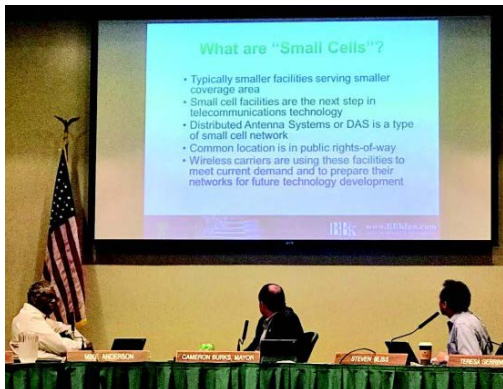


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## 5G - It's coming, like it or not



Council members study a slide at a presentation on 5G at the April 8 city council meeting. Photo Pippa Fisher

council can and cannot weigh in on when these new wireless facilities, which are to be placed in public rights-of-way, arrive.

This small cell technology differs from previous facilities, which were often placed on high towers located more remotely, in that they are typically smaller and cover only a short area, necessitating the need for many more antennas closer to users.

On private roads, while not exempt from the FCC order where an easement exists, such antennas would be easier to deny noted Karish.

They are being introduced as a way to upgrade the wireless network, speeding up downloads and supporting technology beyond just cell phone use to enable such things as auto-driving cars.

Karish reminded the council and those in attendance that the FCC is the sole authority setting safety standards for radio frequency exposure.

Questions came at Karish from all council members. Vice Mayor Mike Anderson sought assurance that they would be able to change Lafayette's ordinance should litigation elsewhere be successful, which Karish gave.

Council Member Steven Bliss asked if the spacing of poles could be changed under the guise of "aesthetics." Karish agreed it could but pointed out that aesthetics are by nature subjective. "It has to be 'reasonable' and based on substantial evidence," she said.

Council Member Teresa Gerringer brought up the question of testing and whether they could demand it be done more frequently than every three years. Karish said that they couldn't force the carriers to do it but that they could do it themselves.

The council took public comment from five people, several of whom were members of the group East Bay Neighborhoods for Responsible Technology. All were very concerned about the health implication of 5G, but understanding that safety of RF's was not on the table, they argued for creative ways to push back. Jodie Nelson, a Walnut Creek resident urged the council to look at the Americans with Disabilities Act requirements and its impact.

Lafayette resident and Environmental Task Force Member Nancy Hu urged the council to look at spacing out poles and keeping antennas away from schools and residential areas and Lafayette resident Katelyn McCormack suggested the council avoid so-called "stealth" design (when antennas are camouflaged and hidden) saying people need to know that they are there.

With modifications of some conditions as prepared in the staff version in the areas of minimum pole spacing, making reviews annually and language around ADA, the council unanimously adopted the urgency ordinance and the resolution as amended. They voted unanimously to continue the matter of the traditional ordinance to June 24 with Council Member Susan Candell and Anderson forming a subcommittee to work with the BBK attorney in the meantime.

Mayor Cam Burks said after the meeting that he was proud of the council for its detailed and thoughtful deliberations.

The next generation of wireless is arriving in California and there is very little local government can do about it, thanks to Federal Communication Commission orders and federal laws that place procedural and substantive limitations on local authorities. Lafayette city council members expressed concern over their lack of control, but rolled up their sleeves to make whatever modifications they could to deal with the situation at their April 8 meeting.

The city council spent several hours listening to a report from Best, Best and Krieger lawyer Gail Karish and discussing their options for the rollout of 5G or next generation wireless in Lafayette. They were under the gun to adopt an emergency ordinance before April 15 in order to retain some say in aesthetics, the only area left for the council with any room for manoeuver.

Karish, who works entirely on telecommunication issues with local governments, gave a presentation on what the

"While we had to do the best we could on Monday night with the `urgency' actions (based on the FCC's deadline of April 15), I can tell you that this isn't the last of the 5G debate," said Burks. "We intend to deliberate in the same vigorous manner when the primary ordinance returns for introduction in June."

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[back](#)

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