

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



**Agenda of:** December 16, 2009  
**Item No.:** 4.b.  
**Staff:** Jonathan Fong

**SPECIAL USE PERMIT- REVISION**

**FILE NUMBER:** S05-0045-R

**AGENT:** Landmark Global Consulting/ Karen Lienert

**APPLICANT:** Clearwire Wireless Broadband

**ENGINEER:** Peek Site-Com

**REQUEST:** A Revision to Special Use Permit S05-0045 to allow the collocation of three wireless antennae and three microwave dishes on an existing lighting standard. The antennae would be mounted at 59 feet and the dishes would be located at 63 feet. Associated ground mounted equipment would be located within a new 113 square foot lease area.

**LOCATION:** Oak Ridge High School on the south side of Harvard Way, 300 feet west of the intersection with Silva Valley Parkway, in the El Dorado Hills Area, Supervisorial District II (Exhibit A).

**APN:** 325-290-06 (Exhibit B)

**ACREAGE:** 38.09-acres

**GENERAL PLAN:** Public Facilities (PF) (Exhibit C)

**ZONING:** One Family Residential (R1) (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 S05-0045-R based on the findings in Attachment 2 and subject to the conditions in Attachment 1.

## **BACKGROUND:**

The proposed Special Use Permit would add three additional antennae, three microwave dishes and ground mounted equipment beyond the original project approval and is subject to a Revision approved by the Zoning Administrator.

Approval of S05-0045 was subject to 14 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 Fulfilled or no longer applicable conditions have been indicated as ~~striketrough items~~.

## **STAFF ANALYSIS**

**Project Description:** Clearwire Wireless Broadband is requesting a minor revision to the Special Use Permit to install three additional antennae and three microwave dishes on the existing light standard at the Oak Ridge High School football stadium. The proposed would be located at approximately 63 feet would not increase the height of the existing standard. One new equipment cabinet would be installed within a new 113 square foot lease area which would be installed directly adjacent to the existing T-Mobile lease area. The lease area would be enclosed with a six (6) foot tall fence with privacy slats and would match the fencing around the T-Mobile lease area.

**Site Description:** The high school is located approximately 780 feet above mean sea level. The football stadium is located in the southwest corner of the school site adjacent to Silva Valley Drive. Single family residences abut the property on all sides.

Oak Ridge High School is located in an area of Naturally Occurring Asbestos (NOA). The *El Dorado Union High School Naturally Occurring Asbestos (NOA) Operations and Maintenance (O&M) Plan*, prepared in December 2003, establishes the El Dorado Union High School District policy for managing NOA at the ORHS. The proposed project site for the wireless facility is outside of the area known to contain NOA. However, the O&M Plan requires that any construction activity at the high school comply with the O&M Plan. The proposed collocation is to be located at the football stadium. Review of the NOA map for ORHS indicates that the primary areas of NOA are on the west side of the campus. The football stadium is on the west side of campus outside of known areas of NOA. The project would collocate new wireless equipment on the existing light standard and would install equipment on an existing concrete surface. No grading activities are likely to be required. In then event any grading is necessary; the project has been conditioned to comply with the O&M Plan which would minimize asbestos related impacts.

Two telecommunication facilities are currently installed on two light standards and are currently in operation. Ground mounted equipment shelters are located on the north and south sides of the bleachers.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	R1	PF	Oak Ridge High School
<b>North</b>	R1	HDR	Single-family residences
<b>South</b>	R1	AP- El Dorado Hills Specific Plan	Single-family residences
<b>East</b>	R1	AP- El Dorado Hills Specific Plan	Single-family residences
<b>West</b>	R1	HDR	Single-family residences

The wireless cellular facility was approved as part of S05-0045 which determined compatibility in the surrounding area upon the installation of fencing to screen the equipment shelter. The proposed revision would expand the facility and allow the installation of three new antennae. The revision would not substantially alter the existing facility or result in new uses which would be inconsistent with the surrounding land uses.

As shown on the Project Simulations (Exhibit G), the proposed collocation would not substantially alter the existing light standard. The proposed ground mounted equipment would be located directly adjacent to the bleachers and would be screened from view via fencing with privacy slats.

**General Plan:** **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. The aesthetic and compatibility issues of the wireless facility were addressed during review of the initial Special Use Permit application S05-0045. Conditions were required to screen the facility from view along Harvard Way and Silva Valley Parkway with fencing. The proposed revision would add three additional antennae, three dishes and ground mounted equipment. 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 be consistent with the General Plan.

**Zoning:** Wireless facilities are permitted within residential zone districts, pursuant to Section 17.14.210(D) of the County Code. Co-locations onto existing facilities are regulated by Section 17.14.210(D) 4 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 would be located at 59 feet and the new microwave dishes would be at 64 feet which would be below the existing antennae on the light standard.

- 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 antennae and microwave dishes will be consistent with the existing antennae currently installed on the light standard. The proposed new equipment would be similar in design and color of the existing equipment.

- 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 equipment cabinets and expanded lease area have been designed to match the existing ground mounted equipment and 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 and antennae mounts be designed 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.*

No expansion in the height of the existing lighting standard is proposed as part of the Revision.

