

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

Agenda date: 5/26/09  
Prepared by: AC  
Reviewed by: JB

**ITEM/**            **6a**  
**SUBJECT:**      **Planning Application #08-038. Conditional Use Permit. Design Review.**  
Request for approval of a conditional use permit and design review to allow installation of a nine new antennas and five equipment boxes to the roof top of an existing commercial building.

**SITE:**            **1035 San Pablo**

**APPLICANT/  
OWNER:**        **Jacqueline Smart for ATT Wireless**

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

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**STAFF RECOMMENDATION**

Staff recommends that the Planning and Zoning Commission approve the request for a Conditional Use Permit and Design Review to install a new wireless facility.

**BACKGROUND/PROJECT DESCRIPTION**

The applicant is requesting approval of a conditional use permit and design review to allow installation of nine new antennas on the north and east portions of the rooftop of an existing commercial building. The project's purpose is to provide broader services for ATT wireless customers. The building currently has wireless facilities with other carriers.

Initially, nine antennas will be installed in two enclosures. The enclosures will be finished to appear like stucco and painted to match the building. One enclosure is proposed to be located on the north elevation of the building, close to San Pablo Avenue. The other enclosure is proposed to be located on the southeast corner of the building. In order to comply with City requirements, the enclosure on the southeast corner will need to be relocated at least ten feet from the rear property line. In addition to the antenna enclosures, five equipment boxes are proposed to be located at the center of the rooftop.

**ENVIRONMENTAL ANALYSIS**

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

## DISCUSSION OF KEY ISSUES

### *Key Elements of City of Albany Wireless Regulations*

This is the first application for a wireless communications facility to be deemed complete and processed under Planning and Zoning Code Section 20.20.100, which was adopted in 2005. Other applications have been received, however, they have been withdrawn or placed on hold primarily due to a reluctance of applicants to reimburse the City for the cost of an independent third-party review of the application.

The Federal Communications Commission (FCC) regulates radio frequency (RF) emissions safety standards, preempting any City attempt to regulate health implications of RF emissions. Thus, the city's regulations are focused on the location and design of antennas. The key features of the regulations include:

- Prohibiting wireless facilities in residential areas thus leaving the SPC (San Pablo Avenue), SC (Solano Commercial), and CMX (Commercial Mixed-Use) zoning districts as potential areas to allow such a facility.
- Establishing development standards, operation and maintenance standards, and specifying application submittal requirements.
- Requiring a maintenance and facility removal agreement.
- Allowing the City to conduct studies to ensure compliance of with City and FCC standards.

### *Design Review*

The building is a three-story office building with penthouse space, with a legal non-conforming maximum height of 47'-4", with the majority of the building at a height of 40'. It is one of the tallest buildings in Albany, and one of the few buildings with existing wireless facilities. The building does not have any predominate architectural style or particular architectural elements of interest that need to be maintained and carried through.

A model frame was erected, at the request of staff, based on the consultant's recommendation. The equipment boxes appear quite large and are visible from the street. Staff recommends that the Commission request that the applicant lower the equipment boxes or provide direction on design revisions that can mitigate some of the visual impact of the equipment enclosures.

Staff also recommends, as suggested by the consultant, that a condition of approval be required that the service light be switched off any time an AT&T technician is not physically present on the roof of the building. Finally, staff recommends that if at any time in the future a mixed-use or residential building is constructed within the 30'-5" RF controlled area, in front of the panel antennas, the antennas must be relocated away from the residential development, subject to staff review and approval.

### ***Independent Review of Application***

The consultant firm *Kramer. Firm Inc.*, who specializes in telecommunications review for municipalities, conducted a third-party review of the application (see attachment 5). Three important considerations were found:

- RF Safety - *Kramer. Firm Inc.*, found that the RF levels exceed the FCC's general population limit rule. The "worst case" controlled zone, where RF exceed permitted levels, is located in the airspace, 30'-5", in front of the panel antennas. Since the building is so tall it appears that maintenance and facilities operators are the only people that may be exposed to the controlled area. The following are conditions of approval recommended by the consultant:
  1. AT&T shall permanently place and at all times maintain in good condition radio frequency emission notice signs in English and Spanish that are compliant with ANSI C95.2 color, symbol, and content conventions.
  2. Each sign shall at all times bear the name of the carrier, the site identification number, and a 24-7 local or toll-free telephone number to reach a live person at the carrier's Network Operations Center.
  3. Such signage shall be affixed to inside the building, immediately adjacent to or on the door of the roof access portal; and outside of the entry point to the proposed RF transparent enclosure housing; and adjacent to the rear of each panel antenna located in the proposed RF-transparent enclosures; and other locations as determined by AT&T.
- Potential for Impacts on the Surrounding Area - On page five of the consultant's report, the consultant concluded that the project site is best suited location within the area for AT&T coverage.
- Necessity of the Site - On page six of the consultant's report, the consultant concluded that the applicant's justification for the site is sound.

Staff recommends that the applicant submit verification that the "worst case" controlled zone, is greater than 30'-5" from any existing residential property.

### **Appeals:**

The Albany Municipal Code provides that any action of the Planning and Zoning Commission may be appealed to the City Council if such appeal is filed within 14 days of the date of action. Appeals may be filed in the Community Development Department by completing the required form and paying the required fee.

### **Attachments:**

1. Analysis of Zoning Requirements
2. Findings
3. Conditions

4. Application, Plans, Photos, RF Report
5. Kramer. Firm Inc. report dated 3/31/2009

# ATTACHMENT 1 - ANALYSIS OF COMPLIANCE WITH ZONING REQUIREMENTS

## 20.12 Zoning Districts and Permitted Uses

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

## 20.16 Land Use Classifications

Office

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

### 20.20.080 Secondary Residential Units.

Not applicable.

### 20.24.020 Table of Site Regulations by District.

Not applicable.

### 20.24.030 Overlay District Regulations.

Not applicable.

