



Legislation Text

File #: 19-0834, Version: 1

**AGENDA REPORT
REQUEST FOR CITY COUNCIL ACTION**

DATE: 10/02/2019

TO: Honorable Mayor and City Council Members

FROM: Community Development Department

SUBJECT:

Public Hearing for City Council consideration of Ordinance No. 3304, first reading of an Ordinance of the City of Corona, California for ZTA2019-0003, amending 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 City Council:

1. Approve ZTA2019-0003 as recommended by the Planning and Housing Commission.
2. Introduce by title only and waive full reading for consideration of Ordinance No. 3304, first reading of an ordinance approving an 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. (ZTA2019-0003)

ANALYSIS:

ZTA2019-0003 is an amendment to the city's small cell regulations governed by Chapter 17.65 of the Corona Municipal Code (CMC) for Telecommunications Facilities. 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 amendment affects Sections 17.65.040 and 17.65.050 of the CMC.

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.

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 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, ~~to~~ preserve the character of the neighborhood ~~by~~ and ~~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 installation is not physically feasible. In such cases the power pedestal shall be long and narrow with a height that does not 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 sites 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.

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.

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 safely 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.

COMMITTEE ACTION:

The Infrastructure Committee at its meeting on August 7, 2019 discussed the amendment to city's Telecommunications Facilities ordinance, which was also attended by Verizon, Sprint and Crown Castle representatives. The Committee had no objection to the changes.

STRATEGIC PLAN:

Not applicable.

FISCAL IMPACT:

The amendment was initiated by the city. Therefore, no application fees are associated with this amendment.

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.

PLANNING AND HOUSING COMMISSION ACTION:

At its meeting of September 9, 2019, the Planning and Housing Commission considered the subject matter and took the following action:

Motion was made, seconded Shah/Siqueland and carried unanimously that the Planning and Housing Commission recommend approval of ZTA2019-0003 to the City Council, based on the findings and conditions contained in the Staff Report. The minutes of the Planning and Housing Commission meeting are included as Exhibit 3.

PREPARED BY: JOANNE COLETTA, COMMUNITY DEVELOPMENT DIRECTOR

REVIEWED BY: KERRY D. EDEN, ASSISTANT CITY MANAGER/ADMINISTRATIVE SERVICES DIRECTOR

REVIEWED BY: MICHELE NISSEN, ASSISTANT CITY MANAGER

SUBMITTED BY: MITCHELL LANSDELL, INTERIM CITY MANAGER

Attachments:

1. Exhibit 1a - City Ordinance No. 3304 (Clean Version).
2. Exhibit 1b - City Ordinance No. 3304 (Redline Version).
3. Exhibit 2 - Planning and Housing Commission Staff Report.
4. Exhibit 3 - Draft Minutes of the Planning and Housing Commission meeting of September 9, 2019.

APPLICANT INFORMATION

City of Corona, 400 S. Vicentia Ave. - Corona