

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



<b>Agenda of:</b>	January 12, 2012
<b>Item No.:</b>	4.c
<b>Staff:</b>	Gina Paolini

**FIVE-YEAR CELL TOWER REVIEW – SPECIAL USE PERMIT**

**FILE NUMBER:** S04-0020-R/Verizon Wireless – Northside Drive

**APPLICANT:** Verizon Wireless

**AGENT:** Complete Wireless Consulting, Inc., Andrew Lesa

**REQUEST:** Request for a five-year review of an existing cellular telecommunications facility.

**LOCATION:** On the south side of Northside Drive, approximately 750 feet northeast of the intersection of State Route 49 and State Route 193, in the Cool area, Supervisorial District 4. (Exhibit A)

**APN:** 071-500-34

**ACREAGE:** 0.92 acre

**GENERAL PLAN:** Commercial (C)

**ZONING:** General Commercial-Design Community (CG-DC)

**ENVIRONMENTAL DOCUMENT:** Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines

**RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:

1. Find that the project is Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines (General Rule of CEQA-There is no possibility that the activity will have a significant effect on the environment);
2. Approve the Conditions of Approval for Special Use Permit S04-0020-R as revised by staff and listed in Attachment 1; and

3. Find that for this five-year review period, the telecommunication facility is found to be in substantial conformity with the Conditions of Approval for S04-0020-R.

## BACKGROUND

The Planning Commission approved Special Use Permit S04-0020 on December 9, 2004. The project as approved consisted of a 75-foot steel monopine with up to 12 panel antennas mounted at a centerline of 65-feet. The pole and ground equipment are located within a 50 by 50-foot lease area enclosed by a 6-foot tall chain link fence.

Building Permit No. 163268 was issued for Nextel on August 2, 2005, to construct the monopine and equipment shelter. The permit was finalized on November 3, 2006.

The Zoning Administrator approved a revision to Special Use Permit S04-0020-R on December 20, 2006. The revision permitted collocation of six RF antennas, one additional equipment shelter, two GPS antennas, and a diesel generator within the lease area.

Building Permit No. 178863 was issued for the Verizon Wireless on April 23, 2007. The permit was finalized on July 9, 2007. The permit allowed for the installation of 8 new antennas, an equipment shed and a generator.

Condition No. 10 of the approved Conditions of Approval required a five-year review of the facility by the Planning Commission. The Conditions of Approval for Special Use Permit S04-0020-R have been attached (Attachment 1). The applicant has provided a support statement demonstrating how the Conditions of Approval have been complied with (Exhibit B).

## STAFF ANALYSIS

**Condition Modification:** Condition No. 10 of the Special Use Permit required a five-year review by the Planning Commission as follows:

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 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 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 Deputy Director of Planning to cover the cost of processing a five-year review.*

To streamline future reviews, staff is recommending that the Planning Commission revise Condition No. 10 to permit future five-year reviews to be completed at staff-level. Condition No. 10 would be replaced by the following and as shown in ~~strikeout~~ and underline in Attachment 1:

*Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Department every five years. At each five-year review, the permit holder shall provide the Development Services Department with a status report on the then current use of the subject site and related equipment. Development Services shall review the status and determine whether to:*

- a. Allow the facility to continue to operate under all applicable conditions; or*
- b. Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.*

*By operation of this condition, it is the intent of County to reserve the right to modify or add new conditions, consistent with the language specified above. The failure of the County to conduct or complete a five-year review in a timely fashion shall not invalidate the Special Use Permit. The applicant shall pay a fee determined by the Development Services Director to cover the cost of processing a five-year review on a time and materials basis.*

Staff has also identified other minor corrections and changes to the conditions. These are shown in ~~strikeout~~ and underline in Attachment 1.

**Five Year Review:** Based on review of building permits and project conditions, it is the opinion of staff that the project site is in compliance with the Conditions of Approval.

## **ENVIRONMENTAL REVIEW**

Staff has determined that, pursuant to CEQA Guidelines Section 15061(b)(3), that this action is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This is a five-year review as required by the conditions of approval for the existing telecommunications tower facility authorized under special use permit. The review of compliance with the conditions of approval for the special use permit, remedial measures to be taken, including modifications to the conditions, ensure compliance of the telecommunications facility with the special use permit and it can be seen with certainty that there is no possibility that these actions in question may have a significant effect on the environment and is therefore not subject to CEQA.

