



TELECOMMUNICATION FACILITIES IN ROW

The following are minimal submittal requirements as required by SMC 19.54 and the Community Development Director for new or replacement of telecommunication facilities within the public right-of way.

Date Submitted: _____

Staff Contact: _____

PROJECT INFORMATION

Project Address: _____

Project Description: _____

PERMIT TYPE	APPROVAL BODY	PLAN SUBMITTAL
<input type="checkbox"/> Design Review	<input type="checkbox"/> Staff Level <input type="checkbox"/> Planning Commission <input type="checkbox"/> City Council	<input type="checkbox"/> 2 Full Sized sets (24"x36") <input type="checkbox"/> 4 Full Sized sets (24"x36") <input type="checkbox"/> 2 Reduced (11" x 17") <input type="checkbox"/> Digital Copy (3 MB max.)

SUBMITTAL MATERIALS

- ☐ **Application** signed by the property owner or a Letter of Authorization from the property owner (not needed for applications for small cell wireless facility installations on the City's light poles from carriers who have active Master License Agreement with the City).
- ☐ **Design Review Check-list** to identify process timeframe, level of review and compliance with Design Criteria.
- ☐ **Project Description**, including the following additional information:
 - ☐ Alternative site analysis.
 - ☐ If a roll-up generator is proposed, provide a description of the unit, specifications, noise levels and Appleton plug location.
- ☐ **RF Emissions Analysis**
- ☐ **Photo simulation** At least two (2) photo simulations from, different angles. The photo simulations should show before and after views and should be accurately dimensioned. Show all equipment (antennas, coax, GPS, cabinets, amplifiers, etc.).
- ☐ **Plans** - See below for the information needed on plan sets.
- ☐ **Fee** (non-refundable) _____

PLANS

- ☐ **Project Data** - Including lot size and existing and proposed calculations of living area, garage, other floor area, Floor Area Ratio (FAR), lot coverage, pervious and impervious surfaces and grade differential of adjacent properties.
- ☐ **Site Plan** - Including entire lot, all dimensions, location of the existing building(s), property lines, easements, adjacent building footprints, adjacent right-of-way, parking, enclosure location, landscaping, location and dimensions of any backup generators, transformer location, and uses on adjacent properties.
- ☐ **Architectural Elevations** - Provide both existing and proposed. Elevations should include location and dimensions for the roof, parapet, existing antennas with carriers noted, accurate illustration of coax runs, associated mechanical equipment and details for equipment enclosures.

- ❑ **Tower Structures** - Indicate the height of trees and other vertical elements located near the proposed structure, near streets and parking areas, and near adjacent property lines.
- ❑ **Signage** - Indicate all existing and proposed signage including emergency contact signs.
- ❑ **Additional Visual Aids** - perspective drawings, drone views (including surrounding neighborhoods), context views (including surrounding neighborhoods), etc. may be required.

NOTES

- **City-owned Poles:** Any company that proposes to install a wireless facility on city light structures or other city poles must first initiate a lease (including lease rate) before making application for a planning permit. (SMC 19.54.160. (e))
- **Plan Submittal:** An additional 12 sets of 11"x17" plans must be submitted 2 weeks prior to the public hearing date. A digital copy may be required. Digital plans should include site plan, elevations, and renderings. The project planner will notify the applicant when the additional plan sets are needed.

RESOURCES

- **Planning and Building Divisions** - <https://sunnyvale.ca.gov/business/planning/default.htm>
 - Telecommunications Facilities; Applications; Design Guidelines; Specific Plans; General Plan; Zoning Code (19.54)
- **Public Works Department** - <https://sunnyvale.ca.gov/property/default.htm>

ADDITIONAL NOTES REGARDING SHOT CLOCKS

- All Shot clocks for both small cell and non-small cell wireless facilities on ROW apply to building permits, encroachment permits, and any other permits required for installation. (47 CFR 332(c)(7)(B)(ii))
- The shot clock starts when the application is submitted.
- **Small Cell Tolling System:** The clock is paused if the Notice of Incompleteness (NOI) is sent within 10 days to the applicant. The shot clock re-sets to zero upon resubmittal. Subsequent NOIs pause but do not re-set the shot clock.
- **Non-Small Cell Tolling System:** The clock is paused if the NOI is sent within 30 days to the applicant. The shot clock resumes (but is not re-set) upon resubmittal. The clock is paused again if the applicant is notified within 10 days that the supplemental submission did not provide the information identified in the original NOI.

Sunnyvale Municipal Code[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 19. ZONING](#)[Article 4. GENERAL DEVELOPMENT STANDARDS](#)[Chapter 19.54. WIRELESS TELECOMMUNICATION FACILITIES](#)**19.54.160. Telecommunication facilities in the public right-of-way.**

(a) Design Criteria. The city council shall, by resolution, establish criteria and various guidelines (“Design Criteria”) for design review of wireless telecommunication facilities in the public right-of-way.

