

**MINUTES OF MEETING**  
**WEST COUNTY BOARD OF ZONING ADJUSTMENTS**  
**JULY 14, 2010**  
**(APPROVED AUGUST 11, 2010)**

The Regular Meeting was held at the hour of 6:00 p.m. in the Alameda County Building, 224 West Winton Avenue, Hayward, California.

**FIELD TRIP: 1:00 p.m.**

1. **VERIZON WIRELESS / GABRIELLA BARR, CONDITIONAL USE PERMIT PLN-2010-00009** – Application to allow the construction of a new telecommunication facility to include an 80 foot monopole with six (6) antennas, in an M-1-B-40 (Light Industrial, 40,000 Minimum Building Site Area) Zoning District, located at 2536 Grant Avenue, east side, approximately 750 feet south of Worthley Drive, unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 438-0010-007-10. **Staff Planner: Damien Curry.**
2. **CLUB K9 INC. / ERIC FABIANAC, CONDITIONAL USE PERMIT, PLN-2010-00019** - Application to allow continued operation and expansion of an existing boarding kennel for up to 65 dogs, with expansion to 100 dogs, with said expansion to be conditioned on requirements concerning septic / wastewater discharge, in an "A" (Agricultural) District, located at 10671 Crow Canyon Road, southeast side, approximately 1.28 miles north of Norris Canyon Road, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 085-1991-006-00. **Staff Planner: Damien Curry.**
3. **NEXTEL WIRELESS / TOWER CO, CONDITIONAL USE PERMIT, PLN-2010-00035**, Application to allow continued operation of a cell site facility consisting of a 57 foot monopole and equipment area, in an M-2 (Heavy Industrial) District, located at 2480 Bauman Avenue, south side, approximately 550 feet southwest of Worthley Drive, unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 438-0010-004-08. **Staff Planner: Jeff Bonekemper.**
4. **FIRST PRESBYTERIAN CHURCH, CONDITIONAL USE PERMIT, PLN-2010-00058** - Application to allow continued operation of a child care center facility for up to 150 children in a C-1 (Retail Business) and R-S-D-20 (Suburban Residence, 2,000 square feet per Dwelling Unit) Districts, located at 2490 Grove Way, northwest side approximately 170 feet northeast of Redwood Road, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 416-0030-014-03. **Staff Planner: Christine Greene.**

**MEMBERS PRESENT:** None. The Field Trip was cancelled. Members visited the properties on an individual basis.

**MEMBERS EXCUSED:** Chair; Dawn Clark-Montenegro; Vice Chair, Kathy Gil; Members, Jewell Spalding, Frank Peixoto and Ineda Adesanya.

**OTHERS PRESENT:** Phil Sawrey-Kubicek, Senior Planner

**FIELD TRIP:** The meeting adjourned to the field and the following property was visited:

**REGULAR MEETING: 6:00 p.m.**

**MEMBERS PRESENT:** Chair, Dawn Clark-Montenegro; Vice Chair, Kathy Gil; Members, Jewell Spalding and Frank Peixoto.

**MEMBERS EXCUSED:** Ineda Adesanya.

**OTHERS PRESENT:** Phil Sawrey-Kubicek, Senior Planner; County Counsel, William Fleishhacker; Code Enforcement staff; and Yvonne Bea Grundy, Recording Secretary.

There were approximately 4 people in the audience.

**CALL TO ORDER:** The meeting was called to order by the Chair at 6:05 p.m.

**ANNOUNCEMENTS BY THE CHAIR:** The Chair made no special announcements.

**OPEN FORUM:** Open forum is provided for any members of the public wishing to speak on an item not listed on the agenda. Each speaker is limited to three (3) minutes. No one requested to be heard under open forum.

### **Neighborhood Preservation Ordinance Abatement Hearing**

**1. Darshan Singh Brar, Karina Street, Hayward CA 94542**

In violation of Alameda County Ordinance 6.65.030 A (1) and B (6)

1. Accumulation of construction debris, junk, mattresses, pallets, buckets and miscellaneous items stored on the property.

