

Approved 6/24/08

KMAC minutes 5/27/08 Meeting

Members present: Ray Barraza, Gordon Becker, Pam Brown, Chris Brydon, Patrick Tahara

There was no public comment.

Chair Tahara opened the meeting and describing the criteria by which the KMAC evaluates projects.

The first applicant not being present, the KMAC considered:

367 Colusa.

Tiffany Scalia representing T-mobile described issues serving as the basis for need for the project. Tmobile sees the need for additional coverage as there is a stated gap in coverage and an under-capacity issue. She stressed the need that people with only mobile phones may have in time of emergency.

Ms. Scalia mentioned that the previous rooftop design had been changed to a flush mounted design to address view concerns. The applicants also commissioned a radiofrequency (RF) radiation exposure analysis.

Bryce Nesbitt (99-1/2 Ardmore Rd.) spoke on behalf of the project. He is a Kensington resident with poor TMobile phone service coverage. He supports having more, smaller antenna facilities as opposed to fewer, larger facilities.

Michael Barnes (519 Curtis, Albany) spoke in favor of the project. He owns an RF radiation meter and considers the level of exposure associated with the project to be low. He also recommended approval on the basis of fewer, smaller facilities potentially producing lower overall exposure levels.

Pam Brown asked for comment about the building owner's intention. A Tmobile representative said his intent wasn't known.

Pam asked about residents in the building.

Tmobile's RF consultant (William F. Hammett) said that the project would create exposure lower than 1/100 of the "recommended" levels.

Ms. Brown asked if there could be future changes to the development plans. Tiffany answered that this project would fulfill their needs.

Ray Barraza asked about efforts to co-locate the facility in accordance with county policy. Tiffany answered that they couldn't find locations at which to co-locate. Tmobile reviewed EBMUD and cemetery properties and weren't able to secure leases. The Veteran's memorial building was reviewed and found to be unsuitable due to visual obtrusiveness.

Ray asked about future co-location by other cell phone operators at the apartment building. Tiffany answered that this was a possibility.

Ray then asked if Tmobile looked at any public properties in accordance with the county policy. Tiffany said that the Veteran's building was the only one examined.

Ray mentioned that Tmobile needed to find special condition of this property to gain approval. Tiffany said that the required height above ground is the special condition.

He asked about orientation of the signal vis-à-vis the residences on Coventry, as his understanding was that antennae would essentially be "pointed" at these houses. The RF engineer stated that the distance is the predominant factor affecting exposure rather than "aiming" of the antennae.

Marilyn Stollon (12 Eldridge Ct.) said she believes that Tmobile misrepresents coverage needs. She experiences no problems with Tmobile coverage provided documentation to support her point, and mentioned her feeling that there's no demonstrable need for the facility. She insisted that Tmobile must provide the county with verifiable data regarding coverage and capacity needs. She noted that federal emergency management agencies say that in an emergency, cellular circuits are likely to be overloaded and that for personal emergencies, existing coverage appears adequate. She also provided KMAC with a petition in opposition to the antenna with a great many signatures of residents of the surrounding areas. Signatures gathered in part by Julie Moore.

Rachael McMullin works at the Hendrickson Clinic and is a Tmobile user. She tested service in the "gray zones" with two other phone users. They logged over 130 phone calls with no dropped service, and called the service need a fabrication.

Len Schwartzburd (511 Coventry) said he had a copy of the lease indicating that Tmobile would be able to sublet their leased space. He called the antennae an attractive nuisance, particularly for children. He cited microwave exposure experiments where people didn't leave test chambers during exposures.

Jan Dederick (121 Santa Fe, El Cerrito) referred to herself as sensitive to electrical fields. She recommended that if the project goes forward, there should be an epidemiological study to add to databases regarding RF radiation exposure. She recommended siting the facility farther from people.

Tom Hendrickson has the office kitty corner from the project location. He considers himself sensitive to toxics and to RF radiation. He was concerned as a business owner with more than 200 clients per week, that many already have immune system problems that could be aggravated by exposure. Tom has concerns about the way impacts are studied. He said that impact studies are based on heat effects and not on effects of low frequency radiation, which may have damaging effects on the human body.

John Van Duyl (343 Colusa) represents tenants and is a property manager. He read a letter saying a tenant planned to leave a nearby apartment if the facility is built. He also stated he would move away if the installation were to happen.

Judy Boe is a realtor with Red Oak Realty. She said that regardless of the validity of claims of health effects from RF radiation, fewer people want to live in residences near a cell antenna than in areas without such facilities.

Jenny Schaffel (1655 Oak View) read a letter from Amber Crawley who is worried about the value of her property and about health effects. She wrote that she would not choose to live near a cell antenna. She also cited possible value drops in nearby properties. Her personal opinion is that the jury's out on health effects, meaning KMAC should err on the side of caution in producing its recommendation.

Jean Langford (8 Eldridge Ct.) said she would not purchase near a cell facility if she were purchasing again. She mentioned anecdotal evidence that service presently is fine. She believes property value would decrease if buyers nearby were informed of the existence of a cell antenna.

Ben Clow (21 Eldridge Ct.) read a letter saying that the author couldn't afford a potential loss of property value.

Jon Gaccione (12 Eldridge Ct.) was concerned about the possible impact on property values and aesthetics. He noted his personal experience that power facilities affected his choice in where to buy. He also finds the design of the proposed facilities not in keeping with village character of existing development.

Julie Moore, owner of the Circle hair salon, said she doesn't believe there's a coverage issue. She noted that her customers are against the project, and said she may not renew her lease if an antenna was built as her clients have threatened not to continue their patronage.

