



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

May 28, 2008

SUBJECT: **2007-0207: T-Mobile** [Applicant] **Dick's Lakewood Corporation** [Owner]: Application located at **1161 Lawrence Expressway** (Lakewood Shopping Center) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District. (APN: 110-23-110) RZ

Motion Special Development Permit to allow two new 15' antenna structures (faux chimneys) on top of an existing building in a shopping center.

REPORT IN BRIEF

Existing Site Conditions Shopping Center

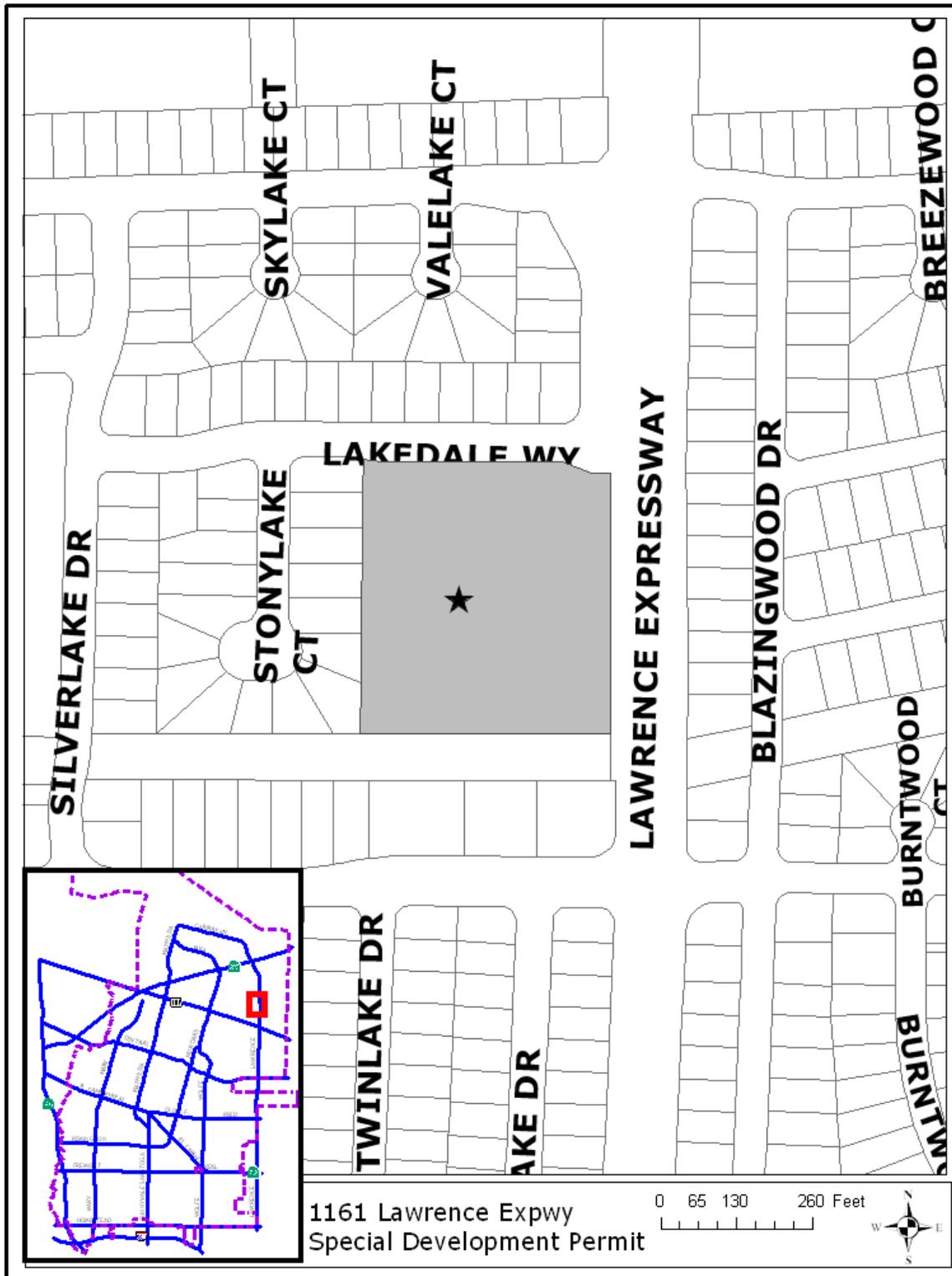
Surrounding Land Uses

North	Lakedale Way and Duplexes
South	Single Family Homes
East	Lawrence Expressway and Single Family Homes
West	Single Family Homes

Issues Architectural Compatibility

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Commercial Neighborhood Business	Same	Commercial Neighborhood Business
Zoning District	C-1/PD	Same	C-1/PD
Lot Size (acres)	4.43	Same	No min.
Area of Equipment Enclosure (s.f.)	N/A	233 sq. ft.	N/A
Proposed Antenna Height (ft.)	N/A	15 ft. from roof 34.6 ft. from ground	15 ft. max. from structure ridgeline with minor UP
Setbacks of Antenna (Facing Property from Lawrence Expressway)			
Front	N/A	120 ft. from antenna	70 ft. min.
Left Side	N/A	125 ft. from antenna	No min.
Right Side	N/A	110 ft. from antenna	No min.
Rear	N/A	84 ft. from antenna 63 ft. from equipment enclosure	No min.

ANALYSIS**Description of Proposed Project**

This Special Development Permit is for the installation of two 15 ft. tall roof-mounted structures to contain and conceal six antennas on top of an existing shopping center building. Ancillary equipment is proposed at the rear of the building. Per SMC 19.54.080, a minor Use Permit is required for roof mounted antennas which extend up to 15 ft. above the structural ridgeline. As this project is within a Planned Development combining district, a Special Development Permit is required.

Background

Previous Actions on the Site: There is a long history of various planning actions related to the subject site. The project listed below relates to the proposed application.

Project Number	Description	Hearing/ Decision	Date
1998-0038	Special Development Permit for architectural upgrades to an existing shopping center	Planning Commission Approved	11/25/96

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor alterations of existing facilities.

Special Development Permit

Detailed Description of Use: The project is intended to serve T-Mobile cellular phone customers in the surrounding neighborhood. The applicant has submitted coverage maps showing the existing and proposed coverage in the proposed area (Attachment D, Existing and Proposed Coverage).

Site Layout: The applicant has been working with staff since early 2007 on this application. Staff had encouraged the applicant to locate at Lakewood Park, where there is an approved (but unbuilt) AT&T facility; however, this location did not meet the applicant's need for cell coverage.

The proposed antenna is located in the center of the existing shopping center building (see Attachment C, Site Plan). The proposed ground equipment is located behind the building. In order to make room for the ground equipment, the cement wheel stops for four of the parking spaces will need to be moved forward. The parking spaces still comply with the 18 ft. length requirement, with a 2 ft. extension past the wheel stops. No other parking or landscaping modifications are proposed as part of this project.

Noise: The applicant submitted a noise report describing the sound generated by the proposed equipment. With all air conditioners running, the equipment will generate 43.4 dbA at the nearest property line, meeting the SMC 19.42.030

noise standard maximums of 50 dbA on adjacent residentially-zoned property at nighttime.

Design: Staff has explored numerous design options with the applicant. The original proposal replaced parking lot light standards with new freestanding light poles/antennas. Staff requested a redesign as the proposed pole height was 45 ft. with the antennas placed significantly higher than the parking lights. The applicant considered a design that involved installation of a flag pole; however, this was rejected as the location did not meet the applicant's technical requirements.

The current proposal is a design that mimics two rooftop vents on top of the existing shopping center building (see Attachment E, Photo Simulations). They extend 15 ft. above the roof, for a total of 35 ft. in height. The "vents" are painted to match the existing building. Overall, this design is preferable to a freestanding facility, as per the SMC 19.54.040 design preferences for a roof mounted facility over a ground mounted or freestanding tower.

However, staff continues to have concerns with the design. The proposed "vents" are only minimally camouflaging the antennas. According to the SMC 19.38.020, a true vent of this size would require additional screening as an unacceptable visual impact. Staff recommends further redesign of the facility to be incorporated into the design of the shopping center. Specifically, staff recommends that the existing tower elements be raised to a height sufficient to incorporate the antennas at similar height. This design will more successfully conceal the look of the antennas from the surrounding properties and Lawrence Expressway. Staff recommends this redesign as Condition of Approval #2A.

