

**STAFF REPORT**

**TO:** PLANNING COMMISSION  
**MEETING DATE:** DECEMBER 9, 2024  
**FROM:** ERIN VENTURA, PLANNING CONSULTANT  
**SUBJECT:** CONDITIONAL USE PERMIT – TELECOMMUNICATIONS FACILITY  
 130 LINCOLN AVE (APN 018-052-012)

**RECOMMENDATION:**

1. Conduct a public hearing and receive public input, and
2. Find that the project is Categorically Exempt under 15303 (New Construction or Conversion of Small Structures) CEQA Guidelines; and
3. Adopt Resolution 2024-2025-\* Approving a Conditional Use Permit for the installation of a telecommunications facility, based on the recommended Findings and subject to the recommended Conditions of Approval.

**BACKGROUND:**

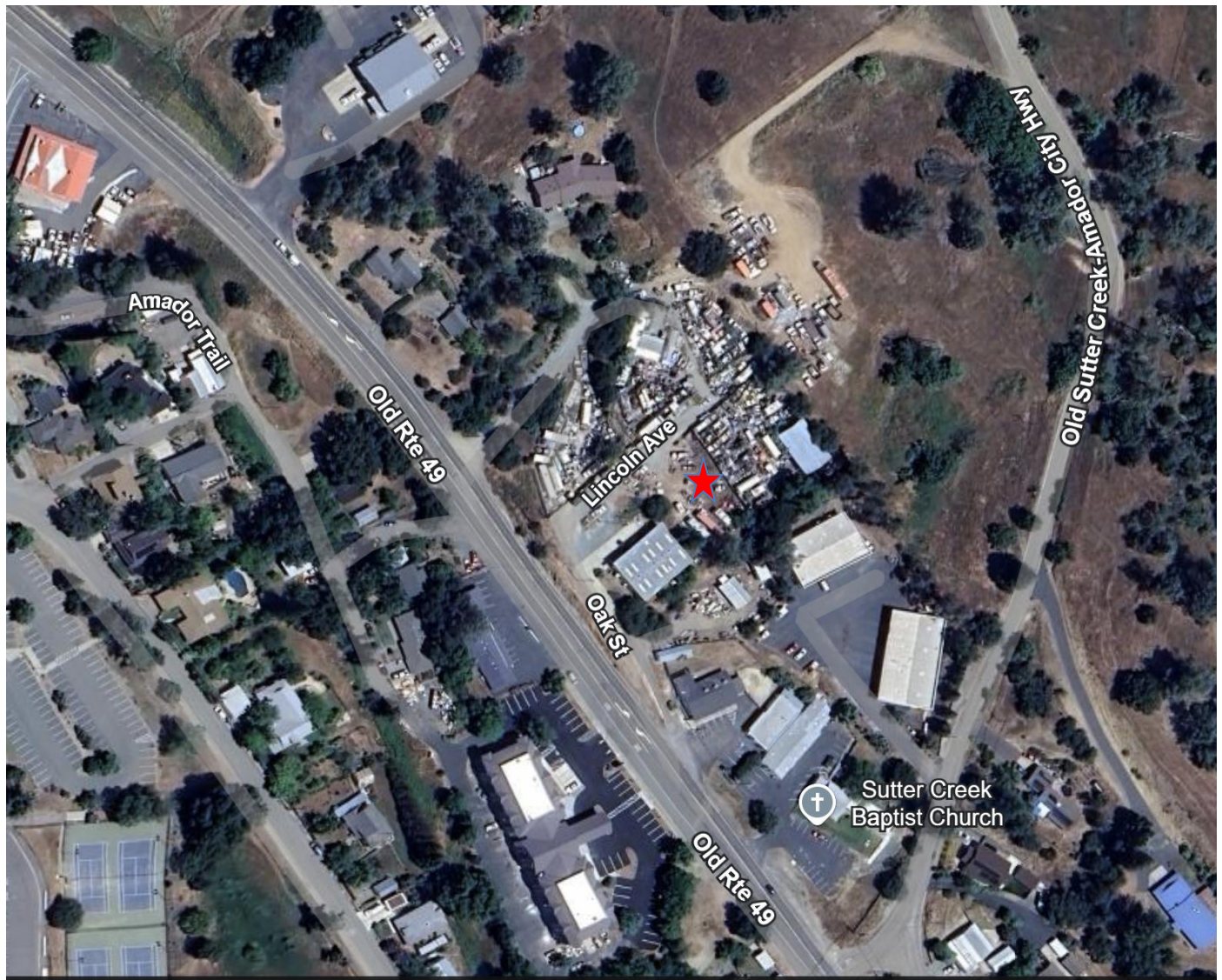
The Project site is located within the Historic District in the City of Sutter Creek with a zoning designation of C-2. The property has a General Plan designation of Commercial. The parcel, 130 Lincoln Avenue, is approximately .55 acres. The property currently has a commercial building on site, containers, and other various cars and debris.

