

KMAC Meeting Minutes: February 26, 2013

Item # 1. Roll-Call: Attendees: Patrick Tahara, Chris Brydon, Vanessa Cordova, Melissa Holmes Snyder, Walt Gillfillan (Alternate)

General Business

Item # 2: Approval of the January 2013 Meeting Minutes: Brydon made the motion, Snyder 2nded the motion. It was approved with a 4-0-1 vote. Chris Brydon abstained as he was not in attendance at the November KMAC meeting.

Item # 3. Citizens' Comments: Open Discussion, of Items not on the Agenda:

Kay Reed: Discussed CERT, and its importance to our community

Phil Zimmerman: Discussed cell towers, however as this is an agenda item, his comments will not be recorded here

Applications

Item # 4. 220 Yale (DP13-3001): The applicant is requesting approval of a Development Plan Permit with a Kensington Design Review, for the conversion of an unconditioned space into living space and to rebuild/ expand a second story deck.

Speakers:

Alex Pavlovsky and Marilio Mercado Jr.: as the property owners, they stated the 2nd level deck is existing; they want to expand it, renovate the residence, overall.

Celia Concus (218 Yale; next door neighbor): Opposes expanding the 2nd level deck

Paul Concus (218 Yale; next door neighbor): Opposes expanding the 2nd level deck

Angela Archie(216 Yale): Opposes expanding the 2nd level deck

Shari Rokni (217 Yale): Opposes expanding the 2nd level deck

Nancy Wolf (233 Yale): Read a letter from **Karen Bianchini and Jacqueline Gautier:** Opposes expanding the 2nd level deck.

David Bergin (670 Oberlin): Opposes expanding the 2nd level deck

Alex Pavlovsky: again stated his deck is existing:

Snyder: responded: that the plans show there was a deck there, but it is not currently existing and the plans need to reflect that which actually exists.

Brydon: Motion, Snyder 2nd:

To grant Continuance of this item, and for KMAC to tour property before the next meeting

Motion Passed- 5-0

General Discussion: per the next 9 Applications:

Speakers:

Supervisor John Gioia: Discussed, per Federal Law, KMAC and the County cannot consider Health issues related to cell towers; Discussed, per the Contra Costa General Plan Policies, KMAC and the County can consider views, sunlight, and privacy issues; and Explained that may skip the Zoning Administrator, and go directly to the Board of Supervisors.

Telma Moreira-County Staff: Explained the all cell tower applications go through environmental review, and FCC standards review. A peer review can also be requested.

Ken Mintz, ATT Representative-External Affairs Director: Explained that 30% of households are wireless only with no land lines; Data capacity for ATT wireless is being diminished with increased usage, and reliability of service in homes is impacted.

Matt Yurgovich; ATT Applicant's Representative, Consultant: Explained these towers will be used to fill in the existing service gaps with Kensington neighborhoods. He explained that 2 antennae and two boxes will be fixed to either existing PGE poles or new poles. From the existing PGE poles, some will need to expand in height to accommodate the necessary 7-10 foot height separation from PGE equipment, required by the State of California; there is space on poles; and aesthetics were considered.

Item # 5. Near 8 Highland (LP13-2007): The applicant, AT&T Mobility, is requesting approval of a land use permit to attach a proposed New Cingular Wireless cell site to a utility pole in the public right of way (pole to be extended from 37' to 47' tall). The proposed equipment consists of 2 panel antennas, 1 transformer, 1 battery back up cabinet, 1 radio unit and associated electrical equipment.

KMAC comments: Cordova asked the applicant to explain AT&T's community outreach activities supporting these applications. Yurgovich explained that such outreach is not a requirement for permit, and as such, no activities have been executed before tonight's meeting.

Cordova asked the applicant to explain in detail the extent of the suggested coverage gap and how each of the nine proposed site remedy such a gap. Applicant pointed to map. Cordova further asked applicant to explain how sites were determined (i.e., why nine and not five or 10?).

Yurgovich showed a "Coverage Gap Map" without street details, and could not specifically explain where the coverage gap began and ended or how it was impacted by cell antenna sites in other municipalities, like El Cerrito or Berkeley.

Speakers:

Charlotte Shimura (60 Highland): Opposes this cell tower.

Joe Carlton (240 Canbridge): Supports this cell tower.

Leonard Schwarzburg (511 Coventry): Opposes this cell tower.

William Webster (55 Highland): Opposes this cell tower, based on bulk and height.

Erin Reily (20 Rincon): Opposes this cell tower, based on impact on property values and birds.

