

# PLANNING & REDEVELOPMENT DEPARTMENT STAFF REPORT PLANNING COMMISSION MEETING February 22, 2007

Prepared by: Ron Miller, Assistant Planner

ITEM V-A: CONDITIONAL USE PERMIT – 4949 SOUTH CIRBY WAY – T-MOBILE CELLULAR TOWER – FILE# 2006PL-150 (CUP-000030)

### REQUEST

The applicant requests approval of a Conditional Use Permit to construct a 77-foot tall monopole (pine) with six antennas and install ground-mounted equipment on a 340 square-foot concrete slab within a 600 square foot lease area enclosed by a six foot high, slatted chain link fence.

Applicant – T-Mobile – John Yu Property Owner – Mironenko Family Limited Partnership

#### **SUMMARY RECOMMENDATION**

The Planning & Redevelopment Department recommends that the Planning Commission take the following actions:

- A. Adopt the Negative Declaration;
- B. Adopt the three findings of fact for approval of the Conditional Use Permit; and
- C. Approve the Conditional Use Permit with fifteen (15) conditions.

#### **SUMMARY OF OUTSTANDING ISSUES**

There are no outstanding issues associated with this project. The applicant has reviewed and is in agreement with the recommended conditions of approval.

## **SITE INFORMATION**

**Location**: 4949 South Cirby Way, Accessor's Parcel Number (APN) 469-230-003-000, on the southwest portion of the parcel, in the City's Infill area.

Roseville Coalition Of Neighborhood Associations (RCONA): This parcel is located within the South Cirby Neighborhood (4), which does not currently have an active neighborhood association.

**Adjacent Zoning and Land Use** 

Location	Zoning	General Plan Land Use	Actual Use Of Property
Site	Planned Development (PD24 – Mobile Home Park)	Medium Density Residential (MDR8)	Country Villa Mobile Home Park
North	Single Family Residence (R1)	Low Density Residential (LDR4)	Single Family Residences
East	Floodway (FW)	Open Space/Flood Plain (OS/FP)	Linda Creek
South	(R1)	Low Density Residential (LDR2.5)	Single Family Residences
West	(R1)	(LDR2.5)	Single Family Residences

#### **BACKGROUND**

The applicant proposes to construct a 77-foot tall cellular tower of a monopine design (see Attachment 2), and ground-mounted equipment cabinets within a 600 square foot lease area enclosed by a six-foot high chain link fence with slats. A 340 square-foot concrete slab, on which the equipment cabinets will be mounted, will be constructed within the fenced in enclosure. The tower, as proposed in this application, will have antennas for T-Mobile; however, the tower is capable of co-locating two additional carriers. The project site is located at 4949 South Cirby Way (APN 469-230-003-000), northeast of the intersection of South Cirby Way and Old Auburn Road in the City's infill area (see Attachment 1). Country Villa Senior Mobile Home park occupies the majority of the parcel. The 600 square foot project site is located on an undeveloped .4 acre portion of the parcel near its southwest corner adjacent to Linda Creek. The area to the east is developed with single family residences.

The General Plan's designated land use for the site is Medium Density Residential (MDR8). Zoning for the site is Planned Development (PD24 – Mobile Home Park). Per the Zoning Ordinance, telecommunications facilities are a permitted use within the Planned Development zone district, subject to approval of a Conditional Use Permit.

The new facility augments the existing T-Mobile cellular network and this location is needed to improve service capacity in the southeast portion of the City in the South Cirby Way corridor.

#### **EVALUATION**

Section 19.34.020 D. of the City of Roseville Zoning Ordinance requires a Conditional Use Permit (CUP) for monopoles/towers and related equipment that do not conform to the stated criteria (Attachment 3). Section 19.78.060(A) of the Zoning Ordinance requires that three (3) findings be made in order to approve a CUP. The required findings are listed below in **bold italics**, followed by an evaluation.

#### 1. The proposed use is consistent with the City of Roseville General Plan.

Telecommunication facilities, referenced in the General Plan as "Privately-Owned Utilities," are permitted in all land use designations provided that the facilities are designed and constructed in a manner consistent with adopted land use policies and design guidelines to the extent feasible. The General Plan relies on the Zoning Ordinance to establish location, general standards and design criteria for telecommunications facilities. As discussed below, the proposed cell tower is consistent with the Zoning Ordinance; therefore, the proposed use is consistent with the City of Roseville General Plan.

