



REPORT TO PLANNING COMMISSION City of Sacramento

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915 I Street, Sacramento, CA 95814-2671

PUBLIC HEARING
August 12, 2010

To: Members of the Planning Commission

Subject: Riverside ClearWire (P10-013)

A request to replace an existing thirty-seven (37) foot high Sacramento Municipal Utility District (SMUD) pole with a new modified fifty-five (55) foot high utility pole, containing telecommunication antennas and microwave dish, at 3200 Riverside Boulevard, within the General Commercial (C-2) zone. This request requires:

- A. Environmental Determination:** Exempt, CEQA Guidelines section 15301;
- B. Special Permit** to allow new telecommunications antennas and dish within the General Commercial (C-2) zone.

Location/Council District:

3200 Riverside Boulevard
Assessor's Parcel Number: 012-0331-022
Council District 4

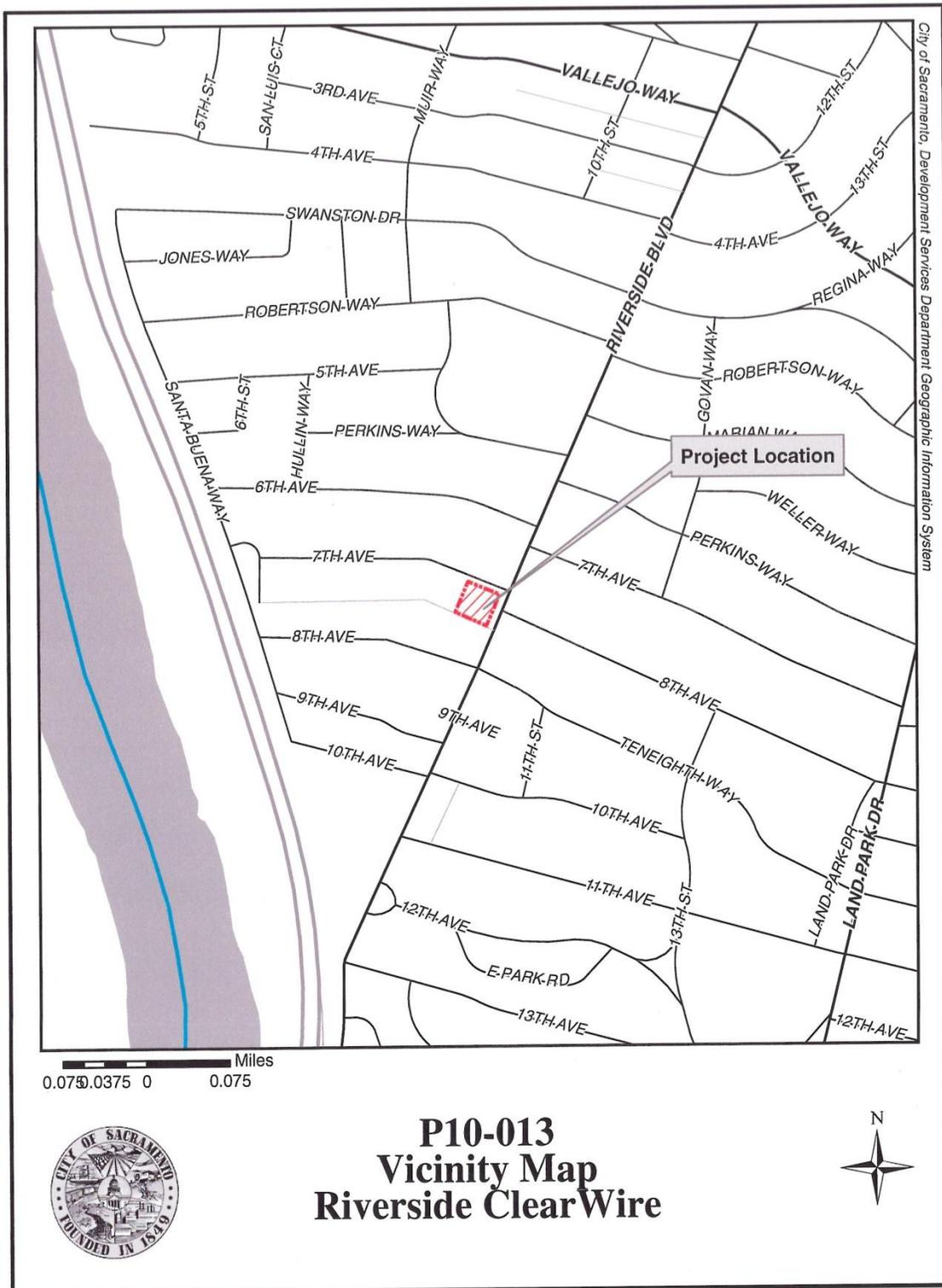
Recommendation: Staff recommends the Commission approve the Special Permit request based on the findings of fact and subject to the conditions of approval listed in Attachment 1. The Commission has final approval authority over items A-B above, and its decision may be appealed to City Council. **Staff is aware of outstanding opposition and the project is considered controversial.**