### 20.24.040 Hillside Residential Regulations.

Not applicable.

### 20.24.050 Floor-Area-Ratio.

Not applicable.

### 20.24.060 Setback Areas, Encroachments.

Not applicable.

### 20.24.070 Setbacks with Daylight Planes.

See Discussion of Key Issues.

### 20.24.080 Height Limits and Exceptions.

See Discussion of Key Issues.

### 20.24.100 Distances between Structures.

Not applicable.

### 20.24.110 Fences, Landscaping, Screening.

See Discussion of Key Issues.

### 20.24.130 Accessory Buildings.

Not applicable.

### 20.28 Off-Street Parking Requirement.

Not applicable.

**20.40 Housing Provisions**

Not applicable.

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

Not applicable.

**20.48 Removal of Trees**

Not applicable.

**20.52 Flood Damage Prevention Regulations**

Not applicable.

**20.58 Art in Public Places Program**

Project may be subject to Art in Public Places Program requirements. Specific details will be required at time of application for a building permit.

**20.100.030 Use Permits.**

Not applicable.

**20.100.040 Variances.**

Not applicable.

**20.100.010 Common Permit Procedures.**

Public notice of this application was provided on May 15, 2009 in the form of mailed notice to property owners and occupants within a 300-foot radius, and posted in three locations.

**20.100.050 Design Review.**

See Discussion of Key Issues.

## ATTACHMENT 2 - FINDINGS

### Findings for Design Review approval (Per section 20.100.050.E of the AMC)

<i>Required Finding</i>	<i>Explanation</i>
<p>1. <i>The project conforms to the General Plan, any applicable specific plan, applicable design guidelines adopted by the City of Albany, and all applicable provisions of this Chapter.</i></p>	<p>The General Plan designates this area for commercial and commercially-related development. Additionally, the project meets City zoning standards for location, intensity and type of development.</p>
<p>2. <i>Approval of project design is consistent with the purpose and intent of this section, which states "designs of projects...will result in improvements that are visually and functionally appropriate to their site conditions and harmonious with their surroundings, including natural landforms and vegetation. Additional purposes of design review include (but are not limited to): that retention and maintenance of existing buildings and landscape features are considered; and that site access and vehicular parking are sufficient."</i></p>	<p>The proposal is in scale and harmony with existing development in the vicinity of the site. The antennas and equipment will be painted to match the finish of the existing building. The building is also one of the tallest in the city, which will make the antennas and equipment minimally visible. The facility is also co-locating with existing telecommunication carriers thus will not change the use or drastically change the aesthetics of the building.</p>
<p>3. <i>Approval of the project is in the interest of public health, safety and general welfare.</i></p>	<p>The proposed project will not be detrimental to the health, safety, convenience and welfare of those in the area and would not adversely impact property, improvements or potential future development in the area. A third party review has been conducted and a number of conditions of approval requiring signage about radio frequency levels, as well as relocation of the antennas if in future residential development in the controlled radio frequency level areas is constructed.</p>
<p>4. <i>The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.</i></p>	<p>The project as designed is in substantial compliance with the standards as stated, including access, architecture, natural features, coordination of design details, and privacy. The proposed project will not affect the use, drastically affect the aesthetics, or at all the privacy at or around the site.</p>

**Findings for Conditional Use Permit Approval as required by Section 20.100.030.D:**

Required Finding	Explanation
<p>1. <i>The size, location and intensity of the project are desirable and compatible with the neighborhood and community.</i></p>	<p>The proposed wireless communication facility is co-located with existing facilities. It is located in one of three conditionally permitted zones and will provide additional wireless communication services to city residents and those travelling through the city.</p>
<p>2. <i>The project will not be detrimental to the health, safety, convenience or general welfare of people residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:</i></p> <ul style="list-style-type: none"> <li>a. <i>The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures</i></li> <li>b. <i>The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading.</i></li> <li>c. <i>The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.</i></li> <li>d. <i>Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.</i></li> </ul>	<ul style="list-style-type: none"> <li>a. The site is of sufficient size and shape to successfully install/construct the wireless facilities. They will be located on the rooftop of an existing building and will not change the use or dramatically change the aesthetics of the site.</li> <li>b. The project will not have any increased traffic impacts beyond those typical during the initial installation period. A technician will visit the site once every few weeks, and aside from the visits will be self-sufficient unless emergencies arise.</li> <li>c. The project will not develop new noxious noise, glare, dust or odor emissions beyond those associated with initial construction activities. The project will remain a residential activity with all such characteristics. Conditions of approval requiring signage and</li> <li>d. The antennas and equipment shall be painted and finished to match the existing building.</li> </ul>
<p>3. <i>That such use or feature as proposed will comply with the applicable provisions of this Chapter and will be consistent with the policies and standards of the General Plan.</i></p>	<p>The proposed project is otherwise consistent with the City's General Plan zoning standards and requirements relating to wireless facilities.</p>



**Findings for Approval as required by Section 20.20.100F.5:**

<i>Required Finding</i>	<i>Explanation</i>
The establishment or expansion of the facility demonstrates a reasonable attempt to minimize stand-alone facilities, is designed to protect the visual quality of the City, and will not have an undue adverse impact on historic resources, scenic views, or other natural or man-made resources.	The proposal is in scale and harmony with existing development in the vicinity of the site. The antennas and equipment will be painted to match the finish of the existing building. The building is also one of the tallest in the city, which will make the antennas and equipment minimally visible. The facility is also co-locating with existing telecommunication carriers thus will not change the use or drastically change the aesthetics of the building.
All applicable Development Standards in subsection 20.20.100.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.	As a condition of issuance of a building permit, the applicant shall relocate the antenna enclosure on the southeast corner of the building to comply with development standards. No exceptions required.
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.	The City retained an independent third-party consultant specializing in telecommunications facilities. The consultant concluded that the project site is best suited location within the area for AT&T coverage and that the applicant's justification for the site is sound.
Finding for establishment of a satellite dish or parabolic antenna exceeding thirty-nine (39) inches in diameter: A smaller or different antenna cannot feasibly accomplish the provider's technical objectives and that the facility will not be readily visible.	Not applicable. Project does not require a satellite dish.
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 (1) finding required):  a) Co-location is not feasible;  b) Co-location would have more significant adverse effects on views or other environmental consideration;	Not applicable. Project is co-located with other facilities.

<p>c) Co-location is not permitted by the property owner;</p> <p>d) Co-location would impair the quality of service to the existing facility;</p> <p>e) Co-location would require existing facilities at the same location to go off-line for a significant period of time; or</p>	
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ATTACHMENT - 3

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS OF APPROVAL

GENERAL PROJECT CONDITIONS

Gen-1 **Project Approval.** This Design Review and Conditional Use Permit approval is for Jaqueline Smart, for AT&T Wireless, as substantially shown and described on the project plans, except as may be modified by conditions herein. Plans include plans prepared by AT&T, date received May 22, 2008, (project plans include site plan, elevations, RF report, details), all as presented to the Planning and Zoning Commission on May 26, 2009. For any condition herein that requires preparation of a Final Plan where the project developer has submitted a conceptual plan, the project developer shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required by the conditions herein for approval by the City.

GEN-2 **Project Approval Expiration.** This Design Review and Conditional Use Permit approval will expire on June 9, 2010 (one year from the date on which this approval becomes effective), or at an alternate time specified as a condition of approval, unless a building permit has been issued and construction diligently pursued; a certificate of occupancy has been issued; the use is established; the use permit, variance or design review approval is renewed. The approval may be renewed by the Community Development Director for a period up to an additional two (2) years, provided that, at least ten (10) days before expiration of one (1) year from the date when the approval becomes effective, an application for renewal of the approval is filed with the Community Development Department. The Community Development Director may grant a renewal of an approval where there is no change in the original application, or there is no request to change any condition of approval.

Project also is subject to "Duration, Revocation and Discontinuance" regulations contained in Planning and Zoning Code Section 20.20.100.I :

*An approved use permit for a wireless communication facility must be activated within one (1) year from the date of final approval. If not activated within one (1) year from the date of final approval, the permit shall be deemed expired, as provided in subsection 20.100.010.K.1.*

*b. Once activated, all permit approvals for wireless communication facilities shall be valid for an initial maximum period of up to ten (10) years, or as specified by the approving body.*

*c. Permit approvals may be administratively extended without a public hearing for subsequent five (5)-year terms(s) by the Community Development Director upon verification of continued compliance with the findings and conditions of approval under which the application was originally approved, as well as any other provisions provided for in the Municipal Code,*

and Federal and State regulations which are in effect at the time of permit renewal.

d. In the event that the Community Development Director finds that the applicant has not maintained the facility in compliance with all applicable code requirements, conditions of approval and provisions of the maintenance agreement, the Director may initiate a revocation procedure as provided by subsection 20.100.010.M.

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

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

a. 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.

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

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

Gen-3

FEES. The applicant shall pay any and all City and other related fees applicable to the property, as may be modified by conditions herein. Fees shall be based on the current fee structure in effect at the time the relevant permits are secured, and shall be paid before issuance of said permit or before any City Council final action approval. Notice shall be taken specifically of Plan Check, Engineering, Fire and Inspection Fees. The project developer shall also reimburse the City for

direct costs of planning; building and engineering plan check and inspection, as mutually agreed between the City and developer.

- GEN-4      **Appeals.** The Albany Municipal Code provides that any action of the Planning staff may be appealed to the Planning and Zoning Commission, and any action of the Planning and Zoning Commission may be appealed to the City Council as per the procedures described in Section 20.100.080. The City Clerk will then schedule the matter for the next available City Council meeting.
- GEN-5      **Requirement for Building Permit.** Approval granted by the Planning and Zoning Commission does not constitute a building permit or authorization to begin any construction or demolish an existing structure. An appropriate permit issued by the Community Development Department must be obtained before constructing, enlarging, moving, converting, or demolishing any building or structure within the City.
- GEN-6      **Fire Department Approval.** As part of a building permit application, the applicant shall submit written documentation that all requirements of the Albany Fire Department have, or will be, met to the satisfaction of the AFD.
- GEN-7      **Engineering Approval.** As part of a building permit application, the applicant shall submit written documentation that all requirements of the Public Works Department have, or will be, met to the satisfaction of the City Engineer.
- GEN-8      **Construction Hours.** Construction activity shall be restricted to the hours of 8:00 a.m. to 6:00 p.m. Mondays through Saturdays, and 10:00 a.m. to 6:00 p.m., Sundays and legal holidays, unless otherwise approved in writing by the City Engineer for general construction activity. Failure to comply with construction hours may result in stop work orders or other administrative actions.
- GEN-9      **Modifications to Approved Plans.** The project shall be constructed as approved. Planning staff may approve minor modifications in the project design, but not the permitted land use (per MC 20.12). A change in an item requiring discretionary approval and any other changes deemed appropriate by the Planning staff shall require further Planning and Zoning Commission approval through the Design Review process.
- GEN-10     **Hold Harmless Agreement.** Pursuant to Government Code Section 66474.9, the applicant (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Albany and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul the City's approval concerning this application, which action is brought within the time period provide for in Section 66499.37. The City will promptly notify the applicant of any such claim action or proceeding and cooperate fully in the defense.
- GEN-11     **Public Improvements Standards.** Public improvements, as required by the City Engineer during building permit review, shall be designed and constructed in

Date Received: 5/22/08

Planning Application No.: 08-038

Fee Paid: 1110 + 5000 = 6110.00

Receipt # ~~4200~~ 51017



# City of Albany



## PLANNING APPLICATION FORM (GENERAL PROJECTS)

<p><b>For PLANNING &amp; ZONING COMMISSION action:</b></p> <p><input type="checkbox"/> Conditional Use Permit*</p> <p><input type="checkbox"/> Design Review (residential, residential additions, commercial, office and multi-family*)</p> <p><input type="checkbox"/> General Plan Amendment from _____ to _____</p> <p><input type="checkbox"/> Parcel Map/ Tentative Map/ Vesting Tentative Map, Lot Line Relocation</p> <p><input type="checkbox"/> Parking Exception/Reductions</p> <p><input type="checkbox"/> Precise Development Plan</p> <p><input type="checkbox"/> Second Unit Use Permit *</p> <p><input type="checkbox"/> Variance *</p> <p><input type="checkbox"/> Zone Change from _____ to _____</p> <p><input checked="" type="checkbox"/> Other: <u>Wireless FACILITY</u></p>	<p><b>For ADMINISTRATIVE action:</b></p> <p><input type="checkbox"/> Admin. Lot Line Relocation</p> <p><input type="checkbox"/> Home Occupations</p> <p><input type="checkbox"/> Sign Review</p> <p><input type="checkbox"/> Other:</p>
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\* Please complete the appropriate Supplemental Questionnaire.

The City of Albany Municipal Code has certain requirements for Planning Applications. Your answering the following questions will help staff assess how to process your application. Thus, we may have additional questions based on your responses below. Additionally, after your application is accepted for processing, staff and Planning and Zoning Commissioners will likely make at least one field visit to your house and neighborhood.

Job Site Address: <u>1035 San Pablo Avenue</u>		Zone: <u>SPC</u>
Property Owner(s) Name: <u>James and Barbara Kelly,</u> <u>Al Satake</u>	Phone: Fax:	Email:
Mailing Address: <u>619 San Pablo Avenue</u>	City: <u>Albany</u>	State/Zip: <u>CA/94706</u>
Applicant(s) Name (contact person): <u>Shannon Mc Dougall</u>	Phone: <u>415-241-8018</u> Fax: <u>415-704-3115</u>	Email: <u>Shannon.mcdougall@</u> <u>cortel-llc.com</u>
Mailing Address: <u>1023 Eagle Avenue</u>	City: <u>Alameda</u>	State/Zip: <u>CA/94501</u>

**PROJECT DESCRIPTION** (Please use back of sheet or attach extra sheets, if necessary): Please see attached project description.

**GENERAL INFORMATION** (Please fill out this section if you are asking for approval of a project that will require construction):

Item	Existing	Proposed
Lot Area (square feet)	17,204	17,204
Size of structure(s) or commercial space (square feet)	17,204	17,204
Height and No. of stories	47' to top of penthouse	3 Floors
Lot coverage <sup>1</sup>	47'	N/A
Floor Area Ratio (FAR) <sup>2</sup>	N/A	N/A
Impervious Area <sup>3</sup>	N/A	N/A
Slope Density <sup>4</sup>	N/A	N/A
No. of dwelling units	N/A	N/A
Parking <sup>5</sup> Number of off-street spaces	N/A	N/A
Number of spaces in garage		
Size of spaces		

<sup>1</sup> Lot Coverage applies to all zoning districts. It is defined as the land area covered by all the structures on a site, including all projections, except portions of uncovered decks, porches, or landings, balconies, or stairways that are less than six feet above grade and are not enclosed by walls on more than two sides, eaves, trellises and similar structures that do not have solid roofs.

<sup>2</sup> Floor Area Ratio (FAR) is defined as the proportion of building floor area per area of the parcel of land upon which the building rests. See the informational handout "How to Calculate Floor Area Ratio" for details on what is included and excluded.

<sup>3</sup> Impervious Area includes the total square footage of building footprint(s), driveway(s), patio(s), parking lots, walkway(s), and any other impervious surfaces.

<sup>4</sup> Slope Density requirements apply in the HD Zoning District pursuant to Measure K. See handout on how to measure slope density in this area.

<sup>5</sup> Minimum parking requirements were enacted under Measure D. This Measure requires that all residential development must have a minimum of two off-street parking spaces. Some exceptions may apply to your project, see residential development handout.

**Restrictions:** Are there any deed restrictions, easements, etc. that affect the property, and, if so, what are they? In some instances, you may be required to provide a title report.

Please see attached  
Signature of Property Owner

Shannon McDougall  
Signature of Applicant

Date

5/20/08  
Date

Community Development Department staff is available between 8:30 a.m. and 7:00 p.m. on Mondays, 8:30 a.m. through 5:00 p.m. on Tuesdays through Thursdays, and 8:30 a.m. to 12:30 p.m. on Fridays at 1000 San Pablo Avenue, Albany, CA 94706; TEL: (510) 528-5760.

## **PROJECT DESCRIPTION**

**AT&T**  
**Proposed Telecommunications Facility**  
**1035 San Pablo Avenue**  
**Albany, CA 94706**  
**APN: 065-2662-049-01**

### **Proposed Use**

AT&T is currently deploying the infrastructure of its wireless communications network in California. AT&T proposes to mount 9 panel antennas on the roof-top of an existing building located at 1035 San Pablo Avenue. Six panel antennas will be located in the southeast corner of the roof-top and three will be located on the northwest wall of an existing penthouse. Each panel antenna will measure approximately 55.2" tall and 18.3" wide. All proposed equipment will be screened from view and will not be visible. Five corresponding equipment cabinets will also be located on the roof-top and will not be visually obtrusive. AT&T's facility is an unmanned facility, which will operate 24 hours per day, 7 days per week. The facility will require access by company representatives less than twice a month.

AT&T will utilize existing roads and parking to access the site. After the initial construction, no noise, odors, dust, glare, or additional traffic will be generated by this project. AT&T does not plan any future use for this site other than the use being proposed by this application.

### **Type of Technology**

As previously mentioned, AT&T is currently deploying the infrastructure of its wireless communications network in California, called a "Personal Communication Service" (PCS). PCS is, in essence, simply another form of radio communication. PCS uses radio frequencies to send and receive information or conversations from an antenna to a wireless telephone. The PCS technology works through a series of transmitting facilities, which carry and hand off phone signals as a caller moves from one area to another. As the caller moves from one cell area (the area where there is a transmitter and an antenna) to the next, signals to and from the first cell area fade and then "hand" the call off to an available channel in the cell area where the caller is entering.

### **Consumer Services**

The new AT&T offers the largest digital voice and data network in the U.S. including service in all top 100 metropolitan areas. We offer our customers a nationwide GSM/GPRS footprint across our service areas.



GSM is the world's most popular wireless phone technology used by more than 1 billion people in 200 plus countries around the world. GSM offers customers unparalleled global roaming capabilities as well as the truest voice quality in wireless. We also maintain our TDMA network, which continues to provide high quality voice and data services.

In 2003, Cingular launched the world's first commercial deployment of wireless services using Enhanced Data rates for GSM Evolution (EDGE) technology. EDGE is a third generation high speed mobile data and internet access technology, with average rates that are fast enough to support a wide range of advanced data services, including streaming audio, video, fast Internet access, and large file downloads.

In 2004 AT&T launched Universal Mobile Telephone Service expanding the network nationwide. UMTS is the leading 3G-Technology choice today offering potential worldwide coverage and enabling economies of scale, global roaming, and a priority technology for software and applications developers. UMTS is one of the natural forward evolutionary paths for GSM network.

### **Performance Agreement**

AT&T is prepared to enter into an agreement with the City of Albany to remove abandoned facilities, to maintain any required landscaping, and to perform periodic monitoring of radio frequency (RF) emissions. AT&T is also prepared to defend, indemnify, and hold the City harmless from any claims, actions, or proceedings from connection with the project.

### **Location Standards**

The proposed facility at 1035 San Pablo Avenue is located in the City's SPC –San Pablo Commercial zone. AT&T was not able to locate in the CMX zone because all the properties available in the CMX zone are too far away from the search ring. Our coverage objective is east of Solano Avenue and there are not CMX zones located in this area.

We contacted the Albany Fire Department to possibly locate a facility on this PF parcel. Unfortunately, at this time the Fire Department is not interested in securing a lease with AT&T because of a proposed renovation project. There are no other PF locations within the designated search ring.

This facility was designed to have a minimal visual impact and will not be significantly visible from any vantage point within the City. The site is not near schools, daycare facilities, open spaces, or ridgelines.

AT&T currently does not an existing site in the City of Albany.



AT&T needs to bring coverage to the north and south of San Pablo Avenue and east toward the downtown area.

AT&T approached and considered several other candidates before deciding on the site located at 1035 San Pablo Avenue. Please see the below addresses and justifications.

#### **924 San Pablo Avenue/Town Centre Structure**

T-Mobile is currently operating behind the Town Centre sign/structure. The owner of the parcel declined to entertain another carrier.

#### **1115 Solano Albany Theatre**

AT&T approached the owner of the theatre and after several weeks of preliminary negotiations the owner decided not to pursue a lease.

#### **850 Stannage**

This site was rejected due to close proximity to residential.

#### **1231 Solano Avenue**

This site was also rejected due to close proximity to residential.

Please see the radio frequency propagation maps for further detail regarding coverage necessity.

### **Co-Location and Shared Location Standards**

The proposed facility location is a collocation with another carrier. AT&T has a non-exclusive lease with the property owner. The design allows for the consolidation of future facilities (none are planned at this time).

### **Radio Frequency Report**

This project complies with the Federal Communication Commission (FCC) standards. FCC guidelines are based on standards and recommendations developed by expert committees of physicians, scientists and engineers, most of whom are researchers from leading universities and government research laboratories.

These guidelines were extensively reviewed and endorsed by the major government agencies responsible for public health and the environment – the U.S. Food and Drug Administration, the Environmental Protection Agency, the Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health.

The standards and guidelines, which are based on careful scientific review and interpretation, prescribe specific exposure levels that are extremely protective.

The radio frequency emissions transmit non-ionizing radio waves. Non-ionizing electromagnetic emissions, at the low levels associated with this type of wireless technology **have not been** proven to be harmful to the public. Police/Fire/EMS radios, television broadcasts, CB radios, microwave ovens, and a variety of common household electronics including garage door openers and baby monitors all produce non-ionizing electromagnetic emissions.

Please refer to the attached "Radio Frequency Report Analysis" prepared by AT&T for additional information. This report is based on predicted RF levels. Predicted levels are determined by the theoretical maximum field strength (as predicted by the FCC equations contained in 08165). If the City is interested, AT&T will measure the actual RF levels once the proposed facility is in operation.

### **Road and Accessway Standards**

AT&T will utilize existing roads and parking to access the site. No new access roads or parking spaces are required for the facility. The size of the parking area is not limited to the minimum necessary to accommodate maintenance vehicles.

### **Vegetation and Landscaping Standards**

The AT&T project will not cause any new disturbance to vegetation and natural surroundings.

### **Noise and Traffic Standards**

AT&T equipment operates quietly or virtually noise free. After construction, AT&T's maintenance personnel will access the site less than twice a month.

### **Visual Compatibility and Facility Design Standards**

The facility was designed to integrate into the existing structure. Please refer to the attached photo simulations for further detail.

The proposed facility does not interfere with residential views, vistas or public view corridors. The proposed facility does not display any advertising signage or identifying logos.



## Approval Request

AT&T respectively requests the City of Albany's approval of a Use Permit to install and operate a wireless communications facility located at 1035 San Pablo Avenue. The establishment and operation of this wireless communications facility as proposed will not create unusual noise, traffic or other conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity. This determination is supported by the following development standards for wireless communications facilities as listed in section 20.20.100 of the Municipal Code - Wireless Communication Facilities.

