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January 23, 2020

**VIA EMAIL**

Chair Robert Felder  
Vice Chair Ron Wellander  
Commissioners Steve Barbose,  
Kelso Barnett, Larry Barnett,  
James Bohar and Sheila O'Neill  
City of Sonoma Planning Commission  
No. 1 The Plaza  
Sonoma, California 95476

Re: Verizon Wireless Applications for Small Cells in the Right-of-Way  
Commission Special Meeting Agenda Items 5.1-5.3, January 23, 2020

Dear Chair Felder, Vice Chair Wellander and Commissioners:

We write on behalf of Verizon Wireless regarding its applications to place three small cell wireless facilities on new streetlight poles in commercial zone rights-of-way downtown. Verizon Wireless appreciates staff's recommendation of approval of a use permit for each small cell. However, we request that the Commission amend proposed conditions of approval that would require Verizon Wireless to underground the small radios, and to commit to specific terms of a maintenance/removal agreement not yet vetted by Verizon Wireless. As we explain, these conditions impose unreasonable requirements that are not supported by the applicable code.

Verizon Wireless has worked closely with the City to design small cells that will present minimal visual impact while providing needed service to residents and visitors. Each small cell consists of a narrow, two-foot tall cylindrical antenna atop a new street light pole, with a total facility height of 33 feet 2 inches. A single radio unit with a sunshield is flush-mounted at 23.5 feet on the pole, and it measures 32.3 inches tall, 11.9 inches wide and 6.5 inches deep. A very small disconnect switch is concealed behind a street sign.

Staff's recommendation to place the radio underground is based on two inapplicable code sections. Staff cites Section 5.32.110(B)(4) of the City's telecommunications ordinance adopted in 1996 that was in effect at the time Verizon Wireless filed its applications. It requires that "telecommunication support facilities (i.e.,

vaults, equipment rooms, utilities, and equipment enclosures)...shall be placed in underground vaults to the extent possible.” That requirement may have been appropriate for the large “support” structures housing radio equipment for cell towers installed in the Nineties, but it cannot be applied to the proposed small “radio” designed to be attached to a light pole. The single radio for each proposed facility is so small, it does not require an equipment room or enclosure for “support.” Undergrounding cannot be required under this inapplicable provision of the 1996 code.

The new wireless facilities ordinance approved by Council in 2018 (and amended last week) would allow the Planning Commission to excuse undergrounding requirements for right-of-way facilities. It requires that accessory equipment be placed underground if there are no infeasible constraints, “except as may be determined by the reviewing authority.” Code § 5.30.080(H). The new ordinance also allows up to six cubic feet of pole-mounted equipment. Code § 5.30.080(D)(2)(c). Verizon Wireless’s antenna, radio and disconnect switch total under three cubic feet—less than half the volume allowed.

Staff also claims that new utilities in any subdivision must be underground, citing a requirement of the City’s subdivision code, Section 19.62.100. However, that interpretation is in error. Section 19.62.100(A) clearly applies undergrounding requirements to only “new subdivisions,” not established neighborhoods. Further, Verizon Wireless is not a subdivider, and is not subject to Section 19.62.100.

Last year, Verizon Wireless submitted an extensive vaulting analysis, and explained to this Planning Commission that active cooling and dewatering systems require excessive space, severely compromise reliability, and make vaulting entirely infeasible for its small cell radios. We encourage the Commission to exercise its discretion to allow the single radio unit to remain on each street light pole as proposed by Verizon Wireless. For each approval, the Commission should amend Finding 2 and Condition of Approval 1 to remove undergrounding requirements.

Condition of Approval 4 requires a maintenance/removal agreement pursuant to Code Section 5.32.130. However, the condition imposes numerous, specific obligations far beyond those of either the 1996 code or the new ordinance. Those include insurance amounts that may be inconsistent with amounts mandated by the City Council for encroachments pursuant to Code Section 12.20.290.

Verizon Wireless frequently executes encroachment agreements with cities, although generally one agreement covers all small cells. Prior to executing such an agreement, Verizon Wireless requires that proposed maintenance and removal obligations be reviewed by its tax, environmental and regulatory departments. This review could not be completed in the short time since the proposed conditions were released.

Following Commission approval of use permits, Verizon Wireless is willing to work with staff to develop an agreement with reasonable terms to address important operational and safety factors. We recommend that the Commission amend Condition of

Sonoma Planning Commission

January 23, 2020

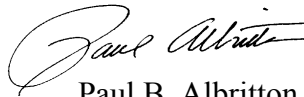
Page 3 of 3

Approval 4 to strike the specific obligations of items (a) through (j), keeping only the first sentence, revised to require that Verizon Wireless and the City execute a mutually-acceptable agreement prior to approval of a building or encroachment permit.

We note that Condition of Approval 5 requires compliance with the radio frequency exposure standards of the federal government (which is appropriate) as well as the city, county and state (which is not). Federal law preempts states and cities from regulating radio frequency emissions of wireless facilities that comply with FCC guidelines. 47 U.S.C. § 332(c)(7)(B)(iv). The phrase “the city, county, state of California or” must be deleted.

Verizon Wireless appreciates the City’s careful consideration of its proposed small cells, including the opportunity to meet to discuss the project. We urge the Commission to approve each small cell without the requirement to place the radio underground, and to allow for collaboration on a maintenance/removal agreement that is acceptable to both parties.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paul Albritton", written in a cursive style.

Paul B. Albritton

cc: John Abaci, Esq.  
David Storer