

Dear Mayor Bogaard, City Council Members, City Manager, & Planning Director:

Regarding: February 23, 2009 City Council Hearing, Proposed Amendment changes to the Wireless and Cable Ordinances, Title 12 and Title 17.

State and Federal wireless regulations have left municipal governments with very little control over the wireless and cable industries. The City Staff of Pasadena have proposed a wireless and cable ordinance that limits municipal controls even further and gives away the City's few legal advantages to the Wireless Industry. The proposed Pasadena Wireless and Cable/Video Ordinance should be as protective as possible.

The recent decision of Sprint vs. The County of San Diego in the Ninth Circuit court reaffirmed a municipal governments right to have a wireless ordinance and to have the power to enforce municipal codes. The proposed Pasadena Wireless Ordinance should be as effective as the County of San Diego's Wireless Ordinance.

Improvements that can be made to the proposed Wireless and Cable Ordinance:

The City Staff has "folded" together the Wireless and Cable Facilities under Title 12, and has defined "telecommunications facilities" to include cable providers.

- Wireless and Video Facilities need to be defined separately. The new Pasadena Wireless and Cable Ordinance should be as effective as the County of San Diego's Ordinance.
- Current Staff report is still confusing. Definition is still mixing the wireless and cable together.
- The current Staff report says that wireless and video are processed and defined the same, even though they are now processed with different times and are treated differently. Which is it?
- **Both industries are regulated under two different public utility codes. Wireless franchises are considered a public utilities and Cable franchises are not.**

The City is proposing no justification studies for the wireless antennas that will placed in our neighborhoods in the public right of way as well as for minor wireless facilities.

- Minor wireless facilities are defined as Co-located Facilities in Commercial / Industrial zones and Public / Semi-Public zones.
- Opportunities sites should require a justification study.
- All wireless facilities should require a justification study.

The 10 +10 year lease with no secondary public hearing does not allow for public input for 20 years.

- With most technology becoming outdated in 5 to 10 years, the commercial infrastructure and vertical clutter that will be scattered through the City will never be removed in our life times.

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- With proposed 10 year leases and a renewable 10 year lease with only an administrative review becomes a generation of living with these commercial structures in our neighborhoods.
- Altrio is an example of what can go wrong. **On April 1, 2009 Charter Cable, ranked #4 in the nation, will declare bankruptcy.**
- In the current economic climate who will be next? For this reason alone, we need the most protective wireless ordinance as possible.

In the proposed Wireless and Cable Ordinance, the City owned "Opportunities Sites" have no public hearing or input and a 30 day application time frame.

- If the City cannot process these applications within 30 days it will automatically be approved.
- With less application processing time the City Staff will expedite applications with a higher percentage of incomplete applications that will merely be rubber-stamped. (The Oak Knoll/T-Mobile application was processed in 4 months and was full of errors and omissions, but was still processed as if it were complete.)
- Public input into wireless applications on "Opportunity Sites" is non-existent.
- **Some of these "Opportunities Sites" are in residential zones and should have public input and a public hearing.**

The Telecommunications industry cannot be trusted and have deceptive business practices.

- The planning and public works departments are approving applications that are based on exaggerated or false information.
- The submitted information is taken for face value and not verified. The Telecoms frequently submit coverage maps, 911 statistics and photo simulations, etc. that are exaggerated and deceptive.
- At the February 2 City Council meeting, a number of communities testified about their negative experiences dealing with the wireless industry.

Placement of any Wireless Facility near your home will depreciate your property values more then the rent or revenues the City of Pasadena will be collecting. Once a neighborhood's property values have dropped the tax base for the City will also depreciate and real estate values are already depressed.

The neighborhoods that have been involved with the wireless and cable issues, advocate for thoughtful deployment of technology. The character of our neighborhoods and of our historic City will be jeopardized by a Wireless and Cable Ordinance that preferentially favors the Telecommunications Industry. Our elected officials of Pasadena have a responsibility to protect their residents from commercial encroachment as far as State and Federal laws will allow. The Cell Tower Ordinance should be protective of our neighborhoods, provide an orderly and regulated placement of Cell Towers citywide, and should reflect public participation and input.

Sincerely,
Miriam Nakamura-Quan