

**Item No. 4**

# **Supplemental Material**

**For  
City of Sacramento  
City Council  
Agenda Packet**

**Submitted:** November 4, 2010

**For the Meeting of: November 4, 2010**

Additional Material  
 Revised Material

**TITLE:** AT&T Odd Fellows Cemetery Monopine (P10-001)

Attached, you will find additional correspondence submitted to staff after the council report was finalized. Included are additional letters in opposition to the project, additional letters in support of the project, a petition submitted opposing the project, and a letter submitted to staff from the project appellants.

**Contact Information:** Antonio Ablog, Associate Planner, 808-7702

Please include this supplemental material in your agenda packet. This material will also be published to the City's Internet. For additional information, contact the City Clerk Department at Historic City Hall, 915 I Street, First Floor, Sacramento, CA 95814-2604, (916) 808-7200.

## Antonio Ablog

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**From:** Michele Lyon-Brown [michelelyonbrown@gmail.com]  
**Sent:** Monday, October 18, 2010 3:50 PM  
**To:** Antonio Ablog  
**Subject:** RE: cell site at Odd Fellows

Oh my gosh.

My letter dealt with seeing the installation of a cell tower in a negative light.

I outlined that I basically felt it something akin to a psychological desecration of this tranquil and peaceful setting and a distraction. I mentioned that I have generations of family buried therein and having grown up in the Land Park and South Land park areas that I as well having many friends and their families interred there.

I asked what remuneration might have been proffered for this and did the installation require disinterment of presidents therein. I also mentioned that the documents relating to development of burial sites might have, had they anticipated something such as this, inserted language restricting same as this is not compatible with a final resting place surrounded by lovely trees and landscaping.

I have been in contact with other family members, most of whom had the same feelings as I am expressing, some a little more offended and one who had no objection and liked the aspect of revenue streaming. When I had my property appraised earlier this year for a loan I had an appraiser who knocked me down because there is a cell tower on the adjacent property and he made a point of marking that in the appraisal in a negative light so it does affect values in real terms.

Also mentioned is that it is an attraction for possible mischief and vandalism and certainly does not uphold neighborhood values in a terrifically declining (yes it still is and will continue for quite awhile) market. I mentioned also that notwithstanding contracts entered into for maintenance it has been my personal experience that this is not done or addressed once installation is completed and subject sites are virtually ignored except when other cell servers desire to add on their equipment, which they will and do intensifying the negative aspects.

Why not move it outside and west of the location under consideration?

I hope, respectfully, that you will consider in a positive manner these points.

Regards,

Michele Lyon-Brown

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**From:** Antonio Ablog [<mailto:AAblog@cityofsacramento.org>]  
**Sent:** Monday, October 18, 2010 1:26 PM  
**To:** 'Michele Lyon-Brown'  
**Subject:** RE: cell site at Odd Fellows

Michele,

I did not find any attachment.

**Antonio Ablog**

Associate Planner  
City of Sacramento - Community Development Department  
300 Richards Boulevard  
Sacramento, CA 95811  
(916) 808 -7702

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**From:** Michele Lyon-Brown [<mailto:michelelyonbrown@gmail.com>]

**Sent:** Saturday, October 16, 2010 11:06 AM

**To:** Antonio Ablog

**Subject:** cell site at Odd Fellows

Please find herein my letter addressed to Dan Hood who responded requesting I forward this to you for your consideration.

Regards,

Michele Lyon-Brown

## Antonio Ablog

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**From:** sbealsmakeup@yahoo.com  
**Sent:** Sunday, October 31, 2010 3:15 PM  
**To:** Antonio Ablog  
**Subject:** Cell tower proposal

To whom it may concern:

As a resident on Muir Wy., I highly oppose the cell tower proposal for Odd Fellows Cemetery. There are so many concerns with the tower and not to mention the eye sore to our residential neighborhood. Thank you, Shana Beals 2760 Muir Wy Sac Ca 95818 Sent on the Now Network from my Sprint® BlackBerry

## Antonio Ablog

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**From:** Jason Briggs [jasonabriggs@gmail.com]  
**Sent:** Tuesday, November 02, 2010 5:11 PM  
**To:** Antonio Ablog  
**Subject:** ATT Cell Tower

Dear Mr. Ablog,

Please do not allow the proposed ATT Tower placement on Muir Way and consider its placement in the industrial area on 5th Ave.

- 1) No matter how many fake trees you cloak it in, it is unsightly to look at and counter to what this neighborhood wants and needs, during our walks, drives and discussions with our families, **in our community.**
- 2) The studies showing ill effects on humans by cell towers has been uniformly blocked by the FCC here in the U.S. and therefore, no other relevant scientific studies can block the criteria for a cell phone tower being put in a community in the U.S., on a health issue basis. However, ethically it is incumbent upon you to not turn a blind eye to studies that have been done on the effects of cell phone towers and cancer or other risks, for humans living within a 1300 Ft distance from the tower. The FCC may not allow these studies to be part of the placement criteria for such towers, but you must not turn a blind eye to relevant research, just because it lies outside the FCC's approach. In fact due to the FCC's approach in neglecting science regarding placement of cell phone towers and health risks, you are especially liable when making your planning decision, especially when not only my family and myself are at risk, but many others: Do you want that hanging on your head?
- 3) We here in Land Park and the surrounding communities feel that there are other options to be explored and that those options must be explored and a solution found elsewhere, other than taking one Neighborhood Associations input and putting this eyesore in our backyard, ignoring the blight it will create in commercial areas.
- 4) Hold the ATT applicants to reasonable EMF levels shown on their application and reject their offer if it can't be sustained, due to harm risks stated in 2).
- 5) Review closely existing policies to reduce the growing cell phone tower problem.

## Antonio Ablog

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**From:** Jean Hom [homotoole@gmail.com]  
**Sent:** Tuesday, November 02, 2010 5:15 PM  
**To:** Antonio Ablog  
**Cc:** Janis Franklin; mnotestine@mognot.com; jyee@anovaarchitects.com  
**Subject:** Cell tower proposal at Odd Fellows Cemetery

Dear Mr. Ablog,

As a resident on McClatchy Way near Odd Fellows Cemetery, I am writing to strongly protest the proposed installation of an overly tall cell tower in a residentially-zoned area. Not only will this tower be extremely tall with respect to surrounding heights of nearby houses, commercial businesses, and trees, it could easily discourage new investment in the neighborhood, potentially reduce property prices, possibly have adverse health effects, and dominate the area around Muir Way. This type of cell tower more appropriately belongs in a commercially-zoned area like on 5th Street.

This proposed cell tower in our residential area needs to be discouraged at all costs and re-evaluated, so that a more appropriate site is located. Please submit my objection to the Planning Commission.

Sincerely,  
Judy Hom  
721 McClatchy Way  
Sacto., Ca 95818

## Antonio Ablog

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**From:** maryann cotta [macdnllcbk@yahoo.com]  
**Sent:** Tuesday, November 02, 2010 5:55 PM  
**To:** Antonio Ablog  
**Subject:** Proposed AT&T Cell Tower in Odd Fellows Cemetery.

Dear Mr. Ablog.

I am a resident at 703 Flint Way which is just about 3/4 of a block from the proposed AT&T Cell Tower in the Odd Fellows Cemetery. I strongly oppose the construction of the cell tower. It makes absolutely no sense to construct a tower of this size right in the middle of a considerable amount of residential property when there is more than enough land and space available just around the corner on 5th Street which as you may know has been very industrial and commercial for many years. I am not quite sure as to why the City of Sacramento and AT&T has chosen the Odd Fellows Cemetery as a possible cell tower site. Perhaps there is a monetary factor. At any rate, in truth, a cemetery is not an appropriate site for a cell tower. I am thanking you in advance for your consideration and assistance with this matter. Sincerely, Maryann Cotta.

## Antonio Ablog

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**From:** Ejvhuff@aol.com  
**Sent:** Tuesday, November 02, 2010 8:07 PM  
**To:** Antonio Ablog  
**Cc:** r.dan.hood@gmail.com  
**Subject:** P10-001 - Cell Tower in City Cemetary

Dear Antonio

As residents of Flint Way in Land Park we were dismayed today to learn of the placement and size of the artificial tree cell tower in the City Cemetary.

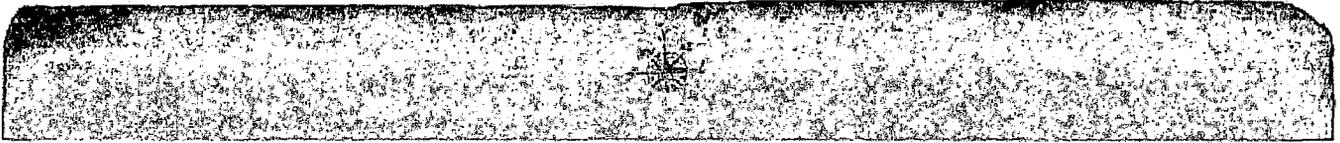
We are opposed to this decision and are hopeful the Council will consider relocating the tower to the warehouse district on 5th Street in a commercially zoned area rather than virtually at the end of our block.

