



Sonoma County Board of Zoning Adjustments STAFF REPORT

FILE: UPE19-0006
DATE: October 10, 2019
TIME: 2:20 pm
STAFF: Marina Herrera, Project Planner

Appeal Period: 10 calendar days

SUMMARY

Applicant: Complete Wireless Consulting Inc., on behalf of AT&T Mobility

Owner: Burkhardt Family Investments

Location: 16475 Neeley Road, Guerneville

APN: 071-290-003 **Supervisorial District No.:** Fifth

Subject: Use Permit for a new Intermediate Freestanding Telecommunication Facility

PROPOSAL: Request for a Use Permit for an Intermediate Freestanding Commercial Telecommunications Facility, including a 100-foot high faux tree monopole (mono-pine), associated ground equipment cabinet, and a 30KW generator, 190 gallon diesel fuel tank for the purpose of a backup emergency power, located within a 2,500 square foot leased area, enclosed by a six foot fence located on a 2.75 acre parcel.

Environmental Determination: Categorical Exemption (15303 - New Construction of a Small Structure)

General Plan: Resources and Rural Development (RRD 160-acre density)

Ord. Reference: Section 26-88-130. Telecommunication Facilities

Zoning: RRD (Resources & Rural Development) B6 160 acre density, F2 (Floodplain), LG/116 (116 Scenic Highway Corridor Study Guideline), SR (Scenic Landscape Unit) and VOH (Valley Oak Habitat).



Complete**for Processing:** June 26, 2019

RECOMMENDATION: Approve the requested Use Permit to allow a 100 foot intermediate telecommunications facility with associated improvements as conditioned.

EXECUTIVE SUMMARY: The proposed project is a freestanding 100-foot high telecommunications facility with a faux tree, monopine design on a 2.75 acre parcel zoned Resources and Rural Development at 16475 Neeley Road, in Guerneville. Staff's recommendation for approval is based on: 1) the tower is consistent with the General Plan and Zoning Code, 2) the tower design is compatible with surrounding landscape features, and 3) the project site is located within a Scenic Corridor and complies with the County's Visual Assessment Guidelines recommended Mitigation Measures.

A project alternatives analysis, photo simulations, radio frequency report, and noise assessment were prepared to assess potential impacts of the development. Potential impacts associated with the telecommunications tower have been addressed in the project Conditions of Approval, which include ongoing maintenance of the faux pine materials to ensure it remains consistent with its original state.

Due to federal regulations, telecommunication projects are subject to processing deadlines known as the "shot clock." Failure to make a final decision within the shot clock time frames can result in deemed approval of a project. The current deadline for this project is October 25, 2019.

ANALYSIS

Project Description: Request for a Use Permit for an Intermediate Freestanding Commercial Telecommunication Facility, including an 100-foot high monopole in the form of a faux tree (monopine), with antennas mounted at centerlines of 86 feet and 73 feet in height, a walk in equipment cabinet, and a 30kw generator with an 190 gallon diesel fuel tank backup for emergency power. Associated project equipment is located within a 2,500 square foot fenced lease area, to be accessed by an existing gravel driveway, on a 2.75 acre parcel.

The proposed facility is intended to provide coverage throughout Downtown Guerneville, HWY 116, Main Street and River Road. AT&T Mobility has been attempting to provide improved service to the town of Guerneville for over five years. Presently, the Guerneville area is underserved by both wireless coverage and high speed broadband internet services which has potential to pose a threat to the health and safety of both residents and visitors in the area. The need for this proposed facility is indicated by complaints from AT&T Mobility customers, business and travelers in the area about inadequate service. The most recent attempt to remedy this gap in coverage was a proposal for a 70 foot tall monopine located at the Bank of America property on 3rd Street in

downtown Guerneville, rejected by the Board of Zoning Adjustment on a 2-2 vote. Due to strong neighborhood opposition and changes to existing redwood trees which would have screened the proposed facility, AT&T chose to withdraw the application and its appeal of the BZA action on April 30, 2018. This application has not received the same level of neighborhood opposition.

Hours of operation during construction would be Monday through Friday between 8:00 am and 5:00 pm. Upon completion of construction the facility will be unmanned and requires no onsite personnel. Visitation to the site by a service technician for routine maintenance may occur up to once a week. Because the facility is unmanned there are no regular hours of operation and impacts to existing local traffic patterns.

Site Characteristics: The 2.75 acre parcel is vacant, consisting of dense areas of vegetation comprised of hardwoods and chaparral. The project parcel is approximately 0.6 feet south-west of the town of Guerneville. The subject parcel does not contain any designated riparian corridors, although does include the F2-Floodplain due to the neighboring parcels to the east's riparian corridor status. The parcel is accessed directly off of Neeley Road via an existing gravel driveway which is proposed to be upgraded to County Standards.

