

**EL DORADO COUNTY DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: August 19, 2009
Item No.: 4.a.
Staff: Jonathan Fong

SPECIAL USE PERMIT- REVISION

FILE NUMBER: S95-0024-R/ Telecommunications Monopole-Shingle Springs

APPLICANT: T-Mobile

AGENT: Applied Wireless Consulting, Rama Gulati

PROPERTY OWNER: Gold County Baptist Church

REQUEST: Revision to Special Use Permit S95-0024 to allow relocation of the three existing wireless antennae and to add three new wireless antennae and one new antenna panel. One new cabinet would be installed within the existing lease area.

LOCATION: On the west side of North Shingle Road ½ mile east of the intersection with Ponderosa Road in the Shingle Springs Area, Supervisorial District IV. (Exhibit A)

APN: 070-230-19 (Exhibit B)

ACREAGE: 4.38 acres

GENERAL PLAN: Commercial (C) (Exhibit C)

ZONING: One-Acre Residential (R1A) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Find the project is Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (New Construction or Conversion of Small Structures); and
2. Approve Special Use Permit S95-0024-R based on the findings in Attachment 2 and subject to the conditions in Attachment 1.

BACKGROUND: Special Use Permit S95-0024 was approved by the Planning Commission on April 25, 1996 to allow the installation of a wireless cellular facility consisting of a 63'4" tall telecommunication monopole with four (4) antenna panels within a 400-square foot lease area at the Gold Country Baptist Church Site. Due to the project location along US Highway 50, the conditions of approval required the installation of a solid wood fence and the installation of fast growing trees to further screen the wireless facility from view.

The existing One-Acre Residential (R1A) project site zoning is inconsistent with the Commercial (C) General Plan Land Use Designation. The initial Special Use Permit was approved for the church site with the current Zoning/ Land Use inconsistency. Planning Services staff determined that since wireless facilities may be authorized in both residential and commercial zone districts upon approval of a Special Use Permit, a Zone Change to bring the parcel zoning into conformance with the underlying Land Use Designation would not be required. The proposed Revision to the Special Use Permit would expand the existing wireless facility and would not result in a new use that would require a Zone Change application to be processed concurrently.

Approval of S95-0024 was subject to six (6) conditions of approval. These conditions have been included in Attachment 1 of the Staff Report. Additions have been indicated as underline items. Fulfilled or no longer applicable conditions have been indicated as ~~strike through items~~.

STAFF ANALYSIS

Project Description: T-Mobile is requesting a minor revision to the Special Use Permit to relocate the three existing antennae and install three new antennae for a total of six antennae on the facility. Four of the antennae would be mounted on the two existing antennae mounts and one new antenna mount would be installed at the same height (Exhibit F). One new equipment cabinet would be installed within the lease area. The revision has been conditioned to require the new antennae and cabinet to be painted to match the existing equipment on-site.

Site Description: The wireless facility lease area is located in the Gold Country Baptist Church parking lot. The church site is located at approximately 1,560 feet above mean sea level. The Church site is developed with an existing sanctuary and multi-purpose building. The wireless facility is located south of the multipurpose building. The wireless facility is currently in operation with three wireless antennae and associated ground mounted equipment.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R1A	C	Gold Country Baptist Church
North	RE-5	MDR	Single-family Residence
South	C	C	U.S. Highway 50
East	RE-5	MDR	Undeveloped
West	R3A	C	Millennium Sports Club

The wireless cellular facility was approved as part of S95-0024 which determined compatibility in the surrounding area upon the installation of fencing to screen the equipment shelter and fast growing trees to screen the facility from view. The proposed revision would expand the facility and allow the installation of three new antennae and a new equipment shelter. The revision would not substantially alter the existing facility or result in new uses which would be inconsistent with the surrounding land uses.

General Plan: The project site is designated Commercial (C) on the El Dorado County General Plan Map. **General Plan Policy 5.6.1.4** of the General Plan requires approval of a Special Use Permit for wireless telecommunication facilities in residential areas. As shown on the General Plan Land Use Map (Exhibit C), the project is located adjacent to residential areas. The aesthetic and compatibility issues of the wireless facility were addressed during review of the initial Special Use Permit application. Conditions were required to screen the facility from view along US Highway 50 and North Shingle Road with fencing and landscaping. The proposed revision would add one equipment shelter, an additional panel to install three additional antennae and would relocate the existing antennae. The revision would not substantially expand the facility nor result in additional impacts to the surrounding land uses. Therefore, staff finds that the project as conditioned would conform to the General Plan.

