

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

Hearing Date/Agenda Number  
P.C.12/8/2004

File Number  
PD04-054

Application Type  
Appeal of the Director's Decision to  
Approve a Planned Development Permit

Council District  
8

Planning Area  
Evergreen

Assessor's Parcel Number(s)  
659-33-104

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Reena Mathew

Location: Northside of D'Amico Drive, opposite of Tenley Drive

Gross Acreage: 0.2

Net Acreage: 0.2

Net Density: N/A

Existing Zoning: A(PD) Planned Development

Existing Use: Vacant

Proposed Zoning: No change

Proposed Use: Three (3) wireless communication antennas on a 50-foot tall  
artificial tree and a 270 square foot equipment enclosure

### GENERAL PLAN

Completed by: RM

Land Use/Transportation Diagram Designation  
Medium Low Density Residential (8 DU/AC)

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: RM

North: Single-family residence

R-1-8 Residence

East: Single-family residence

A(PD) Planned Development

South: Single-family residence

A(PD) Planned Development

West: Single-family residence

A(PD) Planned Development

### ENVIRONMENTAL STATUS

Completed by: RM

Environmental Impact Report found complete  
 Negative Declaration circulated on  
 Negative Declaration adopted on

Exempt  
 Environmental Review Incomplete

### FILE HISTORY

Completed by: RM

Annexation Title: Evergreen No 150

Date: 8/31/81

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval  
 Approval with Conditions  
 Denial  
 Uphold Director's Decision

Date: \_\_\_\_\_  
 \_\_\_\_\_

Approved by: \_\_\_\_\_  
 Action  
 Recommendation

| APPLICANT/OWNER   | DEVELOPER  | APPELLANT   |
|---|--|---|
| Santa Clara Valley Water District<br><br>Attn: Samuel Yung<br>5750 Almaden Exp., San Jose, CA 95118 | Ruth and Going Inc./Leah<br>Hernikl- 2216 The Alameda<br>Santa Clara, CA 95050 | Sunil and Nitya Ramanan<br>3071 D'amico Drive<br>San Jose, CA 95148 |

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PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Reena Mathew

Department of Public Works  
None Applicable

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Other Departments and Agencies

None Applicable

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GENERAL CORRESPONDENCE

See attached.

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ANALYSIS AND RECOMMENDATIONS

## BACKGROUND

This is an appeal of the Planning Director's decision to approve Planned Development Permit, PD04-054, which would allow the installation of three (3) wireless communications antennas on a new 50-foot tall artificial tree (monopole) and a related 270 square foot equipment shelter on a 0.2 gross acre site. Ruth and Going, on behalf of Cingular Wireless, submitted an application for the subject Planned Development Permit on July 22, 2004.

The Planned Development Permit was heard at the October 27, 2004 Director's Hearing and subsequently approved by the Director of Planning. Sunil Nayak and Nitya Ramanan, property owners who own the adjacent residential property filed an appeal of the permit on November 8, 2004.

The subject property is currently vacant and is owned by the Santa Clara Valley Water District (SCVWD). The triangular-shaped site is directly adjacent to the man-made earthen channel portion of Quimby Creek located to the north. The existing property is marked with numerous trees of varied fullness and heights ranging from approximately 15 to 40 feet tall. A 6 foot chain link fence along the rear of the project site as well as a dirt path directly behind the fence provide separation between the project site and Quimby Creek.

The project site is located within an existing single-family residential neighborhood built in the 1980's with Millbrook Elementary to the northeast. The project site is located within a Planned Development Zoning District that incorporates the R-1-8 Residence District development standards. The Planned Development Permit process is the appropriate permit in which to evaluate proposals such as this.

## Project Description

The project proposal would allow a 50-foot high free-standing wireless communications monopole on the northern portion of the site. The proposed monopole, which is designed to look like a tree, would be placed at the rear portion of the site within a grove of existing trees. The subject tree pole and related equipment

cabinets are proposed to be contained within a 270 square foot enclosure encompassed by a 6-foot tall wooden fence.

## **ENVIRONMENTAL REVIEW**

Under the provisions of Section 15303 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code. This category includes the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures. This proposal is consistent with the limitation noted in the above description.

