 City of Santa Clara <small>The Center of What's Possible</small>	Planning Division: (408) 615-2450 Email: planning@santaclaraca.gov
	Planning Appeal Form

Instructions

Use this form to appeal a decision made at the Development Review Hearing or Planning Commission. **All appeals must be filed with the Planning Division within seven calendar days of the action being appealed.**

Appeals from the Development Review Hearing are made to the Planning Commission (for single-family residential projects) or to the City Council (for projects other than single-family residential projects) and will be set for hearing on the next available agenda. Appeals from the Planning Commission are made to the City Council and will be placed on a subsequent City Council Agenda. Please contact the Planning Division at the number listed above with any inquiries about the process.

Applications will be filed through the City's [Permitting Online Portal](#). You will need to register for an account to file. Applications may also be filed in person at the Permit Center, City Hall, 1500 Warburton Avenue, Santa Clara.

Information submitted on this form is public record.

Appeal Fees

[Appeal Fees](#) are set by the Municipal Code of the City of Santa Clara and are subject to annual review. Submitted appeals will be invoiced by staff for payment. **Fee payment must be received by the City of Santa Clara before this form submittal can be certified as complete.**

Appellant Declaration

Name: Vignesh Vivekraj, (AT&T Tower Relocation Group member)
 Street Address: 3086 Humbolt Avenue
 City, State, Zip Code: Santa Clara, CA, 95051
 Phone number: 408 981 7632
 E-mail address: vigneshv86@gmail.com

In accordance with the provisions of the Municipal Code of the City of Santa Clara, I hereby appeal the following action at the:

Development Review Hearing Planning Commission

at it's meeting of 1/15/2025
(date)

Agenda Item No.: File no: 24-1256

File No.(s): PLN23-00148

Address:/APN(s): 3111 Benton Street, Santa Clara

Planning Appeal Form

Appellant Statement

(If more space is required, attach a separate sheet of paper.)

Action being appealed:

Planning committee approval of the conditional permit for new Unmanned AT&T Telecommunication Facility

with Three 42 -6 monopoles located in the Parking Lot at 3111 Benton Street

and also opposing other alternative location in same site including 60-Foot-Tall Monotree

Reason for Appeal:

Concerns about following about ATT cell-site to surrounding residential zones, with many residents in 30 foot radius:

1. Bad Neighborhood Aesthetics

2. Negative Property Value Impact

3. Health effects esp kids, elderly in surrounding residential houses (many within 30-300ft radius)

4. Precedent for future towers in same site

5. Health effects to kids in neighbouring Santa Clara High School

(See attached addendum for details)

Certification of Authenticity

Beware, you are subject to prosecution if you unlawfully submit this form. Under penalty of law, transmission of this form to the City of Santa Clara is your certification that you are authorized to submit it and that the information presented is authentic.

V. Vignesh.

Signature of Appellant

1/18/2025

Date

Addendum to Appeal filed by Vignesh Vivekaja in behalf of
AT&T Tower Relocation Group
(Supporting Residents - Pomeroy Greens, Humbolt, Benton, Moraga, Orthello)
Appeal to City Council to Consider the Planning Commission Decision of January 15, 2025

Action being appealed:

Decision by Planning Commission to allow cellphone towers to be installed at 3111 Benton Street, the First Baptist Church.

Reason for Appeal:

Summary

We believe the planning commission's decisions were unjust, seemingly influenced by a few members and cherry-picking information, resulting in an incorrect acceptance of the proposal. According to FCC regulations, the commission had the authority to reject this proposal before the shot clock expires; there was no legal obligation to approve it. Aesthetics alone, along with numerous other compelling reasons outlined below, were sufficient grounds for rejection. We respectfully urge the esteemed City Council members, elected by the people and whose decisions are closely scrutinized, to consider the impact on residents and vote against this cell tower. It is crucial to weigh moral and ethical considerations alongside legal subtleties, especially for a council of publicly elected positions. This decision will set a precedent for the future.

