

STAFF REPORT
PLANNING COMMISSION

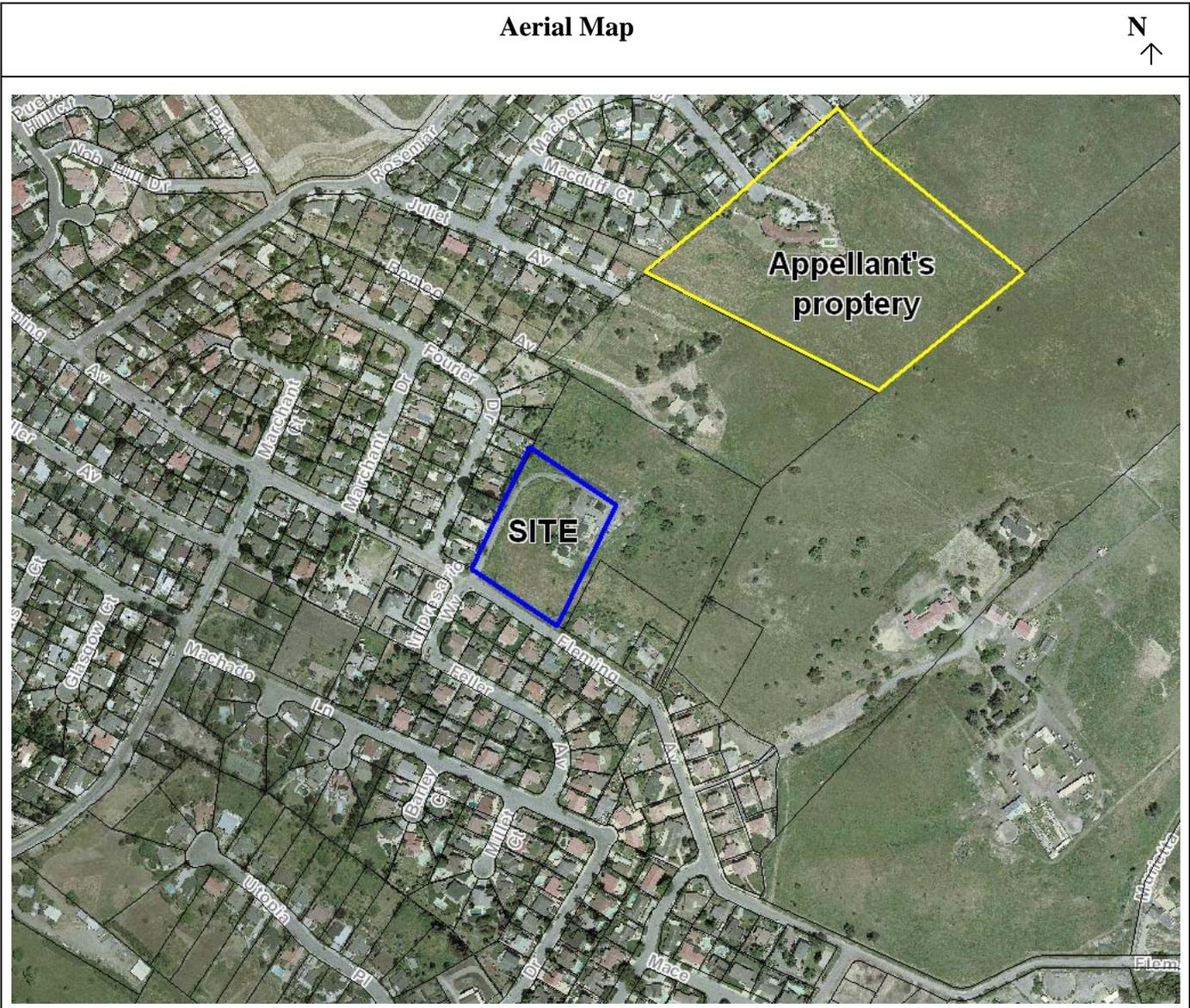
FILE NO.: SP09-058

Submitted: September 17, 2009

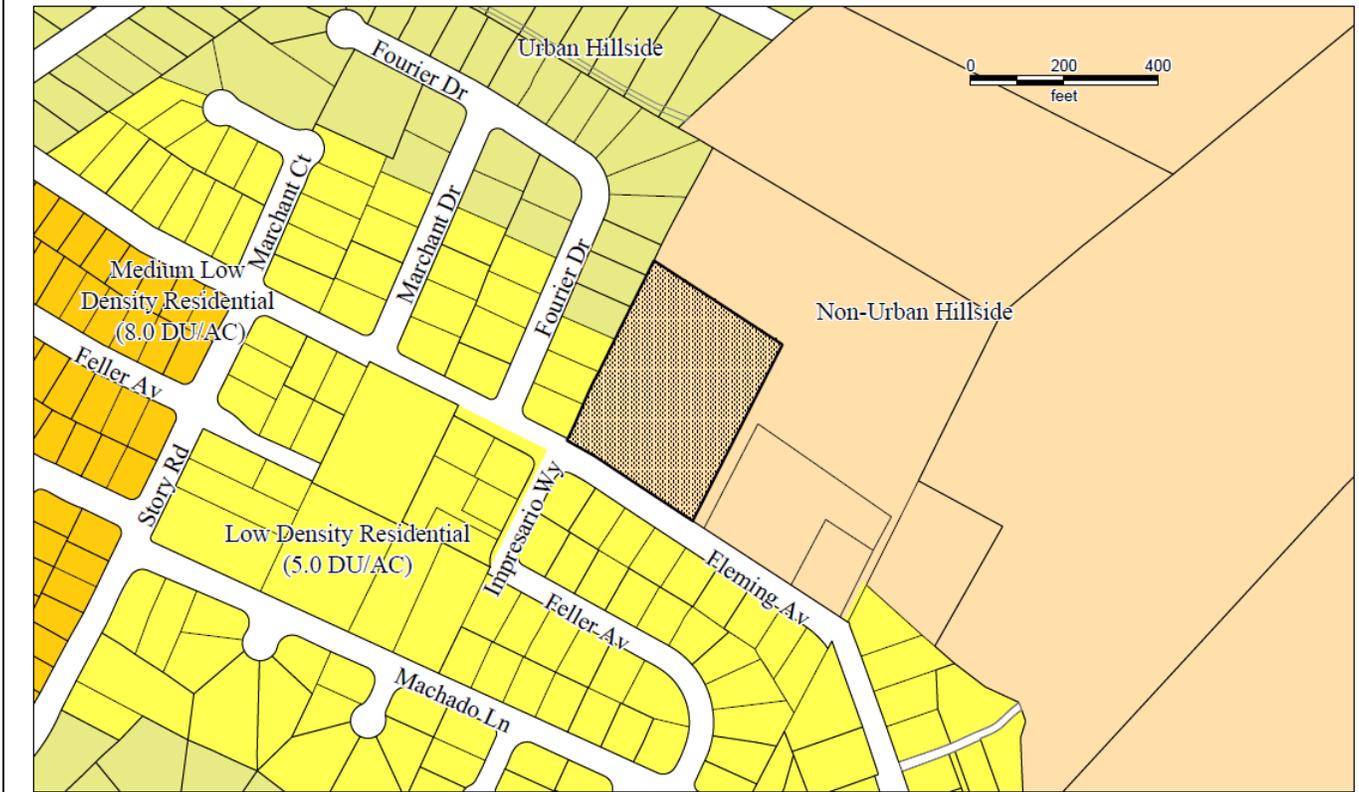
PROJECT DESCRIPTION: Appeal of the Director's decision to approve a Special Use Permit to erect a 60' tall slimline monopole on a 3.13 gross acre single-family residential lot.

Zoning	R-1-5
General Plan	Non-Urban Hillside
Council District	5
Annexation Date	September 1, 1960
SNI	No
Historic Resource	No
Redevelopment Area	No
Specific Plan	No

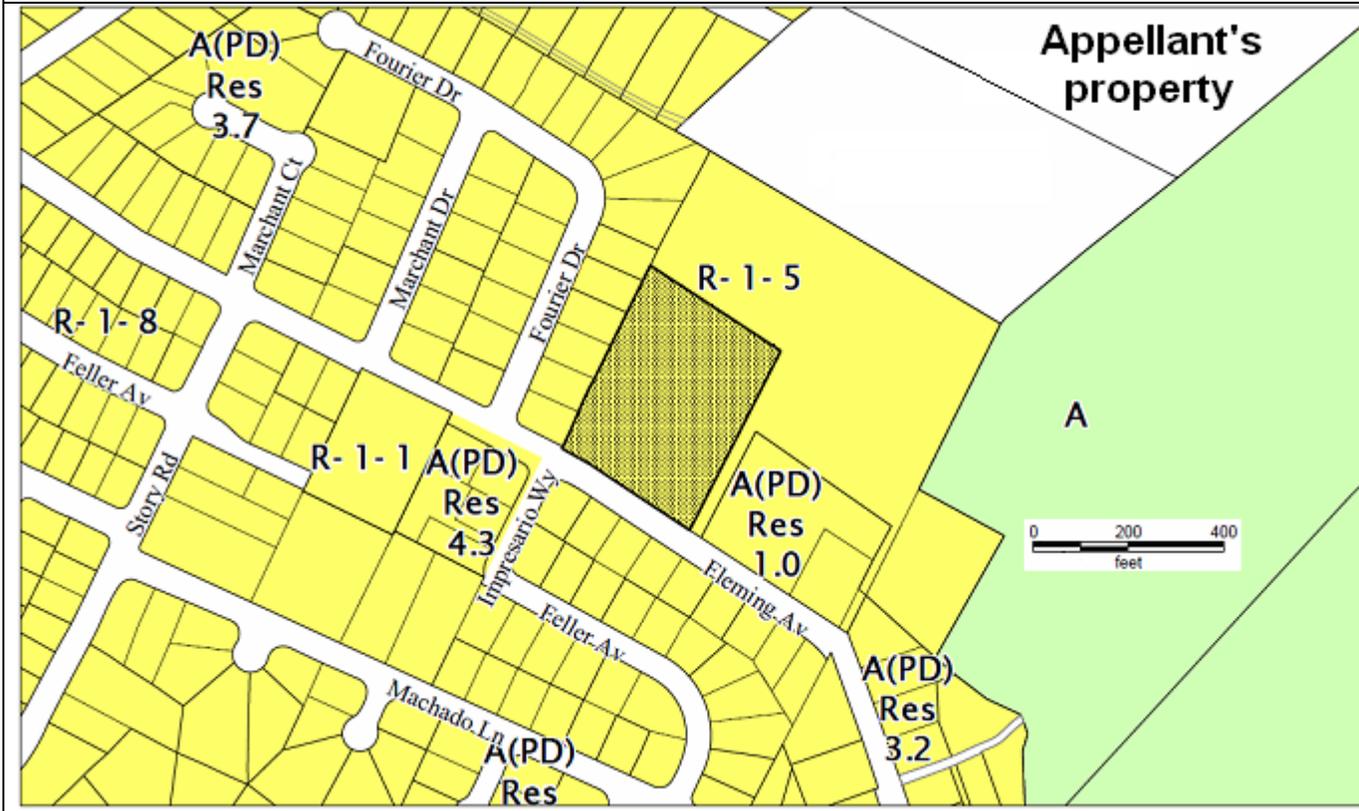
LOCATION: North side of Fleming Avenue
300 feet easterly of Fourier Drive (1200 Fleming Avenue)



GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends that the Planning Commission uphold the Director's decision to approve the Special Use Permit to erect a 60' tall slimline monopole on a 3.13 gross acre single-family residential lot for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Goals and Policies. The site has a land use designation of Non-Urban Hillside and should only be limited to those uses which will have very little physical impact on the land.
2. The proposed slimline monopole conforms to the regulations of the Zoning Ordinance.
3. The proposed slimline monopole is in substantial conformance to the City's Wireless Communication Facilities Policy 6-20.
4. The proposed project conforms with the requirements of the California Environmental Quality Act (CEQA).

PROJECT DESCRIPTION AND BACKGROUND

On September 17, 2009, Patricia Kelly of the Lyle Company, on behalf of Robert Lares, submitted a Special Use Permit for the installation of a 60 foot tall slimline monopole on a 3.13 acre property in the R-1-5 Single Family Residence Zoning District. A Special Use Permit is required pursuant to the applicable provisions of Title 20 of the San José Municipal Code (Zoning Ordinance) for a construction of a slimline monopole in the R-1-5 Single-Family Residence Zoning District. On September 17, 2009, an appeal of the Director's decision was submitted by William Collins.

The subject property is in a hillside location in an area that is comprised of large rural lots to the north and east. Residential subdivisions comprised of 6,000 square foot lots exist across Fleming Avenue to the south and west. The subject property is currently developed with a single-family residence and several accessory structures. The monopole is proposed to be over 93 feet away from the closest property line to the north, a large residentially zoned vacant hillside property. The monopole is located 208 feet from a residential subdivision to the west. A 15'x 25' enclosure is proposed near a carport and the monopole to house the related telecommunications equipment.

Director's Hearing

The Special Use Permit was noticed for consideration at the Planning Director's Hearing on December 9, 2009. At the Director's Hearing, the applicant, Patricia Kelly, explained how the property is considered an in-fill site since it is already developed, and that there is no coverage in the area to serve homes, business and emergency services. The property owner, Robert Lares, stated that the slimline monopole would be an asset to the area since there is no signal nearby to support residents. Hugo Hsu, of 1046 Fourier Drive, expressed concern regarding health impacts from the radiation. At the Director's Hearing, staff explained that the Telecommunications Act of 1996 contains provisions concerning the placement of antenna structures for use in providing personal wireless services. The guidelines are based upon recommendations of federal agencies with expertise in health and safety issues. As for proximity of nearby residences to the proposed antennas, the Federal Communications Commission (FCC) has created guidelines for human exposure to radiofrequency electromagnetic fields. Specifically, the Telecommunications Act of 1996 states, "No State or local government or instrumentality thereof may

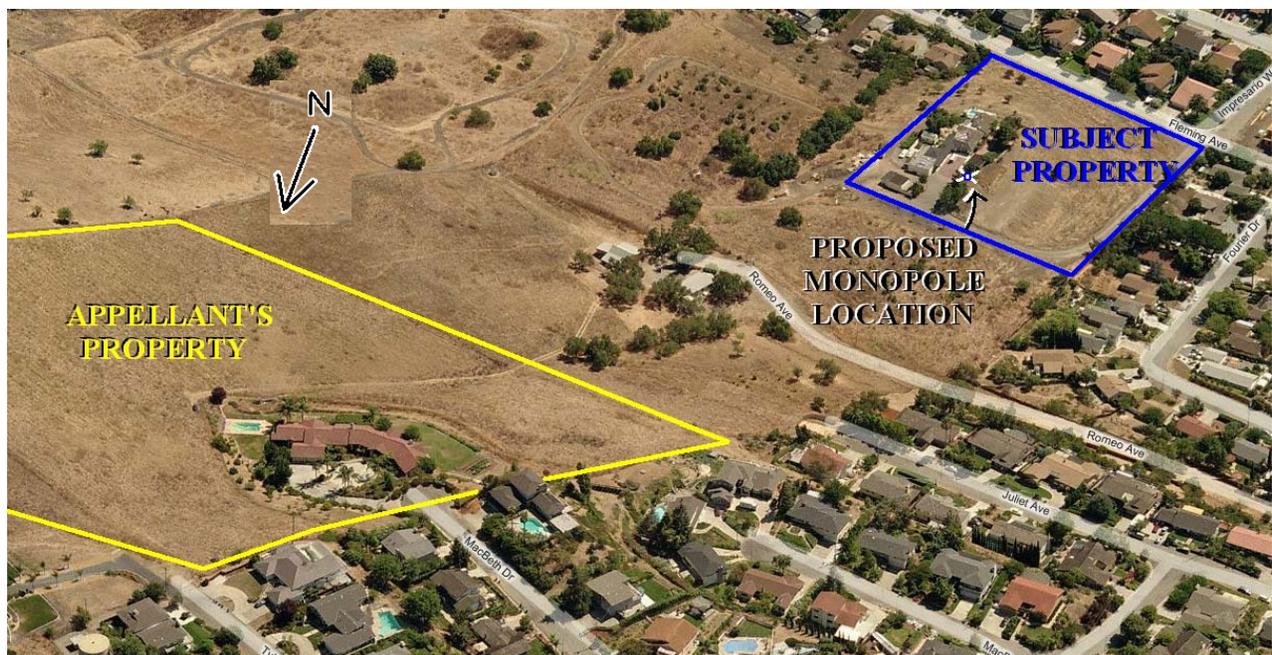
regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.”

Staff also explained that although the City’s Wireless Communication Facilities Policy generally discourages locating monopoles on residential properties, this specific proposal was supported since there are no alternative locations, such as schools, churches or public utilities, within the area in need of coverage.

The nearest wireless communication facility to the subject property is over a mile away, which does not allow for collocation. Within a quarter-mile radius of the subject property, there are no uses other than residential. A building-mounted wireless communication facility on a single-family residence would not provide the height necessary to meet the service provider’s radio frequency coverage objectives. Additionally, the monopole is a slimline design, which minimizes the visual impact and would not cause visual clutter. After the Director’s Hearing, staff was contacted by the appellant, William Collins. Neither prior to or during the Director’s Hearing was correspondence or testimony received from Mr. Collins. See specific comments under the analysis section of this report. The Director or Planning approved the subject Special Use Permit on December 16, 2009. On December 17, 2009, Mr. William Collins filed an appeal of the Director’s decision.

Specific Comments Raised by the Appellant

Mr. Collins expressed concern regarding the inconvenient timing of the Wednesday morning Director’s Hearing and, after reviewing the photo-simulations in the project file, how the visual impact to his property was not addressed,. The photo-simulations provided to the City are views from the adjacent Fleming Avenue right-of-way, whereas Mr. Collin’s residence is located 700 feet from the project site to the north. Additionally, Mr. Collin’s residence is located at an elevation approximately 250 feet higher than the location of the proposed slimline monopole.



Bird’s eye view from north of subject property

ANALYSIS

The proposed project has been analyzed for conformance with the following: 1) San Jose 2020 General Plan and Land Use/Transportation Diagram, 2) Zoning Ordinance, 3) Land Use Policy for Wireless Communication Facilities, 4) environmental review (CEQA) and 5) specific comments raised by the appellant.

General Plan Conformance

The subject site has a General Plan designation of Non-Urban Hillside. The proposed monopole will facilitate a wireless communication service to the surrounding underserved predominantly residential area in a manner which avoid the placement of such an facility on land with a residential General Plan designation. Development in areas designation as Non-Urban Hillside should limited to those which will have very little physical impact on the land. While specific such examples are not fully listed, the monopole and small enclosure occupy a very small area of the site and given the existing development already on the site constitute a small physical impact on the land. The height of the monopole is intrinsic to its function.

Ideally, wireless communication facilities that serve residential areas would be placed on school or church site within building mounted features, such a steeples or flagpoles. In this instance, there are no such locations available in the vicinity, so a location was chosen to provide that would serve the surrounding residential area, but maintain a good separation from adjacent residential uses.

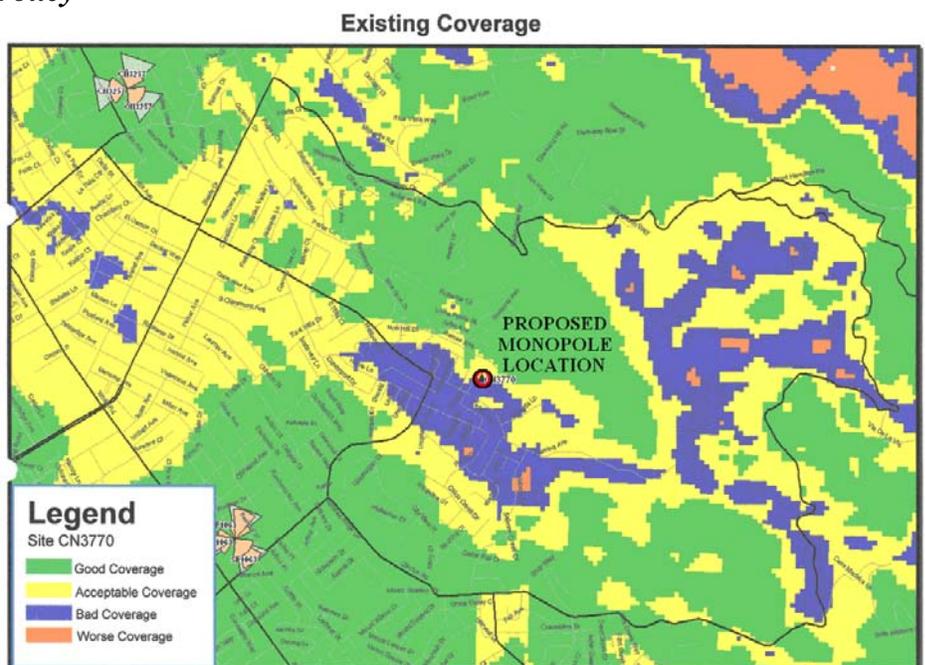
Zoning Conformance

The proposed project conforms in all respects to the provisions of Title 20 of the San José Municipal Code in that the project conforms to the definition of a slimline monopole in that the diameter of the monopole at the base is 18 inches, and is 60 feet in height; the radome has a diameter of approximately 36 inches. Also, the project conforms to the height exception allowed for slimline monopoles, as set forth in Section 20.80.1900 of Title 20.

