

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



Agenda of: August 1, 2007
Item No.: 5. b.
Staff: Patricia A. Kelly

SPECIAL USE PERMIT - REVISION

FILE NUMBER: S00-0012R

APPLICANT: T-Mobile / Sabrina Investments

REQUEST: A revision to an existing special use permit to allow the co-location of wireless communication antennas on an existing monopine and installation of ground mounted equipment.

LOCATION: On the northeast side of Alexandrite Drive approximately 1,500 feet north of the intersection of Alexandrite Drive and Green Valley Road; Supervisorial District IV (Exhibit A)

APN: 102-210-08

ACREAGE: 140 acres

GENERAL PLAN: Rural Residential (RR) (Exhibit B)

ZONING: Estate Residential Ten-acre (RE-10) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorical Exempt from CEQA pursuant to Section 15301

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: Special Use Permit S00-0012 was approved September 28, 2000 to allow the installation of a telecommunication facility consisting of an eighty foot (80') monopine with three (3) individual sectorized flat panel antenna arrays of two (2) antennas each and ground-mounted cabinets located on a concrete equipment pad at the base of the monopine within a 1,200 square foot fenced area. Building Permit No. 128337 was issued on August 8, 2001 for the installation of the wireless communication facility.

The proposed co-location facility was reviewed for consistency with Special Use Permit S00-0012. The Special Use Permit revision would allow the co-location of the T-Mobile wireless communication equipment to be installed on the existing monopine. The ground-mounted equipment would be installed on the existing concrete equipment pad located at the base of the monopine. The proposed T-Mobile communication equipment would not create conflicts with the approved existing wireless facility.

STAFF ANALYSIS

Project Description: T-Mobile is requesting a revision to a Special Use Permit to co-locate wireless communication equipment consisting of the installation of six (6) antennas at a height of 62 feet on the existing eighty foot (80') monopine owned by SureWest. Additionally, T-Mobile would install up to three (3) 2.5' x 4.25' x 5.5' radio cabinets on an existing 1,200 square foot concrete pad enclosed with a 6 foot high chain link fence located at the base of the monopine where SureWest ground-mounted equipment is installed.

Access to the project site would be provided by an existing access easement on the leased property adjacent to an existing 8-10 foot gravel road which leads to the Bass Lake Golf Course maintenance area.

Site Description: The project site is located north of the intersection of the entrance of the Bass Lake Golf Course and the northerly terminus of Alexandrite Drive in Cameron Park. The site is at an elevation of 1,266 feet. The project site is within the Bass Lake Golf Course and contains a variety of oak trees, grasses, and rock outcropping. No tree or canopy removal is proposed. An existing 8-10 foot gravel road provides the access to the project site.

Adjacent Land Uses:

| | Zoning | General Plan | Land Use/Improvements |
|-------|--------|--------------|----------------------------------|
| Site | RE-10 | RR | Public Golf Course |
| North | RE-5 | LDR | Existing Single-family residence |
| South | R1 | HDR | Existing Single-family residence |
| East | R1 | HDR | Existing Single-family residence |
| West | RE-10 | RR | Existing Single-family residence |

General Plan: The General Plan designation of the project is Rural Residential (RR). The land use designation establishes areas for residential and agricultural development. These lands would typically have limited infrastructure and public services and would remain for the most part in their natural state. Typical uses include single-family residences; agricultural support structures a full range of agricultural production uses, recreation, and mineral development activities. The project

site has been developed within an 18 hole public golf course which is consistent with the Rural Residential land use designation.

General Plan Policy 5.6.1.4 requires a Special Use Permit for the installation of wireless communication facilities in residential areas to ensure that siting, aesthetics, environmental issues, surrounding land uses, and health and safety are addressed.

The wireless communication equipment proposed for installation has been designed to minimize the effects on adjacent properties. The wireless antennas would be mounted at sixty-four (64) feet on the eighty foot (80') monopine. The proposed ground-mount equipment would be installed on an existing concrete pad which has existing installed ground-mount communication equipment and is enclosed by a six foot (6') chain link fence.

Zoning Ordinance: The subject parcel is located within the Estate Residential Ten-acre (RE-10) Zone District. The proposed project is consistent with the development standards of the RE-10 Zone District provided that they comply with the development standards and permitting requirements defined in *Section 17.14.200(E) through (J)* and *Section 17.22.540(A)* of the *Zoning Code*. These development standards include visual, screening, setbacks, maintenance, radiofrequency radiation requirements, availability, unused facilities and other permit requirements. An analysis is provided in this staff report under the Design and Development Standards section.

