RESOLUTION NO. RES-2021-123

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING DESIGN AND DEVELOPMENT STANDARDS FOR WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, the City’s public rights-of-way are a uniquely valuable public resource, closely linked with the City’s character, making the regulation of wireless installations in the public rights-of-way necessary to protect and preserve the aesthetics in the community; and

WHEREAS, being authorized to do so, the City wishes to establish design and development standards applicable to wireless installations in the public rights-of-way; and

WHEREAS, on June 29, 2021 the City Council conducted a duly noticed public meeting and received testimony from City staff and all interested parties regarding the design and development standards; and

WHEREAS, the proposed action is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (“CEQA”) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. This Resolution and the design and development standards adopted herein do not authorize any specific development or installation on any specific piece of property within the City’s boundaries. Moreover, when and if an application for installation is submitted, the City will at that time conduct preliminary review of the application in accordance with CEQA. Alternatively, even if the proposed action is a “project” within the meaning of State CEQA Guidelines section 15378, the proposed action is exempt from CEQA on multiple grounds. First, the proposed action is exempt CEQA because the City Council’s adoption of this Resolution and the design and development standards contained herein is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3)). That is, approval of this Resolution and the design and development standards contained herein will not result in the actual installation of any facilities in the City. In order to install a facility in accordance with the design and development standards, the wireless provider would have to submit an application for installation of the wireless facility. At that time, the City will have specific and definite information regarding the facility to review in accordance with CEQA. And, in fact, the City will conduct preliminary review under CEQA at that time. Moreover, in the event that this Resolution and the design and development standards adopted herein are interpreted so as to permit installation of wireless facilities on a particular site, the installation would be exempt from CEQA review in accordance with either State CEQA Guidelines section 15302 (replacement or reconstruction), State CEQA Guidelines section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines section 15304 (minor alterations to land). The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Sonoma within five working days of the passage and adoption of this Resolution; and
WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa hereby adopts the Design and Development Standards for Wireless Facilities in the Public Right-of-Way, as set forth in Exhibit A attached hereto and incorporated herein, to be effective upon the effective date of Ordinance No. ORD-2021-006, An Ordinance of the Council of City of Santa Rosa Adding Chapter 13-06 to Title 13 Streets, Sidewalks and Public Places of the Santa Rosa City Code Pertaining to Wireless Facilities in Public Rights-of-Way.

IN COUNCIL DULY PASSED this 29th day of June, 2021.

AYES: (5) Mayor C. Rogers, Vice Mayor N. Rogers, Council Members Alvarez, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (2) Council Members Fleming, Tibbetts

ABSTAIN: (0)

ATTEST: _________________________
City Clerk

APPROVED: ______________________________
Mayor

APPROVED AS TO FORM: _________________________
City Attorney

Exhibit A – Design and Development Standards for Wireless Facilities in the Public Right-of-Way
Exhibit A
Design and Development Standards for Wireless Facilities in the Public Right-of-Way

[Standards Follow on Next Page]
I. PURPOSE.

The purpose of these design standards (Standards) is to establish aesthetic and location criteria for wireless facilities in the public right-of-way (ROW). When preparing and submitting permit applications, applicants are responsible for ensuring that they refer to and use the most current version of these Standards, available on the City’s website.

II. DEFINITIONS.

In addition to the definitions set forth in Section 13-06.02 of the Municipal Code incorporated herein, for the purposes of these Standards, the following definitions apply:

"Arterials/Regional Streets" (includes Parkways and Boulevards) means a street with the primary purpose of conducting large volumes of through traffic with minimal access and connections to town centers and the greater region.

“Collector Street” (includes Avenues and Main Streets) means a street with the primary purpose of intercepting traffic from local streets and handling traffic to the nearest arterial/regional street or intercepting traffic from one collector street and handling traffic to another collector street.

“Local Street” (includes Minor and Neighborhood Streets and Lanes) means a street designed to provide access to neighborhood destination and indirect connection between Transitional or Regional streets.

“Pole-mounted facility” means a wireless facility that is, or is proposed to be, attached to or contained in a pole.

“Stealth facility” (or “stealth facilities”) means a wireless facility designed to look like something other than a wireless tower or base station.

