



CITY OF SUNNYVALE REPORT ADMINISTRATIVE HEARING

June 24, 2009

File Number: 2009-0381

Permit Type: Special Development Permit

Location: 333 W. El Camino Real (near S. Mathilda Ave.) (209-29-068)

Applicant/Owner: Verizon Wireless / Sunnyvale Village Associates

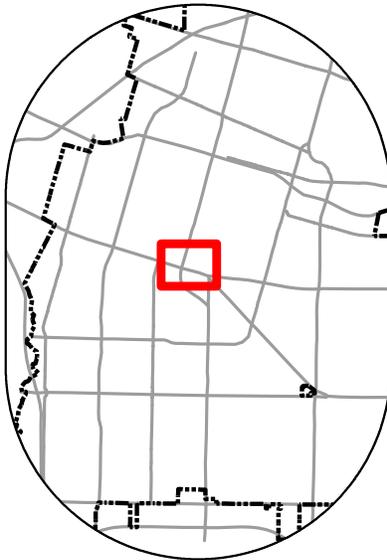
Staff Contact: Ryan Kuchenig, Associate Planner, (408) 730-7431

Project Description: To allow three additional panel antennas to an existing facility on an office building

Reason for Permit: A Special Development Permit is required for the modification to an existing facility that would enable additional antennas.

Issues: Aesthetics

Recommendation: Approve with Conditions



500

Feet

PROJECT DESCRIPTION

| | Existing | Proposed |
|---------------------------------------------|-----------------|-----------------|
| General Plan: | Office | Same |
| Zoning District: | O-ECR | Same |
| Lot Size | 88,862 | Same |
| Building Height | 55' | Same |
| Pole Height above existing building parapet | 14' 3" | Same |
| No. of Stories | 3 | Same |

Previous Planning Projects related to Subject Application: A total of three wireless facilities currently occupy the site (MetroPCS, Sprint and Verizon Wireless). The Verizon Wireless facility was originally approved in 1990. In 1998, additional panel antennas were approved for the site through an Administrative Hearing. Additional landscaping modifications and sign permits have been considered and permitted for the project site over the past several years.

Use Description & Site Layout: The proposed use is to allow three additional 4' antennas to an existing telecommunication facility (Verizon Wireless). The facility is positioned on top of existing three-story office building facing El Camino Real. Two poles which project approximately 14' above the existing parapet of the building lie on top of the building and have attached antennas. The proposed antennas will be placed on a separate pole of the same height, which had been previously permitted and constructed on the site. Antennas had never been placed on the pole; therefore, the previous permit has expired. The pole, where the antennas will be placed upon is approximately 110' from the property line facing El Camino Real and 80' away from the closest neighboring property to the west. (See Attachment B for more detail)

Design: The proposed 4' panel antennas are similar in design to existing antennas attached to the other poles that lie on the building. The existing panels are painted white. The current proposal is to match the same color of the facility. In an effort to reduce visibility and improve overall design, staff is requiring the facility (existing pole & antennas) along with new panel antennas to be repainted a color that can better match the design of the building on-site (Condition of Approval 1A).

Public Contact: 34 notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice.

Environmental Determination: A Categorical Exemption Class 1 (minor additions to existing facilities) relieves this project from CEQA provisions.

FINDINGS

In order to approve the Special Development Permit the following findings must be made:

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

Land Use and Transportation Sub-Element

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

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

Telecommunications Policy

Action Statement A.1.e: Support retention of local zoning authority for cellular towers, satellite dish antennas, and other telecommunications equipment, facilities and structures.

The Wireless Telecommunications Policy promotes retention of local zoning authority when reviewing telecommunications facilities. The zoning code requires that the location of telecommunication facilities be designed with sensitivity to the surrounding areas. The proposed facility is compliant with all wireless telecommunication development standards:

- *The project, in addition to existing facilities on-site, meets all FCC RF emissions standards.*
- *The facility will be repainted to better match the design building and reduce its current visibility.*
- *Associated equipment is not visible and is located within a basement enclosure in an existing parking garage.*

Staff was able to make the findings as the design meets the guidelines described above.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair the orderly development of, or the existing uses being made of, adjacent properties.

