

2011 Council Study Issue

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

Lead Department Community Development

History **1 year ago** Below the line **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. The study issue paper for 2010 and 2011 combines 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.

In 2010, the Planning Commission added a separate possible study issue paper which takes one aspect of this study issue, reviewing design standards for telecommunications facilities, and having that be a stand-alone issue.

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
Board or Commission Planning Commission

4. Staff effort required to conduct study Major

5. Multiple Year Project? No Planned Completion Year 2011

6. 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

7. Briefly explain cost of study, including consultant hours, impacted budget program, required budget modifications, etc. and amounts if known.

Study would be covered with 234 Planning operating budget. Major cost is over 300 staff hours.

8. Briefly explain potential fiscal impact of implementing study results (consider capital and operating costs, as well as potential revenue).

9. Staff Recommendation

Staff Recommendation Against Study

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

Staff have developed standard design criteria, conditions of approval, and enforcement of those conditions that are customized as needed for each application.

Reviewed by



Department Director

10/27/10
Date

Approved by



City Manager

10-27-10
Date