**DRAWN BY:** JM    **CHK.:** NB    **APV.:** TR

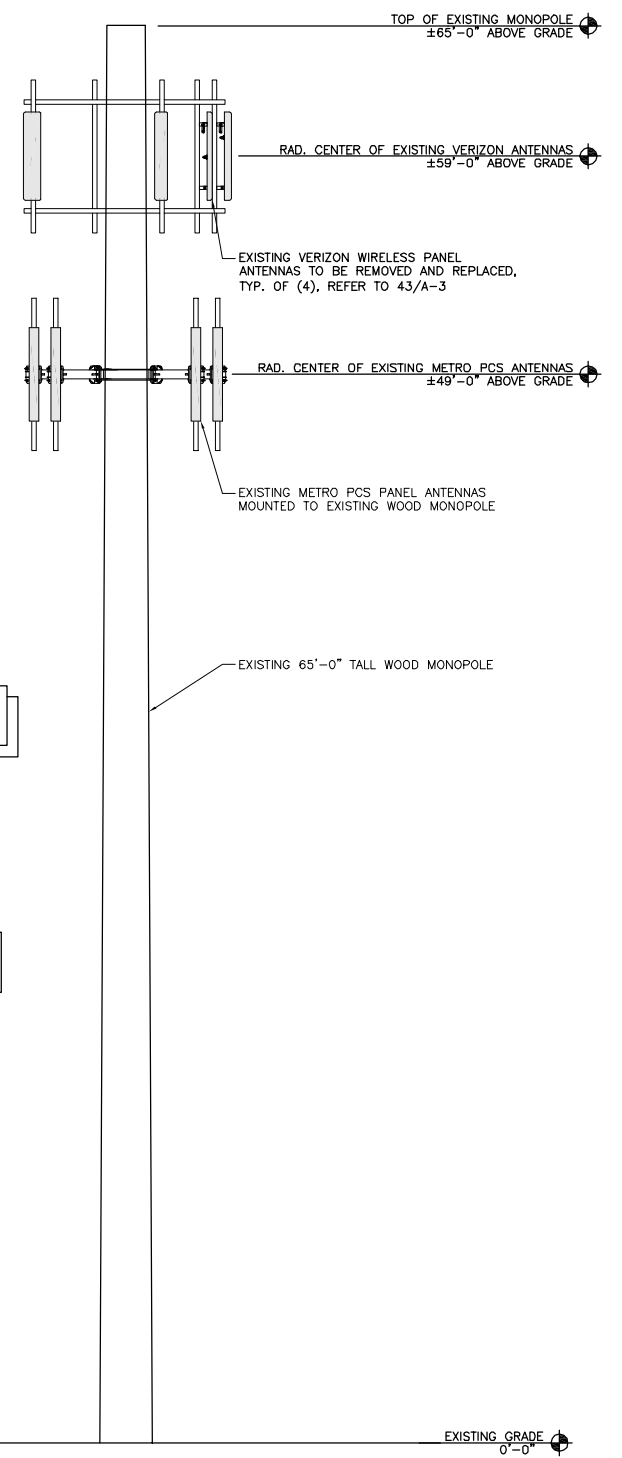
**SHEET TITLE:**  
ELEVATIONS

**SHEET NUMBER:** A-5    **REVISION:** 640-125A



**44** NEW SOUTHEAST ELEVATION  
SCALE: 1/4"=1'-0"  
0 4 8

- NOTE:  
ALL MOUNTS AND ANTENNAS ARE TO MATCH EXISTING CONFIGURATION. THIS IS A LIKE FOR LIKE SWAP.
- NOTE:  
CONTRACTOR TO PAINT ALL NEW HARDWARE, ANTENNAS, COAX AND EQUIPMENT TO MATCH EXISTING.
- NOTE:  
CONTRACTOR TO MAKE USE OF EXISTING COAX AND ANTENNA MOUNTING HARDWARE IF POSSIBLE.
- NOTE:  
NEW COAXIAL CABLES TO BE RUN ON THE OUTSIDE OF THE POLE UNDER THE PAINTED SLATS



**24** EXISTING SOUTHEAST ELEVATION  
SCALE: 1/4"=1'-0"  
0 4 8



CITY OF ALBANY  
BUILDING PERMIT APPLICATION

CITY USE ONLY

Building Permit Number: \_\_\_\_\_ EP # \_\_\_\_\_  
Date of Issuance: \_\_\_\_/\_\_\_\_/\_\_\_\_ Date of Expiration if Work: \_\_\_\_\_  
Not Commenced: \_\_\_\_/\_\_\_\_/\_\_\_\_

1. Project Address: 423 San Pablo Ave ALBANY CA 94706

2a. Project Description

(If detailed plans are attached, a brief description of the following is acceptable.  
Without plans, detailed description of all work is necessary):

1. Describe type of building, including occupancy classification, construction type and square footage:

Commercial, SPC (San Pablo Commercial), Antenna swap, lot

2. Please describe in detail the proposed work.

Size 500sqft, Facility is 400sqft.

(Include all demolition and construction of new building area. For remodeling or upgrade of existing areas, include information on exterior changes [including change in windows, siding, roof, deck, etc.], structural/foundation improvements, interior changes, include electrical, plumbing [including sewer lateral], mechanical improvements, site grading, and accessibility upgrades.)

Proposed project consists of replacing (4) existing panel antennas with (4) new panel antennas of similar size and shape. In addition Verizon proposes to add (8) new coaxial cables to be run on the outside of the pole under the painted slots for a Total of (12).

3. Please describe any work or encroachments into the public right-of-way.  No work in public right-of-way proposed  
(Note: Most Encroachment Permits can only be issued to licensed contractors.)

VALUE OF CONSTRUCTION: \$ 18,000

(Note: City is bound to Master Fee Schedule and may or may not use the valuation you provide)

CITY OF ALBANY  
BUILDING PERMIT APPLICATION

2b. Property Owner Information (non-owner/builder Permits)

Name: CLIN Properties LLL  
Address: 6400 Moraga Ave, suite 8 City/State/Zip: OAKLAND CA 94611  
Phone #: (510) 339-9825 E-Mail Address: \_\_\_\_\_

3. Applicant

Check one:  Authorized Agent (see 3a),  Licensed Contractor (see 3b), or  Property Owner (see 3c)

Name: GARY GOLDBERG Company Name: Crown Castle on behalf of Verizon  
Address: 5820 Stoneridge Mall Road #300 City/State/Zip: Pleasanton CA 94588  
Phone #: (707) 364-5164 Fax #: \_\_\_\_\_ E-Mail Address: gary.golberg@ccna.com

**OWNER/BUILDERS:** Owner Builders taking out construction permits must list below any contractor or handyman paid money to do construction work on your property. All such companies must have a valid Albany Business License prior to permit issuance.

Contractor or Handyman Company Name(s): TBD

Contractor or Handyman Albany Business License Number(s): \_\_\_\_\_

3a. Property Owner's Authorization of Agent to Act on Property Owner's Behalf

I hereby authorize the following person(s) to act as my agent(s) to apply for, sign, and file the documents necessary to obtain an Owner-Builder Permit for my project.

Name of Authorized Agent: GARY GOLDBERG  
Address of Authorized Agent: 5820 Stoneridge Mall Road #300, Pleasanton  
Phone Number of Authorized Agent: 707-364-5164

I declare under penalty of perjury that I am the property owner for the address listed above and I personally filled out the above information and certify its accuracy.

Property Owner Name: CLIN Properties LLL  
Property Owner's Signature: SEE LOA Date: \_\_\_\_\_

Note: A copy of the owner's driver's license, form notarization, or other verification acceptable to the City is required to be presented when the permit is issued to verify the property owner's signature.

**CITY OF ALBANY  
BUILDING PERMIT APPLICATION**

**3b. Licensed Contractor**

(If applicant is not a licensed contractor, owner must complete Owner-Builder Declaration )

Contractor Representative's Name: TBD

Company Name: \_\_\_\_\_

License# \_\_\_\_\_ License Class(es): \_\_\_\_\_ Albany Business License# \_\_\_\_\_  
(Please list all classifications relevant to this project)

**LICENSED CONTRACTORS DECLARATION:**

I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

Contractor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**WORKERS' COMPENSATION DECLARATION:**

I hereby affirm under penalty of perjury one of the following declarations: I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

CARRIER: \_\_\_\_\_ POLICY# \_\_\_\_\_

(This section need not be completed if the project valuation is one hundred dollars (\$100) or less.)

**OR Exemption:**

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

APPLICANT SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**WARNING:** Failure to secure workers' compensation coverage is unlawful, and shall subject an employer to criminal penalties and civil fines up to one hundred thousand dollars (\$100,000), in addition to the cost of compensation, damages as provided for in Section 3706 of the Labor Code, interest, and attorney's fees.

CITY OF ALBANY  
BUILDING PERMIT APPLICATION

**3c. Owner-Builder Declaration**

*Contractor TBD*

*(Must be completed by property owner unless a licensed contractor is the applicant. Initial each statement.)*

\_\_\_\_ 1. I understand a frequent practice of unlicensed persons is to have the property owner obtain an "Owner-Builder" building permit that erroneously implies that the property owner is providing his or her own labor and material personally. I, as an Owner-Builder, may be held liable and subject to serious financial risk for any injuries sustained by an unlicensed person and his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an Owner-Builder and am aware of the limits of my insurance coverage for injuries to workers on my property.

\_\_\_\_ 2. I understand building permits are not required to be signed by property owners unless they are responsible for the construction and are not hiring a licensed Contractor to assume this responsibility.

\_\_\_\_ 3. I understand as an "Owner-Builder" I am the responsible party of record on the permit. I understand that I may protect myself from potential financial risk by hiring a licensed Contractor and having the permit filed in his or her name instead of my own.