Firstly, the planning commission and city council have the full authority to reject AT&T's proposed towers. Based on our understanding, the only requirement from the FCC is to make a decision before the shot clock expires; approval is not mandatory. We, as residents, strongly believe there are ample reasons to reject this tower proposal on legal grounds, which are entirely within the city's control, including:

1. Aesthetics
2. Potential property value loss
3. Violation of the latest city code
4. Impact on Historic Pomeroy Green
5. Impact on Santa Clara High School students

Additionally, there are ethical and moral reasons, such as:

1. Health impacts
2. Violation of the latest city code and regulations in neighboring cities, where towers cannot be placed close to residential houses

There are several viable alternatives for AT&T to find a new site that aligns with city regulations, such as parks. Although this process might require more time, many alternative sites have been thoroughly vetted and proposed by residents. Unfortunately, these options have not received adequate

consideration, as the church site presents a more convenient choice for AT&T. Notably, there has been no AT&T tower in this site to our knowledge, and they have operated successfully without it. It is unjust to inconvenience local residents merely for the sake of convenience for AT&T, the city and financial interests of landlord.

"Where there is a will, there is a way." We are confident that AT&T can identify alternative locations if this proposal is rejected. This should be handled as an independent case to our appeal. Please do not inconvenience residents for the sake of another party's convenience, especially given that AT&T has continued to operate effectively without a tower in this location, with many opposing residents being long time AT&T customers. If additional time is needed to find the right location with the City's approval, so be it, as demonstrated by the city of Cupertino in the past to locate in park with public vote(details below). We humbly request, the city council to prioritize long-term community interests over short-term convenience.

Details

1. Impacts entire neighborhood. Homeowners on Humbolt Avenue, Moraga Street, Benton Steet, Orthello St, as well as homes in Pomeroy Green and all neighboring homes within view of the towers will have to look at these ugly towers. The towers will dominate the skyline since there are few trees the height of the proposed towers.

There are other locations those opposed to this project have suggested; please consider a better locations that are less conspicuous to residents of the neighborhood that have not been thoroughly investigated to date (see below).

Other impacts such as fire hazard, collapsing hazards and health hazards are also concerns of the neighborhood residents and evidently Santa Clara High School since the Santa Clara School District has declined, according to Mr. Proo, the AT&T representative for this project, locating the tower on their campus.

2. Aesthetic problems. Placing the towers on the church property so close to so many homes and so visible to neighborhood residents violates aesthetic considerations that are within the jurisdiction of the planning commission and city council. In other words, it is within the power of the Planning Commission to recommend the City Council deny AT&T's request to site a cell phone tower on the 3111 Benton Street, the church site, on aesthetic grounds. It is also in power of city council to reject ATT's proposal purely based on aesthetics.

If the project goes through as proposed, the homeowners on Humbolt Avenue will have three towers situated just beyond their backyard fences, within 50 feet of their homes, making them visible whenever they relax outside in their backyards. Residents of the Humbolt houses opposite to these houses, will see those towers from their front-yards, while residents of the homes on Moraga Street will see the towers from their-front yards.

Similarly the alternate tower location negatively affect aesthetics of the Pomeroy Green community and Humbolt Avenues. Both the tower proposals will also be an eye sore for residents and the public alike while walking around the neighborhood.

3. Potential Property Value Loss

- AT&T's report, claiming no significant impact on neighboring property values, relies on a non-peer-reviewed source.
- In contrast, recent articles from the National Association of Realtors, a more trusted source ([link](#) - See reference section), multiple studies, indicate a substantial decrease (up to 20%) in property values for homes near cell towers. Notable quotes from linked articles/studies include:
 - “We find that homes close to towers sell for a discount of up to 7.6%.”
 - “The negative price impact of 9.78% is much more severe for properties within visible range of a tower.”
 - “If purchasing or renting a property near a CPBS [cellular phone base stations], over a third (38%) of the control group respondents said a CPBS would reduce the price of their property by more than 20%.”
- The existence of a cell tower near a home must be included in the disclosure packet upon the sale of a property, based on query on chatgpt (See Appendix5 inlined in doc).

In Appendix1(inlined with doc), with pictures referenced later, the proposed three towers from AT&T are shown, along with an approximate 300-foot radius (indicated by an orange border) based on Google Maps measurements. Within this radius are the following structures: over 25 single-family and duplex houses on Humbolt Ave, Moraga, and Benton.

Assuming a conservative property value of \$1.7 million for each of these units, based on approximate estimates from Zillow ([link](#)), the total property values are **roughly \$40 million**. This could result in up to an **\$8 million** (20% loss) decrease in property value for homeowners. This estimate is conservative, as lots in this area are much larger, close to 10,000 square feet, so the financial impact might be greater. Will the city, AT&T, or the landlord compensate for these losses to homeowners? There is a similar economic loss, probably larger, for the other alternate location which was previously considered closer to Pomeroy Green. This reduction in property values also impacts the city through reduced property taxes, taxes that benefit the city.

