

**P94-108 CELLULAR TOWER @ RIVER PARK SHOPPING CENTER**

**REQUEST:** **Negative Declaration**

**Special Permit** to exceed the 45-foot height limit for a 60-foot high antenna on 2.64± developed acres in the General Commercial (C-2) zone.

**LOCATION:** 5493 Carlson Drive  
005-0010-032  
East Sacramento Community Plan Area  
Sacramento Unified School District  
Council District 3

<b>APPLICANT:</b>	Taylor & Hooper (Jim Wiley), 916/929-5545 1435 River Park Drive, #300, Sacramento, CA 95815
<b>OWNER:</b>	Don and Carolyn Ryan, 209/957-8907 5904 N. Eldorado, #C, Stockton, CA 95207
<b>APPLICATION FILED:</b>	October 7, 1994
<b>STAFF CONTACT:</b>	Mike Dale, 264-8309

**SUMMARY/RECOMMENDATION:**

The applicant is seeking a special permit to erect a 60-foot high antenna behind the River Park Shopping Center. The proposal includes the removal of a 150 square-foot portion of the existing building and the construction of a 310 square-foot equipment shelter. No significant environmental impacts or mitigation measures have been identified; a negative declaration has been prepared. The local community is not opposed to the project.

The proposal's primary issues relate to public safety and aesthetics. The proposed antenna will emit low-frequency radio waves which are considered to be of insignificant risk to human health. The proposed tower will be taller than the other poles and structures in the immediate area, but will be shielded by the existing railroad levee and shopping center. The proposal is anticipated to improve the quality of portable communications in East Sacramento and relieve congestion on existing cellular sites. **Staff therefore recommends approval of the project subject to the conditions listed in the attached resolution.**

PROJECT INFORMATION:

General Plan Designation:	Community / Neighborhood Commercial & Offices
Zone:	General Commercial (C-2)
Existing Land Use of Site:	Shopping Center and Surface Parking Lot

## Surrounding Land Use and Zoning (see Attachment B):

North: Apartments; R-3R  
 South: Vacant Lot; R-2  
 East: Carlson Drive, Apartments; R-3  
 West: SPRR Tracks, Elvas Avenue; R-1

Property Dimensions:	Irregular
Property Area:	2.64± acres
Tower Height:	60 feet
Equipment Shelter Dimensions:	10'(w) x 31'(l) x 10'(h)
Materials:	Pole: wood Shelter: concrete block
Shelter Colors:	Gray/blue to match existing building

OTHER APPROVALS REQUIRED: In addition to the requested entitlement, the applicant will be required to obtain building permits. Operation of the proposed transmitter is regulated by the Federal Communications Commission (FCC).

BACKGROUND INFORMATION: At staff's recommendation, the applicant re-considered other sites for the proposed tower and submitted a map depicting the locations of the other Cellular One towers in the project vicinity (see Exhibit C - Cellular One Sites). Staff also requested that the applicant consider co-location with other Air Touch Cellular facilities in the vicinity. The applicant indicated that no other towers existed in the area which could provide the needed service capacity for Cellular One customers (see Exhibit D - Letter).

On December 8, 1994, the Commission approved a zoning ordinance amendment clarifying that a special permit would be required to locate antennas on City-owned or other government-owned property (M94-053). The ordinance also established that freestanding antennas on residentially zoned lots owned by the City or other governmental entity would be subject to a special permit. The ordinance does not provide specific locational, development, or design criteria for such antennas. The City Council is expected to consider the proposed amendment in February, 1995. The applicant's proposal would not be affected by the proposed amendment.

The subject site is surrounded by apartment buildings to the north and east (see Attachment B - Land Use and Zoning Map). A vacant lot is located south of the site, and

a segment of the Southern Pacific Railroad levee is located to the west of the site. Single-family development is located further west along Elvas Avenue.

**STAFF EVALUATION:** Staff has the following comments:

A. **Policy Considerations**

**General Plan.** The applicant's proposal is compatible with the General Plan and the site's designation of "Community / Neighborhood Commercial and Offices." This designation is intended to accommodate shopping centers and smaller office developments which offer goods and services compatible with the daily needs of nearby and adjacent residential land uses. The proposal will not adversely affect, or be affected by, these land uses, and as such is considered to be compatible with the General Plan designation.

