



**City of Sebastopol**

*Incorporated 1902*

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PLANNING COMMISSION

MEETING OF: December 11, 2018

SEBASTOPOL YOUTH ANNEX

425 MORRIS STREET

APPROVED MINUTES

PLANNING COMMISSION  
CITY OF SEBASTOPOL  
MINUTES OF DECEMBER 11, 2018

SEBASTOPOL YOUTH ANNEX  
425 MORRIS STREET

**PLANNING COMMISSION:**

The notice of the meeting was posted on December 06, 2018.

**ANNOUNCEMENT:** Please turn off all cell phones and pagers during the meeting.

**1. CALL TO ORDER:** Chair Douch called the meeting to order at 7:03 p.m.

**2. ROLL CALL:**

**Present:** Chair Douch, and Commissioners Glaser, Wilson, Fernandez, Doyle, Kelley and Fritz

**Absent:** Vice Chair Jacob (excused)

**Staff:** Kari Svanstrom, Planning Director  
Rebecca Mansour, Planning Technician

**3. APPROVAL OF PLANNING COMMISSION MINUTES:** October 09, 2018 and October 23, 2018

Committee Member Wilson asked a clarifying question of staff.

Commissioner Glaser made a motion to approve the minutes of October 09, 2018 as submitted.

Commissioner Doyle seconded the motion.

AYES: Chair Douch, and Commissioners Glaser, Wilson, Fernandez, Doyle, and Fritz  
NOES: None  
ABSTAIN: Commissioner Kelley  
ABSENT: Vice Chair Jacob

Committee Member Fernandez amended the minutes of October 23, 2018.

Commissioner Fritz made a motion to approve the minutes of October 23, 2018 as amended.

Commissioner Fernandez seconded the motion.

AYES: Chair Douch, and Commissioners Glaser, Wilson, Fernandez, Doyle, Kelley, and Fritz  
NOES: None  
ABSTAIN: None  
ABSENT: Vice Chair Jacob

**4. COMMENTS FROM THE PUBLIC ON ITEMS NOT ON AGENDA:** This is for items *not* on the agenda, but that are related to the responsibilities of the Planning Commission or City Council. The Commission and Council receive any such comments, but under law, may not act on them. If there are a large number of persons wishing to speak under this item, speaking time may be reduced to less than 3 minutes, or if there is more than 15 minutes of testimony, the item may be moved to the end of the meeting to allow agendaized business to be conducted.

Chair Douch asked for comments from the public on items not on tonight's agenda.

There were none.

**5. STATEMENTS OF CONFLICTS OF INTEREST:** There were none.

**6. CONSENT CALENDAR (PUBLIC HEARING IF REQUESTED):** (none)

**7. PUBLIC HEARING:** (none)

**8. DISCUSSION:**

**A. DISCUSSION OF TELECOMMUNICATIONS ORDINANCE UPDATE:** Receive a staff report, public input, and discuss and provide direction to staff regarding updates to the City's Telecommunications Ordinance (Sebastopol Municipal Code 17.130). Potential modifications include: definitions, allowed uses and zones, location requirements, design requirements, application process and procedures.

Director Svanstrom presented the staff report.

Chair Douch spoke on process.

The Commission asked Director Svanstrom clarifying and procedural questions that were general in nature.

The Commission asked questions of a member of the public named Paul André-Schabracq.

Commissioner Doyle asked Director Svanstrom how capacity issues with multiple providers wanting to collocate on the same pole would be handled.

Director Svanstrom responded that she would research that.

Commissioner Doyle asked Director Svanstrom how the small cell antennas work in terms of transmitting data.

Director Svanstrom responded that she would have to research that.

Chair Douch commented:

- When it comes to large towers and these new small cell installations, he has no frame of reference in terms of what is better or worse EMF-wise.
- Would like to have an expert attend a hearing so the Commission can get information, or at least an opinion, on these types of questions.

