From:	Architectural Review Board
To:	Lew, Alex; Osma Thompson (osma.thompson@gmail.com); Baltay, Peter; Gooyer, Robert; Furth, Wynne
Cc:	Atkinson, Rebecca; French, Amy
Subject:	FW: Need Due Process Respected for Presentation and Rebuttal Time for Verizon Wireless Project 17PLN-00169 Appeal
Date:	Monday, May 21, 2018 9:41:06 AM
Attachments:	image.png image.png image.png image.png image.png image.png image.png

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From: Amrutha Kattamuri [mailto:vkattamuri@yahoo.com]
Sent: Friday, May 18, 2018 12:22 PM
To: Kniss, Liz (internal); Council, City; Architectural Review Board
Cc: Lait, Jonathan; Minor, Beth; susan downs; Paul McGavin; Carnahan, David; Atkinson, Rebecca; Cervantes, Yolanda; French, Amy; Clerk, City; Stump, Molly
Subject: Re: Need Due Process Respected for Presentation and Rebuttal Time for Verizon Wireless Project 17PLN-00169 Appeal

Hi Mayor Kniss,

We have been trying to contact you for the past one week and still waiting for a response from you.

Could you please call back and/or email us with your response to our request below.

We would really appreciate if you could let us know by the end of the day today so we can prepare our presentations accordingly for our appeal hearing on Monday. May 21st.

Thanks,
Amrutha

From: Amrutha Kattamuri <vkattamuri@yahoo.com>
To: Liz Kniss <liz.kniss@cityofpaloalto.org>; Paul McGavin <paul.mcgavin@scientists4wiredtech.com>
Cc: Jonathan Lait <jonathan.lait@cityofpaloalto.org>; Ms. Beth Minor <beth.minor@cityofpaloalto.org>; susan downs <susanrdowns@hotmail.com>
Sent: Thursday, May 17, 2018 5:31 PM
Subject: Re: Need Due Process Respected for Presentation and Rebuttal Time for Verizon Wireless Project 17PLN-00169 Appeal

Dear All,
I just looked at the Agenda and minutes for the upcoming city council meeting on May 21st, Monday.

Under HEARINGS REQUIRED BY LAW, It is stated that "Applicants and/or appellants may have up to ten minutes at the outset of the public discussion to make their remarks and up to three minutes for concluding remarks after other members of the public have spoken."

Does this mean that my co-appellant (Dr. Susan Downs) and I get 26 minutes altogether to present our arguments? A few subject matter experts might also be presenting on our behalf.

Could you please confirm this ASAP so that we can prepare accordingly.

Thanks,

Amrutha

On Thursday, May 17, 2018, 10:23:17 AM PDT, Amrutha Kattamuri <vkattamuri@yahoo.com> wrote:

Hello Mayor Kniss,

I am also still trying to schedule an appointment to speak with you about this one-on-one or over the phone, even though I got to request the council for my entitled minutes during oral communications at the City Council meeting that happened on May 14th, Monday.

I, therefore kindly request a letter from you stating that you will grant the time to which me (Amrutha Kattamuri) and my co-appellant Dr. Susan Downs are entitled: " twenty minutes for the opening presentation and six minutes for rebuttal", as stated in the current Palo Alto City Council Policy and Procedures.

This is an excellent opportunity for building awareness and thoroughly presenting all the data, legalities (Guidance for the city council to oppose this application without any (negative) legal implications) and several other strong arguments on this extremely important topic, which would be beneficial for all of us, as this is a serious public health issue.

Looking forward to hearing from you.

Thank You!

Best Regards,
Amrutha

On Wednesday, May 16, 2018, 4:52:45 PM PDT, Paul McGavin <paul.mcgavin@scientists4wiredtech.com> wrote:

Dear Mayor Kniss:

I just heard from Jonathon Lait. This decision, apparently, is up to you, Mayor Kniss.

City Clerk Minor and Assistant Planning Director Lait said they did not have the authority to make this decision, yet they made the initial erroneous determination to limit these **seven independent, separate appeals** for Verizon Wireless Project 17PLN-00169 to five minutes for presentation and three minutes for rebuttal.

Mayor Kniss, we are respectfully asking for you to correct this mistake and to provide a rationale for whatever determination you make by close of business on Thu 5/17/18. It is reasonable to have the decision tomorrow because the appellants will need the remaining five days to prepare for either 8 minutes or 26 minutes, which represents quite a difference.

