

**P94-131 - BP CONVENIENCE MARKET FREEPORT BOULEVARD**

**REQUEST:** Entitlements to remodel an existing 1,606 square foot BP Service Station by eliminating the service bay area and replacing it with a convenience market on 0.60± developed acres in the General Commercial Review Executive Airport Overlay 4 (C-2R/EA-4) zone:

- A. **Special Permit** to allow the sale of beer and wine for off-premise consumption within a proposed convenience market;
- B. **Special Permit** to operate a 24 hour convenience market within 500 feet of a residential zone or use; and
- C. **Plan Review** of a remodel to an existing 1,606 square foot building and two gas island canopies.

**LOCATION:** 5600 Freeport Boulevard  
025-0033-030-0000  
Council District 4

|                           |  |
|---------------------------|--|
| <b>APPLICANT:</b>         | Tait & Associates, Inc., c/o Eric Kokernak (635-2444)<br>2880 Sunrise Blvd, Suite #206, Rancho Cordova, CA 95742 |
| <b>OWNER:</b>             | Tosco Northwest (631-0722)<br>2868 Prospect Park Dr., Suite #360, Rancho Cordova, CA 95670                       |
| <b>PLANS BY:</b>          | Tait & Associates, Inc., c/o Eric Kokernak (635-2444)<br>2880 Sunrise Blvd, Suite #206, Rancho Cordova, CA 95742 |
| <b>APPLICATION FILED:</b> | December 28, 1994  |
| <b>STAFF CONTACT:</b>     | Dawn Holm, 264-5851  |

**SUMMARY/RECOMMENDATION:** The applicant is proposing to remodel an existing BP Service Station into a 1,606 square foot convenience market/gas station. The applicant is proposing to operate the market 24 hours a day and wants to sell beer and wine for off-premise consumption. In evaluating the project, the basic issues are crime problems related to alcohol sales and the over-concentration of establishments selling alcoholic beverages within a one mile radius of the subject site. **Staff recommends approval of the special permit to operate 24 hours a day; denial of the special permit to sell beer and wine for off-premise consumption; and approval of the plan review.** This recommendation is based on the compatibility with surrounding land uses and the over-concentration of establishments that sell alcoholic beverages.

**PROJECT INFORMATION:**

General Plan Designation: Community/Neighborhood Commercial & Offices  
 Existing Land Use of Site: BP Service Station  
 Existing Zoning of Site: General Commercial Review (C-2R/EA-4)

**Surrounding Land Use and Zoning:**

North: Single Family Residential; R-1 {EA-4}  
 South: Burger King & Bank; C-2 {EA-4}  
 East: Commercial Strip; C-2 {EA-4}  
 West: Medical Clinic; C-2 {EA-4}

Property Dimensions: 206'± x 105'±  
 Property Area: 0.60± gross acres  
 Square Footage of Proposed Market: 1,606 square feet  
 Actual Sales Area of Proposed Market: 1,010 square feet  
 Height of Existing Building: 1 story  
 Exterior Building Materials: Brick, Glass & Aluminum Composite Material (ACM)  
 Roof Material: Tile  
 Required Parking: 6 spaces  
 Provided Parking: 10 spaces  
 Topography: Sloped  
 Street Improvements: Existing  
 Utilities: Existing

**OTHER APPROVALS REQUIRED:** In addition to the entitlements requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

| <u>Permit</u>   | <u>Agency</u>               |
|-----------------|-----------------------------|
| Building Permit | Building Division           |
| Health Permit   | County Environmental Health |

**BACKGROUND INFORMATION:** On April 26, 1990, the City Planning Commission heard testimony for a similar application for the BP Service Station at this location. The application entitlements, at that time, included a special permit to operate 24 hours; a special permit to sell beer and wine for off-premise consumption; a plan review of a proposed convenience market and car wash; and necessary variances. The Planning Commission approved all of the entitlements except for the special permit to sell beer and wine for off-premise consumption. On May 10, 1990, the City Planning Commission denied the special permit to sell beer and wine. The Planning Commission action was not appealed. The entitlements that were approved were never established. The existing use of the site is still a service/gas station.

**STAFF EVALUATION:** Staff has the following comments:**A. Policy Considerations**

The proposed remodel of an existing commercial building is consistent with the General Plan policies to "promote the rehabilitation and revitalization of existing commercial centers" (GP Policy 2, Section 4-17).

The applicant's request to sell beer and wine for off-premise consumption is governed by the policy to enhance and maintain quality of life. "It is the policy of the City to enhance and maintain the quality of life by adhering to high standards for project and plan evaluation as these relate to the following characteristics that help define the quality of life in the City.

- Crime, physical hazards and debilitating influences detract from the well-being of the neighborhood environment. Some neighborhoods in the City are experiencing the adverse effects of blighting influences, crime, and problems associated with homeless individuals. Efforts to correct these problems will be necessary to ensure the protection of the public's health, safety, and general welfare".

There is an existing residential neighborhood directly north of the site, the loitering associated with establishments that sell beer and wine could affect the peace and general welfare of the neighborhood. The subject site is located within an area that is seen as a problem area by the Police Department and the addition of beer and wine sales at this location could result in an increase in crime.

**B. Special Permit - Beer and Wine Sales**

The applicant's proposal is to remodel an existing service station into a 1,606 square foot convenience market. At the time of application submittal, Planning staff contacted the applicant and informed him of the previous denial of a special permit to sell beer and wine at this site. Planning staff informed the applicant that the circumstances in this area have not changed and that our preliminary recommendation would be to deny this request. The applicant indicated his understanding of the previous history at this location.

In considering the applicant's request to sell beer and wine for off-premise consumption at this site Planning staff surveyed the businesses within a one-mile radius of the subject site. A survey of these establishments has been prepared and is shown on Exhibit C-1. Planning staff found 21 establishments (16 off-sale and 5 bars) that are regulated under the Special Permit requirements for establishments that sell alcoholic beverages under the Zoning Ordinance. The radius map does not include the restaurants that have licenses to sell alcoholic beverages, many of which are allowed to sell alcohol for off-premise consumption. Staff believes that 21 existing establishments that sell alcoholic beverages within a one-mile radius constitutes an over-concentration. Because of this existing over-concentration, staff cannot support a special permit for beer and wine sales at this location.

C. Special Permit - 24 hours

The proposed use is a 1,606 square foot convenience market. The subject site is located within 500 feet of residentially zoned and developed property; therefore, a special permit is required. The site is surrounded by commercial development to the south, east, and west. Fruitridge Road is a major street that separates the site from the existing residences to the north. Planning staff surveyed the surrounding area and found only one other 24 hour market within a half mile of the site. Planning staff has no information to indicate that the operation of a 24 hour convenience market at this location will create any negative impacts on the surrounding neighborhood provided that the sale of beer and wine for off-premise consumption is prohibited.

D. Site Plan Design

1. **Parking/Circulation** - The proposed remodel will not affect the existing parking area for the market. The addition of a convenience store that will be open 24 hours a day could create internal circulation problems on the site. Planning staff has discussed this issue with the Transportation Division. There are currently four driveways that service the site. There is concern that the driveways closest to the intersection have a potential for creating problems with the traffic flow on Fruitridge Road and Freeport Boulevard. Therefore, during the remodel of the service station Planning staff recommends that the two driveways closest to the intersection be eliminated. These driveways shall be removed to the satisfaction of the City's Transportation Division. The applicant shall install landscape planters that tie into the existing planter areas on Fruitridge Road and Freeport Boulevard where the driveways were. These planters shall have irrigation and live vegetation. Staff also recommends that the proposed trash enclosure be located adjacent to the west side of the building with the gates opening out into the parking lot. This location provides more open space in the parking lot and will reduce the possibility of loitering behind the enclosure. The trash enclosure will be required to be constructed to meet the recycling needs of the market as described by Section 34 of the City Zoning Ordinance.
2. **Landscaping** - The proposed remodel does not involve the addition of any new structures or parking areas. There are existing landscape planters along Freeport Boulevard and Fruitridge Road. During a site inspection, Planning staff noticed that some of the planter area had been filled with concrete and painted green. Planning staff recommends that the applicant remove all of the concrete from the required planters and replace it with irrigation and landscaping as required by the City's Zoning Ordinance.
3. **Signage** - The applicant has indicated that signage will be a separate proposal. There are currently two detached signs which the applicant has indicated will remain. The sign ordinance allows for two attached signs per street frontage. The applicant will be required to comply with the signage requirements for the General Commercial (C-2) zone.

PROJECT REVIEW PROCESS:A. Environmental Determination

The proposed project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15301{a}).

B. Public/Neighborhood/Business Association Comments

Planning staff has provided notice to the four neighborhood associations within the immediate area of the site (Freeport Blvd Business Association, Land Park Community Association, South Land Park Neighborhood Assoc., & Hollywood Park Neighborhood Association). No comments have been received.

C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. The following section summarizes the comments received:

1. **Police Department** - Police Department staff find no significant change in the existing neighborhood to warrant approval of this request. In fact, since the closure of the Liquor Mart and the opening of the Los Altos Market in 1993 (P93-118-approved 9/23/93), calls to this area have increased. The Police Department currently has a POP's project (Problem Oriented Policing) on Freeport Boulevard from Fruitridge to Sutterville. This area will be served by an NPO (Neighborhood Police Officer) when the City Council approves the Police Department's Crime Bill Grant funding.

It would not be in the best interest of the people of Sacramento to approve the sale of beer and wine at this location as permission to sell alcohol would contribute to neighborhood blight and alcohol related problems. The Police Department has no objections to the proposed 24 hour operation at this site provided that the standard safety conditions be imposed on the special permit (See conditions on Attachment D).

2. **Transportation Division** - The Transportation Division has requested that the two existing driveways located closest to the intersection be eliminated. In addition, the applicant should provide the necessary handicap parking spaces and loading area as required by Title 24 and the Americans with Disabilities Act (ADA).
3. **Solid Waste Division** - The applicant did not provide information on their intentions to provide an area for recycling containers. The proposed trash enclosure shall be constructed large enough to provide adequate area for recycling containers as well as trash dumpsters.

4. **Fire Department** - The Fire Department will do a thorough review of the building plans during the building permit plan check process.
5. **Building Division** - The Building Division will do a thorough review of the building plans during the building permit plan check process. The applicant should be aware that a second exit from the interior of the market will be required.

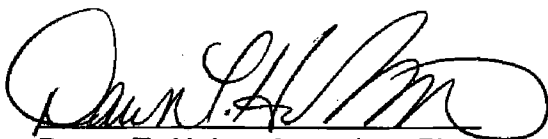
**PROJECT APPROVAL PROCESS:** Of the entitlements below, the Planning Commission has the authority to approve or deny all of the entitlements. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

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

- A. Adopt the attached Resolution (Attachment C), denying the Special Permit to allow the sale of beer and wine for off-premise consumption.
- B. Adopt the attached Resolution (Attachment D), approving the Special Permit to operate a 24 hour convenience market within 500 feet of a residential zone or use.
- C. Adopt the attached Resolution (Attachment E), approving the Plan Review of a remodel to an existing 1,606 square foot building and two gas island canopies.

Report Prepared By,

Report Reviewed By,



Dawn T. Holm, Associate Planner

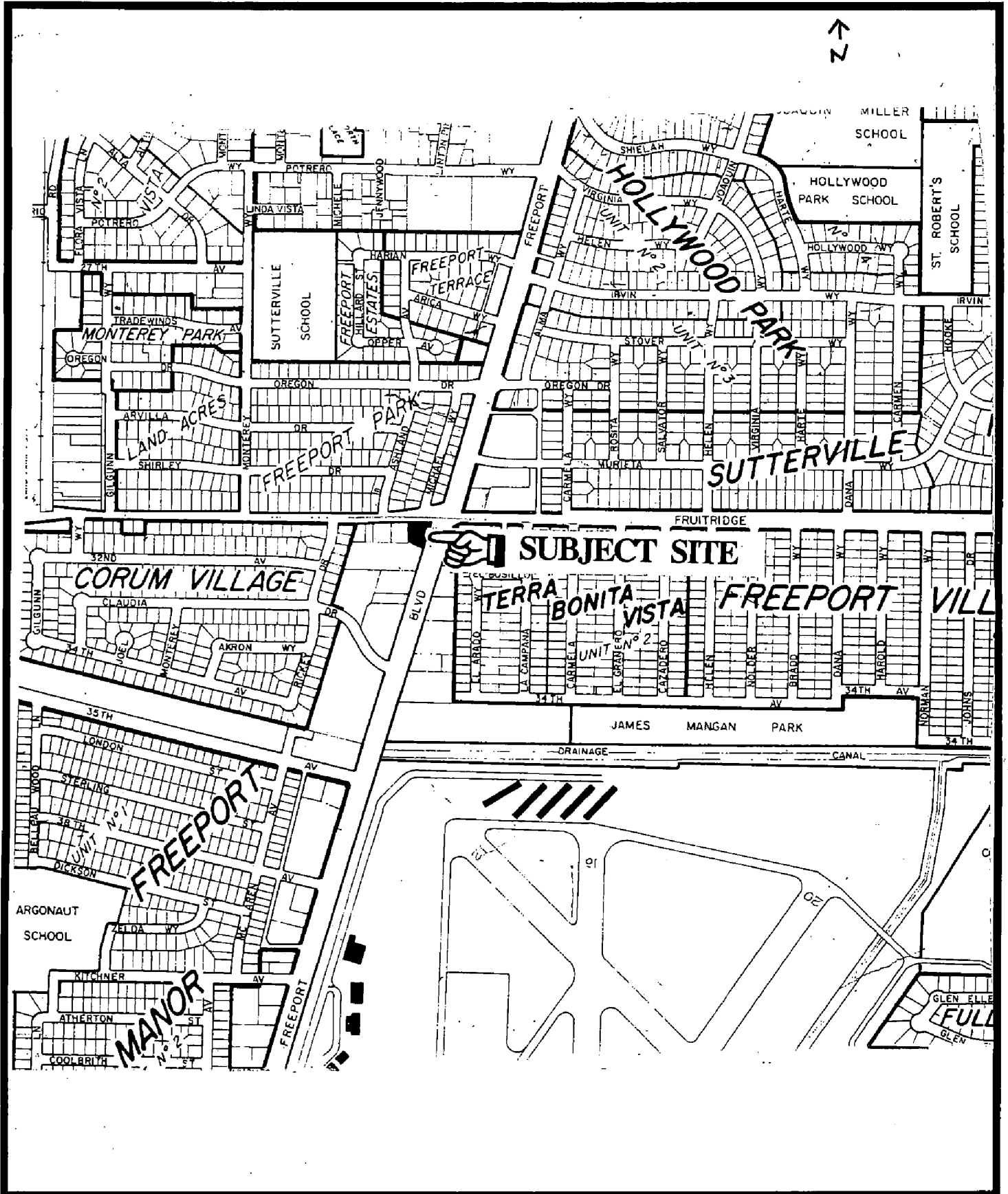


Barbara L. Wendt, Senior Planner

Attachments

|              |  |
|--------------|--|
| Attachment A | Vicinity Map                               |
| Attachment B | Land Use and Zoning Map                    |
| Attachment C | Resolution Denying Special Permit          |
| Exhibit C-1  | Existing Concentration Map (1 Mile Radius) |
| Attachment D | Resolution Approving Special Permit        |
| Exhibit D-1  | Site Plan                                  |
| Exhibit D-2  | Floor Plan and Elevations                  |
| Attachment E | Resolution Approving Plan Review           |
| Exhibit E-1  | Site Plan                                  |
| Exhibit E-2  | Floor Plans and Elevations                 |

ATTACHMENT A



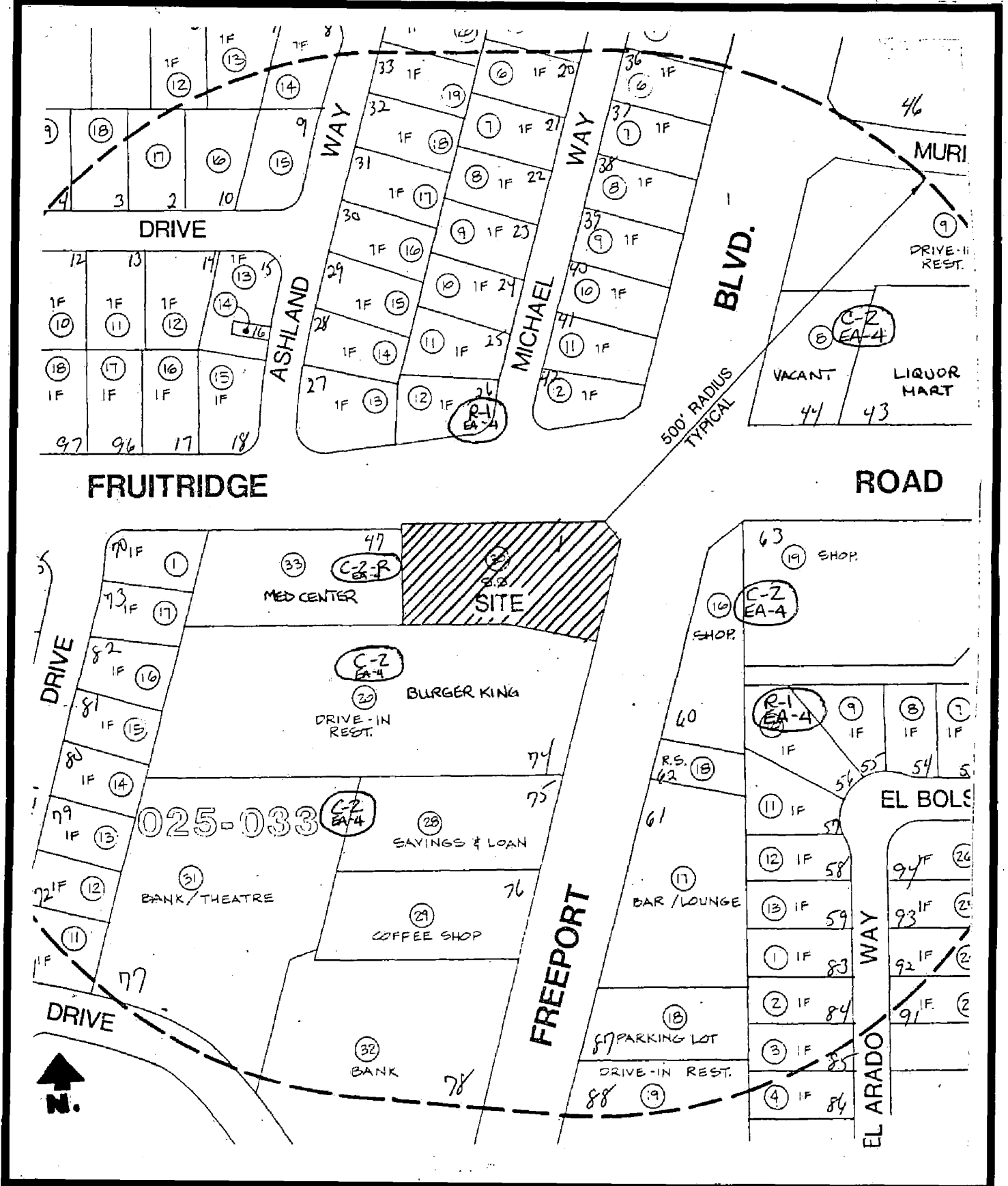
VICINITY MAP

ATTACHMENT B

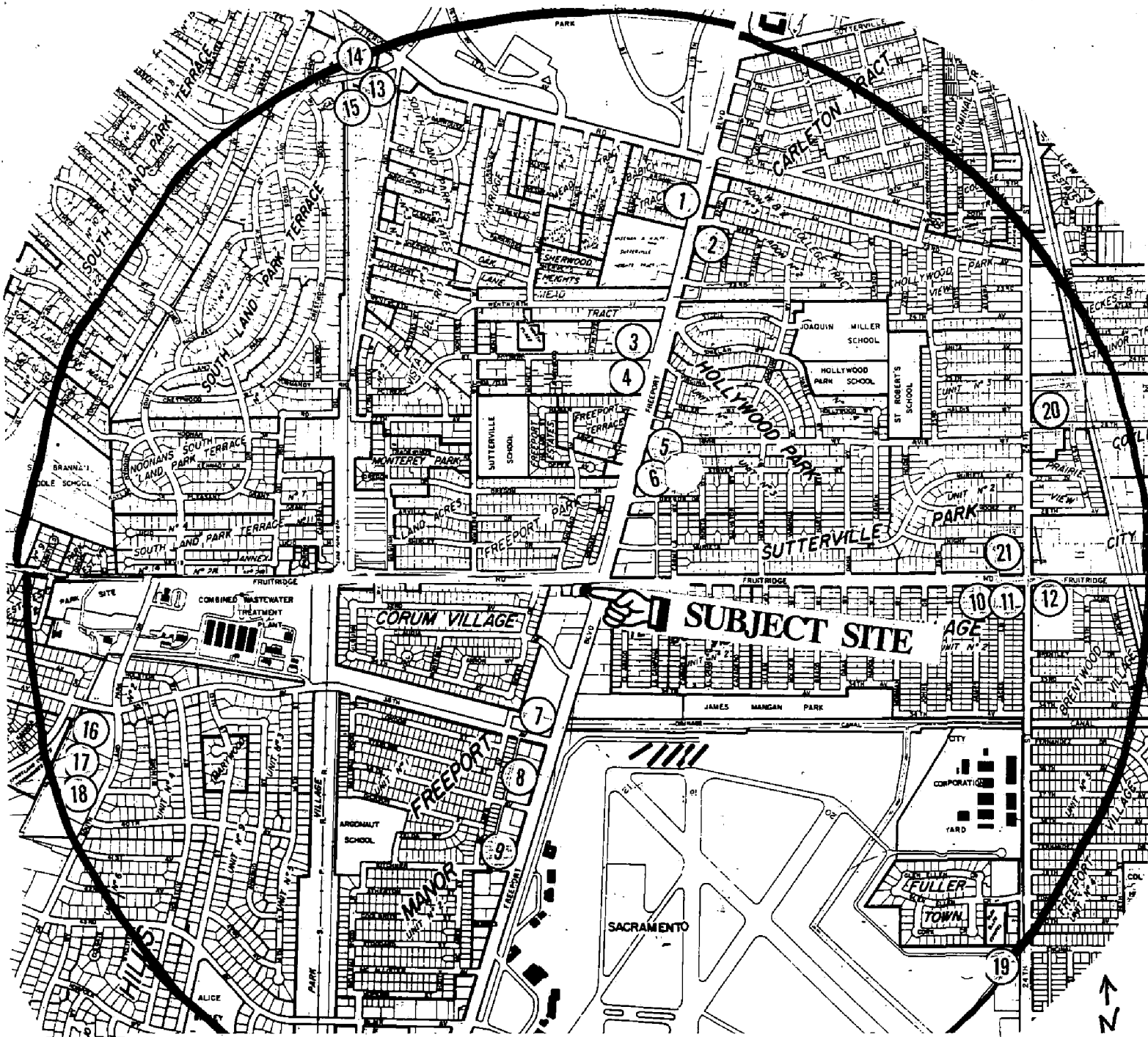
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MARCH 30, 1995

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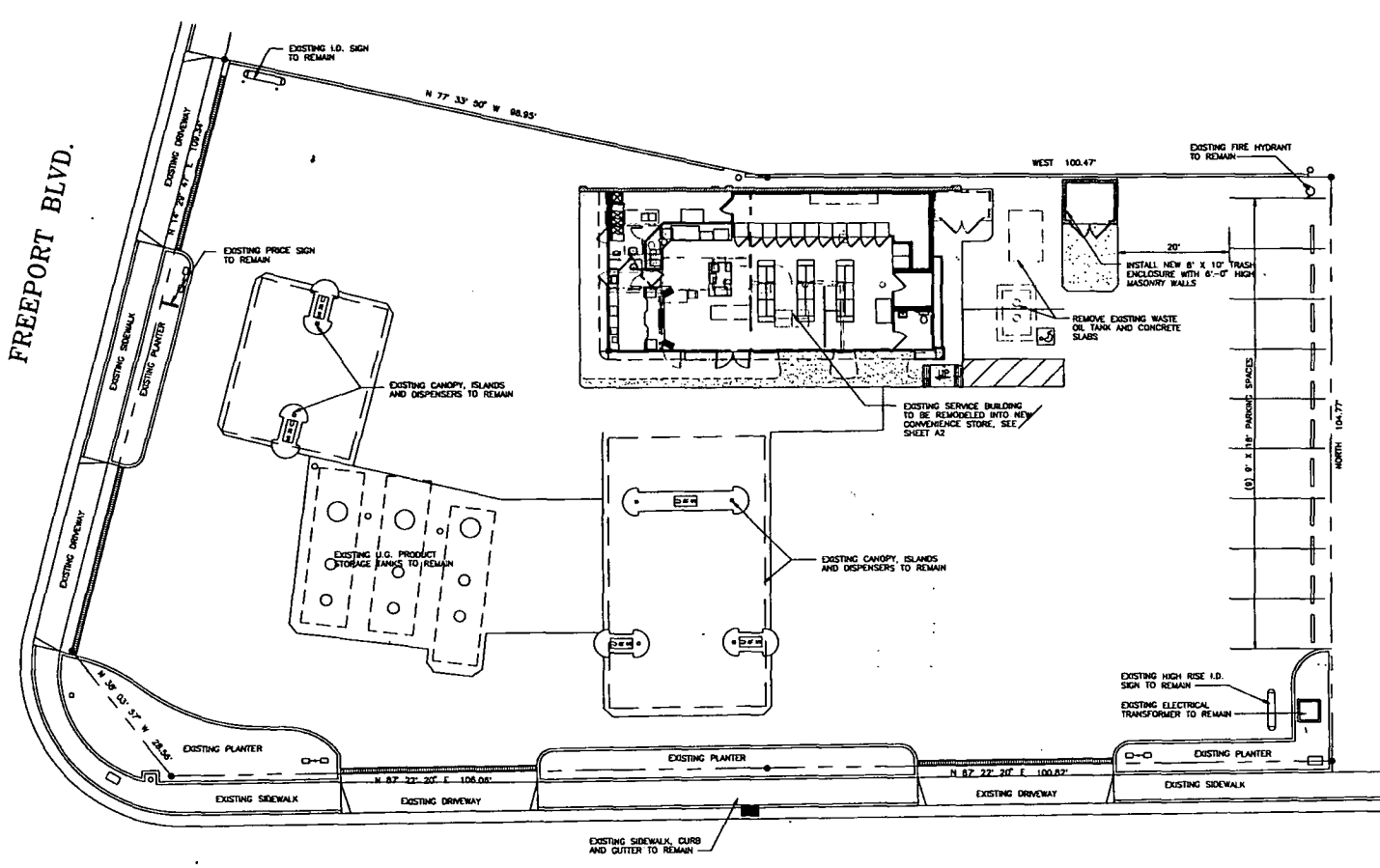


LAND USE AND ZONING MAP



- |                                      |   |
|--------------------------------------|---|
| 1. Come and Go Market (off-sale)     | 2. Wine and Spirits (off-sale)          |
| 3. Raley's (off-sale)                | 4. Thrifty's (off-sale)                 |
| 5. Los Altos Market (off-sale)       | 6. Pocket Club (bar)                    |
| 7. Oto's Japan Foods (off-sale)      | 8. Land Park Bowl (bar)                 |
| 9. Airway Market (off-sale)          | 10. Swiss Budha (bar)                   |
| 11. Bottle Shop (off-sale)           | 12. BP Convenience Market (off-sale)    |
| 13. BP Convenience Market (off-sale) | 14. Shell Convenience Market (off-sale) |
| 15. Compton's Market (off-sale)      | 16. Jumbo Market (off-sale)             |
| 17. Mike's Liquors (off-sale)        | 18. Brownie's Lounge (bar)              |
| 19. Cheaper Store (off-sale)         | 20. Express Mart (off-sale)             |
| 21. Jointed Cue Pool Hall (bar)      |   |

**OFF-SALE LIQUOR LICENSES AND BARS WITHIN ONE-MILE OF THE SUBJECT SITE**



SITE DATA

- SITE AREA: 23,758 SQ.FT.
- BUILDING AREA: 1606 SQ.FT.
- EXISTING LANDSCAPE AREA: 1004 SQ.FT. 4.2%
- PROPOSED LANDSCAPE AREA: 1004 SQ.FT. 4.2%
- REQUIRED PARKING: 4 SPACES  
ONE PER 400 SQ. FT.
- PARKING PROVIDED: 10 SPACES  
INCLUDES ONE HANDICAP PARKING SPACE

NOTE: ALL SIGNAGE SHALL BE SUBMITTED AND APPROVED UNDER A SEPARATE APPLICATION.

FRUITRIDGE ROAD

**TAT**  
TAT & ASSOCIATES, INC.  
CONSULTING ENGINEERS  
DUBLIN, CA - SAN DIEGO, CA

2800 Sunrise Boulevard  
Suite 208  
Rancho Cordova, CA 95742  
(916) 835-2444  
(916) 835-2808 FAX  
INVERMOUNT, CA - SACRAMENTO, CA

**TOSCO NORTHWEST COMPANY**  
A DIVISION OF TOSCO CORPORATION  
A LICENSEE OF BP OIL  
2868 PROSPECT PARK DRIVE, STE. 360  
RANCHO CORDOVA, CALIFORNIA 95670

**SITE PLAN**  
PROPOSED TOSCO OIL FACILITY, #111174  
5600 FREEPORT BOULEVARD  
FRUITRIDGE ROAD  
SACRAMENTO, CALIFORNIA

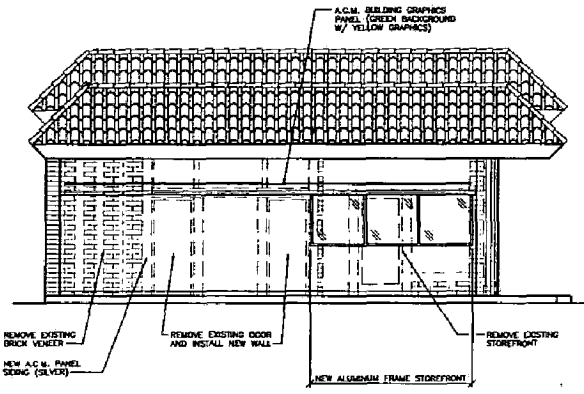
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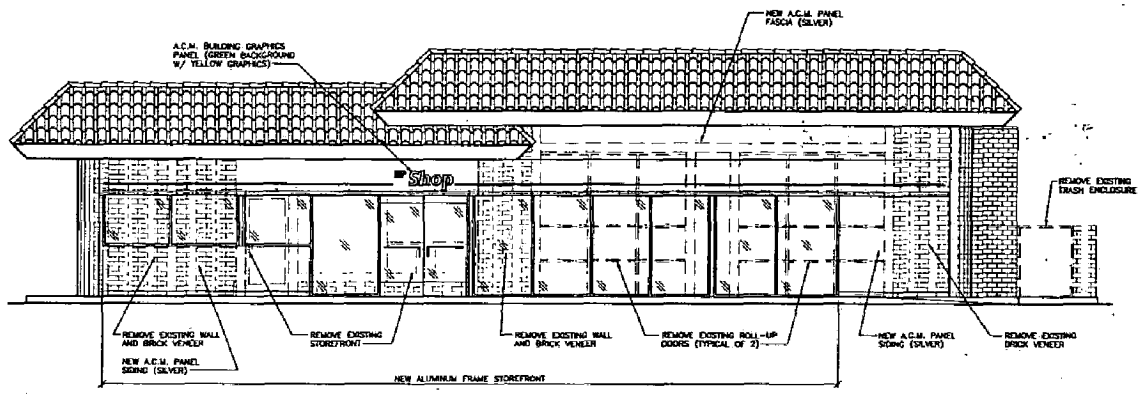
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PROPOSED LEFT SIDE ELEVATION

