



DATE: January 26, 2021 AGENDA ITEM NO. 7A

TO: Historic and Cultural Preservation Committee and Planning Commission

FROM: Brittany Bendix, Deputy Planning Manager

SUBJECT: VERIZON TELECOMMUNICATION FACILITY
Conditional Use Permit and Historic Site Plan and Architectural Review
611 Western Avenue (APN: 008-032-009)
File No. PLMA-20-0003/PLUP-19-0004

RECOMMENDATION

It is recommended that the Historic and Cultural Preservation Committee adopt a resolution approving Site Plan and Architectural Review for the installation of sixteen (16) total panel antennas contained within four (4) radomes up to 10.5 feet tall and associated supporting equipment mounted on the roof of the existing building located at 611 Western Avenue (Attachment A).

It is also recommended that the Planning Commission adopt a resolution denying a Conditional Use Permit for a telecommunications facility that includes more than three antennas and is within 75 feet of a residential property (Attachment B).

BACKGROUND

Project Location and Context

The project site is located at 611 Western Avenue, a 10,890 square-foot parcel at the southeast corner of the Western Avenue and Baker Street intersection (Figure 1). Existing site improvements include buildings that facilitate the operations for the Petaluma Creamery facility (the “Creamery”), including production and distribution activities, as well as corporate offices and a retail store. Activities for the Creamery comprise the majority of the subject block area, bounded by Western Avenue to the north, Upham Street to the east, English Street to the south and Baker Street to the west. The exception to the remaining block area includes two residential properties developed with single-family dwellings at the intersection of Baker and English Streets.

The specific location of the proposed telecommunications installation is on top of an existing 61-foot tall building adjacent to Baker Street, approximately at the middle of the block. This proposed

antenna location is approximately 75.5 linear feet from the site's closest residential neighbor.¹ Directly across from the proposed site installation are commercial structures that include activities for Petaluma Vinyl Graphics and the Loyal Order of Moose clubhouse. The immediate area beyond is generally residential with Petaluma City Hall one block away.



Figure 1 – Project Location and Surrounding Vicinity

¹ Municipal Code Section 14.44.090 requires that a Minor telecommunications facility is located more than seventy-five feet from any residential dwelling unit, unless recognized as an exempt facility as set forth in Section 14.44.020.S.I. When measuring required setbacks for a facility, Section 14.44.030 further states that all setbacks shall be measured from the base of the tower or structure closest to the applicable property line or structure. As shown on Sheets A1.1 and A3.1 of the project plans the distance between the outer edge of the nearest radome and the nearest wall of the neighboring residential structure on the adjacent property (APN 008-032-002)



Figure 2 - Existing Building (view from Baker Street at English Street)

Historic Context and Section 106 Review

The Creamery was in operation as a cooperative creamery as early as 1913 with its current structures constructed as early as 1923, with additions made in 1929 and 1964. Per IZO Section 15.040(A) the subject property is a landmark building because it appears on the State Office of Historic Preservation's directory of historic properties, the Built Environmental Resource Directory (BERD). The property was added to the BERD in 2020 as a result of the Section 106 review process required for the project. The Section 106 process is a requirement of the National Historic Preservation Act. When a project involves wireless facilities licensed by the Federal Communications Commission (FCC), the FCC has the obligation to determine whether the facility will have a significant impact on an historic resource. This review is separate from local agency permitting processes. The applicant provided a Historic Architectural Assessment, prepared by Historic Preservation Specialist Arianna Urban, M.S. HP, of Terracon Consultants Inc.. This assessment was then submitted to the State Historic Preservation Officer (SHPO) for comment and concurrence that the project would not adversely affect historic properties. (Attachments E.)

The Historic Architectural Assessment found the Creamery to be eligible for listing on the National Register per Criteria A, given the site's association with historical events such as the cooperative creamery movement in California and nationwide, as well as the national pure food movement which sought to label ingredients in packaged foods. The determination from the SHPO concurred with the site's eligibility under Criteria A (historical events) but asserted additional information would be needed to determine eligibility per Criteria C (work/architecture of a master or possessing high artistic value). Under the assumption that the property is eligible for listing in the California and National Registers of Historic Places, the SHPO concluded that the proposed rooftop facility, which at that time included ten-foot-tall perimeter screen extensions, would not adversely affect any historic properties (Attachment E). The SHPO letter is provided for informational purposes only; it represents the opinion of that agency and is non-binding on the City of Petaluma. The letter recommends antenna installations follow the Secretary of the Interior Standards of Rehabilitation, be reversible, and be painted to match the building.

Prior Project Processing and Tolling Agreements

The project was first noticed for a Planning Commission hearing in June 2020, to consider the request for both Conditional Use Permit and Site Plan and Architectural Review (SPAR). During the public

notification and comment period additional information was provided to staff indicating the property's landmark status as attributed to its listing in the BERD, as well as numerous outstanding violations related to the Creamery's management of hazardous materials. Given this information, the applicant requested an indefinite continuance to address requirements specific to locating telecommunications facilities on landmark buildings and to work with their landlord, the Creamery to resolve outstanding issues regarding compliance with the City's Certified Unified Program Agency (CUPA) requirements. It had also become evident that as a landmark property, the project requires Historic SPAR by the Historic and Cultural Preservation Committee. To accommodate these modifications the City has entered into a number of sequential tolling agreements with the applicant to extend the FCC's mandated review period through March 2, 2021.

Although the Creamery has taken steps to address some CUPA requirements, significant outstanding items that remain are the ammonia release alarm, emergency evacuation plan, seismic review and stabilization work. Additionally, since August 2020, there have been two fires at the Creamery, the most recent on December 21, 2020, which occurred in the boiler room, an area of the site immediately adjacent to the location of the proposed telecommunications facility.

General Plan

The project site is located in the West planning subarea of the General Plan with an 'Industrial' land use designation. The General Plan describes the West planning subarea as the largest and oldest subarea within the City. It includes the Downtown area west of Petaluma Boulevard as well as a mix of commercial, residential and institutional uses. Within the subarea, the Industrial land use designation of the subject property is unique to the immediate vicinity and reflects the historic activities of the creamery. The intent of the Industrial land use designation provides and protects industrial lands for manufacturing, food processing/preparation, distribution and storage operations.

Zoning District

The project site is within the Industrial (I) Zoning District. Consistent with the Industrial land use designation described above, the I District applies to areas considered appropriate for a full range of production, distribution and repair activities. Ancillary retail components are permitted within the I District, as well as caretaker units or emergency shelter residential uses. Other residential uses, such as single- or multi-family units are not permitted.

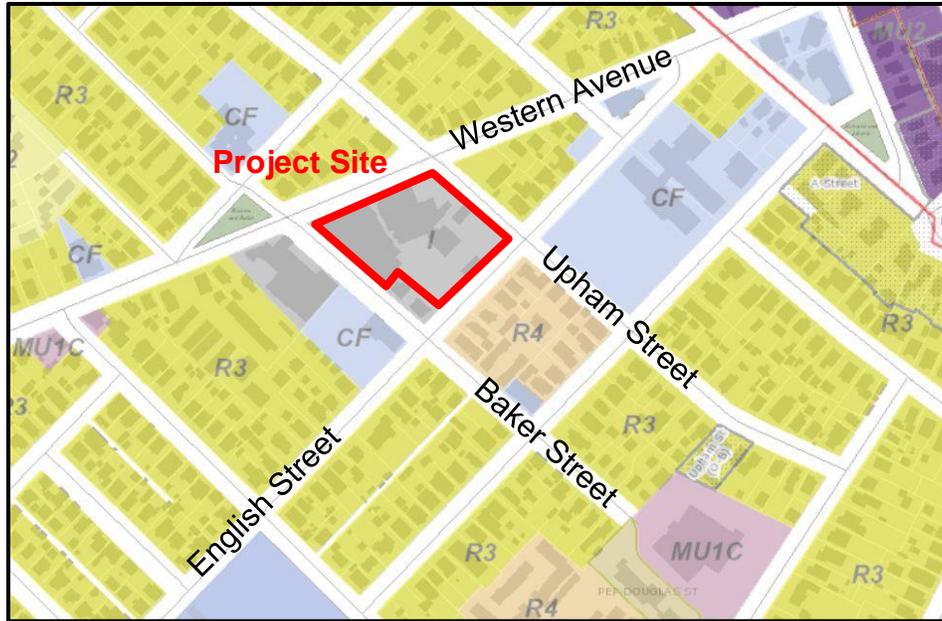


Figure 3 – Zoning Designation

PROJECT DESCRIPTION

The applicant is requesting approval of a Conditional Use Permit (CUP) and Major Site Plan and Historic Architectural Review (SPAR) to install sixteen (16) total panel antennas contained within four (4) radomes up to 10.5 feet tall and mounted on top of the existing building's tower element (Figure 4 and Figure 5). The project proposes the installation of equipment to provide 4G wireless service. The scope of the project does not include 5G service, although under existing law, the applicant may be able to upgrade the site to provide 5G service with little or no further discretionary review. The parapet would be increased by an additional one foot in height and painted to match the existing tower. Each cylindrical radome will be located on each of the four corners of the tower's roof area, and four antennas will be contained in each radome. The radome color will match the existing building. The project also includes the placement of installation of five (5) equipment cabinets, a utility H-frame, and additional ancillary equipment within a 20-foot by 34-foot lease area on the rooftop. Photo simulations of the proposed installation are provided at Attachment C and the project plans are provided in Attachment D. The equipment would be visible from the surrounding streets, as shown in Figures 4, 7 and 8. The equipment would be painted to match the building.

