



REPORT TO PLANNING COMMISSION City of Sacramento

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915 I Street, Sacramento, CA 95814-2671

PUBLIC HEARING
June 24, 2010

To: Members of the Planning Commission

Subject Clearwire on 63rd Street (P10-010)

A request to install three (3) panel antennas, three (3) BTS Units (signal enhancement devices), and up to three (3) parabolic antennas on the top of a 127 foot SMUD transmission tower in the Standard Single Family Residential (R-1) Zone.

- A. **Environmental Determination:** Categorical Exemption per CEQA Guidelines Section 15301;
- B. **Special Permit** to install three (3) panel antennas, three (3) BTS Units, and up to three (3) parabolic antennas on the top of a 127 foot SMUD transmission tower.

Location/Council District

6514 63rd Street, Sacramento, CA 95828

Assessor's Parcel Number 040-0021-016-0000

Council District 6

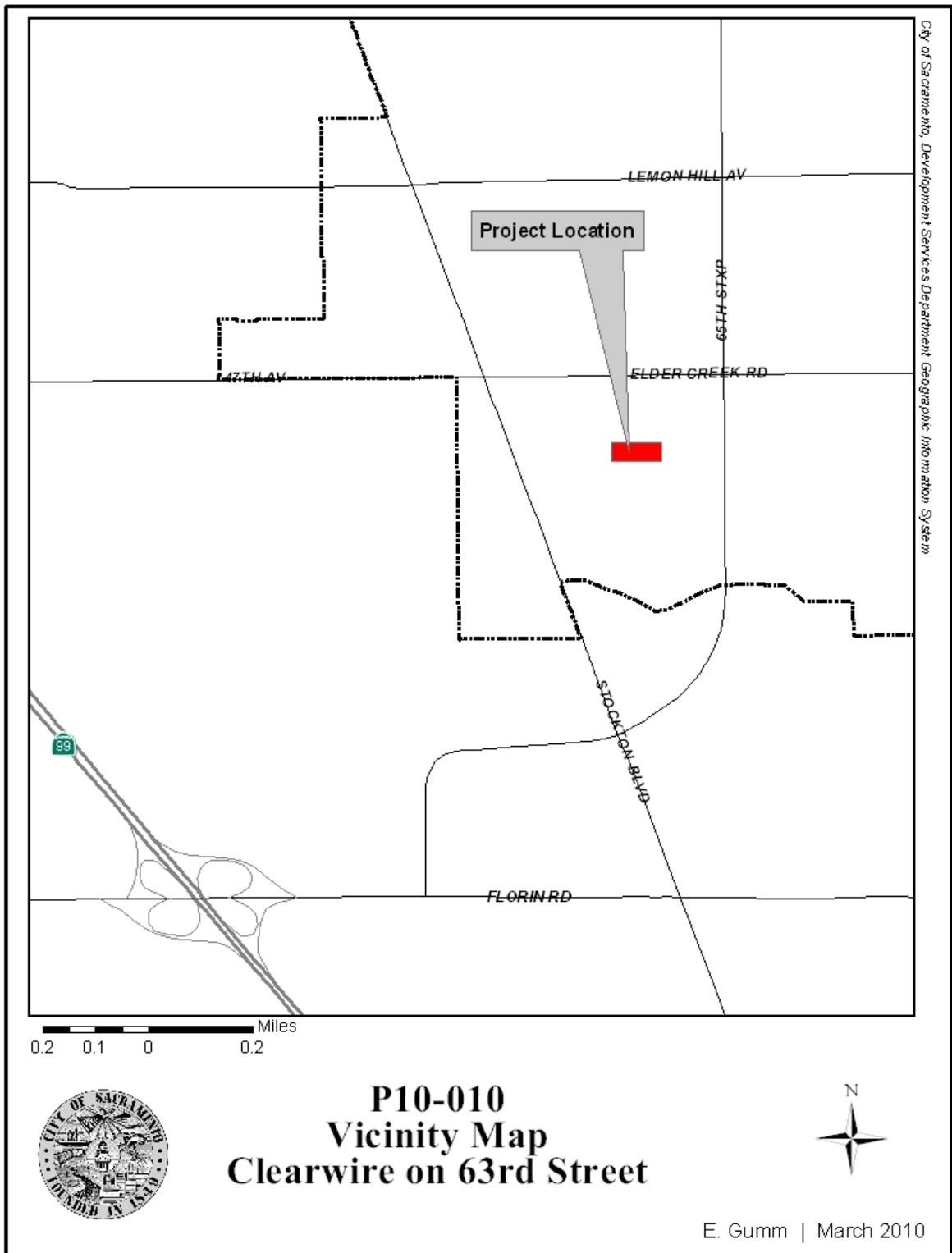
Recommendation

Staff recommends the Planning Commission approve the Special Permit request based on the findings and subject to the conditions listed in Attachment 1. The Planning Commission has final approval authority over items A-B above, and its decision is appealable to City Council. **Staff is not aware of any issues and the project is considered non-controversial.**

Staff Contact Elise Gumm, LEED AP, Associate Planner, (916) 808-1927;
Lindsey Alagozian, Senior Planner, (916) 808-2659

Applicant Landmark Wireless for Clear Wireless, LLC,
c/o: Jeff Lienert, (916) 505-3683
2210 Acorn Ridge Court, Folsom, CA 95630

Owner Bennie/Joyce Rinehart 1997 Revocable Trust
2125 Shielah Way, Sacramento, CA 95822



Summary

The applicant is proposing to install three (3) panel antennas, up to three (3) parabolic antennas (microwave dishes), and its related equipment on an existing SMUD transmission tower in the Standard Single Family Residential (R-1) zone. The existing tower height is approximately 127 feet. The proposed project will increase the existing tower by approximately seven feet to an overall height of 135 feet. All related equipment will be constructed on a 12'x13' concrete pad within the perimeter of the base of the tower.

Staff notified all property owners within 500 feet of the site for this public hearing and received no opposition at the time of writing of this report. Staff finds that the proposal is consistent with the applicable policies of the General Plan and the City's Guidelines for Telecommunications Facilities.

General Plan designation:	Suburban Low Density Residential
Existing zoning of site:	R-1 (Standard Single Family Residential zone)
