

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



Agenda of: October 24, 2013
Item No.: 4.b.
Staff: Tom Dougherty

FIVE-YEAR CELL TOWER REVIEW–SPECIAL USE PERMIT

FILE NUMBER: S04-0037-R/Pollock Pines

APPLICANT: SBA Network Services

AGENT: John Zaimes

PROPERTY OWNER: Craig Rosenthal

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

LOCATION: Northwest side of Sly Park Road approximately 600 feet northeast of the intersection with Starks Grade Road in the Pollock Pines area, Supervisorial District 5. (Exhibit A)

APN: 042-700-20

ACREAGE: 3.25 acres

GENERAL PLAN: Medium-Density Residential (MDR)

ZONING: Single-Family Three-Acre Residential (R3A)

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 S04-0037; and

3. Approve the modifications to the Conditions of Approval for Special Use Permit S04-0037 recommended by staff as listed in Attachment 1, based on the Findings listed in Attachment 2.

BACKGROUND

Special Use Permit S04-0037 was approved October 13, 2005 to allow the installation of a 114-foot steel monopine with up to 12 panel antennas mounted at a centerline of 100 feet and a 12-foot by 20-foot prefabricated ground equipment shelter within a 30-foot by 30-foot lease area to be enclosed by an 8-foot-high chain link fence. All site improvements were to conform to the site plan and elevations dated June 27, 2005.

STAFF ANALYSIS

Condition Modification: Condition No. 8 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. 8 to permit future five-year reviews to be completed at staff-level. Staff has found that most of the cellular telecommunications facilities 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 Zoning Administrator 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: As noted in the attached site photos, surplus equipment has been piled within the lease area and the antenna socks had been removed recently during an attempt to begin the building permit (218390, submitted July 8, 2013) early when work stopped to allow the five-year review. Planning will confirm that the construction waste is cleaned up and that the antennas are covered with antenna socks prior to building permit final. Based on review of building permits, project conditions, and as stated above, 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	Overall Site Plan, Sheet A-1, dated June 27, 2005
Exhibit C	Enlarged Site Plan and Antenna Plan, Sheet A-2, dated June 27, 2005
Exhibit D	Elevations, Sheet A-3, dated June 27, 2005
Exhibit E	Applicant's Statement of Use Permit Compliance (five pages)
Exhibit F	Site photographs
Exhibit G	Environmental Checklist Form and Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit Five-Year Cell Tower Review S04-0037-R/SBA Network Services Planning Commission/October 24, 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, dated September 30, 2004, and Conditions of Approval, set forth below.

Exhibit B.....Overall Site Plan, Sheet A-1, dated June 27, 2005

Exhibit C.....Enlarged Site Plan and Antenna Plan, Sheet A-2,
dated June 27, 2005

Exhibit D.....Elevations, Sheet A-3, dated June 27, 2005

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:

- a. Issuance of Special Use Permit S04-0037 for a 114-foot steel monopine with up to 12 panel antennas mounted at a centerline of 100 feet on Assessor's Parcel Number 042-700-20. Twelve panel antennas in three groups of fours (sectors) may 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 will be made of non-reflective materials.
- b. This special use permit authorizes Nextel to place the monopine and a 12-foot by 20-foot prefabricated ground equipment shelter within a 30-foot by 30-foot lease area to be enclosed by an 8-foot-high chain link fence. Two global positioning system (GPS) antennas will be attached to the roof of the shelter to provide for communication between the wireless facility and low-orbiting satellites. The facility will be connected to land-based electrical and telecommunications utilities located on a nearby joint-utility pole. There will be a 12-foot-wide gate on the south side of the enclosure facing Sly Park Road.
- c. Access to the proposed leased area will be via a 12-foot access easement from the unnamed court encroaching onto Sly Park Road.
- d. This special use permit authorizes maintenance personnel to visit the site approximately once a month, at which time the facilities will be inspected to ensure proper operation.

2. All site improvements shall conform to the revised site plan(s) and elevations dated June 27, 2005, (exhibits attached).
3. The applicant shall ensure that the monopine pole is surfaced with material that is non-reflective and resembles the bark of a pine tree and that the branches on the proposed monopine extend to level above ground consistent with surrounding trees. Final plans submitted for the building permit shall include this information and shall be reviewed and approved by Planning Services prior to issuance of the building permit for the monopine structure.
4. For collocation purposes, no further review by the Planning Commission shall be required provided that all ground mounted equipment is located within the existing leased area and provided that no more than four additional antenna groupings are placed on the pole at any one time.
5. All equipment shelters, cabinets, or other auxiliary structures shall be painted in a matching color.
6. 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.
7. All obsolete or unused communication facilities shall be removed 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 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.~~ 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.

9. All project facilities shall be subject to issuance of a building permit from the El Dorado County Building Department prior to any construction activities on the site.
10. The applicant shall comply with all County requirements related to the Department of Transportation, including but not limited to 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*.
11. The applicant shall be required to apply for and receive approval of a commercial grading permit from the Department of Transportation prior to commencement of any site work associated with the project. The applicant 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.
12. No direct access from Sly Park Road to the cell facility lease area shall be allowed at any time. All access to the cell facility lease area shall be from the existing driveway encroachment onto Sly Park Road.
13. The applicant shall place a minimum of 4 inch thickness of three-quarter inch Class II aggregate base along a 12-foot wide access road from the leased area to the existing driveway. The applicant shall provide road improvement details to the Department of Transportation for review and approval prior to issuance of a grading permit. The access road shall be adequate for a vehicle to exit the site in a forward direction. The applicant shall provide road improvement details to the Department of Transportation for review and approval prior to issuance of a grading permit.
14. The El Dorado County Fire Protection District shall review and approve the site and access road for accessibility and turnaround 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.

15. The applicant shall be responsible for the repair of any damage to the unnamed access road resulting from construction activities and vehicular use by the applicant.
16. 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.

ATTACHMENT 2

FINDINGS

Special Use Permit Five-Year Cell Tower Review S04-0037-R/SBA Network Services Planning Commission/October 24, 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.