

PLANNING COMMISSION MEETING, TOWN OF PORTOLA VALLEY, OCTOBER 21, 2009,  
SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chair McKitterick called the meeting to order at 7:32 p.m. Ms. Lambert called the roll:

Present: Commissioners Gilbert, McIntosh, Von Feldt and Zaffaroni, and Chair McKitterick  
Absent: None  
Staff Present: Tom Vlasic, Dep. Town Planner  
Richard Merk, Town Council Liaison  
Leslie Lambert, Planning Manager

ORAL COMMUNICATIONS: None

REGULAR AGENDA

(1) One-year Review, Conditional Use Permit (CUP) X7D-67, Roberts Market, 4420 Alpine Rd.

Mr. Vlasic reviewed the staff report of 10/15/09 on the 1-year review of the Roberts Market operation. He said an email dated 10/21/09 had been received from Robert Allen about the parking lights timer and noise coming from a relatively new exhaust fan. He said and staff would follow up. Unless something new arose, staff would not bring this back for review for three years.

Chair McKitterick asked for public comment, and there was none.

Chair McKitterick said Roberts Market had done everything it promised to do. Citizen complaints were minimal. Responding to Chair McKitterick, Brian Roberts confirmed that Mr. Allen's concerns would receive the same attention as in the past.

Responding to Commissioner Gilbert, Mr. Vlasic said Mr. Allen confirmed that his previous concerns had been taken care of. Because of the visual presence of the market, staff followed up on a regular basis to ensure the market was operating as anticipated. Responding to Commissioner Gilbert, he said peak times in condition #5 of the CUP were periods associated with the holidays. Staff had not received complaints relative to the delivery operation, garbage collection, etc.

Responding to Commissioner Zaffaroni, Mr. Lambert confirmed that neighbors received notice of this meeting and the August 10 ASCC meeting when modifications of the exterior lighting were discussed.

Responding to Commissioner Von Feldt, Mr. Vlasic said Mr. Allen had not voiced any concerns about the landscaping and had put in quite a bit of planting on his property. Commissioner Von Feldt added that keeping the trees healthy would be important in the long term. Mr. Roberts noted that some of the big leaf maples might have to be swapped out in the future, but they were being maintained. Responding to Commissioner Von Feldt, Mr. Roberts confirmed that employees were instructed to park in the parking lot. Referring to CUP condition #15, Commissioner Von Feldt asked if a plan had been developed outlining sustainable and green building practices to be pursued and implemented. Responding, Mr. Vlasic said the ASCC received and approved a sustainability plan. A number of things were done with the original improvements. There was an evaluation of the photovoltaics in particular to see if the solar panel system would work. It was concluded at that time that it didn't fit within the budget. At the 3-year review, one of the conditions required that that be re-evaluated by Roberts along with any new sustainable elements available that might be implemented. Mr. Roberts added that the market was audited by Energy Smart Grocer. All of the equipment was energy efficient and rebate checks had been received. All the refrigeration, etc., was energy smart. As things came up in the future, he would be happy to entertain them.

With no further comments, the 1-year report was accepted by the Commission. Chair McKitterick thanked the Roberts for their good service to the community.

(2) Preliminary Review: Conditional Use Permit (CUP) X7D-170, Proposal for Installation of Pole Antenna, Golden Oak Drive at Peak Lane, T-Mobile West Corporation

Mr. Vlasic reviewed the staff report of 10/15/09 on the request to install a 45' "monopine" for wireless antenna. He said the applicant: 1) indicated that the design of the pole and antenna could accommodate co-location with at least one additional wireless carrier; 2) provided additional information on what the cell phone tree would look like. An alternate location that was tucked more into the trees on the site had also been discussed with the applicant, but the applicant felt it would impact the function and service to the area. Staff had some concerns that the tree might look too artificial, and it might be simpler to have a pole with an antenna on it moved slightly where there would be trees surrounding it. The key thing for the Town was to make sure that the aesthetics were appropriate. Additionally, David Smernoff submitted an email and information about health impacts of "long term exposure to cell phone tower radio frequency pollution." The Town Attorney received a copy and wanted it emphasized that federal agencies had the responsibility for health impacts and that the Town did not have the ability to make that judgment. If the Commission wanted more specifics, the Town Attorney would provide additional information. The federal government set the standards, and it appeared that the application met those standards.