Thank you for your consideration, Erin and Andy Huff

**Antonio Ablog**

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**From:** Peter Burke [pburke007@sbcglobal.net]  
**Sent:** Tuesday, November 02, 2010 8:22 PM  
**To:** Antonio Ablog  
**Subject:** Odd Fellows Cell Tower  
**Attachments:** --static--treasuremap\_c.jpg



City Planner,

I strongly oppose the construction of the 104 ft. monopine cell tower in the Odd Fellows Cemetary on Riverside Blvd. Its proposed site is in close proximity to 5 schools, and it is blatantly irresponsible. I would be willing to support upgrading existing cell towers and equipment.

Peter Burke  
900 McClatchy Way  
Sacramento, CA. 95818



## Antonio Ablog

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**From:** Dan Hood [dhood15277@yahoo.com]  
**Sent:** Tuesday, November 02, 2010 8:43 PM  
**To:** Antonio Ablog  
**Subject:** Fw: Re: Odd Fellows cemetery cellular tower

Email I received opposing the cell tower at 2720 Riverside Blvd. Forwarding for your file.

--- On Sat, 10/16/10, Tabitha Warren <twitchit@ghostwalker.com> wrote:

From: Tabitha Warren <twitchit@ghostwalker.com>  
Subject: Re: Odd Fellows cemetery cellular tower  
To: "Michele Lyon-Brown" <michelelyonbrown@gmail.com>  
Cc: dhood15277@yahoo.com, happy2beemee4@aol.com, "Dain Lyon" <countrygolfer69@hotmail.com>, "jenny moss" <jennymoss73@comcast.net>, "Allison Moss-Fritch" <aemoss17@comcast.net>, "Beryl Lusén" <koan@ghostwalker.com>  
Date: Saturday, October 16, 2010, 1:37 PM

Dear Mr. Hood,

Thank you for alerting my family about this issue. The fact that no one alerted the families of those buried there, before the plan was approved, does not speak well of the motivations of those who plan to put this tower in the cemetery. Frankly it is no different than an end run around and that we can presume the board knew that a number of people would disapprove. That behavior could never be described as honest, no lie of omission is. So thank you.

At first blush my feelings about a cellular tower on what I consider to be sacred ground are ones of dismay and anger. It feels entirely disrespectful. When a person chooses a place to rest they undoubtedly wouldn't want to choose a place where the advertising said "Welcome to Shady Lawns where your grave may be moved at any time in the name of progress and profit regardless of your beliefs, values, or wishes."

It does happen though. As an archaeologist I have uncovered more than one area of graves where they had been built over, or the locals had used the grave materials to build their homes, or their hotels. But feelings of pain over the desecration and lack of respect are there, and are felt by people who are in no way related to those unfortunates who were disturbed.

We have found grave sights dating back tens of thousands of years, if not more, where it is obvious the cave dwellers went to great pains to bury the dead with love and care. It is those very feelings that set us apart from the common animal who will leave a member of it's family where it lies to be devoured by predators.

In a way, the cell phone companies are no different than predators. To them the cemetery is just unused land that could be 'multi-purposed', devoured for their survival. I am sure no one at the company proposing the tower actually lives in the area or has any family member buried there.

Apart from any emotional argument, there should be factual ones. I am not entirely sure what my grandmother or grandfather would say. But being a congressman my grandfather, John Moss, was about facts, facts that would shore up and make solid any emotional response. He would want to know the following before making any decisions:

1. Is it safe for the people who live in the area?

2. Would it adversely the value of the property and the property of those who live nearby?
3. Is the company dealing honestly with the people who are affected by the tower?
4. Is any compensation the company is offering going to be enough to balance any possible problems that may arise?
5. Are there other places the tower could be built?

I am sure there would be more specific questions, but I am going to just go with those for now.

1. As to the safety of cell phone towers there is a lot of debate, the companies say they are safe. Many doctors, nobel prize winners, parents, and those who feel the towers have made them ill say they are not safe. So far EMF seems to be capable of causing brain leakage, cancers, behavioral disorders, sleep disorders, immune suppression, etc. Is it safe?

It cannot be definitively said the towers are safe, so until it is proven to be safe, the answer is no, they are not safe.

2. Would a tower adversely affect property value? Well those towers are huge, you can't disguise them, no matter how nicely you paint them, and they are certainly ugly, and, again, they have not been proven to be safe. If you huge, ugly tower down the block, and are worried that you would get cancer by living near the tower, would you buy a home in that neighborhood? Probably not. That means there could be some real adverse affects on property value and I for one would want to see some statistics on how towers have affected other neighborhoods.

