

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



Agenda of: November 18, 2009
Item No.: 5.a.
Staff: Michael C. Baron

SPECIAL USE PERMIT

FILE NUMBER: S09-0019/Telecommunications Tower-Placerville Airport

APPLICANT: AT&T Mobility

AGENT: Jennifer Walker, Black Dot Wireless

ENGINEER: Jeffrey Rome & Associates

REQUEST: Special Use Permit request to allow the continued use of an existing wireless communications facility connected to a 51 foot airport beacon tower. The facility would support cellular and emergency agency radio transmission. The facility is proposed to include 9 antennas with ground support equipment to be located within an existing 778 square foot fenced lease area enclosed by a 6 foot tall chain link fence with barbed wire.

LOCATION: At the Placerville Airport located on the south side of Airport Road, approximately 1 mile south of the intersection with Penny Lane in the Placerville area, Supervisorial District III (Exhibit A).

APN: 096-010-11

ACREAGE: 85.76

GENERAL PLAN: Industrial (I) (Exhibit B)

ZONING: Industrial (I) (Exhibit C)

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

RECOMMENDATION

Staff recommends the Zoning Administrator take the following action:

1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines; and
2. Approve the Special Use Permit S09-0019 subject to the conditions in Attachment 1, based on the findings in Attachment 2.

BACKGROUND

The existing facility had been constructed pursuant to a previous lease agreement with the County General Services Department allowing AT&T to connect 9 panel antennas to an existing safety beacon tower and allow for a 778 square foot equipment lease area. However, upon further investigation with the currently proposed tower modifications, it was brought to Planning staffs' attention that a Special Use Permit had not been processed in the past for the use of the beacon tower as a cellular facility. Planning Staff informed the applicant of the need for a Special Use Permit and a subsequent application was submitted on July 1, 2009.

STAFF ANALYSIS

Project Description: Continued operation and upgrades to an existing wireless communications facility to support cellular and emergency agency radio transmission connected to an emergency beacon tower with 9 panels affixed to the sides of the tower. The total height of the beacon tower is 50 feet 11 inches and currently holds 9 panel antennas at 43 ft and 48 feet. The tower and equipment is located within a 778 square foot area enclosed by 6-foot tall barbed wire chain link fence. The existing panel antennas mounted on the beacon tower would be replaced and any additional panels proposed by other carriers would require a revision to the current Special Use Permit request.

Project plans and site photos are included as Exhibits E, F, G, and H1, H2, H3, H4.

Proposed Access: The project site is accessed directly from Airport Road through a locking security gated entrance for the airport.

Site Description: The project site is located on the north side of the Placerville Airport within an area containing aircraft storage hangers and airport equipment. The airport is used primarily for recreational flying and instruction and does not cater to commercial service and jet airplanes. The proposed telecommunications equipment would be affixed to an existing beacon tower and equipment would be place within a fenced area at the foot of the tower.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	I	I	Existing Placerville Airport
North	City of Placerville/RE-5	City of Placerville/MDR	Existing Homes/Residential
South	RE-5/R2A	LDR/MDR	Existing Homes/Residential
East	RE-5	LDR	Existing Homes/Residential
West	City of Placerville	City of Placerville	Existing Homes/Residential

General Plan

The General Plan designation of the subject site is Industrial (I). This designation permits wireless communication facilities. However, due to the close proximity to a residential zone district Policy 5.6.1.4 of the General Plan would apply and states that, *Special Use Permits shall be required for the installation of community telecommunications facilities (e.g. microwave towers) in residential areas to ensure that siting, aesthetics, environmental issues, surrounding land uses, and health and safety concerns are considered.* The wireless facility has been designed in compliance with County regulations, addressing aesthetics, environmental issues, and health and safety concerns. All project-related environmental issues have been evaluated. Therefore, staff finds that the project, as conditioned, would conform to the General Plan.

Zoning

The County permits wireless communication facilities in all districts, provided they follow standards and permitting requirements defined in Section 17.14.200 of the County Code. These standards include screening, compliance with setbacks, and proper maintenance.

To address maintenance issues, the applicant would be conditioned to have a technician service the wireless facility and equipment at least once or twice a month to ensure proper performance of the facility.

County Code Section 17.14.200(D)(3) allows for co-location on existing non-building structures or public facilities within all zone districts.

