

# El Cerrito keeps cell towers on hold

Decision gives council another year to research alternatives

By Dale F. Mead  
Correspondent

El Cerrito has extended its moratorium on wireless antenna installations another year, continuing to block an application by T-Mobile USA to put up a cell phone tower in the middle of a Boy Scout camp.

The City Council approved the extension at its May 2 meeting. The one-year moratorium was approved last year so the city could study alternatives to telecommunications towers, which have stirred opposition as they proliferate to meet skyrocketing demand.

Mt. Diablo Silverado Council of Boy Scouts of America owns Camp Herms at 1100 James Place. The council and T-Mobile contracted for the company to install the 77-foot transmission tower, camouflaged as a tree in the redwood-shrouded camp,

and pay \$2,200 per month to the Scouts.

The installation was subject to El Cerrito's approval of a conditional use permit. Residents and scout leaders calling themselves Arlington Park Against Cell Towers quickly organized, generating hundreds of names on petitions to the council and the city.

The furor forced the company in March 2010 to put a hold on its permit pending before the Planning Commission. Then the city imposed a 45-day "urgency" moratorium (effective immediately) on all such telecommunications proposals May 17 and extended it to one year June 10.

This month's added extension to two years is the maximum that state law allows for such urgency ordinances.

The staff backed up its request for more study time with a list of impacts that would result in the absence of new regulations encouraging use of other technologies instead of proliferating towers.

They included visual blight, pedestrian and traffic safety hazards from location of wireless transmission

equipment, operational conflicts with nearby facilities, and deterioration of the quality of life in neighborhoods.

Ending the moratorium now could cause the city to "miss opportunities to accelerate the implementation of new ... technologies" that "might improve service for customers (and) improve business for providers," Planning Manager Jennifer Carman said.

One potential technology is a fiber-fed distributed antenna system of smaller, lower-power antennas that can be installed on more numerous utility poles instead

of large towers, Carman said. That system is being used in Huntington Beach.

"Once we're clear on what we're thinking about doing," she added, "we're talking about reaching out to the community," to find out "what is acceptable to the community. If you have to exchange a taller telephone pole for smaller antenna, would the community accept that?"

Residents on Taft Avenue in East Richmond Heights currently are fighting Contra Costa County's approval of a 12-foot taller PG&E utility pole to house T-Mobile antennas.

**DONATE YOUR VEHICLE**  
Pick Your Favorite Charity...

<p>DIABETES SOCIETY</p>	<p>Big Brothers Big Sisters</p>	<p>South Bay Purebred Rescue</p>
-------------------------	---------------------------------	----------------------------------

1-877-877-9577  
408-370-1054

Also Donate Online: [www.donateyourvehicle.com](http://www.donateyourvehicle.com)  
Trade-In: [www.donateyourvehicle.com](http://www.donateyourvehicle.com)

Reach **1,644,400\***  
Bay Area Adults Every Day vs. Radio

200 morning drive spots on all Bay Area top 10 radio stations can't deliver an audience of Bay Area adults equal to the one-day reach of our Bay Area News Group newspapers and websites.

Contra Costa Times [ContraCostaTimes.com](http://ContraCostaTimes.com) Oakland Tribune [InsideBayArea.com](http://InsideBayArea.com) San Jose Mercury News [MercuryNews.com](http://MercuryNews.com)

To advertise contact us today!  
[Ads@bayareanewsgroup.com](mailto:Ads@bayareanewsgroup.com)

\*The total 1,644,400 vs. 840 vs. 1,362,899 adults for radio. Source: Scarborough Research, 2009.

Through your Window there's a whole world.

INAUGURAL

MOGULAIRE CONCOURS D'ELEGANCE

MOGULAIRE AT JULY TICKETS WENT

greater.  
Mag. 5.0+  
5.0+

Source: U.S. Geological Survey

GOVERNMENT MEETING

TUESDAY

West County Wastewater Plans and Programs Committee — 9 a.m., 2910 Hill Richmond. Study session 222-6700.

Hercules City Council City Hall council chamber, Civic Drive, 510-799-81; council will consider the existence of a local in the Carson Street st

Get a go yo

- Tired of loose, ill-fitting dentures?
- Implants will make the difference of night and day.
- The same denture will fit, fit and snug.
- No denture adhesive.
- Eating and smiling can be wonderful again.