The applicant understands that placing equipment towards the center of the roof makes it less visible from ground level and therefore offers greater screening of supporting equipment and antenna; however, the building is an active creamery with a dairy vent and equipment near the center of the tower that would be incompatible with the antennas. The existing vent and roof access hatch are located near the center of the roof (as shown in Figure 9). If the antennas were to be centrally-located on the roof, the location and size of these existing Creamery elements would obstruct the antenna signals. Additionally, placing antennas along the roof edges and facing outward minimizes the need for Creamery workers who clean the Creamery's vents on the roof to

walk in front of any antennas.



Figure 4 – Proposed Design – 4 Radomes, North Perspective from Baker Street

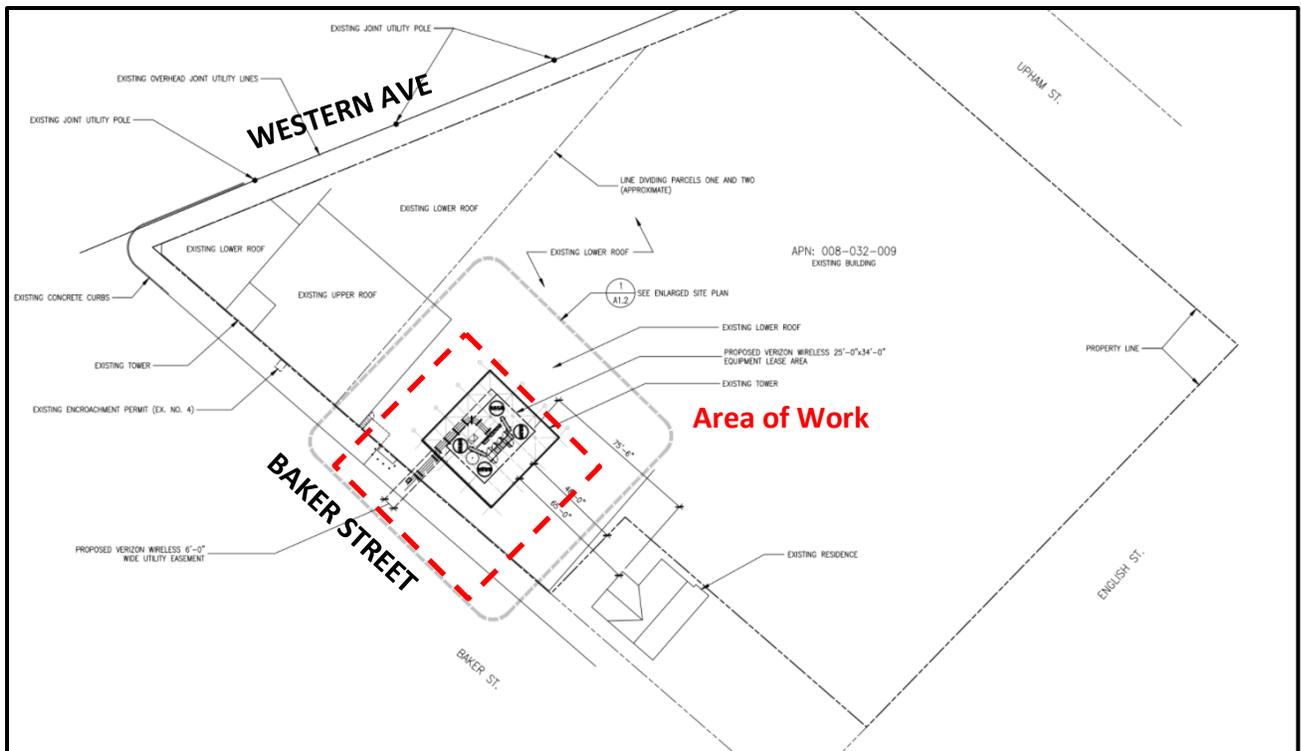


Figure 5 – Proposed Site Plan (Sheet A1.1)

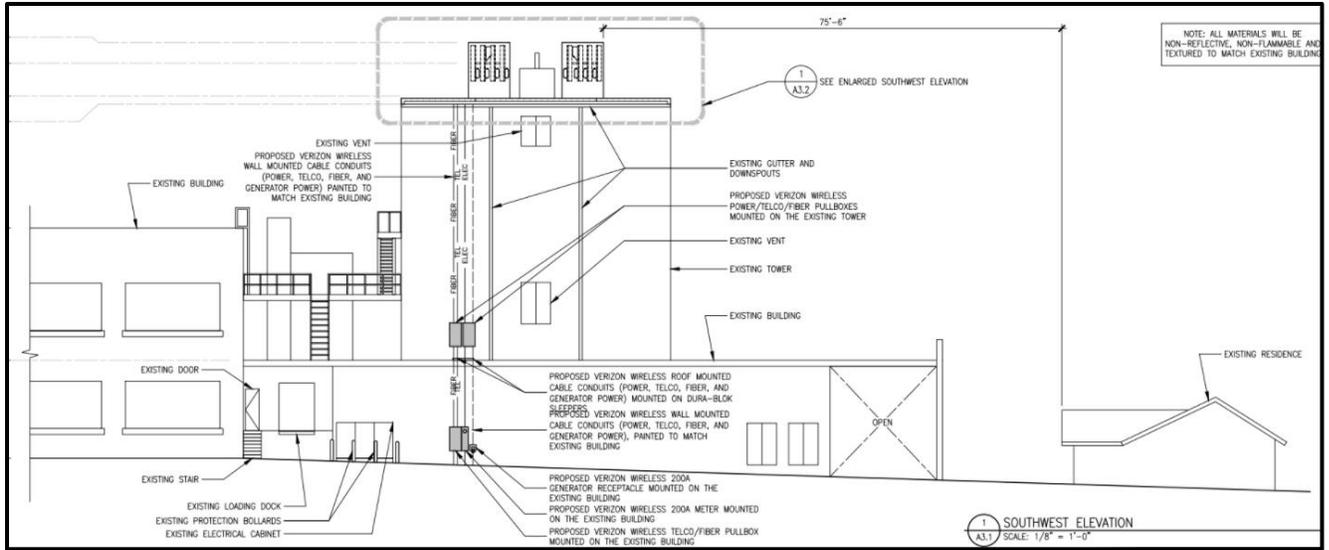


Figure 6 – Proposed Southwest Elevation (Sheet A3.1)



Figure 7 – Photo Simulation of Installation (as seen from Western Avenue and Upham Street)



Figure 8 – Photo Simulation of Installation (as seen from English Street and Upham Street)

