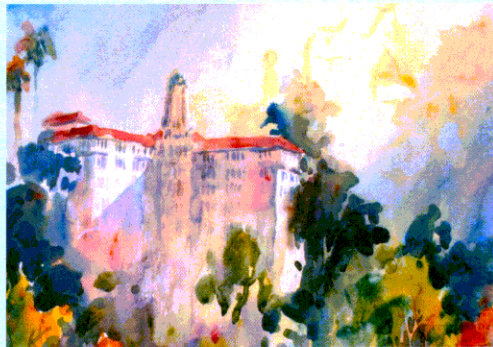


**CORRESPONDENCE
FROM 07/11/11
COUNCIL MEETING**



Appeal to City of Pasadena July 2011

Introductions



Part 1: Hearing Purpose

- ▶ Appeal of staff decision approving a permit application for wireless facility
- ▶ Location: Grand Ave and California Blvd
- ▶ Department of Public Works failed to provide a photographic image of proposed antenna
- ▶ Pasadena residents and pedestrians unable to provide meaningful feedback to City

3



4

Grand and California



Looking North



Looking South

5

Similar-but-Different Antenna Photo



6

Actual Proposed Antenna



7

Underground Installation



8

Aged Wooden Pole for Antenna Base



9

License Fee Eliminated after Approval

- ▶ City approval of antenna included annual \$8,000 "license fee"
- ▶ *Following approval* of antenna, license fee has been eliminated because supporting pole is not city-owned property

10

Part 2: Wireless Comes of Age

We all want cell phones wherever we go!

- ▶ 286 million subscribers generated \$153 billion (2009)
- ▶ 180 wireless providers operate in US
- ▶ Subscribers will grow significantly in next decade
- ▶ T-Mobile is fourth largest in US
 - 34 million subscribers
 - 9,447 U.S. cell phone towers with 29% in California (2,768)
 - In 2012, AT&T plans to purchase T-Mobile from German-based Deutsche Telecom

11

Downside

- ▶ Local neighborhoods are becoming a “distribution channel” for telecommunication industry
- ▶ Tower/antenna placement is causing a *ruckus*
- ▶ California communities opposing installation:
 - 23 - Southern California
 - 17 - Northern California
- ▶ Local municipalities turning to litigation to preserve aesthetics and safety

12

Telecommunications Act of 1996

- ▶ Enables Federal Communications Commission to set radiofrequency electromagnetic radiation standards
- ▶ Prohibits municipalities from making decisions based on harmful environmental effects of emissions
- ▶ Preserves local government authority for towers/ antenna:
 - Placement
 - Construction
 - Modification

13

Pasadena

- ▶ In 2007, Pasadena sued by T-Mobile's then parent entity, Omnipoint, for alleged failure to comply with Telecommunications Act of 1996
 - Settlement resulted in placement of antenna atop street light at Oak Knoll and Alpine

14

Other Local Governments

- ▶ Exercising values in municipal plans and local ordinances:
 - Requiring **safety** set-backs from tower/antenna sites to protect against falling equipment and tower collapse
 - **Preserving** a neighborhood's character and protecting against property devaluation
 - **Taxing** tower/antennas as real estate

15

Part 3: Appeal Proposal

- ▶ Resident involvement:
 - Post clear, accurate picture of antenna
 - Provide on-line report showing need, rationale for selected location and recommended camouflage

16

Proposal cont'd

- ▶ Reconsider antenna location and camouflage:
 - Move to California Blvd
 - East of Grand Ave
 - Orange Grove Blvd or West
 - Install antenna on street light

17

Choose Alternate Location



Option: CA at La Loma



Option: CA at Orange Grove

18

Place on City-Owned Street Light



19

Why Does this Matter to Pasadena?

