

# Board of Supervisors

October 8, 2024

## Appeal of BZA's Denial of an Intermediate Freestanding Telecommunication Facility

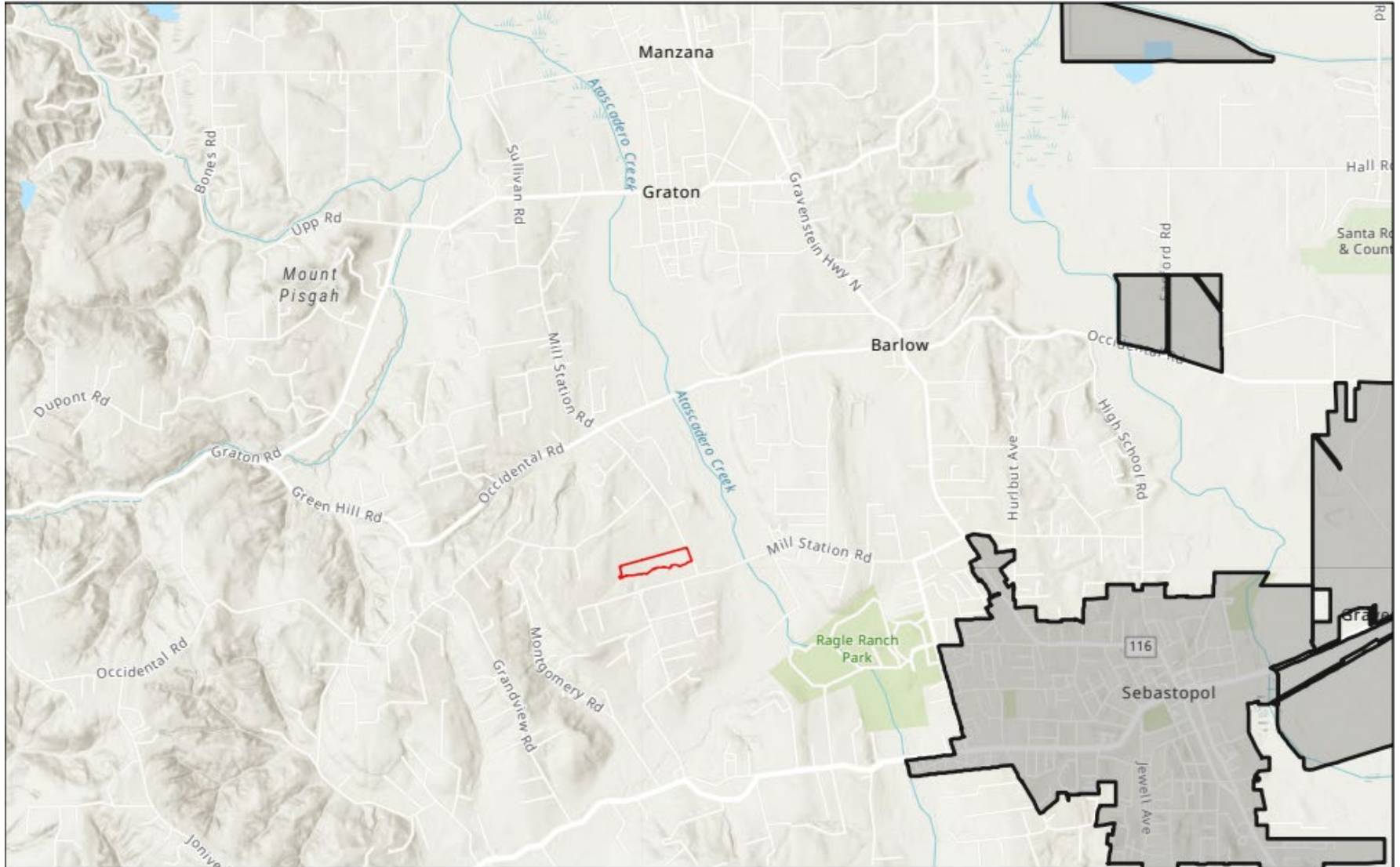
9300 Mill Station Road, Sebastopol

UPE22-0051, Use Permit

Peter Kaljian



# Project Location



# DA Zoning and Land Use



9/12/2024

Scenic\_Resource\_SR

Scenic Landscape Unit

061-141-001

Riparian Corridor

100'