Member Spalding motioned to uphold the staff recommendation . Declare the property a public nuisance, and require abatement to be complete within 10 days. Member Peixoto seconded the motion. Motion carried 4/0.

**2. Coral L Baker, Ray Ave., Castro Valley CA 94546**

In violation of Alameda County Ordinance 6.65.030 A (8), A (9), A (10) and B (6)

1. Overgrown vegetation and weeds throughout the property.

Member Peixoto motioned to uphold the staff recommendation . Declare the property a public nuisance, and require abatement to be complete within 10 days. If the property owner is subject to a subsequent violation fine of \$500, the fine shall be waived. Member Spalding seconded the motion. Motion carried 4/0.

**3. Eward Aiello, Center St., Castro Valley CA 94546**

In violation of Alameda County Ordinance 6.65.030 A (8), A (9), A (10) and B (6)

1. Overgrown vegetation and weeds in the front & side yards.

The Vice Chair motioned to uphold the staff recommendation . Declare the property a public nuisance, and require abatement to be complete within 10 days. Member Peixoto seconded the motion. Motion carried 4/0.

**4. Cindy R. Moschetti, Via Andeta, San Lorenzo, CA 94580**

In violation of the Alameda County Ordinance 6.65.030 A (1), A (9) and A (10).

1. Overgrown weeds and vegetation throughout the property.
2. Member Peixoto motioned to uphold the staff recommendation. Declare the property a public nuisance, and require abatement to be complete within 10 days. The Vice Chair seconded the motion the motion. Motion carried 5/0.

Member Peixoto motioned to uphold the staff recommendation . Declare the property a public nuisance, and require abatement to be complete within 10 days. The Vice Chair seconded the motion. Motion carried 4/0.

**5. Edwin and Sharon Fong, Via Rincon, San Lorenzo, CA 94580**

In violation of the Alameda County Ordinance 6.65.030 A (1), A (9) and A (10).

1. Overgrown vegetation in rear and side yards.

Member Spalding motioned to uphold the staff recommendation. Declare the property a public nuisance, and require abatement to be complete within 10 days. The Vice Chair seconded the motion. Motion carried 4/0.

**6. Cynthia L. Stricklin, Via Natal, San Lorenzo, CA 94580**

In violation of the Alameda County Ordinance 6.65.030 A (1) and A (9).

1. Overgrown weeds and vegetation in the front/side yard.

The Vice Chair motioned to uphold the staff recommendation. Declare the property a public nuisance, and require abatement to be complete within 10 days. Member Peixoto seconded the motion. Motion carried 4/0.

**CONSENT CALENDAR:**

1. **ABC PRESCHOOL & DAYCARE / MAGGIE LAM, CONDITIONAL USE PERMIT, PLN-2010-00049** – Application to allow expansion of a child care facility from 41 to 56 children, in an R-S-D-3 (Suburban Residential, 2,500 square feet per Dwelling Unit) District, located at 20135 San Miguel Avenue, west side, approximately 350 feet north of Jeanine Way, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084A-0124-001-04. **Staff Planner: Christine Greene.** (Continued from June 23, 2010; to be continued to July 28, 2010).

Member Spalding motioned to accept the Consent Calendar as presented. The Vice Chair seconded the motion. The motion carried 4/0.

**REGULAR CALENDAR**

1. **EAST BAY MUD / AT & T MOBILITY - KELLY, CONDITIONAL USE PERMIT, PLN-2009-00154** – Application to allow installation and operation of a wireless telecommunications facility (45 feet tall mono pine) in an R-1-SU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle Parking Regulations) District, located at the end of Brookdale Boulevard, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Numbers: 084D-1100-001-16-00 and 084D-1103-070-04. **Staff Planner: Christine Greene.** (Continued from June 23, 2010).

Staff recommended approval with the modification of Condition #19. The expiration date should now state July 14, 2020 not June 23. Initially the Castro Valley Municipal Advisory Committee had concerns.

The Applicant modified the plans. The CVMAC voted 4 to 3 on June 28, 2010 in favor of project approval. Public testimony was opened.

