

FINDINGS

Conditional Use Permit Revision CUP-R22-0018/Syres Cell Tower Replacement Planning Commission/April 27, 2023

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 Staff reviewed the project and found it exempt from California Environmental Quality Act (CEQA) pursuant to Section 15302, Replacement or Reconstruction. Class Two exemptions consist of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced including, as stated in Section 15302, Replacement or Reconstruction. The project proposes the replacement of a 51.1-foot-tall monopole for a 70-foot-tall monopine cellular communication facility. Therefore, the project is in conformance with CEQA Exemption Section 15302.
- 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 2.2.2.3.

The One-Acre Residential (R1A) designation identifies those areas suitable for high-density, single family design concepts such as single-family units, and one-acre single-family dwellings, subject to the standards set forth in the Zoning Ordinance and which meet the minimum allowable density of medium-density residential (MDR) land use of the General Plan.

Rationale: The project proposes to allow the replacement and operation of an established telecommunications facility. The 70-foot-tall monopine replacement would be 18.9 feet taller than the existing 51.1-foot-tall monopole. The monopine replacement would include six (6) new antennas, six (6) new radios, one (1) antenna mount, two (2) hybrid trunks, and an ice bridge. The requested replacement telecommunication facility would be located on a parcel which includes a previously approved telecommunication facility. Therefore, the proposal 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 monopine expansion would be located within the 1,500-square-foot currently existing telecommunications facility.

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), 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 within the lease area of an existing telecommunications facility. The site is currently served by CAL FIRE 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 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 130.23.

The proposed project site is located within the R1A zoning designation.

Rationale: Table 130.24.020 specifies that establishing and operating communication facilities in a R1A zone shall either be allowed with approval of an Administrative or Conditional Use Permit. This project proposes a facility that would be considered a replacement tower and is subject to the zoning ordinance standards per Section 130.40.130 (B.6.b). The project site is located within a 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.

Rationale: The project will result in the construction and operation of a replacement monopine telecommunication facility. The project did not analyze alternative sites, as this site is a replacement tower proposal, would not result in the establishment of a new telecommunications site or expansion of the existing lease area. Therefore, the project as proposed is consistent with Section 130.40.130(A).

3.3 The project is consistent with Section 130.40.130(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 replacement tower is located within a residential zone and is surrounded by similarly zoned and developed residential parcels. This application for a Conditional Use Permit Revision 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 I of this Staff Report. These simulations demonstrate how the facility would use faux pine tree branches to blend with the existing tree canopy. 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 replacement 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 site includes an existing monopole and fenced lease area with supporting equipment. The existing monopole facility includes required screening of ground equipment with fencing that includes painted slats. The proposed replacement would not remove the screening of ground

equipment and the project would maintain consistency of screening efforts for the ground equipment. The replacement tower will be a stealth monopine, which would increase screening efforts for the tower. Therefore, the project is consistent with this screening 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 proposed project is located on a site with a prior approved monopole. The prior approved monopole is consistent with the required setbacks for the R1A zone. There would be no encroachment into setbacks. Therefore, the project is consistent with this standard.

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 photo-simulations (Exhibit I).

- 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 H).

- 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 is a replacement and reconstruction proposal. The applicant has confirmed that adequate space will be available for future colocations with other cellular service providers. Therefore, the project is consistent with this standard.

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; the site is located on residentially zoned lands. The subject property is not within a HOA, and no adjacent properties are within a HOA. 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 telecommunications equipment is sited on a parcel which includes an existing monopole 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. At one (1) 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.A through H, the communication facility is a specifically permitted use with a Conditional Use Permit.