



Agenda Item No: 4.A.

Meeting Date: April 12, 2022

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Community Development Director

REQUEST FOR PLANNING COMMISSION ACTION STAFF REPORT

PROPERTY ADDRESS: 923 South Fitch Mountain Road

APPLICANT: GTE Mobilenet dba as Verizon Wireless c/o Complete Wireless Consulting

SUBJECT: Verizon Telecommunications Facility

RECOMMENDED ACTION

By motion, it is recommended that the Planning Commission approve Resolution 2021-14, granting approval of Major Conditional Use Permit Application CUP 2016-07; Major Design Review Application DR 2016-06; Major Variance Application V 2017-01; and Minor Conditional Use Permit CUP 2021-08, based on the suggested findings and subject to the recommended conditions of approval identified in the resolution.

BACKGROUND

The proposed project was originally heard by the Planning Commission on December 8, 2020. At that hearing, the Commission received the staff report and took public testimony on the proposed project. After the public hearing portion of the meeting was closed, the Commission deliberated on the specifics of the proposed project. The minutes from the hearing are included as Attachment 3. The Commission raised four primary concerns about the project during deliberation. Issues raised by the Commission were as follows:

- The overall height of the tower structure and the potential for reducing the height (See “Project Description” and “Design Review” sections below).
- The possibility of providing additional measures to maximize stealthing of the facility (See “Project Description” and “Design Review sections below).
- A request of the applicant to provide additional photo-simulations of the facility from Greens Drive (See Exhibit B).
- A request that staff provide clarification on the potential for increasing the height of the tower at the request of the applicant or future carrier (See “Potential Facility Modifications” section below).

As a result of these concerns, the Commission voted to continue the item to a Planning Commission hearing in the future. Staff worked with the applicant to compile all the information requested by the Commission. Issues raised by the Commission are addressed in detail in this staff report.

At the meeting of May 17, 2021, the City Council adopted a Resolution authorizing the City Manager to execute a Land Lease Agreement (the “Lease”) between the City of Healdsburg (the “Lessor”), and GTE Mobilenet, dba Verizon Wireless (“Verizon” or “Lessee”) for a portion of a municipally owned property at 923 South Fitch Mountain Road. In addition to the Lease, the Council approved a Grant of Easement and a

Memorandum of a Grant of Easement providing access to the subject site across and through the adjoining Tayman Park Golf Course property at 931 South Fitch Mountain Road, to the public right-of-way at South Fitch Mountain Road. These approvals were the first of two actions by the City necessary to approve the proposed Verizon Telecommunications Facility (the “Facility”). In authorizing the Lease, the City Council acted in its proprietary capacity as the landowner of the property. The term of the Lease is for up to 25 years; a five-year initial term and four five-year extensions. Upon termination or expiration all improvements shall be removed, including the foundation to a depth of five feet.

The second action of the City is the granting of the required land use permits for the Facility as specified in the Land Use Code. Approval of these permits is a regulatory action acted upon by the Planning Commission, and ultimately subject to appeal to the City Council. The required permits are the subject of this agenda item.

The project was brought before the Planning Commission again on December 14, 2021. Staff provided the staff report and the applicant also provided a presentation and fielded questions from the Commission. After the presentations, the hearing was then opened for public comment. Seven members of the public provided comments to the Commission during this period. After the public comment period was closed, the Commission deliberated on various elements of the project. Upon the conclusion of the deliberation, the Commission voted 6-0 to continue the hearing to a future date to allow time for a third-party independent review of the project. The hearing comments from the Commission and the public are included in the minutes from the meeting as Attachment 3 of this report.

Independent Review

As requested by the Planning Commission, the City retained the engineering services of Columbia Telecommunications Corporation (CTC), a privately held, independent telecommunications consulting firm, to provide a third-party review of the Verizon application. CTC performed a technical review and analysis of the project with respect to the applicant’s communications engineering materials and justification for the proposed project site. The City received the final draft of CTC’s analysis on April 5, 2022. The final draft of the report is included as Exhibit J. The report describes the information that CTC examined and documents their analysis process and conclusions related to the application. The analysis was confined to the technical aspects of the application and includes the following:

1. A review of the technical equipment that is being proposed in the application and the suitability of such equipment to meet the purposes set forth by the applicant, and whether the facilities proposed are consistent current commercial wireless industry deployment standards.
2. An independent examination of existing Verizon coverage provided in the City of Healdsburg, surrounding areas, and the projected coverage enhancements that are provided within the City by the proposed facility.
3. The potential for co-location at another existing telecommunication facility.
4. Evaluation of the proposed height to provide the needed coverage or if similar coverage could be provided at a lower height at the proposed location.
5. Independent recommendations, if warranted, to modify the applicant’s proposal with regard to facility siting location or design modifications.

6. A review of the Radio Frequency (RF) emissions exposure studies submitted by the applicant to confirm that the site would not exceed the Federal Communications Commission's (FCC) RF emissions guidelines.

The report documents CTC's findings relative to the application filed for the proposed site. CTC's engineers reviewed all application materials submitted by the applicant, including the following:

1. Engineering design documents
2. Radio equipment specifications
3. Antenna, coaxial cabling, and coupling/interface devices
4. RF emission exposure calculations

CTS's report provided findings that the communications equipment proposed is consistent with the applicant's goals for applications from a technical standpoint:

- All radio transmission equipment proposed by the applicant are of a type accepted by the FCC.
- There is a gap of reliable in-building coverage of more than a square mile area, bounded by Grant Street on the north to Healdsburg Avenue in the south. The proposed additional site will provide in-building service to approximately 0.9 square miles.
- The proposed facility as designed, provides adequate mounting to accommodate at least one additional carrier.
- Radio Frequency energy exposure for this site for two wireless carriers will be fully compliant with guidelines established by the FCC.
- Existing telecommunication facility sites were examined, and the report found that none of the existing sites are suitable for addressing the in-building coverage gap. An examination of the area did not uncover another viable option to the proposed site due to either an inability to provide adequate coverage or due to a lack of interest on the part of property owners.
- Based on the coverage analysis findings and vertical clearances required to address RF exposure guidelines, the report recommended that the radiation center be installed at an elevation of 60-feet or greater to accommodate a second wireless carrier on the structure.

PROJECT DESCRIPTION

The project includes the installation of a 76-foot-tall telecommunication tower with nine "Andrew Model SBNHH-1D65B" directional panel antennas and one microwave dish with associated tower mounted equipment. The tower will be configured to resemble a faux broadleaf tree. The facility would substantially improve service coverage to the Healdsburg neighborhood areas surrounding the site, which are in very hilly terrain. This will be a "5G" capable facility.

Tower placement would be within a 30-foot by 50-foot lease area, secured by an 8-foot-tall redwood plank fence. A small facility informational sign would be installed at the access gate. The lease area would include equipment cabinets mounted on a concrete pad; power and telephone communication connections would be brought to the facility from nearby lines running along the east boundary line of the property. The facility will be accessed via the road to the Tayman Park golf course off of South Fitch Mountain Road and on the existing golf cart path with a 12-foot-wide, all-weather gravel driveway and turnaround to lease area on the property. With the addition of the new gravel road, maintenance and Fire Department vehicles will be able to drive from the parking lot area to the facility location without any barriers. The access plans were reviewed by the Fire Marshal and were found to be adequate to serve the facility. A utility easement is proposed along the access road. The disturbed area due to the implementation of the access improvements would be approximately 0.58 acre.

