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PLANNING & BUILDING DEPT.

**CITY OF SACRAMENTO  
CALIFORNIA**

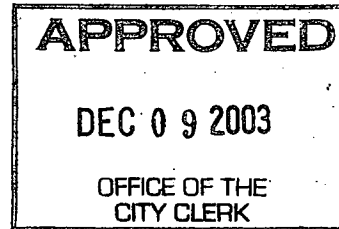
1231 I STREET  
ROOM 300  
SACRAMENTO, CA  
95814-2998

PLANNING  
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November 24, 2003

City Council  
Sacramento, California

Honorable Members in Session:



**SUBJECT: APPEAL OF 1520 X STREET ANTENNAS AND WIRELESS FACILITY,  
P02-097**

- A. Exempt (Section 15270(a));
- B. Special Permit to allow AT&T Wireless to replace an existing 48.95+ foot SMUD pole and co-locate a wireless facility consisting of 3 panel antennas and a radome on a newly erected 65 foot, 5 inch metal pole.

**LOCATION AND COUNCIL DISTRICT:** 1520 X Street;  
APN: 009-0261-013  
District 4

**RECOMMENDATION:** This report carries forward the City Council's intent motion to approve the project. The attached resolution contains findings for approval and the condition that Councilmember Yee requested (Condition B2), requiring the tower to be removed if the SMUD lines were placed underground in the future.

**CONTACT PERSONS:** Ellen Marshall, Associate Planner, 264-5851  
Thomas Pace, Senior Planner, 264-6848

**FOR COUNCIL MEETING OF:** December 9, 2003 (Afternoon Session)

**SUMMARY:** At the November 13, 2003 City Council meeting, the City Council made an intent motion to grant the appeal and approve the project.

**COMMITTEE/COMMISSION ACTION:** On July 24, 2003, the Planning Commission made an intent motion to deny the Special Permit for the cellular tower/facility after hearing public testimony on the item. On August 14, 2003, the Planning Commission voted 5 ayes and 0

nayes (with three Commissioners absent) to deny the Special Permit.

**BACKGROUND INFORMATION:** The proposed project site is comprised of an existing automobile repair shop, which fronts on X Street and has an alley at the rear of the site. A review of the entitlement history for the site revealed no activity.

As previously mentioned, the project was heard at the March 27, 2003 City Planning Commission meeting. The meeting included public testimony in opposition of the project from several members of the Land Park Community Association (LPCA) and the owner of the Tower Café due to the proximity and visibility of the site to the Tower Theater. The LPCA requested AT&T explore an alternate site located at 16<sup>th</sup> and X Streets. Further, the LPCA indicated to the Planning Commission that if AT&T were to locate at the alternate site, it would have the support of the LPCA. The Planning Commission continued the item and directed AT&T to explore the feasibility of locating at the 16<sup>th</sup> Street and X Street site, which is within the CalTrans right-of-way.

According to AT&T, at a meeting with CalTrans, Dennis Kellogg (LPCA), and AT&T representatives, CalTrans gave no indication that it would support a cellular facility within the CalTrans right-of-way. AT&T further explored the feasibility of locating at the alternative site, by having Level 1 and Level 2 environmental assessments completed for the site. The assessment (Exhibit 1C) showed that the site has groundwater contamination, as well as lead in the site's surface soils. It is AT&T's policy not to lease and/or develop contaminated properties because of the unknown costs for clean up and future liability. AT&T has determined that this site is not feasible for the project, therefore, decided to proceed with the original site.

At the July 24, 2003, Planning Commission hearing, two members of the LPCA spoke in opposition to the project. The speakers said the LPCA is not opposed to a cell tower, but felt that the proposed location is not appropriate as it will create a visual impact. Further, the LPCA felt all possible alternative locations were not explored/exhausted. A CalTrans Representative also spoke at the meeting. The representative stated CalTrans has an active siting program for cell sites, within the CalTrans right-of-way, but have not received a proposal from AT&T for siting in the W-X Freeway corridor. CalTrans had offered to walk the W-X corridor with AT&T to locate possible sites in the past. AT&T did not meet with CalTrans.

