
**CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
FEBRUARY 7, 2018**

**Planning Application 2017-7973
for Planning Commission Review
April 23, 2018**

MISCELLANEOUS PLAN PERMIT to allow installation of a wireless telecommunications small cell network facility to a new pole that replaces an existing utility pole in the public right-of-way.

The project has been approved on February 7, 2018 with the following Conditions of Approval [COA] and Standard Development Requirements [SDR]. 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.

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 and Standard Development Requirements of this Permit:

1. **Project Conformance:** Project shall be in conformance with the approved plans.
2. **Encroachment Permit:** Obtain an encroachment permit from the Sunnyvale Department of Public Works.
3. **Design:** The new antennas will be placed inside a radome at the top of the pole and shall be painted to match the color of the pole.
4. **Cables:** The cables from the equipment cabinets to the antennas shall be kept in an orderly fashion.
5. **Pole Location:** The (N) replacement pole is to be installed in the same hole as the (E) existing pole that is to be removed if the (E) existing pole location meets the required 5' ADA clearance to the sidewalk. If the (E) existing pole location does not meet the 5' ADA clearance, then the (N) replacement pole shall be placed in a new hole as close to the (E) existing pole hole as feasible to meet the required 5' wide ADA clearance to the sidewalk.
6. **Undergrounding of Utilities:** During future redevelopment of the property, the wireless telecommunication facility would need to be removed, if future undergrounding of the pole is to be completed. Because, all utilities and communication services associated with new development, redevelopment, subdivision or change in use shall be placed underground. (Additional COA recommended to be included after Director approval of MPP with COA on February 7, 2018)

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. **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.
- B. **Permit Expiration:** The MPP for the use shall expire if the use is discontinued for a period of one year or more.
- C. **Permit Lapse if not Exercised:** The MPP shall be valid for one (1) year from the date of approval.
- D. **Building Permits:** Building Permits are not required for the project if the structural design and calculations are reviewed by a separate agency. Verify Building Permit requirements with the City of Sunnyvale Building Division.
- E. **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.
- F. **RF Emissions:** Submit an on-site Certificate of Compliance for RF with FCC Standards prior to final building permit.
- G. **Business License:** The owner or operator of the facility shall obtain and maintain current at all times a business license as issued by the city.
- H. **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:
 - i. 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.
 - ii. Name, address and telephone number of a local contact person for emergencies.
 - iii. Type of service provided.
- I. **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.

- J. **Minimize Noise:** The facility shall be operated in such a manner so as to minimize any possible disruption caused by noise and must comply with Sunnyvale Municipal Code Sections 19.54.050 and 19.42.030 pertaining to noise. Backup generators are not approved for this use.
- K. **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.
- L. **Hold Harmless:** 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. **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.
- N. **No Interference with City Communication Systems:** The facility operator shall be strictly liable for interference caused by the facility 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 Threat to Public Health:** The facility shall not 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, 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.
- P. **Two-Year Compliance Check:** Before January 31st of each even numbered year following the issuance of any permit authorizing establishment of a wireless telecommunication facility, 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: (1) 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 RF emissions requirements; (2) each facility complies with the then-current general and design standards and is in compliance with the approved plans; (3) whether the facility is currently being used by the owner or operator; and (4) the basic contact and site information supplied by the owner or operator is current.

- Q. **Renewal:** The facility must be renewed with the City of Sunnyvale every 10 years. The next permit renewal for this site will be due on February 7, 2028.