



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: June 9, 2008

APPLICATION: **Conditional Use Permit Amendment No. UA08-0009, Site Development Permit Amendment No. SA08-0016, Telecommunications Monopole**

APPLICATION SUMMARY: A request to add a 15 foot extension to an existing mono-pole facility

LOCATION: 1010 Ames Ave. (APN: 086-31-055)
APPLICANT: Crown Castle, FMHC Corporation, 367 Civic Drive, Suite 7, Pleasant Hill, CA 94510
OWNER: Crown Castle, FMHC Corporation, 367 Civic Drive, Suite 7, Pleasant Hill, CA 94510

RECOMMENDATION: **Staff recommends that the Planning Commission:**
1. Close the public hearing; and
2. Adopt resolution No. 08-029 approving the project and the conditions of approval.

PROJECT DATA:
General Plan/
Zoning Designation: Manufacturing and Warehousing / Heavy Industrial (M2)

Overlay District "S" Zone District, site and architectural review

Related Permits: Conditional Use Permit No. 1040 and "S" Zone Amendment

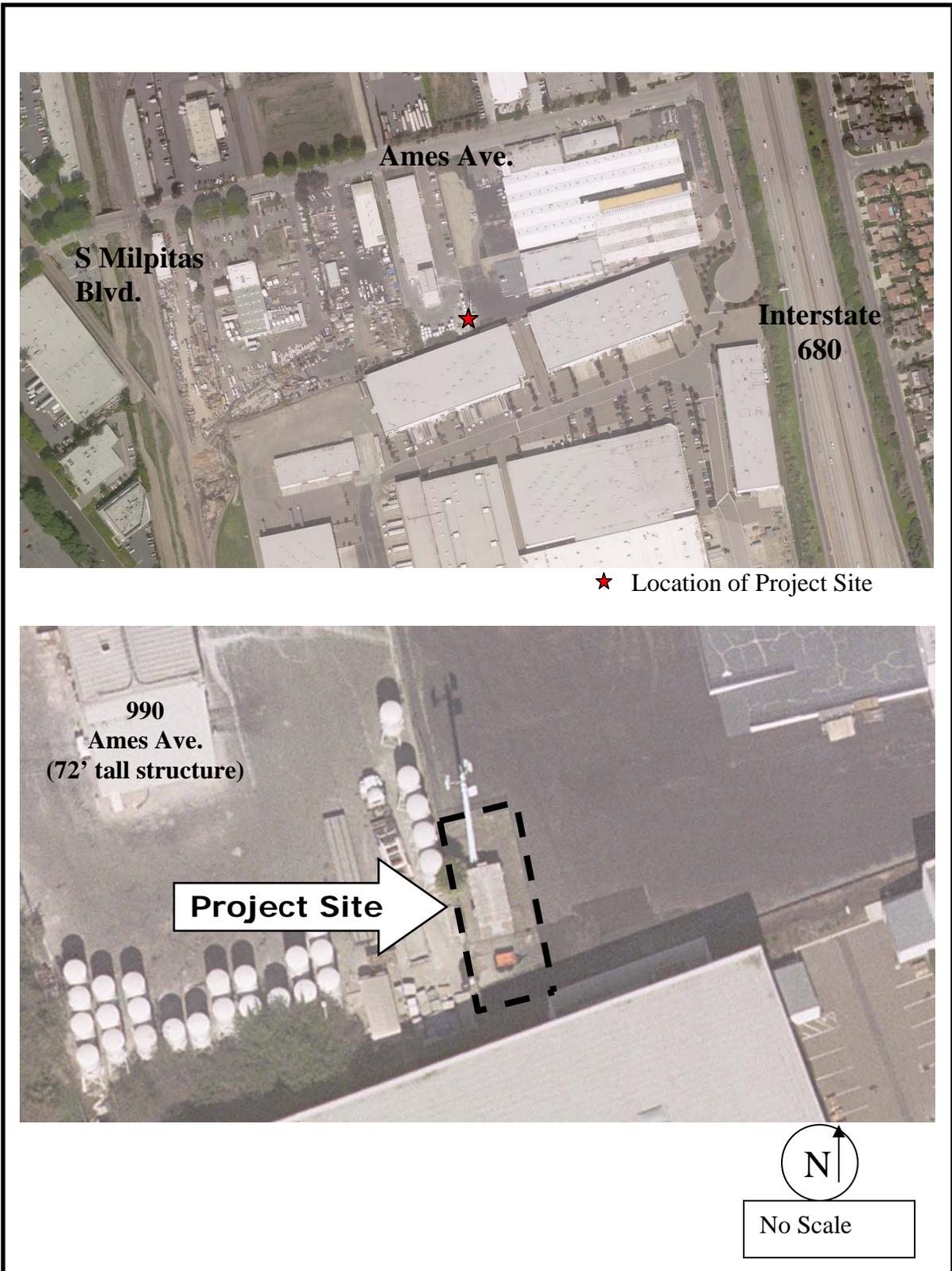
CEQA Determination: Categorically exempt from further environmental review pursuant to Section 15301(b) of the California Environmental Quality Act (CEQA) guidelines.

PLANNER: Tiffany Kunsman

PJ: 2531

ATTACHMENTS: A. Resolution No. 08-029
B. Site Plans
C. Photo Simulations
D. Questionnaire for Telecommunication Facility and registration

LOCATION MAP



BACKGROUND

On June 27, 1990, the Planning Commission approved a cellular transceiving facility which included a 75 foot tall monopole with a total of nine antennas located at the top. In 1997, the adjacent property (990 Ames Ave) constructed a 72 foot tall structure located at the rear portion of the property. In 1998 the applicant amended the permits to update the antennas which reduced the amount of antennas to three. Do to the close proximity of the neighboring structure, the height of the building interferes with the signal for the existing monopole and therefore weakens the reception.

On May 5, 2008, Matthew Yergovich representing Crown Castle, submitted an application requesting to extend the existing monopole 15 feet in height to exceed the height of the neighboring building and increase the signal to achieve better reception. There are no proposed changes to the design of the existing antennas. This application is submitted pursuant to Section 57.02-13 (Conditional Uses Permitted by Commission for “Public utility and public service use or structure”) , and Section 42 for Site and Architectural Review for “S” Zone overlaying districts within the Municipal Code.

PROJECT DESCRIPTION

The subject site is a 1,306 square foot parcel specifically created for this facility, containing an equipment building, a fuel tank, and a 75 feet high monopole with three six feet by three feet panel antennas which extend outward two feet from the monopole. The project site is zoned Heavy Industrial and is surrounded by Heavy Industrial uses. A vicinity map of the subject site location is included on the previous page.