It seems unfair for residents near the Santa Clara First Baptist Church to bear this potential economic impact while AT&T and landlords benefit. Residents should be given the benefit of the doubt and not bear the brunt of the economic impact, and conclusions should not be based on non-peer-reviewed sources.

4. Proper notification needed. Pomeroy Green Cooperative Corporation, located directly west of the church, was not notified of the project. Only some of the shareholders in the complex received notices of the public hearing for the cell phone project.

Pomeroy Green Cooperative includes a playground on site and other areas that are contiguous to the church property (against, on the west side of the church property).

5. Impacts to historic resource not reviewed. Pomeroy Green Cooperative Corporation, located

directly west of the church, is registered in the National Register of Historic Places (NRHP) at the State and federal levels. The impact of the cell phone tower project on the historic Pomeroy Green housing complex should be reviewed by the City's Historical and Landmarks Commission (HLC) because Pomeroy Green is adjacent to the church site. The HLC, in its advisory capacity to City Council, routinely evaluates impacts to historic resources by projects located on adjacent properties.

Because Pomeroy Green Cooperative housing complex is registered in the NRHP, the tower project may be required to be reviewed by higher government agencies in addition to the City's HLC for environmental impacts, particularly aesthetic impacts. The tower project may require a permit from the FCC, making the project subject to Section 106 of the National Historic Preservation Act.

Both the 3 pole design and the alternate 60-foot monopole design may have significant impact on historic Pomeroy Green and, therefore, the cell phone project needs to be properly reviewed by the appropriate-agencies.

6. Health Effects

There is a growing body of scientific evidence that suggests that exposure to radio frequency radiation (RFR) from cell towers and other wireless devices can have negative health effects, including cancer, brain tumors, and reproductive problems. The World Health Organization has classified RFR as a "possible human carcinogen," and the National Toxicology Program has found that exposure to RFR can cause cancer in rats. We are concerned about the potential health risks of living near this cell node, especially for children who are more vulnerable to the effects of RFR. We urge the city to reconsider its decision to allow the installation of this node until more research is done on the health effects of RFR.

Here are instances where cell phone towers had to be decommissioned due to the formation of cancer clusters among students and teachers attending nearby schools and residents, despite initial claims that the towers emitted low levels of radiation.

link1: <https://www.modbee.com/news/article228538324.html>

link2: <https://ehtrust.org/fourth-student-has-cancer-parents-demand-removal-of-cell-tower-from-ripon-school/>

link3 :

<https://www.dailymail.co.uk/health/article-6886561/Cell-phone-tower-shut-elementary-school-eight-kids-diagnosed-cancer.html>

Some Quotes :

- *“Four students and three teachers at Weston have been diagnosed with different forms of cancer since 2016. In addition, two preschool-age children living near the school have been treated for a malignant tumor and leukemia, and a Modesto family says a 22-year-old former student of Weston underwent surgery last year for a brain tumor”*
- *“Sprint, which owns the tower, has shut it down despite insisting the radio frequency levels are 100 times below the federal limit”*

Is the city council willing to take the risk of exposing residents with kids, elderly and Santa Clara High School students (as shown in Appendix1 inlined in doc, the school is within the immediate range of the proposed towers) to potential hazards? Santa Clara High School seems to be disinterested in the cell phone tower as well since the Santa Clara School District has declined, according to Mr. Proo, the AT&T representative for this project, locating the tower on their campus.

This is a moral decision the city council must make that will be closely followed by community. While there are sufficient legal reasons, such as aesthetics, to reject this proposal on FCC grounds, each councilmember and planning commission member must seriously consider the health concerns when casting their vote.

7. Violation of new Zoning Codes

The proposed site clearly violates the lines highlighted in yellow in the attached word doc source from City's code link (<https://www.codepublishing.com/CA/SantaClara/html/pdfs/SantaClara18.pdf>. The applicable section, on cell phone towers, starts on page 340). The most significant one being following lines in 18.66.060 – Location Requirements :

"B. Facility Placement in Residential and Mixed-Use Zones. Wireless communications facilities located within a Mixed-Use zone **shall be separated by a minimum distance of 300 feet of any residential structure** or any other existing wireless communications facility except as follows. "

Please note that many single-family homes fall within 50-60 feet of the proposal and approximately ~25 houses and high school are within a 300 feet radius (see Appendix1 inlined at bottom of doc)

The public and our Group was informed during the the planning commission hearing that this zoning code does'nt apply because church is zoned quasi-public and not residential. Regardless of zoning codes, there is a reason for the new requirement of a 300-foot clearance, likely due to health effects and property values. Legalities aside, it is common sense that it shouldn't matter whether the cell phone tower is on quasi-public land, like a church, or in a residential area; the tower is still within 300 feet of other single-family homes. The city council should take this into account and reject the ATT cell tower proposal.

