



COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room
2850 Fairlane Court, Placerville, CA 95667
<http://www.edcgov.us/planning>
Phone: (530) 621-5355 Fax: (530) 642-0508

Dave Pratt, Chair, District 2
Walter Mathews, First Vice-Chair, District 4
Tom Heflin, Second Vice-Chair, District 3
Rich Stewart, District 1
Brian Shinault, District 5

Char Tim Clerk of the Planning Commission

MINUTES

**Regular Meeting
May 9, 2013 – 8:30 A.M.**

1. CALL TO ORDER

Meeting was called to order at 8:32 a.m. Present: Commissioners Stewart, Pratt, Heflin, Mathews, and Shinault; David Livingston-County Counsel; and Char Tim-Clerk of the Planning Commission.

2. ADOPTION OF AGENDA AND ADDENDUM

Chair Pratt announced that the applicant for Item #11 had requested the item be continued to the June 13, 2013 meeting. He suggested hearing continuance request for this item right after Public Forum.

Motion: Commissioner Pratt moved, seconded by Commissioner Mathews, and carried (5-0), to adopt the agenda and addendum with Item #11 being heard immediately following Public Forum.

AYES: Stewart, Heflin, Shinault, Mathews, Pratt

NOES: None

3. PLEDGE OF ALLEGIANCE

4. CONSENT CALENDAR (All items on the Consent Calendar are to be approved by one motion unless a Commission member requests separate action on a specific item.)

a. Minutes: April 25, 2013

Staff Recommendation: Approve Meeting Minutes as presented

END OF CONSENT CALENDAR

Motion: Commissioner Heflin moved, seconded by Commissioner Shinault, and carried (5-0), to approve the Consent Calendar.

AYES: Stewart, Mathews, Shinault, Heflin, Pratt
NOES: None

**5. DEPARTMENTAL REPORTS AND COMMUNICATIONS
(Development Services, Transportation, County Counsel)**

Peter Maurer/Development Services provided an update on the following items:

- Shingle Springs Community Plan Region: The Board of Supervisors discussed this topic at their May 7, 2013 meeting and directed staff to schedule a workshop on June 24 2013 on Community Regions in general and how they inter-relate with the General Plan.
- TRPA Allocations: El Dorado County received 29 allocations and there is currently a waiting list of 50. The El Dorado County Building Official voiced his concern in April to TRPA requesting that the allocation process be reviewed.

Eileen Crawford/Transportation reported back to the Commission that no work had begun on Buck's Bar Bridge project, but that it was still in the queue.

6. COMMISSIONERS' REPORTS

Commissioner Stewart commented that the El Dorado Hills APAC was in the process of analyzing many proposed projects.

Chair Pratt stated that he had attended the Board's May 7, 2013 meeting when they were discussing the community region.

9:00 A.M. – TIME ALLOCATION

7. PUBLIC FORUM/PUBLIC COMMENT – None

8. DESIGN REVIEW REVISION (Public Hearing)

DR08-0006-R/Bob Dog Pizza Sign submitted by REBECCA SCHWARTZ-LEUCH and BRYAN LEUCH for a minor revision to the Design Review to change the sign type for Bob Dog Pizza. The property, identified by Assessor's Parcel Number 034-323-10, consisting of 0.29 acre, is located on the north side of U.S. Highway 50, approximately 1,500 feet east of the intersection with State Route 89, in the Meyers area, Supervisorial District 5. [*Project Planner: Peter Maurer*] (Previous notice of exemption filed pursuant to Section 15061(b)(3) of the CEQA Guidelines)**

Prior to the start of the hearing, Commissioner Shinault announced that he had provided consultation on architectural services with the applicant. Although he didn't believe that there would be a conflict of interest, in order to avoid any impropriety, he was choosing to recuse himself from this item.

[Clerk's Note: Commissioner Shinault left his seat on the Commission and exited the hearing room.]

