

1 **WHEREAS**, a public hearing notice was published in the West County Times and posted
2 in three public places pursuant to California Government Code Section 65090 on February 13,
3 2015 for the public hearing held on February 25, 2015 and continued to a date certain of March
4 25, 2015; and
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6 **WHEREAS**, the Planning & Zoning Commission continued the matter to a date certain
7 of March 25, 2015 so that City staff could provide additional information and make changes to
8 the draft ordinance; and
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11 **WHEREAS**, the Planning & Zoning Commission held a public hearing on March 25,
12 2015 and considered all public comments received, the presentation by City staff, the staff
13 report, and all other pertinent documents regarding the proposed request;
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15 **WHEREAS**, the proposed amendments are Categorical Exempt pursuant to Section
16 15303 “New Construction or Conversion of Small Structures” contained in the California
17 Environmental Quality Act Guidelines; and

18 **WHEREAS**, the proposed amendments are consistent with the General Plan as the
19 placement of wireless facilities in commercial and mixed use zoning districts preserves the
20 residential character of the City; and

21 **WHEREAS**, a public hearing notice was published in the West County Times and posted
22 in three public places pursuant to California Government Code Section 65090 on April 10, 2015
23 for the City Council public hearing held on April 20, 2015; and

24 **WHEREAS**, the City Council held a public hearing on April 20, 2015 and considered all
25 public comments received, the presentation by City staff, the staff report, and all other pertinent
26 documents regarding the proposed request;
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1 **NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS AS**
2 **FOLLOWS:**

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4 **SECTION 1: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, SECTION**
5 **20.20.100 TITLED “WIRELESS COMMUNICATIONS FACILITIES” IS HEREBY**
6 **AMENDED AS FOLLOWS:**

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9 **20.20.100 Wireless Communication Facilities.**

- 10
11 A. Purpose & Intent
12 B. Definitions
13 C. Exempt Facilities
14 D. Location by Zoning Districts
15 E. Development Requirements & Standards
16 F. Permit Approval Process
17 G. Operation & Maintenance Standards
18 H. Certification of Facilities
19 I. Duration, Revocation, and Discontinuance

20 **A. Purpose and Intent.** The purpose and intent of this section are to:

- 21
22 1. Enact appropriate regulations, in accordance with the Telecommunications Act, for the
23 provision of personal wireless service facilities for the benefit of the Albany community.
- 24 2. Establish standards to regulate the placement and design of antennas and wireless
25 communication facilities so as to preserve the visual and other characteristics of the City;
26 to assure compatibility with properties adjacent to such facilities; to minimize negative
27 impacts; and to protect the general safety, welfare, and quality of life of the community.

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1 3. Establish development standards that are consistent with federal law related to the
2 development of wireless communication facilities.

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4 4. Pursue additional benefit to the public by encouraging the leasing of municipally-
5 owned properties where feasible or desirable, for the development of wireless
6 communication facilities;
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9 5. Allow antennas to be located according to demonstrated need; Encourage the use
10 of existing facilities, including co-location by multiple companies; encourage the
11 placement of antennas on existing structures and encourage the use of smaller, less-
12 obtrusive facilities such as repeaters and microcell facilities where they are feasible
13 alternatives to base station facilities;

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15 6. Locate wireless communication facilities within nonresidential zoning districts,
16 uses, except as otherwise provided in this Chapter.

17 7. Require all wireless communication facilities to be consistent with all other
18 applicable City of Albany plans and municipal code provisions, and applicable
19 regulations and standards of other governmental agencies, and any applicable
20 discretionary permits affecting the subject property except to the extent the Planning and
21 Zoning Commission or City Council shall modify such requirements.

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23 **B. Definitions.** Unless otherwise specifically provided, the terms used in this
24 section shall have the meanings stated in the Definitions section of this Chapter, Section
25 20.08.020 under the general heading of "Wireless Communications Facility".

