

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



Agenda of: February 21, 2007
Item No.: 4.a.
Staff: Jonathan Fong

SPECIAL USE PERMIT

FILE NUMBER: S06-0015

APPLICANT/AGENT: Metro PCS, Karen Lienert

PROPERTY OWNER: Saint Stephens Lutheran Church

REQUEST: Special Use Permit to allow the collocation of a wireless telecommunications facility on Saint Stephens Lutheran Church.

LOCATION: On the north side of Olson Lane at the intersection with El Dorado Hills Boulevard, in the El Dorado Hills area, Board of Supervisor District 1. (Exhibit A)

APN: 125-131-17 (Previously 112-151-17)

ACREAGE: 4.5 acres

GENERAL PLAN: High Density Residential (HDR) (Exhibit B)

ZONING: One-family Residential (R1) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines

SUMMARY RECOMMENDATION: Conditional approval

BACKGROUND: There is an approved wireless facility in operation at the project site. Special Use Permit S97-0018, approved by the Planning Commission on October 9, 1997, allowed for the construction of a wireless facility on the roof of the Saint Stephens Lutheran Church. The project involved the construction of a 15 foot tall steeple on the east side of the church site. Wireless panel antennas were installed within the steeple with a 15 square foot equipment cabinet installed on the east side of the church.

STAFF ANALYSIS: Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the permit request, and issues for Zoning Administrator's consideration, are provided in the following analysis.

Project Description: Metro PCS is requesting a Special Use Permit to collocate a wireless telecommunications facility on the existing church structure. The wireless facility would include the construction of a second steeple and the installation of six (6), four and a half (4'6") foot tall panel antennas within the steeple. The approximate 15 foot steeple would be constructed on the roof of the west side of the church and would increase the overall height of the structure to approximately 47 feet.

The new steeple would match the height and design as the existing steeple.

Ground-mounted equipment would be installed on a concrete slab within an approximately 140 square foot lease area located on the south side of the church. All ground-mounted equipment would be painted to match the existing structure. The ground-mounted equipment would include a six (6) foot wide by five (5) foot tall equipment cabinet and electrical panels.

Site Description: The project would be located on the Saint Stephens Lutheran Church site, located at 1001 Olson Lane, in the El Dorado Hills area. The church site is developed with a main church building and a larger accessory building. The wireless facility would be located on the church which is situated in the middle of the parcel, along the eastern property boundary. The accessory building is situated further to the west.

The church site is located at an elevation of approximately 800 feet, with mild slopes. Vegetation on-site is comprised of mature trees and brush. Mature trees are located along Olson Lane, which provide screening of the church site from the parcels to the south and west. An additional dense cluster of trees is located south of the church building.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R1	HDR	Saint Stephens Lutheran Church
North	R1	HDR	Single-family development
South	R2	MFR	Multi-family development
East	OS	AP	Open Space
West	R1	HDR	Single-family development

The Saint Stephens Lutheran church is bordered by residential development to the north, east and west. To the south of the church site is El Dorado Hills Boulevard, which fronts the El Dorado Hills Bowmen Archery Park.

Due to the density and height of existing vegetation, the location of the wireless facility would be screened from view by the surrounding residential parcels. Additionally, the on-site accessory building is located between the wireless facility location and the residential parcels which would further screen the project from view.

Views of the project to the east from El Dorado Hills Boulevard would be minimal. The location of the new steeple would be on a portion of the church furthest from the boulevard. A difference of approximately six foot in height elevation, from the church site and the boulevard, would screen views of the project from the road. A large cluster of trees south of the church building would also provide screening of the project from view.

To minimize the visual impacts, the wireless facility has been designed to blend in with existing architectural features on the church site. The new steeple would match the height, color, and design of the existing steeple. The ground-mounted equipment would be painted to match the color of the church.

The project would not result in any emissions that would significantly impact the residential land uses in the project vicinity.

General Plan: The General Plan designation of the subject site is Medium Density Residential (MDR). General Plan Policy 5.6.14 requires a Special Use Permit for the installation of community telecommunications facilities in residential areas. Prior to approval, the Special Use Permit should demonstrate that the following issues are addressed:

- Siting
- Aesthetics
- Environmental issues
- Surrounding land uses
- Health and safety

The site and design were selected to provide the greatest amount of screening in the project area. The new steeple would be constructed to match the existing steeple to reduce the aesthetic impacts of a new wireless facility. Additionally, the existing vegetation serves to screen the church site from surrounding residential parcels.

