



City of Sunnyvale

Meeting Minutes - Draft Planning Commission

Monday, September 24, 2018

6:30 PM

Council Chambers and West Conference
Room, City Hall, 456 W. Olive Ave.,
Sunnyvale, CA 94086

Special Meeting - Study Session - 6:30 PM | Special Meeting - Public Hearing 7 PM

6:30 P.M. STUDY SESSION

Call to Order in the West Conference Room

Roll Call

Study Session

A. [18-0841](#)

Proposed Project:

PEERY PARK PLAN REVIEW PERMIT: to redevelop three industrial properties totaling 3.54 acres, demolish three existing commercial/office/R&D buildings (totaling 51,075 sq. ft.) and construct a new four-story office/R&D building totaling 123,000 square feet and 79% floor area ratio (FAR). The proposed project includes a new four-and-a-half level, above-ground parking structure.

Location: 275 N. Mathilda Avenue (APN's: 165-27-007; 165-27-008; 165-27-009)

File #: 2018-7432

Zoning: PPSP/IE

Applicant / Owner: Irvine Company (applicant and owner)

Project Planner: Margaret Netto, (408) 730-7628,
mnetto@sunnyvale.ca.gov

Public Comment on Study Session Agenda Items

Adjourn Study Session

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Chair Howard called the meeting to order at 7:00 PM in the Council Chambers.

SALUTE TO THE FLAG

Chair Howard led the salute to the flag.

ROLL CALL

Present: 5 - Commissioner Carol Weiss
Chair Daniel Howard
Commissioner Ken Olevson
Vice Chair David Simons
Commissioner Sue Harrison
Absent: 2 - Commissioner John Howe
Commissioner Ken Rheume

Status of absence; Commissioner Rheume's absence is excused.

Status of absence; Commissioner Howe's absence is excused.

ORAL COMMUNICATIONS

CONSENT CALENDAR

Commissioner Harrison moved and Vice Chair Simons seconded the motion to approve the Consent Calendar. The motion carried by the following vote:

Yes: 3 - Chair Howard
Vice Chair Simons
Commissioner Harrison

No: 0

Absent: 2 - Commissioner Howe
Commissioner Rheume

Abstained: 2 - Commissioner Weiss
Commissioner Olevson

1. A [18-0833](#) Approve Planning Commission Meeting Minutes of September 10, 2018

PUBLIC HEARINGS/GENERAL BUSINESS

2. [18-0823](#) **Proposed Project:** Appeal of a decision by the Director of Community Development to approve a Miscellaneous Plan Permit (MPP) for a

Verizon wireless telecom facility on an existing PG&E utility pole in the right-of-way of Cascade Drive near 1401 Kitimat Place.

Location: PG& E utility pole in the right of way of Cascade Drive near 1401 Kitimat Place

File #: 2018-7316

Zoning: R-1

Applicant: Verizon Wireless C/O The CBR Group

Appellant: Sonya and Michael Lee, property owners of 1402 Kelowna Court.

Environmental Review: Class 3 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions that includes installation of small new equipment and facilities in small structures (CEQA Guidelines Section 15303).

Project Planner: Teresa Zarrin, (408) 730-7429, tzarrin@sunnyvale.ca.gov

Associate Planner Teresa Zarrin presented the staff report.

Commissioner Weiss asked staff about the potential for other cell phone carriers to place equipment on utility poles. Assistant Director Andrew Miner stated that carriers have the authority to use the public right-of-way and that the City's purview is limited to the Design Criteria. Commissioner Weiss asked about the possibility of multiple carriers using the same utility pole. Assistant Director Miner stated an opinion that it would be unlikely due to utility pole constraints and the City's pole height requirement.

Commissioner Weiss asked staff about undergrounding utilities. Assistant Director Miner advised that an encroachment permit is required for undergrounding in the right-of-way and that the City is examining vaulting standards to determine the feasibility of undergrounding.

Chair Howard opened the Public Hearing.

Sonya Lee and Michael Lee, appellants, presented images and information about the proposed project.

Mark Peters, representing the CBR Group and Verizon Wireless (Verizon), presented images and information about the proposed project.

Rajat Mathur, representing Hammett and Edison, presented information about the proposed project.