3. Is the company dealing honestly? Lies of omission are not honest. People who wish to make profit by altering the neighborhoods where they don't live and don't have to suffer the consequences are subject to my suspicion. What other facts have they withheld to date?

4. I am sure the company is offering some kind of compensation, a spoonful of sugar makes the medicine go down. Does anyone know how much? In this economy, when just about everyone is suffering, it might seem like a real life line to get a few hundred to a few thousand dollars. But if someone gets ill then the compensation is really no better than blood money. How are people with problems to be compensated?

What if the tower lowers already hammered property values? How are those people to be compensated?

And since this is sacred ground, a place that represents all religions, then one could argue that the money changers should be thrown from the steps. It is an emotional argument, I know, and I digress.

5. Is there another place this tower could go? I don't have that answer, but since it has already been approved, do we know if another place was even considered? Was due diligence done?

My feelings are there are other places, safer places, less populated places, less sacred places to put a tower. I think my relatives who rest there would not be concerned for themselves, but for the living. And given general feelings, worries, lack of information, and troubles with these towers we should be concerned for the living too.

Until these questions and all the others are answered to my satisfaction, I vote no.

Thank you for letting me have a say.

Sincerely-Tabitha Warren (Granddaughter of the Moss family)

**They who can give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety.-Benjamin Franklin**

## Antonio Ablog

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**From:** Dan Hood [dhood15277@yahoo.com]  
**Sent:** Tuesday, November 02, 2010 8:44 PM  
**To:** Antonio Ablog  
**Subject:** Fw: Opposed

Forwarding an opposition email I received for P10-001. For inclusion in your file.

--- On Sat, 10/16/10, [JToo741732@aol.com](mailto:JToo741732@aol.com) <[JToo741732@aol.com](mailto:JToo741732@aol.com)> wrote:

**From:** [JToo741732@aol.com](mailto:JToo741732@aol.com) <[JToo741732@aol.com](mailto:JToo741732@aol.com)>  
**Subject:** Opposed  
**To:** [dhood15277@yahoo.com](mailto:dhood15277@yahoo.com)  
**Cc:** [geeazar@gmail.com](mailto:geeazar@gmail.com)  
**Date:** Saturday, October 16, 2010, 12:14 PM

Couldn't respond to the AT&T address, so I'm sending you my opposition to AT&T's proposal. I am opposed for more than just the "looks" of the tower. I've heard from an expert that the towers are a threat to the health of those living, playing, or working near them.

Joan M Toomire  
3001 Funston Drive  
Sacramento, CA 95833

**Antonio Ablog**

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**From:** Lori Misicka [lomisicka@gmail.com]  
**Sent:** Wednesday, November 03, 2010 8:38 AM  
**To:** Antonio Ablog  
**Subject:** Proposed Cell Tower in Land Park

Dear Mr. Ablog,

I am writing to oppose locating a new cell tower in Land Park in the Odd Fellow Cemetery.

There are four elementary schools and one middle school located in close proximity to that location and I worry about the potential of harm that that much radiation exposure could have on young bodies and minds.

Please consider rejecting this project completely and upgrade existing cell towers and equipment instead. At the very least, please consider alternate sites in commercial zoned areas instead of residential areas.

Thank you.  
Lori Misicka  
Concerned Citizen

## Antonio Ablog

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**From:** Hanamoto, Claire [HanamoC@scc.losrios.edu]  
**Sent:** Monday, November 01, 2010 8:31 AM  
**To:** Antonio Ablog; r.dan.hood@gmail.com  
**Subject:** Cell Tower Proposal P10-001

Mr. Ablog,

I am emailing you regarding the planned installation of a cell tower proposed location in the Odd Fellows Cemetery near Muir Way.

Being a long time resident near this proposed site, and unable to attend the City Council Meeting hearing on this matter on Thursday November 4 @5pm, I would like to express my opinion on this issue via email.

1. I reject this project.
2. Please consider alternate sites in commercial areas.
3. Hold applicant to reasonable EMF levels shown on their application.
4. Review existing policies to reduce the growing cell tower problem.
5. This area is a residential zoned property, and should not legally support this commercial project.
6. The monopine will not blend in with the trees and will reduce the property values of this residential area.
7. The proposed site is finally elitist and somewhat discriminatory with no regard to our diverse neighborhood.

Thank you for your attention to this urgent matter.

Claire Hanamoto  
610 Dudley Way  
Sacramento, CA 95818

## Antonio Ablog

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**From:** Andy Mudryk [andrewmudryk@surewest.net]  
**Sent:** Sunday, October 31, 2010 3:11 PM  
**To:** Antonio Ablog  
**Cc:** r.dan.hood@gmail.com  
**Subject:** P10-001

I live at 701 McClatchy Way in upper Land Park. I am writing to oppose item P10-001, the cell tower proposal. I do not want a cell tower in my neighborhood.

