

MINUTES OF MEETING
EAST COUNTY BOARD OF ZONING ADJUSTMENTS
DECEMBER 9, 2010
(APPROVED JANUARY 13, 2011)

The meeting was held at the hour of 1:30 p.m. in the City of Livermore Council Chambers, 3575 Pacific Avenue, Livermore.

FIELD TRIP: The Boardmembers visited the following properties individually:

1. **NEXTEL/TOWERCO ASSETS LLC/FLUKER, CONDITIONAL USE PERMIT, PLN2010-00104** ~ Application to allow continued operation of a wireless telecommunication facility, in an "A" (Agricultural) District, located at 7960 Pleasanton-Sunol Road, south side, approximately 150 feet east of I-680, Sunol area of unincorporated Alameda County, bearing Assessor's Parcel Number: 949-0012-003-03. **Staff Planner: Damien Curry**

2. **RMC PACIFIC MATERIAL/TOWERCO/HILL, CONDITIONAL USE PERMIT, PLN2010-00105** ~ Application to allow continued operation of a wireless telecommunication facility (monopole), in an "A" (Agricultural) District, located at 1544 Stanley Boulevard, south side, approximately 0.66 mile west of intersection with Isabel Avenue, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 906-0006-001-18. **Staff Planner: Shahreen Basunia**

REGULAR MEETING: 1:30 p.m.

MEMBERS PRESENT: Members Jon Harvey; Larry Gosselin, Chair and Jim Goff.

OTHERS PRESENT: Jana Beatty, Senior Planner; Tona Henninger, Code Enforcement Manager; Lacy Starling, Zoning Investigator; and Nilma Singh, Recording Secretary

There were six 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: *None*

NEIGHBORHOOD PRESERVATION AND ZONING ORDINANCE ABATEMENT:

1. **RANDALL KELLY and NONNA CASTRO, 3 VERONA ROAD, LIVERMORE, ASSESSOR'S PARCEL NUMBER 946-3785-002-05**
 - 1) Operating an outdoor storage yard for commercial vehicles, truck trailers, motorhomes and vehicles without zoning approval; 2) Inoperative vehicles stored on the property; and 3) Large amounts of dirt (soil) being brought and/or stored on the property in violation of Alameda County Ordinance 17.06 "A" (Agricultural District, 6.65.030 A(2), A(3), B(6) and E(2).

Ms. Starling presented the staff report. The Chair expressed concerns regarding conflicts between stream protection ordinances and abating the dirt. Ms. Henninger clarified that PW Grading Department is handling the dirt issue.

Randall Kelly, property owner, explained the following: he has lost approximately $\frac{3}{4}$ of an acre due to erosion and has been working with Andy Chow, Grading Department; has an Erosion Protection Plan; also working with Zone 7; there is no impact to the creek; building materials are stored in the trailers with a plan to build a house; direct is for fill; all four vehicles are operable; plan is to have an 'all-weather pad for the vehicles and a base road; have plans to sell my business vehicles; no one lives in the travel trailer and is not connected to any utilities; and the 'Ramirez' trucks belong to the neighbor.

Public testimony was closed. In response to the Board, Ms. Henninger explained that vehicles cannot be parked on an unpaved surface, home business and outdoor storage are not allowed including storage in trailers; and with Building and Grading permits, there would still be other violations/portions of violations. The Chair expressed concerns regarding the rainy weather and thought that perhaps the abatement could be extended to allow for some drying.

Public testimony was reopened. Mr. Kelly confirmed that he will obtain a Grading permit and has started the process to address the other issues, i.e. all weather surface and consolidating to two trailers only.

