



## NEIGHBORHOOD COMMENT RESPONSE FOR LA13014H CASH AND CARRY

5680 SAWTELLE BLVD.  
CULVER CITY, CA 90230  
APN: 4203-015-062

### Re: Opposition to the proposed T-Mobile cell tower at the Cash'n'Carry, 5680 Sawtelle Blvd

We respectfully request that Culver City Planner denies the application for the T-Mobile cell base station installation at 5680 Sawtelle Boulevard for the following reasons:

#### Reasons to deny the application:

1. The application is misleading and contains false information
2. Aesthetic concerns
3. Safety concerns and apparent violation of Culver City fire code
4. Impact to surrounding property values
5. Better alternative locations exist
6. Health Concerns

#### 1. The application is misleading and contains false information

The overall objective stated in the project description is “to enhance the existing coverage in the commercial and residential zones at the intersection of Sawtelle Boulevard and Stevens Avenue.” This location is actually well served. According to the T-Mobile ‘existing coverage without LA13014JH’ map (*Figure 1*) there is good coverage (highest and second highest level of coverage) at this intersection. *This negates the stated objective of the proposal and should be cause for the application to be denied.*

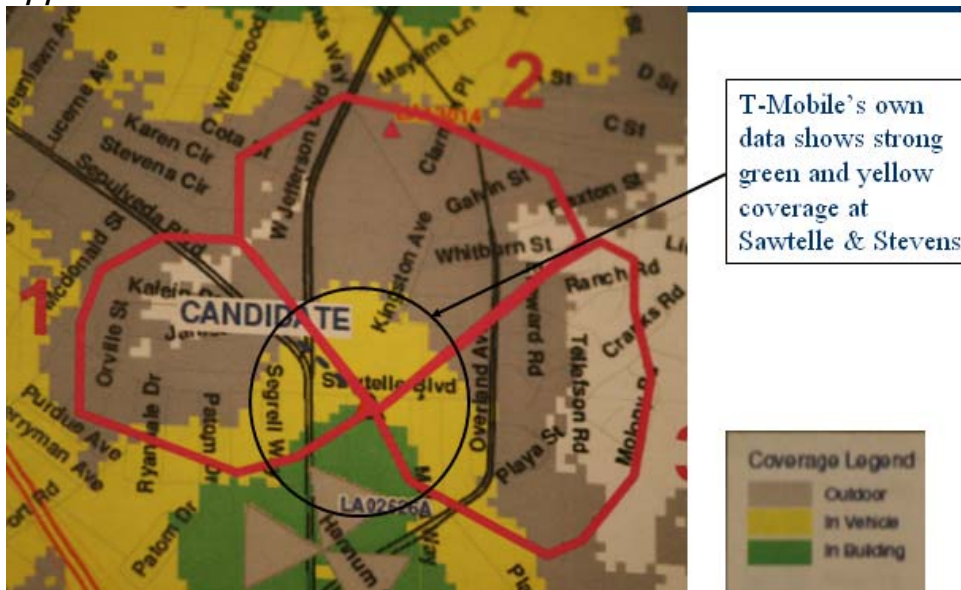


Figure 1: Existing coverage without LA13014JH

Good existing coverage is further demonstrated by empirical tests. The ‘existing coverage map’ shows varying levels of coverage including white, identified as having

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no coverage by T-Mobile's representative Aaron Andersen on Jan. 19. Community members conducted repeated tests at different times and on different days from inside an automobile with a T-Mobile phone. In no instances were calls dropped, even in the white areas indicating no coverage. Further, areas with red indications on the 'Real Time Drive Test' were tested and similarly resulted in no dropped calls. *Since there is service in the white areas, the description of no coverage is false.*

Figure 2 shows T-Mobile's Existing Coverage map and Real Time Drive Test map overlaid.