Contact: Heather Forest, Associate Planner, 808-5008, Lindsey Alagozian, Senior Planner, 808-2659

Applicant: Jacob Reeves for ClearWire
156 Gilded Rock Circle
Folsom, CA 95630
(619) 212-1686

Owner: Richard and Julie Harris
Attn: Scott Harris
20 Williamsburg Lane
Chico, CA 95926
(530) 896-5464

Vicinity Map



Summary: The applicant is proposing to replace an existing 37’ high wood SMUD utility pole with a new 55’ high metal modified SMUD utility pole, which will include telecommunication antennas and a microwave dish at 3200 Riverside Boulevard. The associated mechanical equipment for the telecommunications facilities will be located within the second floor of the commercial building, completely obscured from the public view. Upon project submittal, staff sent out an early notification of the project to all property owners within 500 feet of the site. Staff also mailed a notice of the public hearing to all property owners within 500 feet of the site. City staff received approximately five (5) phone calls and emails from neighbors inquiring into the location of the project and stating overall opposition to the request. **This item is controversial as staff is aware of neighborhood concerns.**

Table 1: Project Information
General Plan Designation: Traditional Center
Existing zoning of site: General Commercial (C-2)
Existing use of site: Commercial Building, Gymnastics Center, Parking Lot
Property area: Approximately .75 acre

Background Information: The subject site is developed as a commercial building which currently houses a gymnastics center and a number of small retail spaces. Immediately adjacent to the southern side of the building are SMUD utility poles which run east to west. Just south of the poles is an existing parking lot, which serves the commercial building. Although located in a predominantly residential neighborhood, this portion of Riverside Boulevard contains a small commercial strip area which includes general retail businesses, a gas station, and neighborhood servicing uses. There is no known planning entitlement history for the project site.

Public/Neighborhood Outreach and Comments: As stated previously, an early project notification was sent to all property owners within five hundred feet of the project site, as well as the Land Park Community Association. City staff received approximately five (5) phone calls and/or emails from nearby property owners stating opposition to the proposal. Those opposed stated general concerns regarding cellular facilities within the residential neighborhood, proximity of the facility to single family residences, and concerns regarding the aesthetics of the larger pole. Additionally, all property owners within five hundred feet of the project site and the Land Park Community Association received a public hearing notice for this project. The Land Park Community Association has not stated an opinion on the proposed project.

Environmental Considerations: Environmental Considerations: The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that the project is exempt under the provisions of the California Environmental Quality Act (CEQA) Class1, 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

2030 General Plan: The subject site is designated Traditional Center in the Land Use Element of the General Plan. The Traditional Center land use designation provides for predominantly non-residential, moderate intensity, single-use commercial development or horizontal and vertical mixed-use development, such as the commercial building and surrounding commercial development. Traditional Centers are also envisioned to provide essential daily services within walking distance of surrounding residents. The 2030 General Plan has identified goals and policies within the Land Use and Urban Design Element and the Utilities Elements, which are furthered by the proposed project:

Adequate Community Supporting Uses. The City shall seek 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, provide for community meeting places, and provide community neighborhood landmark buildings and places. (Policy LU 8.1.2)

Telecommunication Technology. Provide state-of-the-art telecommunication services for households, businesses, institutions, and public agencies throughout the city that connect Sacramento to the nation and world. (Goal U 7.1)

As the proposed telecommunications services will be located on a modified SMUD utility pole, with all mechanical equipment located within the existing building, the proposed project will provide essential telecommunication services for the nearby residents. Therefore, staff finds that the proposed project is consistent with the 2030 General Plan.

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. Key objectives for the City were outlined to maximize the number of “invisible” telecommunications facility sites, with the installation of new monopoles viewed as generally disfavored. The siting preference, as adopted by the City includes:

- 1) Located completely within an existing or constructed structure.
- 2) Existing structures (public or private) that allow a façade mounted antenna.
- 3) Existing structures (public or private) which require a modification of the structure architecturally or in height in order to mount antennas (includes roof mounts).
- 4) Collocation on existing poles or light standards at a lower height.
- 5) Collocation on existing poles or light standards at a higher height.
- 6) New monopole (whether co-developed or single carrier).

