

RESOLUTION NO. PRJ23-009

RESOLUTION OF THE DESIGN REVIEW BOARD OF THE CITY OF SANTA ROSA GRANTING DESIGN REVIEW APPROVAL FOR THE CONSTRUCTION OF A 69-FOOT-TALL TELECOMMUNICATIONS TOWER AND ASSOCIATED GROUND EQUIPMENT - LOCATED AT 244 COLGAN AVENUE, APN: 044-011-053 - FILE NO. PRJ23-009

WHEREAS, on July 19, 2023, an application was submitted requesting the approval of a Conditional Use Permit for a 69-foot-tall monopine (wireless telecommunication tower) with supporting ground equipment, behind a 7-foot, 2-inch tall chain-link and barbed-wire fence, to be located at 244 Colgan Avenue, also identified as Sonoma County Assessor's Parcel Number 044-011-053 (Project Site); and

WHEREAS, on July 19, 2023, an application was submitted requesting the approval of a Design Review Permit for of a new 69-foot-tall monopine (wireless telecommunication tower) with supporting ground equipment, behind a 7-foot, 2-inch tall chain-link and barbed-wire fence, to be located at 244 Colgan Avenue, also identified as Sonoma County Assessor's Parcel Number 044-011-053; and

WHEREAS, on November 17, 2023, a Notice of Application was mailed to residents within 600-feet of the project site; 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 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 (10<sup>th</sup> Cir. 1999)); and

WHEREAS, on November 17, 2023, the applicant accepted City staff's request for a Tolling Agreement that would extend the review timeframe and shot clock of this project from November 28, 2023, to January 15, 2024, to allow this project to be scheduled for the two required Public Hearings; and

WHEREAS, on December 14, 2023, the Planning Commission held a duly noticed public hearing on the application, which, at the request of the applicant, was continued to a date certain of January 11, 2024; and

WHEREAS, on December 14, 2023, the City and the applicant entered into an amended Tolling Agreement that would extend the review timeframe and shot clock of this project from, January 15, 2024, to February 2, 2024, to allow this project to be re-scheduled for the two required Public Hearings; and

WHEREAS, on December 21, 2023, the Design Review Board held a duly noticed public hearing on the application, which, at the request of the applicant, was continued to a date certain of January 18, 2024; and

WHEREAS, on January 11, 2024, the Planning Commission 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 approved the Conditional Use Permit for the proposed use, subject to a 10-day appeal period; and

WHEREAS, on January 18, 2024, the Design Review Board 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 Design Review Board 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 Design Review Board, at the same time considered written and oral reports of staff, testimony, and other evidence presented by all those who wished to be heard on the matter; and

WHEREAS, the Design Review Board, after due consideration of all evidence and reports offered for review, does find and determine the following:

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 installation of the proposed 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 (Design Guidelines, Introduction, Subsection C), in that the proposed height of the tower is necessary to maintain adequate height for function while allowing future 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 with adequate access to the proposed use and once in operation, the telecommunications facility does not require frequent visits by employees, thus would not intensify the site; and
4. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood, in that the base of the cell tower and all related ground equipment will be screened from public view and placed behind an existing commercial building to minimize visual impacts as much as possible. Additionally, the tower is proposed to be designed as a monopine with thick foliage, blending in with the surrounding redwood trees; 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. The base of the cell tower and all related ground equipment will be placed behind a 7-foot-2-inch-tall chain-link and barbed-wire fence and surrounded by existing commercial buildings on all sides. The monopine is also located near a row of redwood trees, which will partially screen it when viewed from the west; 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 an Electromagnetic Energy Report, prepared by Waterford Consultants, LLC., dated received on July 19, 2023, 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
7. 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. 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).

Pursuant to CEQA Guidelines Section 15183, the proposed use is eligible for a streamlining measure as it is consistent with General Plan 2035, for which an Environmental Impact Report was certified by Council in 2009.

NOW, THEREFORE, BE IT RESOLVED, the Design Review Board of the City of Santa Rosa does hereby grant Design Review of the Verizon Telecommunication Facility subject to each of the following conditions:

**DEPARTMENT OF COMMUNITY DEVELOPMENT**

**ENGINEERING DIVISION:**

1. Compliance with Engineering Development Services Exhibit A, dated October 30, 2023, attached hereto and incorporated herein.

**PLANNING DIVISION:**

2. 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. Any future additions, expansions, remodeling, etc., will be subject to review and approval of the Planning Division.
3. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
4. When the telecommunication facility (monopine and supporting equipment) becomes obsolete or is no longer used, the telecommunications facility shall be removed at the operator's expense.
5. The telecommunication facility (monopine and supporting equipment), including foliage, trunk, and fence, shall be maintained in good condition.
6. 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.
7. When the telecommunication facility (monopine and supporting equipment) becomes obsolete or is no longer used, the telecommunications facility shall be removed at the operator's expense.
8. The telecommunication facility (monopine and supporting equipment), including foliage, trunk, and fence, shall be maintained in good condition.
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.

- B. All outdoor storage of materials and/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.

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.
- D. The mounting height of lighting fixtures in parking and storage areas shall not exceed 16-feet in height. Lower mounting heights are encouraged.

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.

DESIGN REVIEW BOARD

- 1. add/delete text as needed

DULY AND REGULARLY ADOPTED by the Design Review Board of the City of Santa Rosa on this 18<sup>th</sup> day of January 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Approved: \_\_\_\_\_  
Melanie Jones-Carter, Chair

Attest: \_\_\_\_\_  
Monet Sheikhal, Executive Secretary