



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: January 27, 2010

APPLICATION: **Conditional Use Permit No. UP09-0045 and Site Development Permit Amendment No. SA09-0020, Clearwire Wireless Telecommunication Installation.**

APPLICATION SUMMARY: A request to locate a wireless telecommunication facility consisting of a 625 square foot equipment enclosure, (3) 4-foot tall panel antennas, (3) 4-foot remote radio units, and (8) 2-foot wide diameter microwave antennas on the roof top of an existing hotel.

LOCATION: 777 Bellew Drive (APN: 86-47-002) Milpitas, CA 95035
APPLICANT: Clearwire Communications LLC
OWNER: HPT IHG 3 PROPS TR, C/O Deloitte Tax LLP, 1111 Broadway, Roadway STE. 2100, Oakland, CA 94607

RECOMMENDATION: **Staff recommends that the Planning Commission: Adopt Resolution No. 10-007 approving the project subject to conditions of approval.**

PROJECT DATA:
General Plan/
Zoning Designation: Highway Services (HWS)/Highway Services (HS)
Overlay District: Site and Architectural Overlay (-S)
Specific Plan: N/A

Site Area: 4.41 acres
No. of Stories: 12
Building Height: 132-feet

CEQA Determination:

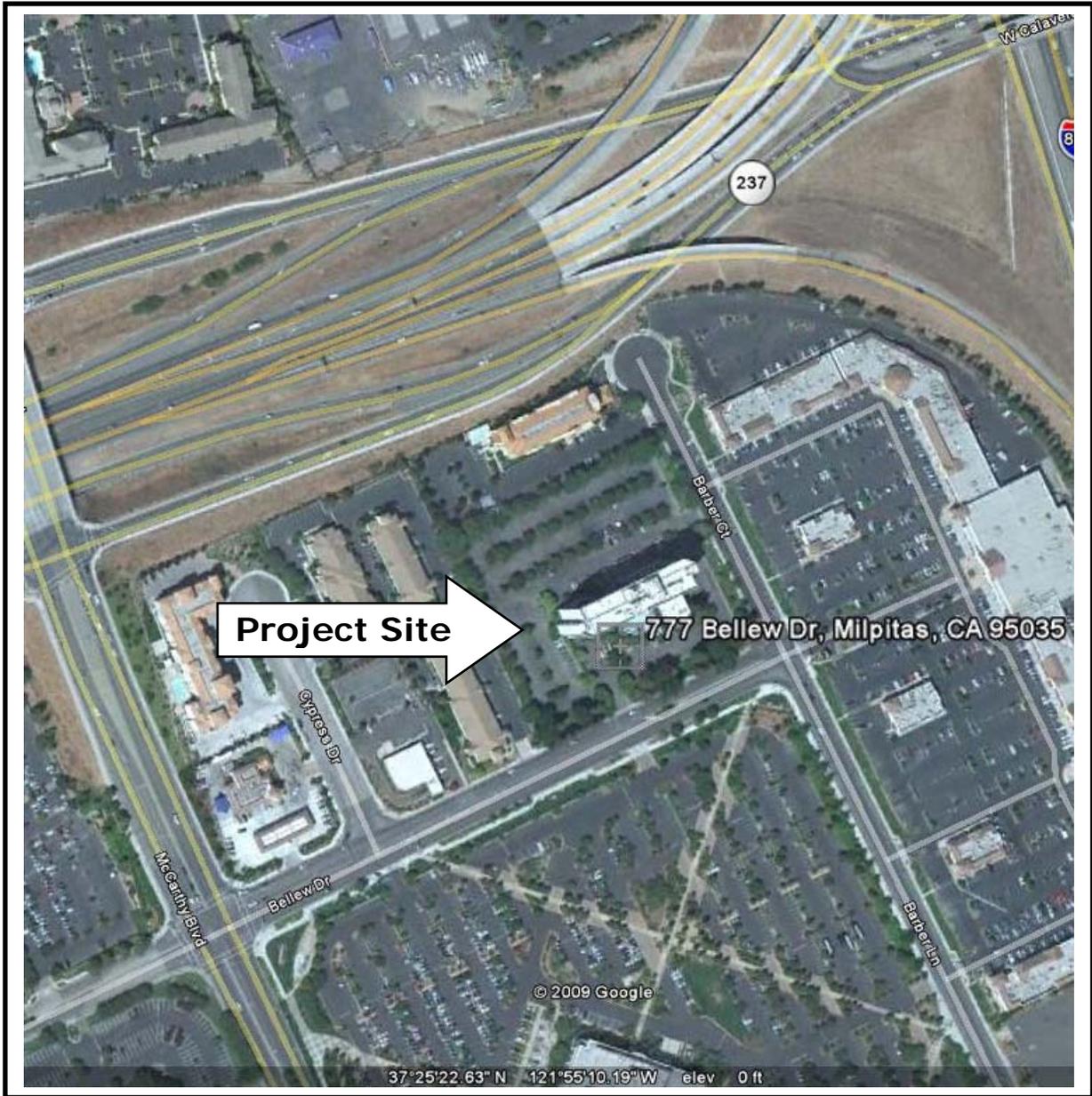
PLANNER: Cindy Hom, Assistant Planner

PJ: 2616

ATTACHMENTS: A. Resolution No. 10-007
B. Project Plans

- C. Project Description
- D. Site Alternative Analysis
- E. Telecommunication Questionnaire
- F. RF Study
- G. ULS License
- H. Photo Simulations

LOCATION MAP



No scale

BACKGROUND

On September 30, 2004, the Planning Commission approved a Conditional Use Permit (UP2004-19) and Site and Architectural Approval (SA2004-73) for a Sprint PCS wireless telecommunication facility that included the installation of three panel antennas within the penthouse and associated mechanical equipment on the roof top on the Crown Plaza Hotel.

On October 26, 2009, Ash Rageh for Clearwire Communications LLC submitted an application to locate a wireless telecommunication facility on the roof top of an existing hotel. The application is submitted pursuant to Milpitas Municipal Code XI-10-13.09 (Wireless Telecommunication Facilities) which requires Planning Commission review and approval of a conditional use permit.

PROJECT DESCRIPTION

The project proposal consist of a 625 square foot equipment cabinet and one GPS antenna constructed next to an existing Sprint’s equipment roof platform that is located behind the existing mechanical screen wall; three, 4-foot tall panel antennas, three, 4-foot remote radio units, and eight, 2-foot wide diameter microwave antennas that will be façade mounted on the hotel penthouse and painted to match the building.

The subject site is located 4.44 acre parcel located at the northwest corner of the intersection at Bellew Drive and Barber Lane. The site is currently developed with a 12-story hotel that currently houses other roof top wireless telecommunication facilities.

The site is designated and zoned Highways Services with Site and Architectural Overlay. The hotel abuts another hotel to the north, the Milpitas Square shopping center to the east, Cisco System campus to the south, and Technology Credit Union and Chevron gas station to the west. A vicinity map of the subject site location is included on the previous page.

Development Standards

The project proposes no changes to the existing setback and floor area coverage. Given there are no height limitations in the Highway Service zone, the proposed antennas, microwave dishes, and equipment enclosure are consistent with the height standard.

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

The table below outlines the project’s consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 2
General Plan Consistency

Policy	Consistency Finding
<i>Implementing Policies 2.a-I-7 Provide opportunities to expand employment, participate in partnerships with local business to</i>	The proposed project provides 4G technology that improves wireless service that supports surrounding businesses, residents, and facilitates communication.

Policy	Consistency Finding
<i>facilitate communication, and promote business retention.</i>	

Zoning Ordinance

The project complies with the City's Zoning Ordinance in terms of land use. Wireless telecommunications facilities are conditional uses in all zoning district. The project is consistent with the development standards for the Highway Service zone.

The project is not anticipated to create any negative impact to surrounding land uses in terms of noise, odors, or radio frequency emissions. The proposed facility will not create a negative visual impact or detract from the existing architecture in that the equipment cabinet will be screened behind the mechanical screen and the panel antennas and microwave dishes will be painted to match the building.

Telecommunications Commission Review

The City of Milpitas Telecommunication Commission conducted a technical review of this project at its January 25, 2010 meeting. The Telecommunication Commission advises the City Council on matters of telecommunications policy, legislation, and implementation at the local, state, and federal levels. The Commission also considers and recommends information technology services that benefit the Milpitas community.

Radio Frequency Emissions

Federal law preserves the City's authority to regulate the placement, construction, and modification of personal wireless service facilities (47 U.S.C. 332((c)(7)(A).) However, federal law does impose a limitation on this authority in the area of radio frequency (RF) emissions. The City is prohibited by federal law from regulating the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of RF emissions to the extent the facilities comply with the Federal Communications Commission's (FCC) regulations concerning such emissions. (47 U.S.C. 332(c)(7)(B)(iv).

The FCC has established guidelines that place limits on human exposure to RF fields generated by personal wireless service facilities. These guidelines have been endorsed by the U.S. Environmental Protection Agency and the Food and Drug Administration. The FCC requires all personal wireless facilities to comply with these guidelines.

Clearwire is licensed by the FCC to operate specifically within the 2.5-2.6 GHz frequency band at approximately 150 watts per channel. The site will accommodate one channel per sector with three sectors for an effective radiated power level of approximately 450 watts at full capacity in for all 3 azimuths; 150 watts in any one direction. The emissions from the proposed facility will be at a level of 100 to 1,000 times below the most conservative stand for such radio frequency emissions.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the project is categorically exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act in that the project is a negligible expansion beyond the existing

use. The roof top already houses other wireless telecommunication facilities that include panel antennas and microwave dishes.

PUBLIC COMMENT/OUTREACH

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public.

CONCLUSION

The proposed facility will help provides for a reliable high speed wireless network that will enable businesses and individuals to access to the internet. The project will not be detrimental to public health or safety of persons working or residing in the neighborhood or materially injurious to public improvements and private properties in that it does not generate traffic, objectionable levels of noise, odors, or dust. The facility falls significantly below all state and federal regulations for emission of non-ionizing radiation.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission close the public hearing and adopt Resolution No. 10-007 approving Conditional Use Permit No. UP09-0045 and Site Development Permit Amendment No. SA09-0020, Clearwire, subject to the attached Conditions of Approval.

Attachments:

- A. Resolution No. 10-007
- B. Plans
- C. Project Plans
- D. Project Description
- E. Site Alternative Analysis
- F. Telecommunication Questionnaire
- G. RF Study
- H. ULS License
- I. Photo Simulations

RESOLUTION NO. 10-007

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. UP09-0045 AND SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0020, CLEARWIRE COMMUNICATIONS LLC, A REQUEST TO A WIRELESS TELECOMMUNICATION FACILITY ON THE ROOF TOP OF AN EXISTING HOTEL AT 777 BELLEW DRIVE.

WHEREAS, on, October 26, 2009, an application was submitted by Ash Rageh for Clearwire Communications LLC to locate a wireless telecommunication facility on the roof top of existing hotel located at 777 Bellew Drive (APN 86-47-002). The property is located within the Highway Service Zoning District; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project is categorically exempt.

WHEREAS, on January 13, 2010, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities) in that the project entails a negligible expansion of telecommunication uses beyond those currently in existence at the project site. The roof top already houses other wireless telecommunication facilities that include panel antennas and microwave dishes.

Section 3: The project is consistent with the Milpitas General Plan in that the project provides 4G technology that improves wireless service that supports surrounding businesses, residents, and facilitates communication.

Section 4: The project conforms to the Milpitas Zoning in that the project is permitted in the Highway Service Zoning District with a conditional use permit. The project complies with the development standards in terms setbacks and height. No additional parking is required considering the facility will be unmanned.

Section 5: The project will not be injurious or detrimental to property, improvements or to public health and safety in that it will not generate noise, odors, and will be within the allowable radio frequency emissions threshold. The proposed facility will not create a negative visual impact or detract from the existing architecture in that the equipment cabinet will be screened.

behind the mechanical screen and the panel antennas and microwave dishes will be painted to match the building.

