



Rancho Peñasquitos Planning Board Meeting Minutes

February 4, 2015

Attendees: Jon Becker, Thom Clark, Bill Diehl, Bill Dumka, Stephen Egbert, Steve Gore, John Keating, Ruth Loucks, Jack McGuire, Darren Parker, Darshana Patel (appointed 2/4/15), Jeanine Politte, Brian Reschke, Keith Rhodes, Mike Shoecraft, Rod Simmons, Ramesses Surban, Brooke Whalen

Absent: none

Community Members & Guests (Voluntary Sign-in): Leslie Lucas, Tim Lucas, Stephanie Craghead, Greg & Genny Chase, Barry Martin, Chris Brady, Aurelio Ramos, Barbara Camarillo, Gloria Kuramoto, Audrey Blenkle, Frank Xu, Lisa Arnold, Linda Ann Brady, Christine Schaffer, Cindy Monzingo, Trina Gerdes-Hughes, John Groll, Paul Hoover, Denise Bryan, Sasha Harvey, Pam Blackwill, Mary Alice Schmidt, Anne DeBevoise, Don Bledsoe, Karlene Blackburn

1. The meeting was called to order at 7:34 pm at the Doubletree Golf Resort located at 14455 Peñasquitos Drive, San Diego, California 92129. A Quorum (17) was present.
2. Agenda Modifications: none
3. Public Safety Agencies: none present
4. Public Forum:
 - a. Tim Lucas encouraged residents to get involved in their community and the process; the planning board members are all volunteers and put in a lot of effort in supporting the community. He urged attendees to sign up for the email list, attend meetings regularly and even run for a board seat. He's been involved in his community for many years.
 - b. Gloria Kuramoto asked the members to consider the big picture of all developments when reviewing Merge 56 and Rhodes Crossing, not just the individual projects; impacts will be felt by all of Rancho Peñasquitos and Torrey Highlands and along SR-56.
 - c. Anne DeBevoise said that she misspoke last month. Her property is not land-locked, but utilities to their property will come through other properties owned by others, via the roads.
5. APPROVAL OF MINUTES: November 5, 2014 & January 7, 2015
Motion: To approve the November 5, 2014 Rancho Peñasquitos Planning Board Meeting minutes as corrected. M/S/C - Shoecraft/Becker/Approved, 16 in favor – 0 against – 1 abstention (Loucks).
Motion: To approve the January 7, 2015 Rancho Peñasquitos Planning Board Meeting minutes as corrected. M/S/C - Shoecraft/Reschke/Approved, 13 in favor – 0 against – 4 abstentions (Egbert, Loucks, Simmons, Whalen).
6. ANNOUNCEMENTS & INFORMATION ITEMS:
 - a. San Diego City Development Services Dept. Report – Michael Prinz, not present
 - b. San Diego City Council Member Mark Kersey, District 5 Report – Garrett Hager
 - Pothole crews will be in District 5 on 2/11/15 and 2/25/15; residents can report potholes or cracks on the Council District 5's website, Streets Division by phone or website or contact Hager to get community potholes on the list.
 - Becker inquired if the potholes need to be reported prior to the crews scheduled outing?
 - Hager said yes.
 - Surban asked for clarification on the more effective ways to report potholes so

Hager's email box doesn't get inundated with requests?

- Hager said that Councilmember Kersey's website has a button where residents can complete a form or San Diego Streets Division website has a form.
 - Ranger Station ground breaking was this morning; thanked RPPB members who were in attendance.
 - A Small Business Mixer is scheduled on 2/11/15 at 5:30pm in El Dorado Room at the Doubletree for Councilmember Kersey to meet local business owners and discuss issues they may have.
 - City Council's Charter Committee will be reviewing each section of the Charter for potential changes i.e. outdated regulations, language changes, etc. Contact Hager or District 5 offices with suggestions.
- c. San Diego City Council Member Chris Cate, District 6 Report – Luis Pallera
- Pallera reported that he'd brought Councilmember Cate's February newsletter; copies were on the table in the rear of the meeting room.
 - Councilmember Cate also attended the ground breaking for the Ranger Station.
 - Councilmember attended a Meet & Greet in Park Village last week.
- d. San Diego County Supervisor Dave Roberts, District 3 Report – Representative, not present
- e. CA Assembly Member Brian Maienschein, 77th District Report – Michael Lieberman, not present
- f. U.S. Congressman Scott Peters Report, 52nd District Report – Hugo Carmona, not present

7. BUSINESS.

- a. **Board Member Appointment, Town Council Seat** – Thom Clark, RPPB (Action Item)
- Clark reported receiving a letter from Town Council President, Melinda Vasquez, for the appointment of Darshana Patel to fill the vacant seat. Clark invited Patel to introduce herself.
 - Patel noted her number of years on the Town Council and the positions that she has held, specifically the Town Council President and currently is the Fiesta Chair.
 - Surban inquired if the 3 meeting attendance requirement applies to Patel's appointment?
 - Politte said, no but we do need to vote on her appointment.

Motion: To confirm the appointment of Darshana Patel to represent the Town Council on RPPB. M/S/C – Clark/Reschke/Approved, 17 in favor – 0 against – 0 abstentions/recusals.

** Patel was seated; 18 members present.

- b. **Verizon Wireless Communication Facility (WCF), PTN #379009 at Ridgewood Park, 12604 La Tortola; proposed Faux Eucalyptus Tree with Twelve Antennas** – Kerrigan Diehl, PlanCom Inc. (Action Item)
- Clark introduced K. Diehl. He noted that once she gives her update, then the board members will have opportunity to ask questions, and then he will open it up to the community beginning with a planned presentation. He asked that the dialogue not be duplicative.
 - Parker asked K. Diehl to give an update on the status of the project.
 - K. Diehl noted that they had presented the project at the January 7th meeting and were asked to come back. She said, the project is a 50' faux eucalyptus tree oriented in the Southwest corner of the park with the associated equipment enclosure along the pathway. The equipment enclosure is 12' x 20' with native shrubs around it and an 8'

trellis. The tri-trunk design of the Eucalyptus is the standard. If the board recalls, the shrub species was not known in January as they were waiting to discuss with the Park & Recreation Dept. Also, due to some of the visual issues discussed in January, they have reoriented the equipment enclosure behind the existing trees beyond the path to integrate better. The January motion included conditions that the trench be moved to outside the walking path and the project plans name Ridgewood Park. There are 50-60' existing trees around where the faux tree will be located. She understood that the motion was to approve the project with conditions which they have addressed, but as the board discussed the project, it was noted that the cycle review comments had not been received and RPPB wanted them to come back in February. Comments have come back and they have cleared a lot of those issues. Park & Recreation, Engineering and Planning have signed off and now they (PlanCom) is doing minor cleanup on the plans. They are seeking RPPB's recommendation on the project tonight.

- Parker asked K. Diehl to explain why this site location was picked over other sites.
 - K. Diehl said that she would ask Shelly Kibourn with PlanCom to speak about CP 600-43 and the location criteria, adding that this is a Preference 2 site.
 - Kilbourn presented the search area that was provided by Verizon on screen. They start by looking for a Preference 1 site which is located on a commercial or industrial site and would be approved under Process 1 by City staff. If there isn't a Preference 1 location, then they look for Preference 2 sites. This site is a Preference 2 location which is zoned residential but nonresidential use and at least 100' away residential property. They have to provide information to the City, why they can't use a Preference 1 site and why this Preference 2 site is justified. She also showed a City zoning map which showed the search area; all other sites are Preference 3 or 4. They looked at Views West Park, but that site is too close to an existing site and it wasn't an improvement to this site or on the preference scale.
- Parker asked them to discuss the size change in the equipment enclosure.
 - K. Diehl noted that initially it was 350 sq. ft. and decreased to its current size 240 sq. ft. and still functional.
- Becker asked if the equipment structure was relocated?
 - K. Diehl replied that it had been shifted behind the existing trees, slightly northwest of the January meeting's presented location; more appropriate location based on RPPB comments.
- Simmons asked if this site allows expansion or collocation with other carriers?
 - K. Diehl replied, this application is for Verizon's sole use, but the tree would allow additional antennas. The equipment structure would not allow additional carriers. Additional carriers would also need to get their own permits.
- Patel asked about the target area and a specific yellow (residential zoned) area south of the Ridgewood Park neighborhood and east of the park.
 - K. Diehl clarified the route of Mercy Rd. in response to Politte's misunderstanding and noted that the yellow strip referred to by Patel is canyon land zoned residential and below the homes on the ridge.
- Keating, referencing the 200' elevation difference between this site and Views West Park, asked if the antennas could be tilted to provide the same service coverage from Views West Park?
 - K. Diehl said the antenna couldn't be tilted enough (from Views West Park) to

provide better coverage for this search area. Coverage maps tell the story and where coverage drops.

