



# REPORT TO PLANNING AND DESIGN COMMISSION City of Sacramento

# 5

**PUBLIC HEARING**  
**August 16, 2012**

To: Members of the Planning and Design Commission

**Subject: Bannon Street Cellular Facility (P12-017)**

A request for a 12 foot tower extension and 4 new antenna panels on an existing lattice tower on approximately .55 acres in the General Commercial (C-2 SPD) zone and located in the River District Special Planning District.

- A. Environmental Determination: Categorical Exemption (CEQA Guidelines Section 15301, Existing Facilities);
- B. Special Permit to allow a 12 foot tower extension on an existing 114 foot lattice tower to locate four new antenna panels for a cellular facility in the General Commercial (C-2 SPD) zone and located in the River District Special Planning District.

**Location/Council District:**

216 Bannon Street, Sacramento, CA  
Assessor's Parcel Number 001-0040-037  
Council District 3

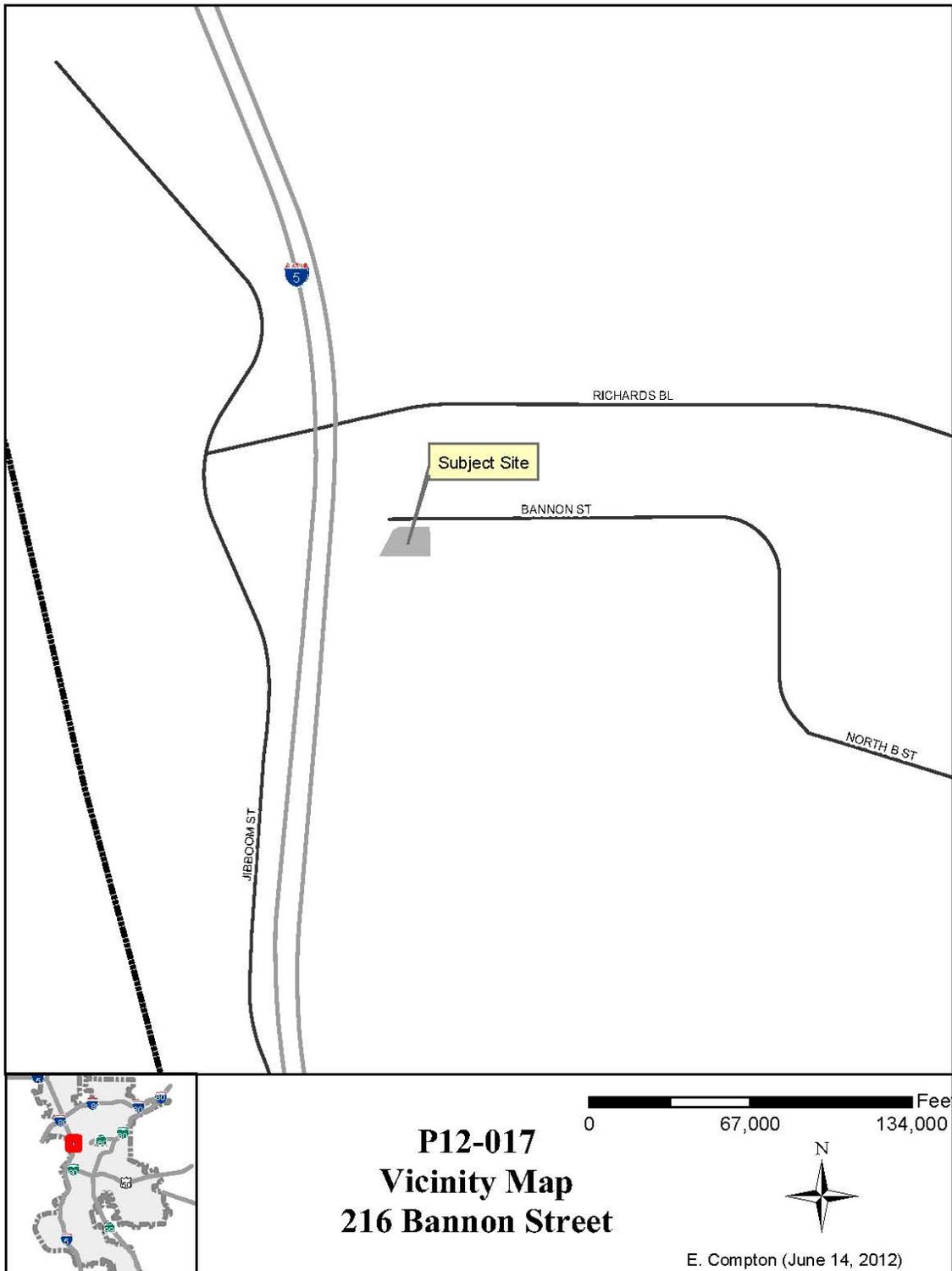
**Recommendation:** Staff recommends the Commission approve the request based on the findings and subject to the conditions listed in Attachment 1. The Commission has final approval authority over items A-B above, and its decision is appealable to City Council. **Staff has received a letter from the River District Property and Business Improvement District over aesthetic concerns for the new cellular facility.**

**Contact:** Evan Compton, Associate Planner, (916) 808-5260  
Stacia Cosgrove, Senior Planner, (916) 808-7110

**Applicant:** Jerry Jazmadarian, MetroPCS, (916) 743-8775, 785 Orchard Drive #200, Folsom, CA 95630

**Land Owner:** Omkar Properties, Inc., 50 6<sup>th</sup> Street, Oakland, CA 94607

**Lattice Tower Owner:** PG&E (Attention Kurt Eid), (916) 471-8111, 245 Market MC N10D, San Francisco, CA 94105



**Summary:** The site is currently developed with a three story motel and a decommissioned high voltage electrical transmission tower. The request is to increase the height of the existing 114 foot high lattice tower by 12 feet and to add four panel antennas and ground equipment for a telecommunications facility.

<b>Table 1: Project Information</b>
<b>General Plan designation:</b> Urban Center Low
<b>Existing zoning of site:</b> C-2 SPD
<b>Existing use of site:</b> Motel
<b>Special Planning District:</b> River District
<b>Property area:</b> 24,004 square feet or .55± acres

**Background:** The lattice tower at 216 Bannon Street was previously used by PG&E as an electrical transmission tower. However, the power lines were decommissioned and subsequently removed in September of 2010. Ministerial review is typically completed for locating panel antennas on electrical transmission towers. On March 3, 2011 planning staff completed a ministerial approval for the request to locate four panel antennas on an electrical transmission tower and building permits were issued on August 24, 2011 to complete the scope of work. Several months after the cellular facility was installed and operating, staff received a call from a member of the community with questions about the project. Research revealed that the power lines had been removed at the time of the ministerial review and that the tower was no longer classified as an electrical transmission tower. The applicant was notified in February 2012 to submit an application for a Planning Commission Special Permit or remove the cellular facilities from the lattice tower. The Bannon Street Cellular Facility project was formally submitted on May 11, 2012.

**Entitlement History:** On June 29, 2005, the Zoning Administrator approved a Special Permit to install six wireless communication antenna panels mounted at 76 feet on the existing PG&E transmission tower. On August 29, 2005, the Zoning Administrator approved a Special Permit Minor Modification to locate a temporary microwave dish below the antenna panels for a maximum of five months. On April 19, 2010, an application was submitted to construct a 12 foot top hat to the existing PG&E tower and to install three panel antennas and three microwave dishes. This application was withdrawn by the applicant on December 16, 2010.

**Public/Neighborhood Outreach and Comments:** An early notice was mailed to the River District Property and Business Improvement District (PBID). A public hearing notice was sent to property owners within 500 feet and the River District PBID. (The 1,000 foot radius only applies to antenna sites located in a residential zone.) The site was also posted more than 10 days in advance of the public hearing.

Originally the project was scheduled for a Planning Commission hearing on June 14, 2012. Before the public hearing, staff received a phone call from the property owner

representative, Sunita Patel. She asked staff to place the item on hold. The concern was that the property owner of the land had not signed a letter of agency for this particular cellular facility. The tower owner, Pacific Gas and Electric (PG&E) had submitted documentation of an easement granting PG&E the right to install and maintain telecommunications facilities on the property. After reviewing the easement information with the City Attorney's Office, the documentation was determined to be sufficient and no additional letter of agency from the land property owner is required. The letter from PG&E and easement information has been included as Attachment 8.

On June 22, 2012, staff received a letter from the River District Property and Business Improvement District (PBID). The letter is included as Attachment 6. The concern is that the telecommunications facility is located near the river and a busy interstate and, therefore, should be a "less-visible, more decorative structure." The applicant responded to the request by email which may be found as Attachment 7. The response provided by the applicant is that the area is surrounded by commercial and light industrial users and that a monopine or other decorative structure is unnecessary. Staff has no objections to the proposed design because the new facility blends with the existing lattice tower.

**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 Section 15301, Existing Facilities. The project consists of the minor alteration of an existing structure involving negligible expansion of use beyond that which is existing. The Telecommunications Act of 1996 includes provisions relating to the exclusive federal jurisdiction to regulate human exposure to RF emissions from certain transmitting devices. In particular, Section 704 of the Act states that, "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." The facilities at issue would comply with federal regulations and thus fall within the above provision restricting the City's authority to regulate on the basis of environmental effects of radio frequency emissions.

**Policy Considerations:** The subject site is designated as Urban Center Low on the General Plan Land Use and Urban Form Diagram. This designation provides for uses including the following: retail, service, office, residential, compatible public, quasi-public, and special uses.

2030 General Plan Policies:

**U 7.1.4 Co-Location.** *The City shall encourage compatible co-location of telecommunication facilities and shall work with utility companies to provide opportunities for siting telecommunication facilities on City-owned property and public right-of-ways.* Staff finds that with the increasing demand for wireless services in the

surrounding area, there is a need to provide adequate communication and the proposal will locate a telecommunication facility on a non-city public use site.

### Telecommunications Facilities Development Guidelines

The City of Sacramento has established Guidelines for Telecommunications Facilities. The policies seek to minimize the number and visibility of telecommunications facilities, provide locational opportunities on City owned property or rights-of-way, encourage collocation of facilities, and minimize the proliferation of monopolies.

#### *Siting and Location*

The City has developed guidelines concerning siting preference and facility location. The siting preference is below, listed in order with the most preferred at the top:

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.**
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 current proposal is consistent with siting preference #3 to collocate on an existing structure which requires a modification of the structure architecturally or in height in order to mount antennas. Staff is supportive of this request since the lattice tower is an existing structure and currently supports another cellular carrier.

#### *Design Guidelines*

The design guidelines for telecommunication facilities include the following:

- a. *Carriers should consider siting as much as possible on existing infrastructure such as highway structures, transmission towers/poles, light standards, etc.* Staff finds that the current proposal locates the cellular facility on a modified, existing lattice tower.
- b. *Monopoles should be constructed of materials that match the prevalent poles and/or buildings and landscaping in the area or provide stealthing for the pole (ie wood, metal, palm/pine tree). Also carriers should consider using “close proximity/bi-polar or tight antenna arrays” configurations on monopoles instead of “traditional top hat” antenna arrays.* Staff finds that the current proposal would locate tight array antennas on the lattice tower and would adequately match the existing structure.

- c. *Monopoles would be painted to match either the sky line (dull matte gray) or other prevalent architectural or natural features (ie trees).* Staff finds that the existing lattice tower is dull matte gray and the antennas have been conditioned to match the existing structure.
- d. *Carriers should include landscaping in proposals to better screen equipment on building or cabinets.* Staff finds that the proposed project has been conditioned to screen the 12 by 12 foot equipment area with fencing.
- e. *Carriers should locate all equipment shelters or cabinets to the rear of existing buildings away from streetscape view.* Staff finds that the proposed equipment shelter has been setback from the public street to minimize visibility.

The purpose of the design guidelines for telecommunications facilities is to ensure that the project coordinates and complements the existing design of the site and minimizes the impact of the facility with the existing site as well as the surrounding sites.

### **Land Use**

Per the Zoning Code (Section 17.24.050, footnote 58), a Planning and Design Commission Special Permit is required to increase the height of a lattice tower and add antenna and related equipment. (An exception to the Special Permit requirement is for locating on high voltage electrical transmission towers). The proposal is to locate cellular facilities on a lattice tower that is no longer considered to be a high voltage electrical transmission tower because the lines have been decommissioned, and therefore the project requires a Planning and Design Commission Special Permit.

### **Adjacent Properties**

The properties to the east are zoned Multifamily (R-3A SPD) and are vacant or developed with single family homes. The parcel to the north is zoned General Commercial (C-2 SPD) and is developed with a motel and fast food restaurant. The parcels to the south are zoned Heavy Industrial (M-2 SPD) and is developed with the City's Water Treatment Facility. Interstate 5 is located to the west of the subject site.

The location of the proposed facility is approximately 650 feet away from nearest developed residential property.

### **Site/Facility Design**

The proposal consists of a 12 foot extension on top of an existing 114 foot high lattice tower and installation of four panel antennas for MetroPCS. The applicant submitted propagation maps (see Attachment 4 and 5) showing prior network coverage and with the coverage with the new facility. Photos of the facility have also been included in this report as Exhibits I and J. Staff supports the request for additional height because it is not visually obtrusive to the surrounding properties and the facilities are utilizing an existing structure.

The equipment area will be 12 feet by 12 feet (144 square feet) on a proposed concrete pad within the footprint of the lattice tower. The equipment area can be accessed by a paved access road from Bannon Street. The lease area will be enclosed by a 6 foot tall wood fence. All Federal Communications Commission (FCC) rules, regulations, and standards will be met for the proposed antennas and telecommunication facilities.

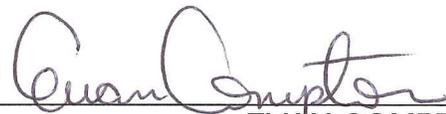
**Findings of Fact**

In evaluating special permit proposals of this type, the Planning and Design Commission is required to make the following findings:

1. The project, as conditioned, is based upon sound principles of land use in that there is an existing lattice tower on the property and the proposal is consistent with the siting and design guideline policies that encourage collocating on an existing structure;
2. The project will not be detrimental to the public health, safety, and welfare, and will not result in the creation of a public nuisance, in that the project, as conditioned, will not be visually obtrusive to surrounding properties;
3. The project is consistent with the General Plan which designates the site as Urban Center Low.

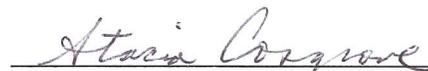
**Conclusion:** Staff recommends approval of the project since the proposal is consistent with the siting and design guideline policies that encourage collocating on an existing structure and the proposed facility will not be visually obtrusive to surrounding properties.