Andrew Mudryk  
(858) 444-7806

## Antonio Ablog

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**From:** Jenny Brown [jbrown65@earthlink.net]  
**Sent:** Tuesday, November 02, 2010 2:56 PM  
**To:** Antonio Ablog  
**Subject:** Land Park proposed ATT tower

I support the proposed ATT cellular tower in Land Park.  
Land Park resident  
Jenny Brown

Sent from my iPhone

## Antonio Ablog

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**From:** Zeffdj [zeffdj@aol.com]  
**Sent:** Tuesday, November 02, 2010 2:49 PM  
**To:** Antonio Ablog  
**Subject:** Cell Towers in Land Park

I support the plan to put new cell towers in the Cemetary in Land park on Broadway and Riverside. I am a Land Park resident. My only request is that they make sure the cell towers are in the form of trees that fit the types of trees that currently adorn the Cemetary.

Thank you  
Timothy L. Zeff

# ENSURE OUR HOME VALUES AND HEALTH

AT & T IS PROPOSING A 94 FOOT CELLULAR TOWER IN ODD FELLOWS CEMETERY WITHIN 100 FEET OF RESIDENTIAL HOMES (SO WEST CORNER ALONG MUIR WAY. THERE ARE NO ASSURANCES THE TOWER WILL BE ADEQUATELY CAMOUFLAGED AS A TREE OR THAT ELECTROMAGNETIC FIELDS (EMFS) WILL REMAIN AT LEVELS IDENTIFIED IN THE PERMIT APPLICATION.

TELL THE CITY PLANNING COMMISSION TO:

- ENSURE A QUALITY TREE DESIGN APPROVED BY CITY AND RESIDENTS.
- KEEP ELECTROMAGNETIC LEVELS (EMF) AT SAME LEVEL AS APPLICATION TESTS - AT & T HAS ABILITY TO SUBMIT NEW APPLICATION FOR INCREASE IN TRANSMISSION.
- REQUIRE A REVIEW OF MONOPOLE'S CONDITION EVERY 5 YEARS TO MAINTAIN DESIGN QUALITY. (GOOD NEIGHBOR POLICY, INCLUDES CITY STAFF AND NEIGHBORS)

|                         |                          |                             |
|-------------------------|--------------------------|-----------------------------|
| Name (please print):    | Address:                 |                             |
| <i>Nancy L. Jackson</i> | <i>924 McClatchy Wy.</i> |                             |
| Signature:              | Phone:                   | Email:                      |
| <i>Nancy L. Jackson</i> | <i>916-446-2137</i>      | <i>njackson@yahoo.com</i>   |
| Name (please print):    | Address:                 |                             |
| <i>Lori Soo</i>         | <i>900 McClatchy Way</i> |                             |
| Signature:              | Phone:                   | Email:                      |
| <i>Lori Soo</i>         | <i>916-441-5551</i>      | <i>lsoo@sbcglobal.net</i>   |
| Name (please print):    | Address:                 |                             |
| <i>Peter Burke</i>      | <i>900 McClatchy Way</i> |                             |
| Signature:              | Phone:                   | Email:                      |
| <i>Peter Burke</i>      | <i>916 441-5551</i>      |                             |
| Name (please print):    | Address:                 |                             |
| <i>Delia Alferez</i>    | <i>808 MC CLATCHY WY</i> |                             |
| Signature:              | Phone:                   | Email:                      |
| <i>DELIA ALFEREZ</i>    | <i>(916) 447-0130</i>    | <i>SACRAMENTO, CA 95818</i> |

For more information, contact Luree Stetson @ 916.761.7964 or lsetson2@earthlink.net

|                           |   |                             |
|---------------------------|---|-----------------------------|
| Name (please print):      | Address:                                    |                             |
| <i>Suzette Hicken</i>     | <i>2746 Miner Way Sac 95818</i>             |                             |
| Signature:                | Phone:                                      | Email:                      |
| <i>[Signature]</i>        |   |                             |
| Name (please print):      | Address: <i>756 McCLATCHY WAY-SAC 95818</i> |                             |
| <i>Theodore A. Tabler</i> | <i>442-4337</i>                             | <i>Ø</i>                    |
| Signature:                | Phone:                                      | Email:                      |
| <i>Theodore A. Tabler</i> |   |                             |
| Name (please print):      | Address:                                    |                             |
| <i>Andy Rosten</i>        | <i>901 McClatchy</i>                        |                             |
| Signature:                | Phone:                                      | Email:                      |
| <i>[Signature]</i>        | <i>4498959</i>                              | <i>Rosten</i>               |
| Name (please print):      | Address:                                    |                             |
| <i>STEVE HANSON</i>       | <i>917 McClatchy</i>                        |                             |
| Signature:                | Phone:                                      | Email:                      |
| <i>[Signature]</i>        | <i>916-996-4000</i>                         | <i>stivits@yahoo.com</i>    |
| Name (please print):      | Address:                                    |                             |
| <i>Gene Burdressed</i>    | <i>941 FREEMONT WAY</i>                     |                             |
| Signature:                | Phone:                                      | Email:                      |
| <i>[Signature]</i>        | <i>916 444 7151</i>                         | <i>CAFSAJAH@COMCAST.NET</i> |
| Name (please print):      | Address:                                    |                             |
| <i>MELISSA THURBER</i>    | <i>941 McCLATCHYWAY</i>                     |                             |
| Signature:                | Phone:                                      | Email:                      |
| <i>[Signature]</i>        | <i>916 441-2628</i>                         | <i>mthurber@cfso.org</i>    |
| Name (please print):      | Address:                                    |                             |
| <i>Dan Hood</i>           | <i>932 McClatchy Way SAC</i>                |                             |
| Signature:                | Phone:                                      | Email:                      |
| <i>Dan Hood</i>           |   |                             |

For more information, contact Luree Stetson @ 916.761.7964 or lstetson2@earthlink.net

# ENSURE OUR HOME VALUES AND HEALTH

AT & T IS PROPOSING A 94 FOOT CELLULAR TOWER IN ODD FELLOWS CEMETERY WITHIN 100 FEET OF RESIDENTIAL HOMES (SO WEST CORNER ALONG MUIR WAY. THERE ARE NO ASSURANCES THE TOWER WILL BE ADEQUATELY CAMOUFLAGED AS A TREE OR THAT ELECTROMAGNETIC FIELDS (EMFS) WILL REMAIN AT LEVELS IDENTIFIED IN THE PERMIT APPLICATION.

TELL THE CITY PLANNING COMMISSION TO:

- ENSURE A QUALITY TREE DESIGN APPROVED BY CITY AND RESIDENTS.
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|                         |                            |                              |
|-------------------------|----------------------------|------------------------------|
| Name (please print):    | Address:                   |                              |
| <i>Luree Stetson</i>    | <i>959 Fremont Way</i>     |                              |
| Signature:              | Phone:                     | Email:                       |
| <i>Luree Stetson</i>    | <i>(916) 761-7964</i>      |                              |
| Name (please print):    | Address:                   |                              |
| <i>Shana Benedict</i>   | <i>964 McClatchy Wy #B</i> |                              |
| Signature:              | Phone:                     | Email:                       |
| <i>Shana Benedict</i>   | <i>(916) 217-9004</i>      |                              |
| Name (please print):    | Address:                   |                              |
| <i>Kim Wagaman</i>      | <i>1001 Fremont Way</i>    |                              |
| Signature:              | Phone:                     | Email:                       |
| <i>Kim Wagaman</i>      | <i>916 534 2721</i>        | <i>KCWagaman@comcast.com</i> |
| Name (please print):    | Address:                   |                              |
| <i>Paige Lettington</i> | <i>979 McClatchy Way</i>   |                              |
| Signature:              | Phone:                     | Email:                       |
| <i>Paige Lettington</i> | <i>442-2334</i>            | <i>paigelyn@sonic.net</i>    |

For more information, contact Luree Stetson @ 916.761.7964 or lsetson2@earthlink.net

# ENSURE OUR HOME VALUES AND HEALTH

AT & T IS PROPOSING A 94 FOOT CELLULAR TOWER IN ODD FELLOWS CEMETERY WITHIN 100 FEET OF RESIDENTIAL HOMES (SO WEST CORNER ALONG MUIR WAY. THERE ARE NO ASSURANCES THE TOWER WILL BE ADEQUATELY CAMOUFLAGED AS A TREE OR THAT ELECTROMAGNETIC FIELDS (EMFS) WILL REMAIN AT LEVELS IDENTIFIED IN THE PERMIT APPLICATION.

