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Agenda Date: 3/19/2014

Agenda Placement: 10B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Sean Trippi for Pete Parkinson - Interim Director
Planning, Building and Environmental Services

REPORT BY: Charlene Gallina, SUPERVISING PLANNER - 299-1355

SUBJECT: Big Ranch AT&T Site Use Permit (P12-00419-UP)

RECOMMENDATION

AT&T WIRELESS/BIG RANCH ROAD SITE—USE PERMIT (#P12-00419-UP)

CEQA Status: Consideration and possible adoption of a Categorical Exemption Class 3. It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, cause substantial adverse change in the significance of a historical resource or extract groundwater in excess of the Phase 1 groundwater extraction standards as set by the Department of Public Works. [See Class 3 (“New Construction or Conversion of Small Structures”) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15303; see also Napa County’s Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

REQUEST: Approval to: 1) construct a 70-ft. tall unmanned wireless communication tower designed as a water tank mounted on four lattice-type supports; 2) install twelve (12) panel antennas measuring approximately 73.4-in. in length, 11.9-in. in width and 7.1-in. in depth inside the faux water tank; 3) install eighteen (18) small RRUs (remote radio units) behind the antennas; 4) place ground-mounted support equipment in an approximately 19-ft by 20-ft lease area; 5) install a diesel-powered emergency back-up generator within the lease area; 6) connect the facility to existing overhead power and telephone lines via underground trenching; 7) install a 6-ft. tall wooden fence around the ground mounted equipment area; 8) install emergency notification signs on the site. The facility would be located on the far southeast portion of an approximately 6-acre site on the east side of Big Ranch Road, north of Trancas Road, within an Agricultural Preserve (AP) zoning district, Assessor’s Parcel 038-190-019 at 2046 Big Ranch Road, Napa CA, 94558.

Staff Recommendation: Find the project Categorically Exempt and approve the Use Permit subject to recommended conditions.

Staff Contacts: Terri Abraham, Planner, (707) 299-1331, terri.abraham@countyofnapa.org; Jerry Haag, staff planning consultant, (510) 644-2106, jphaag@pacbell.net

Applicant Contact: Steve Graham, Bechtel Communications (510) 340-0892

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Find the project Categorically Exempt based on Finding 1 of Exhibit A; and
2. Approve Use Permit #P12-00419 based on Findings 2-5 of Exhibit A, subject to recommended conditions provided in Exhibit B.

Discussion:

On November 20, 2013, the Commission approved a Use Permit for AT&T Wireless on this property that allowed construction of an 85-ft. tall wireless tower designed as a "monopine" (a faux pine tree) subject to conditions (Attachment H). An appeal was filed during the appeal period by the property owner (Elegance Properties, LLC) immediately to the east based on lack of notification of the hearing and close proximity of the cell tower to the appellant's residence. As required by the County Code, the Board of Supervisors held an appeal hearing on January 14, 2014 which was continued to February 11, 2014. At the appeal hearing, staff noted that the ownership on the property east of the site was in transition near the time of the earlier hearing. Although a notice of the November 20, 2013 Commission hearing was mailed to the financial institution listed in the County Assessor records, as required by law, the recent purchaser of the property did not receive written notice. In terms of the status of the structure on the adjacent property and based on new information, staff corrected information received by the Planning Commission. The structure located on the appellants property was originally constructed as a barn, but has been remodeled as a residence. The Board also heard appellant's concern with electronic radiation (EMF's) generated by cell towers and proximity to his residence.

On February 11, 2014, the Board unanimously voted to remand the appeal of the Use Permit back to the Planning Commission for final disposition.

Based on concerns raised by the appellant, AT&T Wireless has made three major changes to the proposed wireless facility and resubmitted for County approval, as follows:

- 1) The proposed tower has been relocated approximately 100 feet west of the prior approved location. The proposed location would be approximately 140 feet from the eastern property line of subject property and would be approximately 325 feet from the dwelling on the property to the east, the appellant's dwelling.
- 2) The height of the proposed tower would be lowered by fifteen feet, from 85 ft. to 70 ft.
- 3) The proposed wireless tower would now appear as a water tank with open lattice supports rather than as a monopine camouflaged as a tree.