The project site is located adjacent to Quimby Creek. Prior to a determination to issue an exemption from CEQA, a riparian corridor report, dated September 23, 2004 was prepared and submitted by H.T. Harvey and Associates, ecological consultants. This report assessed the habitat quality of the creek to be very low given that the creek is an engineered low flow channel with a lack of native woody shrubs and trees and the presence of a dirt service road at the top of bank on the south side of the creek. In addition, the area immediately around the proposed tree-monopole has virtually no groundcover that would be disrupted and no tree removed as part of the project. The study considers the proposed monopole site, which is located 25 feet from the top of the creek bank as a sufficient setback given the condition of the creek and proposed minimal or negligible impact on existing habitat.

## **GENERAL PLAN CONFORMANCE**

The proposed use is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC). Wireless communications facilities may be allowed on residentially designated parcels. Such projects should conform to the General Plan Urban Design Policies and other applicable development policies to ensure that such proposals are compatible with the surrounding properties. In staff's opinion, the project as proposed meets the intent of the applicable policies. See analysis for additional discussion.

## **ANALYSIS**

The primary issues analyzed in this report include: 1) issues raised by the appellant, 2) conformance to the Zoning Ordinance, and 3) conformance to City Council Policy 6-20, Land Use Policy for Wireless Communication Antennas.

### Issues Raised by Appellant

**Health concerns.** The appeal of the Director's decision is in part based on the grounds that the installation of wireless antennas pose potential health risks to residents in the vicinity of the project site and elementary students attending nearby Millbrook Elementary School. The appellant cites a variety of studies, as noted in the appeal letter, that there should be greater separation of 300 meters (roughly 985 feet) from residences and cellular phone base stations. These studies are based on research and/or university surveys conducted in Europe.

*Staff Response.* Staff has already investigated the issue of public health risks associated with the location of cellular phone antennas nearby residential uses. Staff found in 1996 that the low frequency, low-energy, non-ionizing emission associated with wireless communications antennas were well below the recognized safety standards set by the American National Standards Institute (ANSI). Staff concluded there was no evidence that such transmission would result in adverse health effects to people living or working in the vicinity of the antennas. Further, staff investigated reports that wireless communication transmission interfered with hearing aids, pace makers, and other electronic devices. Staff determined the reported interference resulted from cordless telephones and not from the antennas. This determination has been used as the basis for the city council wireless policy, supporting the safety of the location of all wireless antennas in city. No compelling research has been brought to light in this appeal to revoke the existing council policy.

***Concerns related to aesthetics.*** The appellant cites the physical presence of the proposed antenna structure as an eyesore in a site that is otherwise an attractive parcel with numerous existing trees. The appellant is concerned that this project will decrease the desirability of their adjacent property and will ultimately adversely affect property values.

*Staff response.* The loss of adjacent property values raised by the appellant is speculative. The appellant has not provided any substantial evidence that property values would be negatively affected by this proposal.

Aesthetic concerns have been considered by staff as part of the original approval. Staff is highly cognoscente of the aesthetic characteristics of the existing parcel. It is for that reason that staff would not have approved a traditional monopole. This proposed monopole will appropriately be disguised as a tree pole to better blend with the surroundings. The presence of numerous existing trees further helps to further camouflage the proposed antennas. The proposed permit is conditioned for the applicant to build the tree-monopole with a full tree branch frame, which would serve to reduce the visibility of the antennas attached to the structure and preserve the existing appearance of the site. Although the proposed tree-monopole is slightly taller than the other existing trees on the site, staff feels that given the varied heights of the existing trees that this greater height difference would not have an overly obtrusive presence. As the surrounding existing trees continue to grow, the presence of the artificial tree will become even further diminished. In response to the appeal, in order to secure the retention of all trees in the grove, staff suggests an additional condition to be added to this permit to require a Director's approval for the removal of any trees on the site.

This use of artificial trees as antennas structures has been approved in the past. Staff has found that artificial tree structures tend to stand out more when they are not incorporated into a grove of existing trees. This concept as



Above: project site located on the northside of D' Amico Drive, opposite of Tenley Drive

proposed represents a creative alternative in that it allows antennas to be placed at a reasonable height above grade to properly serve the immediate community. In areas that are predominantly comprised of tracts of single-family houses, there are limited options available to accommodate needed height for antennas facilities.

Based on the issues raised by the appellants regarding aesthetic concerns, staff would be supportive of a possible reduction in the height of the tree-monopole, but a shorter structure may require the applicant to install other additional antennas in order to adequately serve this neighborhood.

***Environmental Issues.*** The appellant is concerned with the potential loss of natural habitat and vegetation that could be destroyed given the installation of the proposed structure.

