

	<h2 style="margin: 0;">PROJECT APPLICATION</h2>	<p style="text-align: center;">City of Monterey Planning Division Community Development Department City Hall – Planning Office Monterey, CA 93940 (831) 646-3885 Fax: (831) 646-3408 http://www.monterey.org/planning</p>
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Project Address: 200 Glenwood Circle, Monterey, CA 93940Project Name: AT&T, Use Permit Amendment UP 21-0023 Assessors Parcel Number 001-771-013Applicant's Name: Nina Beety
(name of person to receive all correspondence)

Business Name (if applicable): _____

Applicant's Mailing Address: 277 Mar Vista Dr, Monterey, CA 93940Phone: (831) 655-9902 E-Mail Address: nbeety@netzero.netProperty Owner's Name: P Monterey, LP

Property Owner's Business Name(if applicable): _____

Property Owner's Mailing Address: 1775 Hancock St., Suite 200, San Diego, CA 92110Phone: () E-Mail Address: _____

Project Description: (Use additional sheets as necessary.)
Appeal of May 11, 2021 Planning Commission approval of Use Permit Amendment UP-21-0023 to allow modifications to an existing AT&T wireless facility – see attached appeal and grounds

Note: Applicant must submit a letter of justification for Parking Adjustment, Variance, or Extension requests.

May 14, 2021

Date

Nina Beety

Signature of Applicant

Date

Signature of Property Owner

BELOW TO BE COMPLETED BY STAFF ONLY**PERMITS REQUIRED**

ARC Commercial	HPC	Zoning	Permit Number:
ARC Residential	Lot Line	Stormwater Review	
ARC Signs	Other		Fee Due:
Demo	Subdivision		
EIR-PW	Use	Staff Initials:	Date Received:
General Plan	Variance		
Home Occupation	Wharf		

SUBMITTED DOCUMENT

<input type="checkbox"/> Application	<input type="checkbox"/> Site Plan	<input type="checkbox"/> Floor Plan	<input type="checkbox"/> Elevation	<input type="checkbox"/> Roof Plan	<input type="checkbox"/> Sections	<input type="checkbox"/> Plan Reductions 8.5x11	<input type="checkbox"/> Other
<input type="checkbox"/> Details	<input type="checkbox"/> Colors	<input type="checkbox"/> Exterior Lights	<input type="checkbox"/> Photo	<input type="checkbox"/> Letter	<input type="checkbox"/> Stormwater	<input type="checkbox"/> Plan Reductions 11x17	
<input type="checkbox"/> ARC Neighborhood Compatibility Worksheet	<input type="checkbox"/> Survey Map				<input type="checkbox"/> Number of Full Sets		

CEQA DETERMINATION: EXEMPT (Y/N): _____ ART. / SEC.: _____

☐ Initial Study
 ☐ Negative Declaration
 ☐ Mitigated Negative Declaration
 ☐ Environmental Impact Report

COMMENTS: _____

REVIEWING BOARD: ☐ PC ☐ ARC ☐ HPC ☐ ZA ☐ Admin. Review ☐ Other _____

Wet or Digital Signatures Required: Page 1 Project Application and Page 2 Indemnification Agreement. Digital signatures must comply with Govt. Code section 16.5 requirements.

May 14, 2021

**APPEAL TO THE CITY COUNCIL
200 GLENWOOD CIRCLE - USE PERMIT AMENDMENT 21-0023**

I appeal the Planning Commission decision May 11, 2021 on Use Permit Amendment UP 21-0023. The grounds of my appeal include the issues below. I ask the City Council to grant my appeal and deny this project due to substantial grounds.

I am not an attorney and I am not giving legal advice. I am presenting what an ordinary person can clearly see from a plain reading of the law. Further, this is the people's law, and the people have a right to discuss their law.

The use permit approval by the Planning Commission was improper. It was not rational decision-making, was not soundly based, and didn't have firm legal foundation according to a plain reading of federal, state, and local laws. Commissioners commented that they didn't know what laws they could enforce, wondered if their "hands are tied", expressed confusion and frustration. They didn't appear to have read the laws provided, and the city attorney didn't even provide input and may not have been present. They asked for a presentation sometime in future, but not now, when laws, my rights, and this project were at issue, when they could have voted to postpone the hearing. Community Development Director Kim Cole told them she believed that aesthetics was the only grounds, but also said she didn't really know the law, despite her involvement in writing and defending wireless ordinances and participating in many years of hearings and attorney presentations. In its uncertainty, Commissioners cherry picked what law they would uphold and ignored a host of other laws and the wireless ordinance in their decision.