Call us today how DENT E

\$1000 Dental Surg

925-679-333

## Court Upholds Cities' Ability to Regulate Communications Facilities on Aesthetic Grounds

OCTOBER 30, 2009

In the recently decided *Sprint PCS Assets LLC v. City of Palos Verdes Estates* (Case No. 05-56106; 2009 U.S. App. LEXIS 22514), the Ninth Circuit Court of Appeals held that cities can regulate, on aesthetic grounds, communications facilities locating within a public right-of-way. The decision casts important light on the scope of cities' interests in regulating the aesthetics of city streets under the federal Telecommunications Act of 1996 (TCA). It also interprets narrowly the provisions of the TCA requiring that cities consider the adequacy of a carrier's coverage grid before denying facility applications.

The City of Palos Verdes Estates enacted an ordinance allowing the city to deny permits for wireless communications facilities based on "adverse aesthetic impacts arising from the proposed time, place and manner of use of the public property." The city denied on aesthetic grounds two applications filed by Sprint. The city's expressed planning concerns included the use of streets as part of the city's historic fabric, park borders and contributors to residential ambiance. These concerns were "important social, expressive, and aesthetic functions" granted to cities under the California Constitution and recognized as exempt from federal authority under the TCA. Sprint sued the city, contending that the denial violated both California law and the TCA. Although the trial court granted Sprint's motion for summary judgment, the Ninth Circuit reversed the decision and upheld the city's denial of permits on aesthetic grounds.

The Ninth Circuit found that the city's decision was consistent with the TCA's reservation of local land use control and that the city's decision was based on "substantial evidence contained in [the] written record." The court also found that Sprint's rights to access the right-of-way pursuant to the California Public Utilities Code did not preempt the city's aesthetic considerations in denying

Related Practice

[Telecommunications  
Municipal & Redevelopment Law](#)

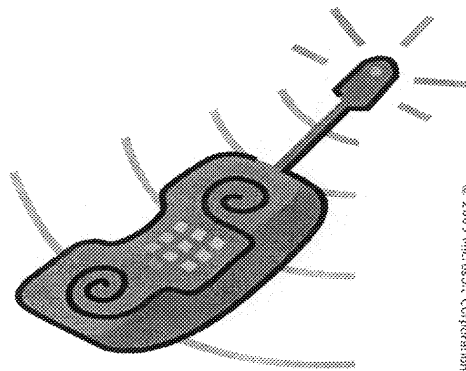
permits.

Sprint tried to characterize the city's aesthetic regulations as a virtual ban on facilities, or a "significant gap," as prohibited under the TCA. The Court of Appeals disagreed with Sprint, noting that the record indicated that Sprint's radio frequency propagation maps were insufficient to establish a "significant gap" in coverage.

This case represents a clear recognition of California cities' ability to regulate communications facilities under the TCA on aesthetic grounds. It also provides useful guidance regarding how much evidence a telephone company must provide under federal law to support its claims that it has a gap in coverage that a city must permit to be filled. It is important to note that all local regulations regarding communications facilities must still be supported by substantial evidence and may not effectively prohibit the provision of wireless service.

# Regulation of Wireless Telecommunications Facilities

Regulation of wireless telecommunications facilities, including towers and antennae, is to some extent governed by the federal Telecommunications Act of 1996 ("TCA" or the "Act"), which amends Title 47 of the United States Code (U.S.C.), Section 332, pertaining to mobile services and, with limitations, may be controlled by local zoning, if it exists. In essence, the Act provides certain exceptions to the authority of a state or local government, or an instrumentality thereof, to regulate wireless telecommunications facilities. However, aside from specified exceptions, nothing in the Act "shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities."<sup>1</sup> Case law provides that a wireless telecommunications facility is subject to valid local zoning regulations and, in certain cases, may constitute a subdivision or land development subject to other appropriate regulations.<sup>2</sup>



© 2005 Microsoft Corporation

Five limitations on state or local authority as cited in the Act, with commentary on each, are as follows:

1. **The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof shall not unreasonably discriminate among providers of functionally equivalent services . . . .**  
47 U.S.C. Section 332(c)(7)(B)(i)(I).

The TCA forbids discrimination between functionally equivalent providers of wireless telecommunications, even if a decision to deny an application was founded on substantial evidence and did not result in prohibiting wireless services.<sup>3</sup> In order to prove discrimination, the provider must make two primary showings. First, it must show that it was discriminated against by the local government agency. Second, it must show that such discrimination was unreasonable.<sup>4</sup> To satisfy the first prong of this test, the plaintiff

<sup>1</sup> 47 U.S.C. § 332(c)(7)(A).

