

CITY OF SANTA ROSA  
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
STAFF REPORT FOR DESIGN REVIEW BOARD  
**April 4, 2024**

**PROJECT TITLE**

New Telecommunications Facility

**ADDRESS/LOCATION**

2715 Giffen Avenue

**ASSESSOR'S PARCEL NUMBER**

010-450-008

**APPLICATION DATES**

January 11, 2024

**REQUESTED ENTITLEMENTS**

Design Review Permit

**PROJECT SITE ZONING**

Light Industrial (IL)

**PROJECT PLANNER**

Suzanne Hartman

**APPLICANT**

Carol Kincheloe

**PROPERTY OWNER**

Giffen Avenue Property LLC

**FILE NUMBERS**

CUP23-004, DR23-038

**APPLICATION COMPLETION DATES**

October 31, 2023

**FURTHER ACTIONS REQUIRED**

None

**GENERAL PLAN DESIGNATION**

General Industry

**RECOMMENDATION**

Approval

Agenda Item # 8.1  
For Design Review Board Meeting of: April 4, 2024

CITY OF SANTA ROSA  
DESIGN REVIEW BOARD

TO: CHAIR AND MEMBERS OF THE DESIGN REVIEW BOARD  
FROM: SUZANNE HARTMAN, CITY PLANNER  
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SUBJECT: NEW TELECOMMUNICATIONS FACILITY

AGENDA ACTION: RESOLUTION

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### RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Design Review Board, by resolution, approve a Design Review Permit for the construction of an 80-foot-tall telecommunications tower with a 5-foot lighting rod, and supporting ground equipment that will be shielded by a 6-foot-tall CMU (Concrete Masonry Unit) wall, located at 2715 Giffen Avenue.

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### BACKGROUND

1. Project Description

The applicant proposes to construct an 80-foot monopine pole, with a 5-foot lighting rod atop of the pole. The proposed foliage of the monopine treepole will be colored green to match with the existing trees that are located at the project site. All of the ground equipment will be enclosed by 6-foot-tall CMU wall and access gate.

2. Surrounding Land Uses

West: North: Business Park (BP) and Low-Density Residential (R-1-6)  
South: General Industrial (IG)  
East: General Industrial (IG)  
West: Business Park (BP)

3. Existing Land Use – Project Site

The subject parcel is 11.71 acres and there are various light industrial uses operating at the site. The tower, ground equipment and CMU wall area will be constructed in the southwest corner of the property. The proposed development will not displace or disrupt any existing parking or circulation for the existing buildings.

#### 4. Project History

|                  |   |
|------------------|---|
| January 11, 2023 | Application Submitted   |
| March 17, 2023   | Notice of Application Distributed   |
| January 11, 2024 | The applicant accepted City staff's request for a Tolling Agreement that would extend the review timeframe and shot clock of this project from January 11, 2024, to April 16, 2024, to allow this project to be scheduled for the two required Public Hearings. |
| March 28, 2024   | Planning Commission Public Hearing  |
| March 22, 2024   | Notice of Design Review Board Public Hearing Distributed  |
| April 4, 2024    | Design Review Board Public Hearing  |

### 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.

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 shielded from public view to the extent possible, by being placed behind a 6-foot-tall CMU wall. The proposed monopine blends in with the surrounding trees. The project will not interfere with other industrial and commercial operations in the vicinity.

An "Electromagnetic Energy Exposure (EME) Report," prepared by Waterford Consultants, LLC, dated April 12, 2023, 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.

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.

Pursuant to Zoning Code [Section 20-52.030](#) the Design Review Board must make the findings shown below before granting Design Review. As demonstrated on the attached draft resolution, staff's analysis has determined that these findings can be met:

1. The design and layout of the proposed development is of superior quality, and is consistent with the General Plan, any 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).

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).
3. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments.
4. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood.
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.
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.
7. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

Section 20-44.060(G) provide that the following findings must be made for commercial telecommunications facilities:

- a. The proposed site results in the least potentially adverse impacts than any feasible alternative site.
- b. The applicant has provided a written explanation why the subject facility is not a candidate for co-location.
- c. All commercial telecommunications facilities shall be served by the minimum roads and parking areas necessary.
- d. 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.

Major telecommunication facilities are allowed within the IL zoning district upon approval of a Conditional Use Permit and Design Review. Staff finds that the project complies with all requisite requirements of the Zoning Code, and that all required findings can be met, as shown in the draft resolution included as an

attachment to this Staff Report.

3. Design Guidelines

[Section 20-44.060](#) of the Zoning Code outlines design criteria for commercial telecommunication facilities, and in concert with the City's Design Guidelines, requires that the facilities be designed and located to be compatible with and minimize visual impacts to surrounding areas.

The [Design Guidelines](#) are the primary design criteria under which discretionary review is conducted. The most relevant applicable Design Guidelines goals and policies include:

- |               |   |
|---------------|---|
| 3.3 III. B.1. | Use high quality, durable and low maintenance materials.  |
| 20-44.060 F.1 | Innovative design solutions that minimize visual impacts should be utilized. Telecommunication facilities shall be as small as possible and the minimum height necessary without compromising reasonable reception or transmission.                                   |
| 20-44.060 F.3 | Antennas and their support structures should be located on the rear half of property or structures when reasonable transmission and/or reception would not be impaired and when visual impacts would be reduced unless no other feasible alternative location exists. |
| 20-44.060 F.4 | Telecommunication facilities and appurtenances should not be situated between the primary building on the parcel and any public or private street adjoining the parcel.   |

The proposal includes a monopine tower with foliage that blends in with the existing industrial and natural landscape. The tower will be placed at the southwest corner of the property and will be surrounded by existing trees. The base of the tower and the supporting ground equipment will be shielded by a 6-foot-tall CMU wall. Staff has determined no scenic resources are affected by the proposed monopine based on site visits and the photo simulations provided by the applicant.

4. Summary of Public Comments

City staff has received some public comments regarding concerns regarding the proposed monopine being located too close to a nearby residential neighborhood and exposure to Radio Frequency (RF) emissions.

Staff Response:

Section 20-44.060(F)(19) requires a 75-foot setback from a major facility to any habitable structures. The proposed facility would be located in the IL Zoning District and would be over 900 feet from the nearest habitable structure.

The proposed telecommunications facility complies 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. The applicant has submitted reports from a licensed electrical engineer confirming compliance with the FCC's radio frequency exposure limits. In a Radio Frequency Emissions Compliance Report, prepared by David H. Kiser, Electrical Engineer, Waterford, dated, April 12, 2023.

Furthermore, the federal government has largely preempted local government regulation in the area of Radio Frequency (RF) emissions, making the 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. 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 FCC regulations concerning such emissions" (47 U.S.C. §332(c)(7)(B)(iv)). 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 (10th Cir. 1999)).

#### 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

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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.

### BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

On March 28, 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, which includes the construction of a 85-foot-tall telecommunications tower and associated equipment shelter that is enclosed by a 6-foot-tall CMU wall.

### PUBLIC NOTIFICATION

The project was noticed as a public hearing per the requirements of Chapter 20-66 of the City Code. Notification of this 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. 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 remaining with the project.

### ATTACHMENTS

Attachment 1 - Disclosure Form  
Attachment 2 - Location Map  
Attachment 3 - Plan Set (Monopine)  
Attachment 4 – Biological Assessment  
Attachment 5 – EME Report  
Attachment 6 - Coverage Map  
Attachment 7 - Photo Simulations (Monopine)  
Attachment 8 - Alternative Site Analysis  
Attachment 9 - Applicant Presentation

Resolution/Exhibit A



[TITLE]

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### CONTACT

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