- Keating suggested the area on Mercy Road where the Water Authority has an access road (wall with cut out on north side of Mercy Rd.), and asked if this would this be a good location? What other sites have they looked at?
 - K. Diehl said the Preserve presents its own set of problems with the MHPA, MSCP and biology whereas the Park basically has disturbed developed land from an environmental stand point. When you look at alternatives there is no other alternative that provides a more preferred location within Council Policy guidelines. When they look at Views West, it's still a park and adjacent to residential; there is no difference from a process standpoint. Technically, the height is the difference.
- Keating asked if the project is not approved, would they come back with an alternative; this or nothing?
 - Simmons said a site is going into the Preserve.
 - Keating added that it would be at the new Ranger Station once it is built.
 - K. Diehl said they might have to come back with a lesser preferred site that might be located on a residential site (Preference 4). The City will ask why they didn't come forward with a Preference 1 or 2. The other search area that will be explored by Verizon as shown on the map, blue dot just east of I-15 and south of Mercy Rd. won't provide coverage for this neighborhood.
 - Keating noted the other blue dot on the future search areas map is located near the Ranger Station.
 - K. Diehl said the blue dots, future search areas, provide additional needed coverage.
- B. Diehl asked if the site is plumbed for an emergency generator?
 - K. Diehl said there is no generator planned but there is an Appleton Plug in case of a disaster so a generator can be used.
- Shoecraft asked where the other carriers sites are located?
 - K. Diehl replied, there are multiple carriers at the shopping center (Carmel Mtn. Rd x SR-56), multiple carriers at Black Mtn. Rd. x SR-56 intersection, T-Mobile is at Peñasquitos Point Apartments, Verizon is at the LaQuinta Motel, AT&T is up on the ridge with a mono-eucalyptus. Sprint is at Canyonside Park.
 - Politte noted, there is a site at the library.
 - B. Diehl noted carriers in BMOSP.
- Surban, referencing the City of San Diego Wireless Communication Facility Guidelines (last updated 3/1/2013), said the City asserts that the Telecommunications Act of 1996 prohibits the City from regulating the "placement, construction, and modification of [WCF] on the basis of the environmental effects of RF emissions to the extent that such facilities comply with the [FCC's] regulations concerning such emissions." Is it her position that the TCA of 1996 would restrict us from considering the potential detrimental affects to human health that the community is concerned with, and would it be inappropriate for us to consider same, out of our purview?
 - K. Diehl noted that the carrier is heavily regulated by the FCC and required to demonstrate compliance with the regulations in their EME report.
 - Kilbourn added, that RPPB can discuss and the applicant can provide the information. RPPB can deny the project, but can't base their denial on those health effects.

- Surban asked, when the Act talks about environmental effects, doesn't the environmental umbrella include the effects on human health?
 - Kilbourn said it is based on the RF emissions that are regulated by the FCC.
 - K. Diehl said they comply with the demonstrated FCC regulations.
- Clark said the ITC (Information Technology and Communications Dept.) makes that decision, it's not our piece. We don't deny or approve on it.
- B. Diehl said that he is personally not opposed to the project but as the representative to the district where Ridgewood Park is located, he will probably have to vote against the project due to the community opposition. He added, PUSD has many schools with Wireless Community facilities located on school sites where kids are located. BMMS and Sunset Hills both have sites near the sports fields.
- Rhodes said that he feels that K. Diehl has addressed the concerns discussed last month, a better project because of that.
- Shoecraft asked B. Diehl if there are any WCFs in Rancho Peñasquitos neighborhood parks?
 - B Diehl said, not in our neighborhood parks at this time, but Canyonside Community Park has facilities.
- Dumka said the use of dedicated parkland may be an issue as it conflicts with the City Charter, but it seems like the City has made a decision that it is okay to use parks.
 - B. Diehl said that most parks in Scripps Ranch and Sabre Spring have cell sites; 38 parks throughout the City have cell sites.
 - Becker noted that CP 600-43 states (on page 7) that the Director of Park and Recreation Dept. may limit the number of WCF allowed in any City Park. One equipment per City Park.
 - Politte asked if that means one site per park or one site per applicant in a park?
 - Parker said they would have to collocate.
- Politte said that CP 700-17 says they can't deny and can have wireless facility on it. Under CP 600-43, under the design section, it says "must not disturb the environmental integrity of the parkland or open space." She added that she felt this does disturb the park land. We can hide it, we can merge it. It still disturbs the environment, the adjacent land and the wildlife corridor. There were other locations that could have been looked at like Mercy Rd. like Keating was talking about. It may cost the applicant more if they need two sites with a shared equipment enclosure possibly in the public right of way, but it would be more aesthetically pleasing and a more environmentally accepted location and not right next to where children are playing. B. Diehl said there are no current sites in Rancho Peñasquitos neighborhood parks, but there is a site at Canyonside Community Park on field lights. She asked B. Diehl how tall the field lights pole is?
 - B. Diehl replied, 60 feet.
 - Politte noted that the bottom of the antennas would probably be 45-50 feet off the ground. The Ridgewood Park faux tree is 50 feet tall and the bottom of the antennas are at approximately 30-35 feet off the ground, correct?
 - K. Diehl said they would be about 40 feet off the ground. The top of the tree pole is 50 feet.
 - Politte noted the motion last month included increasing the height and the plan height presented tonight is the same as last month.
 - Parker said they have increased the height.

- K. Diehl said, that was the board's comments in the motion and Parker had requested that the height be increased with additional branches/foliage added to the fullest capacity per manufacturers engineering standards and fabrication.
 - Clark said it is a simple answer of fact, did you increase the height or not?
 - Becker asked Politte if her concern was related to the aesthetics?
 - Politte said yes, if this tree is going to be here do we want it to be higher with more branches and thicker foliage?
 - Parker reviewed the recommendations that were discussed; socks on the antennas, as many branches as possible, and the trunk to resemble bark. They have done all that.
 - Politte read last month's motion: 'with conditions: 1) enhance tree with additional foliage, increase height 3-4 feet, reconfigure trench to outside the existing park sidewalk [which they have done], the structure to be looked at and the landscape plan be looked at.' That's the motion, but they haven't increased the height.
 - Becker noted, there was a friendly amendment to add additional trees for screening.
- Surban referenced Politte's suggestion that were alternative locations that might be better suited for this site and asked, are we suppose to think that the City or ITC has reviewed/evaluated the application and determined that this is the site? Is this an issue/nonissue and do they [City] have any opinion on whether the applicant has done a sufficient analysis?
 - Kilbourn noted that ITC only reviews for interference with other City communications.
 - Surban asked, so then is it appropriate for us to consider whether this is the appropriate location?
 - Kilbourn said, yes.
- Simmons asked about collocation and use of the Verizon equipment structure; other carriers could use the tree and would have to build an enclosure?
 - K. Diehl said, the Verizon enclosure is condensed down and there's not enough room to add another carrier.
- Rhodes asked if the equipment building could be enlarged by an additional carrier?
 - K. Diehl said, provided it is within the disturbed areas and not in the mapped habitat areas.
 - Rhodes noted that if they went into the habitat, they could mitigate that. He asked if another carrier wanted to enlarge Verizon's structure, could they enlarge it, and would they go through the same process that Verizon went through for their permit?
 - K. Diehl said, yes.
- Becker asked, if this is the only type of facility that could be provided or might there be micro-sites that could be placed on light standards to provide the service?
 - K. Diehl said it was talked about during the subcommittee meeting, briefly. If they looked in the right-of-way in the search area, the sites would result in being closer to someone's home. Because we're in an area that is residential where street lights are located. They are treated as the residential zone where located and it becomes a Preference 4.
- Politte reviewed the plans presented at the January meeting: 42' high RAD Center, 45'

high steel pole and with the branches - 50' high. The plans shown tonight have the exact same measurements, they did not increase the height or the branches and that needs to be rectified.

