

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



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

SPECIAL USE PERMIT

FILE NUMBER: S11-0010/Communications Tower-El Dorado Hills Community Services District

APPLICANT: AT&T

PROPERTY OWNER: El Dorado Hills Community Services District

REQUEST: Special Use Permit to allow the addition of 3 antennas to the existing 6 antennas located on the rooftop of the El Dorado Hills Community Services District building.

LOCATION: The northeast corner of the intersection of Harvard Way and El Dorado Hills Blvd., in the El Dorado Hills area, Supervisorial District 1. (Exhibit A)

APN: 125-110-09

ACREAGE: 39.5 acres

GENERAL PLAN: Public Facility (PF)

ZONING: Recreational Facility (RF)

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

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

1. Find the project is Exempt from CEQA pursuant to Section 15303(e) of the CEQA Guidelines (New Construction or Conversion of Small Structures); and
2. Approve Special Use Permit S11-0010 subject to the Conditions of Approval in Attachment 1 and based on the Findings in Attachment 2.

BACKGROUND: Site Plan Review SPR99-0004 was approved by Planning Services on March 9, 1999 for the location of 6 cellular antennas which will extend approximately 2-feet above the parapet wall on the roof of the El Dorado Hills Community Services District Pavilion Building, along with the ground mounted equipment shelter. The Site Plan Review was approved without conditions of approval. On February 24, 2004, Planning Services approved the replacement of 3 of the 6 antennas, with new antennas and no change in the height.

Following the adoption of the County's Wireless Communication Facilities Ordinance in 2001 (Ordinance 4589), a Special Use Permit is required to expand the existing facility subject to Planning Commission approval in accordance with County Code Section 14.14.210.D.2.b. The proposed revision would supersede approval granted under SPR99-0004 and consolidate them under this Special Use Permit to authorize the communications facility.

The Zoning Administrator approved Special Use Permit S05-0016 on September 7, 2005 for a roof-mounted cellular facility consisting of 3 arrays holding up to 6 antennas and a 153.5 square-foot ground equipment shelter on the same building as the subject antennas. On December 15, 2010, the Zoning Administrator found that for the five-year review period, the project was in substantial conformity with the Conditions of Approval approved for Special Use Permit S05-0016.

STAFF ANALYSIS:

Special Use Permit: The request would allow the addition of 3 antennas to the existing 6 antennas located within a 10-foot by 8-foot lease area on the rooftop of the El Dorado Hills Community Services District building for use by AT&T. In addition, 6 new runs of coax cable, and 3 DTMA's (amplifiers) will be added on the existing rooftop area, as well as an 18-inch cable tray and an ice bridge.

AT&T is upgrading the Fourth Generation (4G) technology *which will increase data speeds and amounts of use to download video, pictures, and data. It will also enhance voice, texting, and e-mail functions to the new smart phone devices.*

Site Inspection: A staff site visit on August 17, 2011 found the antennas and ground support equipment were constructed pursuant to the approved plans. Staff had a concern that none of the roof top equipment was shielded from view from the ground, but research found that the building, previous and subject antenna projects were approved lacking parapet shielding. Otherwise the antennas and ground support equipment were built in substantial compliance to what was approved. Site visit photographs are included as Exhibit D.

Conditions: Staff recommends Conditions included in Attachment 1 which address the applicable development standards and criteria in accordance with County Code Sections 17.14.210.E through J.

Agency and Public Comments: The following agency and public group/committee were provided project details for review for comments and/or concerns:

El Dorado Hills Area Planning Advisory Committee (EDHAPAC): The EDHAPAC reviewed the project at their Wednesday September 14, 2011 meeting and responded that they

had voted unanimously to *support the project with a request that consideration be given to screening the antennae from public view*. Planning forwarded the EDHAPAC comment letter to the EDHCSD to work together to come up with a solution to the comments. Planning has added a condition requiring EDHCSD approval though, of the colors used to paint the proposed antennas and rooftop-support equipment to blend with the existing parapet walls and building.

El Dorado Hills Community Service District (EDHCSD): Subsequent to the review of the submitted project package, as well as the EDHAPAC comments and concern, the EDHCSD responded that *the District supports the request for a special use permit and requires no further action*. The EDHCSD worked with the applicant and determined that they are not planning to add an additional parapet wall on the south side of the building.

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 add 3 antennas to the existing 6 antennas within the existing rooftop lease area having no anticipated significant impact on the environment. A \$50.00 processing fee shall be 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-1	Title Sheet, Site Information and Vicinity Map, Sheet T-1; July 5, 2011
Exhibit B-2.....	Overall Site Plan, Sheet A-1; July 5, 2011
Exhibit B-3.....	Site Plan, Sheet A-2; July 5, 2011
Exhibit B-4.....	Antenna Plans and Details, Sheet A-3; July 5, 2011
Exhibit B-5.....	Elevations, Sheet A-4; July 5, 2011
Exhibit B-6.....	Details, Sheet A-5; July 5, 2011
Exhibits C-1 to C-3	Applicant-submitted Photo Simulations
Exhibit D.....	Applicant-supplied Justification Statement; July 29, 2011
Exhibit E	Planning Services Site Visit Photographs

ATTACHMENT 1

CONDITIONS OF APPROVAL

**S11-0010/Communications Tower-El Dorado Hills Community Services District
Planning Commission/December 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:

Exhibit B-1	Title Sheet, Site Information and Vicinity Map, Sheet T-1, dated July 5, 2011
Exhibit B-2.....	Overall Site Plan, Sheet A-1, dated July 5, 2011
Exhibit B-3.....	Site Plan, Sheet A-2, dated July 5, 2011
Exhibit B-4.....	Antenna Plans and Details, Sheet A-3, dated July 5, 2011
Exhibit B-5.....	Elevations, Sheet A-4, dated July 5, 2011
Exhibit B-6.....	Details, Sheet A-5, dated July 5, 2011

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:

Approval of Special Use Permit S11-0010 for uses located at property identified as Assessor's Parcel Number 125-110-09. This revision shall supersede Site Plan Review SPR99-0004. Ground equipment and shelter shall be housed within an existing 10 foot by 8 foot lease area upon the rooftop of the El Dorado Hills Community Services District Pavilion Building. The following includes the project details included in this approval:

- a) AT&T shall be permitted three additional panel antennas, along with the existing six antennas, for a total of nine antennas; and
 - b) Six new runs of coax cable; and
 - c) Three DTMA's (amplifiers); and
 - d) One 18-inch cable tray; and
 - e) One ice bridge.
2. All improvements associated with the communication facility, including equipment shelters, support brackets, and antennas shall be properly maintained at all times. Colors of the tower and other improvements shall be maintained to ensure the appearance remains consistent. The antennas and project-related rooftop equipment shall be painted in the same non-reflective color, to be approved by the El Dorado Hills Community Services District to blend with the existing parapet and wall colors.

3. 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.

4. 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.
5. A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El Dorado County Planning Services prior to the issuance of any development permit being issued on the project parcel.
6. 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.
7. 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

S11-0010/Communications Tower-El Dorado Hills Community Services District Planning Commission/December 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 including, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. The project would add 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 support equipment have been addressed. The replacement antennas and rooftop support equipment will be painted to blend with the existing parapet and wall colors.

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 is not a significant expansion of the existing use, it adds three new antennas for a total of nine antennas.

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

Section 17.14.2210.D.2.b of the County Code requires a Special Use Permit for the roof-mounted antennas subject to approval by the Planning Commission in accordance with Section 17.22.500 et seq. The proposed use has been conditioned in compliance with County Code Sections 17.14.210.E through J. As such, the project has been designed in compliance with the required conditions.