

Planning Commission
Regular Meeting
December 13, 2011
Martinez, CA

CALL TO ORDER

Acting Chair, Commissioner Donna Allen called the meeting to order at 7:04 p.m.

Staff present: Senior Planner Corey Simon, Associate Planner Anjana Mepani

ROLL CALL

PRESENT: Donna Allen, Commissioner, Harriett Burt, Commissioner, Sigrid Waggener, Commissioner, Kimberley Glover, Commissioner, and James Blair, Commissioner (Alternate).

EXCUSED: Rachael Ford (Chair), Jeff Keller, Commissioner, and Paul Kelly, Commissioner.

ABSENT: None.

AGENDA CHANGES

Senior Planner Corey Simon noted that Commissioner Burt wanted to recuse herself from Item #3.

PUBLIC COMMENT

None.

CONSENT ITEMS

1. [Minutes of October 25, 2011, meeting.](#)

[October 25, 2011, minutes](#)

Associate Planner Anjana Mepani corrected the minutes regarding the vote on Consent Calendar, noting it should be a 7:0 vote, not 8:0; Commissioner Marchiano should not be listed as a member of the Commission, and Commissioner Glover is no longer the alternate.

On motion by Sigrid Waggener, Commissioner, seconded by Harriett Burt, Commissioner, to approve Minutes of October 25, 2011, meeting, as corrected. Motion unanimously passed 5 - 0. Yes: Commissioner Donna Allen, Commissioner Harriett Burt, Commissioner Sigrid Waggener, Commissioner Kimberley Glover, Commissioner James Blair (Alternate).

2. [Sale of Surplus Property - General Plan Consistency Find the sale of City owned Glendora Drive parcels \(APN #370-095-001 thru 005\), consistent with the General Plan.](#)

There were no members of the public comment wishing to speak regarding the sale.

Acting Chair Allen suggested doing a Certificate of Compliance, to clarify the existing easement and zoning restrictions, when the sale is completed. Mr. Simon said the easement will probably be removed since the owner of the upper parcel is interested in four of the lots, which will give him access. He agreed some memorialization of the easement and the restrictions on development or subdivision would be good for future reference.

Acting Chair Allen strongly reiterated the need for a Certificate of Compliance. Commissioner Burt agreed it would be helpful to specify the types of allowable uses.

On motion by Harriett Burt, Commissioner, seconded by Donna Allen, Commissioner, to approve Resolution finding the sale of City owned Glendora Drive parcels (APN #370-095-001 thru 005), consistent with the General Plan, and that the Planning Commission recommends a Certificate of Compliance be issued upon the sale of these parcels, to memorialize the zoning restrictions. Motion unanimously passed 5 - 0. Yes: Donna Allen, Commissioner Harriett Burt, Commissioner Sigrid Waggener, Commissioner Kimberley Glover, Commissioner, James Blair, Commissioner (Alternate).

3. [*Acquisition and Sale of Property - General Plan Consistency Find that the City's purchase and pending sale of Contra Coast County owned parcel at 610 Court Street \(APN #373-265-001\), consistent with the General Plan.*](#)

Commissioner Burt asked whether the finding of consistency needs to be made with the current General Plan or the one that is being developed. Mr. Simon said with the current one.

There was no public comment on the item. Commissioner Burt said she will abstain because of her membership in the Contra Costa County Historical Society and the remote possibility that it will be a party with the county for the building to be used for historical records.

On motion by James Blair, Commissioner (Alternate), seconded by Kimberley Glover, Commissioner, to approve a Resolution finding that the City's purchase and pending sale of Contra Costa County owned parcel at 610 Court Street (APN #373-265-001), is consistent with the General Plan. Motion unanimously passed 4 - 0. Yes: Sigrid Waggener, Commissioner Donna Allen, Commissioner Kimberley Glover, Commissioner, James Blair, Commissioner (Alternate), Abstain: Harriett Burt, Commissioner.

REGULAR ITEMS

4. [*Verizon Wireless 11PLN-0036 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 located on a private residential lot. The proposed project consists of adding a 12' lattice structure, with 9 antennas, on top of the existing approximately 162' tall tower. Verizon will be leasing an approximately 473 sq. ft. 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. This project is located on a PG&E Tower at 814 Carter Acres Lane (APN 365-150-053) Applicant: Chip Griffin, Ridge Communications (AM)

Associate Planner Mepani presented the staff report, discussing the proposal, the need for a use permit and design review in the future, and the reason for the study session.

Applicant Clarence Chavis, Ridge Communications, noted that the new equipment will be under the footprint of the PG&E tower, and it will meet the same standards as in the past.

Acting Chair Allen opened public comment on the item.

