



## MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: April 13, 2011

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**APPLICATION:**  
APPLICATION  
SUMMARY:

**Site Development Permit No. SD11-0002**

A request to construct a new equipment enclosure within the front half of the lot.

LOCATION:  
APPLICANT:  
OWNER:

505 Fairview Drive  
Richard Thornton, THAT Corporation  
Golden Bay Business Park Owners Association, 4229 Birch Street #150,  
Newport Beach, CA 92660

**RECOMMENDATION:**

**Staff recommends that the Planning Commission:  
Adopt Resolution No. 11-016 approving the project subject to  
conditions of approval.**

PROJECT DATA:

General Plan/  
Zoning Designation:  
Any other pertinent info:

Industrial with Site and Architectural Overlay (MP-S)

CEQA Determination:

Categorically exempt from CEQA pursuant to Section 15311 (Accessory Structures and on-premise signage)

PLANNER:

Janice Spuller, Assistant Transportation Planner

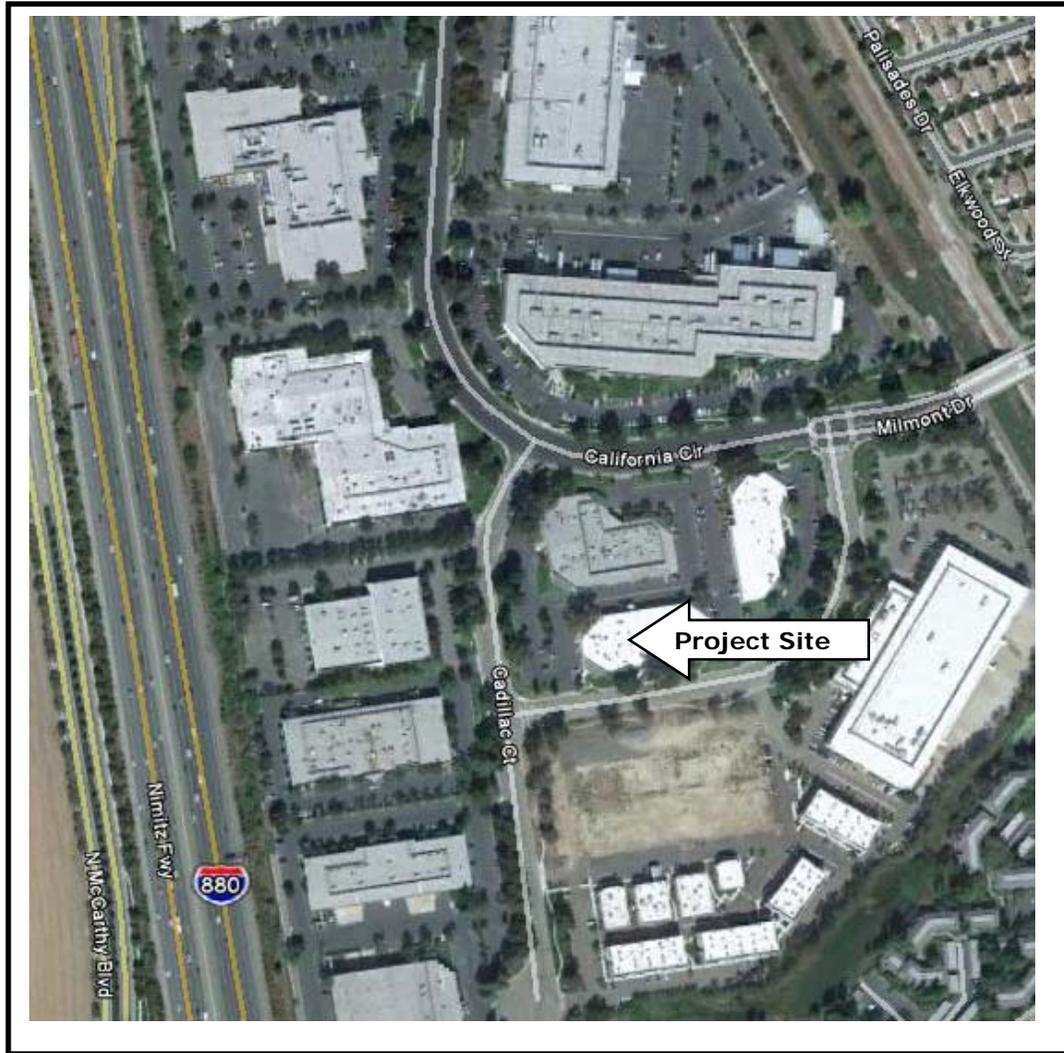
PJ:

2700

ATTACHMENTS:

- A. Resolution No. 11-016
- B. Letter of Approval by Golden Bay Business Park
- C. Site Plans

# LOCATION MAP



No scale

**BACKGROUND**

On February 14, 2011, THAT Corporation submitted an application for a Site Development Permit to install a 679 square-foot equipment enclosure. Due to the proposed location within the front half of the lot, and because the site is located in a Site and Architectural Overlay District, a Site Development Permit is required pursuant to Section 10-57.03 of the City of Milpitas Zoning Ordinance.

**PROJECT DESCRIPTION**

The Golden Bay Business Park Owners Association owns the property and leases the space to the THAT Corporation. The General Plan and Zoning designate this site as Industrial Park with an “S” overlay district for site and architectural review (MP-S). The surrounding zoning is Industrial Park. See the vicinity map on the previous page.

The applicant is requesting approval to relocate and construct a 679 square foot equipment enclosure which would contain a 9,000 gallon nitrogen vessel. Previously, THAT Corporation’s existing enclosure was located in the rear-center of the building. Due to shared tenant leasing, the property owner requested relocating the enclosure towards the main entrance of THAT Corporation’s entrance, which is positioned at an angle, facing both Cadillac Court and Fairview Way. The enclosure material consists of stucco walls 10’6’ high, with a fenced gate for the entrance facing east. The vessel measures 10’2” high. The color of the walls will be complementary to the existing building. There will be no loss of vegetation. The proposed equipment enclosure meets zoning development standards in terms of setback and height.

Though the enclosure is visible from Cadillac Court, the location is still considered the rear of the building, as it is adjacent to the rear of the building north of the site (1221 California Circle).

**ADOPTED PLANS AND ORDINANCES CONSISTENCY**

*General Plan*

The following policy outlined in the table below displays the project’s consistency with applicable General Plan Guiding Principles and Implementing Policies in that it allows for the existing company to continue business in a manner that is beneficial to the employer, the property owner, as well as maintaining our industrial areas.

**Table 1**  
**General Plan Policies**

<b>Policy</b>	<b>Consistency Finding</b>
<i>2.a-G-1 Maintain a land use program that balances Milpitas’ regional and local roles by providing for a highly amenable community environment and a thriving regional industrial center</i>	<b>Consistent.</b>

***Site and Architectural Review***

The design, materials and colors of the proposed enclosure are consistent and compatible with the design, materials, and colors of the building it serves. Equipment enclosures are common within the industrial park setting and therefore, this proposal is also compatible with the surrounding development.

**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 Class 1, Section 15311 (“Accessory Structures”) and Section 15303 (“New Construction or Conversion of Small Structures”), since it involves the replacement of a minor enclosed tank appurtenant to existing industrial facilities and the relocation of said tank to a different location on the existing industrial site.

**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**

Staff’s position is the equipment enclosure design, materials and colors are compatible with the building it serves and the surrounding development.

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission adopt Resolution No. 11-016 approving Site Development Permit No. SD11-0002, subject to the attached Conditions of Approval.

*Attachments:*

- A. Resolution No. 11-016
- B. Letter of Approval by Golden Bay Business Park
- C. Site Plans

**RESOLUTION NO. 11-016**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT NO. SD11-0002 TO CONSTRUCT AN EQUIPMENT ENCLOSURE WITHIN THE FRONT HALF OF THE LOT LOCATED AT 505 FAIRVIEW WAY**

**WHEREAS**, on February 14, 2011, an application was submitted by Richard Thornton, representing THAT Corporation, 505 Fairview Way, Milpitas, CA 95035, to allow for the construction of a new equipment enclosure within the front half of the lot. The property is located within the Industrial Park Zoning district with Site and Architectural Review Overlay (APN 022-58-007); and

**WHEREAS**, approval of such an application would require a site development permit under the provisions of Milpitas Municipal Code X-57.03 (Site Development Permits and Minor Site Development Permits); 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 exempt.

