

TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** June 26, 2018

From: Carol Miller, Assistant Director of **Item No:** 7
Community Development
Planning Department

Subject: **APPEAL NO. 2018-003 - AN APPEAL OF THE PLANNING COMMISSION'S APPROVALS OF CONDITIONAL USE PERMIT NO. 2017-006 AND DEVIATION NO. 2018-003 FOR A PROPOSED SIXTY (60)-FOOT TALL WIRELESS TELECOMMUNICATION FACILITY WITHIN MENDEL PARK**

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

It is recommended that the Town Council:

- A. Open the public hearing and take testimony;
- B. Close the public hearing; and
- C. Adopt Town Council Resolution No. 2018-28, which denies the appeal of the Planning Commission approval of Conditional Use Permit No. 2017-006 and Deviation No. 2018-003 subject to the conditions of approval.

SUMMARY:

On May 16, 2018, the Planning Commission approved Conditional Use Permit No. 2017-006 and Deviation Permit No. 2018-003 for a request to install a sixty (60)-foot tall wireless telecommunications tower designed as a eucalyptus tree and Deviation to allow a reduced separation distance from residential uses, existing wireless telecommunication tower and landscape buffer within Mendel Park.

The appellant contends that the Commission disregarded the international precautionary standard for wireless telecommunication of 1,500 feet from schools and playgrounds.

BACKGROUND:

On May 16, 2018, the Planning Commission approved Conditional Use Permit No. 2017-006 and Deviation Permit No. 2018-003, a request to install a sixty (60)-foot tall wireless telecommunications tower designed as a eucalyptus tree and Deviation to allow a reduced separation distance from residential uses, existing wireless telecommunication tower and landscape buffer.

DISCUSSION:

The appeal before the Town Council, alleges that the Planning Commission disregarded the international precautionary standard for wireless telecommunication of 1,500 feet from schools and playgrounds. The proposed tower is approximately thirty-six (36) feet from the school property to the north. Although, the project required deviations to some requirements, this thirty-six (36)-foot setback to the northerly property line exceeds the minimum setback requirement of twenty-two and one half (22.5)-feet

Wireless telecommunication proposals are governed by regulations of the Federal Communications Commission (FCC) and are required to transmit signals on frequencies that will not interfere with other electronic equipment (e.g., fire, police, emergency radio frequencies, etc.). The Telecommunications Act determined that electromagnetic fields (EMF) associated with wireless telecommunication facilities do not pose a health risk and are required to conform with the standards established by the American National Standard Institute (ANSI) for safe human exposure to electromagnetic fields and radio frequencies. The applicant is conditioned to submit verification from ANSI by providing a copy of its FCC license agreement (Conditional of Approval P7). As such the Planning Commission was precluded from considering potential health risks.

FISCAL IMPACT:

Not Applicable.

ATTACHMENTS:

1. Draft Resolution No. 2018-28
2. Appellants Appeal application No. 2018-003
3. Planning Commission staff report

RESOLUTION NO. 2018-28

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DENYING APPEAL NO. 2018-003 OF THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT NO. 2017-006 AND DEVIATION NO. 2018-003

WHEREAS, Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

WHEREAS, the proposed wireless telecommunication project would develop a sixty (60)-foot tall wireless telecommunications tower designed as a eucalyptus tree and Deviation to allow a reduced separation distance from residential uses, existing wireless telecommunication tower and landscape buffer; and

WHEREAS, a notice of public hearing relating to the Appeal was duly given and posted in the manner and for the time frame prescribed by law, and notice of the public hearing was mailed out to property owners within a 1,500-foot radius of Mendel Park; and

WHEREAS, at a duly notice public hearing on May 16, 2018, and based on the entire record before the Planning Commission, and all written and oral evidence presented, the Planning Commission approved the project; and

WHEREAS, the Appellant, Linda Repp submitted Appeal No. 2018-003 on May 17, 2018, requesting that the Town Council overturn the Planning Commission's decision to approve Conditional Use Permit No. 2017-006 and Deviation No. 2018-003; and

WHEREAS, on June 15, 2018, a Town Council hearing on Appeal No. 2018-003 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, the Town Council conducted a duly noticed public hearing on June 26, 2018 and heard all testimony of any person wishing to speak on the issue; and

WHEREAS, all of the findings and conclusions made by the Town Council pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and the entirety of the administrative record for the Project, which are incorporated herein by this reference, and not based solely on the information provided in this Resolution; and

WHEREAS, prior to taking action, the Town Council has heard, been presented with, reviewed and considered all of the information.

NOW, THEREFORE, BE IT RESOLVED that in consideration of the evidence received at the public hearing, and for the reasons discussed by the Town Council at said hearing, the Town Council of the Town of Apple Valley, California orders, determines and resolves as follows:

SECTION 1. RECITALS. The Town Council hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution.

SECTION 2. APPEAL. Based on the entire record before the Town Council, and all written and oral evidence presented, the Town Council hereby finds that Appeal No. 2018-003 is without merit and is therefore denied. In reaching this finding, the Town Council has reviewed and agrees with the findings presented in Planning Commission staff report dated May16, 2018.

SECTION 3 PROJECT APPROVAL. Based upon the substantial evidence presented to the Town Council during the above-referenced hearing on June 26, 2018, including written and oral staff reports together with public testimony, the Town Council hereby approves the Project.

SECTION 4. NOTICE OF EXEMPTION. Town staff shall cause a Notice of Exemption to be filed and posted with the County of San Bernardino Clerk of the Board.

SECTION 5. EFFECTIVE DATE. This Resolution shall become effective immediately upon adoption by the Town Council of the Town of Apple Valley.

APPROVE and **ADOPTED** by the Town Council of the Town of Apple Valley, this 26th day of June, 2018.

Art Bishop, Mayor

ATTEST:

La Vonda M. Pearson, Town Clerk



Town of Apple Valley Appeal Application



This request must be filed with the Planning Division within ten (10) calendar days following the date of action. An Appeal request received after this time *will not be accepted*. Appeals requiring Town Council consideration will be forwarded to the Town Clerk by the Director.

FOR TOWN USE ONLY

Date Submitted: 5-17-18 Case No.: APL 2018-03 Received By: PD
Planning Fee: 242.00 Other Fees: _____ Case Planner: CM

Type or print legibly in ink only

PROPERTY ADDRESS Mendel Park, Apple Valley CA 92308

FEE

| | <u>Initial Deposit</u> | <u>Actual Cost not to exceed</u> |
|--|----------------------------|--------------------------------------|
| <input type="checkbox"/> Appeal Fee – To Planning Commission | \$242 | \$242 |
| <input checked="" type="checkbox"/> Appeal Fee – To Town Council | \$242 | \$242 |

The Appeal Fee does not apply to permits the Planning Commission acted to revoke or amend.

APPELLANT INFORMATION

Name LINDA REPP Telephone 760-240-8049
Fax _____ Email _____
Address 10689 TELSPA ROAD
City Apple Valley State CA Zip 92308

PROJECT INFORMATION

Project Number Being Appealed CUP 2017-006 DVN 2018-003
Project Description Verizon Telecommunications Tower to be placed at Mendel Park, Apple Valley adjacent to school
Assessor's Parcel No. (s) _____ Tract _____ Lot _____

APPEAL STATEMENT

- I am/We do hereby appeal the findings/conditions/interpretations of the Town of Apple Valley:
(Check one)
 Planning Commission _____ Planning Director
 Public Works Director _____ Building Official
 Town Engineer _____ Fire Chief

The Town of Apple Valley
14955 Dale Evans Parkway, Apple Valley, CA 92307 • (760) 240-7000 • Fax: (760) 240-7399
Appeal Application (Effective July 1, 2015, Resolution 2015-15)

2. I/We appeal to the Town of Apple Valley:
(check one)
 Planning Commission Town Council

3. I/We am/are appealing the project action taken to:
(Check those which apply)
 Deny the project Adopt a Negative Declaration
 Approve the project
 *Approve the project condition of (specify):

Other: CONFLICT OF INTEREST WITH COMMITTEE MEMBERS

4. Detail what is being appealed and what action or change you seek. Specifically address the findings, mitigation measures and/or policies with which you disagree. Also state exactly what action/changes you would seek.

Verizon Wireless being able to place
telecommunications tower at Mendel Park
Apple Valley
flagrant disregard by committee for international
recognized precautionary standard of 1500 ft
away from schools & playgrounds

I/We understand that as appellant I/We have the burden of proof in this matter:

Linda Kepp
Signature

Signature

Date 5/17/2018

May 17th 2018

I am filing an appeal with the town of Apple Valley Ca. regarding their yes vote to allow a Verizon wireless tower to be constructed at Mendel Park, Apple Valley. This appeal is based on numerous items.

