

Technical Memorandum
CEQR No. 15DIT001Y
Citywide Public Communications Structures

1. Introduction

The New York City Department of Information Technology and Telecommunications (DoITT), the Applicant, is proposing a modification to the previously reviewed and approved Citywide Public Communications Structures Project evaluated in the 2014 City Environmental Quality Review (CEQR) Environmental Assessment Statement (EAS) (CEQR No. 15DIT001Y). The Proposed Action evaluated in the previous CEQR document was DoITT's granting of a franchise to facilitate the installation, operation, and maintenance of up to 10,000 Public Communications Structures (referred to as "Franchise Structures" or "Kiosks") providing free services like Wi-Fi and telephone services, among other things, in all five boroughs of the City. Under this modification, DoITT is proposing to upgrade the existing public communications technologies (e.g., the Wi-Fi and telephone services) to better serve the public by supporting additional radio telecommunications technologies (e.g., 4G LTE, 5G and CBRS). To implement the upgraded telecommunications technologies, future deployment of structures will utilize the New Form Factor (as herein after defined), and some of the existing Kiosks would either be replaced with a new structure or retrofitted by the addition of new equipment requiring some changes to the exterior form of the structure. In addition, the number of Kiosks required to be installed pursuant to the Franchise would be reduced to a minimum of 4000.

The Proposed Modifications are subject to environmental review under CEQR to determine whether the modifications to the approved project could result in any new or different significant adverse impacts that were not previously identified in the EAS, which was issued a Negative Declaration by DoITT, as Lead Agency, on December 5, 2014.

2. Background

On April 30, 2014, DoITT issued a Request for Proposals ("RFP") seeking a new franchise to install, operate, and maintain Franchise Structures (the Kiosks), pursuant to two City Council Authorizing Resolutions: 1) City Council Authorizing Resolution No. 2309, which authorized the granting of franchises for the installation of public pay telephones and associated equipment on, over and under the inalienable property of the City, and 2) City Council Authorizing Resolution No. 191, which authorized the granting of franchises for installation of telecommunications equipment and facilities on, over and under the inalienable property of the City in connection with the provision of mobile telecommunications services.

The franchise agreement granted pursuant to the RFP allows CityBridge, LLC (CityBridge), to install, operate, and maintain the aforementioned Kiosks, offered in conjunction with an array of city services (referred to collectively as LinkNYC), such as the following:

- free Wi-Fi and telephone service 24 hours a day, 7 days a week
- access to 911 emergency services
- USB charging ports
- touch screens

- technology to support users who are deaf or hearing impaired (Americans with Disabilities Act (ADA) compliance)
- public display for advertising and content

The EAS analyzed the installation, operation, and maintenance of up to 10,000 new Kiosks that could be installed as replacements to pre-existing public pay telephones (PPTs) on City sidewalks. The two permitted Kiosk size envelopes analyzed in the EAS were 114 inches tall by 35 inches long by 11 inches wide and 122.9 inches tall by 11 inches long by 16 inches wide. The second Kiosk design was never deployed. The analysis resulted in a Negative Declaration issued on December 5, 2014.

There are currently 1,865 Kiosks deployed throughout the City. There are also approximately 400 pre-existing PPTs remaining on City sidewalks that will continue to be removed or removed and replaced with the Kiosk.

3. Purpose and Need

The Proposed Action analyzed in the EAS was in support of the City's RFP to replace a portion of New York City's network of 9,000 to 13,000 pre-existing PPTs. The network of new Kiosks is now an active component of the City's public communications infrastructure. In fact, the network exceeded 25 million free phone calls, almost 3 billion total sessions, and more than 9 million free Wi-Fi users as of January 2021.¹ At the time, the Kiosks were not designed to support multiple wireless telecommunications technologies and networks (e.g., 4G LTE, 5G, Wi-Fi and CBRS) within the existing structures, thereby limiting the optimization of these new, higher capacity technologies. Thus, new structures and retrofitted Kiosk dimensions and potential designs have been proposed that would support the deployment of multiple wireless carriers' equipment while minimizing the physical and visual impact of that equipment. The installation of these new and existing retrofitted Kiosks with wireless telecommunications equipment would ensure residents, businesses, commuters and tourists have access to reliable, high quality and fast mobile networks, including the increased density and range of existing 4G LTE service by all wireless telecommunications providers (4G LTE will remain an essential foundation for 5G technology in the near future).

