

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: December 14, 2006

Item No.: 7.a.

Staff: Jonathan Fong

SPECIAL USE PERMIT

FILE NUMBER: S05-0045

APPLICANT: T-Mobile/John Yu

PROPERTY OWNER: El Dorado High School District

REQUEST: Special use permit request to allow the construction of a wireless telecommunications facility to include the removal of an existing 60 foot light standard and installation of a new 80 foot light standard. Three, eight foot tall antennas will be mounted on the new light standard at 80 feet. The project will include ground mounted equipment located within a 20 by 25 foot lease area.

LOCATION: Oak Ridge High School on the south side of Harvard Way, 300 feet west of the intersection with Silva Valley Parkway, in the El Dorado Hills Area. (Exhibit A)

APN: 121-190-22

ACREAGE: 30.087 acres

GENERAL PLAN: One-family Residential (R1) (Exhibit C)

ZONING: Public Facility (PF) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Negative Declaration

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: Two special use permits have been requested to construct two wireless facilities at the Oak Ridge High School (ORHS) football stadium. Special Use Permit S05-0045 was submitted on December 2, 2005, to construct a Nextel Communications wireless facility on the north end of the football stadium bleachers. The Nextel facility would install a new 80-foot tall light standard which would be identical to the T-Mobile light standard proposal.

The Nextel facility has been submitted under a separate use permit and is not part of this application. The Nextel wireless facility is shown in the project elevations included as Exhibit D.

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

Project Description: Special Use Permit S05-0045 is a request to construct and operate a new wireless telecommunications facility. The project would include the replacement of an existing 60-foot tall pole and installation of a new 80-foot tall pole. The new light standard would include a total of 13 light fixtures which would be mounted at 80 feet on the new pole. The lights would be mounted in two banks, seven lights on the top bank and six mounted directly below. Project elevations have been included as Exhibit D of this staff report.

The proposed cellular facility would include mounting three, eight-foot tall antennas at 70 feet. A 260 square foot lease area would include ground mounted equipment located approximately three feet west of the new light standard. The equipment shelter and lease area would be enclosed by a six foot high chain link fence which includes green painted slats to screen the ground mounted equipment from view.

The light standard would provide nighttime illumination for the existing ORHS Football Stadium. The new light pole and wireless facility would be located on the north end of the existing stadium bleachers. The lease area is to be located approximately three feet from the light standard and connected via an underground coaxial cable.

Two utility easements have been proposed to provide utility services to the project site. A five-foot utility easement would extend east from the project site to a utility pole located in the northeast corner of the football stadium near Silva Valley Parkway. Another 12-foot utility easement has been proposed beneath the stadium bleachers that would connect to the proposed Nextel wireless facility (S05-0046).

Construction would occur Monday thru Friday between the hours of 7:00 a.m. to 7:00 p.m. or by conditions determined by the Planning Commission. The typical construction period for this type of project would be one month. Post construction, a monthly visit would be expected by a T-Mobile representative to service the facility.

The applicant has proposed a 12-foot access and utility easement from Harvard Way to the project site. The access and utility easement would cross the existing parking lot and would be accessed from Harvard Way through the existing parking lot encroachment.

Project Issues: The following issues have been raised during review of the project:

- Naturally Occurring Asbestos (NOA)
- Lighting

Naturally Occurring Asbestos: Oak Ridge High School is located in an area of Naturally Occurring Asbestos (NOA). The *El Dorado Union High School Naturally Occurring Asbestos (NOA) Operations and Maintenance (O&M) Plan*, prepared in December 2003, establishes the El Dorado Union High School District policy for managing NOA at the ORHS. The proposed project site for the wireless facility is outside of the area known to contain NOA. However, the O&M Plan requires that any construction activity at the high school comply with the O&M Plan.

The wireless facility is to be located at the football stadium. Review of the NOA map for ORHS indicates that the primary areas of NOA are on the west side of the campus. The football stadium is on the west side of campus outside of known areas of NOA. Compliance with the O&M Plan will minimize asbestos related impacts.

Lights: The El Dorado Hills Area Planning Advisory Committee (APAC) commented on June 16, 2006, recommending denial of the project. The APAC was concerned that the additional height of the lights would create additional negative impacts in the vicinity.

After additional lighting information was supplied to the APAC from the applicant, a follow-up letter was issued on August 22, 2006, recommending approval of the lighting.