Mary Ford (495 Vincente, Berkeley) believes that Tmobile doesn't have to ask the landlord to sublet the leased space. She said she doesn't trust the "government science" behind exposure guidelines. She cited examples where the government lagged behind in scientific thinking.

Robin Carpenter (423 High St., Richmond) cited another organization's study in Richmond that found different exposure results than the RF radiation analysis for the proposed facility. She cited a burden of proof on businesses to prove the need for cell phone coverage. She stated her belief that health effects do indeed occur. Robin encouraged the community to stand up to Tmobile.

Andrew Olmsted (423 High St., Richmond) stated his belief that insufficient information has been presented to evaluate the project properly.

Tom Hunter (338 Berkeley Park Blvd.) submitted a paper regarding property values. He said that installation of cell antennae can give renters and businesses the basis to break contracts.

Linnea Due (2 Kenilworth Ct.) doesn't use a cell phone and doesn't think she should be exposed to increased radiation for a service she doesn't need.

Ron Wizelman asked if there was provision for measuring radiation levels post-project to see if they exceeded expectations?

Barbara Witte (538 Vincente, Berkeley) said she doesn't believe a valid contract exists. She mentioned that she heard that the contract is in dispute or has been canceled, and requested abeyance until the validity of contract was determined.

Charles Amirkhanian (7722 Lynn, El Cerrito) said he was diagnosed with lymphoma recently. He plans to move if the project goes forward and to sell his house at a reduced rate. He believes that the FCC siting guidance will be reviewed in the future. He doesn't see why Contra Costa County should be the location for a project benefiting other communities.

Penelope Kramer (105 San Carlos, El Cerrito) mentioned that to her the project poses privacy issues because she can't defend against radiation. She mentioned that other countries are producing more protective standards. She said she'll be forced to move if the antenna is installed, and believes that the community will decline in quality if the facility is developed.

Carrie Shulze (412 Colusa) is worried about the value of her home. She said that families would be less likely to live there with project development and stated her feeling that Kensington needs more families. She expects to move if the facility is built.

Jim Dixon (337 Colusa) believes there's a history of suppression of information regarding electromagnetic field (EMF) radiation. He has tenants and says that a tenant has canceled his lease, while another has expressed concern.

David Gerstel (268 Coventry) suggests that we're likely to catch up to other countries regarding our level of concern about RF radiation in the future. He is worried about the proximity of nearby yards to the proposed facilities for exposure, particularly of children.

Johanna Koeihein (7731 Ward Ave., El Cerrito) said that since cell phones are such a new technology, we likely don't know much about their effects. She says she has radiation sensitivity and gets headaches from cell phone use. She said she possibly would have to move if the project were implemented. She cited a conversation with Al Caruso wherein he said the contract was canceled. She read a letter saying the contract was canceled.

Sandy Schaffell (1655 Oak View) believes that apartment dwellers could be exposed to levels over the engineer's own recommended levels.

Rosalyn Heimberg (1656 Ocean View) believes we're vulnerable to proposal like Tmobile's because we're in an unincorporated area. She believes that the project would have a depressing effect and would hurt child friendly business like the Pub.

Joan Gallegos (239 Cambridge) suggests recommending to the County that they not approve the project because communities in Alameda County wouldn't share in potential liability.

Tiffany Scalia responded that Tmobile could not sublet the leased space. She stated Tmobile would measure radiation after project construction and every five years.

The consulting engineer refuted the purported Richmond exposure level findings and stated that any engineering firm would produce the results he produced.

Patrick Tahara closed public comment.

Ray asked Jenny Schaffell about a study she cited regarding real estate devaluation. No citation was provided.

Pam wished Al Caruso were here. She cited her concern that the unincorporated county is under-covered by policy. She mentioned her concern that the site serves users outside of the town in which it is proposed to be sited. She is concerned about property values decreasing.

Ray suggested re-exploring siting with EBMUD in accordance with county policy. He is worried about the possibility of co-location of other antennae in the future.

Gordon Becker said he was not going to recuse himself due to the nature of the project. He is worried that the intention of the landowner may not be reflected in the proposal.

Ray made a motion not to recommend approval of the use permit due to potential decline in property values, and the project's not being in accordance with county policies preferring siting on public property and co-locating with other cell facilities.

The motion passed 4-0, with Chris Brydon abstaining.

KMAC next considered

127 Arlington.

The applicant, Mr. Moubedi, reduced the size of designed changes to the property. He indicated his efforts to stay within the existing roofline. He presented evidence that one neighbor no longer objects. The project was changed to turn part of the porch into stairs that go into the basement.

Ray and Pam explored with the owner whether the space would/could be used as a bedroom.

Mary Hammond (131 Arlington) is concerned that with the building in back, the residence is proposed as a five bedroom, four bath home. She said that parking is already a problem.

Stacey Janoff (135 Arlington) said her home has only one bedroom with privacy, and it would be impacted by the project. She is worried that the project would further impact a neighborhood that has a rental atmosphere already. Also, she noted view impacts from the project.

The applicant rebutted assertions of impact.

Ray asked if the applicant would be willing to restrict use of the building in back and was told "No."

The project was found to propose a change of area from 2,845 to 3,042 square feet.

In response to concerns about the property providing opportunity for use as additional living units, the applicant offered to change a ground level double door to fixed window and operable window. He also offered to put obscure glass on the south side window of living room and stair to ease privacy concerns.

A motion was made to approve the project based on altering the design to include a functioning two car garage, obscure glass, and new fixed and operable windows on the ground floor. The motion carried 3-2, with Ms. Brown and Mr. Becker voted against.

The enforcement report was reviewed. Nineteen cases are outstanding and one case was closed.

Adjournment was proposed and passed 5-0 at 10:15 p.m.