# 2. The proposed use conforms with all applicable standards and requirements of the City of Roseville Zoning Ordinance.

Telecommunications facilities are allowed in all zoning districts subject to standards established in Zoning Ordinance Chapter 19.34.010 (Attachment 3). The intent of this Chapter is to minimize the adverse impacts of such equipment and structures on neighborhoods and surrounding developments by limiting the height, number and location of such facilities. General Standards for telecommunications towers are set forth in Section 19.34.030 A. of the Zoning Ordinance. The standards are shown below, in *italics*, with an evaluation following the standard.

#### **Zoning Ordinance Section 19.34.030 A. General Standards**

1. Building mounted antennas are encouraged, provided that the wireless communication facility is compatible with the building design and does not negatively impact the surrounding area.

Not applicable (no building mounted antennas proposed).

2. Where building mounting is not possible, an attempt should be made to screen new towers from public view and to co-locate new antennas on existing towers.

The site of the proposed cellular monopine is surrounded with many trees approximately 60 feet in height which will screen the tower site from nearby homes, streets, and public rights-of-way. The proposed cellular tower will be a monopine design, which will blend with the trees in the immediate vicinity.

Staff assisted the applicant exploring possibilities for co-location on other facilities, including light standards at Maidu Regional Park, approximately eight-tenths of a mile north of the project site. No alternative sites suitable for co-location were found that would provide the coverage area required by the applicant.

3. In order to minimize overall visual impact, wireless communication facilities should be designed to promote facility and site sharing (co-location).

The proposed tower is designed to accommodate co-location of up to two additional carriers, in addition to the applicant.

4. No facility should be installed on an exposed ridgeline, in or at a location readily visible from a public trail or other recreation area, or scenic area unless it is satisfactorily screened or made to appear as a natural environmental feature.

The proposed tower, equipment cabinets and enclosure will not be located on an exposed ridgeline. The project site is actually eight to ten feet lower than most of the surrounding neighborhoods and streets. There are no public trails, recreation areas, or scenic areas nearby from which the tower could be seen. Additionally, the tower will be constructed as a monopine, which will blend with surrounding trees.

5. Wireless communication facilities should be painted color(s), which are most compatible with their surroundings.

Condition 6 requires that the tower be of a monopine design, with natural colored slats (to match color of slats in nearby fencing) in the enclosure fencing. The applicant is in agreement with this condition.

6. Innovative design should be used whenever the screening potential for the site is low. For example, designing structures, which are compatible with surrounding architecture, or appear as a natural environmental feature, could help mitigate the visual impact of a facility.

When the application was originally submitted, the applicant requested approval to construct a 77-foot tall monopole, painted brown. The monopole did not effectively blend with the surrounding area; therefore, staff recommended that the design be changed to that of a "monopine" design. The monopine design now proposed adequately mitigates the visual impact of the facility and blends with trees in the area.

The proposed cellular tower project includes installation of ground-mounted equipment cabinets on a 340 square-foot concrete slab within the 600 square foot enclosed lease area. A six-foot high chain link fence, which will include slats of the same color as that used in nearby chain link fencing (neutral tan) will enclose the lease area to visually screen the equipment and reduce the visual impact of the chain link fencing.

Equipment buildings, shelters/enclosures and cabinets larger than 160 square feet in size and/or more than six feet in height may be provided only through the approval of a Conditional Use Permit.

7. Wireless communication facilities and all other equipment, such as emergency generators and air conditioners, must be designed to be consistent with the City noise standards when in proximity to sensitive receptors.

The principally permitted use on the site, which will be an unmanned telecommunications facility, typically generates minimal noise levels through the use of electrical equipment such as power supplies and cooling fans. There will not be a permanent electrical generator at the site; however, there will be an outlet for an electrical generator. Should electrical power be disrupted for a period of six to eight hours, an electrical generator will be brought to the site to provide temporary power. It is anticipated that long-term noise impacts will be minimal and well within the limits established by the City's Municipal Code Section 9.24.

8. A professional telecommunications expert shall perform an evaluation of the radio frequency certifying that the frequency levels meet Federal standards and that the facility will not interfere with the City's or other public entities emergency broadcast systems.

Prior to the placement and operation of any equipment on the site, the applicant shall submit a radio frequency evaluation to demonstrate that interference to the City's transmitters/receivers will not occur. Conditions 10 and 14 reflect this requirement.

9. Telecommunication Facilities located on a lot adjacent to a residential zone district shall be set back from the residential zone by two (2) feet for each one (1) foot of total height. The required setback shall be measured at its widest potential position.