The antennas would measure 8 feet in height and would be concealed within stealth “socks” intended to blend with the faux tree branches. The antennas would employ no downtilt (meaning that the antenna signal is not focused downward), mounted at an effective height of about 60 feet above ground, and would be oriented in groups of three, to provide services in all directions. The faux tree “branches” would extend at least 6 feet from the pole, just past the antenna support arms; the lower branches would be 10 feet in length to give the structure a more tree-like configuration.

The applicant has informed staff that in order to provide the necessary cellular coverage, the minimum height of the tower would need to be 70 feet. The applicant has provided three sets of photo-simulations which identify three different variations of the tower design based on different heights (See Page 8 of Attachment 2). The exhibit shows heights of 76-feet, 70-feet, and 64-feet. Similar to the originally proposed height of 76-feet, in each simulation, the tower is visible from each viewshed perspective, with the exception of the view from Oak Mound Cemetery. The primary difference between the three simulations is the reduction in the natural tapered shape of the tree due to the removal of the crown of the tree.

The applicant has also informed staff that the proposed design utilizes the most state-of-the-art stealthing available. To illustrate this point, the applicant has provided an exhibit which identifies three different levels of stealthing techniques, specifically, the number of tree branches attached to the tower (See Page 8 of Attachment 2). As shown on the attachment, the tree with 2.8 branches per foot provides the most natural looking tree and the most stealthing capabilities. The proposed design will utilize the maximum number branches to achieve the most natural looking result.

The applicant has also provided eight photo-simulations included in Exhibit B. The simulations include views of the site from various locations, including Greens Drive. In each scenario, the tree would be visible with the exception of the view from Oak Mound Cemetery. However, due to the stealthing techniques discussed above, the tree will maintain a natural look and blend into the existing vegetation to the extent feasible.

Visitation to the site by a service technician for routine maintenance would occur on average once a month. The proposed site is remotely monitored and connected directly to a central office where system computers alert personnel to any equipment service needs. Because the wireless facility is unmanned, there are no regular hours of operation for personnel and no impacts to existing local traffic patterns. No water or sanitation services will be required.

The site will also include a standby generator in the event of a power failure. Verizon installs a standby generator and batteries at all of its cellular sites. The generator and batteries serve a vital role in emergency and disaster preparedness plans. In the event of a power outage, the communications equipment will transfer over to the battery backup. The batteries can run for up to 8 hours. Should the power outage extend beyond

the capacity of the batteries, the backup generator will automatically start and recharge the batteries. With regard to the generator, the California Public Utilities Commission (CPUC) provides cellular carriers with 12 months to comply with their backup generator requirement. The CPUC does not specify if the 12-month period for installation begins on the date of project approval, building permit issuance, or any other milestone. Since the generator will require a separate building permit, staff finds that the most appropriate time frame for installation of the generator would be 12 months from the date of building permit issuance. Therefore, the project includes a condition of approval requiring that the generator be installed within 12 months of issuance of the building permit for the tower.

An Environmental Noise Analysis has been conducted for the project to determine if the project would be in compliance with the City's Noise Ordinance. The study is included as Exhibit G. The study concluded that the project equipment noise exposure is expected to satisfy the applicable City of Healdsburg noise exposure limits at the nearest residential land uses. As a result, no additional noise mitigation measures would be warranted for the project.

PROJECT LOCATION

In an effort to improve wireless communications in the City of Healdsburg, Verizon and Complete Wireless Consulting have been working with City staff since late 2014 to determine the best locations for new facilities. A new facility in Tayman Park would provide the necessary coverage to close a gap in service that currently exists in the area.

The proposed facility lease area is located within a 3.4-acre parcel owned by the City of Healdsburg. It is a distinct parcel from the larger Tayman Park parcel and is part of the golf course and recreation area. The specific location of the lease area is at the top of a hill above the tee box of the 3rd hole of the golf course, northwest of the golf course clubhouse and parking area. The precise site location is included in the plan set (Exhibit A). Surrounding land uses include the Oak Mound Cemetery to the west; single-family residences to the southwest; single-family residences to the east; all other directions are part of the golf course. The nearest residential use is approximately 390-feet to the southwest on Greens Drive.

The site is vegetated with scattered mature oak, madrone, and redwood trees and also contains former and new water storage tanks. The location was chosen to be located near a large grove of mature trees in order to help camouflage the cellular tower. The area proposed for the communication tower has been previously graded and developed with the existing (abandoned) and new water storage tank facilities.

The specific site for the lease area was considered in the initial discussions between Verizon and the City back in 2015-2016. Part of the project requires that Verizon remove an unused concrete water tank owned by the City. This area was chosen so that Verizon could repurpose an area that was already being used for utilities and remove an existing structure that the City finds obsolete. This location would also require the least disturbance of ground and natural vegetation. Furthermore, due to the design of the fire access road and turnaround, relocating the site further to the west would result in impacts to the tall mature trees which provide significant screening and camouflaging of the tower and the associated equipment area. The proposed location would require the removal of the least number of trees while still providing a site large enough for Verizon and a future co-locator's ground equipment, which was a request made by the City.

COVERAGE AREA

The applicant has provided staff with color visual depictions identifying Verizon's pre- and post-project cellular coverage in and around the City of Healdsburg (Pages 2-3 on Attachment 2). The pre-project map clearly identifies a lack of coverage in the area of Tayman Park and Fitch Mountain. As shown on the post-

project map, coverage will be significantly increased with the operation of the proposed facility. This additional coverage will provide Verizon customers with a much more reliable cellular signal, especially for indoor and in-vehicle use as denoted by the green and yellow colors on the maps. According to the applicant, Verizon customers living in this area of Healdsburg have had concerns about a lack of or very inconsistent coverage in this area for many years. Furthermore, the City's Fire Marshal has had similar concerns about the lack of coverage with regard to residents in this highly fire-prone area not receiving emergency alerts on their phones. According to the Fire Marshal, the additional cellular coverage in this area of the City would enable more residents to be warned of a pending emergency and allow additional time to evacuate or prepare for potential evacuation. As such, the Fire Marshal is in support of the proposed project.

ALTERNATIVE SITE ANALYSIS

Prior to choosing the golf course site, the applicant investigated other sites for which to locate the facility. These included Healdsburg High School, Fitch Mountain Elementary School, and Healdsburg Jr. High School. The school district Superintendent stated that the district would not support any cellular facilities at any of the district's schools.

The applicant also investigated placing the facility at Healdsburg Recreation Park. However, the City made the determination that a facility at the park would not be compatible with the immediately surrounding residential neighborhoods, and ultimately did not support this location.

A final alternative was a privately-owned institutional property on Piper Street. Negotiations were unsuccessful and that site proved to not be feasible in any case as the zoning of the site did not permit such facilities. Therefore, the City and Verizon agreed that the golf course site was the most feasible and posed the least impacts and provided the highest benefit in improved coverage, and the project began to move forward in 2016.

Pursuant to Land Use Code Section 20.20.080, there are very strict locational criteria for the siting of cellular facilities which include a new tower. Such criteria, in addition to the zoning of the site, significantly restricts where a new tower could be located. City staff made the determination that the golf course site is one that could meet all the criteria upon implementation of numerous mitigation measures. A detailed discussion of the locational criteria is included in a subsequent section of this report below.