Staff finds the proposed antennas will have limited additional impact in comparison to the existing pole that is already positioned at the same

location. A previous approval of the facility enabled the site to contain the antennas that are being proposed. Although expired, staff finds improvements can be made as a result of the new proposal, and has recommended Conditions of Approval to this permit that reduces the overall visual impact to the existing facility.

ALTERNATIVES:

1. Approve the Special Development Permit with recommended Conditions in Attachment A.
2. Approve the Special Development Permit with modifications.
3. Deny the Special Development Permit.

RECOMMENDATION

Alternative 1. Approve the Special Development Permit with recommended Conditions in Attachment A.

Reviewed by:

Shaunn Mendrin

Senior Planner

Prepared By: Ryan Kuchenig, Associate Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Architectural Plans
- C. Project Description from the Applicant
- D. Photosimulations

Standard Requirements

The following is a list of standard requirements. This list is intended to assist the applicant and public in understanding basic related requirements, and is not intended as an exhaustive list. These requirements cannot be waived or modified.

- A. **Permit Expiration:** The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- B. **Permit Lapse if not Exercised (Ordinance 2895-09):** The Special Development Permit shall be valid for three (3) years from the date of approval by the final review authority (as adopted by City Council on April 21, 2009, RTC 09-094). Extensions of time may be considered, for a maximum of two one year extensions, if applied for and approved prior to the expiration of the permit approval. If the approval is not exercised within this time frame, the permit is null and void.
- C. **Building Permits:** Obtain Building Permits for interior improvements as required by the Building Safety Division.

Recommended Conditions of Approval

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:

1. GENERAL CONDITIONS

- A. The existing facility (poles & antennas) and proposed antennas shall be painted a color that better matches the design of the building. A final color and design shall be subject to review and approval by the Director of Community Development prior to approval of a Building permit.
- B. 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.
- C. 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 at staff level by the Director of Community Development.

- D. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- E. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Planning Commission.
- F. 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.
- G. 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:
 - 1. 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.
 - 2. Name, address and telephone number of a local contact person for emergencies.
 - 3. Type of service provided.
- H. The owner or operator shall maintain, at all times, a sign mounted on site showing the operator name, site number and emergency contact telephone number.
- I. The owner or operator of any facility shall obtain and maintain current at all times a business license as issued by the City.
- J. 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.

- K. 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.
- L. 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.
- M. 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. Pollutants mean 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.
- N. 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.
- O. 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.

- P. Each facility shall be operated in such a manner so as to minimize any possible disruption caused by noise. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB during daytime hours or 50 dB during nighttime hours as measured at the property line. Backup generators shall be allowed only during emergencies, 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.
- Q. All new signs shall be in conformance with Sunnyvale Municipal Code.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. The applicant shall test any wireless telecommunications site installed in the City of Sunnyvale within 15 days of operating the tower. The test shall confirm that any Emergency 911 wireless call made through the wireless telecommunications site shall provide Enhanced 911 capability (including phase 2 information when available from the caller's device) and direct the call to the City of Sunnyvale Department of Public Safety dispatcher, ensuring phase 2 information is transferred. If the call is to be directed elsewhere pursuant to State and Federal law the applicant shall ensure that the Enhanced 911 information transfers to that dispatch center. This capability shall be routinely tested to ensure compliance as long as the approved wireless telecommunications site is in service.

**APPLICANT PROJECT
SUPPORT STATEMENT**
LTE UPGRADE OF VERIZON WIRELESS SITE

SITE NAME: MATHILDA
ESTABLISHED: APPROXIMATELY 1990

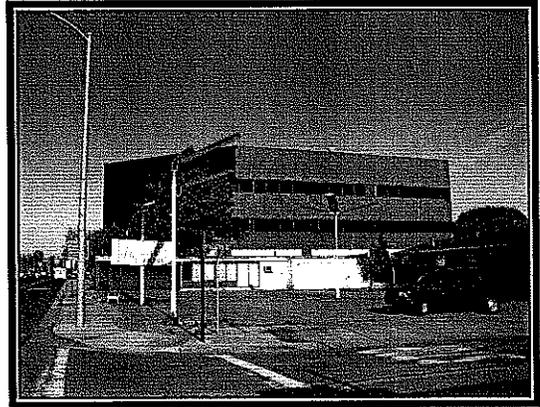
333 W EL CAMINO REAL, SUNNYVALE, CA 94087
APN: 209-29-068

What is LTE?

