

**RESOLUTION OF THE CITY OF PETALUMA PLANNING
COMMISSION DENYING A CONDITIONAL USE PERMIT FOR A
MINOR TELECOMMUNICATION FACILITY ON THE PETALUMA
CREAMERY LOCATED AT 611 WESTERN AVENUE
APN: 008-032-009
FILE NO. PLMA-20-0003/PLUP-19-0004**

WHEREAS, Maria Kim of Complete Wireless Consulting Inc. for Verizon Wireless, on behalf of the property owner, submitted applications for a Conditional Use Permit and Historic Site Plan and Architectural Review for the installation of sixteen (16) total panel antennas contained within four (4) radomes and associated supporting equipment mounted on the roof of the existing building at the Petaluma Creamery located at 611 Western Avenue (APN 008-032-009) (the “Project”); and

WHEREAS, the project site is provided an Industrial (I) designation by the Zoning Map; and

WHEREAS, based on the project site’s listing on the State of California’s Built Environment Resource Directory, the site is considered a designated local landmark pursuant to Section 15.040(A) of the Implementing Zoning Ordinance (IZO); and

WHEREAS, Municipal Code Section 14.44.020.S.4 defines a minor telecommunications facility as any facility located on a designated local landmark as defined by IZO Section 15.040(A); and

WHEREAS, IZO Table 7.090(B) provides that “minor” telecommunications facilities may be allowed within the Industrial (I) zoning district through issuance of a Conditional Use Permit; and

WHEREAS, the Project involves alteration to an existing building on a landmark property, and is subject to the requirements of Implementing Zoning Ordinance (IZO) §15.070 (Alterations to Designated Structures) and §24.010 (Site Plan and Architectural Review); and

WHEREAS, the project site has not met all Certified Unified Program Agency (CUPA) requirements and it is uncertain whether the site can safely accommodate the siting of telecommunication facilities; and

WHEREAS, the project site has not resolved structural deficiencies resulting from damage that occurred in a fire on December 21, 2020; and

WHEREAS, 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; and

WHEREAS, on January 26, 2021 at a duly noticed joint meeting of the Planning Commission and Historic and Cultural Preservation Committee, the Planning Commission considered the requested Conditional Use Permit for the Project at which time all interested parties had the opportunity to be heard; and

WHEREAS, also at the duly noticed joint meeting on January 26, 2021, the Historic and Cultural Preservation Committee considered the requested Historic Site Plan and Architectural Review for the Project at which time all interested parties had the opportunity to be heard; and

WHEREAS, public notice of the joint Planning Commission and Historic and Cultural Preservation Committee hearing was published in the Petaluma Argus-Courier and mailed to residents and occupants within 1,000 feet of the Project site in compliance with state and local law; and

WHEREAS, a public hearing sign was posted on site at least 17 days prior to the joint Planning Commission and Historic and Cultural Preservation meeting, consistent with the City Council Resolution No. 18-107; and

WHEREAS, on January 26, 2021, and prior to acting on this request, the Planning Commission and Historic and Cultural Preservation Committee considered the staff report analyzing the application, including the California Environmental Quality Act (“CEQA”) determination included therein; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF PETALUMA AS FOLLOWS:

1. The staff report, dated January 26, 2021, accompanying this resolution is hereby incorporated into this resolution by this reference.
2. The foregoing recitals are true and correct and incorporated into this resolution as findings of the Planning Commission herein.
3. Based on its review of the entire record herein, the Planning Commission denies the requested Conditional Use Permit for the Verizon Telecommunication Facility proposed at the Petaluma Creamery based on the following findings:
 - a. The Project does not meet all applicable standards in the Petaluma Municipal Code (PMC) Chapter 14.44 (Telecommunications Facility and Antenna Criteria), including

Structural Standards (PMC §14.44.160)

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.

Critical Disaster Response Facilities (PMC §14.44.180)

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(e))

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, this finding cannot be made. Evidence showing a clear need for this facility at this location has not been received.

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

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 Verizon's effort to identify new alternatives at the Elim Lutheran Church and the First Presbyterian Church is appreciated, 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, 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, Verizon did not properly rule 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.

Fire Prevention (PMC §14.44.250)

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. Therefore, the current record does not support making this finding.

- b. The Project is not consistent with required findings as outlined in 24.030(G), including:
- 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.
 - 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.

4. Based on its review of the entire record herein, including the January 26, 2021 staff report, all supporting, referenced, and incorporated documents and all comments received and foregoing findings, the Planning Commission hereby denies a Conditional Use Permit for the installation of a “minor” telecommunication facility within the I zoning district at 611 Western Avenue.