



**CITY OF SACRAMENTO PLANNING COMMISSION**  
**RECORD OF DECISION**  
300 Richards Boulevard, Sacramento, CA 95811

Project Name: Destiny Church Telecommunications Facility  
Project Number: P09-043  
Project Location: 5230 Ehrhardt Avenue  
Assessor's Parcel No.: 117-0132-032  
Applicant: Jeff Lienert, Landmark Wireless for Clearwire Wireless; (916) 505-3683  
995 Hildebrand Circle, Folsom, CA 95630  
Action Status: Approved with conditions Action Date: 5/13/2010

**REQUESTED ENTITLEMENT(S):** A. Environmental Determination: Exempt (CEQA Guidelines Section 15303);  
B. Special Permit to locate a new telecommunications facility in the Agricultural (A) zone with an antenna array consisting of three (3) panel antennas and three (3) microwave antennas and an equipment shelter at the base of the tower;  
C. Special Permit Major Modification to construct a new 50-foot high bell tower on an existing church site.

**ACTIONS TAKEN:** On 5/13/2010, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval: Approved entitlements (A), (B) and (C).

Action certified by:

  
David Kwong, Planning Manager

Sent to Applicant: 05/13/2010

By:

  
Staff Signature

**NOTICE OF PROTEST RIGHTS**

The above conditions include the imposition of fees, dedications, reservations, or other exactions. Pursuant to California Government Code section 66020, this Notice of Decision serves as written notice to the project applicant of (1) the amount of any fees and a description of any dedications, reservations, or exactions imposed, and (2) that the applicant may file a protest against the imposition of those fees, dedications, reservations, or other exactions within 90 days of the date of this approval, which is deemed to be the date that the fees, dedications, reservations, or other exactions are imposed. If the payment of a fee is imposed as a condition of approval, but the amount of the fee is not stated in this Notice of Decision and is not otherwise available to the applicant on a fee schedule or otherwise, the 90 days protest period will begin to run when the applicant is notified of the amount of the fee.

For purposes of this notice, the following fees are deemed to be imposed upon approval of the first discretionary entitlement for the subject development project and are subject to the protest procedures set forth in Title 18 of the Sacramento City Code as indicated: North Natomas Public Facilities Fee, Transit Fee, and Drainage Fee (SCC 18.24.160); North Natomas Land Acquisition Fee (SCC 18.24.340); North Natomas School Facilities Fee

(SCC18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC18.28.150); Willow Creek Project Area Development Fee (SCC 18.32.150); Development Impact Fees for the Railyards, Richards Boulevard, and Downtown Areas (SCC 18.36.150); Habitat Conservation Fee for the North and South Natomas Community Plan Areas (18.40.090); and Park Development Impact Fee (18.44.140).

The time within which to challenge a condition of approval of a tentative subdivision map, including the imposition of fees, dedication, reservation, or other exaction, is governed by Government Code section 66499.37

**EXPIRATION**

**TENTATIVE MAP:** Failure to record a final map within three years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

**SPECIAL PERMIT:** A use for which a Special Permit is granted must be established within three years after such permit is issued. If such use is not so established, the Special Permit shall be deemed to have expired.

**VARIANCE:** Any variance involving an action which requires a building permit shall expire at the end of three years unless a building permit is obtained within the variance term.

**PLAN REVIEW:** Any plan review shall expire at the end of three years unless a building permit is obtained within the plan review term.

**NOTE:** Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezoning, special permits and variances.

**APPEALS**

Appeals of the Planning Commission decision of this item to the City Council must be filed at 915 I Street, New City Hall, 3rd Floor, within 10 calendar days of this meeting, on or before 5/24/10. If the 10<sup>th</sup> day falls on a Sunday or holiday, the appeal may be filed on the following business day.

**Findings Of Fact**

**A. Environmental Determination: Exemption**

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 Planning Commission finds that the Project is exempt from review under Section 15303 New Construction or Conversion of Small Structures of the California Environmental Quality Act Guidelines as follows:
  - a. The proposal, which consists of the construction of a new 50-foot high bell tower to house a telecommunications facility and related equipment, is consistent with Section 15303 which consists of the construction of and location of a small new structure and related equipment.

