

## Proposed 2010 Council Study Issue

**CDD 10-04 Develop a Plan for Use of City Property for Wireless Telecommunications Facilities**

<b>Lead Department</b>	Community Development
<b>Element or Sub-element</b>	Land Use and Transportation, Telecommunications Policy
<b>New or Previous</b>	New
<b>Status</b> Pending	<b>History</b> 1 year ago Dropped      2 years ago None

**1. What are the key elements of the issue? What precipitated it?**

Wireless phone companies have essentially completed their coverage of non-residential areas and freeway corridors through installation of antennas in industrial and commercial areas. Their attention is now more directed toward full coverage in residential areas, which generally forces them to locate facilities on school and church sites in the heart of residential neighborhoods. Local opposition has raised some of these proposals to the level of City Council (on appeal).

The Federal Telecommunications Act of 1996 preempts almost all local authority to regulate wireless telecommunications infrastructure. Local control is essentially limited to issues of aesthetics, although the City has some limited authority on regulating appropriate places for such facilities.

In 1997, the City adopted a Telecommunications Policy which is consistent with the Federal Telecommunications Act. While the Telecommunications Policy contains the vision for how the City will generally embrace telecommunications and incorporate it into the lifestyle of the citizens and workforce, the more specific regulations that control the location and appearance of private wireless telecommunications facilities in Sunnyvale are found in the Wireless Telecommunication Code of Title 19 (Zoning) of the Sunnyvale Municipal Code, also adopted in 1997. The Code provides for lower levels of review and taller facilities in the industrial areas of the City and along freeway corridors. The Code also has provisions to allow telecommunication facilities in residentially zoned properties that do not have any residential use on them. Examples of residentially zoned property with other uses include places of worship and well sites. In all cases a use permit is required on residentially zoned property. The code requires higher levels of review and additional aesthetic controls when wireless facilities are located near or in residential areas or key commercial corridors such as El Camino Real. Public parks, public and private schools and some churches are located in the Public Facilities (PF) zoning district, typically adjacent to residential uses.

Although this study issue was dropped by the City Council last year, the Planning Commission voted to have the Council reconsider this issue for 2010. They are suggesting that the City prepare a plan for location of wireless telecommunications sites throughout the City, and then market public land (parks, fire stations, etc.) to wireless phone companies in order to generate revenue for the City. There are several city-owned properties located in or near residential areas which could be valuable to wireless companies for use in providing coverage in difficult to

serve areas. This study would review all city owned properties and determine whether it is appropriate to locate telecommunications facilities on them, and if so what type of facility (e.g. facade mounted, free-standing tower, integrated into another tower element such as a light pole or flag pole, artificial tree, etc.). Several wireless antennas are now located on city-owned properties, the leases for which were negotiated by the Information Technology Department.

The study could also identify a program for making the availability of city sites known to telecommunications providers. The installation of facilities would still require a use permit. The use permit would examine the aesthetics of the proposal which could be a building-mounted, ground-mounted or tower-type facility.

## 2. How does this relate to the General Plan or existing City Policy?

### LAND USE AND TRANSPORTATION ELEMENT

Action Statement C1.1.1: Prepare and update land use and transportation polices, design guidelines, regulations and engineering specifications to reflect community and neighborhood values.

Action Statement N1.1.1: Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

Action Statement N1.13.3: Provide opportunities for and encourage neighborhood-serving commercial services in each residential neighborhood.

### FISCAL MANAGEMENT SUB-ELEMENT

Action Statement 7.1A.1e: Investigate new revenue sources, particularly those that do not add to the tax burden of residents or local businesses.

### Telecommunications Policy, 1997

**Wireless Telecommunication Code, Title 19, Sunnyvale Municipal Code (adopted in 1997).**

## 3. Origin of issue

**Council Member(s)**

**General Plan**

**City Staff**

**Public**

**Board or Commission Planning Commission**

## 4. Multiple Year Project? No    Planned Completion Year

## 5. Expected participation involved in the study issue process?

Does Council need to approve a work plan?	No
Does this issue require review by a Board/Commission?	Yes
If so, which?	