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|   |          |        |
|---|----------|--------|
| Name (please print):                        | Address: |        |
| JOSEPH STETSON 960 MCCLATCHY WAY W.M. 95818 |          |        |
| Signature:                                  | Phone:   | Email: |
| Joe Stetson 916 447-2225                    |          |        |
| Name (please print):                        | Address: |        |
| Dave Nelson 949 McClatchy way               |          |        |
| Signature:                                  | Phone:   | Email: |
| [Signature] 916-529-1215-                   |          |        |
| Name (please print):                        | Address: |        |
| CHRISMA MARKS                               |          |        |
| Signature:                                  | Phone:   | Email: |
| Christy Marks 404 FLEMING WAY #100 95818    |          |        |
| Name (please print):                        | Address: |        |
| Dan Hood 932 McClatchy way SoP              |          |        |
| Signature:                                  | Phone:   | Email: |
| Dan Hood 916 444 9798 dhood15277@yahoo.com  |          |        |

For more information, contact Luree Stetson @ 916.761.7964 or lstetson2@earthlink.net

Am Hood

November 3, 2010

To: Mayor Kevin Johnson and Council Members, City of Sacramento

Re: Item #4, November 4, 2010 Council Hearing

Appeal - AT&T Cellular Tower at Odd Fellows Cemetery (P10-001)

From: Dan Hood and Luree Stetson, Appellants

*Dan Hood, Luree Stetson*

**BACKGROUND:**

In considering and approving a special permit, the City must make findings set forth in the City Code. The City must apply the following guidelines for its findings. (City code, Section 17.212.010)

- A. A special permit shall be granted upon sound principles of land use;
- B. A special permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance; and
- C. A special permit use must comply with the objectives of the general plan or specific plan for the area in which is it to be located.

The City has adopted Guidelines for Telecommunications Facilities which identify the objectives and policies for the Planning Commission and the City Council to apply when considering the approval of a telecommunications facility. The guidelines establish the principles of land use as they apply to the approval of telecommunication facilities. The Guidelines outline the siting requirements in order of preference, with new towers being the least preferred. Also, the Zoning Ordinance requires that a project must be in compliance with federal communications laws.

The appellants are not opposed to improved cellular service, but are opposed to this project because the City does not have substantial evidence to support its findings of facts to approve a special permit for the AT&T cellular tower. Over 40 neighbors in the area have also voiced their opposition to this project.

**FINDINGS OF FACT FOR SOUND PRINCIPLES OF LAND USE UNSUPPORTED BY EVIDENCE**

**Need for Tower Not Proven:** The City's Telecommunications Policy specifically states that new cellular towers are the lowest order of preference. City Staff stated at the Planning Commission's May 27, 2010 hearing, that the City's Telecommunications Guidelines "don't support towers if other opportunities are available." Unlike other carriers, ATT was not required to consider other viable alternatives, i.e. different locations, other smaller facilities, or document why its needs couldn't be met by improving its existing Land Park facilities. Because the City ordinance specifically states towers are the least preferred facility, the City has an obligation to require a carrier to document why other preferred facilities cannot be used to meet the carrier's needs, i.e. collocating on an existing building or pole, or constructing a smaller facility. ATT was not required to document that other alternative sites could not be found or used to fulfill its needs.

AT&T has three existing telecommunications facilities (two located in commercial areas) surrounding the residential zone that is the subject of this application. The applicant failed to show why modifications at its existing facilities could not meet its submitted coverage needs.

**Service Needs Not Proven:** AT&T's documentation for service needs, required to justify a tower, lacks sufficient evidence to support the required findings. AT&T's various service coverage maps, presented at the May 27, 2010 and August 12, 2010 Commission hearings, conflict. The coverage area published on AT&T's own website indicates that the service is excellent to good. On May 27, 2010 the applicant submitted a propagation map for the same coverage area depicting areas of poor service. At the August 12, 2010 hearing, AT&T distributed (as Supplemental Material), a new propagation map that changed its service coverage and showed a larger "poor service" area -- an increase of approximately 200%.

Because cellular towers are the least preferred facility types, the City has an obligation to justify the carrier's need before approving a new tower. There was no documentation as to the engineering method or data used for either coverage map or the reason for discrepancies in need between the two propagation maps. With the changes to the coverage area, there is also the question as to the search ring location (area within which a carrier's engineers would place a facility to improve service) and size, which has remained unchanged. The discrepancies in propagation maps, lack of documentation and inconclusive statements made by AT&T fail to prove with enough specificity the need for, and location of, a new tower.

**Tower's Technical Feasibility Not Proven:** The proposed site at Odd Fellows Cemetery has challenging engineering limitations, i.e. elevated and varying terrain, large established trees, and closely spaced homes. Its proposed location on Muir Way requires AT&T to beam across the cemetery to serve its customers to the east. There are limitations on the capabilities of the propagation map method. The existence of large obstructions (170 trees on site), closely spaced buildings and sloped terrain make propagation maps unreliable because the software that creates the maps only takes into account those factors as variable inputs on average and therefore cannot accurately reflect every extant condition.

