

DEPARTMENT OF  
PUBLIC WORKS  
  
REAL ESTATE

CITY OF SACRAMENTO  
CALIFORNIA

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May 19, 1997

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City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT:** AN ORDINANCE AMENDING TITLE 12, CHAPTER 12.04, RELATING TO REVOCABLE PERMITS GRANTED TO CELLULAR/WIRELESS COMMUNICATIONS PROVIDERS FOR FACILITIES LOCATED ON CITY-OWNED PROPERTY

**LOCATION/COUNCIL DISTRICT:**

Citywide. All council districts.

**RECOMMENDATION:**

It is recommended that the City Council adopt the attached ordinance amending Title 12, Chapter 12.04, relating to Revocable Permits granted to cellular/wireless communications providers for facilities located on City-owned property.

**CONTACT:** Bruce Alei, Supervising Real Property Agent, 264-5055

**FOR COUNCIL MEETING OF:** May 27, 1997

**SUMMARY:**

This report is a follow-up to the hearing on this item that occurred on April 29, 1997. As requested, this ordinance was presented to the Parks and Recreation Citizens Advisory Committee (CAC) on April 15, 1997 and they recommended it for approval by City Council (please refer to background section for further details). This proposed ordinance amendment sets forth the recommended City policy and procedure for cellular/wireless telecommunications occupancy grants on City property. The proposed ordinance amendment will address the following three issues:

- The intent of the policy.
- The obligations that will apply to telecommunications providers for use of City property.

City Council  
Ordinance Amending Title 12, Chapter 12.04 Relating to Revocable Permits  
May 23, 1997

- The process for obtaining permission to use City property.

**BACKGROUND:**

- On April 15, 1997 the Law and Legislation Committee approved forwarding the attached ordinance to the full Council for adoption.
- On April 22, 1997 City Council passed this proposed ordinance for publication.
- At the April 29, 1997 City Council hearing on this item, Council asked that this item be sent to the CAC.
- On May 15, 1997 the proposed ordinance was presented to the CAC. The Committee requested that they have the opportunity to review and comment on the proposed application fee, revocable permit agreement, and uniform schedule of initial one-time fees, as called for in the ordinance. Staff agreed to provide the Committee this opportunity for review and comment.

The CAC also requested that they continue to be involved in the review and recommendations to City Council once an application for Revocable Permit or Zoning Permit, which ever occurs first, is received by the City for any park property or on any facility that would impact a park.

The present City Ordinance regarding revocable permits does not adequately address cellular/wireless facilities located on City-owned property. Existing ordinance language primarily addresses temporary construction permits for Public Utility Commission (PUC) authorized companies use within City streets.

Growth in the telecommunications industry, coupled with the Federal Communication Commission (FCC) issuance of new licenses and sale of additional frequency bands in the past three years, has resulted in the City being inundated with revocable permit applications for wireless telecommunication sites.

It is the intent of the Department of Public Works, through this policy ordinance and through coordination with the Planning Department's current telecommunications ordinance changes, to create an equitable, nondiscriminatory and competitively neutral procedure for all wireless telecommunications applicants. In brief, the key provisions of the ordinance may be summarized as follows:

- Formal Application Process for Revocable Permit

The ordinance requires that each telecommunication provider submit a formal application to the City on a prescribed form, which clearly describes the facilities proposed and the desired location on City property.

City Council

Ordinance Amending Title 12, Chapter 12.04 Relating to Revocable Permits

May 19, 1997

- Application Processing Fee

An application processing fee designed to cover all City staff costs associated with services relative to application processing will be required from all applicants. This fee will cover City staff costs for Real Estate Services, Neighborhood Services, and the City Attorney's Office.

- Form of Agreement Between City and Applicant

As part of the revocable permit, a formal agreement between the City and applicant will be required. The ordinance specifies a standard form agreement to be utilized for all applicants which outlines all of the terms and conditions upon which the permit is to be issued.

