**City of Cerritos**
Department of Community Development
18125 Bloomfield Avenue Cerritos, CA 90703
Phone: (562) 916-1201
Website: permits.cerritos.gov

# WIRELESS INDOOR DISTRIBUTED ANTENNA SYSTEM (iDAS) POLICY

**Policy No. 2016-1**
**May 10, 2016**

## Background

As wireless broadband networks mature and more people, businesses and things rely primarily on wireless connections, wireless broadband service providers increasingly seek to improve their capabilities in indoor environments. One method to increase indoor wireless service levels is through an indoor distributed antenna system (or "iDAS"). An iDAS commonly involves multiple small and low-powered antennas spread throughout a large venue, such as an office building, and interconnected with either coaxial or fiber optic cables.

iDAS ideally do not affect a structure's outward appearance because all the equipment, including the antennas, will be completely contained within the building with no visible change whatsoever to the exterior. The system can often connect to the broader communications network via underground fiber utilities (governed under Cerritos Municipal Code ("CMC") Chapter 14.04).

Alternatively, an iDAS may involve an antenna placed on a building rooftop to relay signals to and from a nearby cell site. The CMC does not explicitly provide for whether or how the Community Development Department should regulate external antennas proposed in connection with an iDAS. Accordingly, the Community Development Department adopts this Policy No. 2016-1 to resolve these questions.

## Regulatory Framework

CMC Chapter 22.42 regulates wireless communication facilities deployment and development. CMC Section 22.42.030 establishes certain wireless equipment and/or uses as "permitted" without any prior approvals required, while others may require either Director or Planning Commission review. The CMC generally encourages facilities on existing commercial or industrial buildings, and requires antenna and related equipment concealment to the maximum extent feasible. *See* CMC §§ 22.42.030, 22.42.050, and 22.42.110.

Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, 126 Stat. 156. (Feb. 22, 2012) (codified as 47 U.S.C. § 1455(a)) requires that State and local governments "may not deny, and shall approve" any "eligible facilities request" that does not cause a substantial change to an "existing wireless tower or base station." The Federal Communications Commission interprets a "base station" to mean any non-tower structure approved to support wireless transmission equipment. *See* 47 C.F.R. § 1.40001(b)(1).

A base station legally "exists" when all the transmission equipment placed on the structure was properly reviewed, approved and deployed in accordance with the permit requirements in effect at the time such equipment was deployed. *See id.* at § 1.40001(b)(4); *In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Report and Order, 29 FCC Rcd. 12865 at ¶ 174 (Oct. 17, 2014 [hereinafter *"Infrastructure Order"*]. The FCC intended its order to encourage local deregulation over relatively

unobtrusive wireless uses because such an exemption would not transform a non-tower structure to a base station merely because it supports wireless transmission equipment. *See Infrastructure Order* at ¶ 174. As an example, the FCC explained that a homeowner's femto cell deployment for in-door service improvement within a residence would not require localities to approve Section 6409(a) modifications at that structure because the equipment never required or received any local review or approval. *See id.*

## Policy Statement

The Community Development Department finds that antennas used solely to relay or repeat wireless signals between the outdoor environment and an indoor distributed antenna system that are placed on existing buildings in locations that are not visible from any existing or proposed building or from any public right-of-way, including without limitation any elevated street or freeway, are to be treated as a permitted use not subject to CMC Chapter 22.42 or any zoning-type prior review or approval.

In addition, and consistent with the FCC's interpretation, the deployment of an iDAS installation in accordance with this policy will not transform the support structure into an existing base station subject to Section 6409(a). The Community Development Department finds that this approach is consistent with the FCC's general deregulatory policy for unobtrusive wireless uses, and consistent with the CMC's policies to exempt certain wireless uses and encourage completely concealed deployments on existing structures. *See Infrastructure Order* at ¶ 174; CMC §§ 22.42.030(1), 22.42.110.

This determination does not exempt iDAS antenna installations from code enforcement actions to ensure compliance with all generally applicable public health and safety codes, including without limitation the City's electrical, mechanical, building and fire codes, and the FCC's guidelines for human exposure to radio frequency emissions. Nothing in this policy shall be deemed or interpreted to limit the City's rights to inspect any physical structure as permitted under the Cerritos Municipal Code. Any iDAS found by the City not to comply with all of the requirements of this policy shall be treated as a nuisance subject to abatement by the City.

## Subsequent Actions Reserved

The City may amend or revoke this Policy after giving public notice as specified in the CMC.

## Submittal Instructions

Wireless telecommunication project/permit submittals are only accepted on Mondays and Tuesdays from 8:00 a.m. to 4:00 p.m. In-person wireless telecommunication application submittals are by appointment only, and walk-in applicants will not be accepted. Appointments can be scheduled by calling (562) 916-1201. Any in-person or online wireless telecommunication application submitted after 4:00 p.m. on Monday, whether online or in-person, will be deemed submitted on the following Tuesday, and any application submitted on Tuesday after 4:00 p.m. will be deemed submitted on the following Monday (or the following Tuesday if Monday is a legal holiday).

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**Batched iDAS Applications**

Where two or more iDAS applications are to be filed as a batch, as that term is used in AB 965, each facility requires a separate iDAS project submittal. Applicants may generally submit one (1) batched set of applications per appointment not to exceed twenty-five (25) individual applications per appointment for batched applications. iDAS antenna installation applications in a batch must be proposed with substantially the same equipment in the same configuration on the same support structure type. For batched submittals, the photo simulations required for each application must also be combined into one (1) separate master PDF document for the application to be considered for completeness. Each application in a batch must meet all the requirements for a complete application, which includes without limitation the application fee for each application in the batch. If any application in a batch is incomplete, the entire batch shall be deemed incomplete. If any application is withdrawn or deemed withdrawn from a batch, the entire batch shall be deemed withdrawn. If any application in a batch fails to meet the required findings for approval, the entire batch shall be denied.