Ms. Pat Kelly was present representing AT&T. She has appreciated the effort staff has put forth. Ms. Kelly clarified the CVMAC vote to recommend project approval was 5 to 2. The site is critical to the service the territory. Presently service is poor. AT&T has been diligent to locate a site appropriate for business, private and emergency transmissions. This is the most suitable. Planning staff assisted AT&T in narrowing possible alternate locations to six. Co-location was the primary consideration. However none were compatible, as outlined in the staff report. AT&T Lease Manager, Les Nedderfeld is also present to answer questions. The Vice Chair asked for further information regarding co-location.

Mr. Les Nedderfeld explained there is only one existing tower in the area. The tower has been there a long time. The location is too far away from the center of coverage AT&T is trying to reach. The tower is too high and goes over the area. It cannot cover Castro Valley to the north and east. The second goal is to be in the center of the civic circle. Several coverage studies were done. The East Bay Mud site is at the best altitude to provide needed coverage. The topography in Castro Valley is challenging with some low spots for example on Stanton and Carlton Avenues. Further Board questions were as follows:

- What is shadowing
- What is the capacity of the tower
- How many telecoms can transmit from the site
- Is the monopine the only pine tree at the site
- Is AT&T willing to add more shrubbery to the site

Mr. Nedderfeld said shadowing occurs when something gets in the way of the telecom signal reaching the attempted coverage area. In this case, there is a hill west of the site. The East Bay Mud pole is 40 foot higher than the closest pole which is located at a Park District site. The antennas are line of site. The same type of pole at the park site would experience shadowing. People are doing more texting which causes great load on the system. The proposed pole is designed to hold more than 250 people at one time. The area is poorly served. Mr. Nedderfeld showed a color rendering of the monopine. AT&T is not opposed to installing further trees and shrubs. However they will take a while to grow. A redwood tree may grow more quickly. Trees do not typically cause interference. However the water they carry may have an impact. The location is within the East Bay Mud site and cannot be seen from the outside. Perhaps additional landscaping can be placed around the water tower

Ms. Pat Kelly returned to testify. The East Bay Mud site already has a lot of ground vegetation and landscaping. ATT&T can work with them to add more plants in a manner that does not cause shadowing. The Board agreed the specified monopine very realistic design. The specification should be used as an example of an appropriate tree pole. Member Spalding asked if the recommendation from the sheriff included the most recent language regarding interference on public safety communication frequencies. Staff confirmed it did. Public testimony was closed.

**The Vice Chair motioned to uphold the staff recommendation of approval of PLN-2009-00154. Condition #19 shall be modified. The expiration date should now state July 14, 2020. Member Spalding seconded the motion. Motion carried 4/0.**

2. **VERIZON WIRELESS / GABRIELLA BARR, CONDITIONAL USE PERMIT PLN-2010-00009** – Application to allow the construction of a new telecommunication facility to include an 80 foot monopole with six (6) antennas, in an M-1-B-40 (Light Industrial, 40,000 Minimum Building Site Area) Zoning

District, located at 2536 Grant Avenue, east side, approximately 750 feet south of Worthley Drive, unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 438-0010-007-10. **Staff Planner: Damien Curry.**

Staff reviewed the application. The staff recommendation was approval. There has been an on-going effort to reduce the overall height. The revised monopole design will allow the removal of four other light poles on the site. Public testimony was opened.

