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OCT 28 2019

Dept. of Community Development

October 28, 2019

Dear Planning Commission Committee

This letter serves as formal notice of appeal for the Zoning Administrator's decision on Coastal Development Permit No. 19-010 (AT&T Goldenwest Small Cell). The basis of our appeal is the stated permit was approved despite not adhering to Huntington Beach Charter and Code (230.96 Wireless Communication Facilities). The following concerns were each brought forth during the October 16, 2019 meeting. Mr. Ramos' response to our first concern is in stark contrast to policy.

During the 10/16/2019 meeting, Alexis Reeves questioned whether the proposed site was adhering to HB policy on co-location, given the close proximity of a small cell site located at Goldenwest and Orange. Meeting attendees explained the existing small cell equipment was mounted onto a wooden utility pole, which would allow for additional equipment to be added. Mr. Ramos stated he would 'allow AT&T to decide if they would like to pursue the alternative site.' Below are two excerpts from Huntington Beach Charter and Code (230.96 Wireless Communication Facilities). As explicitly written, co-location is not to be determined by the applicant, this is a *requirement*.

230.96 Wireless Communication Facilities

E. Process to Install and Operate Wireless Communication Facilities.

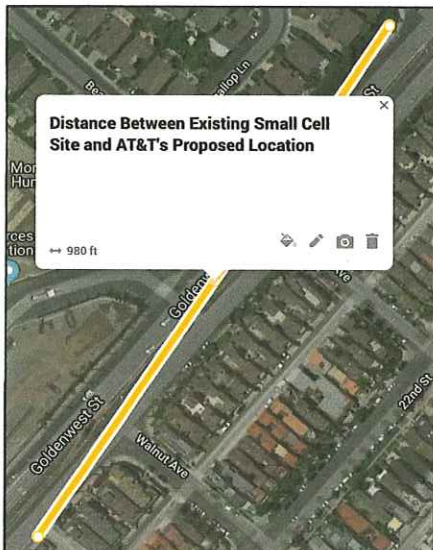
1. Wireless Permit Application.

- g. Locations of all other Wireless Antennas within 1,000 feet of a proposed ground-mounted Facility. Co-location of ground mounted facilities shall be required where feasible whenever such a Facility is proposed within 1,000 feet of any existing Wireless Antenna.

G. Wireless Communication Facility Standards.

- 1. Co-Location. Co-location of ground-mounted facilities shall be required where feasible whenever such a Facility is proposed within 1,000 feet of any existing Wireless Antenna.

The below print screen of a google map proves the current and proposed location is 980 feet:



The below photo shows the existing equipment allows for co-location:



*Please note that although the wood utility pole is not conducive to AT&T's current equipment design, the ease to which AT&T may install equipment should not be considered (their burden).

