

RESOLUTION NO. 2005-89

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A CONDITIONAL USE PERMIT FOR ELK GROVE PARK /VERIZON WIRELESS APPEAL PROJECT NO. EG-04-665

WHEREAS, Epic Wireless Group, representing Verizon Wireless (hereinafter referred to as Applicants) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Conditional Use Permit to establish a new wireless facility. (Assessor's Parcel Number 132-0061-008); and

WHEREAS, the proposed project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as 132-0061-008; and

WHEREAS, Planning considered the project request pursuant to the City of Elk Grove Zoning Code, and all other applicable state and local regulations; and

WHEREAS, the Planning Commission held a duly noticed public hearing on June 10, 2004, as required by law to consider all of the information presented by staff, information presented by the project proponent and public testimony presented in writing and at the meeting; and

WHEREAS, the Elk Grove Community Services District held a duly noticed public hearing on November 16, 2004, and approved the proposed project by unanimous vote; and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project after an appeal of the denial by the Planning Commission; and

WHEREAS, the City Council held a duly noticed public hearing on December 1, 2004, as required by law to consider all of the information presented by staff, information presented by the project proponent and public testimony presented in writing and at the meeting.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elk Grove hereby approves of the project based on the following findings:

Findings

Findings

1. CEQA

Finding: The proposal will not have a significant adverse impact on the environment in accordance with the California Environmental Quality Act (CEQA).

Evidence: The facility consists of three (3) antennas collocated on a new stadium light pole and an equipment shelter, This type of project has been determined to be exempt under section of 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA).

2. General Plan and Zoning Code

Finding: The proposed project is consistent with the goals and policies of the City Elk Grove General Plan and Zoning Code.

Evidence: The project conforms to the goals and policies of the Elk Grove General Plan and development standards in the Zoning Code. In addition, the project has been conditioned to ensure development occurs in compliance with all applicable requirements.

3. Conditional Use Permit

Finding: The project is consistent with the following wireless facility standard section 301

13.5(d)(3) of the City of Elk Grove Zoning Code:

- aa) The facility shall be separated from any adjacent interior property boundary or public right-of-way by 25 feet or more
- bb) The height of the tower shall not exceed 55 feet in Group I zones
- cc) Deviations from setback and height requirements for towers in the Group I zones may be permitted in conjunction with a use permit hearing if the final hearing body finds at least one of the following criteria can be met.
 - (i) The tower will be located adjacent to a non-residential use.
 - (ii) The tower will be a collocation site, either with an existing or proposed tower.
 - (iii) The size, shape, topography, or existing development of the site would restrict the installation of a wireless facility in compliance with the standards set forth in this section.

Evidence: Although the facility is not separated from the public right-of-way by 25 feet and the tower height exceeds 55 feet, deviations from setback and height requirements are permitted per the Municipal Code Section 301-13.5(d)(3) as stated above, The proposed project meets two of the deviation criteria. The tower is located adjacent to Highway 99 (a non-residential use) and the wireless facility will be collocated on a stadium light pole,


Finding: The establishment, maintenance and operation of the use, building, or structure applied for will not under the circumstances of the particular case be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or Injurious to property and improvements in the neighborhood or to the general welfare of the City, (Zoning Code §110-30)

Evidence: The proposed facility would be constructed in compliance with the Uniform Building Code and all applicable regulations of the Public Utilities Commission (P.U.C.) of the State of California and the Federal Communication Commission (F.C.C.). As such, it will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area.


BE IT FURTHER RESOLVED, that the City Council approves the project subject to the conditions of approval as illustrated in Exhibit A and submitted plans in Exhibit B.

The foregoing Resolution of the City of Elk Grove was passed and adopted by the City Council on the 23rd day of March 2005.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on the 23rd day of March 2005.


DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK


APPROVED AS TO FORM

ANTHONY B. MANZANETTI
CITY ATTORNEY

Exhibit A

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (Date and Signature)
<p>1 The development approved by this action is for a Conditional Use Permit to establish a new wireless facility as illustrated in the project plans dated 5/11/04. Deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.</p>	<p>On-Going</p>	<p>Development Services - Planning</p>	
<p>2 This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.</p>	<p>On-Going</p>	<p>Development Services - Planning</p>	
<p>3 The applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.</p>	<p>On-Going</p>	<p>Development Services - Planning</p>	
<p>4 The permit holder is hereby notified that failure to comply with any one of these conditions may result in the revocation of this permit pursuant to the City of Elk Grove Zoning Code.</p>	<p>On-Going</p>	<p>Development Services - Planning</p>	
<p>5 This Conditional Use Permit shall become effective upon City Council adoption of a resolution of approval.</p>	<p>On-Going</p>	<p>Development Services - Planning</p>	
<p>6 In addition to the requirements listed herein, wireless communication facilities are subject to all other applicable regulations and permits, including those which may be imposed by the Public Utilities Commission (P.U.C), the State of California or the Federal Communications Commission</p>	<p>On-Going</p>	<p>Development Services - Planning</p>	

EXHIBIT A**Conditions of Approval– EG-04-665**

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (Date and Signature)
7 Care shall be taken not to damage any of the adjacent and surrounding trees or landscaping. Any trees or landscaping that is damaged during the erection of the antennas shall be replaced in kind and of equal size. Recommend applicant take before and after photos in case of any landscape damage.	On Going	Landscape Architect	
8 If there are any discrepancies between the approved site plan and the conditions of approval, the conditions of approval shall supersede the approved site plan.	On-Going	Public Works	

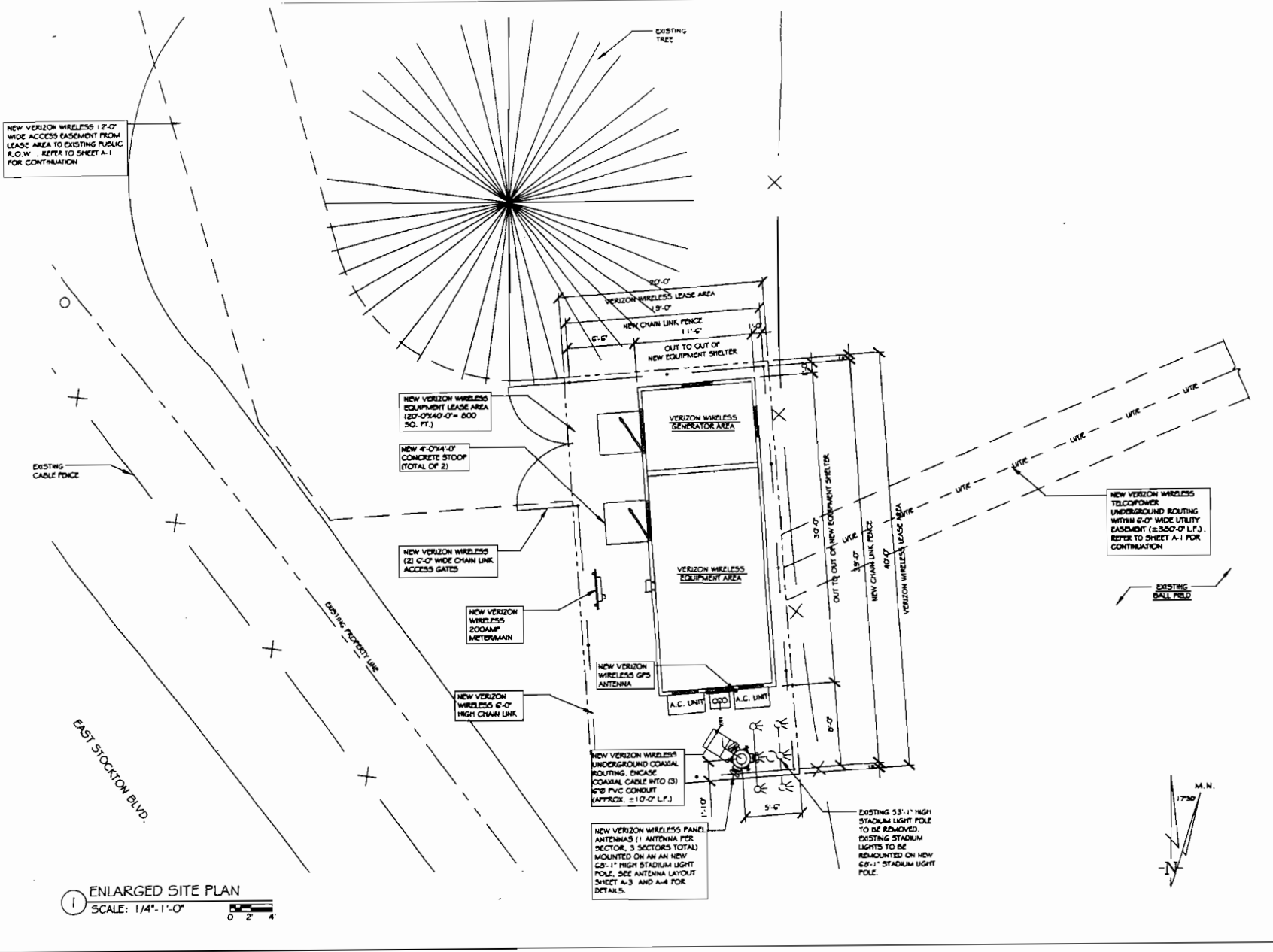
Construction Activities / Improvement Plans

