Brennan, Kaitlin

From: Allen, Michael (COB)
Sent: Monday, March 15, 2010 5:23 PM
To: Lee-Rodriguez, Nicole
Subject: FW: Court rulings in favor of Barring cell antenna's due to aethetics

Web…

From: Jshefflin@aol.com [mailto:Jshefflin@aol.com]
Sent: Monday, March 15, 2010 5:04 PM
To: Allen, Michael (COB); SupervisorCarbajal; Wolf, Janet; Farr, Doreen; Gray, Joni; Centeno, Joseph
Subject: Court rulings in favor of Barring cell antenna's due to aethetics

Dear Supervisors,

the following shows Court rulings in favor of Barring cellular antenna's in several communities. I'm sending these for your reference regarding our current issue with NextG.

Please review these cases to see how you can help our community take back control of the placement of such antennas currently permitted by Next G.:

1)

Court rules Palos Verdes Estates can bar cellular antennas

By Natalie Jarvey Staff Writer
Posted: 10/29/2009 03:23:21 PM PDT

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• The stunning views and carefully planned landscapes of Palos Verdes Estates won't be disrupted anytime soon.

The U.S. 9th Circuit Court of Appeals ruled earlier this month that city officials could bar the installation of cellular antennas that obstruct city aesthetics.

This ruling overturns a 2005 district court decision that Palos Verdes Estates violated state law when it did not approve the installation of two Sprint wireless communications facilities for aesthetic reasons.

"**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," a three-judge panel determined in the ruling**.

The panel noted also the importance of aesthetics in city planning.

"The experience of traveling along a picturesque street is different from the experience of traveling through the shadows of a WCF, and we see nothing exceptional in the City's determination that the former is less

discomforting, less troubling, less annoying, and less distressing than the later," the Oct. 13 ruling stated.

Concerns over aesthetics began the dispute in 2002 when the city's Planning Commission approved the installation of eight Sprint antennas but denied the installation of two others.

"The locations, as proposed, created significant view impacts for our residents," said Allan Rigg, director of planning and public works.

One antenna was proposed for Via Azalea, a small residential street. The other, on Via Valmonte, called for a 43-foot antenna near one of the four main entrances to the city.

"It significantly detracted from the beauty of our area," Rigg said. "We spoke about easy ways to significantly mitigate those impacts if not entirely limit them, but Sprint decided not to make those changes."

Sprint spokesman Matt Sullivan said his company negotiated to address the city's concerns, offering to shorten or camouflage the antennas.

"Our main concern is providing high quality wireless coverage to customers, though we are concerned about the impacts of the decision," he said.

The City Council, however, denied the application in April 2003.

Sprint took the case to the federal court, arguing that the city's rejection of the antennas because of "adverse aesthetic impacts" violated the 1996 Telecommunications Act, which prohibits any interference in the provision of wireless communication.

The district court ruled in favor of Sprint, concluding that Palos Verdes Estates had hindered the company from closing a gap in coverage.

At the time Sprint served more than 4,000 customers in Palos Verdes Estates, and **Rigg argued that the antennas were not necessary for adequate coverage**.

"**There was significant coverage for Sprint at both locations already," he said. "There weren't significant holes and either of those two locations**."

The appeals court ruled in favor of Rigg's argument, concluding that the California Constitution grants local governments the right to make and enforce all ordinances not in conflict with state laws.

This ruling could impact Sprint's pending projects, but Sullivan said it's too early to determine what the final effect would be.

Sprint will request a rehearing in the coming weeks, Sullivan said.

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2)

MOTION BY SUPERVISORS ZEV YAROSLAVSKY AND MICHAEL D. ANTONOVICH June 2, 2009

There is an ongoing debate within the scientific community and among governing bodies throughout the world regarding how thoroughly the long-term health effects of low-frequency electromagnetic and radio-frequency emissions are understood. In particular, questions have been raised regarding how well the existing regulations established by the Federal Communications Commission **protect more vulnerable populations such as school-aged children, and how well they protect against the cumulative effect of radio-frequency emissions on people who live or work in close proximity to multiple cellular facilities**. **Unfortunately**, Section 704 of the Federal Telecommunications Act of 1996 prevents local governments, including the County of Los Angeles, from opposing the placement of personal wireless service facilities on the basis of the environmental or health effects of radio-frequency emissions to the extent that the proposed facilities comply with the Federal Communications Commission regulations concerning such emissions.

