

Chapter 20.465 Draft Telecommunications Ordinance

Public Comment received between January 15, 2014 and June 19, 2014:

Email

From: POWELL, KYLA C (Legal) [kc8424@att.com]
Sent: Tuesday, March 11, 2014 15:04
To: Brindley, Karen; Backoff, Jerry; Scollick, Phil; Helen Peak (Outside Mail)
Cc: OSBORNE, JOHN R
Subject: AT&T comments re: proposed moratorium extension
Attachments: AT&T Letter 3-11-14.pdf

Hi Everyone,

Attached are AT&T's comments on Proposed Urgency Ordinance No. 2014-1390, *Extending the Moratorium on the Issuance of Permits for Wireless Communication Facilities in Certain Specified Locations*.

Thank you, Kyla

Kyla Christoffersen Powell
General Attorney
AT&T Services, Inc.
1215 K Street, Suite 1800
Sacramento, CA 95814
(916) 341-3504 direct
(916) 642-5206 mobile
(916) 443-6836 fax

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From: POWELL, KYLA C (Legal) [kc8424@att.com]
Sent: Monday, April 21, 2014 14:52
To: Brindley, Karen; Backoff, Jerry; Scollick, Phil; Helen Peak (Outside Mail)
Cc: OSBORNE, JOHN R
Subject: AT&T comments re: April 2, 2014 workshop
Attachments: AT&T 4-21-14 letter re workshop.pdf

Hi Everyone,

Attached are AT&T's comments with regard to issues raised at the recent workshop pertaining to the City of San Marcos Wireless Telecommunications Ordinance.

Thank you, Kyla

Kyla Christoffersen Powell
General Attorney
AT&T Services, Inc.
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From: Constance Signorino [jcsiggy@gmail.com]
Sent: Monday, January 27, 2014 18:41
To: Jones, Rebecca
Cc: Romero, Lydia
Subject: Cell Tower Ordinance

Dear Rebecca,

I want to thank you and Lydia for your time today. I would like to summarize some points I feel are critical to the ordinance:

- There must be a 3rd party check and balance to validate what the carrier says they need (coverage, type of technology and location). I think we all know now the AT&T CUP would not have been approved (at least as it stands today) if that validation were in place.
- The current height restriction (which has not changed from the old ordinance) must remain in place.
- Since the Mayor cannot accept cell towers 1,000 ft. apart, I would then suggest that cell towers like the AT&T and T-Mobile towers should not be allowed "within 1,000 ft. of a residence"-- large parcels can have cell tower/s, just not closer than 1,000 ft. to homes--this should not be an issue with large parcels.

I am glad to hear you are taking the initiative to learn more about this cell tower debate, I hope the rest of the council members are as well. Rebecca, I respect your willingness to meet with us, thank you again.

Lydia, it was nice seeing you again today....even if I didn't remember initially....there was a lot going on that day and I felt you treated me fairly.

Connie Signorino

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From: Suzanne Anderson [suzanne@recrepublic.com]

Sent: Tuesday, January 28, 2014 5:04

To: Jones, Rebecca; Romero, Lydia

Subject: Cell Towers in San Marcos

Good Morning:

I wanted to take a moment to thank you both for the opportunity to speak with you yesterday. I sincerely appreciate your efforts to protect the homeowners and the aesthetics of our city and for taking the time to learn more about how cell towers impact our environment and home values.

As well, I am appreciative that you are taking the time to learn about the new technology that is available.

- There must be a 3rd party check and balance to validate what the carrier says they need (coverage, technology and location). I believe that the AT&T CUP would not have been approved (at least as it stands today) if that validation were in place. Thus there would be one less “non stealthy” fake tree in my lovely view affecting my home value. We cannot expect to be the experts on everything. Having a no bias party involved gives us an honest assessment.

- The current height restriction (which has not changed) must remain in place. We do not need larger fake trees to pollute the hillsides of San Marcos.

- If the Mayor cannot accept cell towers 1,000 ft. apart I urge you to approve cell towers like the AT&T and T-Mobile towers should not be allowed “within 1,000 ft. of a residence”—large parcels can have cell tower/s just not closer than 1,000 ft. to homes. This is imperative in a Residential/Agricultural situation however I also believe should be translated to all cell towers must be up to 1,000 ft or more from any residence in order to protect that homeowner’s property value.

Again, thank you for your time and effort with this issue. I appreciate your honesty and condor and look forward to your support this evening.

Best Regards,

Suzanne Anderson
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TF: 888.843.6128 x100
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E: suzanne@recrepublic.com
www.recrepublic.com

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From: Eric Clifton [<mailto:eclifton@peaknrg.com>]
Sent: Tuesday, May 06, 2014 12:02 PM
To: Planning Commission
Subject: Cell Tower Ordinance Comments

To Whom This Concerns:

After much thought and research, I would like to amend my past letter. In order to accomplish the task of creating an ordinance that address the issue of coverage, while keeping the aesthetic nature and character of our city in tact, I would like to propose that the ordinance would **require a minimum of 15 acres for cell tower clustering** (this would cover the gaps in the northern parts of San Marcos) **with a minimum setback of 1000 feet**. This would insure cellular facilities could not be placed near property lines which will impose significant impact to neighboring properties. Please don't allow one property owner to have financial gain at the expense of his neighbors.

By going this route, it would serve to discourage placement of towers in small pocket communities, yet allow macro towers in more rural areas where they are needed.

I am hopeful this council and planning commission will insure our community doesn't concede to this real threat of urban blight. Please think of the future of our city.

Respectfully,

Eric Clifton

██████████

██████████ Golden Eagle Trail

San Marcos, Ca 92078

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From: Constance Signorino [<mailto:jcsiggy@gmail.com>]

Sent: Wednesday, April 23, 2014 7:53 PM

To: Backoff, Jerry; Planning Commission; CityClerk; Jones, Rebecca

Subject: Ordinance

Jerry,

I trust all is moving forward on the Cell Ordinance. We have not received any updates. This concerns us.

Based on the comments at the workshop from the residents and Cell Companies, it is obvious neither group was in agreement with the ordinance. This necessitates a second Workshop.

Moreover, since this is a City wide ordinance it requires a City wide communication program. This was not done. The City's prior performance regarding clear, direct, honest and universal communication regarding cell tower issues makes an aggressive city wide cell ordinance communication campaign an imperative. Also, since this was not done, it makes a second Workshop even more necessary.

Furthermore the residents will need a minimum of 30 days to review the final ordinance and coordinate an appropriate response for the Planning Commission Meeting. The City cannot continue to push cell issues through without allowing the residents time to properly respond.

We would like to work with you on the communication plan. To be fair it should have comments from both the residents and cell companies and be aggressively communicated to the entire City.

Jerry, based on the above please provide us an ordinance update, communication plan (with announcements) and a timeline that provides the residents the appropriate notification periods (as outlined above).

Thank you.

Sincerely,

John Signorino

From: Chrisje Field <fieldchrisje@gmail.com>
Date: February 26, 2014 at 1:34:39 PM PST
To: "Desmond, Jim" <JDesmond@san-marcos.net>
Subject: Re: Cell service and wireless data service in San Elijo

Mayor Desmond,

I do apologise for the inconvenience. Please find letter below.

Marie Field

██████ Tanglewood Drive San Marcos, CA 92078

San Marcos City Council

San Marcos, CA

To Whom it may concern,

RE: Cell service in San Elijo

We have been living in the Venzano Community of San Elijo for over 4 years now and the cell service in the area of San Elijo is absolutely dismal. We have tried different cell phone carriers as well as different providers for wireless data service and to no avail.

We have had to purchase a Microcell (booster) to try and get reasonable cell coverage in our home and even this does not function all the time due to poor coverage. When we visit friends in the area, we are unable to get any cell coverage at all as there are dead zones everywhere and calls get dropped all the time. This is a huge concern when attempting to reach your children or other family members in an emergency situation.

When we had the wide area power outage in 2012, we were unable to use our landlines and of course families were frantic as no-one could be reached due to poor cell phone connections. When we have maintenance done at our homes, those people are unable to reach their superiors due to no cell service, which causes major frustrations and delays in work being done.

