



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: April 14, 2010

APPLICATION: **CONDITIONAL USE PERMIT NO. UP09-0040 AND MINOR SITE DEVELOPMENT NO. MS09-0011**

APPLICATION SUMMARY: A request to construct two new 24' tall antennae with enclosures.

LOCATION: 461 S. Milpitas Blvd. (APN: 086-42-016)

APPLICANT: Globalstar Inc., 461 S. Milpitas Blvd., Milpitas, CA 95118

OWNER: Adaptec Inc., 461 S. Milpitas Blvd., Milpitas, CA 95118

RECOMMENDATION: **Staff recommends that the Planning Commission: Adopt Resolution No. 10-004, approving the project subject to the conditions of approval.**

PROJECT DATA:

General Plan/

Zoning Designation: Manufacturing & Warehousing / Heavy Industrial (M2)

Overlay: Site and Architectural Review Overlay District (-S).

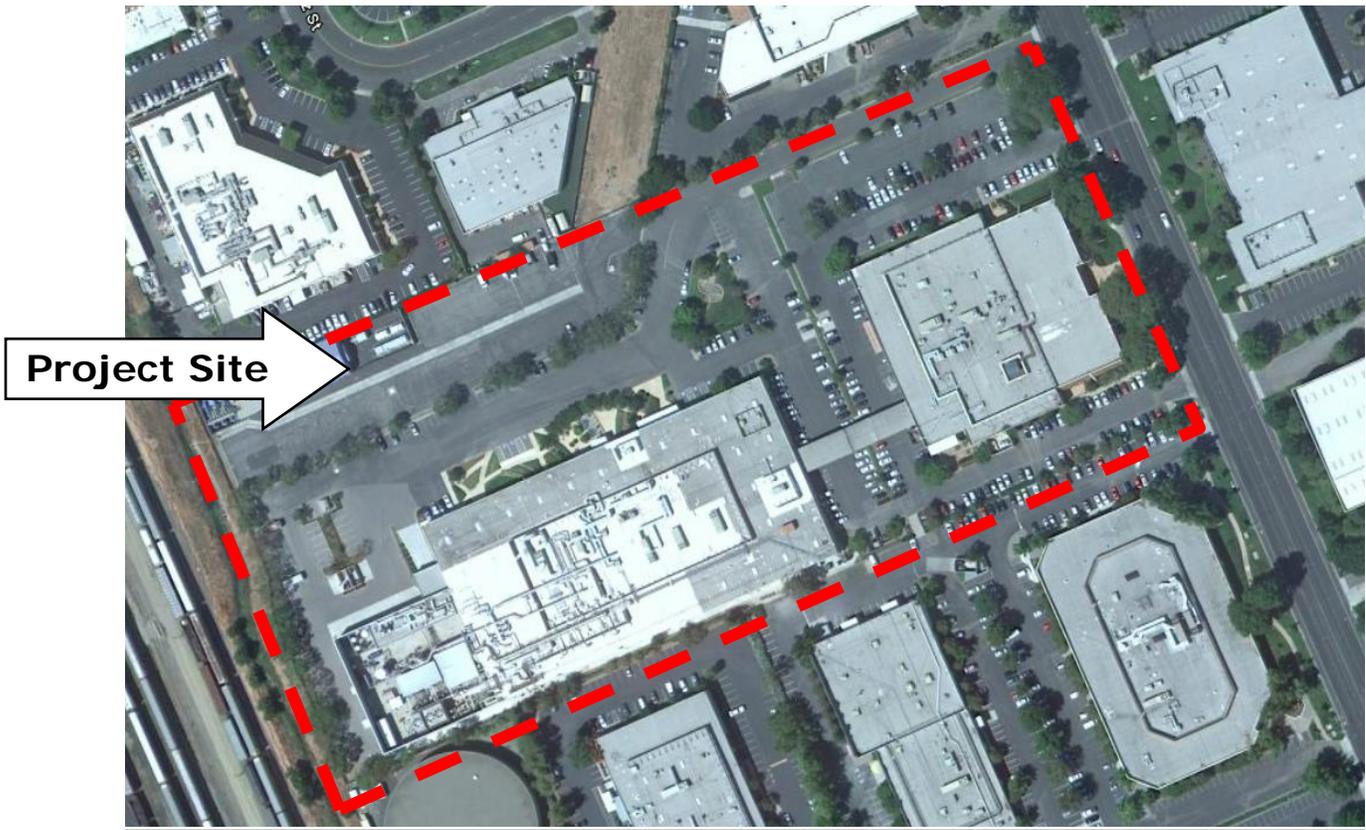
CEQA Determination: Categorically exempt from further environmental review pursuant to Section 15303 of the California Environmental Quality Act Guidelines.