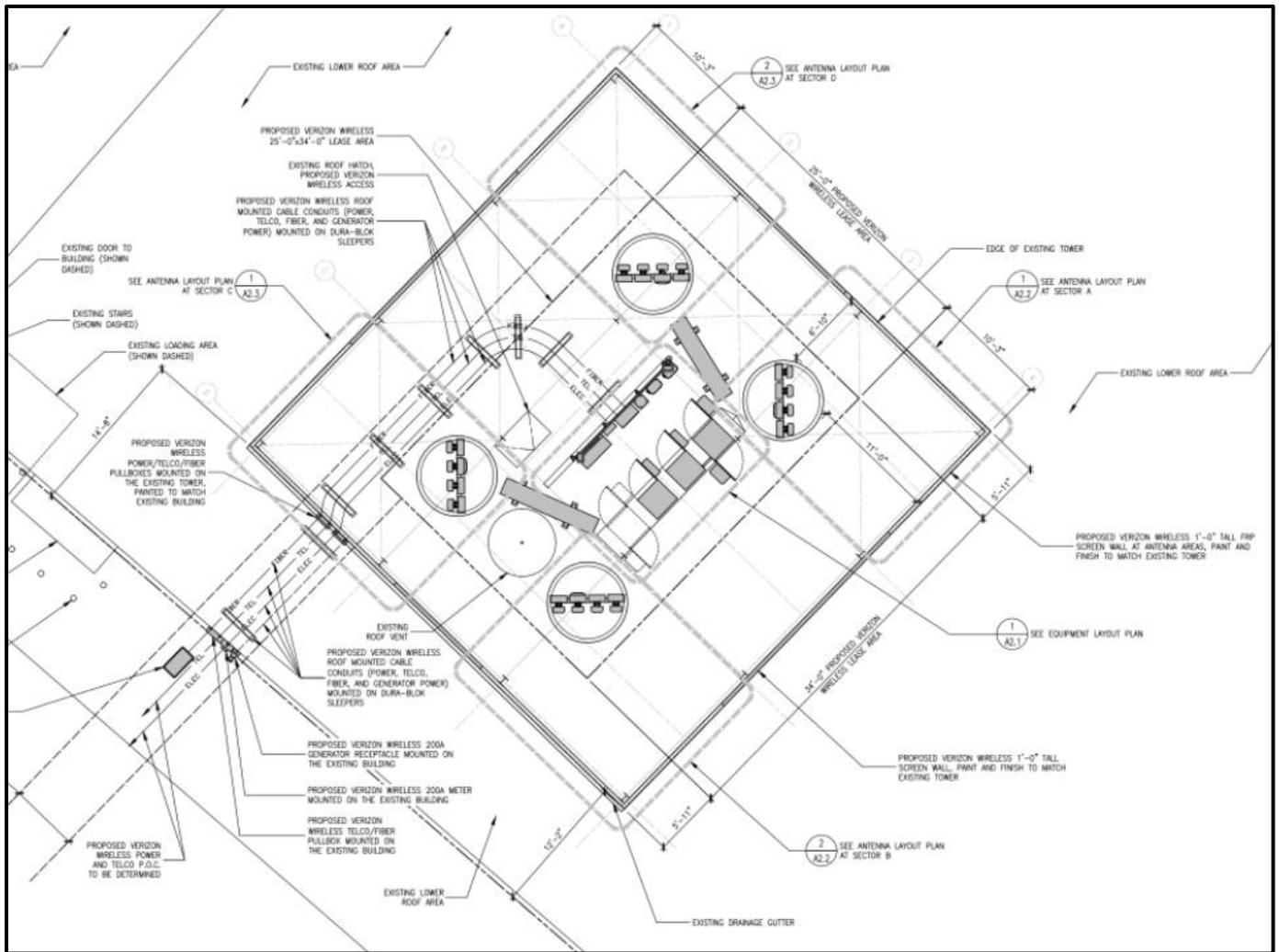


Figure 9 – Rooftop Floor Plan (Sheet A1.2)

Project Site Selection

The application states the intent of this request is to fill a coverage gap in the southwest Petaluma area, specifically west of Highway 101, and provide support capacity to their existing “overloaded” Verizon facility in the area. The applicant identifies the overloaded Verizon facility closest to the project site as located at 323 East Washington Street (Dairyman’s Feed & Supply). Within the “search ring” area, the geographic area where a proposed facility can satisfy the service objective, the applicant has asserted that the proposed site and building best meets the service objectives.

The applicant chose the subject building because it is one of the taller buildings within the search ring area, which would allow for better cell signal propagation.

Given staff’s concerns about the Creamery’s longstanding code violation status and recent fire damage to the structure that would support the proposed equipment, staff focused on a rigorous

alternatives sites analysis. As described below, staff believes that the record contains at least ten potentially feasible alternatives that Verizon either inadequately analyzed or failed to evaluate.

Verizon's initial alternative sites analysis considered 12 different site locations (two locations on adjacent parcels were analyzed together by Verizon as they allegedly share the same ownership). However, Verizon concluded that all 12 alternatives would be either infeasible or more intrusive than its proposed location at the Creamery, based on the follow discussion and as included in their application materials. Staff's consideration of Verizon's analysis is also included below.

1. **900 Western Avenue** (Ray's Delicatessen & Tavern; C1 Zone): Ruled out by Verizon as too low-slung for a rooftop site and too small a parcel for a freestanding facility. Staff agreed.
2. **860 Western Avenue** (Herman Sons Hall; C1 Zone): Ruled out by Verizon as too low-slung for a rooftop site and the rooftop presented construction challenges.
3. **201 Fair Street** (Petaluma Highschool; CF Zone): Ruled out by Verizon because school district declined to entertain a lease. Staff investigated and confirmed Verizon's rationale.
4. **700 Bantam Way** (Petaluma Junior High School; CF Zone): Ruled out by Verizon because school district declined to entertain a lease. Staff investigated and confirmed Verizon's rationale.
5. **730 N. Webster Street** (Valley Vista Elementary School; CF Zone): Ruled out by Verizon because school district declined to entertain a lease. Staff investigated and confirmed Verizon's rationale.
6. **323 E. Washington Street** (Dairyman's Feed & Supply Co.; D1 Zone): Ruled out by Verizon because structure already hosts a Verizon site.
7. **229 Lavender Hill Lane** (Water Tank; CF Zone): Ruled out by Verizon as too far from search ring (approximately 0.65 miles). Staff investigated and confirmed Verizon's rationale.
8. **601 Hayes Lane** (Water Tank Collocation): Ruled out by Verizon as too far from search ring (approximately 350 feet) and too crowded other carriers' facilities.
9. **1002 Bodega Avenue** (outside City limits): Ruled out by Verizon as too far from search ring (approximately 0.27 miles).
10. **1591 Western Avenue** (outside City limits): Ruled out by Verizon as too far from search ring (approximately 0.11 miles).
11. **1157 Western Ave** (outside City limits): Ruled out by Verizon for reasons unclear from the initial alternative sites analysis.
12. **1177 Western Ave** (outside City limits): Ruled out by Verizon for reasons unclear from the initial alternative sites analysis.

City staff reviewed Verizon's analysis and requested additional analysis on six alternative sites that staff believed could be viable alternatives and potentially less intrusive than the proposed Creamery site:

1. **860 Western Avenue** (Herman Sons Hall; C1 Zone): Verizon failed to explain how construction challenges rendered a rooftop facility on this two-story structure technically

infeasible, and failed to consider a freestanding facility that could be integrated into the architectural design (such as a bell tower).

2. **601 Hayes Lane** (Water Tank Collocation): Verizon's analysis did not include any empirical data to compare the service from this location with the service from the Creamery. Given close proximity to the search ring and apparent utility as a collocation, staff requested additional analysis with empirical evidence that would allow a comparison between the improved service at the Creamery and improved service at this alternative location. Staff also requested a similar analysis with this alternative location as part of a multi-site solution. In addition, staff requested clarification as to why Verizon could not use its own supports structures like any other carriers on the property.
3. **1002 Bodega Avenue** (outside City limits): Verizon's analysis did not include any empirical data to compare the service from this location with the service from the Creamery. Given close proximity to the search ring, staff requested additional analysis with empirical evidence that would allow a comparison between the improved service at the Creamery and improved service at this alternative location. Staff also requested a similar analysis with this alternative location as part of a multi-site solution.
4. **1591 Western Avenue** (outside City limits): Staff identified the same issues and requested similar analysis as described for the alternative location at 1002 Bodega Avenue.
5. **1177 Western Ave** (outside City limits): Staff identified the same issues and requested similar analysis as described for the alternative locations at 1002 Bodega Avenue and 1591 Western Avenue.

In addition, City staff identified three potential alternative sites within Verizon's search ring not previously considered by Verizon's alternative sites analysis:

1. **415 Dana Street** (City-Owned Property; CF Zone)
2. **222 Basset Street** (Islamic Center of Petaluma; CF Zone)
3. **11 English Street** (City Hall; CF Zone)

In response to the City's request, Verizon submitted a supplementary alternative sites analysis that addressed the eight total alternatives requested by the City, plus two additional locations, as follows:

1. **860 Western Avenue** (Herman Sons Hall; C1 Zone): No additional analysis provided.
2. **601 Hayes Lane** (Water Tank Collocation): Verizon's analysis did not include any empirical data requested by the City that would allow staff to compare predicted service levels from this location relative to predicted service levels from the Creamery. Verizon's analysis referred to an "RF Engineer's Statement" but that document did not specifically address an alternative site at this location.
3. **1002 Bodega Avenue** (outside City limits): No additional analysis provided.
4. **1591 Western Avenue** (outside City limits): No additional analysis provided.
5. **1177 Western Ave** (outside City limits): No additional analysis provided.
6. **415 Dana Street** (City-Owned Property; CF Zone): Verizon's analysis did not include any empirical data to compare the service from this location with the service from the Creamery, except to note the higher elevation at this location. Verizon claims that a facility

at this location would become “exhausted” due to its placement away from the center of its search ring. Verizon also argues that this location would require a new freestanding tower, which it deems more visually intrusive than the proposed design for the Creamery.

7. **222 Basset Street** (Islamic Center of Petaluma; CF Zone): No additional analysis provided.
8. **11 English Street** (City Hall; CF Zone): Verizon declined to consider this location because it would not allow for a rooftop facility. No additional analysis was provided.
9. **504 Baker Street** (Elim Lutheran Church; CF Zone): Verizon ruled out this location because the building would require a large extension for a rooftop site that would be out-of-scale with the existing structure and difficult to construct.
10. **939 B Street** (First Presbyterian Church; CF Zone): Verizon ruled out this location because the building would require a large extension for a rooftop site that would be out-of-scale with the existing structure. However, this is a large property within the search ring and no additional analysis of a freestanding structure was included.