Director Svanstrom responded that she would look into the feasibility of having an expert at a future meeting and commented that she'd like whomever was selected to be fairly neutral as there are strong opinions on both sides.

Chair Douch asked if members of the public wished to speak on this item.

Paul André-Schabracq commented:

- Complimented staff on a very thorough staff report.
- Agrees with many of staff's initial recommendations.
- Recognizes the need for a lot of technical information as this is a really technical field.
- Would like the Commission to grant time (approx. 10 to 15 minutes) to hear from an expert that he and others have been working with at a future meeting.
  - This expert could answer many of the questions that the Commission has as well.
- Has been following this issue for years.
- This is an issue of huge concern to the community.
- The rollout of 5G is something that has been wholly unexamined.
- A large amount of peer-reviewed scientific research has appeared in the last two to three years which documents the links between microwave radiation emitted by cellphone towers and cellphones and all kinds of diseases.
- Just last week the City Council heard from the residents of Petaluma Avenue Homes which is located across from the Palm Drive Hospital property.
  - There is a significant number of people who live there that are terminally ill.
  - A number of people have died.
  - These people live about 250 feet away from the Crown Castle cell tower that is on the Palm Drive Hospital site.
  - We don't have the studies that show that the tower is the cause, however, there appears to be an extremely strong association.
  - There is clearly some type of health crisis going on here.
- Unfortunately, a large part of the real action on this in terms of regulations lies in Washington.
- We as a city are really constrained by the FCC.

Mr. Schabracq requested additional time.

Chair Douch granted Mr. Schabracq's request for more time.

Mr. Schabracq comments continued:

- Submitted a letter from Senator Richard Blumenthal and Representative Eshoo into the public record.
  - This letter was sent to the FCC and seeks answers regarding potential health risks posed by new 5G wireless technology.
- There is a growing public concern about the exposure of levels.
- The FCC only regulates thermal.
- 5G operates at extremely high levels but fluctuates rapidly.
  - The scientific studies show that this specific type of fluctuation is harmful to our health.
- Thanked the Commission for their time.
- Really appreciates the important work that the Commission is doing.
- Will return with additional information at a future meeting.
- Available to answer any questions that the Commission may have.

The Commission asked questions of Mr. Schabracq.

Iliani Matisse commented:

- Submitted materials for the public record.
- The concern about this is wide-reaching.
- While we do defer to the FCC for our protection, our trust in them may not be well placed.
- Most of our current regulations regarding radiofrequency safety were adopted in 1996 and have not been updated for the next generation of devices.
- The FCC's specific absorption rate (SAR) limits do not apply to devices operating above 6GHz.
  - 5G devices will operate at frequencies as high, or even exceeding 24GHz.
- The FCC has acknowledged that a number of things need more examination.
- They're moving ahead with a multibillion-dollar expansion of an industry without seriously knowing what the impact is.
- It's not even proven that we need 5G.
- A special on 60 minutes this past Sunday dealt with the impact of all of our devices and screen time on kids' brains.
  - The special showed premature thinning of their cortex.
  - Thinning of the cortex is generally associated with maturing.
  - This is happening to kids.
  - We don't know if that's good or bad yet.
- Urged the Commission to really slow the process.
- Before figuring out how to make this work, we should decide if it even needs to be made to work.
- Thanked the Commission for their time.

Sandi Mauer, Director of the EMF Safety Network, commented:

- Thanked staff for their great work on this.
- This is going in a brilliant direction.

- Loves the idea of a pre-meeting and of ensuring that their application is complete before accepting it.
- Appreciates the notion of not allowing these installs in residential zoning districts.
- Submitted a letter into the public record.
- Hopes to meet with Director Svanstrom to discuss some points in her letter next week.
- Summarized key references in her letter for Commission consideration.

With her time running out, Ms. Mauer commented that she could have somebody else read the rest of her list.

