



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

SUBJECT: SEE BELOW

FROM: Planning Commission

DATE: September 3, 2024

COUNCIL DISTRICT: 7

SUBJECT: File Nos. PDC24-036, PD23-013 & ER23-141. Rezoning From an LI(PD) Planned Development Zoning District to a New LI(PD) Planned Development Zoning District on an Approximately 9.8-Gross-Acre Site, Approximately 250 Feet Southerly of the Intersection of South King Road and Barberry Lane (2905-2919 South King Road) and a Planned Development Permit to Allow the Construction of a 55-Foot-High Monopole Telecommunication Tower With 15 Wireless Communication Antennas and Associated Ground Equipment on an Approximately 4.93-Gross-Acre Site Located on the Westerly Side of South King Road, Approximately 250 Feet Southerly of the Intersection of South King Road and Barberry Lane (2919 South King Road)

RECOMMENDATION

The Planning Commission voted 7-1-1 (Barocio against, Bickford absent) to recommend that the City Council take the following action:

1. Adopt an Ordinance rezoning the Project Site from an LI(PD) Planned Development Zoning District to a new LI(PD) Planned Development Zoning District on an approximately 9.8-gross-acre site; and
2. Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the construction of a 55-foot-high monopole telecommunication tower with 15 wireless communication antennas and associated ground equipment on an approximately 4.93-gross-acre site located on the westerly side of South King Road, approximately 250 feet southerly of the intersection of South King Road and Barberry Lane (2919 South King Road).

SUMMARY AND OUTCOME

If the City Council approves the actions listed above as recommended by the Planning Commission, the 9.8-gross-acre site on the westerly side of South King Road, approximately 250 feet southerly of the intersection of South King Road and Barberry

Lane (2905-2919 South King Road), would be rezoned from its current LI(PD) Planned Development Zoning District to a new LI(PD) Planned Development Zoning District. Additionally, the project applicant will be able to move forward with the process to construct a 55-foot-high monopole with 15 wireless communication antennas and associated ground equipment on a 4.93-gross-acre lot (2919 South King Road).

BACKGROUND

On August 14, 2024, the Planning Commission held a Public Hearing to consider the CEQA exemption, Planned Development Rezoning, and Planned Development Permit.

This item was pulled from the Planning Commission's consent calendar and moved to the public hearing portion of the agenda. Vice Chair Cantrell made a motion to approve the recommendation. Commissioner Oliverio seconded the motion. The motion passed 7-1-1 (Barocio against, Bickford absent). The Planning Commission recommended that the City Council consider the CEQA exemption, Planned Development Rezoning, and Planned Development Permit.

ANALYSIS

Analysis of project impacts pursuant to CEQA, the Planned Development Rezoning, and the Planned Development Permit, including conformance with the General Plan, Municipal Code, and City Council policies, is contained in the attached staff report.

The recommendation in this memo has no effect on any Climate Smart San José energy, water, or mobility goals.

EVALUATION AND FOLLOW-UP

The City Council is the final decision-making body for this rezoning and permit application. The City Council has the option to approve, deny, or defer the project to a later City Council meeting. If denied, the zoning of the parcel keep its current LI(PD) Planned Development Zoning, and the applicant would not be able to proceed with the process to construct a 55-foot-high monopole with 15 wireless communication antennas and associated ground equipment. If approved, the subject site would be rezoned to a new LI(PD) Planned Development Zoning District and the applicant would be able to proceed with the proposed project. The rezoning would become effective 30 days after a second reading of the rezoning ordinance at a subsequent City Council meeting.

COORDINATION

The preparation of this memorandum has been coordinated with the City Attorney's Office.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the September 24, 2024 City Council meeting.

Additionally, staff followed [Council Policy 6-30: Public Outreach Policy](#) in order to inform the public of the proposed project. On-site signs were posted at the project frontages on May 14, 2024. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. Additionally, a notice of the public hearing was posted in a newspaper of record (San José Post Record) on July 25, 2024. The staff report is also posted on the City's website. Staff has also been available to respond to questions from the public.

A petition against the project was received on August 12, 2024, and attached to the Planning Commission staff report as comments submitted after posting. The petition voices concern about health risks associated with exposure to wireless emissions, negative impact on property values, and negative impact on the community (specifically the precedent-setting nature of a wireless antenna). As mentioned in the CEQA section of the Planning Commission staff report, the City is unable to deny a project based on the environmental effects of radio frequency ("RF") emissions per the Telecommunications Act of 1996, a federal law. Specifically, the City cannot regulate RF emissions so long as the use is allowed and FCC standards are met. However, per the Evaluation and Follow-Up section above, the Council must first approve a rezoning to allow the wireless communications use on the parcel for the construction of the monopole to go forward.

COMMISSION RECOMMENDATION AND INPUT

During the consent calendar portion of the hearing, a member of the public spoke against the project on behalf of the neighborhood because the project is too close to the homes, concerns over health effects, lowering of property values, and the aesthetics of the monopole. Specifically, he stated that the location is unreasonably close to the residential area and would like to stop construction or move the project to another area. He also presented the petition mentioned in the Public Outreach section to staff.

Vice Chair Cantrell requested that the item be placed on the public hearing portion of the agenda. The Public Hearing, proceeded as follows:

Staff Presentation

Jason Lee, staff planner, provided an oral presentation on the proposed project. The presentation included an overview of the proposed changes between the current and proposed Planned Development Zoning Districts, a description of the site, and conformance with development standards, City Council Development Policies regarding wireless communication facilities and public outreach, and project compliance with the CEQA, specifically including compliance with standards on setback to residential uses, height, and discussion of the Alternative Site Analysis. Staff noted that the presented petition was the same as the one e-mailed on August 12 and sent to Commissioners on August 13, 2024.

