

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: February 23, 2006
Item No.: 8.b.
Staff: Aaron Mount

SPECIAL USE PERMIT REVISION

FILE NUMBER: S96-0033R/Cingular Twin Bridges

APPLICANT: Cingular Wireless

AGENT: Meredith Perkins

REQUEST: Special use permit revision to allow the collocation of additional wireless telecommunication facilities on an existing monopole tower, including ground mounted support equipment.

LOCATION: On the west side of Tamarack Pines Road, approximately 150 feet east of the intersection with U.S. Highway 50, in the Twin Bridges area. (Exhibit A)

APN: 038-050-16

ACREAGE: 0.89 acre

GENERAL PLAN: Commercial (C) (Exhibit B)

ZONING: Commercial (C) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines.

SUMMARY RECOMMENDATION: It is recommended that the Planning Commission conditionally approve S96-0033R.

BACKGROUND: S96-0033 was approved by the Planning Commission on April 10, 1997, for a 108 foot wood monopole that replaced an existing monopole that may have been approved under S66-0039, which was for a communication facility but did not mention a monopole. Special Use Permit S90-0037 was approved on the subject site for the installation of a 500 gallon above ground convault diesel storage tank and does not contain the presence of a communications tower. S02-0017 was approved by the Planning Commission on August 8, 2002, to replace the wooden monopole with the existing 94 foot metal monopole. Approval of Permit S96-0033R will void permit S02-0017 and all applicable conditions will be carried over from permit S02-0017 and amended to permit S96-0033R. This is an effort to clarify the permit history and end active entitlements.

The Telecommunications Act of 1996 preserves the authority of a state or local government over decisions regarding the placement, construction, and modification of personal wireless services with the following pertinent limitations:

SEC. 704.(7)B(iii)

Any decision by a state or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

SEC.704.(7)B(iv)

No state or local government or instrumentality thereof may regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commissions regulations concerning such emissions.

The American National Standards Institute and the Institute of Electrical and Electronics Engineers (IEEE) have published a standard called ANSI/IEEE C95.1-1992, which until recently set recommended maximum power density levels for radio frequency (RF) energy originating from communications sites and other sources. The Federal Communications Commission (FCC) has also produced its own guidelines, which are more stringent and supersede the ANSI standard. The FCC rules categorically exclude certain transmitting facilities from routine evaluations for compliance with the RF emission guidelines if it can be determined that it is unlikely to cause workers or the general public to become exposed to emission that exceed the guidelines. The following table represents the FCC limits for both occupational and general population exposures to different radio frequencies:

Frequency Range (F) (MHz)	Occupational Exposure (mW/cm²)	General Public Exposure (mW/cm²)
0.3-1.34	100	100
1.34-3.0	100	180/FP2P
3.0-30	900/FP2P	180/FP2P
30-300	1.0	0.2
300-1,500	F/300	F/1500
1,500-100,000	5.0	1.0

Based on the proposed Cingular facility analysis and computation, the maximum power density at this location is 1.1 mW/cm² for the 1,900 MHz emissions and .5 mW/cm² for the 850 MHz emissions (at 1,000 feet from the base of the antenna). Therefore, the maximum permissible exposure for the general population at this site is equivalent to 0.73 percent of the recommended limit. The power density at 1,000 feet from the antennae is greater than the power density at the base of the antennae because power is directed outward rather than downward. The combined effect of the measured RF level, existing wireless telecommunications equipment, and the maximum calculated additional contribution at ground level is 0.76 percent of the existing standard for general population uncontrolled exposure. Therefore, the risk of release of hazardous materials or emissions to the public is remote.

STAFF ANALYSIS

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the permit request and issues for Planning Commission consideration are provided in the following analysis:

Project Description: Cingular Wireless is requesting a special use permit revision to allow the collocation of two additional antennas at a centerline height of 77 feet 10 inches on an existing 95 foot monopole. The equipment will be located in a 12 foot by 20 foot equipment shelter located within a 20 foot by 25 foot lease area enclosed by a solid wood fence. Project plans are included as Exhibit D.

Proposed Access: The site is served by a paved encroachment from Tamarack Pines Road, a County maintained road. The access is 150 feet east of the intersection with U.S. Highway 50. The subject parcel is bordered on the north by U.S. Highway 50.

