

Jamie Gray

From: Michael Peterka
Sent: Wednesday, April 3, 2024 1:48 PM
To: Jamie Gray
Subject: FW: Cell tower at fire station

Additional public comment.

From: Donna Sheckter <donnasheckter@gmail.com>
Sent: Wednesday, April 3, 2024 11:20 AM
To: Michael Peterka <mpeterka@townofmammothlakes.ca.gov>
Subject: Cell tower at fire station

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[EXTERNAL EMAIL]

Hello I am Donna Sheckter I reside at 1344 Timber Creek Rd, Mammoth Lakes, CA 93546. I am writing this letter in support of snowcreek 7 homeowners. I am very upset to learn that this process of choosing a cell tower site was hidden from the public and in particular our homeowners. The planning commission did not abide by the proper notification process. I feel the process needs to start over... there should be input as to where a huge cell tower is placed. I understand there are other options that would not impact homeowners and these options are not being explored. As elected officials I feel the city council needs to stop this rushed process and proceed with proper protocol. We need our concerns to be addressed. Sincerely Donna Sheckter.

Jamie Gray

From: Michael Peterka
Sent: Wednesday, April 3, 2024 7:55 AM
To: Jamie Gray
Subject: FW: April 3, 4:00 Town Council hearing regarding AT&T application to build cell tower on Fire Station No 2

Public comment received.

-----Original Message-----

From: Bob Mallory <robertpmallory@gmail.com>
Sent: Tuesday, April 2, 2024 8:46 PM
To: Michael Peterka <mpeterka@townofmammothlakes.ca.gov>
Cc: David Jordon <davidj@ssvprop.com>
Subject: April 3, 4:00 Town Council hearing regarding AT&T application to build cell tower on Fire Station No 2

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[EXTERNAL EMAIL]

To whom it may concern:

My wife and I are homeowners in Snowcreek VII (1340 Timber Creek Road). I am also president of the HOA. We have owned 2 previous homes in Mammoth Lakes, reside here 1/3 of our time and have raised 4 children here as our work schedules have allowed.

We have been delighted with our new condo until learning only a few months ago of the pending AT&T application to build a cell tower a short distance up our street. Worse than the gross unsuitability of the tower's proposed location - which will turn a bucolic residential section of Old Mammoth into a shabby commercial looking scene - is the secrecy in which the proposal moved through the approval process. If allowed to succeed this process will be exposed, in court, as the Town's failure to act in the interest of its residents to maintain the standards our laws require. Supporting instead the opaque maneuvering of AT&T.

I am unable to attend the hearing tomorrow due to a scheduled surgery. However, my arguments against the proposed cell tower location is included among exhibits submitted in the brief filed in opposition to AT&T's application before the building and planning department.

AT&T has not presented facts which justify approval of its application. There are at least 2 alternative cell sites that will provide expanded coverage, fewer security issues and less damage to home values. It's time to undertake the investigation our land use laws prescribe.

Robert and Susan Mallory
1340 Timber Creek Road

Jamie Gray

From: Michael Peterka
Sent: Wednesday, April 3, 2024 7:56 AM
To: Jamie Gray
Subject: FW: Town Meeting/Cell Tower

Public comment received.

From: neumannj@pacbell.net <neumannj@pacbell.net>
Sent: Tuesday, April 2, 2024 9:08 PM
To: Michael Peterka <mpeterka@townofmammothlakes.ca.gov>
Subject: Town Meeting/Cell Tower

[EXTERNAL EMAIL]

I am an owner at Creekhous (1533 Clear Creek). I am unable to attend Wednesday's meeting and will be at work during the meeting. I will again express my opposition to the project. Please note that. I have also sent a letter expressing my opposition and detailing why.

