

CITY OF PALO ALTO
Office of the City Clerk
**APPEAL FROM THE DECISION OF DIRECTOR OF PLANNING
AND COMMUNITY ENVIRONMENT***

For appeals of final decisions on Architectural Review Board and Home Improvement Exception applications (rendered after public hearing), this appeal form shall be completed and submitted by appellant within fourteen days from date of the Director's decision. Appeals of final decisions on Individual Review applications (rendered after public hearing) must be submitted within ten days of the Director's decision. Complete form, the current fee and a letter stating reasons for the appeal shall be submitted to front desk staff of the Planning Division, 5th floor, City Hall, 250 Hamilton Avenue, except for 980 Fridays when City Hall is closed, when these items shall be submitted to Planning staff at the Development Center, 265 Hamilton Avenue (glass storefront across from City Hall on the corner of Bryant and Hamilton).

* Director of Planning includes his designees, which are Planning Managers or the Chief Planning Official

Appeal Application No. 18-AP-6 Receipt No. # 2018099001-43-1
Name of Appellant RK PARTHASARATHY Phone () 650-485-1160
Address 3409 KENNETH DRIVE, PALO ALTO CA 94303
Street City ZIP

LOCATION OF PROPERTY SUBJECT TO APPEAL:

Street Address 3409 KENNETH DRIVE, PALO ALTO CA 94303
Name of Property Owner (if other than appellant) RK PARTHASARATHY
Property Owner's Address 3409 KENNETH DRIVE, PALO ALTO CA 94303
Street City ZIP

The decision of the Director of Planning and Community Environment dated MARCH 26, 2018
whereby the application 17PLN-00169 by TIER 3 WIRELESS COMMUNICATIONS
(file number) (original project applicant)

was approved, is hereby appealed for the reasons stated in the attached letter (in duplicate)
(approved/denied)

Date: 4/9/18 Signature of Appellant [Signature]

PLANNING COMMISSION RECOMMENDATION TO THE CITY COUNCIL (TO BE FILLED OUT BY STAFF):

Date _____ Approved _____ Denied _____

Remarks and/or Conditions:

CITY COUNCIL DECISION (TO BE FILLED OUT BY STAFF):

Date _____ Approved _____ Denied _____

Remarks and/or Conditions:

SUBMITTAL REQUIREMENTS SATISFIED:

1. Letter stating reasons for appeal 4/6/18
2. Fee (currently \$280.00) 4/9/18

Received by: Kim Lunt
Received by: Kim Lunt

APR 09 2018

Department of Planning
& Community Environment

18 APR - 9 PM 1:02
CITY OF PALO ALTO, CA
CITY CLERK'S OFFICE

Received



PLANNING & COMMUNITY ENVIRONMENT

250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301
650.329.2441

March 26, 2018

Mary Diesch, Site Acquisition Manager, Small Cells
Vinculums Services
575 Lennon Lane
Walnut Creek CA 94598

Subject: 250 Hamilton Avenue [17PLN-00169]; Tier 3 Wireless Communication Facility Permit Applications for 11 Small Cell Nodes – Vinculums/Verizon Cluster 1

Dear Mary Diesch:

On March 26, 2018 the Director of Planning and Community Environment (Director) approved 11 small cell nodes referenced below, under file 17PLN-00169.

These Director's approvals (known as Tier 3 Wireless Communication Facility (WCF) permits) were granted pursuant to the Palo Alto Municipal Code (PAMC) Sections 18.42.110 (c)(3), 18.42.110 (h)(1), 18.42.110 (h)(2), 18.42.110 (i), and 18.42.110 (j). These decisions were based on the review of all information contained within the project file, all public comments received to date, and the review of the proposal in comparison to applicable Comprehensive Plan goals and policies, as well as zoning and other municipal code requirements. These Director's approvals correspond with the recommendations of the Architectural Review Board from March 15, 2018.

APPROVED PROJECT LOCATIONS: Tier 3 Wireless Communication Facilities (small cell wireless communication equipment) are hereby approved on eleven utility poles in the public right of way within the Mid-Town, Palo Verde, St. Claire Gardens, and South of Mid-Town neighborhoods, as follows:

- Node #129: CPAU Pole# 3121 (near 2490 Louis Road APN 127-30-062)
- Node #130: CPAU Pole #2461 (near 2802 Louis Road APN 127-28-046)
- Node #131: CPAU Pole #3315 (near 891 Elbridge Way APN 127-26-067)
- Node #133E: CPAU Pole #2856 (near 949 Loma Verde APN 127-23-009)
- Node #134: CPAU Pole #2964 (near 3409 Kenneth Drive APN 127-09-028)
- Node #135: CPAU Pole # 3610 (near 795 Stone Ln APN 127-47-001)
- Node #137: CPAU Pole #3351 (near 3090 Ross Rd APN 127-52-031)
- Node #138: CPAU Pole #2479 (near 836 Colorado Av APN 127-27-063)
- Node #143: CPAU Pole #3867 (near 419 El Verano Av APN 132-15-017)
- Node #144: CPAU Pole #1506 (near 201 Loma Verde Av APN 132-48-015) and
- Node #145: CPAU Pole #3288 (near 737 Loma Verde Av APN 127-64-039).



