

**MINUTES OF MEETING  
WEST COUNTY BOARD OF ZONING ADJUSTMENTS  
OCTOBER 14, 2009  
(APPROVED OCTOBER 28, 2009)**

The Regular Meeting was held at the hour of 6:00 p.m. in the Alameda County Building, 224 West Winton Avenue, Hayward, California 94544.

**FIELD TRIP: 1:30 p.m.**

There were no scheduled Agenda items for the Field Trip. The Board convened at 6:00 p.m. for the Regular Meeting.

**MEMBERS PRESENT:** None.

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

**OTHERS PRESENT:** None.

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

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

**MEMBERS EXCUSED:** None.

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

There was one person in the audience.

**CALL TO ORDER:** The meeting was called to order by the Chair at 6:00 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. **David W. Martin, 166th Avenue, San Leandro, CA 94578**  
In violation of Alameda County Ordinance 6.65.030 A (1), A (4), A (6), A (8), A (9), A (10), A (11), B (2) and B (6).
  1. Garbage, debris, trash, furniture and miscellaneous items;
  2. Weeds and dead vegetation;
  3. Dilapidated fence; and
  4. Unsecured building (side door open).

Member Spalding motioned to adopt the staff recommendation. Declare the property a public nuisance, require abatement to be complete within 10 days, which shall including the following: The property owner shall secure the entire site with fencing. Member Peixoto seconded the motion. Motion carried 5/0.

**CONSENT CALENDAR:**

1. **T MOBILE USA / CHRIS COONES - CONDITIONAL USE PERMIT, PLN-2009-00090** - Application to allow a telecommunications facility (Antenna Array) in a PD (Planned Development, 1268<sup>th</sup> Zoning Unit) District, located at 18832 W. Cavendish Place, approximately 500 feet from the intersection of Troost Court, Castro Valley area of unincorporated Alameda County, designated Assessor's Parcel Number: 0085-1510-013-00. (Continued from September 23, 2009; to be continued to November 18, 2009). **Staff Planner: Richard Tarbell.**

The Chair asked staff if the property is within the Columbia, or Columbia Heights neighborhood. Staff believed the site was within the Columbia neighborhood. A member of the audience interjected, and clarified. The property is located on the opposite side of the canyon from the Columbia neighborhood.

The Vice Chair motioned to accept the Consent Calendar as submitted. Member Spalding seconded the motion. Motion carried 5/0.

**REGULAR CALENDAR**

1. **PUBLIC STORAGE, CONDITIONAL USE PERMIT, PLN-2009-00081** – Application to allow the installation and operation of a telecommunications facility (Antenna Array) in an M-1-B-40 (Light Industrial, 40,000 Square Foot Minimum Building Site Area) District, located at 2497 Grove Way, south side, approximately 800 feet east of Redwood Road, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 0080-001-03-00. (Continued from September 23, 2009). **Staff Planner: Richard Tarbell.**

Staff reviewed the application. The following were stated corrections for the staff report: Page 6, Condition of Approval #8. The word "not" shall be removed. The Recommendation was approval. The Castro Valley Municipal Advisory Committee recommended approval as well. Staff distributed photo simulations, and coverage maps of the proposal. Initial Board questions were as follows:

- What was the recorded vote at the CVMAC Hearing
- Who is the telecom carrier at the site on Redwood Road, and Grove Way
- Is there an opportunity for co-location
- Has this site previously applied for use permit
- Is there another carrier's equipment at the site
- Did residents living within the City Limits of Hayward receive notification of the project
- Does the Public Storage Site share an easement with nearby homes
- Are there any setback issues due to the close proximity of the creek

Staff told the Board the item was placed on the CVMAC Consent Calendar. There were no requests to have the item placed on the Regular Calendar, for discussion. The Consent Calendar was accepted as submitted. Staff was unsure of the carrier at the Redwood Road site. In this situation it was staff's opinion the Public Storage site was more beneficial. The Redwood Road location is unscreened, and very visible. In contrast at the Public Storage site there is building at the rear which is used as a Corporate Office. Additional storage space was to be added to the area behind the office. However setbacks were not sufficient, due to the nearby creek. Flooding was also concern. As a result there is a lot of open area

at the rear of the property, stretching back to the creek. A prior cup application for a telecom antenna was submitted. However the permit was never implemented. Notice of the project was sent to all properties within a 500 foot radius. The radius is measured from the property line. This Public Storage site that is the subject of this application does not share an easement with neighboring homes. However there is another Public Storage site located on Charlene Way. Public testimony was opened.

