

RECEIVED

JAN 22 2024

APPEAL FORM

Date Received: Luke Faser

CITY OF SANTA ROSA CITY CLERK'S OFFICE

Fee: \$608

City Clerk's Office/Rec'd by:

Name of Appellant: Paul-Andre Schabracq, Sidnee Cox, Kim Schroeder, et al

TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

The above named appellant does hereby appeal to your Honorable Body the following:

The decision of the: (List Board/Commission/Dept.) Planning Commission

Decision date: 1-11-24

Decision: (approval, denial, other) Approval

Name of Applicant/Owner/Developer: Verizon Wireless Telecommunications

Type of application: (Rezoning, Tentative Map, etc.) Conditional Use Permit File # PRJ23-009

Street address of subject property: 244 Colgan Ave., Santa Rosa, CA 95404

The grounds upon which this appeal is filed are: (List all grounds relied upon in making this appeal. Attach additional sheets if more space is needed.)

1. 16 Grounds - (See attached)

2.

The specific action which the undersigned wants the City Council to take is: (Attach additional sheets if more space is needed.)

Deny permit

Appeals shall be submitted in writing.....on a City application form within 10 calendar days after the date of the decision. The time limit will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business.

Paul-Andre Schabracq Jan 22/24

Applicant's Signature

Date

Paul-Andre SCHABRACQ P.O. 1414 Sebastopol, CA 95473

Applicant's Name (type or print)

Address

707 823-2607

(Same)

Daytime Phone Number

Home Phone Number



# DISCLOSURE FORM

(Form 3 of 5)



Project Title: Verizon Telecommunication Facility - 244 Colgan Ave, Santa Rosa  
(Include site address) 95404

Please provide the name of each individual, partnership, corporation, LLC, or trust who has an interest in the proposed land use action. Include the names of all applicants, developers, property owners, and each person or entity that holds an option on the property.

- Individuals: Identify all individuals
- Partnerships: Identify all general and limited partners
- Corporations: Identify all shareholders owning 10% or more of the stock and all officers and directors (unless the corporation is listed on any major stock exchange, in which case only the identity of the exchange must be listed.
- LLCs: Identify all members, managers, partners, officers and directors.
- Trusts: Identify all trustees and beneficiaries.
- Option Holders: Identify all holders of options on the real property.

Full Name:	Address:
Paul-Andre Schabracq Co-Director / EMF Safety Network	PO Box 1414, Sebastopol, CA 95473
Sidnee Cox, Co-Director EMF Safety Network	PO Box 342, Windsor, CA 95492
Kim Schroeder, Co-Director SafeTech 4 Santa Rosa	1892 Bennet Meadows Ln, Santa Rosa, CA 95405
(Additional names on Appeal)	

In addition, please identify the name of each civil engineer, architect, and consultant for the project.

Full Name:	Address:

Additional names and addresses attached:  Yes  No

The above information shall be promptly updated by the applicant to reflect any change that occurs prior to final action.

I certify that the above information is true and correct:

*Paul-Andre Schabracq*  
Applicant

1-22-24  
Date

**APPEAL TO THE CITY COUNCIL, CITY OF SANTA ROSA  
STATE OF CALIFORNIA**

.....

In the matter of the appeal to the Planning Commission approval of a Major Conditional Use Permit for a VERIZON TELECOMMUNICATION FACILITY granted on January 11, 2024.

Premises: 244 Colgan Ave., Santa Rosa, CA 95404  
File No: PRJ23-009  
APN: 044-011-053

---

**GROUND FOR APPEAL**

Respectfully Submitted on January 22, 2024

**• Vintage Park Apts. and La Esplanada Neighbors**

Carmen Gonzalez- 1611 La Esplanada Pl. #111, Santa Rosa, CA 95404  
Sue Dolan- 137 Colgan Ave. #2049, Santa Rosa, CA 95404  
Melody Stewart- 133 Colgan Ave. #121, Santa Rosa, CA 95404  
Michele de Luca- 135 Colgan Ave., #2035, Santa Rosa, CA 95404  
Annie Acker- 135 Colgan Ave., #2039, Santa Rosa, CA 95404  
Judy Salerno- 141 Colgan Ave., #1087, Santa Rosa, CA 95404  
Carmen Gonzalez- 1611 La Esplanada Pl. #111, Santa Rosa, CA 95404  
Herbert Lebherz- 1611 La Esplanada Pl. #121, Santa Rosa, CA 95404  
Sandra Lebherz- 1611 La Esplanada Pl. #121, Santa Rosa, CA 95404

**Community advocates for Colgan Ave. neighbors**

**• EMF Safety Network**

Paul-André Schabracq, Co-director  
Sidnee Cox, Co-director  
Richard N. Boyd, PhD,  
Edmée Danan, MD  
Martha Glasser

**• SafeTech4SantaRosa**

Kim Schroeder  
Alex Krohn  
Mary Dahl  
Jennifer LaPorta  
Tom LaPorta

**GROUNDNS FOR APPEAL TO THE CITY COUNCIL, CITY OF SANTA ROSA  
CALIFORNIA**

In the matter of the appeal to the Planning Commission approval of a Major Conditional Use Permit for a VERIZON TELECOMMUNICATION FACILITY granted on January 11, 2024.

Premises: 244 Colgan Ave., Santa Rosa, CA 95404

File No: PRJ23-009

APN: 044-011-053

---

**GROUNDNS FOR APPEAL:**

1. The proposed wireless facility does not meet the vision, goals or policies of the City of Santa Rosa General Plan.
2. The proposed wireless facility does not meet the requirements of the City of Santa Rosa Zoning Code, including, but not limited to Chapter 20-44, Telecommunications Facilities; Chapter 20-10, Purposes of Zoning Code; Chapter 20-30, Standards For All Development and Land Uses.
3. The proposed wireless facility presents an environmental threat, particularly with respect to Colgan Creek, Mark West Creek, the Russian River and Laguna de Santa Rosa.
4. The proposed wireless facility violates not only the applicable provisions of federal, state and local law, but the legislative intent upon which they were enacted.
5. Granting Verizon's application will cause an unnecessary proliferation and redundancy of telecommunications facilities without closing any purported gaps in service or purported lack of capacity, nor improving cellular service in the surrounding community.
6. Verizon has failed to present "hard data" sufficient to prove a gap in service or lack of capacity and has failed to prove a need for the proposed tower, i.e. gap in service or lack of capacity, by any admissible probative evidence such as dropped calls and drive tests.
7. By it's own admission the MPE generated by Verizon's cell tower will exceed FCC's maximum MPE. Waterford Consultant's report states that mitigation of the maximum power output of this cell tower would be required by reducing the power output of the facility by 3db to bring the facility into FCC's RFR compliance. It is not specified how will this be verified and who will monitor ongoing compliance.
8. Fall Zone: The proposed location for the monopole cell tower fails to establish a Fall Zone or Safe Zone for the large retailer Costco with over 1,000 daily visitors in addition to numerous staff, and for other businesses located in the fall zone.

9. Fire Hazard: Verizon's cell tower application and staff reports do not indicate compliance with the applicable technical requirements of the following codes: the National Electric Code (NEIC), the City of Santa Rosa's Building Codes.
- 10 Verizon has failed to investigate appropriate least intrusive alternate locations in a good faith manner.
- 11 Verizon has failed to show, by admissible probative evidence, that their proposed wireless facility is the least intrusive means to close a purported gap in service or lack of capacity.
- 12 The proposed wireless facility will inflict a substantial adverse impact on the aesthetics and character of the adjacent and surrounding homes and community.
- 13 The proposed wireless facility will cause a significant decrease in property values in the adjacent and surrounding community.
- 14 Verizon's Visual Assessment is defective. No images were presented from the perspective of the affected property owners and residents. The images presented were taken from perspectives and angles which deliberately failed to present accurate views of the proposed cell tower. The Design Review Committee's recommendation to remove the faux tree in favor of a monopole renders Verizon's visual analysis inadmissible.
- 15 A gap in service or a lack of capacity in a particular frequency is not sufficient to prove a need for construction of a new wireless facility. Cellular service can "shift" to a different frequency to maintain service. Verizon has failed to prove that there is a gap in service or lack of capacity in multiple frequencies that would warrant approval of their application.
- 16 §6409(a) of the Middle Class Tax Relief and Job Creation Act would allow Verizon to increase the tower size by up to 20 feet *without* the need for further zoning approval. In fact, the City would be prohibited from denying, controlling, enjoining or otherwise regulating the increased height of the tower.

Verizon's application should be denied for all the reasons stated above.

A detailed factual analysis of the above reasons for denial will follow.