Among the eight alternatives suggested by staff for additional analysis, Verizon did not provide any additional empirical analysis that would allow for a meaningful, apples-to-apples comparison of technical feasibility for any alternatives, expressly declined to consider one alternative location, and ignored requests for additional analysis on five others. Verizon also did not address staff’s request for an alternative’s analysis that used more than one site. Among the five locations within Verizon’s search ring identified for further analysis, the supplementary analysis addressed only one and did not provide the empirical data requested by staff.

Although staff appreciates Verizon’s effort to identify new alternatives at the Elim Lutheran Church and the First Presbyterian Church, Verizon’s justifications in the supplementary alternative sites analysis often focus on its determination that an alternative site would be more intrusive than the proposed Creamery site. Intrusiveness is for the City to determine. Moreover, staff is concerned that the analysis did not consider the obvious designs for either a bell tower or faux tree on a relatively large property like the First Presbyterian Church.

In sum, staff does not believe that Verizon properly ruled out at least ten potentially feasible alternative sites.

Design Iterations

Since the initial submittal, the applicant has worked with City staff to revise the design with the intent to minimize the visual impact of the antenna installations. Iterations of the design progression are provided in Figures 10-12 to demonstrate the range of options presented to the City. The initial design shown in Figure 10 featured ten-foot tall aluminum screens painted to match the building and placed along the existing parapet around the entire rooftop area. In order to minimize the visual impact of a ten-foot screening wall, which essentially appears as an additional story above the building, at the direction of staff, the applicant proposed alternatives that reduced the visual height and perceived massing. As shown below, these design alternatives included a lower, 7-foot tall screen wall (Figure 11), use of sixteen 7-foot tall radomes instead of a screen walls (Figure 12), and use of four radomes up to 10.5 feet tall instead of screen walls (Figure 4). The four radome design is the final design proposed for consideration, as it reduces the perceived number of mechanical fixtures above the existing roof and eliminates the need for perimeter screening.



Figure 10 – Initial Design – 10-foot tall Screen



Figure 11 – 7-foot tall Screen Alternative



Figure 12 – 16 Radomes Alternative

DISCUSSION AND STAFF ANALYSIS

In 1996, Congress amended the Communications Act of 1934 to, among many other things, balance local authority over land uses with the national interest in the deployment of personal wireless service facilities. Although earlier proposals in Congress would have established the FCC as a central authority over infrastructure deployment, the adopted legislation preserved local land-

use authority subject to “specific limitations” enumerated in the Act. Under those specific limitations, local regulations cannot (1) prohibit or effectively prohibit personal wireless services; (2) unreasonably discriminate among functionally equivalent services; or (3) regulate based on environmental impacts from radiofrequency (“RF”) emissions that comply with FCC regulations. In addition, local decisions must be made within a reasonable time and any denial requires a written decision based on substantial evidence in the written record.

A key consideration for local governments is their own local regulations. The federal law does not impose substantive standards that municipalities must apply to approve or deny an application. Rather, if a denial is challenged, the court takes the local standards as they find them and reviews the record for substantial evidence. Courts defer to the local agency and will not overturn a decision for lack of substantial evidence if the written record contains reasonable evidence to support the jurisdiction’s conclusion (*i.e.*, more than a scintilla, but less than a preponderance). Although the standard is deferential towards the agency, courts have held that speculative or generalized expressions of concern for aesthetics do not constitute substantial evidence supporting the local agency decision.

For example, federal law bars permit denials that would effectively prohibit service but does not require the local government to affirmatively find that their decision does not effectively prohibit services. Also, if the local code does not authorize the local government to deny an application based on a finding that a denial would not amount to a prohibition, a denial on that basis cannot be made even with substantial evidence in the record to support it because the local agencies discretionary review of the application is limited to that which is provided in the agencies own Code.

Another key consideration involves RF exposure regulations. Congress delegated authority to the FCC to establish a national standard for human exposure limits (“FCC Rules”) and preempted contrary state and local regulations. Although municipalities cannot establish their own standards for RF exposure, the FCC has acknowledged that state and local governments have a legitimate interest in compliance with the FCC Rules and local officials may require wireless applicants to demonstrate compliance with the FCC Rules. However, local agencies are prohibited from attempting to regulate RF emissions that satisfy FCC regulations.

The federal preemption does not, however, preclude the City from requiring Historic Site Plan and Architectural Review or a Conditional Use Permit for this project, nor does it prevent the imposition of local standards pertaining to other topics.

Local Standards of Review

Staff is providing a combined staff report for review by both the Historic and Cultural Preservation Committee (HCPC) and the Planning Commission because each body is acting on the same project with the same history and background. However, the two bodies are taking different actions based on a different set of findings. The Historic and Cultural Preservation Committee must consider and take action on the request for Historic SPAR. The Planning Commission must consider and take action on the Conditional Use Permit. The standards for review are listed and organized accordingly.

The Historic SPAR is subject to the discretion of the HCPC and the following standards of review:

- Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings
- Implementing Zoning Ordinance
 - IZO §15.050 (Alterations to Designated Structures)
 - IZO §24.010 (Site Plan and Architectural Review)

The Conditional Use Permit is subject to the discretion of the Planning Commission and the following standards of review:

- City of Petaluma General Plan 2025
- Petaluma Municipal Code (PMC) Chapter 14.44 (Telecommunications Facility and Antenna Criteria)
- Implementing Zoning Ordinance
 - IZO §24.030 (Conditional Use Permits)

Historic SPAR Standards

Secretary of the Interior’s Standards for Rehabilitation

The Secretary of the Interior’s Standards for Rehabilitation, broadly speaking, intend to accommodate a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. Accordingly, the consistency analysis below describes how the project complies with those standards (staff analysis in *italics*).

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

The addition of antennae on the roof of the existing Creamery building does not preclude the continuation of the site’s historic use as a creamery.

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property shall be avoided.

The proposed installation will be confined to the building roof and located within cylindrical radomes that screen the antennas and convey an industrial aesthetic. Therefore, the character-defining elements of the structure, noted in the Historic Architectural Assessment, such as its industrial form and vernacular, as well as its ability to function as a creamery, will not be removed. Please note that the Historic Architectural Assessment is included in Attachment E, beginning on page 127.

3. Each property will be recognized as a physical record of its time, place, and use. Changes

that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

The proposed telecommunications facility will not convey a false sense of historical development. The antennas are purposefully screened in a manner to retain the industrial aesthetic without detracting from the site's integrity and recognition as a creamery.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

The project does not propose the removal of any historic features and therefore is not expected to impact any later additions to a given building which may have obtained significance in their own right.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

As stated above, the telecommunications facility will be confined to rooftop, which is a non-character defining space of the building. Therefore, the project will not obscure or remove any features, finishes, or construction techniques that contribute to the historic characterization of the property.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

No repair or replacement of historic features is proposed.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

No surface cleaning is proposed as part of this project.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

No disturbance of archeological resources is expected.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials, features and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.

The proposed installation will be confined to the rooftop and will avoid any areas

containing potential historic materials or defining features. The telecommunications facility will be a clearly new addition and easily differentiated from the historic building features. The sensitive placement of the antenna and supporting equipment, and avoidance of character defining features and spaces will ensure that the integrity of the subject building is retained.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The new facility is proposed as a permanent installation. However, if removed in the future using appropriate methods the essential form and integrity of the subject property would be unimpaired.

Implementing Zoning Ordinance

As an alteration to a historic landmark, the project is subject to the requirements of IZO §15.050 and §15.070. The proposed project is also subject to standards of review for Site Plan and Architectural Review (SPAR) at IZO §24.010. The staff analysis under these criteria is included in *italics* below.

IZO §15.070 (Review Application to Alter Structures in Designated Areas)

In accordance with this section, the HCPC is required to evaluate the project in accordance with the Secretary of the Interior's Standards for Rehabilitation and shall consider the architectural style of the building, design, arrangement, relationship to surrounding buildings and historic character of the area, texture, materials, color and any other pertinent factors. Applications for alterations to a historic structure shall not be approved unless the following provisions are met (staff analysis is included in *italics* below):

“The proposed work shall not adversely affect the exterior architectural characteristics or other features of the landmark, and, where specified in the designating ordinance for a publicly owned landmark, its major interior architectural features, nor adversely affect the character or historical, or aesthetic interest or value of the landmark and its site.”

Staff Analysis: The project will not adversely affect the exterior architectural characteristics or features of the property because it includes the addition of a telecommunications facility that will be screened from various vantage points in a manner that maintains the property's ability to convey a creamery use. Further, the subject property is not a publicly owned landmark with major interior architectural features

Implementing Zoning Ordinance (§24.010(G) – SPAR Standards)

The project is subject to the provisions of IZO §24.010 (Site Plan and Architectural Review), including the standards in Section 24.010.G, which govern the scope of HCPC review. Staff analysis is included in *italics* below.