Ms. Gabriella Barr was present representing Verizon Wireless. Verizon has been working with the Planning Department for two years. The goal achieved is a well thought out customized installation, specifically for the Oro Loma site. The aesthetics, need established for the use, and the required findings have all been addressed. The maximum tower height allowed is 90 feet. The height is 10 feet lower. Antennas are flush mounted. The stealth pole includes lighting mounted at 30 feet. An equipment shelter was selected for stealthing, and safety purposes. The shelter is approximately 185 square feet. The generator capacity can handle up to 60 kilowatts. It can run the facility in an emergency if there is no power. It also has two GPS antennas which can operate under emergency conditions. The AT&T lease area is 27 by 30 feet, including a 6 foot fence for safety purposes. The area is also screened by the treatment facility. Overall lighting to the facility was further reduced by removing more lighting poles than required. Ms. Barr then reviewed coverage maps of the area. Currently there is no Verizon coverage in San Lorenzo. The proposal will cover San Lorenzo and link coverage to the Verizon network. Coverage west of San Lorenzo will be provided and further optimize Verizon coverage all over the County. A need has been established. The area experiences a lot of dropped calls. A multitude of customer complaints has been received for a long time. Adaption to other surrounding sites was not feasible. The proposed installation ensures public need is met. It will increase signal strength and alleviate dropped calls. Wireless telecommunications are considered community infrastructure by jurisdictions. In addition the FCC and PUC consider wireless telecommunications public infrastructure. For many people a wireless phone is heir single source of connectivity. Demand for service has increased with mobile, hand held and lap top devices that can text message, and access movies. Communication facilities may need to be placed closer together to provide superior safety, and meet demand. The Hammett & Edison Engineering Report states the maximum calculated level of radio frequency levels to the closest building would be 0.39% of the applicable public limit of exposure, allowed by FCC Standards. Verizon is very happy with the results of the study. FCC Standards prohibit denial of a telecommunications permit based on health concerns. Board questions for the Applicant were as follows:

- What is the capacity of the proposed facility
- What other locations were considered for placement of this facility
- Does water effect facility transmission
- What will be the visual impact of the Verizon antenna from the exterior of the site
- Will there be a fence around the proposed location

Ms. Barr told the Board the Oro Loma site is in an industrial area. Poles from multiple carriers are located there on the site. The Verizon pole is hardly visible from public areas in contrast to the PG&E tower and utility poles in the area. Member Spalding responded the proposed site is in a Light Industrial area. Staff further clarified the proposed site is within an existing sewage treatment plant. Ms. Barr then referred to photo simulations of the area to indicate the location of existing poles and alternate sites that were considered. Verizon considered 28 other locations. The AT&T site on Baumann Avenue could not provide the needed capacity. It is located 1,700 feet away from the proposed location. In order to meet capacity a pole would have to be 120 feet high. This exceeds the height limit for this jurisdiction. AT&T has another lattice tower in the area. However it is at capacity and has no room for additional antennas.

In addition that site was created as the result of a parcel split. Half of the property is owned by Oro Loma, the other by East Bay Mud. East Bay Mud has leased a portion to KJ Woods. The property is the subject of contention between the two. East Bay Mud will not allow access to the site. Oro Loma uses their portion as a primary water recycling site. That portion of the site cannot be leased. Sites two, three, four and 50 are not compatible with the radio frequency coverage needed. There is added interference due to a water culvert. The water causes "shadowing". Signals bounce off of the water like a mirror and reflect them down to the ground. The Chair asked if signal effectiveness was reduced on rainy days and increased on sunny days. Ms. Barr said moisture does not affect facilities with increased capacity. Most carriers gained capacity by increasing the number of antennas. This resulted from mergers with other carriers. The telecommunication tower across Grant Avenue at the PG&E substation is not acceptable due to the radio frequency. In addition the tower is at maximum capacity. Further space cannot be leased out. The other PG&E surge tower does not have sufficient height. The de-watering building is too low. Area around the site is being considered for possible expansion. Other buildings in the area owned by Thompson Fence Co., Bong Kim, the Medrano's and the Grant Avenue Association would also have limitations. An installation at these locations could possibly have a negative impact to the area. The baseball field and the San Lorenzo Village Baptist Church on Bockman Road did not have the equipment to support an application.

Verizon considered if the application as proposed would meet required Findings. The use will not be contrary because it is located in an existing Oro Loma plant. It fits within Light Industrial Zoning. The use has a specifically designed stealth monopole. The equipment fits with the existing building and structures throughout the plant. The proposal is also consistent with the Alameda County Telecom Policy. The Alameda County Sheriff is not opposed to the installation. Ms. Barr did not have specific documentation present to verify capacity. However the proposal is a Class "A" Facility which will prevent the need for additional facilities a short distance away. The Vice Chair asked if Verizon projects would remove prime locations from other carriers, preventing co-location opportunities. Ms. Barr told the Board that carriers like, AT&T, T Mobile, Metro PCS typically use frequencies that only require 5 feet between other carriers when pole mounted. The Vice Chair asked if carriers had the option of lower placement on a pole. Ms. Barr said other carriers can co-locate on the proposed Verizon installation. For example Metro PCS technology could be mounted at 52 feet with a center line target at 50 feet. This is reasonable and can still provide coverage. The intent of this pole design is to allow co-location. Public testimony was closed. Ms. Barr informed the Board that a representative from Oro Loma was present. Public testimony was re-opened.

