Proposed 2010 Council Study Issue

CDD 09-08 Review Wireless Telecommunications Standards, Funding Mechanisms to Upgrade Towers, and Enforcement Options

Lead Department Community Development

Element or Sub-element Land Use and Transportation Element

New or Previous Previous

Status Pending **History** **1 year ago** Deferred **2 years ago** Deferred

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

At the 2009 Study Issue Workshop, Council combined three study issues into one study issue, and then deferred it for 2009. This new study issue paper for 2010 includes former CDD-10 (Aesthetic Standards and Funding Mechanisms to Upgrade Telecommunications Towers), CDD-16 (Review and Update Design Criteria for Wireless Telecommunications Facilities), and CDD-44 (Enforcement of Telecommunications Towers and Facilities Requirements). This Study Issue paper includes the relevant aspects of all three 2009 study issue papers.

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 and enforcement of conditions of approval and approved applications. Demand for wireless telecommunications products and service has grown dramatically over the past decade, and carriers find it difficult to provide necessary coverage in urban areas, specifically in residential locations. This study would balance this demand for new facilities in the community with the aesthetic impacts they represent.

The first portion of the study would discuss possible methods of requiring a tower to be upgraded aesthetically to accommodate additional users. This study would explore funding mechanisms or legal methods for requiring all users to contribute to the upgrade as opposed to the last applicant.

The second portion of the study would consider new design criteria for wireless facilities. The City has received increasing numbers of wireless telecommunications applications in residential areas. As part of the review process, staff has explored ways of using existing structures, camouflaging new structures or reducing visual impacts by encouraging multiple carriers on one structure. Chapter 19.54, Wireless Telecommunications Facilities of the Sunnyvale Municipal Code has existing design guidelines to direct applicants, staff and the Planning Commission as to the preferred method of installation. 19.54.040(a) states: "Based on potential aesthetic impact, the order of preference for facility type is: facade mounted, roof mounted, ground mounted, and freestanding tower." It is difficult, in these residential areas, to find existing buildings upon which to mount antennas, so free-standing poles (existing and new) could be the only viable options.

This study would evaluate and consider ways to improve upon the current design criteria in the Wireless Telecommunication Facilities chapter of the Sunnyvale Municipal Code, especially relative to free-standing poles in residential areas. It could include the recommendation of the preparation of Wireless Telecommunication Guidelines. It would also consider ways to encourage co-location to further reduce the number of telecommunications structures in the City.

The third aspect of this study would review the current requirements and standard conditions of approval and determine the level of compliance, the efficiency and effectiveness of the enforcement process, who would be held responsible for meeting the requirements, and the process and penalties for violations. Also, options would be studied for more proactive and aggressive enforcement.

Planning and Building permits are required in the City for telecommunications towers and facilities. The permits require that the telecommunications towers and facilities meet all State and Federal regulatory standards, Building Code standards, Municipal Code requirements and the City permit requirements. For those sites with multiple service providers, future carriers are required to obtain local permits as well.

Some members of the community have questioned whether all or some of the telecommunications towers and facilities (especially those located in or near residential neighborhoods) meet all local requirements.

Staff would review the current conditions of approval for telecommunication facilities, and survey nearby cities to determine how they enforce conditions on these types of uses and structures, and suggest possible changes in our enforcement regulations and practices for telecommunications towers and facilities.

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

This study is related to the City's Telecommunication Policy and the City's Telecommunication Code of Title 19 in that regulating the aesthetics of facilities, within the allowances made by Federal law, is a purpose of the City's regulations.

LAND USE AND TRANSPORTATION ELEMENT

Policy N.1.2, Require new development to be compatible with the neighborhood, adjacent land uses, and the transportation system.

TELECOMMUNICATIONS POLICY

Goal E, Facilitate the creation of an advanced telecommunications network infrastructure, within given resources, for Sunnyvale citizens, businesses, and industries.

COMMUNITY DESIGN SUB-ELEMENT

Policy 2.5C.1, Place a priority on quality architecture and site design which will enhance the image of Sunnyvale and create a vital and attractive environment for businesses, residents and visitors, and be reasonably balanced with the need for economic development to assure Sunnyvale's economic prosperity.

3. **Origin of issue**

Council Member(s) Hamilton, Fowler, Howe, Whittum, Spitaleri
General Plan
City Staff
Public
Board or Commission Planning Commission

4. **Multiple Year Project?** No **Planned Completion Year** 2010

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?
Planning Commission

Is a Council Study Session anticipated? No

What is the public participation process?
Work with neighborhood associations and wireless carriers, notify the community of outreach meetings and public hearings.

6. **Cost of Study**

Operating Budget Program covering costs
242- Community Planning

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**

Capital expenditure range None
Operating expenditure range None
New revenues/savings range None
Explain impact briefly

8. **Staff Recommendation**

Staff Recommendation None

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

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

Managers

Role	Manager				Hours
Lead	Ryan, Trudi	Mgr CY1:	30	Mgr CY2:	0
		Staff CY1:	300	Staff CY2:	0
Support	Fatapour, Ali	Mgr CY1:	10	Mgr CY2:	0
		Staff CY1:	0	Staff CY2:	0
Interdep	Berry, Kathryn	Mgr CY1:	30	Mgr CY2:	0
		Staff CY1:	0	Staff CY2:	0
Interdep	Black, Curtis (i)	Mgr CY1:	10	Mgr CY2:	0
		Staff CY1:	0	Staff CY2:	0

Total Hours CY1: 380
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 **Date** 10/13/09

Approved by

City Manager **Date** 10-15-09

Addendum

A. Board / Commission Recommendation

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

Board or Commission	Rank	Rank 1 year ago	Rank 2 years ago
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	Merge

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	