Surrounding Land Use and Zoning:

North: K (Recreation and Visitor Serving Commercial), PF (Public Facilities), LC (Limited Commercial) and R1 (Low Density Residential) B6 4 DU (four dwelling units per acre) Zoning, with single family residences.

East: K (Recreation and Visitor Serving Commercial), R1 (Low Density Residential) B6 4 DU (four dwelling units per acre) and RRD (Resources and Rural Development) Zoning with single-family residences.

South: RRD (Resources and Rural Development) B6-160 (160 acre residential density) Zoning.

West: R1 (Single Family Residential) B6 4 DU (four dwelling units per acre) Zoning. To the west an approximate 0.46 miles is the East Guerneville Residential Subdivision developed with single family residences.

DISCUSSION OF ISSUES

Issue #1: Federal Law and General Plan Consistency

Federal Law:

Federal and state law pre-empts and limits local government on telecommunication facility siting based on exposure to radio frequency emissions. The Telecommunications Act of 1996 allows local government limited authority to regulate telecom facilities' design and location, specifically the Act states:

"No 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 Commission's regulations concerning such emissions."

If an applicant demonstrates compliance with the federal Radio Frequency (RF) Standards, the County cannot deny the project based on "environmental effects of radio frequency emissions."

The applicant has submitted an RF emissions report prepared by OSC Engineering, Inc. which analyzes the project's radiofrequency emissions. Provided that RF emissions meet federal standards set pursuant to the federal Telecommunications Act of 1996, the county may not deny or regulate based on RF emissions. For this facility, the worst case maximum exposure would be .053% of the Federal RF limit at ground level, well within allowable exposure under the Act.

The Act also provides that any decision to deny a facility *"shall be in writing and supported by substantial evidence contained in a written record."* Additionally, the Act provides that local government regulation *"shall not prohibit or have the effect of prohibiting the provision of personal wireless services."* The project proponent must establish that there is a coverage gap in service and provide an adequate visual and alternatives analysis of the type required by county code.

General Plan Consistency:

The site's Resources and Rural Development General Plan Land Use designation allows for Intermediate Freestanding Telecommunication Towers (Intermediate Facility) where a service coverage study shows that there is no other suitable location for the facility. The proposed tower is considered an Intermediate Freestanding Commercial Telecommunication Facility pursuant to Zoning Code Section 26-02-140:

Intermediate Facility. *Such facility which involves a combination of towers and antennas greater than forty feet (40') and less than or equal to one hundred thirty feet (130') in height.*

The facility is considered a secondary use *"incidental to and compatible with the primary use"* because the leasehold area for the telecom facility would not interfere with any future residential use on the vacant 2.75 acre property. It is compatible in that it does not generate significant traffic or loud noises and the faux tree design blends with the vegetation on the property

In addition, the following General Plan policy is applicable to the project:

Policy PF-2u: *Review proposals for public and private telecommunication facilities for consistency with General Plan policies and adopted siting and design criteria. In order for a public telecommunication facility to be found consistent with this plan, it must meet the standards and siting and design criteria of the applicable zoning district.*

The Public Facilities Element policy refers to the applicable General Plan policies, siting and design criteria that are set forth in the Rural Residential element of the General Plan and Zoning Code. Requirements of the Zoning Code and specific Zone District are discussed in issue 2.

Issue 2: Zoning Consistency

The project is an acceptable use and meets all Zoning Code criteria, including maintaining a 112 foot setback from the nearest dwelling, federal RF standards, and submitting alternatives and visual analyses to establish that the project minimizes visual impacts in its surroundings.

The site has a Zoning designation of RRD (Resources and Rural Development) with a density of 160 acres per dwelling unit, F2 (Floodplain), SR (Scenic Resource, Scenic Landscape Unit) and VOH (Valley Oak Habitat) combining designations. The Zoning Code lists the purpose of the RRD designation as: *“to provide protection of lands needed for commercial timber production, geothermal production, aggregate resources production; lands needed for protection of watershed, fish and wildlife habitat, biotic resources, and for agricultural production activities that are not subject to all of the policies contained in the agricultural resources element of the General Plan. The resources and rural development district is also intended to allow very low density residential development and recreational and visitor-serving uses where compatible with resource use and available public services.”*

The RRD zoning designation allows for Intermediate Telecommunications Facilities subject to obtaining a Use Permit and meeting all standard telecommunications ordinance (Sonoma County Zoning Regulations - Section 26-88-130) requirements for Intermediate Facilities. As a resource and residential zoning district, the RRD Zone District is subject to the following specific criteria for Intermediate Freestanding Commercial Telecommunication Facilities:

Section 26-88-130 b. (1)iii: LIA, LEA, DA, RRD, RRDWA, TP DISTRICTS

(iii) Intermediate and major freestanding commercial facilities shall meet the following standards:

- (A) Towers shall meet the setback standards of subsection (b)(1)(ii)(A) of this section.*
- (B) For any proposed major facility, an alternatives analysis shall be prepared by or on behalf of the applicant, subject to the approval of the decision making body, which meets the requirements of subsection (a)(3)(xiv) of this section.*
- (C) A visual analysis.*

Alternatives Analysis

The applicant has provided an alternatives analysis showing a gap in service for cellular phone users that are traveling (in transit) and indoors (Exhibit E). The present service gap is along the Russian River and encompasses downtown Guerneville, HWY 116, Main Street and River Road, which encompasses both commercial and residential uses.