\_\_\_\_ 4. I understand Contractors are required by law to be licensed and bonded in California and to list their license numbers on permits and contracts.

\_\_\_\_ 5. I understand if I employ or otherwise engage any persons, other than California licensed Contractors, and the total value of my construction is at least five hundred dollars (\$500), including labor and materials, I may be considered an "employer" under state and federal law.

\_\_\_\_ 6. I understand if I am considered an "employer" under state and federal law, I must register with the state and federal government, withhold payroll taxes, provide workers' compensation disability insurance, and contribute to unemployment compensation for each "employee." I also understand my failure to abide by these laws may subject me to serious financial risk.

\_\_\_\_ 7. I understand under California Contractors' State License Law, an Owner-Builder who builds single-family residential structures cannot legally build them with the intent to offer them for sale, unless all work is performed by licensed subcontractors and the number of structures does not exceed four within any calendar year, or all of the work is performed under contract with a licensed general building Contractor.

\_\_\_\_ 8. I understand as an Owner-Builder if I sell the property for which this permit is issued, I may be held liable for any financial or personal injuries sustained by any subsequent owner(s) that result from any latent construction defects in the workmanship or materials.

\_\_\_\_ 9. I understand I may obtain more information regarding my obligations as an "employer" from the Internal Revenue Service, the United States Small Business Administration, the California Department of Benefit Payments, and the California Division of Industrial Accidents. I also understand I may contact the California Contractors' State License Board (CSLB) at 1-800-321-CSLB (2752) or [ww.cslb.ca.gov](http://www.cslb.ca.gov) for more information about licensed contractors.

\_\_\_\_ 10. I am aware of and consent to an Owner-Builder building permit applied for in my name, and understand that I am the party legally and financially responsible for proposed construction activity at the project address subject to this permit.

**CITY OF ALBANY  
BUILDING PERMIT APPLICATION**

\_\_\_\_ 11. I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern Owner-Builders as well as employers.

\_\_\_\_ 12. I agree to notify the issuer of this form immediately of any additions, deletions, or changes to any of the information I have provided on this form. Licensed contractors are regulated by laws designed to protect the public. If you contract with someone who does not have a license, the Contractors' State License Board may be unable to assist you with any financial loss you may sustain as a result of a complaint. Your only remedy against unlicensed Contractors may be in civil court. It is also important for you to understand that if an unlicensed Contractor or employee of that individual or firm is injured while working on your property, you may be held liable for damages. If you obtain a permit as Owner-Builder and wish to hire Contractors, you will be responsible for verifying whether or not those Contractors are properly licensed and the status of their workers' compensation insurance coverage. Before a building permit can be issued, this form must be completed and signed by the property owner and returned to the agency responsible for issuing the permit.

Signature of property owner See LOA Date: \_\_\_\_\_

**4. CONSTRUCTION LENDING AGENCY DECLARATION**

I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C.).

Lender's Name: \_\_\_\_\_  
Lender' Address: \_\_\_\_\_

**5. Signature of Applicant**

I certify that I have read this application and state that the information provided is correct. I agree to comply with all State of California and City of Albany regulations relating to building construction, and hereby authorize representatives of the City of Albany to enter upon the above-mentioned property for inspection purposes.

SIGNATURE OF APPLICANT:  DATE: 7/12/2012

**Lead Hazard Warning**

Lead-safe work practices are required by State of California law for all work that disturbs paint in pre-1978 buildings due to the possible presence of lead-based paint.

As of April 22, 2010, the US EPA requires all workers who disturb pre-1978 painted surfaces to be trained and all firms to be EPA certified in lead safety.

For more information, contact the US EPA at [www.epa.gov/getleadsafe](http://www.epa.gov/getleadsafe) or Alameda County Lead Poisoning Prevention Program at 510-567-8280 or [www.aclppp.org](http://www.aclppp.org)



**CITY OF ALBANY  
BUILDING PERMIT APPLICATION**

**6. Important Information About Your Building Permit**

Any construction that does not match the approved plans will have to be removed or mitigated. All changes to a building permit and associated plans must be made in writing. If you wish to make a change, please call the Community Development Department at 510-528-5760 to schedule an appointment. Unless otherwise instructed by City staff, this permit and associated plans and documents must remain on the construction site until final inspections are completed.

Inspections are scheduled by calling 510-528-5760. If we are busy with other customers, please follow instructions on the voicemail message. Please be aware that the City has one building inspector, and thus in some cases we may not be able to schedule an inspection on the day you request.

Construction hours are 8:00 a.m. to 6:00 p.m. on Mondays through Saturdays, and 10:00 a.m. to 6:00 p.m. on Sundays and legal holidays. Construction hours are enforced by the Community Development Department and the Police Department.

This building permit is subject to expiration if work is not commenced within 180 days. In addition, this permit is subject to expiration if no legitimate City inspections are carried out within a 180 day period. Please contact the Community Development Department at 510-528-5760 for information on extensions to the building permit.

Closure of street parking for construction purposes must be posted at least 48 hours in advance of closure. If you wish to use a street parking space, please contact the Community Development Department at 510-528-5760. An Encroachment Permit is required.

All new windows shall be recessed two inches from face of building to provide adequate shade and shadow and to promote visual relief unless explicitly shown otherwise on the approved plans. Any windows that do not match the approved plans will have to be removed.

All exterior lighting shall be installed in such a manner that glare is directed away from surrounding properties.

The construction site must be maintained in a responsible manner. Construction equipment, materials, and soil stockpiles shall be placed in rear yards or side yards whenever possible. All hazardous materials must be stored in a secure location and follow manufacturer's instructions. The applicant is responsible for controlling dust during construction and grading. Construction sites shall be secured to avoid being an attractive nuisance. The construction site should be checked at the end of every work day for trash, nails, and other debris. Mud and dirt from the construction site must be swept daily from sidewalks and streets. Do not clean equipment in the street.

Contact neighbors before the start of construction and before particularly noisy or disruptive activities. Provide neighbors with the phone number of a contact in the event of a concern. Avoid idling trucks for long periods of time. Avoid blocking neighboring driveways during deliveries. All parked vehicles should be in legal parking spaces.

The City of Albany is home to the State of California Orientation Center for the Blind (400 Adams St.). As a result there are many blind people walking in our neighborhoods. Please contact the Orientation Center at 510-559-1208 if sidewalks will be closed or other potentially dangerous conditions exist.

Emergency phone numbers: Call 911 or call the Albany Fire Department at 510-528-5770 or the Albany Police Department at 510-525-7300.

CITY OF ALBANY  
BUILDING PERMIT APPLICATION

**CITY USE ONLY**

**7. Fee Calculations**

Plan Check Fee	_____
Fire Plan Check & Inspection	_____
Application Fee	_____
Building Fees	_____ N/A _____
a. Construction Fee	_____
b. Plumbing Fee	_____
c. Electrical Fee	_____
d. Mechanical Fee	_____
e. Energy Calculation Fee	_____
Surcharge	_____
SMIP	_____
General Plan Update Fee	_____
Bldg. Stand. Admin. Special Revolving Fund (BSARF)	_____
Encroachment Fee	_____
Storm Drain Impact Fee	_____
Sewer Connection Fee	_____
Trust & Deposit	_____ Bond # _____
School Impact Fee	_____
Capital Facilities Impact Fee	_____
MISC Fee: _____	_____
<b>TOTAL Fee Due</b>	_____

**CITY USE ONLY**

**8. City Review**

Planning Division: \_\_\_\_\_ Date: \_\_\_\_\_

    Date of Public Hearing if Applicable: \_\_\_\_\_

Plan Check: \_\_\_\_\_ Date: \_\_\_\_\_

Fire Department: \_\_\_\_\_ Date: \_\_\_\_\_

Public Works Engineering Division: \_\_\_\_\_ Date: \_\_\_\_\_

Other: \_\_\_\_\_ Date: \_\_\_\_\_

Building Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

Payment of Fees: \_\_\_\_\_ Date: \_\_\_\_\_

CITY OF ALBANY  
BUILDING PERMIT APPLICATION

Final Permit Approval: \_\_\_\_\_ Date: \_\_\_\_\_

**Conditions of Approval/Attachments to Permit**

**9. Record of Extensions and Amendments**

*All approved extensions and amendments must be described below, and signed and dated by City staff.*

Description:

City Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Description:

City Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Description:

City Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Description:

City Approval: \_\_\_\_\_ Date: \_\_\_\_\_



Crown Castle USA  
5350 N. 48<sup>th</sup> Street, Suite 305  
Chandler, AZ 85226

Tel: (480) 734-2423  
Fax: (724) 416-6262  
www.crowncastle.com

February 4, 2009

Via Certified Mail, Return Receipt Requested  
7007 2680 0003 1774 3238

CALVIN LIN  
C/O WELLINGTON PROPERTY COMPANY  
6400 MORAGA AVENUE, SUITE 8  
OAKLAND, CA 94611

RE: TOWER SITE: 423 SAN PABLO AVENUE  
LOCATED IN: ALBANY, CA; ALAMEDA  
CROWN SITE ID: 814025, ALBANY

Dear Calvin,

As you may be aware, Crown Castle GT Company LLC ("Lessee") is the lessee under the Building Lease Agreement (the "Agreement"), dated November 2, 1989. Lessee is the owner and operator of shared wireless communications facilities.

Please be advised that pursuant to Paragraph 13 of the Agreement, Lessee hereby requests your consent and/or approval to modify Verizon's equipment at the wireless communications facility within the existing lease area as follows:

**Add 4 additional runs of coaxial cables, add 2 additional antennas, and replace 1 antenna.**

Please provide your consent and approval to the modification of existing equipment at the wireless communication facility by executing this letter where indicated below, and return the original of same to my attention in the envelope provided. This request shall be separate from the request for a perpetual easement.

