

## Martinez, Ruben

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**Subject:** FW: For Tonight's Meeting - Fwd: Cell Installations/Underground Surcharge - Fwd: URGENT: CHANGES TO PASADENA WIRELESS CODES / 5G DEPLOYED ON THE PROW

**From:** Mary Dee Romney <[rmarydee@gmail.com](mailto:rmarydee@gmail.com)>

**Date:** December 17, 2018 at 6:49:38 AM PST

**To:** "Jomsky, Mark" <[mjomsky@cityofpasadena.net](mailto:mjomsky@cityofpasadena.net)>, [gmasuda@cityofpasadena.net](mailto:gmasuda@cityofpasadena.net), "Hampton, Tyron" <[thampton@cityofpasadena.net](mailto:thampton@cityofpasadena.net)>

**Cc:** Terry Tornek <[ttornek@cityofpasadena.net](mailto:ttornek@cityofpasadena.net)>, [smadison@cityofpasadena.net](mailto:smadison@cityofpasadena.net), [vgordo@cityofpasadena.net](mailto:vgordo@cityofpasadena.net), [awilson@cityofpasadena.net](mailto:awilson@cityofpasadena.net), [jkennedy@cityofpasadena.net](mailto:jkennedy@cityofpasadena.net), [mmcaustin@cityofpasadena.net](mailto:mmcaustin@cityofpasadena.net), "Mermell, Steve" <[smermell@cityofpasadena.net](mailto:smermell@cityofpasadena.net)>, [amaloyan@cityofpasadena.net](mailto:amaloyan@cityofpasadena.net)

**Subject: For Tonight's Meeting - Fwd: Cell Installations/Underground Surcharge - Fwd: URGENT: CHANGES TO PASADENA WIRELESS CODES / 5G DEPLOYED ON THE PROW**

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Mark,

I'd appreciate the below being included for the council record tonight. It is self-explanatory.

Many thanks.

Mary Dee Romney  
SRNA  
626-864-8040 cell

----- Forwarded message -----

**From:** **Mary Dee Romney** <[rmarydee@gmail.com](mailto:rmarydee@gmail.com)>

**Date:** Fri, Dec 14, 2018 at 8:03 AM

**Subject:** Cell Installations/Underground Surcharge - Fwd: URGENT: CHANGES TO PASADENA WIRELESS CODES / 5G DEPLOYED ON THE PROW

**To:** Mary Dee Romney <[Rmarydee@gmail.com](mailto:Rmarydee@gmail.com)>

Dear SRNA Board Members:

I attended the Municipal Services Committee meeting Tuesday afternoon with Miriam Nakamura.

The FCC, now with smaller cell units from the phone carrier industry (5-G technology, wire strand mounts - see photos below), has eliminated local authority to impose tests for placement of cell equipment based on 1) coverage gaps and 2) least intrusive aesthetics.

As of January 14, 2019 the FCC will reject the test of "adequate coverage" and any local ordinance that would limit carrier competition. Carriers are "lawyered-up" to challenge local tests/standards perceived as "subjective burdens" to the industry.

The city expects 250-300 applications over the next 3-5 years - prompting Mayor Tornek to comment that they would spread "like measles."

Read below for details from Miriam Nakamura, our local neighborhood authority on the cell industry.

**Miriam claims carriers view telephone poles and light standards as "vertical real estate" with ten-year license agreements.**

I pointed out to the municipal services committee on Tuesday that, with this vertical real estate essential to carrier functions - accompanied by lucrative fees to the city - continuing with the bi-monthly underground surcharge to residents still counting on undergrounding would be "misleading" (if not fraudulent).

What do we (neighborhood association) advocate for with the surcharge and the balance in the account? The undergrounding program gives priority to commercial areas - with residential neighborhoods given the lowest priority (500 years, according to Margaret McAustin).

Should residential neighborhoods continue to pay the underground surcharge for a benefit 500 years into the future? Should the residential surcharge revenue now on hand be allocated for other neighborhood improvements? Should we nit-pick the carriers to keep cell mounts limited to light poles as much as possible due to our history of windstorms and downed lines? If wire strand mounts are installed on existing cable lines, how do the various "tenants" of the vertical real estate arrange for independent maintenance? In ten years will the technology be radically different - not needing line mounts?

Lots of questions to answer by Monday night . . .

Your thoughts are welcome!

Thanks.

Mary Dee

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From: **Mimi N Q** <[mnakaquan@gmail.com](mailto:mnakaquan@gmail.com)>

Date: Fri, Dec 14, 2018 at 2:51 AM

Subject: Re: URGENT: CHANGES TO PASADENA WIRELESS CODES / 5G DEPLOYED

Hi All,

The Pasadena City Agenda came out today. I haven't had a chance to read it yet.