In addition, the California Public Utilities Code unfairly limits the authority of

local governments to regulate wireless facilities in public rights of way.
As long as questions exist as to the adequacy of these federal regulations, local 2 governments should have the ability to include a consideration of the health and environmental effects of these facilities when deciding whether or not to approve the construction or modification of a cellular communications facility. The County should also have expanded discretion to decide how, when and where cellular facilities should be sited within the road right of way due to the unique aesthetic and safety issues that these facilities raise.

WE, THEREFORE, MOVE that **the Board of Supervisors instruct the County's legislative advocates to actively seek and support federal legislation to repeal limitations on state and local authority imposed by the Telecommunications Act of 1996 that infringe upon the authority of local governments to regulate the placement, construction**,**and modification of telecommunications towers and other personal wireless services facilities on the basis of the health and environmental effects of these facilities, and to submit comments on the National Broadband Policy in furtherance of these policy goals** prior to the June 8, 2009 comment deadline. **WE FURTHER MOVE that the Board of Supervisors instruct the County's legislative advocates to actively seek and support state legislation that would give local governments greater flexibility to regulate the placement of cellular facilities within the road right of way given the unique aesthetic and safety issues that these facilities raise**.

BS S:/Motions/Cell Phone Leg
MOTION
MOLINA _____
RIDLEY-THOMAS _____
YAROSLAVSKY _____
ANTONOVICH _____
KNABE _____

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3)

MOTIONS/RESOLUTIONS PRESENTED TO
THE LOS ANGELES CITY BOARD OF EDUCATION FOR CONSIDERATION
SUBJECT: Effects of Non-Ionizing Radiation
DATE NOTICED: 6/13/00 PRESENTED FOR ACTION: 6/27/00
(Waiver of Board Rule 72)
PRESENTED BY: Ms. Julie Korenstein MOVED/SECONDED BY: Ms. Korenstein/ Mr. Lansing
MOTION: X RESOLUTION:
Whereas, The health and safety of our students and employees are fundamental

concerns of the Los
Angeles Unified School District;
Whereas, There continues to be considerable debate and uncertainty within the scientific community
as to **the potential health effects to individuals, especially children, from exposure to extremely low**
frequency electromagnetic and radio-frequency radiation;

Whereas, A number of epidemiological and biological studies are inconclusive with regard to the
carcinogenic potential of exposure to extremely low frequency electromagnetic fields, and the
National Institute of Environmental Health Sciences/National Institutes of Health recently concluded that **enough evidence exists to support the classification of electromagnetic fields as a possible human**
carcinogen;

Whereas, **Recent studies suggest there is evidence that radio-frequency radiation may produce "health effects" at "very low field" intensities**;

Whereas, The scientific community and most health officials agree that more research is needed to
provide a definitive answer as to the effects of extremely low frequency electromagnetic and radio frequency radiation on our health and recommend the **prudent avoidance of equipment which generates non-ionizing radiation**;

now, **therefore, be it**
Resolved, That **the Board of Education of the City of Los Angeles petition the California Environmental Protection Agency to perform the appropriate research and experimentation to determine the effects of non-ionizing radiation on the health, of not only adults, but children who are the most vulnerable** and, if appropriate, establish a safe level of exposure;

and be it Resolved, further, That **the Board of Education oppose the future placement of cellular telecommunications towers on or immediately adjacent to school property currently owned by the**
District until appropriate regulatory standards are adopted.

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4)

RESOLUTION No.
Request the federal government to update studies on potential health effects of radio frequency wireless emissions in light of significant increases in wireless use.

WHEREAS, federal law preempts state and local governments, including the City of Portland, from considering health concerns in the regulation and placement of wireless facilities, so long as such facilities otherwise comply with applicable federal law; and

WHEREAS, the Federal Communications Commission (FCC) has jurisdiction over non-federal wireless facilities, authorizing and licensing all non-federal devices, transmitters and facilities that generate Radio Frequency (RF) radiation; and
WHEREAS, the FCC relies upon federal agencies with health and safety expertise, such as the Food and Drug Administration (FDA), the Environmental Protection Agency, the National Institute for Occupational Safety and Health, and the Occupational Safety and Health Administration which have assigned roles in federal law for monitoring and investigating issues related to RF exposure; and

WHEREAS, the Government Accounting Office in **2001** prepared a report of its investigation into safety concerns related to mobile phones, and concluded that further research into wireless technology is needed, recommending the FDA take the lead in monitoring research results; and
WHEREAS, the FCC in **2003** last updated guidelines for human exposure to RF electromagnetic fields from wireless facilities, based primarily on recommendations of other federal agencies after reviews of prior scientific literature related to RF biological effects, primarily from the **1990s**; and

