

COMMUNITY DEVELOPMENT DEPARTMENT

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**Planning Commission Minutes  
Community Chambers  
Wednesday, October 12, 2011, 7:00 p.m.**

Commissioners Present: Mark Braly, Ananya Choudhuri (Chairperson), Lucas Frerichs (Vice-Chair), Marilee Hanson, Paul Philley, Terry Whittier

Commissioners Absent: Rob Hofmann

Staff Present: Mike Webb, Principal Planner; Lynanne Mehlhaff, Planning Technician

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**1. Call to Order**

Chairperson Choudhuri called the meeting to order at 7:03 p.m.

**2. Approval of Agenda**

The agenda was approved by consensus.

**3. Staff and Commissioner Comments (No action).**

Commissioner Philley disclosed that he met with a group of three people before the meeting and last Friday regarding Item #6a and the group voiced their concerns with the Crown Castle application. He also gave a summary of the Planning Commission meeting of August 3, 2011 to Commissioner Hanson who was absent from that meeting.

**4. Public Communications**

There were no public communications.

**5. Consent Items**

**A. Planning Commission Minutes of January 26, 2011**

Vice-Chair Frerichs moved approval of the minutes and Commissioner Whittier seconded the motion.

**Action:**

AYES: Philley, Whittier, Braly, Frerichs, Choudhuri

NOES: none

Abstain: Hanson

The motion passed 5-0-1.

**6. Public Hearings**

**A. PA #52-10, Crown Castle City-wide DAS Network, Conditional Use Permit #10-10, Zoning Ordinance Amendment #01-10;  
(Mike Webb, Principal Planner)**

Public Hearing to consider recommending to City Council to approve a Conditional Use Permit for a proposed city-wide Distributed Antenna System (DAS) network for cellular antennas located at 25 sites throughout the city. As opposed to the placement of cellular/wireless service antennas on large monopoles or lattice tower structures in and around the city, the DAS network creates a grid of smaller scale antennas distributed more evenly throughout the city. DAS networks can typically provide service for up to six cellular companies with antennas collocated at each site. The advantages to such a network can include better distribution and consistency of cellular coverage and signal strength throughout the community, with smaller scale and less powerful, but more frequently occurring, equipment.

The necessary antennas would be located on existing street light poles, on joint utility poles (PG&E) or on stand-alone poles within the city right-of-way. The antennas would generally be placed at a height of 35 to 40 feet depending upon topography. Specific designs and heights vary by location. The project also includes a Zoning Ordinance Amendment for updates to the city's Telecommunication Ordinance (Article 40.29).

Additionally, three demonstration poles with mock antennas have been installed as part of the City's review of the proposed project. The demonstration poles are located at the following sites:

- West Davis - south side of Burr St. approximately 136 feet west of Arthur St. near 812 Burr Street
- South Davis - west side of mace Blvd. South of Redbud Dr. near 4608 Redbud Drive
- East Davis – south side of 8<sup>th</sup> Street within the median just east of J Street

Mike Webb, Principal Planner, explained that a revised submittal to the project was dropped off this afternoon from Crown Castle and therefore staff, Commissioners and the public have not seen the new proposed revisions by Crown Castle.

Commissioners decided to proceed with opening the public hearing and having Crown Castle representatives present their new revisions of the project and allow public testimony.

Chairperson Choudhuri opened the public hearing.

Michael Shonafelt, Crown Castle attorney, explained the two new proposals which were slimmer in profile. He said the whip antennae, exhibit B was the slimmest but only supported one carrier. The thicker antenna shown as exhibit C can support other carriers such as Verizon for a total of two carriers maximum. They recommended the thicker antennae because it will hold two carriers.

Steven Garcia, Crown Castle representative, explained the locations of the PG&E/electric meter boxes and where the equipment was located on or around the poles.

Commissioner Whittier recused himself from any statements regarding site #16 since his home was within 500 feet from that specific pole.

Susan Monheit, resident, represented the "NO to DAS Group" and recommended denial to the City Council. It is in the short term and long term interest of the City and residents to preserve the 500 foot setback which exists in the current zoning ordinance. She also provided materials to document that the citizens of Davis object to these communication nodes in our neighborhoods and near our homes. She has over 500 signatures of citizens against the project and has turned in those petitions. She was against the antennae node being 20 feet from her daughter's window and the intrusion to her property.