AT& T began with a total of fifty-three alternative sites that would meet coverage needs within

the search area, but none are listed as a viable alternative location for the project. The fifty-three potential sites were analyzed by identifying the search ring encompassing desired coverage area. Within the search ring AT&T identified that there were no opportunities for colocations of existing facilities which would meet coverage needs. Through extensive research and minimal responses from the majority of property owners contacted the applicant determined that the proposed site would be the most feasible for the proposed facility. Furthermore, because the service gap search ring overlaps a broad area of sites which are zoned for Rural Residential, there is limited availability of commercially zoned sites. The alternative analysis evaluated appropriate sites and adequately demonstrated that the proposed facility will address the present wireless service gap for residents in the area and the general public.

Visual Analysis

The applicant has submitted a visual analysis utilizing the county's Visual Assessment Guidelines as well as photo simulations (Exhibit D) to meet Section 26-88-130 (a)(3)(ii) which requires that facility towers blend with the existing natural or built surroundings.

Staff finds that the overall visual sensitivity of the site is High due to the project site's location within a Scenic Corridor, specifically a Scenic Landscape Unit as designated by the Sonoma County General Plan. In addition, the project is located within the Sonoma 116 Scenic Highway Corridor and subject to guidelines adopted in 1988. While the project is in the scenic corridor, the proposed facility is warranted because it is consistent with Goal SH-2 in that it provides safety improvements along Highway 116 by enhancing communications coverage. If designed to minimize visual impacts, the project can minimize scenic impacts while providing critical telecommunications services in rural Sonoma.

The project is Co-Dominant in comparison to its surroundings because project elements such as the faux needles and trunk are compatible with surrounding landscape features. Based on the County's Visual Assessment Guidelines, a project with High sensitivity and Co-Dominant visual appearance has a significant visual impact; consequently, measures to reduce visual impact are required, as follows:

- A. The extent of grading is to be limited to the 2,500 lease area space and necessary improvements to the existing 30 foot access gravel driveway;
- B. Facility materials and colors are to be consistent with surrounding environment, materials to be used are non-reflective and colors will reflect surrounding foliage intended to avoid glare and contrast;
- C. Screening vegetation for the facility and associated equipment is to be facilitated by the natural topography of the area.

The site is mostly screened from public viewpoints by mountainous topography, natural vegetation, as well as sparse and winding public roads that create few vantage points. Prominent views of the

facility are on Neeley Road and from the Guerneville Bridge. The proposed facility is roughly 660 feet northeast of the Guerneville Bridge which is a state-recognized Historical Resource. In an effort to ensure that the tree foliage is dense to adequately conceal the antennas, AT&T has proposed to split the antennas into two centerlines which accommodates a sleeker profile, while placement of 3 branches per foot will ensure the foliage is dense. The slight change in monopine design and incorporation of these design elements will allow the facility to further blend with the surrounding natural environment and vegetation in the project vicinity.

Issue #2A: Design Review Compliance

The project was heard by the Design Review Committee on August 7, 2019. The Design Review Committee found that the project is consistent with DRC Design Guidelines because it maintains and preserves the natural topography, vegetation, trees, streams and other natural features by minimizing cut and fill. The DRC recommends preliminary approval to the Board of Zoning Adjustments (see Record of Action in Exhibit H).

Issue #3: Noise

As designed, the project will not produce significant noise during normal operation. However, emergency power is provided by a backup battery-powered generator to keep cell transmissions operating during outages. The generator would be located 120 feet from the nearest property line to the east which contains the nearest residence, a noise-sensitive use. A noise study was prepared by Bollard Acoustical Consultants, Inc. on June 19, 2019 which demonstrates that the generator noise levels are compliant with County Standards. The backup generator would result in 38 dB at the nearest property line to the east, under the maximum allowed exterior noise exposures (50 Db during daytime and 45 dB during nighttime hours at 30 minute intervals in any hour). As conditioned, the generator must meet the County's General Plan noise standards. Additionally, the generator will be equipped with an engineered level 2 acoustic enclosure resulting in a reference noise level of 40dB at 90 feet. The project, as conditioned, will not generate noise impacts.