CHRISTINE SCHARMER thanked the City for the noticing of the study session, but expressed concern that proper protocol was not followed. She noted that Carter Acres Lane is private lane and any action needs to be approved by the residents. She explained that one resident was strongly opposed to a previous request for one antenna, but the majority approved. She indicated she was not notified of the plan by the owner who has signed an agreement with Verizon, but she just happened to observe activity at the site. She was concerned about the impacts on property values, noting they have already been affected by the PG&E tower and lines; and there is debate about the health effects from cell phone towers. She read a petition from property owners opposed to the new proposed cell phone tower installation. She expressed regret that Verizon was not made aware of the private road limitations. She shared written handouts with the Commission.

SIMONE ST. CLARE also shared written information related to the Reliez Valley Homeowners Association and the requirement for agreement of the neighbors before changes can be made. She noted that the majority of the owners agreed it was not a good idea.

CHIP GRIFFIN noted that his residence on Alhambra Valley Road has very poor cell reception. He would like better coverage. He noted that he had served as the initial representative of Ridge Communications but no longer works for them. He also indicated that a neighborhood meeting was held at which Ms. St. Clare and Ms. Scharmer attended and gave input. He also referred to coverage maps included in the Commission packets showing coverage in area before/after installation of this tower. He noted that some studies have shown that property values actually increase when there is good cell coverage. Mr. Griffin said he thought the main issue was the PG&E tower, not the cell phone antenna itself.

Commissioner Burt asked when the neighborhood meeting was held. Ms. Mepani said July 6, 2011.

Ms. St. Clare said yes, an informational meeting was held, but there was no information given regarding contracts that had been signed.

Ms. Scharmer acknowledged yes, better cell service might raise property values, unless in view of tower or close proximity.

Seeing no further speakers, Acting Chair Allen closed public comment on the item.

Rebuttal:

Mr. Chavis said there has been coordination and communication with the property owner regarding the project, and funds to upgrade the road.

Commissioner Waggener asked for staff input regarding the use of and access to Carter Acres Lane. Ms. Mevani said it is Verizon's responsibility to research access and easements. Acting Chair Allen noted it would be very important to get that information before the use permit/design review applications are submitted/processed.

Commissioner Blair said it was not the Planning Commission's responsibility to make that decision; rather, that is an issue between Verizon and the affected homeowners. Ms. St. Clare questioned whether the Planning Commission has the responsibility to review issues that run with land. Mr. Blair said not in this case, since it is a private road.

Acting Chair Allen said hopefully staff is fully aware of this issue and it will be resolved before the application comes back. Commissioner Waggener agreed.

Commissioner Burt said she would not be able to vote in support of the tower in the future unless those issues are resolved first. She expressed concern that the property owner was not in attendance to make a statement, etc.

Acting Chair Allen acknowledged there is an issue with cell phone service in the valley, and she was appreciative of co-locating on PG&E towers rather than adding new structures.

Commissioner Glover encouraged both sides to meet together to resolve things before the application comes back to the Commission.

Commissioner Burt discussed her role with the California Public Utilities Commission prior to her retirement in 2005 and her subsequent one-year restriction on voting on these applications. She acknowledged that the location of cell phone towers is one of the most difficult issues, and that there is no clear information available regarding public health impacts. She also commented on concerns with PG&E towers but they are necessary since we all use electricity. She was grateful for co-location possibilities now rather than adding new structures. She noted there is wide use of smart phones and devices, which has created the need for reliable coverage.

Commissioner Burt expressed a strong desire for Verizon to research the neighborhood issues and are fully dealt with, and for a Verizon representative to attend the next hearing for the application.

Acting Chair Allen said it would be good to have a greater discussion of the co-location possibilities. Commissioner Blair said that might be part of the neighbors' issues. The Commissioners present all seemed to agree that neighborhood issues need to be resolved before

the application proceeds further.

Mr. Chavis said it does seem obvious that road ownership and issues should be addressed.

Ms. Mepani asked whether the Commission would support the application in concept. The Commission said they could not answer until the access issues are settled.

Commissioner Burt asked about other alternative sites and asked Verizon to look again. Staff said it was included in the report. Commissioner Burt encouraged Verizon and Ridge Communications to keep their options open.

Mr. Griffin asked for clarification on the next steps in the process, which staff explained.

COMMISSION ITEMS

Acting Chair Allen asked if the Muir Station Road EIR is available. Mr. Simon discussed the status of the Initial Study status and noted the project is tentatively scheduled to be on the agenda for the Planning Commission meeting in late January. He indicated copies of the EIR and Initial Study should be out before the staff report for that meeting.

STAFF ITEMS

Mr. Simon announced the next General Plan Task Force meeting.

Commissioner Burt asked if there will be a meeting in the early part of January. Staff confirmed it was unlikely.

COMMUNICATIONS

Acting Chair Allen adjourned the meeting at 8:03 p.m., to the next regularly scheduled meeting at 7:00 p.m. on January 10, 2012, in the City Council Chambers.

Respectfully Submitted,

Approved by the Planning Commission
Chairperson

Transcribed by Mary Hougey

Rachael Ford