



ORINDA

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Orinda jumps into global battle for telecommunication supremacy



Photos provided

By Sora O'Doherty

When the Orinda City Council scheduled a special meeting to receive a report regarding small cell wireless communications facilities, few residents probably understood that this issue is the subject of a huge international power struggle. According to the New York Times, "The United States believes that whoever controls 5G—the fifth generation of wireless communication—will have a global advantage for decades to come. The fear is that China is almost there." This fear led the Federal Communications Commission to issue declaratory rulings and orders that essentially strip local governments of the power to regulate the installation of 5G sites. According to the Orinda staff report, several local jurisdictions have sued the FCC over its order because of the way it usurps local control, but staff advises that "the results of that litigation may not be known for many months, if not years."

In addition to the staff report, prepared by Senior Planner Mayank Patel and presented by Director of Planning Drummond Buckley, the council also heard a pre-

sentation by attorney Jonathan L. Kramer, head of Telecom Law Firm P.C. There was also public comment, primarily by residents opposed to 5G installations on the basis of safety.

The 5G facilities will be installed in public rights of way, affixed to existing pole infrastructure, such as street lights, traffic signals and utility poles or on new, purpose-built small cell poles. The 5G antennae, referred to in the industry as "small cells," cover only a very small area. Each small cell antenna services hundreds of square feet whereas traditional cell sites cover square miles. Further, cell phone service providers will not share the small cells, so that multiple facilities will be required for each provider. Verizon has told staff that they plan to apply for 87 small-cell sites in order to provide Orinda with full 5G coverage. Staff presumes that other wireless carriers will need a similar number of sites to provide service in Orinda.

Ann Goldman argued that the 5G facilities will blanket the area and make Orinda look like a military site. Nadine Whitman expressed concern about PG&E poles, in light of PG&E's recent bank-

ruptcy. She noted that a lot of cities are fighting the FCC regulation.

Ellie Marks, director of the California Brain Tumor Association which advocates for safe technology, said in a written submission that, while the council cannot base its decision on health, that does not mean that they cannot be educated on the science and health effects. She spoke about people with electro-hypersensitivity, which is named in the Americans with Disabilities Act. Marks said the Danville residents are unhappy with the ordinance that Telecom Law Firm helped the city write. She advocated for fiber optics to the home instead of 5G. However, 5G is about more than home connectivity. As the New York Times has explained, 5G is considered to be the "internet of things" that will control things as diverse as autonomous vehicles, industrial robots, and gas pipelines. Marks urged Orinda to adopt all or parts of the model code the California Brain Tumor Association has developed for towns and cities.

Other speakers spoke of the dangers and urged the city to look at alternatives, such as fiber optics, and several speakers offered negative comments about Telecom Law Firm, while Kramer countered that his firm wrote the ordinances for Hillsborough and Danville.

During council discussion, Council Member Amy Worth thought that it would be helpful to get copies of existing ordinances from cities similar to Orinda. Council Member Dennis Fay wondered what authority Orinda has to regulate 5G sites in the face of the federal regulations, but Kramer assured him that the city can still do a lot, since the city is allowed to set the aesthetic standards, which can affect the timing and placement of the sites.

The city could require undergrounding. "The companies will argue that that is not a reasonable requirement," however, he added. But he did note that if a project complies with the FCC laws, it cannot be denied by the city. "Your hands are tied," Kramer said. Mayor Inga Miller noted that 5G does not yet exist, citing an article from the New York Times, and that very big money is involved.

Buckley suggested that the council adopt an ordinance that references design guidelines. That approach would allow the design guidelines to be changed at a later date. Owing to the short timeline, he suggested an urgency ordinance, but said that such an ordinance will not act as a moratorium or a ban. City Manager Steve Salomon noted that the council had heard a lot during the meeting and that staff will work to craft something before the April deadline when the FCC regulations come into force. He suggested coordination with the League of Cities and with other cities. He added that it is unlikely that the composition or approach of the FCC will change in the next two years. Buckley said that the National League of Cities has something similar to a model ordinance.