Due to the height of the neighboring building, Crown Castle requests to extend the monopole 15 feet in height making the pole a total of 90 feet tall. By extending the monopole, the antennas will exceed the height of the neighboring building and eliminate the signal interference and increase reception. There are no proposed design changes to the approved antennas. The applicant provided photo simulations (Attachment B) to depict the way the monopole could look if built.

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

Principals/Policy	Consistency Finding
<i>2.d-G-1</i> Provide all possible community facilities and utilities of the highest standards commensurate with the present and anticipated needs of Milpitas, as well as any special needs of the region.	Consistent.
<i>2.a-I-6</i> Endeavor to maintain a balanced economic base that can resist downturns in any one economic sector.	Consistent.

Zoning Ordinance

The proposed project is consistent with the Milpitas Zoning Ordinance pursuant to Section 57.02-13 (Conditional Uses Permitted by Commission for “Public utility and public service use or structure”) , and Section 42 for Site and Architectural Review for “S” Zone overlaying districts within the Municipal Code.

Telecommunications Commission Review

At the May 19, 2008 meeting the Telecommunications Commission reviewed and approved the application. The purpose of the Telecommunications Commission is to serve as an advisory body to the City Council on matters concerning the implementation and improvement of various telecommunications programs as directed by the City Council. The Telecommunications Commission reviews telecom proposals ensuring there is no interference with the City’s communications system.

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(b) “Existing Facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.”

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 photo-simulations demonstrate the existing view and the view after the 15’ extension of the monopole. The extension of the monopole should not have a visually significant impact due to the existence of the monopole and the change in height showing very little visual difference between the old height and the new height.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approve **CONDITIONAL USE PERMIT AMENDMENT NO. UP08-0009 AND SITE DEVELOPMENT PERMIT NO. SA08-0016**, subject to the attached Resolution and Conditions of Approval.

Attachments:

- A. Resolution No. 08-029
- B. Site Plans
- C. Photo Simulations
- D. Questionnaire for Telecommunication Facility and registration

RESOLUTION NO. 08-029

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT AMENDMENT NO. UA08-0009, SITE DEVELOPMENT PERMIT AMENDMENT NO. SA08-0016, TELECOMMUNICATIONS MONOPOLE FOR THE REQUEST TO ADD A 15 FOOT EXTENSION TO AN EXISTING MONO-POLE FACILITY LOCATED AT 1010 AMES AVENUE

WHEREAS, on May 5, 2008, an application was submitted by Matt Yergovich representing Crown Castle, FMHC Corporation, 367 Civic Drive, Suite 7, Pleasant Hill, CA 94510, to allow for a 15 foot extension to an existing mono-pole located at 1010 Ames Ave. The property is located within the Heavy Industrial zoning district (APN 086-31-055); 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 categorically exempt from further environmental review pursuant to Section 15301(b) of the CEQA guidelines.

WHEREAS, on July 9, 2008, 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 Section 15301(b) "Existing Facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services" of the CEQA guidelines.

Section 3: With respect to Conditional Use Permit No. UA08-0009, the project will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare in that the new height of the facility should not have a visually significant impact due to the existence of the monopole and the change in height showing very little visual difference between the old height and the new height.

Section 4: The project is consistent with the Milpitas General Plan Principals and Policies 2.d-G-1 and 2.a-I-6; in that the project will provide community facilities and utilities of the highest standards and help maintain a balanced economic base that can resist downturns in any on economic sector.

Section 5: The project is consistent with the Milpitas Zoning Ordinance in that the use is a conditionally permitted use within the Heavy Industrial zoning district Section 57.02-13 (Conditional Uses Permitted by Commission for “Public utility and public service use or structure”), and Section 42 for Site and Architectural Review for “S” Zone overlaying districts within the Municipal Code.

Section 6: With respect to Site Development Permit No. SA08-0016, the layout of the site and design of the structure is compatible and aesthetically harmonious with adjacent and surrounding development in that the design of the existing monopole and antennas will remain the same.

Section 7: The Planning Commission of the City of Milpitas hereby approves Conditional Use Permit Amendment NO. UP08-0009 and Site Development Permit Amendment No. SA08-0016, Telecommunications Monopole, 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 July 9, 2008.

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 July 9, 2008, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	OTHER
Cliff Williams			
Gunawan Ali-Santosa			
Lawrence Ciardella			
Alexander Galang			
Sudhir Mandal			
Gurdev Sandhu			
Noella Tabladillo			
Aslam Ali			

EXHIBIT 1

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT AMENDMENT NO. UA08-0009 AND SITE
DEVELOPMENT PERMIT AMENDMENT NO. SA08-0016**

Planning Division

1. The owner or designee shall develop the approved project in conformance with the approved plans and color and materials sample boards approved by the Planning Commission on July 9, 2008, 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. (P)

2. Conditional Use Permit Amendment UA08-0009 and Site Development Permit Amendment No. SA08-0016 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.04-2 of the Zoning Ordinance of the City of Milpitas, since the project requires the issuance of a building permit, the project shall not be deemed to have commenced until the date of the building permit is issued.

