

Verizon Wireless Telecommunication Facility

PRJ23-009

244 Colgan Avenue

March 26, 2024

Suzanne Hartman, City Planner
Planning and Economic Development

Conditional Use Permit for a proposed 69-foot-tall wireless telecommunications facility and associated ground equipment.

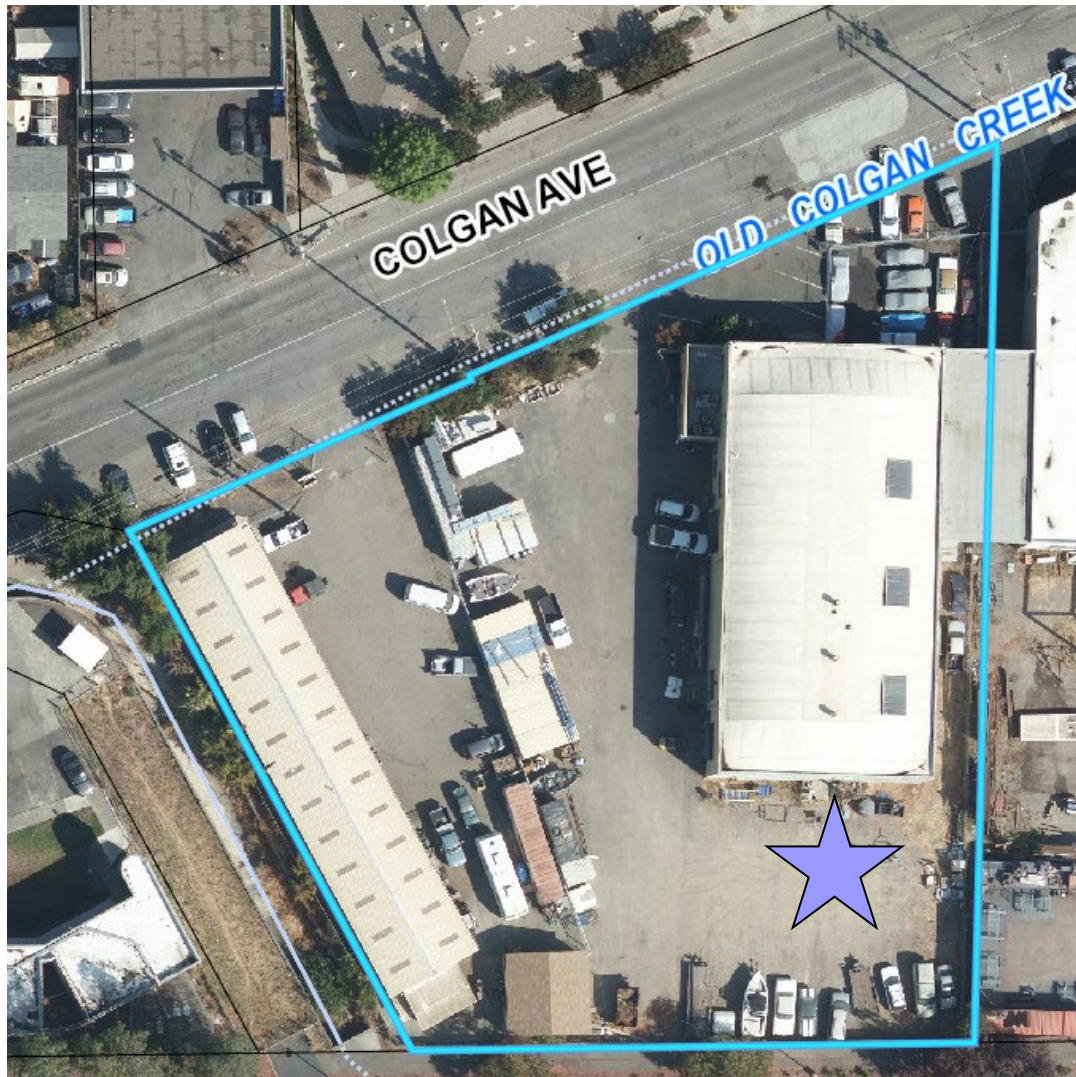


Neighborhood Context

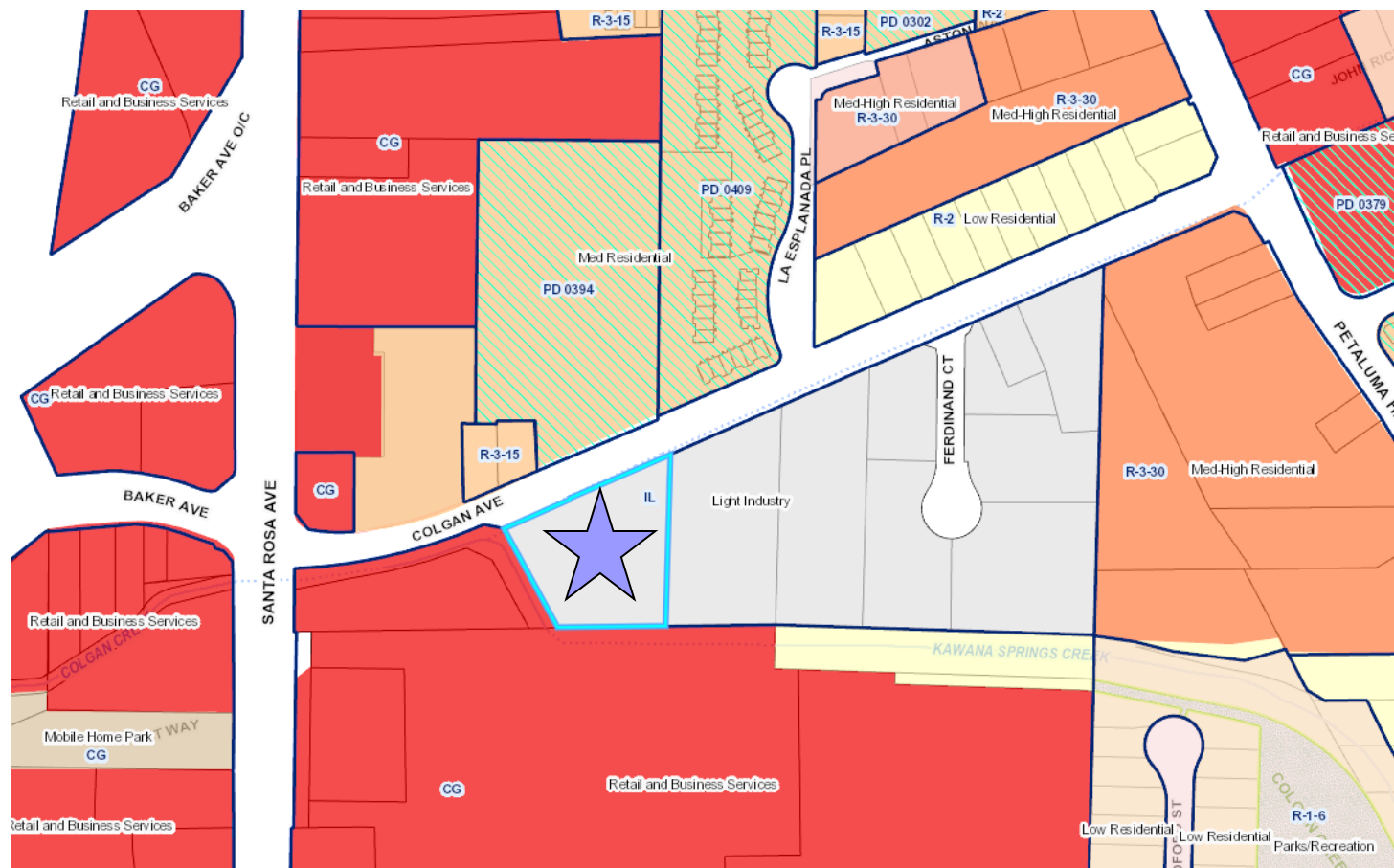


Project Location

244 Colgan Avenue



- General Plan Land Use Designation: Light Industry
- Zoning District: Light Industrial (IL)







- 7/19/2023 – Conditional Use Permit (CUP) and Design Review applications submitted
- 1/11/2024 – Planning Commission approved a CUP
- 1/18/2024 – Design Review Board approved the Design Review, with two added conditions
- 1/22/2024 – Appeal of Planning Commission's action received
- 1/29/2024 – Close of appeal period for Design Review Board's action. No appeal received.

Grounds of Appeal

- a. Facility does not meet the vision, goals or policies of the Santa Rosa General Plan.
- b. Facility does not meet requirements of the Zoning Code.
- c. Facility presents an environmental threat.
- d. Facility violates the applicable provisions of federal, state and local law.
- e. Granting Verizon's application will cause an unnecessary proliferation and redundancy of telecommunications facilities.

Grounds of Appeal (Continued)

- f. Verizon has failed to present “hard data” to prove a gap in service or lack of capacity, and to prove a need for the tower.
- g. The Maximum Permissible Exposures (MPE) generated by the tower will exceed the FCC’s maximum MPE, and the applicant has not specified how will the mitigation will be verified and who will monitor compliance.
- h. The proposed location fails to establish a Fall Zone or Safe Zone for the adjacent large retailer, Costco.