Respectfully submitted by:



EVAN COMPTON  
Associate Planner

Approved by:



STACIA COSGROVE  
Senior Planner

Recommendation Approved:

for   
GREGORY BITTER, AICP  
Principal Planner

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**Attachment 1  
Proposed Findings of Fact and Conditions of Approval  
Bannon Street Cellular Facility (P12-017)  
216 Bannon Street**

**Findings Of Fact**

- A. Environmental Determination:** 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 and Design Commission finds that the Project is exempt from review under **Section 15301 Existing Facilities** of the California Environmental Quality Act because it involves negligible or no expansion of an existing use.
- B. The Special Permit** to allow a 12 foot tower extension on an existing 114 foot lattice tower to locate four new antenna panels for a cellular facility in the General Commercial (C-2 SPD) zone and located in the River District Special Planning District is approved subject to the following Findings of Fact:
1. The project, as conditioned, is based upon sound principles of land use in that there is an existing lattice tower on the property and the proposal is consistent with the siting and design guideline policies that encourage collocating on an existing structure;
  2. The project will not be detrimental to the public health, safety, and welfare, and will not result in the creation of a public nuisance, in that the project, as conditioned, will not be visually obtrusive to surrounding properties;
  3. The project is consistent with the General Plan which designates the site as Urban Center Low.

**Conditions Of Approval**

The **Special Permit** to allow a 12 foot tower extension on an existing 114 foot lattice tower to locate four new antenna panels for a cellular facility in the General Commercial (C-2 SPD) zone and located in the River District Special Planning District is **approved** subject to the following conditions of approval:

**Planning**

1. The project shall conform to the approved plans as shown on the attached exhibits unless otherwise noted below. Any additional antennas may require a modification of the Special Permit. [Four antenna panels are approved.]

2. The overall height of the facility shall not exceed 126 feet. Any additional changes, additions, or modifications shall require Planning review and approval.
3. Should the antennas be discontinued for wireless services, the applicant or successors shall remove the antennas and related equipment within six months of termination.
4. The antenna panels shall be painted dull matte gray to match the existing lattice tower.
5. The ground equipment shall be screened with fencing as shown on the approved plans.
6. The applicant shall inspect the site at least once a quarter to ensure the site is maintained. The applicant shall make repairs to any fence or equipment damage discovered from the quarterly (or more frequent) inspections.

Fire

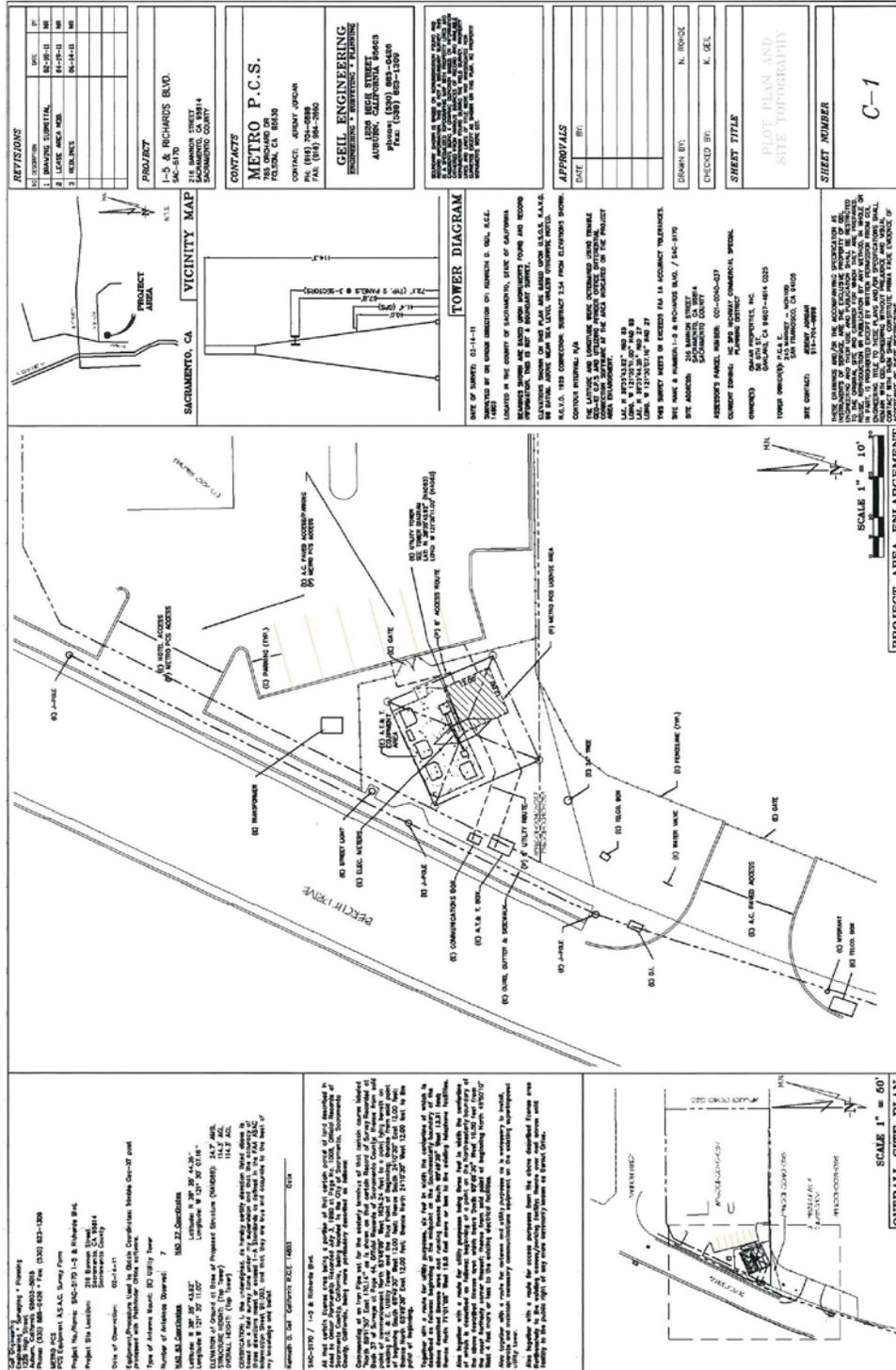
7. Knox access to the equipment enclosure shall be provided to the satisfaction of the Fire Department.

Advisory Notes Only

ADV1. A signed copy of the Affidavit of Zoning Code Development Standards, a signed copy of all pages in the Record of Decision of P12-017, shall be scanned and inserted as a general sheet(s) in the plan set for the building department submittal associated with this project.



