



APPLICATION PROCESS FOR SMALL CELL FACILITIES WITHIN PUBLIC RIGHT-OF-WAY

April 2019

The City of Mountain View regulates the encroachment of structures and objects within the public right-of-way and easements pursuant to Sections 27.17 and 27.22 of the Municipal Code. Telecommunications companies (“applicant”) may apply to construct, install, and maintain small cell antenna and other associated small facilities (“small cell facilities”) in the public right-of-way by completing the City excavation permit application and approval process. The City does not regulate the technologies used by telecommunications companies, but it does have authority to regulate the placement and aesthetics of wireless facilities.

The applicant shall be required to obtain an **excavation permit** from the City to construct and install the small cell facilities, and execute an encroachment agreement or **a master license agreement** and site license authorization with the City for the use of the public right-of-way and City-owned structures located in the public right-of-way, such as streetlights. The purpose of the excavation permit and respective agreement is to allow telecommunications companies to install wireless facilities within the public right-of-way to provide wireless services throughout the City, while ensuring that the facilities are well-maintained and do not significantly detract from City streetscapes. These guidelines are issued by the City and may be updated from time to time. The most recent version will always be posted at:

<https://www.mountainview.gov/depts/pw/develop.asp> or can be obtained by contacting the City during regular business hours.

Installation Locations

1. The City has the following order of preference for the location of small cell wireless facilities within the public right-of-way.
 - a. Equipment is fully enclosed within an integrated City streetlight pole that conceals the equipment and is capable of serving the dual purpose of a streetlight, in accordance with City Standard Details. The new integrated pole may be installed at an existing streetlight location (replacement) or at a

- new location that complies with City standards for streetlight spacing and conforms to the appearance of streetlights in the surrounding neighborhood.
- b. Equipment is placed on existing utility poles in *nonresidential* areas.
 - c. Equipment is placed on existing utility poles in *residential* areas.
2. The City is not supportive of new utility poles installed in the public right-of-way to support small cell wireless facilities.

Design Requirements

1. General Guidelines

- a. Avoid the installation of aboveground cabinets and riser poles as they are not permitted.
- b. Maximize the placement of equipment in underground vaults. Underground vaults may be allowed in the existing street landscape strip or public utility easement if the vault does not encroach into the public sidewalk area.
- c. Minimize the quantity and size of equipment placed on poles.
- d. Maximize the concealment of wires and equipment. Equipment on poles shall be concealed behind signs or banners.
- e. Install wireless “puck”-style electric smart meters.
- f. Avoid wide offset placement of equipment on poles.
- g. Paint equipment with the matching pole color.
- h. Flashing lights are not permitted.
- i. Warning stickers shall be placed in appropriate locations as required by the FCC or other regulatory agencies.
- j. Manufacturer decals are not permitted.
- k. Avoid placements in front of habitable living areas of residential units.

- l. Equipment shall not interfere with existing City facilities.
- m. Noise from proposed equipment shall comply with the City's Noise Ordinance.
- n. Equipment shall not block the sidewalk or create a condition that is inconsistent with Americans with Disabilities Act requirements for the public right-of-way.
- o. The City requires a 4' minimum clearance for sidewalks.
- p. Installed equipment shall comply with the City's sight distance requirements for vehicular and pedestrian traffic.
- q. Equipment shall be located to maintain the required horizontal and vertical clearances (as determined by the City) from curbs, driveways, utility laterals and boxes, fire hydrants, street trees, and other utilities in the public right-of-way.

2. Small Cell Wireless Facilities on City Integrated Streetlight Poles

- a. The integrated pole shall serve the dual purpose of a streetlight and to conceal the small cell wireless facilities. The new integrated pole shall be constructed in accordance with City Standard Details, and all small cell facilities should be fully integrated and enclosed within the streetlight pole.
- b. Integrated streetlight poles are allowed to be installed at existing streetlight locations (replacement) or at new locations that comply with City standards for streetlight spacing and shall conform to the appearance of streetlights in the surrounding neighborhood. Proposed designs may be submitted to the City for preapproval. New locations should be positioned at property corners or shared property lines where feasible.
- c. Streetlight replacements shall include only new equipment, including a new foundation.

