

Date: March 22, 2000

Item No. *9

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report Prepared by: Kim Duncan/M. Rush

Public Hearing: Yes: No:

Notices Mailed On: 03-10-00 Published On: 03-10-00 Posted On: 03-10-00

TITLE: USE PERMIT NO. 1524 and "S" ZONE-AMENDMENT

Proposal: Telecommunications antennas and equipment shelter

Location: 400 S. Hillview Drive

RECOMMENDATION: Approval

Applicant: Jeffery Merz, Sprint PCS, 3875 Hopyard Road, Ste. 245, Pleasanton, CA 94588

Property Owner: Scott Loveless, PG & E; 77 Beale Street Code B23A, PO Box 770000, San Francisco, CA

Previous Action(s): "S" Zone Approval

General Plan Designation: Manufacturing and Warehousing

Present Zoning: "M2-S" (Heavy Industrial with an "S" Zone Combining District)

Existing Land Use: Manufacturing building

Agenda Sent To: Applicant/Owner

Attachments: Plans, Photo-simulation
Telecommunication Questionnaire
Applicant letter, dated March 9, 2000

BACKGROUND

On December 12, 1990, the Planning Commission approved an "S" Zone Approval for construction of a 4,688 square foot industrial building on a 1.44 acre site located west of Highway 680 and south of East Calaveras Blvd.

Site Description

The subject property is located at 400 S. Hillview Drive and is zoned "M2" (Heavy Industrial). The surrounding properties are also zoned "M2" and developed with office, manufacturing, and

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R&D industrial uses. The project site is located on the PG&E tower in the rear parking lot, in a landscaping planter. Five-foot tall shrubs are located in the planter area at the base of the tower.

THE APPLICATIONS/PROJECT DESCRIPTION

This Use Permit application is submitted pursuant to Section 57.02 of the Milpitas Zoning Ordinance (Additional Uses Permitted). The "S" Zone-Amendment is submitted pursuant to Section 42 of the Zoning Ordinance ("S" Zone Combining District).

The applicant proposes to install six panel antennas on an existing 95-foot PG&E transmission tower. The antennas will be affixed at approximately the 55-foot height on the tower and will be painted gray to match the structure. Equipment cabinets will be located at the base of the tower, surrounded by a dark green, vinyl clad chain link fence with slats. The existing vegetation will conceal most of the fenced enclosure.

ISSUES

Conformance with the Zoning Ordinance

The project proposes to install panel antennas around the circumference of the PG&E high voltage transmission tower and an equipment shelter at the base. This project conforms to the development standards for this zoning district.

Conformance with "S" Zone

The new panel antennas are mounted approximately 55 feet up the transmission tower, and painted to match the gray metal. The equipment cabinets will be located at the base of the tower, surrounded by fencing material to blend with the existing vegetation. Because the project site is in the rear parking lot and is not visible from any public roadway, staff believes the proposed antennas and enclosure will not create any new or additional visual impacts to the site or the surrounding properties.

Telecommunications Commission Review

The Telecommunications Commission reviewed this project at its February 28, 2000 meeting and found that the proposed telecommunications equipment, as conditioned, will meet the requirements as set forth within the City of Milpitas regulations and it will not create a negative community impact. The Commission recommends approval of the project to the Planning Commission.

RECOMMENDATION

Close the Public Hearing. Approve Use Permit No. 1524 and "S" Zone Approval-Amendment subject to the Findings and Special Conditions listed below:

FINDINGS

1. The proposed project is categorically exempt from CEQA, Class 11 (Section 15311) for accessory structure to an existing facility.
2. The antenna placement will not create any new or additional visual impacts to the site or the surrounding properties.

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SPECIAL CONDITIONS

1. This Use Permit No. 1524 and "S" Zone-Amendment allows the installation of 6 panel antennas and an equipment shelter, as shown on the approved plans dated March 22, 2000. (P)
2. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations and in conformance with the approved plans. (P)
3. The applicant shall comply with Planning Commission Resolution No. 310, a resolution of standard conditions for industrial development. (P)
4. Prior to issuance of Building Permit, the applicant shall submit a landscaping plan surrounding the equipment building for review and approval by the Planning Division. Planting shall include tall, dense shrubbery, such as Euonymus japonica or Grevillea 'canberra'. (P)

NOTES TO THE APPLICANT

The following notes pertain to administration of the City codes and ordinances that are not part of the Zoning Ordinance regulations. Do not consider these notes as approval from any Department. Additional requirements may be made prior to permit issuance. These notes are provided to assist in the permit process if approval is granted.