III. GENERAL STANDARDS FOR ALL FACILITIES.

The following standards shall apply to all wireless facilities in the ROW:

A. General Orders. All installations shall comply with applicable California Public Utilities Commission (“CPUC”) General Orders, including, but not limited to General Order 95. None of the design standards are meant to conflict with or cause a violation of CPUC General Orders. Accordingly, the Standards can be adjusted on a case-by-case basis if it is demonstrated that adjustment is necessary to ensure compliance with CPUC rules on safety.
B. Electric Service. Sites should use flat rate service or incorporate a shrouded pole mounted smart meter whenever available from the electric utility. If the proposed project is permitted to incorporate a ground-mounted equipment cabinet or pole base housing equipment, an electric meter may be integrated with and recessed into the cabinet or pole base. The Director shall not approve a separate ground mounted electric meter unless it is demonstrated that the electric utility servicing the site requires such a meter and the applicant agrees to eliminate the meter when one of the preferable options becomes available. To reduce unnecessary wear and tear on the public right-of-way, applicants are encouraged to use existing conduits and/or electric circuits whenever available and technically feasible. Access to any conduit and/or circuits owned by the City shall be subject to the Director’s prior written authorization and may require a separate agreement with the City.

C. Security. All equipment and facilities shall be installed in a manner to avoid being an attractive nuisance and to prevent unauthorized access, climbing, and graffiti.

D. Safety. All wireless facilities, including each piece of equipment, shall be located and placed in a manner so as to not interfere with the public use of the ROW; impede the flow of vehicular or pedestrian traffic; impair the primary use and purpose of poles/signs/traffic signals or other infrastructure; interfere with outdoor dining areas or emergency facilities; or otherwise obstruct the accessibility of the ROW. Further, all wireless facilities and associated equipment shall comply with Americans with Disabilities Act (ADA) requirements.

E. Noise. Wireless facilities and all accessory equipment and transmission equipment must comply with all noise regulations.

F. Lighting. No facility (that is not a light pole) shall have illumination unless specially required by the Federal Aviation Administration (FAA) or other government agency. Any required lighting shall be shielded to eliminate, to the maximum extent possible, impacts on the surrounding area private property.

G. Signs. No facility may display any signage or advertisement unless it is expressly allowed by this paragraph, or required by law or a permit condition. Every facility shall at all times display signage that accurately identifies the facility owner and provides the owner’s unique site number and a local or toll-free telephone number to contact the facility owner’s operations center.

H. Trees and Landscaping. Wireless infrastructure deployments on or beneath the ground surface shall not be installed within any tree drip line. Wireless facilities and other infrastructure deployments may not displace any
existing tree or landscape features unless (1) such displaced tree or landscaping is replaced with native and/or drought-resistant trees, plants or other landscape features approved in advance by the City. Any replacement tree must be substantially the same size as the damaged tree unless approved in advance by the City. The applicant’s landscaping plan shall be subject to the City’s advance review and approval.

K. Interference with Other Uses. Wireless facilities and any associated antennas, accessory equipment or improvements shall not be located in any place or manner that would physically interfere with or impede access to any: (1) worker access to any above-ground or underground infrastructure for traffic control, streetlight, or public transportation, including, without limitation, any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic signal, barricade reflectors; (2) access to any public transportation vehicles, shelter, street furniture, or other improvements at any public transportation stop; (3) worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency; (4) fire hydrant or water valve; (5) access to any doors gates sidewalk doors, passage doors, stoops, or other ingress and egress points to any building appurtenant to the right-of-way; or (6) access to any fire escape.

IV. LOCATION STANDARDS FOR ALL FACILITIES.

To better assist applicants and decision-makers understand and respond to the community’s aesthetic preferences and values, this section (IV) sets forth listed location preferences and requirements associated with the placement of wireless facilities in the right-of-way.

The location standards for all wireless facilities in the ROW are as follows:

A. Location Preferences. The city prefers wireless facilities in the public right-of-way to be installed in locations, ordered from most preferred to least preferred, as follows below. Applications that involve less preferred locations (Nos. 6 - 9 below) may be approved only through the limited exception process described in Section VIII.

(1) locations within Industrial zones or Commercial zones on or along arterials;

(2) locations within industrial zones or Commercial zones on or along collectors;

(3) locations with industrial zones or Commercial zones on or along local streets;

(4) locations within Public/Institutional zones, Mixed Use zones or Open Space zones on or along arterials;
locations within Public/Institutional zones, Mixed Use zones or Open Space zones on or along collectors;

(6) locations within Mixed Use zones or open space zones on or along local streets;

(7) locations within Residential zones on or along arterials;

(8) locations within Residential zones on or along collectors;

(9) locations within Public/Institutional zones or Residential zones on or along local streets.

B. Separation Preferences. The City prefers that wireless facilities maintain minimum separations from residential structures and certain civic and community uses in order to reduce clutter and maintain aesthetic quality and community character. Applications that involve separations that are less than those shown below may only be approved through the limited exception process described in Section VIII.