FEDERAL LAW

The Telecommunications Act of 1996 (the "Act") established much of the federal framework for processing wireless communications facilities, such as towers. In the Act's preamble, Congress stated that one of its purposes was to "encourage the rapid deployment of new telecommunications technologies." Accordingly, the Act governs the manner in which local governments consider all applications for wireless facilities. The Act and other laws enacted by Congress, and the implementing regulations adopted by the Federal Communications Committee ("FCC") have a significant effect on the City of Healdsburg's ability to regulate. The FCC's statutory authority for limiting local regulation on the deployment of this technology is contained primarily in Sections 253(a) and 332(c)(7) of the Act and reflects congressional intent to expand deployment of wireless services. More specifically, the Act's provisions, codified in 47 U.S. Code § 332(c)(7) and clarified by adopted FCC regulations, outline restrictions on local government zoning authority over WCF applications, including without limitation the following:

- Radio frequency ("RF") emissions: The City of Healdsburg cannot regulate on the basis of environmental impacts from RF emissions. Environmental impacts from RF emissions include

any potential or perceived health effects of the RF emissions. The City may only seek confirmation that the facility will comply with Federal Regulations establishing permissible limits on RF emissions.

- **Effective Prohibition:** The City cannot regulate in a manner that has the effect of prohibiting the provision of personal wireless services.
- **No discrimination:** The City may not regulate in a manner that unreasonably discriminates among providers of functionally equivalent services.
- **Limited Time for Review:** The FCC has established “shot clocks” which determine a presumed reasonable timeframe for local government action on a wireless facility application depending on the type of proposed facility.

With regard to the review and approval of cellular facilities, Federal Law prohibits any local authority from denying a viable cellular site based on environmental/health effects. Below is an excerpt from the Federal Communications Commission (FCC) website. The full document is included in this report as Exhibit I.

Section 332(c)(7) of the Communications Act preserves state and local authority over zoning and land use decisions for personal wireless service facilities, but sets forth specific limitations on that authority. Specifically, a state or local government may not unreasonably discriminate among providers of functionally equivalent services, may not regulate in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services, must act on applications within a reasonable period of time, and must make any denial of an application in writing supported by substantial evidence in a written record. The statute also preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, assuming that the provider is in compliance with the Commission's RF rules.

On September 27, 2018, the FCC issued a Declaratory Ruling and Third Report and Order (FCC 18-133) in the rulemaking proceeding entitled Accelerating Wireless Broadband by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79 (the "Order"). The Order interprets various provisions in the Act and implements industry demands to remove barriers and accelerate 5G deployment for small cell facilities. Although the Order primarily pertains to small wireless facilities, there are some provisions that address wireless regulation generally. Specifically, the Order clarifies the FCC’s interpretation on various provisions of the Act and reaffirms the FCC’s interpretation as the definitive interpretation of the “effective prohibition” standard found in the Act¹, rather than the previously utilized “gap in coverage” standard. The FCC confirmed that a state or local legal requirement constitutes an effective prohibition if it “materially limits or inhibits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment.”² The Order also provides that a wireless provider need not show a complete or insurmountable barrier to service to prove a prohibition of service, only that the legal requirement materially inhibits the provision of services.³ A state or local legal requirement could materially inhibit service in numerous ways – not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services.

Although the Order was challenged by a number of cities and other public agencies, including the City and County of San Francisco, San Jose and Burlingame the Ninth Circuit upheld most of the provisions of the Order, including the FCC’s interpretation of “effective prohibition” and found that generally the FCC’s

¹ 47 U.S. Code § 332(c)(7)(B)(i)(II).

² Declaratory Ruling and Third Report and Order adopted September 26, 2018 (WT Docket No. 17-79; WC Docket No. 17-84) ¶ 34-42.

³ *Id.* at ¶ 34.

interpretation is reasonable for small cell facilities in light of how 5G technology works.⁴ The Ninth Circuit did, however, vacate and remand certain portions of the Order relating to the requirement that aesthetic regulations be objective and no more burdensome than those applied to other infrastructure deployments stating that the FCC lacked a reasoned explanation.⁵ The Petition for rehearing was denied on October 22, 2020.

Accordingly, when the City of Healdsburg is reviewing any application for wireless facility, including the application for this project, the City must review it and make a determination in a manner that is consistent with the applicable Federal law.

APPLICABLE GENERAL PLAN AND LAND USE CODE INFORMATION

General Plan

The subject property is designated Public/Quasi-Public by the Healdsburg General Plan. This designation provides for government-owned facilities, public and private schools, parks and quasi-public uses. The proposed telecommunications facility would be considered consistent with the intent of this designation. It also furthers the following General Plan goals and policies:

GOAL S-F: Adequate City emergency procedures in the event of natural or man-made disasters.

Policy S-F-1: The City shall ensure that adequate emergency procedures are in place to respond to and recover from man-made and natural disasters.

GOAL NR-C: Preservation and enhancement of Healdsburg's natural setting.

Policy NR-C-3: Development shall be allowed only in a manner that protects important views and landmarks such as Fitch Mountain, Russian River, and the foothills to the north, west and east of the city.

Policy NR-C-5: Major scenic ridgelines designated on General Plan Figure 8 and highly visible hillsides shall be protected from visually obtrusive development.

Policy NR-C-6: Protection of distinctive natural vegetation such as oak woodlands, riparian corridors, and mixed evergreen forest is encouraged.

Policy NR-C-7: The viewshed along scenic highways, roads and streets shall be protected and enhanced.

The project will provide cellular phone service to a large area around the site where current coverage is lacking. The Fire Marshal has reviewed the project and finds that the project will significantly aid in emergency response during a natural disaster such as a wildfire or earthquake. The project has been designed to minimize visual impacts and blend into the surrounding area and will not impact important views, landmarks, scenic ridgelines, or views from designated scenic roads (South Fitch Mountain Road).

Land Use Code

The property has a zoning designation of Public (P). Pursuant to Land Use Code (LUC) Section 20.08.210, this zoning designation allows for the "orderly establishment of public and quasi-public facilities." The proposed telecommunications project would be considered a quasi-public facility consistent with the purpose of the Public zoning designation.

⁴ *City of Portland et al. v. United States*, 969 F.3d 1020 (9th Cir. 2020).

⁵ *Id.* at pp. 1041-1042.

LUC Section 20.20.080 contains the standards and regulations for new telecommunications facilities. The purpose and intent of this section is to provide a uniform and comprehensive set of standards for the development of telecommunication facilities and installation of antennas. The regulations contained are designed to protect and promote public health, safety, and community welfare while at the same time not unduly restricting the development of needed telecommunication facilities. They have also been developed to further the policies of the Healdsburg General Plan.

The regulations are intended to accomplish the following:

1. Provide requirements to ensure that new telecommunication facilities are installed in a manner to minimize their visual impact to the community.
2. Protect the inhabitants of the City from the possible adverse health effects associated with exposure to high levels of NIER (non-ionizing electromagnetic radiation).
3. Protect the environmental resources of the City.
4. Create telecommunication facilities that will serve as an important and effective part of the City's emergency response network.
5. Simplify and shorten the process for obtaining necessary permits for telecommunication facilities while at the same time protecting the legitimate interests of the City's citizens.
6. Ensure that telecommunications facilities are consistent with the Citywide Design Guidelines.

As proposed, the project is consistent with these goals as detailed in the following sections of this staff report.

DISCUSSION/ANALYSIS

Conditional Use Permit (Telecommunication Facility):

The City's standards for telecommunication regulations are located at 20.20.080. The purpose and intent of this section is to provide a uniform and comprehensive set of standards for the development of telecommunication facilities.

In order to give the zoning district use regulations the flexibility necessary to achieve the objectives of the land use code, in certain districts specified uses are allowed, subject to the granting of a conditional use permit. Because of their unusual characteristics, "conditional uses" require special consideration so that they may be located properly with respect to the objectives of the Land Use Code and with respect to their effects on surrounding properties. In order to achieve these purposes, the Planning Commission is empowered to grant or deny applications for use permits for conditional uses in districts as are prescribed in the district regulations in the LUC and to impose reasonable conditions upon the granting of use permits, subject to the right of appeal to the City Council or review by the Council.