Thank you for your continued cooperation with Crown Castle GT Company LLC. If you have any questions concerning this request, please contact me at 480-734-2423.

Best Regards,

MaryClaire Rasmussen  
Property Specialist, West Area

Agreed and accepted this 10 day of February, 2009

(Landlord's signature) Wellington Property Co.



## SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is made and entered into as of July 11, 2012, between GTE Mobilnet of California L.P., a California limited partnership d/b/a Verizon Wireless ("Verizon Wireless"), and the City of Albany, California ("City"), in settlement of the lawsuit entitled *GTE Mobilnet of California Limited Partnership, a California limited partnership, doing business as Verizon Wireless v. City of Albany*, currently pending in the United States District Court for the Northern District of California, Case No. 3:11-CV-06155-LB ("Lawsuit") on the terms set forth below. Verizon Wireless and City are sometimes referred to herein individually as a "Party" and collectively as the "Parties."

### Recitals

The Parties enter into this Agreement with respect to the following facts:

A. Verizon Wireless maintains an existing telecommunications facility at 423 San Pablo Avenue (the "Existing Facility") on a tower owned by Crown Castle GT Company, LLC ("Crown") and within premises leased by Crown from the property owner.

B. On November 7, 2011, the City denied an application by Verizon Wireless, through its agent and landlord Crown, to modify the Existing Facility (the "Denial").

C. Verizon Wireless filed a complaint against the City on December 7, 2011, asserting, inter alia, that both the Denial and the City's Wireless Communication Facilities Ordinance were unlawful and preempted by federal law, including but not limited to the Federal Communications Act. The City has answered the complaint, denying all liability and contending that both the Denial and the City's Wireless Communication Facilities Ordinance are lawful and not preempted by federal law.

D. Subsequent to the filing of the Lawsuit, Congress enacted and the President signed into law the Middle Class Tax Relief and Job Creation Act of 2012 (the "Act"). Section 6409 of the Act ("Section 6409") provides, in relevant part:

(1) IN GENERAL- Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104-104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) ELIGIBLE FACILITIES REQUEST- For purposes of this subsection, the term 'eligible facilities request' means any request for modification of an existing wireless tower or base station that involves--

(A) collocation of new transmission equipment;

- (B) removal of transmission equipment; or
- (C) replacement of transmission equipment.

Public Law 112-96, § 6409.

E. Concurrently with the execution of this Agreement, Verizon Wireless has submitted an application for a building permit to modify the Existing Facility in the form attached hereto as Exhibit A (the "New Application"); and

F. Verizon Wireless believes and has so informed the City that the New Application constitutes an "eligible facilities request" as defined in Section 6409, that it will not substantially change the physical dimensions of the Existing Facility, and that the City is required to approve the New Application pursuant to Section 6409.

G. The Parties desire to establish a mutually satisfactory process for the City determining whether Section 6409 applies to the New Application.

### **Agreement**

NOW THEREFORE, in consideration of the execution of this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, and subject to the terms and conditions hereof, the Parties hereby agree as follows:

**1. Dismissal of Lawsuit.**

Within ten days after the full execution of this Agreement, Verizon Wireless will dismiss the Lawsuit without prejudice.

**2. Acceptance of New Application.**

The City shall accept the New Application for a building permit and shall not require an application for a conditional use permit. While not pre-judging its applicability to the New Application, the City acknowledges that Section 6409 constitutes a change in circumstances that justifies the waiver of Albany Municipal Code ("A.M.C.") Section 20.100.010.L, which may otherwise preclude the filing of the New Application until November 7, 2012, and therefore agrees to waive such provision.

**3. Consideration of New Application.**

Approval of a building permit as requested in the New Application will require a zoning certificate pursuant to A.M.C. Section 20.100.020. The City's Director of Community Development shall refer the zoning clearance directly to the Albany Planning Commission pursuant to A.M.C. Section 20.100.020.C(1) for its determination whether Section 6409 applies to the New Application.

After the Planning Commission makes a decision on the zoning clearance, any interested party may appeal the decision to the Albany City Council. City can make no guarantee or assurances as to the Planning Commission's decision, whether any person will appeal such decision, or what action the City Council would take in the event that the Planning Commission's decision is appealed.

**4. Timely Action on New Application.**

The City shall take final action on the New Application no later than September 18, 2012 (the "Final Action Date"). The term "final action" means a decision that is not subject to any further administrative appeal or review by any City official or body.

**5. Effect on Further Litigation.**

In the event the City takes final action to approve the New Application on or before the Final Action Date, Verizon Wireless shall not thereafter file any new lawsuit or proceeding against the City relating to the matters released in Section 8 (and not reserved in Section 9), below; *provided, however*, that this provision shall become automatically void and without any legal effect if this Agreement is terminated in accordance with Section 6, below.

**6. Termination of Agreement.**

This Agreement shall terminate automatically and have no further legal effect in the event the City takes final action to deny the New Application or the zoning clearance required for its approval. In addition, Verizon Wireless shall have the right to terminate this Agreement on five days prior written notice to the City if any of the following occur: (i) the City fails to take final action to approve the New Application on or before the Final Action Date; or (ii) the City approves the New Application with conditions that are not acceptable to Verizon Wireless, provided that the standard conditions set forth in Exhibit B attached hereto and the special condition set forth in Exhibit C attached hereto (the "Special Condition") shall not be grounds for terminating this Agreement, and provided further that Verizon Wireless shall give written notice to the City within fifteen days after it receives notice of approval that any conditions of approval are not acceptable, or it will be deemed to have approved such conditions.

**7. Effect of Agreement.**

It is understood and agreed that this Agreement is the compromise of disputed claims. Therefore, the terms of this Agreement are not to be construed as an admission of liability on the part of the City, which expressly denies any such liability, or of an admission by Verizon Wireless of the validity of any defense by the City in the Lawsuit, the legality of the City's subjecting the New Application to review by the Planning Commission or City Council, or that 60 days is a lawful or reasonable amount of time to take final action on the New Application. Notwithstanding the Special Condition, nothing in this Agreement shall be understood or construed to waive or impair any claim



by Verizon Wireless or Crown that they have the right to replace the existing monopole in order to resolve any concerns about its structural capacity based on the structural analysis required under the Special Condition. This Settlement Agreement is entered into solely for the purposes of settling pending litigation. The terms of this Agreement shall not be admissible in any arbitration, litigation, or other proceedings for any purpose, except as required to enforce this Agreement.

**8. Releases.**

Upon final approval of the New Application and the expiration of the fifteen (15) day notice period identified in clause (iii) of Section 6, each party to this Agreement hereby releases the other from all claims, demands, actions and causes of action of any nature whatsoever which are currently known regarding the Denial and the New Application, as well as all claims, demands, actions and causes of action regarding such matters that the parties do not know or suspect to exist in their respective favors as of the date of this Agreement, which, if known at the time of executing this Agreement, might have affected the Agreement as set forth herein. Each of the parties to this Agreement also hereby specifically waives the protections of California Civil Code section 1542, which provides:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

**9. Exceptions to Release.**

Notwithstanding Section 8 above, nothing in this Agreement shall be construed as a release by any party of (i) any obligation or claim arising out of a breach of this Agreement; (ii) any obligation or claim arising out of any future application to install or modify any wireless telecommunications facility, including but not limited to the Existing Facility; (iii) any facial challenge to the City's Wireless Communication Facilities Ordinance, provided that any such facial challenge is brought in connection with a claim challenging the City's action or failure to act on a future application, as reserved in subsection (ii); or (iv) any obligation or claim arising out of a denial of the New Application or failure or refusal to issue a building permit or any other approval required for Verizon Wireless to complete the work proposed in the New Application for any reason, including, without limitation, the results of the structural analysis required under the Special Condition.

**10. Binding on Successors and Assigns.**

This Agreement shall inure to the benefit of and bind and be binding upon the managing agents, shareholders, officers, directors, agents, employees, attorneys, heirs, successors, partners and assigns of the undersigned parties.

**11. Advice of Counsel.**

Each of the parties to this Agreement represents and warrants that they have engaged separate counsel to represent them with respect to this Agreement and all matters covered herein, that they have been fully advised by said attorneys with respect to their rights and with respect to the execution of this Agreement and as to all matters which are subject to the mutual releases contained herein, and that they have read this Agreement and understand the terms thereof.

**12. Attorneys' Fees and Costs.**

The parties agree to bear their own attorneys' fees and costs in connection with the preparation and negotiation of this Agreement, as well as any fees and costs incurred in the Lawsuit.

**13. Complete Agreement.**

This Agreement constitutes the entire, full and complete Agreement between the parties hereto, and supersedes all prior agreements, if any.

**14. Enforcement.**

In the event of a breach of the terms of this Agreement, any action to enforce this Agreement shall be brought in the United States District Court for the Northern District of California. The terms of this Agreement shall be interpreted, enforced and governed under the laws of the State of California (excluding California's choice of law rules). This Agreement is the result of negotiations between the parties, each of which has participated in the drafting hereof. The prevailing party in any action or proceeding to enforce this Agreement shall be entitled to recover their attorneys' fees in enforcing their rights under this Agreement.

**15. Execution of Documents.**

The parties agree to execute any and all documents reasonably necessary to effectuate the terms, conditions, and purposes of this Agreement.

**16. Warranty of Authority.**

In executing this Agreement, each person executing this Agreement further represents and warrants that they have the authority to bind their respective entities, and that those party-entities have the right and authority to compromise, settle, release and discharge all of the claims released herein. Execution of this Agreement by the City's mayor shall be deemed to evidence legally proper approval by the City Council of this Agreement.

