

Wireless Access Permit Appeals

County Files:

**#WA17-0008, #WA17-0013,
#WA18-0002, #WA18-0003,
and #WA18-0004**

**Contra Costa County Board of Supervisors
Tuesday, February 26, 2019**

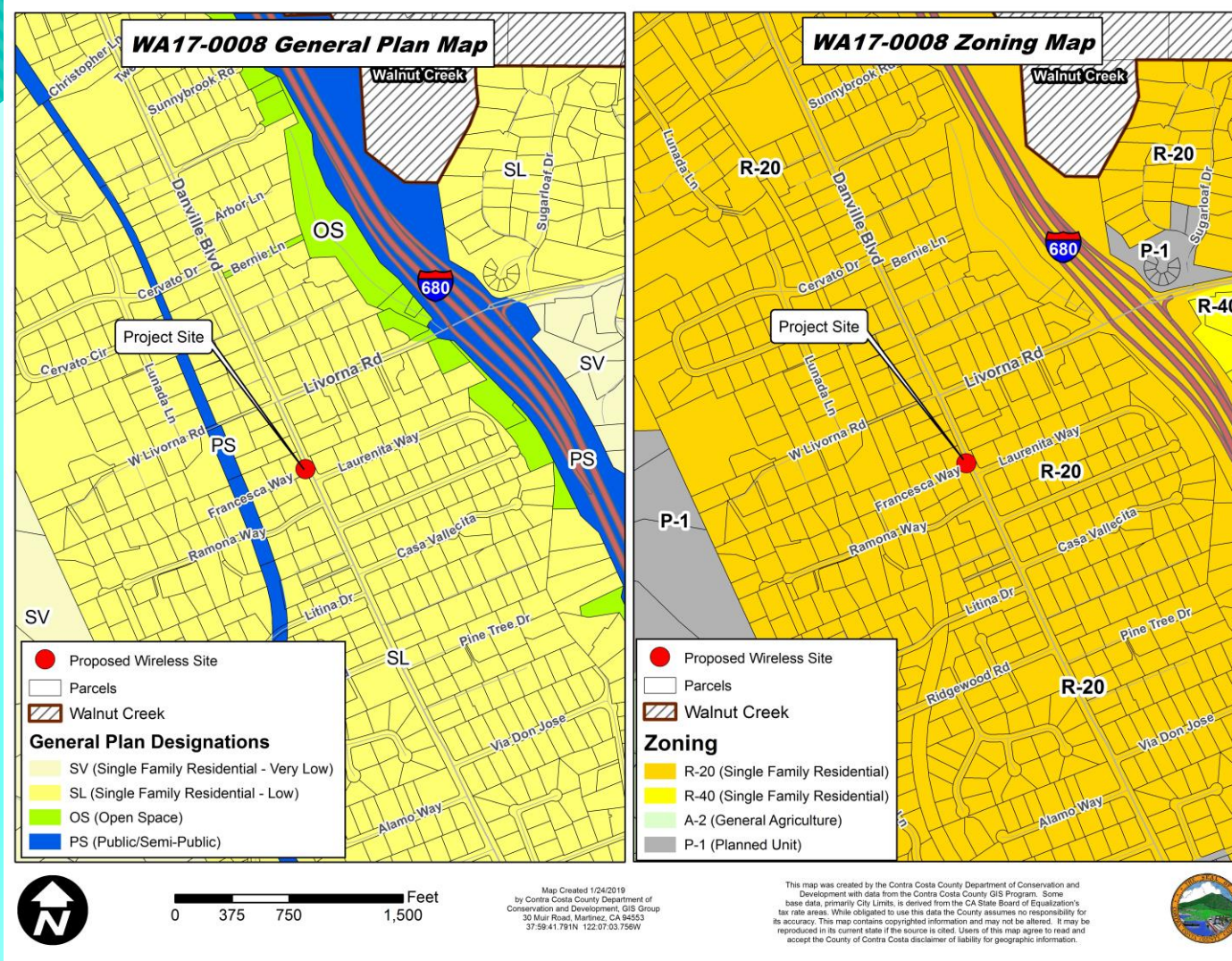
Overview

This is a hearing for the appeals of the County Planning Commission's decisions to deny the appeals and uphold the decisions of the County Zoning Administrator to approve Wireless Facility Access Permits to establish new Verizon Wireless cell sites attached to utility poles in the public right-of-way in the Alamo and Walnut Creek area of unincorporated Contra Costa County.

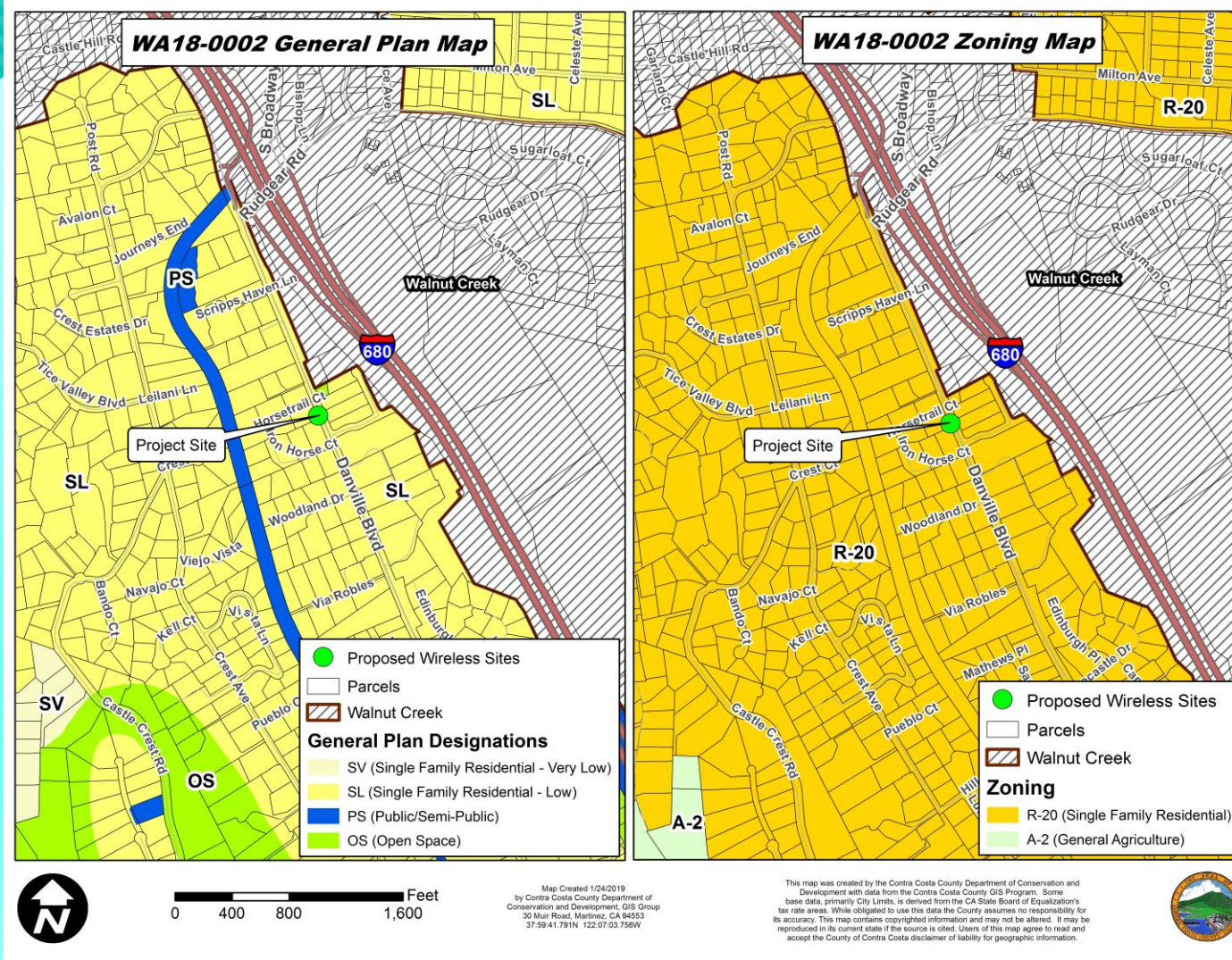
General Plan and Zoning

All of the proposed sites are located within the Single-Family Residential – Low Density General Plan Land Use Designation and the R-20 Single-Family Residential Zoning District

