

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



Agenda of: February 23, 2012
Item No.: 9
Staff: Gina Paolini

SPECIAL USE PERMIT REVISION

FILE NUMBER: S95-0017-R/AT&T EDH Fire Station Cell Site

AGENT: Julie Epshteyn, Forza Telecom

APPLICANT: AT&T

ENGINEER: Adam Lovern, Borges Architectural Group

PROPERTY OWNER: El Dorado Hills County Water District

REQUEST: Revision to a Special Use Permit to allow three additional antennas measuring 55.2 inches, six remote radio units and a GPS unit roof mounted; and one new equipment cabinet inside the existing equipment enclosure.

LOCATION: East side of Francisco Drive, approximately 0.2 mile north of the intersection with Green Valley Road, in the El Dorado Hills area, Supervisorial District 1. (Exhibit A)

APN: 110-010-08 (Exhibit B)

ACREAGE: 0.88 acre

GENERAL PLAN: Area Plan (AP) (Exhibit C)

ZONING: One-Family Residential District (R-1) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15303 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 of the CEQA Guidelines (New Construction or Conversion of Small Structures); and

2. Approve Special Use Permit S95-0017-R subject to the revised Conditions of Approval in Attachment 1 and based on the Findings in Attachment 2.

BACKGROUND:

Special Use Permit S81-116 was approved by the Planning Commission on November 5, 1981. The approval allowed for the El Dorado Hills Fire Station No. 2 to be established within the R1 zone district.

Special Use Permit S95-0017 was approved by the Zoning Administrator on November 1, 1995. The approval allowed for the installation of four "panel" type cellular antennas to be located on the upper portion of the existing hose drying tower of the fire station, a 200 square foot equipment shelter, and an emergency generator and fuel supply system. Building Permit No. 97451 for the facility was issued on February 7, 1996 and finalized on May 7, 1996.

The proposed revision was submitted on October 27, 2011.

STAFF ANALYSIS:

Special Use Permit Revision: AT&T states that the current antennas lack the capacity and coverage needed to serve the surrounding area; therefore the new antennas and equipment are needed to improve the quality of coverage provided by the site (Exhibit H). The revision request would add three additional antennas measuring 55.2 inches at the top of the tower. The proposal also includes the addition of six remote radio units, a GPS unit, a surge suppression unit, and one new equipment cabinet to be placed within the existing equipment enclosure (Exhibits F and G). The site would ultimately have a total of seven antennas, roof mounted, one equipment shelter, with two GPS units mounted to the side of the shelter, and six remote radio units and one surge suppression unit, to be located within the tower.

In accordance with Section 17.14.200 (D)(2)(b) of the County Code, roof mounted antennas shall be subject to approval of a Special Use Permit by the Planning Commission.

Visual Screening: The applicant has stated that the new antennas are façade mounted antennas; however, in reviewing the plans and specifications, the new antennas would be roof mounted with a truss system. After reviewing the plans, building design and location, staff is concerned that the new antennas have not been adequately screened.

The County Code states that equipment located on the roof is to be screened from public view from adjacent streets and properties by an architecturally compatible parapet wall or other similar device. The proposed antennas are to be placed at the top of the existing tower (roof mounted). The photo simulation (Exhibit I) demonstrates that the proposed antennas would alter the appearance of the gable roof. The applicant has attempted to blend the antennas with the building utilizing color; however, the roofline has been altered with the antennas and truss system. The proposal is unlike the existing antennas that have been placed on the tower flush mounted with the side of the tower and have been painted to match the exterior materials. Staff does not recommend that the proposed design be approved. Staff recommends that the applicant alter the placement of the antennas and locate them within the interior of the tower or flush mount on another location on the building and painted to match the adjacent surface. Staff is recommending that should the

Commission approve the proposed relocation/re-design, that approval of the re-design would be subject to approval by Planning Services (Condition No. 2).

RF Requirements: Upon evaluation of the cumulative RF emission levels from all operators at the site, the site would be compliant with the FCC rules and regulations. AT&T Mobility, LLC is predicted to contribute greater than 5 percent of the maximum permissible exposure (MPE). The compliance determination is based on General Public MPE levels based on theoretical modeling, RF signage placement recommendations, proposed antenna inventory and the level of restricted access to the antennas at the site. There would be no impact to the surrounding environment.