Patrick Maguire: Questioned who these cell towers benefit, Kensington, or surrounding communities?

Katherine DeNeargaard (152 Highland): Opposes this cell tower, based impacts on views and property values.

Deanna Collis (19 Cowper): Opposes this cell tower and another, as she sees two.

Richard Freeman (59 Kenyon): Opposes this cell tower, as he does not want them placed near schools.

Sheila Hogan (8 Highland): Opposes this cell tower.

Joseph Holmes: Opposes this cell tower, based on aesthetics.

Peggy Jones (21 Highland): Read letter from Katherine Ortiz at (18 Highland): Opposes this cell tower.

Joseph Flannery: Opposes this cell tower, based on impact on property values.

Matt Yurgovich response: Explained that height is needed to clear trees.; least intrusive is co-location of ATT equipment on PGE poles; environmental review will be done by CC County; 7-foot extension is of pole, plus equipment; and there is no option to reduce height:

Supervisor Gioia: County can ask for a peer review.

Brydon: Motion, Snyder 2nd:

Motion for (LP13-2007) Recommended for Denial 4-0 (Brydon recused himself from vote, due to conflict of interest)

Item # 6. Near 98 Rincon (LP13-2008): The applicant, AT&T Mobility, is requesting approval of a land use permit to attach a proposed New Cingular Wireless cell site to an utility pole in the public right of way (pole to be extended from 39' to 51' tall). The proposed equipment consists of 2 panel antennas, 1 transformer, 1 battery back up cabinet, 1 radio unit and associated electrical equipment.

Speakers:

Catherine Engberg (209 Trinity): Opposes this cell tower.

Surya Voiner-Fowler: Opposes this cell tower based up impacts on Montessori school.

Tim Scully (98 Rincon): Opposes this cell tower based up impacts on schools property values and height increase.

Suzanne Herwig: Opposes this cell tower based up impacts on Montessori school.

Matt Yurgovich response: Undergrounding is not possible;

Brydon: Motion, Snyder 2nd:

Motion for (LP13-2008) Recommended for Denial 4-0 (Brydon recused himself from vote, due to conflict of interest)

Item # 7. Near 121 Windsor (LP13-2009): The applicant, AT&T Mobility, is requesting approval of a land use permit to attach a proposed New Cingular Wireless cell site to an utility pole in the public right of way (pole to be extended from 59' to 45' tall). The proposed equipment consists of 2 panel antennas, 1 transformer, 1 battery back up cabinet, 1 radio unit and associated electrical equipment.

Speakers:

Michael Kassarian (120 St. Albans): Opposes this cell tower based on impacts with views. He has view of GG Bride with existing pole below bridge, proposed pole would be in view of bridge span.

Bill McNabb (136 Windsor): Opposes this cell tower based on aesthetics

Gloria Morrison (117 Windsor): Opposes this cell tower based on views of her friends who live on St. Albans.

Debra Kassarian (120 St. Albans): Opposes this cell tower based on impacts with views. She has view of GG Bride with existing pole below bridge, proposed pole would be in view of bridge span.

Matt Yurgovich response: Structural integrity of equipment is rigorous; boosters repeat existing signal, so not as strong; booster are least intrusive.

Brydon: Motion, Cordova 2nd:

Motion for (LP13-2009) Recommended for Denial 4-0 (Brydon recused himself from vote, due to conflict of interest)

Item # 8. Near 8 Sunset Drive (LP13-2010): The applicant, AT&T Mobility, is requesting approval of a land use permit to attach a proposed New Cingular Wireless cell site to an utility pole in the public right of way (pole to be extended from 43' to 53' tall). The proposed equipment consists of 2 panel antennas, 1 transformer, 1 battery back up cabinet, 1 radio unit and associated electrical equipment.

KMAC Comments: Cordova asked the applicant if the proposed equipment specifications were the “best and most current technology” or if other technology was on the horizon that would be less impactful in terms of noise and scale. Yurgovich indicated that the proposed configuration was the intrusive is by design, but could possibly be affixed lower on the pole. Tahara then asked if the applicant was willing to erect story poles so neighbors and KMAC could more accurately assess the impacts. Yurgovich requested a recess to confer with AT&T; he then returned and said he could not commit to story poles on the record as he was not sure it was possible to construct on every site.

Speakers:

Erin Reily (20 Rincon): Opposes this cell tower, based on impact on property values and birds.

Tim Scully (98 Rincon): Opposes this cell tower based up perceived lack of structural integrity.