Wireless Communication Facilities Policy

The primary stated purpose of the City's policy for wireless communications facilities is to support the extension of communication services to business and residents, but encourage the placement of improvements in a way that minimizes visual clutter. The slimline monopole conforms to the "stealth" design as called for by the Wireless Policy.

As previously stated, there are no alternative locations, such as schools, churches or public utilities, within the area in need of coverage for the wireless



communication facility to be located. Monopoles should generally only be considered if building-mounted options are not practical. This was determined to be the case with this proposal. Additionally, the Land Use Policy for Wireless Communication Facilities identifies that a setback be provided equivalent to one foot for each foot of height for monopoles adjacent to single-family residential properties. The 60-foot tall monopole is proposed to be located approximately 93 feet away from the nearest residential property line to the north, a vacant parcel. A setback of 208 feet is proposed to the residential subdivision to the west.

The policy encourages the collocation of antennas for other wireless providers to minimize the amount of new monopoles. Although there are no other existing monopoles in this area that would work for the subject provider, the permit included a condition that this facility be made available for other wireless providers.

This permit also includes a term of five (5) years from the date the permit is approved and has no further force unless the property owners submits a timely renewal of the permit. At that time, the applicant/owner shall provide information to the City to determine if the monopole is still needed, based on improvements in technology or availability of alternative building-mounted opportunities in the vicinity. The condition further notes that the applicant is specifically and separately advised of this time limitation so that he/she will consider this time limitation in the decision to accept this permit and/or make any investment decision related to this property.

Environmental Review

Under the provisions of Section 15303, Existing Facilities, of the State Guidelines for Implementation of the California Environmental Quality Act, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended, in that the project is limited to installation of a small amount of equipment and construction of a new monopole.

PUBLIC OUTREACH/INTEREST

The property owners and occupants within a 500-foot radius were sent public hearing notices for the City Council hearing. This staff report has been posted on the City's web site. Signage has been posted at the site to inform the public about the proposed change. This staff report is also posted on the City's website. Staff has been available to discuss the proposal with interested members of the public.

Project Manager: Avril Baty

Approved by:  **Date:** 2/3/10

<p>Appellant/Applicant:</p> <p>Appellant: William Collins 3800 Macbeth Drive San Jose, CA 95127</p> <p>Applicant: Patricia Kelly % The Lyle Company 3140 Gold Camp Drive, Suite 30 Rancho Cordova, CA 95670</p>	<p>Attachments:</p> <p>Draft Resolution Letter from Lyle Company Letter from resident Reduced Plan Set</p>
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RESOLUTION NO.

Resolution of the Planning Commission of the City of San Jose upholding the Director's decision to approve, subject to conditions, a Special Use Permit to use certain real property described herein for the purpose of allowing the construction of a new 60-foot slimline monopole located at 1200 Fleming Avenue on a 3.13 gross acre site.

FILE NO. SP09-058

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN JOSE:

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San Jose Municipal Code, on September 17, 2009, an application (File No. SP09-058) was filed for a Special Use Permit for the purpose of allowing a new 60-foot slimline monopole, on that certain real property (hereinafter referred to as "subject property"), situate in the R-1-5 Single Family Residence Zoning District, located at 1200 Fleming Avenue, San Jose, and

WHEREAS, the subject property is all that real property described in Exhibit "A," which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San Jose Municipal Code, the Director of Planning, Building and Code Enforcement conducted a hearing on said application; and

WHEREAS, on December 9, 2009, the Director of Planning, Building and Code Enforcement approved the application, from which the decision has appealed to this Planning Commission; and

WHEREAS, this Planning Commission has found the application to be exempt from the provisions of CEQA for said project; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San Jose Municipal Code, this Planning Commission conducted a hearing on said application, notice of which was duly given; and

WHEREAS, at said hearing, this Planning Commission gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing this Planning Commission received and considered the reports and recommendation of the Director of Planning, Building and Code Enforcement; and

WHEREAS, at said hearing, this Planning Commission received in evidence a development plan for the subject property entitled, "CN3770A Utopia Place", dated September 1, 2009. Said plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

WHEREAS, said hearing was conducted in all respects as required by the San Jose Municipal Code and the rules of this Planning Commission;

NOW, THEREFORE:

After considering evidence presented at the Public Hearing, the Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. The project site has a designation of Non-Urban Hillside on the City of San José 2020 General Plan Land Use/Transportation Diagram.
2. The project site is located in the R-1-5 Single Family Residence Zoning District.
3. The subject site is 3.13 gross acres.
4. The site is developed with a single-family residence.
5. The project is proposing construction of a new 60-foot slimline monopole and associated equipment cabinets.
6. The Director approved the subject Site Development Permit on December 9, 2009.
7. An appeal was filed by William Collins on December 9, 2009.

Based upon the above-stated facts and subject to the conditions set forth below, the Planning Commission finds that:

1. The Special Use Permit, as issued, furthers the policies of the General Plan in that:
 - a. The slimline monopole is incidental to the residential use, which is consistent with the site's General Plan Land Use/Transportation Diagram designation of Non-Urban Hillside
 - b. The project has very limited physical impact on the land.
2. The proposed project conforms in all respects to the provisions of Title 20 of the San José Municipal Code in that:
 - a. The slimline monopole location, setbacks and parking conform to the R-1-5 Single Family Residence Zoning District.
 - b. The slimline monopole conforms to the height exception set forth in section 20.80.1900 of Title 20.
3. The interrelationship between the orientation, location and mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on-site are appropriate, compatible and aesthetically harmonious in that:
 - a. The proposed development does not unreasonably interfere with the light and air available to adjacent sites.

- b. The proposed equipment enclosure will effectively screen the equipment.
4. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development and the character of the neighborhood.
5. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water run off, and odor which, even if insignificant for the purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties in that:
 - a. Under the provisions of Section 15303 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. The project will not have a significant adverse effect on the environment.

Finally, in accordance with the findings set forth above, a Special Use Permit to develop the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth are hereby granted. This Planning Commission expressly declares that it would not have granted this permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use and development permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Building Permit/Certificate of Occupancy.** If applicable, procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this permit shall be deemed acceptance of all conditions specified in this permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San Jose Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.

3. **Permit Expiration.** This Special Use Permit shall automatically expire 24 months from and after the date of issuance hereof by said Director, if within such 24 month period, the proposed use of this site of the installation of the use proposed has not commenced, pursuant to and in accordance with the provision of this Special Use Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit for a period of up to one year. The Permit Adjustment must be approved prior to the expiration of this Permit. No more than two such Permit Adjustments may be approved.
4. **Conformance with Plans.** Construction and development shall conform to the approved development plans entitled, "CN3770A", last revised September 1, 2009, on file with the Department of Planning, Building and Code Enforcement.
5. **Time Limit.** This Special Use Permit expires and has no further force or effect five (5) years from the date this Permit. At that time, that applicant/owner shall provide information to the City to determine if the monopole is still needed, based on improvements in technology or availability of alternative building-mounted opportunities in the vicinity. Please note that this Special Use Permit has been granted for a period of 5 year(s) only. You are being specifically and separately advised of this time limitation so that you will consider this time limitation in your decision to accept this permit or as you make any investment decision related to this property.
6. **Renewal.** The permit holder may seek renewal of a time-conditioned Special Use Permit by filing a timely renewal application on the form provided by the Director of Planning. In order to be timely, an application for renewal must be filed more than 90 calendar days but less than 180 calendar days prior to the expiration of the Special Use Permit. Once a renewal application has been filed in a timely manner, the expiration date of the Special Use Permit is automatically extended until either the issuance or denial of the application for renewal has become final.
7. **Nuisance.** As required by Title 20 of the San Jose Municipal Code, construction on this site shall be conducted in a manner, which does not create a public or private nuisance. The City must abate any such nuisance immediately upon notice.
8. **Construction Hours.** Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Saturday construction is allowed between the hours of 9:00 a.m. and 5:00 p.m. for permitted work that is inaudible to existing residential uses. Exterior generators, water pumps, compressors and idling trucks are not permitted on Saturdays.
9. **Wires.** All wires shall be located either within the pole or otherwise enclosed as to not be visible outside the equipment enclosure.
10. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
 - a. *Construction Plans.* This permit file number, SP09-058, shall be printed on all construction plans submitted to the Building Division.
11. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings, structures, fencing, and wall surfaces within 48 hours of defacement.

12. **Discontinuation of Use.** Upon discontinuation of the use of the subject antennas, the applicant shall remove all antenna improvements and related equipment/enclosures associated with this permit within 30 days.
13. **Co-location.** The owner(s) and operators of the proposed antenna support structure shall fully cooperate and allow the co-location of antennas for other providers. Other wireless providers shall also be allowed to add on to existing at grade equipment enclosures.
14. **Revocation.** This Special Use Permit is subject to revocation for violation of any of its provisions or conditions.
15. **Generator.** This project does not include an approval for a standby or back-up generator. Any such proposal will require additional permits.

ADOPTED and issued this 10th day of February 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson

ATTEST:

Joseph Horwedel, Secretary

Deputy

NOTICE TO PARTIES

The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.



