

**CITY OF SACRAMENTO
DEPARTMENT OF PLANNING & DEVELOPMENT
ZONING ADMINISTRATOR
1231 I Street, Sacramento, CA 95814**

ACTION OF THE ZONING ADMINISTRATOR

On Tuesday, August 29, 1995, the Zoning Administrator ratified the negative declaration and denied a special permit to erect a monopole for cellular antenna panels for the project known as Z95-049. Findings of Fact for the project are listed on page 4.

Project Information

- Request: 1. Negative Declaration
2. Zoning Administrator Special Permit for a cellular communications 75 foot high monopole with twelve antenna panels and two microwave dishes, and a 336 square foot equipment shelter on 0.29± vacant acres in the Heavy Industrial, Special Planning District (M-2) (SPD) zone.

Location: 334 Bannon Street

Assessor's Parcel Number: 001-0052-004

Applicant: Cellular One (Karen Brainerd) 10030 Goethe Road Sacramento, CA 95827	Property Owner: Tom and Alice Miyaoka-Trust 112 N. Highland Avenue Los Angeles, CA 90036
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General Plan Designation: Special Planning District
Central City

Community Plan Designation: Public Utilities

Existing Land Use of Site: Vacant

Existing Zoning of Site: Heavy Industrial, Special Planning District (M-2) (SPD)

Surrounding Land Use and Zoning:

- North: M-2 (SPD); Trucking Terminal
- South: M-2 (SPD); Water Treatment Plant
- East: M-2 (SPD); Single Family
- West: M-2 (SPD); Multi-family

Property Dimensions:	100 feet by 126.43 feet
Property Area:	0.29 _± acres
Square Footage of Building:	336 square feet
Height of Monopole:	75 feet
Exterior Building Materials:	Metal
Roof Materials:	Metal
Topography:	Flat
Street Improvements:	Partially developed
Utilities:	Existing

Project Plans: See Exhibits A-C

Correspondence: See Exhibits D-E

Previous Files: None

Additional Information:

According to the Zoning Ordinance, any cellular equipment (antennas) which both receives and transmits signals and meets the height requirements of the zone where it is proposed to be located requires a special permit from the Zoning Administrator. The applicant proposed to locate a 75 foot monopole with cellular antenna panels and a 336 square foot equipment shelter on the west side of a vacant industrial site within the Richards Boulevard Special Planning District. While the project site is technically vacant, it is utilized as residential yard area by the owners of the adjacent residential units to the east and west. The applicant proposed to pave the entire 30 foot by 123 foot section of the lot for the cellular site. The equipment shelter was proposed to be 12 feet by 28 feet and ten feet high. The area was also proposed to be enclosed with an eight foot high chain link fence with three strands of barbed wire on the top. The proposed monopole location was 40 feet from the front property line and 19 feet from the west property line with the equipment building eight feet behind the monopole. The pole location was also approximately 29 feet from the windows of the adjacent second story residence.

Public/Neighborhood Association Comments:

The site is located within the Richards Boulevard PAC area. The proposed plans were submitted to the PAC and the committee initially indicated that they supported the project as they were informed by the applicant that the project site was vacant and none of the adjacent property owners were in opposition. Upon hearing about the adjacent residential property owners and tenants opposition to the project, the PAC has reconsidered its initial position of support. Staff received a letter from the PAC stating "The PAC now has serious concerns related to the location of a tower in near proximity to existing residents. Because the item was not officially posted on the PAC's agenda, the PAC did not take any official action in order to conform with the Brown Act." (see Exhibit D)

Staff was contacted by one of the adjacent tenants about the surrounding residential property owners and tenants opposition to the project. The residents have lived in the area for many years and do not want the tower and structure to be located between their houses. Staff also talked to the residential property owners on the east and west side of the site. They also indicated their concerns as this site would put an industrial use in their common yard area and within five feet of the residence on the west side. The adjacent property owners maintain the area for the site owner who lives in Los Angeles, CA. They also submitted eight letters in opposition to the project from adjacent property owners and tenants (see Exhibit E, sample opposition letter).

The site is also located within the Richards Boulevard Design Review area. The applicant submitted an application to the Design Review staff.