**17. Written Modifications Only.**

The terms of this Agreement shall not be modified or amended except in writing, signed by all parties or their designated representatives for such purpose.

**18. Time is of the Essence.**

Time is of the essence in this Agreement.

**19. Duplicate Originals and Counterparts.**

This Agreement shall be executed in duplicate originals, with each party to retain a fully-executed duplicate original. This Agreement may be executed in counterparts, which when taken together shall constitute one binding Agreement. Scanned and facsimile signatures shall be considered as binding as original signatures.

**20. Effective Date of Agreement.**

This Settlement Agreement shall be deemed effective on the date executed by Verizon Wireless and approved by the City Council, whichever shall occur later.

**21. Severability**

If one or more of the provisions of this Agreement is determined to be illegal or unenforceable, the remainder of this Agreement shall not be affected thereby and each remaining provision or portion thereof shall continue to be valid and effective and shall be enforceable to the fullest extent permitted by law.

**GTE MOBILNET OF CALIFORNIA      CITY OF ALBANY  
LIMITED PARTNERSHIP dba  
VERIZON WIRELESS**

By: \_\_\_\_\_

Printed name: Edward R. McGah, Jr.

Its: Asst. General Counsel - Litigation

By: \_\_\_\_\_

  
Farid Javandel, Mayor

**APPROVED AS TO FORM:**

MACKENZIE & ALBRITTON, LLP

**APPROVED AS TO FORM:**

CITY ATTORNEY

By: \_\_\_\_\_  
James A. Heard

By: \_\_\_\_\_  
Craig Labadie

Exhibits:

- A – New Application
- B – Standard Conditions
- C – Special Condition

CITY OF ALBANY  
BUILDING PERMIT APPLICATION

CITY USE ONLY

Building Permit Number: \_\_\_\_\_ EP # \_\_\_\_\_ - \_\_\_\_\_  
Date of Issuance: \_\_\_\_/\_\_\_\_/\_\_\_\_ Date of Expiration if Work  
Not Commenced: \_\_\_\_/\_\_\_\_/\_\_\_\_

1. Project Address: 423 San Pablo Ave Albany CA 94706

2a. Project Description

(If detailed plans are attached, a brief description of the following is acceptable.  
Without plans, detailed description of all work is necessary):

1. Describe type of building, including occupancy classification, construction type and square footage:

Commercial, SPC (San Pablo Commercial), Antenna swap, lot

2. Please describe in detail the proposed work. Size 5300sqft, Facility is 400sqft.  
(Include all demolition and construction of new building area. For remodeling or upgrade of existing areas, include information on exterior changes [including change in windows, siding, roof, deck, etc.], structural/foundation improvements, interior changes, include electrical, plumbing [including sewer lateral], mechanical improvements, site grading, and accessibility upgrades.)

Proposed project consists of replacing (4) existing panel antennas with (4) new panel antennas of similar size and shape. In addition Verizon proposes to add (8) new coaxial cables to be run on the outside of the pole under the painted slots for a Total of (12).

3. Please describe any work or encroachments into the public right-of-way.  No work in public right-of-way proposed  
(Note: Most Encroachment Permits can only be issued to licensed contractors.)

VALUE OF CONSTRUCTION: \$ 18,000  
(Note: City is bound to Master Fee Schedule and may or may not use the valuation you provide)

J:\Forms\Building\Building Permit Application 2011 Working Version Drafted: 4/20/10 Last modified: 5/2/11

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

Page 1 Of 8

EXHIBIT A

CITY OF ALBANY  
BUILDING PERMIT APPLICATION

2b. Property Owner Information (non-owner/builder Permits)

Name: CLIN Properties LLC  
Address: 6400 Moraga Ave, Suite 8 City/State/Zip: OAKLAND CA 94611  
Phone #: (510) 339-9825 E-Mail Address: \_\_\_\_\_

3. Applicant

Check one:  Authorized Agent (see 3a),  Licensed Contractor (see 3b), or  Property Owner (see 3c)

Name: GARY GOLDBERG Company Name: Crown Castle on behalf of Verizon  
Address: 5820 Stoneridge Mall Road #300 City/State/Zip: Pleasanton CA 94588  
Phone #: (707) 364-5164 Fax#: \_\_\_\_\_ E-Mail Address: gary.goldberg@ccn.com

**OWNER/BUILDERS:** Owner Builders taking out construction permits must list below any contractor or handyman paid money to do construction work on your property. All such companies must have a valid Albany Business License prior to permit issuance.

Contractor or Handyman Company Name(s): TBD

Contractor or Handyman Albany Business License Number(s): \_\_\_\_\_

3a. Property Owner's Authorization of Agent to Act on Property Owner's Behalf

I hereby authorize the following person(s) to act as my agent(s) to apply for, sign, and file the documents necessary to obtain an Owner-Builder Permit for my project.

Name of Authorized Agent: GARY GOLDBERG  
Address of Authorized Agent: 5820 Stoneridge Mall Road #300, Pleasanton  
Phone Number of Authorized Agent: 707-364-5164

I declare under penalty of perjury that I am the property owner for the address listed above and I personally filled out the above information and certify its accuracy.

Property Owner Name: CLIN Properties LLC  
Property Owner's Signature: SEE LOA Date: \_\_\_\_\_

Note: A copy of the owner's driver's license, form notarization, or other verification acceptable to the City is required to be presented when the permit is issued to verify the property owner's signature.

CITY OF ALBANY  
BUILDING PERMIT APPLICATION

**3b. Licensed Contractor**

(If applicant is not a licensed contractor, owner must complete Owner-Builder Declaration )

Contractor Representative's Name: TBD

Company Name: \_\_\_\_\_

License# \_\_\_\_\_ License Class(es): \_\_\_\_\_ Albany Business License# \_\_\_\_\_  
(Please list all classifications relevant to this project)

**LICENSED CONTRACTORS DECLARATION:**

I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

Contractor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**WORKERS' COMPENSATION DECLARATION:**

I hereby affirm under penalty of perjury one of the following declarations: I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

CARRIER: \_\_\_\_\_ POLICY# \_\_\_\_\_

(This section need not be completed if the project valuation is one hundred dollars (\$100) or less.)

**OR Exemption:**

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

APPLICANT SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

WARNING: Failure to secure workers' compensation coverage is unlawful, and shall subject an employer to criminal penalties and civil fines up to one hundred thousand dollars (\$100,000) in addition to the cost of compensation, damages as provided for in Section 3706 of the Labor Code, interest, and attorney's fees.

CITY OF ALBANY  
BUILDING PERMIT APPLICATION

3c. Owner-Builder Declaration *Contractor TBD*

*(Must be completed by property owner unless a licensed contractor is the applicant. Initial each statement.)*

\_\_\_\_ 1. I understand a frequent practice of unlicensed persons is to have the property owner obtain an "Owner-Builder" building permit that erroneously implies that the property owner is providing his or her own labor and material personally. I, as an Owner-Builder, may be held liable and subject to serious financial risk for any injuries sustained by an unlicensed person and his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an Owner-Builder and am aware of the limits of my insurance coverage for injuries to workers on my property.

\_\_\_\_ 2. I understand building permits are not required to be signed by property owners unless they are responsible for the construction and are not hiring a licensed Contractor to assume this responsibility.

\_\_\_\_ 3. I understand as an "Owner-Builder" I am the responsible party of record on the permit. I understand that I may protect myself from potential financial risk by hiring a licensed Contractor and having the permit filed in his or her name instead of my own.

\_\_\_\_ 4. I understand Contractors are required by law to be licensed and bonded in California and to list their license numbers on permits and contracts.

\_\_\_\_ 5. I understand if I employ or otherwise engage any persons, other than California licensed Contractors, and the total value of my construction is at least five hundred dollars (\$500), including labor and materials, I may be considered an "employer" under state and federal law.

\_\_\_\_ 6. I understand if I am considered an "employer" under state and federal law, I must register with the state and federal government, withhold payroll taxes, provide workers' compensation disability insurance, and contribute to unemployment compensation for each "employee." I also understand my failure to abide by these laws may subject me to serious financial risk.

\_\_\_\_ 7. I understand under California Contractors' State License Law, an Owner-Builder who builds single-family residential structures cannot legally build them with the intent to offer them for sale, unless all work is performed by licensed subcontractors and the number of structures does not exceed four within any calendar year, or all of the work is performed under contract with a licensed general building Contractor.

\_\_\_\_ 8. I understand as an Owner-Builder if I sell the property for which this permit is issued, I may be held liable for any financial or personal injuries sustained by any subsequent owner(s) that result from any latent construction defects in the workmanship or materials.

\_\_\_\_ 9. I understand I may obtain more information regarding my obligations as an "employer" from the Internal Revenue Service, the United States Small Business Administration, the California Department of Benefit Payments, and the California Division of Industrial Accidents. I also understand I may contact the California Contractors' State License Board (CSLB) at 1-800-321-CSLB (2752) or [ww.cslb.ca.gov](http://www.cslb.ca.gov) for more information about licensed contractors.

\_\_\_\_ 10. I am aware of and consent to an Owner-Builder building permit applied for in my name, and understand that I am the party legally and financially responsible for proposed construction activity at the project address subject to this permit.



CITY OF ALBANY  
BUILDING PERMIT APPLICATION

\_\_\_\_ 11. I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern Owner-Builders as well as employers.