Design and Development Standards

Section 17.14.200(E) through (J) of the zoning ordinance requires that all wireless communication facilities meet certain criteria. Below is the analysis of these standards:

E Visual Visual simulations of the wireless communications facility (including all support facilities) shall be submitted. A visual simulation can consist of either a physical mockup of the facility, balloon simulation, computer simulation or other means.

Consistency: Simulation photographs have been provided and are provided in this staff report as Exhibit E.

F. Development Standards The following provisions shall apply in all zone districts. All facilities shall be conditioned, where applicable, to meet the criteria below:

1. Screening. All facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to blend with the surrounding area (trees, barns, etc.) The facility shall be painted to blend with the prevalent architecture, natural features or vegetation of the site.

Consistency: The applicant is proposing to install six (6) wireless communication antennas and ground mounted equipment consisting of three (3) 2.5' x 4.25' x 5.5' radio cabinets to be painted to blend in with the surroundings. Once the wireless

communication equipment is installed it would blend in with the existing monopine and existing ground mounted equipment.

2. *Setbacks* As set forth in each applicable zoning district, except where locating the facility inside those setbacks is the most practical and unobtrusive location possible on the proposed site. Setback waivers shall be approved through the minor use permit process.

Consistency: The wireless communication antennas would be installed on the monopine and ground mounted equipment would be installed at the base of the monopine. No setbacks would be affected.

3. *Maintenance:* All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of towers and other improvements shall be maintained to ensure the appearance remains consistent with approved conditions relating to color.

Consistency: 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 be maintained at all times and consistent with the features depicted in the visual simulations.

- G. *RF Requirements.* The application for a land use permit shall contain a report or summary of the estimates of the non-ionizing radiation generated by the facility. The report shall include estimates of the maximum electric and magnetic field strengths at the edge of the facility site, the extent that measurable fields extend in all directions from the facility.

Consistency: Based on the proposed T-Mobile wireless facility radio frequency analysis (Diamond Services, Radio Frequency Analysis Proposed Personal Communication System, October 23, 2006), analysis and computation, the combined effect of the ground level T-Mobile RF fields is calculated to be a maximum of 0.52 percent of the standard for general public uncontrolled exposure

- H. *Availability.* All existing communication facilities shall be available to other carriers as long as structural or technological obstacles do not exist.

Consistency: Requires that all existing communication facilities be available to other carriers as long as structural or technological obstacles do not exist. This proposal to install additional wireless equipment on an existing monopine is consistent with this requirement.

- I. *Unused Facilities.* All obsolete or unused communication facilities shall be removed within six (6) months after the use of that facility has ceased or the facility has been abandoned.

The applicant shall notify the planning department at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.

Consistency: This project proposes to install additional wireless equipment on an existing wireless communication facility. The project has been conditioned to comply with this requirement (Condition 12).

J. Permit Application Requirements. In order to protect the visual character of established neighborhoods and to protect school children for potential safety hazards due to a potentially attractive nuisance, in addition to the noticing requirements of Chapter 17.22, the following shall be provided by the applicant:

- 1. The school district(s) in which the facility is located shall be identified. If the proposed wireless facility is located within 1000 feet of a school, the school district listed shall be notified during the initial consultation.*
- 2. For facilities proposed to be located on residentially-zoned land, the applicant shall identify any homeowners association established by CC&Rs which might govern the property. Any homeowners association identified will be notified during the initial consultation. (Ord. 4589 §1, 2001)*

Consistency: There are no schools within 1,000 feet of the site or residentially-zoned land governed by CC&Rs.

Special Use Permit

Pursuant to *Section 17.14.200(D) (4) (c)* of the *Zoning Code* wireless communication facilities are permitted in the RE-10 Zone District upon approval of a Special Use Permit.

Section 17.22.540 (A) of the *Zoning Code* requires the Zoning Administrator to make findings prior to approval of a Special Use Permit. Staff is recommending that the Zoning Administrator make the required findings as described in Attachment 1.

Agency and Public Comments: Comments were received from solicited private parties. The comments received from public agencies solicited on the proposed project are listed below. Copies of their written comments are available at the Development Services Department.

