



MILPITAS PLANNING COMMISSION STAFF REPORT

May 28, 2014

APPLICATION: **SPRINT BAY HILL ATHLETIC CLUB ANTENNA CUP AMENDMENT – 1000 Jacklin Road – UA14-0001:** A request for a Conditional Use Permit Amendment to install three new panel antennas to an existing monopole tower and associated equipment previously approved with Conditional Use Permit No. UP1339.

RECOMMENDATION: **Staff recommends that the Planning Commission: Adopt Resolution No. 14-021 approving Conditional Use Permit Amendment No. UA14-0001 to install three new panel antennas to an existing monopole tower and associated equipment previously approved with Conditional Use Permit No. UP1339.**

LOCATION:
Address/APN: 1000 Jacklin Road (APN: 28-05-015)
Area of City: Bay Hill Athletic Club

PEOPLE:
Project Applicant: Alex Orner, Sprint Agent for Cortel LLC, representing Sprint Wireless Corporation
Property/Business Owner: Gigantino Joseph R. Jr. and Christine M. Trust
Project Planner: Marge Sung, Assistant Planner

LAND USE:
General Plan Designation: Highway Services (HWS)
Zoning District: Highway Services (HS)
Overlay District: Site and Architectural Overlay (-S)

ENVIRONMENTAL: Categorically Exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

EXECUTIVE SUMMARY

Alex Orner representing Sprint Wireless is requesting a Conditional Use Permit Amendment No. UA14-0001 to Conditional Use Permit No. UP1339 to install three new panel antennas to an existing monopole tower and associated equipment located at 1000 Jacklin Road.

Map 1
Project Location



Map 2
Project Site



Existing Monopole



BACKGROUND

History

On October 6, 1977, the Planning Commission approved “S” Zone plans for a 22,300 square foot two-story indoor sports facility building, plus parking and landscaping on the 1.14-acre subject site.

On May 8, 1996, the Planning Commission approved Conditional Use Permit No. UP 1339 for a 60-foot monopole for a wireless telecommunication facility and construction of a 173 square-foot equipment shelter on the north side of the building.

On July 24, 1996, the Planning Commission approved subsequent amendment, UP1352, to allow co-location of two other carriers and construction of second equipment enclosure on the east side of the building. Additionally, on November 18, 1998, the Planning Commission approved Conditional Use Permit Amendment No. UP1339 to allow antenna replacement.

On June 28, 2000, the Planning Commission approved Conditional Use Permit No. 1553 and “S” Zone Amendment to install telecommunication antennas and equipment enclosure.

On May 28, 2003, the Planning Commission approved the “S” Zone amendment for a new 62’-10” tall clock tower located on the west side of the building. The clock tower was proposed to

conceal a total of 12 antennas and associated equipment. The clock tower was constructed and operated after the “S” Zone approval.

On September 12, 2012, the Planning Commission approved a Conditional Use Permit No. UP12-0017 and Minor Site Development Permit No. MS12-0034 for removal of three (3) existing panel antennas with three new panel antennas, installation of six (6) new remote radio units, and replacement of existing equipment cabinets for an existing wireless telecommunication monopole.

The Application

On April 10, 2013, Alex Orner representing Sprint Wireless Corporation submitted an application pursuant to Section 57 of the Milpitas Zoning Ordinance for a Conditional Use Permit Amendment, UA14-0001. The following is a summary of the applicant’s request:

- *Conditional Use Permit Amendment:* To install three (3) antennas and three (3) RRU (Remote Radio Unit) to the existing monopole and updates to the existing cabinet enclosure. Per Section 10-13.09 of the Milpitas Zoning Ordinance, the proposed additional antenna installation to the monopole requires Planning Commission’s approval through a Conditional Use Permit Amendment.

PROJECT DESCRIPTION

Overview

There are currently five (5) Sprint antennas on the existing monopole tower. The monopole tower was approved through a Conditional Use Permit No. UP1339 in 1996. There are also other wireless carrier antennas, such as Verizon, at the top of the monopole with subsequent amendment approvals (UP1352 and UP1553) in 1996. The subsequent amendment approvals also allowed the installation of the equipment cabinet enclosure on the east side of the building.

The proposed project includes installation of three (3) new antennas and three (3) RRU (Remote Radio Unit) to the existing monopole tower and associated equipment in the existing equipment cabinet enclosure. The purpose of RRU is to control the frequency of the antennas remotely. The Radio Frequency Engineers need the RRUs as close to the antennas as possible to ensure the RRUs work effectively. No alterations are proposed in terms of the height and the location of the monopole tower, and the square footage and the location of the cabinet enclosure.

Location and Context

The subject site encompasses 1.14 acres at the southwest quadrant of the I-680 and Jacklin Road interchange. The site is a land-locked parcel located behind the Shell gasoline station, near the I-680 southbound on-ramp. The site is zoned Highway Services, including the gas station parcel to the north. The site is currently developed with a two-story, 22,300 square foot fitness facility, 256 square foot clock tower, and fifty-one (51) on-site parking spaces.

Surrounding land uses include commercial offices to the south and northwest, a childcare center to the west, and a Shell Gas Station to the north. Residential uses are found to the north, beyond Jacklin Road, to the west, beyond N. Hillview Drive, and to the east, beyond the I-680 freeway.

