

MINUTES OF MEETING
EAST COUNTY BOARD OF ZONING ADJUSTMENTS
APRIL 24, 2008
(APPROVED MAY 22, 2008)

The meeting was held at the hour of 1:30 pm in the City of Pleasanton Council Chambers, 200 Old Bernal Avenue, Pleasanton.

FIELD TRIP: 12:00 p.m.

MEMBERS PRESENT: Members Jon Harvey and Jim Goff

MEMBERS EXCUSED: Member Larry Gosselin, Chair.

FIELD TRIP: The Boardmembers visited the following property on their own:

1. **METRO PCS, CONDITIONAL USE PERMIT, C-8728** ~ Application to allow construction and operation of a telecommunication facility (cell site) in an 'A' (Agricultural) District, located at 11600 Pleasanton-Sunol Road, east side, corner northeast of Paloma Way, Sunol area of unincorporated Alameda County, bearing Assessor's Parcel Number: 096-0376-007-02. **Staff Planner: Jeff Bonekemper**

REGULAR MEETING: 1:30 p.m.

MEMBERS PRESENT: Members Jon Harvey, Vice Chair and Jim Goff.

MEMBERS EXCUSED: Member Larry Gosselin, Chair

OTHERS PRESENT: Jana Beatty, Senior Planner, Andrew Young, Project Planner; Andrea Weddle, Deputy County Counsel; and Nilma Singh, Recording Secretary

There were two people in the audience.

CALL TO ORDER: The meeting was called to order by the Chair at 1:35 p.m.

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.*

ANNOUNCEMENTS BY THE CHAIR: The Chair announced that the Board will act on Regular Calendar item #2, (C-8728) first followed by MC-8221 (the original first item).

CONSENT CALENDAR: There were *no items* on the Consent Calendar

REGULAR CALENDAR:

1. **VERIZON WIRELESS/NSA WIRELESS, INC., MODIFIED CONDITIONAL USE PERMIT, MC-8221** ~ Application to modify C-8221 to allow the existing flag pole to be increased in height from 80 feet to 87 feet for co-location of the existing Verizon monopole, in an "A" (Agricultural) District, located at 16163 West Grant Line Road,

south side, southeast of Altamont Pass Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099B-7700-004-00. (Continued from February 28 and March 13, 2008) **Staff Planner: Andrew Young**

Ms. Beatty presented the staff report noting the Supplemental Conditions. Member Goff requested clarification on the Letter of Understanding and Member Harvey requested clarification on the modification. Andrea Weddle, County Counsel's office, explained that the County is the third party beneficiary in this Agreement, the Letter of Understanding reflects that the four companies will locate on the two poles, which poles to remain and which carriers to co-locate. But due to a disagreement/miscommunication, this has not completely occurred.

Public testimony was called for. James Singleton, representing Verizon Wireless, explained the following in detail: changes have occurred with the license agreement and the 2005 permit had some word discrepancies--AT&T now retains two licenses, T-Mobile retains one and Verizon has none. As such, Verizon would like to get on one of the two poles as it cannot co-locate with Sprint PCS due to interference and licensing problems. Hence, this request of increased height to a previously approved pole to accommodate their antenna and comply with the permit. As requested, a Phasing Plan has been submitted to staff. In the interim, additional carriers have been approved for co-location on the existing pole. Mr. Singleton also submitted copies of notes from the January 21st meeting between Planning staff, Crown Castle and Verizon representatives to discuss the esthetic concerns. Staff has been provided with a Letter of Intent from American Tower Corporation as to their stand upon permit expiration. All the carriers have agreed on the landscaping condition. Although the 120-day timeline for PGE to accommodate the services is a tight time-line, they are trying to comply with this condition. At the request of the Board, Mr. Singleton clarified that AT&T and T-Mobile are co-locating on the existing flag pole and further noted the locations of both poles on the site plan.

Andrew Young, Project Planner, explained that the 2005 approval was for three carriers on the existing pole and the 1998 agreement was for two monopoles. Mr. Singleton added that since Nextel has 3.5 years remaining on their permit, they are not interested in discussions. They also own the pole and two of the three slots on the pole. The intent is to have an aesthetically pleasing stealth flag poles as an entry to the County, to promote co-location equal cost sharing, and the permits to expire simultaneously.

County Counsel clarified the legal issues adding that the incentive for the other carriers to come to the table could be, perhaps, a longer permit. Although American Tower Company owns the structure, the permit was not transferred to them. Mr. Singleton confirmed that Verizon's proposal is to increase the existing flag pole, remove the old pole and sharing the cost of removing all the power lines.

Mr. Young distributed copies of the supplemental conditions and a discussion ensued. Mr. Singleton expressed concern with the italic portion of Condition #1, pointed out that the Landscaping Plan has been agreed to and further read the conditions as contained in an email sent by staff to him. He had responded to the emailed conditions yesterday and these supplement conditions, the italic portions, are new. Conditions #s 2, 7 and 15 have already been agreed to. Staff explained that these supplement conditions formalize the responses in Mr. Singleton's email. Member Harvey also expressed concerns regarding the italic section adding that he supported the original conditions. Ms. Beatty corrected Condition #7 (supplement) to read #8.

Member Goff made a motion to approve the application as recommended by staff including the supplement conditions 1 and 2 deleting the italic verbage (the same as contained in the staff report) and the new Conditions 8 and 15. Member Harvey seconded and the motion carried. The Chair was excused.

2. **METRO PCS, CONDITIONAL USE PERMIT, C-8728** ~ Application to allow construction and operation of a telecommunication facility (cell site) in an 'A' (Agricultural) District, located at 11600 Pleasanton-Sunol Road, east side, corner northeast of Paloma Way, Sunol area of unincorporated Alameda County, bearing Assessor's Parcel Number: 096-0376-007-02. **Staff Planner: Jeff Bonekemper**

Ms. Beatty presented the staff report. Member Goff, in reference to the discussions from the last meeting, asked for the possibility of an expiration date to expire concurrently with the other existing permits on site, a 6-year permit. The Chair agreed.

Public testimony was called for. Dan Burke, representing Metro PCS, concurred with the Board's recommendation for an expiration date coinciding with the others for co-location purposes and stressed that any new conditions will be shared equally with the other carriers. He explained their proposal -- the existing towers are overloaded with radio and other cell carriers and, as such, Metro PCS is proposing a new pole on an existing pad with minimum visibility.

Public testimony was closed. *Member Goff made the motion to approve the application with an expiration date of December 21, 2014, a six-year permit to coincide with the existing permit on site. Member Harvey seconded and the motion carried 2/0 with Chair Gosselin excused.*

APPROVAL OF MINUTES – March 13, 2008 – *Continued due to the lack of a quorum.*

STAFF COMMENTS & CORRESPONDENCE: *None.*

CHAIR'S REPORT: *None.*

BOARD ANNOUNCEMENTS, COMMENTS AND REPORTS: *None.*

ADJOURNMENT: There being no further business, the hearing was adjourned at 3:00 p.m.

CHRIS BAZAR - SECRETARY
EAST COUNTY BOARD OF ZONING ADJUSTMENTS