Site Description: The high school is located approximately 780 feet above mean sea level. The football stadium is located in the southwest corner of the school site adjacent to Silva Valley Drive. Single family residences abut the property on all sides.

Four, 60-foot tall light standard poles currently provide nighttime illumination for the football stadium. The existing lights are mounted at 60 feet on each of the poles. The lights are mounted in two banks, five lights mounted on the top bank and four mounted directly below. The lights do not incorporate any shielding measures to direct glare towards the playing field.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R1	PF	Oak Ridge High School
North	R1	AP	Single-family residences
South	R1	AP	Single-family residences
East	R1	AP	Single-family residences
West	R1	HDR	Single-family residences

The high school site is surrounded by single family residential development.

General Plan: The General Plan designation of the subject site is Public Facility (PF). This land use designation establishes publicly-owned lands used for public facilities. The wireless facility would be located on an 80 foot light standard which would provide nighttime illumination for the football stadium.

General Plan Policy 5.6.14 requires a special use permit for the installation of community telecommunications facilities in residential areas. Prior to approval the special use permit should demonstrate that the following issues are addressed:

- Siting
- Aesthetics
- Environmental issues
- Surrounding land uses
- Health and Safety

The wireless facility has been designed to minimize the effects on adjacent properties. The antennas will be mounted on the new light standard and painted to match. The ground mounted equipment will be enclosed in a chain link fence with green colored slat inserts.

General Plan Policy 2.8.1.1 requires limits to excess nighttime light and glare. Directional shielding should be incorporate into lighting designs.

The applicants have provided lighting information explaining how the lights would reduce the light impacts in the vicinity. This information has been included with this staff report as Exhibit I.

As described in the supplemental lighting information, increasing the height of lights reduces the potential for excess light or spill to affect surrounding land uses. By increasing the pole height, the lights can be mounted at a steeper angle which positions the light directly downward onto the playing field. The steeper angle reduces the spill that would occur from a lower pole height.

The applicant has also supplied design information explaining how the new lights will reduce glare. One reduction measure involves a reflective insert that is placed in the lower half of the light. This insert helps to redirect light down towards the playing field. Use of the insert reduces the amount of light that reflects upwards and contributes to glare.

Another glare reduction measure is the use of reflective visors mounted above each light. The visors further reduce the amount of glare by reflecting more of the ambient light downwards toward the playing field. Back shields can also be used which reflect any potential light from effecting land uses located behind the lights.

The existing lights do not incorporate any of these design elements. Installation of the new light standards will provide a benefit in the community by using updated design features. These features will reduce the amount of excess light in the area.

The wireless facility will blend in with the existing structures at the school site. The new light standard will resemble the existing lights in the area. The ground mounted equipment will be located next to the existing stadium bleachers. As proposed, the project is consistent with the general plan.

Zoning: Pursuant to County Code Section 17.14.200(D) (5) (b) Wireless Facilities are permitted in the Public Facility (PF) Zone District upon approval of a special use permit. Furthermore, Section 17.22.540 (A) requires findings to be made prior to approval of a special use permit.

Section 17.22.540 (A) requires the Planning Commission to make the following findings prior to approval of a special use permit:

1. The issuance of the permit is consistent with the General Plan;
2. The proposed use would not be detrimental to the public health, safety, and welfare, or injurious to the neighborhood; and
3. The proposed use is specifically permitted by special use permit pursuant to this Title.

Section 17.14.200(E) through (J) of the County Code requires that all wireless communication facilities meet certain criteria. .

- a. Screening: The applicant is proposing to install a new 80-foot tall light standard and mount antennas at 60 feet on the pole. Visual simulations of the wireless facility have been submitted (Exhibit E). As illustrated in the simulations, the antennas will match the light standard pole and ground equipment will be screened from view.
- b. Setbacks: The light standard and wireless facility will be installed in the football stadium. The nearest property line is east of the project where the school site abuts Silva Valley Parkway. The east property boundary is over 350 feet from the project site. As proposed, the project meets all required setbacks.
- c. Maintenance: Maintenance personnel would visit the site approximately once or twice 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 light standard and equipment shelter be maintained at all times and consistent with the features depicted in the visual simulations.
- d. Radiofrequency Radiation (RF) Requirement: Based on the proposed T-Mobile facility Radio Frequency Analysis, (Diamond Services, T-Mobile, January 2006), analysis and computation, the maximum public RF exposure from this site, with all channels on antennas from both facilities operating at full capacity power density at this location is approximately 0.22 percent of the maximum power density established by the FCC. Therefore, the risk of release of hazardous materials or emissions to the public is remote.