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

- E. **Visual:** As shown on the submitted visual simulations, the new antennae and antennae mounts would be design to match the facilities on the monopole. 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 fencing a large portion of the existing 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 R1 Zone District. No alteration to the existing facility would occur that would be inconsistent with the R1 Development Standards. The proposed expanded lease area and new ground mounted equipment have been designed to comply with the R1 setbacks and the Fire Safe Regulations required 30 foot setback.

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 electromagnetic 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).

Clearwire Wireless Broadband has submitted a report indicating that the maximum power density at ground level operations for all antennae operating on the facility would be 0.007 milliwatts per square centimeter (mW/cm<sup>2</sup>), or 0.6 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 the applicant remove of unused facilities.

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 project site is located directly on El Dorado Union High School District property. The project agent has received authorization from the District Superintendent to install the proposed equipment on District property.

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

**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:** 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:

<b>Frequency Range (F) (MHz)</b>	<b>Occupational Exposure (mW/cm<sup>2</sup>)</b>	<b>General Public Exposure (mW/cm<sup>2</sup>)</b>
0.3-1.34	100	100
1.34-3.0	100	180/F <sup>2</sup>
3.0—30	900/F <sup>2</sup>	180/F <sup>2</sup>
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 would be 0.6 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.

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 .....	Location 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  
S05-0045-R/ Clearwire Wireless  
Zoning Administrator/ December 16, 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 S05-0045 allows the following:

The project description is as follows: The project would involve the construction and operation of a new wireless telecommunications facility. The project would include the replacement of an existing 60-foot tall pole and installation of a new 80-foot tall pole. The new light standard would include a total of 13 light fixtures which would be mounted at 80 feet on the new pole. The lights would be mounted in two banks- seven lights on the top bank and six mounted directly below.

The proposed cellular facility would include mounting three (3), eight-foot tall antennas mounted at 70 feet. A 260 square foot lease area would include ground mounted equipment located approximately three feet west of the new light standard. The equipment shelter and lease area would be enclosed by a six foot high chain link fence which includes green painted slats to screen the ground mounted equipment from view.

The new light pole and wireless facility would be located on the north end of the existing stadium bleachers. The lease area is to be located approximately three feet from the light standard and connected via an underground coaxial cable.

Two utility easements have been proposed to provide utility services to the project site. A five-foot utility easement would extend east from the project site to a utility pole located in the northeast corner of the football stadium near Silva Valley Parkway. Another 12-foot utility easement has been proposed beneath the stadium bleachers which and would to the proposed Nextel wireless facility (S05-0046).

A 12-foot wide access and utility easement is proposed to provide vehicular access to the project site. The easement would cross the high school parking lot and end at parking lot encroachment on Harvard Way.

Construction would occur Monday thru Friday between the hours of 7:00 a.m. to 7:00 p.m. or by conditions determined by the Planning Commission. The typical construction period is one

month. Post construction, a monthly visit is expected by a T-Mobile representative to service the facility.

This revision to Special Use Permit S05-0045-R allows the following:

A collocation of new wireless equipment and a new lease area.

Three (3) new quad antennae shall be located at 59'5" on the existing light standard. Three (3) microwave dishes shall be located at 69'5" on the existing light standard. No expansion in height of the light standard is authorized through this revision. The proposed equipment shall be painted to match the existing antennae.

An approximately 110 square foot lease area shall be located south of the existing T-Mobile lease area. One ground mounted equipment shelter shall be located within the lease area. The lease area shall be fenced with a six (6) foot tall chain link fence with privacy slats matching the existing lease area fencing.

Any proposed outdoor lighting shall be full cutoff and downward shielded consistent with the County Code outdoor lighting requirements.

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:**

2. All site improvements shall conform to the site plan and elevations attached as Exhibit D.
3. 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 and approval of the facility.
4. 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 any one of the proposed carriers installs no more than 12 panel antennas and that there shall not be any increase overall height of the light standard.
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 to 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 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 Services or designee to cover the cost of processing a five-year review.
9. 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 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 the appropriate measures are taken or the site is determined not to be of significance.
10. 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.
11. 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.
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.

El Dorado County Environmental Management Air Quality Management District:

- ~~12.~~15. The project shall comply with District rules regulating impacts to air quality. An Asbestos Dust Mitigation Plan shall be submitted to the District with the applicable fee. The District shall review and approve the application prior to start of project construction.
- ~~13.~~16. The project shall comply with the El Dorado Union High School District Oak Ridge High School Naturally Occurring Asbestos Operation and Maintenance Plan. The District shall verify compliance with the Plan prior to issuance of a building permit.

El Dorado County Environmental Management Department/Hazardous Materials Division:

- ~~14.~~17. Under the Certified Unified Program Agency (CUPA) programs, if the operation 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 Revision  
S05-0045-R/ Clearwire Wireless Broadband  
Zoning Administrator/ December 16, 2009

### **1.0 CEQA FINDINGS**

- 1.1 The proposed revision would be Categorical 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 0.6 percent 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 screened from view through fencing and existing topography. The proposed addition would result in 0.6 percent 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 S05-0045. 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.