



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 18-0993, Version: 1

REPORT TO PLANNING COMMISSION

SUBJECT

Proposed Project:

DESIGN REVIEW Install one (1) new canister antenna mounted on a replacement pole with associated equipment between 7'0" and 18'0" A.G.L. on the pole. Within 300 ft. of a public park (Braly Park).

Location: On a replacement utility pole in the public right-of-way on the south side of Iris Ave. near 701 Jackpine Ct.

File #: 2018-7871

Zoning: R-0

Applicant: Verizon Wireless C/O The CBR Group

Owner: City of Sunnyvale Right-of-Way

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

REPORT IN BRIEF

General Plan: Low Density Residential

Existing Site Conditions: PG&E utility pole in the right-of-way

Surrounding Land Uses:

- **North:** Single-family homes across the street with Braly Park on their north side
- **South:** Single-family homes
- **East:** Single-family homes
- **West:** Sunnyvale East Channel (Santa Clara Valley Water District) and R-3 and R-4 (Medium and Medium-High Density Residential) west of the channel.

See Attachment 1 for a Vicinity Map and 300 ft. Notice Mailing Area.

Issues: Aesthetics and Neighborhood Compatibility

Staff Recommendation: Approve the Design Review with Conditions of Approval in Attachment 3.

BACKGROUND

Verizon Wireless (Verizon) is seeking to improve wireless voice and data coverage in the City of Sunnyvale. Verizon has applied to install 28 small cell telecommunications facilities in the right-of-way in Sunnyvale since June of 2015:

- 23 projects - Staff-level Review:
 - ✓ 17 projects approved (three staff-level approvals affirmed on appeal by the Planning Commission)

- ✓ 6 pending
- 6 projects - Planning Commission Review (three approved)

See Attachment 4 - Approved and Pending ROW Projects Excel and Attachment 5 - Approved and Pending ROW Projects Map.

Description of Proposed Project

Verizon Wireless proposes to install a wireless telecommunications facility on a replacement utility pole in the public right-of-way on the south side of Iris Ave. near 701 Jackpine Ct. The proposal includes:

- A 4' 0" canister antenna mounted at the top of a 45' replacement utility pole resulting in a pole height of 49'4" (11'4" height increase from the existing wooden pole)
- Two remote radio units (RRUs) and associated equipment mounted (stacked RRU design) on the replacement pole between 7' 0" and 18' above ground level.
- There is no new overhead service to the facility.

See Attachment 11 - DR #2018-7871 - Project Plans

The applicant provided a letter describing the purpose, scope and justifications for the proposal (Attachment 7 - Letter from Applicant).

Previous Actions on the Site

There are no previous actions on this site.

EXISTING POLICY

(i) **Council Policy 7.2.16 - Telecommunications** : The purpose of this policy is to enable the City to retain and maintain regulatory authority within the confines of the state and federal legislation.

(ii) **SMC 19.54.160 - Telecommunication Facilities in the Public ROW:** The wireless telecommunication facilities ordinance (SMC 19.54) adopted by the City Council in 2013 includes SMC 19.54.160 which regulates telecommunication facilities in the public right-of-way. The regulations adopted by the City Council in 2012 require applications for wireless telecommunications facilities within the public ROW to be submitted to the Planning Division. This changed the practice prior to 2012, where all such applications were processed by the Department of Public Works through consideration of an encroachment permit.

(iii) **Resolution 626-13** - Section (a) of the telecommunication facilities in the public right-of-way ordinance (19.54.160, above) states that the Council shall adopt by resolution Design Criteria for design review of wireless telecommunication facilities on utility poles in the public right-of-way. Resolution 626-13 was adopted in 2013 establishing the criteria for design review of wireless telecommunication facilities located in the public right-of-way (Attachment 6).

DISCUSSION

Applications for wireless telecommunications facilities in the public ROW are reviewed using the policies shown in Attachment 6. These policies determine how the applications are reviewed (staff level or Planning Commission) and include design criteria. If the design criteria are met, the application is reviewed at the staff level (with appeal possible to the Planning Commission). If the

design criteria are not met, the application is considered by the Planning Commission (with appeal or call-up possible to the City Council).

Separate from the Design Criteria requirements, the Sunnyvale Municipal Code (SMC) Chapter 19.54.160 (c)(2) requires Planning Commission public hearing review when a project is located within three hundred feet of a public park. Since this project is within 300 feet of Braly Park, Planning Commission review is required.

Design Criteria

The Design Criteria were considered in the analysis of the proposed project. Staff finds the project is consistent with the Design Criteria and recommends the findings shown in Attachment 2 that meet the following requirements:

- The adjacent trees provide some screening of the support equipment;
- There are no primary views affected by the equipment;
- The pole height of 49'4" is less than 65';
- The overall height increase of 11'4" is less than 12';
- No new overhead wires are proposed;
- Two proposed equipment cabinets are less than the maximum of three;
- The site is not part of the Rule 20A Undergrounding Project; and,
- All equipment is located on the pole.

