

**PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL**
450 Civic Center Drive, Richmond, CA
July 20, 2017
6:30 p.m.

COMMISSION MEMBERS

Acting Chair Nancy Baer	Marilyn Langlois, Vice Chair
Andrew Butt	Claudia Garcia
Jen Loy	2 vacancies

The regular meeting was called to order by Acting Chair/Secretary Baer at 6:30 p.m.

Acting Chair/Secretary Baer led in the Pledge of Allegiance.

ROLL CALL

Present: Acting Chair & Secretary Nancy Baer; Commissioners Andrew Butt, Claudia Garcia, Yu-Hsiang (Michael) Huang and Jen Loy

Absent: Vice Chair Marilyn Langlois

INTRODUCTIONS

Staff Present: Planning Staff: Hector Lopez, Roberta Feliciano and Attorney Rachel Sommovilla and wireless consultant Jonathan Kramer

1. ELECTION OF OFFICER

Acting Chair/Secretary Baer stated she and Commissioner Garcia served as the Nominating Committee, and former Chair Lane termed out last month. The Slate of Officers is Marilyn Langlois as Chair, Andrew Butt as Vice Chair and herself as Secretary. All individuals have agreed to serve in these capacities and she asked if there were any additional nominations. Hearing none, she entertained a motion.

ACTION: It was M/S/C (Loy/Garcia) to approve the Slate of Officers as proposed; which carried by the following vote: 6-0-1 (Ayes: Baer, Butt, Garcia, Huang and Loy; Noes: None; Absent: Langlois.

Acting Chair/Secretary Baer turned to Vice Chair Butt to chair the remainder of the meeting.

MINUTES: None

AGENDA

Vice Chair Butt provided an overview of meeting procedures for speaker registration, public comment and public hearing functions. He said items approved by the Commission may be appealed in writing to the City Clerk by Monday, July 31, 2017 by 5:00 p.m. and he announced the appeal process after each affected item, as needed.

CONSENT CALENDAR

Vice Chair Butt stated the Consent Calendar consists of Item 2. He asked whether staff, Commissioners or the public wished to remove this item from the Consent Calendar, and there were no requests.

Items Approved on the Consent Calendar:

NEW ITEMS

- CC2. PLN17-233: Grocery Outlet CUP Amendment - PUBLIC HEARING** to consider a request for a Conditional Use Permit amendment for a Type-21 Alcoholic Beverage Control (ABC) license for off sale general which authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold at 12010 San Pablo Ave., (APN: 501-241-002). CM-4, Commercial Mixed-Use, Gateway/Node District; RI Richmond LLC, owner; Compass Commercial Group Inc., applicant; Planner: Roberta Feliciano. Tentative Recommendation: Hold Over To A Future Meeting Date.

ACTION: It was M/S/C (Butt/Baer) to approve Consent Calendar Item 2; which carried by the following vote: 6-0-1 (Ayes: Baer, Butt, Garcia, Huang and Loy; Noes: None; Absent: Langlois).

BROWN ACT – Public Forum

CORDELL HINDLER, Richmond, said as requested in the past, he again recommended the City consider building a new teen club in Richmond.

- 3. PLN16-690, PLN16-691, PLN16-692, PLN16-693, PLN16-694, PLN16-700, PLN16-702, PLN16-703, PLN16-704, PLN16-705, PLN16-706, PLN16-707, PLN16-708, PLN16-709, PLN16-710, PLN16-711: Conditional Use Permits and Design Review for 16 Small Cell Site Nodes - PUBLIC HEARING** to consider requests for 16 Conditional Use Permits and Design Review to install a small cell site on existing PG&E poles located within the public right-of-way, adjacent to the properties located at 612 12th Street (PLN16-690), 646 12th Street (PLN16-691), 601 Harbour Way (PLN16-692), 685 Harbour Way (PLN16-693), 1632 Bissell Avenue (PLN16-694), 2370 Bush Avenue (PLN16-700), 1200 Roosevelt Avenue (PLN16-702), 1801 Bissell Avenue (PLN16-703), 1830 Chanslor Avenue (PLN16-704), 49 17th Street (PLN16-705), 1400 Chanslor Avenue (PLN16-706), 335 21st Street (PLN16-707), 1434 Bissell Avenue (PLN16-708), 2033 Chanslor Avenue (PLN16-709), 1458 York Street (PLN16-710), and 539 Harbour Way (PLN16-711). Generally the project consists of the Applicant adding antennas, pole arms, radio transmission and powering equipment, as well as cables and wires on and attached to the existing PG&E pole to benefit T-Mobile. PLN-690, -691, -700, -702 and -701 are located within the RL-2, Single Family Low Density Residential Zoning District. PLN16-692, -693, and -711 are located in the CM-2, Commercial Mixed-Use, Neighborhood District, PLN16-694, -703, -707, and -708 is in the CM-5, Commercial Mixed-Use Activity Center Zoning District/IS-1, Form-Based Code Study Area Zoning Districts, PLN16-704, -705, and -709 are in the RM-2/IS-1, Medium-High Density Multi-

Family Residential/IS-1, Form-Based Code Study Area Zoning Districts, and PLN16-706 is in the CM-1/IS-1, Commercial Mixed-Use, Residential/IS-1, Form-Based Code Study Area Zoning Districts. PG&E, owner of utility Poles; City of Richmond Right-of-way; Extenet Systems (California) LLC, applicant; Planner: Lina Velasco. Tentative Recommendation: Conditional Approval.

Roberta Feliciano gave a brief overview of the request for approval of the remaining 16 small cell site nodes, noting that at the June 29th Commission meeting the first 15 of the sites were presented and approved, with direction for review by the DRB. She said the applicant is present to seek approval of the CUPs and design review permits.

