

# **COMMUNITY DEVELOPMENT AGENCY**

## **DEVELOPMENT SERVICES DIVISION**

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TO:

El Dorado County Planning Commission

**Agenda of:** May 14, 2015

FROM:

Jennifer Franich, Associate Planner

**DATE:** 

April 6, 2015

**SUBJECT:** 

Five-Year Review of Special Use Permit S09-0015-R for the continued operation

of an existing wireless telecommunications facility

File Number:

S09-0015-R/New Coloma Monopine

Applicant:

SBA Communications Corporation (Agent: Jacob Hamilton/Virtual Site

Walk, LLC)

**Property Owner:** 

Paul Bado

Request:

Five-year review of an existing cellular telecommunications facility.

Location:

South side of Sagebrush Road, approximately 389 feet east of the

intersection with Tara View Road, in the Coloma area, Supervisorial

District 4.

Assessor's

**Parcel Number** 

088-420-06

Acreage:

5.0 acres

General Plan:

Rural Residential – Important Biological Corridor (RR-IBC)

Zoning:

Estate Residential 10-Acre (RE-10)

**Recommendation:** Staff recommends that the Planning Commission take the following actions:

- 1. Find Special Use Permit S09-0015-R to be exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines;
- 2. Find that based on this five-year review period, the approved telecommunication facility substantially conforms to the Conditions of Approval for S09-0015;
- 3. Modify Condition of Approval number 6 as follows:
  - 6. Native landscape In accordance with a new landscaping plan to be submitted within 90 days, native or non-native shrubs and trees shall be planted around the entire fenced area as shown in Exhibit E 10. All landscaping associated with the wireless telecommunications facility shall be properly maintained and shall be irrigated when necessary to promote and maintain growth. Dead or dying vegetation shall be removed. Applicant shall install and maintain landscaping in accordance with the approved landscaping plan in perpetuity or unless otherwise modified through any future permit. Proof that the landscaping has been installed as described shall be received by Planning Services prior to issuance of final occupancy, within 90 days following landscape plan approval.
- 4. Modify Condition of Approval number 12 as follows:
  - 12. Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Department Division every five years. At each five-year review, the permit holder shall provide the Development Services Department-Division with a status report on the then current use of the subject site and related equipment. The Development Services Division shall review the status and present that report to the approving authority with a recommendation determine whether to: (A) Allow the facility to continue to operate under all applicable conditions or modify the conditions of approval in order to reduce identified adverse impacts; or (B) Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system. By operation of this condition, it is the intent of the County to reserve the right to modify or add new conditions, consistent with the language specified above. The failure of the County to conduct or complete a five-year review in a timely fashion shall not invalidate the Special Use Permit. The applicant shall pay a fee determined by the Development Services Division Director to cover the cost of processing a five-year review on a time and materials basis.

## 5. Add a new Condition of Approval:

#### **Planning Services**

28. Generator maintenance: Any routine maintenance that requires running the generator or automatic cycling of the generator shall be performed between the hours of 9 a.m. and 3 p.m. Monday through Friday.

**Background:** Special Use Permit S09-0015, as approved by the Board of Supervisors June 29, 2010, allowed the construction and operation of a 100-foot monopine tower with 12 antennas at the 98-foot level and related ground support equipment. A five-year review of the facility permit and status report is required under condition 12 of the Conditions of Approval.

**Staff Analysis:** The applicant is requesting a five-year review of the existing cellular telecommunications facility. The applicant has provided the attached Status Report and as-built plans (Exhibits A and B) to show that the facility is operating in compliance with all applicable conditions of approval for S09-0015 (Exhibit C).

The proposed modification to Condition of Approval number twelve will bring the condition up to date with the standard condition for telecommunication facility permits that require ongoing maintenance for aesthetic purposes. The modified condition allows five-year reviews to be done at staff-level review in the future for streamlined processing. The modification of condition six is to address the lack of vegetation growth and need for screening which is not being adequately provided by the current landscaping (Exhibit C). The added Condition of Approval number 28 is a condition that the Planning Commission has requested for similar projects.

