

Dear Peninsula Community Planning Board,

Greetings. I am writing on behalf of myself and many concerned community members and residents of your district seeking your help to stop the secret and hidden installation and activation of nine cell antennas directly on the Rock Academy building full of children and directly across the street from High Tech Elementary and High Tech High. The placement of these antennas directly on and next to three schools collectively impact thousands of children in your district. Please help us protect these children.

In short, we believe T-Mobile is unlawfully constructing a Wireless Communication Facility on The Rock Academy school building which has approximately 500 students ages 2 to 18. A picture of three of the cell antennas is enclosed for your review. These antennas were affixed to the building pursuant to a contract between T Mobile and The Rock Church but there was absolutely no disclosure to the community, or the families impacted. Not only do the nine antennas attach to 3 sides of the Rock Academy, but they point directly across the street at several other schools, including High Tech High and the playground of High Tech Elementary. Some of the cell antennas are mounted approximately 30 feet above the Preschool and Kindergarten playground.

News of these antennas has only recently started spreading throughout your district, once the Rock Academy finally told the families of its students last month, in February. The contract was allegedly signed in Spring 2021. T Mobile has concealed the construction of the March 9, 2023, Page 2 antennas and the enclosed picture was taken on one rare day when the concealment was down. There was no public disclosure of any permits or request for permits.

We have repeatedly asked the Rock Church (the owner of the building) for the permit(s) that are required to be held at the construction site, but the Rock Church has denied our requests. California Building Code and California Fire Code sections 107.5 and 105.4.6 require a copy of such construction documents retained on site or with a building official.

A public search reveals that there is only one zoning use certificate issued/provided, NO PERMITS. We do not see any permits or even inspections with respect to this job; we believe this is an unpermitted alteration. We question whether T Mobile properly represented the scope of work in its application. Did T Mobile make clear to the City of San Diego that this installation was in and around several schools?

We have reached out to several agencies at the City, and are continuing to do so, but we are asking for your help in this matter. If you care about the children in your district then we implore you to stop these antennas from being turned on, on March 14th, until there is a thorough and substantial review of the permitting and zone application to ensure that this project is safe and lawful.

The wireless communication equipment being installed at the Rock Academy includes nine new antennas and Radio Remote Units ("RRU's") recorded in the City of San

Diego developmental Services Department (“DSD”) as project number 683756, approval ID 2518446. We cannot see that this equipment was properly permitted as a Wireless Communication Facility but may have been approved for Limited Use as a Small Cell Wireless Communication Facility. There are no other permit applications recorded on the DSD site or project ID number regarding work such as, but not limited to, the building, electrical, mechanical, or plumbing permits and these are with no inspections recorded. The approval ID 2518446 only specifies approval of a Zoning Use Certificate issued on 04/30/2021. Even a cursory review of the relevant policies and Municipal code sections show that these antennas are unlawful.

The San Diego Municipal Code, Chapter 14, section 141.0420 defines a Small Cell Wireless Communication Facility as: “A Small Cell Wireless Communication Facility is a wireless communication facility on or concealed within a streetlight pole with a cobra arm mounted working luminaire . . . .”

The large cell antennas mounted on The Rock building clearly do not meet the definition of a Small Cell Wireless Communication Facility, and, as such, must be permitted as a "new" Wireless Communication Facility. Because the equipment mounted on The Rock Academy is a Wireless Communication Facility (and does not meet the definition of a “Small Cell Wireless Communication Facility” the Limited Use Regulations do not apply to this installation. Thus, this installation is required to be regulated by Neighborhood Use Permit Regulations or Conditional Use Permit Regulations pursuant to San Diego Municipal Code, Chapter 14, section 141.0420.

Both Neighborhood Use Permit Regulations and Conditional Use Permit Regulations have various public-comment and certain placement requirements. See San Diego Municipal Code, Chapter 14, Article 1, Division 04. Further, pursuant to page 4 of the San Diego Development Services Bulletin 536 (copy enclosed for your convenience), since The Rock building is 45 years or older, T-Mobile was required to comply with LDC Section 143.0212. We do not see that T Mobile has complied.

When a concerned parent in our community raised some of these issues with District 2’s office and Jennifer Cambell’s office, they responded by encouraging him to try to speak to his federal Congressman to get an act of Congress to change the federal laws (copy of email from your office enclosed). The United States Court of Appeals in Sprint Telephony PCS, L.P. v. County of San Diego already resolved this issue by ruling that San Diego absolutely has the power to regulate the installation of cellular towers and balance the interests of the community, including safety concerns. In the Sprint case (copy enclosed for your convenience), Sprint challenged the County of San Diego Wireless Telecommunications Facilities ordinance. The court described San Diego’s ordinance as such:

Here, the City of San Diego has the legal authority to regulate at it discretion the

installation of wireless Communication facilities through its City of San Diego's Wireless Communication Facilities Policy No. 600-43, San Diego Municipal Code, Chapter 14, Article 1, Division 4, not to mention other guidance, such as the permitting process and the Wireless Communication Facilities Information Bulletin 536. The complete lack of permits, inspections, reviews and finalized approvals of this project is a Life Safety and Health Hazard for the thousands of children in your district that attend the Rock Academy, High Tech High, and High Tech Elementary.

Our children are in danger due to the installation of this equipment without records showing that all aspects of this installation and use of this equipment located in/near the children's' classrooms and playground have been fully vetted and approved by a building inspector and/or fire inspector. Will you allow a fortune 500 company to place high-voltage radiation equipment 30 feet from children's heads without a thorough review and vetting process when you have the power to stop it?

This project must stop now and be thoroughly reviewed to protect our children. All documentation, permits, inspections, approvals and finalized documents shall be posted on the DSD website for public review and transparency.

We look forward to partnering with you to ensure the safety of our children.

Sincerely,

Joey Guilmet  
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# STOP THE COVER UP!

- T-MOBILE IS HIDING 9 ANTENNAS ON THE ROCK ACADEMY | ROCK CHURCH BUILDING, RIGHT NEXT TO 6 HIGH TECH SCHOOLS.
- IF ALLOWED TO GO ACTIVE, THE RADIATION COULD IMPACT THOUSANDS OF CHILDREN AND PEOPLE IN THE COMMUNITY.
- REGULATION OF CELL ANTENNAS HAS NOT BEEN UPDATED IN 25 YEARS.
- THIS IS CONTROVERSIAL AND OTHER COUNTIES HAVE BANNED CELL ANTENNAS NEAR SCHOOLS.
- THERE ARE SIMILAR CASES AND CHILDREN WERE HARMED.

## JOIN US!

**CITY COUNCIL 4/11 @ 10:00 AM**

**POINT LOMA PLANNING COMMISSION 4/20 @ 6:00 PM**

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**SCAN QR CODE TO SIGN PETITION & FOR MORE INFORMATION!**