

**Sent January 9th To: Santa Rosa Planning Commission
Suzanne Hartman, City Planner**

Re: Proposed Faux Tree Telecommunications Cell Tower: File # PRJ23-009
244 Colgan Ave., Santa Rosa, CA

Dear Ms. Hartman and Planning Commission Members,

I'm writing to comment on the application for the installation of a faux pine tree/cell tower at 244 Colgan Ave. and request that you deny this application. I understand that any denial of an application must be based on "substantial evidence." The goal of this letter is to provide substantial evidence for denial consideration.

I have thoroughly read the documents and attachments in this permit application and will be commenting on a number of these elements. I will also be asking some specific questions regarding this application.

The Staff Report, Light Industry zoning and overarching goals:

The following is included in the required findings under the Analysis/General Plan heading:

1) "The general plan use designation for this site is **Light Industry**, which is intended for light industrial, warehousing and heavy commercial uses. Uses appropriate to this land use category include auto repair, bulk or warehoused goods, general warehousing, manufacturing/ assembly with minor nuisances, home improvement retail, landscape materials retail, freight or bus terminals, research oriented industrial....

"While there are no goals or policies that speak directly to telecommunication facilities, cellular phone service has become an integral part of personal and business communication. As such, installation of the proposed telecommunications facility implements a variety of **overarching General Plan goals** by creating a functional place for those who live and work within the city. The proposal has been determined to be consistent with the General Plan."

Comment: Designation of this location as Light Industrial is misleading as it only refers to one side of the street. Directly across the street are what appears to be well over 200 medium to high density apartment dwellings spanning the entire north side of Colgan Ave. I contend that this telecommunication facility is incompatible with this type of housing density in such close proximity to the proposed project.

While the applicant desires to fulfill their business objectives by installing their faux tree cell tower in this location, citing the boom in potential residential and commercial development in this general area, and city staff contends that this proposed tower is consistent with the General Plan, I take exception to this determination.

Creating a functional place for those who live and work within the city is not what this cell tower will do. It will create a potentially harmful environment for all who live and work close by or even hundreds of feet from the tower. Isn't the city required to provide residents with a safe and enjoyable living and working environment?

Proof of Coverage Gap

I'd like to bring your attention to the Verizon small cell map on the City website which shows that Verizon already has 39 active small cell facilities and 16 macrotowers, including another 9 right outside city limits. **That's 64 Verizon facilities.** Now they want another one, this time on Colgan Avenue, 70 feet behind Costco. They say for the best service, they need even more coverage.

Attachment 10 of the agenda states that the proposed site will "offload traffic from existing sites taking as much as twice 5G traffic in normal operating condition. The offload of traffic will improve users experience during peak hours of data usage."

Point 1: The City is not required to assist Verizon in their expanding business objectives, and certainly not at the expense of surrounding community who are subjected to this supposedly "camouflaged" cell tower designed as a fake pine tree (which everyone knows is a cell tower), twice as high as all surrounding buildings. This will be a visual blight that will not only assault the surrounding neighbors, but also those who enjoy the walking trails along Colgan Creek.

Point 2: While the Santa Rosa's telecommunication ordinance does not require specific verification of provider coverage gaps, it does contain several statutes that can apply.

From the Telecommunication Ordinance:

2. Separation between facilities. No telecommunications tower, providing services for a fee directly to the public, shall be installed closer than two miles from another readily visible, uncamouflaged or unscreened telecommunication tower unless it is a co-located facility, situated on a multiple user site, not readily visible, or technical evidence acceptable to the Director or Commission, as appropriate, is submitted showing a clear need for the facility and the infeasibility of co-locating it on an existing tower. Facilities that are not proposed to be co-located with another telecommunication facility shall provide a written explanation why the subject facility is not a candidate for co-location.

Verizon's own maps showing their small cell wireless facilities are not accurate. There are actually twice as many Verizon small cells in Santa Rosa than are shown on the map they submitted. Why is that? I contend that their reporting is therefore unreliable and as such, how can any of it can be trusted?

How do we know that existing sites are taking as much as twice 5G traffic in normal operating conditions? Where is the proof of that? And what does improving users experience mean? Are calls being dropped? Can people talk and text? Contrary to Verizon's assertions, talk and text are all that's legally required (see Addendum A below). Basic phone service is all that's required for emergency calls and notifications.