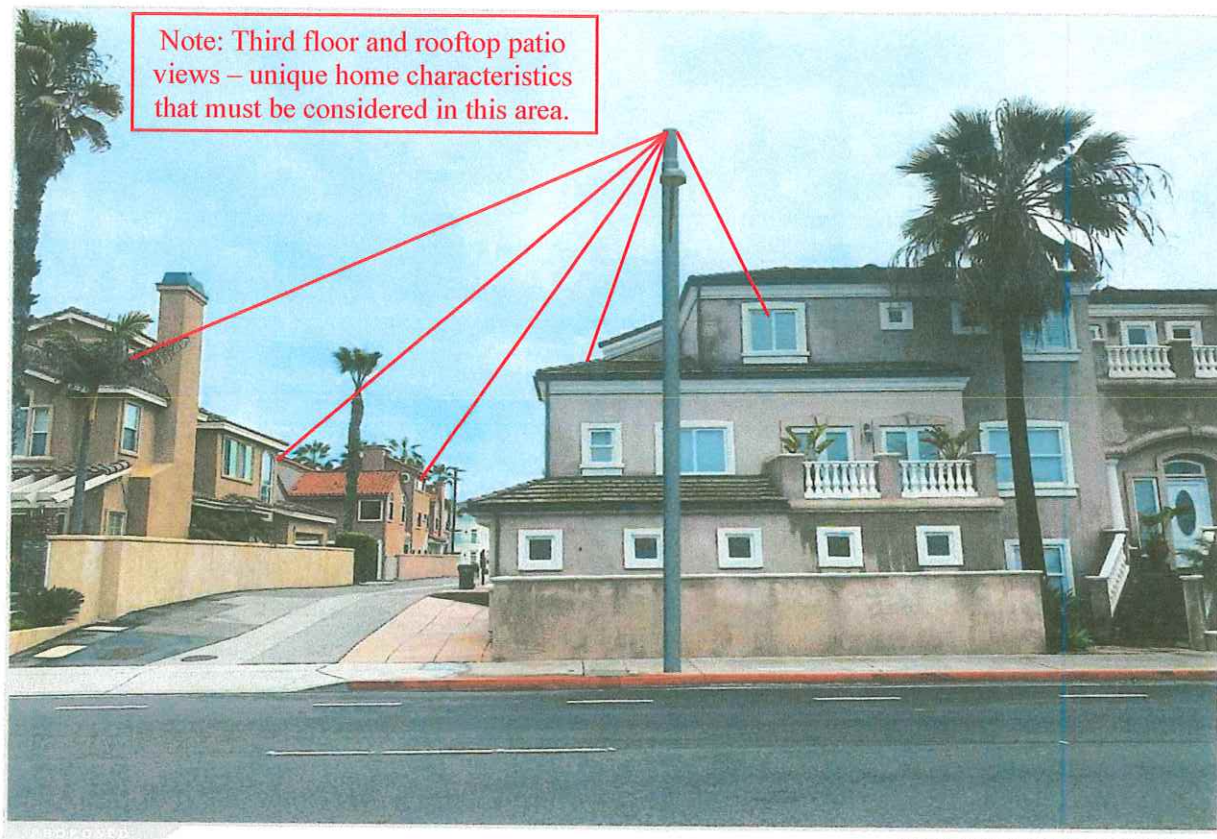
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The second points of contention are based on the lack of due diligence (i.e., failing to provide empirical support for general claims made in the permit application and zoning meetings) that are associated with (1) negative effects on the surrounding property values; and (2) significant gaps in AT&T service. Relating to the first point, below is a quote from the Project Narrative:

“It will not adversely affect the surrounding properties and will have minimal physical and aesthetic footprint in this area” (page 1).

This statement is grossly incorrect. As illustrated by the following photo of surrounding homes, which was provided by the applicant, the added height will negatively impact the views of homes. Also, California Association of Realtors requires homeowners to disclose how far the home is to a cell antenna/tower when listing properties for sale.¹ A recent study by the National Institute for Science, Law & Public Policy reveals that 94% of home buyers are less interested and would pay less for a property located near a cell tower or antenna (i.e., 20% loss in value within 1,500 feet).²



VIEW 2 | LOOKING SOUTHEAST

Thus, it is inappropriate to make such general claims in passing when average home values in the 1,500-foot affected area fall between \$1.5 million and \$3.5 million. Taking into account AT&T's 2018 adjusted revenue was \$47.99 billion, we request that the Planning Commission Committee require significant evidence that the homeowner property values will not be negatively impacted.

¹ <https://az773218.vo.msecnd.net/public/listings/11422/documents/9txnncayle7rny888otvb8z4h/Disclosures%202.pdf>

