



Board of Adjustment Staff Report

Meeting Date: March 5, 2020

Agenda Item: 8B

SPECIAL USE PERMIT CASE NUMBER: WSUP19-0026 (Sun Valley North Cellular Communication Tower)

BRIEF SUMMARY OF REQUEST: Expansion of the ground area of an existing telecommunications facility, to install additional equipment on the ground and to install additional antennas on the existing tower.

STAFF PLANNER: Roger Pelham, Senior Planner
775.328.3622
rpelham@washoecounty.us

CASE DESCRIPTION

For possible action, hearing, and discussion to approve the expansion of the ground area of an existing telecommunications facility, to install additional equipment on the ground and to install additional antennas on the existing tower.

Applicant: New Cingular Wireless PCS dba AT&T Mobility

Property Owner: Affordable Storage Solutions

Location: 5465 Sun Valley Blvd, Sun Valley, NV

APN: 085-582-36

Parcel Size: ±1.4 acres

Master Plan: Commercial

Regulatory Zone: General Commercial (GC)

Area Plan: Sun Valley

Citizen Advisory Board: Sun Valley

Development Code: Authorized in Article 324, Communication Facilities

Commission District: 3 – Commissioner Jung



STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP19-0003 for New Singular Wireless PCS dba AT&T Mobility, having made all five findings in accordance with Washoe County Code Section 110.810.30 and Section 110.324.75, subject to the conditions contained in Exhibit A to the Staff Report.

Staff Report Contents

Special Use Permit.....3

Vicinity Map.....4

Site Plan5

Project Evaluation5

Sun Valley Citizen Advisory Board (SVCAB)8

Reviewing Agencies8

Recommendation10

Motion10

Appeal Process10

.....

Exhibits Contents

Conditions of ApprovalExhibit A

Agency CommentsExhibit B

Public NoticeExhibit C

Project Application.....Exhibit D

Special Use Permit

The purpose of a special use permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate possible adverse impacts. The Board of Adjustment is authorized to issue special use permits under NRS 278.315 and Washoe County Code (WCC) Article 810. Certain notice requirements must be met, which are discussed in this report. In approving the special use permit, the Board must consider and make five Findings of Fact, which are discussed below. [WCC Section 110.810.30] The notice requirements and findings are discussed in this report. The Board of Adjustment is allowed to grant an approval of the special use permit that is subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project, including conditions prior to permit issuance, prior to obtaining a final inspection and/or certificate of occupancy, prior to issuance of a business license, or ongoing “operational conditions” which must be continually complied with for the life of the project.

Conditions of Approval. The Conditions of Approval for this case are attached to this staff report as Exhibit A and will be included with the action order.