Applicant Presentation

The applicant, Eric Lentz, representing AT&T, noted that this application was first submitted as a Planned Development Permit with a 50-foot tower and is now proceeding with a 55-foot faux-tree monopine design, with the five additional feet for faux branches. He stated that the Light Industrial Zoning District typically allows wireless uses, but when the previous Planned Development Zoning was approved, it restricted the uses to only self-storage and associated uses and did not specify wireless uses; however, the adjacent vacant parcel does allow wireless uses. Mr. Lentz then introduced David Witkowski, CEO of an engineering consulting firm, as an expert on RF emissions.

Mr. Witkowski stated that his company reviewed a third-party electromagnetic report prepared for the project and found no concerns with the project related to the concerns included in the petition. He stated that the site is within the FCC's guidelines for public exposure, as the level is at 83.82% of the allowed public limit on the nearest rooftop and 19.11% on the ground, and therefore, the site complies with the FCC guidelines for safety and exposure. He confirmed that there are buildings close to the proposed monopine site but stated that the amount of power, the pattern of the antennas, and the direction of the RF energy are also important and found no concerns. He then stated that a study in 2011 that studied 11 million real estate transactions found no adverse impacts to property valuation and positive valuation impacts in some regions of California.

Public Hearing

Chair Tordillos opened the public comment portion of the agenda.

One additional member of the public spoke on the project. He stated he was concerned about the location of the tower and distance from his house because of health issues. Specifically, he stated that a member of his household has a pacemaker, and he read online that radiation can interfere with pacemakers, including the rhythm of the pacemaker, which could cause health issues. Additionally, he stated he was concerned

about health issues for children and that house values in the area would decrease. He also spoke to the petition opposing the cell tower and said that they do not want a cell tower within a radius close to their houses.

Mr. Lentz stated that he was available to answer further questions, and Mr. Witkowski stated that he had no further comments.

Patrick Kelly, Supervising Planner, stated that he wanted to remind commissioners that the staff report mentions that the FCC prohibits cities from denying cell tower requests on the basis of RF emissions.

Daniel Zazueta of the City Attorney's Office stated that he wanted to echo staff's comments that RF emissions are regulated by the federal government by the Federal Communications Commission, the body in charge of regulating RF emissions and that local governments do not have authority or jurisdiction to weigh in on RF emissions and anything associated with the emissions as long as there is an RF report that complies with the guidelines and standards set forth by the FCC. He stated that there is not much that the Planning Commission can do about RF emissions related to cell tower requests.

Commissioner Discussion

Commissioner Rosario stated that there was an in-depth discussion regarding RF emissions at the last Planning Commission meeting and that RF emissions are not within the purview of the Planning Commission. He stated that while the petition is appreciated, it is not within the power of the Commission to consider RF emissions.

Vice Chair Cantrell asked staff for renderings of what the proposed site would look like. Staff shared the visual simulations on the screen of the chambers.

Vice Chair Cantrell then asked Mr. Witkowski about the economic review mentioned in the applicant's presentation and asked if it took into account the visual aspects of the towers. Mr. Witkowski clarified that visual aspects are considered in the sense that buyers would factor in how it matches the area's aesthetics, but it was not specifically called out in the study. He stated that there was either no significant economically significant impact or in some cases, economically significant increases in homes near wireless towers because of the functionality of better wireless connectivity. Vice Chair Cantrell stated that no other trees of significant size were nearby, so the cell tower would seem like an anomaly. However, from the renderings, he may notice it as an anomaly but would not be bothered by it.

Vice Chair Cantrell then motioned to approve the staff recommendation, seconded by Commissioner Oliverio.

Commissioner Oliverio stated that Mr. Zazueta covered most of his comments and that based on the visual simulations, the overhead electric power lines were more unsightly than the faux tree.

Commissioner Barocio asked Mr. Zazueta if the Commission could deny the project for other factors other than RF emissions. Mr. Zazueta replied that they could.

Commissioner Young thanked the residents for their work in compiling the petition and assured them that the petition and information were included in the Commissioners' packet and reviewed prior to the meeting. He stated that he wanted to ensure that the residents understood that the Commission was addressing their concerns and that they understood the concerns about a new antenna in their neighborhood.

Commissioner Young then stated that regarding the concern about property values, the site is a mini-storage site, which is not the most scenic of neighbors, so he believes that putting a monopine in the middle of that site would not cause any problems and that the monopine design looks like a tree, as seen in the visual simulations.

Commissioner Young further stated that in acknowledging the residents' concerns, he did some research and found the information to support Mr. Witkowski. Specifically, he stated that the majority of scientific studies have not found a consistent link between RF radiation and adverse health effects and that while RF radiation is classified as possibly carcinogenic to humans, this is due to limited evidence from human studies and less than sufficient evidence from animal studies. He further stated that large-scale epidemiological studies have not found an increase in the risk of cancer in populations living near cell phone towers and that there was no proven evidence of harm for other health effects such as headaches, sleep disturbance, or cognitive effects. He acknowledged the residents' concerns and said that he had considered and looked into them. He also stated that the Commission had considered a number of cell towers and was familiar with them.