**AGENDA  
CITY COUNCIL AND  
THE SUCCESSOR AGENCY TO THE**

**PASADENA COMMUNITY DEVELOPMENT COMMISSION  
MONDAY, DECEMBER 17, 2018**

Closed Session 5:30 P.M.  
Public Meeting 6:30 P.M.  
Council Chamber, Pasadena City Hall  
100 North Garfield Avenue, Room S249

[http://ww2.cityofpasadena.net/councilagendas/2018%20Agendas/Dec\\_17\\_18/agenda.asp](http://ww2.cityofpasadena.net/councilagendas/2018%20Agendas/Dec_17_18/agenda.asp)

ITEM #14

**14. MUNICIPAL SERVICES COMMITTEE: PROPOSED AMENDMENTS TO PASADENA MUNICIPAL CODE CHAPTER 12.22 – TELECOMMUNICATION FACILITIES IN PUBLIC RIGHT-OF-WAY**

**Recommendation**: It is recommended that the City Council direct the City Attorney to prepare an amendment to Chapter 12.22 of the Pasadena Municipal Code (PMC) to streamline permit processing for wireless sites in the public right-of-way (ROW), as well as to address certain state and federal legal requirements.

**Recommendation of the Municipal Service Committee**: At the Municipal Services Committee meeting of December 11, 2018, staff made several additional recommendations to ensure City meets the new federal "Shot Clock" requirements:

1. Reduce Residential Districts Comment Period (PMC 12.22.080) from 30 days to 14 days;
2. Reduce Decision Appeal Period (PMC 12.22.100) from 14 days to 7 days; and
3. Change "Appeal the decision of the director to" (PMC 12.22.100) from City Council to City Manager, for Tier 3 of the proposed permit processing.

The revisions are shown on the respective tables on pages 5 and 6 of the agenda report.



*staff report*

1304k

LINK TO STAFF REPORT / 7 PAGE PDF:

[http://ww2.cityofpasadena.net/councilagendas/2018%20Agendas/Dec\\_17\\_18/AR%2014.pdf](http://ww2.cityofpasadena.net/councilagendas/2018%20Agendas/Dec_17_18/AR%2014.pdf)

Hope to see you at the Monday City Council hearing.

Best,

Miriam

On Mon, Dec 10, 2018 at 8:42 PM Mimi N Q <[mnakaquan@gmail.com](mailto:mnakaquan@gmail.com)> wrote:

Hi All,

On Tuesday, December 11, the City of Pasadena will be amending its 2009 Wireless Ordinance to align with the FCC's new rules that streamline the permitting of 5G small cells in the Public Rights of Way.

The FCC has stripped municipal jurisdiction over the PROW and there are currently cities suing the FCC to regain their control over their PROW and light and utility poles.

I have skimmed the Staff Report but it looks like there will be no public hearings for these small cell applications but I still need to read the Staff Report in depth. I wanted to get this email out to you as soon as possible.

In 2009 my husband and I fought for more public input and notification for wireless applications and there were just a few people who gave input into the Wireless Ordinance at that time.

The wireless codes that we fought for allowed the homeowners on Casa Grande to fight and win a "not so small" small cell from being built because there were already 3 other utility boxes on their block when only 1 is allowed per block by code. Not sure if this part of the code will change.

My question is: **The 2012 Middle Class Jobs Creation and Tax Relief Act** allows for growth of small cells on the Public Rights to grow 6 feet in height and width. **How big can the 5G small cells grow?**

If you want to give input into changing the Wireless Ordinance please show up to this meeting.

**Public Works Municipal Services Committee Meeting**

**Tuesday, December 11 at 4 p.m.**

**City Council chamber, Room S249 at City Hall.  
100 North Garfield Avenue, Pasadena,**

**AGENDA & STAFF REPORT 12-11-18**

<https://ww5.cityofpasadena.net/commissions/wp-content/uploads/sites/28/2018/12/2018-12-11-Municipal-Services-Committee-Agenda.pdf>

**PASADENA STAR NEWS ARTICLE:**

<http://www.pasadenanow.com/main/small-cell-5g-technology-sweeps-into-pasadena-backed-by-new-federal-regulations/#.XA8ScYWkJsX>

