REPORT TO COUNCIL
City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

Consent
June 17, 2008

Honorable Mayor and
Members of the City Council

Title: Interim Ordinance Exempting Antennae Installations on City Street Light Poles from Planning Review (M08-027)

Location/Council District: Citywide

Recommendation: 1) Review a **Resolution** approving the Environmental Exemption per the California Environmental Quality Act Section 15061 (b) (3); 2) Review the Interim **Ordinance** exempting antennae installations on City street light poles from planning review; and 3) pass for publication the Interim **Ordinance** title as required by Sacramento City Charter 32(c) to be adopted June 24, 2008.

Contact: Jason Hone, Planner, (916) 808-5749; Joy Patterson, Principal Planner, (916) 808-5607

Presenters: Not Applicable

Department: Development Services

Division: Planning

Organization No: 4885

Description/Analysis

Issue: The Zoning Code currently requires antennas and telecommunication facilities on City owned property to obtain both a special permit from either the Zoning Administrator or Planning Commission, and City Council approval of an agreement pursuant to Title 3.76 of the Sacramento City Code. Requiring telecommunication antennas and related facilities installed on City property to obtain both a special permit under Title 17 and an agreement under Title 3 appears to be unnecessarily redundant. Environmental documents, multiple staff reports and review by a minimum of two bodies is currently required. For example, PG&E has currently requested permission to install antennas on City streetlight poles in 39 locations as part of its system wide automated meter reading system for residential utility customers (*SmartMeter* program). Under current City Code a special permit for each individual site (39 special permit applications) as well as an agreement pursuant to Title 3.76 would be required.

The proposed interim ordinance would eliminate the special permit requirement for placement of antenna on City owned streetlight poles.

Policy Considerations: The interim ordinance would exempt antennae installations on City streetlight poles from the special permit requirements of the Zoning Code. Telecommunication antennas and related facilities installed on City property, including City street light poles, are regulated by the Zoning Code in the same manner as those installed on privately owned property. Telecommunication antennas and related facilities installed on City property also are subject to Chapter 3.76 of the Sacramento City Code which requires a revocable permit and an Agreement for Issuance of a Revocable Permit approved by City Council allowing use of City property for the installation. The Agreement for Issuance of a Revocable Permit also is a project under the California Environmental Quality Act (CEQA) and, therefore, is subject to environmental review.

Environmental Considerations: The proposed interim ordinance has no potential for causing a significant effect on the environment and, therefore, is exempt from review under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061 (b) (3).

Commission/Committee Action: On June 5, 2008 the Law and Legislation Committee directed staff to bring to the Council for approval an Interim Ordinance exempting antennae on City streetlight facilities from Special Permit requirements.

Rationale for Recommendation: Approval of a one year interim ordinance exempting telecommunication antennas and related facilities on City-owned streetlights from the Zoning Code special permit requirement will simplify the permitting process for these facilities. Furthermore, this will allow staff time to study whether a single permitting process is adequate and if the exemption should include all City-owned property. In addition to studying this issue, staff will conduct neighborhood and community outreach regarding possible Zoning Code amendments relating to the installation of telecommunication antennas on City property.

Financial Considerations: This project has no fiscal considerations.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully Submitted by: _____
David Kwong
Planning Manager

Approved by: _____
William Thomas
Director of Development Services

Recommendation Approved:

_____
for Ray Kerridge
City Manager

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Attachment 1

RESOLUTION NO. 2008-

Adopted by the Sacramento City Council

DETERMINING PROJECT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (INTERIM ORDINANCE EXEMPTING ANTENNA INSTALLATIONS ON CITY STREET LIGHT POLES FROM PLANNING REVIEW (M08-027))

BACKGROUND

A. On June 24, 2008 the City Council received and considered evidence concerning the Interim Ordinance Exempting Antenna Installations on City Street Light Poles from Planning Review.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the City Council finds that the Project is exempt from review under Section **15061(b)(3) (General Rule)** of the California Environmental Quality Act Guidelines as follows:

> Exemption 15061 (b) (3) consists of an activity covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Attachment 2

ORDINANCE NO. 2008-

Adopted by the Sacramento City Council

AN INTERIM ORDINANCE EXEMPTING ANTENNA INSTALLATIONS ON CITY STREET LIGHT POLES FROM PLANNING REVIEW

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1: The City Council of the City of Sacramento finds and declares as follows:

A. Telecommunication antennas and related facilities installed on City property, including City street light poles, are regulated by Title 17 of the Sacramento City Code (the Zoning Code) in the same manner as those installed on privately owned property.

B. Unless exempt, telecommunication antennas and related facilities require approval of either a planning commission or zoning administrator special permit pursuant to sections 17.24.020, 17.24.030, 17.24.040, and Footnote 58 of section 17.24.050 of the Zoning Code.

C. Telecommunication antennas and related facilities installed on City property also are subject to Chapter 3.76 of the Sacramento City Code which requires a revocable permit and an Agreement for Issuance of a Revocable Permit approved by City Council allowing use of City property for the installation. The Agreement for Issuance of a Revocable Permit also is a project under the California Environmental Quality Act (CEQA) and, therefore, is subject to environmental review.

D. Requiring telecommunication antennas and related facilities installed on City property to obtain both a special permit under the Zoning Code and an agreement under Chapter 3.76 of the Sacramento City Code appears to be unnecessarily redundant. A one (1) year interim ordinance exempting telecommunication antennas and related facilities on specified City-owned properties from the Zoning Code special permit requirement will simplify the permitting process for these facilities and allow staff to study and determine whether a single permitting process is adequate.

SECTION 2: Notwithstanding sections 17.24.020, 17.24.030, 17.24.040, and Footnote 58 of section 17.24.050 of the Zoning Code, only a revocable permit and an Agreement for Issuance of a Revocable Permit under Chapter 3.76 of the Sacramento City Code shall be required for the installation of telecommunication antennas and related facilities on City-owned street light poles and not a special permit under the Zoning Code. This exemption from the requirement to obtain a special permit under the Zoning Code shall

apply only to those antennas located on City-owned poles used exclusively for street lights, and not on poles that also support traffic signals.

SECTION 3. This ordinance is enacted by the City Council as an interim ordinance. It is anticipated that an ordinance relating to telecommunication antennas' installation on City property, consisting of amendments to Title 17 of the City Code, will be processed in the manner required by Section 17.208.010 within 365 days, and that this interim ordinance will be repealed at that time.