Finally, Commissioner Young stated that there are some advantages to living near a cell tower, namely the improvement of cell coverage in the surrounding neighborhood, and poor cell coverage can be a safety issue. He also stated that when cell towers are added or improved, it increases public safety because cell coverage is very important for police and fire, so the more coverage and robust the antennas are, the better for public safety.

Commissioner Lardinois asked if the City requires that monopoles be dressed as monopines in certain circumstances or if that is a choice for the applicant. Staff responded that there is no requirement for a monopine but that the Wireless Communications Facilities policy requires analysis of the visual impact of a project. Specifically, freestanding monopoles should be located and designed to minimize public visibility and stealth pole designs should be utilized. This is not required because the

policy says “should” not “shall,” but the staff encourages stealth design such as faux trees or light poles instead of an unshielded monopole.

Commissioner Lardinois then thanked the members of the public for their advocacy and speaking on the project. He stated that there are many monopines in the City and that

this is essential communications infrastructure in the modern world. He called out that the petition requested the monopole be placed no closer than 2,000 feet from residences and stated that as the City has a lot of residences, following this suggestion would mean that many residences would be many miles from the nearest cell tower, which would not provide sufficient communications infrastructure. He stated that it is important to have wireless communications infrastructure throughout the city and that there are federal regulations regarding health and safety impacts, so while consideration of health and safety from RF emissions is not part of the local approval process, it is taken seriously and regulated at a different level of government.

Vice Chair Cantrell stated that when citizens have something to say, they should always be heard and that the item was removed from the Consent Calendar specifically to hear the residents’ voices. He said that he hopes that at a minimum, the Commission demonstrated the seriousness by which concerns are taken and their willingness to always listen, despite the outcome.

Chair Tordillos called for a roll call vote on Vice Chair Cantrell’s motion. The motion passed 7-1-1 (Barocio against, Bickford absent) to recommend that the City Council consider the exemption and approve the Planned Development Zoning and Planned Development Permit.

CEQA

Under the provisions of Section 15303 of the CEQA Guidelines, the Planned Development Zoning and associated Planned Development Permit are exempt from the environmental review requirements of Title 21 of the San José Municipal Code. Standard Permit Conditions are also required to ensure no impacts occur during the construction and operation of the project. These Standard Permit Conditions include best management practices for construction-related air quality impacts, protection of unknown subsurface cultural resources and human remains, water quality impacts during construction, and best management practices to control noise during construction.

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City’s Open Government Resolution.

HONORABLE MAYOR AND CITY COUNCIL
September 9, 2024
Subject: File Nos. PDC24-036 and PD23-013
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/s/
CHRIS BURTON
Secretary, Planning Commission

For questions, please contact the Division Manager of the Planning Division's Development Review Team, John Tu, at (408) 535-6818.

ATTACHMENT: Planning Commission Staff Report



Memorandum

TO: PLANNING COMMISSION

FROM: Christopher Burton

SUBJECT: PDC24-036, PD23-013, & ER23-141

DATE: August 14, 2024

COUNCIL DISTRICT: 7

Type of Permit	Planned Development Zoning and Planned Development Permit
Location	West side of South King Road, approximately 250 feet southerly of the intersection of South King Road and Barberry Lane (2905-2919 South King Road)
Assessor Parcel No.	670-12-014 (Zoning & Permit) and 670-12-015 (Zoning only)
General Plan	Light Industrial
Growth Area	None
Zoning District – Existing	LI(PD) Planned Development
Zoning District – Proposed	LI(PD) Planned Development
Historic Resource	None
Annexation Date	April 19, 1962 (King No. 2) and July 21, 1970 (King No. 4A)
Council District	7
Acreage	9.8 gross acres
Demolition	None
Proposed Land Uses	Monopine (wireless communication facility)
New Residential Units	None
New Square Footage	None
Additional Policy Review Items	Council Policy 6-20: Land Use Policy for Wireless Communication Facilities
Tree Removals	None
Project Planner	Jason Lee
CEQA Clearance	Exemption per CEQA Guidelines Section 15303
CEQA Planner	N/A

RECOMMENDATION

Staff recommends that the Planning Commission recommend the City Council take all of the following actions regarding the project site located on the westerly side of South King Road, approximately 250 feet southerly of the intersection of South King Road and Barberry Lane (2905-2919 South King Road):

1. Consider a categorical exemption in accordance with CEQA Guidelines Section 15303 for Construction of Small Structures; and
2. Adopt an Ordinance rezoning the Project Site from an LI(PD) Planned Development Zoning District to a new LI(PD) Planned Development Zoning District on an approximately 9.8-gross-acre site; and

3. Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the construction of a 55-foot-high monopole telecommunication tower with 15 wireless communication antennas and associated ground equipment on an approximately 4.93-gross-acre site located on the westerly side of South King Road, approximately 250 feet southerly of the intersection of South King Road and Barberry Lane (2919 South King Road).

PROJECT SETTING AND BACKGROUND

As shown on the attached Aerial Map (Exhibit A), the project site is located on the west side of South King Road, approximately 250 feet southerly of the intersection of South King Road and Barberry Lane, on an approximately 9.8-gross-acre site. The project site includes two parcels fronting on South King Road, one occupied by a self-storage facility (rear parcel, with frontage access to South King Road), and the other vacant (front parcel). The proposed monopole is within the self-storage facility parcel. The project site is surrounded by single-family residences to the north, east across South King Road, west and southwest, and borders a corporation yard and hardware store/rockery to the south.