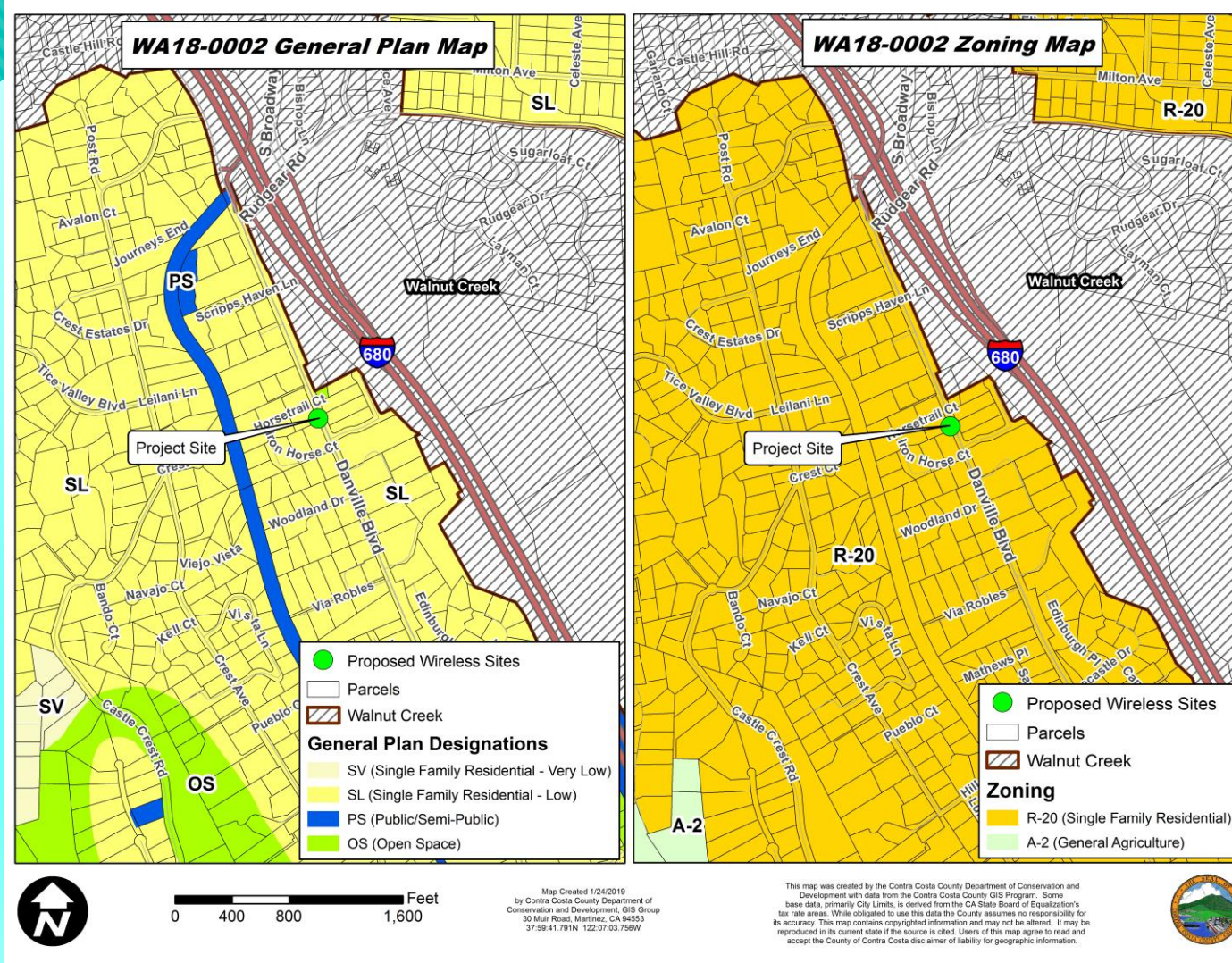
#WA17-0008



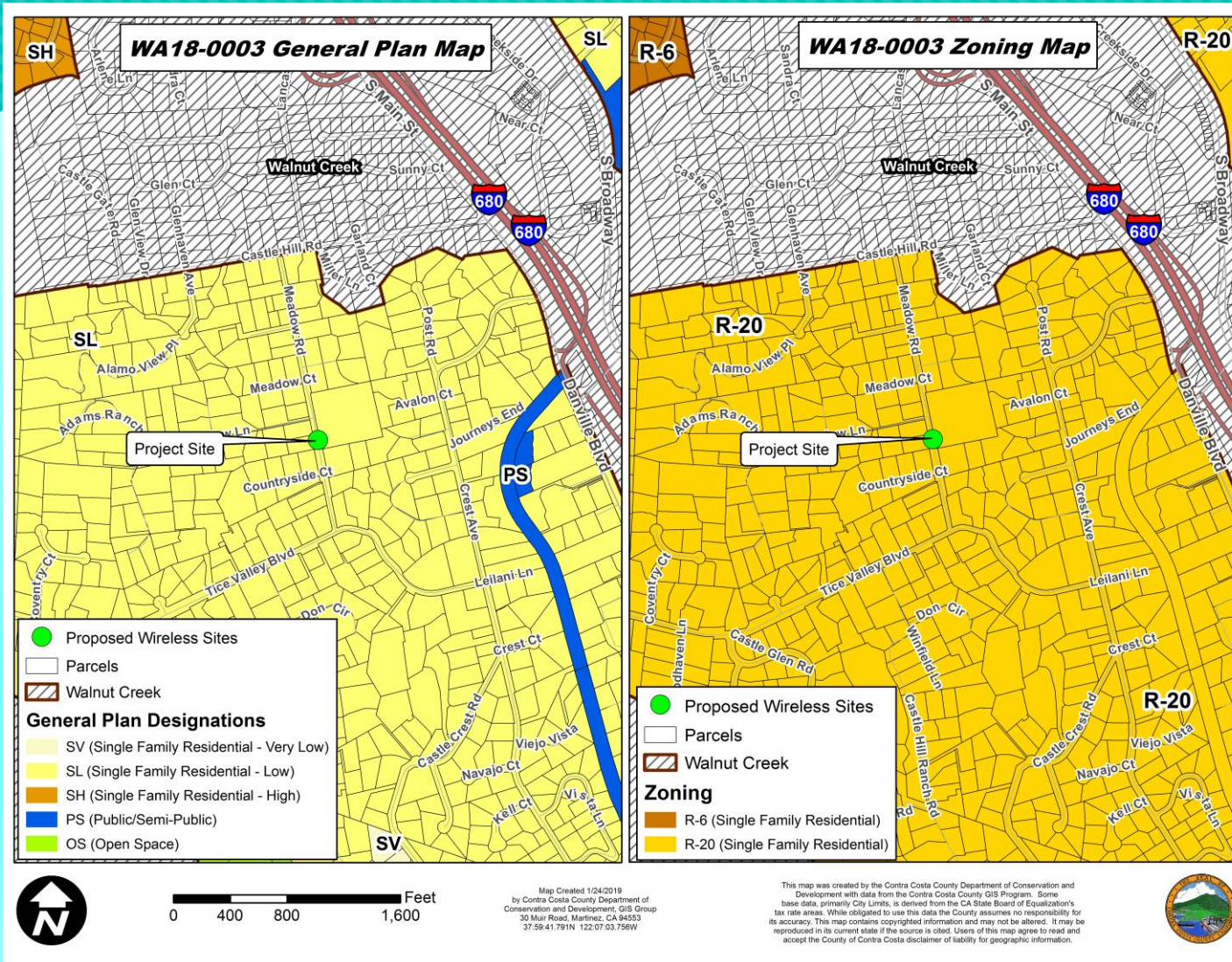
#WA17-0013



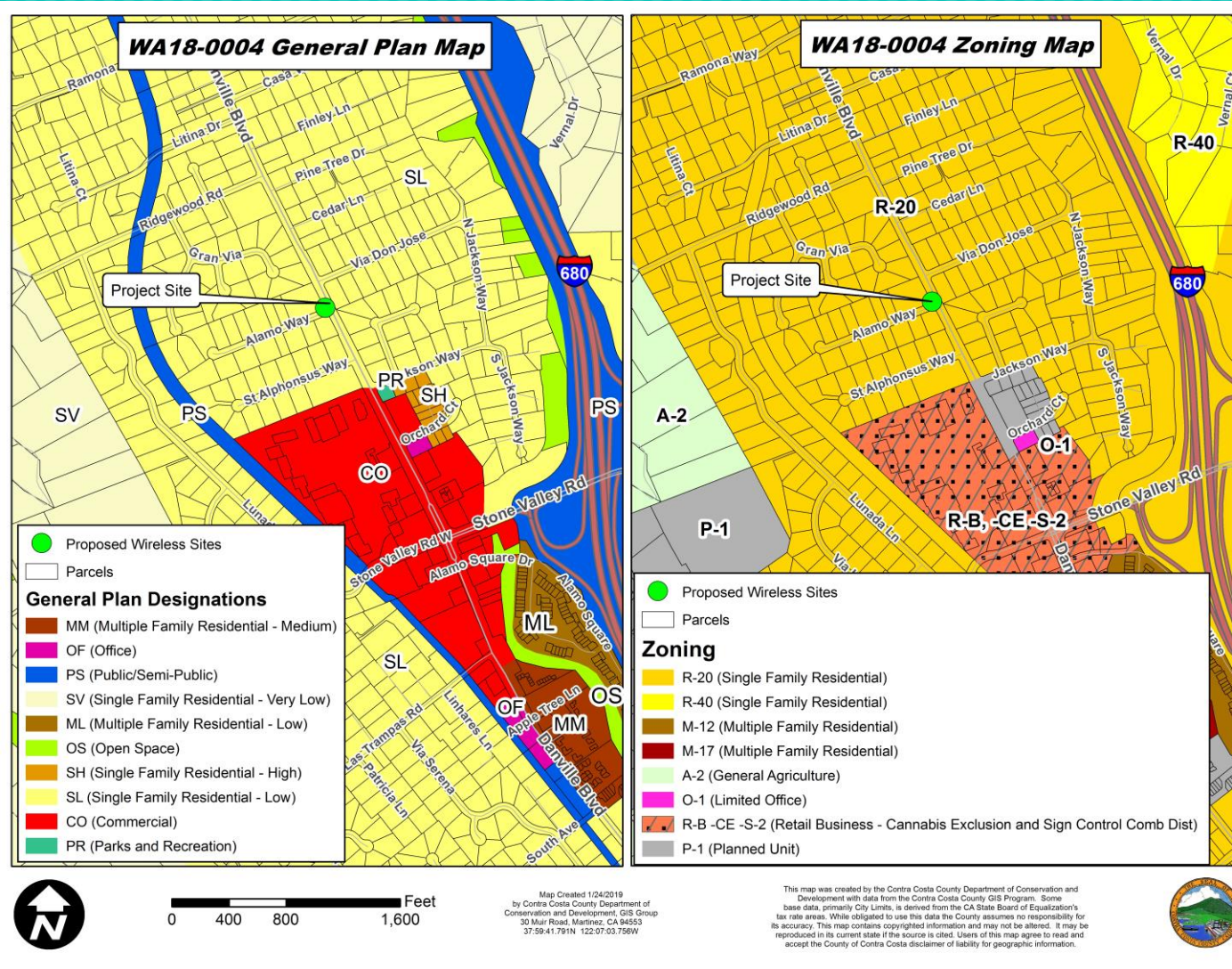
#WA18-0002



#WA18-0003



#WA18-0004



Background

- The County Zoning Administrator (ZA) approved the Wireless Facility Access Permits at public hearings held in October and November 2018.
- Timely appeals of the ZA's decisions were received following the approvals.
- The County Planning Commission approved the Wireless Facility Access Permits at the Planning Commission meetings held on December 12, 2018 and January 9, 2019.
- Timely appeals of the County Planning Commission's decisions were received following the approvals.

