

LARA WEISIGER

From: Erin Smith
Sent: Tuesday, February 04, 2020 12:17 PM
To: LARA WEISIGER
Cc: Liam Garland; John Le; Lisa Maxwell; Gerry Beaudin; Eric Levitt; Yibin Shen
Subject: FW: Alameda CA Public Hearing--Small Wireless Facilities-Verizon comments attached
Attachments: Alameda CA Comment Letter 232020 final-signed.pdf; Alameda DRAFT Wireless Communications Facility Ordinance VZ edits.docx; Alameda Small Cell_ROW PermitRequirements_020120 VZ redline.docx; Alameda Wireless Design Guidelines 04-23-2019 VZ redline.docx

FYI

From: Kim Allen [mailto:kim.allen@wirelesspolicy.com]
Sent: Tuesday, February 4, 2020 11:17 AM
To: mjoddie@alamedaca.gov; Tony Daysog <TDaysog@alamedaca.gov>; Marilyn Ezzy Ashcraft <MEzzyAshcraft@alamedaca.gov>; Malia Vella <MVella@alamedaca.gov>; John Knox White <JknoxWhite@alamedaca.gov>
Cc: Erin Smith <ESmith@alamedaca.gov>; Villegas, Cristobal <cris.villegas@verizonwireless.com>
Subject: Alameda CA Public Hearing--Small Wireless Facilities-Verizon comments attached

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Good morning, Mayor and Councilmembers-

On behalf of Verizon Wireless, please accept the attached comment letter and redlines for your consideration and inclusion in the record for the public hearing this evening. Verizon appreciates the opportunity to provide comment on this highly technical code update and would request some additional time before the next reading to allow a meeting with staff to address the attached comments. The guideline documents were provided only recently and will inform the code update going forward.

A Verizon representative will be in attendance this evening to provide testimony and answer any questions you might have.

Thank you-

Kim Allen
Senior Vice President, Land Use Entitlements and Strategic Planning
Wireless Policy Group, LLC
1420 W. Gilman Blvd. #9030, Issaquah WA 98027
(425)628-2666-office



February 4, 2020

*Via Email to mjoddie@alamedaca.gov; tdaysog@alamedaca.gov;
mezzyashcraft@alamedaca.gov; mvella@alamedaca.gov; jknnoxwhite@alamedaca.gov*

Alameda City Council
Mayor Marilyn Ezzie-Ashcraft
Vice Mayor John Knox-White
Councilmember Jim Joddie
Councilmember Joe Daysog
Councilmember Malia Vella

RE: Alameda CA Wireless Code Update-Public Hearing 2/4/2020

Mayor Ezzie-Ashcraft and Members of the Council:

On behalf of Verizon Wireless, thank you for the opportunity to provide comment on the proposed wireless code update. Please add this letter and the attached redline to the record for the public hearing.

Verizon has asked Wireless Policy Group to work with city staff to assist in developing a workable code for small wireless facilities in the right of way that is compliant with federal law and addresses the aesthetic concerns of your community. My firm specializes in helping the wireless industry achieve those goals by working collaboratively with municipal government staff to outline technical challenges to the proposed code provisions and find acceptable alternatives .

While Verizon supports the general direction of updating standards for wireless facilities in general, and adding new standards to address small wireless facilities specifically , the proposed draft does not comply with the recent FCC Order¹ and there are several design guidelines that are not feasible.

Verizon appreciates the chance to provide information to you about the enormous increase in consumer demand for data capacity and cell service, as well as input on the technical requirements for the new small wireless technology. This new technology is vital to address the

¹ Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order (September 26, 2018) ("FCC Order").

4G capacity needs of Verizon's customers. More people are using more wireless devices to do more things than ever before, like streaming video, medical monitoring, education interface, and uploading images. In fact, wireless data usage has increased dramatically since the introduction of the iPhone.

Verizon is working to stay ahead of the demand by adding fiber optic capacity and small wireless facilities to connect people where they need it most. Small wireless antennas are usually mounted on existing and replacement utility and street light poles. The low visual profile of small wireless facilities makes them an excellent solution for delivering capacity and coverage to residential neighborhoods. Small wireless facilities will also deliver connections for smart communities services to boost the flow and safety of vehicle traffic, manage resources like light, power and water and improve the quality of life of Verizon's customers. Moreover, this technology is key to preparing Verizon's network infrastructure so that it is capable of offering 5G wireless connections at speeds up to 100 times faster than today's wired broadband services. Verizon is committed to working with local communities to provide the level of service residents and businesses need and expect.

The following issues are of particular concern and are outlined more specifically in the attached redline:

Code Provisions

1. 23-9.055 – 6409(a) Permit Applications. Section B(1) requires compliance with all applicable code provisions. By definition, Eligible Facilities Requests do not comply with the standards and conditions that apply to the facility being modified when it does not constitute a substantial change. Verizon requests that this section be deleted.
2. 23-9.060 – Limited Exception for Wireless Facility Encroachment Permits Applications. Section E requires a comparative analysis of the option of multiple smaller or less intrusive facilities. Under federal law, a city may not create a preference for one type of technology over another, dictate or require a preference for the type of technology used and may not regulate the choice of technology or equipment design. SMSA Ltd. Partnership v. Town of Clarkston, 612 P.3d 97 (2nd Cir. 2010). Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order (September 26, 2018), Footnote 87. Verizon requests deletion of this requirement in the second sentence.
3. 23-9.065 – Permit Expiration and Deadlines. Section A(1) creates a 10 year term for SWF permits. Unlike single macro facilities, SWFs will require many pole locations throughout the city. Requiring renewal of the large number of these facilities will create

an administrative burden for both the city and the carriers. Verizon requests that, like utility poles in the ROW, there be no defined permit term.

4. 23-9.070 – Radio Frequency Exposure Monitoring Requirements requires pre-installation RF reporting. SWF are low power and involve standard equipment that has a fixed output. Verizon requests that only one pre-installation report per deployment configuration be required.
5. 23-9.080 – Termination for Public Benefit requires removal of a wireless facility within 12 months for an urgent or emergency project by Public Works. Verizon requests 18 months notice for non-urgent projects with an opportunity to obtain a new or temporary site approval before removal.
6. 23-9.090 – Expert Assistance. The FCC Order limits recovery of consultant's fees to actual and reasonable costs.
7. 23-9.110 – Removal and Restoration. Verizon requests a change to allow 180 days to coordinate removal and restoration with other users of the ROW, to obtain necessary permits and to complete restoration.
8. 23-9.135 – Location and Deployment Preferences requires a site justification ruling out locations outside the right of way. The right of way is the most appropriate place for small wireless facilities, where there is vertical infrastructure and power. Every small wireless facility requires both of these elements. The small size of these facilities makes private property leasing impractical for owners and would require applicants to pull additional power and fiber connections onto private property, which is disruptive and not workable. The need to propagate signal in many directions makes attachment to buildings a poor way to deliver service, especially where the inside of the building is the most often coverage/capacity objective.
9. 23.9.135. Section C prohibits attachment to decorative poles in historic districts. While we recognize that decorative streetlight infrastructure deserves special consideration, historic-themed light poles are typically found in downtown areas and historic districts, areas where special events are held, and large crowds congregate. These are areas of a City where additional network capacity is needed most. Verizon requests the allowance of new poles or replacement poles that are compatible with the existing historic-themed light poles and will work with the City on developing acceptable design criteria for these special districts.

Design Guidelines

1. LOCATION PREFERENCES-

- a. This section places the right of way as the third preferred location. The right of way is the most appropriate place for small wireless facilities, where there is vertical infrastructure and power. Every small wireless facility requires both of these elements. The small size of these facilities makes private property leasing impractical for owners and would require applicants to pull additional power and fiber connections onto private property, which is disruptive and not workable. The need to propagate signal in many directions makes attachment to buildings a poor way to deliver service, especially where the inside of the building is the most often coverage/capacity objective. Verizon requests that this be the first priority for SWFs.
- b. Residential areas - Siting within residential zones is discouraged unless supported by a wireless coverage analysis documenting that no alternate site can feasibly close a significant gap in wireless coverage of the project applicant using any less intrusive means to close that gap from any other location. New macro tower facilities are strongly discouraged in residential areas. Requiring gap and alternatives information for qualifying small wireless facilities contradicts the expedited, objective review required by the Order, and it would leave applicants guessing at the outcome of their applications, which the FCC discouraged. Order, ¶ 88. Requiring demonstration of a significant gap contradicts both state and federal law. California Public Utilities Code Section 7901 ("Section 7901") grants telephone corporations such as Verizon Wireless the right to place their equipment in any right-of way, with no demonstration of need. The FCC ruled that "significant gap" is a narrow, dated standard for prohibition of service, and disagreed that the Telecommunications Act limits the federal prohibition of service standard to "protecting only against coverage gaps or the like" as determined through a "'coverage gap'-based approach." Order, ¶¶ 38, 40. Rather, the FCC found that local regulations prohibit or have the effect of prohibiting service under the Telecommunications Act if they materially inhibit "densifying a wireless network, introducing new services, or otherwise improving service capabilities." Order, ¶ 37. Further, subjective review of alternatives invites comparison of locations at the decision stage, whereas small wireless criteria should be clear and objective at the outset.

2. UNIVERSAL DESIGN GUIDELINES FOR ALL WCF require a demonstration that the facilities is the least intrusive means. This test was rejected in the recent FCC Order and should be removed from this section.
3. SMALL WIRELESS FACILITIES limits installation to one radome antenna at the top of the light standard with one equipment cabinet mounted directly on the pole. All antennas shall be concealed inside the radome with a diameter similar to the pole itself, but in no case should the radome be more than eighteen (18") inches in diameter. 5G millimeter wave antennas cannot be placed in a radome, painted or covered. 5G millimeter wave requires exposed panel antennas that can be colored to match the pole.
4. EXAMPLES. At the end of the guidelines document, there is a series of illustrations of small wireless facilities. Verizon requests that the text clarify that these examples are offered for the sole purpose of illustrating the type of design the city prefers, and are not the only acceptable designs.

PERMIT GUIDELINES

1. The guidelines do not address the FCC Order's ruling allowing batched applications for multiple small wireless nodes. Language is provided in the attached redline.
2. Pre-Installation Radio Frequency Emissions Report Requirements include a requirement for a licensed engineer to prepare the report. Qualified RF engineers who are not required to be registered engineers and should also be recognized as competent to prepare and sign the report. The applicant should also be permitted to provide one emissions report for the entire small wireless deployment if the applicant is using the same small wireless facility configuration for all installations within that batch or should be able to submit one emissions report for each subgroup installation identified in the batch.
3. The permit guidelines do not identify permit fees. A section should be added reflecting the FCC Order's safe harbor rates for one time permit fees:
 - a. "Application fees for Wireless Facilities " shall be set as \$500, for up to a total of five wireless facilities, and \$100 for each additional wireless facility.
 - b. Small wireless facility applications involving construction of a new support structure shall not exceed \$1000.

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Thank you for the opportunity to comment on the code. It is our goal to work collaboratively with staff to arrive at a code that preserves the look and feel of your community, while providing an efficient, workable and federally compliant process to deliver the service your residents, visitors and businesses have come to expect.

A Verizon representative will be at the meeting to answer any questions you might have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kim Allen', with a long horizontal flourish extending to the right.