<sup>2</sup> See *Marshall Tp. Bd. of Supervisors v. Marshall Tp. Zoning Hearing Board*, 717 A.2d 1 (Pa. Cmwlth. 1998); *Tu-Way Tower Co. v. Zoning Hearing Board (Tp. of Salisbury)*, 688 A.2d 744 (Pa. Cmwlth. 1997) (wireless telecommunications facilities and augmentations thereof did not constitute "subdivisions" or "land development," but were subject to zoning regulation). *But cf. White v. Tp. of Upper St. Clair*, 799 A.2d 188 (Pa. Cmwlth. 2002) (lease of property to wireless telecommunications provider to construct facility constituted a subdivision). See also *Upper Southampton Tp. v. Upper Southampton Tp. Zoning Hearing Board*, 885 A.2d 85 (Pa. Cmwlth. 2005) (land use development approval was required for construction of billboards), *appeal granted*, 895 A.2d 1265 (Pa. Apr. 4, 2006).

<sup>3</sup> *Schiavza v. Zoning Hearing Bd., Fairview Tp., York County, Pennsylvania*, 168 F. Supp. 2d 361 (M.D. Pa. 2001).

<sup>4</sup> *APT Pittsburgh Ltd. Partnership v. Lower Yoder Tp.*, 111 F. Supp. 2d 664, 674 (W.D. Pa. 2000).



## Regulation of Wireless Telecommunications Facilities

must demonstrate that providers of “functionally equivalent” services were treated differently than it was treated.<sup>5</sup> Even if this is the case, the plaintiff must also show that the discrimination was unreasonable. It is unreasonable discrimination if the plaintiff can demonstrate that the proposed wireless service facility site is *not* substantially more intrusive than existing sites “by virtue of its structure, placement, or cumulative impact.”<sup>6</sup>

2. **The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof shall not prohibit or have the effect of prohibiting the provision of personal wireless services. 47 U.S.C. Section 332(c)(7)(B)(i)(II).**

In order for an unsuccessful provider applicant to show a violation of subsection 332(c)(7)(B)(i)(II), it must demonstrate two things:

- ◆ First, the provider must show that its facility will fill an existing significant gap in the ability of remote users to access the national telephone network. In this context, the relevant gap, if any, is a gap in the service available to remote users. Not all gaps in a particular provider’s service will involve a gap in the service available to remote users. The provider’s showing on this issue will thus have to include evidence that the area the new facility will serve is not already served by another provider.<sup>7, 8</sup>
- ◆ Second, the provider applicant must also show that the manner in which it proposes to fill the significant gap in service is the least intrusive on the values that the denial sought to serve. This will require a showing that a good faith effort has been made to identify and evaluate less intrusive alternatives, e.g., that the provider has considered less sensitive sites, alternative system designs, alternative tower designs, placement of antennae on existing structures, etc.<sup>9</sup>

Based on this interpretation of Section 332(c)(7)(B)(i)(II), it is not essential for a provider whose application has been turned down “to show an express ban or moratorium, a consistent pattern of denials, or evidence of express hostility to personal wireless facilities.”<sup>10</sup> However, it is essential for the provider to demonstrate *more than* it was not granted “an opportunity to fill a gap in its service system.”<sup>11</sup>

<sup>5</sup> *APT Pittsburgh Ltd. Partnership v. Lower Yoder Tp.*, 111 F. Supp. 2d at 674.

<sup>6</sup> *Schiappa v. Zoning Hearing Bd., Fairview Tp., York County, Pennsylvania*, 168 F. Supp. 2d at 371 (citations omitted).

<sup>7</sup> *APT Pittsburgh Ltd. Partnership v. Penn Tp.*, 196 F.3d 469, 480 (3d Cir. 1999).

<sup>8</sup> “[E]ven if the area to be served is already served by another provider, the TCA may invalidate the denial of a variance if it has the effect of unreasonably discriminating between providers. Securing relief under this provision of the statute will require a showing that the other provider is similarly situated, i.e., that the ‘structure, placement or cumulative impact’ of the existing facilities makes them as or more intrusive than the proposed facility.” 196 F.3d at 480 note 8.

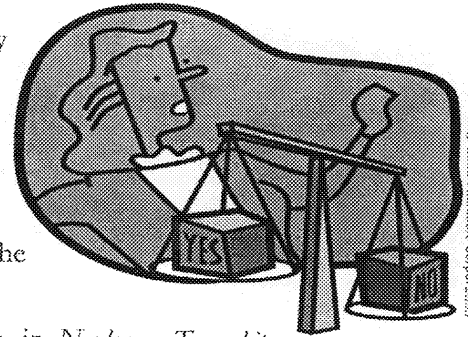
<sup>9</sup> 196 F.3d at 480.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