## **SUPPORT INFORMATION**

### **Attachments to Staff Report:**

Attachment 1 .....Conditions of Approval

Attachment 2 .....Findings

Exhibit A .....Location Map

Exhibit B .....Applicant’s Statement of Use Permit Compliance

Exhibit C .....Site Photographs

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

### Special Use Permit Revision S04-0020-R/Verizon Wireless-Northside Drive Planning Commission/January 12, 2012

#### El Dorado County Planning Services

1. This Special Use Permit approval is based upon and limited to compliance with the project description, dated December 9, 2004 and revised on December 6, 2006 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:**

Issuance of Special Use Permit S04-0020 for a 75-foot steel monopine with up to twelve (12) panel antennas mounted at a centerline of 65 feet at 1051 Northside Drive. Twelve panel antennas in three groups of fours (sectors) would be mounted on an antenna array mount, to avoid horizontal expansion of the overall structure beyond the proposed foliage. The antenna panels would be approximately 7 inches wide, 96 inches long, and 8 inches deep. All antennas would be made of non-reflective materials.

This special use permit authorizes Sprint-Nextel to place the monopine and prefabricated ground equipment shelter within a 50-foot by 50-foot lease area to be enclosed by a 6-foot-high chain link fence. Two global positioning system (GPS) antennas would be attached to the roof of the shelter to provide for communication between the wireless facility and low-orbiting satellites. The facility would be connected to land-based electrical and telecommunications utilities located on a nearby joint-utility pole. There would be a 12-foot-wide gate on the north side of the enclosure.

Access to the site is provided from Northside Drive to a dirt driveway from the cul-de-sac. The access to the tower is to be widened to 15 feet and will have a 4 inch thickness of three-quarter inch Class II aggregate base. A fire turnaround with a 4 inch Class II Base, 20 feet wide will be provided to comply with the Fire District requirements.

This special use permit authorizes maintenance personnel to visit the site approximately once a month, at which time the facilities would be inspected to ensure proper operation.

The revision S04-0020R amends the original permit by allowing the collocation of the following antenna and equipment on the existing wireless telecommunication facility: six (6) six-foot tall RF antennas, one 12-foot by 30-foot prefabricated equipment shelter for BTS equipment, two (2) GPS antennas, twelve (12) coax cables, one (1) 60 kilowatt standby diesel ground generator, and related appurtenances and equipment referenced by Exhibit F. All equipment and site improvements shall be made on the existing monopine,

within the existing 2,500 square foot ground lease area, and as referenced by attached Exhibit F.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures 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 must be submitted for review and approval and shall be implemented as approved by the County.

## **PROJECT CONDITIONS**

2. 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 finds 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. Planning Services shall review the grading plans prior to the issuance of a grading permit.
3. In the even 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. Planning Services shall review the grading plans prior to the issuance of a grading permit.
4. All site improvements shall conform to the original project site plan(s) attached to S04-0020 as Exhibit D. The revision shall conform to the site plan(s) attached to S04-0020R as Exhibit F.
5. 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 of the facility. All collocated Verizon antenna and equipment shall be painted to match the existing Sprint-Nextel monopine and ground equipment. The twelve (12) coax cables ~~and all coax~~ cables shall be installed within the trunk of the existing steel monopine and screened; at all times.
6. For collocation purposes, no further review by the Zoning Administrator ~~Planning Commission~~ shall be required provided that all ground-mounted equipment is located within the proposed leased area and provided that no more than six (6) panel antennas are placed on the monopine at any one time, with no increase in height.
7. 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.

8. 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 Planning Services of any written television interference complaint.
9. All obsolete or unused communication facilities shall be removed by the applicant within six (6) 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.
10. ~~Due to the ever-changing technology of wireless communication systems, the original special use permit S04-0020 to include a comprehensive review of all collocated carriers and equipment shall be reviewed by the Planning Commission every five (5) 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 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.~~

Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Department every five years. At each five-year review, the permit holder shall provide the Development Services Department with a status report on the then current use of the subject site and related equipment. Development Services shall review the status and determine whether to:

- a. Allow the facility to continue to operate under all applicable conditions; or
- b. Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.

By operation of this condition, it is the intent of County to reserve the right to modify or add new conditions, consistent with the language specified above. The failure of the County to conduct or complete a five-year review in a timely fashion shall not invalidate the Special Use Permit. The applicant shall pay a fee determined by the Development

Services Director to cover the cost of processing a five-year review on a time and materials basis.

11. 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.

The developer and land owner 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 Special Use Permit.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

#### El Dorado County Building Services

124. The applicant shall obtain a building permit from the El Dorado County Building Services for the project facilities prior to the commencement of construction.