- ▶ Supports Pasadena's mission and principles
 - Preserves Pasadena's heritage
 - Protects pedestrians
 - Generates resources for municipal responsibilities
 - Promotes community participation

20

City Mission and Guiding Principles

- ▶ Mission: *The City of Pasadena is dedicated to delivering exemplary municipal services, responsive to our entire community and consistent with our history, culture and unique character*
- ▶ Further guided by principles outlined in General Plan

21

Guiding Principle: Preservation

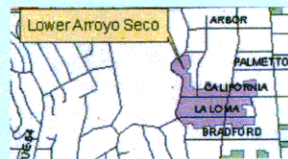
- ▶ *Change will be harmonized to preserve Pasadena's historic character and environment*



22

Grand is *Grand* and Worthy of Preservation

- ▶ Grand is:
 - Located in the Lower Arroyo Seco District
 - Part of the National Register of Historic Places
 - Just two blocks from Pacific Oaks Children's School
- ▶ Moving the antenna to California will preserve Grand's character and protect against property devaluation



23

Guiding Principle: Safe Open Space

- ▶ *Pasadena will be promoted as:*
 - *A healthy family community*
 - *A city where people can circulate without cars*



24

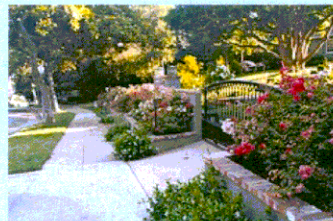
Maintain Grand as Safe Haven for *Walkers*

- ▶ Hundreds of pedestrians walking along Grand each week pass within one foot of the pole
 - In case of accident or earthquake, pedestrians could face injury from falling pole, antenna and debris
- ▶ A sturdy street light instead of a pole provides a safe antenna base and protects pedestrians

25

Guiding Principle: Economic Vitality

- ▶ *Economic vitality will be promoted to provide jobs, services, revenues and opportunities*



26

Support Pasadena's Prosperity

- ▶ Licensing fees offer resources during a time of financial struggle for Pasadena
- ▶ Placing antenna on City-owned street light will enable Pasadena to apply appropriate fees
 - One antenna generating \$8,000 a year would generate \$160,000 over 20 years

27

Guiding Principle: Resident Participation

- ▶ *Community participation will be a permanent part of achieving a greater city*



28

Modeling Excellence

- ▶ Pasadena has opportunity to become model city for telecommunications:
 - Address provisions of federal law that allow flexibility
 - Offer residents access to accurate information
 - Disclose City's relationship with mobile provider
 - Understand how other cities have addressed wireless telecommunications to protect public interest

29

Q & A

- ▶ Thank you



30

**Wireless Telecommunications
An Opportunity for Civic Excellence
July 2011**

Introduction

The Pasadena City Council will consider an appeal of a wireless telecommunication antenna installation planned for Grand Avenue and California Boulevard in Pasadena, California on July 11, 2011. The Pasadena Department of Public Works failed to provide a photographic image of the proposed antenna until the last day of the public comment period and provided instead a “sample” photo of a similar-but-different antenna. West Pasadena residents and pedestrians using Grand Avenue for recreational purposes were therefore unable to provide meaningful feedback to the City.

Pasadena’s Municipal Code, including parts of Titles 12 (Streets and Sidewalks), 17 (Zoning) and 18 (Cable, Video and Telecommunication Service Providers), provides the regulatory framework for wireless telecommunication facilities in Pasadena.

Wireless Telecommunication Comes of Age

We all want cell phones with clear reception wherever we go. In fact we have become so accustomed to staying in touch through cell phones that land lines may become obsolete. In 2009, 285.6 million wireless subscribers generated \$152.6 billion in revenue nationally. Nearly one quarter of United States households used wireless service only.¹

About 180 facilities-based wireless providers operate in the United States. The four largest, in order of subscribers, are Verizon (102 million), AT&T (97 million), Sprint (51 million), and T-Mobile (34 million).² AT&T’s planned purchase of T-Mobile USA for \$39 billion from Deutsche Telecom would make AT&T the largest wireless carrier in the nation with a 43 percent market share.³

Unfortunately, there is a *downside* to the benefits of cell phone use—the unattractive cell phone towers and wireless antennas used to activate wireless telecommunications placed in local neighborhoods. Of T-Mobile’s 9,447 cell tower sites nationally, 2,768 (29 percent) are in California and of these 1,995 are located in Southern California.⁴ Our local neighborhoods have essentially become a “distribution channel” for the telecommunications industry.⁵

Wireless providers’ tactics to place cell phone towers and wireless antennas on public right-of-ways in local neighborhoods is causing a ruckus throughout California. More than 20 Southern California neighborhood groups and organizations are in various

¹ Source: Telecommunications Industry Overview, www.plunkettresearch.com/telecommunications, 2011