Environmental Review: Staff has determined that, pursuant to CEQA Guidelines Section 15061(b)(3), this action is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This is a five-year review as required by the conditions of approval for the existing telecommunications tower facility authorized under the special use permit. The review for compliance with the conditions of approval for the special use permit includes any remedial measures to be taken to ensure compliance. It can be found that the compliance review will not have an impact on the environment and is therefore not subject to CEQA.

## SUPPORT INFORMATION

Exhibit A	S09-0015 Conditions of Approval with Responses
Exhibit B	S09-0015 As-Built Plans
Exhibit C	Current Site Photos

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Date: February 28, 2015

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RECEIVED
PLANNING DEPARTMENT

RE: Five-Year Review of New Coloma site – SUP S09-0015 (APN 088-420-06)

TO: El Dorado County Planning Department and Planning Commission

#### Introduction

Pursuant to SUP S09-0015, Condition of Approval 12, SBA Communications submits this application for a Five Year Review of the existing New Coloma wireless tower facility. No changes to the existing facility are proposed at this time and the project as constructed and maintained is in full compliance with all conditions of the SUP.

The facility was designed and built to ensure minimal impact on visual resources, existing utilities, access, existing emergency response times, and the biological corridor in which it is situated. Photographs (included with this application) from a recent site visit demonstrate that the facility complies with all setback, screening and maintenance requirements of El Dorado Zoning Code ("EDZC") § 17.14.210. In addition, the existing facility is consistent with Policy 5.6.1.4 of the General Plan because it is in full compliance with all SUP S09-0015 Conditions of Approval, which were designed by planning staff to satisfy General Plan requirements. Building Permits 199593 (site development/grading – issue date 1/24/2011) and 198101 (cell tower/electric construction – issue date 1/24/2011) further support the assertion that the project as constructed complies with the conditions of SUP S09-0015 because the county required compliance with the conditions of the SUP prior to issuance of the building permits.

Importantly, the facility continues to benefit the Garden Valley and Coloma communities, as well as travelers along State Route 49, by providing improved access to cellular service for phone, internet, and emergency communications. The facility is equipped to accommodate up to four additional carriers with four additional antenna arrays. This additional capacity satisfies the county's intent to "minimize the number of communication facilities through encouraging the joint use of existing and new towers..." EDZC § 17.14.210 (B).

## **Conditions of Approval**

## 1. Compliance with project description

In accordance with the SUP approved project description, the facility consists of a 100-foot tall monopine tower with twelve antennas divided into three sectors, mounted at the 98-foot level. The project footprint also includes a 12-foot by 16-foot, 10 feet tall equipment shelter with associated ground support equipment located within the 60-foot by 90-foot lease area, which is

Exhibit A

S 09-0015-R



enclosed by a six-foot tall chain link fence. The monopine is able to accommodate up to four additional antenna arrays on the tower and four additional equipment shelters within the lease area. However, at this time, no such other use has been made. The project facility includes one equipment shelter with two wall-mounted HVAC units and one emergency generator located on the east side of the equipment shelter. The fencing screens the equipment shelter with brown slats and the fencing is buffered by native landscaping. Applicant dug approximately 195 feet to the existing utility pole on Sagebrush Road to extend power and Telecom services. El Dorado County Building Permit 199593 authorized the excavation to the utility pole.

**Exhibits Marked A-N:** The facility as constructed complies with the Exhibits marked A - N.

#### **Conditions from Mitigated Declaration**

**2. Noise-1:** In order to comply with the General Plan noise limits and SUP S09-0015 Condition of Approval Number 2, the Verizon emergency generator and air conditioning units were moved from the northwest portion of the lease area to the northeast corner, on the east side of the equipment shelter (see CA11654-B, New Coloma Site Plan – 082510).