#### ~~El Dorado County Environmental Management Department~~ El Dorado County Air Quality Management District

132. The project is within the Asbestos Review area. ~~The Air Pollution Control District (APCD)~~ Air Quality Management District (AQMD) will require the access road to be improved and maintained to a depth of three inches with asbestos-free gravel at all times. The improvements shall ~~must~~ meet Fire Safe and Department of Transportation standards.
143. Prior to the approval of building permits, the applicant shall submit an Asbestos Dust Mitigation Plan (ADMP), with appropriate fees, to be reviewed and approved by the County's AQMD ~~Air Pollution Control District~~. The plan must conform to District Rule 223.2 during the construction process.
154. The project shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving materials and the County ordinance concerning asbestos dust.
165. Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD ~~APCD~~. Only vegetative waste material may be disposed of using a permitted open outdoor fire (Rule 300).
176. The following measures shall be implemented during construction activities to maintain the air quality standards established by the AQMD~~APCD~~. The standards include: use of low emission on-site mobile construction equipment, maintenance of on-site equipment to manufacturer's specifications, retardation of on-site diesel engine injection timing by two to four degrees, use of electricity from power poles rather than temporary gasoline or



diesel generators, use of reformulated low-emission diesel fuel, use of catalytic converters on gasoline powered equipment, substitution of electric and gasoline powered equipment for diesel-powered equipment where feasible, inactive construction equipment shall not remain idling for periods in excess of two minutes, materials shall be scheduled for delivery during off-peak hours.

187. Prior to the installation or approval of any new point source emission units or non-permitted emissions units such as emergency generators, an authority to construct (and install) application shall be submitted for approval by the APCD. The applicant shall include facility diagrams, equipment specifications, and emission factors.

El Dorado County Fire Protection District

198. The project shall comply with the following requirements of the El Dorado County Fire Protection District:
- a. Prior to the approval of building permits for the collocation of Verizon equipment, the applicant shall submit a Site Plan and review fee for review and approval by the Fire District to illustrate that all required Sprint-Nextel site improvements are made for the original Special Use Permit S 04-0020 to satisfaction.
  - b. Prior to approval of a final inspection, the applicant shall install an approved turnaround to be a minimum of 20 feet wide with a 25 foot radius at the intersection of Northside Drive and the project access road. The access road shall have an all weather surface and be within 150 feet of all exterior portions of the structure. The access road and turnaround shall be approved by the El Dorado County Fire Protection District and shall be installed prior to final inspection of the facility.
  - c. Prior to approval of a final inspection, the applicant shall install an access road with a vertical clearance of 13 feet 6 inches. The road shall be capable of supporting a 40,000 pound load and shall not exceed a road grade of 15 percent. El Dorado County Fire Protection District shall review and approve the location and design of the access road prior to issuance of a grading permit.
  - d. Prior to approval of a final inspection, the applicant shall provide high priority “knox” access to the structure and “knox” padlock for emergency access to the 12- foot gate.
  - e. Prior to approval of a final inspection, the applicant shall install the address of the facility at the turnaround with the letters to be a minimum of 12 inches in height. El Dorado County Fire Protection District shall verify the installation of the signage prior to final inspection of the facility.
  - f. Prior to approval of a final inspection, the applicant shall illustrate that gates for the facility shall comply with Fire Prevention Officers standard, as reviewed and

approved by the El Dorado County Fire Protection District prior to issuance of a Building Permit.

- g. Prior to approval of a final inspection, the El Dorado County Fire Protection District shall verify the installation of one 2A10BC Fire Extinguisher inside the structure prior to final inspection of the facility.
- h. Prior to approval of a final inspection, the El Dorado County Fire Protection District shall verify vegetation control within the fenced area of the project.

El Dorado County Department of Transportation

2019. Prior to the approval of building permits, the applicant shall coordinate all required grading and improvement activities with the Department of Transportation should grading and improvements be required. The applicant shall pay applicable plan review fees to the Department of Transportation prior to submitting a grading and improvement plan review.

## **ATTACHMENT 2**

### **FINDINGS**

#### **Special Use Permit Revision S04-0020-R/Verizon Wireless –Northside Drive Planning Commission/January 12, 2012**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

#### **1.0 CEQA FINDINGS**

- 1.1 Staff has determined that, pursuant to CEQA Guidelines Section 15061(b)(3), that this action is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This is a five-year review as required by the conditions of approval for the existing telecommunications tower facility authorized under special use permit. The review of compliance with the conditions of approval for the Special Use Permit, remedial measures to be taken, including modifications to the conditions, ensure compliance of the telecommunications facility with the special use permit and it can be seen with certainty that there is no possibility that these actions in question may have a significant effect on the environment and is therefore not subject to CEQA.
- 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 95667.