Kim Allen
Wireless Policy Group, LLC on behalf of Verizon Wireless

cc Erin Smith, Deputy Public Works Director

CITY OF ALAMEDA ORDINANCE NO. _____

New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY: (1) ADDING NEW SECTION 23-9 (PERSONAL WIRELESS SERVICE FACILITIES IN THE PUBLIC RIGHT-OF-WAY); (2) AMENDING SECTION 2-59.3 (LIMITATION AND POWER TO MAKE CONTRACTS) TO EXEMPT MASTER LICENSE AGREEMENTS FOR USE OF PUBLIC ASSETS FOR PERSONAL WIRELESS SERVICE FACILITY INSTALLATION

WHEREAS, the Telecommunications Act of 1996 (TCA) recognized that cities have authority to regulate personal wireless service facilities, but limited the scope of such regulation; and

WHEREAS, the TCA prevents cities from prohibiting or effectively prohibiting these facilities and requires cities to act on applications for these facilities within a reasonable timeframe; and

WHEREAS, Congress passed Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 on February 22, 2012, generally requires that a state and local government “may not deny, and shall approve” certain applications for substantial changes to existing sites that modify transmission equipment at an existing wireless tower or base station; and

WHEREAS, in 2014 the Federal Communications Commission (FCC) adopted regulations interpreting Section 6409(a) that established an expedited timeframe for the review of proposed modifications and defined key terms in the statute that control whether the local agency may deem that a modification causes a substantial change; and

WHEREAS, new regulations issued by the FCC in 2018 that apply to “small wireless facilities” generally preempt subjective land-use regulations, preempt local regulations that prohibit or effectively prohibit the provision of wireless services, and impose expedited review timeframes to provide applicants with a judicial remedy when the State or local government fails to approve or deny the request within the timeframes established by the FCC; and

WHEREAS, California Public Utilities Code sections 7901 and 7901.1 grant telephone corporations a limited right to use the public rights-of-way for facilities, which includes personal wireless service facilities, necessary to provide telephone services, as long as such installations do not “incommode” or interfere with public use of the public right-of-way and are subject to the City’s aesthetic regulations and reasonable controls imposed by the City as to time, place, and manner in which the public right-of-way is accessed; and

WHEREAS, the City's existing regulations and licensing arrangements, which are applicable to any installations in the public right-of-way, are either obsolete or not most protective of the City's authority and must be updated to comply with current federal and state laws; and

WHEREAS, the City Council desires to protect and promote public health, safety, and welfare, and also balance the benefits that flow from robust, advanced wireless services with the City's local values, which include, without limitation, the public's use of the City's rights-of-way, the aesthetic character of the City, its various neighborhoods and community without (1) prohibiting or effectively prohibiting any personal wireless service provider's ability to provide personal wireless services; (2) prohibiting or effectively prohibiting any personal wireless service provider's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules or regulations; (3) unreasonably discriminating among providers of functionally equivalent services; (4) denying any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC's regulations concerning such emissions; (5) prohibiting any collocation or modification that the City may not deny under federal or state law; or (6) otherwise authorizing the City to preempt any applicable federal or state law or regulation; and

WHEREAS, the adoption of this ordinance is necessary to ensure that the City's regulation of personal wireless facilities in the public right-of-way is consistent with federal and state laws, does not unreasonably interfere with public use of the public right-of-way, and preserves public peace, health, and safety, to the extent allowed under federal and state laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALAMEDA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: SECTION 23-9 (PERSONAL WIRELESS SERVICE FACILITIES IN THE PUBLIC RIGHT-OF-WAY) of Chapter XXIII (PARKS, RECREATION AREAS AND PUBLIC PROPERTY) of the Alameda Municipal Code, is hereby added as a new section and shall read as follows:

CHAPTER XXIII PARKS, RECREATION AREAS AND PUBLIC PROPERTY

23-9 – PERSONAL WIRELESS SERVICE FACILITIES IN THE PUBLIC RIGHT-OF-WAY

23-9.010 – Purpose

- A. The purpose of this Chapter is to establish reasonable and uniform standards and procedures for personal wireless service facilities deployment, construction, installation, collocation, modification, operation, relocation, and removal within the

public right-of-way, consistent with and to the extent permitted under federal and California state law. The regulations set forth in this Chapter are intended and shall be applied to protect and promote public health, safety, and welfare; retain the aesthetic character of the City; and ensure that residents, visitors, businesses, and government services in the City have reliable access to the state-of-the-art wireless telecommunications networks.

B. This Chapter is not intended to, nor shall it be interpreted or applied to:

1. prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services;
2. prohibit or effectively prohibit any personal wireless service provider's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules or regulations;
3. unreasonably discriminate among providers of functionally equivalent services;
4. deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC's regulations concerning such emissions;
5. prohibit any collocation or modification that the City may not deny under federal Or California state law; or
6. otherwise authorize the City to preempt any applicable federal or California state law or regulation.

23-9.015 – Definitions

The abbreviations, phrases, terms, and words shall have the meanings assigned to them in this Section. Undefined phrases, terms or words in this policy will have their ordinary meanings. If any definition assigned to any phrase, term, or word in this Section conflicts with any federal or state-mandated definition, the federal or state-mandated definition shall control.

Accessory Equipment. The same meaning as the term "antenna equipment" as defined in 47 CFR Section 1.6002(c), as may be amended or superseded. As an illustration, this equipment may include, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, wires, conduits, equipment buildings, cabinets, storage sheds, shelters, vaults, or other structures.

Antenna. The same meaning as it is defined in 47 CFR Section 1.6002(b), as may be amended or superseded. As used in this Chapter, this definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

Applicant. The same meaning as it is defined in 47 CFR Section 1.6002(e), as may be amended or superseded.

Base Station. The same meaning as it is defined in 47 CFR Section 1.6100(b)(1), as may be amended or superseded.

City Engineer. The City Engineer of the City of Alameda or his/her designee.

Code. Alameda Municipal Code.

Collocation or Collocate. The same meaning as it is defined by the FCC in 47 CFR Section 1.6002(g), as may be amended or superseded. This definition shall not apply to a Section 6409(a) “collocation”, which shall be subject to the standards and procedures for eligible facilities requests as provided in this Chapter and 47 CFR Sections 1.6100 *et seq.*, as may be amended or superseded.

Day. Unless specifically set out in this Chapter, a “day” shall mean one calendar day, excluding holidays.

Existing. The same meaning as it is defined in 47 CFR Section 1.6100(b)(5), as may be amended or superseded.

Eligible Facilities Request. The same meaning as it is defined in 47 CFR Section 1.6100(b)(3), as may be amended or superseded.

FCC. Federal Communications Commission.

Laws. Any and all applicable federal, state and local ordinances, resolutions, regulations, administrative orders, or other legal requirements.

Permittee. The owner of a personal wireless service facility that has obtained permission through issuance of a Wireless Facility Encroachment Permit or 6409(a) Permit to construct, install, modify, collocate, relocate, or otherwise deploy personal wireless service facilities in the public right-of-way. Said owner shall possess the appropriate legal authority to construct, install, modify, collocate, relocate, or otherwise deploy personal wireless service facilities in the public right-of-way.

Personal Wireless Services. The same meaning as it is defined in 47 USC Section 332(c)(7)(C)(i), as may be amended or superseded.

Personal Wireless Service Facilities. The same meaning as it is defined in 47 USC Section 332(c)(7)(C)(ii), as may be amended or superseded.

Public Right-of-Way. Any public street, alley, sidewalk, or parkway, and the space on, above, or below it, that is owned or granted by easement, operated, or controlled by the City.

Public Works Director. The Public Works Director of the City of Alameda or his/her designee.

Section 6409(a). Section 6409(a) of the Middle Class Tax Relief and Job Creation Act, Pub. L. No. 112-96, 126 Stat. 156 (Feb. 22, 2012), codified as 47 USC Section 1455(a) and implemented pursuant to 47 CFR Section 1.6100.

Site. The same meaning as it is defined in 47 CFR Section 1.6100(b)(6), as may be amended or superseded.

Substantial Change. The same meaning as it is defined in 47 CFR Section 1.6100(b)(7), as may be amended or superseded.

Tower. The same meaning as it is defined in 47 CFR Section 1.6100(b)(9), as may be amended or superseded.

Transmission Equipment. The same meaning as it is defined in 47 CFR Section 1.6100(b)(8), as may be amended or superseded.

Unlicensed Wireless Service. The same meaning as it is defined in 47 USC Section 332(c)(7)(C)(iii), as may be amended or superseded.

23-9.020 – Applicability

This Chapter applies to all personal wireless service facilities as follows:

- A. All facilities for which applications were not submitted prior to the effective date of this Chapter shall be subject to and comply with all provisions of this Chapter; and
- B. All facilities, notwithstanding the date submitted or approved, shall be subject immediately to:
 - 1. 23-9.045 Fees
 - 2. 23-9.070 Radio Frequency Exposure Monitoring Requirements;
 - 3. 23-9.075 Operation and Maintenance Standards;
 - 4. 23-9.080 Termination for Public Benefit

5. 23-9.085 Revocation or Modification

6. 23-9.100 Abandonment;

7. 23-9.105 Preservation of City Rights

8. 23-9.110 Removal and Restoration;

9. 23-9.120 Insurance and Bond; and

10. 23-9.125 Indemnity.

C. Exempt Facilities. Notwithstanding Sections 23-9.020.A. and 23-9.020.B., the provisions in this Chapter shall not be applicable to:

1. Personal wireless service facilities or equipment owned and operated by Alameda Municipal Power for use in connection with electrical power generation, transmission, and distribution facilities;

2. Personal wireless service facilities that are constructed for City use or by the City to exclusively provide unlicensed wireless services, such as Wi-Fi;

3. Facilities that are for the purpose of wireless-based reading of water, gas, street lighting or electric meters;

4. Facilities or other transmission equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power generation, transmission and distribution facilities subject to CPUC General Order 131-D;

5. Amateur radio facilities;

6. Over the Air Reception Devices ("OTARD") antennas; and

7. Any entity legally entitled to an exemption pursuant to state or federal law or governing franchise agreement.

23-9.025 – Departmental Standards, Forms, and Other Regulations

The City Council authorizes the Public Works Director to develop and publish a Public Wireless Communication Facilities Design Guidelines document to supplement the regulations set forth in this Chapter. In addition, the City Council authorizes the Public Works Director to develop and publish permit application forms, checklists, informational handouts, and other related materials for this Chapter. Without further authorization from the City Council, the Public Works Director may from time-to-time update and alter the

Public Right-of-Way Wireless Service Facility Standards and Regulations, including standard permit conditions, permit application forms, checklists, informational handouts, and other related materials as the Public Works Director deems necessary or appropriate. The City Council further authorizes the Public Works Director to establish other reasonable rules and regulations, which may include without limitation regular hours for appointments with applicants and inspection procedures, as the Public Works Director deems necessary or appropriate to organize, document, and manage the application, permitting, construction, and other processes related to personal wireless service facilities. All such rules and regulations must be in written form and shall be effective immediately upon publication, which may include, without limitation, posting at the Public Works' offices or on the City's website.

23-9.030 – Permits Required

- A. **Wireless Facility Encroachment Permit.** A Wireless Facility Encroachment Permit is required to construct, install, modify, collocate, relocate, or otherwise deploy a personal wireless service facility in the public right-of-way. Notwithstanding the foregoing, a Wireless Facility Encroachment Permit is not required for eligible facilities requests, which shall be regulated pursuant to Section 23-9.030.B.
- B. **6409(a) Permit.** A 6409(a) Permit is required for all eligible facilities requests filed with a written request for approval pursuant to Section 6409(a).
- C. **Other Permits and Regulatory Approvals.** In addition to any permit required under this Chapter, the applicant must obtain and comply with all other required and applicable authorizations and permits and all other regulatory approvals from all City departments, and state and federal agencies.
- D. **Proprietary Approvals.** Nothing in this Chapter shall be deemed to waive any required pole license, attachment agreement or proprietary approvals for siting of personal wireless service facilities on privately or publicly owned property or improvements.
- E. **Non-Exclusive Grant.** No permit or approval granted under this Chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the City for any purpose whatsoever. Further, no approval shall be construed as any warranty of title.

