

CORRESPONDENCE

Presentation Supporting Denial of T-Mobile Antenna Application at Grand Ave and California Blvd

Prepared for Pasadena City Council
Hearing on November 14, 2011

By Raymond Quan

Historical Perspective

- Pasadena telecom ordinance enacted in 2009
- T-Mobile application at Grand and California is first residential antenna to be contested under the new ordinance through the appeal process
- Neighborhood associations in other Pasadena Districts, as well as the Pasadena Neighborhood Coalition, are closely monitoring this **precedent setting case** and expect City Council to protect the interests of the residents.

Justification Study

- Initially, T-Mobile did not submit a justification study in violation of Pasadena Ordinance
- Coverage maps incomplete – **important relevant information omitted**
- Omission of coverage provided by the T-Mobile approved site at Ave 64 & Cheviotdale
- Exaggerated size of gap
- T-Mobile has not yet produced complete maps as requested at recent community meeting.
- T-Mobile has a history of incomplete coverage maps.

Justification Study – E911

- T-Mobile consistently states E911 calls as justification for granting their cell antenna placement, claiming public safety endangerment.
- This is specious per FCC rulings requiring ANY carrier to connect an E911 call from **ANY** cell phone, even an **unsubscribed** cell phone.
- LA Co BOS & City of Glendale demanded that T-Mobile stop making misleading E911 statements.

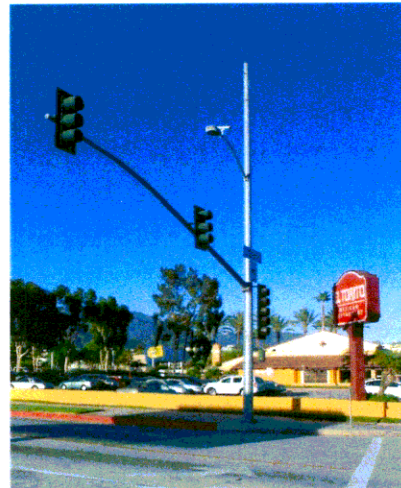
Alternate Sites

- No analysis of existing lamp posts on California Blvd east of Orange Grove
- Not very far from intersection of California and Orange Grove.
- There are 3 similar lamp posts - one on south side of California Blvd



Alternate Sites

- Example of traffic signal and camera mast installation
- Traffic signal co-location of this type exists at Sierra Madre Villa & Foothill
- California & Orange Grove location suitable for this type of installation



California & Orange Grove

- T-Mobile claims California & OG site causes “interference” due to antennas being too close
- But maps show other T-Mobile sites are even closer
- California & OG much more desirable and provides good or acceptable coverage according to **T-Mobile’s own maps** once Ave 64/Cheviotdale antenna is included.
- Coverage gap is closed – **No “significant gap”**

Arroyo and La Loma

- Fulfills many T-Mobile criteria
- Adjacent to fewer houses since it borders on the arroyo
- Matches Oak Knoll & Alpine type installation
- Neighbor on adjacent corner supportive



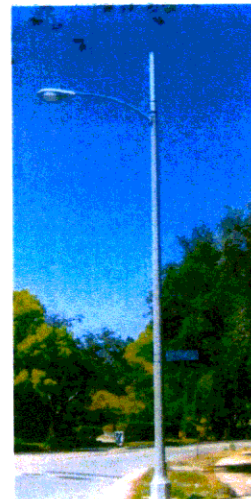
Alternate Sites

- Intersection of California & Orange Grove (or immediately East or West) is less intrusive than Grand & California
- T-Mobile's own coverage maps show no residual significant gap
- If farther east on California is only alternative addition of Arroyo and La Loma can fill gap in least intrusive manner consistent with code.