26 **C. Exempt Facilities.** Except as specifically noted, the following types of facilities
27 shall be exempt from the permit requirements of this section.
28

1 **1. Exempted by State and/or Federal Regulations.** An antenna or wireless
2 communications facility shall be exempt from the provisions of this section if and
3 to the extent that State or Federal law specifically provides that the antenna and/or
4 wireless communications facility is exempt from local regulation.
5

6 **2. Exempted Subject to Locational Requirements.** The following types of
7 antennas are exempted provided that installations are entirely on-site and are not
8 located within required front yard or side yard setback areas. Installations may be
9 located in that portion of a rear yard where accessory buildings are permitted to be
10 located. Such locational requirements are necessary to ensure that such antenna
11 installations do not become public or private nuisances adversely impacting
12 adjacent properties, and/or result in hazards if located adjacent to a street or other
13 public right of way.
14

15 **a. Radio or Television Antenna.** A single ground-mounted or
16 building-mounted receive-only radio or television antenna for the sole use
17 of residential occupants of the parcel on which such antenna is located,
18 with a height including any mast not exceeding ten (10) feet over the basic
19 maximum building height prescribed by the regulations for the district in
20 which the site is located.
21

22 **b. Satellite Dish Antenna.** A ground-mounted or building-mounted
23 receive-only radio or television satellite dish antenna not exceeding
24 twenty-four (24) inches in diameter for the sole use of residential
25 occupants of the parcel on which such antenna is located, provided that the
26 highest point of such dish does not exceed the height of the highest roof
27 ridge or parapet line of the primary structure on said parcel.
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c. Citizens Band Antenna. A ground-mounted or building-mounted citizens band radio antenna not exceeding thirty-five (35) feet above grade including any mast.

d. Amateur Radio Antenna. A ground-mounted, building-mounted or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service. Such antennas shall require building permit approval and approval of placement by the Community Development Director to ensure maximum safety is maintained. Height of antenna and support structure shall not exceed thirty-five (35) feet above grade, except that an extendable structure may, when fully extended, exceed by no more than fifteen (15) feet the height limit prescribed by the regulations for the district in which the site is located.

3. Mobile Services. Mobile services providing public information coverage of news event of a temporary nature, including temporary facilities and emergency facilities.

4. Government Antennas. Receive and/or transmit telemetry station antennas owned and operated by the City of Albany and other public agencies including Federal, State, County and special district entities, for supervisory control and data acquisition systems for such functions as water, flood alert, traffic control devices and signals, storm water, and sanitary sewer, with heights not exceeding sixty (60) feet.

D. Location by Zoning Districts.

1. No wireless communication facilities that both transmit and receive electromagnetic signals shall be permitted in any residential zone. Those facilities designated in paragraph C are exempt from City review.

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2. Wireless communication facilities may be located within the following Districts, subject to approval of a use permit and design review, with the findings required by subsection 20.20.100.F.5 of this Chapter.

a. Commercial Mixed Use District (CMX).

b. Public Facilities District (PF), except on sites occupied by schools and parks, with the exception of Albany Hill.

c. San Pablo Commercial District (SPC) or Solano Commercial District (SC).

3. In all districts where wireless communication facilities are permitted, any such facility shall be located on a site that provides for, in order of priority:

a. A minimum of 50 ft. from any permitted child care facility or school;
and

b. A minimum of 50 ft. from any property line abutting a residential use.

4. In the San Pablo Commercial District and the Solano Commercial District any wireless communication facility that abuts a residential district shall be set back from a property line that is contiguous to the residential district a minimum distance of fifty (50) feet for antennas.

