



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 19-0700, Version: 1

REPORT TO COUNCIL

SUBJECT

Updates to the Design Criteria for Wireless Telecommunication Facilities in the Public Right-of-Way: Adopt a Resolution to Update the Design Criteria for Processing Wireless Communication Facilities in the Public Right-of-Way, and Find that the Action is Exempt from CEQA Pursuant to CEQA Guideline Section 15061(b) (3), and 15378(b).

SUMMARY OF COMMISSION ACTION

The Planning Commission considered this item on June 24, 2019.

The Planning Commission voted 7-0 to forward to the City Council the staff recommendation to update the Design Criteria with the following modification:

- Add pole spacing criteria to the Level of Review section of the proposed Design Criteria.

The Planning Commission was generally supportive of the staff recommendation. They inquired whether the proposed Design Criteria is objective (with terms such as 'least intrusive feasible' and 'smallest size') such that it is consistent with the recent Federal Communication Commission (FCC) rules. The Planning Commission also inquired whether the City can require upgrades in existing wireless telecommunication facilities in the future, using minimum spacing standard as one of the level of review criteria, and feasibility for undergrounding the equipment cabinets. Three members of the public (two residents and a representative of Verizon) spoke during the public comment portion of the hearing. Attachment 10 contains the draft meeting minutes from the Planning Commission hearing.

Attachment 11 contains public comments received after the first publication of the staff report and attachments, up to the hearing on June 24, 2019.

Revision to the Proposed Design Criteria per the Planning Commission's Action

The proposed Design Criteria previously included a pole spacing standard in the Objective Design Criteria section but not in the Level of Review section. The Planning Commission, however, suggested allowing consideration for poles within 300 feet of an existing telecommunications facility, rather than a prohibition. With this change, applications may be approved when an applicant can demonstrate that other possible options were analyzed and these are the "least intrusive feasible" options to meet their coverage needs. This revision is consistent with the recent FCC rule because the Design Criteria is not prohibitive, and does not have the effect of prohibiting wireless service for applications within 300 feet from any other facility.

Staff has revised the Level of Review section of the criteria for the Director of Community Development Review (in Attachment 2) to read as follows:

- *The wireless facility is located more than 300 feet away from any another wireless facility located in the public right-of-way.*

PUBLIC CONTACT

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

ALTERNATIVES

1. Adopt a Resolution (Attachment 2) to Update the Design Criteria for Processing Wireless Telecommunication Facilities in the Public Right-of-Way, and Find that the Action is Exempt from CEQA Pursuant to CEQA Guideline Sections 15061(b)(3) and 15378(b).
2. Adopt a Resolution (Attachment 2) to Update the Design Criteria for Processing Wireless Telecommunication Facilities in the Public Right-of-Way with modifications, and Find that the Action is Exempt from CEQA Pursuant to CEQA Guideline Sections 15061(b)(3) and 15378(b).
3. Take no action and maintain the existing Design Criteria for Processing Wireless Telecommunication Facilities in the Right-of-Way.

STAFF RECOMMENDATION

Staff recommends Alternative 1: Adopt a Resolution (Attachment 2) to Update the Design Criteria for Processing Wireless Telecommunication Facilities in the Public Right-of-Way, and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guideline Sections 15061(b) (3) and 15378(b).

Adoption of the updated Design Criteria will provide better direction and guidance to wireless carriers, staff, the Planning Commission, and the City Council when designing and reviewing applications for wireless telecommunication facilities in the public right-of-way (ROW). The recommended Design Criteria also maintains local authority in preserving the aesthetic integrity of the City's ROW while maintaining alliance with Federal and State law.

Prepared by: Mary Jeyapakash, Associate Planner

Reviewed by: Amber Blizinski, Principal Planner

Reviewed by: Andrew Miner, Assistant Director, Community Development

Reviewed by: Trudi Ryan, Director, Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Report to Planning Commission 19-0384, June 24, 2019 (without attachments)
2. Draft Resolution and Design Criteria (for Processing Telecommunication Facilities in the Public Right-of-Way) - *revised for City Council*
3. Comparison of Existing and Proposed Design Criteria
4. Resolution No. 626-13 (Design Criteria)
5. Council Policy 7.2.16 on Telecommunications
6. Sunnyvale Municipal Code Section 19.54.160 - Telecommunication Facilities in the ROW
7. Telecommunication Standards of other Jurisdictions

- 8. Telecommunication Projects Since 2016
- 9. Public Comments

Additional Attachments for Report to Council

- 10. Excerpt of Minutes of the Planning Commission Meeting of June 24, 2019
- 11. Public Comment Received on June 24, 2019