WHEREAS, a survey released in **May 2009** from the Centers for Disease Control and Prevention concluded that for the first time the number of households in the U.S. with only a cell phone exceeds the number of households in the U.S. with only a landline phone;

NOW THEREFORE BE IT RESOLVED that the Portland City Council requests the FCC to work in cooperation with the FDA and other relevant federal agencies to revisit and update studies on potential health concerns arising from RF wireless emissions in light of the national proliferation of wireless use; and

BE IT FURTHER RESOLVED, that the Council Clerk shall cause a copy of this Resolution to be sent to all members of the FCC, to the FDA Commissioner, and to all members of the Oregon Congressional Delegation.
Adopted by the Council: Gary Blackmer
Commissioner Amanda Fritz Auditor of the City of Portland
May 12, 2009 By
Deputy

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5)

27 F.Supp.2d 284
(Cite as: 27 F.Supp.2d 284)
United States District Court,
D. Massachusetts.
NATIONAL TELECOMMUNICATION ADVISORS, LLC, Plaintiff,
v.
BOARD OF SELECTMEN OF THE TOWN OF WEST STOCKBRIDGE, et al., Defendants.
Civil Action No. 98-30119-MAP.
Nov. 19, 1998.
Wireless telecommunications provider brought action against town after town denied provider's application for special permit to construct telecommunications monopole, alleging that town violated Telecommunications Act of 1996 (TCA). Provider moved forpreliminary injunction and order of mandamus. The District Court, Ponsor, J., **held that: (1) town's six-month moratorium on ssuance of special use permits for wireless communications facilities was reasonable under Act**; (2) **town did not unreasonably discriminate among wireless service providers in violation of Act**; and (3) **town complied with Act's requirement that denial of application be in writing and supported by substantial evidence contained in written record**.
Motion denied.
West Headnotes

[1] Zoning and Planning k439.5
Although Telecommunications Act of 1996 (TCA) requires local governments to act on applications for personal wireless service
facilities within a reasonable time, Act was not intended to give preferential treatment to personal wireless service industry in
the processing of requests, or to subject their requests to any but the generally applicable timeframes for zoning decision.
Communications Act of 1934, s 332(c)(7)(B)(ii), as amended, 47 U.S.C.A. s 332(c)(7)(B)(ii).

[2] Zoning and Planning k86
**Town's six-month moratorium on issuance of new special use permits for wireless communications facilities did not violate section
of Telecommunications Act of 1996 (TCA) requiring local governments to act on applications for personal wireless service facilities
within a reasonable time, where nothing in record suggested that moratorium was other than necessary and bona fide effort to act carefully in field with rapidly evolving technology**. Communications Act of 1934, s 332(c)(7)(B)(ii), as amended, 47 U.S.C.A. s
332(c)(7)(B)(ii).

[3] Zoning and Planning k86
Town did not engage in unreasonable discrimination among wireless service providers in violation of Telecommunications Act of 1996, by imposing six-month moratorium on issuance of new special use permits for wireless communications facilities after provider applied for special use permit to construct telecommunications monopole; affidavits provided by town supported town's claim that moratorium was not aimed specifically at provider, record contained no evidence that town treated other applicants more favorably, valid basis existed for moratorium, and record reflected no ill will either towards provider or towards telecommunications industry in general. Communications Act of 1934, s 332(c)(7)(B)(i)(I), as amended, 47 U.S.C.A. s 332(c)(7)(B)(i)(I).
[4] Zoning and Planning k439
Town complied with requirement in Telecommunications Act of 1996 (TCA) that denial of application for construction of personal wireless service facility be in writing and supported by substantial evidence contained in written record, even though written record was brief, where basis for denial was straightforward. Communications Act of 1934, s 332(c)(7)(B)(iii), as amended, 47 U.S.C.A. s 332(c)(7)(B)(iii).
*285 Nancy Frankel Pelletier, Robinson, Donovan, Madden & Barry, Springfield, MA, for Plaintiff.
Ilana M. Quirk, Kopelman & Paige, P.C., Boston, MA, Barbara J. Saint Andre, Kopelman and Paige, P.C., Town Counsel, Boston, MA, for Defendants.
MEMORANDUM REGARDING PLAINTIFF'S MOTION FOR ISSUANCE OF INJUNCTIVE RELIEF AND ORDER OF MANDAMUS
(Docket No. 2)
PONSOR, District Judge.
I. INTRODUCTION
On February 11, 1998, plaintiff National Telecommunication Advisors, LLC ("NTA") filed an application with the Board of Selectmen of the Town of West Stockbridge ("the Board") for a special permit to construct a 190-foot telecommunication monopole on a site in West Stockbridge Mountain as part of its wireless communication services network. NTA charges that, after the application was submitted, the Board unlawfully continued a public hearing on the matter and then enacted a six-month moratorium on granting such permits, with the result that when the public hearing was finally held the Board voted to deny the permit in light of the moratorium.
NTA alleges that the defendants' actions violated the federal Telecommunications