Zoning Administrator Hearing:

At the Zoning Administrator hearing Cellular One's representative, Karen Brainerd, was present to present the request for the cellular tower and equipment building on the Bannon Street site. A presentation was given by Sandra Yope, planning staff to the Zoning Administrator, describing the project and the City's environmental review process. Several neighbors (five) were present to voice their opposition to the project. Three of the neighbors addressed the Zoning Administrator stating their concerns about the industrial use located between their homes, the potential noise and health effects of the tower and associated equipment in such close proximity to their bedrooms, and the potential hazards of generators and fuel storage.

After listening to the presentations indicated above, the Zoning Administrator closed the public hearing. The Zoning Administrator found that the project as proposed would not have a significant adverse impact on the environment and ratified the negative declaration. The Zoning Administrator, however, also determined that while the site and adjacent properties are all zoned industrial the site is clearly located in a residential area that has been in existence for many years. Planning and SHRA staff indicated to the Zoning Administrator's staff that they anticipated that the residences would be used for at least another 10 years. The Zoning Administrator found that locating the monopole and equipment shelter in-between two single family homes would have an aesthetic impact on the residents of the area and was out of character with the neighborhood. There are other industrially zoned properties in the area that are better suited for the monopole structure. Therefore, the Zoning Administrator denied the special permit request for a 75 foot cellular monopole with antenna panels.

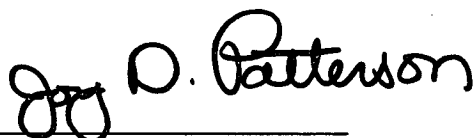
Environmental Determination:

This project, as proposed, will not have a significant impact on the environment and a negative declaration with no mitigation measures has been prepared and filed.

Findings of Fact:

1. The proposed project, as conditioned, is not based upon sound principles of land use in that:
 - a. the monopole with antenna panels would have been located on a vacant heavy industrial zoned site that has residential uses located immediately to the east and west of the site;
 - b. there are other industrial properties and facilities within the area that the cellular equipment could be located on that would not directly impact residential uses; and
 - c. the proposed cellular project would be out of character with the adjacent and nearby residential uses to the east and west of the site.

2. The project will be detrimental to the public health, safety, and welfare and result in a nuisance in that:
 - a. the proposed cellular equipment shelter and monopole would have been located within 29 feet of an adjacent two story single family residence and the driveway to the site would have been within five feet of the residence;
 - b. the design and location of the monopole and equipment building would significantly impact the adjacent residential properties; and
 - c. the proposed location of the cellular monopole and equipment building is in the center of several residential properties that are owner occupied and have been for many years.



Joy D. Patterson
Zoning Administrator

A use for which a Special Permit is granted must be established within two years after such permit is approved. If such use is not so established the Special Permit shall be deemed to have expired and shall be null and void. A Special Permit use which requires a Building Permit shall be deemed established when such Building Permit is secured and construction thereunder physically commenced. If no building permit is required, the use shall be deemed established when the activity permitted has been commenced.