- B. The **Special Permit** to locate a new telecommunications facility in the Agricultural (A) zone with an antenna array consisting of three (3) panel antennas and three (3) microwave antennas and an equipment shelter at the

base of the tower is approved subject to the following Findings of Fact and Conditions of Approval:

1. The project is based upon sound principles of land use in that:
  - a. The proposed telecommunications facility is to be located within the confines of a church property which is a non-residential type of use;
  - b. The proposed facility is consistent with telecommunications facility siting and design guidelines and policy in that the facility is located within a bell tower structure and the antennas are screened with stealthing material on the bell tower so that the facility is not readily discerned when viewed from adjacent properties.
2. The project, as conditioned, will not be detrimental to the public health, safety, and welfare, and will not result in the creation of a public nuisance, in that :
  - a. The proposed telecommunications facility will be located within a new bell tower structure that meets the height and setback requirement for the zone it is located in;
  - b. The facility will be required to comply with building code and safety standards in its construction through the building permit process.
3. The proposed facility complies with the 2030 General Plan's Telecommunication Technology goal in providing state-of-the-art telecommunication services for households, businesses, institutions, and public agencies throughout the city that connect Sacramento to the nation and world.

**C. The Special Permit Major Modification to construct a new 50-foot high bell tower on an existing church site is approved subject to the following Findings of Fact and Conditions of Approval:**

1. The project is based upon sound principles of land use in that the proposed bell tower complements the existing buildings on the site and meets the height and setback requirements of the Zoning Code.
2. The project, as conditioned, will not be detrimental to the public health, safety, and welfare, and will not result in the creation of a public nuisance, in that:
  - a. The bell tower reduces the visual impact of antennas and dishes associated with a telecommunications facility while at the same time enhances the presence of the church;
  - b. The bell tower will be required to comply with building code and safety standards in its construction through the building permit process.

3. The proposal is consistent with the 2030 General Plan's policy to ensure that all manner of public and private community-supportive facilities and services are located throughout the city to provide places that serve the varied needs of the community.

## **Conditions Of Approval**

- B. Special Permit to locate a new telecommunications facility in the Agricultural (A) zone with an antenna array consisting of three (3) panel antennas and three (3) microwave antennas and an equipment shelter at the base of the tower.**

### **Planning**

- B1. The applicant shall obtain all necessary building permits prior to commencing construction.
- B2. The size and location of the telecommunications facility and related equipments shall conform to the plans submitted, except as conditioned. A total of three (3) panel antennas and three (3) microwave antennas are approved per application P09-043.
- B3. Any modification of the plans, additional antenna panels and microwave antennas, or increase in the height of the tower shall require a modification of the Special Permit.
- B4. Should the applicant ever discontinue using the panels or equipment cabinets, then the applicant shall remove the telecommunications equipment within six months of termination.
- B5. The antennas, brackets, cables, and all appurtenant mounting components shall be concealed in a manner that they are not visible outside of the bell tower.
- B6. The equipment shelter fencing and gate shall be finished or painted to complement the adjacent buildings on the site.
- B7. The proposed cable run from the tower to the equipment cabinets shall either be ground level, or underground.
- B8. The applicant shall obtain all necessary federal telecommunications permits prior to commencing construction.

### **Fire**

- B9. Provide a minimum of 5-foot clear access between the fence that will surround the proposed bell tower and existing buildings for fire-fighting purposes.
- C. Special Permit Major Modification to construct a new 50-foot high bell tower on an existing church site.**
- C1. The bell tower shall not exceed overall height of 50 feet and its location shall

conform to the plans submitted.

- C2. The bell tower shall be finished or painted to complement the adjacent buildings on the site.
- C3. The applicant shall obtain all necessary building permits prior to commencing construction.
- C4. Any modifications to the bell tower or the church site shall require a modification of the Special Permit.

### **ADVISORY NOTES:**

#### **Utilities**

- 1. Prior to design, the Department of Utilities suggest that the applicant hire a plumber to verify the existing onsite water and sewer services to determine if these services will be in conflict with the proposed location of the new wireless facility.