Additionally, it shouldn't matter that AT&T filed their petition a few months before the new code was implemented (our understanding is that AT&T's petition was submitted in the first half of 2023, and the new code came into effect in the first quarter of 2024). Since it is now the first quarter of 2025, and the tower has not yet been constructed and is still under review, it is time for the city to consider the latest code when making their decision, update the zoning code to prevent these loopholes, and avoid using legal or code technicalities to approve this project.

8. Alternative locations not exhausted. Locations to site the proposed cell phone towers were not exhausted. Some alternative tower locations that should be explored by the planning commission include:

A. City public right-of-way. Placing the tower(s) on a city street light as suggested by one of the planning commissioners, Mr. Crutchlow, at their meeting of January 15, 2025 or other location in the public right-of way should be explored. The batteries and associated electronic equipment could also be placed in the city right-of-way, in an above ground cabinet or in an underground vault along with the associated electronic equipment.

One location in particular that was not examined in detail is the idea of locating the tower and associated equipment in the city right-of-way along Kiely Boulevard in front of the Central Park, north of Kaiser Drive. According to the City's Engineering Department, that city right-of-way includes a 10' wide landscape area that runs along that side of the street.

That landscaped area should be investigated for the proposed cell phone tower and its associated equipment. If the towers can be placed there, they will be approximately 130' to 160' from the residences in the multi-family complexes located on the other side of Kiely.

Putting cell phone towers in the city right-of-way is possible. The City of Cupertino has three (3) cell phone towers in the public right-of-way according to the City of Cupertino Parks and Recreation report, "Cell Phone Towers in Parks," to the City of Cupertino's Information, and Communication Commission (see Appendix 3 and 4 inline doc below; unsigned report).

B. Central Park (frontage along Kiely) The City needs to have the applicant fully research the idea of placing the tower in Central Park along the frontage with Kiely Boulevard and consider holding the required referendum on locating that facility in the park.

Placing the tower in Central Park will require a referendum on locating the facility in the park. The City of Cupertino has done this in order to place a cell phone tower in their Memorial Park; that referendum was approved by voters in 2020 according to my search on Ecosia, an online artificial intelligence website (see Appendix 3 and 4 inline doc below, "Cell phone tower in Cupertino's Memorial Park--ballot measure" and the attached City of Cupertino's Parks and Recreation report, "Cell Phone Towers in Parks," to the City of Cupertino Information, and Communication Commission [unsigned]).

Require the Parks Department to release the proposed improvement plans for the Central Park entrance area on Kiely Boulevard in order to investigate new locations for the tower. City to hold citywide election to allow installation of the cellphone tower and associated equipment in the park. The City of Cupertino has a cell phone tower in their Memorial Park.

C. Central Park (east of Saratoga Creek). Placing the tower in Central Park east of the creek and removing the existing tower near Homestead Road and San Tomas Expressway. A new tower in Central Park could be taller in order to cover a greater area, area, perhaps including the areas that were served by the removed tower. Placing the tower in Central Park will require a referendum on locating the facility in the park.

The City of Cupertino has a cell phone tower in their Memorial Park; a referendum was approved by voters in 2020 to install ace that tower according to my search on Ecosia, an online artificial intelligence website (see Appendix 3 and 4 inline doc below, "Cell phone tower in Cupertino's Memorial Park--ballot measure" and the attached City of Cupertino's Parks and Recreation report, "Cell Phone Towers in Parks," to the City of Cupertino Information, and Communication Commission [unsigned]).

D. Saratoga Creek right-of-way. The possibility of locating the cell phone tower in the Saratoga Creek right-of-way, managed by the Santa Clara Valley Water District (Valley Water), should be explored.

E. Earl Carmichael Park. Earl Carmichael Park, located on Benton Street between Pomeroy Avenue and Lawrence Expressway, should be investigated as another potential location for the tower. Mr. Proo, the AT&T representative, mentioned this location as being too close to homes across the creek (Calabazas Creek); however, if the tower is placed in the grove of tall trees near the center of the park, the tower will be approximately 200' feet from those homes.