PLANNER: Tiffany Brown, Junior Planner

PJ: 2609

ATTACHMENTS: A. Resolution No. 10-004
B. Site Plans

LOCATION MAP



No scale

BACKGROUND

On September 22, 2009, Hugo Ojeda with Global Star submitted an application to construct two new 24' tall antennae between the two existing buildings at 461 and 471 S Milpitas Blvd. According to the Municipal Code Title XI, Chapter 10, Section 13.09, wireless communications facilities require a Conditional Use Permit with the approval of the Planning Commission. The project also requires a Minor Site Development permit per Section 57.03 for the Site and Architectural review of the project.

This project was agenzized for the Planning Commission meeting on January 13, 2010, where the item was continued to the January 27, 2010 Planning Commission meeting. The applicant needed more time to work out some concerns with the property owner and therefore the Planning Commission tabled the item to a date uncertain.

On February 19, 2010, Staff received information from the property owner and the applicant that they are ready to move forward with the project.

PROJECT DESCRIPTION

The project site is zoned Heavy Industrial with similarly zoned property to the north, east, south and west. The project proposal includes locating two new 40' X 40' X 7' (1,600 square foot) concrete bases, painted to match the existing building, with one 17' tall antennae mounted into each concrete base. A 17' tall security fence will be mounted along the perimeter of each concrete base and will act as a screen for the new antenna. The fence will also be painted to match the existing buildings.

The antennae enclosures are located within the parking lot in the middle of the property, in-between the two existing 25' tall buildings (see Attachment B page G-1.0). Each enclosure will remove 10 parking spaces, thus removing a total of 20 parking spaces from the parking lot. See Parking Section for more information on parking requirements.

Architecture

By utilizing both the concrete material as the base and mesh fencing for the rest of the screen, this provides sufficient screening for each antenna without creating too much mass. As depicted in Picture 1 on the following page, the enclosures will screen most of the antenna structures. Locating the new enclosures in-between the existing Buildings 5 and 6 provides additional screening. Building 5 screens the new antennae and enclosures from the major street (S. Milpitas Blvd.) Both materials will be painted to match the existing buildings.

Picture 1
Proposed antennae and enclosures in parking lot



Development Standards

Table 1
Development Standards Section 54.16 (C.)

<i>Standard</i>	<i>Zoning Ordinance</i>	<i>Proposed</i>
Location	Outside front yard setback: 35' from face of curb	1,556 feet from face of curb
Screening	Completely screened from view utilizing colors and materials which complement the building.	Concrete with metal mesh fencing painted to match the existing buildings
On-site parking shall meet minimum standards	1 parking space per every 300 square feet of building 561 parking spaces	634 parking spaces
No net reduction in onsite trees	---	No trees to be removed
Height of equipment	Shall not exceed the height of the building. Building height = 25'	Total height of concrete base, fence and antennae = 24'

Parking

Table 2
Required Parking

<i>Building</i>	<i>Building sq.ft.</i>	<i>Parking Ratio</i>	<i>Parking Required</i>	<i>Existing Parking (after deletion of 20 parking spaces)</i>
Bldg. 5	59,370	1 space per every 300 sq.ft.	198	213
Bldg. 6	108,855	1 space per every 300 sq.ft.	363	421
		Total	561	634

When looking at the table above you will find that the property will continue to meet the required parking after the deletion of 20 parking spaces for the new antennae enclosures.

