ATTACHMENT A

COMMENTS RECEIVED AT 10/21/08 COMMUNITY MEETING	STAFF RESPONSE
1. There should be a distance requirement on the placement of wireless facilities in the public right-of-way in residential neighborhoods. This would include a distance from a residential structure and also from one facility to another. Also a distance requirement from Public/Semi-Public areas and schools.	Staff considered the suggestions for distance requirements, but believes the 25-foot tall minimum pole height requirement is a more appropriate standard, given the legal and physical constraints faced with right-of-way regulation. It is difficult to establish a distance requirement that ensures all potential applicants will have the available space to maintain their networks; each provider has different physical/space needs and different means of providing coverage. Additionally, as discussed above, it is an open question of law as to whether the City can impose regulations over the location and appearance of wireless facilities in the public right-of-way (such as the suggested distance requirement). With the understanding that the City has limited review authority over public right-of-way applications, when establishing a distance requirement the City cannot become overly restrictive. Also, with some distance requirements (i.e. 50 feet from a residence) this may force the location of the facility rather than allowing the Public Works Department to truly assess the best possible location through the proposed application and permitting process on a case by case basis. The requirement for a 25-foot tall minimum pole height for placement in the public right-of-way eliminates up to 75% of residential streets. Staff finds this is a more appropriate standard, as the antennas will be directed to larger, wider streets that have taller infrastructure to support these types of uses. The Federal Telecommunications Act prevents the City from regulating antennas based on the health effects of radio frequency emissions so long as the emissions meet FCC standards. The City could in some cases require monitoring and testing to confirm compliance with FCC regulations, and staff has proposed this measure.
2. The current 500-foot notification radius for monopoles should be increased to 1,000 feet.	Section 17.76.020 of the Zoning Code establishes a 500-foot notification radius for CUP applications and a 300-foot notification radius for MCUP applications. The 500-foot radius is the standard notice requirement for all applications processed under the Zoning Code, with the exception that 300-feet applies to minor variances, minor use permits and sign exceptions. This provides the public, applicants and staff a clear and consistent notification procedure and allows efficient monitoring to ensure notification procedures

2. CONTINUED The current 500-foot notification radius for monopoles should be increased to 1,000 feet.	are met. This also provides consistency for support staff that map and prepare the mailed notices and MASH employees who post the neighborhoods. These distance standards are based on the estimated maximum distance from a proposed site that effects could migrate. There has been no evidence submitted which indicates that the potential effects of telecommunications facilities could exceed these distances. This notice procedure was recently established as part of the 2005 Zoning Code updates. The previous standard was 150 feet for minors and 300 feet for standard applications. The requirement for on-site posting with the large notice board was also added with the 2005 amendments. As wireless telecommunications regulations apply citywide, establishing a special permitting procedure would create inconsistency for both the public and staff. Also, a special permitting procedure for wireless facilities would create an inconsistency with other land use applications, and would establish a precedent that wireless applications require noticing above all other CUP applications.
3. The current 14-day standard notification procedure for monopoles should be increased to 30 days.	See response above. Section 17.76.010 of the Zoning Code establishes a standard notice procedure of 14-days for a public hearing before the Hearing Officer, Film Liason, Environmental Administrator, Board of Zoning Appeals, Design Commission, Historic Preservation Commission and City Council to establish a consistent and accountable process for noticing of meetings. At one time the standard notice was 10-days. However staff researched this issue and it was determined that 10 days was too short, 30 days was too long and 14-days was the most effective length of time. CEQA requires additional noticing in certain circumstances and the City defers to the state law for those cases.
4. There should be a limit on the number of continuances an applicant can request. If the item is continued a new 30-day notice should be required to announce the new hearing date.	Per Section 17.76.040(C) of the Zoning Code, *"if a hearing cannot be completed on the scheduled date, the presiding review authority before the adjournment or recess of the hearing, may continue the hearing by publicly announcing the date, time and place to which the hearing will be continued".* This applies to all types of discretionary applications reviewed under the Zoning Code (exclusive of Expressive Use Permits) and does not state a specific minimum number of days for the continuance as the reason for the continuation will vary in each instance. As noted in the responses above, establishing a separate procedure for wireless telecommunication applications would result in inconsistency. However, it is important to note that if the public is concerned that a particular project should be continued to a specific date and time they may submit this comment at the meeting where the continuance is announced and the decision maker may consider this before deciding on the new date. If in a particular case, 30 days was requested,