Charnel James, member of the Davis Telcommunications Commission, strongly urged approval of the project as a citizen. She worked for the wireless industry and understood the technology. She said data traffic has increased by 11% in the last 6 months and therefore there is a need for more spectrum. She said they wanted to control where the equipment goes and felt the DAS System was the way to go. A DAS Network is a selling point for businesses and tech development. She said the 500 foot setback was unfounded and unnecessary since continual tests show that there are no effects to be concerned about.

Louise Walker, resident, strongly disagreed with the two antenna pieces that were presented at the August public hearing and also for future use. She said our city should join other cities to oppose these applications in order to keep the costs of lawsuits down. The FCC and CPUC are out of touch with the needs of communities to create zoning standards that benefit people in their communities. The equipment on the poles proposed will create a visual blight and will lower the values of those homes in neighborhoods. She said she would not buy a home with this equipment in the front yard. Where and when will this end, especially when you open the door to this, more applications will come in. She urged the Commission to protect the existing zoning ordinance and urged denial of the application.

Steve Hayes, resident, said we have to react to this and the process has been flawed to date since it started in November of 2009. He wanted the 500 setback preserved to not allow visual blight. He said just because the providers can generate demand for a product doesn't obligate the City to fully meet that demand. A lot of that demand is discretionary and he supported cell phones but also supported reducing our electronic footprint for what is important.

Karen Andrews, resident, said there are other aesthetics in addition to just vertical height of a pole or antennas. She was concerned with lower home values with not only a pole in front of her house but also street signs, a bus stop and a speed table in front of her house. The value of her home has greatly diminished. She said the equipment generates 11 decibels of noise; that may not be audible to some but it will be to her. She has a buzzing green comcast box right outside her bedroom window and is woken up at night by it. She urged the Council to support the 500 foot setback. She encouraged optical fiber be put underground; antenna systems are not absolutely necessary.

Eric Zilbert, resident, asked to have the 500 foot setback maintained in the existing ordinance. He had not heard of this company giving anything back to the community in exchange for using the City's structures. He said commercial businesses shouldn't come in to our community and undo the ordinance with no good reason.

Samantha McCarthy was opposed to the project. She said her neighbor has a pool pump and it wakes her up at night if her window is open. We need to pay attention to setbacks. She pointed out that federal agencies require insurance and indemnity bonds etc. and she had not seen what Crown Castle will be required to have by use of the City of Davis right-of-ways.

Peggy Hayes said her biggest concern was how the whole process started in a deceitful way. She was concerned with the environmental impacts for children and grandchildren who have to live under all these antennas.

Lisel Swinehart, resident, encouraged Crown Castle to do their business by following the Ordinance of a 500 foot setback.

Linda Kowalzykowski strongly opposed site #4 and said it ruined their view. It was unnecessary to have an additional streetlight when adequate lighting already existed in the area. It would be a waste of energy and there is an ordinance against unnecessary lighting. She said to have to look out the window at antennas was obnoxious. She asked the Commission to deny site #4.

Margerita, west Davis resident, recommended denial of the Crown Castle proposal and opposed site #4. It is too close to private homes and the City doesn't need new street lights. The main beneficiary is Crown Castle for site #4 and not the neighborhood. Please protect the environmental and urban aesthetic identity in Davis.

Jill Theg, resident, said this was a story playing out all over the country. She said the new Crown Castle proposal was only changing the looks of the antennas but not changing the sites. It

is very clear to the FCC that you can't discriminate to carriers. If we say yes to this project, then we will have to say yes to the next proposal. The project will create negative impacts to our residential areas. She urged the Commission to protect our property values and aesthetics of our neighborhoods and say no to this project. Also, if the industry gets smaller antennas then more antennas could be placed in the right-of-ways if we abandon our ordinance.

Lilly Parks, resident, said it was a terrible idea to abandon our existing ordinance. Please say no to this proposal and protect our housing values.

Kim, resident, said we should make Crown Castle prove two things. Crown Castle should prove that there is a real need for this type of coverage. Metro PCS advertises that they have great coverage in Davis already. They should prove that they have a need to begin with and not just what they "want". Crown Castle has plenty of choices without having to amend our ordinance; they put in these DAS systems for airports and casinos but we shouldn't have this in our residential areas. This project should be denied.