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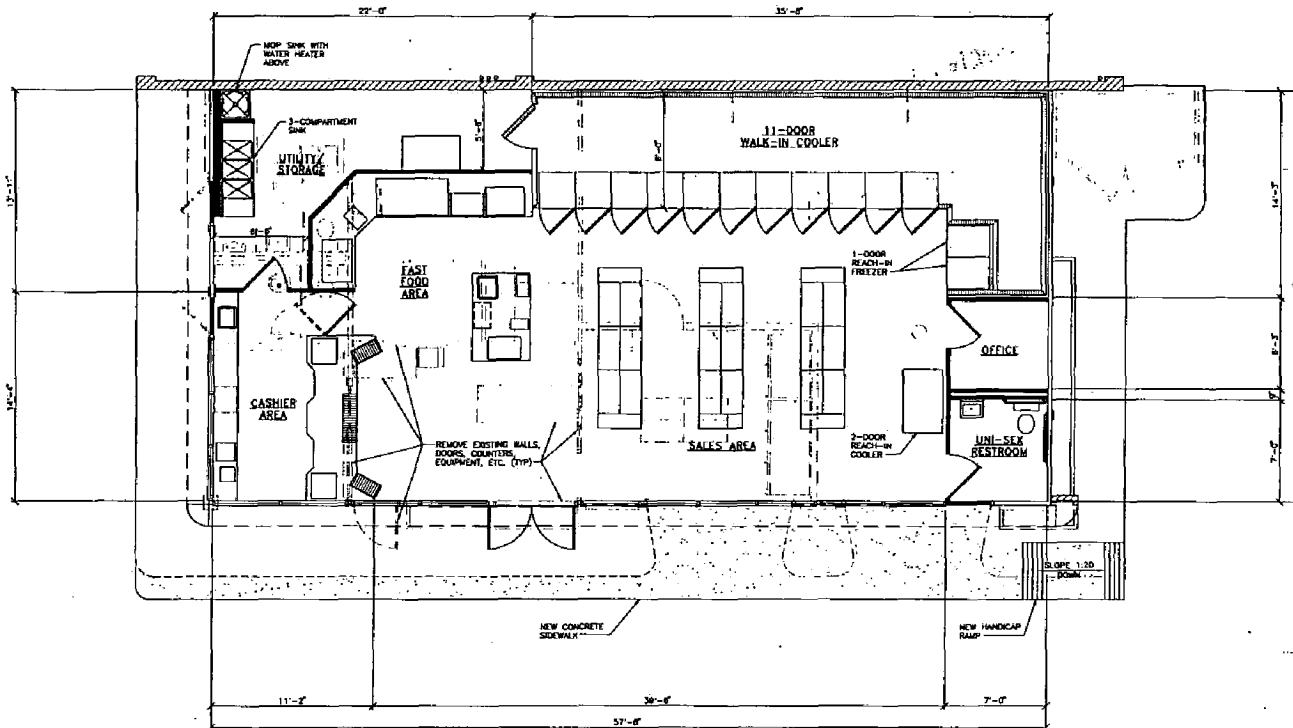
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PROPOSED FRONT ELEVATION

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1/4" = 1'-0"



PROPOSED FLOOR PLAN

SCALE:

1/4" = 1'-0"

**TAT**  
TAT & ASSOCIATES, INC.  
CIVIL/MECHANICAL ENGINEERING  
GRANITE, CA - (415) 855-0133, CA

2880 Sunrise Boulevard  
Suite 208  
Rancho Cordova, CA 95742  
(916) 633-2444  
(916) 633-2406 FAX  
PROJECT NO. - 94039-02

**TOSCO NORTHWEST COMPANY**  
A DIVISION OF TOSCO CORPORATION  
A LICENSEE OF BP OIL  
2888 PROSPECT PARK DRIVE, STE. 360  
RANCHO CORDOVA, CALIFORNIA 95670

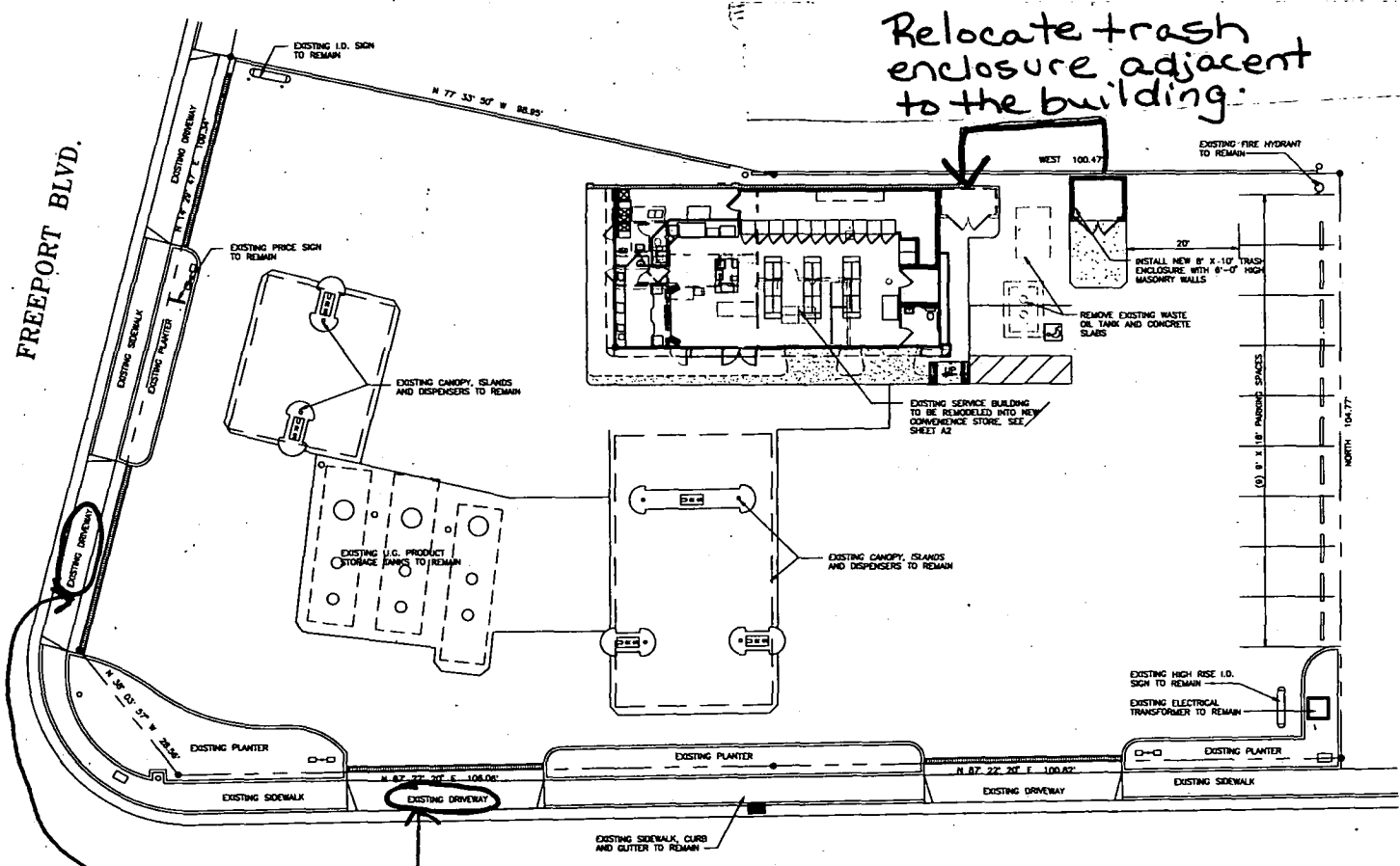
**FLOOR PLAN & ELEVATIONS**  
PROPOSED TOSCO OIL FACILITY #11174  
5600 FREEPORT BOULEVARD  
FRUITRIDGE ROAD  
SACRAMENTO, CALIFORNIA

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SITE DATA

|                          |  |
|--------------------------|--|
| SITE AREA:               | 23,758 SQ.FT.                                    |
| BUILDING AREA:           | 1606 SQ.FT.                                      |
| EXISTING LANDSCAPE AREA: | 1004 SQ.FT. 4.2%                                 |
| PROPOSED LANDSCAPE AREA: | 1004 SQ.FT. 4.2%                                 |
| REQUIRED PARKING:        | 4 SPACES<br>ONE PER 400 SQ. FT.                  |
| PARKING PROVIDED:        | 10 SPACES<br>INCLUDES ONE HANDICAP PARKING SPACE |

NOTE: ALL SIGNAGE SHALL BE SUBMITTED AND APPROVED UNDER A SEPARATE APPLICATION.

**TAT**  
TAT & ASSOCIATES, INC.  
2380 Sunrise Boulevard  
Suite 208  
Rancho Cordova, CA 95742  
(916) 835-2444  
(916) 835-2444 FAX  
ORANGE, CA - SAN DIEGO, CA  
MERCED, CA - SACRAMENTO, CA

**TOSCO NORTHWEST COMPANY**  
A DIVISION OF TOSCO CORPORATION  
A LICENSEE OF BP OIL  
2888 PROSPECT PARK DRIVE, STE. 360  
RANCHO CORDOVA, CALIFORNIA 95670

**SITE PLAN**  
PROPOSED TOSCO OIL FACILITY. #11174  
5600 FREEPORT BOULEVARD  
FRUITRIDGE ROAD  
SACRAMENTO, CALIFORNIA

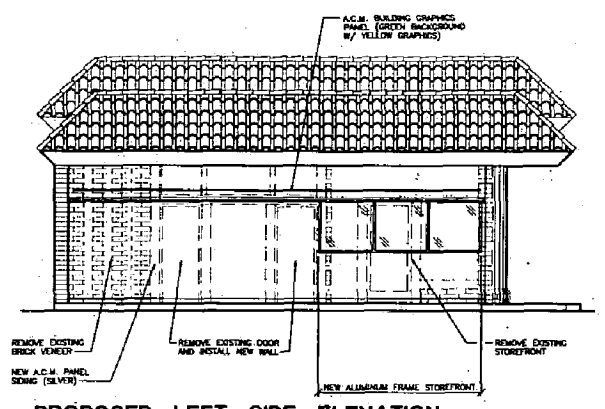
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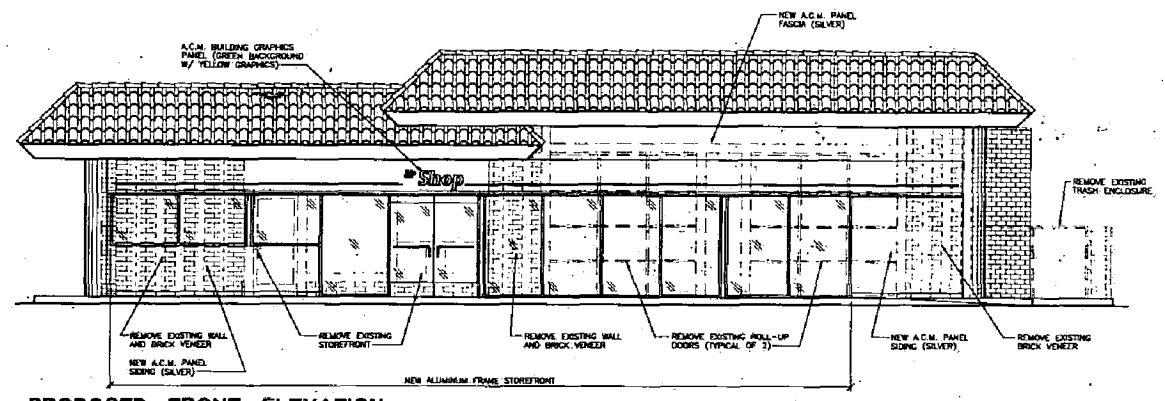
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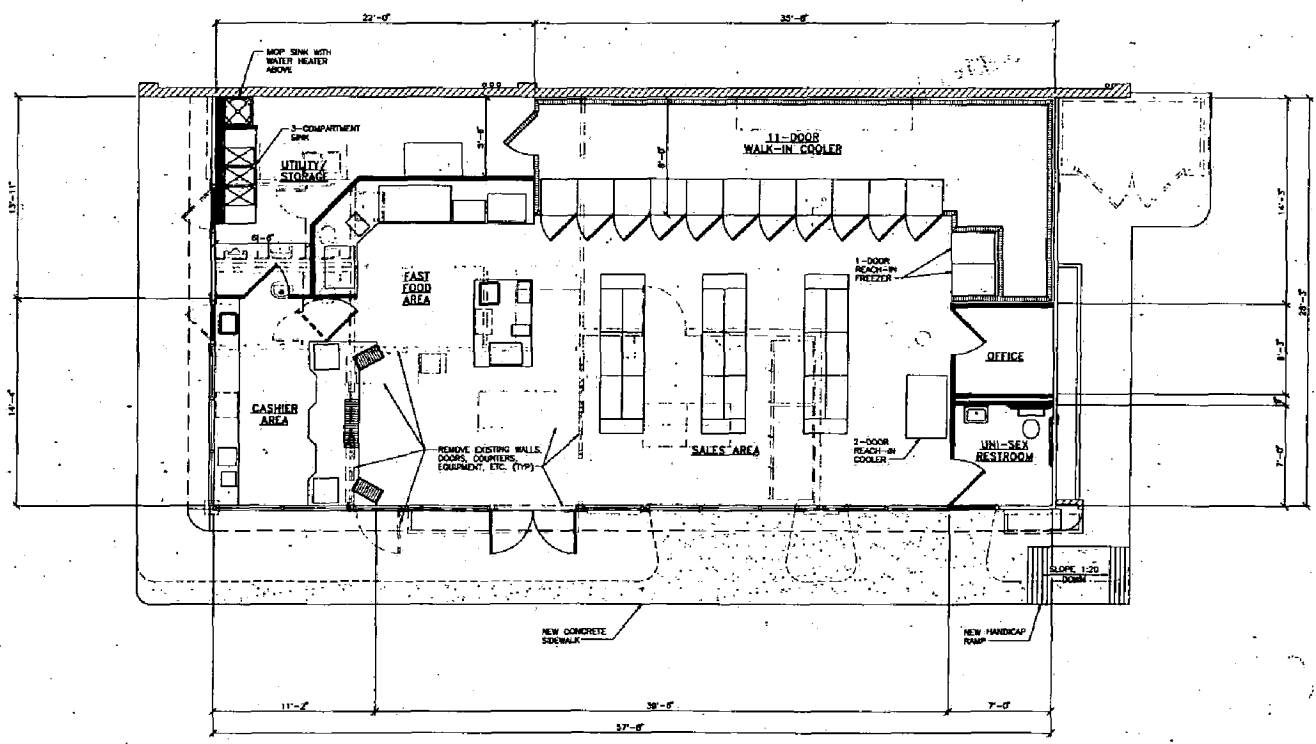
PROPOSED LEFT SIDE ELEVATION

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PROPOSED FRONT ELEVATION

SCALE: 1/4" = 1'-0"



PROPOSED FLOOR PLAN

SCALE: 1/4" = 1'-0"

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| <p><b>TAT</b><br/>TAT &amp; ASSOCIATES, INC.<br/>CONSULTING ENGINEERS<br/>ORANGE, CA - 540 9600, E4</p>   | <p>2880 Sunrise Boulevard<br/>Suite 208<br/>Rancho Cordova, CA 95742<br/>(916) 635-2444<br/>(916) 635-2048 FAX<br/>FREDERICK J. BOSSON, P.E.</p>                               |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|   | <p><b>TOSCO NORTHWEST COMPANY</b><br/>A DIVISION OF TOSCO CORPORATION<br/>A LICENSEE OF BP OIL<br/>2868 PROSPECT PARK DRIVE, STE. 360<br/>RANCHO CORDOVA, CALIFORNIA 95670</p> |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| <p><b>FLOOR PLAN &amp; ELEVATIONS</b><br/>PROPOSED TOSCO OIL FACILITY #11174<br/>5600 FREEPORT BOULEVARD<br/>● FRUITRIDGE ROAD<br/>SACRAMENTO, CALIFORNIA</p>   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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CITY PLANNING COMMISSION  
SACRAMENTO, CALIFORNIA  
MEMBERS IN SESSION:

ITEM #13  
DECEMBER 17, 1998  
PAGE 1

**P98-095 - KXTV BROADCAST TOWER**

REQUEST: A. Negative Declaration  
B. Special Permit to construct a 302.6 foot tall broadcast tower and equipment building on 3.3± developed acres in the Light Industrial (M-1) zone.