Issue #4: Environmental Determination

The project is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15303, New Construction or Conversion of Small Structures as development will be limited to within a 2,500 square foot lease area. There are no facts or circumstances specific to this project that would support an exception to the categorical exemption.

Issue #5: Community Compatibility

Neighbors to the proposed telecommunication facility were noticed by Permit Sonoma at the time of application submittal. A letter of support was received on March 22, 2019 from Jason Weaver, the President of the Board of Directors of the Russian River Fire Protection District. As stated in the letter, 'improving cellular service may be the single most efficient way to improve public safety in the region.'

Three additional letters of support were received at the DRC hearing, all supporting the project and citing the need for a telecommunication facility in Guerneville to support communications and enhance public welfare and safety. Public comment received on behalf of this project is included as Exhibit G.

STAFF RECOMMENDATION

Staff recommends approval of the Use Permit subject to the attached Conditions of Approval.

FINDINGS FOR RECOMMENDED ACTION

1. The project is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15303, New Construction or Conversion of Small Structures as development will be limited to within a 2,500 square foot lease area. There are no facts or circumstances specific to this project that would support an exception to the categorical exemption.
2. The project is consistent with the General Plan land use designation of Resources and Rural Development, and General Plan Policies including, Policy PF-2u: "Review proposals for public and private telecommunication facilities for consistency with General Plan policies and adopted siting and design criteria." The tower design of a monopine will help screen the proposed facility and antennas and blend in with existing foliage within the project vicinity. The site is mostly screened from public viewpoints by mountainous topography, natural vegetation, as well as sparse and winding public roads that create few vantage points. Grading will be limited and entirely within the 2500 square foot lease area. Prominent views of the facility are on Neeley Road and from the Guerneville Bridge. Provision of a telecommunications tower in this site will help to close gaps in wireless service for both people in transit or indoors.
3. The proposed project is consistent with the requirements for siting a telecommunications tower within the RRD (Resources and Rural Development) zoning designation, because the proposal has demonstrated through an alternatives site analysis which meets the requirements of Section 26.88.130(a)(3)(xiv) that there is no technically feasible other method of providing the needed service. The applicant has prepared a visual analysis as required by Section 26-88-130 subsection (b)(1)(iii) which identifies the potential visual impacts at design capacity of the proposed facility and demonstrates that screening, siting and design as described above will result in acceptable visual impacts for the project.
4. The proposed project is consistent with the requirements for siting a telecommunications tower with an SR (Scenic Resources) zoning designation because the proposal has presented a visual analysis that meets the requirements of Section 26-64-040(c), based on the facts stated

in findings 1 and 2 above, and an alternatives analysis that meets the requirements of Section 26-88-130(a)(3)(xiv).

5. The project is consistent with Section 26-88-130 (Telecommunication Facilities) of the Zoning Code in that the faux pine tree design minimizes visual impacts and is compatible with the neighborhood and character of the area because it resembles trees commonly present in the vicinity.
6. The project as conditioned will not be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area:
 - a. The antennas on the faux pine tree cell tower will not exceed 100 feet in height;
 - b. The facility will operate without disruption and enhance public safety by providing improved telecommunications service, including during times of power outages;
 - c. Exterior lighting shall be motion-sensored, low-mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures. Additionally, lighting plans shall be designed to meet the Lighting Zone (LZ1 for dark areas, LZ2 for rural, LZ3 for urban) standards from Title 24, effective October 2005;
 - d. The facility will operate below the maximum allowed exterior noise exposures of 50 dBA during daytime hours and 45 dBA during nighttime hours;
 - e. The facility will be operated in compliance with the most current standard governing the limitation of human exposure to nonionizing electromagnetic radiation (NIER) used by the Federal Communications Commission applicable to the facility;
 - f. The entire facility, including all equipment, towers, antennas, etc., must be removed and the site restored to its pre-construction condition or other authorized use on abandonment or termination of the use;
 - g. The applicant's FCC license requirements require the applicant to mitigate any interference with local television or radio reception caused by the facility;
 - h. The facility must provide adequate warning of potential hazards as well as location and operator identification and a telephone number for public contact.

LIST OF ATTACHMENTS

EXHIBIT A: Draft Conditions of Approval

EXHIBIT B: Land Use Maps

EXHIBIT C: Site Plan

EXHIBIT D: Visual Assessment with Photo Simulations

EXHIBIT E: Alternative Sites and Coverage Analysis

EXHIBIT F: Noise Study, prepared by Bollard Acoustical Consultants, Inc., dated June 19, 2019

EXHIBIT G: Public Comment Received

EXHIBIT H: Design Review Committee Record of Action, August 7, 2019

EXHIBIT I: Draft Resolution

Separate Attachment for Commissioners: 11x17 plans