



Proposed Enhancements to Wireless Design Standards

Town of Hillsborough

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Overview

- Federal and state laws impact the Town's authority to establish aesthetic standards for wireless communications facilities (WCFs)
- Location and design standards for WCFs on private property and in the public rights-of-way were adopted on Jan. 14, 2019 by Council Resolution No. 19-03
- The existing standards in the HMC were used as a base and developed further with community input
- The proposed enhancements to the design standards take into account industry input, support the Town's unique aesthetic needs, clarify ambiguities, and increase flexibility



FCC Small Cell Order on Aesthetics

- Aesthetics requirements (including undergrounding) not preempted if:
 - (1) reasonable,
 - (2) no more burdensome than those applied to other types of infrastructure deployments, and
 - (3) objective and published in advance.
- “...aesthetic requirements that are reasonable in that they are technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments are also permissible.”



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Wireless Industry Feedback

Technical Feasibility Concerns

- Industry commented that some standards were not technically feasible
- Example: Section E(5) requirement that all antennas be shrouded too restrictive because some antennas/radio units cannot operate properly if placed in a shroud

Modifications to Prevent Violations of Law

- Industry commented that modifications should be allowed to prevent a violation of state or federal law
- Example: CPUC General Order 95 safety separation requirements for installations on utility poles
- Example: Section C(3) height and dimensions for new non-replacement poles too restrictive for some installations



Proposed Enhancements to Design Standards

- Substantive changes made to the following:
 - Section C – General Standards for WCFs
 - Section E – WCFs in the Public Rights-of-Way
 - Section F – Pole-Mounted Components
 - Section G – Ground-Mounted Components
 - Section H – Height Limits
 - Section O – Infrastructure Deployments
 - Section R – Pre-Approved Designs
- Non-substantive changes made to Sections A, C, D, E, F, G, J, K, L, M, P, Q, and R (e.g., “CM or designee”; harmonize terminology – “objective, fact-based” and remove “accessory” equipment)
- Conditions of Approval:
 - Condition H – clarifies scope of indemnification of Town
 - Other non-substantive changes



Section C – General Standards for WCFs

Section C(3) – WCF Installations on New Poles with Integrated Designs

- Modifies height, width, and diameter limitations for base enclosures and pedestals
- Authorizes City Manager to waive size limitations for a concept design that is pre-approved under Section R or if needed to comply with other design requirements
- Establishes that electric meter and disconnect, if required, should be inside the new pole or placed in the least visible location



Section E – WCFs in the Public Rights-of-Way

Section E(1) – Undergrounding requirement

- Allows exceptions to undergrounding when the proposed design:
 1. Meets the HMC Section 15.32.010(B) intent (“to make wireless communications reasonably available while preserving the Town’s essential rural character...”); and
 2. Complies with Section C(3) standards governing integrated facilities

Sections E(2) & E(11)(former E(10)) – Standards for underground vaults & landscaping

- Standard required applicant to replace any damaged or displaced tree
- Allows applicant to provide in-lieu fee for tree replacement, if City Manager approves



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Section E – WCFs in the Public Rights-of-Way (cont'd)

Section E(3) (former E(2)) – Pole-mounted components

- Clarifies that WCFs can be on replacement utility poles in addition to existing utility poles

Sections E(5) (former E(4)) – Shrouds for pole-mounted WCFs

- Establishes that shrouding requirements only apply where technically feasible
- Authorizes Town to approve alternative concealment technique in if needed for technical feasibility reasons

Sections E(7) (former E(6)) – Volume requirements

- Requires applicant to provide technical justification if shroud volume exceeds three (3) cubic feet



Section E – WCFs in the Public Rights-of-Way (cont'd)

Section E(8) (former E(7)) – Above-ground equipment (other than antennas)

- Increases maximum volume for installations in residential areas from nine (9) to twelve (12) cubic feet
- Identifies additional components that are not counted in volume calculations, including any electric meter or disconnect switch and vertical cable runs for electrical power or other utilities

Sections E (10) (former E(9)) – Electric service

- Authorizes the City Manager to approve a pole-mounted or ground-mounted electric meter but only if flat-rate service and a shrouded smart meter are both unavailable



Section E – WCFs in the Public Rights-of-Way (cont'd)

Section E(17) (former E(16)) – Visibility requirement for intersections

- Adds reference to Town's visibility requirements in HMC Section 12.08.010 to cross-reference requirement

Former E(17) – Min. distance from intersections & pathways

- Standard required WCFs to be placed at least 15 feet away from any intersection, alleyway, driveway, or pathway
- Removes restriction not necessary for visibility at intersections and to prevent installations in front of residences



Section E – WCFs in the Public Rights-of-Way (cont'd)

Section E(18) – Overhead lines across roadways

- Authorizes exceptions to prohibition on overhead lines that traverse the roadway for lines following path of existing overhead lines

Former E(20) – Residential setback requirement

- Standard prohibited WCF installations within a certain distance from residential dwellings (avg. front setback of properties within 500 ft)
- Removes requirement in order to allow for locations that may be closer to residences but are less visible

Sections E(20) (former E(21)) – Lighting requirements

- For consistency with other Town lighting standards, removes prohibition on WCF installations that may illuminate areas on private properties but keeps standards to reduce and mitigate illumination from WCFs



Section F – Pole-Mounted Components

Section F(2) – Consistency with nearby installations

- Clarifies that pole-mounted WCFs must be consistent with the scale (rather than the size and shape) of pole-mounted equipment in the area

Section F(3) – WCFs must be flush with the pole

- Clarifies that compliance with CPUC GO 95 and GO 128 can be a justification for a WCF not being flush with the pole

Sections F(5) – Cables, wires, and conduit on poles

- Adds standard that underground cables must transition directly into the pole base



Section G – Ground-Mounted Components

Former G(2)

- Standard required ground-mounted equipment to be located flush to grade when needed to prevent hazards
- Removes requirement because undergrounding is addressed more fully in other standards such as E(1) and E(2)

Section G(3) (former G(4)) – Base shroud standards

- Adds exception to standards for pre-approved concept designs



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Other Sections with Substantive Changes

Section H – Height limits

- Simplifies language to allow height limit to be increased to 45 feet for utility pole installations if needed to comply with utility pole regulations

Former Section O – Standard for infrastructure deployments

- General standard prohibited infrastructure deployments from incommoding the use of the public rights-of-way or nearby structures
- Removes because specifics are addressed by other standards

Sections R – Pre-approved concept designs

- The term “concept” was added here (and throughout the standards) because the pre-approved designs are intended to be conceptual design approvals, but specific placements are still subject to the application process
- Authority to designate pre-approved concept designs changed from Town Council to City Manager or designee
- Authorizes City Manager to review approved designs and make modifications