LOCATION: 400 Broadway; APN: 009-0237-021 & 022  
Land Park Community Plan/Broadway Corridor  
Sacramento City Unified School District  
Council District 4

|                    |  |
|--------------------|--|
| APPLICANT:         | Nacht & Lewis Architects, Michael Corrick, 381-0127<br>7300 Folsom Blvd., #200, Sacramento, CA 95826 |
| OWNER:             | Great Western Broadcasting Corp.<br>400 Broadway, Sacramento, CA 95818                               |
| PLANS BY:          | Nacht & Lewis Architects   |
| APPLICATION FILED: | 8-20-98  |
| STAFF CONTACT:     | Jeanne Corcoran, (916) 264-5317  |

**SUMMARY:** KXTV is requesting to construct a 302.5 foot high steel broadcast tower on 3.3 developed acres in the Light Industrial (M-1) zone. The tower will be 287.5 feet tall with a 15 foot high warning light pole. The tower is triangular in shape with the tower faces approximately 30 feet in width which will be reduced to 20 feet at the 160 foot level and to 12 feet at the 270 foot level. Broadcast dishes will be placed behind radio frequency polystyrene panels at 120 to 150 feet level and 240 to 260 foot level. A triangular equipment building housing transmission equipment will be located under the tower. The equipment building is approximately 250 square feet and 12.5 feet high. The tower will be placed behind the existing Channel 10 building screening the tower from Broadway and 5<sup>th</sup> Street. The basic issues of the broadcast tower are height and aesthetics.

**RECOMMENDATION:** Staff recommends approval of the project, subject to conditions. Staff is recommending approval since the proposed tower benefits an existing, established broadcast station and will promote the telecommunication policies adopted by the City Council.

PROJECT INFORMATION:

|                            |                               |
|----------------------------|-------------------------------|
| General Plan Designation:  | Heavy Commercial or Warehouse |
| Existing Land Use of Site: | Channel 10, Broadcast Station |
| Existing Zoning of Site:   | Light Industrial (M-1)        |

## Surrounding Land Use and Zoning:

North: Auto Repair, Commercial; C-4  
 South: Warehouse, Industrial; M-1, M-2  
 East: Warehouse, Auto Repair; M-1  
 West: Industrial; M-2

|                                       |                 |
|---------------------------------------|-----------------|
| Property Dimensions:                  | 200' x 720'     |
| Property Area:                        | 3.3± net acres  |
| Height of Tower:                      | 287.5 feet      |
| Square Footage of Equipment Building: | 250 square feet |
| Height of Equipment Building:         | 12.5 feet       |
| Tower Building Material:              | Steel           |

OTHER APPROVALS REQUIRED: In addition to the entitlements requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

| <u>Permit</u>   | <u>Agency</u>       |
|-----------------|---------------------|
| *Design Review  | Design Review Board |
| Building Permit | Building Division   |

\*Requires a public hearing.

BACKGROUND INFORMATION: In 1996, the broadcast station and offices were constructed on the site at 400 Broadway. In May 1997, the City Council adopted policies that provide criteria and guidelines for evaluating proposed telecommunication facilities. These guidelines emphasize minimizing the visibility of new telecommunication facilities through design and construction techniques. The installation of new monopoles is generally disfavored and should generally be limited to those situations where other options are unavoidable or unworkable. (Ord 97-023)

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The General Plan designated the site as Heavy Commercial or Warehouse. The General Plan encourages the retention and expansion of existing industries (GP Sec 1-32 and 4-21).

The proposed tower project supports the existing established broadcast station on the site. Federal law has mandated major broadcast stations to begin broadcasting high definition digital television signals by November 1999. The tower is to facilitate the high definition signals from various locations primarily from Walnut Grove.

The tower and related equipment is also considered to be consistent with the General Plan to "improve and provide communication and utility services to all areas of the City" (Sec 7-11). The project will facilitate the broadcast station requirement to comply with federal law, while providing the city and surrounding region new technologies for gathering and disseminating information during times of local and regional emergency situations as well as day to day news and entertainment.

The Telecommunication Policies recently adopted by the City Council articulates the City's desire to encourage the continued development of telecommunications facility sites with strategic thought and planning as to the locations and design of these sites. This policy was adopted to address the highly visible and explosive cellular antenna market.

While the broadcast tower is subject to this policy, the broadcast tower is not similar to cellular telecommunication facilities in that the tower is a support function of the broadcast station located on the site and is required to provide the high definition digital television signals mandated by Federal law. The applicant, knowing that the tower would be highly visible has worked towards providing a more architectural design that could serve as an icon for the Broadway area. Therefore, the proposed project is consistent with the telecommunication policies since the tower is a unique situation that prevents the tower from being invisible but will allow for co-location of cellular antennas.

#### B. Height

The overall height of the tower is 302.5 feet. The Zoning Ordinance requires a special permit to locate new telecommunication towers in residential or non-residential zones. The Zoning Ordinance does not restrict the height of the towers. The special permit provides for the height of the tower.

The applicant proposal is for a 302.5 tall tower. While this may seem extremely tall the applicant explains the height as necessary not only to clear existing tree and building heights, but also to provide a clear uninterrupted signal to and from the tower in Walnut Grove. This is accomplished by placing the lowest antenna at 160 feet and requires a 100 foot distance to the second antenna to create an uninterrupted space diversity path. The applicant originally started with a 500 foot tower but has lowered the tower to approximately 300 feet to address concerns of the neighbors and business communities during initial discussions.

The proposed tower height is consistent with other established communication towers

servicing other broadcast stations (KCRA), newspapers (Sacramento Bee) and the Emergency Operations Center which were approved or constructed with heights varying from 260 feet to 500 feet.

In order to provide co-location capabilities on this tower, additional space must be provided for equipment structures. Some cellular companies require equipment space of approximately 12' X 26 (312 sf). The equipment area the applicant proposes is 250 square feet. One third of this area is proposed to be used by the tower, however, the remaining space may not be adequate for cellular companies. In order to provide additional equipment space, the parking area to the east of the site (Exhibit A-1) can be made available by relocating the handicapped parking spaces on the south side of the concrete divider. This parking area is not accessible due to the construction of the tower. Staff has spoken to the Channel 10 and they have no objections to allowing this space for additional equipment area, if necessary.

#### C. Aesthetics

The applicant proposes a steel tower that rises in a series of platforms to a height of 287.5 feet. A steel light pole above the tower brings the overall height to 302' - 6". The structure will be visible from all directions, however, the lower portion of the tower will not be seen at eye level of pedestrians along Broadway, 3<sup>rd</sup> & 5<sup>th</sup> Streets or 1<sup>st</sup> Avenue due to the configuration of the building on the site and the location of the adjacent building south of the site. The tower will be visible from the freeway and from east and west bound traffic and pedestrians on that portion of Broadway. The tower is 30 feet wide up to 150 feet then tapers to 20 feet in width up to 260 feet in height. A final tapered steel panel is topped with a polystyrene cap and a steel light pole. The tower has polystyrene flat panels midway up the tower in a diamond pattern, and curved polystyrene panels at the top of the tower. The tower is proposed in a dark red color with dark purple horizontal pieces. Tan colored radio frequency panels are proposed and will be lit at night. The steel light pole at the top of the tower will be red in color and capped with an FAA warning light.

The project is subject to Design Review Board since the site is located in the Central City design review area. The Design Review Board has reviewed and approved the project (DR98-126) with the following comments. The tower colors are too dull, the proportions are critical, height changes are problematic, mitigate any negatives with color and lighting.

#### PROJECT REVIEW PROCESS:

##### A. Environmental Determination

The Environmental Services Manager has determined the project, as proposed, will not have a significant impact to the environment; therefore, a Negative Declaration has been prepared.

**B. Public/Neighborhood/Business Association Comments**

The project was routed for review by the Central City Alliance of Neighborhoods/Neighborhood Association Advisory Group (NAAG), Sacramento Old City Association (SOCA), Southside Park Neighborhood Association, Southside Park Neighborhood Improvement Association, Upper Land Park, Maple Park and Land Park Community Association. The staff also provided an early notification on September 25, 1998 to property owners within 500 feet of the project. The following comments were received:

NAAG - Will defer to Land Park Neighborhood Association

Land Park Neighborhood Association - Generally supports the tower, based on verbal presentation at the Design Review Board meeting of November 18<sup>th</sup>. Land Park Neighborhood Association:

- supports Channel 10 as a good neighbor;
- agrees that the color should be addressed, and make the tower more colorful,
- height changes will diminish the tower design,
- would like to see the lighting of the tower as part of the plan for review,
- would like to see a more unique approach to the mid-level tower design with more curved emphasis at the mid-level panels, and a more diamond shaped design than the design proposed,
- would also like to see smoother, more curved transition between the mid-level and upper portions of the tower, and;
- work with neighbors to resolve their concerns.

Staff, also, received letters from Broadway Business Association (Attachment D) supporting the project. An adjacent property owner sent in a letter (Attachment E) requesting additional information on how the tower would affect his property, Channel 10 has provided the response (Attachment F)

**C. Summary of Agency Comments**

The project has been reviewed by several City Departments and other agencies. The proposed project did not impact Utilities, Public Works or Fire Departments.


**PROJECT APPROVAL PROCESS:** Of the entitlements below, Planning Commission has the authority to approve or deny the special permit. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

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

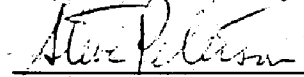
- A. Adopt the attached Notice of Decision and Findings of Fact ratifying the

- B. Adopt the attached Notice of Decision and Findings of Fact approving the special permit to construct a 302.6 foot tall broadcast tower and equipment building on 3.3± developed acres in the Light Industrial (M-1) zone.

Report Prepared By,

  
Jeanne Corcoran, Associate Planner

Report Reviewed By,

  
Steve Peterson, Senior Planner

Attachments

|              |  |
|--------------|--|
| Attachment A | Notice of Decision & Findings of Fact        |
| Exhibit A-1  | Site Plan                                    |
| Exhibit A-2  | Elevations                                   |
| Exhibit A-3  | Elevations                                   |
| Attachment B | Vicinity Map                                 |
| Attachment C | Land Use & Zoning Map                        |
| Attachment D | Broadway Business Association Letter         |
| Attachment E | Saccani Letter                               |
| Attachment F | Channel 10's Response                        |
| ATTACHMENT G | LETTER OF SUPPORT - STETZER FORREST PRODUCTS |
| Attachment H | Letter of Support - Saccani Distributing Co. |

**NOTICE OF DECISION AND FINDINGS OF FACT FOR  
KXTV BROADCAST TOWER, LOCATED AT 400 BROADWAY SACRAMENTO,  
CALIFORNIA IN THE LIGHT INDUSTRIAL (M-1) ZONE. (P98-095)**

---

At the regular meeting of December 17, 1998, the City Planning Commission heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. **Ratify the Negative Declaration;**
- B. **Approved the Special Permit to construct a 302.6 foot tall broadcast tower and equipment building on 3.3± developed acres in the Light Industrial (M-1) zone.**

These actions were made based upon the following findings of fact and subject to the following conditions:

---

**FINDINGS OF FACT**

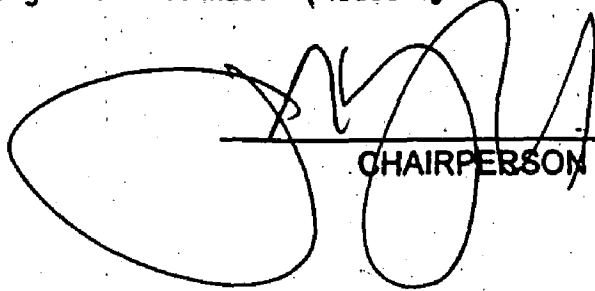
- A. **Negative Declaration:** The City Planning Commission approves the Negative Declaration, based upon the following findings:
  - 1. The Negative Declaration was prepared and circulated for the above-identified project pursuant to the requirements of CEQA;
  - 2. The Negative Declaration was prepared and evaluated under the City's 1986-2006 Sacramento General Plan Update Draft Environmental Impact Report (SGPU, DEIR). The proposed broadcast tower is consistent with the SGPU designation of Heavy Commercial or Warehouse.
  - 3. The proposed Negative Declaration and comments received during the public review process were considered prior to action being taken on the project;
  - 4. Based upon the Initial Study and the comments received during the public review process, there is no substantial evidence that the project will have a significant effect on the environment.
- B. **Special Permit to construct a 302.6 foot broadcast tower:** The Special Permit to construct a broadcast tower and equipment building is approved subject to the following findings of fact and conditions of approval:
  - 1. The project is based upon sound principles of land use in that:

- a. the proposed tower is a support function of the broadcast station located on the site;
  - b. the proposed use is compatible with the surrounding office, warehouse and industrial neighborhood;
  - c. the broadcast tower is located a minimum of 600 feet from the nearest residential use
2. The project will not be detrimental to the public welfare and result in the creation of a public nuisance in that KXTV shall maintain the structural integrity and the aesthetic character of the tower.
  3. The project, as conditioned is consistent with the General Plan objectives and policies to continue to improve and provide communication and utility service to all areas of the City and retain and expand existing industries.

#### CONDITIONS OF APPROVAL

- B. The Special Permit for the broadcast tower (Exhibit A-1, 2 & 3) is hereby approved subject to the following conditions:
- B1. The applicant shall obtain all necessary building permits prior to commencing construction.
  - B2. Comply with the conditions of the Design Review Board (DR98-126).
  - B3. The two handicapped parking spaces, east of the tower shall be relocated. This area shall be used to allow additional equipment boxes if necessary for co-location of cellular carriers on the tower.
  - B4. The applicant shall cooperate and provide a good faith effort towards allowing cellular carriers to co-locate on the tower.
  - B5. Antennas shall not be attached to the outer side of the tower. All antennas shall be placed on the inside of the tower concealed behind polystyrene panels.
  - B6. No signage shall be permitted on the tower.
  - B7. KXTV (Channel 10) shall maintain the structural integrity of the tower and the aesthetic character of the tower.
  - B8. The existing 70 foot tall broadcast tower, located on the roof of the building, shall be removed within a 120 days after the project tower becomes operational.

- B9. Should the KXTV or their successors, discontinue using the tower as a broadcast tower, the tower shall be removed within six months of the termination of use.
- B10. The technical information, submitted by KXTV (Attachment I) will be verified by an objective 3rd party for the purpose of height in locating the antennas. (Added by Staff 12-17-98)



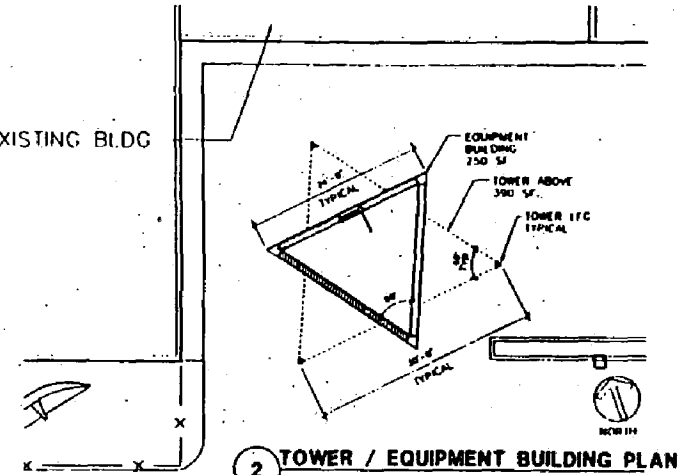
CHAIRPERSON

ATTEST:

Guy L. Stonehouse  
SECRETARY TO CITY PLANNING COMMISSION  
12-17-98  
DATE (P98-095)