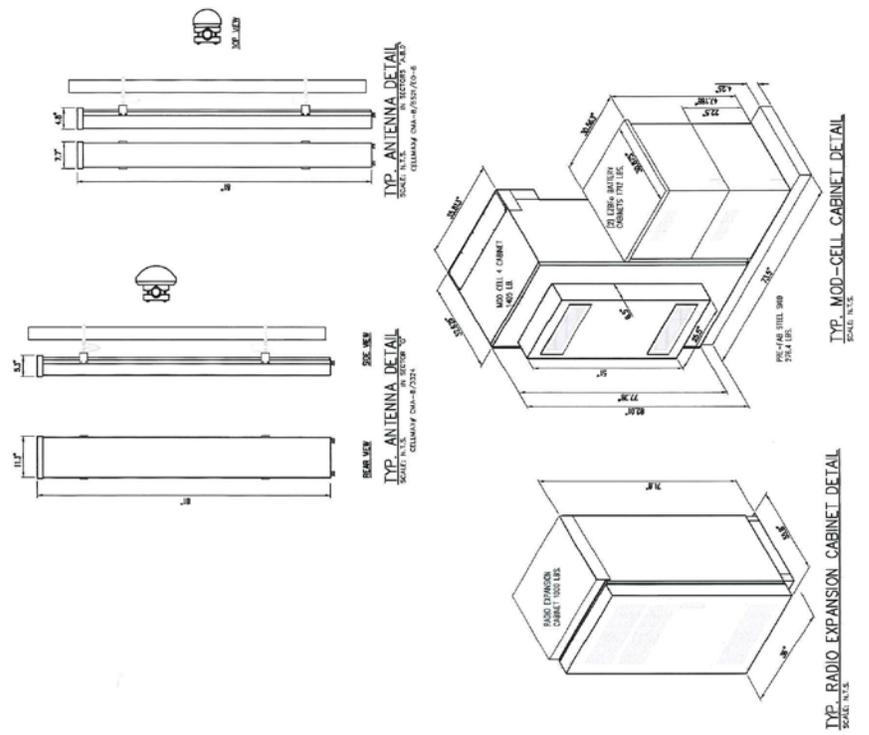
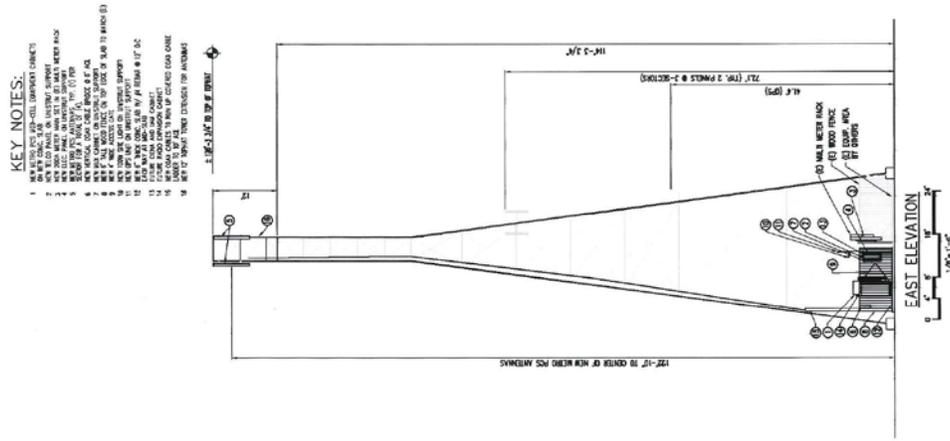
Exhibit B: Plot Plan and Site Topography