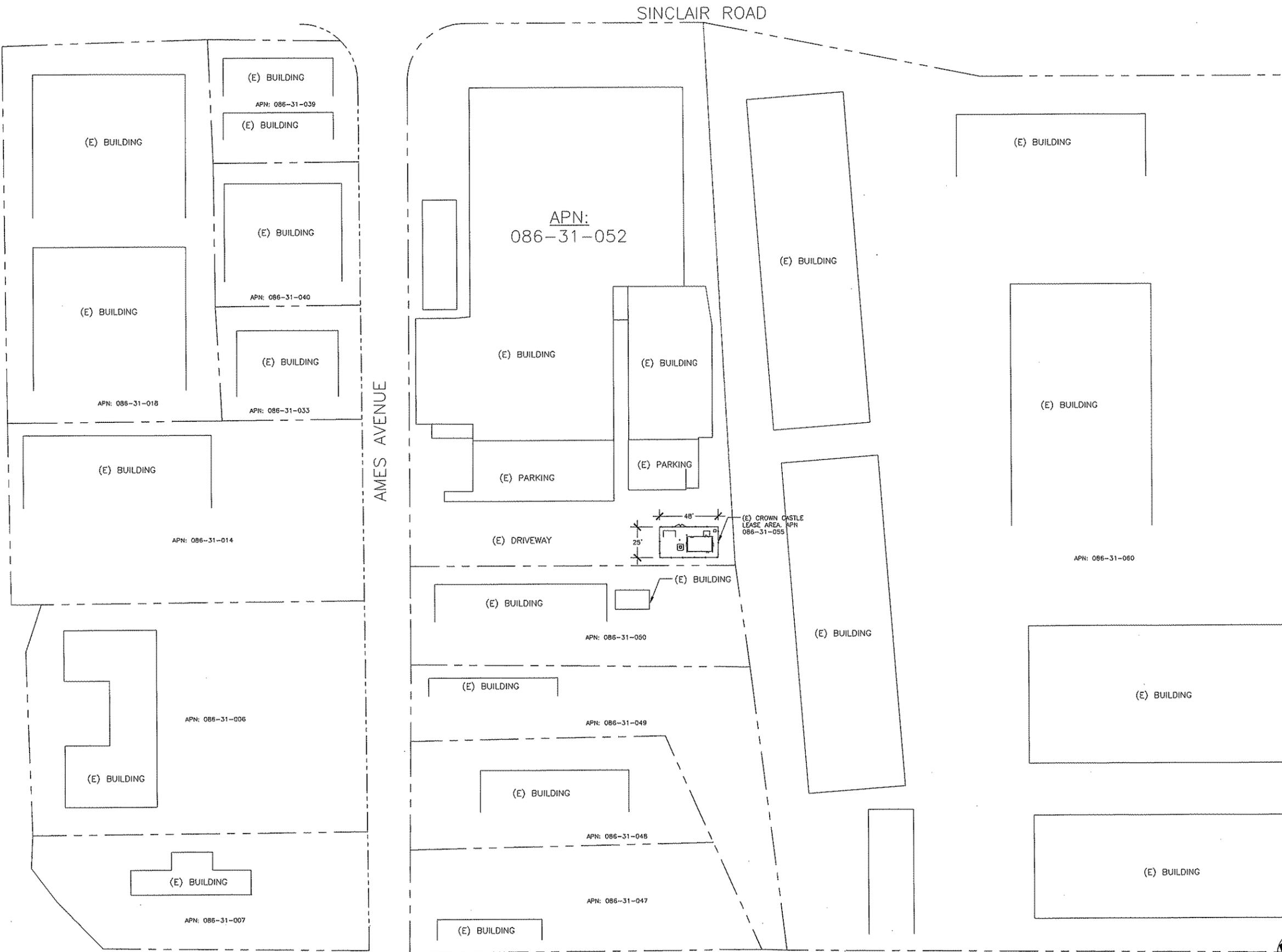
Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of UA08-0009 and SA08-0016 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. (P)

3. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers, including but not limited to construction activities, to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)
4. It is the applicant's responsibility to obtain any necessary permits or approval from affected agencies or private parties. Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)

Legend

Planning Division = P

Engineering Division = E



CROWN CASTLE INTERNATIONAL
 5820 Stoneridge Mall Road, Suite 300
 Pleasanton, CA 94588

Client:
4GROUND
 DESIGN GROUP INC.
 1719 64th Street
 1st Floor
 Emeryville CA 94608
 tel: 510.654.1911
 fax: 510.654.1911
 cad@4ground.com

Project Architect:
LANDESS
 BU-815217
 1010 AMES AVE.
 MILPITAS CA, 95035

Site:

Professional Seal:
 It is a violation of law for any person, unless they are acting under the direction of a licensed Professional Architect/Engineer, to alter this document.

fmhc
 taking telecom to new heights
 FMHC Corporation
 357 Civic Drive, CA 94533
 Phone: 925-798-6100
 Fax: 925-798-6101

Rev.	Date	Description
02	04/18/08	Zoning Drawings 100%
01	04/17/08	Zoning Drawings 90%

Project No.: BU-815217
 Date: 04/17/08 Job No.:
 Scale: CAD File:
 Designed By: NH Checked By: RB

Overall Site Plan

Sheet Title:



NORTH

A-1

OVERALL SITE PLAN

SCALE
 1/64" = 1'-0" 1

Sheet No.:
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5820 Stoneridge Mall Road, Suite 300
Pleasanton, CA 94588

Client:

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DESIGN GROUP INC.

1719 64th Street
1st Floor
Emeryville CA 94608

tel: 510.654.1911
fax: 510.654.1911
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MILPITAS CA, 95035

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FMHC Corporation
307 Civic Drive, CA 94533
Phone: 925-958-6100
Fax: 925-958-6101

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01	04/17/08	Zoning Drawings 90%

Project No.: BU-815217
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Designed By: NH Checked By: RB