***Staff Response.*** This project site is located immediately south of Quimby Creek. As previously noted, a riparian corridor study, dated September 23, 2004, was prepared by H.T. Harvey and Associates. This report assessed the habitat quality of the creek to be very low given that the creek is an engineered low flow channel with a lack of native woody shrubs and trees and the presence of a dirt service road at the top of bank on the south side of the creek. In addition, the area immediately around the proposed tree-monopole has virtually no existing groundcover and no trees would be removed as part of the project. The study considers the proposed location located 25 feet from the top of the creek bank as a sufficient setback given the condition of the creek and proposed tree-monopole minimal impact on existing habitat.

While the City's Riparian Corridor Policy suggests a minimum setback of 30 feet between riparian habitat or top of bank and any proposed structures. The location of the proposed tree-monopole slightly below this suggested setback was considered appropriate by staff due to the riparian corridor study's findings and that the design of the monopole as a tree would mimic existing vegetation and could potentially serve as habitat for birds and other animals, translating to a less intense impact on the riparian corridor than a typical building such as a house would cause.

***Potential Vandalism.*** The appellants cite the physical presence of the proposed tree-monopole as an instrument that would foster an environment more prone to vandalism on a site that has a history of litter and neglect from the current owners.

***Staff Response.*** Staff has considered the possibility of vandalism on the site and conditioned the proposed permit with an Anti-Graffiti condition, requiring the applicant to remove all graffiti from surfaces within 48 hours of defacement. The 6-foot tall wood fencing enclosing the equipment shelter and tree monopole will limit access to the structures. The proposed project is also conditioned to provide additional landscaping surrounding the fence reducing its visibility and its appearance as a "blank slate" for potential graffiti. Based on visits to the project site, staff did not observe a litter problem. However, if determined necessary by the Planning Commission, a condition can be added to the permit to require periodic litter pick up and/or site maintenance to further address these concerns.

#### Conformance to the Zoning Ordinance

***Height.*** The project site is located in the A (PD) Planned Development Zoning District (File No. PDC78-4-65) which include development standards that are generally equivalent to the R-1-8 Residence Zoning District. While this district has a maximum building height limit of 35 feet, the Zoning Ordinance allows

for the increase in the height of telecommunication facilities (monopoles) to a maximum of 60 feet per the R-1-8 Residence Zoning District standards, provided that the design of the structure is a “slim pole”. The overall height of the proposed monopole will not exceed 50 feet. The proposed monopole utilizes a “slim pole” design with design enhancements to disguise the monopole to look like a tree.

**Setbacks.** The proposed monopole will have setbacks of over 30 feet from the front property line at D’Amico Drive, 50 feet from the rear property line, and approximately 85 feet from the sides. All of these setbacks substantially exceed the setbacks requirements established under the Planned Development Zoning District. The required setbacks for this property include 20 feet for the front and rear. Five (5) feet is the minimum requirement for the side setbacks.

### **Conformance to City Council Policy 6-20 for Wireless Communications Facilities**

**Visual Impacts.** The intent of the policy is to minimize visual impacts of wireless communications facilities. Generally, new freestanding monopoles should not be implemented where building mounted or collocated facilities are feasible. Building-mounted (for example, rooftop) antennas are generally preferable to new monopoles and the current policy encourages such installations. Building-mounted antennas are not feasible at this vacant site, nor are there very many options within this predominantly single-family neighborhood. Therefore, the applicant proposed a stealth monopole disguised as an artificial tree to meet the intent of the policy. The proposed monopole is located within a grove of existing trees.

**Height.** New wireless communications antennas are required to conform to the General Plan and Zoning Ordinance height restrictions. The proposed 50-foot monopole conforms to the General Plan Urban Design height limit policies for structures other than buildings (such as monopoles) of 100-feet. As previously indicated, the Zoning Ordinance allows for slim pole antennas up to a maximum height of 60-feet.

**Setbacks from Residential Uses.** The policy recommends that freestanding monopoles be located no closer than a distance equal to one foot for every one foot of structure height from any parcel developed for use as a single-family or multi-family residence. Also, substantial landscaping (10 feet minimum), generally including trees, should be provided adjacent to the residential property line to buffer the adjoining residential uses. The applicant’s proposal is consistent with the Council policy in that the existing monopole as proposed would be 50 feet in height and would be located in excess of 85 feet from the nearest residential uses. As previously indicated, numerous trees already exist on this site and will help to mask the presence of the tree-monopole. In addition, this Planned Development permit is conditioned for the applicant to provide additional foliage landscaping surrounding the six-foot fence enclosing the equipment and base of the monopole.