Section 17.22.540 (A) requires the Zoning Administrator to make the following findings prior to approval of a special use permit:

1. *The issuance of the permit is consistent with the General Plan;*
2. *The proposed use would not be detrimental to the public health, safety, and welfare, or injurious to the neighborhood; and*

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

Discussion: After review of the submitted project plans and site photos, it has been determined that the proposed project meets the standards contained in Section 17.14.200 F and G of the County Code. It can be found that the use would not conflict with the current adjacent uses and would provide a benefit to the area by improving cellular service and emergency radio communications.

Design and Development Standards

Section 17.14.200 (B) of the County Code requires that all wireless providers collocate their equipment on existing sites where possible. Below is an analysis of these standards.

1. Communication service providers are, therefore, encouraged to:
 - a. *Employ all reasonable measures to site their antenna equipment on existing structures as façade mounts, roof mounts, or collocation on existing towers prior to applying for new towers or poles;*
 - b. *Work with other service providers and planning staff to collocate where feasible. Where collocation on an existing site is not feasible, develop new sites which are multi-carrier to facilitate future co-location thereby reducing the number of sites countywide;*
 - c. *Develop communication facilities (i.e. tower companies) with commitments from licensed carriers.*

Discussion: As discussed in the “Project Narrative,” the tower is currently being used to improve wireless phone and internet communications, improve emergency communications, and to use an existing structure that may be able to accommodate other wireless users in the area, thereby eliminating the need for additional towers. If additional carriers were to propose additional collocations on the beacon tower a modification to the current Special Use Permit request would be required

Section 17.14.200(E) through (J) of the County Code requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards.

- a. Screening: The applicant is proposing to place the equipment within a six-foot-tall barbed wire chain link fence enclosure. Site Photos of the existing wireless facility have been provided as Exhibits H1, H2, H3, and H4. As illustrated in the site photos, the ground equipment would be designed as best as possible to blend into the surrounding area. The ground equipment would be screened from views from existing residences by existing vegetation and the back wall of the equipment building. The tower would be partially visible from some of the adjacent residences. However, it is necessary for the tower to be highly visible as the use of the beacon tower for the airport safety is a necessity in its own right.

- b. **Setbacks:** The tower and equipment shelter are not located within the 10 foot minimum front setback required by Section 17.34.040(D) of the Industrial Zone District.
- c. **Maintenance:** The site is required to be maintained at all times. Conditions of approval have been implemented to ensure continued maintenance of the facility. Any unused equipment would be required to be removed from the site.
- d. **Radiofrequency Radiation (RF) Requirement:** Section 17.14.200(G) requires that the applicant submit a report or summary of the estimates of non-ionizing radiation generated by the facility and maximum electric and magnetic field strengths at the edge of the facility site. Based on the proposed "Radio Frequency Survey," (TRK Engineering, July 29, 2009), analysis and computation, the maximum public RF exposure from the proposed antennas that would be relocated onto the tower at this site, with all channels on antennas from the facility operating at full capacity power density at this location is 26.2261 uW/cm^2 at 11 ft. from the tower, which is 10.146 percent of the public safety standard established by the FCC.
- e. **Availability:** Section 17.14.200 (H) requires that all existing communication facilities be available to other carriers as long as structural or technological obstacles do not exist. The current request is to replace the 9 existing panel antennas. Any new carriers proposing to add additional antennas to the tower would be required to revise the current Special Use Permit request if additional antennas were feasible.
- f. **Unused Facilities:** Section 17.14.200 (I) 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. The project has been conditioned to comply with this requirement.
- g. **Other Permit Requirements:** Section 17.14.200(J) states certain notification requirements for projects located with 1,000 feet of a school or in subdivisions governed by CC&Rs. There are no schools within 1,000 feet of the site and the project parcel is not part of a subdivision governed by CC&Rs.

Discussion: After review of the submitted project plans and site photos, it has been determined that the proposed project meets the standards contained in Section 17.14.200 F through J of the County Code. The aesthetic impacts associated with the project have been fully considered. As designed and conditioned, the project would be considered consistent with the County Zoning Ordinance related to wireless telecommunication sites.