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Residential Neighborhood	R-1-8 Single Family Residence	Single-family residences
East	Residential Neighborhood	R-1-8 Single Family Residence & A(PD) Planned Development (PDC77-120)	Single-family residences
South	Residential Neighborhood & Industrial Park	R-1-8 Single-Family Residence, A(PD) Planned Development (PDC80-113), & IP Industrial Park	Single-family residences, corporation yard, and hardware store/rockery
West	Residential Neighborhood	R-1-8 Single-Family Residence & A(PD) Planned Development (PDC00-081)	Single-family residences

On July 21, 2023, the applicant, Eric Lentz, for AT&T Mobility, submitted a Planned Development Permit application (File No. PD23-013) to allow a 55-foot-tall monopole telecommunication tower (monopine) with 15 wireless communication antennas and associated ground equipment within two existing storage units, on an approximately 4.93-gross-acre site at 2919 South King Road. The property is owned by San Jose Storage Owner LLC and leased by AT&T Mobility. As wireless communication antennas are not an allowed use in the existing Planned Development Zoning District (File No. PDC16-037), the applicant applied for a Planned Development Zoning (File No. PDC24-036) on March 15, 2024, to be effected across the entirety of the approximately 9.8-gross-acre Planned Development Zoning District, including property owned by San Jose Storage Owner LLC and King XC, LLC, to allow this use.

The proposed changes between PDC16-037 and PDC24-036 are to the General Development Plan's development standards and allowed uses only. No changes are proposed for the permitted uses of Area 1, the current vacant lot. For Area 2, the self-storage parcel, wireless communication antennas and stand-by/backup facilities (generators), consistent with the LI Light Industrial Zoning District, as amended, are proposed as allowable uses. Other minor technical changes are proposed to the zoning, including adding "as amended" to the development regulations, setback regulations, and performance standards of Chapter 20.50, and adding "as amended" to the off-street parking section to align with the parking requirements of the municipal code when any new project application is submitted within the zoning district.

ANALYSIS

The proposed Planned Development Zoning and Planned Development Permit have been analyzed with respect to conformance with:

1. Envision San José 2040 General Plan
2. Municipal Code – Zoning Ordinance
3. City Council Policies, including Council Policy 6-20: Land Use Policy for Wireless Communication Facilities
4. California Environmental Quality Act (CEQA)

Envision San José 2040 General Plan Conformance

Land Use Designation

As shown in the attached General Plan Map (Exhibit B), the project site has an Envision San José 2040 General Plan Land Use/Transportation Diagram designation of Light Industrial. This designation is intended for a wide variety of industrial uses and excludes uses with unmitigated hazardous or nuisance effects. Warehousing, wholesaling, and light manufacturing are examples of typical uses in this designation.

Analysis: Both the existing self-storage use (warehousing) and the new monopole use are allowed as primary uses within the Light Industrial designation. The monopole would provide public services (telecommunications) to the surrounding area and is considered an additional use on the site, as the self-storage and monopole are not related to one another. However, both uses conform with the Light Industrial land use designation.

Additionally, the project conforms to the following General Plan policies:

Telecommunications Policy IN-6.1: Work with service providers to ensure access to and availability of a wide range of state-of-the-art telecommunication systems and services for households, businesses, institutions, and public agencies throughout the city.

Analysis: The project includes the construction of an approximately 55-foot-tall monopole, which would expand coverage across the area. The new monopole would improve cell coverage available to households, businesses, institutions, and public agencies in the surrounding area by creating a new service site and providing the necessary infrastructure to meet the demand for wireless service in the area.

Implementation Policy IP-8.5: Use the Planned Development zoning process to tailor such regulations as allowed uses, site intensities and development standards to a particular site for which, because of unique circumstances, a Planned Development zoning process will better conform to Envision General Plan goals and policies than may be practical through implementation of a conventional Zoning District. These development standards and other site design issues implement the design standards set forth in the Envision General Plan and design guidelines adopted by the City Council. The second phase of this process, the Planned Development permit, is a combined site/architectural permit and conditional use permit which implements the approved Planned Development zoning on the property.

Analysis: The Planned Development zoning process was previously used to tailor the uses on the rear parcel, adjacent to single-family homes, to a self-storage facility only to maintain a non-obtrusive and compatible Light Industrial use on the site. This Planned Development zoning process adds similar non-obtrusive and compatible uses, including wireless communication antennas and stand-by/backup generators, to continue limiting the parcel only to uses compatible with the surrounding single-family neighborhood. A Planned Development permit for the monopole is proposed to effectuate this new Planned Development zone.

Municipal Code Conformance

This project includes a rezoning from an LI(PD) Planned Development Zoning District to a new LI(PD) Planned Development Zoning District (Exhibit C) to allow wireless communication facility uses, and the Planned Development Permit that would implement the new LI(PD) zoning. Such a rezoning is consistent

with Chapter 20.60 of the San José Municipal Code, which provides for the rezoning of property to Planned Development districts and implementation of such zonings through Planned Development Permits consistent with the General Development Plan of the Planned Development Zoning District.

The Planned Development Permit for the monopole is evaluated below based on the proposed LI(PD) Zoning District. Aside from the land use and parking requirements, all standards are the same between the proposed and current LI(PD) Zoning Districts.

Land Use

The permitted uses of Area 2 of the Planned Development Zoning District (coterminous with the project site) include all the wireless communication antennas listed in Table 20-110 of [Section 20.50.100](#), as amended, for the LI Light Industrial Zoning District. As a new monopole requires a Conditional Use Permit in the LI Zoning District, the proposed monopole would require a Planned Development Permit in the proposed LI(PD) Zoning District. No backup generator is included in this application.

