



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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File #: 15-0440, Version: 1

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### REPORT TO COUNCIL

#### **SUBJECT**

**File #:** 2014-8023

**Location:** 787 N. Mary Avenue (APN: 165-40-003)

**Zoning:** MS

**Proposed Project:** Application for a project on a 4.02-acre site:

**USE PERMIT** to allow a new 54-foot tall wireless facility (mono-eucalyptus) in the parking lot of an industrial site.

**Applicant / Owner:** Verizon Wireless (applicant) / North Mary, LLC (owner)

**Environmental Review:** Negative Declaration

**Project Planner:** Timothy Maier, (408) 730-7257, tmaier@sunnyvale.ca.gov

#### **REPORT IN BRIEF**

**General Plan:** Industrial

**Existing Site Conditions:** Industrial/Office

#### **Surrounding Land Uses**

**North:** CA-237/US-101 Interchange

**South:** Industrial/Office

**East:** Industrial/Office

**West:** Sunnyvale Golf Course

**Issues:** Aesthetics, neighborhood compatibility

**Planning Commission/Staff Recommendation:** Approve with conditions

#### **BACKGROUND**

##### **Description of Proposed Project**

The applicant requests approval of a Use Permit to locate a new wireless telecommunications facility in the parking lot of an existing industrial/office property.

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

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

A Use Permit was approved in 1980, allowing high-intensity employment at the subject site and permitting construction of the existing office building. No other significant land-use application has

been reviewed in conjunction with the subject property.

## **DISCUSSION**

### **Background**

City of Sunnyvale Municipal Code Section 19.16.070 states that an application for a discretionary permit regarding any action proposed on a site located within the Peery Park District shall be considered by the Planning Commission for recommendation, with the City Council serving as the final decision-making body. The proposed project, construction of a wireless telecommunications tower, would take place on a property within the Peery Park District and constitutes an action which requires application for a Use Permit. Thus, the proposed project was reviewed by the Planning Commission, with recommendation made prior to review by the City Council.

The proposed project is a new wireless telecommunications tower that will be camouflaged as a eucalyptus tree (applicant references this tower as a mono-eucalyptus). The proposed structure would be 54 feet tall as measured from adjacent grade to the maximum height of the tower, and would accommodate nine (9) panel antennas and nine (9) remote radio units (RRUs). The associated ground equipment is proposed to be sited at the base of the proposed tower and screened with a chain-link fence incorporating redwood slats. The facility is proposed to improve wireless telephone access in the CA-237/US-101 interchange area, as well as to homes and businesses within the vicinity.

Photosimulations of the installed wireless telecommunications facility are presented in Attachment 8, and an image of an installed mono-eucalyptus is presented in Attachment 12.

### **Use Permit**

City of Sunnyvale Municipal Code (SMC) 19.54 requires a Use Permit for freestanding wireless telecommunication facilities, including monopoles, lattice towers and other towers up to a maximum of 65 feet in height. Planning Commission review is required for adoption of the Negative Declaration for CEQA purposes. City Council review is typically not required for these types of use permits unless appealed, but any use permit in the Peery Park Specific Plan District requires Council approval while the Specific Plan is being prepared.

## **ANALYSIS**

### **Development Standards**

The proposed project complies with the applicable Development Standards as set forth in SMC Section 19.54. The following items are those which have been typically identified by the Planning Commission for requested clarification:

### **Site Layout**

Tower - The proposed facility would be located immediately adjacent to the rear property line, 57 feet from the left-hand property line, and 134 feet from the right-hand property line. The proposed location is within a landscaped area in the rear portion of a parking lot, directly adjacent to the CA-237/US-101 interchange, surrounded by a line of trees similar in height to the proposed facility. The facility has been granted approval from the Federal Aviation Administration for a height of 54 feet

(Attachment 10). The proposed location would result in minimal disturbance to the site.

Ground equipment - Ground equipment, including a diesel-powered generator and associated mechanical equipment, would be sited at the base of the proposed wireless facility. Submitted plans propose a screening fence of six (6) feet in height to surround the equipment, incorporating redwood slats. The equipment area would require modifications be made to existing on-site paving and landscaping. Recommended conditions of approval require submittal of a landscape plan to be reviewed with the building permit application.

### **Design**

The proposed telecommunication tower would be camouflaged as a eucalyptus tree (mono-eucalyptus) to minimize the visibility of the structure. The applicant has provided photosimulations to illustrate the appearance of the complete project (Attachment 8) when placed among existing surrounding trees. Photosimulations indicate that the proposed antennas would be primarily undetectable among the existing trees. However, based on the plans submitted, the proposed design of the facility necessitates aesthetic modifications, as listed below (Attachment 4):

- The wireless facility must be camouflaged to appear as a eucalyptus tree;
- The lowest elevation of simulated foliage must measure 15 feet above ground level;
- The simulated trunk of the wireless facility must be covered completely in faux tree bark;
- Exterior materials shall be consistent in color and pattern with existing adjacent trees located on the project site;
- Tree pole design and specifications, including branch design and density of foliage exhibited by material samples, must be provided, and are subject to review by the Director of Community Development; and
- The antennas must be painted to match the faux vegetation of the telecommunications tower.

### **Timeframe**

Per information provided by the applicant, construction of the proposed wireless facility would take place over a period of approximately 45 to 60 days, likely commencing in late July or early August 2015.

### **Parking**

The proposed project would result in the loss of four (4) parking spaces. Parking capacity provided for all uses on the subject property would still comply with City of Sunnyvale Municipal Code requirements.

### **Landscaping and Tree Preservation**

The proposed location would not result in the loss of any protected trees, but would necessitate removal of vegetation adjacent to the proposed location. Landscaping proposed to be removed is not designated as “protected” by code. Recommended conditions of approval require submittal of a landscape plan to be reviewed with the building permit application.

### **Wireless Telecommunications Ordinance**

The following sections of the Wireless Telecommunication Ordinances of the SMC apply to the proposed project:

19.54.140(a) - Wherever technically feasible, wireless telecommunication service providers are encouraged to co-locate telecommunication facilities in order to reduce adverse visual impacts; however, the City discourages the development of “antenna farms” or the clustering of multiple antennas on a single monopole, tower or other elevation, unless the site is determined to be suitable, based on the following factors:

(1) Compliance with all FCC RF emission standards;

*This project meets all FCC RF emissions standards (Attachment 9).*

(2) Visibility from residentially zoned property;

*The proposed structure would not be visible from residentially-zoned property.*

(3) Visibility from El Camino Real or the right of way of a freeway, expressway or other major arterial street;

*This project facility would be visible from CA-237, US-101, and neighboring City streets; however, the proposed aesthetic treatment would screen much of the telecommunications equipment.*

(4) Visibility from the Downtown Specific Plan area or other areas declared by the Director of Community Development to be visually sensitive; and

*This project is not visible from the Downtown Specific Plan area or other areas identified in the Telecommunications code as being sensitive.*

(5) Lack of aesthetically preferable feasible alternatives.

*The area needing coverage is predominately industrial/office. A height of 54 feet is proposed in order to provide wireless telecommunications coverage for the area. Alternative sites were found to be unsuitable and/or unavailable, and the use of existing structures would be prohibitive due to their low profile. The use of camouflage to resemble a eucalyptus tree on a site that bears existing similar trees will help to provide visual compatibility and screening.*

## **ENVIRONMENTAL REVIEW**

A Negative Declaration has been prepared in compliance with California Environmental Quality Act (CEQA) provisions and City guidelines (Attachment 7). 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**

No fiscal impact other than normal fees and taxes are expected.

## **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

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

The following noticing was provided for both the Planning Commission and City Council hearings.

#### Notice of Negative Declaration and Public

- Published in the Sun newspaper
- Posted on site
- 280 notices mailed to property owners and tenants within 2,000 feet of project site

#### Staff Report

- Posted on the City of Sunnyvale website
- Provided at the Reference Section of the City of Sunnyvale Public Library

#### Agenda

- Posted on the City's official notice bulletin board
- Posted on the City of Sunnyvale's website

#### **Planning Commission Public Hearing**

The Planning Commission reviewed the proposed project at public hearing on April 13, 2015 (meeting minutes, Attachment 11).

No members of the public spoke in relation to the project.

The Planning Commission discussed the visibility and radiofrequency (RF) emissions of the tower in relation to a future flyover anticipated as part of the proposed Mary Avenue extension. The Commission recommended addition of a separate material to enhance the durability and appearance of the equipment shelter associated with the proposed wireless facility. The Planning Commission recommended that the City Council approve the Negative Declaration and Use Permit with modified conditions found in the Recommended Conditions of Approval (Attachment 4).

### **CONCLUSION**

#### **Findings and General Plan Goals**

Staff was able to make the required Findings based on justifications for the Use Permit. Findings and General Plan Goals are located in Attachment 3.

#### **Conditions of Approval**

Conditions of Approval are presented in Attachment 4.

### **ALTERNATIVES**

1. Adopt the Negative Declaration and approve the Use Permit with Recommended Conditions of Approval as presented in Attachment 4.
2. Adopt the Negative Declaration and approve the Use Permit with modified Conditions of Approval.
3. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.
4. Deny the Use Permit.

## **RECOMMENDATION**

Alternative 1: Adopt the Negative Declaration and approve the Use Permit with Recommended Conditions of Approval found in Attachment 4.

Prepared by: Timothy Maier, Project Planner

Reviewed by: Trudi Ryan, Planning Officer

Reviewed by: Hanson Hom, Director, Community Development Department

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

## **ATTACHMENTS**

1. Vicinity and Noticing Map
2. Project Data Table
3. Recommended Findings
4. Recommended Conditions of Approval
5. Project Description Letter
6. Site and Architectural Plans
7. Initial Study and Negative Declaration
8. Photosimulations
9. Radiofrequency (RF) Study
10. FAA Clearance Letter
11. Planning Commission Minutes, April 13, 2015
12. Image of Example Installed Mono-Eucalyptus