Mr. Lait was unwilling to provide a single reason why the City of Palo Alto, which has already accepted **seven independent, separate payments of $280** for **seven independent, separate appeals** would apply **paragraph B,** below, to Amrutha Kattamuri and Susan Downs' joint appeal and **not Paragraph A.**

> **Paragraph A:** In the case of a quasi-judicial/planned community hearing for which there are two or more appellants, the time allowed for presentation and rebuttal shall be divided among all appellants, and the total time allowed for all appellants shall be a total of twenty minutes for the opening presentation and six minutes for rebuttal before the hearing is closed;
>
> **Paragraph B:** However, under no circumstances shall an individual appellant be given less than five minutes for presentation and three minutes for rebuttal.

This is is simply a matter of reading Palo Alto City Council procedures and applying logic. The payments establish that each appeal is separate. Mr. Lait and the City clerk acknowledge this fact.

Once that fact has been established, then it is illogical to apply **paragraph B** and not apply **paragraph A** to Amrutha Kattamuri and Susan Downs' joint appeal because **there is only one appeal attached to Amrutha Kattamuri and Susan Downs' payment of $280** and that appeal is **AP-18-8.**

If the City is applying **paragraph B** and not apply **paragraph A** to Amrutha Kattamuri and Susan Downs' joint appeal then the City is extorting $240 of each $280 appeal fee collected

- Treating the 7 separate independent appeals as one appeal means that the one appeal fee should $280 should have been collected (not 7 x $280, which the evidence shows was collected)
- $280/7 = $40 the portion shared by each of the seven appeals, if they are treated as one appeal
- $280 paid - $40 = $240 refund due per appeal

If the City of Palo Alto keeps the $280 fee and subsequently forces appellants of independent, separate appeals to accept only five minutes for presentation and three minutes for rebuttal, then **due process has been violated**.

This logic is both clear and unassailable.

Mayor Kniss, will you please respond with the granting of " twenty minutes for the opening presentation and six minutes for rebuttal before the hearing is closed" to Amrutha Kattamuri and Susan Downs' joint appeal (**AP-18-8)** on the City Council date of your choice by specifying the date and responding to this email?

Thank you.

>>> On 5/16/18, Paul McGavin wrote to Jonathon Lait:

May 16, 2018

Hi, Jonathon,

I will look forward to speaking with you after you return from your budget meeting later today. You can reach me at 415-382-4040.

This is the list of **seven separate, independent appeals** to the City of Palo Alto regarding Verizon Wireless Project 17PLN-00169 as evidenced by **seven separate, independent payments** collected by the City of Palo Alto (see the images, below). These appeals are currently scheduled for the 5/21/18 City Council meeting.

1. Appeal — Ap-18-2: Herc Kwan, 2490 Louis Rd. (27 pages) -- single signer, appealed one pole, Node #129
2. Appeal — Ap-18-3: Francesca Kautz, 3324 South Court (8 pages) -- single signer, appealed one pole, Node #143
3. Appeal — AP-18-4: Christopher Lynn, 2802 Louis Rd. (5 pages) -- single signer, appealed one pole, Node #130
4. Appeal — AP-18-5: Jeanne Fleming, 2070 Webster St. (20 pages) -- single signer, appealed **11 poles**

5. Appeal — AP-18-6: RK Partharathy, 3409 Kenneth Dr. (12 pages) -- single signer, appealed one pole, Node #134
6. Appeal — AP-18-7: Russell Targ, 1010 Harriett St. (46 pages) -- **dual signer** (Russell Targ & Patricia Targ) appealed **11 poles**
7. Appeal — AP-18-8: Amrutha Kattamuri, 3189 Berryessa St. (126 pages) -- **dual signer** (Amrutha Kattamuri & Susan Downs) appealed **11 poles**

In Appeal AP-18-8, dually-signing appellants, Amrutha Katamuria and Susan Downs, deserve to have their **due process respected** by the City of Palo Alto by scheduling **their separate, independent appeal** on a date that can accommodate the full presentation and rebuttal time they are due per the Palo Alto City Council procedures: "twenty minutes for the opening presentation and six minutes for rebuttal before the hearing is closed"

Will you please confirm today in writing that the City of Palo Alto will grant dually-signing appellants, Amrutha Katamuria and Susan Downs "twenty minutes for the opening presentation and six minutes for rebuttal before the hearing is closed" for the date you so choose? They are open to being assigned to a City Council meeting date other than 5/21/18, in recognition that each City Council meeting must be managed by the mayor to limit its overall duration.

Francesca Kautz, we understand, would also benefit from scheduling on another date because she will be out of town on 5/21/18. You can check directly with her. As Russell and Patricia Targ are also dual signers on their appeal (AP-18-7), they may be in the same position Amrutha and Susan Downs are in -- being the appeals requiring the longest presentation times and being appeals scheduled at the end of the list -- making it more likely that the time for these appeals could be cut short by the Mayor, in order to manage overall meeting duration. Please check directly with the Targs about this.

> CITY OF PALO ALTO CITY COUNCIL PROCEDURES AND PROTOCOLS HANDBOOK
> https://www.cityofpaloalto.org/civicax/filebank/documents/8258
>
> **D. Specific Requirements and Time Limits** (emphases in red were added)
>
> > **2) Other Agenda Items**
> > Public comments or testimony on agenda items other than Oral Communications shall be limited to a maximum of three minutes

per speaker unless additional time is granted by the presiding officer. The presiding officer may reduce the allowed time to less than two minutes if necessary to accommodate a larger number of speakers.

3) Spokesperson for a Group

When any group of people wishes to address the Council on the same subject matter, the presiding officer will request that a spokesperson be chosen by the group to address the Council. Spokespersons who are representing a group of five or more people who are present in the Council chambers will be allowed ten minutes and will to the extent practical be called upon ahead of individual speakers.

4) Quasi-Judicial/ Planned Community Hearings

In the case of a quasi-judicial/planned community hearing, single applicants and appellants shall be given ten minutes for their opening presentation and three minutes for rebuttal before the hearing is closed.

In the case of a quasi-judicial/planned community hearing for which there are two or more appellants, the time allowed for presentation and rebuttal shall be divided among all appellants, and the total time allowed for all appellants shall be a total of twenty minutes for the opening presentation and six minutes for rebuttal before the hearing is closed;

However, under no circumstances shall an individual appellant be given less than five minutes for presentation and three minutes for rebuttal.

In the event a request is made and the need for additional time is clearly established, the presiding officer shall independently, or may upon advice of the city attorney, grant sufficient additional time to allow an adequate presentation by the applicant or appellant in a hearing required by law.

This is the evidence which should secure **proper due process** for Amurtha's

and Susan's dually-signed appeal:

City of Palo Alto
City of Palo Alto
Revenue Collection

Reference Number: 2018099001-7
Date/Time: 04/09/2018 8:44:19 AM

Miscellaneous
2018099001-7-1
Reference: Appeal
Allocation 29 1@ $280.00
GL #: 60020402..13290...
Total: $280.00

1 ITEM TOTAL: $280.00

TOTAL: $280.00

VISA $280.00
Credit Card Nbr: **********2572
Payer Lname: SHUJI
Payment Type: VeriFone
Total Received: $280.00

CE2018099001-7

Customer Copy

City of Palo Alto
City of Palo Alto
Revenue Collection

Reference Number: 2018099001-13
Date/Time: 04/09/2018 9:19:29 AM

Miscellaneous
2018099001-13-1
Reference: Francesca Kautz appeal
Allocation 29 1@ $280.00
GL #: 60020402..13290...
Total: $280.00

1 ITEM TOTAL: $280.00

TOTAL: $280.00

Check $280.00
Check Nbr: 16844
Total Received: $280.00

CE2018099001-13

Customer Copy

City of Palo Alto
City of Palo Alto
Revenue Collection

Reference Number: 2018099002-2
Date/Time: 04/09/2018 9:34:50 AM

Miscellaneous
2018099002-2-1
Reference: Christopher LInn
Allocation 29 1@ $280.00
GL #: 60020402..13290...
Total: $280.00

1 ITEM TOTAL: $280.00

TOTAL: $280.00

Check $280.00
Check Nbr: 1019
Total Received: $280.00

CE2018099002-2

Customer Copy

City of Palo Alto
City of Palo Alto
Revenue Collection

Reference Number: 2018099001-25
Date/Time: 04/09/2018 10:48:50 AM

Miscellaneous
2018099001-25-1
Reference: jeanne fleming appeal
Allocation 29 1@ $280.00
GL #: 60020402..13290...
Total: $280.00