200'

Zoning and Combining Districts

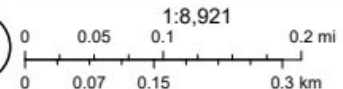
AR - Agriculture & Residential

DA - Diverse Agriculture

RR - Rural Residential

Parcels Boundaries

World Hillshade



Esri Community Maps Contributors, Sonoma County, California State Parks, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,

Peter Kallian Planner | Permit Sonoma

# Project Site



# Project Description



## New Intermediate Freestanding Telecommunication Facility

- ❑ 70-foot Tall Faux Tree
- ❑ 2,500 Square Foot Lease Area
- ❑ Backup Generator And Fuel Tank
- ❑ 8-foot Tall Slatted Chain Link
- ❑ Tree Removal (Apple Trees)
- ❑ New Landscaping
- ❑ Improved Access Road

# Site Plan

(E) 55'-6" HIGH OAK TREE

THE PROPOSED VERTICAL BRIDGE NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT SHALL TAPER DOWN TO 10'-0" BELOW THE (E) OAK TREE

PROPOSED 20'-0" WIDE VERTICAL BRIDGE NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT

PROPOSED 10'-0" WIDE BEHLEN COUNTRY COUNTRY GATE WITH SOLOR GATE OPENER

PROPOSED 50'X50' VERTICAL BRIDGE LEASE AREA WITH 8'-0" HIGH CHAIN-LINK FENCED COMPOUND

PROPOSED HAMMERHEAD FIRE TRUCK TURNAROUND (SEE NOTE-1)