Chair Howard asked the applicant how radiofrequency (RF) emissions for a wireless telecommunications facility compare to RF emissions for home devices such as a microwave oven or Wi-Fi router. Mr. Mathur provided details about these RF emissions relative to the Federal Communications Commission's (FCC) public limit and noted that a cell phone has the maximum potential for RF exposure.

Assistant Director Miner commented that previously proposed projects for wireless telecommunication facilities were modified to remove the battery backup, stack the units and install a shield at the top and advised that the Planning Commission could make this same request.

Vice Chair Simons confirmed with Mr. Peters that they can modify the project to a slimline design. Vice Chair Simons confirmed with Mr. Peters that the equipment boxes will be painted dark brown.

Commissioner Weiss commented on the 26 locations proposed by Verizon for the installation of wireless telecommunication facilities and asked the applicant about potential ill will generated towards Verizon. Mr. Peters stated that this is the third appeal out of 17 approvals and that Verizon works closely with staff to meet the needs of residents and comply with City standards.

Commissioner Weiss asked if Verizon can underground their equipment. Mr. Peters stated that certain equipment must stay on the pole and that there is often not sufficient underground space or a conflict with existing utilities. Mr. Peters provided information about different operational issues, such as flooding or conformance with the City's noise ordinance. Mr. Peters noted that Verizon's goal is to use existing infrastructure in the right-of-way. Commissioner Weiss noted that Verizon provides service in her neighborhood without wireless telecommunication facilities. Mr. Peters provided information about network capacity challenges due to the increased use of mobile devices.

Commissioner Harrison asked the applicant about their rationale in not choosing the comparable alternative location. Mr. Peters advised that the selected site has the most tree screening whereas the two alternative locations have less or no screening and are further out from the search radius. Commissioner Harrison stated that the presence of trees to provide visual screening is part of the City's Design Criteria and commented that the selected location best meets the criteria.

Chair Howard asked the applicant if City light poles would be a less favorable option

due to the limited availability of network infrastructure. Mr. Peters explained that City light poles cover a smaller area due to their height, that there is a cost to implement fiber and that not all Cities will sublet power so Verizon must sometimes implement ground cabinets.

Anjaneya Modak, Sunnyvale resident, asked if one City light pole can be co-opted while the City pursues a Master License Agreement (MLA) and commented that the impact to neighborhoods should be minimized.

Tom Chernesky, Sunnyvale resident, stated an opinion that the equipment would be an eyesore, that alternative locations exist and that the City's first consideration should be for the residents.

Jay Feldman, Sunnyvale resident, commented on the negative impact of the proposed project and the availability of nearby City light poles. Mr. Feldman stated an opinion that undergrounding issues can be solved and that they plan to discontinue service with Verizon if the equipment is installed.

Ms. Lee and Mr. Lee presented additional information about the proposed project.

Mr. Peters presented additional information about the proposed project.

Commissioner Weiss asked the applicant about the frequency of installing equipment upgrades as they become available. Mr. Peters stated that Verizon is always moving towards more energy efficient, smaller units and that they would not wait for the renewal of the permit to update the equipment.

Commissioner Weiss asked the applicant about Verizon installing their own poles. Mr. Peters stated that this is not a commonly utilized solution because there is usually significantly more objection to the installation of new poles rather than using existing infrastructure. Commissioner Weiss confirmed with Mr. Peters that the CBR group has not implemented any new poles on Verizon's behalf.

Chair Howard asked the applicant about the equipment's life span. Mr. Peters provided information about the timing of upgrades and stated that the overall life span is ten years. Chair Howard discussed carrier frequencies and infrastructure with Mr. Peters.

Chair Howard closed the Public Hearing.

Commissioner Harrison commented on the primary view as mentioned in the Design Criteria. Assistant Director Miner advised that the primary view is generally obvious and that a garage would not be considered a primary view. Assistant Director Miner noted that the impact of the proposed project diminishes with distance and that the selected location has trees for screening.

