1. **Call to Order.** Chair Streeter called the meeting to order at 7:05 p.m.

2. **Approval of Agenda.** G. Rowe moved, seconded by C. Essex, to approve the agenda. Motion passed by the following vote: 
   
   **AYES:** Shandy, Rowe, Boschken, Essex, Rutherford, Streeter  
   **NOES:** None  
   **ABSENT:** Mikesell, Robertson

3. **Brief Announcements from Staff, Commissioners, and Liaisons.** None.

4. **Public Comment**
   
   Alan Hirsch: Trees planted incorrectly and not maintained throughout the city. This is a consistent problem in Davis. Suggest Planning Commission speak with City Council to have plans regarding trees enforced.

5. **Regular Items**

   **A. Continued Public Hearing: Zoning Ordinance Amendment—Wireless Communication Facilities**
   
   City Attorney Inder Khalsa: Staff report addresses issues at that came up at last commission meeting, discusses how other communities handled this matter, and responds to letter from Verizon. Revised Ordinance and policy contains minor changes, such as a corrected error in CEQA findings and added an additional caveat to the policy which clarifies that telecommunications providers can ask for an exception from design review if they can show the city that policies render the provision of wireless service infeasible.

   Chair Streeter opened the public hearing.

   Lauren Heron: Opposed to 5g. Consumers and taxpayers pay the costs of the health problems. More research needs to be done.

   Larry Rollins: Representing Smog Awareness Project. Suggest 500 buffer zone. Setback of 300 meters is advisable. Proposing what most other cities are already using.
Martha: Opposed to 5g. 2018 report by the Federal Government National Toxicology Program published a 19-year study which found evidence that radiation causes cancer and confirmed harmful health effects of wireless technology.

Alan Hirsch: Conspiracies on both sides of this issue. Conspiracy theories can be dangerous. Need county health officer to address City Council.

Karen McPherson, Verizon: Policy states smart meter should be shrouded but smart meters cannot be shrouded. 5g antennas cannot be shrouded either. It is not technically feasible. Concerns with Davis moving forward with items that are not feasible.

Katherine McBride: Ethical responsibility to inform public about health risks from 5g. Growing evidence of harmful effects to plant and animal life as well as humans.

Ellen Cohen: Opposed to 5g. The Chairman of the FCC is a Former Verizon attorney, and one of the newly elected commissioners previously worked at a law firm defending AT&T and Verizon from lawsuits. Safety testing needs to be done by an independent agency qualified to assess the biological effects of this radiation.

Meredith Herman: Commission has received sufficient evidence on health hazards, the environmental hazards, and the invasion of privacy. Consider the health, well-being, and constitutional right to privacy of Davis citizens.

Noah Davidson: Questioned how a carrier would have to prove that the regulations were infeasible. How exactly would a carrier go about doing that, and who would they have to prove them to? Encourages Davis to be more aggressive.

Karen Bloumquist: Opposed to 5g. Health concerns. It will bring down property values and the city will be liable.

Lena Pu: New developments impact this wireless ordinance. The DC court judges made a court mandate that states the FCC report order cannot state their planned deployment of 800,000 5g small cells can have no environmental effect. FCC order 18-30 has been repealed. The DC court called the order arbitrary, capricious, and unlawful for wanting to eliminate any environmental analysis of deploying the small cell antennas.

Susan Pelligan: Personal health impacts from 5g. Urge planning commission to move cautiously.

Chair Streeter closed the public hearing.

Commissioners requested clarification from City Attorney regarding the following: Federal regulation and interpretation referenced by Lena Pu; how other cities are regulating; and the federal communications order that may change next year.