(b) Design Review Not Requiring a Public Hearing. An application for a wireless telecommunication facility in the public right-of-way shall be considered by the director of community development following the procedures for design review with public notice and no public hearing in Section [19.80.040](#) (Procedures and decisions) if the facility:

(1) Meets the adopted Design Criteria for wireless telecommunication facilities on joint poles or light poles; and

(2) Will be placed on a pole located more than three hundred feet from any property line of a public park, public school or heritage resource or landmark.

(c) Design Review Requiring a Public Hearing. An application for a wireless telecommunication facility in the public right-of-way shall be considered by the planning commission following the procedures for design review with public hearing in Section [19.80.040](#) (Procedures and decisions) if the facility:

(1) Does not meet the adopted Design Criteria for wireless telecommunication facilities on joint poles; or

(2) Will be placed on a pole located within three hundred feet of a public park, public school or heritage resource or landmark; or

(3) If the director determines, in his or her discretion, that it is in the public interest to have the application referred to the planning commission for hearing.

(d) Findings. The director or planning commission may approve any design review upon such conditions, in addition to those expressly provided in other applicable provisions of this code, as it finds desirable in the public interest, upon finding that the approval will either:

(1) Attain the objectives and purposes of the Design Criteria; or

(2) Ensure that the general appearance of proposed facilities will not materially impair the visual aesthetics of adjacent properties.

(e) Any company that proposes to install a wireless facility on city light structures or other city poles must first initiate a lease (including lease rate) before making application for a planning permit.

(f) Carriers shall defend, indemnify, and hold harmless the city and its agents, officers, and employees (“indemnified parties”) from any claim, action, or proceeding against the city or indemnified parties to attack, set aside, void, or annul the project or any prior or subsequent related development approvals or project condition imposed by the city or as a result of the city granting any permits for the project, or to impose liability against the city or indemnified parties resulting from the grant of any permits for the project, which claim, action or proceeding is brought within the time period provided by law, including any claim for private attorney general fees claimed by or awarded to any party against the city. (Ord. 3043-14 § 3; Ord. 3031-13 § 3).

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Sunnyvale Municipal Code[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 19. ZONING](#)[Article 6. DISCRETIONARY PERMITS AND PROCEDURES](#)[Chapter 19.80. DESIGN REVIEW](#)**19.80.040. Procedures and decisions.**

(a) Design Review without Public Notice or Hearing by Director. For design review applications listed in this subsection, the director of community development may, without public notice or hearing, approve the application as requested or as changed, modified or conditioned by the director or deny the design review application based on Section [19.80.050](#) (Finding). The following design review applications shall require design review without public notice or hearing:

- (1) New single-story single-family or duplex residence in the R-0, R-1 or R-2 zoning district which does not exceed either the FAR or gross floor area threshold established in Section [19.32.020](#);
- (2) Single-story exterior modification or addition to a single-family or duplex residence in the R-0, R-1 or R-2 zoning district which does not exceed either the FAR or gross floor area threshold established in Section [19.32.020](#); and
- (3) As otherwise required by this title.

(b) Design Review with Public Notice and No Hearing by Director. For design review applications listed in this subsection, the director of community development may, after providing public notice as described in Chapter [19.98](#) (General Procedures) and a fourteen-day public comment period, approve the application as requested or as changed, modified or conditioned by the director, or deny the design review application based on Section [19.80.050](#) (Finding). On-site postings for single-family or duplex projects shall include a streetscape elevation showing the proposed home and one adjacent home on each side. The following design review applications shall require design review with public notice and no hearing:

- (1) New two-story single-family or duplex residence in the R-0, R-1 or R-2 zoning district which does not exceed either the FAR or gross floor area threshold established in Section [19.32.020](#);
- (2) Second-story exterior modification or second-story addition to a single-family or duplex residence in the R-0, R-1 or R-2 zoning district which does not exceed either the FAR or gross floor area threshold established in Section [19.32.020](#);
- (3) New nonresidential building adjacent to a residential zoning district and which is not subject to any other discretionary permit in this title;
- (4) Exterior modification or addition to a nonresidential building adjacent to a residential zoning district and which is not subject to any other discretionary permit in this title; and
- (5) As otherwise required by this title.

(c) Appeal of Decision by Director. A decision by the director of community development on a design review pursuant to subsections (a) and (b) may only be appealed by the applicant, the owner of the subject property, or the owner of a property within the required noticing radius as described in Chapter [19.98](#) (General Procedures). After receiving an appeal from the decision of the director, and following a public hearing, the planning commission, whose decision shall be final, by the affirmative vote of a majority of its voting members may:

- (1) Approve the design review as requested or as changed, modified or conditioned by the commission if the commission finds that the project as approved meets the required finding;
- (2) Deny the design review if the commission finds that the project would not meet the required finding.

(d) Design Review with Public Hearing by Planning Commission. For design review applications listed in this subsection, the planning commission may, after holding a public hearing, approve the application as requested or as changed, modified or conditioned by the commission, or deny the design review application based on Section [19.80.050](#) (Finding). On-site postings for single-family or duplex projects shall include a streetscape elevation showing the proposed home and one adjacent home on each side. The following design review applications shall require design review at a public hearing by the planning commission:

- (1) New single-family or duplex residence in the R-0, R-1 or R-2 zoning district which exceeds either the FAR or gross floor area threshold established in Section [19.32.020](#);
- (2) Addition to a single-family or duplex residence in the R-0, R-1 or R-2 zoning districts which exceeds the FAR or gross floor area threshold established in Section [19.32.020](#);
- (3) Multiple-family projects of three to fifty units in the R-2, R-3, R-4, R-5 and R-MH zoning districts and which are not subject to any other discretionary permit or action by this title; and
- (4) As otherwise required by this title.