1) flagrant disregard for international recognized precautionary standard for wireless communications towers that state towers should be at least 1500 feet from schools or playgrounds. Granting Verizon "special exemptions"

2) special interest of one committee member who disclosed he rents land to Verizon. Although he excused himself from voting. His being a committee member could have affected voting.

3) another committee member expressing bias toward financial gain for town before vote. He stated "If the school is upset it is only because they will not be the ones receiving the money from Verizon"

4) neighboring county of Los Angeles has successfully banned wireless towers from on or near their schools and parks

5) international firemen's association has successfully banned towers from their locations.

6) the children of Apple Valley should be treated equally to the students in neighboring counties.

RE: telecommunications tower at Mendel park Apple Valley Ca ...

Plan of zoning
10/03/18

Subject: RE; telecommunications tower at Mendel park Apple Valley Ca 92308
From: Ed & Linda Repp <xmas3@truevine.net>
Date: Thu, 17 May 2018 08:18:28 -0700
To: mcabe@vvdailypress.com

The zoning commission voted to approve the installation of a wireless telecommunications tower inside Mendel Park, Apple Valley. This park is adjacent to Mariana Academy elementary school and near a child care facility and a fire station. The board blatantly disregarded the internationally recognized precautionary standard of at least 1500 ft from a school or playground. Verizon Wireless was granted "Special Exemptions" to this.

I am filing an appeal to this, have contacted the office of congressman Paul Cook, and communicated with an attorney regarding a possible class action law suit that the Town of Apple Valley and Verizon Wireless establish a trust fund for any medical issues for the next 30 years where a nexus to the tower placement can be established. I know the Town of Apple Valley has financial woes after a lengthy legal battle to acquire water rights, but our children should not be used as quinea pigs for the towns financial gains. anyone interested in discussing this matter with me or other concerned parents and residents can email me at xmas3Truevine.net Linda Repp



Get a Slice of the Apple.

Agenda Item No. 2

TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

- AGENDA DATE:** May 16, 2018
- CASE NUMBER:** Conditional Use Permit No. 2017-006 and Deviation Permit No. 2018-003
- APPLICANT:** J5 Infrastructure Partners for Verizon Wireless
- PROPOSAL:** A request for approval of a Conditional Use Permit to install a sixty (60)-foot tall wireless telecommunications tower designed as a eucalyptus tree. The tower will be situated adjacent to the parks parking area and will include a 240 square foot CMU block wall equipment enclosure within a 440 square-foot lease area. The Deviation is a request for a reduced separation distance from residential uses, existing wireless telecommunication tower and landscape buffer.
- LOCATION:** 21860 Tussing Ranch Road; APN 3080-104-06.
- ENVIRONMENTAL DETERMINATION:** The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.
- CASE PLANNER:** Carol Miller, Assistant Director of Community Development
- RECOMMENDATION:** Approval
- PROJECT AND SITE DESCRIPTION:**
- A. **Project Size:** The telecommunication facility will occupy 440 square feet of lease area within Mendel Park, a three and one-half acre park.
 - B. **General Plan Designations:**
 - Project Site - Open Space (O-S)
 - North - Public Facilities (P-F)

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- South - Single-Family Residential (R-SF)
- East - Public Facilities (P-F)
- West - Medium Density Residential (R-M)

C. Surrounding Zoning and Land Use:

- Project Site - Open Space Recreation (OS-R), Public Park
- North - Public Facilities (P-F), Mariana Elementary School
- South - Single-Family Residential (R-SF), Vacant.
- East - Public Facilities (P-F), Fire Station
- West - Multi-Family Residential (R-M), Day Care facility and single-family residence.

D. Height:

| | |
|--------------------|-----------------------------|
| Permitted Maximum: | 75 ft. (Preferred Location) |
| Proposed Maximum: | 60 ft. |

E. Parking Analysis:

| | |
|-------------------------|---------|
| Total Parking Required: | 1 Space |
| Parking Provided: | 0 Space |

F. Setback Analysis:

| Tower | Required | Proposed |
|----------------|----------|----------|
| Park Boundary: | | |
| From West | 22.5 ft. | 180 ft. |
| From East | 22.5 ft. | 340 ft. |
| From South | 22.5 ft. | 226 ft. |
| From North | 22.5 ft. | 36 ft. |

G. Separation Analysis:

| Tower | Required | Proposed |
|-------------------|----------|-----------|
| To SFR | | |
| From West | 500 ft. | **255 ft. |
| From East | 500 ft. | **440 ft. |
| From South | 500 ft. | **320 ft. |
| From North | 500 ft. | 715 ft. |
| To Existing Tower | 750 ft. | **410 ft. |

** highlights the deviations being requested

ANALYSIS:

A. General:

Pursuant to the Development Code, a Conditional Use Permit is required for all new telecommunication towers to afford the Commission the opportunity to review the architecture and aesthetics of any proposed structure. The Code allows telecommunications facilities within public facilities, such as a public park, with the approval of a Conditional Use Permit. The ordinance encourages telecommunication facilities to be stealth in design, sited in the least visually obtrusive manner, either screened or disguised, mounted on a facade and located on the same property as, or adjacent to, structures with tall features or trees of similar in height.

In response to the notices that were sent to the surrounding property owners, the Town Clerk's office received one email addressed to the Town Council and Planning Commission in opposition to the Project. The email is attached for your review. The complaints were related specifically to radio frequency emissions. Regarding the concerns about radio frequency emissions, the Town is preempted by the Federal Telecommunications Act from attempting to regulate and control any potential electromagnetic radiation produced by wireless telecommunication facilities.

B. Site Analysis:

The proposed wireless telecommunication facility will be located within Mendel Park, a three and one-half (3.5) acre park. The mono-eucalyptus will be situated near trees that range in height from twenty (20) to forty (40) feet. The proposed equipment shelter will be located within a grassy area adjacent to the parking lot which serves the park. The tower will be located outside of the equipment shelter. The applicant met with Town staff at the location to ensure that the function of the park would not be impacted. As a public park, the subject site is a preferred location as described in Section 9.77.180 of the Development Code. As such, the Code does give allowances for up to a fifty (50%) reduction in separation and setback requirements.

The Code requires that the tower be setback a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line and as a preferred location, the required setbacks can be reduced by fifty (50) percent. This calculates to a twenty-two and one half (22.5)-foot (75% of 60 feet = 45 feet. 50% of 45 feet = 22.5 feet) from the adjoining property lines. As proposed, the project exceeds the minimum setback requirements.

The Code requires a minimum 1,000-foot separation to adjacent single-family residential, and as a preferred location, the required separation can be reduced by fifty (50) percent. This calculates to 500 feet. Although there are other single-family residences within 500 feet, the nearest residence is located approximately 255 feet to the west across Manhasset Road. Since the antenna is closer than 500 feet, the applicant is requesting a Deviation Permit to allow up to a 275-foot encroachment into the separation requirement.

The Code requires a minimum 1,500-foot separation to an existing antenna exceeding fifty (50) feet in height, and as a preferred location, the required setback can be reduced by fifty (50) percent. This calculates to 750 feet. The nearest existing antenna is located at the fire station to the east that is designed to function as a hose-drying tower. The height of this tower is sixty-five (65) feet. Since the antenna is closer than 750 feet, the applicant is requesting a Deviation Permit to allow a 340-foot encroachment into the separation requirement.

The Code requires a four (4)-foot wide, landscape buffer to effectively screen the view of the tower compound. The equipment shelter will be adjacent to an existing parking area within a grassy area. The applicant is requesting a Deviation for relief from the four (4)-foot wide landscape buffer. The tower will not be located within the equipment shelter, but instead to the south side of the enclosure. Consistent with the requirement placed on a recently approved tower at James Woody Park, staff is recommending a sitting bench be placed around the base of the tree.

The property (Mendel Park) is located within an area primarily developed as residential, causing a lack of wireless coverage to the surrounding neighborhoods. The Town's

Wireless Telecommunication ordinance prohibits wireless telecommunication facilities in residential zones, except for such facilities associated with permitted nonresidential uses such as parks, schools, fire stations, and light standards. An existing sixty-five (65)-foot high cell tower located at the fire station to the east, is a preferred location but was not designed to accommodate a second carrier. This leaves Mendel Park and the elementary school as the only remaining preferred locations to accommodate wireless telecommunication facilities within the area.

C. Deviation Permit:

With the submittal of a Deviation Permit application, the Planning Commission may increase or modify standards relating to antenna height, setback, separation distance, security fencing or landscape screening if the goals of the Development Code would be better served by granting the requested deviation. Development Code Section 9.77.200 states that the applicant must provide supporting documentation of the identified need that cannot be met in any other manner. There must also be unique circumstances associated with the proposed location necessitating the requested deviation and that there are no reasonable alternative sites available to provide the services offered to grant the waiver. The applicant has provided written justification for the deviations to the separation requirements, which is attached for Commission consideration. Supplemental findings have also been provided in support of the requested deviations.

