

**PLANNING COMMISSION REGULAR MEETING  
COUNCIL CHAMBERS, RICHMOND CITY HALL**  
450 Civic Center Drive, Richmond, CA  
June 15, 2017  
6:30 p.m.

**COMMISSION MEMBERS**

Sheryl Lane, Chair	Marilyn Langlois, Vice Chair
Nancy Baer	Andrew Butt
Claudia Garcia	Jen Loy
Vacancy	

The regular meeting was called to order by Chair Lane at 6:32 p.m.

Chair Lane led in the Pledge of Allegiance.

**ROLL CALL**

**Present:** Chair Sheryl Lane; Commissioner Nancy Baer, Andrew Butt, Claudia Garcia and Yu-Hsiang (Michael) Huang

**Absent:** Vice Chair Marilyn Langlois and Commissioner Jen Loy

**INTRODUCTIONS**

**Staff Present:** Planning Staff: Lina Velasco, Hector Lopez, Director of Planning Services Richard Mitchell and Attorney Carlos Privat

**MINUTES:**

June 16, 2016:

**ACTION: It was M/S/C (Butt/Garcia) to approve the Minutes of June 16, 2016; which carried by the following vote: 4-0-2-1 (Ayes: Baer, Butt, Garcia and Lane; Noes: None; Absent: Langlois and Loy; Abstain: Huang).**

July 21, 2016:

**ACTION: It was M/S/C (Baer/Butt) to approve the Minutes of July 21, 2016; which carried by the following vote: 5-0-2 (Ayes: Baer, Butt, Garcia, Huang and Lane; Noes: None; Absent: Langlois and Loy)**

August 4, 2016:

**ACTION: It was M/S/C (Butt/Baer) to approve the Minutes of August 4, 2016; which carried by the following vote: 4-0-2-1 (Ayes: Baer, Butt, Garcia and Lane; Noes: None; Absent: Langlois and Loy; Abstain: Huang).**

September 1, 2016:

**ACTION: It was M/S/C (Butt/Baer) to approve the Minutes of September 1, 2016; which carried by the following vote: 4-0-2-1 (Ayes: Baer, Butt, Garcia and Lane; Noes: None; Absent: Langlois and Loy; Abstain: Huang).**

October 6, 2016:

**ACTION: It was M/S/C (Baer/Butt) to approve the Minutes of October 6, 2016; which carried by the following vote: 4-0-2-1 (Ayes: Baer, Butt, Garcia and Lane; Noes: None; Absent: Langlois and Loy; Abstain: Huang).**

## **AGENDA**

Chair Lane provided an overview of meeting procedures for speaker registration, public comment and public hearing functions. She said items approved by the Commission may be appealed in writing to the City Clerk by Monday, June 26, 2017 by 5:00 p.m. and she announced the appeal process after each affected item, as needed.

## **CONSENT CALENDAR**

Chair Lane stated there are no Consent Calendar Items.

## **BROWN ACT – Public Forum**

CORDELL HINDLER, Richmond, stated at the March meeting he submitted a photo of a teen club and he asked that such a facility be considered for Richmond.

Chair Lane re-arranged the agenda to hold the study session ahead of PLN16-385.

## **STUDY SESSION**

- 2. PLN16-658, PLN16-682~711: Extenet Small Cell Wireless Network - STUDY SESSION** to present an overview of the proposed Extenet small cell wireless network. The network includes approximately 31 small cell sites that would be installed on existing utility poles within the public right-of-way in various locations throughout the city. City of Richmond, owner; Extenet Systems California, applicant; Planner: Lina Velasco; Tentative Recommendation: Receive Presentation.

Ms. Velasco introduced Dr. Kramer, the City's consultant from Telecom Law Firm who will provide a presentation on the regulatory structure as well as the applicant, Extenet Small Cell Wireless Network, who will provide an overview of their project.

Jonathan Kramer, Head of Telecom Law Firm, said their firm has worked as a legal advisor for the City of Richmond for 10 years and is responsible for the last two wireless ordinances. He will discuss the many small cell site projects the City will consider in the future and Extenet will be building the new wireless facilities. They will present and afterwards he will present the legislative background, laws relating to the wireless ordinance, and they will entertain questions.

Charles Max, Extenet Small Cell Wireless Network, applicant, gave a brief background of their company, explained their work with coverage and capacity needs and presented a PowerPoint

presentation of the proposed 31 small cell facilities for Richmond, examples of alternative designs in other cities, and said Hammett & Edison is present to speak on RF safety.

Rajat Mathur, Hammett & Edison, Sonoma, said they conducted RF review for compliance with FCC standards relating to the proposed cell site installations and found it will comply. He spoke about the proposed projects which are less than 5% or 20 times of FCC limits which is very low given the facilities are 50 times lower power than large sites. He briefly provided an overview of the electro-magnetic spectrum and radio frequencies and said he was available for questions.

Commissioner Baer questioned the cumulative effects of having 31 low frequency and low power sites throughout the City. Mr. Mathur said the power falls very fast in relationship to the square of the distance and he discussed the 'hand-off' where the phone communicates with site 1 and is handed off and communicating with site 2.

