

LATE MATERIAL
Item#: 13D
Meeting Date: 09/03/20

From: [Hannah Borris](#)
To: [Public Comment](#)
Cc: [Todd Reese](#); [Dan Stucky](#); [Stephanie Hicks](#)
Subject: Public Comment - Item #13.D - Proposed Amendment to Small Cell Policy - Verizon Comment Letter for 09/03/20 BOS Hearing
Date: Tuesday, September 1, 2020 5:08:30 PM
Attachments: [CC NV BOS Hearing Comment Letter \(FINAL 09-01-2020\) Signed.pdf](#)
[9th DRAFT Carson City Small Cell Policy 8-24-20 clean .VZ Redline 09.01.2020.docx](#)

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Good evening City Clerk,

On behalf of Verizon Wireless, please accept the attached comment letter for consideration and inclusion in the record for the September 3, 2020 Board of Supervisors meeting. If you could forward this letter to the Board of Supervisors, it would be greatly appreciated.

We have read the city's COVID policy and a Verizon representative will be available at the virtual meeting to provide additional comment and answer any questions.

Best regards and thank you,

Hannah

Hannah Borris

Wireless Policy Group, LLC
Cell: 925-364-0910
hannah.borris@wirelesspolicy.com
www.wirelesspolicy.com



September 3, 2020

Via Email

publiccomment@carson.org

Carson City Board of Supervisors
Robert Crowell, Mayor
Brad Bonkowski, Supervisor
John Barrette, Supervisor
Stacey Giomi, Supervisor
Lori Bagwell, Supervisor

RE: Agenda Item 13.D – Proposed amendments to the “Carson City Public Works Placement of Small Cell Wireless Equipment in Carson City Right-of-Way” policy

Dear Supervisors,

On behalf of Verizon Wireless, thank you for the opportunity to provide comment on the proposed wireless code and policy update. Please include this letter and the attached redlines in the record. Verizon has asked Wireless Policy Group to work with City staff to assist in developing a workable policy 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 policy 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 policy, rates and regulations do not comply with the recent FCC Order.¹ We would like an opportunity to meet with staff to discuss the issues outlined below and, in the accompanying redline.

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

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 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:

1. Section 2.0(A)

- a. A(7) – Limits the height of new and replacement poles to 20% of the average height in the immediate vicinity, unless otherwise approved by the City and required by the pole owner. The maximum height for small wireless facilities permitted by the FCC Order is 1) mounted on structures 50 feet or less in height including their antennas, or (ii) mounted on structures no more than 10 percent taller than other adjacent structures, or (iii) does not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater. 47 CFR §1.6002(1). The redline reflects the maximum height permitted under the FCC Order.

2. Section 2.0(B)

- a. B(1) – Adds an exception for attachments to NV Energy-owned poles that are not converted to City-owned poles, to allow for compliance with applicable health and safety codes and pole owner requirements, where health and safety regulations supersede City requirements.

3. Section 2.0(F)

- a. F(5) - The City may not require applicant to perform services that are not directly related to the co-location being sought, therefore the City may not require applicant to provide excess meter capacity that is unrelated to the SCWE, as a quid pro quo for providing a permit. FCC Order at ¶86 and Footnote 252. The redline suggests more workable language.
4. Section 3.0(A) - The redline clarifies that in the event of a conflict between the fees in Section 4 of the policy and the MLA or any Supplemental to the MLA, the fees stated in the *MLA or subsequent* Supplement shall control.
 5. Section 3.0(D)
 - a. D(12) – Requires that the RF report certify that the SCWE will not interfere with any RF signal or equipment operations. This provision exceeds the standards set by the FCC for demonstrating compliance. The FCC has preempted regulation of interference, which is highly unlikely given the carriers’ use of exclusively licensed and dedicated spectrum. In the event of the interference, the City can seek relief with the FCC. Verizon requests deletion of this requirement.
 6. Section 4.0 Fees-
 - a. The \$1400 Building Permit Fee is much higher than the commercial building permit fee in the fee schedule. The FCC Order, ¶ 79 requires that permit fees be no more than the actual and reasonable cost to the City with a safe harbor of \$500 for up to 5 SWFs and \$100 per facility thereafter. SWFs involving new structures have a safe harbor of \$1000. This fee for other commercial structures is 1 percent of total value for the commercial structure. The City’s small cell wireless application fee memorandum provides a cost study based on *estimated* staff time/costs, whereas the FCC Order requires that costs be based on *actual* and reasonable costs. Additionally, as SCWE designs are typically comprised of standard configurations, it’s expected that efficiency within the application review process will be gained over time. As such, the City’s building permit fee would be more appropriately structured as a deposit, rather than as a standard flat fee. The redline provides a process to restructure the fee as a deposit.
 - b. E(2) – The redline clarifies that the fees apply when attachment to the Third-Party pole or facility is located within the City ROW.
 - c. (F) – The redline summarizes the electricity usage fee adjustment process outlined in section 3(D)(16) of the policy so that the process is also clearly articulated in the fee schedule.

