From:	Arlene BERNSTEIN
To:	Wireless Comments; Al Royse; Christine Krolik; Larry May; Marie Chuang; Sophie Cole; Ann Ritzma; Paul Willis; Lisa Natusch; Christopher Diaz; Sarah Fleming
Subject:	8 Monopoles
Date:	Thursday, May 27, 2021 2:31:51 PM

Mayor Royse, Council members and staff,
We are all in favor of better cell coverage, but it seems to me that every one of these 8 monopoles violates our town's design standards - some more than others. If you ignore our design standards and allow Crown Castle to claim "effective prohibition" in each case it will mean that Hillsborough will no longer have control over any future applications from other carriers. The "floodgate" will be open.
Council members should be protecting our citizens and their property. It is possible to find other locations within Hillsborough that will keep these towers further from homes and living spaces -- other cities have done so, why not Hillsborough??
Dr. Philip and Arlene Bernstein

From:	MARK CHURCH
To:	Wireless Comments; Al Royse; Christine Krolik; Larry May; Marie Chuang; Sophie Cole; Ann Ritzma; Paul Willis; Lisa Natusch; Christopher Diaz; Sarah Fleming
Subject:	Crown Castle"s Cell Tower Applications
Date:	Thursday, May 27, 2021 2:59:35 PM

Dear Mayor Royse and Honorable Councilmembers:

I and my family reside at [redacted].

I write today in opposition to Crown Castle's applications for cell facilities throughout Hillsborough.

The applications should be denied for a number of reasons.

First, they are too close to our homes. Under the Crown Castle plan, some cell towers are as close as 25 feet from homes. Los Altos Hills, which has a similar topography to Hillsborough, requires setbacks of 200 feet from homes. A plan created by Christian Sepulveda, an expert in cell technology and equipment, concluded it is feasible to place towers a minimum of 150 feet from homes and achieve the same coverage under Crown Castle's plan.

Second, the proposed towers and facilities violate a number of local municipal codes. Towers reach as high as 55 feet, violating the current height limitation of 32 feet. Additionally, the equipment is approximately 30 cubic feet, far exceeding the current bulk limit of approximately nine cubic feet.

Third, the approval of these applications will set a bad precedent. Any other carrier will be able to follow and get their applications approved as well.

Better cell coverage should not come at the expense of destroying our town's natural beauty. Under federal law, you have the authority to deny the applications based on aesthetics. The Council should strengthen our design standards to require cell towers to be placed a minimum of 150 feet from homes. The design standards should be applicable to all properties, whether town-owned or not. Moreover, all applicants must adhere to all provisions of the municipal code.

Improved coverage should be achieved in a responsible way with towers and other wireless infrastructure that blend in with the town's rural character and are located away from homes.

I urge you not to accept the carrier's argument that the existing standards constitute an "effective prohibition" from accomplishing their objective of improved coverage. There is absolutely no evidence to support that argument.

Your decision will help shape the future of our community for years to come. Please make the right decision by implementing new design standards and denying the applications before you.

Sincerely,

Mark Church

From: Patrick Shannon
To: Al Royse; Marie Chuang; Larry May; Sophie Cole; Christine Krolik
Cc: Lisa Natusch; Ann Ritzma
Subject: Patrick Shannon comment letter for May 27, 2021 hearing
Date: Thursday, May 27, 2021 2:59:37 PM
Importance: High

Councilmembers:

The Council has no jurisdiction to review these applications. Council itself can only take up an application for review on appeal after the City Manager first makes a decision to approve or deny - either upon an interested party's appeal or a direct appeal if the City Manager denies first but recommends an approval after showing an override is legally compelled. But the City Manager has not issued a denial much less demonstrated an override is legally mandated. You can't use the settlement agreement to grant yourself authority to override the due process procedures in the code. You can't contract around the code. It's a basic and obvious rule of law.

For the sake of argument, on the merits, this is not even a close call. You must deny the applications. The proposed towers so flagrantly and egregiously exceed Hillsborough's standards that they even exceed the FCC definition of small.

But you hid that information until now to obscure the fact the 60-day federal shot clock does not apply and instead the 150-day clock does and yet you jerry-rigged the timetable in the settlement process to shave the review time period down to 60 days. Why? Because you have already pre-approved the towers and you wanted to sandbag us citizens to give us precious little time to review the matter.

Just yesterday, three weeks after the City Manager declared that she agrees with Crown's justification for effective prohibition, Crown revealed for the first time it's so-called justification. I suppose the City Manager is a clairvoyant who can divine what Crown will say three weeks before they say it. Or more realistically the Town is in cahoots and is determined to side with Crown regardless.

For two years under the guise of mediation behind closed doors in concert with Crown you have been cooking up a pretext of effective prohibition to approve the towers and now you sandbag the citizens less than 24 hours before the hearing with a 56-page propaganda piece in a ham-handed attempt to give you cover.

But Crown's claim of EP fails, anyway. First of all, its argument is not in its application so it can't be considered. There is no justification in the application so the application must be denied.

But even more to the point, it Is a smoking gun. Crown has just admitted that the Town ran a shadow permit review process behind closed doors with Crown for the 13 NEW permits. They weren't discussing the legal validity of the Town's denial of the old 16 permits under the then-existing law. They were orchestrating the specifications of 13 new towers under the later-enacted 2019 law - not at issue in the lawsuit- that the Town would agree to accept even though it would

violate Hillsborough's wireless law.

That is the very definition of policy making. That is a legislative exercise and can only be done following the due process requirements in Hillsborough law for legislative enactments in public hearings with citizen input. The law does not permit shadow legislative proceedings in secret out of public view. The law does not allow special interest permit variances to be granted in secret. That is an illegal star chamber. Rubber stamp approval after the fact does not sanitize it.

You tried to sanitize the process after the fact in 2019 by slipping by the public and the WCAC curtailments to our wireless law to make the illegal towers legal. But that process imploded when you tainted it by shutting out public testimony in opposition politburo-style and then your vote in favor was repudiated due to a conflict of interest scandal to which the Town turned a blind eye until the citizens exposed it.

Now you have gone to Plan B to approve the towers under the pretext of effective prohibition. But the law does not allow you to circumvent the legislative process by other means.

This whole process is a sham. It is constitutionally invalid.

Instead of going down the path of approving these applications for legal reasons, you should be denying these applications for legal reasons.

Regards,

Patrick Shannon

P.S. Please enter this email into the public record