#### **Building**

- 2. Provide complete engineering for the new tower, including foundation design due to combined DL + lateral load (either wind or earthquake loading whichever governs the design. In addition, provide tower shop drawings for review & approval.
- 3. Provide antenna & microwave dish to tower connection details.
- 4. Provide metal equipment cabinet anchorage design calculations per ASCE 7-05, section 13.3.1.
- 5. At the concrete slab below the equipment cabinet, for the # 4 bars @ 12" O/C, each way is to be placed 3" clear from bottom of 8" concrete slab in lieu of placing @ mid slab.

#### **Fire**

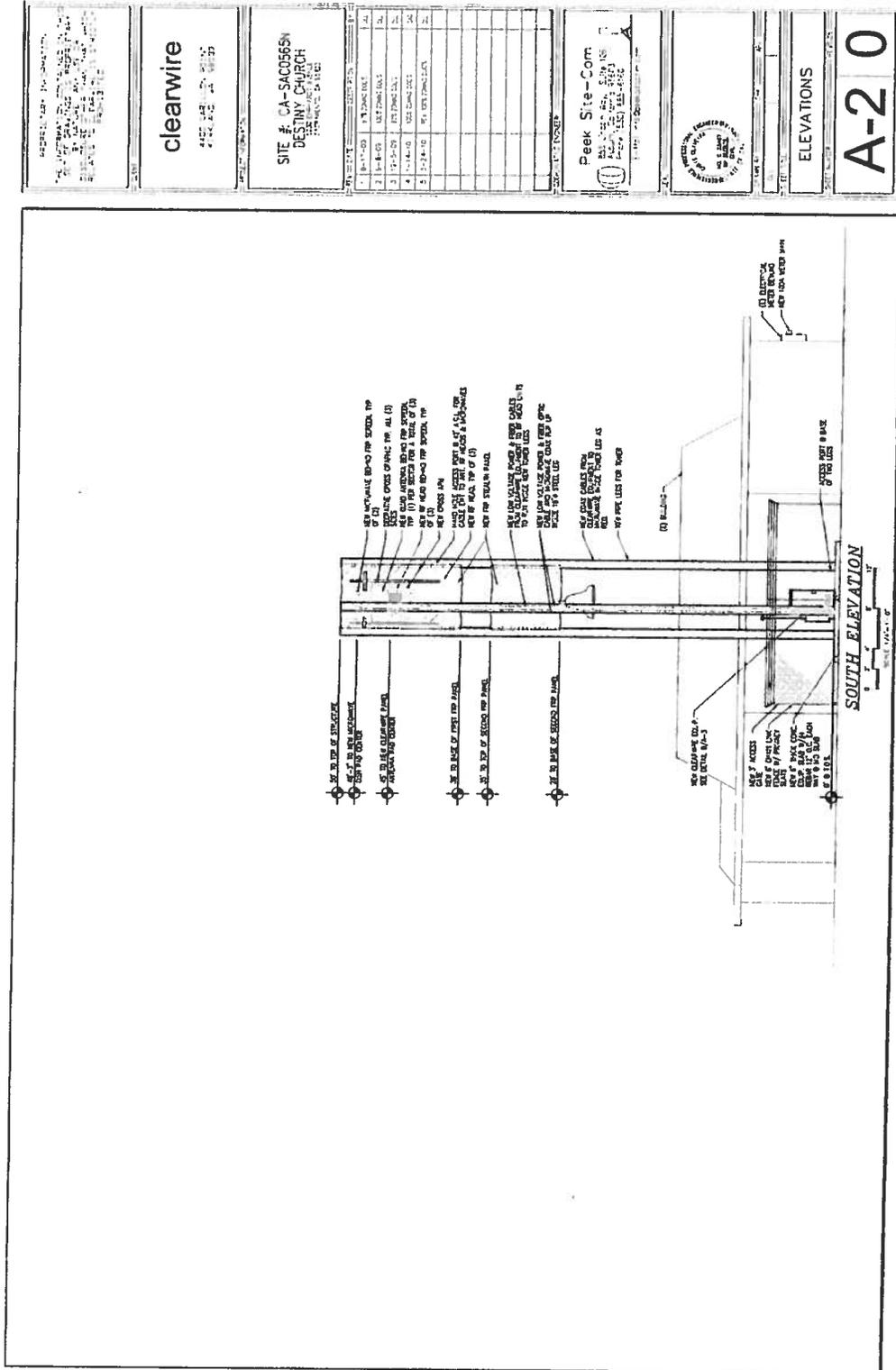
- 6. Provide an approved Knox padlock for the propose 4' access gate.

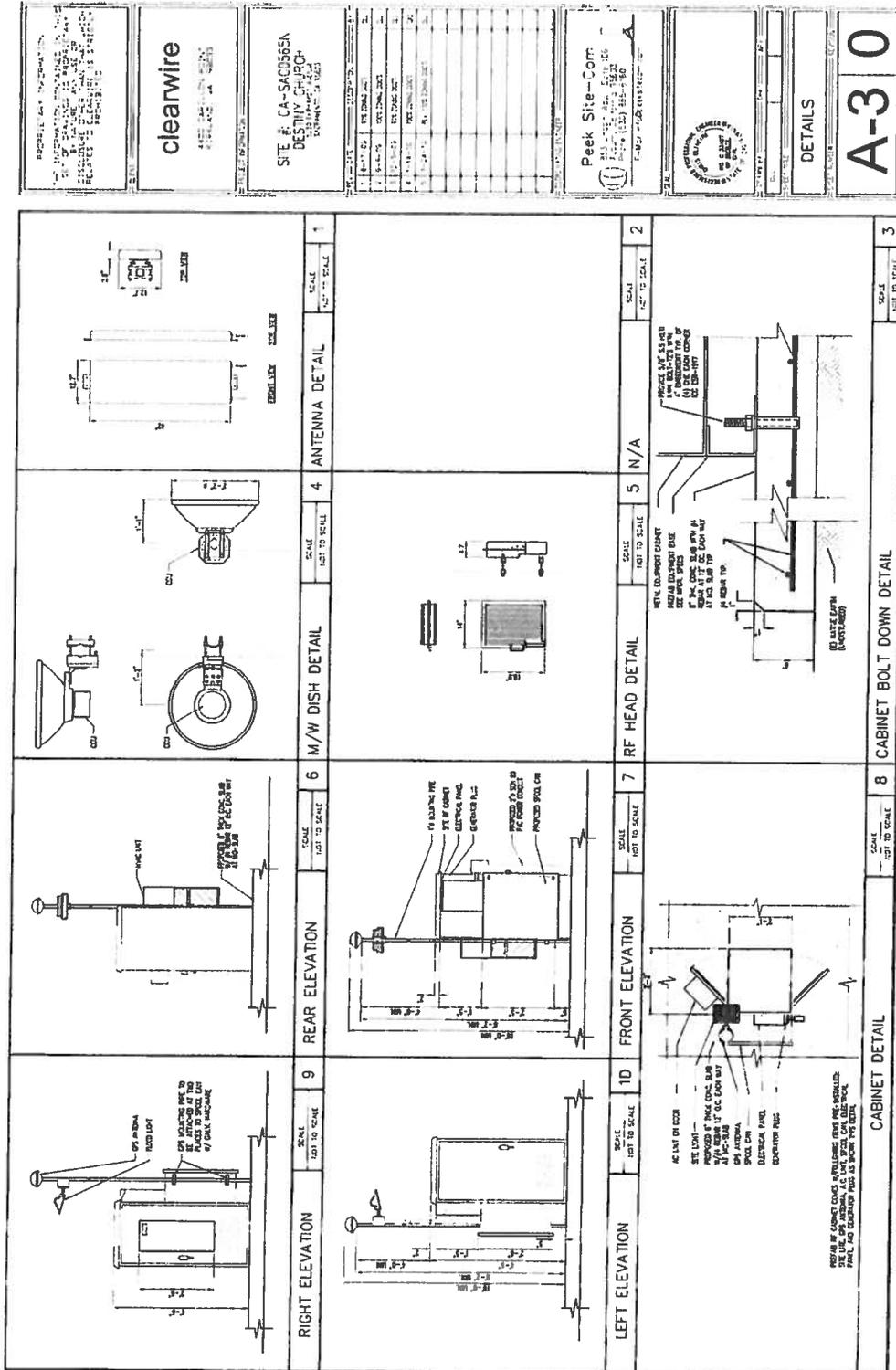
#### **Department of Transportation**

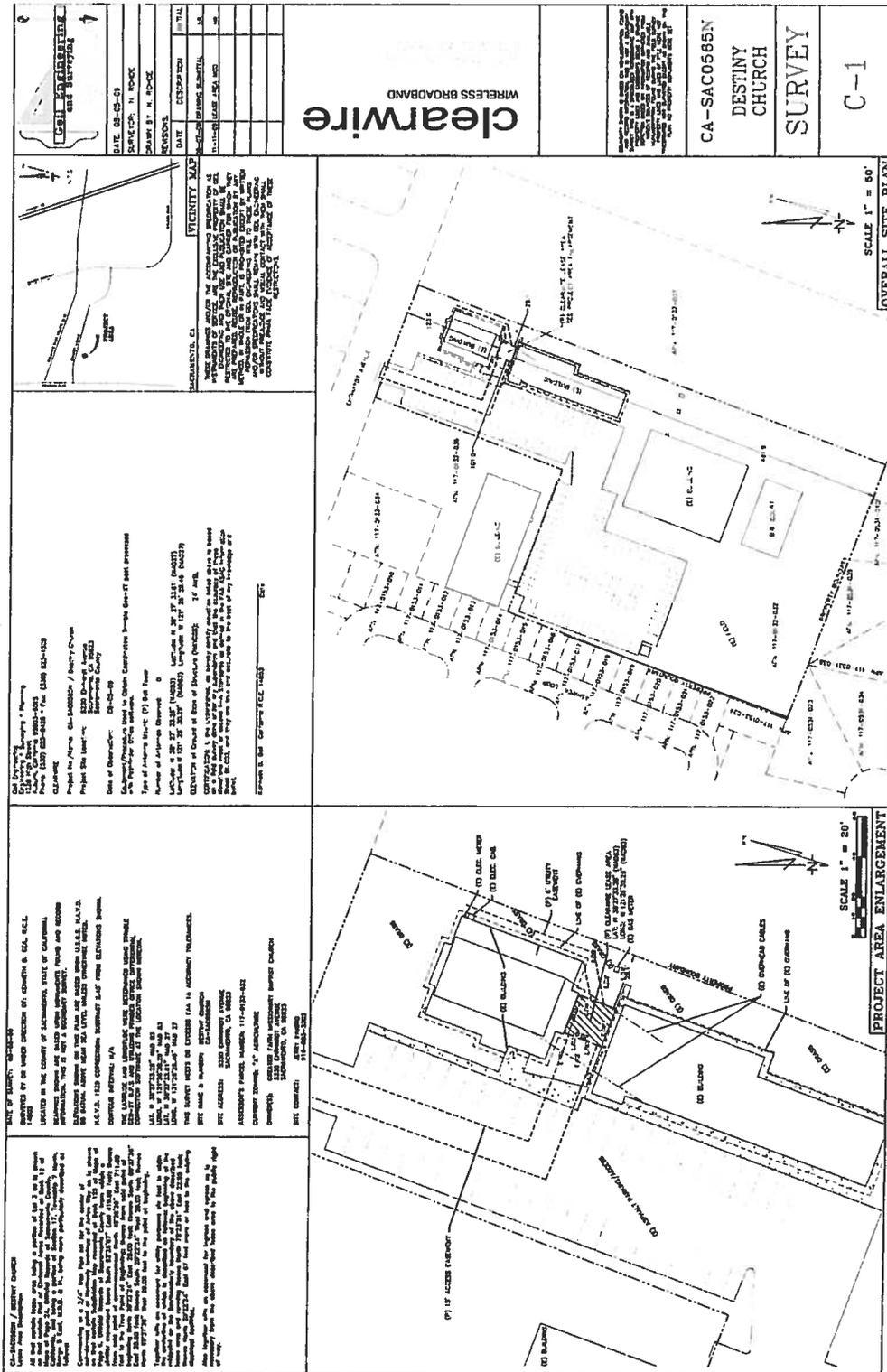
- 7. The applicants should insure they have continuous access rights to the wireless facility and electrical cabinets through their lease agreements with the Church.





