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Agenda Date: 7/17/2013

Agenda Placement: 9C

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** John McDowell for Hillary Gitelman - Director  
Planning, Building and Environmental Services

**REPORT BY:** John McDowell, Deputy Planning Director - 299-1354

**SUBJECT:** Verizon Wireless/Greystone Site Use Permit (#P13-00078-UP)

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### RECOMMENDATION

#### **VERIZON WIRELESS/GREYSTONE SITE—USE PERMIT (#P13-00078-UP)**

**CEQA Status:** Consideration and possible adoption of a 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 130-foot lattice tripod telecommunication tower; (2) install 12 panel antennas attached to the tower, each measuring 75 inches (6.2 feet) in length, 12 inches in width and 7 inches in depth; (3) install two mesh microwave dishes with a diameter of 2.5 feet on the tower; (4) place the tower and associated ground-mounted equipment on a 50-foot by 50-foot lease area on the southwest corner of the property; (5) construct a 6-foot tall wooden fence to screen the ground-mounted equipment area; (6) install both a battery back-up array and a 30KW emergency generator within the fenced leased area; (7) construct a graveled 12-foot wide access road from an existing on-site drive to the leased area, approximately 2,060 feet in length, with a Fire Department turn around near the leased area; (8) grading of the leased area and proposed roadway with the average cross-slope of the road extension being 24.9 percent; (9) remove 19 mature trees on the leased area and proposed roadway; (10) install underground power and telecommunication lines within the proposed road extension; (11) install emergency notification signs on the site; and (12) install temporary erosion control improvements. The facility is proposed to be located on a portion of an approximately 13.69-acre site on the west side of St. Helena Highway (State Route 29), within an Agricultural Watershed (AW) zoning district, Assessor's Parcel 022-080-020 at 3269 St. Helena Highway, St. Helena CA, 94574.

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

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## **EXECUTIVE SUMMARY**

### **Proposed Action:**

That the Planning Commission:

1. Find the project Categorical Exempt based on this report and on Finding 1 of Exhibit A; and
2. Approve Use Permit #P13-0078-UP based on Findings 2-5 of Exhibit A, and subject to the attached conditions of approval contained in Exhibit B.

**Discussion:** The applicant is proposing to construct a new unmanned telecommunication tower for Verizon Wireless in the northern part of Napa County just north of the Greystone Culinary Academy. The applicant states that there is currently poor cell coverage along the Highway 29 corridor and the proposed tower would provide improved cell and data coverage for much of this portion of the County.

The 13.69-acre site is currently occupied by a single-family dwelling and out buildings in the eastern portion of the site, closest to the highway. The proposed Verizon wireless facility would be located on the western, uphill portion of the parcel. Proposed improvements would include a 130-foot tall tripod lattice tower, ground-mounted equipment and an access road to allow construction and maintenance of the facility. Although the facility is not "co-located" (placement of multiple cell service carriers on a single facility), it has been structurally designed to accommodate additional carriers.

The applicant notes that the height of the tower is dictated by the height of the nearby tree cover on the subject site and surrounding parcels. The visibility and aesthetic considerations of the proposal are discussed below.

The proposed project is generally consistent with the intent of the General Plan and Napa County Code to make all telecommunication facilities "effectively unnoticeable" from adjacent roads and public gathering places. The project is also consistent with applicable sections of the Viewshed Protection Program and Conservation Regulations.

## **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

## **ENVIRONMENTAL IMPACT**

Categorically Exempt pursuant to CEQA Guidelines Section 15303, Class 3-New Construction or Conversion of Small Structures. See additional discussion below.

## **BACKGROUND AND DISCUSSION**

**Owner:** Fred and Darlene Croshaw

**Applicant:** Verizon Wireless

**Applicant Representative:** Peter Hilliard, On Air LLC

**General Plan Land Use Designation:** Agriculture, Watershed & Open Space

**Zoning:** AW: Agricultural Watershed

**Date Filed:** March 11, 2013

**Number of Employees:** None but periodic visits by maintenance staff

**Lease Equipment Area:** 2,500 square feet

**Site Access:** From State Route 29, east of the site

**Emergency Power Supply:** On-site battery and generator (24 hr. + power supply)

**Adjacent Zoning/Land Use:**

North

AW—vacant (11.29-acre parcel)

South & West

AW- vacant (29.80-acre parcel)

East

AW-single-family residence (1.89-acre parcel)

**Discussion Points:**

1) Visual Impacts: The Napa County Code requires telecommunication facilities to be sited to blend in with the surrounding environment and be “effectively unnoticeable.” Photosimulations supplied by the applicant (see Application Packet and Graphics Attachments) shows that the trial balloon used to establish the height of the tower would provide long range views of the tower; however, because the tower and antennas will be painted a dark green color, the proposed facility would be effectively unnoticeable from both Highway 29 and Ehlers Lane. Therefore, the County’s aesthetic standard can be met.

2) Tree Removal: The applicant submitted an arborist report prepared by Bill Pramuk indicating that grading for the access roadway and leased area would remove 19 mature live trees. The arborist is attached. Trees that would be lost include a mix of Douglas fir, California bay laurel, and madrone. None of the trees to be removed include oaks or redwood trees and many of the trees to be removed were reported to be in "fair" to "poor" condition. .