Mr. Jason Warner with Oro Loma Sanitary referred to photo simulations. There is a barbed wire fence around the treatment facility. A junkyard is located to the left of the site. On the right of the facility is a small parking lot. The parking lot is approximately  $\frac{3}{4}$  of a mile from an access point of the Bay Trail. The Oro Loma Sanitary parcel is very narrow but fairly large. It includes a 20 acre drying bed. The proposed telecom site is at the back of the sludge building. Oro Loma also allows the County to store a large hedge trimmer in the same section. Due to the eucalyptus trees, it is difficult to see into the property from the perimeter of the site. Public testimony was closed.

Member Spalding believed there a need for additional landscaping within the compound. At minimum, further landscaping should be placed near the entry to the Bay Trail. The proposed tower can clearly be seen. Staff pointed out the tower was a distance from the entrance. The Chair also noted the Verizon pole will be placed in between two buildings. Member Peixoto asked if the entrance was within the 120 foot right of way of future Highway #61. Staff clarified that location was further east of this site. Member Spalding acknowledged the points made, but given the height of the pole and the distance from the Bay Trail. The East Bay Regional Park District may appreciate further landscaping. The Vice Chair said she has walked her dogs in the area. The parking lot is not within the vicinity of the proposed tower. The Chair thought the Applicant might provide a landscape plan for the Planning Department review.

However a required Condition of Approval did not seem to be necessary. Member Spalding further clarified, the goal is to further mitigate visibility of the pole from the perspective of the junkyard, and entry to the Bay Trail. Public testimony was re-opened.

Mr. Jason Warner confirmed that Oro Loma Sanitary did own the parking lot. Employees of a local Mexican Restaurant park vehicles there. Alameda County also uses a portion of the space as a lay-down area for asphalt, and end dumps. There is a sign in the lot stating East Bay Regional Park District. Oro Loma was asked to reduce the number of lights on the pole to mitigate visual impact of the area. Member Spalding asked County Counsel if the application could be conditioned as such if, the Park District were amenable to the Applicant planting trees to mitigate visual impact from main areas, including the Bay Trail entrance. Counsel said both parties would have to agree. For the BZA to require the parties do so as a Condition of Approval a connection must be established, and mitigation proposed. Public testimony was closed.

The Chair asked Members their opinion. The Vice Chair did not believe the pole would be very noticeable. She was unsure of a placement location for landscaping that would have a true impact. Member Spalding said the concept of the person completing the most recent project having the greatest responsibility to provide infrastructure could be apply in this case. Additional trees would not only mitigate the visual impact of the Applicant's pole, but the whole area. The Applicant can contact the Park District. They may be amenable to care for trees installed by Verizon. Member Peixoto did not believe an 80 foot pole could be mitigated. In addition if EBRPD was not in agreement. The point is moot. He had walked the trail. In his opinion the tower would not be an issue. In this particular setting at the Sanitary District the use is suitable. Counsel said possible language could state the Applicant contact EBRPD. The Applicant should be given a reasonable expectation as to when they can move forward. For example, one year would not be acceptable. If the BZA requires a Condition, Members must include the exact mitigation, and the level of effectiveness. The Chair thought it would be more appropriate to determine a landscape plan for the site as a whole. Staff then referred to a photo simulation detailing close-up perspective. They confirmed the Park District was sent a referral of the project. The Vice Chair did not believe sufficient information was available confirming what area is owned by the Park District. They did not have a map available to provide more detail of might own nearby parcels. Member Spalding asked if a brief continuance would be in order to confirm who owns the neighboring properties. Public testimony was re-opened to speak with the Applicant.