- K. Diehl said there was a lot going on at the last meeting. So the board would just need to clarify to achieve a recommended height at say 52' or 53' or if the antennas should go down. When you look at existing applications, there's a real natural appearance.
- Parker asked what is the max height for the zone and the height restriction for their use permit?
 - K. Diehl said, 35 feet.
 - Kilbourn said, there is no restriction for the planned development permit, but they do have to make the findings that it is consistent with what is around it.
 - K. Diehl said in this case the height was dictated by the existing trees; others are around 50-60 feet. Other existing applications look to be quite natural.
- Surban noted the new rule enacted by the FCC this week. He asked for clarification on the impact of this change and would it restrict states, local governments and us from reviewing future modifications to the site? If we approve this, future changes wouldn't come before us?
 - Parker noted, 6409. [*guidance on section 6409 of the Middle Class Tax Relief and Job Creations Act of 2012 (Wireless Facilities Deployment, (a) Facility Modifications)*]
 - Kilbourn said, the FCC needed to clarify what a minor modification is and allowed without additional approval. Example would be, add one array of antennas or one carrier on an existing tree.
 - Parker said, the bill is 2 years old, but needed clarification on this hidden portion of the bill.
 - Kilbourn added, the FCC guidance clarification was certified 2 weeks ago and won't go into effect until April 2015.
- Ridgewood Neighborhood Group presentation in opposition to the proposed project location. (multiple handouts, exhibits attached)
 - Greg Chase read the following from CP 600-43, Guidance for Placement of WCF: "Preference 2 Locations. This category includes areas that may be considered for siting Wireless Communications Facilities as long as the applicant submits adequate information demonstrating that a Preference 1 Location could not be used to meet the technical requirements for the facility thereby supporting a Preference 2 Location."
He also read the following: "The applicant should demonstrate that sites within the Preference 1 were explored in good faith and found unacceptable."
He said that he's been in contact with the Project Mgr., Simon Tse, most recently on 1/28/15. Simon Tse indicated that he has requested additional documentation from the applicant. Chase and his neighbors believe there are better suited sites along Mercy Road, south of Mercy Road that would preclude using a neighborhood park.
 - Tim Lucas clarified that CP 600-43 states that "each applicant should be allowed only one equipment enclosure", which means that multiple carriers could come into the park and each one could build an enclosure.
Lucas noted that Ridgewood Park is dedicated parkland in perpetuity for park and recreation activities.

He highlighted sections in the handouts:

1. City Charter Section 55, “All real property owned in fee by the City heretofore or hereafter formally dedicated in perpetuity by ordinance of the Council or by statute of the State Legislature for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or later ratified by a vote of two-thirds of the qualified electors of the City voting at an election for such purpose.” Not for commercial purposes.
 2. Ridgewood Park is formally dedicated parkland in perpetuity.
 3. Case law from the Ninth Circuit Court of Appeals (December 2013) upheld the primacy of the City Charters, specifically that the city charter provisions restricting parkland use is not subject to the Telecommunications Act of 1996. Basically, the City Charter takes precedence over the Telecommunications Act of 1996. This ruling says that communities can deny a project based on the aesthetics, it’s a valid reason.
 4. He noted CP 600-43 language, page 6 under Design. “Proposed facilities must be disguised such that they don’t detract from the recreational or natural character of the parkland or open space. Further, proposed wireless communication facilities must be integrated with existing park facilities, and must not disturb the environmental integrity of the parkland or open space.” And on page 5, it states under number 4, “that the City may grant authorization on dedicated parkland and open space if it is first determined by the Park and Recreation Dept that the requested action would not only meet the criteria of this Policy, but would also be consistent with Charter Section 55.” The Charter Section 55 says it would not be consistent.
 5. He provided a sample motion that the findings cannot be made to approve the project with specific reasons (Inconsistent with Charter, aesthetics and inconsistent with CP 600-43 policy on Design). He asked RPPB to consider denial of the project, but any motion made by RPPB should provide specific details/reasons.
- Stephanie Craghead said that she was hoping to convince RPPB to deny the project in the park. She isn’t sure if the studies have kept pace with the advancing technologies when it comes to health, even though it has been said that it is not in the planning board’s purview. In addition to the EMFs, we are looking at a structure in the park that may be unsafe. Another neighbor visited Camino Ruiz Park which has a structure in disrepair. There is nothing around the proposed structure to keep children from climbing it. It has signage, but children may not be able to read it. She doesn’t want it close to her home or in her neighborhood park and is willing to help PlanCom/Verizon find a more suitable location that is away from residences and not near children’s playgrounds. The World Health Organization’s International Agency on Cancer Research has classified radio frequency and extremely low frequency EMFs as possible carcinogens to human health; not definitively saying that they are or aren’t, just that it’s a possibility. The FCC human exposure limits were finalized in 1997; how many people had cell phones in 1997 or how many cell towers were in place. The guidelines need to be updated due to increasing technology. In 2013, the American Academy of Pediatrics wrote a letter to the FCC and FDA stating that more research is needed to reassess the current radiation standards due to changing technologies. The letter

also stated that children are disproportionately affected by all environmental exposures including cell phone radiation and that Policy should protect the youngest and most vulnerable population. She added that we shouldn't experiment on our children and respectfully asked the board to deny the project.

- Chris Brady said the applicant did not minimize the impacts and besides the neighborhood's loss of views, the applicant didn't look at other viable locations. He added that Rancho Peñasquitos Park & Rec voted unanimously to deny the project. He distributed comments from approximately 160 of their neighbors who signed their petition and shared reasons why they didn't want the cell tower in the park.
- Speaker slips and additional public comment:
 - Christine Schaffer (speaker slip in opposition) asked the applicant to consider how the neighbors feel and asked if it could be moved near the highway or on a street light along Mercy Rd.
 - Aurelio Ramos (speaker slip in opposition) said he believed a Mercy Road siting would provide similar coverage. If additional carriers don't need to come to RPPB for approval then there could be more impacts on their park and a vote to approve today would set precedent, allowing cell sites in our other neighborhood parks. These items should be considered in RPPB's vote.
 - James Donahue (speaker slip in opposition) – was no longer present when called.
 - Audrey Blenkle (speaker slip in opposition) – chose not to speak publicly.
 - Mark Anders (speaker slip in favor, spoke in opposition) – He said that initially he was in favor of the project because he's a Verizon customer and would like improved service. But after hearing the presentation and learning the details, he now opposes the project for the following reasons:
 - Metal tree is not a tree; its aesthetically unattractive.
 - Its approximately 28' from the sidewalk to the grove of existing trees, next to the picnic table where families and children sit and within everyone's view.
 - He would like to propose that Verizon move the faux tree behind the existing grove of trees and asked RPPB to include this condition as part of their motion. Or postpone the motion until this option can be analyzed.
 - He admonished someone that he had been in contact with (possibly the applicant) for not addressing this issue as he'd expected; adding that the applicant is not a good neighbor. This was a poor effort on their part.
 - Parker said that they did move it over.
 - Gary Martin said he was opposed to the project (speaker slip submitted for non-agenda item/open forum in error). He said that he has been collecting data from in the Preserve and adjacent areas for 20 years and would like to discuss the environmental aspect. The location is within a MSCP wildlife corridor to the Preserve. This habitat areas are critical to the wildlife in the area. Aesthetics of putting in the structure blinds the open space corridor. It's a travesty that another carrier could come in and put another facility on the site. What he's seen in his studies is a steady decline in activity in the area, making his work much harder. Parks & Recreation and Open Space folks have been trying to eradicate the eucalyptus, an invasive species; they were letting them time out and not replace them in favor of more native trees. Why would they want to place a faux eucalyptus? He doesn't know what information the biologists were provided that would influence a decision in favor of this location. The company hires a

biologist, paid by the applicant to provide the environmental report that will get it through the process. He added that he was not impressed, this is a commercial operation in a public facility to accommodate wildlife and provide open space and recreation.

- Clark thanked the audience for their participation in the process.
- Clark reviewed the motion from the January 7, 2015 meeting to approve the project with conditions. The motion that was brought forth and amended, was tabled by an approved motion. It is now on the table to be voted on. Clark read the motion from the minutes.

