

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT FOR THE CROWN CASTLE RELOCATION PROJECT, WHICH INCLUDES CONSTRUCTION OF AN 83-FOOT TALL MONOPINE TELECOMMUNICATIONS FACILITY - LOCATED AT 1236 CLEVELAND AVENUE, APN: 012-061-032 - FILE NUMBER PRJ20-023 (CUP20-074)

WHEREAS, an application was submitted on December 29, 2020, requesting the approval of a Conditional Use Permit and Major Design Review Permit for an 83-foot monopine telecommunications facility, to be located at 1236 Cleveland Avenue, also identified as Sonoma County Assessor's Parcel Number 012-061-032; and

WHEREAS, the Zoning Code allows major telecommunications facilities at this location, subject to Conditional Use Permit and Design Review approvals; and

WHEREAS, on May 13, 2021, the Shot Clock, a regulation set forth by the Federal Communications Commission (FCC) which limits the time a local agency has to act on a telecommunications application, was extended to July 1, 2021 pursuant to a tolling agreement entered into between Crown Castle and the City of Santa Rosa; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the application at which all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, the Planning Commission has considered the application, the staff reports, oral and written, the General Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, and other materials presented, and pursuant to City Code Section 20-52.050 (Conditional Use Permit), the Planning Commission of the City of Santa Rosa finds and determines:

- A. 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 Chapters 20-23 (Commercial Zoning Districts) and 20-44 (Telecommunication Facilities); and
- B. The proposed telecommunications tower is consistent with the General Plan land use designation of Retail and Business Services and in that this designation is intended to accommodate retail and service enterprises, office and restaurants. The proposed use is also consistent with the North Santa Rosa Station Area Specific Plan (Plan) in that the

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Plan acknowledges that infrastructure improvements are necessary, and the placement of the equipment will increase telecommunications and service; and

- C. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity in that the base of the cell tower and all related equipment will be screened from public view with a six-foot fence and will be placed adjacent to an existing commercial building to minimize visual impacts as much as possible. The proposed height of the tower is necessary to maintain adequate height for function while allowing future collocation of the site; and
- D. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints in that the existing site is both developed and surrounded by existing development with adequate access to the proposed use and once in operation, the telecommunications facility does not require frequent visits by employees, thus not intensifying the site; and
- E. 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 the project included a Radio Frequency Compliance Report, prepared by Hammett & Edison, Inc., dated November 10, 2020, which concluded that the proposed placement of the telecommunications tower at the subject site will not result in exposure of the public to excessive levels of radio-frequency energy as defined in the FCC Rules and Regulations. The project was reviewed by City Staff, and has been conditioned to avoid any effects on the surrounding area; and
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15303, the cellular tower and related equipment qualify for a Class 3 Categorical Exemption, which exempts the construction of new small structures in that telecommunication towers are considered small structures that are similar to this Project.

The City has further determined that no exceptions to the exemptions apply and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (CEQA Guidelines Section 15300.2.)

BE IT FURTHER RESOLVED, that this Conditional Use Permit is subject to all applicable provisions of the Zoning Code, including Section 20-54.100 (Permit Revocation or Modification).

BE IT FURTHER RESOLVED that a Conditional Use Permit for an 83-foot monopine telecommunications facility, to be located at 1236 Cleveland Avenue, is approved subject to each of the following conditions:

DEPARTMENT OF COMMUNITY DEVELOPMENT

GENERAL:

1. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval. All fees must be paid prior to issuance of a building permit.
2. Obtain approval of the Major Design Review Permit Application File No. DR20-062 by the Design Review Board.
3. All work shall be done according to the final approved plans dated December 29, 2020, or as otherwise amended by the Design Review Board on July 1, 2021.

EXPIRATION AND EXTENSION:

4. This Conditional Use Permit shall be valid for a two-year period. If construction has not begun or if an approved use has not commenced within two (2) years from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.
5. If implemented within the initial approval period in accordance with all conditions of approval, this Conditional Use Permit shall be valid for the duration of use.

BUILDING DIVISION:

6. Obtain building permits for the proposed project.

PLANNING DIVISION:

7. The building materials, elevations, and appearance of this project, as presented for issuance of a building permit, shall be the same as that approved by the Planning Commission and Design Review Board. Any future additions, expansions, remodeling, etc., will be subject to review and approval of the Planning Division.
8. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080)
9. **PROJECT DETAILS:**
 - A. All project details shall be in accordance with the restrictions and limitations of the City Zoning and Uniform Building Codes, as well as the City's Design Review Guidelines.

10. **LIGHTING:**

- A. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit in accordance with the Design Review approval.
- B. Light sources shall be concealed from public view.
- C. All lighting shall be directed toward the subject property and away from adjacent properties.

11. SIGNING:

- A. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.

FIRE DEPARTMENT

- 12. Compliance with Fire Department Conditions of Approval dated April 8, 2021, attached hereto and incorporated herein as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds and determines this entitlement to use would not be granted but for the applicability and validity of each and every one of the above conditions and that if any one or more of the above said conditions are invalid, this entitlement to use would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 24th day of June, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
KAREN WEEKS, CHAIR

ATTEST: _____
ANDREW TRIPPEL, EXECUTIVE SECRETARY