

# **FINAL FINDINGS**

## **Conditional Use Permit CUP24-0004/T-Mobile Bell Tower As APPROVED by the Planning Commission on September 12, 2024**

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 Conditional Use Permit CUP24-0004 has been found Categorical Exempt pursuant to Section 15301(b), Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines. The proposed use would result in no expansion of existing or former use and would not require substantial exterior modifications to the existing structures on site.
- 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 Planning and Building Department, Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

### **2.0 GENERAL PLAN FINDINGS**

#### **2.1 The proposed use is consistent with General Plan Policy 2.2.1.2.**

The High-Density Residential (HDR) land use identifies those areas suitable for intensive single-family residential development at densities from one to five dwelling units per acre. Allowable residential structure types include single-family attached (i.e., air-space condominiums, townhouses) and detached dwellings and manufactured homes.

Rationale: The project proposes to allow the installation and operation of a freestanding wireless facility, designed as a 57'-8" church bell tower. The existing wireless facility, housed within a faux church steeple, will be removed from the building rooftop. The land use designation of the subject parcel allows for the development of communication facilities. The proposed faux bell tower facility will not intensify uses on the parcel to a significant degree and will not result in negative impacts to the general health, safety, or welfare of nearby residents. As proposed, and as conditioned, this proposal is consistent with this policy.

#### **2.2 The project is consistent with General Plan Policy 2.2.5.2.**

General Plan Policy 2.2.5.2 requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: The proposed Conditional Use Permit (CUP) is consistent with applicable General Plan policies as discussed in the Staff Report and is, therefore, consistent with this policy.

**2.3 The project is consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires that development projects 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 development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids incompatibility or shall be located on a different site.

Rationale: The project proposes to allow the installation and operation of a freestanding wireless facility, designed as a 57'-8" church bell tower. The existing wireless facility, housed within a faux church steeple, will be removed from the building rooftop. The proposed faux bell tower has been designed and located in a manner that avoids incompatibility with adjoining land uses and is therefore consistent with this policy.

**2.4 The project is consistent with General Plan Policy 5.1.2.1.**

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project was distributed to the El Dorado County Department of Transportation (DOT), Pacific Gas and Electric (PG&E), El Dorado Hills Fire Protection District, and CAL FIRE for review. No issues or concerns were raised regarding the adequacy of public services and utilities to serve this project. Therefore, this project is consistent with this policy.

**2.5 The project is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The proposed project is located on a parcel that is fully developed. The site is currently served by El Dorado Hills Fire Protection District for fire protection and El Dorado Irrigation District (EID) for water service. No issues or concerns were raised regarding the adequacy of public services and utilities to serve this project. No changes are anticipated with regards to the demand of potable or emergency water by this project. Therefore, the proposed project is consistent with this policy.

**2.6 The project is consistent with General Plan Policy 6.2.3.2.**

General Plan Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: The project was distributed to DOT, El Dorado Hills Fire Protection District, and CAL FIRE for review. No issues or concerns were raised regarding the adequacy of site access. The proposed project would not result in changes to the existing access road for the telecommunications facility site. Therefore, the project is consistent with this policy.

**2.7 The project is consistent with General Plan Policy 7.4.4.4.**

General Plan Policy 7.4.4.4 requires all new non-exempt development projects that would result in impacts to oak resources must adhere to the standards of the Oak Resources Management Plan (ORMP).

Rationale: No oak trees are proposed to be removed as part of the proposed project. Therefore, the project is consistent with this policy.

**3.0 ZONING FINDINGS**

**3.1 The proposed use is consistent with Title 130.24.**

The proposed project site is located within the R1 zoning designation.

Rationale: Table 130.24.020 specifies that establishing and operating communication facilities in an R1 zone shall either be allowed through issuance of an Administrative Permit or through issuance of a CUP, subject to Section 130.40.130. This project proposes a wireless telecommunications facility that is within 500-feet of a residential zone and is thus subject to the Zoning Ordinance standards per Section 130.40.130 (B.6.b). The project site is located within 500-feet of any residential zone and is therefore subject to Planning Commission review. This application fulfills the requirements of Title 130.23.

**3.2 The project is consistent with Section 130.40.130(A).**

Section 130.40.130A specifies that communication service providers shall employ all reasonable measures to site their antennas on existing structures prior to applying for new towers or poles. Providers shall also work with other service providers and the Planning and Building Department to co-locate where feasible. Where co-location on an existing site is not feasible, develop new sites which are multi-carrier to facilitate future co-location, thereby reducing the number of sites Countywide.

Rationale: There is an existing wireless facility in operation on the rooftop of the church on the subject parcel. The project proposes to allow the installation and operation of a freestanding wireless facility, designed as a 57'-8" church bell tower. The existing wireless facility, housed within a faux church steeple, will be removed from the building rooftop. The project did

not analyze alternative sites, as the proposed freestanding faux bell tower will replace the existing rooftop facility. Therefore, the project as proposed is consistent with Section 130.40.130(A).