Parks and Recreation Commission, Planning Commission  
**Is a Council Study Session anticipated?** No

**What is the public participation process?**

After eligible public properties have been identified, a public meeting will be held to which will be invited all neighborhood associations, telecommunications providers, and residents within 300 feet of the eligible public properties. The same interested parties will be notified of any Commission or Council meetings on this subject.

**6. Cost of Study**

**Operating Budget Program covering costs**

242 Land Use Planning, 764 Information Technology

**Project Budget covering costs**

**Budget modification \$ amount needed for study**

**Explain below what the additional funding will be used for**

**7. Potential fiscal impact to implement recommendations in the Study approved by Council**

<b>Capital expenditure range</b>	Under \$500
<b>Operating expenditure range</b>	\$500 - \$50K
<b>New revenues/savings range</b>	\$51K - \$100K

**Explain impact briefly**

Operating costs are limited to the negotiation and administration of leases. In addition, there is the unquantifiable cost of lost opportunity in the use of public land (e.g., reduction in useable public open space). Income, in the approximate amount of \$20,000/year/facility, would flow to the General Fund.

**8. Staff Recommendation**

**Staff Recommendation Against Study**

**If 'For Study' or 'Against Study', explain**

Staff is not recommending for this study issue because it was dropped by the City Council in 2009. Further, the determination of where telecommunication sites should be located are made by the carrier, and not the City. The City can have zoning restrictions based on land use types, but cannot require them to be placed on City property versus private properties. The City is preempted by Federal law from designating where such facilities shall be located. As a result of the constantly changing demand for services based on new customers and new facilities, it is probably not a good use of time for the City to obtain information regarding current gaps in service and try to identify public land which might provide locations for facilities which would close those gaps.

**9. Estimated consultant hours for completion of the study issue**

**Managers**

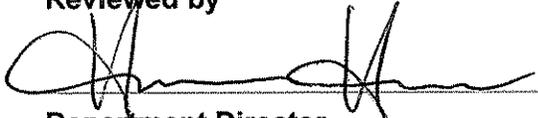
Role	Manager	Hours			
Lead	Ryan, Trudi	Mgr CY1:	20	Mgr CY2:	0
		Staff CY1:	150	Staff CY2:	0
Interdep	Chan, Mike	Mgr CY1:	20	Mgr CY2:	0
		Staff CY1:	0	Staff CY2:	0
Interdep	Fitzgerald, Kelly	Mgr CY1:	10	Mgr CY2:	0
		Staff CY1:	0	Staff CY2:	0
Interdep	Merrill, Cathy	Mgr CY1:	10	Mgr CY2:	0
		Staff CY1:	0	Staff CY2:	0
Interdep	Moon, Rebecca	Mgr CY1:	20	Mgr CY2:	0
		Staff CY1:	0	Staff CY2:	0
Interdep	Morton, Scott	Mgr CY1:	20	Mgr CY2:	0
		Staff CY1:	0	Staff CY2:	0

**Total Hours CY1: 250**

**Total Hours CY2: 0**

**Note: If staff's recommendation is 'For Study' or 'Against Study', the Director should note the relative importance of this Study to other major projects that the Department is currently working on or that are soon to begin, and the impact on existing services/priorities.**

Reviewed by

  
 Department Director

10/13/09  
 Date

Approved by

  
 City Manager

10/14/09  
 Date

**Addendum**

**A. Board / Commission Recommendation**

**Issue Created Too Late for B/C Ranking**

<b>Board or Commission</b>	<b>Rank</b>	<b>Rank 1 year ago</b>	<b>Rank 2 years ago</b>
Arts Commission			
Bicycle and Pedestrian Advisory Committee			
Board of Building Code Appeals			
Board of Library Trustees			
Child Care Advisory Board			
Heritage Preservation Commission			
Housing and Human Services Commission			
Parks and Recreation Commission			
Personnel Board			
Planning Commission		Merge	7 of 7

**Board or Commission ranking comments**  
Merge with CDD-10.

**B. Council**

**Council Rank** (no rank yet)  
**Start Date** (blank)  
**Work Plan Review Date** (blank)  
**Study Session Date** (blank)  
**RTC Date** (blank)  
**Actual Complete Date** (blank)  
**Staff Contact**