- Rental and Other Charges

The application process shall be administered by the City in a non-discriminatory manner through the use of standardized procedures for establishing fair market rental, and a uniform schedule of initial onetime fees.

- Review & Approval

All applications for revocable permits shall be reviewed by the Director of Public Works (or designee). The Director of Public Works shall refer all such applications to the City Council together with a recommendation concerning the approval, conditional approval, or denial of such permit.

**FINANCIAL CONSIDERATIONS:**

The proposed ordinance allows the City to recover its reasonable staff costs for processing revocable permit applications from the application processing fee. All additional funds received through the agreement for issuance of revocable permit for fair rental value on the City's land or facility will be available for other City purposes as determined by City Council. In addition to monetary compensation, the agreement may contain provisions granting to the City air time usage or other such service as compensation from the telecommunications provider.

**POLICY CONSIDERATIONS:**

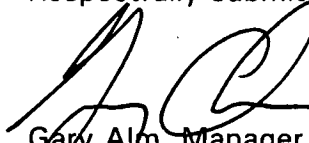
The proposed ordinance will create policy and procedures relative to revocable permits for telecommunications providers for cellular/wireless facilities located on City-owned property.

City Council  
Ordinance Amending Title 12, Chapter 12.04 Relating to Revocable Permits  
May 15, 1997

**MBE/WBE:**

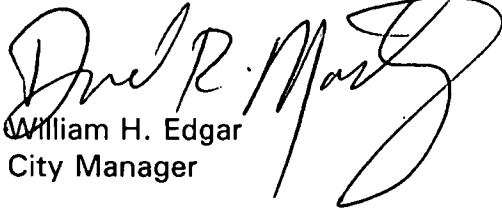
Not applicable. Information only.

Respectfully submitted,



Gary Alm, Manager  
Real Estate Services and Special Districts Division

RECOMMENDATION APPROVED:



William H. Edgar  
City Manager

Approved:



Michael Kashiwagi  
Director of Public Works

APPROVED  
BY THE CITY COUNCIL  
MAY 27 1997  
OFFICE OF THE  
CITY CLERK

ORDINANCE NO. 97-028

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 12,  
CHAPTER 12.04, RELATING TO REVOCABLE  
PERMITS FOR TELECOMMUNICATIONS PROVIDERS FOR  
FACILITIES LOCATED ON CITY-OWNED PROPERTY

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO, AS  
FOLLOWS:

SECTION 1. Intent

By enactment of this ordinance, it is the intention of the City Council to establish uniform, nondiscriminatory procedures for allowing telecommunications providers to locate telecommunications facilities on City-owned property. The revocable permit process is the appropriate method for administering such usage of City-owned property, in order to assure that the City Council retains maximum flexibility and discretion as to public property for purposes of exercise of its police power and other powers and duties to the residents of the City of Sacramento. This ordinance is based upon the authority vested in the City Council by the Sacramento City Charter, the constitution and laws of the State of California, and the Telecommunications Act of 1996, P.L. 104-104.

SECTION 2.

Sacramento City Code, Title 12, Chapter 12.04, is hereby amended to add Section 12.04.122, to read as follows:

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ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

**12.04.122 Telecommunications facilities located on City-owned property.**

(a) Exclusive procedure. Except as specifically otherwise stated herein, the procedures specified in this section shall be the exclusive procedure governing revocable permits for telecommunications facilities which are proposed to be located on City-owned property. Nothing in this section shall preclude the application of the following provisions, and any applicant for a revocable permit shall comply therewith:

(1) all applicable land use regulations, including but not limited to City zoning regulations and guidelines;

(2) Sacramento City Code Section 12.04.120, relating to revocable permits for use of city rights of way or easements.

(3) Sacramento City Code Section 38.03.026, relating to excavation permits and street cuts; and

(4) Sacramento City Code, Title 23, relating to business occupation tax certificates.

The revocable permit application required hereunder may be filed by an applicant while land use and other applications are pending; provided, however, that no revocable permit shall be issued unless and until all other required City, state or federal permits have been obtained by the applicant, and all other state, federal and City requirements including but not limited to subsections (1) through (4) above, have been met.

(b) Definitions. The following definitions shall apply to terms used in this section:

(1) Telecommunications facilities. Facilities designed for the provision of cellular telephone facilities and other personal wireless services, including but not limited to transmitters, towers and other equipment.

(2) Personal wireless services. Personal wireless services, as defined in 47 U.S. Code 332(c)(7)(C).

(3) Telecommunications provider. A provider of cellular telephone or other personal wireless services.

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ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

(4) Utility relocation. Any required move or relocation of an existing installation or equipment owned by any provider of utility or utility-related services, whether such provider is a private or public entity, including but not limited to the City, where such move or relocation is necessitated by installation, improvement, renovation or repair of telecommunications facilities installed on City-owned property.

(5) Utility relocation costs. Any actually incurred cost or expense associated with a utility relocation.

(6) City-owned property. Any property owned, rented or leased by the City, or in which the City has the right to use or occupancy by virtue of an easement, right of way, or other similar interest in property; provided, however, that the provisions of this section shall not apply to street easements or right of way owned by the City, where the telecommunications provider will be installing wire, conduit or similar equipment within the street. For purposes of this section, "property" includes real property or improvements thereon, and personal property, fixtures or equipment. City-owned property shall also include traffic signals, City lighting or other poles or similar equipment, whether within or outside the street right of way, where telecommunications facilities are to be located or installed thereon.

(7) Collocation. The location by the same or different telecommunication providers of telecommunication facilities together in the same location or on the same tower, pole, or other structure.

(c) Application.

(1) A telecommunications provider proposing to locate telecommunications facilities on City-owned property shall make application to the City Director of Public Works through the Real Estate Services Section Supervisor, on a form provided for that purpose.

(2) The application shall clearly describe the telecommunications facilities proposed to be installed, the City property on which the facilities are proposed to be installed, and their exact proposed location thereon, including such specifications, drawings, maps and other illustrations as are required by the City Director of Public Works, through the Real Estate Services Section Supervisor.

(i) The Real Estate Services Section Supervisor shall, within thirty (30) days from the date of receipt of the application, make a determination as to whether the application is complete in all respects, and whether the applicant has applied for all other required land use entitlements and other required state, federal or City permits or licenses. If no such determination is made within the thirty (30) day period, the application shall be deemed complete. In the event that the application is determined incomplete, the applicant shall be notified in writing of the nature and extent of the deficiencies.

(ii) Upon a determination that the application is complete, or upon expiration of the thirty (30) day period for making that determination, the Real Estate Services Section Supervisor shall process the application and meet with the applicant as required in order to determine whether the application should be granted or denied. The application may be denied for good cause, may be conditionally approved, or may be approved, subject to required procedures for approval by the City Council. No application or agreement may be approved or conditionally approved by the City Council unless all required land use entitlements, including but not limited to those required by City zoning regulations and guidelines, have been obtained by the applicant.

(iii) In the event that the application is denied, the applicant shall be notified in writing of the denial, with a written statement of the reasons for the denial. The notice shall be sent by United States mail to the applicant at the address listed on the application.

(iv) An applicant whose application has been denied may appeal the denial to the City Manager, whose determination shall be final. Any such appeal shall be by letter or other written communication delivered to the City Manager within fifteen (15) days from the date that the notice of denial was mailed.

(3) The application shall be accompanied by an estimated processing fee, established by resolution of the City Council, designed to recover all City staff costs in processing the application, including but not limited to the City Department of Public Works, the Neighborhood Services Department, and the City Attorney. The application shall contain a statement that by executing the application, the applicant agrees to pay any processing costs in excess of the estimated application fee, upon billing thereof by the City.

