

CITY OF CHARLOTTESVILLE
"A World Class City"



Department of Neighborhood Development Services

City Hall Post Office Box 911
Charlottesville, Virginia 22902
Telephone 434-970-3182
Fax 434-970-3359
www.charlottesville.org

September 30, 2015

AT&T Mobility
570 Colonial Park Drive Suite 307
Roswell, GA 30075
ATTN: Shannon Kraiger, Velocitel

Re: 500 Court Square
Eligible Facilities Request—AT&T Mobility Site "CV305 Monticello Hotel"

Dear Applicant,

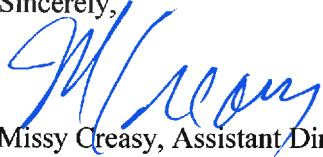
The City has completed its review of your application, seeking approval of plans to replace six existing antennas, located on the rooftop of the building at 500 Court Square ("Site"), with six new antennas of the exact same dimensions ("Request"). Your request is submitted to the City pursuant to Section 6409 of the federal Spectrum Act (codified at 47 U.S.C. 1455), which mandates that "*A...local government may not deny and shall approve any eligible facilities request for modification of an eligible support structure that does not substantially change the physical dimensions of such structure.*"

Upon review of the plans entitled "Antenna System Upgrade Project" and "AT&T Mobility Site Number: CV305" (latest revision 2/2/15), and the September 8, 2015 opinion (attached) of Valerie Long, Esq., an attorney licensed to practice in the Commonwealth of Virginia, the following have been established:

- The Site is an "existing base station" and an "eligible support structure"
- The Request constitutes an "eligible facilities request" which does not substantially change the physical dimensions of the "existing base station"/ "eligible support structure"

Therefore, as required by the Spectrum Act, and the federal regulations set forth within 47 C.F.R. Sec. 1.40001 (effective 4/8/2015), the City may not deny, and therefore does hereby approve, the above-referenced Eligible Facilities Request. Conditions of approval: (i) this approval is limited to the matters depicted within the above-referenced plans, and (ii) installation shall be in accordance with the requirements of a building permit to be obtained from the City's Building Official.

Sincerely,



Missy Creasy, Assistant Director
Charlottesville Department of Neighborhood Development Services

Cc: Kevin O'Brien for 500 Court Square Association
Board of Architectural Review
Mary Joy Scala
Lisa Robertson, Chief Deputy City Attorney

Direct Dial: 434.951.5709
vlong@williamsmullen.com

September 8, 2015

Via Email: robertsonl@charlottesville.org

Lisa Robertson, Esq.
Deputy City Attorney
City of Charlottesville
City Attorney's Office

Via email: scala@charlottesville.org

Mary Joy Scala
Preservation & Design Planner
City of Charlottesville
Department of Neighborhood Development Services

Re: AT&T Wireless Site "CV305 Monticello Hotel"

Dear Ms. Robertson and Ms. Scala,

As we discussed in a recent meeting, our client AT&T has an existing lease with the owners of the property located at 500 Court Square, commonly referred to as the Monticello Hotel (the "Property"), where it has placed its wireless telecommunications antennas on the roof of the building on antenna "sleds."

AT&T now proposes to replace the existing antennas with a new set of antennas of the exact same dimensions, as necessary to accommodate changes in technology as required by the terms of its license from the Federal Communications Commission (the "FCC"). The proposal is shown in greater detail on the enclosed plans entitled "Antenna System Upgrade Project" and "AT&T Mobility Site Number: CV305" with a latest revision date of February 2, 2015 (the "Plans").

As we discussed in a recent meeting, AT&T's collocation proposal is permitted by right pursuant to the new FCC regulations promulgated to implement Section 6409 of the Spectrum Act (codified at 47 U.S.C. 1455). The new regulations are contained in 47 C.F.R. Section 1.40001 and became effective on April 8, 2015 (the "FCC Regulations"). For your convenience I have enclosed a copy of the FCC Regulations.

As noted in subparagraph (a), the "Purpose" section of the FCC Regulations, Section 6409 of the Spectrum Act "requires a State or local government to approve any eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such a tower or base station." The

FCC Regulations provide clarification as to what types of facilities requests “substantially change the physical dimensions of” a tower or base station.

Because the proposed AT&T collocation equipment upgrade does not “substantially change the physical dimensions” of its existing base station, it is an Eligible Facilities Request pursuant to Section 6409 of the Spectrum Act, and the City is required to approve the application.

The FCC Regulations define a Base Station as “a structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network.” The existing AT&T facility at the Property is a base station because it is comprised of equipment at a fixed location and it enables AT&T’s Commission-licensed communication between its user equipment and its communications network. And as subparagraph (b)(ii) provides, the term includes antennas and other similar equipment. AT&T’s existing antennas and equipment at the Property satisfies the requirement of subparagraph (b)(iv) that the Base Station exist prior to the time the application was filed.

The AT&T proposal is an Eligible Facilities Request pursuant to subsection (3) because it is a modification of an existing base station that does not substantially change the physical dimensions of the base station, and involves the collocation of new transmission equipment or the replacement of transmission equipment.