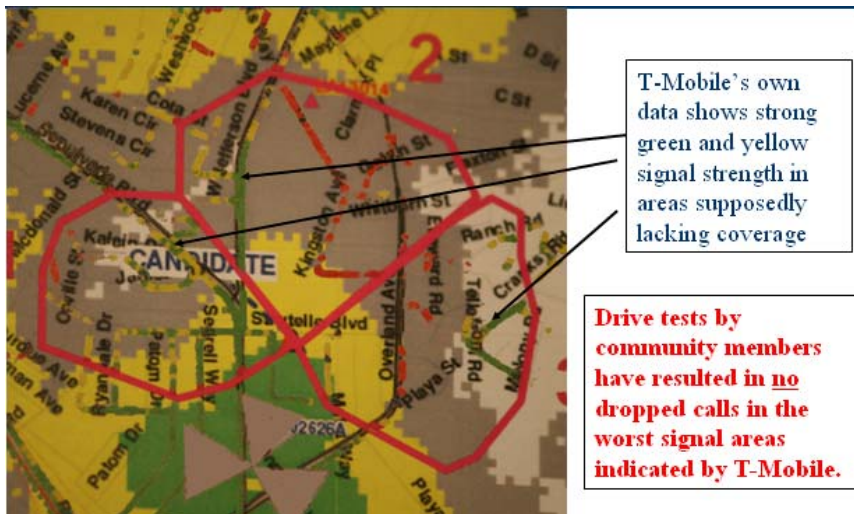


Figure 2: Overlay of Existing Coverage Map and Real Time Drive Test map

- T-Mobile 'Real Time Drive Test' map shows strong (green and yellow) signals where the "existing coverage map" shows the lowest or no coverage. The same map shows no black (lowest coverage) data anywhere.
- The 'Existing Coverage Map without LA13014JH' map shows areas of poor coverage that presumably support the addition of a base station in the area, however the 'Real Time Drive Test' map data clearly contradicts it, showing strong signals in areas predicted to have the lowest signal coverage, specifically on Jefferson Boulevard at Cota, Sepulveda northwest of Machado Rd. and Culver Crest. **One or the other of these maps is false.** These maps appear to be little more than convenient colorations and are unsupported by any data or explanation as to how they were generated.
- The T-Mobile web site (Figure 3) shows the highest level of coverage in the entire area served by the proposed towers, while the 'Existing Coverage Map without LA13014JH' shows "no coverage" (i.e. white) in some areas. Clearly T-Mobile is engaged in deception in their advertising or in this questionable application.



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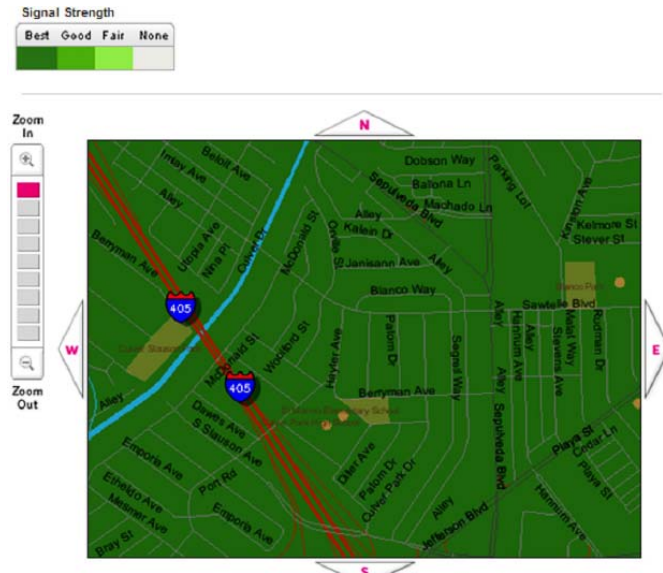


Figure 3: T-Mobile web site coverage data

*The coverage information provided by T-Mobile in this application is clearly conflicting. Claims about existing coverage are misleading and contradictory. Therefore, some of the information in the application must be false and should be cause for the application to be denied.*

A map provided by T-Mobile 'Culver City Future and Proposed Cites' (Figure 4), shows future sites including the proposed LA13014 and some existing cell tower locations in relation to the proposed site. The map shows none of the existing cell towers in the Studio Village shopping center. However, on the T-Mobile map, they do place the location for the proposed Cash'n'Carry site LA13014 in this developed commercial area North of Sawtelle, not at the Cash'n'Carry building. At a glance, this false location leads one to conclude that LA13014 is logically placed between LA02626A and LA02581A. Importantly, T-Mobile's 'Real Time Drive Test' data indicates this shopping center location is closer to the geographic center of the area of red (weaker coverage) than the proposed Cash'n'Carry site.

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Figure 4: Culver City Future and Proposed Sites

The applicant's map, "Culver City Future and Proposed sites", made the location of the proposed cell tower seem more logical than it is.