Act of 1996 ("TCA"), as well as Mass.Gen.Laws ch.
40A, 42 U.S.C. s 1983 and local zoning ordinances. NTA seeks declaratory relief annulling the moratorium, injunctive relief and
an order of mandamus compelling the Board to grant NTA the necessary permits. After argument this summer, the court gave counsel
until August 17, 1998 to submit additional papers. As result of an unusually heavy trial schedule, the court's decision has been
delayed until now.
For the reasons set forth below, the plaintiff's motion will be denied.
II. FACTUAL BACKGROUND
In January of 1998, after determining that a site in West Stockbridge was appropriate for the telecommunication tower it wished to
construct, NTA entered into a lease for the site with a private landowner. On February 11, 1998, NTA filed a request with the
defendant Board for a special permit to build the tower.
On March 2, 1998, the Town Administrator advised NTA by letter that a public hearing regarding the request was scheduled for March
25, 1998 as required by Mass.Gen.Laws ch. 40A. In the letter, however, the Town Administrator informed NTA that there was a
vacancy on the Board and that it was likely that the hearing scheduled for March 25 would be postponed until May, after the vacancy
had been filled.
On March 11, 1998, unbeknownst to NTA, the Town of West Stockbridge gave notice pursuant to a warrant of a special Town Meeting to
be held on March 30, 1998 to address the issue of telecommunication towers. Plaintiff alleges that there was no proper
publication of this notice as required by Mass.Gen.Laws ch. 40A, s 5.
On March 17, 1998, NTA responded to the Town Administrator's letter, stating that NTA did not agree to any postponement of the
March 25 hearing and that it wished to proceed before the existing members of the Board.
On March 30, 1998, the special Town Meeting was held and a six-month moratorium was enacted on the granting of "any special permit
relative to commercial communication activities, including receiving facilities and antennas." The public hearing regarding *286
NTA's application, previously scheduled for March 25, was subsequently postponed to May 20, 1998.
The minutes of the March 30 West Stockbridge Town Meeting, at which the moratorium was adopted, indicate careful consideration of
the purposes of the moratorium. The "Introduction and Statement of Purpose" of the amendment to the zoning bylaw containing the
moratorium states:
a. The increasing use of business and personal devices relying on personal wireless service facilities, often referred to as

wireless telecommunications facilities, has generated a significant number of applications for the placement, construction, and
modification of such facilities throughout the Commonwealth. Given the rapidly evolving nature of the underlying technology, the
Town has not had an opportunity to review and analyze the range of land use and regulatory issues raised by such facilities.
b. By enacting this moratorium, the Town believes it will have sufficient time to develop reasonable regulations regarding the
placement, construction, and modification of personal wireless service facilities. The Town does not intend the moratorium to
prohibit or have the effect of prohibiting the provision of personal wireless services; rather, it is a short-term suspension on
new facilities until appropriate regulations can be developed. The Town fully recognizes its responsibilities under the
Telecommunications Act of 1996. The Town believes, however, that full and impartial compliance with the Act is best accomplished
through thoughtful analysis and subsequent regulatory guidance and that this approach is in the best interest of the Town and its
inhabitants as well as the telecommunication industry.
Cooper Affidavit (Docket No. 10 at Ex. D) (emphasis supplied).
The moratorium bylaw goes on to note that it has been adopted "pursuant to the Town's responsibilities to protect public health,
public welfare and public safety."
At the May 20, 1998 public hearing regarding NTA's application, the Board noted the moratorium and suggested continuing the
hearing until after the expiration of the moratorium on September 30, 1998. When NTA pressed for an immediate vote, the Board
denied the application because of the existence of the moratorium.
On June 16, 1998, plaintiff filed this lawsuit, and on July 7, 1998 the plaintiff's Motion for Preliminary Injunction and Order of
Mandamus followed.
III. DISCUSSION
The Telecommunications Act of 1996 ("TCA"), 47 U.S.C. ss 151 et seq., was enacted to "encourage the rapid deployment of new
telecommunications technologies." Reno v. American Civil Liberties Union, 521 U.S. 844, 117 S.Ct. 2329, 2337, 138 L.Ed.2d 874
(1997). Included within the TCA are provisions concerning the development of competitive markets, Bell operating companies,
broadcast services, cable services, regulatory reform and the control of obscenity and violence. See 47 U.S.C. ss 151, et seq.
The statute imposes obligations on local zoning authorities to foster the rapid development of the fast-growing field of
communications technology. Specifically, in making decisions about the placement, construction and modification of personal