The applicant has stated that ClearWire’s radius for coverage is approximately one-quarter of a mile, within an underserved area. For the proposed coverage area, the applicant has stated that the following local streets are the boundaries for a potential siting: Riverside Boulevard to the west, Land Park Drive to the east, Marian Way to the north, and Teneighth Way to the south. In addition to the proposed site, ClearWire reviewed potential siting at Crocker/Riverside Elementary (further north on Riverside Boulevard), the City water tower at 10th Avenue and Riverside Boulevard, and other

SMUD utility poles within the project area. ClearWire did not find that the other siting locations were acceptable, and a copy of their coverage justification is attached (Exhibit 1Q, Site Justification).

The proposed antennas and dish, located within an enlarged and modified SMUD utility pole, represent a preferred siting location as the new antennas/dish do not require the construction of a new monopole or tower. Rather, the proposed project will result in the modification of an existing structure architecturally and in height, by co-locating the SMUD utility use with the ClearWire telecommunications use.

Project Design

The applicant, ClearWire, in coordination with SMUD, is proposing to remove the existing 37' high wood utility and replace it with a metal 55' high larger, modified utility pole. The new pole will be approximately 4' in diameter with a larger radome portion at the top (approximately 8'-6" in height), in which ClearWire will locate three (3) antennas at 52' on centerline and one microwave dish at 54'-8" on centerline. The modified pole will be painted and finished to match the existing wood pole. The associated mechanical equipment cabinet will be located on the second floor of the commercial building, so that it will not be visible to the public. The equipment cabinet will be approximately 4.5' x 2' x 2' in size.

The SMUD utility pole is technically located within the 7th Avenue/8th Avenue alley, which was vacated by the City, with ownership reverting to the owner of the commercial building. A SMUD utility easement for the pole remains adjacent to the commercial building.

As a SMUD utility pole, there are no development standards as set forth in the Zoning Code. Additionally, because the associated mechanical equipment will be completely located within the existing legal commercial building, development standards for the commercial building are currently met and will not change.

The proposed ClearWire equipment is intended to provide 24-hour wireless broadband internet service to residential and business customers in the area.

As stated previously, staff is aware of opposition to the proposed project. In regard to the concern over the proximity of the telecommunications facility to single family residences, City staff notes that the closest residence is approximately one-hundred feet (100') to the west. The Zoning Code does not contain a threshold or minimum distance for telecommunication facilities and residentially zoned or used parcels. Rather, the Zoning Code emphasizes the stealthing requirements in order to reduce the appearance of such facilities, especially when proposed within predominantly residential neighborhoods. As wood SMUD utility poles are prevalent within the surrounding neighborhood, the proposed modified SMUD pole is an appropriate stealthing technique.

In regard to the expressed concern over the aesthetics of the proposed pole, City staff believes that the proposed project is the most innocuous type of telecommunications pole in that for all intents and purposes the new pole will look like an enlarged SMUD wood utility pole. Upon consideration of the coverage area that the applicant is attempting to serve, City staff is not aware of other potential site locations or potential stealthing opportunities. Due to the residential nature of the surrounding neighborhood and the low profile commercial businesses that exist, a modified SMUD utility pole appears to be the least offensive means of co-location and therefore, City staff supports to the proposed design.

Land Use

In order to locate telecommunication antennas/dishes which will result in an addition to the SMUD utility pole of more than twelve (12) feet, upon a non-residentially zoned parcel, the approval of a Special Permit is required (Zoning Code Section 17.24.050 footnote 58). In evaluating **Special Permit** proposals of this nature, the Commission is required to make the following findings:

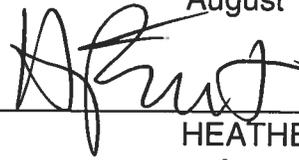
- A. A special permit shall be granted upon sound principles of land use.
 - a. The proposed telecommunication antennas, dish, and equipment meet all development standards for the site including Title 17 Zoning Code requirements and are consistent with the City's Guidelines for Telecommunication Facilities in that the proposed project will utilize an existing structure with architectural and height modifications.
- B. A special permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance.
 - a. The proposed telecommunications equipment will be located within a modified utility pole, with the mechanical equipment located completely within an enclosed commercial building, both of which are existing uses and not known to be detrimental to the public health, safety or welfare or a nuisance.
 - b. The proposed telecommunications equipment will be required to comply with building code and safety standards in its construction through the building permit process.
- C. A special permit use must comply with the objectives of the general or specific plan for the area in which it is to be located.
 - a. The proposed project is consistent with the General Plan Traditional Center Land Use Designation as well as General Plan Land Use and Utilities policies.

Summary

The proposed project complies with the 2030 General Plan, the Zoning Code, and the City's Guidelines for Telecommunications Facilities. For these reasons, staff recommends that the Planning Commission approve the request based on the findings of fact and subject to the conditions of approval listed in Attachment 1.

August 12, 2010

Respectfully submitted by:



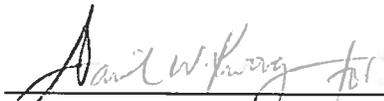
HEATHER FOREST
Associate Planner

Approved by:



LINDSEY ALAGOZIAN
Senior Planner

Recommendation Approved:



GREGORY BITTER, AICP
Principal Planner

Attachments:

Attachment 1	Recommended Findings of Fact and Conditions of Approval
Exhibit 1A	Title Sheet
Exhibit 1B	Site Plan
Exhibit 1C	Enlarged Site Plan
Exhibit 1D	Equipment Plan & Detail
Exhibit 1E	Antenna Plans & Details
Exhibit 1F	Elevations
Exhibit 1G	SMUD Letter
Exhibit 1H	Propagation Map
Exhibit 1I	Propagation Map
Exhibit 1J	Photosimulation
Exhibit 1K	Photosimulation
Exhibit 1L	Photosimulation
Exhibit 1M	Site Photos
Exhibit 1N	Site Photos
Exhibit 1O	Site Photos
Exhibit 1P	Site Photos
Exhibit 1Q	Site Justification
Exhibit 1R	Site Justification
Attachment 2	Land Use & Zoning Map

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**Attachment 1
Recommended Findings of Fact and Conditions of Approval
Riverside ClearWire
3200 Riverside Boulevard**

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 CEQA Guidelines Section 15301, Class 1, Existing Facilities 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 locate telecommunication antennas and dishes within the General Commercial (C-2) zone 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 proposed telecommunication antennas, dish, and equipment meet all development standards for the site including Title 17 Zoning Code requirements and are consistent with the City's Guidelines for Telecommunication Facilities in that the proposed project will utilize an existing structure with architectural and height modifications.
2. The project, as conditioned, will not be detrimental to the public health, safety, or welfare, or result in the creation of a public nuisance in that:
 - a. The proposed telecommunications equipment will be located within a modified utility pole, with the mechanical equipment located completely within an enclosed commercial building, both of which are existing uses and not known to be detrimental to the public health, safety or welfare or a nuisance; and
 - b. The proposed telecommunications equipment will be required to comply with building code and safety standards in its construction through the building permit process.

3. The proposed project is consistent with the General Plan Traditional Center Land Use Designation as well as General Plan Land Use and Utilities policies.

Conditions Of Approval

B. The **Special Permit** to locate telecommunication antennas and dishes within the General Commercial (C-2) zone is approved subject to the following conditions of approval:

- B1.** The applicant shall obtain all necessary building permits prior to commencing construction.
- B2.** The facility shall be constructed in substantial conformance to the submitted plans. Any modification to the project shall be subject to review and approval by planning staff prior to the issuance of building permits.
- B3.** The applicant shall obtain all necessary federal telecommunications permits prior to commencing construction.
- B4.** The applicant shall paint and finish the proposed pole to match the existing pole.
- B5.** The size and location of the antennas, microwave dish, and all associated equipment shall conform to the plans submitted
- B6.** Should the applicant discontinue using the antennas and dish for wireless services, the applicant shall remove the antennas and any associated equipment within six months of termination.
- B7.** Any additional antennas and/or dishes shall require a modification to the Special Permit (three panels and one microwave dish are approved).
- B8.** A signed copy of the Affidavit of Zoning Code Development Standards and each of the pages of the Record of Decision shall be scanned and inserted as a general sheet(s) in the plan set for any building permit submittal associated with this project.

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Exhibit 1G – SMUD Letter



P.O. Box 15830, Sacramento, CA 95852-1830; 1-888-742-SMUD (7683)

October 09, 2009

Clearwire
Attention: Jacob Reeves
3117 Fite Circle # 102
Sacramento Ca. 95827

RE: Preliminary Co-Location Approval
Site Address: 3200 Riverside Blvd.
SMUD Site ID: 106-11
SMUD Order Number: 30076376

Dear Mr. Reeves,

Your application received August 28, 2009 has been preliminarily approved for the proposed co-location of your equipment on facilities on and operated by Sacramento Municipal Utility District (SMUD) at the address indicated above. This preliminary Co-Location Approval document is your Letter of Authorization to proceed with zoning applications at your local agency.

The project has been assigned SMUD Service Order Number 30076376.

The following documentation and items must be provided by Clearwire for your project to move into the next application phase with SMUD:

- ✓ Final SMUD Application to SMUD, 1708 59th Street, Sacramento Ca 95819-4628.
- ✓ \$12,500 processing fee to be applied toward issuance of SMUD's Site License Agreement, final application review, construction plan approval, construction inspection, and job closure for the proposed site.
- ✓ Clearwire 90% Construction Drawings (CD's), including the Electrical Engineering or "E Sheets" for SMUD review, comment and approval.

Once the above items have been received, SMUD will begin the engineering and licensing review phase in preparation for issuance and execution of a Site License Agreement (SLA) with all known site conditions and restrictions.

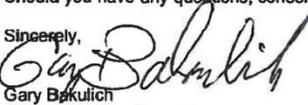
Once SMUD has received all the necessary aforementioned documents and completed final approval of your project a set of approved construction plans will be provided to you along with a Notice to Proceed. At that time you can schedule a pre-construction meeting with SMUD's Senior Line Inspector at 916-869-7666.

ALL CONSTRUCTION IS TO BE PERFORMED BY Clearwire AND / OR IT'S SUB-CONTRACTORS WHILE IN THE PRESENCE OF SMUD'S ASSIGNED INSPECTOR. CONSTRUCTION MUST NOT BEGIN WITHOUT A FULLY EXECUTED SITE LICENSE AGREEMENT, FULLY APPROVED CONSTRUCTION PLANS, A "NOTICE TO PROCEED" (NTP) LETTER AND AT LEAST 20 DAYS' WRITTEN ADVANCE NOTICE OF Clearwire PROPOSED CONSTRUCTION START DATE (AS DIRECTED IN THE NTP LETTER).

Please note that a fully-executed lease with the underlying property owner as well as proof of zoning and building permit approval will be required at the pre-construction meeting prior to construction beginning.

In closing we'd like to thank you for choosing to do business with SMUD and remind you to please allow for longer construction and installation time frames during hotter weather months do to possible operational issues.

Should you have any questions, concerns, or issues please don't hesitate to contact us.

Sincerely,

 Gary Bakulich
 Engineering Designer IV
 New Services, Distribution Services
 916-732-7076

NEW SERVICES • 1708 59th Street, Sacramento CA 95819-4628; (916) 732-5700

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Exhibit 1J – Photosimulation



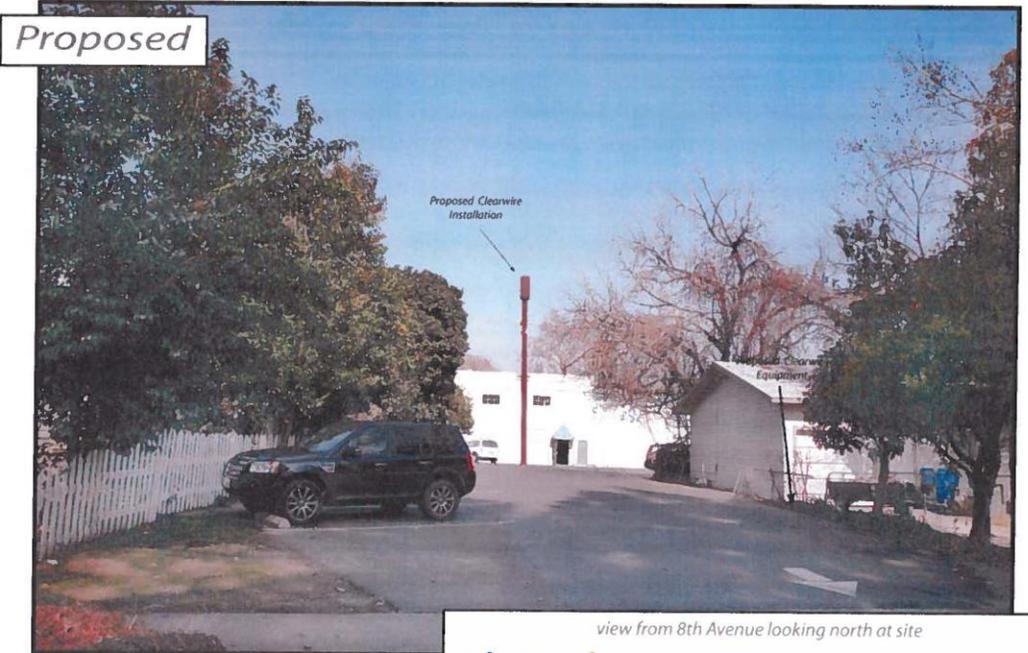
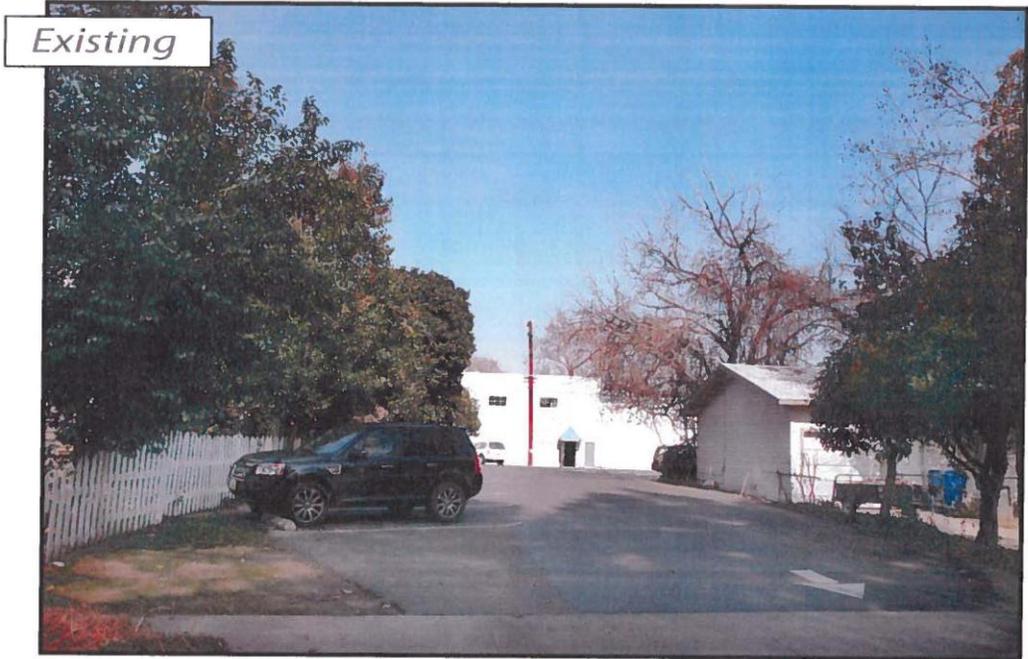
view from Riverside Blvd. looking west at site