L Y L E

February 2, 2010,

Ms. Avril Baty, Associate Planner
City of San Jose
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113

PO Box 2255
Rancho Cordova, CA 95741

Corporate Offices
3140 Gold Camp Drive
Suite 30
Rancho Cordova, CA 95670
916.266.7000 Office
916.266.7001 Fax

RE: Special Use Permit, File No. SP09-058, located at 1200 Fleming Avenue, appeal filed by Mr. William Collins.

Dear Ms. Baty:

After the Planning Department received the appeal from Mr. Collins, I contacted and met with Mr. Collins and his wife at their property located on Romeo Avenue. The reason for the meeting was to discuss his concerns and find a way to minimize his claim of a visual impact from his property which is located two parcels north of the project site property. I suggested planting trees to shield his view of the proposed slimline pole; however, he rejected the idea. He did agree to offer suggestions on the paint color of the slimline pole to assure the pole would be aesthetically appropriate. Mr. Collins expressed another concern pertaining to the AT&T telecommunication installation. He said the installation would prevent him from expanding his home occupancy use permit with Santa Clara County (his property is located in the incorporated area) for tutoring minors and adults in mathematics.

After my meeting with Mr. and Mrs. Collins I immediately went to the Santa Clara County Planning Department to review the Collin's property permitting history file and talk to the planning staff regarding the proposed installation of the telecommunication facility in relationship to neighboring properties' land rights located in the Santa Clara County jurisdiction and not the City of San Jose. I talked to the County planner who processes telecommunication applications. He told me the proposed telecommunication installation would not affect Mr. Collins property rights and that the County has approved numerous telecommunication facilities located on and near schools within its jurisdiction.

The County Planning Department permit file showed that Mr. Collins had filed an application for Special Use Permit, File Number 9114-49-72-05SP in 2005 requesting to expand his home occupancy use for tutoring. The information provided in the file showed, after County Planning staff reviewed the application, an incomplete letter dated April 12, 2005 was sent to Mr. Collins stating that "The nature and scale of the proposed use appears problematic with respect to the criteria for expanding home occupations." The letter describes specific criteria that must be reconciled before an

approval may be granted. I have attached a copy of the letter which shows numerous "criteria" that needed to be addressed prior to his application being deemed complete. According to the County Planning Department staff Mr. Collins did not respond to the April 12, 2005 letter.

Mr. and Mrs. Collin's concern has been taken serious and that is why I met with them to provide them an opportunity to express their concern and find a satisfactory resolution regarding the visual impact described in the appeal. Also, after meeting with the Santa Clara County Planning staff I was assured that the installation of the telecommunication facility would not prevent Mr. Collins from continuing his effort to obtain a permit from the County to expand his home occupancy use.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Kelly". The signature is written in black ink and is positioned above the typed name and title.

Patricia Kelly
Site Acquisition Specialist
Lyle Company

cc: attachment

County of Santa Clara

Environmental Resources Agency
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



April 12, 2005

Bill Collins
10200 Romeo Ave.
San Jose CA 95127

FILE NUMBER: 9114-49-72-05SP
SUBJECT: Special Permit

Dear Mr. Collins:

Your special permit application is incomplete. In order for application processing to resume, you must resolve the following issues with the appropriate submittal as indicated. Resubmittals must be made in person at the planning office counter, and must include all requested items along with a completed application form.

Planning Office
Contact Jim Reilly at (408) 299-5799 for information regarding the following item(s).

1. The nature and scale of the proposed use appears problematic with respect to the criteria for expanded home occupations. Specifically, the following criteria from subsection 4.10.180(C) must be reconciled before an approval may be granted.
 - (2) The use shall be clearly incidental and subordinate to the residential and (if applicable) agricultural use of the property and shall not change the character thereof.
 - (3) The use shall be conducted within the dwelling or accessory building by resident inhabitants, and may include one (1) nonresident (up to full-time) employee.

The proposed floor plan suggests a conversion from a residential occupancy to a commercial/office occupancy, and three employees (as proposed) clearly exceeds the limitation of "one nonresident employee." The use as currently proposed is of a scale and nature more consistent with the use classification "School," which would be subject to a use permit and architecture & site approval.

Land Development Engineering

Contact Chris Freitas at (408) 299-5732 for information regarding the following item(s).

2. The proposal to provide additional parking lots appears inconsistent with the stated daily student attendance rate. Additional parking lots and multiuse courts may require a grading permit prior to issuance of a building permit.

Department of Environmental Health

Contact Gwen Sax at (408) 299-5748 for information regarding the following item(s).

3. Submit three copies of the revised plot plans to scale (1" = 20') showing house, driveway, all accessory structures, septic tank and required drainlines to contour. In order to prepare the plans the following must be included/completed:
 - a. The location of the existing septic tank system must be shown on the plot plan. Obtain a copy of the as-built drawing of the septic system from the Department of Environmental Health by calling Vicky Alvez at 408-918-3419.

If no as-built for the existing septic system/s was found on file with the Department of Environmental Health, the existing drainfield must be located by an approved septic tank contractor and verified by a district specialist. Call Humphrey Karioki at (408) 819-3400 for further information.

- b. The existing septic system must be evaluated by a licensed septic tank contractor or pumper. The evaluation

must include pumping, inspecting and water testing the septic tank, and a 30 minute water test of the leachlines.

A conversation with a representative of Sanitary District 2, 3 indicated that the property was not connected to a public sewer system, additionally, this site is out the the service area of Sanitary District 2,3. If the property is in fact connected to some public sanitary sewer district, verification of that connection must be provided.

Before a modified use can be approved for this site, it must be determined that the existing septic system is in acceptable working condition and meets minimum standards.

4. Indicate the existing domestic water source.

Fire Marshal

Contact Jake Tomlin at (408) 299-5763 for information regarding the following item(s).

5. Due to the complexity of issues surrounding this proposal, including potential occupancy reclassification, the Fire Marshal's Office would request a meeting with the applicant and/or their representative(s) to further discuss the details of this project.

Geology

Contact Jim Baker at (408) 299-5774 for information regarding the following item(s).

6. Submit three copies of a geologic report (prepared and signed by a Certified Engineering Geologist) that addresses the potential for landsliding (including compliance with State guidelines in SP117 and SCEC) for review by the County Geologist. The site is located within a State earthquake-induced landslide-prone ("blue") Seismic Hazard Zone which is also a County Landslide Hazard Zone. Contact Jim Baker to discuss the scope of study needed. The applicable review fee must be paid when the reports are submitted to the Planning Office.

The requested materials must be submitted within 6 months, or a penalty fee equal to 10 percent of the application fee will be imposed. Any fees required shall be in accordance with the effective fee schedule at the time of resubmittal. Any resubmittal after one year will be processed as a new application, subject to new fees and requirements.

If you have any general questions regarding this application, feel free to call me at (408) 299-5799.

Sincerely,


James Reilly
Deputy Zoning Administrator

cc:

Jim Baker, County Geologist
Gwen Sax, DEH
Jake Tomlin, FMO
Chris Freitas, LDE

Resubmittal: Referral to Greg Bazhaw (copy of application and letter only)

RECEIVED
JAN 22 2010
CITY OF SAN JOSE
DEVELOPMENT SERVICES

January 22, 2010

Avril Baty
Project Manager
City of San Jose, Planning Division
200 E. Santa Clara Street, 3rd Floor
San Jose, CA 95113

Dear Mrs. Baty:

I am writing to express my support of the proposed monopole at 1200 Fleming Avenue, File No. SP09-058. As a resident of the area and a customer of AT&T this area is in need of better cellular service. I currently do not get service at my home and need to drive approximately 5 blocks away from my house. In looking at the coverage map, this monopole would increase my service from, in my experience, none to some.

In this ever changing world, our daily lives have become dependant on technology. As a resident of the Capital of Silicon Valley, it is ridiculous that the greater east side of San Jose, in general, has terrible cellular service. While some may complain that a monopole is unsightly, I find that they are hardly ever noticed and counter that I would prefer to have a few monopoles as opposed to the thousands of telephone/power poles across the city, down a majority of residential streets.

Again, please approve the proposed monopole as proposed.

Sincerely,

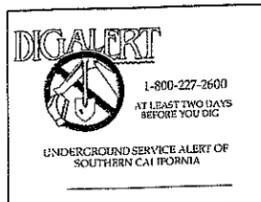


Lesley Stuhaan
168 Laumer Avenue
San Jose, CA 95127



CN3770A UTOPIA PLACE

1200 FLEMING AVE.
SAN JOSE, CA 95127



PROJECT INFORMATION:
CN3770A
UTOPIA PLACE
1200 FLEMING AVE.
SAN JOSE, CA 95127

CURRENT ISSUE DATE:
09/01/09

ISSUED FOR:
100% ZONING DRAWING

REV.	DATE	DESCRIPTION	BY
A	07/13/09	90% ZONING DRAWING	JHM
0	07/29/09	100% ZONING DRAWING	JHM
1	09/01/09	LYLE AND RF COMMENTS	RSD

PLANS PREPARED BY:
PDC CORPORATION

1082 CONCANNON BLVD.
LIVERMORE, CA 94550
TEL: (925) 506-5868
FAX: (925) 447-5858

CONSULTANT:

3140 GOLD CAMP DR, SUITE 30
RANCHO CORDOVA, CA 95670

DRAWN BY: JHM CHK.: PP APV.: SAS

LICENSER:

SHEET TITLE:
TITLE SHEET

SHEET NUMBER:
T-1

SP09-058

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUCTED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

- CALIFORNIA CODE OF REGULATIONS
- 2007 CALIFORNIA BUILDING CODE
- 2007 CALIFORNIA MECHANICAL CODE
- 2007 CALIFORNIA PLUMBING CODE
- 2007 CALIFORNIA ELECTRIC CODE
- ANY LOCAL BUILDING CODE AMENDMENTS TO THE ABOVE
- 2006 LIFE SAFETY CODE NFPA-101
- CITY/COUNTY ORDINANCES

HANDICAP REQUIREMENTS: FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS NOT REQUIRED IN ACCORDANCE WITH CALIFORNIA ADMINISTRATIVE STATE CODE PART 2, TITLE 24, CHAPTER 11B, SECTION 1103B.

PROJECT DESCRIPTION

THIS IS AN UNMANNED TELECOMMUNICATIONS FACILITY FOR AT&T WIRELESS COMMUNICATIONS CONSISTING OF THE INSTALLATION AND OPERATION OF ANTENNAS AND ASSOCIATED EQUIPMENT.

- PROPOSED EIGHT (8) EQUIPMENT CABINETS AND ASSOCIATED EQUIPMENT ON CONCRETE PAD ENCLOSED BY A 6'-0" HIGH CMU RETAINING WALL AND 6'-0" HIGH CHAINLINK FENCE WITH WOOD SLATS WITHIN A 15' X 25' LEASE AREA.
- PROPOSED 18" SLIMLINE POLE ENCLOSED BY 6'-0" HIGH CHAINLINK FENCE WITH WOOD SLATS.
- PROPOSED SIX (6) PANEL ANTENNAS INSIDE TWO (2) STACKED 36"x116" LONG RF-FRIENDLY RADOME MOUNTED ON THE PROPOSED SLIMLINE POLE.
- PROPOSED ONE (1) GPS ANTENNA MOUNTED ON CABLE BRIDGE WITHIN EQUIPMENT LEASE AREA

DRIVING DIRECTIONS

FROM AT&T OFFICE - PLEASANTON, CA

- HEAD EAST ON ROSEWOOD DR TOWARD OLD SANTA RITA RD
- TURN LEFT AT SANTA RITA RD
- MERGE ONTO I-580 V VIA THE RAMP TO OAKLAND
- TAKE THE EXIT ONTO I-680 S TOWARD SAN JOSE
- TAKE THE MCKEE RD/I-680 EXIT
- KEEP LEFT AT THE FORK TO CONTINUE TOWARD MCKEE RD
- KEEP RIGHT AT THE FORK, FOLLOW SIGNS FOR MCKEE RD AND MERGE ONTO MCKEE RD
- TURN RIGHT AT N CAPITOL AVE
- TURN LEFT AT ALUM ROCK AVE/CA-130
- TURN RIGHT AT FLEMING AVE
- ARRIVE AT 1200 FLEMING AVE, SAN JOSE, CA 95127

GENERAL CONTRACTOR NOTES

DO NOT SCALE DRAWING.

CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ARCHITECT IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

PROJECT TEAM

ARCHITECT/ENGINEER:
PDC CORPORATION
1062 CONCANNON BLVD.
LIVERMORE, CA 94550
CONTACT: PAULO PUELIU
OFFICE: (925) 606-5868
MOBILE: (510) 385-5541
FAX: (925) 447-5858
EMAIL: paulo@pdccorp.net

APPLICANT/LESSEE:
AT&T
4430 ROSEWOOD DRIVE
PLEASANTON, CA 94588

SITE ACQUISITION:
LYLE COMPANY
3140 GOLD CAMP DRIVE, SUITE 30
RANCHO CORDOVA, CA 95670
CONTACT: LES NEDERVELD
OFFICE: (916) 266-7000
MOBILE: (916) 607-4449
EMAIL: lnederveld@lyleco.com

ZONING MANAGER:
LYLE COMPANY
3140 GOLD CAMP DRIVE, SUITE 30
RANCHO CORDOVA, CA 95670
CONTACT: PATRICIA KELLY
OFFICE: (916) 868-8719
MOBILE: (916) 281-5929
EMAIL: pkelly@lyleco.com

RF ENGINEER:
AT&T MOBILITY
4430 ROSEWOOD DR.
PLEASANTON, CA 94588
CONTACT: DANILO PALOMA
PHONE: (562) 334-7443
E-MAIL: daniio.paloma@att.com

CONSTRUCTION MANAGER:
ERICSSON
6160 STONERIDGE MALL DR, SUITE 400
PLEASANTON, CA 94588
CONTACT: TIM LENCIONI
PHONE: (916) 437-9119
EMAIL: tim.lencioni@ericsson.com

PROJECT INFORMATION

SITE ADDRESS: 1200 FLEMING AVE., SAN JOSE, CA 95127

APN: 812-29-005

PROPERTY OWNER: ROBERT AND ELVIA LARES
1200 FLEMING AVE.,
SAN JOSE, CA 95129
PHONE: (408) 926-9839

LATITUDE: 37° 22' 01.99" N (NAD 83)

LONGITUDE: 121° 48' 04.54" W (NAD 83)

GROUND ELEVATION: 344' ASML

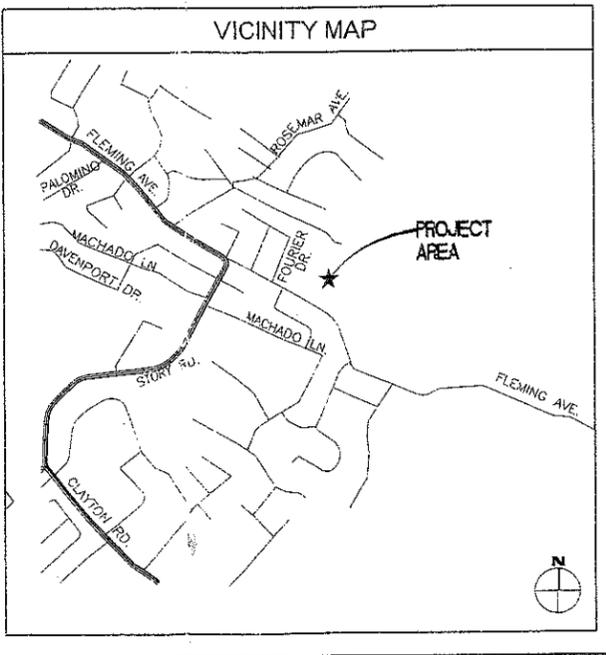
HEIGHT OF STRUCTURE: 80' AGL

ZONING: R-1-S

JURISDICTION: CITY OF SAN JOSE

TELEPHONE: AT&T

POWER: PG&E



SHEET INDEX

SHEET	DESCRIPTION	REV.
T-1	TITLE SHEET, SITE INFORMATION AND VICINITY MAP	1
LS-1	TOPOGRAPHIC SURVEY	0
A-1	SITE PLAN	1
A-2	ENLARGED SITE PLAN	1
A-3	EQUIPMENT LAYOUT AND ANTENNA PLAN	1
A-4	ELEVATIONS	1
A-5	EQUIPMENT AND ANTENNA DETAILS	1

APPROVALS

LANDLORD: _____

CONSTRUCTION MANAGER: _____

RF ENGINEER: _____

SITE ACQUISITION MANAGER: _____

ZONING MANAGER: _____

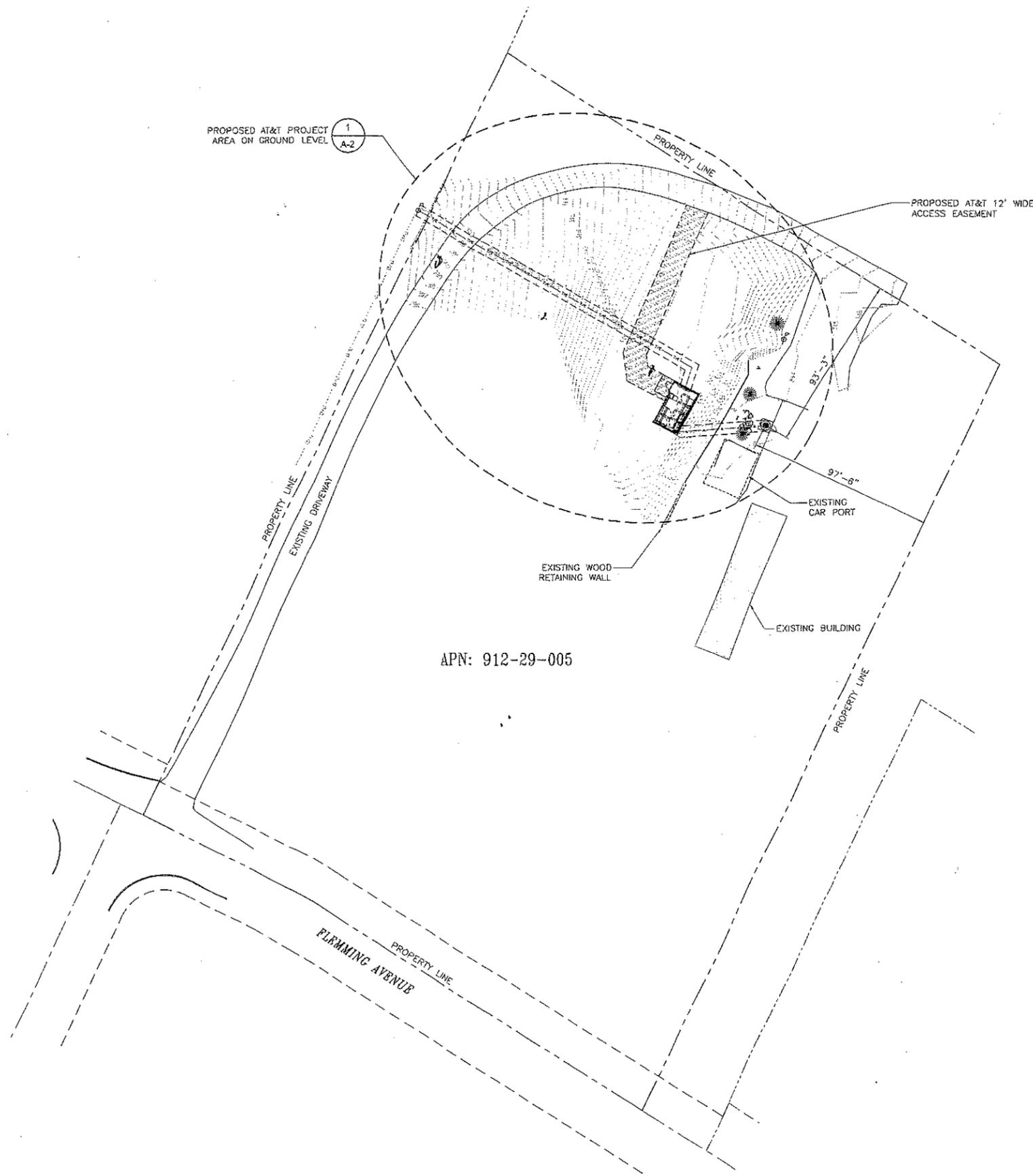
UTILITY COORDINATOR: _____

PROGRAM REGIONAL MANAGER: _____

NETWORK OPERATIONS MANAGER: _____

SCALE NOTE:

IF DIMENSIONS SHOWN ON PLAN DO NOT SCALE CORRECTLY, CHECK FOR REDUCTION OR ENLARGEMENT FROM ORIGINAL PLANS.