Thank you,
Julie Neumann

Julie Neumann
neumannj@pacbell.net

Eukon's objections to the Snowcreek Athletic Club location, which they listed in their presentation were:

1. Cell facility must be in the rear of the property, and may not locate in any required parking, loading, maneuvering, or vehicular/pedestrian circulation area: **The only requirement of these stipulations that is not met is the pedestrian circulation, and was brought up by the Eukon rep. as a reason for rejection. However, this may or may not be valid. Does this area really experience circulation? Is fencing not available? Who made the evaluation, a representative for Eukon/ATT or the town of Mammoth Lakes?**
2. The RF Engineers claim the site is rejected due to the lower elevation: **This is inaccurate. I took two different altimeters to both sites. The fire station showed a mean elevation of 7,902.88', and the athletic club showed a mean elevation of 7,922.75'. The athletic club is actually higher by 20'.**
3. The alternate site would place the tower and equipment enclosure near Snowcreek 4 and the Aspen Village Apartments: **This is accurate, but only partially. The nearest housing unit would be 300' away, substantially further than the 30' from the closest homes around the fire station location. Also, as evidenced by the drone footage below, Aspen Village is significantly further away and Snowcreek 4 is well screened by dense trees.**
4. The tower and equipment enclosure would not have as short, clear, and direct access for ATT Network Operations: **I don't know if any of us know what that means, or can quantify that, but nowhere in any federal regulations does it state a provider gets to choose the most optimum site for their purposes, regardless of the towns overall interest.**
5. Locating at the athletic club does not provide a less intrusive means of providing coverage that the fire station location: **The drone footage below clearly shows a massive improvement in hiding the tower from main roads and residences, and clearly better meets the "2nd Pillar of Zoning", mentioned in the presentation by Eukon, by providing a much less intrusive means of providing coverage.**
6. We are "NIMBY"s: **While the alternate site does indeed affect a different area, it affects far less people than the fire station would, at a much greater distance. At the fire station the tower will be visible from most areas in town as per the drone footage below. If you can see it in the pictures, it can see the tower.**

Eukon/ATT is interested in using the site that is easiest and least expensive for them to develop, but that is not a requirement by any law. This is not an issue of approving a cell tower or not, this is about a better location for the town, albeit at a little less convenience for Eukon/ATT. In the presentation it was mentioned that the athletic club was approached and showed no interest, but my understanding is that this was done not recently, but over seven years ago. Additionally, if the athletic club was approached years ago, this means Eukon/ATT did in fact find the athletic club a suitable location at one time. Eukon is clearly working hard to keep their costs and effort down to a minimum at the town's expense. I don't believe the planning commission was aware of the above information, and I do not believe they were properly briefed by legal as to their authority to reject the project. In fact, one commissioner replied, "Our hands are tied" while approving the project, and that is simply not true.

Based on this, and the items mentioned above, I am hoping the council will reject the application, with the intent to further investigate the alternate site and require Eukon/Att to relocate.

Drone footage

This is 80' up at the alternate proposed cell site, at the Snowcreek Athletic Club, looking toward the fire station.



Moving right, the Aspen Village comes into view. The most affected visually, but distant.



Further right, more Aspen Village. Most of these units do not have windows facing the proposed cell tower.



Continuing right to Snowcreek 4, mostly screened by trees, and distant.



Continuing right through the rest of Snowcreek 4, and now the first Creekhouse showing.



And back to Snowcreek Athletic Club.



Compared to:

This is 80' up at the proposed site at the fire station, looking down Old Mammoth Road.



Continuing right, we see the fire station and Old Mammoth Road.



Further right we see the Snowcreek Athletic Club and the start of the Creekhouse complex.



More Creekhouse, and Snowcreek 4 behind it.



And back to start. As you can see, this is highly visible to most of the town.



The center of the Creekhouse complex.