23-9.035 – Permit Applications

- A. **Application Requirement.** Except as provided in subsection C. herein, the City shall not approve or deny any personal wireless service facility subject to this Chapter 23 except upon a duly filed application pursuant to this Chapter and the Public Right-of-Way Personal Wireless Service Facility Standards and Regulations.

- B. **Procedures for a Duly Filed Application.** The applicant shall file an application in accordance with the provisions in this Section.
- C. **Application Form.** The Public Works Director shall develop and from time-to-time revise the application form in the manner described in Section 23-9.025.
- D. **Wireless Facility Encroachment Permit Applications.** An application for a Wireless Facility Encroachment Permit shall comply with the procedures stated in this Section and any guidance or regulation deemed necessary and appropriate by the Public Works Director, per Section 23-9.025, including without limitation, the Wireless Communication Facilities Design Guidelines, checklists, informational handouts, and other related materials. Applications may be presented in person at any time that the City Permit Center is open to the public. Applications may not be submitted in any other manner unless authorized by the Public Works Director in duly adopted regulations pursuant to Section 23-9.025.

23-9.040 – Applications Deemed Withdrawn

If an application is deemed incomplete, the Public Works Director shall notify the applicant as to what information is needed in order to deem the application complete. The applicant must provide all requested information within sixty (60) days of being notified by the Public Works Director that the application is incomplete or the application shall be deemed withdrawn without prejudice by the applicant. If the applicant delivers to the Public Works Director a written request prior to the sixtieth (60th) day to extend the response time, the Public Works Director may grant a written extension where the applicant provides good cause to grant the extension. The extension, if granted, may be for up to an additional thirty (30) calendar days. No additional extensions shall be granted.

23-9.045 – Fees

The City Council may approve by resolution a Municipal Fee Schedule that establishes cost based fees for permits, consulting costs, inspections, enforcement, appeals, amendments, noticing, informational materials, penalties, copies, and other such items as required by this Chapter. These fees may be amended by the City Council.

Commented [KA1]: When is this anticipated?

Commented [HB2]: Actual and reasonable costs.

23-9.050 – Wireless Facility Encroachment Permit Applications

- A. **Decision Notices.** Within five (5) days after the Public Works Director approves, conditionally approves, or denies a Wireless Facility Encroachment Permit Application, the Public Works Director shall transmit a written determination to the applicant at the email address provided on the application. For any denial notice, the Public Works Director shall include the reasons for the denial either in the notice or as a separate written document issued contemporaneously with the denial notice, and shall also place a copy of the denial notice and the reasons for denial in the written administrative record for the project.

B. **Required Findings for Approval.** The Public Works Director shall only approve or conditionally approve a duly filed application for a Wireless Facility Encroachment Permit if the Public Works Director determines that the project, as submitted or modified, conforms to all the following criteria.

1. The proposed personal wireless service facility complies with all applicable requirements described in this Chapter 23-9 and in the Wireless Communication Facilities Design Guidelines;
2. The proposed personal wireless service facility complies with all other laws, including without limitation state and federal law.
3. The inability to make one or more of the findings required in this Chapter is grounds for denial of an application.

C. **Conditional Approvals.** The Public Works Director may impose any reasonable condition or conditions on any Wireless Facility Encroachment Permit, related and proportionate to the subject matter in the application, as the Public Works Director deems necessary or appropriate for compliance with this Chapter or for the preservation of public health and safety.

23-9.055 – 6409(a) Permit Applications

A. **Decision Notices.** Within five (5) days after the Public Works Director approves, conditionally approves, or denies a 6409(a) Permit for an eligible facilities request filed pursuant to Section 6409(a), the Public Works Director shall transmit a written determination to the applicant at the email address provided on the application. For any denial notice, the Public Works Director shall include the reasons for the denial either in the notice or as a separate written document issued with the denial notice, and shall also place a copy of the denial notice and the reasons for denial in the written administrative record for the project.

B. **Required Findings for Approval.** The Public Works Director shall only approve or conditionally approve a duly filed application for a 6409(a) Permit if the Public Works Director determines that the project, as submitted or modified, conforms to all the following criteria.

- ~~1. The proposed personal wireless service facility complies with all applicable requirements described in this Chapter 23-9 and in the Wireless Communication Facilities Design Guidelines;~~

- ~~21.~~ The proposed personal wireless service facility complies with all other applicable and legally enforceable laws, including without limitation state and federal law, regulations, rules, standards or permit conditions reasonably related to public health or safety;

Commented [KA3]: By definition, Eligible Facilities Requests do not comply with the standards and conditions that apply to the facility being modified when it does not constitute a substantial change. Verizon requests that this section be deleted.

~~32.~~ The 6409(a) Permit Application constitutes an eligible facilities request; and

~~43.~~ The 6409(a) Permit Application does not constitute a substantial change.

~~54.~~ The inability to make one or more of the findings required in this Chapter is grounds for denial of an application.

- C. **Conditional Approvals.** As permitted by law, the Public Works Director may impose conditions on any 6409(a) Permit for the preservation of public health and safety.

23-9.060 – Limited Exception for Wireless Facility Encroachment Permits Applications

The Public Works Director shall not grant any limited exception for a Wireless Facility Encroachment Permit Application pursuant to this Section 23-9.060 unless the Public Works Director finds all the following:

- A. The proposed facility qualifies as a “personal wireless service facility” as defined in 47 USC Section 332(c)(7)(C)(ii);
- B. The applicant has provided the Public Works Director with a reasonable and clearly defined technical service objective to be achieved by the proposed facility;
- C. The applicant has provided the Public Works Director with a written statement that contains a detailed and fact-specific explanation as to why the proposed facility cannot be deployed in compliance with the applicable provisions in this Chapter and the Code, including the Public Right-of-Way Personal Wireless Service Facility Standards and Regulations;
- D. The applicant has provided the Public Works Director with a meaningful comparative analysis with the factual reasons why all alternative locations and/or designs identified in the administrative record (whether suggested by the applicant, the City, or any other source) are not technically feasible or potentially available to reasonably achieve the applicant’s reasonable and clearly defined technical service objective to be achieved by the proposed facility; and
- ~~E. The applicant has demonstrated that the proposed location and design is the least noncompliant configuration that shall reasonably achieve the applicant’s reasonable and clearly defined technical service objective to be achieved by the proposed facility, which includes without limitation a meaningful comparative analysis into multiple smaller or less intrusive facilities dispersed throughout the intended service area.~~

Commented [KA4]: Under federal law, a city may not create a preference for one type of technology over another, dictate or require a preference for the type of technology used and may not regulate the choice of technology or equipment design. *SMSA Ltd. Partnership v. Town of Clarkston*, 612 P.3d 97 (2nd Cir. 2010). [Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order \(September 26, 2018\), Footnote 87.](#) Verizon requests deletion of this requirement.

23-9.065 – Permit Expiration and Deadlines

A. Wireless Facility Encroachment Permits and 6409(a) Permits

1. **Expiration.** Unless a shorter period is permitted or preempted by law, once any personal service wireless facility is demonstrated to the City to be constructed, per an approved Wireless Facility Encroachment Permit or 6409(a) Permit for any personal wireless service facility, the term of said Wireless Facility Encroachment permit shall be valid for a period of ten (10) years from the date the City receives proof of all required approved, final inspections, unless such permit is terminated pursuant to Section 23-9.080, or revoked pursuant to Section 23-9.085. At the end of ten (10) years from the date of demonstration, such permit shall automatically expire.
2. **Permit Renewal.** A permittee may apply for a new Wireless Facility Encroachment Permit or 6409(a) Permit no earlier than eighteen (18) months nor later than six (6) months prior to expiration of the expiring permit. Said application and proposal shall comply with the City's code and application requirements in effect at the time of said application.

Commented [KA5]: SWFs will require many pole locations throughout the city. The large number of these facilities will create an administrative burden for both the city and the carriers. Verizon requests that, like utility poles in the ROW, that there be no defined permit term.

Commented [HB6]: Verizon requests that SWFs in the ROW be exempted from this provision for the reasons stated above.

B. Construction of Wireless Facilities in Public Right of Way

1. **Time to Complete Work.** For any Wireless Facility Encroachment Permit granted under this Chapter, the permittee shall complete construction within three hundred and sixty five (365) days from the date of issuance of this permit.
2. **Extensions.** The Public Works Director may grant up to a maximum of two (2) written extensions of time from the stated period in Section 23-9.065.B.1 where the permittee provides good cause to grant the extension. An extension, if granted, may be for up to an additional forty-five (45) days.
3. **Expiration.** Where a permittee of a Wireless Facility Encroachment Permit fails to comply with this Section 23-9.065, the permit shall ~~automatically expire~~ 60 days after the city provides notice to the applicant.
4. **Permit Renewal.** Before any work authorized under an expired Wireless Facility Encroachment Permit can be recommenced, the permittee shall file an application for a permit renewal pursuant to the Small Cell Wireless Facilities in the Public Right of Way, Guidelines for Permit Submittal. Renewal permits shall be subject to a permit renewal fee and Small Cell Wireless Facilities in the Public Right of Way, Guidelines for Permit Submittal in effect at the time of filing for permit renewal.

23-9.070 – Radio Frequency Exposure Monitoring Requirements

- A. **FCC Compliance.** The City shall not approve any permit that does not demonstrate planned compliance with the FCC's regulations concerning radio frequency exposure.
- B. **Pre-Installation Reporting.** As part of any application required under this Chapter, the applicant shall provide to the City a radio frequency electromagnetic energy report pursuant to the requirements set forth in the Small Cell Wireless Facilities in the Public Right of Way, Guidelines for Permit Submittal.

Commented [KA7]: SWF are low power and involve standard equipment that has a fixed output. Verizon requests that one pre- installation report per deployment configuration be required for SWF deployment.

23-9.075 – Operation and Maintenance Standards

All personal wireless service facilities must comply at all times with the following operation and maintenance standards:

- A. All personal wireless service facilities shall be maintained in good condition, including ensuring the facilities are reasonably free of:
 - 1. General dirt and grease;
 - 2. Chipped, faded, peeling, and cracked paint;
 - 3. Rust and corrosion;
 - 4. Cracks, dents, and discoloration;
 - 5. Missing, discolored, or damaged camouflage;
 - 6. Graffiti, bills, stickers, advertisements, litter, and debris;
 - 7. Broken and misshapen structural parts; and
 - 8. Any damage from any cause.
- B. Each personal wireless service facility shall be operated and maintained at all times in compliance with all laws;
- C. Within thirty (30) days of the anniversary date of the permit, each owner of a personal wireless service facility shall routinely inspect each site to ensure compliance with the standards set forth in this Section and all conditions of approval.

23-9.080 – Termination for Public Benefit

Every permit granted under this Chapter may be terminated upon twelve (12) months' prior written notice to the permittee, or less time if in response to an urgent or emergency situation as determined by the City, if the personal wireless service facility interferes or will interfere with any public work of improvement that impacts the public right-of-way, and 18 months for non-urgent situations, and permittee shall be provided with the opportunity to obtain approval for a temporary or new facility prior to removal. If a permit granted until this Chapter is terminated pursuant to this Section, any Wireless Facility Encroachment Permit Application for a new personal wireless service facility within 500 feet of the terminated Wireless Facility Encroachment Permit that will act as a replacement for the terminated Wireless Facility Encroachment Permit shall not be subject to site justification pursuant to Section 23-9.135.B.

23-9.085 – Revocation or Modification

Any permit granted under this Chapter may be revoked or modified for cause in accordance with the provisions of this Section.

