

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION
January 11, 2024

PROJECT TITLE

Verizon Wireless Cell Tower

APPLICANT

Peter Hillard

ADDRESS/LOCATION

244 Colgan Avenue

PROPERTY OWNER

Nessigner Properties LLC

ASSESSOR'S PARCEL NUMBER

044-011-053

FILE NUMBERS

PRJ23-009

APPLICATION DATES

July 19, 2023

APPLICATION COMPLETION DATES

October 30, 2023

REQUESTED ENTITLEMENTS

Conditional Use Permit

FURTHER ACTIONS REQUIRED

Design Review

PROJECT SITE ZONING

IL (Light Industrial)

GENERAL PLAN DESIGNATION

Light Industry

PROJECT PLANNER

Suzanne Hartman

RECOMMENDATION

Approval

For Planning Commission Meeting of: January 11, 2024

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR WEEKS AND MEMBERS OF THE PLANNING
COMMISSION

FROM: SUZANNE HARTMAN, CITY PLANNER
PLANNING AND ECONOMIC DEVELOPMENT

SUBJECT: VERIZON TELECOMMUNICATION FACILITY

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Planning Commission, by resolution, approve a Conditional Use Permit to allow the construction of a new 69-foot-tall monopine treepole (wireless telecommunication tower), along with supporting ground equipment shielded by a 7.2-foot-tall chain-link and barbed-wire fence, on the property located at 244 Colgan Avenue.

BACKGROUND

1. Project Description

The applicant proposes to install a Verizon Wireless Telecommunications Facility consisting of installing equipment, including the following: a 69-foot-tall monopine treepole; four new outdoor equipment cabinets; a 30kW diesel generator; twelve antennas; eight radio units; six surge suppressors; six hybrid cables; one microwave dish; one GPS antenna; and one 400A PG&E service along with access and utilities to the site. The proposed foliage of the monopine treepole will be colored green to match with the existing redwood trees that are located on the adjacent parcel; the trunk and branching will also be colored brown to match the with existing redwood trees. All equipment will be placed behind a 7.2-foot-tall chain-link and barbed-wire fence.

2. Surrounding Land Uses

North: Multi-Family Residential (Medium Density Residential)
 South: General Commercial (Retail and Business Services)
 East: Light Industrial (Light Industry)
 West: General Commercial (Retail and Business Services)

The project site is adjacent to a channelized portion of Colgan Creek and an underground channelized portion of Kawana Springs Creek. The subject property is surrounded by developed parcels on three sides with a variety of industrial and commercial uses. There are medium-density multi-family residential neighborhoods located north of the site and is separated by Colgan Avenue.

3. Existing Land Use – Project Site

The subject parcel is 1.45 acres, and the existing use of the site is an automotive repair shop. The tower, ground equipment and fence lease area will be constructed in the southeast corner of the site. The proposed development will not displace or disrupt any existing parking or circulation for the existing buildings.

4. Project History

July 19, 2023	Application Submitted
November 17, 2023	Applicant accepted a Tolling Agreement from City staff that would extend the review timeframe and shot clock of this project to January 15, 2023.
November 17, 2023	Notice of Application Distributed
December 1, 2023	Notice of Public Hearing Distributed
December 14, 2023	Planning Commission Meeting – At the request of the applicant, the item was continued to a date certain of January 11, 2024.

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. Due to circumstances beyond the control of City staff, the review and issuance of this use permit for a wireless facility could not reasonably be

completed within the application shot clock period, which ended on November 28, 2023.

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.

On December 14, 2023, in order to allow time to address concerns raised by the community, the applicant requested that the Planning Commission continue the public hearing to the regular meeting on January 11, 2024. As such, the applicant also agreed to extend the review timeframe and shot clock to February 2, 2024.

ANALYSIS

1. General Plan

The General Plan land use designation for the site is Light Industry, which is intended for light industrial, warehousing and heavy commercial uses. Uses appropriate to this land use category include auto repair, bulk or warehoused goods, general warehousing, manufacturing/assembly with minor nuisances, home improvement retail, landscape materials retail, freight or bus terminals, research oriented industrial, accessory offices, and employee-serving commercial uses, and services with large space needs, such as health clubs.