4430 ROSEWOOD DR.
PLEASANTON, CA 94588

PROJECT INFORMATION:

CN3770A
UTOPIA PLACE

1200 FLEMING AVE.
SAN JOSE, CA 95127

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09/01/09

ISSUED FOR:

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REV.	DATE	DESCRIPTION	BY
A	07/13/09	90% ZONING DRAWING	JHM
0	07/29/09	100% ZONING DRAWING	JHM
1	09/01/09	CHANGED MONOPINE TO SLIMLINE POLE	RSD

PLANS PREPARED BY:

PDC CORPORATION



1062 CONCANNON BLVD.
LIVERMORE, CA 94550
TEL: (925) 506-3868
FAX: (925) 447-5656

CONSULTANT:



3140 GOLD CAMP DR, SUITE 30
RANCHO CORDOVA, CA 95670

DRAWN BY: CHK.: APV.:

JHM PP SAS

LICENSER:

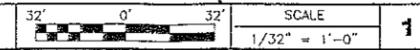
SHEET TITLE:

SITE PLAN

SHEET NUMBER:

A-1

SITE PLAN



1

SCALE NOTE:

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PLEASANTON, CA 94588

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PLANS PREPARED BY:

POC CORPORATION



1062 CONCANNON BLVD.
LIVERMORE, CA 94550
TEL: (925) 698-5868
FAX: (925) 447-3656

CONSULTANT:



3140 GOLD CAMP DR, SUITE 30
RANCHO CORDOVA, CA 95670

DRAWN BY: CHK.: APV.:

JHM PP SAS

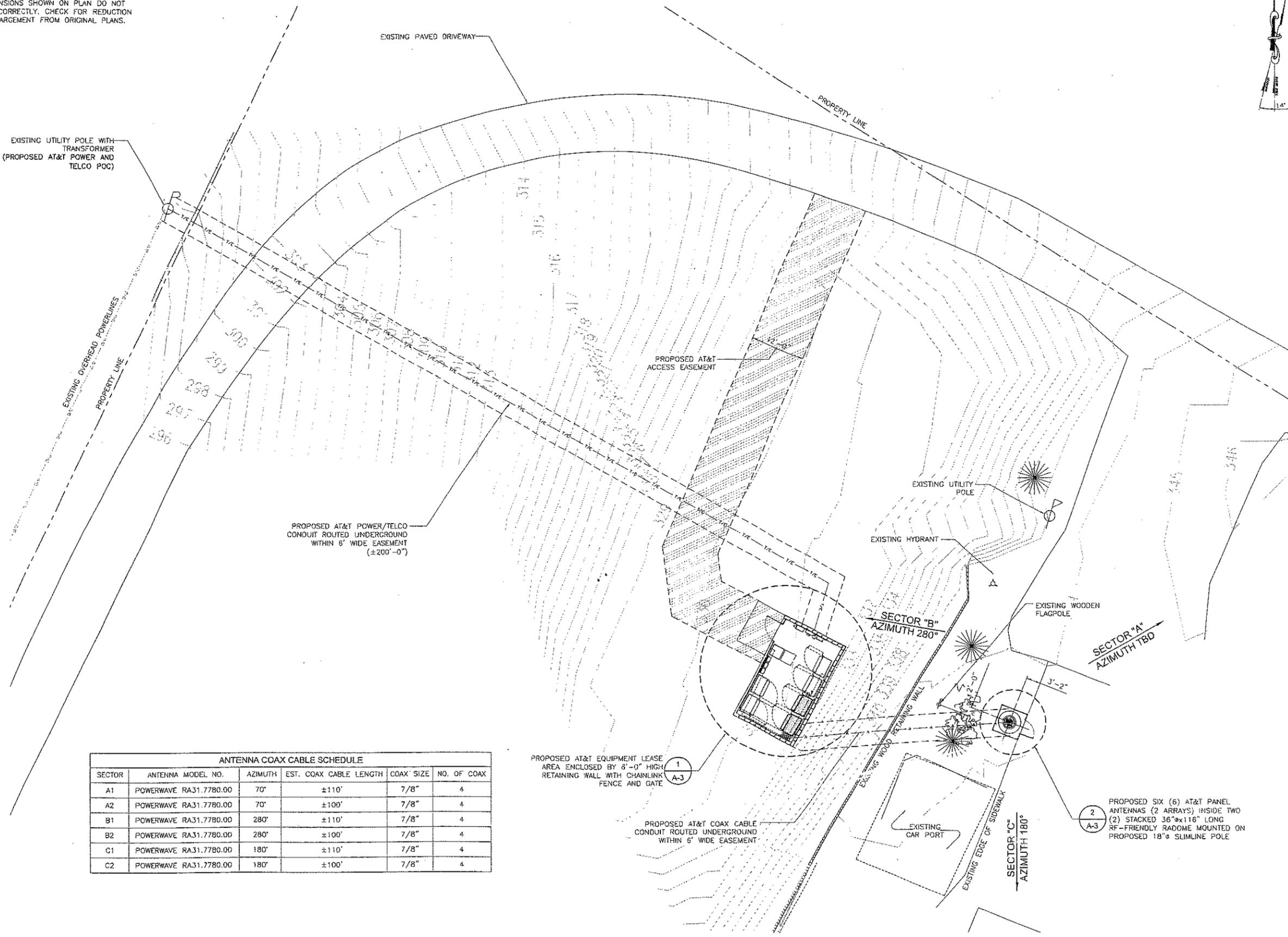
LICENSER:

SHEET TITLE:

ENLARGED SITE PLAN

SHEET NUMBER:

A-2



ANTENNA COAX CABLE SCHEDULE					
SECTOR	ANTENNA MODEL NO.	AZIMUTH	EST. COAX CABLE LENGTH	COAX SIZE	NO. OF COAX
A1	POWERWAVE RA31.7780.00	70°	±110'	7/8"	4
A2	POWERWAVE RA31.7780.00	70°	±100'	7/8"	4
B1	POWERWAVE RA31.7780.00	280°	±110'	7/8"	4
B2	POWERWAVE RA31.7780.00	280°	±100'	7/8"	4
C1	POWERWAVE RA31.7780.00	180°	±110'	7/8"	4
C2	POWERWAVE RA31.7780.00	180°	±100'	7/8"	4