Zoning: Wireless facilities are permitted within the One-Acre Residential (R1A) Zone District, pursuant to Section 17.14.120(D) of the County Code. Co-locations onto existing facilities is regulated by Section 17.14.120(D)3 of the County Code. A co-location may be approved through a minor use permit by the Zoning Administrator provided the co-location meets the following requirements:

- a. **New antennae shall be located at or below the topmost existing antenna array, either on the same pole or a replacement pole at the same height and within the approved lease area;**

The new antennae and panel would be located at the same height of the existing antennae. The new equipment shelter would be installed within the existing lease area. No increase in height of the existing monopole or expansion of the lease area would occur as part of this revision.

- b. New antennae shall not extend out horizontally from the pole more than the existing widest projection. Use of designs similar to existing antenna array are encouraged;**

The proposed revision would allow for the expansion of the facility by providing a new antenna panel and the installation of three new antennae and relocation of the three existing antennae. The new antennae would be painted to match the existing antennae. The new antennae and relocation would not extend beyond the existing horizontal project.

- c. All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the communication facility, or designed to blend with surrounding architecture, or on the ground screened from public view;**

The proposed revision would allow for the installation of an additional equipment cabinet within the existing lease area. The additional screening would not be required as the existing screening is adequate. The new cabinet would be conditioned to be match the existing equipment within the lease area.

- d. The antennae and pole or tower shall be designed to match the existing facility, natural features or vegetation of the site;**

As discussed above, the revision would be conditioned to require the new antennae to match the existing antennae on-site.

- e. Additional antenna arrays added above the existing approved antenna array or that requires the tower height to be increased shall be considered a new tower and shall be subject to the provisions of subsection (D) (5), below.**

The revision would not increase the height of the tower or install new antennae panels beyond the height of the existing antennae arrays.

Development Standards: Section 17.14.210(E) thru (J) of the County Code requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards.

- E. **Visual:** The proposed project would relocate the three existing antennae and install three new antennae. One new antenna panel would be installed at the same height of the two existing antenna panels. Special Use Permit S95-0024 was approved with conditions requiring the monopole be painted to blend with the existing trees in the area and additional landscaping and fencing were required to screen the equipment cabinets.

The project provides photo-simulation to adequately reflect the changes that are being requested under this action. The photo-simulation would be used during the plan check permit process to ensure that the project adequately reflects approval of the Zoning Administrator and as part of the exhibits approved with the application. Photo-simulations of the wireless facility are included as Exhibit G.

F. Development Standards:

1. **Screening:** The existing trees and tree canopy screen a large portion of the existing 63-foot tall monopole. The new antennae and replacement antennae would not create a significant negative visual impact to the surrounding area. The project has been conditioned to require that all colors match the existing facility.
2. **Setbacks:** The wireless facility was determined to comply with the setback requirements of the R1A Zone District. No alteration to the existing monopole would occur that would be inconsistent with the R1A Development Standards. The proposed equipment shelter would be located within the existing lease area and would meet the setback requirements of the R1A Zone District.
3. **Maintenance:** The site is required to be maintained at all times. Conditions of Approval have been included which would require the applicant to maintain the wireless facility, fencing and associated landscaping. Any unused equipment would be required to be removed from the site.

G. Radio Frequency (RF) Requirements: Section 17.14.210(G) of the County Code requires that the applicant submit a report of the radiation generated by the facility operating at full strength and maximum electric and magnetic field strengths at the edge of the facility site, as regulated by the Federal Communication Commission (FCC).

T-Mobile has submitted a report indicating that the maximum power density at ground level operations would be 72.526 microwatts per square centimeter ($\mu\text{W}/\text{cm}^2$), or 7.25 percent of the applicable public limit. The report validates the figures based on the FCC Regulations for measurements identifying quantitative standards for human exposure limits based on radio frequency emissions.

H. Availability: Section 17.14.210(H) of the County Code 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 conditioned to allow for continued opportunities for co-location on this facility. Future co-locations would require approval of a minor use permit by the Zoning Administrator in accordance with Section 17.14.210 of the County Code.