5. The Planning and Zoning Commission may make a determination that a reduced setback for antenna equipment will not have perceptibly greater noise impact or greater

1 visual impact with respect to properties in the abutting residential district, ~~and~~ further
2 provided that there be no less than ten (10) feet of separation between a property line that
3 is contiguous to the residential district and the subject wireless communication facility
4 (with the exception of such elements as transmission cables and meter boxes).
5

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7 **6.** No installation shall be located in such a manner as to reduce the development
8 potential of abutting properties, especially potential future residential or mixed-use
9 development potential.
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11 **E. Development Requirements and Standards.**
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13 **1. Development Standards.** The following general development standards shall be
14 met by all new wireless communication facilities:

15 **a.** New wireless communication facilities shall be co-located with existing
16 legal conforming facilities and with other planned new facilities whenever
17 feasible and aesthetically desirable to minimize overall visual impact.
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19 **b. Views.** Wireless communication facilities shall be sited to avoid any
20 unreasonable interference with views from neighboring properties, and where
21 their visual impact is least detrimental to scenic vistas.
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23 **c. Vacant or Underutilized Sites.** Wireless communication facilities placed
24 on vacant or underutilized sites shall be considered temporary and the Planning
25 and Zoning Commission may impose a condition that when the site is developed,
26 these facilities shall be removed, and if appropriate, replaced with building-
27 mounted antennas;
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1 **d. Screening.** Wireless communication facilities shall be screened in one of
2 the following ways, unless the Planning & Zoning Commission determines that
3 screening is not appropriate for the project:
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5 1) Substantially screened from the view of surrounding properties
6 and the public view or co-located with existing facilities or structures so as
7 not to create substantial visual, noise, or thermal impacts;
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9 2) Sited within areas with substantial screening by existing
10 vegetation;
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12 3) Designed to appear as natural features found in the immediate
13 area, such as trees or rocks, so as to be unnoticeable (stealth facilities); or
14

15 4) Screened with additional trees and other native or adapted
16 vegetation which shall be planted and maintained around the facility, in
17 the vicinity of the project site, and along access roads in appropriate
18 situations, where such vegetation is deemed necessary to screen the
19 facilities. Such landscaping, including irrigation, shall be installed and
20 maintained by the project sponsor, as long as the permit is in effect or to
21 the extent permitted by law.
22

23 **e. Noise.** All wireless communication facilities shall be subject to the City-
24 adopted noise standards contained in Section 8-1 of the Albany Municipal Code.
25 Any violation of noise standards, may be cause for the Community Development
26 Director to initiate a revocation procedure as provided by subsection
27 20.100.010.M.
28

1 **f. Height.** The height of a wireless communication facility (building or
2 ground mounted) shall not exceed ten (10) feet above the basic maximum
3 building height prescribed by the regulations for the district in which the site is
4 located, as provided by subsection 20.24.080.B, and shall be subject to applicable
5 daylight plane restrictions, except Microcell facilities and DAS. For facilities
6 located in the Commercial Mixed Use District (CMX) the height may be
7 increased by up to 25 ft. above the maximum building height with exceptional
8 design. Exceptional design shall be determined by the Planning & Zoning
9 Commission.
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12 **g.** All equipment, antennas, poles, or towers shall have a non-reflective finish
13 and shall be painted or otherwise treated to minimize visual impacts; and
14

15 **h.** All wireless communication facilities shall provide sufficient security
16 measures and anti-climbing measures in the design of the facility to reduce the
17 potential for damage, theft, trespass, and injury.

18 **i.** Any equipment shelter shall be designed to be architecturally compatible
19 with existing structures on the site or found in the area; and
20

21 **j. Prohibited.**

22 1. Unless mandated by Federal or State regulations, the use of barbed wire,
23 razor wire, electrified fence, or any other type of hazardous fence as a
24 security precaution is not allowed;
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26 2. No advertising or signs, other than necessary owner identification signs
27 and warning signs, shall be allowed on or at the location of a wireless
28 communications facility.

