



**Planning Commission Minutes  
Community Chambers  
Wednesday, February 8, 2012, 7:00 p.m.**

Commissioners Present: Mark Braly, Lucas Frerichs (Chairperson), Ananya Choudhuri, Marilee Hanson, Rob Hofmann (Vice-Chair); Paul Philley, Herman Boschken (alternate)

Commissioners Absent: Terry Whittier

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

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**1. Call to Order**

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

**2. Approval of Agenda**

Commissioner Philley moved approval and Commissioner Choudhuri seconded the motion. The agenda was approved by consensus.

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

Commissioner Braly asked staff if there was any discussion with Whole Foods about the adequacy of the parking in the Davis Commons shopping area on First Street. Mike Webb, Principal Planner, said Whole Foods did contact staff early on regarding available parking in Davis Commons and was aware of the parking situation. Commissioner Braly said he wasn't a fan of excess parking but was concerned the parking there would be very tight.

Mike Webb gave an update on the Cannery Park proposal and process for entitlements that was presented at City Council last night.

**4. Public Communications**

There were no public communications.

## **5. Consent Items**

### **A. Planning Commission Minutes of January 25, 2012**

**Action:** Commissioner Braly corrected the sentence on page 8, second paragraph to state “Commissioner Braly pointed out that the Telecommunications Commission supported DAS, and suggested that there is a different constituency out there that we have not heard from.” Chair Frerichs pointed out that the end time of the meeting was 12:00 am midnight. Commissioner Braly moved approval of the January 25, 2012 minutes and Commissioner Philley seconded the motion.

**AYES:** Boschken, Philley, Braly, Hofmann, Choudhuri, Hanson, Frerichs  
The motion passed unanimously 7 to 0.

## **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 a Conditional Use Permit for a proposed city-wide Distributed Antenna System (DAS) network for cellular antennas located at 25 sites throughout the city. The 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. Several alternative designs have been proposed for consideration. Specific designs and heights vary by location. Accessory equipment would be located on the poles or adjacent to the facility. The project also includes a Zoning Ordinance Amendment for updates to the city’s Telecommunication Ordinance (Article 40.29). Additionally, three demonstration poles with alternative designs 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 – Site #05: Burr Street west of Arthur Street (Omni Whip Antenna Alternative)
- South Davis – Site #22: Mace Blvd. south of Redbud Drive (Tri-Sector Pipe Alternative)
- East Davis – Site #24: 8<sup>th</sup> Street east of J Street (Original Radome Alternative)

Project information, photosimulations and details for each site are available on the City’s website at : <http://cityofdavis.org/cmo/newpath.cfm>

This hearing is a continuation of three prior hearings held on this matter on August 3, 2011, October 12, 2011 and January 25, 2012. At the last Public Hearing of January 25, 2012, the Planning Commission voted 4 to

3 to recommend to the City Council to deny the application and directed staff to return with Findings of denial.

Mike Webb, Principal Planner, presented the staff report.

Chairperson Frerichs opened the public hearing.

Louise Walker, south Davis resident, said there is no need to rush in changing the ordinance since the recommendation is for denial. She urged Commissioners that if the Telecommunications Ordinance is to be revised then there should be a process initiated by the City Council so that there is careful consideration done by the Council and community representatives.

Steve Hayes, resident, said it was unfair that people aren't allowed to object due to health effects from EMF because of rules from the government. Under all conditions, the 500 foot setback should be preserved.

Jay Feldman, resident, was opposed to the project particularly due to the design in a residential neighborhood. This is nothing more than urban blight.

Steve Kowalczykowski, resident, said he agreed we shouldn't change the Telecommunications Ordinance. The proposed changes could lead to a proliferation of antennas throughout the community.

Diane Kramer, resident, thanked the Commission for doing the right thing.

Margherita Heyer-Caput, resident, was against Site #4 and thanked the Planning Commission for denying the application.

Linda Kowalczykowski, resident, said people aren't against better cell phone coverage but against the facilities in residential neighborhoods. She was against the proposed design due to the visual impacts. She supported the undergrounding of facilities and was against additional light poles. It would be wise to proceed very carefully in amending the Telecommunications Ordinance.

Anne Marie Lagisweishe, resident, asked that we keep the protection of the ordinance and keep these facilities out of residential areas.

Chairperson Frerichs closed the public hearing.

Commissioner Boschken said there was ambiguity in the term "Significant Gap in Coverage". There may or may not be a cumulative gap if you add up all the competitors and their infrastructure; is there a gap or not. There may be a gap for one individual carrier such as Metro PCS as an individual firm. That would be a gap for an individual firm in the market as affecting

their competitiveness which is different than a cumulative gap. The third gap would be if Davis residents are using cell phones and which particular product they use, do they experience a gap. Is there a gap at all and where does it lie? The Council should recognize that there are three different and conflicting meanings to interpret for the word gap. Potentially there is no evidence of a gap in any of the three interpretations of the word.

**Action:** Vice-Chair Hofmann moved approval of the findings of denial with the suggested edits. Commissioner Choudhuri seconded the motion. Commissioner Boschken made a friendly amendment to include his comments (above) on the term “gap” as mentioned earlier. Vice-Chair Hofmann and Commissioner Choudhuri agreed.

Chairperson Frerichs asked if there could be some specific language changes to #6 regarding the “significant gap in coverage”. Vice-Chairperson Hofmann said he has not heard from anyone in the community that there is a gap in coverage. Commissioner Boschken said the proposal was confusing because they stated they could go with one carrier (Metro PCS) or multiple carriers; so which is it. Commissioner Philley pointed out that the last finding #6 on page 5 covered this issue.

