

KMAC minutes March 25, 2008

1. Roll call

Pam Brown

Gordon Becker

Chris Brydon

Ray Barraza

Patrick Tahara

2. The minutes of the February 26 and January 29 KMAC meetings were approved, 5-0 and 3-0, respectively.

3. There were no citizens' comments offered.

4. There were no consent items on the agenda.

The chair, Patrick Tahara, reviewed the criteria by which the KMAC makes recommendations to the Community Development Department.

5. 5 Lenox Rd.

Members of KMAC inquired about changes to the project since the last meeting. Yuen Min Chung, representing the owner, said that story poles had been placed. Ms. Chung couldn't reach one neighbor and was able to reach another, whom she says claimed not to be concerned about the impacts on her view. No changes were proposed to the existing retaining wall at part of the project.

Mr. Barraza suggested re-configuring the project to reduce the incursion into the public right of way and to provide additional parking, as the project proposes additional living space. Members discussed the appropriate setback that would provide reasonable parking availability. Ray suggested demolishing the existing retaining wall and building a new one on the property line.

Mr. Barraza moved we recommend approval of the development plan and requested variance shown on drawings date stamped 1-7-2008 with the provision that a new retaining wall be constructed with a zero setback with any variance that may be required to provide additional on-street parking. When asked, Ray suggested that the ground surface between the retaining wall and the street surface be crushed rock.

The motion was approved 5-0.

6. 367 Colusa Ave.

Tiffany Scalia of Complete Wireless Consulting presented for T-mobile. She cited the need to install an antenna in the area due to lack of coverage and over-loading. As part of the siting process, the applicant approached staff at the East Bay Municipal Utilities District about their facility in lower Kensington, representatives for St. Albans Church and the Sunset View Cemetery, and the owner of another location on Colusa Ave. Each

of these parties declined to participate. Ms. Scalia noted that the design of the facility may be modified to relieve aesthetic and view impact concerns.

Ms. Brown asked Ms. Scalia about other tower locations in the area and was shown a map. The facility is intended to provide additional coverage to eastern Albany and El Cerrito where service is currently poor.

Pam then asked about health effects of the proposed transmitter. The project proponent stated that radiation levels are anticipated to be less than one percent of levels deemed allowable. The source of the “allowable level” was unclear.

Mr. Tahara inquired about the benefit to El Cerrito and Albany versus the benefit to Kensington and why T-mobile wouldn’t try to site the tower in either of these towns. Ms. Scalia responded that the location upslope made the proposed location desirable.

The item was then opened to public comment. Speakers were asked to limit their presentation to three minutes each.

Joel Turtle (276 Coventry) suggested that the existing building already exceeded height guidelines set forth in the county general plan. He also was concerned about possible health effects.

Jan Dederick (121 Santa Fe) stated her belief that much information is being generated that suggests there are health effects from cell phone transmission radiation.

Marilyn Stollon (12 Eldridge Ct.) noted that the facilities are unsightly and inappropriate for residential areas. She stated her concerns about possible health effects from the tower. She read from a doctor’s letter suggesting his belief that there may be health effects from radiation. Ms. Stollon also is worried about shoppers avoiding the area and about reduction of home values from construction of the facility.

Bruce Onisko (330 Berkeley Park Blvd.) stated that the apartment building is the only thing obstructing his view of Albany Hill. He would prefer that the facility be sited elsewhere to avoid additional view impacts.

Charles Amirkhanian (7722 Lynn Ave.) stated his belief that cell phone transmitters have health effects. He also noted that cell phone users may select service from other companies whose existing facilities provide coverage in the area.

Gary Low (127 Santa Fe) is opposed to the tower. He agreed with previous comments about health and height impacts and furnished a copy of the El Cerrito ordinance regarding cellphone antennas.

John Van Duyl (343 Colusa) is opposed to the project for health reasons. He suggested that KMAC evaluate possible radiation effects of the project.

George and Moana Becker (342 Coventry) live directly uphill from the project site. Mr. Becker expressed that they don't want another structure on top of an already unsightly building.

Jenny Schaffel (1655 Oak View) is totally opposed to the project due to its possible health effects. She doesn't see the need for the tower.

Kathryn Stein (14 Carmel) stated her belief that real estate values would be impacted negatively by the project.

Joan Gallegos (239 Cambridge) mentioned that the farmers market will be re-located nearby and that the project would have negative impacts on market visitors.

In response, the project proponent offered to provide health studies to the KMAC and to the public for their consideration.

Mr. Tahara closed public discussion and open KMAC's deliberations. He read the seven required findings for granting of a Land Use Permit.

Ms. Brown said that story poles would be suggested to evaluate view impacts. She didn't feel she had sufficient information to vote affirmatively on the project. In particular, she would like more information about the siting process.

Mr. Barraza also had concerns but they were already answered.

Mr. Brydon noted that the view impacts were his most important concern. He suggested that there are World Health Organization Web links regarding information about the health effects of cell phone related radiation.

Mr. Becker noted that health effects are unknown, but relate to distance from the transmission source. He questioned the idea of siting a tower on top of an apartment building.

Mr. Tahara said he was not able to form a recommendation. He recommended possibly bringing an expert to speak on the health effects.

The project proponent requested a continuance to another meeting. This motion was made, and was passed 5-0.

The KMAC and the attendees discussed the procedures by which the community would be notified about the next meeting. The project will be noticed in accordance with the standard procedures.

7. Code enforcement

Joseph Hatfield and Michael Silva from the County Property Conservation Div. visited. Mr. Silva mentioned that code enforcement will be in a new department in the future.

Mr. Silva discussed the manner in which enforcement is conducted. He, Mr. Hatfield, and the KMAC members then explored various enforcement related issues that had not been adequately characterized on past enforcement reports. Mr. Silva and Mr. Hatfield offered to take phone calls or emails regarding particular enforcement cases from the public or members of the KMAC. In response to KMAC concerns that several complaints made by residents were not showing up on the Enforcement Report, Mr. Hatfield stated that he was putting the database in order. The KMAC received assurance that reporting would be conducted in a more transparent manner in the future.

8. Procedural matters

a) Adopt 2008 budget

Mr. Barraza passed out budgetary information. A motion to adopt the budget subject to funding was made. Although the typical funding mechanism has been dividing costs between the Kensington Improvement Club and the Kensington Property Owners Association, some doubt exists about the reliability of this approach. The motion was approved, 5-0.

9. Information reports

a) Enforcement report

The KMAC will await an update before reviewing the enforcement report in detail.

10. Adjournment

The meeting was adjourned.