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2. Design Review. In addition to all other applicable development standards, wireless communication facilities shall comply with the requirements of Section 20.100.050

3. Additional Development Standards for Monopoles. In addition to all other applicable development standards, monopoles shall comply with the following:

a. The applicant shall demonstrate that the proposed facility cannot be placed on an existing building or co-located on an existing monopole or other tower.

b. The maximum height of the proposed monopole or other tower shall be no higher than ten (10) feet above the height limit for the main structure allowed by the zoning district within which the facility is located, and shall be subject to applicable daylight plane restrictions. An exception to the height in the Commercial Mixed Use District (CMX) may be permitted pursuant to Section 20.20.100 (E)(2)(h).

c. Guy wires or support structures shall not be allowed; monopoles shall be self-supporting structures. Design and safety considerations are subject to approval by the Community Development Director;

d. A monopole or other tower facility shall be designed to allow co-location of additional antennas, if deemed desirable by the Planning and Zoning Commission; and

e. Exterior lighting shall not be allowed on commercial wireless communication facilities except for that required for use of authorized persons on

1 site during hours of darkness or where antenna structure owner or registrant is
2 required to light the antenna structure by the terms of the FAA Antenna Structure
3 Registration applicable to the facility.
4

5 f. Stealth facilities disguised as elements of urban landscape are
6 encouraged. Clever designs are encouraged.
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9 **4. Additional Development Standards for Microcell Facilities and Distributed**
10 **Antenna Systems (DAS).** In addition to all other applicable development standards,
11 Microcell facilities and DAS facilities shall comply with the following:
12

13 **a. Height.**

14 1. **Existing Structures.** When microcell facilities and DAS are
15 attached to an existing structure, the highest portion of an antenna comprising the
16 microcell facility or DAS shall extend no more than 10 feet above the highest
17 point of the existing structure.
18

19 2. **New Structures.** Any new structure, excluding replacement utility
20 poles, supporting a microcell facility or DAS may be no taller than the maximum
21 building height as specified in the zoning district in which the structure is located.
22 The highest portion of an antenna comprising the microcell facility shall extend
23 no more than 10 feet above the highest point of the new structure.

24 **b. Setbacks.**

25 1. No microcell facility shall be located within 250 feet of any other
26 microcell facility.
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28 2. DAS facilities shall be reviewed on a case by case basis.

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c. Antenna Projections.

1. No antenna or antenna mounting hardware shall project out more than 12 inches from the surface of the structure to which it is attached.

d. Equipment and Cabinets.

1. All antenna equipment required for the operation of a microcell facility or DAS, including cooling and ventilating apparatus, and electrical, mechanical and other appurtenances, shall be mounted directly to the antenna support structure or placed underground.

2. Permanently installed generators or air conditioning compressors are not permitted on microcell facilities. Cooling fans located inside the equipment cabinets are permitted.

3. The height and width, or depth of supporting equipment mounted on a structure shall have at least a 7 ft. clearance from grade. Equipment depth shall not exceed 24 inches.

e. Design.

1. The material, texture and color of the microcell facility or DAS shall be designed to match the structure to which it is attached and be compatible with the surrounding area.

F. Permit Approval Process.

1 **1. Types of Permits.** Except as specifically exempted in subsection
2 20.20.100.C. above, all wireless communication facilities, and facility modifications that
3 involve any change in the specifications or conditions stipulated in the approved use
4 permit, including but not limited to, changes in power input or output, number of
5 antennas, antenna type or model, number of channels per antenna above the maximum
6 specified in a use permit, repositioning of antennas, increase in proposed dimensions of
7 tower or support structure, or any other facility upgrades, shall be subject to the following
8 permit requirements:
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11 **a. Minor Use Permit.** Administrative Approval. At the discretion of
12 the Community Development Director, an application for a proposed wireless
13 communication facility may be considered administratively with a noticed public
14 hearing where the proposed facility will be co-located on an existing pole,
15 monopole, or similar support structure other than a building, that has been
16 approved by the City as a wireless communication site.