Site Description: The 0.89 acre site is located approximately 6,600 feet above mean sea level. Vegetation consists of mature and immature pine trees and associated undergrowth. Existing infrastructure includes a 1,488 square foot equipment building, a 104 square foot generator shelter, and a 95 foot monopole with a 10 foot 7 inch whip antenna on top. The old Bennett Sculpture building is located due west of the site.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	C	C	Existing wireless communications tower and equipment building
North	RE-10	NR	Undeveloped
South	RE-10/R1	NR	Undeveloped and single family residences
East	RE-10	NR	Single family residence
West	C	C	Undeveloped

Discussion: The subject site is bordered on the north by U.S. Highway 50 and the south by Tamarack Pines Road. The residential parcel to the east is 4.42 acres. The commercial parcels to the west are undeveloped except for a vacant historic structure. The project, as proposed and conditioned, will continue to be visually compatible with the existing antennas and the surrounding commercial and residential environment.

General Plan: The General Plan designation of the subject site is Commercial. This designation permits full range of commercial retail, office, and service uses. This designation is considered appropriate only within Community Regions and Rural Centers. The following General Plan policies also apply to this project:

Policy 5.6.1.4: Special Use Permits shall be required for the installation of community telecommunications facilities (e.g. microwave towers) in residential areas to ensure that siting, aesthetics, environmental issues, surrounding land uses, and health and safety concerns are considered.

Discussion: The applicant has designed the wireless facility collocation in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns.

Policy 2.6.1.2: Until such time as the Scenic Corridor Ordinance is adopted, the County shall review all projects within designated State Scenic Highway corridors for compliance with State criteria.

Policy 2.6.1.3: Discretionary projects reviewed prior to the adoption of the Scenic Corridor Ordinance, that would be visible from any of the important public scenic viewpoints identified in Table 5.3-1 and Exhibit 5.3-1 of the El Dorado County General Plan Draft Environmental Impact Report, shall be subject to design review, and Policies 2.6.1.4, 2.6.1.5, and 2.6.1.6 shall be applicable to such projects until scenic corridors have been established.

Discussion: The special use permit revision process functions as a design review for this permit. Table 5.3-1 of the El Dorado County General Plan Draft Environmental Impact Report identifies the subject site as an Important Public Scenic Viewpoint. The subject monopole has a low visual impact and is painted to blend with surrounding vegetation. Aesthetics and all other issues as required by these policies are discussed in the development standards.

Conclusion: Staff finds after review of the above policies that the project, as proposed and conditioned, conforms to the General Plan.

The Planning Commission has the option of revisiting the original special use permit, S96-0033, due to Condition 10 which states “Due to the ever changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report, and based on an assessment of the information provided, current wireless communication technology, and possible local or cumulative impacts, determine whether to: 1. Modify the conditions of approval in order to reduce identified adverse impacts; and 2. Initiate proceedings to revoke the special use permit, requiring the facility's removal, if it is no longer an

integral part of the wireless communication system. By operation of this condition, it is the intent of the Planning Commission to reserve the right to modify existing or add new conditions consistent with the language specified above. The failure of the Planning Commission to conduct or complete a five-year review in a timely fashion shall not invalidate this special use permit. The applicant shall pay a fee as determined by the Planning Director to cover the cost of processing a five-year review.”

Zoning: The proposed use is permitted in the Commercial zone district (C), pursuant to Section 17.14.200.D.4. Under this ordinance an application of this nature would be permitted as follows:

Co-location on existing approved monopoles or towers. In all zone districts, the placement of antennas on an existing approved monopole or tower may be permitted subject to approval of a minor use permit by the zoning administrator pursuant to Section 17.22.400 et seq. and subject to the following criteria. Those facilities not meeting the criteria below are subject to a special use permit.

- a. *New antennae shall be located at or below the topmost existing antenna array, either on the same pole or a replacement pole at the same height and within the approved lease area;*
- b. *New antennae shall not extend out horizontally from the pole more than the existing widest projection. Use of designs similar to existing antenna array are encouraged;*
- c. *All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the communication facility, or designed to blend with surrounding architecture, or on the ground screened from public view;*
- d. *The antennae and pole or tower shall be designed to match the existing facility, natural features or vegetation of the site;*
- e. *Additional antenna arrays added above the existing approved antenna array or that requires the tower height to be increased shall be considered a new tower and shall be subject to the provisions of subsection (D)(5), below.*

Discussion: The project is required to be presented to the Planning Commission for approval due to the subject sites being adjacent to U.S. Highway 50. As shown on Exhibits D1-4 all criteria have been met.