4. Description of Proposed Modifications

Under the Proposed Action, Kiosks would be installed or removed and replaced with an up to 32 foot new structure (referred to as the "New Form Factor"²). Removal and replacement of the existing Kiosks with the New Form Factor is expected, however, in such cases where siting the New Form Factor on the City sidewalk is not possible, a Retrofit Design, if approved by the Commissioner and Public Design Commission, would be considered. Kiosks would be deployed in areas of the City that currently experience deficiencies in wireless coverage and capacity, although the locations of these improvements to the existing streetscape are not predetermined. As a result of the deployment of the new and retrofitted Kiosks, the overall anticipated number of LinkNYC Kiosks to be deployed on City sidewalks

¹ CityBridge internal data.

² Two types of New Form Factor are anticipated. An Advertising New Form Factor and a Non-Advertising New Form Factor.

under the existing franchise agreement would decrease from the previously analyzed maximum of 10,000 Kiosks to between 4,000 and 7,500 Kiosks (with 4,000 required as a Franchisee minimum obligation).

Consistent with the originally proposed project analyzed in the EAS, the design and placement of the new and/or existing retrofitted Kiosks would meet these two goals:

1. In order to minimize impacts on pedestrian circulation and the visual character of the streetscape, the footprint and height of the Franchise Structures would be as small as possible, consistent with their function and other requirements, and
2. In order to maximize pedestrian circulation and clear paths, Franchise Structures would be aligned with adjacent existing elements on the sidewalks to the extent possible.

New Form Factor

The New Form Factor is anticipated to be the design utilized in the majority, if not all, the future Kiosk installations and may replace some existing Kiosks. The New Form Factor would support multiple wireless carriers (e.g., Verizon Wireless, AT&T, T-Mobile, etc.) and technologies (e.g., 4G LTE, 5G, Wi-Fi and CBRS) such that all potential carriers would be supported simultaneously on a single structure. This shared infrastructure investment approach would result in lower costs for carriers, allowing them to substantially increase coverage and capacity all the while limiting the number of Kiosks deployed as part of the franchise agreement, as well as the number of radios and transmitters mounted on utility, light and signal poles.

The New Form Factor is expected to be up to 32 feet tall with five (5) radio frequency (RF) transparent antenna bays, each bay approximately 2 ½ feet in height. Those bays would be mounted atop a new 19.5 foot tall support column, and, in addition, four (4) cellular equipment bays would be mounted within the support column. The New Form Factor would include an interactive display that supports all LinkNYC services; Wi-Fi and telephone service 24 hours a day, 7 days a week, and other services currently offered in the existing Kiosk. All new and existing retrofitted Kiosks would be ADA compliant. The default configuration of the New Form Factor would include advertising panels at a similar height and location to that found on existing Kiosks throughout the City; however, when deployed in areas with narrow sidewalks or with insufficient advertising potential to justify the expense of the display, non-advertising structures may be deployed (with permission of the City). Non-advertising kiosks may also be deployed in residential zones. The advertising panels included on the New Form Factor are expected to be installed at heights aligned with currently approved Kiosks. “Flag”-style advertising panels will not be permitted. .

The increased height of the New Form Factor moves the proposed RF transparent structure containing the wireless carriers’ equipment (the “RF shroud”) further from the average pedestrians’ general view, in turn reducing its perceived size atop the new, more narrow support column. It is noted that a shorter structure than proposed would require an equipment cabinet at the base of the support column or a larger diameter support column itself. The support column associated with the New Form Factor would also have a smaller footprint at ground level than the existing Kiosks.