9 Contractor shall be required to obtain an encroachment permit for any work on, or non-driveway access from, existing E St. Stockton Blvd.	Prior to the start of construction	Public Works	
10 Verizon Wireless' equipment area should be visually screened from view along East Stockton Boulevard. The screening area should be accomplished by planting large growing shrubs and small growing trees in a wide landscape planter along the south and west sides of the equipment area.	Final Inspection	Development Services - Planning	
11 Shrub plant materials should be planted from 15 gallon stock and the small trees planted from 24" to 36" boxed material for an initial screening effect,	Final Inspection	Development Services - Planning	
12 Install landscaping on west and south side of the enclosure to screen the view of the building. This should include small trees which do not require an irrigation system, such as purple leaf plums.	Final Inspection	Parks and Recreation Department	
13 The landscape and netting plan to screen the equipment shall be submitted to the Elk Grove CSD staff to confirm consistency with the plan approved by the CSD 11/16/04.	Prior to Issuance of Building Permit	EGCSD	
14 Pay Park and Recreation Review Fees as required by the EGCSD.	Prior to Issuance of Building Permit	Parks and Recreation	

EXHIBIT A**Conditions of Approval– EG-04-665**

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (Date and Signature)
15 The Federal Aviation Administration requires that any cellular tower facility proposed within 20,000 feet of an airport will need to be reviewed by FAA staff to determine whether the radio frequencies transmitted by the facility could have a negative impact on aircraft operations. Applicant shall strictly comply with all such FAA regulations.	Prior to Issuance of Building Permit	Airport Land Use Commission	

NEW VERIZON WIRELESS 12'-0" WIDE ACCESS EASEMENT FROM LEASE AREA TO EXISTING PUBLIC R.O.W. REFER TO SHEET A-1 FOR CONTINUATION