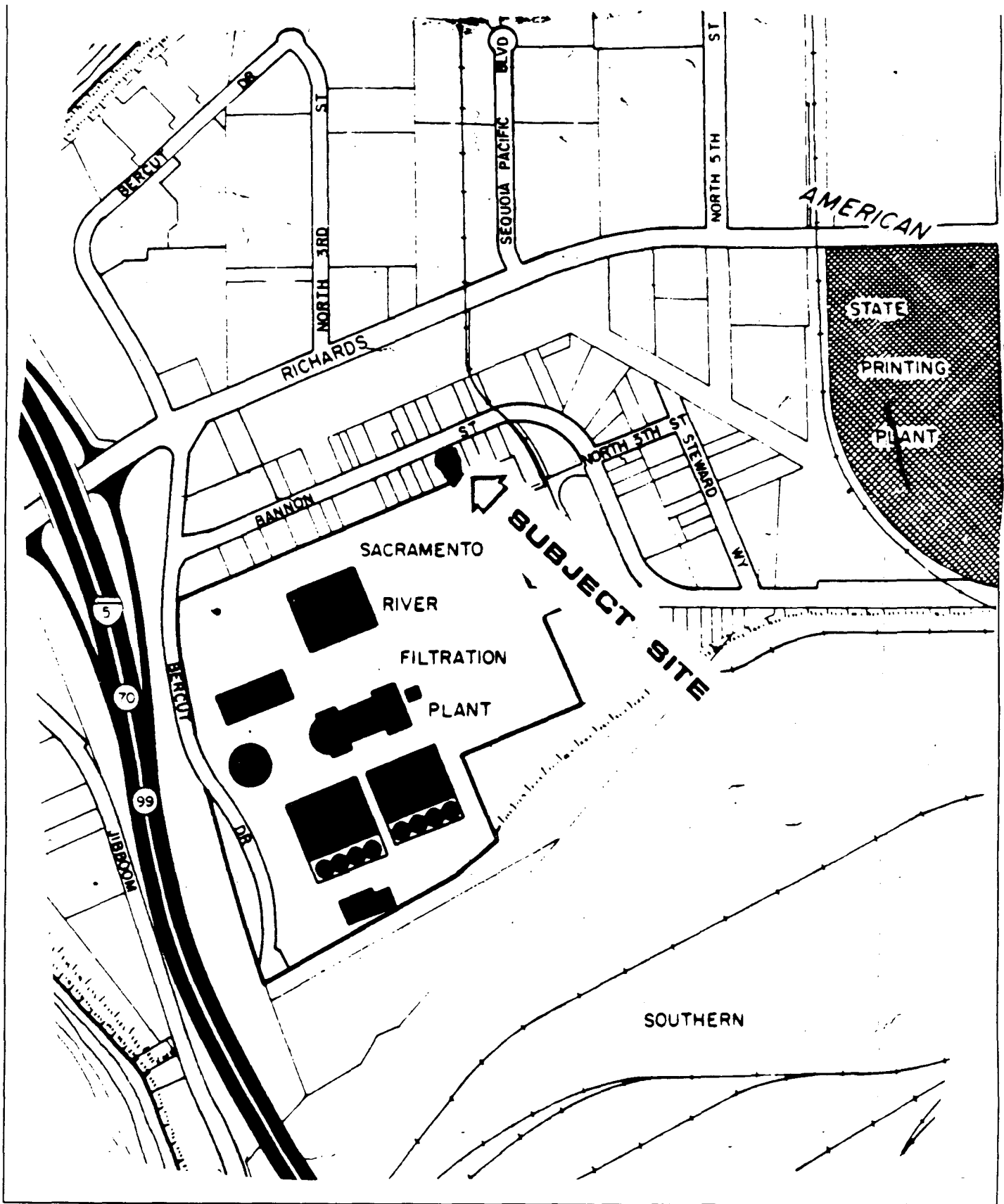
The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