wireless service facilities, local governments (1) shall act on any request for authorization "within a reasonable period of time
after the request is duly filed," 47 U.S.C. s 332(c)(7)(B)(ii); (2) "shall not unreasonably discriminate among providers of
functionally equivalent services," 47 U.S.C. s 332(c)(7)(B)(i)(I); and (3) "shall not prohibit or have the effect of prohibiting
the provision of personal wireless services." 47 U.S.C. s 332(c)(7)(B)(i)(II). The TCA further establishes (4) that denials of
applications "shall be in writing and supported by substantial evidence contained in a written record." 47 U.S.C. s
332(c)(7)(B)(iii).

NTA alleges that the Town has violated these four provisions. The evidence does not support plaintiff's claim.

A. Unreasonable Delay

NTA argues that the defendants' passage of the moratorium was merely a delaying *287 tactic. The Town's intransigence, plaintiff
says, was especially glaring, since a workshop had been sponsored by the Berkshire Regional Planning Commission on "Preparing Towns
for the Telecommunications Act of 1996" more than a year prior to the adoption of the moratorium.

[1] Although the TCA requires local governments to act on applications for wireless service facilities within a reasonable time,
the statute was not intended "to give preferential treatment to the personal wireless service industry in the processing of
requests, or to subject their requests to any but the generally applicable timeframes for zoning decision." Sprint Spectrum, L.P.
v. City of Medina, 924 F.Supp. 1036, 1040 (W.D.Wash.1996) (quotation omitted).

[2] In Medina, the District Court upheld a six-month moratorium on the issuance of new special use permits for wireless
communications facilities, explaining that Congress did not intend "to force local government procedures onto a rigid timetable
where the circumstances call for study, deliberation, and decision-making." Id. As in Medina, nothing in the record of this case
"suggests that [the moratorium] is other than a necessary and bona fide effort to act carefully in a field with rapidly evolving
technology." Id. Although West Stockbridge has concededly had more time than the City of Medina since the passage of the TCA, it
is not unreasonable for the Town to seek a relatively short period of time to develop reasonable regulations regarding the
placement of these facilities.

Sprint Spectrum, L.P. v. Jefferson County, 968 F.Supp. 1457 (N.D.Ala.1997), is not to the contrary. In that case, the District
Court held that a moratorium was void under state law, where it was not adopted in accordance with state procedural requirements

and where the county had already imposed two previous moratoria. See id. at 1465-67. Notably, the court there did not suggest
that either of the first two moratoria were improper.
This court is aware that other district courts have issued orders pursuant to the TCA forestalling the effect even of first-time
moratoria. See, e.g., Sprint Spectrum, L.P. v. Town of Farmington, No. 3:97 CV 863(GLG), 1997 WL 631104 (D.Conn. Oct.6 1997).
In the end, however, "each situation must be independently examined" and this court finds that the moratorium in this case simply
was not unreasonable. Virginia Metronet, Inc. v. Board of Supervisors, 984 F.Supp. 966, 976-77 (E.D.Va.1998) (finding
fourteen-month delay not per se unreasonable under TCA); Illinois RSA No. 3, Inc. v. County of Peoria, 963 F.Supp. 732, 746
(C.D.Ill.1997) (holding six-month delay in rendering final decision not per se unreasonable).
B. Discrimination
[3] The TCA prohibits unreasonable discrimination among service providers. NTA contends that the moratorium was imposed in
direct response to its application, and that the Town therefore discriminated. Affidavits provided by the Town, however, support
its claim that the moratorium was not aimed specifically at NTA. Moreover, the record contains no evidence that the Town has
treated other applicants more favorably. As noted above, a valid basis existed for the moratorium. Additionally, the record
reflects no "ill will" either towards NTA or towards the telecommunications industry, in general. See AT & T Wireless PCS, Inc.
v. City Council of the City of Virginia Beach, 155 F.3d 423, 427-28 (4th Cir.1998) (holding that city did not discriminate in the
absence of a showing of "ill will"); Cellco Partnership v. Town Plan and Zoning Com'n of Town of Farmington, 3 F.Supp.2d 178, 185
(D.Conn.1998) (finding no discrimination where no evidence existed that Commission treated providers differently). In sum, no
discrimination has been shown under the TCA as a matter of law.
C. Prohibition
It is very difficult for an applicant to argue that denial of a single application effectively establishes an intent to prohibit,
or effectively prohibit, the provision of personal wireless services. See Cellco, 3 F.Supp.2d at 185. A contrary conclusion
"would effectively nullify local authority by mandating approval of all *288 (or nearly all) applicants, a result contrary to the
explicit language of Section (B)(iii), which manifestly contemplates the ability of local authorities to 'deny a request.' " AT &
T Wireless PCS, 155 F.3d at 428.
Indeed, as the court will reiterate below, plaintiff in this case is fully entitled to