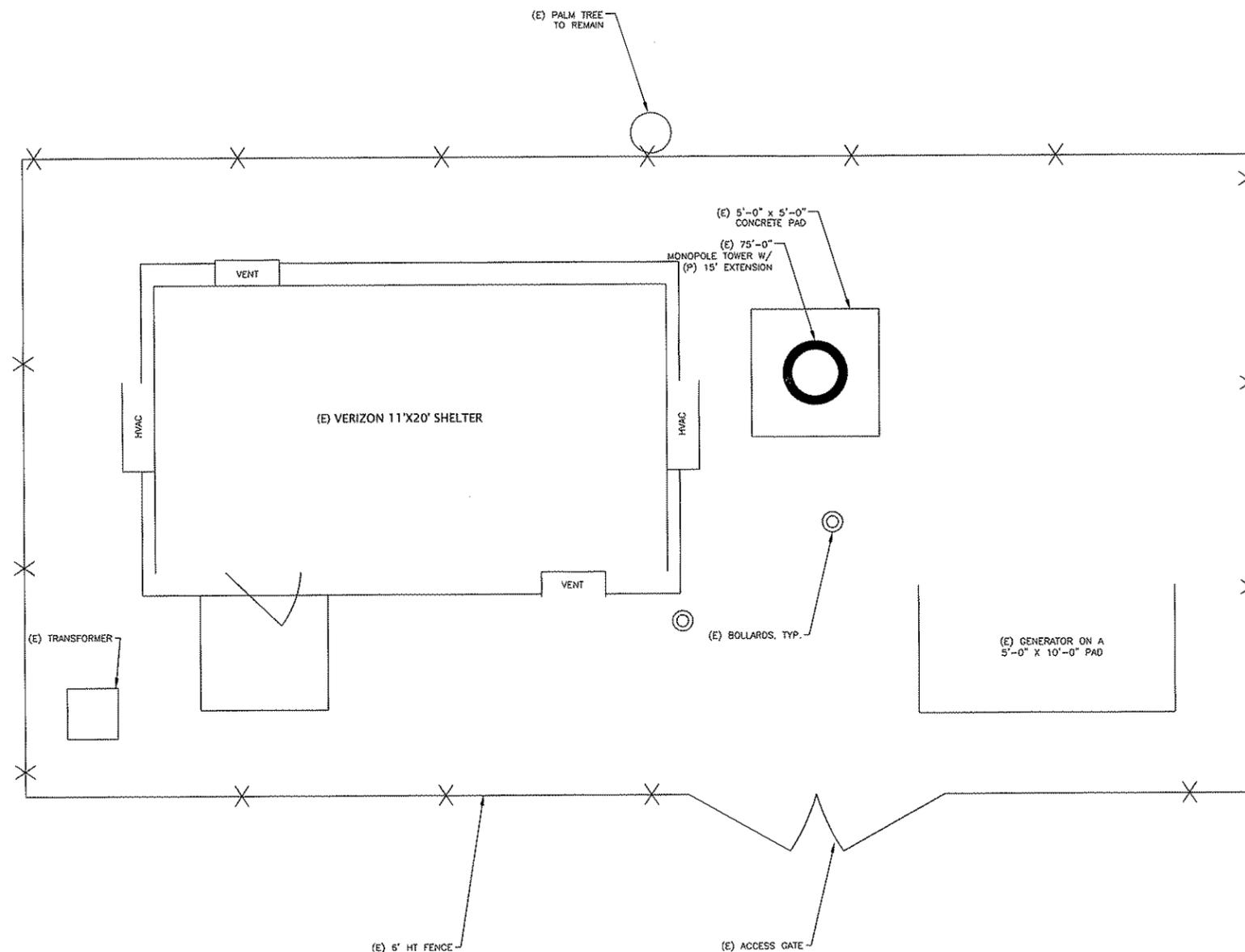
Compound Plan

Sheet Title:

A-2

Sheet No.:

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NORTH

SCALE
3/8" = 1'-0"

COMPOUND PLAN



5820 Stoneridge Mall Road, Suite 300
Pleasanton, CA 94588

Client:



1719 64th Street
1st Floor
Emeryville CA 94608

tel: 510.654.1911
fax: 510.654.1911
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Project Architect:

LANDESS
BU-815217
1010 AMES AVE.
MILPITAS CA, 95035

Site:

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FMHC Corporation
957 Civic Drive, CA 94523
Phone: 925-798-6100
Fax: 925-798-6101

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01	04/17/08	Zoning Drawings 90%

Project No.: BU-815217

Date: 04/17/08 Job No.:

Scale: CAD File:

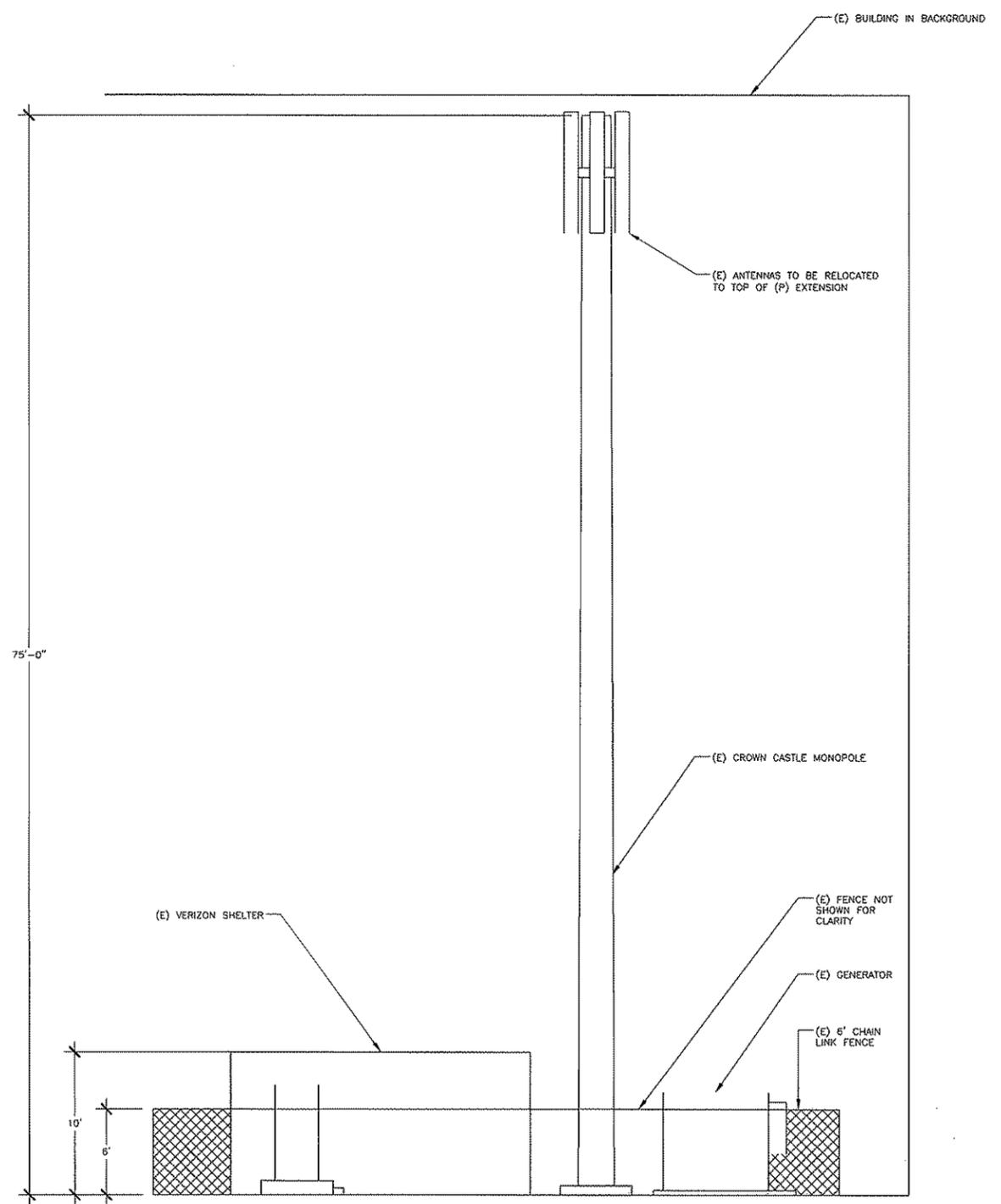
Designed By: NH Checked By: RB

Existing and Proposed East Elevation
Sheet Title:

A-3

Sheet No.:

