# SAUSALITO PLANNING COMMISSION Wednesday, January 9, 2012 Approved Summary Minutes

#### **Call to Order**

Chair Cox called the meeting to order at 6:30 p.m. in the Council Chambers of City Hall, 420 Litho Street, Sausalito.

Present: Chair Joan Cox, Vice Chair Bill Werner, Commissioner Stan Bair,

Commissioner Stafford Keegin

Absent: Commissioner Richard Graef

Staff: Community Development Director Jeremy Graves

Associate Planner Lilly Schinsing

## **Approval of Agenda**

Commissioner Werner moved and Commissioner Keegin seconded a motion to approve the agenda. The motion passed 4-0.

Public Comments On Items Not on the Agenda None.

# **Approval of Minutes**

December 12, 2012

Commissioner Bair moved and Vice Chair Keegin seconded a motion to approve the minutes as submitted. The motion passed 4-0.

## **Public Hearings**

## **Declarations of Planning Commissioner Public Contacts**

Chair Cox disclosed that regarding Item 1 she had had a telephone conversation with Nancy Osborn regarding the best way to transmit information to the Planning Commission after the packets were distributed.

1. CUP/DR 97-03, Conditional Use Permit, Design Review Permit, California Department of Transportation, Rodeo and Highway 101. Amendments to an existing Design Review Permit and Conditional Use Permit (CUP/DR 97-03) to replace three antennae and associated equipment on an existing PG&E utility pole and add equipment cabinets in an existing underground vault within an existing lease area at an existing wireless communications facility at Rodeo and Highway 101 within a portion of California Department of Transportation Highway 101 right-of-way. Continued from the December 12, 2012 Planning Commission meeting.

The continued public hearing was reopened.

Assistant Planner Schinsing presented the Staff Report.

 Three late correspondence items were received from Nancy Osborn, Patricia Shea and the Kendall Court HOA, which were provided to the Planning Commission.

#### Question to staff:

 Has Sprint complied with all of its previously imposed conditions with respect to the existing pole, annual reports, and the rest? Staff responded yes, Sprint has verified they are in compliance with all of the conditions.

The public testimony period was opened.

Presentation was made by David Alameda of Sprint, the applicant.

## Commission questions to Mr. Alameda:

What is the purpose of the trench between this site and the AT&T site? Mr.
 Alameda responded that trench is not to the other AT&T site. The trench is to bring fiber from the AT&T telephone network to Sprint's site.

## Commission questions and comments to Mr. Alameda:

- You said the alternative site would not yield the coverage you seek. The Supplemental Staff Report shows the existing Sprint sites but it is not clear from the diagram what coverage you lack. Mr. Alameda responded by showing the lack of coverage on a diagram. The existing site provides only 4G data coverage. There are two alternate sites, but one is so high on the hill it would interfere with other signals in the area.
- What if you leave in place what you have on the existing site and put whatever you propose to change on the alternate site? *Mr. Alameda responded this proposal is including the data coverage, so they would lose data coverage.*
- The public's concern is the EMF exposure from the poles. Mr. Alameda responded they did a third-party report and it showed that the project will create 10% of what is allowed by federal guidelines.
- Your report states the only other alternative would be to build a new site with a new pole. Where would that be? *Mr. Alameda responded to get better coverage they would have to go much, much higher, but they do not know how high.*
- You said the second alternative site is unacceptable because it is too high. How can a site be too high when you say in order for this first alternative to be feasible it has to be higher? Mr. Alameda responded they do not want too much range because it would interfere with surrounding sites causing signal problems with other carriers and causing a lack of coverage because the signal would not work properly. They would be interfering with their own signal.

Public Comments.

## Jim Osborn, 2 Kendall Court, indicated the following:

He has a letter from the Kendall Court Board of Directors which states they
endorse Nancy Osborn's comments with respect to the location of the antenna
and the increased power.

## Nancy Osborn, 2 Kendall Court, indicated the following:

- They are not basing their concerns on EMF, because the FCC standards deem the safe limits, but there is a substantial concern by many residents all the same. They are basing their concerns on the fact that what you have now is a site that would never have been approved if the City regulations had been in effect because the regulations discourage wireless communication facilities in residential areas or schools. This particular site is open space with residential only 130 feet away.
- This situation deserves an independent engineering firm to look at the AT&T Cypress Ridge site. She believes they could come to a conclusion regarding whether or not there could be a second pole there on which Sprint could get the coverage they want.
- She has visited the existing site and found that it is not well maintained and is open to public access.
- The second pole is even more of an aesthetic disaster than the present antenna and will become more so.

### Commission question to Mrs. Osborn:

Do you object to the proposed trenching from the AT&T underground vault to the existing site? Mrs. Osborn responded that is not where the trenching would go. She understands a trench would probably go where the previous one went, which is on Nevada, and all the way up the hill of open space. She does not have an objection assuming that the trenching is totally covered up.

## Steve Berg, 7 Arana Circle, indicated the following:

- He supports the Osborn's position on this matter.
- There should be no hasty decisions made to add to cell phone towers near residential areas and near schools.
- Between 2007-2012 there have been 1,800 studies that have shown evidence
  of abnormal gene transcription, damage to DNA, loss of DNA repair,
  neurotoxicity in humans, carcinomas, lower sperm count and brain
  development issues in children and animals exposed during pregnancy due to
  radio frequency radiation and electromagnetic fields. High levels are not
  needed for adverse effects.
- It would be prudent to explore other locations that do not put humans at risk.