- e. Availability: Section 17.14.200(H) requires that all existing communication facilities be available to other carriers as long as structural or technological obstacles do not exist. The project has been designed to allow for two additional wireless providers.
- f. Unused Facilities: Section 17.14.200(I) requires that all obsolete or unused communication facilities be removed within six months after the use of that facility has ceased or the facility has been abandoned. The project has been conditioned to comply with this requirement.
- g. Other Permit Requirements: Section 17.14.200(J) states certain notification requirements for projects located within 1,000 feet of a school or in subdivisions governed by CC&Rs. The project is located on a school site. The El Dorado Union High School District has been notified of the project and is not opposed.

Section 17.14.170 requires that outdoor lighting be designed to control glare and minimize negative effects in the area. As discussed in the lighting section above, the new light standards conform to the requirements of the zoning ordinance. As discussed in the Lighting section above, the design of the lighting conforms to the General Plan and the Zoning Ordinance.

After review of the submitted site plan and visual simulations, it has been determined that the proposed project meets the standards of the zoning ordinance.

Agency and Public Comments: The following agencies provided comments on this application. Copies of their written comments are available at the Planning Services office. These comments have been included in the Conditions of Approval included as Attachment 1 of this staff report.

Environmental Management Department Air Quality Management District (AQMD)
Environmental Management Hazardous Wastes Division
El Dorado Hills Area Planning Advisory Committee (APAC)

The following agencies were solicited for comments and either did not respond with concerns or responded they had no recommended conditions of approval:

El Dorado Hills Community Services District
El Dorado Hills Fire Department
El Dorado County Department of Transportation

Copies of the responding agency's written comments are available at the Planning Services office.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Exhibit G) to determine if the project has a significant effect on the environment. Based on the Initial Study staff has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment, and a Negative Declaration has been prepared.

This project is found to be de minimis (having no effect on fish and game resources). Pursuant to Resolution No. 240-93, a \$35.00 processing fee is required by the County Recorder to file the Notice of Determination and Certificate of Fee Exemption with the State in accordance with State Legislation (California Fish and Game Code Section 711.4).

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. Adopt the Negative Declaration, based on the Initial Study prepared by staff; and
2. Approve Special Use Permit S05-0046 subject to the Conditions of Approval in Attachment 1 and Findings in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval
Attachment 2.....Findings

Exhibit A.....Vicinity/A.P.N.
Exhibit B.....General Plan Land Use Map
Exhibit C.....Zoning Map
Exhibit D.....Site Plan/Elevations
Exhibit E.....Visual Simulations
Exhibit F.....Justification Statement
Exhibit G.....Initial Study
Exhibit H.....Letter from APAC
Exhibit I.....Supplemental Lighting Information

ATTACHMENT 1
CONDITIONS OF APPROVAL

FILE NUMBER S06-0045

El Dorado County Planning Department

1. This special use permit approval is based upon and limited to compliance with the approved project description and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows: The project would involve the construction and operation of a new wireless telecommunications facility. The project would include the replacement of an existing 60-foot tall pole and installation of a new 80-foot tall pole. The new light standard would include a total of 13 light fixtures which would be mounted at 80 feet on the new pole. The lights would be mounted in two banks- seven lights on the top bank and six mounted directly below.

The proposed cellular facility would include mounting three, eight-foot tall antennas mounted at 70 feet. A 260 square foot lease area would include ground mounted equipment located approximately three feet west of the new light standard. The equipment shelter and lease area would be enclosed by a six foot high chain link fence which includes green painted slats to screen the ground mounted equipment from view.

The new light pole and wireless facility would be located on the north end of the existing stadium bleachers. The lease area is to be located approximately three feet from the light standard and connected via an underground coaxial cable.

Two utility easements have been proposed to provide utility services to the project site. A five-foot utility easement would extend east from the project site to a utility pole located in the northeast corner of the football stadium near Silva Valley Parkway. Another 12-foot utility easement has been proposed beneath the stadium bleachers which and would to the proposed Nextel wireless facility (S05-0046).

A 12-foot wide access and utility easement is proposed to provide vehicular access to the project site. The easement would cross the high school parking lot and end at parking lot encroachment on Harvard Way.

