

Tier III Encroachment Zayo Group, LLC on behalf of Sprint Spectrum L.P.

This ordinance is for a revocable Tier III encroachment permit issued to Zayo Group, 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 for Resolution 18-0295 granting AT&T's Tier III permit. At that time, we indicated that additional carriers were in the process of applying for permits and would be subject to the same review process and permit requirements as were presented to the committee at that time.

Zayo 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 applications for multiple sites to be installed by the same carrier.

The permit specifies three locations for freestanding small cell poles:

- 1695 E. Mexico Ave. – total height 30'1” (District 6)
- 31 W. Harvard Ave. – total height 30'1” (District 7)
- 1678 W. Evans Ave – total height 30'1” (District 7)

These proposals were submitted to Council Districts 6 and 7 during the plan review process, as well as other City agencies and utilities. Zayo is also committing to colocation of additional facilities with Xcel Energy 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>