17 **b. Major Use Permit.** Commission Approval. All facilities not
18 exempted by subsection 20.20.100.C. above, or which are not eligible for
19 consideration for a minor use permit, including all building-mounted facilities,
20 shall be considered by the Planning and Zoning Commission in a noticed public
21 hearing and may be approved subject to conditions deemed appropriate by the
22 Commission.

23 **c. Design Review.** All wireless communication facilities shall be
24 subject to design review and approval, according to procedures and standards
25 stated in subsection 20.100.050. The reviewing body shall consider all structures,
26 materials, colors, and landscaping associated with any proposal to establish a
27 wireless communication facility. Review shall be the responsibility of the
28 Community Development Director in cases where Minor Use Permits are

1 required. The Planning and Zoning Commission shall have responsibility in cases
2 of Major Use Permits.

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4 **d. Building Permit.** Unless otherwise specifically exempted by, a
5 Building Permit shall be required for all wireless communication facilities.
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8 **e. Zoning Clearance-** For existing wireless facilities where wireless
9 carriers seek to replace antennas and equipment and where there is no facility
10 expansion and negligible size difference (maximum increase of 10% surface area)
11 in antennas and related equipment, the carrier shall subject to a zoning clearance
12 according to procedures and standards stated in subsection 20.100.020. The
13 zoning clearance shall be reviewed and approved through the Planning & Zoning
14 Commission prior to building permit issuance. The zoning clearance shall apply
15 to an eligible facilities request as identified in Section 6409 of the Middle Class
16 Tax Relief Act of 2012.

17 **2. Notice Requirements.** Public notice shall be provided for any public
18 hearings on applications or appeals, pursuant to procedures stated in Section 20.100.010.
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20 **3. Application Submittal.** Application submittal requirements shall be
21 established and amended from time to time by resolution of the Albany City Council.
22

23 **4. Additional Submittal Requirements.** In addition to standard application
24 submittal requirements specified by the City of Albany Community Development
25 Department, the Community Development Director shall have the authority to require
26 additional information as necessary to deem the application complete for review.

27 **a. Technical Review.** The Community Development Director may
28 employ, on behalf of the City, at the expense of the applicant, an independent

1 technical expert to review the application submittal and provide determinations
2 and recommendations on such issues as compliance with radio frequency
3 emissions standards, the identification of alternative solutions or locations, and
4 the justifications for installation of monopoles or for any requested exceptions to
5 City standards. The costs of said review and any administrative costs shall be paid
6 by the applicant.
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9 **5. Findings for Approval.** The approving body may approve a use permit
10 for a wireless communications facility only upon making written findings based on
11 substantial evidence in the record.
12

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

15 1) Findings otherwise required for use permits and design review
16 by subsection 20.100.030 and Section 20.100.050.⁽¹⁾
17

18
19 2) All applicable Development Standards in subsection
20 20.20.100.E. above have been met;
21

22 **6. Standard Agreement.**

23 a. Except for exempt facilities defined in subsection 20.20.100.C, a
24 maintenance and facility removal agreement shall be executed by the operator, the
25

26
27 1. **Necessity, Desirability, Compatibility.** That the size, intensity and location of the proposed use will
28 provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community;

1 property owner if other than the operator, and the City, for any wireless
2 communication facility.

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4 b. No use permit shall become effective until such agreement has been
5 executed. The Community Development Director shall develop a standard form
6 for such agreement which shall include but not be limited to the following:
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9 1) Maintain the exterior appearance of the facility;

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11 2) Ultimately to remove the facility in compliance with this
12 Chapter and any conditions of approval;

13
14 3) Pay all costs for monitoring for compliance with this
15 agreement and all conditions and environmental mitigation measures;

16
17 4) Reimburse the City for all costs incurred for work the applicant
18 had failed to perform;

19
20 5) Where applicable in the case of a freestanding tower, the
21 agreement shall stipulate that the permittee will rent or lease available
22 space on the tower, under the terms of a fair-market lease, to other
23 wireless service communication providers without discrimination.

