



Agenda Report

21-26

Agenda Date: 1/27/2021

REPORT TO PLANNING COMMISSION

SUBJECT

Action on a Use Permit for a new unmanned telecommunication facility with a 70-foot-tall monopine (Verizon Wireless) at 0 Richard Avenue

REPORT IN BRIEF

Project: Use Permit to allow a new telecommunication facility

Applicant: Christopher Fowler, On Air, LLC

Owner: Mario Ravizza

General Plan: Low Intensity Office/R&D

Zoning: Light Industrial (ML)

Site Area: 5,796 square feet (0.133 acres)

Existing Site Conditions: Empty lot

Surrounding Land Uses

North: Industrial uses

South: Industrial uses

East: Industrial uses

West: Industrial uses

Staff Recommendation: Adopt the resolution approving the Use Permit, subject to conditions of approval.

BACKGROUND

On January 24, 2020, the applicant, Christopher Fowler, applied for a Use Permit for a new unmanned telecommunication facility use at 0 Richard Avenue. The property totals approximately 5,796 square feet (0.133 acres) and is currently an unused, empty lot. The subject new telecommunication facility would include a Verizon Wireless 70-foot-tall monopine.

The project site is located on the northeast corner of the intersection of Richard Avenue and Memorex Drive. The property is surrounded by industrial warehouse and office uses. The site is zoned Light Industrial (ML) and the General Plan land use designation is Low Intensity Office/R&D.

DISCUSSION

The proposed new unmanned telecommunication facility would include the installation of a Verizon Wireless 70-foot-tall monopine. The proposed monopole will be equipped with nine antennas, nine RRU units, and a 35 KW gas generator on a 605 square foot lease area enclosed by a six-foot chain-link fence with green privacy slats. There is also a proposed secondary box for power with a traffic rated lid provided by SVP.

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."

General Plan Conformance

The subject property has a General Plan designation of Low Intensity Office/R&D.

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

- 5.3.1-P16 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-P8 Maintain the City's level of service for high quality utilities and telecommunications infrastructure.

Zoning Conformance

The project site is zoned Light Industrial (ML) and the use of antenna is an ancillary use in this zoning district, subject to the approval of a Use Permit by the Planning Commission. Pursuant to section 18.64.010(a) of the Santa Clara City Code, the Code's height limitations do not apply to antennas.

Parking

This project meets the intent and purpose of City Code Section 18.74.020, Required Off-Street Parking, for public utility service uses. The project proposes a parking area on-site dedicated to the use of the Verizon Wireless technician and the temporary generator.

Conclusion

The proposal is consistent with the General Plan policies and zoning ordinance, and is exempt from 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 January 14, 2021, a notice of public hearing of this item was posted in three conspicuous locations within 300 feet of the project site and mailed to property owners within 300 feet of the project site. Planning Staff has not received public comments for this application.

RECOMMENDATION

Adopt a Resolution to Approve a Use Permit to allow a new telecommunication facility at 0 Richard Avenue, subject to conditions of approval.

Prepared by: Tiffany Vien, Assistant Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Planning Manager

ATTACHMENTS

1. Resolution
2. Development Plans
3. Conditions of Approval