The New Form Factor design would allow multiple wireless carriers to install their equipment simultaneously on a single structure, which obviates the need for additional structures of similar or lesser

heights to meet carrier coverage requirements (i.e., higher radio density per structure would result in fewer structures in a given area to meet carrier coverage requirements). The New Form Factor would support the equipment of up to three proposed wireless carriers in each structure. The New Form Factor's increased height would result in further propagation of 5G signal emitted by the new structures, allowing for greater space between the individual deployments. It is anticipated that one New Form Factor structure would obviate the need for as many as six existing retrofitted structures in more densely populated areas of the City. In areas where replacing existing Kiosks with the New Form Factor is infeasible, one or more Retrofit Design deployments could be made in close proximity to one another to satisfy potential coverage and capacity deficits experienced by wireless telecommunications services providers.

It is noted that the New Form Factor is also proposed at the same height as the DoITT's recently approved proposal for the installation of wireless telecommunication facilities atop "Street Operations Poles" and "Street Utility Poles," which was analyzed in "Mobile Telecommunications Franchises" CEQR No. 20DIT001Y, and issued a Negative Declaration on December 10, 2019 (also see Authorizing Resolution No. 935 adopted by the New York City Council on March 6, 2016). As compared to the installation of wireless telecommunications equipment on utility poles, the New Form Factor of the same height would support up to four additional carriers in addition to the existing free Wi-Fi and telephone services, among other things, and advertising panels.

Retrofit Design

The Retrofit Design, if approved and deployed, would be deployed in areas that do not support deployment of the New Form Factor. Unlike the New Form Factor, the Retrofit Design would only support one wireless carrier on a single location, such that when deficiencies in wireless coverage and capacity are experienced by multiple carriers in an area, multiple Retrofit Design deployments would be required to satisfy those deficiencies. The Retrofit Design would, however, support multiple radio technologies (4G LTE, Wi-Fi and CBRS) at a single location, improving efficiency and cost of deployment when retrofitting the existing Kiosks with wireless telecommunications equipment. As noted above, the deployment of between four and six existing retrofitted Kiosks (i.e., the Retrofit Design) in an area with deficiencies in coverage and capacity would be comparable to the deployment of one New Form Factor in the same area.

The Retrofit would maintain the base size and aesthetic of the existing Kiosk and would continue to support existing conveniences of the Kiosks including free Wi-Fi and telephone service 24 hours a day, 7 days a week, USB charging ports, and touch screens. The design proposes retrofitting the proposed shroud and support column atop the existing structure. A comparison of existing Kiosk design, as introduced above, and the proposed Retrofit Design, and New Form Factor, is presented in **Table 1**, below.

Summary

The New Form Factor is approximately the same width as the existing permitted Kiosk Design (narrower by approximately 1 inch). The height of the design differs substantially however, as it is approximately 32 feet tall and resembles a light pole or tower structure, more than a pedestrian-level kiosk. This design serves to minimize the pedestrian's experience of the structure, as it is more consistent with street pole structures that currently exist on City sidewalks. As noted above, the design is more in-line with the recently approved Street Utility Pole projects. **Table 1**, below, provides a side by side comparison of the sizes of the existing kiosk design and the new proposed designs.

Table 1 - Dimensional Comparison of Existing and Proposed Kiosk Designs

	Height (ft.)	Length (in.)	Width (in.)
Permitted Kiosk Design (current advertising structure)	9.5'	35"	11"
New Form Factor (anticipated design) ³	32'	34"	28"
Retrofit Design	20'	35"	22"

Notes: ¹ Does not include public display for advertising and content, as applicable.