El Dorado Hills Fire Department: The applicant shall be conditioned to develop and implement a Wildfire Fire Safe Plan that is approved by Cal Fire (CDF) and the El Dorado Hills Fire Department

El Dorado County Environmental Management: 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.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to *Section 15301* of the *CEQA Guidelines*. This 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 Recorder to file a 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 S00-0012R subject to the Conditions of Approval in Attachment 1 and Findings in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval
Attachment 2.....Findings
Exhibit A.....Vicinity Map
Exhibit BGeneral Plan Land Use Map
Exhibit CZoning Map
Exhibit D.....Site Plan/Elevations
Exhibit EVisual Simulations
Exhibit F.....Justification Statement

ATTACHMENT 1

CONDITIONS OF APPROVAL

**File Number S00-0012R / T-Mobile/Sabrina Investment
August 1, 2007 Zoning Administrator Hearing**

CONDITIONS OF APPROVAL

1. This Special Use Permit approval is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibit D (Site Plan Map) dated August 1, 2007 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 would constitute a violation of permit approval.

The project description is as follows:

Special Use Permit S00-0012R is a request to co-locate six (6) antennas at a height of sixty two (62) feet on an existing eighty foot (80') monopine owned by SureWest. Additionally, T-Mobile would install up to three (3) 2.5' x 4.25' x 5.5' radio cabinets on an existing 1,200 square foot concrete pad enclosed with a six foot (6') high chain link fence located at the base of the monopine where SureWest ground-mounted equipment exists.

Access to the project site is to be provided by an easement located on the leased property adjacent to an existing eight to ten ((8'-10')) foot gravel road which leads to the Bass Lake Golf Course maintenance area.

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. 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 in a matching color. Planning Services shall verify the painting of the structures prior to final inspect and approval of the facility.

4. 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.
5. The applicant 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.
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. Due to ever-changing technology of wireless communication systems, the 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 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. 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-(5) year review.
8. 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.
9. 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, as provided in *Section 66474.9(b)* of the *California Government Code*.

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 a subdivision, which action is brought within the time period provided for in *Section 66499.37*.

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

10. Installation of the wireless communication equipment is subject to issuance of a building permit from El Dorado County Building Services.
11. Prior to issuance of the Special Use Permit all Development Services fees must be paid.
12. 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 at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.

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.

El Dorado Hills Fire Department:

14. The applicant shall develop and implement a Wildfire Fire Safe Plan that is approved by the Cal Fire (CDF) and the El Dorado Hills Fire Department prior to and during the building permit process. Applicant shall pay any fees requested by CDF or/and El Dorado Hills Fire Department.

ATTACHMENT 2

FINDINGS

**File Number S00-0012R / T-Mobile/Sabrina Investment
August 1, 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 pursuant to CEQA, applicable County General Plan Policies and the County Zoning and Subdivisions Ordinance.

1.0 CEQA

1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to *Section 15301* of the *CEQA Guidelines* which establishes that additions to existing structures are exempt.

2.0 ADMINISTRATIVE

2.1 General Plan

2.2 A finding can be made that the proposed use is consistent with the policies and land use map in the County General Plan because the installation of the wireless communication equipment would be a co-location on an existing wireless communication facility. The antennas and ground mounted equipment have been designed to blend in with the surrounding area.

3.0 Zoning Ordinance

3.1 The proposed use and design conforms to the Zoning Ordinance because the project meets all development standards for a co-location for wireless communication equipment on an existing wireless communication structure in the Estate Residential Ten-acre (RE-10) zone district.

4.0 Special Use Permit

4.1 A finding can be made that the proposed use is consistent with *Section 17.14.540 (A)* of the *Zoning Code* which requires the Zoning Administrator to make the following findings prior to approval of a Special Use Permit:

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

Issuance of the Special Use Permit is consistent with the General Plan because the wireless facility would be a co-location on an existing monopine. The antennas and ground mounted equipment have been designed to blend in with the surrounding area.

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

The proposed use and design will not be detrimental to the public health, safety, and welfare, nor injurious to the neighborhood because the wireless facility has been designed to minimize visual impacts and would not create emissions that exceed established thresholds for maximum exposure.

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

Section 17.14.200 (D) (4) of the Zoning Code permits co-location of communication wireless equipment on an existing monopine subject to approval of a Special Use Permit.