

1 **WHEREAS**, the Albany City Council, on February 22, 2005, after due public notice,
2 held a public hearing on the proposed Subsection 20.20.090 to regulate wireless
3 communication facilities, and
4

5 **WHEREAS**, on February 22, 2005, following said public hearing the Albany City
6 Council adopted Resolution 05-3 adopting a Negative Declaration in compliance with
7 the California Environmental Quality Act (CEQA) regarding potential environmental
8 effects of the proposed regulations.
9

10 **NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS**

11
12 SECTION 1: THAT CHAPTER XX OF THE ALBANY MUNICIPAL CODE IS
13 HEREBY AMENDED TO INCLUDE A NEW SUBSECTION
14 20.20.090 TITLED WIRELESS COMMUNICATION
15 FACILITIES, WHICH SHALL CONSIST OF THE
16 FOLLOWING TEXT:
17

18 SECTION 2: THAT CHAPTER XX OF THE ALBANY MUNICIPAL CODE,
19 SUBSECTION 20.08 TITLED "DEFINITIONS", IS HEREBY
20 AMENDED TO INCLUDE THE FOLLOWING TEXT:
21

22 SECTION 3: THIS ORDINANCE SHALL BE POSTED AT THREE PUBLIC
23 PLACES WITHIN THE CITY OF ALBANY AND SHALL
24 BECOME EFFECTIVE THIRTY DAYS AFTER THE DATE OF
25 ITS POSTING.
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33 _____
34 Robert Good
35 Mayor of the City of Albany
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1 [NOTES ON DRAFT TEXT, NOT TO BE INCLUDED IN ADOPTED TEXT :
2 *Italic typeface indicates informational notations by staff; includes notes on Commission votes*
3 *where there was not 5-0 agreement.*

4
5 *Changes (from 1-19-05 draft ordinance) as directed by the Commission are indicated by*
6 *underline and ~~strikethrough~~.*

7
8 *Additional editorial changes suggested by staff are indicated by double underline and ~~double~~*
9 *~~strikethrough~~*

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11
12 **20.20.090 Wireless Communication Facilities.**

13
14 **A. Purpose and Intent.** The purpose and intent of this section are to:
15 *[P&Z vote on this subsection: 4-1]*

- 16
17 1. Enact appropriate regulations, in accordance with the Telecommunications
18 Act, for the provision of personal wireless service facilities for the benefit of
19 the Albany community.
- 20
21 2. Establish standards to regulate the placement and design of antennas and
22 wireless communication facilities so as to preserve the visual and other
23 characteristics of the City; to assure compatibility with properties adjacent to
24 such facilities; to minimize negative impacts; and to protect the general safety,
25 welfare, and quality of life of the community.
- 26
27 3. Establish development standards that are consistent with federal law related to
28 the development of wireless communication facilities.
- 29
30 ~~3. Acknowledge the community benefit associated with the provision of wireless~~
31 ~~communication services within the City, and encourage well-designed and~~
32 ~~well-located antennas and wireless communications facilities;~~
- 33 4. Pursue additional benefit to the public by encouraging the leasing of
34 municipally-owned properties where feasible or desirable, for the
35 development of wireless communications facilities;
- 36
37 5. Allow antennas to be located according to demonstrated need; encourage the
38 use of existing facilities, including co-location by multiple companies;
39 encourage the placement of antennas on existing structures and encourage the
40 use of smaller, less-obtrusive facilities such as repeaters and microcell
41 facilities where they are feasible alternatives to base station facilities.
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43 6. Locate wireless communications facilities only within non-residential zoning
44 districts, according to a preferential ordering of zoning districts with an
45 objective of minimizing the impacts of such facilities upon neighboring land
46 uses.
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7. Require all wireless communication facilities to be consistent with all other applicable City of Albany plans and municipal code provisions, and applicable regulations and standards of other governmental agencies, and any applicable discretionary permits affecting the subject property except to the extent the Planning and Zoning Commission or City Council shall modify such requirements.

B. Definitions. Unless otherwise specifically provided, the terms used in this section shall have the meanings stated in the Definitions section of this Chapter, under the general heading of “Wireless Communications Facility”. *[See “Attachment A” for listing of proposed definitions, to be included in Definitions section of Zoning Ordinance (Section 20.08)]*

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

1. **Exempted by State and/or Federal Regulations.** An antenna or wireless communications facility shall be exempt from the provisions of this section if and to the extent that a permit issued by the California Public Utilities Commission (CPUC) or the rules and regulations of the Federal Communications Commission (FCC) specifically provides that the antenna and/or wireless communications facility is exempt from local regulation.

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

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

b. **Satellite Dish Antenna.** A ground-mounted or building-mounted receive-only radio or television satellite dish antenna not exceeding twenty-four inches (24”) in diameter for the sole use of residential occupants of the parcel on which such antenna is located, provided that the highest point of such dish does not exceed the height of the highest roof 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 feet (35') 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 feet (35') 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. **Pre-existing Citizens Band and Amateur Radio Antennas.** All citizens band radio antennas and antennas operated by a Federally-licensed amateur radio operator as part of the Amateur Radio Service that existed at the time of adoption of this section.
4. **Mobile Services.** Mobile services providing public information coverage of news event of a temporary nature.
5. **Hand-Held Devices.** Hand-held devices such as cell phones, business-band mobile radios, hand-held amateur radios, family service band radios, walkie-talkies, cordless telephones, garage door openers, and such other devices as the Community Development Director may find to be similar.
6. **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, except for those facilities designated in paragraph C. above to be exempt from City review, unless substantial technical evidence acceptable to the Planning and Zoning Commission is submitted showing a clear need for this facility ~~to close a significant gap in wireless coverage~~ and the infeasibility of locating it elsewhere.

- 2. Wireless communication facilities may be located within the following Districts, subject to approval of a use permit, with the findings required by

1 Subsection 20.20.090.F.5 of this Chapter. The following permitted Districts
2 are listed in a descending order of preference for the location of wireless
3 communication facilities, with the CMX District being the most preferred
4 location:

- 5
- 6 a. Commercial Mixed Use District (CMX).
- 7
- 8 b. Public Facilities District (PF), except on sites occupied by schools and
9 parks.

