

**AMENDED
RESOLUTION NO. 2004-630**

ADOPTED BY THE SACRAMENTO CITY COUNCIL
AUG 05 2004

ON DATE OF _____

**A RESOLUTION ADOPTING THE NOTICE OF DECISION AND FINDINGS
OF FACT APPROVING THE SPECIAL PERMIT TO CONSTRUCT A 57
FOOT MONOPOLE IN THE GENERAL COMMERCIAL (C-2) ZONE AT
THE SOUTHEAST CORNER OF FRANKLIN & MACK ROAD.**

(APN:117-0780-003)
(P03-096)

WHEREAS, the Environmental Coordinator has found the project to be exempt from environmental review as the proposed project involves the construction of a new antenna and a 300 square foot equipment cabinet. Such structures are consistent with those found to be exempt under CEQA Section 15303 (e);

WHEREAS, at the public hearing on March 25, 2004, the City Planning Commission heard and considered evidence on the request for approval of various entitlements for the project known as the Franklin & Mack Monopole;

WHEREAS, on April 8, 2004, the City Planning Commission denied the requested entitlements;

WHEREAS, on April 15, 2004, the decision of the City Planning Commission's denial of a 57 foot monopole in the General Commercial (C-2) zone was appealed by the applicant; and

WHEREAS, the City Council conducted a public hearing on August 5, 2004 concerning the above project and based on documentary and oral evidence submitted at the public hearing, the Council hereby adopts the Notice of Decision and Findings of Fact, as set forth herein.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Sacramento that subject to the findings of fact and conditions of approval set forth below, the applicant's appeal is upheld, and the requested project is approved by the City Council.

NOTICE OF DECISION

At the regular meeting on the above date, the City Council heard and considered evidence in the above-entitled matter. Based on verbal and documentary evidence at said hearing, the

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Council took the following actions for the location listed above:

- A. **Environmental Determination:** Exempt (CEQA 15303 e);
- B. **Approved the Special Permit** to construct a 57 foot monopole in the General Commercial (C-2) zone at the southeast corner of Franklin & Mack Road.

These actions were made based upon the following findings of fact:

FINDINGS OF FACT

- A. **Environmental Determination:** Exempt (CEQA 15303 e). The City Council finds that the project is exempt from CEQA review as Section 15303 allows for the new construction small structures to be exempt from the provisions of CEQA as they have been determined not to have a significant effect on the environment. Section 15303 (e) specifically allows for the exemption of accessory structures such as garages, carports, and fences. As proposed this project involves the construction of a new antenna and a 300 square foot equipment cabinet. Such structures are consistent with those found to be exempt under Section 15303 (e).
- B. **The Special Permit** to construct a 57 foot monopole in the General Commercial (C-2) zone at the southeast corner of Franklin & Mack Road is approved based on the following findings of fact:
 - 1. Granting of the Special Permit is based upon sound principles of land use in that:
 - A. Opportunities for collocation have been explored and deemed infeasible due to a lack of cooperation from nearby property owners;
 - B. The facility will serve to increase and improve telecommunications coverage for the area.
 - 2. Granting the Special Permit would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
 - A. Construction of the tower will be subject to City building permits;
 - B. The monopole has implemented design lines to minimize visual impact and will be constructed of non-reflective materials therefore it should not significantly impact surrounding properties;

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- C. The equipment will be placed behind existing commercial buildings;
 - D. The unmanned facility will not alter the current operations of the site.
3. The project is consistent with the General Plan in that it will improve communications services within the city

CONDITIONS OF APPROVAL

B. The Special Permit to construct a 57 foot monopole in the General Commercial (C-2) zone at the southeast corner of Franklin & Mack Road is approved subject to the following conditions of approval

Planning

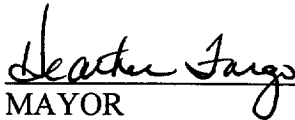
- B1. Size and location of the panels shall conform to the plans submitted. The panels shall be screened with a radome structure. The applicant shall use black non-reflective paint on the tower and all equipment on the tower to prevent glare. *Amended by City Council August 5, 2004.*
- B2. The height of the pole shall be limited to 57± feet. Any additional antennas (6 antenna panels in one radome are approved), or increased height for the pole shall require a modification of the Special Permit.
- B3. The applicant shall obtain all necessary building permits prior to commencing construction.
- B4. Should the applicant ever discontinue using the tower for wireless services then the applicant shall remove all equipment on the tower and the equipment cabinets within six months of termination.
- B5. The Fire Department requires all gated access to be equipped with a KNOX Lock. Contact Trish O'Connell at 264-5863 for information.
- B11. If the equipment cabinets do not come with an enameled-graffiti resistant coating, the applicant shall apply an anti-graffiti treatment to the exterior of the cabinets and monopole. If possible, the applicant shall install equipment cabinets of a similar color to the City's graffiti cover-up paint selection. For more information contact Noel Eusebio at 264-5948.
- B12. Any graffiti and garbage/trash shall be removed in a timely manner.