Compliance with Development Standards/Guidelines: SMC 19.54.040(p) states that the facility shall not be readily visible top the nearest residentially-zoned property. While the proposed facility is camouflaged within vent housing, staff recommends further redesign to improve the camouflage of the facility from surrounding properties, including the residential neighborhood to the west.

Expected Impact on the Surroundings: The proposed noise and radio frequency emissions meet applicable standards and no further impact is expected. Staff is recommending as Condition of Approval #1K that the applicant take an additional RF emission reading after the antenna is installed to ensure it meets applicable FCC standards.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

The applicant hosted a neighborhood meeting on May 7, 2008. One member of the public attended and expressed concerns with how the proposed facility would affect their property values.

The Lakewood Neighborhood Association was notified of this proposal.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 106 notices were mailed to property owners and residents adjacent to the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings with modifications to the design of the antenna structures based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Special Development Permit with attached conditions.
2. Approve the Special Development Permit with modified conditions.
3. Deny the Special Development Permit.

Recommendation

Alternative 1.

Prepared by:
Diana O'Dell
Project Planner

Reviewed by:
Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Coverage Maps
- E. Photo Simulations

Recommended Findings - Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

Telecommunications Policy

Policy B.1. Promote universal service and access for every Sunnyvale Citizen.

This project promotes cellular phone service in residential neighborhoods that are currently underserved by this particular provider.

Land Use and Transportation Sub-Element

N1.3. Promote an attractive and functional commercial environment.

N1.5 Establish and monitor standards for community appearance and property maintenance.

The project is using a nonresidential property to serve the surrounding residential neighborhood. The proposed roof-mounted facility assists in minimizing visual impact on the surrounding properties. As recommended by staff, the redesigned facility will meet the design standards for a commercial shopping center.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District.

The proposed antennas are located on the roof of a commercial property. With the recommended redesign, the proposed facility will blend with the existing architecture and will not create a significant visual impact to the surrounding properties. The proposed project meets the noise and RF emissions standards for the City.

Recommended Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- C. A City of Sunnyvale building permit for all equipment on site is required.
- D. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- E. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- F. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- G. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Director of Community Development.
- H. Every owner or operator of a wireless telecommunications facility shall renew the facility permit at least every five (5) years from the date of initial approval.
- I. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including but not limited to, the Federal Communications Commission and Federal Aviation Agency.

- J. Certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF emissions.
- K. The applicant shall submit to the Director of Community Development at one report of Radio Frequency Emissions field measurements showing the actual level of emissions after the facility is in place and operating at or near full capacity. The measurements shall be taken at the rear property line adjacent to the nearest residential properties.
- L. The owner or operator of any facility shall obtain and maintain current at all times a business license as issued by the city.
- M. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. Applicant shall notify city of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:
 - M1. Identity, including name, address and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility.
 - M2. Name, address and telephone number of a local contact person for emergencies.
 - M3. Type of service provided.
- N. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the city.
- O. Each facility shall be operated in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekday nights. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.

- P. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance.
- Q. The wireless telecommunication facility provider shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding. The city shall have the option of coordinating in the defense. Nothing contained in this stipulation shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.
- R. Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. A pollutant means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.
- S. Wireless telecommunication facility operators shall be strictly liable for interference caused by their facilities with city communication systems. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing cavities, installing directional antennas, powering down systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.
- T. No wireless telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive

standard subsequently adopted or promulgated by the city, county, the state of California, or the federal government.

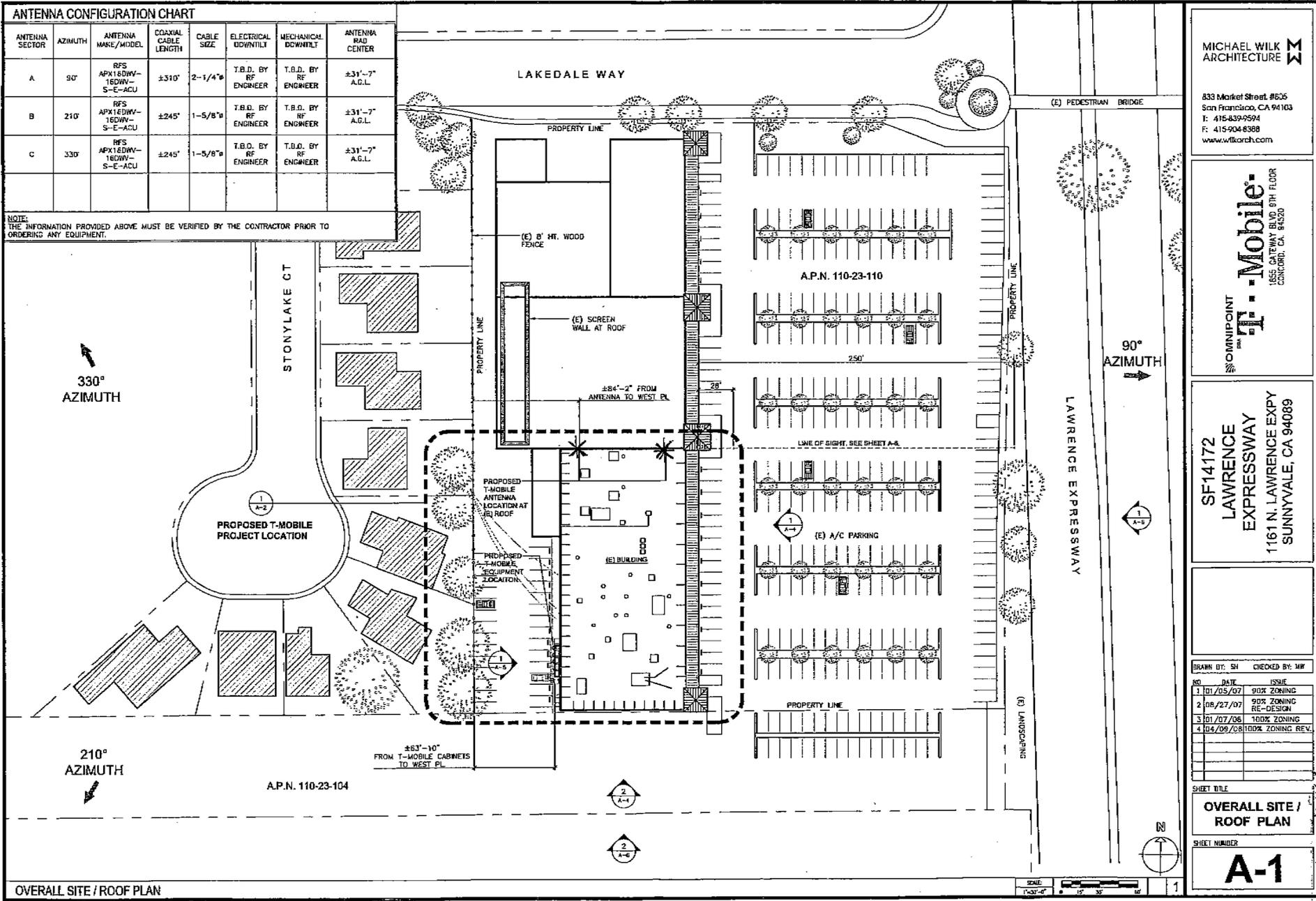
2. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. The applicant shall redesign the facilities to be incorporated with the existing tower elements of the shopping center. At least two of the tower elements shall be raised to a height similar to the proposed antennas. The antennas shall be incorporated into these raised features. The Director of Community Development shall review and approve the final design prior to issuance of the building permit.

ANTENNA CONFIGURATION CHART

ANTENNA SECTOR	AZIMUTH	ANTENNA MAKE/MODEL	COAXIAL CABLE LENGTH	CABLE SIZE	ELECTRICAL DOWNWILT	MECHANICAL DOWNWILT	ANTENNA RAD CENTER
A	90°	RFS APX16DW-16DW-S-E-ACU	±310'	2-1/4"	T.B.D. BY RF ENGINEER	T.B.D. BY RF ENGINEER	±31'-7" A.G.L.
B	210°	RFS APX16DW-16DW-S-E-ACU	±245'	1-5/8"	T.B.D. BY RF ENGINEER	T.B.D. BY RF ENGINEER	±31'-7" A.G.L.
C	330°	RFS APX16DW-16DW-S-E-ACU	±245'	1-5/8"	T.B.D. BY RF ENGINEER	T.B.D. BY RF ENGINEER	±31'-7" A.G.L.

