

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



Agenda of: December 2, 2009
Item No.: 4.a.
Staff: Jonathan Fong

SPECIAL USE PERMIT- REVISION

FILE NUMBER: S06-0014-R/ Telecommunications Tower

APPLICANT: AT&T Mobility

AGENT: The Lyell Company

PROPERTY OWNER: Carl Greenhalgh

REQUEST: Revision to Special Use Permit S06-0014 to install six additional antennas and proposed ground equipment. The antennae would be installed onto a new top hat on the existing PG&E transmission tower. The overall height of the tower would be increased from 115 feet to 122 feet. The antennae would be located at approximately 119 feet. A new 300 square foot lease area would be located adjacent to the tower and would include new ground mounted equipment.

LOCATION: On the north side of Ethel Drive 0.29 miles east of the intersection with Clarksville Road in the Rescue Area, Supervisorial District II. (Exhibit A)

APN: 126-231-08 (Exhibit B)

ACREAGE: 5.18 acres

GENERAL PLAN: Low Density Residential (LDR) (Exhibit C)

ZONING: Estate Residential Five-Acre (RE-5) (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 (Minor Expansion); and
2. Approve Special Use Permit S06-0014-R based on the findings in Attachment 2 and subject to the conditions in Attachment 1.

BACKGROUND: Special Use Permit S04-0014 was approved to install six (6) antennae on the tower at approximately 116 feet. Ground mounted equipment was installed within a 330 square foot lease area. A second Special Use Permit S06-0014 was approved to allow the installation of a wireless cellular facility consisting of six (6) additional wireless antennae mounted at 48 feet on the existing PG&E transmission tower. Associated ground mounted equipment was installed within the existing lease area.

Approval of S06-0014 was subject to 21 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 Fulfilled or no longer applicable conditions have been indicated as ~~strikethrough items~~.

STAFF ANALYSIS

Project Description: AT&T is requesting a minor revision to the Special Use Permit to install six (6) new wireless antennae on the existing PG&E transmission tower. The request would require the installation of a new ‘top hat’ which would be installed on top of the tower and would increase the overall tower height to 122 feet (Exhibit F). A new 450 square foot lease area would be created adjacent to the tower. As shown on the Site Plan, new ground mounted equipment would be installed included cabinets, conduit bridges, and utility racks. The proposed lease area would be enclosed within an eight (8) foot stall redwood fence which would be painted to match the existing fencing around the existing lease area.

Site Description: The existing PG&E tower is located within a 200 foot PG&E easement that runs along the northern portion of the Green Springs Ranch Subdivision. Access to the existing wireless facility is via a gravel access road along the northern property line to East Green Springs Road. The site is currently undeveloped.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR	Single family residential
North	AE	LDR	Undeveloped
South	RE-5	LDR	Single family residential

East	RE-5	LDR	Single family residential
West	RE-5	LDR	Undeveloped

The wireless cellular facilities were approved under S04-00014 and S06-0014 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 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 Low Density Residential (LDR) 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. The existing and proposed telecommunications facilities are located on a PG&E transmission tower. The telecommunications antennae would blend in with the transmission tower and would not substantially increase any visual impacts in the area. Therefore, staff finds that the project as conditioned would conform to the General Plan.

Zoning: Wireless facilities are permitted within the Estate Residential (Five-Acre) Zone District, pursuant to Section 17.14.120(D) of the County Code. Co-locations onto existing facilities are regulated by Section 17.14.120(D) 3 of the County Code.

- 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;*

Because the proposed Revision would be located above the existing antennae and would increase the overall height of the tower, the proposed Revision cannot be administratively approved and is subject to a Revision to the Special Use Permit approved by the Zoning Administrator.

- 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 add additional antennae that would match the existing antennae on the tower. The new antennae would not project beyond the existing antennae on the pole. The new facility would be designed to match the existing wireless antennae on the tower.

- 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 include a new 450 square foot lease area that would be installed adjacent to the transmission tower. The lease area would be screened from view with an eight (8) foot tall redwood fence which would screen the proposed ground mounted equipment from view.

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

The new proposed 'top hat' and antennae would match the existing transmission tower and antennae.

- 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 approved Special Use Permit allowed an increase in height of the existing tower in order to install six (6) wireless antennae. The proposed Revision would result in a minor increase in height of the transmission tower.

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 new antennae would be designed to blend in with the existing transmission tower. 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 new ground mounted equipment would be screened by the installation of an eight foot tall redwood fence.
 2. **Setbacks:** The wireless facility was determined to comply with the setback requirements of the RE-5 Zone District. No alteration to the existing tower would occur that would be inconsistent with the RE-5 setback requirements. The proposed lease area would be located 30 feet from the northern property boundary which would be consistent with the RE-5 development standards.
 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).