Similar to the previously approved facility, an existing 15-foot wide unpaved on-site access drive intersecting with Big Ranch Road would be used for construction and maintenance access. Underground electrical power and telephone connections would be made between overhead poles on Big Ranch Road and proposed the tower, as encouraged by the Napa County Code (Section 18.119.090). The proposal is consistent with the intent of the General Plan and Napa County Code to make all telecommunication facilities "effectively unnoticeable" from

adjacent roads and to blend in with the natural environment due to the faux water tank design. Similar to the previous facility, the currently proposed tower would be designed to be co-locatable, which means that future carriers could also use the tower, if approved.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Categorically Exemption pursuant to CEQA Guidelines Section 15303, Class 3-New Construction or Conversion of Small Structures. Under Section 15300.2, a Class 3 Exemption (Section 15303) cannot be used if environmental sensitivities exist at the site or if there will be significant cumulative impacts. The proposed project is aimed to improve and enhanced AT&T's wireless communication coverage in the south Napa and Trancas corridor area. There are no environmental sensitivities, scenic resources, hazardous conditions, nor impacts to protected plant or wildlife resources. Therefore, this exemption is appropriate and this proposal meets the requirements of a Class 3 Categorical Exemption.

BACKGROUND AND DISCUSSION

Owner: Mark & Teresa Haberer (Haberger Trust)

Applicant: AT&T Wireless

Applicant Representative: Steve Graham, Bechtel Communications (510) 340-0892

General Plan Land Use Designation: Urbanized

Zoning: AP (Agriculture Preserve)

Date Filed: December 5, 2012 (resubmitted February 27, 2014)

Date Deemed Complete: September 12, 2013

Number of Employees: None but periodic visits by maintenance staff

Site Access: From Big Ranch Road, west of the site

Emergency Power Supply: On-site diesel-powered emergency generator (24 hour + power supply)

Adjacent Zoning/Land Use:

North - Agricultural Preserve (AP) – vacant (10-acre parcel)

South - Agricultural Preserve (AP) - winery and residence (ownership transferred to Elegance Properties, LLC - Aurelien Roulin) to the southwest (11.65-acre parcel)

East - Agricultural Preserve (AP) - agricultural and residence (10-acre parcel)

West - Commercial Limited (CL) - City of Napa jurisdiction - commercial uses

Discussion Points:

Visual Impacts: The Napa County Code requires telecommunication facilities to be sited so as to blend in with the surrounding environment to be "effectively unnoticeable." Photo simulations supplied by the applicant (see Attachment D) show that the proposed water tank would be visible from passers by on Trancas Street and from nearby commercial areas, but the proposed elevated tank would blend into the surrounding environment. This is because the project site and surrounding area is devoted to agriculture and a water tank is a normal and customary accessory use that can be found in many agricultural areas throughout the County. The structure of the tank is such that the actual panel antennas will be hidden behind the exterior structure of the water tank and would not be visible. Staff believes the revised design meets intent of the County Code in terms of visibility and minimizing visual impacts from surrounding areas.

EMF Radiation and Nearby Residences: Napa County Code Section 18.119.180 requires that where telecommunication are located within 400 feet of an inhabited area, not including any residence on the project site, the applicant is to provide a NEIR report ensuring that radiated energy from the proposed site do not exceed 80% of the radiated energy as specified in American National Standards Institute (ANSI) C95.1-22. This standard is intended to require additional public health analysis under specified conditions; it is not a setback or a prohibition on constructing wireless communication facilities within the 400 foot area.

The currently proposed cell tower would be located approximately 100 west from the previously approved project that was the subject of the appeal. The closest dwelling to the west is the appellants which would be approximately 325 feet from the proposed tower. A dwelling also exists approximately 400 feet southwest of the proposed site which may be currently unoccupied.