	the review authority has the flexibility to consider this request.
5. There should be more transparency in the application process to ensure applications are filled out completely and accurately and that no required pieces of information are missing.	Section 17.60.060 of the Zoning Code establishes review procedures for applications. Specifically, 17.60.060(A) states that *"The Director shall review all applications for completeness and accuracy before they are accepted as being complete in compliance with Section 17.60.040B".* Staff works diligently to review each application and must determine if the required information has been submitted and can be deemed "complete" for processing. If an application is deemed incomplete, the applicant is notified in writing and must submit all missing or incorrect items. When an application is noticed for public hearing, any member of the public may review the file. If there is a concern that a piece of information is missing or could be incorrect, they may contact the case manager and communicate these concerns. They may also provide this comment to the decision makers for their consideration when making a decision on the case.
6. The code should provide a clear definition of what a "ground mounted" facility is.	Article 8 of the Zoning Code contains definitions for technical terms that are used in the Title 17 regulations. In addition, the proposed Title 12 regulations will include definitions for terms that are used throughout the proposed Title. Staff is proposing to define the term "telecommunications facility" or the like broadly, to encompass all services provided by telephone, video, and cable providers, whether the facilities are below-ground, ground-mounted, or mounted on existing structures such as a pole or building. This comment was related to the decision that the Oak Knoll/Alpine facility was not covered under the current moratorium that referenced "ground mounted" facilities. This comment pertains to a concern over the narrow scope of the present telecommunications facilities moratorium, which prohibits new "ground-mounted" wireless facilities (i.e., equipment boxes) in residential districts. One explicit goal of the moratorium, as stated in the June 11, 2007 Ordinance Fact Sheet, was to exempt "wireless providers that fully underground all equipment associated with their antennas." Please see response to comment #13 for more specific details on this issue.
7. Staff should look at the San Diego County code and particularly the aesthetic standards for wireless antennas.	Staff evaluated a number of different California codes including San Diego County, San Diego City, Anaheim, Irvine and Walnut Creek. Certain elements were extracted from these sources, and added to the proposed updates to the Title 17 regulations and/or the proposed Title 12 regulations. For example, the Justification Study for monopoles, the new development standards for camouflaged facilities such as flag poles and faux trees, and the documentation for FCC radio frequency emission compliance all came from other cities. Additional changes such as reducing the maximum permitted heights for facilities,

	adding a distance requirement for monopoles, prohibiting monopoles in landmark districts and the public right-of-way etc. were staff's suggested changes that were in response to community concerns related to these facilities.
8. Will there be special protections for landmark districts?	Under the current Zoning Code standards in Residential districts only minor, co-located wireless facilities are permitted. No monopoles are permitted. Staff does not propose to change this. Staff is proposing an additional standard that monopoles not be allowed in landmark districts either (i.e. Old Pasadena). Further, the proposed 25-foot tall restriction for right-of-way installations eliminates most of the landmark residential areas from wireless co-locations on street lights or other poles. Under the proposed regulations equipment cabinets would be permitted in all districts subject to the proposed application procedures and installation and maintenance standards. Under these procedures the Department of Public Works will review each application and conduct field work to find a location that has the least amount of impact on the surrounding area. A 30-day notice is given once the preliminary location is sited and if there are specific concerns Public Works staff will work to address those concerns.
9. The Justification Study that staff is proposing to require for new monopoles, must include an explanation/analysis of the need for the monopole and identify the customer deficiency and the number of customers the proposed facility will serve.	Staff is proposing to add a new Justification Study requirement for proposed monopole installations on private property (staff is also recommending no monopoles in the public right-of-way citywide). As noted by the community this would include an analysis of why the monopole is needed, why co-location is not feasible and the number of subscribers the facility is anticipated to serve. This information is part of the submittal requirements for the application and will be available for public review.
10. Equipment cabinets should be placed below ground, where safe and feasible.	Staff supports this recommendation, and the originally proposed requirement # 3 of the Title 12 regulations states that *"Where feasible, and as new facility housing technology becomes available, the applicant shall place existing or proposed above-ground facilities below ground".* As the Department of Public Works evaluates a facility proposal they will look at undergrounding as the first option before pursuing an above ground or flush-mounted installation. In some instances the area below ground is encumbered with existing utilities or other infrastructure that do not allow a below ground installation. Also as noted by comment # 17, there may be a potential safety risk for undergrounding equipment at a particular location depending on what facilities or other obstructions exists below grade. The City could decline to issue a permit to a carrier that wished to place an equipment cabinet above-ground in an unsafe area, such as in a manner to unreasonably interfere with pedestrian, bicycle, or motor vehicle travel along the right-of-way.

	However, as discussed above, it is an open question of law as to the extent the City can impose regulations over the location and appearance of telephone equipment in the public right-of-way – such as a complete undergrounding requirement. Through the proposed process, Public Works staff will work with applicants to have the facilities underground to the maximum extent feasible and safe.
11. For any proposed facilities in the right-of-way, notification should not be less than what the code requires now and neighborhood associations must be included. 30-day notification preferred to allow adequate time for review.	A statewide video franchising law passed by the Legislature in 2006 requires the City to decide applications for video equipment cabinets, which are frequently placed in the public right-of-way, no later than 60 days of receiving a completed application. While there is presently no corresponding requirement for wireless facilities, federal law still requires they be processed within a "reasonable time." Also, in July 2008, a wireless trade association (CTIA) submitted a petition to the FCC to place a "shot clock" of 45 to 75 days on wireless facility applications, where the applications are "deemed approved" if not decided within the required timeframe. Municipal leagues and various cities, including many from California, submitted comments opposing CTIA's petition, but the FCC has not yet issued a decision. The 30-day suggestion was incorporated into the proposed notification procedure for Title 12. A 30-day and 300-foot radius notification is recommended by staff. This is consistent with what the neighborhood has asked for and also the Pasadena Neighborhood Coalition in a letter that was included in the Planning Commission packets for the November 12, 2008 meeting. 300-feet is consistent with the previous MCUP radius mailing and the length of time has been doubled from the standard 14-day private property notice to 30 days to allow adequate time for the community to contact and work with Public Works staff when siting the facility.
12. Expand burden of proof of need and safety of the facility on applicants through the application process.	The Federal Telecommunications Act prevents the City from regulating antennas based on the health effects of radio frequency emissions so long as the proposed emissions meet FCC standards. The City may in some cases require monitoring and testing to confirm compliance with FCC regulations.
13. Questions as to why the Oak Knoll/Alpine application was not covered under the current adopted moratorium? Why does it not meet the definition or criteria of the moratorium?	The Oak Knoll/Alpine light pole/cell antenna, which was the subject of litigation in federal court and a Stipulated Judgment approved by the City Council and then a U.S. District Judge, was not covered by the existing moratorium. The moratorium exempted "wireless providers that fully underground all equipment associated with their antennas" and replacement of facilities that were "substantially similar in size, shape, color, and exterior material."

