

RESOLUTION NO. PRJ23-009

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA  
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL  
USE PERMIT FOR THE CONSTRUCTION OF A 69-FOOT-TALL  
TELECOMMUNICATIONS TOWER AND ASSOCIATED GROUND EQUIPMENT -  
LOCATED AT 244 COLGAN AVENUE, APN: 044-011-053 - FILE NUMBER PRJ23-009

WHEREAS, on July 19, 2023, an application was submitted requesting the approval of a Conditional Use Permit for of a new 69-foot-tall monopine pole (wireless telecommunication tower) with supporting ground equipment, shielded by a 6-foot-tall chain-link 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, 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 January 11, 2024, the Planning Commission held a 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

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 IL (Light Industrial) zoning district and complies with all other applicable provisions of this Zoning Code and the City Code 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

- B. The proposed telecommunications tower is consistent with the General Plan land use designation of Light Industry, in that this designation is intended for areas for manufacturing and distribution activities with potential for creating nuisances, along with accessory offices and retailing, 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. While there are no specific General Plan goals or policies that mention telecommunication facilities, the infrastructure facilitates necessary communication for businesses and residential uses and, therefore, provides overarching support for the General Plan; 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 base of the cell tower and all related equipment will be screened from public view, behind an existing industrial building to minimize visual impacts as much as possible. The proposed height of the tower is necessary to maintain adequate height for function while allowing future collocation of the site; 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 in that the existing site is both developed and surrounded by existing industrial and commercial development with adequate access to the proposed use and once in operation, the telecommunications facility does not require frequent visits by employees, thus not intensifying the use of the site; 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 in that the project included an Electromagnetic Energy Report, prepared by Waterford Consultants, LLC, received on July 26, 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; and
- F. 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.

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 telecommunications tower, to be located at 244 Colgan 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 October 18, 2023, unless otherwise amended by the Planning Commission or the Design Review Board.
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. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturday. No construction is permitted on Sunday and holidays.

#### **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 the duration of use.

#### **PLANNING DIVISION:**

1. 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.

2. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
3. 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.
4. The telecommunication facility (monopine and supporting equipment), including foliage, trunk, and fence, shall be maintained in good condition.
5. 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.
6. 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.
7. SIGNING:
  - A. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.

**ENGINEERING DIVISION:**

8. Compliance with Engineering Development Services Exhibit A, dated October 20, 2023, attached hereto and incorporated herein.

BE IT FURTHER 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 11<sup>th</sup> day of January 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: \_\_\_\_\_  
KAREN WEEKS, CHAIR

ATTEST: \_\_\_\_\_  
JESSICA JONES, EXECUTIVE SECRETARY