I. Khalsa: Evolving area of law. Need to be able to comply with federal law in existence right now. The ordinance and policy was drafted to maximize the city’s regulatory authority over small cell and other types of wireless facilities. The reason for policy by
resolution is that resolution can be changed more easily than an Ordinance. If law changes, it can be responded to quickly. Every jurisdiction has to draw a line whether they want stricter distance requirements. Larger distance requirements will likely cause more regulations. NEPA compliance is not required because small cells will not be located on federal land, which would be the only scenario where it would apply.

Commissioner comments included: Capabilities to retrofit existing facilities are already in place; consider more clear definition section within the Ordinance; consider amendment pertaining to the fair market value user fee for the use of city property poles to generate revenue.

E. Shandy moved, seconded by H. Boschken, to recommend City Council adopt the following:

1. Ordinance regarding Wireless Communication Facilities and amending and restating Article 40.29 of the Davis Municipal Code in its entirety regarding the same.
2. Resolution adopting a citywide policy regarding permitting requirements and development standards for small wireless facilities.

with additional comment that the Planning Commission has significant concerns regarding the setback distance and fees they are allowed to charge, and encourage City Council to consider both issues closely. Motion passed by the following vote:

AYES: Shandy, Rowe, Boschken, Essex, Streeter
NOES: Rutherford
ABSENT: Robertson, Mikesell

B. Public Hearing: University Commons Project Draft Environmental Impact Review (DEIR) for Planning Application #18-17 and EIR #04-18

Planner Eric Lee: A DEIR has been prepared for the proposed project to change the land use and zoning of the existing University Mall property located at 737-885 Russell Boulevard to redevelop it as a new mixed-use development. The analysis of the project’s various environmental impacts focuses on the net change caused by the project compared to the existing conditions.

Nick Papani, EIR consultant: The notice of EIR was released November 16, 2018, including Appendix G of the CEQA Guidelines, which was used to identify which structures are considered historical. Project is consistent with the plan.

Greg Behrens, Fehr & Peers: Assisted with the preparation of the Transportation Impact Study that informed the EIR document. The study in its entirety is Appendix J of the draft EIR. Brief overview presentation included: Project Travel Characteristics, the Study Area, Bicycle and Pedestrian Facilities, Cumulative Analysis, Intersection Operations, Summary of Impacts, and next steps.

Chair Streeter opened the public hearing.

Alan Hirsch: Suggest Tree Commission review project. Not enough space for trees in parking lot. Request Planning Commission require trees to have structural soil or suspended pavement.
Bill Brown, Representative from Brixmor Property Group. Available to answer any questions.

Malcolm Mackenzie: Worried traffic models don’t take extra thousand people into account and area will become even more congested. Concerned with traffic within the parking lot.

Eileen Samitz: Opposed to project. Project is too large and inappropriate. Should be retail only project. City needs the sales tax that would come from more retail. Feels Davis is losing its identity- destroying quality of life.

Chair Streeter closed the public hearing.

Commissioner comments included: Structure not designed for work-force housing; Current deficit of work-force housing; Need to consider height of building; Concerns with traffic congestion; Concern regarding reasoning to remove as many trees as proposed; Need to encourage less cars on the road by making parking less convenient; Uncomfortable moving forward with another project that includes only one parking space per unit; Need more housing for UC Davis staff rather than just students; Eliminate apartment amenities such as the pool or gym to make rent for affordable.

6. Commission and Staff Updates
   a. Davis Downtown Liaison Update
      C. Essex: DPAC meeting December 10, 2019. Issues included: Transportation Management Associations, Affordable housing requirements and fees, Challenge of building costs including affordable housing downtown; Infrastructure and sustainability issues. Next DPAC meeting will be held on January 23, 2020. The public comment period will close on the January 14, 2020, and comments will be compiled from the public and shared with DPAC.

   b. Upcoming Meeting Dates/Long Range Calendar.
      H. Boschken will be absent on January 8 & March 25.
      E. Shandy will be absent March 25.

   c. January 8, 2020 meeting: Chair & Vice Chair Appointments.

7. Adjournment. Meeting adjourned at 10:49 pm