(4) The application process shall be administered by the City in a nondiscriminatory manner, through the use of standardized procedures for establishing fair market rental, and a uniform schedule of initial, one time fees. All negotiations and discussions shall be conducted by assigned City staff.

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ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_





(d) Agreement for issuance of revocable permit; issuance of revocable permit.

(1) The City Council shall, by resolution, adopt a form of agreement that shall be utilized for all applicants proposing to locate telecommunications facilities on City-owned property. The agreement form shall specify all of the terms and conditions upon which the permit is to be issued, including but not limited to the term; provisions for renewal; termination and revocation provisions; compensation to the City, including but not limited to a one-time initial fee and rental rates; if applicable, provisions for space requirements or reservations for public use; provisions for fee escalation based upon a consumer price index procedure; use and nuisance restrictions; construction requirements and specifications; maintenance and repair responsibilities; insurance, liability limitation provisions, and indemnification obligations; provisions relating to payment of taxes including but not limited to possessory interest taxes, to the extent applicable; assignment restrictions; provisions requiring a permittee to notify before excavation ("one call" requirements); and other provisions as may be required by the City Attorney.

(2) Upon approval by the City Director of Public Works through the Real Estate Services Section Supervisor of an application pursuant to subsection (c), the applicant shall execute a copy of the pre-approved form of agreement for issuance of a revocable permit. Upon execution of the agreement, City staff shall seek approval of the City Council. Upon City Council approval of the agreement, and upon approval as to form by the City Attorney, the City Manager or designee shall execute the agreement.

(3) Upon full execution of the agreement, and subject to subsection (a) and payment by the applicant of any further processing fees owing, the one time initial fee and any rental due, the City Director of Public Works through the Real Estate Services Section Supervisor shall issue the revocable permit. Each such permit shall be non-exclusive, and shall be in a form approved by the City Director of Public Works through the Real Estate Services Section Supervisor. The permit form shall refer to the agreement for issuance of revocable permit, which agreement shall govern the permit during its entire term.

(e) Relocation. Where utility relocation is required either because of the applicant's construction or installation of its facilities, or by virtue of a subsequent City project, the entire utility relocation cost shall be payable by the permittee whose telecommunication facilities are required to be relocated. Nothing in this section shall be interpreted to affect, adversely or otherwise, a permittee's ability to recover all or any part of the relocation cost from another utility or provider located on or adjacent to the City-owned property.

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ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

(f) Collocation. Where appropriate and feasible, telecommunication facilities located on City-owned property shall be collocated.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

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ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

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City Council  
Ordinance Amending Title 12, Chapter 12.04 Relating to Revocable Permits  
May 19, 1997

- The process for obtaining permission to use City property.

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- Formal Application Process for Revocable Permit

The ordinance requires that each telecommunication provider submit a formal application to the City on a prescribed form, which clearly describes the facilities proposed and the desired location on City property.

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**AN ORDINANCE ADDING SECTION 2-C-77 AND 2-E-59 TO THE COMPREHENSIVE ZONING ORDINANCE (ORDINANCE NO. 2550, FOURTH SERIES AS AMENDED) AND REPEALING SUBSECTION 2-G-10 OF THE COMPREHENSIVE ZONING ORDINANCE, RELATING TO THE REGULATION OF ANTENNAS AND TELECOMMUNICATIONS FACILITIES (M96-043)**

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

## Section 1

Section 2-C of the Comprehensive Zoning Ordinance (Ordinance No. 2550, 4th Series as amended) is amended by adding subsection 77 thereto to read as follows:

77. Antennas and  
Telecommunications Facilities: [matrix, which will reference footnote E-59]

## Section 2

Section 2-E of the Comprehensive Zoning Ordinance (Ordinance No. 2550, 4th Series as amended) is amended by adding subsection 59 thereto to read as follows:

### **59. Antennas and Telecommunications Facilities**

- A. **General:** Except as provided below, a Special Permit approved by the Planning Commission or the Zoning Administrator shall be required to establish or locate in a residential or non-residential zone a telecommunications facility, including an antenna, a telecommunications tower or other similar structure, and any related equipment, used for the transmission, reception or both, of electromagnetic waves. Except as provided below, telecommunications facilities and related equipment used for the transmission, reception or both of electromagnetic waves are not permitted within any residential zone. The procedures specified in Section 15 of this Ordinance shall apply to special permits sought pursuant to this subsection.