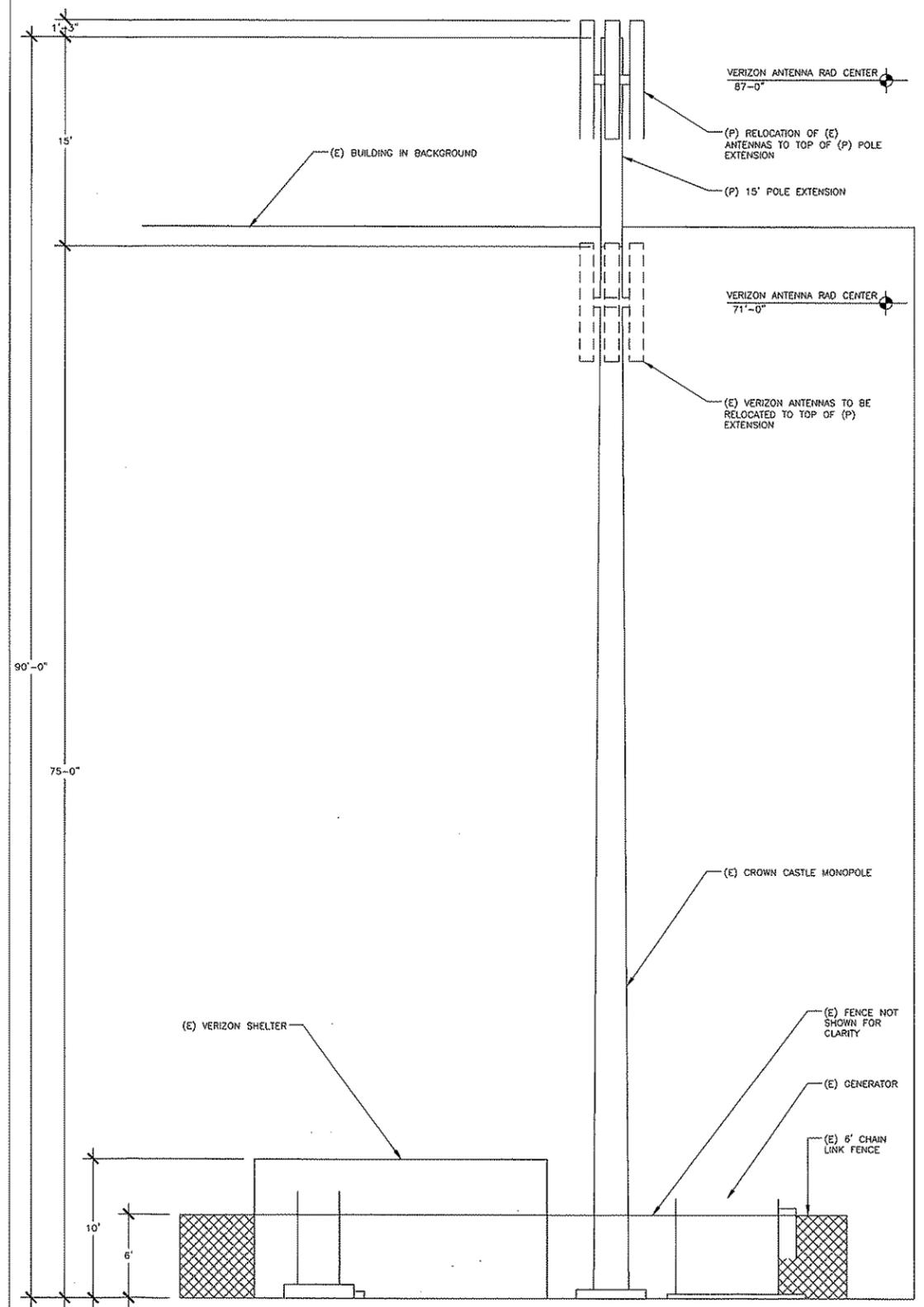
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EXISTING EAST ELEVATION

SCALE
1" = 5'-0"

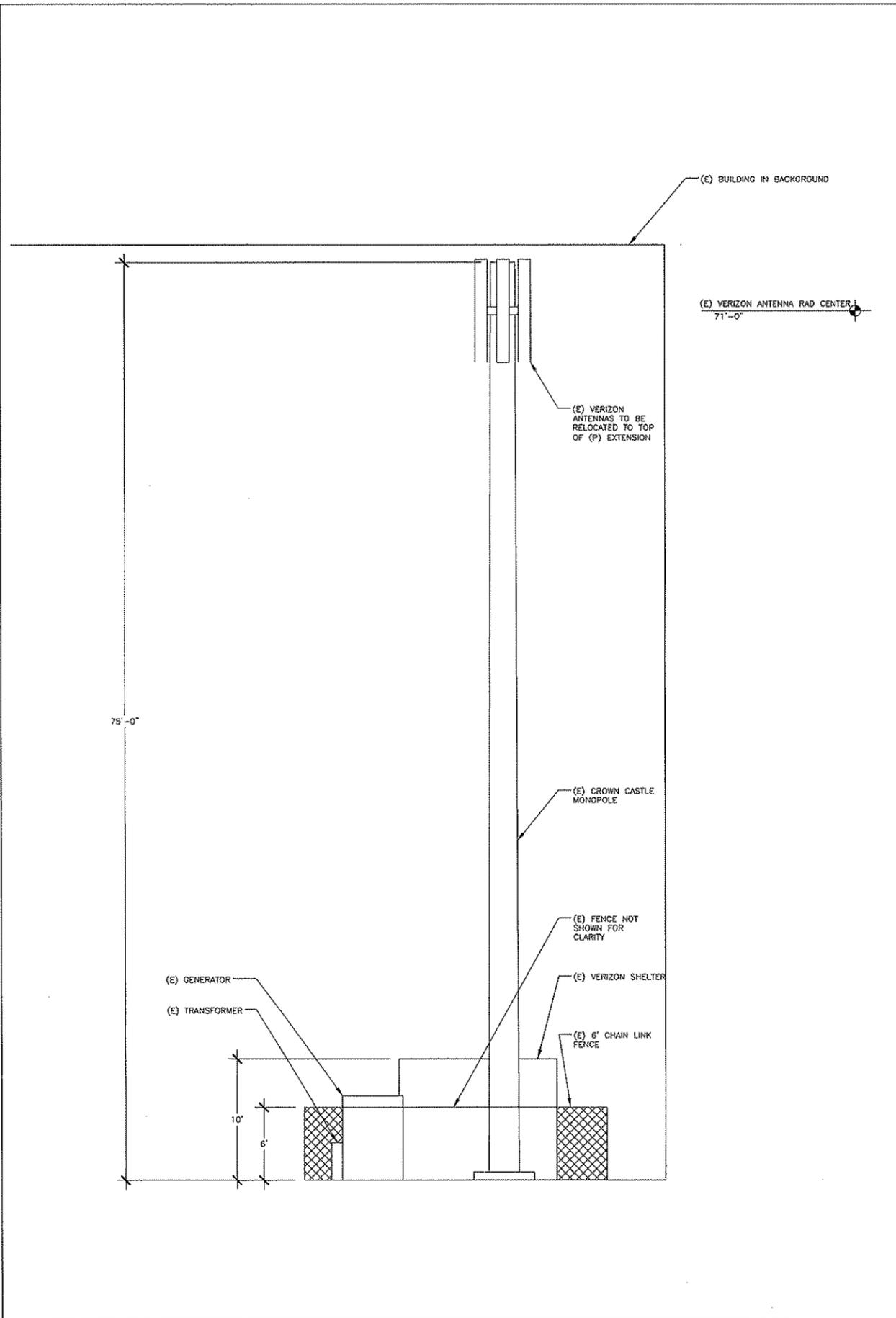
2



PROPOSED EAST ELEVATION

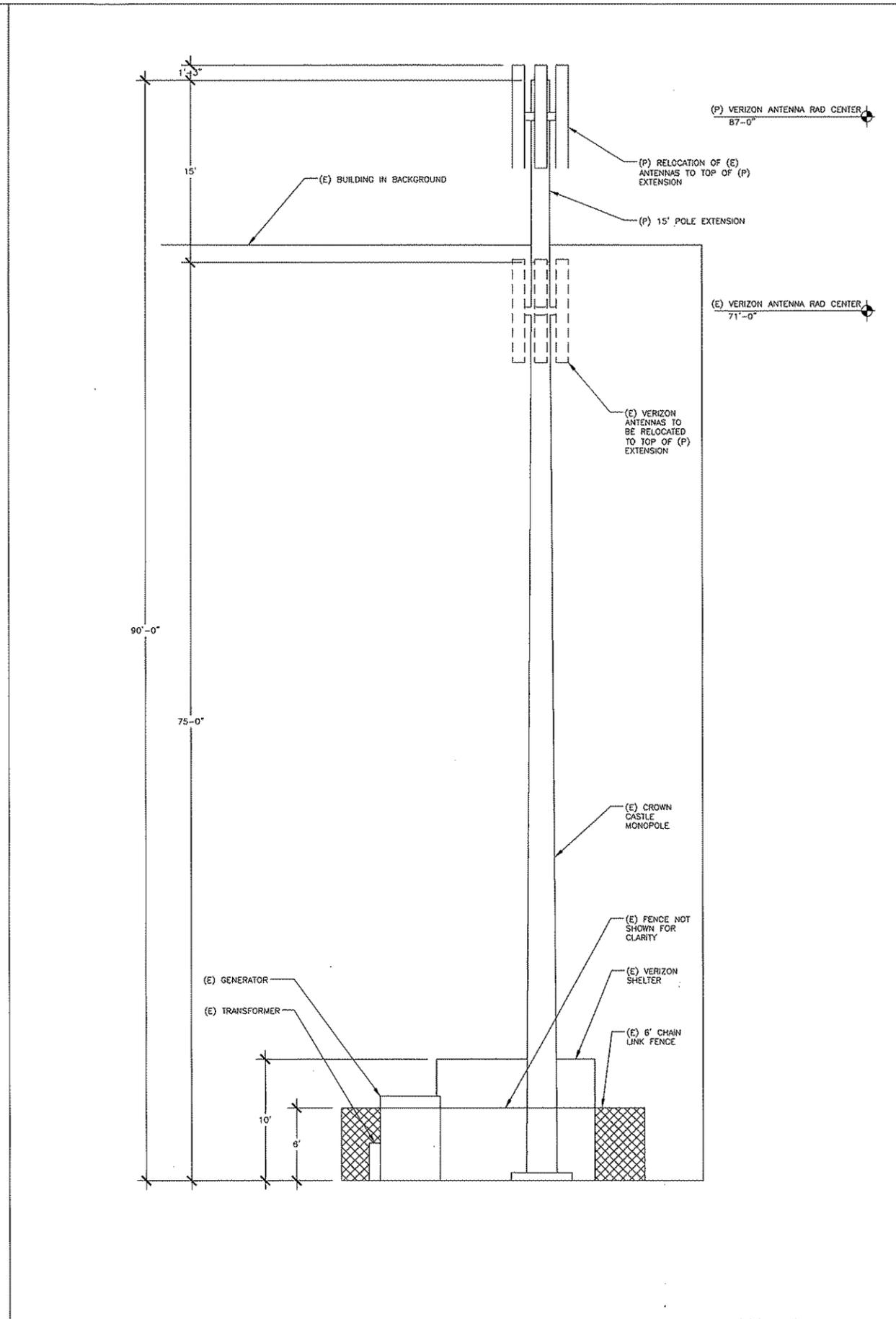
SCALE
1" = 5'-0"

1



EXISTING NORTH ELEVATION

SCALE
1" = 5'-0" 2



PROPOSED NORTH ELEVATION

SCALE
1" = 5'-0" 1

CROWN CASTLE INTERNATIONAL
5820 Stoneridge Mall Road, Suite 300
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Project Architect:
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MILPITAS CA, 95035

Site:

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357 Civic Drive, CA 94523
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Rev.	Date	Description
02	04/18/08	Zoning Drawings 100%
01	04/17/08	Zoning Drawings 90%