P12-017  
MAY 11, 2012

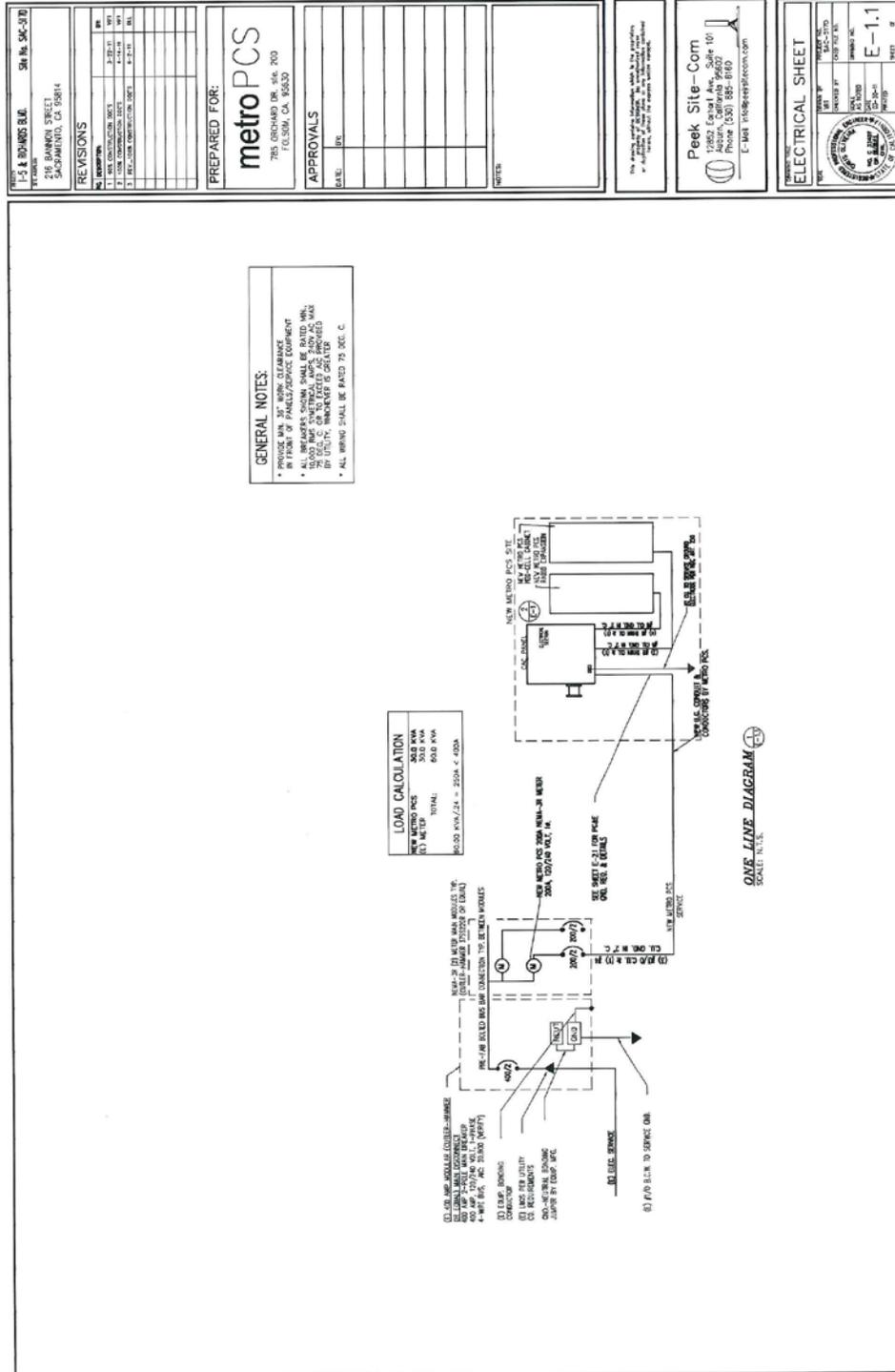


<b>THE J. HARRIS B.O.</b> 216 BANNON STREET SACRAMENTO, CA 95811	<b>REVISIONS</b> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> </tr> <tr> <td>1</td> <td>08/14/12</td> <td>...</td> </tr> <tr> <td>2</td> <td>08/14/12</td> <td>...</td> </tr> </table>	NO.	DATE	BY	1	08/14/12	...	2	08/14/12	...	PREPARED FOR: <b>metro PCS</b> 788 ORCHARD BLVD. #16, 200 FOLSOM, CA, 95630	<b>APPROVALS</b> <table border="1"> <tr> <th>DATE</th> <th>BY</th> </tr> <tr> <td> </td> <td> </td> </tr> </table>	DATE	BY			NOTES: The approval of this drawing is valid only for the authority or authority holder stated on this drawing.	<b>Peak Site-Com</b> 13825 Federal Ave., Suite 101 Auburn, California 95602 Phone: (530) 885-6160 E-Mail: info@peakstation.com	<b>ELEVATION</b> PROJECT NO. SAC-017D SHEET NO. 1 OF 1 DATE: 08/14/12 DRAWN BY: A-2 CHECKED BY: A-2
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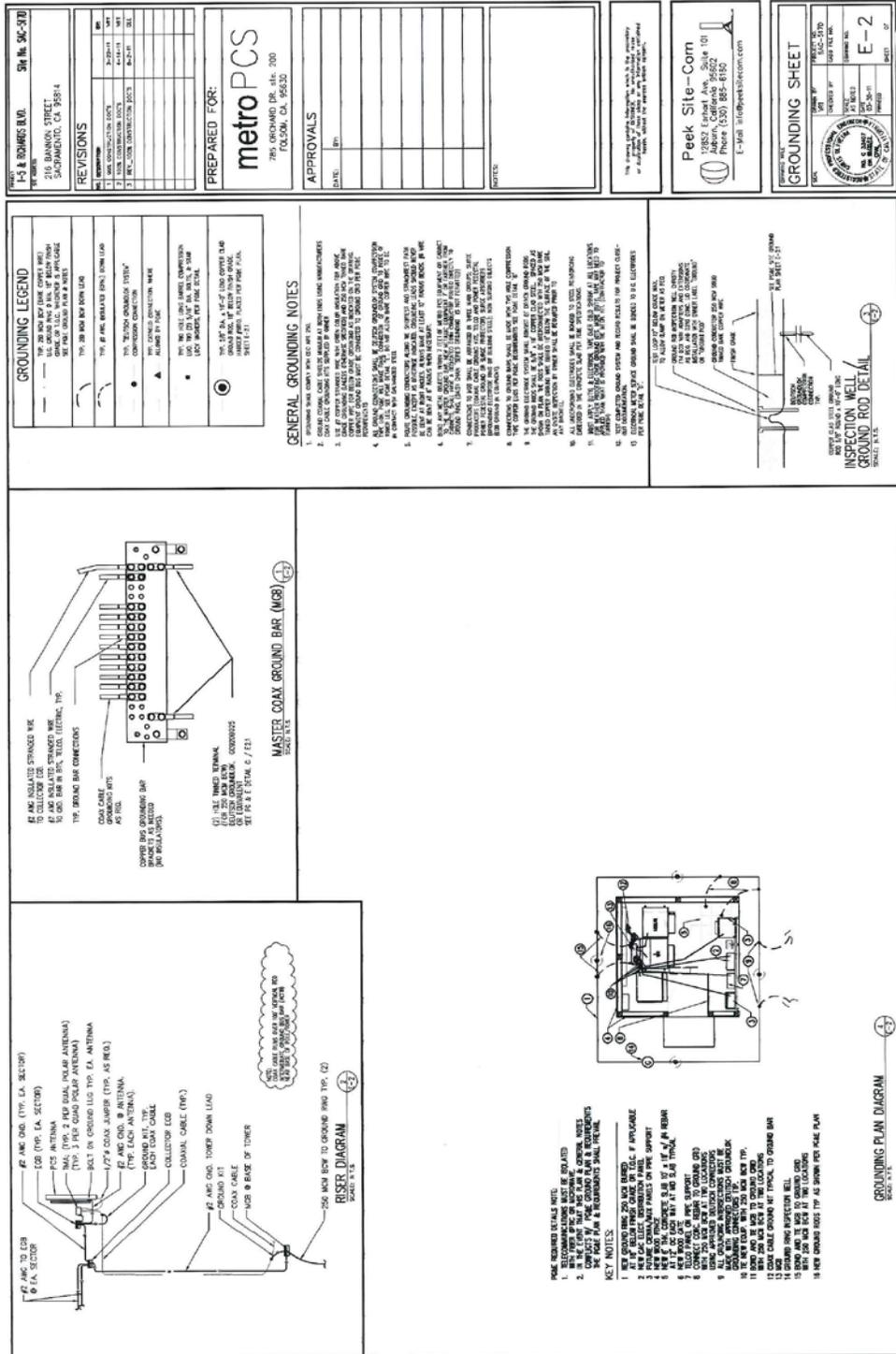
P12-017  
MAY 11, 2012





P12-017  
 MAY 11, 2012



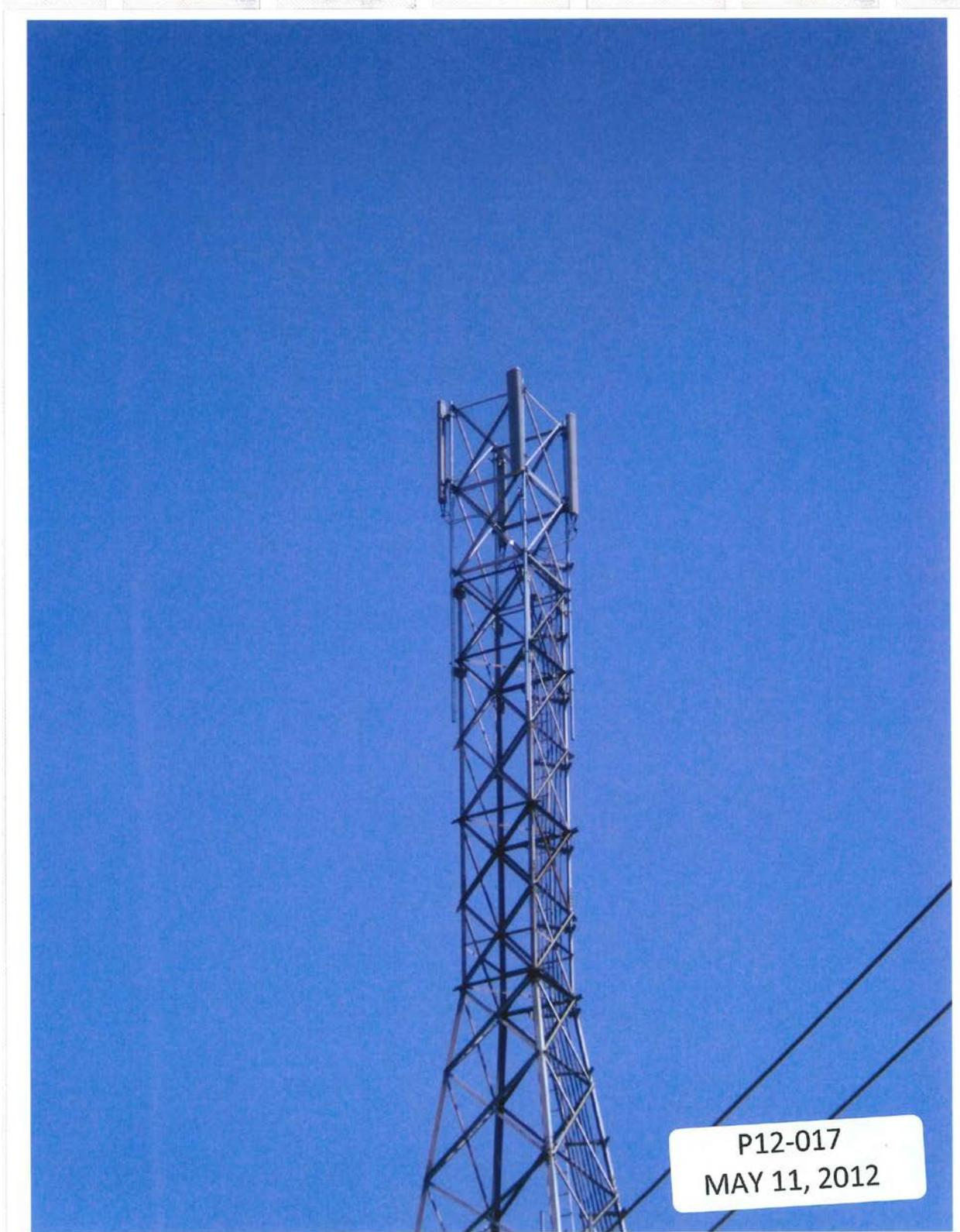


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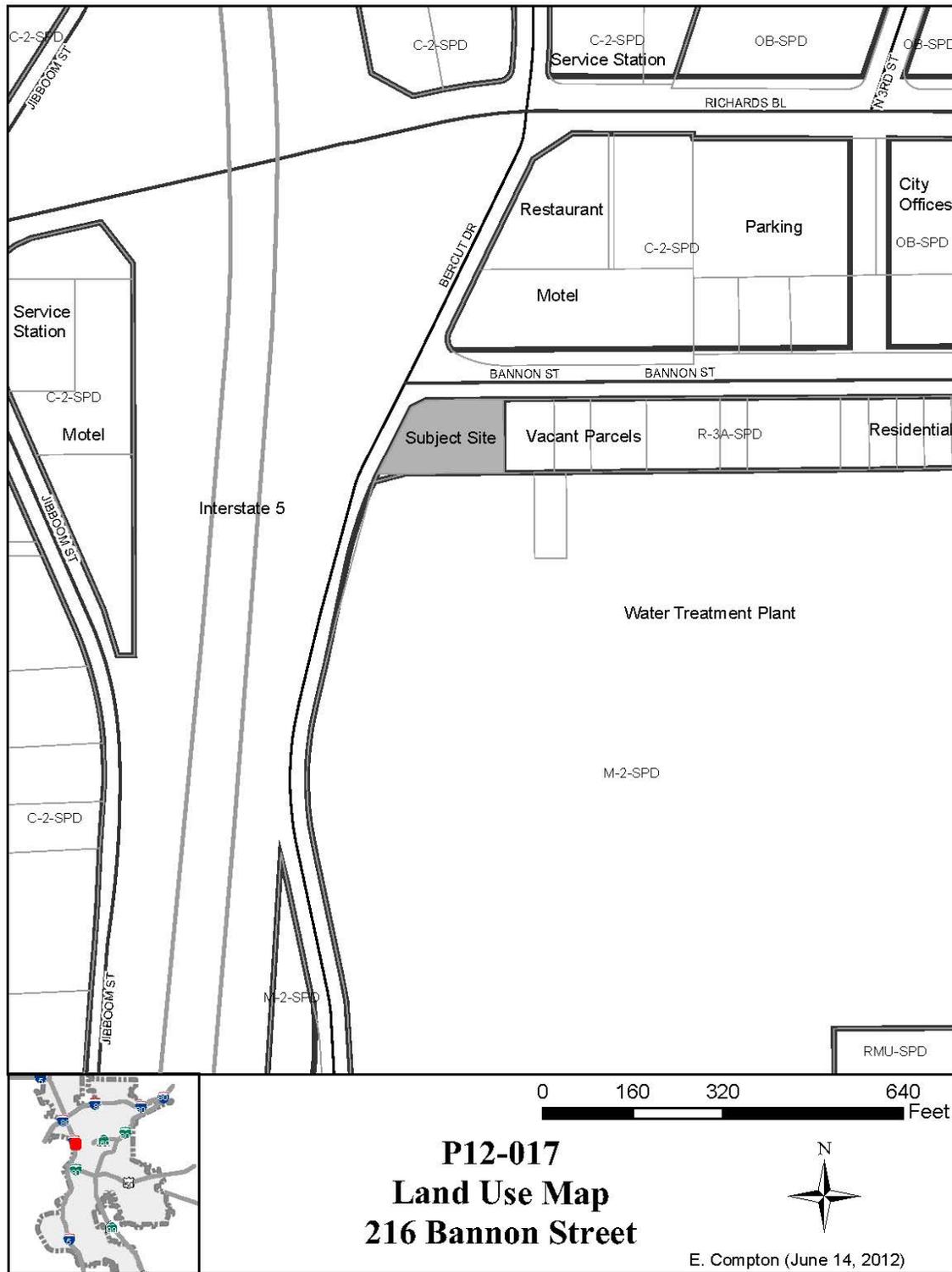
Exhibit I: Site Photo



Exhibit J: Close Up Photo of Antennas



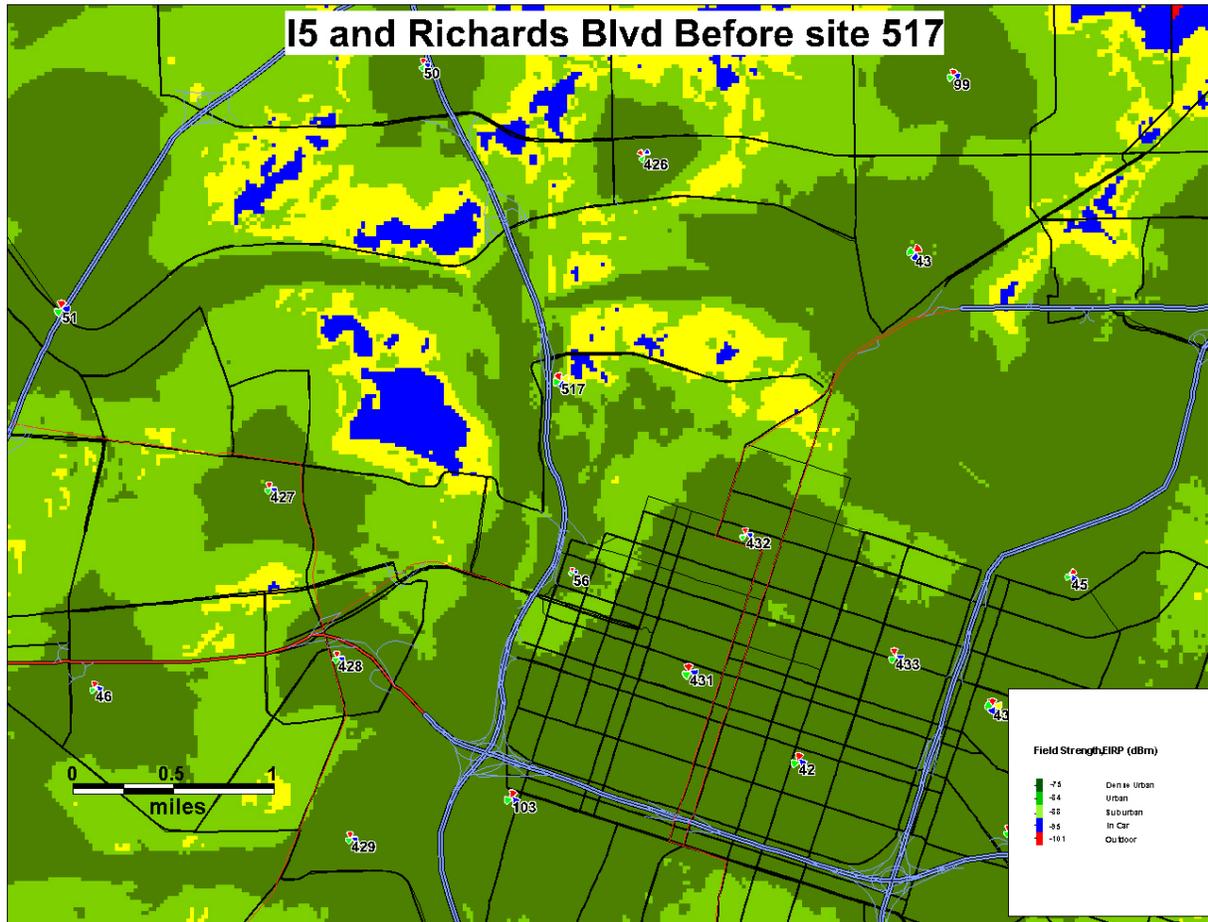
Attachment 2: Land Use and Zoning Map



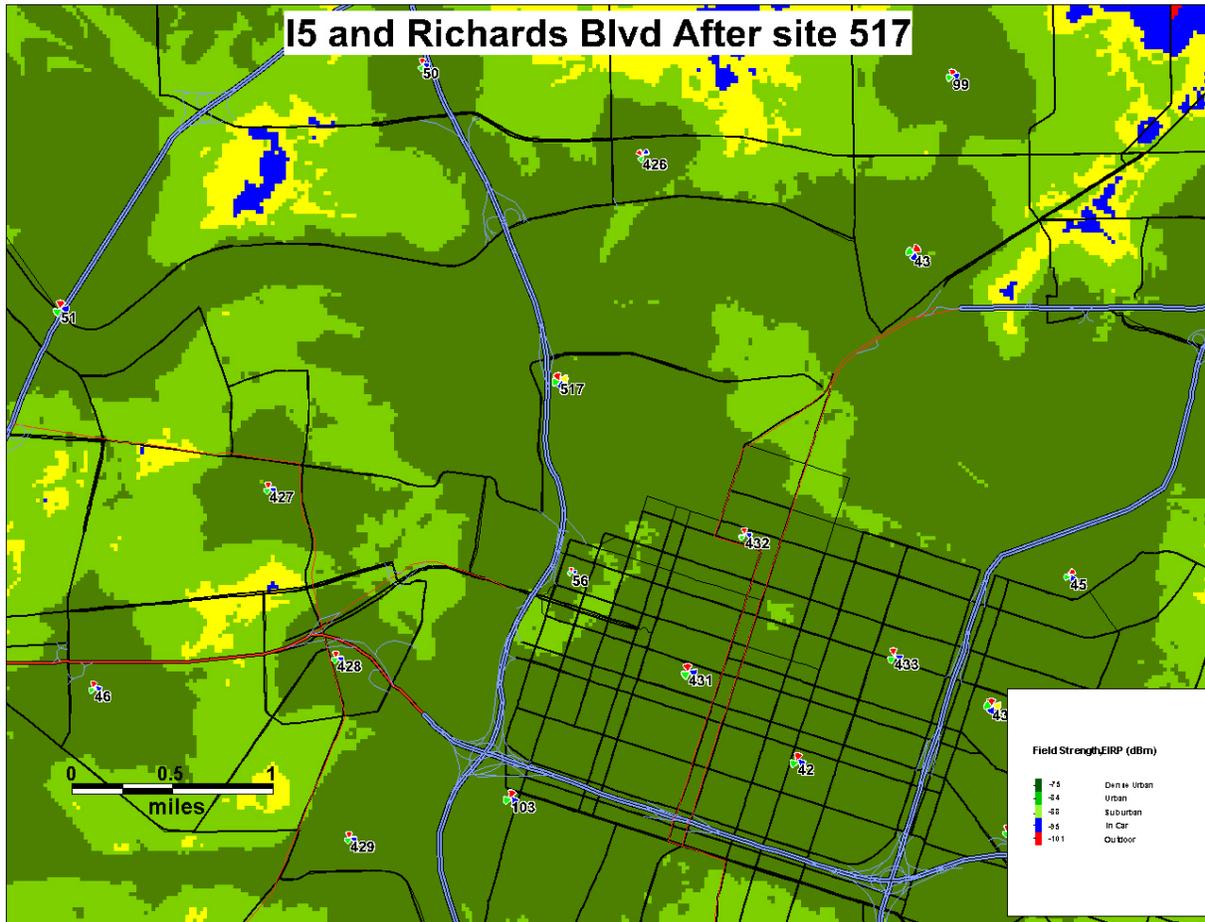
Attachment 3: Aerial Map



Attachment 4: Coverage Maps Before Installation of Proposal



Attachment 5: Coverage Maps After Installation of Proposal



Attachment 6: Letter from River District Property & Business Improvement District



**MEMORANDUM**

June 22, 2012

**TO:** City of Sacramento, Community Development  
**FROM:** Patty Kleinknecht, The River District  
**SUBJECT:** P12-017; 216 Bannon Street Cellular

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The River District has reviewed the application for a tower extension and new antenna on the existing lattice tower located at 216 Bannon Street in The River District and would like to express the following concerns regarding the project:

1. The site is located along Sacramento's busiest interstate and directly across from the Sacramento River; we have concerns regarding the aesthetics of this facility.
2. The public and private sectors are investing hundreds of millions of dollars in The River District. We would very much like to see this tower replaced with a less-visible, more decorative structure. Many designs have been developed, there should be one appropriate for this site.

## Attachment 7: Applicant Email Response to Comment Letter from River District PBID

**Evan Compton**

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**From:** Jerry Jazmadarian [jazmadarian@live.com]  
**Sent:** Tuesday, June 26, 2012 6:04 AM  
**To:** Evan Compton; 'Frame, Mike'; Gregory Bitter; Stacia Cosgrove  
**Cc:** Mike Mangiantini; Ari Miers; James Moran; Allred, Brian M; nicole.smith@ericsson.com; Schulz, Adria L; Gsell, Jack  
**Subject:** MetroPCS SAC517 - AT&T CN1399 - 216 Bannon Street

Evan:

Good morning and thank you kindly for sending us the correspondence from the River District Property and Business Improvement District. In reading the letter, we note that enhanced and robust wireless communications will definitely support the growth and development of business within this portion of the City so we are pleased to have offered our project to the community.

The letter, while compelling in nature, was dated June 20 which proceeded the planned Planning Commission hearing date of June 14. So, while the comments seem of general interest, the correspondence failed the test of a timely submittal according to the City's guidelines.

As we advance toward a new hearing, it might be appropriate to provide some perspective to this project .

1. The existing PG&E structure has been at it's current location for over 50 years and is a generally accepted vertical element within this community. PG&E and SMUD towers are ubiquitous throughout your City and the two commercial power providers host numerous wireless communications facilities in Sacramento, all of which have been permitted by your department.
2. PG&E has expended considerable resources to enhance the visual aspects of this tower. The tower cross-arms and the electrical conductors have been removed, thus creating a slimmer, sleeker and less visible profile.
3. The City provides a strong incentive for the wireless carriers to locate on utility towers. Section 17.24.050 (58) (c) (viii) specifically states that wireless carriers who co-locate on utility towers will be exempt from the requirement to seek an additional entitlement. Conversely this City Code provides a strong disincentive to carriers who seek to deploy new structures. AT&T and MetroPCS should be awarded for their efforts to comply with the City's overall development plan.
4. The general neighborhood of this tower is dominated by commercial and light industrial users. Any proposal to remove this communications tower and instead construct a 'more decorative structure' such as a fake tree is completely absurd and not worthy of further consideration.
5. The existing PG&E tower dwarfs in comparison to the adjacent 300 foot State-owned tower which is generally considered to be a blight at the northern entrance to your City. Any addition to that tower further contributes to the carnage. I personally have a passing interest in knowing about the District's comments regarding that behemoth.

In summary it appears that the most appropriate course of action would be for PG&E or it's tenants to provide the City with a letter of authorization signed by an officer of Omkar Properties Inc. Once received, the MetroPCS project can be heard before the Planning Commission. Interested agencies may submit written or oral testimony during that process which can be reviewed by the Commission.

Thanks again very much for your continued interest and support of our project.

Jerry Jazmadarian  
Project Manager for MetroPCS

Attachment 8: PG&E Letter with Easement Documentation



Grant Guerra

*Mailing Address*  
P.O. Box 7442  
San Francisco, CA 94120  
  
*Street/Courier Address*  
Law Department  
77 Beale Street  
San Francisco, CA 94105  
  
(415) 973-3728  
Fax: (415) 973-0516  
Email: GxGw@pge.com

July 26, 2012

Ms. Stacia Cosgrove, Senior Planner  
City of Sacramento  
Community Development Department  
300 Richards Blvd., 3<sup>rd</sup> Floor  
Sacramento, CA 95811

Re: Metro PCS application for cell site, MP-SAC517;  
Investigation & Report # IR11-080; I-5 and Richards, Sacramento

Dear Ms. Cosgrove:

This letter is regarding the above-referenced application to the Planning Commission for zoning approval for a Metro PCS cell site on an existing Pacific Gas and Electric (PG&E) transmission tower. The Planning Commission staff has requested that a Letter of Agency signed on behalf of the property owner, OmKar Properties, be submitted prior to a hearing on the proposed project. As we understand it, the Planning Commission staff wants to ensure that the owner consents to the project. The request for a Letter of Agency from the owner has been referred to PG&E's Law Department as it relates to the scope of PG&E's existing land rights. I am the attorney for PG&E that is assigned to matters relating to use of third-party property. As I explain below, because PG&E has acquired all necessary property rights to construct telecommunications sites on this property, the Letter of Agency should be considered unnecessary.

By way of background, PG&E acquired an easement on the subject property for its electric transmission facilities which was recorded in Book 680709 and Page 403 of Official Records (OR) of Sacramento County. In 2005, PG&E and the current owner of the property, OmKar Properties, entered into an Agreement for Modification of Easement which was recorded in Book 20050926 OR Page 2579. The Agreement for Modification of Easement grants PG&E the additional right to install and maintain telecommunications facilities on the property, as well as to assign, lease, permit, or license these rights to telecommunication service companies. PG&E has subsequently licensed use of the property for telecommunications facilities to Metro PCS. In view of PG&E's vested rights on the property under the Agreement for Modification of Easement, the Planning Commission staff's request that a Letter of Agency be obtained from the property owner for installation of such telecommunications facilities is not reasonably necessary. As noted above, the current record owner of the property was the signatory to the Agreement for

Ms. Stacia Cosgrove  
July 26, 2012  
Page 2

Modification of Easement, and conveyed to PG&E the express right to install such telecommunication facilities on the property. Under the circumstances, I do not believe there is any reasonable support for the staff's request that a Letter of Agency be submitted from the property owner. I therefore ask that the staff withdraw the request for this Letter of Agency and move forward with the Planning Commission hearing on Metro PCS' application.

I am available, should you or anyone with the City Attorneys' Office wish to discuss the points raised in this letter about the scope of PG&E's land rights on this property.

Very truly yours,



Grant Guerra

GG:rt

Enclosures

cc: w/o enclosures  
Maya Herr-Anderson  
Mike Frame

LD 2109-04-0975  
2005085 (22-05-087) 7 05 1  
New Cingular Wireless PCS, LLC  
Site #: NC-ST-570-01  
Allison-Davis 60 kv, Twr 63/105 (40904980)



Sacramento County Recording  
Craig A Kramer, Clerk/Recorder  
BOOK 20050926 PAGE 2579

RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY  
N10A, 245 Market Street, Room 1015  
P.O. Box 770000  
San Francisco, California 94177

Cheek Number 2181  
Monday, SEP 26, 2005 3:28:16 PM  
Ttl Pd \$16.00 Nbr-0063874194  
001-Unincorp. DTT PAID  
DLN/17/1-4

Location: City/County Sacramento  
Recording Fee \$ 16.00  
Document Transfer Tax \$ 16.50  
 Computed on Full Value of Property Conveyed, or  
 Computed on Full Value Less Liens & Encumbrances  
Remainder at Time of Sale  
Signature of declarant or agent determining tax

consideration  
\$15,000.00

AGREEMENT  
MODIFYING AN EASEMENT

OMKAR PROPERTIES, INC., a California corporation, hereinafter called Grantor, makes this agreement with PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called PG&E, affecting the lands of Grantor, situate in the City of Sacramento, County of Sacramento; State of California, and described as follows:

(APN 001-0040-037)

The parcel of land conveyed by Omkar Partnership to Omkar Properties, Inc. by deed dated September 29, 1998 and recorded as Recorder's Serial Number 199810010385 in the Official Records of said County of Sacramento, and therein designated PARCEL ONE.

PG&E is the owner of the following right of way and easement (hereinafter called the Easement) across Grantor's said lands:

The right of way and easement conveyed by the State of California to Pacific Gas and Electric Company by deed dated May 24, 1968 and recorded in Book 68-07-09 of Official Records at page 403, Sacramento County Records, for utility purposes and incidents thereto.

PG&E desires, and Grantor is willing, to modify said Easement to include additional rights for telecommunications facilities.

NOW, THEREFORE, in consideration of the foregoing and for good and valuable consideration paid to Grantor by PG&E, the receipt of which is hereby acknowledged, the Grantor hereby grants to PG&E the additional right to install, construct, maintain, repair, replace,

P12-017  
MAY 11, 2012

use and operate, for the purposes of transmitting information in any form, telecommunications equipment, including, but not limited to, wires, fiberoptic cables, powered transceiver stations, and antennae, and related appliances, appurtenances, and fixtures, affixed to or suspended from PG&E's towers or placed upon or in the ground adjacent to PG&E's towers or poles within the parcel of land described in said Easement, together with the right to install, receive and maintain utility services therefor across Grantor's said lands.

Grantor further grants to PG&E the right to assign, lease, permit, or license to telecommunication service companies any or all of the additional rights granted herein together with the right of ingress and egress granted in said Easement.

Except as expressly set forth herein, this agreement shall not in any way alter, modify, or terminate any provision of said Easement.

This agreement shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF the parties hereto have executed this agreement this 8 day of August, 2005.

Grantor:  
OMKAR PROPERTIES, INC.,  
a California corporation

PACIFIC GAS AND ELECTRIC COMPANY,  
a California corporation

By Ramesh D. Patel  
RAMESH D. PATEL, President

By Ettore M. Minor  
Ettore M. Minor  
Supervisor-Land Rights Services

By \_\_\_\_\_

Area 6, Sacramento Valley Region, Sacramento Division  
Land Service Office: GO  
Operating Department: Electric Transmission  
T9N, R4E, M388M  
Sec 35, NE4ofNE4  
PG&E Drawing Number: 21304, R-3886  
AF: LD 2109-04-0554  
TYPE OF INTEREST: 2, 26, 42  
Order #: 8071047  
JCN: 22-05-087  
County: Sacramento  
Prepared By: TEP

P12-017  
MAY 11, 2012