

## **RESOLUTION NO. ZA-2024-013**

### **RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING MINOR DESIGN REVIEW FOR THE ADDITION OF NEW SUPPORTIVE GROUND EQUIPMENT AND THREE NEW ANTENNAS, EXTENDING THE HEIGHT TOWER BY 20 FEET, FOR THE PROPERTY LOCATED AT 3182 COFFEY LANE, SANTA ROSA, APN: 015-390-051, FILE NO. DR24-007**

WHEREAS, the Santa Rosa Zoning Administrator has completed review of the Minor Design Review application to allow the proposed project described above; and

WHEREAS, the Minor Design Review approval to allow the proposed project is based on the project description and official approved plans date stamp received April 4, 2024; and

WHEREAS, Under the Telecommunications Act of 1996 (the “Act”), Federal law requires that requests to authorize the installation of wireless communications equipment must be acted upon in a “reasonable period of time,” which was later determined to be 150 days; and

WHEREAS, the federal government has largely preempted local government regulation in the area of Radio Frequency (RF) emissions, making the Federal Communications Commission (FCC) the federal agency responsible for setting nationwide guidelines for safe RF levels, and severely limiting local authority to regulate RF emissions or to deny an application to install wireless service facilities based on concerns about RF emissions; and

WHEREAS, federal law specifically provides that “no state or local government or instrumentality thereof may regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission’s (FCC) regulations concerning such emissions” (47 U.S.C. §332(c)(7)(B)(iv)); and

WHEREAS, federal courts have also held that the FCC has exclusive jurisdiction over RF interference issues and thus local zoning ordinances and permit conditions cannot regulate RF interference (*Southwestern Bell Wireless v. Johnson County Board of County Commissioners*, 199F. 3d 1185 (10th Cir. 1999); and

WHEREAS, the matter has been properly noticed as required by 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 20-52.030.I, the Zoning Administrator of the City of Santa Rosa finds and determines that:

1. The design and layout of the proposed development is of superior quality, and is consistent with the General Plan, and 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 Chapters 20-24 (Industrial Zoning Districts) and 20-44 (Telecommunication Facilities), and the proposed modifications of the telecommunications facility implements a variety of overarching General Plan goals by creating a functional place for those who live and work within the City; and

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 in that the proposed 20-foot height increase of the tower is necessary to allow collocation of the site; and
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 both developed and surrounded by existing industrial development and the in that the project is improving a collocated site of the allowed telecommunication use; and
4. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood in that the site is developed and all of the proposed ground equipment will be screened from public view and placed behind an existing fence to minimize visual impacts as much as possible. Additionally, the proposed tower modifications and new wireless antennas are consistent with the existing design aesthetic; and
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 proposed ground equipment are placed behind an existing fence and the project site is surrounded by existing industrial buildings on all sides; and
6. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity, in that the project included a Radio Frequency (RF) Site Compliance Report, prepared by SiteSafe, LLC., generated and dated on January 4, 2024, which concluded that the proposed modifications of the existing telecommunications tower will be in compliance with FCC Rules and Regulations which limit exposure of the public to excessive levels of radio-frequency energy; and
7. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 1 exemption under Section 15301, in that the proposed modifications do not substantially change the physical dimensions of the existing tower or ground station, resulting in a negligible expansion of the existing use.

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 intent 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. Obtain building permits for the proposed project.
2. Ensure any signage (warnings, contact information, emergency shutoffs, etc) for the equipment are legible.
3. Facility will need to register or update their California Environmental Reporting System (CERS) account if any hazardous materials are added, or quantities have changed.
4. The applicant shall complete all remediations listed within the Radio Frequency (RF) Site Compliance Report.
5. No signs, other than the required signs that are stated within the Radio Frequency (RF) Site Compliance Report, are approved as part of the Project. Signs will require separate Planning and Building permits.
6. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
7. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.

This Minor Design Review is hereby approved on April 18, 2024. If conditions have not been met or if work has not commenced within 24 months from the approval date, this approval shall automatically expire and be invalid unless an application for extension is filed prior to expiration. This approval is subject to appeal within ten calendar days from the date of approval.

APPROVED: \_\_\_\_\_  
KRISTINAE TOOMIANS, ZONING ADMINISTRATOR