As noted above, a conditional use permit is required to locate a telecommunication facility on properties which have a Public (P) zoning designation. It is incumbent on the Planning Commission to make the findings for approval of the conditional use permit. Upon review of the application, staff believes there is sufficient evidence to make the necessary findings for approval. The findings are included in the "Findings" section of this report below.

Conditional Use Permit (Over-height Fence):

The project includes an application for a Conditional Use Permit to install a fence that exceeds 6-feet in height. The fence will surround the entire lease area in order to maintain the security of the facility and to screen the equipment from public view and provide for a more attractive integration into the adjacent golf course property. The fence will be constructed of redwood planks and contain a gate to allow access for maintenance workers. It is incumbent on the Planning Commission to make the findings for approval of the conditional use permit to allow the additional height. Upon review of the application, staff believes there is sufficient evidence to make the necessary findings for approval and does not anticipate any impacts to the site or to neighboring properties due to the additional 2-feet in height. The findings are included in the “Findings” section of this report below.

Design Review:

Pursuant to LUC Section 20.28.100, the purpose of design review is to:

- A. Preserve the natural beauty and attractiveness of new development where it occurs;
- B. Promote and, wherever possible, improve the appearance of the community;
- C. Ensure that indiscriminate clearing of property is minimized and the destruction of trees and shrubs is also minimized;
- D. Obtain the best possible traffic circulation within the community;
- E. Ensure that the design and layout of new development projects are compatible with the Healdsburg General Plan, applicable sections of the Land Use Code and are in scale and character with surrounding land uses. (Ord. 950 § 2 (Exh. A § 2600), 1998.)

The proposed project, like all new development projects in the City, is subject to the Citywide Design Guidelines, specifically those guidelines contained in Chapter 7 (Telecommunication Facilities) and Chapter 9 (Scenic Highways, Roads, and Streets). In addition to the Citywide Design Guidelines, the project is also subject to the locational and design criteria for telecommunication facilities detailed in LUC Section 20.20.080.

Locational Criteria (LUC Section 20.20.080(K))

All telecommunication facilities shall be located so as to minimize their visibility and the number of distinct facilities present. To this end all of the following measures shall be implemented:

1. *Telecommunication facilities cannot be located in any required yard setback area of the zoning district in which it is located.*

The Public zoning district does not have any standard setback requirements.

2. *All setbacks shall be measured from the base of the tower or structure closest to the applicable line or structure.*

The Public zoning district does not have any standard setback requirements.

3. *Telecommunication towers shall be set back at least 100 feet from any public trail, park, riparian corridor buffer setback area, or outdoor recreation area. Guy wire anchors shall be set back at least 20 feet from any property line.*

The project includes a request for a variance to this setback requirement. A detailed discussion of the variance request is included in the “Variance” section of this report below.

4. *No telecommunication facility shall be installed within the safety zone of any airport or helipad unless the operator indicates that it will not adversely affect the operation of the airport.*

The project site is not located within the safety zone of any airport or helipad.

5. *No telecommunication facility shall be installed at a location where special painting or lighting will be required by FAA regulations unless technical evidence acceptable to the planning and building director or planning commission, as appropriate, is submitted showing that this is the only technically feasible location for this facility.*

The project does not require any special painting or lighting required by the FAA.

6. *No telecommunication facility shall be installed on an exposed ridgeline, in or at a location readily visible from a public trail, public park or other outdoor recreation area, or on property in any residential district (except R-1-40,000), Open Space District, or Plaza Retail District, or with a Hillside or Historic District Overlay, unless the planning commission makes a finding upon issuance of the use permit that it blends with the surrounding existing natural and manmade environment in such a manner as to be effectively unnoticeable and that no other location is technically feasible.*

The project is located on a General Plan designated scenic ridgeline and an outdoor recreation area (golf course). However, the project has been designed to minimize visual impacts and blend into the surrounding area and will not impact important views, landmarks, scenic ridgelines, or views from designated scenic roads (South Fitch Mountain Road). The Commission must specifically find that the project is designed to blend with the surrounding existing natural and manmade environment so as to be “effectively unnoticeable and that no other location is feasible”.

7. *No telecommunication facility that is readily visible from off-site shall be installed closer than one-quarter mile from another readily visible uncamouflaged or unscreened telecommunication facility unless it is a co-located facility, situated on a multiple-user site, or blends with the surrounding existing natural and manmade environment in such a manner as to be effectively unnoticeable.*

As shown in the project statement from the applicant (Attachment 2), there are no other such facilities within ¼ mile of the project site.

8. *No telecommunication facility that is readily visible from off-site shall be installed on a site that is not already developed with telecommunication facilities or other public or quasi-public uses unless it blends with the surrounding existing natural and manmade environment in such a manner so as to be effectively unnoticeable; or technical evidence acceptable to the planning and building director or planning commission, as appropriate, is submitted showing a clear need for this facility and the infeasibility of co-locating it on one of these already developed sites.*

The project has been designed to minimize visual impacts and blend into the surrounding area and will not significantly impact important views, landmarks, scenic ridgelines, or views from designated scenic roads (South Fitch Mountain Road). As shown on the project statement by the applicant, the project will provide cellular phone service to a large area around the site where current coverage is lacking. There are no existing facilities where the proposed project can be co-located and address the gap in coverage. The Fire Marshal has reviewed the project and finds that the project will significantly aid in emergency response during a natural disaster such as a wildfire or earthquake.

Basic Tower and Building Design (LUC Section 20.20.080(J))

All telecommunication facilities shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end all the following measures shall be implemented.

1. *Telecommunication towers shall be constructed out of metal or other non-flammable material, unless specifically conditioned by the city to be otherwise.*

The proposed tower will be constructed of metal.

2. *Telecommunication towers taller than 35 feet shall be monopoles or guyed/lattice towers except where satisfactory evidence is submitted to the planning and building director or planning commission, as appropriate, that a self-supporting tower is required to provide the height and/or capacity necessary for the proposed telecommunication use to minimize the need for screening from adjacent properties, or to reduce the potential for bird strikes.*

The tower is designed as a “monopole” faux tree.

3. *Telecommunication towers shall not exceed 100 feet in height unless the following findings are made by the planning commission:*
 - a. *It is not technically feasible to have a tower below this height at the requested location;*
 - b. *Alternative locations that would not require a tower height in excess of the standard given above are not available or feasible;*
 - c. *The facility blends with the surrounding existing natural and manmade environment in such a manner as to be effectively unnoticeable.*

The proposed tower will be 76-feet in height.

3. *Satellite dishes other than microwave dishes shall be of mesh construction, except where technical evidence acceptable to the planning and building director or planning commission, as appropriate, is submitted showing that this is infeasible.*

The project only contains a single microwave dish and no other dish types.

4. *Telecommunication support facilities (i.e., vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed out of nonreflective materials (visible exterior surfaces only).*

All proposed supporting facilities will be constructed out of nonreflective materials. The tower will be painted a nonreflective matte brown color.

5. *Telecommunication support facilities shall be no taller than 15 feet in height and shall be treated to look like a building or facility typically found in the area.*

All proposed support facilities will be no taller than 10-feet and screened behind an 8-foot fence.

6. *Telecommunication support facilities in areas of high visibility shall where possible be sited below the ridgeline or designed (i.e., placed underground, depressed, or located behind earth berms) to minimize their profile or provide other mitigation measures.*

All proposed support facilities will be located at ground level in a low-visibility area. The fencing will consist of redwood planks to help the facility blend in with the surrounding natural area.

8. *All buildings, poles, towers, antenna supports, antennas, and other components of each telecommunication site shall be initially painted and thereafter repainted as necessary with a “flat” paint, if it is determined by the decision-making body that the native coloring of the facility does not provide adequate blending with the surrounding environment. The color selected shall be one that in the opinion of the planning and building director or planning commission, as appropriate, will minimize their visibility to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils, trees or grasslands and adjacent structures, when present, shall be painted colors matching these landscapes and structures, while elements which rise above the horizon shall be painted a blue-gray that matches the typical sky color at that location.*

All proposed facilities will be constructed out of nonreflective materials. The tower will be painted a nonreflective matte brown color and is designed to resemble a broad-leafed tree including dark green faux leaves and branches. The tower will be located in a wooded area to blend in with the surrounding mature trees.

Citywide Design Guidelines (Chapter 7 – Telecommunications Facilities)

Pursuant to this chapter of the guidelines, the use and installation of telecommunication facilities is essential to everyday life. Telecommunications facilities should be located and designed to minimize their impact on the scenic qualities of Healdsburg. The applicable guidelines are as follows:

- 7.21 – *Locate and construct a wireless telecommunications facility so that it does not endanger people living, working, or moving around the structure.*
- 7.22 – *Minimize the visibility of wireless telecommunication facility.*
- 7.23 – *Design a telecommunication facility to blend into the surrounding environment.*
- 7.24 – *Screen a wireless telecommunication facility.*

The location of the facility is not located in a populated area. It is located in a relatively isolated area of a golf course approximately 80-feet from the nearest tee box. The facility has been designed to minimize visual impacts and blend into the surrounding area. The proposed design promotes the City’s goals of preserving natural beauty while promoting attractive development of land. In consultation with City staff and golf course staff, Verizon has carefully chosen a location for the facility that will result in minimal visual impact to the residents of Healdsburg and surrounding unincorporated lands. The facility will be designed with arboreal camouflage to blend with the surrounding natural vegetation. Verizon will install leaf socks on all proposed panel antennas and RRH units. All antennas and pole mounted equipment will be painted flat green, while the monopole itself will be painted a flat brown, and all paint will be nonreflective. The facility has been designed to minimize visual impacts. Support cables will be installed underground and the equipment will be effectively screened from public view by existing trees in the vicinity and 8-foot redwood fencing.

The technology involved with stealthing has become more advanced in recent years with newer tree-pole installations resembling natural trees more effectively blending into the surrounding locale and not drawing the eye. The branch layout, the shape and length of the branches, and the foliage colors are the major factors that provide the desired appearance. To ensure that the tree foliage is dense and fully conceals the antennas

and equipment, Verizon has proposed the highest standard faux-tree design with regard to foliage color (dark green) and type (broadleaf). This design offers the most realistic tree possible with current technology. The broadleaf tree was chosen over a faux-pine tree to blend better into the existing treescape. Additionally, the tree will have three branches of foliage per foot to ensure the cover is thick and full to completely screen the antennas. Lastly, the antennas themselves will be covered in radio frequency (RF) transparent “socks” that will further wrap around the antennas with additional foliage for extra camouflage. The proposed design is the most sophisticated available today and there are no additional design elements that could be added. All possible design upgrades were added at the recommendation of the City Planning Department. As such, staff finds that the project is consistent with the design guidelines for telecommunication facilities contained in Chapter 7 of the Citywide Design Guidelines.

Citywide Design Guidelines (Chapter 9 – Scenic Highways, Roads and Streets)

The following design guidelines support the goals and policies outlined in the Healdsburg General Plan and should be considered when new development is proposed along any of the highways, roads and streets noted in the General Plan.

9.1 – Protect and enhance the viewshed along scenic highways, roads and streets, as noted in the Healdsburg General Plan.

9.2 – Utilize appropriate landscaping materials along the specified corridors.

As shown on the photo-simulations provided by the applicant (Exhibit B), the facility will be designed with arboreal camouflage to blend with the surrounding natural vegetation. Verizon will install leaf socks on all proposed panel antennas and RRH units. All antennas and pole mounted equipment will be painted flat green, while the monopole itself will be painted a flat brown, and all paint will be nonreflective. The facility has been designed to minimize visual impacts. Support cables will be installed underground and the equipment will be effectively screened from public view by the fencing and the existing trees in the vicinity. As such, staff finds that the project is consistent with the design guidelines for telecommunication facilities contained in Chapter 9 of the Citywide Design Guidelines.

VARIANCE

The project includes a request for a variance from LUC Section 20.20.080(K)(3) which requires telecommunication towers to be setback at least 100-feet from any public trail, park, riparian corridor buffer setback area or outdoor recreation area. As noted, staff finds that the golf course would be considered an outdoor recreation area.

The proposed facility is located on a City-owned parcel adjacent to the property belonging to the Healdsburg Golf Club at Tayman Park. The proposed tower will be located approximately 15-feet from the property line and 145-feet from the nearest developed area of the golf course. Strict adherence to this setback standard would require significant ground disturbance and tree removal. In order to avoid such impacts, staff supports the requested variance. In order to approve the variance request, four separate findings must be made in the affirmative. The findings are included in the “Findings” section of this report below.

Staff finds that there are special circumstances with respect to the property in question. The primary circumstances are that the parcel is uniquely shaped and densely vegetated. The parcel is basically round and varies over 100-feet in elevation across its 3.4 acres. The majority of the parcel is covered by deciduous and conifer trees. There are City-owned facilities in the center of the parcel which are surrounded by trees. The southeastern portion of the parcel contains one abandoned water tank and one new water tank, along

with an existing dirt access road. The location of the proposed facility will be in this area of the parcel, at the location of the abandoned water tank. Since this area has been developed with City facilities, locating the tower in this location will have the least impact on the site since it will require less grading and allow preservation of all the existing trees.

In addition, staff finds that the strict or literal interpretation and enforcement of the setback regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the LUC. The proposed facility has been designed to occupy developed areas of the parcel and limit impacts related to ground disturbance and tree removal. Complying with the setback standard would require moving the facility further to the west, uphill into an area containing many mature trees. Strict adherence to the setback would require invasive grading and tree removal to construct the facility, necessitating ground and habitat disturbance. The proposed location would minimize environmental disturbance in the construction of new facilities and locate the facility in a previously developed area.

Staff also finds that the strict or literal interpretation and enforcement of the setback regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district. As noted, the parcel is zoned Public (P) and is one of several similarly zoned parcels in the area. However, the subject parcel contains significantly more natural growth and much steeper topography than similarly zoned parcels nearby. Therefore, staff finds that the special circumstances of the site warrant support of the facility at its proposed location by limiting the amount of environmental disturbance.

Lastly, staff finds that the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations of other properties classified in the same zoning district. As noted, the applicant worked in conjunction with City staff to select a location for the facility which minimizes ground and environmental disturbance, but also complies with City regulations. The proposed location for the facility utilizes a site where development has occurred to the extent possible. The granting of the variance exempting the facility from the 100-foot setback requirement does not constitute a special privilege as the parcel is unique and the proposed location has already been developed as the site of a City utility. Furthermore, the combination of the zoning of the site, the locational criteria required by the Land Use Code, site constraints, and the cellular signal coverage requirements of the carrier significantly restricts where such a facility could be located. There is no grant of special privilege due to the fact that no other site within the City had eligible zoning, met the locational criteria, allowed for impact mitigation, and did not result in conflicts with adjacent residential uses.

FIRE DEPARTMENT ACCESS AND TREE PROTECTION

An integral component of the project is the provision of creating and maintaining Fire Department vehicle access to the proposed lease area. Over the years, the project included numerous variations of an access drive and turnaround for large Fire Department vehicles. The final version of the plan is included in the attached plan set. Fire Department access to the site will be via a paved road veering west from the northern end of the golf course parking area. The short access road was designed to accommodate large ladder trucks and will allow said trucks to be able to turn around without having to back up into the parking lot. The area of the proposed access drive includes numerous trees, two of which are City protected Heritage trees. Heritage sized trees have a diameter of 30-inches or greater. The design of the road and turnaround will allow these trees to remain on the site and not be impacted by road construction. The project was designed in conjunction with biological consultants, including the City Arborist, and found to be the most desirable plan which would provide adequate access and not require any removal of the Heritage trees. Two much smaller non-Heritage sized trees will be removed, however these trees are not protected by City's Tree Ordinance, and thus do not require a special permit for their removal. An additional non-Heritage tree may suffer significant impacts but is not a protected tree. While the optimal outcome would be to save all the

trees in the area, doing so proved to not be feasible. During project and road construction, mitigation measures for tree protection and preservation consistent with the City's Heritage Tree Ordinance will be implemented. The Fire Marshal has reviewed the proposed plan and finds it to be acceptable for fire access and protection of the site. The Arborist Report and Tree Protection and Mitigation Plan (Helix Environmental, dated November 5, 2021) is enclosed as Exhibit H. This exhibit also includes correspondence from the City Arborist, James MacNair, which concurs with the conclusions and recommendations of the tree reports.

POTENTIAL FACILITY MODIFICATION

Telecommunication facility projects in California may have the potential for modification subsequent to approval and construction. The FCC issued a Declaratory Ruling and Notice of Proposed Rulemaking ("Order and NPR") (WT Docket No. 19-250) on June 9, 2020. This Order makes significant amendments to section 6409 of the Spectrum Act of 2012, which relates to modification requests for eligible facilities. Specifically, the FCC has clarified that the 60-day time frame for State or local government review of modifications of existing structures commences, what constitutes a "substantial change" in the physical dimensions of wireless infrastructure, and the extent to which certain elements of a proposed modification to existing infrastructure affect the eligibility of that proposed modification for streamlined State or local government review under section 6409(a). The City "may not deny, and shall approve" any request for collocation, removal, or replacement of transmission equipment on an existing wireless tower or base station, so long as it does not "substantially change" the physical dimensions of the tower or base station (47 USC §1455(a)). As such, the Planning Commission would have little discretion in reviewing a request for modification under section 6409.

For towers outside the City right-of-way, the FCC clarified that a "substantial change" in existing facilities is defined as something that "increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater." The Order and NPR specifies that the phrase "with separation from the nearest existing antenna not to exceed twenty feet" in section 1.6100(b)(7)(i) allows an increase in the height of the tower of up to twenty (20) feet between antennas, as measured from the top of an existing antenna to the bottom of a proposed new antenna on the top of a tower - the antenna height does not count in determining a substantial change. For example, if a 150-foot tower already has an antenna at the top of the tower, the tower height could potentially increase by up to 20 feet [i.e., the "separation" distance] plus the height of a new antenna to be located at the top of the tower under an eligible facilities request for modification ("6409 request"). The height of the new antenna is not limited.

If a subsequent carrier intends to modify the approved facility in any significant manner, they would be required to submit an application to the City so that the City may review it to determine whether it is covered by Section 6409(a). This may include a revision to the design review or conditional use permit approvals. Depending on the scope of the modification, the application may be reviewed by the Planning Commission for consistency with the findings for approval, similar to those included in the original approvals as there are some conditions of the original permit relating to aesthetics and concealment that could apply to the modifications. For example, a condition of approval that requires a specifically sized shroud around an antenna could limit an increase in antenna size that is otherwise permissible under section 1.6100(b)(7)(i). Under section 1.6100(b)(7)(vi), however, the size limit of the shroud would not be enforceable if it purported to prevent a modification to add a larger antenna, but a city could enforce its shrouding condition if the provider reasonably could install a larger shroud to cover the larger antenna and thus meet the purpose of the condition if there was express evidence that the shroud was a condition of approval.

However, with regard to the height of the current project, the lease between the City and Verizon limits the height so the height could not exceed 76 feet and because this facility is outside the right-of-way, the City can restrict the height based on the City's proprietary interests through the lease. Thus, even if the City were to receive a request for modification, the lease would still apply to limit the height of the tower.⁶ If the applicant wanted to increase the height above the 76 feet limit, there would first need to be an amendment to the lease to allow such a modification.

NEIGHBORHOOD CONSIDERATIONS

Planning Department staff received correspondence from property owners whose homes are adjacent to the golf course. The property owners note concerns regarding the proposed cellular facility. The concerns raised include those related to personal health and safety, and impacts to property values. As discussed above, the Act prohibits denial of an application based on perceived environmental effects. However, the applicant has provided a Radio Frequency (RF) Study prepared by Hammet & Edison, Inc., a firm of qualified professional consulting engineers, to confirm compliance with FCC standards relating to RF emissions. The study was prepared specifically for the proposed project. The conclusion of the study was that the project will comply with the prevailing standards for limiting public exposure to RF energy and, therefore, will not for this reason cause a significant impact to the environment or persons living or recreating near the facility. The RF study is included in the report as Exhibit F. With regard to property values, staff has not found any evidence that locating a cellular facility approximately 390-feet away from a residential area would impact neighboring property values.

FINDINGS FOR CONDITIONAL USE PERMIT (Telecommunication Facility)

Pursuant to Land Use Code section 20.28.165, the Planning Commission is required to make the following findings in order to approve a conditional use permit application; staff has provided suggested findings below each italicized finding:

- 1. The proposed location and operation of the conditional use is in accord with the Healdsburg General Plan, objectives of the Land Use Code and purposes of the district in which the site is located.*

The project is consistent with the following General Plan Goals:

GOAL S-F: Adequate City emergency procedures in the event of natural or man-made disasters.

Policy S-F-1: The City shall ensure that adequate emergency procedures are in place to respond to and recover from man-made and natural disasters.

GOAL NR-C: Preservation and enhancement of Healdsburg's natural setting.

Policy NR-C-3: Development shall be allowed only in a manner that protects important views and landmarks such as Fitch Mountain, Russian River, and the foothills to the north, west and east of the city.

Policy NR-C-5: Major scenic ridgelines designated on General Plan Figure 8 and highly visible hillsides shall be protected from visually obtrusive development.

⁶ The FCC has stated that the Act does not preempt the City from applying its lease terms to prohibit such expansions (See FCC Order 14-153, at p. 100).

Policy NR-C-6: Protection of distinctive natural vegetation such as oak woodlands, riparian corridors, and mixed evergreen forest is encouraged.

Policy NR-C-7: The viewshed along scenic highways, roads and streets shall be protected and enhanced.

The project will provide cellular phone service to a large area around the site where current coverage is lacking. The Fire Marshal has reviewed the project and finds that the project will significantly aid in emergency response during a natural disaster such as a wildfire or earthquake. The project has been designed to minimize visual impacts and blend into the surrounding area and will not impact important views, landmarks, scenic ridgelines, or views from designated scenic roads (South Fitch Mountain Road).

The proposed location and operation of the conditional use is in accordance with the Healdsburg General Plan as it is sited on a parcel that has already been developed for utilities, as evidenced by the existing water tanks in Tayman Park. Verizon's facility will provide public benefit in the form of enhanced wireless communication coverage to the City and surrounding residences.