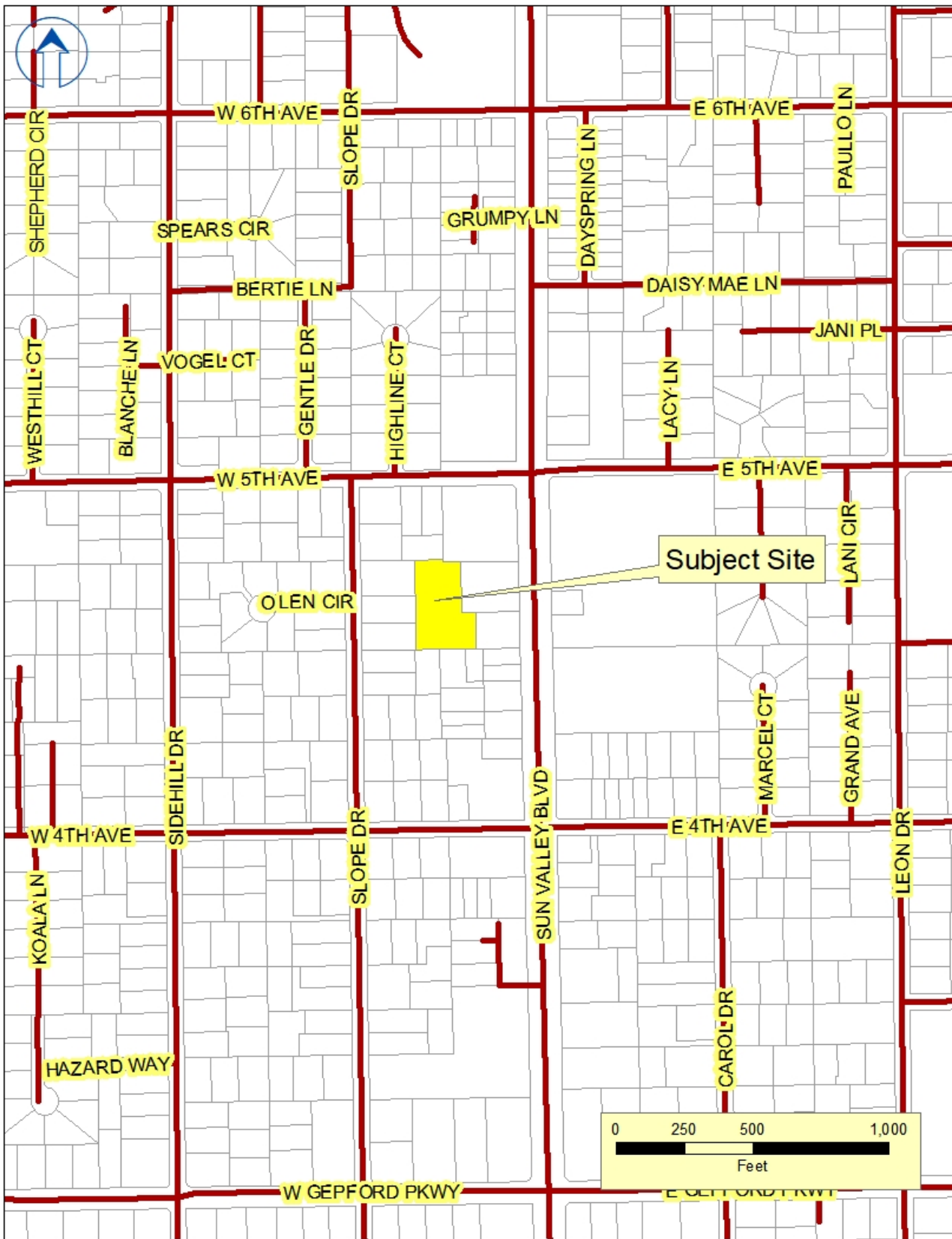
Variances. As a part of approval of a special use permit, the Board of Adjustment may also vary standards of the Development Code as they would apply to the Project. [See WCC Section 110.810.20 (e).] In so doing, the Board must make the five findings required for variances as set out in WCC Section 110.804.25.

Special Communications Facility requirements. The proposed facility is a “communications facility” under Article 324 of the County Development Code which imposes specialized requirements and provides that when approving a special use permit, the Board must adopt the three additional findings listed in WCC Section 110.324.75 which are discussed in this staff report.

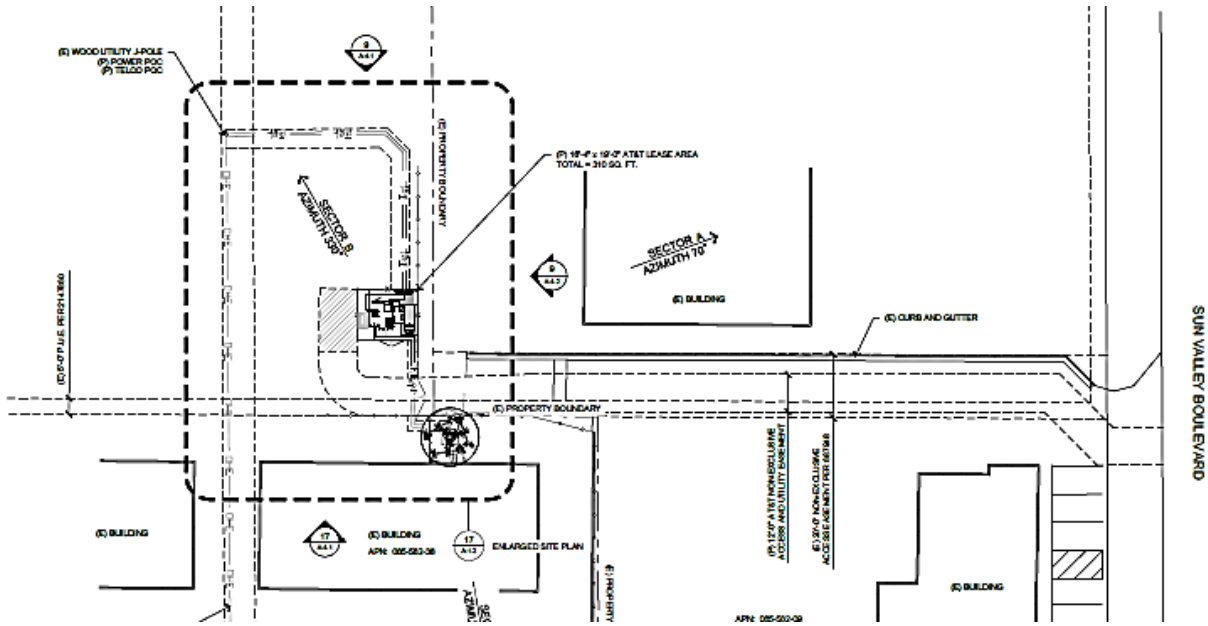
Special Federal and State Rules. The proposed facility is a “personal wireless service facility” protected by federal law (Telecommunications Act of 1996, 47 U.S.C. Section 332 (c) (7)) and state law (NRS 707.550 – 707. 920). Generally, federal and state laws provide that when regulating the placement, construction or modification of wireless facilities:

- We shall not unreasonably discriminate among providers of functionally equivalent services;
- We shall not prohibit or have the effect of prohibiting the provision of personal wireless services;
- We must act within a reasonable time on applications for permits (presumed to be 150 days under FCC “shot clock” rules);
- If we deny a request to place, construct, or modify personal wireless service facilities, we must do so in a separate writing, and the decision must be supported by substantial evidence (evidence that a reasonable mind might accept as adequate to support a conclusion) contained in a written record. State law (NRS 707.585) requires that a decision denying an application must set forth with specificity each ground on which the authority denied the approval of the application, and must describe the documents relied on by the Board in making its decision.
- We may not regulate the placement, construction and modification of personal wireless facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with FCC regulations concerning such emissions.

The subject property has a regulatory zone of General Commercial, which allows cellular communication facilities with the approval of a special use permit. This request is for the addition of ground-based equipment and additional antennas on the existing tower. No additional tower height is proposed.



Vicinity Map



Site Plan



Overhead Photo

Project Evaluation

New Cingular Wireless PCS has requested this special use permit in order to place additional ground-based equipment and additional antennas on the existing unmanned wireless telecommunications monopole. The project site is located at 5465 Sun Valley Boulevard within the Sun Valley planning area. The existing monopole will be equipped with 3 additional antennas. All necessary ancillary equipment will be located within the new ground-lease area.

The project area will encompass roughly 310 square feet, within the enclosed and fenced project area. The project area is proposed by the applicant to be enclosure with a 6-foot-tall chain-link fence. Recommended conditions of approval have been included to require that the fencing include vinyl slats that provide at least 80% opacity to screen the new equipment.

Existing Conditions

The proposed project site is approximately 1.4 acres overall. The area in which the new equipment is proposed to be placed is essentially undeveloped at this time. During a site inspection planning staff noted that the unimproved area was being used for storage of operable vehicles and that large piles of earthen material had been imported. Staff has included recommended conditions of approval to require that the applicant come into compliance with the Development Code by means of obtaining a valid grading permit and by removing the operable vehicles, before any permits can be issued for the new cellular communications equipment. The following photos of the subject site were taken on November 25, 2019.



Grading on subject site



The subject site is adjacent to properties zoned Medium Density Suburban (MDS) to the west and northwest. To the northeast, east and south the parcels are zoned General Commercial (GC).

Analysis

The applicant has indicated the reason for the new telecommunications tower is to, “increase cellular and wi-fi (including emergency services) coverage in the area.” No new antenna structure is proposed. The new antennas will be placed upon the existing tower.

Access/Parking:

No new access or parking spaces are proposed, as the facility is an unmanned facility. As this facility is within a commercial area, staff has included recommended conditions of approval to require that the paved driveway be extended to the subject site, which is a distance of approximately 40 feet.

Signage/Lighting:

Signage will be as required by FAA/FCC or other jurisdictional entities. There will be no “advertisement signage.”

Landscaping:

The applicant did not include plans for landscaping. Generally applicable landscape provisions will apply. The applicant will be required to landscape an area equal to 20% of the new project area.

Visual Impacts:

The request to add telecommunications equipment to an existing monopole is consistent with the standards of *Article 324 Telecommunications* of the Washoe County Development Code. The proposed equipment will be essentially “behind” another commercial use and will not create a substantial visual impact.

Radio Frequency and Environmental Impacts:

Under federal law (47 U.S.C. 332 (c) (7) (B) (iv), if the proposed telecommunications facility complies with FCC regulations, this Board cannot regulate its placement, construction, and modification based on the potential environmental effects of radio frequency emissions. Under state law (NRS 707.575 (4) the Board “shall not consider the environmental effects of radio frequency emissions” in rendering a decision of approving or denying this special use permit.

Sun Valley Citizen Advisory Board (SVCAB)

The proposed project was sent to the Citizen Advisory Board for their review and comment. The CAB meeting is scheduled to be held on January 21, 2020. This staff report was required to be completed by January 13, 2020. Staff will attend that CAB meeting and will provide the comments from the CAB to the BOA at the public hearing on this item. **Reviewing Agencies**

The following agencies/individuals received a copy of the project application for review and evaluation.

- Washoe County Community Services Department
 - Planning and Building Division
 - Engineering and Capital Projects Division
 - Utilities/Water Rights
- Washoe County Health District
 - Air Quality Management Division
 - Vector-Borne Diseases Program
 - Environmental Health Services Division
- Washoe County Sheriff
- Truckee Meadows Fire Protection District
- Regional Transportation Commission
- Reno-Tahoe Airport Authority
- Washoe-Storey Conservation District
- Sun Valley General Improvement District
- City of Reno
- City of Sparks

The following is a brief **summary** received of each agency’s comments and/or recommended conditions of approval and their contact information. The Conditions of Approval document is attached to this staff report and will be included with the Action Order, if approved.

- Washoe County Planning and Building Division addressed site and screening requirements, and FCC licensure/radio frequency emissions requirements.

Contact: Roger Pelham, MPA, Senior Planner, 775.328.3622, rpelham@washoecounty.us

- Washoe County Engineering and Capital Projects Division addressed construction improvement plans and required easements.

Contact: Leo Vesely, 775.328.3622, lvesely@washoecounty.us

- Sun Valley General Improvement District addressed access to an adjacent sewer main / manhole cover.

Contact: Chris Melton, 775.673.2253

REQUIRED FINDINGS

Findings required by WCC Section 110. 810.30 for a Special Use Permit:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the North Valleys Area Plan;
Staff Comment: Staff has reviewed the Master Plan and the Sun Valley Area Plan and has not identified any provisions that are in conflict with the proposed project.
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven of the Development Code;
Staff Comment: The proposed project is in compliance with Division Seven.
3. Site Suitability. That the site is physically suitable a for a telecommunications facility (monopole) for the intensity of such a development;
Staff Comment: The telecommunications pole is existing, additional equipment will be installed in a new lease area at ground-level.
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.
Staff Comment: Based on the requirements of the FCC, the "Electromagnetic Frequency (RF) exposure level due to the proposed site is well below the maximum allowable by FCC Regulations. The site fully complies with FCC rules and regulations.
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.
Staff Comment: There is no military installation nearby.

Findings required by Section 110.324.75, for a telecommunications facility:

6. That the communications facility meets all the standards of Sections 110.324.40 through 110.324.60 as determined by the Director of Community Development and/or his/her authorized representative;
Staff Comment: Staff has reviewed all of the standards and conclude that the standards have been met.
7. That public input was considered during the public hearing review process; and
Staff Comment: The Board will have heard and considered public comment during the public hearing. Under federal law (47 U.S.C. 332 (c) (7) (B) (iv), if the proposed telecommunications facility complies with FCC regulations, this Board cannot regulate its placement, construction, and modification based on the potential environmental effects of radio frequency emissions. Under state law (NRS 707.575 (4) the Board "shall not consider the environmental effects of radio frequency emissions" in rendering a decision of approving of denying this special use permit.
8. That the monopole or lattice tower will not unduly impact the adjacent neighborhoods or the vistas and ridgelines of the County.

Staff Comment: The telecommunications pole is existing, additional equipment will be installed in a new lease area at ground-level.

Recommendation

After a thorough analysis and review, Special Use Permit Case Number WSUP19-0026 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP19-0003 for New Singular Wireless PCS dba AT&T Mobility, having made all five findings in accordance with Washoe County Code Section 110.810.30 and Section 110.324.75, subject to the conditions contained in Exhibit A to the Staff Report.

Appeal Process

Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant.

Applicant: New Cingular Wireless PCS
 dba AT&T Mobility
 Attn: Sara King
 605 Coolidge Drive #100
 Folsom, CA 95630

Owner: Affordable Storage Solutions
 5465 Sun Valley Boulevard
 Sun Valley, NV 89433