

June 19, 2006

CITY OF BERKELEY
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ZAB Board Decision Date: 5-25-06

Use permit# 05-1000068

Project Location: 2721 Shattuck Avenue (Nextel Wireless)

To: Berkeley City Council

From: Ward Street Neighbors

Ward Street Neighbors respectfully request that the Berkeley City Council overturn the ZAB approval for a technologically challenging and massive project, (18) cell phone antennas (with four 5 ton air conditioners) on the roof of Shattuck Avenue Storage, in the middle of the LeConte and South Berkeley neighborhood, for the following reasons:

- 1) **The ZAB made its decision based on the “need” as provided by corporate representatives of Nextel and Verizon. There was no corroborative independent evidence of this “need” presented to the ZAB or the public.** However, The Berkeley Telecommunications Ordinance provides that the City can retain independent engineers to confirm that the site is necessary for the purpose in the applicant’s narrative.
The same evening LeConte Neighbors request for dismissal was denied by the ZAB, a project of only 2 antennas was overturned in the Gilman Street neighborhood after independent engineers were hired. The LeConte/So. Berkeley neighbors deserve equal treatment under the Law.
Section 23C.17050 (Locational Requirement the Berkeley Telecommunications Ordinance) states that no wireless telecommunications facility shall be located in any zoning destination, unless the ZAB or Zoning officer makes the finding of necessity required.
There has been no public representation of this effort.
 - a) Maps provided by the corporate representatives of Verizon and Nextel do not show necessity as required by the Ordinance. In fact, independent analysis shows that the map provided by Verizon indicates that company would possibly be adversely affected by the installations and the Nextel map shows barely minimal increase in ‘penetration’. Our own additional on-the-ground- cell phone surveys found no lack of cell phone coverage in their proposed areas
 - b) **Section 23C. 17.100 Section The Berkeley Telecommunications Ordinance says “ The Board must make such findings of necessity on substantial evidence that 1. (without such antenna or facility the operator will be unable to provide personal wireless services in the proposed coverage area.**
- 2) **Shattuck Avenue Storage is itself zoned commercial, but the ZAB did not acknowledge (or appear to be informed) that it is adjacent to an R2 neighborhood.**
The ZAB reportedly denied the proposed Gilman Street Cell Phone Antennas based on the residential property adjacent and neighborhood health concerns.
 - a) There is no evidence of effort to keep the Verizon/Nextel/Kennedy Project away from a densely populated residential area.
 - b) This Verizon/Nextel/Patrick Kennedy request is an undue burden on the LeConte/So. Berkeley neighborhood. Though it has the authority the ZAB did not limit the number of cell phone towers that can be installed at Shattuck Avenue Storage. Therefore the “Farm” can become a nightmare of even more.

c) Real Estate Professionals have assessed that this proposed project would greatly decrease the property values of the adjacent housing and neighborhoods. This project is lucrative for corporate interests on the back of private citizens who have worked hard over the last decade, one house and one apartment building at a time to raise the attractiveness, safety and value of the neighborhood. This is unfair.

3) If the ZAB had applied the same criteria used to deny the cell phone antennas in the Gilman Street Neighborhood, this project in the LeConte/So. Berkeley Neighborhood would also have been denied.

Thank you so much for your careful attention to this important issue for Berkeley citizens.
Sincerely,



Ellen McGovern on behalf of
Ward Street Neighbors

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