

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT FOR A NEW UNMANNED AT&T TELECOMMUNICATION FACILITY WITH INSTALLATION OF THREE 42'-6" - TALL MONOPOLES AT 3111 BENTON STREET, SANTA CLARA, CALIFORNIA**

PLN23-00148 (Conditional Use Permit)

**WHEREAS**, on March 23, 2023, Complete Wireless Consulting, ("Applicant") submitted an application for a Conditional Use Permit for new unmanned AT&T telecommunication facility with the installation of a 60-foot-tall monotree at 3111 Benton Street ("Project Site");

**WHEREAS**, at the time the application was deemed complete, the Project Site was zoned B – Public – Quasi Public. The Project Site also has a General Plan land use designation of Very Low Density Residential;

**WHEREAS**, at the August 21, 2024, Planning Commission meeting, the Applicant requested a continuance of this item to the September 11, 2024, Planning Commission meeting to allow additional time for research and review of comments received during testimony;

**WHEREAS**, at the September 11, 2024, the Applicant requested a further continuance to address these comments;

**WHEREAS**, on October 23, 2024, the Planning Commission held a duly noticed public hearing, at which time all interested persons were given an opportunity to present evidence and give testimony, both in support of and in opposition to the proposed Conditional Use Permit.

**WHEREAS**, at the October 23, 2024 Planning Commission Hearing, the Planning Commission voted to continue the item with re-noticing to allow for the applicant to bring forward an alternative three pole design.

**WHEREAS**, the proposal was revised to a telecommunication facility which would include three 42'-6" monopoles and the use of a 366-square feet lease area, enclosed by a wooden fence, for equipment inclusive of a battery cabinet (the "Revised Proposal");

**WHEREAS**, the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 *et seq.*, requires a public agency to evaluate the environmental impacts of a proposed project;

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA) the Revised Proposal is categorically exempt from formal environmental review pursuant to CEQA Guidelines Section 15303(d) (New Construction of Utility Extensions).

**WHEREAS**, the Conditional Use Permit process enables a municipality to exercise control over the extent of certain uses, which, although desirable in limited numbers and specific locations, could have a detrimental effect on the community in specific instances;

**WHEREAS**, pursuant to Santa Clara City Code (SCCC) Section 18.252.030(a), the B – Public, Quasi-Public, and Public Park or Recreation Zoning Districts allow for telephone company switching stations “and operations which in the opinion of the Planning Commission are similar”;

**WHEREAS**, pursuant to SCCC Section 18.66.040, a Conditional Use Permit approval is required for all new wireless telecommunication facilities, and the Revised Proposal is 42-feet, 6-inches as shown on the Development Plans, attached by reference herein as Exhibit “Development Plans”;

**WHEREAS**, pursuant to SCCC Chapter 18.114, the Planning Commission cannot grant a Conditional Use Permit without first making specific findings related to the effect of the project on health, safety, peace, comfort, and general welfare, based upon substantial evidence in the record;

**WHEREAS**, on November 21, 2024, a notice of public hearing on this item was mailed to property owners within 500 feet of the project site; and

**WHEREAS**, pursuant to SCCC Section 18.146.020, on November 21, 2024, notices of the public hearing of December 4, 2024 were posted at City Hall, the Central Park Library, the Mission Branch Library, the Northside Branch Library, and on the City’s website;

**WHEREAS**, on December 4, 2024, the Planning Commission held a duly noticed public hearing, at which time all interested persons were given an opportunity to present evidence and give testimony, both in support of and in opposition to the proposed Conditional Use Permit.

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:**

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the Planning Commission hereby finds that approving a Conditional Use Permit to allow for a new unmanned AT&T telecommunication facility with the installation of three 42'-6" tall monopoles is consistent with SCCC Chapter 18.66 Wireless Communication Facilities and the B zoning district with approval of a Conditional Use Permit.
3. That the Planning Commission hereby finds as follows:
  - A. The Revised Proposal is consistent with the General Plan and any applicable specific plan, in that the General Plan does not specify any additional rules and regulations for wireless communication facilities and that the subject address is not located in a focus area or specific plan area.
  - B. The Revised Proposal use is allowed within the subject zone and complies with all other applicable provisions of this Zoning Code and the City Code; in that wireless communication facilities at the proposed height are allowed with conditional use permit approval and the proposed project meets all other applicable codes.
  - C. The design, location, size, and operating characteristics of the Revised Proposal use are compatible with the allowed uses in the vicinity; in that the monopoles will be disguised as light poles within a parking lot, there is an existing cell site located on the roof of the church on the same site, and the operation of the monopoles is not anticipated to produce any additional trips, noise, vibrations, or harmful side effects to the parcel or surrounding parcels.
  - D. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare; in that the Revised

Proposal is designed such that it does not adversely impact the surrounding areas, it will increase wireless coverage for residents in the area, meet the interests of local residents and customers from the greater region.

E. The subject site is:

1. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; in that the site meets the City Code for minimum lot size, has adequate parking, and the Revised Proposal will resemble conventional light poles in the existing parking lot, away from the normal operations of the church use on-site.
2. Served by highways and streets adequate in width and improvement to carry the type and quantity of traffic the proposed use would likely generate, in that the Revised Proposal project would not generate any additional trips to the subject parcel.

4. That the Planning Commission hereby approves Conditional Use Permit PLN23-00148 to allow a Conditional Use Permit for new unmanned AT&T telecommunication facility with the installation of three 42'-6" tall monopoles at 3111 Benton Street, subject to the Conditions of Approval, attached hereto and incorporated herein by this reference.

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5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 4<sup>TH</sup> DAY OF DECEMBER, 2024, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: \_\_\_\_\_  
AFSHAN HAMID  
DIRECTOR OF COMMUNITY DEVELOPMENT  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Development Plans
2. Conditions of Approval