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- B14. The antenna array shall be of a stealth design and shall be substantially identical in appearance to the rendering(s) presented to the commission by the applicant, copies of which are retained within this file. Should the antenna array installed pursuant to this permit ever need to be partially or entirely replaced, due to age, obsolescence, defect or for any other reason, the replacement antenna array shall also be of stealth design and shall appear no more obtrusive, in size, shape or color than the antenna array originally approved hereby.
- B15. The applicant shall retain the tree near the equipment shelter that was proposed to be removed. The applicant shall follow the City Arborists recommendation for tree preservation. Any major modifications to the location and orientation of the monopole and equipment cabinet shall be reviewed by Planning Staff prior to the issuance of building permits. *Added by City Council August 5, 2004*


MAYOR

ATTEST:


CITY CLERK

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Attachments:

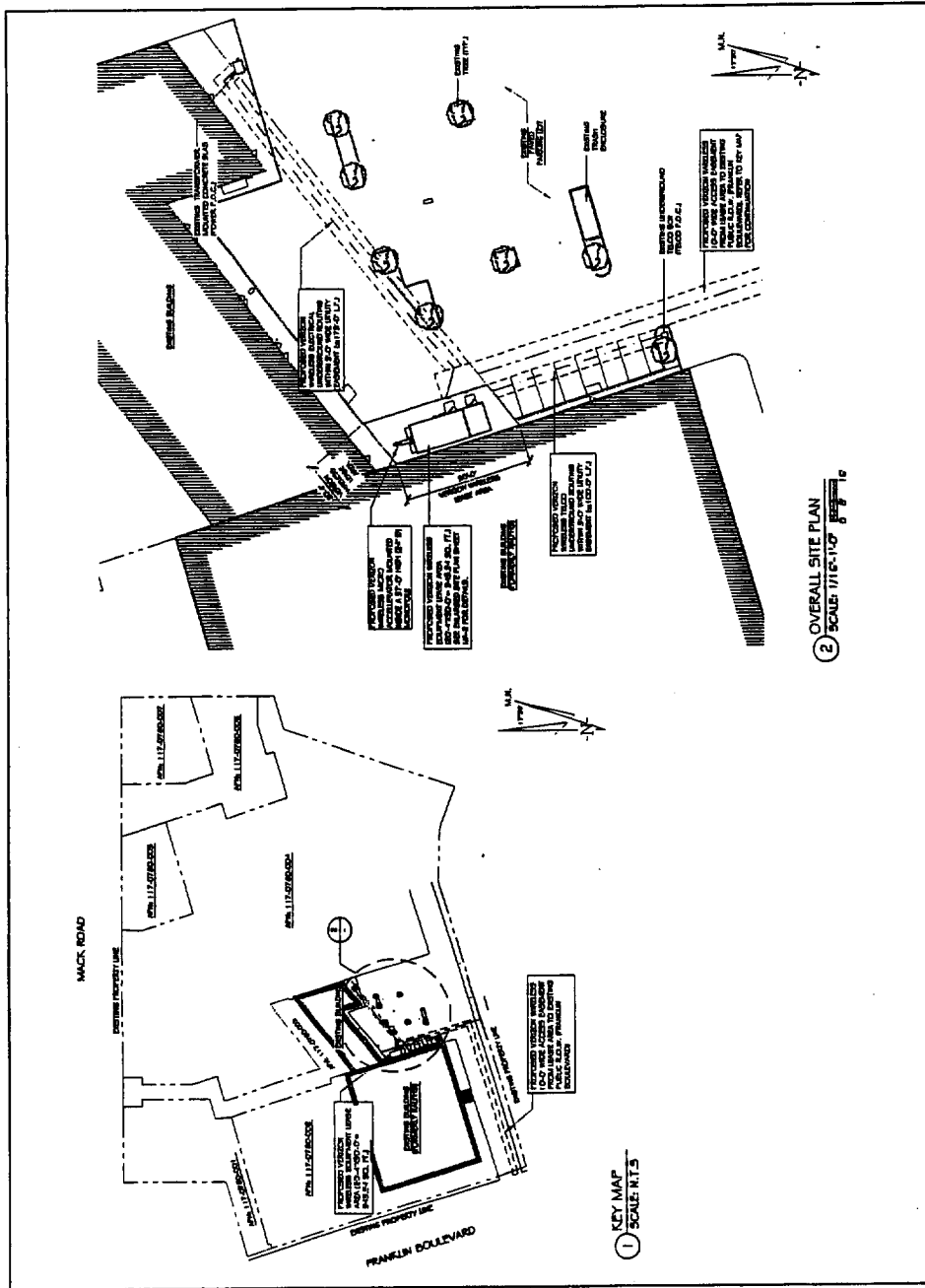
Exhibit 1A	Overall Site Plan
Exhibit 1B	Enlarged Site Plan
Exhibit 1C	South Elevation
Exhibit 1D	East Elevation