1. It is the intent of this Section that any controls be exercised to achieve a satisfactory quality

of design in the individual building and its site, appropriateness of the building to its intended use, and the harmony of the development with its surroundings. Satisfactory design quality and harmony will involve among other things:

- A. The appropriate use of quality materials and harmony and proportion of the overall design.

The project includes the use of quality materials that are nonreflective and texture to match the existing building to ensure that the project is in harmony with and in proportion to the overall design. The proposed paint colors applied to the equipment will match the color of the existing building.

- B. The architectural style which should be appropriate for the project in question, and compatible with the overall character of the neighborhood.

The project site contains existing industrial structures, including exposed equipment and cylindrical storage tanks, and the project proposes a design that attempts to integrate new features into the industrial design of the building and site. The existing site itself is not in character with the residences neighborhood. As the existing character of the site cannot be changed, the project attempts to fit with the character of the industrial site where it is located and minimize visual impact.

- C. The siting of the structure on the property, as compared to the siting of other structure in the immediate neighborhood.

The siting of the antennas and equipment is located on the existing rooftop and does not require installation of new structures on the ground. The location of equipment is arranged generally around the edges and corners of the building, which provides for some symmetry in the arrangement and to avoid existing equipment and features on the roof.

- D. The size, location, design, color, number, lighting, and materials of all signs and outdoor advertising structures.

No signs or outdoor advertising structures are proposed as part of the project.

- E. The bulk, height, and color of the proposed structure as compared to the bulk, height, and color of other structures in the immediate neighborhood.

The existing Petaluma Creamery building does not match the bulk, height, and color of most structures in the immediate neighborhood. As an addition of equipment to the existing building, the project proposes to be integrated to the building design while minimizing additional visual impact.

- 2. Landscaping to approved City standards shall be required on the site and shall be in keeping

with the character or design of the site. Existing trees shall be preserved wherever possible, and shall not be removed unless approved by the Planning Commission.

No landscaping is proposed as part of the project.

3. Ingress, egress, internal circulation for bicycles and automobiles, off-street automobiles and bicycle parking facilities and pedestrian ways shall be so designed as to promote safety and convenience, and shall conform to approved City standards. Any plans pertaining to pedestrian, bicycle, or automobile circulation shall be routed to the Pedestrian and Bicycle Advisory Committee for review and approval or recommendation.

The project does not propose any modifications to ingress, egress, internal circulation, or parking facilities.

4. It is recognized that good design character may require participation by a recognized professional designer, such as an architect, landscape architect or other practicing urban designer and the reviewing body shall have the authority to require that an applicant hire such a professional, when deemed necessary to achieve good design character.

The project has been designed by a professional architectural firm.

Conditional Use Permit Standards

Petaluma General Plan 2025

As previously noted, the project site has a General Plan land use designation of Industrial (I) and is located within the West planning subarea. The following General Plan policies apply to the proposed project (staff analysis is included in *italics* below):

Goal 7-G-2 Encourage the development of infrastructure and services to allow equal access to all who live, work, and study in Petaluma to utilize new technologies to communicate with individuals and institutions from the local to global level.

Policy 7-P-7 Plan for the highest and best level of technology available given the purpose of the service, the ability to provide that service, and fiscal reality.

Policy 7-P-8 Anticipate, plan for, and react to changes in technology.

Staff Analysis: The project is consistent with these policies in that it will contribute to expanding the use and availability of communications technology and improving capacity to Verizon's network by offloading wireless traffic from the existing downtown Petaluma telecommunications site.

Petaluma Municipal Code

Telecommunication Facilities are regulated by Petaluma Municipal Code (PMC) Chapter 14.44 (Telecommunications Facility and Antenna Criteria). The detailed development standards of that chapter as applicable to this application are provided below with staff's analysis under each

criterion in *italics*.

Structural Standards (PMC §14.44.160)

The proposed telecommunications facility is subject to specialized structural standards to address wind forces and earthquakes. Compliance with these standards is to be demonstrated and approved by the Chief Building Official.

The underlying Creamery building associated with the proposed project has a number of existing freestanding structures that have not yet been shown to meet structural standards for earthquakes as they relate to the storage of hazardous materials or damage from recent fires. In addition to longstanding and unresolved health and safety violations on the property, recent fire damage on the property affected the portion of the building intended to support the additional wireless equipment and repairs have either not been commenced or completed. Under the installation of additional equipment of any kind on the Creamery tower raises significant concern. The site needs to demonstrate that structural safety standards for its existing buildings can be met in its process hazard analyses. As a result, it is not clear whether existing structural conditions on site would create hazardous conditions that may be exacerbated by the installation of the proposed telecommunications facility. Moreover, it is not presently clear when any deficient structural conditions would be remedied.

Design Standards (PMC §14.44.170)

- A. Telecommunication towers shall be constructed out of metal or other nonflammable material, unless specifically conditioned by the city to be otherwise.

The Project does not involve a telecommunications tower, as defined in PMC Section 14.44.020(T) as the facility will be located above an existing building and is not greater than 10.5 feet tall. Therefore, this finding is not applicable. However, during review of a building permit to install the facility any flammable materials such as fiberglass panels or wood framing for the screening of the antennas would be reviewed for consistency with the Fire Code.

- B. Telecommunication towers taller than thirty-five feet shall be monopoles or guyed/lattice towers except where satisfactory evidence is submitted to the planning 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 Project does not involve a telecommunications tower, as the facility will be located above an existing building. Therefore, this finding is not applicable.

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

The Project does not involve a satellite dish. Therefore, this finding is not applicable.

- D. Telecommunication support facilities (i.e., vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed out of non-reflective materials (visible exterior surfaces only) and shall be placed in underground vaults to all extent possible.

Proposed telecommunication support facilities will be constructed out of non-reflective materials. The visible antenna concealment structures designed to look like Creamery vents will be constructed from non-reflective fiberglass that has been textured and colored to match the underlying building. A fiber ground vault is proposed in this project. Conduits, meters, and pull boxes are proposed on the side of the building and painted to match the building. Other ancillary equipment supporting the antenna operations need to be placed on the rooftop near the antennas but the equipment is located closer to the interior of the site to minimize visibility.

- E. Telecommunication support facilities shall be no taller than one story (fifteen feet) in height and shall be treated to look like a building or facility typically found in the area.

Proposed telecommunication support facilities will not be taller than one story or 15 feet in height (the tallest structure would be approximately 10.5 feet above the existing rooftop). Proposed materials and colors will be compatible with the existing building and the facility is designed to reflect the industrial nature of the site.

- F. 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.

Proposed telecommunication support facilities are located on a flat roof and the height of the equipment is screen and reduced to the maximum extent possible. Although the location of the facilities are in a highly visible area, the Project is not located above a ridgeline and is designed to conform to the industrial activities of the existing buildings on site.

- G. All buildings, poles, towers, antenna supports, antennas, and other components of each telecommunications site shall be initially painted and thereafter repainted as necessary with a "flat" paint. The color selected shall be one that in the opinion of the planning 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 shall be painted colors matching these landscapes while elements which rise above the horizon shall be painted a blue gray that matches the typical sky color at that location.

The Project will be painted to match the existing building exterior to minimize its visibility to the greatest extent feasible.

- H. The project description and permit shall include a specific maximum allowable gross cross-sectional area, or silhouette, of the facility. The silhouette shall be measured from the "worst case" elevation perspective.

The Project is located on a building rooftop. Project renderings, as included in the staff

report and attached plans, demonstrate the proposed antenna from three vantage points where the antenna will be visible.

- I. The city shall have the authority to require special design of the telecommunication facilities where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views and/or community features).

The Project is located on a site of designated architectural or historical design sensitivity. Per the letter from State Historic Preservation Officer, recommendations are made to require removable installations so that the original site conditions may be restored as desired in the future, and that the facility be painted to match the building. Staff has also worked with the applicant to eliminate the perimeter screening and perceived increase in massing as proposed in the initial submittal.

- J. Telecommunication facilities shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury. (Ord. 2029 NCS (part), 1996.)

A sufficient security plan for approval by the Police Chief would be required prior to any building permit issuance. The rooftop access entry to the antenna equipment shall remain locked when workers do not require roof access.

Critical Disaster Response Facilities (PMC §14.44.180)

- A. All radio, television and voice communication facilities providing service to government or the general public shall be designed to survive a natural disaster without interruption in operation. To this end all the following measures shall be implemented:
 1. Non-flammable exterior wall and roof covering shall be used in the construction of all buildings;
 2. Openings in all buildings shall be protected against penetration by fire and windblown embers;
 3. The telecommunication tower when fully loaded with antennas, transmitters, other equipment and camouflaging shall be designed to withstand the forces expected during the "maximum credible earthquake". All equipment mounting racks and equipment used shall be anchored in such a manner that such a quake will not tip them over, throw the equipment off its shelves, or otherwise act to damage it;
 4. All connections between various components of the facility and with necessary power and telephone lines shall be protected against damage by fire, flooding, and earthquake; and
 5. Measures shall be taken to keep the facility operational in the event of disaster.

As the project site has not yet been shown to meet all CUPA requirements and structural standards, it is not clear whether the development on site can withstand forces expected during the maximum credible earthquake and whether this may impact the proposed project and its proposed location. In addition to longstanding and unresolved health and safety violations on the property, recent fire damage on the property affected the portion of the building intended to support the additional wireless equipment and repairs have either not been commenced or completed. Under these circumstances, the installation of additional equipment of any kind on the Creamery tower raises significant concern. Moreover, it is not presently clear when any deficient structural conditions would be remedied.

Location Standards (PMC §14.44.190)

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 for all telecommunications facilities, except exempt facilities as defined in Section 14.44.020(S)(1):

- A. No telecommunication facility shall be installed within the safety zone of the Petaluma Municipal Airport or any helipad unless the airport owner/operator indicates that it will not adversely affect the operation of the airport or helipad.

The Project is not located within the safety zone of the Petaluma Municipal Airport or any helipad as delineated in the Sonoma County Comprehensive Airport Land Use Plan (CALUP).

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

The Project does not involve any installation at a location where special painting or lighting will be required by the FAA regulations, as the project site is not within or near a safety zone of the Petaluma Municipal Airport.

- C. No telecommunication facility shall be installed on an exposed ridgeline, in or at a location readily visible from Highway 101, a public trail, public park or other outdoor recreation area, or in property designated with a Floodway (FW), Park or Open Space (OS) on the Petaluma general plan, unless it blends with the surrounding existing natural and manmade environment in such a manner as to be effectively unnoticeable and a finding is made that no other location is technically feasible;

The Project will not be installed on an exposed ridgeline, in or at a location readily visible from Highway 101, at a public trail, public park or other outdoor recreation area, or in a property designated with a Floodway or Park-Open Space land use per the Petaluma General Plan. The Project would be visible from the park behind City Hall but has been designed to blend in with the existing manmade environment.

- D. No telecommunication facility that is readily visible from off-site shall be installed closer than one-half 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; or technical evidence acceptable to the planning 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 former sites;

No other readily visible uncamouflaged or unscreened telecommunication facility is located within a half-mile of the proposed project.

- E. 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 director or planning commission, as appropriate, is submitted showing a clear need for this facility and the unfeasibility of co-locating it on one of these former sites.

The Project will be sited on a building that is not already developed with telecommunication facilities, however the facility will be designed to blend with the surrounding existing natural and manmade environment as much as possible, based on the technical requirements to meet wireless service objectives. The applicant provided information demonstrating the need for a facility at this location and the infeasibility of col-locating the facility, as discussed above. However, based on deficiencies in the alternative sites analysis, described above, staff recommends that this finding cannot be made. Staff has not received evidence showing a clear need for this facility at this location.

- F. Telecommunication towers shall be set back at least twenty percent of the tower height from all property lines and at least one hundred feet from any public trail, park or outdoor recreation area. Guy wire anchors shall be set back at least twenty feet from any property line.

The Project does not involve a telecommunications tower. Therefore, this finding is not applicable; however, the location of the facilities is beyond 100 feet from any public trail, park or outdoor recreation area.

Co-located and Multiple-User Facilities (PMC §14.44.210.A)

An analysis shall be prepared by or on behalf of the applicant, subject to the approval of the decision making body, which identifies all reasonable, technically feasible, alternative locations and/or facilities which would provide the proposed telecommunication service. The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the city and surrounding rural and urban areas. The analysis shall address the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the

relative merits of any of the feasible alternatives. Approval of the project is subject to the decision making body making a finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site. The city may require independent verification of this analysis at the applicant's expense. Facilities which are not proposed to be co-located with another telecommunication facility shall provide a written explanation why the subject facility is not a candidate for co-location.

Staff recommends that this finding cannot be made. As described in the staff report above, among the eight alternatives requested by staff for additional analysis, Verizon did not provide any additional empirical analysis that would allow for a meaningful, apples-to-apples comparison of technical feasibility for any alternatives, expressly declined to consider one alternative location, and ignored requests for additional analysis on five others. Verizon also did not address staff's request for an alternative's analysis that used more than one site. Among the five locations within Verizon's search ring identified for further analysis, the supplementary analysis addressed only one and did not provide the empirical data requested by staff.

Although staff appreciates Verizon's effort to identify new alternatives at the Elim Lutheran Church and the First Presbyterian Church, Verizon's justifications in the supplementary alternative sites analysis often focus on its determination that an alternative site would be more intrusive than the proposed Creamery site. Intrusiveness is for the City to determine. Moreover, staff is concerned that the analysis did not consider the obvious designs for either a bell tower or faux tree on a relatively large property like the First Presbyterian Church.

In sum, staff does not believe that Verizon properly ruled out at least ten potentially feasible alternative sites. Among these, Verizon's analysis either dismisses the alternative in a conclusory fashion or declines to evaluate it at all. Accordingly, staff recommends that this finding cannot be made.

Lighting (PMC §14.44.220)

All telecommunication facilities shall be unlit except for the following:

- A. A manually-operated or motion-detector controlled light above the equipment shed door which shall be kept off except when personnel are actually present at night; and
- B. The minimum tower lighting required under FAA regulation; and
- C. Where tower lighting is required, it shall be shielded or directed to the greatest extent possible in such a manner as to minimize the amount of light that falls onto nearby properties, particularly residences.

The Project includes an LED worklight at the equipment lease area. Proposed lighting is required to comply with lighting standards, including maintenance of lighting as manually-operated or motion-detector controlled lights that are kept off except when personnel are actually present at night; meeting the minimum tower lighting required under FAA regulations; and directing lighting downward only at the equipment lease area to minimize the amount of light that falls onto nearby properties.

Roads and Parking (PMC §14.44.230)

All telecommunication facilities, except exempt facilities as defined in Section 14.44.020(S)(1), shall be served by the minimum roads and parking areas necessary. To this end all the following measures shall be implemented:

- A. Existing roads shall be used for access, whenever possible, and be upgraded the minimum amount necessary to meet standards specified by the fire chief and director of engineering. Any new roads or parking areas built shall, whenever feasible, be shared with subsequent telecommunication facilities and/or other permitted uses. In addition, they shall meet the width and structural requirements of the fire chief and director of engineering;
- B. Existing parking areas shall, whenever possible, be used; and
- C. Any new parking areas constructed shall be no larger than three hundred fifty square feet.

The Project will be served by existing roads and parking and does not necessitate additional facilities. Therefore, this section does not apply.

Landscaping (PMC §14.44.240)

All telecommunications facilities shall be installed in such a manner so as to maintain and enhance existing native vegetation and to install suitable landscaping to screen the facility, where necessary. To this end all of the following measures shall be implemented for all telecommunication facilities, except exempt facilities as defined in Section 14.44.020(S)(1):

- A. A landscape plan shall be submitted with project application submittal indicating all existing vegetation, identifying landscaping that is to be retained on the site and any additional vegetation that is needed to satisfactorily screen the facility from adjacent land uses and public view areas. The landscape plan shall be subject to review and approval of the site plan and architectural review process. All trees, larger than four inches in diameter shall be identified in the landscape plan with indication of species type, diameter at four and one-half feet high, and whether it is to be retained or removed with project development;
- B. Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power/telecommunication line routes involved shall be protected from damage, both during the construction period and thereafter. To this end, the following measures shall be implemented:
 - 1. A tree protection plan shall be submitted with building permit or improvement plan. This plan shall be prepared by a certified arborist and give specific measures to protect trees during project construction;
 - 2. Grading, cutting/filling, and the storage/parking of equipment/vehicles shall be prohibited in landscaped areas to be protected and the drip line of any trees required

to be preserved. Such areas shall be fenced to the satisfaction of the planning director or site plan and architectural review committee, as appropriate. Trash, debris, or spoils shall not be placed within these fences nor shall the fences henceforth be opened or moved until the project is complete and written approval to take the fences down has been received from the planning director; and

3. All underground lines shall be routed such that a minimum amount of damage is done to tree root systems.
- C. All areas disturbed during project construction other than the access road and parking areas required under Section 14.44.230 shall be replanted with vegetation compatible with the vegetation in the surrounding area (e.g., ornamental shrubs or natural brush, depending upon the circumstances) to the satisfaction of the planning director;
- D. Any existing trees or significant vegetation, on the facilities site or along the affected access area that die shall be replaced with native trees and vegetation of a size and species acceptable to the planning director; and
- E. No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power/telecommunication lines serving it.

The location of the proposed telecommunication facility on the building rooftop does not necessitate installation of landscaping to screen the equipment. Therefore, this section does not apply.