LTE (or Long Term Evolution) represents the latest in wireless technology. Verizon Wireless has made a commitment to bring this 4th generation service to the Bay Area. LTE will vastly increase data speeds for wireless handsets and computers. The data speeds offered by LTE will be on par with DSL and cable internet speeds. As such, smaller wireless "hot spots" or isolated WiFi networks will become obsolete, as the entire Bay Area Verizon network will provide customers unprecedented data speeds for personal and business uses. This network upgrade will also increase public safety by enabling users to access up to the minute news and traffic information.

This Project

The addition of LTE technology requires modification to each of Verizon's sites in the network. **This particular project entails merely adding new, similarly sized antennas to the existing antennas** to accomplish the objective of bringing high speed capabilities to Verizon users in the City of Oakland.



333 W El Camino Real, Sunnyvale

The Verizon communications facility at 333 W. El Camino Real currently consists of six (6) antennas on the office building's rooftop. The equipment cabinet for this facility is located in a basement enclosure within the underground parking garage. The antennas are connected to this equipment by coaxial cables that run inside conduits from the parking garage to the roof.

Verizon would like to add three (3) antennas to the rooftop to accommodate the LTE technology. The new antennas will be installed on an existing, empty antenna mount without any increase in antenna or structure height.

Compliance with City Development Standards

Established nearly twenty years ago, this wireless telecommunications facility has provided adjacent businesses and government offices with continuously reliable wireless communications service. This proposal seeks to improve that service by upgrading the antenna technology in the area. Per municipal code 19.54.040(b), this is a rooftop installation, as is the stated preference of the City of Sunnyvale.

When established in 1990, the facility utilized 14 foot tall antennas. In keeping with municipal code 19.54.120(a), today that antenna height has decreased to 4 feet. The current installation includes a vacant antenna mount. This proposal would balance the symmetry of the installation by ensuring the same number of antennas on each mount, thereby minimizing the overall visual impact. As a pre-existing facility, the antenna upgrade will not impair the orderly development of, or the existing uses being made of, adjacent properties.