(E) APPLE TREES WITHIN PROPOSED ACCESS PATH SHALL BE REMOVED

(E) 9' WIDE DIRT ACCESS ROAD

(E) OVERHEAD POWER AND FIBER

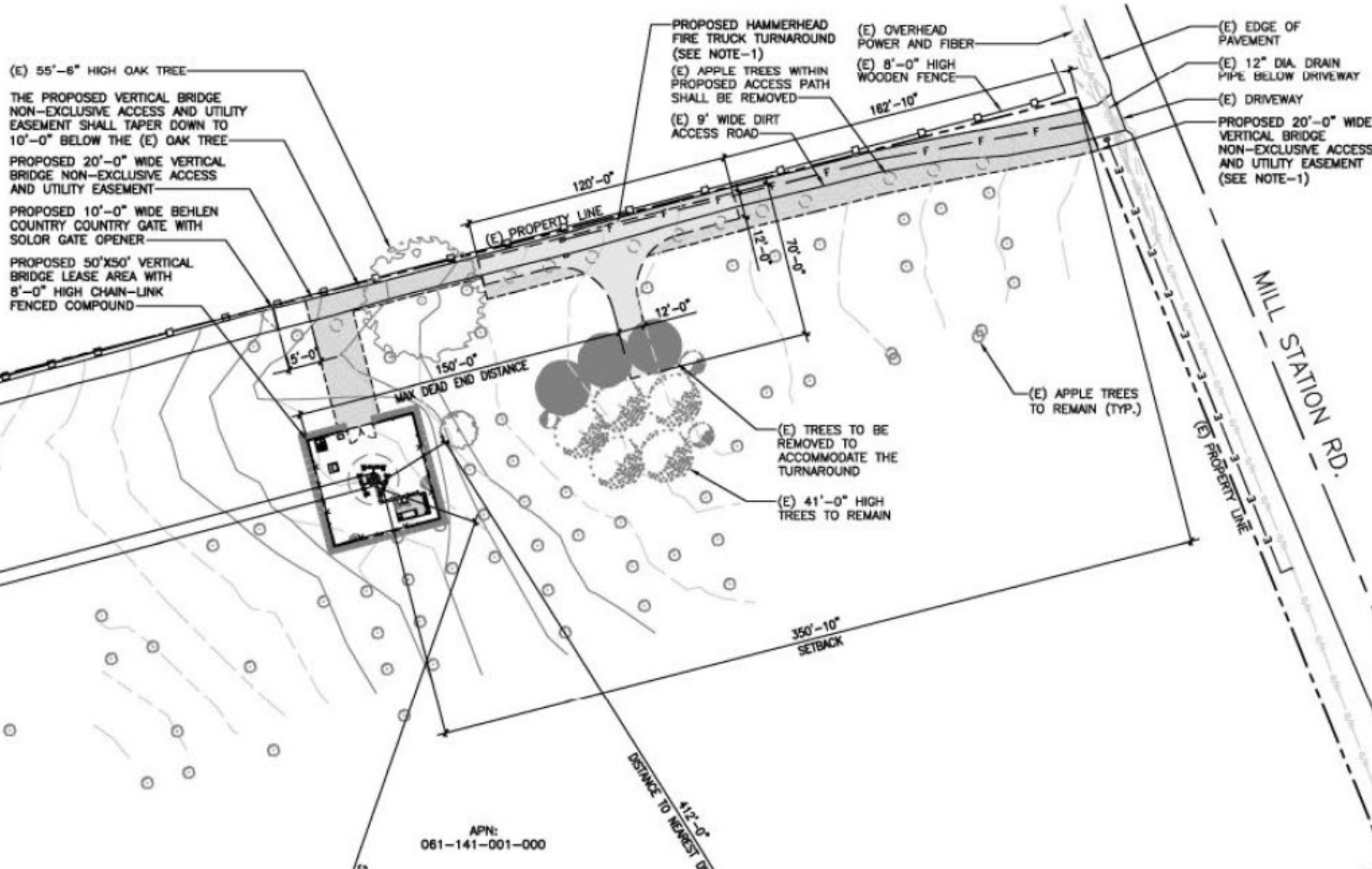
(E) 8'-0" HIGH WOODEN FENCE

(E) EDGE OF PAVEMENT

(E) 12" DIA. DRAIN PIPE BELOW DRIVEWAY

(E) DRIVEWAY

PROPOSED 20'-0" WIDE VERTICAL BRIDGE NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT (SEE NOTE-1)

