



CITY OF SUNNYVALE ADMINISTRATIVE HEARING

MINUTES
Wednesday, June 24, 2009

2009-0381: **Verizon Wireless** [Applicant], **Sunnyvale Village Associates** [Owner]. Application for a Special Development Permit to allow three additional panel antennas to an existing facility on an office building located at **333 W. El Camino Real** (APN: 209-29-068).

In attendance: Heather Jones and Stephen Smith, Applicants; Andrew Miner, Administrative Hearing Officer; Ryan Kuchenig, Project Planner; Luis Uribe, Staff Office Assistant.

Mr. Andrew Miner, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Mr. Miner announced the subject application.

Ryan Kuchenig, Project Planner, stated that 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 in the report for more detail)

Mr. Miner asked if there was a preferred color that the applicant would have to use to paint the equipment. Staff stated that the applicant will work with staff to come up with the best possible color.

Mr. Miner opened the public hearing.

Heather Jones, Applicant, received and reviewed the report and stated that Verizon Wireless is in the preparation stages of launching a new network which is requiring them to do upgrades to a lot of equipment around the area. Ms. Jones mentioned that she is working with the property owner to come up with a color scheme that they would both find suitable to be approved by staff. She also stated that they have no issues with the conditions except for the wording in condition M in regards to pollutants which includes the word electromagnetic waves. The applicant stated that Verizon Wireless felt that the word didn't apply and was asking to have them removed from the condition.

Mr. Miner asked if there will be any alterations to the current antennas, if so to describe those changes. The applicant stated that they will not be making any changes to the current antennas. Mr. Miner also inquired if there was access for a roll up generator, the

applicant was unsure. Mr. Miner mentioned that there are conditions that would need to be met if a generator was to be put out at that location due to the adjacent location of residential units. Mr. Miner asked if additional equipment will be added and the applicant stated that it is undetermined, as of now, if they will add minor things within the current cabinet or if an additional cabinet will be added, it will not be visible to the public. Mr. Miner also wanted to know why the applicant was requesting that condition M be changed. Ms. Jones stated that Verizon is concerned that it will set a precedent that they are branding it as a pollutant when it has never been stated as such. She also stated that it does not match the solid liquid gaseous irritant definition that was in the condition itself. Mr. Miner asked the applicant if they would be opposed to putting up samples of color options that are visible from the ground so that staff can get a better idea as to what option would fit best. The applicant was not opposed to that request.

Mr. Miner closed the public hearing.

Mr. Miner took the application under advisement until Thursday, June 25, 2009. After consulting with the City Attorney's Office, on that day the Administrative Hearing Officer approved the project subject to the findings and conditions of approval located in the staff report with the removal of condition M.

Mr. Miner stated that the decision is final unless appealed to the Planning Commission with payment of the appeal fee within the 15-day appeal period.

The meeting was adjourned at 2:19 p.m.

Minutes approved by:

Andrew Miner

Principal Planner