*The Culver City Future and Proposed sites map contains false and misleading information and should be cause for the application to be denied.*

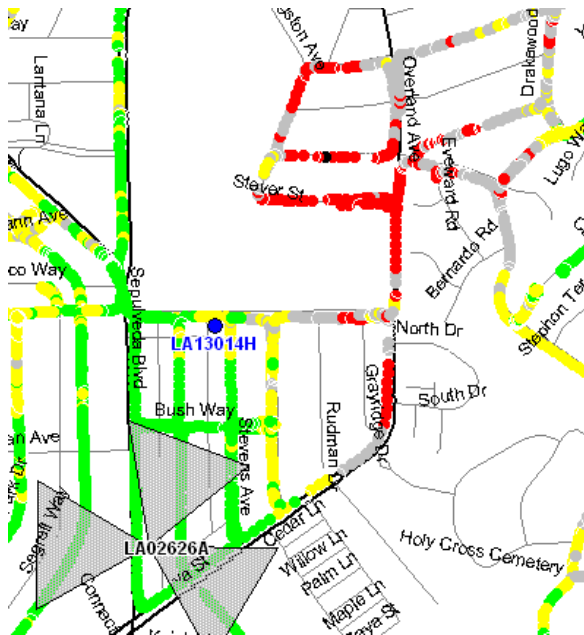
**Response:** The coverage objective as outlined by the propagation maps and site justification study is a summary, and not an exact pinpoint location of the needed coverage, normally we (T-Mobile) identify the intersection of the proposed site, and propose coverage in and around that intersection.

Additionally our predicted propagation coverage map does show coverage at the intersection of Sawtelle Blvd. and Stevens Ave., but keep in mind that this is just a prediction of coverage and not the coverage that actually exists. The drive test data, which has been submitted to the city, would be more accurate representation of the coverage in the area. If you look at the drive data it does shows that the coverage at the intersection is marginal and at the fringe of LA02626 coverage.





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T-Mobile is not only providing coverage to customers in cars and on the street but to also to its customers while in buildings and in their homes. In the red and black areas of the drive data, calls can be made and received but not consistently and most likely not indoors.

These are two (2) types of maps overlaid used to compare our prediction data with our real time drive data. Again the prediction is just that, a prediction to assist the engineers in the design of the facility. The drive data shows in real time actual coverage in the area. RF uses multiple forms of data and information to analyze our coverage issues and concerns.

The Personal Coverage Check (PCC) map is a way for gauging a very general level of coverage in an area but the level of coverage may not be adequate to hold a call in a vehicle or while indoors. On the same note this is also a prediction not real time data.

The T-Mobile proposed sites map is exactly that "Proposed". This map was requested by the city, ideally this is where we would like to build the site but in most cases is slightly moved for multiple unforeseen reasons such as no interest from land lord, not physically possible to build at the exact location, zoning guidelines etc.

## 2. Aesthetic concerns

- Any environmental impact assessment performed for this construction inadequately considered the detrimental visual and quality of life consequences that the proposed base station will have on the residences



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surrounding it. While the proposed installation would be within the height rules regulating the commercial zoning it enjoys, the size and appearance of the resulting structure should be considered. The application refers to the tall vertical screen surrounding the project as a 'Major Stealth' design, however it disregards aesthetic qualities of buildings that make a neighborhood and community pleasurable. The project is located on a residential street predominated by single story family homes. The existing Cash and Carry building is large and tall when viewed from the neighboring homes. The awkward addition of an 11 foot high, 38-foot by 34-foot 'box', to the top of the existing structure creates an unattractive, overly tall visual element with no architectural qualities or redeeming visual justification (*Figure 5*). *The proposed installation greatly diminishes the character and charm of the tree lined residential street that represented the original plan for the community. This should be cause for the application to be denied.*



Figure 5: Proposed 11-foot high screen and existing homes

- On the construction drawing for the Cash'n'Carry project submitted with the application the south elevation (Sheet A-3) shows a utility run on the face of the building. This would seem to violate Culver City municipal code 17.400 4-53: "unless otherwise expressly approved, all cables for a facility shall be fully concealed from view and placed underground or inside of a screening or a monopole structure supporting the antennas."

- o The construction drawings (sheet number 2 of 2, LS-2 - *Figure 6*) submitted with the application falsely describe the 'screen' element as being set back 29.33 feet from the east edge of the roof and 22.5' from the south edge. These dimensions are grossly overstated since the actual setback must be about half of the dimensions indicated. This false information greatly under-represents the visual mass and impact of the proposed structure relative to the existing building.

