

RESOLUTION NO. _____

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL
ACCEPTING REGULATIONS FOR CONSTRUCTION, OPERATION, AND
MAINTENANCE OF SMALL WIRELESS FACILITIES IN THE PUBLIC
RIGHT OF WAY (MUNCIPAL CODE CHAPTER 14.30)**

WHEREAS, the rapid expansion of small wireless facilities in the City's public rights of way has created a need to establish ordinances and regulations to ensure the orderly build of this infrastructure and to ensure the unique aesthetic characteristics of the City are not disrupted or negatively affected; and

WHEREAS, the City Council of the City of Cupertino has discussed small wireless facilities at numerous City Council meetings, including the meetings held on May 16, 2017, May 15, 2018, July 16, 2019, May 5, 2020, September 15, 2020, April 20, 2021, and December 16, 2022; and

WHEREAS, the City Council included the further evaluation of an ordinance to regulate small wireless communication facilities in its City Work Program for fiscal years 2022-23, 2024-25, and the current City Work Program for 2025-26, and

WHEREAS, the City Council provided direction on a draft ordinance presented at the December 16, 2022 meeting; and

WHEREAS, the ordinance relies on regulations to implement the City's policies and procedures on the build out of small wireless facility networks;

WHEREAS, the regulations presented to City Council on September 16, 2025, establish the policies and procedures.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby accept the Regulations for Construction, Operation, and Maintenance of Small Wireless Facilities in the Public Right Of Way.

BE IT FURTHER RESOLVED that this Resolution is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption

contained in CEQA Guidelines section 15303(d) because new construction or conversion of small structures for utility extensions are categorically exempt. CEQA applies only to actions which have the potential for causing a significant effect on the environment. In this circumstance, the proposed action of adopting Cupertino Municipal Code Section 14.30, which regulates the installation of small wireless communication facilities in the public right of way, would have no or only a de minimis effect on the environment. The foregoing determination is made by the City Council in its independent judgment.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 7th day of October, 2025, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: Liang Chao, Mayor City of Cupertino	Date
ATTEST: Kirsten Squarcia, City Clerk	Date