Peter Maurer presented the item to the Commission and stated that no staff recommendation was being provided as staff could not support the project as it was inconsistent with the Meyers Community Design Guidelines. As a result, Findings for both approval and denial were being submitted and staff was submitting a revised set under Staff Memo dated May 7, 2013. Mr. Maurer stated that staff did receive an email from District 5 Supervisor supporting the project.

Angela Olsen/applicant's agent made the following comments:

- Sign industry has made significant progress since the project was first approved;
- Issues with the maintenance of the current wooden sign and external lighting due to the damages received from the snow and ice;
- An illuminated sign is needed to address the large right-of-way granted to Transportation, which requires the sign to be located 40 feet from the road;
- New sign will help beautify the area as it will be small and tasteful;
- Other businesses in the area have begun to use illuminated signs;
- Since this is a night-time business, there is a need for an illuminated sign; and
- Understands that signs are a political issue and stated the applicant is on the Meyer's Board attempting to update the very old community guidelines.

Rebecca Schwartz-Leuch/applicant explained that the project was originally submitted in 2008 and TRPA informed them that sign permits go through the County. In January 2013, TRPA confirmed with them that the County approves sign permits.

Chair Pratt closed public comment.

Commissioner Heflin stated that after hearing today's testimony, not having any issues with the project, and no community members expressing opposition, that although he generally does not like signs, he felt that this was being done tastefully.

Commissioner Stewart felt that after hearing today's testimony and about other similar signs, he was having problems going against the Community Guidelines. He felt that he did not have enough expertise and knowledge of the area and didn't want to overstep TRPA. Commissioner Stewart suggested including a TRPA condition if the project was approved.

Mr. Maurer informed the Commission that there had been no formal rescission of the MOU between TRPA and El Dorado County and since the County doesn't have sign codes, he did look at the Community Guidelines and, therefore, did a TRPA review.

Commissioner Mathews stated that the guidelines were written 20 years ago and the language used is "should". The goal is to have a nice sign and assist the business and this proposal meets that goal.

County Counsel David Livingston said that the language in the design guidelines was not mandatory language and the sign does meet TRPA code.

Chair Pratt commented that the required distance from the road was an issue for the applicants and that there was no opposition from neighbors.

There was no further discussion.

Motion: Commissioner Heflin moved, seconded by Commissioner Mathews, and carried (4-0), to take the following actions: 1. Find that the proposed modification to the sign is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines; and 2. Approve the requested modifications based on the revised Findings identified in the Staff Memo dated May 7, 2013, and subject to the Conditions of Approval as presented.

AYES: Stewart, Mathews, Heflin, Pratt

NOES: None

RECUSED: Shinault

Findings

1.0 CEQA FINDINGS

- 1.1 The proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to 15061(b)(3) of the CEQA Guidelines.
- 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, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 The project is consistent with the Meyers Community Plan as found by the Planning Commission on February 26, 2009. The modification of the sign is not a substantial change to the project.

3.0 ZONING FINDINGS

- 3.1 The proposed sign is consistent with the sign standards of Tahoe Regional Planning Agency Code of Ordinances as to sign area and height.

~~3.2 The applicant has relied upon the prior approval of an 8' high sign in developing the plans and specifications for the revised sign, and has expended money in reliance on that prior approval.~~

4.0 DESIGN REVIEW FINDINGS

4.1 The proposed use and design conforms to the General Plan and Zoning Ordinance.

The revised sign is generally consistent with the Meyers Community Plan (MCP), as the rock material to be used for the base is consistent with the design recommendations of the MCP Design Guidelines, and the guidelines are advisory in nature.

Original Conditions of Approval

I. PROJECT DESCRIPTION

1. This design review permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits E through L, dated February 26, 2009, 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:

Design review permit authorizing the construction of a new 2,587 square foot building for Bob Dog Pizza. An eight-foot tall monument sign is permitted with approximately 40 square feet of sign display area. Eleven parking spaces are permitted along with associated landscaping. Public sewer and water will be provided to the subject site by the South Tahoe Public Utility District (STPUD).

