

ORDINANCE NO. 3304

AN ORDINANCE OF THE CITY OF CORONA, CALIFORNIA, AMENDING SECTIONS 17.65.040 AND 17.65.050 OF CHAPTER 17.65 OF THE CORONA MUNICIPAL CODE RELATED TO THE REGULATION OF SMALL CELL SITE TELECOMMUNICATION FACILITIES (ZTA2019-0003)

WHEREAS, in January 2017, the City adopted Ordinance No. 3254 which amended Chapter 17.65 of the Corona Municipal Code (“CMC”) to establish regulations and a zoning process for small cell site telecommunications facilities; and

WHEREAS, over the past year, the City has received requests from several wireless carriers to update its small cell site regulation to better accommodate the latest small cell wireless technology and be more consistent with regulations established by the Federal Communications Commission (“FCC”); and

WHEREAS, the City desires to adopt less restrictive regulations that will give carriers more flexibility to incorporate their small cell design and technology into existing support structures, such as utility poles and streetlights, within the public right-of-way while still complying with FCC regulations and to support current 4G wireless network technology, as well as prepare the City for imminent future 5G rollout; and

WHEREAS, on September 9, 2019, the Planning and Housing Commission (“Planning Commission”) conducted a duly noticed public hearing and recommended that the City Council of the City of Corona (“City Council”) amend Chapter 17.65 of the CMC to: (1) increase the maximum allowable size of a small cell antenna from 2 to 3 cubic feet; (2) eliminate the current size restriction for radio equipment cabinets; (3) give carriers the flexibility to install small cell equipment underground or aboveground when an underground installation is not physically or technically feasible; (4) limit the total size of ground mounted and pole mounted equipment and power pedestals to a maximum of 28 cubic feet; (5) increase the maximum allowable height of a small cell site from 32 to 35 feet; (6) allow small cell sites to be located on local residential streets; (7) increase small cell antenna and equipment brackets to a maximum of three feet in length; and (8) add new language ensuring the safety of City personnel during maintenance of City-owned poles and streetlights with respect to small cell radiofrequency exposure (“Zone Text Amendment”); and

WHEREAS, the Planning Commission based its recommendation to adopt this Zone Text Amendment on the findings set forth below and a determination that there is no possibility that the Zone Text Amendment will have a significant effect on the environment and, thus, is exempt from the requirements of the California Environmental Quality Act; and

WHEREAS, on October 2, 2019, the City Council held a duly noticed public hearing at which all persons wishing to testify in connection with this Zone Text Amendment were heard and this Zone Text Amendment was comprehensively reviewed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. CEQA Findings. As the decision-making body for this Zone Text Amendment, the City Council has reviewed and considered the entire record for this Zone Text Amendment, including all written and oral evidence provided during the comment period. Based upon the facts and information in the entire record, including all written and oral evidence presented to the City Council, the City Council finds that this action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (“CEQA”), which states that a project is exempt from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action is strictly a text amendment to ensure compliance with the federal Telecommunications Act of 1996 and the corresponding FCC rules and there is no possibility that adopting this Ordinance will have a significant negative effect on the environment. Therefore, no further environmental analysis is required and staff will file a Notice of Exemption with the County of Riverside.

SECTION 2. Zoning Findings. Based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council hereby makes and adopts the following findings:

A. The proposed Zone Text Amendment is consistent with the General Plan for the following reasons:

i. This Zone Text Amendment is consistent with General Plan Goal 7.13 as it allows for the provision of an adequate, safe and orderly supply of telecommunication infrastructure to support existing and future land uses within the City.

ii. This Zone Text Amendment implements General Plan Policy 7.13.2 as it provides for continued development and expansion of telecommunication systems, including cable and, as feasible, fiber optics, for access to data and information, and communication purposes.

B. The proposed Zone Text Amendment is consistent with Title 17 of the Corona Municipal Code for the following reason:

i. This Zone Text Amendment is consistent with the intent of Title 17 which regulates land uses, including telecommunication facilities, within the City. This amendment continues to enhance upon the City’s development standards to ensure the public health, safety and welfare of uses.

C. The proposed Zone Text Amendment will provide for the public health, safety and welfare for the following reasons:

i. This Zone Text Amendment is necessary to better and more properly regulate telecommunication facilities in accordance with all authority at the local, state and federal levels.

ii. This Zone Text Amendment is not detrimental to, and is necessary for, the immediate preservation and protection of the public convenience, health, safety and general welfare of the City, its residents and businesses since the regulations establish reasonable application requirements and standards and will result in reasonable regulation of telecommunication facilities.