Alternate Sites

Appellant called for

- *"a report to the City Council [regarding] 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."*
- Appellant request has not been met by T-Mobile or by the city
- Cost of new Oak Knoll & Alpine type lamp post is only \$5,000 according to Public Works Dept



Alternate Sites

- Non right-of-way locations not considered
- Nearby private institutions not approached
- Upgrade existing T-Mobile monopole antenna *IE04559A* near Colorado Street bridge
- Alternate sites **avoid future problem** when utility poles become undergrounded
- Alternate sites offer potential benefit of providing annual **city revenue** but this is incidental and **not** a deciding factor.

“The TCA does not guarantee wireless service providers coverage free of small ‘dead spots’ .”

Sprint PCS vs Palos Verdes Estates(2009)

www.ca9.uscourts.gov/datastore/opinions/2009/10/13/05-56106.pdf

Aesthetics can now be used as basis
for City Council denial of a cellular
antenna application

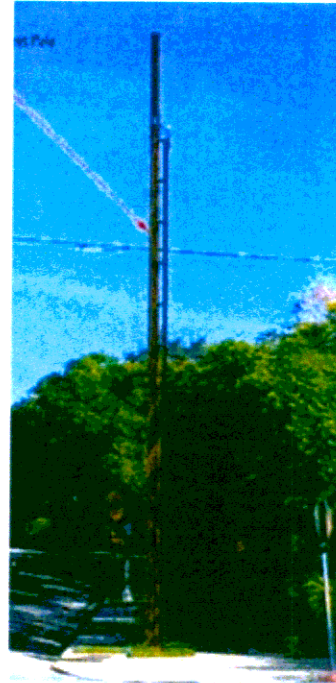
“California law does not prohibit local
governments from taking into account
aesthetic considerations in deciding
whether to permit the development of
WCFs within their jurisdictions.”

Sprint PCS vs Palos Verdes Estates (2009)