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ORDINANCE NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

**B. Definitions:** The following definitions shall apply for purposes of this subsection:

**amateur radio antenna:** an antenna used to receive and/or transmit radio signals on the amateur radio bandwidth, as designated by the Federal Communications Commission.

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

**common skeletal antenna:** a ground or building mounted receive-only antenna used to receive UHF, VHF, AM and FM signals of off-air broadcasts from radio and television stations.

**equipment building, shelter or cabinet:** a cabinet or building used to house equipment used by telecommunications providers to house equipment at a facility.

**monopole:** a wireless communication facility which consists of a monopole structure, erected on the ground to support wireless communication antennas and connecting appurtenances.

**related equipment:** all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.

**satellite receive only antenna:** a ground or building mounted receive only antenna, including a dish antenna, used to receive radio or television signals from orbiting communications satellites.

**telecommunications tower:** a mast, pole, monopole, guyed tower, lattice tower, free-standing tower or other structure designed and primarily used to support antennas, to include dishes, arrays, and similar devices.

**telecommunications facility:** a facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures support said equipment, equipment buildings, parking area, and other accessory development.

**C. Exempt antennas:** The following antennas, along with any related equipment and any related equipment building, shelter or cabinet, are exempt from the special permit requirements of this subsection and may be located in any zone provided the particular standards and

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

specifications, if any, set forth below are satisfied; and provided further, the applicable development standards and requirements, including but not limited to height limits and setbacks, established by this Ordinance are satisfied. In the event of any conflict between the particular standards and specifications set forth below and other provisions of this Ordinance, the provisions set forth below shall prevail.

1. common skeletal antennas.
2. amateur radio antennas.
3. satellite receive only antennas.
4. mobile services providing public information coverage of news events of a temporary nature.
5. hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices as determined by the Planning Director.
6. other exempt antennas; residential zone: antennas other than those specified above which are designed and intended for the exclusive use of the residents of the property on which they are located and which are incidental and customary to such residential use are allowed in the residential zone.
7. other exempt antennas; non-residential zones: the following antennas are permitted in non-residential zones without a special permit, subject to site development plan review and approval by the Zoning Administrator prior to issuance of building permits. Antennas exempt pursuant to this subsection C-7 shall not be subject to Design Review.
  - a. facade mounted panel antennas: An antenna which is mounted on the facade of a building or structure is exempt, provided that the building or structure is not located within a preservation district and is not listed on the City's Register, the California Register, or the National Register of Historic Places; and provided further that the antenna and any related equipment and any related equipment shelter, building or cabinet meet all of the following requirements:
    - i. the lowest part of the antenna shall be at least twenty feet (20') above grade;
    - ii. no portion of the antenna or related equipment shall project above the roof parapet or penthouse roof line;

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FOR CITY CLERK USE ONLY

ORDINANCE NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

- iii. no portion of the antenna or related equipment shall extend out more than eighteen (18) inches from the facade of a building;
- iv. the square footage of all antenna panels on a facade of a building shall not exceed twenty-five (25) square feet or ten percent (10%) of the square footage of such facade, whichever is greater;
- v. antenna panels and all brackets and cables shall be painted to match the structure at the point of attachment.
- vi. any related equipment building, shelter or cabinet shall be located either on the roof of, or within, the building upon which the antenna is mounted or within any building located on the same parcel as the building on which the antenna is mounted or on the ground outside of any required setback or parking area. An equipment building, shelter or cabinet located on the roof of a building shall satisfy the requirements of this Ordinance for mechanical equipment located on the roof of a building, and the Zoning Administrator may require that the equipment building, shelter or cabinet be screened.

b. collocation on signs: An antenna which is collocated on a sign and which does not increase the height of the sign shall be treated as a facade mounted antenna panel and shall be exempt provided the requirements for facade mounted antenna panel set forth above are satisfied.

D. Special Permit Required: A special permit approved by the Zoning Administrator or the Planning Commission as specified below shall be required for any non-exempt antenna or telecommunications facility and any related equipment or related equipment building, shelter or cabinet. Notwithstanding any other provisions of this Ordinance, the Planning Commission and the Zoning Administrator, as specified, shall have the authority to grant a special permit for a structure regulated by this subsection that exceeds the applicable height limits established for the zone in which it is to be located.

1. Residential antennas exceeding height limits: A Zoning Administrator Special Permit may be issued to allow for an antenna in a residential zone that would be exempt pursuant to Paragraph C above, except for its height. Nothing herein is intended to allow the Zoning Administrator, pursuant to this subparagraph, to authorize a structure in a residential zone that is not constructed and used for the exclusive use of the residents of the property on which it is located and or that is not incidental and customary to residential use.

2. Use of existing buildings and structures:

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FOR CITY CLERK USE ONLY

ORDINANCE NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

a. Non-exempt facade mounted panel antennas:

- i. non-residential zone: A Zoning Administrator Special Permit may be issued to allow for a facade mounted panel antenna located in a non-residential zone which fails to satisfy all of the requirements for the exemption set forth in subsection C-7-a above.
- ii. residential zone: A Planning Commission Special Permit may be issued to allow for a building facade mounted panel antenna and related equipment in a residential zone; provided that no Special Permit may be approved for installation of a building facade mounted panel antenna and related equipment on a single family or two-family dwelling.

b. Other Uses of Existing Buildings and Structures:

- i. non-residential zone: A Zoning Administrator Special Permit may be issued to allow for the addition of an antenna and any related equipment and related equipment building, shelter or cabinet to an existing building or structure located in a non-residential zone provided the addition does not rise more than twelve (12) feet above the topmost portion of the building and the addition does not project out more than six (6) feet from any portion of the building or structure. Any equipment building, shelter or cabinet shall be located either on the roof of, or within, the building upon which the antenna is mounted or within any building located on the same parcel as the building on which the antenna is mounted; or on the ground outside of any required setback or parking area. An equipment building, shelter or cabinet located on the roof of a building shall satisfy the requirements of this Ordinance for mechanical equipment located on the roof of a building, and the Zoning Administrator may require that the equipment building, shelter or cabinet be screened.
- ii. residential zone: A Planning Commission Special Permit may be issued to allow for the addition of an antenna and related equipment to an existing building or structure located in a residential zone, provided the addition does not rise more than twelve (12) feet above the topmost portion of the building and the addition does not project out more than six (6) feet from any portion of the building or structure; and provided further that no antenna and related equipment may be added or installed on any single family or two family dwelling unless it is for the sole and exclusive use of the residents of the dwelling. Any equipment building, shelter or cabinet shall be located either on the roof of, or within, the building upon which the antenna is mounted or within any building located on the same parcel as the building on which the antenna is mounted; or on the ground outside of any required setback or

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FOR CITY CLERK USE ONLY

ORDINANCE NO.: \_\_\_\_\_

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parking area. An equipment building, shelter or cabinet located on the roof of a building shall satisfy the requirements of this Ordinance for mechanical equipment located on the roof of a building or structure, and the Zoning Administrator may require that the equipment building, shelter or cabinet be screened.