Dr. Kramer introduced Laurie Kanderanji, Senior Paralegal, who works on all City projects and with Extenet. He presented a PowerPoint presentation regarding the regulatory framework, stating wireless is regulated by Congress. He gave a brief background on FCC's rule-making and SB 649 which would largely de-regulate what the City is hearing tonight regarding many small cell sites, as projects would be deemed approved by operation of law.

Under the Telecommunications Act, they cannot prohibition of service and Dr. Kramer discussed a case with Metro PCS vs. City and County of San Francisco from 2005 which then went to the Ninth Circuit Court of Appeals. The City and County wanted an aesthetically proper solution for the Metro PCS cell site. If the wireless carrier said they have a significant gap, they must close it using the least intrusive means. The court stated "a significant gap belies a bright line test." These gaps are different in every city but if there is a significant gap, they look to whether this is the least interest of means for them to provide their service.

Laurie Kanderanji briefly presented photos showing a variety of small cell antenna examples showing different side mounted poles, ground mounted cabinets, etc. Dr. Kramer then discussed the proposal of radio equipment which will shine a beam similar to light along a particular section of road segment. This provides more capacity for different types of services and this is how companies balance their loads. Another type of way of doing this is for locating two cell sites on the same pole and they will discuss some technical and aesthetic issues at future meetings.

Dr. Kramer concluded his presentation regarding RF safety rules and stated if a proposed project complies with the RF safety rules, it is not a decision point. He said they conduct their own review in addition to Hammett & Edison's work to ensure real world issues are taken into account. However, cities cannot adopt their own FCC rules and are pre-empted, but Congress and the State of California ensure people are protected. He used a ruler to show the FCC standard of 0.26 inches on a 12 inch scale which is a 50 times safety margin. The maximum exposure the public is allowed to receive is 2%. This is a very large safety margin so even if a cell site ran wild, it would still not cause any physiological change. The cell sites proposed for Richmond are a fraction of 1% and are low powered sites.

Commissioner Garcia referred to transmission capacity and asked if this varies according to design of the cell site. Dr. Kramer said yes; it is based on how many frequencies the carrier chooses and wireless companies do not operate on a single band. Each has separate licenses and transmission characteristics.

Commissioner Garcia asked if it varies depending on different mounts. Mr. Mathur said there is a limit on capacity and this varies depending on the number of people using a cell phone at one time.

Chair Lane asked how is it determined which poles will be replaced. Mr. Mathur said pole replacement relates to a structural engineer determination. If the pole does not meet requirements, it is replaced to be made safe.

Chair Lane asked and confirmed poles are all leased by T-Mobile and Metro PCS.

Chair Lane referred to aesthetics and asked if there is a proposed set design for the projects. Mr. Mathur stated the design they are proposing is the one shown in San Francisco but smaller.

Chair Lane said multiple instances there have been concern voiced in the past when mobile carriers come to the Commission and install cell sites on commercial buildings such as a mono-tower. Mr. Mathur said these are the towers that provide bars to be able to connect to the network but they do not provide the ability to allow everyone to use their phones at the same time and this is why they are proposing the small facilities to help in off-loading the capacity from larger existing towers.

Commissioner Butt said it sounds like this is the first of a large wave of other carriers wanting to do the same thing, and Mr. Mathur said yes, they already have another company coming in with the same type of system but a different design.

Commissioner Butt said many communities have endeavored to underground utilities and asked how this would impact cell sites and asked if undergrounding of the technology can occur. Dr. Kramer said the radio equipment can be, but not the antenna. He added that some carriers have attached to light standards as opposed to utility poles, or carriers have put up their own poles where everything else has come down.

Mr. Mathur stated they accept conditions of approval which say that if the neighborhood would rather have their facilities underground versus overhead, they accept this as part of conditions of approval. To keep in mind are floods and water and this could affect service, and this is sometimes why they do not recommend putting the equipment underground.

Chair Lane opened the public comment period.

Public Comments:

CORDELL HINDLER, Richmond, spoke of outdated antennas and the need for replacement of poles.

Ms. Velasco concluded the study session and said staff set a special meeting for June 29<sup>th</sup> where a series of sites will be brought to the Commission for its consideration.

**NEW ITEM**

1. **PLN16-385: Making Waves Academy Expansion - PUBLIC HEARING** to consider a Conditional Use Permit and Design Review Permit to expand the Making Waves Academy campus, including approval of a Tentative Parcel Map to reconfigure the existing parcels, a street vacation, and adoption of a Mitigated Negative Declaration. The project would involve the renovation of existing classroom facilities; expansion into adjacent parcels which will be incorporated as part of the master plan; and construction of three new classroom buildings, two gymnasiums, outdoor recreational areas, associated parking, and infrastructure improvements at 4075, 4123, 4131, 4175, and 4301 Lakeside Drive, and 2900, 2925, and 2975 Technology Court (APNs: 405-371-034, 405-371-035, 405-371-010, 405-371-032, 405-371-033, 405-371-025, 405-371-013, and 405-371-014). IB, Industrial Business District; Making Waves Foundation, Inc., owner/applicant. Planner: Hector Lopez; Tentative Recommendation: Conditional Approval.

