

**EL DORADO COUNTY DEVELOPMENT SERVICES  
PLANNING COMMISSION  
STAFF REPORT**

<b>Agenda of:</b>	May 24, 2007
<b>Item No.:</b>	7.a.
<b>Staff:</b>	Deborah Kruse

**SPECIAL USE PERMIT REVISION**

**FILE NUMBER:** S02-0030R

**APPLICANT:** T-Mobile USA, Inc.

**AGENT:** Ms. Rama Gulati/Peek Site-Com

**REQUEST:** Special use permit revision to allow collocation of eight (8) new antennas at the 95-foot centerline elevation on an existing 110-foot monopole wireless communication tower tree pole. The project includes a new 10 by 16 foot equipment shelter adjacent to the base of the tower. The new antennas would be screened within the existing branches of the monopine, and the equipment shelter would be screened by new wood fencing.

**LOCATION:** On the north side of Wilson Avenue, approximately 950 feet east of the intersection with Pine Street, in the Tahoma/Lake Tahoe area (Exhibit A), Supervisorial District V.

**APN:** 015-331-29

**ACREAGE:** 0.750-acre (32,647 square feet)

**GENERAL PLAN:** Commercial (C) (Exhibit B)

**ZONING:** Commercial (C) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to Section 15303 of the CEQA Guidelines

**SUMMARY RECOMMENDATION:** Conditional Approval

**Background:** The original special use permit S02-0030 was approved by the County Planning Commission on January 9, 2003. It allowed construction by AT&T of a new 125-foot-tall wireless

facility tree pole (disguised as a pine tree) with six antennas (three proposed, three future). The antennas were all to be located within the artificial tree branches of the tree pole. The project included an equipment shelter located on the ground at the base of the pole, situated within a chain-link fence enclosure with wood slats that is topped by 3 strands of barbed wire. This facility was constructed and is now operational.

### **STAFF ANALYSIS**

**Project Description:** The project applicant requests a special use permit revision to allow the collocation of eight (8) new wireless antennas at the 95-foot centerline elevation, to be located on an existing 110-foot monopole wireless communication tower disguised as a pine tree. The new antennas would be screened within the existing branches of the monopine.

The proposed project includes a 20 foot by 30 foot (600 square feet) lease area for a new 10 by 16 foot (160 square feet) equipment shelter adjacent to the base of the tower and east of an existing AT&T equipment shelter. There would also be a new Global Positioning System (GPS) unit and a new 24-inch Omni antenna attached to the proposed equipment shelter. The proposed construction includes a generator receptacle rather than an on-site generator within the new shelter.

The existing lease area, enclosed by an existing six (6) foot tall chain link fence with wood slats, would be enlarged to accommodate the proposed additional equipment shelter. Access to the facilities would involve an extension of the existing A.C. pavement from the County parking lot. A 10-foot wide gate would be constructed for entrance on the northwest side of the lease area. Plans, included as Exhibits D-1 through D-4, show that 300square feet of pavement would be removed and replaced with the proposed equipment shelter and its concrete stoop, while also resulting in 95square feet of area to be planted with native grasses. The facility would be unmanned and visited approximately once per month for maintenance purposes.

**Site Description:** The project is located on a 32,673square foot (0.750-acre) parcel. The site is flat and vegetated with several mature pine trees and is currently used as a maintenance equipment storage facility for the El Dorado County Department of Transportation (DOT). Part of the property has been leased to AT&T for an existing monopine and equipment shelter. A similar lease would need to be completed between T-Mobile and the County prior to permitting a new equipment shelter to be located next to the existing equipment shelter. On January 8<sup>h</sup>, 2007, the Department of Transportation provided a Letter of Authorization indicating that the County is considering leasing a portion of the property (Assessor's Parcel Number 015-331-29) to OMNIPOINT COMMUNICATIONS, INC, DBA T-MOBILE USE and authorized Rama Gulati to act as applicant to obtain any and all permits for the antenna facility.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>North</b>	CT	OS	California Tahoe Conservancy – Undeveloped
<b>South</b>	TR1	HDR	Residential
<b>East</b>	CT	C	Commercial - Developed
<b>West</b>	TR1	HDR	Residential

**General Plan:** The General Plan designates the subject site as Commercial which allows commercial uses. Based upon General Plan Policy 5.6.1.4, the proposed use would be allowed only upon approval of a special use permit, since the proposed facility is located within 500 feet of a residential area. Staff finds that the project, as conditioned, conforms to the General Plan.

**Zoning:** The proposed facility use is permitted by special use permit in the Commercial (C) Zone District pursuant to Section 17.14.200 (4) of the Zoning Ordinance, which addresses collocation 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 use permit pursuant to Section 17.22.400 et seq. and subject to criteria outlined in the Zoning Ordinance. Those facilities not meeting County criteria are subject to a special use permit.