**WHEREAS**, on April 13, 2011, 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 15311 (“Accessory Structures”) and Section 15303 (“New Construction or Conversion of Small Structures”) of the CEQA Guidelines, since it involves the replacement of a minor enclosed tank appurtenant to existing industrial facilities and the relocation of said tank to a different location on the existing industrial site.

**Section 3:** The project is consistent with the Milpitas General Plan policies 2.a-G-1 in that the project promotes economic development.

**Section 4:** The layout of the site and design of the proposed structure are compatible and aesthetically harmonious with adjacent and surrounding development in that the design, materials, and colors of the enclosure are compatible with the building it serves and with the surrounding development.

**Section 5:** The project is consistent with the Milpitas Zoning Ordinance in that the development standards are met.

**Section 6:** The Planning Commission of the City of Milpitas hereby approves SD11-0002, 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 13, 2011.

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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 13, 2011, and carried by the following roll call vote:

<b>COMMISSIONER</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Mark Tiernan				
Sudhir Mandal				
Lawrence Ciardella				
John Luk				
Zeya Mohsin				
Gurdev Sandhu				
Noella Tabladillo				
Steve Tao				

**EXHIBIT 1**

**CONDITIONS OF APPROVAL  
SITE DEVELOPMENT PERMIT NO.11-0002**

A request to construct equipment enclosure  
505 Fairview Way (APN 022-58-007);

**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 13, 2011, 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)**

Site Development Permit No.11-0002 shall become null and void if the project is not commenced within two (2) years from the date of approval unless in conjunction with a tentative map, then the project life coincides with the life of the map. Pursuant to Section 64.06(B) of the Zoning Ordinance of the City of Milpitas, commencement shall be:

- a. Completes a foundation associated with the project; or
  - b. Dedicates any land or easement as required from the zoning action; or
  - c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.
2. Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of Site Development Permit No.11-0002 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. **(P)**
  3. 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)**
  4. It is the responsibility of the developer to obtain any necessary approvals or permits from affected agencies and private parties. Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division. Proposed work is within the private common area the property management approval is required. **(E)**

**(P)** = Planning  
**(B)** = Building  
**(E)** = Engineering  
**(F)** = Fire Prevention



March 24, 2011

Ms. Janice Spuller  
Assistant Transportation Planner  
City of Milpitas  
455 East Calaveras Blvd.  
Milpitas, CA 95035

Re: Approval of Tank Enclosure located at 505 Fairview Way, Milpitas  
P-SD11-002

Dear Ms. Spuller:

This letter is to notify you that on March 23, 2011 at the regularly scheduled meeting, the Board of Directors of the Golden Bay Business Park Owners Association reviewed, voted and approved the proposed installation of the tank enclosure at the above referenced location.

