

## **FINDINGS**

### **Conditional Use Permit CUP19-0001/Pat Dorado Colocation Planning Commission/May 23, 2019**

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 The proposed communication facility is Categorically Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines. Class 1 exemptions consist “of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.” All antennas and associated equipment are being attached to the existing tower or the 12’ X 11’ 2” lease area, thus the installation of the communication facility 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 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 and the El Dorado Hills Specific Plan.**

The Adopted Plan (AP) designation recognizes areas for which specific land use plans have been prepared and adopted. The project site is located within the El Dorado Hills Specific Plan.

Rationale: The project site is located in Village D specifically the “discontiguous portion of Village D that lies west of the open space area, immediately contiguous to the existing El Dorado Hills Public Golf Course,” as specified by the El Dorado Hills Specific Plan. The project is consistent with requirements for this village such as, “access to this site will be via the extension of Wilson Boulevard.”

- 2.2 **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.

### **3.0 ZONING FINDINGS**

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

The proposed project site is located with an Open Space zoning designation.

Rationale: Table 130.25.020 specifies that establishing and operating communication facilities in an Open Space 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: As discussed in the project background an alternative site analysis was conducted prior to applying for this application. The applicant has identified the proposed site as the most optimum in satisfying residents' wishes, as well as filling coverage for the service gap area.

#### **3.3 The project is consistent with Section 130.40.130(B)(4)(a-d).**

In all zones, the co-location of antennas on signs, water tanks, utility poles and towers, light standards, and similar structures may be allowed subject to zoning administrator approval of a minor use permit in compliance with Section 130.52.020 (Conditional and Minor Use Permits). Those facilities not meeting the requirements below are subject to a Conditional Use Permit:

- a. Antennas shall not exceed the maximum height for the zone or 15 feet above the height of the existing structure, whichever is less.*

Rationale: The maximum building height allowed by the development standards for the OS zoning designation is 25 feet. The existing tower is 43' 5" in height, as approved by S03-0003/PD03-0002. The project will install a stealth enclosure adding a fourth story to the existing hose tower, bringing the tower height 55' 6". One whip antenna would extend above the stealth enclosure bringing the total height to 65'. The colocation will exceed the maximum height restriction for the OS zone, and as specified in 130.40.130(B)(4)(a) a conditional use permit is required. This application fulfills the requirement.

- b. *Antennas and mounting brackets shall be constructed and mounted to blend with the design and color of the existing structure.*

Rationale: The proposed stealth enclosure would hide all equipment except one whip antenna extending above the roof line. The enclosure has been designed to complement the existing tower and match the Station 85 roof materials.

- c. *All equipment shelters, cabinets, or other ancillary structures shall be located within the structure being utilized for the communication facility, or on the ground screened from public view.*

Rationale: The new equipment cabinet will be screened from view within the existing fire station trash enclosure. A new trash enclosure would be constructed to match the old.

- d. *If proposed to be attached to a structure, utility pole, or tower located within a public utility easement, both the utility and the property owner must authorize submittal of an application for such use.*

Rationale: The proposed colocation is located within a public utility easement.

### 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 architecture and surrounding area to minimizing visual impacts.

- 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. The surrounding areas are dominated by high density residential development and rolling hills with oak canopy. The existing landscaping on the site is well maintained and compliant with the original approvals. The stealth enclosure would be painted a non-reflective earth-tone green to match the existing roof materials and blend with the landscape in the background.

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 OS zone, which identifies 50 foot setbacks from all property lines. The project will be located on the existing tower and within the existing trash enclosure which are compliant with the development standards for the OS 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 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 new communication facility. The stealth enclosure would include space for another 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.*

Rationale: The proposed project is not located within 1,000 feet of a school, nor is it located on residentially zoned lands. 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 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.C through H, the communication facility is a specifically permitted use with a Conditional Use Permit.