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Title: Consideration of Policy and Procedure TR 1.3.1, Titled "Wireless Telecommunications Facilities within the Public Right-Of-Way" (Citywide)

1. Consider the Finding of No Possibility that the project will have impacts on the environment pursuant to Section 15061(b)(3) of the CEQA Guidelines
2. RESOLUTION - Approving Policy and Procedure No. TR 1.3.1, Wireless Telecommunications Facilities within Public Right-of-Way

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. Public ROW Wireless Telecomm Facilities Policy.pdf, 2. 72589dy RSB Resolution Approving Policy and Procedure No TR 1.2 dated October 2016.pdf

Date	Ver.	Action By	Action	Result
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REPORT TO THE CITY COUNCIL

October 20, 2016

FROM: SCOTT L. MOZIER, PE, Director
Public Works Department

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SUBJECT

Consideration of Policy and Procedure TR 1.3.1, Titled "Wireless Telecommunications Facilities within the Public Right-Of-Way" (Citywide)

1. Consider the Finding of No Possibility that the project will have impacts on the environment pursuant to Section 15061(b)(3) of the CEQA Guidelines
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RECOMMENDATION

Staff recommends the City Council take the following action:

1. Adopt the environmental finding prepared for Policy and Procedure TR 1.3.1, approving a Finding of No Possibility pursuant to Section 15061(b)(3) of the CEQA Guidelines
2. Adopt a Resolution approving Policy and Procedure No. TR 1.3.1, Wireless Telecommunications Facilities within Public Right-of-Way

EXECUTIVE SUMMARY

The City of Fresno Public Works Department, with the assistance of the Development and Resource Management Department, is proposing a new policy on Wireless Telecommunications Facilities within the public right-of-way. The policy addresses technical requirements for installing wireless facilities (including cell towers and antenna poles) in City right-of-way.

Fresno Municipal Code Section 15-2759 provides that “Telecommunications and Wireless Facilities shall comply with the City’s policy pertaining to said uses.” The City’s current Wireless Telecommunications Policy does not specifically address facilities within the street right-of-way. Many providers are now seeking to install wireless telecommunications facilities within City right-of-way, creating the need for a specific policy. The proposed policy does not change the current policy for telecommunications on private property.

BACKGROUND

With the recent rise in wireless telecommunications facilities nationwide, the City has begun receiving applications for facilities in City right-of-way. While the City cannot legally prohibit telecommunications companies from installing cell towers, antenna poles and related wireless telecommunications facilities within its right-of-way, the City may regulate the time, place and manner of installation. A wireless telecommunications policy helps safeguard the rights of adjacent property owners, for instance where a facility is proposed directly in front of a home or business, and protects the health and safety of citizens. The policy also makes the process easier and more predictable for applicants by providing standards and procedural guidelines for proposed facilities.

ENVIRONMENTAL FINDINGS

The City of Fresno has determined that a Finding of No Possibility that the project will have impacts on the environment pursuant to Section 15061(b)(3) of the CEQA Guidelines is appropriate for the proposed policy revision. Given that the revisions proposed only serve to clarify existing policies, the revisions will not result in a change to the physical environment. Individual wireless telecommunication facilities are subject to CEQA review at the time of application submittal.

LOCAL PREFERENCE

Not applicable because this is not a competitive bid.

FISCAL IMPACT

There will be no impact to the General Fund as a result of the recommended action.

Attachment:
Policy on Wireless Telecommunications Facilities within Public Right-of-Way
Resolution