While there are no goals or policies that speak directly to telecommunications facilities, cellular phone service has become an integral part of personal and business communication. As such, 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. The proposal has been determined to be consistent with the General Plan.

2. Zoning

The [Zoning Code](#) implements the goals and policies of the General Plan by classifying and regulating the use of land and structure development within the City.

Surrounding Zoning Districts:

North: Multi-Family Residential (R-3-15 and Planned Development)

South: General Commercial (CG)

East: Light Industrial (IL)

West: General Commercial (CG)

The project site is within the Light Industrial (IL) Zoning District, which is applied to areas appropriate for some light industrial uses, as well as commercial service uses and activities that may be incompatible with residential, retail, and/or office uses. The IL zoning district is consistent with the Light Industry land use classification of the General Plan.

Zoning Code Section [20-44](#), defines telecommunication facility standards. The project is considered a major telecommunications facility and as such, has been required to obtain a Major Conditional Use Permit (CUP) and a Major Design Review Permit (DR). Pursuant to Zoning Code Section [20-44.020](#), the review authorities are the Planning Commission (Conditional Use Permit) and the Design Review Board (Design Review).

Pursuant to Zoning Code Section [20-30.070](#), the height of telecommunication facilities are specifically addressed in Zoning Code Chapter 20-44 and more specifically, Zoning Code Section [20-44.030\(G\)](#) states, "The facility shall be as small as possible and the minimum height necessary without compromising reasonable reception or transmission." Staff has interpreted this language to allow the review authority (Planning Commission) discretion regarding the height limits of telecommunication facilities. Based on the information included in the application materials, staff finds that the proposed height of the tower is necessary to maintain adequate height for function while allowing future collocation of the site.

The project complies with development standards, design guidelines, and application requirements set forth in Chapters 20-23 and 20-44 of the City Code. The tower and all related equipment will be placed adjacent to an existing industrial structure, shielding the equipment from public view. The equipment will be placed behind a 7.2-foot-tall chain-link and barbed-wire fence. The proposed monopine pole blends in with the surrounding redwood trees. The project will not interfere with other industrial and commercial operations in the vicinity.

Section 20-44.060 of the Zoning Code regulates the location of telecommunication towers by requiring an alternative site analysis, a separation between facilities, a good faith effort in achieving collocation, minimum roads and parking areas as necessary to serve the facility, and operation in compliance with the Federal Communication Commission's (FCC) human exposure standards for non-ionizing electromagnetic radiation (NIER), which is attached to this report and also stated within the applicant's project description. An "Electromagnetic Energy (EME) Exposure Report," prepared by OSC Engineering, Inc., dated May 19, 2021, concluded that the proposed placement of the 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.

Zoning Code Section 20-44.060(F)(18) specifically prohibits all major telecommunication facilities from locating in any residential zoning district, and

Section 20-44.060(F)(19) requires a 75-foot setback from a major facility to any habitable structures. As noted above, the proposed facility would be located in the IL Zoning District, and would be over 200 feet from the nearest habitable structure.

The following findings are required for approval of the Conditional Use Permit:

- a. 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;
- b. The proposed use is consistent with the General Plan and any applicable specific plan;
- 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;
- 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;
- 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; and
- f. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

Major telecommunication facilities are allowed within the IL zoning district upon approval of a CUP and DR. Staff finds that the project complies with all requisite requirements of the Zoning Code, and that all required findings can be met as shown on the draft resolution included as an attachment to this Staff Report.

3. Design Guidelines

If the CUP is approved by the Planning Commission, the project will be considered by the Design Review Board on January 18, 2024.

4. Summary of Public Comments

Planning staff has received both written and oral comments for this application. Staff has attached all correspondence to this staff report. The following list includes comments and staff responses:

Comment: The font on the noticing is too small and there is no information regarding the meeting date of the public hearing.

