

**COUNTY OF EL DORADO DEVELOPMENT SERVICES  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** December 11, 2014

**Staff:** Joe Prutch

**SPECIAL USE PERMIT**

**FILE NUMBER:** S14-0009/AT&T Cell Tower Skyline Drive

**APPLICANT:** New Cingular Wireless, LLC/AT&T

**AGENT:** John Pek

**REQUEST:** Special Use Permit to allow the construction of a wireless telecommunication facility consisting of a 113 foot monopine tower with nine panel antennas, equipment shelter, related ground equipment, HVAC units, sound barrier walls, and solid wood fence.

**LOCATION:** On the south side of Skyline Drive approximately, one mile northeast of the intersection with U.S. Highway 50 and Pioneer Trail, in the South Lake Tahoe area, Supervisorial District 5. (Exhibit A)

**APN:** 081-102-01 (Exhibit B)

**ACREAGE:** 0.32 acres

**GENERAL PLAN:** Adopted Plan (AP) - Tahoe Regional Plan, Plan Area Statement (PAS) 120, Tahoe Paradise Meadowvale, Residential Land Use Classification

**ZONING:** TR-1 (One-Family Residential - Tahoe)

**ENVIRONMENTAL DOCUMENT:** Negative Declaration

**RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and
2. Approve Special Use Permit S14-0009 based on the Findings and subject to the Conditions of Approval as presented.

**PROJECT INFORMATION**

**Project Description:** Special Use Permit to allow the construction of a wireless telecommunication facility consisting of a 113 foot monopine tower with nine panel antennas at the 106 foot level, tower light at the top three feet of the pole, a 12 by 12 foot equipment shelter with two HVAC units on north side of shelter underneath a corrugated metal roof, and two 10 foot tall block sound barrier walls on either side of the HVAC units, all within a 30 by 30 foot wood fenced lease area. The fence will be six feet tall with an eight foot wide gate opening to the utility easement. The ten foot tall equipment shelter exterior will have a tan sand and pebble finishing with a taupe color trim. The split-face CMU sound barrier wall will be painted to match the shelter. Three pine trees will be removed for the cell site and three pine trees within 35 feet of the tower on the subject property will be trimmed to 85 feet maximum height.

The tower height will allow for two additional carriers to collocate antennas and microwave dishes. The lease area would allow for additional ground equipment.

**Site Description:** The site is located on a 0.32 acre parcel, approximately 6,530 feet above sea level. There is a single family residence with deck and paved parking area at the front of the property with an eight foot wide paved utility road along the entire length of the west property line from Skyline Drive to a public water tank behind the property. The paved utility road is within a 15 foot road and utility easement on the property. The parcel is on a small hillside with an elevation range of 6,520 to 6,533 feet and is moderately vegetated with pine trees. The proposed ground equipment will be slightly visible from Skyline Drive and nearby residences, although the equipment will be screened by a six foot tall wooden fence. The majority of the monopine will be visible from the street and nearby neighbors, although the pole and antennas will be screened by manufactured tree bark, branches and needles. From the proposed tower location, the nearest residence is approximately 35 feet to the west, with a second residence over 100 feet to the east and a third over 180 feet to the south. Another 99 foot tall monopine on the adjacent property to the south is 75 feet from the proposed monopine. Pine trees surrounding the proposed 113 foot tall monopine range from 68 to 100 feet in height.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	TR-1	AP	Single Family Residence
<b>North</b>	TR-1	AP	Single Family Residences
<b>South</b>	TR-1	AP	Single Family Residences, water tank and monopine
<b>East</b>	TR-1	AP	Single Family Residences
<b>West</b>	TR-1	AP	Single Family Residences

## STAFF ANALYSIS

The parcel is zoned TR-1 (One-Family Residential - Tahoe). Zoning Ordinance Section 17.14.210(D)(5b) permits wireless communication facilities in the TR-1 Zoning District with an approved Special Use Permit, provided the applicant follows standards and permitting requirements defined in Section 17.14.210 E-J of the Zoning Ordinance. These standards include screening, compliance with setbacks, and proper maintenance.

**General Plan:** Policy 5.6.1.4 states, “Special Use Permits shall be required for the installation of community telecommunications facilities (e.g. microwave towers) in residential areas to ensure that siting, aesthetics, environmental issues, surrounding land uses, and health and safety concerns are considered.” The applicant has designed the wireless communication facility in compliance with County regulations addressing siting and surrounding land uses, aesthetics, environmental issues, and health and safety concerns.