## **Planning Services Site-Specific and Standard Conditions**

- **3. Comply with exhibits E1-F12:** The exhibits appear to be labeled differently in the Staff Report and the original submittal, but all original conditions of approval and Exhibits are still in compliance.
- 4. Prior to start of operation, applicant submitted written documentation explaining conformance with each condition and scheduled time for inspection by Planning Services to verify compliance: We do not show documentation confirming planning visited the site to determine compliance. However, our sites visits show compliance.
- 5. Monopine and equipment physical appearance: The monopine and ground equipment were designed and continue to represent the best available technology for blending a wireless tower into the surrounding area. The monopine pole is painted a flat brown color. The monopine branches are in an asymmetrical pattern and the branches and needles are colored to resemble the native foothill pine. The antennas do not extend past the tree's crown spread and are painted a flat green color in order to blend in with the branch foliage. The auxiliary equipment is painted a matching light brown and screened from view by a chain-link fence covered in dark brown vinyl slats. In addition, native shrubs and pines are planted around the perimeter of the fence. There are no gaps in the fence in any portion where it touches ground level. Photos from a recent site visit show that all colors are maintained so as to provide a quality and aesthetically pleasing exterior finish.



- **6. Landscaping requirements:** Three different kinds of native chapparral shrubs and foothill pines were planted around the fence perimeter (See Exhibit G-10 Planting Plan). This mixed vegetation makes the project area landscape look particularly natural and reduces the lollipop look of the monopine. The vegetation is naturally irrigated and monitored for health and appearance on a monthly basis by applicant's personnel. There are plenty of other pine trees surrounding the tree as shown in the pictures.
- **7. One exterior emergency light:** The emergency sconce lighting fixture fully complies with EDZC § 17.14.170. The light is top and side shielded with a full cut off hood (see Exhibit K with manufacturer information for WALLPACKS WP1C and WP1FC) in compliance with EDZC § 170.14.170 (C) and the IESNA full cut off designation. The shielded lighting of the shelters points downward, focused on the door area. Once inside the shelter, the light turns off. Lighting of the facility and equipment shelter will only occur during maintenance visits, which are normally during day light hours, but emergency visits may occur in the evenings.
- **8. Television reception**: The operating facility has not caused any interference with television reception or other electrical interference nor will it in the future.
  - 9. Expansions to the lease area, pole height, or number of antennas: Applicant does not propose any changes to the lease area, pole height, or number of antennas at this time.
  - **10. Consent to co-location:** Applicant fully consents to co-location of other wireless communication users and their additional equipment. The site plan shows that applicant designed the facility as a multi-carrier facility to accommodate four additional carriers and their equipment. At this time, one wireless carrier, Verizon, is using the facility.
  - 11. Obsolete/unused facilities: The facility and equipment are currently in use.
  - 12. Five-Year Review/Status report: SBA Communications submits this application for Five-Year Review of SUP S09-0015 pursuant to this condition. The site is currently supporting one wireless carrier (Verizon), including all the carrier's equipment located in the equipment shelter, two HVAC units and an emergency generator. The generator is housed within a Level 2 Sound Enclosure. The facility continues to benefit the Garden Valley and Coloma communities by providing improved access to cellular service for phone, internet, and emergency communications.
- √ 13. Compliance with permit conditions and zoning code: Lessee (operator) and lessor (property owner) are in full compliance with conditions of approval and zoning code.



- 14. Fee payment SUP fee: Applicant submits the required fee of \$500.00 along with this application.
  15. Discovery of human remains: N/A. No new construction is proposed.
  16. Fee payment Planning Services Recording Fee and Fish & Game Fee: The \$50.00 administrative fee and the \$2,010.25 Fish & Game fee were paid at the time of the
- 17. Indemnify the county against third parties: Applicant agrees to hold harmless and fully indemnify El Dorado County in the event of any legal action instituted by a third party in connection with the project permitted under SUP S09-0015.

### **El Dorado County DOT2QA**

original SUP S09-0015.

- **18. Encroachment onto Sagebrush Rd:** The access to the project is provided by an encroachment connecting to Sagebrush Road, which is not a county maintained road.
- The distance between the fence area and Sagebrush Road is 120 feet. Issuance of building permits 199593 and 198101 establish that the encroachment was improved to DOT's standard.