SECTION 3. Subsection 17.65.040(B) of Chapter 17.65 (Telecommunications Facilities) of the Corona Municipal Code is hereby amended in its entirety to read as follows:

“(B) The following telecommunication facilities are permitted without any approval under this chapter, provided that the telecommunication facility complies with §17.65.030 and is accessory to the primary use of the property:

(1) Receive-only antennas designed to receive television broadcast or radio signals, limited to one antenna per lot, mounted on a roof or attached to the building at or to the rear of the centerline of the building, with the mast not exceeding four inches in diameter and the antenna not elevated more than ten feet above the peak of the roof;

(2) Receive-only satellite antennas one meter (3.28 feet) or less in diameter located in any zone, or satellite antennas two meters (6.56 feet) or less in diameter located in any commercial or industrial zone. The exemption is limited to one such satellite antenna per parcel, or in the case of multiple dwelling developments, one such satellite antenna per dwelling unit. Installation must comply with the following conditions which are imposed to reduce the safety risks, identified in this chapter, created by a hazardous method or location of installation:

(a) The satellite antenna must be adequately grounded to prevent against a direct strike of lightning;

(b) If the satellite antenna is mounted on the ground or a pole:

1. It must be located in the rear or side yard not less than five feet from the rear or side lot line;

2. It must not be located closer to the front or street side of a lot or building site than the primary building;

3. The satellite antenna foundation surface must not be elevated more than one foot above grade and securely affixed to the ground installation structure;

(c) If the satellite antenna is mounted on the roof or a

pole, it must not be elevated above the peak of the roof and shall not be visible from the public right-of-way.

(3) Telecommunications facilities located completely underground with no visible appurtenant structures.

(4) Wires, cables or fibers attached to a "public utility support structure," as that term is defined in Public Utilities Code § 767.5.

(5) Telecommunications facilities located completely inside a structure for the sole purpose of providing telecommunications service within the structure.

(6) Telecommunications facilities erected and used for temporary emergency communications in the event of a disaster.

(7) Minor repairs, modifications or alterations of existing telecommunications facilities, whether emergency or routine, which cause no change in the visual appearance of such facility and no increase in the size or area occupied by the facility.

(8) Telecommunications facilities, including, but not limited to the telecommunications facilities described in §17.65.055(A)(3), which are collocated and satisfy all of the following conditions:

(a) An environmental impact report has been certified or a mitigated negative declaration or negative declaration has been adopted for the existing telecommunications facility upon which the collocated facility will be placed, mounted or installed and the collocated facility incorporates all mitigation measures required by the environmental document.

(b) The collocated facility complies with the telecommunications design guidelines adopted pursuant to §17.65.090.”

SECTION 4. Subsection 17.65.050(A)(2) of Chapter 17.65 (Telecommunications Facilities) of the Corona Municipal Code is hereby amended in its entirety to read as follows:

“(2) Small cell sites, subject to the following location and design criteria:

(a) The small cell site shall be designed and installed in as stealth a manner as possible, as determined by the Zoning Administrator, given its placement on street lights or utility poles in the public right-of-way and in light of industry standards and available screening technologies for the particular transmission or other equipment in question. The stealth nature of the equipment shall, to the extent reasonably feasible, preserve the character of the neighborhood and reduce the visual impact of the small cell site and the safety risks associated with the location or manner of

installation. The size of each antenna associated with the deployment of a small cell site shall not exceed three cubic feet, excluding cable, conduit, or associated antenna equipment.

(b) Radios, radio equipment cabinets, and ground mounted power pedestals shall be placed below ground where physically or technically feasible.

(c) Pole mounted radios and/or radio equipment cabinets shall be long and narrow and shall be mounted at least ten feet above grade.

(d) All pole or ground mounted radios, radio equipment cabinets, power pedestals and any other equipment associated with the small cell site, excluding the antennas, but including equipment associated with the antennas, shall not exceed a total of 28 cubic feet.

(e) The Zoning Administrator shall always consider city-owned property as the highest priority for the location of small cell sites.

(f) Placement of a small cell site on real and/or personal property that is not owned by the owner or operator of the small cell site or within the public right-of-way requires the written authorization of the property owner. For city-owned property, the Zoning Administrator shall determine the relevant city department to provide such written authorization. For city-owned property, the owner/operator of the small cell site will be required to enter into a city approved license agreement.

(g) Power shall be supplied from the nearest point of connection via a below ground mounted street light box and conduit where physically feasible.