Commissioner Gilbert said there was conflicting information about the radio frequency (RF) emission cited in the architect's report dated 8/4/09 and the consulting engineer's report dated 9/9/09. Mr. Vlasic said he understood the exposure was 1.5% of the public limit. The maximum calculated level at the top of the water tank about 20' away was 8.6% of the public exposure limit. Commissioner Gilbert said the Town's policy statement required that the design of the facility have adequate security to prevent unauthorized access and vandalism. Mr. Vlasic responded that the proposal was for a fence around the pad; there was already some fencing around the property. Commissioner Gilbert said on the maps of existing and preferred coverage, she was surprised at how small the coverage area was generated by towers. If you wanted to get good coverage, it appeared that you would need a lot of towers. Responding, Mr. Vlasic said staff was interested in long-term plans, how the operator wanted to cover areas that weren't covered, and what they would need.

It was hoped that there would be some evolution in technology that could accommodate the topography. Responding to Commissioner Gilbert, Mr. Vlasic said Sprint, Verizon, Nextel, AT&T, and T-Mobile had towers in Town.

Responding to Commissioner Von Feldt, Mr. Vlasic said the numbers provided by the applicant suggested that the facility would be within the limits set in the noise ordinance. Staff would need to verify and would do so before final action was taken. Commissioner Von Feldt said statements in the architect's report indicated:

1) there were no rare species of flora or fauna at the site; and 2) the site had intense urban use. She disagreed. There were sites within a quarter-mile of this area that had rare plants, but they were not visible at this time of year. Responding to Commissioner Von Feldt, Chair McKitterick said the Telecommunications Act had certain restrictions on governmental entities refusing facilities based on health.

He understood that municipalities could consider such things as appearance, noise, security/access, effect on flora and fauna, etc. Mr. Vlasic said Ms. Sloan would provide background information. Commissioner Von Feldt said finding #2 for the CUP required assurance that the proposed use would be reasonably compatible with land uses normally permitted in the surrounding area. Finding #4 required that the proposed use would not adversely affect the abutting property or the permitted use thereof. She would have a problem making those findings given the health concerns that some people had. Chair McKitterick said the Telecommunications Act precluded taking that into account as the reason for denying a site. Mr. Vlasic said health concerns had been looked at at a higher level and fell within the standards that had been set by the FCC.

Commissioner Zaffaroni said issues of health or safety would be relevant if the ground was unstable or there was some other reason why it would be a risk to put a cell tower in that location. She was glad that people were considering a "monopine." She was curious to see what options were out there. It looked like there would be potentially more of these in the community. It was helpful to take a broader view of what could be done in terms of aesthetics and visual standards. As the Town policy indicated, visually offensive

monopoles were not wanted in areas that were highly visible to a lot of the community. The Town's policy specifically indicated that they shouldn't be visible from public trails, on ridgelines, etc. Those were the same standards imposed for construction. She invited people to walk down Georgia Lane and follow it out to the trail. The six monopoles at the Priory were very visible and in no way screened in that location. Responding to Commissioner Zaffaroni, Greg Garrasi (T-Mobile) said the increase in RF exposure would be miniscule if there were other facilities at this site because these were directional antennas. There would not be exposure from all of the antennas. Responding to Commissioner Zaffaroni, he said there was no external alarm that would sound if the equipment was tampered with. A message was sent back to the switch. Responding to Commissioner Zaffaroni, he said the backup generators were mobile. Battery backup was part of the facility and would keep it on air for a period of time. If there was a major earthquake and the facility needed to stay on, T-Mobile would bring in a generator on a temporary basis. The life of the battery depended on the amount of traffic the site carried; it was roughly from 7 to 12 hours depending on traffic. The Water District had a generator there for their facility which might be shared in a disaster. T-Mobile kept generators in a warehouse to deploy as needed. Commissioner McIntosh said it might be difficult to access the site if there was an earthquake. Commissioner Zaffaroni pointed out that generators would need to meet the Town's noise ordinance standards. Power outages were not uncommon in Town and sometimes lasted longer than 7 hours. That was when people would want to use their cell phones. Mr. Vlastic confirmed for Commissioner Zaffaroni that several of the facilities in Town had generators. Mr. Garrasi said if the Town wanted a generator to be part of the project, T-Mobile would be willing to entertain that. The reason it was currently not part of the project was because it was more of an impact.

