



CITY OF SANTA ROSA NOTICE OF PUBLIC HEARING

THE CITY COUNCIL WILL CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A CONDITIONAL USE PERMIT FOR CONSTRUCTION OF A 69-FOOT-TALL WIRELESS TELECOMMUNICATIONS TOWER WITH GROUND EQUIPMENT, SHIELDED BY A 7-FOOT-TALL CHAIN-LINK FENCE WITH BROWN SLATS AND BARBED-WIRE, LOCATED AT 244 COLGAN AVENUE; ASSESSOR'S PARCEL NO. 044-011-053; FILE NO. PRJ23-009 (CUP23-043, DR23-023).

Notice is hereby given that a public hearing will be conducted by the City Council on Tuesday, March 26, 2024, at or after 5:00 p.m. The purpose of the public hearing will be to receive public comment and recommendations prior to the City Council acting on the appeal.

The project was filed by the applicant representative, Peter Hilliard, for the Verizon Wireless Telecommunications Facility. The appeal application was filed by the appellant, Sidnee Cox, Kim Schroeder and Paul-André Schabracq, on the grounds that:

1. The proposed wireless facility does not meet the vision, goals or policies of the City of Santa Rosa General Plan.
2. The proposed wireless facility does not meet the requirements of the City of Santa Rosa Zoning Code, including, but not limited to Chapter 20-44, Telecommunications Facilities; Chapter 20-10, Purposes of Zoning Code; Chapter 20-30, Standards For All Development and Land Uses.
3. The proposed wireless facility presents an environmental threat, particularly with respect to Colgan Creek, Mark West Creek, the Russian River and Laguna de Santa Rosa.
4. The proposed wireless facility violates not only the applicable provisions of federal, state and local law, but the legislative intent upon which they were enacted.
5. Granting Verizon's application will cause an unnecessary proliferation and redundancy of telecommunications facilities without closing any purported gaps in service or purported lack of capacity, nor improving cellular service in the surrounding community.
6. Verizon has failed to present "hard data" sufficient to prove a gap in service or lack of capacity and has failed to prove a need for the proposed tower, i.e. gap in service or lack of capacity, nor improving cellular service in the surrounding community.
7. By its own admission the Maximum Permissible Exposures (MPE) generated by Verizon's cell tower will exceed the Federal Communications Commission's (FCC's) maximum MPE. Waterford Consultant's report states that mitigation of the maximum power output of this cell tower would be required by reducing the power output of the facility by 3db to bring the facility into FCC's Radio Frequency Radiation (RFR) compliance. It is not specified how will this be verified and who will monitor ongoing compliance.

8. The proposed location for the monopole cell tower fails to establish a Fall Zone or Safe Zone for the large retailer, Costco, with over 1,000 daily visitors in addition to numerous staff, and for other businesses located in the Fall Zone.
9. Verizon's cell tower application and staff reports do not indicate compliance with the applicable technical requirements of the following codes: the National Electric Code (NEIC) and the City of Santa Rosa's Building Codes.
10. Verizon has failed to investigate appropriate least intrusive alternate locations in a good faith manner.
11. Verizon has failed to show that their proposed wireless facility is the least intrusive means to close a purported gap in service or lack of capacity.
12. The proposed wireless facility will inflict a substantial adverse impact on the aesthetics and character of the adjacent surrounding homes and community.
13. The proposed wireless facility will cause a significant decrease in property values in the adjacent surrounding community.
14. Verizon's Visual Assessment is defective. No images were presented from the perspective of the affected property owners and residents. The images presented were taken from perspectives and angles which deliberately failed to present accurate views of the proposed cell tower. The Design Review Board's recommendation to remove the faux tree in favor of a monopole renders Verizon's visual analysis inadmissible.
15. A gap in service or a lack of capacity in a particular frequency is not sufficient to prove a need for construction of a new wireless facility. Cellular service can shift to a different frequency to maintain service. Verizon has failed to prove that there is a gap in service or lack of capacity in multiple frequencies that would warrant approval of their application.
16. Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act would allow Verizon to increase the tower size by up to 20 feet without the need for further zoning approval. In fact, the City would be prohibited from denying, controlling, enjoining or otherwise regulating increased height of the tower.

Meeting access information (including instructions) and meeting documents are available online at: <https://santa-rosa.legistar.com/Calendar>.

Members of the public can provide public comment by attending in person from Council Chamber at 100 Santa Rosa Avenue (It is recommended that social distancing be observed).

The public can also view or listen to the meeting live at:

1. <https://santa-rosa.legistar.com/Calendar>. Click on the "In Progress" link to view;
2. Via Zoom by visiting <https://srcity-org.zoom.us/j/89643446933>, or by dialing 877-853-5257 and entering Webinar ID: 896 4344 6933;
3. Comcast Channel 28, AT&T U-Verse Channel 99; and
4. Via YouTube at <https://www.youtube.com/cityofsantarosa>.

Comments and questions may be directed to Suzanne Hartman, City Planner, Planning and Economic Development Department, City of Santa Rosa, 100 Santa Rosa Avenue, Room 3, Santa Rosa, CA 95404, telephone (707) 543-4299, or SHartman@srcity.org.

PUBLISHED: March 15, 2024

Dina Manis, City Clerk, City of Santa Rosa



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