The wireless internet is another huge problem as the internet connections keep getting dropped; data speeds are extremely slow and it is terribly frustrating when on a conference call with important clients, when attempting to work from home.

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We all sincerely hope that the City of San Marcos will do their utmost to address this ongoing issue for the community of San Elijo. We love living here in this area, but the above-mentioned issues are a huge concern and will eventually be a deterrent to buying homes in the area.

Yours sincerely,

Marie and Kevin Field

From: Chrisje Field [fieldchrisje@gmail.com]

Sent: Tuesday, February 25, 2014 11:39 AM

To: Desmond, Jim

Subject: Cell service and wireless data service in San Elijo

Dear Sir,

Please find attached letter regarding problems in San Elijo concerning cell service and wireless data service.

Thanking you for your time Mayor Desmond,

Marie Field

From: crf@att.net [mailto:crf@att.net]

Sent: Monday, March 24, 2014 9:27 AM

To: Helen Peak

Subject: Re: City Attorney - Wireless Telecommunications Facilities Ordinance

Dear Ms. Peak,

We appreciate what you do for San Marcos and your very important role in assuring that the City is not put in legal jeopardy. However, we are not the ones who have filed legal actions against the City, and we are not parties to the lawsuit. We are longtime San Marcos residents, not adversaries.

It would only be helpful for you to have complete knowledge of the situation as you work to protect the City from these disreputable actions and also to ensure an appropriate ordinance.

While the first draft ordinance was properly rejected, there have been comments made at the ensuing Council meetings, and steps taken, which show that misinformation is still impacting the process.

We are very concerned that the continuing tactics of a very small group of our neighbors could once again cajole the City into taking steps that would wrongly change the status quo that has existed over the 24 years we have owned our property and discourage Verizon from pursuing its planned site on our property. This would interfere with the contract Verizon has offered us and cause harm to our family.

The record clearly shows that this small handful of people will say and do anything to try to control our property. The City must recognize this and take great care to not aid and abet them.

Thank you for your thoughtful attention concerning this matter.

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Sincerely,
Jeff & Elaine Brandon

From: Helen Peak <hhp@lfap.com>
To: "crf@att.net" <crf@att.net>
Sent: Thursday, February 13, 2014 8:05 AM
Subject: RE: City Attorney - Wireless Telecommunications Facilities Ordinance

Mr. and Mrs. Brandon:

I appreciate the invitation to visit your property, but given the pending application and pending litigation involving facilities relating to your property, and given my capacity as legal advisor, I must decline. I understand that you have been in touch with staff and with policy makers on the subject.

I encourage you to continue to submit your concerns, information and perspective in writing to the boards which will be taking action on the matter, and to continue to attend and participate in the process as you have been. Best regards, Helen

HELENHOLMES PEAK
960 CANTERBURY PLACE, SUITE 300
ESCONDIDO , CA 92025
T: 760-743-1201
D: 760-743-1226, EXT. 108
HHP@LFAP.COM

From: crf@att.net [mailto:crf@att.net]
Sent: Thursday, February 06, 2014 3:54 PM
To: Helen Peak
Subject: Re: City Attorney - Wireless Telecommunications Facilities Ordinance

Dear Ms. Peak,

Thank you for getting back to us with this information.

In light of last week's City Council meeting, your input, and your critical role in the process, we would like to have you visit our property and get firsthand knowledge on a number of topics that are affecting the ordinance development. Quite a bit of false and misleading information has been introduced into the process and it is very important for the City that decision-makers who may impact the final outcome have a clear and proper understanding of the true facts.

Please choose a date and time that works good for you and we will rearrange our schedules to meet your needs.

Thank you for all of your efforts for our City.

Jeff & Elaine Brandon

[REDACTED]

From: Helen Peak <hhp@lfap.com>

To: "crf@att.net" <crf@att.net>

Sent: Monday, January 27, 2014 4:10 PM

Subject: RE: City Attorney - Wireless Telecommunications Facilities Ordinance

Mr. and Mrs. Brandon:

As the Council has directed staff to revisit components of the draft ordinance, the next version will of necessity be revised from the version to which your message referred on certain of the points you have raised. A number of ordinances were reviewed ; as I noted below, Council comments and suggested approaches that arose during the process leading up to the

preparation of that last draft also influenced that draft. Additionally, elements were not necessarily incorporated but may have been adjusted to address concerns in the City.

The proposed limit in the number of towers per agriculturally-zoned parcel was prompted by the expressed concerns about potential “tree farms” and potential visual impacts arising from multiple facilities on sites that are visible to the public, as well as the fact that the A-1 zone in the City does allow for residential development. Other cities that have residential-agricultural zones appear to characterize them as residential areas and as discouraged locations, such as Carlsbad, Escondido and Encinitas. While there are agricultural sites within the City’s A-1 zone, there are also a number of areas that are functionally single family neighborhoods or which otherwise include single family homes within the A-1 zone. The City also has residential zones abutting the A-1 zone, as you are personally aware. That is also why the agricultural zone did not appear in the list of preferred locations. Provisions regarding the ability to locate another on site in the event of a demonstrated significant gap in coverage were also included in the draft.

As to the 1,000’ distance requirement, the purpose was to minimize the potential visual impacts and clutter that could result when there is more than one facility on a parcel. The City of Irvine has a 2,000’ distance requirement. Calabasas has a 1,000’ setback from schools, dwelling units and parks. There was also a request from the public for setbacks from residences ranging from 800 – 1200’. As there was an attempt to avoid setbacks that could be tied to RF concerns, the draft did not cite those specific types of setback requirements; rather, the approach of a specified distance between facilities was incorporated. For facilities located in the public right of way, Calabasas also has a 500’ required separation from other such facilities located on the same side of a street.

The County ordinance limits the number of facilities to 1 in the residential zone and 3 in the rural zones (one of which, the A70 zone, I have been informed is

similar to the City's A-1 zone). It requires a major use permit in residential and rural zones except as specified in its Tier 1 and Tier 2 regulations. Oceanside uses location near primary residences as a locational criteria (which are listed in preferential order) for parcels located in agricultural districts.

The limit to collocations proposed in the draft was related to the effort to reduce visual impacts to the community. Santee and Escondido regulate them to the extent they create visual clutter or negative visual impact. Chula Vista discourages them, but does not prohibit them, for sites located on residential lots in single or 2 family residential zones.

If there are non-residential parcels developed with residential uses, the draft was structured to discourage the siting of facilities in those locations. There are non-residential parcels containing a residence that have been re-zoned to a Mixed Use zone (such a west of Rancho Santa Fe Road), which, in the initial version of the draft ordinance, is a preferred location.

In general, staff attempted to respond to Council comments regarding regulations to address potential visual impacts that arise from the potential for multiple facilities or types of facilities on sites. While not all ordinances contained a setback or distance requirement, they did contain some type of regulation aimed at reducing or eliminating the visual impacts of proposed facilities. As noted earlier, the last draft will be revised before it returns for consideration by the public, by the Planning Commission and by the City Council, so I am not sure how helpful the above information may be. We look forward to your participation, as that is part of the process which informs staff recommendations. Best regards, and thank you for your patience - Helen

HELEN HOLMES PEAK
960 CANTERBURY PLACE, SUITE 300
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T: 760-743-1201
D: 760-743-1226, EXT. 108
HHP@LFAP.COM

From: crf@att.net [mailto:crf@att.net]
Sent: Thursday, January 16, 2014 11:41 AM
To: Helen Peak
Subject: Re: City Attorney - Wireless Telecommunications Facilities Ordinance

Dear Ms. Peak,

Now that the City Council has asked for revisions to the draft ordinance, we would appreciate getting some further details on the precedents you referred to in your 1/7/14 E-mail to us.

Please provide that information for the following restrictions in the ordinance:

- 1) A limit of one or two cell towers per Agricultural zoned parcel.
- 2) 1000' spacing requirement between cell towers in Agricultural zonings.
- 3) Specifically excluding agricultural zoning from the first item on the preferred locations list (collocations).
- 4) Limiting collocations to two in Agricultural zonings.
- 5) Discouraging non-residential parcels that have a residence.

Thank you for your continued help with this.