NOTE: THE INFORMATION PROVIDED ABOVE MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO ORDERING ANY EQUIPMENT.



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SF14172
LAWRENCE EXPRESSWAY
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SUNNYVALE, CA 94089

NO.	DATE	ISSUE
1	01/05/07	90% ZONING
2	08/27/07	90% ZONING RE-DESIGN
3	01/07/08	100% ZONING
4	04/09/08	100% ZONING REV.

SHEET TITLE
OVERALL SITE / ROOF PLAN

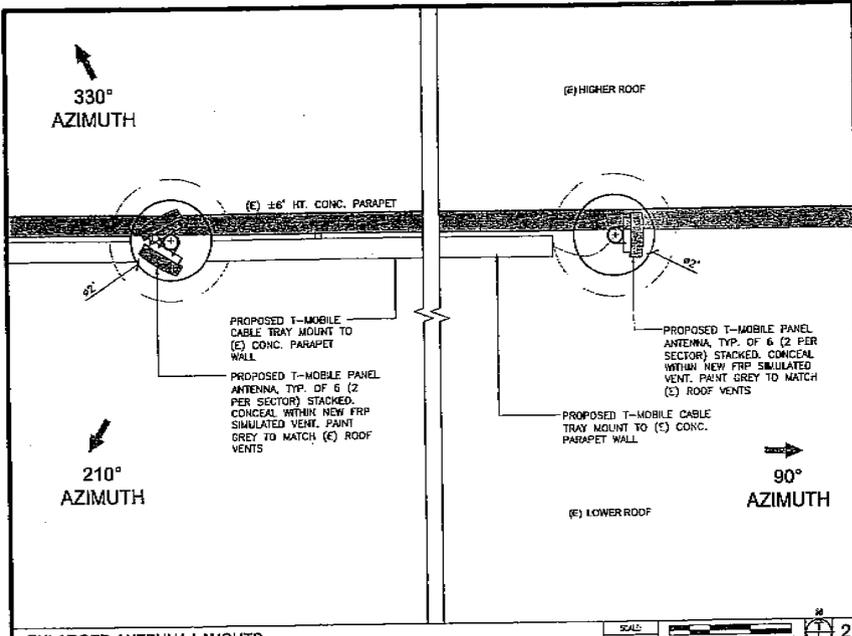
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A-1

ATTACHMENT C

8

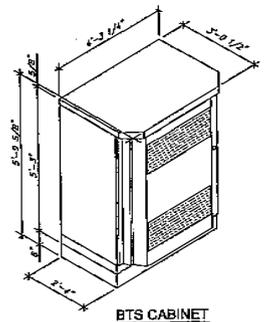
330°
AZIMUTH

210°
AZIMUTH

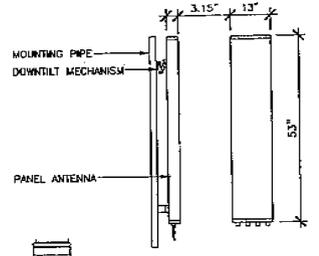


ENLARGED ANTENNA LAYOUTS

SCALE: 3/4"=1'-0"
0 1' 2'



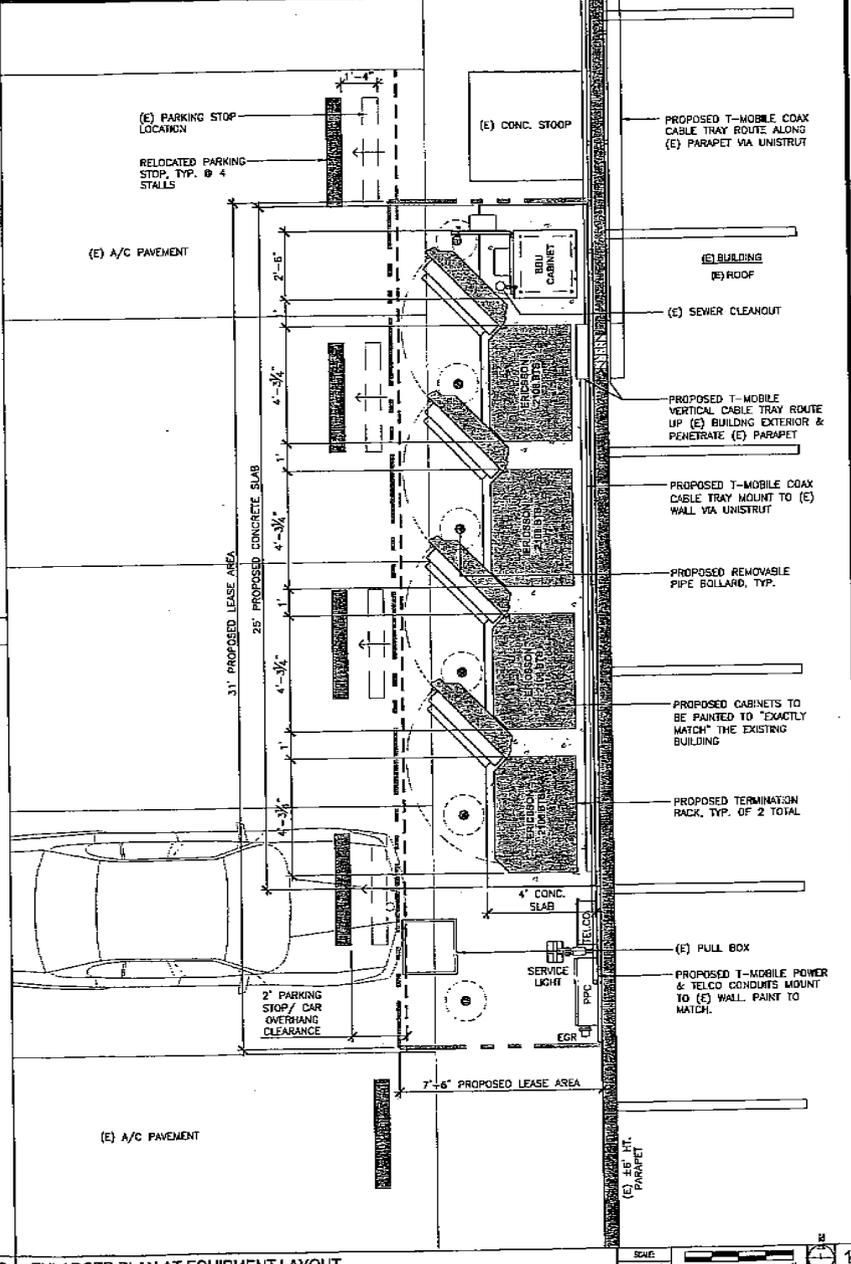
BTS CABINET



PANEL ANTENNA
SIDE ELEVATION FRONT ELEVATION
RFS
APX16DWV-16DWV-S-E-ACU
QUAD PORT PANEL ANTENNA

BTS CABINET / PANEL ANTENNA DETAILS

SCALE: 1/4"=1'-0"
0 1' 2'



ENLARGED PLAN AT EQUIPMENT LAYOUT

SCALE: 1/4"=1'-0"
0 1' 2'

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EXPRESSWAY
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SUNNYVALE, CA 94089

DRAWN BY: SH CHECKED BY: MW

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3	10/27/08	100% ZONING
4	04/09/08	100% ZONING REV.