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 3
General Plan Consistency

Policy	Consistency Finding
<i>2.a-I-3: Encourage economic pursuits which will strengthen and promote development through stability and balance.</i>	Consistent.
<i>2.a-I-5: Maintain policies that promote a strong economy which provides economic opportunities for all Milpitas residence within existing environmental , social fiscal and land use constraints.</i>	Consistent.

The project proposal supports the existing business which strengthens and promotes development through stability and balance by maintaining economic opportunities.

Zoning Ordinance

The project proposal is consistent with the Zoning Ordinance in that the layout of the site and design of the enclosures are compatible and aesthetically harmonious with adjacent and surrounding development. The proposed antennae also will not be detrimental or injurious to the property or improvements in the vicinity nor to the public health, safety, and general welfare.

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 15303(e) and 15311 of the CEQA guidelines because the project includes minor accessory structures that are incidental to the principal use of the site and the existing structures thereon.

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 project proposal is consistent with the General Plan, the Zoning Ordinance, and is a compatible use within this business center. The proposal is aesthetically harmonious with adjacent and surrounding development and will not be detrimental or injurious to the property or the public health, safety, and general welfare.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission close the public hearing and adopt Resolution No. 10-004 approving Conditional Use Permit No. UP09-0040 and Minor Site Development Permit No. MS09-0011, subject to the Conditions of Approval.

Attachments:

- A. Resolution No. 10-004
- B. Site Plans

RESOLUTION NO. 10-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. UP09-0040 AND MINOR SITE DEVELOPMENT PERMIT NO. MS09-0011, TO CONSTRUCT TWO NEW 24' TALL ANTENNAE WITH ENCLOSURES, LOCATED AT 461 S. MILPITAS BLVD.

WHEREAS, on September 22, 2009, an application was submitted by Hugo Ojeda, 998 Park Ave., San Jose, CA 95126, A request to construct two new 24' tall antennae with enclosures at 461 S. Milpitas Blvd. The property is located within the Heavy Industrial Zoning district (APN 086-42-016); 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; and

WHEREAS, on January 13, 2010, the Planning Commission held a duly noticed public hearing on the subject application, and continued the item and to the January 27, 2010 Planning Commission Meeting; and

WHEREAS, on January 27, 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, and tabled the item to a date uncertain.

WHEREAS, on April 14, 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: Categorically exempt from further environmental review pursuant to Sections 15303(e) and 15311 of the California Environmental Quality Act Guidelines in that the project includes minor accessory structures incidental to the principal use of the site and the existing structures thereon.

Section 3: The project proposal is consistent with the General Plan Policies 2.a-I-3 and 2.a-I-5 in that supports the existing business which strengthens and promotes development through stability and balance by maintaining economic opportunities.

Section 4: With respect to the Conditional Use Permit:

a. The proposed antennae also will not be detrimental or injurious to the property or improvements in the vicinity nor to the public health, safety, and general welfare.

b. The proposed use is consistent with the Milpitas Zoning Ordinance in that...

Section 5: With respect to the Minor Site Development Permit:

a. The development recognizes and respects the nature of the neighborhood and site, development patterns, materials used, and the expectations of those who will see and use the site in that...

b. The development assures that modifications satisfy functional requirements, and screened with appropriate compatible materials in that...

c. The development assures that the modification will not interfere with the privacy, quiet enjoyment or view of the surrounding properties in that...

Section 6: The Planning Commission of the City of Milpitas hereby approves Conditional Use Permit No. UP09-0040 and Minor Site Development Permit No. MS09-0011, 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 April 14, 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 April 14, 2010, and carried by the following roll call vote:

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

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Mark Tiernan				
Erik Larsen				

EXHIBIT 1

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. UP09-0041 AND MINOR SITE DEVELOPMENT
PERMIT NO. MS09-0011**

A request to construct two new 24' tall antennae with enclosures.
461 S. Milpitas Blvd. (APN: 086-42-016)

General Conditions

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 April 14, 2010, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, materials, colors, 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. UP09-0040 and MS09-0011 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 UP09-0040 and MS09-0011 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. (P)

3. If at the time of application for permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
4. Prior to the issuance of building permits, the owner or designee shall include within the four first pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. (P)

(P) = Planning

(B) = Building

(E) = Engineering

(F) = Fire Prevention



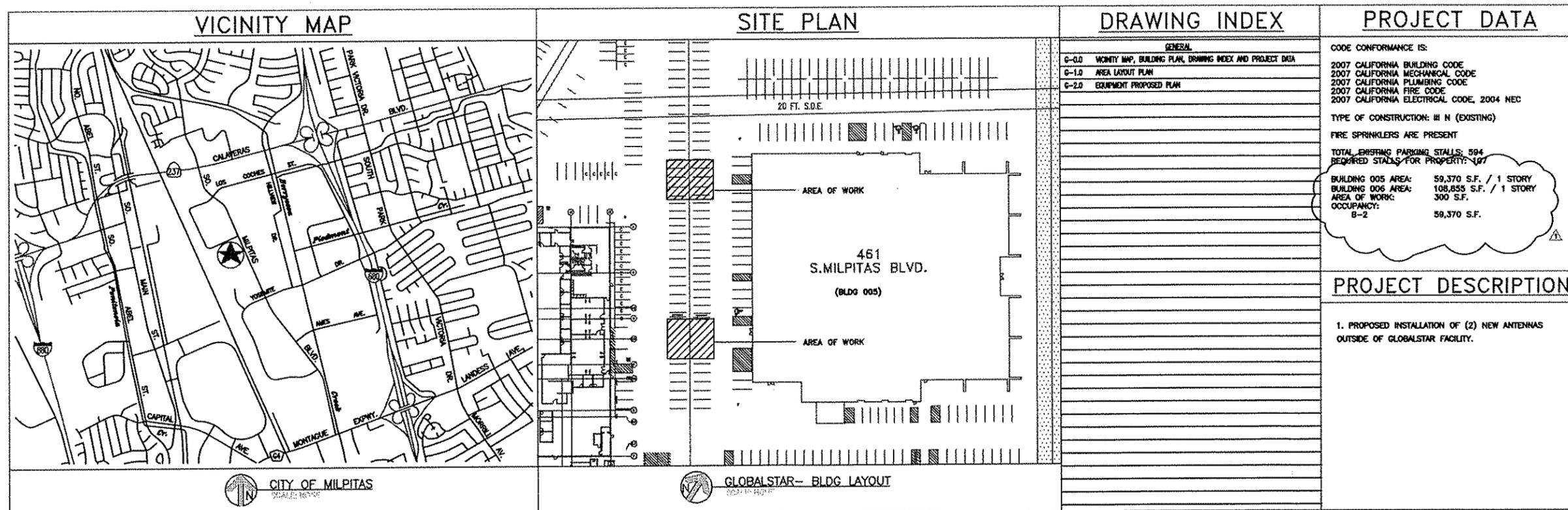
461 S. MILPITAS BLVD., MILPITAS, CA 95035