Responding to Commissioner Gilbert, Ms. Lambert confirmed that if additional service providers wanted to co-locate, they would have to go through the use permit process. Responding to Commissioner Zaffaroni, Mr. Vlastic said there was some fencing and a gate on the property now, but there was no controlled access to the water tank. Commissioner McIntosh said the site was perfect because it was isolated and on top of the hill. The way it would look needed to be addressed.

Chair McKitterick said there was a greater community awareness of the various impacts of cell towers. It remained to be seen whether there would be a lot of public opposition to this particular location. He felt T-Mobile should be prepared to show that this was the least intrusive means of filling a significant gap in somebody's ability to reach the cell tower.

Mr. Garrasi introduced the team present to answer questions. At Monday's site visit, samples of the materials proposed would be available. An acoustic study could also be provided. Within ten feet, the noise generated from the heat pump and air conditioning unit was the level of a very low conversation. Additionally, the water company had cleared the site for fire protection. Trees had been cut down and planted, and it was not a pristine meadow or field. It was a water tank site that was fenced on two sides and open on two sides. T-Mobile's facility would be fenced, locked and secure. T-Mobile would also be happy to provide more information on health. It was federal policy, and this facility would operate almost 100 times below the federal standard. He would be happy to bring in an expert on that as well. Responding to Chair McKitterick, he said he had done this type of work for almost 20 years. In the last year, he attended dozens of hearings like this and many in the course of his career. There were hundreds of thousands of these sites worldwide, with many thousands in California. There had never been any health issues with those that were constructed and operated properly. This site was under federal licensing. As far as the number of sites in Portola Valley, T-Mobile had a proposal for Corte Madera School that had been withdrawn. This was the only proposal for a site in Portola Valley. He did not recall proposing a site in Portola Valley for many years.

T-Mobile took over the Cingular network, and he understood there was a Cingular site or two in Town that was now part of the T-Mobile network. He added that water tank sites were chosen because it was already an established industrial use, a non-residential parcel and typically at higher elevations. The technology was all line of sight and the antenna needed to have a clear line of sight over the coverage area. Even natural pine needles could deflect the signal to a certain extent. The signal could propagate 30 miles if unobstructed by terrain, buildings, foliage, etc. To get in-building coverage, you needed a fairly strong signal. There were taller trees on the site where the proposed facility would be, but the signal should propagate fairly well because of the higher elevation. He reiterated that he would be happy to supplement

the staff report with any information the Commission wanted.

Councilmember Merk said the product data for RBS 2206, section 6.4.8 (p. 3 of 5) talked about acoustic dispersion measured in Bels. The Town's ordinance used dBA, which he understood was a decibel average. He asked how the product data measurements correlated with the noise ordinance. Mr. Vlastic said staff would need to spend some time getting this clarified to make that correlation. Councilmember Merk said the section also talked about equipment coming on at 86° F. He questioned whether that was in the shade or in hot sunlight and where the equipment would be located. On a cool day, if the equipment was in sunlight, it would need to have cooling. He suggested that be looked into.

Cindy Russell asked how many cell towers were currently in Town, how many were planned, and how the General Plan dealt with cell towers. Chair McKitterick said he did not believe there was any General Plan provision for cell towers. Mr. Vlastic noted that there was a policy statement regarding wireless communication facilities. The General Plan provided for services, utilities and facilities that served the community, and the zoning ordinance implemented that through the use permit provisions. This was an extension of that. The policy statement had been developed after there were several applications for location at the Priory. The policy statement recognized the role that the Town could play. It focused on aesthetics and co-location. It accepted the fact that federal standards had to be met, but it also focused on the things that the Town could regulate. The policy had not been updated recently. The Town had expressed some concerns about the Priory entertaining more applications. The Town had received requests for modifications to existing facilities--not new ones. The higher elevations were attractive to service providers. This application was the first one proposed away from the Priory location, but there had been discussions about other locations.

