

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



Agenda of: April 17, 2013

Item No.: 4.a.

Staff: Lillian MacLeod

SPECIAL USE PERMIT

FILE NUMBER: S12-0016

PROJECT NAME: AT&T Monopole (Shingle Springs site)

APPLICANT: AT&T Mobility

AGENT: Gordon Bell

OWNER: James Kidder/Kidder Trust

REQUEST: Special use permit to upgrade the existing cell tower site with new antennas, radio and power cabinets, other ancillary equipment, and signage.

LOCATION: On the south side of Motherlode Drive, approximately 540 feet east of the intersection with South Shingle Road in the Shingle Springs area, Supervisorial District 2. (Exhibit A)

APN: 090-430-39 (Exhibit D)

ACREAGE: 1.34 acres

GENERAL PLAN: Commercial (C) (Exhibit B)

ZONING: Commercial (C) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to CEQA Guidelines Section 15303

RECOMMENDATION: Staff recommends the Zoning Administrator 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 S12-0016 based on the findings in Attachment 2 and subject to the conditions in Attachment 1.

STAFF ANALYSIS

Project Description:

The proposed project consists of an upgrade to the facility consisting of the addition of three new antennas providing Long Term Evolution (LTE) technology that increases data speeds for wireless handsets and computers. One new LTE antenna will be added in each existing sector. Six new remote radio units (RRUs) will be added, one proposed and one in the future per each sector. One new GPS antenna will be installed on the existing building that houses the leased ancillary equipment room. Equipment upgrades to support the LTE technology consist of new fiber and power cables running from the cell tower to the equipment room through the original six inch underground conduit. LTE system upgrades including a new lineage power plant will be installed within the equipment room.

Site Summary: Approval of this project will bring the total antenna count to 12 wireless and two GPS antennas. Three RRUs will be added to the spokes of the antenna sectors. A structural analysis was submitted at staff's request. Based on information the applicant provided to the analyst, the wood monopole was determined to be suitable to support the existing and proposed equipment load.

Background:

The cell tower facility consisting of monopole with three 10-foot antennas was originally permitted for Cellular One on October 23, 1997 under building permit 107332. In approving the permit, staff reviewed compliance with Zoning Ordinance Section 17.14.070 regarding public utility distribution, transmission, and facilities, and a 1990 Director interpretation allowing cell towers by-right in most cases. This application pre-dated the Wireless Communication Facility Ordinance, adopted in 2001. In approving the permit by-right, staff made the findings under Subsection 17.14.070.B that the tower did not exceed the 65 foot maximum height allowed and that the radio frequency emissions (RF) were below the FCC thresholds for public safety.

On May 1, 2001, building permit 129625 was issued replacing the original pole with the existing wood pole and a projected total co-location of 12 antennas. As the pole height remained the same at 55 feet above ground level, staff issued the permit consistent with the exemption under Ordinance 4576 (cell tower moratorium) allowing co-locations in commercial zones that did not increase the height of the existing facility.

On February 2, 2005, building permit 161081 was issued upgrading the facility with three replacement antennas. An analysis was done to ensure the existing, pressure-treated wooden pole was still structurally sound. The report indicated the pole would be able to support the existing and replacement antennas and other appurtenances, but did not guarantee its adequacy for future

equipment. It was recommended that another analysis be done with future modifications. Staff made a finding of substantial compliance with Zoning Ordinance requirements and the permit was finalized February 15, 2005.

As the existing cell tower facility was approved through ministerial permits under findings of consistency with the previous Zoning Ordinance requirements, it is considered a nonconforming use and structure. The current proposal to upgrade the antennas and ancillary equipment will be analyzed as a special use permit application consistent with current ordinance requirements. The discretionary application file, S12-0016, will enable staff to track all future revisions and the required 5-year reviews of the facility.

Site Description: The project site is located on Motherlode Drive, approximately 540 feet east of South Shingle Road at approximately 1,524 feet above mean sea level. The site is developed as a multi-tenant commercial retail and service building containing a café, coffee shop, insurance company, personal service salons, and retail sales. The single-carrier monopole is located behind the building in a rear parking lot landscape planter. Concrete bollards and a chainlink fence and gate surround the base of the monopole. Ancillary ground equipment supporting the existing wireless antennas are located across the parking lot in a leased portion of the building. An underground conduit connects the substantial monopole cables to the equipment room. The site is primarily accessed from Import Drive off Motherlode Drive, but can also be reached from the southern access driveway encroachment off Sunset Lane. The Import Drive entrance is also shared with a larger commercial multi-tenant building. The nearest residential zone, Multifamily Residential (RM), is approximately 400 feet southeast of the monopole.

