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File #: 15-0668, Version: 1

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### REPORT TO PLANNING COMMISSION

#### SUBJECT

**File #:** 2015-7505

**Location:** 1210 Bordeaux Drive (APN: 110-25-038)

**Zoning:** Moffett Park-Transit Oriented Development (MP-TOD)

**Proposed Project:** Related applications on a 2.07-acre site:

**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.

**Applicant / Owner:** City of Sunnyvale

**Environmental Review:** Negative Declaration

**Project Planner:** George Schroeder, (408) 730-7443, [gschroeder@sunnyvale.ca.gov](mailto:gschroeder@sunnyvale.ca.gov)

#### REPORT IN BRIEF

**General Plan:** Moffett Park Specific Plan

**Zoning:** Moffett Park Transit-Oriented Development (MP-TOD)

**Existing Site Conditions:** Vacant - Fire Station 5 under construction

#### **Surrounding Land Uses**

**North:** Industrial/Office

**South:** Industrial/Office (Moffett Place development under construction)

**East:** Sunnyvale West Channel/Moffett Place surface parking lot under construction

**West:** Industrial/Office

**Issues:** Aesthetics, Height

**Staff Recommendation:** Approve with conditions

#### BACKGROUND

##### **Previous Actions on the Site**

Developer Jay Paul dedicated this site to the City in exchange for the existing Fire Station 5 parcel at Mathilda Avenue and Innovation Way as part of the approval for the Moffett Place office project (file

no. 2012-7854). The Development Agreement adopted with the Moffett Place approval included construction of a new Department of Public Safety (DPS) Fire Station 5 on the subject parcel. The new fire station is currently under construction and expected to be completed by Spring 2016.

### **Description of Proposed Project**

The City's Department of Public Safety (DPS), in conjunction with Motorola, the City's emergency communications provider, has identified a need to enhance emergency communications systems throughout the City and greater region (See Attachment 3 for the applicant's project description letter). The new Fire Station 5 site presents an opportunity to construct a City-owned structure that would serve the Silicon Valley Regional Communications System (SVRCS) - a radio communications network for emergency responders of the combined Santa Clara County public safety organizations, as well as other City departments such as the Department of Public Works (DPW) and the Environmental Services Department (ESD). The proposed project would be similar to the existing 160-foot tall monopole (with antennas that reach 178 feet tall) at the DPS Headquarters, located at 700 All American Way (across from City Hall).

The proposed project consists of a new 175-foot tall wireless telecommunications facility (monopole) to the rear of Fire Station 5. The monopole structure is proposed at 160 feet tall above grade level (AGL), with the top of the tallest antenna proposed at 175 feet AGL. The Sunnyvale Municipal Code (SMC) assesses project height from the top of curb (TOC) elevation. The TOC elevation is two feet lower than the finished grade elevation, so the total height per the SMC is proposed at 177 feet from the TOC elevation.

Since the project's initial submittal, an avigation easement has been recorded on the property by Jay Paul (as part of the development's conditions of approval and a requirement of the County's Comprehensive Land Use Plan for Moffett Federal Airfield), which will require the total height to be reduced by four feet to a total of 171 feet AGL (see separate discussion later in the report). The monopole would be designed to accommodate colocation of future private wireless telecommunications carriers. Ground-level equipment for the proposed monopole would be located entirely inside an enclosed room in the fire station building.

### **Major Moffett Park Special Development Permit**

SMC Chapter 19.54 requires a Major Use Permit for freestanding monopoles greater than 90 feet high. A Major Moffett Park Special Development Permit (MMPSDP) applies instead of the Use Permit due to the project's location within the Moffett Park Specific Plan district, and both types of permits take into account the same considerations and findings. Planning Commission review is required for a MMPSDP, as well as the adoption of the Negative Declaration for CEQA purposes.