Motion: To approve the Verizon WCF, PTN #379009 at Ridgewood Park, 12604 La Tortola, with conditions: 1) enhance tree with additional foliage, increase height 3-4 feet, reconfigure trench to outside the existing park sidewalk, the structure to be looked at and the landscape plan be looked at. M/S/C – Parker/B. Diehl/Discussion. Before the motion could be voted on, another motion was made, seconded and approved to table the first motion until staff comments were received and reviewed.

Motion: To table the Verizon WCF, PTN #379009 at Ridgewood Park, 12604 La Tortola to a future meeting (date to be determined). M/S/C – McGuire/Becker/ Approved, 12 in favor – 2 against (Parker & Diehl) – 0 abstentions/recusals.

Clark said that we should start with the motion that was not acted on in January.

- Rhodes said that we can alter the motion. It was tabled to a later date and he believes we need to start with the motion that was made at the January meeting.
- Simmons asked if we need to limit the discussion on those points? No.
- Becker asked if we could validate if those conditions have already been addressed?
- Clark reviewed the conditions:
 - 1) enhance tree with additional foliage
 - a. K. Diehl said it would be based on maximum density allowed by the fabrication.
 - 2) increase height 3-4 feet
 - a. K. Diehl said that she would defer to the board on whether the height should be 53 or 54 feet or remain at 50 feet with a lowering of the antenna.
 - b. Parker said the intent was to make sure it was rounded on the top and not looked chopped off. He added that they have addressed all the City comments.
 - 3) reconfigure trench to outside the existing park sidewalk - yes.
 - 4) the structure to be looked at - Clark asked if the structure had changed?
 - a. K. Diehl said it was the same size as presented last month (250 sf) with an 8 foot high CMU, technically 9 feet with the trellis.
 - b. Becker added that the structure had been shifted also.
 - 5) the landscape plan be looked at. – Clark said there were 6 shrubs around the structure and the additional trees in the grove.
 - a. K. Diehl said there are now 9 shrubs and Park & Recreation has approved the species.
 - b. Becker asked if there are additional trees around the faux tree in the grove that were asked for in an amendment to the original motion?
 - c. K. Diehl said that it was not included due to the timing of the 2nd motion and not a lot of additional discussion in this.
 - d. Mark Anders said that he preferred the faux tree be moved behind the

- existing grove, farther away from the park.
 - e. Keating asked Becker to be specific about tree types and sizes.
 - f. Becker added, he'd like tall screening trees with a mix of 5 – 24" box and some 15 gal. size of Canary Island Pines and Carob trees similar to those that are already there.
 - g. Diehl added, there is no irrigation near the grove.
 - h. Becker said the applicant would need to figure out how to irrigate. He added that if approved, it comes down to an aesthetic and these will help mitigate, create a balance.
- Tim Lucas inquired if RPPB has a Parliamentarian to assist with Robert's Rules of Order? He did not believe that RPPB would need to vote on the tabled motion.
 - Clark said that he wanted to see if the motion carries or not.
 - Parker said that he did not believe they could move the faux tree behind the existing grove due to existing habitat.
 - K. Diehl said, behind the existing trees is sage scrub/sensitive habitat. The current faux tree site is currently on 'disturbed' land and the closer they get into the sage scrub there are impacts and not preferred.
 - Mark Anders said there is no vegetation behind the existing trees and he had shown K. Diehl his recommended location.
 - B. Diehl asked K. Diehl, what's the next step if we approve or deny the project?
 - K. Diehl said the project will go to the Planning Commission for approval and an approval is appealable to City Council.
 - McGuire said that he motioned to table the 1st motion (January meeting) because we didn't have all the information from the City to make an informed decision. He asked Parker if we've received all that information and what they said?
 - Parker said they've satisfied the list of requirements and the City has signed off on the issues.
 - It was clarified that Clark emailed the revised plans and cycle issue comments to each board member.
 - Surban said that the way to analyze the issue is first, has the applicant satisfied to us that this is the appropriate site and the only site that would achieve their network objectives? If yes, have they minimized the aesthetic impacts? If yes and like most discretionary permits, it should be a balancing act. Here it's balancing the need of the applicant to provide network coverage for their customers and the need or desire of the community to preserve the nature of their community park. He added, that's the bottom line question that we are faced with.
 - Rhodes noted, that we don't make the final decision. The city makes that decision. Sometimes they listen to us and other times they don't. We can't use RFs as a reason and the City has already established that parks are an acceptable location and not in conflict. We try to get the very best project within our purview under the City's guidelines. He asked the audience to understand, we exist at the pleasure of the City.
 - Gore said that he respects the power of the people; remembering the efforts during the City Council redistricting and how the voice of Park Village residents were ignored. A lot of effort went into interviewing all your neighbors to gather support to keep Verizon out of the park. But we are confined to the code and guidelines. Gore asked, is there a better place for them to have an impact and to voice their concerns?
 - Clark said our recommendation goes to the Planning Commission; they should make

their voice heard at Planning Commission and a decision by the Planning Commission to approve is appealable to the City Council. He read the Design portion of CP 600-43, "Proposed wireless communication facilities must be disguised such that they do not detract from the recreational or natural character of the parkland or open space. Further, proposed wireless communication facilities must be integrated with existing park facilities, and must not disturb the environmental integrity of the parkland or open space." He added that we see and review a lot of wireless projects all over our planning areas and we need to try to treat them equally under the criteria that we have. What is aesthetically pleasing differs between individuals so no one will have the same opinion on a project. With that, it becomes a little bit tenuous. We compare this project like any other project to the criteria we have to evaluate it. If someone doesn't like our decision, they can go to the next level and voice their concern. In this case, the next step is the Planning Commission whichever way we vote.

- Politte said, in response to Gore's comments, that there are things that we have to follow and what we're supposed to be looking at, but that doesn't preclude any one of us as individuals, those who are dead-set against it, from voting against this project. If you don't like it, don't vote for it.

And in response to Tim Lucas' comment about not voting on the prior motion that was tabled. I don't think at this point that it helps us to even vote on it, because the amount of alteration needed based on what they have and haven't done and additional conditions that might be made to the motion. We should come up a new motion that includes everything that the board wants in it and let that motion just fall away.

- B. Diehl disagreed and called for a vote on the existing motion, seconded by Reschke.
- Tim Lucas called for Point of Order, stating that we would need a 2/3 majority vote to bring the tabled motion to a vote.
 - Politte disagreed, because the motion is on the table we only need a majority vote to approve or deny the motion.
- Discussion on if the motion included the amendment offered by Becker. Politte noted that the amendment to the motion was accepted, but never read into the record before the 2nd motion was made and seconded.
- Lucas said, that he thought we would need to vote on the call of the motion.
- Clark reread the motion as follows:

Motion: To approve the Verizon WCF, PTN #379009 at Ridgewood Park, 12604 La Tortola, with conditions: 1) enhance tree with additional foliage, increase height 3-4 feet, reconfigure trench to outside the existing park sidewalk, the structure to be looked at and the landscape plan be looked at. M/S/C – Parker/Diehl/**Failed**, 4 in favor (Rhodes, Reschke, Parker, Egbert) – 13 against – 0 abstentions/recusals.

- Clark asked the members if someone would provide a new motion on the project?
- Gore noted they accomplished some of the previous recommendations but he didn't feel like they've addressed the height. He would recommend adding 3 feet, add more foliage, additional trees to blend or make a larger grove.
 - K. Diehl said the tree would be fabricated with the maximum branches.
 - Politte asked, what is the maximum that can be added, compared to what we've seen?

Motion: To approve the Verizon Wireless Communication Facility (WCF), PTN #379009 at Ridgewood Park, 12604 La Tortola for a proposed Faux Eucalyptus Tree with Twelve

Antennas as presented with the following conditions: 1) increase height 3 feet with maximum foliage and shape, 2) add 5-24" boxed Canary Island Pine trees and 5-15 gallon Carob trees in the grove. M/S/C – Gore/Rhodes/Discussion.