#### **El Dorado County AQMD**

- **19. Rule 223.2 asbestos during the construction process:** N/A. No new construction is proposed.
- 20. Pave or lay a minimum of three inches of asbestos-free gravel on any road or exposed surface which allows vehicular travel: The encroachment is covered by three inches of asbestos-free gravel and improved to DOT's standard.

#### El Dorado County Environmental Management/ Hazardous-Waste Division

**21.** Prior to commencing operation – storage of hazardous waste: N/A. No new construction is proposed.

#### **Garden Valley Fire Protection District**

22. Low-priority Knox padlock on access gate: The facility gate is equipped with a low-priority Knox padlock next to the shelter door.



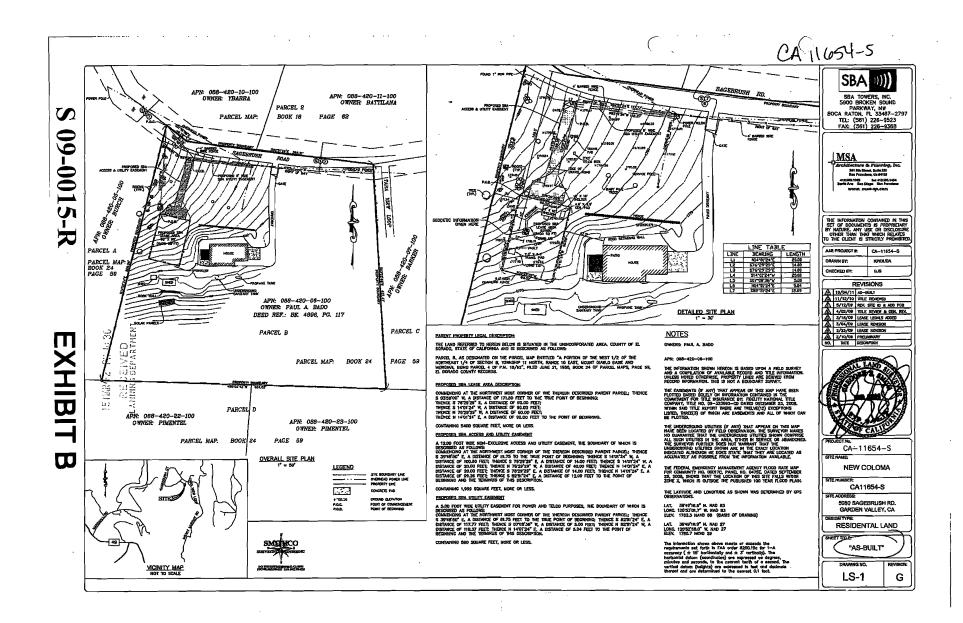
- **23. Provide district with Knox-Box with keys to access the cabinets:** The Knox-Box is located right next to the shelter door clearly marked and includes all keys to the equipment cabinet.
- **24. Fire Extinguisher:** Applicant installed a 2A10BC fire extinguisher inside the weather resistant fire extinguisher box inside the equipment shelter. We did not get access to the shelter to take a picture, but it's inside.
- ✓ 25. Vegetation control: Applicant's personnel maintain vegetation in all directions from the fenced enclosure, or to the property line, which is at least 30 feet from the facility footprint.
- **26.** Access road load capacity: The access driveway /encroachment to the fenced enclosure and turnaround is capable of supporting a 75,000 pound load.

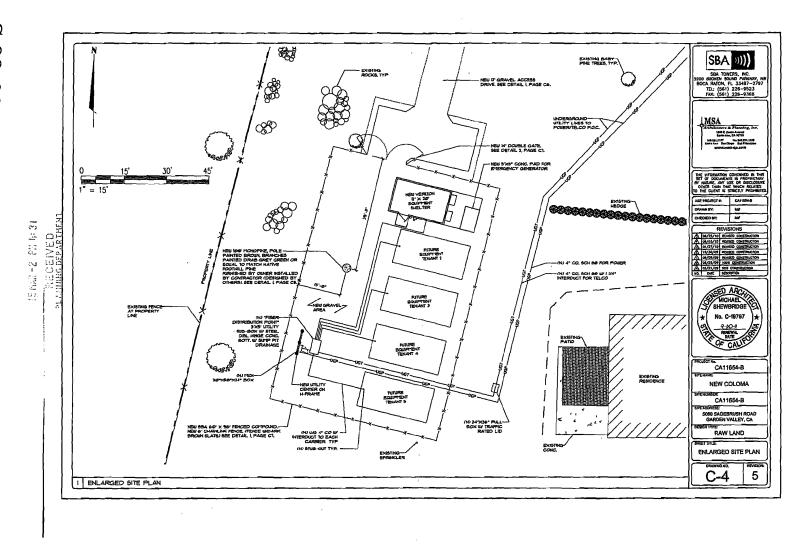
## **Board of Supervisors**

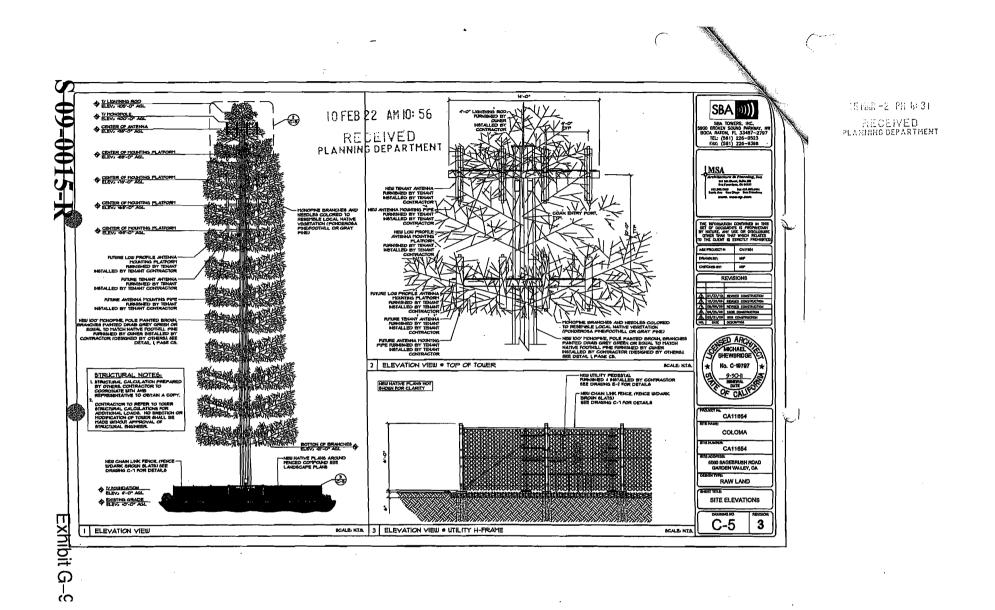
**27. Payment for road maintenance:** Applicant paid Road Maintenance Association their fair share towards maintenance of Sagebrush Road.

Thank You,

Jacob Hamilton
Virtual Site Walk LLC
Jake@virtualsitewalk.com
Phone: 619.341.9208
www.virtualsitewalk.com









Date: February 28, 2015

RE: Five-Year Review of New Coloma site - SUP S 09 0015 (APN 088-420-06-100)

PHOTO SURVEY OF PROPERTY

ADDRESS: 5080 Sagebrush Road, Garden Valley, CA 95633

TO: El Dorado County Planning Department and Planning Commission

The following numbers correspond to the photos in this package. I've written the number on the photo that pertains to this list:

- 1. Project footprint is at least 30 feet away from property line
- 2. Fencing with brown slats around facility perimeter. Show that there are no gaps between bottom of slats and ground
- 3. HVAC units and generator are on east side of the Verizon equipment shelter
- 4. Color of the equipment shelter and auxiliary equipment match, blend in with surroundings, and paint is maintained
- 5. Pole is a flat brown. Paint is maintained and blends in with other landscaping
- 6. Branches are placed asymmetrically and branch and needle color match native foothill pines (this is the species of pine located on the property)
- 7. Antennas do not extend past branches
- 8. Antennas are painted a flat green color that matches the branch foliage
- 9. Landscaped shrubs and trees are healthy
- 10. Light on the equipment shelter has the full cut-off hood on it
- 11. Encroachment road is completely covered by gravel
- 12. Knox padlock on the access gate
- 13. Knox-box with keys to equipment cabinet
- 14. Fire extinguisher 2A10BC model inside a weather resistant enclosure

