



## Agenda Report

24-1194

Agenda Date: 12/4/2024

### REPORT TO PLANNING COMMISSION

#### **SUBJECT**

Public Hearing: Action on Conditional Use Permit (PLN23-00148) for a New Unmanned AT&T Telecommunication Facility with the Installation of a 60-Foot-Tall Monotree or an Alternative Design with Three 42'-6" Monopoles Located in the Parking Lot 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 or an alternative design with three 42'-6" monopoles located in the parking lot.

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.

The subject property has a General Plan land use designation of Public / Quasi Public and is zoned PQP (Public / Quasi Public) and a General Plan land use designation of Very Low Density Residential. 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.

This project was heard by the Planning Commission at their hearing on August 21, 2024, where staff provided a presentation on the project followed by a presentation from the applicant. The staff report is included as Attachment 1. There were three public speakers that spoke in opposition of the project with concerns related to the proposed diesel generator, health risks, and the location of the new telecommunication facility on the site close to residences. 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 as they were not ready to provide the additional information to address the comments. Since wireless telecommunications facility requests are subject to shot clock time limits specified by the Federal Communications Commission, the City and the applicant entered into a tolling agreement expiring November 15, 2024 to allow for the additional continuance.

This item was noticed again for the October 23, 2024 Planning Commission hearing.

## **DISCUSSION**

At the October 23, 2024 Planning Commission hearing, staff provided a presentation on the project followed by a presentation from the applicant. The staff report is included as Attachment 2. Since the previous Planning Commission hearing, the applicant made one change to the project in that the diesel backup generator was removed and replaced by a battery cabinet. The applicant presented information on the additional technical studies that were completed to address previous comments, which are attached to this report as Attachments 13 to 18 respectively, and include Property Value Study, Real Estate Study, Shade Report, Revised Radio Frequency Study, and a Revised Noise Study.

There were three public speakers that spoke in opposition of the project with concerns related to pole collapse hazard, fire hazard, bringing down property values, adjacency to the Historic Pomeroy Green Townhomes, and aesthetics due to proximity to single-family residences.

The Commission then deliberated on the project, including questioning staff and the applicant on an alternative design for the site. The applicant provided an alternative design that would place three shorter monopoles in the parking lot along Benton Street, however staff did not support this design. Staff concurred by stating that it was preferable to have one monotree as visually one pole was less intrusive than three shorter monopoles. The Commission then voted to continue the item with re-noticing for the applicant to present the alternative three monopole design. The City and the applicant entered into a second tolling agreement, expiring January 15, 2025, to facilitate this additional consideration.

In response, the applicant provided a second development plan and visual simulations (Attachments 5 and 6) for the alternative three monopole design. This design includes three poles at 42'-6" in height that include light fixtures attached to each pole at 27'-4" in height and the antennas and other ancillary equipment attached near the top each pole. Each of the poles, located within the eastern parking lot will be located 84'-2" apart from each other and all three poles would be located

approximately 52' away from the property line adjoining single-family residences and approximately 42' away from the Benton Street right-of-way and 57'-6" away from the Moraga Street right-of-way. The location of the equipment area would remain the same as the original alternative.

An analysis of the monotree design, General Plan, and Zoning Conformance can be found in the staff reports for the August 21 and October 23, 2024 Planning Commission hearings (Attachment 1 and 2). Staff determined that the monotree proposal is consistent with the General Plan policies and Zoning Ordinance and meets the height requirements of the Zoning.

The three-monopole proposal is also consistent with the following General Plan General Land Use and Energy Policies in that the design will still increase coverage for AT&T customers in this network area thereby expanding the existing network and improving call quality, signal strength, and wireless connection services in the City.

- 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 zoning designation for the project site is Public / Quasi Public (PQP). 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.

Staff determines that all the above findings can be made for the revised three-monopole project just as determined for the monotree project as detailed in Attachment 10 - Resolution to Approve the Conditional Use Permit - 3 Pole Design. However, the monotree design is still preferable as it is designed to blend in with the existing surrounding trees compared with the three-monopole design where there would be no visual screening provided in the parking lot.

### **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**

Public contact was made by posting the Planning Commission agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) or at the public information desk at any City of Santa Clara public library.

On November 21, 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 eight public comments in opposition to the proposed project which has been compiled in Attachment 19 Correspondence.

### **ALTERNATIVES**

1. **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.
2. **Adopt** a Resolution to approve a Conditional Use Permit for a new unmanned AT&T wireless telecommunication facility with the installation of three, 42'-6" monopoles 3111 Benton Street, subject to findings and conditions of approval.
3. **Disapprove** the Conditional Use Permit and make specific findings as to the basis for disapproval.

### **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.

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Afshan Hamid, Community Development Department Director

### **ATTACHMENTS**

1. August 21, 2024 Planning Commission Staff Report
2. October 23, 2024 Planning Commission Staff Report
3. Development Plans - Monotree
4. Visual Simulations - Monotree
5. Development Plans - 3 Monopoles
6. Visual Simulations - 3 Monopoles
7. Letter of Justification
8. Resolution to Approve the Conditional Use Permit - Monotree
9. Conditions of Approval - Monotree
10. Resolution to Approve the Conditional Use Permit - 3 Pole Design
11. Conditions of Approval - 3 Pole Design
12. Coverage Map
13. Property Value Study
14. Real Estate Study
15. Shade Report
16. Radio Frequency Study - Monotree
17. Radio Frequency Study - 3 Pole Design
18. Noise Study
19. Correspondence