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Exhibit 1A Overall Site Plan

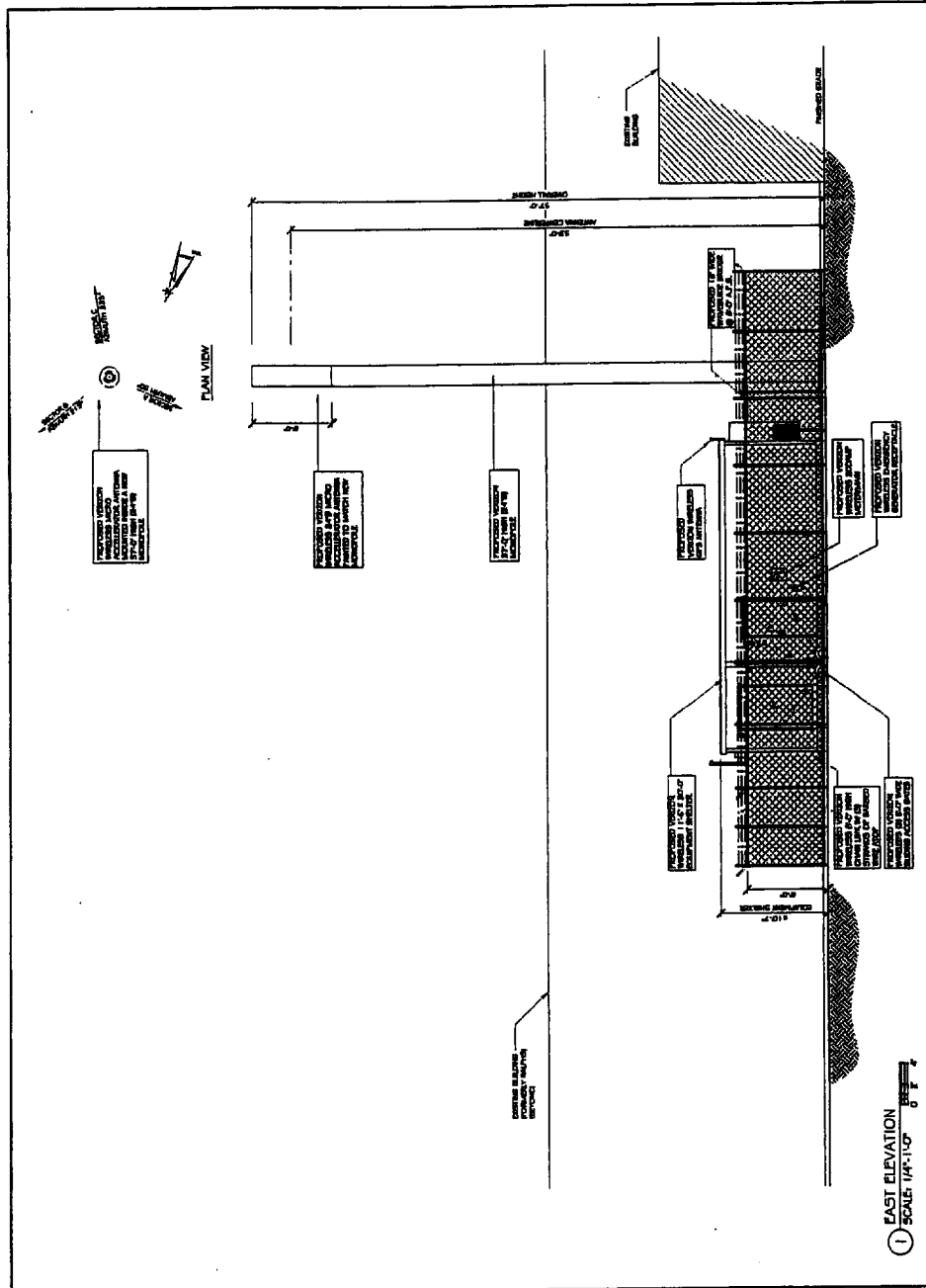


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Exhibit 1D East Elevation



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