3. A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request. 47 U.S.C. Section 332(c)(7)(B)(ii).

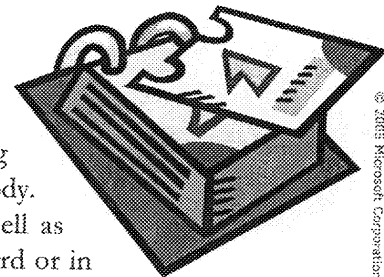
"Litigation under section 332(c)(7)(B)(ii) has arisen generally under two types of circumstances. The first is when local governmental entities have initiated moratoria on the granting of PWS [personal wireless service] facility siting permits or the processing of applications altogether . . . . The other area in which section 332(c)(7)(B)(ii) litigation has arisen is when the local entity simply takes too much time to grant or to deny the PWS provider's application."<sup>12</sup>



© 2005 Microsoft Corporation

With respect to moratoria, the Pennsylvania Supreme Court, in *Naylor v. Township of Hellam*, stated that "the legislature has not acted to authorize municipalities to meet their planning objectives through the suspension, temporary or otherwise, of the process for reviewing land use proposals."<sup>13</sup> The court also indicated that the ability of municipalities to initiate moratoria is neither an expressly granted power nor an extension of, or incidental to, any power to regulate land use or development in Pennsylvania.<sup>14</sup> Therefore, until the Commonwealth enacts legislation that authorizes moratoria, this potential circumstance is most likely a nonissue.

On the possible time concern, Act 2 of 2002 and Act 43 of 2002, both of which amend the Pennsylvania Municipalities Planning Code (MPC),<sup>15</sup> have tightened and made more equitable hearing requirements for variance and special exception applications before the zoning hearing board and conditional use applications before the governing body. The MPC now specifies that failure to conduct or complete, as well as commence, a hearing in a proceeding before the zoning hearing board or in a conditional use request before the governing body in compliance with specified hearing procedures results in a deemed approval. With these amendments, time is most likely a nonissue as well.



© 2005 Microsoft Corporation

<sup>12</sup> Matthew N. McClure, Comment, *Working Through The Static: Is There Anything Left to Local Control in the Siting of Cellular and PCS Towers After the Telecommunications Act of 1996?* 44 Vill. L. Rev. 781 (1999) (citations omitted).

<sup>13</sup> *Naylor v. Township of Hellam*, 773 A.2d 770 (Pa. 2001).

<sup>14</sup> *Id.*

<sup>15</sup> 53 P.S. § 10101 et seq. ("Pennsylvania Municipalities Planning Code").

## Regulation of Wireless Telecommunications Facilities

4. Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record. 47 U.S.C. Section 332(c)(7)(B)(iii).

This section states that “any decision to deny a request...shall be in writing.” It is also evident that any written negative decision shall be “supported by substantial evidence contained in a written record.” However, this begs two questions: (1) What constitutes a “decision...in writing?” and (2) What constitutes “substantial evidence?”

### “Decision . . . in Writing”

The MPC requires a “decision . . . in writing” for most subdivision and land development and zoning proceedings, including special exceptions, variances, and conditional uses. In the case of a proceeding before the zoning hearing board for a special exception or a variance, or before the governing body for a conditional use request, the zoning hearing board, the hearing officer, or the governing body, as the case may be,

shall render a written decision or, when no decision is called for, make written findings on the application. . . . Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this act [the MPC] or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.<sup>16</sup>

Requiring a more comprehensive written decision, which includes findings of fact and conclusions of law tied to the record, would facilitate court review if a decision is appealed.<sup>17</sup>

### “Substantial Evidence”

“The [United States] Supreme Court explained, in the context of the deference to be afforded to NLRB [National Labor Relations Board] findings, that substantial evidence is more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.”<sup>18</sup> This standard is applied when determining if decisions under the TCA are supported by substantial evidence.<sup>19</sup>

A court in its review under the substantial evidence standard is not “to weigh the evidence contained in that record or substitute its own conclusions for those of the fact-finder” or the local zoning authority.<sup>20</sup>

<sup>16</sup> 53 P.S. 10908(9) (MPC, Section 908(9)). See also *Simonitis v. Zoning Hearing Board of Swyersville Borough*, 865 A.2d 284 (Pa. Cmwlth. 2005), and 53 P.S. 10913.2(b)(1) (MPC, Section 913.2(b)(1)).

<sup>17</sup> Schwamberger, Christine, *Zoning and Land Use in Pennsylvania, Cell Tower Regulation*, Lorman Education Services, Eau Claire, Wisconsin, 2002.

<sup>18</sup> *Sprint Spectrum L.P. v. Zoning Hearing Bd. of Willistown Tp.*, 43 F. Supp. 2d 534 (E.D. Pa. 1999), citing *Universal Camera v. NLRB*, 340 U.S. 474, 488, 71 S. Ct. 456, 95 L. Ed. 456 (1951) (internal quotations omitted).

