



Staff Reports

File #: 1384-2018, **Version:** 1

To: Honorable Mayor and Members of City Council

From: Jacques R. LaRoche, Public Works Director

Prepared By: Eric Whan, Deputy Public Works Director

TITLE:

Administrative Process for Regulating Installations of Small Cell Antennae

RECOMMENDED ACTION:

Receive report on administrative process for reviewing and regulating small cell antennae installations.

DISCUSSION:

Cellular technology has evolved over the years and the level of demand has risen sharply in response to available technology. Personal cellular devices and other connected devices are no longer a luxury item but rather an ingrained part of our daily lives and culture. Cell phones are even replacing traditional hard-wired land lines within homes and in public. This wireless technology is mobile and therefore allows individuals the freedom to access all forms of communication and information at any time and place. The increased use of cellular technology as a phone or to access social media, texting or other data-driven interactions is putting a strain on existing wireless networks. To meet the continued demand for greater and faster data exchange, the industry is responding by installing equipment that will meet the continued demand as well as support the next generation of cellular technology.

Over the years, traditional cellular infrastructure involved the installation of large antennae sites or macro cell sites in various locations to provide service coverage to customers. These systems are typically high power, and their range covers a broad geographical area. Because of the increased demand and evolving phone technology, small cells are being proposed for installation to improve service coverage and increase network capacity. These facilities are lower power and have a limited range when compared to macro sites. The ones proposed by Verizon Wireless will have a range of about 1000 feet. The intent is to install these antennae in multiple locations to fill gaps or improve coverage or near locations where there are greater concentrations of network users and demand is significant (e.g., commercial areas, event centers, etc.).

The City's authority to regulate these facilities is limited by preemptive laws at the state and federal levels. In general, the City has the authority to regulate the placement, construction, and modification of small cell antennae within City rights-of-way based on considerations of public safety and aesthetics; however: (1) the City is preempted from regulating facilities on the basis of environmental effects of radio frequency emissions that comply with federal regulations, (2) the City cannot unreasonably discriminate among providers of functionally equivalent services, and (3) the City

regulation cannot have the effect of prohibiting the provision of personal wireless services.

The City's current administrative process for considering requests to install small cell antennae is addressed through applications for an Encroachment Permit ("EP"). Through the EP process, the City evaluates the scope of the proposed small cell equipment (e.g., poles, wires, conduits, etc.) and their location within the public right of way. Things such as safety (e.g., sight distance, height above ground, etc.), size and shape of elements, access to the public right of way, impact of the facility on the City's ability to use the public right of way, and aesthetics may be considered when evaluating proposed small cell installation locations. As noted above, the City is prohibited from making decisions either directly or indirectly on the environmental effects of radio frequency (RF) emissions assuming the provider is in compliance with FCC rules.

To date, City staff has followed this administrative process in the review of initial EP application submittals from Verizon Wireless. They were the first provider to submit applications for this type of technology and are the furthest along in the process. Proposed site location(s) along with proposed equipment were reviewed and limitations and impact to the City's ability to use the public right of way were considered. Other factors such as sight distance, obstructions to paths of travel, ground clearances, etc. were looked at as well. Aesthetics were also considered to a certain degree, depending on antennae locations and the type of existing utility pole (wood vs metal street light/signal) proposed to be used. Some locations originally proposed by Verizon were changed to a more suitable location nearby considering pole location and surrounding conditions.

An "open architecture" was proposed by Verizon for mounting equipment on wood utility poles in those areas where existing overhead utility lines existed. Basic examples (photo simulations) were provided to staff and examples were presented to Council last December while considering a use agreement between the City and Verizon Wireless. This type of installation technique was initially supported by staff since the units would be mounted higher on the existing wood pole and therefore out of typical sight lines at ground level. These units, while somewhat larger than other utilities, would be similar to many other types of utility infrastructure already existing on wood poles throughout neighborhoods in the City. This type of installation would also eliminate the need to install relatively large metal cabinets to house the equipment, where one didn't exist before, adjacent to the proposed pole location. Some of the proposed pole locations would place the cabinet in between the sidewalk and curb resulting in impacts to landscaping, obstructing paths of travel, or creating sight distance issues at driveways or street corners.

For those locations where utilities were located underground, and Verizon proposed to use existing City infrastructure, such as street lights or traffic signals, the wireless infrastructure is proposed to be located in ground cabinets adjacent to the proposed pole locations. Staff went through a similar evaluation process for each site and recommended changes as appropriate using similar evaluation criteria.

Once staff provided input on the proposed sites, Verizon was asked to outreach to surrounding residents for those locations identified in the initial EP applications. The meeting resulted in various concerns and issues being raised by the community. These included comments and questions ranging from aesthetics to specific antennae locations, to the ability to allow small cell infrastructure installations in general. Staff is working with Verizon and their team to assess the concerns and issues raised at their public meeting and will work to incorporate changes where feasible. Staff has asked for more information about screening/shielding options for equipment. Proposed site locations

will also be reevaluated with Verizon's team to identify possible alternative locations for those sites where residents voiced specific siting concerns at their public meeting. This will continue to be an iterative process to ensure that what is installed is reasonable and is situated in an appropriate location to the greatest extent possible considering the need and concerns raised.

It should be noted that the first few EP applications submitted by Verizon Wireless are just the beginning. They plan to submit additional applications for other sites. There are also three other companies planning to submit EP applications for small cell infrastructure in the near term. We plan to utilize the same process to review, evaluate and issue permits for those facilities as well.

FINANCIAL IMPACTS:

There is no impact to the General Fund. The City may recover some its costs through Encroachment Permit fees or through licensing fees depending on agreements negotiated with each provider.

CEQA:

The Public Works Director has determined that the Recommended Action described in this Agenda Report is not subject to CEQA, pursuant to CEQA Guidelines Section 15060(c).

DOCUMENTS ATTACHED:

None.

NOTIFICATION:

None.