SHEET TITLE
ENLARGED PROJECT
AREA PLAN /
ANTENNA LAYOUTS

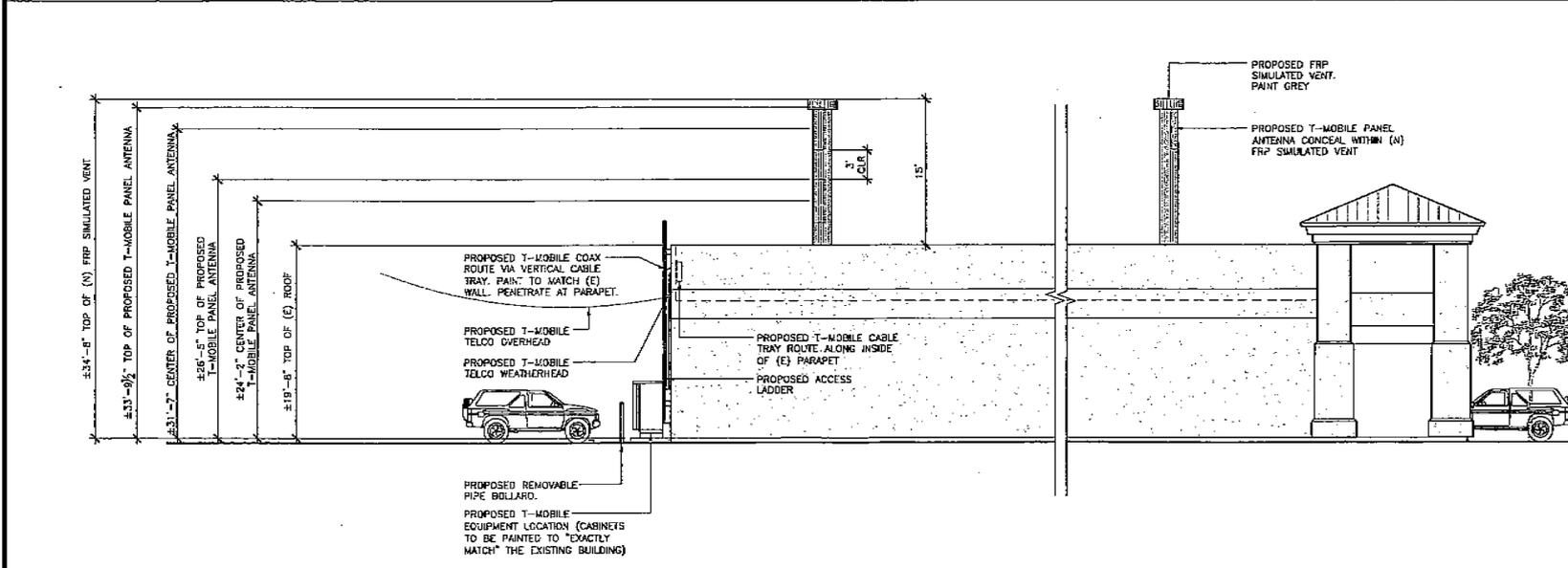
SHEET NUMBER
A-3

ATTACHMENT C
Page 4 of 8



ENLARGED EAST ELEVATION

SCALE: 3/16"=1'-0"
 0 1 2 3 4 5 6 7 8 9 10
 1



ENLARGED SOUTH ELEVATION

SCALE: 3/16"=1'-0"
 0 1 2 3 4 5 6 7 8 9 10
 2

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SHEET TITLE
ENLARGED ELEVATIONS

SHEET NUMBER
A-4

ATTACHMENT C

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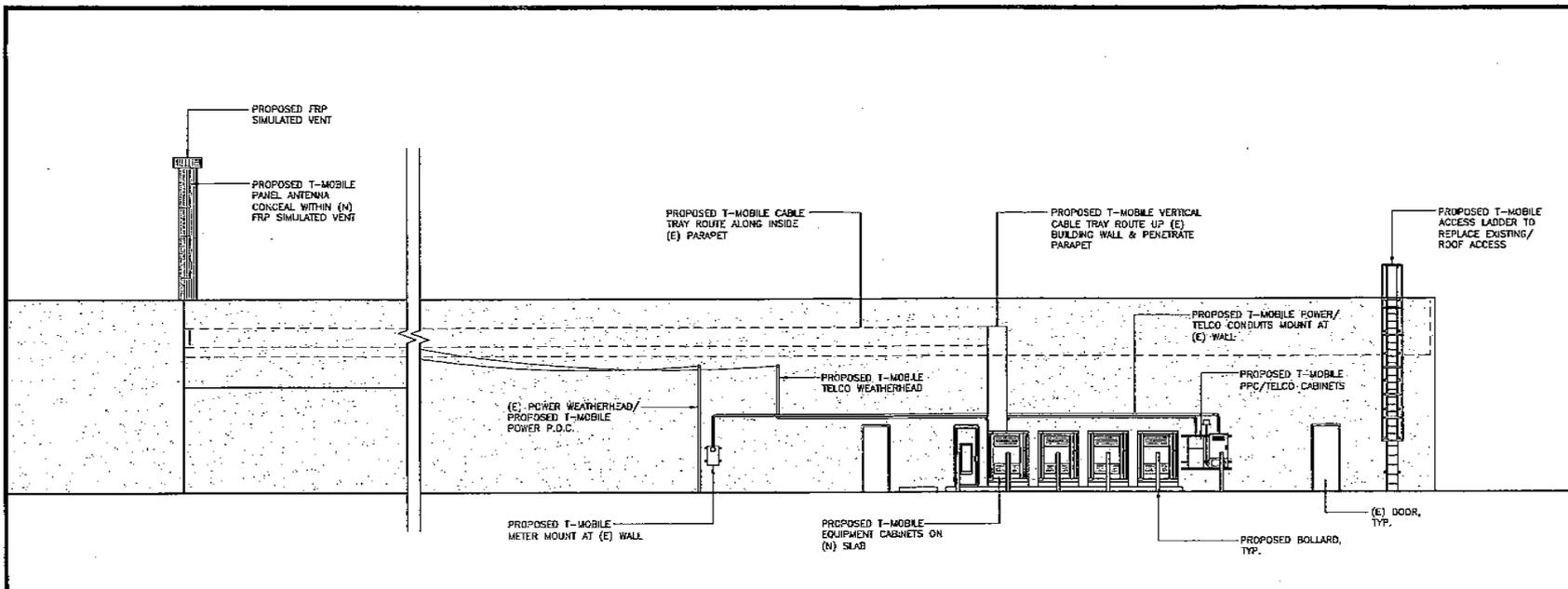
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SHEET TITLE

