



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Dom Zanger
District No. 1
Vice-Chair

Kollin Kosmicki
District No. 2
Chair

Mindy Sotelo
District No. 3

Angela Curro
District No. 4

Ignacio Velazquez
District No. 5

Item Number: 2.2

MEETING DATE: 06/24/2025

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Jonathan Olivas

DEPT HEAD/DIRECTOR: Abraham Prado

SUBJECT:

RESOURCE MANAGEMENT AGENCY - A. PRADO, PLANNING AND BUILDING DIRECTOR

(To be heard at 9:30 AM or as soon thereafter as the matter may be heard) County Planning File PLN250040 proposes that the San Benito County Board of Supervisors consider an appeal of the Planning Commission's April 16, 2025 decision, challenging the adoption of Planning Commission Resolution No. 2025-03. Adopt a Resolution denying the appeal (PLN250040) and upholding the Planning Commission's denial of a Conditional Use Permit for County Planning File PLN240053, a proposed wireless telecommunications facility at 358 Seely Avenue (APN 025-320-001). The appeal asserts errors related to federal preemption, zoning compliance, variance standards, and the prohibition of wireless service.

SBC FILE NUMBER: 790

RESOLUTION NO.: 2025-43

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

County Planning File PLN250040 proposes that the San Benito County Board of Supervisors consider an appeal of the Planning Commission's April 16, 2025 decision, which denied Planning File PLN240053 through adoption of Resolution No. 2025-03. On that date, the Planning Commission denied a Conditional Use Permit (CUP) and associated Variance for the construction of a 90-foot monopine wireless telecommunications facility at 358 Seely Avenue (APN 025-320-001). The applicant subsequently submitted an appeal challenging the Commission's decision.

The proposed project includes a new, unmanned wireless telecommunications facility designed as a 90-foot-tall monopine. The facility would include up to twelve panel antennas, six remote radio units (RRUs), a two-foot microwave dish, and a GPS antenna, with the antennas mounted at a centerline height of 81

feet and a tip height of 85 feet. Ground-mounted support equipment would be installed at the base of the structure. The applicant sought approval of a CUP and Variance to permit construction of the facility at the proposed location.

The Planning Commission held a duly noticed public hearing on March 19, 2025, and subsequently adopted a resolution on April 16, 2025, denying the CUP and Variance. At that time, the Commission directed staff to return with a resolution formalizing its decision. The Commission's findings concluded that the project is inconsistent with the San Benito County General Plan, fails to comply with applicable Zoning Code requirements, and does not satisfy the necessary findings under both local and federal standards.

The Commission also found substantial evidence that the proposed facility would negatively impact public health, safety, and welfare due to its proximity to sensitive receptors, including adjacent residential properties and an undisclosed daycare facility. Additionally, the applicant did not adequately demonstrate that alternative sites or co-location opportunities were infeasible, as required by the County's wireless facility siting standards.

RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:

Yes

CONTRACT NEEDED FOR THIS ITEM:

N/A

RFP AND BID HISTORY:

n/a

LAST CONTRACT AMOUNT OR N/A:

n/a

CONTRACT HISTORY (Describe all amendments and previous contracts):

n/a

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

No

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

Yes

STRATEGIC PLAN GOALS: 4. Community Engagement

No

STRATEGIC PLAN GOALS: 5. Health & Safe Community

No

BUDGETED:

N/A

BUDGET ADJUSTMENT NEEDED:

N/A

SOURCE OF FUNDING:

N/A

UNFUNDED MANDATE:

N/A

SBC BUDGET LINE ITEM NUMBER:

n/a

CURRENT FY COST:

n/a

STAFF RECOMMENDATION:

Staff recommends that the Board of Supervisors review the staff report and the attached draft resolution, which includes findings supporting denial of the appeal. Staff further recommends that the Board adopt the resolution and make the findings therein to deny the appeal of Planning File PLN240053, a Conditional Use Permit for a proposed wireless telecommunications facility (cell tower).

ATTACHMENTS:

[Presentation - PLN240053 Cell Tower Appeal](#)

[Resolution - PLN240053 Cell Tower](#)

[Attachment A to Board of Supervisors Resolution -- Planning Commission Resolution 2025-03 from April 16th, 2025](#)

[Staff Report to the Board of Supervisors](#)

[Draft Freelance Notice](#)

[Planning Commission Resolution from March 19th, 2025 \(Unadopted\)](#)

[PC Staff Report \(March 19th, 2025\)](#)

[PC Staff Report \(April 16th, 2025\)](#)

[Presentation - Appellant - Vertical Bridge](#)