According to the applicant, the path of the access road was chosen to minimize impacts to mature trees and also to achieve optimum Fire Department accessibility. Based on the existing extensive tree cover on the site, Staff found that replacement planting would not be necessary to maintain the forest canopy. Also, surrounding properties are heavily forested and no feasible spaces exist for replacement planting on these sites either.

3) Potential Alternative Sites: The applicant submitted information to the County regarding other potential locations and configurations as alternatives to the current request. This is included in the Application Packet Attachment.

Briefly, the applicant contacted thirty property owners along the Highway 29 corridor in writing to determine their

interest in allowing a wireless cell facility on their property. Ten responses were received with nine of these were further investigated for suitability. Radio frequency and topographic considerations eliminated three of these sites and six more elected not to proceed with possible leasing with Verizon. The remaining property, the Croshaw site, is the subject of this application.

4) Environmental Analysis: Staff is recommending adoption of a Class 3 Categorical Exemption under CEQA. This exemption applies to small scale structures of this nature provided that the project has no potential to significantly impact the environment. CEQA Statute Section 15300.2 delineates six criterion which must be met in order to rely on this class of exemption as follows:

a) Location - The project site cannot be located within a precisely mapped environmentally sensitive area. In this case, the project site is approximately 1 mile from mapped northern spotted owl nesting site, a federally-protected special status species. Although the project has some potential to become a future nesting site because it is a densely forested hillside, as proposed by the applicant, the project will be constructed outside of the nesting season. Because construction of this project is relative short (approximately 3 months or less), and will not occur during nesting season, no impacts to northern spotted owl nesting would occur.

b) Cumulative Impacts - This exemption cannot be used if there will be a cumulative impact resulting from successive projects of the same type and in the same general location. This project qualifies for the exemption because there are no other telecommunication facilities existing, proposed or anticipated in this general area.

c) Significant Effect - This exemption cannot be used if there is a reasonable possibility that the project will have a significant effect on the environment. Staff analysis, supported by expert evaluation of biological and archaeological resources, substantiate that this project is not located in an environmentally sensitive area.

d) Scenic Highways - This exemption cannot be used if the project will result in damage to scenic resources within a highway officially designated as a state scenic highway. The project is in close proximity to State Route 29, however, this highway segment is not officially designated as a state scenic highway. Although the proposed project is not subject to this criterion, State Highway 29 is designated locally as a viewshed road, and thus the project has been designed to comply with viewshed requirements.

e) Hazardous Waste Site - The project is not any list of hazardous waste sites enumerated under Government Code section 65962.5.

f) Historical Resources - An archaeological evaluation, attached, indicates that the project is not within a known archaeological site, and no historically significant resources are on site or in the immediate vicinity. Thus, the project qualifies for the Class 3 exemption.

### **Consistency with Standards**

#### General Plan Compliance

The proposed project is in compliance with Agricultural Preservation and Land Use Element Policy AG//LU-29 which states that "governmental and public utility uses shall be permitted in appropriate locations" and Safety Element Policy SAF-39 which states that "[T]he County supports the use of communication technologies to get information to other agencies and the public during emergencies."

#### AW Zoning District Compliance

The proposed project is consistent with the AW zoning district regulations (Section 18.20.030 (K)) 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 130 feet would exceed the maximum height of a telecommunication facility that could be administratively

approved, which is 50 feet. All other provisions of the AW 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. One proposed deviation from the ordinance standard is a request to construct a 12-foot wide access road in lieu of the normally required 8-foot wide road in order to ensure adequate access to the tower and related facilities for ongoing maintenance and for fire access.

#### Viewshed Protection Program Compliance

Chapter 18.108 of the County Code establishes the County's Viewshed Protection Program. The proposed telecommunication tower would extend onto a minor ridgeline in the northern portion of the County. Exposure of the top of the tower with the antennas are essential to send and receive radio messages, so it would not be possible to screen the facility. The applicant considered alternative designs for the telecommunication towers, including a faux tree or a "slimline" antenna, but these were rejected based on construction feasibility on a hillside. Instead, the applicant proposes to paint the top of the facility a dark green to blend in with the forested hillside. A condition of approval will require the applicant to submit a management plan to the Planning, Building and Environmental Services Department on an annual basis to ensure that the facility is maintained in an appropriate manner and that the dark green paint remains in good condition.

The proposed 12-foot wide access road on the site cannot be viewed from adjacent roads due to the existing heavy tree cover.

#### Conservation Regulations Compliance

Chapter 18.108 of the Napa County Code establishes provisions for protection of watercourses, hillside areas, riparian habitat and other natural resources. The proposed Verizon telecommunication tower would be in compliance with this Chapter, in that the amount of disturbed area would be minimal (approximately 34,000 square feet), would not be located near any stream courses or riparian habitats and the applicant is proposing to install erosion control measures to minimize polluted runoff.

### **SUPPORTING DOCUMENTS**

- A . Exhibit A - Proposed Findings for Approval
- B . Exhibit B - Proposed Conditions of Approval
- C . Archaeological Abstract
- D . Biological Abstract
- E . Arborist's Report
- F . Application Packet
- G . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell