



*"Placerville, a Unique Historical Past Forging into a Golden Future"*

## Planning Commission Staff Report

**Meeting Date:** November 17, 2020

**Prepared By:** Andrew Painter, City Planner

**REQUEST: 519 PLACERVILLE DRIVE – CONDITIONAL USE PERMIT 20-05 & SITE PLAN REVIEW (SPR) 83-04-R2**

### PROJECT INFORMATION SUMMARY

**Request:** Consideration of request by New Cingular Wireless PCS, LLC c/o Complete Wireless Consulting for AT&T Mobility for approval of Conditional Use Permit 20-05 and amendment (major change) to Site Plan Review 83-04-R previously approved by the Planning Commission on September 21, 2004, to install an unmanned microcell facility use on the existing Speedway convenience store, located at 519 Placerville Drive. New facility would include one (1) 26.8" antenna, affixed to a pipe to be wall mounted to exterior rear exterior wall of convenience store (northeast elevation), with pipe extended above roof; three (3) remote radio units (RRUs) located in an equipment demarcation box that would be mounted to the rear exterior convenience store wall and associated equipment and cabling; and, one (1) GPS to be mounted on building exterior awning. No water or wastewater facilities are proposed for the use. Electric utilities currently serve the onsite commercial use. No expansion of electric utility system would be necessary.

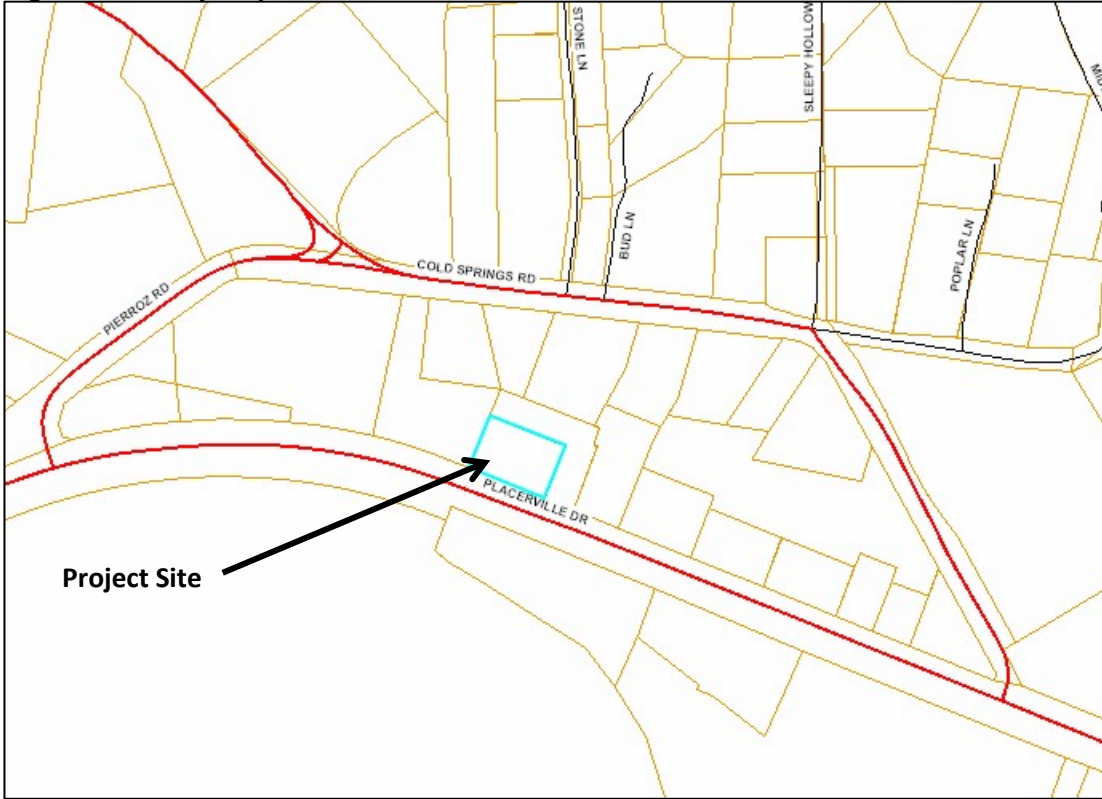
**Site Description:** The approximately 0.39-acre site contains an existing Speedway branded convenience store with gas pumps and pump canopy, parking area, pole sign and dispersed landscaping with origins from the 1983 Planning Commission approval of Conditional Use Permit 83-04 that expanded an existing service station; and Commission's approval of Site Plan Review 83-04 for the change in occupancy to convert the building from auto servicing to a convenience store on this site.

In 2004, the Commission granted approval of an amendment to Site Plan Review 83-04 (Revision) to allow for the addition of photovoltaic (solar) panels on the roofs of both the gasoline pump canopy and the store. These improvements were installed and are present onsite.

#### Project Data:

<i>Property Owner:</i>	Tesoro Sierra Properties, LLC c/o Eco Site II, LLC
<i>Location:</i>	519 Placerville Drive
<i>Assessor's Parcel No.:</i>	323-480-007
<i>Lot Size:</i>	Approximately 0.39 acres (17,000 square feet)
<i>General Plan Land Use:</i>	Commercial (C)
<i>Zoning:</i>	Commercial

**Figure 1. Vicinity Map**



Source: EDC GOTNET

**Figure 2. Street View: 519 Placerville Drive – West Elevation**



Photo Source: City

**Table 1:** Adjacent Land Use, Zoning and General Plan Designation

Adjacent Parcels	Land Use Designation	Zoning Classification	Current Uses
North	Commercial	Commercial (C)	Auto service, retail and service uses, day care facility, profession service
East	Commercial	Commercial (C)	Retail, retail service, auto service, eating and drinking establishment
South	Commercial	Commercial (C)	Vacant
West	Commercial	Commercial (C)	Retail

**Public Noticing:** Written notice for this public hearing was mailed to property owners within five hundred feet (500') of the project site on October 30, 2020. Public notice was also published in the Mountain Democrat on October 29, 2020. No public comments were received as of the date of this report.

#### **Analysis:**

**Environmental Review:** This project was evaluated under the provisions of the California Environmental Quality Act (CEQA) and was determined by staff that as conditioned to be Categorically Exempt per CEQA Guidelines Section 15303, in that it involves the construction of new small equipment at an existing facility, therefore qualifying for a Class 3 Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA) Guidelines.

**Health and Safety:** United States Code Section 332(c)(7) (B) (iv) provides that “[n]o State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [Federal Communication Commission’s] regulations concerning such emissions.” In other words, assuming that a proposed cellular tower operates within Federal Communication Commission (FCC) radio frequency regulations, Federal law prohibits a local government from regulating wireless facilities based on radio frequency environmental impacts.

The applicant has provided the document, *Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report, October 16, 2020, prepared by David Keirstead, EBI Consulting, reviewed and approved by Michael A. McGuire, Professional Engineer*, hereinafter described as the “Document,” for the 519 Placerville Drive site and project request. On Page 1 of this Document, the following information by the preparer is provided describing roof level and ground level emitted power density from proposed equipment:

#### “Statement of Compliance

A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.

Per AT&T's corporate policy, the FCC's general population limits are applicable to rooftop sites, regardless of the level of access control. As presented in the sections below, based on worst-case predictive modeling, the worst-case emitted power density may exceed the FCC's general public limit within approximately 15 feet of ATT's proposed antennas at the main roof level. Modeling also indicates that the worst-case emitted power density may exceed the FCC's occupational limit within approximately 6 feet of ATT's proposed antennas at the main roof level.

As such, the proposed AT&T installation is in compliance with FCC regulations upon property installation of recommended signage and/or barriers."

On Page 2 of the Document it states as follows:

"The following signage is recommended at this site:

- Yellow CAUTION 2 signs posted every 8 feet on the barrier near the antenna. Yellow 2 CAUTION 2 sign posted on the antenna support structure.

The signage proposed for installation at this site complies with AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document and therefore complies with FCC and OSHA requirements. Barriers are not recommended on this site. To reduce the risk of exposure and/or injury, EBI recommends that access to the rooftop or areas associated with the active antenna installation be restricted and secured where possible. More detailed information concerning site compliance recommendations is presented in Section 4.0 and Appendix B of this report."

Under Section 3.0 Worst-Case Predictive Modeling that begins on Page 5, continues to Page 6, where it states as follows:

"At the nearest walking/working surfaces to the AT&T antennas on the main roof level, the maximum power density generated by the AT&T antennas is approximately 1,731.82 percent of the FCC's general public limit (346.36 percent of the FCC's occupational limit). The composite exposure level from all carriers on this site is approximately 1,731.82 percent of the FCC's general public limit (346.36 percent of the FCC's occupational limit) at the nearest walking/working surface to each antenna. Based on worst-case predictive modeling, there are no areas at ground/street level related to the proposed AT&T antennas that exceed the FCC's occupational or general public exposure limits at this site. At ground/street level, the maximum power density generated by the antennas is approximately 3.61 percent of the FCC's general public limit (0.722 percent of the FCC's occupational limit)."

