

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



Agenda of: September 8, 2011
Item No.: 8
Staff: Tom Dougherty

SPECIAL USE PERMIT REVISION & FIVE-YEAR REVIEW

FILE NUMBER: S00-0025-R-2 /Telecommunications Facility–Pinnacle Court

APPLICANT: Metro PCS California, LLC-Tim Miller

FACILITY OWNER: Global Tower Partners

REQUEST:

1. Revision to a Special Use Permit to allow the replacement of four antennas with three and the addition of one equipment cabinet for Metro PCS.
2. Request for a five-year review of an existing cellular telecommunications facility.

LOCATION: East side of Pinnacle Court, approximately 0.25 mile east of the intersection of Artesia and Shingle Springs Road, in the Shingle Springs area, Supervisorial District 4. (Exhibit A)

APN: 319-110-13

ACREAGE: 5.00 acres

GENERAL PLAN: Low Density Residential-Important Biological Corridor (LDR-IBC)

ZONING: Estate Residential Five-Acre Zone District (RE-5)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15303 of the CEQA Guidelines

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Find the project is Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures);

2. Approve Special Use Permit Revision S00-0025-R-2 subject to the revised Conditions of Approval in Attachment 1 and based on the Findings in Attachment 2; and
3. Find that for this five-year review period, the project is in substantial conformity with the Conditions of Approval for Special Use Permit S03-0025 as listed in Attachment 1.

BACKGROUND: Special Use Permit S00-0025 was approved by the Planning Commission on December 14, 2000 for the following which were constructed with Building Permit No. 130215:

- a. A telecommunications facility consisting of an 18 x 30 foot fenced in area surrounding a 48 foot wooden pole with six panel antennas in three sectors (two antennas per sector). The antenna tops were approved to be 48 feet above ground level, an elevation even with the top of the monopole. The monopole is natural wood coated with a creosote preservative and the cabinets were painted gray.
- b. An amplifier (less than one foot long) mounted nearly flush to the monopole at the 40-foot level.
- c. A GPS antenna mounted nearly flush to the monopole at the 15-foot level.
- d. Up to six ground based equipment cabinets installed on a 10 x 17 foot concrete slab. Cabinets range from five to six feet high, and approximately two to three feet in width and depth.
- e. A five-foot cinder block privacy wall was installed along the northwest and northeast boundaries of the leased area and a five-foot chain link fence on the southwest and southeast sides.
- f. Assorted cable and electrical lines connecting the antennas, ground-based equipment cabinets, and sources of telephone and electrical service were installed within the fenced area.
- g. Access easements on the property, for purposes of telephone/power lines and physical access for purposes of facility maintenance.

Special Use Permit S00-0025-R-1 was approved by the Zoning Administrator on July 7, 2004 for the following. The previously approved antennas were removed from the top of the pole and these four are all that remain on the tower today:

- a. Four panel-type antennas were placed on an existing 48-foot high, wooden monopole and the ones above them (from S00-0025) were removed.
- b. Each antenna shall measure 51-inches by 5-inches by 3-inches.
- c. Antennas were located no higher than 35-feet on the monopole.
- d. Additional electronic equipment cabinets was placed within the existing fenced, leased area.

The applicant proposes to make minor modifications which in the opinion of staff are minor in nature and can be approved as being in substantial conformity with the approved Special Use Permit. Staff required the applicant to request a five-year review as required by Condition 8.

In addition to the project pole, the site has three additional poles located within the project parcel, for a total of four.

Special Use Permit S94-0009 allowed for a 22-foot wood pole for Nextel (Building Permit No. 94088953).

Special Use Permit S00-0023 was approved on November 9, 2000 for Sprint PCS. The Special Use Permit allowed for a 30-foot wooden monopole with six panel antennas mounted at a height of 32 feet 4 inches and seven equipment cabinets to be within a 1,043 square foot lease area. (Building Permit No. 129522).