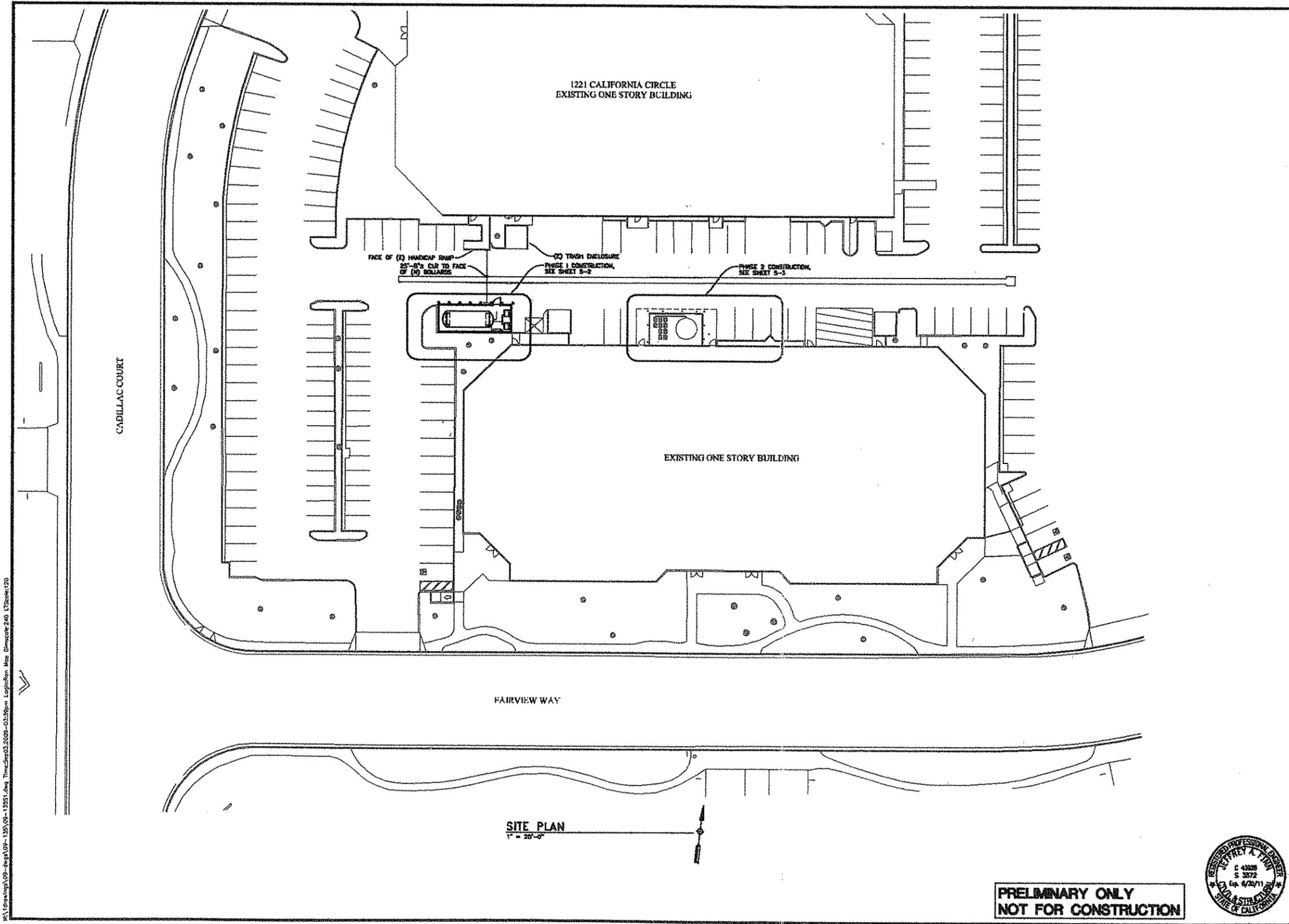
If you require any further information please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole Mass", with a stylized flourish at the end.

Nicole Mass Golden Bay Business Park Association Manager  
PO Box 2502  
Danville, CA 94526  
P: 925.683.9595  
nmass@kocalproperties.com

cc: That Corporation  
505 Fairview LLC



**PRELIMINARY ONLY  
NOT FOR CONSTRUCTION**



**THAT CORPORATION  
LN PAD UPGRADE  
505 FAIRVIEW WAY  
MILPITAS CALIFORNIA**

**FDG**

**Finn Design Group, Inc.**  
Structural Engineers  
5000 Hayward Road, Suite 300  
Pleasanton, CA 94588  
OFFICE (925) 737-1600  
FAX (925) 737-1601

DESIGNED BY	DATE	DESCRIPTION	BY
JEFFREY A. FINCK			
DRAWN BY	DATE	DESCRIPTION	BY
JEFFREY A. FINCK			
CHECKED BY	DATE	DESCRIPTION	BY
JEFFREY A. FINCK			
SCALE	DATE	DESCRIPTION	BY
AS SHOWN			