Setbacks

Setback	LI(PD) Requirement	Project
Exterior, Residential (Towers Lane)	0 feet	64 feet
Exterior, Residential (Camarena Place)	0 feet	93.5 feet
Exterior, Residential (Barrow Court)	0 feet	458 feet
Interior (east)	0 feet	165 feet

Analysis: As outlined in the table above, the monopole is consistent with the setback requirements for exterior property lines abutting residential uses and interior property lines of the LI(PD) Planned Development Zoning District. As discussed in the [Council Policy 6-20](#) section below, the monopole must be set back at least its height (55 feet in this case) from the property line as per the Wireless Communications Policy, notwithstanding the requirements of the Planned Development Zoning District. The existing zero-foot setbacks accommodate the existing self-storage buildings adjacent to the current residential property lines.

Height

The LI(PD) Planned Development Zoning District's maximum height refers to Part 3 of Chapter 20.50. Pursuant to Table 20-120 of [Section 20.50.200](#) of the Municipal Code, the maximum allowed height of the LI Light Industrial Zoning District is 50 feet. [Section 20.85.040](#) provides for structural height exceptions to allow up to 17 additional feet above the zoning district height limitation for structures, including for screening and stealthing purposes.

Analysis: The monopole is 50 feet, which complies with the San José Municipal Code. However, there is an additional five feet of screening above the monopole. The screening is comprised of faux tree branches and is intended to look like the crown of a tree. The additional height is needed to complete the monopine because the antennas are approximately 18 feet wide at 50 feet in height; therefore, not extending the faux branches above 50 feet would make the monopine appear to be a topped tree.

Section 20.85.040 allows this additional height so long as the structure is not in the airport influence area, the maximum roof area coverage is not over 30% of the total roof area, and the mechanical equipment and appurtenances are required for the operation and maintenance of the structure. The project is not in an airport influence area, there is no maximum roof area coverage, and the additional height is for an appurtenance required for the operation of the wireless facility, as required by Council Policy 6-20, discussed below. Therefore, the allowance applies to the screening feature, and the additional height is allowed.

Vehicle and Bicycle Parking

The Planned Development Zoning states that the minimum required parking shall conform to [Section 20.90.060](#), as amended. Section 20.90.060 no longer prescribes a minimum amount of vehicle parking. A wireless communications antenna is considered an Other Use per Table 20-190 of Section 20.90.060. Per [Section 20.90.900.B.2.d](#), no Transportation Demand Management plan is required for Other Uses under 30,000 square feet. The wireless communications antenna includes no new floor area and does not require a Transportation Demand Management plan. Any ingress, egress, and parking needed for work on or maintenance of the wireless facility is available from the parking lot for the existing storage facility.

Analysis: The project does not add any additional square footage for indoor or outdoor uses. Therefore, no new bicycle parking is required per [Section 20.90.020](#), as the project does not include new square footage or more than 5,000 square feet of outdoor uses.

Council Policy 6-20: Land Use Policy for Wireless Communication Facilities

As stated in the [City Council's Land Use Policy for Wireless Communication Facilities](#) (Council Policy 6-20), San José has a strong interest in achieving and maintaining a high level of wireless communication service availability for businesses and residents. However, visual impacts and residential interface concerns can result from the development of wireless communication facilities. The purpose of the policy is to identify criteria to minimize and appropriately locate wireless communications antenna facilities. As the project includes the issuance of a new permit, Council Policy 6-20 applies. Per the analysis below, the proposed project is consistent with the policy requirements:

1. Visual Impacts.

- a. Alternatives Analysis: Prior to the construction of a new wireless communication facility, an alternatives analysis should be prepared to identify alternatives that reduce visual impacts. An alternatives analysis should be prepared for any proposed antenna installation that does not make use of a building-mounted or structure-mounted antenna design architecturally integrated with the supporting building or structure. The alternatives analysis should identify all technically feasible potential location sites which reasonably meet the service provider's radio frequency coverage objectives, particularly building-mounted sites, within the project vicinity, provide analysis as to the feasibility of those alternatives and compare the level of visual impact with that of the proposed project. At a minimum, this analysis should identify the location of all existing monopoles within a quarter mile of the proposed site; provide an explanation of why collocation has not been proposed at each of these sites; and assess the potential for building-mounted alternatives.

Analysis: The project applicant (AT&T Mobility) prepared and submitted an Alternative Site Analysis on April 15, 2024, as the proposed monopole is new construction and does not make use of a building- or structure-mounted antenna design.

The analysis identified one existing T-Mobile lattice tower site within a quarter-mile of the proposed site, at 1801 Barberry Lane to the northeast. Collocation was not proposed at this site because it has no remaining space for additional antennas. Three other sites, 2790 South King Road, 451 Aborn Road, and 2959 South King Road, were candidate sites and a new monopole on each of these sites may have resulted in less visual impact to the surrounding neighborhood, as they are further from residential uses; however, the respective owners were not interested. The potential for building-mounted alternatives was also assessed; however, there were no opportunities for collocation or new installations at the required antenna height of 46 feet, including a potential rooftop installation site at 1685 Aborn Road, as the building heights in the area are too low. Therefore, there are no alternative sites within a quarter-mile radius of the site that would both be technically feasible to meet AT&T Mobility's coverage objectives and reduce visual impacts to the surrounding neighborhood.

- b. **Freestanding Monopoles:** Freestanding monopoles should be located and designed to minimize public visibility and "stealth" pole designs should be utilized. Ancillary equipment should be adequately screened and landscaped to minimize potential for graffiti vandalism.

Analysis: The monopole incorporates a stealth monopole design (a monopine) and is located within the interior of a self-storage site to minimize public visibility. While taller than the surrounding self-storage buildings, the monopole will appear as landscaping from the neighborhood, as demonstrated by visual simulations prepared by AdvanceSim, as the monopine design will allow the monopole to appear as a sole tree within the storage site. Ancillary equipment is at the base of the monopole within existing self-storage units. The location of the monopole decreases the potential for graffiti vandalism because it is within a secured self-storage facility.

- c. **Equipment Enclosures:** Equipment areas should be screened as appropriate based upon site conditions by new or existing landscape materials or build structures. Solid fences or walls may be required to reduce visual clutter. Equipment enclosures need to conform to the setback requirements of the underlying zoning district.

Analysis: The equipment area is within two units of a self-storage facility, and the project does not require the construction of a new equipment enclosure.

2. **Height.** Antenna installations should conform to the San José 2040 General Plan and Zoning Ordinance height restrictions.

Analysis: As discussed in the Height section above, the maximum allowed height for a structure in the proposed LI(PD) Planned Development District is 50 feet. As discussed above, this monopole is 50 feet high and includes a five-foot screening extension; therefore, the 55-foot-high monopine is consistent with this standard.

3. **Setbacks from Residential Uses.** Freestanding monopoles should be located no closer to a parcel developed for use as a single-family or multi-family residence than 35 feet or distance equal to 1 foot for every 1 foot of structure height, whichever is greater. Substantial landscaping (10 feet minimum), generally including trees, should be provided adjacent to the residential property line to buffer the adjoining residential uses.

Analysis: The monopole is located approximately 64 feet from the nearest residential uses, more than 55 feet, and separated by a self-storage building. Landscaping cannot be provided adjacent to the residential property line because these spaces are occupied by self-storage buildings; therefore, the existing buildings are an adequate buffer from the monopole to the adjoining residential uses.

4. **Performance Standards.** Antenna installations should conform to the performance standards of the underlying zoning district. In particular, associated equipment, including power-generating equipment, will need to meet the pertaining noise and air-quality standards and permitting requirements established within the City's Zoning Ordinance.

Analysis: The monopole does not include a backup generator or other noise- or emission-generating equipment or components that would affect air quality.

5. **Permit Expirations.** The City may include a time limit condition in use permits to provide for the future review of the subject antenna installation. The typical time limit duration is for a five-year period, but based upon project specific circumstances, a longer or shorter duration may be more appropriate.

Analysis: This permit includes a five-year expiration for the antenna installation pursuant to this policy.

Permit Findings

In order for this request to be approved, the Planning Commission must be able to make all required findings for a Planned Development Permit. Pursuant to San José Municipal Code [Section 20.100.940](#), staff

recommends the Planning Commission make the following findings in order to recommend approval to City Council:

1. The Planned Development Permit, as issued, is consistent with and furthers the policies of the General Plan; and

Analysis: As described above in the General Plan Conformance section, the project is consistent with the site's Light Industrial Land Use designation and Telecommunication Policy IN-6.1 regarding access and availability of telecommunications services.

2. The Planned Development Permit, as issued, conforms in all respects to the Planned Development Zoning of the property; and

Analysis: As described above, the project complies with the applicable development standards of the Planned Development Zoning. The project meets the required setbacks, height, and performance standards of the Planned Development Zoning and the Municipal Code. Specifically, the findings for additional height Section 20.85.040 can be made, and the 50-foot-high monopole is allowed to have an additional five feet for screening purposes.

3. The Planned Development Permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency; and

Analysis: As described in the council policy section above, the project is consistent with [City Council Policy 6-20](#) because an alternatives analysis was prepared, concluding that no alternative sites were available that meet the coverage requirements, and that construction of a wireless communication facility at the project site would improve the quality of wireless service coverage in the area. In addition, the project meets the requirements for height and setbacks to residential uses.

Additionally, this project complies with [Council Policy 6-30: Public Outreach Policy](#) for pending land use and development proposals and the on-site noticing/posting requirements. A project information sign was posted on-site on May 14, 2024. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site. Staff has been available to answer questions from the public.

4. The interrelationship between the orientation, location, mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on-site are appropriate, compatible and aesthetically harmonious; and

Analysis: While the monopole is taller than the surrounding self-storage buildings, it incorporates a stealth monopine design in order to be more compatible and aesthetically harmonious, as seen in the attached visual simulations from adjacent residential streets (Towers Lane, Amberly Lane, and Camarena Place), as the monopole would appear as landscaping from the neighborhood. The antennae would be visually screened by faux tree branches. The equipment enclosure is within a self-storage building and does not require changes to the building, which would remain compatible and aesthetically harmonious with the other self-storage buildings on-site.

5. The environmental impacts of the proposed project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.

Analysis: The project and associated ancillary equipment is located on an existing self-storage site, is of a stealth design appearing as a pine tree, and screened by existing buildings. Therefore, the project will not result in adverse visual impacts. Internal improvements would be required to create an equipment enclosure within a self-storage building for the project, and all construction activity and its impacts, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor, would

be temporary. Additionally, the project is exempt under CEQA per Section 15303 for New Construction or Conversion of Small Structures, as discussed in the CEQA section below.