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 (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. PROJECT CONDITIONS OF APPROVAL

Planning Services

2. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Design Review Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
3. Prior to building permit issuance, the applicant shall provide a written description, together with appropriate documentation, demonstrating conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services permit center staff prior to final occupancy for verification of compliance with applicable conditions of approval.
4. The applicant is responsible for providing 11 off-street parking spaces at all times while the restaurant is in operation pursuant to 17.18.060 of the Zoning Ordinance. All on-site parking shall meet the parking lot design standards contained in Section 17.18.030 of the County Code. The required parking shall be provided as shown on the approved site plan, Exhibit E.
5. In accordance with the Parking Lot Landscaping and Buffering Standards (Section 17.18.090, El Dorado County Zoning Ordinance), the applicant shall submit a final landscape plan consistent with the approved landscape plan, Exhibit G, prior to issuance of a building permit. The final landscape plan shall reflect the continuation of the required landscape buffer along the entire length of the northeastern property line. Additionally, staff will make an on-site inspection to verify compliance with the final landscape plan prior to occupancy.
6. Prior to final building occupancy, all outdoor lighting shall conform to Section 17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation, as determined by Planning Services. The final lighting plan shall be consistent with the approved preliminary lighting plan, Exhibit H.
7. Prior to occupancy of the structure as a restaurant, the applicant shall pay all Development Services fees, if applicable.
8. Prior to building permit issuance, the applicant shall provide Planning Services proof of all permits required by the Tahoe Regional Planning Agency.

California Department of Transportation (Caltrans)

9. Prior to final building occupancy, the applicant shall provide Planning Services proof of an encroachment permit issued by Caltrans.

El Dorado County Department of Transportation

10. Prior to grading permit issuance, the applicant shall update the site improvement and grading plan to conform with the County of El Dorado "Design and Improvement Standards Manual," the "Grading, Erosion and Sediment Control Ordinance," the Drainage Manual," the "Storm Water Management Plan," the "Off-Street Parking and Loading Ordinance," and State of California Handicapped Accessibility Standards.
11. Prior to grading permit issuance, the applicant shall update the drainage report, dated October 2008, to conform to the County Drainage Manual and Storm Water Management Plan which addresses design storm requirements, storm water runoff increases, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
12. The applicant shall complete an application for a commercial grading permit and is subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed.
13. The applicant shall provide a soils report time of grading permit application addressing, at a minimum, grading practices, compaction, erosion potential, ground water and pavement section based on TI and R values. Any export to be deposited within El Dorado County shall require an additional grading permit.
14. Prior to grading permit issuance, the applicant needs to address the potential flooding impacts at the convergence of the two outfall swales located at the NE side of the Magua Street encroachment.
15. Prior to grading permit issuance, the applicant shall provide a driveway profile at both encroachment locations commensurate with County standards.
16. Prior to building permit issuance, the applicant shall update the site plan to reflect improvements to the bike trail location which shall include: County approved removable type bollards, County approved bike trail delineation across the driveway, County approved signage, and appropriate pavement tie-in details.
17. The applicant shall provide a bike rack location at the building prior to final building occupancy.
18. Prior to grading permit issuance, the applicant shall update the design of the pond location at B with an appropriate outlet and the discharge location from the property

which shall not negatively impact County right-of-way, downstream properties, or adjacent properties.

19. Prior to grading permit issuance, the applicant shall update the design of the rainstore location at C and the infiltration pond at D with an appropriate outlet design and the discharge location from the property which shall not negatively impact the adjacent property or Caltrans right-of-way.

Environmental Management Department

20. Prior to commencement of project construction, the water quality monitoring wells on-site shall be protected to the satisfaction of the Environmental Management Department.
21. Prior to building permit issuance, construction plans shall be submitted to the Environmental Management Department for review and approval.
22. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
 - Application of water on disturbed soils and unpaved roadways a minimum of three times per day
 - Using track-out prevention devices at construction site access points
 - Stabilizing construction area exit points
 - Covering haul vehicles
 - Restricting vehicle speeds on unpaved roads to 15 miles per hour
 - Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust
23. Prior to grading permit issuance, a Fugitive Dust Plan (FDP) shall be submitted with appropriate fees to and approved by the Air Quality Management District (AQMD).
24. Burning of vegetative wastes that result from "Land Development Clearing" must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
25. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
26. If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a workplan and

conduct a Phase II ESA and any required site remediation activities prior to developing property.

27. If this facility will store reportable quantities of hazardous materials (55 gallons/liquid, 500 lbs/solid or 200 cubic feet/gas) or generate hazardous waste, prior to commencing operations the owner/operator must:
- Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
 - Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
 - Train all employees to properly handle hazardous materials and wastes.
 - Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

Lake Valley Fire Protection District

28. The 2007 California Building Code, Section 701A.3.2.4, and Public Resource Code Section 4291 requires a minimum clearance of 100 feet, or to the property line of all flammable vegetation to be maintained around all structures by the property owner. This is for the purpose of creating and maintaining defensible space vegetation clearance around the structure. This does not include individual species of ornamental shrubs and landscaping. Any trees greater than 14 inches in diameter at 4.5 feet above grade level will require tree marking. Contact the Lake Valley Fire Protection District, Vegetation Management Division at 530-577-2447 to schedule an appointment for tree marking or for a required PRC 4291 Defensible Space inspection prior to final building occupancy.
29. As this project is located within a fire hazard severity zone, as designated by the California Department of Forestry and Fire Protection (Cal-Fire), all of the construction standards located in the 2007 California Building Code, Chapter 7A, Materials Construction Methods for Exterior Wildfire Exposure, are required to be incorporated into this project prior to building permit issuance.
30. Prior to building permit issuance, the 10 foot driveway in front of the building needs to be a minimum width of 12 feet.
31. At time of building permit submittal, the plans shall reflect access for a fire engine to negotiate from the front of the structure to the rear of the structure.
32. A complete set of engineered building plans must be submitted to the Fire District for review prior to the issuance of a building permit.
33. The site is subject to a final Fire District inspection prior to final building occupancy.

[Clerk's Note: Commissioner Shinault returned and took his seat on the Commission.]

9. **SPECIAL USE PERMIT/PLANNED DEVELOPMENT REVISION** (Public Hearing)

S12-0007/PD03-0007-R-2/Verizon Wireless Telecommunications Tower-Lakehills Community Covenant Church submitted by VERIZON WIRELESS (Agent: Alan Heine) to allow the construction of a wireless telecommunication facility consisting of a 73-foot monopine tower, nine antennas, equipment shelter, and related ground equipment. The property, identified by Assessor's Parcel Number 121-280-20, consisting of 12.33 acres, is located on the north side of White Rock Road, approximately 1,100 feet north of the intersection with Valley View Parkway, in the El Dorado Hills area, Supervisorial District 1. *[Project Planner: Tom Dougherty]* (Negative Declaration prepared)*

Tom Dougherty presented the item to the Commission with a recommendation of approval. He stated that the primary issue was aesthetics and one public comment was received on this. Staff was requesting that Condition 3 be amended from "15-gallon" to "25-gallon" regarding the tree size.

There was discussion between the Commission and staff on trenching and the old cemetery.

Alan Heine/applicant's agent made the following comments:

- Good staff report;
- Spoke on the terrain and showed a terrain photo;
- Summarized efforts on selecting location;
- Tower will be a co-locatable structure and they have already been contacted by AT&T;
- Small cell units are not feasible in today's market;
- Tree-types are used for cell towers; and
- Since learning of a different method for calculations which produced different results, they will be returning to the site to the since to ensure their calculations are correct and will report back to the County with their findings.

Doug Bechard, applicant's agent and employed by Verizon as a Radio Engineer, made the following comments:

- Many locations were considered;
- Voice calls are relatively flat in growth;
- Company is now more of a wireless internet provider as consumers want fast internet service through their cell phones;
- Spoke in detail on the selected location;
- Spoke on the feasibility of using small cell units in lieu of the proposed cell tower; and
- Spoke on alternate designs and that these options were discussed with APAC.