Interference

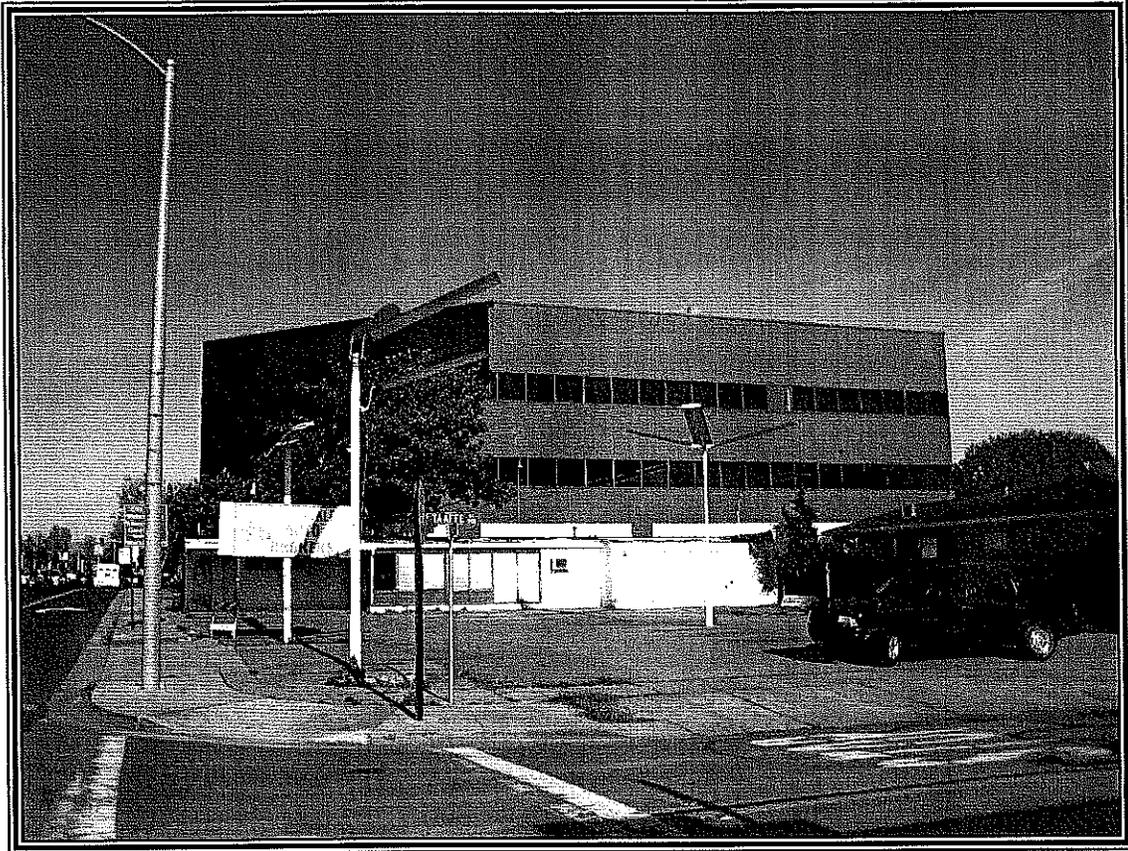
The project will not interfere with any TV, Radio, Telephone, Satellite, public safety communications or any other signals. Any interference would be against the Federal Law and would be a violation of Verizon's FCC License.

Notices of Actions Affecting this Development Permit

In accordance with California Government Code Section 65945(a), Verizon requests notice of any proposal to adopt or amend the: general plan, specific plan, zoning ordinance, ordinance(s) affecting building or grading permits that would in any manner affect this development permit. Any such notice may be sent to 2009 V Street, Sacramento, CA 95818.

Construction Schedule

The construction of the facility will be in compliance with all local rules and regulations. The typical duration is less than one month. The crew size will range from approximately 2 to 10 individuals.