It is important to note that Verizon already has facilities less than 2 miles from this proposed Colgan Creek location. Here are some:

750 Aston Avenue: 0.5 miles

250 Kawana Springs Road: 0.7 miles

1235 Santa Rosa Avenue: 0.6 miles

1028 Pressley Street: 1.0 miles

1680 Allan Way: 1.2 miles

3101 Old Petaluma Hill Road: 1.4 miles

From Verizon's maps, it appears there are macrotowers by the Fairgrounds (less than 2 miles away), as well as towers near 4th Street, in Roseland, off Stoney Point, and many other locations throughout the city.

Verizon stated they have searched for other locations and have not been able to secure a site that meets their objectives. If this tower is denied, Verizon can find another one that's not right across from hundreds of homes with seniors and families, and not right next to a lovely creek that will be collecting blown off plastic needles that will degrade into microplastics, carrying them into the Russian River.

Staff report, nuisance, public interest, health, safety, injury and welfare.

#2- Zoning, item #3-5: "Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located..."

And the Resolution adds more:

E.: "Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located in that the project included an Electromagnetic Energy Report, prepared by Waterford Consultants, LLC, received on July 26, 2023, which concluded that the proposed placement of the telecommunications tower at the subject site will not result in exposure of the public to excessive levels of radiofrequency energy as defined in the FCC Rules and Regulations..."

These are reasons why this facility has the very likely potential to expose the public to excessive levels of RF energy as defined by the FCC R&R's. See more evidence below.

The Staff Report Analysis

2) Analysis/Zoning: An electromagnetic Energy (EMF Exposure Report” **prepared by OSC Engineering, Inc. dated May 19, 2021** concluded that the proposed placement of the tower at the subject site will not result in exposure of the public to excessive levels of radio frequency energy as defined in the FCC Rules and regulations.

It appears this May 19, 2021 report is not the one that now accompanies the application. Currently there is a radio frequency emissions compliance report compiled by Waterford dated May 24, 2023. This Waterford report tells a different story. I assume you have studied the pages in this report and see the levels of RF from the maps at various heights. Although the final analysis by Electrician David Kiser states the total MPE will be 11.79% of the FCC General Population limits, this is for a 30 minute period as stated on page 2. What about employees in Costco working an 8 or longer shift, or the apartment residents living in the vicinity 24/7?

Finally, how did Mr. Kiser determine that 11.79% value? Since this is such a critical percentage, can you please explain to the public how this percentage was determined?

Do you realize that 11.79% of the FCC Maximum Permissible Exposure (10 million uW/m²) is 1,179,000 uW/m²- (over one million)? Many adverse biological affects have been observed in levels as low as 1,000 uW/m² according to hundreds of peer reviewed scientific papers!

Radio Frequency Exposure FCC Compliance Assessment

The specifics of the report are as follows:

On page 1: Verizon’s Maximum Permissible Exposure levels will be exceeded by 127% at 30 feet for the adjacent building. This includes the height of nearby Costco. The maps show:

- At 62 ft (antenna level) at approx. 150 feet radius, MPE is determined to be between 100% to 500%. At 70 feet, it can be as high as 5,000%.
- At 25 ft height (close to roof height of many nearby buildings and dwellings) MPE can be anywhere from 5% to 100%.
- At ground level, MPE is the same: from 5% to 100%. This ground exposure includes all of Costco, the parking areas, all the surrounding buildings, as well as apartments across the street.

This huge range needs to be explained. Where will the MPE be 5%. Where will it be 100%? How will we know?

Waterford states that mitigation is required, which involves reducing the power output of the facility by 3db, which can reduce the MPE to bring the facility into RFR compliance. How will this be verified?

Is this general or assumed antenna modeling good enough to safeguard the public?

Once the tower is up, who will monitor ongoing compliance? Will the city accept this responsibility? To not ensure compliance with ongoing monitoring would be irresponsible at best! And what are the remedies if the tower is out of compliance?

Fire Safety

Please ensure that the following multi-step electric fire safety protocol is required to demonstrate compliance with the generally applicable technical requirements of the following codes: the National Electric Code, the California Electric Code and the local County and City Electric Code.