**ENLARGED
ELEVATION /
SECTION**

SHEET NUMBER

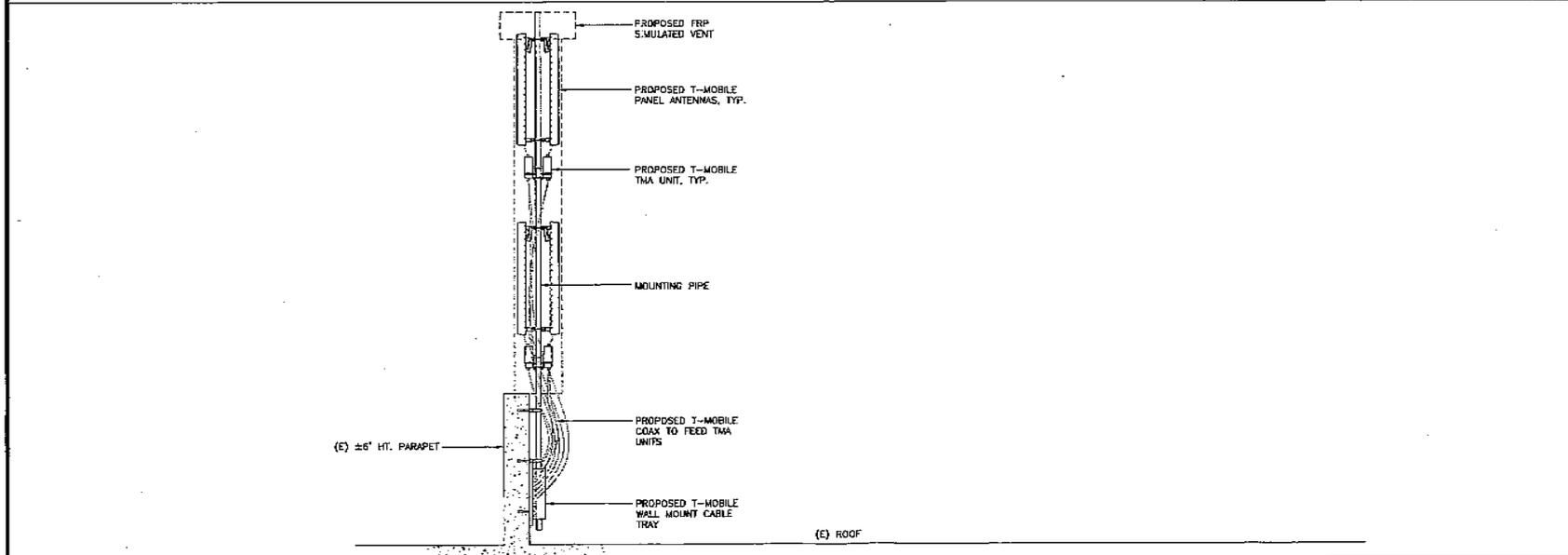
A-5



ENLARGED WEST ELEVATION

SCALE: 3/16"=1'-0"
0 2 4 6 8 10

1



SECTION AT ANTENNA MOUNT

SCALE: 1/2"=1'-0"
0 1 2 3 4

2

ATTACHMENT C
of 2



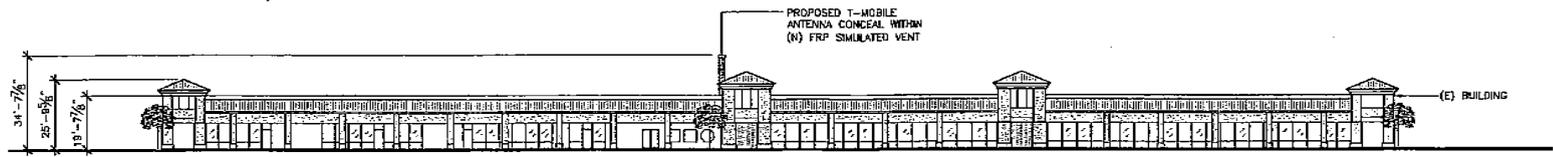
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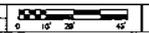
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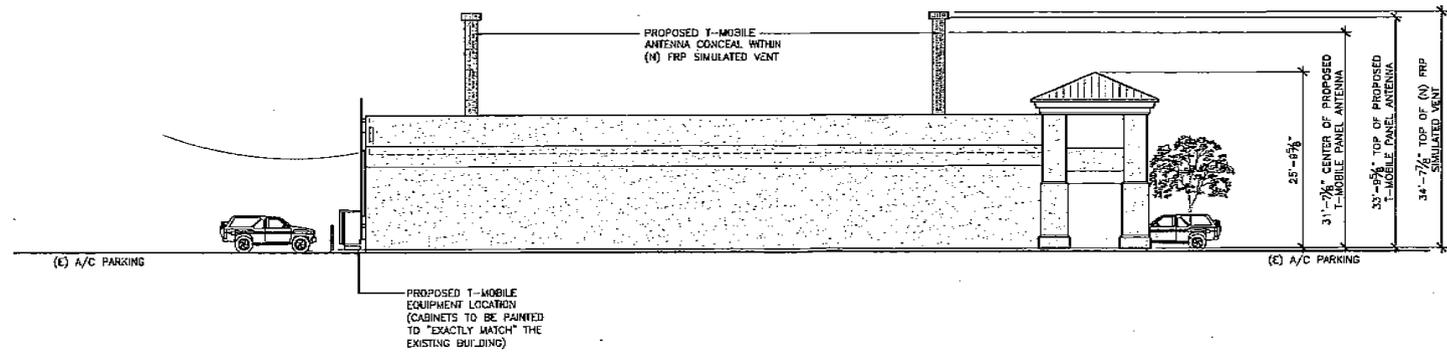
SHEET TITLE
OVERALL ELEVATIONS