After some discussion, Commissioner Boschken agreed with the notion that “GAP” means “sufficient coverage” so his comments on gap can just be noted as comments for the City Council. Commissioners agreed.

Mike Webb restated the motion as approving the findings of denial as proposed with the striking of the last sentence on page 7, 3<sup>rd</sup> paragraph which began with “Furthermore, site #8...” Also, make other amendments to the findings document such as sites and facilities should be the plural throughout the document. Commissioners agreed.

AYES: Boschken, Hofmann, Choudhuri, Hanson, Frerichs

NOES: Philley

Abstained: Braly

The motion passed 5-1-1.

#### Commissioner Comments regarding the Telecommunications Ordinance:

- All the carriers should be involved when the ordinance is amended.
- Assume the City Council would follow a public process in updating or revising the ordinance. Public comments from people such as Terry and Mike Leonard have important concerns with uses in residential areas and the proximity to commercial areas.
- Aesthetics should definitely be taken into account in any proposed ordinance. Would like the City Attorney’s opinion on whether we need to revise the ordinance if we don’t have anyone proposing anything that is inconsistent with the ordinance now.
- Should be careful about using the parks and greenbelts as alternatives; we should protect those visually.
- In terms of changing technologies, we need to continue to evaluate our ordinances and update them but concerned at this time with changing the ordinance with this current

proposal. We need to step back and evaluate the ordinance as a separate action and not at the same time with a new proposal.

- What is missing in the discussion of this proposal is the understanding of what Davis' needs are as we go forward with economic development and attract high tech firms for broadband. The applicant didn't demonstrate a gap in coverage which is true. But there may be needs that the City has and the needs has not been entered in to the discussion.
- Has the City ever done a plan for the City in Broadband?

Staff Webb said the Telecom Commission hasn't taken a comprehensive evaluation of what the community needs are at this point.

- In order to consider these proposals now and in the future, the City Council should do a needs analysis now.
- Just recently came back from a Smart growth conference that showed that the cities that were investing in their infrastructure and making great places to live were the ones that were successful. Oklahoma City passed a sales tax to do Public Works and other infrastructure projects. Infrastructure includes telecom infrastructure. If Davis is going to be a tech center, we need to support that with good telecommunications policy. The infrastructure needs to be done in a careful way. Success of a community is aesthetics. Recommended to the Council to start a process and it be inclusive of everyone in the community so that we can attract the technology firms and assets to make Davis a 21<sup>st</sup> Century city.
- We have a Telecommunications Ordinance and we do need it updated. But on this project, the individual applicant is asking approval by changing the ordinance. We need to step back and not skew the Ordinance just to make it work for one applicant; we could open ourselves up to problems.
- It is time for the City Council to look at revising the Telecommunications Ordinance but with a real open process for all of Davis.

The Commissioners were in consensus with all the comments and agreed to have them all passed on to the City Council.

## **7. Business Items**

### **A. PA#12-06, Yoga Studio Zoning Verification for 1015 Olive Drive; Zoning Verificaiton #01-12; (Eric Lee, Assistant Planner)**

Mike Webb, Principal Planner, presented the staff report.

Chair Frerichs asked for any public comment.

Noni Storm, owner of the Design House and property, answered questions from Commissioners.

Vice-Chair Hofmann was concerned with traffic at the corner of that property and with circulation issues. He was concerned with young people going to the Yoga Studio and not

knowing how to deal with the traffic. He supported the use but said we need to be careful because we won't have a chance to deal with this situation again since it would be a permitted use. Commissioner Choudhuri agreed that there are circulation concerns.

Commissioner Boschken expressed his concern with the Gateway Olive Drive Specific Plan which needs revising. This use seems in line with the Gateway Olive Drive Specific Plan. He understood the safety concerns but the circulation issues are really with the larger Gateway Olive Drive Specific Plan.

Commissioner Philley agreed with staff that this use was more like a permitted use.

**Action:** Commissioner Philley moved staff recommendation that the proposed yoga studio use is consistent with the permitted uses for the Commercial Service District of the Gateway Olive Drive Specific Plan. Commissioner Braly seconded the motion. Commissioner Hanson said she thought this use would be good because the Yoga Studio wouldn't conflict with In and Out Burger. It is hard to argue that this use would cause more traffic than any of the other permitted uses.

Commissioner Braly said it would be burdening a small business in this situation to make them go through a Conditional Use Permit process.

Commissioner Philley added a friendly amendment to add that the use is approved for up to 1,800 sq.ft. Commissioner Braly agreed as seconder of the motion.

AYES: Boschken, Hofmann, Choudhuri, Hanson, Frerichs, Philley, Braly  
The motion carried unanimously 7 to 0.

**8. Informational Items**

**A. Planning Commission Schedule**

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

Chairperson Frerichs reminded Commissioners to have all Subcommittees meet before the February 22<sup>nd</sup> Planning Commission meeting so that updates can be given and discussed. There will be updates and discussion regarding the Workplan at that meeting as well. Commissioner Choudhuri asked staff to have information on a budget and what resources such as student interns would be available at the meeting on February 22<sup>nd</sup>.

Vice-Chair Hofmann said he wouldn't be at the Feb. 22<sup>nd</sup> meeting and suggested that updates could be presented but discussions could occur at a future meeting.

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

There were no public communications.

**11. Adjournment to the next Planning Commission meeting to be held on Wednesday, February 22, 2012 in the Community Chambers (23 Russell Boulevard) and 7:00 p.m.**

Commissioner Braly moved to adjourn the meeting and Commissioner Philley seconded the motion. The meeting was adjourned at approximately 9:00 p.m.