

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
OVERRULING THE APPEAL AND UPHOLDING THE APPROVAL
OF 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, the proposal was subsequently revised to a telecommunication facility which would include three 42'-6" monopoles and the use of a 366-square foot lease area, enclosed by a wooden fence, for equipment inclusive of a battery cabinet (the "Proposal");

WHEREAS, on January 15, 2025, the Planning Commission approved Conditional Use Permit PLN23-00148 to allow for a new unmanned AT&T telecommunication facility with the installation of three 42'-6" tall monopoles at 3111 Benton Street, subject Conditions of Approval;

WHEREAS, pursuant to SCCC Section 18.114.040.B.3, the Planning Commission's decision is appealable to the Council in compliance with SCCC Chapter 18.144;

WHEREAS, on January 18, 2025, Vignesh Vivekrajia filed a timely appeal of the Planning Commission's approval of Conditional Use Permit PLN23-00148 to the City Council;

WHEREAS, at the time the application was deemed complete, the Project Site was zoned B – Public – Quasi Public under the "Classic Code," and per Section 18.020.070.A of the Updated Zoning Code, because the application was complete prior to the effective date of the Updated Zoning Code, the application is subject to the development standards of the Classic Code;

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 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 18.252.040 (g), in the former B – Public, Quasi-Public, and Public Park or Recreation Zoning Districts of the Classic Code, a Conditional Use Permit approval is required for uses not specifically provided for which in the opinion of the Planning Commission would appropriately be placed in the B zoning district;

WHEREAS, pursuant to SCCC Chapter 18.114, the review authority may approve or conditionally approve a Conditional Use Permit only after 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 February 13, 2025, a notice of public hearing on this item was mailed to property owners within 500 feet of the project site and to all residences at the nearby “Pomeroy Green” residential development;

WHEREAS, pursuant to SCCC Section 18.146.020, on February 20, 2025, notices of the public hearing of February 25, 2025 were posted at City Hall, the Central Park Library, the Mission Branch Library, the Northside Branch Library, and on the City’s website; and

WHEREAS, on February 25, 2025, the City Council 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 appeal of the Conditional Use Permit.

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

1. That the City Council hereby overrules the appeal of Vignesh Vivekrajra related to the Planning Commission’s approval of Conditional Use Permit (CUP) PLN23-00148 on January 15, 2025;

2. That pursuant to SCCC Section 18.114.050, the City Council determines that the following findings exist to support the approval and justify denial of this appeal:
- A. The 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 Proposal 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 a conditional use permit approval and the proposed project meets all other applicable codes.
 - C. The design, location, size, and operating characteristics of the Proposal 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 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 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 Proposal would not generate any additional trips to the subject parcel.

3. That the City Council hereby upholds the approval of Conditional Use Permit PLN23-00148 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.

4. 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 CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 25TH DAY OF FEBRUARY, 2025, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:
NOES: COUNCILORS:
ABSENT: COUNCILORS:
ABSTAINED: COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Development Plans
2. Conditions of Approval

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