AdvanceSim
Photo Sim. & High Resolution
Format: 925 | 202-8507

clearwire CA-SAC538 Riverside
3200 Riverside Blvd., Sacramento, CA

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Exhibit 1K – Photosimulation



view from 8th Avenue looking north at site

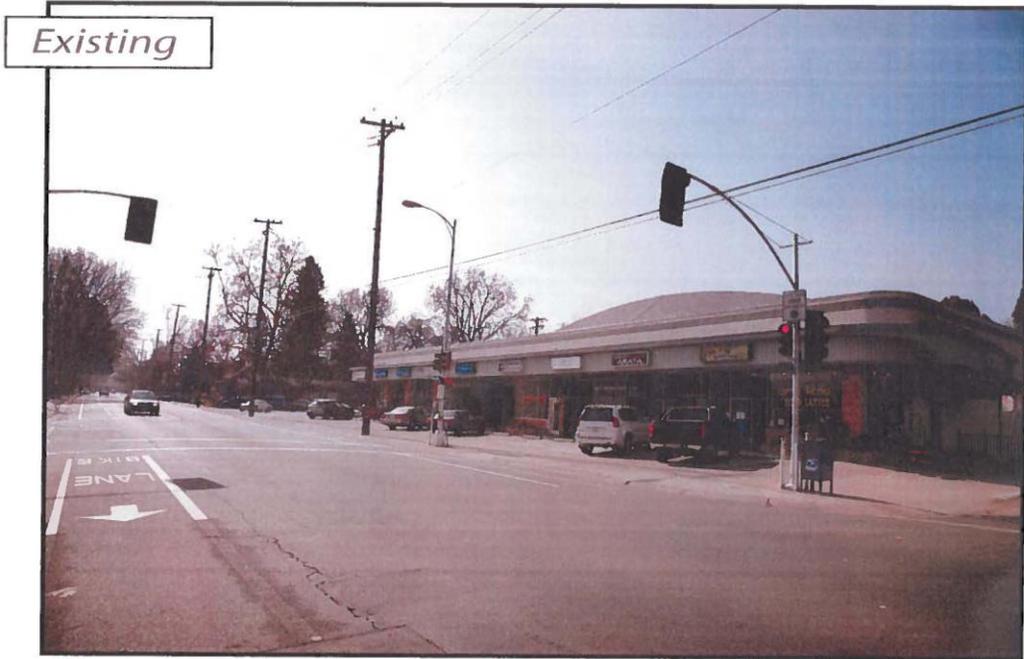
AdvanceSim
Photo Simulation Solutions
Contact: 925-202-8507

clearwire

CA-SAC538 Riverside
3200 Riverside Blvd., Sacramento, CA

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Exhibit 1L – Photosimulation



