

TOWN OF HILLSBOROUGH

San Mateo County

Alvin L. Royse, Mayor
Christine Krolik, Vice Mayor
Marie Chuang, Councilmember
Sophie Cole, Councilmember
Laurence M. May, Councilmember



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UNAPPROVED MINUTES THURSDAY, JUNE 17, 2021 5:00 PM SPECIAL CITY COUNCIL MEETING

On March 17, 2020, the Governor issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means. On June 11, 2021, the Governor subsequently issued Executive Order N-08-21 essentially maintaining the suspension of certain provisions of the Brown Act to continue to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means through September 30, 2021. As such, the Council Chambers was not open to the public for the June 17, 2021 Town of Hillsborough Special City Council meeting. The Town conducted the City Council meeting via Zoom.

I. CALL TO ORDER

Mayor Royse called the meeting to order at 5:01 p.m.

II. ROLL CALL

Present: Chuang, Cole, May, Krolik, Royse

Mayor Royse announced that the Town is subject to a rolling blackout scheduled to potentially occur between 5:00 p.m. and 7:00 p.m. per the California Energy Grid, and if the blackout does occur, the meeting will be cancelled and continued to Saturday, June 19, 2021 at 9:00 a.m.

III. PLEDGE OF ALLEGIANCE

Mayor Royse led the Pledge of Allegiance.

IV. PUBLIC COMMENT I:

Larry Friedberg, co-founder, Hillsborough Citizens Alliance, 870 Longview Road, provided comments regarding the discussion of collocation with the applicant at the previous wireless meeting citing the Town's code related to wireless communications facilities, and urged the City Council to ensure collocation is considered in the proposed wireless plan.

John Lavrich, 1560 Black Mountain Road, provided comments regarding the rolling blackout warning and requested that if there is a partial or full blackout, to continue the meeting.

V. ANNOUNCEMENT OF CONFLICT OF INTEREST

There were no announcements of conflict of interest.

VI. PUBLIC HEARING:

1. (1) OPEN CONTINUED PUBLIC HEARING ON CROWN CASTLE'S APPLICATION FOR A WIRELESS FACILITY ON AN EXISTING UTILITY POLE IN THE PUBLIC RIGHT-OF-WAY (H32) TO CONSIDER, AS AN ALTERNATIVE TO THAT PRIMARY LOCATION, A POTENTIAL NEW STEEL POLE WITHIN THE ISLAND AT THE INTERSECTIONS OF CHILTERN AND RIDGEWAY ROADS WITH A SIMILAR DESIGN TO OTHER PROPOSED STEEL POLES IN CROWN CASTLE'S APPLICATIONS, AND TO DIRECT STAFF ON PREPARATION OF A DECISION RESOLUTION REGARDING APPLICATION H32 - CONTINUED FROM JUNE 12, 2021; AND (2) OPEN CONTINUED PUBLIC HEARING TO NOW CONSIDER THE MERITS OF CROWN CASTLE'S 3 APPLICATIONS FOR WIRELESS FACILITIES ON TOWN-OWNED PROPERTY (H02, H12, H27) AND TO DIRECT STAFF ON PREPARATION OF A DECISION RESOLUTION REGARDING THOSE APPLICATIONS - CONTINUED FROM MAY 20, 2021

Vice Mayor Krolik disclosed that she met with Kristin and Gordon Dean who live across from the island, which was suggested as an alternative site for H32.

Mayor Royse stated he visited the site again by car and on foot.

City Attorney Christopher Diaz, Public Works Director Paul Willis and Telecommunications Counsel Gail Karish provided the staff presentation. Michael Afflerbach, CTC Media Group, provided additional information.

Mayor Royse opened the continued Public Hearing for application H32 at 5:39 p.m.

Legal Counsel Michael Shonafelt, on behalf of the applicant, Kevin Clements, Civil and Structural Engineering expert, Kimley Horn, Julio Garcia, Crown Castle RF Manager, and Kristen Hofmann, Supervisor Network Construction, Crown Castle, provided the applicant presentation. Geri Freeman, Senior-Regional Manager, Crown Castle, provided additional information.