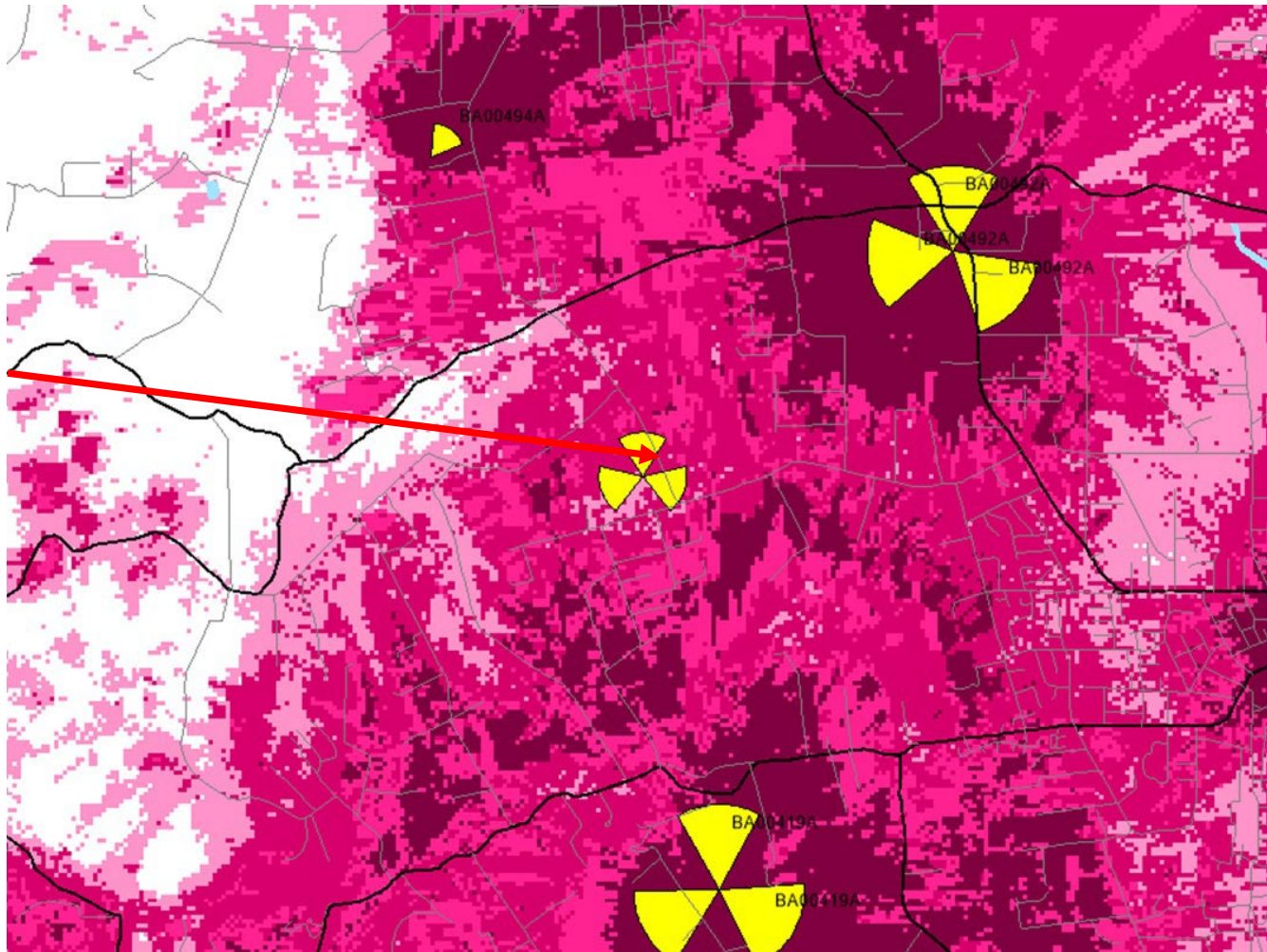


APN: 061-141-001-000

MILL STATION RD.