<sup>19</sup> *Sprint Spectrum L.P.*, 43 F. Supp. 2d at 540.

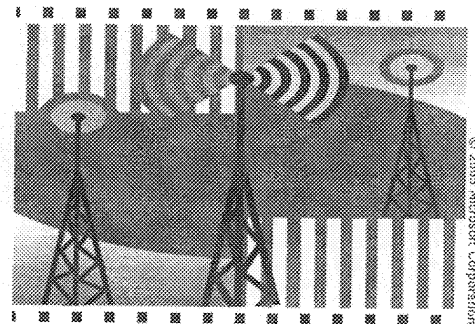
<sup>20</sup> *AT&T Wireless v. Zoning Board of Adjustment of the Borough of Ho-Ho-Kus*, 197 F.3d 64, 71 (3d Cir. 1999), citing *Williams v. Sullivan*, 970 F.2d 1178, 1182 (3d Cir. 1992).

Rather, a court is to “determine whether there is substantial evidence in the record as a whole to support the challenged decision.”<sup>21</sup> Moreover, when the court evaluates substantial evidence, local zoning laws govern the weight to be given to it.<sup>22</sup>

To enable a meaningful judicial review, a written decision cannot only rely on conclusory assertions, but must also provide some evidentiary foundation to support each assertion.<sup>23</sup> Moreover, “generalized concerns” of opposing parties would not be considered substantial evidence for an unfavorable decision against a personal wireless services provider.<sup>24</sup>

- 5. 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.**  
**47 U.S.C. Section 332(c)(7)(B)(iv).**

This provision prohibits state or local regulation of wireless telecommunications facilities by ordinance or statute or the courts “on the basis of the effects of radio frequency emissions.” It was enforced, for example, in *Omnipoint Corp. v. Zoning Hearing Bd. of Pine Grove Tp.*,<sup>25</sup> where the court held that the zoning hearing board could not consider the potential health effects of a proposed wireless telecommunications facility, as alleged by residents, as substantial evidence pursuant to Sections 332(c)(7)(B)(iii), (iv) of the TCA.



## Disputes

If a wireless service provider asserts that the state or local government has violated any of the five limitations or conditions cited above,<sup>26</sup> that provider may seek relief in a state or federal court, and the court must hear and decide such action expeditiously.<sup>27, 28</sup> An unsuccessful applicant may also petition

<sup>21</sup> *AT&T Wireless v. Zoning Board of Adjustment of the Borough of Ho-Ho-Kus*, 197 F.3d at 71, citing *Universal Camera Corp. v. NLRB*, 340 U.S. 474, 491, 71 S. Ct. 456, 95 L. Ed. 456 (1951).

<sup>22</sup> *Sprint Spectrum L.P. v. Zoning Hearing Bd. of Willistown Tp.*, 43 F. Supp. 2d at 540, citing *Cellular Telephone Co. v. Town of Oyster Bay*, 166 F.3d 490, 493-94 (2d Cir. 1999).

<sup>23</sup> *Omnipoint Communications, Inc. v. City of Scranton*, 36 F. Supp. 2d 222 (M.D. Pa. 1999), citing *Virginia Metronet v. Board of Supervisors of James City County*, 984 F. Supp. 966, 973 (E.D. Va. 1998).

<sup>24</sup> *Omnipoint Communications, Inc.*, 36 F. Supp. 2d at 229, citing *PrimeCo Personal Communications, L.P. v. Village of Fox Lake*, 26 F. Supp. 2d 1052, 1062 (N.D. Ill. 1998).

<sup>25</sup> 181 F.3d 403 (3d Cir. 1999).

<sup>26</sup> 47 U.S.C. §§ 332(c)(7)(B)(i)(I), (i)(II), (ii), (iii), (iv).

<sup>27</sup> See *Local Government Regulation of Wireless Telecommunication Facilities*, 2d ed., Governor's Center for Local Government Services, Pennsylvania Department of Community and Economic Development, Harrisburg, Pa., 2002, p. 4.

<sup>28</sup> 47 U.S.C. § 332(c)(7)(B)(v).



the Federal Communications Commission if it claims that the state or local government based its siting decision in a manner inconsistent with clause (iv), which, again, prohibits state or local regulation of wireless telecommunications facilities "on the basis of the environmental effects of radio frequency emissions."<sup>29</sup>

### Resources

Given that the regulation of wireless telecommunication facilities has been and continues to be an issue in many locales, there are numerous court cases and many publications on this topic. With regard to specific questions concerning the regulation of these facilities, we suggest that local officials consult with their municipal solicitor and recommend review of some other publications:

*Local Government Regulation of Wireless Telecommunication Facilities*, 2d ed., Pennsylvania Department of Community and Economic Development, Harrisburg, Pennsylvania, 2002, 16 pages.