Mark Graham said he had Metro PCS and the coverage was fine all over Davis. He said make Crown Castle prove that they need the coverage. He urged that public policy be made that is good for the public and not on fear of a lawsuit. What is the public benefit from gutting our existing ordinance; the benefit would be for only the corporation. Please consider that.

Francis Resta, resident and retired industrial Engineer, said don't scrap Davis's Ordinance, if you allow the Crown Castle project, it will cause visual blight with not only the pole antennas but with the green boxes at the bottom. It would also allow other industrial contraptions in these areas which will reduce property values over time. Keep our existing ordinances in tact.

David Jaffe, resident, took a survey in Wildhorse on cell phone poles in front yards and 45 families were opposed. If Crown Castle is forcing us by lawsuit, is that who we want to do business with?

Javiar Chavez, resident, said if only one person supports this project and 40 people are against it, then that tells the story of where this issue stands. He added that the revisions looked aesthetically better than the previous submittals.

Ann Marie Longadisha, resident, opposed the project due to noise, aesthetics, and a decrease in property values. A cell phone tower on top of a pole would be obtrusive from looking at the pictures shown by the applicant. She was here to protect her home and others from this intrusion. It was up to the City to protect the citizens.

Holly Asanow, resident near site site #24, said this looks like corporate profits versus people. They are threatening a lawsuit to get their profits. They aren't going to pay us for the devaluation to our properties.

Michael Shonafelt, Crown Castle attorney, said it would benefit the community to look at the new proposal. He requested that the recommendation to approve the JPA sites go forward and that alternative #1 in the staff report as to the JPA sites be adopted and recommend approval to the City Council. The new pole sites and designs could be continued and staff and the community would have more time to review the revisions and hopefully that would address some concerns.

Steven Garcia of Crown Castle suggested they modify the three current mock-up sites and show the different design options of exhibit B and C and leave one site with the current mock-up so people can compare/contrast the three different options. He said he could place samples of the PG&E meter boxes there for people to see also.

Carolyn Davolder, Radio Frequency Engineer for Crown Castle, explained why the antennas were 3-4 feet tall.

Chairperson Choudhuri closed the public hearing.

Mike Webb, Principal Planner, suggested that the applicant be given the opportunity to amend their application and re-notice the project as a new public hearing. A date for a new public hearing would be announced in the future once staff knows that the new mock poles are installed.

Commissioner comments (and not necessarily with consensus):

- A Commissioner requested that the distance between the proposed poles and the residences be shown on a map.
- Was concerned with undermining the policy of co-location with these designs of one to two carriers only on these poles.
- Commissioners would like staff to come back with all the revisions to the Telecommunications Ordinance and explanations of the changes or additions.
- Would like to know what the "level of significant gap in coverage" is in the next staff report.

Commissioners Hanson and Choudhuri said they met at different times with a group of citizens prior to the meeting tonight regarding aesthetic concerns with the Crown Castle proposal.

Staff stated that the earliest meeting that this project could be heard would be November 9<sup>th</sup> and if necessary a special meeting could be arranged.

Commissioner Whittier moved that this application be continued to a future meeting and re-noticed to the public. Vice-Chair Frerichs seconded the motion.

AYES: Philley, Whittier, Braly, Frerichs, Hanson, Choudhuri  
The motion passed unanimously 6 to 0.

**7. Business Items**

There were no business items.

**8. Informational Items**

**A. Planning Commission Schedule**

**9. Staff and Commissioner Comments (continued).**

Chairperson Choudhuri asked to have the Planning Commission workplan scheduled for the October 26, 2011 meeting for discussion. She said that issue areas that were discussed with staff before could be one of the topics.

Commissioner Hanson requested that a set of recent minutes or a set of minutes from the previous meeting would be a preference rather than getting older minutes to review.

**10. Public Communications (continued).**

There were no public communications.

**11. Adjournment to the next Planning Commission meeting to be held on Wednesday, October 26, 2011 in the Community Chambers (23 Russell Boulevard) and 7:00 p.m.**

The meeting was adjourned at approximately 9:12 p.m.