The Planning Commission denied AT&T's request based on the proximity to the Tower Theater and the ability to locate a cell tower in the CalTrans right-of-way.

At the November 13, 2003 City Council hearing, the Council overturned the Planning Commission's denial of the project and granted the applicant's appeal.

**FINANCIAL CONSIDERATIONS:** This report has no fiscal implications.

**ENVIRONMENTAL CONSIDERATIONS:** The proposed project is categorically exempt from environmental review pursuant to CEQA Guidelines (CEQA Section 15270(a)).


**POLICY CONSIDERATIONS:** The project is consistent with the General Plan and Zoning Ordinance.

**Smart Growth Principles** – City Council adopted a set of Smart Growth Principles in December 2001 in order to promote growth that is economically sound, environmentally friendly, and supportive of community livability. Supporting development in identified infill areas focuses new development and infrastructure investments within already developed areas.

**Strategic Plan Implementation** – The recommended action conforms with the City of Sacramento Strategic Plan, specifically by adhering to the goal to enhance and preserve neighborhoods by directing new development and supportive infrastructure to existing areas, allowing for efficient use of existing facilities, features and neighborhoods.

**E/SBD CONSIDERATIONS:** No goods or services are being purchased under this report.

Respectfully submitted,

  
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GARY L. STONEHOUSE  
Planning Director

RECOMMENDATION APPROVED:

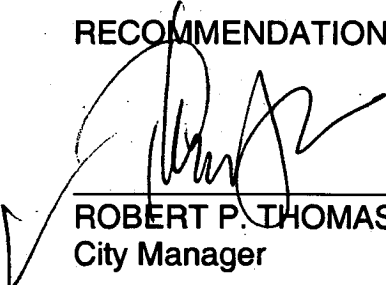
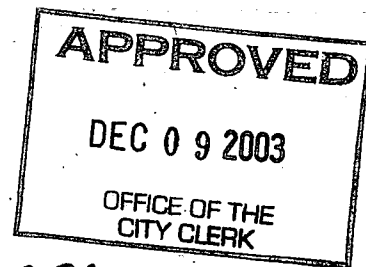
  
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ROBERT P. THOMAS  
City Manager

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**RESOLUTION NO. 2003-859**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**A RESOLUTION ADOPTING THE NOTICE OF DECISION AND FINDINGS OF FACT TO GRANT THE APPEAL OF 1520 X STREET ANTENNAS AND WIRELESS FACILITY AT 1520 X STREET SACRAMENTO, CA IN THE GENERAL COMMERCIAL (C-2) ZONE. (P02-097)**

(APNs: 009-0261-013)

**WHEREAS**, the City Council conducted a public hearing on November 13, 2003, concerning the above project and based on documentary and oral evidence submitted at the public hearing, the Council hereby adopts the Notice of Decision and Findings of Fact, as set forth herein.

**NOTICE OF DECISION**

At the regular meeting of November 13, 2003, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Council took the following actions for the location listed above:

- A. Environmental Determination: Exempt 15270(a);
- B. Approved the Special Permit to replace an existing 48.95± foot SMUD pole and co-locate a wireless facility consisting of 3 panel antennas and a radome on a newly erected 65 foot, 5 inch metal pole in the General Commercial (C-2) zone.

These actions were made based upon the following findings of fact and subject to the following conditions:

**FINDINGS OF FACT**

- A. **Environmental Determination:** the project is exempt from environmental review pursuant to Section 15270(a) of the CEQA Guidelines.

