

Planning Commission
Regular Meeting
May 11, 2010
Martinez, CA

CALL TO ORDER

Chair Busby called the meeting to order at 7:04 p.m. with all members present except Commissioners Avila and Ford, who were excused; and Alternate Commissioner Kelly.

ROLL CALL

PRESENT: Chair Busby, Vice Chair Allen, Commissioners Burt, Keller, and Marchiano.

EXCUSED: Commissioners Avila and Ford, Alternate Paul Kelly.

ABSENT: None.

Staff present: Planning Manager Terry Blount and Associate Planner Anjana Mepani.

AGENDA CHANGES

None.

PUBLIC COMMENT

None.

CONSENT ITEMS

1. *Minutes of April 27, 2010, meeting.*

Commissioner Allen asked about the comments that she sent to be read into the public record and to be attached to the minutes. Planning Manager Terry Blount said the City Attorney advised against including them.

Commissioner Keller moved to approve the minutes, and Commissioner Burt, seconded the motion. The motion failed 3:1:1, with Chair Busby abstaining and Vice Chair Allen voting No. (Commissioners Avila and Ford absent.)

REGULAR ITEMS

2. *Telecommunication facility UP #08-16, DR #08-26 Study session to discuss and receive public input on a proposal for an installation of a new co-located wireless telecommunications facility on an existing PG&E tower at 5000 Hiller Lane (Concord Korean Baptist Church site). The proposed project consists of adding a 12' lattice structure, with 8 antennas, on top of the tower. T-Mobile will be leasing a 9'x22' area within the tower footprint for an equipment enclosure. The proposed project is located in a residential zoning district, which requires a Use Permit and Design Review. Applicant: T-Mobile (AM)*

Associate Planner Anjana Mepani presented the staff report.

MATT VEAZEY, T-Mobile, discussed the details of the proposed additions to the existing structure, noting the overall height will only be extended by 2 or 3 feet, not the full 12' of the latticework to be added. He also noted that the changes will improve the equipment space over its current appearance. He stated that issues with drainage and runoff should be easily addressed as well.

Commissioner Burt asked about the design and color of the proposed equipment shed. Mr. Veazey said there was no shed proposed, but he noted there will be wood screening around the storage cabinets that will be below the tower.

Vice Chair Allen commented on the co-location efforts of T-mobile and the City and county, and why the location at the nearby tower on the county building would not work. Mr. Veazey admitted he was new to the project and was not sure why that would not work, but that location might be a duplicate of other towers in T-Mobile's network and not increase the coverage area.

Vice Chair Allen said it seemed like the area served will overlap with one already existing T-Mobile tower. She asked if the other tower could then be removed. Mr. Veazey said it was highly unlikely, noting that some overlap is necessary in a heavily-trafficked area like this one.

Chair Busby opened the public hearing.

PATRICK CHANEY, nearby resident, said virtually no residents on Hiller Lane were notified. Ms. Mepani said those within a 300' radius were notified. Mr. Chaney said all 15 households on Hiller Lane should be informed with any activity impacting them.

Chair Busby noted this is only the first hearing and a study session, with additional opportunities for public input to follow.

Mr. Chaney said the visual impact will likely not be as drastic as he first thought. He expressed concern about the visual impact though, noting that the PG&E tower is ugly enough, without adding more to the structure.

WILLIAM BUTTE questioned whether an antenna at this location is actually needed by T-Mobile, noting they could add more equipment to their other sites to boost the coverage instead. He thought the location on the county building would be better. He also expressed concern about T-Mobile's record in maintaining their sites and whether the proposed screening would be adequate since there are children attending the Korean Church School. He suggested T-Mobile go back to their RF engineers to find a better site.

Seeing no further speakers, Chair Busby closed the public hearing.

Rebuttal:

Mr. Veazey said the ongoing need for new antenna sites costs hundreds of thousands of dollars, and if another site would work, T-Mobile would consider it. He indicated they were willing to do whatever possible to make this site more agreeable.

Planning Manager Terry Blount commented on the City's policy to notify property owners within a 300' radius, but he indicated staff will be glad to add others to the list if they request it.

Commissioner Burt said she remembered from a past public hearing that the City had promised that all residents on Hiller Lane were to be notified of anything affecting the church property.

Chair Busby asked, and Ms. Mepani confirmed that both homeowners associations were notified.

Commissioner Keller asked if PG&E is required to maintain the area under their towers. Ms. Mepani said yes. Some of the Commissioners noted that the pictures seem to indicate that is not being done here. Chair Busby pointed out that the weed abatement period is just starting. Mr. Blount said he will ask Code Enforcement to review the matter.

Commissioner Marchiano noted that what is in the picture is actually landscaping, and the weeds are removed regularly.