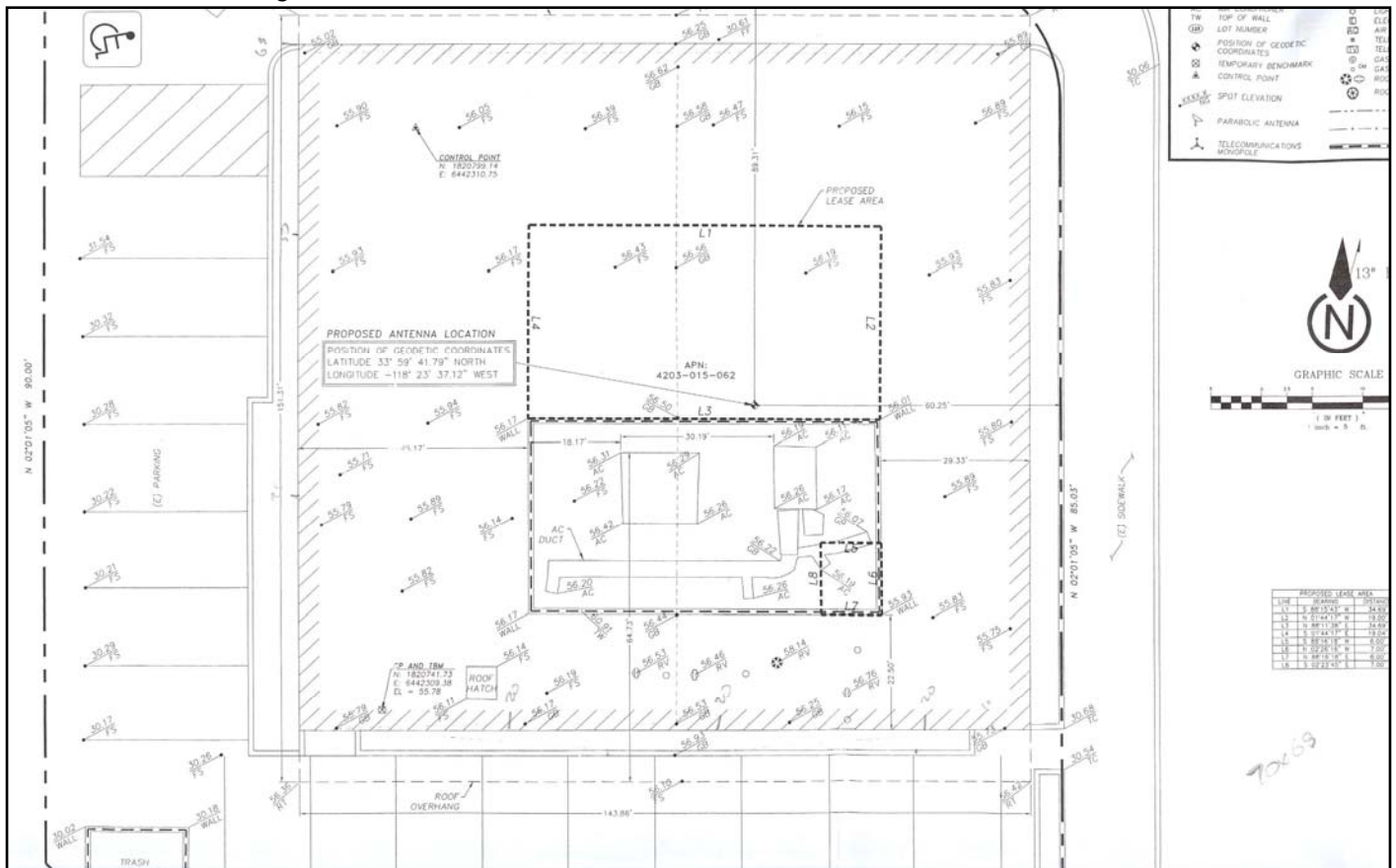


Figure 6: Construction drawing

*The construction drawing contains false and misleading information and should be cause for the application to be denied.*

**Response:** The proposed facility has been designed to have the least possible visual impact on the surrounding environment, and will be architecturally integrated into the existing structure by utilizing the buildings current features in the site design. Our proposal is consistent with the current design and scale of the existing building, and will blend well with the surrounding environment as demonstrated in the



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photographic simulations that were provided to the Planning Department as a part of the permit application.