**Performance Standards.** This project does not include the installation of power-generating equipment and will therefore easily comply with the noise level performance standards identified in the Zoning Ordinance. Should the applicant wish to include such equipment in the future a development permit would be required and the equipment would be required to meet the performance standards for the Zoning District.

**Parking.** The project does not impact any parking spaces.

## **PUBLIC OUTREACH**

Notices of the public hearing were distributed to the owners and tenants of all properties located within 500 feet of the subject site. The Planning Commission Agenda is posted on the City of San José website, which includes a copy of the staff report. Staff has been available to discuss the project with interested members of the public.

## **RECOMMENDATION**

Planning staff recommends that the Planning Commission uphold the Director's decision to approve the subject Planned Development Permit and include the following facts and findings in its resolution.

The Planning Commission finds that the following are the relevant facts regarding the proposed project:

1. The project site has a designation of Medium Low Density Residential (8 DU/AC) on the adopted *San José 2020 General Plan Land Use/Transportation Diagram*.
2. The project site is located at the north side of D'Amico Drive across from Tenley Drive and is located in the A(PD) Planned Development Zoning District.
3. Wireless communications monopoles may be allowed with a Planned Development Permit in the A(PD) Planned Development Zoning District.
4. The subject site is located adjacent to a residentially property to the west, south and east.
5. Quimby Creek, in the form of a man-made earthen channel is located to the north of the project site.
6. A riparian report prepared by H.T. Harvey & Associates, a biotic consultant, concluded that the proposal would have minimal or negligible impacts to the Quimby Creek riparian corridor.
7. The existing site is vacant and is substantially planted with several mature trees that range from 15 to 40 feet in height.
8. The proposed monopole is 50 feet in height and is designed as an artificial tree.
9. The proposed monopole would be placed within the grove of existing adjacent trees.
10. The proposed antennas and equipment enclosure will be located approximately 85 feet from the nearest residential use.
11. A 270 square foot equipment enclosure is proposed.
12. The proposed project conforms to the required setbacks from property lines as prescribed in the A(PD) Planned Development Zoning District.

13. This Planned Development Zoning District adopted the R-1-8 Residence Zoning District development standards, which have a maximum allowable height of 35 feet. However, the Zoning Ordinance allows exceptions to the maximum height of the applicable Zoning District for slim pole antennas up to a maximum height of 60-feet.
14. The proposed monopole will not eliminate required parking.
15. The City Council Land Use Policy for Wireless Communications Facilities is applicable to this application.
16. 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.

The Planning Commission concludes and finds, based upon an analysis of the above facts that:

1. The project is consistent with the General Plan Land Use /Transportation Diagram designation of Medium Low Density Residential (8 DU/AC).
2. The proposed project is in compliance with the California Environmental Quality Act (CEQA).
3. The project complies with the applicable provisions of the Zoning Ordinance, Title 20 of the Municipal Code.
4. The proposed project conforms to the City Council's Land Use Policy for Wireless Communication Facilities.

Finally, based upon the above-stated findings and subject to the conditions set forth below, the Planning Commission finds that:

1. The proposed use at the location requested will not
  - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
  - b. Impair the utility or value of property of other persons located in the vicinity of the site; or
  - c. Be detrimental to public health, safety or general welfare; and
2. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding areas; and

3. The proposed site is adequately served:
  - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate; and
  - b. By other public or private service facilities as are required.

In accordance with the findings set forth above, a Planned Development Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is 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 conditionally permitted hereby.

### CONDITIONS PRECEDENT

This Planned Development Permit shall have no force or effect and the subject property shall not be used for the hereby permitted uses unless and until all things required by the below-enumerated precedent conditions shall have been performed or caused to be performed and this Resolution has been recorded with the County Recorder.

1. **Acceptance and Payment of Recording Fees.** The "Acceptance of Permit and Conditions" form shall be **signed, notarized, and returned** to the Department of City Planning within **60 days** from the date of issuance of the resolution granting the permit. *Failure to do so will result in this permit automatically expiring regardless of any other expiration date contained in this permit.* Fees for recording a Certificate of Permit with the Recorder for the County of Santa Clara must be submitted along with the Acceptance Form.

### CONCURRENT CONDITIONS

1. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
2. **Building Permit.** Obtainment of a Building Permit is evidence of acceptance of all conditions specified in this document and the applicant's intent to fully comply with said conditions.

