

Planning Commission
Regular Meeting
December 14, 2010
Martinez, CA

CALL TO ORDER

The meeting was called to order at 7:01 p.m. by Acting Chair Donna Allen.

ROLL CALL

PRESENT: Donna Allen, Commissioner, AnaMarie Avila-Farias, Commissioner, Harriett Burt, Commissioner, Rachael Ford, Commissioner, Jeffrey Keller, Commissioner, Paul Kelly, Commissioner, and Michael Marchiano, Commissioner.

EXCUSED: None.

ABSENT: Lynette Busby, Chair.

Staff present: Planning Manager Terry Blount

AGENDA CHANGES

None.

PUBLIC COMMENT

None.

CONSENT ITEMS

1. *Minutes of November 18 & 23, 2010, meetings.*

On motion by Donna Allen, Acting Chair, seconded by AnaMarie Avila-Farias, Commissioner, the Commission voted to approve the Minutes of the November 18 & 23, 2010, meetings. Motion unanimously passed 7 - 0 (Chair Busby absent).

REGULAR ITEMS

Item 3 taken out of order.

3. *T-Mobile/Landmark Wireless Preliminary Review Study session to discuss and receive public input on a proposal for an installation of a new wireless telecommunications facility at 100 Church Street (Martinez United Methodist Church site). The proposed project consists of adding an 85' monopine tree tower with panel antennas on top of the tower. T-Mobile will be leasing a 30'x20' area at the base of the tower for an equipment enclosure. The proposed project is located in a residential zoning district, which requires a Use Permit and Design Review approval.*
Applicant: T-Mobile/Landmark Wireless - Karen Lienert (AM)

Planning Manager Terry Blount introduced the item, as well as a representative from T-Mobile, Jeff Lienert, who presented the staff report.

Commissioner Burt asked about alternative sites, as well as alternative methods for attaching the antennas. Mr. Lienert referred to the coverage plot maps and discussed other T-Mobile sites in the City.

Commissioner Keller asked about sites used by other carriers, which Mr. Lienert discussed. In response to a question from Commissioner Kelly, Mr. Lienert also discussed coverage areas and signal strength.

Chair Allen asked how other carriers cover the area. Mr. Lienert said he didn't know specifics, but he could research it. He also noted that it is not uncommon for carriers to have only 1/4 to 1/2 mile separation between antennas.

Commissioner Kelly asked if there was a way to reconfigure an existing site to increase coverage. Mr. Lienert said it has been done, but usually to reduce the coverage area due to greater demand and increased bandwidth usage.

Chair Allen asked where she could go to look at an existing mono-pine. Mr. Lienert said he would provide the information, but he didn't know offhand.

Commissioner Burt expressed concern about the appearance of the Tree-type pole. Mr. Lienert noted that over the past 15 years a "stealth" design was what many planning commissions were asking for. He also added that installing a mono-pine is more expensive than a mono-pole.

Commissioner Burt asked about proposed landscaping at the site, and Mr. Lienert said two redwood trees would be planted. Commissioner Burt said she also would like to know nearby locations of similar poles, and even a comparison of an older one with a newer one. Mr. Lienert indicated he could provide that.

Commissioner Burt said she would prefer co-location of the antenna on an existing structure. Mr. Lienert acknowledged that was preferable, but it is also necessary to locate the antenna in the area where coverage is needed.

Commissioner Kelly noted there was a tower at Alhambra and Taylor, configured to look like a redwood tree.

Commissioner Keller asked if the tower at the park across the way was considered. Mr. Lienert said it was but they were discouraged by the planner from trying to use that site.

Chair Allen opened public comment on the item.

COREEN O'CONNOR questioned whether there had been adequate notification of the proposal, since only those within 300' of the site were notified and others in the neighborhood were unaware of it. She also questioned whether the provisions of the Telecommunications Act were followed, given the narrow parameters set by T-Mobile in selecting the site. She noted that a preschool operates very near to this location, and the children play outside for several hours each day. She asked why other sites were not considered, such as Fire Station 13 and vacant hillsides

in the vicinity. She asked that the Commission not allow this site to be considered, and if it does, she indicated the neighborhood would contact the media, the City Council and Congressman George Miller for their assistance.

MONICA HARTMANN expressed concern about the visual pollution from the tower, as well as potential health risks. She shared a handout outlining recent studies on the health impacts. She asked for more research into the matter. She also asked the Commission to consider whether they would want such a tower within 300' of their home or children.

