**PLANNING COMMISSION –** *November 12, 2026*
**REQUIRED FINDINGS:**

**<u>42 Miles Avenue</u>**
**Conditional Use Permit U-26-002**

**Consider a Request for Approval of a Conditional Use Permit Application to Install a New 76-Foot-Tall Wireless Telecommunication Facility on Property Zoned R-M:5-12. APN 523-06-038. Categorically Exempt Pursuant to California Environmental Quality Act Guidelines Section 15303: New Construction or Conversion of Small Structures.**

**Property Owner: Ashley Van, Pacific Gas & Electric Company**
**Applicant: Jacob Hamilton, SBA Monarch Towers III, LLC**

**FINDINGS**

**Required Finding for CEQA:**

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.

**Required Findings for a Conditional Use Permit:**

- As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit:

  The deciding body, on the basis of the evidence submitted at the hearing, may grant a conditional use permit when specifically authorized by the provisions of the Town Code if it finds that:

  1. The proposed uses of the property are essential to the public convenience or welfare because the facility provides wireless coverage and capacity for T-Mobile customers in the Highway 17, Bell Vista, and Miles Avenue area. The applicant's coverage exhibit shows that removal of the site would reduce in-building coverage by 812 commercial and 130 residential population, and the replacement allows modern equipment that the existing pole cannot support;
  2. The proposed uses will not impair the existing uses of the zone because the facility replaces an existing wireless facility installation on a utility parcel. No new lighting, noise-generating equipment, generator, or tree removal is proposed, and the nearest residences are separated from the site by the PG&E yard and mature vegetation;
  3. The proposed uses would not be detrimental to public health, safety, or general welfare because the RF report for the project shows compliance with FCC limits, with ground-level exposure at 18.352 percent of the general population limit. The conditions require compliance with the California Building Code, signage, and ongoing RF reporting.;

4. The proposed uses of the property are in harmony with the various elements or objectives of the general plan and the purposes of this chapter because the project continues an established wireless telecommunications use at an existing utility site and replaces an exposed wood pole with a concealed design, maintaining reliable wireless communications service while minimizing visual impacts and preserving community character. Although the General Plan does not contain goals or policies that directly reference telecommunications facilities, the Town Council-adopted Telecommunications Ordinance and Standards for Wireless Telecommunications Facilities, determined to be consistent with the General Plan, provide the applicable framework for evaluating such facilities. Relevant General Plan policies and Town standards include, but are not limited to:

    - **Policy HAZ-4.9: Resilient Infrastructure**. Requires new public utilities, communication infrastructure, and transportation facilities to be located, designed, and constructed to minimize risk and maximize functionality during and after an earthquake.
    - **Policy HAZ-1.1: Emergency Preparedness Planning**. Supports coordination and planning for emergency preparedness, including communications and emergency response capabilities.
    - **Standards for Wireless Telecommunications Facilities**. Establish objectives for providing high-quality wireless communications infrastructure, improving wireless service coverage, supporting emergency-response communications, and encouraging efficient facility deployment and co-location.
    - **Telecommunications Ordinance**. Establishes the regulatory framework for wireless telecommunications facilities to ensure appropriate siting and design while protecting community character.

    The project is consistent with the Town's Telecommunications Ordinance and Standards for Wireless Telecommunications Facilities and, by reference, the General Plan; and
5. A hazardous waste facility proposal is subject to the California Health and Safety Code, Article 8.7, Section 25199—25199.14 and shall be consistent with the Santa Clara County Hazardous Waste Management Plan. This finding does not apply because the site is not a hazardous waste facility.