



# MILLBRAE PLANNING COMMISSION MINUTES

December 3, 2018

Millbrae Council Chambers – 621 Magnolia Ave., Millbrae, CA 94030

REGULAR MEETING: 7:00 p.m.

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL:** Present: Chair Davis, Vice-Chair Fung and Commissioners Quigg, and Joh. Commissioner Wong excused.

3. **AGENDA REVIEW:** No changes

4. **MINUTES:**

11/19/18 Draft Minutes: Commissioner Joh motioned to approve the draft minutes with two corrections, seconded by Quigg. Approved 4-0.

5. **PUBLIC COMMUNICATION:** None.

6. **OLD BUSINESS:** None.

7. **PUBLIC HEARINGS:**

- a. **110 WILLOW AVENUE:** DESIGN REVIEW to allow the construction of a two-story rear horizontal addition and SETBACK EXCEPTION REQUEST to allow less than the required second floor setback, of a single-family residence in the Duplex (R-2) Zoning District (Public Hearing) (Continued from 9/17/18 Planning Commission meeting)

Senior Planner Fielding presented the project and staff recommendation.

**Applicant Presentation:** Applicant presented the project to the public and Planning Commission.

**Commission Questions, Comments and Discussion:** Commissioners appreciated the applicant working with the neighbors to redesign the project to address view and privacy concerns and believe it is a better project. Commissioner Joh agreed that project is well designed and noted that the property owners at the rear of the subject property are located 40-60 feet away from the horizontal addition and therefor shadow impacts will be less than significant.

**Public Comment:** None.

*Commissioner Quigg motioned to approve and seconded by Fung. Approved 4-0. Chair Davis advised applicant of the 10 day appeal period.*

- b. **797 SANTA MARGARITA:** DISCRETIONARY USE PERMIT to allow a wireless telecommunications facility and related equipment for commercial purposes on private property within the public right of way in the Open Space (O) Zoning District. (Reconsideration of denial from April 2, 2018 Planning Commission Hearing) (Public Hearing)

Senior Planner Fielding presented the project and staff recommendation.

**Applicant Presentation:** Applicant presented the project to the public and Planning Commission.

**Commission Questions, Comments and Discussion:** Commissioner Joh asked about emissions safety at the site and asked why the RF report states 5% while the Federal Communication Commission (FCC) compliance form states a lower number? Applicant engineer stated that the RF Report overestimates the RF emissions, takes the most conservative number and does not account for antennae radiation patterns which are highly directional and cylindrical which reduces RF

emissions by a factor of 10. Commissioners asked question about the capacity need and how determined. Applicant explained that an hour by hour analysis of peak data usage in residential areas indicated a need to increase capacity to address needs. Commissioner Davis asked what is the importance of cell frequencies and differences between macro tower and small cell sites. Applicant explained that higher frequency carry more data but only at shorter distances, while lower frequencies send signal further distances but carry less data. Small cell sites address the need to carry more data for shorter distances. Lower frequencies reach out further but carry less data. Higher frequencies don't go very far. Lower frequencies are overloaded due to high data demand. Small cells are good for getting more data capacity out to residential areas. Commissioners asked about the four design options and the differences in equipment dimensions for each option and requested an overview on the dimensions. Applicant explained the support equipment and antennae dimensions for all four options. Commissioners asked if the plans submitted showed all four design options. Applicant stated no, that the plans only show the original design option, but the dimensions vary slightly for each design option. Applicant stated that they wanted to receive feedback from Commissioners on which option was preferred and come back with the plans for the preferred option. Commissioner Fung asked how close the location would be to the homes located at the north and south east corners. Applicant stated about 100 feet and there would be no noise because the installation uses a battery pack with no moving parts.

**Public Comment:**

Karen Calonico: Opposed to small cell sites because need updated guidelines on placement, construction and maintenance of small cell sites and an overall master plans and cumulative effects of multiple exposure levels for each proposed site. Urges Planning Commission and City Council to develop updated small cell site ordinance. Please vote no until an ordinance is in place.

Milly Coogan: Has a couple of questions. With a directional antennae is there a potential for the poles to start leaning and with radiation projection. The higher that it is mounted would this reduce the need for additional cell sites? Can you confirm this?

Samar Nouredine: Was not expecting to speak on this topic. Small cell transmitters will lower property values and concerned about wireless radiation into homes and last month a study was released showing increase in cancer. Real estate articles stated 94% of home buyers will not purchase a home near small cell sites because. Solution is fiber optics to the home, no need to add small cell antennae's. Will forward studies to Commissioners when get home. These small cell sites are not beautiful. Industry is not keeping promises when it comes to aesthetics. By law, once you allow a small cell site into the City also have to allow all small sites. Hillsborough adopted a motion to deny 16 small cell sites. Do not need any more small cell towers. We have over 500 cell towers in the area.

Hind Bou-Salman: Live at 569 Hemlock. These cell towers will be a nuisance to families that live around them, will have to put up with constant humming sound. Industry says these are low sound emitters but studies indicate that sound will be increasing. Should not be in residential areas and near school children. Keep residence safe and follow other cities are trying to control this industry.