Building Div: (For further info regarding these notes, contact Veronica Valenti, 586-3241)

1. Provide fence, antennas and equipment installation complete structural design calculations (vertical and lateral) and construction plan and details when applying for a building permit. Plans and calculations shall be wet signed and stamped by Civil Engineer.

Engineering Div: (For further info regarding these notes, contact Mehdi Khaila, 586-3328)

1. It is the responsibility of the developer to obtain any necessary encroachment permits from affected agencies and private parties. Copies of approvals or permits from other agencies/parties must be submitted to the City of Milpitas Engineering Division.
2. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, plan check and inspection deposit.
3. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities.
4. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Board (RWQB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Contact the San Francisco Regional Water Quality Board for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329.
5. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Board (RWQB) to administer the National Pollution Elimination.

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Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Industries are required to make an evaluation of their sites specific activities and determine their permit requirements. If a permit is required, industries must prepare the following documents:

- a. File a Notice of Intent (NOI) prior to building permit issuance.
- b. Prepare and submit a Storm Water Pollution Prevention Plan with the NOI.
- c. Prepare a Monitoring Plan prior to operation.

If you have questions about your specific requirements contact the San Francisco Regional Water Quality Board at 1-800-794-2482. For general information contact the City of Milpitas at (408) 586-3325.

6. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in Flood Zone "X".

March 24, 2000

Jeffery Merz
Sprint PCS
3875 Hopyard Road, Suite. 245
Pleasanton, CA 94588

USE PERMIT NO. 1524 and "S" ZONE-AMENDMENT

A proposal to have telecommunications antennas and equipment shelter at 400 S. Hillview Drive.

Dear Jeffery Merz:

The above referenced project was reviewed and approved by the Milpitas Planning Commission at its meeting of March 22, 2000. Enclosed for your information is a copy of the approved "Special Conditions/Notes to Applicant" for the project. Please read the conditions and notes carefully. **Unless otherwise specified, these items must be resolved prior to building permit issuance for your project.**

The next step in the process is to submit working drawings or construction plans to the Building Division for plan checking. Please contact that Division (586-3240) for further information. Listed below are the names and phone numbers of others involved in the building permit process. It is to your advantage to contact those persons in order to see what material(s), if any, they will need regarding your application. This could expedite the permit processing.

Building Division: Veronica Valenti - 586-3241; Engineering Division: Mehdi Khaila - 586-3328;
Fire Department: Tim Rapella - 586-3369

Expiration of permit or approvals:

Unless the approval is used or exercised, it will expire, without notice to you, eighteen (18) months after the date of approval, or by September 12, 2001. For the purpose of approval, an approval is "used" or "exercised" if the applicant obtains a building permit and completes a foundation, or dedicates any land or easement as required from the zoning action, or complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

A one-time 18-month time extension may be granted by the Planning Commission. It is valid only if approved before the pending expiration date. New conditions may be imposed on your permit through the review process for your extension of time for any permit. To obtain a time-extension, you must submit a request with appropriate fees to the Planning Division no later than July 19, 2001, to be scheduled for the Planning Commission meeting of September 12, 2001.

If you have any questions pertaining to this matter, please give me a call at (408) 586-3272. Thank you for participating in the City's planning review process.

Sincerely,

Marina Rush
Planner

cc: Scott Loveless, PG & E; 77 Beale Street Code B23A, PO Box 770000, San Francisco, CA
enc: Approved Special Conditions/Notes to Applicant

APPROVED SPECIAL CONDITIONS

A request to have telecommunications antennas and equipment shelter at 400 S. Hillview Drive.

Planning Commission Approval: March 22, 2000

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Distribution:

Applicant & Owner

Tim Rapella, Fire Dept.

Keyvan Nejad, Building Div.

Mehdi Khaila, Land Dev., Eng. Div.

Joe Oliva, Trans., Planning Div.

Mike McNeely, City Eng., Eng. Div.

Neill Boitnott, Building Inspection