Source: Susan Foster (White paper by Susan Foster on Fire Risks and Telecommunications Equipment "Protecting LA County's Future" available on request)

(A) A short circuit and coordination study ("SCCS") calculated pursuant to the IEEE 551-2006: Recommended Practice for Calculating AC Short-Circuit Currents in Industrial and Commercial Power Systems or the latest version of that standard. The study must demonstrate the protection devices will ensure the equipment enclosure will not be breached. The SCCS must include analysis of Voltage Transient Surges due to contact of conductors of different voltages;

(B) A one-line diagram of the electrical system;

(C) Voltage Drop & Load Flow Study;

(D) Load Calculation;

(E) Panel Directories;

(F) A plot plan showing the location of the mounting structure including address, or structure designation, or GPS location;

(G) A plot plan showing the location of the service disconnecting means;

(H) A demonstration there will be instructions for de-energizing the equipment by First Responders;

(I) A list of toxic substances that may develop during arcing or fire that may impede fire suppression efforts;

Reason for requiring this Document (I): "Arcing or fire may create a pressure wave that can imperil life, health and property. The intense heat of an electrical arc may turn non-hazardous substances into hazardous substances. Special protective equipment may be required. Electric arcing can vaporize copper or aluminum. Copper expands dramatically and powerfully when converted from solid to vapor, which can cause an air blast that throws an individual several feet with fatal force. Electric arcs instantly reach temperatures of thousands of degrees. Normally non-hazardous materials may become hazards. Metals may vaporize and damage lungs."

Collocation:

This telecommunications tower must not get its "foot on the ground." Once it's there, with its 12 massive antennas, including the additional 8 "radio units," microwave and GPS antennas, there will be no recourse for those living in proximity of this tower to protect themselves. Once a tower is in place, other telecommunications companies have carte blanche to collocate their antennas on the tower, thereby doubling or even tripling the impact. In this likely scenario, what was once compliance with the FCC's MPE would now be out of compliance by a factor of two or three.

In Conclusion:

This Verizon Tower siting is much too important for a blanket approval without these issues

being addressed. If you deny the tower at the Jan 11th meeting, Verizon will most likely appeal. However, this will toll the shot clock and give the City time for a full legal analysis of their rights in this matter. Please see Addendum A below.

Thank you for your valuable time in this critical matter.

Sincerely,

Sidnee Cox
SafeTech4SantaRosa
EMF Safety Network

Addendum A:

Source: <https://wireamerica.org/>

Also see: <https://wireamerica.org/mccollough/>

In short, in the target area, if there is sufficient radio signal strength (anything between -115 dBm to -85 dBm) for any single frequency that can be used for wireless phone calls (usually any frequency between 600Mhz and 900 MHz), then there is no "significant gap" in wireless telecommunications service.

First, consider some federal definitions for telecommunications and information service, below.

LII → U.S. Code → Title 47. TELECOMMUNICATIONS → Chapter 5. WIRE OR RADIO COMMUNICATION → Subchapter I. GENERAL PROVISIONS → Section 153. Definitions

Title 47 U.S. Code [§ 153](#) Definitions.

(50) "Telecommunications — The term "telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received."

(53) "Telecommunications service — The term "telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used."

(24) "Information service — The term "information service" means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service."

The First Circuit and Ninth Circuit definitions of "significant gap" in wireless telecommunications service **only applies to the making of wireless phone calls**; "significant gap" does not apply to wireless information service (broadband/data/internet). That means the 1996-TCA preemption directives in 47 U.S.C. § 332(c)(7)(B) **do not apply** to wireless information service. Also, "capacity", "enhanced service" or "augmented [any]G coverage" is not defined in the 1996-TCA or in Ninth circuit case law, so **these terms are moot and irrelevant**.

Also, FCC Order 18-133, the so-called "small" Wireless Telecommunications Facilities (sWTFs) Deployment Order states a presumptive preference to use the Cal. Payphone Ass'n standard, 12 F.C.C.R. 14191, 14209 (1997) instead of "significant gap". This presumptive preference does not have the force of law. Per the Ninth Circuit case law, "significant gap" in wireless telecommunications service and "least intrusive means" for filling any proven gap is the law of the land.

For all states in the Ninth Circuit, including California:

From <https://wireamerica.org/2005-metropcs-v-san-francisco/>

I. BACKGROUND

"This case marks yet another episode in the ongoing struggle between federal regulatory power and local administrative prerogatives — the kind of political collision that our federal system seems to invite with inescapable regularity. And as most often happens in such cases, the courts are summoned to re-strike the balance of power between the national and the local. More specifically, we are called upon to interpret several provisions of the TCA, an exegetical effort having implications for Federal Communications Commission (FCC) licensing authority, **wireless telecommunications** companies and municipal zoning authorities alike . . . The basic facts of this case are not in dispute. MetroPCS is a provider of **wireless telecommunications** services."