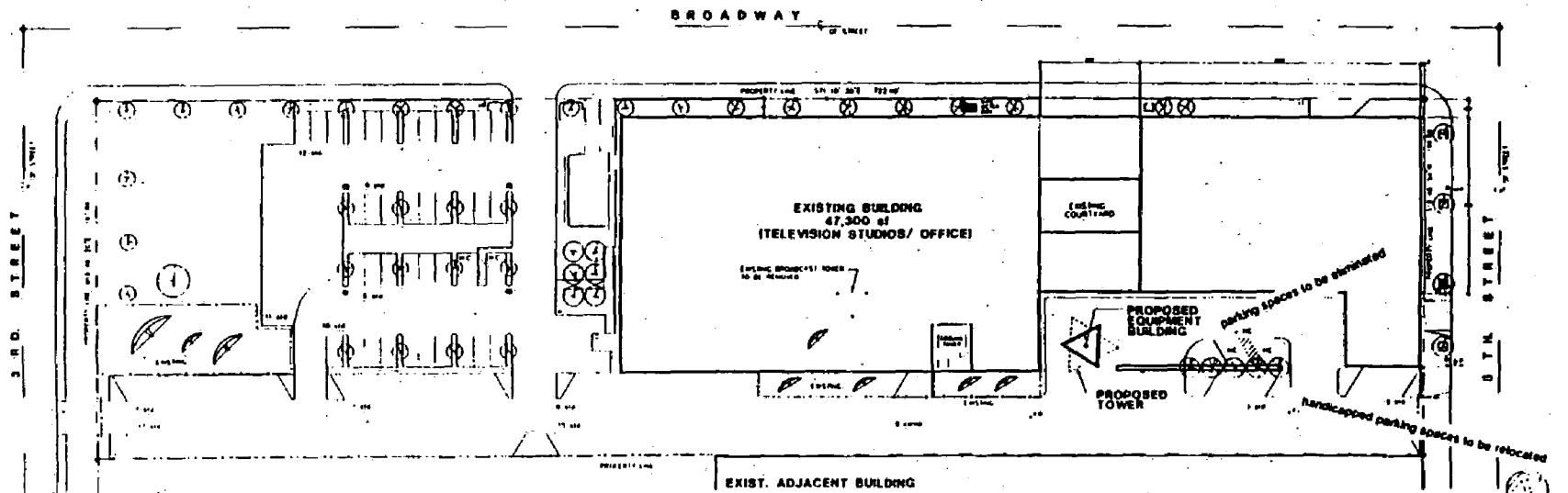
Exhibit A-1 Site Plan  
Exhibit A-2 Elevation Plan  
Exhibit A-3 Elevation Plan

EXISTING BLDG



2 TOWER / EQUIPMENT BUILDING PLAN

SCALE 1/8" = 1'-0"



1 SITE PLAN

SCALE 1/8" = 1'-0"



SHEET TITLE

SITE PLAN  
TOWER/EQUIPMENT  
BUILDING PLAN

# BROADCAST TOWER KXTV 10

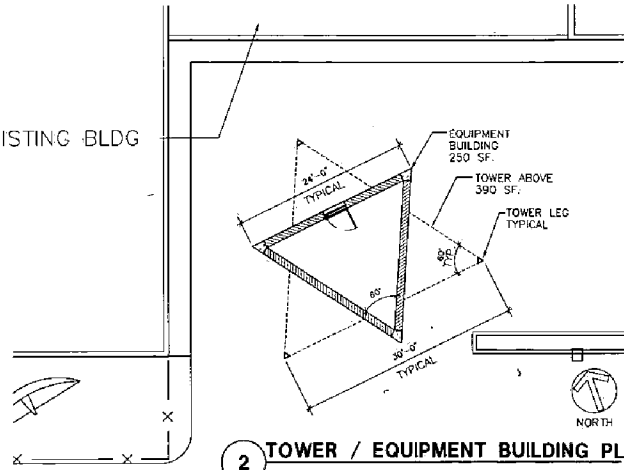
An ABC Affiliate

400 BROADWAY  
SACRAMENTO, CALIFORNIA



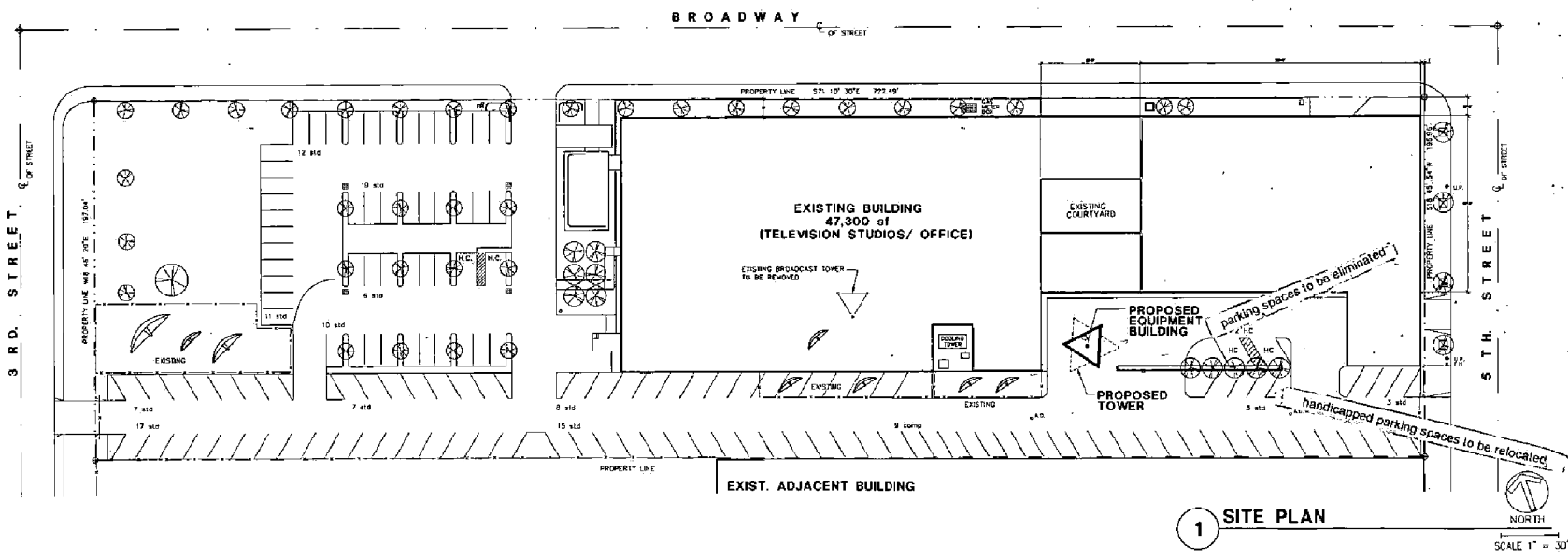
SCALE AS SHOWN  
DATE ALLEGE

EXISTING BLDG



2 TOWER / EQUIPMENT BUILDING PLAN

SCALE 1/8" = 1'-0"



1 SITE PLAN

SCALE 1" = 30'

EXHIBIT A-1



SHEET TITLE

SITE PLAN  
TOWER/EQUIPMENT  
BUILDING PLAN

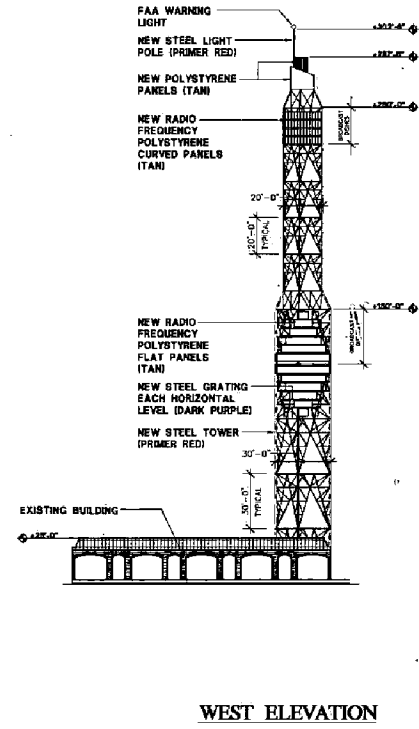
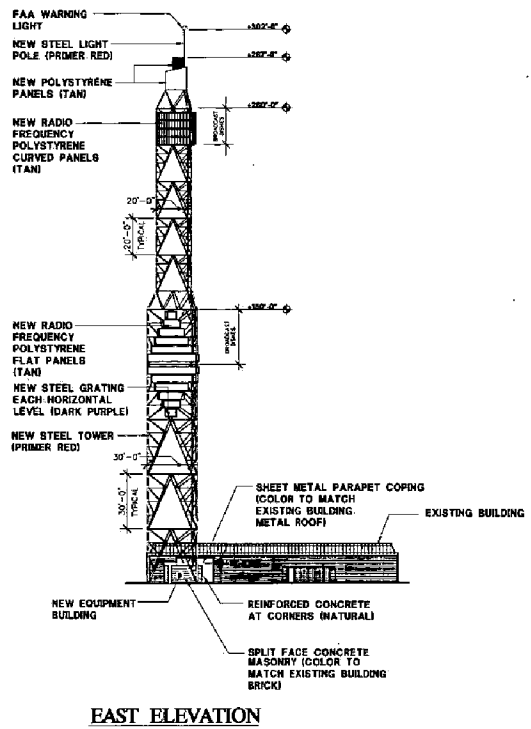
BROADCAST TOWER  
KXTV 10  
An ABC Affiliate

400 BROADWAY  
SACRAMENTO, CALIFORNIA



SCALE AS NOTED  
DATE: AUGUST 15, 1998

PROJECT NO. 980300



SHEET TITLE  
**ELEVATIONS**

SCALE 1/32" = 1'-0"

**BROADCAST TOWER**  
**KXTV 10**

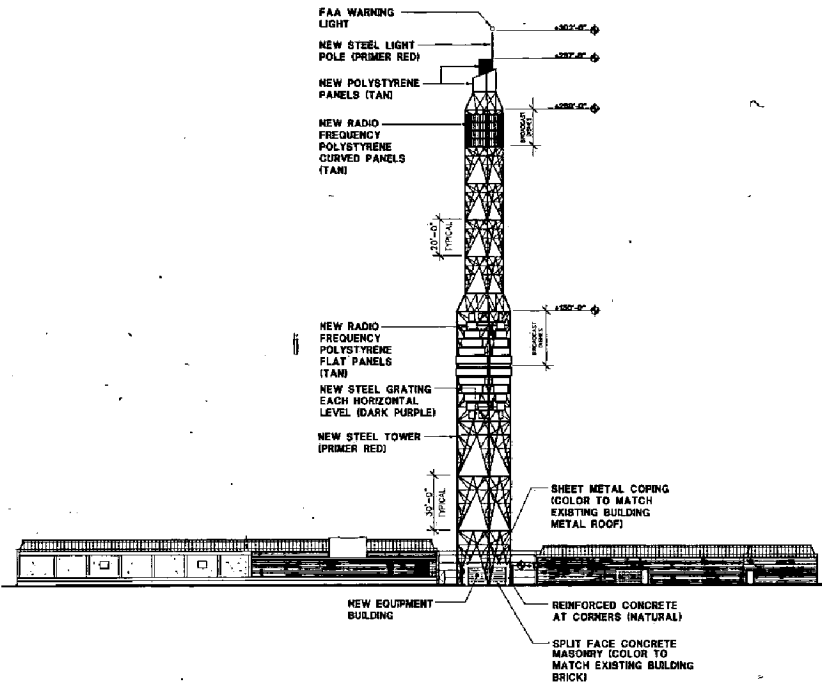
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400 BROADWAY  
SACRAMENTO, CALIFORNIA

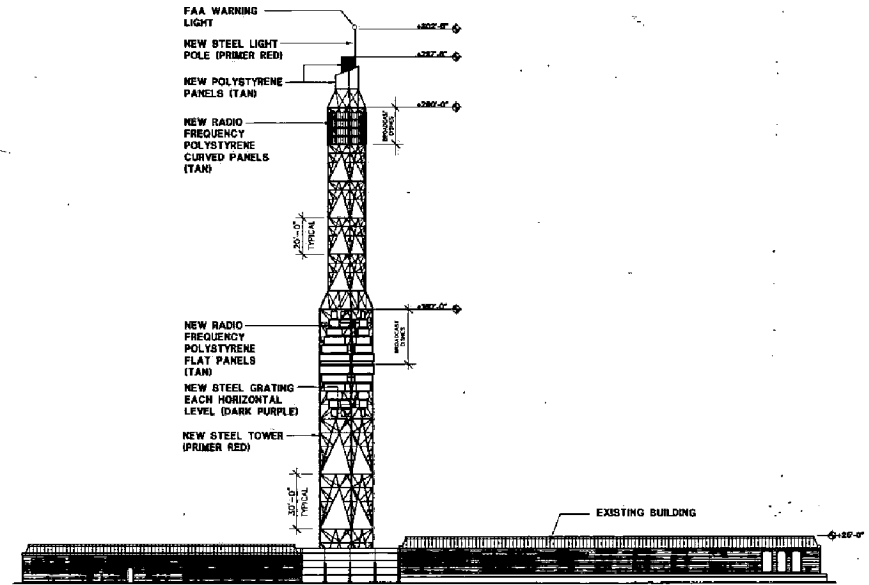


SCALE AS-NOTED  
DATE: AUGUST 8, 1998

PROJECT NO. 98030



**SOUTH ELEVATION**



**NORTH ELEVATION**

EXHIBIT A-3



SHEET TITLE

**ELEVATIONS**

SCALE 1/32" = 1'-0"

**BROADCAST TOWER  
KXTV 10**

An ABC Affiliate

400 BROADWAY  
SACRAMENTO, CALIFORNIA



SCALE AS NOTED  
DATE: AUGUST 9, 1998

PROJECT NO. 98030



1710 Broadway Suite 26  
Sacramento CA 95818

phone (916) 441-5090 ext. 6026  
fax (916) 441-5090 attn: BMB

Councilmember Jimmie Yee  
District 4  
City Hall  
916 I street, Room 205  
Sacramento, CA 95814

RECEIVED

SEP 30 1998

CITY OF SACRAMENTO  
CITY PLANNING DIVISION

September 25, 1998

Dear Mr. Yee

It has come to our attention that KXTV is in the planning process for a transmission tower at their facility on the west end of Broadway. In an effort to understand the scope of the project, they were invited to present their concept at our general meeting on September 22, 1998. Rod Robinson (KXTV) and Michael Corrick (Nacht & Lewis Architects) discussed the need for the tower and presented the design of the tower. KXTV has gone through numerous iterations of the design attempting to satisfy specific issues of various concerned groups. We believe the current design is quite attractive and will serve as an icon that will help identify the Broadway Corridor. KXTV is a highly valued business neighbor on Broadway serving the local and regional community. We intend to help them obtain this necessary tower and retain their presence on Broadway. This is consistent with the Association goals. At our meeting, there was unanimous support for the project.

Please contact me if you would like to discuss our recommendations in any greater detail.

Sincerely,

A handwritten signature in cursive script that reads 'Bill Harrell'.

Bill Harrell  
President

CC: Jean Corcoran  
Luis Sanchez  
Rod Robinson  
Michael Corrick  
BBA File



## DISTRIBUTING COMPANY

Since 1933

2600 - 5th STREET, SACRAMENTO, CALIFORNIA 95818  
P.O. BOX 1764 SACRAMENTO, CALIFORNIA 95812-1764  
PHONE: (916) 441-0213 FAX: (916) 441-0806

RECEIVED

NOV 04 1998

CITY OF SACRAMENTO  
CITY PLANNING DIVISIONCity of Sacramento  
City Planning Division  
1231 - I Street, Room 200  
Sacramento, CA 95814

October 30, 1998

Re: Application Number DR98-126

Dear Sir or Madam:

As a property owner on several sides of the proposed Channel 10 tower project, I am writing this letter to express my concerns about the tower and its location. First of all let me state that I would not oppose this project if certain concerns could be satisfactorily addressed and resolved.

My major concern is that this tower will restrict our future ability to build any structure on our properties, which would result in causing us economic harm. The following are concerns that I would like to have answered before your authorization is granted to erect this structure.

1. Would we be precluded from constructing a building, if it would interfere or block their signal from their tower ?
2. At what height would a building block their signal ?
3. Assuming a structure was built, would their transmission physically effect anybody on the top floors of that structure ? In my opinion, it could then make that building uninhabitable.
4. Does the location of this tower have to be in the middle of the Fifth Street industrial area or could it be located close by, near the edge of this area, so as to minimize the impact to the surrounding property owners and allow for future growth ?
5. Is Channel 10 willing to compensate the property owners the difference in the value of their land if they were precluded from building on it or would channel 10 be required to relocate their tower to the top of the tallest building ?
6. How many directions will the beam from the tower radiate or the tower receive from mobile transmission sources ? If it is 360 degrees then it is my opinion that this tower will have the effect of eliminating all tall buildings that may interfere with their signal.
7. Is there any other technology that would accomplish the same results without the economic drawbacks to my properties ?
8. What would be the Economic and Environmental Impact of this tower and I personally would like this answered.