General Plan:

Policies 2.2.5.2 (review for General Plan consistency) and 2.2.5.21 that directs development projects to 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 cellular monopole has been existing on the site for approximately 14 years. Changes to its design could potentially require a replacement of the structure to something more aesthetically compatible. Discussion of this option is addressed under the following Zoning Ordinance section. Conditions addressing lighting and glare, and maintenance of the accessways, monopole, and equipment have been recommended in compliance with Policy 2.2.5.21.

Zoning Ordinance: The proposed use is permitted in the Commercial (C) Zone District in compliance with Section 17.14.210.D that allows wireless telecommunication facilities in any zone district subject to requirements and standards. The cell tower facility was approved in 1997 under a ministerial permit prior to a cell tower ordinance being adopted. As such, the revision to the facility falls under Section 17.14.210.D.4 requiring a special use permit, as a co-location on an existing nonconforming monopole, based on the following criteria:

- a. The new antennas will not increase the height above the existing antennas that are 52.5 feet above base ground level.
- b. The three new antennas will be positioned at each tip of the three-sided array and so will

- project further horizontally than what exists now, but will remain less than significant.
- c. The additional ancillary equipment will be placed within the existing equipment room. An additional GPS antenna will be mounted to the roof of the equipment room building extending above its eave.
- d. The proposed antennas will be larger than the existing antennas, but will remain compatible with the industrial appearance of the monopole.
- e. The monopole height will not be increased.

Section 17.14.210 requires development standards applied to all facilities in all zone districts, such as setbacks, which have been met. While the proposed modifications meet the requirements above for height of the monopole, photo simulations have been submitted showing its increased visual profile with the addition of the new antennas (Exhibits E1, E2, E3, and F). Also included are photographs taken by staff of the monopole as seen from public roadways (Exhibits G1 and G2). Under this section, screening and additional requirements will be analyzed, as follows:

- F.1. **Screening.** “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.”

Discussion: The facility is located in a mix of commercial retail and service uses. Except for the existing fuel stations and car dealership, all surrounding uses are contained inside multi-tenant buildings facing Motherlode Drive. The nearest residential zone is approximately 400 feet away. The monopole’s appearance is industrial and is visible from U.S. 50, Motherlode Drive, and the Ponderosa Road overpass. When the facility was first constructed, stealth and screening technologies were not available just as higher speed technologies were not available. The facility is out of date with what has been developed in the last decade to reduce visual impacts.

The adopted ordinance requires screening of cell tower facilities. Staff discussed the need for additional screening or stealth technology to reduce the visual impact of the monopole with the applicant. The applicant presented a letter addressing the reasons why reducing its visual impact would present a financial hardship to the company and reception limitations to its subscribers if the facility was taken off-line for a period (Exhibit L). Propagation maps were presented to support their discussion (Exhibit K). The letter rejects stealthing, or sheathing the existing monopole in a framework or structure, and staff concurs it may present unintended impacts.

Monopine replacement has precedents in the county since the year 2000. In rejecting the request to consider replacement, the applicant indicates it would be a time consuming and costly procedure that would create a potentially lengthy disruption in service. The application is for three additional antennas to bring the total to 12 antennas, as projected under the permit issued in May 2001. Staff cannot make a finding of “rough proportionality” between requiring a monopine replacement with the addition of the proposed antennas.

- F.3. **Maintenance.** A proposed condition requires maintenance of the facility.
- G. **Radio Frequency (RF) Requirements:** AT&T has submitted a *RF EME Compliance Report* dated October 14, 2012 indicating the total maximum power density produced by the existing and proposed antennas will be 16.20 percent of the FCC’s general public limit

and 3.24 percent of its occupational limit, based on worst-case predictive modeling at the nearest walking/working surface. The report concluded the cumulative RF-EME (radio frequency electro-magnetic emissions) will not exceed the maximum permissible human exposure limits set by the FCC.

