

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
JULY 27, 2015**

Planning Application **2015-7505**  
1210 Bordeaux Drive

**MAJOR MOFFETT PARK SPECIAL DEVELOPMENT PERMIT:** to allow a new 160-foot tall above grade level (AGL) monopole for public safety radio communications and future co-location space for private wireless telecommunications carriers. The top of the antennas on the proposed monopole would reach 175 feet tall AGL.

**VARIANCE:** to allow the proposed monopole to exceed the 125-foot height limit in the Moffett Park Transit-Oriented Development (MP-TOD) zoning district.

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

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 and Standard Development Requirements of this Permit:

**GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.**

**GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:**

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

GC-2.COMPLY WITH APPLICABLE REGULATIONS:

The 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. [SDR] [PLANNING]

GC-3.PERMIT EXPIRATION:

The 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 and is approved by the Director of Community Development. [SDR] (PLANNING)

GC-4.TESTING WITHIN 15 DAYS:

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. [SDR] [PLANNING]

GC-5.LIABILITY:

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 include any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, and waste. Waste includes materials to be recycled, reconditioned or reclaimed. [SDR] [PLANNING]

GC-6.NO THREAT TO PUBLIC HEALTH:

The subject facility and the combination of on-site facilities shall not 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 federal government. [SDR] [PLANNING]

**GC-7. CONFORMANCE WITH PREVIOUS PLANNING PERMIT:**

The subject site shall comply with all conditions of approval and requirements of planning application (2012-7854). [PLANNING] [COA]

**GC-8. COLOCATION OF ADDITIONAL FACILITIES:**

Approval has been granted to provide space for three future providers to colocate on the monopole, subject to the following conditions:

- a. This provision is valid for a period of three years from the date of approval by the final review authority. If the future providers do not exercise the provision to colocate on the monopole within this time frame, this provision shall be null and void and any proposals for colocation shall be subject to the processing requirements of the Sunnyvale Municipal Code at the time of submittal.
- b. Prior to installation of the future colocated facilities within the time frame specified above, each facility operator shall submit a Miscellaneous Plan Permit (MPP) application subject to review and approval by the Director of Community Development. In addition to standard MPP application requirements, the applicants shall submit the following:
  - i. A Radio Frequency Emissions Report certifying that the proposed colocated facility in addition to other colocated facilities will at all times comply with all applicable health requirements and standards pertaining to RF emissions;
  - ii. Interference with city communication systems is prohibited. All proposed facility applications shall include reports, as required by the Department of Public Safety, to evaluate for potential interference (HF, UHF, VHF, eight hundred mHz). The applicant shall be responsible for any costs incurred by the City, including the costs of retaining consultants, to review and analyze the reports;
  - iii. Updated project plans and photosimulations demonstrating the location and appearance of the proposed colocated facility;
  - iv. A written explanation indicating how the proposed colocated facility complies with the design requirements set forth in Condition of Approval PS-2 below. [COA] [PLANNING]

**PS: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO SUBMITTAL OF BUILDING PERMIT, AND/OR GRADING PERMIT.**

**PS-1. HEIGHT REDUCTION**

Condition GC-6, Mitigation Measure 4.1-1a of Planning Project no. 2012-7854 (Moffett Place) required an avigation easement to be

recorded on the subject property. The aviation easement limits the height of all structures (including trees) on the property to 150 feet above the Moffett Field runway elevation of 32 feet above mean sea level (AMSL). The elevation of the subject property is 11 feet AMSL, which is 21 feet lower than the Moffett Field runway elevation. Application of the easement's height limit would limit structures onsite to a total height of 171 feet above grade level (AGL). Therefore, the total height of the monopole (including antennas) shall be reduced by at least four feet so that no portion of the monopole and its associated antennas project above 171 feet AGL or 182 feet AMSL. [COA] [PLANNING]

**PS-2. EXTERIOR MATERIALS REVIEW:**

Final exterior building materials and color scheme are subject to review and approval by the Director of Community Development prior to submittal of a building permit. The applicant shall demonstrate that the monopole structure and associated antennas and arrays have matte, non-reflective exterior finishes. [COA] [PLANNING]

**BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).**

**BP-1. CONDITIONS OF APPROVAL:**

Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

**BP-2. RESPONSE TO CONDITIONS OF APPROVAL:**

A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

**BP-3. BLUEPRINT FOR A CLEAN BAY:**

The building permit plans shall include a "Blueprint for a Clean Bay" on one full sized sheet of the plans. [SDR] [PLANNING]

