### Exhibit A

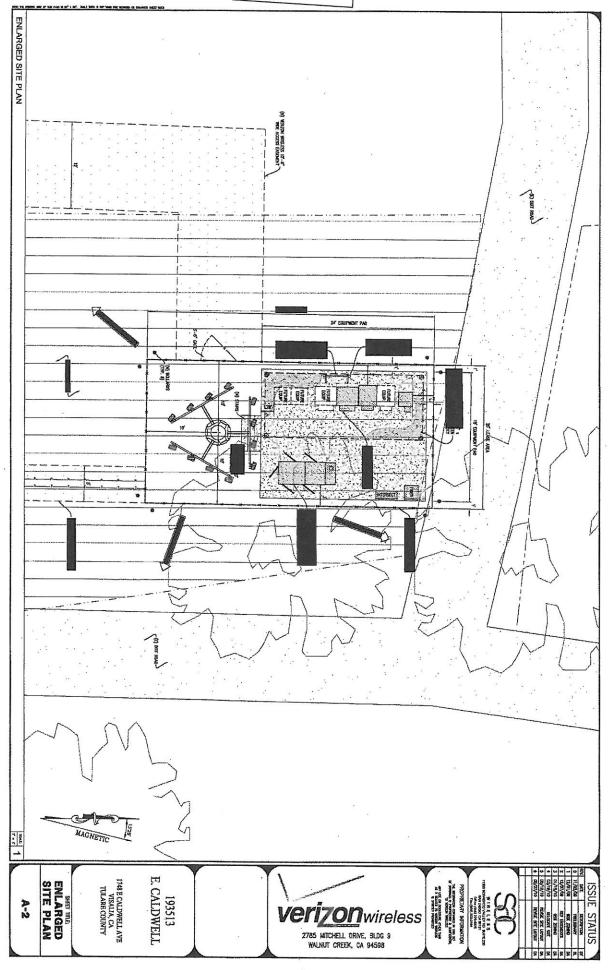
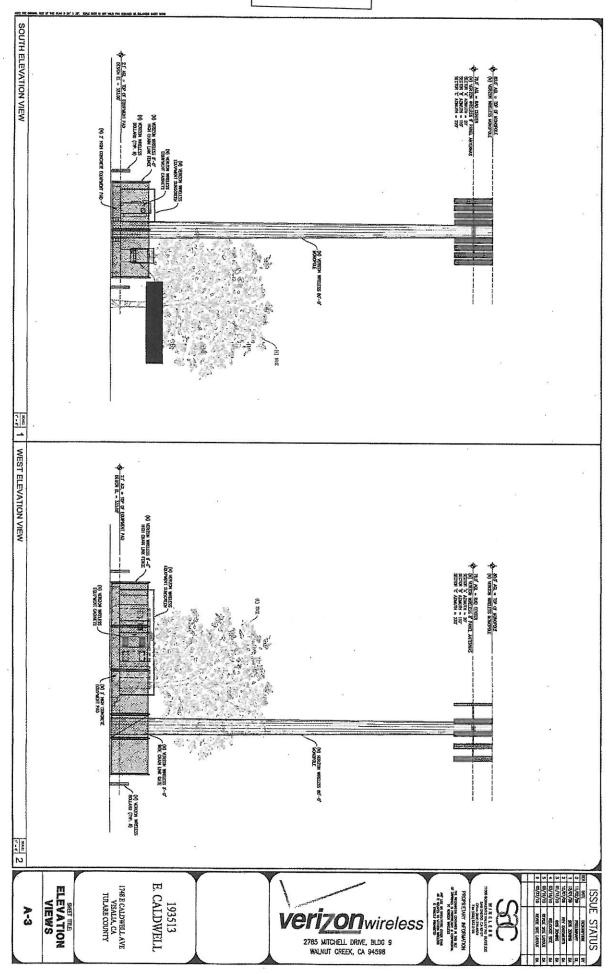
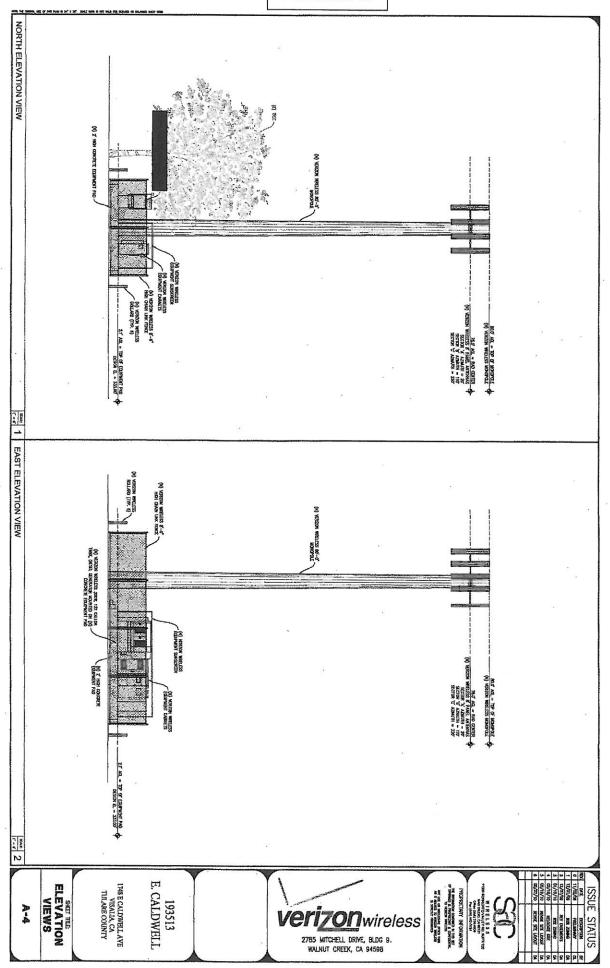