Chair Douch allowed Ms. Mauer to continue with her list.

Ms. Mauer comments continued:

- Thanked the Commission for allowing her to continue with her list.
- Continued summarizing key references in her letter for Commission consideration.
- Thanked the Commission for their time.

Hearing nothing further, Chair Douch closed the public comment period and brought it back to the Commission for discussion.

The Commission asked additional questions of Director Svanstrom throughout their discussion.

Commissioner Glaser asked if there was a formal definition for a “significant gap in coverage”.

Director Svanstrom responded that she didn’t believe so and commented that she would look into that to be sure.

Commissioner Wilson commented:

- If the City is going to require undergrounding to mitigate the way these facilities look on poles, the City should have objective standards about separation and how undergrounding will occur because there is a lot of stuff underground already.
  - Likes the idea of them not being visible.
  - Any undergrounding must be harmonious with what is already underground, and with what is anticipated to be underground in the future.

Chair Douch commented:

- There are already robust standards and specifications.
  - Acknowledged that there may be more to do.

Commissioner Wilson commented:

- Generally aware of that, however, it is important to ensure that Public Works has what they need to deal with all of the new undergrounding.
  - There may already be adequate standards.
  - This should be looked into.

Director Svanstrom responded:

- The Public Works Superintendent did specify that these should be done per Caltrans underground vault standards.

- There is also the question of whether or not there is enough room underground to do it all.

Commissioner Wilson responded that yes, he could see the issue of available space coming up at some point.

Commissioner Doyle commented:

- Especially if there are multiple providers at one location.
- Perhaps the first provider should be required to install a larger vault with the assumption that others may want to collocate and need that vault space at some point in the future.
- There are a lot of unanswered questions here.

Commissioner Wilson commented:

- An applicant may then decide that it's not feasible to underground and request that their equipment be installed on a pole.
- Perhaps the applicant responsible for installing the larger vault could be reimbursed for the oversizing.

Director Svanstrom responded:

- Often, it's not the mobile carrier that owns the infrastructure that supports the antenna.
- Could work to further clarify how an underground vault would be handled when it comes to collocation.

Chair Douch spoke on process and asked to hear from the Commission on section, '#1. Use Permit' in the staff report.

The Commission asked additional questions of Director Svanstrom.

Commissioner Fritz commented:

- Likes the idea of prioritizing zones.
- Likes the idea of excluding residential zones.

Commissioner Doyle commented:

- Questioned why the City categorizes these based on their height.
- The height of these seems to be a purely aesthetic consideration since the City cannot consider radiation levels when reviewing these applications.

Director Svanstrom responded that she would look at the definitions of 'minor antenna' and 'major antenna' to see the differences other than height, if there are any.

Commissioner Doyle commented:

- If the differences are solely based on height, it's an aesthetic concern.
- The public concern that has been expressed isn't based on aesthetics, it's based on their power.
- Calling the antennas 'minor' and 'major' is confusing if the only difference is height.

Chair Douch commented:

- Concurred with Commissioner Doyle and commented that it's a difference between categories such as small cell wireless facilities and traditional tower facilities.
- Small cell wireless facilities and traditional tower facilities should be defined.

Commissioner Glaser commented:

- Any distinction between how we classify, and review antennas and/or towers should be addressed in the Zoning Ordinance.

Commissioner Doyle commented:

- The lower towers may be more of a concern.
- Would like to be able to ask some specific, technical questions of an expert.
- Doesn't want to speculate.
- Staff did a great job on this staff report.

Chair Douch surmised that the Commission needs more technical information at this point.

Commissioner Wilson commented:

- Hopes for one or two sample ordinances (that were well written, and consultant driven) that the Commission can use as a starting point.
- We don't want to have to reinvent the wheel.
- Finds it easier to look at a proposed ordinance rather than disparate issues.

Director Svanstrom commented:

- Can come back with a draft ordinance.
- It is helpful for her to hear some of the technical issues that the Commission wants information on.

Commissioner Wilson commented:

- Likes a lot of the suggestions in the letter that was submitted by Ms. Maurer.
  - Appreciates the effort Ms. Maurer put into it.
- Saying that something is 'not permitted' usually means that it cannot be done.
  - In the context we've discussed, it appears as though an exception could be made if an applicant could prove that a significant gap in coverage exists, meaning that it could potentially be permitted.
  - Doesn't want to give false hope.
- Likes the approach of prioritizing areas, zones or uses, and requiring an applicant to demonstrate various items as suggested by Director Svanstrom.
  - There needs to be a clear hierarchy.

Commissioner Doyle commented:

- Not everybody wants these installs prohibited in residential.
- Understands the intent to have small cell wireless facilities installed in commercial areas, as that is the path of least resistance.
  - Eventually, one of these telecommunications companies is going to challenge their not being allowed to install in residential areas.
  - These installs will eventually wind up being allowed in residential areas.
- Supports an initial prohibition of commercial antennas in residential areas.

Director Svanstrom responded that a footnote could be added to clarify the hierarchy of the process.

Chair Douch asked if the Commission was in consensus on avoiding installation of commercial antennas in residential areas.

The Commission responded in the affirmative.

Commissioner Kelley asked if the Commission wanted to do something a little more robust with community facilities.

Commissioner Fritz commented:

- Residential often surrounds school.
- We could prohibit commercial antenna installs on school property.

Commissioner Kelley commented:

- It is important to have a buffer from schools as well.

Chair Douch asked to hear from the Commission on section, '#2. Application requirements and process' in the staff report.

Commissioner Wilson commented:

- Telecommunications companies have to own the tower or find a willing lessor.
- The City doesn't have to allow these on City property (sites, light poles, etc.) if they don't want to.
  - Conversely, the City could make money by allowing these to be installed on City property.
- Feasibility can include economics.

Director Svanstrom responded:

- The light poles in town are owned by PG&E, not the City.
  - The City could have more control if they owned the light poles.

Commissioner Wilson commented:

- An encroachment permit may be required when PG&E locates in the public right-of-way so there could be some discretion.
  - The City could look at adding additional conditions when granting an encroachment permit.
- Asked if the City Council could require PG&E to replace wood poles with metal any time they're in need of being replaced.

Director Svanstrom responded that she would have to look into that.

Commissioner Kelley commented:

- Expressed concern over the cell tower at the hospital.
- The hospital property is owned by the Palm Drive Health Care District which is funded by taxpayers.
  - Considers it the property of taxpayers, not private.

Director Svanstrom clarified that the hospital property is a publicly owned parcel and spoke on the difference between a parcel and the public right-of-way.

Commissioner Kelley commented:

- The hospital is expected to change ownership at some point, although what that will look like is not yet known.

Commissioner Doyle commented:

- San Anselmo's ordinance looks really good, is comprehensive and complete.
- The idea of a pre-application meeting makes a lot of sense.

Commissioner Wilson commented:

- Supports using someone else's work product if we like it and it's in the public domain.

Commissioner Glaser commented:

- Likes San Anselmo's ordinance as well.
  - Appreciates how it describes the process as well.
- The 'Class' definitions should be discussed by the Commission as to whether they're something the Commission wants to have included.
- Some of our processing requirements are listed in the definitions section and they shouldn't be.
- We're not supposed to discuss or make decisions based on emissions but we're discussing regulations based on them which doesn't seem appropriate.
  - The Commission's discussion and concerns, as well as the community's concerns, are all based on emissions.

Chair Douch commented:

- As a general principal, it makes sense not to allow these in residential areas.
- We need expert guidance because we cannot make a decision based on an applications RF levels if they're complaint.
  - The Commission can make decisions based on other factors such as height, etc.