D. Architecture Analysis:

The Development Code discourages the use of monopines, but that the Planning Commission in review of the CUP application may consider a monopine. Although the proposal is not a monopine in this instance, the applicant has chosen a mono-eucalyptus design because of the existing trees at the park along the school property fence line which are not pine trees. The applicant is requesting Planning Commission review and approval of a Conditional Use Permit to construct a sixty (60)-foot high mono-eucalyptus. The pole of the mono-eucalyptus will be fifty-five (55)-foot tall and two (2) feet in diameter. The antenna panels will be eight (8) feet long and will be installed at a maximum height of fifty-five (55) feet. The simulated foliage for the mono-eucalyptus extends five (5) feet above the pole to assist in providing a tapered visual effect. The drip line diameter of the tree is approximately twenty (20) feet at its widest point. The foliage begins fifteen (15) feet above the base of the pole.

The applicant proposes to paint the pole brown with the panel antennas and microwave dish painted to match the foliage. The plans do not indicate the density of the branches per foot. Staff has included Condition of Approval No. P10 outlining specific architectural elements necessary to minimize the appearance of the antenna array including three (3) branches per foot or greater with additional branches crisscrossing at joints and foliage socks to camouflage the antennas and any dishes. Also required will be the installation of simulated bark cladding from the base of the tower up to a minimum of twenty (20) feet. Further, staff has included a Condition of Approval that prohibits any antennas from extending beyond the limits of the foliage (Condition No. P11).

The mono-eucalyptus is proposed without any enclosure; however, the associated equipment will be located within a, eight (8)-foot tall, 240 square foot CMU block enclosure located adjacent to the park's parking lot. Staff is recommending Condition No. 12 requiring the enclosure to include decorative pilasters at each corner. Based upon the shelters proximity to a ball field, staff recommends Condition No. P13 requiring the

applicant to provide a roof covering that would prevent balls and people from entering the equipment enclosure.

E. Licensing & Future Reviews:

Wireless telecommunication proposals are governed by regulations of the Federal Communications Commission (FCC) and are required to transmit signals on frequencies that will not interfere with other electronic equipment (e.g., fire, police, emergency radio frequencies, etc.). The Telecommunications Act of 1996 determined that electromagnetic fields associated with wireless telecommunication facilities do not pose a health risk and are required to conform with the standards established by the American National Standard Institute (ANSI) for safe human exposure to electromagnetic fields and radio frequencies. The applicant is conditioned to submit verification from ANSI by providing a copy of its FCC license agreement.

F. Environmental Assessment:

The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.

G. Noticing:

The project was legally noticed in the Apple Valley News on May 4, 2018. Staff notified all property owners within 1,500 feet of the site for this public hearing. At the time of the writing of the staff report, staff has received one communication in opposition.

H. Conditional Use Permit Findings:

As required under Section 9.16.090 of the Development Code, prior to approval of a Conditional Use Permit, the Planning Commission must make the following Findings:

1. That the proposed location, size, design and operating characteristics of the proposed use is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;

Comment: The proposed construction of a sixty (60)-foot high telecommunication mono-eucalyptus tower complies with the Town's Telecommunications Ordinance of the Development Code, upon the review and approval of a Conditional Use Permit and Deviation Permit by the Planning Commission. and complies with the adopted Utilities Element of the General Plan Policy 1.H states "...cellular communication towers and other major utility facilities shall be designed and sited so that they result in minimal impacts to viewsheds and minimally pose environmental hazards." This project is compatible with the park landscape. By using a mono-eucalyptus design, the visual impact will be minimized while expanding the telecommunication coverage within an area that is deficient in cellular coverage.

Additionally, that the design of the project maximizes the beneficial effects of a facility that will serve as an integral part of a whole

communications system and improve the telecommunications coverage for an area with limited coverage.

2. That the location, size, design and operating characteristics of the proposed use will be compatible with and will not adversely affect nor be materially detrimental to adjacent uses, residents, buildings, structures or natural resources;

Comment: The antenna will incorporate a eucalyptus tree design as camouflage for the tower and will be compatible with the site and adjacent uses, based on the existing mature trees. The proposed mono-eucalyptus, with adherence to the recommended Conditions of Approval, is permitted subject to approval of a Conditional Use Permit and Deviation Permit. All development issues have been evaluated by the appropriate Town departments and appropriate conditions have been required to address their areas of responsibility. When implemented, the conditions will ensure compliance with all local, state and federal regulations pertaining to the proposed facility.

3. That the proposed use is compatible in scale, bulk, lot coverage, and density with adjacent uses;

Comment: The mono-eucalyptus design compatible with the existing park landscaping and compatible in scale and bulk with the existing park and surrounding commercial structures. The mono-eucalyptus design will reduce the visual impact while expanding the telecommunication coverage within an area deficient in cellular coverage.

4. That there are public facilities, services and utilities available at the appropriate levels, or that these will be installed at the appropriate time, to serve the project as they are needed;

Comment: There are existing improvements to serve the proposed site.

5. That there will not be a harmful effect upon desirable neighborhood characteristics;

Comment: That there will not be a harmful effect upon neighborhood characteristics because the mono-eucalyptus design, will minimize the visual impact while expanding the telecommunication coverage within an area that is deficient in cellular coverage.

6. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets;

Comment: The proposed wireless telecommunication facility is unmanned and, therefore, not anticipated to generate additional traffic.

7. That traffic improvements and/or mitigation measures are provided in a manner adequate to maintain the existing service level or a Level of Service (LOS) C or

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better on arterial roads and are consistent with the Circulation Element of the General Plan;

Comment: The proposed wireless telecommunication facility is unmanned and will be located within a public park. Minimal traffic will be generated from the project to adversely affect the surrounding area.

8. That there will not be significant harmful effects upon environmental quality and natural resources;

Comment: The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.

9. That there are no other relevant negative impacts of the proposed use that cannot be reasonably mitigated;

Comment: The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.

10. That the impacts, as described in paragraphs 1 through 9 above, and the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan;

Comment: The project, if approved, would be required to provide FCC (Federal Communications Commission) licensing which regulates electromagnetic fields and radio frequencies.

11. That the proposed conditional use will comply with all of the applicable provisions of this title;

Comment: The proposed telecommunications facility can be built in conformance to the Development Code, subject to approval of a Conditional Use Permit, Deviation Permit and adherence to the recommended Conditions of Approval.

12. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;

Comment: materials, textures and details of the proposed construction, is compatible with the adjacent and neighboring structures because The location of the mono-eucalyptus is near existing trees that serve as a border separating a ball field from the school With compliance with the Conditions of Approval, the materials, textures

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and details of the proposed antenna and associated equipment compound will blend with the existing park landscape and adjacent structures.

13. That the development proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;

Comment: The location of the mono-eucalyptus is near existing trees that serve as a border separating a ball field from the school. The proposal will not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings.

14. That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures.

Comment: The design of a eucalyptus tree adjacent to or within proximity of other trees will help minimize the appearance of the tower.

15. That access to the site and circulation on and off-site is safe and convenient for pedestrians, bicyclists, equestrians and motorists.

Comment: The wireless telecommunications facility will be unmanned. The proposed improvements will not alter the function of the public park.

I. Findings for Deviation:

As required under Section 9.77.200 of the Development Code, the Planning Commission may increase or modify any standard relating to setbacks and separation distance. Prior to approval of a Deviation Permit, the Planning Commission must make specific Findings. Below are the Findings with a comment to address each.

1. That the applicant has provided supporting documentation of the identified need that cannot be met in any other manner.

Comment: The applicant has submitted the required supporting documentation indicating that this need cannot be met in any other manner due to existing park improvements.

2. That there are unique circumstances associated with the proposed location necessitating the requested Deviations.

Comment: Given the location of existing park improvement, the location appears most logical despite the encroachments into the required setbacks. With adherence to the 500-foot and 750-foot separation requirements, it would preclude the use of this preferred location for telecommunication. Essentially, any viable on-site location would result in an encroachment. The location is within a public park with existing grass and trees to serve as a landscape buffer.

3. That there are no reasonable alternative sites available to provide the services offered.

Comment: The applicant has submitted the required supporting documentation indicating that this need cannot be met in any other manner. Given the location of existing park improvements, the location appears most logical despite the encroachments into the required setbacks. With adherence to the 500-foot and 750-foot separation requirements and landscaping, it would preclude the use of this preferred location for telecommunication. Furthermore, the engineering analysis identified a need for a cellular tower in this vicinity in order to provide adequate service to the community. The surrounding area is predominately zoned residential with limited preferred locations in the area. Therefore, this is a rather unique situation in that there is not a more suitable locations for this telecommunications facility, which is necessary in order to provide cellular communications coverage for the community. Further, the T-Mobile cell tower located 410 feet to the east, designed as a hose drying rack, is not designed for co-location.

