

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 INSTALLATION OF A 65-FOOT TALL TELECOMMUNICATIONS  
TOWER; LOCATED AT 440 HEARN AVENUE; ASSESSOR'S PARCEL NO. 043-101-050;  
FILE NO. PRJ18-085

WHEREAS, on January 17, 2019, project applications were submitted requesting the approval of a Conditional Use Permit and Design Review for the installation of a 65-foot tall Telecommunications Facility (mono-tree), to replace an existing Telecommunication Facility (mono-pole), located at 440 Hearn Avenue, also identified as Sonoma County Assessor's Parcel Number 043-101-050; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the Conditional Use Permit 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

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 CG (General Commercial) zoning district and complies with all other applicable provisions of this Zoning Code and the City Code. The project complies with application requirements and development standards as set forth in Zoning Code Chapter 20-23 (Commercial Zoning Districts). The project also complies with all applicable requirements of Zoning Code Chapter 20-44 (Telecommunication Facilities); and
- B. The proposed use is consistent with the General Plan. The site is within an area designated for Retail and Business Services, which is intended for retail and service enterprises, offices, and restaurants. Telecommunications Facilities are permitted in zoning districts that implement this land use designation though the approval of a Conditional Use Permit. Telecommunication Facilities are not addressed specifically in the General Plan; however, the use is an overarching necessity to support all types of land uses throughout the City; 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 proposed Telecommunications Facility (mono-tree) would replace an existing Telecommunications

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Facility (mono-pole); the replacement Telecommunications Facility has been designed to look like a faux tree and will be constructed at the minimum height necessary to achieve the maximum service coverage area for AT&T customers; 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. The site is currently constructed with a Telecommunications Facility, and the proposed replacement mono-tree design will not intensify the use; 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. The proposed telecommunications tower will replace an existing telecommunications tower. A Radio Frequency Emissions Compliance Report, certified by David Kiser, P.E., dated November 7, 2018, concluded the proposed Telecommunications Facility will be compliant with Radiofrequency Radiation Exposure Limits of 47 C.F.R. Section 1.1307(b)(3) and 1.1310; and
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA):
  - a. Pursuant to CEQA Guideline Section 15302, the project qualifies for a Class 2 Categorical Exemption in that it involves the replacement of an existing structure.
  - b. Pursuant to CEQA Guideline Section 15303, the project qualifies for a Class 3 Categorical Exemption in that it involves the construction of a small facility/structure.

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 a 65-foot tall Telecommunications Facility, to be located at 440 Hearn Avenue, is approved subject to each of the following conditions:

## **DEPARTMENT OF COMMUNITY DEVELOPMENT**

### **GENERAL:**

1. All work shall be done according to the final approved plans stamped received on December 5, 2018.
2. 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.

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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. 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 June 13, 2018, 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 a demolition permit for the structures to be removed.
7. Provide a geotechnical investigation and soils report with the building permit application. The investigation shall include subsurface exploration and the report shall include grading, drainage, paving and foundation design recommendations.
8. Obtain building permits for the proposed project.

**ENGINEERING DIVISION:**

9. Compliance with all conditions as specified by the attached Engineering Development Services Exhibit A, prepared by Carol Clark, dated May 17, 2019.

**PLANNING DIVISION:**

10. The building materials, elevations, and appearance of this project, as presented for issuance of a building permit, shall be the same as those approved by the Design Review Board.
11. Provide evidence of that the Project is in compliance with the Federal Communication Commission's NEIR requirements.
12. The operator of the Telecommunications Facility will not deny any reasonable offer from another telecommunication company to co-locate antennas on the subject Telecommunication Facility.
13. The mono-tree shall be maintained in good condition and limbs, trunk, foliage and bark shall maintain a healthy appearance.
14. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).

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15. The applicant, its successors, heirs, assigns or transferees are advised in writing that this approval or permit prior to the start of any construction may be subject to certain other clearances, approvals, permits, or authorizations by state and/or federal agencies. The applicant shall acknowledge in writing receipt of the above advisement.
16. The City's approval or permit is valid only if the applicant, its successors, heirs, assigns or transferees, comply with the terms, conditions and mitigations set forth in any clearance, permit or approval except that any permit condition or mitigation that requires project redesign shall trigger a review by the City of Santa Rosa Director of Community Development to determine if the project as redesigned is consistent with the original approval. A project that the City determines is not consistent with the City approval shall not be granted subsequent entitlements, such as approval of improvement plans and final maps, but excluding grading or building permits of any type. Such a project would have to be resubmitted to the City and reviewed by the City as a new project, including the submittal of a new application and fees.
17. Power to stop work if violation occurs. Nothing in this approval shall prevent the City of Santa Rosa from exercising its power to stop work in instances where a violation of state or federal law is brought to the City's attention.
18. No building or grading permit of any type shall be issued by the City until a required federal or state, as applicable, clearance or authorization, with or without conditions, has been filed with the City.

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 13<sup>th</sup> day of June 2019, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

APPROVED: \_\_\_\_\_  
CHAIR

ATTEST: \_\_\_\_\_  
EXECUTIVE SECRETARY

Exhibit A, prepared by Carol Clark, dated May 17, 2019

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