Fire Prevention (PMC §14.44.250)

All telecommunication facilities shall be designed and operated in such a manner so as to minimize the risk of igniting a fire or intensifying one that otherwise occurs. To this end all of the following measures shall be implemented for all telecommunication facilities, when determined necessary by the fire chief, except exempt facilities as defined in Section 14.44.020(S)(1):

1. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings.
2. Monitored automatic fire extinguishing systems approved by the fire chief shall be installed in all equipment buildings and enclosures.
3. Rapid entry (KNOX) systems shall be installed as required by the fire chief.
4. Type and location of vegetation and other materials within ten feet of the facility and all new structures, including telecommunication towers, shall have review for fire safety purposes by the fire chief. Requirements established by the fire chief shall be followed.
5. All tree trimmings and trash generated by construction of the facility shall be removed from the property and properly disposed of prior to building permit finalization or commencement of operation, whichever comes first.

The proposed site has not been shown to meet CUPA requirements. As such, it is not clear whether the project could contribute to the risk of igniting a fire or intensifying one due to the conditions on site. Staff therefore recommends that the current record does not support making this finding.

Environmental Resources (PMC §14.44.260)

All telecommunication facilities shall be sited so as to minimize the effect on environmental resources. To that end the following measures shall be implemented for all telecommunication facilities, except exempt facilities as defined in Section 14.44.020(S)(1):

- A. No telecommunications facility or related improvements including but not limited to access roads and power lines shall be sited so as to create a significant threat to the health or survival of rare, threatened or endangered plant or animal species.

The site is located in a densely populated urban area and within the Industrial zoning district. Therefore, the Project will not significantly threaten the health or survival or rare, threatened, or endangered plant or animal species.

- B. No telecommunications facility or related improvements shall be sited such that their construction will damage an archaeological site or have an adverse effect on the historic character of a historic feature or site.

The Project is located on an existing building rooftop and, therefore, will not damage an archaeological site. The proposed telecommunications facility does not result in an adverse effect on a designated historic resource; however, as discussed above the site is eligible for historic designation. To ensure the integrity of the existing property, the facility will be confined to the roof top and will not alter or obscure any essential character defining features or materials of the building. The Project does not propose the removal of any historic features identified in the Historic Resource Evaluation (Attachment F). The Project is also consistent with the Implementing Zoning Ordinance and the General Plan.

- C. No telecommunications facility shall be sited such that its presence threatens the health or safety of migratory birds.

The US Fish and Wildlife Service has prepared guidelines for reducing risk of impacts to migratory birds from installation of cell towers. According to these guidelines,

“Most documented bird kills at communication towers involve tall, lighted structures, and birds migrating at night during inclement weather. During these events, birds attracted by the lights congregate and circle around the tower, with mortality resulting from collisions with guy wires, other birds, and the ground, or from exhaustion.”

The proposed telecommunication facility is located within an urbanized area, and will not include a lighted structure, therefore the project will not threaten the health or safety of migratory birds.

- D. The facility shall comply with all applicable city floodplain, floodway and storm drainage

and erosion control regulations.

The Project is not located within a mapped flood zone.

- E. Potential adverse visual impacts which might result from project related grading or road construction shall be minimized.

The Project does not include any grading or road construction work, and therefore potential adverse visual impacts from such work is not applicable.

- F. Potential adverse impacts upon nearby public use areas such as parks or trails shall be minimized.

The Project site is not located near a public use area, like parks and trails. The nearest park, Liberty Park, is located two blocks or approximately 900 feet from the site and potential adverse impacts are minimized.

- G. Drainage, erosion, and sediment controls shall be required as necessary to abide soil erosion and sedimentation of waterways. Structures and roads on slopes of ten percent or greater shall be avoided. Erosion control measures shall be incorporated for any proposed facility which involves grading or construction near a waterway or on lands with slopes over ten percent. Natural vegetation and topography shall be retained to the extent feasible.

The Project is confined to a portion of the existing building rooftop and therefore will not require any drainage, erosion, or sediment controls to abide soil erosion and sedimentation of waterways.

Noise and Traffic (PMC §14.44.270)

All telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to the residents of nearby homes and the users of nearby recreational areas such as public parks and trails. To that end all the following measures shall be implemented for all telecommunication facilities, except exempt facilities as defined in Section 14.44.020(S)(1):

- A. Outdoor noise producing construction activities shall only take place on weekdays (Monday through Friday, non-holiday) between the hours of 7:30 a.m. and 5:30 p.m. unless allowed at other times by the planning commission.
- B. Backup generators shall only be operated during power outages and for testing and maintenance purposes. If the facility is located within one hundred feet of a residential dwelling unit, noise attenuation measures shall be included to reduce noise levels to an exterior noise level of at least a Ldn of 60 dB at the property line and an interior noise level of a Ldn of 45 dB. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m..
- C. Traffic, at all times, shall be kept to an absolute minimum, but in no case more than two round trips per day on an average annualized basis once construction is complete. (Ord.

2029 NCS (part), 1996.)

The Project will not create a disruption to nearby residents or users of nearby recreational areas, as it is located within an urban area. Construction period limitations of this section are generally incorporated as conditions of approval. As the facility will be unmanned, vehicle trips upon operation would be limited to occasional maintenance. The initial assessment of environmental noise shows that noise levels at the property line will be reduced from the noise levels next to the equipment and a follow-up environmental noise assessment reflecting the final design can be required to ensure compliance with noise standards.

Visual Compatibility (PMC §14.44.280)

- A. Facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings so as to reduce visual impacts to the extent feasible considering the technological requirements of the proposed telecommunication service and the need to be compatible with neighboring residences and the character of the community.

The proposed telecommunications facility will be located, designed, and screened to blend with the existing natural and built surroundings to reduce visual impacts while also considering the technological requirements of the proposed service. The facility will be sited on an existing building rooftop and designed with the minimum visual massing possible to reduce visibility from the public right-of-way. The project site is zoned industrial and has existing industrial structures, but the surrounding area is generally residential. The existing site itself is not in character with the neighboring residences. As the existing character of the site cannot be changed, the proposed project attempts to fit with the character of the industrial structure and minimize visual impact to the extent feasible.

- B. The facility is designed to blend with any existing supporting structure and does not substantially alter the character of the structure or local area.

The proposed telecommunications facility will not substantially alter the character of the structure or local area since it will add minimal massing to the existing roof and will be painted with “flat” paint to blend with the existing building.

- C. Following assembly and installation of the facility, all waste and debris shall be removed and disposed of in a lawful manner.

The applicant is required to remove and dispose of all waste and debris following the assembly and installation of the facility.

- D. A visual analysis, which may include photo montage, field mock up, or other techniques shall be prepared by or on behalf of the applicant which identifies the potential visual impacts, at design capacity, of the proposed facility to the satisfaction of the planning director. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the cumulative impacts of the proposed facility and

other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant.

The applicant provided visual simulations of the proposed project as viewable from three vantage points (see project description above and associated attachments).

Nonionizing Electromagnetic Radiation (NEIR) Exposure (PMC §14.44.290)

- A. No telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area as this term is defined in Section 14.44.020 that exceed the ANSI (American National Standards Institute) C95.1-1992 standard for human exposure or any more restrictive standard subsequently adopted or promulgated by the city, county, the state of California, or the federal government.

The applicant has submitted a Radio Frequency (RF) Exposure Study (Attachment G) that demonstrates compliance with FCC guidelines for public exposure to RF emissions. Although the study submitted by the applicant evaluates a prior equipment configuration, the City's technical consultant has reviewed the updated plans and determined that the facility as proposed would be in compliance with the FCC's guidelines for public exposure to RF emissions.

Staff recommends denial of the CUP based on the structural safety concerns and the failure to meet the findings related to alternative sites analysis. However, if the Planning Commission should decide to approve the application, staff recommends an additional condition that requires the applicant to submit an updated RF exposure study prior to the submittal of any application for a building permit.

- B. Initial compliance with this requirement shall be demonstrated for any facility within four hundred feet of residential uses or sensitive receptors such as schools, churches, hospitals, etc. and all broadcast radio and television facilities, regardless of adjacent land uses, through submission, at the time of application for the necessary permit or entitlement, of NIER (Nonionizing Electromagnetic Radiation calculations) specifying NIER levels in the inhabited area where the levels produced are projected to be highest. If these calculated NIER levels exceed eighty percent of the NIER standard established by this section, the applicant shall hire a qualified electrical engineer licensed by the state of California to measure NIER levels at said location after the facility is in operation. A report of these measurements and his/her findings with respect to compliance with the established NIER standard shall be submitted to the planning director. Said facility shall not commence normal operations until it complies with, or has been modified, to comply with this standard. Proof of said compliance shall be a certification provided by the engineer who prepared the original report. In order to assure the objectivity of the analysis, the city may require, at the applicant's expense, independent verification of the results of the analysis.

The project site is located within 400 feet of residential uses and has demonstrated compliance with the NIER standard shown through the Radio Frequency (RF) Exposure Study (Attachment G). The applicant shall be required to maintain continued compliance with NIER standards as described in Petaluma Municipal Code 14.44.290, including submittal of a report every five years listing each transmitter and antenna present at the facility and the effective radiated power radiated, as well as any time the NIER standard changes.