The proposal is also considered to be compatible with the goals of the General Plan to "improve and provide communication and utility services to all areas of the City" (Sec. 7-11). The project is intended to enhance the effectiveness and quality of cellular service in the region and is therefore considered to be in furtherance of the General Plan.

**Zoning.** The subject site is located in the General Commercial (C-2) zone. The City's zoning ordinance (Sec. 2-G-10-d-3) requires that a special permit be approved by the Planning Commission for any antenna in a non-residential zone which does not meet the specified height limit. The proposed equipment shelter and 60-foot high tower are located further than 100 feet from the closest residentially zoned lot. The applicable height limit for the project is therefore 45 feet. Further discussion of the applicant's request for the special permit is provided below.

B. **Site Plan**

The subject site accommodates two buildings and a striped, surfaced parking lot (see Exhibit A - Site Plan). An approximate 5-foot wide planter fronts the eastern boundary of the site, and two driveways exist on the east side of the parcel for vehicle ingress and egress. The smaller building to the south accommodates counseling and dentistry offices; the larger building accommodates the River Park Market and various retail and specialty stores including: a laundromat, hair/skin/nail salons, cleaners, restaurants, and sewing supplies and repair.

The proposed wooden tower and concrete equipment shelter would be located on the west side of the larger building - between the building and the Southern Pacific Railroad levee. Impacts to private vehicles and emergency vehicles are not

anticipated at this location. The tower will be surrounded by a 6'x6' chain-link fence topped with barbed wire. Barbed wire is allowed on non-residential uses provided that it is located at a height of no less than six feet. The location of the tower and fencing is not anticipated to interfere with the movement of vehicles or machinery. The equipment shelter will be located south of the pole and will displace an existing 10'x15' portion of the existing building. The applicant will be required to obtain proper demolition and building permits.

C. Special Permit

The proposed 60-foot high tower is required to obtain approval of a special permit due to the 45-foot height limit of the C-2 zone. The proposed project has been evaluated according to the following criteria:

1. ***The special permit shall be granted upon sound principles of land use.*** The subject site is commercially designated, zoned, and utilized. Operation of the proposed tower and equipment building will not adversely affect the nearest existing commercial or residential land uses. The proposed antenna mast will project approximately 45 feet above the roof of the nearest building. Though the tower is anticipated to be visible from the nearby residential land uses, the request for the additional 15 feet in height is considered acceptable due to the location of the proposed facility in relation to the existing commercial building and elevated railroad levee.
2. ***The special permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance.*** The proposed antenna will generate low-energy radio waves which have been judged by the FCC to have an insignificant risk associated with radio frequency radiation. Any increase in power level will require proper authorization from the FCC. The proposed equipment building will house approximately eight (8) hermetically sealed sulfuric batteries. These batteries are designed to operate and exist safely in the equipment shelter even in the event of seismic groundshaking. As a precaution, staff recommends that the Fire Department be properly notified of the exact location and composition of the proposed equipment.

The City Police Department has raised a concern regarding any area of seclusion between the proposed tower fencing and the existing building. Staff therefore recommends, as a condition of approval, that any area of seclusion be closed-off. No concerns have been raised by the Fire Department with regard to the location of the proposed tower and equipment building.

3. ***The special permit use must comply with the objectives of the general or specific plan for the area in which it is to be located.*** No community plan exists for the area. The General Plan indicates that the subject area is intended to accommodate commercial activity compatible with nearby residential land uses. The proposal is not anticipated to interfere with or impede the intended level or nature of commercial activity at this location.

#### PROJECT REVIEW PROCESS:

##### A. Environmental Determination

In the past, a significant amount of public concern has been raised about the health risks associated with EMF (electromagnetic frequency) radiation. Staff therefore reviewed the applicant's proposal for potential impacts to human health and the environment. An initial study has been prepared, and due to the minor scale of the proposal, and due to the low power level of the proposed cellular equipment, no impacts to human health or to the environment were identified. No mitigation measures have been required, and a negative declaration finding has been made. An environmental impact report is also not required pursuant to the Environmental Quality Act of 1970. Staff therefore recommends that the Commission ratify the negative declaration for the project as conditioned in the attached resolution.

##### B. Neighborhood Response

Staff issued an early notification to local property owners regarding this proposal. In response, staff received several calls from property owners concerning the affect of the proposed antenna on the operation of cordless telephones, remote television controls, and radio and television reception. The applicant prepared a written response to these concerns which staff in turn conveyed to the callers (see Exhibit D - Letter). To date, staff has received no opposition to the proposal.