*Local Officials Guide, Siting Cellular Towers, What You Need To Know, What You Need To Do*, National League of Cities, Washington, D.C., 1997, 26 pages.

*The Telecommunications Act of 1996: What It Means to Local Governments*, National League of Cities, Washington, D.C.

### Taxation of Cellular Towers

The Pennsylvania Commonwealth Court in *Shenandoah Mobile Co. v. Dauphin County Bd. of Assessment Appeals*<sup>30</sup> upheld a court of common pleas decision which held that a cellular communications tower and related equipment are taxable realty. Because cellular towers are not specifically listed in the assessment laws as subject to or exempt from taxation, the Commonwealth Court applied a three-part test established in *Appeal of Sheetz, Inc.*<sup>31</sup> to determine whether cellular towers constitute "real estate" under the General County Assessment Law. When applying this three-part analysis in *Shenandoah Mobile Co.*, the court concluded that a cellular communications tower was a part of the realty and therefore taxable as real estate.

<sup>29</sup> 47 U.S.C. § 332(c)(7)(B)(iv), (v).

<sup>30</sup> 869 A.2d 562 (Pa. Cmwlth. 2005).

<sup>31</sup> 657 A.2d 1011 (Pa. Cmwlth. 1995), *petition for allowance of appeal denied*, 542 Pa. 653, 666 A.2d 1060 (1995). In *Sheetz*, the court had to determine whether a gasoline pump canopy was a fixture and, thus, taxable as realty, or whether it was personalty, and therefore not subject to realty tax.

**Attachment E – Petition Summary  
Wireless Telecommunications  
An Opportunity for Civic Excellence  
July 2011**

Over one month from June 4<sup>th</sup> to July 4<sup>th</sup>, 2011—and 10 hours of canvassing pedestrians walking on Grand Avenue in Pasadena—93 individuals signed a petition indicating support for the appeal of an antenna planned for Grand Avenue and California Boulevard. Two-thirds (62) of the petitioners live in Pasadena. See the attached *Petition for Consideration by the City of Pasadena* with signatures.

Grand Avenue acts like a park, attracting pedestrians and bicyclists from neighboring cities as well as Pasadena. Of the 93 individuals who signed the petition, one-third were from cities other than Pasadena: 12 from South Pasadena; 10 from Los Angeles; two from Altadena; one from Alhambra; one from La Canada; one from Sierra Madre; and four from outside the immediate area (one each from Montebello, Encino, Rowland Heights and Simi Valley).

As one would expect, most signed the petition on a Saturday, Sunday or the Fourth of July holiday, although pedestrians could be seen walking along Grand Avenue every day of the week. Many of the pedestrians had pets. One woman said she suffers from MS, has been walking Grand Avenue everyday for 10 years, and is still going strong! Another said she was taking her granddaughter, who lives out-of-state, to see a new puppy down the street. A couple, who lives in Los Angeles, noted that they love the West Pasadena area and are hoping to move to the neighborhood. A pedestrian from Encino identified herself as a “Pasadena lover” and said she drives to Pasadena every week or so just to walk on Grand Avenue!

## Petition for Consideration by the City of Pasadena

T-Mobile is planning to install a wireless telecommunication antenna at the corner of Grand Avenue and California Boulevard (588 S. Grand Avenue) in Pasadena. The antenna will be a six-foot extension to an existing power pole immediately adjacent to the sidewalk. In order to preserve the lovely character of West Pasadena neighborhood and ensure pedestrian safety in case of an earthquake or other natural disaster, we respectfully request that the wireless telecommunication antenna be installed on a sturdy street light in a location East of Grand Avenue instead.

S/H#	Name	Address	E-mail
	Richard H Ealy	1080 Busch Garden Ct.	
	Marta Mani	2604 Birch ST	
	Michelle Trafficante	1305 El Cerrito Circle <del>5050</del>	
	LISA THAFFRANTER	225 Grand Ave - 91030	
	Robert Wahr	985 S orange grove #201	Rob-Wahr da@khsa.com
	JOHN KAWGER	985 S. ORANGE GROVE #201	"
	David Simkins	575 S. Grand Ave	dleesim@mac.com
	Janet Chillingworth	1000 S. <del>Grand Ave</del> Orange Grove #2	
	Ann Buse	629 Bradford ST	
	Vonn Rouse	230 S. GRAND	ROUSE505@pacbell.net
	Janet Emmett	1021 S. Orange Grove #209	
	Jesse Simon	4061 Glenalbyn Pr.	bikelovers@psl Extreme.c
	Mary Lou Nevins	561 Bradford St. L.A.	
	Catherine Schaller	985 S. Orange Grove	
	Megyn Casani	281 S. Orange Grove	megycasani@msn.com
	Jeanette Gess	858 Laguna Rd	ljgess@gmail.com
	Carrie McCarthy	4235 Madison Ave.	Cookie7600@hotmail.com
	MARISA KAHN	685 BUSCH GARDEN DR PASADENA	mbkahl@gmail.com
	Cecil Winters	1170 BUSCH GARDEN CT PASADENA.	CECILWINTERS@ATTN.NET