Placing the tower in Earl Carmichael Park (or any city park for that matter) will require a referendum on locating the facility in the park. The City of Cupertino has done this in order to place a cell phone tower in their Memorial Park; that referendum was approved by voters in 2020 according to my search on Ecosia, an online artificial intelligence website (see Appendix 3 and Appedix4 inline below; attached "Cell phone tower in Cupertino's Memorial Park--ballot measure" and the attached City of Cupertino's Parks and Recreation report, "Cell Phone Towers in Parks," to the City of Cupertino Information, and Communication Commission [unsigned]).

G. Commercial property at southwest corner of Kiely and Benton Street. The neighborhood residents brought up this less conspicuous location that has not been explored. That property is within the red circle of optimum signal distribution provided by Mr. Proo, the AT&T consultant on this project.

The tower(s) could be placed in the parking lot of that commercial property; if located there the tower(s) would approximately 160' from the closest homes across Benton Street and approximately 300' from the homes across Kiely Boulevard as well as 200' from the east property line shared with Santa Clara High School (where the high school track is located).

The back side of that commercial site also has not been explored. The backside of the property is adjacent to the Santa Clara High School's track to the west and the USPS post office to the south. This would place the proposed project further from the homes on Benton, approximately 350', and approximately 400' from the homes across on Kiely Boulevard and approximately 300' from the large apartment complex at 1000 Kiely Boulevard.

9. Lack of essential information and Violation of new Codes: Some information provided by staff was misleading and needs to be clarified for reconsideration of the proposed cell phone tower project by the planning commission:

A. **Misleading Info:** Unfortunately the Planning Department representative, Lesley Xavier, during the planning commission meeting held on January 15, 2025, incorrectly stated the diameter dimension of the mono-tree after being questioned by commission member Huang at 28:58 minutes into the video taped meeting (https://santaclara.granicus.com/player/clip/2259?view_id=1&redirect=true).

Ms. Xavier stated at that meeting that the proposed mono-tree tower was twenty-five feet (25') in diameter when in fact the tower is approximately five feet (5') in diameter according to the plans submitted by the applicant and shown at the meeting. The twenty-five feet (25') the planner was referencing I think is the diameter of the 25.5' lease area surrounding the mono-tree. Again, you can find that statement at 28:58 minute mark in the video of the Planning Commission meeting held on January 15, 2025.

Had correct information about the diameter of the tower been provided (approximately 5'

diameter), other locations for the proposed tower in the neighborhood may have been considered by the planning commissioners.

B. Violation of New Codes : Unfortunately the City Planning Department Manager, Lesley Xavier, did not inform the Group about the correct zoning standards (or lack thereof) that pertain to the proposed project when she answered some questions about the project posed by a member of our Group prior to the Planning Commission meeting (see Appendix2 in-line text below). That failure delayed the Group's investigations into other aspects of this controversial project.

Specifically, the planning department manager failed to tell the Group that the zoning codes found on the City's website are new and do not apply to this project (the applicant's submittal predates the new code) when the Manager answered a question about the 300' clearance required between proposed cell phone towers and residences found in the new zoning code. This oversight prevented our Group from investigating and forming additional objections to the project, particularly the Group's search for alternative sites for the cell phone tower (i.e., more sites need to be investigated since there are no separation requirements in the old code).

10. Environmental Effects

The construction and operation of cell towers can also have significant environmental consequences. These include habitat disruption, threatens local wildlife, aesthetic degradation of our natural landscape and fire hazard. The proposed site for the cell tower is home to various species and vegetation that could be adversely affected by the construction activities and the continuous operation of the tower.

Additionally, the visual impact of a cell tower can alter the character of our community, potentially affecting property values and the overall quality of life and well being of its residents.

The risk of fire is a significant concern, especially in areas prone to dry conditions or where the local fire department's response capabilities might be stretched thin. The addition of such a structure could potentially increase the fire risk to nearby homes and natural areas.