Thank You,

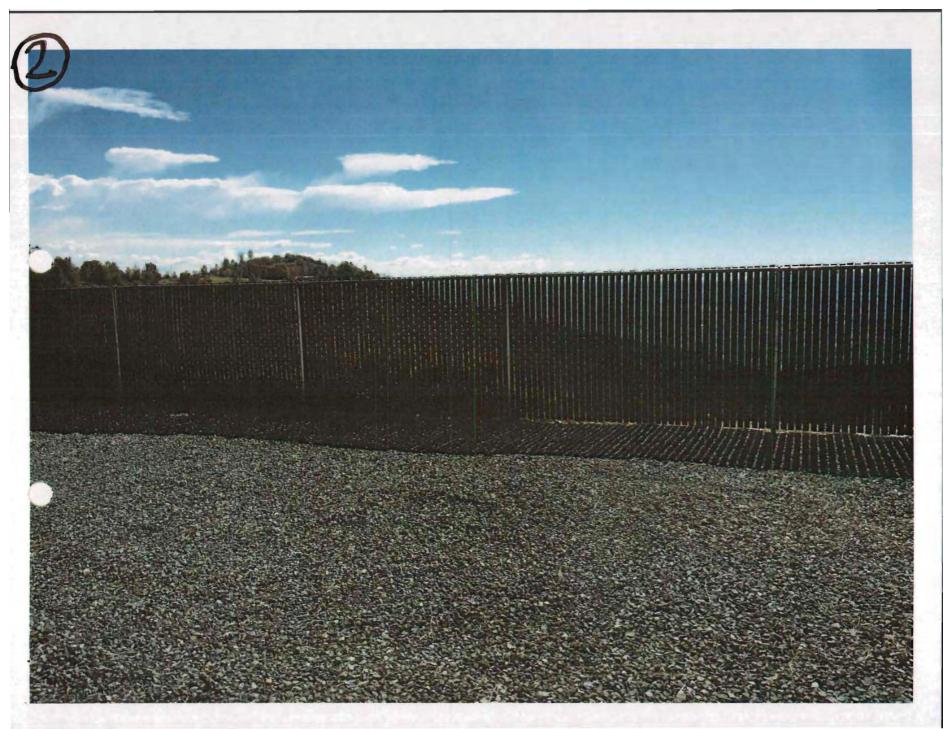
Jacob Hamilton
Virtual Site Walk LLC
Jake@virtualsitewalk.com
Phone: 619.341.9208
www.virtualsitewalk.com

