

Planning Commission Minutes
Regular Meeting
September 28, 2010
Martinez, CA

CALL TO ORDER

Acting Chair Donna Allen called the meeting to order at 7:03 p.m. with all members present except Chair Busby and Commissioners Burt and Avila.

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

ROLL CALL

PRESENT: Donna Allen, Commissioner, Rachael Ford, Commissioner, Jeffrey Keller, Commissioner, Paul Kelly, Commissioner, and Michael Marchiano, Commissioner.

EXCUSED: Lynette Busby, Chair, Harriett Burt, Commissioner.

ABSENT: AnaMarie Avila-Farias, Commissioner.

AGENDA CHANGES

Associate Planner Anjana Mepani corrected Item #2 to read DR #08-26, not 08-27 as shown on the agenda.

Staff also noted that the North Pacheco Annexation Project will be continued to the November 23rd meeting.

Planning Manager Terry Blount said a motion was needed to continue the item.

On motion by Michael Marchiano, Commissioner, seconded by Paul Kelly, Commissioner, continue Item #3 to a date certain, November 23rd. Motion unanimously passed 5 - 0. Yes: Donna Allen, Commissioner, Rachael Ford, Commissioner, Jeffrey Keller, Commissioner, Paul Kelly, Commissioner, Michael Marchiano, Commissioner.

PUBLIC COMMENT

Mike Alford reported that the public is very impressed with how well the Planning Commission has stood up for the people and not been coerced into decisions. He was gratified and appreciative, adding that it has been a long time coming, and he was glad for the precedent that has been set. He commended the Commission for a job well done.

Seeing no other speakers, Chair Allen closed public comment.

CONSENT ITEMS

1. [Minutes of May 11, 2010 and August 10, 2010, meeting.](#)

[May 11, 2010 minutes](#)

[August 10, 2010 minutes](#)

The minutes of May 11, 2010 were continued for lack of quorum of those in attendance on that date.

Commissioners Ford and Marchiano abstained from the vote on the August 10th minutes.

On motion by Jeffrey Keller, Commissioner, seconded by Paul Kelly, Commissioner, to approve the minutes of the August 10, 2010, meeting. Motion unanimously passed 3 - 0. Yes: Donna Allen, Commissioner Rachael Ford, Commissioner, Jeffrey Keller, Commissioner, Abstain: Paul Kelly, Commissioner, Michael Marchiano, Commissioner.

REGULAR ITEMS

2. [T-Mobile UP #08-16, DR #08-27 Public hearing to consider a proposed new co-located wireless telecommunication 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, at the 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: Matt Veazey - T-Mobile/SiteCom, Inc \(AM\)](#)

[Staff Report](#)

Associate Planner Anjana Mepani presented the staff report, discussing the background history, the updated reports supplied by the applicant, and the Design Review Committee action and recommendations on August 11th, which the applicant has complied with. Staff recommends approval.

Commissioner Marchiano noted the issues were fairly well covered at the earlier study session, with the only questions raised were whether this is the best location.

Ms. Mepani noted that Chair Allen had a question regarding the coverage map and whether it is the same as the one provided at the study session.

Matt Vezey, T-Mobile indicated agreement with the staff report. He also indicated the map has newer locations and a demonstration of the seamless in building coverage that T-Mobile is trying to achieve.

Commissioner Kelly asked if the new site will get rid of the dead spot on Highway 4. Mr. Vezey said yes, it should.

Chair Allen asked about the county site and why it was not considered and included on the map.

Mr. Vezey said T-mobile is not currently on that site, and he reviewed extra requirements if they were to try to co-locate there. He also noted that the additional new site provides needed coverage in building site. Chair Allen confirmed T-Mobile will be co-locating with the current site and other users. Mr. Vezey said yes.

Commissioner Ford asked about emission standards and whether the FCC combines all towers at same site. Vezey said FCC looks at aggregate but also T-Mobile total. Noted this industry is very highly regulated.

Commissioner Ford asked about health impacts since it is near a residential neighborhood, and whether the compounded effect was considered. Mr. Vezey said yes, and it also allows for additional study if requested. He stated it was well within the industry limits.

Commissioner Ford asked whether staff has considered the health impacts. Mr. Blount said yes, but as long as it meets the industry standards, the City cannot deny based on environmental impacts. He clarified that the City does not study the information further than the FCC requirements.

Commissioner Keller asked at what level the emissions are measured. Mr. Vezey said the FCC drives around and measures outputs, for individual providers and cumulative effects. He added that significant fines are levied if found to be out of compliance. He also assured the Commission that carriers do not want to risk violations, and he noted that the levels can be measured at many different places.

Commissioner Keller asked what could cause a tower to exceed limits. Mr. Vezey said sometimes the equipment malfunctions or there is an antenna problem. He confirmed that carriers do their own evaluations regularly as well.

Commissioner Keller asked if there is a greater likelihood of increased output if they are not able to secure additional sites. Mr. Vezey said that used to be the case with analog signals, but now with digital signals there is no advantage and a greater likelihood of interference.

Commissioner Ford asked about the noise that will be generated from the equipment. Mr. Vezey said the background noise will be similar to that present here at this meeting - within normal limits. In response to a further question from Commissioner Ford, Mr. Vezey confirmed there will be negligible noise impacts.

Commissioner Kelly noted casual conversation is 68 db; Mr. Vezey said the range expected here is 35-60 db.

Chair Allen opened and closed the public hearing with no members of the public coming forward.

Chair Allen noted that the study session raised the issue of maintenance around the facility. She acknowledged there is a proper hierarchy of responsibility, but she thought all parties should be jointly taking care of the maintenance.