- Reschke suggested an amendment to change the faux eucalyptus to a mono-pine tree.
- Politte asked if his amendment was to change the tree or ask the City to explore a mono-pine as an option? Reschke said to change it.
- Gore and Rhodes agreed to accept the amendment to change the tree to a mono-pine.
- Rhodes asked, which tree hides the antenna array better, the pine or eucalyptus? He added that we don't want a tree that won't hide the antenna.
- Whalen said the additional trees are not going to be big enough to hide the tree initially. She asked to amend the motion by removing the mono-pine and change it back to the faux Eucalyptus. It would blend better with the existing and the new additional trees. Gore and Rhodes agreed to change the tree type back to Eucalyptus.
- Egbert asked if all the other previous conditions have been included in the revised plans? Yes.
- Discussion on maintaining the new trees until established as there is no irrigation.
- Keating asked for clarification that the motion was for a faux eucalyptus? Yes.
- Dumka suggested that we recommend that somehow the site be conditioned that additional carriers on this site be required to come to RPPB for approval.
- Becker rephrased that if additional carriers to this site, that they be required to come before RPPB. Amendment was accepted by Gore and Rhodes.

Motion: To approve the Verizon Wireless Communication Facility (WCF), PTN #379009 at Ridgewood Park, 12604 La Tortola for a proposed Faux Eucalyptus Tree with Twelve Antennas as presented with the following conditions: 1) increase height 3 feet with maximum foliage and shape, 2) add 5-24" boxed Canary Island Pine trees and 5-15 gallon Carob trees in the grove, and 3) require that future wireless carriers to this site must come to RPPB. M/S/C – Gore/Rhodes/Approved, 11 in favor – 7 against (B. Diehl, Loucks, Patel, Politte, Shoecraft, Simmons, Surban) – 0 recusals/abstentions.

** Parker excused himself and left; 17 members present.

c. **Del Sur Court Vesting Tentative Map, Planned Development Permit and Site Development Permit for 206 age restricted dwellings on an approximately 38 acre site in Black Mtn. Ranch** – Bill Dumka, Standard Pacific (Action Item)

- Dumka recused himself.
- Dumka reviewed the project. The site is located just off Camino del Sur north of Lusardi Creek. The entry is at Del Sur Court, a signaled intersection. The site is surrounded by single family homes with motor court style homes in the center. The homes will be for 55 and older residents. There will be 2 bedroom units up to 3 bedroom units, some with lofts. Sizes range between 1300 s.f. up to just under 3,000 s.f. It's a gated community with private streets, common landscaped areas. This site is under the umbrella of the North Village Tentative Map. The site is already graded. They received cycle comments last week. It was previously designated for 300 units and this proposal is 206 units.
- Reschke asked if this was originally the hotel/golf course site?
 - Dumka said the site was originally planned for the hotel/golf course, then re-designated as a multi-family residential site and proposed for continuing care retirement community. Then they looked at other alternatives and came back with the age restricted project for 206 units.

- Loucks asked where the golf course is currently planned and when would that go in?
 - Dumka said the golf course is not going in; the remaining lands will be revegetated and is designated as open space.
- McGuire noted that the 2014 fire came down the southern edge of the parcel.
 - Dumka said the trail connection around this parcel provide access to the backside of these homes for the fire department to access a wildfire.
- Gore asked if the units would have a Mello Roos?
 - Dumka said yes, but it would be different/reduced because there will be seniors and no need to fund schools for these parcels. It would end up at 1.5% for infrastructure.
- Patel asked about parking availability for guest and unit parking.
 - Dumka said each unit will have a 2 car garage, plus the single family units will also have driveways. The public will park on the street, parking on both sides.
- Politte inquired if the streets were 2 lanes?
 - Dumka replied yes.
 - Keating asked, how wide? The City will allow at a minimum 32 feet wide up to 40 feet curb to curb.
 - Dumka said it is 32 feet wide.
- Rhodes asked if they would be processing both a condo map and a single family map?
 - Dumka said there is a condo map for the 6 unit clusters because 2 of the units in the clusters are attached. All other units are single family.
 - Rhodes asked for clarification on the initial unit count approved by the voters and inquired about the timeline when the parcel was changed to the golf course?
 - Dumka said 5400 units were approved by the voters. The golf course and hotel were in the original vote and not counted as units. They won't be above the approved number of units in all of BMR.
- Clark said he received a letter dated 10/23/14 noticing a street vacation. Is this the same project and what has happened since then? What are we approving?
 - Dumka said the project is smaller and they need approval of the tentative map which includes a PDP and SDP. This is project #340862. The street vacation was actually done a few years ago, but there will be some utility easements that need to be vacated in the cleanup.
- Politte asked if the design is similar to Camelot and asked for clarification on the original 300 units at this site? She said she thought we had shifted the senior housing up to the North Village.
 - Dumka said there is more variety of the product types and less intense than Camelot, most of this is detached housing. The remaining 94 senior units were shifted to the North Village.
 - Politte noted that the residents would need to park in their garage and won't be able to park in the motor court. How is trash pickup going to work?
 - Dumka said it will be private.
 - She added that on one of the exhibits, it showed bollards blocking access to the North Village Trail, but it wasn't shown on the landscape design. Did they intend to keep the bollards?
 - Dumka said the bollards would remain and that the trail is the secondary exit in case of emergency.

- Politte noted that the trail would need to be fenced so the older seniors stay on the path and added that she felt the street widths of 32 were a bit narrow for a senior community that will be driving. Architecture illustrations weren't provided, why?
- Dumka said it is all covered in the Design Guidelines. Camelot was not included in the guidelines, that's why RPPB was asked to look at it.

Motion: To approve the Del Sur Court Vesting Tentative Map, Planned Development Permit and Site Development Permit for 206 age restricted dwellings on an approximately 38 acre site in Black Mtn. Ranch as presented. M/S/C – Surban/Loucks/
Discussion.

- Keating noted there is very limited parking near the clubhouse. This site is far removed from the town center and we're isolating seniors.
 - Dumka said they are rearranging to provide 12 spaces in a revised map at the clubhouse.
- Patricia (BMR) asked if there has been a change in City requirements for access to public transportation, grocery stores, etc?
 - Dumka said there is language addressing what Keating is suggesting and other language addressing the need for diverse senior community solutions.
- Dumka added that the community center would be 10,000 s.f. which is pretty extensive. This will be more of an active seniors community.
- With no further discussion, Clark called for a vote on the motion as follows:

Motion: To approve the Del Sur Court Vesting Tentative Map, Planned Development Permit and Site Development Permit for 206 age restricted dwellings on an approximately 38 acre site in Black Mtn. Ranch as presented. M/S/C – Surban/Loucks/Approved, 15 in favor – 0 against – 1 abstention (Patel) – 1 recusal (Dumka).

** Keating excused himself and left; 16 members present.

d. **Authorize expenditures from the Community Planners budget for printing and website domain renewal** – Jon Becker, RPPB (Action Item)

- Becker noted that the CPC have \$500 for this year which we can use to reimburse members for expenses through this June 30th or we lose it. We have renewal of our 3 domain names coming due with GoDaddy and he was thinking that it might be a good idea to pay for Carbonite for cloud storage as an annual fee. Domains will run approximately \$15 ea x 3 domains. He is requesting authorization to renew and submit the invoice.
- Gore said that Google Drive has 15 Gigs of space which is plenty of room for our files and there is no need for Carbonite. He thinks it might be better to spend it on hours for someone outside the board to upload.
- Patel noted that the Town Council is putting up a few proposals, they have been approached by a community member who volunteered to do the Town Council website and offered to help RPPB (Frank Xu has people who want to do community service work). She suggested that RPPB check into whether we might need to deal with worker's comp and other issues if we hire someone to do the work.
- Politte said, the Google website needs to be populated with documents before we publish that we have a website.
- Gore noted that it might not be appropriate for someone outside the group to have access to some of our documents and that we would probably need to develop policy/

procedures.

Motion: To approve the reimbursement for RPPB expenditures, not to exceed a total of \$125 for expenses allowed under the CPG Budget Policy. M/S/C – Becker/Surban/Approved, unanimously.

e. **Rancho Peñasquitos Planning Board Annual Report Approval** – Thom Clark, RPPB (Action Item)

- Clark noted that he'd sent out the revised draft again and asked for any final changes, but received none.
- Politte suggested a couple of changes and read them aloud; will email a revised copy to Clark for submission to the City.

Motion: To approve the 2014 RPPB Annual Report as corrected. M/S/C – Surban/McGuire/Approved, unanimously.

8. REPORTS.

a. Chair Report – Thom Clark

- Clark reported that he had received Melinda Vasquez's resignation noting that she had moved out of District 7 into District 1 at the end of January.
- The City is revising the Land Development Code (LDC) and RPPB may have missed the opportunity to provide comments. Clark will check the dates and if feasible, put it on our agenda.
- Clark noted that RPPB needs to decide if we will follow Robert's Rules to the letter in a formalized manner or not. Issues arise, like earlier in the meeting which became a distraction to the meeting process.
 - Politte said it is in the Bylaws, but it is at our discretion as to how we run our meetings.
 - Surban suggested that the Bylaws committee look at it.

b. Vice-Chair Report – Jon Becker

- Becker reported that Staff has reviewed the LMAD maps and the Via Pancea neighborhood is not included in any of the LMADs.
- Additionally, the roadway widths for Camino del Sur and Carmel Mtn. Rd. are going to be funded. They are covered in the current FBAs for both Torrey Highlands and Rancho Peñasquitos. They break them down by building the full width and then back in to finish with the medians.
 - Rhodes noted that they would build to the full width, paving the outside lanes first. They would then go in to pave the inside lanes when needed and add the curb/gutter/medians.
 - Rhodes said that in regards to Camino del Sur from the gas station to Dormouse, funds are in the FBA, it has already been collected to build the 4 lane road. People say they want traffic control along the roadway; if you want to restripe the 4 lanes to 2 lanes allows it to be changed to 4 lanes when needed. If fire trucks are posted on a 2 lane road, you will not get out that way – they won't let you. We shouldn't give up a facility that is bigger than needed at present. If Camino del Sur is built as a 2 lane road, it will be steeper, tough for kids on bikes to go up. The money is there and someone has to build it. It is in the phasing plan, that the bridge has to be under design with Caltrans before the commercial can be occupied. The other main connectors are 4 lanes, why would we build Camino del Sur and Carmel Mtn. Rd. as 2 lanes?
 - Becker noted that the developer will not likely benefit by reducing the width to 2

- lanes; money is in the FBA and tied to the phasing plan.
- Becker said he spoke with Lisa Arnold who requested that the Ad-Hoc Committee be reinstated as these projects get closer to view more intensely.
- Clark noted that he communicated with Michael Prinz about meeting structure. RPPB can meet with the community to discuss the project as an information only, inviting the developer to attend. He added that he spoke with Gary Levitt (Merge 56) about doing this, but Levitt did not favor this idea. We can discuss this idea further at the March meeting and vote on reinstating the committee.
- c. Secretary Report – Jeanine Politte
 - Politte presented the Election committee with an updated list of possible eligible candidates who had attended the required number of meetings through the January meeting. She will update the list again with those who signed in tonight or spoke publicly and send it to the Committee.
- d. Standing Committee Reports:
 - Land Use (Ramesses Surban) – no report
 - Telecomm (Darren Parker) – no report
- e. Ad Hoc Committee Reports:
 - Doubletree Resort (Jeanine Politte) – no report
 - Clark said he was contacted again and Becker was also contacted, about a new developer.
 - RPPB 2015 Elections (Brian Reschke)
 - Reschke reported that the only applications received were from current board members. The committee has contacted all potentially eligible community members and invited them to submit an application..
 - The election for the odd numbered seats will be held on March 4, 2015 from 5:30pm – 8:00pm at the location of our RPPB meeting that evening.
 - Discussion: per our current bylaws, applications can be accepted until 14 days before the election or through February 18th at 5:30pm. Additionally, we should discuss whether those who are trying to qualify to run, should stay for the full meeting during our Bylaws committee meeting.
 - RPPB Bylaws (Ramesses Surban)
 - Surban said the next meeting of the subcommittee would be on February 18th at 6:30pm in the Oakmont Room.

** Clark asked for a motion to keep the meeting going for no more than 15 more minutes so we can get through the reports.

Motion: To continue the meeting for another 15 minutes. M/S/C - Surban/Egbert/Approved, 12 in favor – 3 against (Reschke, Loucks, McGuire) – 0 abstentions/recusals.

- f. Liaison and Organization Reports:
 - Black Mountain Open Space Park (Bill Diehl)
 - Simmons reported on trail building that has been on going with the assistance from volunteers, most recently building the Black Mtn. Ranch Trail to the Community Park.
 - Becker asked if this an organized group? .
 - Simmons said, the Mtn. Bike Association does approximately 2500-3000 hours of trail maintenance a year. He added that the Minors Loop and Glider Port Trails are done.
 - Community Funds (Bill Diehl)
 - Diehl reported that he had received the balances for the funds through 9/30/2014

from Charlette Strong:

1. Park View Estates 392044/400221= \$879,786.46
 2. Penasquitos East Trust Fund 10596/400192 = \$874,487.54
 3. Penasquitos East 39085/400106 = \$144,080.79
 4. Black Mountain Ranch 392190/400245= \$43,641.23
- Diehl added that he didn't believe the balances were accurate, there are some outstanding balances.
 - The Rancho Peñasquitos FBA balance is \$244,427.
 - Becker noted that those funds are targeted for specific projects,
 - Diehl said they are targeted for whatever projects.
 - MCAS Miramar Community Leaders Forum (Stephen Egbert)
 - Egbert said the next meeting would be on explosive ordinance disposal.
 - PQ Fire Safe Council (Mike Shoecraft)
 - Shoecraft said they are meeting quarterly now, meet in Jan, Apr, Jul & Sep.
 - In July, they are planning to bring in S215 Fire Operations Training.
 - PERC will meet on 2/10/15 at 6:30pm at the Library; CPR Training without Certification.
 - PQ Town Council (Darshana Patel)
 - The Fiesta will be on Saturday this year at the City's request; May 2nd.
 - The Town Council is starting a Farmer's Market in conjunction with the YMCA and on their lot next to the dog park. Target start date is in June.
 - Bill Diehl will be speaking at the Town Council meeting on behalf of the Park and Recreation Dept.
 - PQ Recreation Council (Steve Gore)
 - Gore reported, the last meeting had a large turnout of residents from the Ridgewood Park neighborhood. The Rec Council voted against the cell site.
 - An off leash dog park is in the planning stages for the BMR Community Park.
 - There have been a number of complaints from the neighbors of Torrey Del Mar Neighborhood Park about a soccer team that monopolizes the field on Sunday mornings. The park is a passive park, not set up for organized sports. Diehl will be working with Park and Recreation Dept staff to resolve.
 - Los Pen Canyon Psv CAC (John Keating) – no report
 - Park Village LMAD (Jon Becker)
 - Will be trying to get recycled water on Black Mtn. Rd south.
 - Peñasquitos East LMAD (Bill Diehl)
 - Currently getting pricing for stamped concrete medians near MCHS, there is no irrigation there. They are also looking at solutions for Carmel Mtn. Rd. in the north end.
 - Torrey Highlands LMAD (Darren Parker) - no report
 - Transportation Agencies (John Keating) – no report

The meeting was adjourned at 10:59 pm.

Respectfully submitted,

Jeanine Politte
RPPB Secretary

Approved 3/4/2015, 16 in favor – 0 against – 0 abstentions/recusals.

A Plea to the Rancho Penasquitos Planning Board

EXHIBIT 1

Before voting on the Plancom Cell Proposal, please consider these points:

1. Local residents do not want it

- 161 people have signed a petition against the tower
- Of everyone we spoke with in the preceding weeks, we could not find one family that wants the tower
- The Rancho Penasquitos Parks and Rec Planning Board unanimously voted against the tower

2. The park would lose it's natural feel

- a. There are no existing buildings at this park. No parking lots, no restrooms, no gazebos.
- b. The proposed building is in direct line of site with the sunset as viewed from the park or street.
- c. Local realtors and appraisers we spoke with (who wish to remain anonymous) said home values would decrease. Documented studies show the same pattern. The decrease in property values would start with the houses that view the structures or are in close proximity to them.
- d. A San Diego Planner was quoted as saying "I have dealt with several faux tree telecommunication facilities...I have yet to see a faux eucalyptus that didn't look terrible and degrade a community."
- e. The proposed tower appears to be of the silver variety which would contrast with the red-bark variety that is currently at the park.