Mr. Shonafelt responded to questions from Mr. Willis and confirmed that pad-mounting the pole and meter at the island site is conceptually feasible pending verification of space.

Mayor Royse opened public comment at 6:~~54~~19 p.m.

Linda Cooperman, 930 Culebra Road, stated she has little cellular coverage in her home and spoke in support of the proposed plan.

Curtis Raff spoke in support of the wireless plan in the interest of safety.

John Lavrich inquired if anyone from the Town has reached out to the PG&E engineering contacts he provided to validate Crown Castle's statements and inquired as to who has jurisdictional control over the H07m2 existing pole.

Dorothy Fletcher, Longview Road, stated the Town's guidelines should be followed and that she has no issues with her Verizon coverage.

Tim Alevizos, Plaid Place near Tartan Trail, expressed concerns regarding the wireless plan citing a substantial loss in value to homes near any pole and safety concerns.

Arlene Bernstein stated that the existing pole behind her home is a 27-foot, 10-inch pole and the proposal is to add 9 feet to that pole, and spoke regarding the size of the box and additional wires that will be attached to the pole. Ms. Bernstein stated 825 Chiltern is a better location for the pole.

Rajesh Parekh urged the City Council to not make decisions without clarity on the topics of collocation and the alternative site that is 150 feet away from homes.

Paul Leung stated that modern cellular solutions have not impacted real estate in neighboring cities.

Jennifer Marvitz, 255 Ridgeway, across from the alternative site at the island, stated the proposed poles do not fit in aesthetically and will damage home values, and stated that some locations will continue to have lower coverage so there will be more poles coming to fill that gap, and questioned the adequacy and accuracy of the coverage maps presented.

Jean Parekh urged the City Council to not rush the decision, citing a lack of clarity regarding collocation and a lack of backup power. Dr. Parekh urged the City Council to have an outside party develop the right plan for the Town.

Lynn Goodman, 3480 Ralston, spoke regarding the impact on her ability to sell her home due to the proposed wireless pole near her home.

Gordon Dean spoke in opposition to locating H32 on the island and referenced a letter he submitted to the City Council.

Kristin Dean spoke in opposition to locating H32 on the island, citing that it does not meet the design standards.

Mayor Royse closed public comment at 6:51 p.m.

Mr. Shonafelt provided rebuttal comments.

Mr. Diaz provided comments regarding meeting procedures.

Mayor Royse closed the Public Hearing on the application for H32 at 8:44:55 p.m.

MOTION: Vice Mayor Krolik moved to consider other sites for H32, to be presented to the City Council.

The motion died due to lack of a second.

MOTION: Councilmember Chuang moved to provide preliminary direction to approve H32 at the original site, with the conditions that the equipment is 8 feet above ground and at a reduced height by adding the 4-foot antenna on a side mount away from the homeowner to address the sight issues for the homeowners.

Councilmember May seconded the motion, with friendly amendments to clarify the height of the existing pole and cap the height of the antenna at 30.5 feet if the pole is 30 feet as stated, and inclusion of the suggestion by Mr. Willis to place the pole components on a pad-mounted box to the side of the pole, behind the curb, aligned next to the meter.

Following discussion, Mayor Royse restated the motion: to provide preliminary direction to staff to draft the resolution for approval of H32 at the original site, with a cap of no taller than 30.5 feet, side-mounted antenna, and all of the accessories in a side container at ground level.

SUBSTITUTE MOTION: Councilmember Cole offered a substitute motion to approve the island location for H32.

The motion died due to lack of a second.

FRIENDLY AMENDMENT: Vice Mayor Krolik offered a friendly amendment to request Crown Castle to provide a rendering of what the pole would look like at the City Council meeting on Saturday, June 19.

Councilmember Chuang accepted the friendly amendment.

Mr. Diaz provided comments regarding meeting procedures.