Commissioner Glaser commented:

- The FCC regulations should already address safe distances, etc.
  - Assuming they do, the City shouldn't need to do that as well.
- Reiterated the need for expertise.
- The direction of the Commission's discussion doesn't make sense to him based on the constraints.

Commissioner Doyle concurred with Commissioner Glaser.

Commissioner Wilson commented:

- The City can prioritize zones based on preference.
- This is a good way to start.
- While we can't ban them completely, we don't have to let them be installed anywhere either.
- We need to figure out how we want to regimen this.
- People have a higher tolerance for things in industrial and commercial areas.
- This is a practical approach given the public concern that has been expressed.

- Surprised people from the telecom industry aren't here.

Chair Douch spoke on process.

Commissioner Kelley commented:

- Would like to look at the City of Rancho Palos Verdes' Wireless Telecommunications Facilities Ordinance as suggested by Ms. Maurer previously.

Director Svanstrom responded in the affirmative.

Commissioner Fernandez commented:

- Likes San Anselmo's ordinance in terms of their requiring a deposit to cover the costs of a peer review.
  - This may something for the City to consider.

Commissioner Fernandez commented:

- It was helpful to have a consultant leading the Commission through the process when they were tasked with updating the General Plan.
- Concurred on the Commission needing technical guidance.

Chair Douch commented:

- In terms of the strict time limits of 60 or 90 days from the time of application;
  - Would like clarification on what deems the time of application.
  - Unless the FCC has something specific as to when they would deem the time of application, we should clearly define it.

Commissioner Wilson commented:

- We don't want the clock to start until the application is complete.
- The criteria in order to deem the application complete would have to be objective.
- Supports almost all staff suggestions.
- The word 'feasible' is a keyword and should be defined in the ordinance.

Chair Douch asked to hear from the Commission on section, '#3. Design and Development Standards' in the staff report.

Commissioner Doyle commented:

- The distance buffer is a good idea but may lack teeth.
- Asked if more than one provider could collocate on a single pole.

Director Svanstrom responded that she believed that more than one provider could collocate on a single pole and commented that she could investigate that further to confirm.

Commissioner Fritz commented:

- If mounted on a building, it should be as architecturally compatible with the building as possible.
  - Would like language included to reflect that.

Commissioner Doyle commented:

- Requiring undergrounding seems very extreme as it is very costly.

- Could work to deter anything from happening.

Commissioner Glaser commented:

- We should just say that an applicant shall not impinge the public right-of-way.
  - We should also require that any addition be made to look nice.

Commissioner Fritz commented:

- Likes requiring undergrounding regardless of cost.

Commissioner Doyle commented:

- Could see these installations becoming streamlined in which case undergrounding may not be necessary and should not necessarily be required.

Director Svanstrom clarified that the requirement would apply to equipment that would normally be bolted to the ground.

Commissioner Doyle thanked Director Svanstrom for the clarification and commented that the requirement for undergrounding may be ridiculous as technology changes.

Director Svanstrom responded that the language could be clarified to reflect that the requirement would be for ground-mounted equipment only.

Chair Douch asked to hear from the Commission on section, '#4. Electromagnetic Energy (EMF) Considerations' in the staff report.

Commissioner Fritz commented:

- Likes the idea of requiring a more frequent RF report.
  - Requiring a new RF report every 2 years, instead of 5, seems reasonable.
- Would like information on the difference between measuring and calculating RF levels.

Commissioner Wilson commented:

- If it is relatively inexpensive and simple to do these measurements, requiring them every two years seems reasonable.
- Agrees on the importance of knowing that these are operating the way they say they are.

Director Svanstrom responded that these reports are not prohibitively expensive and noted that she's seen costs run from \$500.00 to \$1,000.00.

Chair Douch asked to hear from the Commission on section, '#5. Other Elements' in the staff report. In addition, he asked for any additional comments on the suggestions as outlined in the letter that was submitted by Ms. Maurer.