- A. **Initiation.** Revocation or modification proceedings may be initiated by the Public Works Director.
- B. **Notification of Hearing.** The permittee shall be notified by the Public Works Director of the basis for the proposed revocation or modification and be provided a date and time during which a hearing will be held not less than fourteen (14) days in advance of said hearing.
- C. **Required Findings for Revocation or Modification.** The Public Works Director may revoke or modify the permit if he or she makes any of the following findings:
 - 1. The applicant obtained the approval by means of fraud or misrepresentation of a material fact;
 - 2. The applicant has failed to construct, or has expanded or altered the permitted facility in manner that inconsistent with that set forth in the permit;
 - 3. The personal wireless service facility is deemed abandoned because it has not been operated for any continuous period of six (6) months or more;
 - 4. Failure to comply with any condition of a permit issued;
 - 5. Failure to comply with any provision in this Chapter;
 - 6. A substantive change of state or federal law or regulations materially affecting a permittee's authority to occupy or use the public right-of-way or the City's ability to impose regulations relating to such occupation or use; and

7. A personal wireless service facility is located on a utility pole or structure subject to removal pursuant to a lawfully approved utility undergrounding district or other rule or regulation.

D. **Notice of Action.** A written determination of revocation that contains the reasons for the revocation shall be sent via USPS Certified Mail to the permittee within five (5) days of such determination.

23-9.090 – Expert Assistance

Where the City determines that it requires the services of a consultant for expert assistance in implementing this Chapter or processing any application received thereunder, and subject to applicable laws, the applicant shall deposit a fee equal to the estimated ~~cost~~ actual and reasonable costs of the consultant's services to the City. In the event that the actual ~~and reasonable fees~~ exceed the deposited fees, the applicant shall pay the difference to the City. In the event that the actual fees are less than the deposited fees, the applicant shall be refunded for the difference from the City. No permit for an approved project shall be issued if the applicant owes the City funds to fully reimburse the City for its actual costs to process the application, including without limitation, reimbursement for the City's consultant costs.

Commented [HB8]: The FCC Order allows the city to recover only actual and reasonable costs for SWF permitting. A deposit is not the actual cost to the city for administering the use of expert assistance.

23-9.095 – Deemed Approved

In the event that an application is deemed approved by any rule of law or regulation, all applicable requirements of this Chapter, including those requirements set forth in the Public Right-of-Way Personal Wireless Service Facility Standards and Regulations in effect at the time of the deemed approval, and any other applicable laws, including, without limitation, standard conditions of approval, shall automatically attach and apply as permit conditions.

23-9.100 – Abandonment

A personal wireless service facility that is considered abandoned pursuant to Section 23-9.85.C.3 shall be promptly removed and, as applicable, the area restored to its prior condition at the permittee's sole cost and expense within sixty (60) days after abandonment. If there are two (2) or more users of a single facility, then this provision shall not become effective until all users cease using the facility. The owner of a facility shall notify the City in writing of its intent to abandon or cease use of a permitted site or a nonconforming site (including unpermitted sites) within thirty (30) days of ceasing or abandoning use. Failure to inform the Public Works Director of cessation of operations or abandonment of any personal wireless service facility as required by this Section shall constitute a violation of any approvals and be grounds for:

- A. Revocation or modification of the permit;
- B. Acting on any bond or other assurance required by this article or conditions of approval of the permit;

- C. Removal of the facilities by the City at the owner's expense; and/or
- D. Any other remedies permitted under this Code or by law.

23-9.105 – Preservation of City Rights

- A. **Overview.** The City at all times reserves the right to take any action it deems necessary, in its sole discretion, to repair, maintain, alter, or improve the public right-of-way. Such actions may temporarily or permanently interfere with the personal wireless service facility. The City shall in all cases, other than emergencies, give the applicant written notification of such planned, non-emergency actions no fewer than fourteen (14) days prior to such actions.
- B. **Summary Removal.** In the event the Public Works Director determines that the condition or placement of a personal wireless service facility located in the public right-of-way constitutes a dangerous condition, obstruction of the public right-of-way, or an imminent threat to public safety, or determines other exigent circumstances require immediate corrective action (collectively, "exigent circumstances"), the Public Works Director may cause the facility to be removed summarily and immediately without advance notice or a hearing. Written notice of the removal shall include the basis for the removal and shall be served upon the permittee and person who owns the facility within five (5) business days of removal and all property removed shall be preserved for the owner's pick-up as feasible. If the owner cannot be identified following reasonable effort or if the owner fails to pick-up the property within sixty (60) days, the facility shall be treated as abandoned property subject to any disposal or reuse in the City's sole discretion.
- C. **Non-Liability for Removal.** In the event the City removes a personal wireless service facility pursuant to Section 23-9.105.B., any such removal shall be without any liability to the City for any damage to such facility that may result from reasonable efforts of removal. The City has no obligation to restore such facility. The permittee shall not have any claim if the City removes a personal wireless service facility pursuant to Section 23-9.105.B.

23-9.110 – Removal and Restoration

- A. **General Provisions.** Upon the expiration date of the permit, earlier termination or revocation of the permit or abandonment of the facility, the permittee shall remove its personal wireless service facility and restore the site to its natural condition except for any improvements to be retained by the City at its discretion. Any such retained improvements shall be purchased from the permittee for one dollar, and the parties will cooperate to effectuate this provision. Removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the City. The facility shall be removed from the property, at no cost or expense to the City. Failure of the permittee, owner, or operator to promptly

remove its facility and restore the property within ~~sixty (60)~~ one hundred eighty (180) days after expiration, earlier termination or revocation of the permit, or abandonment of the facility, shall be a violation of this Chapter. Upon a showing of good cause, an extension may be granted by the Public Works Director where circumstances are beyond the control of the permittee after expiration, earlier termination or revocation of the permit, or abandonment of the facility. Further failure to abide by the timeline provided in this Section shall be grounds for:

1. Acting on any security instrument required by this Chapter or conditions of approval of permit;
2. Removal of the facilities by the City at the owner's expense; and/or
3. Any other remedies permitted under this Code or under state or federal law.

23-9.115 – Notice of Shot Clock Expiration

The applicant is required to provide the Public Works Director with written notice of the expiration of any timeframe for review, which the applicant shall ensure is received by the City (e.g., via Certified Mail, Registered Mail, national carrier, any of which shall require a receipt signature) no earlier than thirty (30) nor later than twenty (20) days prior to expiration of the shot clock.

23-9.120 – Insurance and Bond

- A. **Insurance.** The permittee, including its agents and contractors, shall procure and maintain in full force and effect as a condition of any permit granted under this Chapter 23-9 insurance pursuant to the requirements of the City's Risk Manager.
- B. **Bond.** Permittee shall pay for and provide a performance bond or other form of security approved by the City Attorney's Office, which shall be in effect until the personal wireless service facility is fully and completely removed and the site reasonably returned to its original condition, to cover permittee's obligations under this Chapter. The security instrument coverage shall include removal of the facility and site restoration in compliance with applicable laws. The amount of the security instrument shall be calculated by the applicant in its submittal documents in an amount rationally related to the obligations covered by the bond and pursuant to the requirements set forth in the Public Right-of-Way Personal Wireless Service Facility Standards and Regulations. The performance bond shall expressly survive the duration of the permit term to the extent required to effectuate a complete removal of the subject facility in accordance with this provision.

23-9.125 – Indemnity

The permittee shall defend, indemnify and hold harmless the City, its agents, officers, officials, employees and volunteers from any and all: (1) damages, liabilities, injuries,

Commented [KA9]: 60 days is too short a time frame to coordinate with other right of way users, obtain the necessary permits and complete the restoration.

Commented [HB10]: Applicant should not be required to provide written notice of the expiration of any timeframe for review. The onus is on the City to meet the applicable shot clock.

losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("Claims") brought against the City or its agents, officers, officials, employees or volunteers to challenge, attack, seek to modify, set aside, void or annul the City's approval of any permit or regulatory approval authorized by City under this Chapter; and (2) other Claims any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', or customers' acts or omissions in connection with the permit or the facility; provided, however, the permittee shall not be required to defend, indemnify, or hold harmless the City, agents, officers, officials, employees and volunteers due to the negligence, gross negligence, or willful misconduct of the City, agents, officers, officials, employees, and volunteers. In the event the City becomes aware any Claims, the City shall use best efforts to promptly notify the permittee and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense.

23-9.130 – Emergency Deployment

In the event of an officially-declared federal, state, or local emergency, or when otherwise warranted by conditions that the City deems to constitute an emergency, the Public Works Director, City Manager, or their designees may approve the installation and operation of a temporary personal wireless service facility (e.g., a cell on wheels, or "COW"), which is subject to such reasonable conditions that the City deems necessary.

23-9.135 – Location and Deployment Preferences

- A. **New Poles.** New poles in the public right-of-way detract from the aesthetics of the City. New poles in the public right-of-way to accommodate a personal wireless service facility that are not replacing an existing pole are permitted only through the exception process pursuant Section 23-9.060.
- B. **Site Justification.** For Wireless Facility Encroachment Permit Applications, the applicant shall provide to the City a site justification report pursuant to the requirements set forth in the Wireless Communication Facilities Design Guidelines and Small Cell Wireless Facilities in the Public Right of Way, Guidelines for Permit Submittal.
- C. **Historic-themed light poles.** No personal wireless service facilities or accessory equipment shall be permitted on designated historic light poles in the City of Alameda.

Commented [HB11]: The right of way is the most appropriate place for small wireless facilities, where there is vertical infrastructure and power. Every small wireless facility requires both of these elements. The small size of these facilities makes private property leasing impractical for owners and would require applicants to pull additional power and fiber connections onto private property, which is disruptive and not workable. The need to propagate signal in many directions makes attachment to buildings a poor way to deliver service, especially where the inside of the building is the most often coverage/capacity objective.

Commented [HB12]: While we recognize that decorative streetlight infrastructure deserves special consideration, historic-themed light poles are typically found in downtown areas and historic districts, areas where special events are held, and large crowds congregate. These are areas of a City where additional network capacity is needed most. Verizon requests the allowance of new poles or replacement poles that are compatible with the existing historic-themed light poles and will work with the City on developing acceptable design criteria for these special districts.

23-9.140 – Effect on Other Ordinances

Compliance with the provisions of this Chapter shall not relieve a person from complying with any other applicable provision of this Code. In the event of a conflict between any provision of this Chapter and other sections of this Code, this Chapter shall control.

Section 2:_____—SECTION 2-59.3 (LIMITATION AND POWER ON POWER TO MAKE

CONTRACTS) of Chapter II (ADMINISTRATION) of the Alameda Municipal Code, is hereby amended to add a new subsection (d), which shall read as follows:

2-59.3 - Limitation and Power to Make Contracts.

- (a) Except as otherwise provided in the Charter or this Code, no employee of the City shall make any contract, obligating the City, or any department of the City, to make or receive payments of money or other valuable consideration for a period longer than five (5) years, unless such contract shall have been first approved by the Council.
- (b) For the purpose of this section, a contract obligating the City, or any operational department of the City, to make or receive payments or other valuable consideration for a period longer than five (5) years, shall include a contract which contains a provision, such as, but not limited to, an option clause, which allows for a cumulative period longer than five (5) years, said period calculated as of the date of execution of the contract.
- (c) Contracts for personal or professional services involving specialized knowledge, including, without limitation, architects, engineers, or accountants, in the amount of seventy-five thousand dollars (\$75,000.00) or more must be approved by Council.
- (d) Agreements for use and installation of personal wireless service facilities, permitted pursuant to Section 23-9 (Personal Wireless Service Facilities in the Public Right-Of-Way) of the Alameda Municipal Code, shall be exempt from the requirements of subsection (a) above.

Section 3: IMPLIED REPEAL

Any provision of the Alameda Municipal Code inconsistent with this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to effectuate this Ordinance.