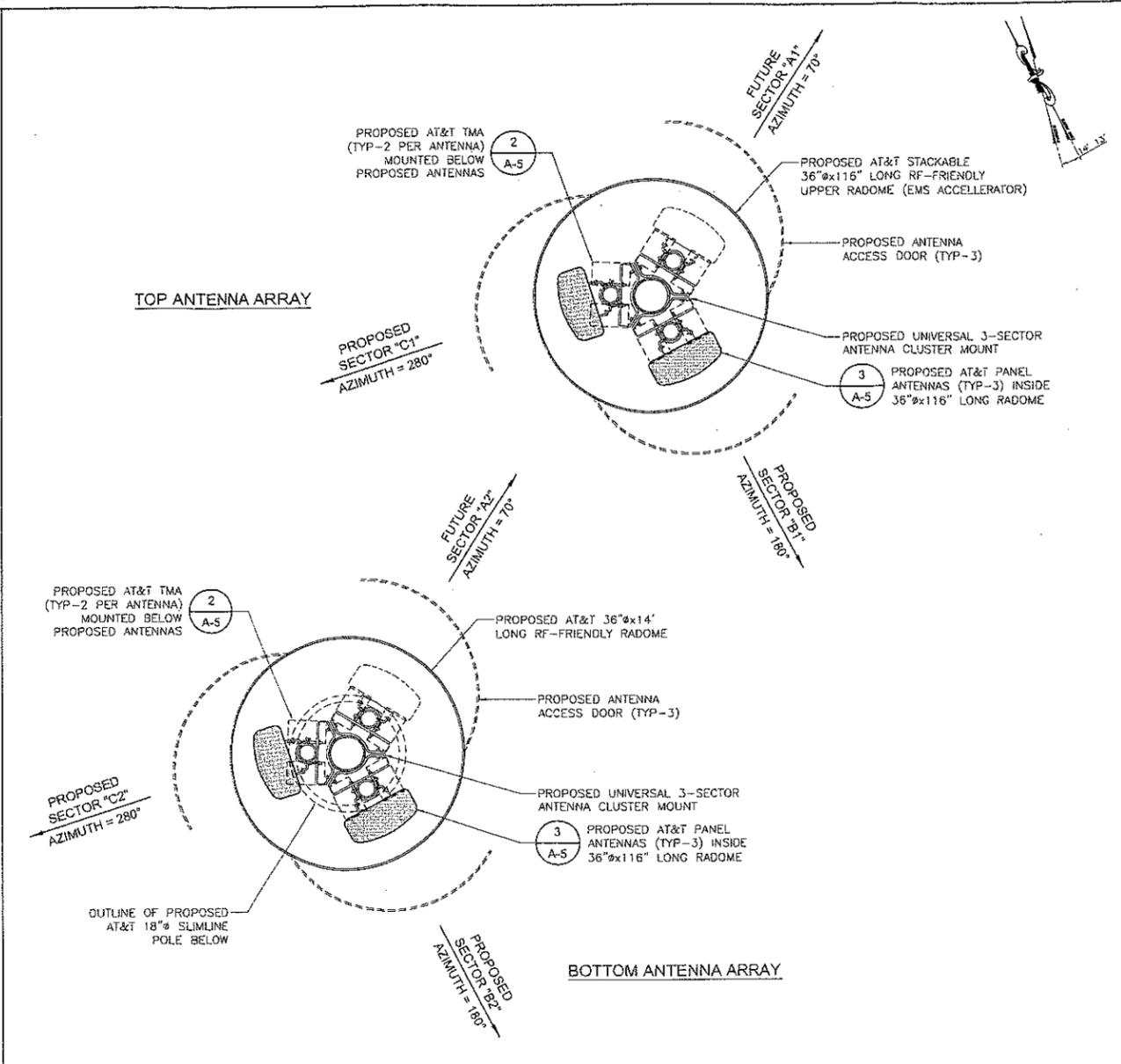
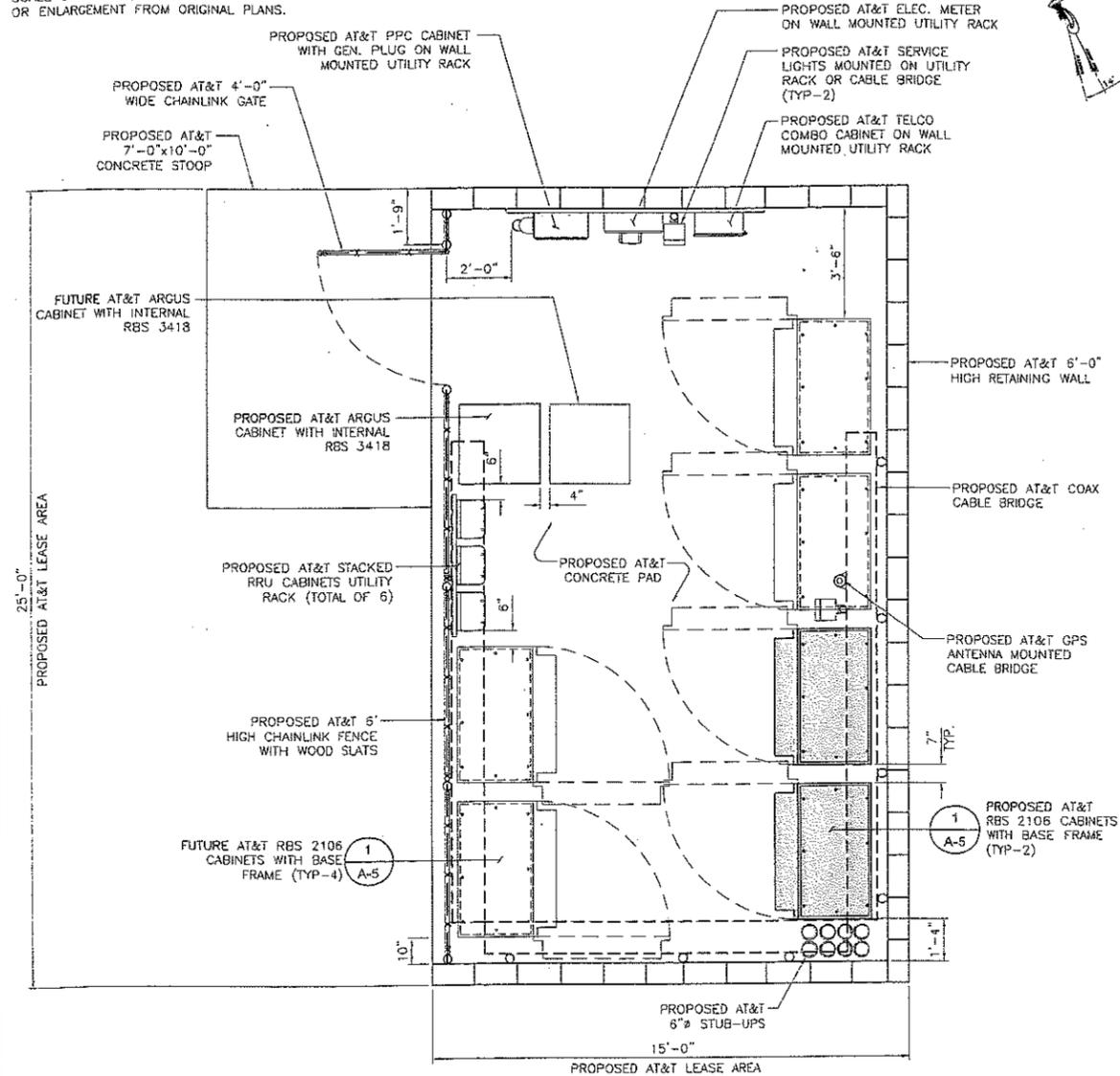
PROPOSED AT&T EQUIPMENT LEASE AREA ENCLOSED BY 6'-0" HIGH RETAINING WALL WITH CHAINLINK FENCE AND GATE

PROPOSED AT&T COAX CABLE CONDUIT ROUTED UNDERGROUND WITHIN 6' WIDE EASEMENT

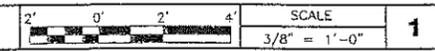
PROPOSED SIX (6) AT&T PANEL ANTENNAS (2 ARRAYS) INSIDE TWO (2) STACKED 36"x118" LONG RF-FRIENDLY RADOME MOUNTED ON PROPOSED 18" SLIMLINE POLE

SCALE NOTE:

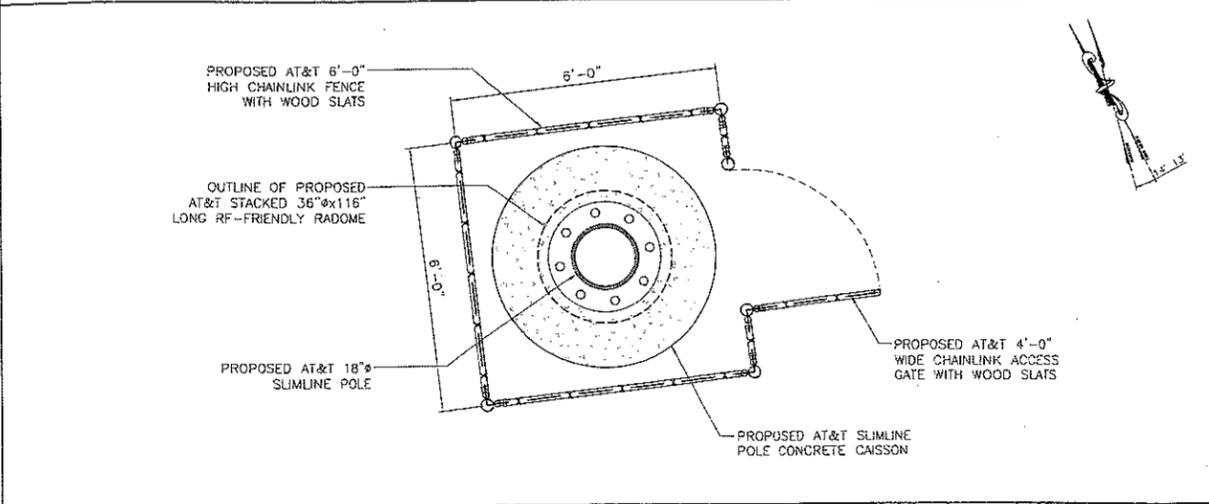
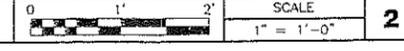
IF DIMENSIONS SHOWN ON PLAN DO NOT SCALE CORRECTLY, CHECK FOR REDUCTION OR ENLARGEMENT FROM ORIGINAL PLANS.



EQUIPMENT LAYOUT @ EQUIPMENT AREA



ANTENNA PLAN



SLIMLINE POLE AREA



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PLANS PREPARED BY:
 PDC CORPORATION

 1062 CONCANNON BLVD.
 LIVERMORE, CA 94550
 TEL: (925) 606-3868
 FAX: (925) 447-8856

CONSULTANT:

 3140 GOLD CAMP DR, SUITE 30
 RANCHO CORDOVA, CA 95870

DRAWN BY: JHM **CHK.:** PP **APV.:** SAS

LICENSER:

SHEET TITLE:
EQUIPMENT LAYOUT AND ANTENNA PLAN

SHEET NUMBER:
A-3

SCALE NOTE:

IF DIMENSIONS SHOWN ON PLAN DO NOT SCALE CORRECTLY, CHECK FOR REDUCTION OR ENLARGEMENT FROM ORIGINAL PLANS.

TOP OF PROPOSED AT&T ANTENNA RADOME
ELEV. 60'-0"

PROPOSED AT&T ANTENNA RAD CENTER (TOP ARRAY)
ELEV. 57'-0"

PROPOSED AT&T ANTENNA RAD CENTER (BOTTOM ARRAY)
ELEV. 47'-4"

TOP OF PROPOSED AT&T SLIMLINE POLE
ELEV. 40'-8"

GROUND LEVEL (POLE AREA)
ELEV. 0'-0" (344' ASML REF.)

BOTTOM OF COAX CABLE BRIDGE
ELEV. -3'-5"

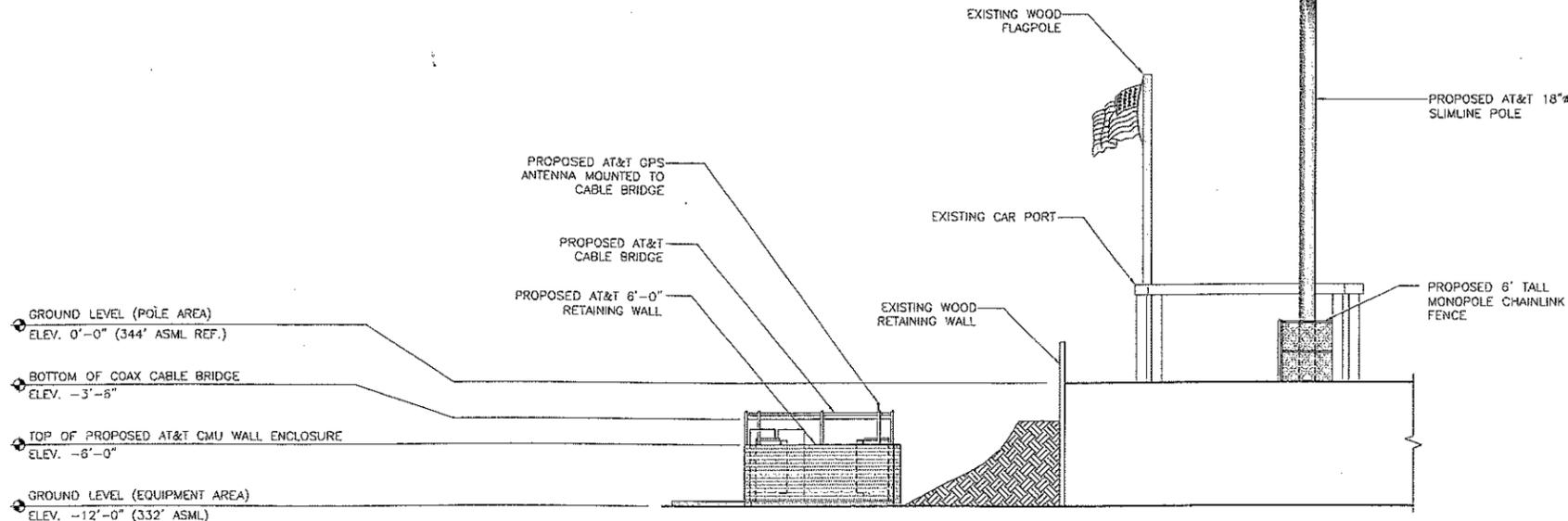
TOP OF PROPOSED AT&T CMU WALL ENCLOSURE
ELEV. -6'-0"

