

RESOLUTION NO. ZA-2022-063

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT TO ALLOW A NEW DISH WIRELESS ANTENNA SITE AND MINOR DESIGN REVIEW FOR THE ANTENNA SITE FOR THE PROPERTY LOCATED AT 100 FOUNTAINGROVE PKWY SANTA ROSA, APN: 173-020-041, FILE NO. PRJ22-017

WHEREAS, the Santa Rosa Zoning Administrator has completed review of the Minor Conditional Use Permit and Minor Design Review applications to allow the proposed use and development for the project described above; and

WHEREAS, the Minor Conditional Use Permit and Minor Design Review approvals to allow the proposed use and development are based on the project description and official approved exhibit date stamp received August 10, 2022; and

WHEREAS, the proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 1 exemption under CEQA Guidelines Section 15301 in that the antennas will be installed onto an existing building resulting in a negligible expansion of use; and

WHEREAS, the matter has been properly noticed as required by Section 20-52.050.E.2.a and Section 20-52.030.H.2.a and no request for a public hearing has been received;

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 20-52.050 and Section 20-52.030, the Zoning Administrator of the City of Santa Rosa finds and determines that:

MINOR CONDITIONAL USE PERMIT Findings

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code in that the project complies with application requirements and development standards as set forth in City Code Chapter 20-44 (Telecommunication Facilities) and the PD 72-001-RC district policy statement.
2. The proposed use is consistent with the General Plan land use designation of Retail and Business Services in that the project will be taking place on an existing commercial site and will not interfere with the commercial use of the property.
3. The design, location, size and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity in that the proposed antennas will be screened from public view by cupolas painted to match the existing building, and the proposed equipment cabinet will be screened by a chain-link fence with green slats. None of the antennas or equipment will be visible to the public.

4. The site is physically suited for the type, density, and intensity of the proposed use including access, utilities, and the absence of physical constraints in that the existing site is developed and the antennas can conveniently be placed on the roof of the existing structure.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located in that, as a condition of approval, proper measures listed in the RF-EME report will be implemented to limit the effects of radiation at the rooftop level.

MINOR DESIGN REVIEW Findings

1. The design and layout of the proposed development is of superior quality and is consistent with the General Plan, any applicable specific plan, applicable Zoning Code standards and requirements, the City's Design Guidelines, architectural criteria for special areas, and other applicable City requirements (e.g., City policy statements and development plans) in that the project complies with application requirements and development standards as set forth in City Code Chapter 20-44 (Telecommunication Facilities) and the PD 72-001-RC district policy statement, and installation of the proposed telecommunications facility implements a variety of overarching General Plan goals by creating a functional place for those who work and live within the City.
2. The design is appropriate for the use and location of the proposed development and achieves the goals, review criteria and findings for approval as set forth in the Framework of Design Review (Design Guidelines, Introduction, Subsection C) in that the proposed antennas will be screened from public view using materials that are architecturally compatible with the existing structure.
3. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments in that the existing site is developed, with adequate access to the proposed use. Once in operation, the telecommunications facility will not require frequent visits by employees, and thus would not intensify use of the site.
4. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood in that the antennas will be screened from public view by copulas painted to match the existing building, and the equipment cabinet will be screened by a chain-link fence with green slats.
5. The design of the proposed development will provide a desirable environment for its occupants, visiting public, and its neighbors through the appropriate use of materials, texture, and color and would remain aesthetically appealing and be appropriately maintained in that the covered rooftop antennas will be concealed by features added to in the existing building therefore, minimizing the visual impact. In addition, the ground-level antenna will be screened by a chain-link fence with green slats to blend into the surrounding vegetation.

This entitlement would not be granted but for the applicability and validity of each and every one of the below conditions and that if any one or more of the below conditions is invalid, this entitlement would not have been granted without requiring other valid conditions for achieving the purposes and intents of such approval. The approval of the project is contingent upon compliance with all the conditions listed below. Use shall not commence until all conditions of approval have been complied with. Additional permits and fees are/may be required. **It is the responsibility of the applicant to pursue and demonstrate compliance.**

Conditions of Approval

1. A building permit is required.
2. Construction hours shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturdays. No construction is permitted on Sundays and holidays.
3. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
4. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
5. No exterior signs are approved with this permit. A separate sign permit is required.
6. Comply with FCC regulations, and implement all measures recommended in the RF-EME report.

This Minor Conditional Use Permit and Minor Design Review are hereby approved on October 20, 2022. If conditions have not been met or if work has not commenced within 24 months from the approval date, these approvals shall automatically expire and be invalid unless an application for extension is filed prior to expiration. These approvals are subject to appeal within ten calendar days from the date of approval.

APPROVED: _____
SHARI MEADS, ZONING ADMINISTRATOR