Commissioner Burt commented on the process in the past before co-location of antennas was standard practice, noting that co-location is preferable to creating a new structure for each company's antenna. She also stated it is good way for property owners (like the school district and the county) to get additional income. She further expressed that the designs now are far less intrusive, adding that she did not think the visual impact will be as bad as earlier structures. She observed that PG&E towers are a necessity to bring electricity to homes, and the same is true now of cell phone towers. She acknowledged that good care should be given to the design of the equipment etc at the Design Review stage. She asked about the concerns raised by Mr. Butte regarding the radiation exposure to the children.

Ms. Mepani indicated that exposure levels were within acceptable limits, and that legislation dictates that governments are not allowed to deny antennas based on the RF levels if they are within the limits set by the Telecommunications Act.

Vice Chair Allen asked if there are other telecommunication providers on the tower. Ms. Mepani said yes, Sprint and Nextel, although their equipment is lower on the tower.

Vice Chair Allen expressed concern that the information in the staff report seems to be out-of-date, as far as consideration of the county site etc. Ms. Mepani said the coverage maps are current. She noted that T-Mobile had started this application in 2008, but the lead person on the project has changed since and Mr. Veazey may not be aware of all the past history.

Commissioner Burt also noted that cellphone use has increased geometrically in recent years, and T-Mobile is one of the fastest growing companies.

Vice Chair Allen asked if more information could be provided about the negotiations with the county, noting they might be more willing to negotiate now. She thought that site could be better, especially there could be fewer additional sites needed in the future.

Chair Busby questioned whether the neighbors are notified of Design Review hearings. Staff said yes.

Mr. Blount said he could ask the applicant to give more information at a future hearing as to why this location was preferable to T-Mobile.

Chair Busby discussed the next steps in the process, confirming that Hiller Lane residents will be notified of future hearings on the application.

COMMISSION ITEMS

Commissioner Allen explained why she submitted her comments in writing to be added to the public record, as advised by City Manager previously with another matter.

Mr. Blount responded that he felt concern about several issues, which is why he spoke to the City Attorney regarding the matter - with the written communication she submitted possibly leading to "serial meeting", a violation of the Brown Act. He also noted that the City Attorney pointed out the importance of all Commissioners coming to the meetings without having made a decision in advance and reviewing all information presented. He acknowledged that even though Vice Chair Allen had not come to the meeting, the City Attorney had said it was generally inappropriate for Commissioners to comment on projects when not attending. He apologized for seeming to have ignored her comments. He said he still would have done the same thing even if he had known the City Manager had approved her actions, but he would have gone to the City Manager and explained his concerns.

Vice Chair Allen said it would have been better if she could have gotten communication from Mr. Blount explaining why it was not going to happen rather than only finding out in reading the minutes.

Commissioner Marchiano asked whether staff could've presented her comments at the meeting in her absence. Mr. Blount said no, because her decision should not have been made in advance, and Commissioners not in attendance generally don't have the opportunity to speak on an issue.

Commissioner Burt asked whether questions or concerns can be expressed in email to staff prior to a meeting. Mr. Blount said yes, in fact he encourages communication from the Commission to alert staff to issues of concern.

Vice Chair Allen said her issue with the project was with grading, and she wasn't sure if it was raised at the hearing. Commissioner Burt said it was not. Mr. Blount said it was included in the environmental documents however.

Vice Chair Allen asked if there is a process for reconsideration of a project. Mr. Blount said no, because the appeal period has expired. Vice Chair Allen asked if it could have been reconsidered if it had been done in a timely manner. Mr. Blount said he would research and let her know, for future reference.

STAFF ITEMS

Planning Manager Blount reviewed upcoming meeting dates, noting the Commission should plan on two meetings a month beginning in August and for the foreseeable future. If there are no items for an agenda, or if a quorum of the Commission is not available, then the meetings will be cancelled. He indicated the next meeting will be May 25th, with Alhambra Valley on the agenda, followed by meetings on June 22nd and July 27th.

Vice Chair Allen asked how far in advance meetings are noticed in the newspaper. Mr. Blount confirmed it is usually a 10-day notice, but for Alhambra Valley it will be published twice.

Vice Chair Allen asked if it is possible to tell what is on the next meeting's agenda. Mr. Blount said yes, he should be able to tell about upcoming items because of noticing requirements.

Mr. Blount also expressed that his foremost goal is to provide the best service possible to staff, the Commission, applicants and the public.

Commissioner Burt said that having only one meeting a month seemed like a good idea when Mr. Blount suggested it, but now it is apparent that it is best to plan for two meetings a month.

Vice Chair Allen asked if the Commission takes a break in August. Mr. Blount said the Council does, but not the Commission.

COMMUNICATIONS

None.

ADJOURNMENT

On motion by Commissioner Marchiano, seconded by Vice Chair Allen, the Commission present voted unanimously to adjourn at 8:10 p.m. (Commissioners Avila and Ford absent.)

Respectfully submitted,

Approved by the Planning Commission Chairperson

Transcribed by Mary Hougey

Lynette Busby