**BP-4. TREE PROTECTION PLAN:**

Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. The

tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:

- a) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- b) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

**BP-5. RF EMISSIONS STUDY:**

Prior to submittal of building permits, the applicant shall submit to the Director of Community Development a Radio Frequency (RF) Emission Study to demonstrate compliance with the FCC's maximum permissible exposure (MPE) limits. The study shall specify the MPE levels in the inhabited area where the levels produced are projected to be highest. If these calculated levels exceed eighty percent of the MPE limits, the applicant shall hire a qualified electrical engineer licensed by the state of California to measure exposure levels at the location after the facility is in operation. The facility shall not commence normal operations until it complies with, or has been modified to comply with this standard. Proof of compliance shall be a certification provided by the engineer who prepared the original report. [COA] [PLANING]

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| <b>DC: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.</b> |
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**DC-1. BLUEPRINT FOR A CLEAN BAY:**

The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]

**DC-2. TREE PROTECTION:**

All tree protection shall be maintained, as indicated in the tree protection plan, until construction has been completed and the installation of landscaping has begun. [COA] [PLANNING]

**DC-3. CLIMATE ACTION PLAN – OFF ROAD EQUIPMENT REQUIREMENT:**

OR 2.1: Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as

required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]), or less. Clear signage will be provided at all access points to remind construction workers of idling restrictions.

OR 2.2: Construction equipment must be maintained per manufacturer's specifications.

OR 2.3: Planning and Building staff will work with project applicants to limit GHG emissions from construction equipment by selecting one of the following measures, at a minimum, as appropriate to the construction project:

- a) Substitute electrified or hybrid equipment for diesel- and gasoline-powered equipment where practical.
- b) Use alternatively fueled construction equipment on-site, where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
- c) Avoid the use of on-site generators by connecting to grid electricity or utilizing solar-powered equipment.
- d) Limit heavy-duty equipment idling time to a period of 3 minutes or less, exceeding CARB regulation minimum requirements of 5 minutes.

[COA] [PLANNING]

DC-4. DUST CONTROL:

At all times, the Bay Area Air Quality Management District's CEQA Guidelines and "Basic Construction Mitigation Measures Recommended for All Proposed Projects," shall be implemented. [COA] [PLANNING]

**AT: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.**

AT-1. CERTIFICATION:

Before January 31 of each even numbered year following the issuance of this approval, an authorized representative for each wireless carrier providing service in the City of Sunnyvale shall provide written certification to the City executed under penalty of perjury that (i) each facility is being operated in accordance with the approved local and federal permits and includes test results that confirm the facility meets City noise requirements and federal RF emissions standards; (ii) each facility complies with the then-current general and design standards and is in compliance with the approved plans; (iii) whether

the facility is currently being used by the owner or operator; and (iv) the basic contact and site information supplied by the owner or operator is current. [SDR] [PLANNING]

**AT-2. 10 YEAR RENEWAL:**

The owner or operator of the wireless telecommunication facility shall renew the facility permit at least every ten (10) years from the date of initial approval. If a permit or other entitlement for use is not renewed, it shall automatically become null and void without notice or hearing ten (10) years after it is issued, or upon cessation of use for more than a year and a day, whichever comes first. Unless a new use permit or entitlement of use is issued, within one hundred twenty (120) days after a permit becomes null and void all improvements, including foundations and appurtenant ground wires, shall be removed from the property and the site restored to its original pre-installation condition within one hundred eighty (180) days of nonrenewal or abandonment. [SDR] [PLANNING]

**AT-3. MINIMIZE NOISE:**

The 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. [SDR] [PLANNING]

**AT-4. RF EMISSIONS:**

Certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF emissions. [SDR] [PLANNING]

**AT-5. MAINTAIN CURRENT INFORMATION:**

The owner or operator shall maintain, at all times, a sign mounted on the outside fence showing the operator name, site number and emergency contact telephone number. The owner or operator of the facility shall also submit and maintain current at all times basic contact and site information on a form to be supplied by the city. The 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:

- a) 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.

- b) Name, address and telephone number of a local contact person for emergencies.
- c) Type of service provided. [SDR] [PLANNING]

AT-6. GOOD REPAIR:

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. [SDR] [PLANNING]

AT-7. RESPONSIBILITY TO MAINTAIN:

The owner or operator of the facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance. [SDR] [PLANNING]