

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing, 7th Floor

70 West Hedding Street

San Jose, CA 95110

Phone: (408) 299-5700

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October 25, 2023

****Sent via email****

Lorena Martinez

4301 Hacienda Drive, Suite 410

Pleasanton, CA 94588

lorena.martinez@crowncastle.com

FILE NUMBER: PLN23-029
SUBJECT: ASX for Cell Tower Colocation/ Modification – Major.
SITE LOCATION: 13145 Murphy Ave, San Martin (APN 825-37-039)
DATE RECEIVED: September 25, 2023

Dear Ms. Martinez:

The comments below are not incomplete items and are not required to deem the application complete for processing. However, the information highlights concerns Planning Staff have regarding the project meeting the required findings of the [Code of Federal Regulations](#), [County Zoning Ordinance](#), and the [ASA Administrative Review of Minor Projects \(ASX\) Checklist](#).

1. The proposed cabinet to house the proposed generator is at least twice the volume of the existing cabinets within the lease area. As submitted, the proposed cabinet meets the definition of a substantial change.

47 CFR § 1.6100 (7) (A) (iii)

The Code of Federal Regulations distinguishes modifications to existing wireless communication facilities that are considered substantial changes. Specifically for base stations, a substantial change involves the installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with this structure.

County Zoning Ordinance Section 4.10.400

Section 4.10.400 of the County Zoning Ordinance states that a project defined under the Collocation/Modification – Major use classification shall be subject Architecture and Site Approval.

If the scope of the project remains, the application will be subject to Architectural and Site Approval (ASA) with public hearing before the Zoning Administration. If the scope of the project

is reduced to meet the definition of Collocation/Modification – Minor per Section 2.10.040 of the [County Zoning Ordinance](#), the project will be subject to ministerial review, only.

2. The application is missing the following requirements per the ASX Checklist:
 - a. Acknowledgments and Agreements Form signed by the property owner; and,
 - b. Copy of Assessor’s Parcel Map
3. The submitted FAA No Hazard Determination expired on June 16, 2022. Please obtain another FAA No Hazard Determination and submit to the Planning Office for review.

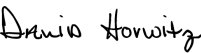
Staff recommend providing the required application materials per the ASX Checklist and supplemental FAA No Hazard Determination to complete the record for this application.

4. The property has an open violation, VIO-6417. Pursuant to Section C1-71 of the County Code, a compliance agreement needs to be signed and recorded prior to issuance of any entitlement or development permits.

To reiterate, while the above comments are not incomplete items, Staff may not be able to support the project due to inconsistencies with the Code of Federal Regulations, County Zoning Ordinance, and the ASX Checklist.

If there are questions regarding the application, please contact David Horwitz at (408) 299-5795 or david.horwitz@pln.sccgov.org to schedule a meeting to discuss the comments for this project.

Sincerely,

DocuSigned by:

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David Horwitz
Assistant Planner

cc:

Samuel Gutierrez, Principal Planner