The proposed facility is located in the P (Public) zone, which is a district created in the City's Land Use Code for "orderly establishment of public and quasi-public facilities..." (§20.08.210). Verizon's facility will provide great public benefit in the form of enhanced wireless communication coverage. This site will allow current and future Verizon Wireless customers to have access to wireless services in the areas shown on the Coverage Plots included in this application. Additionally, this site will serve as a backup to the existing landline service in the area and will provide improved wireless communication, which is essential to first responders, community safety, local businesses and area residents.

2. The proposed location and operation of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

The proposed facility is located in the P (Public) zone, which is a district created in the City's Land Use Code for "orderly establishment of public and quasi-public facilities..." (§20.08.210). The proposed Verizon tower will provide vital telecommunications services to the general community. Furthermore, all design and aesthetic elements have been incorporated, with the input of Healdsburg Planning staff, so that the facility may blend into the existing treescape in the park. The proposed facility complies with all development standards for telecommunications facilities as well as for the zoning district. The Radio Frequency (RF) Study prepared for the project indicates that the proposed facility would be in compliance with the FCC Radio Frequency rules.

3. The proposed conditional use will comply applicable provisions of the General Plan and Land Use Code.

As discussed above, the proposed conditional use will comply with the applicable provisions of the General Plan and Land Use Code.

The project is consistent with the following General Plan Goals:

GOAL S-F: Adequate City emergency procedures in the event of natural or man-made disasters.

Policy S-F-1: The City shall ensure that adequate emergency procedures are in place to respond to and recover from man-made and natural disasters.

GOAL NR-C: Preservation and enhancement of Healdsburg's natural setting.

Policy NR-C-3: Development shall be allowed only in a manner that protects important views and landmarks such as Fitch Mountain, Russian River, and the foothills to the north, west and east of the city.

Policy NR-C-5: Major scenic ridgelines designated on General Plan Figure 8 and highly visible hillsides shall be protected from visually obtrusive development.

Policy NR-C-6: Protection of distinctive natural vegetation such as oak woodlands, riparian corridors, and mixed evergreen forest is encouraged.

Policy NR-C-7: The viewshed along scenic highways, roads and streets shall be protected and enhanced.

Furthermore, the project substantially complies with the Land Use Code, except for the variance for a reduced setback from 100-feet to approximately 15-feet.

FINDINGS FOR CONDITIONAL USE PERMIT (Over-Height Fence)

Pursuant to Land Use Code section 20.28.165, the Planning Commission is required to make the following findings in order to approve a conditional use permit application; staff has provided suggested findings below each italicized finding:

- 1. The proposed location and operation of the conditional use is in accord with the Healdsburg General Plan, objectives of the Land Use Code and purposes of the district in which the site is located.*

The General Plan does not include any policies on fence installation. Land Use Code Section 20.16.055 provides a mechanism to allow fences to exceed 6-feet in height. This section provides for the allowance of over-height fences with approval of a Conditional Use Permit. The fence will be consistent with the Citywide Design Guidelines in that the fence will not completely block views to the site as viewed from the street; it does not utilize an exaggerated or fortressing design; does not use chain-link; and the fence will be made of durable materials (redwood) which will be maintained on a regular basis to ensure security of the site. The fence will be similar to other fences used for securing telecommunication facilities in California.

- 2. The proposed location and operation of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.*

The proposed fencing will not be detrimental to the surrounding neighborhood because the over-height fence would be located on a parcel surrounded by large expanses of the Tayman Park Golf Course and is located approximately 390-feet from the nearest residential uses on Greens Drive. The gate of the fence will be locked and will only allow entry to authorized maintenance personnel. The fence will not create any line-of-sight issues with pedestrians and vehicles due to its isolated location. The fence will also serve to screen the equipment from view of the golfers playing on the course.

- 3. The proposed conditional use will comply applicable provisions of the General Plan and Land Use Code.*

The proposed fencing does not conflict with any other applicable provisions of the Land Use Code and the proposed fence is consistent with the Citywide Design Guidelines.

FINDINGS FOR DESIGN REVIEW

Pursuant to Land Use Code section 20.28.125, the Planning Commission is required to make the following findings in order to approve a conditional use permit application; staff has provided suggested findings below each italicized finding:

- 1. The proposed development or use is consistent with all applicable policies and requirements of the General Plan and Land Use Code.*

The proposed facility was designed in consultation with City of Healdsburg staff to meet all criteria detailed in the City's wireless code, §20.20.080 Telecommunication Facilities. Setbacks, stealthing, and height limits were considered when designing the facility. The proposed facility will be 76-foot tall with the antennas mounted at a 60-foot centerline on the pole to ensure optimal signal coverage for the intended service area. The additional height of the structure is to provide for a more lifelike "hat" to sit atop the tower, better resembling the top of a broadleaf tree and similar to those of trees surrounding the facility. The proposed facility height complies with the City's development standards and 100-foot limit for wireless facilities and has been designed at its minimum functional height.

- 2. The proposed design of the development or use, and all appurtenant structures, is consistent with the policies set forth in the Design Review Manual, as may be amended from time to time.*

Verizon Wireless has designed the facility to minimize visual impacts and blend into the surrounding area. The proposed design promotes the City's goals of preserving natural beauty while promoting attractive development of land. Verizon has carefully chosen a location for a new facility that will result in minimal visual impact to the residents of Healdsburg and greater Sonoma County. The facility includes a stealth design beneath arboreal camouflage to blend with the surrounding natural vegetation. Verizon will install leaf socks on all proposed panel antennas and RRH units. All antennas and pole mounted equipment will be painted flat green, while the monopole itself will be painted flat brown, and all paint will be non-reflective. The facility has been designed to minimize visibility from public view and to blend into the surrounding vegetation. Support cables will be installed underground and the equipment will be effectively screened from public view by existing trees nearby.

- 3. The proposed development or use is consistent with the purposes of the zoning district in which it is located.*

The proposed facility is located in the P (Public) zone, which is a district created in the City's Land Use Code for "orderly establishment of public and quasi-public facilities..." (§20.08.210). Verizon's facility will provide great public benefit in the form of enhanced wireless communication coverage. This site will allow current and future Verizon Wireless customers to have access to wireless services in the areas shown on the Coverage Plots included in this application. Additionally, this site will serve as a backup to the existing landline service in the area and will provide improved wireless communication, which is essential to first responders, community safety, local businesses and area residents.

- 4. The proposed development or use is consistent with any conditions imposed by the Planning Commission or City Council with respect to any matter related to the purpose of design review.*

There are no previous conditions of approval for a similar use on this site. Staff has included in the resolution a list of recommended conditions of approval to be approved or revised by the Planning Commission to ensure the project is consistent with Federal, State, and Local regulations.

5. *For proposed developments or uses in the Central Healdsburg Avenue Plan area, the design of the development or use, and all appurtenant structures, is consistent with the policies set forth in Chapter IV, "Building Design Framework," of the Central Healdsburg Avenue Plan dated November 2013 and adopted by the Healdsburg City Council on January 21, 2014, as may be amended from time to time. (Ord. 1138 § 3, 2014.)*

Not applicable. The proposed facility is not located within the Central Healdsburg Avenue Plan area.