Jeff & Elaine Brandon

From: Helen Peak <hhp@lfap.com>
To: "crf@att.net" <crf@att.net>
Cc: "Scollick, Phil" <PScollick@san-marcos.net>
Sent: Tuesday, January 7, 2014 6:16 PM
Subject: RE: City Attorney - Wireless Telecommunications
Facilities Ordinance

Mr. and Mrs. Bandon:

Thank you for your communication regarding the proposed Wireless Telecommunications Facilities Ordinance. There were a number of precedents for the proposed ordinance, as well as the City Council's expressions during the hearing on the recent AT&T CUP application. Additionally, there was a public workshop as well as input from the public through this process. Although we believe that the matter can proceed to the City Council for its consideration, we encourage you to present any concerns regarding timing to the City Council. Your message will also be provided to the City Council.

With respect to your Public Records Act request, the response required input and information from staff. This process was delayed a bit because of vacations and the holidays as well as the earlier effort to prepare for the Planning Commission hearing. It is my understanding that as to certain items there were no responsive documents, it is also my understanding that you were provided with other documents today via email and that a site meeting with

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Planning representatives has been scheduled for Thursday of this week. Thank you. Helen Peak

HELEN HOLMES PEAK

960 CANTERBURY PLACE, SUITE 300

ESCONDIDO, CA 92025

760-743-1226, EXT.108

HHP@LFAP.COM

WWW.LFAP.COM

From: crf@att.net [mailto:crf@att.net]

Sent: Monday, January 06, 2014 5:10 PM

To: Helen Peak

Subject: City Attorney - Wireless Telecommunications Facilities Ordinance

Helen Holmes Peak

City Attorney – City of San Marcos

hhp@LFAP.com

Dear Ms. Peak,

We are writing concerning the draft Wireless Telecommunications Facilities Ordinance that is on the agenda for the 1/14/14 City Council meeting. Our property is the location of the AT&T cell site project that was appealed. The ordinance revision request was issued at the City Council hearing on 10/22/13 based upon

After reviewing the draft ordinance we have a number of significant concerns.

At the appeal hearing, the City Council directed staff to revise San Marcos ' ordinance within 60 days using the San Diego County ordinance as a good model, that it should cover the whole city, and have some type of limit as to the number of towers per parcel to prevent "tower farms." Mr. Jonathan Kramer , explained at the hearing that he has advised you that when setting WTF policies, it is best for the City to let federal regulations lead the way as they become clear and that San Marcos should not become a "precedent setter."

However, it is clear that the draft ordinance has a number of provocative elements that are not included in the San Diego County ordinance, nor other city ordinances in the county. It contains a bias against Agricultural zoned parcels, despite the fact that they provide some of the best locations to meet the stated purposes of the ordinance. If enacted with the novel requirements in place, wireless networks in San Marcos will require more towers than otherwise needed, there will be more visual impacts, they will be closer to and impact more residences, and they will cause more environmental damage.

If the City staff had followed the lead of the San Diego County ordinance and not included the unique additional restrictions, the draft ordinance would have met the direction provided by the City Council at the appeal

From the limited information to which we have access at this point, it is apparent that the novel restrictions in the draft ordinance were the result of public input during the revision process. Comments made at the 12/11/13 public workshop and in the Agenda Report for the 12/18/13 Planning Commission hearing on the ordinance, show that City staff has “met” and “communicated” with some residents and incorporated at least a portion of their desires.

The City staff was noble in their intent to obtain public input from the community, however, with the extraordinarily short timeline they were given to produce a revised ordinance, they were unable to actually reach out to the community and learn what a good cross-section of the citizens think about cell sites in the City.

The “public input” they did obtain was not a representative sample of San Marcos' 86,000 residents, but actually the desires of a few of our immediate neighbors who were opposed to the AT&T project. We were never contacted nor notified about the opportunity to provide input. The AT&T opponents who were the “community input” have a personal agenda that is not compatible with the goals of the ordinance or the City's duty to serve the common good. Their wishes that have been addressed in the ordinance are producing a significantly flawed document that will not serve the community in a positive way.

On 12/13/13, shortly after the public workshop and the

initial public release of the draft ordinance, we requested information from the City concerning the development of the ordinance. We also asked for a meeting with Jerry Backoff at our property to learn more about the purpose of the novel ordinance restrictions and to show him firsthand that his department had been working under some misimpressions that were the result of incorrect information provided by the AT&T opponents.

We needed the information we requested in advance of the Planning Commission hearing, but did not receive it. We were told on 12/17/13 that it was delayed due to how busy the staff was in preparing for the Planning Commission hearing because of the short timeline (1 week after the workshop).

We still do not have that information and the latest word is because staff has been out due to the holidays. In addition, despite a couple of reminders, we did not hear anything back about the meeting request until one of us visited the City offices today to see if there is a problem. Barely a week is left until the City Council hearing on the draft ordinance and there simply is not enough time to fairly prepare for the hearing.

Curiously, while we are still waiting for answers to the questions we submitted on 12/13/13, and even just an acknowledgement from Karen Brindley on our multiple requests since 12/13/14 for the meeting, we noticed in the Planning Commission package that the lead opponent to the AT&T project E-mailed a list of questions on 12/16/13 and received answers to those questions from Ms. Brindley on 12/18/13 in time for the Planning

During the AT&T cell site approval process the opponents complained of the short timeframe provided for public comment, even though they were first notified about the project in a January mailing and a notice sign went up in February. The Planning Commission did not approve it until September and the City Council denied the appeal in October.

The draft ordinance was first made public on 12/11/13, the Planning Commission approved it a week later on 12/18/13, leading into the holidays, then the City Council will consider approving it less than 4 weeks later on 1/14/13. This is an incredibly short timeframe for what should be a deliberative process. This timeframe is certainly not conducive to creating an ordinance that will serve the City well.

We are respectfully requesting that you advise the City Council to delay the hearing so that all of the parties can gather the necessary information required to properly evaluate and consider the ordinance and provide appropriate information to the City Council. The members of the City Council will be making a very important decision, one that will affect all of San Marcos and its residents. Reliable wireless communications is very important for the quality of life of the citizens, commerce, and public safety in San Marcos. It deserves the utmost consideration and carefully informed deliberation.

Sincerely,

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Jeff & Elaine Brandon

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From: Eric Clifton [<mailto:eclifton@peaknrg.com>]
Sent: Tuesday, April 01, 2014 11:46 AM
To: Backoff, Jerry
Cc: del Solar, Sean
Subject: Re: Draft Ordinance

Jerry,

I assumed, but I thought I would ask on the outside chance you could.

On my initial review, I think it looks to be what we had discussed and very complete. The desire for clustering is the only place our group will have issue. I understand the intent (it seems logical). However, it will encourage the 2080 Golden Eagle site to continue to pursue multiple carriers per pole, as well as an additional pole so that they can ultimately have 3 facilities and 6 carriers in our backyard. Be aware, I believe the non-rational emotions will surface from our group at this workshop. You might be able to defuse this by having some explanation of the limited nature at this site (if I am reading everything correctly).

From what I have read, I believe the limiting factor of the height restriction, followed by the section that discusses that facilities cannot exceed the size potential of the planted trees, coupled with having to prove that DAS or other technology wouldn't work will make it very difficult for any further expansion at this location. If I am reading this incorrectly, please let me know.

Also, I think the other point of contention might be that there is no requirement for third party review of the need for facilities. The current process still allows the applicant to provide coverage evidence that will always be designed to get the desired result. This regulation should require the telecom to pay/budget for a third party expert to review the coverage need as well as the technology options. This will keep everyone honest.

All in all, this looks like a very good ordinance, and I believe it will serve our city well.

Sincerely,

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-----Original Message-----

From: Desmond, Jim [mailto:JDesmond@san-marcos.net]

Sent: Wednesday, April 09, 2014 8:47 PM

To: Constance Signorino

Subject: RE: Ordinance Workshop Feedback and Request to Meet

Constance,

Thank you for your email and comments - I agree with you that the DAS system needs stronger language and I will research the distance from homes issue you bring up.