view from Riverside Blvd. looking southwest at site

AdvanceSim
PHOTO SIMULATION SOLUTIONS
CONTACT 1-925-202-8507

clearwire

CA-SAC538 Riverside
3200 Riverside Blvd., Sacramento, CA

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Exhibit 1M – Site Photos

PHOTOS OF THE SITE
CA-SAC0538

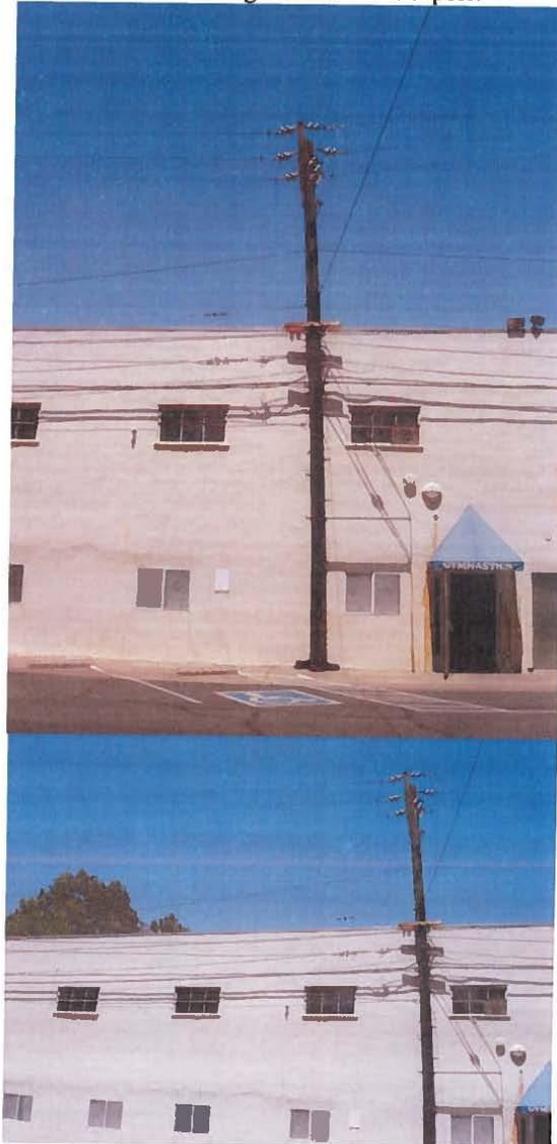
Photo looking North at the SMUD pole being replaced and the equipment location on the second floor of the existing building.



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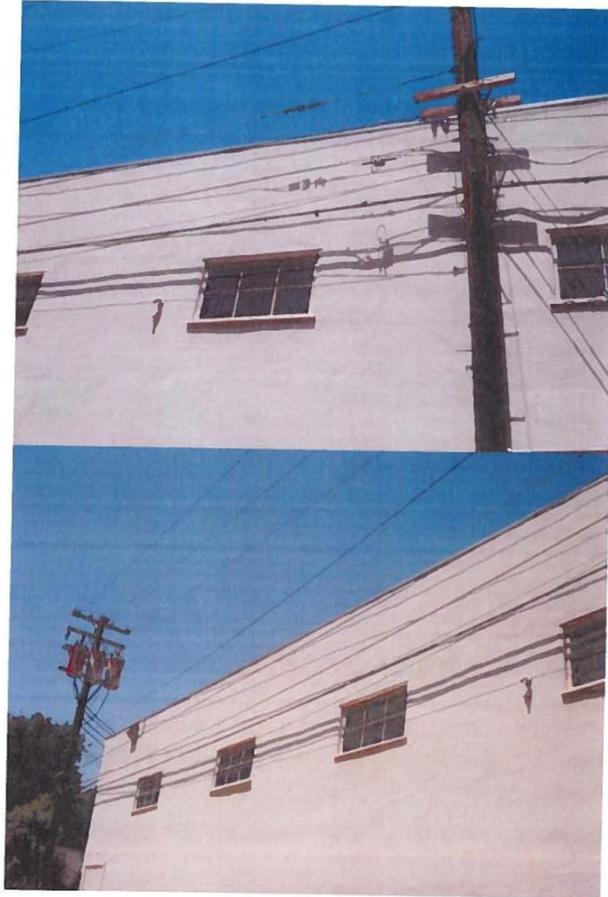
Exhibit 1N – Site Photos

Photo Looking North at SMUD pole.