The zone district designation for the project site is Planned Development (PD-24 Mobile Home Park), which is a residential use. Telecommunications facilities are a conditionally permitted use within the PD zone district. The Conditional Use Permit process allows projects to be reviewed and evaluated based on circumstances and characteristics unique to the project.

The location for the proposed cellular tower is unique in that it is located on a .4 acre, undeveloped portion of the parcel, and is adjacent to a creek and riparian area which provides for additional distance between the proposed tower site and nearby residences. Evaluation of the proposed site included review of the tower's setback, design, safety, visual impacts, and neighborhood compatibility.

The setback of the tower is approximately 100 feet from the nearest residence (a mobile home in Country Villa Mobile Home Park), which is less than the standard in the Zoning Ordinance (two (2) feet for each one (1) foot of total height, or 154 feet). The Conditional Use Permit allows for review of projects based on their individual characteristics, and to make a determination of the project's consistency with the General Plan and Zoning Ordinance. Additionally, the review process allows for additions or conditions to the project to help achieve consistency.

Although the setback is less than the established zoning standard, the project is consistent with the intent of the zoning standards, as it does not create an adverse impact on the neighborhood. The tower's design, a monopine, allows it to blend with nearby background trees, which also screen the tower from nearby streets and residences. The tower is at a safe distance (approximately 100 feet) from the nearest residence, and it will meet or exceed the Building Code Safety and Design criteria, thereby posing no safety risk to nearby residences.

The applicant and City staff met with residents of the mobile home park and they did not express concerns about the setback distance or suggest that additional measures (conditions) should be required to further address the setback.

3. The location, size, design and operating characteristics of the proposed use is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.

Staff has reviewed the plans and concluded that the location, size, design and operating characteristics of the proposed telecommunications facility will be compatible with the area.

The facility's location adjacent to the riparian area along Linda Creek provides for increased distance from the tower site to nearby residences. The tower will be at a safe distance from nearby residences and will be constructed in compliance with all applicable Building Codes (Condition 4). The tower will be constructed as a monopine, which will reduce the visual impact, and allow the tower to blend with other trees in the area of the creek bed. The enclosure fence will include slats to match an existing fence nearby, which will reduce the visual impact of the ground equipment and chain link fencing. Therefore, the proposed telecommunication facility will not adversely affect or be materially detrimental to the public health, safety or welfare, and will not be detrimental or injurious to public or private property or improvements.

### **PUBLIC OUTREACH**

Following initial review of the CUP application, City staff recommended that the applicant meet with the residents of Country Villa Mobile Home Park to provide them with information about the project, and to address any potential concerns. The applicant and City staff met with the residents at the Country Villa Mobile Home Park monthly meeting on January 10, 2007. The applicant's presentation included information about the project's location, height, design, noise, lighting, structural engineering/safety, RF health issues, and construction details.

The residents did not express specific opposition to the proposed cellular tower; however, they did express concerns about the tower's construction and safety, potential for noise and light, and their continued access to the dumpster that is in the vicinity of the project site. The applicant adequately addressed these issues with the residents. Residents also expressed concern about the possibility of the City approving additional towers at the location. Staff provided additional information about the Conditional Use Permit process, the City's desire for carriers to co-locate on existing facilities, and the potential for other carriers co-locating on the proposed tower. Conditions 7 and 8 have been included to place restrictions on the tower's lighting and generator use/noise at the site. Condition 11 requires that the tower be capable of supporting co-location of additional carriers.

#### **SUMMARY / CONCLUSION**

Based on the evaluation and discussion above, staff believes that the Planning Commission can make the required findings to approve the application.

## **ENVIRONMENTAL DETERMINATION**

An Initial Study and Negative Declaration (Exhibit A) have been prepared for this project. In accordance with California Environmental Quality Act (CEQA) Guidelines, the Initial Study and Negative Declaration were prepared using previous environmental documents for the City's General Plan. Based on the results of the Initial Study which found no significant or potentially significant effects from the project, the appropriate environmental document is a Negative Declaration. The Negative Declaration was posted for a 20-day public review and comment period, which closes on February 22, 2007.

#### RECOMMENDATION

The Planning & Redevelopment Department recommends that the Planning Commission take the following actions:

- A. Adopt the Negative Declaration (Exhibit A)
- B. Adopt the three findings of fact as stated in the Staff Report for the CONDITIONAL USE PERMIT-4949 SOUTH CIRBY WAY – T-MOBILE CELLULAR TOWER – FILE # 2006PL-150 (CUP-000030);
- C. Approve the CONDITIONAL USE PERMIT 4949 SOUTH CIRBY WAY T-MOBILE CELLULAR TOWER FILE# 2006PL-150 (CUP000030), with the fifteen (15) Conditions of Approval listed below.

