



22 November, 2019

Project: DR #2019-7756
Address: In the right of way of Richelieu Place near 574 Fort Laramie Dr.
Description: Install a Verizon Wireless telecommunications facility on a 44' 11" high replacement PG&E utility pole in the right of way. Project includes a 2' antenna on top and associated ground equipment in the right of way 36 ft. north of the pole.

Dear Allison,

The Department of Community Development has reviewed your application for a Design Review (DR) to install a Verizon Wireless telecommunications facility on a 44' 11" high replacement PG&E utility pole in the right of way. Project includes a 2' antenna on top and associated ground equipment in the right of way 36 ft. north of the pole.

The Design Review has been approved, subject to the following Conditions of Approval and Standard Requirements:

PLANNING DIVISION

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 of this Permit:

1. **Project Conformance:** Project shall be in conformance with the approved plans.
2. **Conditions of Approval on Plans:** The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
3. **Photosimulation:** All Building Plans shall be consistent with the approved photosimulations. In the case of an inconsistency between the plans and photosimulations, the photosimulations shall supersede the approved plans.
4. **Graffiti:** Regularly inspect the site for the presence of graffiti. If is graffiti present, repaint the entire box instead of only the graffitied area.
5. **No New Overhead Lines:** There are no new overhead lines approved in this application.

6. **Cables:** The cables from the equipment cabinets to the antennas shall be kept in an orderly fashion.
7. **Equipment Removal:** Remove the equipment and screen if it is no longer in use.

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:** Obtain Building Permits.
- E. **Paint:** The antenna shall be painted or textured using colors to match or blend with the replacement pole. The ground equipment shall be painted medium brown or a color to blend with the surroundings of the right-of-way.
- F. **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.
- G. **RF Emissions:**
 - Non Right-of-Way Applications** - Prior to final building permit, certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF emissions.
 - Right-of-Way Applications** - Within 30 days of the site becoming operational, provide actual RF readings of the small cell site when the facility is running at full power showing that the RF emissions are compliant with the FCC Maximum Permissible Exposure (MPE) Limits. The readings should include:
 - both ground-level and two-story heights

- horizontal distances at from the pole/antenna in each of the three sectors at the focal point (or most intense point) at 0 ft., 5 ft., 10ft., 20 ft., and 50 ft. and/or any other appropriate distance.
- H. **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.
- I. **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.
- J. **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.
- K. **Minimize Noise:** The facility shall be operated in such a manner so as to minimize any possible disruption caused by noise. The project must comply with the applicable Sunnyvale Municipal Code Noise Ordinances. Backup generators are not approved for in this application.
- L. **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.
- M. **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.

- N. **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.
- O. **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.
- P. **No Threat to Public Health:** The facility shall not be sited or operated in such a manner that is 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.
- 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 November 22, 2029.

PUBLIC WORKS DEPARTMENT

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

GC-1. PUBLIC IMPROVEMENTS:

The developer is required to install, per Sunnyvale Municipal Code Sections 18.08, all public improvements, which may include but not be limited to, curb & gutter, sidewalk, street pavement.

All public improvements shall be designed and constructed in accordance with current City design standards, standard details and specifications, and Americans with Disabilities Act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works.

The developer is required to complete the installation of all public improvements and other improvements deemed necessary. [COA] [PUBLIC WORKS]

GC-2. OFF-SITE IMPROVEMENT PLANS:

Submit off-site improvement plans as the off-site improvement plans are approved through a Public Works Encroachment Permit process. Plans are subject to change during the plan check process. [SDR] [PUBLIC WORKS]

GC-3. ENCROACHMENT PERMIT:

Prior to any work in the public right-of-way, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Department of Public Works. [COA] [PUBLIC WORKS]

BUILDING PERMIT OR GRADING PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).

BP-1 CONSTRUCTION MATERIAL AND STAGING:

All construction related materials, equipment, and construction parking need to be managed in such a manner to ensure pedestrian and vehicle safety. [COA] [PUBLIC WORKS]

EP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED AS PART OF AN ENCROACHMENT PERMIT APPLICATION.

EP-1. COMPLETE OFF-SITE IMPROVEMENT PLAN SET:

A complete plan check set applicable to the project, which may include street improvement plans, traffic control plans and checklist and off-site engineering cost estimate shall be submitted as part of the first off-site improvement plans. Plan set dated 10/28/19 is subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-2. STREETSCAPE IMPROVEMENTS:

Along project frontage on Richelieu Place, remove and replace existing concrete curb, 2' gutter and sidewalk from joint to joint and install new concrete curb, 2' gutter and sidewalk with dowels per City standard details. [SDR] [PUBLIC WORKS]

EP-3. POLE LOCATION: The replacement pole is to be installed in the same hole as the existing pole that is to be removed if the existing pole location meets the required 5' ADA clearance to the sidewalk.

- EP-4: CABINET LOCATION: The new cabinet is to be placed close to the right-of-way to ensure a 6' wide sidewalk (6" curb not included) can be installed in the future. The installation of bollards is not permitted at this site.
- EP-5: CONDUIT LOCATION: Install underground conduit 1' of existing lip of gutter or as determined by DPW Inspector.
- EP-6. TRAFFIC CONTROL PLAN:
Submit a traffic control plan with the off-site improvement plans for review and approval. Per the City's Temporary Traffic Control Checklist, the traffic control plan shall include a summary of the traffic control types, dates, times and blocks affected. All construction related materials, equipment and vehicles are to be kept free and clear of pedestrian and vehicles path of travel. [COA] [PUBLIC WORKS]
- EP-7. SLURRY SEAL:
Developer shall be responsible to install Type II slurry seal on Richelieu Place, from lip of gutter to center of roadway commencing 10' south of joint pole to 10' north of new cabinet. Plan set dated 10/28/19 is subject to change during plan check process
[COA] [PUBLIC WORKS]
- EP-8. PROTECTION OF EXISTING TREES:
No utility trench shall be allowed within 15' radius of an existing mature tree. Boring, air spade or other excavation method as approved by the City Arborist shall be considered to protect existing mature tree. Consult with the City Arborist prior to trenching near tree roots. [SDR] [PUBLIC WORKS]
- EP-9. DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:
Developer shall be responsible to rectify any damage to the existing public improvements fronting and adjacent to the project site as a result of project construction, to City's satisfaction by the Public Works Department. [COA] [PUBLIC WORKS]
- EP-10. APPROVAL FROM OTHER AGENCIES:
This project requires approval letter from Pacific Gas and Electric for the use of existing joint pole. Authorization letter from agency shall be provided at time of initial encroachment permit application. [COA] [PUBLIC WORKS]
- EP-11. AMENDMENT TO MASTER ENCROACHMENT AGREEMENT:
The developer shall execute and record an Amendment to Master Encroachment Agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to map recordation or any permit issuance, whichever occurs first. [COA] [PUBLIC WORKS]

EP-12. FAITHFUL PERFORMANCE BOND:

Developer shall furnish the City with adequate and acceptable improvement security as required by Title 13 of the Sunnyvale Municipal Code. [COA] [PUBLIC WORKS]