# Existing Coverage

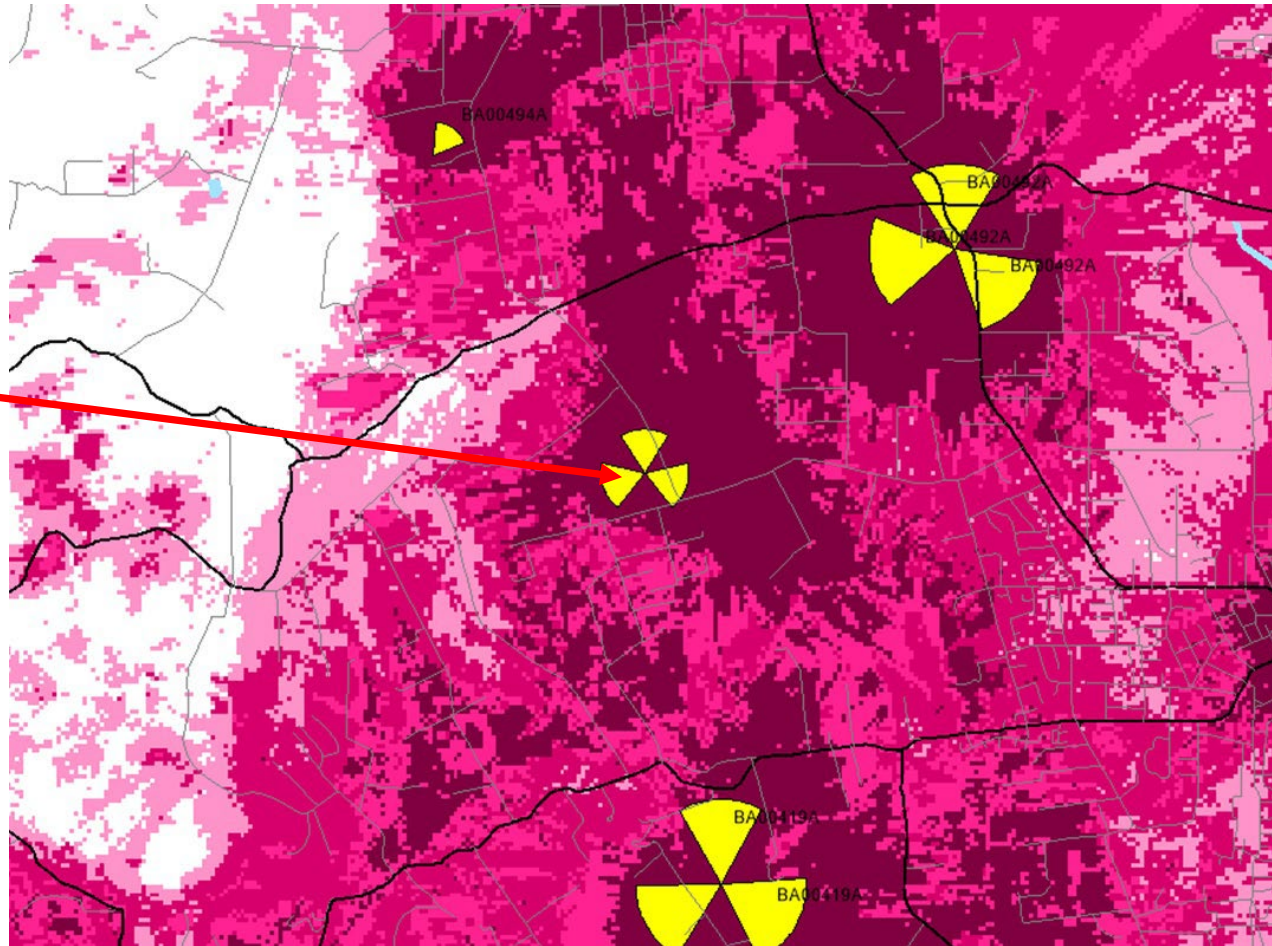
Proposed Facility



- Indoor Com
- Indoor Res
- In-Vehide
- Outdoor

# Resulting Coverage – 70ft Tall Facility

Proposed  
Facility

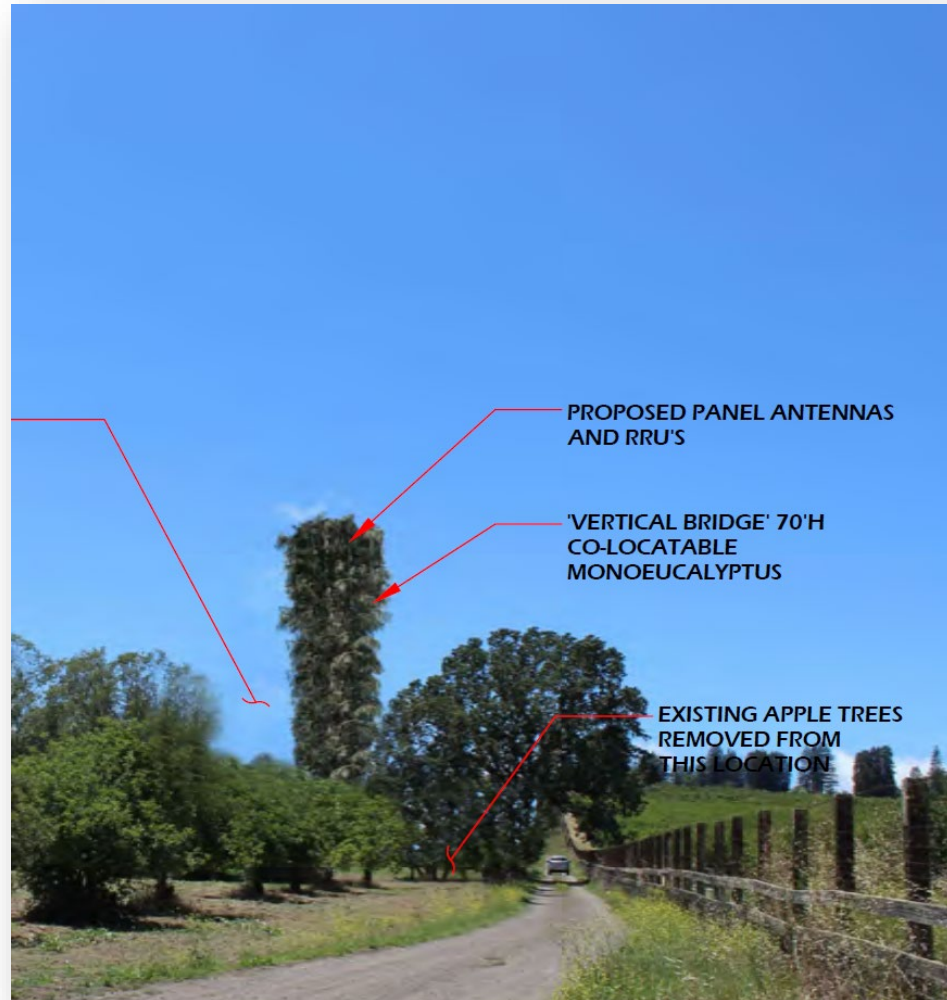




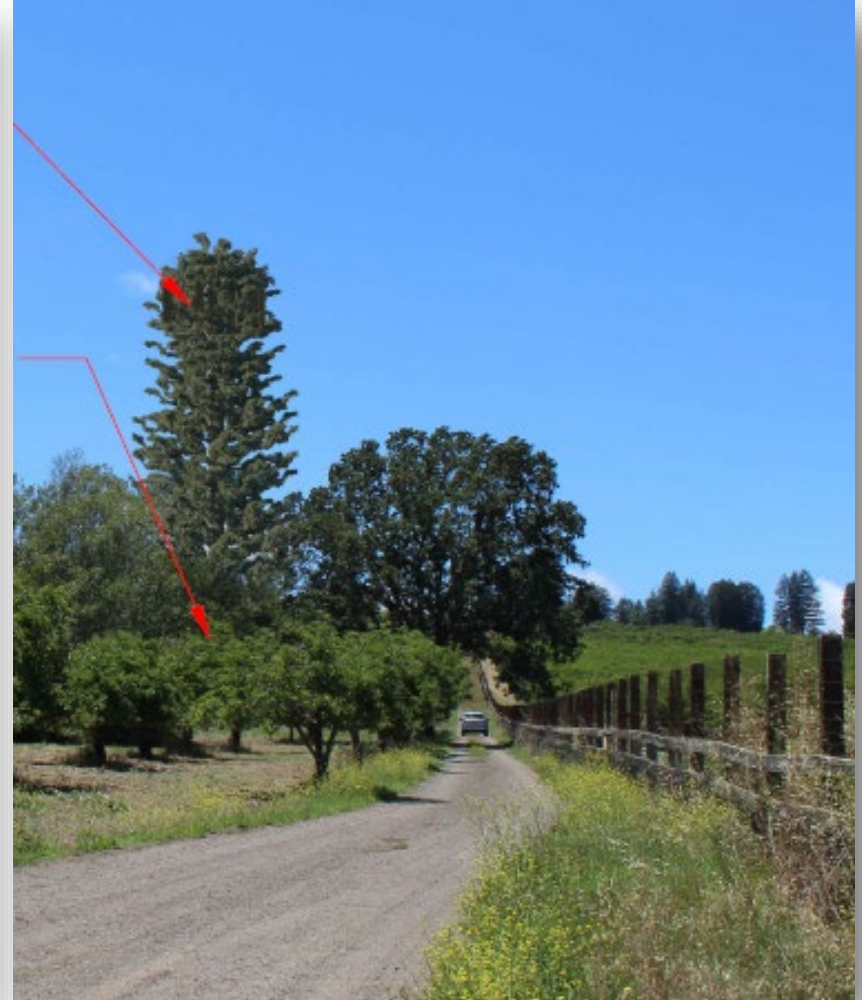
# Visual Assessment

## Faux Tree Designs Co-Dominant

Faux Eucalyptus: Current Proposal

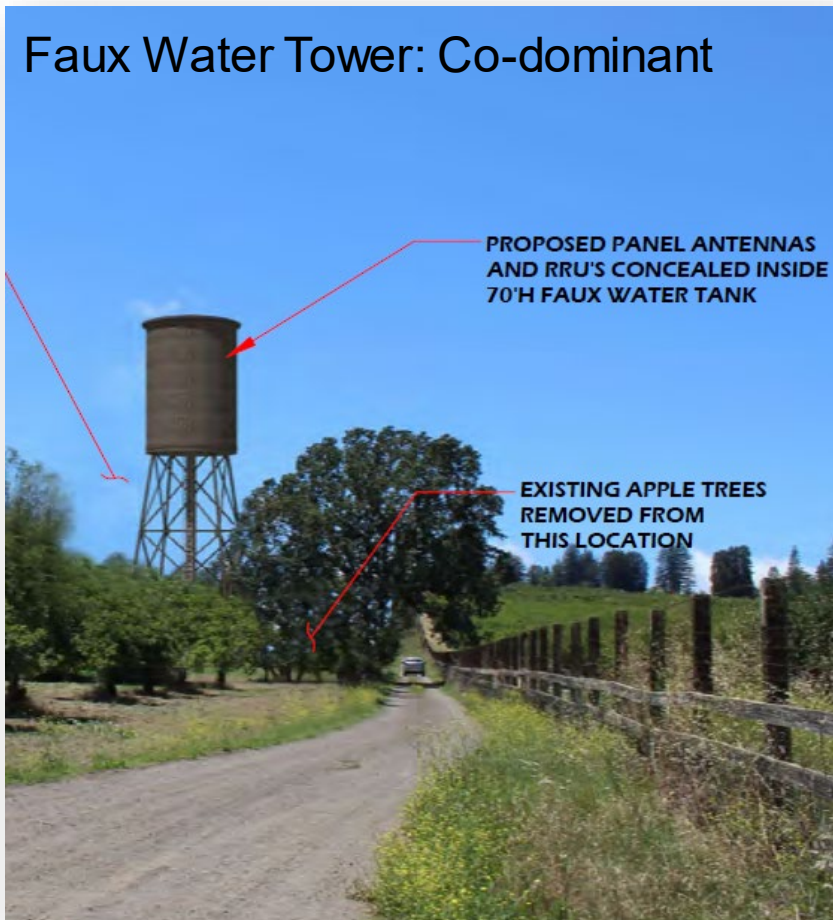


Faux Mono-pine: Original Proposal



# Design Alternatives

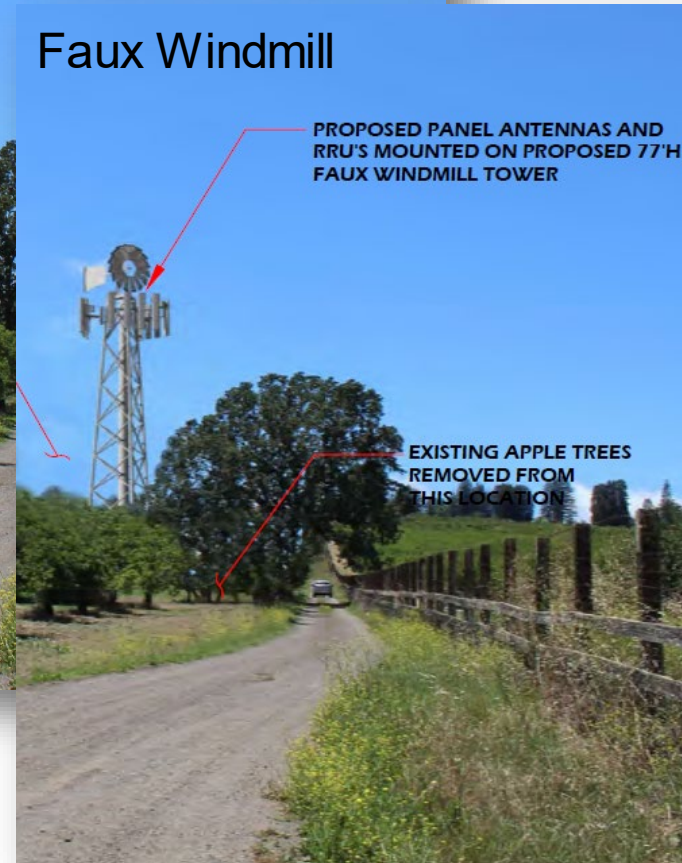
## Faux Water Tower: Co-dominant



## Monopole



## Faux Windmill



Co-dominant means compatible with typical features of a rural landscape and not visually dominant

# Public Hearing Timeline

Hearing Date	Comments
August 31, 2022	Application Accepted
