

From: Alicia Torre <alicia@torrenimer.org>
To: <planning-commission@smcgov.org>
CC: Camille Leung <cleung@smcgov.org>, <palomarnews@gmail.com>, Michael Kubi...
Date: 4/7/2015 10:43 AM
Subject: Verizon application at 1175 Palomar -- Case No. PLN2005-00801
Attachments: PC letter 040715.pdf

Dear Commissioners,

Attached please find a letter from three neighbors requesting that you require Verizon to provide more information in advance of the April 22 hearing for the case above. What has been provided regarding alternative sites does not meet the county's zoning ordinance standard and it does not allow for an informed discussion. The letter provides further explanation.

I would very much appreciate a reply to let me know the commissioners have received this message.

Many thanks,

Alicia Torre

April 7, 2015

Planning Commissioner Laurie Simonson
Planning Commissioner Frederick Hansson
Planning Commissioner Zoe Kersteen-Tucker
Planning Commissioner Manuel Ramirez Jr.
Planning Commissioner Steve Dworetzky

RE: Verizon Wireless Telecommunications Facility at 1175 Palomar
(Case No. PLN2005-00801)

Dear Commissioners,

We are writing to request you insist that Verizon provide more detailed information for its alternatives analysis well in advance of any hearing on the proposed project. What has been provided to date is woefully inadequate and does not meet the county's ordinance standards or allow for an informed discussion of alternative sites. In particular, Verizon's radio engineer needs to provide coverage maps for the five sites he states have been analyzed in support of his single sentence rejection of all these alternatives. Other needs are listed below, following some background on this case.

The Palomar Property Owners Association and neighbors have been opposing a variety of proposals for expansion of wireless telecommunications facilities at 1175 Palomar since 2006—nearly 10 years. In that time proposals and equipment have varied, but they have involved 5 different companies requiring separate fenced enclosures for equipment, underground utilities, and separate poles, each with multiple transmitters. Together they constitute an industrial antenna farm in a residential area.

During this period the county developed zoning regulations for Wireless Telecommunication Facilities (section 6510) which discouraged location in residential zones unless companies could provide detailed evidence (not mere assertions) "...that demonstrates that there are no feasible alternative **non-residential** sites or **combination** of non-residential sites available to eliminate or **substantially** reduce **significant** gaps" in coverage (emphasis added). (6512.5.16) Applicants are also required to identify existing facilities within 2.5 miles of the proposed location and explain why co-location would not be feasible, and to state "...the radio frequency coverage and/or capacity needs and objective(s) of the applicant." (6512.5.11) To date, all that Verizon has provided is a 1.1 page letter stating that its objective is whatever is shown on a coverage map with the 1175 Palomar site and that none of 5 sites it examined meet this same desired coverage – an obvious conclusion which does not meet the ordinance standard.

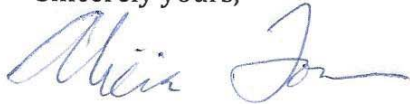
To comply with the county's zoning ordinance requirements, Verizon and any other applicant needs to:

- State an RF objective that can be evaluated at different sites
- Evaluate co-location at existing facilities within 2.5 miles and provide detailed technical information and justifications as to why they aren't viable
- Conduct a detailed alternatives analysis that demonstrates there are
 - (a) no feasible non-residential sites
 - (b) no feasible combination of non-residential sitesand provide evidence, including coverage maps at those locations, and explanations as to why any gaps rise to the level of significant.
- Prove that the tower height is no taller than necessary to provide adequate coverage (6512.2E)

Verizon's January 5, 2015 letter does not provide any depth of information and rejects all alternative sites because they do not provide the same coverage as the site Verizon wishes to use.

We respectfully request that you insist on detailed coverage maps for all sites, a statement of RF objective, and the other evidence required by the county's ordinance.

Sincerely yours,



Alicia Torre



Sally Einspahr



Jonathan Nimer

cc: Palomar Property Owners
Camille Leung, County Planner

From: Sherri Horan <sherrihoran@yahoo.com>
To: "cleung@smcgov.org" <cleung@smcgov.org>
CC: "planning-commission@smcgov.org" <planning-commission@smcgov.org>
Date: 4/9/2015 11:35 AM
Subject: regarding PLN 2005-00801

Dear Ms. Leung,

I am writing in support of our local Palomar Park Board members stance on the cell towers in Palomar Park. For personal and community concerns, I am opposed to expansion of the current cell tower site or the addition of cell tower sites in Palomar Park residential area.

Palomar Board's stated position:

- We oppose any further expansion of the existing cell tower site at 1175 Palomar Dr;

| |

- We oppose any additional or new cell tower site within Palomar Park;

| |

- We believe a majority of the Palomar Park community is opposed to building cell tower sites in residential Palomar Park, now and in the past, so it is assumed that these positions and our goal of "no expansion, no new sites" are aligned with most residents.

Thank you for supporting our community and honoring our desire to reduce the adverse impact cell towers have on the natural setting of Palomar park and the safety of it's community members.

Sincerely,

Sherri Horan 275 Clifford Ave 650-465-8064

From: Dottie Miller <newfordottie@comcast.net>
To: <cleung@smcgov.org>
CC: <planning-commission@smcgov.org>
Date: 4/9/2015 12:09 PM
Subject: PLN 2005-00801 Proposed cell tower at 1175 Palomar Drive`

Dear Ms Leung,

Please do not allow the expansion of the existing cell tower site at 1175 Palomar Dr., nor allow any additional cell tower sites within Palomar Park.

Cell towers have no place in a strictly residential neighborhood. Not only are they an eyesore to the surrounding area, but also have an adverse affect on property values and are a health concern due to the RF radiation exposure.

I and other residents of Palomar Park love living here because it is a beautiful area and a haven of tranquility away from the hustle bustle of commercial areas. Please help us keep the Palomar Park neighborhood free from further commercial intrusions.

Sincerely,

Dorothy Miller
245 Montalvo Road
Redwood City, Ca 94062
(Palomar Park)

From: "Michael Herzen" <mikeh@4herzen.net>
To: <cleung@smcgov.org>, <planning-commission@smcgov.org>
CC: <mwkubiak06@gmail.com>, "Margaret Herzen" <margaret@4herzen.net>, "Dan...
Date: 4/10/2015 3:10 PM
Subject: Verizon Cell-tower application in Palomar Park

Re: PLN 2005-00801

Dear Ms. Leung, and Planning Commission Members:

As a long-time (35 years) resident of Palomar Park, I want to express my support for this application. My reasons:

- a) This is a very high fire-hazard area, and I want to ensure that there will be telephone availability if/when the fixed-line telephone system is damaged, by fire or anything else;
- b) I do not agree with some of my NIMBY infected neighbors, that this facility can just be farmed off to some unnamed other local area: for service to our neighborhood, we have to take our full responsibility for the necessary engineering aspects of these telephone systems, including local towers;
- c) The 'unsightliness' of these towers is a completely bogus argument, as the existing towers at this address are completely invisible. Even one PPO (Palomar Property Owners) member who lives just across the street admits that she has never seen the towers, nor have I, through I have made several attempts from several angles of view (from inside Palomar Park) to see them;
- d) The argument of increases in 'wear and tear' on the roads from servicing vehicles is an argument to have less housing there. Yes, we would have less wear and tear with fewer houses. That is hardly an argument for the long-term viability of our neighborhood;
- e) Property values: I have no idea - nor do my opponents - on the effect of these towers on the value of property, but I can tell you this: a fire here, with no telephone service, will definitely not increase those values;
- f) The argument of undefined "health effects" from RF radiation is shameless fear mongering, appealing to ignorance: of all the myriad studies of (non-ionizing) radio frequency radiation on health, there is not a single refereed scientific article that has confirmed such effects on humans.

Some of my neighbors are very strongly in opposition to this tower. As you can see from the above, I believe they are wrong, and that this is not just a commercial issue for Verizon and the property owner, nor simply an issue of convenience for a stronger cell phone signal, but a vital safety issue. I can only pray that my views, so publicly expressed, will not result in any untoward consequences for me, my family, and my property.

Sincerely yours,

Michael Herzen

330 Palomar Dr.

Palomar Park, CA 94062-3262

(650) 361-8415

(650) 400-5367

From: Kathryn Bedbury <kat@bedburyrealtors.com>
To: <cleung@smcgov.org>
CC: <planning-commission@smcgov.org>
Date: 4/11/2015 11:59 AM
Subject: NO Cell Phone Towers in Palomar Park!!

Dear Ms. Leung,

I am writing in reference to the application for Verizon's application for an additional cell phone tower(s) at 1175 Palomar Drive. Palomar Park. For your convenience and ease of reference, the application number is PLN2005-00801. As a resident of Palomar Park, I do not want to see additional cell phone towers permitted in Palomar Park.

Palomar Park is a beautiful, rural community and we want to keep it that way. Preventing commercial intrusions like cell phone towers is one way we can assure its continued rural atmosphere. If this tower application is approved, we will have a much harder time preventing other such intrusions and, in time, we will have lost the rural feel all residents enjoy.

Having cell phone towers on any residential property negatively impacts the market value of adjacent homes. In turn, this will negatively impact the perceived market value of the entire community of homes.

There is already a health concern caused by the presence of the existing tower. Adding an additional tower(s) will substantially increase that health risk.

Finally, as a resident of what is referred to as outer Palomar, we are located on that stretch of road leading to 1175 Palomar that is not maintained by the county. The increase in vehicle traffic from service trucks will cause additional wear and tear to that road which, as residents, we must maintain. Should the tower be approved we would expect road maintenance be provided as a condition of such approval.

For all the reasons stipulated above, we urge you to do the right thing and deny the application.

Very truly yours,

Kat and Bob Bedbury

Kathryn Bedbury CalBRE#01817656
Realtor
Bedbury Realtors
c/o Coldwell Banker
580 El Camino Real
San Carlos, CA 94070
650-740-4494 Cell
650-362-1989 eFax
kat@bedburyrealtors.com <mailto:kat@bedburyrealtors.com> <mailto:kat@bedburyrealtors.com>
www.bedburyrealtors.com <http://www.bedburyrealtors.com/>
<http://www.bedburyrealtors.com/>People Talk <http://www.bedburyrealtors.com/References>
<http://www.bedburyrealtors.com/> Bob Bedbury CalBRE#00796470
Broker Associate
Bedbury Realtors
c/o Coldwell Banker
580 El Camino Real
San Carlos, CA 94070
650-817-5065 Cell
650-362-1989 eFax
bob@bedburyrealtors.com <mailto:bob@bedburyrealtors.com> <mailto:bob@bedburyrealtors.com>

From: Sally Einspahr <saleinspahr@aol.com>
To: <planning-commission@smcgov.org>, <smonowitz@smcgov.org>, <cleung@smcgov...>
CC: <alicia@torrenimer.org>, <mwkubiak06@gmail.com>, <jgarratt@g-c.com>, <pa...>
Date: 4/11/2015 11:23 PM
Subject: Case No. PLN2005-00801 Verizon Permit
Attachments: CELL TOWER TRUCKS.jpg; LANDSCAPE 2009.jpg; LANDSCAPE 2015.jpg; OVERVIEW OF SITE.jpg; 2006 CELL TOWER-EINSPAHR SIDE.jpg; CELL AFTER UPGRADES 2015.jpg; OVERVIEW OF SITE.jpg

April 11, 2015

PlanningCommissioners: planning-commission@smcgov.org
 LaurieSimonson, Frederick Hansson,
 ZoeKersteen-Tucker, Manuel Ramirez Jr.
 SteveDworetzky
 SteveMonowitz, smonowitz@smcgov.org,
 CamilleLeung, Co. Planning/Building Dept. cleung@smcgov.org

Heather Hardy, Secretary for Planning Commission hhardy@smcgov.org,

REF: Verizon Wireless Telecommunications Facility at 1175 Palomar Dr. RWC
 Case# PLN2005-0081

Dear Commissioners, Camille Leung, Steve Monowitz, and Heather Hardy

The Applicant, Verizon, has NOT met the standard setup in Section 6512.2B of the County Zoning Regulations, requiring a thorough alternative site analysis. The Code requires examining multiple additional sites, and how those sites could work in combination to provide the same coverage not just stating there are no other sites. Section 6512.2 of Co. Zoning Regulations states, "applicant must demonstrate by a preponderance of evidence that there are no other options/sites/solutions and that the proposed site is the only one feasible. Applicant must examine all known co-location sites within the 2.5 miles radius".

There has been a court case with which the Planning Dept and Commissioners can base your denial to Verizon which covers the alternative site analysis requirement. Please review the 9th Circuit (Federal) case of July/Aug. 2014, between American Tower Corp v. City of San Diego. I believe this case alone gives the County the ability to

turn down Verizon and ATT's occupation of this site because lack of an analysis requirements.

A presentation was given back at a hearing in Dec. of 2010, by the Palomar Park HOA President regarding alternative sites when the Sprint hearing was being reviewed. This presentation was sent to Camille Leung again in March of 2014, for a hearing with Verizon. The information within that presentation suggested alternative sites not listed in residential neighborhoods.

This information should still be a point of review by carriers and the County should require co-location site reviews NOT in a residential neighborhood.

There has been no documentation by the County on how big this site will become. We are not just looking at Verizon wishing to occupy this site, but ATT is next on the list for an application. Who else will apply? It's time the County take a stand and call an end to the expansion of this site in a residential neighborhood, as it is fast becoming a commercial antenna farm for wireless companies.

Commercial construction of this type has a direct impact on the community as a whole because this site is at the end of a 1 ½ mile curvy road. It is especially injurious to the 2 neighboring properties with regard to aesthetics, valuations and brings a potential health hazard of RF exposures. The improved coverage benefits are actually for others outside of Palomar Park and will not improve reception or data rates for residents of Palomar Park. It is realtors option that this site de-values property values with the sheer number of towers and panels. This information must be disclosed to knew buyers, thus causing a decrease in home values as no one wants to live next to an Antenna Farm.

In the event this site is approved for Verizon and ATT, there should be restrictions placed on the wireless carriers by the County of the following:

With the increase of towers and panels comes more Radio Frequencies. There needs to be an independent study done by an outside company where County Commissioners/Co. Planning Dept. supervise the testing, rather than relying on old figures and wireless companies same paid consultants. This study needs to do actual measurements of RF factors now and with the new installation, if approved. The two neighbors on both the north and south side of said property will be bombarded with unknown increased amounts of RF 24/7, at rates of 17-50%. Higher levels are due to the increased watts with the new plans which also shows ATT on the site map with Verizon. Their house walls and windows that face the antennas need to be upgraded by the wireless companies to ground the radio waves.

Construction, maintenance, and repair of this site puts an undue burden on Outer Palomar Dr. (last ½ mile), an aging privately maintained road by 24 homeowners. This roadway is in sad need of repair without adding additional heavy truck traffic. There needs to be a fund set up for repairs/and upkeep of this road, because the

increase in traffic by heavy trucks will cause further damage to the aging road base. Or, if this project is approved, the County needs to take over ownership of the road and bring it up to standards better suited for heavy truck traffic of the wireless carriers. Why should 24 homeowners bear the burden of the road repair and upkeep while the wireless carriers use the road for their ingress and egress with no responsibility of maintenance?

All poles and panels (for new and existing towers) should be moved away from property lines to the center of

the site so the major effect is to the landowner NOT the neighbors.

No living trees should be removed. New plantings of vegetation have difficulty surviving at this site and now with the worst drought in the state's history no one can count on any plantings to survive. The past history for vegetation survival at this site is non-existent. There are pictures to substantiate this claim from over the years.

Verizon and ATT are asking for 28' towers for the tree forms to be mounted on. In 2014, at the hearing for Verizon the pole was to be 20'. County needs to make it mandatory no poles/tree forms can be over 20'. There is no need for a tower of 28' when the installations sit on top of a ridge line well above the targeted area of service. Towers that are on the property now are only 13' and supposedly do the job fine. Taller towers only give leeway to more companies asking for co-location on the same tower.

Please deny Verizon along with ATT access to this site now and in the future. Take a stand now to close this site to any further expansion by commercial vendors and stop this once a year or every 2 year review by wireless carrier after carrier. Palomar Park residences do not want and Antenna Farm in a residential zoned neighborhood.

Thank you for your time.

Respectfully,

Sally Einspahr, 1165 Palomar Dr. Redwood City, CA 94062, 650-365-2820
saleinspahr@aol.com

Enc: Heavy Truck Pictures, Dead Vegetation (2), Tower on So. Side of Property (2), Site Overview

- cc: Alicia Torre alicia@torrenimer.org
- Mike Kubiak mwkubiak06@gmail.com
- Jeff Garratt jgarratt@g-c.com
- Palomar Park HOA palomarnews@gmail.com

Enc: Truck Traffic Pictures, Dead Vegetation

cc: Alicia Torre alicia@torrenimer.org]

Mike Kubiak mwkubiak06@gmail.com

Jeff Garratt jgarratt@g-c.com

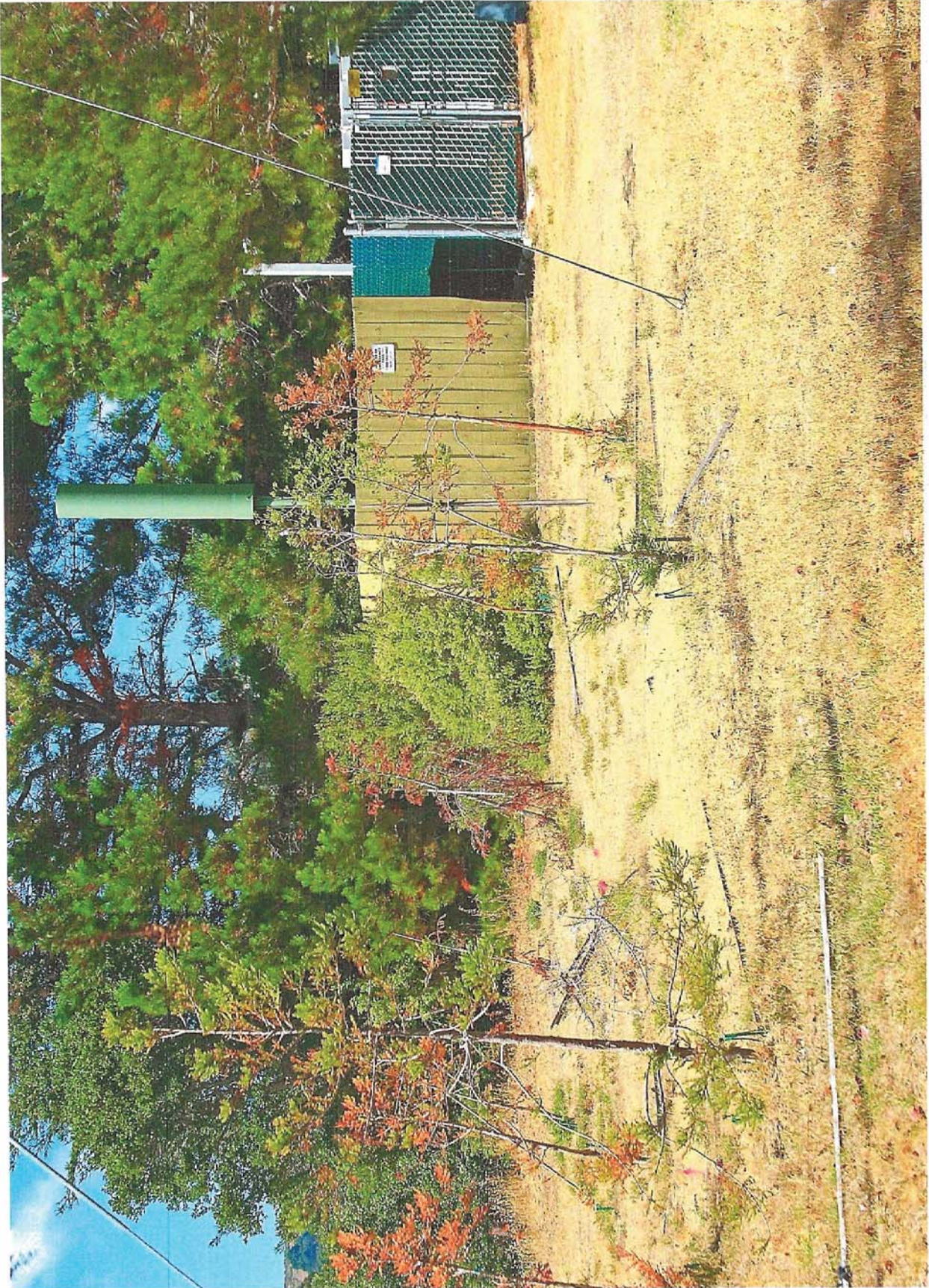
Palomar Park HOA palomarnews@gmail.com

Do we need this in a residential area? It's definitely not the first time, there are maintenance trucks here frequently as you well know.