Development Standards: Section 17.14.200(E) and (F) of the County Code require that all wireless communication facilities meet certain criteria. Below is an analysis of these standards.

1. Screening: The enclosure and cabinets at ground level will be screened from view from U.S. Highway 50 by existing trees. Further screening from Tamarack Pines Road will be accomplished by a solid wooden fence enclosing the lease area. The existing monopole is painted to blend with the surrounding vegetation. Additional panel antennas will be painted to match the existing monopole. Visual simulations of the wireless facility have been submitted (see Exhibit E)
2. Setbacks: The equipment shelter would comply with the development standards of the Commercial Zone District, which requires 10 foot minimum setbacks on the front and a minimum of five feet on the side and rear. The setback to the southwest is 55 feet and to the northeast it is 50 feet. No setbacks would be affected with the proposed project.
3. Maintenance: Maintenance personnel would visit the site approximately once a month, at which time the facilities would be inspected to ensure proper operation. The project has been conditioned to require that the colors and materials of the monopole and equipment shelter be maintained at all times consistent with the features depicted in the visual simulations.

The proposed cellular communications facility will tie into the existing approved backup generator in the event of a power outage.

Conclusion: After review of the submitted site plan(s), visual simulations and an on-site reconnaissance, it has been determined that the proposed project meets the standards contained in Section 17.14.200 D.4, 17.14.200.E, and 17.14.200.F of the County Code.

Agency and Public Comments: The following agencies provided comments on this application:

El Dorado County Environmental Management Department, Environmental Health
El Dorado County Department of Transportation

These agencies had no specific concerns regarding the proposed special use permit.

At the time of the preparation of this report, staff had not received any comments from the public. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301. This section states, in part, “that projects that consist of the ... minor alteration of existing public or private structures ... involving negligible or no expansion beyond that existing are exempt from further environmental review.”

The collocation is a negligible expansion of an existing facility. Based on review of the project, staff has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment. Accordingly, the project can be found categorically exempt from CEQA pursuant to Section 15301.

Pursuant to Resolution No. 240-93, a \$35.00 processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

Staff requests that the Planning Commission take the following action:

- 1. Find that the project is Categorical Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines; and
- 2. Approve Special Use Permit S96-0033R subject to the Conditions of Approval in Attachment 1, based on the findings in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval
Attachment 2.....Findings
Exhibit A.....Vicinity Map
Exhibit BGeneral Plan Land Use Map
Exhibit CZoning Map
Exhibit D1-4Site Plans
Exhibit E1-2Visual Simulations

ATTACHMENT 1

CONDITIONS OF APPROVAL

FILE NUMBER S96-0033R

CONDITIONS OF APPROVAL

1. Approval of Special Use Permit S96-0033-R will void permit S02-0017, and all applicable conditions will be carried over from permit S02-0017 and amended to permit S96-033-R.

- ~~2.1.~~ The project as approved consists of the following: ~~The replacement and continued operation with co-location of a wireless telecommunications facility. The project includes replacing the 94-foot tall wood monopole with a metal 94-foot pole and will be designed to support co-location for wireless providers. The existing building will also be expanded to accommodate the equipment needed to support the cellular tower. The facility will be unmanned, will not emit noise, glare or be lit, and will not interfere with television or radio reception.~~

One new collocation of a cell antenna facility consisting of two (2) antennas at the 77 foot 10 inch level on an existing 95 foot monopole, and a 12 foot by 20 foot equipment shelter located within a 20 foot by 25 foot lease area enclosed by a 6 foot tall solid wood fence.

- ~~1.~~ ~~If applicable, the applicant shall submit a site improvement/grading plan to the Planning Department for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, and the *Drainage Manual*.~~

- ~~3.2.~~ The applicant is subject to any and all requirements of the El Dorado County Fire District prior to obtaining a building permit.