Section 4:- CEQA DETERMINATION

The proposed amendments to the Alameda Municipal Code (AMC) are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (exemption for minor alteration to existing facilities) and Section 15303 (exemption

for new construction or conversion of small structures), and none of the exceptions to the exemptions in CEQA Guidelines Section 15300.2 are triggered.

Section 5: SEVERABILITY

If any provision of this Ordinance is held by a court of competent jurisdiction to be invalid, this invalidity shall not affect other provisions of this Ordinance that can be given effect without the invalid provision and therefore the provisions of this Ordinance are severable. The City Council declares that it would have enacted each section, subsection, paragraph, subparagraph and sentence notwithstanding the invalidity of any other section, subsection, paragraph, subparagraph or sentence.

Section 6: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____ 2020, by the following vote to wit:

AYES: _

NOES: _

ABSENT:

ABSTENTIONS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this _____ day of _____ 2020.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Yibin Shen, City Attorney City of
Alameda

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Yibin Shen, City Attorney
City of Alameda



SMALL CELL WIRELESS FACILITIES IN THE PUBLIC RIGHT OF WAY

GUIDELINES FOR PERMIT SUBMITTAL

2263 Santa Clara Ave., Rm. 190 Alameda, CA 94501-4477
510.747.6800 • TDD: 510.522.7538 • alamedaca.gov

Hours: 7:30 a.m.–3:30 p.m., M–Th

These guidelines are intended to facilitate administration of a permit program for small cell wireless communications facilities within City of Alameda's public right of way. The objective of the guidelines is to ensure that the design, operation and siting of the facilities in the public right of way will occur in a manner that protects and promotes public safety, community welfare and the aesthetic quality of the City consistent with the objectives and policies of the City of Alameda General Plan and Public Utilities Code Sections 7901 and 7901.1. The City acknowledges the small cell wireless communication facilities are needed in order to provide robust cellular coverage and capacity throughout the City but seeks to ensure facilities do not significantly detract from City streetscapes.

Carriers and permit applicants shall comply with applicable regulations and standards of all governmental agencies with jurisdiction over the installation and operation of wireless telecommunication facilities including, but not limited to, the Federal Communications Commissions and California Public Utilities Commission. The City of Alameda may, at any time, require applicants to provide evidence of compliance with applicable regulation.

Prerequisite: Review City Design Guidelines

Wireless communications providers should review and design wireless facilities to comply with the City's Wireless Communication Facilities Design Guidelines available online at: <https://www.alamedaca.gov/Departments/Planning-Building-and-Transportation/Planning-Division/New-Wireless-Facilities-Design-Guidelines>

Batched Applications.

A single permit may be used for multiple Small Wireless Facilities. If the sites within the batched permit application have differing review timelines, the longer timeline will apply to review of the consolidated grouping. If the City denies the application for one or more Small Wireless Facilities, or one or more Small Wireless Facilities, in a batched application, the City may not use the denial as a basis to delay the application process of any other Small Wireless Facility in the same batched Application.

A single permit may be issued for siting and collocating multiple Small Wireless Facilities.

Step 1. Site Location

City Poles:

City owned street light and traffic signal poles, excluding street lights designated historic monuments, are available for view at **under development.** The information provided by the City of Alameda on this site is a public resource providing a visual display of general information for your convenience. The City of Alameda makes no warranty as to the content, sequence, accuracy,

timeliness or completeness of any of the information provided on this site. All information contained should be verified before relying on its accuracy. The City of Alameda expressly disclaims any representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. The City of Alameda shall assume no liability for any errors, omissions or inaccuracies in the information provided, regardless of how caused; or any decision made or action taken or not taken by user in reliance upon any information or data furnished hereunder. Permission to use this application is expressly conditioned upon your unconditional acceptance of, and consent to, the terms of this disclaimer.

Utility Poles:

For utility poles, the majority of Alameda Municipal Power electric distribution poles are jointly owned with an incumbent telephone company (AT&T). In addition to the process contained herein, the Applicant shall make application to, receive authorization from, and comply with all joint owners' requirements pertaining to the installation of their facilities. Third Party use of jointly owned poles requires the consent of all joint owners.

Step 2. Getting Power to Site

Applicant must separately arrange for electrical service through Alameda Municipal Power. Small cell equipment will be served by a separate electric service (e.g. equipment cannot be powered from a streetlight photocell adapter). To avoid meter pedestals or meter equipment on poles, service through Alameda Municipal Power will be a non-metered service. Power usage will be estimated based on nameplate rating of all equipment and the monthly charges computed based on the applicable rate schedule.

To obtain electrical service, Applicant must complete a Service Planning Form for Small Cell Pole Attachments available as **Attachment C** and online at www.alamedamp.com/es-planning.

Applicant must comply with all AMP Engineering Department service requirements noted during plan review.

Step 3. Right of Way Permit Application

Applicant shall submit Right of Way Permit applications to the Permit Counter located in Room 190 at 2263 Santa Clara Ave. Applications must be submitted in person. The application submittal shall include the following material:

- _____
- For equipment on a City owned asset: The pole identification number and proof of proprietary approval for siting of personal wireless service facilities on City owned asset (fully executed Master License Agreement or Memorandum of Master License Agreement).
- Photo Simulation and Engineering/Construction Drawings: The submittal shall identify all facility related support and protection measures to be installed. This includes, but is not limited to, the location(s), dimensions and method of placement, support, protection, screening, paint and/or other treatments of the antennas and other appurtenances to ensure public safety and compatibility with the

neighborhood character. The design of the facility shall demonstrate the **least intrusive** means for installation. If plans include excavation, the site plan must show the location and depth of all utilities in the project vicinity. **Attachment A** contains a checklist of information to include on the Photo Simulations and Engineering/Construction Drawings Plans.

Commented [KA1]: This test was rejected by the recent FCC Order.

- A Pole Loading Analysis prepared by a Registered Professional Engineer shall demonstrate the structural integrity of the pole load of the pole-mounted equipment (for existing or replacement pole, if being proposed)
- **Pre-Installation Radio Frequency Emissions Report**, requirements for report are listed in **Attachment B**
- Proof of the applicant's Certificate of Public Convenience and Necessity (CPCN) from the California Public Utility Commission (CPUC).
- Traffic Control Plan(s), per Caltrans standard
- Proof of Insurance, as specified in the Right of Way application
- Number of Copies: (4) copies of the Right of Way application, (1) copy of insurance paperwork, (2) copies of any structural calculations, (4) sets of any plan drawings.

Step 4. Construction Inspection

All construction in the public right-of-way must be inspected by the Public Works Department, as detailed in the Right of Way conditions of approval. Inspections must be scheduled with the Public Works Construction Inspection Office at 510-747-7930 at least 48 hours prior to the requested inspection time.

Step 5. Post-Construction Requirements

Within 30 calendar days of commencing operation, the Permittee shall provide to the Public Works Director a post-installation certification confirming, under penalty of perjury, that the actual radio frequency emissions from the installed personal wireless service facility do not exceed that disclosed in the pre-installation report submitted as part of the permit package. This Post-Installation Certification must reference the Right of Way Permit and pole identification number. As-built photographs of the completed facility shall be provided with the Post Installation Certification.

Within 30 days of the anniversary date of the permit, the permittee shall provide to the Public Works Director a post-installation certification confirming, under penalty of perjury, that the personal wireless service facility is compliant with FCC regulations concerning radio frequency emissions. This Annual Certification must reference the Right of Way Permit and pole identification number.

ATTACHMENT A

Photo Simulations and Engineering/ Construction Drawings Plans

Information to be shown on Plans and Simulations to ensure clarity. Both Existing and Proposed drawings are required.

		YES	NO
1	Cover Sheet Show the correct project site location on cover sheet (with a vicinity map). Indicate the street address(s) for the nearest building(s).		
2	Cover Sheet Provide a clear project description describing types and numbers of equipment. Also indicate if pole will be replaced (with existing and proposed heights) and/or if any existing road signage is proposed to be relocated or removed.		
3	Cover Sheet Provide information in a checklist format to ensure conformance by installers.		
4	Site Plan Show location and dimensions of all new equipment and wiring.		
5	Elevation Sheet Show location of any warning stickers. RF warning sticker shall be facing out to street and near antenna.		
6	Elevation Sheet Indicate height to top of pole, antenna, top and bottom of equipment enclosures.		
8	Elevation Sheet Show equipment enclosures stacked together as close as possible while complying with GO 95 and airflow requirements.		
9	Elevation Sheet Clearly show offset (distance) of equipment cabinets from pole.		
10	Photo Simulations Show cabling and equipment sizes, and offsets (cabinets from pole) correctly.		
11	Photo Simulations Show RF warning stickers, if visible from given perspectives.		
12	Photo Simulations Use perspectives that provide a true sense of distance to nearest residential windows or primary facades of buildings.		
13	Photo Simulations Show new (straight/upright) pole if existing (leaning) pole is to be replaced.		

ATTACHMENT B

Pre-Installation Radio Frequency Emissions Report Requirements

This report must be submitted as part of the Right of Way Permit application. The requirements for this report are listed below. The applicant may provide one emissions report for the entire small wireless deployment if the applicant is using the same small wireless facility configuration for all installations within that batch or may submit one emissions report for each subgroup installation identified in the batch.

1. The location, identity and total number of all operational radiating antennas to be installed at this site.
2. List all visible radiating antennas located within 100 feet of the site which could contribute to the cumulative radio frequency energy at this location.
3. Provide a narrative description of the proposed work for this project. The description should be consistent with scope of work for the final installation drawings.
4. Provide an inventory of the make and model of antennas or transmitting equipment being installed or removed. The antenna inventory should also include the proposed installation height above the nearest walking/working surface as well as the height above ground level. Also include the orientations of the antennas.
5. Describe the existing radio frequency energy environment at the nearest walking/working surface to the antennas and at ground level. This description may be based on field measurements or calculations. Please include a description of any assumptions made when doing the calculations.
6. Provide the maximum effective radiated power per sector for the proposed installation. The power should be reported in Watts and reported both as a total and broken down by the frequency band width (i.e. PCS, AWS, Cellular, etc...)
7. Based on the antenna orientation, describe the maximum cumulative predicted radio frequency energy level for any nearby publicly accessible building or area. Include the address of the building or structure and the maximum predicted amount of radio frequency energy both as a percent of the FCC standard and in mW/cm². Include a description of any assumptions made when doing these calculations.
8. Report the estimated cumulative radio frequency fields for the proposed site at ground level. State the percentage of the FCC standard utilized and power density exposure level in mW/cm².
9. Provide the maximum distance (in feet) the three dimensional perimeter of the radio frequency energy level equal to the public and occupational exposure limit is calculated to extend from the face of the antennas. Indicate if this will include any walking/working surfaces or if it extends only into free space.
10. Provide a description of whether or not the public has access to the antennas. Describe any existing or proposed warning signs, barricades, barriers, rooftop striping or other safety precautions for people nearing the equipment as may be required by any applicable FCC-adopted standards. At a minimum, signs should be provided in English, Spanish and Chinese.
11. Statement that the personal wireless service facilities to be installed as part of this permit are compliant with FCC regulations concerning radio frequency emissions.
12. Statement on who produced this report and qualifications. Report must be signed off by an RF licensed engineer expert in the field of radio frequency emissions. Typically, this is a licensed electrical engineer, or other qualified professional. The engineer, if applicable,

~~must be licensed in the State of California.~~

ELECTRIC SERVICE PLANNING INFORMATION FORM

<http://www.alamedamp.com/working-with-amp>

SMALL CELL POLE ATTACHMENTS



**ALAMEDA
MUNICIPAL POWER**
A Department of the City of Alameda

THIS FORM MUST BE FILLED OUT COMPLETELY BEFORE IT CAN BE PROCESSED. SHADED AREAS ARE FOR AMP USE ONLY.