Member Spalding asked Ms. Barr if Verizon would be willing to contact EBRPD regarding visual mitigation, also if Verizon would provide a landscape plan. Ms. Barr said she would have to confirm this was acceptable with Verizon. Most of the time Verizon would like to be agreeable however the Park District may not be interested in allowing trees within the setback. There would also be a question of who is responsible for maintaining the trees. She will present the proposal. Member Spalding said if the Park District is not agreeable, further trees will be considered a moot point. Based on Counsel's comments she believed an appropriate Condition of Approval could be crafted. Public testimony was closed.

Member Spalding said a continuance should not be necessary. A landscape plan could be designed to include perspective from the access point of the Bay Trail. Trees would mitigate visual impact of the Verizon pole, PG&E towers, and other poles in the area. Member Peixoto said if the BZA approves the application, language must provide a mechanism that allows the Applicant to move forward with the project if the other proposed party chooses not to participate. Counsel said the Applicant can submit proof a reasonable effort has been put forth. The "reasonable effort" can be established by the Planning Department. Staff recommended the Applicant submit proof to the Planning Director. Language could state: Contact the EBRPD on the interest and the feasibility of providing trees to mitigate visual impact. The Chair asked if modification of Condition #13 that proposes a Status Report at one and five year intervals be limited to one year review. Staff agreed a one year review would be sufficient.

**Member Spalding motioned to accept the staff recommendation of approval with modification to Condition #13. Review at the period of 5 years shall be removed. A Status Report shall be submitted at the one anniversary of permit approval.**

**A further Condition of Approval shall be added that states: The Applicant shall contact the East Bay Regional Park District to determine willingness, and feasibility to accept the planting of additional trees and landscaping at the entrance of the Bay Trail access to mitigate the visual impact of the telecommunications pole. Proof of reasonable effort shall be submitted and determined acceptable by the Planning Director.**

**Member Peixoto seconded the motion. The motion to approve, PLN2010-00009 passed 3/1/0. The Vice Chair was not in favor of approval.**

3. **CLUB K9 INC. / ERIC FABIANAC, CONDITIONAL USE PERMIT, PLN-2010-00019** - Application to allow continued operation and expansion of an existing boarding kennel for up to 65 dogs, with expansion to 100 dogs, with said expansion to be conditioned on requirements concerning septic / wastewater discharge, in an "A" (Agricultural) District, located at 10671 Crow Canyon Road, southeast side, approximately 1.28 miles north of Norris Canyon Road, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 085-1991-006-00. **Staff Planner: Damien Curry.**

Staff announced the application would be continued to the August 25, 2010 Hearing. The CVMAC requested more information on how the application might be effected by Measure D and CEQA. Board Members asked staff to provide specifics on the impact of doubling of the capacity without expansion of the facility. In addition the staff report should address the following:

- What will be the role of Environmental Health in the application process
- Is this facility considered an animal shelter
- Are there State guidelines governing large animal shelters
- What percentage of the facility is used for animal day care
- What percentage of the facility is used for animal boarding
- Is Public Works requiring the Applicant install a turn lane on Crow Canyon Road

Staff responded to the questions posed. Environmental Health will address issues of waste disposal at the facility. Approximately one third of the facility is now being used for boarding. The Applicant's responsibilities regarding Public Works are outlined in the initial study. Member Spalding said she, the Chair and Member Peixoto were on the Board when another Applicant proposed something on Crow Canyon Road. The Applicant was to be responsible for bearing the costs of a turn lane. Traffic on Crow Canyon Road has always been heavy. Developments were installed prior to this. Infrastructure for the entire area should not be the responsibility of the last person who starts, or expands a project. The Vice Chair thought development on the other side of Crow Canyon Road contributed to the overall traffic back up. The Chair agreed. There is a lot of traffic. Traffic slows at the top of the grade then backs up in a 50 MHP Zone. Member Peixoto visited the site. The facility is very nice. Although getting in and out of the site is problematic. He would hate to see them get bogged down in road design. Public testimony was opened. There were no requests to speak. Public testimony was closed.