www.ca9.uscourts.gov/datastore/opinions/2009/10/13/05-56106.pdf

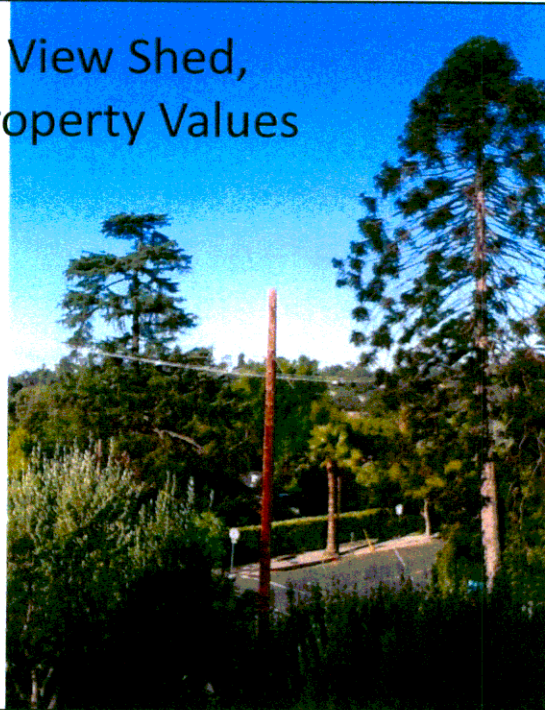
Aesthetically Detrimental

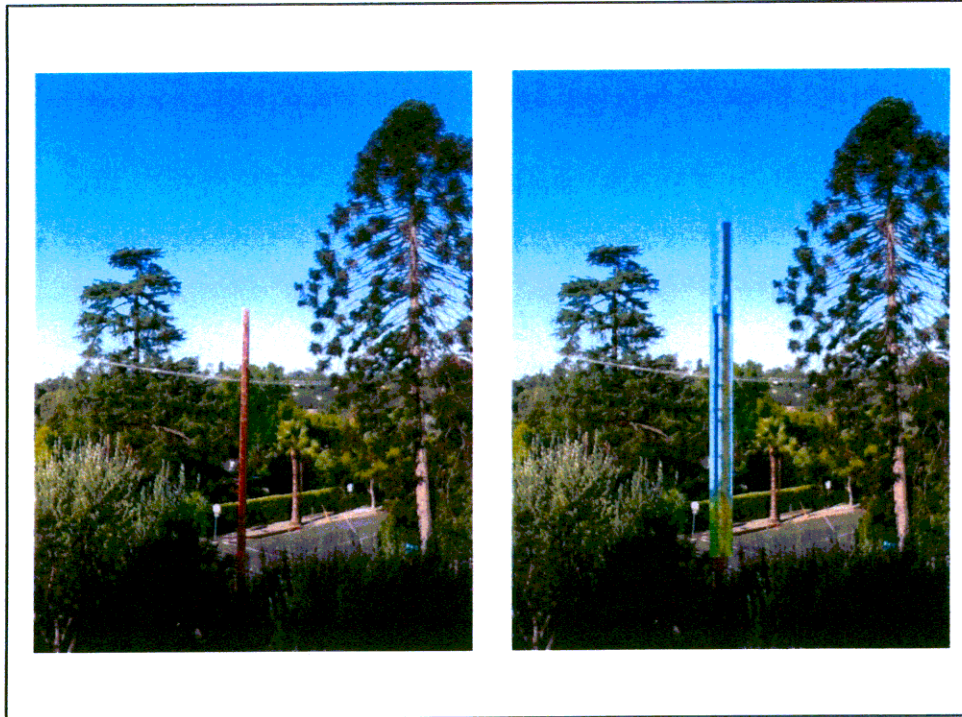
- Existing pole already an eyesore
- 6'10" antenna topper worsens appearance
- 4" riser pipe + 4" standoff bracket effectively doubles the profile of the pole
- "Busy looking"
- The city has used Oak Knoll/Alpine site as a standard PROW installation



Detrimental to View Shed, Aesthetics and Property Values

- View from adjacent property
- Negative effect on view shed which will negatively effect property values
- This was upheld by LA Co BOS denial of a T-Mobile antenna application
- Would detract from the residential character of historic neighborhood





NOT Least Intrusive Site

There are:

- Alternate sites at less intrusive locations
- Alternate sites more compatible with surroundings
- Alternate sites leave no significant gap
- Alternate antenna mounts far less aesthetically intrusive

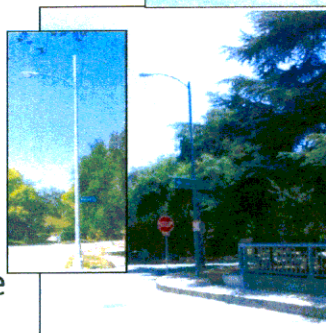


Photo Simulations

- Initially not made available to the public
- Followed by photo simulation of wrong site at Oak Knoll & Alpine (day before deadline)
- Pasadena Ordinance 12.22.050.B.4 requires photograph
- Public outcry for **accurate** photo simulations

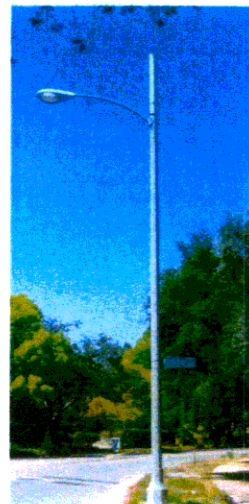


Photo Simulation Errors



2 wires were digitally removed – why?



Existing pole was **SHORTENED**



2 wires would have revealed the shortening

Existing



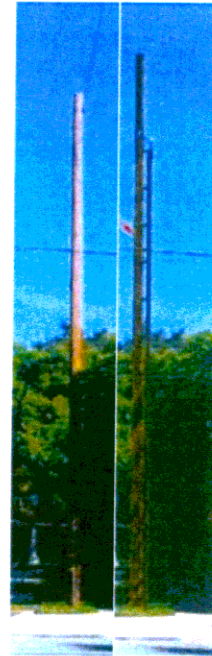
Scroll back and forth between this and the next slide.
Shortening of existing pole is clearly evident.

Proposed



Existing pole was also darkened and moved westward.
Guy wire across street **MUST** remain yet it was erased.
Erasure artifacts still visible (not a cloud)

- T-Mobile has submitted **inaccurate & non-current** photo simulations not in keeping with Pasadena Ordinance 12.22.050.B.4
- Public Works Department and residents deserve accurate and current photo simulations

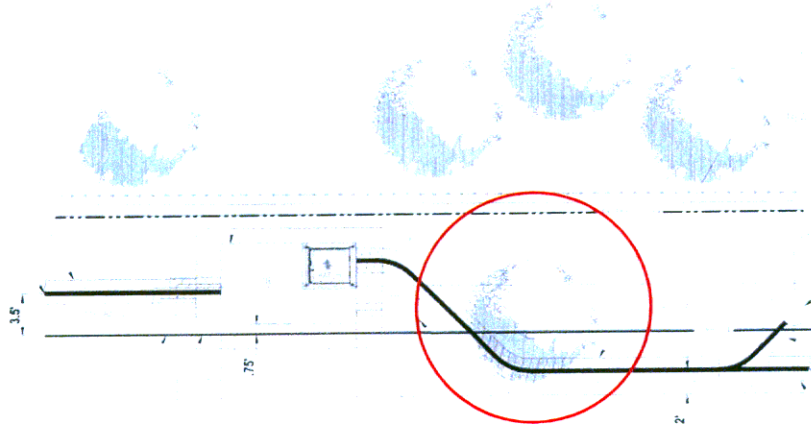


Application Incomplete - Trees

- Ordinance 12.22.110 (H): The applicant **shall obtain** the director's approval of a **tree protection plan** prepared by a certified arborist for the installation of any telecommunications facility located within the canopy of a **street tree, or a protected tree** on private property within a **minimum of a 10-foot radius** of the base of such a tree. Depending on site specific criteria (e.g. location of tree, size and type of tree etc.) a radius greater than 10 feet may be required by the director.
- No tree protection plan is on file at Public Works Dept in **violation of 12.22.110 (H)** as well as **violation of Pasadena Tree Protection Ordinance**.

Application Incomplete - Trees

- Two trees are affected
- Technical plans show 3' deep trench very close to tree trunks well within 10' minimum distance



Application Incomplete - Trees

The larger tree is a **protected native species:** *quercus agrifolia* (coast live oak) which is already leaning



Application Incomplete - Trees

- T-Mobile not in compliance with 12.22.110 (H) as well as Pasadena Tree Protection Ordinance.
- Prior Oak Knoll & Alpine site: T-Mobile application's tree survey left blank despite many protected oak trees.
- Ordinance compliance should be **strictly enforced**.



Application Lacks RF Data

- RF emissions cannot exceed FCC standards.
- RF emission specifications and drawings are not in T-Mobile's technical plans and are **not filed** with Public Works Dept
- In two municipalities (Mission Viejo and Windsor Hills) the RF emission specs submitted by T-Mobile were **found to be erroneous** by non T-Mobile experts.

Potential Threat To Public Safety

- Concerns that 160+lb 6'2" antenna atop 43' high old wooden pole attached by only an 8" mount (screwed into 52 year old wood) is not earthquake safe or crash proof.
- Load on pole should be recalculated when an additional burden is placed on a pole.
- Structural analysis, inspection records, maintenance records not on file at PWD
- Pedestrian/skateboard trip hazard from hatch in walkway

Potential Threat To Public Safety

- 2007 Malibu fires were caused by antennas of 4 cell companies mounted on 3 wooden utility poles
- Poles fell starting fire
- Who is responsible for inspection and maintenance on a JPA/JPC pole?
- If something happens then who is responsible or liable?