(Appendix1)

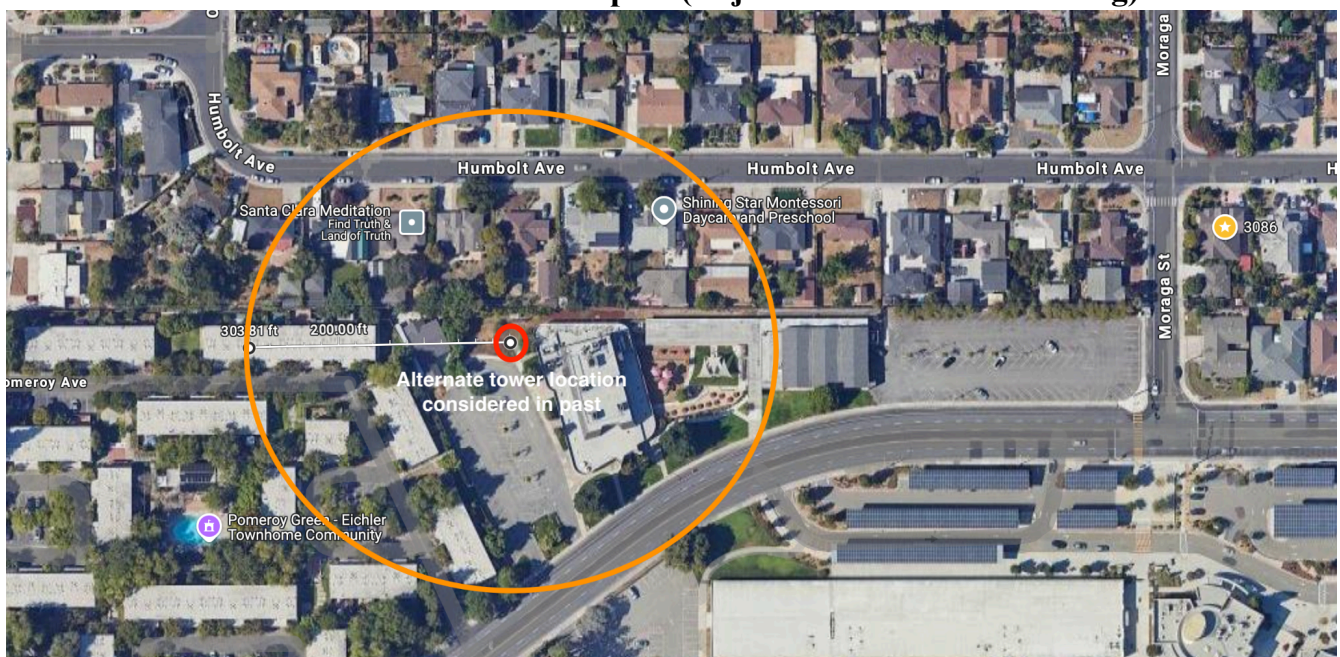
Properties within 300ft radius of the 3-pole tower proposal (Approved in Jan15'25) :



This picture shows the proposed 3 towers from ATT and an approximately 300 feet radius (Orange border) based on Google Maps measurements. Please note shape is spherical due to 3 towers and these are approximate. The following structures fall in this radius :

1. >25 Single Family and Duplex Houses in Humbolt Ave, Moraga and Benton
2. Significant portions and structures/buildings of Santa Clara High school in bottom of the end picture.

Alternate 60foot Monotree considered in past (Rejected in Jan15'25 meeting) :



This picture shows the proposed monotree towers from ATT and an approximately 300 feet radius (Orange border) based on approximate Google Maps measurements. Multiple Single family homes and townhouse community in Pomeroy Green are in approximately 300 ft radius.

(Appendix2)

Email exchange between Yongli Wen, a neighborhood resident and Lesley Xavier. City of Santa Clara Planning Manager (manager's reply highlighted in yellow):

Yongli Wen
From:fred_wen88@yahoo.com
To: Lesley Xavier,Planning Public Comment,PlanningCommission,Sandy Le
Cc:Eric Crutchlow,Nancy Biagini,Priya Cherukuru,Qian Huang,Lance Saleme
Tue, Jan 14 at 9:19 PM

Hi Lesley,

Thanks a lot for your feedback!