My grounds for appeal include

1. This is a least preferred location. Though the original antennas were approved prior to the present ordinance, the current proposal is for a much intensified industrial/commercial use. Therefore, the city can and must deny this very different use and intensification.
2. Staff failed to assess endangered and migratory species of birds, insects, and other wildlife that live on site or move through this site, and exempted this project from CEQA. This applicant was given substantial evidence beginning in 2011 that its wireless facility adjacent to the Pacific Grove monarch sanctuary would result in the deaths of monarchs, health problems, and fertility impacts, but the applicant ignored this information. Now monarch butterflies have disappeared there. The emission areas here which exceed FCC thermal limits will especially impact birds leading to bird deaths.¹ This site is contiguous with the Old Capitol Site, Jacks Peak, and wild areas. The FCC has no exposure guidelines or standards for wildlife including birds.
3. This facility would impact Jacks Peak Park which is directly in the central azimuth of these antennas. Staff failed to include this rare Monterey Pine forest in the antennas'

¹ For example, http://www.ntia.doc.gov/files/ntia/us_doi_comments.pdf
Department of Interior comments on FirstNet, 2-7-14

path. That land was gifted to the county with the stipulation that it would stay wild. These emissions will affect the park, visitors, and wildlife. This was unexamined.

4. Federal communications law 47 USC § 324 states that only the minimum of power can be used for any project. This is to prevent interference. This facility will cause interference with the human environment, and besides being redundant, seem far in excess of purported service needs. This is especially true of the SE high-powered antennas which target La Mesa Village at close range, and beyond it, a large area with few residents, far in excess of need.

The 1840-watt ERP non-omnidirectional tower proposed by Verizon in front of my house in 2017 – over 12 times less than the Park Lane FirstNet antennas – which was arguably designed to service Pebble Beach, would have served an area with a radius of at least 1-2 miles. On that arguable logic, a 22,780 watt ERP array could be argued to service phones at a radius 12 X that distance or 12-24 miles, especially due to the signal characteristics of the 700 MHz frequency. Yet, the carrier plans a total of three wireless facilities in close proximity – 0.8 –1.2 miles -- from the Park Lane wireless facility and a fourth one is about 1.3 miles away at Community Hospital. What is the true purpose for these clustered high-powered antennas?

5. Monterey already has cell towers and coverage, and already had emergency service. Monterey contracted with the applicant without environmental review, notification, public hearings, or due process to add a new intense layer of radiation to Monterey. This facility is also unnecessary, in view of the nearby Hyatt FirstNet tower.
6. Two of the antenna sectors are duplicative and redundant – NE and SW. The Hyatt FirstNet facility covers those areas. The Portola Plaza facility is duplicative as well, covering the SW area also. There is no use for most of this facility.
7. Non-compliance with California Accessibility requirement.
Project plans state on page 1: #6 "All work performed on project and materials installed shall be in strict accordance with all applicable codes, regulations and ordinances..."
However, applicant exempts itself from accessibility requirements stating under Code Compliance: "...Access requirements are not required in accordance with 2016 California Building Code, Chapter 11B Exception Section 11B-203.5"

This is false. The exception section doesn't apply to this project:

11B-203.5 Machinery spaces. Spaces frequented only by service personnel for maintenance, repair or occasional monitoring of equipment shall not be required to comply with these requirements or to be on an accessible route. Machinery spaces include, but are not limited to, elevator pits or elevator penthouses; mechanical, electrical or communications equipment rooms; piping or equipment catwalks; water or sewage treatment pump rooms and stations; electric substations and transformer vaults; and highway and tunnel utility facilities.

This facility is not passive equipment. RF EMF emissions – the machinery's purpose – are transmitted out from the machinery space. The facility will alter the accessibility of the facility including the building and grounds. Applicant is also putting more powerful

antennas closer to people, moving from the roof location to the sides of the building closer to people on the ground and neighboring buildings and rooms. Therefore, the project must comply with accessibility requirements.