Exhibit B



### Exhibit B





**On**wireless

E. CALDWELL
SITE NUMBER: 193513
1748 EAST CALDWELL AVENUE
VISALIA, CA 93292

W | R E L E S S 11300 SORRENTO VALLEY RD, SUITE 230 SAN DIEGO, CA 92121 OFFICE: (858) 229-6828



SITE NUMBER: 193513 1748 EAST CALDWELL AVENUE VISALIA, CA 93292

W | R E L E S S 11300 SORRENTO VALLEY RD. SUITE 230 SAN DIEGO, CA 92121 OFFICE: (858) 229-6828

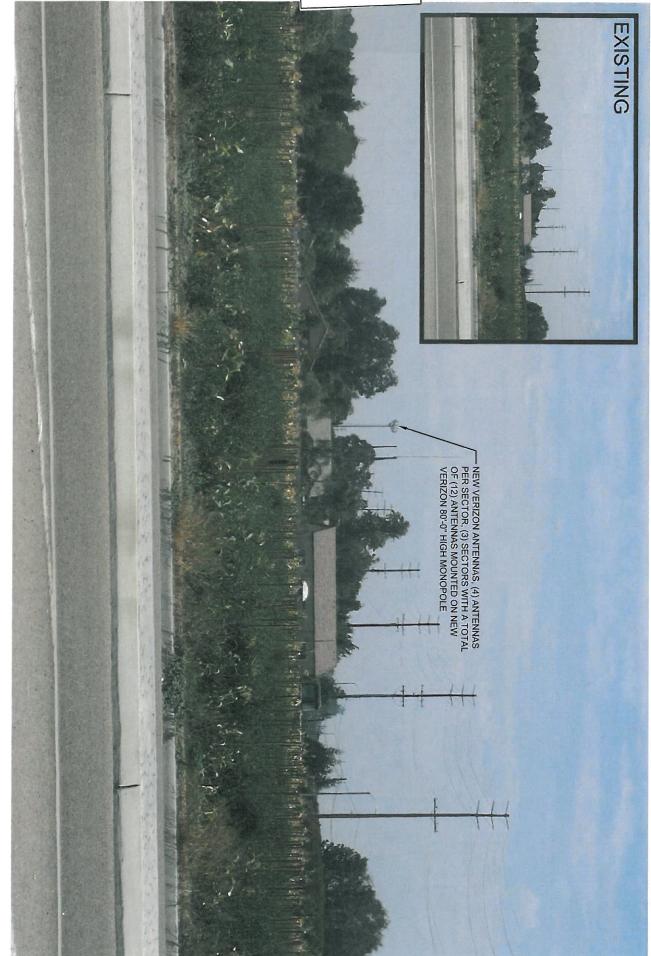


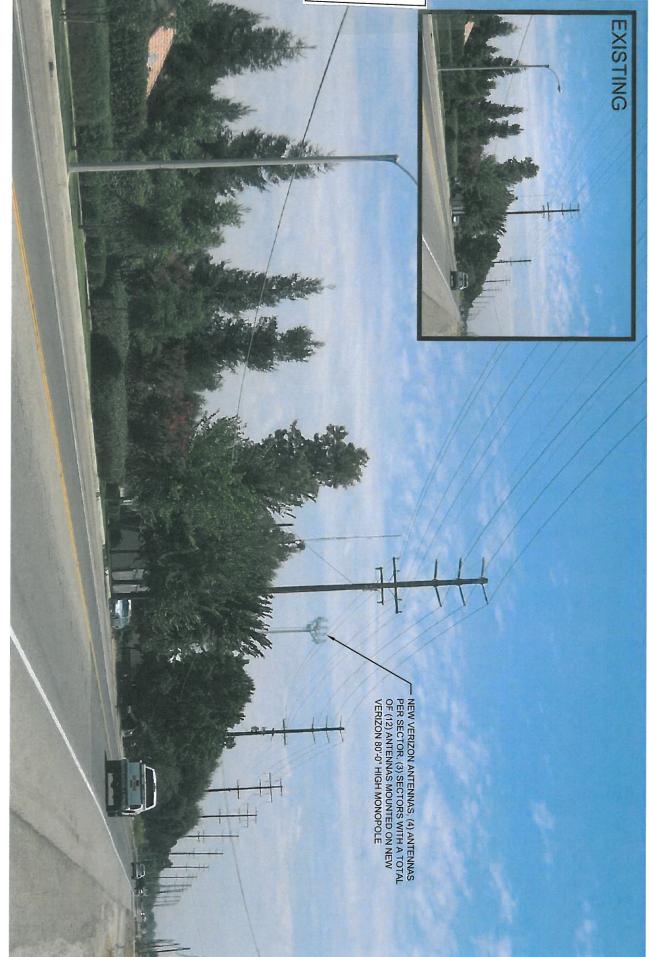
Exhibit C

# **PHOTOSIMULATION VIEW 2**



E. CALDWELL
SITE NUMBER: 193513
1748 EAST CALDWELL AVENUE
VISALIA, CA 93292

WIRELESS
11300 SORRENTO VALLEY RD. SUITE 230