Environmental Impacts of the Proposed Modifications. The proposed modifications would result in the deployment of new and existing retrofitted LinkNYC Kiosks supporting multiple public communications (Wi-Fi and telephone services) and radio telecommunications technologies (4G LTE, Wi-Fi and CBRS) therein, throughout the City. As a result of the proposed modifications, the overall anticipated number of LinkNYC Kiosks to be deployed on City sidewalks under the existing franchise agreement would decrease from the previously analyzed maximum of 10,000 Kiosks, to between 4,000 and 7,500 Kiosks. The specific changes that have the potential to affect the environment as compared to the previously reviewed project are limited to the following:

- an overall decrease in the number of kiosks
- the New Form Factor Kiosk design would be approximately the same width as the existing Kiosk, and roughly 20 feet taller than the previously reviewed structures (similar in size to the recently approved Street Utility Poles)
- the functionality of the structures would retain their existing capabilities but be upgraded to allow for wireless carriers and expanded Wi-Fi coverage

As discussed in the introduction, the purpose of this Technical Memorandum is to determine whether the proposed project would result in any significant adverse environmental impacts that were not previously identified in the EAS. Based on the nature of the proposed modifications, there would be no potential for new or different impacts than were previously analyzed in the EAS in the areas of Socioeconomic Conditions, Community Facilities and Services, Open Space, Shadows, Natural Resources, Hazardous Materials, Water and Sewer Infrastructure, Solid Waste and Sanitation, Energy, Transportation, Air Quality, Greenhouse Gas Emissions, Noise, Public Health, and Neighborhood Character. As described above, as the proposed modifications would be limited to the number of kiosks and their design and size is proposed to change, there is the potential for new or different environmental effects of the proposed project in the areas of Land Use, Zoning and Public Policy, Historic and Cultural Resources, Urban Design and Visual Resources, and Construction. The scope of this Technical Memorandum’s environmental review is limited to analyzing whether the proposed modifications would result in new or different environmental impacts as compared to and disclosed in the previous EAS analysis in these areas, described further below.

Land Use, Zoning, and Public Policy

³ The Non-Advertising New Form Factor version would be no more than 32’ in height and 22” by 32” in dimension.

DoITT previously determined that the installation of up to 10,000 Kiosks providing Wi-Fi and telephone service, and interactive interface detail that supports all LinkNYC services, in all five boroughs would have no adverse impact on the land use, zoning, or public policy (including in the City's Waterfront Revitalization Policy) of the surrounding areas. Since the issuance of the Negative Declaration in 2014, 1,867 Kiosks have been deployed throughout the City. The amended proposal would involve deploying new Kiosks with wireless telecommunications equipment, and would reduce the total number of Kiosks to be deployed under the existing franchise agreement from 10,000 Kiosks to between 4,000 and 7,500 Kiosks.

Future new structures would also follow applicable siting criteria as presented in CityBridge's Public Communications Structure Franchise Agreement with the City (see Urban Design and Visual Resources, below) as well as the New York City Administrative Code and Rules. They would be sited only on sidewalks and would not include advertising in the locations and areas of the City as described above.

The proposed new and retrofitted Kiosks do not require any zoning actions. The existing Kiosks already deployed on City sidewalks, as well as the new and potentially retrofitted Kiosks with wireless telecommunications equipment, would continue to be placed in commercial and manufacturing, and residential (without advertising), as applicable, zoning districts, but would not affect existing zoning in the City. DoITT has shared anticipated New Form Factor and Retrofit designs and dimensions with the Department of City Planning and has received a no land use impact determination, subject to additional siting requirements, including the spacing requirements described in the siting requirements section below, and other requirements.

Therefore, the installation of new and retrofitted Kiosks would not alter the findings for land use, zoning, or public policy impacts in the previous EAS analysis, and no further analysis is warranted.