Grounds of Appeal (Continued)

- i. The application and staff reports do not indicate compliance with the National Electric Code (NEIC) or the Building Code.
- j. The applicant has failed to investigate appropriate least intrusive alternate locations in a good faith manor.
- k. The applicant has failed to show that the facility is the least intrusive means to close a purported gap in service or lack of capacity.
- l. The facility will inflict a substantial adverse impact on the aesthetics and character of the adjacent homes and community.
- m. The facility will cause a significant decrease in property values in the adjacent community.

Grounds of Appeal (Continued)

- n. The Visual Assessment is defective; no images were presented from the perspective of the affected property owners and residents.
- o. A gap in service or a lack of capacity in a particular frequency is not sufficient to prove a need for the facility.
- p. Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act would allow an increase the tower size by up to 20 feet without the need for further zoning approval.

Required Findings Pursuant to City Code Chapter 20-52

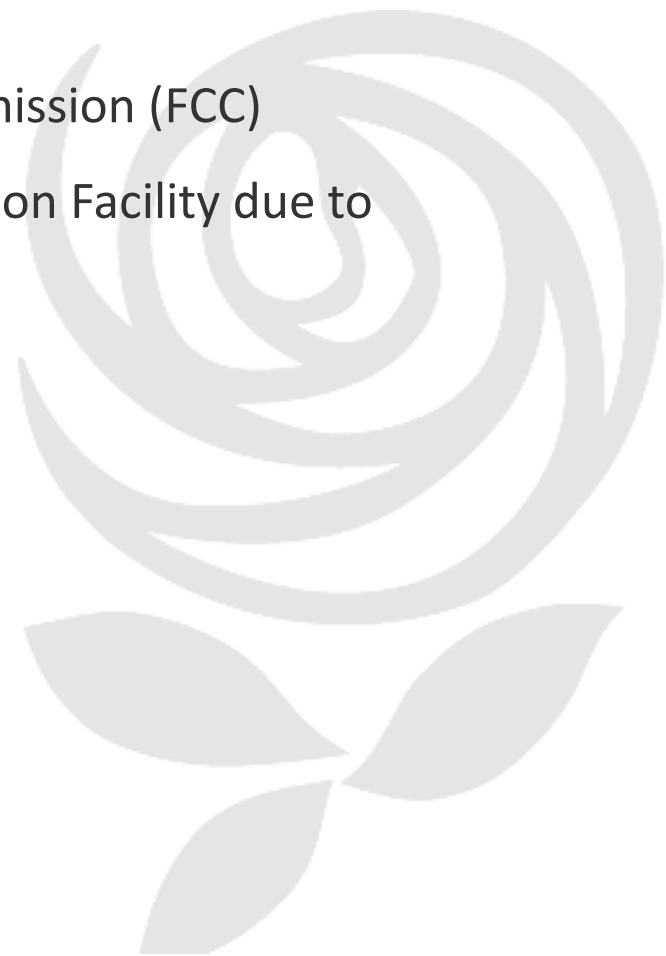
- The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code.
- The proposed use is consistent with the General Plan and any applicable specific plan.
- The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.
- The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.
- 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.

Required Findings Pursuant to City Code Chapter 20-44

- The proposed site results in the least potentially adverse impacts than any feasible alternative site.
- The applicant has provided a written explanation why the subject facility is not a candidate for co-location.
- All commercial telecommunications facilities shall be served by the minimum roads and parking areas necessary.
- Commercial telecommunications facilities shall be operated in compliance with the Federal Communication Commission's (FCC) human exposure standards for non-ionizing electromagnetic radiation (NIER), and the applicant for commercial telecommunication facilities shall be responsible for demonstrating that the proposed facility will comply with this standard.

Radio Frequency (RF)

- Regulated by the Federal Communications Commission (FCC)
- City has no discretion to deny a Telecommunication Facility due to concerns about exposure.



Environmental Review

California Environmental Quality Act (CEQA)

The project has been found in compliance with the California Environmental Quality Act (CEQA):

- Pursuant to CEQA Guidelines Section 15303, the project qualifies for Class 3, which exempts the construction of new small structures in that telecommunication towers are considered small structures that are similar to this Project.
- 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.

Recommendation

It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council, by resolution, deny the appeal and approve a Conditional Use Permit for a wireless telecommunication tower and associated ground equipment for the property located at 244 Colgan Avenue.

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