Following discussion and with concurrence from Councilmember Chuang and Councilmember May, Mayor Royse stated that the motion includes that the request for a rendering of the pole at the original site for H32 will be continued to a special meeting on Saturday, June 19 in the event that the Town-owned property site discussion is continued to June 19; if the Town-owned property site discussion is not continued to June 19, the discussion of a rendering of the pole for H32 is continued to the final hearing on June 28.

The motion as amended carried by the following roll call vote:

Ayes: 5 (Chuang, Cole, May, Krolik, Royse)

Noes: 0

Following action on the application for H32, the City Council considered the merits of Crown Castle's three applications for wireless facilities on Town-owned property (H02, H12, H27), continued from May 20, 2021.

City Attorney Christopher Diaz, Telecommunications Counsel Gail Karish, Telecommunications Counsel Joseph Van Eaton, Public Works Director Paul Willis and Building & Planning Director Sarah Fleming provided the staff presentation.

Mayor Royse opened the continued Public Hearing at 8:44 p.m.

Legal Counsel Michael Shonafelt, on behalf of the applicant, Julio Garcia, RF Manager, Crown Castle, and Kristen Hofmann, Supervisor Network Construction, Crown Castle provided the applicant presentation. Jessica Verre, Manager, Network Real Estate, Crown Castle and Public Works Director Willis responded to City Council questions.

Mayor Royse opened public comment at 9:33 p.m.

Patrick Shannon spoke regarding application of the Town's design standards and requested the City Council seek a legal opinion.

Malia spoke in support of the Crown Castle wireless proposal citing safety concerns with the current lack of coverage.

John Lavrich, prior to making his comment, inquired as to whether the City Council had made ex parte disclosures yet.

Following comments by Mr. Diaz, the City Council proceeded with ex parte disclosures.

Councilmember Chuang disclosed she drove by the sites, has not spoken to the applicant or any residents regarding the three sites, and reviewed the emailed public comments.

Councilmember Cole disclosed she visited all three sites and read all of the public comments submitted regarding the three sites.

Councilmember May disclosed he visited all three sites, he regularly goes by the gatehouse site and the El Arroyo site, had no communications with anyone regarding the three sites, and read all of the communications posted to the website as of 4:00 p.m. today.

Vice Mayor Krolik disclosed she visited all three sites and read all of the communications received.

Mayor Royse disclosed he visited all three sites, read all of the emails received as of 4:00 p.m. today, and had no communications with anyone concerning the three sites.

Following ex parte disclosures, public comment resumed.

John Lavrich spoke in opposition to the H27m3 site citing violations to the Hillsborough Municipal Code and General Plan, spoke in opposition to the terms in the license agreement, and requested the City Council look at alternative sites on a monopole with integrated equipment, concealed wiring, limited height, and that support collocation.

Annie Pong spoke regarding the condition of the Marlborough water tank site and requested another location be selected for the wireless pole.

Larry Friedberg spoke in opposition to the three applications and provided comments regarding statements made by Councilmembers related to exceptions to the design guidelines, requested a plan for collocation, and spoke regarding the 60-day shot clock.

Mark Church, Marlborough Road near H27, spoke in opposition to H27 citing violations to the design guidelines and General Plan. Mr. Church requested the City Council prepare a plan that includes a thorough review of alternative locations at least 150 feet from homes. Mr. Church urged the City Council to deny the application.

Rajesh Parekh provided comments in opposition to the application for H27, citing concerns with the small lot size, screening, and proximity to the nearest residence. Mr. Parekh suggested the City Council ask Crown Castle to release the 60-day shot clock to allow for more time.

Brittany Burns, 1635 Marlborough, spoke regarding the impact of H27 at the Marlborough site on her family and urged the City Council to deny the application citing the close proximity to her home.

Josh Burns stated his home is 45 feet from the Marlborough site and provided comments that poles should not be allowed to be located so close to homes if they are not allowed to be close to schools. Mr. Burns stated the Marlborough tank site is already full of equipment and requested consideration of the alternative sites submitted. Mr. Burns stated that trenching on the site could compromise screening and potentially damage trees, putting his family in jeopardy.