	The facilities at the site consisted of (1) a fully underground (flush-mount) its equipment box; and (2) the replacement of the existing light pole with one that provided wireless service yet was "substantially similar in size, shape, color, and exterior material," consistent with the moratorium. Also, as part of the settlement, the provider agreed to eliminate the electric meter pedestal and, instead, receive meterless electric service on a flat rate. The provider also agreed to improve the existing conditions at ground level by landscaping the existing dirt right-of-way along the east side of Oak Knoll Avenue.
14. Concerns that wireless facilities may emit much higher than reported emissions levels and how do we monitor those.	The FCC has indicated that post-construction monitoring may occur in some cases. The current code regulations do not require any monitoring of wireless telecommunications equipment. In response to this concern, staff has added a requirement that applicants must document the proposed emission levels for equipment upon submittal of the application and that this be verified upon installation. A consultant who specializes in the field will be used to review the data for accuracy.
15. Concerns over the impacts wireless antennas in Residential districts have on property values due to the safety and aesthetic issues.	As noted in the response to comment # 1, the City cannot regulate antennas for health effects of radio frequency emissions to the extent the emissions meet FCC requirements. The City can require monitoring and testing which is one of the proposed regulations. With regards to aesthetics and property values, the current and proposed regulations for private property do not prohibit a concerned property owner from submitting evidence related to a decrease in property values in connection with a wireless antenna application. There is a finding for MCUP/CUP's that states *"The use as described and conditionally, approved would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City".* Staff would continue to consider any such evidence when reviewing a MCUP/CUP. For applications in the public right-of-way, it is an open question of law as to whether the City can impose regulations over the location and appearance of wireless facilities in the public right-of-way — such as prohibitions on placement where there would be an adverse effect on property values. Furthermore, even if the City could impose such a regulation as a foundational matter, a court would still require the City to show substantial evidence supporting such a decision in each case, not just generalized and unsubstantiated concerns over property values. As proposed the permit required by the Department of Public Works also requires that PW staff make findings before issuing the permit. These findings are

	included on Page 3 of the November 12, 2008 Planning Commission report. Specifically, the last finding states *"To the maximum extent feasible the facility has been designed to blend with the surrounding area and the facility is appropriately designed for the specific site".* Should a property owner have concern about property values, the same evidence submitted for private applications can be submitted to Public Works staff during the 30-day review period for siting the facility. Staff would evaluate the information when making the findings to approve or deny a permit.
16. Concern about the noise emitted from fans in cabinets or other types of facilities.	Currently, equipment on private property must comply with the Noise Ordinance. Staff is also proposing under the new Title 12 regulations that installations in the public right-of-way must also comply with the Noise Ordinance. Should a level of noise become an issue, the concerned party may immediately contact the Department of Public Works, which can determine whether the equipment in question violates the Noise Ordinance.
17. Comment about the "Green" commitment of Pasadena with the potential proliferation of facilities citywide and earthquake risks from equipment placed underground (hydrochloric acid from batteries).	Concern was expressed over the placement of equipment underground and the potential risks related to fault ruptures and leaks from items such as battery acid. As noted in comment # 10, in some instances it may not be possible or safe to locate equipment underground. As proposed, the Title 12 regulations state that underground placement of equipment is preferred and encouraged and this will be the first consideration by the Department of Public Works. However, in some locations underground placement may not be possible as this may pose a safety risk or affect existing below grade infrastructure. Further, as noted in response #18 there are code requirements that require removal of inoperable or abandoned facilities that may degrade over time if not removed.
ADDITIONAL COMMENTS RECEIVED AFTER THE 11/12/08 PLANNING COMMISSION MEETING-(PRESENTED AT 12/10/08 PLANNING COMMISSION MEETIN)	**STAFF RESPONSE**
18. Concern that proposed recommendations do not address enforcement against vendors who abandon their boxes.	The proposed Title 12 regulations for the public right-of-way do include a provision for abandoned cabinets, enclosures, and related equipment. Specifically, the regulation states that: *If the facility becomes discontinued or abandoned the applicant shall (1) immediately notify the Department of Public Works; (2) remove the equipment and restore the site to the previous condition within the time period determined by the Department of Public Works.* For private property installations there are existing requirements under Section 17.50.310 (6) of the Zoning Code entitled *"Inoperable or unused facilities"* that address the required removal if a facility becomes inoperable or ceases to be used for a period of 180

