

ACTION MINUTES
DALY CITY PLANNING COMMISSION
Regular Meeting
Tuesday, December 7, 2010
Council Chambers, Daly City

Vice Chair Edelman called the meeting to order at 7:00 p.m.

ROLL CALL: Present: Lubiano, Edelman, Bautista and Kelly
 Absent: Crump
 Staff Present: Berger, Schott, Mothershead, Engfer, and DeFries

APPROVAL OF MINUTES: Moved by Commissioner Bautista, seconded by Commissioner Kelly, to approve the minutes of November 3, 2010. Motion carried 3-0 (with Commissioner Edelman abstaining).

PUBLIC HEARINGS:

10. Use Permit UPR-10-10-2819, Design Review DR-10-10-2820 and Environmental Assessment for a new Clearwire facility within proposed church steeple – 99 Elmwood Avenue

Staff report presented by: Steve Engfer, Assistant Planner

Mr. Engfer presented the request by Clearwire for use permit and design review approval for the installation of a new wireless facility as a co-location at the Westlake Baptist Community Church site. Clearwire provides wireless internet access and is building out a network to provide these opportunities to the public.

The site is located at the corner of Southgate and Elmwood. The surrounding uses are residential with another church and parochial school to the north. The zoning is R-1 Single-Family Residential, which requires a use permit for wireless communication structures. The proposal is a co-location, which Daly City encourages. In 2006, the City Council approved a bell tower that houses both a T-Mobile and Metro PCS facility. The Clearwire proposal incorporates a steeple that is architecturally compatible and screens the installation.

The proposed height with the cross is 52 feet and without the cross, it is 46 feet. The area of the proposed equipment cabinet is 8' x 8' with a 6 foot tall wall enclosure textured and painted to match.

An EMF (Electro-Magnetic Frequency) Report was submitted for the project and it meets FCC requirements and Daly City Code. The maximum cumulative exposure of all carriers in operation is 1.5% of the maximum public exposure limit for the general population. Staff has added a Condition of Approval that requires an annual EMF report.

The facility consists of antennas, cabling and a ground mounted cabinet. The proposal consists of installing three parabolic antennas and three panel antennas inside a new steeple. The facility is designed to meet the architectural aesthetic of the existing buildings. The addition of the steeple on the church building is viewed to be architecturally beneficial to the existing church building.

Staff recommends that the proposed cross be removed from the design because the site already has a prominent cross on the existing bell tower; the steeple location is not at the front

of the church where it would typically be located and therefore the cross on top does not work as well aesthetically; and there are no components of the installation of the cross that make it necessary.

The design meets Daly City zoning ordinance requirements for both the stealth design for wireless telecommunication facilities and the design review requirements for architectural compatibility.

Commissioner Kelly stated that she agreed that the proposed cross should be removed. Commissioner Lubiano referred to Condition #22 regarding the annual EMF report and wanted to be sure it was issued by an independent third party. Mr. Engfer replied that an electrical engineer has to do the report. Commissioner Bautista commented that he liked the fact that the facility was stealthed and agreed that a second cross was redundant.

Speakers: Charnel James, Clearwire representative
Yu-Charn Chen, resident of 94 Elmwood Drive
Tom Jacobson, resident of 92 Elmwood Drive
Michael Luk, resident of 991 Maddux Drive
Mrs. Chen, resident of 94 Elmwood Drive

Ms. James stated that Clearwire has reviewed the Conditions and they are fine with them, but the property owner wants to keep the proposed cross on top of the church. They feel it helps to balance the look of the church and it allows them more visibility from below where the shopping center is located. She explained that the Clearwire service is a subscribeable internet service and other carriers can subscribe to it to provide service to their clients.

Commissioner Lubiano asked if the church was being paid and Ms. James replied that they would be receiving a monthly rent. Commissioner Bautista said people were concerned about EMF and asked if this facility generated more or the same power output as a cell tower. Ms. James responded that the way they measure is similar to how they measure EMF waves and they are all low power emissions. Commissioner Edelman asked if the EMF waves from multiple carriers were additive in terms of output or all at the same level. Ms. James answered that the way they are measured is by the total output for the site and there is a slight increase with every carrier that is put on the site. For this site the total output is less than 1.5% of the public exposure limit.

Mr. Chen was concerned about the distance of the facility from residents. He stated that in France, no station is located less than 300 meters from any living space and in South Carolina, no cell phone station is located near a school. He also gave the Commission 10 pages of articles from the internet.

Mr. Jacobson had concerns about health and radiation and wanted to know what the purpose of the installation was. Commissioner Edelman answered that the purpose was to provide internet service for customers. Mr. Jacobson stated that if the church was being paid, then it was a business deal. Mr. Engfer explained that the proposal was for a use permit and carriers had to comply with the Daly City codes. The purpose is to provide internet service to a broad area. There is a private agreement between Clearwire and the church, which can be viewed as a business deal, but the City is not privy to the terms. Mr. Jacobson asked if the environmental impacts had been studied. Ms. Mothershead responded that the applicant had submitted an analysis of the electromagnetic frequency radiation from the site and was in compliance with

federal regulations and FCC guidelines for radiation. The FCC has pre-empted local jurisdictions from regulating EMF beyond the FCC guidelines.

Commissioner Bautista asked what were the noticing requirements and Mr. Engfer answered that it's a 300 foot radius and it's noticed in the newspaper 10 days prior to the hearing.

Mr. Luk stated that he had a two month old child and was concerned. He feels that a church's duty is to serve the community and he questioned how the wireless tower would serve the community. He said that there is an existing tower at Westlake Shopping Center. He also stated that Clearwire operates mainly in the Central Valley and East Bay and this is their way of breaking into the market, but he doesn't see the need. He also sees it as a way of generating income for the church. This project impacts him in a negative way and could affect his child.

Mrs. Chen stated her concerns about the impact on children's health, the long term effects of EMF, and the effect on housing prices.

Commissioner Edelman reiterated that the Planning Commission's job was to review projects to make sure they met City regulations. The safety regulations are dependent on the FCC, not the City.

COMMISSION ACTION

Moved by Commissioner Bautista, seconded by Commissioner Kelly to close the public hearing. Motion carried 4-0.

Moved by Commissioner Bautista, seconded by Commissioner Kelly, to adopt the findings as outlined in the staff report of December 7, 2010. Motion carried 4-0.

Moved by Commissioner Kelly, seconded by Commissioner Lubiano, to affirm the Environmental Assessment. Motion carried 4-0.

Moved by Commissioner Bautista, seconded by Commissioner Kelly, to approve Use Permit UPR-10-10-2819 and Design Review DR-10-10-2820 subject to the Findings and Conditions as outlined in the staff report of December 7, 2010. Motion carried by a unanimous roll call vote.

ADJOURNMENT:

Moved by Commissioner Kelly, seconded by Commissioner Bautista, to adjourn at 7:35 p.m.

Respectfully submitted,



Richard Berger
Director of Economic and Community Development