##### C. Summary of Agency Comments

The project has been reviewed by several City Departments and agencies including the Public Works and Utilities Departments. The Police Department issued concerns regarding the "blind seclusion" between the building and the cellular fencing and recommends that this area be closed-off. This concern is addressed in the attached resolution.

**PROJECT APPROVAL PROCESS:** The Planning Commission has the authority to approve or deny the requested Special Permit. The Planning Commission action may be appealed to the City Council within 10 days of the Planning Commission action.

**RECOMMENDATION:** Staff recommends the Planning Commission take the following action:

- Ratify the Negative Declaration
- Adopt the attached Resolution approving a Special Permit to exceed the 45-foot height limit for a 60-foot high antenna on 2.64+ developed acres in the General Commercial (C-2) zone subject to conditions and findings of fact.

Report Prepared By,

Mike Dale  
 Mike Dale  
 Associate Planner

Report Reviewed By,

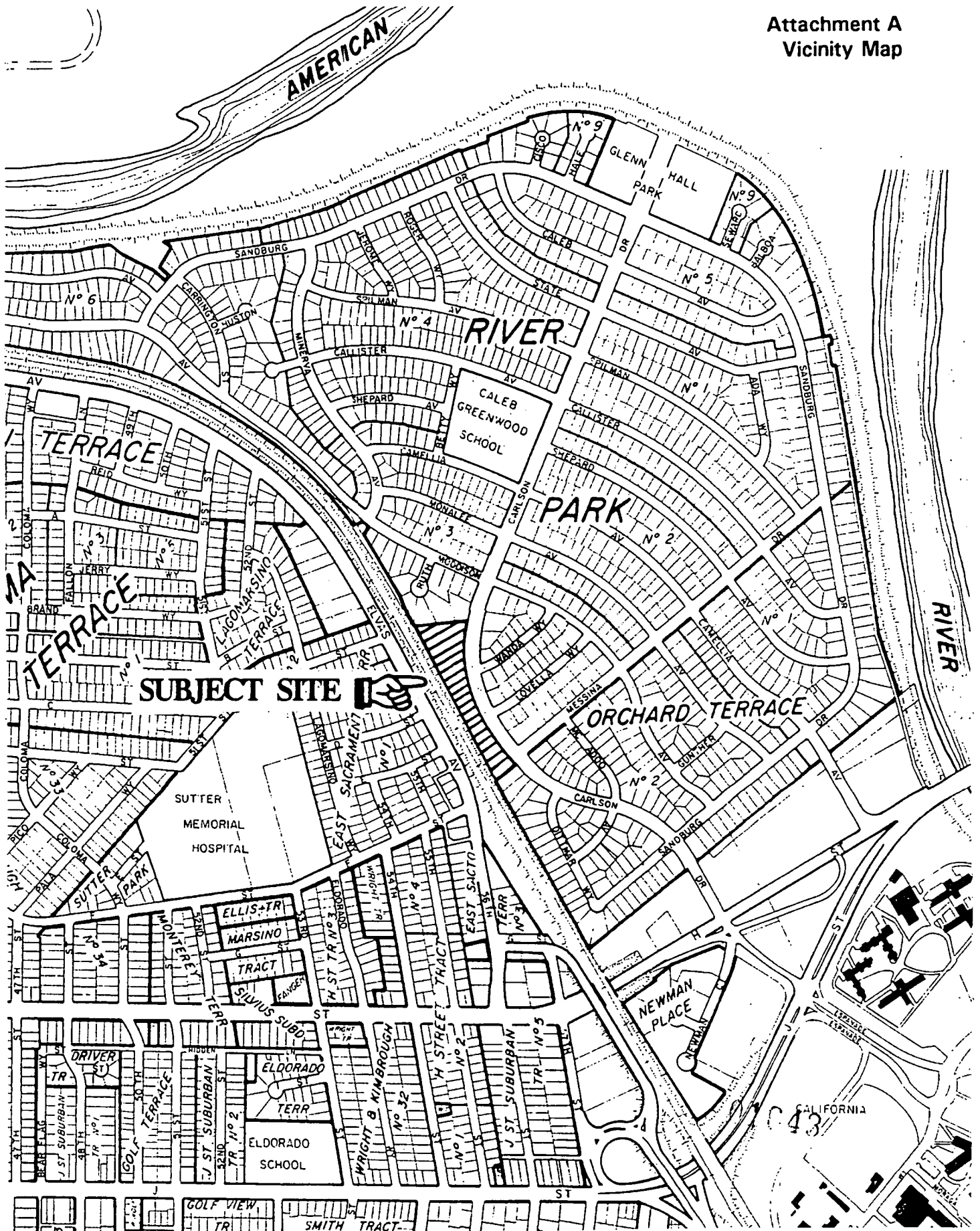
Steve Peterson  
 Steve Peterson  
 Senior Planner

Attachments

- Attachment A
- Attachment B
- Resolution
- Exhibit A
- Exhibit B
- Exhibit C
- Exhibit D

- Vicinity Map
- Land Use and Zoning Map
- Special Permit
- Site Plan
- Elevations
- Map - Cellular One Sites
- Letter (2 pages)

Attachment A  
Vicinity Map



Attachment B  
Land Use and Zoning Map

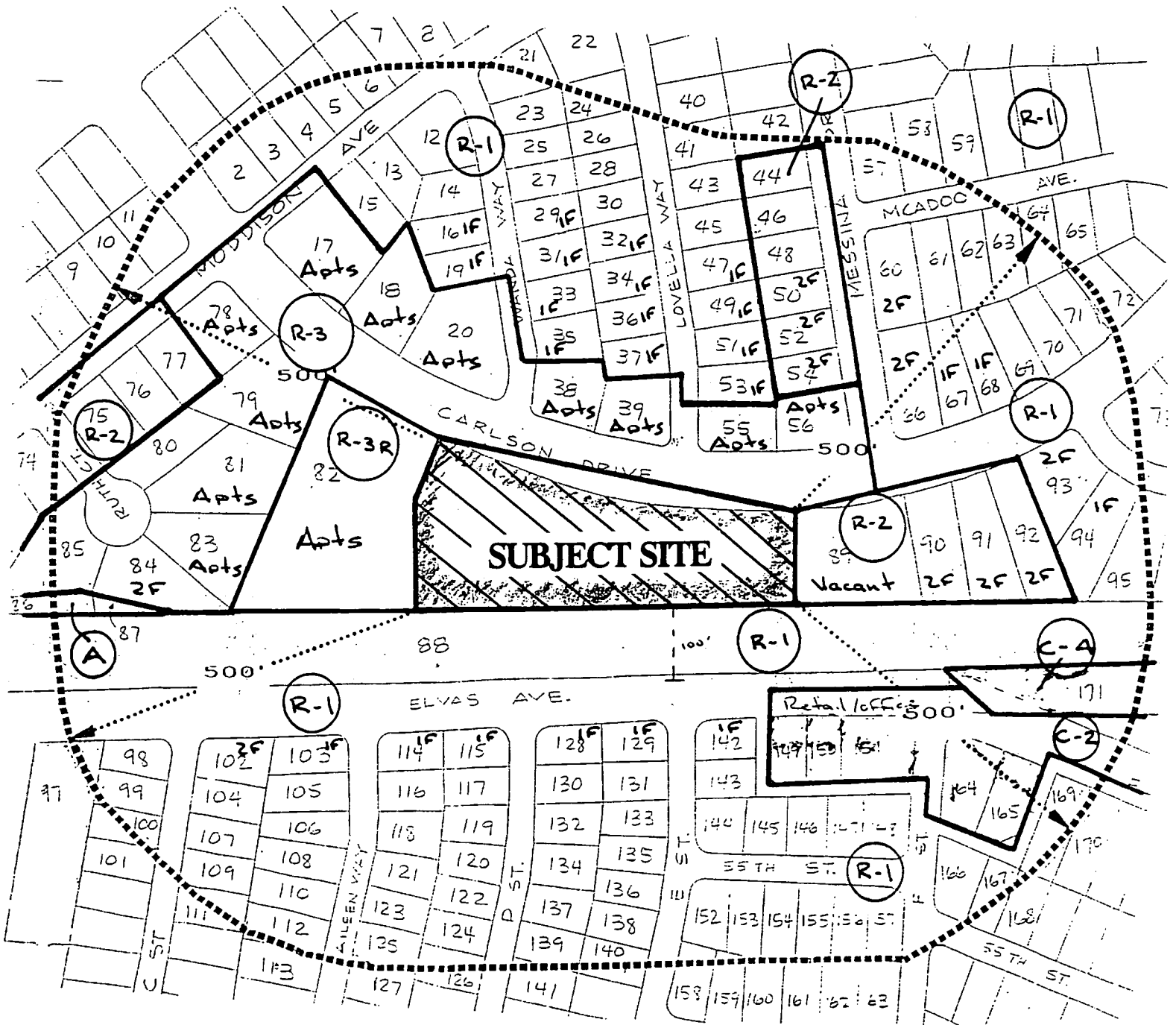




Exhibit A  