On July 12th, the projects were reviewed by the DRB and the DRB recommended adding four conditions of approval listed in the resolution as Condition Nos. 22 through 25. She said the City's consultant Jonathan Kramer was available to respond to any questions of the Commission as well as the applicant.

Charles Lindsey, Extenet Small Cell Wireless Network, applicant, stated he presented at the June 29th meeting as well as a study session on June 15th and a DRB meeting on July 12th with recommended approval based on 4 additional conditions of approval. They also conducted a neighborhood outreach event but had no attendance or feedback after having mailed notices to those property owners within a 300 foot radius of the 16 locations.

Acting Chair Butt opened the public comment period.

Public Comments:

CORDELL HINDLER, Richmond, said he reached out to some neighborhoods who did not voice opposition and he supported approval.

EDGARDO DE CASTRO, Richmond, said the applicant proposes to locate a pole in front of his home address at 335 21st Street, voiced opposition, said his cell phone works well, and stated there are children often in and outside of the house.

Rebuttal – Applicant

Mr. Lindsey recognized concerns and asked Mr. Mathur from Hammett & Edison to respond to comments regarding health risk for RF.

Rajat Mathur, Hammett & Edison, Sonoma, discussed his role in evaluating sites similar to these for RF exposure compliance with FCC standards, and all 16 nodes will comply with the FCC's limits. Regarding this particular node near the speaker's address they calculated the maximum exposure to be 4.4% of the FCC limit, or over 20 times below the limit. He added that he would also be happy to further discuss differences between radiation and radio frequencies off-line with Mr. De Castro.

Acting Chair Butt said there were similar concerns expressed in the past, and he asked and confirmed with Mr. Lindsey that he would be amenable to take readings for those residents with concerns.

Commissioner Garcia asked that Mr. Mathur also speak with Mr. De Castro to conduct the readings and discuss findings to allay fears, and Mr. Lindsey agreed.

Acting Chair Butt asked if there has been any outreach and engagement with the neighborhood and to coordinate this with the planning department. He thinks issues still exist regarding aesthetics to an already blighted area and health risks.

Mr. Lindsey said they held a public outreach meeting with no attendance and also contracted with a third party mailing company who provided an affidavit that they sent notices out to all owners within 300 feet of properties, and he agreed to work with staff to conduct marketing to inform residents if the Commission so desired.

Commissioner Loy said she recalled seeing alternative sites in the previous batch of locations, and asked if there was a particular alternative site for the speaker's address.

Mr. Lindsey said they have investigated the poles in the area and the decision for this location was based on RF, need for coverage, whether they could build on the pole and lastly, that it was a permitted location.

Acting Chair Butt said the Commission voted to approve the first 15 sites and one condition was that the project go to the DRB as well as for the applicant to bring in a mockup, which he confirmed had occurred. He asked for the applicant or staff to summarize what came from the DRB's review.

Mr. Lindsey confirmed they were comfortable with the DRB's additional recommendations and explained that they showed a picture of one of their proposed locations which showed a transformer three poles back which was not very noticeable. The hope is that their infrastructure becomes the same as not very noticeable as it becomes part of the everyday background area. He said there was also a recommendation from the DRB to vault equipment wherever possible.

Mr. Kramer further clarified that the DRB was interested in knowing what could be done to aesthetically improve the project sites, and one idea was to vault the equipment. They also added a condition that staff would determine in consultation with the applicant where vaulting would be possible. This was a significant improvement in the overall design process and this would also follow as a condition should the Commission choose to approve these projects.

Commissioner Baer asked and confirmed vaulting was taking the equipment underground and there may be vents, given design.

Mr. De Castro questioned vaults and sidewalk safety, questioned provisions of notice, as well as RF safety.

Mr. Kramer noted that they have evaluated every single project to determine whether it complies with FCC rules and further, the maximum distance extends about 5 feet from the antennas, and because these projects do comply, the City could not deny them based on concerns regarding RF. He added that there is more equipment in homes that put off energy than comes off of the proposed cell site, so this is an area where federal pre-emption exists if demonstration of compliance is shown which it is.

Commissioner Loy asked staff to address the 300 foot issue and Ms. Feliciano stated the 300 foot radius is the requirement for mailing notices to provide to property owners. She then summarized staff's recommendation for the Commission to approve the remaining 16 cell sites with the additional four conditions from the DRB and staff's recommended 21 conditions. Mr. Kramer recommended the additional condition regarding testing of Mr. De Castro's home at the applicant's cost be added.

The public hearing was closed.

ACTION: It was M/S/C (Baer/Garcia) to adopt Resolution No. 17-15 approving PLN16-690, PLN16-691, PLN16-692, PLN16-693, PLN16-694, PLN16-700, PLN16-702, PLN16-703, PLN16-704, PLN16-705, PLN16-706, PLN16-707, PLN16-708, PLN16-709, PLN16-710, PLN16-711: Conditional Use Permits and Design Review for 16 Small Cell Site Nodes, with staff's recommended 21 conditions of approval; the additional 4 conditions from the DRB as outlined in the resolution, as well as the additional condition regarding emissions testing of Mr. De Castro's home at the applicant's cost; which carried by the following vote: 6-0-1 (Ayes: Baer, Butt, Garcia, Huang and Loy; Noes: None; Absent: Langlois).

COMMISSION BUSINESS

3. **Reports of Officers, Commissioners and Staff** – None
4. **Adjournment** - The meeting was adjourned at 7:03 p.m. to the next regular meeting on August 3, 2017.