However, I personally have decided not to meet with the parties involved with the Brandon property on the proposed citywide cell tower ordinance. That includes AT&T. I have already turned down several requests from the Brandons and a request from Mr Herman. I have not had any requests from AT&T. The Brandon property issue was heard and decided upon. We now are focusing on a citywide ordinance and I do not want one property to drive the outcome of a citywide ordinance. I will be happy to receive any and all your comments via mail, email, text, fax, and will read and consider them. There will be several opportunities for public comment throughout this process and I would encourage you to attend and speak at each.

Thank you again,

Jim Desmond

Mayor, San Marcos

From: Constance Signorino [jcsiggy@gmail.com]

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Sent: Saturday, April 05, 2014 4:18 PM

To: Desmond, Jim

Cc: Backoff, Jerry

Subject: Ordinance Workshop Feedback and Request to Meet

Dear Mayor Desmond,

Below is a letter sent to Jerry Backoff reiterating our position presented at the April 2 Ordinance Workshop. The thrust of our position is:

1. DAS and small cell technology should replace Macro Cell Sites, especially when these sites are near homes.
2. There needs to be a distance requirement between homes and Macro Cell Sites to control visual and environmental blight.
3. We support the January ordinance but absolutely reject the replacement ordinance at the April 2 Workshop - specifically its lack of controls on distance between homes and Macro cell sites and determining placement based on acreage.

The ordinance was specifically written to allow expansion of the San Elijo/Questhaven Hills (SEH/QH) Cell Farm and burden land owners with these sites. The ordinance allows for 3 Macro cell towers if you have 10.1 acres. The SEH/QH cell site is 10.2 acres! Coincidence? In October the City Council told residents and the SD Union Tribune that you were against expanding the Cell Farm(s). At the January meeting you reversed your position and now have written the ordinance to specifically expand the SEH/QH Cell Farm to 3 Macro sites. Disgraceful!

Residents all stressed that distance from homes, not acreage must be the

determining factor for Macro cell site placement. The workshop ordinance is written to assure a Macro cell tower cannot be placed next your home. Right? It should be written to provide protections to all San Marcos residents.

We raised the subject of DAS technology to the City and how it can be used to dramatically reduce visual blight while efficiently and quickly closing cell voids. We appreciate the City now incorporating this into the ordinance but it does not go far enough.

You failed to approve the January Ordinance and gave specific instructions to rewrite the ordinance to include "Clustering, aka Cell Farms" and other Big Cell Company demands, so you own this. I urge you to get involved and get this right. Please let me know what dates you are available to meet with us.

Thank you,
Connie Signorino for
ResponsibleCell

"Jerry,

Thank you for setting up the Workshop. I hope you received the message that our preference is for DAS and small cell technology and regulating the distance between cell sites and neighboring homes.

Acreage is not the determining factor for cell tower placement, it is proximity to homes! A relatively small lot should be able to have cell towers as long as they are away from neighboring homes or if the neighboring homes do not mind the tower.

Proximity to homes, not acreage, must determine site placement. Acreage is a

minor factor, only to the extent that it distances visual cell tower blight from neighboring home(s).

To determine the right distance and points at which a cell sites visual blight moves from objectionable to marginal to acceptable, we conducted a qualitative visual analysis based off the 30 foot tower in our community. Below are the results of the analysis:

1. Zero to 1000 feet (or 30X the tower height) - major visual blight
2. 1001 to 1500 feet (or 31X to 50X the tower height) - marginal visual blight (negotiable area)
3. 1501 to 2000 feet (or 51X the tower height)- or acceptable, relatively little visual blight
4. Over 2000 feet - acceptable, very little visual blight

Since it is a qualitative analysis, it could be off + or - 20%. These are very reasonable guidelines for our community in light of the abundance of vacant lands in and surrounding Elfin Forest and Double Tree Park.

I have attached updated materials provided at the meeting. We have and will continue to work with the City and the Cell Companies to develop a responsible cell agreement(s) and ordinance. I would encourage smaller, more informal meetings between the parties to allow for better and more nuanced solutions.

Sincerely,

John Signorino

Responsible Cell (of San Elijo and Questhaven Hills)

responsiblecell@gmail.com<mailto:responsiblecell@gmail.com> "

Public Comment Received
Between January 15, 2014 – June 5, 2014
Draft Telecommunications Ordinance (Ch. 20.465)
Page 28
From: John Signorino [mailto:jsignorino@gmail.com]
Sent: Thursday, April 10, 2014 7:01 PM
To: Backoff, Jerry
Cc: E Clifton; Elliot Herman
Subject: Updates

Jerry,

FYI, below is a letter sent to the council members reiterating our position of "Distance and DAS". Also note cell sites must be allowed as a preferred location within Double Peaks Park (has this been changed).

I know your team is working on the ordinance and we would like weekly updates on the City's position, developments and rational. Please keep us informed on developments so we can maintain a dialog and have no supprises at the end of the process.

Again we will work with the City and Cell Companies on developing a workable and fair ordinance,

Regards,

John Signorino

Dear Vice Mayor Jones,

Below is a letter sent to Jerry Backoff reiterating our position presented at the April 2 Ordinance Workshop. The thrust of our position is:

1. DAS and small cell technology should replace Macro Cell Sites, especially when these sites are near homes.
2. There needs to be a distance requirement between homes and Macro Cell Sites to control visual and environmental blight.
3. We support the January ordinance but **absolutely reject the replacement ordinance at the April 2 Workshop** – specifically its lack of controls on distance between homes and Macro cell sites and determining placement based on acreage.

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The ordinance was specifically written to allow expansion of the San Elijo/Questhaven Hills (SEH/QH) Cell Farm and burden land owners with these sites. The ordinance allows for 3 Macro cell towers if you have 10.1 acres. The SEH/QH cell site is 10.2 acres! Coincidence? In October the City Council told residents and the SD Union Tribune that you were against expanding the Cell Farm(s). At the January meeting you reversed your position and now have written the ordinance to specifically expand the SEH/QH Cell Farm to 3 Macro sites. Disgraceful!

Residents all stressed that distance from homes, not acreage must be the determining factor for Macro cell site placement. The workshop ordinance is written to assure a Macro cell tower cannot be placed next your home. Right? It should be written to provide protections to all San Marcos residents.

We raised the subject of DAS technology to the City and how it can be used to dramatically reduce visual blight while efficiently and quickly closing cell voids. We appreciate the City now incorporating this into the ordinance but it does not go far enough.

You failed to approve the January Ordinance and gave specific instructions to rewrite the ordinance to include "Clustering, aka Cell Farms" and other Big Cell Company demands, so you own this. I urge you to get involved and get this right. Please let me know what dates you are available to meet with us.

Thank you,

Connie Signorino for

ResponsibleCell

"Jerry,

Thank you for setting up the Workshop. I hope you received the message that our preference is for DAS and small cell technology and regulating the distance between cell sites and neighboring homes.

Acreage is not the determining factor for cell tower placement, it is proximity to homes! A relatively small lot should be able to have cell towers as long as they are away from neighboring homes or if the neighboring homes do not mind the tower.

Proximity to homes, not acreage, must determine site placement. Acreage is a minor factor, only to the extent that it distances visual cell tower blight from neighboring home(s).

To determine the right distance and points at which a cell sites visual blight moves from objectionable to marginal to acceptable, we conducted a qualitative visual analysis based off the 30 foot tower in our community. Below are the results of the analysis:

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Since it is a qualitative analysis, it could be off + or - 20%. These are very reasonable guidelines for our community in light of the abundance of vacant lands in and surrounding Elfin Forest and Double Tree Park.

I have attached updated materials provided at the meeting. We have and will continue to work with the City and the Cell Companies to develop a responsible cell agreement(s) and ordinance. I would encourage smaller, more informal meetings between the parties to allow for better and more nuanced solutions.

Sincerely,

John Signorino

Responsible Cell (of San Elijo and Questhaven Hills)

responsiblecell@gmail.com “

John Signorino



From: Constance Signorino [<mailto:jcsiggy@gmail.com>]
Sent: Thursday, April 03, 2014 6:02 PM
To: Backoff, Jerry
Cc: responsiblecell@gmail.com
Subject: Workshop Meeting Follow Up

Jerry,

Thank you for setting up the Workshop. I hope you received the message that our preference is for DAS and small cell technology and regulating the distance between cell sites and neighboring homes.

