

Tier III Encroachment

New Path Networks, LLC dba Crown Castle

This ordinance is for a revocable Tier III encroachment permit issued to New Path Networks for installation of small cell infrastructure within the right of way. Colorado state law provides for these facilities to be located within the public right of way, to meet the needs of capacity by both data and voice usage.

Denver Public Works provided an overview of its evolving small cell program and permit process to LUTI in April 2018; the process continues to operate smoothly and New Path Networks has met all requirements for the Tier III application, which include:

- Public-facing review process including Council offices, Districts, City Departments, Neighborhood Organizations
- Notification of adjacent property owner
- Restricting new pole density through min 250' spacing
- Restricting placement (along parks, historic & residential frontages)
- Restricting placement in front of residential & valuable sight lines
- Requiring camouflage and concealment
- Policy for co-location first
- Limiting height and equipment size
- Meeting City required pole standard

The Tier III Encroachment permit process complies with the state requirement that we allow “batching” of subsequent applications for multiple sites to be installed by the same carrier.

The initial permit specifies one location for a freestanding small cell pole:

- 1449 California Street. – total height 30' (District 9)

The proposal was submitted to Council District 9 during the plan review process, as well as other City agencies and utilities. Crown Castle is also committing to colocation of additional facilities on existing infrastructure within the right of way, and has been actively pursuing applications for same.

The City may revoke a Tier III permit and require removal of the encroachments if deemed necessary. Locations of proposed and approved small cell facilities are available from Public Works.

Additional information, including the design guidelines for the appearance and placement of co-located and freestanding poles, are available online at

<https://www.denvergov.org/content/denvergov/en/right-of-way-services/permits/small-cell.html>