March 28, 2024

Michael Peterka, Associate Planner
Mammoth Planning & Economic Development Commission
437 Old Mammoth Road, Suite 230
Mammoth Lakes, CA 93546

Dear Michael:

I hope this letter finds you well. I received the Notice of Public Hearing yesterday regarding the April 3, 2024 meeting for the proposed cell tower ("Cell Tower Meeting"). Unfortunately, I am traveling out of town, so I will not be able to attend the Cell Tower Meeting in person. In connection with this trip, which is to the East Coast, I also have a conflict at 4 pm PT / 7 pm ET that I cannot reschedule, as I am only there for a few days. As such, I am writing you this letter in lieu of speaking either in person at or over Zoom on the Cell Tower Meeting. I would request that this letter be included in whatever information is evaluated in connection with the proposed cell tower.

Introduction

I wanted to begin this letter by stating that I was only made aware of the proposed cell tower at a CreekhousE HOA meeting late last year by our HOA Board in that I never received any formal notice in the mail. Needless to say, the CreekhousE residents were very troubled by this fact pattern. Fortunately, through the efforts of a subcommittee of CreekhousE owners ("CreekhousE Committee"), which is being led by David Jordon, we were able to get an extension to educate ourselves on not only the proposed cell tower project, but also the process by which these projects get approved. As part of this education process, I also virtually attended the 3+ hour Planning and Economic Development meeting on February 14, 2023, where I heard presentations from Eukon and the Mammoth Fire Department on the merits of the proposed cell tower, along with the Planning Commission's comments on the matter. While this was not the form to pose questions and raise objections, it was clear that the information presented and discussed was fraught with issues.

Eukon Group

The presentation by the consultant at Eukon Group had a number of red flags and inconsistencies. While I am not going to use this letter to nit pick every issue, I did want to raise several items that were blatantly problematic. First, their assertion that they evaluated a number of alternative sites before selecting the fire station cannot be accurate. Shortly after receiving the news about the proposed cell tower, the CreekhousE Committee started to think about alternative locations. An obvious alternative is the Snowcreek Athletic Club ("SAC"), as it is very close to the fire station, is properly zoned and has a number of very tall trees that could be leveraged to further mask the cell tower. Eukon dismissed the SAC because any cell tower would be too close to the units behind the SAC and located in Snowcreek III, yet the proposed cell tower location is literally 20 – 25 feet away from the side window of 1394 Timber Creek Road CreekhousE unit. There is no logic to their comment regarding Snowcreek III, and it contradicts the rationale for the proposed location, which highlights that their facts are not accurate. Through our own work, we learned that Eukon never contacted the SAC owner, which is odd, in that if you were truly going to vet alternatives, you would at least make contact with an owner to discuss and evaluate the feasibility of the project. It is clear that this was never done in that they already had a willing party with the Fire Department, thus their comments about evaluating other locations were to make their presentation appear complete, when in reality it was just window dressing.

Another glaring issue was the proofs Eukon presented of the stealth monopine. These were shot at the perfect angle very low to the ground and from the front of the fire station, so there was no way to fully understand the negative visual impact for the Creekhous development. The back of the fire station is on the edge of Creekhous and faces the front of many Creekhous units. Unlike the SAC, there are no trees planted in the back of the fire station to mask this eye sore. In fact, the representative from the fire department publicly stated that they are underfunded, so they have no money to even properly plant tall enough trees to mask the tower, whereas all of that is already in place at the SAC. Had proofs been presented that showed the visual impact from behind the fire station and at other angles the are more representative of what this would look like (versus laying on the sidewalk looking up at the fire station), it would be clear that the cell tower is not only an eye sore, but would be inconsistent with the aesthetic guidelines in the original Snowcreek development plan.

Lastly, there was no good explanation as to why the cell tower needs to be 80' tall. The accurate answer is that they want to make it that tall (and can extend it another 20' to 100' after it's built) so they can add more carriers to the tower. No one would admit this was the reason at the meeting, despite repeated questions from the Planning Commission. If Verizon or another carrier can place their equipment at 50' feet, why does the tower need to be 80' for AT&T? This only points to one objective - money and the ability to monetize the cost and future income. While the above points are not comprehensive, they do highlight there are a number issues with the Eukon presentation that warrant further questions and scrutiny. It is very surprising to me that no one on the Planning Commission pushed hard on these issues at the meeting, let alone before this proposed project advanced to this stage.