Hector Lopez gave the staff report, background and overview of the request for a Conditional Use Permit, design review and a Tentative Parcel Map that would allow expansion of the existing Making Waves campus. He noted an Initial Study and Mitigated Negative Declaration have been prepared and many impacts are temporary and related to the construction period of project development. The most significant impacts are transportation and traffic which require optimizing signal timing and reconfiguring street intersections. Staff recommends approval and said staff was available for questions.

Chair Lane called upon the applicant.

DOUG GIFFIN, Campus LLC, applicant, introduced Alton Nelson to speak on the school's request. Alton Nelson briefly described the school's successful operation in Richmond and asked for the Commission's support.

Mr. Giffin described the project location and adjacent uses, said the YMCA has submitted a letter of support, presented a PowerPoint presentation relating to the school's request for expansion, stated the change will allow for up to 2,050 students and he described added amenities for students and staff, new landscaping and sidewalk, new sound walls, and project construction in three phases. He briefly addressed how the school will address minimal traffic mitigations identified and he said their consultant team was available for questions.

Commissioner Garcia referred to the hazard section of the Initial Study and said one mitigation measure is for preparation of a soils management plan. She asked if this would involve boring of the site, specifically to Parcel L-4, given it is currently an existing auto shop.

Mr. Giffin said this auto shop is somewhat new and has not been a historic use. There were no concerns raised in Phase 1 and said the site was part of a closed Chevron tank farm site and if residual hydrocarbons are encountered, they will address how they will be removed.

Chair Lane opened the public comment period.

Public Comments:

CORDELL HINDLER, Richmond, said he consulted with neighborhood councils and believed that traffic would not be impacted from the expansion.

ROCIO DELGADO spoke of the school's growth and said expansion is needed for students and said Making Waves has done a lot for the community and families.

MARICELA NAVARRO said she is a board member representing all parents from Making Waves Academy and is a parent of a 9<sup>th</sup> grade student. She requested the Commission approve the expansion, which will benefit students in many ways which she described.

LEONARDO ESPERAZA said he will be a 6<sup>th</sup> grade student and is very excited for expansion of the school's sports program, gymnasium, playfields and a climbing wall. He asked for approval of the school's request.

MARCELA G. AVENDANO said she is a parent of a student of the school, is excited with the plans, and asked for approval of the expansion.

JACOB ADIARTO, lead field representative for the Carpenter's Union representing 34,000 men and women who live locally and should be working on the project. He asked that the Commission approve the request and said 92% of Americans born in 1940 earned more than their parents, but only half of today's workers can expect to do better than the generation before them and asked to allow creation of jobs for families, contractors and bring economic prosperity to the region.

Mr. Lopez summarized staff's recommendation.

Commissioner Butt said this looks like a great project and thinks it will be a win/win for everybody. He noted that part of this used to be a Chevron tank farm and he confirmed with Mr. Giffin that Phase 1 work has been done on the site and drilling has been done for Phase 2 even though it was not required, and that the applicant plans to install vapor mitigation underneath the buildings to ensure sites are safe.

Commissioner Huang asked if any outdoor facilities available for public use, and Mr. Giffin said the school is open to partnering with agencies. Alton Nelson stated they have received requests for various spaces and they will continue the same process in place.

The public hearing was closed.

Chair Lane asked to collaborate with local unions to provide local jobs, thanked Commissioner Huang for his question as she thinks this will be a fabulous space and opportunity for collaboration.

Commissioner Butt made a motion for approval and voiced appreciation for the work of the applicant and quality of the expansion which benefits the community.

**ACTION: It was M/S/C (Butt/Baer) to adopt Resolution 17-12 approving PLN16-385 based on staff's four findings and staff's conditions of approval; Conditional Use Permit and Design Review Permit to expand the Making Waves Academy campus, including approval of a Tentative Parcel Map to reconfigure the existing parcels, a street vacation, and adoption of a Mitigated Negative Declaration; which carried by the following vote: 5-0-2 (Ayes: Baer, Butt, Garcia, Huang and Lane; Noes: None; Absent: Langlois and Loy).**

**COMMISSION BUSINESS**

**3. Appoint Nominating Committee for Officer Elections**

Chair Lane asked for two nominations for the nominating committee to discuss and determine who is interested as Chair and Vice Chair. Commissioner Butt confirmed Chair Lane was termed out and he nominated Commissioner Baer to serve on the nominating committee. Commissioner Garcia nominated herself.

Ms. Velasco stated staff is prepared to hold elections at the meeting on June 29<sup>th</sup>. Commissioners Butt and Baer suggested delaying the elections, given vacation schedules. Mr. Atencio clarified that the vote for elections will be the first meeting in July and there will be time.

**4. Reports of Officers, Commissioners and Staff** – Commissioner Butt wished Commissioner Loy a happy birthday today.

**5. Adjournment** - The meeting was adjourned at 8:14 p.m. to the next regular meeting on June 29, 2017.