Existing use of site	Single Family Residential / SMUD Transmission Tower
Property area:	2.32 acres

Background Information

The project site contains a single family residential unit and a SMUD tower. There are no previous entitlements on the property.

Public/Neighborhood Outreach and Comments

The project was routed to the Southeast Village Neighborhood Association and staff has not received any comments from this neighborhood association. The Planning Commission meeting was also noticed to the property owners within a 500 foot radius of the subject site. At the time of writing of this report, staff has not received any comments, and staff is not aware of any opposition to the project.

Environmental Considerations

The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that it is exempt from the provisions of the California Environmental Quality Act (CEQA) under Class 1, Section number 15301 which consists of the operation, repair or minor alteration of existing public or private structures or facilities involving negligible or no expansion of capacity of an existing use beyond that existing at the time of the lead agency's determination.

Policy Considerations

General Plan

The subject site is designated Suburban Low Density Residential on the 2030 General Plan Land Use and Urban Form Diagram. The proposal is located on an existing transmission tower and has been designed and conditioned so that it will have a minimal visual impact on the surrounding area. The proposal is consistent with the

General Plan Policy which encourages working with service providers to ensure access to and availability of a wide range of state-of-the-art telecommunication systems and services for households, businesses, institutions, and public agencies throughout the city (Policies U 7.1.1). The proposal will improve wireless network capacity and coverage for residential and business customers in the area.

Guidelines for Telecommunications Facilities

The Guidelines for Telecommunication Facilities, adopted by the City Council on April 29, 1997, emphasize minimizing the visibility of new telecommunication facilities through construction and design techniques. The proposed antennas and associated equipment, collocating on an existing transmission tower, are consistent with the applicable policies as described in the Guidelines for Telecommunications Facilities. Key objectives for the City were outlined to maximize the number of “invisible” telecommunication facility sites. The proposed antennas located on top of an existing structure represent a preferred siting location as the new antennas do not require the construction of a new monopole.