Summary of Appeal Points

#WA17-0008

- The County Planning Commission erroneously denied the appeal, based on Verizon Wireless' rebuttal to information the appellant presented about potential sight distance obstruction. Therefore, the Commission did not recognize that the new facility would increase an existing safety risk due to poor visibility at the intersection of Danville Boulevard and Francesca Way.

#WA17-0013

- **Appeal Point #1:** There is no need for improved wireless network capacity.
- **Appeal Point #2:** CA constitution requires the County to protect residents.
- **Appeal Point #3:** FCC regulations constrain local discretion.
- **Appeal Point #4:** Aesthetic impacts incommode public use of the right-of-way.
- **Appeal Point #5:** Installed facility may not reflect approved plans.
- **Appeal Point #6:** Inconsistent with residential zoning district.
- **Appeal Point #7:** The facility will be a fire hazard.
- **Appeal Point #8:** Liability for negative impacts related to RF exposure.
- **Appeal Point #9:** Local government has regulatory authority over utilities

#WA17-0013 Continued

- **Appeal Point #10:** The project will lower neighboring property values.
- **Appeal Point #11:** Hard wired fiber optics connections would be preferable within residential neighborhoods.
- **Appeal Point #12:** The County should require annual recertification of RF emissions originating from the facility.

#WA18-0002

- **Appeal Point #1:** The proposed wireless telecommunications facility would aesthetically clash with the "bucolic country lifestyle" of Alamo. *(Appeal point is similar to Appeal Point #4 for County File #WA17-0013)*
- **Appeal Point #2:** The proposed cell site is unnecessary because it would not address current network coverage or capacity needs. *(Appeal point is similar to Appeal Point #1 for County File #WA17-0013)*
- **Appeal Point #3:** The proposed cell site would decrease property values. Lowered property values would negatively affect the local public school system. The County Wireless ordinance gives discretion to deny permits for reasons outside of the issuance requirements. *(Appeal point is similar to Appeal Point #10 for County File #WA17-0013)*
- **Appeal Point #4:** Neither the Federal Telecom Act of 1996 nor Chapter 88-24 (Wireless Telecommunications Facilities) of the County's Ordinance Code show any prohibition on annual electromagnetic emissions (EME) measurements. The Zoning Administrator is within the County's legal rights in making annual EME measurements a condition of approval. *(Appeal point is similar to Appeal Point #12 for County File #WA17-0013)*
- **Appeal Point #5:** The proposed antenna is a fire risk. *(Appeal point is similar to Appeal Point #7 for County File #WA17-0013)*

#WA18-0003

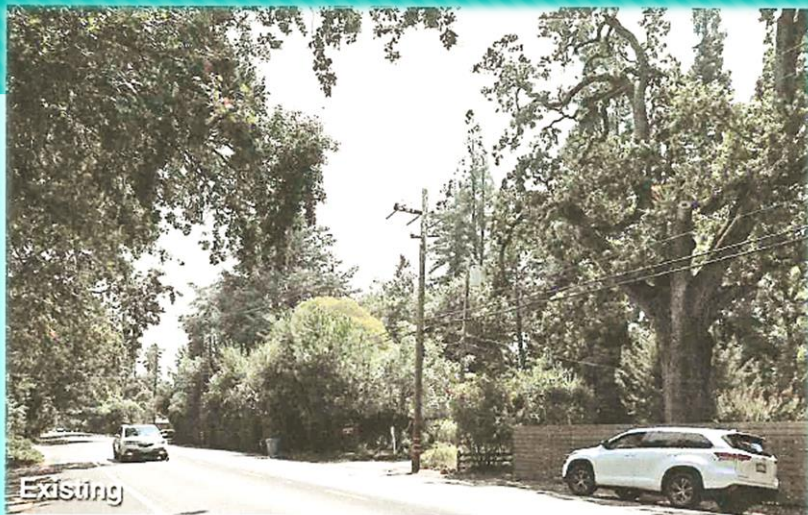
- **Appeal Point #1:** The proposed Verizon Wireless cell site is not the least intrusive design. In addition, pole mounted equipment would make the utility pole unstable and possibly block the drainage ditch in which the pole is located.
- **Appeal Point #2:** The proposed wireless telecommunications facility would cause financial loss to homeowners on and adjacent to Meadow Road. *(Appeal point is similar to Appeal Point #10 for County File #WA17-0013)*
- **Appeal Point #3:** There is a lack of need for a new Verizon Wireless facility on or near the Meadow Road/Tice Valley area. *(Appeal point is similar to Appeal Point #1 for County File #WA17-0013)*
- **Appeal Point #4:** The project violates the County Wireless Ordinance because the location and design is not consistent with state and federal requirements to “protect and enhance the public health, safety, and welfare of County residents”.
- **Appeal Point #5:** Approval of the proposed project would be a violation of the California Constitution and deprive the appellants of life, liberty, or property without due process of law or deny equal protection under the law. *(Appeal point is similar to Appeal Point #2 for County File #WA17-0013)*

#WA18-0004

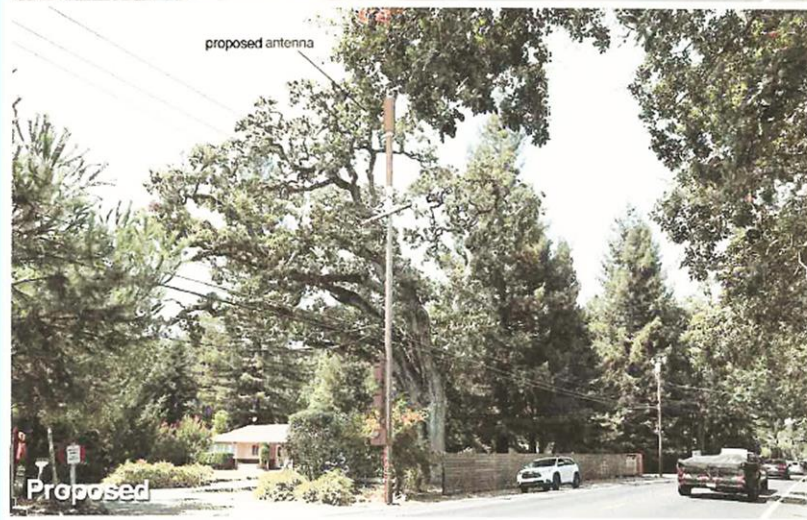
- **Appeal Point #1:** Replacing the existing utility pole and adding Verizon Wireless cell site infrastructure would create a fire and falling apparatus hazard. *(Appeal point is similar to Appeal Point #7 for County File #WA17-0013)*
- **Appeal Point #2:** The RF emissions from the proposed cell site would encroach and trespass through adjacent properties.
- **Appeal Point #3:** The FCC public health standards cannot be relied upon.
- **Appeal Point #4:** No EIR has been conducted.
- **Appeal Point #5:** No public health study has been conducted.
- **Appeal Point #6:** The ZA failed to limit the permit scope, thus allowing expansion to higher cellular frequencies with minimal oversight. Other carriers may also choose to establish wireless telecommunications facilities on other utility poles.
- **Appeal Point #7:** Neighborhood property values will be adversely affected due to visual and aesthetic impacts during construction and failure to comply with design guidelines. The applicant also failed to explore other viable options for the proposed wireless facility. *(Appeal point is similar to Appeal Point #10 for County File #WA17-0013)*

Photo Simulations

#WA17-0008

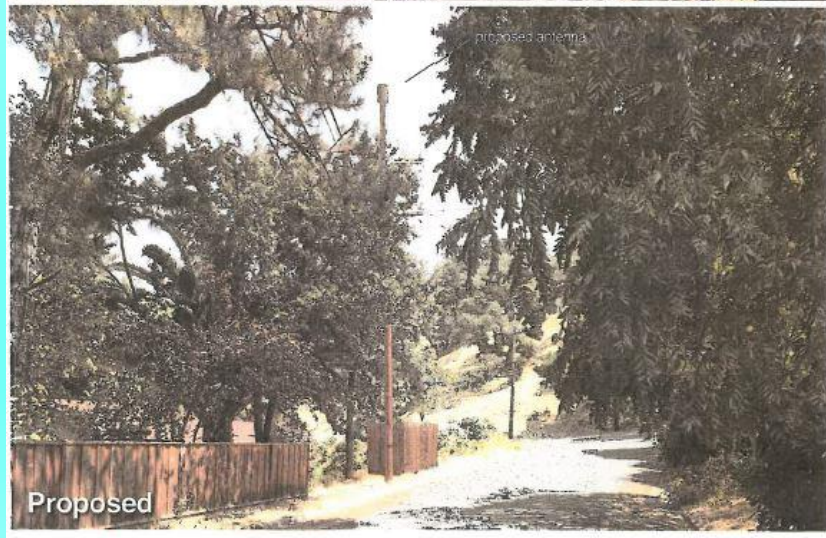
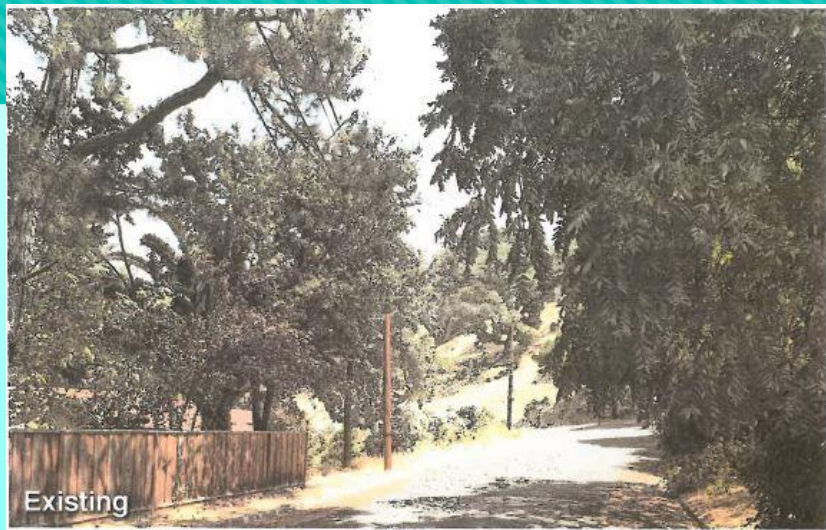
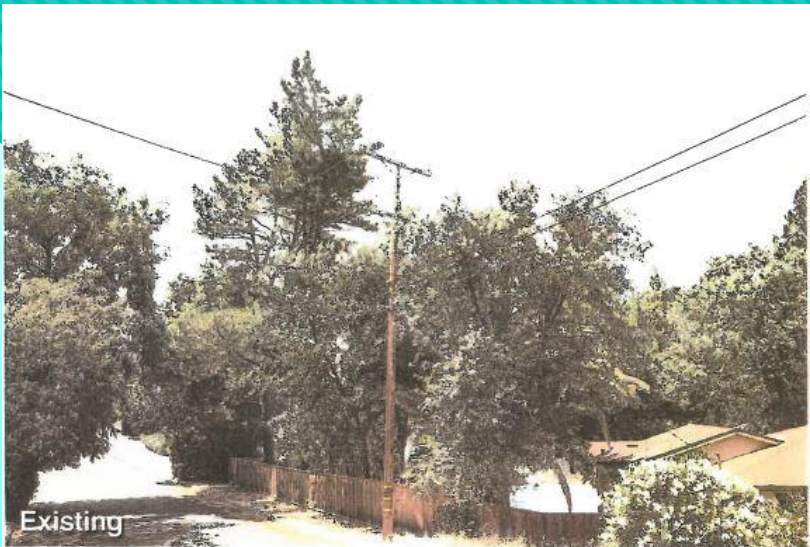


verizon SF Alamo 009 Looking South from Danville Blvd.
(Near) 21 Francesca Lane Alamo, CA View #1
8/17/17 Applied Imagination 510 914-0500



verizon SF Alamo 009 Looking Northwest from Danville Blvd.
(Near) 21 Francesca Lane Alamo, CA View #2
8/17/17 Applied Imagination 510 914-0500

#WA17-0013



#WA18-0002



Existing



Proposed

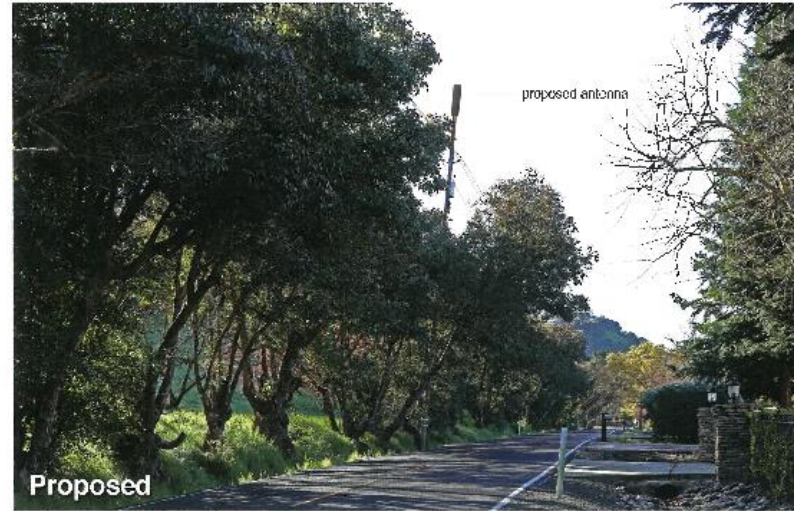
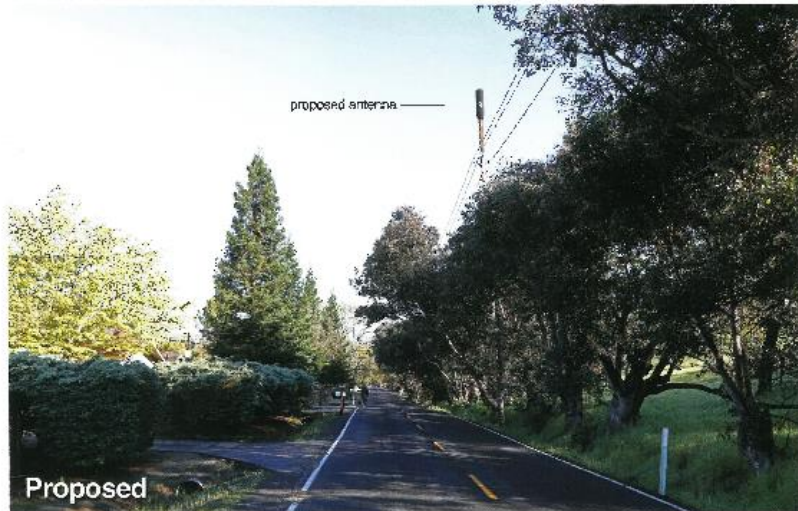


Existing

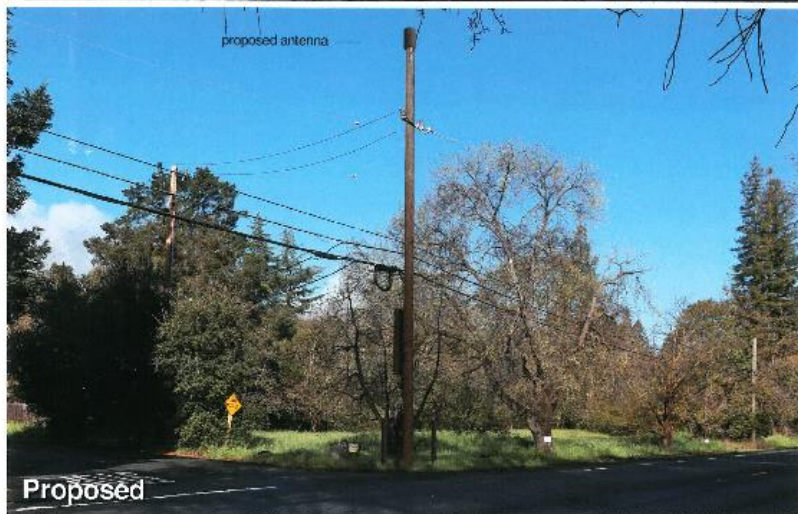


Proposed

#WA18-0003



#WA18-0004



verizon

SF Alamo Site # 006

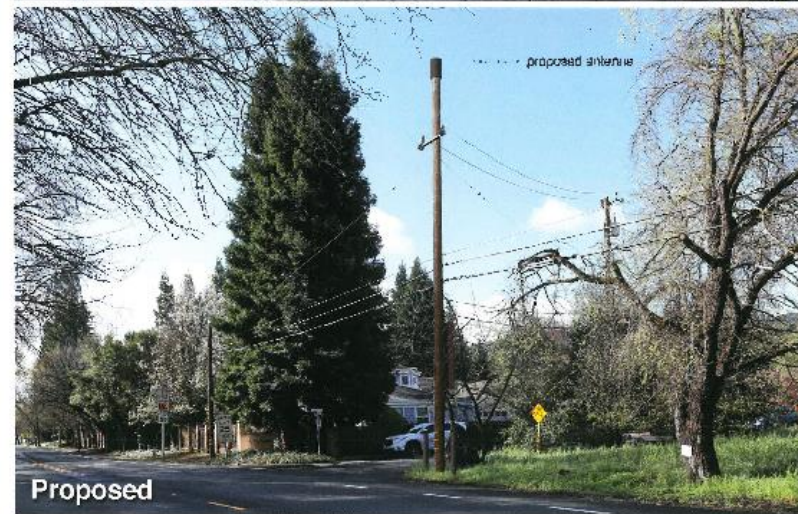
Looking Northwest from Danville Blvd.

(near) 1524 Alamo Way
Alamo, CA

View #1

8/15/18

App of Tech Spec 190-014-000



verizon

SF Alamo Site # 006

Looking South from Danville Blvd.

(near) 1524 Alamo Way
Alamo, CA

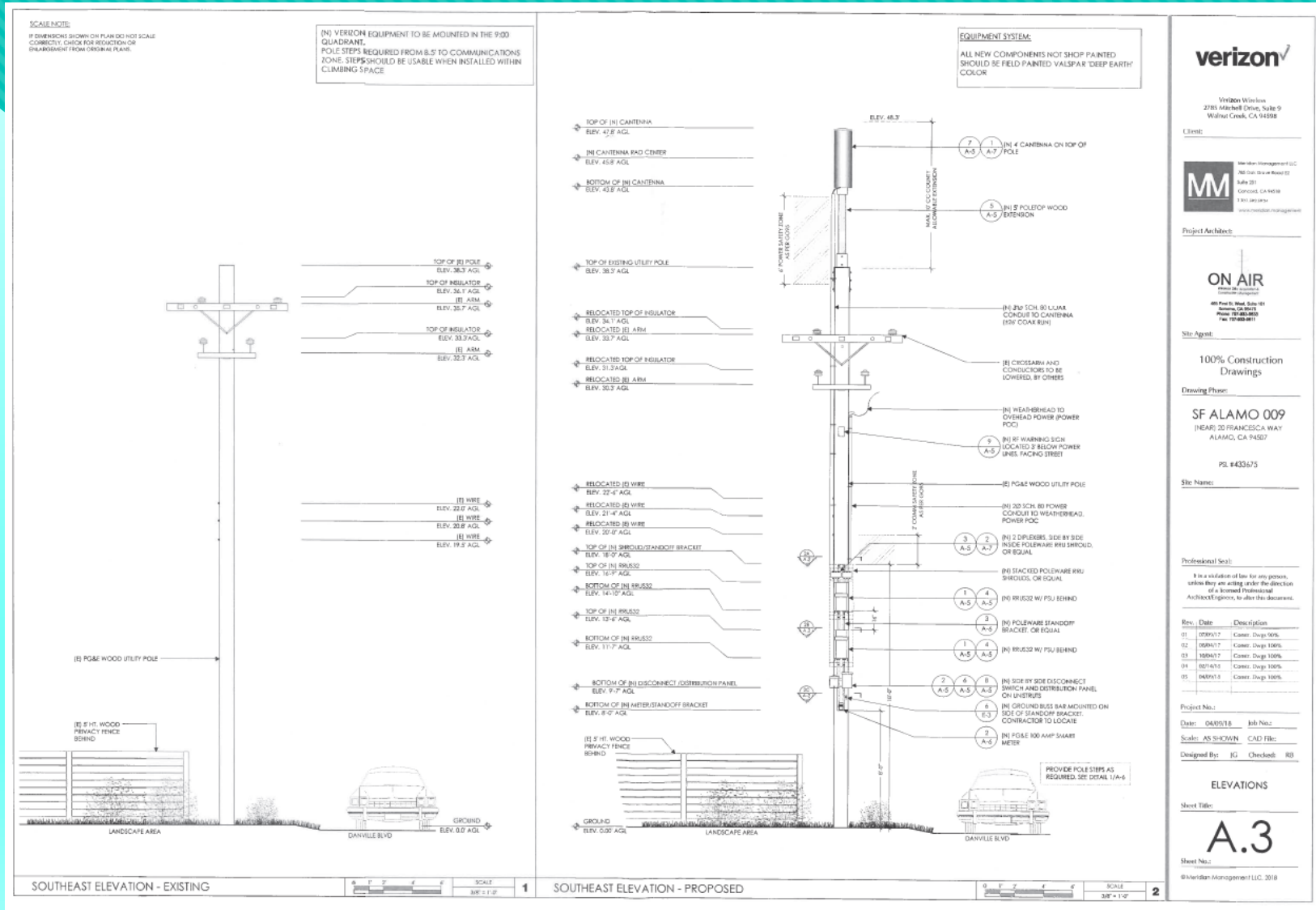
View #2

8/15/18

App of Tech Spec 190-014-000

Elevations

#WA17-0008 Southeast



Verizon Wireless
2785 Mitchell Drive, Suite 9
Walnut Creek, CA 94598

Client:



Project Architect:



400 Post St. Suite 401
Alameda, CA 94501
Phone: 415.763.8811
Fax: 415.763.8811

Site Agent:

100% Construction Drawings

Drawing Phase:

SF ALAMO 009
(NEAR) 20 FRANCISCA WAY
ALAMO, CA 94507

PSL #433675

Site Name:

Professional Seal:

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03	10/04/17	Coord. Draw 100%
04	02/14/18	Coord. Draw 100%
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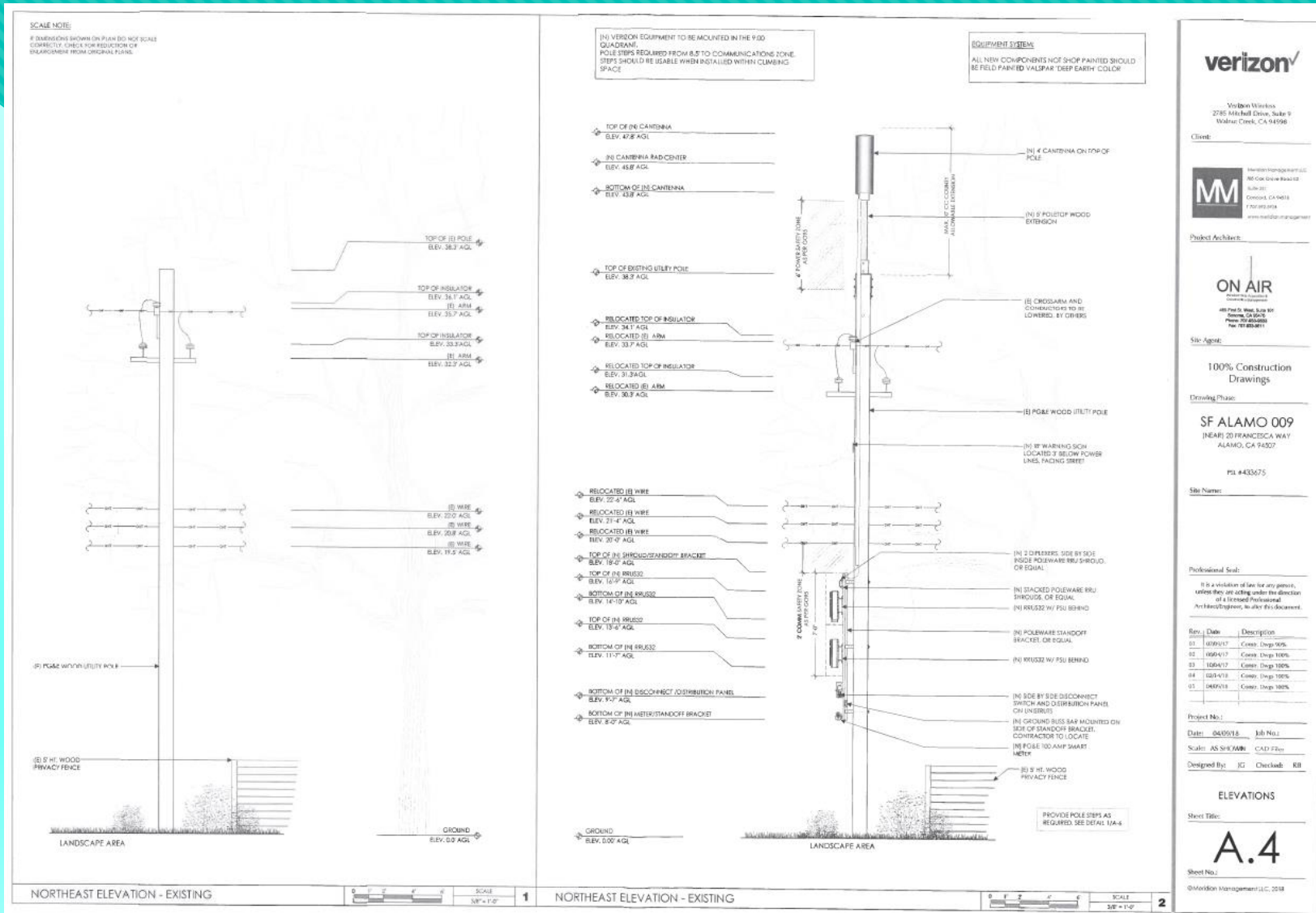
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Date: 04/25/18 Job No.:

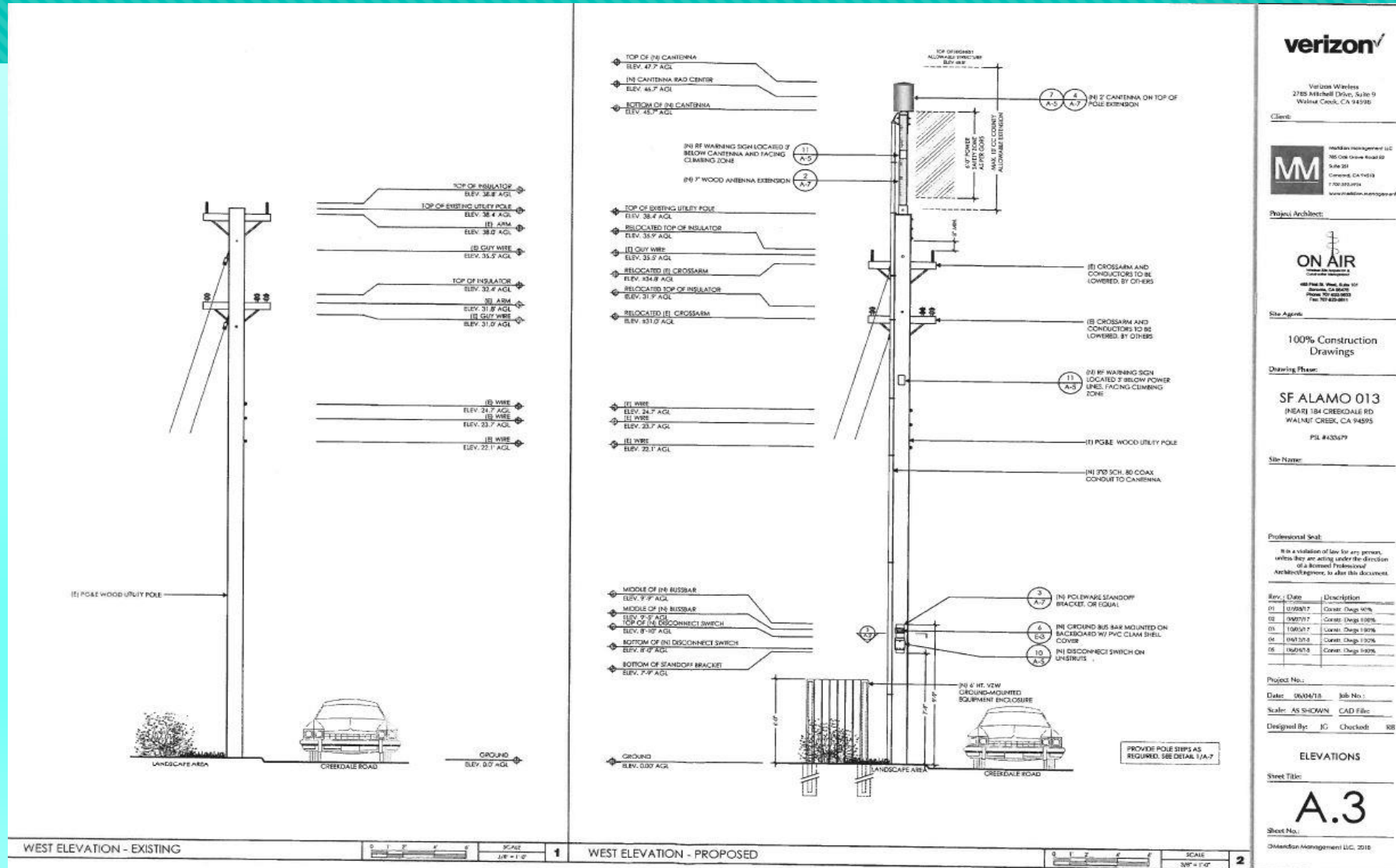
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Designed By: JG Checked: RB