Dane Erickson/applicant's agent stated that his company was hires to conduct site testing for compliance with FCC guidelines related to human exposure. This site is in compliance.

Commissioner Stewart made the following comments:

- Need to ensure that the trees that are planted near the tower match trees in the area; and
- A general comment: would like to see a standard condition requiring generator auto testing to occur Monday – Friday, 9am – 3pm.

Commissioner Mathews displayed a print out of photos showing alternative cell towers (i.e., water tower, windmill) in lieu of a mono-pine. He preferred the more creative alternatives, although they may be more expensive, because there are no pines in the area and this is “the” hill in El Dorado Hills. He also questioned the distance shown in the photo sim.

Mr. Heine explained that the beauty of placing a mono-pine in a commercial area is that it will eventually be hidden in plain sight, whereas, a windmill would have exposed antenna sticking out of it since it would be a co-locatable tower.

Peter Maurer informed the Commission that they did question the best method but due to the required height, the tree method would fit better and would eventually blend in.

Barbara Winn/AT&T spoke in support of the project and made the following comments:

- AT&T has requested to co-locate on this tower as it is a strategic point for them;
- Height is critical to the success of this cell tower and if it is decreased, AT&T will not go on the site;
- One of the benefits of having co-locatable cell towers is that it limits the number of towers in the area;
- Cell towers in other sites will be placed so they can spin off of this one;
- 50% of land lines in homes are being removed; and
- Strategic area for 911 as this location currently drops calls frequently.

Chair Pratt closed public comment.

There was no further discussion.

Motion: Commissioner Shinault moved, seconded by Commissioner Stewart, and carried (5-0), to take the following actions: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; 2. Approve Planned Development Revision PD03-0007-R-2 based on the Findings and subject to the Conditions of Approval as modified; and 3. Approve Special Use Permit S12-0007 based on the Findings and subject to the Conditions of Approval modified as follows: (a) Amend Condition #3 to increase tree size to 25-gallon.

AYES: Heflin, Mathews, Stewart, Shinault, Pratt
NOES: None

Findings

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 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, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 The project is consistent with the General Commercial (CG) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project consists of a telecommunications tower, which is consistent with the allowed uses for the CG-PD Zone District with an approved Special Use Permit, and revised Development Plan.
- 2.2 As conditioned, and with adherence to County Code, the project is consistent with all applicable Policies of the General Plan, including:
 - 2.2.1 2.2.5.21 (compatibility with surroundings) because as conditioned, it would be compatible with surrounding uses, have minimal impacts on visual resources, existing utilities, existing emergency response access and times, and will create noises at insignificant levels. There are adequate services to facilitate the site, such as water, power and telephone communication facilities. The project provides improved cellular service for phone, as well as internet and emergency communications to the El Dorado Hills community and Highway 50 corridor areas;
 - 2.2.2 5.1.2.1 (adequate utilities and public services) because the project will connect to existing water, electrical, and telecommunication facilities currently existing within the parcel;
 - 2.2.3 6.2.3.2 (adequate access) because the project will utilize an existing paved surface for access; and
 - 2.2.4 6.5.1.7 (noise exposure) because the air conditioner and generator specification sheets demonstrates that the project will have noise levels anticipated to comply with the

County's standards listed in Table 6-2 in the General Plan that limit acoustical noise emission levels.

3.0 ZONING FINDINGS

3.1 The project site is zoned General Commercial-Planned Development (CG-PD), which allows wireless communication facilities, provided they follow standards and permitting requirements defined in Section 17.14.210 of the County Code. These standards include screening, compliance with setbacks, and proper maintenance.

3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because sufficient screening, setbacks, and maintenance, have been provided.

4.0 SPECIAL USE PERMIT FINDINGS

4.1 The issuance of the permit is consistent with the General Plan.

The proposed use is consistent with the policies and requirements in the El Dorado County General Plan, as discussed in the General Plan and Special Use Permit sections of this Staff Report. The proposed use is consistent with all applicable policies as set forth in Finding 2.1.

4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

The use will not significantly conflict with the adjacent uses as the ground-support equipment will be buffered from view by a six-foot tall wrought iron fence and evergreen vines, and the tower antennas will be buffered by the monopine "branches" and antenna socks. The view of the tower will eventually be buffered by the planted trees. As conditioned, the project is anticipated to result in insignificant environmental, visual, and noise impacts to surrounding residents. The proposed use is not anticipated to 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. At less than one percent of the public safety standard established by the FCC, the risk of Radio Frequency ("RF") emissions to the public is remote.

4.3 The proposed use is specifically permitted by Special Use Permit.

The proposed use complies with the requirements of County Code Sections 17.14.210.5.a (telecommunications towers adjacent to a state highway subject of a special use permit); 17.14.210.E through J (facility requirements/analysis), and 17.32.200 (minimum yard setbacks for CG Zone District).

5.0 PLANNED DEVELOPMENT FINDINGS

- 5.1 The planned development request is consistent with the General Plan because the application is for a telecommunications facility, being developed to serve the residents, businesses, and visitors to the El Dorado Hills area, consistent with the Commercial land use designation, and is consistent with applicable policies as outlined in Finding 2.2.
- 5.2 The proposed development is conditioned to provide a desirable environment within its own boundaries. As conditioned, the proposed development provides landscaping, and design features which will fit adequately within the local commercial district.
- 5.3 The project is being developed or conditioned to comply with all County Code requirements.
- 5.4 The site is physically suited for the proposed uses since it is located within a commercial environment.
- 5.5 As conditioned, adequate services are available for the proposed uses, including, but not limited to water, telecommunication connections, and electrical supply.
- 5.6 The proposed facility would not significantly detract from the natural land and scenic values of the site because it will provide landscaping for buffering views of the facility.

Conditions of Approval

Planning Services

- 1. This Special Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

- Exhibit E-1Overall Site Plan, Sheet A-1; March 14, 2013
- Exhibit E-2Site Plan and Antenna Layout, Sheet A-2; March 14, 2013
- Exhibit E-3West and South Elevation, Sheet A-3; March 14, 2013
- Exhibit F-4East and North Elevation, Sheet A-4; March 14, 2013
- Exhibits G-1 to G-6.....Visual Simulations

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.

Approval of the Special Use Permit and revised Development Plan allows the construction and operation of a new multi-user wireless communications facility to support cellular transmission, within the existing 12.33-acre parcel identified by Assessor's Parcel Number 121-280-20, and consisting of the following:

- a. Nine panel antennas (each six feet tall by 12 inches wide, by 7 inches deep) mounted at the centerline of 70 feet on an 73-foot tall monopine pole, with the top branches not to exceed 78 feet, and bottom branches at a minimum of 16 feet (all measurements above ground level);
- b. One 26-foot by 11.5-foot prefabricated ground equipment shelter to house equipment cabinets, generator, and associated equipment, the height shall be consistent with that shown on Sheets A-3 and A-4;
- c. One 6-foot tall black wrought iron fence constructed around the perimeter of the 17 by 35-foot lease area for the equipment shelter, with two 8-foot wide gates for access;
- d. Two air conditioning units shall be mounted on the outside of the equipment enclosure as shown on Sheet A-2;
- e. One 6-foot tall black wrought iron fence constructed around the monopole base measuring 8 feet by 8 feet, within a 12 by 12-foot lease area, with two 4-foot wide gates for access;
- f. One, 6-foot wide utility easement for undergrounding the electrical and telecommunications utilities for a distance of approximately 51 feet between the tower and equipment shelter lease areas, to be located as shown on Sheet A-2;
- g. One, 6-foot wide utility easement for undergrounding the electrical and telecommunications utilities for a distance of approximately 575 feet between the equipment shelter and the source at the existing church building, to be located as shown on Sheet A-1; and
- h. The nine antennas shown on the elevations at 51 feet above ground level are not approved with this permit.

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.

The previously approved uses of PD03-0007 remain unchanged and all conditions remain in full force and affect.

Development Services Department (Planning)

2. **Lighting:** Two lights are approved, one located above the shelter door, and one above the generator access door, as shown on Sheet A-2, Exhibit E-2. Both lights shall comply with County Code Section 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. The final lighting fixture specification sheet and location shall be submitted for review and approval by Planning Services prior to issuance of a building permit. The lights shall be activated with motion-sensor or timer.

Should the installed light be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

3. **Landscaping:** Both wrought iron fenced areas shall have evergreen vines planted on them which shall be maintained to prevent views into those enclosures. The seven trees to be planted around the 17 foot by 35 foot equipment shelter lease area shall be planted as shown on Sheet A-2, and shall include a combination of deodar cedars (*Cedrus deodora*), Chinese pistache (*Pistachia chinensis*) foothill pines (*Pinus sabiniana*), blue oak (*Quercus douglasii*), and/or interior live oaks (*Quercus wislizenii*) and shall be 1525-gallon or larger sized trees.

The planting area shall be mulched with tree service chipper mulch or equivalent heavy type mulch spread in a 20-foot wide minimum band on the west side, a 15-foot wide minimum band on the south side, and 12-foot wide minimum band on the east side (southern ½). Those areas shall have the top few inches of soil hand picked or ripped prior to laying the mulch, and the mulch shall be a minimum of three inches thick. The tree holes shall not be glazed by shovels and/or an auger, and trees shall not be pot bound. Any large roots with the potential to cause girdling later shall be pruned off or straightened prior to planting.

All landscaping trees shall be watered with drip irrigation bubblers. The bubblers shall be placed at the dripline and shall be moved outward to coincide with the expanding dripline location. All tree support poles shall have all support ties loosened at three months so the trees can move in the wind but could catch them if blown over. All tree supports shall be removed at one year or sooner if they can stand alone. No heavy vehicles or equipment shall be permitted within the mulched area to prevent compaction.

The final landscape plan shall be submitted to Planning Services for review and approval prior to issuance of a grading and/or building permit. The applicant shall provide Planning Services with proof of compliance with this condition prior to building permit final. The evergreen vines, trees, and mulch thickness shall be maintained in perpetuity.

4. **Expiration:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit

- and make diligent progress toward implementation of the project and compliance with conditions of approval.
5. **Conditions Compliance:** Prior to issuance of a building permit or 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 prior to Building Permit final for any Building Permit for verification of compliance with applicable Conditions of Approval.
 6. **Co-location:** The applicant shall consent to the co-location of other wireless telecommunication communication users on this tower when feasible and without an increase in the height of the tower, and/or antennas. All new collocations, and/or addition of any new piece of equipment that creates noise, shall be subject to the submittal of equipment noise specification report, and/or a full site acoustical analysis, as determined by Planning Services, for review and approval by the Division Manager of the Development Services Division if generators, air conditioners or any other noise making piece of equipment are included in the project proposal. Should the Division Manager find that additional noise may create a significant impact; the Division Manager shall decide if the changes can be approved administratively through the building permit process or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit.
 7. **Appearance:** All equipment shelters, cabinets or other auxiliary structures for all carriers shall be painted with substantially consistent colors to meet the screening requirements of Section 17.14.210.F. All facility RF antenna shielding shall be painted with non-reflective paint and maintained to match the color of the pole. The fenced enclosure shall not have gaps at any portion where it touches ground level. Colors of the tower, facade, antennas, and other appurtenances shall be maintained to ensure the appearance remains consistent and so that nothing on the tower causes a reflection of light. All improvements associated with the facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained in good visual repair at all times. The applicants shall provide proof to Planning Services that the painting of the structures and antennas, are painted as conditioned prior to final approval for the Building Permit.
 8. **Obsolete Equipment:** All obsolete or unused communication facilities shall be removed 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 conditions.