Acreage is not the determining factor for cell tower placement, it is proximity to homes! A relatively small lot should be able to have cell towers as long as they are away from neighboring homes or if the neighboring homes do not mind the tower.

Proximity to homes, not acreage, must determine site placement. Acreage is a minor factor, only to the extent that it distances visual cell tower blight from neighboring home(s).

To determine the right distance and points at which a cell sites visual blight moves from objectionable to marginal to acceptable, we conducted a qualitative visual analysis based off the 30 foot tower in our community. Below are the results of the analysis:

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4. Over 2000 feet – acceptable, very little visual blight

Since it is a qualitative analysis, it could be off + or - 20%. These are very reasonable guidelines for our community in light of the abundance of vacant lands in and surrounding Elfin Forest and Double Tree Park.

I have attached updated materials provided at the meeting. We have and will continue to work with the City and the Cell Companies to develop a responsible cell agreement(s) and ordinance. I would encourage smaller, more informal meetings between the parties to allow for better and more nuanced solutions.

Sincerely,

John Signorino

Responsible Cell (of San Elijo and Questhaven Hills)

responsiblecell@gmail.com

Public Comment Received

Between January 15, 2014 – June 5, 2014

Draft Telecommunications Ordinance (Ch. 20.465)

Page 32

From: Constance Signorino <jcsiggy@gmail.com>

Date: May 4, 2014, 8:09:15 PM PDT

To: "Backoff, Jerry" <JBackoff@san-marcos.net>, CityClerk <CityClerk@san-marcos.net>

Subject: Ordinance Update

Jerry,

The attached has already been provided to you and the City. This is not every demand from the community but it is a summary of ordinance demands.

We want to help in developing a sound, reasonable, responsible and enforceable ordinance. Feel free to call. See the attached

San Marcos Residence Ordinance Demands

- I. The City must conduct a third party independent site analysis* if the carrier is proposing:
 - A tower in a non preferred location
 - A Macro tower within a minimum of 1000 feet of resident(s)**
Avoid Macro cell sites next to our homes and schools!
- II. Mandate utilization of Small Cell and DAS (distributed antenna system) technology*
- III. Establish a Citizen Cell Council and an Integrated San Marcos cell plan. A one, three and five year plan for responsible community cell coverage
- IV. Maintain the residents protections in the January Ordinance... height, non preferred designation, no clustering – Cell Farms – limits on towers per site, distance between towers...
- V. No Double Tree Park and undeveloped lands exemption. These moves cell sites close to our homes and schools... make Double Tree Park and undeveloped lands a "preferred location".

*Require an independent analysis addition to the carriers site analysis at the carriers expense and allow only DAS systems. ** If a home(s) is within this 1000 foot zone it must be mitigated with the home owners. At 1000 to 1200 feet the towers notice-ability is diminished.

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Page 33

From: Nora Logan [<mailto:nora@rcesd.com>]

Sent: Tuesday, April 15, 2014 4:39 PM

To: CityClerk; Jones, Rebecca; Orlando, Chris; Jabara, Kristal; Jenkins, Sharon

Cc: Connie Signorino

Subject: City of San Marcos New Cell Tower Ordinance

To Whom it May Concern;

We are very opposed to any new cell towers on the Jeffrey Brandon property located at 2080 Golden Eagle Drive. We are also opposed to any cell towers being located within 1,000 feet from a neighbor's home. The Ordinance must include restrictions regulating the distance between Macro Cell Towers and our homes and use DAS and small cell technology for new application and those with renewal of expired permits. We will see you at the Planning Commission on the Cell Tower Ordinance in May 2014.

Thank you,

Nora & Doug Logan

■ Deadwood Drive

San Marcos, CA 92078

Rancho Coastal Engineering & Surveying, Inc.

Nora Logan, Office Manager

310 S. Twin Oaks Valley Rd., #107-297

San Marcos, CA 92078-4387

t 760-510-3152

c 760-533-9051

f 760-510-3153

www.rcesd.com

Public Comment Received
Between January 15, 2014 – June 5, 2014
Draft Telecommunications Ordinance (Ch. 20.465)
Page 34
From: Constance Signorino [jcsiggy@gmail.com]

Sent: Monday, April 14, 2014 14:16
To: CityClerk
Cc: Backoff, Jerry; Brindley, Karen; Romero, Lydia
Subject: Ordinance

We want to work with the City to develop an ordinance that is logical, and that protects and enhances our community.

We have had discussions that increasing acreage, specifically to 15+ acres, would more realistically represent an agricultural property. Expanding acreage can also expand distance which reduces visual blight. We agree with this.

Also discussed was an additional component to the acreage, restricting distance from neighboring property lines, again reducing visual blight. Since both of the above points can fit the "Distance and DAS" principles outlined in our Workshop follow up letter to Jerry Backoff, they can be positive steps forward.

Sincerely,

Connie Signorino for

"ResponsibleCell"

Public Comment Received
Between January 15, 2014 – June 5, 2014
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Page 35
From: Kiss, Lisa

Sent: Tuesday, March 25, 2014 8:12

To: 'Constance Signorino'

Cc: Brindley, Karen; Backoff, Jerry

Subject: RE: Draft Ordinance

Ms. Signorino,

Yes, Karen is out today and hoping to return tomorrow. I will alert Jerry to your e-mail.

Thank you,

Lisa Kiss

Office Specialist III (Planning Division)

City of San Marcos | 1 Civic Center Drive, San Marcos CA 92069

(760) 744-1050 x. 3233 | lkiss@san-marcos.net

From: Constance Signorino [mailto:jcsiggy@gmail.com]

Sent: Monday, March 24, 2014 9:38 PM

To: Kiss, Lisa

Subject: Fwd: Draft Ordinance

Hello Lisa,

I sent an email to Karen Brindley and received a reply that she is out and if this is important, I should contact you. Please see the email below.

Thank you,

Connie Signorino

----- Forwarded message -----

From: Constance Signorino <jcsiggy@gmail.com>

Date: Mon, Mar 24, 2014 at 9:15 PM

Public Comment Received
Between January 15, 2014 – June 5, 2014
Draft Telecommunications Ordinance (Ch. 20.465)
Page 36
Subject: Draft Ordinance

To: "Brindley, Karen" <kbrindley@san-marcos.net>

Cc: "Backoff, Jerry" <jbackoff@san-marcos.net>, lromero@san-marcos.net

Hello Karen,

Regarding the Notice of Public Workshop on Wednesday, April 2, can you please tell me when the proposed revisions to the draft ordinance will be available for review? The workshop will be more productive if everyone has ample opportunity to review, understand and formulate questions/comments.

Residents are busy with work and family so I believe providing this information a week ahead of the meeting is a very reasonable request, particularly since the moratorium has been extended. If this is not possible, I believe the workshop should be delayed.

Thank you,

Connie Signorino



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From: del Solar, Sean
Sent: Wednesday, April 09, 2014 13:31
To: Constance Signorino
Subject: RE: Meeting Dates

Ms. Signorino,

Thank you for your email. As discussed at the workshop, the Wireless Telecommunications Facilities Ordinance is tentatively scheduled to go before the Planning Commission at the May 19, 2014 meeting and City Council at the June 24, 2014 meeting. Please visit the [Planning Commission webpage \(http://www.san-marcos.net/index.aspx?page=367\)](http://www.san-marcos.net/index.aspx?page=367) and [City Council webpage \(http://www.san-marcos.net/index.aspx?page=34\)](http://www.san-marcos.net/index.aspx?page=34) for up to date information on future meeting agendas (any changes in the meeting date will be posted there).

SEAN del SOLAR | ASSISTANT PLANNER
(760) 744-1050 x3223 | sdelSolar@san-marcos.net

From: Constance Signorino [<mailto:jcsiggy@gmail.com>]
Sent: Wednesday, April 09, 2014 1:15 PM
To: del Solar, Sean
Subject: Meeting Dates

Hello Sean,

Regarding the Ordinance....I am sure the City has some dates in mind for the Planning Commission Hearing and the subsequent City Council Hearing. Please provide me those dates, thank you.