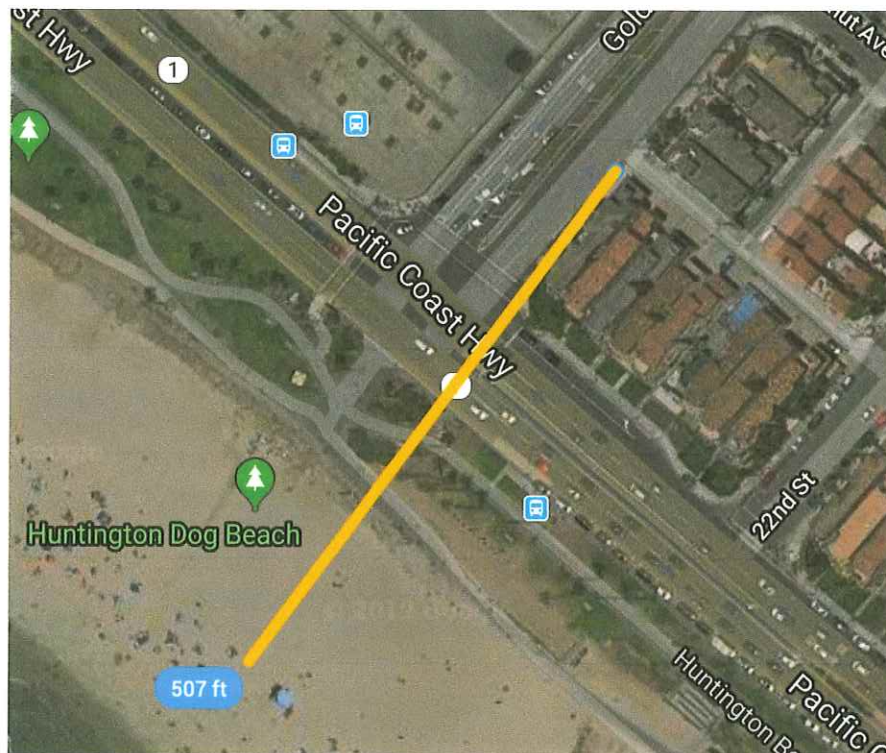
² <https://magazine.realtor/daily-news/2014/07/25/cell-towers-antennas-problematic-for-buyers>

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Finally, in the event AT&T chooses to establish Federal preemption because a significant gap in wireless coverage exists, we expect that AT&T will be held to the rigorous evidence standard as outlined in the Huntington Beach Charter and Code (230.96 Wireless Communication Facilities):

A myriad of factors are involved in determining if a gap is significant, such as: whether the gap affects a commuter highway; the nature and character of the area and the number of potential users affected by the alleged lack of service; whether the signal is weak or nonexistent and whether the gap affects a commercial district. Consequently, the City will require scientific evidence from an expert in the field demonstrating the existence of a significant gap in service, and a lack of feasible alternative sites. The applicant will be required to pay for the cost of said expert opinion.

The residents strongly question the necessity of the small cell equipment at this particular location since (1) Only two of the surrounding households use AT&T as a cellular carrier and do not have issues with service; (2) There are no surrounding companies; (3) CA law prohibits the use of cell phones while driving; (4) There is limited beach parking access due to no parking on Goldenwest & PCH; (5) Range for the equipment would be negligible for improving service on the beach; and (6) There are no development options and much of the affected area is an oil field. Photo below:



The following homeowners that will be directly affected by the proposed installation of small cell equipment would like to thank the Planning Commission Committee for their time and dedicated effort in holding AT&T accountable in adhering to Huntington Beach Charter and Code (230.96).

Mrs. Denise Allen
Mr. Bob Corona
Mrs. Pam Corona
Mrs. Angela Dailey
Mr. Brian Gallogly

Dr. Ragaie Hakim
Ms. Kelly Johnson
Ms. Lee Ann Kline
Mr. Tom MacDonald
Mrs. Georgi MacDonald

Mr. Jeff McKee
Mrs. Stephanie McKee
Mr. Lee Pickett
Mr. Angelo Rankin
Mrs. Gina Rankin

Mr. Buster Reeves
Mrs. Alexis Reeves
Dr. Craig Robinson
Dr. Jessica Robinson
Ms. Lu Ann Talley



Finance Department

Receipt

October 28, 2019

Alexis Reeves

Receipt Number 494706

Cashier

412 Olive Ave # 553

Batch # 20191028000PC2960

HUNTINGTON BH

CA

Dept. of Issuance Planning Department

Amount Paid \$4,281.00

Permit / License # 20190167

Payment Method Credit Card

Amount Outstanding \$0.00

Fee	Amount Paid
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Appeal To PC – Other	\$4,039.00
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Automation Fee	\$242.00
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Review Permits Status Online:

Visit: www.huntingtonbeachca.gov/permitonline

Questions?

Business License: (714) 536-5267

Planning & Building: (714) 536-5241