SAN DIEGO, CA 92121
OFFICE: (858) 229-6828



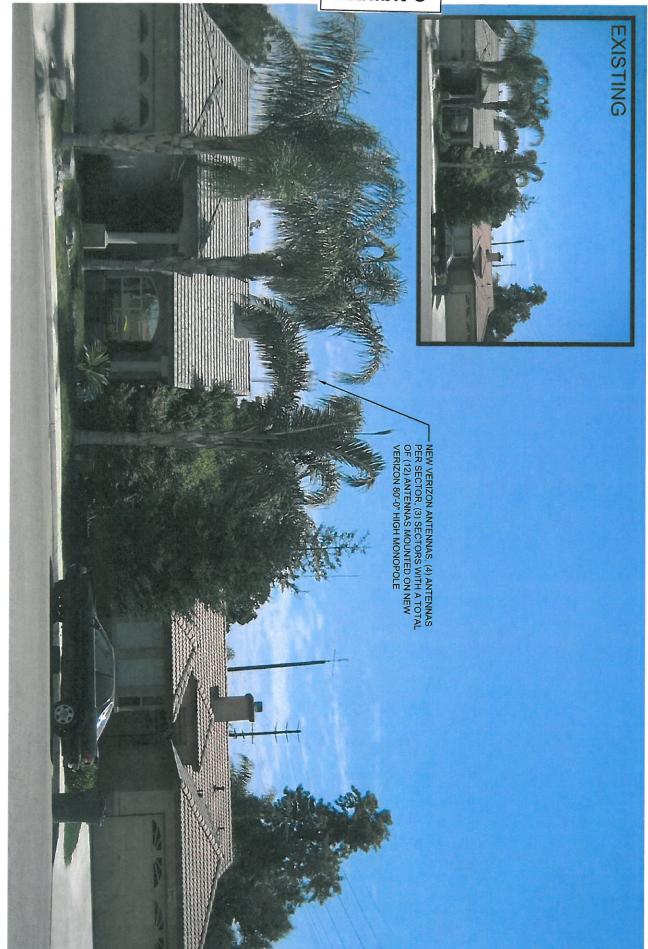
# PHOTOSIMULATION VIEW 3

### Verizonwireless E. CALDWELL SITE NUMBER: 193513

SITE NUMBER: 193513 1748 EAST CALDWELL AVENUE VISALIA, CA 93292

W | R E L E S S

11300 SORRENTO VALLEY RD. SUITE 230
SAN DIEGO, CA 92121
OFFICE: (858) 229-6828







W | R E L E S S 11300 SORRENTO VALLEY RD. SUITE 230 SAN DIEGO, CA 92121 OFFICE: (858) 229-6828

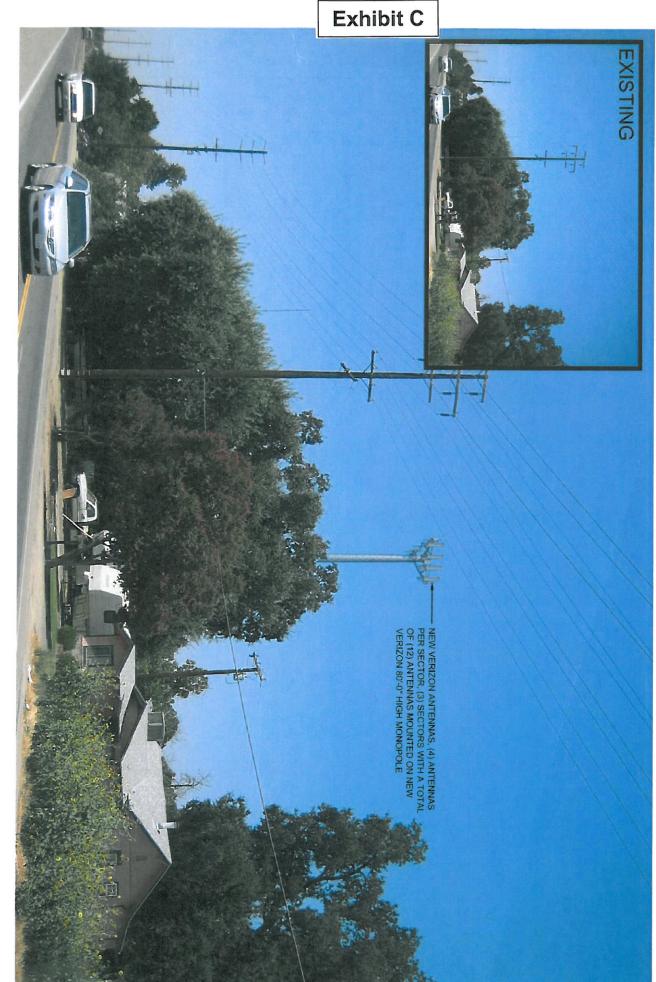


Exhibit "D"



### Proposed 80'-tall Monopole at Ingram Equipment Company and orchards

CUP No. 2010-09

Variance No. 2010-04

1748 E Caldwell Ave, Visalia, CA

City Council
Informational Packet



October 12, 2010

Council Member Lane Visalia City Council 425 E. Oak Avenue, Suite 301 Visalia, CA 93291

RE:

Appeal of Planning Commission Decision – Informational Packet to City Council Conditional Use Permit No. 2010-09 / Variance No. 2010-04 (Verizon Cell Tower on E Caldwell) City Council Meeting Date: October 18, 2010

Dear Council Member Lane,

On behalf of Verizon Wireless, I respectfully request that you vote in favor of the above-mentioned project, appealing the City of Visalia Planning Commission's 2-2 split decision, which automatically denied Verizon's CUP and Variance.