This form will be sent back to the applicant after review.

- This application is for a preliminary engineering review of the proposed work and is recommended before applying for a permit.
- Submit this form to the AMP Engineering Office located at 2000 Grand Street, Alameda, CA 94501
- For questions call the AMP Engineering main line at (510) 814-5676.

AMP – JOB NUMBER:

Date:

Name of Applicant / Company:

Tel:

Address:

City / State:

Zip:

Email:

BILLING INFORMATION

Name:

Tel:

Address:

City / State:

Zip:

Email:

TYPE of POLE (check appropriate box)

☐ Streetlight

☐ Utility Pole

Physical Street Address:

Coordinates:

Latitude:

Longitude:

AMP Pole# (If known):

Comments:

****Attach a sketch/map (and a photograph) showing the pole location and proposed service connections. ****

Brief Description of Work:

Proposed Equipment

Qty	Description	Manufacturer	Model Number	Dimension (H x W x D)	Weight
-----	-------------	--------------	--------------	--------------------------	--------

Total Equipment Load: *Attach manufacturer cut sheets showing maximum AC wattage of ALL equipment associated with this request*

Unit	Description	Max Power (W)	Max Current (A)	kVA	KWh/Year
------	-------------	------------------	--------------------	-----	----------

I understand and acknowledge that AMP will review the proposed new service based on the load and equipment specifications I provide on this Service Application. AMP will need to reevaluate the application should the information change at a later date and I may be required to submit a new application.

Applicant Name:	Signature:	Date:
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FOR AMP USE ONLY – NOTES FOR THE APPLICANT

- *Applicant is solely responsible for obtaining any and all consents, permits, licenses or grants necessary for making attachments to the selected poles.*
- *The selected location and installation design must comply with city guidelines.*

AMP has reviewed this application for proposed small cell attachments and:

☐ Accepts proposed attachments and will agree to serve with the below conditions/comments.☐ Rejects the proposed attachments with the below comments.

Conditions/Comments:	
----------------------	--

[illegible]

Additional Sheets are Attached: ☐ Yes ☐ No

Application Reviewed by:

Phone #:

Date:

Alameda Municipal Power Requirements for Small Cell Attachments

A. Purpose and Applicability

Below are Alameda Municipal Power's requirements for locating small cell antennas and equipment. These requirements augment and enhance the guidelines provided in the *City of Alameda Wireless Communication Facilities Design Guidelines*.

For utility poles, the majority of Alameda Municipal Power electric distribution poles are jointly owned with an incumbent telephone company (AT&T). In addition to the process contained herein, the Applicant shall make application to, receive authorization from, and comply with all joint owners' requirements pertaining to the installation of their facilities. Third Party use of jointly owned poles requires the consent of all joint owners. Alameda Municipal Power may not unilaterally authorize the use of a jointly owned pole.

The Applicant is solely responsible for obtaining any and all consents, permits, licenses or grants necessary for making attachments to the selected poles.

B. General

1. Small cell attachments will be permitted on City owned streetlight poles, traffic signal poles, city owned buildings/roof tops, and in the communications space of utility poles.
2. The City's first preference to locate small cells will be on city owned non decorative street light poles, traffic signal poles or on city owned buildings/roof tops.
3. The Applicant is responsible for obtaining power through Alameda Municipal Power.
4. Service through Alameda Municipal Power will be a non-metered service. Power usage will be estimated based on nameplate rating of all equipment and the monthly charges computed based on the applicable rate schedule.

C. Electrical Requirements

1. Applicants must provide a separate electric line to be run to their equipment. Power for equipment located on streetlights cannot use the power to the luminaire as a source of power.
2. Equipment must be properly grounded in accordance with Alameda Municipal Power requirements and General Order 95. Applicants may not bond to Alameda Municipal Power's ground wire.
3. Applicants will be responsible for installing all necessary substructure and service cables from an AMP designated service point.
4. All small cell installations must be equipped with an appropriate visible disconnect means (switch) that is clearly identified and is accessible to Alameda Municipal Power personnel.

D. Utility Poles

1. Applicant is required to obtain Northern California Joint Pole Association approval as may be required.
2. Applicant shall provide pole loading calculations with the equipment to be installed.
3. Utility pole installations must use all design techniques to minimize visual impacts including consolidating equipment on the pole to reduce the visual clutter.
4. No attachments or antennas are allowed above the communications space of the utility pole.
5. No attachments allowed on poles with primary power risers.

Alameda Municipal Power Requirements for Small Cell Attachments

6. No attachments allowed on transmission poles.
7. No attachments allowed on poles with special equipment (primary cut outs, capacitor banks, manual disconnect arms, any utility company RF antennas, other wireless carrier equipment, Comcast equipment). Poles with secondary risers or transformers may be used as long as there is space for the equipment AND climbing space on the pole.
8. Attachments may not interfere with the proper operation of other attachments on the utility pole. Blocking light from streetlights, acting as an obstruction to maintenance activities, and causing voltage fluctuations in the distribution system are examples of such interferences.
9. All antenna installations shall be consistent with General Order 95, "Rules for Overhead Electric Line Construction," of the California Public Utilities Commission, and all other applicable Federal, State, and local orders, codes, rules, and regulations. Including:
 - Climbing space
 - Clearances between power and/or other attachments
 - Required distances for separation between pole and equipment
 - Required distances for separation between equipment
10. No ground mounted enclosures, including backup power supply, shall be allowed. All equipment located within the public ROW shall be located such that it meets ADA requirements and does not obstruct, impede, or hinder usual pedestrian or vehicular travel.
11. Locating small cell equipment on backyard utility poles is prohibited.
12. Locating small cell equipment on utility poles located directly on a street corner is to be avoided.
13. All carrier equipment shall be removed and relocated at no cost to the city of Alameda or Alameda Municipal Power should Alameda Municipal Power decide to underground the utility lines in the future. The equipment must be removed within six months of the Underground District being established or when notified by AMP Engineering.



WIRELESS COMMUNICATION FACILITIES DESIGN GUIDELINES

Planning, Building, and Transportation Department
2263 Santa Clara Ave., Rm. 190 Alameda, CA 94501-4477
510.747.6805 • TDD: 510.522.7538 • alamedaca.gov
Hours: 7:30 a.m.–3:30 p.m., M–Th

PURPOSE AND APPLICABILITY

The purpose of these Wireless Communication Facilities (WCF) Design Guidelines are to assist applicants with preparing design plans for the deployment of WCF in the City of Alameda. The guidelines govern all WCF deployment on private property and in the public right-of-way. These guidelines will be used to evaluate permit applications for all WCF, and these guidelines may be updated periodically by the Planning, Building, and Transportation Department to address the needs with fast-evolving technology.

GOALS

The City of Alameda seeks to balance the importance of providing good and reliable wireless coverage and capacity with installations that do not significantly impact neighborhood character or detract from Alameda's unique and historic streetscapes. The design guidelines support the following goals:

1. Facilitate the buildout of a wireless telecommunications network that provides high speed telecommunications service to the entire Alameda community.
2. Ensure wireless facilities be aesthetically compatible with its immediate surroundings by concealing all components in existing structures, or otherwise apply stealth, camouflage, and screening techniques to hide or blend them into the environment.
3. Avoid wireless facility installations that would materially impair the character of historic/architecturally significant buildings or otherwise would substantially obstruct significant views (e.g., locations that have clear views of local landmarks or the San Francisco Bay.)

DEFINITIONS

LOCATION PREFERENCES

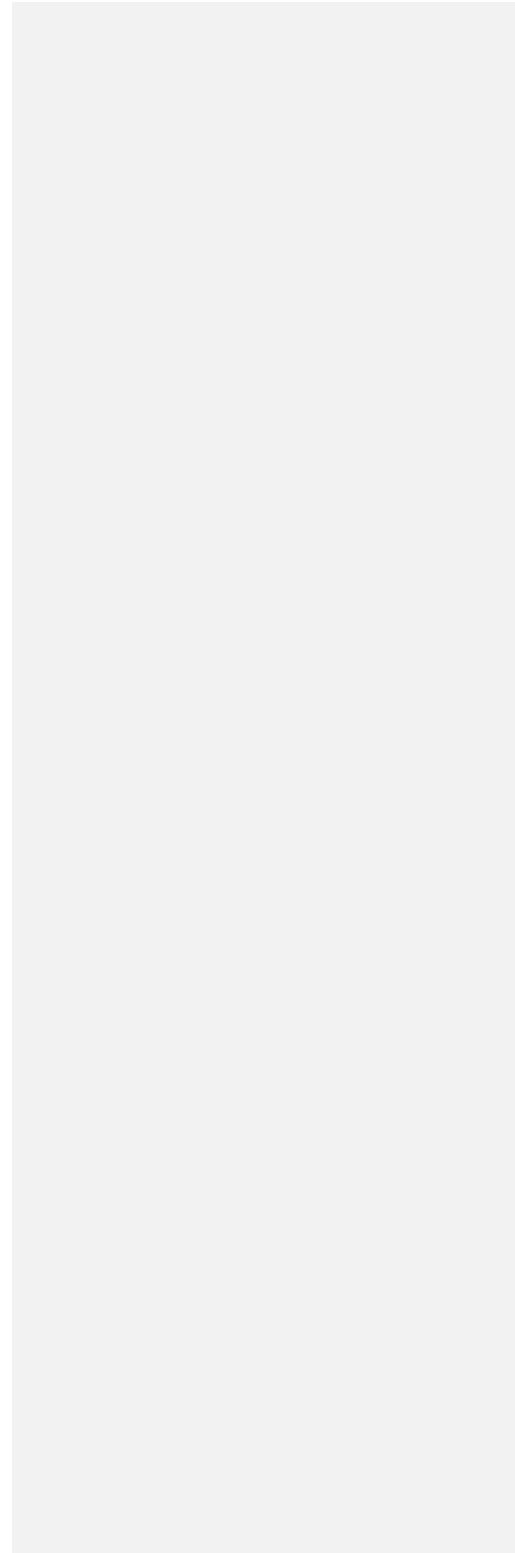
The City of Alameda has established the following location preferences for WCF site selection in order to mitigate against adverse visual, noise and aesthetic impacts. These parameters are listed in the order of preference:

1. Co-location on existing towers, facilities and sites.
2. Property owned by the City of Alameda.
3. **Public right-of-way.**
4. Non-residential areas.
5. Residential areas - Siting within residential zones is discouraged unless supported by a wireless coverage analysis documenting that no alternate site can feasibly close a significant gap in wireless coverage of the project applicant using any less intrusive means to close that gap from any other location. New macro tower facilities are strongly discouraged in residential areas.

Commented [KA1]: Verizon requests that these preferences

Commented [KA2]: The right of way is the most appropriate place for small wireless facilities, where there is vertical infrastructure and power. Every small wireless facility requires both of these elements. The small size of these facilities makes private property leasing impractical for owners and would require applicants to pull additional power and fiber connections onto private property, which is disruptive and not workable. The need to propagate signal in many directions makes attachment to buildings a poor way to deliver service, especially where the inside of the building is the most often coverage/capacity objective. Verizon requests that this be the first priority for SWFs.