3. Safety concerns and apparent violation of Culver City fire code

- There will be lead acid batteries on the rooftop installation. In a case of a fire, there would be toxic smoke that would expose adjacent homes to unnecessarily hazardous conditions.
- The building has considerable amounts of flammable material stacked in apparent violation of fire codes. **This condition should be considered unacceptable.**

*These safety concerns should be cause for the application to be denied.*

**Response:** The proposed facility will be designed in accordance with all applicable building, electrical, and fire codes. The final construction drawings are also subject to review by all applicable local agencies, and must be in compliance with the pertinent code sections prior to final permit approval.

4. Impact to surrounding property values

- The Blanco Park neighborhood has seen continuous improvement in the past 10 years, with many of the residences undergoing extensive remodels. **The visual blight caused by the 11-foot enclosure as well as the perceived health effects would be expected to have an adverse impact on the property values, even more pronounced for the 2-story residences with a direct view to the proposed installation.**
- The Appraisal Institute, the largest global professional membership organization for appraisers, has spotlighted the issue of cell towers and fair market value and educated its members that a cell tower should, in fact, cause a decrease in home value ([www.appraisalinstitute.org](http://www.appraisalinstitute.org)). A study from June 22, 2005 Appraisal Journal on CBPS price impact in New Zealand: Overall, respondents would pay from 10%-19% less to over 20% less for a property if it were in close proximity to a CPBS. The opinion survey results were generally confirmed by the market sales analysis using a hedonic house price approach. The results of the sales analysis show prices of properties were reduced by around 21% after a CPBS was built in the neighborhood.
- In the UK, courts are starting to pay attention. In one example, a local council in Swindon, England, ended up paying seven householders sums of between £10,000 and £20,000 each after it mistakenly allowed a mast to be erected in the middle of their residential street, causing their properties to crash in value. ([The Observer, May 25, 2003](#))





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**Response:** Based on the data that I have seen, property values historically behave the same on real estate located within close proximity to a wireless telecommunications facility, and real estate that is not. In real estate economic terms, it is strongly suspected that the factors determining property values lie in the strength of the regional growth in population, employment and regional product. Taken in concert, these factors grossly overshadow small changes in neighborhood infrastructure or modest physical changes to the neighborhood, particularly in the eyes of a new prospective owner who may never have seen the neighborhood prior to any changes.

Additionally, our proposal will be integrated into the existing building and be visually imperceptible to the general public. The casual passer by would not know the facility even existed unless informed by someone who was aware of the wireless facility installation.

#### 5. Better alternative locations exist

- Culver City Municipal Code order of preference states that “antennas shall be located in or on existing building features or other site improvements wherever possible, as opposed to creating new building features, site improvements or monopoles for the support of antennas”. The proposed eleven foot high ‘Major Stealth’ screen design is most assuredly an undesirable ‘new building future’.
- The second preference prescribed by the city is **collocation of facilities**. There are other existing base stations in nearby commercial areas (Studio Village shopping center). Further, **these existing locations could better address the coverage weaknesses T-Mobile claims to have since the developed commercial area north of Sawtelle represents a superior geographic relationship to the largest area of diminished coverage indicated on the ‘Real Time Drive Test’ map.**
- If a transmitter was necessary, T-Mobile needs to locate the tower in the least intrusive location. *According to the 9th Circuit Court of Appeals decision on MetroPCS vs SF, once a wireless service provider has demonstrated that the requisite significant gap in coverage exists, it must then make some showing as to the intrusiveness or necessity of its proposed means of closing that gap.* **This location is certainly not the least intrusive candidate location.**
- This proposed installation is unnecessarily close to a school and adjacent to residences. California Public Utilities Commission EMF policy (Decision 96-11-017) states that “cellular companies can be encouraged to consider alternative siting, especially if projected cell sites are in close proximity to schools or hospitals. School and hospital sites can be designated only as last-choice possibilities.

