

Rebuttal to Letter Circulated by Jeremy Craig, City Manager

This letter, or some similar form of it, has been circulated by Jeremy Craig, City Manager, Vacaville, in response to some commenters on Drake's Peak Radio Tower. I have provided a rebuttal to his statements. My text is bolded and in italics.

Thank you for your recent email regarding Drake's Pointe. I appreciate your concern for the hilltop. Please see further information below about the project.

First, the project is not a cell tower. It is an emergency communications antenna. The project is needed to provide adequate emergency communications to areas of our community that have very limited service due to topography. The City did evaluate a number of options for locating the facility. However, based on the information it was determined that existing or approved structures or buildings within a one-mile radius of the proposed location cannot accommodate the planned equipment at a height necessary to function reasonably. The Drake's Point location was the only location that fully met the City's public safety telecommunication needs to ensure the highest level of emergency services to the public as well as police and firefighter safety in responding to emergencies. Further, the Council made every effort to ensure the antenna would only be used for vital police, fire and related public safety radio communications.

The City maintains this facility is needed; specifically, on Old Rocky. However, consider:

- ***They looked at options for upgrading the City's radio system to address reception issues in Brown's Valley and Markham area in a 2005 study, and also to upgrade to digital communications. All alternatives investigated were admittedly "short-term" (because of expiring analog systems) with the exception of moving the tower to cover the north side of town to Drake's Peak. Costs were evaluated, but in part considering some deferral of costs to develop Drake's Point by co-locating with private telecom. Significant other long-term tower locations to address coverage in the north part of town were not evaluated in this study, except to raise Station 73 tower (on Eubanks Court) by 20 feet.***
- ***The City at this point adopted a strategy to eventually move its radio coverage to Drake's Peak and Cement Hill (from Butcher Hill and Station 73). Drake's Peak is an obvious choice – a high, centrally located prominence. It was the most convenient and obvious location for thorough coverage, and became the preferred alternative from a performance standpoint only, without other considerations (quality of life, environmental).***
- ***They have looked at other options since then, but only informally, not documenting any of the following:***
 - o ***The precise technical option location and actual proposal/concept design.***
 - o ***The cost estimate associated with the option.***
 - o ***The level of service provided by the option.***
 - o ***The environmental impacts of the option relative to the Old Rocky location.***
- ***They mention in the process one other long-term option (raising Fire Station 73 tower to 100') was explored but "less than ideal".***
- ***They have apparently NOT explored some alternatives thoroughly, such as providing repeater antennas, local signal amplification methods (such as is used/required in large buildings in big cities), co-locating with ~100' towers at the airport, elevating the Station 73 tower on Eubanks***

to a mid-level elevation (they looked only at 100' with "less than ideal" results), co-locating with the large transmission towers that pass over the ridgeline near Vaca Valley Road, or locating on the large hill near Monte Vista and Allison.

The City had several public forums to consider the project: (Notice was provided on the site, in the newspaper, and to surrounding property owners-)

As we understand it, meetings were advertised on the project website, in the newspaper, and as indicated below. Since few peruse the City's website, and the paper is not widely read, primary notification of local residents would have been the notices give below. In addition, because of early dismissal of potential impacts, the burden under CEQA was reduced, and less public outreach was needed.

Community Services Commission (a citizen commission) 3/8/2018 – Unanimously recommended approval

This was not a publicly advertised meeting that we are aware of.

Planning Commission (a citizen commission) 4/17/2018 – Unanimously recommended approval

The availability of the environmental document (a Mitigated Negative Declaration) and the planning commission hearing for this was advertised to residents within 600 feet of the tower location, consisting of a small number of homes on Vine Street. No residents to the east of the project were notified.

City Council 5/8/2018 – Unanimously approved the project.

The City council hearing for this was advertised by posting to Milford Court (utility entrance to the Open Space from the east, and anticipated construction entrance) and on Vine Street. Except for the posting on Milford, no other notices were given to Brown's Valley Residents. Very few knew of this.

The City studied the project for compliance with CEQA. The City prepared a mitigated negative declaration (MND) using Stantec, a qualified environmental consultant. The MND considered impacts to aesthetics, including whether the project would have a substantial adverse effect on a scenic vista and whether it would substantially degrade the existing visual character or quality of the site and its surroundings. The MND determined that these impacts would be less than significant according to CEQA standards. There was a 30-day public review period for that MND (3/9/2018 to 4/9/2018). The City did not receive public comments on this MND during this period. The Planning Commission and City Council considered the MND through the public hearing process. The City Council adopted the MND on May 8, 2018. The City filed a notice of determination on May 11, 2018.

The CEQA analysis was deficient. The Project site and ridgeline is a highly valued visual resource, and the installation of up to a 60-foot tower, visible for miles, exposed high above the existing limited vegetation on the summit, in direct light or silhouetting, and dominating the vista from the summit, is unquestionably a significant and irreversible impact. The Consultant/City provided no substantiation of a less than significant impact on visual resources and provided only indecipherable visual renderings from very limited viewpoints. The visual renderings were provided by the City to the consultant. We do not know what the consultant was requested to find in conclusions, or what information they were provided about the visibility of the tower or the importance of the prominence

for viewpoints, or why they did not perform visual renderings standard for this kind of CEQA analysis, but we do NOT consider this analysis reputable.

The site is a high value summit destination, a valuable aesthetic resource. Any substantial change to this valuable resource represents a significant impact. Creating a massive installation that towers over visitors or clutters the summit with a building generating noise is unquestionably significant and irreversible, easily crossing the CEQA threshold of substantially degrading “the existing visual quality and character of the site and its surroundings.” We also consider this analysis on the open space deficient.

The project was thoroughly reviewed for compliance with City standards and was found to be in compliance.