Neighborhood Compatibility

Screening of the equipment can lessen the visual impact of the equipment on the neighborhood. There are two main components of the proposed equipment:

- Equipment location (between 7' and 18') on the pole.
 - ✓ **East View:** The adjacent Cedar tree fully screens the pole from the east view. It is required to be trimmed to install the equipment. A condition of approval will be to trim as little of the tree as possible to provide some screening when viewing the equipment from the east on Iris Ave.
 - ✓ **West View:** The Camphor tree east of the tree screens the equipment when travelling west on Iris Ave.
 - ✓ **North View:** The Design Criteria do not address views from homes across the street from a project; however, the homes across the street do not have windows that face the project on Iris Ave.
 - ✓ **South View:** The view of the project from 701 Jackpine Ct. is from a second-story bedroom window which is not a primary view in the Design Criteria.
- The 4' canister antenna on top (45' to 49' above grade level) of the pole.

Antennas at the top of utility poles must extend at least 6' above the top power line pursuant to the California Public Utilities Commission order. This places the antenna at 45' to 49' above ground level. Given the utilitarian nature of a power pole with multiple lines of power or communication, transformer, etc., the canister antenna at the top is the least obviously-visible part of a wireless installation.

RF Emission

The project is within in FCC general public limit for exposure to radio frequency fields. If a proposal meets the FCC standards, the City is not permitted to make additional judgments on health and

safety issues. The Federal Communications Commission (FCC) is the final authority on safety of telecommunications facilities.

An RF Emissions Report was prepared on October 10, 2018 for the proposed facility by Hammett & Edison, Inc., Consulting Engineers, a consultant for Verizon. The report includes information about the predicted radio frequency emissions of the proposed facility. Per the report, the proposed Verizon operation is calculated to have a maximum RF exposure level of:

- *0.48% of the applicable general public limit for any person at the ground, and*
- *0.82% of the public exposure limit at any nearby building (the second-story bedroom of 701 Jackpine Ct.)*

Therefore, the proposed facility complies with the FCC standards for public exposure to radio frequency energy. The report also states that these results, "include several worst-case assumptions". See Attachment 9 - #2018-7871 RF EME Report 11/15/18.

The Sunnyvale Municipal Code requires the permit for the facility must be renewed with the City of Sunnyvale every 10 years. The 10-year renewal procedure includes submitting an RF study showing the facility meets the current RF emission requirements.

Noise

The City did not require a noise study for the proposed site because the proposal does not include any noise emitting equipment. Equipment located on the pole does not include air handlers (such as air conditioning units), which typically create the noise from wireless telecommunications facilities located on the ground, which is not a part of the subject application. The recommended conditions of approval (Attachment 3) reiterate that the facility must comply with the City's noise standards (SMC 19.54.050 and 19.42.030) at all times and to prevent any unauthorized addition of noise emitting equipment in the future.

FISCAL IMPACT

No fiscal impacts are expected.

PUBLIC CONTACT

Notice of Public Hearing

- Published in the *Sun* newspaper
- Posted on the site
- 92 notices mailed to property owners and residents within 300 feet of the project site

Staff Report

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

Agenda

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

Public Contact

- Community Outreach Meeting - A community outreach meeting conducted by Verizon was held at Braly Park in the Braly Park Building on November 29th, 2018 from 7:00 - 8:00 p.m. 10 days prior to the meeting, notices were sent to all interested parties within 300 ft. of the project. No citizens attended the meeting.
- Comments from Neighbors - Staff has not received any correspondence or phone calls from neighbors at the time of writing of this report.
- Support of Small Cell Facilities - Staff received a letter from the Verizon Marketing Director showing the results of a text survey sent to customers (on 3/23/2018) with billing addresses within ZIP codes 94085, 94086 and 94087 to tell the City,

They support small cell facilities on existing utility poles and light standards on City streets.

There were 418 supporters of Verizon Wireless Small Cell in the City of Sunnyvale.
(See Attachment 8 - Verizon Customers' Text Survey).

ALTERNATIVES

1. Approve the Design Review based on the Findings in Attachment 2 and the Conditions of Approval in Attachment 3.
2. Approve the Design Review with modified conditions.
3. Deny the Design Review and provide direction to staff and the applicant where changes should be made.

STAFF RECOMMENDATION

Recommend Alternative 1 to approve the Design Review based on the Recommended Findings in Attachment 2 and the Recommended Conditions of Approval in Attachment 3.

The purpose of having Planning Commission review of wireless telecommunications facilities near parks is to provide more participation by the public and to allow discussion about potential concerns about placing a facility near locations that people congregate. The location was well chosen because it is away from areas where people assemble and is located near existing trees that will help screen the facility. In addition, Verizon is using a more slim-line installation on the pole, which further mitigates the visual impact.

Prepared by: Teresa Zarrin, Associate Planner

Approved by: Andrew Miner, Assistant Director of Community Development

ATTACHMENTS

1. Site, Vicinity and Noticing Map
2. Recommended Findings
3. Recommended Conditions of Approval
4. Approved and Pending ROW Projects Excel
5. Approved and Pending ROW Projects Map
6. Design Criteria Resolution 626-13
7. Letter from Applicant
8. Verizon Customers' Letter of Support

- 9. Radio Frequency Emissions Report
- 10. Photosimulations
- 11. Project Plans