September 3, 2020

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Thank you for the opportunity to comment on the proposed wireless code and policy update. 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. Verizon requests that additional time be provided to work with you to address the feasibility and legal compliance issues noted above. A Verizon representative will be on the phone for the meeting to answer questions.

Sincerely,

A handwritten signature in black ink that reads "Hannah Borris". The signature is written in a cursive, flowing style.

Hannah Borris

Wireless Policy Group, LLC on behalf of Verizon Wireless



**Carson City Public Works
Placement of Small Cell Wireless
Equipment in Carson City Right-of-Way
Effective: _____, 2020**

1.0 PURPOSE:

Small Cell Wireless Equipment (SCWE) sites are compact communication modules that contain antennas and related equipment required for the transmission and reception of information for personal wireless services, and meet the definition of "small wireless facilities" in 47 CFR § 1.6002(l). This policy outlines the general requirements and procedures for placement of SCWE in or on poles or other facilities (generally referred to as "poles") in Carson City (City) Right-of-Way (ROW), whether on poles owned by the City or by another person or entity (a Third-Party). Additional requirements and standards are found in Title 18, Appendix – Carson City Development Standards, and American Association of State Highway and Transportation Officials (AASHTO) standards. This policy does not apply to SCWE deployed in or on private property outside of City ROW. SCWE located on private property outside of City ROW are subject to the provisions of the Carson City Municipal Code (CCMC) Title 18 and Title 18, Appendix.

Before SCWE is placed on City-owned poles, a wireless provider, or a person or entity that submits an application on behalf of a wireless provider, (the Applicant) must enter into a master license agreement with the City. Before SCWE is placed on Third-Party poles, the applicant must obtain approval for the location and placement of the SCWE and secure a building permit for the SCWE installation. The Board of Supervisors must approve a master license agreement, while City staff will review and approve the project and approve and issue a building permit.

Nothing in this policy limits the legislative authority of the Carson City Board of Supervisors to manage and control City-owned real property as allowed by the Nevada Revised Statutes (NRS). Where permitted by law, this policy, including the design requirements and application process, is applicable to all SCWE installations in City ROW.

The Director of Public Works or his or her designee may, without approval of the Board of Supervisors, make technical or clerical revisions to this policy and any other revision that is required or necessary for compliance with any relevant change in federal or state law, any regulation adopted thereto, or the Carson City Municipal Code. Any other revision requires approval by the Board of Supervisors.

PERSONS AFFECTED:

All elected officials and employees responsible for the sale or lease of City-owned real and personal property.

2.0 DESIGN REQUIREMENTS:

The following information outlines the Carson City standards for placement of SCWE in a City ROW.

A. Design Requirements Applying to All Installations

- A.1. Every effort shall be made to conceal or otherwise blend the SCWE with the existing structure to the extent technically feasible and to provide the least visually intrusive installation to the extent practicable. All equipment must be positioned in a manner that best conceals it from the street. All antennas, equipment, connectors, and hardware must be placed within a shroud or otherwise camouflaged to the extent technically feasible, so that the SCWE installation appears to be an architectural component of the pole to which the SCWE is mounted. All wiring and

related connectors must be placed within the pole, or if not possible, within a conduit or other encasement on the pole. The SCWE, shrouds, and other exposed equipment on a pole must be painted and textured to the extent technically feasible, in order to match the pole to which it is attached.

A.2. SCWE attachment to wooden poles:

- a. The City has a strategic plan for removing wooden poles and undergrounding utilities throughout the City. At present, the City prohibits the placement of new wooden poles throughout the City, requiring utilities to be placed underground. The City also requires existing wooden poles within the Downtown Redevelopment Areas or within the limits of planned corridor beautification projects to be removed when practical and the utilities placed underground. For certain projects, the City may also require existing wooden poles in other areas to be removed when practical and the utilities placed underground. The following policies apply to wooden poles.
- b. Attachment to existing wooden poles within the Downtown Redevelopment Areas or within the limits of planned corridor beautification projects is strongly discouraged.
- c. The placement of new wooden utility poles, other than replacement poles, in any City ROW is prohibited.
- d. Replacement wooden poles outside of the Downtown Redevelopment Areas or the planned corridor beautification projects will be permitted if needed for structural reasons or to comply with applicable law, codes, or pole owner requirements.
- e. The City will not accept ownership of wooden poles.
- f. Applicants desiring to place SCWE on wooden poles assume the risk that a particular wooden pole may be selected for removal and utility undergrounding. In such event, the Applicant must remove and relocate the SCWE at its sole cost and expense. The City will make reasonable efforts to notify Applicant when a pole will be selected for removal to allow adequate time for relocation of the SCWE.

