

RESOLUTION NUMBER DRB-2024-003

RESOLUTION OF THE DESIGN REVIEW BOARD OF THE CITY OF SANTA ROSA  
GRANTING DESIGN REVIEW APPROVAL FOR A NEW MONOPINE  
(TELECOMMUNICATIONS FACILITY) WITH SUPPORTING GROUND EQUIPMENT,  
SHIELDED BY 6-FOOT-TALL CONCRETE MASONRY UNIT (CMU) WALL, LOCATED  
AT 2715 GIFFEN AVENUE, APN: 010-450-008, FILE NO. DR23-038

WHEREAS, on January 11, 2023, an application was submitted requesting the approval of a Design Review Permit for a 85-foot-tall monopine (wireless telecommunication tower) with supporting ground equipment, behind a 6-foot-tall CMU wall, to be located at 2715 Giffen Avenue, also identified as Sonoma County Assessor's Parcel Number 010-450-008 (Project Site); and

WHEREAS, on March 17, 2023, a Notice of Application was mailed to residents within 600-feet of the project site; and

WHEREAS, on October 15, 2023, an application was submitted requesting the approval of a Design Review Permit for a 85-foot-tall monopine (wireless telecommunication tower) with supporting ground equipment, behind a 6-foot-tall CMU wall, to be located at 2715 Giffen Avenue, also identified as Sonoma County Assessor's Parcel Number 010-450-008 (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, the federal government has largely preempted local government regulation in the area of Radio Frequency (RF) emissions, making the Federal Communications Commission (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; and

WHEREAS, 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 Federal Communications Commission’s (FCC) regulations concerning such emissions” (47 U.S.C. §332(c)(7)(B)(iv)); and

WHEREAS, 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); and

WHEREAS, on 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; and

WHEREAS, on April 4, 2024, the Design Review Board held a duly noticed 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 Design Review Board 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

WHEREAS, the Design Review Board, at the same time considered written and oral reports of staff, testimony, and other evidence presented by all those who wished to be heard on the matter; and

WHEREAS, the Design Review Board, after due consideration of all evidence and reports offered for review, does find and determine the following:

1. The design and layout of the proposed development is of superior quality, and is consistent with the General Plan, and 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), 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 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; and
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), in that the proposed height of the tower is necessary to maintain adequate height for function while allowing future collocation of the site; and
3. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments, in that the existing site is both developed and surrounded by existing industrial development with adequate access to the proposed use and once in operation, the telecommunications facility does not require frequent visits by employees, thus would not intensify the site; and
4. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood, in that the base of the cell tower and all related ground equipment will be screened from public view and placed behind a 6-foot-tall CMU wall to minimize visual impacts as much as possible. Additionally, the tower is proposed to be designed as a monopine with foliage, blending in with the surrounding trees; and

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, in that the base of the cell tower and all related ground equipment will be placed behind a six-foot-tall wall, screening the equipment from public view and minimizing visual impacts as much as possible; and
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 district in which the property is located in that the project included an Electromagnetic Energy Report, prepared by Waterford Consultants, LLC, and prepared on April 12, 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
7. 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 RESOLVED, pursuant to City Code Section 20-44.060 (Commercial Transmission Tower Location), the Design Review Board of the City of Santa Rosa finds and determines:

- A. The proposed site results in the least potentially adverse impacts than any feasible alternative site. The applicant has prepared a comprehensive alternatives analysis evaluating seven alternative sites. The proposed facility is ideally located in an industrial zone near the center of the service gap and is over 900 feet from residences. Other tower locations evaluated are too distant to serve the gap.
- B. The applicant has provided a written explanation why the subject facility is not a candidate for co-location. The applicant has provided technical evidence of the need for the proposed facility. There will be vertical space on the proposed tower for future co-location of antennas by another wireless carriers.
- C. All commercial telecommunications facilities shall be served by the minimum roads and parking areas necessary. The proposed facility and its access route across the property

will be located on previously-disturbed areas, and no new road or parking will be required.

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. The applicant has submitted reports from a licensed engineer confirming compliance with the FCC's radio frequency exposure limits. In a Radio Frequency Emissions Compliance Report, prepared for AT&T Mobility by David H. Kiser, Electrical Engineer, Waterford, dated April 14, 2023, Mr. Kiser confirmed the Radio Frequency Exposure Assessment report to be accurate.

NOW, THEREFORE, BE IT RESOLVED, the Design Review Board of the City of Santa Rosa does hereby grant Design Review of the New Telecommunications Facility, subject to each of the following conditions:

#### **DEPARTMENT OF COMMUNITY DEVELOPMENT**

##### **ENGINEERING DIVISION:**

1. Compliance with Engineering Development Services Exhibit A, dated October 31, 2023, attached hereto and incorporated herein.

##### **BUILDING DIVISION:**

2. Provide a geotechnical investigation and soils report with the building permit application. The investigation shall include subsurface exploration and the report shall include grading, drainage, paving and foundation design recommendations.
3. Obtain building permits for the proposed project.

##### **PLANNING DIVISION:**

4. 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 Design Review Board upon approval of the Design Review application. Any future additions, expansions, remodeling, etc., will be subject to review and approval of the Planning Division.
5. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
6. 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.

7. The telecommunication facility (monopine and supporting equipment), including foliage, trunk, and wall, shall be maintained in good condition.
8. 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.
  - B. All outdoor storage of materials and/or refuse bins/cans shall be maintained within a completely screened structure or area. The design of the screened structure or area shall be approved by the Planning Division prior to issuance of a building permit.
9. TREE PRESERVATION:
  - A. Tree Preservation notes and protection during construction notes shall be shown on the improvement plans and building plans. The tree driplines shall also be shown on each drawing with the attendant protection instructions.
10. 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.
11. SIGNING:
  - A. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.

#### **DESIGN REVIEW BOARD**

12. add/delete text as needed
13. add/delete text as needed

DULY AND REGULARLY ADOPTED by the Design Review Board of the City of Santa Rosa  
on this 4<sup>th</sup> day of April, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Approved: \_\_\_\_\_  
Melanie Jones-Carter, Chair

Attest: \_\_\_\_\_  
Monet Sheikhal, Executive Secretary

Attachment:  
Exhibit A