FINDINGS FOR VARIANCE

Pursuant to Land Use Code section 20.28.230, the Planning Commission is required to make the following findings in order to approve a variance application. Staff has provided suggested findings below each of the four required findings for this request for a reduced setback from 100-feet to approximately 15-feet:

1. *Special circumstances exist with respect to the property in question, including, but not limited to size, shape, topography or surroundings.*

Staff finds that there are special circumstances with respect to the property in question. The primary circumstances are that the parcel is uniquely shaped and densely vegetated. The parcel is round, and varies over 100-feet in elevation across its 3.4 acres. The majority of the parcel is covered by deciduous trees. There are City-owned facilities in the center of the parcel which are surrounded by trees. The southeastern portion of the parcel contains one abandoned water tank and one new water tank, along with an existing dirt access road. The location of the proposed facility will be in this area of the parcel, at the location of the abandoned water tank. Since this area has been developed with City facilities, locating the tower in this location will have the least impact on the site since it will require less grading and allow preservation of existing trees.

2. *Strict or literal interpretation and enforcement of the specified regulations would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Land Use Code.*

Staff finds that the strict or literal interpretation and enforcement of the setback regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the LUC. The proposed facility has been designed to occupy developed areas of the parcel and limit impacts related to ground disturbance and tree removal. Complying with the setback standard would require moving the facility further to the west, uphill into an area containing many mature trees. Strict adherence to the setback would require invasive grading and tree removal to construct the facility, necessitating ground and habitat disturbance. The proposed location would minimize environmental disturbance in the construction of new facilities, and locate the facility in a previously developed area.

3. *Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.*

Staff also finds that the strict or literal interpretation and enforcement of the setback regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district. As noted, the parcel is zoned Public (P) and is one of several similarly zoned parcels in the area. However, the subject parcel contains significantly more vegetation and much steeper topography than similarly zoned parcels nearby. Therefore, staff finds that the special circumstances of the site warrant support of the facility at its proposed location by limiting the amount of environmental disturbance.

4. *The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations of other properties classified in the same zoning district.*

Staff finds that the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations of other properties classified in the same zoning district. As noted, the applicant worked in conjunction with City staff to select a location for the facility which minimizes ground and environmental disturbance, but also complies with City regulations. The proposed location for the facility utilizes a site where development has occurred to the extent possible. The granting of the variance for the facility from the 100-foot setback requirement does not constitute a special privilege as the parcel is unique and the proposed location has already been developed as the site of a City utility. Furthermore, the combination of the zoning of the site, the locational criteria required by the Land Use Code, site constraints, and the cellular signal coverage requirements of the carrier significantly restricts where such a facility could be located. There is no grant of special privilege due to the fact that no other site within the City had eligible zoning, met the locational criteria, allowed for impact mitigation, and did not result in conflicts with adjacent residential uses.

ENVIRONMENTAL ANALYSIS

The California Environmental Quality Act (“CEQA”) Guidelines identify classes of projects that have been determined not to have a significant impact on the environment and as a result are exempt from review. The City contracted with First Carbon Solutions, a qualified CEQA consulting firm, to prepare the environmental analysis. The analysis concluded, based on the proposed design, location, and standard conditions of approval, that the project would be exempt pursuant to CEQA Section 15303(c) New Construction or Conversion of Small Structures, including evaluation of the project in light of CEQA Section 15300.2 Exceptions as described below. The Notice of Exemption analysis prepared by First Carbon Solutions is included as Exhibit E.

CEQA Section 15303 – New Construction or Conversion of Small Structures

Class 3 consists of construction and locations of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. c) A store, motel, office, restaurant or similar commercial or institutional structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use, if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive.

Analysis

The proposed project involves the installation of nine Andrew Model SBNHH-1D65B directional panel antennas on a new 76-foot-tall faux tree on land that is designated as Public/Quasi Public. The proposed facility height complies with the City’s development standards and 100-foot height limit for wireless facilities. All new project construction would occur within the 30-foot by 50-foot lease area, approximately 1,500 square feet, and would not exceed 2,500 square feet in floor area. The proposed project would not involve the use of significant amounts of hazardous substances, as it would consist of standard cell tower communications panels that are regulated by federal and State agencies, including the Federal Communications Commission (FCC).

CEQA Section 15300.2 – Exceptions

a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located—a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.

Analysis

The project site is located in a predominantly urbanized setting and is generally bound by roadways and existing development. The project site does not occur on lists of known hazardous materials contamination or storage and has not been designated, precisely mapped, or officially adopted as an area of critical concern. Therefore, there is no evidence that the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.

b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

Analysis

The proposed project involves the installation of cellular communication panels that would have no impacts beyond the footprint of the tower itself. No cumulatively considerable effects would occur. Therefore, there is no evidence cumulative impacts of successive projects of the same type in the same place.

c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Analysis

The site is not subject to any unusual circumstances that could lead to a significant effect. The tower would be located on a site that was previously developed with water tanks. The project involves the installation of nine Andrew Model SBNHH-1D65B directional panel antennas on a new 76-foot-tall faux tree on land that is designated as Public/Quasi Public. Thus, there is no evidence of any unusual circumstances.

d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a State Scenic Highway. This does not apply to improvements which are required as mitigation by an adopted Negative Declaration or certified EIR.

Analysis

According to the California Scenic Highway Mapping System for Sonoma County, the proposed project is not located within the viewshed of a scenic highway. The nearest officially designated State Scenic Highway is State Route 116 (located approximately 19 miles south of the project site). Distance to the project site precludes impacts to scenic resources within a designated State Scenic Highway. As such, there is no evidence that the Project will result in damage to scenic resources within a highway officially designated as a State Scenic Highway.

e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

Analysis

According to a records search using the California Department of Toxic Substances Control (DTSC) EnviroStor database, the project site is not identified as a hazardous materials site.¹ Additionally, no such site is located adjacent to the project site or within the general project area. Therefore, no impacts associated with hazardous materials sites would occur.

f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Analysis

The project site is located in a predominantly developed setting and currently contains sparse vegetation and trees, although it is adjacent to a more heavily wooded portion of the park. There are no known historical resources on-site. Review of the project site shows that the modern ground surface has been previously disturbed because of prior development activity, such as the nearby golf course and the construction of water tanks. Review of the California Office of Historic Preservation (OHP) files, cultural resources survey at the site, public involvement, and Local Government and OHP consultation as part of the National Environmental Policy Act (NEPA) review, conducted by the applicant and reviewed by the City of Healdsburg, determined no impacts would occur to historical resources.

The City will prepare a Notice of Exemption which is filed with the approval documents after the discretionary action is taken.

CITY DEPARTMENT COMMENTS

The project was reviewed by the City's Building, Public Works, Fire, Utilities, Community Services, and Police Departments. Comments are included as conditions of approval in Attachment 1.

PUBLIC COMMENTS

As of the date of this report, staff has received correspondence from neighboring property owners and the owner of the golf course. The correspondence is included in the report as Attachment 4.

ATTACHMENTS

1. Resolution No. 2022-05 and Conditions of Approval
2. Applicant Statement
3. Minutes from Planning Commission hearing on December 8, 2020, and December 14, 2021
4. Public Correspondence

EXHIBITS

- A. Plan Set, dated August 13, 2021
- B. Photo-simulations
- C. Examples of Verizon Broadleaf Trees
- D. Examples of Verizon Wood Fences
- E. Notice of Exemption Analysis, prepared by First Carbon Solutions, dated November 19, 2021
- F. Radio Frequency Energy Analysis, prepared by Hammet & Edison, Inc., 2021
- G. Environmental Noise Analysis, Bollard Acoustical Consultants, January 17, 2017
- H. Arborist Report and Tree Protection and Mitigation Plan (Helix Environmental Planning) dated November 5, 2021; and correspondence from the City Arborist, James MacNair, dated November 8, 2021
- I. Tower and Antenna Siting, FCC website documentation
- J. Independent Review of Wireless Application (CTC Technology & Energy, March 2022)