8. This project violates my ADA/ADAA and Fair Housing rights. It is 1.2 miles from my house, will block my access to use and enjoy my home, and will exacerbate my disability when I must help care for my aging parents. In addition, the azimuths block my access to shopping and essential services.
9. The project blocks my access to Highway 1 and roads in violation of California Civil Code 54. The City manages, and must ensure equal and free access to, the PROW. This project blankets Highway 1, blocking my access to Highway 1 south from Soledad Drive/Munras Ave. The previous FirstNet project at Hyatt Regency blocked my access to Highway 1 north from Soledad Drive/Munras Ave. to Casa Verde exits. The Portola Plaza FirstNet facility will block my access to downtown Monterey. These FirstNet projects essentially trap me in my home. They prevent me from accessing medical care for myself or my parents. In an emergency, I will be unable to leave. This project forces me to choose between my life – forcing me out of this community and to stop caring for my parents – or to become trapped in my home with worsening disability and declining ability to help my parents if all the towers superfluous for coverage are turned on. This is the true digital divide – between those currently disabled and those not yet disabled by this public health hazard. The city is ignoring this.
10. This facility would impact Merrill Gardens at close range with high radiation levels hitting vulnerable elderly residents, and Hospice with its critically ill and dying patients. Based on decades of research, people will die faster and more painfully at Hospice as a result. Montage Health ignores the hazard.
11. Federal communications law states that other laws are not eliminated or superseded including
 - Telecommunications Act, Title VI "Effect on Other Laws" --
 - Sec. 601. Applicability Of Consent Decrees And Other Law.
 - (C) Federal, State, And Local Law.—
 - (1) NO IMPLIED EFFECT.—This Act and the amendments made by this Act shall not be construed to modify, impair, or supersede Federal, State, or local law unless expressly so provided in such Act or amendments.

and

47 U.S.C. § 414 --

SEC. 414. [47 U.S.C. 414] REMEDIES IN THIS ACT NOT EXCLUSIVE.

Nothing in this Act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this Act are in addition to such remedies.

12. This facility would have many effects that were not discussed or considered: Approving this facility mandates increased exposure for everyone particularly in these locations. In addition to Merrill Gardens and Hospice, this facility would:
 - a. Blanket the Del Monte Shopping Center

- b. Blanket La Mesa including La Mesa Elementary School.
- c. Target Del Monte Golf Course.
- d. Target Hyatt Regency. There is likely a high cancer rate among staff now due to the many antennas on site and the close proximity to high RF from the Naval Postgraduate School. This will increase their exposure.

13. The appearance of the antennas is aptly similar to loudspeakers on the face of the building and unsightly. They appropriately do not blend in, because the public should be notified of their presence, including with signage.

14. Mr. Hittleman makes medical statements and gives medical advice to me and other members of the public that he is not qualified to give. He has done this before. In the report, he says:

“would not have a significant direct or cumulative impact on residents”

“would not have a significant impact on the environment due to unusual circumstances such as radio frequency (RF) impacts to the general public, building tenants, or maintenance workers”

“which ensure the safety of persons in the vicinity of the proposed PWS”

At the Commission hearing, he stated that there would be no RF impacts to the new Park Lane building, that the RF wouldn't impact people on the ground, and any RF would be blocked from going inside the main building – meaning no reception for wireless devices.

15. Telecom carriers are only given “no significant gap in coverage”, not seamless coverage.

16. Because of Monterey's conflict of interest, there is no true due process on this project. Monterey is landlord of and receives income from three cell towers - Ryan Ranch, Cannery Row parking garage, and Olmstead Road. Attorney Harry Lehmann warned the city of Larkspur of “joint ventures, about dangerous conditions of public property because of the merger [of private Wireless carrier antennas on public property] under the Doctrine of Fixtures” and that a “situation of liability” exists “from a dangerous condition of public property under section 835 of the CA Government Code.”²

Staff reports are subject to bias due to this extreme conflict of interest, and legal consultants support these facilities and give cover for city proprietary business decisions. Under this pressure, how could the Planning Commission make an unbiased decision? This turns due process into a charade.

17. The resolution approval findings are incorrect, incomplete, and/or have no basis.

- a. CEQA Exception b is incorrect for this project and for previous related projects which are actually segments of the same project. Initial approval has led to further proliferation of wireless facilities at separate locations in this area of the city. Cumulative impact with a surety will occur. This exception was false for the first FirstNet facility approved for the Hyatt Regency; the city had in hand the 5-year plan for FirstNet. An additional facility has already been approved at the Portola Plaza. Additional ones are planned on Hawthorne St., and at NPS.

