



# City of Sunnyvale

## Meeting Minutes - Final Planning Commission

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Monday, November 9, 2020

6:00 PM

Telepresence Meeting: City Web Stream |  
Comcast Channel 15

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Special Meeting - Study Session - 6:00 PM | Public Hearing - 7:00 PM

### TELECONFERENCE NOTICE

#### **6:00 PM STUDY SESSION**

Call to Order

Roll Call

Study Session

A. [20-0951](#)

**Proposed Project:**

**SPECIAL DEVELOPMENT PERMIT AND TENTATIVE MAP:**

for a 108-foot tall seven-story mixed-use building with approximately 52,000 square feet retail space and 423,000 square feet of office space, two levels of underground parking, extension of Frances Street, and associated site improvements

**Location:** 200 W. Washington Avenue - Corrected Address (APN: 209-35-022)

**File #:** 2020-7110

**Zoning:** DSP-18

**Applicant / Owner:** STC Venture LLC (applicant/owner)

**Environmental Review:** The proposed project is exempt pursuant to CEQA Guidelines Section 15183-Project Consistent with a Community Plan and was previously evaluated in the Downtown Specific Plan EIR (SCH # 2018052020) which was Certified by the City Council on August 11, 2020.

**Project Planner:** Shaunn Mendrin, (408) 730-7431, [smendrin@sunnyvale.ca.gov](mailto:smendrin@sunnyvale.ca.gov)

Adjourn Study Session

#### **7:00 PM PLANNING COMMISSION MEETING**

#### **CALL TO ORDER**

Chair Howard called the meeting to order at 7:38 PM.

### **ROLL CALL**

**Present:** 7 - Chair Daniel Howard  
Vice Chair David Simons  
Commissioner Sue Harrison  
Commissioner John Howe  
Commissioner Ken Olevson  
Commissioner Ken Rheaume  
Commissioner Carol Weiss

### **ORAL COMMUNICATIONS**

### **CONSENT CALENDAR**

MOTION: Commissioner Howe moved and Commissioner Harrison seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

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

**No:** 0

**Abstained:** 1 - Commissioner Rheaume

**1.A**     [20-0949](#)     Approve Planning Commission Meeting Minutes of October 26, 2020

**1.B**     [20-0950](#)     Approve the 2021 Planning Commission Annual Work Plan

### **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.

**STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**

**NON-AGENDA ITEMS AND COMMENTS**

**-Commissioner Comments**

**-Staff Comments**

Assistant Director Andrew Miner stated that the City Council considered the proposed Phased Reach Codes Program on October 27, 2020 that the Commission recommended on September 14, 2020 and continued the item to a later date to allow staff time to develop a more aggressive Program. He added that as a result of the City Council's lengthy discussion of the Program, the Master Plan for Public Art that the Commission recommended on September 28, 2020 was continued to the November 10, 2020 City Council meeting.

**ADJOURNMENT**

Chair Howard adjourned the meeting at 8:09 PM.