Connie Signorino

Brindley, Karen

From: Kevin Mecum [kevin.mecum@gmail.com]
Sent: Monday, March 24, 2014 10:29
To: Brindley, Karen
Cc: Backoff, Jerry
Subject: Questions regarding: P13-0065: TA 13-001

Follow Up Flag: FollowUp
Flag Status: Flagged

Hello Karen,

Could you please provide me with more information regarding the upcoming workshop for the Wireless Telecommunications Facilities Ordinance?

For example,

- What type information should the public expect to be presented?
- Can you please provide me a hyperlink to the draft Ordinance?
- Can you please provide a summary of each of the proposed revisions of the draft ordinance?
- The notice mentions "industry input". Can you please let me know who is expected to attend this workshop from the "industry"?

Thanks for your help!

KEVIN MECUM

Public Comment Received
Between January 15, 2014 – June 5, 2014
Draft Telecommunications Ordinance (Ch. 20.465)
Page 39
From: Eric Clifton [eclifton@peaknrg.com]

Sent: Wednesday, April 09, 2014 13:28
To: del Solar, Sean
Cc: Backoff, Jerry; Brindley, Karen
Subject: Re: Planning commission meeting dates?

Thank you.

Eric Clifton

PeakNRG

760.580.4649

eclifton@peaknrg.com

www.peaknrg.com

On Apr 9, 2014, at 1:21 PM, del Solar, Sean <SdelSolar@san-marcos.net> wrote:

Mr. Clifton,

Thank you for your email. Currently, the Wireless Telecommunications Facilities Ordinance is tentatively scheduled to go before the Planning Commission at the May 19, 2014 meeting. Please visit the [Planning Commission webpage](http://www.san-marcos.net/index.aspx?page=367) (<http://www.san-marcos.net/index.aspx?page=367>) for up to date information on upcoming meetings and agendas (any changes in the meeting date will be posted there).

SEAN del SOLAR | ASSISTANT PLANNER

(760) 744-1050 x3223 | sdelsolar@san-marcos.net

From: Eric Clifton [<mailto:eclifton@peaknrg.com>]

Sent: Wednesday, April 09, 2014 9:42 AM

To: del Solar, Sean

Cc: Backoff, Jerry

Subject: Planning commission meeting dates?

Hello Sean,

Can you please let me know the date when the Planning Commission meeting will be voting on the new ordinance? We have some potential conflicts that will need to be rescheduled if they land on the date of the meeting. Please let us know at your earliest opportunity.

Sincerely,

Eric Clifton

Peak

760.580.4649

eclifton@peaknrg.com

www.peaknrg.com

Public Comment Received
Between January 15, 2014 – June 5, 2014
Draft Telecommunications Ordinance (Ch. 20.465)
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From: del Solar, Sean
Sent: Monday, May 19, 2014 8:00
To: lesliejdaigle@aol.com
Cc: Brindley, Karen
Subject: RE: May 19 Planning Commission Agenda

The tentatively scheduled May 19, 2014 Planning Commission hearing to consider the revised draft Telecommunication Ordinance has been postponed.

There will not be a planning commission hearing Monday, May 19, 2014.

The City will update the website during the week of May 19, 2014 with the Planning Commission hearing date and will upload the draft ordinance at that time.

To view Planning Commission Agendas, please visit the City's website, or [click here](#).

Cordially,

SEAN del SOLAR | ASSISTANT PLANNER

City of San Marcos | 1 Civic Center Drive, San Marcos CA 92069
(760) 744-1050 x3223 | sdelsolar@san-marcos.net | [Website](#)

FREQUENTLY REQUESTED INFORMATION:

[Zoning Map](#) | [Municipal Code](#) | [Planning Application](#) | [CFD Information](#)
[Building Division](#) | [Engineering Standards](#) | [Planning Commission Agendas](#)

City offices are open Monday - Friday* from 7:30 AM to 5:30 PM

*City offices are closed every other Friday, [click here](#) to view the scheduled closures.

From: lesliejdaigle@aol.com [<mailto:lesliejdaigle@aol.com>]
Sent: Thursday, May 15, 2014 2:24 PM
To: del Solar, Sean
Subject: May 19 Planning Commission Agenda

Dear Sean,

May I have a copy of the May 19 Agenda. I am specifically looking for any item related to a proposed telecommunications ordinance.

Thank you.

Public Comment Received

Between January 15, 2014 – June 5, 2014

Draft Telecommunications Ordinance (Ch. 20.465)

Page 41

From: Constance Signorino [<mailto:jcsiggy@gmail.com>]

Sent: Monday, May 26, 2014 1:38 PM

To: Planning Commission; CityClerk

Subject: Re: Meeting(s) on the New Cell Ordinance

Attention City Planning Commission,

Responsible Cell, a San Marcos Citizen group, is requesting a meeting with each of the Planning Commission Members during the weeks of May 26 and June 2 on the New Cell Ordinance.

None of Responsible Cells requests that are outlined below are in the new Cell Ordinance:

1. Enforceable third party independent site analysis if a cell tower is next to homes or schools
2. Mandate utilization of Safe Small Cell technology (Faster, Safer Cell Service, No visual blight)
3. Citizen Cell Review Council and an Integrated San Marcos City Cell Tower Plan
4. Maintain the residents protections in the original January Cell Ordinance (which you approved)

This ordinance is seriously lacking, flawed and unenforceable.

Voting on this ordinance without understanding the above and the shortcomings in the ordinance would be irresponsible.

We did not actively oppose the Cell Ordinance you approved in December but we adamantly oppose this ordinance. Please respond with dates and times for these meeting.

On Mon, May 26, 2014 at 11:48 AM, Constance Signorino <jcsiggy@gmail.com> wrote:

Attention City Planning Commission,

Responsible Cell, a San Marcos Citizen group, is requesting a meeting with each of the Planning Commission Members during the weeks of May 26 and June 2 on the New Cell Ordinance.

Public Comment Received
Between January 15, 2014 – June 5, 2014
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From: Constance Signorino <jcsiggy@gmail.com>
Date: May 23, 2014, 3:11:48 PM PDT
To: "Backoff, Jerry" <JBackoff@san-marcos.net>
Subject: New Ordinance

Jerry

After reviewing the New Ordinance it is not clear if"

- All of Twin Peaks Park is a "preferred zone"
- Undeveloped lands are now "preferred zone"

Yes or no?

Public Comment Received
Between January 15, 2014 – June 5, 2014
Draft Telecommunications Ordinance (Ch. 20.465)
Page 44

From: Constance Signorino [<mailto:jcsiggy@gmail.com>]

Sent: Wednesday, May 28, 2014 2:36 PM

To: Desmond, Jim

Cc: Orlando, Chris; Jones, Rebecca; Jabara, Kristal; Jenkins, Sharon;
CityClerk; Backoff, Jerry; Planning Commission;
teri.figueroa@utsandiego.com; Griffin, Jack; Romero, Lydia

Subject: Cell Ordinance Comments

Mayor Desmond,

The residents of San Elijo Hills/San Marcos have worked hard to preserve the unique character of our community, this should be respected. Allowing our community character and environment to be degraded by large (macro) cell towers next to our homes and schools is irresponsible government.

The City's proposed May Cell Tower Ordinance will ruin our community character and create more visual blight. Take San Elijo Hills for example. This ordinance allows three macro cell towers virtually in the back yards of homes on Antilla Way and Orion Way. Why doesn't the Ordinance provide reasonable distance requirement between such large cell towers and homes? These towers and the failed attempt to camouflage them with trees only adds to the fire threat in what is already designated a severe wildfire area.

These macro cell towers are not necessary for coverage in our community; they provide cell service to Carlsbad, Encinitas and Oceanside at our expense. This is why they are so profitable for the cell companies.

On a per capita basis, San Marcos already has 19% more cell towers than the rest of the country. Mayor Desmond, you should protect our community and not the cell company's profits. What we need to fill voids left in San Marcos is safe small cell technology, (DAS). The City ordinance does not mandate this.

DAS antennas are safer and are hardly visible. These systems do not create visual blight, safety concerns and lower property values and these systems can fill cell phone voids in a fraction of the time a large macro cell tower can be approved and erected.