1 ENLARGED SITE PLAN
SCALE: 1/4"=1'-0"

verizon
255 PARKSHORE DRIVE
FOLSOM, CALIFORNIA 95630
OFFICE: (916) 387-2568

EPIC
WIRELESS GROUP, INC.
30 E. LAURENCE BLVD. #103
FOLSOM, CALIFORNIA 95630
TEL: (916) 387-0929
FAX: (916) 387-0901

GTI
205 MAIN STREET, SUITE F
PLEASANTON, CA 94566
OFFICE: (925) 844-1212
FAX: (925) 844-1207

GTI JOB #03-160

RELEASE DATE

REV.	DATE	DESCRIPTION

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DRAWN BY: PN
CHECKED BY: LK

SITE NAME
ELK GROVE COUNTY PARK

SITE #/CAMBERE - A

SITE ADDRESS
**ELK GROVE FLORIN RD.
ELK GROVE, CA 95624
SACRAMENTO COUNTY**

SHEET TITLE
ENLARGED SITE PLAN

SHEET
A-2

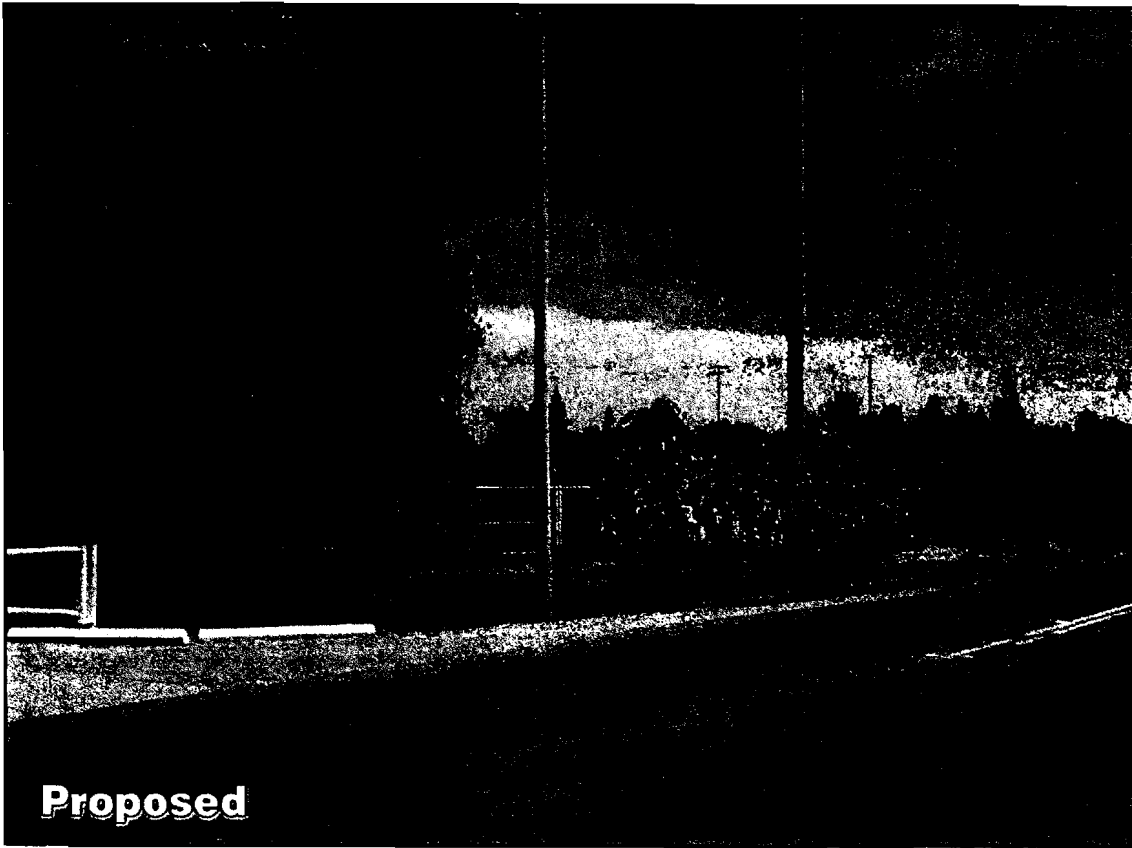