Exhibit C

S 09-0015-R



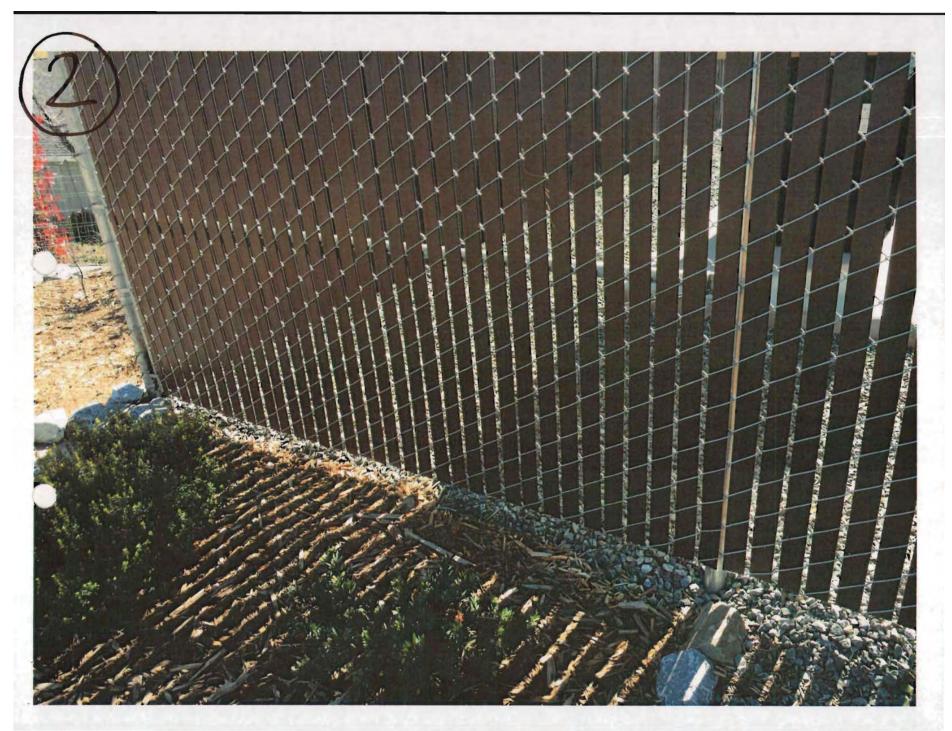


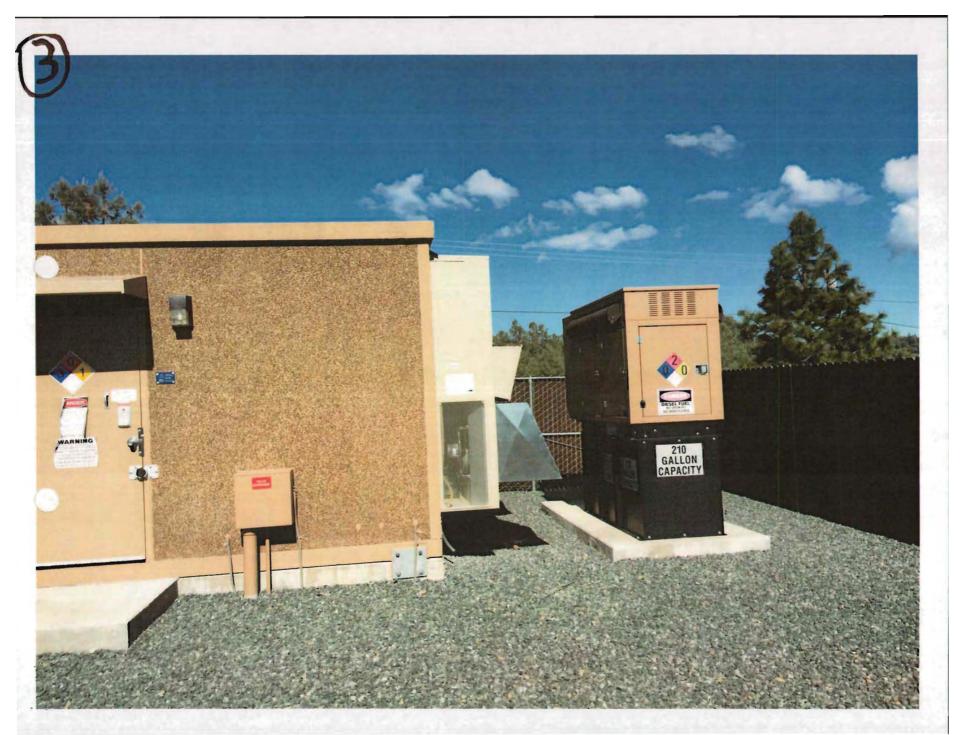


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