**3.3 The project is consistent with Section 130.40.130(B)(6)(b).**

The construction or placement of communication facilities on new towers or monopoles, or an increase in height of existing towers or monopoles may be allowed as set forth below:

- b. In all other zones, or where located adjacent to a State highway or designated scenic corridor or within 500 feet of any residential zone, new towers or monopoles shall be subject to Commission approval of a Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title.

Rationale: The proposed tower is located within a residential zone and is surrounded by similarly zoned parcels. The proposed facility is located within 500-feet of any residential zone. As such, the proposed project is subject to the Zoning Ordinance standards per Section 130.40.130 (B)(6)(b) and requires Planning Commission review. This application for a Conditional Use Permit fulfills the requirement as outlined within 130.40.130(B)(6)(b) above.

**3.4 The project is consistent with Section 130.40.130(C-H).**

Section 130.40.130(C-H) of the Zoning Ordinance requires that all wireless communication facilities meet certain criteria.

- C. Visual simulations of the wireless communications facility, including all support facilities, shall be submitted. A visual simulation can consist of either a physical mock-up of the facility, balloon simulation, computer simulation, or other means.

Rationale: Photosimulations of the facility are provided in Exhibit F of this Staff Report. These simulations demonstrate how the facility would use a faux church bell tower to completely conceal all antennas and associated equipment from public view. Therefore, the project is consistent with this policy.

- D. Development Standards: All facilities shall be conditioned, where applicable, to meet the following criteria:

- 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 proposed tower will be a stealth monopine and painted to include earth

toned slats to blend with the prevalent architecture, natural features, or vegetation of the site.

Rationale: The project proposes to allow the installation and operation of a freestanding wireless facility, designed as a 57'-8" church bell tower. The existing wireless facility, housed within a faux church steeple, will be removed from the building rooftop. The project site is located on a portion of a fully developed parcel that is currently utilized for landscaping. In addition to the new faux bell tower, a 6'-0" wooden access gate and vegetative landscaping will be installed, aiding in concealment of ground mounted equipment from the roadbed below. The siting of the proposed facility has been determined to be the least intrusive placement for the project and will not have a significant effect on surrounding uses or viewsheds. Therefore, as proposed and conditioned, the project is consistent with this development standard.

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.

Rationale: The site is located within the R1 zone, which identifies a 30-foot front, 20-foot secondary front, 30-foot rear yard setback standard, and 10-foot side yard setback standard. The project will be located in excess of these minimum standards for the R1 zone.

3. Maintenance: All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping, shall be properly maintained at all times. Design, color, and textural requirements under the approved conditions shall be maintained to ensure a consistent appearance over time.

Rationale: The project has been conditioned to conduct routine wireless facility maintenance for the ongoing operation and safety of all equipment to occur approximately once a month. Additional immediate visits will occur if the site equipment is not functioning. The Conditions of Approval for the project shall ensure that the colors and materials of the stealth enclosure and ground equipment enclosure will be maintained at all times and will be consistent with the features as depicted in the photosimulations (Exhibit F).

- E. Radio Frequency (RF) Requirements: The application for a discretionary 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 in all directions from the facility to the property lines of the facility site.

Rationale: The submitted application includes an RF analysis report that confirms compliance with the applicable Federal Communication Commission (FCC) Regulations under 47 C.F.R Section 1.1307(b) (3) and 1.1310 (Radio Frequency Radiation Exposure Limits) (Exhibit G).

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

Rationale: The project proponents have confirmed adequate space will be available for future co-locations with other cellular service providers. The second carrier would need to install below T-Mobile's antennas and then add fiberglass panes around the antennas.

G. 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.

Rationale: The project has been conditioned to comply with this requirement.

H. Permit Application Requirements: Notification requirements for projects located within 1,000 feet of a school or on residentially zoned lands with a Homeowners Association (HOA).

Rationale: The proposed project is not located within 1,000 feet of a school nor are there any HOAs adjacent to the property. The project will comply with the appropriate hearing notification requirements.

#### **4.0 CONDITIONAL 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 of the General Plan as discussed in the General Plan section of the Staff Report. The proposed use is consistent with all applicable policies as set forth in Finding 2.0 above.

##### **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 conflict with the adjacent uses as the ground-support equipment and faux church bell tower are sited on a parcel which is already developed with a rooftop wireless telecommunications facility. As conditioned, the project is not anticipated to result in significant environmental impacts or impacts to neighboring parcels. 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. As demonstrated in the supplied Radio Frequency Report,

the proposed operation of the telecommunication facility will comply with the prevailing standards for limiting public exposure to radio frequency energy, the risk of RF emissions to the surrounding public is remote (Exhibit G).

4.3 **The proposed use is specifically permitted by Conditional Use Permit.**

Because the proposed use complies with the requirements of Zoning Ordinance Section 130.40.130.A through H, the communication facility is a specifically permitted use with a CUP.