One of the Planning Commissioners, who ended up voting against the project, was admittedly undecided throughout the hearing. He was actually supportive of the design and stated that he did not feel that aesthetics were a problem. However, in the end, he ultimately voted against the project citing concerns over future development of the property.

The second Planning Commissioner who voted against the project seemed to base her decision primarily on questioning Verizon's need for the tower, specifically in that location.

### **Future Development**

Future development of this property is an important issue that needs to be addressed. Included in this packet is a letter from the subject property owners, the Ingrams. It is a heartfelt letter describing the family history of the property that goes back to the 1940s, which also indicates that they have absolutely no intention of selling or developing the property.

The main project opponent is Mr. David Wind, President of Sundowner Homes, the developer of the neighborhood that surrounds the subject property to the North, East and West. Mr. Wind has expressed to the Ingrams an interest in purchasing their property; they declined his offers. It is obvious that Mr. Wind feels a personal stake in the approval of this project, but the property is not his develop and it may never be.

### **Property Values and Health Effects**

The project opponent also cited that installation of the proposed facility would lead to decreased property values to the surrounding neighborhood that he developed. I need to make it clear that there is no evidence of decrease in property values due to proximity to cell towers.

The Telecommunications Act of 1996 requires that any decision to deny a wireless facility must be in writing and supported by substantial evidence. Under federal law, concerns regarding health and safety and radio frequency (RF) emissions are beyond the authority of the Planning Commission or City Council and do not qualify as substantial evidence for denial. That preemption applies whether the local decision is explicitly based on environmental effects, or through some proxy such as property values. A federal district court in California has held that in light of the federal preemption of RF regulation, concern over the decrease in property values may not be considered as substantial evidence if the fear of property value depreciation is based on concern over the health effects caused by RF emissions. (AT&T Wireless Services of California LLC v. City of Carlsbad, 308 F.Supp.2d 1148, 1159 (S.D. Cal. 2003)).

Prior to the 2003 ruling, carriers would sometimes do comparative appraisals (which all showed no effect of towers on property values), however, since 2003 (and the Carlsbad case) additional comparative appraisals have not been performed.

With regard to RF Emissions, I had Hammett and Edison prepare an RF Study to prove beyond a doubt that this facility will operate within FCC limits. The results state that this facility will operate at 0.54% (*less than 1%*) of what the FCC allows.

### **Aesthetics**

Verizon's proposal is for an 80'-tall monopole with antennas mounted at the top of the pole. The pole is no higher than several other poles in the immediate vicinity, including the wooden utility poles that line E Caldwell as well as the personal communications poles used by the property owner for his business, lngram Equipment Company and in running the 24-acre walnut orchards.

The monopole will be treated with a non-reflective finish that is light grey in color to blend in with the horizon.

Our Architect and Engineering firm has assisted in creating numerous photosimulations from many different vantage points, with a special focus on views from the community to the Northeast of the project, who accounts for almost all of the neighborhood opposition. I think you will see from these photosimulations that the aesthetic impact is minimal to non-existent.

### The Need for Service

<u>Safety Benefits of Improved Wireless Service</u> – Mobile phone use has become an extremely important system for public safety. Motorists with disabled vehicles (or worse) can use their phone to call in and

request appropriate assistance. With good cellular coverage along important roadways, emergency response is just a phone call away. Furthermore, as a backup system to traditional landline phone service, mobile phones have proven to be extremely important during natural disasters and other catastrophes.

