



DEPARTMENT OF COMMUNITY DEVELOPMENT
100 Santa Rosa Avenue
Post Office Box 1678
Santa Rosa, CA 95402-1678
FAX 707-543-3218

FILE COPY

March 19, 1999

Cagal Cellular Telephone Company
651 Gateway Boulevard, #1500
South San Francisco, CA 94080

CELLULAR ONE - 440 HEARN AVE - FILE NO. CUP98-347/MJP98-048

Please be advised that the Planning Commission of the City of Santa Rosa, at its meeting of March 11, 1999, adopted resolution(s) approving the Conditional Use Permit application for the above project. A copy of the approved resolution(s) are attached for your review.

The approval is subject to appeal within ten (10) working days from the date of Planning Commission action. Anyone adversely affected may appeal the decision to City Council. An appeal must be filed in writing on forms available from the City Clerk.

For further information concerning the Planning Commission decision, please contact Blake Hillegas, the project planner, at (707) 543-3262.

CHARLES J. REGALIA, Deputy Director
Community Development - Planning

CJR/tlt

Attachments

c: Fire Department, Chief Pini
Utilities, Paul Mowery
Building
Blake Hillegas/File
Mohammed & Nahid Gholami, 440 Hearn Avenue, Santa Rosa, CA 95407-7824
J.E. Schuricht & Assoc 2300 Contra Costa Blvd #220 Pleasant Hill, CA 94523

RESOLUTION NO. 9471

COPY

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL
USE PERMIT FOR CELLULAR-ONE PANEL ANTENNAS - LOCATED AT 440 HEARN
AVENUE - FILE NUMBER MJP98-048

WHEREAS, an application was filed with the Department of Community Development requesting the approval of a Conditional Use Permit to remove a dilapidated sign and to utilize an existing pole to install three panel antennas for Cellular-One, located at 440 Hearn Avenue, also identified as Sonoma County Assessor's Parcel Number(s) 043-101-023; 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; and

WHEREAS, the Planning Commission finds that the project has been reviewed in accordance with the California Environmental Quality Act and has been found to be consistent with Article 19, Categorical Exemption, Class 3, in that the project consists of the conversion and addition of structures where the impacts have been determined to be negligible.

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, and other materials presented, the Planning Commission of the City of Santa Rosa finds and determines:

1. That the proposed use is consistent with the General Plan in that wireless telecommunication facilities may be allowed in Retail Business Service areas and visual impacts are not substantial.
2. That the proposed use, as conditioned, is in conformity with the requirements and intent of the Zoning Code in that facility design, setbacks, and screening are appropriate.
3. That the proposed use and project, as conditioned, will not constitute a nuisance or be injurious or detrimental to the public health, safety, or welfare, or to persons or property in the vicinity of the proposed use and project.

BE IT FURTHER RESOLVED, that this Conditional Use Permit is subject to all applicable provisions of the Zoning Code, including Section 20-02.259 (Revocation).

BE IT FURTHER RESOLVED that a Conditional Use Permit for Cellular-One Antennas, located at 440 Hearn 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. All work shall be done according to the final approved plans dated March 11, 1999.
3. The address shall be displayed in a prominent location on the street side of the property. The numbers shall be no less than 6-inches in height and shall be of a contrasting color to the background to which they are attached. The address shall be illuminated during hours of darkness per City "Premises Identification" requirements.
4. Construction hours shall be limited to 7:00 a.m. to 7:00 p.m. on non-holiday weekdays.

EXPIRATION AND EXTENSION:

5. 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.
6. If implemented within the initial approval period in accordance with all conditions of approval, this Conditional Use Permit shall be valid for ten years. If the use is abandoned, the monopole and antennas shall be removed.

BUILDING DIVISION:

7. A building permit is required.
8. Comply with all Federal, State and local codes.

ENGINEERING DIVISION:

9. The property owner shall remove the fill placed in the drainage ditch along the Corby Avenue frontage, under an encroachment permit from CALTRANS.

PLANNING DIVISION:

10. The pole and antennas shall be painted and maintained with flat gray paint.
11. The equipment shelter material shall consist of exposed aggregate panels.
12. The 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. Any future

additions, expansions, remodeling, etc., will be subject to review and approval of the Planning Division.

13. PROJECT DETAILS:

- A. All appurtenances, accessory equipment, and meters must be totally screened from public view by an architecturally designed element approved by the Planning Division.
- B. All outdoor storage of materials or refuse bins/cans shall be maintained within a completely screened structure or area. The design of the screened structure or area shall be approved by the Planning Division prior to issuance of a building permit.

14. LANDSCAPING:

- A. Construction drawings submitted for issuance of a building permit shall include final landscape and irrigation plans.
- B. The new frontage landscaping shall include supplemental tree and shrub planting to help screen the facility from Corby Avenue.
- C. All landscaping must be continuously maintained in a healthy and attractive condition, free of weeds and debris, in accordance with the approved plans. Dead and dying plant materials shall be replaced with healthy specimens as necessary.

UTILITIES DEPARTMENT

15. A utilities service agreement must be signed by the property owners. Contact City Utilities Engineering at 707/543-3950

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 this 11th day of March, 1999, by the following vote:

Ayes: (6) (Carlile, Cummings, Dias, Edwards, Johnson, Denietolis)
Noes: (0)
Abstentions: (0)
Absent: (1) (Blanchard)

ATTEST


SECRETARY

APPROVED:


CHAIRMAN