4. That the submitted information and testimony from the applicant, staff and public illustrates a reasonable probability that allowance of the Deviation will have minimal or no adverse impacts to the site, surrounding area or the community in general.

Comment: The applicant has submitted the required supporting documentation indicating that this need cannot be met in any other manner. Given the site design of the existing improvements, the location appears most logical despite the encroachments into the required setbacks. With adherence to the 500-foot and 750-foot separation requirements, it would preclude the use of this preferred location for telecommunication. Essentially, any viable on-site location would result in an encroachment. The proposed location offers the greatest setbacks without interfering with the function of the park.

5. That the Commission finds that the proposed deviation will not be materially detrimental to the public health, safety or general welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located.

Comment: Given the site design of park, the location appears most logical despite the encroachments into the required separation to residential uses, existing towers, and landscape buffer. The granting of the Deviation to allow the telecommunications facility to be constructed within a location that result in a separation less than the 500-foot and 750-foot separation requirements, will not interfere with the park functionality nor will it be materially detrimental to the public health, safety or general welfare because the proposed lease area and facility will be adequately setback within the property boundaries and camouflaged with stealth design to mitigate any visual, aesthetic or land use conflicts. The location of the mono-eucalyptus tower near other trees in the area is much less visually obtrusive than a non-stealth designed tower. Additionally, given the

existing landscaping in the park, allowing a Deviation for the four (4)-foot wide landscape buffer would not be detrimental because the location is within a public park with existing grass and trees and requirement to enhance the appearance of the equipment compound.

RECOMMENDATION:

Based upon the information contained within this report, the attached Initial Study, and any input received from the public at the hearing, it is recommended that the Planning Commission move to:

1. Determine that pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, Conditional Use Permit No. 2017-006 and Deviation Permit No. 2018-003 are exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings for Conditional Use Permit No. 2017-006 and Deviation Permit No. 2018-003.
3. Approve Conditional Use Permit No. 2017-006 and Deviation Permit No. 2018-003, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

Prepared By:

Carol Miller
Assistant Director of Community Development

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Justification for Deviations
3. Site Plans
4. Elevation
5. Zoning Map
6. Photo-simulation
7. RF maps (see separate attachment)
8. Letter of Opposition dated May 7, 2018.

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Conditional Use Permit No. 2017-006 & Deviation Permit No. 2018-003

Please note: *Many of the suggested Conditions of Approval presented herewith are provided for informational purposes and are otherwise required by the Municipal Code. Failure to provide a Condition of Approval herein that reflects a requirement of the Municipal Code does not relieve the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.*

Planning Division Conditions of Approval

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval to approve a specific use of land, if not established in conformance to any conditions applied, shall become void three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least 60 days prior to the void date. The Conditional Use Permit becomes effective 10 days from the date of the decision unless an appeal is filed as stated in the Town's Development Code, Section 9.03.0180.
- P2. The applicant shall defend at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The applicant recognizes the approval of Conditional Use Permit No. 2017-006 and Deviation Permit No. 2018-003 by the Planning Commission as acknowledgment of Conditions of Approval, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P4. The rendering(s) presented to, and approved by, the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P5. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application for any structure, to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances thereto that are to be installed or erected if approved by the Commission. Any such plans, specifications and/or illustrations that are reviewed and approved by the Planning Commission at an advertised public hearing shall accurately reflect the structures, facilities and appurtenances expected and required to be installed at the approved location without substantive deviations, modifications, alterations, adjustments or revisions of any nature.

- P6. The Community Development Director or his/her designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments, and architectural relief.
- P7. The applicant shall supply verification with the American National Standards Institute (ANSI) by providing a copy of its FCC license agreement prior to issuance of Certificate of Occupancy.
- P8. In the event the antenna(s) becomes obsolete and/or abandoned, the provider shall remove the antenna(s) and all related mechanical equipment and return the site to its original state, or an improved state, within 30 days of abandonment.
- P9. The filing of a Notice of Exemption requires the County Clerk to collect a \$50.00 documentary handling and filing fees. The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid. The check shall be made payable to the Clerk of the Board of Supervisors.
- P10. Plans submitted for plan check shall reflect a tree branch of three (3) branches per foot or greater, and additional branches that crisscross with leafy socks to camouflage the antennas and any dishes. The submitted plans shall also include the installation of simulated bark cladding from the base of the tower up to a minimum of twenty (20) feet.
- P11. No antenna array shall extend beyond the foliage.
- P12. The equipment shelter shall have decorative pilasters at all corners. No barbed, razor or other wire material shall be used in or on the facility.
- P13. The equipment shelter shall include a roof or similar to prevent items and people from entering the shelter, subject to the review and approval of the Planning Division.

Building and Safety Division Conditions of Approval

- BC1. Submit plans, engineering and obtain permits for all structures and retaining walls, signs.
- BC2. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- BC3. Comply with the State of California Disability Access requirements.
- BC4. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)
- BC5. Page two (2) of the submitted building plans will be conditions of approval.
- BC6. Construction must comply with current California Building Codes and green Building Code.
- BC7. Best Management Practices (BMP's) are required for the site during construction.
- BC8. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

Apple Valley Fire Protection District

- FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.
- FD2. All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.
- FD3. All combustible vegetation, such as dead shrubbery and dry grasses, shall be removed from each building site a minimum distance of thirty (30) feet from any combustible building material, including the finished structure. This does not apply to single specimens of trees, ornamental shrubbery, or similar plants, which are used as ground cover if they do not form a means of transmitting fire.
- Public Resources Code, Sec. 4291
- FD4. Provide a N.F.P.A. 704 Placard identifying the Hazardous Materials for the batteries.
- FD5. Provide (1) 2A10BC minimum rating fire extinguisher and serviced by a certified company.

End of Conditions

2-13

DEVIATION PERMIT FINDINGS FOR A WIRELESS TELECOMMUNICATION FACILITY

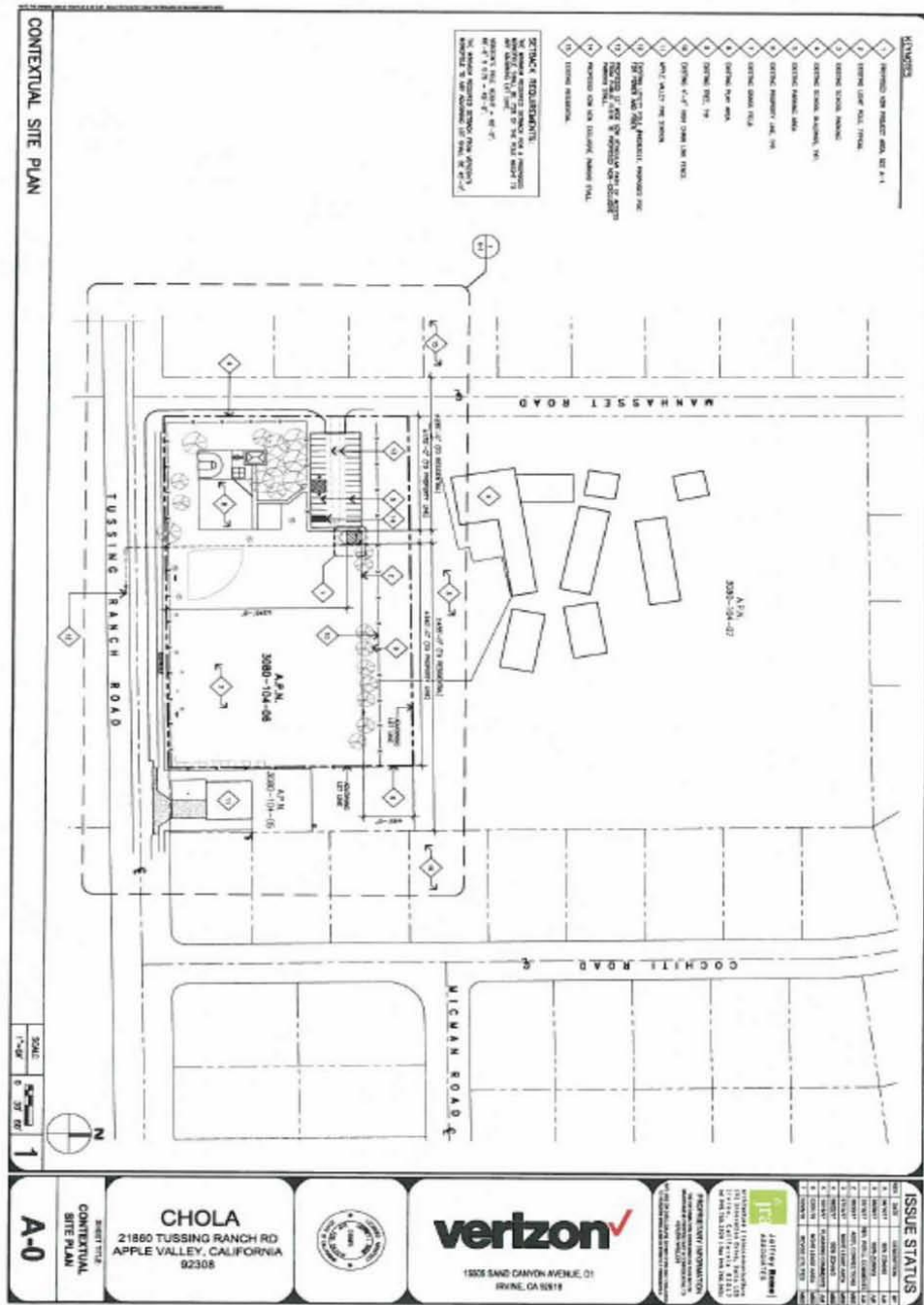
1. That the applicant has provided supporting documentation of the identified need that cannot be met in any other manner;
This project was sited and redesigned numerous times pursuant to City requests within a City park.
A minor deviation is the only manner that this project can proceed.