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

**B. Special Permit:** the special permit to allow AT&T Wireless to replace an existing 48.95± foot SMUD pole and co-locate a wireless facility consisting of 3 panel antennas and a radome on a newly erected 65 foot, 5 inch metal pole is approved based on the following findings of fact:

1. Granting of the Special Permit is based upon sound principles of land use in that:
  - a. Opportunities for collocation on other sites have been explored and deemed infeasible due to the greater visibility of alternate sites, conflicts with CalTrans requirements, environmental hazards on one of the sites, the historic sensitivity of the Tower Theater site, and the lack of otherwise unconstrained existing structures in the service area of sufficient height to support the radio frequency needs of the planned facility, and;
  - b. The facility will serve to increase and improve telecommunications coverage for the area.
2. Granting the Special Permit would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
  - a. Construction of the tower will be subject to City building permits;
  - b. The monopole has implemented design features to minimize visual impact and will be constructed of non-reflective materials. Therefore it should not significantly impact Broadway to the south;
  - c. The equipment will be screened from Broadway by an 8 foot tall split -faced masonry wall painted tan;
  - d. The pole will allow for collocation of SMUD wires and the antennas; and,
  - e. The unmanned facility will not alter the current operations of the site.
3. The proposed project is consistent with the General Plan Policy of promoting and supporting communications facilities within the City.

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

**CONDITIONS OF APPROVAL**

B. Special Permit to replace an existing 48.95± foot SMUD pole and co-locate a wireless facility consisting of 3 panel antennas and a radome on a newly erected 65.5 foot metal pole in the General Commercial (C-2) zone is hereby approved subject to the following conditions:

B1. Size and location of the panels shall conform to the plans submitted. The panels shall be painted to match the tower structure. The applicant shall use non-reflective paint on all equipment on the tower to prevent glare. Every new item on the tower including cables, brackets, supports, etc. shall be painted to match the tower.

B2. The cellular tower shall be removed, at AT&T's cost, if the SMUD electrical lines located on the tower are ever located underground.

B3. The applicant shall obtain all necessary building permits prior to commencing construction.

B4. Should the applicant ever discontinue using the tower for wireless services then the applicant shall remove all equipment on the tower and the equipment cabinets within six months of termination.

B5. The proposed cable run from the tower to the equipment cabinets shall be attached to the interior tower leg or existing cable run. The new cable run shall either be ground level, or underground. Any new fencing around the equipment shelter shall be masonry or chainlink (as shown on the approved plans) and with no barbed wire.

B6. At time of submittal for a Building permit a letter from the tower owner stating that their structural analysis shows that the tower and foundation will meet build code conditions with the additional vertical and lateral stresses caused by the antenna.

B7. In order to screen the equipment cabinets from Broadway, the applicant shall construct a 8 foot tall split-faced masonry wall on the south and west perimeter of the equipment enclosure. The masonry wall shall be painted tan, remain graffiti free, and in sound structural condition for the duration of the operation of the facility.

B8. The pole shall be painted brown to match the exiting SMUD poles in the alley.

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DATE ADOPTED: \_\_\_\_\_

B9. The Fire Department requires all gated access to be equipped with a KNOX Lock. Contact Trish O'Connell at 264-5863 for information.

B10. The applicant shall remove the proposed barbed wire from the plans and extend the chain-link fencing to 8 feet in height. Under no circumstances may barbed wire, razor wire, or any type of "security wire" be installed on the site, either around the perimeter of the leased area if the leased area of the perimeter of the parcel.

B11. If the equipment cabinets do not come with an enameled-graffiti resistant coating, the applicant shall apply an anti-graffiti treatment to the exterior of the cabinets and monopole. If possible, the applicant shall install equipment cabinets of a similar color to the City's graffiti cover-up paint selection. For more information contact Noel Eusebio at 264-5948.

B12. Any graffiti and garbage/trash shall be removed in a timely manner.

B13. The access gate to the equipment enclosure shall be metal, not chain-link, and be painted to match the enclosure.

B14. The antenna array shall be of a stealth design and shall be substantially identical in appearance to the rendering(s) presented to the Council by the applicant, copies of which are retained within this file. Should the antenna array installed pursuant to this permit ever need to be partially or entirely replaced, due to age, obsolescence, defect or for any other reason, the replacement antenna array shall also be of stealth design and shall appear no more obtrusive, in size, shape or color than the antenna array originally approved hereby.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

P02-097

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*FOR CITY CLERK USE ONLY*

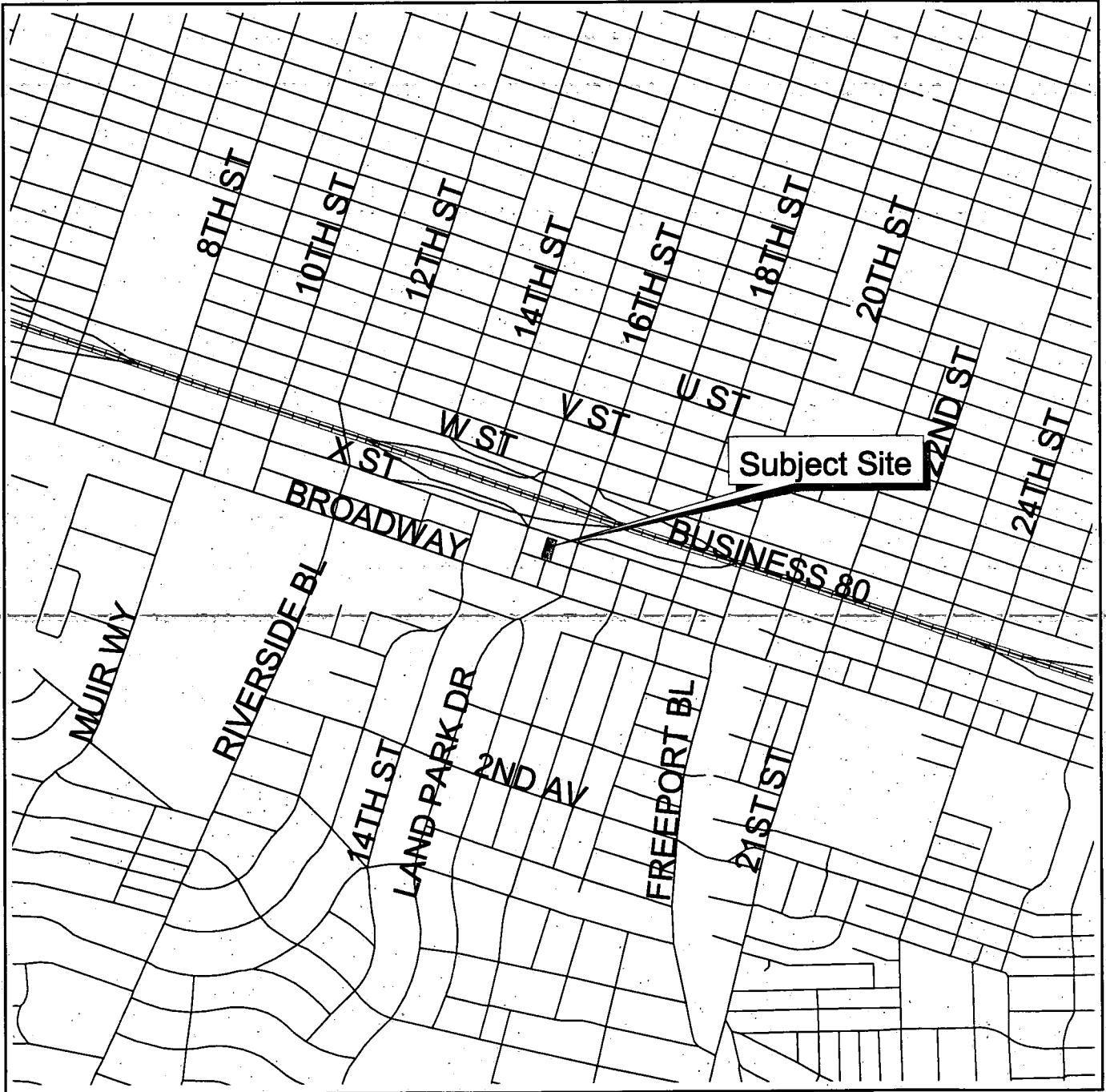
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Planning & Building Department  
Geographic Information Systems

Vicinity Map  
P02-097