SHEET NUMBER
A-6



OVERALL EAST ELEVATION

SCALE: 1/2"=1'-0"  1



OVERALL SOUTH ELEVATION

SCALE: 1/2"=1'-0"  2

ATTACHMENT C
of 8
7

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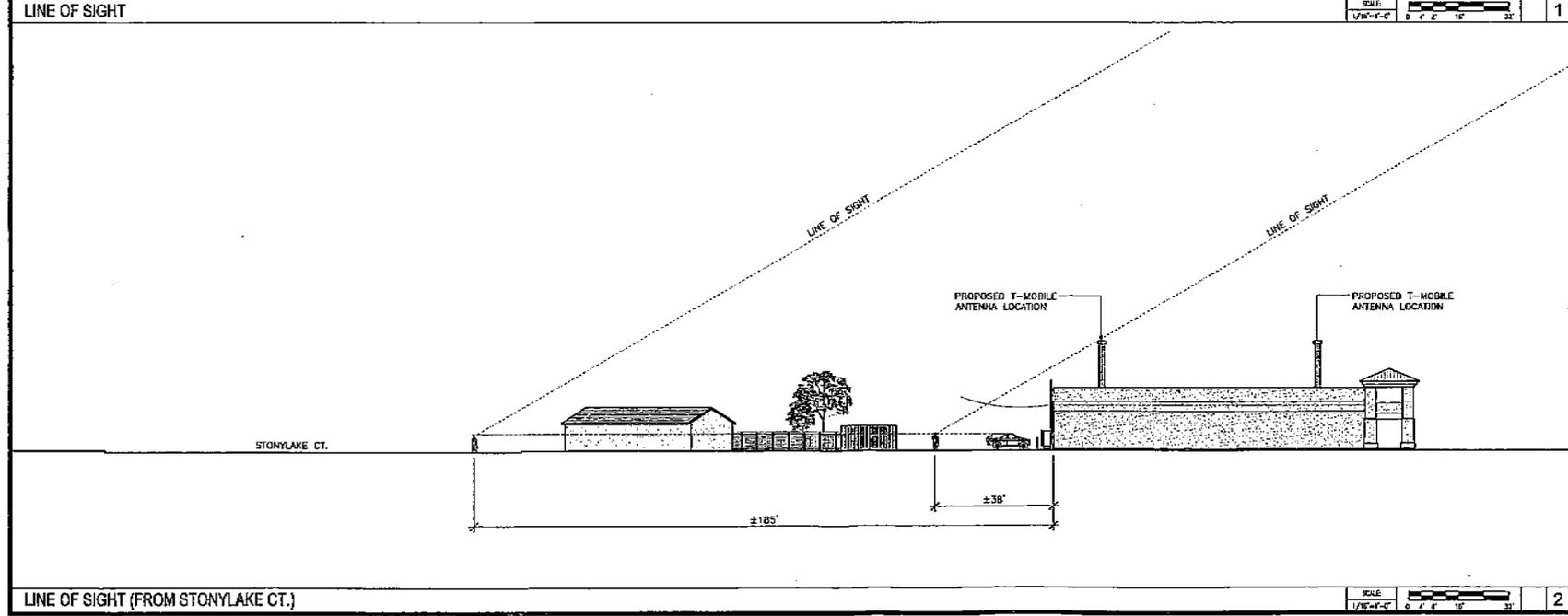
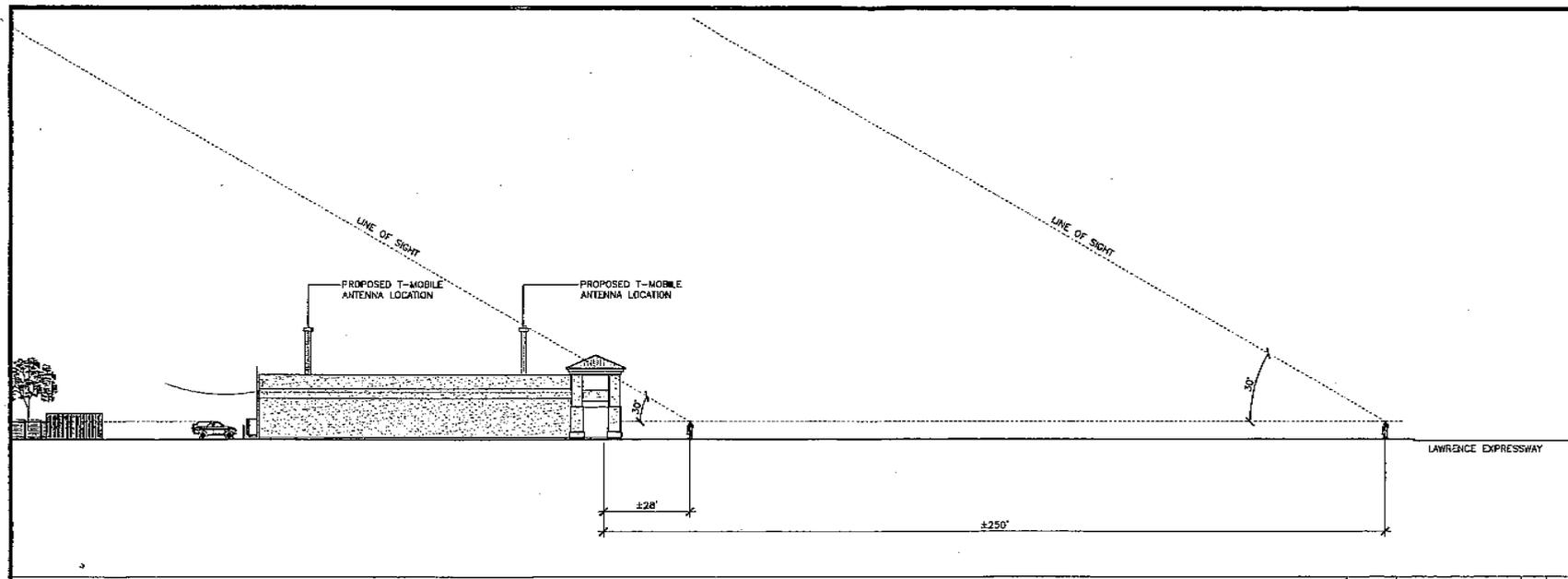
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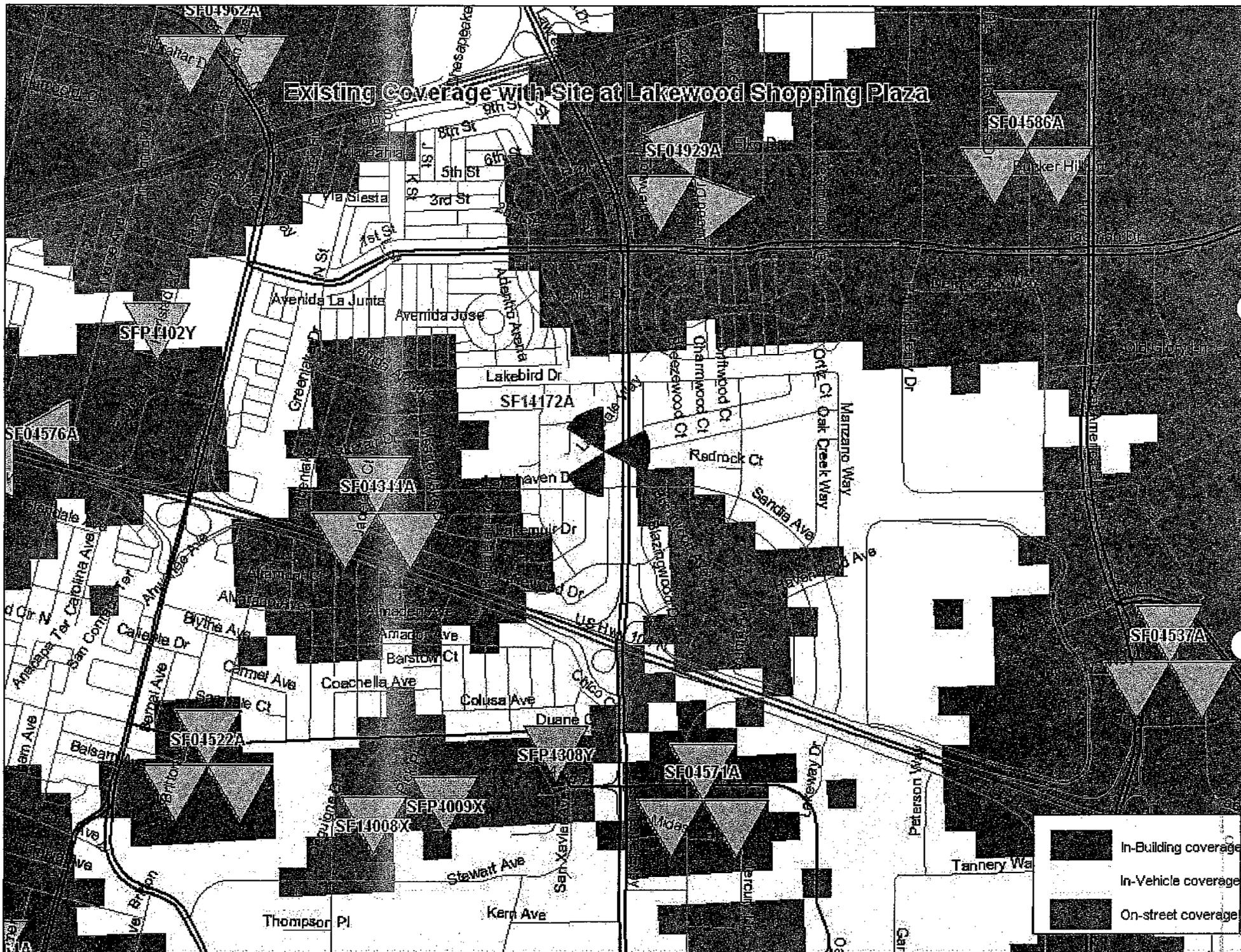
SHEET TITLE
LINE OF SIGHT ELEVATIONS

SHEET NUMBER
A-7



ATTACHED
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 2

Existing Coverage with Site at Lakewood Shopping Plaza



Shot Point Map



T-Mobile SF14172 Lawrence Expressway 1161 N. Lawrence Expwy
Sunnyvale, CA 94089

1

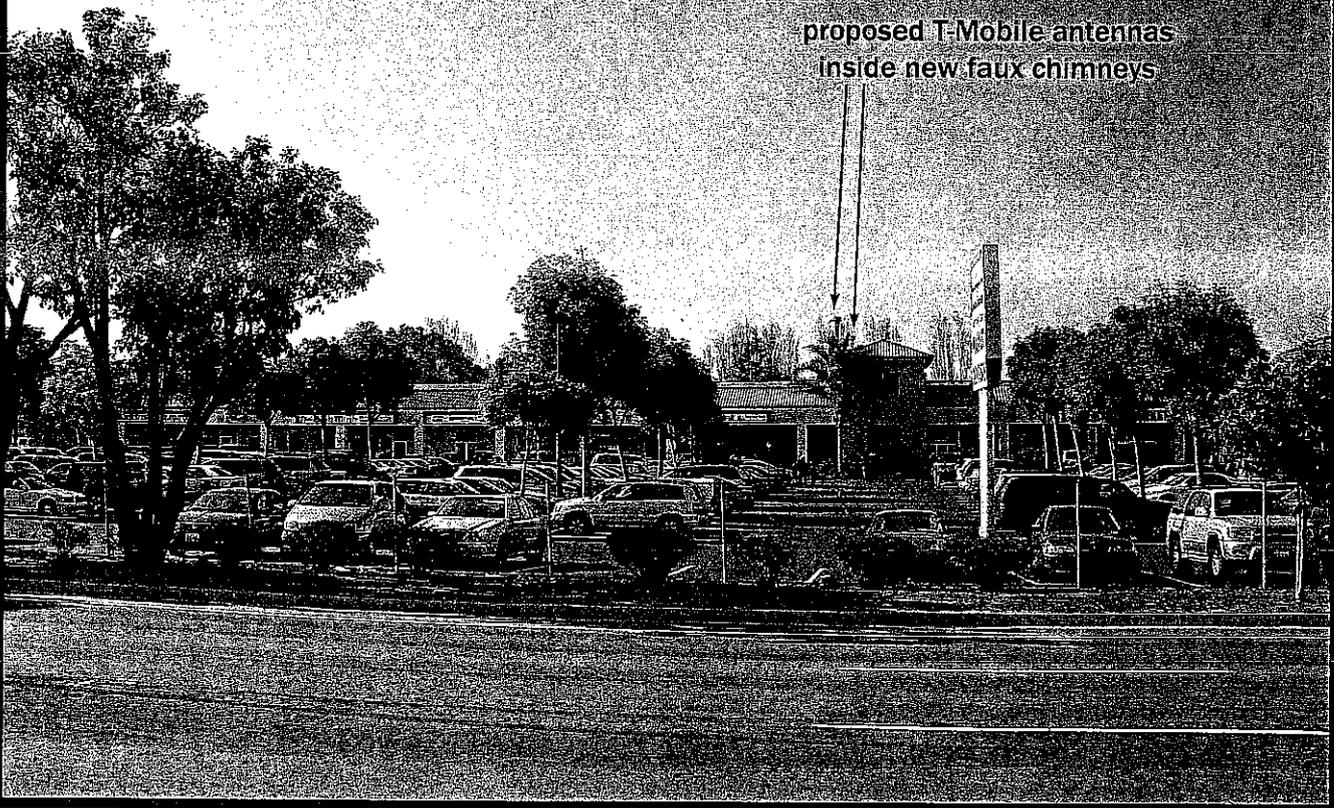
Photosimulation of the proposed telecommunication facility as seen looking west from Lawrence Expressway