3. Small Cell Wireless Facilities on Existing Utility Poles

- a. Place equipment as close to each other and as close to the pole as possible.
- b. Long and narrow equipment design shall be preferred over large and bulky designs.
- c. The pole top antenna shall not exceed the height limit of the applicable zoning district.
- d. Comply with all applicable CPUC General Orders, including, but not limited to, GO 95.

Equipment Maintenance

1. The applicant shall be responsible for all costs associated with the operation and maintenance of the small cell wireless facilities.
2. The applicant shall maintain the small cell wireless facilities in good condition and appearance, including, but not limited to, graffiti removal. Upon request, the City shall be provided with maintenance logs or reports. Graffiti removal shall be completed within forty-eight (48) hours of tagging or notification from the City.
3. Similar to provisions applied to other private utility or telecommunications facilities located within the public right-of-way, the City may at any time request the removal or relocation of small cell facilities within the public right-of-way pursuant to permit issuance due to conflicts with future City right-of way improvement projects. Removal and/or relocations of the facilities shall be completed at no cost to the City and within a reasonable time, as determined by the City.

Excavation Permit Application Process

Step 1: Submit Excavation Permit Application

The applicant must submit a complete excavation permit application to the City for each proposed small cell wireless facility location. The complete application must include the following standard excavation permit requirements and additional supporting materials specified below or in the application forms, and must be accompanied by applicable fees.

Standard Excavation Permit Requirements

Please refer to the Excavation Permit Application on the City of Mountain View website for more information on the following standard permit requirements:

1. Completed excavation permit application form, including the USA identification number and contractor's State license number and City business license number;
2. Plans of work showing each proposed small cell facility location and proposed equipment to be installed (see Excavation Permit Applicant for work plan requirements);
3. Traffic control plan for all work that will impact pedestrian, bicycle, or vehicular traffic on City streets;
4. Contractor's insurance certificate and endorsement; and
5. Excavation permit fees shall be calculated by the City based on the proposed scope of work and construction schedule. A deposit of \$2,000 is required at the initial submittal of the Excavation Permit Application. The balance of the excavation permit fees must be paid prior to the issuance of the excavation permit.

Additional Excavation Permit Supporting Materials

1. Photo simulation depicting the existing and proposed conditions;
2. Documentation on the power consumption of the small cell wireless facilities;
3. Documentation on any fans or cooling equipment proposed;
4. Documentation on the anticipated decibel levels of the proposed equipment and documentation confirming compliance with the City's Noise Ordinance;
5. Documentation on the proposed support, protection, screening, and other equipment (not applicable if integrated City streetlight pole);
6. Documentation on the color and/or type of paint to be used (not applicable if integrated City streetlight pole);

7. Approval letter from the utility pole owner(s) for placement of the small cell wireless facilities (not applicable if integrated City streetlight pole);
8. Proof of the applicant's Certificate of Public Convenience and Necessity (CPCN) from the California Public Utilities Commission (CPUC); and
9. List of property owners and residents located within 300' of each proposed small cell wireless facility location.

Master License Agreement Materials (if proposing to use City streetlights)

1. Telecommunication carrier's insurance certificate and endorsement;
2. Operating Agreement to show the signature authority of the person(s) authorized to sign the master encroachment license agreement; and
3. An exhibit showing the small cell facility's location. This exhibit will be included as an attachment to the Site Encroachment Permit.

Step 2: Preliminary Review and Site Selection by City

1. The City will review the excavation permit application materials and provide comments on the consistency of the application with City requirements within 10 calendar days. For subsequent reviews, comments will be provided within 10 calendar days.
2. The applicant shall submit an application for no more than five locations at one time. Applications may only be submitted by appointment.

