

# Agenda Report

July 11, 2011

**TO:** Honorable Mayor and City Council  
**FROM:** Department of Public Works  
**SUBJECT: APPEAL OF PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY AT GRAND AVENUE AND CALIFORNIA BOULEVARD (IE05372C)**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Find that this action is statutorily exempt from the California Environmental Quality Act (CEQA) per Section 15268 Ministerial Projects; and
2. Approve the application to allow the installation of a wireless telecommunications facility on top of an existing wood utility pole at the northeast corner of Grand Avenue and California Boulevard. The proposed work includes the installation of an antenna approximately 7.9 inches in diameter and 74.1 inches in height. The work at this location also includes the installation of a splice vault, microcell enclosure vault and appurtenant conduits and pullboxes for power feed and telecommunications. No above ground cabinets will be placed in the public right-of-way and no trees will be removed.

## **BACKGROUND:**

Cable Engineering Services, Inc. submitted an application on behalf of their client, T-Mobile, for the installation of a wireless telecommunications antenna on an existing wood utility pole (#10266BPM/#20656MP) that is approximately 43 feet in height measured from adjacent grade. The existing pole is located within public right-of-way on Grand Avenue at the northeast corner of Grand Avenue and California Boulevard. Also included in the proposal is the installation of related mechanical equipment at or below grade. A Public Works permit is required for telecommunications antenna in the public right-of-way.

The initial 30-day public comment period (February 22, 2011 to March 24, 2011) was extended to April 21 at the request of the West Pasadena Residents Association (WPRA) in order for their board to discuss the subject project in their April 13, 2011 meeting. Project plans and photos of a similar T-Mobile antenna installation on a

streetlight pole at the intersection of Oak Knoll Avenue and Alpine Street were provided to constituents requesting further information. The WPRA board decided to take no action. Overall, the Department of Public Works received 14 comments with some for and some against the proposed antenna installation. The summary of comments and department response is attached for reference (see Attachment A). The two primary concerns against the application were on the grounds that the wireless telecommunications antenna would be visually obtrusive and may provide unknown health risks.

Staff recommends the application be approved based on the following points:

1. Pasadena Municipal Code Chapter 12.22, "Telecommunications Facilities" allows for telecommunications in the public-right-of-way and specifies a process in which to permit these facilities. The applicant submitted the required documents and city staff followed the process. It is the intent of this section to encourage the co-location of such facilities and discourage 'mono'-poles.
2. The applicant submitted the required application and supporting documents to demonstrate, by way of a justification study, the rationale for selecting the proposed use, a detailed explanation of gap coverage that the proposed use would serve, and how the proposed use is the least intrusive means for the applicant to provide wireless service. City staff met with the applicant to determine the most appropriate location for installation and reviewed the overall design for compliance. The process allows the City to impose operational conditions on a project to mitigate the possible impacts.
3. This proposed antenna is one of the least intrusive ways to meet this need. The visual impact of the proposed antenna will be minimal since the overall size and shape of the approved design was intended to appear as an extension of the existing tapered wood utility pole and the antenna shall be colored to blend with the existing streetscape.
4. The Federal Communications Act of 1996 set a threshold below which radio frequencies may operate. Provided a wireless facility operates below this level, and according to the applicant the proposed facility would operate significantly below this threshold, Title 47 of the United States Code, § 332 (c)(7)(B)(iv) states, "No State or local government or instrumentality thereof may regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." A wireless telecommunications facility may only operate provided it complies with federal regulations and if it does comply, an application for such a facility may not be denied on health grounds. The wireless emissions for the subject facility will be significantly below the level allowed by the Federal Communications Commission (FCC). City staff is requiring the applicant to take

annual readings at this site and send results to residents within 300 feet and to  
the West Pasadena Residents Association.