24 **G. Operation and Maintenance Standards.** All wireless communication facilities
25 shall at all times comply with the following operation and maintenance standards. Failure
26 to comply shall be considered a violation of this Chapter and subject to enforcement.

27 1. Each owner or operator of a wireless communication facility shall provide signage
28 identifying the name and phone number of a party to contact in event of an emergency.

1 Where a utility pole or light standard is utilized as a support structure, the signage shall
2 be attached to the base of the pole or standard.

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4 2. Wireless communication facilities and related equipment, including lighting, fences,
5 shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris,
6 litter and graffiti and other forms of vandalism, and any damage from any cause shall be
7 repaired as soon as reasonably possible so as to minimize occurrences of dangerous
8 conditions or visual blight. Graffiti shall be removed from any facility or equipment as
9 soon as practicable, and in no instance more than forty-eight (48) hours from the time of
10 notification by the city.
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13 3. The owner or operator of a wireless communication facility shall be responsible for
14 maintaining † the facility in accordance with the approved and for replacing any
15 deteriorated or damaged structures or foliage, or other landscaping elements shown on
16 the approved plan. Amendments or modifications to the landscape plan shall be
17 submitted to the Community Development Director for approval.

18 4. The City shall retain annually, at the operator's expense, an approved engineer to
19 conduct an unannounced spot check of the facility's compliance with applicable FCC
20 radio-frequency standards, utilizing the Monitoring Protocol (See definition, Section
21 20.08). This monitoring shall measure levels of radio-frequency radiation from the
22 facility site's primary antennas as well as from repeaters, if any.

23 **H. Certification of Facilities.**

24 1. If the Community Development Director at any time finds that there is good cause
25 to believe that a wireless communication antenna is not in compliance with applicable
26 FCC radio-frequency standards, he/she may initiate appropriate enforcement actions.

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28 **I. Duration, Revocation and Discontinuance.**

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1. Duration of Permits and Approvals.

a. An approved use permit for a wireless communication facility shall expire one year after the date of final approval. If not activated within one (1) year from the date of final approval, unless, as provided in subsection 20.100.010.K.1 a-d has been satisfied.

b. Once activated, all permit approvals for wireless communication facilities shall be valid for an initial maximum period of up to ten (10) years pursuant to Section 65964 (B) of the California Government Code, or as specified by the approving body. At the expiration of the ten (10) year period, the facility shall be reviewed pursuant to Section 20.20.100 (F) (1) (e) for renewal.

c. If the operator fails to remove the wireless communication facilities from the site, the property owner shall be responsible for removal, and may use any bond or other assurances provided by the operator pursuant to the requirements of this Chapter to do so. If such facilities are not removed, the site shall be deemed to be a nuisance and the City may call the bond for removal or take such other action as it deems appropriate.

2. Failure to submit the information required in paragraph H. will be considered a violation of the Zoning Ordinance. Any facility found in violation may be ordered to terminate operations by the Planning Commission following a duly noticed public hearing.

3. If the Community Development Director at any time finds that there is good cause to believe that a wireless communication antenna is not in compliance with applicable FCC radio-frequency standards, he/she may initiate appropriate enforcement actions.

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2 4. **Existing Uses (Non-Conforming).** A lawful nonconforming wireless
3 communication service facility shall be subject to the requirements of Section 20.44
4 except to the extent that they are modified herein. Routine maintenance shall be permitted
5 on existing, operational equipment and facilities and shall be subject to the Zoning
6 Clearance process defined in Section 20.20.100 (F) (1) (e). However, new construction,
7 other than routine maintenance on existing towers, antennas, buildings, or other facilities
8 shall comply with the requirements of this Chapter. In the event of the abandonment of
9 the use of any equipment or facility for a continuous period of one hundred eighty (180)
10 days, the provisions of subsection 20.44.040, Abandonment of Nonconforming Use, shall
11 apply, the associated permits and approvals shall expire, and the site shall thereafter be
12 maintained in conformity with the regulations for the district in which the site is located.
13 The Community Development Director may require removal of such disused equipment
14 or facilities, as provided in subsection 20.20.100.G.2 above.
15