SHEET NUMBER: **S1**

OF 3 SHEETS

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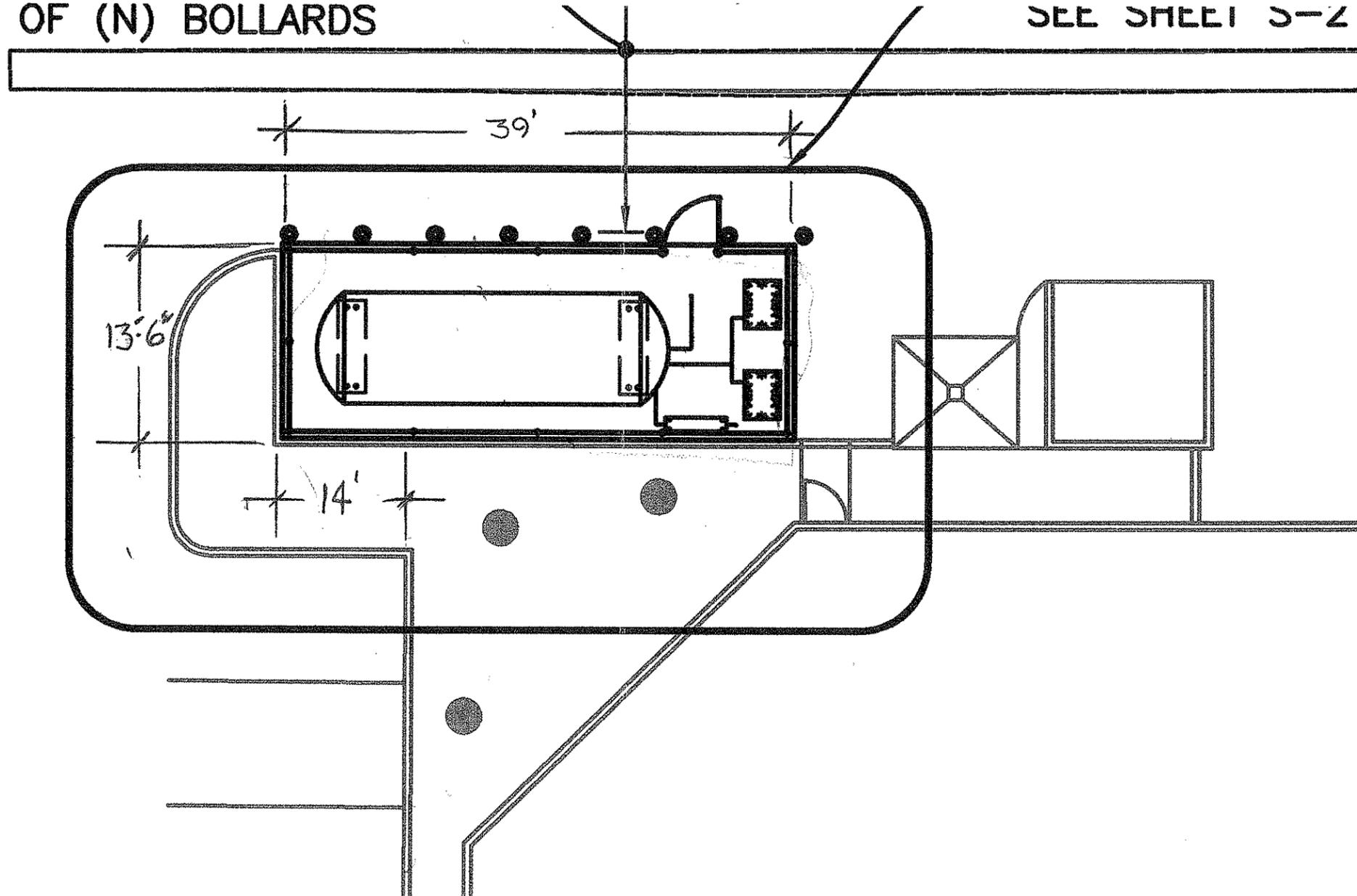
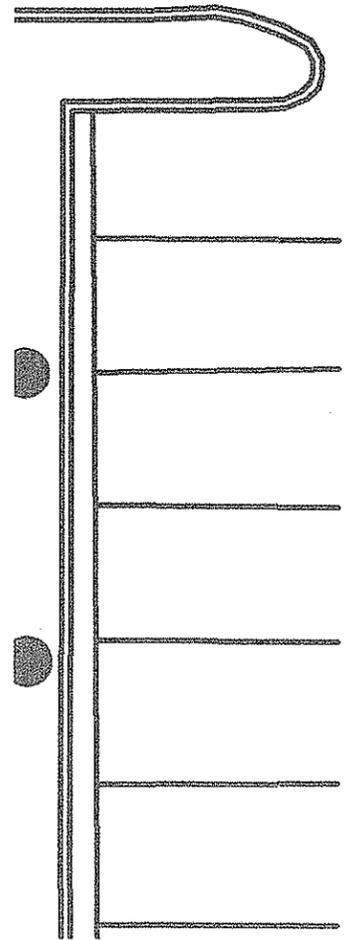
DATE: 08-11-11