Public testimony was closed. *Member Harvey made the motion to move staff recommendation to declare the property a public nuisance, require abatement to be completed within 60 days. Member Goff seconded and the motion carried unanimously.*

CONSENT CALENDAR:

4. **NEXTEL/TOWERCO ASSETS LLC/FLUKER, CONDITIONAL USE PERMIT, PLN2010-00104** ~ Application to allow continued operation of a wireless telecommunication facility, in an "A" (Agricultural) District, located at 7960 Pleasanton-Sunol Road, south side, approximately 150 feet east of I-680, Sunol area of unincorporated Alameda County, bearing Assessor's Parcel Number: 949-0012-003-03.
Staff Planner: Damien Curry

This item was moved from the Regular Calendar, to be approved without discussion. *The Chair made the motion to approve the Consent Calendar and Member Goff seconded. Motion carried unanimously.*

REGULAR CALENDAR:

1. **CROWN CASTLE/OSBORNE, CONDITIONAL USE PERMIT, PLN2010-00037** ~ Application to allow continued operation of a cell site consisting of a 50-foot monopole and equipment area, in an "A" (Agricultural) District, located at 1901 Isabel Avenue, west side, south of Vineyard Avenue, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 904-0008-001-02. *(Continued from November 18, 2010)* **Staff Planner: Jeff Bonekemper**

Ms. Beatty presented the staff report noting that the only modification is the requirement of a 2,000 gallon

water tank for fire suppression. She further noted that Condition #3 and 10 have been proposed for revisions and the same revisions also apply for item #'s 2 (PLN2010-113) and 3 (PLN2010-147). The Applicant's attorneys, County Counsel and staff have agreed to these modifications.

Public testimony was called for. Rosemary Byrne representing Crown Castle, stated her agreement to the revised conditions and confirmed that these modifications were recommended by them. Member Goff inquired about the cost of extending vs. replacing the pole to a different type. Mr. Byrne replied that a replacement is costly, approximately \$250,000.

Public testimony was closed. A discussion ensued regarding screening and landscaping on-site and off-site. Member Harvey said that he was only concerned with the view from the homes (over the sound wall) and suggested mitigation funds. Staff replied that she would have to check with County Counsel and the Chair suggested a continuance. Ms. Byrne agreed to a continuance. *Member Harvey made the motion for a continuance to allow time for staff to check with County Counsel regarding off-site mitigation/mitigation funding possibilities for shielding the use from the trail/path and discussion with applicant regarding stealth tower/fake tree options. Member Goff seconded and the motion carried unanimously, 3/0.*

2. **VERIZON WIRELESS/SHEARER, PLN2010-00113** ~ Application to allow co-location of a Verizon cell site facility and to increase the monopole height from 50 to 66 feet to allow additional nine new panel antennas, in an "A" (Agricultural) District, located at 1901 Isabel Avenue, west side, south of Vineyard Avenue, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 904-0008-001-02. *(Continued from November 18, 2010) Staff Planner: Jeff Bonekemper*

Ms. Beatty presented the staff report noting that Conditions 3 and 10 are being proposed with the similar modifications.

Public testimony was called for. Lana Shearer representing Verizon Wireless, explained that the request is to extend the pole and add to the existing compound to enclose the ground equipment; prior to any height increase, a structural analysis is completed; a quarry was considered an appropriate site for a cell tower and a model pine would stick out more; and it would not be possible to install a second pole as their leased area is very small and permission would be needed from the property owner. She suggested the following modifications: 1) inserting the words "and provided that the parties can agree on lease terms," after the word 'possible', line 4 in Condition #7; 2) changing the first sentence of Condition #9 to read: "One year from the date construction is completed, permittee shall...."; and 3) inserting the words "within the permittee's lease area and control" in Condition #14, between the words 'structures' and 'graffiti'. Staff indicated that the first and third modifications need to be referred to County Counsel.

Ms. Byrne further added that a monopine will also be taller and require a wider base which will perhaps be even more visible.

