

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 review the deployment of small cell wireless infrastructure on City owned street lights and joint utility poles.

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 policies 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 Communications Site License Agreements allowing the deployment of small cells within the City limits were executed with Verizon Wireless on May 11, 2017 and with Mobilitie

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on January 8, 2018. Execution of the agreement prior to any deployment on City owned infrastructure is a required element under the policy.

The installations of small cells began toward the beginning of 2018, with the totality of the active sites at that time belonging to Verizon Wireless. All the current deployments performed by Verizon Wireless are 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 are not addressed within the policy 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 to discuss the status of small cell deployments and address the concerns being expressed by members of the community.

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

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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.

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. Based on the concerns received and the feedback provided by Council during both Study Sessions, a pause was placed on the installation of all small cells on City owned poles. The pause on City owned pole installations is currently in effect.

Under State law, telecommunications carriers have a right to install wireless facilities on wood poles in the public right-of-way. Encroachment permits associated with installation on wood poles are being processed upon request.

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. Staff will be presenting an update regarding the total number of installed small cells within the City limits, as well as an overview of the unique processes associated with the approval of the various types of cellular facilities. The update will also include discussions regarding the future limited deployment of no more than six facilities for each provider on City owned poles in non-residential areas throughout the City. The limited deployment will be utilized to test measures intended to mitigate the community concerns that fall within the City's legal authority to control. The lessons learned from the limited deployment will be applied to future code modification intended to align all code sections and policies to better address the various cellular installation types. Staff will be returning to Council in the future to address code and policy changes prior to allowing the installation of any small cells on City owned poled outside of the limited release.

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

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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 propose 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.

4. 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.

ATTACHMENTS

Attachment 1 – Public Correspondence

CONTACT

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