



Agenda Report

19-838

Agenda Date: 8/20/2019

REPORT TO CITY COUNCIL

SUBJECT

Action on a Request for a Special Permit to Allow Continued Use of a Temporary Wireless Telecommunications Cellular on Wheels (COW) Antenna Located at 200 N. Winchester Boulevard through July 17, 2020 (File No PLN2019-13934)

BACKGROUND

The applicant, Dan Burke, is requesting an extension of the Special Permit to allow continued use of the Cellular on Wheels (COW) at 200 N. Winchester Boulevard, in the Walgreens parking lot. The temporary COW was previously permitted to replace a building mounted antenna that was displaced by construction on the adjacent property (100 N. Winchester Boulevard). The temporary COW would be in place during the final phase of construction for two new buildings on the adjacent property to the south at 100 N. Winchester Boulevard, anticipated to extend through July 2020.

The proposed COW location is adjacent to multi-family residential uses to the west. Commercial uses are located to the north across Hedding Street. Commercial and multi-family residential uses are located to the east across Winchester Boulevard. The site to the south at 100 N. Winchester Boulevard is under construction for the development of multi-family senior residential uses.

DISCUSSION

The primary issues associated with temporary placement of the COW within a commercial parking lot are the displacement of parking, land use compatibility and the intent that the COW be a temporary use. Previously, on July 11, 2017 the City Council approved a Special Permit for the placement of the COW at 200 N. Winchester Boulevard site during demolition and construction activities at 100 N. Winchester Boulevard with the expectation that construction would be completed by July 2019. The applicant, however, has indicated that additional time is necessary due to delays in the construction of the associated adjacent project and has requested a one-year extension until July 2020.

Parking

Walgreens is a 14,566 square foot retail building and, as a retail use, is required to provide 73 parking spaces according to the Zoning Code. The parking lot has a total of 67 parking spaces and is therefore deficient by six parking spaces from the Zoning Code standard. The placement of the COW and antenna temporarily reduces the number of parking spaces by five spaces, resulting in a total of 62 parking spaces available on site and therefore a temporary deficiency of 11 spaces compared to the Zoning Code standard. However, based on an analysis prepared by a third-party transportation consultant, the Walgreens parking lot has an excess number of parking spaces relative to the actual demand generated by the use. The consultant, Hexagon Transportation Consultants, prepared a parking occupancy survey for the Walgreens parking lot to identify the potential peak parking demands for Walgreens employees and customers. The parking analysis determined that the Walgreens parking lot has a maximum utilization rate of available parking of only 49 percent on

weekends and 29 percent during weekday business hours. Based on this documented low level of usage, staff concludes that the temporary use of five spaces for the COW would not create a parking impact to the surrounding area.

Timing

During the construction phase, the COW would remain on-site at 200 N. Winchester Boulevard until the completion of the construction, or for a maximum of one year following approval of this permit, whichever occurs first. The applicants have indicated that they would like to pursue a permanent antenna installation on the rooftop of the newly constructed buildings at 100 N. Winchester Boulevard and so it is reasonably expected that the COW will be temporary. Furthermore, if the COW is not removed in July 2020 as proposed, the applicant would be in violation of the proposed Permit conditions.

Land Use Compatibility

The temporary installation of the COW is considered compatible with commercial uses, such as the Walgreens facility, as long as it does not interfere with the operation of the commercial use in conformance with the City's Zoning Code or create an impact on nearby properties. Cellular antenna installations may also be considered on multi-family residential uses such as those adjacent to the project site, so it is reasonable to conclude that this is a compatible land use. The City has not received opposition or complaints from nearby residents, including the adjacent Santana Park apartments, during the past public hearing process for the temporary COW or since its installation approximately two years ago.

Draft Permit and Conditions

The attached draft permit articulates the required findings that the City Council must make to approve the subject request, along with a series of draft conditions of approval.

Approval of the Special Permit is subject to the following conditions:

1. This Special Permit shall be valid through July 17, 2020, until such time that the construction of the two new buildings is complete, or until such time that any portion of the newly constructed buildings is occupied, whichever is sooner;
2. A COW shall not operate at 100 N. Winchester while a COW is in operation at the subject site (200 North Winchester);
3. The applicant shall comply with all Zoning Ordinance regulations regarding temporary and permanent structures and obtain all necessary Building and/or Fire Department permits;
4. The applicant shall comply with Fire Department directives and requirements;
5. No other structures shall be erected in conjunction with this Special Permit;
6. The use shall be conducted in a manner that does not create a public or private nuisance;
7. This Special Permit is subject to revocation by the City Council for violation of any of its conditions of approval;
8. This Special Permit shall be null and void and may not be extended after the permit has expired; and
9. Upon expiration of the Special Permit, the COW shall be removed from the site, and the site shall be cleaned and returned to its original state.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

There is no cost to the City other than administrative staff time and expense.

COORDINATION

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

PUBLIC CONTACT

Public contact was made by posting the Council 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.

RECOMMENDATION

Approve the request for a Special Permit to allow for continued use of a temporary wireless telecommunication cellular on wheels (COW) antenna located at 200 N. Winchester Boulevard from July 17, 2019 through July 17, 2020, File No PLN2019-13939, subject to conditions.

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Planning Application