16 **SECTION 2: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, SECTION**
17 **20.08.020 TITLED "DEFINITIONS" IS HEREBY AMENDED AS FOLLOWS:**
18

19 **Wireless Communications Facility** means any device or system for the transmitting and/or
20 receiving of electromagnetic signals, including but not limited to radio waves and microwaves,
21 for cellular technology, personal communications services, mobile services, paging systems and
22 related technologies. Facilities include antennas, microwave dishes, parabolic antennas and all
23 other types of equipment used in the transmission and reception of such signals; structures for
24 the support of such facilities, associated buildings or cabinets to house support equipment, and
25 other accessory development.

26 The following terms related to wireless communications facilities have the following
27 meanings:
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- 1 a. **Antenna** means any system of poles, panels, rods, reflecting disks, wire or similar
2 devices used for the transmission or reception of electromagnetic signals. Does
3 not include any support structure upon which an antenna is mounted.
4
- 5 b. **Antenna Equipment** - A cabinet, room, or similar structure which houses the
6 electronic facilities used to operate an antenna.
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- 9 c. **Antenna Structure** means any structure, including a pole, mast, or tower,
10 whether freestanding or mounted on another building or structure, that supports
11 an antenna or an array of antennas. The height of an antenna structure is
12 measured to the highest point of any antenna mounted thereon.
13
- 14 d. **Base station** means the primary sending and receiving site in a wireless
15 telecommunications network, including all radio-frequency generating equipment
16 connected to antennas. More than one (1) base station and/or more than one (1)
17 variety of telecommunications providers can be located on a single tower or
18 structure.
19
- 20 e. **Co-Location** means a situation in which a single support structure supports one
21 (1) or more antennas owned or used by more than one (1) public or private entity.
22
- 23 f. **Distributed Antenna Systems (DAS)** means a wireless telecommunications
24 facility network of spatially separated antenna nodes connected to a common
25 source via a transport medium that provides wireless service within a geographic
26 area or structure.
27
- 28 g. **Maintenance.** For purposes of this section, maintenance is defined as:

- 1 1. Scheduled preventive inspections and activities per manufacturer's instructions or
- 2 regulatory requirements;
- 3 2. Corrective maintenance including modification to existing equipment to repair
- 4 physical damage or correct internal faults;
- 5 3. Minor repositioning or changes in internal components to improve performance or
- 6 energy efficiency or increase power output;
- 7 4. Other changes to the existing equipment that does not substantially change
- 8 appearance.
- 9

10 h. **Microcell facility** means a wireless telecommunications facility characterized by small
11 antennas and equipment cabinets, and typically sited on an existing or replacement street light,
12 utility pole, sign or other suitable structure; or an existing building.

13
14 i. **Monitoring Protocol** means an industry accepted radio-frequency (RF) radiation
15 measurement protocol used to determine compliance with FCC RF radiation exposure standards,
16 in accordance with the National Council on Radiation Protection and Measurements Reports 86
17 and 119 and consistent with the RF radiation modeling specifications of OET Bulletin 65 (or
18 any superceding reports/standards), which is to be used to measure the emissions and determine
19 radio-frequency radiation exposure levels from existing and new telecommunications facilities.
20 RF radiation exposure measurements are to be taken at various locations, including those from
21 which public RF exposure levels are expected to be the highest.

22 j. **Monopole** means a type of freestanding antenna structure that is seventeen (17)
23 feet or more in height and is designed to be self-supporting without the use of guy wires.

24
25 k. **Preferred Wireless Zoning District** means a zone where the City has determined
26 that the location of a wireless communications facility would reduce the noise, aesthetic and
27 visual impact of that facility relative to its placement in another zone. The City has determined
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1 that wireless communication facilities may be located in the following order of preference:
2 CMX, PF, and SPC or SC.

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4 **l. Radio Frequency (RF) Radiation** means radiation from the portion of the
5 electromagnetic spectrum with frequencies below the infrared range (approximately 100 GHz
6 and below), including microwaves, television VHF and UHF signals, radio signals, and low to
7 ultra low frequencies.
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10 **m. Receive-Only Antenna** means antenna for the reception of radio and television
11 signals, without transmitting capabilities; may include pole or dish types of antennas.
12

13 **n. Repeater** means a small receiver/relay transmitter of not more than twenty (20)
14 watts output designed to provide service to areas which are not able to receive adequate coverage
15 directly from a base station.

16 **o. Satellite Dish** means a bowl-shaped antenna used to receive and/or transmit
17 electromagnetic signals to and from an orbiting satellite.
18

19 **p. Stealth Facility** means a wireless communications facility located so as to be of
20 minimal visibility, such as being incorporated within an architectural feature such as a steeple or
21 parapet, or in the open but disguised as a tree or other natural feature.

22 **SECTION 3: CEQA**

23
24 The Code changes categorically exempt from the requirements of CEQA per Section
25 15303, “New Construction or Conversion of Small Structures” of the CEQA Guidelines, which
26 allows the construction small facilities or structures.
27

28 **SECTION 4: SEVERABILITY.**

1
2 If any section, subsection, sentence, clause or phrase of this ordinance is for any reason
3 held to be invalid, such decision shall not affect the validity of the remaining portions of the
4 ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the
5 fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.
6

7
8 **SECTION 5: PUBLICATION AND EFFECTIVE DATE.**

9 This ordinance shall be posted at three public places within the City of Albany and shall
10 become effective thirty days after the date of its posting.
11

12 **PASSED AND ADOPTED** by the City Council of the City of Albany at its meeting on
13 the 20th day of April 2015, by the following vote:

14 AYES: *Council Members Barnes, McQuaid, Nason, Pilch & Mayor*
maass

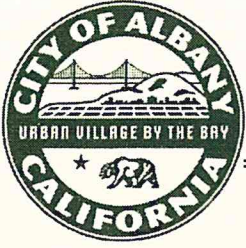
15 NOES: *none*

16 ABSENT: *none*

17 ABSTAIN: *none*

18 

19 PETER MAASS, MAYOR
20
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City of Albany

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

ORDINANCE NO. 2015-03

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

the 4th day of May, 2015, by the following votes:

AYES: Council Members Barnes, McQuaid, Nason, Pilch, Mayor Maass

NOES: none

ABSTAINED: none

ABSENT: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

5th Day May, 2015.

Eileen Harrington
DEPUTY CITY CLERK

NOTICE OF POSTING

**STATE OF CALIFORNIA
COUNTY OF ALAMEDA**

I, Eileen A. Harrington, Deputy City Clerk of the City of Albany, County of Alameda, State Of California, say:

That on the 5th day of May, 2015, I posted notices in the following areas designated as the official posting areas for the City of Albany:

CITY HALL

SENIOR CENTER

LIBRARY/COMMUNITY CENTER

The notice was for: ORDINANCE 2015-03 - Amending Chapter XX Planning & Zoning of Albany Municipal Code by repealing Chapter 20.20.100, in its entirety relating to Wireless Communications Facilities: and enacting a new Chapter 20.20.100 amending regulations related to wireless communications facilities and continuing the prohibition of wireless facilities in residential districts

Full copy of the above is available on line at www.albanyca.org and at the City Clerk Office, 1000 San Pablo Avenue, Albany, CA.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the
5th Day of May 2015, at Albany, California.



EILEEN A. HARRINGTON
DEPUTY CITY CLERK

Date Posted: 5/5/2015
Removal Date: 6/3/2015