REPORT TO COUNCIL
City of Sacramento

16

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

CONSENT
July 24, 2007

Honorable Mayor and
Members of the City Council

Title: Wireless Fidelity (Wi-Fi) Antennas (M06-059)

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 an **Ordinance** amending sections 17.16.010 and 17.24.050 of Title 17 of the Sacramento City Code (The Zoning Code) exempting certain antennas from the requirement for a special permit; and 3) pass for publication the Ordinance title as required by Sacramento City Charter section 32(c) to be adopted July 31, 2007.

Contact: Sandra Yope, Senior Planner, (916) 808-7158; Jason Hone, Junior Planner, (916) 808-5749

Presenters: Not Applicable

Department: Development Services

Division: Current Planning

Organization No: 4881

Description/Analysis

Issue: On June 21, 2007 the City Council adopted Resolution No. 2007-430 approving an agreement for the design, deployment and operation of a wireless broadband network in Sacramento between the City and Sacramento Metro Connect, LLC (SMC). The resolution also directed staff to bring to Council for approval zoning code amendments to facilitate the installation and implementation of a citywide wireless broadband network. Current City Code requires a zoning administrator or Planning Commission special permit to locate an antenna on City property. Staff is recommending that the Zoning Code be amended so that certain antennas, meeting specific criteria, installed on city property pursuant to a revocable encroachment permit or installed on an existing utility pole as a secondary use, be exempted from the requirement for a special permit.

Policy Considerations: Approval of this ordinance is consistent with City Agreement 2007-0630 for the design, deployment and operation of a wireless broadband network in Sacramento between the City and SMC, the fruition of

which is consistent with the City's Strategic Plan Focus Area of Economic Development.

Committee/Commission Action: The proposed ordinance is scheduled to be presented to the City Planning Commission on July 12, 2007. The results of that hearing will be made available at the presentation of this staff report. Staff gave an oral presentation on the purpose and content of the zoning code amendment to the Preservation Commission on June 6, 2007. Although no action was taken, the Preservation Commission requested that Historic Preservation staff be consulted while planning the installation of antennas in historic districts.

Environmental Considerations: The proposed ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3).

Rationale for Recommendation: Approving this ordinance will facilitate the deployment of a wireless broadband network for the City of Sacramento.

Financial Considerations: None.

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

Respectfully Submitted by: _____
David Kwong, Planning Manager

Approved by: _____
for William Thomas
Director of Development Services

Recommendation Approved:

_____
for RAY KERRIDGE
City Manager

Table of Contents:

Report Pg 1
Attachments
1 Summary of Criteria for Antenna Exemption Pg 4

2	Resolution – CEQA Exemption	Pg	5
3	Ordinance Amending Sections 17.16.010 and 17.24.050 Redlined	Pg	6
4	Ordinance Amending Sections 17.16.010 and 17.24.050	Pg	8

ATTACHMENT 1

Summary of Criteria for Antenna Exemption

The current Zoning Code allows for the exemption of certain antennas from discretionary review. This amendment to the Zoning Code adds a new subsection of exempt antennas. The following summarizes the criteria contained in the newly created subsection. In order for the installation of an antenna to be exempt under this amendment, it would need to meet all of the following criteria.

Location

- The antenna is granted a revocable permit for placement on city-owned property or is installed as a secondary use on an existing utility pole.
- The lowest part of the antenna is at least twenty (20) feet above grade.

Preservation

- The structure on which the antenna is located is not listed on either the Sacramento Register or the California Register and is not listed and is not eligible for listing on the National Register of Historic Places.

Size and Dimensions

- The antenna, including mounting hardware but excluding mast antenna components, is no larger than eight (8) inches high, eight (8) inches wide, and sixteen (16) inches long.
- The antenna may have no more than two (2) mast antenna components, each having a diameter of not more than one (1) inch and a length of not more than fifteen (15) inches.
- No portion of the antenna extends out more than eighteen (18) inches from the facade of the building, structure, or pole on which it is mounted.

Aesthetics

- The antenna panels and all brackets and cables are painted to match the building, structure, or pole at the point of attachment.

ATTACHMENT 2

RESOLUTION NO.

Adopted by the Sacramento City Council

DETERMINING PROJECT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (ZONING CODE AMENDMENT EXEMPTING CERTAIN ANTENNAS FROM THE REQUIREMENT FOR A SPECIAL PERMIT M06-059)

BACKGROUND

A. The City of Sacramento's Environmental Planning Services has reviewed the ordinance exempting certain antennas from the requirement for a special permit and has determined the proposal is exempt from review under the California Environmental Quality Act as follows:

1. The proposal is exempt under the following provisions of the California Environmental Quality Act (CEQA) Guidelines: Section 15061 (b) (3);

2. The factual basis for the finding of exemption is 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.

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

Section 1. The City Council has reviewed and considered the Environmental Planning Services determination of exemption and the comments received at the meeting on the Project and determines that the Project is exempt from review under the California Environmental Quality Act for the reasons stated above.