3. City regulations are being violated

- a. Plancom's proposal is in direct conflict with city regulations / code. Reference handout.
- b. Per Plancom's site justification letter, Views West Park was not chosen because it is a "neighborhood park surrounded by residential". -> Ridgewood Park is no different.
- c. This would set a precedent for other companies who may propose a second structure in the park or any other neighborhood park.
- d. There is no recreational or park usage benefit.
- e. After they are built, the structures can be modified by Verizon without city review.

4. There are safety concerns

- a. We surveyed a "tree-tower" in Camino Ruiz Park. Pieces had fallen off, were loose, and the area was not fenced off. This would be a hazard to children playing in our park. Also, the tree and building were lined with warning signs.
- b. The World Health Organization classifies cell phone radiation as a possible carcinogen.
- c. FCC radiation guidelines are based on a study of rats and did not "tackle questions about the effects on children". Furthermore, the studies were funded by cell phone companies. References attached to this document.

*Please consider this plea from the PQ residents
that are most impacted by this decision.*

An alternate site is available on Mercy Road:



Existing fake tree and building in Mira Mesa's Camino Ruiz Park:

Note missing pieces, graffiti, and warning signs. A branch screw was also noticed that was not fully secured. These structures are hidden behind a **restroom** and next to a **trash dumpster building** – not on the park field.



Safety References:

The National Toxicology Program (NTP), part of the National Institutes of Health, began a \$20 million study in 2010 using rodents to test the effects of cellphone radiation. But a study on animals has its limitations, and it won't tackle questions about the **effects on children**, said Ronald Herberman, former director of the University of Pittsburgh Cancer Institute. - Washington Post

CNN May 31, 2011: "Radiation from cell phones can possibly cause cancer, according to the World Health Organization. The agency now lists mobile phone use in the same "carcinogenic hazard" category as lead, engine exhaust and chloroform. Before its announcement Tuesday, WHO had assured consumers that no adverse health effects had been established. ...The team found enough evidence to categorize personal exposure as "possibly carcinogenic to humans." What that means is they found some **evidence of increase in glioma and acoustic neuroma brain cancer for mobile phone users**, but have not been able to draw conclusions for other types of cancers"

The American Academy of Pediatrics, in a letter dated 12 December 2012 states: **"Children are disproportionately affected by environmental exposures, including cell phone radiation.** The differences in bone density and the amount of fluid in a child's brain compared to an adult's brain could allow children to absorb greater quantities of RF energy deeper into their brains than adults. It is essential that any new standards for cell phones or other wireless devices be based on protecting the youngest and most vulnerable populations to ensure they are safeguarded through their lifetimes."

Los Angeles Unified School District
OFFICE OF COMMUNICATIONS
333 S. Beaudry Ave., 24th floor
Los Angeles, CA 90017
Phone: (213) 241-6766
FAX: (213) 241-8952
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.”

###

**Rancho Peñasquitos Planning Board regular meeting February 4, 2015:
Verizon Wireless Communications Facility proposal at Ridgewood
Neighborhood Park**

***The San Diego City Charter decisively precludes approval
of any wireless communication facility leases
within the boundaries of any dedicated park land.***

City Charter of the City of San Diego

See: <http://docs.sandiego.gov/citycharter/Article%20V.pdf>

Section 55: Park and Recreation (Article V, page 20)

"All real property owned in fee by the City heretofore or hereafter formally dedicated in perpetuity by ordinance of the Council... for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or later ratified by a vote of two-thirds of the qualified electors of the City voting at an election for such purpose."

***Ridgewood Park is "formally dedicated in perpetuity
by ordinance of the Council" for park purposes
and thus not to be used "for any but park... purposes"
without a voter-approved City Charter amendment.***

Ordinance No. 18771 Adopted: 22 April 2000

See: http://docs.sandiego.gov/council_reso_ordinance/rao2000/O-18771.pdf

Ordinance No. 18771 Section 1. (Page 1)

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That the City-owned land known as "Ridgewood Park," which is more particularly described in Exhibit A, attached hereto and incorporated herein by this reference, is set aside and dedicated in perpetuity for park and recreation purposes."

Section 2. That the City Council of The City of San Diego specifically reserves the right to establish underground public service easements through and across the dedicated property so long as the construction and maintenance of the subject easements do not substantially negatively impact the availability of the property for use for park and recreational purposes.

Provisions of the San Diego City Charter restricting uses of park land decisively trump the federal Telecommunications Act of 1996.

United States Court of Appeals for the Ninth Circuit Opinion Nos. 10-56877, 10-56944

Filed: December 11, 2013

See: http://cdn.ca9.uscourts.gov/datastore/opinions/2013/12/11/10-56877%20web_a.pdf

Case law on the matter is recent, relevant, and decisive. In December 2013 the Ninth Circuit Court of Appeals "held that the Telecommunications Act of 1996 did not preempt the City of Huntington Beach's decision to require a company to obtain voter approval before constructing a mobile telephone antenna on city-owned park property." The case is almost perfectly analogous to San Diego. Huntington Beach had entered into lease agreements for siting wireless facilities in City Parks. The City subsequently determined that a city charter measure gave voters authority over construction on public lands and required voter approval. The wireless service provider sued, contending that The Telecommunications Act of 1996 provisions barred application of the city charter. The Ninth Circuit Court upheld the primacy of the city charter, specifically stating that the city charter provision restricting park land use "is not the sort of local land use regulation or decision that is subject to the limitations of Section 332(c)(7) [of the Telecommunications Act of 1996]." The Ninth Circuit further found that the Telecommunications Act "applies only to local zoning and land use decisions and does not address a municipality's property rights as a landowner."

Sample motion

The findings can not be made to approve the proposed Verion Wireless Communication Facility (WCF), PTN #379009 at Ridgewood Park for the following reasons:

- Ridgewood Neighborhood Park is a dedicated park per ordinance number 18771, adopted in April 22, 2000. This proposed Wireless Communication Facility serves no "park, recreation or cemetery purpose", and is therefore in violation of San Diego City Charter section 55 governing dedicated park usage.
- The proposed tower and equipment building detract from the natural beauty of the park and are aesthetically displeasing to park users, residents, and those passing by.
- The proposed equipment building blocks the view of park users to the neighboring Los Penasquitos Canyon Preserve and takes away from the openness of the park. The faux monoeucalyptus does not fit into the existing grove and takes away from the natural character of the surrounding area. For these reasons, the proposed WCF is not consistent with Council Policy 600-43, amended 3-1-2005, section D.4.a):
"Design. Proposed wireless communication facilities must be disguised such that they do not detract from the recreational or natural character of the parkland or open space. Further, proposed wireless communication facilities must be integrated with existing park facilities, and must not disturb the environmental integrity of the parkland or open space."

Name	Zip	SignedOn	Comment
Leilani Doss	92129	1/4/2015	I do not want a cell tower near my home or at the park we frequent.
Felicia Ryder	92129	1/4/2015	I agree with the points made in this petition.
Ronald Leon Guerrero	92125	1/4/2015	Stop building cell phone towers at PQ Parks
Andy scism	92129	1/4/2015	Don't want these towers in our neighborhood park. They are an eye sore
Teresa Torreblanca	92129	1/5/2015	It is a bad idea to build a cell phone tower close to where children play.
Claudette Satnick	92129	1/5/2015	I do not think that cell phone towers should be placed near higher density housing. Studies have shown that people living near high power lines have higher incidence of Leukemias and blood cancers. This was discovered after many years, we don't know what cell towers will do yet.
Eric Johnson	92129	1/7/2015	Ridgewood park is a terrible place to put a cell tower for aesthetic reasons and any potential for adverse health effects on children should be avoided (World Health Organization classifies cell phone radiation as a possible carcinogen).
Lois Peterson	92129	1/8/2015	I don't want cell towers at our local park! It impedes & ruins the views, and I'm not sure what it's a long term affects would be on the local flora and fauna... Let alone what it's effects would be in terms of radiation to people and children!
Jon Tuckwell	92129	1/14/2015	I bought this house for the natural view of looking at the Penasquitos Preserve every day. I have seen the architectural plans, and this plan would be the exact opposite. They have other options, leave this site out of it. Big Business next to a Preserve and Public Park? Ask yourself,...what's next?
Floyd Stanley	92129	1/15/2015	I am concerned by the reduction in property values by having this tower installed in our pristine park. It seems to me that this would be antithetical to have this tower and building next to a nature preserve. There must be other places where they locate this tower.... Who is getting the money from having this tower installed? I understand it is a tidy sum.....
Sharon Gebauer	92129	1/15/2015	This is my neighborhood park.
Suzanne Bledsoe	92129	1/15/2015	I do not want this tower in a park where children play, nor near our home.
Robert McCutcheon	92129	1/15/2015	I am opposed to this use of our park fo increase income for the city. We paid for the park with fees we paid to the developer.
Arthur Bembo	92129	1/16/2015	I am voting against the building of this new cell tower
Cindy Monzingo	92129	1/16/2015	I live across the street from Ridgewood Park. It'll be an eyesore , reduce property values, and the health risks involved for all ages.