reapply for an appropriate permit under the
terms of applicable regulations. Unwarranted delay, and groundless or arbitrary denial of the application would entitle the
plaintiff once more to seek relief from this court. There has been no showing of any "prohibition" in these circumstances.
D. Substantial Basis in the Record
[4] Contrary to NTA's claim, the Town complied with the requirement that denials "shall be in writing and supported by substantial
evidence contained in a written record." 47 U.S.C. s 332(c)(7)(B)(iii). It is true that the written record in this case is
brief, since the basis for denial is straightforward. This brevity, however, does not amount to any absence of adequate support
for the Town's decision.
IV. CONCLUSION
For the foregoing reasons, the plaintiff's Motion for Injunctive Relief and Order of Mandamus is hereby DENIED. This ruling is,
as noted, without prejudice. Obviously, the moratorium in question has now expired by its own terms. Plaintiff is free to
resubmit its application in accordance with whatever procedures have now been adopted by the Town and consistent with any standards
set forth in applicable regulations. Unreasonable delay, discrimination, arbitrariness or other violations of the TCA may warrant
a renewal of plaintiff's motion.
The clerk will be ordered to set this matter down for a status conference to determine future proceedings.
END OF DOCUMENT

Thank you,

Joanne Shefflin
995 Lilac Dr.
Montecito, CA 93108

Lee-Rodriguez, Nicole

From: Ken Saxon [ksaxon@silcom.com]
Sent: Monday, March 15, 2010 7:25 PM
To: sbcob
Subject: letter to the Supervisors

March 15, 2010

Dear Santa Barbara County Board of Supervisors:

I am writing to express my extreme concern about NextG's plan to install wireless cellular antennas next to our homes and schools throughout Santa Barbara County.

These cell antennas represent a real and significant threat to our communities on multiple fronts, aesthetics, property values, and health being but three of the most important.

Currently, the County Ordinance allows cell antenna installations next to homes and schools without any neighborhood oversight or control. Indeed, **some antennas have already been installed within Public Utility Easements on homeowners' properties with no notification to the homeowner and without their consent.** Because these antennas and related equipment represent a visual blight and raise serious health concerns, it has been conclusively shown that the presence of a cell antenna on or near a property can reduce that property's value by 15% or more. Thus, I strongly believe that cell antennas need to be sited very carefully to protect the best interests of the community, and that residents should have the right to determine whether a cell tower or antenna is installed on their property.

I am aware that the applications submitted by NextG to install cell antennas throughout our county represent but the first wave of such installations. Should NextG be permitted unfettered license to install antennas wherever they see fit, it will inevitably open the door to other companies who wish to do the same thing. This means that we could soon be seeing these antennas going up on literally any and all utility poles throughout our county, and we, the residents, will have absolutely no say in the matter.

This kind of antenna proliferation would drastically change the way our streets and neighborhoods look and feel, and to allow it is tantamount to permitting outside corporate control over community property values and aesthetics. The County has the right and duty to regulate installations of this kind based on aesthetics and protection of property value.

I beseech the Board to act NOW, before it is too late. Please vote to deny NextG's permits and their appeal on March 16th, 2010.

Thank you for your attention to this letter.

Ken Saxon

Ken Saxon
270 Santa Rosa Lane
Santa Barbara, CA 93108
phone -- (805) 884-9223
email -- ksaxon@silcom.com