2. That there are unique circumstances associated with the proposed location necessitating the requested Deviations;
The unique circumstances are the additional setbacks required from residentially zoned areas.
This location was determined as that desired by the City, however, the required higher setback cannot be accommodated.

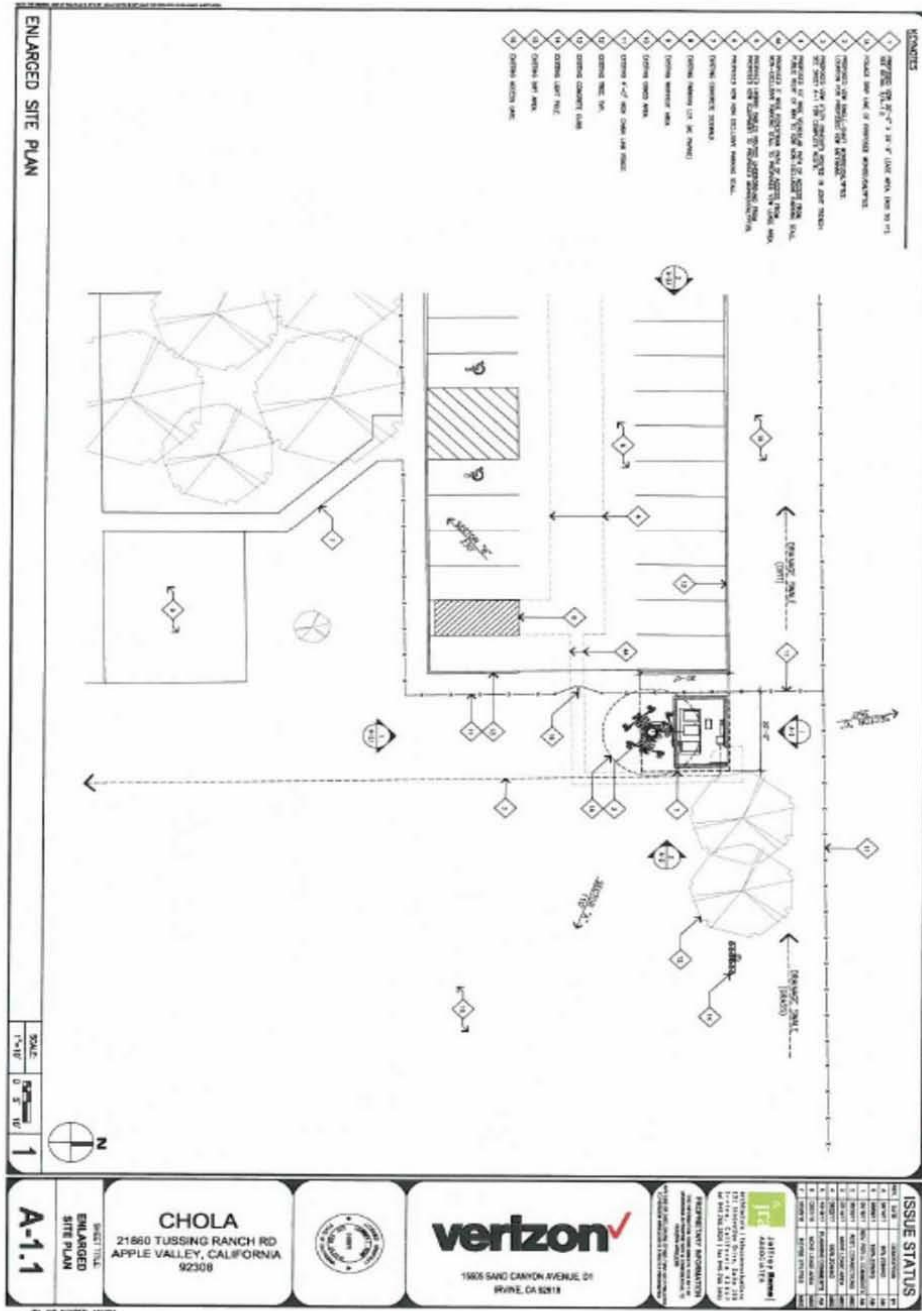
3. That there are no reasonable alternative sites available to provide the services offered;
Verizon considered numerous alternative location. However, as the City's ordinance is quite restrictive, the only locations available within the search ring were the fire station and City park, both of which are identified as City preferred locations. The City identified the location for the facility within the park; however, the extended setback could not be met.

4. That the submitted information and testimony from the applicant, staff and public illustrates a reasonable probability that allowance of the Deviation will have minimal or no adverse impacts to the site, surrounding area or the community in general; and
Verizon has complied with all City requests, and will comply with all FCC requirements.

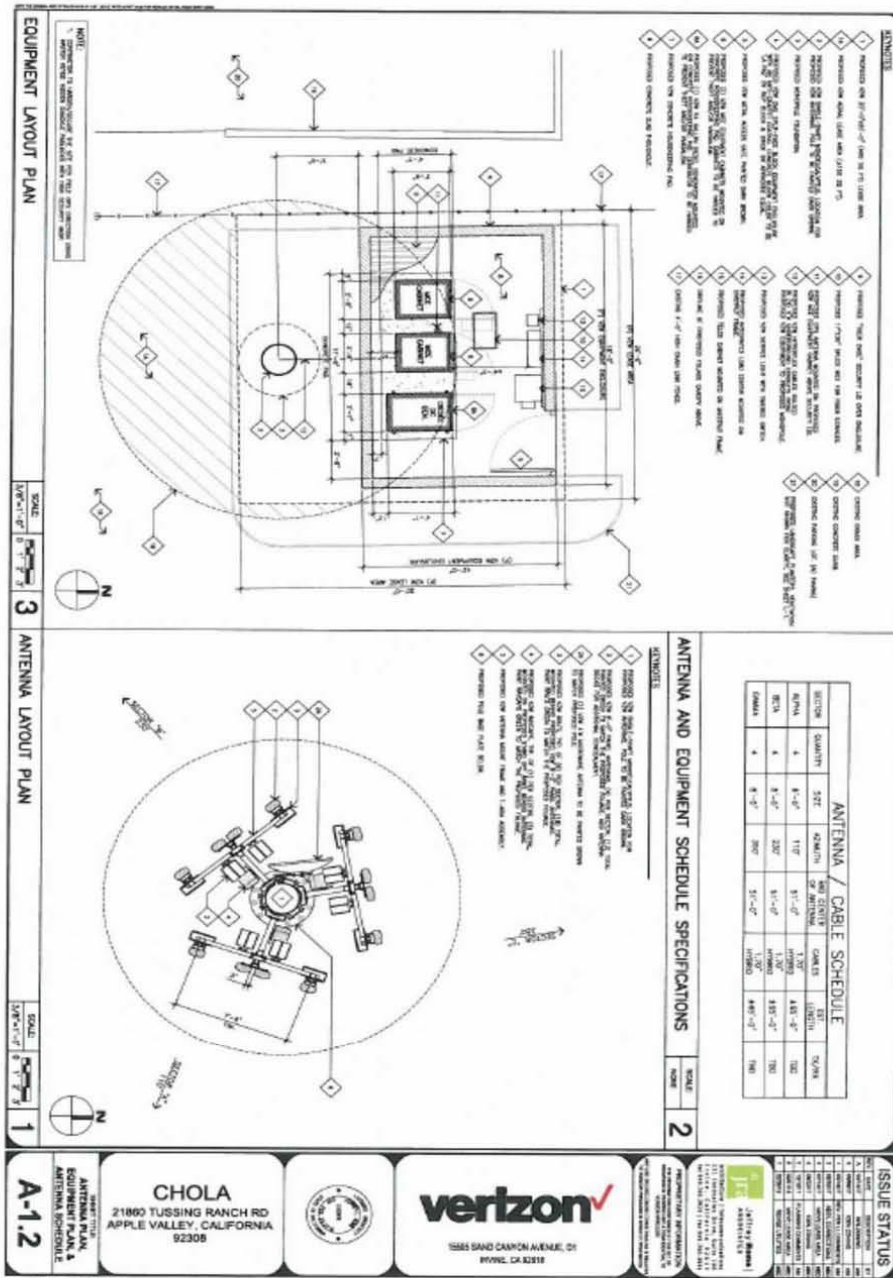
5. That the Commission finds that the proposed deviation will not be materially detrimental to the public health, safety or general welfare, or injurious to the property or improvements in the vicinity and land use districts in which the property is located.
This location was the third modified siting requested by the City. Unfortunately, this location cannot comply with the extended setbacks required from residential zones. Verizon complies with all other requirements.