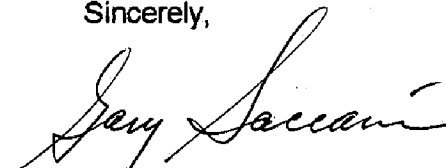
Page 2

9. Since we are located right next to the tower I am very concerned about the safety of this massive structure and the potential liability that I might incur if something from the tower injures anybody on my premises.
10. If this tower precludes us from utilizing our property to it's best use, will this potentially reduce property tax revenues, that in the future could be generated ?

In addition, I feel that we have been kept in the dark regarding the planning of this tower. It has only been in the last month that we were informed of the proposed towers existence. It seems to me that community groups had much more input into the design and placement of the tower than the property owners that are most effected by the towers presence.

It is these concerns that greatly disturb me. However, I am sure that these problems can and will be resolved to the benefit of all. Please let me know when and where would be convenient to meet to discuss these issues.

Sincerely,



Gary Saccani, President  
Saccani Distributing Company



P98-095

ATTACHMENT F

ITEM #13  
PAGE/8

November 9, 1998

Ms. Jeanne Corcoran  
Associate Planner  
City of Sacramento  
1231 I Street, Suite 30  
Sacramento, Ca 95814

Regarding: Application Number DR98-126

KXTV 10  
400 Broadway  
Sacramento CA  
95818-2041

916-441-2345  
An ABC Affiliate

Dear Jeanne:

Thank you for arranging a meeting on Friday, November 13 at 10:00 A.M. with our neighboring property owners, Setzer Forest Products and Saccani Distributing Company. We had a meeting with representatives of Setzer on Wednesday, November 4<sup>th</sup> to discuss their concerns with KXTV's proposed tower project. We feel their major concern is that the proposed tower will have a detrimental effect on potential future redevelopment of their property.

You forwarded a letter from Saccani Distributing Company on Thursday, November 5<sup>th</sup> outlining their concerns with the project which are very much along the same lines as Setzer Forest Products. I talked with Gary Saccani and set up a meeting with them at our studios on November 11<sup>th</sup> at 1:30 P.M. to discuss the questions outlined in their letter to you.

I would like to answer each of the very good questions in the Saccani letter.

Question #1: Would we be precluded from constructing a building, if it would interfere or block the signal from their tower?

Answer #1: No. The only signal that would cross the Saccani property would be the microwave path to our main transmitter in Walnut Grove. The signal would pass over the edge of the corners of 5<sup>th</sup> and 1<sup>st</sup> streets. (Please see attached map showing the azimuths of the microwave signals in question.) If a new building taller than 150 feet were built closer than 35 feet to the corner, KXTV would work with the property owner to construct a reliable relay of the signals via the top of the new building. There would be one microwave path crossing the Setzer property going to Mt. Vaca. This path could operate on one antenna at the 250-foot level of our tower. Therefore, in future developments, a building could be placed in direct line with this microwave path (up to 250 feet) without having an effect on our signal. Relay antennas could be installed on top of the new building to accommodate structures higher than 250 feet.

Ms. Jeanne Corcoran  
November 9, 1998  
Page Two

Question #2: At what height would the building block their signal?

Answer #2: The lower antennas on the proposed tower would be 150 feet above ground. The azimuth to Walnut Grove is the most critical signal path for this lower level. As described above, we do not believe that this will become a problem for either property owners.

Question #3: Assuming a structure was built, would their transmission physically effect anybody on the top floors of that structure? In my opinion, it could then make the building uninhabitable.

Answer #3: No. Microwave signals are focused by a dish similar to a flashlight beam which travels in a straight line. If a building were built adjacent to the microwave path, there would be no discernable signals found out of the direct path of the beam. This tower would impose no radio frequency radiation hazards to the public in any way.

Question #4: Does the location of this tower have to be in the middle of Fifth Street industrial area, so as to minimize the impact to the surrounding property owners and allow for future growth.

Answer #4: Yes. The KXTV studios are the hubs for gathering numerous communications signals for processing and distribution to our main transmitter in Walnut Grove Ca. We looked at alternative options prior to proposing the replacement of our current tower. We considered fiber optic cables as a medium for signals from 400 Broadway to Walnut Grove. In the research process, we had several discussions with Brooks Fiber, Electric Light Wave, AT&T and Pacific Bell. We found this was not a viable option when learned that: 1) due to the vulnerability of buried fiber optic cables, two separate routes must be installed to provide redundant service; 2) none of the above mentioned vendors could provide a complete system and would be required to hand off the signals to Citizens Utilities which handles communications services in Walnut Grove and, 3) fiber optic cable was not possible as a replacement for microwave signals from the remote mountain top locations to 400 Broadway. We also considered adding an additional relay point (such as a downtown building) to transfer incoming and outgoing signals from our studio to their destinations. The high rise buildings downtown, have use permits which do not allow the visible external mounting of antennas. Therefore, major modifications to the appearance of buildings would have to be made in order to add radio frequency transparent panels that would conceal antennae. KXTV has considerable emergency backup facilities to insure the integrity of incoming and outgoing signals that could be

Ms. Jeanne Corcoran  
November 9, 1998  
Page Three

compromised by using a third party to deliver our product to the main transmitter in Walnut Grove.

Question #5: Is Channel 10 willing to compensate the property owners the difference in the value of their land if they were precluded from building on it or would Channel 10 be required to relocate their tower to the top of the tallest building?

Answer #5: Channel 10 does not feel that the proposed tower will have any economical or environmental impact on adjacent property values or future developments. KXTV's studios must be in close proximity to its main communications facilities. However, KXTV is willing to evaluate future options such as relocating facilities into the tallest building of future developments if the level of reliability mentioned above could be attained.

Question #6: How many directions will the beam from the tower radiate or the tower receives from mobile transmission sources? If it is 360 degrees then it is my opinion that this tower will have the effect of eliminating all tall buildings that may interfere with their signal.

Answer #6: The attached map shows the microwave paths which are 179 degrees true from the proposed tower to Walnut Grove, 246 degrees true to Mt. Vaca and 84 degrees true to the El Dorado Hills tower. There will be a steerable antenna to receive mobile units at the 250-foot level of the tower. We have one of these antennas on the Elks Building downtown Sacramento which is now surrounded by tall buildings. When a signal cannot be received at that location we direct the mobile units to point to an alternate location. The reception of mobile units through the steerable antenna would not preclude the future construction of tall structures.

Question #7: Is there any other technology that would accomplish the same results without the economic drawbacks to my properties?

Answer #7: Please refer to the response to question number 4.

Question #8: What would be the economic and environmental impact of this tower, and I personally would like this answered.

Answer #8: KXTV was given the charge of designing a communications tower that would serve as an architectural icon for the western end of Broadway. This goal was set so that this structure would have a positive impact on the identity of the Broadway Corridor. KXTV and many others feel that this project accomplishes that goal. Future developments could possibly benefit by this identity.

Ms. Jeanne Corcoran  
November 9, 1998  
Page Four

Question #9: Since we are located right next to the tower I am concerned about the safety of this massive structure and the potential liability that might incur if something from the tower injures anybody on my premises.

Answer #9: The tower is designed much like a building and must meet all building codes. I cannot think of any way that the tower or something from the tower could reach either of the two neighboring property owners. In the unlikely occurrence that high winds blew one of the decorative fiberglass panels off onto an adjacent property, KXTV has insurance that would cover such an event.

Question #10: If this tower precludes us from utilizing our property to its best use, will this potentially reduce property tax revenues, that in the future could be generated?

Answer # 10: The previous answers, hopefully, will alleviate your concerns about the proposed tower having any hindrance to the future development of your property.

In summary, KXTV followed the direction of the City Planning and Design and Review staff in our approach to this project. We worked with numerous community groups that had much input in the final design of the proposed structure. In hindsight, we wish that we had included the adjacent property owners at the same time we worked with the Broadway Corridor Task Force and Community Groups. The proposed tower is an essential tool for any broadcast operation. Hopefully, we will be able to work out outstanding issues with all concerned parties.

Respectfully,

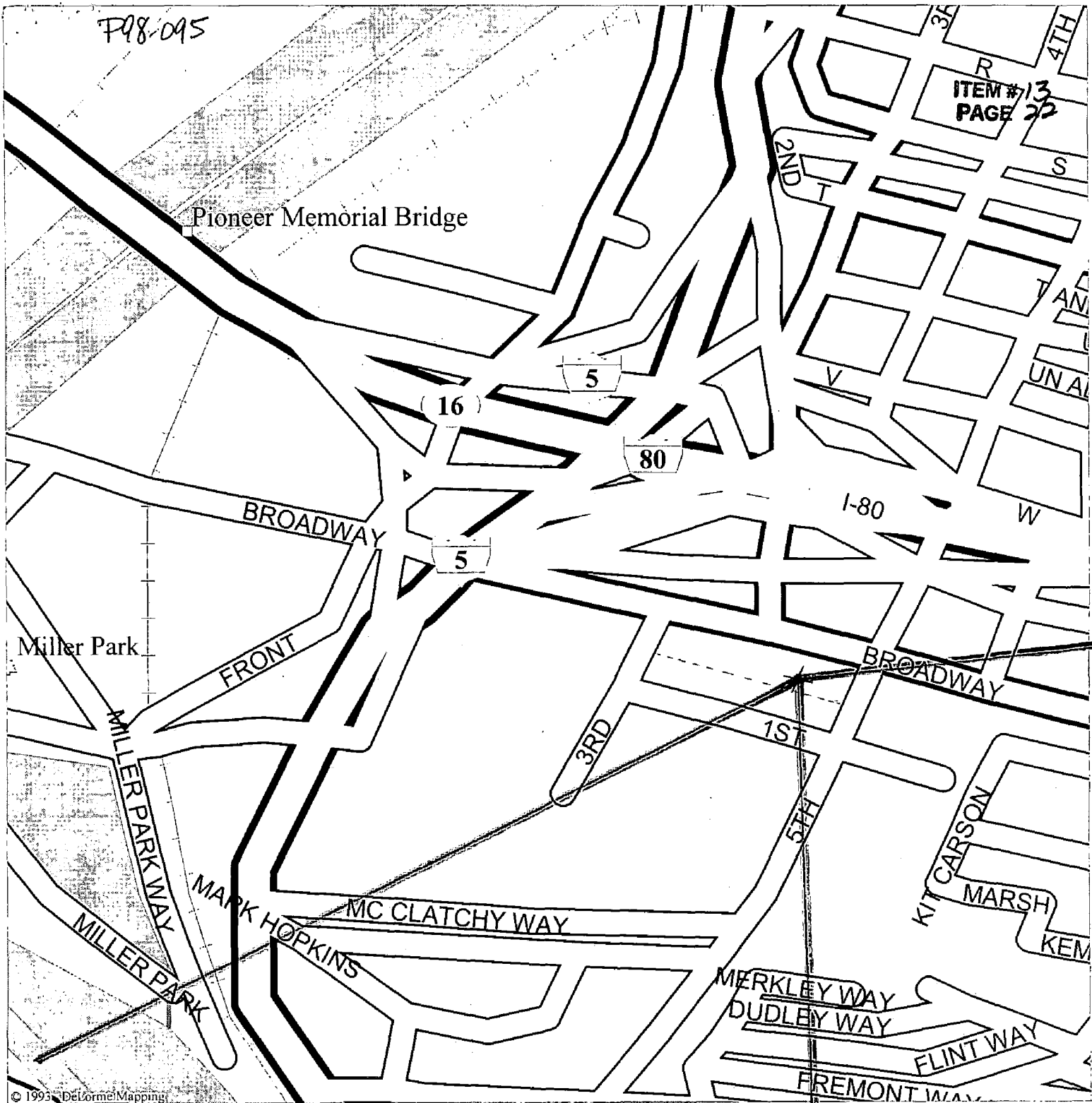


Rod Robinson  
Director of Engineering  
KXTV

Attachments: Maps  
Saccani Distributing Company Letter  
dated October 30, 1998

F98-095

ITEM #13  
PAGE 22

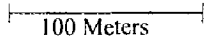
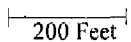


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LEGEND

- Population Center
- State Route
- Geo Feature
- ▲ Park
- ▭ Interstate, Turnpike
- - - County Boundary
- Street, Road
- Hwy Ramps
- Major Street/Road
- Interstate Highway
- +++ Railroad
- River
- ▨ Open Water

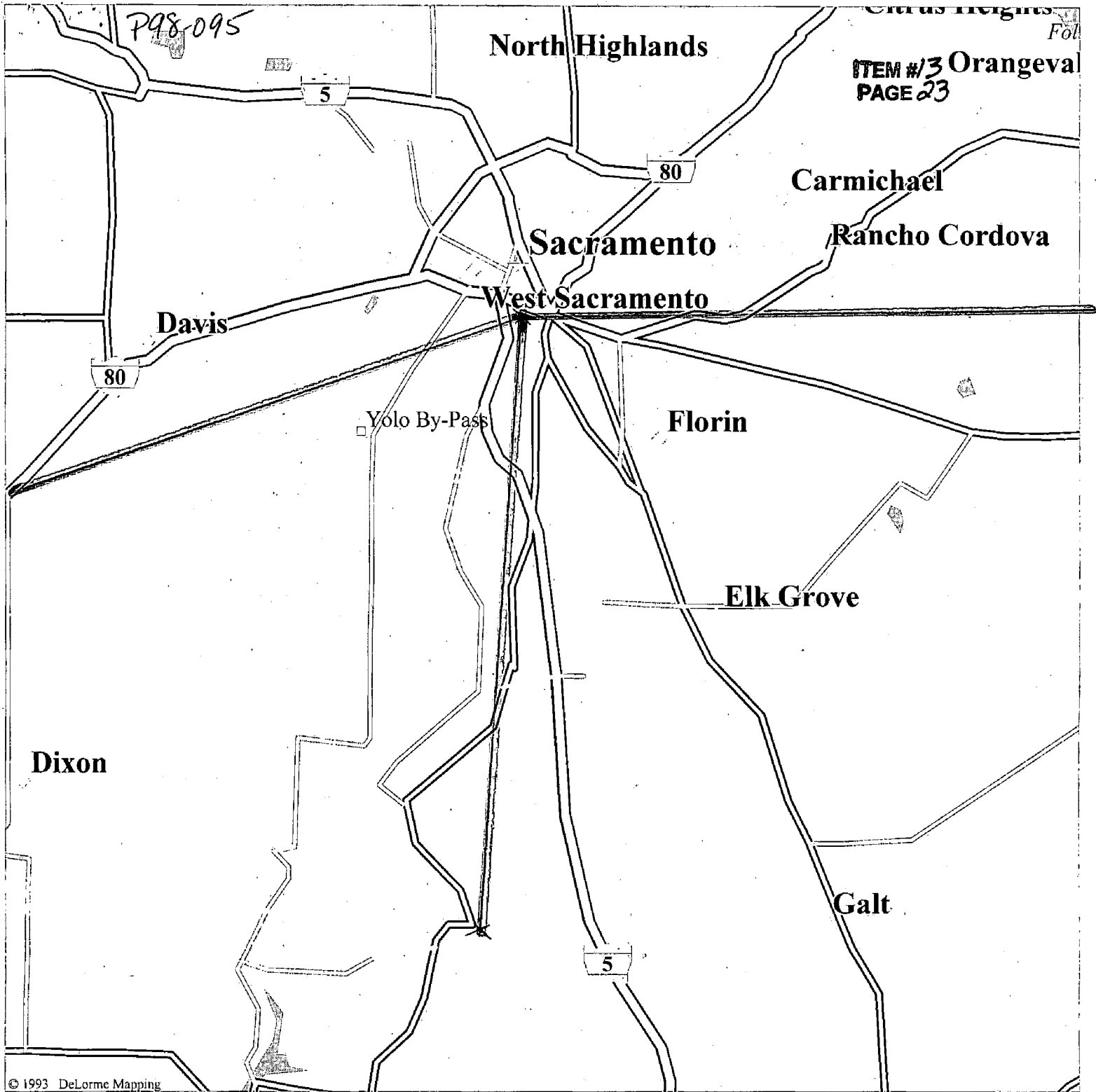
Scale 1:3,906 (at center)



Mag 16.00  
Thu Nov 05 16:19:15 1998

P98-095

ITEM #13 Orangeval  
PAGE 23



© 1993 DeLorme Mapping

LEGEND

- Population Center
- Geo Feature
- State Capitol
- Town, Small City
- Interstate, Turnpike
- Major Street/Road
- State Route
- Interstate Highway

- US Highway
- Open Water

Scale 1:300,000 (at center)

5 Miles

10 KM

Mag 10.00  
Thu Nov 05 16:00:05 1998

P98-095

ATTACHMENT G

STEM #13  
PAGE 24

November 25, 1998

Mr. Allan Howard  
President  
KXTV Channel 10  
400 Broadway  
Sacramento, CA 95818

**Re: KXTV's Special Use Permit Application P98-095 for the Construction  
of Broadcast Tower**

Dear Allan:

Pursuant to our recent discussions and based on our agreement of November 24, 1998, the Setzer Forest Products Company supports your above referenced application for the construction of a 300 foot Broadcast Tower at your Broadway location.