The project is in direct conflict with numerous municipal code requirements. We believe it to be illegal as currently designed and being constructed. Specifically, numerous elements of Title 14, §14.09.125.070 (Location Criteria), §14.09.125.090 (Design Criteria for Various Facilities). They are developing a major telecommunication facility readily visible from off-site on a site not already developed with telecommunication facilities, and are doing so in a manner which is not “effectively unnoticeable,” have not demonstrated with technical evidence a clear need to locate such facility at this location, and why co-location with another facility is not feasible; are developing a major telecommunications facility on a prominent point without an exception and could not be granted an exception because the Project will be visible from surrounding properties or public view; it will not be substantially screened from the view of surrounding properties and public view and will result in an adverse visual impact; is not co-locating with other telecommunication; and is not in accordance with an approved master plan. In addition, the code prohibits placement of major telecommunication facilities on the City’s ridgelines where they will silhouette against the sky; see Figure 14.09.125-1, Ridgelines Applicable to Telecommunication Facilities. The Project meets none of the criteria where this would be allowable, and specifically, will not blend with the surrounding environment so as to have a negligible impact.

There is an existing pole at that location that is 38 feet high.

The pole has been removed and measured with a measuring rod – it is 31-feet high. The City has been notified of this (and they are free to verify it) but they continue to publish this erroneous information.

The new pole will replace it and will be 40 feet to the new beacons.

The City has consistently and repeatedly misrepresented the height of the tower, claiming in various documents it is 40’, 50’ or when pressed, a 40’ tower with ~15’ antennas. The municipal code clearly defines telecommunication tower height as being measured from the base at the ground to the highest point of the structure including antennas (§14.09.125.090). The tower is authorized to 60’ and present designed to ~55’.

Design features were required so the antenna would blend into the surroundings as much as possible and the equipment building was designed specifically in color, texture, location and orientation specifically to hide it, and/or obscure it as much as practicable from views. The City even went to the

extent of evaluating alternatives that would partially bury the building, at commenters' requests, which were ultimately determined to be infeasible due to the rocky ground conditions. As part of the project approval process, and as specifically directed by Council, there will be no maintenance access road to the antenna. The road there now is temporary only for construction, and will be removed and revegetated once construction is complete. This will make long term maintenance more difficult, but was a concession specifically to preserve the visual aspects of Drake's Point.

The City has provided no information about how the tower and/or antenna can blend into the surroundings, when they extend as much as 40 to 50 feet above all vegetation on the summit, and will be visible from every direction, as was the much shorter 31' single wood pole. The tower as authorized will be 24 to 30 feet higher. The antennas are 3.5" in diameter, and although may not be easily visible from great distances, will be readily visible from viewpoints near or within 1-mile of Old Rocky or on Old Rocky itself, and will readily silhouette in dim light. The monopole components including the pole and cross beams are robust and will be visible at the 40' height of the structure.

A 10-12' deep pit has been excavated for the building in nearly pure bedrock on the slope just below the summit. In all likelihood, it will be more visible now from the summit, in that that observers will look down on the roof of the building to the solar panels. The slag from the excavation has created a huge tailings pile. The lack of a permanent road is a small concession, and does little to mitigate for the drastic impacts of this project on the summit.

As you can see, a great deal of time and public process went into the careful planning and design of this critical public safety asset. Every care has been taken to minimize the impacts on the Point and multiple citizen commissions provided input on how to accomplish the task. One benefit of this project is that City staff and contractors have cleaned up Drake's Point, removing trash, broken glass, barbed wire and other hazardous items which should make the area more safe for hiking.

There was very little if any trash, glass, or barbed wire, and nothing about this project has made Old Rocky's summit safer. In fact, there is currently a serious OSHA violation and significant construction hazard with a nearly 8-12' vertical escarpment (unprotected) where they are constructing the shed, and a 5' vertical escarpment where they are constructing the tower (unprotected). The City has been advised of this but has not acted. They have also so loosened the trail by repeated heavy equipment passes that the trail is no longer usable being pure, loose cobble and will not be easily repairable. They have also left the former pole leaning in an oak tree (which was damaged) which is also a safety hazard.

Police Chief John Carli has worked on the City's radio system for over 20 years and was directly involved with this radio project, so you may want to speak to him to get further information. I have copied him on this email to provide contact information.

Jeremy Craig
City Manager
City of Vacaville, CA

I have spoken at length with Chief John Carli. I will not venture to speak on his behalf, but a few notes I made from our call.

- *The multiple alternatives analysis that has more recently been conducted was informal and technically fairly thorough, but not documented in reports with full technical concepts, cost estimates, extent of coverage/performance, or environmental impacts.*
- *There were other alternatives that would have met the City's need (such as repeaters); however, the thought was they were too expensive (however, formal cost estimates were not provided or documented).*
- *Chief Carli was surprised to hear or understand the full height implications of the tower.*
- *Chief Carli was not involved in characterizing the tower for CEQA analysis but did request it be implemented in ways that would minimize impacts to the site.*
- *Chief Carli said the monopole height of 40 feet was based on the City's presumed height of the existing tower at 38'. That height was never measured directly by the City but was apparently a significant basis of design. The pole was 31 feet.*
- *Chief Carli suggested that concerns over future possible co-location and/or additional tower location on Old Rocky were entirely justifiable, and if fact it was he that directed me to AB 57, approved into law in 2015, which shows a trend by the legislature to wrest telecommunication decisions from the local municipality, since it is a statewide concern. In was Chief Carli that lobbied for a clause in the law that would exclude fire department facilities from mandatory co-location requirements. Without that clause, if the tower at Old Rocky were constructed, it could be immediately subjected to co-location requests.*

***Rebuttal presented by James Gorham, representing
Concerned Citizens for Old Rocky***