(e) Appeal of Decision by Planning Commission. A decision by the planning commission on a design review pursuant to subsection (d) may only be appealed by the applicant, the owner of the subject property, or the owner of a property within the required noticing radius as described in Chapter [19.98](#) (General Procedures). After receiving an appeal from the decision of the planning commission, and following a public hearing, the city council by the affirmative vote of a majority of its voting members may:

- (1) Approve the design review as requested or as changed, modified or conditioned by the council if the council finds that the project as approved meets the required finding;
- (2) Deny the design review if the council finds that the project would not meet the required finding. (Ord. 3050-14 § 5; Ord. 3043-14 § 6; Ord. 2966-11 § 19; Ord. 2908-09 § 5; Ord. 2690-02 § 3; Ord. 2650-00 § 8; Ord. 2623-99 § 1).

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(a) Minimum Requirements and Applicability. The requirements in this section are considered a minimum

and may be expanded or modified by the specific requirements of an application pursuant to this title and by policies adopted by resolution by the city council or as determined by the director.

(b) Failure to Receive Notice. Failure to comply with procedures shall not affect the validity of the person or body holding the public hearing or making the decision to proceed with the hearing or decision.

(c) Notice Content. All public notices shall contain the location of the subject property or area, either by text or diagram, a general description of the proposed project or action, the decision-maker, and the scheduled time, date and place of each public hearing required by this title. If the notice is for an application for which the director of community development is the decision maker and no public hearing is required, the notice shall state the application is available for review and comment for fourteen days following the date on the notice.

(d) Public Notice Prior to Decision. Table [19.98.040](#) (Public Notice) establishes the methods of which public notice shall be provided before a decision is made on an application in accordance with this title, including appeals, and the minimum number of days public notice shall be provided before the decision date. When required by Table [19.98.040](#), public notice shall be provided as follows:

(1) Mailing. The notice shall be delivered by mail to the following:

(A) Applicant and Owner. The applicant and owners of the subject property or area;

(B) Owners Within Three Hundred Feet. Owners of property within three hundred feet of the subject property or area. This distance shall be measured from all points along the lot lines of the site. If only a portion of a lot is located within the measured distance, the entire lot is considered to be within the required mailing distance;

(C) Interested Parties. Any person or group, including neighborhood associations, who has filed a written request for notice regarding the specific application or of projects in the area; and

(D) Appellant. The appellant for an appealed decision.

(E) Alternative Method for Large Mailings. If the number of owners to whom notice shall be mailed is greater than one thousand, the director may provide notice by placing a display advertisement in at least one newspaper of general circulation in the city.

(2) On-Site Posting. The notice shall be posted at a conspicuous location on each frontage of the subject site. No person shall alter, deface, remove or affect the visibility of the posted notice. The applicant shall ensure the notice remains posted during the entire noticing period and remove the notice no later than five days after the hearing date or decision date referenced on the sign, or date the application has been withdrawn.

(3) Bulletin. The notice shall be posted on the public notice bulletin board at city hall.

(4) Newspaper. The notice shall be published at least once in a newspaper of general circulation in the city.

Table [19.98.040](#)**Public Notice**

In the table, the words and symbols are defined as follows:

“Yes” = Required

“-” = Not required

Decision Procedure	Mailing	On-Site Posting	Bulletin	Newspaper	Minimum Days before Decision
Director Decision with Public Notice and No Hearing	Yes	Yes	-	-	14 days or per CEQA
Public Hearing for Site-Specific Application	Yes	Yes	Yes	Yes	10 days or per CEQA
Public Hearing on Legislative Action (such as a zoning text amendment)	-	-	Yes	Yes	10 days or per CEQA
Public Hearing for Appealed Decision	Yes	-	Yes	-	10 days

(Ord. 3043-14 § 13; Ord. 3033-13 § 4; Ord. 3031-13 § 4; Ord. 3004-13 § 9; Ord. 2987-12 § 11; Ord. 2966-11 § 21; Ord. 2908-09 § 7; Ord. 2907-09 § 14; Ord. 2905-09 § 18; Ord. 2887-08 § 13; Ord. 2802-06 § 13; Ord. 2650-00 § 9; Ord. 2649-00 § 16; Ord. 2623-99 § 1; prior zoning code §§ [19.12.100](#), [19.12.110](#), [19.51.020](#)(d)(1)—(2), [19.52.025](#)(g)(1)—(2), [19.54.050](#), [19.54.080](#), [19.57.030](#)(b), [19.60.010](#), [19.60.011](#)(a)(1)—(3), [19.72.050](#)(e), [19.80.070](#)(c), [19.80.090](#)(e)—(j), [19.81.180](#)).

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