(h) Conduit shall be used; where conduit is not available, the cabling shall be placed tight against the pole and covered with a shroud.

(i) Brackets or cross-arms (extension) shall not extend from the pole more than three feet (except when necessary to comply with health or safety regulations) provided that no part of the small cell site shall unreasonably interfere with or unreasonably impede the flow of pedestrian or vehicular traffic, including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, the use of poles, posts, traffic signs or signals, hydrants, mailboxes, permitted sidewalk dining, permitted street furniture and/or other objects permitted at or near the location where the small cell site is located.

(j) All equipment cabinets, pedestals, brackets, cables, risers, PVC, shrouds, etc., shall be painted to match the utility pole or light

standard.

(k) A utility pole or light standard may have small cell site transmission equipment owned or operated by no more than one telecommunications carrier.

(l) Small cell sites shall have a minimum separation of 720 feet from another small cell site unless it can be demonstrated that a lesser distance is necessary to increase capacity or provide wireless service.

(m) Small cell sites shall be located in the following manner:

1. Small cell sites shall be prohibited along the front and side yards of any schools.

2. Small cell sites shall be installed at a height that does not exceed 35 feet.

(n) Antennas placed on utility poles or light standards shall be cylindrical in shape and painted to match that of the utility pole or light standard. Microwave antennas or dishes shall not be placed on utility poles or light standards as part of a small cell site.

(o) The radio equipment cabinet and power pedestal shall have a placard identifying the carrier name, site identification number and emergency contact information. This placard shall be updated within 30 days of any change in the ownership or responsibility for the small cell site.

(p) Ancillary equipment, GPS, etc., shall be minimized and integrated into the radio equipment cabinet.

(q) Small cell sites shall not conflict or interfere with any other existing telecommunications facility or any communications systems or infrastructure operated by the city.

(r) Small cell sites shall be installed, aligned and maintained so as to ensure that FCC's Limits for General Population/Uncontrolled Exposure Maximum Permissible Exposure for radiofrequencies, as set forth in 47 C.F.R. § 1.1310, as currently written or as may be amended or superseded, are not exceeded. For small cell sites installed on city-owned poles or light standards, the city may require that power to the small cell site be disabled during any period of time that maintenance or repair work is performed on the city-owned pole or light standard.

SECTION 5. Subsection 17.65.050(D) of Chapter 17.65 (Telecommunications Facilities) of the Corona Municipal Code is hereby amended in its entirety to read as follows:

“(D) The Zoning Administrator shall review and make a determination on applications filed under this section in accordance with the following:

(1) The procedures set for in §§17.99.080 through 17.99.090, except that applications filed under this §17.65.050 shall be considered and acted upon in accordance with the applicable time limits established by the Federal Communications Commission;

(2) Any applicable standards, conditions and restriction set forth in this section;

(3) Any location, development and design guidelines and standards set forth in a separate resolution adopted by the Planning and Housing Commission pursuant to §17.65.090.”

SECTION 6. Official Record. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Corona City Hall, 400 S. Vicentia Avenue, Corona, California 92882. The custodian for these records is the Community Development Director of the City of Corona.

SECTION 7. Severability. If any provision or clause of this Ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 8. Effective Date. The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in a newspaper of general circulation in the City of Corona, and thereupon and thereafter this Ordinance shall take effect and be in force according to law.

ADOPTED this 16th day of October , 2019.

Mayor of the City of Corona, California

ATTEST:

City Clerk of the City of Corona, California

CERTIFICATION

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Ordinance was regularly introduced at a regular meeting of the City Council of the City of Corona, California, duly held the 2nd day of October, 2019, and thereafter at a regular meeting held on the 16th day of October, 2019, it was duly passed and adopted by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 16th day of October, 2019.

City Clerk of the City of Corona, California

SUMMARY

On October 16, 2019, the Corona City Council will consider adopting an ordinance to amend Sections 17.65.040 and 17.65.050 of Chapter 17.65 of the Corona Municipal Code related to the regulation of small cell site telecommunication facilities in order to provide small cells site carriers more flexibility to incorporate their small cell design and technology into existing support structures such as utility poles and streetlights within City-owned properties while still complying with FCC regulations and to support current 4G wireless network technology, as well as prepare the City for imminent future 5G roll-out.

A certified copy of the full text of this proposed ordinance is posted in the City Clerk's office.

The City Council meets at 6:30 p.m. in the Council Chambers in the Corona City Hall, located at 400 South Vicentia Avenue. The City Clerk's office is located in City Hall near the Council Chambers.