

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



Agenda of: August 8, 2013
Item No.: 4.c
Staff: Tom Dougherty

FIVE-YEAR CELL TOWER REVIEW–SPECIAL USE PERMIT

FILE NUMBER: S04-0029-R/AT&T-Kyburz

APPLICANT: AT&T

AGENT: Jerry Jazmadarin

PROPERTY OWNER: Donald Cook

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

LOCATION: West side of CeePee Court, approximately 625 feet east of the intersection with U.S. Highway 50, in the Kyburz area, Supervisorial District 5. (Exhibit A)

APN: 012-330-45

ACREAGE: 5 acres

GENERAL PLAN: Low-Density Residential (LDR)

ZONING: Single-Family Three-Acre Residential (R3A) and Estate Residential Five-Acre (RE-5)

ENVIRONMENTAL DOCUMENT: Previously adopted Negative Declaration

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

1. Find that pursuant to Section 15162 of the CEQA Guidelines no subsequent Negative Declaration needs to be prepared for the project;
2. Find that for this five-year review period, the telecommunication facility is in substantial conformity with the Conditions of Approval for S04-0029-R; and

3. Approve the modifications to the Conditions of Approval for Special Use Permit S04-0029-R recommended by staff as listed in Attachment 1, based on the Findings listed in Attachment 2.

BACKGROUND

Special Use Permits S04-0029 and S04-0049 were approved by the Planning Commission on May 26, 2005 for Cingular Wireless and Nextel Communications, to install a 120-foot steel monopine with up to 12 panel antennas on property located at the south end of CeePee Court.

S04-0029 was revised by the Planning Commission on December 14, 2006 and allowed Verizon Wireless to co-locate 12 wireless communication panel antennas, and 2 future 6-foot diameter microwave dishes mounted at the centerline of 67 feet above ground level. The ground support equipment is located within an approximately 40-foot by 25-foot lease area enclosed by a 6-foot tall chain link fence. Inside the enclosure is a 12-foot by 30-foot equipment shelter with a separate generator room, and 2 air conditioners mounted in the north wall.

Currently all building permits for the tower and related facilities are finalized.

STAFF ANALYSIS

Condition Modification: Condition No. 10 of the Special Use Permit required a five-year review by the Planning Commission. 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. Staff has found that many of the five year reviews are compliant with the Conditions of Approval and can be administered at staff level with minimal administrative time. Even the complex five year reviews can be remedied at the staff level. The new condition would continue to allow for those towers that remain out of compliance to be forwarded to the Commission for review, if not brought into compliance.

Staff has also identified other minor corrections and changes to the conditions. The project description has been clarified. The changes to the Conditions of Approval are shown in ~~strikeout~~ and underline in Attachment 1.

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

ENVIRONMENTAL REVIEW

Pursuant to CEQA Guidelines Section 15162, no subsequent Negative Declaration need be prepared for the project as there has been no substantial change in the project that would cause 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 the 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. There are no changes in circumstances and no new information that identifies new or changes environmental affects or mitigations.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Site Plan
Exhibits C-1, C-2	Elevations
Exhibit D	Applicant’s Statement of Use Permit Compliance (three pages)
Exhibit E	Site Photographs
Exhibit F	Environmental Checklist Form and Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S04-0029-R/AT&T-Kyburz
Planning Commission/August 8, 2013

El Dorado County Planning Services

1. This Special Use Permit approval is based upon and limited to compliance with the project description, the following hearing exhibits, and Conditions of Approval set forth below.

Exhibit B.....Site Plan
Exhibits C-1, C-2.....Elevations

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 S04-0029 R allows Verizon Wireless to co-locate 12 wireless communication panel antennas, 2 proposed, and 1 future antenna sectors with 2 proposed and 2 future antennas per sector to be placed at the centerline of 75 feet above ground level, and 2 future 6-foot diameter microwave dishes mounted at the centerline of 67 feet above ground level. The antennas would be attached to an existing 120-foot tall monopine. The ground support equipment will be located within an approximately 40-foot by 25-foot lease area to be enclosed by a 6-foot tall chain link fence with barbed wire atop and having 2, 6-foot wide gates enclosing a 12-foot wide entrance. Inside the enclosure will be a 12-foot by 30-foot equipment shelter with a separate generator room, and 2 air conditioners mounted in the north wall. Telco and power will travel from U.S. Highway 50 within an existing 6-foot wide utility easement. The access driveway was previously conditioned to be fifteen-feet wide. The approved project shall be substantially compliant to Exhibits D1, D2, E1 and E2 for S 04-0029 R.