(1) At least three hundred (300) feet from a “public or private academic educational institution” as defined under “School” in Section 20-31.020 of the Santa Rosa City Code. Distance shall be measured in a straight line from the closest point of the wireless site (including any accessory equipment) to the School Facility’s property line closest to the wireless facilities location;

(2) At least three hundred (300) feet from a “Medical Service – Hospital”, “Religious Facility” or “Child Day Care Center”, as defined in Section 20-70.020 of the Santa Rosa City Code. Distance shall be measured in a straight line from the closest point of the wireless site (including any accessory equipment) to the facilities property line closest to the wireless facilities location;

(3) At least fifty (50) feet from any existing “Accessory Dwelling Unit”, “Multifamily Dwelling” or “Single-Family Dwelling”, as defined in Section 20-70.020 of the Santa Rosa City Code. Distance shall be measured from the closest point of the wireless facility (including any accessory equipment) to the edge of the structure closest to the wireless facility’s location;

(4) At least one thousand (1,000) feet from other wireless facilities in the public right-of-way owned and operated by the same carrier, as measured from the closest point of the wireless facilities (including any accessory equipment).

C. Placement Requirements.
In addition to all other requirement in this document, wireless facility deployments and all related equipment and improvements shall:

1) Be placed as close as possible to the property line between two parcel that abut the public right-of-way;

2) not be placed directly in front of any door or window;

3) not be placed within any sight distance triangles at any intersections or driveway connections;

V. UNDERGROUNDING STANDARDS FOR ALL FACILITIES.

WITH REGARD TO UNDERGROUNDING WIRELESS FACILITIES, THE FOLLOWING STANDARDS APPLY:

A. Equipment, including remote radio units (RRUs) that cannot be placed with the antenna in the shroud, must be placed underground, subject to Section 5(B) below. Vaults and pull boxes shall be installed flush to grade.

B. Ground-mounted equipment is prohibited Applications that involve ground-mounted equipment may only be approved through the limited exception process described in Section VIII and the ground-mounted equipment must adhere to the requirements below.

1) Ground-mounted equipment shall be stealth and incorporate camouflaging and shrouding to match the colors, appearance, and materials of existing facilities and screen equipment from public view as much as is technically feasible.

2) Ground-mounted equipment must be enclosed in cabinets, sized only for the necessary equipment and camouflaged using paint that matches the surrounding environment.

VI. DESIGN STANDARDS FOR ALL FACILITIES.

The general design standards for wireless facilities in the right-of-way are as follows

C. Materials. The materials used shall be non-reflective and non-flammable.

D. Stealth. The wireless facility shall be stealth. Stealth elements and techniques should be used to blend the facility with surrounding materials and colors of the support structure and make the facility appear to be something other than a wireless facility. Stealth elements include, but are not limited to, the following:

1) Radio frequency (RF) transparent screening or shrouds;
Matching the color of the existing support structure by painting, coating, or otherwise coloring the wireless facility, equipment, mounting brackets, and cabling;

Minimizing the size of the site;

Installing new infrastructure that matches existing infrastructure in the area surrounding the proposed site; and

Using paint of durable quality.

Installing cables, wires and other connectors through conduits, within the pole or other support structure. All conduit attachments, cables, wires and other connectors must be concealed from public view. To the extent that cables, wires and other connectors cannot be routed through the pole, such as with wood utility pole, applicants shall route them through a single external conduit or shroud that has been finished to match the underlying pole.

Excess fiber optic or coaxial cables shall not be spooled, coiled or otherwise stored on the pole outside of equipment cabinets or shrouds.

E. Curb Setback Requirements. New or replacement poles shall be a minimum of 18 inches from the face of the curb.

F. The City has a preference for the use of existing infrastructure.

VII. DESIGN STANDARDS FOR POLE-MOUNTED FACILITIES.

In addition to the general applicable standards set forth above, the design standards for pole mounted facilities in the ROW are as follows:

A. Facilities on Streetlight Poles.

1) Antennas and RRU’s. Antennas and RRU’s shall be top-mounted in a shroud. RRU’s attached to the side of the pole are discouraged, but if they are required due to technical reasons, should use the smallest RRU volume possible and be stacked vertically and close together with minimal distance from the pole.

2) Dimensions. Antennas shall be of the smallest possible size, but in no case more than three cubic feet in volume. Pole-top wireless facilities, including shroud, shall be no more than 60 inches in height and 14.5 inches in diameter.

3) Cables and Wiring. All cables and wiring must be within the pole.
B. Facilities on Wood Utility Poles.

(1) Stealth. The facility shall be designed, painted, coated, and otherwise made to maintain the look as a utility pole rather than a wireless facility, tower, or base station.

(2) Antennas. Antennas and RRU shall be top-mounted in a shroud or side-mounted (i.e., mid-pole mounted) in a shroud. If RRU are attached to the side of the pole, the facility should use the smallest RRU volume possible, and the RRU should be stacked vertically and close together with minimal distance from the pole.