Commissioner Harrison asked staff if there was any circumstance where a City light pole could be used without a MLA. Assistant City Attorney Melissa Tronquet advised that this is a City policy issue and provided information about the history of light poles in the City. Assistant Director Miner explained the difficulties in using City light poles for wireless telecommunication facilities. Commissioner Harrison asked staff if this application meets the Design Criteria. Assistant Director Miner stated that the Planning Commission must decide if the application meets the Design Criteria and commented that staff is working to update the Design Criteria. Commissioner Harrison confirmed language pertaining to the slimline design with Assistant Director Miner.

MOTION: Vice Chair Simons moved and Commissioner Olevson seconded the motion for Alternative 2 – Deny the appeal and affirm the Director of Community Development's determination to approve the MPP, subject to modified Conditions of Approval –

1. Two cabinets will be installed, without a battery backup, and the associated equipment will be mounted vertically and as snug as possible to the utility pole, with a shield on top to minimize the visual impact.
2. The equipment cabinets will be painted a dark brown color, as described by the applicant.

Vice Chair Simons noted his appreciation for the appellant's question about alternative locations but stated that most of the alternative locations are not currently feasible. Vice Chair Simons stated that the Planning Commission's purview is limited to aesthetics and that this location is the best option. Vice Chair Simons commented that in regards to health concerns a cell phone emits more RF emissions than a cell phone tower. Vice Chair Simons commented on the change in the City's infrastructure from large cell phone towers to microcells and the resulting conflict with neighborhoods.

Commissioner Olevson stated that the City has little to no ability to reject these

applications since the FCC establishes the limits for public health. Commissioner Olevson noted that information available via the internet is not always peer reviewed. Commissioner Olevson commented that the state of California has preempted the location of the wireless telecommunication facilities and so the Planning Commission's decision is based solely on the Design Criteria. Commissioner Olevson stated that the potential use of City light poles is a policy decision that will be made by the City Council. Commissioner Olevson stated that the Planning Commission can only uphold the laws and encouraged anyone looking for policy change to contact the City Council. Commissioner Olevson stated a belief that the applicant has selected the best location and that he will be supporting the motion.

Commissioner Weiss complimented the appellant for their efforts and for organizing the community. Commissioner Weiss suggested to the appellant to make a request to the City Council that the Design Criteria be updated and to move forward with the MLA. Commissioner Weiss stated an opinion that Verizon did not make a good faith effort to find the optimum location for the proposed project but noted that the Planning Commission is legally constrained by the FCC and the Design Criteria. Commissioner Weiss stated that she will unwillingly be supporting the motion.

Chair Howard commented that he has a utility pole in his front yard but that the adjacent tree provides adequate screening and that equipment placed on the pole would not be an imposition. Chair Howard noted that the RF emission from microcells is not his primary safety concern for his children. Chair Howard stated that the Planning Commission's authority cannot go beyond the aesthetics set by the Design Criteria. Chair Howard thanked the appellant and members of the public for their efforts and engaging in the public process.

The motion carried by the following vote:

Yes: 5 - Commissioner Weiss
Chair Howard
Commissioner Olevson
Vice Chair Simons
Commissioner Harrison

No: 0

Absent: 2 - Commissioner Howe
Commissioner Rheume

Assistant Director Miner stated that this decision is final.

Assistant Director Miner commented that staff is working on updating the Design Criteria for wireless telecommunication facilities and hopes to have this item ready for a public hearing by the end of 2018.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

Vice Chair Simons suggested to staff that wiring be undergrounded for City light poles to improve the aesthetics, should the potential MLA be approved. Assistant Director Miner stated that he will pass this recommendation along.

Commissioner Harrison commented that the waiting time for engineering to process underground electrical service is approximately eight months but can be up to three years and costs between seven and eight thousand dollars. Commissioner Harrison stated that an upgrade in PG&E service can be approved in about six weeks.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

-Staff Comments

Assistant Director Miner stated that the Planning Commission meeting of October 22, 2018 will be the last opportunity to suggest study issues for 2019. Assistant Director Miner advised that the proposed project at 311 S. Mathilda Avenue was approved by the City Council. Assistant Director Miner commented that the Civic Center Modernization Project and the appeal for 1441 Norman Drive will be heard by the City Council on September 25, 2018.

ADJOURNMENT

Chair Howard adjourned the meeting at 8:38 PM.