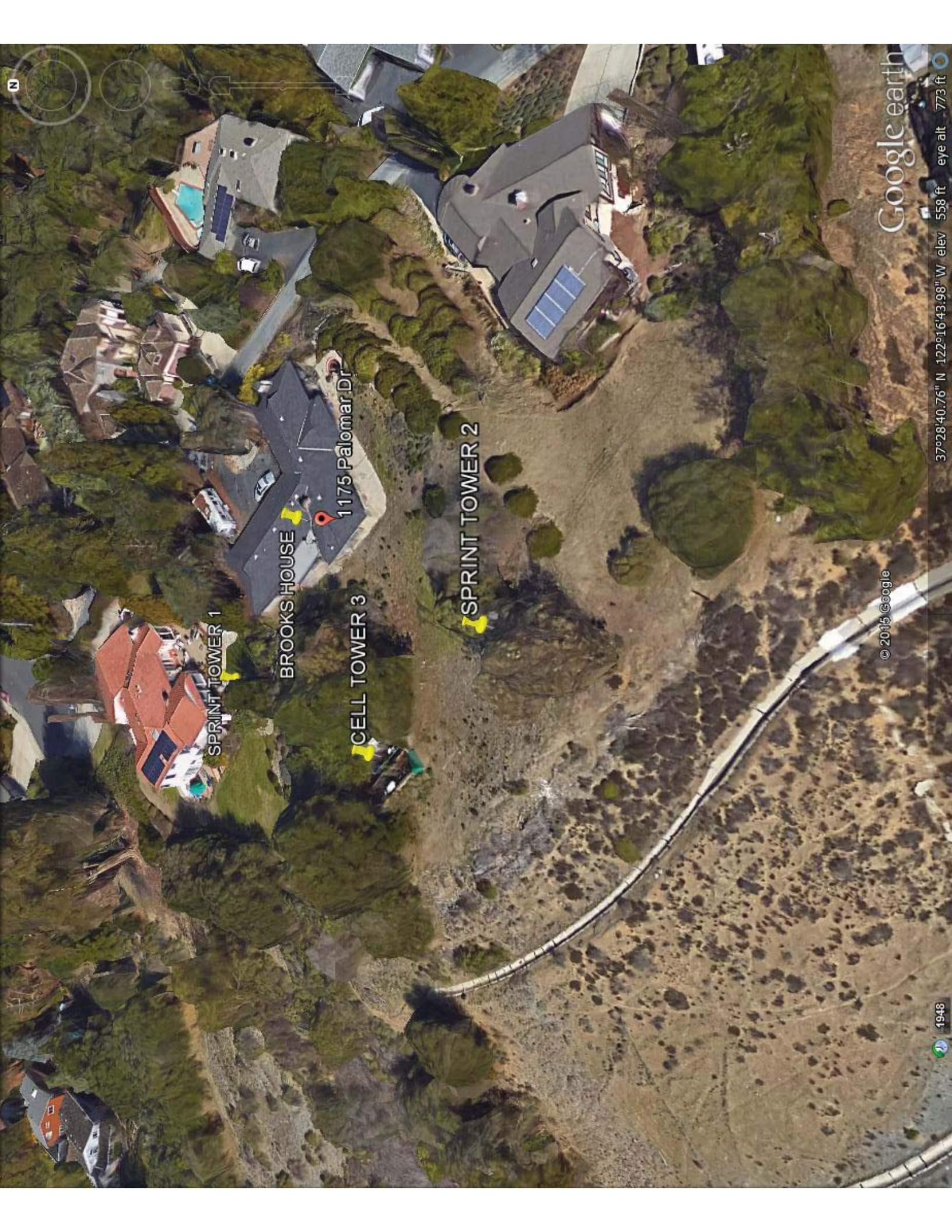
8/7/14



2009







SPRINT TOWER 1

BROOKS HOUSE

1175 Palomar Dr

CELL TOWER 3

SPRINT TOWER 2

© 2015 Google

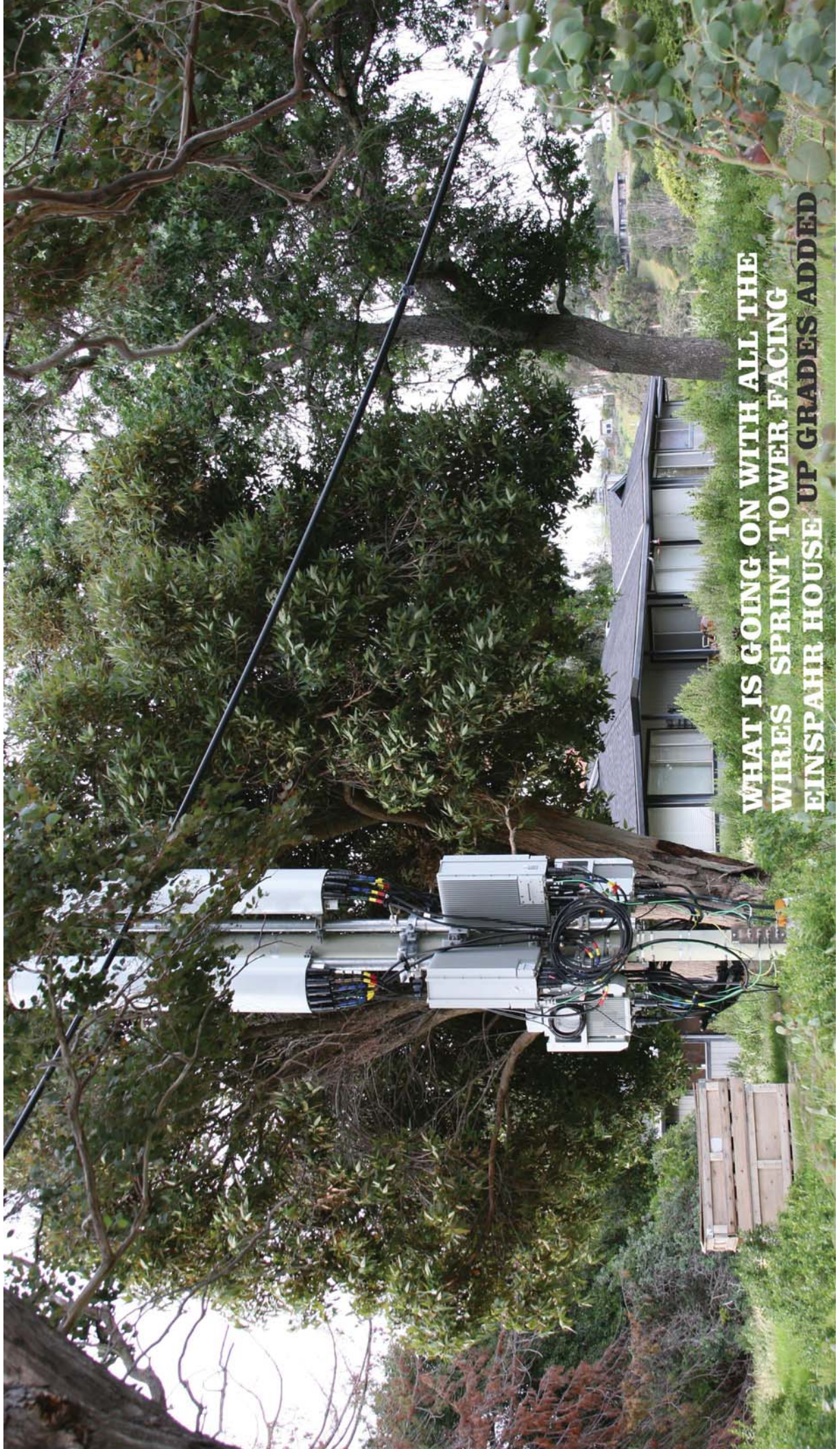
Google earth

1948

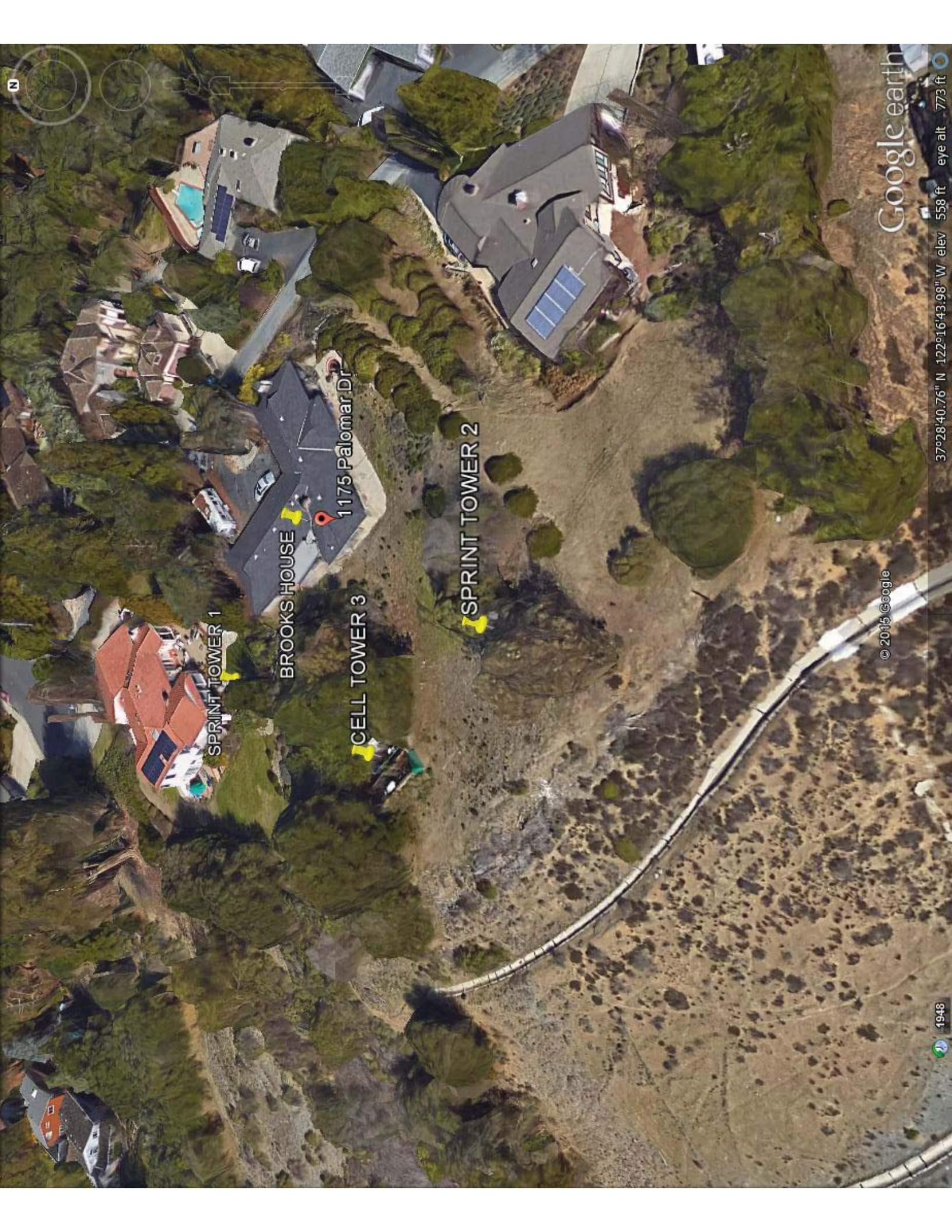
37°28'40.76" N 122°16'43.98" W elev 558 ft eye alt 773 ft



2006 VIEW OF TOWER FACING EINSPAHR HOUSE



WHAT IS GOING ON WITH ALL THE WIRES SPRINT TOWER FACING EINSPAHR HOUSE UP GRADES ADDED



SPRINT TOWER 1

BROOKS HOUSE

1175 Palomar Dr

CELL TOWER 3

SPRINT TOWER 2

© 2015 Google

Google earth

1948

37°28'40.76" N 122°16'43.98" W elev 558 ft eye alt 773 ft

From: Chris Myers <chris@strawberrypear.com>
To: cleung <cleung@smcgov.org>, planning-commission <planning-commission@smc...>
Date: 4/13/2015 3:59 AM
Subject: No Palomar Park Cell Tower Expansion PLN2005-00801

Dear Ms. Leung,

I write to protest against expansion of the cell tower site at 1175 Palomar Drive, Palomar Park. The site should not be there in the first place, and it most certainly should not be added to and increased in size and adverse impact on the community and in particular the properties near it including my own.

Industrial installations such as this one do not belong in our residential community. Among other things, I am unaware of any of the companies having done proper studies to justify that there is or ever was a necessity to place their installations within Palomar Park as I understand is in fact the law governing this kind of situation.

Industrial installations like this in our residential community adversely impact the value of all properties near the installation. Obviously, the homes immediately adjacent to the property are most severely impacted, but even homes further away see their market values reduced as the lower prices of homes which are deemed 'comparables' make our home values lower. I am close enough to the site that the loss in value of homes near the site reduces my home market value - as we are all on the final stretch of Palomar Drive which realtors and real estate sales agents call 'Outer Palomar' and treat as 'comparables' in real estate pricing. I know this for a fact, because when I consulted a realtor to prepare a sales sheet for my home, they used values of these homes to calculate prices for my home.

We lose value in our homes. We receive no benefits in return. The companies have said that the installation does not provide service to Palomar Park but instead to Edgewood Road commuters and other communities, yet they apparently do not bother to properly explore alternative sites for their industrial installation. In fact, not only do I lose value to my home, but I incur costs because I have to pay to maintain the non-County road which is used by the service trucks and construction equipment and vehicles that maintain and build out the site in question. If you have ever visited our road segment which we pay to maintain, you will see that it is now in a condition that residents are having to patch pot holes themselves on a regular basis. Having the trucks which build these sites and maintain them drive repeatedly over our fragile and aging road surface significantly worsens our road. Does the property owner benefiting from this site offset these costs the other residents incur? Do any of the companies profiting from their industrial site and their usage of our road, paid for and maintained by us, compensate anyone for the damage they cause? No.

One of the reason property values are adversely impacted (aside from the fact that there is increased traffic, noise and aesthetic impacts to the residential community) are the health concerns caused by the presence of the large broadcast towers such as are at and are proposed to be added to this site. These are not health concerns about cell phones which are debated. These are health concerns about the high power broadcast towers that are NOT debated and for which internationally (and federally) there are regulations BECAUSE the health impacts are proven. It is already wrong that towers are there now, and adding more only increase the health risk they pose. In particular, where the site is on the property in question causes a risk to the unfortunate home owners adjacent to

this industrial installation on their neighbor's property. I have tremendous sympathy for them as they must surely feel a threat to their own health, and yet if they contemplate moving, they see their home value ever decreasing, and harder to sell.

The site should not be there.

The site should not be expanded - ever.

Chris Myers
1021 Palomar Dr

From: Joe Howard <jhoward1139@gmail.com>
To: <planning-commission@smcgov.org>, <smonowitz@smcgov.org>, <cleung@smcgov...>
Date: 4/13/2015 10:32 AM
Subject: Verizon Wireless Telecommunications Facility at 1175 Palomar Dr. RWC Case # PLN2005-0081
Attachments: SMCO Planning Commission 2015.4.13.pdf

Joseph C. Howard, Jr.

1139 Palomar Dr.

Redwood City, Ca. 94062-3834

April 13, 2015

Planning Commissioners: planning-commission@smcgov.org

Laurie Simonson, Frederick Hansson,

Zoe Kersteen-Tucker, Manuel Ramirez Jr.

Steve Dworetzky

Steve Monowitz, smonowitz@smcgov.org,

Camille Leung, Co. Planning/Building Dept. cleung@smcgov.org

Heather Hardy, Secretary for Planning Commission *hhardy@smcgov.org*
<hhardy@smcgov.org>*,*

RE: Verizon Wireless Telecommunications Facility at 1175 Palomar Dr.
RWC

Case # PLN2005-0081

Dear Commissioners, Camille Leung, Steve Monowitz, and Heather Hardy

I understand Verizon Wireless is being permitted to construct cell phone facilities at 1175 Palomar Dr.

Has any consideration been given to the fact that Palomar Dr is a private road from the intersection of Loma Court to the locked gate at Pebble Drive in San Carlos?

The 24 homeowners on Palomar between Montalvo and Pebble have shared the cost of maintaining this section of Palomar, but the road is still in very bad shape. It was designed and built by the developer to serve residential, not commercial use.

I certainly have never given my consent to the use of this section of Palomar for commercial use. Permitting Verizon and other cell phone companies to use the road for commercial purposes increases the burden on an already extremely distressed roadway.

If the homeowners on Palomar are required to accept the installation of cell phone towers in the area, the County should consider requiring these cell phone companies to bring the road up to County standards before they are permitted to further construct or maintain facilities at 1175 Palomar Dr. Alternatively, the County should agree to accept the responsibility for the maintenance and repair of all of Palomar Dr.

Thank you for your attention to this matter.

Joe Howard

JOSEPH C. HOWARD, JR.
1139 PALOMAR DR.
REDWOOD CITY, CA. 94062-3834

April 13, 2015

Planning Commissioners: planning-commission@smcgov.org
Laurie Simonson, Frederick Hansson,
Zoe Kersteen-Tucker, Manuel Ramirez Jr.
Steve Dworetzky
Steve Monowitz, smonowitz@smcgov.org,
Camille Leung, Co. Planning/Building Dept. cleung@smcgov.org
Heather Hardy, Secretary for Planning Commission hhardy@smcgov.org.