April 23, 2019



UNIVERSAL DESIGN GUIDELINES FOR ALL WCF

1. ~~Least Intrusive Means. WCF shall utilize the smallest, least visually intrusive antennas, components, and other necessary equipment.~~
2. *Minimize all Visual Impacts.* Design all wireless facilities with the goal of minimizing its visual impact to the surrounding environment. At the earliest stages of site selection and equipment planning, think about the most appropriate design that would allow for the optimal integration of the new installation with existing environment, with specific attention to architecture and landscape nearby that could be used to screen or hide new equipment. Wireless facility installations should avoid having the effect of materially impairing the character-defining features of the City's historic monuments, and historic resources that are listed or eligible for inclusion on the National Register of Historic Places.
3. *Use of Landscaping.* When facilities are located in areas with substantial existing vegetation, place wireless equipment where it can maximize usage of the existing landscape for visual screening. When new landscaping is incorporated into the design, the landscaping must appear as natural features found in the immediate area so as to be unnoticeable (camouflaged facilities). Any new landscaping, including irrigation, shall be installed and maintained by the applicant, as long as the permit is in effect.
4. *Paint and Finish.* All equipment, antennas, poles, cables, hardware, and towers shall have a non-reflective finish and shall be painted or otherwise treated to minimize visual and aesthetic impacts.
5. *Security.* All wireless communications facilities shall provide sufficient security measures and anti-climbing measures in the design of the facility to reduce the potential for damage, theft, trespass, and injury.
6. *Interference.* All WCF shall be designed, located and operated to avoid interference with the quiet enjoyment of the surrounding area or neighborhood, including interference from adverse visual, noise and aesthetic impacts, and at a minimum shall be subject to the City-adopted noise standards contained in AMC Section 4-10. *Noise Regulations.*
7. *Signage and Decals.* No advertising or signs, other than necessary provider identification signs and warning signs, shall be allowed on or at the location of a wireless communications facility. Radio-frequency (RF) warning labels, Node ID stickers, and other required identification labels shall be the smallest allowable under applicable regulations. Consider placing these labels on the underside of the equipment enclosure, for example, so it is only visible to the person standing up close. Remove or paint over colored equipment manufacturer decals and logos not required by government regulation.
8. *Noise from Ventilation.* Where cooling and ventilation is needed, use a passive cooling system in locations close to residences or windows. In the event that a fan is needed, consider using enclosures with sufficient space to allow for additional airflow and cooling fans with a low noise profile.
9. *Detailed Plans.* Ensure plans and photo simulations submitted for City plan review accurately show smaller equipment items such as duplexers, ground buss bars, PBX or J-Boxes. Hide these elements in locations such as behind equipment enclosures, or in mounting arms which feature recessed areas.

Commented [KA3]: The recent FCC order rejected the least intrusive means/significant gap test.

A. GUIDELINES FOR BUILDING-MOUNTED EQUIPMENT:

In addition to the Universal Guidelines above, WCF mounted on or attached to existing or proposed buildings should adhere to the following:

1. Plan and design building-mounted antennas and any ancillary equipment to be in scale and architecturally integrated with the building design and architectural features. Screening may include designs such as locating the facility within attics, steeples, towers, behind and below parapets, or concealed within a new architectural addition to a building that is consistent with the building's architectural style. When new architectural additions are proposed, the addition must adhere to the City's Design Review Manual and are subject to the Design Review process under AMC Section 30-37.
2. Avoid placing equipment on the primary or public-facing façade of the building.
3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used only if such features are native to the architectural style of the existing building.
4. Façade mounted antennas attached to existing structures must consider the scale, symmetry, and design of the structure and minimize the addition of bulk and clutter to a building. Do not interrupt the architectural lines or decorative patterns of the building.
5. Paint or otherwise treat/texture antennas or other equipment that are mounted directly against a building wall to match the adjacent building surfaces.
6. Place all roof-mounted equipment and antennas a minimum of five-feet (5') from the edge of the building.
7. Do not allow exposed cabling or exposed mounting apparatus on a building façade without the associated antennas.

B. GUIDELINES FOR ALL VERTICAL INSTALLATIONS:

In addition to the Universal Guidelines above, this section addresses vertical installations including streetlights, utility poles, and other pole-mounted facilities such as faux trees and athletic field lights.

1. Consider the use of equipment enclosures that are nearly the same width as the pole, even if they need to be slightly longer as a result. Narrow enclosures are less likely to impair views of buildings and scenic resources or to detract from streetscapes. Utilize equipment mounting base plates that are no wider than the pole.
2. Typically, the wide variation in enclosure surface materials and sizes on a single pole can draw more attention (clutter compared to mass) to the facility than a system of enclosures that is comparatively larger, but more uniform in profile and longer instead of wider or deeper.
3. Design new vertical structures and poles to the minimum height necessary.
4. Antennas mounted on such structures as light standards should be placed on the structure in a way to minimize visibility, and be painted to blend into the structure.

5. For new poles, incorporate any cabling and conduits into the pole itself. On existing poles, use shrouds, risers or conduit, to reduce the appearance of cluttered or tangled cabling. In some instances, installation practices such as using equipment enclosures with specific port locations, or crossing wires below a down-facing port on an equipment enclosure, can reduce the likelihood that cabling will appear cluttered or bend outward from the pole and further away from the enclosure.

6. Small Cells or Distributed Antenna Systems (DAS):

- a. Decorative/historic-themed light poles in Alameda are City-designated historic monuments and must be avoided.
- b. Limit installation to one radome antenna at the top of the light standard with one equipment cabinet mounted directly on the pole. All antennas shall be concealed inside the radome with a diameter similar to the pole itself, but in no case should the radome be more than eighteen (18") inches in diameter.
- c. When mounted on street lights, the antennas/radome enclosures should be mounted above the light source, but the antenna/radome should extend no higher than four (4) feet above the height of the existing pole.
- d. Design all equipment to be internally enclosed within the pole or caisson to minimize external pole-mounted equipment. If this is not feasible, equipment should be minimally visible through the use of an underground vault (evaluated on a case by case basis). Above-ground cabinets not attached to a pole are prohibited.
- e. Mount equipment cabinets directly behind any road signs located on a pole, if possible.
- f. Minimum height clearance regulations shall be observed by all components of the installation.
- g. All cables shall be concealed within a sleeve between the bottom of the antenna and the mounting bracket. All cables and conduit to and from the light standard is expected to be routed from underneath the caisson.
- h. Stack equipment close together and on the same side of the pole. If a long rectangular disconnect switch is used, rotate the enclosure so the elements can be stacked closer together on the pole. Utilize brackets that allow equipment to be mounted no more than 4" from the pole except for utility poles which must comply with California Public Utilities General Order 95 (2' from pole).
- i. All replacement or new poles must comply with all applicable City regulations and policies. The new or replacement poles must match design, height, color and material of the original or adjacent poles.
- j. All disturbed landscape shall be replaced in-kind and areas of bare or disturbed soil must be revegetated in accordance with City landscape requirements.
- k. All Attachments on utility poles must meet requirements in California Public Utilities General Order 95.
- l. On jointly owned public utility poles, the installation should occur below the section of pole supporting Alameda Municipal Power overhead electric lines.

Commented [KA4]: 5G millimeter wave antennas cannot be placed in a radome, painted or covered. 5G millimeter wave requires exposed panel antennas that can be colored to match the pole.

- m. Electrical power must be arranged through a service agreement with the City's electric utility service provider Alameda Municipal Power. Service through AMP will be non-metered service.

7. Athletic Field Lights (AFL):

- a. Mount antennas as close as possible to the pole without obstructing the light source and within a radome no more than thirty-six (36") inches in diameter. Provide covers on the underside of the radome enclosure.
- b. For existing AFL with exposed antennas, route all cables directly into port holes no more than 12 inches of exposed conduit (evaluated on a case by case basis).
- c. Apply chin covers to conceal any excess cables that hang above or below the antennas. Chin covers shall match the exact antennas dimensions and profile, and be painted and textured to match the antenna's exterior finish.
- d. Paint antennas and mounting apparatus the same color as the pole.
- e. All cables and conduit to and from the light standard are expected to be routed from underneath the caisson up into the pole. Where that is not feasible on an existing pole, cable coverings may be allowed on the exterior where they are painted to match and minimally visible (evaluated on a case-by-case basis).

8. Faux Trees:

- a. Only use faux trees in an existing landscape setting with trees of a similar height and species.
- b. If the site is void of tall trees or landscape, create a landscape setting that integrates the faux tree with additional live planting of a similar tree species and varying heights.
- c. Faux trees in non-urban settings should be species regionally appropriate to the San Francisco Bay Area that blends with established plant communities.
- d. Utilize faux trees that replicate the shape, structure, and color of live trees. Provide detailed specifications of the branch and leaf design on plans submitted for plan review.
- e. Ensure that the top of the faux tree does not exceed allowed height on approved plans.
- f. All cables must be routed directly from the ground up through the pole. Avoid the use of exterior cable coverings that may defeat the tree design.
- g. Faux tree structures shall include three dimensional bark cladding from the base to the top of the 'trunk' and along all portions of each branch.
- h. Design faux trees with a minimum of 3-branches per foot for full density coverage with limited spacing between the branches so that the structure appears as natural as possible. The majority of branches should be 8-foot or longer. Branches should extend beyond the length of the antenna by a minimum of 24-inches. Trees should be designed to mimic the natural appearance of their species. Branch coverage shall be dense and natural, and no portion of any antennas shall protrude beyond the branches. There should be no gaps in branch coverage.



- i. Socks are mandatory for all antennas and associated components located on a faux tree. Sock design shall replicate the same visual appearance as the rest of the tree.

REMOVAL OF ABANDONED EQUIPMENT AND STRUCTURES

Any antenna, tower, supporting equipment and structure that is not operated for a continuous period of twelve (12) months should be considered abandoned, and the owner of such antenna tower, or owner of the land which it is located on is responsible for removing the antenna, tower or supporting equipment within ninety (90) days of abandonment. If there are two (2) or more users of a single facility, then the facility is not considered abandoned until all users cease using the facility.

ILLUSTRATIONS

The following examples are offered for the sole purpose of illustrating the type of design the city prefers, and are not the only acceptable designs.

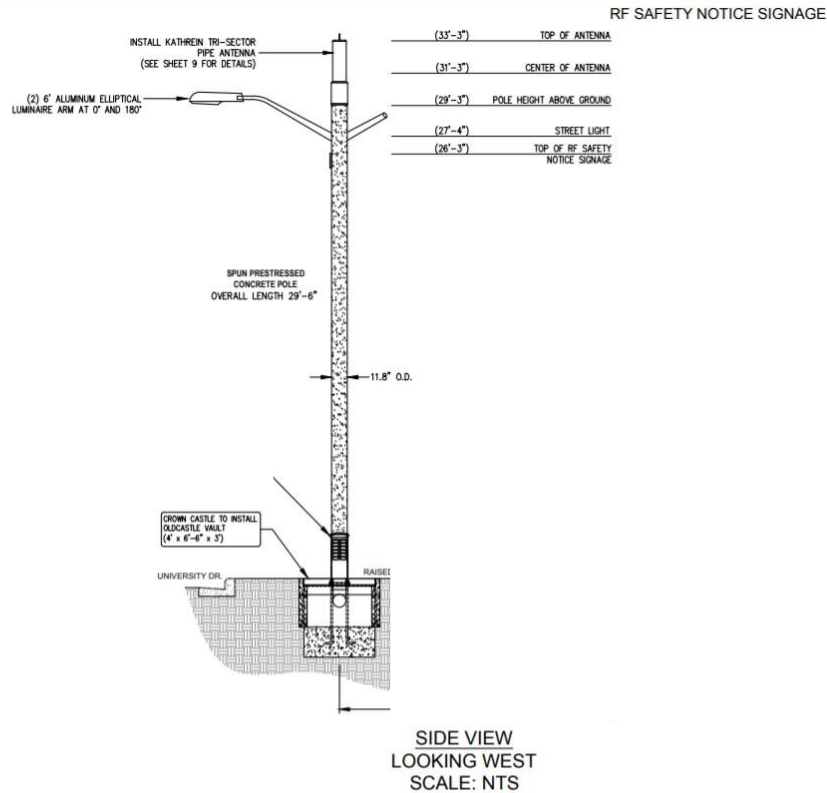
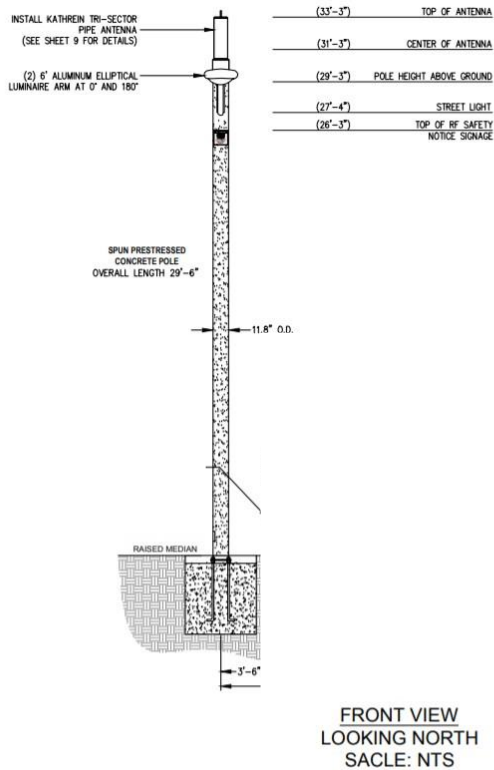
Small Cell Example 1 – Concrete Light Pole



Commented [KA5]: What is Verizon's position on the specifications here?