² <https://youtu.be/CIQgyQHhlwc?t=1h45m25s> - April 3, 2019

- b. Inappropriate medical statements were made outside the qualifications of city staff, consultant, and Commission, including "it was found that potential RF cumulative impacts from the proposed new antenna locations would not have a significant direct or cumulative impact on residents or the future building to the southwest of the project site".
Staff and consultant also misrepresented CTC as making a medical statement, saying: "[I]n a third party review of the Radio Frequency (RF) report for the proposed project, it was found that potential RF cumulative impacts from the proposed new antenna locations would not have a significant direct or cumulative impact on residents or the future building to the southwest of the project site." (p. 2) CTC actually said, "That [Hammett and Edison] study calculates the general public's and occupational levels of RF exposure in the vicinity of the proposed facility and finds that, if appropriate steps are taken to mitigate exposure, the facility would be within the FCC's allowable exposure limits... We concur with the H&E analysis that the proposed modification to the facilities will be fully compliant with the FCC's RF emissions requirements." CTC makes no health statements.
- c. CEQA Exception c is incorrect for this project, alleging the facility "would not have a significant impact on the environment", again making unsubstantiated and unqualified medical statements about "the general public, building tenants, or maintenance workers". including "potential health concerns from RF emissions... would not be significant" and that FCC regulations "ensure the safety of persons in the vicinity of the proposed PWS."
- d. Staff failed to include findings in the resolution that are required by the wireless ordinance for project approval - Section H(2) Findings a, b, and d. They did this for the previous project. Staff must provide and the Planning Commission must approve all six findings listed in the wireless ordinance. Because of this failure and because the Planning Commission failed to comply with the wireless ordinance, the Commission failed to make all the necessary findings and violated the wireless ordinance by its approval.
- H Required findings³:
2. a. The facility is not detrimental to the public health, safety and welfare.
 - b. The facility complies with all applicable design and development standards in the City Code.
 - d. The facility is necessary or desirable for, and compatible with, the neighborhood or community...
- e. These missing findings cannot be made.
- Finding a – I am a member of the public. This facility is detrimental to my health, safety, and welfare as a protected disabled person, of which the city and this consultant are well aware. Since the city has not queried the residents of the Park Lane or the nearby apartments, does not know their medical status or their doctors' advice or treatment program, and did not even notify those residents of the project, it cannot make health statements which only a qualified medical professional can make for those individuals living in and around the facility. Also, this is an irritating, sensitizing substance, and the city would be as unable to make these gross misstatements for which it has no qualifications as if it was approving a peanut

³ <https://www.codepublishing.com/CA/Monterey/?Monterey38.html>

butter or shellfish processing plant at that location.

Finding b – This facility fails to comply with all standards. It makes the landlord's ADA Title III place of public accommodation inaccessible to me, and discriminates against me and blocks my access on the basis of my disability. It violates California Civil Code 54.1. The Park Lane hosts public events such as the one advertised this week in the Monterey Herald, but participating, visiting, or living there are blocked to me and others like me. The facility renders the landlord out of compliance with state building rules on accessibility. The facility also does not comply with ADA/ADAA, Fair Housing and the Fair Housing Amendments Act as it pertains to me at my home and in my neighborhood, because it will affect me there. This facility/tenant of the owner/landlord also makes inaccessible nearby public streets and Highway 1 north and south. This facility completely fails on this finding.

Finding d --

1-- This facility is not compatible with the neighborhood and the community because it is a public health nuisance. It makes me and people like me sick with serious disabling health effects. Therefore, it is not desirable or compatible.

2-- The antenna shrouds are unattractive and very visible on the façade.

3-- City of Monterey made the proprietary business choice to contract with FirstNet (see #5 above). It was not required to do so. Worse, the city did not engage in any public discussion of the cost/benefits of such a contract blanketing Monterey with a new, powerful layer of radiofrequency electromagnetic radiation, despite the evidence it has received since 2009 from multiple people and my many requests for disabled accommodation because this radiation makes me sick. It treats me and other disabled people like me as if we don't exist. Several Planning Commissioners expressed discomfort with this situation. The city has undertaken no transition plan on how to provide disabled accommodation in its policies, programs, services, and facilities for people like, per its Title II duties, and engages in additional barrier creation, including the FirstNet contract.

- f. Resolution Finding #2 required by the wireless ordinance cannot be made for this project, because this facility does not comply with ADA/ADA and it also violates FHA/FHAA. It blocks my access to city streets and other facilities as previously stated.

18. Though the findings could not be made, the city failed to make any requirement of the applicant to demonstrate effective prohibition per wireless ordinance Section H(3)(a) or "narrowly tailor[ing it]" per (b). This failure causes the approval to be improper.