**Table 1. General Analysis.**

Site Location	130 Lincoln Ave (APN 018-052-012)
Building Plan	Approximately 1,600 sq. ft. pad containing the tower and equipment
Lot Size	130 Lincoln Ave .55 acres
General Plan Land Use Designation	Commercial (no change)
Zoning	C-2 (no change)
Main Street Historic District	No
Historic District	Yes

**Table 2. Adjacent Land Uses**

Area	Existing Land Use	Zoning
Site	Commercial building and storage	Commercial/C-2
North	Salvage yard	Commercial/C-2
South	Commercial	Commercial/C-2
East	Commercial	Commercial/C-2
West	Commercial	Commercial/C-2



**Figure 1: Parcel Location Map**

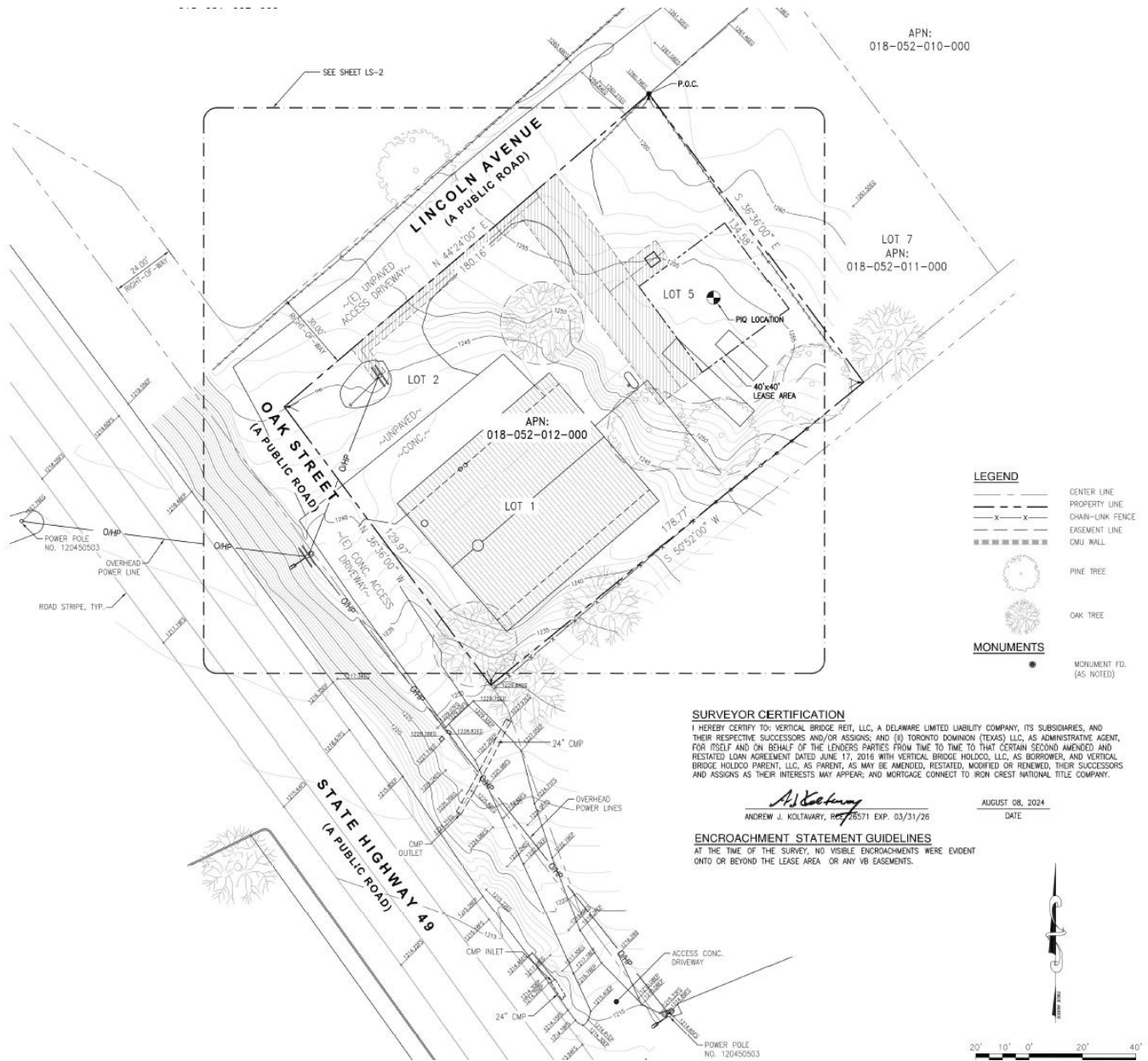


Figure 2 : Site Plan

**DISCUSSION:**

The applicant, Vertical Bridge, is requesting approval of a Conditional Use Permit (CUP) for the installation and construction of a new telecommunications and public utility facility. The facility will consist of a 70' monopine wireless facility, (10) 8' antennas, (6) RRU's, (1) 2' microwave, (1) GPS antenna, and associated electrical equipment plus (2) ground mounted radio cabinets, (1) raised concrete pad, cable ice bridge, utility backboard and multi-meter utility service all within a leased 40' x 40' pad within the C-2 zoning district. The 1,600 sq. ft. lease area will be enclosed withing a six foot high chain-link fence.

Access to the Project will be via Lincoln Avenue, a public road. The City's Engineering Department has requested the following road improvements:

1. The applicant shall make the following improvements to the road:
  - a. Construct a 0.2' asphalt concrete overlay on Oak Street from Hanford Street (Old State Route 49) to the beginning of the existing concrete (approximately 150 linear feet).
  - b. Road improvements for City Standards for "local rural road, " per Detail ST-1, starting at the existing concrete on Oak Street to the most northerly property line of APN 018-052-012 on Lincoln Avenue (approximately 250 linear feet).

This application does not propose the removal of any of the existing trees on the site. The pine trees located directly around the proposed 70' pole measure in height from approximately 47' to 50' tall. See page LS-2 of the proposed plans for additional details on existing tree location and heights. (Attached)

The applicant has completed a photo simulation of the proposed project. The photo simulation shows the potential visual impacts from different locations around the project site. (Attached)

Zoning Compliance

Per Sutter Creek Municipal Code section 18.49, Telecommunication and Electrical Generating Towers, any new telecommunication facility or tower must obtain a Conditional Use Permit. The following standards must be applied by the Planning Commission in order to grant approval of the CUP.

**18.49.040 Standards**

Sites shall be limited to commercial and industrial zoning districts	130 Lincoln Ave is currently zone Commercial, C-2.		
Towers, antennas, satellite dishes, and appurtenant equipment shall not be located within any front yard setback or street side yard setback		Required	Proposed
	Front	5 ft	54' 1"
	Side	5ft	5'/134' 9"
	Rear	10ft	39' 4"
The owner and/or operator of the facility shall operate and maintain such facilities in a clean, safe, and attractive condition at all times	Included as a Condition of Approval		
In conjunction with issuance of the conditional use permit, permittee shall provide a performance bond or cash equivalent equal to one hundred percent of the city's estimated cost for removal of the	Included as a Condition of Approval		

<p>facility. Said bond amount may be revised periodically by the city, and the bond may be utilized by the city in the event that permittee fails to remove the facility</p>	
<p>Unused and/or obsolete equipment and towers shall be removed from the site within six months after their need has ceased, or the city may, after notice and hearing, remove the equipment and towers and place a lien on the land to recover reasonable cost of removal</p>	<p>Included as a Condition of Approval</p>
<p>The height of towers shall be limited as specified in section 18.10.050.</p> <p>18.10.050 - Height of buildings.</p> <p>No penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment, towers, steeples, roof signs, chimneys, or other similar structures shall exceed the height limit provided in this title. If specifically permitted within a zoning district, radio and television masts, telecommunication towers, electrical generating towers, flagpoles, and smokestacks may extend not more than thirty feet above the height limit provided in this title, provided that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances.</p>	<p>Allowable building height in the C-2 zone is 40ft.</p> <p>Proposed pole height is 70ft</p>

At the November 12, 2024, Design Review Committee meeting, the Committee approved Design Clearance for the application.

The Sutter Creek Municipal Code has specific design criteria for Telecommunication and Electrical Generating Towers (18.49). They are allowed within the Commercial and Industrial zones. 18.49.040 specifies the following design criteria:

A. Sites should be selected according to the following order of preference:

1. In locations where topography, vegetation and other natural features provide the greatest amount of screening;
2. On existing structures that lend themselves to tower-mounted equipment (such as water towers, church steeples, light poles, head frames, and the like); and

3. Within industrial areas in which existing structures provide a visual buffer from adjacent areas.
- B. Preference should be given to co-location with other similar facilities;
- C. Equipment and supporting structures should be painted a single, neutral, non-glossy color, preferably earth-tones;
- D. Electrical and equipment wiring should be placed underground; and
- E. Monopole towers should be given preference over lattice towers.