City Council likes its priorities, but private road dwellers object

By Sora O'Doherty

There was a lot of excitement in the Library Auditorium Feb. 19 as the Orinda City Council discussed its priorities for the next two years, with downtown development and daylighting of San Pablo Creek among its top priorities. Those projects did receive enthusiastic support from speakers and the council. But excitement turned to emotional dismay when some of Orinda's residents once again asked the city to make solving the problem of Orinda's private streets its top priority.

During the council discussion on whether the council should agree to some forum for the discussion of the private roads issue, Mayor Inga Miller was clearly upset

as she proclaimed that "we're very strongly making a choice that we're going to do this (look into private roads) instead of working on the downtown, and this is an incredible disappointment to me." Other council members quickly reassured her that they were not choosing private roads over downtown development.

Last year the council had shocked private road residents when it rolled back the idea, supported by the Citizen's Infrastructure Oversight Committee, of forming a task force to look into the issue of private roads. Residents of private roads claim that 20 percent of the population of Orinda reside on private roads and have long been asking for a forum where ideas about addressing how private roads might be incor-

porated into the city could be discussed without the three-minute time limitation imposed at city council meetings. Since then, two new members have joined the city council, and they seem to be interested in hearing more on the subject. Vice Mayor Darlene Gee has been consistently sympathetic to the difficulties faced by private road residents. "I believe there is more community support for this than we might believe," she said, while assuring the mayor that she in no way intended to put private roads ahead of downtown development.

Council Member Dennis Fay stated that he is also concerned about drainage. "When I walked the city campaigning," he said, "there were places where city water dumped into private drains." Gee said that she was impressed by a candidate at the interviews for committees and commissions who said, "At the end of the day, we have to decide whether we are a community together or not." The mayor pointed out that the person who said that resides on a private road. Miller also repeatedly stated that the private road residents would no longer wish their streets to become public

because that would mean the installation of 5G communications sites in the public right of way.

Staff, in presenting the list of potential priorities to the council, was particularly interested if there were any that the council wanted to add or remove. It seemed that the majority of the council agreed that updating the pedestrian walkways and bicycle plans could be delayed.

The list of priority projects was broken up into four large categories: infrastructure, downtown, emergency preparedness and fiscal stability. Specific projects were then further categorized as city buildings and facilities, park improvements, transportation/drainage, and vehicles. The latter had just one proposed project: the replacement of the city's fleet of vehicles.

Council Member Amy Worth emphasized that the city needs to look at the completion of the public roads restoration project, as well as seeking a long-term funding source for maintenance of those roads. "We'll need to go back to the voters for public roads and drains," she said. "We have very limited funds," she added, noting that she didn't know what voter toler-

ance would be for additional taxes. The subject of raising additional funds to complete the projects of restoring the cities arterial and feeder streets as well as public drains was discussed in light of the coming conclusion of the half-cent sales tax. Any revenue raising legislation requires a two-thirds majority vote of the public, and private road residents have been suggesting that that threshold might be difficult to achieve without their support. The council will have to decide if it wants to seek another sales tax in an amount of one-half cent or greater, and what, if anything, the proceeds of such a tax could be used for.

Gee concluded by thanking both staff and the public for their presentations. "If we had all of the resources, we'd want to do everything in here," she said. She did suggest two additional items she would like to see adopted: a grant consultant to help the city find more money and a public information consultant. "We've made consistent improvement over the past five years," she noted, "but I think we need to uptick (communications because) we have a very sophisticated community."

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Author of "Don't Go Broke In A Nursing Home."



City Council

Tuesday, March 19, 7 p.m. Regular Meeting
Library Auditorium, Orinda Library,
26 Orinda Way

Orinda Public Meetings

Planning Commission

Tuesday, March 12, 7 p.m.
Library Auditorium, Orinda Library,
26 Orinda Way

Citizens' Infrastructure Oversight Commission

Wednesday, March 13, 6:30 p.m.
Sarge Littlehale Community Room,
22 Orinda Way, Orinda, CA 94563

Orinda Union High School District Board Meetings

Monday, March 11, 6 p.m.
Regular Board Meeting
8 Altarinda Rd., Orinda, www.orindaschools.org
See also AUHSD meeting page A2