In compliance with AT&T's *RF Exposure: Responsibilities, Procedures & Guidelines*" (December 9, 2011), the following signage will be required at the site:

1. One green "INFO 1" sign posted at or next to the access gate.
2. One, yellow "CAUTION" sign posted at the base of the monopole. (Exhibits H and I)

- H. **Availability:** A condition is recommended to allow continued co-location at this facility with approval of a revision to the special use permit contingent on a structural analysis report being submitted with the application.
- I. **Unused Facilities:** A condition is recommended to require all obsolete or unused communication facilities be removed within six months after the use of the facility has ceased or been abandoned.
- J. **Other Permit Requirements:** There are no public schools within 1,000 feet of the site nor is the site governed by CC&Rs.

Conclusion: Staff finds the project, as proposed and conditioned, is consistent with all applicable provisions of the Zoning Ordinance.

Telecommunications Act of 1996. This act preserves the authority of the State or local government over decisions regarding the placement, construction, and modifications of personal wireless services, subject to two limitations. Section 704.(7)B(iii) requires any denials to be in writing and supported by "substantial evidence." Section 704.(7)B(iv) prohibits denial on the basis of radio frequency emissions if those emissions are compliant with federal regulations.

Discussion: Radio frequency emissions are within an approved range of compliancy with federal regulations and staff is not recommending denial of the project. The El Dorado County Board of Supervisors adopted Sections 17.22.500 and 17.14.210 of the Zoning Ordinance to regulate special use permits and wireless communication facilities, respectively. By adopting these ordinances, the Board of Supervisors acted to maintain the County's authority over decisions regarding wireless communication facilities.

Middle Class Tax Relief and Job Creation Act of 2012. Section 6409 of this act requires the State or local government to "approve any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station."

Discussion: Section 6409 is not applicable to this project as staff is recommending its approval.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines stating that Class 3 exemptions “consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures . . . (that) include, but are not limited to: (d) water main, sewage, electrical, gas, and other utility extensions”. As an upgrade to an existing wireless communication facility, the installation of three additional antennas and ancillary equipment is consistent with this exemption classification under CEQA.

Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption. The filing of the Notice of Exemption is optional; however, not filing the Notice extends the statute of limitations for legal challenges to the project from 30 days to 180 days.

SUPPORT INFORMATION

Attachments:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Assessor's Parcel Map
Exhibit E1 to E3	Visual Simulations
Exhibits F	Visual Simulation Viewpoint Plan
Exhibit G1 and G2	Site Photos
Exhibit H	Construction Set to include:
	1. Title Sheet
	2. Overall and Enlarged Site Plan
	3. Elevations
	4. Antenna Plan and Details
	5. Equipment Details
Exhibit I	Signage Plan
Exhibit J	Signage Location Plan
Exhibit K	Structural Analysis Report
Exhibit L	AT&T Agent Letter of 2/15/13
Exhibit M	Cell Site Propagation Maps

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S12-0016/AT&T Cell Tower (Shingle Springs)
Zoning Administrator/April 17, 2013

Conditions of Approval:

1. This Special Use Permit approval is based upon and limited to compliance with the project description and the following hearing Exhibits:

Exhibit E1 to E3.....	Visual Simulations
Exhibit F	Visual Simulations Viewpoint Plan
Exhibit H.....	Construction Set to include:
	1. Title Sheet
	2. Overall and Enlarged Site Plan
	3. Elevations
	4. Antenna Plan and Details
	5. Equipment Details
Exhibit I	Signage Plan
Exhibit J	Signage Location Plan
Exhibit K.....	Structural Analysis Report

Any deviations from the project description, exhibits, or Conditions of Approval set forth below shall 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:

Under S12-0016, the existing cell tower shall be documented, as follows:

- a. One, 55-foot Douglas fir wood monopole.
- b. Nine, single-carrier wireless telecommunication antennas.
- c. Equipment room of approximately 270 square feet within leased area of existing building.
- d. Six-inch PVC conduit pipe connecting wireless communication cables underground, from the monopole to the equipment room.
- e. One GPS antenna mounted on the roof above the equipment room.