### 5. Findings for Approval.

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

- 1) Findings otherwise required for use permits by subsection 20.100.030.

*The proposed facility is locating in the SPC zone a preferred location according to section 20.20.100D, number 2c of the municipal code.*

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

*The proposed site is an expansion of an existing facility and all antennas have been screened with compatible architecture features to integrate the antennas into the existing structure. Please see attached photosimulations for further detail.*

- 3) All applicable Development Standards in subsection 20.20.100.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.

*The proposed site is located in a preferred location. An alternative analysis has been provided under "Location Standards" within the project description.*

- 4) The placement, construction, or modification of a wireless telecommunication 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.

*The proposed facility is essential to providing service to all AT&T customers within the City of Albany. Please see attached search ring and radio frequency propagation maps depicting the need for coverage in this area.*





Photosimulation of the proposed telecommunication facility as seen looking southeast across San Pablo Avenue

# Existing



at&t

CN4554

Marin Avenue

1035 San Pablo Ave.  
Albany, CA 94706

# Proposed



proposed AT&T antennas within  
new stealth enclosure



Photosimulation of the proposed telecommunication facility as seen looking north from San Pablo Avenue



**CN4554**

**Marin Avenue**

1035 San Pablo Ave.  
Albany, CA 94706







Radio Frequency Analysis  
AT&T Mobility  
Site# CN4554  
"Marin Avenue"  
1035 San Pablo Ave,  
Albany, CA  
By: Evan Wappel  
Date 5/8/2008





## **Report Summary**

Based upon information provided by AT&T Mobility and the design engineer, and using the calculated method for determining RF field strength, it is the engineer's opinion that the proposed AT&T Mobility site to be located at 1035 San Pablo Ave, Albany, CA will comply with the FCC's current prevailing standard for limiting human exposure to RF energy.

Due to the mounting method utilized, the general public would not normally be able to approach the antennas. Therefore, no significant impact on the general population is expected. The calculated electromagnetic field strength level in publicly accessible areas is less than the existing standard allows for exposure of unlimited duration. Additionally, due to the mounting method used, no significant impact on the environment is expected.

For personnel who work within 11' of the face of an antenna, a training program in exposure to RF fields is recommended. Maintenance personnel should be instructed to contact the appropriate Carrier prior to working in front of an antenna.

## **Recommended Signage**

A standard yellow AT&T Mobility RF "Caution" sign should be posted at the antenna enclosures on the rooftop. A green 'Information' sign should be posted on the inside of the roof access door.

## **Background**

Evan Wappel is the Market RF Safety Coordinator for AT&T Mobility and is responsible for conducting a Radio Frequency (RF) electromagnetic analysis for the AT&T Mobility site to be located at 1035 San Pablo Ave, Albany, CA. This analysis consists of a review of the proposed site conditions, calculation of the estimated RF field strength of the antennas, and the provision of a comparison of the estimated field strength with the Federal Communication Commission (FCC) recommended guidelines for human exposure to RF electromagnetic fields.



### **Site Description**

Based upon the information provided by AT&T Mobility, 12 AT&T Mobility panel antennas are to be mounted inside new fiberglass enclosures on the rooftop. The antennas will be mounted approximately 40' (to bottom of antennas) above ground level. The antennas will be oriented such that the main lobes are oriented toward the horizon. Normal public access to the front of the antennas is not expected due to the mounting location and method utilized. Occupational access to the front of the antennas is not normally expected.

### **RF Field Strength Calculation Methodology**

A generally accepted method is used to calculate the expected RF field strength. The method uses the FCC's recommended equation<sup>1</sup> which predicts field strength on a worst case basis by

$$\text{Equation 1} \quad S = \frac{(2)^2 PG}{4\pi R^2} = \frac{PG}{\pi R^2} = \frac{EIRP}{\pi R^2}$$

doubling the predicted field strength. The following equation is used to predict maximum RF field strength:

Where:

S = power density

P = power input to the antenna

G = power gain of the antenna in the direction of interest relative to an isotropic radiator

R = distance to the center of radiation of the antenna

---

<sup>1</sup> Reference Federal Communication Commission Office of Engineering Technology Bulletin 65







### **Cumulative Study**

The ground level effect of the AT&T Mobility emissions coupled with the cumulative effect of other carriers was calculated using a maximum downtilt of 6°, and a maximum ERP of 188 watts. Results were calculated for a height of 6' above ground level. Using these factors, the maximum calculated fields at ground level are estimated at 0.2% of the existing standard for general population uncontrolled exposure.

See Table 1 for the FCC's guidelines on Maximum Permissible Exposure (MPE). Note that the RF ranges referenced for this analysis are the ranges of 300 – 1500 Mhz, and 1500 – 100,000 Mhz shown in Table 1, which is included in Appendix A.

### **Exposure Environments**

The FCC guidelines incorporate two separate tiers of exposure limits that are dependent on the situation in which the exposure takes place and/or the status of the individuals who are subject to exposure. The decision as to which tier applies in a given situation should be based on the application of the following definitions.

**Occupational/controlled** exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/uncontrolled limits (see below), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

**General population/uncontrolled** exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public always fall under this category when exposure is not employment-related.




For purposes of applying these definitions, awareness of the potential for RF exposure in a workplace or similar environment can be provided through specific training as part of a RF safety program. Warning signs and labels can also be used to establish such awareness as long as they provide information, in a prominent manner, on risk of potential exposure and instructions on methods to minimize such exposure risk. For example, a sign warning of RF exposure risk and indicating that individuals should not remain in the area for more than a certain period of time could be acceptable.

Another important point to remember concerning the FCC's exposure guidelines is that they constitute **exposure** limits (not **emission** limits), and they are relevant only to locations that are **accessible** to workers or members of the public. Such access can be restricted or controlled by appropriate means such as the use of fences, warning signs, etc., as noted above. For the case of occupational/controlled exposure, procedures can be instituted for working in the vicinity of RF sources that will prevent exposures in excess of the guidelines. An example of such procedures would be restricting the time an individual could be near an RF source or requiring that work on or near such sources be performed while the transmitter is turned off or while power is appropriately reduced.

#### Qualifications of Reporting Engineer

Mr. Wappel has been involved in the analysis of RF emissions since 1999. He has designed numerous RF systems including both site design and RF system design. He is an Electrical Engineer, and all contents of this report are true and correct to the best of his knowledge.

Signed:  Date: 5/8/2008  
Evan Wappel, BSc.





## APPENDIX A Term Definitions

**Exposure** Exposure occurs whenever and wherever a person is subjected to electric, magnetic or electromagnetic fields other than those originating from physiological processes in the body and other natural phenomena.

**Exposure, partial-body.** Partial-body exposure results when RF fields are substantially nonuniform over the body. Fields that are nonuniform over volumes comparable to the human body may occur due to highly directional sources, standing-waves, re-radiating sources or in the near field.

**General population/uncontrolled exposure.** For FCC purposes, applies to human exposure to RF fields when the general public is exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public always fall under this category when exposure is not employment-related.

**Maximum permissible exposure (MPE).** The rms and peak electric and magnetic field strength, their squares, or the plane-wave equivalent power densities associated with these fields to which a person may be exposed without harmful effect and with an acceptable safety factor.

**Occupational/controlled exposure.** For FCC purposes, applies to human exposure to RF fields when persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/uncontrolled limits (see definition above), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.



**Table 1**  
**LIMITS FOR MAXIMUM PERMISSIBLE EXPOSURE (MPE)**

**(A) Limits for Occupational/Controlled Exposure**

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm <sup>2</sup> )	Averaging Time  E  <sup>2</sup> ,  H  <sup>2</sup> or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f <sup>2</sup> )*	6
30-300	61.4	0.163	1.0	6
300-1500	--	--	f/300	6
1500-100,000	--	--	5	6

**(B) Limits for General Population/Uncontrolled Exposure**

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm <sup>2</sup> )	Averaging Time  E  <sup>2</sup> ,  H  <sup>2</sup> or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f <sup>2</sup> )*	30
30-300	27.5	0.073	0.2	30
300-1500	--	--	f/1500	30
1500-100,000	--	--	1.0	30

f = frequency in MHz

\*Plane-wave equivalent power density

**NOTE 1: Occupational/controlled** limits apply in situations in which persons are exposed as a consequence of their employment provided those persons are fully aware of the potential for exposure and can exercise control over their exposure. Limits for occupational/controlled exposure also apply in situations when an individual is transient through a location where occupational/controlled limits apply provided he or she is made aware of the potential for exposure.

**NOTE 2: General population/uncontrolled** exposures apply in situations in which the general public may be exposed, or in which persons that are exposed as a consequence of their employment may not be fully aware of the potential for exposure or can not exercise control over their exposure.



## Planning Memorandum

To: Amber Curl, City of Albany  
From: Jonathan L. Kramer  
Date: March 31, 2009  
RE: PA No. 08-038 – 1035 San Pablo Avenue (AT&T Wireless)

At the direction of the City of Albany (the "City"), I have reviewed and technology and design details for the referenced project.

### Project Description

AT&T proposes to install three groups (sectors) of three new panel antennas per sector (nine antennas, total) on top of an existing commercial office building.

The new antenna housings will be constructed with RF-transparent materials that are to be painted and textured to match the existing building. The RF-transparent materials allow radio signals to pass through with very little signal strength reduction. Because the RF-transparent panels, as painted and textured, will be visually opaque, the panel antennas for this project will not be visible.



Figure 1: LOCAL.LIVE.COM overhead photo of the project site. The red arrow points to the proposed location of the new antenna grouping aimed north along San Pablo Avenue; the blue arrow points to the proposed location of the two sectors pointing to the east and to the south. The green arrow points to the location of the proposed equipment cabinets.

The base telecommunications station equipment required to operate the antennas is to be installed on the roof of the commercial building. AT&T also proposes to install a GPS antenna on one of the equipment cabinets, as well as a 300 watt service light extending above the cabinets. AT&T does not propose to enclose or otherwise camouflage the base station cabinets, GPS antenna, or service light.



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ATTACHMENT 5





### ***Project Purpose***

This type of facility is designed to enhance radio signal penetration into structures surrounding the site. This enhanced signal penetration is called, "in-building" coverage.

In addition, when a new cell site is inserted into an existing coverage area as is the case here, additional network capacity is created to handle more user mobile telephone calls.

In the case of this project, the area to be benefited is generally described as a triangle shape which generally is described as: Along San Pablo Avenue from just north of the intersection of Solano Avenue south to the intersection of Cedar Street; East along Solano Avenue from about Taylor Street to about Ventura Avenue; Southwest from about Solano Avenue and Ventura Avenue to about the intersection of San Pablo Avenue and Cedar Street. This area will experience an increase in signal strength to facilitate in-building coverage for AT&T customers.

### ***Electrical and Telephone Connections***

The telephone connections (to provide the 'back haul' to AT&T's mobile telephone switching office), as well as electrical connections will be made within the building.

### ***GPS Antenna***

AT&T shows a GPS antenna on the plans for this project.

Although commonly thought of as a system to provide accurate latitude and longitude location information, the GPS network of satellites operates by transmitting precise timing signals to earth-based GPS antennas and receivers. In a large, modern digital wireless network such as the network operated by AT&T, the precise GPS timing signals provide network timing synchronization signals to 'lock' this site to AT&T's area network. GPS timing signals can also play a role in E-911 caller locating depending on the specific E-911 system employed by the wireless carrier.

As proposed by AT&T, the GPS antennas will be mounted on one of the equipment cabinets.



### ***RF Safety Compliance***

Congress has delegated to the FCC the authority to set the national radio frequency (RF) emissions safety standards in the U.S. The FCC “completely occupies the field” of standards setting in this subject area. As such, the City is not permitted to independently set its own local standards for radio frequency emissions higher, the same, or lower than the FCC national limits. Congress and the FCC authorize local governments to evaluate planned and actual compliance with the federal emissions limits as described in FCC OET Bulletin 65 in connection with wireless applications and projects.

Under the FCC rules, some antennas projects are ‘categorically excluded’ from the need for detailed RF review based on the height of the lowest portion of the antenna. For example, categorical exclusion can be achieved when the lowest portion of an antenna is at least 10 meters (32.8 feet) above ground level, and the antenna is *not* mounted on a building.

In the case of the present project, the antennas are to be mounted inside a building, thus the project cannot be deemed ‘categorically excluded’ under the FCC rules. A more detailed analysis of the proposed emissions is necessary.

AT&T has provided a detailed RF safety analysis produced by its consulting engineer, Hammett & Edison (H&E), dated January 27, 2009.

The H&E report considers the planned emissions from this project primarily at ground level. The RF emissions data contained in the H&E is sufficient for me to independently determine compliance with the FCC emission rules at OET Bulletin 65.

Based on the raw RF data provided by H&E, and using the FCC formula from OET Bulletin 65 for calculating emissions exposure to members of the general population, I have independently calculated that there will be a ‘worst case’ controlled zone extending outwards to 30.4 feet directly in front of each sector of the proposed panel antennas.<sup>1</sup> The only expected general population members that may visit this controlled area are the maintenance workers as-

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<sup>1</sup> The FCC has two standards in OET Bulletin 65 for RF exposure limitations. They are the “general population” standard, and the “occupational” standard. The general population standard is the default standard, and is far stricter than the occupational standard. In computing the controlled zone for this project, we have properly used the general population standard to determine the extent of the RF-controlled zone in front of each antenna.



sociated with the commercial building (i.e., roofers; painters; janitorial staff; etc).<sup>2</sup>

The fact that the proposed emissions exceed the FCC's general population limit rules does *not* mean that the site fails to comply with those rules. Rather, it places the burden on the Commission's licensee (AT&T) to ensure that general population members are excluded from the controlled areas.

In the case of this project, the controlled emissions for each of the sectors are restricted to the airspace directly in front of the proposed panel antennas. Here, AT&T may comply with the FCC rules by doing all of the following in the following, which I recommend the City adopt as a condition of any grant of approval for this project:

“AT&T shall permanently place and at all times maintain in good condition radio frequency emission notice signs in English and Spanish that are compliant with ANSI C95.2 color, symbol, and content conventions. Each sign shall at all times bear the name of the carrier, the site identification number, and a 24-7 local or toll-free telephone number to reach a live person at the carrier's Network Operations Center. Such signage shall be affixed to:

1. Inside the building, immediately adjacent to or on the door of the roof access portal; and
2. Outside of the entry point to the proposed RF-transparent enclosure housing; and
3. Adjacent to the rear of each panel antenna located in the proposed RF-transparent enclosures; and
4. Other locations as determined by AT&T.”

If AT&T agrees to the conditions and continuing obligations listed above, then it shall demonstrate planned compliance with the FCC OET Bulletin 65 requirements. Please note that *no* ground level signs are required under the FCC rules. Presuming that AT&T does agree to the proposed conditions above, the City will have no basis to deny the project based solely on RF safety considerations or concerns.

---

<sup>2</sup> Under the FCC rules, AT&T's technicians are not considered members of the general population because they are knowledgeable about the project site and can exert control over and limit their exposure to the RF emissions from the planned site.



### ***Equipment Cabinets and Service Light***

Given the proposed location of the equipment cabinets on the roof, it is unclear whether any portion of the cabinets or service light will be visible from off-property. The City may wish to have AT&T conduct a full-scale PVC-pipe frame model (including the service light) and place it on the roof so that the City may visually verify that this portion of the project will not be visible from anywhere off of the property. If, however, any portion of the equipment cabinets and/or service light are visible in the frame model from off of the property, then camouflage for this portion of the project should be required.

It should be a condition of approval that the service light be switched off any time an AT&T technician is not physically present on the roof of the project building.

### ***Development Code Findings***

#### Development Code Section 20.20.100 E.2.f

Subsection E.2.f. says:

“Where the Community Development Director finds that proposed wireless communication 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;”

Having reviewed the project site and area surrounding the project site using mapping and topographic tools at my disposal, it is my opinion that the project site is best suited within the area to provide the coverage needed by AT&T. This is primarily due to the fact that this site is among the tallest in the area, and has clear lights of sight for unimpeded radio frequency emissions. Given that the roof of this building is also developed as a wireless site for another carrier, this additional camouflaged antennas and non-visible equipment cabinets will not create a significant impact on the project property or the surrounding community.

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Development Code Section 20.20.100 F.4.b.1

Subsection F.4.b.1 says:

“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 wireless coverage in the city of Albany.”

I have reviewed the existing signal coverage maps provided by AT&T in connection with this project. I have also examined the proposed post-activation coverage maps for this project. As discussed above, those maps show coverage deficiencies in the area to be benefited by this project, which is described above.

It is my opinion above and here that this is the best site for this project given the area it is designed to serve. It is also my opinion that AT&T's justification for this project is sound and consistent with other projects promoted by AT&T and other major wireless carriers within and outside of the City of Albany.

***Conclusions and Recommendation***

From an RF safety standpoint, the project complies with the FCC standards for general population exposure when the conditions above are applied. It is my professional opinion that the project, as proposed by AT&T and conditioned as I've recommended, will have no safety impact on the community.

My review leads me to conclude that AT&T's project achieves the level of findings required by the City's Development code, as discussed above.

Subject to my comments and proposed condition above, I recommend that the project proceed forward through the balance of the planning process.

/jlk