## Petition for Consideration by the City of Pasadena

T-Mobile is planning to install a wireless telecommunication antenna at the corner of Grand Avenue and California Boulevard (588 S. Grand Avenue) in Pasadena. The antenna will be a six-foot extension to an existing power pole immediately adjacent to the sidewalk. In order to preserve the lovely character of West Pasadena neighborhood and ensure pedestrian safety in case of an earthquake or other natural disaster, we respectfully request that the wireless telecommunication antenna be installed on a sturdy street light in a location East of Grand Avenue instead.

<u>Name</u>	<u>Address</u>	<u>E-mail</u>
6/5/11 DANIELA SIMPSON	1418 BRIXTON RD, PASADENA, CA	daniela.v.simpson@gmail.com
Dalia Andauskas	2202 India St. <del>Los Angeles, CA</del>	Los Angeles 8mail.com
Aliette Rivers	2174 Audrey Pl	L.A. CA 90039 aliether@AOL.com
Angela Cruz	440 Arroyo Terrace	ang-cruz@yahoo.com
LEE SALAS	1400 BRIXTON RD.	PASADENA, CA
Mirell O'Brien	1241 Hill Drive	564E8484@yahoo.com Los Angeles, CA 90041
Dan Stimuler	740 CINDA UNITA	Stimuler@usc.edu
MARIE GAUTHIER	240 N GRAND	MCGAU@YAHOO.COM
KAZUKO NAKABA	699 W. CALIF BL	
SALLY CLARK	721 S. Grand Ave	Pasadena
DS Hill	1225 Hillside Rd	Pasadena
Myra Odes	1582 Home wood Dr, Altadena CA	
Roseanna McCURE	1107 S. ORANGE GROVE	PASADENA, CA 91105
TERESITA GARCIA	219 N. Alvarado St	Los Angeles, 90026
6/17 Pat Dashner	866 S. Arroyo Blvd	Pasadena 91105
Jennifer Tucker	985 Mission St	South Pasadena CA 91030
Wendy Cough	2115 Orange Grove Blvd	Pasadena 91105
Yolanda Henry	1065 S. Orange Grove	Pasadena 91105

## Petition for Consideration by the City of Pasadena

T-Mobile is planning to install a wireless telecommunication antenna at the corner of Grand Avenue and California Boulevard (588 S. Grand Avenue) in Pasadena. The antenna will be a six-foot extension to an existing power pole immediately adjacent to the sidewalk. In order to preserve the lovely character of West Pasadena neighborhood and ensure pedestrian safety in case of an earthquake or other natural disaster, we respectfully request that the wireless telecommunication antenna be installed on a sturdy street light in a location East of Grand Avenue instead.

<u>Name</u>	<u>Address</u>	<u>E-mail</u>
Alexander Miller	49 S. Grand Ave.	Ajmillier@usc.edu
Milano Kay	6871 Los Altos Pl.	L.A. Milanskaya@com
<del>P. J. Miller</del>	"	" p.j.miller@aol.com
<del>Jerry Stauder</del>	1035 S. ARROYO BLVD	JERRY STAUDER@AOL.COM
6/19/11 Francis D. Rogan	480 S. Orange Grove	
Stephany Stamatis	821 N. Wilcox Ave Montebello, CA 90640	Stepharoonski@hotmail.com
Kristen Todd	694 Norwood Dr.	
Breine Shure	200 S. Pasadena <small>Pasadena, CA</small>	
DAVE STORRE	200 S. Pasadena	
7/2/11 Linda Spitt	700 Orange Grove Dr.	
De Bill	<small>So. Pasadena</small> 700 Orange Grove Dr.	
Kary Kambura	<small>4200 S. Grand Ave</small> 875 S. Grand Ave	
Maryann McPhertin	365 Marie Ave L.A.	
Tim Harringer	365 Marie Ave, L.A.	
HARRY GORNER	620 Chantry Park	
Louise Miller	686 La Loma Rd <small>STP Pas</small>	rpmillerjr@aol.com
DAVID DAPPER	504 ARBOR Sq	
ROBERT FITTINGER	1617 MAPENGO AVE S.P. CA	



## Petition for Consideration by the City of Pasadena

T-Mobile is planning to install a wireless telecommunication antenna at the corner of Grand Avenue and California Boulevard (588 S. Grand Avenue) in Pasadena. The antenna will be a six-foot extension to an existing power pole immediately adjacent to the sidewalk. In order to preserve the lovely character of West Pasadena neighborhood and ensure pedestrian safety in case of an earthquake or other natural disaster, we respectfully request that the wireless telecommunication antenna be installed on a sturdy street light in a location East of Grand Avenue instead.