Dr. Russell asked how this tower would serve the community and how many people would benefit. Chair McKitterick said T-Mobile would need to demonstrate that this site would close a significant gap in coverage. Mr. Vlastic said questions such as how many providers were appropriate to serve the needs of the community, how much coverage could each antenna site provide, whether the Town could allow one provider versus another, whether all providers needed to be entertained, etc., could be discussed with the Town Attorney. There were areas in Town that did not have good coverage—irrespective of the service provider. People had problems with that service, which was becoming more common with people relying more on wireless phones than landline phones. The Town had not quantified that at this time.

Responding to Commissioner Gilbert, Ms. Lambert said the Town did not have a series of overlapping maps that showed coverage for all the providers. Responding to Commissioner Gilbert, she said some of the antennas were on telephone poles with most of the facilities at the Priory. There was one at the front of Christ Church, one on Alpine, and one on Westridge. Dr. Russell suggested putting the location of all the cell towers on one map.

Commissioner Zaffaroni said the policy indicated that the applicant should provide a map showing, among other things, the location of other facilities that would be needed to provide service to at least 75% of the Town's population. Mr. Vlastic said staff had asked for longer term plans. A two-year plan was presented, but staff felt it should be longer term for serving those areas that were under served.

Responding to Commissioner McIntosh, Mr. Vlastic said the federal provisions limited what the Town could do, but there was not a federal requirement that T-Mobile provide service to Portola Valley. Responding to Commissioner McIntosh, he said cell phone service was something that residents had become dependent on. Water was also depended on. When someone proposed a water tank, the Town tried to make sure it was located at a high enough elevation to serve people even when the power was out. The Water District would look carefully at their service area, and the Town would look at it as part of the use permit process and make a judgment on what the best service was to the community. In terms of water or sewer service, there was typically only one entity in a local area that provided that service. Cell service was competitive. If the Town wanted to do a plan for that, it would have to look very hard at the matter of competition between entities and how to regulate whether one could come in or not. That was something the Town Attorney

would have to advise on. If the Town Council or Planning Commission wanted staff to take a look at what should be done prior to receiving applications, staff would need some authorization and direction. At this point, the policy statement was used on an application-by-application basis.

Elizabeth d'Oliveria asked what protocol was followed for soliciting neighbor input. Ms. Lambert said a public hearing notice was sent to the neighbors within 300' of the site. That included preliminary reviews and site visits. She said she received communication from one neighbor. He was an AT&T customer and wanted to know how this would benefit him. He was pleased that this would provide 911 service.

Responding to Dr. Russell, Mr. Garrasi said the distance between towers depended on terrain and traffic. In downtown San Francisco or downtown New York City where there were 1,000 people at an intersection at any one time, you might need one cell site to cover that intersection. One site could handle only so many calls at one moment in time. In dense urban areas where there were tall buildings and concrete structures, there were cell sites every couple of blocks. There were hundreds of cell sites in San Francisco. There were also sizes of cell sites. There were microcells, which handled less traffic and were smaller, compact facilities. There were macrocells, which handled more traffic and were a little larger facility. The proposed site was a macrocell. Responding to Dr. Russell, he said T-Mobile operated in a licensed FCC frequency. It could only operate within the licensed frequency, which was several blocks between 1,700 and 2,100 megahertz. Responding to Dr. Russell, Chair McKitterick said everything that had been submitted to the Town for this application was public record. Responding to Dr. Russell, Mr. Garrasi said he was not aware of any moratoriums on cell towers. Moratoriums were for a specific period of time. Cities were also not allowed to create a zoning ordinance that precluded facilities from coming into your city. That would push all the facilities into a neighboring jurisdiction and put the burden on them to bear the infrastructure to provide coverage to your city. The cellular companies provided the infrastructure.