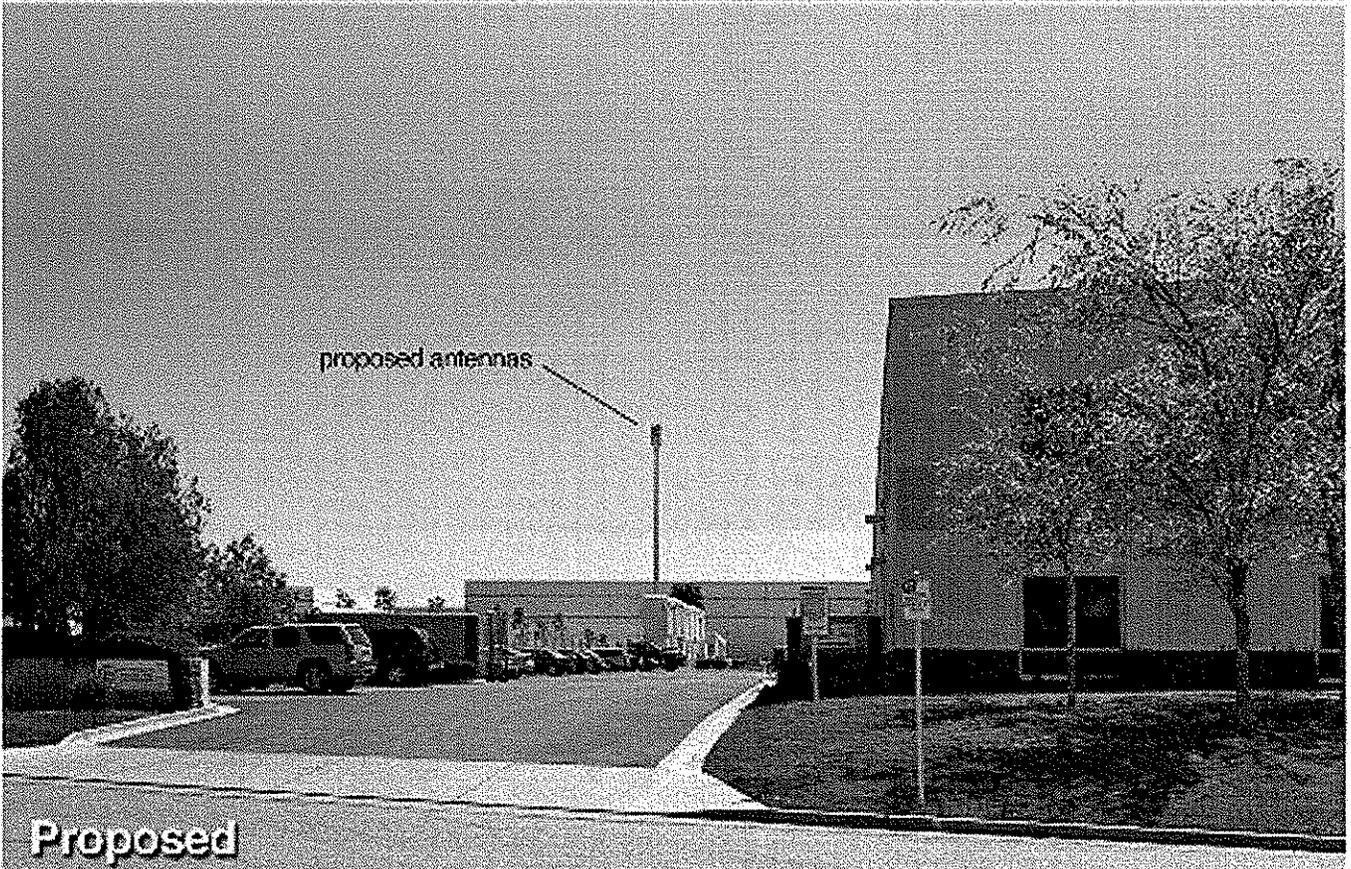
Project No.: BU-815217
Date: 04/17/08 Job No.:
Scale: CAD File:
Designed By: NH Checked By: RB

Existing and Proposed North Elevation

Sheet Title:

A-4

Sheet No.:
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Landess
1010 Ames Avenue
Miltas, CA 95035