PAT CORR showed a map that demonstrated the tower will be a stone's throw away from her house. She asked whether the future sale of her home would require disclosure of any tower that close. She expressed concern about the potential effects on those with existing health problems, pacemakers, or young children.

RALPH MOULTON echoed Ms. Corr's comments, and he was concerned about his daughter's health and property values.

An unidentified speaker noted she had no problem with cell phone reception in the area. She suggested co-location of the tower with already existing ones.

Another speaker agreed that the potential health effects need to be considered carefully. She urged the Commission to vote no.

Seeing no further speakers, Chair Allen closed public comment on the item.

Rebuttal

Mr. Lienert noted that the preschool was actually on the property that T-Mobile has a lease agreement with. He also discussed exposure studies that were submitted with the application. He added that there is a difference between how the T-Mobile network operates as compared with Verizon or AT&T, notably that its frequency is higher, and that affects the range needed. He noted that cell phones provide an element of safety as well, given the number of 911 calls that are made from cell phones.

Mr. Blount noted that there was a letter received today regarding the application, and it was included on the dais tonight.

Commissioner Marchiano asked if Mr. Lienert could get a copy of the information regarding health impacts, provided by Ms. Hartmann, so T-Mobile could respond to it at subsequent hearings on the application.

Commissioner Keller asked if T-Mobile could switch its network to the same frequency as AT&T and Verizon. Mr. Lienert explained that T-Mobile purchased its frequency from the government, before buildout of all the wireless networks. He commented on the costs paid for the frequency and their rights to use it. He acknowledged that there could be more frequencies added later, perhaps through a merger with another provider. He discussed distances between Verizon and AT&T towers.

Commissioner Keller asked if there is a map available showing the cell tower facilities in the City. Mr. Blount said he would check with the planners and see if there is a map. Commissioner Burt said she would like to have it mapped if it has not been already done.

Commissioner Avila asked about the possibility of a trial period for the tower. Mr. Lienert said it is a substantial investment, and it is unlikely they would be willing to take it down later. Commissioner Avila asked about the possibility of more community involvement. Mr. Lienert said there was a neighborhood outreach meeting in May, with three people in attendance (with 59 notices sent out).

Chair Allen reviewed issues raised by the public and the Commission to be addressed at later meetings - locations of existing towers, sites considered, safety concerns, and disclosure requirements for future real estate transactions in the immediate area. She also told staff that it might be helpful to have a future study session on the Telecommunications Act, what the Planning Commission is able to do, a map of existing sites, and health issues. Mr. Blount said it could be done sometime in the future, but he reminded the Commission that there are strict limitations as to what jurisdictions can do regarding health impacts, according to the Telecommunications Act.

Chair Allen said she would like to have a review of the Act at a future Commission meeting, separate from any applications. Commissioner Burt noted that prior to the health care issue, the Telecommunications Act of 1996 was the most heavily lobbied legislation, primarily by wireless providers, who succeeded in limiting what state and local jurisdictions are able to do. She also noted that there is a greater demand now for wireless service, as so many people have such service, making society increasingly dependent on them - and requiring further towers. She also acknowledged that there have been conflicting reports on the potential health effects. She wanted to see further investigation into other potential sites that might not have the same issues.

Chair Allen asked for more information about the appearance of the mono-tree poles and nearby locations of similar poles.

Chair Allen re-opened the public comment period to allow two speakers who hadn't yet spoken.

An unidentified speaker asked how long it will take for the redwood trees that will be planted to grow enough to provide adequate screening. She also asked whether the need for the additional T-Mobile tower has been adequately demonstrated. She asked why not notify the whole community about future hearings. Chair Allen recommended she fill out a speaker card to ensure she will receive notices of future meetings on the matter.

Another speaker asked whether this would set a precedent allowing other companies to add more individual towers instead of co-locating.

A previous speaker agreed with Commissioner Burt that the Telecommunications Act is very restricted, but cities can require that all legitimate sites be considered.

Chair Allen closed the public comment period again.

Mr. Blount noted that the staff planner for the application is Anjana Mepani, who will be available to respond to public comments and concerns.

Commissioner Burt commented on the City's responsibility to have as thorough a notification process as possible. In a situation like this, she thought it should be extended to a 500' feet radius. She noted, however, that everyone who lives in a community has a responsibility to be informed about what is happening there - either through a newspaper or online source, etc.