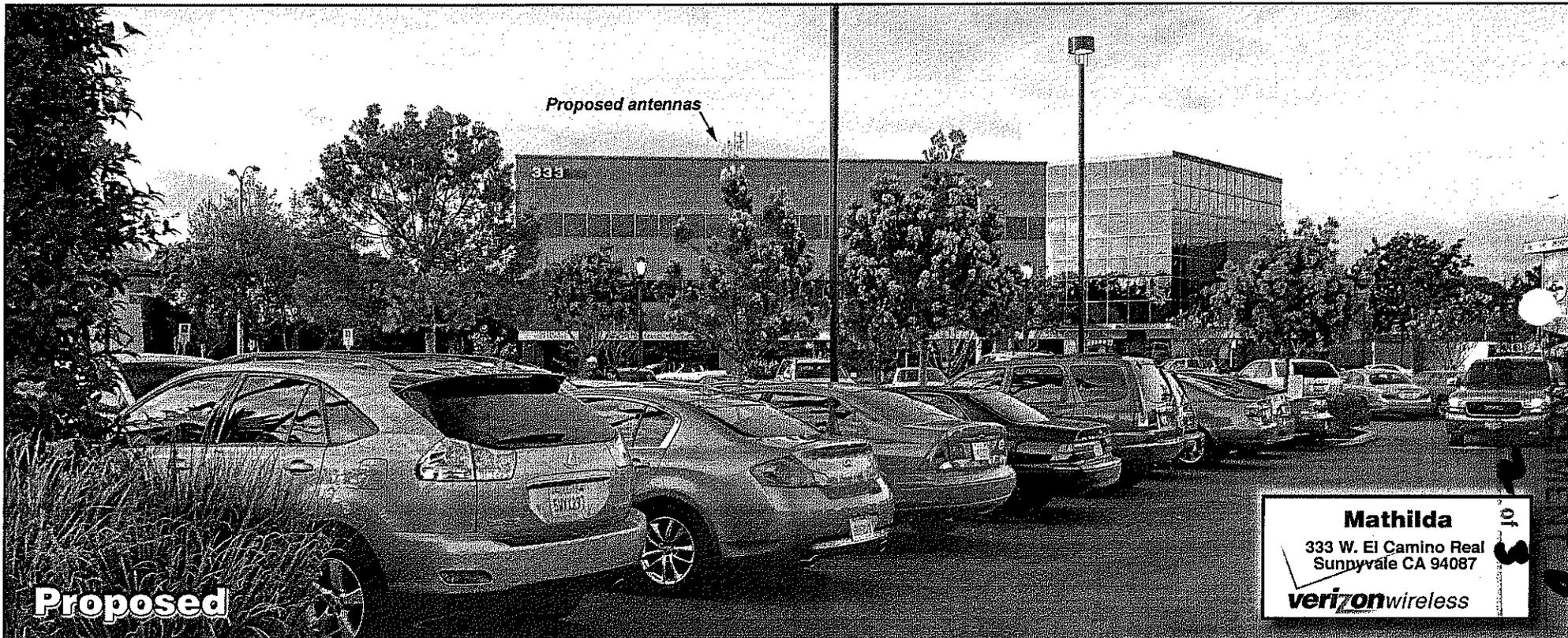
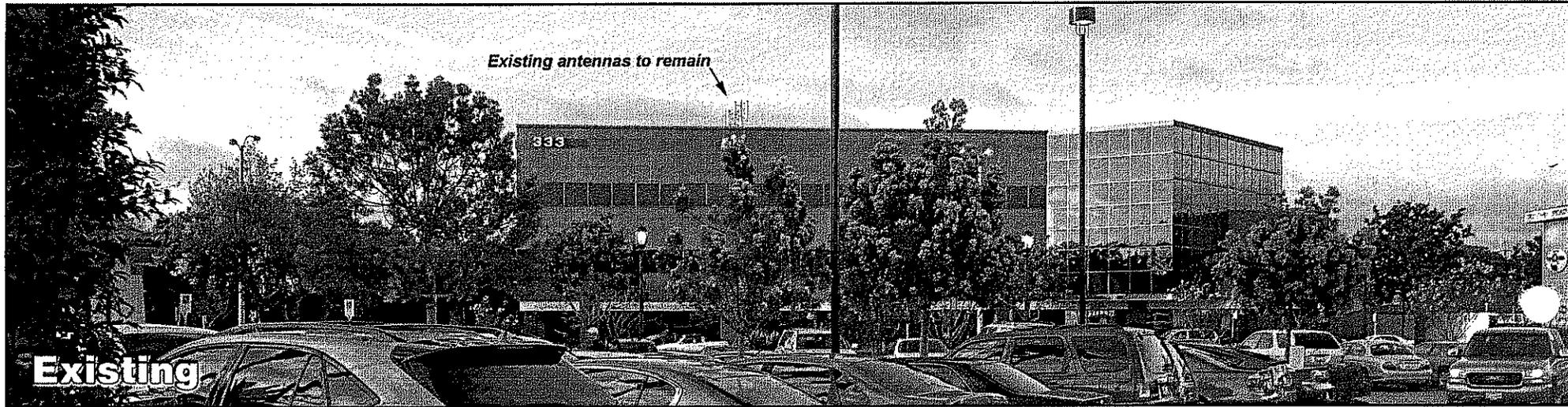


SITE VIEWS FROM W EL CAMINO REAL

Aerial photograph showing viewpoints for the photosimulations.



Photosimulation of view looking due north from across El Camino Real, in the Borders parking lot.



Photosimulation of view looking south along southbound Mathilda Ave.