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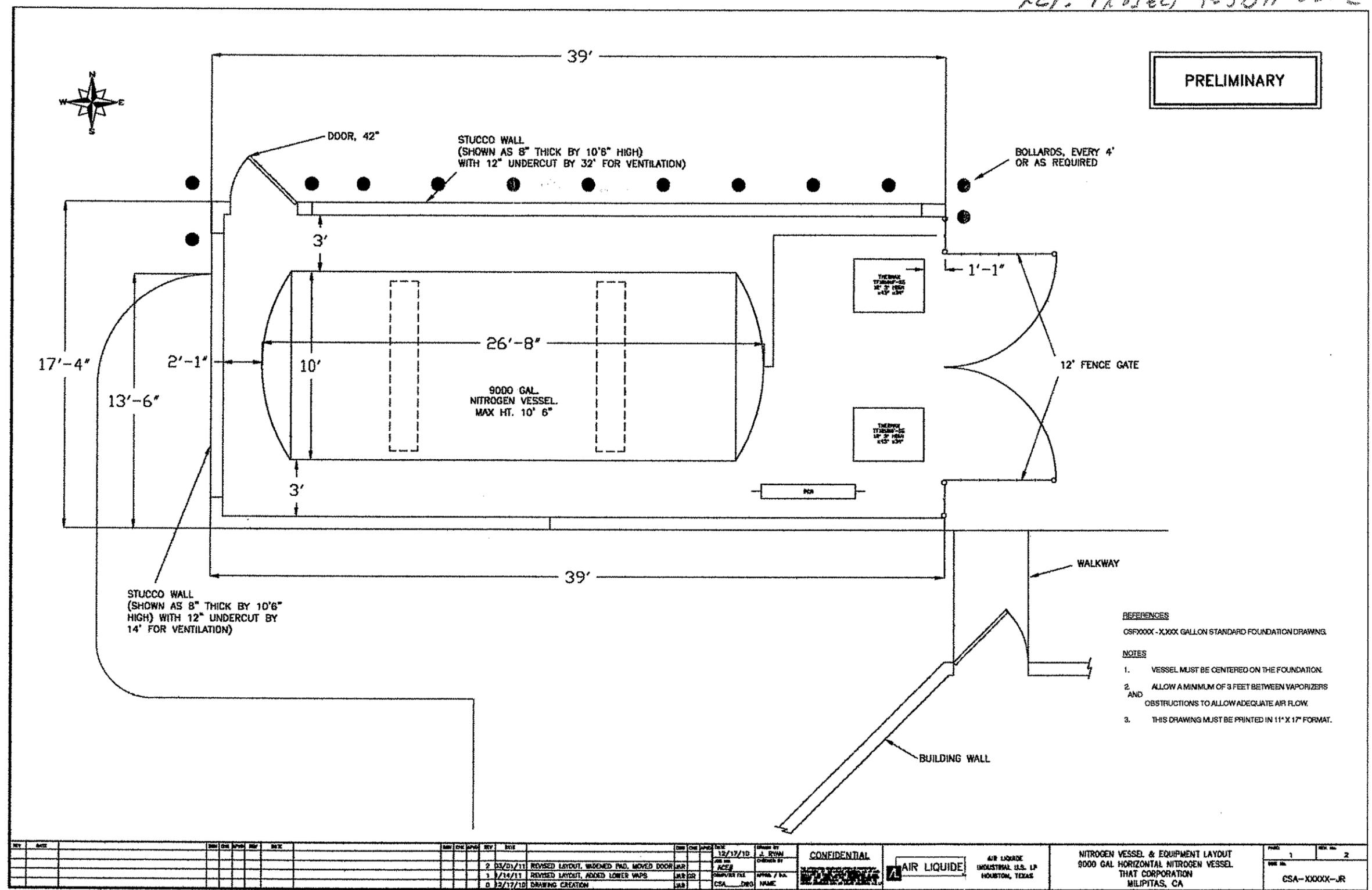
OF (N) BOLLARDS

SEE SHEET S-2



REF. PROJECT P-SD11-0002

PRELIMINARY



RECEIVED

MAR 03 2011

CITY OF MILPITAS  
 PLANNING DIVISION







View from Parking Lot.jpg (2048x1536x16M jpeg)



2

View from Fairview Way.jpg (2048x1536x16M jpeg)



3

View from Cadillac Court.jpg (2048x1536x16M jpeg)





To see all the details that are visible on the screen, use the "Print" link next to the map.