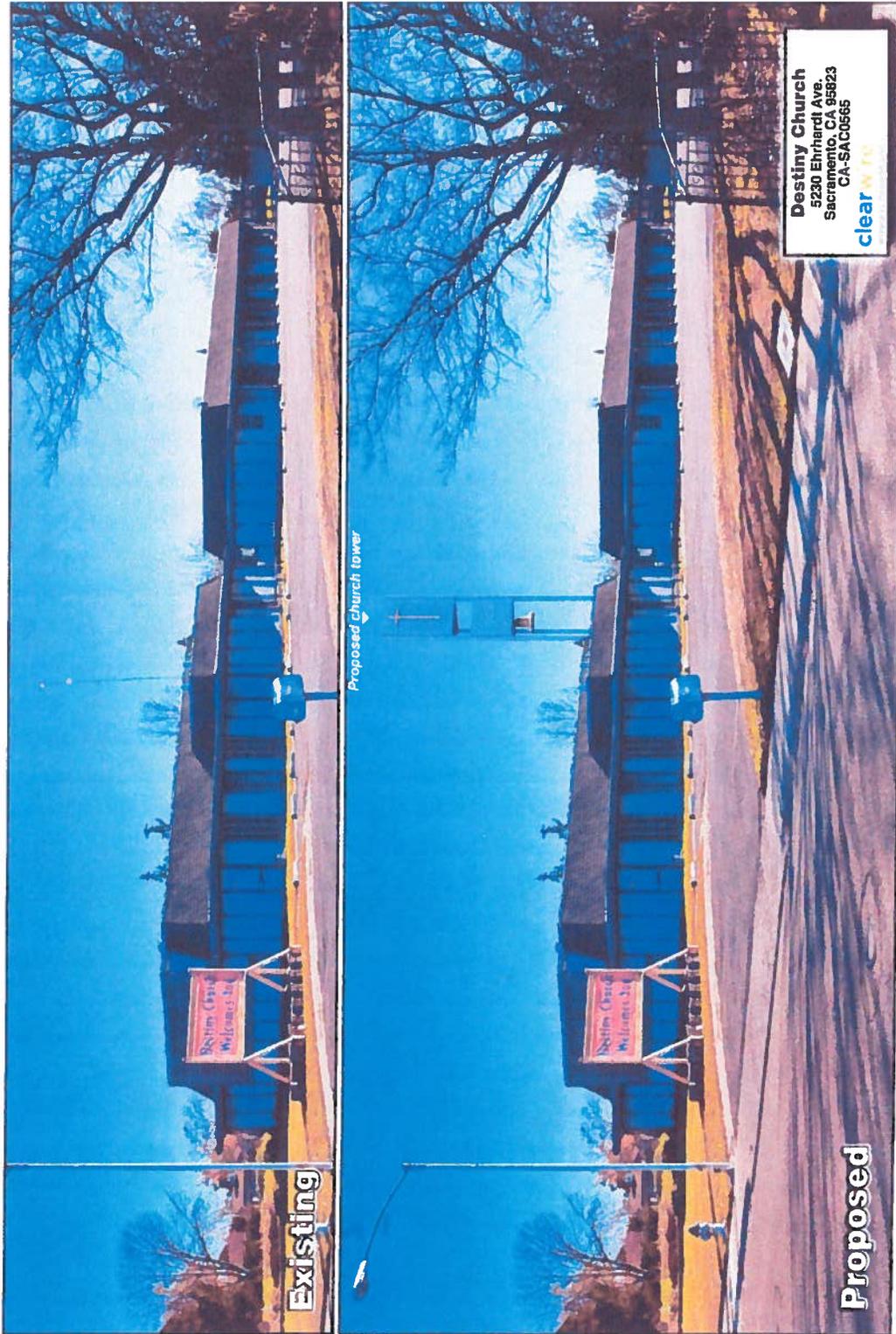






December 30, 2009

Photosimulation of view looking southeast from across Ehrhardt Avenue.