	consecutive days.
19. Support review by a hearing officer for right-of-way applications as this process is the public's only chance to comment on an application.	Staff considered the ability for the public to express their concern over right-of-way installations. Staff also considered the request that a minimum of 30-days notice be given for cabinet installations. The MCUP process provides a 14-day notice to a 300-foot radius. For public right-of-way applications in Residential districts staff is proposing a 30-day notice to the same 300-foot radius. Interested parties will be able to contact the Department of Public Works and provide comment on the placement on the facility and equipment. As noted in previous responses, it is an open question of whether cities can impose a discretionary review process for wireless facilities in the public right-of-way where a city seeks to regulate location and appearance. And, even if cities were allowed to impose discretionary review, such review cannot result in decisions that violate the Federal Telecommunications Act by prohibiting carriers from providing telecommunications service in the public right-of-way. Furthermore, members of the public have requested, and staff has recommended, a 30-day notification period to allow time for review. However, as discussed in the response to Comment #11, the City must decide video cabinet applications within 60 days of a complete application. After a 30-day notice, time for the Public Works Department to consult with the applicant to discuss potential modifications to a project, and an ultimate decision on the application, it is likely the City will have used most, if not all, of the 60 days allowed by California's video franchising law. If the City were to impose any additional levels of review, such as a public hearing, it may run afoul of the 60-day limitation period, resulting in the application being "deemed approved."
20. There should be a map of existing sites for all antennas and towers related to wireless telecommunication sites.	As part of the proposed project, a map of all known existing cell sites was prepared. This includes 76 installations- three monopoles and 73 co-locations. These locations have been linked to the City's GIS system. As proposed future installations on private and public property must include GIS compatible coordinates so that staff can maintain this new database and mapping.
21. Signs should be posted on all facilities stating the radio frequency warning. Signs shall contain meaningful information such as the nature of the potential hazard, how to avoid the hazard and contact information for the facility.	The City will, as a condition of approval, require radio frequency signage as specified by the FCC; as well as signage identifying the carrier, the site number, and a contact telephone number for the carrier.
22. Mandatory CEQA for all monopoles as digging for the installation may involve sensitive areas.	CEQA review is required for all discretionary entitlements. This would include MCUP and CUP applications and also the Opportunity Site Applications. As proposed monopoles are not

	permitted in the public right-of-way, or in landmark or historic districts.
23. There should be a definition section at the beginning of the ordinance.	Article 8 of the Zoning Code contains definitions for technical terms that are used in the Title 17 regulations. In addition, the proposed Title 12 regulations will include definitions for terms that are used throughout the proposed Title. A copy of the existing Title 17 definitions and Telecommunication Facilities standards was provided at the October 21, 2008 community meeting. There are a number of definitions included in this code section. As the Title 17 changes are proposed to be added to the existing regulations these definitions would remain in place. The definitions are located in Chapter 17.80.020 of the Zoning Code under 'Telecommunications". A definition section will be included as part of the proposed Title 12 ordinance.
24. The proposed amendments to Title 12 should have separate regulations for wireless facilities as they are governed under separate PUC codes.	Staff considered two separate sets of standards, one for equipment cabinets and one for wireless telecommunication antennas in the public right-of-way. However, this became difficult as there are also equipment cabinets that are associated with wireless antenna installations, and this would lead to another set of standards. Further, staff wanted a clear and consistent process for public right-of-way installations so the public, applicants and staff can fully understand what to expect when an application is received. To have separate permit processes, reviews and standards when the uses are directly related to one another became complicated, with no tangible land use benefit to the community from the use of separate permit processes. As with the Title 17 regulations, it is staff's intent to provide clear and consistent procedures for facilities in the public right-of-way (Title 12).
25. All utility/lamp post antennas in the public right-of-way of residential zones should have a flat rate for electricity to eliminate above ground power pedestals.	The Department of Water and Power (DWP) has indicated that they will allow electric meters to be placed in other cabinets that are part of the installation or underground which eliminates the need for an additional above-ground power pedestal.
26. An independent consultant should be utilized to verify evidence submitted by telecommunication companies.	As there are no technical experts on City staff related to technical data submissions, staff intends to work with independent consultants who can assist as needed. This is not an unusual process as experts in a particular field may be utilized to assist in staff review of applications. This will be an independent third party that is contracted to the City and not applicants.
27. Cell Tower companies must prove a significant gap in coverage. San Diego County requires the applicant to choose a preferred site and if they cannot they must demonstrate why this is not technologically	Staff is recommending that no new monopole be permitted unless the review authority finds that based on a review of evidence no existing or building or support structure can reasonably accommodate the proposed wireless telecommunication facility. In addition staff is proposing to add a requirement for a Justification study which explains why the particular