**Member Spalding motioned to continue PLN-2010-00019 to August 25, 2010. The Vice Chair seconded the motion. Motion carried 4/0.**



4. **NEXTEL WIRELESS / TOWER COMPANY, CONDITIONAL USE PERMIT, PLN-2010-00035**, Application to allow continued operation of a cell site facility consisting of a 57 foot monopole and equipment area, in an M-2 (Heavy Industrial) District, located at 2480 Bauman Avenue, south side, approximately 550 feet southwest of Worthley Drive, unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 438-0010-004-08. **Staff Planner: Jeff Bonekemper.**

Staff reviewed the application and recommended approval. Public testimony was opened. A representative from Tower Co. Ms. Kathleen Hill was present. Sprint leases the tower from Tower Co. In 2008 Tower Co. acquired the Sprint / Nextel poles. Ms. Hill was in agreement with the staff report. Board questions for the Applicant were as follows:

- What is the Tower Co. business model
- Will Tower Co. build new towers
- How close is the location to a Verizon pole
- Is it possible for other carriers to co-locate at the site
- Would Tower Co. handle visual mitigation decisions, additional landscaping etc.

Ms. Hill explained Tower Co. is from North Carolina. The company has been in business since 2006. Many companies sold their towers because they did not want to bear the expense of maintenance. Their goal is to maintain regulatory compliance with State, local and FCC Guidelines for their towers. Tower Co. is responsible for maintaining upkeep, renewing leases and marketing the towers for co-location to other carriers. Tower Co. will not build new towers but try to co-locate as many carriers as possible on existing towers. Ms. Hill deferred to the distance stated in the staff report of 1,700 feet to the closest Verizon Tower. Ms. Hill has the authority to work with staff and the telecom carrier to make decisions regarding visual mitigation and additional landscaping etc. Upgrades regarding technology are channeled through the carrier and coordinated with Tower Co. Public testimony was closed.

Member Spalding asked staff to clarify how many antennas were allowed. The staff report states the prior cup allowed 8 antennas. Presently there are nine on the tower. Staff responded the original holder of the cup is still allowed that number. Another carrier has co-located on the antenna. Per the County Telecom Policy future co-location requests can take place without modification of the cup.

**The Vice Chair motioned to support the staff recommendation of approval of PLN-2010-00035. Member Peixoto seconded the motion. The motion carried 4/0.**

**APPROVAL OF MINUTES:** Member Peixoto motioned to accept the Minutes of June 23, 2010 with a submitted correction. The Vice Chair seconded the motion. The motion carried 4/0.

**STAFF COMMENTS & CORRESPONDENCE:** The decision to uphold the staff recommendation, and deny PLN-2010-00028, Seventh Step was appealed to the Board of Supervisor's. The appeal is likely to be on the September Calendar.

The BOS appeal of Variance, V-12107 ANTHONY & MARTHA CASSINI was withdrawn. The property owner was granted an encroachment permit by Public Works.

**BOARD'S ANNOUNCEMENTS, COMMENTS AND REPORTS:** The Chair asked staff to provide further

information regarding the moratorium on cell towers. Counsel said the temporary moratorium is only in effect for areas within the public right of way. Recently a telecom installation was added to a PG&E pole within the public right of way. Currently there is no regulation. Feedback from the first public meeting suggests it may be appropriate for Public Works to send referrals to the Planning Department. Planning could then offer their expertise.

The Chair then asked staff how long M.A. Center had been at its Crow Canyon Road location, also if they were required to obtain permits for events. Five years ago there was a fire and death at an MA Center event. Staff said they had occupied the site for years. The Center is required to obtain an Administrative Conditional Use Permit for events. The Chair asked staff to follow-up on an event held in June. Apparently the Highway Patrol was not contacted. There was a traffic backup for two miles, in both directions. This caused the Highway Patrol to provide impromptu traffic control, causing a staffing shortage.

**ADJOURNMENT:** There being no further business, the hearing adjourned at 8:24 p.m.

---

**ALBERT LOPEZ - SECRETARY**  
**WEST COUNTY BOARD OF ZONING ADJUSTMENTS**