Clifforn Shaw: Could set a bad precedent for the City of Millbrae, having other wireless carriers come in and put in other areas in the City. Concerned with the support equipment which sits low on the pole. Live across the street and near the Montessori School concerned about children crossing the street. Concerned about fire hazard due to the dense vegetation around the pole and is dry and would go off in hurry if potential for fire. It would be unsightly, especially with the bayonet support and the 10 ft. antennae on top. Windy area, could fall over in wind. Applicant did not state how many feet away from nearest property. Neighbor forwarded a copy of his denial to me for the site that lives at 791 Santa Margarita.

Arran Pena: Live on the area, did not get notified on this, not within 300 feet. Have Verizon phone, make phone calls in the area and do not have any problems making calls. Looks like most of the coverage problems in the areas are near parks and golf courses. Putting a lot of equipment and wires on the poles recently and now putting more equipment, not pleasing aesthetically, should not be near schools and hope you will vote no.

**Applicant Response:**

Dr. Bushberg: If the pole were to lean it would affect the pattern of the antennae. Let's say the pole would fell down, there would be no RF emissions. If starts leaning would change RF pattern but in general would not affect the RF emissions.

Wayne Johnson: A small cell antennae mount is located over 50 feet. The higher you get the antennae the better it will serve and area, more efficient for cell coverage. If put antennae lower, the quality of service would be less. It is less expensive but it is more effective to go higher on the pole. Commissioner Joh: Is RF emission safer the higher you go on the pole? Asking if it is going to be safer. I can tell you the emissions will be lower, but does not mean it will be safer, the exposure is equally safe because the RF levels are so low. Regarding pole leaning, when work is done on the poles they have to conform to PG&E safety and maintenance standards. If there are poles leaning they require maintenance. Regarding noise, the RRU uses 7 amps and this is less than a hair dryer and very low electrical component. Regarding fire danger, if there is, is from electrical wires there, not small cell equipment.

Applicant lawyer: from the federal law standpoint property values and health impacts are not considered as part of findings for denial. Reviewed required findings of approval and special conditions. There is a state law that effects decision, Verizon can put telephone equipment on telephone poles, do not need to examine alternatives for this communication. Third finding is that there are no significant visual impact from the facility. Radio is down from three to one. Blends into the poles, no ceiling fans, passive radio, transfer kill switch and 7 x 7 support equipment box. Have submitted substantial evidence to make five findings for approval and believe the applicant meets the conditions for approval.

**Commission Questions and Discussion:**

Commissioner Fung asked whether City Attorney can confirm applicant attorney review of the findings required for approval and state and federal law constraints. City Attorney confirmed that the applicant's attorney's review of state and federal laws, case law and findings for approval are correct. There are also rules regarding colocation requirements based on allowed equipment on poles and safety and maintenance requirements. Commissioner Davis asked if staff is working on a new ordinance what is the implication for small cell applications that are currently under review.

City Attorney stated that under both state and federal law we have specific time frames by which staff must complete review of applications, application could be denied tonight or could be appealed. Commissioner Davis: in theory, let's say that within 6 months have a new ordinance, what would happen to application in progress? City Attorney stated this would depend on what the ordinance states. Also, noted that Commission cannot deny anything based on radio frequency, so cannot deny based on lower property values due to health concerns regarding radio frequencies. Commission Joh: Is there a precedent regarding approving future sites? City Attorney: Commission has a right to review small cell site locations based on aesthetics and site location. Each site is specific and is reviewed independently, each application is subject to review and approval on a case-by-case basis. Misner: Also add that as future designs evolve new designs could be required, for example undergrounding and street light pole designs could be considered. Commission Joh: question for applicant regarding new technology options what is the status on this. Applicant stated that Verizon provides wireless services on an LTE network, really there is no other technology to provide this type of service.

Commissioners asked why applicant is requesting approval for only one site. Applicant: The reason we want approval for one site is because it is costly to design plans for many sites, would like to design one that the Commission likes than and have a better idea for future designs. Why is fiber-optic not a solution? Fiber is a good option for Wi-Fi to set up in homes. Wi-Fi works for more affluent neighborhoods, have greater usage of Verizon for lower income people as it is not as expensive as fiber-optic. Fiber-optic will not give you 4G in your home. Applicant Attorney: Verizon sells a product that you can plug into your Wi-Fi for 4G but it is not secure and drops out when you leave the house. Verizon is a mobile data service company that allows you to be in and outside of your house and have continuous connectivity. Legally, state case law ruling determined that a community can't say you have to put in your network this way versus another way.

**Comments:**

Commissioners asked for the following materials for the proposed small cell site: close-up photos of the visual simulations from multiple viewpoints; revised plans with the correct equipment dimensions for Design Option D; and updated statement regarding equipment noise at the site. Commissioner Fung asked if Verizon can provide information on community support for the project. Applicant stated they could do a Verizon customer support polling for the proposed site but this will take time. Interim Community Development Director stated that staff will also evaluate more stream line designs for small cell sites as technology develops. Commissioners agreed with staff recommendation for preferred option D and confirmed this to the applicant.