*Staff Analysis:* In that the Document concludes that there are no areas at ground level related to the proposed antennas that exceed FCC occupational or general public emitted power exposure limits, and due to the limited access to the roof due to the nature of the commercial building, staff agrees and recommends project conditions that would implement the signage and compliance plan described in Section 4.0 of the Document. The signage and compliance plan involves posting and maintaining "Caution" signs on the roof every 8 feet near the antenna

and on the antenna support structure as indicated and described in the document. The Commission could consider an additional condition to reduce exposure risk and/or injury to require the microcell facility shut down during roof, roof equipment, and other roof apparatus maintenance activities.

**General Plan Land Use Consistency:** The Placerville General Plan Land Use map indicates that the Land Use Designation for the site is Commercial (C). Purposes of the C designation include providing retail sales and service uses, entertainment and other light commercial activities. Commercial uses and services are allowable uses within the C designation.

*Staff Analysis:* As the request is to add a new wireless communication use, including use equipment that would be affixed to the existing commercial retail convenience store with gas pumps, as described in the staff report and the Applicant Submittal Package (Attachment A), changes to the site will not affect the operation of the existing onsite commercial retail use, but would enhance and improve the telecommunication service provider's commercial service for those who live, work or visit this portion of Placerville. Request is consistent with the Commercial Land Use Designation.

**Zoning Ordinance Consistency:**

Conditional Use Permit (PZC 10-3-4)

Telephone transmission and broadcasting facilities are permitted within any zone with a Conditional Use Permit. A conditional use permit request follows the procedure set under Section 10-3-6: Conditional Use Permit Procedure. The project request (Conditional Use Permit 2015-02) initiated the conditional use permit process and is the subject of this staff report.

Conditional uses within the City may be permitted where indicated in the Zoning Ordinance, where it can be shown that the uses are deemed essential or desirable to the public convenience and welfare, are in harmony with the various elements and objectives of the General Plan, and are not detrimental to surrounding property.

*Staff Analysis:* Proposed use is expected to improve the service provider's telecommunication services along Placerville Drive, as well as those of northwest Placerville, thus desirable to the public convenience. The request would also facilitate an existing telecommunication commercial service use that operates within the City, including within the City's and this Commercial Land Use designated property. Use operations would not be detrimental to surrounding property due to small size of proposed equipment, its proposed placement location on the existing commercial building where it would blend in with existing roof top equipment, the photovoltaic solar panels and support structures, existing equipment currently on the commercial building, and that the power density generated by the antennas is well within the limit set by the FCC for the general public.

Site Plan Review

All new construction of commercial structures requires Site Plan Review per Section 10-4-9 of the Zoning Ordinance. The proposed microcell telecommunication facility is considered a commercial use. The Commission's authority under PZC 10-4-9 is to make determinations regarding Site Plan Review requests. This application proposes changes to a previously

approved Site Plan Review. Specifically, PZC 10-4-9(P) states that proposed changes to an approved site plan shall be classified as either major or minor by the Development Services Director. Minor changes shall not in any way change the appearance, character or intent of the approved site plan. Major changes are generally those that would alter the appearance, character, or intent of the approved site plan. Examples of major changes include: building façade and roofline; wall and roof materials; window and door openings, and new mechanical equipment visible from a public way. The proposed amendment involves new electromechanical equipment that would be visible from Placerville Drive; therefore it would constitute a major change. Site Plan Review approval must be granted by the Planning Commission prior to building permit issuance.

#### Site Plan Review Criteria

A Site Plan Review request is subject to the Criteria within Section 10-4-9(G). These criteria focus primarily upon building design, a building's relationship to the site, and its surroundings. Landscape and site treatment criteria are also set forth. The Criteria do not address specifically a wireless telecommunication facility. Project facility components (antennas, wall and roof mounted equipment) do not meet the City's definition of a building. Project components are considered structures under City Code. However, site treatment criteria such as equipment screening, use of color and materials are applicable for Commission consideration. The Planning Commission may approve, approve with conditions, or deny an application after considering whether Site Plan Review criteria are met. Pursuant to the Zoning Ordinance, "These criteria are not intended to supersede any requirements in the city's construction regulations, restrict imagination, innovation, or variety, but rather assist in focusing on design principles which can result in creative solutions to assist in promoting the purpose of this title."

Given that the proposal consists of mechanical equipment, the following is the criteria excerpt from Section 10-4-9(G) 4 "Building Design" of the Site Plan Review regulations that staff believes is most applicable:

(G)4(f) Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so as not to be visible from any public ways.