Existing



T-Mobile ■ SF14172 Lawrence Expressway 1161 N. Lawrence Expwy
Sunnyvale, CA 94089

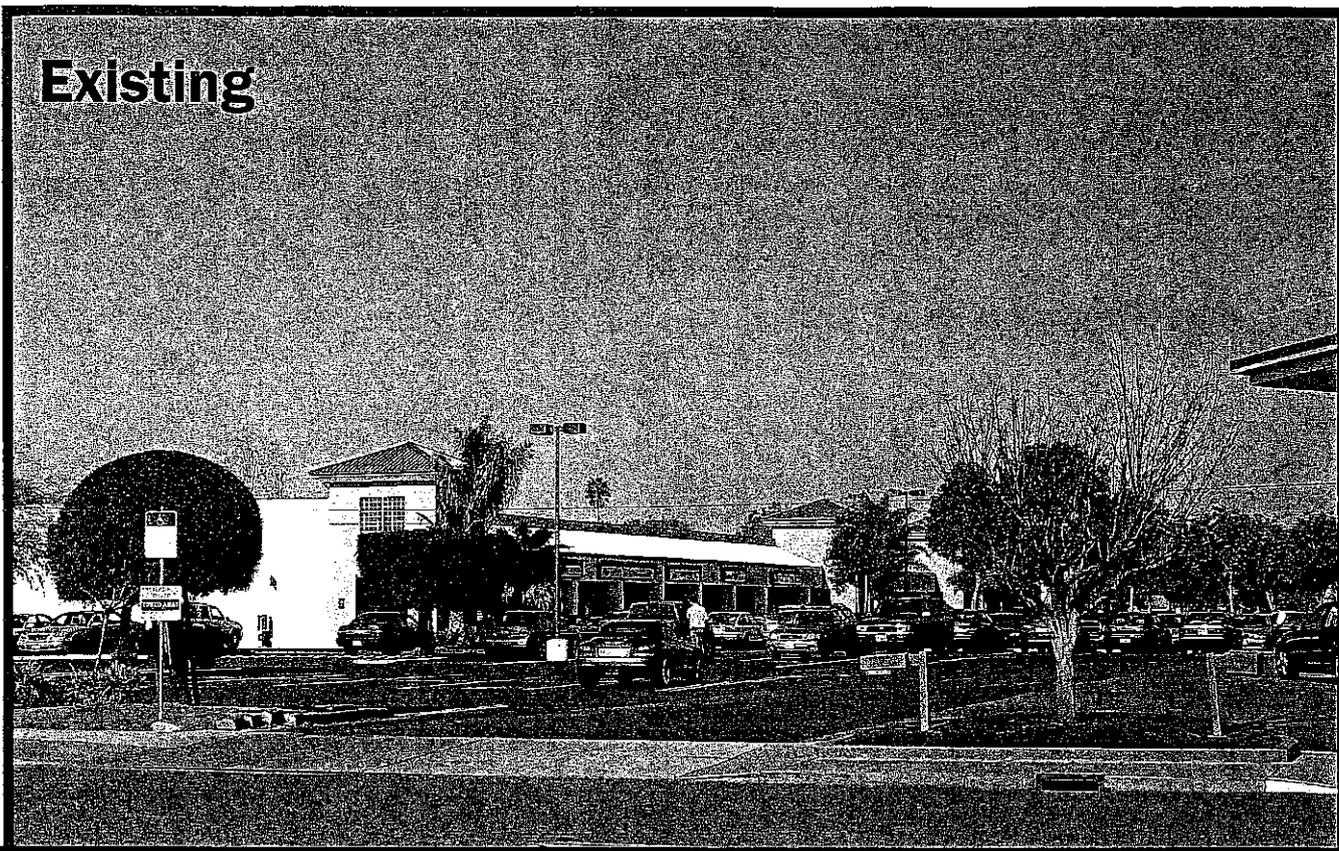
Proposed



2

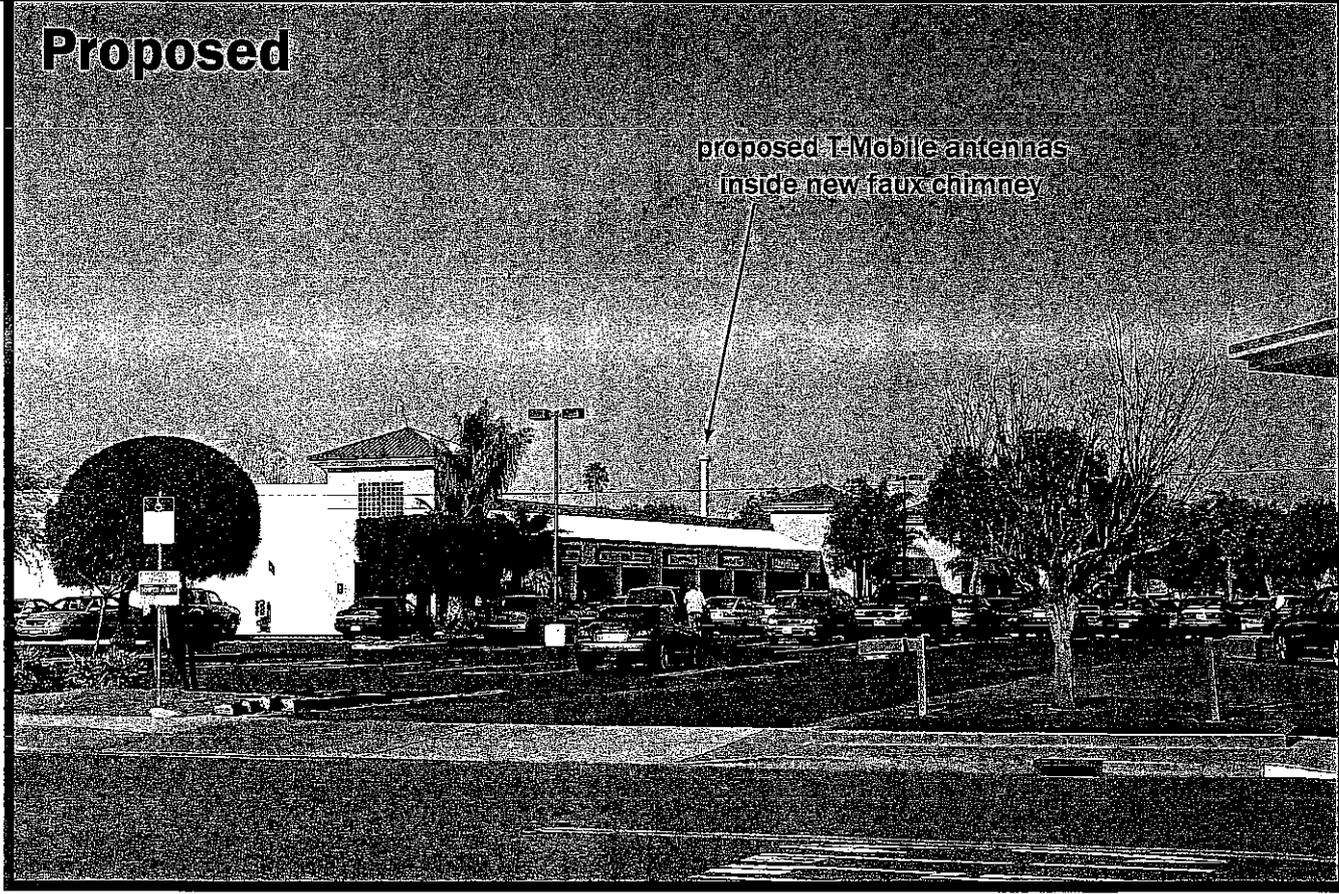
Photosimulation of the proposed telecommunication facility as seen looking north from Lakehaven Drive