RE: Verizon Wireless Telecommunications Facility at 1175 Palomar Dr. RWC
Case # PLN2005-0081

Dear Commissioners, Camille Leung, Steve Monowitz, and Heather Hardy

I understand Verizon Wireless is being permitted to construct cell phone facilities at 1175 Palomar Dr.

Has any consideration been given to the fact that Palomar Dr is a private road from the intersection of Loma Court to the locked gate at Pebble Drive in San Carlos?

The 24 homeowners on Palomar between Montalvo and Pebble have shared the cost of maintaining this section of Palomar, but the road is still in very bad shape. It was designed and built by the developer to serve residential, not commercial use.

I certainly have never given my consent to the use of this section of Palomar for commercial use. Permitting Verizon and other cell phone companies to use the road for commercial purposes increases the burden on an already extremely distressed roadway.

If the homeowners on Palomar are required to accept the installation of cell phone towers in the area, the County should consider requiring these cell phone companies to bring the road up to County standards before they are permitted to further construct or maintain facilities at 1175 Palomar Dr. Alternatively, the County should agree to accept the responsibility for the maintenance and repair of all of Palomar Dr.

Thank you for your attention to this matter.


Joe Howard

From: "Michael Kubiak" <mwkubiak06@gmail.com>
To: <planning-commission@smcgov.org>
CC: "Debra Robinson" <d Robinson@smcgov.org>, "Heather Hardy" <hhardy@smc...>
Date: 4/13/2015 2:17 PM
Subject: 1175 Palomar Drive: Proposed Cell Tower Expansion (PLN2005-00306), Palomar Property Owners Comments
Attachments: PC_PLN2005-00306_Palomar Property Owners Comment_04132015.pdf

Dear Commissioners,

The Palomar Property Owners Board was notified that Verizon's revised request for a proposed expansion of a cell site at 1175 Palomar Drive will be on the April 22nd Planning Commission meeting agenda.

The Board's position is that we oppose:

- * Any further expansion of the existing cell tower site at 1175 Palomar Drive
- * Any additional or new cell tower site(s) within Palomar Park

As a result, we ask the Planning Commission to deny the request based on the reasons we provide below or if approved to provide mitigations as described below.

Note that we understand the Verizon submittal package to be incomplete and in our review we find that the site plan is not comparable to the one submitted in February 2014. It is in this context that we make the following key points as each of you considers your decision.

Preponderance of Evidence Not Demonstrated

Verizon's submission does not answer the question if 1175 Palomar were not available, how would it address coverage issues? The sites Verizon examined were those proposed previously by PPO but Verizon did not look at combinations of those sites, a preponderance of the evidence, or show how coverage would be changed by those sites they rejected. Additionally, the documentation does not state how big this site will become and what will be the limiting factor for this site, e.g., physical square footage and/or the number of antennas.

Requested Action:

We believe that a re-examination of the expansion plans is supported by an August 2014 decision from the Ninth Circuit Court, see *American Cell Tower v. City of San Diego*. This case is relevant because the precedent which it sets is very recent. We ask that the County Planning and Building Departments, the Planning Commission and County Counsel review the findings of this case in the course of making a determination on this matter. Please see Attachment 1 for additional details.

No Net Improvement to Reception or Data Rates in Palomar Park

The "improved coverage" benefits are actually for others outside of Palomar Park. The new antenna facilities will not improve the reception or data rates for residents of Palomar Park.

This site only provides niche coverage for subscribers in a few Emerald Hills/Crestview areas currently "shadowed by ridge/valley topography" so this "in Palomar" site benefits only a small number of people outside Palomar.

Requested Action: Deny approval for expansion of the current site because there is no benefit to Palomar Park.

Increased Radio-Frequency (RF) Levels

Increasing the number of cell towers raises health concerns for the neighbors since the radio-frequency (RF) radiation increases as more antenna facilities are installed and as each antenna's wattage is boosted. This results in unavoidable exposure to RF radiation from the antennas. See Attachment 2 for a more detailed analysis.

Requested Mitigations:

1. If the expansion were approved, it should be conditioned on doing actual measurements of the Radio Frequency and noise as opposed to solely relying on a forecast. If they are over permitted levels, equipment should be modified or removed.
2. Additionally, the radio frequency is much higher than previously written and quite close to the neighbor's bedroom north of 1175 Palomar. We recommend that Verizon pay to upgrade the nearest wall/window to ground the radio waves.

Real Property Effects of Proposed Expansion

Having cell towers on any property decreases the value of the adjacent homes and can impact the whole community's perceived value. Imagine if they were being proposed for installation near your home and included two new 28' cell towers in the form of a tree, 12 transmitters, two fenced enclosures, equipment boxes and utilities with a frontage of more than 70 lineal feet.

The site and expansion harm the view plane of both 1165 Palomar and 1354 Pebble Drive. Only if the antenna/building sites are moved away from the lot's perimeter, i.e., into the 1175 Palomar view plane could this impact be reasonably reduced. The arborist's plan to remove damaged/dying trees and replace 3:1 or 1:1 (depending on size) is commendable, but the actual plans for where they will plant trees is ill-conceived. The intended tree/shrub mitigation proposal by an arborist (planting of new trees) may fail without significant watering (particularly inappropriate given the drought situation), since the majority of

trees to be removed are already dead, dying or water-starved. These trees are intended to screen the facilities from view, so if they fail the screen fails.

Additionally, with more towers come more service trucks which will increase wear and tear and repairs needed on the upper stretch of Palomar Dr., a stretch of road which is not County maintained. Why should homeowners bear the burden of the road repair and upkeep while the wireless carriers use the road for their ingress and egress with no responsibility for maintenance? Commercial construction of this type on land within the community is undesired, especially when it negatively impacts neighbors, aesthetics, valuations, and/or brings potential health hazards or exposures. The potential for additional nuisances is increased such as noise, emissions from back-up generators and added traffic from construction and maintenance.

Requested Mitigations:

1. If the project is approved, we recommend that the poles and antennas be moved away from fence lines to the center of the site so the major effect is to the landowner and not his neighbors.
2. In addition, the site should be configured so as not to remove five significant trees. As it is, new vegetation has a difficult time taking root at the site as witnessed by the amount of dead foliage which was planted at the site to screen it.
3. As a condition of approval the carriers should be required to pay for the upgrade and maintenance of this section of upper Palomar Drive to standards better suited for heavy truck traffic.

Thank you in advance for giving serious consideration and attention to our concerns in this matter.

Sincerely,

As signed by

Michael Kubiak and Jeff Garratt

President and Vice President

Palomar Property Owners

419 Palomar Drive

Redwood City, CA 94062

Email: palomarnews@gmail.com <mailto:palomarnews@gmail.com>

CC: Heather Hardy, Secretary, Planning Commission

Steve Monowitz, Community Development Director

Camille Leung, Project Planner

Tim Fox, County Counsel

▪

ATTACHMENT 1

American Cell Tower v. City of San Diego

We think that a fair amount of the case -- not all of it -- revolves around the intersection between the Federal Telecommunications Act (FTA) and the ability of cities and counties to grant conditional use permits based on their local rules, including, for example, aesthetic considerations. For the purposes of this application, the key language in the case is found on pages 37-38, where the court discusses one of three claims made by American Tower Corporation (the cell tower proponent) under the FTA.

* The FTA says that state and local regulations "shall not prohibit or have the effect of prohibiting the provision of wireless services."

* This prohibition is deemed to have happened if a wireless provider is prevented from closing a "significant gap" in service coverage.

* The Ninth Circuit states that it is applying a two-pronged test to determine whether the City of San Diego improperly denied American Tower Corporation's permit requests based on this prohibition argument:

* The first prong: Has a significant gap in coverage been shown.

* The second prong: Has there been some inquiry into the feasibility of alternative facilities or site locations.

* The Court then focuses on the second prong, feasibility, and describes the standard as follows: "We evaluate the feasibility prong under a 'least intrusive means' standard, which 'requires that the provider show that the manner in which it proposes to fill the significant gap in services is the least intrusive on the values that the denial sought to serve.'"

* When it applies this standard, the Court finds ATC's showing very weak. The description sounds very much like what we're seeing from Verizon and the other applicants:

* "ATC essentially insisted that the City accept ATC's conclusion that the existing facilities were the 'least intrusive means,' without offering a feasibility analysis of alternative designs or sites for the City to reach its own conclusion. In effect, ATC would make the applicant -- rather than the locality -- the arbiter of feasibility and intrusiveness, gutting the 'least intrusive means' standard with predictable, application-friendly results."

* The proper sequence, according to the court in this case, is that the burden is first on the applicant to make a prima facie showing of effective prohibition by offering evidence of a meaningful comparison of alternative designs or sites. Once that burden is met, it is then up the locality to rebut the evidence with evidence of its own, if it can. But because ATC did not offer evidence allowing for a meaningful comparison of alternatives, the City of San Diego was not obligated to just trust ATC, and ATC thus failed to meet the least intrusive means standard.

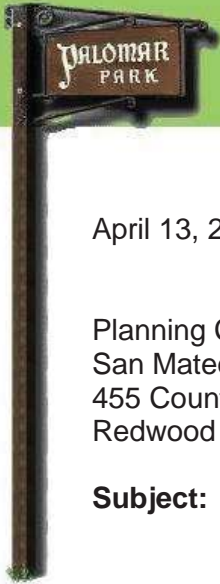
This case provides the basis for the County to ask Verizon and other future applicants for a meaningful analysis of alternatives.

ATTACHMENT 2

Increased Radio-Frequency (RF) Levels

The latest modeling provided by Verizon predicts human exposure inside the nearest neighbor's home could be as high as 39 to 50% of the maximum permissible exposure limit (PEL) allowed by the U.S./European Union (EU) standard. The analysis also indicates that the RF power will be much higher than first proposed; Verizon now states emissions at 11.2KW versus ~1.7 KW in the February 2014 proposal.

Additionally, the antenna power is much higher than the February 2014 analysis. Verizon's went from 1,720W ERP (watts, estimated radiated power) to 11,200W while AT&T's was stated to increase from ~2700W to 12,100W. The net effect is to produce an increase in the estimated maximum "public exposure limit" (PEL) of up to 17-50% of the US/EU PEL or residents in 1165 and 1175 Palomar and 1354 Pebble Drive. The amount of increase depends on how many antennas are turned on and how much power they are pushing. Given that compliance specifications are often revised up or down as new studies/data appear, there is always a "shadow of a doubt" on any chosen PEL. Additionally, China, Russia and Switzerland, 11% of the world's population, use a PEL 10X lower than the US/EU limit.



April 13, 2015

Planning Commissioners
San Mateo County Planning Commission
455 County Center, 2nd Floor
Redwood City, CA 94063

**Subject: Proposed Cell Site Expansion, 1175 Palomar Drive, Palomar Park
(PLN2005-00306)**

Dear Commissioners,

The Palomar Property Owners Board was notified that Verizon's revised request for a proposed expansion of a cell site at 1175 Palomar Drive will be on the April 22nd Planning Commission meeting agenda.

The Board's position is that we oppose:

- Any further expansion of the existing cell tower site at 1175 Palomar Drive
- Any additional or new cell tower site(s) within Palomar Park

As a result, we ask the Planning Commission to deny the request based on the reasons we provide below or if approved to provide mitigations as described below.

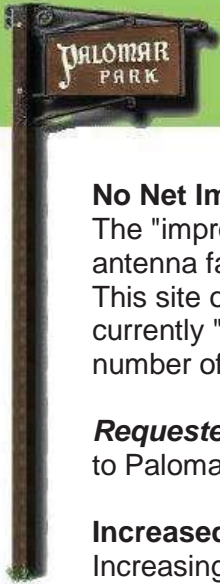
Note that we understand the Verizon submittal package to be incomplete and in our review we find that the site plan is not comparable to the one submitted in February 2014. It is in this context that we make the following key points as each of you considers your decision.

Preponderance of Evidence Not Demonstrated

Verizon's submission does not answer the question if 1175 Palomar were not available, how would it address coverage issues? The sites Verizon examined were those proposed previously by PPO but Verizon did not look at combinations of those sites, a preponderance of the evidence, or show how coverage would be changed by those sites they rejected. Additionally, the documentation does not state how big this site will become and what will be the limiting factor for this site, e.g., physical square footage and/or the number of antennas.

Requested Action:

We believe that a re-examination of the expansion plans is supported by an August 2014 decision from the Ninth Circuit Court, see *American Cell Tower v. City of San Diego*. This case is relevant because the precedent which it sets is very recent. We ask that the County Planning and Building Departments, the Planning Commission and County Counsel review the findings of this case in the course of making a determination on this matter. Please see Attachment 1 for additional details.



No Net Improvement to Reception or Data Rates in Palomar Park

The "improved coverage" benefits are actually for others outside of Palomar Park. The new antenna facilities will not improve the reception or data rates for residents of Palomar Park. This site only provides niche coverage for subscribers in a few Emerald Hills/Crestview areas currently "shadowed by ridge/valley topography" so this "in Palomar" site benefits only a small number of people outside Palomar.

Requested Action: Deny approval for expansion of the current site because there is no benefit to Palomar Park.

Increased Radio-Frequency (RF) Levels

Increasing the number of cell towers raises health concerns for the neighbors since the radio-frequency (RF) radiation increases as more antenna facilities are installed and as each antenna's wattage is boosted. This results in unavoidable exposure to RF radiation from the antennas. See Attachment 2 for a more detailed analysis.

Requested Mitigations:

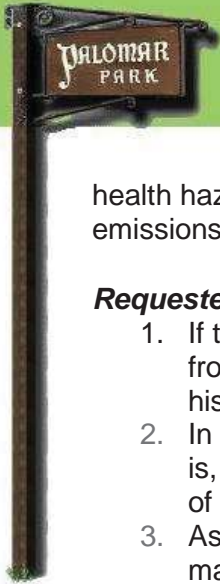
1. If the expansion were approved, it should be conditioned on doing actual measurements of the Radio Frequency and noise as opposed to solely relying on a forecast. If they are over permitted levels, equipment should be modified or removed.
2. Additionally, the radio frequency is much higher than previously written and quite close to the neighbor's bedroom north of 1175 Palomar. We recommend that Verizon pay to upgrade the nearest wall/window to ground the radio waves.

Real Property Effects of Proposed Expansion

Having cell towers on any property decreases the value of the adjacent homes and can impact the whole community's perceived value. Imagine if they were being proposed for installation near your home and included two new 28' cell towers in the form of a tree, 12 transmitters, two fenced enclosures, equipment boxes and utilities with a frontage of more than 70 lineal feet.

The site and expansion harm the view plane of both 1165 Palomar and 1354 Pebble Drive. Only if the antenna/building sites are moved away from the lot's perimeter, i.e., into the 1175 Palomar view plane could this impact be reasonably reduced. The arborist's plan to remove damaged/dying trees and replace 3:1 or 1:1 (depending on size) is commendable, but the actual plans for where they will plant trees is ill-conceived. The intended tree/shrub mitigation proposal by an arborist (planting of new trees) may fail without significant watering (particularly inappropriate given the drought situation), since the majority of trees to be removed are already dead, dying or water-starved. These trees are intended to screen the facilities from view, so if they fail the screen fails.

Additionally, with more towers come more service trucks which will increase wear and tear and repairs needed on the upper stretch of Palomar Dr., a stretch of road which is not County maintained. Why should homeowners bear the burden of the road repair and upkeep while the wireless carriers use the road for their ingress and egress with no responsibility for maintenance? Commercial construction of this type on land within the community is undesired, especially when it negatively impacts neighbors, aesthetics, valuations, and/or brings potential



health hazards or exposures. The potential for additional nuisances is increased such as noise, emissions from back-up generators and added traffic from construction and maintenance.

Requested Mitigations:

1. If the project is approved, we recommend that the poles and antennas be moved away from fence lines to the center of the site so the major effect is to the landowner and not his neighbors.
2. In addition, the site should be configured so as not to remove five significant trees. As it is, new vegetation has a difficult time taking root at the site as witnessed by the amount of dead foliage which was planted at the site to screen it.
3. As a condition of approval the carriers should be required to pay for the upgrade and maintenance of this section of upper Palomar Drive to standards better suited for heavy truck traffic.

Thank you in advance for giving serious consideration and attention to our concerns in this matter.

Sincerely,

As signed by

Michael Kubiak and Jeff Garratt
President and Vice President
Palomar Property Owners
419 Palomar Drive
Redwood City, CA 94062
Email: palomarnews@gmail.com

CC: Heather Hardy, Secretary, Planning Commission
Steve Monowitz, Community Development Director
Camille Leung, Project Planner
Tim Fox, County Counsel



ATTACHMENT 1

American Cell Tower v. City of San Diego

We think that a fair amount of the case -- not all of it -- revolves around the intersection between the Federal Telecommunications Act (FTA) and the ability of cities and counties to grant conditional use permits based on their local rules, including, for example, aesthetic considerations. For the purposes of this application, the key language in the case is found on pages 37-38, where the court discusses one of three claims made by American Tower Corporation (the cell tower proponent) under the FTA.

- The FTA says that state and local regulations "shall not prohibit or have the effect of prohibiting the provision of wireless services."
- This prohibition is deemed to have happened if a wireless provider is prevented from closing a "significant gap" in service coverage.
- The Ninth Circuit states that it is applying a two-pronged test to determine whether the City of San Diego improperly denied American Tower Corporation's permit requests based on this prohibition argument:
 - The first prong: Has a significant gap in coverage been shown.
 - The second prong: Has there been some inquiry into the feasibility of alternative facilities or site locations.
- The Court then focuses on the second prong, feasibility, and describes the standard as follows: "We evaluate the feasibility prong under a '**least intrusive means**' standard, which 'requires that the provider show that the manner in which it proposes to fill the significant gap in services is the least intrusive on the values that the denial sought to serve.'"
- When it applies this standard, the Court finds ATC's showing very weak. The description sounds very much like what we're seeing from Verizon and the other applicants:
 - "ATC essentially insisted that the City accept ATC's conclusion that the existing facilities were the 'least intrusive means,' without offering a feasibility analysis of alternative designs or sites for the City to reach its own conclusion. In effect, ATC would make the applicant -- rather than the locality -- the arbiter of feasibility and intrusiveness, gutting the 'least intrusive means' standard with predictable, application-friendly results."
 - The proper sequence, according to the court in this case, is that the burden is first on the applicant to make a prima facie showing of effective prohibition by offering evidence of a meaningful comparison of alternative designs or sites. Once that burden is met, it is then up the locality to rebut the evidence with evidence of its own, if it can. But because ATC did not offer evidence allowing for a meaningful comparison of alternatives, the City of San Diego was not obligated to just trust ATC, and ATC thus failed to meet the least intrusive means standard.

This case provides the basis for the County to ask Verizon and other future applicants for a meaningful analysis of alternatives.



ATTACHMENT 2 Increased Radio-Frequency (RF) Levels

The latest modeling provided by Verizon predicts human exposure inside the nearest neighbor's home could be as high as 39 to 50% of the maximum permissible exposure limit (PEL) allowed by the U.S./European Union (EU) standard. The analysis also indicates that the RF power will be much higher than first proposed; Verizon now states emissions at 11.2KW versus ~1.7 KW in the February 2014 proposal.