Construction would occur Monday thru Friday between the hours of 7:00 a.m. to 7:00 p.m. or by conditions determined by the Planning Commission. The typical construction period is one month. Post construction, a monthly visit is expected by a T-Mobile representative to service the facility.

2. All site improvements shall conform to the site plan and elevations attached as Exhibit D.
3. All equipment shelters, cabinets, or other auxiliary structures shall be painted in a matching color. Planning Services shall verify the painting of the structures prior to final inspection and approval of the facility.
4. For collocation purposes, no further review by the Planning Commission shall be required provided that all ground-mounted equipment is located within the proposed leased area and provided that any one of the proposed carriers installs no more than 12 panel antennas and that there shall not be any increase overall height of the light standard.
5. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Planning Services requires that that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
6. The applicant shall assume full responsibility for resolving television reception interference, if any, caused by operation of this facility. The applicant shall take corrective action within 30 days of receipt by to Planning Services of any written television interference complaint.
7. All obsolete or unused communication facilities shall be removed by the applicant within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.
8. 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 communications 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 o 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 Deputy Director of Planning Services or designee to cover the cost of processing a five-year review.
9. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine

the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.

10. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
11. Prior to commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services for verification of compliance with applicable conditions of approval.

El Dorado County Environmental Management Air Quality Management District:

12. The project shall comply with District rules regulating impacts to air quality. An Asbestos Dust Mitigation Plan shall be submitted to the District with the applicable fee. The District shall review and approve the application prior to start of project construction.
13. The project shall comply with the El Dorado Union High School District Oak Ridge High School Naturally Occurring Asbestos Operation and Maintenance Plan. The District shall verify compliance with the Plan prior to issuance of a building permit.

El Dorado County Environmental Management Department/Hazardous Materials Division:

14. Under the Certified Unified Program Agency (CUPA) programs, if the operation will involve the storage of reportable quantities of hazardous materials for backup power generation, a hazardous materials business plan for the site must be submitted to the Department and applicable fees paid.

ATTACHMENT 2 **FINDINGS**

FILE NUMBER S05-004

Special Use Permit S06-0045 is a request to construct a new wireless facility at the Oak Ridge High School football stadium in the El Dorado Hills Community Region. The project would involve the removal of an existing 60-foot light standard and the installation of a new 80-foot tall light standard. Three eight-foot tall antennas would be mounted at 70 feet. Ground mounted equipment would be installed within a 260 square foot lease area. The special use permit may be approved or conditionally approved based on the following findings:

1.0 CEQA Findings:

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The project will not affect wetland, watercourses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91) is applicable.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 Special Use Permit Findings:

- 2.1 The issuance of the permit is consistent with the General Plan because the proposed wireless facility would blend in with the existing structures located at the football stadium. The wireless antennas would be painted to match the new light standard. Ground mounted equipment would be enclosed by fencing which is consistent with the adjacent stadium bleachers. Furthermore, the new light standards will reduce the amount of glare in the vicinity produced by the use of the stadium lights.
- 2.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood because the project would create emissions that would be incompatible with surrounding land uses. The radio frequency created by

the project would not exceed established thresholds and the new light lighting would reduce the amount of glare in the project vicinity.

- 2.3 The proposed use is specifically permitted by special use permit pursuant to this Title. Section 17.14.200 5B. of the Zoning Ordinance establishes in the Public Facilities (PF) zone district wireless facilities are subject to approval of a Special Use Permit by the Planning Commission.

3.0 Administrative Findings:

- 3.1 The proposed use is consistent with the Zoning Ordinance which establishes development standards for wireless facilities. As proposed the T-Mobile wireless facility meets these requirements.

The proposed cellular facility will be a multi-carrier facility which will enable an additional two wireless carriers to locate on the light standard once constructed. The proposed wireless antennas will be painted a non-reflective color to match the light standard. The ground mounted equipment will be enclosed within a fenced area to screen the equipment from view. The wireless facility has been designed to blend in with the existing structures located at the football stadium site.

Section 17.14.170 of the Zoning Ordinance establishes standards for outdoor lighting. New lighting should be designed and constructed in a manner that minimizes the negative impacts of glare on adjacent properties.

The new light standards would utilize newer technology than the lights currently in use. The proposed lights will incorporate hood features above the lights that would redirect potential glare downward onto the playing field. The increased height of the lights would enable the lighting to project downward at a steeper angle than the existing lights. The increased angle would minimize the potential for glare to negatively affect surrounding properties.