To have an ordinance that is enforceable and protects San Marcos, it must include:

1. Enforceable third party independent site analysis if a cell tower is next to homes or schools
2. Mandate use of safe small cell technology (faster, safer cell service, no visual blight)
3. Citizen Cell Review Council and an Integrated San Marcos City Cell Tower Plan
4. Maintain the residents protections in the January Cell Ordinance (which you would not allow the City Council to vote on)

Strong neighborhoods and communities stand up for each other and demand responsible governance. The City Council must stop this ordinance and demand an ordinance that protects us from Macro Cell Tower visual blight and the associated decrease in property values, community safety and security.

Mayor Desmond, do what you said to the residents and the UT after you approved the second macro cell tower in San Elijo Hills. Do what is right for San Marcos residents and stand up to the cell companies

Please also reverse your position to not meet with San Marcos residents on the Cell Ordinance.

Sincerely,

Connie Signorino for

Responsible Cell of San Marcos

Public Comment Received
Between January 15, 2014 – June 5, 2014
Draft Telecommunications Ordinance (Ch. 20.465)
Page 46

From: Constance Signorino <jcsiggy@gmail.com>

Date: May 28, 2014, 2:35:35 PM PDT

To: "Desmond, Jim" <JDesmond@san-marcos.net>

Cc: "Orlando, Chris" <COOrlando@san-marcos.net>, "Jones, Rebecca" <RJones@san-marcos.net>, "Jabara, Kristal" <KJabara@san-marcos.net>, "Jenkins, Sharon" <SJenkins@ci.san-marcos.ca.us>, CityClerk <CityClerk@san-marcos.net>, "Backoff, Jerry" <JBackoff@san-marcos.net>, Planning Commission <planning.comm@san-marcos.net>, "teri.figueroa@utsandiego.com" <teri.figueroa@utsandiego.com>, "Griffin, Jack" <JGriffin@san-marcos.net>, "Romero, Lydia" <LRomero@san-marcos.net>

Subject: Cell Ordinance Comments

Mayor Desmond,

The residents of San Elijo Hills/San Marcos have worked hard to preserve the unique character of our community, this should be respected. Allowing our community character and environment to be degraded by large (macro) cell towers next to our homes and schools is irresponsible government.

The City's proposed May Cell Tower Ordinance will ruin our community character and create more visual blight. Take San Elijo Hills for example. This ordinance allows three macro cell towers virtually in the back yards of homes on Antilla Way and Orion Way. Why doesn't the Ordinance provide reasonable distance requirement between such large cell towers and homes? These towers and the failed attempt to camouflage them with trees only adds to the fire threat in what is already designated a severe wildfire area.

These macro cell towers are not necessary for coverage in our community; they provide cell service to Carlsbad, Encinitas and Oceanside at our expense. This is why they are so profitable for the cell companies.

On a per capita basis, San Marcos already has 19% more cell towers than the rest of the country. Mayor Desmond, you should protect our community and not the cell company's profits. What we need to fill voids left in San Marcos is safe small cell technology, (DAS). The City ordinance does not mandate this.

DAS antennas are safer and are hardly visible. These systems do not create visual blight, safety concerns and lower property values and these systems can fill cell phone voids in a fraction of the time a large macro cell tower can be approved and erected.

To have an ordinance that is enforceable and protects San Marcos, it must include:

1. Enforceable third party independent site analysis if a cell tower is next to homes or schools
2. Mandate use of safe small cell technology (faster, safer cell service, no visual blight)
3. Citizen Cell Review Council and an Integrated San Marcos City Cell Tower Plan
4. Maintain the residents protections in the January Cell Ordinance (which you would not allow the City Council to vote on)

Strong neighborhoods and communities stand up for each other and demand responsible governance. The City Council must stop this ordinance and demand an ordinance that protects us from Macro Cell Tower visual blight and the associated decrease in property values, community safety and security.

Mayor Desmond, do what you said to the residents and the UT after you approved the second macro cell tower in San Elijo Hills. Do what is right for San Marcos residents and stand up to the cell companies

Please also reverse your position to not meet with San Marcos residents on the Cell Ordinance.

Sincerely,

Connie Signorino for

Responsible Cell of San Marcos

From: Constance Signorino [<mailto:jcsiggy@gmail.com>]
Sent: Thursday, May 29, 2014 9:08 AM
To: Planning Commission; CityClerk
Subject: Meeting Request Dates (Second Request)

Please see the below letter sent to the Mayor and the City regarding the proposed Cell Tower Ordinance.

Responsible Cell of San Marcos, a citizen organization, is requesting a meeting with each of you. Please respond with available dates for meetings.

Thank you.

May 28 2014

Mayor Desmond,

The residents of San Elijo Hills/San Marcos have worked hard to preserve the unique character of our community, this should be respected. Allowing our community character and environment to be degraded by large (macro) cell towers next to our homes and schools is irresponsible government.

The City's proposed May Cell Tower Ordinance will ruin our community character and create more visual blight. Take San Elijo Hills for example. This ordinance allows three macro cell towers virtually in the back yards of homes on Antilla Way and Orion Way. Why doesn't the Ordinance provide reasonable distance requirement between such large cell towers and homes? These towers and the failed attempt to camouflage them with trees only adds to the fire threat in what is already designated a severe wildfire area.

These macro cell towers are not necessary for coverage in our community; they provide cell service to Carlsbad, Encinitas and Oceanside at our expense. This is why they are so profitable for the cell companies.

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To have an ordinance that is enforceable and protects San Marcos, it must include:

- 1. Enforceable third party independent site analysis if a cell tower is next to homes or schools*
- 2. Mandate use of safe small cell technology (faster, safer cell service, no visual blight)*
- 3. Citizen Cell Review Council and an Integrated San Marcos City Cell Tower Plan*
- 4. Maintain the resident's protections in the January Cell Ordinance (which you would not allow the City Council to vote on)*

Strong neighborhoods and communities stand up for each other and demand responsible governance. The City Council must stop this ordinance and demand an ordinance that protects us from Macro Cell Tower visual blight and the associated decrease in property values, community safety and security.

Mayor Desmond, do what you said to the residents and the UT after you approved the second macro cell tower in San Elijo Hills. Do what is right for San Marcos residents and stand up to the cell companies.

Public Comment Received

Between January 15, 2014 – June 5, 2014

Draft Telecommunications Ordinance (Ch. 20.465)

Page **50**

Please also reverse your position to not meet with San Marcos residents on the Cell Ordinance.

Sincerely,

Connie Signorino

for Responsible Cell of San Marcos

Kiss, Lisa

From: Helen Peak [hhp@lfap.com]
Sent: Tuesday, March 04, 2014 12:53 PM
To: Backoff, Jerry; Kiss, Lisa
Cc: Brindley, Karen
Subject: FW: San Elijo Cell Phone Service
Attachments: image001.png

Importance: High

Jerry and Lisa:

I wanted to make sure you have communications relating to the wireless telecommunications ordinance, for upcoming packets. I have already forwarded it to Phil. Thank you - Helen

HELEN HOLMES PEAK

960 CANTERBURY PLACE, SUITE 300
ESCONDIDO, CA 92025
760-743-1226, EXT.108

HHP@LFAP.COM

WWW.LFAP.COM



**LOUNSBURY
FERGUSON
ALTONA
& PEAK**

-----Original Message-----

From: Desmond, Jim [<mailto:JDesmond@san-marcos.net>]
Sent: Sunday, March 02, 2014 5:54 PM
To: Peak, Helen
Cc: Griffin, Jack
Subject: FW: San Elijo Cell Phone Service
Importance: High

From: Tyler Caruso [tcaruso@mybluegrace.com]
Sent: Saturday, March 01, 2014 9:19 AM
To: Desmond, Jim; Jones, Rebecca; Jenkins, Sharon; Orlando, Chris; Jabara, Kristal
Subject: San Elijo Cell Phone Service

Good Morning City Council,

My name is Tyler Caruso and I own a local transportation brokerage out of my home in San Elijo. My business depends on communication with my customers via internet and over the phone. A dropped call can me hundreds of dollars of lost revenue for my company. I am tired of dropped calls and slow data speeds in our neighborhood. We need to be competitive and up-to-date in today's modern world. Any change to the ordinance should encourage new and better wireless service and not hinder it further. I know I am not the only one that feels this way as every neighbor I talk to complains about the lack of wireless coverage.

