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Title:	ZTA2019-0003: Amendment to Chapter 17.65 of the Corona Municipal Code, Telecommunications Facilities, amending Sections 17.65.040 and 17.65.050 regarding regulations for small cell sites and facilities that are exempted from review. (Applicant: City of Corona).				
Sponsors:					
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Attachments:	1. Staff Report, 2. Exhibit A - Proposed Amendment to CMC Sections 17.65.050(A)(2), 17.65. 050(D)(1), and 17.65.040(B), 3. Exhibit B - Environmental Documentation, 4. ZTA2019-0003 PP Presentation				

Date	Ver.	Action By	Action	Result
9/9/2019	1	Planning and Housing Commission	approved	Pass

PLANNING AND HOUSING COMMISSION
STAFF REPORT

DATE: 9/9/2019

TO: Honorable Chair and Commissioners

FROM: Community Development Department

APPLICATION REQUEST:
ZTA2019-0003: Amendment to Chapter 17.65 of the Corona Municipal Code, Telecommunications Facilities, amending Sections 17.65.040 and 17.65.050 regarding regulations for small cell sites and facilities that are exempted from review. (Applicant: City of Corona).

RECOMMENDED ACTION:
That the Planning and Housing Commission recommend **APPROVAL OF ZTA2019-0003** to the City Council, based on the findings contained in the staff report.

PROJECT SITE SUMMARY
ZTA2019-0003 is an amendment to the city's small cell regulations under Section 17.65.040 of the Corona Municipal Code. Over the past year, the Community Development Department has received requests from multiple wireless carriers to update the small cell regulations to better accommodate the latest small cell wireless technology and be more consistent with regulations established by the Federal Communications Commission (FCC).

The amended regulations propose 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 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.

In general, the amendment proposes 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 city-owned properties while still complying with FCC regulations. The changes are intended to support current 4G wireless network technology as well as prepare the city for an imminent future 5G rollout.

BACKGROUND

Small Cells

Small cells are low-powered antennas or nodes that are usually attached to existing infrastructure located in the public rights-of-way such as utility poles or streetlights which allows the small cell antennas and associated equipment to be more discreet. Small cells are intended to help macro-towers such as mono-poles and mono-pines with coverage and capacity. Coverage is how far the signal from a tower reaches a certain area, and capacity is how much data a tower can handle. For example, when there are too many devices being used at the same time it can bogged down a tower's capacity to receive and send data. So, while a device may show full bars due to sufficient coverage provided by the tower, a user may experience issues with placing a call or downloading a webpage due to insufficient capacity from the tower. Small cells help extend capacity by offloading data from towers.

Small Cell Regulations

The city originally adopted small cell regulations in 2016 in response to interests from wireless carriers looking to utilize city-owned properties for the installation of small cells on existing streetlight poles. To date, the city has only issued approvals for Mobilitie. Within the last year, the city has received multiple applications from AT&T and Crown Castle and interest from Verizon to deploy small cell sites within the public rights-of-way; however, the proposals that have been submitted thus far show small cell designs do not meet the city's current development standards. The carriers have expressed to staff that the current regulations are challenging to meet as the regulations don't fully accommodate the carriers' latest small cell design which is predicated on the latest wireless service technology. Furthermore, the regulations should be modified to be more consistent with the FCC's less restrictive regulations.

Carriers seeking to establish small cell sites on city-owned properties are required to enter into a license agreement with the city. The installations would be permitted subject to terms of the agreement that would set rates with annual escalation, renewal and termination rights, indemnification and parameters on locations. The agreement provides the city control of such

installations while also providing the city revenue and is subject to City Council approval.

The amendment was discussed at the Infrastructure Committee meeting on August 7, 2019. The Committee did not object to the amendment, including allowing small cells on local residential streets.

PROPOSED AMENDMENT

Corona Municipal Code Sections 17.65.050(A)(2), 17.65.050(D)(1), and 17.65.040(B) are being amended. Exhibit A contains the redlined version of the proposed amendments. The following summarizes the changes to each section and subsection with explanations for the changes:

Section 17.65.050(A)(2)

Subsection 17.65.050(A)(2)(a)

The small cell site shall be designed and installed in a stealth manner to preserve the character of the neighborhood by reducing 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 ~~the~~ small cell site shall not exceed ~~two~~ three cubic feet, excluding cable, ~~or~~ conduit, or associated antenna equipment.