A.3. The use of above ground cabinets may be necessary to conceal SCWE. Above ground cabinets must include creative design solutions (e.g., incorporated into a bus stop or bench, the use of murals or landscaping, creatively camouflaged, etc.) to the extent practicable and technically feasible.

A.4. Installations other than those in above ground cabinets or on poles may be proposed by the Applicant and must include creative design solutions to the extent practicable and technically feasible.

A.5. SCWE must meet the following installation and size requirements:

- a. Each antenna must not be more than three cubic feet in volume.
- b. Where technically feasible, antennas, should be mounted at the top of a pole. All antennas, other than millimeter wave antennas, shall be concealed within a radome the minimum size necessary to conceal the antennas. All antennas should satisfy the aesthetic requirements in this policy.
- c. Pole mounted equipment other than antennas must be proportional to the structure on which it is mounted to the extent technically feasible.
- d. Where technically feasible, SCWE should include tapered elements and be mounted so that the longest dimension of the equipment is parallel to the pole.

- e. Pole mounted equipment must be installed as close as feasible to the pole, but in any event it must not project more than 17 inches from the surface of the pole (including mounting brackets), unless larger separation requirements are required to comply with applicable laws, codes, or pole owner requirements.

A.6. If existing city-owned poles are damaged and structurally inadequate to support SCWE, Applicant may propose installing a replacement pole. Applicant may also propose placement of a new light pole (or other type of pole) that may also be used for the placement of SCWE. However, the placement of new poles for the sole purpose of accommodating SCWE is not permitted (i.e., the pole must have some other purpose, such as a light pole, utility pole, etc.). Applicant will be responsible for all costs for a replacement pole or a new pole. Once a City-owned pole is replaced or a new pole is installed within City-owned ROW, the pole will become the property of the City.

A.7. Poles replaced or added by Applicant shall be a design of like kind with the poles in the surrounding areas. At the time of pole installation, pole height must match other poles in the area, and overall pole height (pole and SCWE) must not exceed more than 20% of the average pole height in the immediate vicinity, **or 50 feet, whichever is greater**, unless otherwise approved by the City and required by the pole owner. Engineered plans submitted for application must note the height of the poles on the same City block as the proposed pole location. When replacing a pole, all pre-existing electrical, telecommunication, and other transmission lines, and any other pre-existing facilities attached to the pole must be transferred and reattached to the replacement pole. All pre-existing lines or facilities being reattached to a replacement pole, including any street lights or traffic signals, must be operational within 24 hours of removing the existing pole, unless a delay is caused by a third-party utility or backhaul provider or forces outside of the control of the Applicant.

Commented [HMBl]: SWFs may not exceed (1) mounted on structures 50 feet or less in height including their antennas, or (ii) mounted on structures no more than 10 percent taller than other adjacent structures, or (iii) does not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater. This is the maximum height permitted by the FCC Order. 47 CFR §1.6002(1).

A.8. All poles, including new poles and replacement poles, or SCWE located within a sidewalk area or a potential future sidewalk area must provide a forty-eight inch (48") minimum clear walking space, which meets current Public Rights of Way Accessibility Guidelines (PROWAG). If an existing pole does not meet PROWAG, SCWE may be permitted only if all equipment is located 8-feet or more above the sidewalk so as to not further reduce or constrain the sidewalk area. When proposing a new pole or installing a replacement pole, and where feasible, the City may require Applicant to increase the sidewalk width to provide a forty-eight inch (48") minimum clear walking space. Replacement poles must be moved, if necessary, to comply with PROWAG requirements.

A.9. All designs and structural calculations must be certified by a Nevada-licensed professional engineer. Designs must meet the requirements of the American Association of State Highway and Transportation Officials (AASHTO) and City standards.

A.10. All poles owned or to be owned by the City must be placed in the City right of way or within an easement. When required by the City or the power company, Applicant may be required to provide a stamped survey to show the proposed equipment is within a right of way or established easement. It is the responsibility of Applicant to obtain the necessary easements for the placement of poles or other infrastructure within private property.

A.11. All SCWE installations will require the street-side placement of an electromagnetic energy (EME) notification placard, placed no more than 6-feet below the antenna. Applicant is responsible for the maintenance and replacement of the placard as needed.