PROJECT ANALYSIS

General Plan and Zoning Conformance

The project is consistent with the Milpitas General Plan Policies in that the project provides 4G technology improving wireless service that supports surrounding businesses and residents, and facilitates communication. Telecommunication facilities are public utilities which provide communication systems to meet the needs of residents and businesses in Milpitas. The proposed facility would improve coverage in the area. In addition to meeting the needs of residents and businesses, the wireless telecommunications facility would benefit public safety by improving emergency calls from cellular phones.

The project complies with the Milpitas Zoning Ordinance in terms of land use and development standards. Wireless telecommunication facilities are conditionally permitted in the Highway Service Zoning District. Conditional Use Permit No. UP 1339 was granted by the Planning Commission in 1996 to allow the 60'10" tall monopole tower installation. Modifications to the existing monopole tower were approved with Conditional Use Permit Amendment No. 1553 in 2000 and UP12-0017 in 2012. The proposed project requests to install three (3) additional antennas and associated equipment. Per Zoning Ordinance Section 10-13.09-B (1), the project requires Conditional Use Permit approval.

Development Standards

The project proposal does not propose any modifications to the main building or existing site improvements, changes to the height of the existing 60'10" tall monopole, location, or setbacks. The project is consistent with the height standards with approval of this conditional use permit.

Radio Frequency Emissions

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.

Sprint facility would operate between 800-1900 MHz on a broad band frequency. The site will accommodate one channel per sector with three sectors for an effective radiated power level of approximately 1,542 watts. The RF emissions from the proposed Sprint facility will be at a level of 5% of the applicable public exposure limit. The cumulative predicted energy density from the proposed operations would not be more than 16% of the maximum in any accessible areas up to two meters above ground. The project would operate within the FCC limits for RF emissions.

Site & Architectural Design

The 60'10" tall monopole tower was approved in 1996. The project proposes to mount three additional antennas onto the existing monopole. The proposed three antennas are similar to the other existing antenna components. The visual impact from placement of the additional antennas is not considered significant since the facility already exists and the change is minimal. The associated equipment will be placed in the existing cabinet behind the existing athletic facility building, and not visible from public view.

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Conditional Use Permit (Section XI-10-57-04-1(F))

- 1. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

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.

The project is not anticipated to create any negative impacts to public health, safety and general welfare because the anticipated radio frequency emissions is within the Federal Communications Commission (FCC) established guidelines for human exposure to Radio Frequency (RF) fields generated by personal wireless service facilities. Sprint is licensed by the FCC to operate specifically within 2500 MHz frequency band. The effective radiate power (ERP) for various frequency bands are as follows:

- 2500 MHz transmitter combined on site is 2,953 watts

The emission from the proposed facility including other existing carriers is 6.3% of the FCC's general public limit. The project falls below the most conservative standard for such radio frequency emissions and therefore complies with current FCC regulations. As previously conditioned, the applicant shall install signs to notify people the presence and locations of antennas and their associated equipment.

Further, the proposed antenna installation will have minimal visual impacts in that the installation will blend with the existing antennas on the monopole structure and the associated equipment would be installed in the existing equipment cabinet in the rear of the building as required per the conditions of approval.

- 2. The project is consistent with the Milpitas Zoning Ordinance.*

The previously approved monopole tower is in conformance with the Milpitas Zoning Ordinance in terms of land use and development standards. Wireless telecommunication facilities are conditionally permitted uses in the Highway Service Zoning District. The project proposes to mount three additional antennas to the existing monopole tower and associated equipment in the existing cabinet in the rear of the building. As previously discussed, the project complies with the development standards in terms of land use, setbacks, floor area ratio (FAR), and height.

3. *The project is consistent with the Milpitas General Plan.*

The project is consistent with this finding because the proposed use supports the following General Plan policies:

- Policy 2.a-G-1 Maintains land use program that balances Milpitas's regional and local roles by providing a highly amendable community environment and a thriving regional industrial center.
- Policy 2.a-I-3 Encourage economic pursuits which will strengthen and promote development through stability and balance.

The project promotes a highly amenable community environment by providing and improving alternate telecommunications services for commercial and personal business. The project would encourage economic pursuits that will strengthen and promote development through stability and balance by enabling Sprint to provide improved coverage, which helps promote their service within the City and benefits Sprint customers.

ENVIRONMENTAL REVIEW

The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is categorically exempt from further CEQA review under Section 15301 of the CEQA Guidelines, Existing Facilities. The monopole tower and equipment enclosure is existing. The antennas will be installed to the existing tower structure.

PUBLIC COMMENT/OUTREACH

Staff provided public notice of the public hearing in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on May 16, 2014. In addition, 576 notices were sent to owners and occupants within 1,000 feet of the project site. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CONCLUSION

The proposed site obtained a previously approved Conditional Use Permit to allow installation of the monopole tower with antennas on a Highway Services zoned property. The proposed three antenna installations will be mounted onto the existing monopole tower with other existing antennas. The associated equipment will be installed in the existing equipment cabinet and not be visible from public view.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Conduct Public Hearing; and
2. Adopt Resolution No 14-021 approving Sprint Bay Hill Athletic Club Antenna Conditional Use Permit Amendment No. UA14-0001 to allow installation of three new

panel antennas to an existing monopole tower and associated equipment previously approved with Conditional Use Permit No. UP1339.

ATTACHMENTS

A: Resolution No. 14-021

B: Project Plans

C: Photo Projections