Fire Department

The presentation from the Fire Department put the Planning Commission in a tough spot in that the common theme was safety. While no one would argue that safety is not important, it is critical to understand how and why a cell tower plays into the safety argument. The Creekhous Committee has since talked to several firefighters (some of whom are Creekhous owners) about this topic, and the reality is the CFLSS does not rely on cell service to make it work. We have also learned that AT&T has been using this argument elsewhere as a basis for building new cell towers to extend their network, which is really sad. The Planning Commission did not ask any tough questions on the validity of the fire life safety issue, which was likely due to not knowing what questions to ask. This is totally understandable, but it highlights the need to leverage outside resources to vet this properly. Absent the use of an outside resource, there are some common sense objections to the safety issue. For example, in looking at this from the perspective of a resident in need of communication with the fire department, cell service is not the sole basis of communication. There are landlines and anyone with Internet service can make and receive calls using WiFi calling. The cell service at my home is terrible, but I am able to work from home and have no issues with making and receiving calls through the Internet. This feature is available on every phone and bridges the gap in cell coverage for anyone who is dealing with limited to no cell coverage. As such, what is the incremental benefit of having extended coverage when the Fire Department has the CFLSS and there are other means to communicate with residents? This basic question was never asked, as it was overshadowed by the safety issue.

Planning Commission

This was probably the most disappointing part of the meeting for me, personally. I say this for several reasons. First, every single person on the Planning Commission stated on record that the cell tower was ugly, and most went insofar as to say they would not want it next to their own homes, yet no one focused on this issue and asked the right questions as to why the cell tower needed to be located at the proposed site. Instead, they focused solely on the safety issue (discussed above) and nothing else, whereas it's not clear to me they really pressure-tested the safety argument. If that is the most compelling aspect of the proposed cell tower, they asked no questions to really vet that issue. This is something that really

needs proper scrutiny, as I am not convinced the current argument by the Fire Department presents a balanced view of the current situation, per my comments above.

The other troubling and disappointing comment was around the potential diminution in property value. One of the committee members naively dismissed this argument by stating that the market softening was due to high interest rates and the short-term rental moratorium, thus implying the diminution of value argument was not applicable. The diminution in value argument is relative, which means that it deals with a discount off the value of what would otherwise be a market price. Interest rates have risen, which has slowed the market, and buyers are concerned about the rental moratorium, but both of these are factors that will change over time. In fact, the moratorium has already been lifted. An 80-foot cell tower will likely be permanent, thus when the aforementioned factors move in the right direction from a value standpoint, any Creekhous property that is directly impacted by the cell tower will be worth less money relative to if there was no cell tower. This will decrease values first by reducing the number of buyers willing to purchase a property impacted by the cell tower. I know that Eukon and the lawyers say that making an argument about the health concerns of cell tower emissions is not a legal argument for rejecting its construction. However, the reality is when it comes to valuing and selling a real estate property with this cell tower issue attached to it, the only thing that matters is a buyer's perception of this risk. I suspect that most buyers will not dismiss the health risk. Moreover, for those who are willing to overlook it, this will reduce the value in that these buyers will discount the property accordingly, so they can: i) get a better deal; and ii) ensure they have priced that risk into their purchase when they go to sell it. This means comps in Creekhous will come down, which will impact the value of the overall community. For those of us who invested a lot of capital to purchase these units that are now valued between \$1.4 million and \$2.3 million, the magnitude of this impact is substantial. Had I known that this cell tower was a possibility, I never would have purchased my unit in Creekhous. The diminution of value issue is real, which is a major reason why the Creekhous owners are prepared to invest the time and money to find another location for the cell tower.