### Tahoe Regional Plan

The Tahoe Regional Plan is the governing document for the Tahoe Basin. The Plan includes Plan Area Statements that further govern specific areas of the Basin. The project site is located within Plan Area Statement (PAS) 120, Tahoe Paradise Meadowvale, which has a land use classification of residential. A transmission and receiving facility is a permitted use in this PAS under the provisions for a special use. Therefore, the County special use permit will satisfy the TRPA’s requirement for a special use permit for the cell proposed cell tower use.

### Land Use Compatibility

The site is surrounded by residences with a public water tank and monopine to the south. The Tahoe Airport is approximately one mile to the north. Policy 2.2.5.21 directs that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses. The project would be compatible and consistent with the adjacent residential and land use designations because it has been designed to blend with the surrounding trees and colors, as directed by Section 17.14.210 of the Zoning Ordinance. The tower pole would be covered with a manufactured tree bark with attached pine tree branches and the antennas would be painted a green color and covered with antenna socks to blend with the surrounding pine trees. Only a small portion of the ground equipment and the majority of the tower would be visible from Skyline Drive or the nearby residences (Exhibit F). As proposed and conditioned, the communication tower would be consistent with these policies.

### Adequate Access for Emergencies

The site is located on a residential parcel fronting Skyline Drive. An existing eight foot wide and 100 foot in length paved utility road from Skyline Drive would provide access to the cell tower facility. Policy 6.2.3.2 directs the applicant to demonstrate that adequate access exists, or can be provided for emergency vehicles and private vehicles to access and evacuate the area. The existing access driveway is currently being used by the property owner, South Tahoe Public Utility District, and maintenance crews for the other monopine and could be used by emergency vehicles. The Lake Valley Fire Protection District would be able to provide the site with fire and emergency service protection through the existing paved utility road. Therefore, the project would be in compliance with this General Plan Policy.

### Conclusion

Staff finds that the project, as proposed and conditioned, conforms to the General Plan and the Tahoe Regional Plan, Plan Area Statement 120.

**Zoning Ordinance:** Section 17.14.210 of the County Zoning Ordinance regulates wireless communication facilities. Section 17.14.210.B of the Zoning Ordinance requires that all wireless providers collocate their equipment on existing sites where possible. The tower is being proposed to provide additional coverage and capacity in the South Lake Tahoe area and along U.S. Highway 50. Another goal is to create one structure that could potentially accommodate other wireless service providers serving the area. Although a monopine does exist on an adjacent parcel, the applicant states that there is no room on the tower for additional antennas or space on the ground for additional equipment shelters.

Section 17.14.210.E thru J of the Zoning Ordinance requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards.

- E. Visual: Photo-simulations show the development that is being requested under this action. The two simulations include a view looking south from across Skyline Drive and a view looking southeast from across Skyline Drive. From the south the existing tower on neighboring property is visible but the proposed tower is well screened behind trees. From the southeast the proposed tower is highly visible, but the manufactured bark and branches allow the tower to blend with the surrounding trees. The three foot light on top of the pole will be visible, particularly at night, but is required per FAA requirements because of the nearby airport. The use of manufactured branches, pine needle socks and non-reflective green paint will help camouflage the pole and antennas to better blend with the surroundings. The photo simulations would be used during the plan check permit process to ensure that the project conforms to the approved exhibits. Photo simulations of the proposed wireless facility are included as Exhibit F.
  
- F. Development Standards:
  - 1. Screening: The applicant is proposing to place equipment cabinets and support equipment within a 12 by 12 foot equipment shelter to be surrounded by a 6-foot tall wood fence. Only the top few feet of the ground equipment will be visible to the public at Skyline Drive. The monopine will include a brown manufactured bark over the pole and green manufactured tree branches attached to the pole made to mimic a pine tree. The antennas will be painted green to match the manufactured pine needles. As illustrated in the photo simulations, site plan, and elevations, the tower and ground equipment are designed to blend with the existing surroundings, consistent with Zoning Ordinance Section 17.14.210
  
  - 2. Setbacks: The TR-1 Zone District requires a five foot side setback and 15 foot rear setback from property lines for the telecommunications facility and components. The *Enlarged Site Plan, Sheet A2* (Exhibit E-3), shows the monopine structure is 24 feet from the side property line and 26.5 feet from the rear property line, while the equipment shelter is 30 feet from the side property

line and 23.5 feet from the rear property line, consistent with the TR-1 zone district standards.

3. Maintenance: Maintenance personnel would visit the site once or twice a month, at which time the facility would be inspected to ensure proper operation. Conditions are recommended to require that the colors and materials of the equipment shelter, tower, and ground support equipment be maintained at all times to be consistent with the features depicted in the visual simulations and elevations. A condition of approval has been included requiring the continued maintenance of the facility.