Subparagraph (7) defines a Substantial Change as a modification that meets any of the criteria in Section (7)(1) through (vi):

(i). The AT&T proposal does not increase the height of the eligible support structure by more than 10%, or more than ten feet, whichever is greater. The existing antennas are being replaced by antennas of the same dimensions, and they will be mounted on the existing sleds exactly as the existing antennas are mounted, so that the height of the replacement antennas will not extend any higher above the building than the existing antennas do.

(ii). The AT&T proposal will not involve adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet. In fact, the appurtenances will not protrude from the edge of the structure at all.

(iii). The AT&T proposal does not involve installing more than the standard number of new equipment cabinets for the technology involved, for proposal does not include the installation of any new equipment cabinets.

(iv). The AT&T proposal does not involve any excavation or deployment outside the current site. The FCC Regulations define “Site” as “the current boundaries

of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground." The AT&T replacement antennas will be installed in the same location as the existing antennas.

(v). The AT&T proposal will not defeat the concealment elements of the eligible support structure, since no concealment elements or other stealth screening was required by the original equipment approvals.

(vi). The AT&T proposal would not violate any conditions associated with the approval of the existing wireless equipment at the Property because there were not any conditions of approval associated with the original approval.

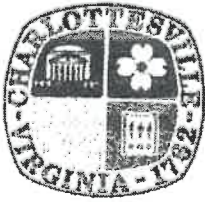
Because the AT&T proposal does not meet any of the criteria of sections (7)(1) through (iv), it does not "substantially change the physical dimensions of an eligible support structure." Thus, the AT&T proposal is an Eligible Facilities Request, and section 6409 of the Spectrum Act requires the City to approve the AT&T proposal.

AT&T is aware that the building owner is working with NTELOS and other wireless telecommunications providers on a comprehensive stealth screening design to screen all the wireless telecommunications antennas and other equipment on the building. AT&T is supportive of this proposal, and I understand that with the most recent design that will be under consideration by the City Board of Architectural Review, that AT&T's antennas will be fully screened from the view of the street and adjacent properties. However, while that screening proposal is under review, AT&T must move forward to implement its antenna upgrades to ensure that it can comply with new technological requirements and meet rapidly approaching deadlines. Since the equipment upgrade qualifies as an Eligible Facilities Request under the FCC regulations of Section 6409 of the Spectrum Act, we respectfully request that the building permit for this proposal be issued promptly.

Thank you for your consideration of this application, and for taking the time to discuss the proposal and the new requirements of the FCC Regulations. Please contact me with any questions.

Sincerely,

Valerie W. Long



**Board of Architectural Review (BAR)
Certificate of Appropriateness**

RECEIVED

Please Return To: City of Charlottesville
Department of Neighborhood Development Services
P.O. Box 911, City Hall
Charlottesville, Virginia 22902
Telephone (434) 970-3130 Fax (434) 970-3359

JUL 29 2015

NEIGHBORHOOD DEVELOPMENT SERVICES

Please submit ten (10) copies of application form and all attachments.
For a new construction project, please include \$375 application fee. For all other projects requiring BAR approval, please include \$125 application fee. For projects that require only administrative approval, please include \$100 administrative fee. Make checks payable to the City of Charlottesville.
The BAR meets the third Tuesday of the month.
Deadline for submittals is Tuesday 3 weeks prior to next BAR meeting by 3:30 p.m.

Owner Name	AT&T Mobility	Applicant Name	Shannon Kraiger (Velocitel)
Project Name/Description	CV305 LTE 3C/Antenna Upgrade	Parcel Number	530096000
Property Address	500 Court Square, Charlottesville, VA 22902		

Applicant Information

Address: 570 Colonial Park Drive Suite 307
Roswell, GA 30075
Email: s.kraiger@velocitel.com
Phone: (W) 770-645-5900 ext. 114 (H)
FAX:

Signature of Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct. (Signature also denotes commitment to pay invoice for required mail notices.)

Shannon Kraiger 3-4-15
Signature Date

Property Owner Information (if not applicant)

Address: 500 Court Square Associates
500 Court Square, Charlottesville, VA 22902
Email: pmiller@broadcastservicesinc.com
Phone: (W) 317-895-9050 ext. 203 (H)
FAX:

Shannon Kraiger 03/04/15
Print Name Date

Property Owner Permission (if not applicant)

I have read this application and hereby give my consent to its submission.

Kevin O'Brien 6/3/15
Signature Date

Kevin O'Brien (for 500CS Board)
Print Name Date

Do you intend to apply for Federal or State Tax Credits for this project? N/A

Description of Proposed Work (attach separate narrative if necessary): Remove (3) existing GSM antennas & (3) existing UMTS antennas. Install (3) new LTE 1900 antennas, (3) new GSM/UMTS antennas, install (3) new RRUS to existing sled mounts. Install (1) DC12 fiber/power dist. box, (3) DC2 surge suppressors, (1) fiber trunk & (2) DC trunks. Install RRS 6601 in existing equipment box.

List All Attachments (see reverse side for submittal requirements):
site plan drawings, structural analysis

For Office Use Only	Approved/Disapproved by: <u>N/A</u>
Received by: <i>S. Barnore</i>	Date: _____
Fee paid: <u>7/29/15</u> Cash/Chk. # <u>5133</u>	Conditions of approval: _____
Date Received: <u>7/29/2015</u>	_____
<u>P15-0112</u>	_____