(3) Dimensions. Antennas shall be of the smallest possible size, but in no case more than three cubic feet in volume.

   i. Pole-top wireless facilities, including shroud, shall be no more than 72 inches in height and 14.5 inches in diameter.

   ii. Side-mounted wireless facilities shall be of the smallest size technically feasible and shall not project from the pole more than 30 inches. The diameter of the shroud shall be no greater than the diameter of the pole or 14.5 inches, whichever is less.

(4) Cables and Wiring. All cables and wiring must be within the conduit on the exterior of the pole. The conduit must be a color that matches the pole and of the smallest size technically feasible.

C. Replacement Poles. If an applicant proposes or is required to install a replacement pole to accommodate the proposed facility:

(1) Placement. A replacement pole must be in the same location as the pole that it is replacing or as close to the original location as possible, taking into account pole owner safety-related requirements and all applicable location and placement standards herein.

(2) Design. Replacement poles should match the design (e.g., color, dimensions, height, style, and materials) of the existing pole that is being replaced to the greatest extent feasible.

(3) Cables and Wiring. All cables and wiring must be within the structure.

(4) Stealth. The facility should be stealth, as defined above in Section 2(B), unless technically infeasible.

D. New (Non-Replacement) Poles.
(1) Waiver Required. New poles are prohibited, unless a waiver is approved by the City under Chapter 13-06.

(2) Design. New poles shall have a maximum height of 35 feet and a maximum diameter of 14 inches, and any base enclosure shall not exceed 24 inches in width or height. If existing poles are present in the surrounding area, then the new pole shall be designed to resemble the existing poles in appearance, color, materials, and distribution pattern/spacing.

(3) New wooden poles are prohibited.

(4) Cables and Wiring. All cables and wiring must be within the pole.

(5) Antennas and RRUs. Antennas and RRUs shall be contained within the pole and its base or underground.

(6) Stealth. The facility must be stealth, as defined above in Section 2(B).

VIII. LIMITED EXCEPTIONS TO DESIGN AND LOCATION STANDARDS.

A. An exception may be granted to one or more requirements of these standards in the following circumstances:

(1) If an applicant demonstrates to the reviewing authority with evidence set forth in a feasibility study that compliance with a requirement of the standards would be technically infeasible and the proposed wireless facility complies with the requirements of this policy to the greatest extent technically feasible. For example, an exception to a requirement to conceal antennas in a shroud may be granted if shrouding is shown to be technically infeasible and an alternative concealment such as a colored film wrap is proposed. As another example, an exception to the volume limitation for antennas in a single shroud may be granted if the applicant can demonstrate that a greater volume is technically required, and that it is using the smallest, technically feasible design for providing personal wireless services, taking into account the other requirements of this policy; or

(2) If an applicant demonstrates to the reviewing authority in writing that the particular design or location proposed involves only minor non-compliance with a requirement of the standards but such non-compliance either results in no increase in visual harms to the community or provides other benefits. For example, an exception to the antenna or equipment size or volume limitations may be granted where the applicant can demonstrate that because of the proposed location of the wireless facility away from viewsheds of residences or shielded by vegetation or existing infrastructure (such as barriers) in the public right-of-way, any additional visual and physical impacts of the larger wireless facility would be insignificant. As another example, an exception to the wireless facility location limitations may be granted where the applicant
can demonstrate that the placement is less visible from viewsheds of residences or shielded by vegetation or existing infrastructure (such as barriers) in the public right-of-way, or is less physically intrusive (for example, less impactful to tree roots or reduces noise), or the applicant can demonstrate that in a multi-site deployment, the placement would reduce the overall number of sites needed and be no more visible or physically intrusive than placement in accordance with the wireless facility location criteria. Among other factors, in deciding whether or not to grant an exception, the reviewing authority may consider the impact of expansions to the facility that the applicant would be entitled to make as of right if granted.

B. Factors to be addressed in a feasibility study requesting an exception to undergrounding requirements based on feasibility shall include but are not limited to: construction impacts (including duration and extent of excavation and soil disturbance); traffic and pedestrian impacts (including impediments to access during construction and maintenance, or permanent impediments due to the nature of particular equipment); operational challenge (such as water, heat, or maintenance complications affecting network reliability); noise impacts (such as venting and pumping which may be required in some instances); cost impacts; aesthetic considerations; and permanent impacts to the integrity and future capacity of public rights-of-way.

C. Exceptions must be requested the time an application is initially submitted for a wireless facility permit. The request must include both the specific provision(s) from which exception is sought and the basis of the request, including all supporting evidence on which the applicant relies. Any request for exception after the application is deemed complete constitutes a material change to the proposed wireless facility and shall be considered a new application. A request for exception from one or more requirements does not relieve the applicant from compliance with all other applicable provisions of law or of these standards.
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