**COUNCIL POLICY CONSIDERATION:**

The FCC is the agency responsible for regulating radio frequency (RF) emissions to  
ensure public safety. As such, the FCC determines the operating parameters and  
thresholds for use whereas, the Pasadena Municipal Code Chapter 12.22  
Telecommunications Facilities allows for telecommunications in the public right-of-way  
and specifies a methodology for processing the allowed use.

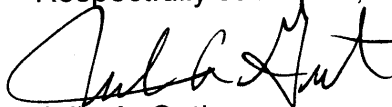
**ENVIRONMENTAL ANALYSIS:**

This project has been determined to be Statutorily Exempt from environmental review  
pursuant to the guidelines of the California Environmental Quality Act, Administrative  
Code, Title 14, Chapter 3, Section 15268, Ministerial Projects. The application for the  
installation of the antenna and related equipment is a ministerial project. Per Section  
15268 ministerial projects are exempt from the requirements of CEQA.

**FISCAL IMPACT:**

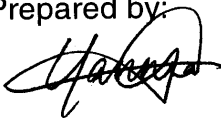
The applicant has submitted a deposit to cover all costs to process the application. The  
project is subject to applicable construction permit fees, which is estimated at \$850, as  
well as the actual cost of electric usage.

Respectfully submitted,



Julie A. Gutierrez  
Assistant City Manager/ Acting Director  
Department of Public Works

Prepared by:



for  
Richard K. Yee, Principal Engineer

Approved by:



MICHAEL J. BECK  
City Manager

Attachment A

Attachment A

**Comments Received in Response to the Notice of Opportunity for Public Comment for a Wireless Telecommunications Facility Located with the Public Right-of-Way Adjacent to 558 S. Grand Avenue**

Public notices mailed and posted:	February 22, 2011 to March 24, 2011
Public noticing extended at the request of WPRA:	March 23, 2011 to April 21, 2011
WPRA meeting held:	April 13, 2011
Approval letter dated:	May 2, 2011
Addendum letter sent:	May 13, 2011
Appeal filed with City Clerk:	May 16, 2011

Comments and questions from residents	Response
<p><b>1. Received March 21, 2011 by email (Robert Holmes):</b> I just heard from one of our members that a cell tower is planned for the corner of Grand and California.</p> <p>What type of installation is planned, and what is the status of the tower? WPRA has not been informed that a tower is planned in our area.</p>	<p>At the request of the President of WPRA, the city extended the public comment period through April 21, 2011 to cover the board meeting scheduled for April 13, 2011.</p> <p>See comment #10 for WPRA response.</p>
<p><b>2. Received March 22, 2011 by email (John Walz):</b> I am the owner of 520 W. California Blvd. in Pasadena. I live approximately 5 houses to the east of the proposed site of the Cable Engineering Services wireless antenna on the City's utility pole identified #10266PBM.</p> <p>I would like to be recognized by you and your department as being strongly in support of this proposal.</p>	<p>No comment, constituent in favor of installation.</p>
<p><b>3. Received April 1, 2011 by email (Dr. Gabriel Yeung):</b> I live at 558 South Grand Ave, right at the NE corner of where the proposed antenna is to be placed. The telephone is already an eye-sore and would only be even more of an issue if an additional antenna were to be placed on top of that. Not only is this a visual disturbance for myself, but also would be a detriment to the neighborhood as this is a highly frequented intersection. Please do not allow corporations to bring their equipment into our neighborhood.</p>	<p>Pasadena Municipal Code Section 12.22 Telecommunications Facilities allows for telecommunications in the public right-of-way and specifies a process in which to permit these facilities. The applicant submitted the required application and supporting documents to demonstrate, by way of a justification study, the rationale for selecting the proposed use, a detailed explanation of gap coverage that the proposed use would serve, and how the proposed use is the least intrusive means for the applicant to provide wireless</p>

**Attachment A**

	<p>service. City staff met with the applicant to determine the most appropriate location for installation and to review the overall design for compliance. The process allows the City to impose operational conditions on a project to mitigate the possible impacts.</p> <p>The proposed antenna is one of the least intrusive ways to meet the intended need. The overall size and shape of the approved design was intended to appear as an extension of the existing tapered wood utility pole and the antenna shall be colored to blend with the existing streetscape.</p>
<p><b>4. Received April 5, 2011 via mail (Linda and John Seiter):</b> We are writing with our concerns regarding the application for a wireless telecommunications facility located within the public right-of-way on the N/E corner of Grand Avenue and California Boulevard.</p> <p>We would like to register our opposition to this permit. We are two houses above the site being considered. It is in a very inappropriate location and would be an eyesore. We are also concerned about any unknown health risks with the installation of this facility as it is in a heavily populated area.</p> <p>It seems there could be a much better location to put this facility and hope the Department of Public Works will consider this. We also hope that someone from the department has actually come to look at the currently chosen site.</p>	<p>The proposed telecommunications facility will result in levels of radio frequency emissions within Federal Communications Commission standards, including, but not limited to, FCC Office of Engineering Technology (OET) Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, as amended. Per the decision letter, the City is requiring the applicant to take annual readings at this site and send results to residents within 300' and to the West Pasadena Residents Association (WPRA).</p> <p>City staff provided input to determine the selected site and are familiar with the field conditions of the site.</p>
<p><b>5. Received April 9, 2011 (Beverly Mulherin):</b> I am opposed to the installation of the wi-fi antenna that is being planned for the corner of Grand and California in West Pasadena. This antenna will create a visual blight and</p>	<p>See comment #3.</p>

**Attachment A**

<p>will conflict with the character of this lovely neighborhood.</p>	
<p><b>6. Received April 11, 2011 (James Price):</b> I live five blocks from the corner of Grand and California. I drive through this intersection every day.</p> <p>I am quite certain that an antenna 7.9” in diameter and 6’ tall, attached to the top of the power pole on the northeast corner of the intersection would likely go unnoticed by at least 99% of citizens passing by, on foot or on wheels.</p> <p>I’m very surprised that the WPRA is opposed to the antenna, which will only be of help to all T-Mobile customers in West Pasadena.</p> <p>On second reading of the flyer I found in my mailbox, it’s not really clear that the WPRA has taken a position on this issue, but some may have that impression upon reading the anti-antenna flyer. The flyer claims that the antenna would create a “visual blight”, and would conflict with the character of the neighborhood. That is not so. As I have opined, no one will ever notice the thing.</p> <p>The detractors have hung their propaganda all over the city’s sign at the scene of the proposed project. This surely is against policy and regulations, and I feel that the materials should be removed, just out of fairness. The flyer depicts the antenna as a fifties-type television antenna, which is a deliberate misrepresentation.</p> <p>I am a subscriber of T-Mobile services. Apart from that, I have no interest in the project. I just don’t like false advertising.</p>	<p>T-Mobile installed a similar antenna on top of a streetlight standard at Oak Knoll Avenue and Alpine Street. At that location, the antenna is painted to match the streetlight standard. In this proposal, the antenna would be colored to blend with the existing streetscape.</p>
<p><b>7. Received April 13, 2011 (Janelle Morton):</b> I am a neighbor, and I oppose the proposed wi-fi antenna. I am unable to attend the meeting at Westridge tonight,</p>	<p>Unable to comment since no specific issue noted.</p>

**Attachment A**

<p>unfortunately.</p>	
<p><b>8. Received April 13, 2011 (Cecil Withers):</b> I am against allowing antenna (6 FEET IN HEIGHT) on the power pole at California &amp; Grand. This would destroy our beautiful street with something that does not need to be placed there. Please E mail the results of your meeting.</p>	<p>See comment #6.</p>
<p><b>9. Received April 13, 2011 (Ross Selvidge):</b>          I left a message on your office voice mail.</p> <p>I have seen the large sign/notice posted near the proposed site and I also received a flyer from a group opposed to the installation which is having a community meeting this evening.</p> <p>Is this the first installation in Pasadena of the exact type and model of antenna proposed?</p> <p>I would like to be knowledgeable about exactly what is being proposed.</p> <p>Can you provide any of the following:</p> <ol style="list-style-type: none"> <li>1. Picture of the antenna with dimensions</li> <li>2. The location in Pasadena where I can see an installation of the very same type and model of antenna that is being proposed</li> </ol>	<p>City staff provided a copy of the installation at Oak Knoll Avenue at Alpine Street as well as a copy of the project plans which shows the type and model of the proposed antenna.</p>
<p><b>10. Received April 15, 2011 via email (Robert Holmes):</b>          The West Pasadena Residents Association thanks you for extending the comment period for the cell antennas on California at Grand and on Orange Grove Boulevard. The WPRA Board discussed the antennas at its meeting Wednesday night. The Board decided to take no action. We believe the current configuration is minimally invasive and the price we have to pay for improved communications.</p>	<p>No further comment.</p>

**Attachment A**

<p><b>11. Received April 15, 2011 (Dr. Gabriel Yeung):</b> This email is just to express concern for a 6 ft antenna being placed at the corner of our neighborhood on California and Grand Ave...this is an even greater eye-sore than the telephone pole that is already in place, so to add to this would be even more of a visual disturbance to our home. My home is directly on the corner of California and Grand (NE corner).</p>	<p>See comment #3.</p>
<p><b>12. Received April 17, 2011 via email (Gretchen Brickson):</b> I am writing to express my strong opposition to the wi-fi antenna that is being planned for Grand and California. Grand is a beautiful, historic street where neighbors and visitors stroll, bike and walk their pets. The antenna will create a visual blight and interfere with the lovely character of the neighborhood. The antenna could be placed outside of the residential area in one of the nearby commercial areas—for example on Pasadena Avenue.—and still provide the needed cell phone and internet connection.</p>	<p>See comment #3.</p>
<p><b>13. Received April 18, 2011 (Jack Brickson):</b> I am writing to express my opposition to placing a wi-fi antenna at Grand &amp; California. This is a beautiful street that I enjoy walking every day &amp; I suggest the antenna should go to another location, say Pasadena Ave.</p>	<p>See comment #3.</p>
<p><b>14. Received April 25, 2011 (Paul Williams):</b> I'm a neighborhood resident and I'm amused at the hysterical opposition that someone's mounting to the "massive" 6-foot extension for a WiFi antenna on the power pole at California and Grand. I walked through there yesterday and was amazed to see a big sign bidding interested parties to a city hearing for such a "large new development."</p>	<p>Pasadena Municipal Code Section 12.22.080 specifies special noticing requirements pursuant to Section 17.76.020 similar to minor variances and minor use permits.</p>



Attachment A

If it's a 6-foot extension—why not just do it rather than inviting all this fuss? (I see many new palm trees have recently been planted all along South Orange Grove and its side streets; where there meeting for concerned parties before they were put in, or did the city just do it?)

We need better Internet connections; we're in constant need of improvements and expansions in technology and those things are a great benefit to the city and its residents, hysterical and selfish neighborhood watchdogs notwithstanding.

# APPEAL APPLICATION

GENERAL INFORMATION: (Please print)

Date: May 16, 2011

Appellant: Gretchen Brickson

Mailing Address: c/o Christopher Sutton, Attorney, 586 La Loma Rd.

City: Pasadena State: CA Zip: 91105

Phone #: (day) (626) 683-2500 (evening) — Fax #: (626) 405-9843

Contact Person: Christopher Sutton Phone #: (626) 683-2500

E-mail Address of Contact Person: christophersutton.law@gmail.com

Applicant (if different from appellant): \_\_\_\_\_

## APPEAL APPLICATION

Application # 1E05372C Date of Decision May 2, 2011 Appeal Deadline May 16, 2011

Property Address: 588 S. Grand Ave. Pasadena, CA 91105 (Grand Ave at California Blvd.)

I hereby appeal the decision of the: Permit application approval for wireless telecommunications facility

The decision maker failed to comply with the provisions of the zoning ordinance in the following manner:

See attachments

RECEIVED  
11 MAY 16 AM 4:49  
CITY CLERK  
CITY OF PASADENA

If necessary, please attach additional sheets

Gretchen Brickson

Applicant's Signature

5/16/11

Date of Application

Activity # _____	Appeal Hearing Date _____
Application Fee: \$ _____	Received by: _____
Date Received: _____	

**Reason for Appeal:** Up to the day before the comment period concluded, the City of Pasadena Department of Public Works failed to provide a photographic image of the proposed antenna installation. A “sample” photograph of a different antenna was presented instead. Attached is the similar-but-different project photo provided to the public by the Department of Public Works and a photo of the actual-proposed-project. West Pasadena residents and pedestrians using Grand Avenue for recreational purposes were therefore unable to provide meaningful feedback to the City. The relevant code is Pasadena, CA – Code of Ordinances Sections 12.22.050 B.4:

*12.22.050 – Permit required.*

*B. Applications for permits for telecommunications facilities shall be made to the director and shall contain the following:*

*4. A photograph and/or model number of the type of telecommunications facility being used.*

**Background and History:** The City of Pasadena has an outstanding opportunity to become a model city for telecommunications decisions related to antenna installation by: rigorously addressing the provisions of federal law that allow flexibility in imposing antenna location and esthetic standards; offering residents and pedestrians access to accurate information; and involving residents early-on in the decision process to create buy-in and valuable feedback. Full disclosure of the City’s relationship with the antenna provider—including any previous litigation—is a first step. Understanding how other local communities have addressed antenna installation to protect public interest is the next step.

Grand Avenue, a lovely, historic Pasadena street, is traversed by pedestrians for recreational purposes. Nearby, the Arroyo Seco shelters birds, trees and other wildlife and a small school is nestled just .2 miles away at 714 W. California Boulevard. During the 1970’s two concrete street lights on the northern corners of the Grand Avenue and California Boulevard intersection were destroyed in traffic accidents and never replaced. Their absence reduced illumination and diminished the historic design of Grand Avenue.

The wooden pole proposed as an antenna base is aged and unsuitable to support a transponder array. Placing an antenna atop this pole will likely be a recipe for accident in the event of an earthquake or other natural disaster. If a new pole is to be installed, the esthetics of the pole and its material need to be harmonious with the existing light poles and trees going northward. Precautionary distance standards also need to be established before locating the antenna in the vicinity of school children or a bird and wildlife sanctuary.

**Proposed Remedy:** I request that the Pasadena City Council direct the Department of Public Works to: 1) post an accurate picture of the antenna proposed for Grand Avenue and California Boulevard, including *current* landscaping, at the proposed site and/or on-line at the City of Pasadena web site for 30 days to allow for resident and pedestrian involvement and response to the project; 2) provide an on-line report that succinctly substantiates the wireless coverage gap, the rationale for the location selection, any alternatives considered, a recommended method of camouflage, and proposed precautionary distance standards; and 3) evaluate in a report to the City Council, the feasibility of the installation of a street light and antenna, or other new, well camouflaged pole with antenna, on California Boulevard, East of Grand Avenue and West of Orange Grove Boulevard.

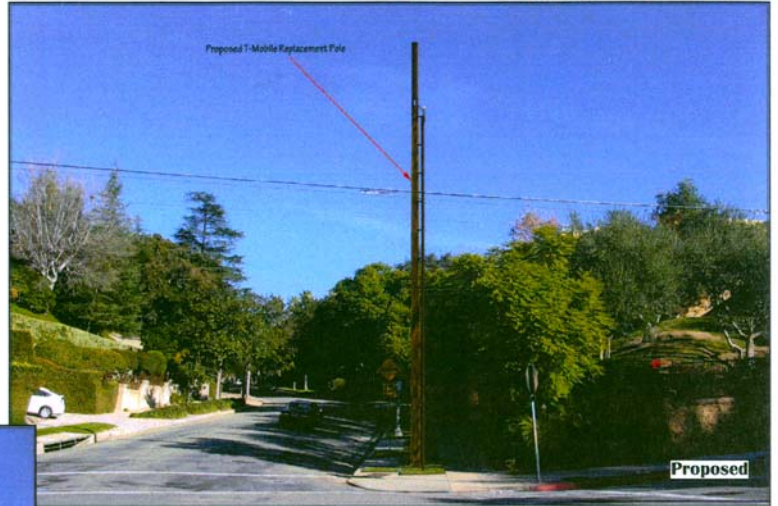
*Attachment: Similar-but-different project photo*



Attachment Actual-proposed-project

IE05372c

588 S. Grand Ave., Pasadena CA 91105



View 1

View Notes:  
Looking north at proposed pole replacement

**T-Mobile USA**  
3 Imperial Promenade  
Santa Ana, CA 92707  
(714) 850-2400

Applicant

**C&S** cable engineering services

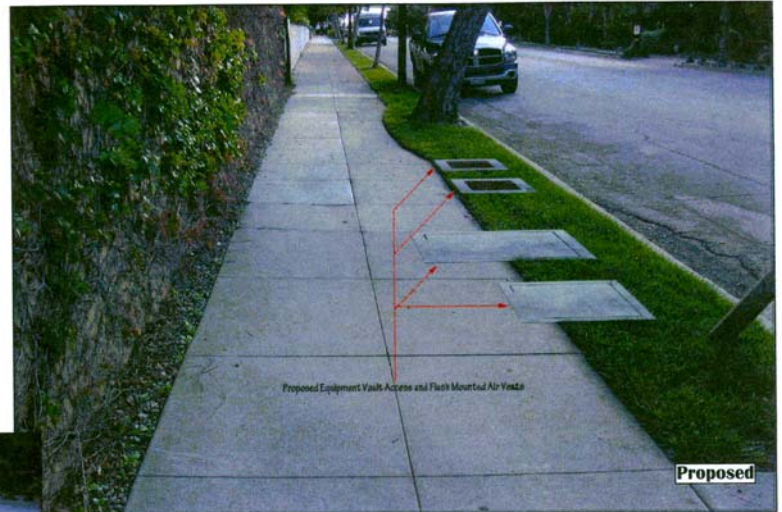
PRESCOTT COMMUNICATIONS INC.  
10640 SEPULVEDA BLVD., SUITE 1  
MISSION HILLS, CA 91345  
(818) 898-2352 FAX (818) 898-9186

Contact

IE05372c

588 S. Grand Ave., Pasadena CA 91105

...T-Mobile...



View 2

View Notes:  
Looking east at ground installed equipment area

**T-Mobile USA**  
 3 Imperial Promenade  
 Santa Ana, CA 92707  
 (714) 850-2400

Applicant

**CeS** cable  
 engineering  
 services

PRESCOTT COMMUNICATIONS INC.  
 10640 SEPULVEDA BLVD., SUITE 1  
 MISSION HILLS, CA 91345  
 (818) 898-2352 FAX (818) 898-9186

Contact

IE05372c

588 S. Grand Ave., Pasadena CA 91105

...T-Mobile...



View 3

View Notes:  
Looking north at ground installed equipment area

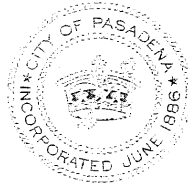
**T-Mobile USA**  
 3 Imperial Promenade  
 Santa Ana, CA 92707  
 (714) 850-2400

Applicant

**CeS** cable engineering services

PRESCOTT COMMUNICATIONS INC.  
 10640 SEPULVEDA BLVD., SUITE 1  
 MISSION HILLS, CA 91345  
 (818) 898-2352 FAX (818) 898-9186

Contact



DEPARTMENT OF PUBLIC WORKS

May 2, 2011

Dear Property Owner and/or Occupant:

Enclosed is a copy of the decision letter for a wireless telecommunications facility within your area. All property owners and occupants within a 300 foot radius of the site are receiving a copy of this letter.

Please read the letter as it gives information on how to appeal the decision if you do not agree, the cost to appeal the decision, and the deadline of when the appeal must be filed with the City Clerk.

If you have any questions regarding this information, please contact Richard Yee, of this department, at (626) 744-4265.

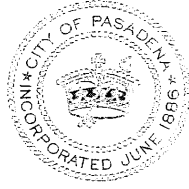
Sincerely,

DANIEL A. RIX  
City Engineer

DAR:ky

Enclosure





DEPARTMENT OF PUBLIC WORKS

May 2, 2011

Ms. Linda Paul  
T-Mobile USA  
3257 East Guasti Road, Suite 200  
Ontario, California 91761

Dear Ms. Paul:

**Permit Application for Wireless Telecommunications Facility  
Grand Avenue/California Boulevard (IE05372C) - Council District 6**

Your application for a Wireless Telecommunications Facility, consisting of the placement of an antenna and other related equipment on an existing utility pole located within the public right-of-way at the intersection of Grand Avenue at California Boulevard has been reviewed by the Department of Public Works.

After reviewing the application in accordance with Chapter 12.22 of the Pasadena Municipal Code, "Telecommunications Facilities," it has been determined by the Department of Public Works that the application be **approved** with the following conditions:

1. The applicant shall pay an annual "License Fee" pursuant to Section 12.22.180(E) of the Pasadena Municipal Code (PMC), in the amount of \$8,000, and shall be adjusted as indicated in this section of the PMC.
2. The applicant shall submit an annual Radiowave Frequency Emissions report for the subject site, No. IE05372C, and send it to all properties within a 300 ft. radius of this site and to the West Pasadena Residents Association.
3. The applicant may be required to install an irrigation system and drought tolerant landscaping as approved by the City of Pasadena along the Grand Avenue frontage of 558 S. Grand Avenue.

T-Mobile USA  
Grand Avenue at California Boulevard (IE05372C)  
May 2, 2011  
Page Two

You are hereby notified that, pursuant to Pasadena Municipal Code Section 12.22.100, "Appeals," any interested person may appeal this decision to the City Council. The appeal shall be filed with the City Clerk within **fourteen days (May 16, 2011)** of the date of this letter. The effective date of this application will be **May 18, 2011**, if no appeal has been filed with the City Clerk. If an appeal is filed with the City Clerk, the effective date will be extended until after the City Council has addressed the appeal. The regular Appeal fee is \$736. The Appeal fee for non-profit, community-based organizations pre-registered with Neighborhood Connections is \$368.

A permit will be issued to you by the Department of Public Works after the effective date stated above. Should an appeal be filed, your application may, at your expense, be required to be revised to comply with the decision on the appeal. A copy of this decision letter (including conditions of approval and any mitigation monitoring program) shall be incorporated into the permit issued for the facility.

For further information regarding this application, please contact me at (626) 744-4267.

Sincerely,



DANIEL A. RIX  
City Engineer

DAR:rky

xc: Councilmember Madison, District 6  
Julie Gutierrez, Assistant City Manager/  
Acting Director of Public Works  
Mark Jomsky, City Clerk  
Richard Yee, Principal Engineer  
Adrian Wong, Power Division  
Shari Thomas, Power Division  
Paul Smolarski, Cable Engineering Services