\_\_\_\_ 12. I agree to notify the issuer of this form immediately of any additions, deletions, or changes to any of the information I have provided on this form. Licensed contractors are regulated by laws designed to protect the public. If you contract with someone who does not have a license, the Contractors' State License Board may be unable to assist you with any financial loss you may sustain as a result of a complaint. Your only remedy against unlicensed Contractors may be in civil court. It is also important for you to understand that if an unlicensed Contractor or employee of that individual or firm is injured while working on your property, you may be held liable for damages. If you obtain a permit as Owner-Builder and wish to hire Contractors, you will be responsible for verifying whether or not those Contractors are properly licensed and the status of their workers' compensation insurance coverage. Before a building permit can be issued, this form must be completed and signed by the property owner and returned to the agency responsible for issuing the permit.

Signature of property owner See CoA Date: \_\_\_\_\_

4. CONSTRUCTION LENDING AGENCY DECLARATION

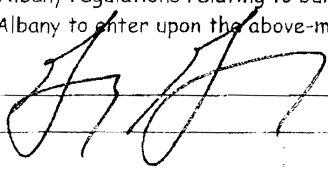
I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C.).

Lender's Name: \_\_\_\_\_

Lender' Address: \_\_\_\_\_

5. Signature of Applicant

I certify that I have read this application and state that the information provided is correct. I agree to comply with all State of California and City of Albany regulations relating to building construction, and hereby authorize representatives of the City of Albany to enter upon the above-mentioned property for inspection purposes.

SIGNATURE OF APPLICANT:  DATE: 7/12/2012

Lead Hazard Warning

Lead-safe work practices are required by State of California law for all work that disturbs paint in pre-1978 buildings due to the possible presence of lead-based paint.

As of April 22, 2010, the US EPA requires all workers who disturb pre-1978 painted surfaces to be trained and all firms to be EPA certified in lead safety.

For more information, contact the US EPA at [www.epa.gov/getleadsafe](http://www.epa.gov/getleadsafe) or Alameda County Lead Poisoning Prevention Program at 510-567-8280 or [www.aclppp.org](http://www.aclppp.org)

CITY OF ALBANY  
BUILDING PERMIT APPLICATION

**6. Important Information About Your Building Permit**

Any construction that does not match the approved plans will have to be removed or mitigated. All changes to a building permit and associated plans must be made in writing. If you wish to make a change, please call the Community Development Department at 510-528-5760 to schedule an appointment. Unless otherwise instructed by City staff, this permit and associated plans and documents must remain on the construction site until final inspections are completed.

Inspections are scheduled by calling 510-528-5760. If we are busy with other customers, please follow instructions on the voicemail message. Please be aware that the City has one building inspector, and thus in some cases we may not be able to schedule an inspection on the day you request.

Construction hours are 8:00 a.m. to 6:00 p.m. on Mondays through Saturdays, and 10:00 a.m. to 6:00 p.m. on Sundays and legal holidays. Construction hours are enforced by the Community Development Department and the Police Department.

This building permit is subject to expiration if work is not commenced within 180 days. In addition, this permit is subject to expiration if no legitimate City inspections are carried out within a 180 day period. Please contact the Community Development Department at 510-528-5760 for information on extensions to the building permit.

Closure of street parking for construction purposes must be posted at least 48 hours in advance of closure. If you wish to use a street parking space, please contact the Community Development Department at 510-528-5760. An Encroachment Permit is required.

All new windows shall be recessed two inches from face of building to provide adequate shade and shadow and to promote visual relief unless explicitly shown otherwise on the approved plans. Any windows that do not match the approved plans will have to be removed.

All exterior lighting shall be installed in such a manner that glare is directed away from surrounding properties.

The construction site must be maintained in a responsible manner. Construction equipment, materials, and soil stockpiles shall be placed in rear yards or side yards whenever possible. All hazardous materials must be stored in a secure location and follow manufacturer's instructions. The applicant is responsible for controlling dust during construction and grading. Construction sites shall be secured to avoid being an attractive nuisance. The construction site should be checked at the end of every work day for trash, nails, and other debris. Mud and dirt from the construction site must be swept daily from sidewalks and streets. Do not clean equipment in the street.

Contact neighbors before the start of construction and before particularly noisy or disruptive activities. Provide neighbors with the phone number of a contact in the event of a concern. Avoid idling trucks for long periods of time. Avoid blocking neighboring driveways during deliveries. All parked vehicles should be in legal parking spaces.

The City of Albany is home to the State of California Orientation Center for the Blind (400 Adams St.). As a result there are many blind people walking in our neighborhoods. Please contact the Orientation Center at 510-559-1208 if sidewalks will be closed or other potentially dangerous conditions exist.

Emergency phone numbers: Call 911 or call the Albany Fire Department at 510-528-5770 or the Albany Police Department at 510-525-7300.

CITY OF ALBANY  
BUILDING PERMIT APPLICATION

CITY USE ONLY

7. Fee Calculations

Plan Check Fee	_____
Fire Plan Check & Inspection	_____
Application Fee	_____
Building Fees	_____ N/A _____
a. Construction Fee	_____
b. Plumbing Fee	_____
c. Electrical Fee	_____
d. Mechanical Fee	_____
e. Energy Calculation Fee	_____
Surcharge	_____
SMIP	_____
General Plan Update Fee	_____
Bldg. Stand. Admin. Special Revolving Fund (BSARF)	_____
Encroachment Fee	_____
Storm Drain Impact Fee	_____
Sewer Connection Fee	_____
Trust & Deposit	_____ Bond # _____
School Impact Fee	_____
Capital Facilities Impact Fee	_____
MISC Fee: _____	_____
TOTAL Fee Due	_____

CITY USE ONLY

8. City Review

Planning Division: \_\_\_\_\_ Date: \_\_\_\_\_  
Date of Public Hearing if Applicable: \_\_\_\_\_

Plan Check: \_\_\_\_\_ Date: \_\_\_\_\_

Fire Department: \_\_\_\_\_ Date: \_\_\_\_\_

Public Works Engineering Division: \_\_\_\_\_ Date: \_\_\_\_\_

Other: \_\_\_\_\_ Date: \_\_\_\_\_

Building Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

Payment of Fees: \_\_\_\_\_ Date: \_\_\_\_\_

CITY OF ALBANY  
BUILDING PERMIT APPLICATION

Final Permit Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Conditions of Approval/Attachments to Permit

9. Record of Extensions and Amendments

*All approved extensions and amendments must be described below, and signed and dated by City staff.*

Description:

City Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Description:

City Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Description:

City Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Description:

City Approval: \_\_\_\_\_ Date: \_\_\_\_\_

# verizon wireless

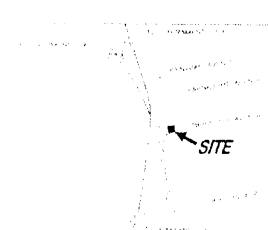
## ALBANY

**CROWN CASTLE SITE#: 814025**  
**VERIZON WIRELESS JOB#: 2008316200**  
**VERIZON WIRELESS SITE#: 123577**  
**423 SAN PABLO AVENUE**  
**ALBANY, CA. 94706**  
**COUNTY OF ALAMEDA**

### PROJECT DESCRIPTION

VERIZON WIRELESS PROJECT FOR THE INSTALLATION OF A WIRELESS COMMUNICATIONS ANTENNA AND ASSOCIATED EQUIPMENT ON THE ROOF OF THE EXISTING BUILDING AT 423 SAN PABLO AVENUE, ALBANY, CA. THE PROJECT IS SUBJECT TO THE CITY OF ALBANY'S ZONING ORDINANCES AND THE CALIFORNIA COMMERCIAL BUILDING CODE (CBC).

THE PROJECT IS SUBJECT TO THE CITY OF ALBANY'S ZONING ORDINANCES AND THE CALIFORNIA COMMERCIAL BUILDING CODE (CBC). THE PROJECT IS SUBJECT TO THE CITY OF ALBANY'S ZONING ORDINANCES AND THE CALIFORNIA COMMERCIAL BUILDING CODE (CBC).



VICINITY MAP

### DRIVING DIRECTIONS

FROM THE REGIONAL CENTER OF ALBANY, CALIFORNIA, TAKE HIGHWAY 88 WEST TO SAN PABLO AVENUE. TURN LEFT ON SAN PABLO AVENUE AND TAKE THE CENTRAL AVENUE OVERPASS. TURN RIGHT ON CENTRAL AVENUE AND TAKE THE FIRST RIGHT ON SAN PABLO AVENUE. THE PROJECT IS LOCATED AT 423 SAN PABLO AVENUE, ALBANY, CALIFORNIA. THE PROJECT IS LOCATED AT 423 SAN PABLO AVENUE, ALBANY, CALIFORNIA.

### VERIZON SIGNATURE BLOCK

VERIZON WIRELESS PROJECT FOR THE INSTALLATION OF A WIRELESS COMMUNICATIONS ANTENNA AND ASSOCIATED EQUIPMENT ON THE ROOF OF THE EXISTING BUILDING AT 423 SAN PABLO AVENUE, ALBANY, CA. THE PROJECT IS SUBJECT TO THE CITY OF ALBANY'S ZONING ORDINANCES AND THE CALIFORNIA COMMERCIAL BUILDING CODE (CBC).

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### CODE COMPLIANCE

THE PROJECT IS SUBJECT TO THE CITY OF ALBANY'S ZONING ORDINANCES AND THE CALIFORNIA COMMERCIAL BUILDING CODE (CBC). THE PROJECT IS SUBJECT TO THE CITY OF ALBANY'S ZONING ORDINANCES AND THE CALIFORNIA COMMERCIAL BUILDING CODE (CBC).