The wireless facility would not create significant environmental issues or impacts to health and safety. No hazardous emissions would result from the wireless facility and the radio frequency emissions do not exceed established standards.

Zoning: Pursuant to *County Code Section 17.14.200(D) (5) (b)* Wireless facilities are permitted in the One-family Residential (R1) Zone District upon approval of a Special Use Permit. Furthermore, *Section 17.22.540 (A)* requires the following findings to be made prior to approval of a Special Use Permit:

1. The issuance of the permit is consistent with the General Plan
2. The proposed use would not be detrimental to the public health, safety, and welfare, or injurious to the neighborhood; and
3. The proposed use is specifically permitted by Special Use Permit pursuant to this *Title*.

The required Special Use Permit findings can be met and have been included as Attachment 2 of this staff report.

Section 17.14.200(E) through (J) of the *Zoning Ordinance* requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards.

- E. Visual: As shown in the visual simulations, the antennas would be installed within a steeple designed to match the existing steeple (Exhibit E).
- F. Development Standards:
1. Screening: The applicant is proposing to locate six (6) panel antennas within the new steeple. The ground mounted equipment would be painted to match the existing church building. Once the wireless facility is installed, it would be contained within the steeple.
 2. Setbacks: The proposed wireless facility would meet all required setbacks of the One-family Residential (R1) Zone District and the Fire Safe Regulations.
 3. Maintenance: Maintenance personnel would visit the site approximately once or twice a month, at which time the facilities would be inspected to ensure proper operation. The project has been conditioned to require that the colors and materials of the antennas and equipment shelter be maintained at all times and consistent with the features depicted in the visual simulations.
- G. Radiofrequency Radiation (RFR) Requirement: Based on the Power Density Study prepared by Nhung Kelly, RF Engineer for Metro PCS, the maximum power density generated from both wireless facilities operating at full power would be less than 0.584 percent of the American National Standard Institute maximum exposure limitation. Therefore the risk of hazardous emissions created by the project would be less than the federal standards
- H. Availability: All existing communication facilities are required to be available to other carriers as long as structural or technological obstacles do not exist. Due to the design of the project, future co-locations would not be available. However, this project is a collocation of a new wireless facility which is encouraged in *Section 17.14.200 (B)* of the *Zoning Ordinance*.

- I. Unused Facilities: All obsolete or unused communication facilities be removed within six (6) months after the use of that facility has ceased or the facility has been abandoned.
- J. Other Permit Requirements: Certain notification is required for projects located within 1,000 feet of a school or in subdivisions governed by CC&R's. There are no schools within 1,000 feet of the site.

As proposed and conditioned, the project is consistent with the *Zoning Ordinance*. The project has been designed to minimize the visual impacts in the project vicinity. The proposed steeple would match the existing steeple on the church and would screen the panel antennas from view. The existing vegetation and orientation of the existing structures would further reduce any aesthetic impacts associated with the wireless facility.

The proposed project meets the standards contained in *Section 17.14.200 E through J* of the *County Code*. The required special use findings can be made and have been included in Attachment 2 of this staff report.

Agency and Public Comments: The following agencies provided comments on this application. Copies of their written comments are available at the Planning Services office. From these comments, Conditions of Approval have been incorporated into the project, listed in Attachment 1 of the staff report.

The following agencies were solicited for comments and either did not respond with concerns or responded they had no recommended conditions of approval:

El Dorado Hills Area Planning Advisory Committee
El Dorado Hills Community Services District
El Dorado Hills Fire Department
El Dorado County Department of Transportation

At the time of the preparation of this report, staff had not received any comments from the public.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to *Section 15301* of the *CEQA Guidelines*. The section establishes that minor alteration of existing structures is categorically exempt.

Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption

RECOMMENDATION

Staff recommends that the Zoning Administrator take the following actions:

1. Certify the project is Categorical Exempt from CEQA pursuant to *Section 15301* of the *CEQA Guidelines*.
2. Approve Special Use Permit S06-0015 subject to the Conditions of Approval in Attachment 1 and Findings in Attachment 2.

SUPPORT INFORMATION

Attachments To Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity/A.P.N.
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Site Plan/Elevations
Exhibit E	Visual Simulations

ATTACHMENT 1

CONDITIONS OF APPROVAL

**File Number S06-0015
February 21, 2007 Zoning Administrator Hearing**

El Dorado County Planning Services

1. This special use permit is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibits D-E (Site Plan / Elevations, Visual Simulations dated January 2, 2007, Conditions of Approval, and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Special Use Permit S06-0015 is a request to collocate a new wireless telecommunications facility. The project would involve the construction of a 15 foot tall steeple and the installation of six, four and a half feet tall panel antennas within the steeple. The new steeple would match the height, color, and design of the existing steeple. The steeple would be constructed on the southwest corner of church and would match the existing steeple. Ground mounted equipment would consist of six (6) foot wide by six (6) foot tall equipment shelter and electrical panels. The ground-mounted equipment would be installed on the southeast side of the church within a 140 square foot lease area. The equipment would be painted to match the existing structure.

