

## FINDINGS

### **Conditional Use Permit CUP-R21-0008/Crown Castle Cell Tower Replacement Planning Commission/November 18, 2021**

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 CUP-R21-0008 has been found to be consistent with a prior approved Negative Declaration under S96-0004. An addendum to the prior approved Negative Declaration has been prepared pursuant to Section 15164 of California Environmental Quality Act (CEQA) Guidelines (Addendum to an EIR or Negative Declaration) which states, “(b) An addendum to an adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 of CEQA Guidelines calling for the preparation of a subsequent EIR or Negative Declaration have occurred. (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration. (d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project. (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency’s findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.” Approval of the Conditional Use Permit Revision would not be considered a significant expansion of use beyond what was originally approved with S96-0004 and therefore qualifies for the addendum process.
- 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 Medium-Density Residential (MDR) designation establishes areas suitable for detached single-family residences with larger lot sizes which will enable limited agricultural land management activities.

Rationale: The project proposes to expand a currently existing telecommunications facility which had been determined as consistent with the General Plan under a prior approval, S96-0004R. The proposed expansion of the telecommunications site will not result in a new use, nor result in negative impacts to the general health, safety, and welfare of nearby residents.

Therefore, the proposed expansion is consistent with the General Plan MDR land use designation.

**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: Staff has prepared this section on General Plan findings to document the project's consistency with the policies of the General Plan.

**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.

Rationale: The new 90-foot-tall monopole will be located in the exact same location as the currently existing 60-foot-tall monopole. The surrounding parcels are zoned for one-acre minimum residential lot sizes. Additionally, the monopole location is surrounded by tree canopy which is sufficient in concealing the existing monopole. However, a portion of the increased height will extend above the existing tree canopy. As this site is a currently existing site, alternative sites were not analyzed.

**2.5 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 utility to be impacted by that development.

Rationale: The project was reviewed by the El Dorado County Department of Transportation, El Dorado County Fire Protection District, and PG&E for adequate public services capacity. No issues or concerns were raised regarding the adequacy of public services and utilities which will serve this project. Therefore, this project is consistent with this policy.

**2.6 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 within a currently existing telecommunications site. The proposed addition will result in de minimis impacts to water needs for all uses, including fire protection. Therefore, the proposed addition is consistent with this policy.

**2.7 The proposed use is consistent with General Plan Policy 5.6.1.4.**

Special Use Permits shall be required for the installation of community telecommunication facilities in residential areas to ensure that siting, aesthetics, environmental issues, surrounding land uses, and health and safety are considered.

Rationale: This project shall serve as the special use permit to establish the installation and operation of the proposed co-location telecommunications facility.

**2.8 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 proposed project will not result in any hindrances to site access as it currently exists. Therefore, the project will continue to maintain adequate site access in the event of emergency access and/or evacuation. This project is consistent with this policy.

**2.9 The project is consistent with General Plan Policy 6.5.1.2.**

General Plan Policy 6.5.1.2 requires that when noise-sensitive land uses are proposed in areas exposed to existing or projected exterior noise levels exceeding the levels specified in Table 6-1 or the performance standards of Table 6-2, an acoustical analysis shall be required.

Rationale: The proposed project includes a back-up generator to be used in instances of rolling power shut-offs. The noise generated by this generator will not be consistent. The only noise impacts associated with the back-up generator will be during rolling black-outs and during short intermittently scheduled operational tests.

**2.10 The project is consistent with General Plan Policy 6.5.1.7.**

General Plan Policy 6.5.1.7 requires that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses.

Rationale: The proposed project will include a back-up generator which is not expected to exceed the noise level standards of Table 6-2 for noise-sensitive uses.

**2.11 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. If oak trees were to be removed, an Oak Resource Technical Report and applicable oak mitigation in-lieu fees would be required.

**3.0 ZONING FINDINGS**

**3.1 The proposed use is consistent with Title 130.25.**

The proposed project site is located with the One-Acre Residential (R1A) zoning designation.

Rationale: Table 130.24.020 specifies that establishing and operating communication facilities in a R1A zone shall require a Conditional Use Permit. This application fulfills the requirement.

**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

Rationale: The project will result in the removal of a 60-foot-tall monopole and replacement with a 90-foot-tall monopole to be located in the same position. An alternative site analysis dated September 8, 2021 shows two other potentially suitable sites in the area of concern. Both of the analyzed sites included topographic concerns resulting in reduced coverage results unless a tower of significantly greater height were to be constructed. This site will fill a gap along Gold Nugget Way within the US Highway 50 area. There will be de minimis impacts as a result of the new monopole. 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).**

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:

- a. In all commercial, industrial, and research and development zones, except where located adjacent to a state highway or designated scenic corridor or within 500-

feet of any residential zone, a new tower or monopole may be allowed subject to Zoning Administrator approval of a Minor Use Permit in compliance with Section 130.52.020 (Minor Use Permits) in Article 5 (Planning Permit Processing) of this Title.

- 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 Planning 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 colocation is located within a residential zone and is surrounded by similarly zoned parcels. 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: Photo-simulations of the facility are provided in Exhibit H of the Staff Report. These simulations demonstrate how the facility will blend with the existing tree canopy, excepting a portion which exceeds the height of the surrounding tree canopy.

- 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 facility shall be painted to blend with the prevalent architecture, natural features or vegetation of the site.

Rationale: The project site is located on a previously developed site. Dense tree canopy exists surrounding the existing monopole. The current monopole makes use of this tree canopy to aid in concealment efforts. The existing tree canopy will be sufficient to conceal the proposed 90' monopole.

- 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 R1A zone, which identifies a 30-foot front, 25-foot secondary front, 15-foot side, and 30-foot rear yard setback standards. The project will be located on a new tower to be located in the same location as the current tower which is compliant with the development standards for the R1A 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. Additional immediate visits will occur if the site equipment is not functioning. Recommended conditions 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 elevations and visual simulations (Exhibits G and H).

- 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 Communications Commission (FCC) Regulations under 47 C.F.R Section 1.1307(b) (3) and 1.1310 (Radio Frequency Radiation Exposure Limits) (Exhibit I).

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

**Rationale:** The proposed site would be a co-location expansion of a currently existing communication facility. The stealth enclosure includes space for another potential carrier to co-locate in the future.

- G. **Unused Facilities:** 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.

**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 Home Owners Association (HOA).

Rationale: The proposed project is not located within 1,000-feet of a school. However, it is located on a larger residentially zoned parcel which is surrounded by similarly zoned and sized parcels. The subject property is not within a HOA, and no adjacent properties are within an HOA. The project complies with the 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 towers are buffered from view by existing trees. As conditioned, the project is not anticipated to result in significant environmental impacts or impacts to neighboring 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 one percent or less of the public safety standard established by the FCC at the project site, the risk of Radiofrequency (RF) emissions to the surrounding public is remote.

##### **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 Conditional Use Permit.