D. Prohibition Claim

2. Service Gap

(a) Definition of "Significant Gap"

". . . The First Circuit . . . held that a local regulation creates a "significant gap" in service (and thus effectively prohibits wireless services) if the provider in question is prevented from filling a significant gap in its own service network. See Second Generation Props., 313 F.3d at 631-33 . . . The district court also found these arguments persuasive, since it **formally adopted the First Circuit rule** in its decision below. 259 F.Supp.2d at 1013-14 . . . Having considered both the avowed policy goals of the TCA and the practical implications of the various constructional options, **we** elect to follow the district court's lead and **formally adopt the First Circuit's rule that a significant gap in service (and thus an effective prohibition of service) exists whenever a provider is prevented from filling a significant gap in its own service coverage** . . . we recognize that the TCA **does not guarantee wireless service providers coverage free of small "dead spots,"** the existing case law amply demonstrates that "significant gap" determinations are extremely fact-specific inquiries . . . The district court correctly notes that the **relevant service gap must be truly "significant" and "not merely individual 'dead spots' within a greater service area.**" 259 F.Supp.2d at 1014. Courts applying both versions of the "significant gap" test appear to agree on this proposition. See e.g., Second Generation Props., 313 F.3d at 631; 360° Communications Co., 211 F.3d at 87; Willoth, 176 F.3d at 643-44. "

(b) Least Intrusive Means

". . . The Second and Third Circuit 'least intrusive' standard, by contrast, allows for a meaningful comparison of alternative sites before the siting application process is needlessly repeated. It also gives providers an incentive to choose the least intrusive site in their first siting applications, and it promises to ultimately identify the best solution for the community, not

merely the last one remaining after a series of application denials . . . For these reasons, **we now adopt the “least intrusive means” standard** and instruct the district court to apply this rule as necessary in its consideration of the prohibition issue on remand."

From <https://wireamerica.org/lawsuits/2008-sprint-v-san-diego/>

A. The Effective Prohibition Clauses of 47 U.S.C. § 253(a) and 47 U.S.C. § 332(c)(7)(B)(i)(II)

" . . . We find persuasive the Eighth Circuit’s and district courts’ critique of Auburn. Section 253(a) provides that “[n]o State or local statute or regulation . . . may prohibit or have the effect of prohibiting . . . provi[sion of] . . . **[wireless] telecommunications service.**” In context, it is clear that Congress’ use of the word “may” works in tandem with the negative modifier “[n]o” to convey the meaning that “state and local regulations shall not prohibit or have the effect of prohibiting telecommunications service.” Our previous interpretation of the word “may” as meaning “might possibly” is incorrect . . . Our holding today therefore harmonizes our interpretations of the identical relevant text in §§ 253(a) and 332(c)(7)(B)(i)(II). Under both, **a plaintiff must establish either an outright prohibition or an effective prohibition** on the provision of **[wireless] telecommunications services**; a plaintiffs showing that a locality could potentially prohibit the provision of telecommunications services is **insufficient.**"

Carmen Gonzalez
1611 La Esplanada Pl, #111
Santa Rosa, CA 95404

Councilman Eddie Alvarez
Santa Rosa City Hall
100 Santa Rosa Avenue, Room 10
Santa Rosa, CA 95404

January 17, 2024

Dear Councilman Alvarez:

As a homeowner located at 1611 La Esplanada Place, I object to the proposed Verizon cell tower at 244 Colgan Avenue, Santa Rosa, CA. The serious health issues, environmental concerns, probable lower property values, and aesthetic flaws all deem this project to be irreconcilably and irredeemably opposed to the neighborhood's best interests. I have set forth my objections below for a fuller understanding.

- **No Gap in Coverage and Missing Proof of Dropped Calls**

According to our city's ordinance, the primary threshold that Verizon must prove to make a case for its cell tower is a gap in coverage. It has not done so in any of the materials it submitted to the Santa Rosa Planning Commission. According to its own maps, there are 40 towers in the region, and more particularly, there is a cluster of four towers in which this is intended to be placed. Verizon indicated that there is congestion in the area but has not provided any "dropped call" log to prove this. That is, expanding Verizon's coverage is not a proper pursuit of city government, but ensuring emergency calls get through is. So, if in fact there are dropped calls, Verizon should be tasked with providing such proof by way of dropped call logs. As it stands, this project should be rejected given the applicant's failure to provide such proof.