19. The approval fails to comply with the wireless ordinance statement of purpose in Section A(1).

- a. "reasonably regulate, to the extent permitted under California and Federal law" Congress gave Monterey dual regulatory authority with the FCC to make decisions, but the city has abdicated its authority and allowed wireless carriers to commandeer its authority, in violation of the law. It does not do any "extent permitted" and it fails to comply with its obligations under ADA and FHAA. Statements by Planning Commissioners that their "hands are tied" are completely false as Telecommunications Act Section 332(c)(7)(A and B) states, and the

commissioners expressed confusion and frustration over not knowing what laws they are able to enforce. City staff failed to provide any guidance and ignored the laws cited by me.

332(c)(7)(A)

(7) Preservation of local zoning authority

1. General authority

Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities"

None of the exceptions under (B) apply. I am not asking the city to make a regulation. I am asking for a decision on this one project.

And as the FCC admitted in its brief to the 9th Circuit in CTIA v. Berkeley, Congress' intent was that health could be considered in decisions but not as the sole grounds (emphasis added).

" Id. at 95. Therefore, the Committee concluded, "[n]o State or local government, solely on the basis of RF emissions, should block the construction of sites and facilities or installation of equipment which comply with the [FCC's] RF standards." Ibid. That legislative admonition was codified in section 332(c)(7) of the Act, which provides that "[n]o State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." 47 U.S.C. § 332(c)(7)(B)(iv).

b. "designed to protect and promote public health, safety, community welfare" Monterey staff recommendation and the Planning Commission's decision violate this guideline for the reasons previously stated. Their actions are the opposite of protection. The Commission also did not probe consultant or applicant regarding protection for landlord's vulnerable tenants despite high levels of exposure. It is depraved indifference to block notification for vulnerable residents, and this has been done on specious grounds.

c. "protecting Monterey from financial loss"

Approving this facility creates liability to the city for which the city may not be indemnified. The California legislature has already deemed cell antennas as dangerous.

20. Granting the permit violates federal laws and the wireless ordinance (Section A):

2. This section is not intended to exempt personal wireless facilities from any applicable laws, and the standards herein shall be read so that:

a. An application may be denied if granting it would result in contravention of any applicable law, including the Americans with Disabilities Act; and
b. Any permit may be revoked, or shall be void as provided in Chapter 38, Article 29 of this code.

3. This section shall be interpreted and applied consistent with State and Federal law.

Yet, none of this has been followed by the Planning Commission or by staff as I have shown above and previously. The Commission were confused and expressed lack of understanding for how to integrate some federal telecommunications law with other state and federal laws. The only input from the Community Development Director Cole was unclear.

21. The city and the applicant failed to consider or answer my questions below. At hearing after hearing, I, a member of the public, am ignored. This city conduct violates the Brown Act Section 54950 which clearly states that staff and city officials are servants of the public, and the people "retain control" over the city. If the public wants to know information, the applicant has to provide it.

Questions:

- a. The RF exposure exceeds occupational limits over the rooms on the SE azimuth and on the building at the SW and NW azimuths
What are the measurements or percentages calculated for those rooms or balconies? This is a place of public accommodation over which the city is tasked with enforcing the Building Code. These numbers matter.
- b. What are the maximum ERP of the existing antennas? What is the maximum exposure on the ground and at nearby buildings of the existing antennas? There's zero information about what those levels are.
- c. The SW azimuth covers Merrill Gardens approximately in line with the antenna. What are estimated exposure levels to residents in that facility?
- d. The Park Lane is in close proximity (approximately 1 mile) to two other FirstNet antennas and another close proximity one is planned at NPS next to Hyatt Regency antennas.
What is the purpose of this high-powered cluster of antennas?
This clustering contradicts applicant experts that have past said that towers can't be close together due to interference.
- e. Has the city verified that the correct applicants' (landlord and tenant/carrier) names are on the application, that they are insured, and that insurance includes EMF insurance? Otherwise, I understand the city isn't indemnified.

22. The city's consultant made obviously false and ridiculous statements about emissions and radiation that contradict statements he made during Community Hospital hearings and the laws of physics, including that the building materials would block RF emissions from going into the main building, meaning no wireless coverage.

5G – FIFTH GENERATION WIRELESS

Regardless of statements made by the contractor that this facility is for 4G LTE only, AT&T has publicly stated that getting the FirstNet contract would allow them to deploy 5G at the same time.