### PROJECT SUMMARY

**LESSEE**  
 VERIZON WIRELESS PROJECT FOR THE INSTALLATION OF A WIRELESS COMMUNICATIONS ANTENNA AND ASSOCIATED EQUIPMENT ON THE ROOF OF THE EXISTING BUILDING AT 423 SAN PABLO AVENUE, ALBANY, CA. THE PROJECT IS SUBJECT TO THE CITY OF ALBANY'S ZONING ORDINANCES AND THE CALIFORNIA COMMERCIAL BUILDING CODE (CBC).

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### PROJECT TEAM

#### ARCHITECT:

NAME: GREGORY J. BROWN  
 ADDRESS: 1440 BAY STREET, SUITE 100, OAKLAND, CA 94612  
 PHONE: (415) 778-1000  
 FAX: (415) 778-1000

#### PROJECT MANAGER:

NAME: GREGORY J. BROWN  
 PHONE: (415) 778-1000  
 FAX: (415) 778-1000

#### CONSTRUCTION MANAGER:

NAME: GREGORY J. BROWN  
 PHONE: (415) 778-1000  
 FAX: (415) 778-1000

### SHEET INDEX

SHEET	DESCRIPTION
T-1	TITLE SHEET
A-1	GENERAL SITE PLAN
A-2	ANTENNA PLAN
A-3	WIRELESS COMMUNICATIONS EQUIPMENT PLAN
A-4	ELEVATIONS
A-5	ELEVATIONS
A-6	SECTIONAL ELEVATIONS

### JURISDICTION

VERIZON WIRELESS PROJECT FOR THE INSTALLATION OF A WIRELESS COMMUNICATIONS ANTENNA AND ASSOCIATED EQUIPMENT ON THE ROOF OF THE EXISTING BUILDING AT 423 SAN PABLO AVENUE, ALBANY, CA. THE PROJECT IS SUBJECT TO THE CITY OF ALBANY'S ZONING ORDINANCES AND THE CALIFORNIA COMMERCIAL BUILDING CODE (CBC).



2784 MITCHELL DR.  
 WALNUT CREEK, CA 94598

### PROJECT INFORMATION:

ALBANY  
 CROWN CASTLE SITE# 814025  
 VERIZON WIRELESS JOB# 2008316200  
 VERIZON WIRELESS SITE# 123577  
 423 SAN PABLO AVENUE  
 ALBANY, CA 94706

### CURRENT ISSUE DATE:

04/27/12

### ISSUED FOR:

BUSINESS DISTRIBUTION

### REV. DATE DESCRIPTION BY:

REV.	DATE	DESCRIPTION	BY

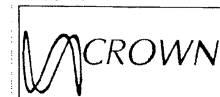
### COORDINATING ARCHITECT:

**omni**  
 10000 Wilshire Blvd, Suite 1000  
 Los Angeles, CA 90024  
 Phone: 310.444.1000  
 www.omnicorp.com

### SEAL:



### CONSULTANT:



DRAWN BY: CHK: APV:

DATE: 04/27/12

SHEET TITLE

PROJECT INFORMATION

DATE: 04/27/12

SHEET NUMBER REVISION:

T-1

04/27/12





PROJECT INFORMATION:  
 A. HALEY  
 CROWN CABLE NEWS PLACES  
 MECHANICAL FOR THE  
 WISDOM WHEELS AT 1500  
 423 SAN PABLO AVENUE  
 ALBANY, CA 94706

CURRENT ISSUE DATE: 04/27/12

ISSUED FOR: 100% CONSTRUCTION

REV.	DATE	DESCRIPTION	BY

COORDINATING ARCHITECT:  
  
 1500 CALIFORNIA STREET, SUITE 100  
 SAN FRANCISCO, CA 94109  
 TEL: 415.774.1100  
 WWW.OTMARCHITECTS.COM

CONSULTANT:

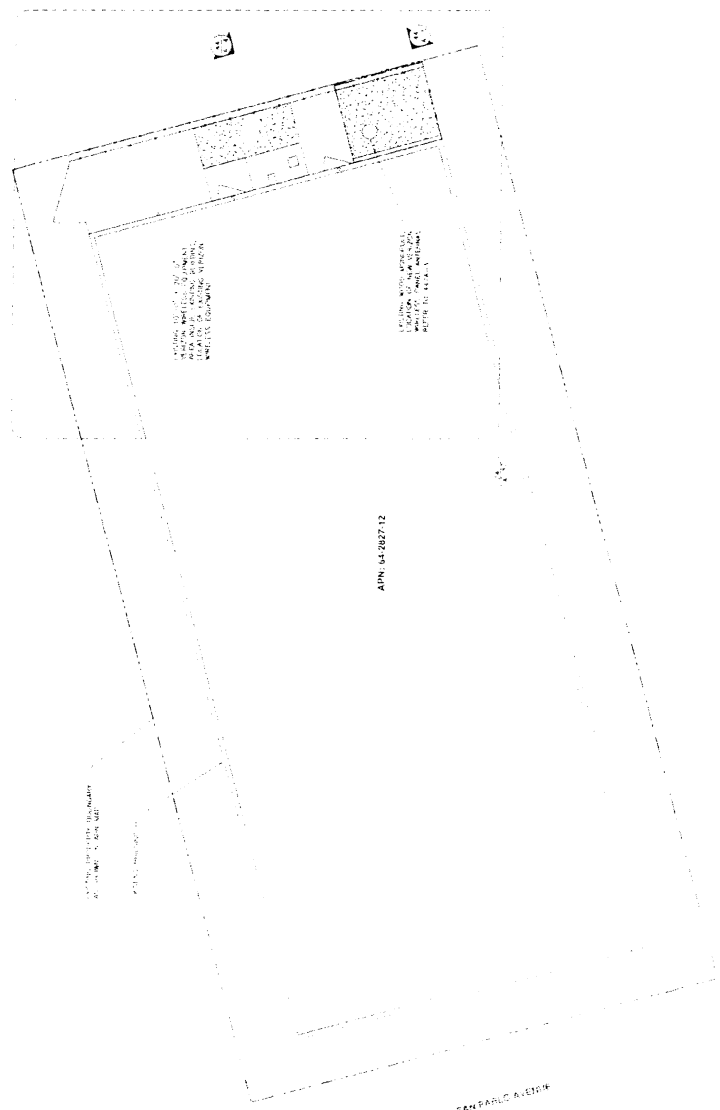
DRAWN BY: CHL  
 CHECKED BY: [blank]  
 SHEET TITLE: [blank]

SHEET NUMBER: [blank]  
 REVISION: [blank]

**A-2**

NOTE: ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF SAN FRANCISCO PLUMBING ORDINANCES AND THE CALIFORNIA PLUMBING REGULATIONS. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF SAN FRANCISCO PLUMBING DEPARTMENT.

NOTE: ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF SAN FRANCISCO PLUMBING ORDINANCES AND THE CALIFORNIA PLUMBING REGULATIONS. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF SAN FRANCISCO PLUMBING DEPARTMENT.



APN: 44-082712

SAN PABLO AVENUE





**PROJECT INFORMATION:**  
 ALABAMA  
 CROWN FARM SHE # 342025  
 YARCON WIRELESS SHE # 2207  
 4700 W. UNIVERSITY BLVD  
 ANN ARBOR MI 48106