Please advise us if we can be of any further assistance in confirming our support of your project. We are pleased that this tower project confirms that KXTV Channel 10 will be our long standing neighbor and a valuable asset for the Broadway Corridor.

Very truly yours,

*Harold C. Kable*  
Mark Kable  
Chief Executive Officer  
Setzer Forest Products

**SACCANI DISTRIBUTING COMPANY**  
2600 - 5th STREET  
SACRAMENTO, CALIFORNIA 95818

December 7, 1998

Mr. Allan Howard  
President and General Manager  
KXTV Channel 10  
400 Broadway  
Sacramento, CA 95818

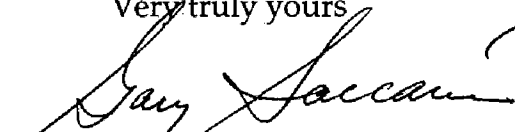
**Re: KXTV's Special Use Permit Application P98-095 for the Construction of  
a Replacement Broadcast Tower**

Dear Allan:

Pursuant to our agreement, executed by you on November 25, 1998, Saccani Distributing Company supports KXTV Channel 10's application P98-095 for a Special Use Permit to allow the construction of a new 300 foot broadcast tower that will replace the existing 70 foot tower.

Please advise us if we can be of any further assistance in confirming our support of your project. We look forward to a long, productive good neighbor relationship with KXTV Channel 10.

Very truly yours

  
Gary Saccani

**facsimile**  
**TRANSMITTAL**

---

**to:** Ms. Jeanne Corcoran  
**fax #:** 264-5328  
**re:** Proposed Tower  
**date:** December 17, 1998  
**pages:** 13, including this cover sheet.

Ms. Corcoran:

After your phone call yesterday regarding questions imposed by Mr. Dennis Kellog, I called Dennis and discussed our tower project at length. Dennis had called me on September 15th of this year prior to our presentation to the Land Park Community Association meeting on September 16th and posed his questions about our project. I gave him a detailed explanation of the need and scope of the project. He attended the Land Park meeting and ask similar questions which we felt we had answered to his satisfaction based on his comments that he understood our requirements and needs for the tower.

We continued working with the City of Sacramento, Broadway Corridor Task Force, Land Park Association, Broadway Business Association and any and all other parties interested in the project. We did not have further input from Dennis until late yesterday afternoon. I disucussed the project in its entirety again with Dennis and determined that he did not have a problem with the project other than he wanted hard facts from a source other than KXTV's testimony regarding requirement of the 300' height.

I told him I would attempt to get the complete analysis along with a letter of fact from the manufacturer as to why the lower antennas had to be at least 150' above ground and upper antennas 100' higher. I have received that information which is part of the facsimile which I am forwarding to you.

Dennis told me yesterday that if I received the information he was requesting that he would try to come by KXTV and discuss the information and any other issues prior to this evenings meeting. I left a message for him at approxiamately 12:40 P.M. today but have not received a call back at this time.

Should you need further clarification please give me a call.

From the desk of...

**Rod Robinson**  
Director of Engineering  
KXTV  
P. O. Box 10  
Sacramento, Ca. 95812

916-321-3275  
Fax: 916-321-3275



**MICROWAVE  
RADIO  
COMMUNICATIONS**

20 Alpha Road  
Chelmsford, MA 01824-4168  
Tel: (978) 250-1110 • (800) 490-5700  
Fax: (978) 256-6225  
E-mail: sales@cm-mrc.com  
Website: <http://www.cm-mrc.com>

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December 17, 1998

To Whom It May Concern:

I have been asked to provide the technical data to justify the height of the proposed KXTV-TV studio tower.

The television broadcast industry is currently in a transition from analog to digital. The proposed new tower will provide the vital microwave connection between KXTV-TV studios and their transmitter at Walnut Grove.

Coupled with the transition from analog to digital is the loss of the 2 GHz band for use as fixed links. KXTV-TV is therefore forced to abandon its current 2 GHz studio-to-transmitter link and move up to the less reliable 7 GHz band. In order to improve reliability, a technique called space diversity is very effective. It involves adding a second receive antenna, sampling the signals and automatically switching back and forth. When a signal fade occurs, it does not happen at the same time at both antennas as long as the two receive antennas are separated by a proper number of feet. Space diversity improves reliability by a factor of 10 to 50 times.

Since KXTV-TV needs to both send and receive digital microwave signals, space diversity antenna systems are required at both ends of the link. Digital transmissions must have a reliability that is at least 10 times better than analog transmissions (99.999% vs. 99.99%).

Our calculations indicate that for adequate path clearance over terrain plus obstacles (trees and buildings), the lower antenna at the studio should be at 150 feet above ground level or higher. To achieve the required reliability, the main antenna needs to be 100 feet higher or 250 feet above ground level.

Respectfully,

A handwritten signature in cursive script that reads "Richard J. Shannon".

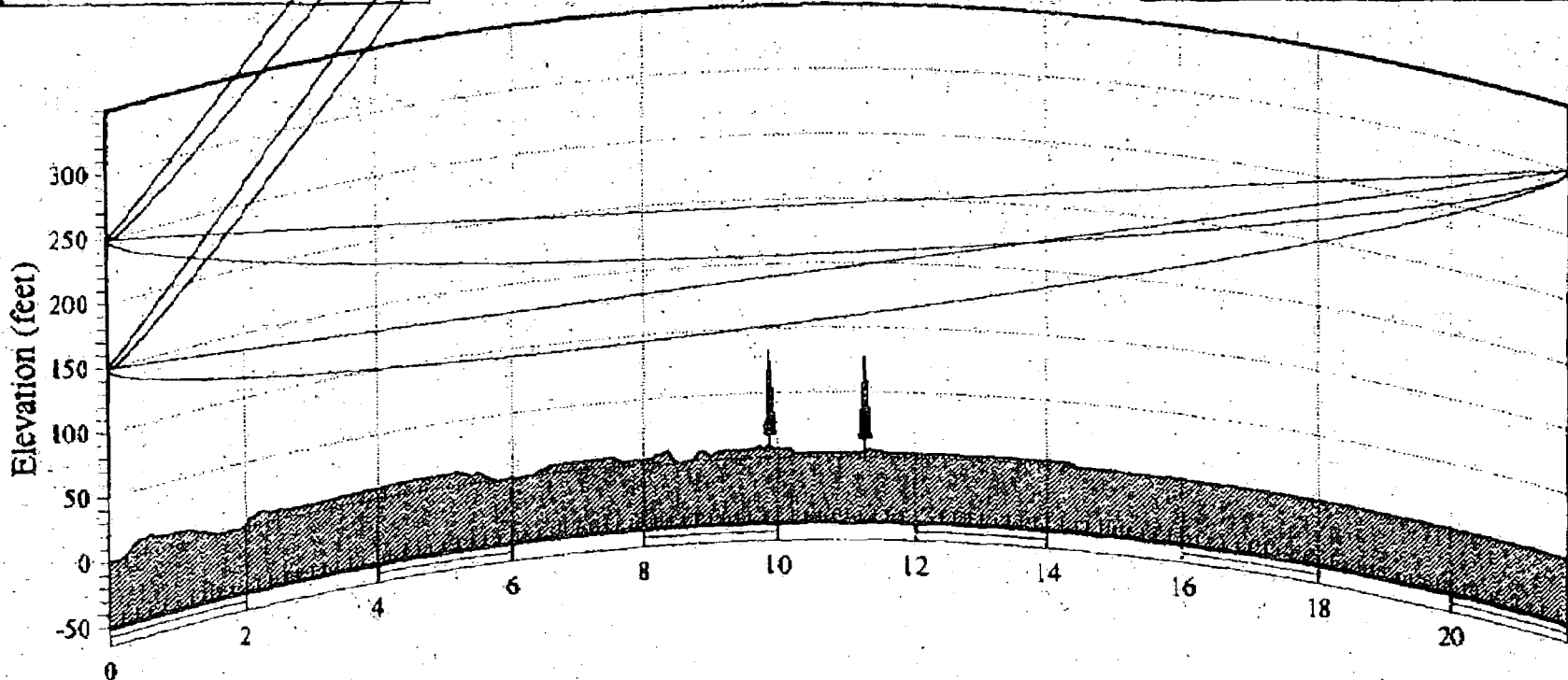
Richard J. Shannon  
Sr. Systems Engineer

ONE P3

**KXTV-TV Studio**  
 Latitude 038 33 45.66 N  
 Longitude 121 30 58.84 W  
 Azimuth 177.93 deg  
 Elevation 0 ft ASL  
 Antenna CL 250.0, 150.0 ft AGL

Frequency = 7000.0 MHz  
 K = 1.00  
 %F1 = 60.00

**KXTV-TV Tower**  
 Latitude 038 14 49.69 N  
 Longitude 121 30 06.83 W  
 Azimuth 357.94 deg  
 Elevation 0 ft ASL  
 Antenna CL 1700.0, 300.0 ft AGL

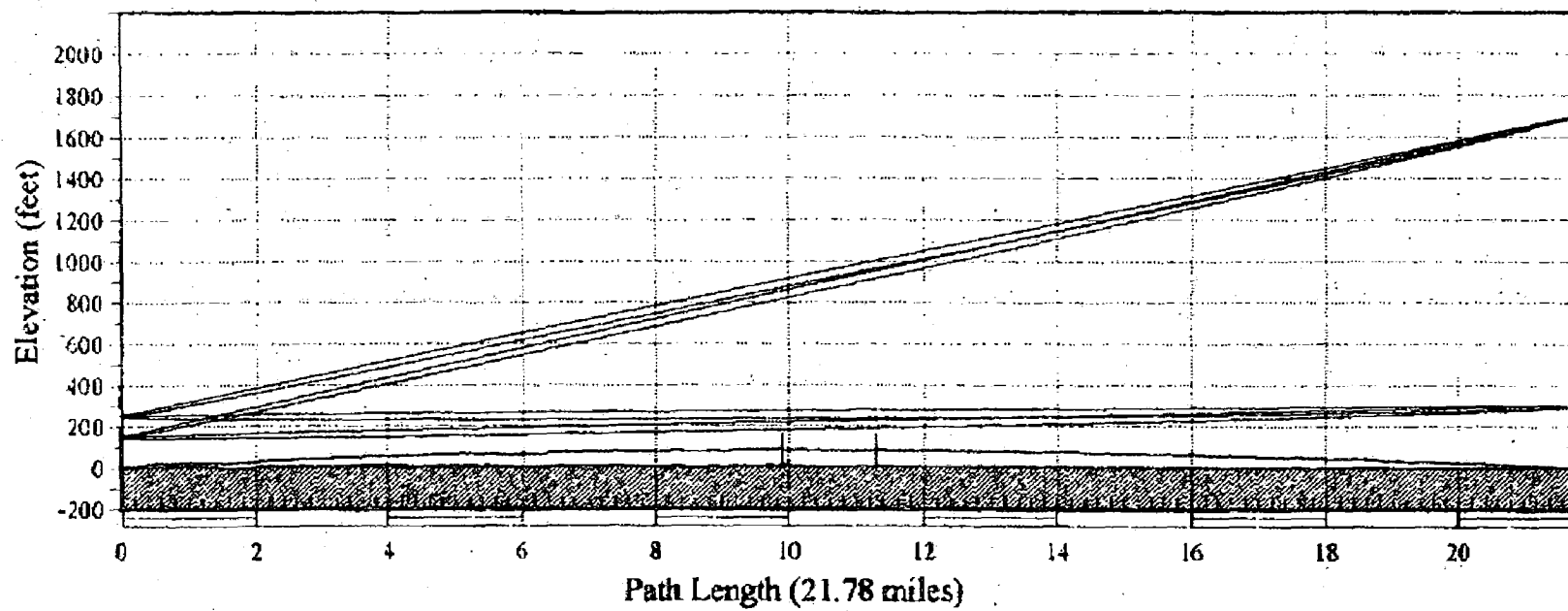


Path Length (21.78 miles)  
 Accuracy to be verified by a field survey

|                                   |               |        |
|-----------------------------------|---------------|--------|
| <b>KXTV-TV (Diversity System)</b> | Date 12-17-98 | By RJS |
| <b>Studio to Transmitter Link</b> | KXTV-TV.pl3   |        |

DEC-17-98 TUE 14:32  
 DEC 17 '98 15:37 FR MFG SALES  
 979 256 5225 TO 19165213275  
 P. 03/12  
 P. 04/12

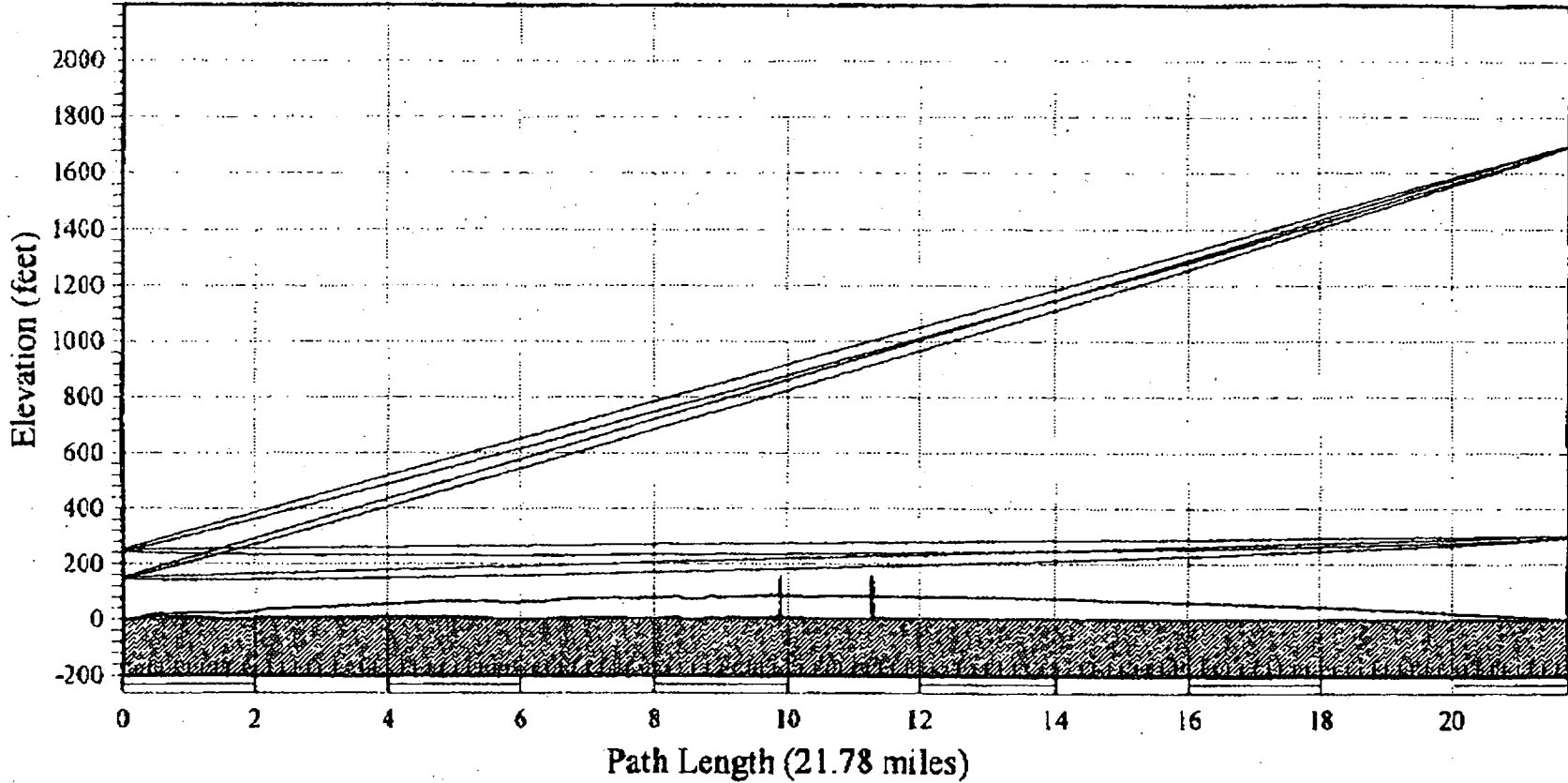
ONE P4



|   |   |   |
|---|---|---|
| <p><b>KXTV-TV Studio</b><br/>                 Latitude 038 33 45.66 N<br/>                 Longitude 121 30 58.84 W<br/>                 Azimuth 177.93 deg<br/>                 Elevation 0 ft ASL<br/>                 Antenna CL 250.0, 150.0 ft AGL</p> | <p>Frequency = 7000.0 MHz<br/>                 K = 1.00<br/>                 %F1 = 60.00</p> <p>Accuracy to be verified by a field survey</p> | <p><b>KXTV-TV Tower</b><br/>                 Latitude 038 14 49.69 N<br/>                 Longitude 121 30 06.83 W<br/>                 Azimuth 357.94 deg<br/>                 Elevation 0 ft ASL<br/>                 Antenna CL 1700.0, 300.0 ft AGL</p> |
|---|---|---|

|                                   |                |        |
|-----------------------------------|----------------|--------|
| <b>KXTV-TV</b>                    | Date 12-17-98  | By RJS |
| <b>Studio to Transmitter Link</b> | <b>KXTV-TV</b> |        |