cc: File ↩

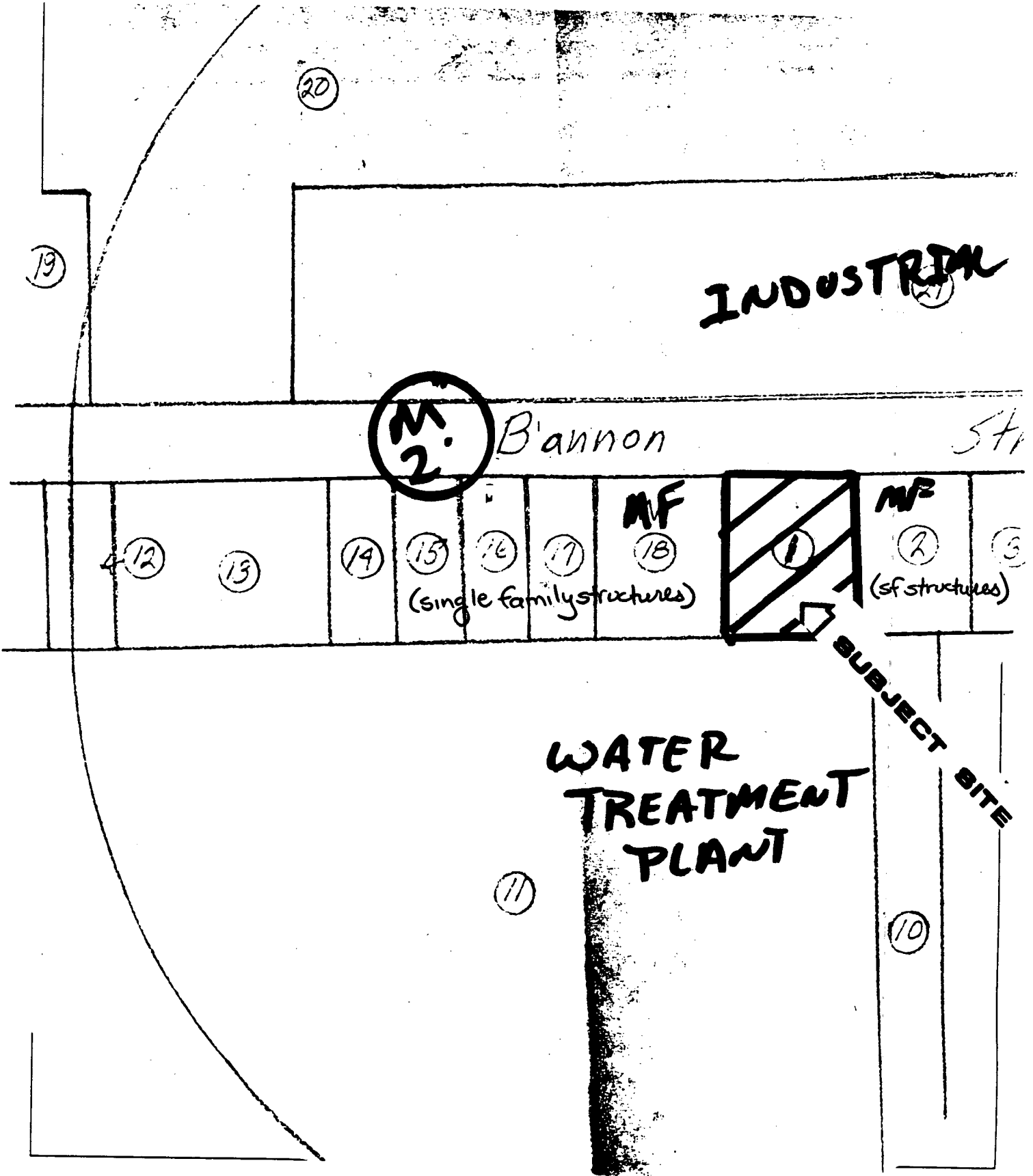
Applicant ↩

ZA Log Book ↩

- Enrique Carrasco; 328 Bannan Street; Sacramento, CA 95814
- Paul Blumberg, Sacramento Housing and Redevelopment Agency
- Greg Moorad, QUAD Consultants