Brydon: Motion, Snyder 2nd:

Motion for (LP13-2010) Recommended for Denial 4-0 (Brydon recused himself from vote, due to conflict of interest)

Item # 9. Near 248 Grizzly Peak Blvd. (LP13-2011): The applicant, AT&T Mobility, is requesting approval of a land use permit to attach a proposed New Cingular Wireless cell site to an utility pole in the public right of way (pole to be extended from 26' to 50' tall). The proposed equipment consists of 2 panel antennas, 1 transformer, 1 battery back up cabinet, 1 radio unit and associated electrical equipment.

Speakers:

Eric Spector: Opposes this cell tower based on view impacts, due to height increase.

Charlotte Shimura (60 Highland): Opposes this cell tower.

Lisa Duhl (212 Lake Street): Opposes this cell tower based up perceived lack of structural integrity.

Matt Yurgovich response: Structural integrity of equipment is rigorous; will increase public safety on trail, all required notifications were done.

Brydon: Motion, Snyder 2nd:

Motion for (LP13-2011) Recommended for Denial 4-0 (Brydon recused himself from vote, due to conflict of interest)

Item # 10. Near 18 Highgate (LP13-2017): The applicant, AT&T Mobility, is requesting approval of a land use permit to attach a proposed New Cingular Wireless cell site to an utility pole in the public right of way (pole to be extended from 39' to 49' tall). The proposed equipment consists of 2 panel antennas, 1 transformer, 1 battery back up cabinet, 1 radio unit and associated electrical equipment.

Speakers:

Doug Diego (Anson Way) : Opposes this cell tower.

Sheila Hogan (8 Highland): Opposes this cell tower due to proximity of Blake Garden Views.

Matt Yurgovich response: Not in Blake Garden views

Brydon: Motion, Snyder 2nd:

Motion for (LP13-2017) Recommended for Denial 3-0 (Brydon recused himself from vote, due to conflict of interest, Gillfillan excused from remainder of meeting, due to late hour.

Item # 11. Near 123 Purdue (LP13-2018): The applicant, AT&T Mobility, is requesting approval of a land use permit to attach a proposed New Cingular Wireless cell site to an utility pole in the public right of way (pole to be extended from 38' to 46' tall). The proposed equipment consists of 2 panel antennas, 1 transformer, 1 battery back up cabinet, 1 radio unit and associated electrical equipment.

Application deemed incomplete by CC County due to proposed location on a private road; item removed from agenda.

Brydon: Motion, Snyder 2nd:

Motion for (LP13-2017) Recommended for Denial 3-0 (Brydon recused himself from vote, due to conflict of interest, Gillfillan excused from remainder of meeting, due to late hour.), with note that County must determine if there is an access easement.

Item # 12. Near 245 Berkeley Park Blvd (LP13-2019): The applicant, AT&T Mobility, is requesting approval of a land use permit to attach a proposed New Cingular Wireless cell site to an utility pole in the public right of way (pole to be extended from 38' to 46' tall). The proposed equipment consists of 2 panel antennas, 1 transformer, 1 battery back up cabinet, 1 radio unit and associated electrical equipment.

Speakers:

KMAC Comments: Snyder again raised concerns that the process of community outreach and engagement seem to have been ignored by applicant, explaining that talks between neighbors of projects is always advisable to any applicant.

Brydon: Motion, Snyder 2nd:

Motion for (LP13-2017) Recommended for Denial 3-0 (Brydon recused himself from vote, due to conflict of interest, Gillfillan excused from remainder of meeting, due to late hour.)

Item # 13. Near 110 Ardmore Rd. (LP13-2019): The applicant, AT&T Mobility, is requesting approval of a land use permit to attach a proposed New Cingular Wireless cell site to an utility pole in the public right of way (pole to be extended from 38' to 46' tall). The proposed equipment consists of 2 panel antennas, 1 transformer, 1 battery back up cabinet, 1 radio unit and associated electrical equipment.

Speakers:

Meldan Heaslip (40 Ardmore Rd.): Opposes this cell tower due to bulk and aesthetics

Jim Johnson (99 ½ Ardmore Rd.): Opposes this cell tower due to bulk and aesthetics

Brydon: Motion, Snyder 2nd:

Motion for (LP13-2017) Recommended for Denial 3-0 (Brydon recused himself from vote, due to conflict of interest, Gillfillan excused from remainder of meeting, due to late hour.)

Meeting adjourned with Cordova Motion, Snyder 2nd: Approved 3-0

Next meeting at 7 pm, on March 26

Minutes respectfully submitted by Melissa Holmes Snyder