Project Design

The applicant is proposing to utilize an existing transmission tower south of 47th Avenue at an existing single family parcel to collocate telecommunication antennas. The project requires a Special Permit. The proposed 3 panels and 3 parabolic antennas will be mounted at the top of the SMUD pole. As a result, the overall height of the facility will increase from 127 feet, 3 inches to 135 feet, 3 inches. The existing residential unit on the subject site is approximately 120 feet away from the transmission tower and an old barn, which is an accessory structure, is approximately 15 feet away. The antennas will be conditioned to be painted with a non-reflective paint to match the existing SMUD tower, and the related equipment will be installed within the tower footprint on a concrete pad. Staff has no issues with the proposed antennas and the proposed height of the tower.

The equipment cabinet will be located on a concrete pad beneath the transmission tower. The facility will be surrounded by wood fencing of six feet in height. Lighting at the equipment area is conditioned to be activated only when the facility is being serviced by the representative of Clearwire.

Land Use

The City of Sacramento encourages the placement of wireless facilities with minimal visual impacts and provides guidelines for the design of wireless facilities. The current Zoning Code, Chapter 17.24, footnote 58, c, viii, allows panel antennas placed on transmission towers as a matter of right and they are exempted from planning entitlements if the proposal does not increase the existing structure more than 12 feet in height. However, the proposed parabolic antennas are not the exempted panel antennas; thus, the project requires a Special Permit subject to Zoning Code, Chapter 17.24, footnote 58, d, v, (B). City staff encourages carriers to consider siting on existing infrastructure, such as transmission towers. Staff supports

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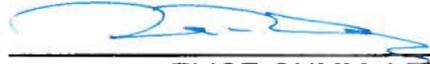
the proposed project based on its design and location, and it is consistent with the City's Guidelines for Telecommunications Facilities.

The Zoning Code allows telecommunication facilities in residential zones and collocation on an existing transmission tower is a preferred siting option. Staff is in support of the project because it is consistent with the General Plan Policy of promoting and supporting communications facilities within the City as well as the Guidelines for Telecommunication Facilities.

Access, Circulation and Parking

The applicant proposes to use the existing driveway to access the wireless internet facility equipment for regular maintenance and repairs. The residential unit has its own driveway, which will not be used for purposes of accessing the tower.

Respectfully submitted by:



ELISE GUMM, LEED AP
Associate Planner

Approved by:



LINDSEY ALAGOZIAN
Senior Planner

Recommendation Approved:


GREG BITTER, AICP
Principal Planner

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Attachment 1 Recommended Findings of Fact and Conditions of Approval

Findings of Fact

A. Environmental Determination: Exemption

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 **Class 1, Section 15301, Existing Facilities** of the California Environmental Quality Act Guidelines as follows:

This project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

B. The **Special Permit to install 3 panels antennas, up to 3 parabolic antennas, and its related equipment, is approved subject to the following Findings of Fact:**

1. The project, as conditioned, is based upon sound principles of land use in that:
 - a. The project will utilize an existing transmission tower;
 - b. The proposed telecommunication antennas, dish and equipment meet all development standards for the site including Title 17 zoning Code requirement and are consistent with the City's Guidelines for Telecommunication Facilities; and
 - c. The project will not adversely affect the surrounding land uses in that the visual impacts are nominal and the wireless network capabilities for South Sacramento are enhanced greatly.
2. The project, as conditioned, will not be detrimental to the public welfare, safety, or result in the creation of a public nuisance in that:
 - a. The antennas are proposed in a location that will not interfere with existing land uses or future uses on the subject parcel and the surrounding area; and
 - b. The proposed telecommunications equipment will be required to comply with building codes and safety standards in its construction through the building permit process.

3. The project is consistent with the General Plan Suburban Low Density Residential Land Use Designation as well as the General plan Land Use and Utilities policies. The project is also consistent with the telecommunication policy of siting telecommunication facilities on existing transmission towers.

Conditions of Approval

- B. The **Special Permit** to install 3 panel antennas, up to 3 parabolic antennas, and its related equipment, is hereby approved subject to the following conditions of approval:

PLANNING

- B1. The applicant shall obtain all necessary building permits prior to commencing construction.
- B2. The applicant shall obtain all necessary federal telecommunications permits prior to commencing construction.
- B3. Size and location of antennas shall conform to the approved plans as shown on the attached exhibits and as conditioned to revise. Any modification to the project shall be subject to review and approval by Planning staff (and may require additional entitlements) prior to the issuance of building permits. A total of six telecommunications antennas (three panel antennas and three microwave dishes) and three BTS units are approved.
- B4. The applicant shall use non-reflective paint and materials to match the transmission tower at the point of attachment and connection points on all sides and on all equipment, cables, connections, panels and any other appurtenance.
- B5. Should the operation of this telecommunications facility be discontinued, the applicant(s) shall be responsible for the removal of all equipment, including, but not limited to the: top hat array, antennas, equipment and cabinet(s), cable(s) and conduit, concrete pad(s), foundation, telephone and power lines to the facility, access gates, and fencing materials, within six (6) months of the cessation of facility operations.
- B6. All cable runs shall be in weather-proof conduit or shall run underground;
- B7. No telecommunications equipment shall be visible above the proposed wood fencing except the GPS antenna.
- B8. In order to secure and partially screen the facility a new 6' tall wall fence shall be constructed around the perimeter of the lease area as shown on the attached

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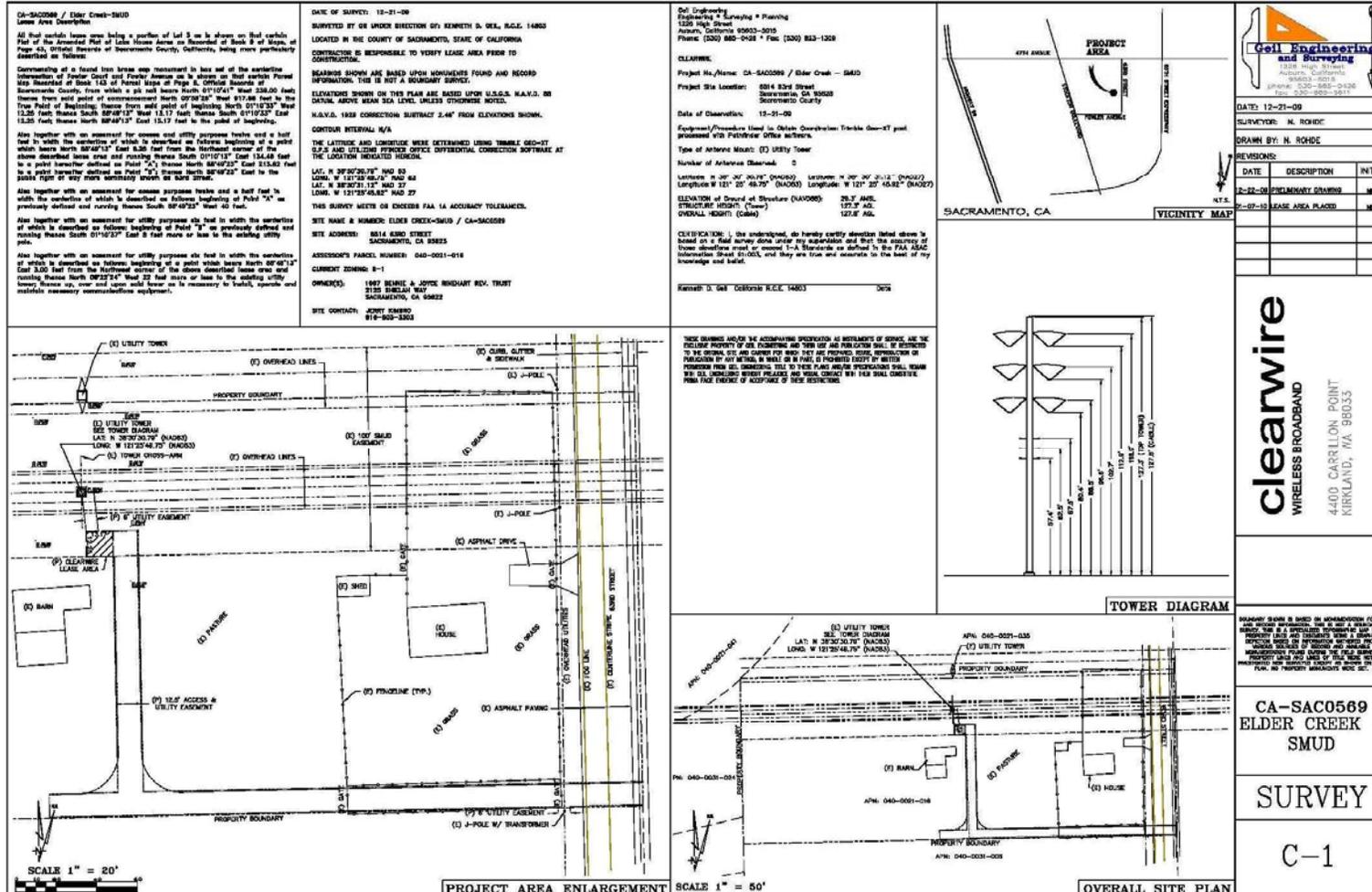
exhibits. The fence and gate(s) shall be maintained in a graffiti free and sound structural condition for the duration of the operation of the facility.