- C. Every telecommunication facility within four hundred feet of an inhabited area and all broadcast radio and television facilities shall demonstrate continued compliance with the NIER standard established by this section. Every five years a report listing each transmitter and antenna present at the facility and the effective radiated power radiated shall be submitted to the planning director. If either the equipment or effective radiated power has changed, calculations specifying NIER levels in the inhabited areas where said levels are projected to be highest shall be prepared. NIER calculations shall also be prepared every time the adopted NIER standard changes. If calculated levels in either of these cases exceed eighty percent of the standard established by this section, the operator of the facility shall hire a qualified electrical engineer licensed by the state of California to measure the actual NIER levels produced. A report of these calculations, required measurements, if any, and the author's/engineer's findings with respect to compliance with the current NIER standard shall be submitted to the planning director within five years of facility approval and every five years thereafter. In the case of a change in the standard, the required report shall be submitted within ninety days of the date said change becomes effective.

As previously discussed in this staff report, the authority to regulate the radiofrequency (RF) emissions from a wireless facility that meets FCC regulations is preempted by federal statute through rules promulgated by the FCC. According to the City's consultant analysis, the project meets FCC requirements. Therefore, this federal preemption precludes the City from exercising review authority over such radiation levels.

Implementing Zoning Ordinance

The proposed project is subject to standards of review for Conditional Use Permits at IZO §24.030. The staff analysis under these criteria is included in *italics* below.

Implementing Zoning Ordinance (§24.030(G) – CUP Standards)

1. The siting of the building or use, and in particular:
 - a. The adequacy of the site to accommodate the proposed use or building and all related activities.

The site has not been shown to be adequate in supporting all proposed activities. The site has outstanding issues regarding the need to meet CUPA requirements. As CUPA requirements have not been met, it is not clear whether the interaction between elements of the existing building operations and the proposed wireless facility operations would create potential issues and hazardous conditions. In

addition to longstanding and unresolved health and safety violations on the property, recent fire damage on the property affected the portion of the building intended to support the additional wireless equipment and repairs have either not been commenced or completed. Under these circumstances, installation of additional equipment of any kind on the Creamery tower raises significant concern. The site needs to demonstrate that structural safety standards for its existing buildings can be met in its process hazard analyses. As a result, it is not clear whether existing structural conditions on site would create hazardous conditions that may be exacerbated by the installation of the proposed telecommunications facility. Moreover, it is not presently clear when any deficient structural conditions would be remedied. Therefore, staff recommends that the record does not support making this finding.

- b. The location and possible screening of all outdoor activities.

No outdoor activities are proposed as part of the Project.

- c. The relation of the proposed building or use to any adjoining building with particular attention to protection of outlook, light, air, and peace and quiet.

All activities will occur on the existing building rooftop and shall not interfere with the outlook, light, air, or peace and quiet of surrounding tenants.

- d. The location and character of any display of goods and services and the size, nature, and lighting of any signs.

No display of goods or services are proposed as part of the Project.

- e. The intensity of activity.

The telecommunication facility will be a low intensity activity in that there will be no public access and only routine maintenance will be performed.

2. Traffic circulation and parking, and in particular:

- a. The type of street serving the proposed use in relation to the amount of traffic expected to be generated.

There are adequate streets and thoroughfares to accommodate the anticipated traffic for the proposed use in that Project traffic will be limited to infrequent maintenance vehicles only.

- b. The adequacy, convenience, and safety of provisions for vehicular access and parking, including the location of driveway entrance and exits.

The adequacy of, convenience, and safety of provisions for vehicular access and parking, including the location of the driveway entrance and exits, will not be

changed or altered by the proposed Project.

- c. The amount, timing, and nature of any associated truck traffic.

Truck traffic is not proposed as part of the Project, and therefore the consideration of truck traffic and timing is not applicable.

- 3. The compatibility of the proposed building or use with its environment, and in particular:

- a. The number of customers or users and the suitability of the resulting activity level to the surrounding uses and especially to any neighboring uses of unusual public importance such as schools, libraries, playgrounds, churches, and hospitals.

Customer traffic is not proposed as part of the Project, and activity levels will be limited to infrequent maintenance of the telecommunication facility. The project site is not located within the immediate vicinity of schools, libraries, playgrounds, churches, or hospitals and therefore such uses will not be impacted by the Project.

- b. Hours of operation.

Hours of operation will be twenty-four (24) hours a day, seven (7) days per week, however this is an unattended facility.

- c. Adequacy of provisions for the control of any off-site effects such as noise, dust, odors, light, or glare, etc.

The telecommunication facility will be located on the existing building rooftop and will limit potential off-site effects such as noise, dust, odors, light, or glare. The cylindrical antenna structure will be painted with a non-reflective paint, and in a color matching the existing building.

- d. Adequacy of provisions for protection of the public against any special hazards arising from the intended use.

As the project site has not yet been shown to meet all CUPA requirements, it is unclear whether there are special hazards arising from the use and its interaction with existing conditions on the site. In addition to longstanding and unresolved health and safety violations on the property, recent fire damage on the property affected the portion of the building intended to support the additional wireless equipment and repairs have either not been commenced or completed. Under these circumstances, installation of additional equipment of any kind on the Creamery tower raises significant concern. The site needs to demonstrate that structural safety standards for its existing buildings can be met in its process hazard analyses. As a result, it is not clear whether existing structural conditions on site would create hazardous conditions that may be exacerbated by the installation of the proposed telecommunications facility. Moreover, it is not presently clear when any deficient

structural conditions would be remedied. Therefore, staff recommends that the record does not support making this finding.

- e. The proportion of total space utilized.

The proportion of the total space utilized for the project is limited to the building rooftop and compatible with the building and surrounding environment.

- 4. The expected duration of the proposed building, whether temporary or permanent, and the setting of time limits when appropriate.

The expected duration of the proposed building will not change as a result of the project, since the building already exists.

- 5. The degree to which the location of the particular use in the particular location can be considered a matter of public convenience and necessity.

As the project would facilitate the continued and improved delivery of telecommunication services to the public at large, this application furthers and improves the public convenience and necessity.

PUBLIC COMMENT

A neighborhood outreach meeting was held on June 4, 2020. The virtual meeting was attended by 16 participants, which includes the applicant team, staff, and residents. The applicant team presented the project and provided information on radiofrequency emissions. Following the presentation applicant, a Verizon radio frequency engineer, and Hammett & Edison third-party radio frequency engineering responded to questions received during the one and one-half hour meeting.

As referenced previously, an initial hearing was publicly noticed for June 23, 2020. That hearing was then continued to a date certain of August 11, 2020, when it was then again continued to a date uncertain.

Since the initial public notice staff has received numerous comments from residents in the community expressing opposition to installing a cell facility in the neighborhood; not believing the installation will benefit the downtown neighborhood; opposition due to health concerns; not believing there is a need as personal experience with Verizon service was fine; opposition to 5G and emission radiation; poor aesthetics; and comment urging Planning Commission to reject a huge communications project in a densely populated neighborhood. These residents have expressed these concerns in writing, as well as publicly during general public comment at HCPC, Planning Commission and City Council hearings.

Notice of the January 26, 2021, public hearing was initially published in the Argus Courier on January 14, 2021 and mailed to all property owners and occupants within 1,000 feet of the project site, as well as all operators registered with the City pursuant to Petaluma Municipal Code

§14.44.320 (Public Notice). On site signage was posted on January 8, 2021. At the time of this staff report preparation, Staff has received a voluminous amount of written comments reiterating initial concerns, as well as raising new concerns relative to the appropriateness and safety of the project given the ongoing operational compliance issues with the Creamery (Attachment O). A number of residents have also spoken during general public comment at HCPC, Planning Commission and City Council hearings.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the provisions of CEQA under CEQA Guidelines §15303 (New Construction) because it involves construction of a telecommunications facility, which is considered a small new facility, in an area that is permissible by the IZO and an area in which the project is not environmentally sensitive. Additionally, the project does not trigger any of the exceptions to the exemption outlined in CEQA Guidelines §15300.2.

ATTACHMENTS

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| Attachment A: | Draft Resolution Approving Site Plan and Architectural Review |
| Attachment B: | Draft Resolution Denying a Conditional Use Permit |
| Attachment C: | Photo Simulations |
| Attachment D: | Project Plans |
| Attachment E: | Letter from State Historic Preservation Office and Historic Architectural Assessment |
| Attachment F: | RF Exposure Study and Supplemental Statement |
| Attachment G: | RF Support Statement and Coverage Maps |
| Attachment H: | Verizon Project Description |
| Attachment I: | Alternative Sites Analysis |
| Attachment J: | Environmental Noise Assessment |
| Attachment K: | Nearby Verizon Sites |
| Attachment L: | CTC Review of Verizon Coverage |
| Attachment M: | List of Outstanding CUPA Compliance Items as of 1.7.21 |
| Attachment N: | Memo and Exhibits submitted by Neighbors |
| Attachment O: | Public Comments |