A.12. All SCWE installations must comply with federal regulations that SCWE installations do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR Part 1, Subpart U, Section 1.1307(b).

A.13. A power shutoff switch for powering down the SCWE must be provided at each site. Unless

directed otherwise by the City, the power shut off switch must be located on the pole and placed at a minimum height of 9-feet from the pole base. For City-owned decorative poles, the shut off switch must be integrated into the pole design. Plans proposed to the City must provide engineered drawings of all electrical equipment and connections.

- A.14. Should landscaping be approved by the City as a method to conceal ground mounted equipment, the following standards apply:
- a. All landscaping must conform to CCMC Title 18 Appendix, Division 3.
 - b. Plant species must match those within the surrounding area. All shrubs must be large (minimum 5 gallons) and all trees must meet all requirements in CCMC Title 18 Appendix, Division 3.7, as amended.
 - c. All trees, shrubs, or other landscaping removed from the ROW during installation shall be replaced by Applicant pursuant to the standards in the CCMC.
 - d. Artificial landscaping is not permitted.
 - e. When approved for use, the placement of underground vaults or cabinets must be located to minimize the disruption to existing trees or future tree placement.
 - f. The landscaping must not impede the required sight distance given in Title 18 Appendix, Division 12 of the development standards or otherwise impact traffic signals or transportation as identified by the City Engineer.
 - g. Work within City ROW, but that is located within a landscape area maintained by a homeowners association (HOA) or private party, will require notification to, and permission from, the party responsible for maintaining the landscaping prior to the start of any work. If additional landscaping is required by the City for the SCWE installation, Applicant must have written consent for maintenance in place with the HOA or private property owner prior to the start of work. A copy of the consent and plan must be provided to the City.
 - h. Landscaping that is proposed in an area that already contains landscaping maintained by the City will be approved on a case by case basis.
 - i. If new landscaping is proposed and approved in other locations, Applicant will be responsible for irrigation and maintenance of landscaping.
- A.15. Street cuts will not be allowed within 5 years of when a street has been paved or repaved unless approved by the City Engineer or his or her designee. If approved, such street cuts will require additional fees as stated in the list of fees in Section 4.
- A.16. All SCWE shall be kept in good repair and the paint or other coloring maintained to match the pole to which it is attached.

B. NV Energy Owned Street Light Poles

- B.1. Applicant may enter into an agreement with NV Energy (NVE) that will allow the applicant to attach SCWE to NVE poles. SCWE placed on NVE poles within City right-of-way must otherwise comply with the aesthetics and building permit portion of this policy, unless exempted by applicable Laws, or is otherwise required to comply with health and safety codes, or pole owner requirements. This remainder of this section does not apply to SCWE placed on NVE poles that are not converted into City-owned poles.

Commented [HMB2]: On utility-owned poles, there are health and safety regulations that may supersede City requirements.

- B.2. The City will consider requests to convert **NVE**-owned street light poles into City-owned street light poles. The City will not accept ownership of any street light pole that does not meet current City street light pole specifications and standards, including the City's current safety standards for design, found in CCMC Title 18 Appendix, Division 1.3 and Division 12.14, Photometric Design Standards, and all other applicable City standards and codes. Current specifications and standards are available through the City's Public Works Department.
- B.3. Any application proposing that the City accept ownership of an NVE metal street light pole that does not meet City standards must specify how the pole will be refurbished to bring it up to City standards or must include replacement of the pole. Any application proposing that the City accept ownership of an NVE wooden street light pole must include replacement of the pole with a metal pole. Replacement pole specifications must be submitted to the City for approval prior to placement.
- B.4. Any refurbished or replacement pole must be consistent with the architectural design and height of the existing street light poles in the surrounding area. The overall pole height (pole and SCWE) must not exceed more than 20% of the average pole height in the immediate vicinity, unless otherwise approved by the City.
- B.5. A structural analysis and report of the street light pole and base must be conducted and certified by a Nevada-licensed professional engineer. The report must show that the street light pole is adequate to support the proposed SCWE and will not create an adverse or unsafe condition.
- B.6. Applicant is responsible for all costs of equipment, construction materials, permitting, designs, labor, and restoration associated with the refurbishment or removal of an existing NVE street light pole and the installation of street lighting and equipment.
- B.7. Applicant will be required to connect the pole to an existing City-owned electrical meter or install a new electrical meter.

C. Street Light Poles (City-Owned)

- C.1. The installation of SCWE on City-owned poles and decorative poles must comply with the design standards in section 2.A. The placement of SCWE on decorative poles requires the integration of all equipment, wiring, and antennas into the pole design to the maximum extent technically feasible, and must be architecturally consistent with the existing poles within the area.
- C.2. If SCWE is proposed to be added to an existing pole, a structural analysis and report of the target pole, base, and attached SCWE must be conducted and certified by a Nevada-licensed professional engineer. The report must be submitted with the application, must show that the pole is adequate to support the proposed SCWE, and that it will not create an adverse or unsafe condition.
- C.3. Replacement light poles, including decorative poles, will be reviewed for compliance with approved design standards and with sections 2.B.1 through 2.B.6.

D. Traffic Signal Pole (City-Owned)

- D.1. The installation of SCWE on City-owned traffic signal poles must comply with the design standards in section 2.A.
- D.2. A structural analysis and report of the traffic signal pole must be conducted and submitted as required in section 2.C.2.

- D.3. All equipment shall be mounted above the mast arm and not within two feet of the mast arm handhole and cover.
- D.4. Traffic signal poles requiring replacement must be replaced with new City approved poles and equipment. Applicant must provide certified designs and structural calculations by a Nevada-licensed professional engineer showing that the designs meet AASHTO and City standards, and otherwise comply with sections 2.B.2 through 2.B.6 as they relate to traffic signal poles.

E. Traffic Signal Pole (Owned by Third-Party)

- E.1. Applicant must coordinate all lease or license agreements with the traffic signal pole owner. A copy of the Letter of Authorization (LOA) or other agreement providing permission to attach to the pole must be provided to the City with the Building Permit Application.
- E.2. Carson City is responsible for the maintenance of all traffic signal poles within the City limits regardless of ownership. Applicant must obtain approval from the City under this policy prior to any installation of SCWE on traffic signal pole attachments.
- E.3. The installation of SCWE on Third-Party traffic signal poles must otherwise comply with section 2.D.

F. Electric Meters and Cabinets

- F.1. Plans must show the location of the proposed or existing meter for providing power to the SCWE.
- F.2. New electric meters must not obstruct pedestrian or vehicle sight distance, must be located outside of the clear zone and meet Carson City Development Standards and AASHTO standards located in CCMC Title 18 Appendix. Proposed meter sets may not obstruct ADA walking paths or disrupt the general flow of pedestrian traffic in a sidewalk area.
- F.3. Whenever possible, the installation of new or replacement electric meters shall be installed outside of the sidewalk or other walking path.
- F.4. Electric meter placement must meet the current PROWAG by providing a forty-eight inch (48") minimum clear walking space.
- F.5. The electrical meter must be appropriately sized to accommodate the SCWE and all other facilities and poles served by the electric meter at the time of application submittal. An existing meter must be upgraded and replaced if it is undersized to accommodate the proposed SCWE. New or replacement City meters must be sized to accommodate ~~appropriate excess~~ any new additional capacity needed by the SCWE, or as required by applicable Laws or code.

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Commented [HMB3]: The city may not require applicant to perform services that are not directly related to the co-location being sought, therefore the city may not require applicant to provide excess meter capacity that is unrelated to the SCWE, as a quid pro quo for providing a permit. Order at ¶86 and Footnote 252.

G. Installation and Maintenance

- G.1. Any installation, non-emergency repairs, or maintenance that may require traffic control or interruptions to adjacent properties will require two weeks' notice before the installation, repair, or maintenance and coordination with the City's Public Works Department. When emergency repairs are needed or sufficient time does not exist, Applicant shall contact City prior to commencing repairs.
- G.2. Once installed, Applicant may maintain and repair the SCWE without obtaining a new permit, subject to section G.1. Ordinary maintenance and repair means inspections, testing and/or repair that maintain the functional capacity, aesthetics, and structural integrity of the SCWE and/or the support pole or structure that does not require damaging or disturbing any portion of the public right-of-way. Replacement of SCWE with like equipment that fits within the

aesthetic sheathing, meets the permitted design requirements, including number of enclosures, power use, structural integrity, dimensions of SCWE, and other criteria listed in this policy, does not require a new permit. Otherwise, Applicant shall apply for a new permit and demonstrate that the proposed replacement SCWE meets the then current design requirements.