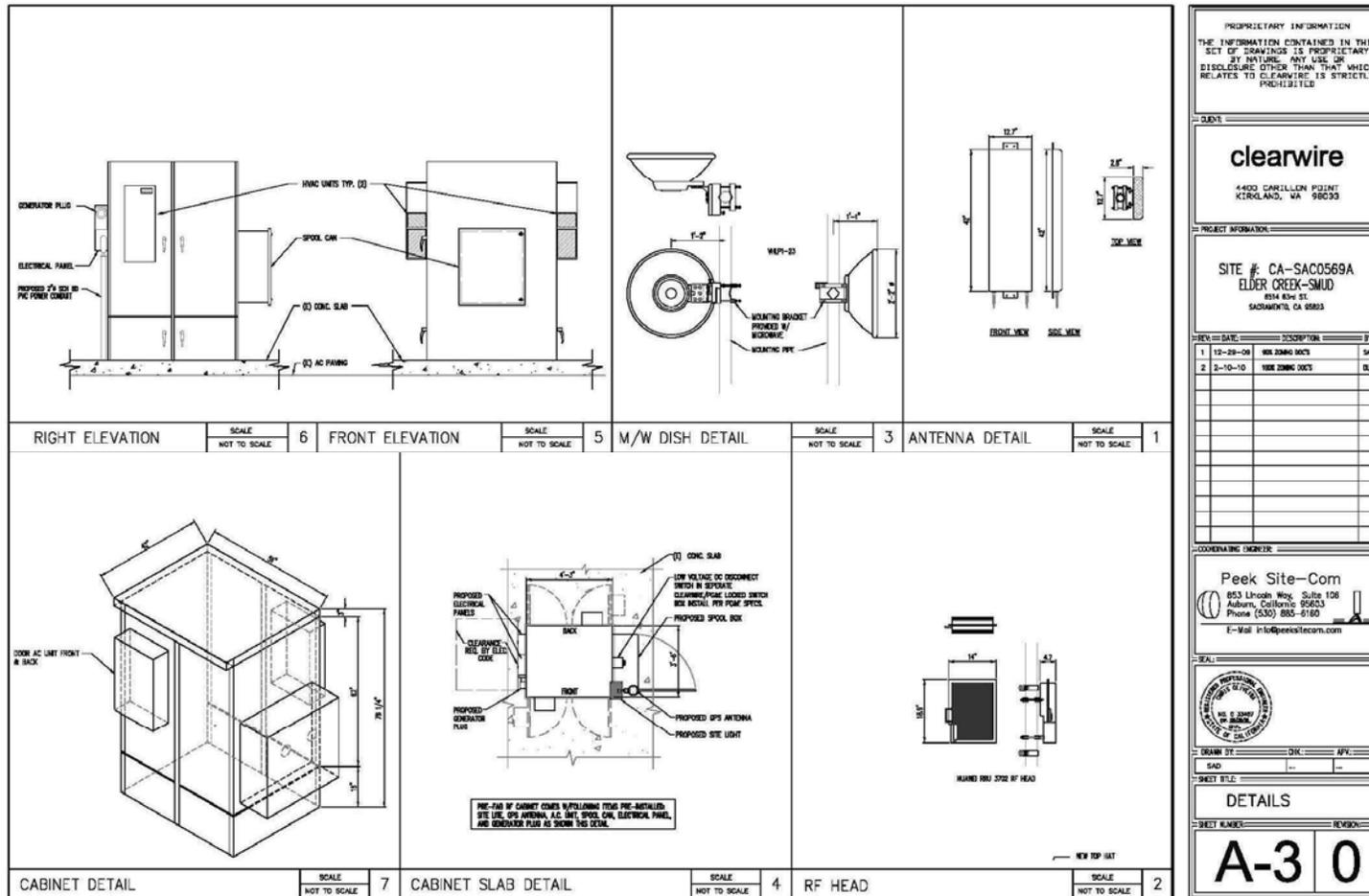
- B9. No barbed, razor, or other prohibited wire material shall be used in or on this site.
- B10. All graffiti and trash/garbage shall be removed in a timely manner.
- B11. Lighting shall affect only the lease area and the light standard shall not exceed 15 feet in height, shall be vandal resistant and shall be shielded from the adjacent properties and roadways so as not to create glare for the adjacent properties. The lighting shall also reflect away from City streets. A maximum lighting of 1.5 foot-candles per square foot of lease area will be allowed for the site.

