



## Agenda Report

24-987

Agenda Date: 10/23/2024

### REPORT TO PLANNING COMMISSION

#### **SUBJECT**

**PUBLIC HEARING:** Continuance from September 11, 2024, for Action on Conditional Use Permit (PLN23-00148) for a New Unmanned AT&T Telecommunication Facility with the Installation of a 60-Foot-Tall Monotree at 3111 Benton Street

#### **REPORT IN BRIEF**

**File No.:** PLN23-00148

**Project:** Conditional Use Permit for a new unmanned AT&T telecommunication facility with the installation of 60-foot-tall monotree.

**Applicant:** Steve Proo, Complete Wireless Consulting

**Owner:** Santa Clara First Baptist Church

**General Plan:** Public / Quasi Public

**Zoning:** Public / Quasi Public (PQP)

**Site Area:** 3.15 acres

**Existing Site Conditions:** The project site is built with an existing church and a paved parking lot. There is an existing cell site located on the roof of the church.

#### **Surrounding Land Uses**

**North:** Single-family uses

**East:** Multi-family and single-family uses

**South:** Single-family and public uses (Santa Clara High School)

**West:** Multi-family uses

**Issues:** Consistency with the City's General Plan and Zoning Ordinance

**Staff Recommendation:** Adopt a resolution approving the Conditional Use Permit for a new unmanned AT&T telecommunication facility with the installation of a 60-foot-tall monotree, subject to findings and conditions of approval.

#### **BACKGROUND**

On March 23, 2023, Complete Wireless Consulting, applicant, filed an application requesting a Conditional Use Permit (File No. PLN23-00148) for a new unmanned telecommunication facility for AT&T at 3111 Benton Street.

At the August 21, 2024, Planning Commission meeting, staff provided a presentation on the project followed by a presentation from the applicant. The staff report is included in Attachment 14. There were three public speakers at the August 21, 2024, Planning Commission meeting that spoke in opposition of the project with concerns related to the proposed diesel generator and the location of the new telecommunication facility. After the public discussion, 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.

At the September 11, 2024, Planning Commission meeting, the applicant requested a further continuance to address these comments. Since wireless telecommunications facility requests are subject to time limits specified by the Federal Communications Commission, the City and the applicant entered into a tolling agreement to allow for the additional continuance.

The subject property has a General Plan land use designation of Public / Quasi Public and is zoned PQP (Public / Quasi Public). The project site is located to the northeast of Benton Street and Pomeroy Avenue. The property is about 3.15 acres and is currently built with an existing church, paved parking lot, and an existing cell site on the roof of the church.

According to Santa Clara City Code (SCCC) Section 18.66.040.A, Conditional Use Permit approval is required for all new wireless telecommunication facilities.

### **DISCUSSION**

The proposed new unmanned telecommunication facility would include the installation of an AT&T 60-foot-tall monotree design. A monotree is a wireless telecommunications facility camouflaged to resemble a tree. The proposed monotree will be equipped with fifteen antennas and twelve remote radio units (RRUs) on a 511 square foot lease area enclosed by a new 6-foot-tall wooden fence. The antennas are grouped towards the top of the tower, flanked with broadleaf designed material (See Plans sheet A-3.1). The tower is located 37'-1" from the north property line. There are also existing trees that will surround the fenced area where the monotree will be located. The project previously included the installation of a 30-Kilowatt diesel emergency standby generator, which is no longer being proposed. A new battery cabinet will be installed to address events when electricity is disrupted. Otherwise, the design and location of the proposed monotree remains unchanged from the previous Planning Commission meeting. The applicant also provided additional technical studies to address the comments received at the August 21, 2024, Planning Commission meeting which are detailed in Attachments 7 to 12.

Pertaining to safety concerns, local governments, including the City of Santa Clara, are preempted from regulating wireless telecommunication facilities based on concerns regarding the health effects of radio frequency emissions. The Telecommunications Act of 1996 ("TCA"; 47 U.S.C §332(c)(7)(B) (iv)) limits the local zoning authority over wireless telecommunication antennas for personal wireless service:

“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 [Federal Communication] Commission's regulations concerning such emissions.”