3. **Permit Expiration.** This Planned Development Permit shall automatically expire 30 months from and after the date of issuance hereof by said Director, if within such 30 month period, the proposed use of this site of the construction of buildings has not commenced, pursuant to and in accordance with the provision of this Planned Development 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/Amendment to extend the validity of this Permit for a period of up to two years in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
4. **Conformance with Plans.** Construction and development shall conform to approved Site Development plans entitled, "SCV Water District SF-964-02 Cingular Wireless" dated, June 30, 2003, on file with the Department of Planning, Building and Code Enforcement and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04).
5. **Revocation.** This Planned Development Permit is subject to revocation for violation of any of its provisions or conditions.
6. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
7. **Acceptance.** The "Acceptance of Permit and Conditions" form shall be signed, notarized, and returned to the Department of Planning, Building and Code Enforcement within 60 days from the date of issuance of permit. Failure to do so will result in this permit automatically expiring regardless of any other expiration date contained in this permit.
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.
9. **Discretionary Review.** The Director of Planning maintains the right of discretionary review of requests to alter or amend structures, conditions or restrictions of this Planned Development Permit incorporated by reference in this Permit in accordance with Section 20.44.200 of the San José Municipal Code.
10. **Public Works Clearance.** A Development Clearance shall be obtained from the Public Works Department, Room 308, (408) 277-5161, and is subject to the following requirements (3-01591) to the satisfaction of the Director of Public Works:
  - a. *Sewage Fees:* In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
  - b. *Archaeology.* In the event that human remains and/or cultural materials are found, all project related construction shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:

- 1) In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified by the developer and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased Native Americans. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

11. **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, PD 04-054, shall be printed on all construction plans submitted to the Building Division.
- b. *Construction Conformance.* A project construction conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to final inspection approval by the Building Department, Developer shall obtain a written confirmation from the Planning Division that the project, as constructed, conforms to all applicable requirements of the subject Permit, including the plan sets. To prevent delays in the issuance of Building Permits, please notify Planning Division staff at least one week prior to the final Building Division inspection date.

12. **Certification.** Pursuant to San José Municipal Code, Section 15.10.486, certificates of substantial completion for landscape and irrigation installation shall be completed by licensed or certified professionals and provided to the Department of Planning, Building and Code Enforcement prior to approval of the final inspection of the project.

13. **Recycling.** Scrap construction material shall be recycled. Integrated Waste Management staff at 277-5533 can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.

14. **Co-location.** The owner(s) and operators of the proposed antenna support structure shall allow the co-location of PSC antennas for other providers. This includes the use of the equipment enclosure. Future collocation that does not increase the height of the utility structure may be permitted through a permit adjustment at the discretion of the Planning Director.

15. **Outside Storage.** No outside storage is permitted except in areas designated on the approved Planned Development Permit plan set.

16. **Colors and Materials.** The tree pole branches shall be full to minimize the appearance of wireless antennas.

17. **Hazardous Materials.** Any hazardous materials regulated by Chapter 17.68 of the San José Municipal Code on the site must be used and stored in full compliance with the City's Hazardous Material Ordinance and the Hazardous Materials Management Plan for the site approved by the San José Fire Prevention Bureau.
18. **Tree Removals.** No tree larger than 56 inches in circumference, at a height of 24 inches above the natural grade slope, shall be removed without a Tree Removal Permit issued by the Director of Planning.
19. **Street Cleaning and Dust Control.** During construction, the developer shall damp sweep the public and private streets within and adjoining the project site each working day sufficient to remove all visible debris and soil. On-site areas visible to the public from the public right-of-way shall be cleaned of debris, rubbish, and trash at least once a week. While the project is under construction, the developer shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site.
20. **Landscaping.** Planting and irrigation are to be provided surrounding the approved fencing outside of the equipment shelter to the discretion of the Director of Planning. Landscaped areas shall be maintained and watered and all dead plant material is to be removed and replaced by the property owner. If permanent irrigation is to be installed, it must be in accordance with Part 4 of Chapter 15.10 of Title 15 of the San José Municipal Code, Water Efficient Landscape Standards for New and Rehabilitated Landscaping and the City of San José Landscape and Irrigation Guidelines.
21. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.
22. **Emergency Back-Up Generator.** This permit does not include the approval of an emergency back-up generator on the subject site.
23. **Discontinuation of Use.** Upon discontinuation of the use of the subject antennas, the applicant shall remove all antenna improvements associated with this permit within 30 days.

Attachments:

1. Notice of Permit Appeal
2. Photo simulation of proposed tree-monopole
3. Riparian Corridor Report
4. Community Petition
5. Letter of Objection from adjacent property owner
6. Letter of Objection from property owner within 500 feet of site
7. Letter of Objection from property owner within 500 feet of site