The proposed project is a collocation on an existing monopole that meets all the County criteria. Staff finds that the project, as conditioned, is in compliance with the Zoning Ordinance.

**Development Standards:** Section 17.14.200 (F) of the County Code establishes screening, setback, and maintenance standards for wireless facilities in all zone districts. All facilities must be screened with vegetation or landscaping, and the facility must be painted to blend with the prevalent architecture and/or natural features of the site. Setbacks are those set forth in each applicable zoning district. Furthermore, all improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping must be properly maintained at all times, and the colors of towers and other improvements shall be maintained to ensure the appearance remains consistent with approved conditions relating to color. The proposed T-Mobile equipment shelter will be conditioned to be constructed as a wood-sided building and painted to match the existing AT&T wood-sided equipment shelter.

The proposed project, as conditioned, meets all of the required County development standards, as the existing tree-pole facility is designed and constructed to blend in with the natural features and vegetation onsite; the proposed collocation and equipment shelter would meet the required setbacks; and the project is conditioned to require the site be properly maintained.

Due to the ever-changing technology of wireless communication systems, special use permits related to wireless conditions are required to be reviewed by the Planning Commission every five years. The original facility, approved by the Planning Commission on January 9, 2003, is still operational. Based upon the review conducted for this collocation application, staff recommends that this entire

facility be considered to be approved for use through a date five years after Planning Commission approval of the revised special use permit, rather than be partially reviewed in early 2008.

Additional site development standards may be required by the Tahoe Regional Planning Agency (TRPA) in order to meet their permit requirements. The applicant must submit an application to TRPA, and that agency will concurrently review the proposed project.

See the attached site plan (Exhibit D-3). Photo simulations, as required under Section 17.14.200 (E), are also available to view (Exhibits F-1 and F-2). Additional documentation is located in the project file at Planning Services.

**Radio Frequency (RF) Report:** There have been concerns expressed by some federal and state public health agencies about possible negative effects from exposure to electromagnetic fields (EMF). EMF is emitted from all electrical sources, including utility power lines (i.e., PG&E electrical transmission lines) and from sources such as wireless facilities. In order to ensure that all proposed wireless facilities comply with the allowable limits established by the Federal Communication Commission (FCC), a Radio Frequency (RF) Report is required to be prepared for all wireless facilities. The RF Report for the proposed project is attached to this staff report as Exhibit E. The report concludes that RF emissions from the existing and proposed antennas would not exceed the FCC exposure limits for the general population.

**Federal Communication Commission (FCC):** The Federal Communication Commission (FCC) prohibits local governments from denying a wireless facility project based on concerns about the dangers of exposure to radio frequency/EMF. This is due to inconclusive evidence about the health risk of exposure to radio frequency EMF.

**Conclusion:** In order to approve the use, the approving authority must find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare or injurious to the neighborhood. Staff finds that the project would not be detrimental to the public health, safety and welfare and would not be injurious to the neighborhood.

## **ENVIRONMENTAL REVIEW**

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines which states that Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures... include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. Although not specifically listed, collocation of wireless communication equipment at an existing facility is similar to the items listed in Section 15303 of the CEQA Guidelines.

Pursuant to Resolution No. 240-93, a \$50.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption.

**RECOMMENDATION**

Staff recommends the Planning Commission take the following actions:

1. Find the project is Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures); and
2. Approve Special Use Permit S02-0030R based on the findings in Attachment 2 and subject to the conditions in Attachment 1.

**SUPPORT INFORMATION**

**Attachments**

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

Exhibit A.....Vicinity Map/Assessor’s Parcel Map  
Exhibit B .....General Plan Land Use Map  
Exhibit C .....Zoning Map  
Exhibit D-1 to D-4 .....Title Sheet, Survey Site Plan and Elevations  
Exhibit E .....Radio Frequency (RF) Report  
Exhibit F-1 and F-2.....Visual Simulations  
Exhibit G.....From the Minutes of January 9, 2003, Planning Commission meeting for S02-0030

**ATTACHMENT 1**  
**CONDITIONS OF APPROVAL**

**FILE NUMBER S02-30R**

T-Mobile USA, Inc. / Rama Gulati  
Planning Commission Hearing – May 24, 2007

**El Dorado County Planning Services**

1. ~~The project, as approved, consists of the following:~~

~~Construction of a new 125-foot tall wireless facility tree pole (disguised as a pine tree) with six antennas (three proposed, three future). The antennas will be located within the artificial tree branches of the tree pole. The project includes an equipment shelter, which will be located on the ground at the base of the pole, and will be within a wood-sided enclosure.~~

1. This special use permit revision is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A through G dated May 24, 2007 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, as approved, consists of the following:

Collocation of eight (8) new wireless antennas at the 95-foot centerline elevation, to be located on an existing 110-foot monopole wireless communication tower disguised as a pine tree. The new antennas would be screened within the existing branches of the monopine. The project includes a 20 foot by 30 foot (600 square feet) lease area for a new 10 by 16 foot (160 square feet) equipment shelter adjacent to the base of the tower and east of an existing AT&T equipment shelter. The existing lease area, enclosed by an existing six (6) foot tall chain link fence with wood slats, would be enlarged to accommodate the proposed additional equipment shelter. Access to the facilities would involve an extension of the existing A.C. pavement from the County parking lot. A 10-foot wide gate would be constructed for entrance on the northwest side of the lease area. Plans, included as Exhibits D-1 through D-4, show 300 square feet of pavement would be removed and replaced with the proposed equipment shelter and its concrete stoop, while also resulting in 95 square feet of area to be planted with native grasses. The facility would be unmanned and visited approximately once per month for maintenance purposes.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved

hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

- ~~2. All site improvements shall conform to the approved site plans (Exhibit D).~~
3. Pursuant to County Code (Section 17.22.250) implementation of the project (i.e., obtaining building permit) must occur within twenty-four months (24) of approval of this special use permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with the conditions of approval.
4. All improvements associated with the communication facility, including equipment 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 the approved conditions, site plans, and photo simulations. The proposed T-Mobile equipment shelter shall be wood-sided and painted to match the existing AT&T wood-sided equipment shelter.

#### **Meeks Bay Fire Department**

5. Plans shall be reviewed and approved by the Meeks Bay Fire Department Protection District prior to issuance of a building permit.

#### **Tahoe Regional Planning Agency (TRPA)**

6. The applicant will be required to obtain all necessary permits from TRPA prior to issuance of a County building permit. Any TRPA conditions of approval that require modification of the project as approved by the County must be re-reviewed and approved by the County for conformity with this approval.
7. 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.
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. The original facility, approved by the Planning Commission on January 9, 2003, is still operational. Based upon the review conducted for this collocation application, the facility is considered to be approved for use through a date five years after Planning Commission approval of the revised special use permit. 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.

9. No building permits shall be issued until final lease agreements are signed, as needed, between AT&T (owner of the existing monopine) and the applicant T-Mobile, Inc. for operation of the new antennas, as well as between T-Mobile and the County for placement of the new ground equipment.
10. 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. The operator shall pay Planning Services for the time spent reviewing the site.
11. All Development Services fees for processing this application shall be paid in full prior to issuance of a Building Permit.
12. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The subdivider shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37. County shall notify the subdivider of any claim, action, or proceeding and County will cooperate fully in the defense.

## **ATTACHMENT 2** **FINDINGS**

### **FILE NUMBER S02-0030R**

T-Mobile USA, Inc./Rama Gulati  
Planning Commission Hearing – May 24, 2007

#### **1.0 CEQA FINDINGS**

- 1.1 The Planning Commission has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines. Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures... include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. Although not specifically listed, collocation of wireless communication equipment at an existing facility is similar to the items listed in Section 15303 of the CEQA Guidelines.
- 1.2 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.

#### **2.0 SPECIAL USE PERMIT FINDINGS**

##### **2.1 The issuance of the permit is consistent with the General Plan;**

The property has a General Plan land use designation of commercial and 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 County General Plan (adopted July 19, 2004). The project will not conflict with General Plan Policy 2.10.1.1 because the existing tower was previously reviewed and approved by TRPA based on Lake Tahoe Basin Standards, and this collocation request will be reviewed and approved by TRPA prior to issuance of County building permits. The project will not conflict with Policy 5.6.1.4 because the project is a special use permit revision request.

##### **2.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood;**

The wireless facility collocation and associated equipment would not create hazards that would be detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. The RFR emissions that would result from project operation would meet the FCC standards (as discussed in the staff report).

##### **2.3 The proposed use is specifically permitted by special use permit pursuant to this Title.**

The County Ordinance Code, Title 17 - Zoning, includes Chapter 17.22 -, Special Use Permits, and Section 17.14.200 - Wireless Communication Facilities which establish development requirements for wireless telecommunication facilities, therefore the proposed collocation is specifically permitted by the Zoning Ordinance. As proposed, the project is consistent with these requirements.

### **3.0 ADMINISTRATIVE FINDINGS**

#### **3.1 The proposed use and design conforms to the Zoning Ordinance**

Sections 17.22.500 - Special Use Permit, and 17.14.200 - Wireless Communication Facilities of the County Zoning Ordinance establish use and design requirements for wireless telecommunication facilities. Further, the project must meet all applicable Lake Tahoe Basin Land Use Zoning Development Standards contained within Section 17.56.030 of the El Dorado County Zoning Ordinance. As proposed and conditioned, the project is consistent with these requirements.