GROUND LEVEL (EQUIPMENT AREA)
ELEV. -12'-0" (332' ASML)

2
A-3
PROPOSED AT&T PANEL ANTENNAS (TYP-3, TOP ARRAY) MOUNTED INSIDE 36"x116" LONG RF-FRIENDLY STACKED RADOME (EMS ACCELERATOR)

PROPOSED AT&T TMA (TYP-2 PER ANTENNA) MOUNTED BELOW PROPOSED ANTENNAS

2
A-3
PROPOSED AT&T PANEL ANTENNAS (TYP-3, BOTTOM ARRAY) MOUNTED INSIDE 36"x116" LONG RF-FRIENDLY STACKED RADOME (EMS ACCELERATOR)



SOUTH ELEVATION



TOP OF PROPOSED AT&T ANTENNA RADOME
ELEV. 60'-0"

PROPOSED AT&T ANTENNA RAD CENTER (TOP ARRAY)
ELEV. 57'-0"

PROPOSED AT&T ANTENNA RAD CENTER (BOTTOM ARRAY)
ELEV. 47'-4"

TOP OF PROPOSED AT&T SLIMLINE POLE
ELEV. 40'-8"

GROUND LEVEL (POLE AREA)
ELEV. 0'-0" (344' ASML REF.)

BOTTOM OF COAX CABLE BRIDGE
ELEV. -3'-8" (340'-6" ASML)

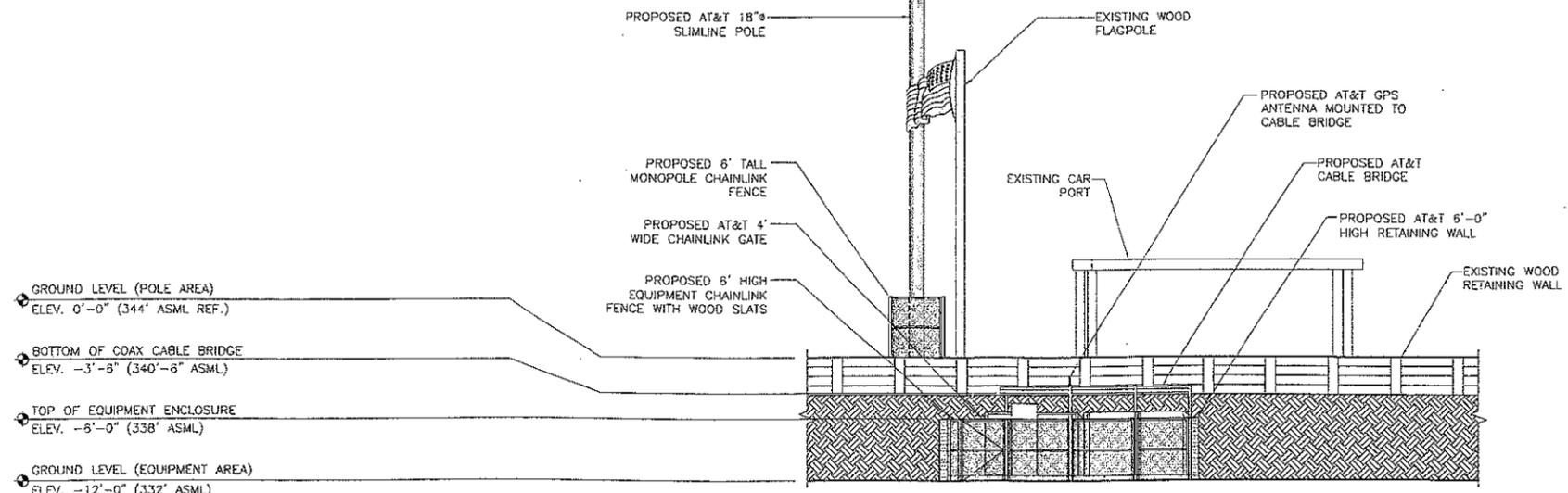
TOP OF EQUIPMENT ENCLOSURE
ELEV. -6'-0" (338' ASML)

GROUND LEVEL (EQUIPMENT AREA)
ELEV. -12'-0" (332' ASML)

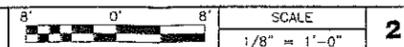
2
A-3
PROPOSED AT&T PANEL ANTENNAS (TYP-3, TOP ARRAY) MOUNTED INSIDE 36"x116" LONG RF-FRIENDLY STACKED RADOME (EMS ACCELERATOR)

PROPOSED AT&T TMA (TYP-2 PER ANTENNA) MOUNTED BELOW PROPOSED ANTENNAS

2
A-3
PROPOSED AT&T PANEL ANTENNAS (TYP-3, BOTTOM ARRAY) MOUNTED INSIDE 36"x116" LONG RF-FRIENDLY STACKED RADOME (EMS ACCELERATOR)



WEST ELEVATION



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PLANS PREPARED BY:



CONSULTANT:



DRAWN BY: CHK.: APV.:

JHM PP SAS

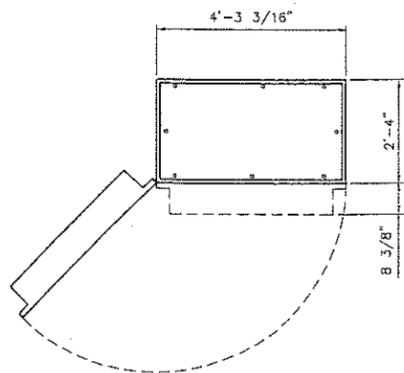
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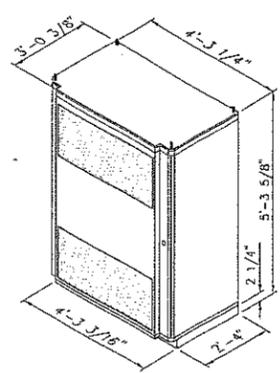
ELEVATIONS

SHEET NUMBER:

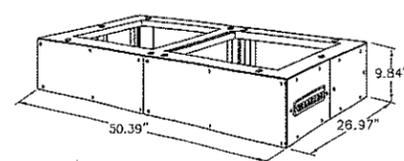
A-4



RBS 2106
PLAN VIEW



RBS 2106
FRONT ISOMETRIC VIEW

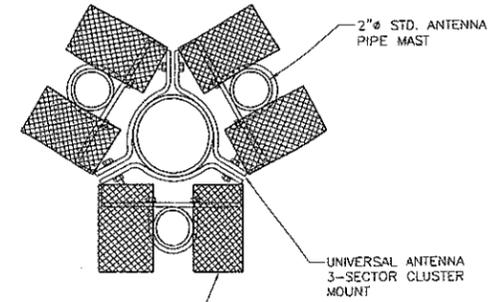


BASE FRAME
FRONT ISOMETRIC VIEW

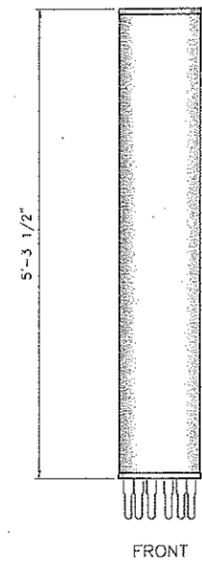
MANUFACTURER: ERICSSON
MODEL #: KRY 112 71/2

WEIGHT: 13.2 LBS
MOUNTING OPTIONS:
POLE OR WALL MOUNTED

DIMENSIONS: 12"Hx5.9"Wx3.5"D



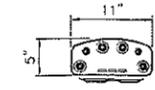
ERICSSON TMA
KRY 112 71/2
TYP-2 PER ANTENNA



MANUFACTURER: POWERWAVE
MODEL #: RA31.7780.00
DIMENSION HxWxD: 63.52"x11"x5"
FREQUENCY RANGE: 824-960 MHz
1710-1880 MHz
1900-2170 MHz

WEIGHT: 35.2 LBS (EXCLUDING BRACKETS)
STANDARD MOUNTING : PRE-MOUNTED
STANDARD BRACKETS

CONNECTORS: 7/16 DIN FEMALE
CONNECTOR POSITION: BOTTOM



BOTTOM

ERICSSON RBS 2106 MINIMUM CLEARANCES	
DIRECTION	MINIMUM CLEARANCE
CABINET FRONT	52"
CABINET REAR	0"
CABINET LEFT	7" FOR 90° DOOR SWING 36" FOR 135° DOOR SWING
CABINET RIGHT	0"
ABOVE THE CABINET	42"

ERICSSON RBS 2106 WEIGHT				
CABINET	APPROX. WEIGHT W/O BATTERIES	APPROX. WEIGHT WITH BATTERIES	DOOR WEIGHT	MAX. WEIGHT
RBS 2106	1146 LBS	1455 LBS	331 LBS	1786 LBS

ERICSSON RBS 2106 DIMENSIONS	
CABINET	HEIGHT x WIDTH x DEPTH
RBS 2106	63 5/8"H x 51 3/16"W x 36 3/8"D

EQUIPMENT DETAIL (RBS 2106)

1 TMA DETAIL

2 ANTENNA DETAIL



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PLANS PREPARED BY:



1062 CONDANNON BLVD.
LIVERMORE, CA 94550
TEL: (925) 806-5868
FAX: (925) 447-5856

CONSULTANT:



3140 GOLD CAMP DR, SUITE 30
RANCHO CORDOVA, CA 95670

DRAWN BY: JHM | CHK.: PP | APV.: SAS

LICENSER:

SHEET TITLE:
EQUIPMENT AND ANTENNA DETAILS

SHEET NUMBER:
A-5