<u>Name</u>	<u>Address</u>	<u>E-mail</u>
<u>Felix Torres</u>	<u>4127 marmion way</u>	<u>ftopete@gmail.com</u>
<u>Elenor Hoyer</u>	<u>1054 S. Arroyo Blvd,</u> <i>South Pasadena</i>	
<u>Bruce Hoyer</u>	<u>1054 S. Arroyo Blvd.</u>	
<u>7/3/11 Sara Loren</u>	<u>38 N Ben Ave</u> <i>Pasadena 91106</i>	
<u>NAOMI SAIKI-NAGAN</u>	<u>1990 Windingla St Pas</u>	
<u>DANA OSTENSON</u>	<u>555 S. GRAND</u> <u>OSTENSON • BRANDIE SRC GLOBAL-VET</u>	
<u>Jack Brickson</u>	<u>1130 Busch Garden Ct</u>	
<u>Eleanor Edwards</u>	<u>536 Bradford St</u>	<u>edwardse</u>
<u>Louise Wannier</u>	<u>1446 Rose Villa St.</u>	<u>lwannier@me.com</u>
<u>Ann Ibr</u>	<u>1001 Holly Vista Dr</u>	
<u>Tatiana Bauhista</u>	<u>111 S. Delaney St</u>	
<u>Hector Alvarado</u>	<u>111 C. DELANEY ST</u>	
<u>JH COULOMBE</u>	<u>533 S. Grand</u>	
<u>PATRICIA BARROS</u>	<u>5353 HARMOUTH AVE</u> <u>ENCINO, CA</u>	<u>"PASADENA LOVER"</u>
<u>Kathleen McCarthy</u>	<u>647 Palisade St.</u>	<u>kmccarth@dslxtrem.com</u>
<u>Cynthia Moussas</u>	<u>414 Magnolia St</u> <i>South Pasadena</i>	
<u>Dee De John</u>	<u>1915 Duain</u> <i>South Pas</i>	
<u>7/4/11 Liz Baldridge</u>	<u>562 Bellefontaine</u>	<u>LizBaldridge@gmail.com</u>
<u>W. K. K.</u>	<u>1016 So. Canyon Blvd</u>	<u>Liz Baldridge</u>

## Petition for Consideration by the City of Pasadena

T-Mobile is planning to install a wireless telecommunication antenna at the corner of Grand Avenue and California Boulevard (588 S. Grand Avenue) in Pasadena. The antenna will be a six-foot extension to an existing power pole immediately adjacent to the sidewalk. In order to preserve the lovely character of West Pasadena neighborhood and ensure pedestrian safety in case of an earthquake or other natural disaster, we respectfully request that the wireless telecommunication antenna be installed on a sturdy street light in a location East of Grand Avenue instead.

Name	Address	E-mail
7/4/11 10:11 AM Dene Baldwin	562 Bellefontaine St	ebald@scglobal.net
Mary Schneider	757 S. Orange Grove	
LOGAN TAM	283 S. HUDSON AVE	
Lay Atrak	1611 VISTA DR	
BRIAN OFTAL	18449 Buttonwood Ln.	
RICH JHONG	283 HUDSON AVE <sup>Rowland Hts</sup>	
DAVID ORZELLO	18833 CARRAL ST. L.A	
ERICK ERLE	6036 STONEY VIEW / SIMI VALLEY	
Anne Hanning	4520 Line Pine Lane <sup>La Canada 9101</sup>	
TEDDIE HARRINGER	672 STONE HURST DR <sup>ATTADENA</sup>	
Therese Harringer	2933 ROARK DR <sup>Altadena</sup>	
Joan Wood	350 S. Orange Grove	JETW@mac.com
Patty Petano	192 W Baldwin Suna Madhu	
Escher Butler	1348 Marianna	
Margaret Allen	481 S Orange Gr #2	markyal@charter.net
Carolyn Loren	285 W. Calif. Bl.	
ARLENE DE	1127 ROSWALKWAY	
Faye Tommasi	1712 Belmont Ave	
NAOMI EGAMI	2199 LAUREL ST.	