The Representative for T Mobile USA, Mr. Coones was present. He confirmed the CVMAC vote was unanimous. The carrier at the other site is not T Mobile. Co-location would have been considered if applicable. If there is another T Mobile site within 3,000 feet, it is not T Mobile's policy to place location in the same proximity. The Public Storage site was selected due to the ability to screen the facility, and to implement stealth antennas. The facility will be placed behind a building, in addition a fence. The site will not be in the public right way. The roof mounted antennas will be enclosed in an RFP (fiberglass paneling) and measure 40 feet from the top of the antennas to the ground, including building height. This allows radio frequencies to be transmitted without being blocked. The exterior will be painted to match surrounding buildings. Board questions for Mr. Coones were as follows:

- Where will the antennas be placed on the roof surface
- How high are the antennas
- How will the antennas be mounted

Mr. Coones said the building onto which the antennas will be mounted is 30 feet in height. There are three antennas, each with a different azimuth. The roof mounted antennas are "line of site" antennas, as opposed to omni directional. One antenna would be placed on the back of the building, facing the rear. The other two will be on the roof, faced in different directions. This will allow optimal coverage at the site. Mr. Coones then referred to a coverage map. The design will be placed out of view, which is more aesthetic for the neighborhood. T Mobile tries not to install something that will be detrimental to the community. The design will be integrated into an existing roof parapet, similar in appearance to a faux chimney. Staff referred to Exhibit "A" to show the placement of the antennas. In addition Mr. Coones displayed an enlarged set of graphics. Staff said the situation was unique, due to the existing 3 story building. The antennas can be placed in the center. The result is the antennas cannot be seen when close to the structure, only from a distance. Public testimony was closed.

Member Spalding suggested modifications to Condition of Approval #1. The words *installed, and* should be added prior to the word operated in general conformity with the plans as indicated on Exhibit "A" on file with the Alameda County Planning Department, and all requirements herein.

Member Spalding motioned to accept the staff recommendation of approval with the following modifications.

Condition of Approval #1 shall now include the following language, in the second sentence: The facility shall be *installed, and* operated in general conformity with the plans as indicated on "Exhibit A" on file with the Alameda County Planning Department, and all requirements herein.

The word *not* shall be removed from Condition of Approval #8.

Member Adesanya seconded the motion. Staff accepted the modifications. The motion to uphold the staff recommendation of approval of PLN-2009-00081 Public Storage passed 5/0.

**The Chair called for a brief recess at 6:30 p.m. The Hearing re-convened at 6:36 p.m.**

**APPROVAL OF MINUTES:** The Vice Chair motioned to accept the Minutes of August 26, 2009 with submitted corrections. Member Adesanya seconded the motion. Motion carried 5/0.

Member Peixoto motioned to accept the Minutes of September 9, 2009 with submitted corrections. Member Adesanya seconded the motion. Motion carried 5/0.

Member Adesanya motioned to accept the Minutes of September 23, 2009 with submitted corrections. The Vice Chair seconded the motion. Motion carried 5/0.

**STAFF COMMENTS & CORRESPONDENCE:** Staff announced the Board of Supervisors continued all of the appeals scheduled on the October 13, 2009 Agenda, to the next BOS Meeting. (NPO-CORNEJO, 345 Grove Way; BEHZAD & TARANEH BARFEEI, PLN-2009-00056; T MOBILE USA / AMY MILLION, PLN-2009-00049; T-MOBILE / HARD, CONDITIONAL USE PERMIT, C-8734).

**BOARD'S ANNOUNCEMENTS, COMMENTS AND REPORTS:** Member Spalding asked staff to send a notice; or place a courtesy call to Caltrans regarding trash and debris at the freeway entrances and exits within western Unincorporated County. Staff will follow up with Caltrans.

The Chair asked Code Enforcement to verify compliance verification at the automotive business on Ashland Avenue, and Lewelling Boulevard. It does not appear Conditions of Approval that require landscaping have been met. Vehicles are also being stored overnight.

In addition staff should verify the telecom use permit at the 99 Cent Store across from Trader Joes, is in compliance. It appears the number of antennas present is in excess of the number approved. In addition the height of the antennas has exceeded the limit.

**ADJOURNMENT:** There being no further business, the hearing adjourned at 7:15 p.m.

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ALBERT LOPEZ - SECRETARY  
WEST COUNTY BOARD OF ZONING ADJUSTMENTS