

From: [Jane Osborn](#)
To: [Public Comment](#); [City Council](#); [Gabriel Engeland](#); [Planning Services](#)
Subject: Public Comment, Agenda Item #6. April 12, 2022, Wireless Facilities Ordinance
Date: Friday, April 8, 2022 5:04:35 PM

Dear Honorable Mayor, Vice-Mayor and Council,

This is an edited version of a letter I sent to the planning commission on March 17, 2022.

I'm writing in regard to the proposed revision of the ordinance that determines placement of 5G "small" cell towers (aka, "facilities") within the city. My husband and I were very supportive of the original emergency ordinance passed in 2019. We are opposed to this revised ordinance that is being considered at the upcoming council meeting, especially in its current form.

This is an important issue, which has a very high degree of interest among residents. This was evidenced by the high turnout at the public meetings held in 2019, at which hundreds of people attended in-person, in addition to people who attended on-line. The turnouts were the highest I have ever seen at council meetings or study sessions over a period of several years. There was standing room only at LAYC, and more chairs had to be brought in--as it was packed close to the back wall. Dozens of people gave testimony expressing concerns during the series of hearings that were held in 2019. Many, if not most of these people appeared to be speaking from a position of experience or expertise in regard to one or more of the areas of concern that they were addressing in their comments.

We are assuming that this revised (amended) ordinance is in response to lawsuits from two of the wireless carriers.

My husband and I have many concerns about the revised 5G ordinance, but I will touch on three of them.

- **It is our opinion that there was not sufficient notice to the public for the 30 day period within which we would be allowed to respond to the recommendation for a negative declaration of environmental impact.** I first learned of this revised ordinance when I received the notice of the planning commission meeting in my in-box on 2/25/22. Apparently the deadline for the public to respond to the recommendation for a negative declaration of environmental impact was 2/24/22. It is my impression that there was not adequate notice to the public both in regard to sufficient time and with respect to visibility of the notice. Considering the degree of interest on the part of residents, there should have been better prior notice. I did not even see a reference to this in any of the weekly city manager newsletters.

Similarly, we feel that the public and the council would have benefited from a longer period of prior notice with regard to agenda item #6 before holding a public hearing on this very complex and consequential matter. I realize that a one week notice is customary. However, this revised ordinance is a 119 page document. In my opinion, more time is needed for people to read, digest and respond to this information. This latest draft appears to have been rather extensively revised since it was first presented to the planning commission on March 3, 2022. This is a complex issue with many facets. In addition, these amendments will create significant consequences, including negative consequences, for some residents. It is expected that there could be a very high degree of public interest on this topic, as evidenced by

the extensive and widespread interest shown during a series of public hearings held in 2019. There has not been much public notice that this issue is being re-considered by the council, other than meeting notices. I suspect that most residents, including residents who have an interest in this topic, are unaware that this issue is being re-considered, and have not yet seen a draft of the amended ordinance. **Under the circumstances, we are hoping that the council will hold more than one public hearing on this matter, in order to allow the public to weigh-in with their opinions and concerns.**

- **The ordinance appears to divide the residents of the city into two classes, or sub groups.** One sub group, people who live on local roads, (or people in the first class), appear to be protected from the negative effects of 5G "small" cell towers on their streets. The second group, which is less privileged (a second class), are not protected equally or to the same degree as the first group,. This second group (the apparent second class) are people who live on local collector streets, collector streets, and arterial streets, or people who live on local roads, but near the local collector, collector, arterial streets, and the expressway.

It appears that this second subgroup of residents is not protected equally from the known and/or suspected negative effects of 5 G small wireless facilities, such as: Visual blight, which will make our residential streets look more industrial; Noise, which was measured by a council member to be 56 dB at one location; Expected loss of property value, (which was estimated by realtors who gave testimony in 2019 to be as much as 20%).

The second sub group also is not as protected from the suspected/potential negative cognitive, academic and other health effects due to Rf emissions--which have been suggested in the research findings of hundreds of scientific studies which have been reported in a growing body of peer reviewed scientific literature.