The NEIR report dated December 12, 2013 (Attachment E), prepared by Sitesafe found that operation of the telecommunication facility would be in compliance with FCC rules and regulations governing these types of facilities. It would generate radiation equal to somewhat greater than 5% of the maximum permissible radiation exposure for the general population. The report recommends a number of safety procedures that should be applied to the proposed project and these are included as suggested conditions of approval.

Staff also notes that the issue of public health in terms of operation of telecommunication facilities and in terms of EMF/NEIR is subject to strict standards enforced by the Federal Communication Commission (FCC). Each telecommunication facility is licensed by the FCC. Under federal communication law, local agencies are pre-empted from enforcing radiation health requirements.

Public Notification: County staff has ensured that the property to the east, the appellant, and all other entitled persons, have received notice of this hearing.

Potential Alternative Sites: AT&T consultants for the previous approval submitted information to the County regarding six alternative sites in the immediate area that were investigated for the original Use Permit application (Attachment F). These sites were:

- a) Queen of the Valley Hospital to the west of this site was found unsuitable due to the presence of another AT&T wireless facility, so that minimal improvement in cell coverage would occur.
- b) Bel Air Shopping Center to the south of this site was found unsuitable, since it is located adjacent to a residential neighborhood. Existing tall trees within and adjacent to the Center would block wireless signals, and there is no suitable place for ground equipment.
- c) Bank of America Office Park to the southwest of this site was found unsuitable, since it is also fully developed with no space for ground equipment, and it is located adjacent to a residential neighborhood.

- d) Rabo Bank Complex to the west of this site was found not suitable, since the proposed building-mounted antennas on the back side would not have provided sufficient coverage, and the site is located adjacent to residences.
- d) Elks Lodge to the south of the site was not suitable because it is located adjacent to Napa Scenic Riverwalk and near residences.
- e) Former Barrel Stop Winery to the south of this property is now under new ownership, and no lease is obtainable. This site is also located immediately west of a Napa City Park and City officials have expressed concerns about the close proximity of a proposed cell tower near the park.

Consistency with Standards:

General Plan Compliance - The proposed AT&T facility will be consistent with Economic Development Policy E-16 which supports expansion of telecommunication services. Furthermore, this project is consistent with Goal CC-1 of the Community Character Element of the General Plan, which mandates that the County should "preserve, improve and provide visual access to the beauty of Napa County," since the project will be camouflage as a water tank to blend into the surrounding area. The proposed facility would also be consistent with Policy CC-14 of the Community Character Element, since it is designed to be effectively unnoticeable from nearby roadways as demonstrated by the photo simulations.

AP Zoning District Compliance - The proposed project is consistent with the AP zoning district regulations (Section 18.16.030 (I)) which conditionally permits major telecommunication facilities that do not meet one or more of the performance standards established in Section 18.119.200. In this instance, the proposed height increase of the proposed tower at 70 feet would exceed the maximum height of a telecommunication facility that could be administratively approved, which is 50 feet. All other provisions of the AP district are met, including setbacks.

Telecommunication Standards Compliance - Telecommunication facilities in the County are regulated by Chapter 18.119 of the County Code. The proposal, as conditioned will comply with all of the standards set forth in this section, including but not limited to basic tower design, setbacks, identification signs, fire protection and provision of a minimum of 24-hour emergency power supply.

Department/Division Review - The Engineering Services Division, Environmental Health Division and the Fire Department have all recommended approval of the project as conditioned. (Refer to Attachment C)

Other Agencies - As noted above, the City of Napa has been actively participated in the review of this proposal and has recommended approval of the project as conditioned. (Refer to Attachment C)

SUPPORTING DOCUMENTS

- A . Findings
- B . Conditions of Approval
- C . Agency Comments
- D . Photo Simulations
- E . EMF (Electromagnetic Field) Analysis
- F . Site Analysis
- G . Application Packet
- H . Previous Use Permit Application No. P12-00419 Approval Letter
- I . Graphics

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina