

PLANNING DIRECTOR'S SPECIAL PERMIT
1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT Pac Tel Cellular, 2150 River Plaza Drive, Sacramento, California 95833
OWNER Steven Gordon Weinburg, 4520 Franklin Boulevard, Sacramento, California 95820
PLANS BY Western Planning & Engineering, 11850 Kemper Road #3, Auburn, California 95603
FILING DATE 05/15/92 ENVIR. DET. Negative Declaration REPORT BY: Cindy Gnos
ASSESSOR'S PCL NO. 019-0101-023

- APPLICATION: A. Negative Declaration
- B. Planning Director's Special Permit to allow the location of a 45 foot high cellular antenna on 0.8 \pm developed acres in the General Commercial (C-2) zone.

LOCATION: 4520 Franklin Boulevard

PROPOSAL: The applicant is requesting the necessary entitlements to locate a 45 foot high cellular antenna and equipment building on the subject site.

PROJECT INFORMATION:

General Plan Designation: Community/Neighborhood Commercial & Office
Existing Zoning of Site: C-2
Existing Land Use of Site: Plumbing Supply and Storage Buildings

Surrounding Land Use and Zoning:

North: Commercial; C-2
South: Commercial and School; C-2 and R-1
East: Commercial; C-2
West: Two Family Residential and Office; R-1

Property Dimensions: 300' x 114'
Property Area: .8 \pm acres
Height of Proposed Antenna: 45 Feet
Topography: Flat
Street Improvements: Existing
Utilities: Existing

BACKGROUND INFORMATION: On March 14, 1991, the ordinance relating to communication towers and antennas was heard and approved by the Planning Commission. On July 9, 1991, the

ordinance was heard and approved by the City Council. The ordinance requiring special permits for the location of communication towers and antennas went into effect on August 9, 1991.

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site consists of 0.8± developed acres in the General Commercial (C-2) zone. The site is developed with a plumbing supply company and storage buildings. The General Plan designates the site Community/Neighborhood Commercial & Offices. The surrounding land use and zoning includes commercial, zoned C-2, to the north; commercial and school, zoned C-2 and R-1, to the south; commercial, zoned C-2, to the east; and two family residential and office, zoned R-1, to the west.

B. Applicant's Proposal

The applicant is proposing to construct a 45 foot high wood communications pole with antenna array. In addition to the pole a 12 foot by 28 foot communication equipment building is proposed to be constructed. The applicant is requesting the pole and equipment room in order to provide cellular telephone service and 911 emergency services to the surrounding area.

C. Staff Analysis

In order to provide cellular telephone service to the surrounding area the applicant has requested approval of a 45 foot high communication tower with a triangular platform at the top which will have three sets of four antennas and a three foot high whip antenna on an existing commercial site. The subject site is currently developed with a plumbing supply building. As proposed the pole will not exceed the allowable height limits for the General Commercial (C-2) zone. In order for the communication tower to transmit information a 12 foot by 28 foot building will be constructed to house the necessary communication equipment.

The proposed communication tower will be located to the rear of the existing building and will have a setback of approximately 90 feet off of 21st Avenue. The proposed pole and communication equipment room is consistent with the surrounding land uses in that poles and antennas for cellular telephone companies are considered commercial uses. Staff has no objections to the proposed communication tower and equipment room.

D. Agency Comments

The proposed project was reviewed by Traffic Engineering, Engineering Development Services, Building Inspections, Fire, and the Franklin Boulevard Business Improvement Association. The following comments were received:

Traffic Engineering

The gate shall be relocated to 20 feet behind the right-of-way or submit evidence that the gates will be open during business hours.

Engineering Development Services

Any additional paving, or grading shall be approved by Public Works prior to issuance of a Building Permit.

Building Inspections

1. The equipment building shall be constructed with one hour walls adjacent to the north and east property lines.
2. Engineering will be required for the 45 foot high pole and building.

E. Neighborhood Comments

The proposed cellular antenna was routed to the adjacent property owners for their review. No comments have been received except for a request from the Sacramento City Unified School District about the effects of such an antenna on the health and safety of school children. The Environmental Services Division included the following analysis in the Initial Study for the proposed development:

Companies such as Pac Tel Cellular are licensed by the Federal Communications Commission. When licensing a company to operate equipment such as that proposed, the FCC evaluates the environmental effects of the equipment to be used. Thus, when originally licensed to operate by the FCC, Pac Tel Cellular received an environmental determination for use of the equipment operated at these facilities. Following this licensing, the State of California PUC issues approvals for the specific locations of cellular telephone facilities. The PUC does not perform any additional environmental review of the health effects of the facilities following FCC licensing. If the company were to request use of equipment not licensed by the FCC with their original licensing request, a new environmental determination would be required by the FCC for the new equipment. Therefore, with regard to the health effects of the proposed facilities, the company has already received FCC environmental clearance to operate this type of equipment.

Two studies (The Stavitz Study and the New York Power Lines Project) have shown conflicting results regarding the effects of long-term exposure to Electromagnetic Fields on human health. Carefully controlled studies of EMF effects have failed to produce conclusive evidence regarding changes in human health and bodily functions. The project is anticipated to result in a less-than-significant impact on human health.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has determined that the project as proposed will not have a significant impact to the environment; therefore, a Negative Declaration has been prepared.

RECOMMENDATION: Staff recommends the Planning Director take the following actions:

- A. Ratify the Negative Declaration; and
- B. Approve the special permit to allow the location of a 45 foot high cellular antenna subject to conditions and based upon findings of fact which follow.

Conditions

- 1. All necessary building permits shall be obtained prior to construction of the monopole or interior improvements are made for the equipment room.

Findings of Fact

- 1. The project, as conditioned, is based upon sound principles of land use in that the project is a commercial use in a General Commercial (C-2) zone and is compatible with the surrounding uses.
- 2. The project will not be detrimental to the public health, safety, or welfare nor result in a nuisance in that:
 - a. adequate setbacks and parking have been provided;
 - b. the proposed antenna will be constructed in an existing development which has landscaping.
- 3. The project is consistent with the General Plan which designates the site as Community/Neighborhood Commercial & Offices.

REPORT PREPARED BY:



 Cindy Gnos, Associate Planner

7-21-92
 Date

REPORT APPROVED BY:



 Gary Stonehouse, Planning Director

7-23-92
 Date

EXHIBIT "A1"

DESCRIPTION

THAT CERTAIN REAL PROPERTY SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SACRAMENTO, CITY OF SACRAMENTO, DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

"ALL THAT PORTION OF LOT 32 AS SHOWN ON THE "AMENDED PLAT OF EDWARD COYLE SUBDIVISION", RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY, SEPTEMBER 26, 1924, IN BOOK 18 OF MAPS, MAP NO. 13, DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIPE SET AT THE POINT OF INTERSECTION OF THE NORTH LINE OF OAKLAND AVENUE (NOW 21ST AVENUE) WITH THE WESTERLY LINE OF FRANKLIN BOULEVARD, AS SAID OAKLAND AVENUE AND FRANKLIN BOULEVARD ARE SHOWN ON SAID AMENDED PLAT OF EDWARD COYLE SUBDIVISION; THENCE, ALONG THE WESTERLY LINE OF SAID FRANKLIN BOULEVARD, NORTH 10° 48' WEST 113.94 FEET TO THE NORTHEAST CORNER OF SAID LOT 32; THENCE, ALONG THE NORTH LINE OF SAID LOT 32, SOUTH 89° 50' WEST 150 FEET; THENCE, PARALLEL TO THE WESTERLY LINE OF SAID FRANKLIN BOULEVARD, SOUTH 10° 48' EAST 113.94 FEET TO A POINT ON THE NORTH LINE OF SAID OAKLAND AVENUE (NOW 21ST AVENUE); THENCE, ALONG THE NORTH LINE OF SAID OAKLAND AVENUE (NOW 21ST AVENUE), NORTH 89° 50' EAST 150 FEET TO THE POINT OF COMMENCEMENT."

PARCEL NO. 2:

LOT 32, AS SHOWN ON THE "AMENDED PLAT OF EDWARD COYLE SUBDIVISION", RECORDED SEPTEMBER 26, 1924, IN BOOK 18 OF MAPS, MAP NO. 13, RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THE FOLLOWING THREE (3) PARCELS:

1. THE WEST 75 FEET OF SAID LOT 32, SAID WEST 75 FEET BEING MEASURED PARALLEL TO THE WEST LINE OF SAID LOT 32.
2. BEGINNING AT AN IRON PIPE MONUMENT MARKING THE SOUTHEAST CORNER OF SAID LOT 32; THENCE, ALONG THE EASTERLY LINE OF SAID LOT 32, NORTHERLY 56.97 FEET TO A STAKE ON SAID LINE; THENCE, WESTERLY AND PARALLEL TO THE SOUTHERLY LINE OF SAID LOT 150 TO A STAKE; THENCE, SOUTHERLY AND PARALLEL TO THE EASTERLY LINE OF SAID LOT, 56.97 FEET TO AN IRON ROD ON THE SOUTHERLY LINE OF SAID LOT; THENCE, EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT AND THE NORTHERLY LINE OF OAKLAND AVENUE, AS SHOWN ON SAID PLAT, 150 FEET TO THE POINT OF BEGINNING.

P 92 - 13001872

EXHIBIT "A1" (cont.)

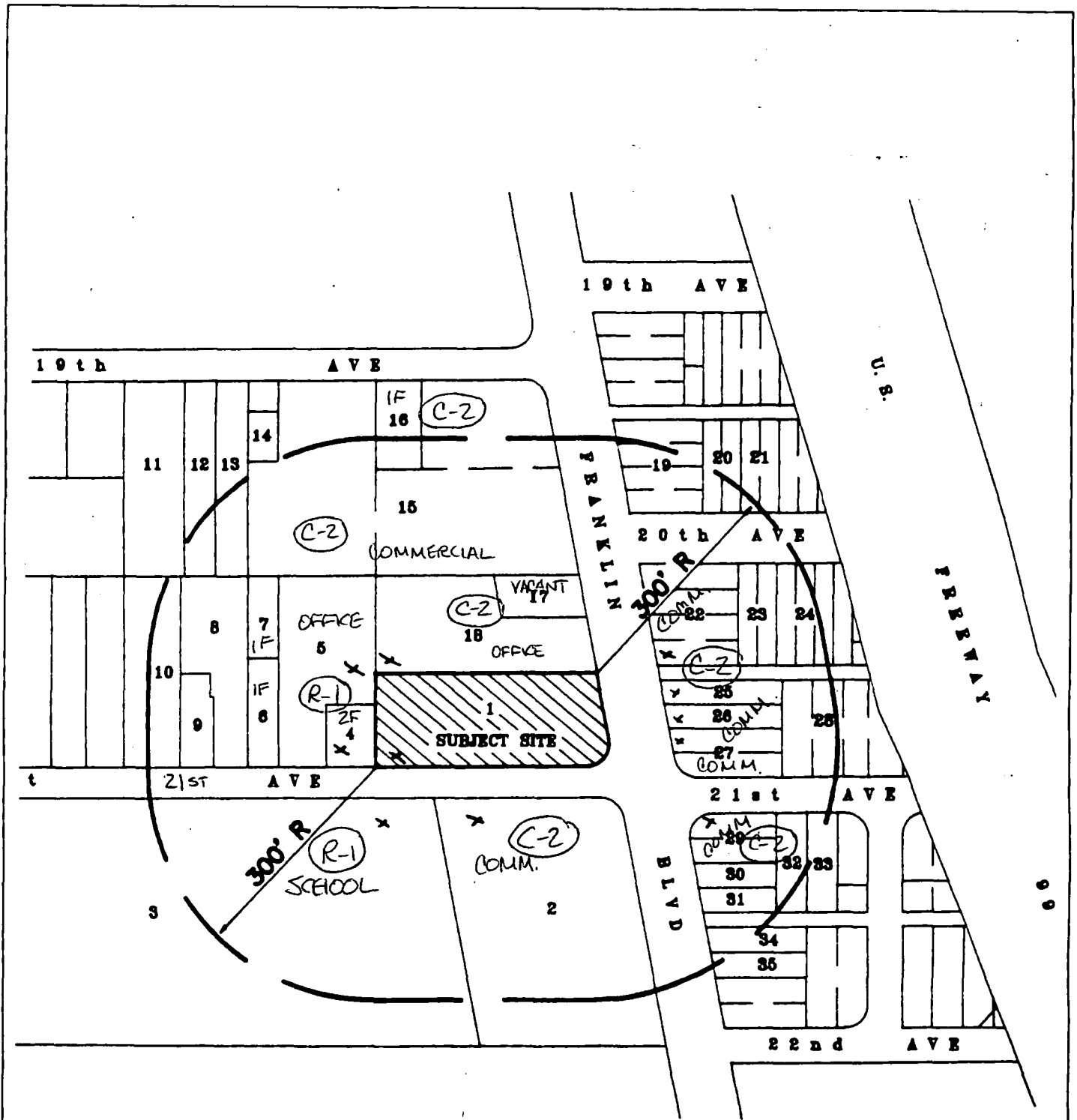
LEGAL DESCRIPTION CONTINUED:

3. BEGINNING AT THE NORTHEAST CORNER OF LOT 32; THENCE SOUTHEASTERLY ALONG THE EAST LINE OF SAID LOT 32 AND THE WEST LINE OF FRANKLIN BOULEVARD 56 FEET MORE OR LESS, TO THE NORTHEAST CORNER OF A TRACT OF LAND HEREINBEFORE CONVEYED TO HARRY ROSS AND HELEN ROSS, HIS WIFE, BY DEED DATED NOVEMBER 27, 1929, THENCE, WEST ALONG THE NORTH LINE OF HARRY ROSS'S LAND, A DISTANCE OF 150 FEET TO THE NORTHWEST CORNER OF SAID HARRY ROSS'S LAND; THENCE, NORTHWESTERLY, PARALLEL TO THE WESTERLY LINE OF FRANKLIN BOULEVARD AND THE EASTERLY LINE OF SAID LOT 32, 56 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY LINE OF SAID LOT 32; THENCE, EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 32, 150 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

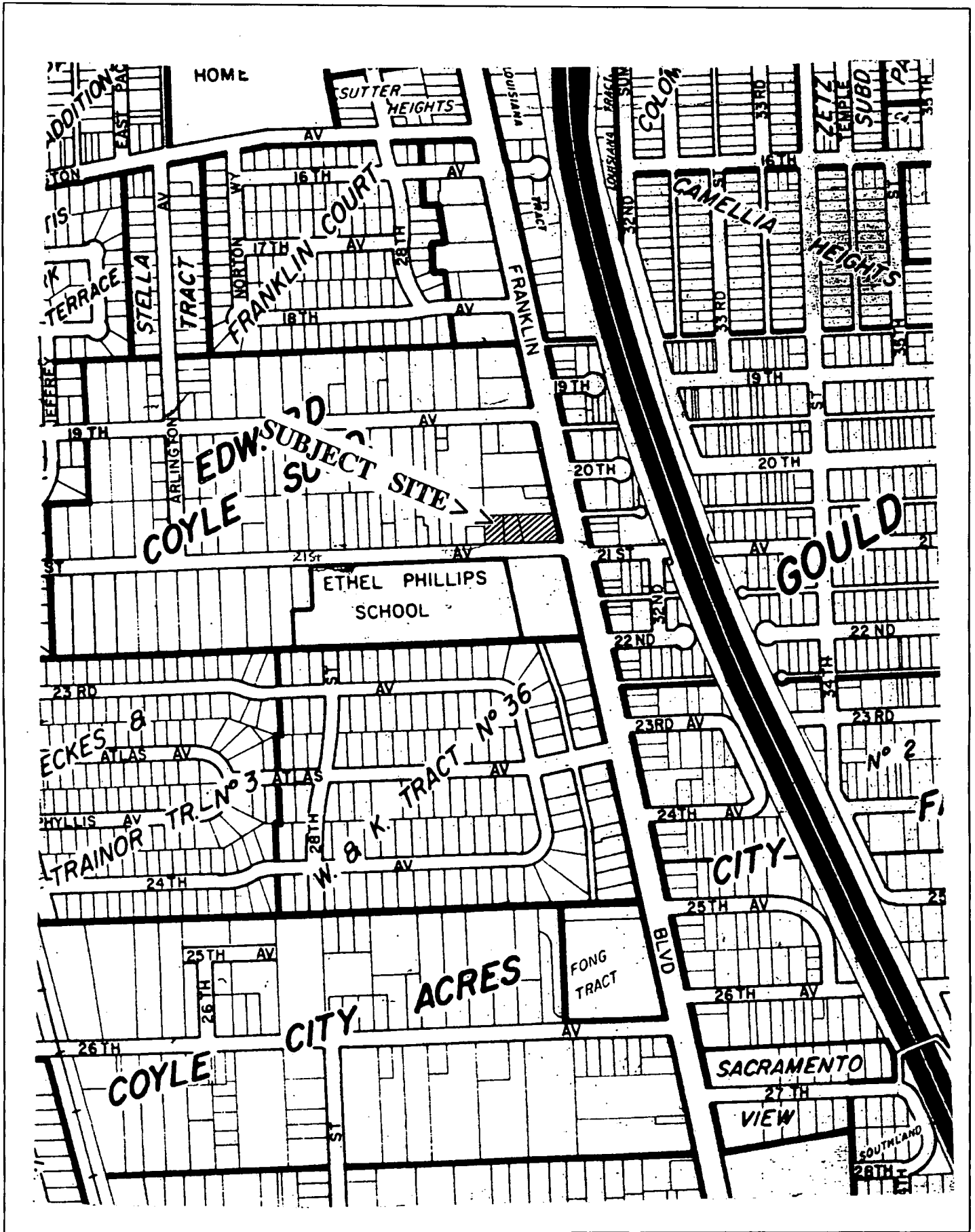
PARCEL NO. 3:

THE WEST 75 FEET OF LOT 32, AS SHOWN ON THE AMENDED PLAT OF EDWARD COYLE SUBDIVISION, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY, ON SEPTEMBER 26, 1942, IN BOOK 18 OF MAPS, MAP NO. 13, SAID WEST 75 FEET BEING MEASURED PARALLEL TO THE WEST LINE OF SAID LOT 32.

▼ P 92 - 133

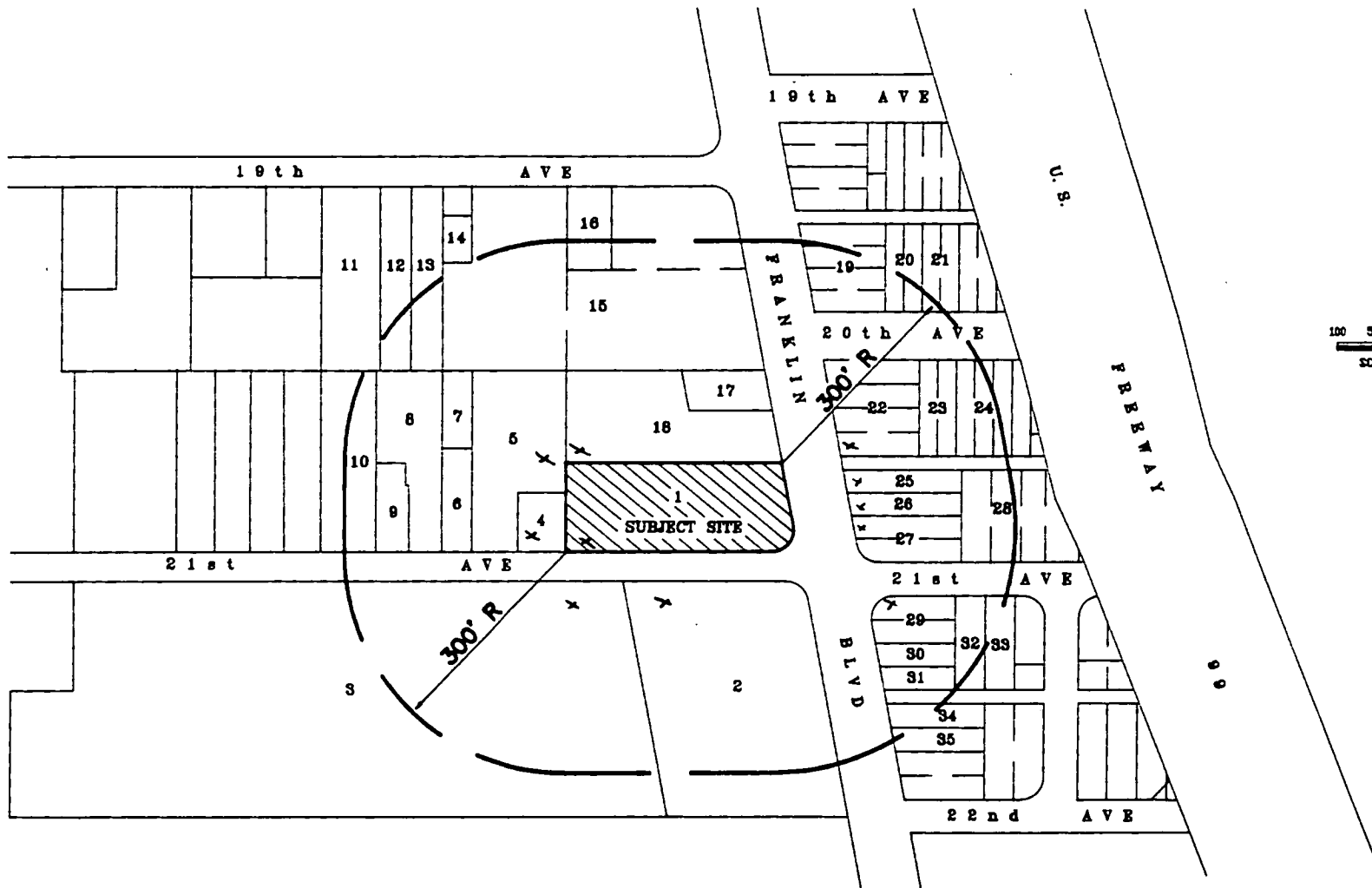


CELLULAR WHISKEY HILL SITE

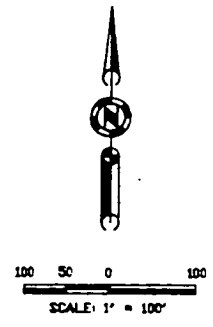


VICINITY MAP

001878



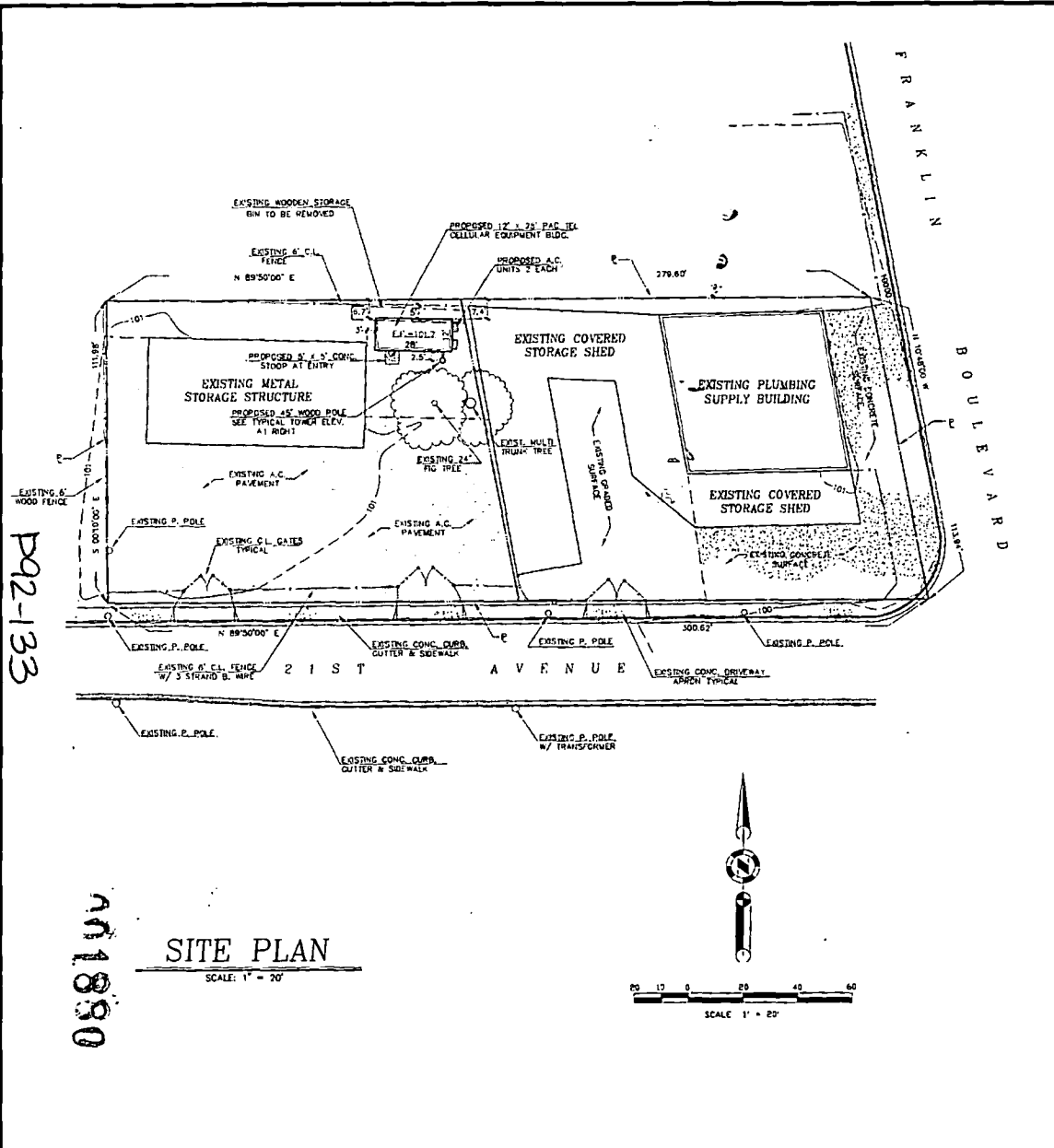
P 92-133
001881



PAC TEL CELLULAR WHISKEY HILL SITE
300' RADIUS MAP

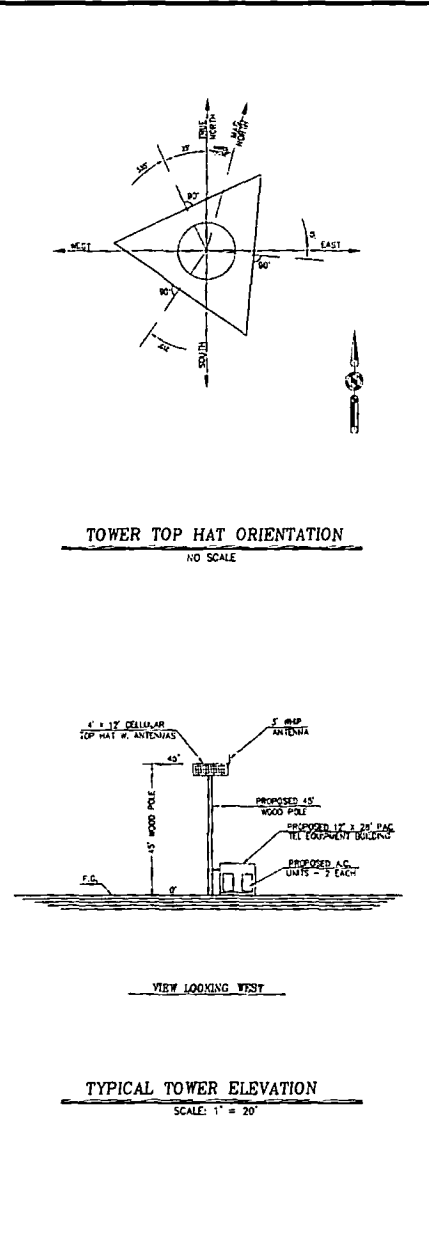
DATE PREPARED: APRIL 9, 1992

**WESTERN PLANNING
& ENGINEERING**
11200 KEMPER ROAD, #3
AUBURN, CA 95603
(916) 823-6817 FAX: (916) 823-6818



P02-133

AN 1880



VICINITY MAP
NO SCALE

OWNER ADDRESS:
STEVEN GORDON MEMBER
1300 FRANKLIN BOULEVARD
SACRAMENTO, CALIFORNIA 95820

ASSESSOR'S PARCEL NO.: 019 - 0101 - 023 - 0000

APPLICANT:
PAC TEL CELLULAR
2150 RIVER PLAZA DRIVE, STE. 400
SACRAMENTO, CALIFORNIA 95833
PHONE: (916) 646-2226

PREPARED BY:
WESTERN PLANNING & ENGINEERING
11860 KEMPER ROAD, SUITE 3
ALBUQUERQUE, CALIFORNIA 95603
PHONE: (916) 623-6817

LEGAL DESCRIPTION:
LOT 32, AS SHOWN ON THE AMENDED PLAT OF EDWARD COYLE SUBDIVISION RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO SEPTEMBER 28, 1924, IN BOOK 18 OF MAPS, MAP NO. 13, LOCATED IN NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 8 NORTH RANGE 5 E. W.B. & M., COUNTY OF SACRAMENTO, STATE OF CALIFORNIA.

NOTES:

- CONTRACTOR TO FIELD VERIFY EXACT LOCATIONS OF EXISTING AND PROPOSED STRUCTURES AT TIME OF CONSTRUCTION.
- THERE ARE NO PUBLIC ROAD IMPROVEMENTS PROPOSED.
- BOUNDARY TAKEN FROM THE AMENDED PLAT OF EDWARD COYLE SUBDIVISION AND LEGAL DESCRIPTION TAKEN FROM PRELIMINARY REPORT AS PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, ORDER NO. 12112 DATED 12/10/79.
- THIS PLAN REPRESENTS A FIELD TOPOGRAPHY AND BOUNDARY SURVEY.
- THERE IS NO GRADING PROPOSED FOR THIS PROJECT.
- MINIMUM SETBACKS SHOWN HERE PROVIDED TO WESTERN PLANNING AND ENGINEERING FROM THE CITY OF SACRAMENTO PLANNING DEPARTMENT AND ARE AS FOLLOWS:
FRONT SETBACKS: 5.00' (FOR FRANKLIN BLVD. & 21ST AVE.)
SIDE SETBACKS: 0.00' (FOR NORTHERLY PROPERTY LINE)
REAR SETBACKS: 15.00' (FOR WESTERLY PROPERTY LINE)

DATE PREPARED: APRIL 8, 1992

EXHIBIT - A

NO.	DATE	REVISION	BY	APPD.

WESTERN PLANNING & ENGINEERING
11860 KEMPER ROAD, #3
ALBUQUERQUE, CA 95603
(916) 623-6317 FAX 623-5588

PLANS FOR: PAC TEL CELLULAR LEASE SITE WHISKEY HILL SITE CITY OF SACRAMENTO, CALIFORNIA

CONDITIONAL USE PERMIT NO. _____ SITE PLAN

SITE PLAN, DETAILS, NOTES

APPROVED		APPROVED	
DESIGNED	JC	DRAWN	CADDWAN
SCALE	NOTED	JOB NO.	0300H
CHECKED	MEF	SHT.	1 OF 1