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Exhibit 10 – Site Photos



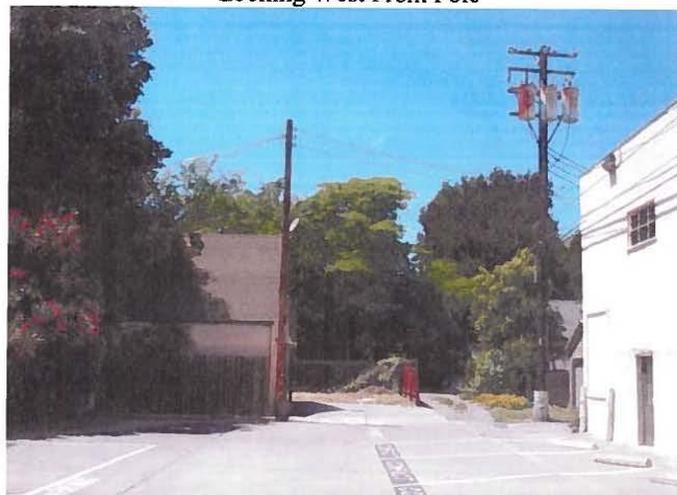
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Exhibit 1P – Site Photos

Looking East from Pole



Looking West From Pole



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Exhibit 1Q – Site Justification

February 22, 2010

City Sacramento
Attn: Planning Department
300 Richards Boulevard 3rd Floor
Sacramento, CA 95811

RE: ClearWire Zoning Application for Collocation and pole replacement on an existing SMUD utility pole, and placing the equipment inside the existing commercial building on the second floor located at 3200 Riverside Blvd, Sacramento, CA.

Dear Planning Department:

Clearwire is proposing to replace an existing SMUD utility pole (37'-10") with a new metal utility pole that will have a stealth radome painted brown to match the proposed utility pole that houses three (3) antennas and one (1) microwave dish. The new utility pole will be 55'-6" to the top of the radome. The radio cabinet will be located on the second floor of the existing commercial building next to the pole, so the equipment will not be visible from the public, and a small AC unit will be placed on the roof of the existing building. This proposed site will require a Major Special Use Permit and a hearing by the Planning Commission.

PROPOSED EQUIPMENT:

Clearwire is proposing to locate three 42" x 12.7" x 2.8" antennas 52'-1" centerline, and locate one VHLPI (1') microwave dishes 54'-8" centerline inside the proposed stealth SMUD utility pole and radome. The equipment cabinet will be located on the second floor of the commercial building, so it will not be visible by the public. The equipment cabinet that is 54" x 25" x 25". The new utility pole and radome housing the antennas and microwave dish will be the painted a non-reflective brown color to match the other existing wood utility poles in the area.

JUSTIFICATION:

Clearwire is seeking approval for a collocation for this particular site because Clearwire's coverage is very minimal compared to cell phone providers. Clearwire's radius for coverage is only around .25 of a mile. The other existing buildings within the area are all two stories or less, and they do not provide the needed height to clear the existing trees in this area.

Clearwire reviewed the Crocker/Riverside Elementary School for a possible candidate, which is located to the North of the proposed location. Clearwire's looked at locating the equipment on the existing roof of the building in the rear, but due to the existing tree heights, height of the building, which did not provide the line of site to an existing site to provide a clear microwave connection, the site did not provide the height needed. The site also was too far North of the search ring for Clearwire's engineer to approve the proposed location. The option to replace an existing utility pole or place a stealth monopole was also reviewed, but the height needed for to clear the existing trees pushed the needed height up to 75'+. Clearwire also has been discouraged by DSA (school) to locate on elementary schools too, but that was not a determining factor in the candidate selection.

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Exhibit 1R – Site Justification

The second candidate Clearwire also pursued the water tank and power facility location on 10th and Riverside, but the location was too far South of the search ring area (needed coverage area) to work for Clearwire's engineer. Since it was too far South, the candidate was never pursued because it did not matter if Clearwire received 100' in height, it would still not provide the needed coverage.

The third candidate Clearwire pursued was the SMUD utility poles to the East near the gas station across Riverside Blvd. Since the utility poles were a little taller, and they would provide greater height for Clearwire, there was not location for the equipment that would not require an equipment enclosure, and they were in the Riverside Blvd right of way, so Clearwire legal and the site acquisition manager recommended going with the proposed location, which will provide the needed height, location, stealthing from the existing buildings and trees, and able to hide the equipment inside the existing building.

In order for Clearwire to provide the needed coverage in this area, there are no other alternatives in this area that will provide the needed coverage. This location was chosen because it is hidden and stealth design, which provides less visual impact than all the alternative site reviewed by Clearwire, and it meets Clearwire's objective for coverage.

Here are the details of the equipment:

1. **Wattage output data: 40W/Sector**
2. **Horizontal and vertical datum values for the equipment: 86/7.05**
3. **The radio frequency range in Megahertz: 2496-2690MHz**
4. **Site inventory including numbers of antenna: 3 RF panel antennas, 1 GPS, base receivers (3, 1 per sector).**

LEASE:

Clearwire has a 25 year lease with the property owner.

If there are any questions or concerns, please let me contact me.

Sincerely,



Jacob Reeves
156 Gilded Rock Circle
Folsom, CA 95630
619-212-1686

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Attachment 2 – Land Use & Zoning Map

