

RECOMMENDED FINDINGS

General Plan Goals and Policies that relate to this project are:

- **Policy LT-2** Require new development to be compatible with the neighborhood, adjacent land uses, and the transportation system.
- **Policy SN-1.6** Operate a response system that will provide effective control and investigation of hazardous materials emergencies.
- **Policy SN-1.7** Make planning decisions that establish and/or maintain a safe mix of aviation and land use for the areas affected by NASA Ames/Moffett Field.
- **Policy SN-2.2** Provide for the emergency management of the City in order to respond effectively and assure life and property safety in the event of a disaster.
- **Policy SN-2.5** Provide emergency radio or other communication devices for coordination of emergency response and the capability to communicate with outside agencies and community members.
- **Policy SN-2.7** Provide for the continuation of City government and services following a major disaster as quickly as possible.
- **Goal SN-3, Safe and Secure City** Ensure a safe and secure environment for people and property in the community by providing effective public safety response and prevention and education services.
- **Policy SN-3.1** Provide rapid and timely response to all emergencies.
- **Goal SN-5, Effective Fire Service Response System** Provide a fire service response system that will control the spread of fire in buildings and other properties and maintain minimal casualties and property loss from fire and other related emergencies.
- **Goal SN-6, Effective Emergency Response Capability** Provide effective response capability for emergency medical events and other non-fire incidents that may directly endanger the lives, property, and well-being of the community.
- **Goal SN-7, Effective Emergency Communication Services** Provide emergency communications services.
- **Policy SN-7.1** Provide emergency communications services 24 hours a day, 100 percent of the time.

Major Moffett Park Special Development Permit

In order to approve the Major Moffett Park Special Development Permit, the decision maker must be able to make all of the following findings:

1. The proposed use attains the objectives and purposes of the General Plan and Moffett Park Specific Plan. (*Finding met*)
The proposed facility, as conditioned, will be located within an established industrial district that is well-buffered from residential uses. The limited-visibility location away from major arterial streets is ideal for colocation of future wireless carriers, which has been incorporated in the project design, and will reduce the need to construct separate freestanding wireless telecommunications facilities in Moffett Park. The proposed monopole has

been designed to be minimally obtrusive with a slim profile, non-reflective finish, and antenna assemblies that do not project significantly from the pole structure. The monopole will service the Silicon Valley Regional Communications System (SVRCS), which will provide radio communications for the emergency responders of the combined Santa Clara County public safety organizations, as well as enhance intra-City communications. The monopole's height will ensure effective emergency response communications since the line of sight will not be obstructed by recently constructed, planned, and approved high-rise buildings in the Moffett Park Specific Plan district. The Federal Aviation Administration (FAA) has reviewed the project and determined that it does not exceed obstruction standards and would not be a hazard to air navigation.

2. The proposed use ensures that the site improvements, general appearance of proposed structures, and 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. (*Finding met*)

As conditioned, the proposed location complies with visual standards established by the City of Sunnyvale for telecommunications facilities. The proposed monopole project is consistent with the City's Bird-Safe Design Guidelines since it does not propose reflective materials, glass, or lighting. Moreover, the monopole is slender in nature and is not expected to obstruct movement of wildlife. The project's central location on the subject site sufficiently exceeds setback standards and is not anticipated to be visible from residential areas given its distance and cover from existing high-rise buildings. The project is required to meet all FCC radiofrequency (RF) emissions standards. Moreover, the height of the project is consistent with an aviation easement on the property, and the FAA has determined that the project will not exceed obstruction standards and would not be a hazard to air navigation.

Variance

In order to approve the Variance, the decision maker must be able to make all of the following findings:

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district. (*Finding met*)
The intent of the current height limit is to prevent high-rise buildings from visually dominating the skyline and obstructing views to the bay. The proposed project is a monopole, which is minimally obtrusive and does not have the mass and bulk of a typical high-rise building constructed in Moffett Park. The strict application of the height limit would prevent the monopole from providing effective emergency communications as it would not achieve the line of sight needed to project above established and planned high-rise buildings in Moffett Park. The project site is the location

of a public safety facility that requires ancillary structures for emergency communications. Line of sight to other communications structures in the City and greater region is obstructed on all sides by high-rise buildings that have been built, planned, approved, or under construction with an average height of 115 feet (ranging from 60 feet to 130 feet) in Moffett Park. This creates a unique circumstance in which a freestanding wireless telecommunications structure would need to be taller than the current height limit allowed with a Major Moffett Park Special Development Permit deviation in order to be effective.

2. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. (*Finding met*)
The Variance for increased height would benefit public welfare by improving the quality of service for emergency communications systems. The Variance will also not be materially detrimental to the public welfare or injurious to the property, improvements, or uses within the immediate vicinity and same zoning district as the monopole is significantly set back from other properties, is minimally visible from arterial streets in Moffett Park, is not expected to be visible from residential properties (due to distance and buffering by high-rise buildings), and has been designed to be minimally obtrusive with a slim profile with antenna assemblies that do not project significantly from the pole structure. Moreover, the monopole will also blend with other existing freestanding communications structures in Moffett Park - particularly within the Lockheed Martin Campus, where there are two existing structures that reach 110 feet tall. The FAA has conducted an aeronautical study of the monopole and revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation.
3. Upon granting of the variance the intent and purpose of the ordinance will still be served and the recipient of the variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. (*Finding met*)
The Variance for increased height would allow the project to achieve effective line of sight to other public service communications facilities in the City and greater region, which will enhance emergency preparedness, safety, and benefit the public welfare by ensuring effective emergency communications in routine and major events. The monopole is subject to the same design standards as other freestanding wireless communications systems in the City, and will not establish a special privilege enjoyed by other surrounding property owners. The monopole will be similar in height and design to the existing facility at the DPS headquarters and blends in with established taller structures in the Moffett Park Specific Plan district.