Site # 815217

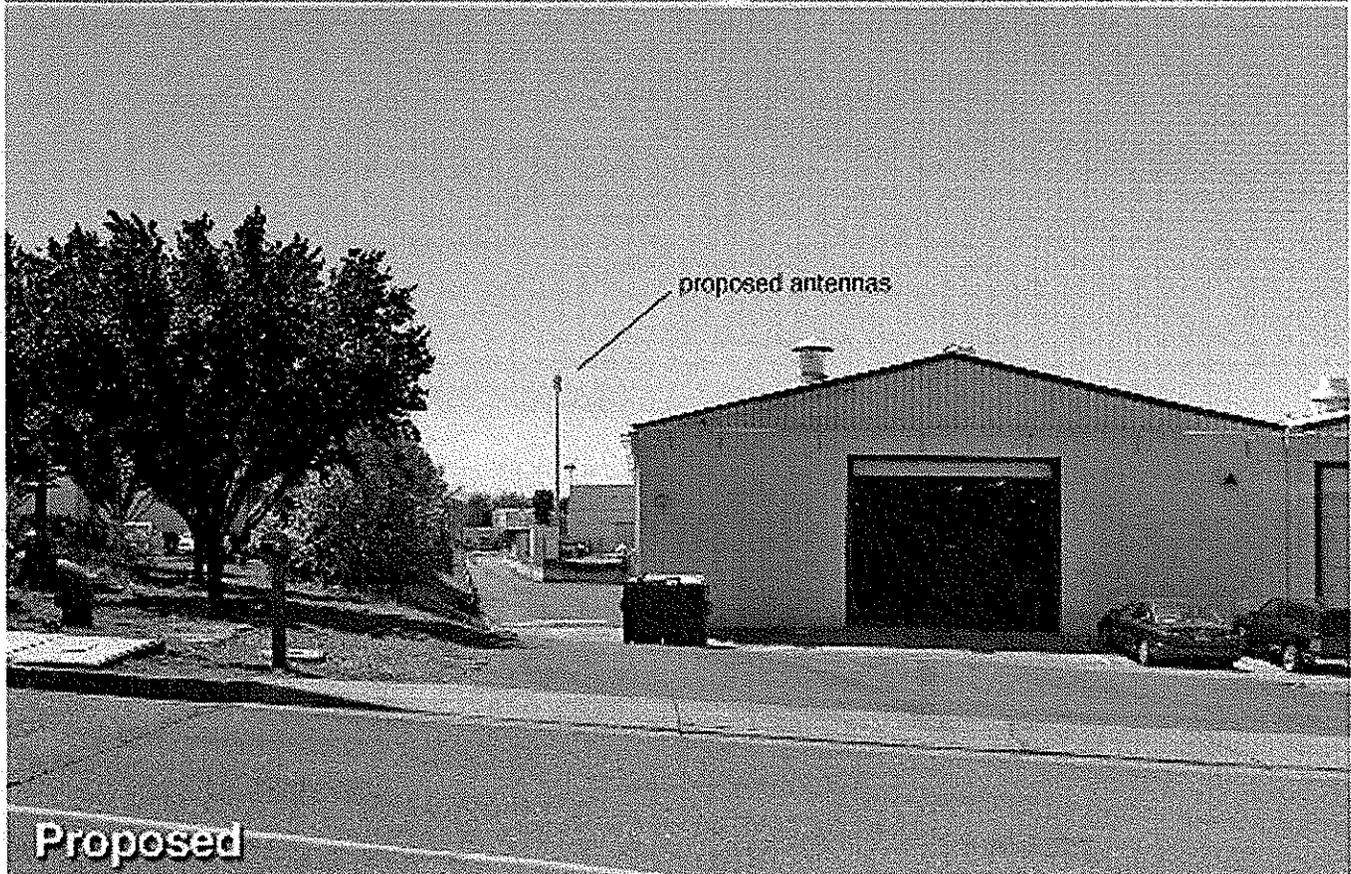
Looking South from Ames Avenue

4/28/08

App'd registration 510914-2500



Existing



Proposed



Landess
1010 Ames Avenue
Milpitas, CA 95035

Site # 815217

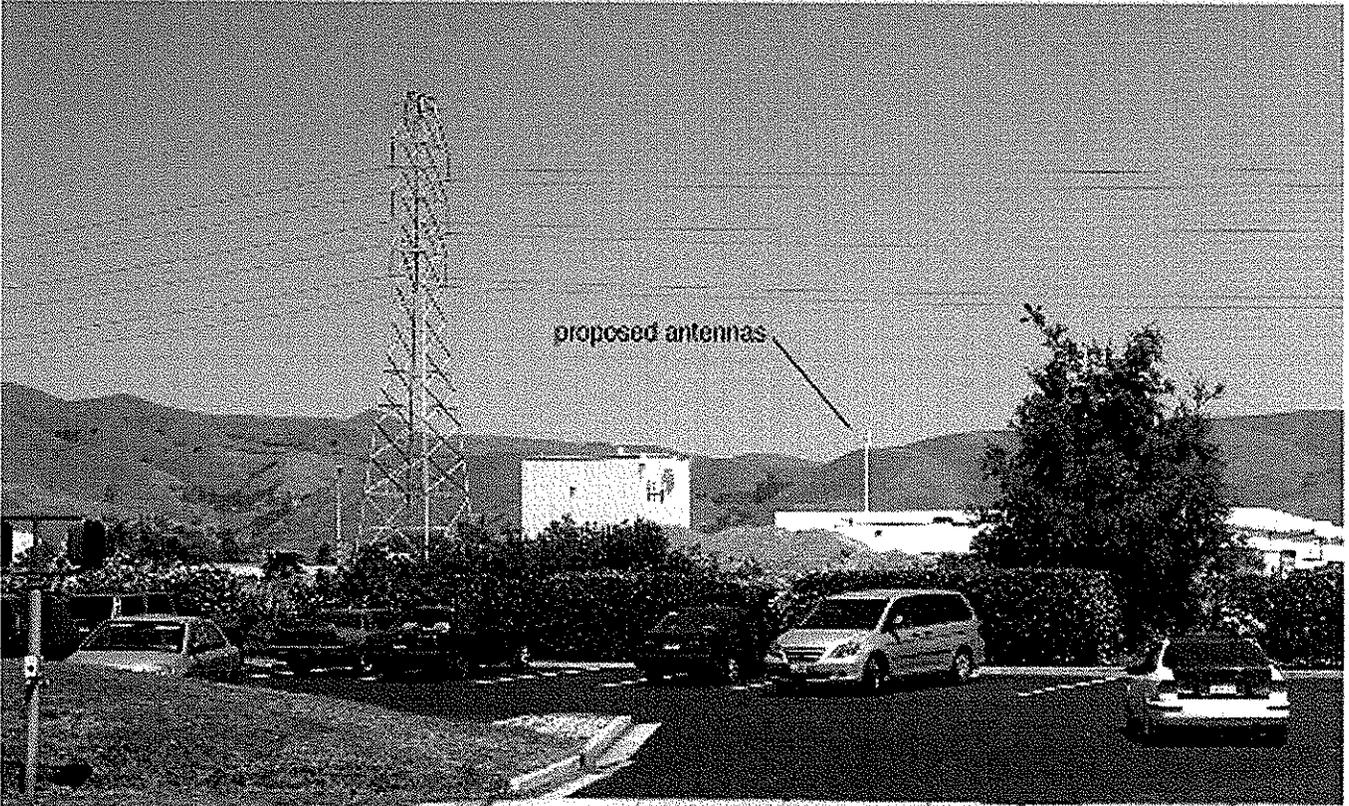
Looking West from Sinclair Frontage Road

4/28/08

Applied Integration 510 914 2500



Existing



proposed antennas

Proposed



Landess
1010 Amas Avenue
Milpitas, CA 95035

Site # 815217

Looking East from South Milpitas Blvd.

4/28/08

Appl of Imagination 510 914 2600

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: Matthew Yergovich (for Crown Castle)
Applicant Address: 367 Civil Dr., #7, Pleasant Hill, CA. 94523
Applicant Phone: 415.596.3474
Applicant Fax and e-mail address: 925.797.6101 myergovich@fmbc.com

Provide a brief description of project (Telecommunications Facility): 15-foot monopole extension to existing 35-foot telecom monopole to make up for lost signal from heightened building nearby.
Location of Project: 1010 Ames Ave., Milpitas, CA 95035

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: No change from existing

2. Please indicate below the channel/system proposed for use?

- A single channel
- Multiple channel
- A frequency agile system
- A spread spectrum system
- Other than specified above. Describe: no change from existing

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 than specified above. Describe: no change from existing

ASR Registration Search

Registration 1017173 [Map Registration](#)**Registration Detail**

Reg Number	1017173	Status	Terminated
File Number	A0269217	Constructed	01/01/1991
FAA Study	02-AWP-1158-OE	EMI	No
FAA Issue Date	05/15/2002	NEPA	No

Antenna Structure

Structure Type POLE - Any type of Pole

Location (in NAD83 Coordinates)

Lat/Long 37-25-10.8 N 121-53-06.9 W 924 AMES AVE

City, State MILPITAS , CA

Center of
AM Array**Heights (meters)**

Elevation of Site Above Mean Sea Level	Overall Height Above Ground (AGL)
16.8	23.5
Overall Height Above Mean Sea Level	Overall Height Above Ground w/o Appurtenances
40.3	23.4

Painting and Lighting Specifications

None

Owner & Contact Information

FRN 0005793682

Licensee ID L00220201

Owner

Crown Castle GT Company LLC
 Attention To: Regulatory Department
 2000 Corporate Drive
 Canonsburg , PA 15317

P: (724)416-2000
 E: shawn.dunlap@crowncastle.com

Contact

Gambino , Monica G
 2000 Corporate Drive
 Canonsburg , PA 15317

P: (724)416-2516
 E: Monica.Gambino@crowncastle.com

Last Action Status

Status	Terminated	Received	06/11/2002
Purpose	Notification	Entered	06/11/2002
Mode	Interactive		

Related Applications

06/11/2002	A0269193 - Modification (MD)
06/11/2002	A0269217 - Notification (NT)