#### Chuck Donald, 254 Spencer Avenue, indicated the following:

- He lives one house removed from the five antennae at Fire Station 2.
- He agrees with what has been said and brings up the question of interference between what is proposed and what exists. A study should be done to ensure that an additional antenna or existing ones does not interfere with police, fire

and emergency services radio and asks if this has been studied properly in Sausalito?

#### Mr. Alameda's rebuttal comments:

- They do maintain the existing Sprint site every six months and they will keep that up.
- They cannot get the coverage they need at the alternative site.

The public testimony period was closed.

#### Commission comments:

- While the Commission is sensitive to the EMF concern, the houses and school are within the radiation area now. This is just a request to repair and replace what they have and increase the radiation, which is all within the legal limits. It is not clear what can be done about that other than denial. Sprint went above and beyond just by looking at an alternative site and running an analysis of what the coverage might be. This is a narrow request and the Planning Commission cannot do anything about the objections in this forum and so must support staff's recommendation.
- The zoning regulations state the least acceptable positioning of cell phone equipment is near a residential area or schools. The fact that the site is grandfathered in does not mean that it is appropriate in those conditions to increase the magnitude of the transmission.
- It is troubling that the AT&T site could not accommodate another pole to take these additional transmissions.
- The Commission is not confident that the alternative site has been evaluated properly.
- It needs to be clear that Conditions of Approval of the prior resolutions remain in effect and are applicable to the upgraded wireless facility.
- It would be appropriate to have a condition that the applicant should maintain the site in a litter-free condition, not just a six-month inspection, because litter will accumulate in six months.

#### Commission question to staff:

Have there been complaints about litter on that particular site before this application came up? Staff responded not that they know of.

### Commission comments:

- This site may not have been permitted had it been proposed after the zoning regulations were approved since the site is close to residential and a school. Concerns of litter and being an attractive nuisance would not be as much of a concern if the site were not 120 feet from residences.
- The Planning Commission cannot deny this application on the basis of the increase in EMF emissions.
- Aesthetics and picking up trash do not apply here because the site is in the Caltrans right-of-way. Sprint's primary maintenance is the maintenance of their equipment.

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- Probably the fastest growing use of data transmission is in schools, so if there is a blind spot in that school because this application is denied, then the education of the City's children will be hindered.
- The City's regulations encourage co-location on existing sites as opposed to favoring the creation of new sites, but the exploration regarding the feasibility of co-location on a different existing site has not been explored thoroughly enough.

## Commission question to staff:

 With respect to Mr. Donald's comment regarding the interference with police and emergency services radio function, has that been examined at all? Staff responded Mr. Donald conveyed his concern to staff on multiple occasions. The Director of Public Works has reached out to the Southern Marin Fire Protection and police communications to verify that.

### Commission comments:

- The EMF emissions from this site would be increased by three times. The
  Commission would be interested to hear feedback from Public Works regarding
  any investigation it has done regarding the possibly of interference of these
  waves with the police and emergency services radio.
- The Commission is not prepared to approve this application this evening and would like to have an independent study conducted regarding the feasibility of co-locating on an alternative site not so close to residences and the school, and would like to hear back from Public Works in response to the concern regarding interference with police and emergency service radio function given this is something that was raised long before this application was filed.

#### Commission question to staff:

 Is co-location something that is explored on an initial application only, or is it something that is open for every application simply to repair or replace or modify? Staff responded there is a section of the Zoning Ordinance that requires applicants to examine co-locating and they must provide an alternative sites analysis. However, the Planning Commission adopted a resolution in 2009 exempting existing sites from that requirement.

#### Commission comments:

- If the Commission receives an independent report advising that it is not feasible to co-locate this proposed increased equipment to a nearby location and comments from Public Works stating the increased EMF here will not interfere with police and emergency services radio functionality, there would be no choice but to approve the application.
- The Commission would also like letters from police and fire with respect to radio communications within Sausalito and the impact of interference if they have ever experienced any.

The public testimony period was reopened.

Mr. Alameda indicated the following:

- As it appears the application would not be approved at this meeting he would prefer it be continued so it can be heard before the full Commission and to allow Sprint time to compile a third-party review regarding the feasibility of colocating the equipment to a different location.
- FCC regulations do not allow them to interfere with emergency services, which is why they have to do mitigation for that.

The public testimony period was closed.

Chair Cox moved and Commissioner Werner seconded a motion to continue the public hearing for Rodeo and Highway 101 to a date uncertain. The motion passed 4-0.

The public hearing was closed.

#### **Old Business**

None.

#### **New Business**

None.

#### **Staff Communications**

## **Planning Commission Communications**

- The Planning Commission subcommittee of Chair Cox and Commissioner Bair will be reconvening to examine:
  - How to disincentivize single-family residences being built in multi-family zoning districts.
  - How to limit the conversion of multi-family residences to duplexes and single-family residences to prevent "McMansions."
- Commissioner Werner will send correspondence to the City Council expressing
  his opinion against the Educational Tall Ship project due to several factors
  including, the public does not know a large tent will be erected without Design
  Review, it was approved as a Minor Use Permit because it is reputed to be
  temporary, as well as several other issues.

Commissioner Werner moved and Commissioner Bair seconded a motion to adjourn the meeting. The motion passed 4-0.

## Adjournment

The meeting was adjourned at 7:56 p.m.

Submitted by

Jeremy Graves, AICP

Community Development Director

Approved by

Joan Cox

Chair

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