Section 6: The Planning Commission of the City of Milpitas hereby approves Conditional Use Permit No. UP09-0045 and Site Development Permit Amendment No. SA09-0020, Carolyn’s Pet Grooming, subject to the above Findings, and Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on January 27, 2010

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on January 27, 2010, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Cliff Williams				
Lawrence Ciardella				
Steve Tao				
Sudhir Mandal				
Gurdev Sandhu				
Noella Tabladillo				
Mark Tiernan				
Erik Larsen				

EXHIBIT 1

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. UP09-0045 and SITE DEVELOPMENT PERMIT
AMENDMENT NO. SA09-0020, CLEARWIRE COMMUNICATIONS LLC.**

Planning Division

1. The owner or designee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on January 27, 2010, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance.

2. Conditional Use Permit No. UP09-0045 and Site Development Permit Amendment No. SA09-0020 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.06(2) of the Zoning Ordinance of the City of Milpitas. If the project requires the issuance of a building permit, the project shall be deemed to have commenced when the date of the building permit is issued and/or a foundation is completed, if a foundation is a part of the project. If the project does not require the issuance of a building permit, the project shall be deemed to have commenced when dedication of any land or easement is required or complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of Conditional Use Permit No. UP09-0045 and Site Development Permit Amendment No. SA09-0020 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.

3. The project shall be operated in accordance with all local, state and federal regulations.
4. Façade mounted panel antennas and microwave dishes shall be painted to match the building. Building permit plans shall indicate the existing building materials and colors to ensure consistency and compatibility with proposed materials and colors.
5. Associate mechanical equipment shall be fully shielded behind a screen wall and shall not be visible from any surrounding worst-case view points.
6. Prior to building permit issuance, the applicant shall submit a revised roof plan indicating all existing telecommunication antennas located on or within the building and indicate which

antennas are operating, who is the carrier, and which ones have been abandoned. All non permitted and abandoned antennas shall be removed prior to certificate of occupancy.

7. If at the time of application for building permit or at the time of certificate of occupancy there is a project job account balance due to the city for recovery of review fees, review of permits or any permit issuance shall be commenced or issued until the balance is paid in full.

clearwire®

CROWNE PLAZA CA-SJC0031A 777 BELLEW DRIVE MILPITAS, CA 95035

SIGNATURE BLOCK

ZONING MANAGER	DATE
SITE ACQ. MANAGER	DATE
RF MANAGER	DATE
CONSTRUCTION MANAGER	DATE
MICROWAVE MANAGER	DATE

clearwire

4400 CARILLON POINT
KIRKLAND, WA 98033

PROJECT INFORMATION:

**CROWNE PLAZA
CA-SJC0031A**
777 BELLEW DRIVE
MILPITAS, CA 95035
SANTA CLARA COUNTY

CURRENT ISSUE DATE:

10/14/09

ISSUED FOR:

ZD (100%)

REV.: -DATE: -DESCRIPTION: -BY:

REV.	DATE	DESCRIPTION	BY
Δ	10/14/09	ZD (100%)	CL
Δ	09/24/09	ZD (100%)	CL
Δ	07/01/09	ZD (100%)	CL
Δ	06/18/09	ZD (90%)	JZ
Δ	05/20/09	ZD (90%)	CC

PLANS PREPARED BY:

**DELTA GROUPS
ENGINEERING, INC.**
CONSULTING ENGINEERS
5635 WEST LAS POSITAS, SUITE 403
PLEASANTON, CA 94588
TEL: (925) 468-0115 FAX: (925) 468-0355

CONSULTANT:



SEAL OF APPROVAL:



SHEET TITLE:

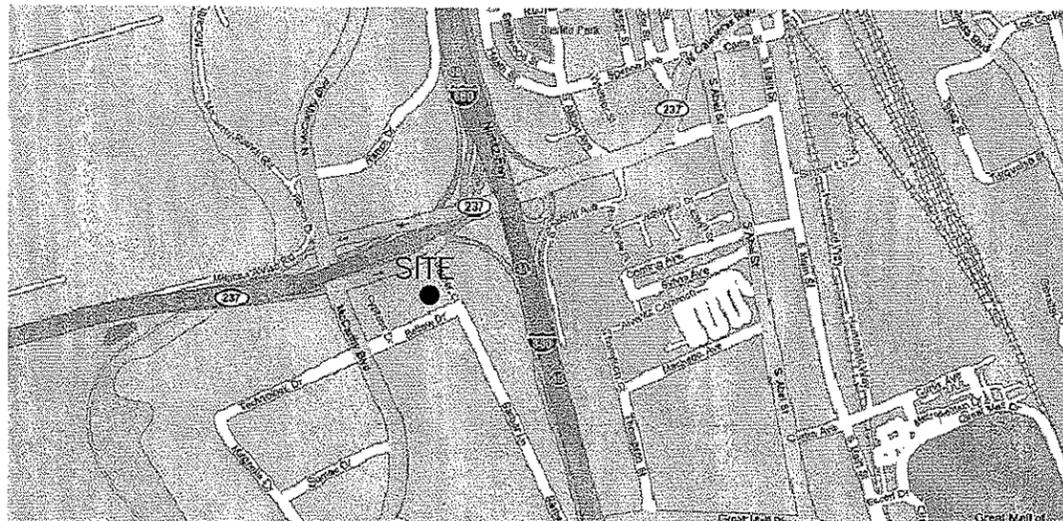
TITLE SHEET

SHEET NUMBER:

REVISION:

T1 **5**
P09CL012

VICINITY MAP - N.T.S.



CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

- | | |
|--|---|
| 1. CALIFORNIA ADMINISTRATIVE CODE (INCL TITLE 24 & 25) | 6. ANSI/EIA-222-F LIFE SAFETY CODE NFPA-101 |
| 2. 2007 CALIFORNIA BUILDING CODE | 7. 2007 CALIFORNIA PLUMBING CODE |
| 3. CITY/COUNTY ORDINANCES | 8. 2007 CALIFORNIA ELECTRICAL CODE |
| 4. BUILDING OFFICIALS AND CODE ADMINISTRATORS (BOCA) | 9. LOCAL BUILDING CODE |
| 5. MECHANICAL 2007 CALIFORNIA CODE | |

PROJECT SUMMARY

PROPERTY OWNER:
CROWNE PLAZA HOTEL
777 BELLEW DRIVE
MILPITAS, CA 95035
CONTACT: WINNIE QWOK
PHONE: (408) 321-9500

ARCHITECT:
DELTA GROUPS ENGINEERING, INC.
5635 WEST LAS POSITAS, SUITE 403
PLEASANTON, CA 94588
NAME: FRANCIS ONG
CONTACT: HAROLD TRIAS
PHONE: (925) 468-0115

APPLICANT:
CLEARWIRE
2999 OAK RD.
WALNUT CREEK, CA 94597
CONTACT: TOM DERKAS
PHONE: (925) 202-3333

STRUCTURAL ENGINEER:
DELTA GROUPS ENGINEERING, INC.
5635 WEST LAS POSITAS, SUITE 403
PLEASANTON, CA 94588
CONTACT: ALBERT TENG
PHONE: (949) 622-0333

LEASING MANAGER:

FMHC CORPORATION
367 CIVIC DR. SUITE 7
PLEASANT HILL, CA 94523
CONTACT: ASH RAGEH
PHONE: (510) 224-7672

CONSTRUCTION MANAGER:

FMHC CORPORATION
367 CIVIC DR. SUITE 7
PLEASANT HILL, CA 94523
CONTACT: DAN RICO
PHONE: (925) 798-6100

ZONING MANAGER:

FMHC CORPORATION
367 CIVIC DR. SUITE 7
PLEASANT HILL, CA 94523
CONTACT: ASH RAGEH
PHONE: (510) 224-7672

BUILDING/ SITE DATA LEGEND

LATITUDE: 37° 25' 20.54" N (NAD83)
LONGITUDE: 122° 55' 09.62" W (NAD83)
ELEVATION: 23.0' AMSL (NGVD 29)
A.P.N.: 086-47-002
ZONING: COMMERCIAL
OCCUPANCY: U, UNMANNED
TYPE OF CONSTRUCTION: V
LEASE AREA: 30 SQ. FT.

HANDICAP REQUIREMENTS: FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS NOT REQUIRED.

TITLE 24 REQUIREMENTS: FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. TITLE 24 IS EXEMPT.

PROJECT DESCRIPTION

INSTALLATION OF A WIRELESS COMMUNICATIONS FACILITY, INCLUDING THE INSTALLATION OF (1) EQUIPMENT CABINET, (8) MICROWAVE DISHES, AND (3) PANEL ANTENNAS BEHIND A STEALTH SCREEN ENCLOSURE AND (1) GPS.

DRIVING DIRECTIONS

FROM: CLEARWIRE REGIONAL OFFICE
2999 OAK RD.
WALNUT CREEK, CA 94597

TO: 777 BELLEW DRIVE
MILPITAS, CA 95035
DISTANCE: 30 MILES

- HEAD SOUTHEAST ON OAK RD.
- TURN RIGHT AT TREAT BLVD.
- SLIGHT LEFT TO STAY ON TREATBLVD.
- TURN RIGHT AT N MAIN ST.
- TAKE THE RAMP ONTO I-680 SOUTH
- TAKE EXIT 12 TO MERGE ONTO CA-262 SOUTH/MISSION BLVD. TOWARD I-880
- TAKE THE RAMP ONTO I-880 SOUTH
- TAKE EXIT 8B FOR CALAVERAS BLVD/CA-237 TOWARD MC CARTHY BLVD
- TURN RIGHT AT CA-237/W CALAVERAS BLVD.
- TURN LEFT AT MCCARTHY BLVD.
- TURN LEFT AT BELLEW DR.
- MAKE A U-TURN AT BARBER LANE
- ARRIVE AT 777 BELLEW DR., DESTINATION WILL BE ON THE RIGHT

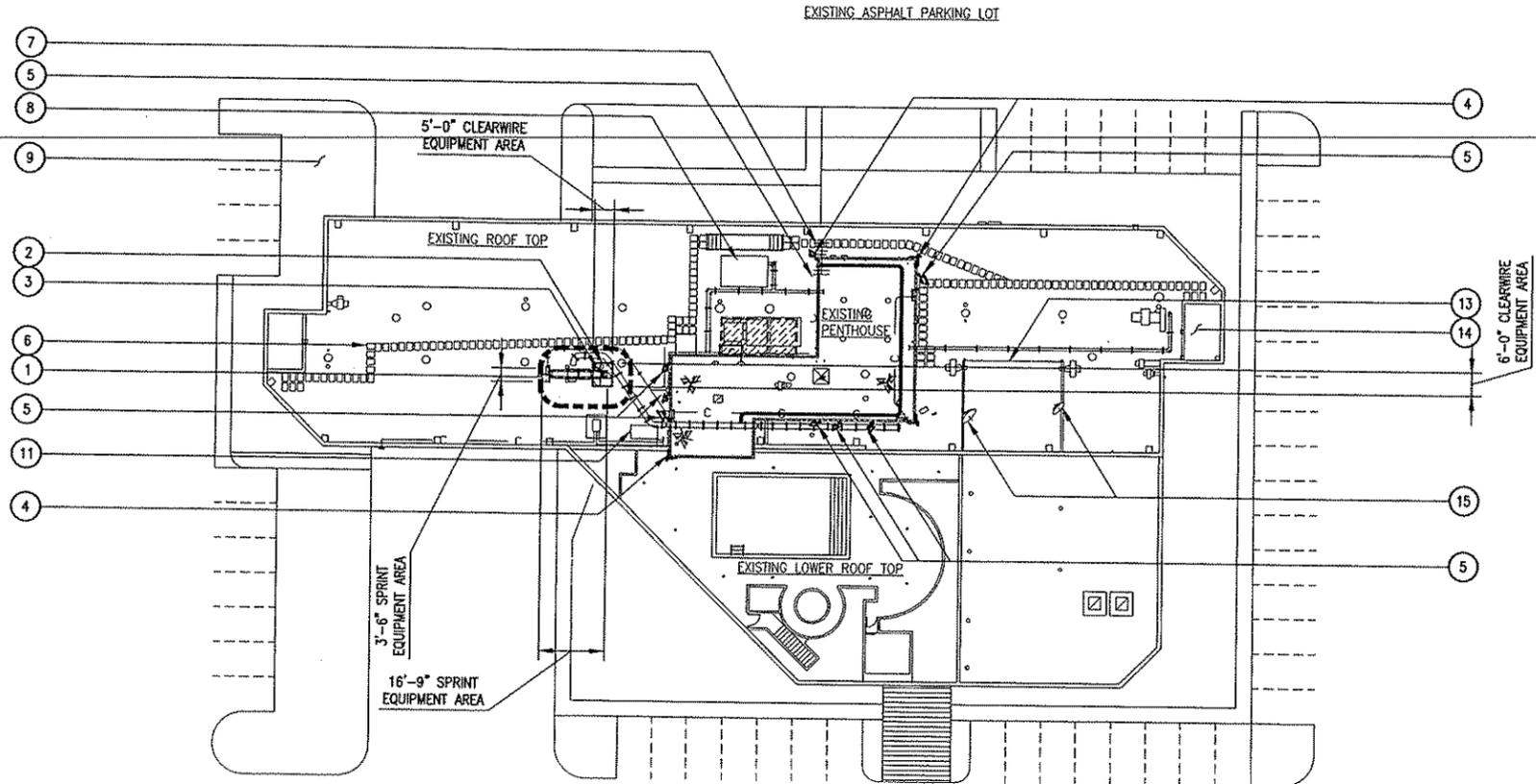
RECEIVED

OCT 26 2009

CITY OF MILPITAS
PLANNING DIVISION

KEY NOTES:

- ① EXISTING 3'-6"x16'-9" SPRINT EQUIPMENT AREA (58.2 SQ. FT. TOTAL)- LOCATION OF CLEARWIRE EQUIPMENT
- ② PROPOSED 5'-0"x6'-0" CLEARWIRE LEASE AREA (30.0 SQ. FT. TOTAL)
- ③ PROPOSED CLEARWIRE EQUIPMENT CABINET
- ④ PROPOSED CLEARWIRE PANEL ANTENNA (TYP.)
- ⑤ PROPOSED CLEARWIRE MICROWAVE DISH (TYP.)
- ⑥ EXISTING TRAFFIC PADS (TYP.)
- ⑦ EXISTING YAGI ANTENNA
- ⑧ EXISTING ROOF TOP EQUIPMENT
- ⑨ EXISTING LANDSCAPING (TYP.)
- ⑩ EXISTING SATELLITE DISH (TYP.)
- ⑪ EXISTING RADIO EQUIPMENT
- ⑫ EXISTING REFLEX COMMUNICATIONS EQUIPMENT ENCLOSURE
- ⑬ EXISTING TANK
- ⑭ EXISTING STAIR CASE- LOCATION OF ROOF TOP ACCESS
- ⑮ EXISTING SATELLITE DISH (TYP.)



NOTES:
 1. DO NOT SCALE DRAWINGS. ALL DIMENSIONS OF AND BETWEEN EXISTING BUILDINGS/STRUCTURES, OR RELATIVE DISTANCES AS SHOWN BETWEEN EXISTING BUILDINGS/STRUCTURES, PROPERTY LINES, EASEMENT AND THE TRUE NORTH ARE TO BE CONFIRMED BY THE SURVEYOR.
 2. POWER ROUTING DESIGN IS PRELIMINARY AND MUST BE VERIFIED WITH LOCAL UTILITY COMPANIES.

OVERALL SITE PLAN

SCALE:
 1 inch = 20 ft



UNUSED

clearw're

4400 CARILLON POINT
 KIRKLAND, WA 98033

PROJECT INFORMATION:

**CROWNE PLAZA
 CA-SJC0031A**
 777 BELLEVUE DRIVE
 MILPITAS, CA 95035
 SANTA CLARA COUNTY

CURRENT ISSUE DATE:

10/14/09

ISSUED FOR:

ZD (100%)

REV.: DATE: DESCRIPTION: BY:

REV.	DATE	DESCRIPTION	BY
5	10/14/09	ZD (100%)	CL
4	09/24/09	ZD (100%)	CL
3	07/01/09	ZD (100%)	CL
2	06/18/09	ZD (90%)	JZ
1	05/20/09	ZD (90%)	CC

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CONSULTANT:

SEAL OF APPROVAL:

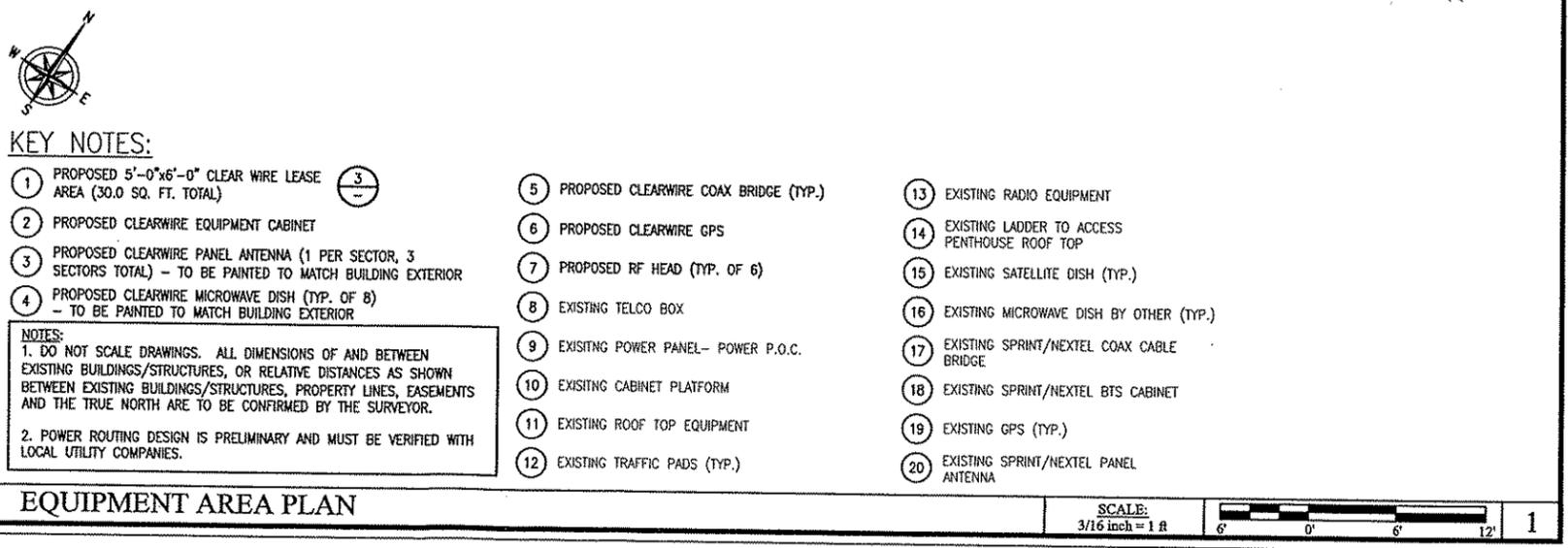
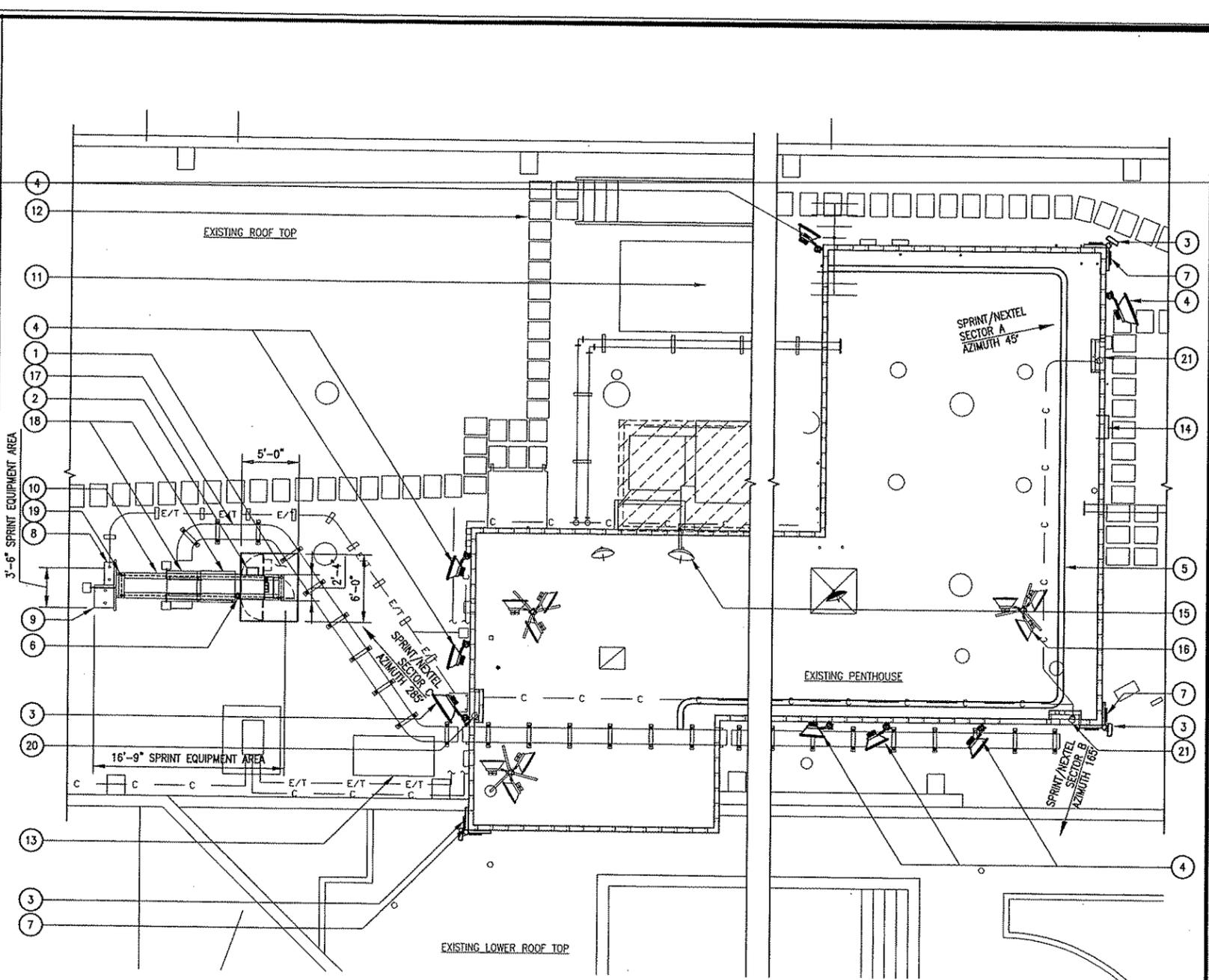
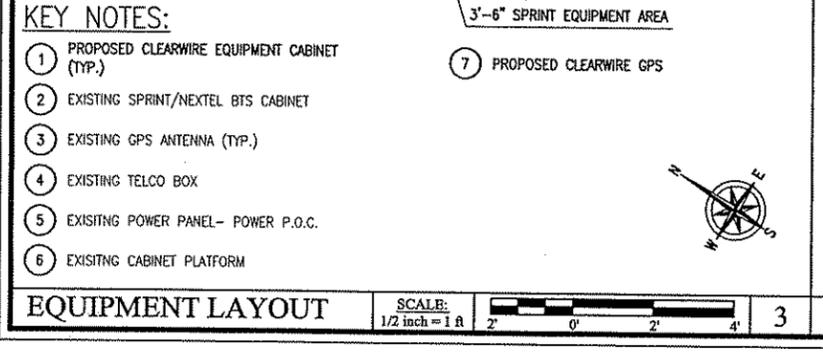
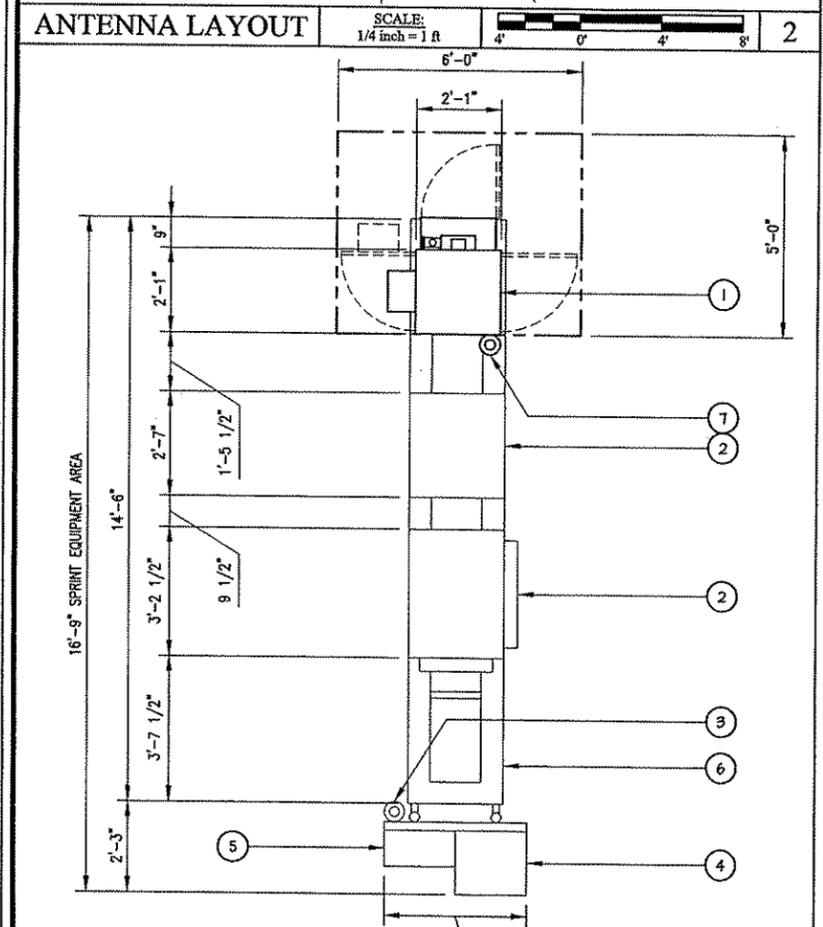
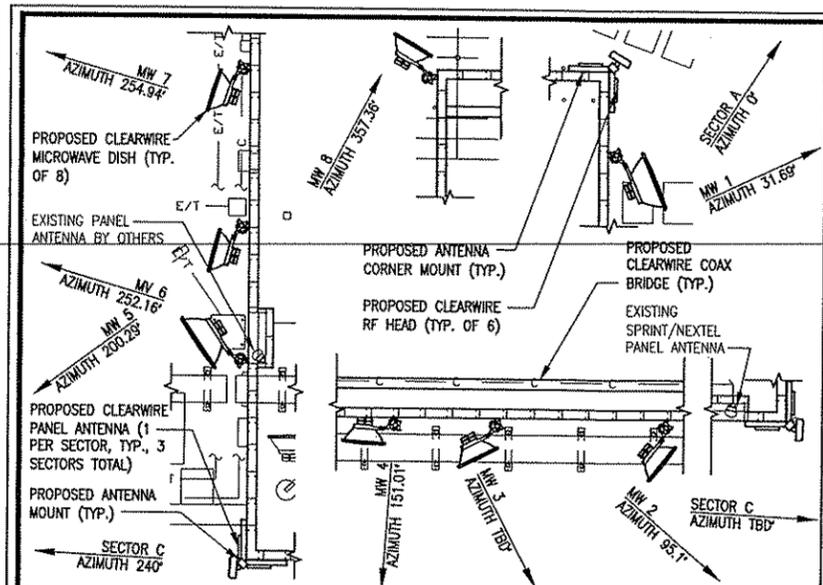
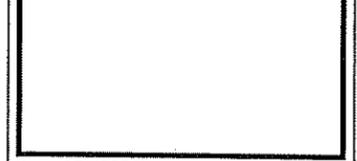
SHEET TITLE:

OVERALL SITE PLAN

SHEET NUMBER: REVISION:

A1 **5**
 P09CL012

REV.	DATE	DESCRIPTION	BY
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clearw're

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CONSULTANT:

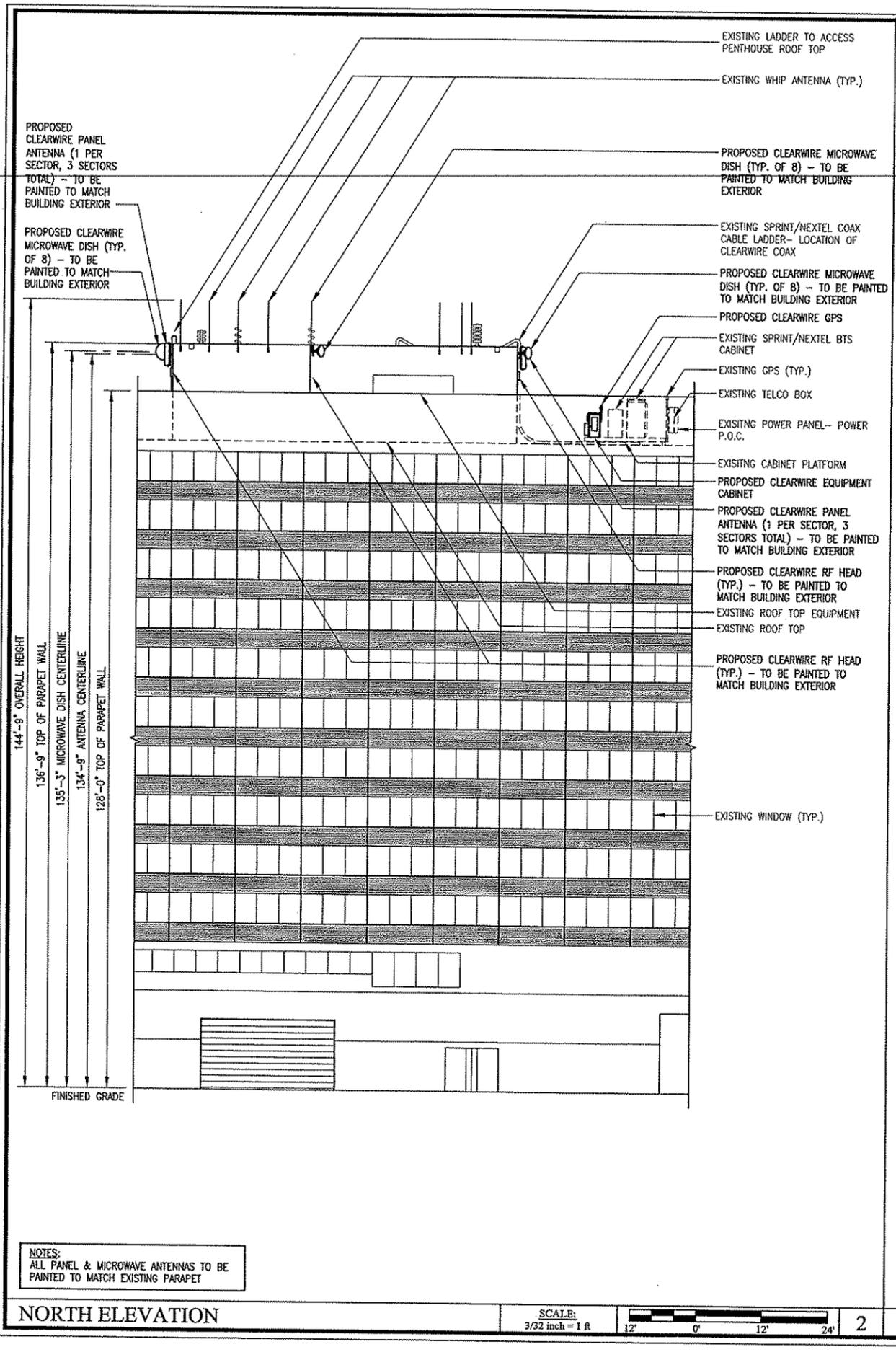
SEAL OF APPROVAL:

SHEET TITLE:

NORTH & EAST
ELEVATIONS

SHEET NUMBER: REVISION:

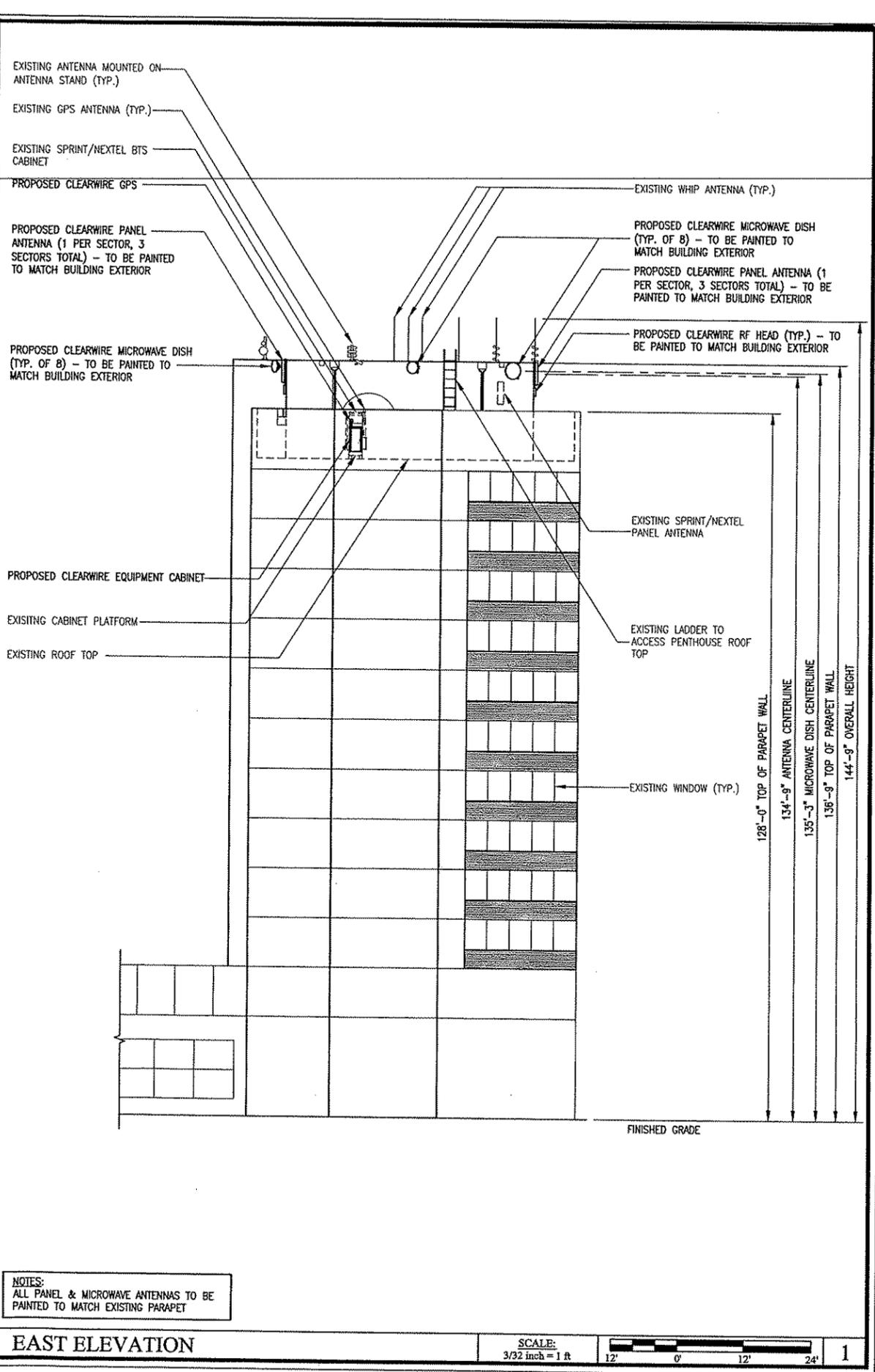
A3 **5**
P09CL012



NOTES:
ALL PANEL & MICROWAVE ANTENNAS TO BE PAINTED TO MATCH EXISTING PARAPET

NORTH ELEVATION

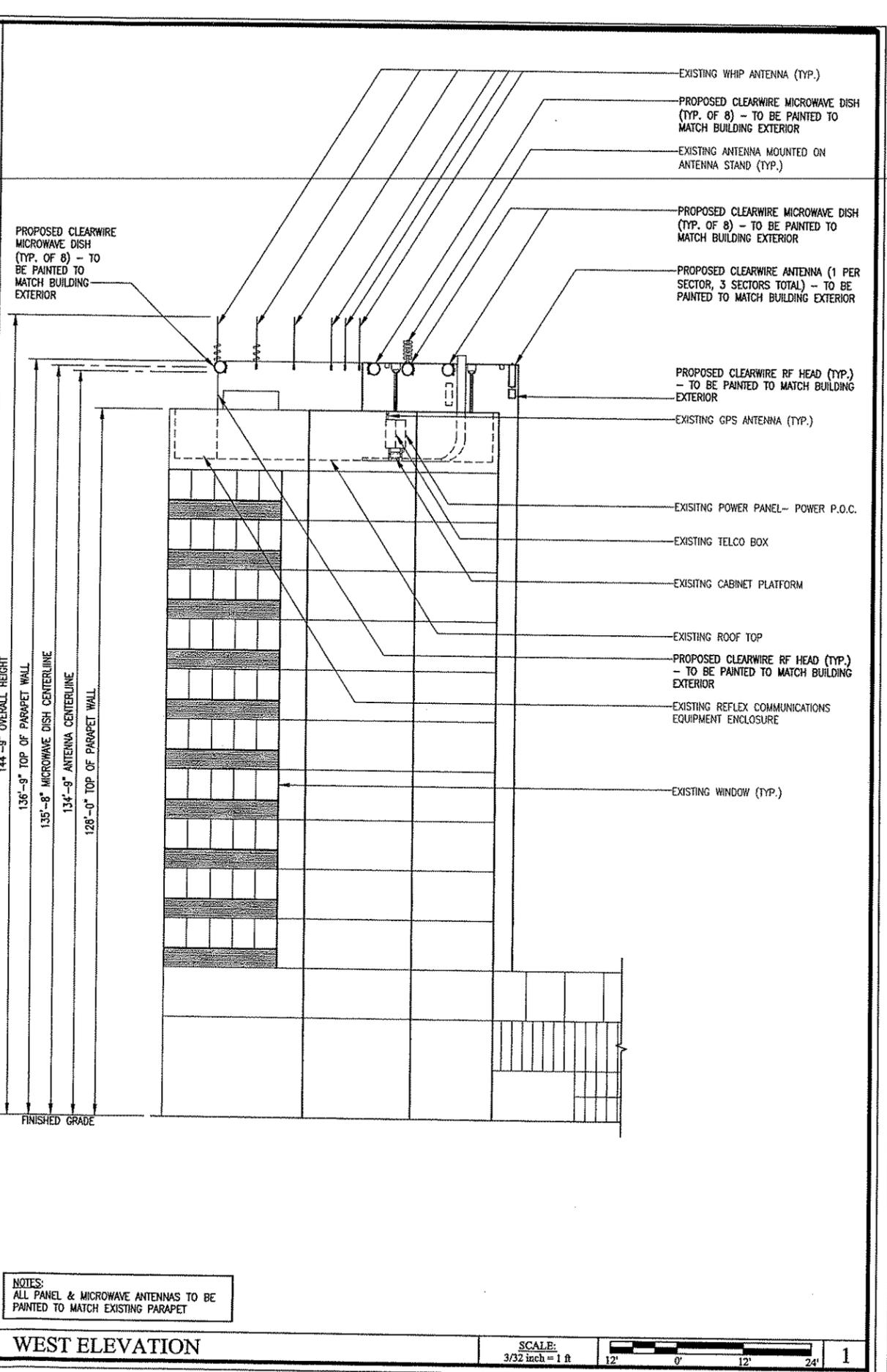
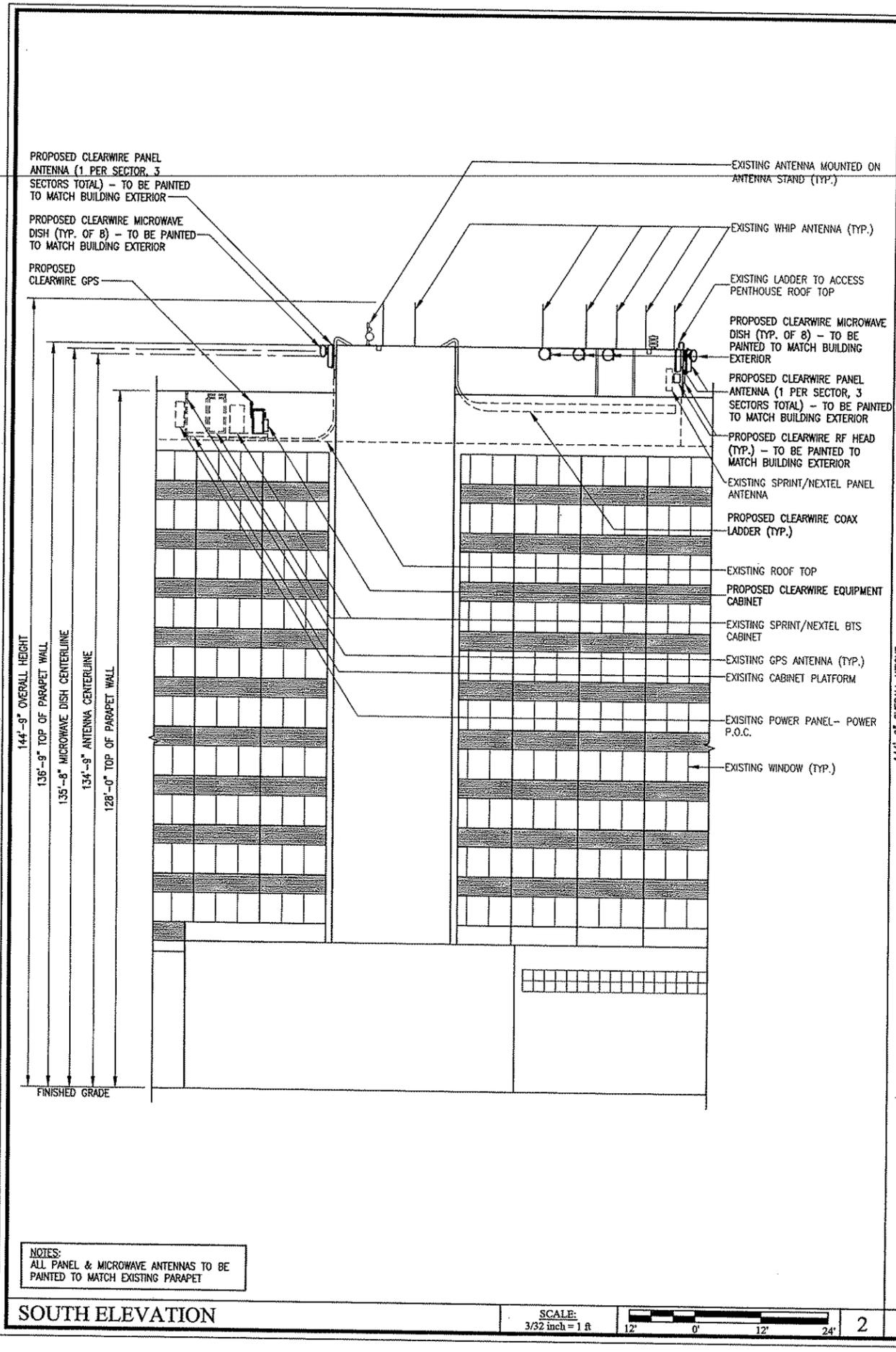
SCALE: 3/32 inch = 1 ft
12' 0' 12' 24'



NOTES:
ALL PANEL & MICROWAVE ANTENNAS TO BE PAINTED TO MATCH EXISTING PARAPET

EAST ELEVATION

SCALE: 3/32 inch = 1 ft
12' 0' 12' 24'



NOTES:
ALL PANEL & MICROWAVE ANTENNAS TO BE PAINTED TO MATCH EXISTING PARAPET

NOTES:
ALL PANEL & MICROWAVE ANTENNAS TO BE PAINTED TO MATCH EXISTING PARAPET

SOUTH ELEVATION

WEST ELEVATION

SCALE: 3/32 inch = 1 ft
12' 0' 12' 24'

SCALE: 3/32 inch = 1 ft
12' 0' 12' 24'

clearw're

4400 CARILLON POINT
KIRKLAND, WA 98033

PROJECT INFORMATION:

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CA-SJC0031A**
777 BELLEW DRIVE
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SANTA CLARA COUNTY

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10/14/09

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ZD (100%)

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1	05/20/09	ZD (90%)	CC

PLANS PREPARED BY:

**DELTA GROUPS
ENGINEERING, INC.**
CONSULTING ENGINEERS

5635 WEST LAS POSITAS, SUITE 403
PLEASANTON, CA 94568
TEL: (925) 468-0115 FAX: (925) 468-0355

CONSULTANT:

SEAL OF APPROVAL:

SHEET TITLE:

SOUTH & WEST
ELEVATIONS

SHEET NUMBER: REVISION:

A4

5

P09CL012

PROJECT DESCRIPTION

CLEARWIRE
Proposed High Speed Wireless Data Site
CA-SJC0031 "Crowne Plaza"
777 Bellew, Milpitas, CA 95035
APN 086-47-002

About Clearwire

Clearwire Communications, LLC, an operating subsidiary of Clearwire Corporation, (NASDAQ: CLWR), offers a robust suite of advanced high-speed Internet services to consumers and businesses. As part of a multi-year network build-out plan, Clearwire's 4G service, called CLEAR™, will be available in major metropolitan areas across the U.S, and bring together an unprecedented combination of speed and mobility. Clearwire's open all-IP network, combined with significant spectrum holdings, provides unmatched network capacity to deliver next generation broadband access. Strategic investors include Intel Capital, Comcast, Sprint, Google, Time Warner Cable, and Bright House Networks. Clearwire currently provides 4G service, utilizing WiMAX technology in two markets and provides pre-WiMAX communications services in 50 markets across the U.S. and Europe. Headquartered in Kirkland, Wash., additional information about Clearwire is available at www.clearwire.com.

Proposed Installation

To provide clear, consistent high speed wireless data to this commercial area of Milpitas surrounding the Crowne Plaza Hotel at 777 Bellew, Milpitas, CA Clearwire proposes to construct and operate an unmanned wireless data facility.

The facility will consist of (1) approximate 25" wide x 25" long x 54" tall equipment cabinet and (1) GPS antenna installed on an empty space located on Sprint's existing equipment roof platform currently hidden from public views behind the existing mechanical screen wall. In addition (3) 4' tall panel antennas and (3) 4' RRU's (remote radio units) will be façade mounted on the buildings penthouse and painted to match. In order to bring T-1 signal to this site and send T-1 signal to other sites, Clearwire is proposing to façade mount (8) approximate 2 foot wide diameter microwave antennas to the hotel's penthouse façade and will be painted to match. Please see zoning drawings for detailed illustration of site layout.

The proposed antennas will be installed approximately 135' above ground level and will be painted to match the hotel's color and texture. From public views the proposed equipment will be visually insignificant. (Please see the photo simulations)

Site Alternative Analysis

Clearwire is the brand name for Sprint/Nextel's 4th generation wireless network. Clearwire acts as an overlay service to Sprint/Nextel's voice network offering full broadband service although Clearwire runs on a completely separate set of antennas, base station equipment; essentially a separate network. Therefore Sprint/Nextel's existing facilities are typically modified to add the Clearwire equipment to overlay coverage.

In this particular case, Sprint/Nextel is currently installed on the roof of the Crown Plaza Hotel. This is the highest building in the area which has excellent view of major freeway corridors, shopping and work centers and naturally many carriers have installed their equipment on this roof to take advantage of the existing elevation. There are no other buildings in the nearby vicinity that offer the elevation the Crown Plaza has. Clearwire is proposing to install its' base station equipment on Sprint/Nextel's existing roof

platform and then will install the panel and microwave antennas on the existing penthouse similar to the other carriers.