Site Plan

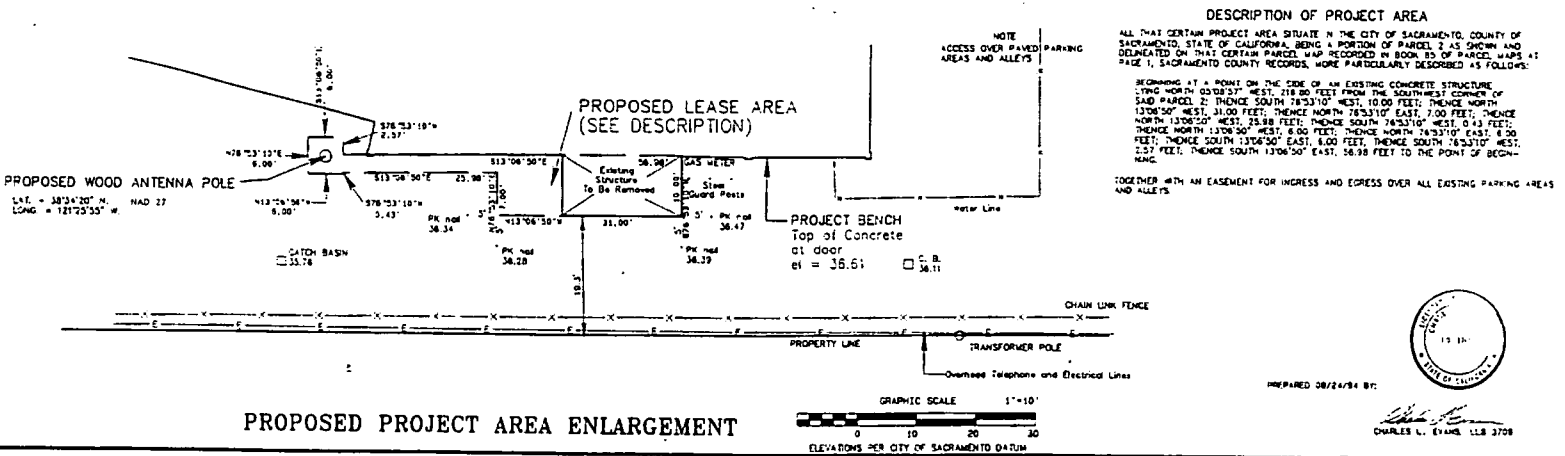
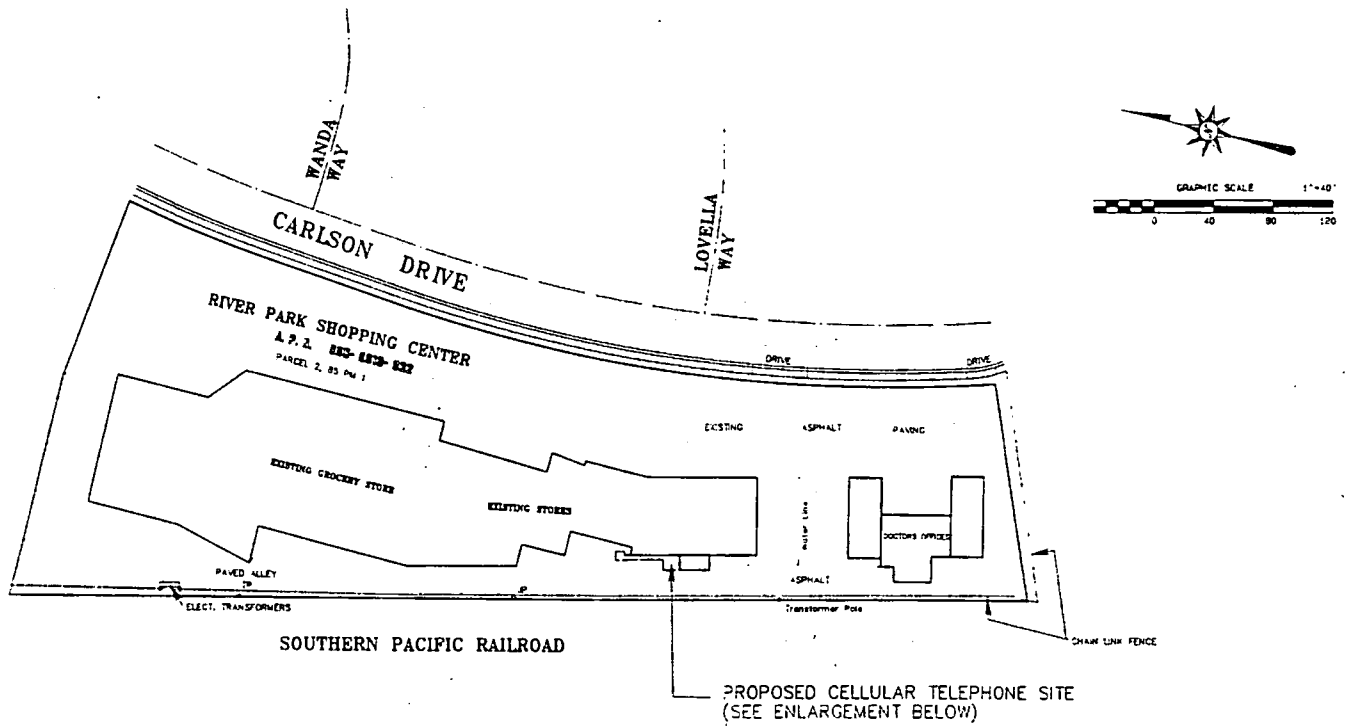
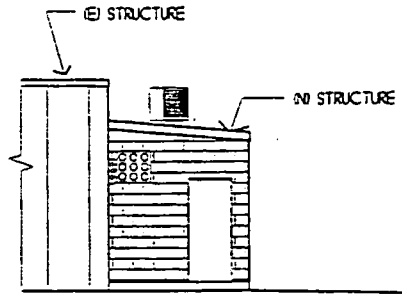
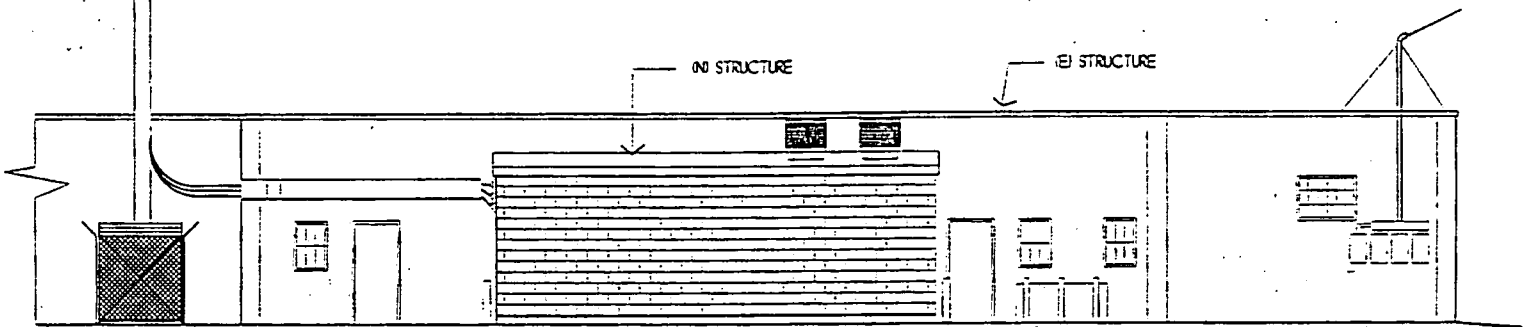


Exhibit B  
Elevations



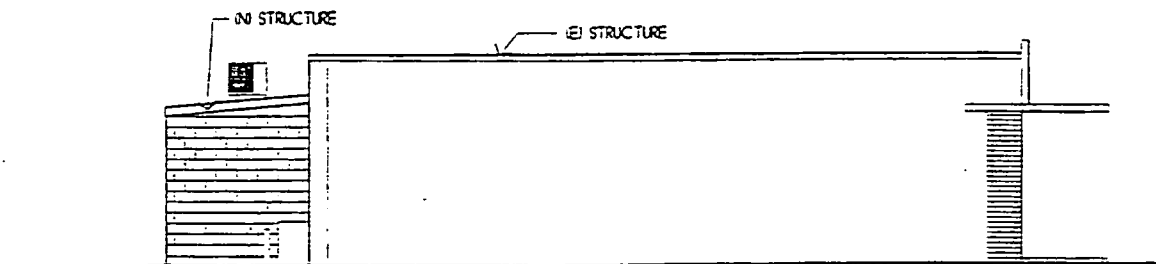
NORTH ELEVATION

1/4" = 1'-0"



SOUTH ELEVATION

1/4" = 1'-0"

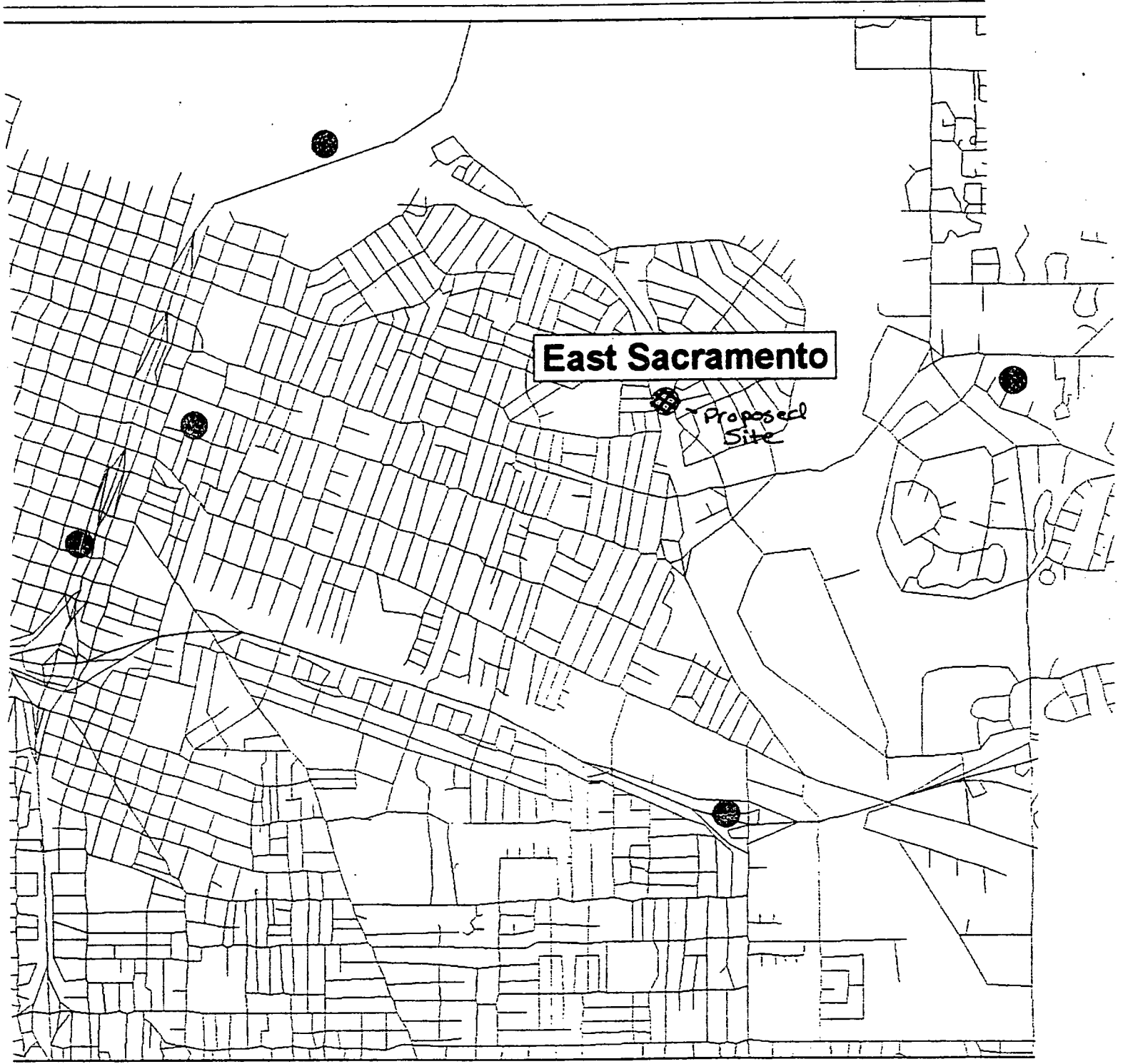


EAST ELEVATION

1/4" = 1'-0"