or legally feasible.	location is needed and information pertaining to the number of subscribers the facility is anticipated to serve.
28. There should be a section specifying enforcement procedures and penalties such as fines or revocations for failure to comply.	There are existing provisions related to enforcement and penalties for entitlements issued under the Zoning Code. They are located in Section 17.78.060 Violations. This would apply to any MCUP/CUP applications and Opportunity Site applications. There are also existing code requirements in the Municipal Code for public right-of-way installations that will apply to such facilities.
29. Request that invalidation clause from the moratorium be added to the current ordinance.	Staff intends to recommend a severability provision within the ordinance adopting the revisions to Title 12 and Title 17 that preserves all remaining provisions of the ordinance, in the event that a portion of the ordinance is later declared invalid.
30. Applications shall include a photo simulation. Mission Viejo requires four orthogonal angles. San Diego County Ordinance also has six additional submittal requirements that should be included (maintenance program, noise information, concept landscape plan, evidence of fire compliance, list of hazardous materials to be used, and plot plan showing maintenance personnel parking for ROW sites).	Staff currently requires photo simulations to be submitted for all wireless telecommunication facilities to clearly demonstrate what the existing and proposed conditions will be. Typically several different angles are requested as well as photos of the related equipment cabinets. As noted in the 11/12/08 Planning Commission staff report photo simulations are also proposed as a submittal requirement for public right-of-way installations. Applications are routed to various departments for their review and comment (e.g. fire, building and safety, transportation etc.). A site plan is required of all applications indicating a number of things including the location of existing parking so that staff can evaluate the potential impacts to on-site activities. As proposed this information will also be required of OSA and locations in the public right-of-way. Further staff has the ability to request any additional information that may be needed to properly analyze an application. Staff will conduct a site visit prior to deeming an application complete and after looking at the site may request specific information of the applicant to complete the review of the application.
31. Additional maintenance standards used in San Diego County should be added related to: not allowing vehicle service vehicles to obstruct the right-of-way, equipment cabinets must display operators contact number for reporting maintenance problems, cabinets and antenna structures shall be secured to disallow unauthorized access.	For public right-of-way installations and maintenance the code requires applicants to obtain an encroachment permit. Part of this process requires approved traffic control and approval of any activity occurring in the public right-of-way to ensure that vehicular and pedestrian access is not obstructed. If a maintenance issue arises, the public should contact the Department of Public Works who will ensure the carriers properly address the issue and in conformance with any conditions of approval. If the maintenance issues are reported directly to the carrier, the City cannot monitor how effectively the applicants are meeting their required maintenance standards. The proposed Title 12 regulations include maintenance standards