Agency and Public Comments: The following agencies provided comments on this application:

El Dorado County Environmental Management Department-Hazardous Waste Division
El Dorado County Department of Transportation

Copies of the responding agency’s written comments are available at the Planning Services office. At the time of the preparation of this report, staff had not received any comments from the public.

ENVIRONMENTAL REVIEW

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 Federal Communications Commission (FCC) has recommended maximum power density levels for radio frequency (RF) energy originating from communications sites and other sources. 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/cm²)	General Public Exposure (mW/cm²)
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 proposed “Radio Frequency Survey,” (TRK Engineering, July 29, 2009), analysis and computation, the maximum public RF exposure from the proposed antennas that would be relocated onto the tower at this site, with all channels on antennas from the facility operating at full capacity power density at this location is 26.2261 uW/cm² at 11 ft. from the tower, which is 10.146 percent of the public safety standard established by the FCC. Therefore, the risk of release of hazardous materials or emissions to the public is remote.

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 processing fee is required by the County Recorder to file the Notice of Determination and Certificate of Fee Exemption with the State in accordance with State Legislation (California Fish and Game Code Section 711.4).

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Site Plan
Exhibit F.....	Lease Area Site plan
Exhibit G.....	Elevations
Exhibit H1, H2, H3, H4	Site Photos

ATTACHMENT 1

CONDITIONS OF APPROVAL

SPECIAL USE PERMIT S09-0019/AT&T Mobility

El Dorado County Planning Services

1. This Special Use Permit approval is based upon and limited to compliance with the approved project description 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 S09-0019 shall allow the following:

Operation and upgrades to an existing wireless communications facility located on a 50 foot emergency beacon tower with 9 panels affixed to the sides of the tower. The tower and equipment is located within a 778 square foot area enclosed by 6 foot tall barbed wire chain link fence. No additional co-locations are authorized by this Special Use Permit.

No increase in height of the tower 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.

2. All site improvements shall conform to the site plan and elevations attached as Exhibits E, F, G, and H1, H2, H3, H4.
3. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. The chain link fence shall not have gaps at any portion where it touches ground level and shall have barbed wire attached to the entire top portion. Planning Services shall verify the painting of the structures and antennas, said fence conditions and antenna projections prior to final inspection and approval of the facility. Lighting shall only be used for nighttime maintenance. A security light may be permitted however; it shall operate in compliance with FAA regulations associated with the beacon tower.

4. For collocation purposes, further review by the Zoning Administrator shall be required for any new carrier proposing additional collocations on the beacon tower in excess of the 9 existing antennas.
5. 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.
6. 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.
7. All obsolete or unused communication facilities shall be removed by the applicant 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 Zoning Administrator every five years. At each five-year review, the permit holder shall provide the Zoning Administrator with a status report on the then current use of the subject site and related equipment. The Zoning Administrator 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 Zoning Administrator to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Zoning Administrator 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 Development Services Director or his designee to cover the cost of processing a five-year review.

El Dorado County Environmental Management Department-Hazardous Materials Division

9. Under the Certified Unified Program Agency (CUPA) programs, if the operation, at any time, will involve the storage of reportable quantities of hazardous materials for backup power generation, a hazardous materials business plan for the site must be submitted to the Department and applicable fees paid.

ATTACHMENT 2 FINDINGS

SPECIAL USE PERMIT S09-0019/AT&T Mobility November 18, 2009 Zoning Administrator Hearing

1.0 CEQA FINDINGS

- 1.1 This Special Use Permit currently authorizes one carrier (AT&T) on the existing airport beacon tower, and the items listed in Section 15303 of the CEQA Guidelines are similar to collocation of wireless communication equipment at an existing facility, the Zoning Administrator has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines. Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structure include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- 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 project is consistent with the El Dorado County General Plan (adopted July 19, 2004) because the applicant has designed the cellular facility in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns. As conditioned, the project would comply with the Industrial General Plan Land Use Designation.

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

The wireless facility and associated equipment area would not create hazards that would be detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data provided by the RF study, the maximum public RF exposure from the proposed antennas that would be relocated onto the tower at this site, with all channels on antennas from the facility operating at full capacity power density at this location is 26.2261 uW/cm^2 at 11 ft. from the tower, which is 10.146 percent of the public safety standard established by the FCC. Therefore, the risk of release of hazardous materials or emissions to the public is remote.

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

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