Staff Response: There was some confusion between the Notice of Application, which does not include a meeting date, and the Notice of Public Hearing, which did. As a courtesy after the Planning Commission meeting was continued, a second Public Hearing Notice was sent with larger font.

Comment: There was not enough time to provide comments due to the notice being sent out during a Holiday week.

Staff Response: As discussed in the Public Notification section of this report, the public hearing noticing, including the mailed notice, was done pursuant to Zoning Code [Chapter 20-66](#), including mailed notices to property owners and occupants within 600 feet of the project site and an onsite sign.

Comment: The proposed location is inappropriate due to the project site being directly across a residential property and adjacent to a motel and a retail business center.

Staff Response: Pursuant to Zoning Code [Chapter 20-44](#), all major commercial telecommunication facilities shall be located at least 75 feet from any habitable structure, except for a habitable structure on the property in which the facility is located.

Comment: This is an inappropriate use of the project site.

Staff Response: Pursuant to Zoning Code Chapter 20-44, a new telecommunication facility may be allowed through the Conditional Use Permit process.

Comment: The plastic pine needles that proposed to be on the tower will fall into, and pollute, Colgan Creek.

Staff Response: The project has been conditioned to require continued maintenance of the proposed monopine.

Comment: There is concern regarding excess noise amounts of noise during construction.

Staff Response: The project has been conditioned allowing standard construction hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. on Saturday, and no construction activities on Sunday or holidays.

Comment: No alternative locations were considered.

Staff Response: The applicant provided alternative site analysis on page 12 of the attachment titled Project Description and Application Materials.

Comment: The tower will cause indecent exposure to radiation.

Staff Response: The project complies with the Federal Communications Commission (FCC) requirements (see Attachment 7 to this report).

5. Public Improvements

For a comprehensive list of on- and off-site improvements, refer to the attached Exhibit A, provided by Engineering Development Services, dated October 30, 2023.

FISCAL IMPACT

Approval of the Project will not have an effect on the General Fund.

ENVIRONMENTAL IMPACT

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. 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.

PUBLIC NOTIFICATION

The project was noticed as a public hearing for the December 14, 2023 Planning Commission meeting per the requirements of Chapter 20-66 of the City Code. Notification of the public hearing was provided by posting an on-site sign, publishing notice in a newspaper of general circulation, mailed notice to surrounding property owners and occupants, electronic notice to parties that had expressed interest in projects taking place in this geographic area of Santa Rosa, and bulletin board postings at City Hall and on the City website.

It should be noted that the City received several comments regarding concerns that the font size of the mailed notice was not large enough, and that the mailing was not sent out with adequate time to respond. It should be noted that all of the required noticing was completed within the minimum 10 calendar day requirement identified in Zoning

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Code Section 20-66.020(C), which included the mailed notice that was sent out on December 1, 2023. With regard to the font size of the mailed notice, which was at 10 point, allowing the necessary information to be included. On January 5, 2024, an additional notice with larger font was mailed to property owners and occupants within 600 feet of the site.

On December 14, 2023, in order to allow time to address concerns raised by the community, the applicant requested that the Planning Commission continue the public hearing to a date certain of January 11, 2024. Because the item was continued to a date certain, no additional noticing was required for the January 11, 2024 Planning Commission meeting.

Pursuant to Government Code Section 65091, where necessary, the City has incorporated notice procedures to the blind, aged, and disabled communities. These procedures include audio amplifier/assistive listening device support at public meetings, closed captioning, and optical character recognition conversion of electronic notices.

ISSUES

There are no unresolved issues for this project.

ATTACHMENTS

Attachment 1 - Disclosure Form
Attachment 2 - Project Description
Attachment 3 - Neighborhood Context Map
Attachment 4 - Network Map
Attachment 5 - Plan Set
Attachment 6 - Electromagnetic Energy (EME) Report
Attachment 7 - RFC Compliance Report
Attachment 8 - Foliage Samples
Attachment 9 - Photo Simulations
Attachment 10 - RF Justification
Attachment 11 - Community Correspondence

Resolution
Exhibit A

CONTACT

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