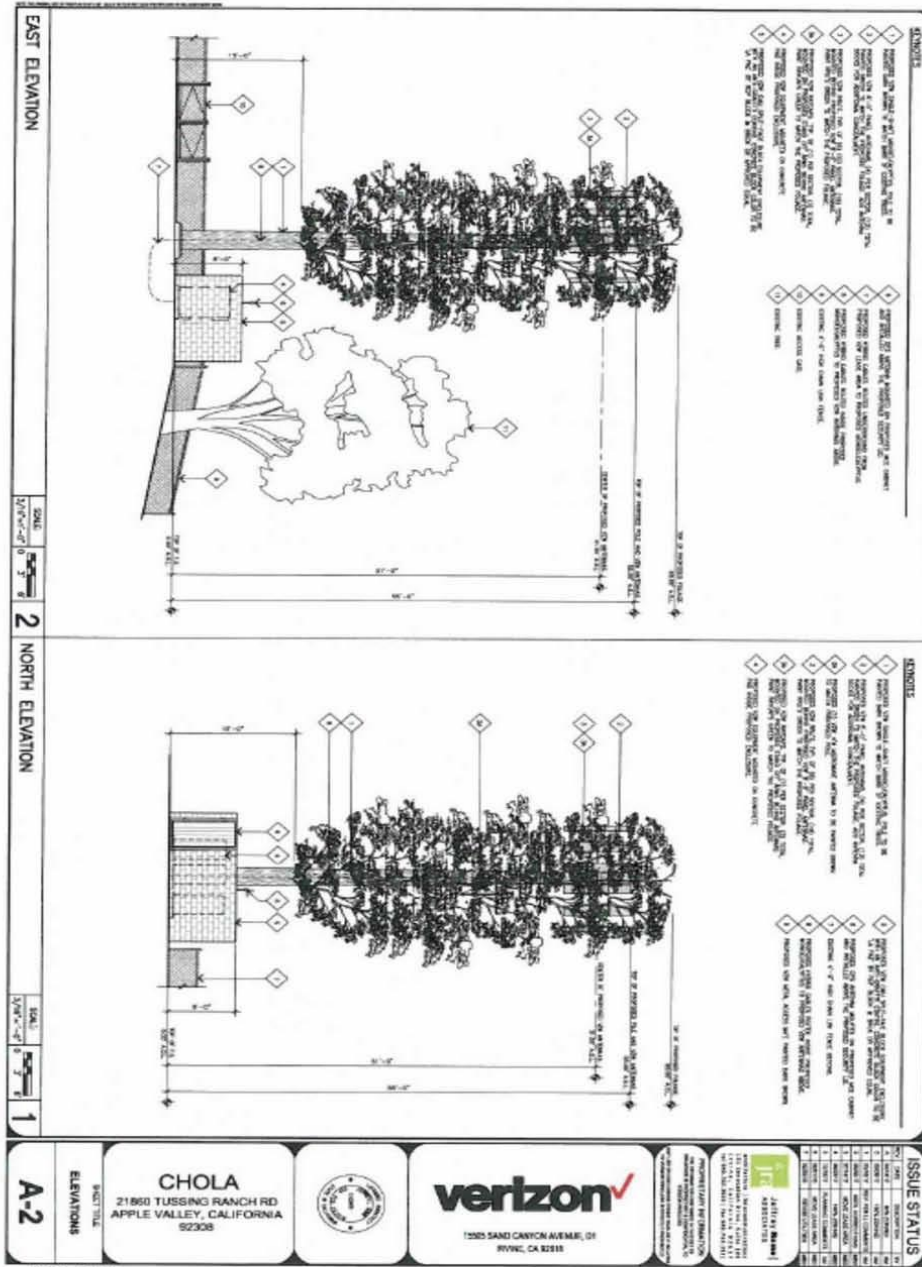


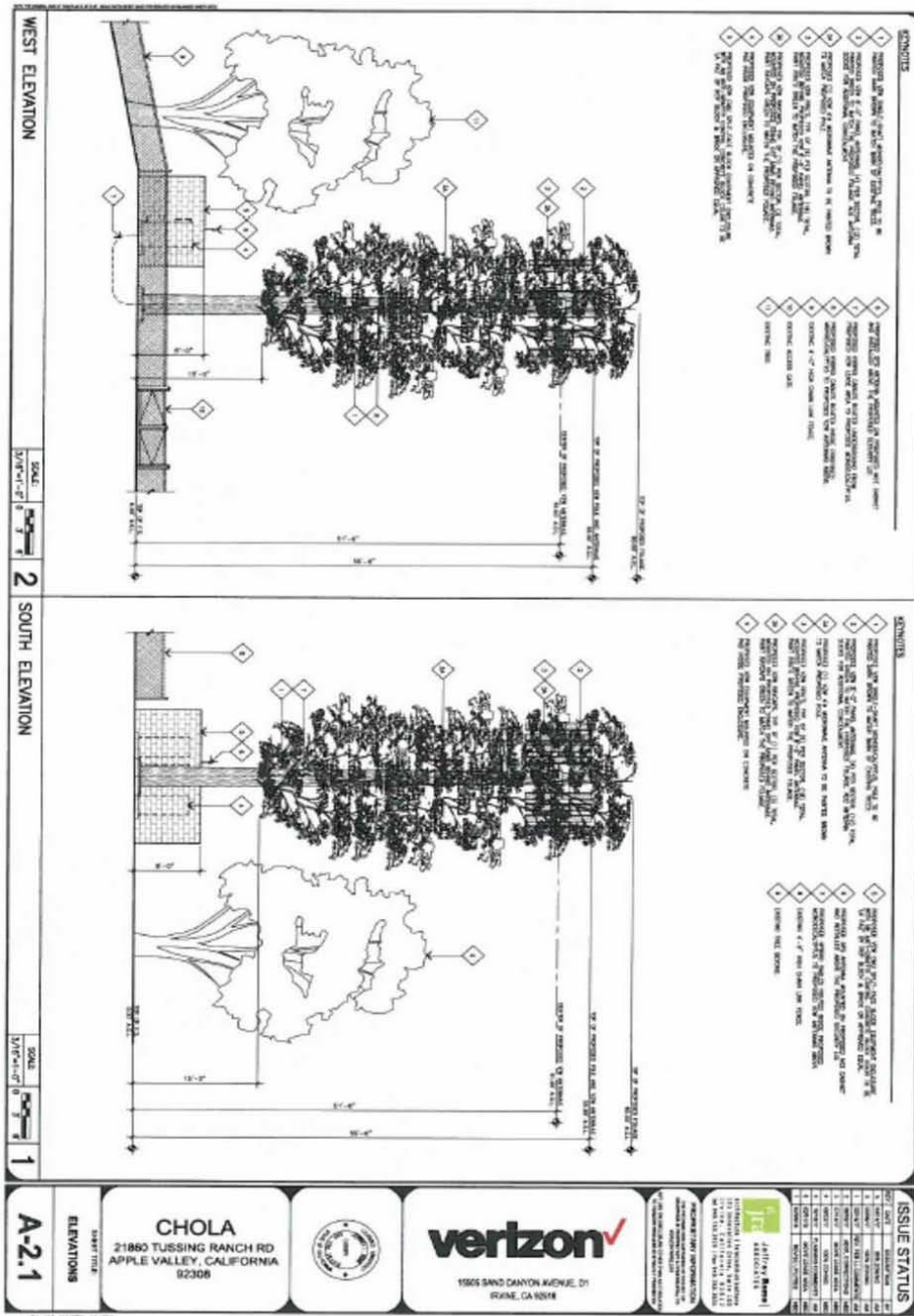
2-15



2-16







2-19

Verizon Chola

21860 Tussing Ranch Rd. - Apple Valley, CA 92308

VICINITY



Verizon Wireless
15505 Sand Canyon Ave.
Irvine, CA 92618



J5 Infrastructure Partners
2030 Main Street, Suite 200
Irvine, CA 92614

2-21

Verizon Chola

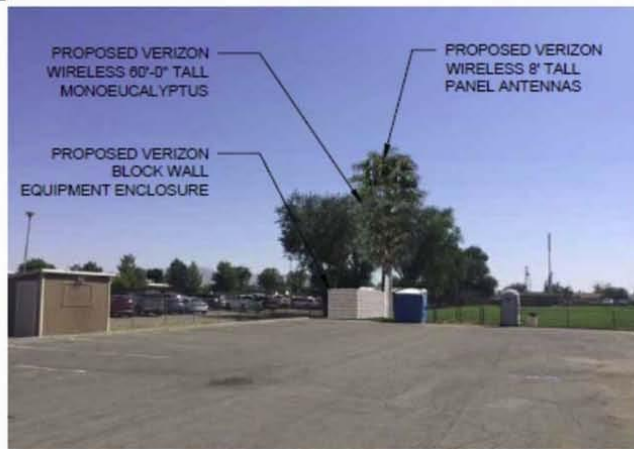
21860 Tussing Ranch Rd. - Apple Valley, CA 92308