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Exhibit C  
Cellular One Sites



01047

JOHN M. TAYLOR  
B. DEMAR HOOPER  
JAMES B. WILEY  
KARIN E. SCHWAB  
WILLIAM L. OWENS

ATTORNEYS  
1435 RIVER PARK DRIVE, SUITE 300  
SACRAMENTO, CALIFORNIA 95815  
TELEPHONE: (916) 929-5545  
TELEFAX: (916) 929-0283

December 29, 1994

Mr. Mike Dale  
City of Sacramento  
Department of Planning and Development  
1231 I Street, Room 200  
Sacramento, CA 95814

Re: Cellular One Sacramento East Cellular Facility - P94-108

Dear Mike:

Pursuant to our telephone conversations, below please find the questions you posed to me with our respective answers:

Question 1. Will the cellular facility interfere with radios, cordless telephones, televisions, etc. in the area?

Answer 1. The cellular facility will not interfere with radios, cordless telephones, or televisions in the area as the cellular facility will operate within radio frequencies specifically reserved for cellular radiotelephone service. This frequency band is approximately between 880 and 900 MHz, which is just above television UHF frequencies.

Question 2. Why was this site chosen?

Answer 2. The Cellular One service capacity in this area is overloaded, resulting in busy signals and bumping of users. To provide adequate service capacity in the area so that Cellular One can accommodate service demand in the area, a facility is necessary within the middle of the East Sacramento area. This location was chosen because it is roughly in the middle of existing antenna facilities and because the location is commercially zoned. See map depicting existing sites and the proposed site. Co-location on existing Air Touch facilities

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Page 2

in the East Sacramento area would not result in adequate service capacity for Cellular One in this case.

Question 3. Can the proposed pole be shared with another service provider.

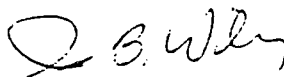
Answer 3. Cellular One is willing to have a co-location facility at this site. However, co-location requires that the height of the pole be increased to accommodate a separation between the two service providers' antennas. Cellular One requires a eight (8) foot separation, however, in the past Air Touch has required a twenty-foot separation. Such separation requirements have necessitated metal poles with heights of 80 feet plus in the past.

Question 4. Will the facility generate noise like transformers?

Answer 4. The antenna facility will not generate any noise.

As we discussed, I am still trying to obtain a north elevation from the architect and I hope to have that for you next week. Please call if you have any additional questions.

Very truly yours,



James B. Wiley

Enclosure

cc: Michael Shoaff

JBW/1970.010/12/28/94

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LETTER OF AGENCY

FORM B

If the applicant is not the owner of record of the subject site, a Letter of Agency (Form B) from the owner or the owner's authorized representative must be submitted which grants the applicant permission to make application for the requested entitlement.

Date: August 29, 1994

City of Sacramento  
Department of Planning and Development  
1231 I Street, Suite 200  
Sacramento, CA 95814

Planning Department:

I, the undersigned legal owner of record, hereby grant permission to:

Applicant: SACRAMENTO CELLULAR Phone: (916) 648-8540  
TELEPHONE CO.

Applicant's address: 1750 HOWE AVE. #102 SACRAMENTO, CA 95825

to apply for the following entitlement(s):

- |  |   |
|--|---|
| <input type="checkbox"/> Plan Amendment      | <input type="checkbox"/> Subdivision Modification             |
| <input type="checkbox"/> Rezoning            | <input checked="" type="checkbox"/> Special Permit            |
| <input type="checkbox"/> PUD Designation     | <input type="checkbox"/> Variance                             |
| <input type="checkbox"/> Tentative Map       | <input type="checkbox"/> "R" Review (Development Plan Review) |
| <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Other                                |

The subject property is located at 5493 CARLSON DRIVE

Assessor's Parcel Number 005-0010-032

*Don & Carolyn Ryan*  
Signature of owner of record (must be original)

Don & Carolyn Ryan  
Name of owner of record

5904 N. El Dorado, Stockton (209) 957-8907  
Address of owner of record Phone

Application Number P94-108