10

11 Exception: The City may authorize the location of a facility within
12 Albany Hill Park, due to the unique qualities of the location, size and
13 elevation of that park, provided that any such facility is situated with
14 the maximum achievable setback from any abutting residential district.
15 *[P&Z vote on exception: 4-1.]*

- 16
- 17 c. San Pablo Commercial District (SPC).
- 18
- 19 d. Solano Commercial District (SC).
- 20 *[P&Z vote on paragraph 2, a.- d.:*
- 21 *Four tiers of preference as shown: 1*
- 22 *Three tiers, with SPC and SC treated equally: 2*
- 23 *No tiers: 2]*
- 24

- 25 3. In all districts where wireless communication facilities are permitted, any such
26 facility shall be located on a site that provides for, in order of priority,
27
- 28 a. the maximum achievable setback from any permitted child care facility or
29 school; and
- 30
- 31 b. the maximum achievable setback from any property line abutting a
32 residential district.
- 33
- 34 4. In the San Pablo Commercial District and the Solano Commercial District any
35 wireless communication facilities shall observe the daylight plane setback that
36 is required where abutting a residential district (Subsection 20.24.070); and all
37 facility components that are not enclosed within a building (with the exception
38 of such elements as transmission cables and meter boxes) shall be located no
39 less than ten (10') feet from any property line abutting a residential district, or
40 such greater distance as the Planning and Zoning Commission may determine
41 as necessary to mitigate any potential environmental nuisances, including but
42 not limited to, equipment noise.

43 *[P&Z vote on this paragraph: As written: 2*
44 *As modified below: 3]*

45 In the San Pablo Commercial District and the Solano Commercial District any
46 wireless communication facility that abuts a residential district shall be set
47 back from a property line that is contiguous to the residential district a

1 minimum distance of fifty (50') feet, provided that such distance may be
2 reduced by the Planning and Zoning Commission based on a determination
3 that the lesser distance will not have perceptibly greater noise impact or
4 greater visual impact with respect to properties in the abutting residential
5 district, and further provided that there be no less than ten (10') feet of
6 separation between a property line that is contiguous to the residential district
7 and the subject wireless communication facility (with the exception of such
8 elements as transmission cables and meter boxes.)
9

10 **E. Development Requirements and Standards.**

- 11
- 12 1. **Basic Development Requirements.** The following basic development
13 requirements shall be met by all new or modified wireless communications
14 facilities.
- 15
- 16 a. Applicable Goals, Objectives, and Policies of the Albany General Plan
- 17
- 18 b. Permit requirements of any agencies having jurisdiction over the project;
- 19
- 20 c. Requirements established by the Albany Municipal Code;
- 21
- 22 d. Uniform Building Code, National Electrical Code, Uniform Plumbing
23 Code, Uniform Mechanical Code, and Uniform Fire Code, where
24 applicable;
- 25
- 26 e. Applicable easements or similar restrictions on the subject property;
- 27
- 28 f. Applicable development standards or conditions of approval for those
29 properties developed under a Planned Unit Development procedure;
- 30
- 31 g. Applicable FCC rules, regulations, and standards;
- 32
- 33 h. All service providers shall cooperate in the locating of equipment and
34 antennas to accommodate the maximum number of operators at a given
35 site where feasible and aesthetically desirable. This will facilitate the co-
36 location of wireless communications facilities. The project sponsor shall
37 agree to allow future co-location of additional antennas and shall not enter
38 into an exclusive lease for the use of the site;
- 39
- 40 i. All equipment shall be situated or sufficiently buffered to minimize
41 interference with the quiet enjoyment of adjacent properties;
- 42
- 43 j. All equipment, antennas, poles, or towers shall have a non-reflective finish
44 and shall be painted or otherwise treated to minimize visual impacts; and
- 45
- 46 k. All wireless communications facilities shall provide sufficient security

1 measures and anti-climbing measures in the design of the facility to reduce
2 the potential for damage, theft, trespass, and injury.

3
4 **2. General Development Standards.** The following general development
5 standards shall be met by all new wireless communications facilities:

- 6
7 a. ~~Without exceeding a maximum of three (3) wireless communication facility~~
8 ~~providers per location,~~ New wireless communications facilities shall be
9 co-located with existing facilities and with other planned new facilities
10 whenever feasible and aesthetically desirable to minimize overall visual
11 impact. Service providers are encouraged to co-locate antennas with other
12 facilities such as water tanks, light standards, and other utility structures
13 where the co-location is found to minimize the overall visual impact;
14
- 15 b. Where feasible and aesthetically desirable, the location of wireless
16 communication facilities shall be encouraged to be located on City-owned
17 or controlled property or right-of-way, with the exception of right-of-way
18 within or abutting residential districts and school or park sites, in
19 accordance with provisions for location by zoning districts stated in D.
20 above.
21
- 22 c. Wireless communications facilities shall be sited to avoid any unreasonable
23 interference with views from neighboring properties, and where their
24 visual impact is least detrimental to scenic vistas.
25
- 26 d. Wireless communications facilities placed on vacant sites shall be
27 considered temporary and the Planning and Zoning Commission may
28 impose a condition that when the site is developed, these facilities shall be
29 removed, and if appropriate, replaced with building-mounted antennas;
30
- 31 e. All wireless communications facilities shall be screened in one of the
32 following ways:
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- 34 1) Substantially screened from the view of surrounding properties and the
35 public view or co-located with existing facilities or structures so as not
36 to create substantial visual, noise, or thermal impacts;
37
 - 38 2) Sited within areas with substantial screening by existing vegetation;
39
 - 40 3) Designed to appear as natural features found in the immediate area,
41 such as trees or rocks, so as to be unnoticeable (stealth facilities); or
42
 - 43 4) Screened with additional trees and other native or adapted vegetation
44 which shall be planted and maintained around the facility, in the
45 vicinity of the project site, and along access roads in appropriate
46 situations, where such vegetation is deemed necessary to screen the

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facilities. Such landscaping, including irrigation, shall be installed and maintained by the project sponsor, as long as the permit is in effect or to the extent permitted by law.

- f. Where the Community Development Director finds that proposed wireless communications facilities have the potential to create a significant impact to the surrounding area or neighborhood, the Community Development Director may require an independent, third-party review, at the expense of the project sponsor, to identify potential impacts on the surrounding area, to confirm the radio frequency needs of the project sponsor and to identify potential alternative solutions;
- g. All wireless communications facilities shall be designed, located and operated to avoid interference with the quiet enjoyment of abutting residential properties, and at a minimum shall be subject to the City-adopted noise standards contained in Section 8-1 of the Albany Municipal Code. Where the Community Development Director finds that noise associated with such facilities may have a detrimental effect at a location off the site, the Director may require an independent acoustic analysis, at the expense of the project sponsor, to identify appropriate mitigation measures. Failure to institute any such required measures, or any violation of noise standards, may be cause for the Community Development Director to initiate a revocation procedure as provided by Subsection 20.100.010.M.
- h. The height of a wireless communications facility (building or ground mounted) shall not exceed ten feet (10') above the basic maximum building height prescribed by the regulations for the district in which the site is located, as provided by Subsection 20.24.080.B, and shall be subject to applicable daylight plane restrictions.
- i. For properties developed under a Planned Unit Development procedure, the maximum height for a proposed wireless communications facility shall be determined by the Planning and Zoning Commission who shall consider the maximum approved heights for buildings in the area and adjacent to the subject parcel;
- j. Unless mandated by federal or state regulations, the use of barbed wire, razor wire, electrified fence, or any other type of hazardous fence as a security precaution is not allowed;
- k. Any equipment shelter shall be designed to be architecturally compatible with existing structures on the site or found in the area; and

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l. No advertising or signs, other than necessary owner identification signs and warning signs, shall be allowed on or at the location of a wireless communications facility.

~~m. For the protection of emergency response personnel, at any wireless communication facility location where there is the possibility that RF radiation levels in excess of the FCC public exposure limit could be experienced by emergency response personnel working in close proximity to antennas/radio frequency emitting devices, said location shall have a single on-site emergency power shut off to de-energize all radio-frequency related circuitry/componentry at all facilities at the site, or some other method acceptable to the Fire Chief for de-energizing the facility.~~

3. **Development Standards for Building and Roof-Mounted Antennas.** In addition to all other applicable development standards, wireless communications facilities proposed to be mounted on or attached to existing or proposed buildings shall comply with the following:

- a. Building-mounted antennas and any ancillary equipment shall be in scale and architecturally integrated with the building design in such a manner as to be visually unobtrusive. Screening may include designs such as locating the facility within attics, steeples, towers, behind and below parapets, or concealed within a new architectural addition to a building or structure which is architecturally compatible with the building;
- b. When antennas or other equipment are viewed directly against a building wall, colors and materials of the equipment shall be painted or otherwise treated to match the exterior of the building;
- c. Roof-mounted equipment and antennas shall be located as far away as feasible from the edge of the building; and
- d. Antennas mounted on such structures as utility poles, light standards or flagpoles shall be placed on the structure in a way to reduce visibility, and shall be painted to blend into the structure.

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

- a. The project sponsor shall demonstrate that the proposed facility cannot be placed on an existing building or co-located on an existing monopole or other tower. Where the Community Development Director finds that such demonstration has not been made, the Community Development Director may require an independent, third-party review, at the expense of the project sponsor, to identify the obstacles to co-location or building

1 placement, to confirm the electromagnetic frequency needs of the project
2 sponsor, and to identify alternative solutions;
3

- 4 b. The maximum height of the proposed monopole or other tower shall be no
5 higher than ten (10') feet above the height limit for the main structure
6 allowed by the zoning district within which the facility is located, as
7 provided by Subsection 20.24.080.B, and shall be subject to applicable
8 daylight plane restrictions. ~~Where the General Plan or zoning district does
9 not specify a height limit, the proposed monopole or other tower shall be a
10 maximum height of fifty five (55') feet, or as approved by the Planning
11 and Zoning Commission. [Deleted because all districts in which wireless
12 facilites would be permitted have a stated height limit]~~
13
- 14 c. Guy wires or support structures shall not be allowed; monopoles shall be
15 self-supporting structures. Design and safety considerations are subject to
16 approval by the Community Development Director;
17
- 18 d. A monopole or other tower facility shall be designed to allow co-location
19 of additional antennas, if deemed desirable by the Planning and Zoning
20 Commission; and
21
- 22 e. Exterior lighting shall not be allowed on commercial wireless
23 communications facilities except for that required for use of authorized
24 persons on site during hours of darkness or where antenna structure owner
25 or registrant is required to light the antenna structure by the terms of the
26 FAA Antenna Structure Registration applicable to the facility.
27

28 **F. Permit Approval Process**

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- 30 1. **Types of Permits.** Except as specifically exempted in Subsection
31 20.20.090.C. above, all wireless communications facilities, and facility
32 modifications that involve any change in the specifications or conditions stipulated
33 in the approved use permit, including but not limited to, changes in power input
34 or output, number of antennas, antenna type or model, number of channels per
35 antenna above the maximum specified in a use permit, repositioning of
36 antennas, increase in proposed dimensions of tower or support structure, or
37 any other facility upgrades, shall be subject to the following permit
38 requirements:
39

- 40 a. **Minor Use Permit.** Administrative Approval. At the discretion of the
41 Community Development Director, an application for a proposed wireless
42 communications facility may be considered administratively ~~without a~~
43 with a noticed public hearing where the proposed facility will be co-
44 located on an existing pole, monopole, or similar support structure other
45 than a building, that has been approved by the City as a wireless
46 communication site.
47

1 b. **Major Use Permit.** Commission Approval. All facilities not exempted
2 by Section 20.20.090.C. above, or which are not eligible for consideration
3 for a minor use permit, including all building-mounted facilities, shall be
4 considered by the Planning and Zoning Commission in a noticed public
5 hearing and may be approved subject to conditions deemed appropriate by
6 the Commission.

7
8 c. **Design Review.** All wireless communication facilities shall be subject to
9 design review and approval, according to procedures and standards stated
10 in Subsection 20.100.050. The reviewing body shall consider all
11 structures, materials, colors, and landscaping associated with any proposal
12 to establish a wireless communication facility. Review shall be the
13 responsibility of the Community Development Director in cases where
14 Minor Use Permits are required. The Planning and Zoning Commission
15 shall have responsibility in cases of Major Use Permits.

16
17 d. **Building Permit.** Unless otherwise specifically exempted by this Chapter,
18 a Building Permit shall be required for all wireless communication
19 facilities.
20

21 2. **Permit fees:** Fees for permits, including permits for all modifications, shall be
22 listed in the City's Master Fee Schedule.

23
24 3. **Notice Requirements.** Public notice shall be provided for any public hearings
25 on applications or appeals, pursuant to procedures stated in Section
26 20.100.010.

27 *[Three Commissioners would support a change to 20.100.010 to expand the radius*
28 *for direct notification of public hearings to 500 feet; two Commissioners prefer the*
29 *existing 300-foot requirement. Any such change would require an amendment to the*
30 *Zoning Ordinance, which would be subject to public hearings by both the Planning*
31 *and Zoning Commission and the City Council.]*
32

33 4. **Application Submittal.**

34
35 a. **General Submittal Requirements.** Applications for minor or major use
36 permits and design review of wireless communication facilities shall
37 submitted and processed in accordance with the Common Procedures
38 stated in Section 20.100.010. The applicant shall provide project
39 information and plans as required by forms and checklists established by
40 the Community Development Director. The Community Development
41 Director may establish and maintain a list of additional information that
42 must accompany each application for a wireless communications facility.
43 Said information may include but need not be limited to the additional
44 submittal requirements listed in paragraph b. below. and radio frequency
45 exposure studies, title report, and security considerations. Any required
46 study or report, performed at the request of the City or by engineers or
47 experts retained by the City, shall be at the expense of the applicant.

1
2 All applications for approval of wireless communication facilities shall
3 include, at a minimum, the items listed below:
4

- 5 1) Identification of the proposed operator of the facility, if a different
6 entity from the applicant, and the identification of and contact
7 information for the person to whom communications from the City
8 should be delivered.
9
- 10 2) Plans and elevations, drawn to scale, for façade- or roof-
11 mounted antennas, including plans and elevations of the existing
12 building. (See paragraph 3.e. below for specific requirements
13 for new towers and modifications to towers.)
14
- 15 3) Floor Plans, elevations and cross sections of any proposed
16 communications equipment shelter or other appurtenant structure at a
17 scale of no smaller than 1/4" = 1' (1:48) with representation of all
18 exterior materials.
19
- 20 4) Description of proposed approach for screening all facilities
21 from public view including plans for installation and
22 maintenance of landscaping, sample exterior materials and
23 colors.
24
- 25 5) Where applicable, a plan showing existing surrounding
26 landscaping, proposed landscaping, a landscape protection plan
27 for construction, and a maintenance plan including an irrigation
28 plan.
29 *[Staff suggests combining of 4) and 5), in the interest of streamlining*
30 *the list of requirements.]*
31
- 32 6) Description of the number, manufacturer, model number and type,
33 catalog number, power output, frequency range, and dimensions of
34 antennas, equipment cabinets, and related wireless communications
35 facilities proposed to be installed.
36
- 37 7) A narrative description and map showing the coverage area of the
38 provider's existing facilities and the proposed coverage area of the
39 specific site that is the subject of the application.
40
- 41 8) Technical information explaining the reasons why a permit is being
42 sought (for example, whether a new antenna is necessary to
43 accommodate increased demand or to fill a "dead zone" in the
44 provider's coverage area), why the subject site is considered necessary
45 to accomplish the provider's coverage objectives, and why the
46 proposed site is the most appropriate location under existing

1 circumstances. The explanation shall address the following as
2 appropriate to the proposed location:
3

4 *[The following paragraphs a) through c) relate to the “preferential tiering”*
5 *of zone districts described in Subsection D. If the City opts for no tiers, the*
6 *following would be deleted. In the case of 3 tiers, reference to SC and SPC*
7 *would be combined.*

8 *In addition, staff recommends modifications to eliminate reference to*
9 *“significant gap”]*

10
11 a) An applicant seeking to locate a wireless communication facility on
12 a public facilities site must explain why that location within the
13 Public Facilities (PF) district is necessary ~~to close a significant gap~~
14 ~~in wireless coverage~~ for the provision of wireless service that
15 cannot be ~~closed~~ achieved by locating a facility in the Commercial
16 Mixed Use (CMX) district.
17

18 b) An applicant seeking to locate a wireless communication facility in
19 the San Pablo Commercial (SPC) district must explain why that
20 location within the SPC zone is necessary ~~to close a significant gap~~
21 ~~in wireless coverage~~ for the provision of wireless service that
22 cannot be ~~closed~~ achieved by locating a facility in the CMX or PF
23 zones.
24

25 c) An applicant seeking to locate Wireless Communications Facilities
26 in the Solano Commercial (SC) district must explain why that
27 location within the SC zone is necessary ~~to close a significant gap~~
28 ~~in wireless coverage~~ for the provision of wireless service that
29 cannot be ~~closed~~ achieved by locating a facility in the CMX, PF or
30 SPC zones.
31

32 9) A visual analysis to assess the effects on views from public areas and
33 from private residences, and address cumulative impacts of the
34 proposed facility and other existing and foreseeable wireless
35 communications facilities. As required by the Community
36 Development Director, the analysis may utilize a photomontage, field
37 mock-up or other techniques. The analysis shall include feasible
38 mitigations for any effects identified.
39

40 10) If co-location is not proposed and sites available for co-location exist
41 ~~with fewer than three (3) wireless communication facility providers~~
42 ~~per location~~, the applicant shall provide information pertaining to the
43 feasibility of joint-use antenna facilities, and discuss the reasons why
44 such joint use is not a viable option or alternative to a new facility site.
45 Such information shall include:
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- a) Whether it is feasible to locate proposed sites where facilities currently exist;
 - b) Information on the existing structure that is closest to the site of the applicant’s proposed facility relative to the existing structure’s structural capacity, radio frequency interface, or incompatibility of different technologies, which would include mechanical or electrical incompatibilities; and
 - c) Written notification of refusal of the existing structure owner to lease space on the structure.
- b. **Additional Submittal Requirements.** The Community Development Director shall have the authority to require additional information, including but not limited to the following:
- 1) A report by an approved radio frequency engineer or licensed electrical engineer specializing in radio frequency radiation (RFR) studies (hereinafter, “an approved engineer”), retained by the City, verifying that the site is necessary for the purpose stated in the provider’s explanation of reasons for seeking the permit. If deemed necessary by the engineer, such information shall include documentation of any facility sites, in Albany and abutting jurisdictions, in which the provider has a legal or equitable interest, whether by ownership, leasehold or otherwise. For each such facility site identified by the engineer, at the request of the engineer, the provider shall demonstrate that these sites are not already providing, ~~or do not have the potential by adjusting the site, to close the significant gap in~~ wireless coverage in the city of Albany identified by the applicant.
 - 2) An Alternatives Analysis, either submitted by the applicant and subject to independent engineering review by the City, or obtained by the City from its retained engineer, which shall at a minimum:
 - a) Identify and indicate on a map, at a minimum, two (2) viable technically feasible, and potentially environmentally equivalent or superior alternative locations outside the prohibited and restricted areas which could eliminate or substantially reduce the significant gap(s) in wireless coverage intended to be eliminated by the proposed facility. If there are fewer than two such alternative locations, the applicant must provide evidence establishing that fact. The map shall also identify all locations where an unimpaired signal can be received to eliminate or substantially reduce the significant gap(s). Where appropriate the applicant ~~must also~~ shall be required to evaluate the potential use of one or more microcell sites (i.e., smaller facilities often mounted upon existing or

1 replacement utility poles), and the use of repeaters, ~~to eliminate or~~
2 ~~substantially reduce said significant gap(s)~~ in lieu of the proposed
3 facility. Radial plots of all repeaters or other alternative facilities
4 considered for use in conjunction with these facility sites shall be
5 provided as part of the alternatives analysis. For each alternative
6 location so identified, the applicant shall describe the type of
7 facility and design measures that could be used at that location so
8 as to minimize negative impacts (e.g., the use of stealth
9 camouflaging techniques).

- 10
- 11 b) Evaluate the potential for co-location with existing wireless
12 communication facilities as a means to eliminate or substantially
13 reduce the significant gap(s) in the applicant carrier's network
14 intended to be eliminated by the proposed facility.
- 15
- 16 c) Evaluate the potential for use of inter-carrier roaming agreements
17 as an alternative.
- 18
- 19 d) Compare, across the same set of evaluation criteria and to similar
20 levels of description and detail, the relative merits of the proposed
21 site with those of each of the identified technically feasible
22 alternative locations and facility designs, and all technically
23 feasible inter-carrier roaming agreements. Such comparison
24 analysis shall rank each of the alternatives (i.e., the proposed
25 location/facility and each of the technically feasible
26 location/design alternatives) in terms of impacts (i.e., from least to
27 most environmentally damaging), and shall support such ranking
28 with clear analysis and evidence.
- 29
- 30 e) Include photo-simulations of each of the alternatives (i.e., the
31 proposed location/facility and each of the technically feasible
32 location/design alternatives).
- 33
- 34 f) Document good faith and diligent attempts to rent, lease, purchase
35 or otherwise obtain the use of at least two (2) of the viable,
36 technically feasible alternative sites which may be environmentally
37
38 equivalent or superior to the proposed project site. The decision-
39 making body may determine that an alternative site is not viable if
40 good faith attempts to rent, lease, purchase or otherwise obtain the
41 site have been unsuccessful.
- 42

43 c. **Specific Submittal Requirements for Towers.** All applications for new
44 tower construction, or major modification of an existing tower shall
45 include:

- 46
- 47 1) A written, irrevocable commitment by the proposed operator, valid

1 for the duration of the existence of the tower, to rent or lease
2 available space for co-location on the tower at fair-market prices and
3 terms to other personal wireless service providers without
4 discrimination.

5
6 2) A professional structural engineer’s written description of the
7 proposed tower structure and its capacity to support additional
8 antennas or other communications facilities at different heights and
9 the ability of the tower to be shortened if future communications
10 facilities no longer require the original height.

11
12 3) A description of available space on the tower, providing illustrations
13 and examples of the type and number of wireless communication
14 facilities that could be mounted on the structure.

15
16 d. **Technical Review.** The Community Development Director may employ,
17 on behalf of the City, at the expense of the applicant, an independent
18 technical expert to review the application submittal and provide
19 determinations and recommendations on such issues as compliance with
20 radio frequency emissions standards, the identification of alternative
21 solutions or locations, and the justifications for installation of monopoles
22 or for any requested exceptions to City standards. The costs of said review
23 and any administrative costs shall be paid by the applicant.

24
25 **5. Findings for Approval.**

26
27 The approving body may approve a use permit for a wireless communications
28 facility only upon making written findings based on substantial evidence in
29 the record.

30
31 a. All of the following findings shall be made for the approval of a use permit
32 for a wireless communication facility:

33
34 1) Findings otherwise required for use permits by Section 20.100.030. ⁽¹⁾

35
36 2) The establishment or expansion of the facility demonstrates a
37 reasonable attempt to minimize stand-alone facilities, is designed to
38 protect the visual quality of the City, and will not have an undue
39 adverse impact on historic resources, scenic views, or other natural or
40 man-made resources.

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⁽¹⁾ The key finding required by 20.100.030 for a use permit reads as follows:
45 **“Necessity, Desirability, Compatibility.** That the size, intensity and location of the
46 proposed use will provide a development that is necessary or desirable for, and compatible
47 with, the neighborhood or the community.”

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- 3) All applicable Development Standards in Section 20.20.090.E. above have been met;
or:
Finding for an exception to the Development Standards: Strict compliance would not provide for adequate radio-frequency signal reception and that no other alternative solutions which would meet the Development Standards are feasible.

[P&Z deferred the determination of the appropriate content of the findings to the City Council, as the issue involves legal considerations. Staff and the City Attorney believe that the findings statements 1 through 3 above are adequate, and recommends that the following findings 4 through 6 be deleted.]

- ~~4) The placement, construction, or modification of a wireless telecommunications facility in the proposed location is necessary for the provision of wireless communication services to Albany residents and businesses, or their owners, customers, guests, or invitees, or other persons traveling in or about the City, to the extent that without such antenna or facility, the operator will be unable to close a significant gap in wireless coverage.~~
- ~~5) The facility located on a site that provides for the maximum achievable setback from childcare facilities, schools and from any property line abutting a residential district.~~
- ~~6) No alternative site in a preferred wireless zoning district or an environmentally superior site (i.e., a site having fewer visual, aesthetic or other environmental impacts) within the same zoning district could close a significant gap in wireless coverage.~~

b. Findings required, in addition to those in paragraph a. above, for specific situations:

- 1) Finding for establishment of a satellite dish or parabolic antenna exceeding 39 inches in diameter: A smaller or different antenna can not feasibly accomplish the provider’s technical objectives and that the facility will not be readily visible.
- 2) Findings for the establishment of a wireless communications facility that is not co-located with other existing or proposed facilities or a new freestanding pole or tower (at least one finding required):
 - a) ~~There are no sites with fewer than three (3) wireless communication facility providers per location;~~

- 1 a) Co-location is not feasible;
- 2
- 3 b) Co-location would have more significant adverse effects on views
- 4 or other environmental considerations;
- 5
- 6 c) Co-location is not permitted by the property owner;
- 7
- 8 d) Co-location would impair the quality of service to the existing
- 9 facility;
- 10
- 11 e) Co-location would require existing facilities at the same location to
- 12 go off-line for a significant period of time; or
- 13
- 14 ~~f) Co-location would not allow the applicant to *close a significant gap~~
- 15 ~~in wireless coverage in city of Albany, either with or without the~~
- 16 ~~use of repeaters.~~
- 17

18 6. Standard Agreement.

- 19
- 20 a. Except for exempt facilities defined in Section 20.20.090.C, a maintenance
- 21 and facility removal agreement shall be executed by the operator, the
- 22 property owner if other than the operator, and the City, for any wireless
- 23 communication facility that includes any one or combination of the
- 24 following elements:
- 25
- 26 1) A free-standing tower in excess of ten (10) feet in height,
- 27
- 28 2) One or more buildings or enclosures larger in the aggregate than three
- 29 hundred (300) square feet;
- 30
- 31 3) More than three (3) antennas or satellite dishes of any size; or
- 32
- 33 4) Any satellite dish larger than twenty-four inches (24”) in diameter.
- 34
- 35 b. No use permit shall become effective until such agreement has been
- 36 executed. Said agreement shall bind the operator, the property owner,
- 37 and all successor parties to the following:
- 38
- 39 1) Maintain the exterior appearance of the facility;
- 40
- 41 2) Ultimately to remove the facility in compliance with this Chapter and
- 42 any conditions of approval;
- 43
- 44 3) Pay all costs for monitoring for compliance with this agreement and all
- 45 conditions and environmental mitigation measures;
- 46

- 1 4) Reimburse the City for all costs incurred for work the applicant had
2 failed to perform;
3
4 5) Where applicable in the case of a freestanding tower, the agreement
5 shall stipulate that the permittee will rent or lease available space on the
6 tower, under the terms of a fair-market lease, to other wireless service
7 communication providers without discrimination.
8
9 c. The Community Development Director shall develop a standard form for
10 such agreement which shall include the provisions of this paragraph and
11 other provisions which shall include, but not be limited to, authorization
12 for City agents to enter the property, and establishment of liability of the
13 applicant for any pollution resulting from the facility.
14

15 **G. Operation and Maintenance Standards.**
16

17 All wireless communication facilities shall at all times comply with the
18 following operation and maintenance standards. Failure to comply shall be
19 considered a violation of conditions of approval subject to enforcement
20 pursuant to provisions of this Chapter.
21

- 22 1. After the granting of a use permit but before an approved facility begins
23 transmission, the applicant shall pay for an independent consultant, hired by
24 the City, to monitor the background levels of radio-frequency radiation around
25 the facility site and/or any repeater locations to be utilized in connection with
26 such facilities. The independent consultant shall use the Monitoring Protocol
27 (See definition, Section 20.08). A report of the monitoring results shall be
28 prepared by the independent consultant and submitted to the Community
29 Development Director.
30
31 2. Any major modification of the existing facility, or the activation of any
32 additional permitted channels, shall require new monitoring.
33
34 3. Each owner or operator of a wireless communication facility shall
35 provide signage identifying the name and phone number of a party to
36 contact in event of an emergency. Where a utility pole or light standard
37 is utilized as a support structure, the signage shall be attached to the
38 base of the pole or standard.
39
40 4. Wireless communication facilities and related equipment, including
41 lighting, fences, shields, cabinets, and poles, shall be maintained in
42 good repair, free from trash, debris, litter and graffiti and other forms of
43 vandalism, and any damage from any cause shall be repaired as soon as
44 reasonably possible so as to minimize occurrences of dangerous
45 conditions or visual blight. Graffiti shall be removed from any facility
46 or equipment as soon as practicable, and in no instance more than forty-
47 eight (48) hours from the time of notification by the city.

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- 5. The owner or operator of a wireless communication facility shall be responsible for maintaining landscaping in accordance with the approved landscape plan and for replacing any damaged or dead trees, foliage, or other landscaping elements shown on the approved plan. Amendments or modifications to the landscape plan shall be submitted to the Community Development Director for approval.

- 6. Each wireless communication facility shall be operated in a manner that will minimize noise impacts to surrounding residents and persons using nearby parks, trails, and similar recreation areas. Except for emergency repairs, testing and maintenance activities that will be audible beyond the property line shall only occur between the hours of 8:00 a.m. and 7:00 p.m. on Monday through Friday, excluding holidays. All air conditioning units and any other equipment that may emit noise that would be audible from beyond the property line shall be enclosed or equipped with noise attenuation devices. Backup generators shall only be operated during periods of power outages or for testing. At no time shall equipment noise from any source exceed the standards specified in the Albany Municipal Code.

- 7. All wireless communication facilities providing service to the government or the general public shall be designed to meet the following requirements:
 - a. The exterior walls and roof covering of all aboveground equipment shelters and cabinets shall be constructed of materials rated as nonflammable in the Uniform Building Code.
 - b. All structures shall meet wind load standards as specified by the Uniform Building Code.
 - c. Openings in all aboveground equipment shelters and cabinets shall be protected against penetration by fire and windblown embers to the extent feasible.
 - d. Material used as supports for antennas shall be fire resistant, termite proof, and subject to all applicable requirements of the Uniform Building Code.
 - e. Wireless communication antenna towers shall be designed to withstand forces expected during earthquakes to the extent feasible building-mounted facilities shall be anchored so that a quake does not dislodge them or tip them over. All equipment mounting racks and attached equipment shall be anchored so that a quake would not

1 tip them over, throw equipment off its shelves, or otherwise damage
2 equipment.

3
4 f. All connections between various components of the wireless
5 communications facility and necessary power and telephone lines
6 shall, to the extent feasible, be protected against damage by fire,
7 flooding, and earthquake. Reasonable measures shall be taken to
8 keep wireless communication facilities in operation in the event of a
9 natural disaster.

10
11 8. Vehicle and personnel access to sites for maintenance and repairs shall
12 not be from residential streets or adjacent residential properties to the
13 maximum extent possible.

14
15 **H. Certification of Facilities.**

16
17 1. No wireless communications facility or combination of facilities shall at
18 any time produce power densities that exceed the FCC's limits for
19 radio-frequency strength and power density for transmitters. In order to
20 ensure continuing compliance with all applicable emission standards,
21 all wireless communications facilities shall be reviewed by an approved
22 engineer in accord with the schedule and procedures set forth below.

23 All reasonable costs of such inspections shall be born by the owner or
24 operator of the facility. The City may require, at the operator's expense,
25 independent verification of the results of any analysis. If an operator of
26 a communications facility fails to supply the required reports or fails to
27 correct a violation of the Federal Communications Commission
28 standard following notification, the Use Permit is subject to
29 modification or revocation by the Planning and Zoning Commission
30 following a public hearing.

31
32 a. Within forty five (45) days of initial operation or modification of a
33 communications facility, the operator of each communications
34 antenna shall submit to the Community Development Director
35 written certification by an approved engineer that the facility's
36 radio frequency emissions are in compliance with the approved
37 application and any required conditions. The engineer shall
38 measure the radio-frequency radiation of the approved facility and
39 determine if it meets the FCC requirements. A report of these
40 measurements and the engineer's findings with respect to
41 compliance with the FCC's radio-frequency limits shall be
42 submitted to the Community Development Director. If the report
43 shows that the facility does not comply with applicable FCC
44 requirements, the owner or operator shall cease operation of the
45 facility until the facility complies with, or has been modified to
46 comply with, this standard. Proof of compliance shall be a

1 certification provided by the engineer who prepared the original
2 report. In order to assure the objectivity of the analysis, the City
3 may require, at the applicant's expense, independent verification
4 of the results of the analysis.
5

- 6 b. Once every two years, the City shall retain, at the operator's
7 expense, an approved engineer to conduct an unannounced spot
8 check of the facility's compliance with applicable FCC radio-
9 frequency standards, utilizing the Monitoring Protocol (See
10 definition, Section 20.08). This monitoring shall measure levels of
11 radio-frequency radiation from the facility site's primary antennas
12 as well as from repeaters, if any.
13
- 14 c. The City shall require inspection of tower and antenna structural
15 integrity by a structural engineer ~~every 10 years, and~~ following
16 significant storms and seismic events, within thirty days of such events,
17 at applicant's cost.
18
- 19 d. In the event of a change in the FCC's limits for radio-frequency strength
20 and power density for transmitters, the operator of each wireless
21 communications facility shall be required to submit to the Community
22 Development Director written certification by an approved engineer of
23 compliance with applicable FCC radio-frequency standards within 90
24 days of any change in applicable FCC radio-frequency standards or of
25 any modification of the facility requiring a new submission to the FCC
26 to determine compliance with emission standards. If calculated levels
27 exceed 50% of the FCC's limits, the operator of the facility shall hire an
28 approved engineer to measure the actual exposure levels. If calculated or
29 measured levels are not in compliance with the FCC's limit, the operator
30 shall cease operation of the facility until the facility is brought into
31 compliance with the FCC's standards and all other applicable
32 requirements. A report of these calculations, required measurements, if
33 any, and the engineer's findings with respect to compliance with the
34 current FCC limits shall be submitted to the Community Development
35 Director.
36
- 37 e. If the Community Development Director at any time finds that there
38 is good cause to believe that a wireless communication antenna is
39 not in compliance with applicable FCC radio-frequency standards,
40 he/she may require the operator to submit written certification that
41 the facility is in compliance with such FCC standards.
42
- 43 2. The owner or operator of any wireless communication facility that was
44 approved by the City before the effective date of this chapter, shall submit
45 within six (6) months from the date of notification, to the Community
46 Development Director, written certification by an approved engineer that the
47 facility's radio-frequency emissions are in compliance with the approved

1 application and any required conditions. The engineer shall measure the radio-
2 frequency radiation of the approved facility and determine if it meets the FCC
3 requirements. If the report shows that the facility does not comply with
4 applicable FCC requirements, the owner or operator shall cease operation of
5 the facility until the facility is brought into compliance. In order to assure the
6 objectivity of the analysis, the City may require, at the applicant's expense,
7 independent verification of the results of the analysis.
8

- 9 3. Any facility that was approved by the City prior to the effective date of this
10 chapter and which does not comply with this chapter on the date of its adoption
11 shall be considered a lawful non-conforming use provided that the owner or
12 operator submits the information required in subsection 2 of this section. A
13 lawful non-conforming wireless communication service facility shall be
14 subject to the requirements of Section 20.44 except to the extent that they are
15 modified herein.
16
- 17 4. Failure to submit the information required in this section will be considered a
18 violation of the Zoning Ordinance. Any facility found in violation may be
19 ordered to terminate operations by the Planning Commission following a duly
20 noticed public hearing.
21

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

23
24 **1. Duration of Permits and Approvals.**

- 25
26 a. An approved use permit for a wireless communication facility must be
27 activated within one (1) year from the date of final approval. If not
28 activated within one (1) year from the date of final approval, the permit
29 shall be deemed expired, as provided in Subsection 20.100.010.K.1.
30
- 31 b. Once activated, all permit approvals for wireless communication facilities
32 shall be valid for an initial maximum period of up to ten (10) years, or as
33 specified by the approving body.
34
- 35 c. Permit approvals may be administratively extended without a public
36 hearing for subsequent five (5) -year term(s) by the Community
37 Development Director upon verification of continued compliance with the
38 findings and conditions of approval under which the application was
39 originally approved, as well as any other provisions provided for in the
40 Municipal Code, and Federal and State regulations which are in effect at
41 the time of permit renewal.

42 *[P&Z vote on paragraphs b. and c.: 4-1]*

- 43
44 d. In the event that the Community Development Director finds that the
45 applicant has not maintained the facility in compliance with all applicable
46 code requirements, conditions of approval and provisions of the

1 maintenance agreement, the Director may initiate a revocation procedure
2 as provided by Subsection 20.100.010.M.

3
4 e. Costs associated with the process of verification of compliance and
5 extension or revocation of approval shall be borne by the permit holder.
6

7 **2. Discontinuance of Use.** All equipment and improvements associated with a
8 wireless communication facility shall be removed within thirty (30) days of
9 the discontinuation of the use and the site shall be restored to its original, pre-
10 construction condition, or as approved by the Community Development
11 Director. For facilities located on City property, this removal requirement
12 shall be included within the terms of the lease. For facilities located on private
13 sites, the terms of private leases shall also require equipment removal as a
14 provision of the lease. Written verification of the removal of wireless
15 communications facilities on private property shall be provided to the
16 Community Development Director within thirty (30) days of the
17 discontinuation of the use.
18

19 a. If the operator fails to remove the wireless communication facilities from
20 the site, the property owner shall be responsible for removal, and may use
21 any bond or other assurances provided by the operator pursuant to the
22 requirements of this Chapter to do so. If such facilities are not removed,
23 the site shall be deemed to be a nuisance and the City may call the bond
24 for removal or take such other action as is it deems appropriate.
25