Pursuant to the California Environmental Quality Act (CEQA), the Director determined that each WCF is Categorically Exempt under CEQA Class 3, Guidelines Section 15303 (New Construction or Conversion of Small Structures).

The Director's decision on each of the 11 nodes shall become final and effective fourteen (14) calendar days from the postmark date of the March 26, 2018 mailing (or on the next business day if it falls on a weekend or holiday), unless appeal(s) are filed pursuant to PAMC Section 18.77.070(e). Any appeal(s) shall be in writing and submitted to the Planning Division prior to the end of the business day of the fourteenth day. The Director's decisions for nodes that are not appealed within this time shall become final, notwithstanding any timely appeal of one or more of the other nodes included in this letter.

Any appeal(s) shall be placed on the City Council consent calendar within 45 days pursuant to PAMC Section 18.77.070(f). The appeal form, which contains brief instructions, can be found on the City website (<https://www.cityofpaloalto.org/civicax/filebank/documents/61907>). Each appealed node should be specifically listed by node number on the appeal form and in the letter stating the reason(s) for the appeal.

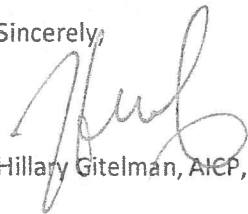
As outlined in the Fiscal Year 2018 Municipal Fee Schedule found on the City's website (<https://www.cityofpaloalto.org/civicax/filebank/documents/61512>), the total fee to file an appeal for one or more nodes is two-hundred and eighty dollars (\$280.00). The fee is refunded if the City Council chooses not to hear an appeal.

Approvals shall be effective for one year from the date they become final, within which time construction of the project shall have commenced. Applications for extensions may be made prior to approval expiration.

According to PAMC Section 18.42.110(l), the Director may revoke any WCF permit if the permit holder fails to comply with any conditions of approval.

Should you have any questions regarding this approval, please do not hesitate to contact Rebecca Atkinson, at (650) 329-2596, or e-mail Rebecca.Atkinson@CityofPaloAlto.org.

Sincerely,



Hillary Gitelman, AICP, Director of Planning and Community Environment

Cc:

Jennifer Haas, Verizon Wireless, 2785 Mitchell Drive, Building 9, Walnut Creek, CA 94598
Paul Albritton, Esq. Mackenzie & Albritton LLP, 155 Sansome St., Ste. 800, San Francisco, CA 94104
Hamid Ghaemmaghami, Manager Real Property for Administrative Services, City of Palo Alto
Jim Fleming, Senior Management Analyst for Utilities Department, City of Palo Alto

Attachment:

Findings and Conditions of Approval

Dear City Clerk Beth Minor,

On March 26, 2018, the Director of Planning and Community Environment approved 11 small cell nodes under file 17PLN-00169. We are writing to appeal the decision for Node 134, CPAU Pole #2964, which is located right in front our home. We urge City Council to overturn the Director's decision and direct Verizon to comply with Palo Alto's aesthetics, noise and other ordinances.