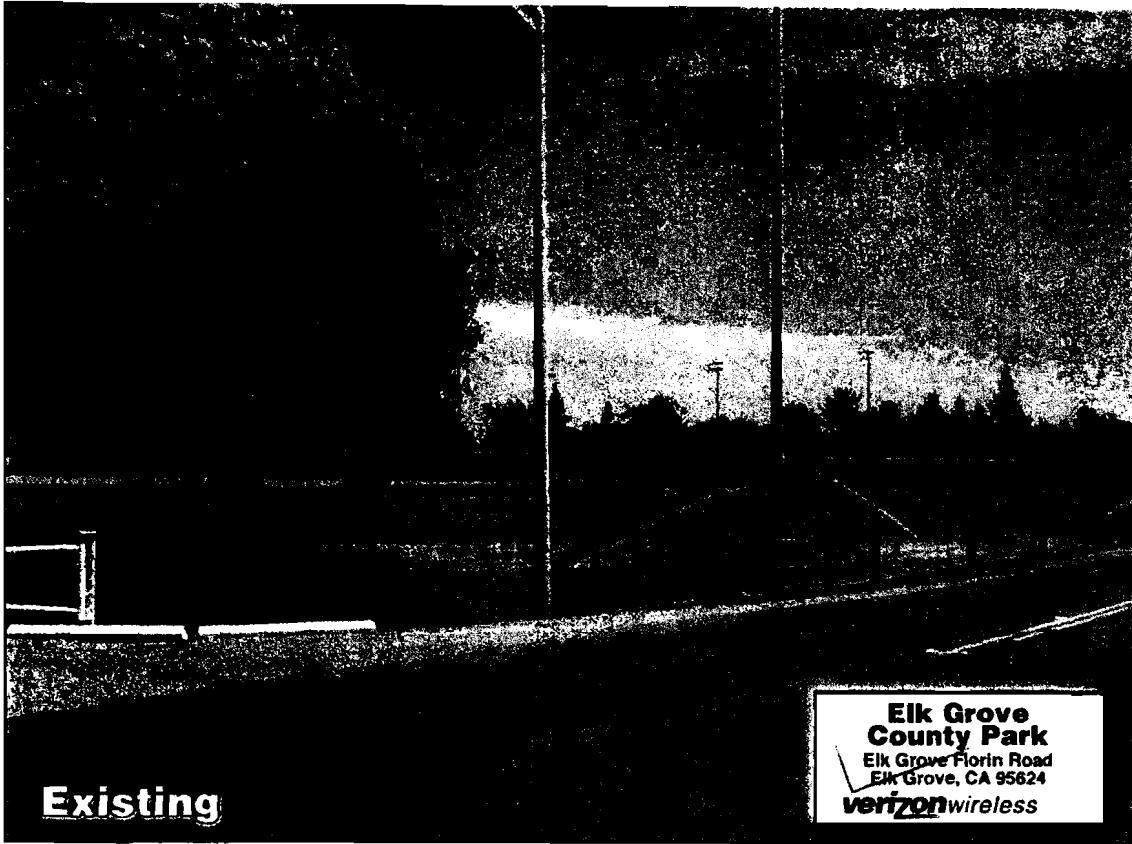
Pa 1 of 2

EXHIBIT B

RECEIVED BY
MAY 13 2004
ELK GROVE
PLANNING DEPARTMENT

EXHIBIT B

Photosimulation of view looking southeast from E Stockton Blvd.



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**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-89**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 23rd day of March, 2005 the following vote:

AYES: 3 COUNCILMEMBERS: Leary, Scherman, Soares

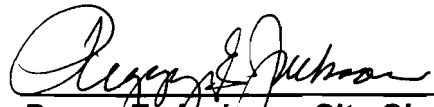
NOES: 0 COUNCILMEMBERS:

ABSTAIN: 0 COUNCILMEMBERS:

ABSENT: 1 COUNCILMEMBERS: Cooper

RECUSAL: 1 COUNCILMEMBERS: Briggs





**Peggy E. Jackson, City Clerk
City of Elk Grove, California**