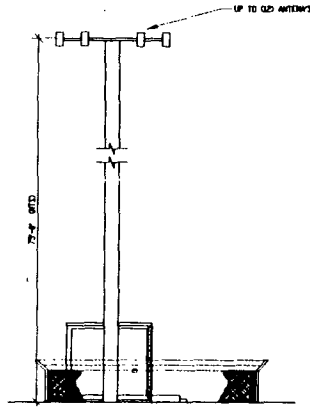
VICINITY MAP



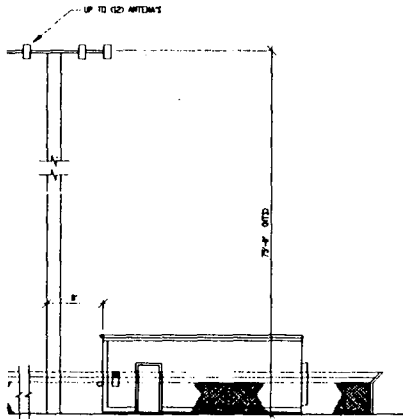
LAND USE & ZONING MAP

September 28, 1995

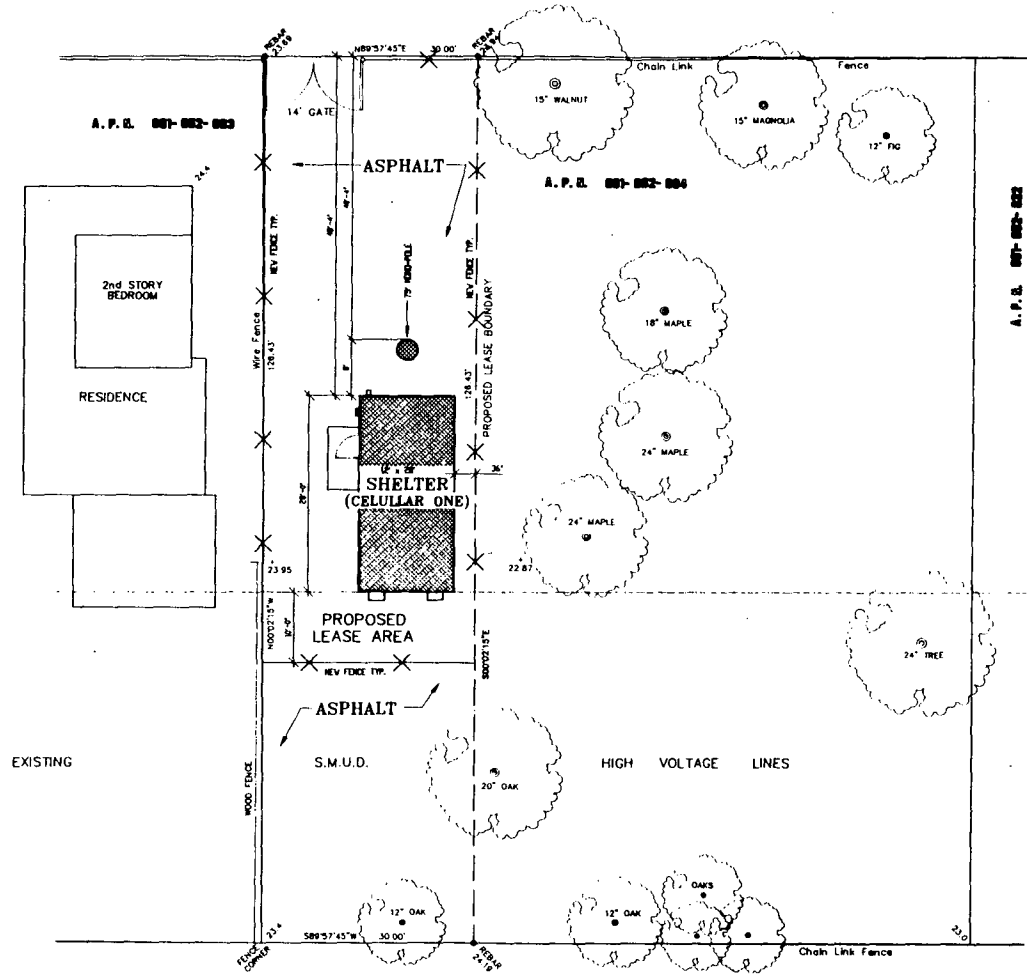
Z95-049



NORTH ELEVATION
SCALE 1/8" = 1'-0"



WEST ELEVATION
SCALE 1/8" = 1'-0"



SITE PLAN
SCALE 1/8" = 1'-0"

PROJECT OWNER:
 NAME: SACRAMENTO CELLULAR TELEPHONE
 ADDRESS: 8000 GETTIE ROAD, SACRAMENTO, CA 95827
 CONTACT: _____
 PHONE #: _____

PROJECT DATA:
 SITE NAME: OLD SACRAMENTO SITE
 ADDRESS: _____
 PROPERTY OWNER: _____
 CITY/COUNTY: SACRAMENTO
 PROJECT ID #: _____
 APN #: 00-000-000

Cellular One

Fallon Engineering
 CIVIL / STRUCTURAL / ENERGY
 2000 WASHINGTON BLVD., SACRAMENTO, CA 95833 (916) 555-7700

REVISION/DESCRIPTION	DATE

PROJECT: **OLD SACRAMENTO SITE**

DATE: _____

SITE PLAN	
DESIGNED BY: _____	PROJECT NO: _____
CHECKED BY: _____	CADD FILE NO: _____
SCALE: AS NOTED	DRAWING NO: _____
DWG: S-95	DATE: _____
PRINTED: _____	SHEET: A-2 OF _____

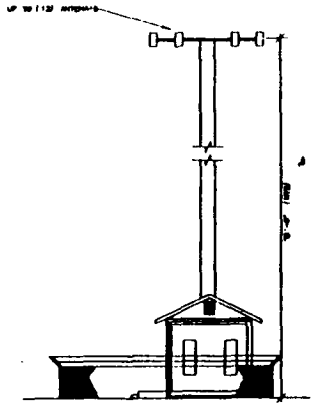
ITEM 3

AUGUST 29, 1995

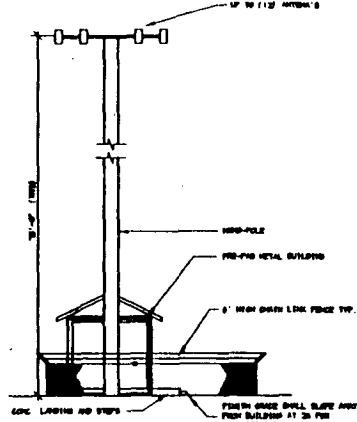
Z95-049

September 28, 1995

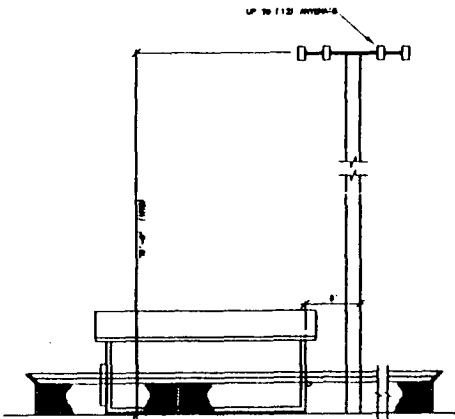
Z95-049



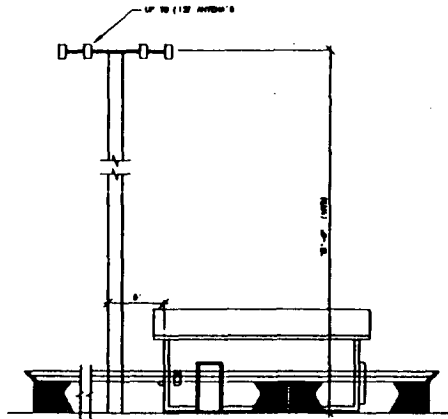
SOUTH ELEVATION
SCALE 1/8" = 1'-0"



NORTH ELEVATION
SCALE 1/8" = 1'-0"



EAST ELEVATION
SCALE 1/8" = 1'-0"



WEST ELEVATION
SCALE 1/8" = 1'-0"

REVISION

PROJECT OWNER:
 NAME: SACRAMENTO CELLULAR TELEPHONE
 ADDRESS: 1600 ACUTE WAY
 SACRAMENTO, CA 95811
 CONTACT:
 PHONE #:

PROJECT DATA:
 SITE NAME: OLD SACRAMENTO SITE
 ADDRESS:
 PROPERTY OWNER:
 CITY/COUNTY: SACRAMENTO
 PROJECT ID #:
 APN #: 001-023-004



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Fallon Engineering
 CIVIL / STRUCTURAL / ENERGY
 1000 14th St., Suite 200
 Sacramento, CA 95811 (916) 441-1111

NO.	REVISION/DESCRIPTION	DATE

PROJECT:
 OLD SACRAMENTO SITE

EXT. ELEVATIONS

NO.	SCALE	DATE	BY	CHECKED BY
1	1/8" = 1'-0"	09/28/95		
2				
3				
4				
5				

A-3

ITEM 3

AUG 29, 1995

Z95-049

EXHIBIT D

SACRAMENTO HOUSING & REDEVELOPMENT AGENCY

ITEM # 10

Z95-049

September 28, 1995

PAGE 15

August 29, 1995

MEMORANDUM

TO: Sandra Yope, Associate Planner
FROM: Paul Blumberg, Senior Planner
RE: Proposed Bannon Street Telecommunication Tower

Thank you for providing Sacramento Housing and Redevelopment Agency (Agency) staff an opportunity to comment on the Cellular One telecommunication tower proposed to be located at 334 Bannon Street in the Richards Boulevard Area. Back in March 1995, Agency staff met with the applicant, Michael Shoaff of Cellular One, to review the proposed project in terms of the conformance with redevelopment goals and objectives for the area. At that time, staff did not have any objections regarding the project's size, location, and design, and informed both City Planning staff and the applicant that Agency staff would not object to issuance of the special permit. However, at that time we were not aware of the near proximity of existing residential units, nor that the residents were opposed to the project.

Nor did the Richards Boulevard Project Area Committee (PAC) express initial objections to the project. On April 17, 1995, the Richards Boulevard PAC heard a presentation by representatives of Cellular One, and had the opportunity to question the applicant. Unfortunately, no representative from the Bannon Street residents was present at this meeting. The project applicant did indicate that Cellular One had consulted with adjacent property owners, and that at that time there was no opposition by adjacent property owners. We believe that given the early stage in the permit review process, it is probable that neighborhood residents were not yet fully aware of the scope of the project. However, at the PAC meeting of August 28, 1995, the PAC discussed the Bannon Street neighborhood's concerns. The PAC now has serious concerns related to the location of a tower in near proximity to existing residents. Because the item was not officially posted on the PAC's agenda, the PAC did not take any official action in order to conform with the Brown Act. The PAC did request that the applicant and the concerned neighbors present the issues at the PAC's next regularly scheduled meeting (September 25, 1995).