***The city should deny the application as being out of compliance with the CC Municipal Code and inconsistent with the CPUC EMF policy, and ask T-Mobile to***



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*explore other locations that are both less intrusive and provide better coverage in the areas indicated as having low coverage according to T-Mobile application.*

**Response:** We have already provided the city with all of the necessary documents which clearly demonstrate the need for this facility at the current location. This information was submitted in the form of propagation maps and drive test data, which clearly exhibit T-Mobile's need to enhance their coverage in the immediate, and surrounding areas. As I have previously mentioned, our original site location was the commercial center to the north. After almost two (2) years of negotiations with property owner T-Mobile was unable to procure a lease for the space necessary for the installation of the facility. The inability to complete these negotiations is what leads us to our current location, which is essentially in itself an "alternate site". Revisiting any other alternate locations at this time will only produce the same results and result in extensive time delays.

Additionally, Section 704.(7).(B).(II) of the Telecommunications Act of 1996 states that; *The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof shall not prohibit or have the effect of prohibiting the provision of personal wireless services.*

## 6. Health Concerns

Health consequences from proximity to cell base stations are controversial.

A growing number of organizations and local government entities are enacting rules preventing placement of cell towers on their property, passing resolutions to oppose placement of towers in the proximity of the property and calling for the repeal of Section 704 of the 1996 Telecommunications Act which took the power from local governments to regulate cell tower placement based on environmental (health) concerns:

- LA Board of Supervisors motion to repeal Section 704 (June 2009)
- L.A. City Council motions for increased cell tower placement regulation and an updated wireless ordinance (Bill Rosendahl Oct 2009. Janice Hahn and Mark Ridley Thomas Nov 2009)
- LAUSD (in 2000, prohibited cell base stations and antennas in school property; in 2009, called for increased setbacks for any cell sites near schools as well as a passed a resolution in favor of repealing Section 704 of the 1996 Telecom Act)
- The International Association of Firefighters 2004 resolution opposing installations of base stations in fire department facilities
- Several cities, including San Francisco and Glendale, are revising their wireless ordinances to reclassify all residential zones as non-preferred for wireless installations. We strongly urge Culver City to implement a similar ordinance.



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The FCC knows the radiation emitted by cell towers is dangerous. The controversy is in the safe exposure / distance. Increasing number of countries and cities are tightening their exposure guidelines. The following countries have exposure limits 100 times stricter than the current US standards (i.e. 0.01 mW/cm<sup>2</sup> limit for uncontrolled exposure vs 1mW/cm<sup>2</sup>):

- Russia - (regulatory)
- China - (regulatory)
- Italy - (regulatory)
- Switzerland - (regulatory)
- Poland - (regulatory)
- City of Paris, France - (cooperative agreement)
- City of Toronto, Canada - (cooperative agreement)

**In 2009, the European Union passed a resolution on health concerns associated with EMF radiation, calling for sharing of masts and transmitters between providers to avoid proliferation, and ensuring no facilities are set up in proximity to schools, child care centers, retirement homes or hospitals.**

<http://www.europarl.europa.eu/oeil/file.jsp?id=5680652>

The policy of prudent avoidance should be followed. According to this policy, "measures should be taken to minimize EMF exposure even in the absence of a demonstrable risk". National Institute of Environmental Health Sciences has announced that "there is evidence for possible health effects from ELF-EMF exposure, and inexpensive and safer reductions in exposure should be encouraged." The ALARA (As Low as Reasonably Achievable) principle applies.

- Children are at risk even more than adults. UCLA School of Public Health study 2005: "Consistent epidemiological evidence of an association between childhood leukemia and exposure to extremely low frequency (ELF) magnetic fields has led to their classification by the International Agency for Research on Cancer as a "possible human carcinogen." Concerns about the potential vulnerability of children to radio frequency (RF) fields have been raised because of the potentially greater susceptibility of their developing nervous systems; in addition, their brain tissue is more conductive, RF penetration is greater relative to head size, and they will have a longer lifetime of exposure than adults."

**We respectfully urge the Culver City Planner to reject the application for a cell phone base station at 5680 Sawtelle Blvd on the grounds explained above. Additionally, we urge the city to adopt a progressive wireless ordinance that will keep cell tower facilities away from residential areas and proximity to schools.**



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*Response: Section 704.(7).(B).(II).(iv) of the Telecommunications Act of 1996 states that; No 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.*

Additionally, Section 704.(7).(B).(II).(iii) of the Telecommunications Act of 1996 states that; *Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.* We feel that the statements made by the residents as listed above, which are the foundation for the request to deny our application, lack specificity and the substantial written evidence as required by the Telecommunications Act of 1996. A closer look at the project demonstrates the T-Mobile proposal is a good project and complies with all applicable city, state, and federal guidelines.