In conclusion, after Clearwire's analysis of the coverage objective in this area, a modification of Sprint/Nextel's existing facility is the best way to achieve the coverage objective. There are no other existing structures that offer the excellent vantage of the Crown Plaza and building a new tower to offer the same coverage was ruled out due to visual impacts to the vicinity.

Environmental Review

In our effort to provide a comprehensive project description we have provided clarification of many items required for environmental clearance for a new project:

Earth, Air, Water, Plant Life, Animal Life

The project will not require any raw land construction; this is a minor addition to an existing structure. There will be no air emissions from the equipment. No animal life will be disrupted as a result of this project.

Noise

The proposed equipment does not generate noticeable noise or vibration.

Light and Glare

Additional lighting is not proposed with the development of this facility. The equipment will be painted to match the color of the building which is a non-reflective neutral color.

Land Use

The proposed unmanned wireless data facility will include antennas and associated equipment. The use is consistent with the underlying zoning and general plan.

Natural Resources

The proposed facility requires a 60 amp service and is not a significant user of power.

Risk of Upset

The proposed equipment incorporates adequate safety measures and precautions and has operated reliably and safely in many existing Clearwire facilities. Clearwire will comply with all FCC regulations regarding signage at the facility.

Population and Housing

The proposed Clearwire facility will not affect population or housing trends in the area.

Transportation and Circulation

The proposed Clearwire facility will have minimal impact on traffic and circulation. Peak travel to the proposed project will be limited to the initial construction of the facility, which should take approximately two to four weeks. After construction is complete, the facility may be visited once or twice a month for routine maintenance.

Public Services, Energy and Utilities

The small, unmanned facility will not generate demand for additional public services and will not increase demand upon existing energy sources. The equipment will connect to and use electrical utility systems that are already present on the subject parcel.

The proposed facility will not require the uses of services such as water or sewer or any other City of Milpitas services.

Human Health

The proposed Clearwire facility falls significantly below all state and federal regulations for emissions of non-ionizing radiation. (non ionizing radiation – such radio waves - is not harmful to humans' Vs ionizing radiation – such as x-ray -, which is harmful to humans)

All antenna facilities (including radio and television broadcasting, microwave and cellular communications, ham radios and police radar) emit a small amount of non-ionizing radio frequency radiation. This form of radio wave energy is low in power and cannot ionize, or alter, the molecular structure of living tissue.

Clearwire is licensed by the FCC to operate specifically within the 2.5-2.6 GHz frequency band at approximately 150 watts per channel. The site will accommodate 1 channels per sector, with three sectors, for an effective radiated power level of approximately 450 watts at full capacity in for all 3 azimuths; 150 watts in any one direction. This level is thousands of times less powerful than FM and TV facilities and only a fraction of the power of an ordinary home microwave oven (which usually operates at 650 watts). The emissions from the proposed facility will be at a level 100 to 1,000 times below even the most conservative standard for such radio frequency emissions.

Archaeological and Historical Resources

The proposed facility will be a built on an existing developed property and therefore will not have any impact on the archaeological and historic resources of the area.

Conclusion

As indicated above, the establishment of this wireless high speed data facility will not be detrimental to the public health, safety or welfare of persons residing or working in the neighborhood, or be materially injurious to the neighborhood, or the general welfare of the City of Milpitas. The proposed facility will not place any burden on traffic, nor will it result in objectionable levels of noise, odor, dust, or dirt.

The proposed facility will be a link to important a reliable high speed wireless network, much like DSL or Comcast without the wires. Individuals and businesses will be able to access the internet on the move to stay in business, to expand their business, to provide personal convenience, or to strengthen personal safety and the ability to obtain information on demand. This is the next generation of wireless technology and public anticipation for this service is high.

The FCC controls and regulates the operation of all the telecommunication equipment and devices to be used at this proposed facility. The proposed facility will conform to all FCC standards and regulations and the facility is in conformance with the City of Milpitas's zoning ordinance and general plan.

CLEARWIRE
Proposed High Speed Wireless Data Site
CA-SJC0031 "Embassy Suites"
777 Bellew, Milpitas, CA 95035
APN 086-47-002

Site Alternative Analysis

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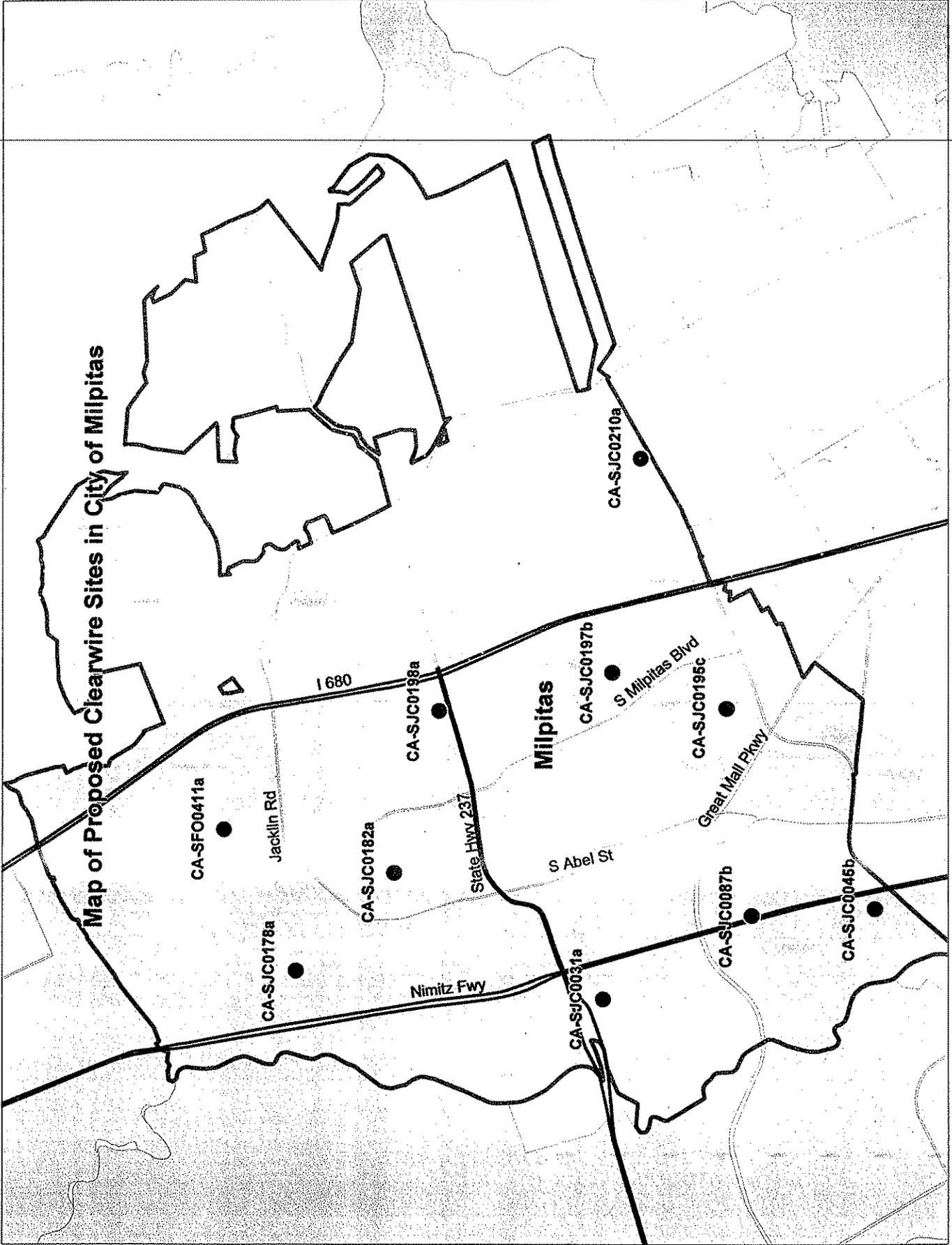
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**CITY OF MILPITAS
PLANNING DIVISION**

Map of Proposed Clearwire Sites in City of Milpitas



City of Milpitas
 Planning Division
 455 E. Calaveras Blvd.
 Milpitas, CA 95035
 (408) 586-3279

Questionnaire for Telecommunication Facility Providers

All applicants requesting to install telecommunications facilities within the City of Milpitas must complete this questionnaire as part of their use permit application submittal.

Applicant Name: Clearwire - Agent for Clearwire, Ash Rageh (FMHC)

Applicant Address: FMHC - 367 Civic Drive, Suite 7, Pleasant Hill, CA 94523

Applicant Phone: (510)224-7672 Applicant Fax: (925)798-6101

Applicant e-mail address: arageh@fmhc.com

Location of Project: 777 Bellew - Crown Plaza Hotel

Is this an existing facility or a Co-Location? Yes No Previous Owner: _____

If yes, are you using the same technology? Yes No

Date previously approved by the Telecommunications Commission: _____

Provide a brief description of project (Telecommunications Facility): _____

Clearwire proposes to install a wireless broadband system on the roof of the Crown Plaza Hotel requiring (3) panel antennas for coverage and (8) microwave dishes to received and transmit T-1 signal to other Clearwire sites.

1. Please indicate below the frequency range you plan to use?

- VHF Low-Band (30-50 Mhz or 72-76 Mhz)
 VHF High-Band (136-174 Mhz or 220-222 Mhz)
 UHF or T-Band (406-420 Mhz or 450-470 Mhz or 470-512 Mhz)
 800 or 900 Mhz Band (800-960 except 900 Mhz Spread Spectrum)
 900 Mhz Spread Spectrum (902-928 Mhz)
 Other than specified above (State frequency band in Mhz). Describe: _____
 2.496 - 2.690 GHz Broadband Radio Service

2. Please indicate below the channel/system propos

- A single channel
 Multiple channel
 A frequency agile system
 A spread spectrum system
 Other: _____

3. Please indicate below the frequency range you plan to use?

- Narrow band (± 5 Khz or less deviation)
 Broad band (greater than ± 5 Khz deviation)
 Spread Spectrum
 Other: _____

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CITY OF MILPITAS
 PLANNING DIVISION

4. What will the effective radiated power (ERP) be when all channels at your proposed site are radiating?
971W ERP

5. Will the site be in compliance with current ANSI radiation health standards? Yes No

6. What horizontal radiation pattern is planned for this project?

Omnidirectional

Sectored

Directional (provide half power beam width) 65 degrees

7. What will the vertical radiation angle (half power beam width) be for your proposed antenna(s)?

6.5 degrees

8. How high above the local terrain (e.g., surrounding structures) will the center of radiation of your proposed antenna(s) be? 130.5 feet

9. How close to your proposed project is the nearest roadway 200 ft. feet/miles and, if elevated, what is the roadway's height above the local terrain? 0 feet

10. How close to your proposed project is the nearest regularly occupied building and how high is the top floor above local terrain? 0 ft as is on hotel

11. What is the distance to the nearest existing radio communications or broadcast antenna(s) if less than 1/2 mile? .19 miles feet/miles. If known, identify owner/operator: _____

12. What is the status of your FCC license grant? Please see attached
(Include a *copy of the license with submittal of this questionnaire.)

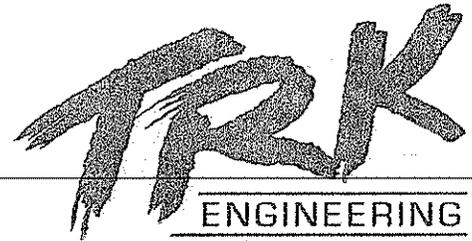
NOTE: The below listed items are required by the applicant as part of this submittal if required to go to the Telecommunications Commission:

- a) Provider's build-out map* showing all sites anticipated within Milpitas (see question no. 2)
- b) Photo simulations** of antenna(s) as viewed from at least three surrounding view points. Show "worst case" vantage points.
- c) List of all sites that were investigated** for a particular search ring and the reasons why they were discarded. Include names and phone numbers of persons contacted regarding potential sites.
- d) Copy of applicants Power Density Study* (see item no. 4).