Specifications				
Pole	Antenna	Lighting	Equipment Enclosure	Utilities Router
<ul style="list-style-type: none">29'6" existing pole	<ul style="list-style-type: none">36" pipe antenna	<ul style="list-style-type: none">2 6' aluminum elliptical luminaire arm	<ul style="list-style-type: none">(1) – 24"L x 21"W x 8" H concealed pad	<ul style="list-style-type: none">Power and fiber utilities routed underground

Small Cell Example 1 – Concrete Light Pole

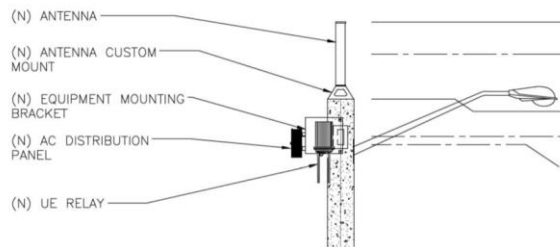


Small Cell Example 2

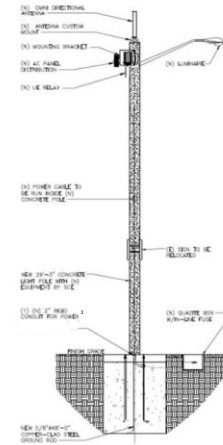
Proposed



- Height: **35 IN (above pole top)**
- Antenna Height: **29.5 IN**
- Antenna Diameter: **4.5 IN**
- *no official approval yet



mobilitie



1. Applicant will be responsible for providing power cable from AMP designated splice box to the pole & equipment

Specifications

Pole	Antenna	Lighting	Equipment Enclosure	Utilities Router
<ul style="list-style-type: none"> Existing pole height + 3'4" with installation 	<ul style="list-style-type: none"> Antenna – 29.6" H X 4.5" Ø unshrouded – custom shroud optional 	<ul style="list-style-type: none"> Existing luminaire 	<ul style="list-style-type: none"> 35" H X 15.5" W X 9" D 	<ul style="list-style-type: none"> Power and fiber utilities routed underground

Small Cell Example 3 – Metal Street Light Pole with Street Sign

Existing



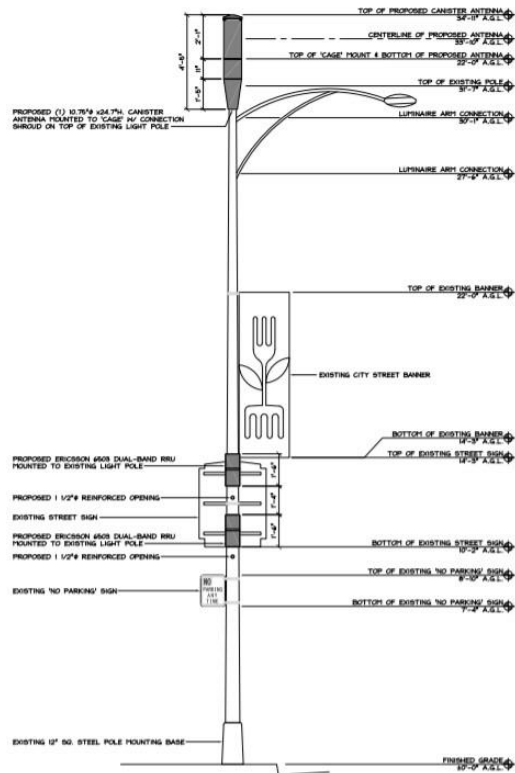
Proposed



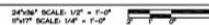
Specifications

Pole	Antenna	Lighting	Equipment Enclosure	Utilities Router
<ul style="list-style-type: none">Existing pole height 31'7" +3'4"	<ul style="list-style-type: none">Antenna shroud – 24.7"H X 10.75" Ø	<ul style="list-style-type: none">Existing luminaire	<ul style="list-style-type: none">No equipment enclosure(2) Dual-Band RRH mounted to existing light pole behind existing street sign	<ul style="list-style-type: none">Power and fiber utilities routed underground

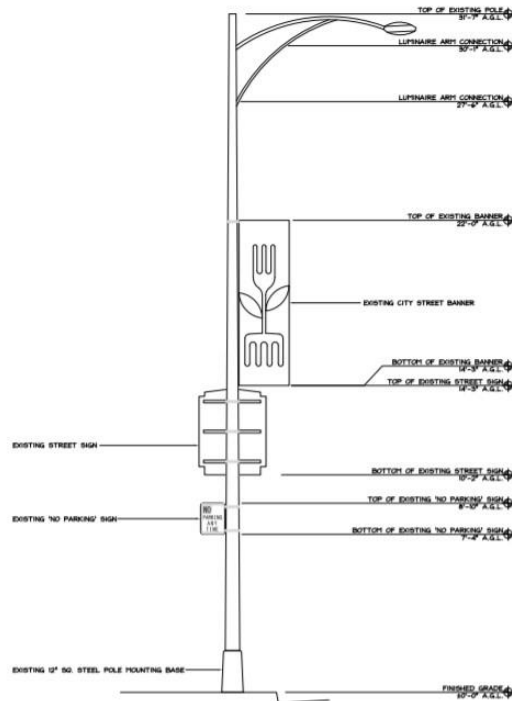
Small Cell Example 3 – Metal Street Light Pole with Street Sign



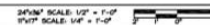
PROPOSED WEST ELEVATION



2



EXISTING WEST ELEVATION



3	1
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Small Cell Example 4 - RRU 32 Micro Design

Existing



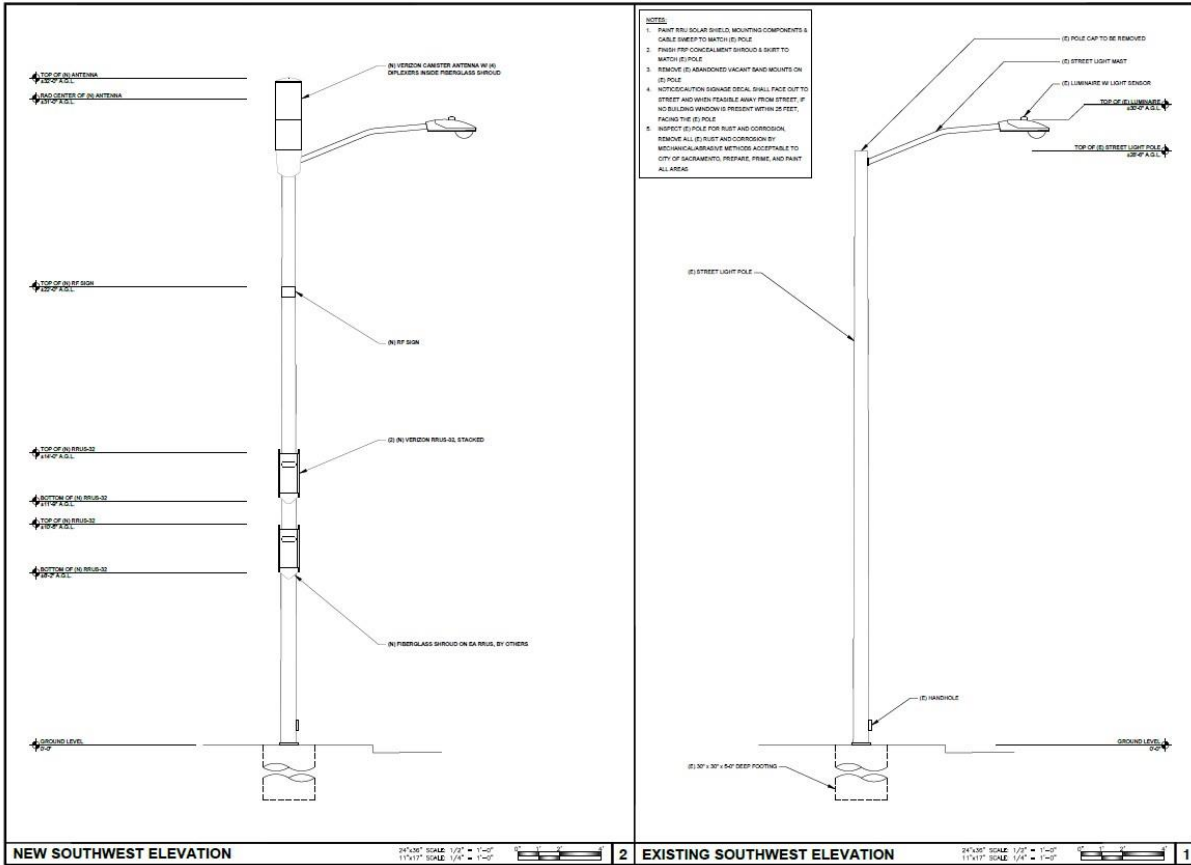
Proposed



Specifications

Pole	Antenna	Lighting	Equipment Enclosure	Utilities Router
<ul style="list-style-type: none"> Existing pole height 28'6"+2' Pole cap to be removed 	<ul style="list-style-type: none"> Antenna shroud – ~4"9.25"H X 1'2.75" Ø 	<ul style="list-style-type: none"> Existing luminaire with light sensor (Top height of 30'0") 	<ul style="list-style-type: none"> (2) Ericsson RRUS-32 mounted on pole – 27"H x 12"W x 7" D 	<ul style="list-style-type: none"> Power and fiber utilities routed underground

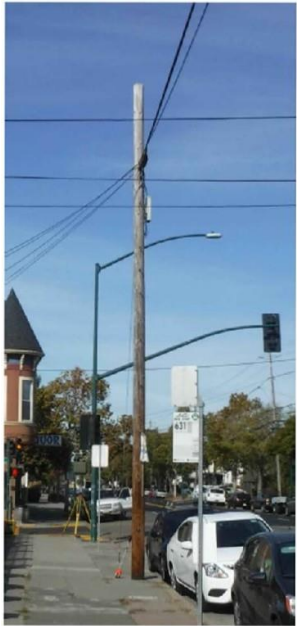
Small Cell Example 4 - RRU 32 Micro Design



Small Cell Example 5



SmallCellExample 6 - Utility Pole Mounted



EXISTING POLE PHOTO



PROPOSED PHOTO SIM



EXISTING POLE PHOTO



PROPOSED PHOTO SIM