*Staff Analysis:* The project requests, CUP20-05 and SPR83-04-R, initiated the site plan review process due to the Major Change to SPR83-04 and are a subject of this staff report.

Site Plan Review design criteria under Section 10-4-9(G)3 and (G)4 of City Code are met. Photo simulations and plan elevations provided by the applicant show the small microcell and GPS antennas share similar appearances to, and appear to blend in with, the existing convenience store's other roof equipment, photovoltaic roof panels and their support structures, and other building equipment. No exterior lighting for the use was proposed.

General Regulations of the Commercial (C) Zone (PZC 10-5-10 (D))

Yards: Project improvements would exceed the Minimum Yards.

Minimum Yards (setbacks): Front: Four (4) feet; Sides: Five (5) feet; Rear: Five (5) feet

Proposed Yards: Front: Approx. 90 feet; Side: Approx. 60 feet– north;  
Greater than 60 feet – south; Rear: fifteen (15) feet

Maximum Building Height: Forty (40) feet

Note: The General Regulations for each zone within the Zoning Ordinance use the term *building height* and not *structure height* when describing *maximum height*. A *building* is defined under Section 10-1-4 as a, “roofed structure designed or used for the support, shelter or enclosure of persons, animals, vehicles or material of any kind.” A *structure* is defined under Section 10-1-4 as, “Anything constructed or erected, requiring placement on or in the ground directly or by means of another structure.”

Proposed Structure Height: Eighteen (18) feet, two (2) inches

Note: The Commission has the authority to consider, and to condition a structure height request, or to deny a wireless telecommunication facility based on findings made regarding information in the public record.

*Staff Analysis:* The project is located within the Commercial Zone (C). Proposed improvements do not conflict with the yard or building height of the General Regulations of the Commercial (C) Zone.

**Recommendation:** Staff recommends the Planning Commission:

- I. Enter Staff’s report into the public record.
- II. Make the finding that this project is exempt from environmental review per California Environmental Quality Act Guidelines Section 15303, in that it involves the construction of new small equipment at an existing facility, therefore qualifying for a Class 3 Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA) Guidelines.
- III. Make the following findings regarding the project location, 519 Placerville Drive, with Assessor’s Parcel No. 323-480-007:
  - A. The project location has a General Plan Land Use designation of Commercial.
  - B. The project location is zoned Commercial (C).
  - C. The project location was granted conditional approval by the Planning Commission in 1983 of the following:

- CUP 83-04 that expanded an existing service station, and
  - SPR 83-04 for the change in occupancy to convert the building from auto servicing to a convenience store on this site.
- IV. Make the following findings in support of approval of CUP20-05:
- A. The project request would improve the service provider’s telecommunication services along Placerville Drive, as well as those of northwest Placerville, thus desirable to the public convenience.
  - B. The project request would not adversely affect the General Plan document, in that the parcel is designated Commercial on the General Plan Land Use Map, allowing for commercial facilities, of which a telecommunication service and the existing retail service uses are allowable uses. The request does not change this use.
  - C. Use operations would not be detrimental to surrounding property due to the small size of proposed equipment, its proposed placement location on the existing commercial building where it would blend in with existing roof top equipment, the photovoltaic solar panels and support structures, and existing equipment currently on the commercial building.
- V. Approve CUP20-05 located at 519 Placerville Drive, APN 323-480-007, based on the project information and findings included in the Staff Report, and subject to the recommended Conditions of Approval.
- VI. Make the following findings in support of approval of an amendment to SPR83-04-R2:
- A. The project would not adversely affect the General Plan document, in that the parcel is designated by the General Plan for commercial facilities, of which a telecommunication service and the existing retail service uses are allowable uses. The request does not change this use.
  - B. The project is consistent with the purpose and intent of the *Development Criteria* Subsection of *Site Plan Review* City Code (Section 10-4-9), in that the proposed location for use equipment would be placed along the rear elevation of the building limiting its view from the public, and the antennas placed on the roof and building awning that substantially blend in with existing PV Solar panels and their support structures, and other equipment on the roof of the convenience store.
  - C. Proposed improvements do not conflict with the yard or building height of the General Regulations of the Commercial (C) Zone.
- VII. Approve Conditional Use Permit SPR83-04-R2 located at 519 Placerville Drive, APN 323-480-007, based on the project information and findings included in the Staff Report, and subject to the recommended Conditions of Approval.