3.0 APPLICATION PROCESS:

A. License Agreement

Prior to the review of any proposed SCWE project on City-owned poles, Applicant must enter into a Master License Agreement with the City. Upon approval of the Master License Agreement by the Board of Supervisors, all subsequent SCWE locations proposed in the City ROW will become a supplemental component of the approved Master License Agreement and will be known as Site Supplement Agreements or Third-Party Site Supplement Agreements. Each newly proposed SCWE location will be reviewed by the Public Works Department and other applicable City departments using the then current policies, standards, and review processes. The fees required during the application process are specified in Section 4.0 of this Policy, or in the Master License Agreement, or both. In the event of a conflict between fees specified in Section 4.0 of this Policy and fees specified in a duly executed Master License Agreement or any Supplement to the Master License Agreement, the fees stated in the [MLA or subsequent Supplement](#) shall control.

B. Site Reservation

Site reservation is voluntary and is not an application review. Site reservation is intended to provide the opportunity for Applicant to reserve specific City-owned pole locations and allow City staff to identify potential issues with the selected sites before Applicant invests time and effort into more detailed design plans. The reservation process does not apply to Third-Party poles or SWCE installations on private property.

- B.1. Applicants may view City-owned poles via an online GIS Application.
- B.2. Applicants may make reservation requests in writing via email, providing the Pole ID and a map of the pole location. Requests must be emailed to the City's Real Property Manager at gis@carson.org.
- B.3. Applicants may reserve no more than 10 sites at a time.
- B.4. Requests to reserve sites will usually be processed within 10 business days, unless extenuating circumstances exist. Approvals or denials will be sent via email.
- B.5. A site reservation lasts for 90 calendar days, measured from the date of the site reservation email. If no application for a building permit is submitted within the 90 days, the reservation expires. The Director of Public Works or his or her designee, in the his or her sole discretion, may grant a one-time 45-day extension if the Applicant submits a written request for an extension before expiration of the reservation that demonstrates good cause to grant the extension. If no written extension is sought by the Applicant or granted to the Applicant, the reservation expires and the site may then be reserved by another applicant. When an Applicant's reservation expires, that Applicant may not reserve the same site for 30 days after expiration.
- B.6. Upon submitting a building permit application, a site reservation will be reserved or extended for 90 days from the date of the building permit application. If the building permit application is not fully addressed within the 90 days, the City may, in its discretion, extend the Applicant's site reservation for additional 90-day periods if the Applicant is proceeding through the application process in a timely manner and in good faith.

C. Optional (but Recommended) Pre-Application SCWE Project Review

Applicant may take advantage of Carson City's Major Project Review (MPR), a non-mandatory pre-application review process, to obtain feedback about Applicant's proposed location, plans, or installation. The MPR application and information about the process may be obtained from the planning department or at: <https://carson.org/government/departments-a-f/community-development/planning-division/current-planning-zoning/major-project-review>.

D. Building Permits

Unless a specific exemption in the CCMC or other applicable law applies, a Building Permit is mandatory for SCWE installation. A building permit application or other information may be obtained from the planning department or from: <https://carson.org/government/departments-a-f/community-development/building-division>. The building permit application must be complete and include all required supporting maps, documents, and details to satisfy the requirements of all governing bodies (federal, state, and local). Incomplete building permit applications (those not containing all of the specified information) will not be accepted and/or will be returned to the applicant. The following information must be provided for all applications:

Commented [HMB4]: Note that the 60/90 day shot clocks begin to run when the initial application is submitted or proffered.

- D.1. A complete and accurate Building Permit application.
- D.2. A statement of the site reservation timeline, including the date of the site reservation, if any, and the date that the site reservation expires.
- D.3. If non-mandatory pre-project review was completed, a letter (a) responding to City comments and questions generated during the non-mandatory pre-application review, and (b) explaining any changes to plans, details, or equipment made after the pre-application review was completed, regardless of whether the changes were made in response to the City's comments or questions. Letters addressing changes to documents or plans must note the exact locations where the changes have been made. Failure to respond to a comment or question from the pre-application review or to address changes that were made may result in permitting delays.
- D.4. Engineered site plans. Complete and accurate plans drawn to scale and prepared, signed, and sealed by a Nevada-licensed engineer. Plans must include:
 - a. Street names, parcel numbers, and the addresses of all properties surrounding the proposed facility location.
 - b. Elevations and dimensions for before and after the proposed construction conditions with all height and width measurements called out.
 - c. Details of all proposed equipment.
 - d. All proposed utility runs and points of contact.
 - e. Easements for access and utilities.
 - f. Locations of all surface improvements, i.e. roadways, curb & gutter, sidewalk, signs, poles, hydrants, landscaping, cabinets, pull boxes, etc.
 - g. Locations of all subsurface improvements required for the proposed site.
- D.5. A structural analysis and report of the existing or proposed street light or traffic signal pole, base, and attached SCWE conducted and certified by a Nevada-licensed professional engineer. The report must demonstrate that the pole is adequate to support the proposed SCWE, and that it will not create an adverse or unsafe condition.
- D.6. For SCWE attachments to Third-Party poles, a LOA from each pole owner.