G. Radio Frequency (RF) Requirements

Section 17.14.210.G of the Zoning Ordinance requires that the applicant submit a report or summary of the estimates of non-ionizing radiation generated by the facility and maximum electric and magnetic field strengths at the edge of the facility site, as regulated by the Federal Communication Commission (FCC). The RF analysis dated April 11, 2014, found that the highest calculated RF level in publicly accessible areas would be 2.9 percent, which is much less than the prevailing standards allow for exposures of unlimited duration. The report concluded that the proposed cell tower operation will comply with the FCC guidelines limiting public exposure to RF energy.

H. Availability

Section 17.14.210.H of the Zoning Ordinance requires that all existing communication facilities be available to other carriers as long as structural or technological obstacles do not exist. The tower would be 113 feet tall with Verizon antennas mounted at the 106 foot level. The remaining lower portions of the tower and the 900 square foot lease area will be able to accommodate up to two other carriers.

I. Unused Facilities

Section 17.14.210.I of the Zoning Ordinance requires that all obsolete or unused communication facilities be removed within six months after the use of that facility has ceased or the facility has been abandoned. The project has been conditioned to comply with this requirement.

J. Other Permit Requirements

Section 17.14.210.J of the Zoning Ordinance provides certain notification requirements for projects located within 1,000 feet of a school or on residentially zoned lands governed by CC&Rs. The project parcel is on residentially zoned land not governed by any homeowner's association. No school is located within 1,000 feet of the project site. As such, no special notification procedures were required for this project.

Conclusion

After review of the site plan and visual simulations, it has been determined that the proposed project complies with the Zoning Ordinance and the standards contained in Section 17.14.210.E through J.

**Noise:** The project includes two air conditioning units that are the primary noise sources. The closest sensitive receptor (residence) is 35 feet to the west, while the closest property line is 13 feet to the west.

Policy 6.5.1.7 of the General Plan states that noise created by new point noise source shall be mitigated so as not to exceed the noise level standards of Table 6-2 of the General Plan for noise-sensitive uses, such as residences. In community regions the exterior noise level standard is applied at the nearest property line. The proposed installation of the cell tower facility will include two HVAC units on the north side of the equipment shelter with two concrete-block projections at the two corners closest to the HVAC units to attenuate sounds levels toward the adjacent property owners. Operational noise from air conditioning units will generate noise levels of 43.2 dBA at the nearest property line 13 feet to the west (Hammett & Edison, Inc., 6/30/14), which is below the 55 dBA daytime, 50 dBA evening, and 45 dBA nighttime thresholds from Table 6.2 of the General Plan.

The Tahoe Regional Plan states that the maximum Community Noise Equivalent Level (CNEL) within the Plan Area Statement 120 is 50 CNEL (or 43.3 dBA). The noise level from the HVAC units meets this requirement.

With the block sound walls, noise generated by the HVAC units will not be significant to nearby residents. Any noise generated from installation of the cell tower facility will be subject to General Plan Policy 6.5.1.11 reducing any noise impacts from temporary construction to less than significant.

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist Form and Discussion of Impacts, Exhibit H) to determine if the Special Use project may have a significant effect on the environment. Based on the Initial Study, staff has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment, and a Negative Declaration has been prepared.

In accordance with California Fish and Game Code Section 711.4, the project is subject to a fee of \$ 2,181.25 after approval, but prior to the County filing the Notice of Determination on the project. This fee plus the \$50.00 filing fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,181.25 is forwarded to the State Department of Fish and Wildlife and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Conditions of Approval  
Findings

Exhibit A.....	Location Map
Exhibit B.....	Assessor's Parcel Number Map
Exhibit C.....	General Plan Land Use Map
Exhibit C-1.....	Plan Area Statement Map
Exhibit D.....	Zoning Map
Exhibit E-1.....	Overall Site Plan, Sheet A1; 06/19/14
Exhibit E-2.....	Detailed Overall Site Plan, Sheet A1.1; 06/19/14
Exhibit E-3.....	Enlarged Site Plan, Sheet A2; 06/19/14
Exhibit E-4.....	Equipment Shed Plan, Elevations and Antenna Plans, Sheet A3; 06/19/14
Exhibit E-5.....	West Elevation, Sheet A4; 06/19/14
Exhibit E-6.....	South Elevation, Sheet A5; 06/19/14
Exhibit E-7.....	East Elevation, Sheet A6; 06/19/14
Exhibit E-8.....	North Elevation, Sheet A7; 06/19/14
Exhibit F.....	Visual Simulations (two pages)
Exhibit G.....	Verizon Coverage Maps (two pages)
Exhibit H.....	Proposed Negative Declaration and Initial Study