Issuance of Special Use Permit S04-0029 for Cingular Wireless and Special Use Permit S04-0049 for Nextel Communications, to install a 120-foot steel monopine with up to 12 panel antennas on property located at the south end of CeePee Court. Cingular Wireless is to be the owner of the tower and lease holder of the property, while Nextel Communications would be collocating on the tower and would hold lease entitlements from Cingular Wireless.

This special use permit authorizes Cingular Wireless, as the pole owner and lease holder of the property, to install a 120-foot steel monopine with up to 4 panel antennas mounted at a centerline of 110 feet. The antenna panels would be approximately 10.3 inches wide, 51 inches long, and 4.6 inches deep. All antennas are to be made of non-reflective materials. A four-foot in diameter microwave dish for telco is to be placed on the

monopine. Cingular Wireless shall be placing the ground equipment within a 50-foot by 25-foot lease area enclosed by a 6-foot-high chain link fence. The equipment for the facility includes five cabinets, utility rack for electrical and telco cabinets, and a utility cabinet. A GPS antenna would be attached to a utility rack post within the enclosure 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 with a high priority security Knox padlock on the enclosure.

This special use permit authorizes Nextel Communications to collocate with Cingular Wireless on the 120-foot steel monopine with up to 8 panel antennas mounted at a centerline of 100 feet. The antenna panels would be approximately 6 inches wide, 96 inches long, and 6.5 inches deep. All antennas would be made of non-reflective materials. Nextel Communications shall be placing the prefabricated equipment shelter within a 15-foot by 25-foot lease area to be enclosed by a 6-foot-high chain link fence with barbed wire. Two GPS antennas would be attached to the equipment shelter. The facility would be connected to land-based electrical and telecommunications utilities located on a nearby joint-utility pole.

Access to the site is to be provided from CeePee Court. Access to the site is to be improved to 12 feet wide and is to have an all weather surface within 150 feet of all exterior portions of the project. The road surface is to have a 4-inch thickness of three-quarter inch Class II aggregate base. Turnouts are to be provided at the midway point of the road, or every 400 feet. Fire turn-around access and a minimum vertical clearance of 13 feet 6 inch above the access road will also be provided.

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 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.

MITIGATION MEASURES FROM THE PREVIOUSLY APPROVED MITIGATED NEGATIVE DECLARATION FOR S 04-0029

2. During all grading and construction activities in the project area, an archaeologist or Historian approved by the Planning Director shall be on-call. 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 the on-call 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 appropriate

measures are taken or the site is determined not to be of significance. The project grading plans shall include this mitigation on the plans. Planning Services shall review the grading plans prior to issuance of a grading permit.

MONITORING: Planning Services shall review the grading plan to determine that the notation has been placed on the plan prior to issuance of a grading permit.

3. 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. The project grading plans shall include this mitigation on the plans. Planning Services shall review the grading plans prior to issuance of a grading permit.

MONITORING: Planning Services shall review the grading plan to determine that the notation has been placed on the plan prior to issuance of a grading permit.

OTHER PROJECT SPECIFIC CONDITIONS FOR BOTH S04-0029 AND S 04-0029 R

4. All site improvements for S 04-0029 shall conform to the site plan(s) attached as Exhibit D and the elevations as show on Exhibit E.
5. All equipment shelters, cabinets, or other auxiliary structures shall be painted in a matching color. Planning Service shall verify the painting of the structures prior to final inspection of the facility.
6. 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 no more than 24 panel antennas are placed on the monopine at any one time with no increase in height. The new antennas shall be screened by tree foliage, and review and approval by Planning Services is required prior to issuance of a building permit to ensure that all antennas are screened by tree foliage.
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 all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
8. The applicants shall assume full responsibility for resolving television reception interference, if any, caused by operation of this facility. The applicants 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 applicants within six months after the use of that facility has ceased or the facility has been abandoned. The applicants 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, 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 applicants 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 Division 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. Hold Harmless Agreement: 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

11.12. The applicants 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~~ Division

12.13. The applicants shall submit a hazardous materials business plan for the site to the El Dorado County Environmental Management Department for review and approval if the operation will involve the storage of reportable quantities of hazardous materials for backup power generation prior to issuance of a building permit.