Although the TCA prohibits the City from basing its decision on radio frequency (RF) emissions, the installation must still comply with RF emissions limits set by the Federal Communications Commission (FCC). At the August 21, 2024 meeting, Members of the Commission asked staff to provide information on the applicable emission limits, and asked the applicant to provide data on the emissions of the proposed installation. For cellular antennas, the FCC has established Maximum

Permissible Exposure (MPE) limits for human exposure to RF energy. The FCC measures MPEs in terms of milliwatts (mW) of power over a unit of surface area measured in square centimeters (cm<sup>2</sup>). The relative risk of RF emissions varies depending on the frequency used, with the highest risk in the frequency range of 30 - 300 megahertz (MHz). As a result, the applicable MPE varies with the frequency:

FCC MPEs for General Public	
Frequency Range (MHz)	Power Density (mW / cm <sup>2</sup> )
0.3 - 1.34	100
1.34 - 30	180 / f <sup>2</sup>
30 - 300	0.2
300 - 1,500	f / 1,500
1,500 - 100,000	1.0

AT&T has indicated that their proposed antennas will be operating at a frequency between 700 and 1,900 MHz, which are in the last two lines of the table. At 700 MHz, the MPE is  $700 / 1,500 = 0.47$  mW / cm<sup>2</sup>. At 1,900 MHz, the MPE is 1.0 mW / cm<sup>2</sup>.

AT&T provided a Radio Frequency Compliance report dated September 5, 2024. According to that report, the proposed installation would result in maximum emissions that are 49.33% of the applicable MPEs.

*Consistency with the General Plan*

The General Plan designation for the project site is Public / Quasi Public (PQP), which was recently updated from a Very Low Density Residential designation as part of the City’s broader effort to create consistency between General Plan and Zoning designations.

The proposal is consistent with the following General Land Use and Energy Policies of the General Plan:

- 5.3.1-P17 Promote economic vitality by maintaining the City's level of service for public facilities and infrastructure, including affordable utilities and high-quality telecommunications.
- 5.10.3-P10 Maintain the City's level of service for high quality utilities and telecommunications infrastructure.

The proposal is consistent with these policies in that the project is proposing to install a new wireless telecommunication facility to provide increased coverage for AT&T customers in this network area. The project will expand AT&T’s existing network and improve call quality, signal strength, and wireless connection services in the City.

*Zoning Conformance*

The zoning designation for the project site is Public / Quasi Public (PQP). This is an update from the “Classic” Zoning Code, which was Public or Quasi Public (B). Pursuant to Section 18.66.040, Conditional Use Permit approval is required for all new wireless telecommunication facilities. Pursuant to SCCC Section 18.114.050, the Planning Commission may approve or conditionally approve a Conditional Use Permit only after first making all of the following findings:

- A. The proposed use is consistent with the General Plan and any applicable specific plan;
- B. The proposed use is allowed within the subject zone and complies with all other applicable

provisions of this Zoning Code and the City Code;

- C. The design, location, size, and operating characteristics of the proposed use are compatible with the allowed uses in the vicinity;
- 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; and
- 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; and;
  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.

All of the above findings are able to be made as detailed in Attachment 3 - Resolution to Approve the Conditional Use Permit.

#### Conclusion:

The proposal is consistent with the General Plan policies and Zoning Ordinance and meets the height requirements. The proposed project is desirable to the public convenience and will provide coverage objectives for the proposed wireless facility and improve service/coverage for the general area. The proposed project will not be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed ancillary use.

#### ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per section 15303(d) of the CEQA Guidelines (New Construction of Utility Extensions).

#### FISCAL IMPACT

There is no impact to the City for processing the requested application other than administrative staff time and expense typically covered by processing fees paid by the applicant.

#### COORDINATION

This report has been coordinated with the City Attorney's Office.

#### PUBLIC CONTACT

On October 10, 2024, a notice of public hearing on this item was mailed to property owners within 500 feet of the project site. At the time of this staff report, Planning staff has received three public comments in opposition to the proposed project which has been compiled in Attachment 13 - Correspondence.

#### RECOMMENDATION

1. **Determine** that the project is categorically exempt from formal environmental review per Section 15303(d), New Construction of Utility Extensions, of the CEQA Guidelines; and
2. **Adopt** a Resolution to approve a Conditional Use Permit for a new unmanned AT&T wireless telecommunication facility with the installation of a 60-foot-tall monotree at 3111 Benton Street, subject to findings and conditions of approval.

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Approved by: Lesley Xavier, Planning Manager

**ATTACHMENTS**

1. Development Plans
2. Letter of Justification
3. Resolution to Approve the Conditional Use Permit
4. Conditions of Approval
5. Visual Simulations
6. Coverage Map
7. Property Value Study
8. Real Estate Study
9. Maps of Existing and Future Locations
10. Shade Report
11. Revised Radio Frequency Study
12. Revised Noise Study
13. Correspondence
14. August 21, 2024 Planning Commission Staff Report