The maximum allowable size of a small cell antenna is being increased from 2 to 3 cubic feet which would be consistent with FCC regulations.

Subsection 17.65.050(A)(2)(b)

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

Language is being added to this subsection to require radio equipment cabinets and ground mounted power pedestals to be placed below ground (next to the utility pole) where physical or technically feasible. The key change to this language are the words “technically feasible” to account for the fact that it may be technically infeasible to place equipment below ground due to the need to vent or cool the equipment, which would require installation of large air vents at ground level that could be a tripping or safety hazard for pedestrians.

Subsection 17.65.050(A)(2)(c)

Pole mounted radios and/or radio equipment cabinets shall be long and narrow and shall be mounted ~~within the upper~~ at least ten feet above grade ~~of all utility poles or light standards when a below ground installation is not physical feasible~~.

Radio equipment are typically installed right below the antenna at the top of the pole. Allowing the equipment to be placed lower on the pole will avoid visual clutter at the top of the pole while ensuring that the equipment is placed high enough on the pole to avoid pedestrian interference.

Subsection 17.65.050(A)(2)(d)

~~*Pole mounted radio equipment cabinets shall be long and narrow*~~ *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.* ~~*having a length not exceeding 48 inches, a width not to exceed 15.5 inches, and a depth not to exceed 19 inches (48"H x 15.5"W x 19"D).*~~

This change gives the carrier flexibility the install any pole or ground mounted equipment without restriction to width, length, or depth provided that the total combined size of the equipment does not exceed 28 cubic feet. This will also streamline the city's regulations and will be consistent with FCC regulations.

Subsection 17.65.050(A)(2)(h)

~~*Ground mounted power pedestals may be utilized when below ground installationis not physically feasible. In such cases the power pedestal shall be long and narrow with a height that does nto exceed 48 inches and a width not to exceed 17 inches and a depth not to exceed 16 inches (48"H x 17"W x 16"D).*~~

The language under this subsection is being moved to subsection 17.65.050(A)(2)(d).

Subsection 17.65.050(A)(2)(i)

Brackets or cross-arms (extension) shall not extend from the pole more than ~~*six inches*~~ *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.*

This is to address concerns from carriers who have expressed to staff their concern with having small cell antennas and equipment mounted only six inches from the face of the utility poles as the antenna and equipment could interfere with city or Southern California Edison personnel when they are conducting routine maintenance of the existing equipment on the pole. The new language requires the antennas, equipment, and brackets to be contained within the right-of-way and not interfere with pedestrian or vehicular traffic or other structures or equipment within the right-of-way.

Subsection 17.65.050(A)(2)(k)

~~*There shall be no more than one small cell site per*~~ *A utility pole or light standard may have small cell site transmission equipment owned or operated by no more than one telecommunications carrier.*

This is to address concerns raised by carriers that need to have two small cells - one with 4G

equipment and another with 5G equipment - installed on the same light pole in order to deploy 5G technology. The revised language prevents utility poles and light poles from being inundated with multiple small cell equipment by restricting the pole to a single carrier.

Subsection 17.65.050(A)(2)(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 ~~coverage~~ service.

The language is being revised to give carriers the ability to demonstrate the need to install small cell sites within 720 feet from another small cell site based on capacity or coverage needs.

Subsection 17.65.050(A)(2)(m)

Small cell cites shall be located in the following manner:
~~1. Only along roads that are classified in the General Plan as collector and above (larger), provided that small cell sites shall be prohibited on any street where residential units front such street.~~
~~2.~~1. Small cell sites shall be prohibited ~~on neighborhood roadways (local streets) and~~ along the front and side yards of any schools.
~~3.~~ 2. Small cell sites shall be installed at a height that does not exceed ~~32~~ 35 feet.

The changes under this subsection will accomplish two things. First, language prohibiting small cells on local streets and in front of residential units is being removed to allow carriers the ability to install small cell sites in residential neighborhoods. Carriers have expressed to staff their concerns with not being able to provide adequate and reliable wireless service for residents who work from home and during peak hours when internet is heavily used at home which is usually from 7:00 p.m. to 9:00 p.m. Small cell sites will only be established where necessary to fill in coverage and capacity gaps that cannot adequately be provided by existing macro-towers. Also, factors including topography and costs are taken into consideration before selecting a site for establishing a small cell. As such, this amendment is not expected to result in an influx of small cell sites on residential streets. Second, carriers will be able to install small cells on support poles up to maximum height of 35 feet. This is to address concerns raised by carriers that more clearance is needed between the small cell antenna and the streetlight arm of a streetlight pole.

Subsection 17.65.050(A)(2)(s)

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.

This subsection is being added at the requested of the Public Works Department to ensure that the installation of small cells on city-owned utility poles and streetlights do not interfere with the city's ability to safety operate and maintain its facilities with respect to exposure to radiofrequencies. Small cells are required to comply with the FCC's radiofrequency exposure limits established for the

general population. Also, the city would be able to disable any small cell during any period of time that maintenance or repair work is being performed on city-owned poles or light standards.

Section 17.65.050(D)(1)

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;

The FCC establishes time limits for local agencies to review and process small cell site applications. The change under this section updates the city's application processing time limit to be consistent with the FCC's time limits by referring back to FCC regulations.

Section 17.65.040(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~~, and is for the sole use of the occupant(s) or tenant(s) occupying such property~~:

This section pertains to the types of telecommunications facilities that are exempted from discretionary review. The language that is being deleted is outdated language that is no longer applicable to this section of the ordinance.

ENVIRONMENTAL ANALYSIS:

ZTA2019-0003 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 amendment amends language in the Telecommunications Ordinance under Chapter 17.65 of the Corona Municipal Code, and there is no possibility that adopting this Ordinance will have a significant effect on the environment. The Notice of Exemption is attached as Exhibit B.

FISCAL IMPACT

ZTA2019-0003 is a city-initiated application, and therefore, no application processing fees were collected.

PUBLIC NOTICE AND COMMENTS

A 10-day public notice was advertised in the Sentinel Weekly News and posted on the city's website. As of the preparation of this report, the Community Development Department staff has not received any response from the public.

STAFF ANALYSIS

The amendment will result in development standards that can better accommodate current small cell wireless technology while preparing for next generation wireless technology. The amendment will

improve connectivity for residents, visitors, and businesses in the city. The proposed regulations continue to preserve the city's authority over certain design standards and ensures the safety of the general public. The amendment is also consistent with the existing goals and policies contained within the City's General Plan related to the provision of adequate telecommunication infrastructure to support existing and future land uses with in the city. Therefore, ZTA2019-0003 is recommended for approval.

FINDINGS FOR APPROVAL OF ZTA2019-0003

1. A preliminary exemption assessment has been conducted by the City of Corona and it has shown that this project does not require further environmental assessment 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. ZTA2019-0003 amends the Telecommunications Ordinance under Chapter 17.65 of the Corona Municipal Code, and there is no possibility that adopting this Ordinance will have a significant effect on the environment.

2. The proposed amendment is consistent with the General Plan for the following reasons:

   a. *General Plan Goal 7.13 allows for the provision of an adequate, safe, and orderly supply of telecommunication infrastructure to support existing and future land uses within the city.*
   b. *General Plan Policy 7.13.2 promotes the continued development and expansion of telecommunications systems including cable and, as feasible, fiber optics for access of data and information, and communication purposes.*

3. The proposed amendment is consistent with intent of Title 17 of the Corona Municipal Code for the following reason:

   a. *Title 17 of the Corona Municipal Code is the City's Zoning Ordinance which governs the development standards of land uses in the city. The amendment continues to enhance upon the city's development standards to ensure the public health, safety and welfare of uses, which is the intent of Title 17.*

4. The proposed amendment will provide for the public health, safety, and welfare for the following reason:

   a. *The proposed amendment is necessary to better and more properly regulate telecommunications facilities in accordance with all authority at the local, state, and federal levels.*
   b. *The proposed amendment is not detrimental to, and is instead 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 development standards and will result in reasonable regulation of telecommunications facilities.*

REVIEWED BY: SANDRA YANG, SENIOR PLANNER

SUBMITTED BY: JOANNE COLETTA, COMMUNITY DEVELOPMENT DIRECTOR

EXHIBITS

1. Exhibit A - Proposed Amendment to CMC Sections 17.65.050(A)(2), 17.65.050(D)(1), and 17.65.040(B).
2. Exhibit B - Environmental Documentation.

Case Planner: Sandra Yang (951) 736-2262