Historic and Cultural Resources

DoITT previously determined that the installation of up to 10,000 Kiosks providing Wi-Fi and telephone service, and interactive interface detail that supports all LinkNYC services, in all five boroughs would have no impact on historic or cultural (including architectural and archaeological) resources of the surrounding areas. Since the issuance of the Negative Declaration in 2014, 1,865 Kiosks have been deployed throughout the City. The amended proposal would involve deploying new Kiosks with wireless telecommunications equipment, and would reduce the total number of Kiosks to be deployed under the franchise agreement from 10,000 Kiosks to between 4,000 and 7,500 Kiosks.

Once it is determined that there is a need for further wireless telecommunications services in areas of the City proximate to New York City Historic Districts and adjacent to individual designated New York City landmarks, that deployment would be subject to New York City Public Design Commission (PDC), LPC and DoITT requirements, as applicable. No new or existing retrofitted Kiosks would be erected on the sidewalk in front of a designed New York City landmark. While it is possible that some of the new and/or existing retrofitted Kiosks would be deployed in areas proximate to other historic and cultural resources, these improved structures would continue to be subject to a minimum 8 foot sidewalk clear path requirement. In addition, the proposed new and existing retrofitted Kiosks are expected to maintain the minimalist design similar to that featured in the existing Kiosks and would be unlikely to result in adverse visual impacts upon historic or cultural resources.

Therefore, the installation of new and existing retrofitted Kiosks would not alter the findings for historic and cultural resources analyzed in the previous EAS, and no further analysis is warranted.

Urban Design and Visual Resources

DoITT previously determined that the installation of up to 10,000 Kiosks roughly, 114 inches tall by 35 inches long by 11 inches wide, which provide Wi-Fi and telephone service, and an interactive interface detail that supports all LinkNYC services in all five boroughs would have no adverse urban design or visual impacts on the surrounding areas. Since the issuance of the Negative Declaration in 2014, 1,865 Kiosks have been deployed throughout the City. The amended proposal would involve deploying new Kiosks with wireless telecommunications equipment, and would reduce the total number of Kiosks to be deployed under the existing franchise agreement from 10,000 Kiosks to between 4,00 and 7,500 Kiosks. The new design (the New Form Factor design) would differ in size from the original Kiosk design in that it would be approximately 22 feet taller and 17 inches greater in width. It would be 1 inch shorter in length, as compared to the Kiosk design being deployed.

The New Form Factor would occupy a minimal amount of area on City sidewalks. The Retrofit Design would also occupy a minimal amount of area on the sidewalk, consistent with the existing Kiosks. Both designs would conceal their wireless telecommunications equipment and associated appurtenances within the proposed shroud, which has been designed to be located above the column. The anticipated color scheme is silver-gray at the support column (constructed of stainless steel) and light grey with a hint of blue at the shrouds. The shrouds would be constructed of a slightly translucent material to allow a negligible amount of sunlight to penetrate the shrouds, but without revealing the profile of equipment contained within, which serves to minimize the view and appearance of the shroud. The anticipated color scheme of the Kiosks, coupled with height above and away from pedestrians on the sidewalk, would reduce the structures' perceived vertical height and size and aim to have the shrouds' appearance be minimized when viewed against the background of sky and clouds from the perspective of the pedestrian. Further, the architectural transition between the support column and the shroud, in form and color is a proven design technique that serves to visually break up the structure and deemphasize its overall height. A similar technique is employed by large buildings when façades are broken into smaller bays identified by finish changes and parapet heights, making them less imposing.

The height of the New Form Factor design differs substantially from that of the previously approved Kiosk. It is approximately 32 feet tall and resembles a light pole or tower structure more than a pedestrian-level Kiosk. This design serves to minimize the pedestrian's experience of the structure, as it is more consistent with street pole structures that are currently seen on City sidewalks. Additionally, the design is viewed as more consistent with recently approved street furniture/infrastructure projects such as the Street Utility Poles (approved on December 10, 2019).