I still have some questions:

1. The residential zone or mixed used zone has the 300 feet rule, what's the reason for having such a 300 feet rule? We think there should be some concerns like negative health impact, property value decrease, etc., right? **If such kind of concerns exist, we should also have concerns for all other kind of zones, right?**
2. Now for a public or quasi-public zone, what's the rule for it? Doesn't the city planning department also have to take account of some concerns like negative health impact, property value, etc. for nearby residential houses?
3. Now for our case, let's first assume the church is in quasi-public zone, but **our houses are in the residential zone, not in the public area**, the only thing is that we are the immediate neighbors of the church, we share the same fence with the church, even though, **does anyone still think it really makes sense to install a cell tower with only 15 feet distance to our backyards? Does anyone think it really won't have any negative impact to our health and property value with such short distance?**
4. Also for the church, it is not a normal public area like a shopping mall, a plaza, a city park, etc. which have enough buffer area between residential zones, the church is just part of our community, already integrated into our neighborhoods, **does anyone think the church is really a normal public or quasi-public area?**

We still strongly oppose the plan to install cell tower in the church area, because we think the plan doesn't make any sense, please seriously consider our opinion and suggestions.

Sincerely,

Yongli

On Tuesday, January 14, 2025 at 08:21:53 AM PST, Lesley Xavier <lxavier@santaclaraca.gov> wrote:

Hello – Yongli

Thank you for your email. Unfortunately your reading of the code section is incorrect.

The section of the code that you are referencing below applies to properties where the cell facility will be located on a residentially zoned or mixed use zoned site. In this case the site where the cell facility will be located on is zoned public quasi-public and this section does not apply.

Lesley

Lesley Xavier | Planning Manager

Community Development Department | Planning Division
1500 Warburton Avenue | Santa Clara, CA 95050

D: 408.615.2484 | email: LXavier@SantaClaraCA.gov

www.SantaClaraCA.gov

From: Yongli Wen <fred_wen88@yahoo.com>

Sent: Tuesday, January 14, 2025 12:35 AM

To: Planning Public Comment <PlanningPublicComment@santaclaraca.gov>; PlanningCommission <PLANNINGCOMMISSION@santaclaraca.gov>; Lesley Xavier <LXavier@santaclaraca.gov>; Sandy Le <SLe4@SantaClaraCA.gov>

Cc: Eric Crutchlow <ecrutchlow@santaclaraca.gov>; Nancy Biagini <NBiagini@SantaClaraCA.gov>; Priya Cherukuru <PCherukuru@SantaClaraCA.gov>; Qian Huang <QHuang@Santaclaraca.gov>; Lance Saleme <LSaleme@SantaClaraCA.gov>; Mario Bouza <mbouza@Santaclaraca.gov>; Yashraj Bhatnagar <YBhatnagar@Santaclaraca.gov>; Steve Proo <sproo@completewireless.net>

Subject: Re: AT&T telecommunications tower proposal for 3111 Benton Street: 2nd request by AT&T Tower Relocation Group to locate tower in Central Park (more alternative locations for the Planning Commission's consideration at their meeting scheduled for Januar...

Dear Sir/Madam,

FYI, I'm attaching the copy of CSC zoning Code, Chapter 18.66 - Wireless Telecommunications Facilities with our highlights to indicate our doubts regarding the current plan.

Thanks,

Yongli Wen

On Monday, January 13, 2025 at 08:55:04 PM PST, Yongli Wen <fred_wen88@yahoo.com> wrote:

To: City of Santa Clara Planning Commission (for January 15, 2025 meeting)
From: Yongli Wen
Re: AT&T telecommunication tower proposal for 3111 Benton Street (PLN23-00148)
Date: January 13, 2025

Dear Planning Commission:

This is Yongli lives in 3190 Humbolt Ave, Santa Clara, the immediate neighbor of the church at 3111 Benton Street.

From city zone coding document at <https://www.codepublishing.com/CA/SantaClara/html/pdfs/SantaClara18.pdf>, we just found the proposed AT&T cell tower locations in the church violate the city code, please check the screenshot of the document in section 18.66.060 as below, we can see that the distance of cell tower location to any residential structure is **minimum 300 feet**. The current proposed locations obviously can't meet the requirement. Please explain this to all nearby neighbors.

Thanks,
Yongli Wen

(Appendix3) Ecosia Search

Standard answers are active

Hey there! I'm the Ecosia chat.

What can I help you with?

Did Cupertino have a ballot measure to locate a cell phone tower in Memorial park?

Yes, Cupertino had a ballot measure regarding the installation of a cell phone tower in Memorial Park. This measure was part of a broader discussion about enhancing cell service in the area while considering community concerns about the tower's location and impact. For the most accurate and detailed information, you may want to check local news sources or the official Cupertino city website.

When was this measure on the ballot?

The ballot measure regarding the cell phone tower in Memorial Park in Cupertino was on the ballot during the November 2020 election. If you're looking for more specific details or outcomes related to that measure, I recommend checking official city records or local news archives for comprehensive information.

Regenerate answer

Search web instead

(Appendix4) Cell phone tower in Cupertino's Memorial Park--ballot measure



PARKS AND RECREATION DEPARTMENT

QUINLAN COMMUNITY CENTER
10185 NORTH STELLING ROAD • CUPERTINO, CA
95014-5700
(408) 777-3120 • FAX (408) 777-3137

STAFF REPORT

Agenda Item No. _____

Meeting Date: December 2, 2010

Subject

Consider the Technology, Information, and Communication Commission (TICC) request for the Parks and Recreation Commission to evaluate which parks might be suitable for cell towers.

Recommendation

The Park and Recreation Commission to offer guidance and guidelines for the TICC Commission to consider for possible cell towers in parks.

Description

This item is in front of the Commission due to a joint Commissions' meeting on August 17, 2010. At that meeting, the TICC Commission requested information from the Parks and Recreation Commission about possible sites for cell towers in City parks. Presently, south and west Cupertino lack cell coverage and the TICC Commission would like to improve these areas. The parks that are located in this region of Cupertino are Jollyman Park, Hoover Park, McClellan Ranch Park, Linda Vista Park, and Monta Vista Park.

When a communication company wants to install a cell tower within the City of Cupertino, they must apply for a discretionary permit approved by the Planning Commission or the Director of Community Development, depending on the visibility of the facility. Presently, if the decision is appealed, the applicant pays all hearing noticing costs for a 1,000-foot noticing radius. Attachment A is the City's Wireless Facilities Master Plan that explains the siting and design of these personal wireless service facilities.

Currently, there are 18 cell towers within Cupertino, three are in public rights-of-way, and one is being built in Memorial Park. There are no cell tower applications for city parks currently in process.

Sustainability Impact

Staff researched professional associations and other state and city governments for best practices for locating cell towers in parks. To ensure sustainability within parks, the following guidelines should be considered in conjunction with the policies from the Wireless Facilities Master Plan before granting personal wireless service facilities permits.

The telecommunications company should:

1. Build and maintain their ground space in City parks.
2. Renovate any City property including, but not limited to turf, irrigation systems, utilities, and pavements which were disturbed or adversely affected during construction.
3. If appropriate, provide public art as part of the structure (example – sculpture attached to the monopole facility at Memorial Park).
4. Purchase an appropriate amount of trees to use as screening at the park.
5. Upon abandoning of wireless facility, remove tower/pole (or relevant structure) and restore the park area to its former condition.
6. Reference Policy 8-2 of the Wireless Facilities Master Plan and forfeit the ownership of the tower at the conclusion of the permit if park amenities have been built into, on top of, or within the proximity of the tower, if the removal of the tower should adversely affect the fore mentioned park amenity.

Fiscal Impact

The City collects planning, building and public works application fees from the applicant, but this is true of any private development. The Wireless Facilities Master Plan states a lease to locate personal wireless service facilities on an existing City-owned facility or structure is typically negotiated with Public Works Department staff and approved or disapproved by the City Council at a public hearing. Coordination with affected departments, such as the Parks and Recreation Department for City Parklands, will be necessary to ensure their financial concerns are met.

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Attachment

- A. Wireless Facilities Master Plan

Appendix5 : Chatgpt query on seller disclosure

 ChatGPT 4o mini ▾

do home sellers in california need to disclose cell phone towers near by ther homes?



In California, home sellers are required to disclose certain information about the property that may affect the buyer's decision, but there are no specific statewide requirements to disclose the presence of cell phone towers unless the towers are part of the property itself or there is an issue with the tower's proximity that affects the property's value or livability.

However, under California law, sellers are required to complete a **Transfer Disclosure Statement (TDS)**. This document asks about conditions and features of the property, including things like whether the property is near a hazardous use, but it does not specifically require disclosure of nearby cell towers unless there is a direct impact on the property (e.g., a tower on the property or an easement that affects the home).

In some cases, if the proximity of a cell phone tower might significantly affect the property value or livability (e.g., through electromagnetic field concerns, aesthetic impact, or decreased property value), a seller might be required to disclose that information as part of the general duty to disclose material facts.

Buyers are also encouraged to conduct their own due diligence and may want to inquire about nearby cell towers during the inspection or ask their real estate agent to investigate. Cell phone towers are regulated by local zoning laws, so local municipalities may have their own rules regarding disclosure and siting of such towers.