I. Unused Facilities: Section 17.14.210(I) of the County Code 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. Conditions of Approval would be included which would require

J. Other Permit Requirements: Section 17.14.210(J) of the County Code states certain notification requirements for projects located within 1,000 feet of a school or in subdivisions governed by CC&Rs. The lease area is located on the Gold Country Baptist Church site directly adjacent to a multipurpose building. The multipurpose room is also used as the Providence Christian School. The church is located within the Buckeye Union

School district. The project was distributed to the District during the initial consultation period. No comments were received during the agency review period.

Conclusion: After review of the submitted project plans, including site plan, elevations, and visual simulations, it has been determined that the proposed project meets the standards contained in Section 17.14.210 E through J of the County Code.

Federal Communication Commission (FCC): The Telecommunications Act of 1996 became effective on February 8, 1996. This act preserves the authority of the State or local government over decisions regarding the placement, construction, and modifications of personal wireless services, subject to two limitations. Section 704(7) B (iii) requires any denials to be in writing and supported by “substantial evidence.” Section 704(7) B (iv) prohibits denial on the basis of radio frequency emissions if those emissions are compliant with Federal regulations.

The American National Standards Institute and the Institute of Electrical and Electronics Engineers (IEEE) have published a standard called ANSI/IRRR C95.1-1992, which until recently set recommended maximum power density levels for radio frequency (RF) energy originating from communications sites and other sources. The Federal Communications Commission (FCC) has also produced its own guidelines, which are more stringent and supersede the ANSI standard. The FCC rules categorically exclude certain transmitting facilities from routine evaluations for compliance with the RF emission guidelines if it can be determined that it is unlikely to cause workers or the general public to become exposed to emission that exceed the guidelines. The following table represents the FCC limits for both occupational and general population exposures to different radio frequencies:

Frequency Range (F) (MHz)	Occupational Exposure (mW/cm ²)	General Public Exposure (mW/cm ²)
0.3-1.34	100	100
1.34-3.0	100	180/F ²
3.0—30	900/F ²	180/F ²
30-300	1.0	0.2
300-1,500	F/300	F/1500
1,500-100,000	5.0	1.0

Based on the submitted RF study, the maximum public RF exposure from the site with all channels on antennas operating at full capacity is 7.25 percent of the general public safety standard established by the ANSI and the FCC. Therefore, the risk of release of hazardous materials or emissions to the public is remote.

Agency and Public Comments: At the time of the preparation of this report, staff had not received any comments from the public. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

ENVIRONMENTAL REVIEW:

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines which states that minor alterations to existing structures

would not be subject to the CEQA Guidelines. A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

- Attachment 1 Conditions of Approval
- Attachment 2 Findings

- Exhibit A Vicinity Map
- Exhibit B Assessor's Parcel Map
- Exhibit C General Plan Land Use Map
- Exhibit D Zoning Map
- Exhibit E Site Plan
- Exhibit F Elevations
- Exhibit G Photo Simulations

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit Revision
Telecommunication Monopole- Shingle Springs S95-0024-R
Zoning Administrator/ August 19, 2009

PROJECT DESCRIPTION

1. This Special Use Permit Revision is based upon and limited to compliance with the project description, the Staff Report exhibits marked Exhibits E through G 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.

Special Use Permit S95-0024 allows the following:

One 63'4" monopole located within a 400 square foot lease area including ground mounted equipment. The telecommunications facility shall be located on the southern end of the Gold Country Baptist Church parking area. A six-foot tall wooden fence shall be located around the lease area to screen the ground equipment from view. Fast-growing columnar trees shall be planted on the south end of the lease area to further screen the lease equipment from US Highway 50.

This revision to Special Use Permit S95-0024-R allows the following:

The addition of one new antenna panel array on the existing monopole. The new panel shall match the color of the existing panels and shall be located at the same height of the existing panels.

Three new antennae shall be installed on the monopole. The three existing antennae shall be relocated on the monopole. The installation and relocation of the antennae shall not exceed the existing horizontal projection of the existing antenna panels. The antennae shall be painted to match the color of the existing antennae. One new BTS equipment cabinet shall be installed within the existing lease area.

No increase in height of the monopole or expansion of the lease area shall be authorized by this permit revision.

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 must be submitted for review and approval and shall be implemented as approved by the County.