PLANNING PACKAGE
PROPOSED LAYOUT FOR NEW
ANTENNA INSTALLATION

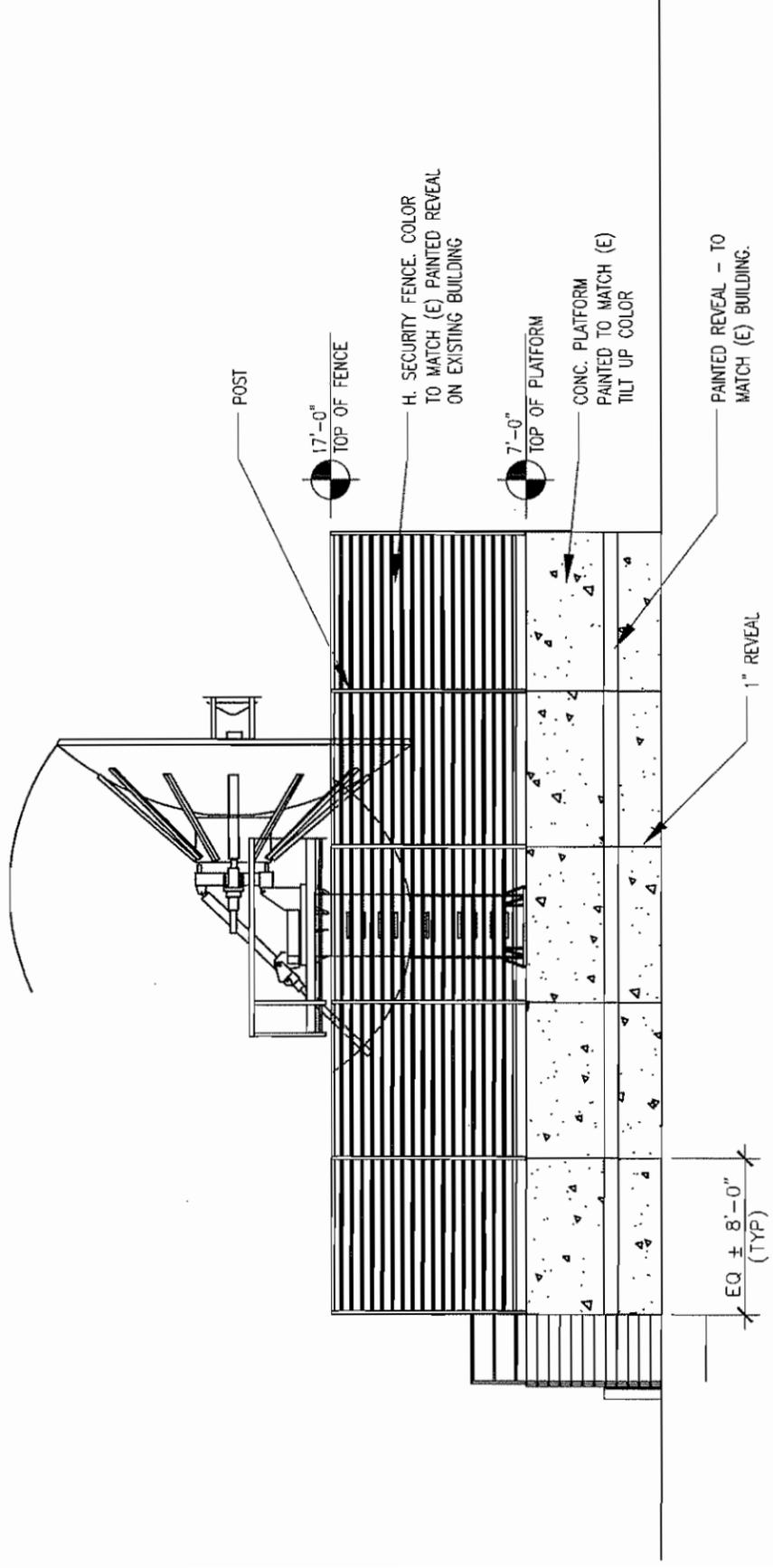
RECEIVED

OCT 28 2009

CITY OF MILPITAS
 PLANNING DIVISION



Revision	Date	No.	Revision	Date	Stamp:	DESIGNER:	DRAWING SCALE:	Globalstar	Drawing Title
						ADVANCE DESIGN CONSULTANTS, INC PROFESSIONAL ENGINEERS 998 PARK AVENUE SAN JOSE, CA 95128 (408) 297-1881 FAX: (408) 294-3186 WWW.ADCENGINEERS.COM	NONE	NEW ANTENNA INSTALLATION	VICINITY MAP, BUILDING PLAN, DRAWING INDEX AND PROJECT DATA
			RE-ISSUE FOR CITY REVIEW	10/27/09					Sheet: G-0.0
			ISSUE FOR CITY REVIEW	09/11/09					



SHADOW FENCE