### **Variance**

A Variance is required for exceptions to SMC provisions when there are difficulties or unique situations (and that cannot be considered through the MMPSDP). The height limit for structures in the MP-TOD zoning district is 75 feet. An additional 25 feet for telecommunications facilities is allowed per SMC Section 19.32.030, bringing the total permitted height to 100 feet. Height deviations up to a total of 125 feet may be considered with the MMPSDP. A Variance is required for the additional requested height above 125 feet.

See Attachment 1 for a map of the vicinity and mailing area for notices and Attachment 2 for the Data

Table of the project

## **DISCUSSION**

### **Site Layout**

The proposed facility would be sited toward the south side of the property, adjacent to the parking lot behind the fire station building. On-site improvements include construction of the monopole and its associated foundation, and the monopole will not require any changes to the previously-approved fire station site layout. No off-site improvements are proposed.

The proposed setbacks for the facility are well in excess of the required building setbacks in the MP-TOD zoning district, and the project is not located adjacent to residentially zoned property or residential uses. All ground level equipment supporting the facility would be located entirely inside an enclosed room in the fire station building that connects to the monopole structure via underground conduits.

The Federal Aviation Administration (FAA) has conducted an aeronautical study of the proposed project and revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation (Attachment 4). The FAA also found that marking and lighting on the structure are not necessary for aviation safety.

### **Design**

The proposed monopole would utilize a design with a pole nine feet in diameter at its base and two feet in diameter at its highest point, topped with an antenna assembly five feet in diameter, in which two collinear omni antennas would be located at 158 feet AGL, with the tip of antennas reaching 175 feet AGL. A third collinear omni antenna would be mounted below the top assembly at 145 feet AGL, with the tip at 156 feet AGL, and a six-foot tall microwave dish would be mounted at 90 feet AGL. The collinear omni antennas would be mounted approximately three feet from the pole and the microwave dish mounted at four feet from the pole. All antennas and the microwave dish included in the proposal would serve public safety and other inter- and intra-governmental communications.

Project plans and photosimulations (Attachments 5 and 6, respectively) demonstrate that the proposed monopole would be visible from adjacent streets and from within the project site. However, given its central location within the Moffett Park Specific Plan district and the proximity of newly constructed high-rise office buildings at the Moffett Place development, the monopole is not expected to be visible from the nearest residential properties south of Highway 237. 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 proposed monopole has been designed to be minimally obtrusive with a slim profile with antenna assemblies that do not project significantly from the pole structure. The proposed monopole is consistent with the City's Bird-Safe Design Guidelines since it does not propose reflective materials, glass, or lighting. It is typically preferable to paint the monopole dark colors to further recede it from view, but is not currently proposed given the location on a public facility in an industrial area and concerns with maintaining the paint color over time. However, Condition PS-2 requires that the design use non-reflective exterior finishes. Several mature pine trees line the south side of the project site near the proposed monopole, but are not tall enough to warrant the proposed monopole to be

camouflaged as a tree pole, as it would not blend in with the existing tree line.

Given the project's location, the proposed design, and existing high-rise building/vegetation cover, the proposed monopole is not expected to have significant visual impacts on the site or surrounding Moffett Park Specific Plan district, nor would the monopole substantially degrade the character of the area.

### **Colocation**

Future colocation space for up to three future private wireless telecommunications carriers is considered in the project design. The requirement for Planning Commission review is due to this potential use of the facility by private carriers. The City's Wireless Telecommunications Ordinance highly encourages colocation of facilities when the location is minimally visible from residential, major roadways, Downtown, and other visually sensitive areas. The project may be minimally visible from the elevated grade of Highway 237, but otherwise conforms to the colocation criteria, and would be less visible than if the project were located in the current Fire Station 5 site along a major arterial.

The antenna assemblies for each colocation space are anticipated to consist of either nine or twelve antennas, arranged radially around the pole. The total number of anticipated future antennas would be 33 four-foot tall panel antennas, 24 one-and-a half-foot tall remote radio units (RRUs), and a six-foot tall microwave dish. The three antenna assemblies would be mounted at heights of 100, 120, and 130 feet AGL, and the microwave dish would be mounted at 80 feet AGL. Separate City permits will be required for each future installation by each carrier (Condition GC-8).

### **Avigation Easement**

Condition GC-6, Mitigation Measure 4.1-1a of the Moffett Place Project (file no. 2012-7854) required an avigation easement to be recorded on the subject property to prohibit the construction or growth of any structure, tree, or other object that would penetrate the required airspace of Moffett Federal Airfield. The avigation 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) is required by Condition PS-1 to be reduced by at least four feet so that no portion of the monopole and its associated antennas project above 171 feet AGL and 173 feet above TOC. The applicant is aware of this proposed condition and is willing to reduce the height by four feet, either by reducing the height of the monopole structure or adjusting the location of the highest-projecting antennas. Although there is a possibility to work with the County Airport Land Use Commission and Federal Government to amend the easement to allow the currently proposed height of four feet above the limit, the City does not propose to do so at this time.

### **Height Variance Justification**

Even after reducing the project height by four feet to comply with the avigation easement, the project still requires a Variance to exceed the 100-foot height limit permitted by-right and the 125-foot height limit if a deviation is approved in conjunction with the MMPSPD. The intent of the height limit is to prevent high-rise buildings from visually dominating the skyline. 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 applicant notes that recently constructed, approved, and planned high-rise structures in Moffett Park have created considerable coverage issues for emergency communications. Effective line of sight for communications is achieved when facilities are built above nearby high-rise buildings, and the proposed project has been designed at the minimum functional height and width to accomplish the coverage objectives. The proposed height provides the coverage for a guaranteed level of service from the SVRCS to support critical public safety needs throughout the City and region.

Attachment 7 lists and shows the locations and heights of recent high-rise buildings (taller than four stories) in Moffett Park. There are a total of 36 high-rise buildings built, planned, approved, or under construction with an average height of 115 feet (ranging from 60 feet to 130 feet). The map in Attachment 7 shows that high-rise buildings surround the coverage sectors of the project site, creating a unique circumstance. Given that these high-rise buildings effectively obstruct line of sight, antennas on the proposed monopole would need to be mounted significantly above the building heights to provide the needed line of sight to the rest of the City, particularly with the proximity of the immediately adjacent 130-foot tall buildings in the Moffett Place development. The majority of recently approved projects and projects in the pipeline reach are close to the current height limit of 130 feet, and this is expected to continue as existing low-rise industrial properties redevelop with high-rise buildings.

Granting of a Variance for increased height would allow the project to achieve the adequate 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. Moreover, since collocation space on the monopole is proposed for private wireless telecommunications carriers, the need for additional private freestanding wireless telecommunications structures with potential height variances is expected to be minimized with the proposed project.

### **Radio Frequency (RF) Emissions**

The proposed facility is expected to generate radio frequency (RF) emissions. The facility is subject to the standards and limits set by the Federal Communications Commission (FCC) for human exposure to RF emissions. The project is required by Condition BP-5 to provide an RF emissions analysis prior to issuance of building permits demonstrating that the emissions generated by the proposed project would be substantially below the maximum permissible exposure (MPE) limit established by the FCC. Additionally, future wireless telecommunications carriers will be required to provide individual RF emissions analyses when collocating on the monopole (Condition GC-8).

### **Timeframe**

Construction of the proposed project is expected to occur over a period of 30 days, based on information provided by the applicant. Construction is anticipated to commence in early October 2015.

### **Parking**

The proposed project does not require parking and will not result in a loss of any parking spaces.

## **Landscaping and Tree Preservation**

The proposed project will not result in the loss of any protected trees. Tree protection measures are required for all existing protected trees near the project location. Given that the proposed facility is located centrally within a City-owned fire station site with minimal public accessibility/views within, the project does not propose to plant any additional landscaping beyond what will be installed for the fire station landscaping improvements.

## **Council Policy Manual**

The City of Sunnyvale's Council Policy Manual (CPM) is a compendium of policies established by City Council resolution or motion which provide guidelines for current or future City action. Such policies, when implemented, assist in achieving General Plan goals. The project is consistent with the following policies:

- **Telecommunications Policy Statement 1.A.5** - Support retention of local zoning authority for cellular towers, satellite dish antennas, and other telecommunications equipment, facilities, and structures.
- **Telecommunications Policy Statement 2** - Promote universal access to telecommunications services for all Sunnyvale residents.

The proposed facility would be designed and sited appropriately through the City's zoning authority as conditioned, and the facility would provide improved emergency telecommunication services.

- **Public Safety Policy Statement 4.3.1** - Continue to support interoperability initiatives as they relate to public and private industry. Interoperability is the ability of diverse agencies (police, fire, EMS, and local government) to communicate directly with each other by using radio and data.
- **Public Safety Policy Statement 4.3.2** - Support efforts to ensure protection of sufficient radio spectrum to meet public safety's current and future needs. Public safety needs should have priority over private or for-profit communication systems and provide adequate funding as necessary. Also protect the current amateur radio bandwidth to ensure amateur radio support during emergencies.

The proposed facility enhances interoperability between public safety agencies in the region and intra-City departments and would be consistent with the Silicon Valley Regional Communications System (SVRCS) coverage needs.

## **ENVIRONMENTAL REVIEW**

A Negative Declaration for the proposed monopole has been prepared in compliance with the California Environmental Quality Act (CEQA) and City guidelines (Attachment 8). An Initial Study has determined that construction of the proposed project would not have the potential to result in significant environmental effects on the subject or surrounding properties.

## **FISCAL IMPACT**

Construction costs for the project were approved by the Council for the FY 15/16 budget. The City will receive monthly rents from any future wireless telecommunications carriers.

## **PUBLIC CONTACT**

At the time of preparation of this report, staff had not received any comments from members of the public related to the application.

## **Notice of Negative Declaration, Public Hearing, Staff Report, and Agenda**

- Published in the Sun newspaper
- Posted onsite
- 335 notices mailed to property owners and tenants within 2,000 feet of project site
- Posted on the City of Sunnyvale website
- Provided at the Reference Section of the City of Sunnyvale Public Library
- Posted on the City's official notice bulletin board
- E-mail notification sent to the Santa Clara County Airport Land Use Commission

## **CONCLUSION**

Aside from the Variance request for increased height, the proposed project complies with the applicable Development Standards as set forth in SMC Chapter 19.54 (Wireless Telecommunications Facilities) and Chapter 19.29 (Moffett Park Specific Plan District). Staff was able to make the required Findings based on justifications for the Major Moffett Park Special Development Permit and Variance. Findings and General Plan Goals are located in Attachment 9. Conditions of Approval are located in Attachment 10.

## **ALTERNATIVES**

1. Approve the Major Moffett Park Special Development Permit and Variance with Recommended Conditions of Approval found in Attachment 10.
2. Approve the Major Moffett Park Special Development Permit and Variance with modified Conditions of Approval.
3. Deny the Major Moffett Park Special Development Permit and Variance.

## **RECOMMENDATION**

Recommend Alternative 1: Approve the Major Moffett Park Special Development Permit and Variance with Recommended Conditions of Approval found in Attachment 4.

Prepared by: George Schroeder, Associate Planner

Reviewed by: Gerri Caruso, Principal Planner

Reviewed by: Trudi Ryan, Planning Officer

## **ATTACHMENTS**

1. Vicinity and Noticing Map
2. Project Data Table
3. Project Description Letter

4. FAA Clearance Letter
5. Site and Architectural Plans
6. Photosimulations
7. Moffett Park High-Rise Building Map and Table
8. Initial Study
9. Recommended Findings
10. Recommended Conditions of Approval