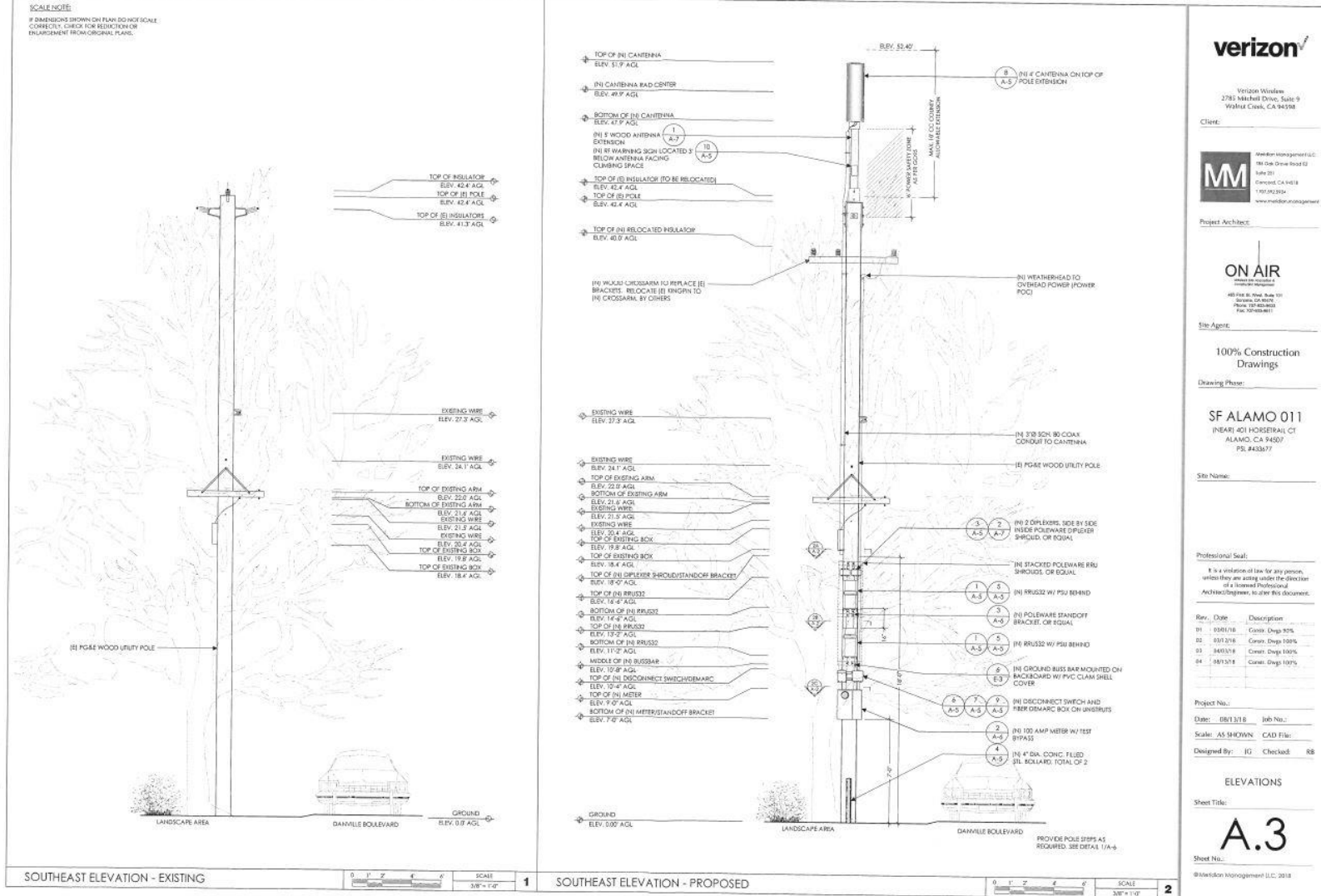
#WA17-0008 Northeast



#WA17-0013 West



#WA18-0002 Southeast



verizon

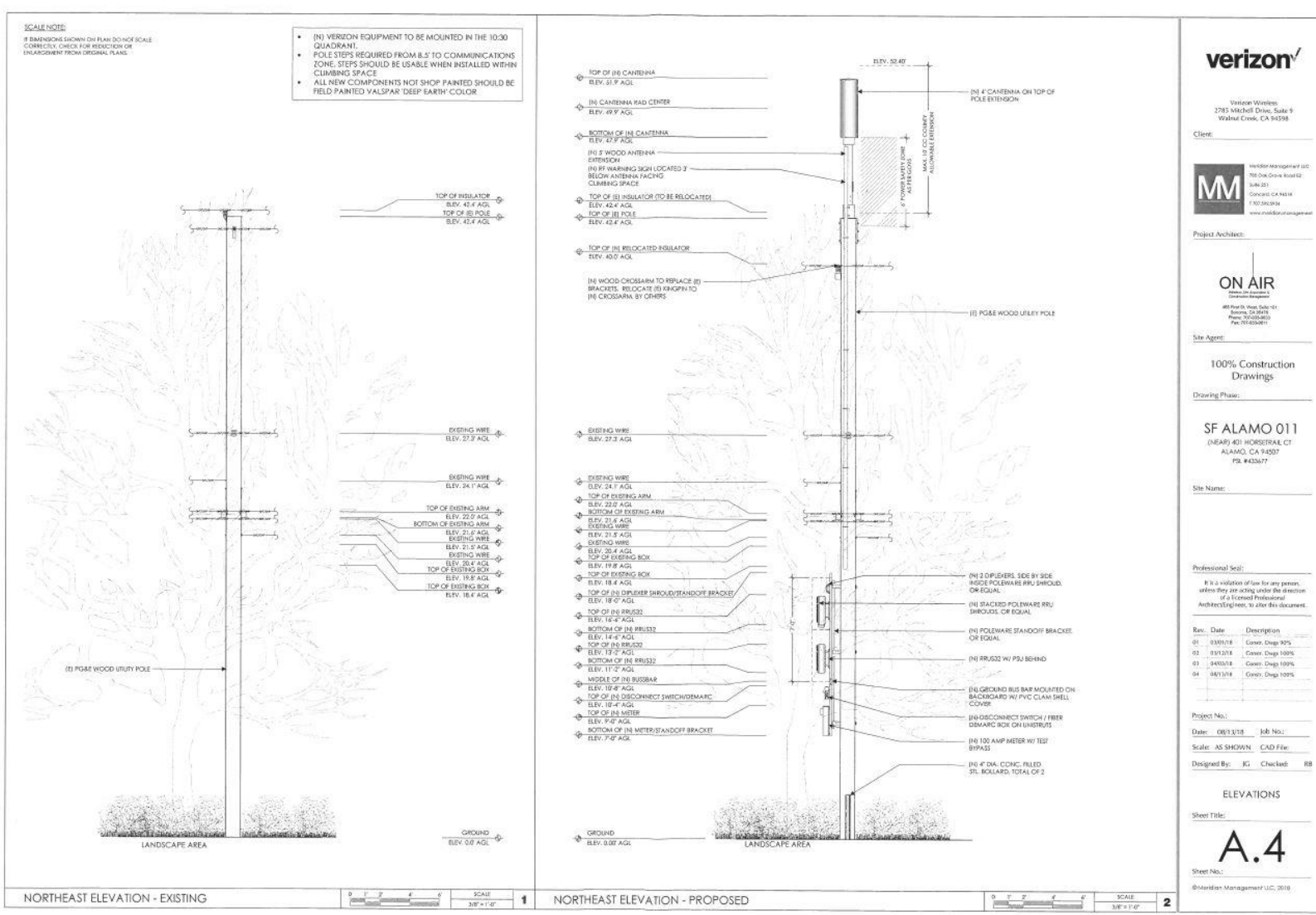
Verizon Wireless
2781 Mitchell Drive, Suite 9
Walnut Creek, CA 94598

MM Mendon Management LLC
161 Old Drive Road E2
Suite 201
Concord, CA 94518
199.943.3034
www.mendonmanagement.com

ON AIR
445 Hill St., Wood, Suite 101
Wood, CA 95066
Phone: (925) 622-8533
Fax: (925) 622-8531

SF ALAMO 011
(NEAR) 401 HOSERAIL CT
ALAMO, CA 94507
PSL #433677

#WA18-0002 Northeast



verizon

Verizon Wireless
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Walnut Creek, CA 94598

Client:

MM Meridian Management LLC
760 Oak Grove Road #2
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707.546.2834
www.meridianmanagement.com

Project Architect:

ON AIR
100% Construction Drawings
480 Fourth Street, Suite 101
Berkeley, CA 94704
Phone: 510.845.8100
Fax: 510.845.8101

Site Agent:

100% Construction Drawings

Drawing Phase:

SF ALAMO 011
(NEAR) 401 HOSPITAL CT
ALAMO, CA 94507
PL #432677

Site Name:

Professional Seal:

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Date: 08/13/18 Job No.:

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Designed By: JG Checked: RB

ELEVATIONS

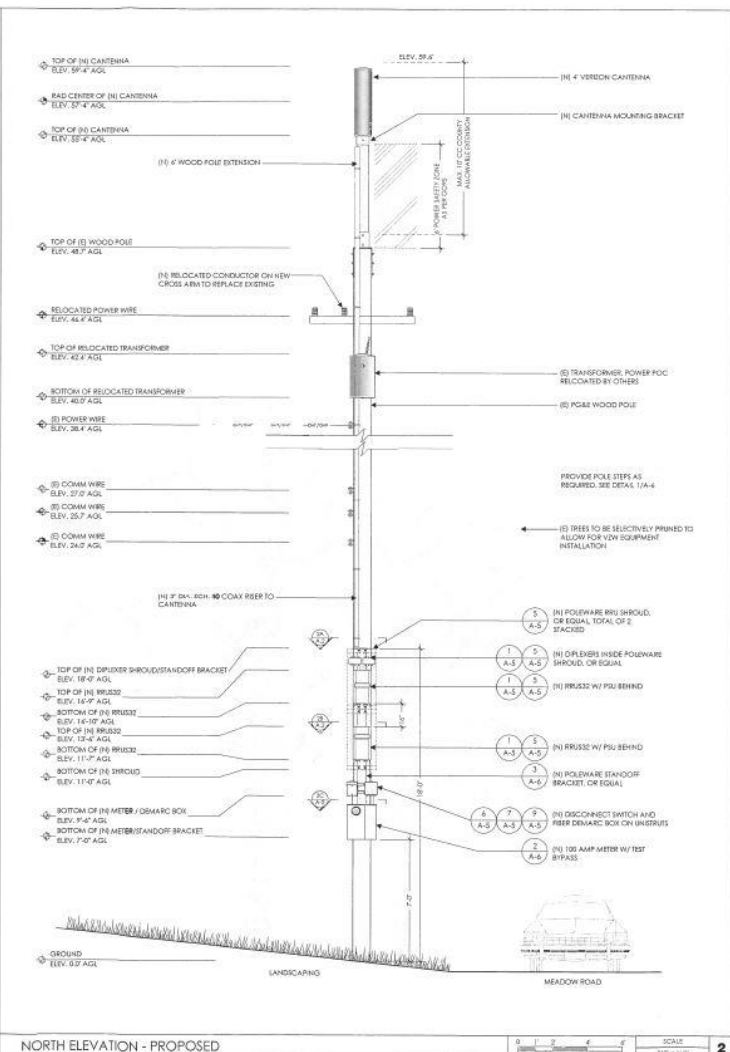
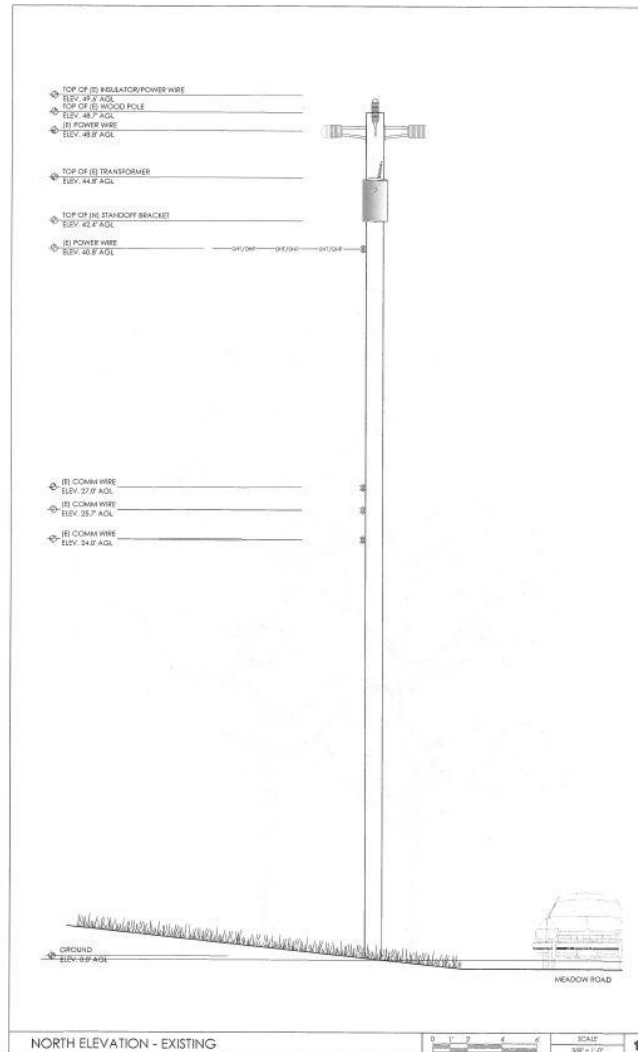
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#WA18-0003 North



verizon

Verizon Wireless
2785 Mitchell Drive, Suite 9
Walnut Creek, CA 94596

Client:

MM Meridian Management LLC
18128 Oak Grove Road #102
Suite 102
Concord, CA 94518
1 (925) 802-2824
www.meridianmanagement.com

Project Architect:

ON AIR
8800 Redwood Blvd, Suite 101
Riverside, CA 92504
Phone: 951-503-9000
Fax: 951-503-8811

Site Agent:

100% Construction Drawings

Drawing Phase:

SF ALAMO 012
(NEAR) 1555 MEADOW ROAD
WALNUT CREEK, CA 94595
PSL # 433478

Site Name:

Professional Seal:

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03	04/03/18	Cover Deep 100%

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Date: 04/03/18 Job No.:
Scale: AS SHOWN CAD File:
Designed By: JG Checked: RB

ELEVATIONS

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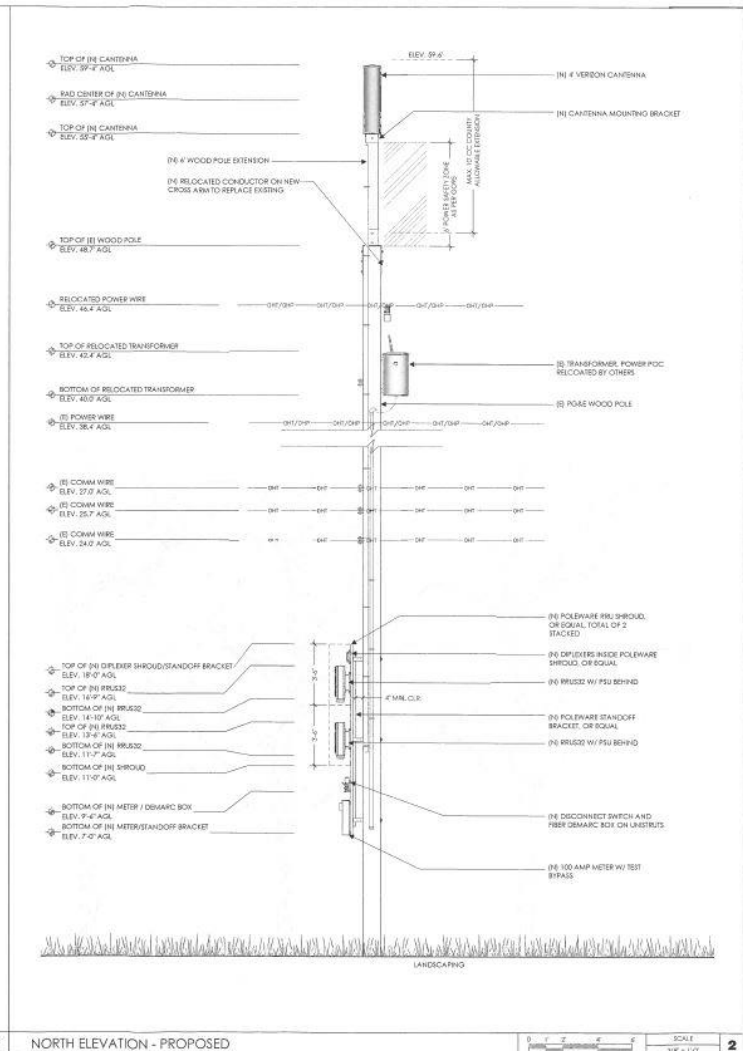
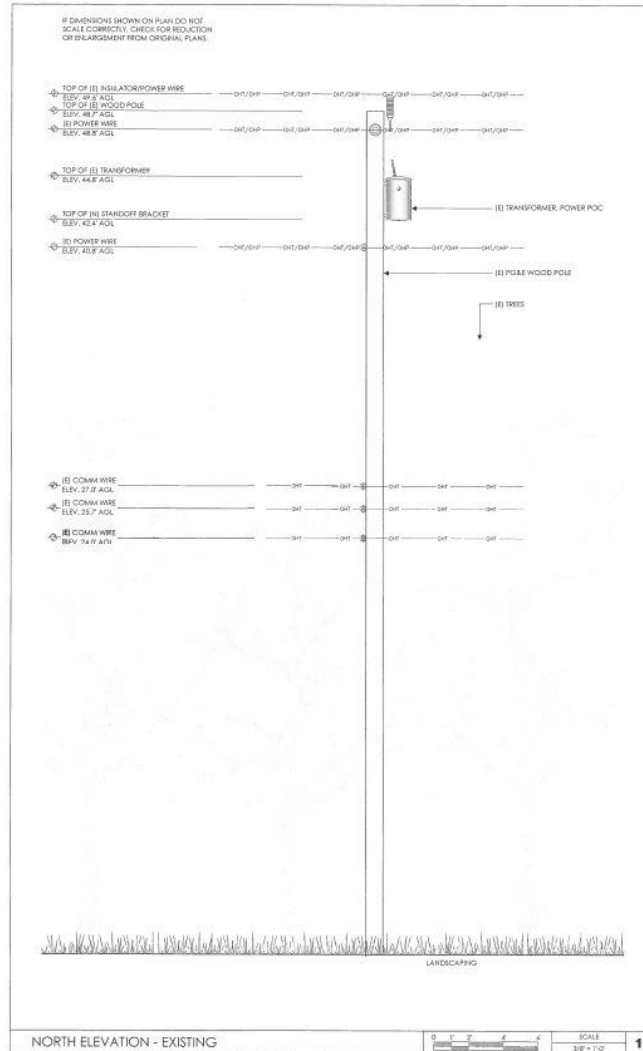
A.3