* 20 copies (Telecommunication Commission)

** 35 copies (Telecommunication Commission & Planning Commission)

Back of
Telecommunication Questionnaire



FEDERAL COMMUNICATIONS COMMISSION (FCC)
COMPLIANCE STUDY ON
RADIO FREQUENCY
ELECTROMAGNETIC FIELDS EXPOSURE

Prepared for:

clearwire
wireless broadband

CA-SJC0031A
CROWN PLAZA
777 BELLEW DRIVE
MILPITAS
CA 95035

AUGUST 24/09, REV. 0

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CITY OF MILPITAS
PLANNING DIVISION

Clearwire also proposes to install dish antennas or Internet Service Exchange Points (ISEP) near the proposed panel antennas behind screens. The RF power outside the main beam of these antennas is insignificant compared to the panel antennas (see calculations in Appendix A).

Sprint PCS has directional antennas mounted behind RF screens flush with the penthouse walls. The proposed Clearwire antennas will be located in the vicinity of the existing Sprint PCS screened antennas. The RF summary for the Sprint PCS facility is shown in the Table 2.

Carrier:	Sprint PCS
Type of Service:	1900 MHz CDMA (<i>Broadband PCS</i>)
Antenna Type:	EMS RR65-18-00DPL2 (<i>typical</i>)
Number of Antennas:	3 (1 per sector)
Maximum Power:	500 W (<i>Maximum ERP per sector</i>)
Antenna Height:	129'± (<i>Radiation center AGL</i>)

Table 2. Sprint PCS RF summary

In addition, there are several existing telecommunications / land mobile / network facilities located on the rooftop penthouse. They include County of Santa Clara, Spectrum Resources, Holiday Inn, Covad Communications, and Wiline Networks. They utilize various types of point-to-point microwave antennas, yagi antennas and omni antennas. These antennas are mounted at elevations between 17' and 25' above roof deck. Because of the mounting height of these antennas, the power densities existing at locations where the general public on the street level may be exposed are insignificant compared to the proposed and the existing panel antennas.

PROTOCOL:

This study, and the calculations performed therein, is based on OET Bulletin 65¹ which adopts ANSI C95.1-1992 and NCRP standards. In particular, equation 10 from section 2 of the guideline is used as a model (in conjunction with known antenna radiation patterns) for calculating the power density at different points of interest. This information will be used to judge the RF exposure level incident upon the general population, and any employee present in the area. It should be noted that ground reflection of RF waves has been taken into account.

FCC'S MAXIMUM PERMISSIBLE EXPOSURE (MPE) LIMIT:

In order to evaluate the RF exposure level, the power densities at different locations of interest have been examined. Equation 10 from Bulletin 65 is reproduced here as equation 1:

$$S = \frac{33.4F^2 ERP}{R^2} \quad (1)$$

- Where:
- S = Power density [$\mu W/cm^2$]
 - ERP = Effective radiated power [W]
 - R = Distance [m]
 - F = Relative field factor (relative numeric gain)

¹ Cleveland, Robert F, et al. Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields. OET Bulletin 65, Edition 97-01, August 1997.

Service	Max. ERP	F ²	R (m)	S (μW/cm ²) (from eq. 1)	MPE %
clearwire	969 W	-20 dB (0.0100)	19.3	0.8689	0.0869
clearwire ISEP	100 W	-31 dB (0.0008)	19.3	0.0072	0.0007
Sprint PCS	500 W	0 dB (1.0000)	19.1	45.7773	4.5777
Total					4.6653

Table 5. Worst-case predicted power density values for scenario 3.

The highest exposure location on the facility rooftop is approximately 62' from a proposed Clearwire antenna. The maximum cumulative power density for both the proposed and the existing antennas is calculated to be 4.67% of the MPE limit for general population/uncontrolled exposure.

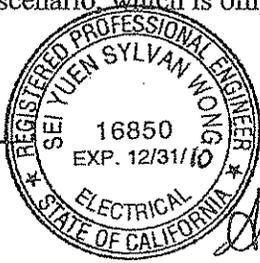
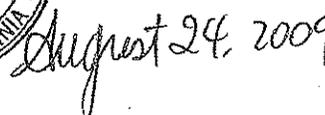
Conclusion:

Under "worst-case" conditions, the calculations shown above predict that the maximum possible RF exposure is 4.67% of the MPE limit for general public. There will be less RF exposure on the ground level or nearby buildings as a person moves away from the site. Therefore, the proposed Clearwire facility in co-location with the existing facilities will comply with the general population/uncontrolled limit.

FCC COMPLIANCE:

Only trained persons will be permitted to access the compound. They will be made fully aware of the potential for RF exposure and can choose to exercise control over their exposure that is within the occupational/controlled limit which is 5 times the general population/uncontrolled exposure limit.

The general population/uncontrolled exposure near the antennas, including persons on the street level, in nearby open areas, and inside or on existing nearby buildings will have RF exposure much lower than the "worst-case" scenario, which is only a small percentage of the MPE limit.

Sei Yuen Sylvan Wong, PE
 California PE Reg. No. E 16850

Location 5: Sector 2

Location at ground from rooftop, L_p is 734 ft at $\Theta = 10^\circ$

Service Provider	Height H_G , ft	Height H_P , ft	Max. ERP	Angle Θ	F^2	R_p (m)	S ($\mu W/cm^2$)	MPE%
clearwire panel	135.50	129.50	969.0	$\Theta = 10^\circ$	-20 dB (0.0100)	227.4	0.0063	0.0006
clearwire ISEP	135.50	129.50	100.0	$\Theta = 10^\circ$	-31 dB (0.0008)	227.4	0.0001	0.0000
Sprint	129.00	123.00	500.0	$\Theta = 10^\circ$	-13 dB (0.0501)	227.0	0.0162	0.0016
Total								0.0022

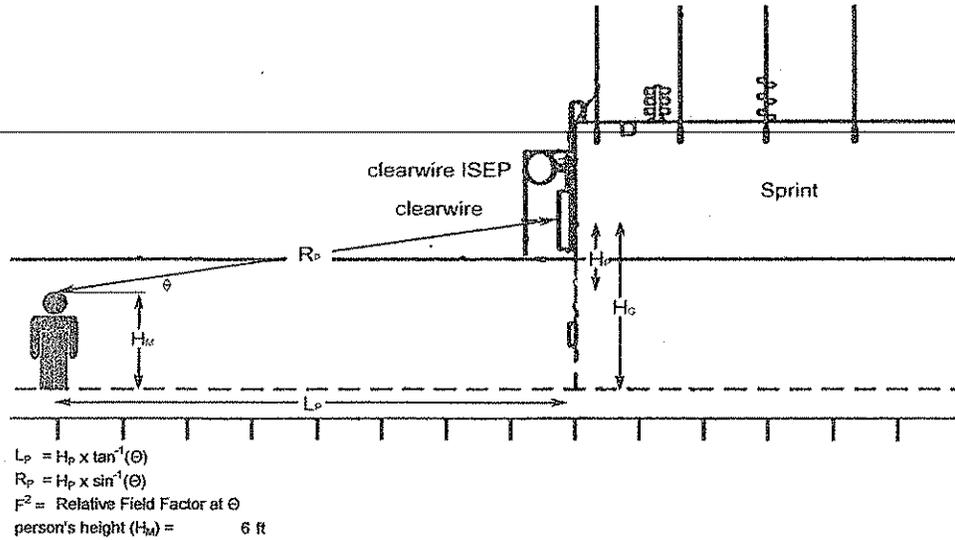
Location 6: Sector 2

Location at ground from rooftop, L_p is 1480 ft at $\Theta = 5^\circ$

Service Provider	Height H_G , ft	Height H_P , ft	Max. ERP	Angle Θ	F^2	R_p (m)	S ($\mu W/cm^2$)	MPE%
clearwire panel	135.50	129.50	969.0	$\Theta = 5^\circ$	0 dB (1.0000)	453.0	0.1577	0.0158
clearwire ISEP	135.50	129.50	100.0	$\Theta = 5^\circ$	-25 dB (0.0032)	453.0	0.0001	0.0000
Sprint	129.00	123.00	500.0	$\Theta = 5^\circ$	0 dB (1.0000)	452.8	0.0815	0.0082
Total								0.0240

Scenario 3: Facility Rooftop

Exposure locations on the facility rooftop from the antenna



Location 1: Sector 3

Location on rooftop, L_p is 1 ft at $\theta = 85^\circ$

Service Provider	Height H_a , ft	Height H_p , ft	Max. ERP	Angle θ	F^2	R_p (m)	S ($\mu W/cm^2$)	MPE%
clearwire panel	17.00	11.00	969.0	$\theta = 85^\circ$	-38 dB (0.0002)	3.4	0.5599	0.0560
clearwire ISEP	17.00	11.00	100.0	$\theta = 85^\circ$	-61 dB (0.0000)	3.4	0.0000	0.0000
Sprint	11.50	5.50	500.0	$\theta = 80^\circ$	-28 dB (0.0016)	1.7	9.2457	0.9246
Total								0.9806

Location 2: Sector 3

Location on rooftop, L_p is 2 ft at $\theta = 80^\circ$

Service Provider	Height H_a , ft	Height H_p , ft	Max. ERP	Angle θ	F^2	R_p (m)	S ($\mu W/cm^2$)	MPE%
clearwire panel	17.00	11.00	969.0	$\theta = 80^\circ$	-38 dB (0.0002)	3.4	0.5599	0.0560
clearwire ISEP	17.00	11.00	100.0	$\theta = 80^\circ$	-57 dB (0.0000)	3.4	0.0000	0.0000
Sprint	11.50	5.50	500.0	$\theta = 71^\circ$	-24 dB (0.0040)	1.8	20.6173	2.0617
Total								2.1177

Location 3: Sector 3

Location on rooftop, L_p is 6 ft at $\theta = 60^\circ$

Service Provider	Height H_a , ft	Height H_p , ft	Max. ERP	Angle θ	F^2	R_p (m)	S ($\mu W/cm^2$)	MPE%
clearwire panel	17.00	11.00	969.0	$\theta = 60^\circ$	-32 dB (0.0006)	3.9	1.2767	0.1277
clearwire ISEP	17.00	11.00	100.0	$\theta = 60^\circ$	-47 dB (0.0000)	3.9	0.0000	0.0000
Sprint	11.50	5.50	500.0	$\theta = 41^\circ$	-24 dB (0.0040)	2.6	9.8817	0.9882
Total								1.1159

Location 4: Sector 3

Location on rooftop, L_p is 11 ft at $\theta = 45^\circ$

Service Provider	Height H_a , ft	Height H_p , ft	Max. ERP	Angle θ	F^2	R_p (m)	S ($\mu W/cm^2$)	MPE%
clearwire panel	17.00	11.00	969.0	$\theta = 45^\circ$	-30 dB (0.0010)	4.7	1.4651	0.1465
clearwire ISEP	17.00	11.00	100.0	$\theta = 45^\circ$	-44 dB (0.0000)	4.7	0.0000	0.0000
Sprint	11.50	5.50	500.0	$\theta = 27^\circ$	-21 dB (0.0079)	3.7	9.6370	0.9637
Total								1.1102

Location 5: Sector 3

Location on rooftop, L_p is 19 ft at $\theta = 30^\circ$

Service Provider	Height H_a , ft	Height H_p , ft	Max. ERP	Angle θ	F^2	R_p (m)	S ($\mu W/cm^2$)	MPE%
clearwire panel	17.00	11.00	969.0	$\theta = 30^\circ$	-27 dB (0.0020)	6.7	1.4420	0.1442
clearwire ISEP	17.00	11.00	100.0	$\theta = 30^\circ$	-42 dB (0.0001)	6.7	0.0074	0.0007
Sprint	11.50	5.50	500.0	$\theta = 16^\circ$	-16 dB (0.0251)	6.0	11.6436	1.1644
Total								1.3093

