

CLAIRE B. LEVY, LLC

January 7, 2002

Planning Commissioners
C/o Susan Woods
Jefferson County Planning Department
100 Jefferson County Parkway
Golden, Colorado 80419

RE: CASE NO. 00015485RZP1 FOR PINNACLE TOWERS

Dear Planning Commissioners:

Please accept these comments on the revised application of Pinnacle Towers for rezoning.

1. The revised application makes no effort to address the critical issues of access and fire protection. A change from three new towers to two towers does not alleviate the concerns of the Planning Commission that were contained in its resolution recommending denial of rezoning.
2. Contrary to the applicant's representations in Exhibit 9 of the revised ODP, Pinnacle Towers has not demonstrated that no suitable space exists to accommodate the equipment for which the tower is proposed. Pinnacle Towers has yet to demonstrate that it has firm commitments for any of the proposed space. Thus, the tower continues to be a speculative venture.
3. The Planning Commission recommended denial of the previous request based on a finding that it was incompatible with the Front Range mountain backdrop. The decrease to one new 450-foot tower plus a 180-foot tower should not change the Planning Commission's finding. The proposed 450-foot tower would be painted and lit. It would be located on the ridgeline and be within the same viewshed as the original proposal. Even one lighted tower in this located would mar the now almost pristine view and constitute tower proliferation. In addition, the equipment buildings are still proposed to be located on the ridgeline with antennas extending up to 30 feet above the 48-foot height of the buildings.
4. Although the applicant has eliminated the heliport, noise remains a pressing concern. The applicant proposes compliance with the industrial noise standard in areas that are not "residential zones." The ODP would thus allow 70db(A) in

- Eldorado Canyon State Park and on the Boulder and Jefferson County open space lands at any time of the day or night. Helicopter noise is still a threat given that the applicant does not propose to improve the access road and the applicant stated in its May 30, 2001 letter to Susan Wood that helicopter access was important to market the site. It is entirely possible that helicopters will still be used for access even without a developed "heliport."
5. The applicant's current proposal has been reduced to one new tower at this time. This tower would simply serve as the first phase in developing yet another tower farm in Jefferson County. Securing a zoning change for a 450-foot tower together with a 180-foot tower would enable the owner to request future rezonings based on that established land use. Thus, the Planning Commission must still consider whether this part of the Front Range, with its views from the plains, the adjacent state park and county open space, and undeveloped ridgeline, should become another tower farm. The same visual considerations supporting denial of the original application apply with equal force to this application.
 6. The proposal has other serious shortcomings, among them:
 - a. The consolidation provisions in section G.2.e. require Pinnacle Towers to remove one of its towers from Lookout Mountain. Both of those towers are small, so Pinnacle Towers would not meet the requirement to remove an equal face area of tower. Even this minimal consolidation requirement would be effective only so long as the owner of the Eldorado Mountain site also owns a tower on Lookout Mountain. Pinnacle Towers may not own the Eldorado site in the future. Alternatively, Pinnacle may sell its Lookout Mountain holdings, thus voiding the removal requirements.
 - b. Section G.2.i. conflicts with Exhibit 9 in Attachment No.2. The ODP allows eleven analog television broadcast antennas, whereas Exhibit 9 states that PTI proposed only five analog stations for the site.
 - c. Section G.2.i. also conflicts with Attachment No. 3. In Attachment No. 3, Raines and Mullaney state that "higher power UHF Analog TV facilities will be completely excluded" from the proposed tower. These engineers state that this exclusion reduces the Effective Radiated Power by more than 60%. The ODP tower standards contain no limitation on high powered UHF analog facilities. The permitted uses allow "[a]ll types of electronic and telecommunications devices . . ." The tower standards state that the tower has been engineered for eleven analog television broadcast stations, and further states that the "written restrictions shall [not] limit the number of broadcast station facilities which can be placed at the Site." Given the lack of restriction on the number of facilities, the Raines and Mullaney report must reflect the maximum possible loading of the 450-foot tower and the 180-foot tower.

- d. The bird kill provisions in Section G.2.k. wholly fail to create a remedy if bird kill proves to be a problem.
- e. Although existing buildings and replacements of those buildings are limited to 35 feet above average grade, antennas may extend 30 feet above that height, creating significant ridgeline development.
- f. The new transmission building may be as tall as 48 feet, with antennas extending an additional 30 feet above the top of the building.
- g. The ODP continues to allow new buildings on the ridgeline. The Architectural Standards would allow a structure potentially 63 feet tall (48 feet plus a 15-foot screening parapet) to be constructed as a "faux ridgeline," which would create an unacceptable monolith on top of the mountain.

In summary, the revised proposal suffers from the same defects as the original proposal. It is entirely inappropriate for the location. The proposal would allow a massive amount of building area on the ridgeline of Eldorado Mountain and light up an undeveloped mountain. The applicant has not solved its access problems or its fire protection problems. The Planning Commission should recommend denial of this proposal.

Sincerely,

Claire B. Levy