EXISTING

WEST LOOKING EAST



PROPOSED



Verizon Wireless
15505 Sand Canyon Ave.
Irvine, CA 92618



J5 Infrastructure Partners
2030 Main Street, Suite 200
Irvine, CA 92614

Sheet No.

1

2-22

Verizon Chola

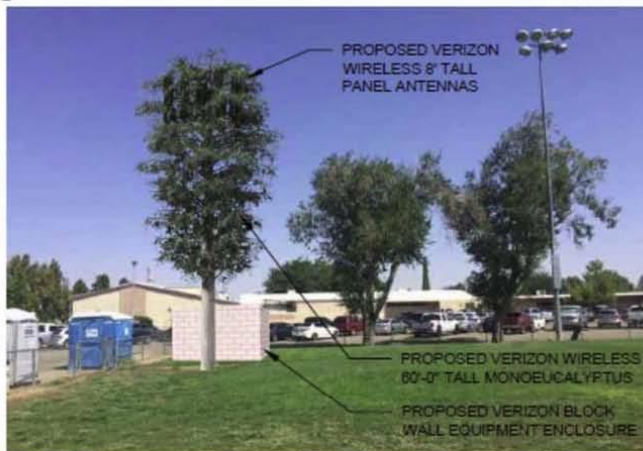
21860 Tussing Ranch Rd. - Apple Valley, CA 92308

EXISTING

SOUTH LOOKING NORTH



PROPOSED



Verizon Wireless
15505 Sand Canyon Ave.
Irvine, CA 92618



J5 Infrastructure Partners
2030 Main Street, Suite 200
Irvine, CA 92614

Sheet No.

2

2-23

Verizon Chola

21860 Tussing Ranch Rd. - Apple Valley, CA 92308

EXISTING

SOUTHEAST LOOKING NORTHWEST



PROPOSED



Verizon Wireless
15505 Sand Canyon Ave.
Irvine, CA 92618



J5 Infrastructure Partners
2030 Main Street, Suite 200
Irvine, CA 92614

Sheet No.

3

2-24

May 7th, 2018

ATTENTION; APPLE VALLEY PLANNING COMMISSION/TOWN COUNCIL MEMBERS

WE THE PARENTS OF STUDENTS AT MARIANA ACADEMY AND RESIDENTS OF APPLE VALLEY FIRMLY OPPOSE THE CONSTRUCTION OF A WIRELESS TELECOMMUNICATIONS TOWER NEAR THE SCHOOL, PARK, AND THE FIRE DEPARTMENT.

BASED ON NUMEROUS STUDIES THE COUNTY OF LOS ANGELES HAS BANNED SUCH PLACEMENT. THE FIREFIGHTERS ASSOCIATION HAS ALSO BANNED TOWERS AT THEIR LOCATIONS. THE CHILDREN OF SAN BERNARDINO COUNTY ARE JUST AS VALUABLE AND THEIR HEALTH CONCERNS SHOULD BE PROTECTED.

AFTER STUDIES BY MANY LEADING MEDICAL RESEARCHERS INCLUDING HARVARD MEDICAL SCHOOL IT HAS BEEN FOUND THAT TOWERS ARE A HEALTH HAZARD IN CLOSE PROXIMITY.

REAL ESTATE STUDIES SHOW HOME VALUES DECREASE 5 TO 20 PERCENT, AND SCHOOL ENROLLMENT DROPS IF TOWERS ARE ON OR NEAR TOWERS.

WITH ALL OF THE VAST OPEN DESERT SPACE WE ARE ASKING THE APPLE VALLEY PLANNING COMMISSION TO DENY THE PERMIT FOR A JS INFRASTRUCTURE BY VERIZON WIRELESS AT MENDEL PARK ADJACENT TO ELEMENTARY SCHOOL, PARK AND FIRE DEPARTMENT.

ENVIRONMENTALLY THIS PARK IS ALSO A MIGRATORY ROUTE FOR BIRDS.



2-25



American Academy of Environmental Medicine

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Tel: (316) 684-5500 • Fax: (316) 684-5709
www.aaemonline.org

Executive Committee

March 19, 2013

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Los Angeles, CA 90017

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7510 Northforest Dr.
North Charleston, SC 29420

The American Academy of Environmental Medicine comprises Medical Doctors, Osteopaths and PhD researchers focusing on the effects of environmental agents on human health. For forty years the Academy has trained Physicians to treat the most difficult, to heal patients who are often overlooked by our medical system because the cause of their illness is a chemical, solvent, or toxic metal, not a bacteria, virus or other traditionally understood cause.

In recent years our members and colleagues have reported an increase in patients whose symptoms are reversible by eliminating wireless radiating devices in their homes such as cell phones, cordless phones and wireless internet systems.

There is consistent emerging science that shows people, especially children are affected by the increasing exposure to wireless radiation. In September 2010, the Journal of the American Society for Reproductive Medicine - Fertility and Sterility reported that only four hours of exposure to a standard laptop using WiFi caused DNA damage to human sperm.

In May 2011, the World Health Organization elevated exposure to wireless radiation, including WiFi, onto the Class 2b list of Carcinogens.

In October 2012, the AAEM issued a public warning about WiFi in schools that stated:

“Adverse health effects from wireless radio frequency fields, such as learning disabilities, altered immune responses, and headaches, clearly exist and are well documented in the scientific literature. Safer technology, such as use of hard-wiring, is strongly recommended in schools.”

In December 2012, the American Academy of Pediatrics - representing 60,000 pediatricians, wrote to Congress requesting it update the safety levels of microwave radiation exposure especially for children and pregnant women.

The WiFi systems in schools are typically hundreds of times more powerful than the home consumer systems you may be familiar with. They are also dozens of times more powerful than the cafe and restaurant systems you may have been exposed to. The WiFi systems in schools are necessarily more powerful than any microwave communication systems in any other setting because they are required to run hundreds of computers simultaneously. They are also exposing children - the

most vulnerable to microwave radiation - to extended periods all day, for their entire childhood. This is an unprecedented exposure with unknown outcome on the health and reproductive potential of a generation.

To install this system in Los Angeles risks a widespread public health question that the medical system is not yet prepared to answer.

In October 2013, the AAEM is organizing an international medical conference in Phoenix AZ to teach doctors how to identify patients whose symptoms can be reversed by eliminating exposure to WiFi, cell phones and other forms of wireless radiation in the home.

It is unlikely that there are currently enough doctors in Los Angeles County familiar with the biological effects of microwave radiation to diagnose and treat the numbers of children who will potentially become symptomatic from exposure to your wireless system should you elect to install it. Statistics show that you can expect an immediate reaction in 3% of your students and time-delayed reactions in 30% of them. This will also include teachers.

The American Academy of Environmental Medicine suggests strongly that you do not add to the burden of public health by installing blanket wireless internet connections in Los Angeles schools. Hardwired internet connections are not only safer, they are stronger, and more secure.

Children who are required by law to attend school also require a higher level of protection than the general public. You may be directed by technology proponents that the science on the human health effects of WiFi is not yet certain. This uncertainty is not a reason to subject a generation of children to such extreme exposure. Rather, it is the foundation upon which caution must be exercised to prevent a potential public health disaster.

While technicians and sales staff argue about the validity of the dangers posed by cell towers, cell phones, WiFi and other forms of wireless radiation, it is the doctors who must deal with the fall out. Until we, as doctors, can determine why some of our patients become debilitatingly sick from WiFi and other microwave communications, while others do not, we implore you not to take such a known risk with the health of so many children who have entrusted you to keep them safe while at school.