Conclusion

My personal frustration with this whole process is that this proposed project has not been fully vetted. It's abundantly clear that it is being fast-tracked by virtue of old zoning laws for Snowcreek, a cell carrier who wants to improve their coverage and an underfunded fire department that will pick-up some incremental communication benefits in exchange for an income stream that will cover some costs and increase the value of their real estate. I have been in business for over 30 years in an advisory and consulting capacity, which includes being on and presenting to boards controversial issues that have material capital and other implications attached to them. It is clear to me that this project has not been properly vetted; there are too many inconsistencies and issues with the information that has been presented.

Stepping back from all of the technical and other arguments is the simple fact that an 80' cell tower should not be built in the middle of a residential area (see Exhibit A), which is what is being proposed because of old zoning rules. Our hope is that the city will take additional time to ask more detailed and difficult questions to properly vet this proposed project. I have to believe there are a number of other viable locations that will provide the coverage benefit without negatively impacting 116 homeowners. If not, we will have no alternative other than to put this in front of judge to ensure that all of the questions and issues have been properly addressed and answered, which we are confident will show that there are other locations that will work for all parties involved.

Regards,

Jacques & Lauren Perrone

Exhibit A



Dear Planning Commission,

We are the very happy owners of 1453 Boulder Creek Road at Creekhous and our names are Ryan and Zuleyka Farnes. We wanted to take this opportunity to express our concerns about the cell tower that is being proposed on our community.

I had written a previous letter advising that the Tower would be unsightly to the community and that we had chosen to purchase a unit that sits on a back row vs the frontage road of Old Mammoth as we did not want to look at power lines let alone an 80ft tower with huge red flags. With further information being released about the tower we are extremely concerned about the safety issues that have been brought to light on this matter. One, it appears we would be exposed to unnecessary RF Radiation which may not seem as a big deal to some people but it's of great concern to us as we live there full time. We don't believe having an additional cell tower warrants such a huge risk nor does it outweigh the cons. Second, it appears these cell towers have proven to be a fire hazard and given the proximity of the tower to the community, the wind gusts in this particular location and the towers track record it would only increase the chances of creating a wildfire. We have had increased power outages in the past years due to fire concerns and putting one in our back yard hardly seems comforting.

Given the above concerns along with the fact that this was already denied approval back in 2013, its obtrusiveness in the community and the loss of value this could implicate for our home we strongly urge you not to approve this cell tower at Creekhous or anywhere else in Mammoth where it would be detrimental to the community's health and the safety of the properties surrounding it.

Sincerely,

DocuSigned by:
Ryan and Zuleyka Farnes
AC2FD94A1EB843C...

11/5/2023

Ryan and Zuleyka Farnes
1453 Boulder Creek Rd
Mammoth Lakes, CA 93546

Clerk

From: Barbara Taylor <barbara@snowcreekproperty.com>
Sent: Monday, April 1, 2024 5:33 PM
To: Clerk
Subject: Creekhous cell tower

You don't often get email from barbara@snowcreekproperty.com. [Learn why this is important](#)

[EXTERNAL EMAIL]

To Whom it May Concern:

On behalf of myself and my clients, we all oppose the cell tower. It isn't a matter of NIMBY because it isn't going in their back yards. ITS GOING IN THEIR FRONT YARDS!

I am constantly amazed how the Town continues to disregard second homeowners. These people bring a lot of money to Mammoth and they are being treated very poorly. I do not consider second homeowners "tourists". They are part time locals who love and care for Mammoth, at least they used to.

Please do the right thing and vote NO on this 85 ft. abomination.

Thank you,

Barbara Taylor
Realtor
DRE#01933840

The Snowcreek Property Company

760-914-3163

Barbara@snowcreekproperty.com

WEBSITE: LIFEINMAMMOTH.COM

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