Given both the PAC's and our own concerns with the project, Agency staff would recommend that City Planning staff delay approval of the special use permit until the neighborhood's concerns are adequately addressed. While this delay may not be acceptable to the applicant, we feel that it is in the best interests of the community to provide for a full discussion of the relevant issues. If City Planning staff desires, the Richards Boulevard PAC, along with Agency staff stands ready to participate in this dialogue.

Z95-049
P. 02/03

Aug 29 '95 12:02

AUG 29 1995

Fax: 916-443-7752

S. H. R. A. DOWNTOWN

ITEM 3

EXHIBIT - E

ATTN: City of Sacramento Planning Department
1231 I Street, Second Floor
Sacramento, CA 95814

RE: Old Town Cellular Site

It is my understanding that CellularOne plans to construct and operate a cellular telephone facility at 334 Bannon Street.

I have reviewed this project and am opposed to its construction and operation.

ENRIQUE CARRASCO
Name

8-28-95
Date

328 BANNON ST SACRAMENTO CA 95814
Address

The Reasons I oppose this plan are

1. The site of the tower is on a row of Residential homes
2. We have enough noise from the trucking terminal across the street and the traffic
3. Fuel will be stored 12 feet from a home
4. What effects on our health will it have?
5. What effects will it have on our TV Reception

295-049

AUGUST 29, 1995

ITEM 3

ATTN: City of Sacramento Planning Department
1231 I Street, Second Floor
Sacramento, CA 95814

RE: Old Town Cellular Site

It is my understanding that CellularOne plans to construct and operate a cellular telephone facility at 334 Bannon Street.

I have reviewed this project and am opposed to its construction and operation.

Luvin Foster
Name

8-28-95
Date

316 Bannon St.
Address

ATTN: City of Sacramento Planning Department
1231 I Street, Second Floor
Sacramento, CA 95814

RE: Old Town Cellular Site

It is my understanding that CellularOne plans to construct and operate a cellular telephone facility at 334 Bannon Street.

I have reviewed this project and am opposed to its construction and operation.

FRED MARTIN
Name

8/28/95
Date

328 "A" BANNON ST. SACRAMENTO, CA 95814
Address

ATTN: City of Sacramento Planning Department
1231 I Street, Second Floor
Sacramento, CA 95814

RE: Old Town Cellular Site

It is my understanding that CellularOne plans to construct and operate a cellular telephone facility at 334 Bannon Street.

I have reviewed this project and am opposed to its construction and operation.

Albert Dussman

Name

Aug 28, 1995

Date

270 Bannon St

Address

ATTN: City of Sacramento Planning Department
1231 I Street, Second Floor
Sacramento, CA 95814

RE: Old Town Cellular Site

It is my understanding that CellularOne plans to construct and operate a cellular telephone facility at 334 Bannon Street.

I have reviewed this project and am opposed to its construction and operation.

AM Zamora
Name

28 AUG 95
Date

320 BANNON ST.
Address

ATTN: City of Sacramento Planning Department
1231 I Street, Second Floor
Sacramento, CA 95814

RE: Old Town Cellular Site

It is my understanding that CellularOne plans to construct and operate a cellular telephone facility at 334 Bannon Street.

I have reviewed this project and am opposed to its construction and operation.

David Fort
Name

9/28/95
Date

350 Bannon St
Address

ATTN: City of Sacramento Planning Department
1231 I Street, Second Floor
Sacramento, CA 95814

RE: Old Town Cellular Site

It is my understanding that CellularOne plans to construct and operate a cellular telephone facility at 334 Bannon Street.

I have reviewed this project and am opposed to its construction and operation.

Monica Z Lonto
Name

August 28, 1995
Date

330 Bannon St Sacramento Calif 95814
Address

ATTN: City of Sacramento Planning Department
1231 I Street, Second Floor
Sacramento, CA 95814

RE: Old Town Cellular Site

It is my understanding that CellularOne plans to construct and operate a cellular telephone facility at 334 Bannon Street.

I have reviewed this project and am opposed to its construction and operation.

Salvador Zoota
Name

August 28, 1995
Date

330 BANNON ST SACTO - CALIF. 95814.
Address