City Guidelines outline sound principles of land use, and cellular towers are the least preferred facility, the City failed to collect tangible information from the carrier to determine if a tower is technically feasible. The City did not require a pre-test to determine if the tower is technical feasible, as it has done for other tower proposals. Thus, the project lacks substantial evidence to support its findings that this project supports sound principles of land use.

#### **FINDING OF FACT THAT NO IMPACT TO PUBLIC WELFARE AND NO PUBLIC NUISANCE IS UNSUPPORTED BY SUBSTANTIAL EVIDENCE**

**Evidence Didn't Include All Visual Impacts from Tower:** AT&T photo simulations were incomplete and thus, the finding that this tower will not create a public visual nuisance is unsupported. Photo simulations misrepresented the visual impact of the tower. The photos did not include the many electronic equipment items that will be installed on the pole. The tower is to host 12 antenna panels mounted at 81 feet, potentially 12 more panels at the 91-foot height, and additional future collocated equipment at 61 feet and 71 feet. There will be two microwave drums of 2 feet in diameter for AT&T alone. None of that equipment mimics a natural tree or any part of a natural tree and camouflaging or painting the equipment will not hide its mass and shape at close proximity to residences. If additional carriers desire to collocate, then more equipment will be added and local authority to deny an undesirable collocation could be preempted by FCC regulations.

**Tower Will Not Be Invisible To Residential Properties:** AT&T testified that the tower will be visible. The City's Telecommunications Guidelines specify that new towers are the least desirable telecommunication facilities. This project does not meet the guidelines objective "to have the facility be invisible when viewed from the residentially zone property." AT&T's expert witness, Dan Carmichael, testified at the August 12, 2010 Planning Commission hearing that the tower will be prominently visible along Muir Way and McClatchy Way (west of the project) because of the need to locate it along the western edge of the cemetery and Muir Way. He also stated that there are several trees near the proposed tower, but they do not make the tower invisible and because of viewing angles created by the height of the tower and location on the property (104 feet and approximately 5 feet higher than street level). The tower would be seen from residential properties along McClatchy Way, Muir Way, Flint, Dudley and Fremont Way.

**Inadequate photo simulations used.** The Planning Commission decision to approve was based on inadequate photo simulations. Photo simulations only depicted summer conditions when deciduous trees along Muir Way and McClatchy Way are in full foliage. These predominantly deciduous trees will not have leaves during fall, winter and spring months and the tower will be visible. Also, the tower will be seen from greater distances than just McClatchy and Muir Ways. Finally, all photo simulations were taken from public thoroughfares and not from residential properties. AT&T's expert witness testified that the tower will stand out against the sky creating a silhouette and leaving nothing similar to blend with.

**Creates a Public Nuisance.** A monopine is an industrial highway product whose design purpose is to cover-up an undesirable structure. They are not intended to be points of interest, or spiritually uplifting, for example, like a sculpture or other work of art. In terms of form and massing of a streetscape, taller structures are given a higher order of meaning and are conferred status as points of interest that accent the streetscape and draw the viewers gaze and attention. The tower would be a huge structure along Muir Way (ten stories high) and attract unnecessary attention instead of being invisible to nearby residences, as required by the City's Zoning Ordinances.

### **PROJECT DOESN'T MEET ZONING CODE REQUIREMENT OF MEETING ALL FEDERAL LAWS**

**Federal Law Requires Non-Discrimination Between Carriers:** The Sacramento Zoning Ordinance requires that all projects meet the requirements of the FCC. Under the TCA 47 USC 332(7) (B) (i) [the local authority] "shall not unreasonably discriminate among providers of functionally equivalent services". The Sacramento General Plan and Zoning Ordinance promote the proliferation of monopoles and do not limit the number of antennas to be developed within the City. The hearing on August 12, 2010 as discussed by the Planning Commission looked at two carriers requesting approvals for separate, but similar, towers within 1,500 feet of each other, with a partial overlap of customer "service need" areas. The Planning Commission's approval of the AT&T project, and the subsequently denied T-Mobile project (Tower on Balshor property on Riverside Blvd) even though the proposed towers were similar -- was based upon a preference to not see a "proliferation of monopoles." As a result, the AT&T tower was approved at an increased height of 104 foot (10 stories) height, with a much larger visual impact to surrounding residential properties. The Planning Commission unreasonably discriminated in its review of the projects by comparing/reviewing them against each other, rather than comparing/reviewing each project individually to the city's policies and ordinances. Because of this action, the AT&T telecommunication project does not meet the Zoning Code requirement that it be "in compliance with all FCC rules, regulations and standards..."