Through the federal Telecommunications Act of 1996, all wireless telecommunications facilities require licensing by the Federal Communications Commission (FCC), which establishes radio frequency (RF) safety criteria within which the facility must operate. Cities and other local agencies are prohibited from denying wireless facilities on the basis of RF emissions.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Under the provisions of Section 15303 for New Construction of Small Structures of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Zoning Code, implementing the California Environmental Quality Act of 1970, as amended.

Class 3 Categorical Exemption consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

The project includes the construction of a new 55-foot-high wireless communications tower and an equipment enclosure within an existing self-storage building. This includes the installation of small new equipment and facilities in a small structure, specifically the self-storage building, and the construction of a new small nonresidential accessory structure, specifically the monopole. Based on the discussion and findings in the above sections, the activity is not anticipated to have a significant effect on the environment. Therefore, a CEQA exemption can be issued under Section 15303 for New Construction of Small Structures. Additionally, the project will be required to comply with all applicable Federal Communication Commission ("FCC") standards, including the Telecommunications Act of 1996 with regard to the emission of electromagnetic frequency radiation.

Telecommunications Act of 1996. This Federal law contains provisions concerning the placement of antenna structures and other facilities for use in providing personal wireless services. As required by this law, the FCC adopted guidelines for environmental RF emissions. These guidelines apply to all transmitters licensed or authorized by the FCC, including antennas licensed to wireless service providers and the cellular telephones used by subscribers to the service. The guidelines are based upon recommendations of federal agencies with expertise in health and safety issues. The FCC has created guidelines for human exposure to RF fields. Specifically, the Act states: "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 Commission's regulations concerning such emissions."

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy in order to inform the public of the proposed project. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has also been available to respond to questions from the public. To date, no comments have been received for this project.

Project Manager: Jason Lee

Approved by: /s/ John Tu, Division Manager, for Christopher Burton, Director of Planning,
Building & Code Enforcement

ATTACHMENTS:	
Exhibit A:	Aerial Map
Exhibit B:	General Plan Map
Exhibit C:	Zoning District Map (Existing and Proposed)
Exhibit D:	Draft Resolution (PD23-013)
Exhibit E:	Draft Ordinance (PDC24-036)
Exhibit F:	Planned Development Permit Plan Set (PD23-013)
Exhibit G:	Planned Development Zoning Plan Set (PDC24-036)
Exhibit H:	Alternatives Analysis
Exhibit I:	Visual Simulations
Exhibit J:	Environmental Exemption

Owner:	Applicant:	Applicant's Representative:
San Jose Storage Owner LLC c/o Clark Porter P.O. Box 2034 Santa Monica, CA 90406	AT&T Mobility 5001 Executive Parkway San Ramon, CA 94583	Eric Lentz 354 Marble Arch Avenue San José, CA 95136
King XC, LLC 3010 Old Ranch Parkway, Suite 470 Seal Beach, CA 90740		

Exhibit A: Aerial Map



Red dot indicates location of the monopole.

