

Agenda Report

TO: CITY COUNCIL

DATE: June 2, 2008

FROM: CITY MANAGER

**SUBJECT: AN EXTENSION OF THE INTERIM URGENCY ORDINANCE
TEMPORARILY ADOPTING A MORATORIUM ON PERMITS FOR
GROUND-MOUNTED COMMERCIAL WIRELESS FACILITIES IN
RESIDENTIAL ZONES**

RECOMMENDATION:

It is recommended that the City Council approve a one-year extension of the urgency ordinance which temporarily prohibits the issuance of permits for ground-mounted commercial wireless facilities in residential zones.

BACKGROUND:

On June 21, 2007, Ordinance No. 7104, an interim urgency ordinance temporarily prohibiting the issuance of permits for Ground-Mounted Commercial Wireless Facilities in residential zones, was published and immediately took effect. On August 2, 2007, following a public hearing, a 10-month, 15-day extension was published and took effect. Since that time, staff (including members from the City Attorney's Office, Planning and Development and Public Works) have studied the city's land use regulations and means by which Ground-Mounted Commercial Wireless Facilities could be installed, constructed, or modified in residential zoning districts while conforming to the full intention to protect residential neighborhoods as set forth in the City's Land Use Element.

Staff is in the process of drafting standards for the placement of Ground-Mounted Commercial Wireless Facilities in residential zones. A consultant is creating GIS based maps that indicate where existing equipment cabinets are located within residential districts, and also locations that could become potential "opportunity sites" or preferred locations for future cabinets that will limit their visibility while still allowing wireless providers to meet their service needs. These maps will be completed in a few weeks. Before returning with a new set of standards, staff will conduct a public meeting to hear the ideas and concerns of those in the community related to this issue. While staff is requesting the moratorium be extended for the full one year, it is anticipated that the mapping will be complete and the new set of standards discussed at a community meeting, and presented to the Planning Commission and City Council within a few months- well before the one year expiration.

Staff has taken a comprehensive approach to this process which includes the development of GIS maps, all new regulations for equipment cabinets and a community outreach component which has resulted in the need for more time than is allowed under the current extension to the moratorium. The extension will aid in the development of a comprehensive set of equipment cabinet standards and also an accurate accounting of the current inventory of equipment cabinets in residential districts.

This ordinance will extend Ordinance No. 7104 for one additional year and will continue to prohibit the issuance of permits for Ground-Mounted Commercial Wireless Facilities in residential zones.

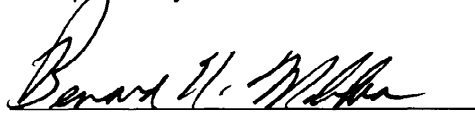
ENVIRONMENTAL DETERMINATION

This ordinance is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15060(c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, and pursuant to State CEQA Guidelines Section 15262, because the ordinance involves only feasibility or planning studies for possible future actions which the City has not approved, adopted or funded, and does not involve adoption of a plan that will have a legally binding effect on later activities.

FISCAL IMPACT:

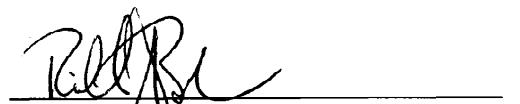
Other than staff time, there will not be an immediate fiscal impact as a result of this temporary moratorium.

Respectfully submitted,



Bernard K. Melekian
City Manager

Approved by:



Richard J. Bruckner
Director, Planning and Development

Prepared by:



Jennifer Paige Saeki
Acting Assistant to the Director Planning and Development

PNC Pasadena Neighborhood Coalition
P.O. BOX 51022 Pasadena, California 91115
Uniting Pasadena Neighborhood Associations on Issues of Livability City-wide

March 18, 2008

Pasadena City Council
City of Pasadena
ATTN: City Clerk
175 North Garfield Avenue
Pasadena, California 91109

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CITY OF PASADENA

RE: Request for public input into the new Cell Tower Ordinance and request for public meeting date.

Mayor Bogaard, Ladies and Gentlemen:

During the June 18 and July 23, 2007 City Council meetings, then City Manager, Cynthia Kurtz, promised that there would be public input into the new Cell Tower Ordinance. She said that the public would receive a copy of the draft of the new Ordinance and notification from the planning department when the residents of Pasadena could participate in public input.

This is an important issue. Sufficient lead time should be given so the public can have several weeks to study (what is likely to be) the lengthy Ordinance before the first Planning Commission meeting discussing the proposal. Since the Cell Tower Moratorium will be expiring on June 18, 2008, the public will only have a short time to study the new Ordinance and participate in any public meetings. Due to the complexity of the issue, there should be several Planning Commission meetings planned, so there can be public input and participation into the new cell tower Ordinance. Giving the public only one chance to speak or otherwise participate is unlikely to provide the full flavor of public sentiment on the issue.

There is strong community support in the City of Pasadena regarding Cell Tower regulation in the City, particularly when the cell towers and their associated boxes are placed in or near our residential neighborhoods. The Pasadena Neighborhood Coalition (PNC) is a grassroots organization advocating for quality of life issues that affect the residents and neighborhoods of the City of Pasadena. The general ugliness of the boxes, especially when they become abandoned, and the blight that they predict, are serious quality-of-life concerns.

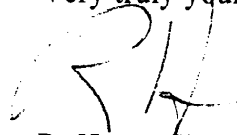
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The preservation of the character of our neighborhoods and of our historic City will be jeopardized either by unregulated placement of Cell Towers or by a weakly written Ordinance. The PNC does recognize the limitations placed on Municipal governments by the Telecommunications Act of 1996 and of SB 1627. Our elected officials of Pasadena have a responsibility to protect their residents from a proliferation of telecommunications infrastructure that is either unsightly when built or becomes unsightly because of abandonment or poor maintenance. The city has more than adequate recent history in this regard to know

that weakly regulated utilities will take whatever advantage they can get. Viz Metricom, Altrio, Champion. The Cell Tower Ordinance should provide an orderly and regulated placement and maintenance of Cell Towers and cell boxes citywide, and should reflect public participation and input.

Very truly yours,



R. Henry Sherrod

Cc: Jennifer Paige-Saeki, Sr. Planner
Michele Bagneris, City Attorney
Bernard Melekian, Acting City Manager
Star News, Jeannette Williams, Fred Ortega
Pasadena Weekly, Joe Piasecki