² http://en.wikipedia.org/wiki/List_of_United_States_wireless_communications_service_providers, 2011

³ http://en.wikipedia.org/wiki/Merger_of_AT&T_and_T-Mobile, 2011

⁴ <http://t-mobiletowers.com/TowerSearch.aspx>, 2011

⁵ Traditional marketing distribution channels involve a set of institutions that perform the functions required to move a product from production to consumption

Wireless Telecommunications: An Opportunity for Civic Excellence

stages of opposing the placement of wireless telecommunication facilities in the communities of: Agoura Hills; Beverly Hills; Burbank; Calabasas; Glendale; Huntington Beach; Irvine (Turtle Rock); Lake Balboa; Los Angeles City; Mission Viejo; Monrovia; Northridge; Oceanside; Pacific Palisades; Palos Verdes; Santa Barbara; San Pedro; Sherman Oaks; Toluca Lake; Tustin; View Park-Windsor Hills; Westchester; and West Covina. Attachment A provides information on the City of Monrovia's intent to adopt a comprehensive ordinance that protects public and private property.

In Northern California the situation is similar. Communities, neighborhood groups and organizations opposing wireless telecommunication facilities include: Camp Meeker; El Cerrito; El Granada; Los Gatos; Menlo Park; Millbrae; Mountain View; Oakland; Pacifica; Palo Alto; Portola Valley; Richmond; San Francisco; San Rafael; Santa Clara; Sunnyvale; and Walnut Creek.⁶ Attachment B provides background on one Northern California community (El Cerrito) that has placed a moratorium on cell phone tower installation.

With the number of cell phone towers projected to grow significantly over the next decade, the beneficiary of these community squabbles will likely be the law firms that represent the local municipalities. In fact, a recently announced acquisition of the telecommunication expert, Miller & Van Eaton, PLLC by law firm Best Best & Krieger, LLP is seen by some as a shift in the nature of telecommunications practice by municipal law-focused firms from regulations and transactions to a litigation-oriented approach. This shift is being fueled in part by decisions by the 9th United States Circuit Court of Appeals to expand local zoning control of the aesthetic impacts of cellular sites.⁷ For additional information, see Attachment C, *Court Upholds Cities' Ability to Regulate Communication Facilities on Aesthetic Grounds*.

Attachment D, Pennsylvania Legislator's 2006 Deskbook, *Regulation of Wireless Telecommunication Facilities*, succinctly outlines the limitations placed on state and local government by the Telecommunications Act of 1996, which amends Title 47 of the United States Code. Section 332, pertaining to Federal Communications Commission (FCC) mobile services regulations [47 USC Section 332(c)(7)(iv)], prohibits state and local agencies from basing tower/antenna site and construction permits without regard for harmful environmental effects of radiofrequency (RF) electromagnetic radiation emissions. FCC safety standards are designed to protect humans against the thermal effects from high levels of RF radiation. A wireless provider that asserts a municipality has failed to follow the limitations and conditions set by FCC regulation may litigate in a state or federal court, or alternatively, may petition the FCC.⁸ In fact, Pasadena was sued

⁶ Sources: California Communities Fight (and Win), www.stopthesteeples.com, 2011 and Other Links: Other Communities Saying "No," www.nocelltowerinourneighborhood.com, 2011

⁷ "Municipal Firms Beef Up Telecom Experience as Cell Towers Proliferate," Los Angeles Daily Journal, Law Firm Business, Wednesday, June 8, 2011, p. 6

⁸ "Regulation of Wireless Telecommunications Facilities," Pennsylvania Legislator's Deskbook, 3rd Edition, 2006 issued by the Pennsylvania General Assembly and Local Government Commission

Wireless Telecommunications: An Opportunity for Civic Excellence

by T-Mobile's then parent entity, Omnipoint, in 2007 for alleged failure to comply with Federal Communications Commission regulation.

Unfortunately, the adverse biological effect of long term exposure from multiple towers or the impact on children or vulnerable elders is unknown. Recently, mounting concern about the possibility of negative health effects from exposure to electromagnetic fields has led to further study. In May 2011, the World Health Organization/International Agency for Research on Cancer (IARC) classified radiofrequency electromagnetic fields as "possibly carcinogenic to humans" based on an increased risk for a malignant type of brain cancer associated with wireless phone use.⁹

The Telecommunications Act of 1996 preserves limited government authority for the placement and esthetics of wireless telecommunication towers. Local governments are taking a multi-faceted approach to exercising the values that are delineated in municipal plans and local zoning ordinances, including:

- Requiring **safety** set-backs from tower/antenna sites to protect against falling equipment and tower collapse.
- **Preserving** a neighborhood's character and protecting against property devaluation.
- **Taxing** tower/antennas as real estate.

Appeal Proposal

The appeal requests that the Pasadena City Council direct the Pasadena 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.
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.

⁹ "Carcinogenicity of Radiofrequency Electromagnetic Fields," The Lancet Oncology, on the web at [www.thelancet.com/journals/lanonc/article/PIIS1470-2045\(11\)70147-4/fulltext](http://www.thelancet.com/journals/lanonc/article/PIIS1470-2045(11)70147-4/fulltext), published on-line June 22, 2011

Wireless Telecommunications: An Opportunity for Civic Excellence

The proposal supports Pasadena's civic mission and principles by honoring Pasadena's heritage, protecting pedestrians, generating resources for municipal responsibilities and promoting community participation.

Pasadena's Mission and Principles

Pasadena's mission statement provides direction for civic activities: *The City of Pasadena is dedicated to the delivering exemplary municipal services, responsive to our entire community and consistent with our history, culture and unique character.* The Pasadena General Plan also begins with seven guiding principles. Five of the principles are particularly relevant to the appeal.

Guiding Principle: *Changes will be harmonized to **preserve** Pasadena's historic character and environment.*

Grand Avenue, a lovely, historic Pasadena street is located in the Lower Arroyo Seco District and listed in the National Register of Historic Places (National Register designations are processed through the California Office of Historic Preservation). The Arroyo Seco shelters birds, trees and other wildlife and a small school is nestled just 0.2 miles from the Grand Avenue and California Boulevard intersection. During the 1970's two concrete street lights on the northern corners of the intersection were destroyed in traffic accidents and never replaced. Their absence reduced illumination and diminished the historic design of Grand Avenue. Moving the antenna to California Boulevard atop a street light will preserve Grand Avenue's character and protect against property devaluation.

Guiding Principles: *Pasadena will be promoted as a **healthy family** community; and Pasadena will be a city where people can **circulate without cars**.*

Hundreds of pedestrians walking along Grand each week pass within one foot of the wooden pole proposed for the antenna base. The pole is aged and unsuitable to support a transponder array. Placing an antenna atop this pole will likely be a recipe for an accident in the event of an earthquake or other natural disaster. Pedestrians could face injury from a falling pole, antenna and debris. A sturdy street light instead of a pole provides a safe antenna base and protects pedestrians. Attachment E provides the signatures gathered from pedestrians and bicyclists along Grand Avenue who support the appeal.

Guiding Principle: ***Economic vitality** will be promoted to provide jobs, services, revenues and opportunities.*

Pasadena's approval of the antenna included an annual "license of fee" of \$8,000. Following approval of the antenna, the license fee was eliminated on the grounds that the pole proposed for the antenna base is not city-owned property. License fees offer important resources during a period of financial struggle for the City. One antenna

Wireless Telecommunications: An Opportunity for Civic Excellence

generating \$8,000 a year would generate \$160,000 over 20 years. City plans to install West Pasadena telephone poles underground within 10 years means the antenna would likely need to be relocated to a City-owned street light at that time—in the meantime, the City will forfeit an opportunity for revenue from the antenna.

Guiding Principle: *Community participation will be a permanent part of achieving a greater city.*

The City of Pasadena should encourage community participation in telecommunications decisions by: offering resident and pedestrian 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.

The City should assign oversight of wireless telecommunication facility decisions related to cell towers and antennas to one of the City Council's Standing Committees. For example, both the Economic Development and Technology Committee and the Municipal Services Committee offer an appropriate venue for wireless telecommunication oversight and provide a forum for resident input. Finally, Pasadena may want to consider hosting California city officials, regulators, industry experts and other stakeholders in a conference or webinar to explore the implication of wireless facilities roll-out in local communities throughout the State.

Conclusion

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 aesthetic standards.