Planning Services

1. ~~The applicant shall submit a site improvement/grading plan to the Department for review and approval. 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*.~~
2. ~~The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project.~~
3. ~~The applicant is subject to any and all requirements of the El Dorado County Fire Protection District prior to obtaining a building permit.~~
- 4.2. The applicant shall assume full responsibility for resolving television reception interference cause by the operation of this facility. The applicant shall take corrective action within 30 days of the receipt of any written complaint.
5. The applicant shall obtain a building permit from El Dorado County Building Services prior to authorization of any use by this Special Use Permit.
6. The applicant shall construct a 6-foot-tall wooden fence, or chain link fence with wooden slats, around the entire perimeter of the 400-square-foot facility for safety reasons. Landscaping in the form of fast-growing columnar trees shall be placed on the outside perimeter of the fence that faces Highway 50 in order for screening in the long-term.
7. Co-locations may be administratively approved on the monopole subject to review and approval by the Development Services Director. The co-locations shall be consistent with design of the monopole as described in permit S95-0024 or as referenced in Condition 1 of this permit. Any expansion of lease area or major alteration of the monopole shall require approval of a revision to this use permit from the Zoning Administrator or Planning Commission.
8. 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 conditions.
9. 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 present that report to the approving authority with a recommendation 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.

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 on a time and materials basis. All future development plans shall include this condition on the submitted plans.
11. A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El Dorado County Planning Services prior to the issuance of any development permit being issued on the project parcel.
12. The operator (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.
13. All Development Services fees for processing this application shall be paid in full prior to issuance of a Building Permit.
14. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the applicant and landowner agrees 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 applicant 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/owner of any claim, action, or proceeding and County will cooperate fully in the defense.

Environmental Management, Hazardous Materials and Solid Waste Division

15. If this facility will store reportable quantities of hazardous materials (55 gallons, 500 lbs, 200

cubic feet) or generate hazardous waste, prior to commencing operations the owner/operator shall:

- a. Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
- b. Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
- c. Train all employees to properly handle hazardous materials and wastes.
- d. Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

El Dorado County Fire Protection District:

16. The applicant shall submit site plan review fee of \$ 150.00. The District shall review and approve the improvement plans prior to issuance of a building permit.
17. Provide a high-priority “Knox Box” to access the cabinets (if not already provided). The District shall verify the installation of the ‘Knox Box’ prior to issuance of a building permit.
18. Provide keys for all cabinets to be placed in Knox box. Provide a low priority “Knox” padlock on access gate if not already provided. Applications for both high and low security Knox systems are provided at the district office for \$30.00 each. The District shall verify this compliance with this requirement prior to issuance of a building permit.
19. Mount one 2A10BC Fire Extinguisher inside a weather resistant fire extinguisher box. The District shall verify compliance with this requirement prior to issuance of a building permit.
20. The applicant shall maintain vegetation control inside the fencing around the cabinets and tower. The vegetation control shall be maintained in perpetuity.

ATTACHMENT 2 **FINDINGS**

Special Use Permit
S95-0024-R/ Telecommunications Monopole- Shingle Springs
Zoning Administrator/ August 19, 2009

1.0 CEQA FINDINGS

- 1.1 The proposed revision would be Categorically Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines which exempts minor alterations to existing structures from further environmental review.
- 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 proposed use is consistent with the policies in the El Dorado County General Plan, as discussed in the General Plan section of this staff report. General Plan Policy 5.6.1.4 requires approval of a Special Use Permit for wireless facilities to address potential health, safety and welfare impacts to the adjoining properties. The proposed revision would add additional antennae and an equipment shelter to the existing facility. The fencing and landscaping required as Conditions of Approval of the initial Special Use Permit would remain intact. The RF report for the proposed antennae additions determined that the maximum emissions would not exceed 7.25% of the federally established thresholds.

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

The proposed use would not create hazards that would be considered 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 existing facility has been adequately screen from view through fencing and landscaping. The proposed addition would result in 7.25% of the maximum RF emissions established by federal thresholds.

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

Section 17.14.210 of the County Code authorizes cellular facilities through issuance of a Special Use Permit. The existing facility was permitted under S95-0024. The proposed modification to the wireless facility would require a revision to the initial application. No expansion or alteration of use would occur as part of the revision that would be inconsistent with the County Code.