El Dorado County Fire Protection District

13.14. The applicants shall comply with the following requirements of the El Dorado County Fire Protection District which include but shall not be limited to:

- a. The applicants shall be subject to a site plan review fee commensurate with the scope of the proposed project. The site plan review fee shall be due to the District prior to commencement of any work performed.
- b. The applicants shall submit a design for review and approval of a Fire District turn-a-round prior to issuance of a building permit. A 12-foot wide turn-a-round requires a minimum 40-foot inside radius with a 60-foot depth from centerline.
- c. The applicants shall install approved turn-a-rounds along CeePee Court. Turn-a-rounds shall be provided at the midway point or if over 800 feet in length every 400 feet. The access road shall be a minimum of 12 feet wide and have an all weather surface and be within 150 feet of all exterior portions of the structure, shall not exceed a 16 percent road grade, and shall meet Fire Safe standards for driveways. The access road and turn-a-round shall be approved by the El Dorado County Fire Protection District and shall be installed prior to final inspection of the facility.
- d. The applicants 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 16 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.

- e. The applicants shall provide high priority Knox access with keys for emergency access. In addition, Knox access shall be required for compound area and on access road. El Dorado County Fire Protection District shall verify the installation of the security system prior to final inspection of the facility.
- f. The applicants shall provide vegetation clearance to meet “Fire Safe” standards, which shall be 16 feet from centerline along the access road. El Dorado County Fire Protection District shall verify the vegetation clearance prior to final inspection of the facility.
- g. The applicants shall install the address of the facility at CeePee Court with the letters to be a minimum of eight inches in height, with the letters visible from both directions. El Dorado County Fire Protection District shall verify the installation of the signage prior to final inspection of the facility.
- h. The 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.
- i. 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.
- j. The project shall comply with all California Fire Safe Regulations and Fire Codes. The project plans shall be reviewed and approved by the El Dorado County Fire Protection District prior to issuance of a building permit.

El Dorado County Department of Transportation

14.15. The project shall comply with the requirements of the Department of Transportation which shall include the following:

- a. The applicants shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval prior to issuance of a grading permit. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, the *Drainage Manual*, the *Off-Street Parking and Loading Ordinance*, and the *State of California Handicapped Accessibility Standards*.
- b. The applicants shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed. The grading permit fees shall be due prior to issuance of a grading permit.
- c. The applicants shall place a minimum of 4-inch thickness of three-quarter inch Class II aggregate base along a 12-foot wide access easement from the leased area to CeePee Court/U.S. Highway 50 intersection. Any connection or work within the Caltrans right-of-way shall require the applicants to obtain an encroachment

permit from Caltrans prior to the commencement of grading. The applicants shall provide road improvement details to the Department of Transportation for review and approval prior to issuance of a grading permit.

- d. The access road shall be adequate for a vehicle to exit the site in a forward direction. The applicants shall provide road improvement details to the Department of Transportation for review and approval prior to issuance of a grading permit.
- e. The El Dorado County Fire Protection District shall review and approve the site and access road for accessibility and turn-a-round area requirements prior to issuance of a grading permit. A letter of approval from the Fire District shall be provided to the Department of Transportation prior to issuance of a grading permit.

ATTACHMENT 2

FINDINGS

Five Year Review Special Use Permit S04-0029-R Planning Commission/August 8, 2013

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 Pursuant to CEQA Guidelines Section 15162, no subsequent Negative Declaration need be prepared for the project as there has been no substantial change in the project that would cause 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 the 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. There are no changes in circumstances and no new information that identifies new or changes environmental affects or mitigations.
- 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.

2.0 ADMINISTRATIVE FINDINGS

- 2.1 All conditions of approval have been met and the use of the telecommunications facility is in compliance.