**Small-Cell 5G Technology Sweeps into Pasadena, Backed by New Federal Regulations**

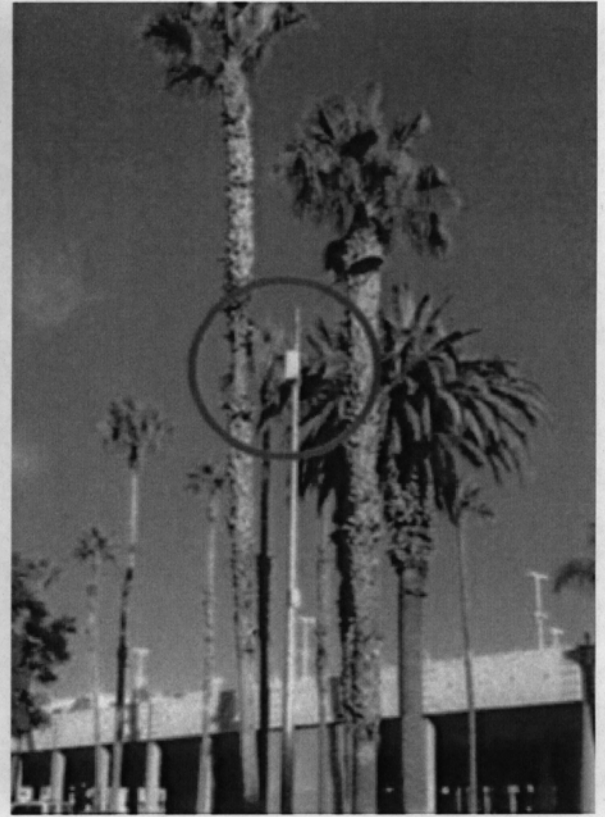
By ANDY VITALICIO

Published : Monday, December 10, 2018 | 5:43 AM



Small cell (circled in red) on a pole-to-pole strand in Torrance, California; at right, a small cell mounted onto a pre-existing light standard. Photographs courtesy of the City of Pasadena

5G “small-cell” technology is sweeping through Pasadena. Experts say the revolution could see as many as **60 5G cell sites per square city mile** accompanied by eight miles of underground fiber optics per square city mile — and that’s for each carrier.



Small cell (circled in red) on a pole-to-pole strand in Torrance, California; at right, a small cell mounted onto a pre-existing light standard. Photographs courtesy of the City of Pasadena

5G “small-cell” technology is sweeping through Pasadena. Experts say the revolution could see as many as **60 5G cell sites per square city mile** accompanied by eight miles of underground fiber optics per square city mile — and that’s for each carrier.

Forty-three sites have been installed City-wide already, with 50 more applications now under process, a report by the Pasadena Department of Public Works said.

In the next three to five years, the Department anticipates hundreds more applications for new wireless sites will be submitted.

Assuming all four of the major U.S. wireless carriers – AT&T, Verizon, Sprint, and T-Mobile – apply to install the maximum number of small cell sites, that would mean **up to 240 cell sites could be built per square mile.**

Now, a new federal regulation requires cities to fast-track approval of the burgeoning number of small-cell coverage facilities, to expedite appeals of negative decisions.

The issue is up for discussion Tuesday, December 11, at the City Council’s Municipal Services Committee, where the Public Works Department is set to recommend amendments to the Pasadena Municipal Code, particularly Chapter

12.22. The chapter regulates the setting up of wireless sites in the public right-of-way.

An Agenda report by the Public Works Department said the proposed amendments should make the City compliant with federal and state regulations, which primarily dictates the City's procedures for processing wireless facility applications.

The report said the Federal Communications Commission, on September 30, approved an order restricting local government authority over the deployment of small cell facilities within the public right-of-way, which becomes effective by January 14, 2019.

The order will require that the City of Pasadena not only process the application within a timeframe of as short as 60 days, but also address any administrative appeals all the way through the issuance of construction permits.

Non-compliance with the timetables could result in federal penalties against the City, Public Works said.

The department also explained there have been substantial changes in the size of wireless site configurations since 2009 when the City Council adopted wireless technology regulations under Chapter 12.22, and therefore is recommending amendments "to incentivize wireless carriers to deploy 'smaller footprint' small cell installations with less visual impact."

Under the FCC's September 30 order, small cell sites are mounted on structures that are 50 feet tall or shorter, have a total equipment volume of 28 cubic feet or less, and with an unlimited number of antennas whose volume should be three cubic feet or less.

In the report, Public Works said they would prefer new small cell sites that are "strand-mount" devices – installed on existing steel cables between poles, which should have one of the smallest footprint – and on replacement light standards or light poles.

Strand-mount cell equipment were not considered back in 2009 and are not currently permitted.

The department is also recommending that the permit processing steps and the appeal process be adjusted to speed up approval of the small cell site applications. Their recommendation is to allow three tiers of the approval process, with the ease and speed of approval depending on the size of the installation.

Modern small cell sites such as those the U.S.'s top wireless carriers are installing are evolving to be ready for the 5G (the fifth generation) standard of wireless

communications which is currently in network trials in the U.S., China and South Korea.

When 5G launches, it is expected to result in higher data rates, reduced latency (meaning faster speed), more energy savings at lower costs, and higher system capacity which should allow for more devices to be connected to a single gateway.

At Tuesday's Municipal Services Committee meeting, Public Works is expected to recommend that the City Attorney draft the amendments to Chapter 12.22, and return to the City Council with a new proposed ordinance.

The meeting begins at 4 p.m. at the City Council chamber, Room S249 at City Hall.

**Hope to see you tomorrow so we can protect our rights...of way.**

**Best,**

**Miriam Nakamura-Quan**