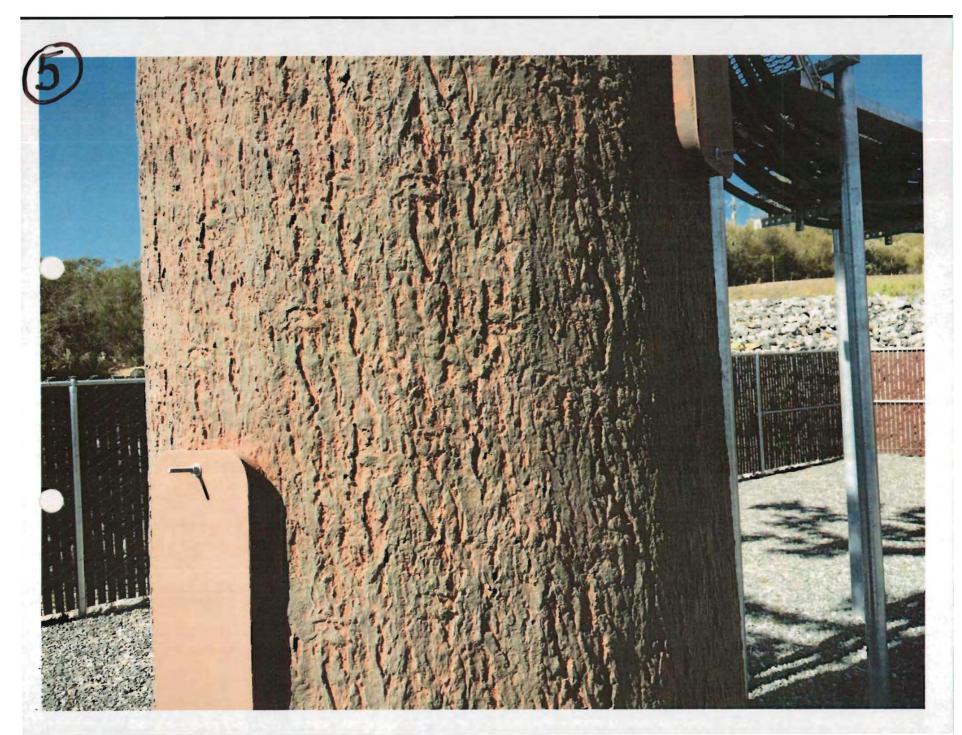




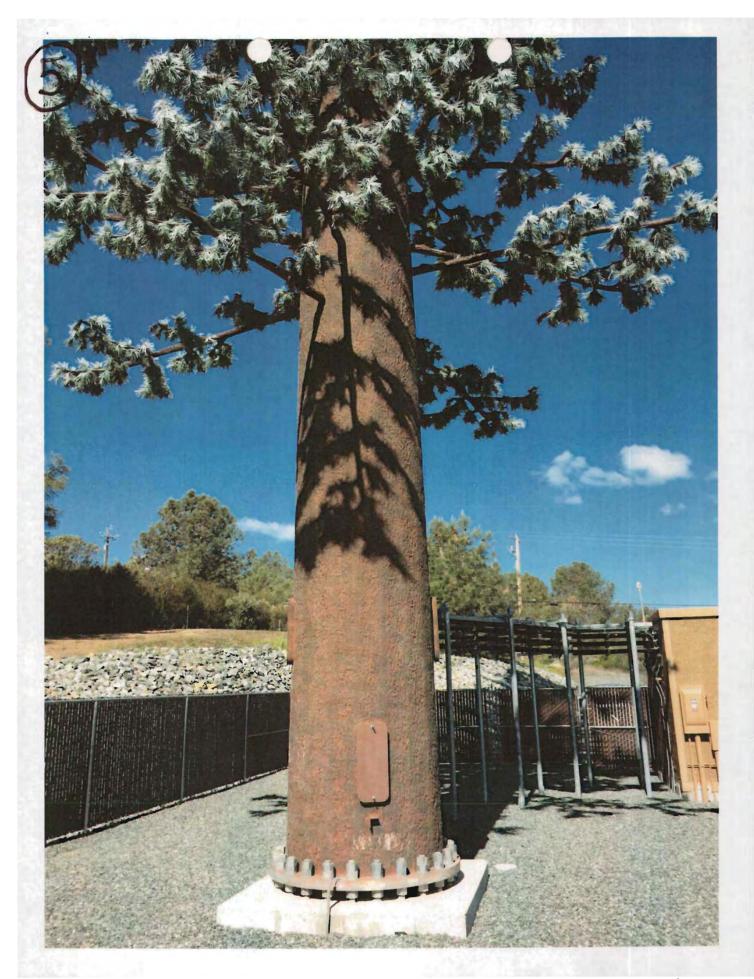












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