Public testimony was closed. A discussion followed regarding the cost estimates, long term plans for the area, screening mitigation, potential off-site mitigation and possibility of a second smaller pole which is visually not an eyesore which perhaps would not provide adequate coverage. *Member Goff made the motion for a continuance to allow time for County Counsel to consider the proposed modifications and off-site mitigation funds, applicant to provide cost analysis, information on other types of poles, and for the owner to be available. Member Harvey seconded and the motion carried unanimously, 3/0.*

3. **VERIZON WIRELESS/CHAVIS, CONDITIONAL USE PERMIT, PLN2010-00147**
~ Application to allow installation of nine 8-foot panel antennas, two dish antennas, equipment area and a screening element on an existing building, in an “A” (Agricultural) District, located at 707 Country Club Circle, south side, approximately 75 feet east of Castlewood Drive, Pleasanton area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 946-4386-001-20. *(Continued from November 18, 2010)*
Staff Planner: Jeff Bonekemper

Ms. Beatty presented the staff report adding that Condition #3 and 11 are proposed to be modified and, as previously modified by the Board, staff recommends an expiration date of 2017 to coincide with C-8546 (from the Parcel Zoning History).

Public testimony was called for. Clarence Chavis representing Verizon Wireless, stated an agreement to screen the antenna; the modified conditions (3 and 11); screen the equipment from the Country Club building. He further recommended the following changes; Condition #1 to read: “.....30 days from Final Inspection....” instead of “issuance of a Building Permit”; and Condition #10 to read: “One year from the date of construction complete.....”. A discussion followed regarding final inspection, recommended modifications and change of expiration date. Mr. Chavis requested a 10 year permit instead.

Public testimony was closed. *Member Harvey made the motion for an approval with above modifications to Conditions 1 and 10 (same modification to both—30 days from final inspection), staff’s recommendations for Conditions 3 and 11 with the expiration date of January 25, 2017. Member Goff seconded and the motion carried unanimously, 3/0.*

4. **NEXTEL/TOWERCO ASSETS LLC/FLUKER, CONDITIONAL USE PERMIT, PLN2010-00104** ~ Application to allow continued operation of a wireless telecommunication facility, in an “A” (Agricultural) District, located at 7960 Pleasanton-Sunol Road, south side, approximately 150 feet east of I-680, Sunol area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 949-0012-003-03.
Staff Planner: Damien Curry

Member Harvey made the motion to move this item (#4) to the Consent Calendar, to be approved without discussion subject to the recommended conditions and Member Goff seconded. Motion carried unanimously.

5. **RMC PACIFIC MATERIAL/TOWERCO/HILL, CONDITIONAL USE PERMIT, PLN2010-00105** ~ Application to allow continued operation of a wireless telecommunication facility (monopole), in an “A” (Agricultural) District, located at 1544 Stanley Boulevard, south side, approximately 0.66 mile west of intersection with Isabel Avenue, Livermore area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 906-0006-001-18. **Staff Planner: Shahreen Basunia**

Ms. Beatty presented the staff report and noted that one of the conditions of the MND has not been installed—landscaping on the north east property lines on Stanley Boulevard. Member Goff suggested perhaps bigger trees.

Public testimony was called for. Kathleen Hill representing Towerco, explained that this site was purchased from Nextel in 2008 without installation of the mitigation and fencing installed in the wrong

location. However, Towerco will plant trees along the east fence line and correct the fencing. She further requested that Conditions 2 and 3 be modified to reflect 60 days due to the holidays. In response to Member Harvey, Ms. Hill provided the history of the site ownership.

Public testimony was closed. *Member Harvey made the motion for an approval with Conditions 2 and 3 modified to reflect 60 days and directing staff to establish larger appropriate tree size to make up for the delay, not to exceed 24 gallon trees. Member Goff seconded and the motion carried unanimously, 3/0.*

APPROVAL OF MINUTES: *Member Goff made the motion to approve November 18th Minutes as submitted and Member Harvey seconded. Motion carried 3/0.*

STAFF COMMENTS & CORRESPONDENCE: *Staff provided an up-date on the APWRA Conservation Plan and the agreement with the Attorney General. Any questions could be directed to Sandi Rivera and announced the upcoming South Livermore Plan town hall meeting on December 14th at 6pm at the Martinelli Center.*

CHAIR'S REPORT: *None*

BOARD ANNOUNCEMENTS, COMMENTS AND REPORTS: *None*

ADJOURNMENT: *There being no further business, the hearing was adjourned at 3:20 p.m.*

ALBERT LOPEZ - SECRETARY
EAST COUNTY BOARD OF ZONING ADJUSTMENTS