March 23, 2023	BZA Public Hearing: Continued
July 27, 2023	BZA Public Hearing: Continued
May 23, 2024	BZA Public Hearing: Continued
June 13, 2024	BZA Public Hearing: Project Denied
June 20, 2024	Appeal filed

# BZA Hearing

Staff Recommended the Board of Zoning Adjustments approve the Project and find the Project exempt from CEQA

BZA Denied the project with the following findings:

- ❑ No service gap exists
- ❑ Alternatives not fully analyzed
- ❑ Alternative site 9845 Cherry Ridge Rd, Sebastopol would better meet service goals
- ❑ Visual impact not reduced by project design(s)
- ❑ Project detrimental to health safety and welfare

No new information was presented to the record for BZA denial

# Public Comment

- Visual impacts cannot be eliminated through design
- Concerns of Micro Plastics - Tree designs
- Impacts to private views and property value
- 5G exposure

# Appeal

Project Applicant filed a timely appeal of denial:

- An in-building service gap exists
- 9845 Cherry Ridge Rd, Sebastopol - not feasible, no landowner response
- A hypothetical alternative is not sufficient grounds for denial
- Visual impacts are reduced through stealth design and natural landscape buffers

# Staff Recommendation

- **Adopt a Resolution approving the Appeal and the Use Permit, subject to Conditions of Approval**
  - ▣ Consistent with General Plan and DA Zoning Sec. 26-06-030
  - ▣ Consistent with Telecommunication Facilities Zoning Sec. 26-88-130
  - ▣ Faux Eucalyptus Tree design sufficiently reduces visual impact
  - ▣ No new information received to alter staff's original recommendation to BZA
  
- **Find the project exempt from the California Environmental Quality Act under CEQA Guidelines 15303 (Small Structures)**

# Questions?





# Federal Telecommunications Act

- The Act preempts much of the local government decision making autonomy
- Local Government's Determination Is Limited To:
  - ▣ Whether or not a service gap exists
  - ▣ Whether or not the proposed facility is the least intrusive means possible to address the identified gap

# Site Sensitivity Assessment

- The project site's sensitivity is characterized as moderate
- Not located in a scenic resource
- Is within a rural agricultural area containing trees of aesthetic value
- would be partially visible from a public road