Sheet No.:
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NORTH ELEVATION - EXISTING

NORTH ELEVATION - PROPOSED

#WA18-0003 North



verizon

Verizon Wireless
2785 Mitchell Drive, Suite 9
Walnut Creek, CA 94598

Client:

MM Meridian Management LLC
180 Oak Grove Road #2
Suite 200
Concord, CA 94518
1.907.88.1524
www.meridianmanagement.com

Project Architect:

ON AIR
48814th St., Suite 101
Riverside, CA 92504
Phone: 951.503.8888
Fax: 951.503.8811

Site Agent:

100% Construction Drawings

Drawing Phase:

SF ALAMO 012
(NEAR) 1555 MEADOW ROAD
WALNUT CREEK, CA 94595
PSL# 433678

Site Name:

Professional Seal:
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Date: 04/03/18 Job No.:
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Designed By: JG Checked: RB

ELEVATIONS

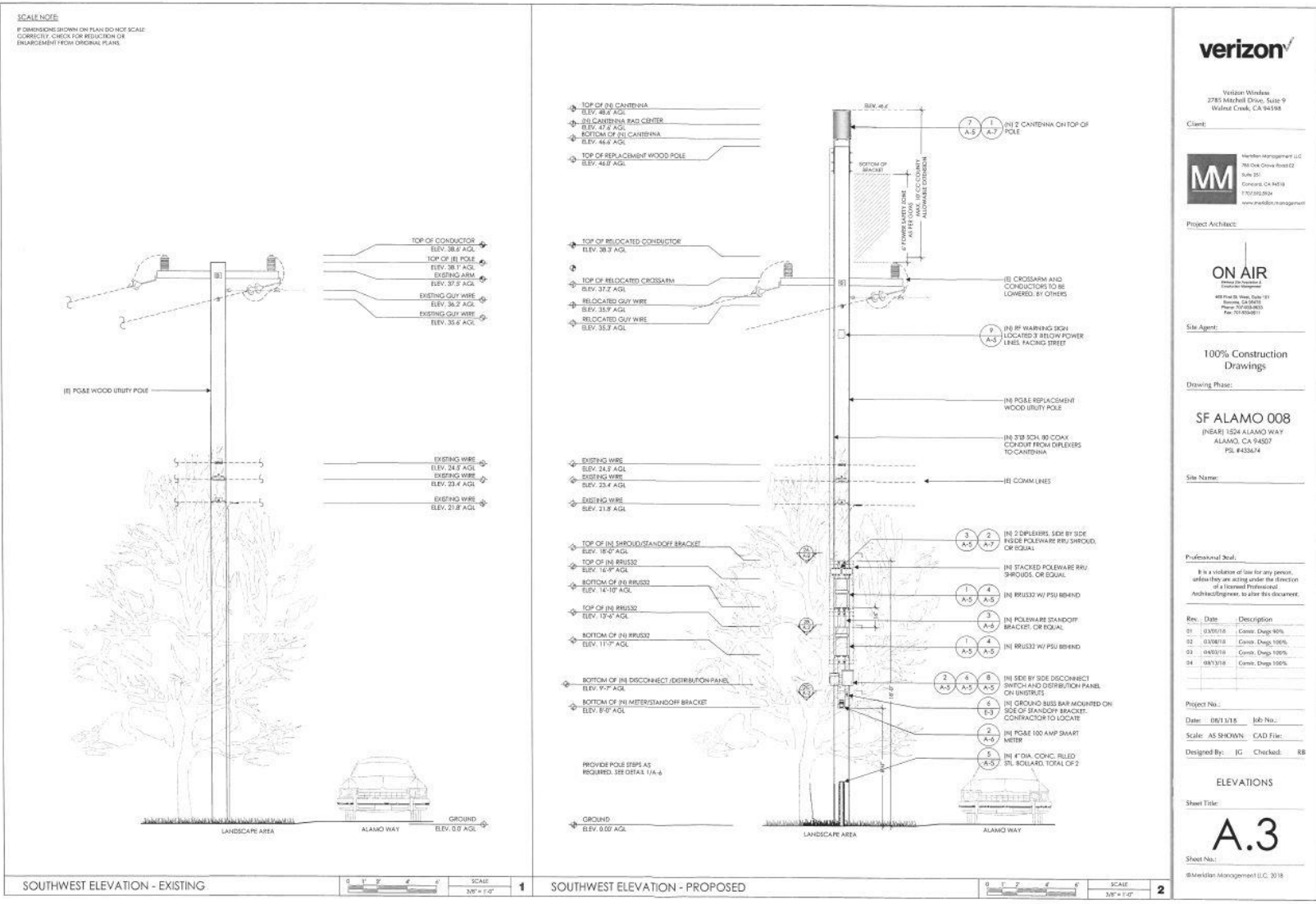
Sheet Title:

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Sheet No.:

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#WA18-0004 Southwest



Verizon Wireless
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Walnut Creek, CA 94598

Client:



Mekdon Management LLC
760 Oak Grove Road #2
San Jose, CA 95128
950.882.8284
www.mekdonmanagement.com

Project Architect:



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488 First St. West, Suite 101
Berkeley, CA 94701
Phone: 510.835.8553
Fax: 510.835.8551

Site Agent:

100% Construction Drawings

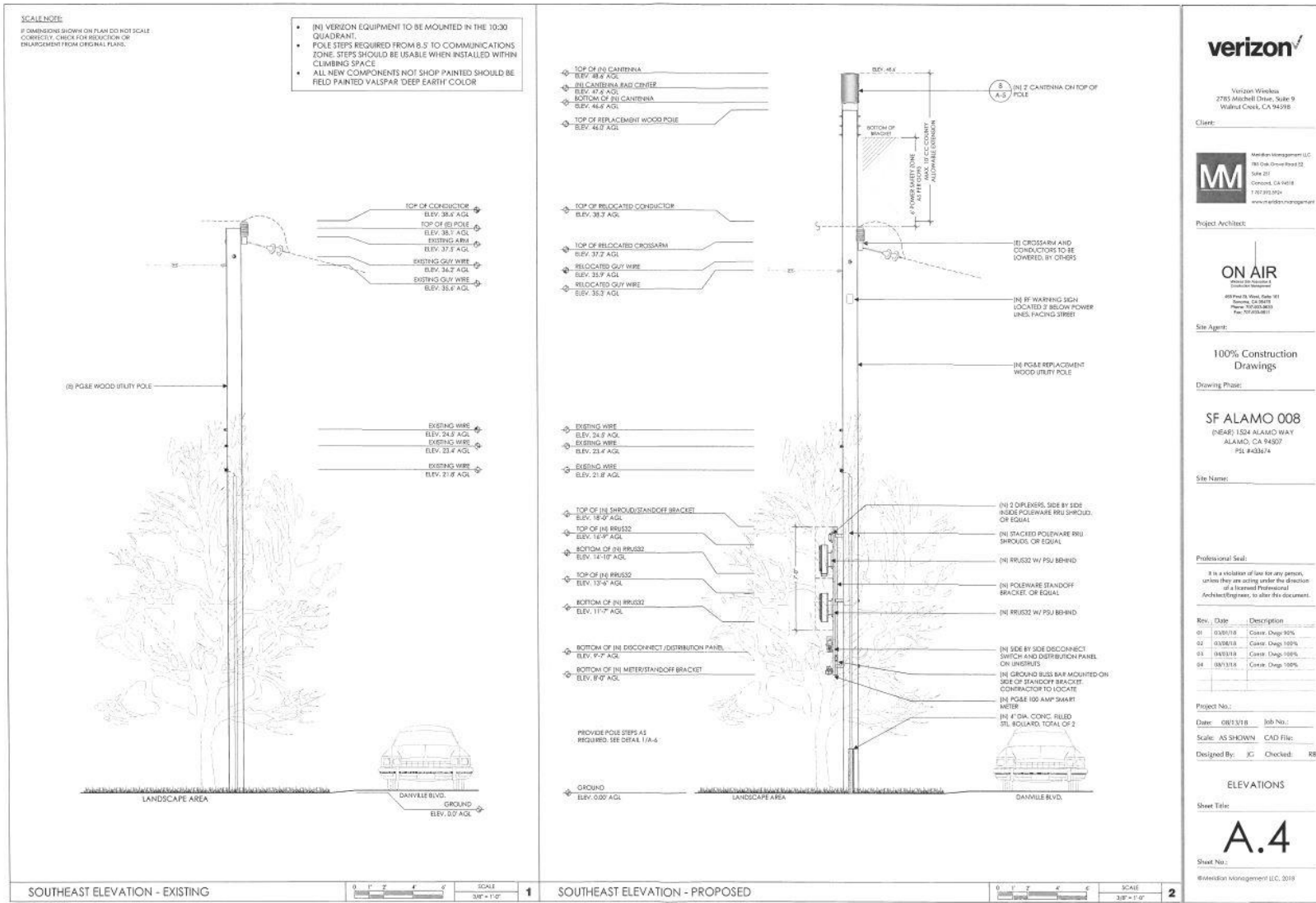
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SF ALAMO 008
(NEAR) 1524 ALAMO WAY
ALAMO, CA 94507
PSL #43874

Site Name:

Professional Seal:

#WA18-0004 Southeast



Staff Recommendation

Staff recommends that the Board of Supervisors DENY the appeals and UPHOLD the County Planning Commission's decisions to approve Wireless Facility Access Permits.

QUESTIONS?