Exhibit B: General Plan Map

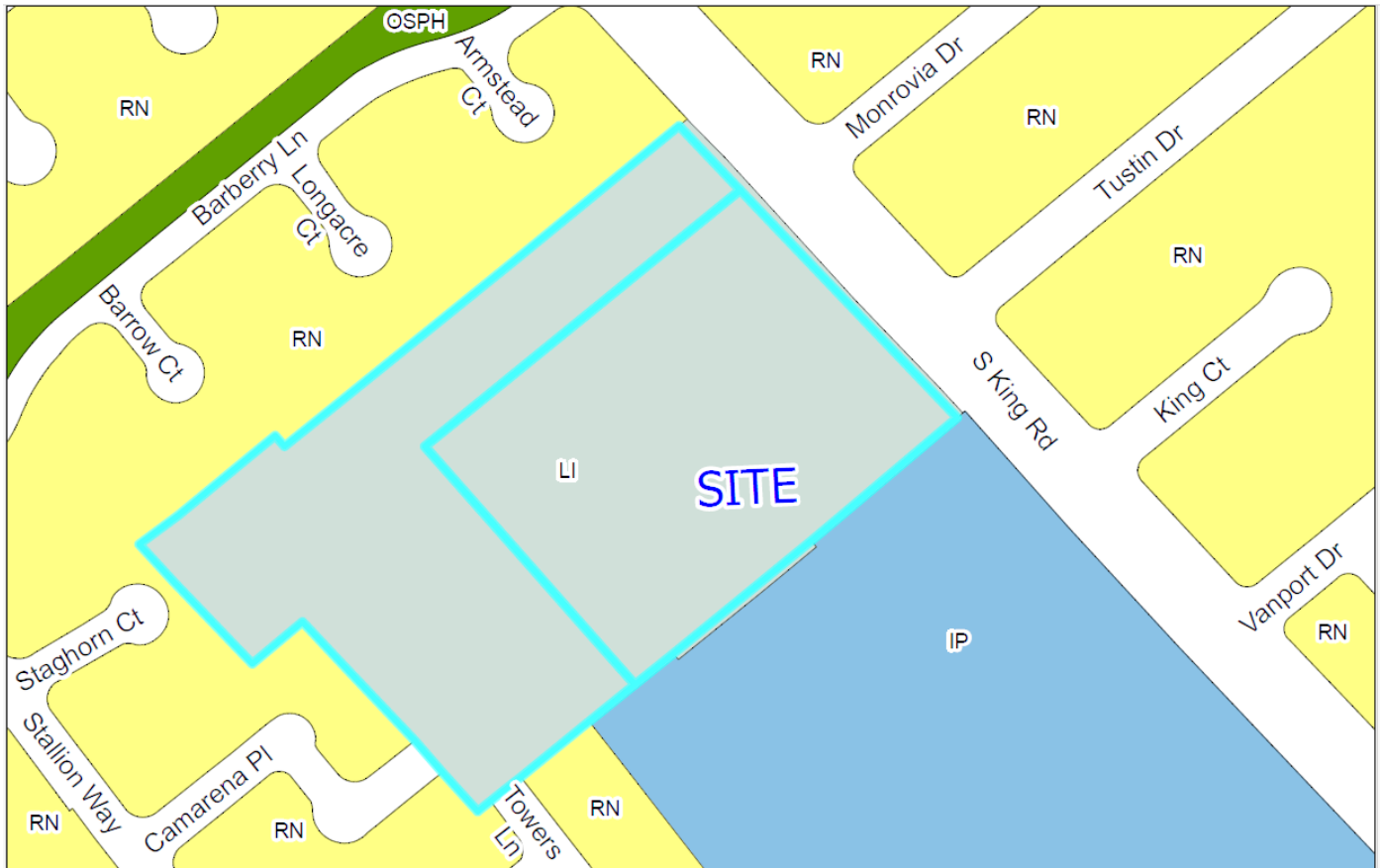
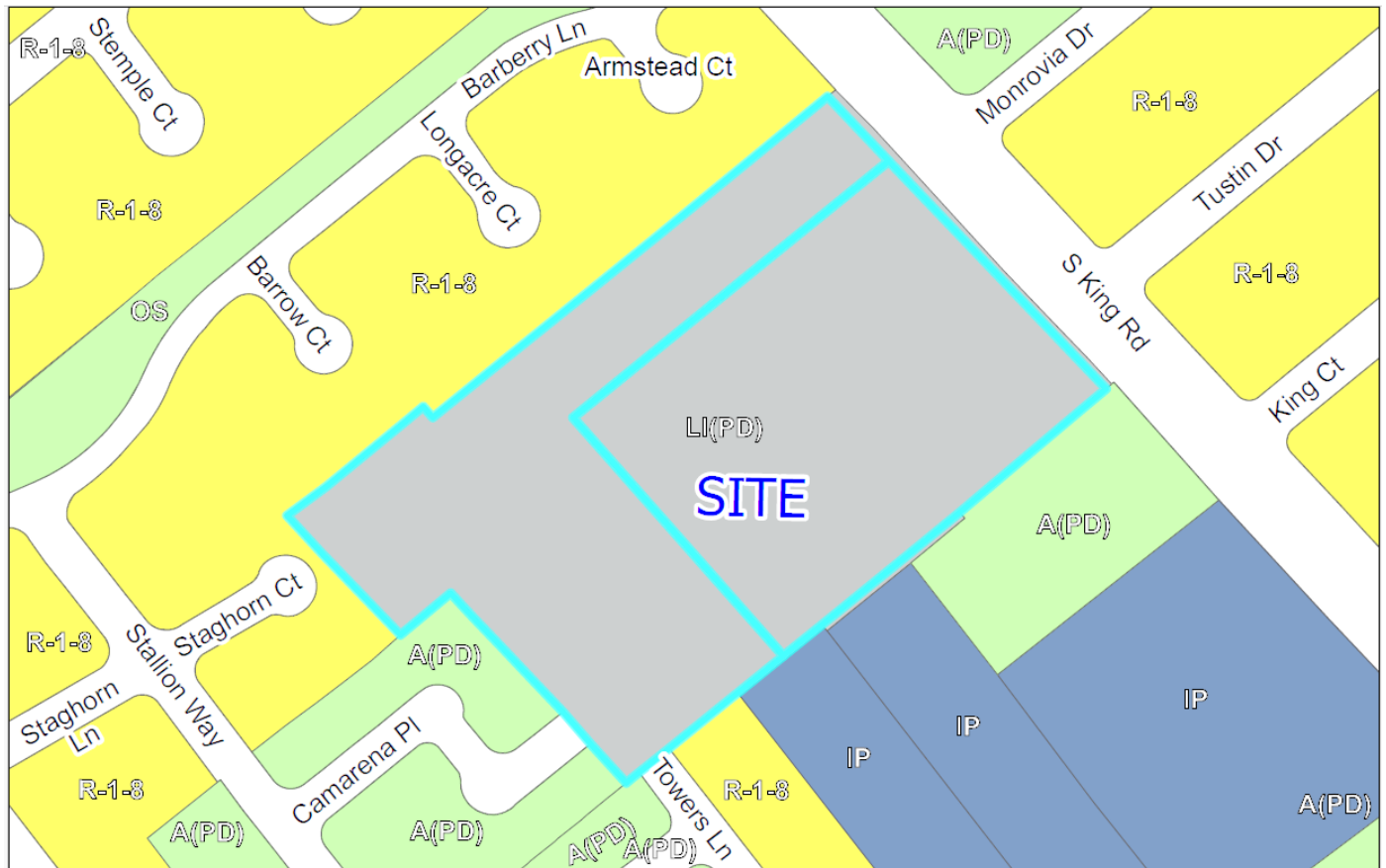


Exhibit C: Zoning District Map (Existing and Proposed)



PD23-013, PDC24-036 & ER23-141

Links to Exhibit

Click on the title to view document.

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[Correspondence Received After 8-7-2024](#)