

CC 09-16-2025

Item No. 20

Small Wireless Facilities

Presentation

SMALL WIRELESS FACILITIES ORDINANCE AND REGULATIONS

City Council
9/16/2025



CUPERTINO

Tonight's Action

Subject:

Introduce amendments to Cupertino Municipal Code, adding Title 14, Chapter 14.30 Small Wireless Facilities In Public Rights-Of-Way, pertaining to regulation of wireless facilities within City streets.

Recommended Action:

- 1) Conduct the first reading of Ordinance 25-____ “An Ordinance of the City Council of the City of Cupertino adding City Code Title 14 Chapter 14.30 Small Wireless Facilities In Public Rights-Of-Way.”
- 2) Adopt Resolution No. 25-____ approving the “Regulations for Construction, Operation, and Maintenance of Small Wireless Facilities in the Public Right of Way.”
- 3) Find that the proposed actions are exempt from CEQA.

Agenda

- Background
- Ordinance – What is Does
- Regulations – What is New

Background

- Cities **Can** Regulate Aesthetic Appearances
- Cupertino Focused on Outreach
- Draft Ordinance strengthens City's process



Laws and Regulations

- Authority to Regulate Aesthetics and Manage Public Right of Way
- Regulation Must Not Be Based on Health Concerns
- Regulation Must Not “Materially Inhibit” Wireless Service
- “Shot Clocks” for Application Review
- FCC 2018 Order:
<https://docs.fcc.gov/public/attachments/FCC-18-133A1.pdf>

Prior Information

- Previous study sessions
 - May 16, 2017
 - May 15, 2018
 - July 16, 2019
 - May 5, 2020
 - September 15, 2020
 - April 20, 2021
 - Council recommended consideration of ordinance
 - December 16, 2022
- www.cupertino.org/5G

Draft Ordinance

- Requires a Permit
- Adopts Regulations to Implement Ordinance
- Requires Notification within 300'
- Authorizes establishment of Fee
- Provides for Resident Appeals to City Manager
- Provisions for Revocation/Removal of Facilities



Draft Regulations

- Establishes Requirements, including RF Compliance and Testing
- Encourages Pre-submittal Community Meetings
- Authorizes Peer Reviews
- Includes Standard Conditions of Approval
- Establishes Preference Tiers
- Includes Detailed Design Standards
- Establishes 1,000-foot minimum between facilities from same carrier

Proposed Installation Preferences

- 1 – Collocated Facilities
- 2- Mixed use and Non-Residential
- 3 - Residential along Arterial or Main streets
- 4 - Residential along Major Collector streets
- 5 - Residential along Minor Collector streets
- 6 - Other Residential Locations
- 7 - Within 1,000-feet of another wireless facility owned by the same carrier.
- 8 – Within 100-feet of a protected property (PRC 5020.1 (j))
- 9 – Any location within 25-feet of an occupied structure
- 10 – New Standalone Poles
- 11 – Installations on Wooden Poles
- 12 - Strand Mounted Equipment

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Questions?



CC 09-16-2025

Item No. 21

Revisions to Cupertino
City Council
Procedures Manual

Presentation

Council Procedures Update

September 16, 2025



**CITY OF
CUPERTINO**

Floy Andrews
Interim City Attorney

Updates to the Council Procedures (1)

- Future agenda items (4.7)
- Appointments to regional bodies (5.3)
- Appointments made by outside bodies (5.3.1)
- Tentative council meeting agenda calendar (7.1.1)
- Written communications (7.7)

Updates to the Council Procedures (2)

- Order of business adding Informational Memoranda (8.3)
- Refining process for removal from consent calendar (8.4.2)
- Clarifying how public speakers may combine time during public comment (8.5)
- Adding written memoranda option for Councilmembers (11.2)

Future Agenda Items (Section 4.7)

Future Agenda Items. Each meeting of a ***commission*** or ***committee*** should include a “Future Agenda Items” section, containing a list of proposed future agenda items and a Tentative Meeting Agenda Calendar, similar to the Tentative Council Meeting Agenda Calendar described in section 7.1.1 herein.

Regional Bodies (Section 5.3)

Regional Bodies. Appointments to regional bodies shall terminate as soon as new appointments take effect. In the event that both the primary and the alternate cannot attend a meeting, the Mayor may designate a temporary alternate to maintain continuity.



Regional Bodies (Section 5.3.1)

Regional Bodies. For appointments made by outside bodies (for example, the Cities Association of the League of California Cities), the City Council must ratify the appointment of a Councilmember as part of a noticed agenda item at a regular meeting.



Tentative Council Meeting Agenda Calendar (Section 7.1.1)

The Tentative Council Meeting Agenda Calendar.

The calendar shall list items pending to come before Council within the next 12 months and be included in each Council Meeting's agenda packet.

This should include agenda item-level detail for the next 3 months with dates, agenda category (consent, discussion item, public hearing), and assigned department head(s).

Written Communications (Section 7.7)

Written Communications. Any written communications on items not on the agenda sent from any member of the public or any Councilmember shall be included with the Council agenda materials and made available to the public if the sender requests that the communication be so included.

Order of Business (Section 8.3)

Order of Business. Informational Memos, as described in amendments to Section 11, should be included in the order of business after Councilmember reports.

Consent Calendar (Section 8.4.2)

Removing Item from Consent Calendar. When removing an item, to facilitate an efficient meeting, advance notice to the City Manager and the City Clerk by 12:00 p.m. on the day of the City Council meeting or earlier is appreciated.

Public Comment (Section 8.5)

Public Comment. If a speaker is representing two or up to five members of the public in attendance and wishing to comment on the item but electing not to speak, the speaker may have the combined time of two minutes per member, up to 10 minutes, to address the Council.

Councilmember Memoranda (Section 11.2)

Councilmember memoranda. Such memos may address any matter within the subject matter jurisdiction of the City Council that the Councilmember wishes to share with their fellow Councilmembers and the public, including written memoranda related to items the City Council will consider at an upcoming meeting.

Councilmember Memoranda (con.)

Councilmember memoranda. They should convey the Council-member's own views and proposals pertaining to agendized items, thereby providing a robust and efficient method for sharing information.

Questions



CUPERTINO