3. **New Telecommunications Towers:** All new telecommunications towers, including monopoles, shall require approval of a Planning Commission Special Permit. Except as provided in subparagraph "a" and in subsection D-6 below, telecommunications towers may not be located on any residentially zoned parcel. The replacement of an existing structure with a telecommunication tower, including a monopole, shall be considered to constitute a new telecommunications tower; and except as provided in subsection D-4 below, a Special Permit shall be required pursuant to subsection D-3 to install such a telecommunications tower.

a. **Exception: residentially zoned parcels used for non-residential purposes:** Notwithstanding the foregoing provisions, a special permit may be approved to locate a telecommunications tower on a residentially zoned parcel which is developed and used for non-residential purposes.

b. **Residential zone: additional notice required:** In addition to the notice required by Section 15-C for Planning Commission Special Permits, when an application has been filed pursuant to this subsection D-3 to locate a telecommunications tower on a residentially zoned parcel, notice shall be given to owners of parcels located within a radius of one thousand (1,000) feet of the parcel on which the proposed telecommunications tower will be located.

4. **Collocation on Existing Telecommunications Towers:** Additional antenna may be added to an existing telecommunications tower pursuant to the following provisions:

a. **No Special Permit Previously Issued:** Additional antenna and any related equipment or equipment building, shelter or cabinet may be added to an existing telecommunications tower for which no special permit has previously been issued pursuant to the following provisions:

i. **Zoning Administrator Special Permit:** A Zoning Administrator Special Permit shall be required to add additional antenna and related equipment to an existing structure located in any zone other than a residential zone or the F, A or OS zone, provided that the antenna will not increase the overall height of the existing structure;

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FOR CITY CLERK USE ONLY

ORDINANCE NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

- ii. **Planning Commission Special Permit:** A Planning Commission Special Permit shall be required to add additional antenna and related equipment to an existing structure located in any residential zone or in the F, A or OS zone, or if the antenna will increase the overall height of the existing structure.
  
- b. **Special Permit Previously Issued: Special Permit Modification Required:** Upon approval of a Special Permit Modification by the Zoning Administrator or Planning Commission pursuant to the following provisions, additional antenna and any related equipment may be added to an existing telecommunications tower for which a special permit has previously been issued; along with any necessary equipment building, shelter or cabinet.
  - i. **Zoning Administrator Approval:** The Zoning Administrator shall have the authority to approve a Special Permit Modification to add additional antenna and related equipment or equipment building, shelter or cabinet in the following situations:
    - a) when the additional antenna will be attached to a telecommunications tower other than a monopole and the antenna will not increase the overall height of the tower;
    - b) when the additional antenna will be attached to a telecommunications tower other than a monopole and will increase the overall height of the telecommunications tower, provided that the overall height is within the height limit of the zone and provided further that the tower is not located in a residential zone or in the F, A or OS zones;
    - c) when the additional antenna will be attached to a monopole without increasing the overall height of the monopole, either on the same monopole or on a replacement monopole that will be of the same or lower height than the original monopole and will be in the same or proximate location as the original monopole, and provided that the tower is not located in a residential zone;
    - d) when the additional antenna will be attached to a monopole so as to increase the overall height of the monopole either on the same monopole or on a replacement pole that will be of a greater height than the original monopole and will be in the same or proximate location as the original monopole, provided that the overall height is within the height limit of the zone, and provided further that the tower is not located in a residential zone or in the F, A or OS zones.

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DATE ADOPTED: \_\_\_\_\_

- ii) **Planning Commission Approval:** The Planning Commission shall have the authority to approve a Special Permit Modification to add additional antenna and related equipment to an existing telecommunications tower for which a Special Permit has previously been approved in situations other than those specified in subparagraph i) above.
  - iii) All equipment shelters, buildings or cabinets shall be located on the ground outside of any required setback area or parking space.
5. **Location of Antennas on Existing Structures Other Than Telecommunications Towers:** Subject to approval of a Planning Commission or Zoning Administrator Special Permit as specified below, a non-facade mounted antenna, along with related equipment, may be approved for location on an existing structure other than a telecommunications tower, such as, by way of example, an existing water tower or other similar structure.
- a. **Zoning Administrator Special Permit:** A Zoning Administrator Special Permit shall be required to add additional antenna and related equipment to an existing structure located in any zone other than a residential zone or the F, A or OS zone, provided that the antenna will not increase the overall height of the existing structure;
  - b. **Planning Commission Special Permit:** A Planning Commission Special Permit shall be required to add additional antenna and related equipment to an existing structure located in any residential zone or in the F, A or OS zone, or if the antenna will increase the overall height of the existing structure.
6. **Antennas and Telecommunications Facilities on Governmental Property, Including City Property:** A Special Permit approved by the Planning Commission or Zoning Administrator as specified herein shall be required to locate on property of the City of Sacramento, federal government, the State of California, the County of Sacramento, a local agency or any other governmental entity ("governmental property") an antenna or telecommunications facility, and any related equipment or equipment building, shelter or cabinet, that is not exempt pursuant to Paragraph C above or is not otherwise exempt from regulation under this Zoning Ordinance.
- a. **Planning Commission Special Permit:** Except as provided below, a Planning Commission Special Permit shall be required to locate an antenna or telecommunications facility on governmental property which has a residential zoning designation; on governmental property which does not have a zoning designation; or on non-residential governmental property with a zoning designation which, if affixed to private property, would require approval of a Planning Commission Special Permit pursuant to the provisions of Paragraphs A through D above to locate the proposed antenna or telecommunications facility on such property.

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ORDINANCE NO.: \_\_\_\_\_

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- b. Zoning Administrator Special Permit: A Zoning Administrator Special Permit shall be required to locate an antenna or telecommunications facility on governmental property if a Zoning Administrator Special Permit would be required to locate the same antenna or telecommunications facility on non-governmental property with the same zoning designation pursuant to the provisions of Paragraphs A through D above. For purposes of this provision, property without a zoning designation under this Ordinance shall be presumed to be residential.
  - c. Exception: No Special Permit is required for facade mounted panel antennas which meet the requirements of Paragraph C-7-a.
  - d. Agreement re: Use of City Property: In addition to a Special Permit, a revocable permit or other agreement or arrangement authorized by Chapter 12 of the City Code and approved as specified therein shall be required to locate an antenna or telecommunications facility on City property.
- E. Compliance with FCC Requirements: All FCC rules, regulations and standards shall be met for all antennas and telecommunications facilities in any zoning district, in addition to any other requirements set forth in Paragraphs A through D above or imposed as conditions of approval of a Special Permit or Special Permit Modification.
- F. Development and Design Guidelines: The Council may, by resolution, establish development and design guidelines for antennas and telecommunications facilities. Such guidelines may be adopted following at least one public hearing before the Planning Commission and one public hearing before the City Council, which shall be noticed in the same manner as hearings on text amendments pursuant to Section 13-A-8 of this Ordinance. The Council may refer proposed development and design guidelines to the Planning Commission and the Design Review and Preservation Board for review and recommendation. Guidelines adopted pursuant to this Paragraph shall be consistent with the development standards and requirements of this Ordinance, including Paragraphs A through E above, and shall be considered and applied by the Zoning Administrator and Planning Commission when considering Special Permits and Special Permit Modifications pursuant to this provision.

**Section 3.**

Section 2-G-10 of the Comprehensive Zoning Ordinance is repealed.

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ORDINANCE NO.: \_\_\_\_\_

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**Section 4.**

A resolution establishing development and design guidelines for telecommunication facilities has been processed with, and will be considered for adoption upon enactment of, this ordinance. It is the intent of the Council that the guidelines shall thereafter be subject to amendment in the manner specified in Section 2-E-59-F of the Zoning Ordinance, as amended by Section 2 of this ordinance.

**Section 5.**

Severability. If any portion of this Ordinance is declared invalid, the remaining portions shall be considered valid and shall remain in effect.

PASSED FOR PUBLICATION:

PASSED:

EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

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