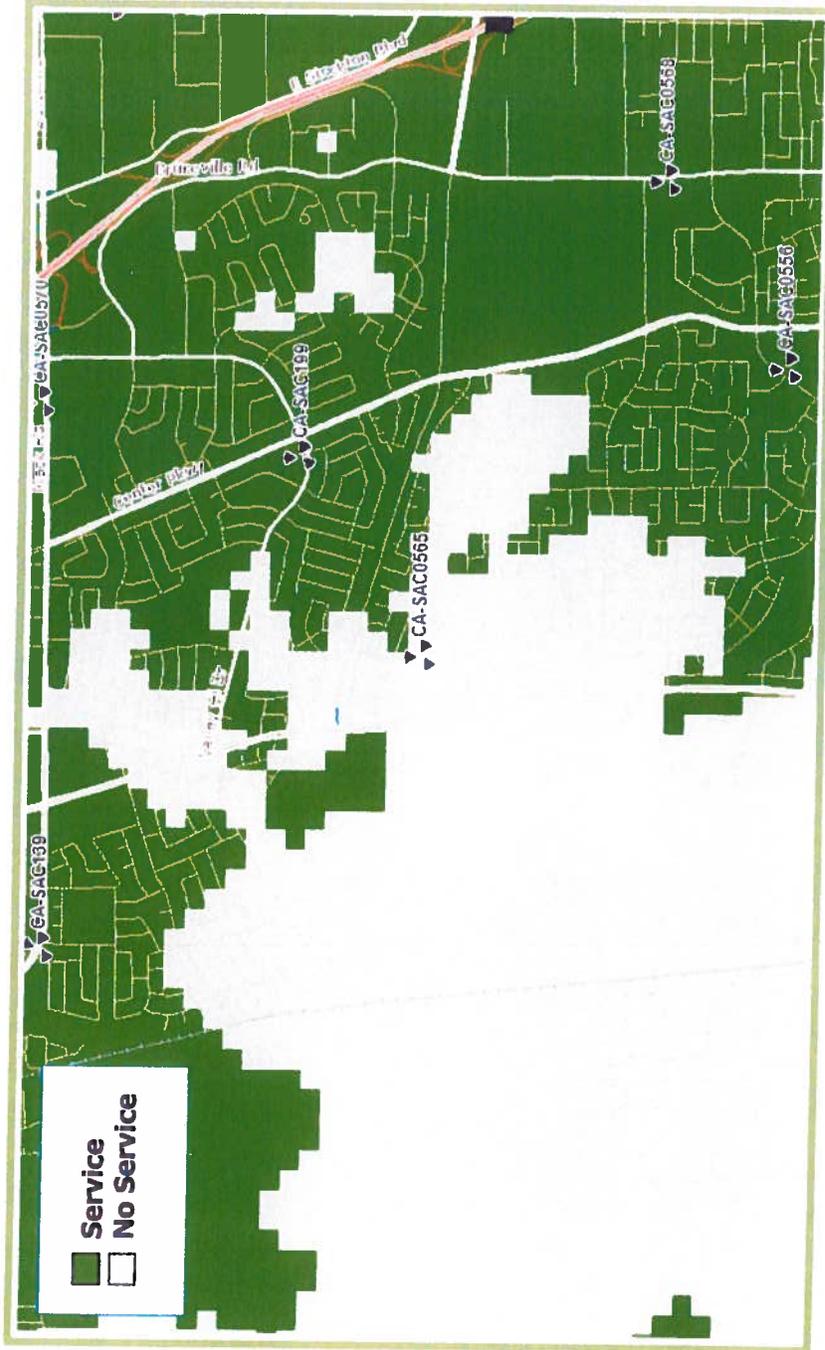


December 30, 2009

Photosimulation of view looking southwest from westbound Ehrhardt Avenue.



Composite Coverage without proposed site CA-SAC0565



P09-043  
SEPTEMBER 30, 2009

Exhibit 11: Propagation Map With Proposed Site

Composite Coverage with proposed site CA-SAC0565 at 50ft CL



clear

P09-043

SEPTEMBER 30, 2009