



**City Manager's Report**  
**June 28, 2011 City Council Meeting**  
**Prepared by: Andrew Painter**  
**Item #: 12.2**

**Subject:** Findings to Support City Council's granting of an appeal of the May 3, 2011 Planning Commission Decision to Conditionally Approve Conditional Use Permit (CUP) 10-05 – a Request to Operate and Use a 78-Foot High “mono-pine” Wireless Communication Facility in a PF, Public Facilities Zone, on Property Owned by the Placerville Union School District.

**Discussion:** On June 14, 2011 the City Council voted to grant the appeal filed by Ray Sarlatte, et.alia for the subject project. Council continued the agenda item to June 28, 2011 to adopt formal findings supporting the granting of the appeal.

The proposed findings are attached to this memo for the Council's consideration. Staff requests that the council adopt the proposed findings.

**Cost:** None.

**Budget Impact:** None.

**Recommendation:** Adopt findings contained herein

  
 M. Cleve Morris, City Manager

  
 John Driscoll, City Attorney

  
 Andrew Painter, City Planner

**Attachment A:** Findings to Support Granting of Sarlatte, et.alia Appeal

## Attachment A

The application of Conditional Use Permit (CUP) 10-05 for AT&T Wireless came before the Placerville Planning Commission on May 3, 2011. The Planning Commission granted the Applicant's request for a CUP. Within the appeal period an appeal was filed appealing the Planning Commission's decision granting the CUP. The appeal was heard before the Placerville City Council on June 14, 2011.

The City Council, having considered the record before the Planning Commission at its hearing on this matter on May 3, 2011 as well as the testimony and evidence presented to the Council at its hearing on this matter on June 14th, 2011, makes the following findings:

- A. The project site, 1032 Thompson Way (APN 004-021-26), is owned by the Placerville Union School District.
- B. Project site zoning designation is PF, Public Facility.
- C. Per Section 10-3-4 of the City of Placerville Zoning Ordinance, communication equipment buildings and telephone transmitters are classified as uses which may be permitted in any zone upon the granting of a conditional use permit.
- D. Per Section 10-3-3 (Conditional Use Permits), conditional uses may be permitted in zones in which they are not otherwise outright permitted in the Zoning Ordinance when such uses are deemed essential or desirable to the public convenience or welfare, are in harmony with the various elements or objectives of the General Plan, and are not detrimental to surrounding property.
- E. The project would degrade the visual character of the Caltrans designated US 50 scenic highway corridor and a General Plan designated "secondary ridgeline," in that the project's 78 ft. in height mono-pine structure would exceed the height of the ridgeline by 57 ft., existing structures on the project site and abutting properties, as well as existing pine and oak trees located on site that is visible from US 50. The Council finds that there is substantial evidence that the project would be inconsistent and not in harmony with Policies 2 and 7 of Goal I of the Natural, Cultural and Scenic Resources Element of the City's General Plan. These policies are designed to minimize and protect the visual character of the primary and secondary ridgelines and scenic highway corridor.
- F. Based on the record before the Council including the evidence before the Planning Commission and the evidence submitted and testimony given at the appeal hearing, the Council finds that there is substantial evidence that the project would have a negative impact and be injurious and detrimental to the surrounding properties.
- G. Based on Applicant's testimony, it is unclear whether applicant is contending that the project is necessary because there is a significant gap in coverage or a significant gap in capacity. In either event, the Applicant did not establish that the proposed site is the least intrusive as opposed to other alternative sites. At least two other sites are potentially acceptable to provide coverage as required by Applicant. These sites involve co-locating on existing facilities, and as such, minimize the impact on surrounding properties.

H. The appeal of the Planning Commission's decision is hereby granted and Applicant's request for a Conditional Use Permit is denied.