- CPUC is still investigating source of liability for the 2007 Malibu fires
- Edison claimed poles met regulations but maintenance records incomplete
- Awaiting trial in February 2012

LC#n _____ Date of Issuance
February 1, 2009

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's Own Motion into the Operations and Practices of Southern California Edison Company, Verizon Wireless LLC, Sprint Communications Company, LP, NextG Networks of California, and AT&T Communications of California, Inc. Regarding the Utility Facilities and the Canyon Fire at Malibu of October 2007

FILED
PUBLIC UTILITIES COMMISSION
SAN FRANCISCO
JANUARY 29, 2009
1:09:01-018

ORDER INSTITUTING INVESTIGATION AND NOTICE OF HEARING

I. INTRODUCTION

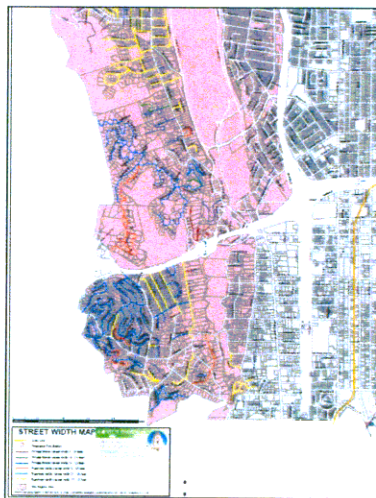
By this order, the Commission institutes a formal investigation to determine whether the named Respondents violated any provision or provisions of the Public Utilities Code, Commission general orders or decisions, or other applicable rules or requirements in regards to their facilities which may have caused the fire at Malibu on October 21, 2007 (the October 21, 2007 fire at Malibu is alternately referred to as the "Malibu" or "Canyon" fire). Respondents are the Southern California Edison Company, Verizon Wireless (Verizon), Sprint Communications Company, LP (Sprint), NextG Networks of California (NextG), and AT&T Communications of California, Inc. (AT&T). Each and all Respondents are subject to the Commission's jurisdiction and to state law, and to the Commission's general orders, rules, and decisions. Among other things, these authorities set forth requirements pertaining to the construction, inspection, and maintenance of utility poles, including the wires and other utility equipment attached to the poles.

This order provides notice that the Commission will set a hearing to determine whether any or all Respondents have violated the Commission's general orders or other applicable authority pertaining to the leakage of the Malibu utility poles and the

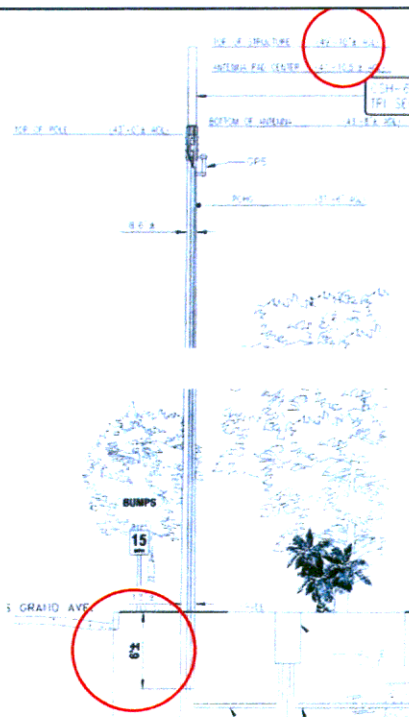
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Potential Threat To Public Safety

- Grand & California is classified as a **High Fire Hazard Severity Zone (HFHSZ)** and 1 block east of a **Very High Fire Hazard Severity Zone (VHFHSZ)**
- Potential for 2007 Malibu fire situation during earthquake or car crash
- Liability falls on Pasadena for approving antenna?



- Existing pole with new antenna is 49'10" AGL
- T-Mobile technical drawings show **6' depth** of pole below ground
- New total length is 49'10" + 6' = 55'10"
- CPUC GO 95 Rule 49.1-C calls for **7' depth** in soil for poles 55' long.
- Adding antenna may be **prohibited** by CPUC regulations – PWD review is pending
- Liability falls on Pasadena for approving antenna?



C Setting of Poles

The depths of pole setting given in Table 6 are applicable to wood poles set in firm soil or in solid rock. Where the soil is not firm, deeper settings or other special methods of pole setting should be used. Where unguaged poles are set subject to heavy strain, or at corners or curves, deeper settings or other special measures to prevent overturning or excessive movement of the pole at the ground line should be used.

Metallic poles, prestressed concrete poles, or poles of other non-wood materials that are set directly in firm soil or rock shall be set at least as deep as specified in Table 6 for wood poles. Where the resultant bearing surface of these poles is not sufficient to prevent overturning or excessive movement of the pole at the ground line under maximum loading conditions, special measures such as heel and toe bracing, setting in concrete, bolting to a concrete foundation, or other special methods shall be used.

Note: Revised July 26, 1966 by Decision No. 71009, February 13, 1974 by Decision No. 82466, January 19, 1994 by Resolution SU-25 and October 9, 1996 by Resolution SU-40.

Table 6: Pole Setting Depths of Wood Poles

Total Length of Pole (feet)	Depth in Soil (feet)	Depth in Rock (feet)
20	4	3
25	4 1/2	3
30	5	3
35	5	3 1/2
40	5 1/2	3 1/2
45	6	4
50	6 1/2	4
55	7	4 1/2
60	7	4 1/2
65	7 1/2	5
70	7 1/2	5
75	8	5 1/2
80	8	6

Note: Revised March 9, 1988 by Resolution E-J076

Rule 49.1-D

<http://docs.cpuc.ca.gov/published/Graphics/13352.PDF>

Summary of Findings

- Incomplete justification study/coverage maps
- Alternate site proposals are better compromises
- Not proven “least intrusive site”
- Adverse aesthetic impacts
- Negative impact to view shed & property values
- Not consistent with the character of neighborhood
- Incomplete application - ordinance violations
- Potential public safety hazard
- Addition of antenna may not meet CPUC GO 95
- All may be grounds for application denial

City Council Actions

- Uphold the appeal
- Deny the T-Mobile application
- “Shot clock” restraints make this the only reasonable City Council action.
- Continuation/modifications not warranted.
- City encourages further efforts to provide service to subject area via *de novo* application by T-Mobile at more appropriate site.

Finally, Public Opinion

- T-Mobile customers needing signal and not near proposed antenna: something to gain and nothing to lose - **PRO**
- Non T-Mobile customers near proposed antenna: nothing to gain and everything to lose – **CON**
- Each group motivated by own needs, not necessarily neighborhood's needs.
- This is not a Council decision based on raw votes.
- City Council needs to decide merits of application considering the balance of overall neighborhood needs, aesthetics, "least intrusive site" criteria and guidelines set by prevailing ordinances.

Flores, Silvia

Subject: FW: Permit for cell phone tower at Calif. Blvd. at Grand Ave.

From: Yee, Richard
Sent: Tuesday, November 08, 2011 2:16 PM
To: Jomsky, Mark
Subject: FW: Permit for cell phone tower at Calif. Blvd. at Grand Ave.

Mark,

FYI

From: Rpm229@aol.com [mailto:Rpm229@aol.com]
Sent: Tuesday, November 08, 2011 1:57 PM
To: Madison, Steve; Bogaard, Bill
Cc: Rix, Dan; Yee, Richard; Wu, Yannie
Subject: Permit for cell phone tower at Calif. Blvd. at Grand Ave.

To Steve Madison and the Pasadena City Council,

I live within three blocks of California Boulevard and Grand Avenue, and I support the installation of a cell phone antenna at that location.

Our neighborhood really needs improved cell phone reception!

Also I think the permit process has taken too long, due to the ill-conceived objections put forth against it and the poor response of city staff to the permit application.

Please approve this installation and expedite the permit process.

Thank you,

Robert P. Miller
306 California Terrace
Pasadena, CA 91105