



CITY OF PETALUMA
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Teresa Baret
Mayor

July 24, 2020

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Mike Healy
Gabe Kearney
Dave King
Kevin McDonnell
Kathy Miller
Councilmembers

Ms. Maria Kim
2009 V Street
Sacramento, CA 95818

RE: Verizon Telecommunications Project
611 Western Avenue
File No. PLUP-19-0004

Ms. Kim,

This letter provides information pertaining to your Conditional Use and Site Plan and Architectural Review applications to construct a Major Telecommunications Facility at 611 Western Avenue. Based on the latest information placed in the record concerning the site's eligibility for national listing and inclusion on the California Register of Historical Places, as well as the still unresolved safety issues related to the operations of the Petaluma Creamery, the current application is not eligible to be approved as a Major Telecommunications Facility at its current location for the reasons outlined below.

As previously discussed, the City has raised concerns related to the location of the proposed telecommunications facility on an existing building at 611 Western Avenue that contains the ammonia refrigeration tanks for the Petaluma Creamery, the principal use of the property. These concerns relate to findings and recommendations in the '5-Year Hazard Review of the Ammonia Refrigeration System' and 'Seismic Assessment' prepared by Resource Compliance, which have not yet been addressed by the property owner. Given the safety concerns identified in these reports, the Planning Division determined that it could not recommend support of the proposal and was prepared to recommend denial of the project at the publicly noticed Planning Commission hearing on June 23, 2020. At the request of the applicant, the item was continued to the August 11, 2020, Planning Commission hearing to enable Verizon the opportunity to review the safety concerns with the property owner.

**Community Development
Department**

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Since that time, Planning staff has received additional information indicating that the State Historic Preservation Office has included the property at 611 Western Avenue on the California Register of Historical Resources. As a result of this listing, the project site is considered a landmark property per [Petaluma Implementing Zoning Ordinance Section 15.040](#). Although the State has not yet posted this determination on the electronic register available to the public, staff has confirmed with the Northwest Information Center that the letter provided by the State Historic Preservation Officer as a result of the Section 106 review process automatically places the site on the California Register, for purposes of Section 15.040.

As a result of the site's landmark status under the Implementing Zoning Ordinance only telecommunication facilities that qualify as "exempt," "mini," or "minor" facilities are eligible to be installed pursuant to [Municipal Code Section 14.44.020\(S\)](#). As proposed, the project does not meet the definition criteria for "exempt" or "mini" facilities. Although the proposal could proceed as a minor facility, per [Muni Code Sections 14.44.090\(B\) and \(R\)](#) a minor facility may not have a combined effective radiated power radiated by all antennas present on the parcel in excess one thousand five hundred watts, and may not be located within 75-feet from a residential dwelling unit. The Verizon Telecommunication application proposes a facility with a maximum effective radiate power of 46,800 watts and the installation location, at the southern corner of the property is located directly adjacent to a residential unit at 432 Baker Street. Therefore, in order for the current application to be eligible for approval, in addition to addressing the concerns related to the safety of the ammonia refrigeration system noted above, the project must also be revised to comply with Muni Code Section 14.44.090(B) and (R).

As you are aware there is currently a Tolling Agreement in effect until September 1, 2020, with an active request from the applicant to extend the tolling period to October 6, 2020. Per previous communications with Verizon counsel, City Staff believes additional time remains on the shot clock for consideration of the pending application. Based on staff's review of the current application record it will be necessary for the applicant to revise the project as described above, if not, it will be necessary for staff to schedule the project for denial prior to expiration of the tolling agreement.

Please do not hesitate to contact me at bbendix@cityofpetaluma.org or at (707) 778-4314 with any follow-up questions and discussion items that result from this letter.

Sincerely,

Brittany Bendix
Deputy Planning Manager

cc: Heather Hines
Eric Danley
Justin Shiu