- ~~4.3.~~ The applicant shall assume full responsibility for resolving television reception interference caused by the operation of this facility. The applicant shall take corrective action within 30 days of the receipt of any written complaint.

- ~~5.4.~~ The applicant shall obtain a building permit from ~~the~~ El Dorado County Building Department Services.

- ~~6.5.~~ No trees may be removed as a result of this project. In addition, the monopole and antennas shall be painted either green or brown, to aid in blending in with the surrounding trees. Final color selected is subject to the approval of the ~~Planning Director~~ Deputy Director of Planning.

- ~~6.~~ ~~In terms of cumulative effects, the monopole facility shall be removed if the use is discontinued for a year or more.~~

7. No additional antennas of any type shall be mounted on the tower ~~other than those shown in Exhibits B and C~~ without filing for and receiving approval of an amendment to this special use permit.
- ~~8. A constant red obstruction light shall be installed at the highest point of the monopole. This light shall be shielded on the bottom so as to be visible from aircraft only. The applicants shall obtain a letter from the Placerville Airport Operations Manager stating satisfaction with the proposed light. This letter shall be submitted to the Planning Director prior to obtaining a building permit.~~
- ~~8.9.~~ The applicant property owner shall consent to the collocation of other ~~PCS users~~ service providers either on their monopole or immediately adjacent when the increase in pole height would be undesirable. Any increase in pole height or adjacent location shall require an amendment to the special use permit.
- ~~9.10.~~ Due to the ever changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communication technology, and possible local or cumulative impacts, determine whether to: 1. Modify the conditions of approval in order to reduce identified adverse impacts; and 2. Initiate proceedings to revoke the special use permit, requiring the facility's removal, if it is no longer an integral part of the wireless communication system. By operation of this condition, it is the intent of the Planning Commission to reserve the right to modify existing or add new conditions consistent with the language specified above. The failure of the Planning Commission to conduct or complete a five-year review in a timely fashion shall not invalidate this special use permit. The applicant shall pay a fee as determined by the ~~Planning Director~~ Deputy Director of Planning to cover the cost of processing a five-year review.
- ~~11. The applicant shall plant eight, five-gallon trees which are compatible with the existing surrounding forest to assist in masking the tower.~~
- ~~2. All site improvements shall conform to the submitted site plans attached on Exhibits D.~~
- ~~3. The project requires that the applicant file for a Business Plan.~~
- 10.4. The project requires on-site monitoring by an archaeologist during grading activity.
- ~~5. Project facilities shall be subject to a building permit from the El Dorado County Building Department.~~
- 11.6. The permit is subject to El Dorado County Zoning Ordinance 17.22 specifically Section 17.22.250 – Permit Time Limits, Extensions, and Section 17.22.260 – Revocation.

~~7. The tower shall be painted green to blend into the surrounding vegetation.~~

12.8. The applicant shall adhere to the development standards pursuant to 17.14.200(F).

~~a. The addition to the building must be painted to match the existing structure.~~

b. a. Landscaping and proper clearance around the tower and existing structure shall be maintained.

13.9. The project shall comply with the maintenance criteria listed in Ordinance 17.14.200 (f)(3) which states: “All improvements associated with the communications facility, including equipments shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of towers and other improvements shall be maintained to ensure the appearance remains consistent with approved conditions relating to color.”

14.10. The project shall comply with the unused facilities Ordinance 17.14.200(I) which states “all obsolete or unused communication facilities shall be removed within six (6) months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify the planning department at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.”

ATTACHMENT 2 FINDINGS

FILE NUMBER S96-0033R

1. The proposed project has been found to be Categorical Exempt from CEQA pursuant to Section 15301, Existing Facilities, which allows exemptions for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of lead agencies determination. The key consideration is whether the project involves negligible or no expansion of an existing use. Based on the conclusions and conditions of approval contained in the staff report, there is no substantial evidence that the project will have a significant effect on the environment.
2. The proposed use is consistent with the policies in the 2004 El Dorado County General Plan because the applicant has designed the cellular facility in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns, as required by the General Plan. The project is consistent with the Commercial (C) Land Use Designation of the 2004 General Plan.
3. The use is found to comply with the requirements of County Code Section 17.14, Wireless Communication Facilities, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.