- **Lower Property Values**

As documented by the National Institute for Science, Law, and Public Policy, the U.S. Department of Housing and Urban Development, and others, the placement of cell towers in neighborhoods lowers property values as they are considered hazards and nuisances. On average, a drop of 20% of property values is typical. As a property owner at La Esplanada, I object to Verizon's cell tower project as it would negatively affect my condominium's value. The intended project sits right across the street, less than 200 ft. away. Likewise, for my neighbors who happen to own units at La Esplanada or in the adjacent Vintage Park retirement complex, and for the single-family homeowners along Colgan Ave., they too will suffer lower property values should this project be authorized.

- **Colocation and Radiation Emissions**

Based on the radiation emission report submitted by Verizon, its estimated emissions for its tower concerned only a 30-minute exposure. Even at that short time frame, its own report suggested that emissions exceeded the general population limit. While that is concern enough, it gets worse. Verizon has admitted that one of the purposes of its intended cell tower is to allow colocation. That is, it seeks to add additional antennas. There has been no testing or estimates of what emissions will be forthcoming with any additional antennas. Accordingly, the

emission report that Verizon has given is a floor, not a ceiling, and does not indicate the maximum emission level that residents would be subjected to. As a homeowner, I need the City Council to request concrete testing reports that account for maximizing collocation on the proposed tower. If such collocation exceeds safety limits, then it should be rejected. Given that the current report already does, I suspect that additional antennas will magnify the exposure.

- **Microplastic Shedding**

The cell tower design is a 69-foot-tall monopine tree pole, involving plastic tree needles. These plastics routinely shed and degrade into microplastics. The proximity of the intended tower is extremely close to Colgan Creek. Consequently, microplastics that enter Colgan Creek will ultimately pollute the Russian River. We have a problem with microplastic pollution as it is, and this project will make things worse.

- **Poor Aesthetic Design**

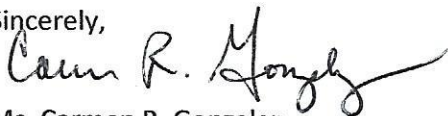
Along Colgan Avenue, between Santa Rosa Blvd. and Petaluma Hill Dr., there is primarily residential housing on the north side of the street and mixed commercial on the south side. In no way would a 69-foot-tall monopine tree pole fit the aesthetic of the area. This is not a forest of conifers, so it would stick out like a sore thumb, given both its height and its design. Moreover, any green paint will erode over time, leaving a gleaming aluminum-colored tree in its wake, creating a shiny eyesore. The height itself is repellent, given that no matter the perspective, it looks entirely odd from any direction. As a homeowner, this visual abomination can only impede my property's value.

- **Inequity**

Given the depressed property values that would ensue with this tower, economic inequity would increase in the neighborhood. This community along Colgan Ave. is already low- to middle-income, reflects a high proportion of retirees and blue-collar working families. Collectively, this is a vulnerable population that would be further exploited by the cell tower's imposition. Furthermore, this population is burdened economically, and in the case of retirees, they are also physically and cognitively challenged, making it harder to organize against such an intrusion. Targeting this neighborhood by design is punitive and unjust.

For all of the reasons indicated above, I find that Verizon's proposed cell tower is inconsistent with the Santa Rosa General Plan. Specifically, it constitutes a nuisance and is injurious to the public interest, health, safety, convenience, welfare, and is materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located. I ask that the City Council reject Verizon's cell tower proposal in its entirety.

Sincerely,



Ms. Carmen R. Gonzalez

[EXTERNAL] March 26 meeting re: Verizon cell tower

I wanted to point out that I am a low income senior and I live at Vintage Park Senior Apartments. We have a nice garden in front to work in and take our dogs to. It is surrounded by a wall and very peaceful and pretty. If Verizon puts a 69 foot monstrosity at 244 Colgan Avenue then there is nowhere else outside in our complex for us to go to feel peaceful. We can't build a 70 foot wall for our garden.

I've worked from age 14 to 65 and all I want is to at least have a pretty peaceful place to relax and garden without having to look at an ugly monstrosity.

Sue Dolan

Date Received: March 23, 2024
Emailed to Suzanne Hartman, City Planner