Additionally, the antenna power is much higher than the February 2014 analysis. Verizon's went from 1,720W ERP (watts, estimated radiated power) to 11,200W while AT&T's was stated to increase from ~2700W to 12,100W. The net effect is to produce an increase in the estimated maximum "public exposure limit" (PEL) of up to 17-50% of the US/EU PEL or residents in 1165 and 1175 Palomar and 1354 Pebble Drive. The amount of increase depends on how many antennas are turned on and how much power they are pushing. Given that compliance specifications are often revised up or down as new studies/data appear, there is always a "shadow of a doubt" on any chosen PEL. Additionally, China, Russia and Switzerland, 11% of the world's population, use a PEL 10X lower than the US/EU limit.

From: "Norma Hoch" <norasnotes@sbcglobal.net>
To: <cleung@smcgov.org>
CC: <planning-commission@smcgov.org>
Date: 4/14/2015 2:00 PM
Subject: Palomar Park cell towers

Dear Sirs, I am a longtime resident of Palomar Park and love my lovely and quiet area. We already have some cell towers in this neighborhood. We do not need more. Palomar Drive is a private road on the upper part and does not need any more traffic. We have to maintain this part ourselves. This is not an industrial area. More towers would decrease our home values and make more disruptions. I am sure there must be other areas available for other cell towers. thank you for your help in this matter. Norma Hoch, 112 Montalvo Rd, Redwood City

From: Linda Sexton <lindagraysexton@gmail.com>
To: <cleung@smcgov.org>, <planning-commission@smcgov.org>
Date: 4/15/2015 4:08 PM
Subject: PALOMAR PARK PROPOSED CELL PHONE TOWER EXPANSION AND DEVELOPMENT

Dear Ms. Leung,

My husband and I are fifteen year residents of Palomar Park, a special community to which I moved expressly to leave behind the hustle and bustle that one encounters right down the road on exiting the park at Scenic Drive and Edgewood Road. I have been made aware that there is an upcoming County Planning Commission meeting with regard to cell towers within the Park, (VERIZON APPLICATION # PLN 2005-00801), and I am writing to express my opinion as an area resident directly affected by the Commission's decision on the matter.

I am fervently opposed to any additional cell tower sites by any company at all, in this incredible peaceful area I love so much. I believe that such expansion and development on adjacent lots will not only affect my enjoyment of the rural nature of my community, but will also affect the property values of my home. I also oppose the further expansion of the existing cell tower at 1175 Palomar. That one is bad enough. More would be infinitely worse.

I would also point out that the increased traffic of service trucks will increase the wear and tear on upper Palomar Rd., where I live, and which is already not in good repair, as the County does not maintain it, and the residents must take care of it themselves. Will the company building or expanding either this or future cell towers contribute to the road's upkeep, which is based on a volunteer and individual resident effort? I think not. And any further commercial traffic is also an intrusion into our residential privacy.

I believe that the vast majority of my community agrees with my opinion on this expansion and also opposes any development of further sites. Most of us are aligned with each other, and work toward the goal of "no expansion, no new sites."

I hope my voice will be heard as you make your decision.

Sincerely yours,
Linda Sexton & Brad Clink
1001 Palomar Road
Palomar Park, CA 94062

From: Mollie Marshall <mollie.marshall@gmail.com>
To: <cleung@smcgov.org>
CC: <planning-commission@smcgov.org>
Date: 4/16/2015 8:01 AM
Subject: PLN 2005-00801

To the Planning Commission:

I am writing this to let you know that we are strongly opposed to the proposed cell phone tower expansion proposed by Verizon at 1175 Palomar Drive, RWC, for the following reasons:

1. Palomar Park is a residential, rural area and not a commercially-zoned area. The cell phone towers should never have been permitted in the first place and we still do not understand how the County allowed it. Certainly there should be no expansion of the towers.
2. The phone companies have not demonstrated that they have submitted an alternative site analysis, per Zoning Regulations Section 6515.2B.
3. Palomar Park has one road in and out (dead end at the end.) Commercial trucks to service the cell phone towers are a hazard to the residents of Palomar Park. There is limited access in case of an emergency. We do not need more commercial trucks blocking the roads.
4. The end of Palomar Drive (from Loma Court to the end at Pebble Drive (locked gate)) is a private road. We live along that stretch of Palomar Drive. We have never given permission to any commercial use of the road. They are trespassing. Not to mention that the road is in very bad shape and is maintained by the homeowners - not the county.
5. There are health concerns related to the radio-frequency radiation.

In summary, this is a residential area - not commercial. Again, the cell towers never should have been permitted in the first place. Certainly no more cell towers should be permitted.

Thank you for your attention to this matter.

Mollie Marshall
845 Palomar Drive
Redwood City, CA

Mr. & Mrs. Richard Landi
178 South Palomar Drive
Palomar Park, CA 94062
(650)365-4184

April 15, 2015

San Mateo County Planning Commissioners and
Camille Leung, Project Planner
County Office Building
455 County Center
Redwood City, CA 94063

Subject: PLN2005-00801 1175 Palomar Drive

Commissioners and Ms. Chavez:

We are adamantly opposed to the expansion of the cell tower farm at 1175 Palomar Drive and in fact, don't believe that they have any place in a bucolic, residential community. We offer the following comments in no specific order.

- In other unincorporated areas telephone communication facilities are in light industrial M-1 zoned areas. Why hasn't the applicant/property owner been required to attempt to have the property rezoned?
- The industrialization of 1175 Palomar Drive is an inappropriate use of property within S-91 and S-101 single family residential zoning.
- Would the added structures/enclosures/equipment/appurtenances exceed 15% in area of the lot?
- The applicant has not, in any significant way, met the burden of proof that there are no other sites or combination of sites within 2.5 miles. Have not proven that this location is the least intrusive way to fill their service gap.
- As best we are able to discern, zoning regulations allow 2 accessory buildings at most. Call them whatever pretty name you wish but the various equipment enclosures/shelters are accessory structures and there are/will be more than 2.
- The current and proposed installations are of no benefit to Palomar Park and actually will not provide enhanced coverage in the case of natural disasters.

•Depressing property values of nearby homes for private profit is an unreasonable taking of personal value.

•And lastly, while this may not be a considerable point in your deliberations, it troubles us that neither the residents of Palomar Park nor the Board of Directors were given the opportunity to weigh in on the original use permit application in 2000. The applicant who happened to be the president of the Board of Directors of PPO, Inc. at that time, unilaterally made the decision to approve the permit (see attached Case Activity Listing) thus starting this industrialization of the property at 1175 Palomar Drive.

Sincerely,

Richard H. Lardi
Joan Lardi

cc: Supervisor Don Horsley



Case Activity Listing
Case # **PLN200-00497**

2/26/2007
10:35:14AM

Planning Use Permit 1175 Palmar

FLNA000	General Application Received		7/14/2000	DONE	MJS	3/2/2006 DJH
FLNB0012	Review by Public Works	7/26/2000	9/1/2000	DONE	PSB	2/23/2001 SEW
	9/1/00 PSB - NO comments - NO conditions.					
FLNB0015	Review by Building	7/26/2000	7/31/2000	DONE	WJC	7/31/2000 WJC
	7/31/2000 WJC - No issues with planning permit. All building concerns will be covered at plan check.					
FLNB0025	Review by CDF	7/26/2000	8/1/2000	DONE	JRM	8/1/2000 JRM
	8/1/00 JRM: Please see attached project conditions.					
FLNB0085	Review by HOA	7/26/2000	8/8/2000	DONE	SEW	2/23/2001 SEW
	Palomar Park HOA-Recommended approval with no conditions (big surprise considering the owner of the site of the president of the HOA)					
FLNA006	Assign Planner		7/24/2000	DONE	LLT	7/24/2000 LLT
	07/24/2000 LLT - Assigned to Stephanie Wilsey.					
FLNB0085	Review by HOA	7/26/2000	10/2/2000	DONE	SEW	2/23/2001 SEW
	Emerald Lake Hills HOA-No comments or conditions.					
FLNB0135	Review by Other Agency	7/26/2000	10/2/2000	DONE	SEW	2/23/2001 SEW
	City of San Carlos-No comments or recommended conditions.					
FLNA007	(F) Incomplete Application		7/26/2000	DONE	SEW	2/23/2001 SEW
	Please submit the following information so that I can continue to work on your project: 1. Proof of ownership in the form of a tax bill or grant deed. 2. Owners concurrence. 3. A revised site plan that is to scale and shows the accurate parcel boundaries and the location of all existing and proposed structures and facilities					
FLNA006	DRC Review		8/1/2000	DONE	SEW	2/23/2001 SEW
	7/31/2000-sew-Applicant needs to get us an accurate site plan. Env. Health will check to see if proposal affects any sewer or drainfields.					

From: "Michael Kubiak" <mwkubiak06@gmail.com>
To: <planning-commission@smcgov.org>, "Camille Leung" <cleung@smcgov.org>,...
CC: "Heather Hardy" <hhardy@smcgov.org>, "Sally Einspahr" <saleinspahr@a...
Date: 4/17/2015 8:00 AM
Subject: 1175 Palomar Drive: Proposed Cell Tower Expansion (PLN2005-00306), Supplemental Palomar Property Owners Comments
Attachments: PC_PLN2005-00306_Palomar Property Owners Supplemental Comments_04172015.pdf

Dear Commissioners,

Please note that under "Real Property Effects of Proposed Expansion" in our letter to you of April 13, 2015 we have deleted Item #3 under Requested Mitigations and replaced it with the following language based on reviewing comments from residents along the private road stretch of Palomar Drive.

Requested Mitigation #3:

Palomar Drive is a private, rural road with public access from Loma Court to Pebble Drive. It should be noted that even with public access it is the residents along this stretch of Palomar Drive who must maintain it. If the County decides to approve the expansion of the 1175 site, then it should assume ownership of the road and as a consequence upkeep of it. Otherwise, the County through its actions will increase the economic cost to the residents through increase wear and tear on the road surface without these residents receiving any economic benefit in return."

Again, thank you in advance for giving serious consideration and attention to our concerns in this matter.

Sincerely,

As signed by

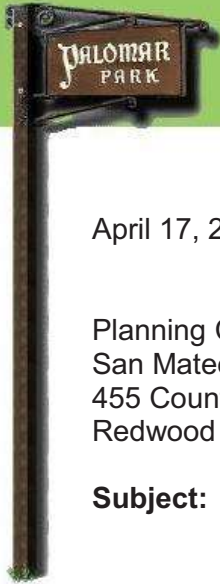
Michael Kubiak and Jeff Garratt
President and Vice President
Palomar Property Owners
419 Palomar Drive
Redwood City, CA 94062
Email: palomarnews@gmail.com

CC: Heather Hardy, Secretary, Planning Commission

Steve Monowitz, Community Development Director

Camille Leung, Project Planner

Tim Fox, County Counsel



April 17, 2015

Planning Commissioners
San Mateo County Planning Commission
455 County Center, 2nd Floor
Redwood City, CA 94063

**Subject: Proposed Cell Site Expansion, 1175 Palomar Drive, Palomar Park
(PLN2005-00306), Supplemental Palomar Park Comments**

Dear Commissioners,

Please note that under "Real Property Effects of Proposed Expansion" in our letter to you of April 13, 2015 we have deleted Item #3 under Requested Mitigations and replaced it with the following language based on reviewing comments from residents along the private road stretch of Palomar Drive.

Requested Mitigation #3:

Palomar Drive is a private, rural road with public access from Loma Court to Pebble Drive. It should be noted that even with public access it is the residents along this stretch of Palomar Drive who must maintain it. If the County decides to approve the expansion of the 1175 site, then it should assume ownership of the road and as a consequence upkeep of it. Otherwise, the County through its actions will increase the economic cost to the residents through increase wear and tear on the road surface without these residents receiving any economic benefit in return."

Again, thank you in advance for giving serious consideration and attention to our concerns in this matter.

Sincerely,

As signed by

Michael Kubiak and Jeff Garratt
President and Vice President
Palomar Property Owners
419 Palomar Drive
Redwood City, CA 94062
Email: palomarnews@gmail.com

CC: Heather Hardy, Secretary, Planning Commission
Steve Monowitz, Community Development Director
Camille Leung, Project Planner
Tim Fox, County Counsel

From: Bob Guenley <bguenley@benchmark.com>
To: "cleung@smcgov.org" <cleung@smcgov.org>
CC: 'Joe Howard' <jhoward1139@gmail.com>, Sally Einspahr <saleinspahr@aol.co...
Date: 4/15/2015 5:16 PM
Subject: Palomar Park Cell Sites

Dear Ms. Leung:

I have lived in Palomar Park since 1978 and consider it a special place on the Peninsula because of the rural atmosphere all residents enjoy. I don't think commercial/industrial activities belong in any residential neighborhood, & am particularly concerned about the cell sites at 1175 Palomar Drive since I live directly across the street from that property. With the exception of the current cell sites, Palomar Park is generally the same as it was in 1978, a quiet & peaceful area where people can take leisurely walks on the streets & enjoy the native trees, foliage & wildlife. This type of atmosphere is becoming more difficult to find in San Mateo County, & allowing cell sites in a residential area is a step toward degrading this atmosphere, which I believe is unnecessary & inappropriate.

I am opposed to the addition of more cell sites in Palomar Park, & would like to see the existing cell towers removed. I frequently see numerous commercial vehicles at 1175 Palomar Drive & there have been instances where work trucks block the road so no other vehicles can use the road, which can raise safety concerns. This type of activity should not take place in a residential area.

Finally I am concerned about commercial vehicles using the part of Palomar Drive that must be maintained by the residents. The cell sites are located near the end of Palomar Drive that is maintained by the residents, so virtually the entire part of the road that is maintained by the residents is used by commercial vehicles that benefits only AT&T, Verizon & the resident of 1175 Palomar Drive. It seems unconscionable that that a commercial activity can be carried on in a residential area that benefits the very few, but places a burden on all neighbors who are forced to pay for the cost of maintaining the road.

The question I ask of all members of the San Mateo County Planning Commission is would you allow cell sites (or similar commercial activity) in your neighborhood? If your answers are NO, why allow this type activity in Palomar Park?

Thank you for your time & attention to this issue, & please feel free to email or call me if you have any questions about this matter.

Sincerely,

Bob Guenley
1150 Palomar Drive
Redwood City, CA 94062
Phone: (650) 234-4015
Fax (650) 261-1210
bguenley@benchmark.com<mailto:bguenley@benchmark.com>

From: Carol <carol.mondino@gmail.com>
To: "cleung@smcgov.org" <cleung@smcgov.org>
CC: Sally-Enispahr <saleinspahr@aol.com>, <carolmondino@gmail.com>
Date: 4/16/2015 11:01 PM
Subject: Verizon Facility at 1175 Palomar Dr., RWC

Dear Commissioners, Camille Leung, Steve Monowitz, and Heather Hardy,

Re: Case # PLN2005-0081
Hearing Scheduled April 22, 2015
Verizon Wireless Telecommunication Facility at:
1175 Palomar Dr., RWC

Thank you for holding a County Planning hearing for the proposed cell tower installation at 1175 Palomar Drive, Redwood City.

We are opposed to the industrial antenna farm in our neighborhood at 1175 Palomar Drive, Redwood City.

Our neighborhood is zoned residential, and is not a commercial neighborhood. The cell towers at 1175 Palomar Drive keep multiplying in numbers with each passing year. It seems there is no way to stop the cell tower companies from adding cell towers at 1175 Palomar Drive.

The cell tower companies come to work on the cell towers or equipment when it goes down, at anytime of day or night.

In the past if the power is interrupted to the Palomar Park neighborhood, the cell tower companies bring generators, and their noisy diesel trucks to 1175 Palomar Drive, and stay until they get the cell towers, equipment, or facilities fixed.

The cell tower companies have worked on their cell towers and equipment in the middle of the night, which has woke us up.

There are a few questions we have concerning the proposed cell tower installations:

1. How many other cell towers are located in other residential neighborhoods in San Mateo County?
2. How did all the cell tower installation permits get issued? At the beginning of the initial cell tower installations, the neighbors were not notified of the cell tower permits.
3. Does the zoning in Palomar Park allow commercial use?
4. What is the height limit of cell towers and residential homes in Palomar Park?
5. Are there noise ordinances in Palomar Park at night?
6. Why are the cell tower companies not installing their cell towers, equipment, and facilities at other non-residential locations or open space areas, such as, off of Edgewood Road, in Redwood City?
7. Should the cell tower companies be required to repair the residences privately maintained road? The cell tower companies use heavy commercial trucks to access 1175 Palomar Drive, which is a burden on our roads.
8. Are there any health concerns to the residences that live close to the cell tower farm at 1175 Palomar Drive?

Thank you in advance to your consideration in this matter.

Sincerely,

John and Carol Mondino
1130 Palomar Drive
Redwood City, Ca 94062

From: Sally Einspahr <saleinspahr@aol.com>
To: <planning-commission@smcgov.org>, <smonowitz@smcgov.org>, <cleung@smcgov...>
CC: <alicia@torrenimer.org>, <mwkubiak06@gmail.com>, <jgarratt@g-c.com>
Date: 4/20/2015 10:34 PM
Subject: PLN2005-00306

Planning Commissioners: planning-commission@smcgov.org
 Laurie Simonson, Frederick Hansson,
 Zoe Kersteen-Tucker, Manuel Ramirez Jr.
 Steve Dworetzky
 Steve Monowitz, smonowitz@smcgov.org,
 Camille Leung, Co.Planning/Building Dept. cleung@smcgov.org
 Heather Hardy, Secretary for Planning Commission hhardy@smcgov.org,

REF: Subject: Proposed Cell Site Expansion, 1175 Palomar Drive, Palomar Park
 (PLN2005-00306)

Dear Commissioners, Camille Leung, Steve Monowitz, and Heather Hardy,
 In light of new information brought to my attention, I feel the County Commissioners and Camille Leung should be informed of this information before the April 22, 2015 meeting.

FACT IS:

Verizon and ATT have not met the standard requirements of Section 6512.2B of County Zoning Regulations. The Code requires: Alternative written site analysis, examination of multiple additional sites and how those sites could work in combination to provide the same coverage if the current site was not available. Applicant must demonstrate by a preponderance of evidence that there are no other options/sites/co-location solutions. Applicant must examine all known co-locations sites within a 2.5 mile radius.

1. They have got to produce a written alternative site analysis or stop wasting everybody's time. The written analysis has got to include multiple location sites with a combination of sites to give same coverage. The cell companies can NOT just say in a single sentence -- the sites Palomar Park HOA suggested don't fit their coverage objectives.

What are their coverage objectives? I can only guess -- with 2 -- 28' towers both companies will sell space out to other carriers thus increasing the site once again to an extreme commercial antenna farm. Any increase of extra carriers would put the RF factors way out of proportion with what the government calls acceptable RF levels.

Where is their 10 yr build out plan for this site? We the public need to know how big this site could become and what the plans are for the future of this site.

Why the 28' tower this year when last year a 20' tower was fine for their coverage objectives.

We also need to know when the Planning Department will say enough is enough in a residential zoned neighborhood and close this site to future expansion.

Along this line --- ATT has an informational web site (<http://wireless4sf.att.com/wireless/>) where they proudly explain about DAS (Distributed Antenna System) antennas being used as a reliable wireless service. DAS network splits the transmitted signal among several smaller antennas to improve coverage and reliability over the same area as a single cell tower. DAS networks are effective in areas with difficult topography, structural impediments as in buildings, or in locations where a variety of reasons it is not optimal to build a traditional cell site. In urban areas DAS antennas are placed on existing structures, such as water towers or telephone poles.

Per ATT Web Site:

DAS allows for more wide spread coverage because several sites can be deployed to more effectively cover an area of varied topography. DAS networks will increase network performance by providing greater coverage and fill in gaps in existing coverage. DAS networks will improve call quality and reliability while supporting stronger signals, increased traffic and faster transfer of data. Verizon and ATT claim this is what they are after with 2-unsightly 28' towers. Edgewood Road Canyon corridor and the hills west of 1175 Palomar fit this description for use of DAS antenna networks.

Verizon and ATT cell tower forms would be facing west in to the same type of topography ATT's web site talks about. DAS can provide multiple service platforms, mobile broadband, mobile radios, pagers PCS, UMTS and is effective for public safety alert systems.

The gap in service down Edgewood Road corridor is because the road is in a deep valley. DAS antennas could be placed up and down Edgewood Road corridor on telephone poles to meet the gap in service without building 2-unsightly 28' cell tower tree forms at the 1175 Palomar Dr site. These 2 unsightly 28' towers will be seen from not only my house, my neighbors houses, houses in San Carlos down the hill from the site, off to the east to houses on La Mesa Dr. in San Carlos, as well as the ridge line as people drive east on Edgewood Road.

Verizon nor ATT have NOT mentioned this alternative type of DAS antenna networking which could be used to fill the gap. These types of antenna should have been addressed in a written site analysis produced by the wireless companies.

PG&E already uses this technology in Edgewood Canyon and even here in Palomar Park to read their smart meters.

With this information--- it proves there are alternatives to this site design. The County Planning Commissioners should force Verizon and ATT to use this less obtrusive design before giving approval to a very large (and future) expansion of the site at 1175 Palomar Dr. Their current design places a huge burden on Palomar Park privately maintained roads, to the taxpayers of this community and on the peaceful atmosphere of our neighborhood.

Do NOT allow the approval of this site design for 1175 Palomar Dr., there ARE other alternatives which the County may or may not have been aware of. Stop the expansion of this site once and for all. Cell towers do NOT belong in a residential single family zoned neighborhoods. Recorded Zoning Regulations for Wireless Telecommunications Facilities discourages sites in residential neighborhoods.

DAS antennas placed along Edgewood Rd corridor are the way to handle 1175 Palomar Dr. cell site without placement of 2 unsightly 28' towers. DAS antennas will increase services as mentioned above by ATT's Internet site.

Verizon and ATT have not met the requirements of the Zoning Regulations developed by the County back in 2010.

Please uphold County Zoning Regulations. Don't let the wireless companies turn Palomar Park into a commercial environment with an ANTENNA FARM.

Respectively,

Sally Einspahr, 1165 Palomar Dr., Redwood City, CA 650-365-2820 saleinspahr@aol.com

cc: Alicia Torre
Mike Kubiak
Jeff Garratt

alicia@torrenimer.org
mwkubiak06@gmail.com
jgarratt@g-c.com

From: "Michael Kubiak" <mwkubiak06@gmail.com>
To: <planning-commission@smcgov.org>, "Camille Leung" <cleung@smcgov.org>, ...
CC: "Janneth Lujan" <Jlujan@smcgov.org>, "Heather Hardy" <hhardy@smcgov....>
Date: 4/21/2015 10:34 AM
Subject: 1175 Palomar Drive: Proposed Cell Tower Expansion (PLN2005-00306), Supplemental Palomar Property Owners Key Takeaways and Recommendation
Attachments: PC_PLN2005-00306_Palomar Property Owners Key Takeaways and Recommendation_04212015.pdf

Dear Commissioners,

After much thought and careful consideration, what follows is a summary of our key takeaways and our proposed recommendation.

KEY TAKEAWAYS

1. The 1175 Palomar Conditional Use Permit (Cup) For Verizon Is Not Just About This Site.

- o It Is About Defending The County's Ordinance
- o It Is About Precedents For All Wireless Carriers
- o It Will Have Significant Consequences For All Neighborhoods

2. The Zoning Ordinance Allows Siting In Residential Zones Only If A Detailed Alternatives Analysis Demonstrates There Is A Significant Coverage Gap And There Are No Other Feasible Alternatives.

o The Alternatives Analysis Requires:

- * A Definition and Demonstration of a Significant Gap
- * A Stated Coverage/Capacity Objective (Not Just A Map)
- * Analysis Of Co-Location At Existing Facilities Within 2.5 Miles
- * Analysis Of Coverage/Capacity At Other Non-Residential Sites Within 2.5 Miles
- * Analysis Of Coverage/Capacity With Combinations Of Such Sites
- * Such A Combination Analysis Might By Way Of Example Use Utilize Microcell Technology
- * Detailed Technical Information And Analysis Is Required

3. Without The Proofs Above The Planning Commission Does Not Have The Record To Make A Legal Finding Of Necessity.

4. Federal Cases Make Clear That

- o The Carrier Applicant Has The Burden To Prove There Is A Significant Gap
- o Demonstrate The Infeasibility Of Other Sites
- o Provide Substantial Evidence So The County Can Evaluate Which Is Least Intrusive

5. Verizon's Application Falls Well Short Of This Standard. It Constitutes A High-Handed, Perhaps Even An Arrogant, Dismissal Of the County Zoning Requirements. See our attached letters of April 13th and 17th as to the specific shortcomings of the current Verizon application.

6. The County Needs To Defend Its Ordinance And Deny This Application. At A Minimum It Needs To Send The Application Back To Perform The Required Alternatives Analysis.

RECOMMENDATION

Deny The Negative Declaration And This CUP Application. Direct Verizon To Prepare An Adequate CUP Application.

Sincerely,

As signed by

Michael Kubiak and Jeff Garratt

President and Vice President

Palomar Property Owners

419 Palomar Drive

Redwood City, CA 94062

Email: palomarnews@gmail.com

CC: Heather Hardy, Secretary, Planning Commission

Steve Monowitz, Community Development Director

Camille Leung, Project Planner

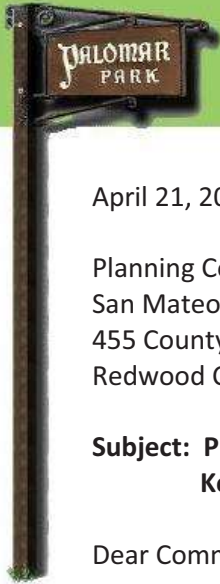
Tim Fox, County Counsel

Attachment 1: 1175 Palomar Wireless Telecommunications Facilities and County Zoning

Attachment 2: Palomar Property Owners Letter of April 13, 2015

Attachment 3: Palomar Property Owners Letter of April 17, 2015

Attachment 4: Other Limitations of the 1175 Palomar Site and Proposed Mitigations



April 21, 2015

Planning Commissioners
 San Mateo County Planning Commission
 455 County Center, 2nd Floor
 Redwood City, CA 94063

**Subject: Proposed Cell Site Expansion, 1175 Palomar Dr., Palomar Park (PLN2005-00306)
 Key Takeaways and Recommendation**

Dear Commissioners,

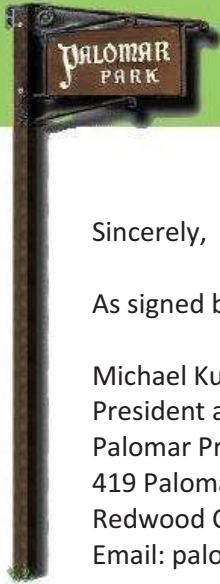
After much thought and careful consideration, what follows is a summary of our key takeaways and our proposed recommendation.

KEY TAKEAWAYS

1. The 1175 Palomar Conditional Use Permit (Cup) For Verizon Is **Not Just About This Site.**
 - It Is About **Defending The County's Ordinance**
 - It Is About **Precedents** For All Wireless Carriers
 - It Will Have **Significant Consequences For All Neighborhoods**
2. The Zoning Ordinance Allows Siting In Residential Zones **Only** If A Detailed Alternatives Analysis **Demonstrates** There Is **A Significant Coverage Gap** And There Are No Other Feasible Alternatives.
 - The Alternatives Analysis Requires:
 - A **Definition and Demonstration** of a Significant Gap
 - A Stated Coverage/Capacity **Objective** (Not Just A Map)
 - Analysis Of Co-Location At **Existing Facilities** Within 2.5 Miles
 - Analysis Of Coverage/Capacity At **Other Non-Residential Sites** Within 2.5 Miles
 - Analysis Of Coverage/Capacity With **Combinations** Of Such Sites
 - Such A Combination Analysis Might By Way Of Example Use Utilize **Microcell Technology**
 - Detailed Technical Information And Analysis Is Required
3. Without The Proofs Above The Planning Commission **Does Not Have The Record** To Make A Legal Finding Of Necessity.
4. Federal Cases Make Clear That
 - The **Carrier Applicant Has The Burden** To Prove There Is A Significant Gap
 - **Demonstrate** The Infeasibility Of Other Sites
 - **Provide Substantial Evidence** So The County Can Evaluate Which Is Least Intrusive
5. Verizon's Application Falls Well Short Of This Standard. It Constitutes **A High-Handed, Perhaps Even An Arrogant, Dismissal** Of the County Zoning Requirements. See our attached letters of April 13th and 17th as to the specific shortcomings of the current Verizon application.
6. **The County Needs To Defend Its Ordinance And Deny This Application.** At A Minimum It Needs To **Send The Application Back** To Perform The Required Alternatives Analysis.

RECOMMENDATION

Deny The Negative Declaration And This CUP Application. Direct Verizon To Prepare An Adequate CUP Application.



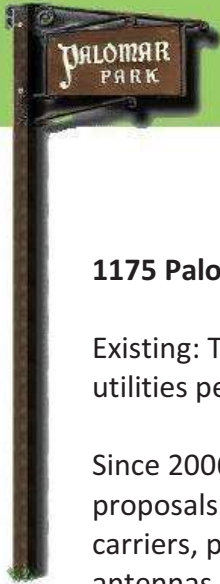
Sincerely,

As signed by

Michael Kubiak and Jeff Garratt
President and Vice President
Palomar Property Owners
419 Palomar Drive
Redwood City, CA 94062
Email: palomarnews@gmail.com

CC: Heather Hardy, Secretary, Planning Commission
Steve Monowitz, Community Development Director
Camille Leung, Project Planner
Tim Fox, County Counsel

Attachment 1: 1175 Palomar Wireless Telecommunications Facilities and County Zoning
Attachment 2: Palomar Property Owners Letter of April 13, 2015
Attachment 3: Palomar Property Owners Letter of April 17, 2015
Attachment 4: Other Limitations of the 1175 Palomar Site and Proposed Mitigations



ATTACHMENT 1

1175 Palomar Wireless Telecommunications Facilities and County Zoning

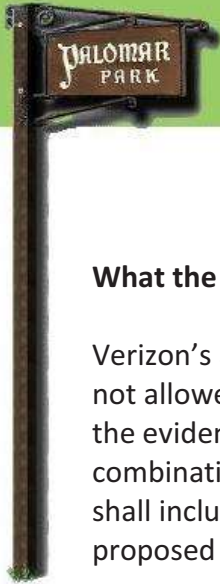
Existing: T-Mobile and Sprint poles, antennas, transmitters, 2 equipment enclosures, and utilities permitted in 1997 and 2000 in the backyard of a residence in Palomar Park.

Since 2006, the Palomar Property Owners Association and neighbors have opposed a variety of proposals to expand this site to construct a veritable antenna farm with 2 to 3 additional carriers, poles as high as 28 feet, more equipment enclosures, and more than a dozen panel antennas.

In 2008 the county also developed a zoning ordinance to address siting of telecommunications facilities and incorporated protections for residential zones. Essentially, the zoning ordinance discouraged siting in residential zones unless the telecommunications company applicant could demonstrate “through the preponderance of the evidence” that a “significant gap in service” could not be closed at a non-residential site or combination of sites.

Telecommunications companies have tried to argue that local jurisdictions cannot bar their towers due to the Federal Telecommunications Act and that there is no burden of proof on them to look at alternative sites, but cases, including an August 2014 decision in the 9th circuit, make clear that counties have a perfect right to deny CUPs for facilities based on local zoning considerations (aesthetics, height rules, or other values.) For the Federal Act to control, the courts require that the telecommunications company demonstrate a significant gap in service and “show that the manner in which it proposes to fill the significant gap in services is the least intrusive on the values that the denial sought to serve” (City of San Diego vs. American Cell Tower Corporation). Further, the burden is on the applicant not the local jurisdiction to offer evidence with a meaningful comparison of alternative designs and sites to the local county or city decision-makers.

The proposed CUP at 1175 Palomar has more significance than just this site. Verizon, the applicant, has made no substantive alternatives study as required by the County’s zoning regulations if the carrier proposes to site on residential property. To approve a CUP for Verizon without its complying with the standard set in the county’s own regulations sets a terrible precedent for all other carriers and all neighborhoods. The county must defend its own ordinance by denying this application or sending it back and demanding an adequate study from Verizon.



ATTACHMENT 1

What the County's Wireless Telecommunications Regulations Require

Verizon's application has to comply with the standards in sections 6512 to 6512.5. Facilities are not allowed in a residential zone "unless the applicant demonstrates, by a preponderance of the evidence, that a review has been conducted of other options, and no other sites or combinations of sites allows feasible service or adequate capacity and coverage. This review shall include, but is not limited to, identification of alternative site(s) within 2.5 miles of the proposed facility" (6512.2 B)

A 10 year build-out plan is required and the applicant has to use best efforts to contact all other telecommunications service providers in the county.

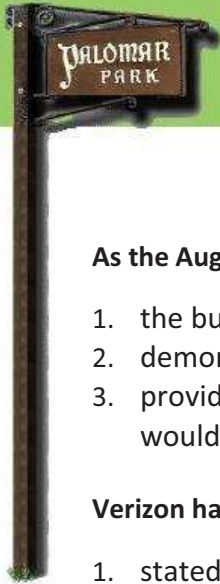
Identification of existing facilities within 2.5 miles of the proposed location and a substantive explanation of why co-location on existing facilities is not feasible. The explanation needs to "state the radio frequency coverage and/or capacity needs and objective(s) of the applicant." (6512.5B11)

The application must include "a detailed alternatives analysis that demonstrates that there are no feasible alternative non-residential sites or combination of non-residential sites available to eliminate or substantially reduce "significant gaps" in the applicant carrier's coverage or network capacity." (6512.5 B 16)

What does this mean?

A carrier's alternatives study must

1. State a coverage/capacity objective against which different alternatives can be measured
2. Analyze the coverage/capacity achievable and co-location feasibility at existing sites within 2.5 miles. Technical information and justifications are required to explain why these are infeasible, if they are.
3. Analyze the coverage/capacity achievable at other non-residential sites within 2.5 miles. Detailed evidence must be presented.
4. Analyze the coverage/capacity achievable while using a combination of non-residential sites within 2.5 miles. Detailed evidence must be presented. A combination of sites might use somewhat different technology, such as the microcell technology Verizon uses in San Francisco—this needs to be examined.



ATTACHMENT 1

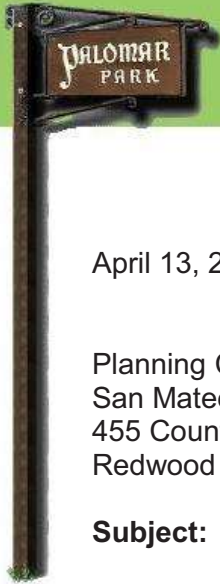
As the August 2014 Ninth Circuit case also makes clear:

1. the burden is on the applicant to prove a significant gap in service
2. demonstrate the infeasibility of other alternative sites
3. provide substantial evidence so the jurisdiction's decision-makers can evaluate what sites would be least intrusive

Verizon has not:

1. stated an engineering capacity/coverage objective
2. has provided maps for the 1175 RF coverage, but not explained why they would constitute a "significant gap"
3. has not provided information on co-location at existing facilities within 2.5 miles
4. has written one sentence, uninformative rejections of five sites without any accompanying evidence or analysis against a stated objective
5. has not examined combinations of sites with the same type of technology
6. has not examined combinations of sites with microcell technology or other alternative technologies

Indeed, the best description of Verizon's alternatives analysis is that it is a high-handed, some might even characterize it as an arrogant, refusal to provide decision-makers with evidence they can evaluate and use to make an informed decision. More importantly, the lack of this analysis means that the Planning Commission does not have the basis for making a legal finding that this proposal is necessary.



ATTACHMENT 2

April 13, 2015

Planning Commissioners
San Mateo County Planning Commission
455 County Center, 2nd Floor
Redwood City, CA 94063

**Subject: Proposed Cell Site Expansion, 1175 Palomar Drive, Palomar Park
(PLN2005-00306)**

Dear Commissioners,

The Palomar Property Owners Board was notified that Verizon's revised request for a proposed expansion of a cell site at 1175 Palomar Drive will be on the April 22nd Planning Commission meeting agenda.

The Board's position is that we oppose:

- Any further expansion of the existing cell tower site at 1175 Palomar Drive
- Any additional or new cell tower site(s) within Palomar Park

As a result, we ask the Planning Commission to deny the request based on the reasons we provide below or if approved to provide mitigations as described below.

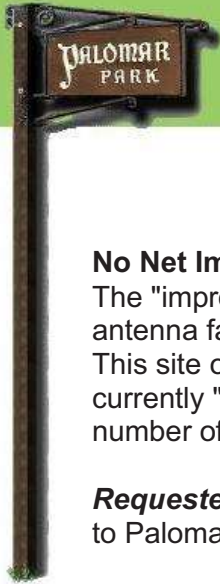
Note that we understand the Verizon submittal package to be incomplete and in our review we find that the site plan is not comparable to the one submitted in February 2014. It is in this context that we make the following key points as each of you considers your decision.

Preponderance of Evidence Not Demonstrated

Verizon's submission does not answer the question if 1175 Palomar were not available, how would it address coverage issues? The sites Verizon examined were those proposed previously by PPO but Verizon did not look at combinations of those sites, a preponderance of the evidence, or show how coverage would be changed by those sites they rejected. Additionally, the documentation does not state how big this site will become and what will be the limiting factor for this site, e.g., physical square footage and/or the number of antennas.

Requested Action:

We believe that a re-examination of the expansion plans is supported by an August 2014 decision from the Ninth Circuit Court, see *American Cell Tower v. City of San Diego*. This case is relevant because the precedent which it sets is very recent. We ask that the County Planning and Building Departments, the Planning Commission and County Counsel review the findings of this case in the course of making a determination on this matter. Please see Attachment 1 for additional details.



ATTACHMENT 2

No Net Improvement to Reception or Data Rates in Palomar Park

The "improved coverage" benefits are actually for others outside of Palomar Park. The new antenna facilities will not improve the reception or data rates for residents of Palomar Park. This site only provides niche coverage for subscribers in a few Emerald Hills/Crestview areas currently "shadowed by ridge/valley topography" so this "in Palomar" site benefits only a small number of people outside Palomar.

Requested Action: Deny approval for expansion of the current site because there is no benefit to Palomar Park.

Increased Radio-Frequency (RF) Levels

Increasing the number of cell towers raises health concerns for the neighbors since the radio-frequency (RF) radiation increases as more antenna facilities are installed and as each antenna's wattage is boosted. This results in unavoidable exposure to RF radiation from the antennas. See Attachment 2 for a more detailed analysis.

Requested Mitigations:

1. If the expansion were approved, it should be conditioned on doing actual measurements of the Radio Frequency and noise as opposed to solely relying on a forecast. If they are over permitted levels, equipment should be modified or removed.
2. Additionally, the radio frequency is much higher than previously written and quite close to the neighbor's bedroom north of 1175 Palomar. We recommend that Verizon pay to upgrade the nearest wall/window to ground the radio waves.

Real Property Effects of Proposed Expansion

Having cell towers on any property decreases the value of the adjacent homes and can impact the whole community's perceived value. Imagine if they were being proposed for installation near your home and included two new 28' cell towers in the form of a tree, 12 transmitters, two fenced enclosures, equipment boxes and utilities with a frontage of more than 70 lineal feet.

The site and expansion harm the view plane of both 1165 Palomar and 1354 Pebble Drive. Only if the antenna/building sites are moved away from the lot's perimeter, i.e., into the 1175 Palomar view plane could this impact be reasonably reduced. The arborist's plan to remove damaged/dying trees and replace 3:1 or 1:1 (depending on size) is commendable, but the actual plans for where they will plant trees is ill-conceived. The intended tree/shrub mitigation proposal by an arborist (planting of new trees) may fail without significant watering (particularly inappropriate given the drought situation), since the majority of trees to be removed are already dead, dying or water-starved. These trees are intended to screen the facilities from view, so if they fail the screen fails.

Additionally, with more towers come more service trucks which will increase wear and tear and repairs needed on the upper stretch of Palomar Dr., a stretch of road which is not County maintained. Why should homeowners bear the burden of the road repair and upkeep while the wireless carriers use the road for their ingress and egress with no responsibility for maintenance? Commercial construction of this type on land within the community is undesired,



ATTACHMENT 2

especially when it negatively impacts neighbors, aesthetics, valuations, and/or brings potential health hazards or exposures. The potential for additional nuisances is increased such as noise, emissions from back-up generators and added traffic from construction and maintenance.

Requested Mitigations:

1. If the project is approved, we recommend that the poles and antennas be moved away from fence lines to the center of the site so the major effect is to the landowner and not his neighbors.
2. In addition, the site should be configured so as not to remove five significant trees. As it is, new vegetation has a difficult time taking root at the site as witnessed by the amount of dead foliage which was planted at the site to screen it.
3. As a condition of approval the carriers should be required to pay for the upgrade and maintenance of this section of upper Palomar Drive to standards better suited for heavy truck traffic.

Thank you in advance for giving serious consideration and attention to our concerns in this matter.

Sincerely,

As signed by

Michael Kubiak and Jeff Garratt
President and Vice President
Palomar Property Owners
419 Palomar Drive
Redwood City, CA 94062
Email: palomarnews@gmail.com

CC: Heather Hardy, Secretary, Planning Commission
Steve Monowitz, Community Development Director
Camille Leung, Project Planner
Tim Fox, County Counsel



ATTACHMENT 2

American Tower Corporation v. City of San Diego

We think that a fair amount of the case -- not all of it -- revolves around the intersection between the Federal Telecommunications Act (FTA) and the ability of cities and counties to grant conditional use permits based on their local rules, including, for example, aesthetic considerations. For the purposes of this application, the key language in the case is found on pages 37-38, where the court discusses one of three claims made by American Tower Corporation (the cell tower proponent) under the FTA.

- The FTA says that state and local regulations "shall not prohibit or have the effect of prohibiting the provision of wireless services."
- This prohibition is deemed to have happened if a wireless provider is prevented from closing a "significant gap" in service coverage.
- The Ninth Circuit states that it is applying a two-pronged test to determine whether the City of San Diego improperly denied American Tower Corporation's permit requests based on this prohibition argument:
 - The first prong: Has a significant gap in coverage been shown.
 - The second prong: Has there been some inquiry into the feasibility of alternative facilities or site locations.
- The Court then focuses on the second prong, feasibility, and describes the standard as follows: "We evaluate the feasibility prong under a '**least intrusive means**' standard, which 'requires that the provider show that the manner in which it proposes to fill the significant gap in services is the least intrusive on the values that the denial sought to serve.'"
- When it applies this standard, the Court finds ATC's showing very weak. The description sounds very much like what we're seeing from Verizon and the other applicants:
 - "ATC essentially insisted that the City accept ATC's conclusion that the existing facilities were the 'least intrusive means,' without offering a feasibility analysis of alternative designs or sites for the City to reach its own conclusion. In effect, ATC would make the applicant -- rather than the locality -- the arbiter of feasibility and intrusiveness, gutting the 'least intrusive means' standard with predictable, application-friendly results."
 - The proper sequence, according to the court in this case, is that the burden is first on the applicant to make a prima facie showing of effective prohibition by offering evidence of a meaningful comparison of alternative designs or sites. Once that burden is met, it is then up the locality to rebut the evidence with evidence of its own, if it can. But because ATC did not offer evidence allowing for a meaningful comparison of alternatives, the City of San Diego was not obligated to just trust ATC, and ATC thus failed to meet the least intrusive means standard.

This case provides the basis for the County to ask Verizon and other future applicants for a meaningful analysis of alternatives.

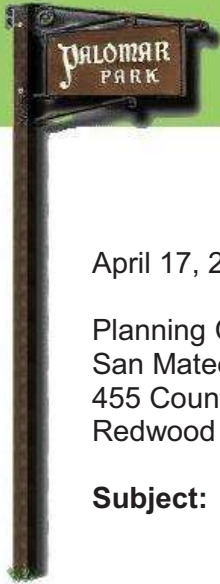


ATTACHMENT 2

Increased Radio-Frequency (RF) Levels

The latest modeling provided by Verizon predicts human exposure inside the nearest neighbor's home could be as high as 39 to 50% of the maximum permissible exposure limit (PEL) allowed by the U.S./European Union (EU) standard. The analysis also indicates that the RF power will be much higher than first proposed; Verizon now states emissions at 11.2KW versus ~1.7 KW in the February 2014 proposal.

Additionally, the antenna power is much higher than the February 2014 analysis. Verizon's went from 1,720W ERP (watts, estimated radiated power) to 11,200W while AT&T's was stated to increase from ~2700W to 12,100W. The net effect is to produce an increase in the estimated maximum "public exposure limit" (PEL) of up to 17-50% of the US/EU PEL or residents in 1165 and 1175 Palomar and 1354 Pebble Drive. The amount of increase depends on how many antennas are turned on and how much power they are pushing. Given that compliance specifications are often revised up or down as new studies/data appear, there is always a "shadow of a doubt" on any chosen PEL. Additionally, China, Russia and Switzerland, 11% of the world's population, use a PEL 10X lower than the US/EU limit.



ATTACHMENT 3

April 17, 2015

Planning Commissioners
San Mateo County Planning Commission
455 County Center, 2nd Floor
Redwood City, CA 94063

**Subject: Proposed Cell Site Expansion, 1175 Palomar Drive, Palomar Park
(PLN2005-00306), Supplemental Palomar Park Comments**

Dear Commissioners,

Please note that under "Real Property Effects of Proposed Expansion" in our letter to you of April 13, 2015 we have deleted Item #3 under Requested Mitigations and replaced it with the following language based on reviewing comments from residents along the private road stretch of Palomar Drive.

Requested Mitigation #3:

Palomar Drive is a private, rural road with public access from Loma Court to Pebble Drive. It should be noted that even with public access it is the residents along this stretch of Palomar Drive who must maintain it. If the County decides to approve the expansion of the 1175 site, then it should assume ownership of the road and as a consequence upkeep of it. Otherwise, the County through its actions will increase the economic cost to the residents through increase wear and tear on the road surface without these residents receiving any economic benefit in return."

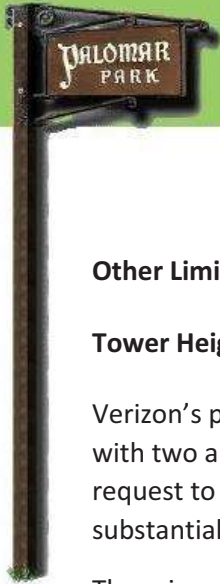
Again, thank you in advance for giving serious consideration and attention to our concerns in this matter.

Sincerely,

As signed by

Michael Kubiak and Jeff Garratt
President and Vice President
Palomar Property Owners
419 Palomar Drive
Redwood City, CA 94062
Email: palomarnews@gmail.com

CC: Heather Hardy, Secretary, Planning Commission
Steve Monowitz, Community Development Director
Camille Leung, Project Planner
Tim Fox, County Counsel



ATTACHMENT 4

Other Limitations of the 1175 Palomar Site and Proposed Mitigations

Tower Height

Verizon's plans in 2014 to reduce its "significant gap in coverage" called for three 20 foot poles, each with two antennas pointed towards a different direction. In its current application it has reduced its request to a single pole to hold six antennas, two for each direction. The pole reduction is good, but no substantial evidence is given for why the pole height should be increased by 40%.

There is no evidence in the record to defend a need to raise the pole to 28 feet to "provide adequate coverage", and section 6512.2 E requires a demonstration. This matters because the higher the pole the more likely other companies will seek to collocate below Verizon's equipment, thereby increasing the industrial intensity of the site and adding more Radio Frequency emissions.

Tree Removal (Two Significant Monterey Pines #15 and #16)

For many years trees planted as mitigation on this site have failed repeatedly, due to poor or non-existent irrigation, injury by deer, or simple neglect. Currently all of the 18 trees planted as mitigation by Sprint are dead and injured and due for removal. (Note that these have been dead for several years and Sprint has not replaced them. Replacement is being made a condition within Verizon's CUP.) It is much better to keep large, established trees than to cut them down and plant small saplings that will simply die, particularly in the midst of a drought. It is much better to design around significant trees.

Specifically, Verizon wishes to cut down two significant Monterey pines (Trees #15 and #16) simply because they overhang the proposed equipment pad and they have chosen a utility and access route underneath its branches. Surely access and underground utilities can be circled around the trees or come into the fenced yard at its southern end. Indeed Verizon could rearrange its equipment within its fenced area to the western and northern sides and avoid overhanging branches.

From: Alicia Torre <alicia@torrenimer.org>
To: <planning-commission@smcgov.org>
CC: Camille Leung <cleung@smcgov.org>, <tfox@smcgov.org>, <hhardy@smcgov.org>
Date: 4/21/2015 10:52 AM
Subject: Re: Verizon application at 1175 Palomar -- Case No. PLN2005-00306
Attachments: Letter to Planning Commission 022115.pdf

Dear Commissioners,

Attached please find a letter requesting denial of Verizon's application for a Conditional Use Permit at 1175 Palomar (item #3 on tomorrow's agenda.) I am sorry the letter is so long, but I wanted to be clear about why the current record cannot support the legal findings required to approve this Use Permit, the Significant Tree Permit, and the Mitigated Negative Declaration.

Thank you,

Alicia Torre

April 21, 2015

Planning Commissioner Laurie Simonson
Planning Commissioner Frederick Hansson
Planning Commissioner Zoe Kersteen-Tucker
Planning Commissioner Manuel Ramirez Jr.
Planning Commissioner Steve Dworetzky

RE: Verizon Wireless Telecommunications Facility at 1175 Palomar
(Case No. PLN2005-00306)

Dear Commissioners,

We urge the Commission to reject the Conditional Use Permit Application (CUP) by NSA Wireless for Verizon and the Mitigated Negative Declaration. Both are fatally flawed by not providing the analysis and evidence required by Section 6510 of San Mateo County's Zoning Regulations for Wireless Telecommunication Facilities if the carrier wishes to site in a residential zone, as elaborated below. Without that analysis, the Commission cannot make the required finding that this facility is necessary.

The proposed CUP at 1175 Palomar has more significance than just this site. The county spent many thoughtful months developing its ordinance, and decisions in recent federal cases support the authority of local jurisdictions in enforcing their regulations. Verizon's application is flawed, the county has the zoning regulation to uphold and the authority to do so. Please use it to deny this application and the Mitigated Negative Declaration. A failure to do so would sabotage the zoning ordinance and set a terrible precedent for other carriers and all our residential neighborhoods.

A Little History of the Site and the Law

The Palomar Property Owners Association and neighbors of 1175 Palomar have been consistently opposing expansion of cellular facilities on this residential site since 2006, over 9 years. The first carrier, T-Mobile installed a single pole in 1997, and it appeared to be an incidental use in a residential backyard. But the property owner and competing carriers wish to turn this residential property into a commercial antenna farm. What has been proposed in various forms since 2006 is not an incidental use but a money-making commercial enterprise which removes significant trees, is visible on a ridgeline, poses health concerns, creates additional burdens for those maintaining the private Palomar Road, and degrades property values. The proposed antenna farm is no longer an incidental use.

Fifteen years ago telecommunications carriers mainly sought cell towers along major highways and commercial areas. In the last 10 years, their business model has grown to include internet service and streaming movies as well as phone

service; they compete with land line service, cable and other internet providers. And to do so they want the ability to push more and more massive amounts of data into all residential areas, including winding canyons and peaks, a goal that will demand more and more towers in residential areas. The real commercial goal is not telephone service on main roads, justified by appeals to public safety, but data streaming to homes.

Many individuals and neighborhood associations do not want cell towers in their residential neighborhood. In 2008 the County developed zoning rules for these facilities in order to balance the legitimate concerns of home owners and carriers within the constraints of state and federal legislation and the California Environmental Quality Act. Essentially, the zoning ordinance discouraged siting in residential zones unless the telecommunications company applicant could demonstrate "through the preponderance of the evidence" that a "significant gap in service" could not be closed at a non-residential site or combination of sites.

Telecommunications companies have tried to argue that local jurisdictions cannot bar their towers due to the federal Telecommunications Act and that there is no burden of proof on them to look at alternative sites, but this is SIMPLY NOT TRUE. Federal cases, including an August 2014 decision in the 9th circuit, make clear that counties have a perfect right to deny CUPs for facilities based on local zoning considerations (such as aesthetics, ridgeline protection, height rules, neighborhood design review or other values.) The barrier, or lower limit to such a denial created by the federal Telecommunications Act is that the local regulations shall not prohibit or have the effect of prohibiting the provision of personal wireless services. In evaluating whether such a prohibition has taken place, the courts have clarified that (1) an applicant carrier must demonstrate a significant gap in service exists, (2) show that its plan to fill such a gap is the least intrusive, and (3) must provide detailed evidence comparing alternative designs and sites to city or county decision-makers so the jurisdiction, not the carrier, can decide which is least intrusive on the values the jurisdiction seeks to protect. The burden of proof is on the applicant not the local jurisdiction. (See *American Tower Corporation vs. City of San Diego*, August 14, 2014)

What Does the County Zoning Ordinance Require of Verizon

Although there are existing telecommunications facilities at 1175 Palomar, as the staff report correctly states (p. 9), because those earlier permits did not cover collocation, Verizon must comply with all the standards in sections 6512 to 6512.5 for new facilities. Those sections specify that telecommunications facilities are not allowed in a residential zone unless there is a significant gap in service and "the applicant demonstrates, by a preponderance of the evidence, that a review has been conducted of other options, and no other sites or combinations of sites allows feasible service or adequate capacity and coverage. This review shall include, but is not limited to, identification of alternative site(s) within 2.5 miles of the proposed facility" (6512.2 B) Section 6512.5 amplifies on the evidence required.

- (1) Since siting on residential land is only allowed if there is the carrier's system has a "significant gap in coverage or capacity" (6512.5 B16), the first implicit requirement is to define what constitutes a significant gap and demonstrate that it exists in the area being addressed.
- (2) The carrier must provide a stated coverage/capacity objective (6512.5 B11). In order to compare sites meaningfully, clearly a defined, measurable objective is needed.
- (3) Analysis of the feasibility of co-location at other existing facilities within 2.5 miles. (6512.5 B11) A list of existing structures is required, and if the applicant argues that co-location is not viable, "technical information and other justifications" are required to "document" that conclusion.
- (4) Analysis of the feasibility of locating at non-residential sites within 2.5 miles. A detailed alternatives analysis must demonstrate that rejected sites "do not eliminate or substantially reduce significant gaps in the applicant carrier's coverage or network capacity." (6512.5 B 16).
- (5) Analysis of the feasibility of locating at a combination of non-residential sites within 2.5 miles with the same requirements as (3) above. (6512.5 B 16) Note that the possible higher cost of a feasible combination of sites does not allow a carrier to argue for a cheaper installation on residential property. Thus a number of microcell sites, perhaps on utility poles along Edgewood road, or a combination of such sites and antennas on non-residential properties, is an acceptable alternative and any increase in cost is not a consideration.
- (6) Throughout the ordinance demands detailed evidence, "technical information and other justifications" and a demonstration rather than mere assertion.

For the Commission to make the required finding that Verizon's proposed facility is necessary for the public health, safety, convenience or welfare of the community, the Commission needs a demonstration that no other non-residential site or sites can close a significant gap in service.

Verizon Has Simply Not Provided What is Required

Verizon's application has failed on all counts above, and the result is that the Commission cannot make the finding that the proposed facility is necessary. In a hefty 175 pages, there are a mere two paragraphs in the staff report (p 10) and a 1.1 page letter from a Verizon engineer that even give lip service to these requirements. Verizon has failed to provide any information to the county's decision-makers to allow them to understand and weigh alternatives. And it has failed to demonstrate that it has a significant gap in service that cannot be sufficiently addressed through other sites. Verizon's failure to do so is incompetent at best and arrogant at its worst, it fails to support the finding of need, and it deserves a just reward – denial.

To address each requirement above which together are required to demonstrate the necessity of this site:

- (1) There is no discussion of what constitutes a significant gap in either the staff report or Verizon submittals. Does it relate to dropped calls on a major road? Or to the ability to download movies at home? What constitutes significant? What are the measurable criteria?
 - a. A Verizon customer driving along Edgewood Road 4/20/2015 found his cell phone bars at 4 from Alameda de Las Pulgas to the Mormon church and 3 bars from there to interstate 280 EXCEPT for a curvy half mile before the stoplight at Cordilleras where it was between 1 and 2 bars. In that area a cell call may have poor reception one-way, and, during very high usage periods, may sometimes get dropped.
 - b. Two colorful maps of reception in the area with and without the proposed antennas were provided by Verizon. These maps indicate no reception in areas of Edgewood Road where a user found 3 bars. Why? The maps indicate that the proposed site vastly improves reception in the Las Pulgas Open Space and Edgewood Park, surely not "significant" areas.
- (2) The January 2015 Verizon letter from Brian Ung states that a coverage map showing radio frequencies with the proposed facility shows Verizon's coverage objective. It is unlikely that the open space and park are truly Verizon's objective to serve, but this map treats them as equally important as areas with roads and homes. As an objective it is tautological, since only this site will provide this coverage. What is needed is an engineering objective with measurable criteria that can be compared across alternative sites.
- (3) Verizon has simply not identified other facilities within 2.5 miles or examined co-location at them. The staff report statement (p 10) that this site is a co-location facility simply does not meet the requirement to look at other facilities within 2.5 miles.
- (4) The staff report (p10) appears to consider Brian Ung's letter as a suitable review of alternative sites, but that Verizon letter is a gross failure to meet the zoning ordinance requirement. The letter rejects 5 non-residential sites suggested by the Palomar Park Association in 2010 with single sentences, even while acknowledging that some sites provide some improvement. There is no evidence or demonstration at all but mere assertion. Additionally, it is the responsibility of the applicant to figure out the best alternative sites, not to simply reject neighborhood suggestions. Verizon has the technical expertise to find suitable alternatives and do a good job of evaluating them.
- (5) There is no evidence that Verizon analyzed any combinations of alternative sites as the ordinance requires. Indeed the staff report relates a phone conversation with planning staff last week in which Verizon merely speculates about a combination of smaller facilities on utility poles that they "may not necessarily result in reduced impacts to residences" (my emphasis) and complains that "the construction of facilities on multiple properties to achieve equivalent coverage would require additional cost and time for the applicant". A few relevant points:

- a. Speculation is not a study with evidence.
 - b. Although it may be unfortunate, the zoning ordinance allows for siting on non-residential land even if it is next to a residential property. Microcells are small, modestly visible, and have lower RF emissions than major towers, and are not usually objected to on utility poles in road right-of-ways.
 - c. Along Edgewood Road, Hetch Hetchy watershed property lies to the north with very, very few houses, all well setback from the road, in the half-mile with 1-2 bars. There are existing power and phone line poles on both sides of the road.
 - d. The ordinance does not allow Verizon to use a residential site simply because others might cost more. The point is irrelevant, although we all understand Verizon's cost preferences.
- (6) No demonstration supported by evidence has been provided for any of the assertions made by Verizon regarding other sites.

The Failure to Examine Alternatives Also Contaminates the Negative Declaration
 Under the Land Use and Planning section of the Mitigated Negative Declaration, conflict with land use policies and zoning ordinances should be discussed. However, only the conflict with the Ridgelines and Skylines General Plan policy is discussed and mitigated. The Wireless Telecommunications Ordinance which prohibits siting on residential land without meeting the requirements above is not even mentioned. This is incorrect and **the Commission cannot make the required finding that the Mitigated Negative Declaration is "complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act (CEQA) and applicable State and County Guidelines."** (p 26) Furthermore, the Mitigation Measure 11 requires that the applicant consider alternative building sites not on a ridgeline, and it is clear Verizon has not done so.

The Mitigated Negative Declaration and Mitigation 11c, p 34

As described in my letter of February 10, 2014, appended to the staff report, to fulfill CEQA with a Mitigated Negative Declaration as opposed to a full EIR, the lead agency must specify the required mitigation and not punt mitigation to a future decision-maker. Otherwise a full EIR is required. The issue is the need for specific mitigation, not whether a Community Development Director or Planning Commission makes the future decision. In discussing this issue (p 19), the staff report states that county counsel wanted to add flexibility – but that is just what a Mitigated Negative Declaration doesn't allow. Given that Verizon is not objecting to a single tree form, it also seems that the language suggested as an amendment is both confusing and unnecessary, as well as inviting future carrier objections. For a valid Mitigated Negative Declaration, the mitigation 11c should remove the last phrase ("unless doing so would directly result in a significant gap in service, in which case a comparable (in pole form and number) alternative means of reducing scenic impact shall be proposed and implemented, subject to the approval of the Planning Commission.")

Additional Problems with Verizon's Proposal at 1175 Palomar

Tower Height

Verizon's plans in 2014 to reduce its "significant gap in coverage" called for 3 twenty foot poles, each with two antennas pointed towards a different direction. In its current application it has reduced its request to a single pole to hold 6 antennas, two for each direction. The pole reduction is an improvement, but no substantial evidence is given for why the pole height should be increased by 40% to 28 feet. As noted in the staff report (p 11) the zoning ordinance section 6512.2 E states that towers should be constructed "no taller than necessary to provide adequate coverage". Apparently Verizon's 20 foot height was adequate last year, and no technical evidence has been provided to show why the pole should be increased. No technical evidence was ever given for why Verizon required poles higher than T-Mobile or Sprint (at 13 and roughly 16.5 feet). Whatever the standard size of broadform trees, it should not be technically difficult for this advanced technology company to find a way of shortening a fake tree. Again added cost is not an excuse. There is no evidence in the record to defend a need to raise the pole to 28 feet to "provide adequate coverage", and section 6512.2 E requires a demonstration. **Again, the Commission cannot make a finding of necessity without this demonstration.** The added height is a matter of great concern because the higher the pole the more likely other companies will seek to co-locate below Verizon's equipment, thereby increasing the industrial intensity of the site and adding more Radio Frequency emissions until the federal maximum is reached.

Tree Removal (Two Significant Monterey Pines #15 and #16)

For many years trees planted as mitigation on this site have failed repeatedly, due to poor or non-existent irrigation, injury by deer, or simple neglect. Currently all of the 18 trees planted as mitigation by Sprint are dead and injured and due for removal. (Note that these have been dead for several years and Sprint has not replaced them. Replacement is being made a condition within Verizon's CUP.) It is much better to keep large, established trees than to cut them down and plant small saplings that will simply die, particularly in the midst of a drought. It is much better to design around significant trees.

Verizon wishes to cut down two significant Monterey pines (Trees #15 and #16) simply because they overhang the proposed equipment pad and they have chosen a utility and access route underneath its branches. Note that Sprint and T-Mobile also access the backyard site and do so without a need to cut down these trees, and there is open space to the south and east of the planned enclosure; surely access and underground utilities can be circled around the trees or come into the fenced yard at its southern end. Indeed Verizon could rearrange its equipment within its fenced area to the western and northern sides and thus avoid overhanging branches.

The staff report suggests that the design review standards for Palomar Park allow for the removal of significant trees that “are too closely located to existing or proposed structures” (section 6565.21 E3) but as other notes in the staff report make clear, the entire Verizon lease areas and concrete pads are not structures. They do not have a roof nor count toward floor area; they may not even be considered accessory structures. The staff report states that areas covered by fences and gates and concrete without equipment do not count as “structures” (footnote 6, page 12). Thus section 6565.21 A3 does not provide an exception in this situation, and **the Commission cannot make the required finding for the Significant Tree Permit that the proposal “meets the required criteria for permit approval.” (p 27)**. Further, the section prohibits the removal of a significant tree unless “there is no alternative building site for a house, driveway, or accessory structure.” Modification of the Verizon concrete pad and equipment arrangement inside are both possible, so the Commission cannot find that this arrangement is necessary. Possibly it might make it harder to cram additional carriers on site, but there is no obligation to provide for unknown future carriers; the only application being considered for a CUP is Verizon’s. AT&T’s application is not yet complete, and it is not being considered in this decision.

Additional Requested Mitigations

If the County approves this major expansion of the existing site, we request additional conditions related to radio frequency.

1. The county should require actual measurements of radio frequency and noise over a typical day as opposed to just relying on a forecast. Such studies should be performed by an independent firm, not Verizon nor its consultants, paid for by the applicant but supervised by the county, and conducted at property lines and closest rooms in the two closest houses. If results are over permitted levels, equipment should be modified or removed.
2. Require the applicant to upgrade the nearest second floor bedroom wall and window at 1354 Pebble Drive to ground the radio waves.

Conclusion

After months spent crafting a balanced Wireless Telecommunications Zoning Ordinance, the County needs to act conscientiously to implement it. In the case of this application, that means not certifying the Mitigated Negative Declaration and denying Verizon a CUP due to its flagrant non-compliance with the requirement to prove no other non-residential sites will close a significant gap in service. A denial supports the ordinance, emphasizes the standard for other carriers and future applications, and protects residential neighborhoods. The Commission simply cannot make the required finding that this site is necessary without the demonstration Verizon has failed to even offer. Verizon has also not demonstrated the need for a 28 foot vs. 20 foot pole – indeed that 40 % increase is not justified at all, merely described. Nor has Verizon met the criteria for permit approval for the

Significant Tree Permit since the trees merely overhang a concrete pad, not a structure.

Once a CUP and the Mitigated Negative Declaration ^{are} approved for 1175 Palomar, future additions within that described envelope will not be subject to discretionary review by the Planning Commission. It is all the more important that a CUP not be approved unless the zoning ordinance requirements have all been met. As it stands, the Commission cannot make all of the required findings for the Mitigated Negative Declaration, the Use Permit, and the Significant Tree Permit.

Please protect the county ordinance and our neighborhood through a denial of Verizon's application and the Mitigated Negative Declaration.

Sincerely yours,



Alicia Torre and Jonathan Nimer

From: Wayne Montoya <wmbozo@gmail.com>
To: <cleung@smcgov.org>, <planning-commission@smcgov.org>
Date: 4/21/2015 2:43 PM
Subject: Input on PLN 2005-00801 (Verizon wireless facility application) on 4-22-15 PC Agenda

To: San Mateo County Planning Commission and Project Planners
From: Wayne Montoya
Subject: Input on the proposed Verizon application (San Mateo County, PLN 2005-00801) for new wireless facility on the 1175 Palomar property.

I'm writing as a San Mateo County resident, living in the Palomar Park area of unincorporated San Mateo, to give you my input on the proposed "expansion" of the wireless facility/antenna currently existing at 1175 Palomar Dr. (i.e. the pending Verizon application). (* My personal details are below.)

Anyways, I have looked into this application (far more than i ever hoped to**) and while I believe there's enough supporting & opposing information to swing your panel into a decision either way, i also acknowledge that the Planning Commission would be justified in approving this proposed project as it stands, based on available information, project details, compliance & mitigation requirements, siting precedents and community objections.

Despite (or maybe in opposition to) these details, I strongly urge your to turn the application down because, well... it is just the right thing to do.

Locating this (or similar wireless facilities) in a residential community at 1175 Palomar is unfair, unjust and significantly screws the neighbors on either side (1165 Palomar and 1354 Pebble), solely to benefit this one owner (lease income) and improve niche phone/data coverage gaps for a small group of the leasing telecomm's customers, specifically for a handful of people residing in certain "shadow" areas of certain neighborhoods (e.g. Crestview, Edgewood).

Expanding this site may be legal, may be within codes, requirements, permitting process, etc., but it is just not right. The gains do not justify the specific & significant losses to these neighbors.

With the first wireless facility, those two neighbors lost property value, property enjoyment (& flexibility of use) and some level of peace of mind for what is (typically) a resident's most reliable & valuable asset (their home). And through no fault or action of their own. Now you are considering whether to expand the insult and loss with additional facilities.

Besides the obvious "holy smokes... there are friggin' high-power RF antennas right out there" considerations, neighbors must disclose RF antenna sites next door if they hope to sell, which will negatively impact appraisals, loan approvals, rent & lease potential, etc...; this negative \$\$ impact (on what is for many their biggest investment & retirement asset) will be harmful and is ethically unfair.

On the RF fear & apprehension side, the latest project RF simulations report estimated peak exposures at 38-50% of PEL (in second story rooms of the nearest residences), so these disclosures will not be very appealing to anyone with even modest technical awareness.

And to be clear, the " negative impact on the flexibility & freedom of

use of their property" is not just some obtuse construct. It ranges from simple considerations like "how many impediments are there to sell, rent, etc.." to nuance aspects like having a constant awareness that you are being showered w/ near-PEL-limit RF radiation while enjoying the chair & view in your backyard, holding a friendly BBQ or playing w/ the grandkids. ("No, Suzy & Bobby, don't play near that fence... let's go play in front, it's safer!")

"Yes," the project meets the general subjective requirements in the SMCo Building Codes, "Yes," there is a precedent wireless facility at this location (AT&T), but "No," this is really not a good thing.

Please turn the project down and recommend alternative sites or technological options (which do exist).

Thank you for the consideration and best regards,

Wayne Montoya
544 Palomar Dr., RWC 94062
365-3298

** Boring Personal Details: Background is varied (B.S. Chemistry (1980), 21 yrs applied R&D & 12yrs product development, process & test; main focus - material science, electrical/electronic devices, material & device testing, electro-optic materials/devices, etc..) spending 33 years in high-tech industries, most recently as Principal Scientist at TE/Raychem (CPD, Corp Tech.). Further, I have some understanding of a range of market and technical issues on this proposed project. This is being sent as an independent citizen and stated opinions are solely mine, although full disclosure & transparency dictates that I also state I am a member of the Palomar Property Owners, and am currently the organization's elected/assigned Treasurer. Regardless, the opinions expressed are mine and not necessarily those of others.** Proposed project site details, intended project mitigations (incl. visual, landscape, etc.), RF power simulations and PEL exposure reports, satellite view site layout plus neighboring lots, topographical and current/proposed coverage maps, current SMCo. building regulations (incl. S-91 residential zone & Wireless Telecomm Facilities sections), other site expansion proposals on record, direct and indirect neighbor impacts (incl. some inputs), etc..*

PALOMAR
PARK

Subject: Proposed Cell Site Expansion, 1175 Palomar Dr., Palomar Park (PLN2005-00306)

PPO President Testimony to the Planning Commission

The Palomar Property Owners has consistently opposed expansion at this site through three presidents and various changes in board members. In addition, the Board has opposed any new sites within Palomar Park as we are zoned residential and this site for all intents and purposes is now a light industrial site. I understand, although I was not directly involved, Kurt Oppenheimer, a past-PPO President, was extensively involved in helping to develop a new ordinance in combination with the County and cellular providers. This ordinance doesn't allow carriers to site in a residential zone unless they can demonstrate there are no non-residential sites or combinations of sites that can substantially reduce a significant gap in service. Recent federal cases support the authority of local jurisdictions to demand such proofs. You have crafted a fine ordinance, you have the power, we ask that you use it to deny this proposal as inadequate.

/Michael Kubiak
President
Palomar Property Owners
419 Palomar Drive
Redwood City (Palomar Park), CA 94062-3236

SIGN AGAIN AS WE DO NOT WANT DUPLICATIONS OF NAMES.

**OPPOSITION TO ANY EXPANSION FOR CELL SITE
LOCATION OF 1175 PALOMAR DR., RWC**

PLN2005-00306

BY SIGNING THIS PETITION YOU ARE SAYING NO TO ANY EXPANSION FOR THE CELL TOWER
SITE LOCATION OF: 1175 PALOMAR DR., RWC.

NAME	ADDRESS	PHONE #	EMAIL ADDRESS
Lois Fraser	27 S Palomar Dr. RMC		loisfraser@yahoo.com
Joann Landi	178 So Palomar Dr. Palomar Park		MLandi1979@aol.com
Michael Kubick	27 S. Palomar Drive		mkubick@bellsouth.com
John Sulzbach	200 Montalvo Road		sulzbach-ja@comcast.net
Patricia Taylor	415 Palomara Dr.		tt415@spcglobal.net
Doug Gotschlich	324 Palomara		doug.gotschlich@gmail.com
Chris Myers	1021 Palomar		chris@fungiet.com
JEFF GARZATT	115 S. PALOMAR DR.		jgarzatt@g-c.com
Theresa Musser	71 Loma Rd		tmusser@rigel.com

Confidentiality Note: Your information will only be sent to the San Mateo Planning Board when the hearing for the latest cell company is scheduled. There will be no other use of your name, address, phone or email address.

OPPOSITION TO ANY EXPANSION FOR CELL SITE LOCATION OF 1175 PALOMAR DR., RWC

BY SIGNING THIS PETITION YOU ARE SAYING NO TO ANY EXPANSION FOR THE CELL TOWER
 SITE LOCATION OF: 1175 PALOMAR DR., RWC.

NAME	ADDRESS	PHONE #	EMAIL ADDRESS
Abbe Keane	15 Beve Road St. NW	657-200-0000	abbekeane@hotmail.com
Rogin Grubel-Bill	50 Beve Road PWC		408-1909@ix.net
Melissa Lamb	649 Palomar Drive		mtlamb66@earthlink.net
Julie DiBona	155 S. Palomar Dr.		julie@pindari.com
Carol Mendino	1130 Palomar Dr.		carolruss@earthlink.net
Chun Myer	1021 Palomar Dr.		chas@fungiarts.com
Emile Rishak	1145 Palomar Dr.		emile@alphamotion.com
Stan Duvorn	25374th Pl		basilpaustr@sbglobal.net
JoS Mareschke	845 Palomar Dr		smcounTY-JOEM@SNUKMAIL.COM
Kate FitzGerald	500 Palomar Av.		KDFBEE@PACBELL.NET
Janey Linn	1165 Palomar Dr.		delinn@earthlink.net
Diana Tan	1354 Pebble Dr		alicia@forrenimers.org
John W. ...	632 Palomar Dr		kwnto@MBBSA.com
Dur	John W. ...		johnw@earthlink.net

Confidentiality Note: Your information will only be sent to the San Mateo Planning Board when the hearing for the latest cell company is scheduled. There will be no other use of your name, address, phone or email address.

**OPPOSITION TO ANY EXPANSION FOR CELL SITE
LOCATION OF 1175 PALOMAR DR., RWC**

BY SIGNING THIS PETITION YOU ARE SAYING NO TO ANY EXPANSION FOR THE CELL TOWER
SITE LOCATION OF: 1175 PALOMAR DR., RWC.

NAME	ADDRESS	PHONE #	EMAIL ADDRESS
D ^{5th} ELVANDER	1516 EDELEWOOD RA	650-368-1784	
DIANE EVANDERE	1516 ADEWALD RD C	650-368-3784	
Jonathan Wright	185 Cervantes Road	650 995-7356	juwright@earthlink.net
Adam Millman	186 S. Palomar Drive	408 550-3618	
JOE HOWARD	1139 PALOMAR	650-366-2345	
DOUG GOTTSCHLICH	324 Palomar Dr.	650-814-9821	
Amy Donoran Fajese	100 Duggan Rd.	408 679 1226	
DAVID FINESE	100 DUGGAN RD.	650 248 0388	
Angela Andersen	107 Montalvo Rd.	650-367-8208	
MISSY MARSHALL	845 Palomar Dr. RWC	650-367-6205	
Amy Schwart	176 S. Palomar Dr	415-999-5113	
Carol Bennett	1135 Palomar De	650 474 0218	carolannebennett@gmail.com
Nick Wynn	1135 Palomar Dr	650 465 7555	nickwynn@mtf.com

Confidentiality Note: Your information will only be sent to the San Mateo Planning Board when the hearing for the latest cell company is scheduled. There will be no other use of your name, address, phone or email address.

I do **NOT** want to see any expansion of the cell site location of 1175 Palomar Dr., RWC

I have **NO** objections to the expansion of the cell site location of 1175 Palomar Dr., RWC

Your Name: Thomas Martin Address: 20 Hermosa Rd. RWC

REF: PLN 2005-00306 location of 1175 Palomar Dr., RWC, CA

Comments:

Your information will only be sent to the San Mateo Planning Board when a hearing is scheduled.

Thank you for your time. I hope you will join me in my effort to keep any more cell towers out of our beloved Palomar Park.

