

**ATTACHMENT 1  
RESOLUTION NO. 20-\_\_\_\_  
SPECIAL USE PERMIT NO. 20-01**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERCULES APPROVING SPECIAL USE PERMIT NO. 20-01, A REQUEST TO CONSTRUCT, OPERATE, AND MAINTAIN AN UNSTAFFED WIRELESS COMMUNICATIONS FACILITY CONSISTING OF ONE (1) 35-FT.-TALL MONOPOLE WITH SIX (6) ANTENNAS AND ASSOCIATED GROUND EQUIPMENT, AT 3519 FRANKLIN CANYON ROAD, HERCULES, CA 94547 (APN 362-020-022-4), SUBJECT TO CERTAIN CONDITIONS.**

**WHEREAS**, the Planning Commission of the City of Hercules has considered an application for a Special Use Permit filed by AT&T and Crown Castle, in accordance with Section 10, Chapter 13 of the Hercules Municipal Code / Wireless Telecommunications Facilities Ordinance (Ord. No. 487); and

**WHEREAS**, the Planning Commission finds that the installation of the unstaffed wireless facility, including one (1) monopole with six (6) wireless antennas and associated ground-level equipment, is categorically exempt under the provisions of the California Environmental Quality Act (CEQA) under:

- Class 1, Section 15301, Existing Facilities, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of an existing or former use, including existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services; and
- Class 3, Section 15303, New Construction or Conversion of Small Structures, which consists of the construction and location of limited numbers of new, small facilities or structures including water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction; and

**WHEREAS**, the Planning Commission finds, after due study of the proposed use with the supporting finding with facts (as provided in Exhibit A hereto), deliberation, and public hearing, that the following circumstances exist with regard to the use permit application:

1. The facility does not conflict with safety and safety-related codes and requirements;
2. The facility conforms to the City's policy of concealment;
3. The facility does not conflict with the historic nature or character of a neighborhood or district;
4. The use or construction of the facility is not contrary to an already stated purpose of a specific zoning or land use designation;
5. The placement and location of the facility does not create an unacceptable safety or financial risk to residents or the safety of the general public, employees and agents of

- the City or employees of the service provider or other service providers, or the reasonable probability of such;
6. The placement and location of a facility does not result in a conflict with, compromise in or change in the nature or character of the adjacent surrounding area; and
  7. The facility does not conflict with the provisions of Hercules Municipal Code Title 10 Chapter 16.

**WHEREAS**, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work or visit this development.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Hercules hereby determines that the proposed use is Categorically Exempt according to Section 15301, "Existing Facilities," of the California Environmental Quality Act (CEQA); and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** the Planning Commission approves Special Use Permit (SUP) #20-01 located at 3519 Franklin Canyon Road, based on the Findings with Facts (Exhibit A) and subject to Conditions of Approval (Exhibit B).

Passed and adopted this fifth day of October 2020, by the following vote:

AYES:

NOES:

ABSENT:

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Irina Galieva, Chairwoman, 2020

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Shiva Matinpour, Secretary