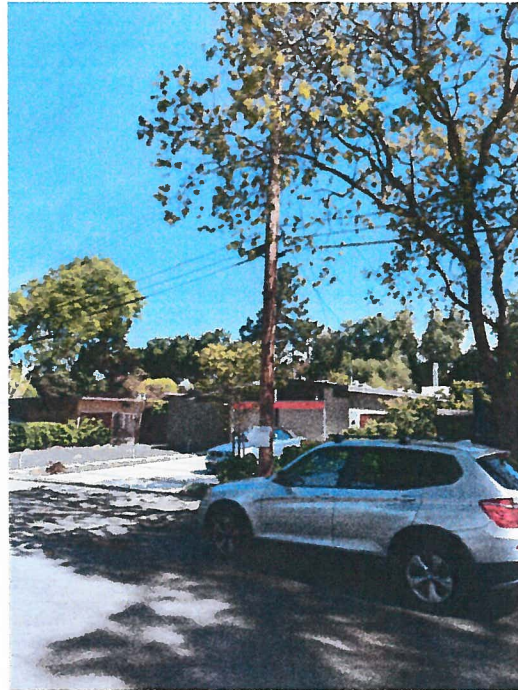
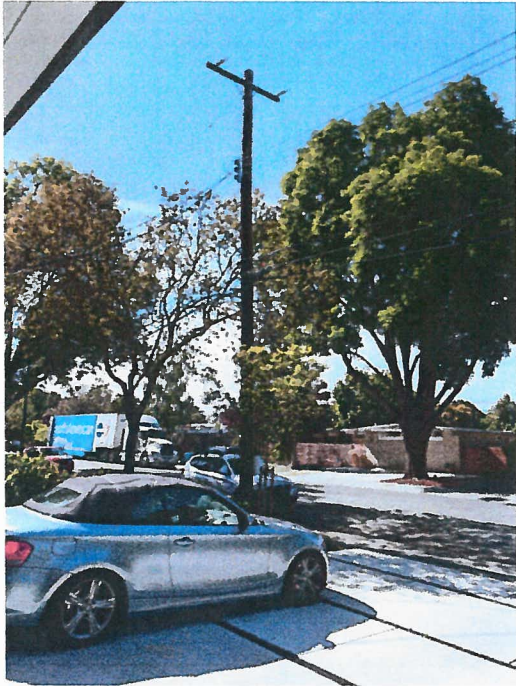
Specifically, we ask

1. you consider our appeal to eliminate this node, as this location is within 0.6 miles of the Verizon macro tower to be installed soon at 1032 Colorado Avenue. This macro tower will provide sufficient coverage to the area around our house, as the coverage radius of that tower is to be 1.5 miles.
2. if you allow Verizon to install a node in front of our house, that you direct Verizon to locate all of its equipment here except the antenna underground in a flush-to-the-ground vault with no protuberances and to ensure that Verizon not install any equipment that does not meet noise levels permitted by Palo Alto's ordinances and policies.

It is possible to vault the equipment underground in front of our house. There is already existing underground equipment, including a water meter. There is also space to place equipment underground.



If Verizon installs its equipment as proposed by them on the pole in front of our house, it will violate Palo Alto's aesthetics ordinances. As the pictures below show, this pole is in full view from our house, from all our neighbors' houses, and the street.



We also have significant concerns about the potential physical and fire hazards this equipment will pose. We have elementary school children. In 10 home vicinity on either

side, there are 17 school-age children that often play outside on the sidewalk and street, right near the utility pole in discussion. Such a top heavy installation poses significant risks of injury to children and adults. The new height of the proposed installation would enable the top of the pole to contact our house if it fell in case of a fire or other disaster like an earthquake. In this situation, we are deeply concerned for the fire hazard and other safety hazards this could pose to our home.



We already have PG&E transmission lines directly above our backyard, with accompanying easements that restrict use of our property. With this proposed Verizon installation in front, we are concerned about the potential implications to our property value.

Thank you for your consideration.

Sincerely,

RK Parthasarathy & Rathna Ramakrishnan
3409 Kenneth Drive, Palo Alto CA 94303
485-1160

rkpartha@gmail.com (650)

City of Palo Alto Revenue Collections

Received From: SR. PARTHASARATHY

Date: 1/17/15

In Payment Of Appeal

By: _____

ITEM

() Certified Mail Fee	40050009	18990	\$
() False Alarm Late Fee	70020002	13110	\$
() Miscellaneous Revenue	10200000	18990	\$
() Transient Occupancy Tax	10200000	11850	\$
() Sales Tax	10200000	60050	\$
() Utility User Tax	10300000	11870	\$
() ZoneMapSales	60020201	17030	\$
() Univ Ave Parking	23600000	14510	\$
() Calif Ave Parking	23700000	14520	\$
() Lot S Parking	23600000	14500	\$
() Other	23600000	14500	\$
Total		\$	

Copies to: _____

22-37 REV 10/03

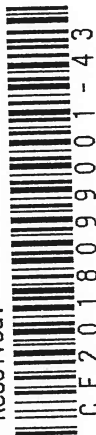
Cash () Check ()

City of Palo Alto
City of Palo Alto
Revenue Collection

Reference Number: 2018099001-43
Date/Time: 04/09/2018 12:47:47 PM

Miscellaneous
2018099001-43-1
Reference: PK Parthasarathy appeal
Allocation 29 1@ \$280.00
GL #: 60020402..13290...
Total: \$280.00

1 ITEM TOTAL: \$280.00
TOTAL: \$280.00
Check \$280.00
Check Nbr: 0675
Total Received: \$280.00



C E 2 0 1 8 0 9 9 0 0 1 - 4 3

Customer Copy