Commissioner Avila agreed that the 500' radius was more appropriate for this type of application, and she thought the public meeting should be repeated. Mr. Blount said that further public outreach meetings were up to the applicant, and the City cannot require them to hold another one. He also said the study sessions are noticed only as a courtesy - there is no statutory requirement for public noticing, but if the applicant is willing to absorb the additional cost for increasing the notification radius, staff could do that.

Chair Allen asked that the applicant also address the necessity for the tower.

A member of the audience asked if parents of the children at the preschool were notified of the proposed tower, especially since the lease agreement for the site has already been signed by representatives of the church. Chair Allen said if he thought they should be notified, he should let them know.

Commissioner Burt asked when the item would be before the Commission again. Mr. Blount said he couldn't say for sure when it would be.

2. *Housing Element (2007-2014) of the General Plan GPA #10-04 Public hearing to review the Draft Updated Housing Element of the City's General Plan and make a recommendation to the City Council regarding the adoption of the Draft. The California Department of Housing and Community Development (HCD) has reviewed the City's Draft Updated Housing Element and has indicated that, with the revisions requested, the document meets the State's statutory requirements. (This item was continued from the November 23, 2010, meeting.) Applicant: City of Martinez (TB)*

Planning Manager Terry Blount presented the staff report, giving a brief overview of the Housing Element, changes from the previous one, and a review of the process thus far. He briefly discussed the changes that were requested by the California Department of Housing & Community Development (HCD).

Mr. Blount also responded to questions from the Commission. Commissioner Marchiano asked whether the requirement for zoning for homeless shelters meant that the cities are now responsible for the homeless, rather than it being a county responsibility. Mr. Blount responded that the zoning requirement does not mean that a city has to provide a shelter, only that there must be zoning districts where homeless shelters are allowed by right.

Commissioner Avila asked about information about the previous goal regarding an inclusionary ordinance and progress made toward that goal. Mr. Blount said it was possible that more background information could be added to the document.

Commissioner Burt agreed with Commissioner Avila, noting that one frustration with the document in the past was the number of goals and policies and whether the City was realistically going to try to implement the policies. She asked how many of those goals and policies could be implemented through the General Plan update process now underway.

Mr. Blount explained that HCD is now more strictly concerned with how many policies and goals a city can and will implement. He also clarified that there will be no further update of the Housing Element with the General Plan update.

Commissioner Kelly asked about the additional housing units that the City will need to provide by 2014. Mr. Blount explained it is not a mandate for the construction of additional units - only that it must show there is land available to meet those goals.

Commissioner Avila asked how many units were constructed since the last Housing Element was written. Mr. Blount could not say precisely, but he knew it was well below the number set by ABAG.

Commissioner Avila asked about the goals from the previous Housing Element that seem to be missing from the new one. Mr. Blount explained that they had been reduced from 7 to 3, but the same policies were consolidated into the new Housing Element.

Commissioner Avila commented on a provision in the new Element regarding responding to housing discrimination complaints related to affordable housing. She asked how the City would do that since most of the affordable housing programs were administered by other jurisdictions. Mr. Blount said that it was more related to providing information or a referral to the appropriate agency.

Commissioner Burt asked about Appendix A, Map 10, where underutilized sites are marked. She noted that site #2 on the map was largely unusable because of the slope, and she questioned whether it really should be included. Mr. Blount acknowledged that there couldn't be many more units added, but at least 1 more (and maybe as many as 10) could be added.

Commissioner Burt asked about site 10, which is the Freitas site that already has one unit and the rest was designated open space. Mr. Blount said he would follow up with staff, but it seemed like Commissioner Burt's analysis was correct.

Commissioner Avila commented on the different approach taken with this Housing Element, wherein all available sites are identified with footnotes explaining the status or special circumstances. Mr. Blount said that was due to new specificity requirements from the state.

Chair Allen commented on the Errata section regarding residential development under the Downtown Specific Plan, and she made editing suggestions so that it reflects ownership housing

as was intended under the Specific Plan. Mr. Blount explained the options for very-low and low income housing, noting that there is virtually nowhere else in the City that would allow the density necessary for that type of housing. He did not think there was a conflict with the Specific Plan since there will be no reference to ownership or rental housing in that section of the Housing Element.

Chair Allen said she thought the proposed language conflicts with the intent of the Specific Plan. Mr. Blount noted that this does not supersede the Specific Plan nor amend it, and the list of incentives are not all-inclusive, but instead are varied options.

Commissioner Avila agreed with Mr. Blount, noting that if the low and very low income housing is not included in the Element, HCD will reject it altogether. Chair Allen thought it was confusing when compared with the Specific Plan because it seems to be giving development incentives for low and very-low income housing that are not available for all housing types.

After extensive discussion among the Commission and staff, Mr. Blount recommended asking the rest of the Commission for input regarding the suggestions made by Commissioner Avila (regarding background information on the inclusionary ordinance) and Chair Allen (regarding housing in the Downtown Specific Plan area).

The Commission was supportive of Commissioner Avila's suggestion.

Commissioner Avila expressed appreciation for the updated Housing Element and the good job done by staff in condensing it and making the goals more achievable. Mr. Blount noted that much of the credit goes to consultant Jeff Baird.

As a member of the Housing Element Update Task Force, Commissioner Keller said he thought staff and the consultant did a great job. The other Commissioners echoed his comments.

At the request of Mr. Blount, Chair Allen clarified her recommendation regarding development incentives. She stated that she was opposed to the last paragraph of Item 15 - she would rather that it not specify housing types nor target the Downtown Specific Plan area.

On motion by AnaMarie Avila-Farias, Commissioner, seconded by Jeffrey Keller, Commissioner, the Planning Commission voted to modify the information on Item 14, implementation of the inclusionary ordinance, to add the history and background on the ordinance that was drafted under the previous Housing Element.

Motion unanimously passed 7 – 0 (Chair Lynette Busby absent).

Donna Allen, Acting Chair, moved to amend Item 15, Continue to implement the Downtown Specific Plan, to modify the last paragraph to eliminate the reference of affordable and low income households in the Downtown Specific Plan area; and to move the portion that identifies target sites at least twice in the planning period for nonprofit and affordable housing from Item 15 to Item 18, which deals with affordable housing, making it Citywide; or add "for all types of development or any type of development."

Motion failed due to lack of a second.

The Commission continued the discussion with an explanation of why affordable housing is needed and what the purpose of the Housing Element is, with Chair Allen and Commissioner Kelly asking why the incentives are not available to all types of developers. Chair Allen also asked why this particular program needed to be under the Specific Plan section (Item 15), rather than under Item 18, thus allowing all areas of the City to be considered as target areas.

Eventually Commissioner Burt suggested going forward without the changes requested by Chair Allen, and Commissioner Avila added that the City Council hearing on the issue would allow for the change to be made then if they so choose.

On motion by AnaMarie Avila-Farias, Commissioner, seconded by Harriett Burt, Commissioner, the Commission voted to keep Program 15 as written in the Revised Draft Updated Housing Element, without the modification proposed by Chair Allen.

Motion passed 6 - 1 (No: Donna Allen, Acting Chair; Absent: Lynette Busby, Chair).

On motion by AnaMarie Avila-Farias, Commissioner, seconded by Michael Marchiano, Commissioner, the Commission voted to recommend that the City Council adopt the Revised Draft Updated Housing Element of the City's General Plan, with the modification to Program 14 as discussed by the Commission.

Motion passed 6 - 1 (No: Donna Allen, Acting Chair; Absent: Lynette Busby, Chair).

COMMISSION ITEMS

Commissioner Avila reported that she has been appointed by the mayor to chair the Redevelopment Task Force, so she is resigning from the Planning Commission. She expressed appreciation for all that the Commission has accomplished during her ten years on the Planning Commission.

STAFF ITEMS

Mr. Blount announced that Commission Alternate Paul Kelly would now be a full Commissioner, and at the next City Council meeting Sigrid Waggener would be considered for appointment to the Planning Commission as well, with Kimberly Glover considered for the new Alternate. Commissioner Burt noted that Ms. Glover is the sister of former Planning Commissioner Bob Glover.

Mr. Blount also noted that copies were available to the Commission of a bi-monthly publication from the League of Women Voters.

He discussed upcoming meetings and potential items for those agendas, and he also commented on the Commission's rules and procedures, and the need to elect a new Chair since Commissioner Busby has resigned. There was some discussion among the Commission as to the frequency of the elections.

Mr. Blount indicated that there will be a full review of the Planning Commission rules and policies at an upcoming meeting.

COMMUNICATIONS

The meeting adjourned at 9:45 p.m.

Respectfully Submitted,

Approved by the Planning Commission
Vice Chairperson

Transcribed by Mary Hougey

Donna Allen

DRAFT