ADVISORY NOTES

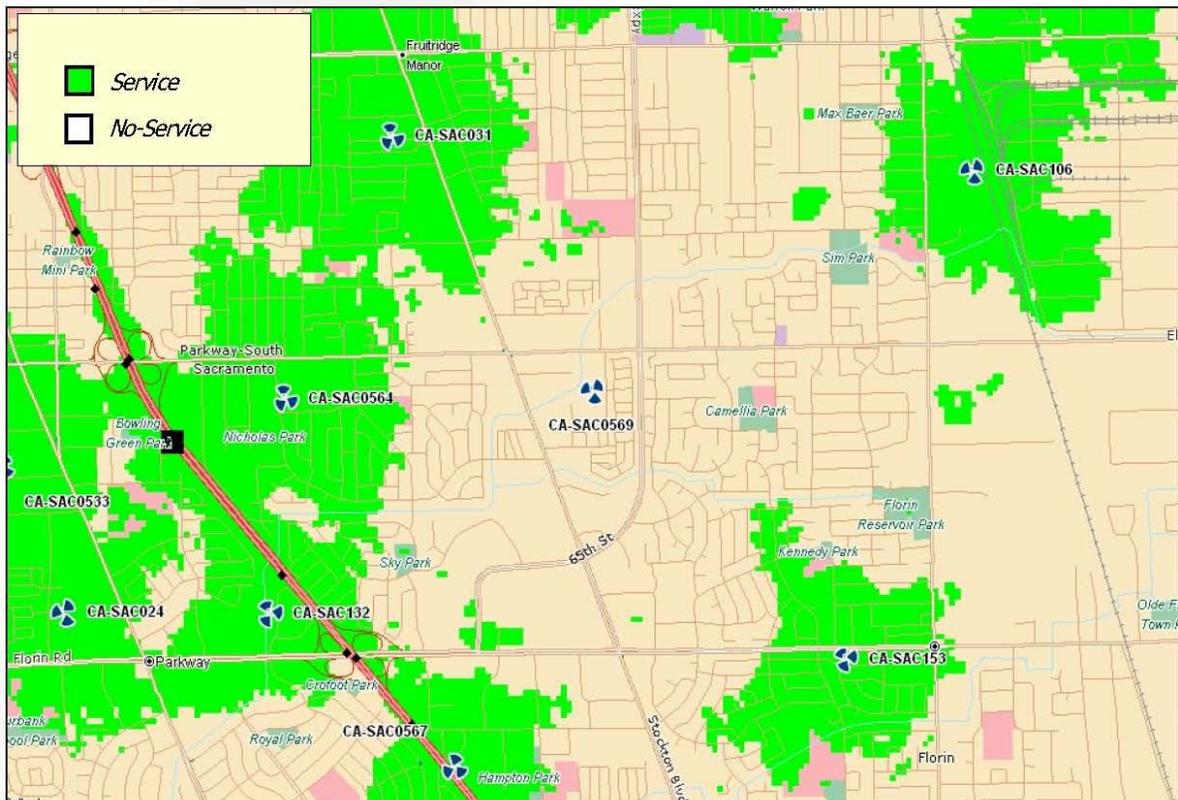
DEVELOPMENT ENGINEERING

- B12. The applicants shall insure that they have an access easement or an agreement to access the property through their lease documents that insures continuous access for maintenance of the cell tower facility.