1 ITEM TOTAL: $280.00

TOTAL: $280.00

Check $280.00
Check Nbr: 0797
Total Received: $280.00

CE2018099001-25

Customer Copy

City of Palo Alto
City of Palo Alto
Revenue Collection

Reference Number: 2018099001-43
Date/Time: 04/09/2018 12:47:47 PM

Miscellaneous
2018099001-43-1
Reference: PK Parthasarathy appeal
Allocation 29 1@ $280.00
GL #: 60020402..13290...
Total: $280.00

1 ITEM TOTAL: $280.00

TOTAL: $280.00

Check $280.00
Check Nbr: 0675
Total Received: $280.00

CE2018099001-43

Customer Copy

City of Palo Alto
City of Palo Alto
Revenue Collection

Reference Number: 2018099001-64
Date/Time: 04/09/2018 3:53:10 PM

Miscellaneous
2018099001-64-1
Reference: russell farg hearing
Allocation 29 1@ $280.00
GL #: 60020402..13290...
Total: $280.00

1 ITEM TOTAL: $280.00

TOTAL: $280.00

Check $280.00
Check Nbr: 002328
Total Received: $280.00

CE2018099001-64

Customer Copy

City of Palo Alto
City of Palo Alto
Revenue Collection

Reference Number: 2018099001-79
Date/Time: 04/09/2018 4:46:52 PM

Miscellaneous
2018099001-79-1
Reference: amrutha kattamuri appeal
Allocation 29 1@ $280.00
GL #: 60020402..13290...
Total: $280.00

1 ITEM TOTAL: $280.00

TOTAL: $280.00

Check $280.00
Check Nbr: 0921
Total Received: $280.00

CE2018099001-79

Customer Copy

Transcript of Amrutha Kattamuri's public comment to the Palo Alto City Council on 5/14/18:

"Good evening commissioners. My name is Amrutha Kattamuri. I am here to follow up on an email request that was sent to you and the City Clerk around noon today that asked each of you to please correct a **serious due process error** for the seven separate, independent appeals of Verizon Wireless Project 17PLN-00169 -- an 11-Cell tower application for residential zones in Cluster one, the mid-town Neighborhood of Palo Alto.

I am a homeowner and I am facing over a $200,000 drop in my home value if the City forces these cell towers into our neighborhood. That is

why I need my due process to be protected so that I will have sufficient time to defend my rights and my property from this attack.

Specifically, I need the time specified by the PALO ALTO CITY COUNCIL PROCEDURES AND PROTOCOLS HANDBOOK: Section D(4)

> "In the case of a quasi-judicial/planned community hearing for which there are two or more appellants, [myself and fellow Palo Alto resident, Dr. Susan Downs] the time allowed for presentation and rebuttal shall be divided among the appellants, and the total time allowed for the appellants shall be a total of twenty minutes for the opening presentation and six minutes for rebuttal before the hearing is closed;"

This is clearly in this City Council's procedures. The problem is that the City Clerk and/or the City Council are cutting corners on due process. They are attempting to group our separate, independent appeal with six other separate and independent appeals and then cut our time back to five minutes with a three-minute rebuttal. This is not enough time to adequately defend my home. My home that we bought six years ago. Our major life's investment.

The solution is simple:

1. List each separate, independent appeal as a separate agendized item

2. Schedule no more than three of these separate, independent appeals in any one City Council meeting in order to balance the due process rights of the appellants and the needs for the City Council to run meetings of reasonable length.

That is my reasonable request tonight. I love America for its democracy. I am standing up for my rights.

The City of Palo Alto has established through transactions in the public record that Palo Alto collected **seven separate, independent $280 fees** for these seven separate, independent appeals. There is no basis to list them as one agendized item, solely to limit our time.

Due process truly matters when the City of Palo Alto is attempting to . . .

- Significantly damage Palo Alto residents' property values
- Force the City of Palo Alto and its residents to take on unnecessary liabilities
- Violate Federal ADA and other laws by creating permanent access barriers to residents' own homes and communities
- Violate Palo Alto's residents inalienable rights to privacy and safety

. . . all of which would occur if this Verizon Wireless application is approved, as-is -- as clearly explained in the substantial evidence that is already in the Palo Alto public record.

I will need your help tomorrow to correct this error in the agenda and make sure that Palo Alto is not the place where Democracy goes to die and cell towers metastasize."

I will look forward to your call later today.

--
Regards,

Paul McGavin

--
Regards,

Paul McGavin
Scientists For Wired Technology
work: 415-382-4040
text: 707-939-5549
skype: paulmcgavin