



TOWN OF HILLSBOROUGH
California

Town of Hillsborough – City Council Statement
June 8, 2020

Proposed Settlement Agreement
Crown Castle NG West LLC – Wireless Communications Facilities

At its June 8, 2020 regular meeting, the Hillsborough City Council approved a proposed settlement of a one of the two lawsuits filed against the Town by Crown Castle NG West LLC in 2018 challenging the Council's denial of the applications for 16 wireless communication facility (WCF) sites. The settlement provides an opportunity to resolve litigation that was costly whether the Town won or lost and a public process to consider the settlement WCF sites.

The approved settlement was reached after 11 months of court directed, confidential mediation or Alternative Dispute Resolution (ADR). Under the settlement, there are thirteen (13) WCF sites being proposed which are fewer than the original sixteen (16) sites that were denied. In mediation, the two parties worked to improve the siting (fewer locations) and the conceptual designs (less visual impact). The settlement WCF's are generally smaller, more stealth, and less obtrusive than the denied sites. Additionally, two (2) of the settlement WCF sites are on Town-owned property and eleven (11) are on Town right-of-way. All sixteen (16) of the original WCF sites were in the public right-of-way.

It is important to note that the settlement agreement does not approve the installation of any new WCF sites in Hillsborough. Crown Castle must submit applications for a Wireless Communications Facilities Permit for each of the sites included in the settlement agreement by March 30, 2021. These applications will go through the Town's application process per the Wireless Communications Facilities Ordinance and the Federal Communications Commission (FCC) timeline. The process gives residents, the Wireless Communication Advisory Committee, staff and the City Council an opportunity to review the sites and consider appropriate conditions within the Town's Wireless Design Standards and FCC Orders. With community input and a staff recommendation, the City Council will then consider all applications and make a final decision. If all the settlement sites are approved or approved with modifications/conditions to which Crown does not object, then Crown Castle would dismiss its lawsuit against the Town. Should the new sites be denied, or if Crown refuses to accept the conditions on approval (so that the approval is effectively a denial) Crown Castle would have the option to continue the litigation (2018 - sixteen sites) or initiate a new lawsuit (2020 – thirteen sites), but not both.

The settlement bars Crown Castle from submitting any future applications for WCF's at any of the original denied sites that are not included in the settlement. It also provides that if thirteen (13) settlement WCF sites are approved, there will be a two-year moratorium on requests for collocation modifications (known as eligible facilities requests – EFR) to those sites.

For more information, a copy of the Settlement Agreement, a matrix of the Denied WCF Sites and Proposed Settlement WCF Sites and photo simulations of each of the proposed sites can be found on the Town's website at: www.hillsborough.net under the Wireless section.