<u>Convenience Benefits of Improved Wireless Service</u> – Modern day life has become increasingly dependent on instant communications. Whether it is a parent calling their child, spouse calling a spouse, or general contractor ordering materials to the jobsite, wireless phone service is no longer just a convenience. It has become a way of life and a way of business.

As part of this packet, I have included a 5-page response from Verizon's Radio Frequency Engineer. The cover letter details Verizon's coverage objective, which is a very specific coverage area that must be strategically located between existing Verizon sites. There are also four (4) maps included:

- 1. A map of Verizon's existing and proposed sites in the City of Visalia.
- 2. A map illustrating the two trouble areas that need new/increased coverage and will also serve to off-load the existing surrounding sites. Verizon must cover these two areas with one tower, which limits the area in which we can place a tower.
- 3. Current coverage propagation map (note: E Caldwell coverage objective)
- 4. Proposed coverage propagation map (note: E Caldwell coverage objective)

### **Alternative Sites**

Finally, in response to neighborhood concern, I wanted to address the alternative sites that were brought up at Planning Commission hearing:

- > Crown Castle Tower on E K Road at S Santa Fe Avenue
  - This tower would have required a 15' extension and was ultimately determined to be too close to the existing S Visalia site (see map #1, listed above). This tower is even closer to residential than the current project proposal.
- > Tulare County Fire Department on S Lovers Lane at Paradise Avenue
  - This location is less than 1 mile from Verizon's existing Radisson site, and therefore is too close to the existing site to provide the coverage that is needed.
- Calvary Worship Center on S Lovers Lane
  - This location is too far South from the S Visalia existing site and would not provide the necessary coverage to the North.
- Derrel's Storage on E Caldwell at S Santa Fe Avenue
  - This location is too far West to off-load the capacity issues Verizon is having at the existing Radisson site.

A map of these alternative sites in also included in this packet.

In conclusion, Verizon has a huge stake in this project, as this proposed site is imperative for their network in the City of Visalia. It is for the reasons mentioned above that Verizon Wireless respectfully requests your approval of this project, overturning the Planning Commission decision.

Regards,

Jennifer Walker
Project Manager
SAC Wireless, representing Verizon Wireless
4412 Harlin Drive
Sacramento, CA 95826
(916) 601-1123
jennifer.walker@sacw.com

### To the City Council:

I'm writing in regard to the request that will be presented to you on October 18, 2010 for permission to place a cell tower on my family's property on Caldwell Avenue. I'd like to give you a little history on the property so that you can better understand who we are, where we have come from, and our plans for the future.

Our parents, William and Elizabeth Ingram, were gift-deeded the twenty-five acres on Caldwell by my mother's parents in 1946. Our grandparents lived a couple of miles further east on Caldwell on a walnut orchard which my aunt, Helen Miller still occupies, along with her son, Russell. When my parents built their home and later their business, Ingram Equipment Co., on the property, Caldwell Avenue was "Route 6" – a dirt road that dead-ended at Santa Fe. Unfortunately, as Visalia expanded in population, so did Caldwell Avenue, and we twice had frontage property taken for road expansion. Time marched on, Visalia grew, and our "country" property was annexed into the City of Visalia. Developers eagerly built housing developments to the North, East and West, and our mother, who has been a widow since 1981, rebuffed all offers for the property with vigor. Meanwhile, we were surrounded by developments, and farming the property while trying to be good neighbors was a challenge. Ultimately, we found that many who bought their homes adjacent to the walnut orchard loved that beautiful old orchard almost as much as we do because it gave them a sense of living "in the country", and have expressed to us that they hope we never sell it.

Our mother is now almost 92 years old and has Alzheimer's, but the property is still hers and my brother and I are trying to honor her by keeping the property and seeing to it that she is well taken care of. I am sure most of you are aware of the high cost of an assisted-living home, especially for those with this disease. The placement of this tower is next to Ingram Equipment Co. and we do not think that it will be a distraction or detrimental in any way to those living nearby; but leasing out this small piece of property would help us with our mother's care, so we respectfully ask that you would take these things into consideration.

Thank you,

James Ingram and Janet Martin-del-Campo