



**CITY OF SACRAMENTO PLANNING COMMISSION
RECORD OF DECISION**


New City Hall, 915 I Street, 3rd Floor, Sacramento, CA 95814

Project Name: T-Mobile Antennas on El Camino Ave.
Project Number: P06-195
Project Location: 650 El Camino Ave.
Assessor's Parcel No.: 275-0043-001
Applicant: T-Mobile c/o John Yu
Action Status: Approved with conditions Action Date: 04/12/2007

REQUESTED ENTITLEMENT(S): Request to construct six panel-antennas contained in a cross attached to the existing church steeple within the Del Paso Boulevard Special Planning District in the General Commercial Special Planning District (C-2-SPD) zone.

- A. Environmental Determination: Categorical Exemption pursuant to CEQA Section 15302.
- B. Special Permit: to construct six panel-antennas contained in a cross attached to the existing church steeple within the Del Paso Boulevard Special Planning District in the General Commercial Special Planning District (C-2-SPD) zone.
- C. Special Permit Modification: to modify the Church's deemed Special Permit by eliminating three (3) parking spaces for antenna related equipment.
- D. Special Permit Modification: to modify the Church's deemed Special Permit to exceed the 54-foot height limit for the steeple structure in the General Commercial Special Planning District (C-2-SPD) zone, by increasing overall height from 66-feet to 69-feet in height.

ACTIONS TAKEN: On 04/12/2007, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval: Approved above Item A – D.

Action certified by: 
David Kwong, Planning Manager

Sent to Applicant: 04/12/2007

By: 
Staff Signature

NOTICE OF PROTEST RIGHTS

The above conditions include the imposition of fees, dedications, reservations, or other exactions. Pursuant to California Government Code section 66020, this Notice of Decision serves as written notice to the project applicant of (1) the amount of any fees and a description of any dedications, reservations, or exactions imposed, and (2) that the applicant may file a protest against the imposition of those fees, dedications, reservations, or other exactions within 90 days of the date of this approval, which is deemed to be the date that the fees, dedications, reservations, or other exactions are imposed. If the payment of a fee is imposed as a condition of approval, but the amount of the fee is not stated in this Notice of Decision and is not otherwise available to the applicant on a fee schedule or otherwise, the 90 day protest period will begin to run when the applicant is notified of the amount of the fee.

For purposes of this notice, the following fees are deemed to be imposed upon approval of the first discretionary entitlement for the subject development project and are subject to the protest procedures set forth in Title 18 of the Sacramento City Code as indicated: North Natomas Public Facilities Fee, Transit Fee, and Drainage Fee (SCC 18.24.160); North Natomas Land Acquisition Fee (SCC 18.24.340); North Natomas School Facilities Fee (SCC18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC18.28.150); Willow Creek Project Area Development Fee (SCC 18.32.150); Development Impact Fees for the Railyards, Richards Boulevard, and Downtown Areas (SCC 18.36.150); Habitat Conservation Fee for the North and South Natomas Community Plan Areas (18.40.090); and Park Development Impact Fee (18.44.140).

The time within which to challenge a condition of approval of a tentative subdivision map, including the imposition of fees, dedication, reservation, or other exaction, is governed by Government Code section 66499.37

EXPIRATION

TENTATIVE MAP: Failure to record a final map within three years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

SPECIAL PERMIT: A use for which a Special Permit is granted must be established within three years after such permit is issued. If such use is not so established, the Special Permit shall be deemed to have expired.

VARIANCE: Any variance involving an action which requires a building permit shall expire at the end of three years unless a building permit is obtained within the variance term.

PLAN REVIEW: Any plan review shall expire at the end of three years unless a building permit is obtained within the plan review term.

NOTE: Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezoning, special permits and variances.

APPEALS

Appeals of the Planning Commission decision of this item to the City Council must be filed at 915 I Street, New City Hall, 3rd Floor, within 10 calendar days of this meeting, on or before 04/23/2007. If the 10th day falls on a Sunday or holiday, the appeal may be filed on the following business day.

Findings Of Fact

A. Environmental Determination: Exemption

1. The Planning Commission of the City of Sacramento finds as follows:

The City of Sacramento's Environmental Planning Services has reviewed the **Cellular Antenna on El Camino Avenue (P06-195)** and has determined the Project is exempt from review under the California Environmental Quality Act as follows:

- a. The Project is exempt under the following provisions of the California Environmental Quality Act and/or Guidelines: **CEQA Guidelines Section 15302, Replacement or Reconstruction.**

b. The factual basis for the finding of exemption is as follows:

This project consists of the replacement of an existing cross on a church steeple to allow for the location of six (6) panel antennas.

2. The Planning Commission has reviewed and considered the Environmental Planning Services determination of exemption and the comments received at the hearing on the Project and has determined that the Project is exempt from review under the California Environmental Quality Act for the reasons stated above.

B-D. The **Special Permit** for the proposed telecommunications facility is approved subject to the following Findings of Fact:

1. Granting the Special Permit is based upon sound principles of land use in that:
 - A. The facility will improve telecommunications coverage for the area; and
 - B. Locating antennas completely within a shielded structure is a preferred siting option.
2. Granting the Special Permit would not be detrimental to the public welfare nor would it result in the creation of a public nuisance in that:
 - A. Installation of the monopole and antennas will be subject to building standards and permits; and
 - B. The antennas are required to comply with federal standards with respect to electro-magnetic frequencies.
3. The proposed project is consistent with the General Plan Policy of promoting and supporting communications facilities within the City as well as the Guidelines for Telecommunications Facilities (GP Section 7-10).

Conditions Of Approval

- B.** The **Special Permit** for the construction of a 69 foot cellular telecommunications facility is hereby approved subject to the following conditions:
- B1. Applicant shall obtain all necessary building and/or encroachment permits prior to commencing construction.
 - B2. Any modification to the project shall be subject to review and approval by Planning Department staff prior to the issuance of building permits.
 - B3. Unless specified by any condition below, this project shall be developed and constructed in full compliance with the Zoning Ordinance.

- B4. The proposed cross shall be constructed of materials as specified in the approved project plans.
- B5. All support brackets, connections, cables, electrical boxes, etc., shall not be visible and will be painted to match the Church Building. The cable run shall be installed on the inside of the cross.
- B6. The proposed power lines for the project shall be brought to the building by underground lines. There shall be no additional overhead lines installed.
- B7. The proposed outdoor storage area shall be screened by a 6' masonry wall finished with stucco to match the existing church.
- B8. The applicant shall obtain all necessary federal telecommunications permits prior to commencing construction.
- B9. The maximum height of the approved cross attached to the existing steeple shall not exceed 70-feet for the proposed project or future modifications to the project. The number of antennas shall not exceed six (6) for the proposed project.
- B10. 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.
- B11. Any graffiti and garbage/trash shall be removed within 48 hours.
- B12. Temporary wireless facilities are prohibited by the Zoning Ordinance. Under no circumstances shall the applicant construct a temporary wireless facility while the proposed steeple/cell tower is under construction.
- C-D.** The **Special Permit Modification** to eliminate three (3) parking spaces for antenna related equipment and increase the overall height from 66-feet to 69-feet is approved subject to the following conditions:
 - C-D1. The size and location of the proposed project shall substantially conform to the plans submitted.
 - C-D2. The applicant shall obtain all necessary building permits prior to commencing construction.
 - C-D3. Any modification to the project shall be subject to review and approval by Planning Department staff prior to the issuance of building permits