



**Contra
Costa
County**

To: Board of Supervisors
From: Catherine Kutsuris, Conservation and Development Director
Date: January 14, 2014

Subject: Continued Public Hearing Item - Appeal of the County Planning Commission's Approval of LP13-2020 (110 Ardmore Road, Kensington).

RECOMMENDATION(S):

Staff is recommending the following options:

Option 1.

1. OPEN the hearing on the appeal of the County Planning Commission's approval of County File #LP13-2020, ACCEPT public testimony, and CLOSE the hearing.
2. FIND that the proposed project is categorically exempt from the review requirements of the California Environmental Quality Act – Class 3 (CEQA Guidelines §15303(d)).
3. DENY the appeals of Kevin and Michelle Ferguson, and Laura Owen, Kellin Cooper, Krista Bessinger, Jon Sarlin, and David Kwett.
4. SUSTAIN the decision of the County Planning Commission.
5. ADOPT the findings contained in County Planning Commission Resolution Number 15-2013.
6. DIRECT staff to file a California Environmental Quality Act Notice of Exemption with the County Clerk and pay the statutory filing fee.

Option 2.

☐ APPROVE

☒ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/14/2014** ☐ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes: See Addendum

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 14, 2014

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Francisco Avila, (925)
674-7801

cc:

1. ACCEPT any new information made available per the Better Government Ordinance.
2. DIRECT staff to evaluate the options that have been provided by AT&T and make recommendations to the Board of Supervisors.

RECOMMENDATION(S): (CONT'D)

3. CONTINUE the public hearing to a specific date and time.

FISCAL IMPACT:

The applicant has paid the initial application deposit, and is obligated to pay supplemental fees to cover any and all additional staff time and materials costs associated with the application processing.

BACKGROUND:

This is a continued public hearing item on the appeal of Kevin and Michelle Ferguson, and Laura Owen, Kellin Cooper, Krista Bessinger, Jon Sarlin and David Kwett of the County Planning Commission's decision to approve a proposal by New Cingular Wireless (AT&T) to attach a wireless telecommunications facility to an existing utility pole in the Ardmore Road public right-of-way. At the December 17, 2013, Board of Supervisor's hearing, one appellant (Ferguson) provided a brief statement. The applicant and general public were also given an opportunity to testify. Upon conclusion of the public testimony and a brief discussion, the hearing was continued as an open public hearing in order for the applicant to prepare an alternative site analysis for the project. According to the applicant, an alternative site analysis has been initiated since the December hearing, however, due to the limited time, the applicant was unable to provide a comprehensive report prior to the posting deadlines for this staff report.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board of Supervisors grants the appeal, the County Planning Commission's approval will be overturned and AT&T will not have the authority to construct their proposed project.

CHILDREN'S IMPACT STATEMENT:

N/A

CLERK'S ADDENDUM

CONTINUED the open hearing to February 4, 2014 at 9:30 a.m.