"AT&T noted that the award of FirstNet aligns with its plan to deploy a commercial 5G network, and that it sees efficiencies that can be achieved from "climbing the tower once" to

install equipment for FirstNet, and for its own 5G network..."(p. 8) ⁴

It appears that the applicant misrepresented what it installed at the Hyatt and what it plans on at Portola Plaza and here. Its equipment at the Hyatt is not 5G ready, but 5G equipment. It is installing 5G and FirstNet at the Portola Plaza and here as well. All the carrier has to do is flip the switch. The builder and not the carrier was present making statements. Since the carrier's representative has been at past city hearings urging the city to embrace 5G, it seems clear that this equipment is for 5G which will be activated.

On the basis of all these substantial grounds, I request denial of this project.

The Planning Commission was unclear in its authority over this project under the Monterey wireless ordinance, and acted in confusion over federal, state, and local laws with which it must comply, per Monterey wireless ordinance Section A (2)(b). By approving this project, the Planning Commission failed to fulfill their duties and responsibilities and violated the codes and ordinances of Monterey, the state of California, and the United States. By their own testimony, their actions are out of fear, and they failed to read and comply with the law. Commissioners made repeated statements that their hands were tied, yet they cited no statute or rule as evidence for that statement. Therefore, their approval is invalid

Due to these actions, confidence in the Planning Commission's decision-making is misplaced. They have succumbed to questionable and biased statements made by others and do not engage in the rigorous evaluation and interrogation required for land use projects. I request that the commissioners be dismissed.

At the Portola Plaza FirstNet hearings, the city attorney said these lawsuits would involve lots of money. In the Planning Commission agenda report, city staff and consultant quietly admitted they have previously given faulty legal advice on cell tower lawsuits by stating that "judicial review" is the legal remedy for applicants. This information is easily available with a plain reading of federal telecommunications statutes and court rulings and was provided for several years to the city by the public, but was ignored. As a result, the Planning Commission made decisions out of fear of massive lawsuits against the city, rather than careful decisionmaking.

I have repeatedly provided evidence of consultant Jerry Hittleman's false statements in staff reports approved by Monterey's legal and planning staff and at hearings with legal and planning staff present. No one has corrected him. I request that the consultant be dismissed, and planning and legal staff be disciplined.

City staff asked the City Council to hire Mr. Hittleman to be used if there were a "flood" of small cell applications. No flood happened. Despite the limited authorization, staff use him for single facilities that aren't even small cells. Ms. Cole gave a new explanation to the Planning Commission May 11 about the city's need for the consultant as if that was the reason he was approved by the city council. This "bait and switch" is a misuse of the public's funds and violates the restrictions of the contract approval by the Council. I request action by the Council to address the long-standing and egregious actions by city staff in violation of city codes, state and federal rules, and city council directives.

⁴ Congressional Research Service report

When the Hyatt FirstNet towers were turned on, I instantly felt it, and my disability worsened. By comparison to that facility:

Approved 11/4/19	Approved 12/1/20	
Active		
Hyatt Regency FN	Portola Plaza FN	Park Lane FN
12,540 ERP	21,890 ERP	22,780 ERP
2.0 miles	1.5 miles	1.2 miles

ERP = Effective Radiated Power in watts

The watts are increasing. The distance to my house is decreasing. The Park Lane facility is almost double the power and half the distance to my house.

Consider this project in terms of your loved ones. These are powerful antennas mounted above the roof and on the walls of the home of people that could be your father, mother, or siblings, or which face their home. These powerful radar beam emissions extend into their rooms and bodies and cover the walkways, building, and parking areas. What would you do to assure that your loved ones are protected from discrimination due to their age and from declining disabled access in violation of the California Building Code?

Higher prices may be charged for top floor rooms at the Park Lane in proximity to the antennas, despite that those living there, based on the research, are at greater risk for cancer, heart attacks, seizures, neurological disease, and other life threatening health effects including insomnia, as well as interference with pacemakers, insulin pumps, Parkinson deep brain implants and other medical devices. Exposures may rapidly degrade their lives. put them in the hospital, or kill them outright. None of these residents have given their full and informed consent, because the city has not told them about the project.

Don't cherry-pick the laws you enforce. Stop ignoring and discriminating against me as a disabled person and ignoring ADA/ADAA and FHAA. Don't ignore these grounds for denial.

I request all documents I've cited be considered as submitted in their entirety in this appeal.

Lastly, I as an appellant am only given a few days to see project appeal documents prior to the appeal hearing, whereas staff generally have weeks to consider my appeal and mount a rebuttal. I request reasonable disabled accommodation to receive staff's appeal documents at least 8 calendar days prior to the hearing.

Grant my appeal and deny this project on these substantial grounds.

Sincerely,

Nina Beety