2300-2700MHz Remote Tilt Panel Antenna

Electrical Specifications

Frequency Range	2300 - 2700 MHz / 2300 - 2700 MHz
Gain	17.3 dBi 2.4 GHz 18 dBi 2.6 GHz
Return Loss	> 15 dB
Polarization	Dual Slant ± 45°
Horizontal Beamwidth	65°
Vertical Beamwidth	6.5° with nullfill
Electrical Downtilt	0° - 10° independently continuously adjustable
Upper Sidelobe Level	< -18 dB
Front to Back Ratio	> 30 dB
Isolation Between Ports	> 30 dB
Power Rating	250W
Impedance	50 ohm
Lightning Protection	DC grounded
Connector Type	N-Type female or 4.1-9.5 DIN
RET Type	Internal motor & manual override
RET Interface	AISG1 Remotely upgradeable
RET Connector	Single AISG1 8 pin male



Mechanical Specifications

Antenna Dimensions	1070x300x115 mm
Packed Dimensions	1200x330x200 mm
Antenna Weight	13 kg
Radome Material	Polyester Fibreglass pultrusion

Maximum Environmental Ratings

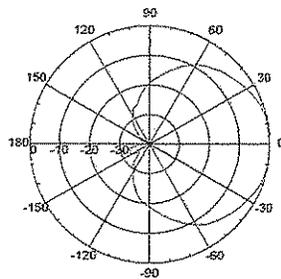
Humidity	95% RH @ +30°C
Lateral Loading (Front)	0.45 kN @ 160 km/h
Lateral Loading (Rear)	0.48 kN @ 160 km/h
Rain	140mm per hour
Rated Wind Velocity	200 km/h
Temperature	-40°C to +70°C

Mounting Options

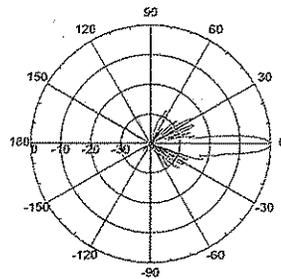
F-042-GL-E
T-045-GL-E

Product Options

Fixed Clamps	LLPX310R	N-Type female
Adjustable Clamps	LLPX310R-D	4.1-9.5 DIN



Azimuth

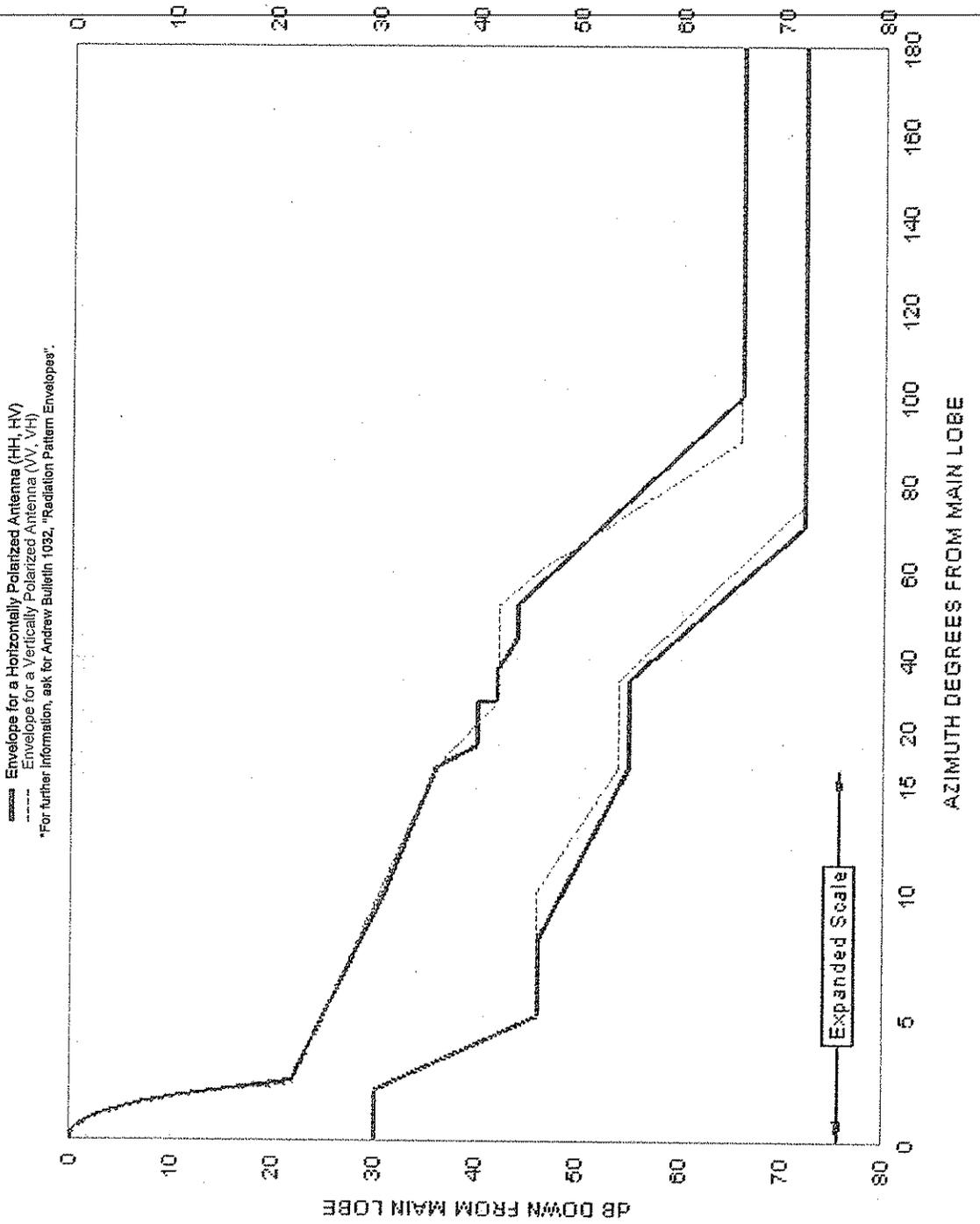


Elevation

Last Updated: 09-12-2008



ANDREW
RPE: 7016
Engineering Approved:
25 October 2004



RECEIVED ATTACHMENT G

ULS License

Educational Broadband Service License - KZB22 OCT 26 2009
Roman Catholic Communications Corp.

CITY OF MILPITAS
 PLANNING DIVISION

Call Sign	KZB22	Radio Service	ED - Educational Broadband Service
Status	Active	Auth Type	Regular
Dates			
Grant	05/20/2008	Expiration	04/09/2018
Effective	09/17/2008	Cancellation	
Buildout Deadlines			
1st		2nd	
Notification Dates			
1st		2nd	
Licensee			
FRN	0001549344	Type	Corporation
Roman Catholic Communications Corp. 324 MIDDLEFIELD ROAD MENLO PARK, CA 94025 ATTN Ron Loiacono		P:(650)326-7850 F:(650)326-4605 E:ronald@ctnba.org	
Contact			
FISH & RICHARDSON PC Edwin N Lavergne 1425 K Street NW, 11th Floor WASHINGTON, DC 20005		P:(202)626-6359 F:(202)783-2331 E:lavergne@fr.com	
Broadband Radio Service and Educational Broadband Service Information			
Will the requested facilities be used to provide multichannel video programming service?		No	
If the answer to the above question is yes, does applicant operate, control or have an attributable interest (as defined in Section 27.1202 of the Commission's Rules) in a cable television system whose franchise area is located within the geographic service area of the requested facilities?			
Does the applicant comply with the programming requirements contained in Section 27.1203 of the Commission's Rules?		Yes	
Geographic Service Area			
Authorization Type	P35	Market	P01690 37-41-16.8 N, 122-26-10.9 W
Channel Plan/Channel Number Information			
Channel Plan		Channel Number	

CROWNE PLAZA (CA-SJC0031A)

777 BELLEW DRIVE, MILPITAS, CA 95035



VICINITY MAP

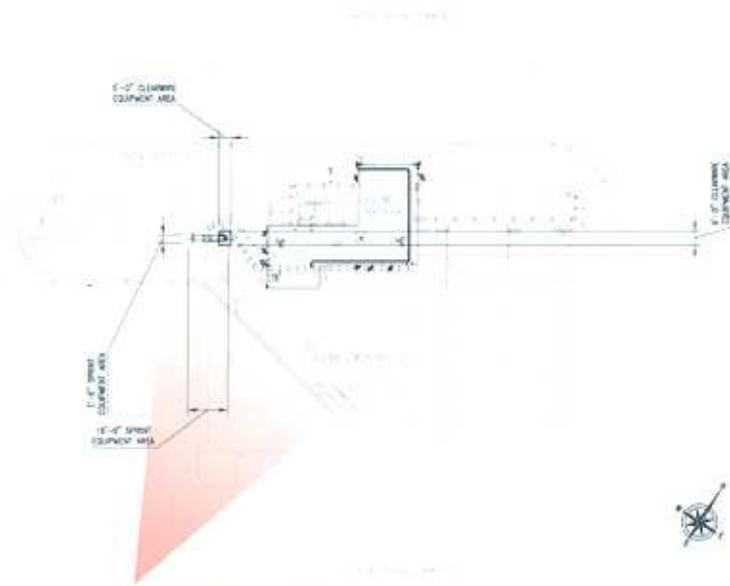


EXISTING

(View Looking North to Site)



PROPOSED



POINT OF VIEW

CROWNE PLAZA (CA-SJC0031A)
777 BELLEW DRIVE, MILPITAS, CA 95035

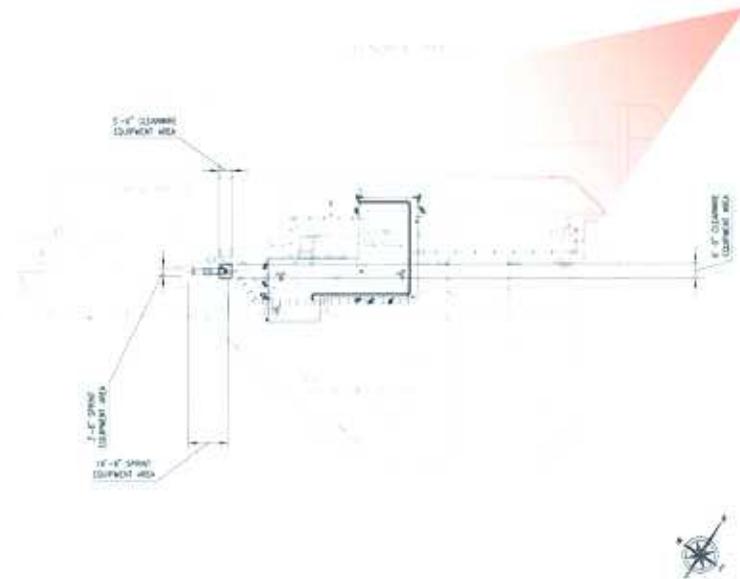
(View Looking Southwest to Site)



VICINITY MAP



EXISTING



POINT OF VIEW



PROPOSED



CROWNE PLAZA (CA-SJC0031A)

777 BELLEW DRIVE, MILPITAS, CA 95035

(View Looking Northwest to Site)



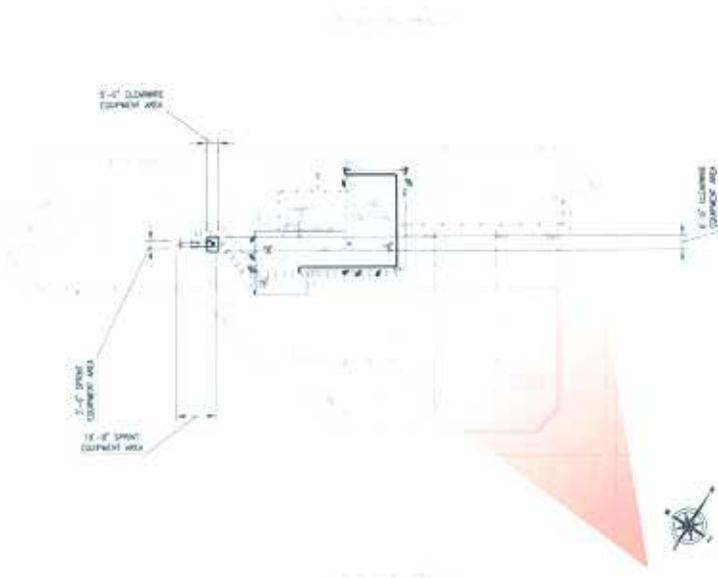
VICINITY MAP



EXISTING



PROPOSED



POINT OF VIEW