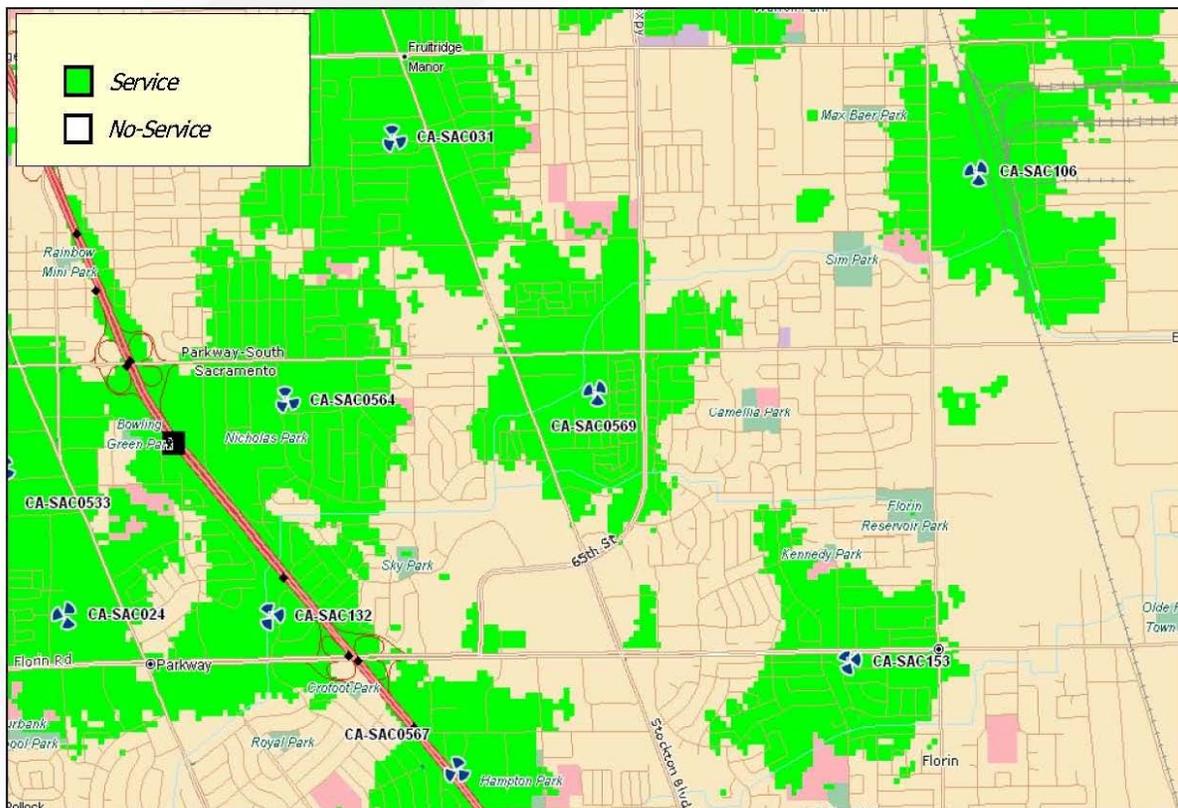




Composite Coverage without Site CA-SAC0569



Composite Coverage with Site CA-SAC0569



January 15, 2010

Photosimulation of view looking west from 63rd Street, nearest the site.



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January 15, 2010

Photosimulation of view looking southward from Elder Creek Road at the Morrison Creek bridge.



Existing

Elder Creek SMUD
6514 63rd Street
Sacramento, CA 95823
CA-SAC0569A
clearw're
wireless broadband



Proposed

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January 15, 2010

Photosimulation of view looking northwest from 63rd Street, just north of Fowler Ave.



Elder Creek SMUD
6514 63rd Street
Sacramento, CA 95823
CA-SAC0569A
clearw're
wireless broadband



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