I thank you for taking the time to read this email and I trust you will take my situation into consideration when voting for public policy.

Thank you,

Tyler Caruso • Sales Manager – San Diego Coastal • tcaruso@mybluegrace.com<<mailto:tcaruso@mybluegrace.com>>
BlueGrace Logistics • www.mybluegrace.com<<http://www.mybluegrace.com/>>
O: 760.290.3528 • M: 760.802.8188 • Fax: 919.572.9004
[cid:image001.png@01CF352E.3C3C5B70]<<http://www.mybluegrace.com/>>

Kiss, Lisa

From: Kiss, Lisa on behalf of Planning Commission
Sent: Tuesday, May 27, 2014 9:00 AM
To: 'Bill Jacoby'; 'bruce@minnery.net'; 'carlmaas@yahoo.com'; 'Eric Flodine'; 'Eric Flodine'; 'Jim Pennock'; 'Jim Schaible'; 'Jim Schaible'; 'knorris@ucsd.edu'; 'Rod Jones'; 'sk940@cox.net'; 'Steve Kildoo'
Cc: Backoff, Jerry; 'aks@lfap.com'
Subject: FW: Meeting(s) on the New Cell Ordinance

From: Constance Signorino [<mailto:jcsiggy@gmail.com>]
Sent: Monday, May 26, 2014 11:49 AM
To: Planning Commission; CityClerk
Subject: Meeting(s) on the New Cell Ordinance

Attention City Planning Commission,

Responsible Cell, a San Marcos Citizen group, is requesting a meeting with each of the Planning Commission Members during the weeks of May 26 and June 2 on the New Cell Ordinance.

None of Responsible Cells requests that are outlined below are in the new Cell Ordinance:

1. Enforceable third party independent site analysis if a cell tower is next to homes or schools
2. Mandate utilization of Safe Small Cell technology (Faster, Safer Cell Service, No visual blight)
3. Citizen Cell Review Council and an Integrated San Marcos City Cell Tower Plan
4. Maintain the residents protections in the original January Cell Ordinance (which you approved)

This ordinance is seriously lacking, flawed and unenforceable.

Voting on this ordinance without understanding the above and the shortcomings in the ordinance would be irresponsible.

Please respond with dates and times for these meeting.

Kiss, Lisa

From: Kiss, Lisa on behalf of Planning Commission
Sent: Tuesday, May 27, 2014 9:01 AM
To: 'Bill Jacoby'; 'bruce@minnery.net'; 'carlmaas@yahoo.com'; 'Eric Flodine'; 'Eric Flodine'; 'Jim Pennock'; 'Jim Schaible'; 'Jim Schaible'; 'knorris@ucsd.edu'; 'Rod Jones'; 'sk940@cox.net'; 'Steve Kildoo'
Cc: Backoff, Jerry; 'aks@lfap.com'
Subject: FW: Meeting(s) on the New Cell Ordinance

From: Constance Signorino [<mailto:jcsiggy@gmail.com>]
Sent: Monday, May 26, 2014 1:38 PM
To: Planning Commission; CityClerk
Subject: Re: Meeting(s) on the New Cell Ordinance

Attention City Planning Commission,

Responsible Cell, a San Marcos Citizen group, is requesting a meeting with each of the Planning Commission Members during the weeks of May 26 and June 2 on the New Cell Ordinance.

None of Responsible Cells requests that are outlined below are in the new Cell Ordinance:

1. Enforceable third party independent site analysis if a cell tower is next to homes or schools
2. Mandate utilization of Safe Small Cell technology (Faster, Safer Cell Service, No visual blight)
3. Citizen Cell Review Council and an Integrated San Marcos City Cell Tower Plan
4. Maintain the residents protections in the original January Cell Ordinance (which you approved)

This ordinance is seriously lacking, flawed and unenforceable.

Voting on this ordinance without understanding the above and the shortcomings in the ordinance would be irresponsible.

We did not actively oppose the Cell Ordinance you approved in December but we adamantly oppose this ordinance. Please respond with dates and times for these meeting.

On Mon, May 26, 2014 at 11:48 AM, Constance Signorino <jcsiggy@gmail.com> wrote:
Attention City Planning Commission,

Responsible Cell, a San Marcos Citizen group, is requesting a meeting with each of the Planning Commission Members during the weeks of May 26 and June 2 on the New Cell Ordinance.

None of Responsible Cells requests that are outlined below are in the new Cell Ordinance:

1. Enforceable third party independent site analysis if a cell tower is next to homes or schools
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3. Citizen Cell Review Council and an Integrated San Marcos City Cell Tower Plan
4. Maintain the residents protections in the original January Cell Ordinance (which you approved)

This ordinance is seriously lacking, flawed and unenforceable.

Voting on this ordinance without understanding the above and the shortcomings in the ordinance would be irresponsible.

Please respond with dates and times for these meeting.

Kiss, Lisa

From: Backoff, Jerry
Sent: Friday, April 25, 2014 7:01 PM
To: 'Constance Signorino'; Planning Commission; CityClerk; Jones, Rebecca
Cc: Backoff, Jerry
Subject: RE: Ordinance

John,

We are in the process of finalizing revisions to the Telecommunications Ordinance, based on input we have received from you and others. We don't feel that a second workshop would be productive at this point and therefore don't intend to have one. We do agree that the public and cell companies should have ample time to review the revised Ordinance and therefore a minimum of 30 days will be provided, as you have suggested. Hearing dates will be established once the revised Ordinance is posted for public review.

After the revised Ordinance is completed we will post it on the web site where the entire City and cell companies can review and provide input before or at the Planning Commission meeting. The hearing dates will also be published and you will be notified of when these will occur.

Thank you for your continued input.

Jerry Backoff
Planning Division Director

From: Constance Signorino [<mailto:jcsiggy@gmail.com>]
Sent: Wednesday, April 23, 2014 7:53 PM
To: Backoff, Jerry; Planning Commission; CityClerk; Jones, Rebecca
Subject: Ordinance

Jerry,

I trust all is moving forward on the Cell Ordinance. We have not received any updates. This concerns us.

Based on the comments at the workshop from the residents and Cell Companies, it is obvious neither group was in agreement with the ordinance. This necessitates a second Workshop.

Moreover, since this is a City wide ordinance it requires a City wide communication program. This was not done. The City's prior performance regarding clear, direct, honest and universal communication regarding cell tower issues makes an aggressive city wide cell ordinance communication campaign an imperative. Also, since this was not done, it makes a second Workshop even more necessary.

Furthermore the residents will need a minimum of 30 days to review the final ordinance and coordinate an appropriate response for the Planning Commission Meeting. The City cannot continue to push cell issues through without allowing the residents time to properly respond.

We would like to work with you on the communication plan. To be fair it should have comments from both the residents and cell companies and be aggressively communicated to the entire City.

Jerry, based on the above please provide us an ordinance update, communication plan (with announcements) and a timeline that provides the residents the appropriate notification periods (as outlined above).

Thank you.

Sincerely,

John Signorino

Kiss, Lisa

From: Eric Clifton [eclifton@peaknrg.com]
Sent: Tuesday, May 06, 2014 12:02 PM
To: Planning Commission
Subject: Cell Tower Ordinance Comments

To Whom This Concerns:

After much thought and research, I would like to amend my past letter. In order to accomplish the task of creating an ordinance that address the issue of coverage, while keeping the aesthetic nature and character of our city in tact, I would like to propose that the ordinance would **require a minimum of 15 acres for cell tower clustering** (this would cover the gaps in the northern parts of San Marcos) **with a minimum setback of 1000 feet**. This would insure cellular facilities could not be placed near property lines which will impose significant impact to neighboring properties. Please don't allow one property owner to have financial gain at the expense of his neighbors.

By going this route, it would serve to discourage placement of towers in small pocket communities, yet allow macro towers in more rural areas where they are needed.

I am hopeful this council and planning commission will insure our community doesn't concede to this real threat of urban blight. Please think of the future of our city.

Respectfully,

Eric Clifton

760.580.4649
2050 Golden Eagle Trail
San Marcos, Ca 92078