32. Ordinance should have specific mention of the need to protect viewshed in our beautiful city.	The existing conditional use permit process, located in Title 17, already has a "view protection" finding required for approval. Staff is not seeking any amendment to this provision. Staff is also recommending several additional development standards such as lowering the overall height of monopoles from 60 feet to 50 feet, establishing standards for faux trees or flag pole designs etc. The adopted Citywide Design Guidelines also contain specific guidelines for "Wireless Telecommunication Antenna Facilities (WTAF)". There are a number of standards for free standing structures and also building mounted facilities such as *"1. Support Structures shall be designed to harmonize with their surroundings (e.g. sky, landscape elements, adjacent buildings) as viewed from the pedestrian level. 2. Support structures shall be finished in non-reflective clear or anodized metallic finish and/or painted finish in a color that recedes against the surrounding area* (and several other standards not listed). With respect to the public right-of-way, the City's legal authority to regulate telecommunications facilities based on their effect on viewshed is questionable. As such, staff is proposing that a co-located antenna in the public right-of-way may extend up to only seven (7) feet above the height of the primary use of the existing pole, i.e., seven feet above the height of a street light. This eliminates the installation of new poles that do not serve a function other than to provide wireless services.
33. Flag pole facilities should be allowed to be illuminated in compliance with Federal Flag Code.	Compliance with the Flag Code could be a condition of approval for any such installation in the City. The current Title 17 requirement which staff is not proposing to change states *"Building mounted facilities and support structures may not be illuminated unless specifically required by the Federal Aviation Administration or other governmental agencies".* If a flag pole design were proposed on private property it could be illuminated in compliance with required law. In the public right-of-way only co-located installations on existing structures are permitted, so flag poles would not be allowed and this particular standard would not apply. The proposed Title 12 installation standards (#15) contains the same language as stated above from the Zoning Code as a general requirement for illumination of co-located facilities or equipment.
34. There should be an application process algorithm to keep track of the various types of applications and categories for installations.	It is staff's intent to draft clear and consistent procedures for processing applications. As proposed, private property installations of Major wireless facilities (free standing structures such as a monopole) require a CUP, and co-located wireless facilities require a

	MCUP. For the public right-of-way one consistent application process is proposed for any telecommunication related equipment/facility.
35. Letter from Pasadena Neighborhood Coalition that was included in the 11/12/08 Planning Commission packets. Requests 30-day notification to neighborhood associations and affected property owners for AT & T U-Verse Boxes. Also suggests that up to 50 former Altrio box sites could be "pre-approved" for U-Verse installations by neighborhoods with the 30-day notice and private property installations may be an alternative if there are no alternative sites in the public right-of-way.	Staff considered the 30-day notification request and the inclusion of neighborhood associations and this is the mandatory notice requirement proposed for public right-of-way installations. Staff also expanded this to include a 300-foot radius notice which was standard for the MCUP applications. Under the current Zoning Code there are standards for the placement of equipment on private property that require installations to be screened or located out of the view of the public right-of-way. Should an applicant choose a private site, they would require a permit that is reviewed and approved by Zoning staff to verify compliance with this requirement. Separate meetings are currently being conducted to specifically address the AT & T U-Verse boxes and their placement options.
36. The City should collect rent from carriers that are at least on par with market rates. Anything less will create an incentive for placement in our residential areas.	For City owned property that is not located in the public right-of-way (e.g. a fire station site) the Development Division of the Planning and Development Department will negotiate the lease terms and rents for these facilities. For public right-of-way installations the Department of Public Works will establish the lease rate and terms and will work to negotiate fair and competitive rates.
37. Propose 60-day period from the date of notice of a proposed telecom installation for a hearing to be scheduled for the public right-of-way. Option for at least one public hearing.	California's statewide video franchising law requires the City to decide all applications for video equipment cabinets within 60 days of receiving a completed application; otherwise, such applications are "deemed approved" under state law. In order to create consistency with other telecommunications facilities, and because of the City's limited legal authority to regulate in this area, staff has proposed an across-the-board review period that will result in a decision of all applications for telecommunications facilities in the public right-of-way within 60 days of receiving a completed application. As such, staff is recommending a 30-day written notification period to all properties and neighborhood associations within 300 feet in any direction of the facility. Staff believes this will give affected persons ample opportunity to contact the Public Works Department to comment on pending applications.
38. A proposed distance requirement to a residence should not only apply to Pasadena residents if a facility is proposed adjacent to the city border.	The City has no legal authority to regulate the use of property outside of its jurisdiction.
39. Require that all cell phone providers use existing fiber optic technology to transmit	The City is not authorized to regulate the transmission technology by which wireless carriers send their signals. The use of a "whip antenna" on top of an

signals through whip antennas atop existing lamp posts.	existing light standard may not be sufficient for a wireless carrier's technical needs. Land use permit applications for each wireless facility must be evaluated within the constraints of the law, but that review must be done on a case-by-case basis, rather than an overriding City-wide requirement.