Special Use Permit S05-0027 was approved by the Planning Commission on April 13, 2006 to allow a 60-foot monopine with up to 12 panel antennas. The pole and ground equipment were to be within a 30 by 150-foot lease area (Building Permit No. 173814).

A revision to Special Use Permit S00-0023 was approved by the Planning Commission on April 28, 2011 to allow *the removal of the existing wood monopole and replace the pole with a monopine to accommodate the collocation of AT&T on the Sprint tower on property known as APN 319-110-13. Ground equipment and a shelter would be housed within an existing 1,043 square foot fenced lease area. The fencing shall have no slats. The following includes the project details:*

- a. *Remove an existing 30-foot Sprint telecommunication wood pole;*
- b. *Replace existing pole with a 55-foot monopine;*
- c. *AT&T to place 12 antennas on the pole at a 45 foot RAD center;*
- d. *Sprint to retain a maximum of 6 antennas on the pole at a 30 foot RAD center;*
- e. *AT&T to construct an 11.5 foot by 20 foot concrete shelter to house up to 12 cabinets and associated ground equipment;*
- f. *One GPS antenna shall be mounted on the equipment shelter; and,*
- g. *Sprint to retain seven existing equipment cabinets within the lease area.*

STAFF ANALYSIS:

Special Use Permit Antennas: Currently, Metro has 4, 51" x 5" x 3" panel antennas mounted at a height of 35 feet on the wood pole antenna structure. Metro's proposed modification would consist of replacing those 4 panel antennas with 3, 81" x 7.7" x 4.8" panel antennas located at 35 feet above ground level, and the addition of 1 outdoor radio cabinet which would be placed inside the existing fenced Metro equipment compound however, this cabinet was previously entitled for the site as up to 6 were approved.

Condition 10 of the Special Use Permit S00-0025-R-1, quoted above in the Background section, required that the four antennas measure 51" x 5" x 3". Staff is recommending revising the approved antenna dimensions to reflect the new sizes of 3, 81" x 7.7" x 4.8". Staff has found that the antenna replacement is in substantial compliance with the original approved antennas as

they represent only a 30-inch increase in antenna height. These changes are reflected by strikeout and underline as shown in Attachment 1.

Five-Year Review-Site Inspection: A staff site visit on June 8, 2011 found the antennas and ground support equipment had been constructed pursuant to the approved plans. Site visit photographs are included as Exhibit G.

Condition 8 of the Special Use Permit S00-0025-R required a five-year review by the Planning Commission. Planning staff is recommending that the next five-year review be performed at staff level as described below and as shown in strikeout and underline in Attachment 1:

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 determine whether to:

- (A) Allow the facility to continue to operate under all applicable conditions; or*
- (B) Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.*

By operation of this condition, it is the intent of County to reserve the right to modify or add new conditions, consistent with the language specified above. The failure of the County to conduct or complete a five-year review in a timely fashion shall not invalidate the Special Use Permit. The applicant shall pay a fee determined by the Development Services Director to cover the cost of processing a five-year review on a time and materials basis.

New Administrative Conditions: Staff recommends adding Conditions 9-12 which refer to the following administrative procedures. They are included in Attachment 1 as follows:

9. If human remains are discovered at any time during the improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the applicant shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

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. 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.
12. 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.

CONCLUSION: It is the opinion of Staff that at the time of the five-year review period site inspection, the cell tower facility is currently in substantial conformance with the Conditions of Approval.

ENVIRONMENTAL REVIEW: Staff has also determined that, pursuant to CEQA Guidelines Section 15303 of the CEQA Guidelines that 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 structures include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. The project would replace existing antennas with new antennas having no significant impact on the environment.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	General Plan Land Use Designations Map
Exhibit C	Zoning Map
Exhibit D-1	Title Sheet, Drawing No. T
Exhibit D-2	Site Plan, Drawing No. A-1
Exhibit D-3	Elevations, Drawing No. A-2
Exhibit E	Applicant-supplied project narrative (two pages)
Exhibits F-1 to F-3	Applicant-supplied photo simulations
Exhibit G	Planning Services site visit photographs (6/08/11)
Exhibit H	Aerial photo

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit Revision S00-0025-R-2/Telecommunications Facility-Pinnacle Court
Planning Commission/September 8, 2011

El Dorado County Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description and the following hearing exhibits for S00-0025-R-2:

Exhibit D-1.....Title Sheet, Drawing No. T
Exhibit D-2.....Site Plan, Drawing No. A-1
Exhibit D-3.....Elevations, Drawing No. A-2
Exhibits F-1 to F-3Applicant-supplied photo simulations

Any deviations from the project description, exhibits, or Conditions of Approval set forth below 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 S00-0025, approved by the Planning Commission on December 14, 2000, permitted the following:

- a. Facility consisting of an 18 x 30 foot fenced in area surrounding a 48 foot wooden pole with six panel antennas, mounted to face three sectors (two antennas per sector). The antenna tops will be 48 feet, an elevation even with the top of the monopole. The monopole will be painted natural/creosote and the cabinets will be painted grey.
- b. An amplifier (less than one foot long) mounted nearly flush to the monopole at the 40-foot level.
- c. A GPS antenna mounted nearly flush to the monopole at the 15-foot level.
- d. Six ground based equipment cabinets installed on a 10 x 17 foot concrete slab. Cabinets range from five to six feet high, and approximately two to three feet in width and depth.
- e. There will be a five-foot cinder block privacy wall along the northwest and northeast boundaries of the leased area and a five-foot chain link fence on the southwest and southeast sides.

- f. There will be assorted cable and electrical lines connecting the antennas, ground-based equipment cabinets, and sources of telephone and electrical service.
- g. Access easements on the property, for purposes of telephone/power lines and physical access for purposes of facility maintenance.

Special Use Permit S00-0025-R-1, approved by the Zoning Administrator on July 7, 2004, permitted the following:

- a. Four (4) panel-type antennas to be placed on an existing 48-foot high, wooden monopole.
- b. Each antenna shall measure 51-inches by 5-inches by 3-inches.
- c. Antennas shall be located no higher than 35-feet on the monopole.
- d. Additional electronic equipment cabinets shall be placed within the existing fenced, leased area.

Special Use Permit S00-0025-R-2 authorizes the following uses on Assessor's Parcel Number 319-110-13:

- a. The replacement of the four antennas authorized by S00-0025-R-1 with three, 81" x 7.7" x 4.8" panel antennas located at 35 feet above ground level, and the addition of 1 outdoor radio cabinet within the 18 x 30 foot fenced-in area surrounding the 48 foot tall wooden pole;
 - b. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color.
 - c. All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of the tower and other improvements shall be maintained to ensure the appearance remains consistent.
2. The applicant shall be subject to applicable requirements of the El Dorado County Fire Protection District prior to and during the building permit process. The Fire ~~Department~~ District may review the building plans and forward recommendations and requirements to the builder/operator. In addition, the following shall be required:
- ~~a. The existing access road shall be realigned to encroach off the end of Pinnacle Court to the south of the existing structures.~~
 - b.a. The access road to and around the cell-site area shall meet "Fire Safe" standards of an 18-foot width with two 1-foot wide shoulders (minimum 6-inch aggregate base), or as otherwise required by the Fire District.

- e.b. The access road shall have 13-feet 6-inches of vertical clearance and be capable of supporting a 40,000 pound emergency vehicle.
 - d. ~~— Road grades exceeding 15 percent shall be paved.~~
 - e. ~~— Access road improvement plans shall be submitted to the Fire District for approval.~~
 - f.c. Vegetation shall be removed and maintained along Pinnacle Court to meet Fire Safe standards.
 - g.d. Gates installed across access roads shall be 2-feet wider than the road width and allow for Fire District access by providing a high-priority “knox” access with keys for emergency access.
3. ~~— The applicant shall be subject to applicable requirements of the El Dorado County Department of Transportation standards. 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. A commercial grading permit may be required.~~
- 4.3. The applicant shall apply for and secure a building permit from the El Dorado County Building Department.
- 5.4. The applicant (~~RCS Wireless~~ Metro PCS) shall assume full responsibility for resolving television reception interference or other electrical interference caused by the operation of this facility. The applicant shall take corrective action within 30 days of the receipt of any written complaint.
- 6.5. No additional antennas of any type shall be mounted on the monopole other than those described in Condition 1 and on the attached exhibits without filing for and receiving approval of an amendment to this Special Use Permit.
- 7.6. The applicant shall consent to the co-location of other PCS users either on their monopole or immediately adjacent to their site when the increase in pole height would be undesirable. Any increase in pole height or addition of additional cellular antennas will require an amendment to this Special Use Permit.
- 8.7. ~~Due to the ever changing technology of wireless communication technology and systems, this Special Use Permit shall be reviewed by the El Dorado County 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 property and related equipment. The Planning Commission shall review the status report, and based upon an assessment of the information provided, current wireless technology, and possible local or cumulative impacts, determine whether to: (1) Modify the~~

~~conditions of approval in order to reduce identified adverse impacts; and/or (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 five-year review in a timely fashion shall not invalidate this Special Use Permit. The applicant shall pay a fee as determined by the Planning Director to cover the cost of the five-year review. Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services 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 determine whether to:~~

- ~~(A) Allow the facility to continue to operate under all applicable conditions; or~~
- ~~(B) Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.~~

~~By operation of this condition, it is the intent of County to reserve the right to modify or add new conditions, consistent with the language specified above. The failure of the County to conduct or complete a five-year review in a timely fashion shall not invalidate the Special Use Permit. The applicant shall pay a fee determined by the Development Services Director to cover the cost of processing a five-year review on a time and materials basis.~~

- 9.8. All obsolete or unused communication facilities shall be removed within six (6) months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify the Planning Department at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.

Conditions of Approval Specific for Co-location Facility:

~~10. The project, as approved, consists of the following:~~

- ~~a. Four (4) panel type antennas to be placed on an existing 48-foot high, wooden monopole.~~
- ~~b. Each antenna shall measure 51 inches by 5 inches by 3 inches.~~
- ~~c. Antennas shall be located no higher than 35 feet on the monopole.~~
- ~~d. Additional electronic equipment cabinets shall be placed within the existing fenced, leased area.~~

~~11. All site improvements shall conform to the site plan(s) attached as Exhibit D.~~

- ~~12. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color.~~
- ~~13. All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of the tower and other improvements shall be maintained to ensure the appearance remains consistent.~~

9. If human remains are discovered at any time during the improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the applicant shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

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. 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.

12. 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.

ATTACHMENT 2

FINDINGS

Special Use Permit Revision S00-0025-R-2/Telecommunications Facility-Pinnacle Court Planning Commission/September 8, 2011

1.0 CEQA FINDINGS

- 1.1 Staff has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to Section 15303 and of the CEQA Guidelines. Section 15303 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 structures... include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. The project would replace existing antennas with new antennas having no significant impact on the environment.
- 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 2004 General Plan. The proposed use is consistent with all applicable policies including Policies 2.2.5.21(land use compatibility) and 5.6.1.4 (special use permit required) because the aesthetics of the existing facility and related ground equipment have been addressed. The tower and antennas would not be visible from surrounding parcels due to existing topography and vegetation.

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 because the facility is existing and the project is not an expansion of the existing use, it replaces existing antennas with new antennas of the same number.

2.3 The proposed use is specifically permitted by Special Use Permit pursuant to this Title.

Section 17.14.200 (D) (4) of the County Code requires a Special Use Permit for the placement of antennas on an existing approved monopole or tower pursuant to the Special Use Permit provisions specified in Section 17.22.400. The proposed use has been conditioned in compliance with County Code Sections 17.14.200 (E) through (J). As such, the project has been designed in compliance with the required conditions.