ATTACHMENT 3

Redlined
ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AMENDING SECTIONS 17.16.010 AND 17.24.050 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) EXEMPTING CERTAIN ANTENNAS FROM THE REQUIREMENT OF A SPECIAL PERMIT (M06-059)

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

SECTION 1. Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The definition of "antenna/communication tower" is amended to read as follows:

"Antenna/communication tower" means any system of wires, poles, rods, reflecting discs, ~~or~~ access points, and similar devices used for the transmission, reception, or both of electromagnetic waves, and shall include, but not be limited to antennas used by cellular utilities.

B. Except as specifically amended by the amendments to the definition of "antenna/communication tower," Section 17.16.010 shall remain unchanged and in full force and effect.

SECTION 2. Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (b) of Footnote 58 of Section 17.24.050 is amended by amending the definition of "antenna" to read as follows:

"Antenna" means any system of wires, poles, rods, reflecting discs ~~or~~, access points, and similar devices used for the transmission, reception, or both, of electromagnetic waves when such system is either external to or attached to the exterior of a building or structure, including but not limited to those utilized by cellular utilities.

B. Subsection (c)(ix) is added to Footnote 58 of Section 17.24.050 to read as follows:

ix. Other Exempt Antennas—Antennas Permitted With a Revocable Permit or Installed on an Existing Private Utility Pole. An antenna for which there is granted a revocable permit under Section 3.76.050 of this code for placement on city-owned

property and an antenna installed as a secondary use on an existing utility pole are exempt if the antenna meets all of the following requirements:

(A) The antenna, including mounting hardware but excluding mast antenna components, is no larger than eight (8) inches high, eight (8) inches wide, and sixteen (16) inches long. The antenna may have no more than two (2) mast antenna components, each having a diameter of not more than one (1) inch and a length of not more than fifteen (15) inches;

(B) The lowest part of the antenna is at least twenty (20) feet above grade;

(C) The structure on which the antenna is located is not listed on either the Sacramento Register or the California Register and is not listed and is not eligible for listing on the National Register of Historic Places.

(D) No portion of the antenna extends out more than eighteen (18) inches from the facade of the building, structure, or pole on which it is mounted;

(E) Antenna panels and all brackets and cables are painted to match the building, structure, or pole at the point of attachment;

(F) The antenna, if installed as a secondary use on an existing utility pole, is the only antenna exempt under this subsection (c)(ix) that is installed on the pole.

C. Except as specifically amended by the amendment to the definition of "antenna" in subsection (b) of, and the addition of subsection (c)(ix) to, Footnote 58, Section 17.24.050 shall remain unchanged and in full force and effect.

ATTACHMENT 4

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AMENDING SECTIONS 17.16.010 AND 17.24.050 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) EXEMPTING CERTAIN ANTENNAS FROM THE REQUIREMENT OF A SPECIAL PERMIT (M06-059)

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A. The definition of "antenna/communication tower" is amended to read as follows:

"Antenna/communication tower" means any system of wires, poles, rods, reflecting discs, access points, and similar devices used for the transmission, reception, or both of electromagnetic waves, and shall include, but not be limited to antennas used by cellular utilities.

B. Except as specifically amended by the amendments to the definition of "antenna/communication tower," Section 17.16.010 shall remain unchanged and in full force and effect.

SECTION 2. Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (b) of Footnote 58 of Section 17.24.050 is amended by amending the definition of "antenna" to read as follows:

"Antenna" means any system of wires, poles, rods, reflecting discs, access points, and similar devices used for the transmission, reception, or both, of electromagnetic waves when such system is either external to or attached to the exterior of a building or structure, including but not limited to those utilized by cellular utilities.

B. Subsection (c)(ix) is added to Footnote 58 of Section 17.24.050 to read as follows:

ix. Other Exempt Antennas—Antennas Permitted With a Revocable Permit or Installed on an Existing Private Utility Pole. An antenna for which there is granted a revocable permit under Section 3.76.050 of this code for placement on city-owned property and an antenna installed as a secondary use on an existing utility pole are

exempt if the antenna meets all of the following requirements:

(A) The antenna, including mounting hardware but excluding mast antenna components, is no larger than eight (8) inches high, eight (8) inches wide, and sixteen (16) inches long. The antenna may have no more than two (2) mast antenna components, each having a diameter of not more than one (1) inch and a length of not more than fifteen (15) inches;

(B) The lowest part of the antenna is at least twenty (20) feet above grade;

(C) The structure on which the antenna is located is not listed on either the Sacramento Register or the California Register and is not listed and is not eligible for listing on the National Register of Historic Places.

(D) No portion of the antenna extends out more than eighteen (18) inches from the facade of the building, structure, or pole on which it is mounted;

(E) Antenna panels and all brackets and cables are painted to match the building, structure, or pole at the point of attachment;

(F) The antenna, if installed as a secondary use on an existing utility pole, is the only antenna exempt under this subsection (c)(ix) that is installed on the pole.

C. Except as specifically amended by the amendment to the definition of "antenna" in subsection (b) of, and the addition of subsection (c)(ix) to, Footnote 58, Section 17.24.050 shall remain unchanged and in full force and effect.