### 519 Placerville Drive - CUP20-05 and SPR83-04-R2 Conditions of Approval

1. Approval of CUP20-05 and SPR83-04-R2 involves the operation and construction of unmanned microcell telecommunication facility use on the existing convenience store, located at 519 Placerville Drive, APN 323-480-007.

Approval is based upon the analysis provided in staff's November 17, 2020 report to the Planning Commission, and limited to compliance with the project description, the Applicant Submittal Package set forth below, except were deviated under a separate Condition of Approval, and all other conditions of approval set forth herein:

- Planning and Conditional Use Permit Application, including Project Support Statement, received October 20, 2020;
  - Plan Set – 14 sheets, labeled Speedway Placerville Dr CVL02199, dated September 3, 2020, prepared by Delta Groups Engineering, Inc, received October 20, 2020; and,
  - Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report, dated October 16, 2020, prepared by EBI Consulting, received October 20, 2020.
2. Runs with the Land. The terms and conditions of approval of the conditional use permit and site plan review shall run with the land; shall be binding upon and be to the benefit of the heirs, legal representatives, successors, and assignees of the property owner.
  3. Any deviations from the project description, conditions, or exhibits shall be reviewed and approved by the City for conformity with this approval. Deviations may require approved changes to the permit. Deviations without the above described approval will constitute a violation of permit approval.
  4. CUP20-05 and SPR83-04-R2 shall expire and become null and void eighteen months from Planning Commission action, or upon City Council approval upon appeal, unless a construction permit for the improvements described in CUP20-05 and SPR83-04-R2 has been obtained prior to the date of expiration.
  5. Permits. The applicant shall obtain a building permit for the Commission approved scope of work. Three complete copies of plans shall be submitted to the Development Services Department for processing. Construction drawings submitted for permit processing shall include a sheet containing all conditions of approval under the approved CUP20-05 and SPR83-04-R2.
  6. Other Applicable Requirements. The project approval is subject to all applicable requirements of the Federal, State, City of Placerville and any other affected governmental agencies.

7. All construction shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday. No construction shall be allowed on Sunday, unless approved by the City's Development Services Department.
8. Signage / Compliance Plan. The project shall install maintain and comply with the *Recommended Signage/Compliance Plan*, as described on Page 7 and 8 of the document, Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report, dated October 16, 2020, prepared by EBI Consulting, received October 20, 2020 for the project.
9. To eliminate prolonged occupational exposure of workers maintaining convenience store roof and all related equipment, access to the roof shall be strictly limited to only those maintaining the roof, and all equipment and support structures.
10. All Conditions of Approval established under SPR83-04, approved by the Planning Commission on April 19, 1983 as follows have been met and are included here for reference:
  - a. Provide detail of automatic sprinkler system for all landscaped area at the time of the Placerville Drive Improvements Project.
  - b. Install a berm along the west property line and direct all drainage to the drop inlet at the southwest corner of the site, and enlarge the planter at the southwest corner, and add a planter at the southeast corner.
  - c. The existing pole sign shall be relocated by the owner to meet the required set back prior to the improvement of Placerville Drive.
11. All Conditions of Approval established under the Major Change to SPR83-04, approved by the Planning Commission on September 21, 2004 as follows have been met and are included here for reference:
  1. Provide three sets of construction drawings and engineer calculations for plan review and construction permit processing.
  2. Secure building permit prior to construction.
  3. Provide a current deed for property to the Engineering Division prior to the Engineering Division's approval of the improvement plans for at this location.

Fire District Conditions

  4. Site plan review fee of \$50.00 is required.
  5. Existing structure is subject to Fire District inspection and approval.
  6. Submit any tenant improvement plans for existing structure or other site changes.
  7. Building modifications of over 30% will require installation of a fire alarm system.

8. Provide high-priority “knox” access with keys for emergency access. Knox box to be 5’ above grade and to the right of the main entrance.
9. Additional requirements may be necessary depending on building construction and use.

#### Planning Division Conditions

10. DC/AC Inverters, Isolation Transformers or other electrical cabinets or equipment located onsite with this project are to be screened from public view and placed either within the interior of the convenience store or located in the screened “service panel area” shown on the Site Plan at the northeast corner of the site.
11. Trash receptacle onsite shall be located within area designated in the original site plan approved per Site Plan Review 83-04 of 1983, the cyclone fenced area at the northeast corner of the lot.
12. Any proposed future change to the site or modification to the application beyond what is authorized under this permit shall be submitted to the Development Services Department for a determination of appropriate procedures.

**Attachment A**

**Applicant Submittal Package – 519 Placerville Drive APN 323-480-007  
CUP20-05 and SPR83-04-R2**

- [Application](#)
- [Site Plan](#)