

PUBLIC HEARINGS/GENERAL BUSINESS

2. [20-0834](#) Forward a Recommendation to Introduce an Ordinance to amend Chapter 19.54. (Wireless Telecommunication Facilities) and Find that the Action is Exempt from California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Sections 15061(b) (3), and 15378(b).

Associate Planner Mary Jeyaprakash shared the staff report with a slide presentation.

Vice Chair Simons expressed concern for the City Council considering appeals without a prior Planning Commission public hearing review. Assistant Director of Community Development Andrew Miner stated that there would be no appeal opportunity because the proposed code amendments eliminate the requirement for a separate Planning application for wireless telecommunication facilities subject to an executed Master Lease Agreement.

Commissioner Weiss confirmed with Assistant Director Miner that not all streets in Sunnyvale are equipped with the fiber optic cables that the small cell installations require. Assistant Director of Public Works Jennifer Ng added that fiber optic cable installations typically require a separate encroachment permit and the cables are often installed in select locations and in anticipation of small cell networks. Commissioner Weiss asked if a street must be dug up to install the fiber optic cables and asked who pays for the street work and restoration. Assistant Director Ng stated that they are undergrounded using a mostly trenchless method and the encroachment permit applicant pays for the street work and restoration, adding that applicants must restore streets to their original condition. Commissioner Weiss asked if the small cell networks will be distributed throughout the city in a way that provides equity in coverage for all customers. Assistant Director Miner stated that federal regulations require carriers to provide equal coverage and carriers may begin deploying in more industrial parts of the City where less fiber optic cabling is needed, and therefore the process may be easier. Commissioner Weiss asked about the status of the lawsuits local governments filed against the Federal Communications Commission's (FCC) 5G network order. Senior Assistant City Attorney Rebecca Moon stated that it is difficult to predict the outcome and it will continue to be arduous for local governments to challenge the FCC's directive as Congress can pass more legislation and the FCC's ultimate goal is to launch the 5G network. She added that it is important to preserve the authority that the City still maintains to enforce objective design standards. Assistant Director Miner stated that the City has more authority over the location and design of the wireless telecommunication facilities when they are on City-owned light poles and that the use of those poles for the equipment is more advantageous for staff, neighbors, and applicants.

Chair Howard opened the Public Hearing.

There were no public speakers for this agenda item.

Chair Howard closed the Public Hearing.

MOTION: Commission Olevson moved and Vice Chair Simons seconded the motion for Alternative 1 - Introduce an Ordinance (Attachment 2 to the report) to amend Sunnyvale Municipal Code Chapter 19.54. (Wireless Telecommunication Facilities) and Find that the Action is Exempt from CEQA Pursuant to CEQA Guidelines Sections 15061(b)(3), and 15378(b).

Commissioner Olevson shared that he learned the new process would be administrative and would not require the Planning Commission's consideration and stated that he believes the Master License Agreement with Verizon Wireless strongly protects the City. He stated that supporting the motion is the right course of action given the restrictions to the City's authority from the State and FCC.

Vice Chair Simons stated that it is unfortunate that members of the public have had the opportunity to appeal wireless telecommunication facilities when the City has not had the legal authority to modify or deny certain ones. He stated that this proposed process is a streamlined, preferable solution and recognized staff for addressing the issue in a timely manner considering his expectation that carriers will upgrade and reduce the size of their equipment in the future. He added that he will support the motion.

Chair Howard stated that he will support the motion and praised staff for streamlining the process and creating a way for the City to exert more control over the location and design of small cell networks. He agreed with staff that it is better to save staff and the Planning Commission's time and not raise the expectations of members of the public on their ability to challenge the installations as the City has limited authority over telecommunications applications.

The motion carried by the following vote:

Yes: 6 - Chair Howard
Vice Chair Simons
Commissioner Harrison
Commissioner Olevson
Commissioner Rheume
Commissioner Weiss

No: 0

Abstained: 1 - Commissioner Howe

This recommendation will be forwarded to the City Council for consideration at the Tuesday, December 1, 2020 meeting.