## **ENVIRONMENTAL:**

This project qualifies for a Categorical Exemption under Section 15303, "New Construction or Conversion of Small Structures" of the California Environmental Quality Act (CEQA) Guidelines. Class 3 consists of the installation of small new equipment and facilities in small structures. The proposed footprint is 1,600 square feet. The filing of a Notice of Exemption is recommended and included as a Condition of Approval.

## **REFERRALS:**

The application package was referred to City staff and affected agencies for review. Comments received back from the affected agencies have been addressed and/or incorporated into the Conditions of Approval.

## **FINDINGS:**

1. The proposed use of the property is essential or desirable to the public convenience or welfare because it will provide additional wireless coverage for the community and those visiting the area.
2. The proposed use is in compliance with the Sutter Creek General Plan goals, policies, and Commercial Land Use designation.
3. The proposed use will not impair the integrity and character of the zoning district because the applicant will maintain the equipment and retain existing vegetive screening.
4. The proposed use would not be detrimental to public health, safety or general welfare because appropriate conditions of approval have been attached to the project.
5. The proposed uses of the property are in harmony with the various elements or objectives of the General Plan and the purposes of this title. The project specifically implements the following General Plan Object:

Objective PS-1.11: Utilities should be extended logically to provide a safe and reliable level of utility service.

## **CONDITIONALS OF APPROVAL**

Staff recommends approval as presented, with the following Findings and Conditions of Approval:

1. The project shall comply with all provisions of Chapter 18.49 Telecommunication and Electrical Generating Towers in the City's Zoning Ordinance.
2. The applicant shall be responsible for payment of all applicable City fees prior to issuance of building permits.

3. The applicant shall be responsible for payment of any outstanding invoices prior to issuance of building permits.
4. The applicant shall obtain any required building permits from the City of Sutter Creek Building department. Including any special inspections which may be required.
5. The applicant shall obtain a Sign Permit for any future signs.
6. Any proposed fencing cannot exceed 6ft in height.
7. Maintain a valid City of Sutter Creek Business License.
8. The Applicant shall pay the \$50.00 Notice of Exemption filing fee to the Amador County Recorder.
9. The applicant shall maintain fire department and emergency personnel access on Lincoln Avenue.
10. The owner and/or operator of the facility shall operate and maintain such facilities in a clean, safe, and attractive condition at all times, including keeping the base of the wireless communication facility free of garbage, debris, and weeds.
11. The applicant shall remove abandoned vehicles (not currently registered), equipment and debris, including weeds and vegetation, from the property.
12. The applicant shall make the following improvements to the road:
  - a. Construct a 0.2' asphalt concrete overlay on Oak Street from Hanford Street (Old State Route 49) to the beginning of the existing concrete (approximately 150 linear feet).
  - b. Road improvements for City Standards for "local rural road, " per Detail ST-1, starting at the existing concrete on Oak Street to the most northerly property line of APN 018-052-012 on Lincoln Avenue (approximately 250 linear feet).
13. Unused and/or obsolete equipment and towers shall be removed from the site within six months after their need has ceased, or the city may, after notice and hearing, remove the equipment and towers and place a lien on the land to recover reasonable cost of removal. Once the telecommunication company vacates the site, future establishment of the same or similar facility shall require a new Conditional Use Permit approval through the Planning Department.
14. In conjunction with issuance of the Conditional Use Permit, the applicant shall provide a performance bond or cash equivalent equal to one hundred percent of the City's estimated cost for removal of the facility. Said bond amount may be revised periodically by the City, and the bond may be utilized by the City in the event that the Applicant fails to remove the facility.
15. The developer of the Telecommunications facility shall operate the proposed radio/telephone equipment in strict conformance with Federal Communications Commission (FCC) regulations at all times so as not to cause a Public Health and Safety Hazard or nuisance to nearby properties and their radio and television reception. If, in the future, the FCC adopts more stringent Radio Frequency (RF) emission regulations, the developer shall submit an application to the City of Sutter Creek to modify the Conditional Use Permit (CUP) in order to demonstrate compliance with the revised FCC regulations. Failure by the applicant to apply for such a review of the subject CUP to conform to the FCC approval of revised RF emission regulations shall subject this approval to possible revocation.

16. All site signage required by the Federal Communications Commission, if any, shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular basis.
17. Structures, poles, towers, antenna supports, antennas and other components of each telecommunication site shall be treated with non-reflective colors to assist further with concealment of the facilities.
18. Cell sites shall not cause harmful interference to any of the County's emergency radio communication systems.
19. This permit shall expire and become null and void twelve months from Planning Commission action, or upon City Council approval upon appeal, unless a construction permit has been obtained prior to the date of expiration.

**BUDGET IMPACT:**

There is no budget impact directly.