

CELL TOWER ADVISORY COMMITTEE (C-TAC)

Meeting Minutes

November 10, 2014

I. Call to order

Anthony-Paul (AP) Diaz (Chair), called to order the regular meeting of the C-TAC at 7:30 p.m. on November 10, 2014 at the San Marino Unified School District (Board Room) 1665 West Drive, San Marino, CA 91008.

II. Roll call

The following members were present:

AP Diaz, Strefan Fauble, Miriam Nakamura-Quan, Doug Wilson, Ming Jiang, Ann Eittinger, Kevin Chan, Zillah Tobiano, Andrew Ko, District Superintendent Dr. Alex Cherniss and School Board Member Chris Norgaard.

Additional guests included: Dean Pappas of Goodwin Procter LLP.

III. Minutes

The meeting minutes from the last meeting on July 14, 2014 were approved with amended change(s).

IV. Outside Counsel Updates By Dean Pappas, Esq.

Mr. Pappas updated the committee on the status of the Verizon and Global Tower (Now American Tower Corporation) carriers' defaults.

Verizon is seeking alternate locations for the tower that is currently located in the SMUSD maintenance yard. Their preferred location is still the Old Mill median, with a location at Lacy Park as their second choice. The Old Mill median location seems unlikely to get approval. They are exploring a different location on Old Mill road and are working on new plans. Their preference is Old Mill road, which could be operated without a lease, while the Lacy Park location would incur additional expenses.

The city intends to notify American Tower (AT) that their application is deficient. There is some back and forth on whether AT needs a California Geologic Survey (CGS) review. American Tower needs to go through the Conditional Use Permit (CUP) process. The original CUP was rejected by the city. The Division of the State Architect (DSA) verified reports and other requested information has been submitted but American Tower is still missing critical documents in order to complete certification.

American Towers filed an amended CUP on November 3, 2014. They submitted three of the four requested documents. Their law firm convinced the Division of State Architect, DSA, that

CGS review was not required; however, the City will request geotechnical information for the CUP, since the cell tower lies on top of the Raymond Fault Line.

AT is expected to meet with the city on November 20th to review its CUP application. They will also need DSA certificates for the 2 additional antennas they added. The lease requires DSA approval, which they don't have. Doug Humphrey, the LA Regional Manager of the DSA, said the school board could request the tower located at the High School be removed.

Raymond Quan noted that American Tower's documents were not certified with the DSA. DSA forms were given to the city in 2013 as proof of inspections, but these forms were not submitted to or certified by the DSA. We need to argue that they need to meet all seismic safety requirements and codes. The DSA issued a non-certification letter and closed the file with a letter #3. They had 90 days to get certified and failed. They also need to submit applications for the additional equipment added.

American Tower does not have DSA Certification for the SMHS cell tower. They have submit the correct documents to get DSA approval. American Tower's law firm isn't going to be flexible because their client would lose rental income.

The committee discussed the need to expedite the process. They need to mitigate the safety hazard created by the improper construction of the SMHS cell tower on the Raymond Fault Line. We should make inquiries to the city so we can learn why there have been so many delays in the process and why the tower operators have been given so much time.

V. Discussion of Next Steps

The committee discussed various suggestions for what are the next steps in the process.

1. The district can diligently pressure Verizon to respond and cure their default advising them that Verizon is not responding quickly enough.
2. Encourage the city to expedite the process.
3. Motion passed to recommend that legal counsel ask American Towers to submit a complete DSA application and move forward swiftly. Remind them that each additional antenna equipment that was added on later also requires DSA certification.

VII. Adjournment

The meeting was adjourned at approximately 9:00 p.m. The next meeting will be scheduled once there are new developments.

Minutes submitted by: Doug Wilson

Minutes approved by: C-TAC Committee on _____