# **CONDITIONS OF APPROVAL FOR CUP-000030**

- 1. The project is approved as shown in Exhibits B E, and as conditioned or modified below. (Planning)
- 2. This permit shall be valid for a period of two (2) years from this date and shall expire on **February 22**, **2009**. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, that this approval shall be extended for no more than one year from **February 22**, **2009**. (Planning)
- 3. The plans submitted to the Building Department for permits shall indicate all approved revisions/alterations as approved by this permit, including all conditions of approval. (Building)
- 4. Building permit plans shall comply with all applicable code requirements (Uniform Building Code UBC, Uniform Mechanical Code UMC, Uniform Plumbing Code UPC, Uniform Fire Codes UFC and National Electrical Code NEC), California Title 24 and the American with Disabilities Act ADA requirements, and all State and Federally mandated requirements in effect at the time of submittal for building permits (contact the Building Department for applicable Code editions). (Building)
- 5. The project is subject to the noise standards established in the City's Noise Ordinance. In accordance with the City's Noise Ordinance, project construction is exempt between the hours of seven a.m. and seven p.m. Monday through Friday, and between the hours of eight a.m. and eight p.m. Saturday and Sunday. Provided, however, that all construction equipment shall be fitted with factory installed muffling devices and that all construction equipment shall be maintained in good working order. (Building)
- 6. The tower shall be constructed as a monopine. All its antennae and appurtenances shall be maintained in non-reflective materials and colors. Fencing is to be chain link, with slats of a color to match that used in nearby fencing. (Planning)
- 7. The tower shall not be lighted, with the exception of a post-mounted site light with a deflector shield at a height of eight feet, which is to be activated only when required for site maintenance during hours of darkness. (Planning)
- 8. The site shall not have a permanent emergency generator. Use of a portable emergency generator shall be permitted only after electrical power to the site has been disrupted for a period of six to eight hours. (Planning)
- 9. All antennae attached to the tower shall be mounted as close as possible to the tower as a means of reducing the visual impacts of the structure. (Planning)

- 10. An updated frequency evaluation shall be submitted to the Planning & Redevelopment Department prior to the establishment of any new service to demonstrate the frequencies will not interfere with the City's emergency broadcast services. (Planning)
- 11. The tower shall be designed to support antennae for additional carriers and shall be made available for lease to other carriers. (Planning)
- 12. Specify current, voltage, and phase of service along with number and size of conductors from transformer to meter. If an existing transformer can be used, developer should be aware the transformers are located near the rear of the property lines between the homes and would need to make necessary arrangements with property owners to trench and bring power to his project. Also, conductors will likely be upgraded to accommodate additional load and transformer will need to be upgraded necessitating an outage to existing residents. The proposed transformer on the map is a 37.5kva transformer that is feeding six homes and is already loaded. The meter room will be outside accessible by either providing a door with knox box or placing the meter on the outside of the fenced enclosure. The meter location must be within 150' of the transformer that is feeding it. If a meter pedestal is proposed, then drawings of the model must be submitted for our approval. If a generator transfer switch is shown it will be designated as a break-before-make type. One main breaker will be shown that can shut off the entire panel. Developer is responsible for permission and easements from property owners necessary to get electric service to the site. (Electric)
- 13. Developer shall pay all costs associated with establishing electrical service to this site, as designed by Roseville Electric. (Electric)
- 14. The applicant shall provide radio coverage documentation to the Fire Department indicating that this facility will not interfere with public safety amplification signals. (Planning, Fire)
- 15. Use or storage of hazardous materials, liquids, gases and/or chemicals shall meet the requirements of the Chapter 6.95 of the Health and Safety Code, the Roseville Fire Department and the National Fire Codes. Submit a Hazardous Materials Business Plan, including names and amount of any hazardous materials that will be stored or used, to the Bureau of Fire Prevention for review and approval. A permit application shall also be provided at the time of submittal. Contact the Hazardous Materials Division at (916) 774-5821. (Fire)

#### **ATTACHMENTS**

- 1. Vicinity Map
- 2. Photos and Photo Simulations of Project
- Zoning Ordinance Chapter 19.34

# **EXHIBITS**

- A. Negative Declaration
- B. Title Sheet and Project Information
- C. Property Survey Information and Site Plan
- D. Enlarged Site Plan
- E. Elevations

Note to Applicant and/or Developer: Please contact the Planning & Redevelopment Department staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Director at, or prior to, the public hearing.