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.

2. All site improvements shall conform to the site plan and elevations attached as Exhibit D.

3. All equipment shelters, cabinets or other auxiliary structures shall be painted to match the existing structure. Planning Services shall verify the painting of the structures prior to final building inspection and approval of the facility.
4. All improvements associated with the communication facility, including equipment shelters, antennas, and fencing 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.
5. All obsolete or unused communication facilities shall be removed by the applicant within six (6) months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services shall be restored to pre-project condition.
6. Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the Zoning Administrator every five (5) years. At each five-year review, the permit holder shall provide the Zoning Administrator with a status report on the then current use of the subject site and related equipment. The Zoning Administrator shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to: (1) Modify the Conditions of Approval in order to reduce identified adverse impacts; and (2) Initiate proceedings to revoke the Special Use Permit, requiring the facility's removal, if it is no longer an integral part of the wireless communication system, or (3) allow continued operation of the facility. By operation of this condition, it is the intent of the Zoning Administrator to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Zoning Administrator to conduct or complete a five-year review in a timely fashion shall not invalidate this Special Use Permit. The applicant shall pay a fee as determined by the Deputy Director or designee to cover the cost of processing a five-year review.
7. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.
8. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to *Section 7050.5* of the *Health and Safety Code* and *Section 5097.98* of the *Public Resources Code*. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.

9. 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.

El Dorado County Development Services Department:

10. If the project will involve more than 250 cubic yards of grading material, a commercial grading plan is required. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, the *Drainage Manual*, the *Off-Street Parking and Loading Ordinance*, and the *State of California Handicapped Accessibility Standards*.

El Dorado County Air Quality Management District:

11. The applicant shall submit and pay the appropriate fees for an Asbestos Dust Mitigation Plan. The District shall review and approve the plan prior to project construction.
12. The applicant shall adhere to all District rules during project construction

El Dorado County Environmental Management Department/Hazardous Materials Division:

13. Under the Certified Unified Program Agency programs, if the operation will involve the storage of reportable quantities of hazardous materials for backup power generation, a hazardous materials business plan for the site must be submitted to the Department and applicable fees paid.

ATTACHMENT 2

FINDINGS OF APPROVAL

File Number S06-0015

February 21, 2007 Zoning Administrator Hearing

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 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to *Section 15301* of the *CEQA Guidelines* which establishes that additions to existing structures are exempt.
- 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 SPECIAL USE PERMIT FINDINGS

2.1 The issuance of the permit is consistent with the general plan;

General Plan Policy 5.6.1.4 requires issuance of a special use permit for telecommunication facilities in residential areas to ensure that siting, aesthetics, environmental issues, surrounding land uses, and health and safety are considered.

The wireless facility would be installed within a church steeple constructed on an existing church. The site and design were selected to minimize the visual impacts of the wireless facility. Panel antennas would be installed within the steeple and ground mounted equipment would be painted to match the existing structure. The wireless facility would not result in significant environmental issues or threats to health and safety. The radio frequency (RFR) emissions created by the wireless facility would not exceed federal standards.

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

The wireless facility would not create hazards that would be detrimental to the public health, safety and welfare or injurious to the neighborhood. The RFR emissions that would result from the operation of the wireless facility would not exceed federal standards.

2.3 The proposed use is specifically permitted by special use permit pursuant to this Title.

Section 17.14.200 of the *Zoning Ordinance* permits wireless facilities in residential Zone Districts subject to approval of a special use permit.

3.0 ADMINISTRATIVE FINDINGS

3.1 The proposed use and design conforms to the Zoning Ordinance.

Section 17.41.200 of the *Zoning Ordinance* establishes development requirements for wireless telecommunications facilities. As proposed, the project would be consistent with these requirements.

The project is consistent with the development standards for wireless facilities. The panel antennas would be located within a steeple which would screen the antennas from view. Ground mounted equipment would be painted to match the existing structure. The wireless facility meets the setbacks requirements for the One-family Residential (R1) Zone District. The project would not exceed the Federal Standards for RFR emissions.