- D.7. For SCWE obscured by non-City maintained landscaping a written consent for maintenance from the person responsible for maintaining the landscaping.
- D.8. When connecting electrical equipment to City Infrastructure, a certified engineer's report must be submitted to the City demonstrating that the power requirements of the proposed equipment are adequately supported by the existing infrastructure. If this cannot be achieved, plans must be provided for construction and installation of the necessary infrastructure.
- D.9. When attaching equipment to City-owned poles, detailed engineered drawings showing the installation of a power cut off switch that will be accessible by City staff for emergency work.
- D.10. Details and exact locations for all proposed electrical meters ("meter sets").
- D.11. For new meter sets, the address assigned to the meter must be provided with the submittal package.
- D.12. A radio frequency (RF) report prepared and certified by an RF engineer that certifies: 1) that the proposed SCWE will comply with applicable federal RF exposure standards and exposure limits; 2) ~~the proposed equipment will not interfere with any other RF signal or equipment operations.~~
- D.13. A letter stating that there is no noise producing equipment associated with the SCWE, or an acoustic study confirming the noise generated by any noise generating equipment will not exceed the standards set forth in the applicable regulations.
- D.14. Equipment shall display a small placard which accurately identifies the SCWE owner, provides the equipment owner's unique site or identification number, and provides a toll-free telephone number to contact the owner's operations center. Plans must note and detail the placard and its placement.
- D.15. Details for the placement of an EME notification placard. See section 2.A.11.
- D.16. If the Applicant wishes to adjust the electrical usage fee in section 4.D or 4.E of this policy, a load study or similar analysis, a load study for a similar installation, or a statement that Applicant will provide a load study for the Equipment as installed. If any of the above is provided, the City will base the initial electricity fee on the provided load study. Once installed, the electricity fee may be based upon actual demonstrated electricity use. The Applicant's failure to address the Equipment's power usage in any manner in the building permit application will require the Applicant to pay the electrical usage fee stated in section 4.D or 4.E.

Immediately upon receipt, the City will determine if the application is complete. Within 10 calendar days of receiving the building permit application, the City will review the submitted building permit application package for compliance with City policy and standards. If in compliance, the City will complete further processing and review within 60 calendar days of receiving the application.

If not in compliance, or if the City's review reveals deficiencies, Applicant will be advised in writing of the deficiencies, including the specific portion of this policy with which the Application does not comply and whether specified revisions are required to bring the application into compliance or to address any deficiencies. Applicant may then make any appropriate changes to the application and resubmit it to the City. The City's review process will then be repeated.

If the City advises Applicant of deficiencies and the Applicant does not revise and resubmit the application to the City, the City will deem the application and the site reservation abandoned upon the expiration of the 90-day site reservation or any extension of the site reservation. The City may also deny the application, 10 calendar days after which the City will deem the site reservation abandoned. Otherwise, the City will approve the application when all criteria are met.

Commented [HMBS]: This provision exceeds the standards set by the FCC for demonstrating compliance. The FCC has preempted regulation of interference, which is highly unlikely given the carriers' use of exclusively licensed and dedicated spectrum. In the event of interference, the city can seek relief with the FCC.

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Upon approval of a building permit, the site will be reserved for 180 calendar days, during which time construction must commence. Applicant may obtain a one-time automatic 90-calendar day extension upon submitting a request for an extension and paying the extension fee specified in the Master License Agreement or in Section 4.0 of this Policy. If work has not commenced within the applicable 180-day period (270 days including the extension), after the building permit is approved, the City will deem the permit cancelled and the site reservation abandoned.

E. Batched Applications

A single permit may be used for multiple SCWE. 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 SCWE in a batched application, the City may not use the denial as a basis to delay the application process of any other SCWE in the same batched Application. A single permit may be issued for siting and collocating multiple SCWE.

F. Site Supplement Agreement

Upon City's approval of the building permit, Applicant must electronically provide a set of 8.5" x 11" drawings in pdf format showing a plan view of the site, drawings of the approved equipment, and photo simulations showing pre- and post-installation conditions. This information, along with the building permit and the information in Section 3.F below, will be attached as Exhibit 1 to a site supplement agreement, or a third-party site supplement agreement, which the Applicant and the City must execute and which will be attached to the Applicant's Master License Agreement.

G. Post Construction Submittal

At the conclusion of all work, the Applicant shall provide the following information, which will become a part of the site supplement agreement or the third-party site supplement agreement:

F.4.G.1. An electronic copy of as-built plans in pdf format showing all field changes agreed to by the City. Field changes must be approved by the City prior to the work being performed and must be submitted to the City in writing. City responses and approvals to field changes will only be provided in writing.

F.2.G.2. All inspection documents and studies or certifications as required by the City.

F.3.G.3. An AutoCAD drawing of as-built plans for GIS integration.

H. Expected Timeline

The following provides guidance for the expected timeline of a typical project.

- **Site Selection and Reservation** - 10 Calendar Days.
- **SCWE MPR** - 21 Calendar Days. The MPR meeting is scheduled two weeks from the date of the MPR application submittal deadline, which is twice per month. The MPR meeting is normally held on a Tuesday at the Planning Division.
- **Building Permit Application Review** - 60 Calendar Days. Immediately upon receipt, the City will determine if the application is complete. Within 10 calendar days after receipt, the City staff will review the application for compliance with City policy and standards. If compliant, the City will complete processing and review within 60 calendar days after receipt of the application. The City will advise Applicant in writing of what revisions are required to address any deficiencies.

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- **Building Permit Approval.** Upon approval of the building permit, the site will be reserved for 180 calendar days. Construction must commence within the 180 days to avoid cancellation of the permit. A one-time 90-calendar day extension is available.

4.0 FEES:

A. Building Permit Application ~~Fee-Deposit:~~ \$1,400

~~A.1. Fees are based on actual costs to process an Application. The building permit application fee of \$1400 will constitute a deposit to reimburse the city for actual and reasonable costs. In the event that the City's statement of actual cost at the time of permit issuance is less than the deposit amount, the City will deduct that amount from such deposit and return any remaining funds to the applicant. In the event that the City's actual and reasonable costs exceed the deposit amount, applicant will remit additional funds in an amount sufficient to cover the additional costs.~~

Commented [HMB6]: The FCC Order requires that permit fees be no more than the actual and reasonable cost to the city with a safe harbor of \$500 for up to 5 SWFs and \$100 per facility thereafter. SWFs involving new structures have a safe harbor of \$1000. This fee is also much higher than for other structures, which is 1 percent of total value for other commercial structures.

The City's fee memorandum outlines the *estimated* costs associated with the review of SWCE application, whereas the FCC Order, ¶ 79 requires that permit fees be based upon the *actual* and reasonable costs. The City's permit fee would be more appropriately structured as a deposit rather than as a standard flat fee.

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B. Street Cut Fees:

B.1. Basic Pavement Patching Fee (CCMC § 20.5.1(3)): \$120+3.91/sq.ft. over the first 25 ft.

Increased fees if street cuts are made within the first five years from the date that the pavement was inspected and approved or accepted by the City:

- B.2. If within one year: 400% of basic fee.
- B.3. After the first year: 340% of basic fee.
- B.4. After the second year: 280% of basic fee.
- B.5. After the third year: 220% of basic fee.
- B.6. After the fourth year: 160% of basic fee.
- B.7. After the fifth year: the basic fee.

C. Building Permit Extension Fee: \$500

Commented [HMB7]: See previous comment.

D. Annual Attachment Fees to City-owned poles or facilities:

- D.1. Attachment to City-owned pole or facility: \$1,036
(\$270 ROW-use fee, \$75 electric meter fee, and \$691 electricity fee)
- D.2. Attachment to City-owned pole or facility, without City supplied electricity: \$270

E. Annual Attachment Fees to Third-Party poles or facilities within City ROW:

- E.1. Attachment to Third-Party pole or facility, without City supplied electricity and without ground mounted Equipment in City ROW: \$0
- E.2. Attachment to Third-Party pole or facility, in the City ROW without City supplied electricity and with ground mounted Equipment in City ROW: \$270
- E.3. Attachment to Third-Party pole or facility, with City supplied electricity and without ground mounted Equipment in City ROW: \$766
- E.4. Attachment to Third-Party pole or facility, with City supplied electricity and with ground mounted Equipment in City ROW: \$1,036

F. Applicants may provide a power usage analysis demonstrating lower annual electricity use per the process outlined in section 3.D.16. If provided, the electricity fee will be based on the power usage

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analysis or, once installed, upon actual demonstrated electricity use. The Applicant's failure to address the Equipment's power usage in any manner in the building permit application will require the Applicant to pay the electrical usage fee stated in section 4.D or 4.E.

F.G. The initial Annual Attachment Fee will be prorated during the fiscal year that the Equipment is installed, as provided in the Master License Agreement.

Commented [HMB8]: The process to adjust the electric usage fee is reiterated here, in order to articulate the process in circumstances where the fee schedule is reviewed independent of the policy document.