**CURRENT SHEET DATE:**  
 04/27/10

**DESIGNED FOR:**  
 WYOMING TELECOMMUNICATIONS

**REV. DATE DESCRIPTION BY:**

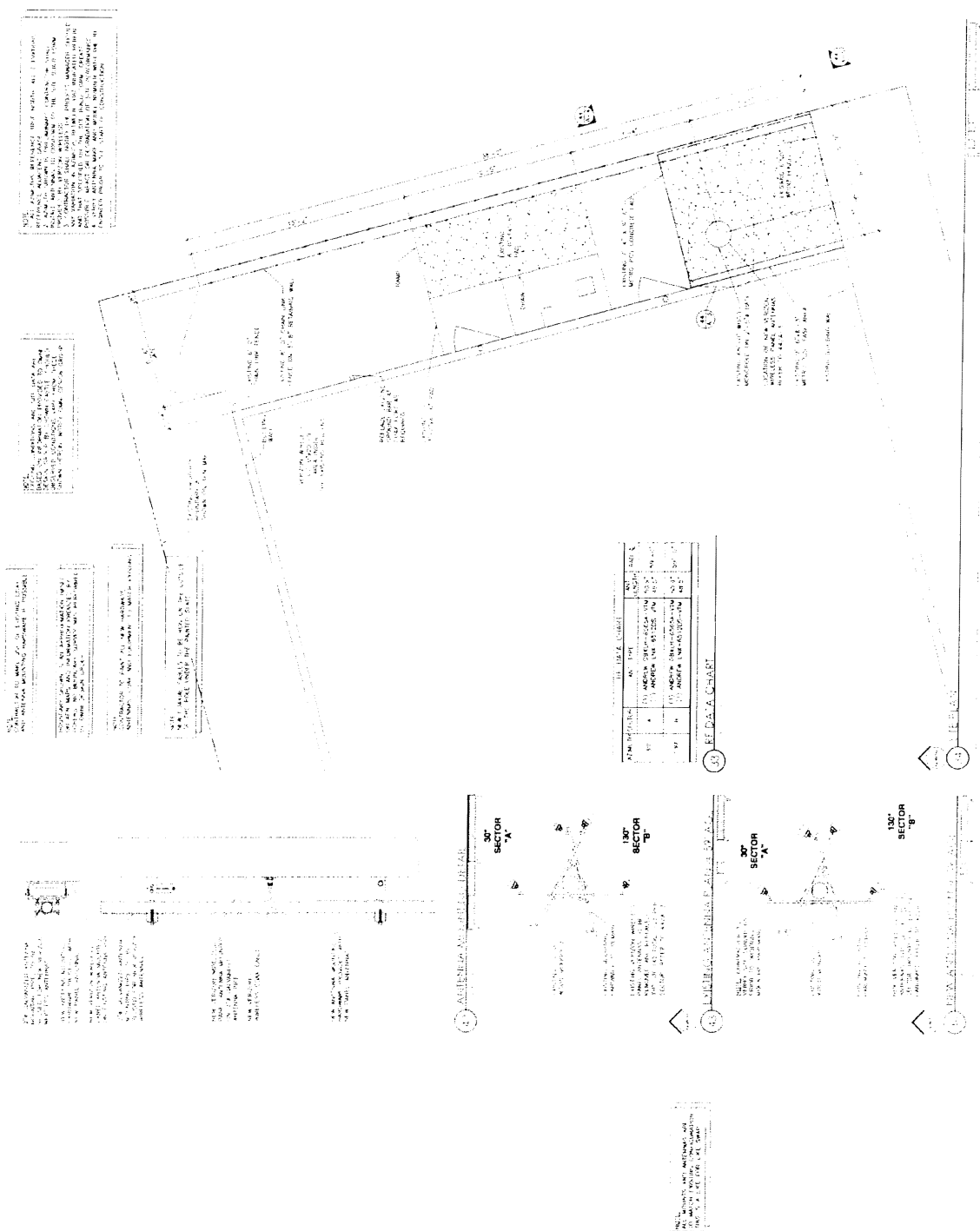

**COORDINATING ARCHITECT:**  
 OGI omni  
 2000 W. UNIVERSITY BLVD  
 ANN ARBOR MI 48106  
 734.769.1100  
 www.ogiconsulting.com

**CONSULTANT:**  
 M CROWN

**DRAWN BY:** CHL APY  
**SHEET TITLE:** SHEET # 342025

**SHEET NUMBER:** 342025

**REVISION:**  
**A-3**





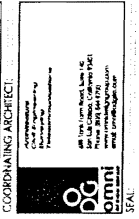


**PROJECT INFORMATION:**  
**CLIENT:**  
**PROJECT NAME:**  
**PROJECT ADDRESS:**  
**PROJECT CITY:**  
**PROJECT STATE:**

**CURRENT ISSUE DATE:**  
 04/27/11

**ISSUED FOR:**  
 100% CONSTRUCTION

REV. DATE	DESCRIPTION	BY



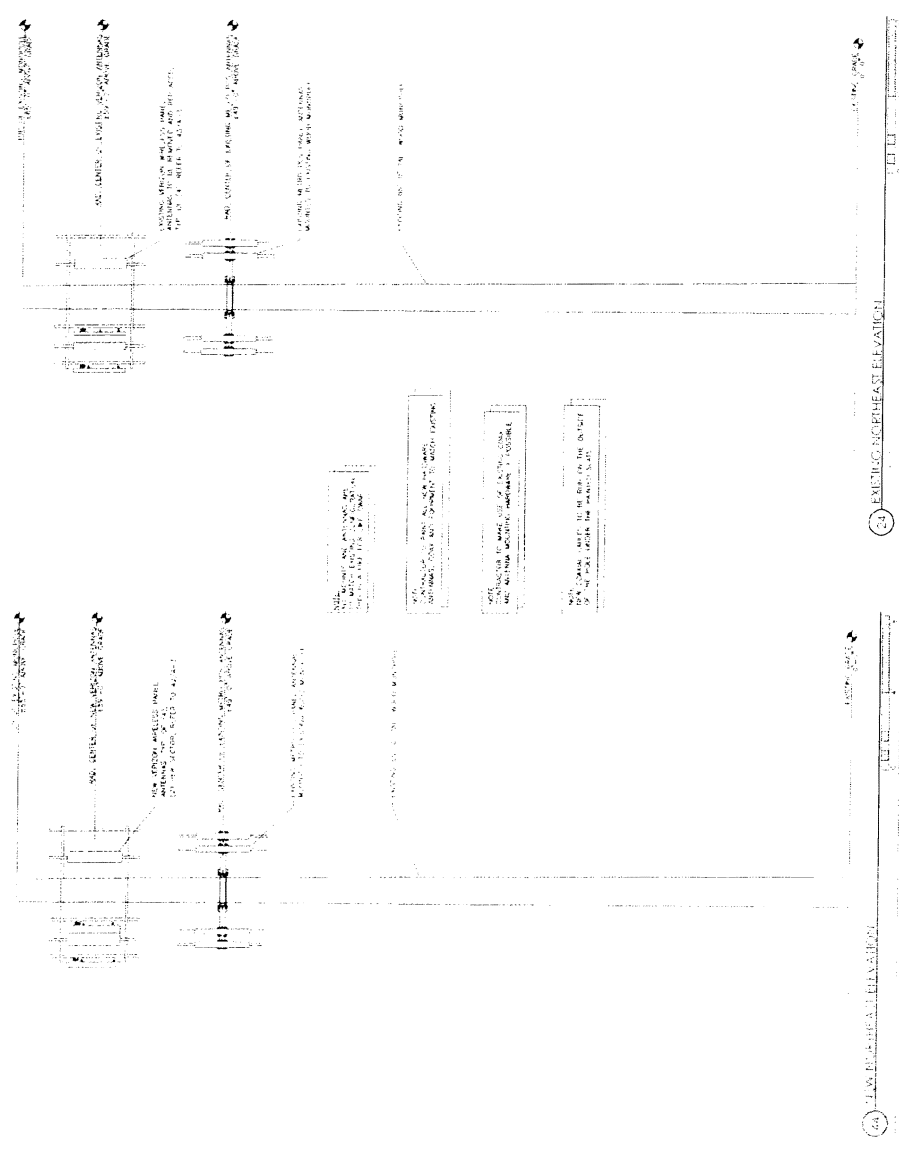
**COORDINATING ARCHITECT:**  
 ARCHITECTURE  
 1000 CALIFORNIA STREET  
 SUITE 1000  
 SAN FRANCISCO, CA 94108  
 TEL: 415.774.1000  
 WWW.BGOMNI.COM



**CONSULTANT:**  
 DRAWN BY: [ ]  
 CHECKED BY: [ ]  
 APPROVED BY: [ ]

**SHEET TITLE:**  
 ELECTRICAL

**SHEET NUMBER:**  
**REVISION:**  
**A-4**



24 ELECTRICAL EQUIPMENT ELEVATION



ALBERTA  
 CROWN CREST E-CELL # 414055  
 VERIZON WIRELESS CELL PHONE SITE  
 VERIZON WIRELESS SITE # 12017  
 425 SAN PABLO AVENUE  
 ALBERTA, CA 94506

PROJECT INFORMATION:  
 CURRENT ISSUE DATE: 04/22/17

DESIGNED FOR:  
 15000 GOLF COURSE DRIVE #101

REV.	DATE	DESCRIPTION	BY

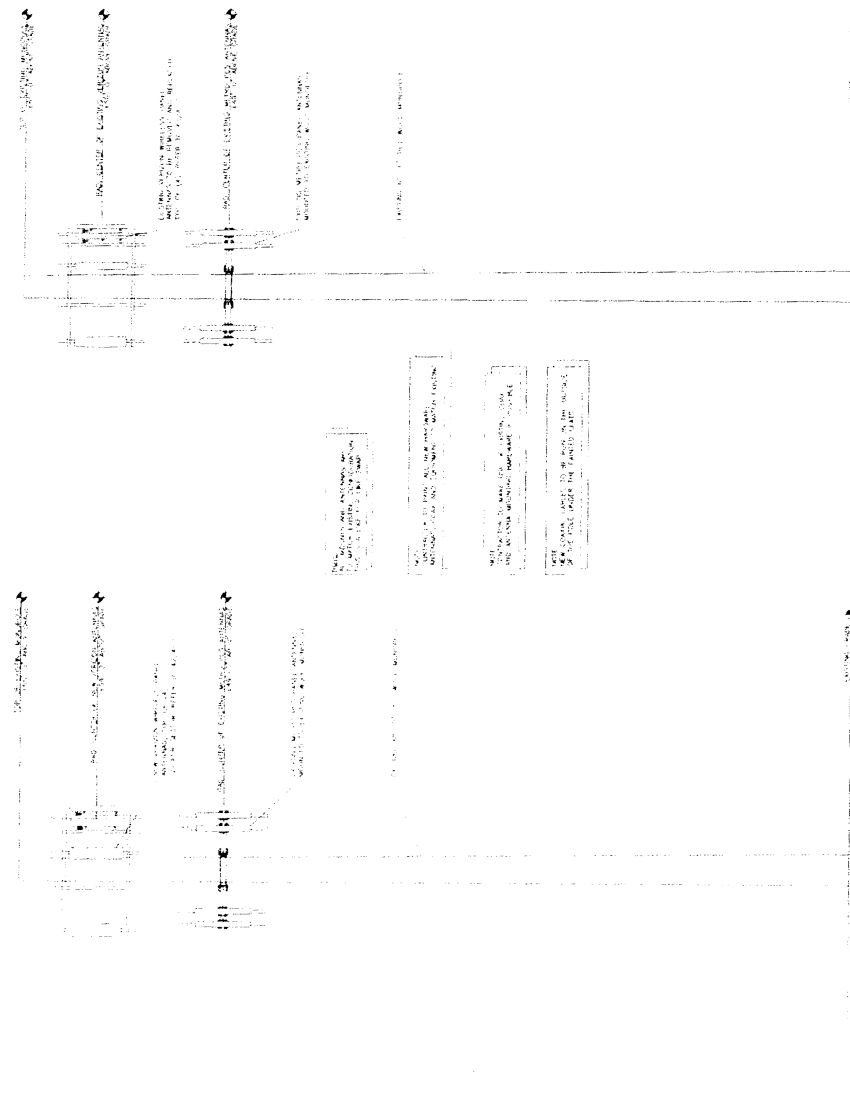
COORDINATING ARCHITECT:  
 OGD  
 omni  
 10000 GOLF COURSE DRIVE #101  
 SAN JOSE, CA 95131  
 WWW.OMNIARCHITECT.COM

