

2012 Council Study Issue

CDD 12-06 Regulations for Telecommunication Facilities Located in the Public Right of Way

Lead Department Community Development

History 1 year ago None 2 years ago None

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

In Sunnyvale, wireless telecommunication carriers have used traditional methods of providing service to their customers: antennas mounted on free-standing structures (monopoles, fake trees, PG&E towers) or on commercial/industrial buildings. This has worked well for the majority of the city, but as more people use (and demand) wireless service from their home, the carriers try to find ways to provide service in residential areas. In many areas of Sunnyvale, finding an appropriate location for wireless facilities is difficult, and the most used method of providing coverage in residential areas has been the use of park sites.

Another option is being used more often, which is to use existing utility poles on which to place their antennas. The antennas are typically mounted above the top of the utility pole, with the other equipment on the pole below the lowest power line. These types of systems can be for individual stand-alone sites, or as part of a "distributed antenna system" (DAS). The advantage of using utility poles is that they already exist in a neighborhood. The disadvantage is that the poles are typically found in the public right-of-way, so only an encroachment permit from Public Works *would be necessary and the proposed facilities would not be subject to zoning code requirements, public hearings, nor the right to appeal the decision.* Also, the utility poles tend to be located immediately adjacent to homes.

The City currently has a "joint pole" agreement with T-Mobile, which details the encroachment permit process for placing equipment on a utility pole in the City right-of-way. The process includes requiring them to notify neighbors within 250 feet of the site. Planning participates in this review, offering input on aesthetic concerns and compatibility issues. During the recent review of a joint pole site in the City, several neighbors complained about the design and location of the facility. The concern was mentioned that a wireless facility in a park would require a Use Permit, along with a hearing and the right to appeal the decision, but locating a facility on a joint pole across the park could be done through an encroachment permit process.

This study would determine if wireless telecommunication facilities located on public right-of-way (which the zoning code does not cover currently) should be included in the zoning code or addressed through a separate ordinance. The study would determine standards for review, the type of permit necessary, public notification required, and appeal processes, should the code be changed.

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

GOAL CV-1

Achieve a community in which citizens and businesses are informed about local issues and City programs and services.

GOAL LT-2 Attractive Community

Preserve and enhance an attractive community, with a positive image and a sense of place, that

consists of distinctive neighborhoods, pockets of interest, and human scale development.

Policy LT-4.1 Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.

Policy LT-4.2 Require new development to be compatible with the neighborhood, adjacent land uses, and the transportation system.

Policy LT-4.4 Preserve and enhance the high quality character of residential neighborhoods.

3. Origin of issue

City Staff Planning

4. Staff effort required to conduct study Moderate

Briefly explain the level of staff effort required

Research of other cities' regulations and legal issues: public and industry outreach; preparation of reports; and, public hearings.

5. Multiple Year Project? No **Planned Completion Year** 2012

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 if a budget modification will be required to study this issue

Amount of budget modification required

Explanation

8. Briefly explain potential costs of implementing study results, note estimated capital and operating costs, as well as estimated revenue/savings, include dollar amounts

Are there costs of implementation? No

Explanation

9. Staff Recommendation

Staff Recommendation Support

If 'Support', 'Drop' or 'Defer', explain

Although the zoning code does not typically include projects in the public right-of-way, the placement of wireless telecommunications facilities is a unique situation. These "joint pole" applications propose a facility similar to those located on private property, but which are not

currently subject to the same review process. This study would clarify the City's intent about review process and requirements for these facilities. It is likely the City will have more of these types of applications, and it would be prudent to have deliberated and have clear direction on how best to process and review the proposals, and what type of public input is desired.

Reviewed by



Department Director

9/30/11
Date

Approved by



City Manager

10-3-11
Date