Existing



T-Mobile SF14172 Lawrence Expressway 1161 N. Lawrence Expwy
Sunnyvale, CA 94089

Proposed



proposed T-Mobile antennas
inside new faux chimney

Photosimulation of the proposed telecommunication facility as seen looking east from Stoneylake Court

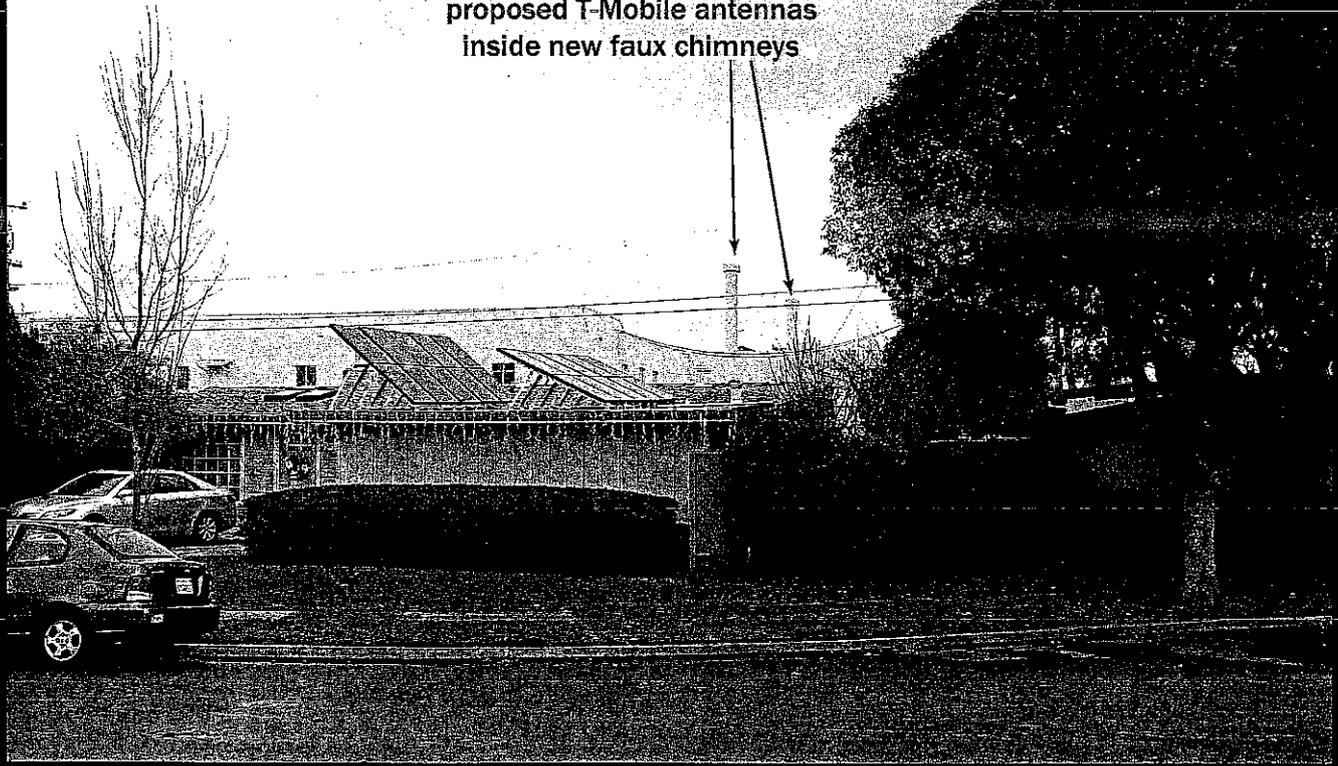
Existing



T-Mobile SF14172 Lawrence Expressway 1161 N. Lawrence Expwy
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Proposed

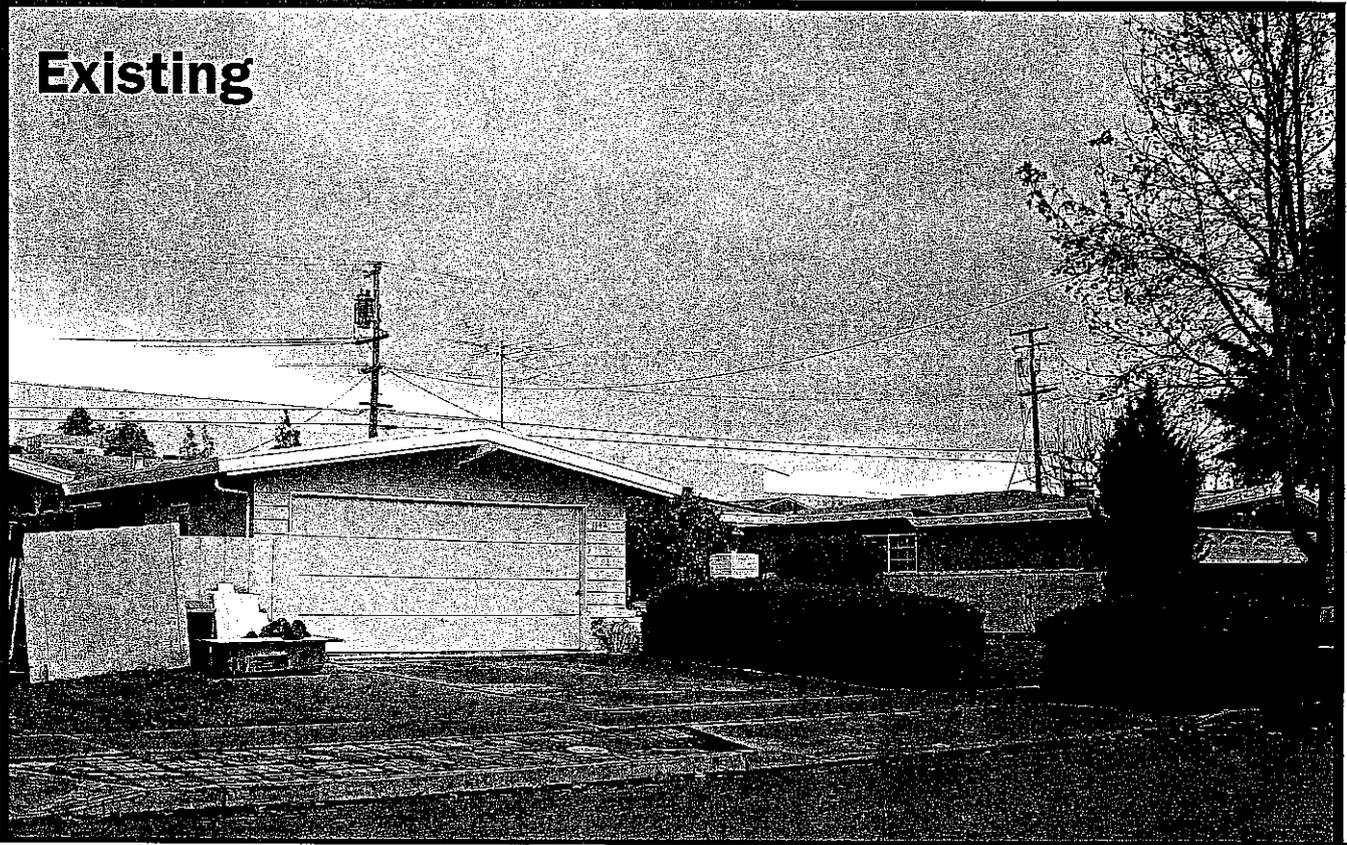
proposed T-Mobile antennas
inside new faux chimneys



4

Photosimulation of the proposed telecommunication facility as seen looking southeast from Stoneylake Court

Existing



T-Mobile ■ SF14172 Lawrence Expressway 1161 N. Lawrence Expwy
Sunnyvale, CA 94089

Proposed

proposed T-Mobile antennas
inside new faux chimneys