Mayor Royse invited any additional speakers to provide comments. Seeing no additional speakers, Mayor Royse closed public comment at 10:00 p.m.

Mr. Shonafelt, Mr. Garcia, Ms. Freeman and Mr. Willis responded to City Council questions.

Mayor Royse requested member of the public Josh Burns provide additional information regarding his earlier comments relating to alternative locations for H27. Mr. Burns provided brief comments in response.

Mr. Garcia and Ms. Freeman responded to City Council questions regarding the alternative sites suggested.

Mr. Diaz stated public notice would need to be mailed for any potential new alternative sites.

Mayor Royse closed the Public Hearing at 10:18 p.m.

MOTION: Councilmember Cole moved to provide preliminary approval of H02 and H12 with conditions to explore collocation options and backup power and design review of the structure at the Gatehouse.

Mr. Diaz and Ms. Karish responded to City Council questions.

Mayor Royse re-opened the Public Hearing at 10:27 p.m. to ask a question of the applicant.

Legal Counsel Michael Shonafelt, on behalf of the applicant, stated he would confer with his client regarding the potential for extending the timeline for H27 and provide a response by Saturday.

Mr. Willis displayed a map and provided comments regarding the review process for applications on Town-owned property versus applications in the right-of-way.

Mayor Royse re-opened public comment at 10:32 p.m.

Annie Pong stated that Verizon coverage in the Marlborough area is not a problem and suggested the proposed wireless pole be moved to serve another area of the community that needs the coverage.

John Lavrich provided comments regarding an alternate site adjacent to 1701 Wedgewood and urged the City Council to review the site at the specific GPS coordinates submitted for the location. Mr. Lavrich suggested the City Council encourage staff to host a community meeting at the Marlborough site to allow residents an opportunity to talk to Public Works staff and to allow Crown Castle to review what is feasible.

Mayor Royse closed public comment at 10:36 p.m.

Legal Counsel Michael Shonafelt, on behalf of the applicant, provided brief rebuttal comments.

Mayor Royse closed the re-opened Public Hearing at 10:36 p.m.

Following discussion, Councilmember Cole restated her motion: to provide direction to staff for preliminary approval of H02 and H12 with conditions to further explore collocation options and backup power, and aesthetic design review of the structure of

H12 at the gatehouse.
Councilmember May seconded the motion.

The motion carried by the following roll call vote:
Ayes: 5 (Chuang, Cole, May, Krolik, Royse)
Noes: 0

MOTION: Councilmember May moved and Councilmember Chuang seconded the motion to continue the application for H27 to June 28, 2021.

The motion carried by the following roll call vote:
Ayes: 5 (Chuang, Cole, May, Krolik, Royse)
Noes: 0

MOTION: Councilmember May moved and Councilmember Chuang seconded the motion to approve the license agreement for a term of 15 years with the rate set at the same rate as charged to other parties, and restoration based on City Engineer review of what the cost would be, as suggested by Telecommunications Counsel Joseph Van Eaton.

The motion carried by the following roll call vote:
Ayes: 5 (Chuang, Cole, May, Krolik, Royse)
Noes: 0

VII. PUBLIC COMMENT II:

John Lavrich provided comments regarding the validity and accuracy of Crown Castle's coverage/propagation maps, questioning that the signal from the Darrell Road site will not cross Black Mountain Road and urged the City Council to ask Crown Castle about the addition of a transmitter to cover a wider portion of the Town. Mr. Lavrich stated he has evidence from 2018-2019 from Verizon's engineering team that states that macro tower sites could be expanded to increase capacity.

Josh Burns inquired about the encroachment permit process for planned trenching and as to why there is no plan to provide wireless coverage to the Lakeview area.

Larry Friedberg stated the June 28 date seems artificial and urged the City Council to ask for additional time.

VIII. ADJOURNMENT

Mayor Royse adjourned the meeting at 11:02 p.m.