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820

I do **NOT** want to see any expansion of the cell site location of 1175 Palomar Dr., RWC

I have **NO** objections to the expansion of the cell site location of 1175 Palomar Dr., RWC

Your Name: STAN DUNCAN Address: 2 ESTERHA PL, RC 94002

REF: PLN 2005-00306 location of 1175 Palomar Dr., RWC, CA

Comments:

Your information will only be sent to the San Mateo Planning Board when a hearing is scheduled.

Thank you for your time. I hope you will join me in my effort to keep any more cell towers out of our beloved Palomar Park

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820

I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC

I have NO objections to the expansion of the cell site location of 1175 Palomar Dr., RWC

Your Name: Shelva Albert Rhyshe Address: 105 Montalvo Rd, Redwood City, CA

REF: PLN 2005-00306 location of 1175 Palomar Dr., RWC, CA

Comments:

Ashlea Hylb

94062

Your information will only be sent to the San Mateo Planning Board when a hearing is scheduled.

Thank you for your time. I hope you will join me in my effort to keep any more cell towers out of our beloved Palomar Park.

Sally Einspahr, 1165 Palomar Dr, RWC, CA saleinspahr@aol.com 650-365-2820

I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC

I have NO objections to the expansion of the cell site location of 1175 Palomar Dr., RWC

Your Name: Shelva Albert Rhyshe Address: 105 Montalvo Rd. Redwood City, CA

REF: PLN 2005-00306 location of 1175 Palomar Dr., RWC, CA

Comments:

Your information will only be sent to the San Mateo Planning Board when a hearing is scheduled.

Thank you for your time. I hope you will join me in my effort to keep any more cell towers out of our beloved Palomar Park.

Sally Einspahr, 1165 Palomar Dr, RWC, CA saleinspahr@aol.com 650-365-2820

I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC

I have NO objections to the expansion of the cell site location of 1175 Palomar Dr., RWC

Your Name: John & Ann Sulzbach Address: 200 Montalvo Road

REF: PLN 2005-00306 location of 1175 Palomar Dr., RWC, CA

Comments:

Thanks for publicizing this outrageous and undesirable expansion of cell-phone towers — that mostly benefit the property-owner — not the Palomar Park community.

Your information will only be sent to the San Mateo Planning Board when a hearing is scheduled.

Thank you for your time. I hope you will join me in my effort to keep any more cell towers out of our beloved Palomar Park.

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820

I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC

I have NO objections to the expansion of the cell site location of 1175 Palomar Dr., RWC

Your Name: ANDREW E HARGIS Address: 225 MONTALVO RD

REF: PLN 2005-00306 location of 1175 Palomar Dr., RWC, CA PALOMAR PARK

Comments:

Your information will only be sent to the San Mateo Planning Board when a hearing is scheduled.

Thank you for your time. I hope you will join me in my effort to keep any more cell towers out of our beloved Palomar Park.

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820

I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC

I have NO objections to the expansion of the cell site location of 1175 Palomar Dr., RWC

Your Name: JEFF GARRATT Address: 115 S. PALOMAR DRIVE

REF: PLN 2005-00306 location of 1175 Palomar Dr., RWC, CA

Comments:

Your information will only be sent to the San Mateo Planning Board when a hearing is scheduled.

Thank you for your time. I hope you will join me in my effort to keep any more cell towers out of our beloved Palomar Park.

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820

I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC

I have NO objections to the expansion of the cell site location of 1175 Palomar Dr., RWC

Your Name: PAULINE THYON Address: 415 Palomar Drive, Enc 91062

REF: PLN 2005-00306 location of 1175 Palomar Dr., RWC, CA

Comments:

Absolutely opposed.

Your information will only be sent to the San Mateo Planning Board when a hearing is scheduled.

Thank you for your time. I hope you will join me in my effort to keep any more cell towers out of our beloved Palomar Park.

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820

I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC

I have NO objections to the expansion of the cell site location of 1175 Palomar Dr., RWC

Your Name: CHARLETTE SUTHER Address: 711 PALOMAR DR, RESIDUALS CITY CA

REF: ~~PLN 2005-00306~~ location of 1175 Palomar Dr., RWC, CA

Comments:

Your information will only be sent to the San Mateo Planning Board when a hearing is scheduled.

Thank you for your time. I hope you will join me in my effort to keep any more cell towers out of our beloved Palomar Park.

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820

I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC, CA

I have NO objections to the expansion of the cell site location of 1175 Palomar Dr., RWC, CA

Your Name: Sally Einspahr Your Address: 945 Palomar Dr. RWC.

REF: ~~PLN 2005-00306~~ location of 1175 Palomar Dr., RWC, CA

Comments:

Thank you for your time. I hope you will join me in my effort to keep Palomar Park a single family residential area.

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820

I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC

I have NO objections to the expansion of the cell site location of 1175 Palomar Dr., RWC

Your Name: Sally Einspahr Address: 1007 Palomar Dr.

REF: ~~PLN 2005-00306~~ location of 1175 Palomar Dr., RWC, CA

Comments:

Your information will only be sent to the San Mateo Planning Board when a hearing is scheduled.

Thank you for your time. I hope you will join me in my effort to keep any more cell towers out of our beloved Palomar Park.

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820

I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC, CA
Sally Einspahr 1165 Palomar Dr.

I have NO objections to the expansion of the cell site location of 1175 Palomar DR., RWC, CA

REF: ~~PLN 2005-00306~~ location of 1175 Palomar Dr., RWC, CA

Comments:

Thank you for your time. I hope you will join me in my efforts to keep Palomar Park a single family residential area.

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820

- I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC
- I have NO objections to the expansion of the cell site location of 1175 Palomar Dr., RWC

Your Name: Leann Galya Address: 1230 Palomar Dr
Delmar Park CA 92062

Comments:

Your information will only be sent to the San Mateo Planning Board when a hearing is scheduled.

Thank you for your time. I hope you will join me in my effort to keep any more cell towers out of our beloved Palomar Park.

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820



I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC, CA

I have NO objections to the expansion of the cell site location of 1175 Palomar Dr., RWC, CA

Your Name: Joan C. Andrews Your Address: 1031 Palomar Drive
San Diego, CA Delmar Park CA

REF: PLN 2005-00306 location of 1175 Palomar Dr., RWC, CA

Comments:

Thank you for your time. I hope you will join me in my effort to keep Palomar Park a single family residential area.

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820

I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC

I have NO objections to the expansion of the cell site location of 1175 Palomar Dr., RWC

Your Name: AOL + NICK WYAN Address: 1135 PROMENADE DR.

REF: PLN 2005-00306 location of 1175 Palomar Dr., RWC, CA

Comments: WE SUPPORT FULLY TO BAN THIS. NOT IN THE INTEREST OF THE NEIGHBORHOOD - YET A SINGLE INDIVIDUAL. THE DIVISION MUST LOSE AS DO WE.

Your information will only be sent to the San Mateo Planning Board when a hearing is scheduled.

Thank you for your time. I hope you will join me in my effort to keep any more cell towers out of our beloved Palomar Park.

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820

phone number is 650-365-2820 should you have questions

I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC, CA
1137 Palomar Drive 2122005 City of CA 2402 & CHRISTINA EINSPAHR

I have NO objections to the expansion of the cell site location of 1175 Palomar Dr., RWC, CA

REF: PLN 2005-00306 location of 1175 Palomar Dr., RWC, CA

Comments:

NO MORE TOWERS!

Thank you for your time. I hope you will join me in my efforts to keep Palomar Park a single family residential area.

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820

I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC

I have NO objections to the expansion of the cell site location of 1175 Palomar Dr., RWC

Your Name: [Signature] Address: 1040 Palomar Dr.

REF: PLN 2005-00806 location of 1175 Palomar Dr., RWC, CA

Comments:

[Empty comment box]

Your information will only be sent to the San Mateo Planning Board when a hearing is scheduled.

Thank you for your time. I hope you will join me in my effort to keep any more cell towers out of our beloved Palomar Park

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820

I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC

I have NO objections to the expansion of the cell site location of 1175 Palomar Dr., RWC

Your Name: Sally Bedbury Address: 1040 Palomar Dr. Palomar Park, CA 92062

REF: PLN 2005-00806 location of 1175 Palomar Dr., RWC, CA

Comments:

Please STOP all future cell phone towers in Palomar Park !!

Your information will only be sent to the San Mateo Planning Board when a hearing is scheduled.

Thank you for your time. I hope you will join me in my effort to keep any more cell towers out of our beloved Palomar Park

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820



I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC

I have NO objections to the expansion of the cell site location of 1175 Palomar Dr., RWC

Your Name: Diana Egeler-Reinemer Address: 1095 Palomar Dr RWC, CA 94062

REF: PLN 2005-00306 location of 1175 Palomar Dr., RWC, CA

Comments:

[Empty box for comments]

Your information will only be sent to the San Mateo Planning Board when a hearing is scheduled.

Thank you for your time. I hope you will join me in my effort to keep any more cell towers out of our beloved Palomar Park

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820

I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC

I have NO objections to the expansion of the cell site location of 1175 Palomar Dr., RWC

Your Name: Robert Egeler Address: 1150 Palomar Dr, RWC

REF: PLN 2005-00306 location of 1175 Palomar Dr., RWC, CA

Comments:

[Empty box for comments]

Your information will only be sent to the San Mateo Planning Board when a hearing is scheduled.

Thank you for your time. I hope you will join me in my effort to keep any more cell towers out of our beloved Palomar Park

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820

I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC, CA

I have NO objections to the expansion of the cell site location of 1175 Palomar DR., RWC, CA

REF: PLN 2005-00306 location of 1175 Palomar Dr., RWC, CA

Comments:

*D. M. ... Dr.
1170 Palomar CA
RWC
8/1/12*

Thank you for your time. I hope you will join me in my efforts to keep Palomar Park a single family residential area.

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820

I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC

I have NO objections to the expansion of the cell site location of 1175 Palomar Dr., RWC

Your Name: *Don Janklage* Address: *44 Spruce Rd*

REF: PLN 2005-00306 location of 1175 Palomar Dr., RWC, CA *Redwood City 94062*

Comments:

Your information will only be sent to the San Mateo Planning Board when a hearing is scheduled.

Thank you for your time. I hope you will join me in my effort to keep any more cell towers out of our beloved Palomar Park

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820

I do NOT want to see any expansion of the cell site location of 1175 Palomar Dr., RWC, CA

I have NO objections to the expansion of the cell site location of 1175 Palomar DR., RWC, CA

REF: PLN 2005-003 of location of 1175 Palomar Dr., RWC, CA

Comments:

The ~~maximum~~ cell tower expansion will significantly reduce our home values in the neighborhood. ~~cell towers~~ not cell towers. Anyone planning to move here would also value this. In fact, the cell towers will not benefit us by providing cell reception. Absolutely NO ~~property~~ value destruction, no service for cell phones + SKINNY COUNTRY removes the wilderness factor of living here.

Thank you for your time. I hope you will join me in my efforts to keep Palomar Park a single family residential area.

Sally Einspahr, 1165 Palomar Dr., RWC, CA saleinspahr@aol.com 650-365-2820

From: Sally Einspahr <saleinspahr@aol.com>
To: <planning-commission@smcgov.org>
Date: 4/25/2015 7:06 PM
Subject: Cell Towers 1175 Palomar DR.
Attachments: CITY CAN CONTROLCELL TOWER AESTHETICS.jpg

REF: PLN2005-00306
Initial Study/Mitigated Negative Declaration.

Dear Commissioners:

Laurie Simonson, Frederick Hansson, Zoe Kersteen-Tucker, Manuel Ramirez Jr. Steve Dworetzky, Steve Monowitz and Camille Leung

I want to thank you for the postponement of the Brooks & James Cosgrove, NSA Wireless, Inc. on April 22nd, so that we all can study the new information and in asking Verizon for more details on their plan.

It is most important that the cell companies show how they would handle coverage, if the 1175 Palomar Dr. was not available.

DAS (Antenna Systems Networking) antennas could be used to replace the 2 - 28' towers on the cell site at the above address. I believe this would be the first and best solution to give the wireless companies coverage in the valleys and lessen the appearance of an Antenna Farm for neighbors in Palomar Park.

Based on DAS reach, DAS antennas are most effective in canyons and valleys. They provide voice and data service. They improve call quality and reliability while supporting stronger signals. They increased traffic and faster transfer of data. They serve multiple service platforms and are effective for public safety alert systems.

ATT seems to be very proud of their use in the San Francisco area. Why not in this area?

These types of antennas could be placed on Edgewood Rd to give full service coverage on Edgewood Rd. Service would improve from Alamada to 280.

Please vote to have DAS antennas installed on Edgewood RD rather than 2 - 28 ft towers on the Brooks property.

My concern is that with 2 - 28 ft towers the wireless companies will sell space on these towers and thus increase the site to a huge commercial venture. Because the county is now calling this location a co-location site, increased panels could be added to the tree forms with no hearing and no way to stop the wireless companies. The wireless companies would get around the rules by calling it a minor upgrade through the Tax Act of 2012. See Sec. 6408 (a) Wireless Facilities Deployment (2) eligible facilities request for modification on existing wireless tower or base station that involves---(a) collocation of new transmission equipment.

Please think about your actions of allowing 2 to 3 tree forms on this property and what will happen down the line with other carriers wanting to locate on this property.

I turned a petition in when I spoke at the hearing, which listed 55 names of people in the neighborhood who do not want to see this sort of commercial venture in our neighborhood. There are ways to turn down this Use Permit for aesthetic reasons. (see American Tower Corp. v. City of San Diego --Ninth Circuit Court)

Another item Verizon mentioned was they'd be glad to put in an escrow account the amount of \$1000.00 for any repair of the road in Palomar after their use. With a bid of over \$100,000 to bring the road up to par, a \$1000 won't patch even one pot hole. The initial equipment needed to raise the poles and or a crane to lift the poles over the house will cause more damage than \$1000.00.

Please help stop this expansion while we still can. Big business does not belong in our beloved Palomar Park with single family dwellings. Uphold the Zoning Laws of San Mateo County by not placing this monstrosity in a residential neighborhood.

Thank you for your time.

Sally Einspahr
1165 Palomar Dr.
Redwood City, CA 94062
650-365-2820

City Can Control Cell Tower Aesthetics

By Mathew T. Summers

The Ninth Circuit recently affirmed the City of San Diego's denial of conditional use permit applications for three cell towers for which original permits had expired. (*American Tower Corporation v. City of San Diego*). The case confirms cities' and counties' power to deny cell tower permits for aesthetic reasons, if the decision is supported by substantial evidence. The Court also refused to apply the "deemed approved" provision of the Permit Streamlining Act because insufficient notice was given to affected neighbors.

American Tower applied for new permits for three existing towers in San Diego. After hearings before a hearing officer and the Planning Commission, the City denied all three applications, finding American Tower had failed to minimize the towers' visual impacts. San Diego's Municipal Code requires major telecommunications facilities to "be designed to be minimally invasive through the use of architecture, landscape architecture, and siting solutions."

The Ninth Circuit affirmed summary judgment for the City on

American Tower's Federal Telecommunications Act claims. Substantial evidence supported the City's finding that American Tower had not designed the facilities to be "minimally invasive." American Tower proposed only minor modifications to its towers; *i.e.*, painting and additional landscaping; and refused to consider redesign or reduced height. The case builds on previous Ninth Circuit cases affirming cities' rights, when supported by substantial evidence, to regulate wireless facilities on aesthetic grounds under state and federal law. The Court also rejected American Tower's argument the City unreasonably discriminated between providers, holding a city may impose different requirements on its own public safety communications facilities than on towers operated by commercial wireless providers.

Helpfully for cities and counties, the Court stated an applicant arguing a permit denial effectively prohibits provision of wireless service in violation of the Telecommunications Act must show the proposed facility is the least intrusive means to close a significant gap in service. American Tower asserted that point without

evidence. The opinion thus confirms a city or county may require a cell tower applicant to analyze alternative sites, demonstrating its preferred site is the least intrusive means to close a gap in service.

The Court also rejected American Tower's claim its applications had been automatically approved under California's Permit Streamlining Act. Under that Act, if a city or county fails to act on an application within 60 days of determining it exempt from CEQA, the application is deemed approved if required public notice has been given. San Diego did not act timely, but the Court concluded that the city's hearing notice was insufficient under state constitutional due process requirements because it failed to provide both notice and an opportunity for affected property owners to be heard. The opinion thus narrows the Permit Streamlining Act, requiring a city or county to provide notice and a public hearing to affected property owners before an application may be deemed approved.

For more information on this topic, contact Matt at 213/542-5719 or msummers@chwlaw.us.

From: Alicia Torre <alicia@torrenimer.org>
To: <jlujan@smcgov.org>
Date: 4/27/2015 9:25 AM
Subject: please forward

Dear Commissioner Dworetzky,

Thank you for your vote to send back Verizon's application for a telecommunications facility at 1175 Palomar. Thank you also for your thoughtful questions. We really appreciate your action to defend the county ordinance and request a better study of the alternatives from Verizon. I also want to apologize for speaking from the audience to request to speak after the break, and to thank you for graciously granting that request.

Sincerely yours,

Alicia Torre

From: Alicia Torre <alicia@torrenimer.org>
To: <jlujan@smcgov.org>
Date: 4/27/2015 9:23 AM
Subject: Please forward

Dear Commissioner Ramirez,

Thank you for your vote to send back Verizon's application for a telecommunications facility at 1175 Palomar. Thank you also for your thoughtful questions. We really appreciate your action to defend the county ordinance and request a better study of the alternatives from Verizon. And we especially appreciate your taking the time to meet with Mike Kubiak and me and understand the community point of view. I can't imagine having to plough through 1000 pages of applications every 2 weeks! Thank you for taking the time and being open-minded.

Sincerely yours,

Alicia Torre

From: Alicia Torre <alicia@torrenimer.org>
To: <jlujan@smcgov.org>
Date: 4/27/2015 9:20 AM
Subject: please forward

Dear Commissioner Kersteen-Tucker,

Thank you for your vote to send back Verizon's application for a telecommunications facility at 1175 Palomar. We really appreciate your action to defend the county ordinance and request a better study of the alternatives from Verizon. I especially appreciated your questions regarding the 2010 and 2012 letters provided at the last minute. Thank you!

Sincerely yours,

Alicia Torre

From: Alicia Torre <alicia@torrenimer.org>
To: <jlujan@smcgov.org>
Date: 4/27/2015 9:18 AM
Subject: please forward

Dear Commissioner Hansson,

Thank you for your vote to send back Verizon's application for a telecommunications facility at 1175 Palomar. We really appreciate your action to defend the county ordinance and request a better study of the alternatives from Verizon. Hopefully your action will make a difference for other county areas also. Thank you also for your thoughtful questions.

Sincerely yours,

Alicia Torre

From: Alicia Torre <alicia@torrenimer.org>
To: <jlujan@smcgov.org>
Date: 4/27/2015 9:16 AM
Subject: Please forward

Dear Commissioner Simonson,

Thank you for your vote to send back Verizon's application for a telecommunications facility at 1175 Palomar. Thank you also for your thoughtful questions. We really appreciate your action to defend the county ordinance and request a better study of the alternatives from Verizon. And we especially appreciate your taking the time to meet with Mike Kubiak and me on the weekend and understand the community point of view. Thank you!

Sincerely yours,

Alicia Torre