General Plan: The General Plan currently designates the subject site as Area Plan (Northwest El Dorado Hills). This designation permits wireless communication facilities in a residential area with a Special Use Permit. The policies and issues that affect this project are discussed below:

Policy 2.2.5.21 directs that development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the project is proposed.

Discussion: The proposed antennas would be added to the roof of the existing fire station hose tower. Visual impacts have been evaluated and redesign has been recommended. As conditioned the project would be consistent with General Plan Policy 2.2.5.21.

Policy 5.6.1.4 states that *Special Use Permits shall be required for the installation of community telecommunications facilities (e.g. microwave towers) in residential areas to ensure that siting, aesthetics, environmental issues, surrounding land uses, and health and safety concerns are considered.*

Discussion: The applicant would be adding new antennas to an existing facility. All project-related environmental issues have been evaluated. Therefore, staff finds that the project, as conditioned, would conform to the General Plan.

Conclusion: The project has been reviewed in accordance with the General Plan policies, and it has been determined that the project is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures). As conditioned, the project is consistent with the R-1 Zone District for the existing and proposed structures which require ministerial permits. The revision to the Special Use Permit would allow for the addition of new cellular antenna equipment within an existing lease area. 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	Assessor's Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Title Sheet
Exhibit F	Site Plan
Exhibit G	Elevations
Exhibit H	AT&T Letter
Exhibit I	Photo Simulation

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit Revision S95-0017-R/AT&T EDH Fire Station Cell Site Planning Commission/February 23, 2012

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 ETitle Sheet

Exhibit F.....Site Plan

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 a revision to a Special Use Permit S95-0017 for uses located at property known as Assessor's Parcel Number 110-010-08. The following includes the project details:

- a. Cabinets and ground equipment shall be located within a 200 square foot equipment shelter.
- b. The project shall be permitted up to seven panel antennas.
- c. Back-up power may be supplied by an emergency generator and fuel supply system.
- d. The project shall be permitted up to two GPS units mounted on the exterior of the equipment shelter, six remote radio units and one surge suppression unit to be located within the hose tower.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structure, 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. The four new antennas shall be placed either within the interior of the roof structure as to be completely screened or shall be placed flush mount on the exterior of the building and painted to match the adjacent surface. Planning Services shall review and approve the location of the new antennas prior to issuance of a building permit.

3. The operator (lessee) owner 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.
4. 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.

5. All improvements associated with the wireless communication facility, including equipment shelters, cabinets and antennas shall be properly maintained at all times. Planning Services requires that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
6. All obsolete or unused wireless 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 when the site has been restored to pre-project condition.
7. 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.
8. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree 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 landowner 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 the Special Use Permit.

County shall notify the landowner of any claim, action, or proceeding and County would cooperate fully in the defense.

9. Prior to issuance of the Special Use Permit all Development Services fees must be paid.
10. 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.
- ~~1. An "authority to construct" permit from the local Air Pollution Control District is required prior to authorization to operate the generator for emergency power.~~
- ~~2. All uses and structures shall comply with the approved site and elevation plans.~~
- ~~3. The use must be commenced or diligently pursued within one year of approval of this use permit or the use permit is considered to be null and void.~~
114. This use permit is in addition to and not in-lieu of the previous Special Use Permit issued on this property for authorization of a fire station (S81-116).
- ~~5. The applicant or cellular operator shall minimize or eliminate any electronic interference directly attributable to the operation of the cellular facility. If documentation is submitted to the Planning Department that significant electronic interference is occurring, the matter will be returned to the Zoning Administrator for further consideration.~~

El Dorado County Building Services

12. The applicant shall secure a building permit from the El Dorado County Building Services for the proposed telecommunications facility.

El Dorado County Environmental Management Department/Hazardous Materials Division:

13. Under the Certified Unified Program Agency (CUPA) programs, if the project involves 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 S95-0017-R/AT&T EDH Fire Station Cell Site Planning Commission/February 23, 2012

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 of the CEQA Guidelines. Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures. The project would add four antennas and associated equipment to an existing facility 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 El Dorado County 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 new equipment and related equipment have been addressed.

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 FCC regulations have been evaluated with the addition of the four new antennas and the project would not exceed the FCC regulations.

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

Section 17.14.200 (D)(2)(b) of the County Code requires a Special Use Permit for roof mounted antennas. 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.