Step 3: Neighborhood Notification of Application

After the application is submitted, the applicant shall provide notification to nearby property owners, residents, and tenants as outlined below and in good faith address and mitigate the concerns:

- a. Notifications shall be sent within 7 calendar days of submittal of the application to the City. A copy of the notification letter shall be submitted to the City.
- b. The applicant shall provide written notice by mail to property owners, residents, and tenants within 300' of each proposed small cell wireless facility location.

- c. If an installation is located in a public utility easement outside of the public right-of-way, the applicant shall send a registered letter to the owner of the property on which the public utility easement is located. The applicant shall provide a copy of said registered letter to the City.
- d. Notifications shall include the following information:
 - Name of telecommunications carrier;
 - Applicant's contact information for inquiries (telephone number and e-mail address);
 - Description of the location, project, and purpose of the proposed small cell wireless facility;
 - A copy of the proposed plans (as requested) and photo simulation of the proposed small cell wireless facility; and
 - Anticipated installation date.
- e. Property owners and residents/tenants shall be given 7 calendar days to respond to the notification with any questions or concerns.
- f. The applicant shall respond within two business days of all inquiries.
- g. The applicant shall log all inquiries and at the end of 7 calendar days, the applicant shall submit a summary report detailing all inquiries received during the notification period. The report shall include:
 - Date of receipt, response, and resolution;
 - Property owner's/resident's/tenant's name, address, and contact information;
 - Specific questions and/or concerns; and
 - Resolution.

- h. The City will review the report and provide recommended actions. These actions may consist of revising the proposed wireless communications facility location or scope, and/or requesting installation of additional screening for facilities.

Step 4: Permit Issuance

The excavation permit may be issued once the following requirements are met:

- a. The master license agreement with site encroachment permits or an encroachment agreement is executed between the City and the telecommunications carrier for the encroachments into the public right-of-way;
- b. The 7-calendar-day waiting period for the first notification to property owners is completed, and the City has confirmed that all comments have been satisfactorily addressed; and
- c. Excavation permit requirements are deemed satisfied by the City.

All construction shall be completed within one year, consistent with excavation permit requirements.

Step 5: Preconstruction Notice to Property Owners

Once the excavation permit is issued, the applicant shall provide the notification of intent to begin construction to property owners and residents within 300' of each proposed small cell wireless facility location at least 14 calendar days prior to the start of construction. The notification shall include the following information:

- Name of telecommunications carrier;
- Applicant's contact information for inquiries (telephone number and e-mail address);
- Description of the location, project, what property owners can expect during construction such as equipment noise and traffic impacts; and
- Anticipated construction dates, duration of work, and work hours.

Step 6: Postconstruction Activation Report

The applicant shall monitor the emissions of thermal/heat, radio frequency electromagnetic radiation (RF-EMR), and noise for each small cell facility location and provide to the City an Activation Report summarizing the results within 14 calendar days of activation for review and approval. The Activation Report must meet the following requirements:

- a. The Activation Report must be prepared by a licensed professional engineer or other technical expert approved by the City;
- b. Testing shall be conducted in compliance with FCC regulations governing the measurement of RF-EMR emissions and shall be conducted during normal business hours on a nonholiday weekday with the small cell wireless facility operating at maximum power;
- c. For all measurements collected, evidence shall be submitted confirming that testing instrument(s) used were calibrated within their manufacturers' suggested periodic calibration interval, and that the calibration method complies with the National Bureau of Standards;
- d. At the City's sole discretion, an agent of the City may monitor the performance of testing required for preparation of the Activation Report;
- e. The Activation Report shall provide confirming information that the facility will not cause any potential exposure to RF-EMR emissions that exceed the adopted FCC standard for human exposure and that noise emissions comply with City requirements; and
- f. Any sites with noncompliant test results shall be immediately turned off (shut down) or removed. Within 7 calendar days of shutdown, the applicant shall submit a plan indicating strategies on how the noncompliant facility will be mitigated.

Step 6: As-Builts

Upon completion of the work, the application shall submit as-built plans. Plans shall comply with standards identified in Section R of the Excavation Permit Application.