CONSULTANT:  
 MCROWN

DRAWN BY: CHC, APV  
 INK: EP, TR  
 SHEET TITLE: ELEVATIONS

SHEET NUMBER: REVISION:

**A-5**  
 04/22/17



41 EXTERIOR WALLS - ELEVATION  
 42 EXTERIOR WALLS - ELEVATION



**PROJECT INFORMATION**  
 2700 MITCHELL DRIVE  
 WALNUT CREEK, CA 94598

**CLIENT:**  
 ALBERTA  
 CROWN CORPORATION  
 10000 146TH STREET, S.W.  
 SURREY, BC V4N 4A2

**CLIENT CONTACT:**  
 403-273-0000  
 403-273-0000

**CLIENT DATE:**  
 01/27/11

**BUILD NO.:**  
 000000000000000000

**PROJ. DATE:**  
 0000/00/00

**DESCRIPTION:**  
 RY

**COORDINATING ARCHITECT:**  
 OGD  
 OGD ARCHITECTURE  
 1000 10TH AVENUE, S.W.  
 SUITE 1000  
 SEASIDE, WA 98148  
 206-885-1100  
 WWW.ODGARCHITECT.COM

**CONSULTANT:**



**DRAWN BY:**  
 CHK

**APV.:**  
 APV

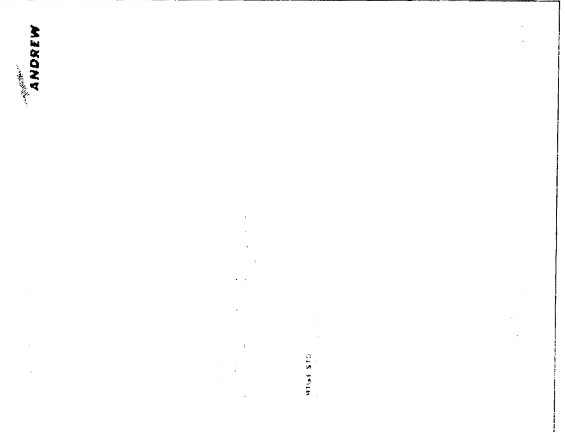
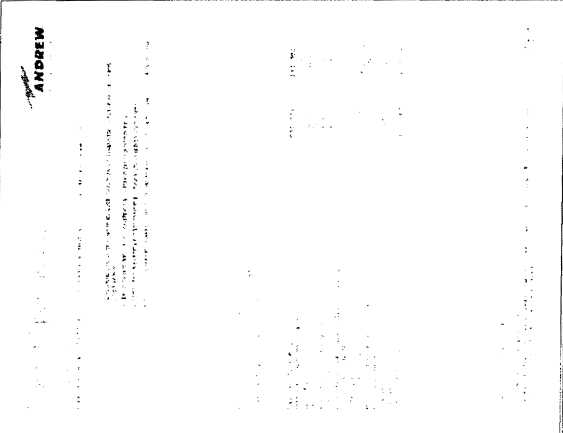
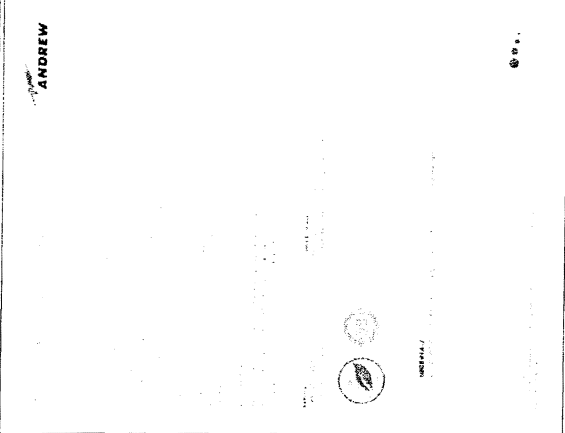
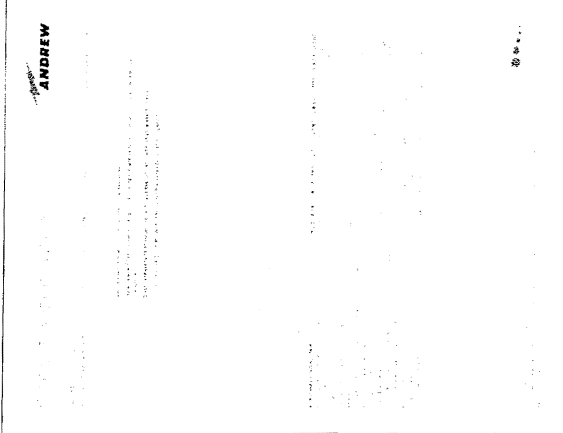
**SHEET TITLE:**  
 RY

**SHEET NUMBER:**  
 000000000000000000

**REVISION:**

**A-6**

Garth L. DVA



CITY OF ALBANY  
BUILDING PERMIT APPLICATION

**6. Important Information About Your Building Permit**

Any construction that does not match the approved plans will have to be removed or mitigated. All changes to a building permit and associated plans must be made in writing. If you wish to make a change, please call the Community Development Department at 510-528-5760 to schedule an appointment. Unless otherwise instructed by City staff, this permit and associated plans and documents must remain on the construction site until final inspections are completed.

Inspections are scheduled by calling 510-528-5760. If we are busy with other customers, please follow instructions on the voicemail message. Please be aware that the City has one building inspector, and thus in some cases we may not be able to schedule an inspection on the day you request.

Construction hours are 8:00 a.m. to 6:00 p.m. on Mondays through Saturdays, and 10:00 a.m. to 6:00 p.m. on Sundays and legal holidays. Construction hours are enforced by the Community Development Department and the Police Department.

This building permit is subject to expiration if work is not commenced within 180 days. In addition, this permit is subject to expiration if no legitimate City inspections are carried out within a 180 day period. Please contact the Community Development Department at 510-528-5760 for information on extensions to the building permit.

Closure of street parking for construction purposes must be posted at least 48 hours in advance of closure. If you wish to use a street parking space, please contact the Community Development Department at 510-528-5760. An Encroachment Permit is required.

All new windows shall be recessed two inches from face of building to provide adequate shade and shadow and to promote visual relief unless explicitly shown otherwise on the approved plans. Any windows that do not match the approved plans will have to be removed.

All exterior lighting shall be installed in such a manner that glare is directed away from surrounding properties.

The construction site must be maintained in a responsible manner. Construction equipment, materials, and soil stockpiles shall be placed in rear yards or side yards whenever possible. All hazardous materials must be stored in a secure location and follow manufacturer's instructions. The applicant is responsible for controlling dust during construction and grading. Construction sites shall be secured to avoid being an attractive nuisance. The construction site should be checked at the end of every work day for trash, nails, and other debris. Mud and dirt from the construction site must be swept daily from sidewalks and streets. Do not clean equipment in the street.

Contact neighbors before the start of construction and before particularly noisy or disruptive activities. Provide neighbors with the phone number of a contact in the event of a concern. Avoid idling trucks for long periods of time. Avoid blocking neighboring driveways during deliveries. All parked vehicles should be in legal parking spaces.

The City of Albany is home to the State of California Orientation Center for the Blind (400 Adams St.). As a result there are many blind people walking in our neighborhoods. Please contact the Orientation Center at 510-559-1208 if sidewalks will be closed or other potentially dangerous conditions exist.

Emergency phone numbers: Call 911 or call the Albany Fire Department at 510-528-5770 or the Albany Police Department at 510-525-7300.

### **Exhibit C Special Condition**

To ensure the safety of nearby structures and persons, and pursuant to California Building Code Section 107 (Submittal Documents), prior to the issuance of a building permit, the applicant shall be required to submit documentation on the structural condition of the pole. Following completion of the structural analysis and inspection and prior to the issuance of a building permit, a qualified engineer licensed in California shall certify in writing that the residual strength of the pole is sufficient to support the existing and proposed equipment loading in compliance with the California Building Code and applicable industry standards. The certification shall specifically address the depth of the foundation for the pole and the internal integrity of the pole including the extent of any wood decay.

The applicant has proposed to utilize both parallel seismic and dispersive bending wave non-destructive testing techniques to determine the foundation embedment length and the wood condition of the pole. In order to perform the parallel seismic testing, the applicant will install a PVC pipe into a soil boring within 15 ft of the wood pole. The installation of the pipe will occur concurrently with the drilling of a new geotechnical boring. The boring may be performed in the adjacent asphalt parking lot, approximately 10-15 ft from the wood pole due to the physical limitations of access for the drilling equipment (rig accessibility due to the size of the drill rig and the vicinity of the adjacent buildings, underground utilities, and overall compound size). This boring will provide up to date in-situ soil parameters. The new soils information shall be used along with the information provided in the foundation and pole investigation described above and any other relevant information, to prepare an up to date structural analysis.

To the City's knowledge, the proposed testing methodology has not been approved by a national standards setting agency referenced in the California Building Code. In addition, City staff and its building code consultant are not technically qualified to monitor the testing or evaluate the results of this methodology. Therefore, the City reserves the right to retain a special inspector qualified to monitor the testing and a consulting engineer qualified to evaluate and make a recommendation on the results of the proposed methodology. Final determination of the Building Official will be based on the recommendations of the special inspector and consulting engineer. In the event that the Building Official determines that the results of the structural analysis are inconclusive, the Building Official may require additional testing by the applicant's engineer.