Future new and existing retrofitted Kiosks would be deployed to conform with the same siting criteria applicable to pre-existing PPTs and Kiosks. The provisions of these siting criteria would regulate the deployment of new and existing retrofitted Kiosks and limit the amount of sidewalk furniture in certain areas of the City. As stipulated in Exhibit 4, Siting Criteria of the franchise agreement, all Kiosks would be installed so as to allow at least 8 feet (or one half of the sidewalk) of straight unobstructed path (the "clear path") for pedestrian circulation on the sidewalk, and will not interfere with pedestrian or motorist sight lines. Per the Department of City Planning's "no land use impact" determination, minimum distances between kiosks over 114" in height shall be installed one per block on one side of the street. No Kiosk in

excess of 114 inches in height will be installed closer than 200 feet to an existing Kiosk in excess of 114 inches, subject to waiver but the DoITT commissioner. Additionally, minimum distances between Kiosks and other elements or objects along the streetscape as identified in Title 67, Chapter 6 of the Rules of the City of New York, and in the franchise agreement, as amended, would remain applicable. Minimum distances are required from the following elements and objects: a) 15' from an outdoor or elevated subway entrance; b) 15' from street furniture with advertising panels; c) 15' radius from a fire hydrant; d) 15' from an enclosed sidewalk café; e) 5' from a standpipe or sprinkler connection, Siamese connection, etc.; and f) 15' from a driveway.

Therefore, the installation of new and retrofitted Kiosks would not alter the findings for urban design and visual resources analyzed in the previous EAS, and no further analysis is warranted.

Construction

DoITT previously determined that the installation of up to 10,000 Kiosks providing Wi-Fi and telephone service, and interactive interface detail that supports all LinkNYC services, in all five boroughs would have no adverse construction impacts on the surrounding areas. Since the issuance of the Negative Declaration in 2014, 1,865 Kiosks have been deployed throughout the City. The amended proposal would involve retrofitting existing and/or deploying new Kiosks with wireless telecommunications equipment. The amendment would reduce the total number of Kiosks to be deployed under the franchise agreement from 10,000 Kiosks to between 4,000 and 7,500 Kiosks.

The construction required for the deployment of new Kiosks would not differ from the construction required for existing Kiosks. The impact would be decreased as a result of the reduction in number of Kiosks to be deployed.

With respect to the deployment of the retrofitted Kiosks, this is anticipated to require a construction permit from the New York City Department of Transportation and, where required, conduit would be brought to the site in the sidewalk. The existing Kiosks subject to being retrofitted or replaced would have improved with power and supply infrastructure. The franchisee would be expected to utilize existing subsurface infrastructure prior to the bringing a new power source to the site. Foundation reinforcement would not be anticipated to exceed 5.5 feet in deep for the Retrofit Design; any required new cabling would be pulled through the conduit in the sidewalk, as needed.

Installation of the new retrofitted Kiosks would only result in short-term construction activities. Overall, the length of installation would be approximately 2 weeks, however there would not be continuous construction during this time, but rather intermittently in order to minimize disruptions to sidewalk use to the greatest extent feasible. The construction timeline and process would be in line with those experienced during installation of the original Kiosk structures.

Therefore, the installation of new retrofitted Kiosks would not alter the findings for construction analyzed in the previous EAS, and no further analysis is warranted.

Conclusion

The purpose of this Technical Memorandum is to determine whether the proposed modifications to DoITT's franchise agreement to allow for new and retrofitted public communications Kiosks would result in any significant adverse environmental impacts that were not previously identified in the EAS (CEQR

No. 15DIT001Y) reviewed and approved on December 3, 2014. As discussed above, this technical memorandum concludes that there would be no new or additional significant adverse impacts in any of the analyzed CEQR technical areas as a result of the proposed modifications. As such, the proposed changes to the franchise agreement would not result in any significant adverse environmental impacts that had not been previously identified in the EAS, and the previous finding of no significant adverse impact still applies to the project with the proposed modifications. Therefore, no additional analysis is warranted for the proposed modifications described herein.

Respectfully submitted,

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