As an alternative to the antenna proposed for Grand Avenue and California Boulevard, the Pasadena City Council should direct the Pasadena Department of Public Works to: 1) post an accurate picture of the proposed antenna 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 and rationale for antenna location selection; 3) evaluate in a report to the City Council, the feasibility of installing a street light and antenna, or other new, well camouflaged City-owned pole with antenna, on California Boulevard, East of Grand Avenue and on, or West of, Orange Grove Boulevard.

This appeal is worthy of consideration and supports Pasadena's civic mission and principles by honoring Pasadena's heritage, protecting pedestrians, generating resources for municipal responsibilities and promoting community participation.



Attachment A

Michael van Eckhardt
General Attorney
AT&T Mobility
P O Box 97061
Redmond, WA 98073
michael.vaneckhardt@att.com

T 425 580 7033
F 425.580 7825

RECEIVED

Delivered VIA: Hand Delivery

May 2, 2011

Mayor Mary Ann Lutz
City of Monrovia
415 S. Ivy Ave.,
Monrovia, CA 91016

MAY - 2 2011

Office of the City Clerk
City of Monrovia

Subject: Proposed Ordinance 2011-04

Dear Mayor Lutz,

The City of Monrovia (the "City") is considering adoption of Ordinance 2011-04, concerning the installation and operation of wireless facilities in the city. This proposed ordinance is intended to cover wireless facilities placed both on private and public property in the City, as well as in the City's Public Rights-of Way. AT&T recognizes that the City, in considering the Proposed Ordinance, is attempting to address some legitimate issues and concerns expressed by some residents. There are aspects of the Proposed Ordinance that merit comment and reconsideration, however.

AT&T appreciates this opportunity to provide comments to the city on its proposed ordinance. AT&T has been providing communications service in Southern California for over a hundred years and its affiliate has been providing wireless telecommunications services since the late 1980's. AT&T is eager to work with the City in its efforts to address concerns about placement of wireless facilities within the City.

AT&T is most concerned about aspects of the proposal that would directly impact the ability of the wireless telecommunications industry to provide service to residents, businesses and visitors in your city, who rely on cellphones and other wireless devices in their daily lives. As you are no doubt aware, the Proposed Ordinance would affect not only cellphones, but wireless data of all kinds (including audio signals, video signals, computer files, e-mail and data of all kinds that now use wireless transmission) are affected.

APPLICABLE LAW

The federal Telecommunications Act of 1996, 47 U.S.C.A. 151 et seq. (1996) (the "Telecom Act") regulates the deployment of wireless telecommunication service. Section 332(c)(3) gives the FCC certain authority that is exclusive and which preempts conflicting acts by state or local governments. At Section 332(c)(3)(7), the Act, while recognizing that local zoning authority is preserved, requires that local regulation not "unreasonably discriminate among providers of functionally equivalent services" and not "prohibit or have the effect of prohibiting the provision of personal wireless services.



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California state law also impacts placement of communication facilities within the public rights-of-way. As you are aware, wireless and wireline carriers, as "telephone corporations," have access rights to the public rights-of-way under Section 7901 of the California Public Utility Code. A telephone corporation enjoys a vested right under Section 7901 to construct "telephone lines" and "necessary fixtures" "along and upon any public road." California courts have long upheld this vested right to enter and use the public right-of-way. In our view, the City possesses only a limited right to curtail the rights of telephone corporations under Section 7901. Section 7901.1(a) grants to the City only the ability to exercise "reasonable control as to the time, place and manner in which roads . . . are accessed." Section 7901.1(b) provides that any municipal regulations "at a minimum, be applied to all entities in an equivalent manner," thereby imposing a duty on the City to regulate in a non-discriminatory manner.

COMMENTS

In AT&T's view, some of the provisions of the Proposed Ordinance might constitute a prohibition of services under the Federal Telecom Act. A number of the special requirements outlined in the Proposed Ordinance relating to wireless facilities placed in the public rights-of-way also appear to go well beyond the regulation permitted under Section 7901 of the Public Utility Code. We identify some of the problematic provisions in more detail below.

While the proposed ordinance uses the terminology "Preferred Locations" and "Discouraged Locations," Section 17.46.040 B appears to prohibit placement of facilities in a number of locations within the city. "Wireless telecommunications facilities and wireless telecommunications collocation facilities shall not locate in any of the following districts, zones, areas or locations ("Discouraged Locations") ..." Section 17.46.050.E.2, however, states that a wireless facility located in a Discouraged Location shall require a conditional use permit and approval of an exception. These two provisions appear to be inconsistent. AT&T believes that 17.46.040 B should be modified to more clearly express that these listing of locations are statements of preferences. With that in mind, it would be helpful if the listings were in order of the City's preference for locations of facilities.

Section 17.46.060 B.7 requires the submission of a five year master plan of anticipated future installations. The evolving nature of technology and the rapidly growing demand for wireless services makes any such projections necessarily speculative and without predictive value. AT&T suggests that the requirement of such a master plan be eliminated or the specified time period be shortened to no more than two years.

Section 17.46.060 C requires that an applicant pay an unspecified amount for a third party expert to be retained by the city. There should be a cap placed on the amounts paid under this section; otherwise the third party would have the incentive to run up large bills to be borne by the applicant. Is this requirement imposed on other land use applicants?

Section 17.46.070 D requires that "antennas be situated as close to the ground as possible to reduce visual impact without compromising their function." While AT&T understands the goal of this requirement, it doesn't take into account all design considerations. AT&T suggests that



the antennas be required to "be situated as to minimize visual impact without compromising their function."

Section 17.46.070 E. Building-mounted and roof-mounted facilities are required "to be designed and constructed to be fully concealed or screened in a manner compatible with the existing architecture ..." The further requirement that the screening not increase the bulk of the structure nor alter the character of the structure is superfluous and should be stricken.

Section 17.46.070 F.1 The requirement that towers be located as close as possible to existing utilities needs to be specifically conditioned on safety and operational concerns. Electrical and other utilities have very specific facility placement guidelines that will need to be followed.

Section 17.46.070.F.2. The height restrictions in this section will mean that more facilities will be required and that fewer facilities will support collocation.

Section 17.46.070.M. The requirement of updating all equipment at the time of any modification at a site is burdensome, discriminatory and imposes requirements that aren't supported by any study or related in any way to the proposed modification. Simple modifications that might be desirable from an efficiency or utility perspective might be delayed if they could trigger expensive and unrelated upgrades. This provision should be stricken.

Section 17.046.080.D. The requirements in this section are too detailed for an ordinance. Technology evolves and these requirements should not require City Council approval for any change. Comments to 17.046.070 F.1 apply to this section as well.

Section 17.046.080. O. As with Section 17.46.070.M, the requirement of updating all equipment at the time of any modification at a site is burdensome, discriminatory and imposes requirements that aren't supported by any study or related in any way to the proposed modification. Simple modifications that might be desirable from an efficiency or utility perspective might be delayed if they could trigger expensive and unrelated upgrades. This provision should be stricken.

Section 17.46.090 A 8. Compliance with RF emissions requirements is exclusively in the jurisdiction of the Federal Communications Commission. The City can request from carriers assurances that the facilities are operated in accordance with FCC requirements, but cannot mandate third party testing at the carrier's expense. This requirement should be removed.

Section 17.46.090 A 11. The indemnification obligation imposes a requirement on wireless facilities that is not imposed on other types of land use and should be stricken as discriminatory.

Section 17.46.100. This section imposes a number of requirements on wireless facilities that are not imposed on other types of use of Public Rights of Way and should be stricken as discriminatory and contrary to the terms of Section 7901 of the Public Utility Code.

Section 17.46.190. AT&T objects to the 10 year limit on the term of permits for wireless facilities as discriminatory in that it is not imposed on other land uses.



This letter summarizes major concerns of AT&T in regard to the Proposed Ordinance. We hope you find these comments helpful. We welcome the opportunity to work with city staff to discuss our legal and practical concerns and to develop solutions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael van Eckhardt".

Michael van Eckhardt
General Attorney

CC: Scott Ochoa, City Manager
Alice Atkins, City Clerk
Barbara Lynch, Senior City Planner

EC: Rich Roche - AT&T
Lori Ortenstone - AT&T
Mike Roden - AT&T
Mark Rivera - AT&T

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.

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*The totals: 1,644,400 for BANG vs. 1,568,890 adults for radio. Source: Scarborough Research, Q308

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Source: U.S. Geological Survey

GOVERNMENT MEETING

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

Hercules City Council City Hall council chamber, Civic Drive. 510-799-82 council will consider the existence of a local in the Carson Street si

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