Responding to Commissioner Zaffaroni, Mr. Vlasic said when an applicant proposed a modification to an existing facility, staff asked for an update on the technology to see if there were ways to make it less obtrusive, etc. Responding to Commissioner Zaffaroni, Mr. Garrasi said microcells were a newer technology. They covered a smaller area and couldn't cover as much traffic. Referring to the coverage map, he said there was a microcell on Alpine Road. The area it covered was limited because it was low height and on a utility pole. Any terrain change or heavy foliage would deflect the signal. Microcells were more useful in a downtown urban area when you were trying to cover an intersection that had a lot of traffic. As technology advanced, people were abandoning their landlines and using their cell phones. They could get internet access, WiFi, email photos, have access to 911, etc. The technology was making the service more robust, which allowed people to have more freedom to use it. It required that sites have more seamless coverage. As far as lessening the size of the equipment and reducing the infrastructure, the technology was not headed in that direction. You had to broadcast this radio signal from a transmitter, which required an antenna, and a cabinet, which required radios. Nanno technologies might be forthcoming to reduce the size of some of that equipment, but it wasn't a reality for the everyday cell site at this point in time. The 911 technology was fabulous, and the federal government mandated that each carrier have the 911 technology in their system so that the closest site would take a 911 call and GPS would track back to your phone location.

Commissioner Zaffaroni said the Town's policy required that there be continuous operation in the event of an emergency. Every time there was a power outage in Town, cell phones didn't work. Chair McKitterick said the applicant should be told if they were expected to include a generator in their final proposal. Mr. Vlasic said there was nothing wrong with getting data on a generator and what the noise levels would be. Commissioner McIntosh asked if T-Mobile could have an agreement with the Water District to use their generator. Mr. Garrasi said their first need was public water service. He did not think they would jeopardize that service to keep the cell site on air. There might be a possibility of bringing in a larger generator that was common use. Additionally, the Town could require that the T-Mobile site stay on for "x" number of hours in a disaster and allow T-Mobile to add battery backup to the site (i.e., add a second battery cabinet). Commissioner Zaffaroni said she was not an advocate for everyone having generators in Town. She liked the idea of having a certain amount of battery backup. Mr. Garrasi said currently, the site was designed with

one battery backup unit, and he did not think it would increase the footprint dramatically to add a second unit.

Given the porous nature of the site, Councilmember Merk asked if the 20' square enclosure would be posted with signs. Mr. Garrasi described the fencing enclosing the facility and signage.

Randall Schwabacher, Woodside resident, said in general, cell phone coverage was very important to everyone in the community--mostly for emergency services but also for business, family, etc. He encouraged the Town to look at all of the proposals from any of the providers as long as they were unobtrusive and not aesthetically displeasing. It was the new technology that everyone was using. The use in the future was pretty obvious and replaced landlines for most people.

Commissioner Von Feldt asked if a third party could look at the radio frequency levels and safety. Mr. Vlasic said the Commission would not be able to use that information to make a judgment unless it was substantially over the limits. If the Commission wanted that information, the applicant would be responsible for covering the cost of a third party review. He thought it was highly unlikely that it would be over the federal limits. Mr. Garrasi reiterated that T-Mobile operated under a federal license. The license regulated the frequency and power they could operate at. The study was done at maximum power with worst case scenarios. It was almost 100 times below the federal limit. T-Mobile would lose their federal license if they violated the restrictions that were part of that licensing. That licensing was worth billions of dollars. Commissioner Zaffaroni said the Town policy required that within six months after the issuance of the CUP, the applicant must submit a report stamped by a licensed electrical engineer that provided cumulative field measurements of electromagnetic radiation at the site. She read the requirement from section 5.D of the policy statement. Ms. Lambert confirmed that providers were held to that requirement.

The item was continued to the Monday field meeting at 4 p.m.

#### APPROVAL OF MINUTES

Commissioners Zaffaroni and Gilbert submitted changes to the minutes of the 8/19/09 meeting. By motion and second, the minutes were approved as amended by a vote of a vote of 4-0, with Chair McKitterick abstaining.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS: None

ADJOURNMENT: 9:05 p.m.

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Nate McKitterick, Chair  
Planning Commission

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Leslie Lambert  
Planning Manager