Revisions to the existing cell tower facility shall consist of the following:

- f. Three new antennas with Long Term Evolution (LTE) technology, one installed in each sector of the antenna array, for a total of 12 antennas;

- g. Six remote radio units (RRUs) installed on the spokes of the antenna array, three now and three in the future.
- h. One new GPS antenna mounted on the roof above the equipment room, for a total of two GPS antennas.
- i. Placement of the following signs:
 - (1) One green “INFO 1” sign posted at or next to the access gate.
 - (2) One, yellow “CAUTION” sign posted at the base of the monopole.

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.

- 2. The project shall be subject to a building permit from the El Dorado County Building Department.
- 3. The applicant shall repair all damage to the access roads caused by installation, repair, and maintenance of the cell tower facility (Import Drive from Motherlode Drive and the shared access from Sunset Lane to the project site).
- 4. All improvements associated with the cell tower facility, antennas and equipment, signs, fencing, and bollards shall be properly maintained at all times.
- 5. Outdoor lighting shall only be used for night-time maintenance and shall operate by a motion sensor only, be directed downward, and be designated “full cutoff” in compliance with IESNA standards.
- 6. The operator (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the operator and the property owner.
- 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. The operator shall pay Planning Services for the time spent

reviewing the site on a time and materials basis. All future development plans shall include this condition on the submitted plans.

8. Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by Development Services every five years. At each five-year review, the permit holder shall provide staff with a status report on the use of the subject site and related equipment at that time. Staff shall review the status and present that report to the approving authority with a recommendation to either:
 - a. Allow the facility to continue to operate under all applicable conditions;
 - b. Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or
 - c. Initiate proceedings to revoke the Special Use Permit, requiring its removal.

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.

9. Future collocations shall be considered by the Zoning Administrator in accordance with Paragraph 17.14.210.D.3 of the Zoning Ordinance.
10. All obsolete or unused communication facilities shall be removed within six months after the use of the facility has ceased or after 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.
11. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the applicant and landowner agrees to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs the County may incur as a result of such action.

The applicant and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning the Special Use Permit.

The County shall notify the applicant/owner of any claim, action, or proceeding and County will cooperate fully in the defense.

12. Pursuant to County Code Section 17.22.250, implementation of the project must occur within 24 months of approval of this Special Use 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.

ATTACHMENT 2

FINDINGS FOR APPROVAL

Special Use Permit S12-0016/AT&T Mobility (Shingle Springs) Zoning Administrator/April 17, 2013

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 Section 66472.1 of the California Government Code:

1.0 CEQA FINDING

- 1.1 The proposed cell tower upgrade is Categorical 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 . . . (that) include, but are not limited to: (d) water main, sewage, electrical, gas, and other utility extensions.” As an upgrade to an existing wireless communication facility, the installation of three additional antennas and ancillary equipment is consistent with this exemption classification under CEQA.
- 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 GENERAL PLAN FINDINGS

2.1 **The proposed use is consistent with the 2004 General Plan.**

As conditioned, the proposal is consistent with the intent of Policies 2.2.5.2 (review for General Plan consistency) and 2.2.5.21 that directs development projects to 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.

3.0 ZONING FINDINGS

3.1 **The proposed use is consistent with Title 17**

The proposed collocation of new antennas on existing approved monopoles or towers is specifically permitted by Special Use Permit under Paragraph 17.14.210.D.4 subject to the requirements of Subsections 17.14.210.E through J. Chapter 17.22 outlines the requirements for special use permits and the project and associated materials have been reviewed in accordance with these regulations.

4.0 ADMINISTRATIVE FINDINGS FOR A SPECIAL USE PERMIT

- 4.1 **The issuance of the permit is consistent with General Plan Policies 2.2.5.2 and 2.2.5.21.**

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

The proposed use will not create hazards that would be considered detrimental to the public health, safety, and welfare or injurious to the neighborhood, as the projected RF emissions for the facility have been determined to be significantly lower than the thresholds established by the FCC for occupational and general public safety and the monopole was analyzed in the Structural Analysis Report (Exhibit K) and found to be within structural parameters to support the additional hardware.

4.3 **The proposed use is specifically permitted by special use permit pursuant to this Title.**
The proposed use complies with the requirements of County Code Section 17.14.210.D.4.