

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: GABE OSBURN, DEPUTY DIRECTOR OF DEVELOPMENT
SERVICES
PLANNING AND ECONOMIC DEVELOPMENT
SUBJECT: WIRELESS SMALL CELL DEPLOYMENT ON CITY OWNED
STREET LIGHTS AND JOINT UTILITY POLES

AGENDA ACTION: STUDY SESSION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Council conduct a study session to provide an update regarding the current and future deployment of wireless small cell facilities within the City limits, as well as potential future modifications to cellular facility codes and polices intended to address community concerns.

EXECUTIVE SUMMARY

The purpose of this study session is to provide an update regarding the current and future deployments of wireless small cell facilities within the City limits, as well as potential future modifications to cellular facility codes and polices intended to address community concerns.

BACKGROUND

On February 14, 2017, Council adopted an amendment to Council Policy 300-04, Development of Telecommunication Facilities on City Property and Installation of Antennas on City Facilities, allowing cellular providers to deploy smaller and lower powered wireless infrastructure on City owned street lights and utility poles. These installations, which are commonly referred to as "small cells", are intended to close existing coverage gaps and allow for the delivery of increased data speeds and broader voice coverage.

Since the amendments to Council Policy 300-04, multiple cellular providers have approached the Planning and Economic Development Department with intentions to deploy small cell installations on City owned street lights and joint utility poles. Master

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Communications License Agreements allowing the deployment of small cells within the City limits were executed with Verizon Wireless on May 11, 2017 and with Mobilitie on January 8, 2018. Execution of the license agreements prior to any deployment on City owned infrastructure is a required element under the Council Policy.

The installations of small cells began towards the beginning of 2018, with the totality of the active sites at that time belonging to Verizon Wireless. All of the completed installations performed by Verizon Wireless were installed on wooden joint utility poles that are not owned and maintained by the City. AT&T has recently submitted an initial phase of encroachment permits to perform installation on joint poles as well.

Council Policy 300-04 addresses the required processes associated with gaining approval and permitting for installations on City owned poles within the public right-of-way. Installations on joint utility poles and not addressed within the policy and must obtain an encroachment permit for any work performed in the public right-of-way. The requirements associated with working in the public right-of-way under an encroachment permit are outlined in Chapter 13 of the Santa Rosa City Code.

PRIOR CITY COUNCIL REVIEW

On July 11, 2000, Council adopted Council Policy 300-04, "Development of Telecommunication Facilities on City Property and Installation of Antennas on City Facilities", under Resolution No. 24490

On February 15, 2011, Council Policy 300-04 was amended to improve the application process by providing for the involvement of the Planning and Economic Development Director at the conceptual review stage of the application. The amendment included a reference to Chapter 20-44 of the City Code, Telecommunications Facilities, which sets forth entitlement requirements. The amendment also included additional language stating that the functioning of a City facility is of primary importance and that telecommunication facilities will not be considered if they will in any way impact the provision of services including maintenance and operations.

On February 14, 2017, Council adopted a second amendment to Council Policy 300-04 allowing cellular providers to deploy small cells on City owned infrastructure within the public right-of-way. The amendment addresses the policies and procedures that must be followed prior to permitting the installation of a small cell on City owned poles.

Study sessions were held with City Council on March 6th and June 5th of 2018 and December 10th of 2019 to discuss the status of small cell deployments and address the concerns being expressed by members of the community. During the December 10, 2019 study session, staff presented a limited deployment program that would allow

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each cellular provider to install small cells on a maximum of 6 separate poles in non-residential areas.

ANALYSIS

The 2017 amendment to Council Policy 300-04 was proposed by staff to address the changing technology and infrastructure needs and acknowledge the desire within the cellular industry to place smaller footprint wireless infrastructure within the public right-of-way. Wireless communication companies are experiencing increasing demand for wireless services and are constantly expanding networks to improve both broadband facilities' capacity and coverage. Small cell installations are currently being utilized by service providers within the City to extend the coverage and capacity of fourth generation (4G) wireless communication services throughout the City's boundaries. The Planning and Economic Development Department has not received notification from any cellular provider regarding their intention to upgrade the network to 5th generation technologies within a specified timeframe.

During the initial phase of small cell deployments, the Planning and Economic Development Department received several concerns from members of the public regarding items such as visual appearance of the installation, noticing radius and requirements, health concerns and saturation within residential areas. These concerns were discussed during Council Study Sessions held on March 6th and June 5th of 2018 and December 10th of 2019.

Under State law, telecommunications carriers have a right to install wireless facilities on wooden joint utility poles in the public right-of-way. Encroachment permits associated with installation on wooden poles are being processed upon request and issued if the proposal is consistent with Chapter 13 of the City Code.

The purpose of the study session is to provide an overview of the current state of small cell installations within the City and discuss potential solutions to the concerns presented by members of the community since the December 10, 2019 study session. Staff will be presenting an overview of the unique processes associated with the approval of the various types of cellular facilities. A specific focus will be placed on proposals associated with joint utility poles. Applications associated with joint utility poles have been able to move forward through the review and inspection processes and were not susceptible to the previous pause that was placed on proposals associated with City owned infrastructure. The majority of the recent community concerns have centered around the joint utility pole installations and the Study Session will focus on specific future code amendments that may mitigate the concerns expressed.

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FISCAL IMPACT

The following fees structure was presented to Council during the 2017 amendment to Council Policy 300-04 and still applies to the installations performed under the policy.

Three fee structures govern telecommunications facilities in the City right of way:

1. Review of applications and negotiation of appropriate master license agreements pursuant to Council Policy 300-04 requires staff time for which there is an existing application fee of \$2,000. No change is proposed to the application fee, which only applies to City pole installations.
2. For telecommunications projects to be located within the City right of way, such as on street lights, traffic lights or other City right of way facilities, an applicant must obtain an encroachment permit pursuant to City Code Chapter 13-04. No change is proposed to the encroachment permit fees, which varies from approximately \$700.00 to \$3,000 per site based on the proposed impacts to public infrastructure. Encroachment permits are required for all small cell installations.
3. Applicants must also enter into a master license agreement, which will allow and facilitate subsequent site licenses approval. Fees for use of City right of way will be negotiated within each master license agreement.

Additional general fund revenue is expected to range between \$2,000 to \$10,000 per year, based on the estimated volume of site license agreements assuming no limitation on pole placement.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guidelines section 15378. Specific telecommunication facility projects will remain subject to environmental review under CEQA.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

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ATTACHMENTS

Not applicable.

CONTACT

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