26 b. Failure to inform the Community Development Director of cessation of
27 operations of any existing facility shall constitute a violation of the Zoning
28 Ordinance and be grounds for:

- 29 1) Prosecution;
- 30 2) Revocation or modification of the permit;
- 31 3) Calling of any bond or other assurance secured by the operator
32 pursuant to the requirements of this Chapter; and/or
- 33 4) Removal of the facilities.
34

35 **3. Existing Uses.** All equipment and improvements associated with a wireless
36 communications facility permitted as of the date of passage of this Chapter
37 shall be allowed to continue as they presently exist, but will be considered
38 legal nonconforming uses insofar as they do not comply with standards stated
39 in this Subsection. Routine maintenance shall be permitted on existing,
40 operational equipment and facilities. However, new construction, other than
41 routine maintenance on existing towers, antennas, buildings, or other facilities
42 shall comply with the requirements of this Chapter. In the event of the
43 abandonment of the use of any equipment or facility for a continuous period
44 of one hundred eighty (180) days, the provisions of Subsection 20.44.040,
45 Abandonment of Nonconforming Use, shall apply, the associated permits and
46 approvals shall expire, and the site shall thereafter be maintained in

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conformity with the regulations for the district in which the site is located. The Community Development Director may require removal of such disused equipment or facilities, as provided in Subsection 20.20.090.G.2 above.

1 SECTION 2: THAT CHAPTER XX OF THE ALBANY MUNICIPAL CODE,
2 SUBSECTION 20.08 TITLED "DEFINITIONS", IS HEREBY
3 AMENDED TO INCLUDE THE FOLLOWING TEXT:
4

5 **Wireless Communications Facility.** Any device or system for the transmitting
6 and/or receiving of electromagnetic signals, including but not limited to radio waves
7 and microwaves, for cellular technology, personal communications services, mobile
8 services, paging systems and related technologies. Facilities include antennas,
9 microwave dishes, parabolic antennas and all other types of equipment used in the
10 transmission and reception of such signals; structures for the support of such
11 facilities, associated buildings or cabinets to house support equipment, and other
12 accessory development.
13

14 The following terms related to Wireless Communications Facilities shall have the
15 following meanings:
16

17 *a. Antenna.* Any system of poles, panels, rods, reflecting disks, wire or similar
18 devices used for the transmission or reception of electromagnetic signals. Does
19 not include any support structure upon which an antenna is mounted.
20

21 *b. Antenna Structure.* Any structure, including a pole, mast, or tower, whether free-
22 standing or mounted on another building or structure, that supports an antenna or
23 an array of antennas. The height of an antenna structure is measured to the highest
24 point of any antenna mounted thereon.
25

26 *c. Base Station:* The primary sending and receiving site in a wireless
27 telecommunications network, including all radio-frequency generating equipment
28 connected to antennas. More than one base station and/or more than one variety of
29 telecommunications providers can be located on a single tower or structure.
30

31 *d. Co-Location.* A situation in which a single support structure supports one (1) or
32 more antennas owned or used by more than one (1) public or private entity.
33

34 *e. Microcell site:* A small radio transceiver facility comprised of an unmanned
35 equipment cabinet with a total volume of one hundred (100) cubic feet or less that
36 is either under or aboveground, and one omni-directional whip antenna with a
37 maximum length of five feet, or up to three small (approximately 1'x 2' or 1'x 4')
38 directional panel antennas, mounted on a single pole, an existing conventional
39 utility pole, or some other similar support structure.
40

41 *f. Monitoring Protocol:* An industry accepted radio-frequency (RF) radiation
42 measurement protocol used to determine compliance with FCC RF radiation
43 exposure standards, in accordance with the National Council on Radiation
44 Protection and Measurements Reports 86 and 119 and consistent with the RF
45 radiation modeling specifications of OET Bulletin 65 (or any superceding
46 reports/standards), which is to be used to measure the emissions and determine

1 radio-frequency radiation exposure levels from existing and new
2 telecommunications facilities. RF radiation exposure measurements are to be
3 taken at various locations, including those from which public RF exposure levels
4 are expected to be the highest.

5
6 **g. Monopole.** A type of free-standing antenna structure that is seventeen (17') feet or
7 more in height and is designed to be self-supporting without the use of guy wires.

8
9 **h. Preferred wireless zoning district:** A zone where the City has determined that the
10 location of a Wireless Communications Facility would reduce the noise, aesthetic
11 and visual impact of that facility relative to its placement in another zone. The
12 City has determined that Wireless Communication Facilities may be located in the
13 following order of preference: CMX, PF, SPC and SC.
14 *[Order of preference may be adjusted, depending on City's final choice.]*

15
16 **i Radio-Frequency (RF) Radiation.** Radiation from the portion of the
17 electromagnetic spectrum with frequencies below the infrared range
18 (approximately 100 GHz and below), including microwaves, television VHF and
19 UHF signals, radio signals, and low to ultra low frequencies.

20
21 **j. Receive-Only Antenna.** Antenna for the reception of radio and television signals,
22 without transmitting capabilities; may include pole or dish types of antennas.

23
24 **k. Repeater:** A small receiver/relay transmitter of not more than 20 watts output
25 designed to provide service to areas which are not able to receive Adequate
26 Coverage directly from a Base Station.

27
28 **l. Satellite Dish.** A bowl-shaped antenna used to receive and/or transmit
29 electromagnetic signals to and from an orbiting satellite.

30
31 **m. Significant gap in wireless coverage:** Sufficiently poor wireless service such that
32 significant numbers of remote users of those services are unable connect with the
33 land-based national telephone network, or to maintain a reasonably uninterrupted
34 communication within City limits. Individual dead spots within a greater service
35 area do not constitute a significant gap in coverage.
36 *[This definition should be deleted if the term is not used in the ordinance.]*

37
38 **n. Stealth Facility.** A wireless communications facility located so as to be of
39 minimal visibility, such as being incorporated within an architectural feature such
40 as a steeple or parapet, or in the open but disguised as a tree or other natural
41 feature.

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SECTION 3: THIS ORDINANCE SHALL BE POSTED AT THREE PUBLIC PLACES WITHIN THE CITY OF ALBANY AND SHALL BECOME EFFECTIVE THIRTY DAYS AFTER THE DATE OF ITS POSTING.

Robert Good
Mayor of the City of Albany

H:/ep/wireless 05/wireless ord /ORD05-02