Respectfully,

The Executive Committee of the American Academy of Environmental Medicine

2-27

HARVARD MEDICAL SCHOOL

Martha R. Herbert, Ph.D., M.D.
Assistant Professor, Pediatric Neurology
Director, TRANSCEND Research Program
www.transcendresearch.org



MASSACHUSETTS
GENERAL HOSPITAL

Martinos Center for Biomedical Imaging
149 13th Street, Room 10.018
Boston, Massachusetts 02129
Phone: (617) 724-5920
Fax: (617) 812-6334

TO: Los Angeles Unified School District
FROM: Martha R Herbert, PhD, MD
RE: Wireless vs. Wired in Classrooms
DATE: February 8, 2013

I am a pediatric neurologist and neuroscientist on the faculty of Harvard Medical School and on staff at the Massachusetts General Hospital. I am Board Certified in Neurology with Special Competency in Child Neurology, and Subspecialty Certification in Neurodevelopmental Disorders.

I have an extensive history of research and clinical practice in neurodevelopmental disorders, particularly autism spectrum disorders. I have published papers in brain imaging research, in physiological abnormalities in autism spectrum disorders, and in environmental influences on neurodevelopmental disorders such as autism and on brain development and function.

I recently accepted an invitation to review literature pertinent to a potential link between Autism Spectrum Disorders and Electromagnetic Frequencies (EMF) and Radiofrequency Radiation (RFR). I set out to write a paper of modest length, but found much more literature than I had anticipated to review. I ended up producing a 60 page single spaced paper with over 550 citations. It is available at http://www.bioinitiative.org/report/wp-content/uploads/pdfs/sec20_2012_Findings_in_Autism.pdf.

In fact, there are thousands of papers that have accumulated over decades – and are now accumulating at an accelerating pace, as our ability to measure impacts become more sensitive – that document adverse health and neurological impacts of EMF/RFR. Children are more vulnerable than adults, and children with chronic illnesses and/or neurodevelopmental disabilities are even more vulnerable. Elderly or chronically ill adults are more vulnerable than healthy adults.

Current technologies were designed and promulgated without taking account of biological impacts other than thermal impacts. We now know that there are a large array of impacts that have nothing to do with the heating of tissue. The claim from wifi proponents that the only concern is thermal impacts is now definitively outdated scientifically.

EMF/RFR from wifi and cell towers can exert a disorganizing effect on the ability to learn and remember, and can also be destabilizing to immune and metabolic function. This will make it harder for some children to learn, particularly those who are already having problems in the first place.

Powerful industrial entities have a vested interest in leading the public to believe that EMF/RFR, which we cannot see, taste or touch, is harmless, but this is not true. Please do the right and precautionary thing for our children.

Treatment Research And NeuroScience Evaluation of NeuroDevelopmental Disorders

2-28

Conditional Use Permit No. 2017-006 and Deviation Permit No. 2018-003
May 16, 2018 Planning Commission Meeting

I urge you to step back from your intention to go wifi in the LAUSD, and instead opt for wired technologies, particularly for those subpopulations that are most sensitive. It will be easier for you to make a healthier decision now than to undo a misguided decision later.

Thank you.



Martha Herbert, PhD, MD
Pediatric Neurology
drherbert@autismrevolution.org
Martinos Center for Biomedical Imaging
Massachusetts General Hospital
Harvard Medical School
Boston, Massachusetts
USA

Treatment Research and Neuroscience Evaluation of NeuroDevelopmental Disorders
T R A N S L A T I O N

2-29

Los Angeles Unified School District
OFFICE OF COMMUNICATIONS
333 S. Beaudry Ave., 24th floor
Los Angeles, CA 90017
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www.lausd.net



News Release

For Immediate Release

May 29, 2009
#08/09-340

LOS ANGELES BOARD OF EDUCATION MEMBERS VOTE TO PROHIBIT CELL PHONE TOWERS NEAR SCHOOLS

Los Angeles –The "Wireless Telecommunication Installations" resolution, which opposes the location of cell phone towers in close proximity to schools, was introduced by Los Angeles Unified School District Board Member Julie Korenstein and adopted earlier this week by the Los Angeles Board of Education.

This resolution will ensure individuals, especially children, are protected from the potential health effects associated with exposures to extremely low frequency electromagnetic and radio-frequency radiation.

"With this resolution, we will continue to protect our children by working with cities, counties, and local municipalities regarding cell phone towers," said Korenstein. "With their help, we will provide safer schools for many generations to come."

In an effort to combat this critical issue, the Office of Environmental Health and Safety (OEHS) has requested cities, counties, and local municipalities responsible for zoning approval to provide timely notification when new cellular permit applications are filed.

One of many new roles of the OEHS will be to challenge these municipalities to show that the proposed cellular installations are in compliance with Federal Communications Commission (FCC) regulations. In the event FCC compliance has not been demonstrated, OEHS will take appropriate and reasonable action to appeal proposed installations.

The debate over the safety of school-based towers has been going on for many years. There is growing scientific evidence that the electromagnetic radiation they emit, even at low levels, is dangerous to human health. In 2000, the Board of Education passed a resolution authored by Board Member Korenstein restricting cell phone towers on its school sites. Recently, an Oregon district also banned them on school grounds.

interim Director of the OEHS, Yi Hwa Kim said, "To ensure the health and safety of our students, it is critical that the District receive timely notification of these projects and is given ample opportunity to evaluate compliance with federal guidelines."

###

2-30

Firefighters Exempt Selves from Calif. Bill to Save Others - Wed., S... <http://www.odwyerpr.com/story/public/9385/2017-09-13/firefighters...>



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Firefighters Exempt Selves from Calif. Bill to Save Others

Wed., Sep. 13, 2017

By Susan Foster ([/story/author.html?aid=419&q=Susan Foster](https://www.odwyerpr.com/story/author.html?aid=419&q=Susan+Foster))



[f](https://www.facebook.com/sharer/sharer.php?u=http%3A%2F%2Fwww.odwyerpr.com%2Fstory%2Fpublic%2F9385%2F2017-09-13%2Ffirefighters-exempt-selves-from-calif-bill-save-others.html) (<https://www.facebook.com/sharer/sharer.php?u=http%3A%2F%2Fwww.odwyerpr.com%2Fstory%2Fpublic%2F9385%2F2017-09-13%2Ffirefighters-exempt-selves-from-calif-bill-save-others.html>)

[t](https://twitter.com/intent/tweet?url=http%3A%2F%2Fwww.odwyerpr.com%2Fstory%2Fpublic%2F9385%2F2017-09-13%2Ffirefighters-exempt-selves-from-calif-bill-save-others.html&text=Firefighters+Exempt+Selves+from+Calif.+Bill+to+Save+Others&via=odwyerpr) (<https://twitter.com/intent/tweet?url=http%3A%2F%2Fwww.odwyerpr.com%2Fstory%2Fpublic%2F9385%2F2017-09-13%2Ffirefighters-exempt-selves-from-calif-bill-save-others.html&text=Firefighters+Exempt+Selves+from+Calif.+Bill+to+Save+Others&via=odwyerpr>)

[in](http://www.linkedin.com/shareArticle?mini=true&url=http%3A%2F%2Fwww.odwyerpr.com%2Fstory%2Fpublic%2F9385%2F2017-09-13%2Ffirefighters-exempt-selves-from-calif-bill-save-others.html&title=Firefighters+Exempt+Selves+from+Calif.+Bill+to+Save+Others) (<http://www.linkedin.com/shareArticle?mini=true&url=http%3A%2F%2Fwww.odwyerpr.com%2Fstory%2Fpublic%2F9385%2F2017-09-13%2Ffirefighters-exempt-selves-from-calif-bill-save-others.html&title=Firefighters+Exempt+Selves+from+Calif.+Bill+to+Save+Others>)



California firefighters are used to saving lives, and if SB 649 passes through the California Legislature this week, it looks like the lives they may be saving are their own.

Susan Foster

For the first time in U.S. history, a health exemption has been granted to firefighters for their stations in California. The state's firefighters have a history dating back to the late 1990s of fighting to get cell towers off their stations, and in

a preemptive move the firefighters asked for and the legislators granted an exemption from SB 649.

This legislation, the "Wireless telecommunications facilities" bill, is essentially a telecom takeover giving wireless carriers the right to force cities and counties to lease available lampposts, the right-of-way and public buildings - with the exception of fire stations.



If Bill Passes, as Expected, Veto Needed

The Assembly, in a late afternoon vote Sept. 13, passed SB 649 on an initial vote of 45-23 with 21 abstentions. It now goes to the Senate for ratification of added amendments. It then goes to Gov. Jerry Brown.

Unless Brown vetoes the bill, cell towers will dot the landscape as never before for the questionable purpose of blanketing

2-31