Mr. Vezey said the current landscaping was done by the church; PG&E often clear-cuts a site. Mr. Blount recommended "to the extent possible" joint cooperation.

On motion by Paul Kelly, Commissioner, seconded by Michael Marchiano, Commissioner, to approve UP #08-16, DR #08-27 for a proposed new co-located wireless telecommunication facility on an existing PG&E tower at 5000 Hiller Lane (Concord Korean Baptist Church site) Motion unanimously passed 5 - 0. Yes: Donna Allen, Commissioner, Rachael Ford, Commissioner, Jeffrey Keller, Commissioner, Paul Kelly, Commissioner, Michael Marchiano, Commissioner.

Mr. Blount reviewed the 10-day appeal process.

3. *North Pacheco Annexation GPA #10-03 Sub #7257 The City of Martinez proposes to annex a portion of Contra Costa County that is subject to the John Muir Parkway Specific Area Plan. In order to annex the area into the City of Martinez, the City and the Contra Costa Local Agency Formation Commission (LAFCO) will need to take the planning and policy actions listed below that collectively make up the North Pacheco Annexation Project:*
 1. Amend the Martinez General Plan (John Muir Parkway Specific Area Plan) Land Use Map to show the annexation area within the City limits and the new associated designations, (City)
 2. Amend the Zoning Ordinance to include new designation P-1 (Planned Unit Development) to allow for Contra Costa County's Planned Unit Development designation and approved Planned Unit Developments to be incorporated into the City's Zoning Ordinance and Map. (City)
 3. Amend the Zoning Map to show the annexation area within the City limits and the new Zoning Districts for the annexation area. (City)
 4. Approve pre-zonings and General Plan Land Use designations of the properties to be annexed. (City)
 5. Adopt a Negative Declaration. (City)
 6. Approve a City-Initiated LAFCO application. (City)
 7. Process and approve the annexation. (LAFCO)

Existing Land Use Designations:

GENERAL PLAN - Single Family -Low; Single Family - Medium; Commercial; Business Park and Open Space

ZONING - R-6 Single Family Residential; R-7 Single Family Residential; M-29 Multi-family Residential; R-B Retail Business; C General Commercial and C-P Planned Commercial

Proposed Land Use Designations:

GENERAL PLAN - The City of Martinez proposes to maintain the existing General Plan designations of low and medium residential, Commercial, Business Park and Open Space.

ZONING - The City of Martinez proposes to amend the City's Zoning Ordinance to include a mixed zoning district of Light Industrial/Service commercial on the majority of the parcels within the southern portion of the site. The existing residential apartment development on Hanson Court will remain residential. The majority of the northern portion of the annexation area will remain in residential use with a few properties at the northeast corner that will be designated light industrial/service commercial. **(This item has been continued to the November 23, 2010, meeting.)**

Applicant: City of Martinez (DT/MC/CS)

COMMISSION ITEMS

None.

STAFF ITEMS

Mr. Blount noted the City received a letter from the State Housing & Community Development Department regarding the proposed Housing Element - it will be certified, with minor changes. He indicated its review would be at the 2nd Planning Commission meeting in October 25th.

Mr. Blount reviewed tentative dates for other upcoming agenda items, including Alhambra Highlands and North Pacheco Annexation Project.

Commissioner Kelly asked the status of Cascara Canyon - Mr. Blount said staff will be contacting the applicant, but the project appears to be stalled.

Mr. Blount also noted that next Wednesday, October 6th at 6:00 p.m - 7:00 p.m. There will be a joint Planning Commission/City Council meeting regarding the General Plan Update.

Commissioner Kelly asked about the RCD project - Mr. Blount said the applicant is still working to get funding in place, but he was confident it will happen eventually. Commissioner Kelly asked whether they would be eligible for the fee reduction; Mr. Blount said yes, if fees are required.

Chair Allen asked if Alhambra Highlands Project would be eligible for fee reductions or whether they have a better deal.

Commissioner Marchiano asked if other Commissioners had been contacted regarding the medical cannabis. Several said yes.

Mr. Blount commented on staff's goal to improve communication with the Planning Commission. He asked if anyone else was aware of the Praxair project. He gave a brief synopsis of the proposal and the combined response to the DEIR issued by county. He confirmed that eventually use permit approval by the Planning Commission will be required. He apologized for not bringing it to the Planning Commission sooner - in future, he will bring items

like this to the Planning Commission at the comment stage.

Commissioner Kelly asked where the pipeline will be. Mr. Blount said along the railroad tracks. Chair Allen explained her concerns with the process. Mr. Blount noted the FEIR will come back to ensure compliance with staff comments.

Commissioner Ford asked what power the Commission will have and whether the Planning Commission will have the right to deny the use permit. Mr. Blount also explained why a joint EIR is being done among the several jurisdictions.

Commissioner Ford asked about applications for replacement Planning Commissioners. Mr. Blount said emails have gone out encouraging application.

Commissioner Ford noted that the California Center for Delta Research & Education passed the first round of approval.

COMMUNICATIONS

None.

On motion by Michael Marchiano, Commissioner, seconded by Jeffrey Keller, Commissioner, adjourn at 8:00 p.m. Motion unanimously passed 5 - 0. Yes: Donna Allen, Commissioner, Rachael Ford, Commissioner, Jeffrey Keller, Commissioner, Paul Kelly, Commissioner, Michael Marchiano, Commissioner.

Respectfully submitted,

Approved by the Planning Commission
Vice Chairperson

Transcribed by Mary Hougey

Donna Allen