Chair Douch commented:

- Several of the points Ms. Maurer raised may be FCC regulated thus leaving the City no latitude.

Commissioner Fritz commented:

- Cautioned requiring signs as he wouldn't want sign clutter
- There is enough visual clutter in the world already.

Members of the Commission concurred with Commissioner Fritz.

Commissioner Fernandez commented:

- The public should have access to a map that identifies where all of these installations are located.

The Commission concurred.

Commissioner Glaser commented:

- #9 on Ms. Maurer's list jumped out at him.
  - Taller does not necessarily mean worse in terms of levels.
  - Asked if the specified height limit of 60'-75' was a range.

Director Svanstrom responded that she would get clarification from Ms. Maurer on that.

Commissioner Fritz commented:

- Requiring separation of 2,000 linear feet between small cell facilities or cellular or wireless communications towers, as suggested under #12 in Ms. Maurer's list could be problematic in that 2,000 linear feet seems long distance.

Director Svanstrom responded that she has seen other City's adopt separation of 1,000 to 1,500 linear feet.

Commissioner Doyle commented:

- Interested in #19 on Ms. Maurer's list which states, 'Consider Comcast wi-fi boxes that have been installed without permits around Sebastopol. Include language in the updated ordinance to revoke their ability to install them without permitting.'

Director Svanstrom responded that she would discuss #19 with Ms. Maurer in order to better understand it as this was the first she'd heard about them.

Commissioner Fernandez commented that he was interested in learning more about #19 on Ms. Maurer's list as well.

Chair Douch asked for further comments from the Commission.

There were none.

Director Svanstrom spoke on the process moving forward. Her comments included the following;

- Will return with technical information as well as movement towards a draft ordinance.
- Asked if that seemed like a reasonable approach to the Commission.

The Commission responded in the affirmative.

Commissioner Doyle reiterated that staff has done a great job and commented that this process was off to a great start.

The Commission concurred.

Director Svanstrom thanked the Commission.

Commissioner Wilson commented:

- The Commission should move judiciously through this process.
- Supports seeing what works and what doesn't work elsewhere.

In response to a question, Director Svanstrom commented that the Urgency Ordinance is valid through October and could be extended once more. She noted that findings showing that the City is making progress would be required.

Chair Douch commented:

- Curious about elements of the shot clock and whether they're challenged.
  - Could be reason enough to wait.

Commissioner Wilson commented:

- Doesn't want to prolong this longer than necessary, however, the City should proceed methodically.

Director Svanstrom commented that this item may return to the Commission in February.

Hearing nothing further, Chair Douch concluded discussion of this item.

## **9. PLANNING DEPARTMENT REPORT (Update on Future Agendas, Action of Other Boards and City Council)**

Director Svanstrom provided the following updates:

- The City Council will conduct interviews to fill the open seats on the Design Review Board and Planning Commission in January.
- The Planning Commission meeting of December 25 will be canceled due to the holiday.
- The Planning Commission meeting of January 8 will probably be canceled as well.
- There are a couple of Use Permit applications that are expected to come before the Commission in January, likely on January 22.
- Revisions to the Planning Commission's workplan as well as a continuation of the telecommunications discussion will return to the Commission at a later date as well.

The Commission asked questions of Director Svanstrom.

After some discussion, the Commission agreed on preferring that this item occur earlier on the agenda as it used to be.

**10. ADJOURNMENT:** Commissioner Fernandez made a motion to adjourn the meeting. Commissioner Fritz seconded the motion. The Commission was unanimous. Chair Douch adjourned the meeting at 9:53 p.m. The regularly scheduled Planning Commission meeting of December 25, 2018 has been canceled due to the holiday. The next regularly scheduled meeting will take place on Tuesday, January 08, 2019, at 7:00 p.m. at the Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA 95472

Respectfully Submitted By:

Kari Svanstrom  
Planning Director