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### **REPORT TO COUNCIL**

#### **SUBJECT**

Authorize City Manager or His Designee to Execute a First Amendment to the Small Cell License Agreement with GTE Mobilnet of California Limited Partnership, dba Verizon Wireless, to include 5G Design Guidelines

#### **BACKGROUND**

On December 10, 2019 City Council approved RTC No. 19-1214 authorizing the City Manager or his designee to execute a small cell license agreement with GTE Mobilnet of California Limited Partnership, dba Verizon Wireless for the installation of small cells across the city, using City streetlight poles. This Agreement included the Initial Approved Antenna Design, which allows for the installation of 4G technology.

#### **EXISTING POLICY**

Council Policy 7.2.1 - Telecommunications: The purpose of this policy is to enable the City to retain and maintain regulatory authority with the confines of the state and federal legislation.

Sunnyvale Municipal Code (SMC) Section 19.54.160 - Telecommunication Facilities in the Public Right of Way (ROW): The wireless telecommunication facilities ordinance (SMC Chapter 19.54) adopted by the City Council in 2013 includes SMC Section 19.54.160, which regulates telecommunication facilities in the public right-of-way. The regulations adopted by the City Council in 2012 require applications for wireless communication in the public ROW to be submitted to the Planning Division. This changed the practice prior to 2012, where all such applications were processed by the Department of Public Works through consideration of an encroachment permit.

#### **ENVIRONMENTAL REVIEW**

Approving an amendment to an agreement does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

#### **DISCUSSION**

5G technology is expected to bring faster speeds, wider coverage, and put an end to congestion and latency issues for mobile users. To rollout a 5G network, a large deployment of 5G antennas (more frequently spaced than 4G antennas) is needed. This is because the millimeter wave technology used by 5G has a short range that is easily blocked by walls and tree foliage. The use of 4G antennas will continue because 5G technology is designed to be complementary, and many existing users will continue using 4G technology.

The 5G antenna design combines the antenna/radio equipment around the pole, just below the mast

arm of the streetlight, unlike the 4G antenna design approved in RTC No. 19-1214, which sits on top of the streetlight pole. The remainder of the antenna facilities in the 5G installation is limited to a disconnect switch and smart meter located approximately 7-feet above ground level.

The proposed 5G small cell design will be of the same or a substantially similar design as shown in Exhibit B-1 - Approved 5G Antenna Design of the Small Cell License Agreement Amendment and is in conformance with the City's Telecommunication Guidelines for Wireless Communication Facilities in the Public Right of Way.

### **FISCAL IMPACT**

Small Cell License Agreements are expected to generate revenue through annual rent for each small cell attachment to the City's streetlight infrastructure (base rent \$270 per site adjusted annually by 2%). The initial fiscal impact will be minimal with the assumption as more poles are utilized more revenue will be received.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety; and by making the agenda and report available at the Office of the City Clerk and on the City's website.

### **RECOMMENDATION**

Authorize City Manager or His Designee to Execute a First Amendment to the Small Cell License Agreement with GTE Mobilnet of California Limited Partnership, dba Verizon Wireless, to include 5G Design Guidelines as in Attachment 1 to the report.

Prepared by: Sherine Nafie, City Property Administrator  
Reviewed by: Chip Taylor, Director, Public Works  
Reviewed by: Jaqui Guzmán, Deputy City Manager  
Approved by: Kent Steffens, City Manager

### **ATTACHMENTS**

1. First Amendment to Small Cell License Agreement Between the City of Sunnyvale and GTE Mobilnet of California Limited Partnership
2. Rendering of 5G Antenna Design