The applicant has submitted a report indicating that the maximum power density at ground level operations would be 0.38 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. **Permitting Requirements:** The applicant is required to provide notice to their Homeowners Association for any wireless facility proposed within residentially zoned lands. The project is located within the Green Springs Ranch Subdivision and subject to private CC&R's. The two existing wireless facilities have been installed and are in operation; it is not anticipated that the proposed new facility would be inconsistent with the subdivision CC&R's.

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 applicable standards contained in of the County Code.

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.

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.

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:

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
S06-0014-R/ Telecommunications Tower
Zoning Administrator/ December 2, 2009

PROJECT DESCRIPTION

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.

The project description is as follows:

Special Use Permit S06-0014 is a request to install and operate a wireless telecommunications facility. The facility will involve the placement of six antenna panels at 48 feet on an existing PG&E lattice tower. A 330 square foot lease area is proposed within the foot print of the tower. An equipment shelter will be installed within the lease area. A six foot tall redwood fence will enclose the lease area which will be accessed by a 12 foot wide dual gate. A 12 foot wide access road is proposed to extend from East Green Springs Road to the project site. Maintenance personnel may visit the site approximately once a month to ensure proper operation of facility.

Special Use Permit Revision S06-0014-R allows the installation of six additional antennas and proposed ground equipment. The antennae would be installed onto a new tophat on the existing PG&E transmission tower. The overall height of the tower would be increased from 115 feet to 121 feet. The antennae would be located at approximately 119 feet. A new 300 square foot lease area would be located adjacent to the tower and would include associated ground mounted equipment.

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 Exhibit D.
3. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. The Planning Services shall verify the painting of the structures prior to final inspection and approval of the facility.

4. 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.
5. 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.
6. All obsolete or unused communication facilities shall be removed by the applicant within six (6) months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services shall be restored to pre-project condition.
7. Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the Zoning Administrator every five (5) 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 o 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 Deputy Director or designee to cover the cost of processing a five-year review.
8. 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.
9. 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.
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.

11. 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 S06-0014 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.
12. All Development Services fees for processing this application shall be paid in full prior _____ to issuance of a Building Permit.
13. 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 Air Quality Management District:

- ~~14.~~ 14. The applicant shall submit and pay the appropriate fees for a Fugitive Dust Plan. The District shall review and approve the plan prior to project construction.
- ~~15.~~ 15. The applicant shall adhere to all District rules during project construction.

El Dorado County Environmental Management Department/Hazardous Materials Division:

- ~~13.~~ 16. Under the 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.

El Dorado County Department of Transportation:

17. A Commercial grading plan is required. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer 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*, the *Off-Street Parking and Loading Ordinance*, and the *State of California Handicapped Accessibility Standards*.

Rescue Fire Protection District:

- ~~15.~~ 18. The applicant shall submit a design review application and pay the appropriate fees to the Fire District prior to issuance of a building permit.
- ~~16.~~ 19. ~~The applicant shall install a 12-foot access road to the project site. The access road shall meet Fire Safe Standards.~~ The Fire District shall review and approve the access road prior to issuance of a grading permit.
- ~~17.~~ 20. The applicants shall install a turn-around at the project site. The turn-around shall meet Fire Safe Standards. The Fire District shall review and approve the turn-around prior to final inspection of the facility.
- ~~18.~~ 21. The applicants shall install a low priority *Knox* access at the access road and at the lease area. The Fire District shall review and approve the location of the access road prior to final inspection of the facility.
- ~~19.~~ 22. The applicants shall provide vegetation clearance along the access road and at the project site. Vegetation clearance shall meet Fire Safe Standards. The Fire District shall review and approve the vegetation clearance prior to final inspection of the facility.
- ~~20.~~ 23. The applicant shall install the address of the facility with letters a minimum of four inches in height and visible in both directions. The Fire District shall review and approve and approve the address prior to final inspection of the facility.
- ~~21.~~ 24. The applicant shall post a sign with emergency numbers on the fence adjacent to the access gate. The Fire District shall review and approve the signage prior to final inspection of the facility.

ATTACHMENT 2 **FINDINGS**

Special Use Permit- Revision
S06-0014-R/ Telecommunications Tower
Zoning Administrator/ December 2, 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 expanded lease area with ground mounted equipment. Fencing would be 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 .38% 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 0.38% 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 S06-0014. 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.