Sampling of Petition Comments: Page 2 of 4

Christine Monzingo	91914	1/16/2015	To keep a potentially dangerous cell phone tower away from a children's park. Note that the World Health Organization classifies cell phone radiation as a possible carcinogen.
troy heistand	92129	1/16/2015	This park is very quite and scenic and I'm not in favor of having the building so visible from the park. Additionally, there will be noise generated from the equipment from the building.
Ekaterina Andreeva	92129	1/16/2015	I am against cell phone towers in the neighborhood due to health risks to my family and property values that will go down
Christine Schaffer	92129	1/16/2015	I Don't want a cell tower in our park or my back yard. NO CELL TOWERS AT RIDGEWOOD PARK
Chris Gruenwald	92129	1/17/2015	I don't this intrusive mess dumped into our precious park. Parks are for recreational use only and should not be "rented out" to business interests! Verizon needs to find a private land owner that individually wants to allow the use of their property for this ugly thing, and not DUMP this mess on the community (probably at a much lesser cost than they would have to pay a private land owner)! What next? Rent the parks out as used car sales lots?
Sandra Garrett	92129	1/19/2015	A community park where hundreds of children play everyday is not an appropriate installation site for a potentially dangerous cell phone tower. Let me know what I can do to help prevent this from happening.
Patrick Hennigan	92129	1/20/2015	I live 1 block away and my children visit the park frequently.
genny chase	92129	1/20/2015	Opposed to Cell Tower
colleen ferrugia	92129	1/20/2015	this does not belong backing up to our neighborhood park, where we all spend time there everyday with our families. not willing to take the risk, even if it is small with our families and neighbors .
colleen ferrugia	92129	1/20/2015	this does not belong backing up to our neighborhood park , where we all spend time there everyday with our families. not willing to take the risk , even if it is small , with family and neighbors.
Paige Dizon	92129	1/20/2015	I do not agree with the placement of this cell phone tower in my neighborhood's park.
Andrea bustos	san diego	1/20/2015	my daughters best friend lives in that neighborhood and she plays there at least once a week! There are so many children that play at that park that is by a ton of homes! This is NOT an appropriate place for a cell site.
Aurelio Ramos	92129	1/20/2015	I'm signing this petition because I don want our family to have to live around cell towers. It's part of the reason I moved into this community.

Lisa George	92129	1/20/2015	I believe a better location would be on the hill south of Mercy road where the aqueduct connection is.
Lindsay Serra	92101	1/21/2015	We oppose the cell tower at Ridgewood Park. There are numerous commercial properties in the Penasquitos area that would be able to accommodate the proposed tower and auxiliary building. No neighborhood park is acceptable for these type of structures.
ashton ohalloran	92101	1/21/2015	Not willing to take a risk in my park - protect PQ
Anne Daniells	92129	1/22/2015	whiel a tower might be acceptable, a building is not. This Park is adjacent to the Penasquitos Canyon Preserve, the only trans-county deer trail to allow movement of animals from the Coast all the way to Cuyamaca. At this particular juncture, the canyon is only a hundred yards wide. The placement of the building and "tree" will deter from this unique natural habitat and preservation area. In addition, this is one of the only parks in the area with NO buildings (not even bathrooms), no baseball fields, no lights, nothing to detract from the natural surroundings. A building will create safety issues, too, by creating a place to hide behind. Please keep safety and the preserve at the forefront. Are other options as sensitive an area?
Audrey Blenkle	92129	1/22/2015	Tower doesn't belong in a park where children play, participate in sports,and residents walk their dogs. Potential dangerous hazards
Glenda Harrison	92129	1/24/2015	This is a known carcinogen. We do not need to be exposed to any more carcinogens. My neighborhood home prices will decrease.
Forrest Bolles	64083	1/25/2015	We do not need any more carcinogens.
Sharlene Forbes	92129	1/25/2015	Both my kids have had cancer making them susceptible to other cancers. Trust me. No one wants this for their kids.
Robert Forbes	92129	1/25/2015	To keep the dangerous cell phone tower away from a children's park!!
Mark Elliott	92129	1/26/2015	I often use ridgewood park and do not want a cell tower, its outbuildings installed there. Put it in the new development off of 56. The land is cleared and ready.
Barbara Barker	92129	1/26/2015	Please sigh this petition. We don't want more kids in our area to go though possible cancer causing things. Currently I know of two families that are fighting for their kids and would hate to see others go though this trauma.
Christy Hetzel	80204	1/28/2015	It's the right thing to do.

Catherine Ramos	92129	1/29/2015	<p>I'm signing this petition for a few reasons:</p> <ol style="list-style-type: none"> 1. I don't want to expose my children to the potential health hazards any of this may cause. 2. It has been shown that property values go down when something like this is installed. 3. My parents who are original owners & helped pay for this park were promised that the only use of this space would be as a park for children, not for anything else... Like this cell tower. 4. I intentionally moved into this neighborhood because it did not have a cell tower and/or high powered electrical transformers. I definitely want to keep my neighborhood this way. <p>Thank you for helping us fight this idea. Cathy</p>
Ron Wyckoff	92084	1/30/2015	<p>I am signing because of the location of the as foreshad "Cell Tower". It is not a good practice to have near people > adults, children, animals of any kind.</p>
Karlene Blackburn	92129	2/2/2015	<p>That is a busy park and busy street to close it even for a few months for construction will be a big inconvenience for the neighborhood. Also I have been made aware of a better location on Mercy road.</p>
Rad Crews	92129	2/3/2015	<p>Keep industry out of our neighborhood.</p>
Heike Kessler-Heiberg	92129	2/3/2015	<p>I believe there are other, more remote places that such a cell tower could be installed; in addition, I am not sure that cell coverage is a pressing issue in this area.</p>
Shamin Summer	92129	2/3/2015	<p>I totally against Plancom's proposal for building a cell phone tower at Ridgewood park.</p>
Anthony Barhoum	92129	2/4/2015	<p>It's 2015 and California is now enforcing a law that provides for larger cages for egg producing hens. In 2014 the 9th Circuit Court of Appeals upheld the protection of the Delta smelt (a very small fish). If we apply the same foundation of these two laws to the well being and safety of our community the proposed cell tower will be located in another location. It's ironic that California law dictates that persons under 18 years old must wear a helmet while riding bicycles, etc.. My children learned to ride their bikes at Ridgewood Park and they wore helmets while doing so. However, I highly doubt those helmets will protect anyone from the possible effects of being so close to cell phone tower. While I'm all for making chickens more comfortable I am far more concerned about the local families that will be exposed to something that can't be good for anyone's well being (aside from a sending selfies to random friends). Find another place for the tower. Thank you.</p>
Sean Bascom	92129	2/4/2015	<p>The location of this in the park is ridiculous. RIGHT NEXT TO THE SIDEWALK?! I live up the street and my kids play here regularly, if installed it will be such an eyesore!</p>

Signature Count: 161

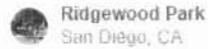
Petitioning The City of San Diego and 1 other ^

This petition will be delivered to:

The City of San Diego Rancho Penasquitos Planning Board

✓ Share this petition
with 161 supporters
39 needed

Deny Plancom, Inc.'s request for a cell phone tower in PQ's Ridgewood Park.



1. To maintain the natural aesthetics of Ridgewood Park and neighboring Los Penasquitos Canyon Preserve.
2. To keep a potentially dangerous cell phone tower away from a children's park. Note that the World Health Organization classifies cell phone radiation as a possible carcinogen.
3. To avoid a decrease in neighborhood home prices due to the issues listed above.

Other notes located here: <http://1drv.ms/1BvOzkB>.

Thanks for your support!