We are very aware that cities are not allowed to consider health effects due to Section 704 of the Telecommunications Act of 1996, which appears to be outdated and was passed when wireless technology was at a much earlier stage in it's development, and when there were far fewer research findings available. However, this does not mean that adverse academic, cognitive, and other neurological and health effects do not exist.

Many residents have been left with the impression that a subgroup of residents have been targeted to be the "sacrificial lambs" in order to make a lawsuit go away.

It is possible that the people drafting this ordinance did not intend to marginalize one group of residents in this fashion. However, it is my impression that this does not look good, and does not appear to represent good public policy.

- **I was very surprised to hear that the city was recommending a negative declaration of environmental effects, especially in view of the fact that the Natural Resources Defense Council (NRDC) won a lawsuit against the FCC in August 2019, as explained in this publication:**

<https://mdsafetech.org/2019/12/08/nepa-the-nrdc-and-5g-neighborhood-cell-towers/>

The ruling in this lawsuit appears to give Native American Tribes and all cities "...the right to require a National Environmental Protection Act (NEPA) analysis (provide proof of

exemption) before cell towers are placed.". According to the publication referenced above, this would apply to placement of small cell towers (AKA "wireless facilities").

It is noteworthy that the NRDC was able to present enough evidence of actual or potential harm to the environment from wireless facilities, (which includes impact on the "human environment"), that they were able to prevail in a lawsuit against the FCC in a federal court.

I would like to note that the NRDC is a highly regarded organization, which appears to be staffed by scientists and attorneys with a science background, who are attempting to safeguard the environment. It is significant to note that they were given a rating of 96.1 out of 100 by Charity Navigator.

We realize that the city is in a very challenging situation. Please do your best to protect the residents from both known and suspected/potential negative effects of wireless facilities, including loss of aesthetics, expected loss of property values, auditory pollution and noise, and to protect the health and well being of residents in the most equitable manner possible.

Thank you very much for your consideration.

Respectfully,
Jane Osborn, PhD

E. Jane Osborn, Ph.D. Nationally Certified School Psychologist, NCSP [REDACTED] Licensed Educational Psychologist, LEP [REDACTED] Cognitive and Developmental Psychology. [REDACTED]
[REDACTED]

From: [James Tringali](#)
To: [Public Comment](#)
Cc: [Theresa Tringali](#)
Subject: PUBLIC COMMENT - AGENDA ITEM #6 - April 12, 2022
Date: Saturday, April 9, 2022 6:12:41 PM

Dear City of Los Altos Planning Commission,

We are appalled seeing the suggestion in the latest draft ordinance (Feb 22, 2022) of using churches as an acceptable back door for embedding small cell towers in our neighborhoods. We don't see how placing small cell towers on church property has less impact on visual blight, noise, safety and our property values than placing them on school property.

We implore the City to stay as true to the original 2019 wireless emergency ordinance as possible and ensure we don't have cell towers placed close to schools, churches and homes. While some residents have expressed valid health concerns of placing cell towers so close to our schools, churches and homes, We understand the City is unable to take these concerns into account due to Federal laws. However, there are other issues We'd like the City to consider including visual blight, noise, safety and property values.

Visual blight: The City's utility poles are visually unappealing. We don't want to increase the unsightliness with cell towers on the tops of these poles, not to mention a refrigerator's worth of equipment hanging to the side.

Noise: Cell towers make considerable noise from their cooling fans. Having these towers placed so close to our homes would negatively impact our living environment.

Safety: Most cell towers have a refrigerator's worth of equipment, including lithium ion batteries that have been known to cause fires. It's not safe to place flammable materials on combustible wooden poles that could potentially burn down a home or neighborhood.

Property Values: Cell towers placed so close to homes will reduce the attractiveness of homes in the area. According to Realtor Magazine, a study found that 94% of home buyers would not purchase a home near a cell tower.

Please do not place cell towers close to our homes, churches and schools. Please find alternative locations.

Sincerely,

Los Altos Residents

James and Theresa Tringali