



# TOWN OF HILLSBOROUGH

Wireless Communications Advisory Committee  
1600 Floribunda Avenue  
Hillsborough, CA 94010-6418

March 5, 2018

City Council of the Town of Hillsborough  
c/o City Clerk, Miyuki Yokoyama  
1600 Floribunda Ave.  
Hillsborough, CA 94010

Re: Wireless Communications Advisory Committee Comments on Crown Castle Appeal to City Manager's Decision on 16 Pending Applications for Wireless Communications Facilities (WCF) Permits pursuant to Town of Hillsborough Municipal Code Section 15.32.

Dear City Council Member,

The Town's Wireless Communication Advisory Committee (WCAC or the Committee) met on February 15, 2018 to discuss Crown Castle's appeal to the City Manager's Denial for 16 applications to place wireless communication facilities in the Town's public-rights-of-way. The Committee understands that you will review the decision and take action on March 12, 2018. Your decision could take a few different forms, but we as an advisory committee to the Town's staff would like to convey our recommendations to you in the hopes of aiding in your decision. During our meeting the Committee reviewed, and discussed, a variety of items, including:

- Reactions from the December 7th special meeting on WCFs with Crown Castle presenting.
- The Town's Code Provisions for WCFs, particularly its Chapter 15.32.
- The proposed Applications by Crown Castle, including individual placements.
- Comments from Committee members and Town staff (John Mullins and Paul Willis) and Town's legal council (Christopher Diaz). On the phone was the City Manager (Kathy Leroux).
- There was agreement that suitable technology of this type is needed and can be appropriate and can be provided to the Town while conforming to its Code Section 12.32. The issues are how, where, and what is suitable under the Code.

After much discussion, the WCAC unanimously agreed that the City Manager's denial with Contingencies should be upheld and, further to that, that all 16 applications should be denied unconditionally and without any contingencies for the following reasons:

- Crown Castle's initial application of 16 proposed tower locations was an inappropriate attempt that ignored consideration of visual aspects of this Town that we all cherish, and ignored many of its guidelines, which make them non-compliant.
- Their proposal reflects a lack of consideration for the Town's guidelines and has not considered all appropriate alternatives. For example, no substantive strategy discussions were had with Town staff to locate proposed towers in the least intrusive manner, even after Town staff expressed a willingness to have such discussions.
- The WCF's should be placed on public property, including open space and water tank sites, and as far away from homes as feasible. This was clearly ignored in these Applications.

- The placements should utilize, where possible, existing microcell/WCF locations before installing new WCFs.
- The facilities should be placed underground (including the use of sealed underground vaults) and adhere to the Town's long-term plan of placing all utilities underground, such as those in place for new developments in the Town. Crown Castle's over-exaggeration of the costs of such placements and the size of such vaults was an unfounded attempt to dismiss this as a viable option.
- The placements failed to adhere to height restrictions (less than 35 feet).
- The Applications do not take advantage of screening and camouflage, including hedges and street lights, to better blend in with the environment.
- Crown Castle has not employed designs that minimize the impact on the affected neighborhoods, for example, concealed, small devices that match the aesthetics and character of the Town to protect the property values of its residents' homes and shields those values from decline.
- Although Crown Castle received an exemption from PUC for CEQA review (see letter from the State of California Public Utilities Commission, dated January 16, 2018), the Town reserves the right to require further environmental review as a responsible agency under CEQA. Further, it does not negate the fact that Crown Castle did not have all of its information submitted to the Town when the City Manager's decision was under consideration which allowed the City Manager to deny the applications on that basis. Even assuming Crown Castle has finally obtained a CEQA determination from the PUC we feel the Council should uphold the City Manager's decision and deny the appeal unconditionally which does not require CEQA review as CEQA does not apply to projects that are not approved.
- Finally, we have been advised that upholding the City Manager's conditional denial only without an outright denial of all 16 applications would put the Town in a weaker position to ensure that our important guidelines are adhered to. The goal is that once an acceptable design precedent has been set with this initial application process, a plan would be in place for future applications to run more smoothly based on appropriate criteria established now.

This initial application and approval process is the MOST significant of those to surely come as it will set the precedent by which others will follow. We feel very strongly that by unconditionally denying these 16 applications, we will send a clear message to Crown Castle and other applicants that approval for towers in Hillsborough will only come by way of thoughtful, open discussion and dialogue between the applicants, the Town Staff, and the WCAC in conjunction with the Town's residents. There is no denying that suitable technology of this type is coming, and the Town must stay current in that regard, but it must be, and CAN BE done in a much more sensitive, integrated, and considerate way that complies with the Town's applicable Codes. A negative impact on the unique nature and feel of this Town is something we should not concede to any entity, particularly one who has for-profit motivations and has displayed inadequate considerations of our Town's applicable Codes.

Thank you for your consideration of the WCAC's comments and thank you to the Town's staff for not only forming the WCAC four years ago, but for their input and support of the committee's study of these Applications and their denial.

Respectfully,


  
 Paul Regan, Chair   Eric Nyhus   Kelly Miller-Bailey   Kelly Scandalios   Maryellie Johnson   Catherine Lee

EGN