*Commissioner Quigg motioned to continue the project to January 7, 2019 to allow the applicant to provide the requested materials, seconded by Joh. Approved 4-0.*

**8. STAFF UPDATES:**

**9. NEW BUSINESS:**

- a. **MILLBRAE SERRA STATION (200 EL CAMINO REAL):** Study Session #2 to receive information on the design review permit application for the Millbrae Serra Station Project in advance of the future public hearing where the design review permit and master sign program will be considered for approval (**INFORMATION ONLY**)

Interim Community Development Director, Brad Misner, presented the staff report.

**Applicant Presentation:** Applicant presented the project to the public and Planning Commission.

**Commission Questions:** Commissioners like the design and requested clarification on open space areas, the public galleria and public pedestrian circulation.

**Public Comment:**

Laura Canon: Provided comment as a homeowner on Hemlock Avenue and stated that the project does not sensitively address her context of her community.

Christina Ducote: There were 20 neighbors on Hemlock opposed to the project and believes the applicant needs to comply with 45 degree angle and Codes. Objected to balconies on the lower floor facing north towards Hemlock Avenue. Agreed that progress has been made on adding retaining wall and vegetation on north side of California Street. Would like the applicant to repave Hemlock Avenue and beatification of corner open space near Hillcrest.

Nathan Chan: Lives at 151 El Camino Real. Likes the pedestrian and bicycle circulation improvements. Would like the bicycle lane extension on California Drive to be a protected bicycle lane like the rest of California. Often rideshares park in the bicycle lanes. Would like to see mid-block crosswalk crossing El Camino Real at Linden Avenue.

Ducote: Reviewed findings required for approval of the design and believes does not meet the finding that the project must be in keeping with the character of the neighborhood. Building height of residential off of California Drive is not in keeping with residential homes along Hemlock Avenue. Wants to see 45 degree plane of building and believes this a requirement. Likes the 15 foot retaining wall along the north side of California Street and believes this will address noise abatement and privacy for his property. Suggest adding mature trees on the north side of California Street to help with privacy also.

**Applicant Response:**

The 45 degree plane agreement at the 6<sup>th</sup> floor setback is done and in the development agreement and there will be no more changes to this. As a result of recent community meeting with residents of Hemlock Avenue agreed to address privacy concerns by removing balconies facing onto Hemlock and only have windows. Balconies will remain facing the Bay

and the courtyard. Also, will add ivy on the retaining wall and agrees to adding trees along north side of California Street facing Hemlock properties. Also, will add Pergola over Ducote's deck. In addition, has agreed to work with neighbors exploring adding a parklet at the corner near the underpass near Hillcrest and Hemlock but does not know who owns the property. Regarding, repaving Hemlock Avenue, this is a City street and the City needs to repave the street, will not be paying to repave Hemlock Avenue.

**Commission Questions, Comments and Discussion:**

Commissioners discussed the public spaces, pedestrian experience and connections, public art, landscape design, lighting, signage and relationship to Hemlock neighborhood.

Commissioner Davis stated the renderings of the proposed project look great. Would like to see the renderings in the daytime, not just evening. Also would like to see the actual location of the proposed signage on the project buildings. Commissioner Quigg asked for clarification on which balconies were removed from the design. Commissioners asked what amenities and facilities would be provided for residents who have dogs. *Retail Use:* Commissioner Fung asked about how much square footage on ground floor would be dedicated to commercial retail uses. Applicant stated there is retail on the first floor of the C-1 Building and there will be 8 live-work units on the first floor of the R-2 Building. *Open Space:* Commissioner Joh commented that the open spaces feel a little boring with lots of metal and glass. Suggest activating the open space areas with artwork, benches and active retail frontage access and add more warmth and color. Applicant pointed out the water fall feature. Commissioner Fung suggested adding more benches and open entrances to storefronts from the open space areas. The way designed now, the landscaping closes off access to the retail frontage. Suggest adding more warmth and vibrancy and add more wooden bench features near the R-1 and R-2 Buildings. Also, add art sculptures location within open space areas. *Signage:* Commissioner Quigg stated that she likes the signage with the open letters as this is a cleaner design. Commissioner Joh likes red lighting and wayfinding signs

Applicant agreed to return to Planning Commission with additional materials indicating the style and location of the signage on all the buildings, wayfinding signage locations, building renderings during daylight hours, art sculpture locations within the open space areas; provide more warmth and colors in open space areas (less glass and metal), wooden benches and improved access to ground floor retail from open space areas.

- b. **PLANNING COMMISSION WORK PLAN:** Review and recommend that the Millbrae City Council approve the Planning Commission Work Plan for Fiscal Year (FY) 2018-2019. **(ACTION)**

Deputy Director of Community Development, Tom Madalena confirmed that the item could be continued to the next Planning Commission meeting to allow more time for Planning Commission discussion, given the late hour of the meeting.

*Commissioner Fung motioned to continue the item to the next scheduled Planning Commission hearing, seconded by Quigg. Approved 4-0.*

**10. COMMISSION COMMENTS:** none.

**11. ANNOUNCEMENTS:** none.

**12. ADJOURNMENT:** 11:40 pm