ONE P2



**KXTV-TV Studio**  
 Latitude 038 33 45.66 N  
 Longitude 121 30 58.84 W  
 Azimuth 177.93 deg  
 Elevation 0 ft ASL  
 Antenna CL 250.0, 150.0 ft AGL

Frequency = 7000.0 MHz  
 K = 1.00  
 %F1 = 60.00

**KXTV-TV Tower**  
 Latitude 038 14 49.69 N  
 Longitude 121 30 06.83 W  
 Azimuth 357.94 deg  
 Elevation 0 ft ASL  
 Antenna CL 1700.0, 300.0 ft AGL

Accuracy to be verified by a field survey

|                                   |  |               |        |
|-----------------------------------|--|---------------|--------|
| <b>KXTV-TV (Diversity System)</b> |  | Date 12-17-98 | By RIS |
| <b>Studio to Transmitter Link</b> |  | KXTV-TV.pl3   |        |

DEC-17-98 TUE 14:34  
 DEC 17 '98 15:36 FR MRC CALES  
 978 256 6225 TO 1916,215275  
 P.05/12  
 P.05/12

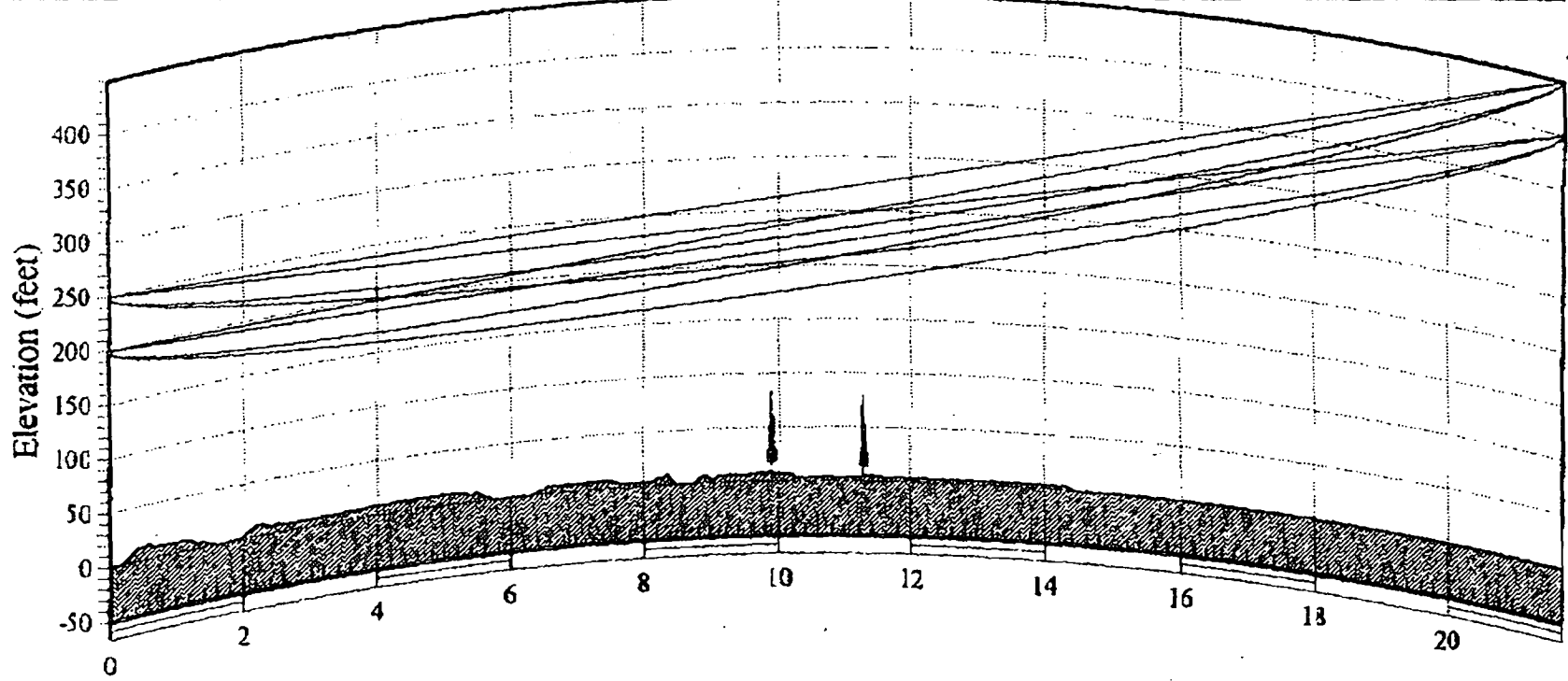
| - Page 1 <i>PS ONE 1700 Ft.</i>   | KXTV-TV Studio   | KXTV-TV Tower  |
|---|--|--|
| Elevation (ft)<br>Latitude<br>Longitude<br>Azimuth  | 0.00<br>038 33 45.66 N<br>121 30 58.84 W<br>177.93                             | 0.00<br>038 14 49.69 N<br>121 30 06.83 W<br>357.94                             |
| Antenna Type (Main)<br>Antenna Height (ft)<br>Antenna Gain (dBi)<br>Radome Loss (dB)<br>TX Line Type (Main)<br>TX Line Length (ft)<br>TX Line Unit Loss (dB/100 ft)<br>TX Line Loss (dB)<br>Connector Loss (dB)           | PL6-65D<br>250.00<br>39.80<br>0.60<br>EWP-63<br>320.00<br>1.33<br>4.26<br>0.50 | PL6-65D<br>1700.00<br>39.80<br>0.60<br>EWP-63<br>50.00<br>1.33<br>0.67<br>0.50 |
| Antenna Type (Diversity)<br>Antenna Height (ft)<br>Antenna Gain (dBi)<br>Radome Loss (dB)<br>TX Line Type (Diversity)<br>TX Line Length (ft)<br>TX Line Unit Loss (dB/100 ft)<br>TX Line Loss (dB)<br>Connector Loss (dB) | PL6-65D<br>150.00<br>39.80<br>0.60<br>EWP-63<br>375.00<br>1.33<br>4.99<br>0.30 | PL6-65D<br>300.00<br>39.80<br>0.60<br>EWP-63<br>450.00<br>1.33<br>5.99<br>0.30 |
| Circ. Branching Loss (dB)<br>Miscellaneous Loss (dB)<br>TX Switch Loss (dB)<br>TX Filter Loss (dB)<br>Other TX Loss (dB)<br>RX Hybrid Loss (dB)<br>RX Filter Loss (dB)<br>Other RX Loss (dB)                              | 0.30<br>1.00<br>0.20<br>1.75<br>1.00<br>0.30<br>1.75<br>0.30                   | 0.30<br>1.00<br>0.20<br>1.75<br>1.00<br>0.30<br>1.75<br>0.30                   |
| Frequency (MHz)<br>Polarization<br>Path Length (mi)<br>Free Space Loss (dB)<br>Atmospheric Absorption Loss (dB)<br>Main Net Path Loss (dB)<br>Diversity Net Path Loss (dB)  | 7000.00<br>Vertical<br>21.78<br>140.26<br>0.33<br>76.01<br>72.90               | 76.01<br>77.49   |

| - Page 2 <i>ONE P<sup>b</sup> 1700 Ft.</i>  | KXTV-TV Studio   | KXTV-TV Tower   |
|---|--|---|
| Radio Type Model<br>Emission Designator<br>TX Frequency Assignment (MHz)<br>TX Power (watts)<br>TX Power (dBm)<br>Effective Radiated Power (dBm)<br>RX Threshold Criteria<br>RX Threshold Level (dBm)<br>Maximum Receive Signal (dBm) | FLH/DAR-TWST-T6<br>25M0D9W<br>7000.00<br><br>0.32<br>25.00<br>55.19<br><br>-83.00<br>-30.00  | FLH/DAR-TWST-R6<br>25M0D9W<br>7000.00<br><br>0.32<br>25.00<br>58.79<br>BER-10 <sup>-6</sup><br>-83.00<br>-30.00 |
| Main RX Signal (dBm)<br>Div. RX Signal (dBm)<br>Thermal Fade Margin (dB)<br>Dispersive Fade Margin (dB)<br>Dispersive Fade Occurrence Factor<br>Effective Fade Margin (dB)  | -51.01<br>-47.90<br>35.10<br>50.00<br>1.00<br>34.96  | -51.01<br>-52.49<br>31.99<br>50.00<br><br>31.92   |
| Terrain Roughness (ft)<br>C Factor<br>Average Annual Temperature (deg F)  | 20.00<br>1.00<br>60.00   |   |
| Diversity Type<br>SD Improvement Factor<br>Worst Month Multipath 1 way (sec)<br>Worst Month Multipath 1 way (%)<br>Annual Multipath 1 way (sec)<br>Annual Multipath 1 way (%)<br>Annual Multipath 2 way (%-sec)                       | Space Diversity BB<br>200.00      200.00<br>0.76      1.53<br>99.999971      99.999942<br>2.73      5.50<br>99.999991      99.999983<br>99.999974 - 8.23 |   |
| Rain Region   | C Temp. Maritime   |   |

**KXTV-TV Studio**  
 Latitude 038 33 45.66 N  
 Longitude 121 30 58.84 W  
 Azimuth 177.93 deg  
 Elevation 0 ft ASL  
 Antenna CL 250.0, 200.0 ft AGL

Frequency = 7000.0 MHz  
 K = 1.00  
 %F1 = 60.00

**KXTV-TV Tower**  
 Latitude 038 14 49.69 N  
 Longitude 121 30 06.83 W  
 Azimuth 357.94 deg  
 Elevation 0 ft ASL  
 Antenna CL 450.0, 400.0 ft AGL

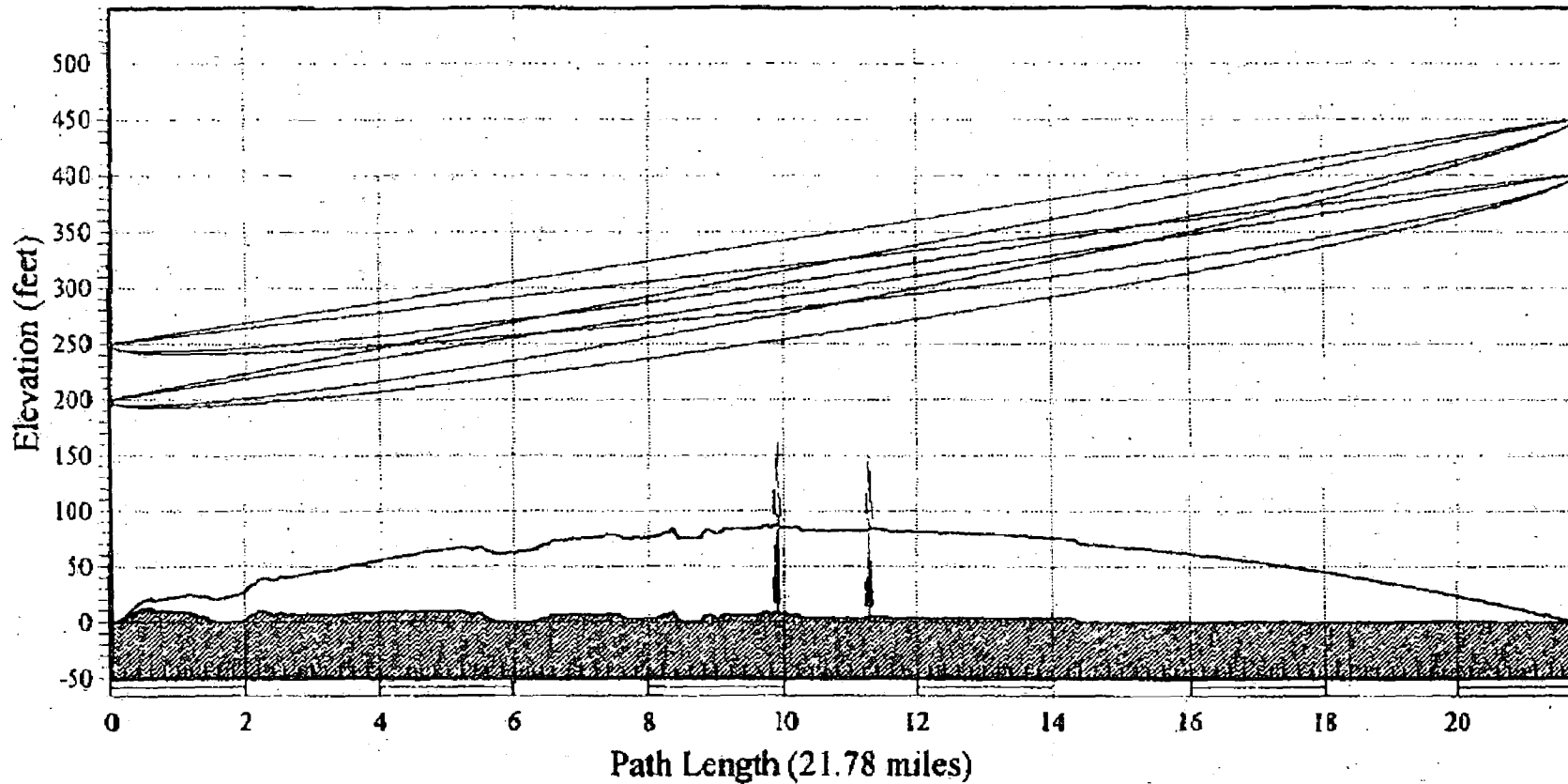


Path Length (21.78 miles)

Accuracy to be verified by a field survey

|                                       |               |        |
|---------------------------------------|---------------|--------|
| KXTV-TV (Diversity System)(Low Ant's) | Date 12-17-98 | By RJS |
| Studio to Transmitter Link            | KXTV-TV.pl3   |        |

2 P8



**KXTV-TV Studio**  
 Latitude 038 33 45.66 N  
 Longitude 121 30 58.84 W  
 Azimuth 177.93 deg  
 Elevation 0 ft ASL  
 Antenna CL 250.0, 200.0 ft AGL

Frequency = 7000.0 MHz  
 K = 1.00  
 %F1 = 60.00

**KXTV-TV Tower**  
 Latitude 038 14 49.69 N  
 Longitude 121 30 06.83 W  
 Azimuth 357.94 deg  
 Elevation 0 ft ASL  
 Antenna CL 450.0, 400.0 ft AGL

Accuracy to be verified by a field survey

|  |  |                                   |        |
|--|--|-----------------------------------|--------|
| <b>KXTV-TV (Diversity System)(Low Ant's)</b> |  | Date 12-17-98                     | By RJS |
|  |  | <b>Studio to Transmitter Link</b> |        |

DEC-17-98 TUE 14:37  
 DEC 17 '98 15:39 FR MPC SALES  
 978 236 6225 TO 19165213275  
 P.09/12  
 P.09/12

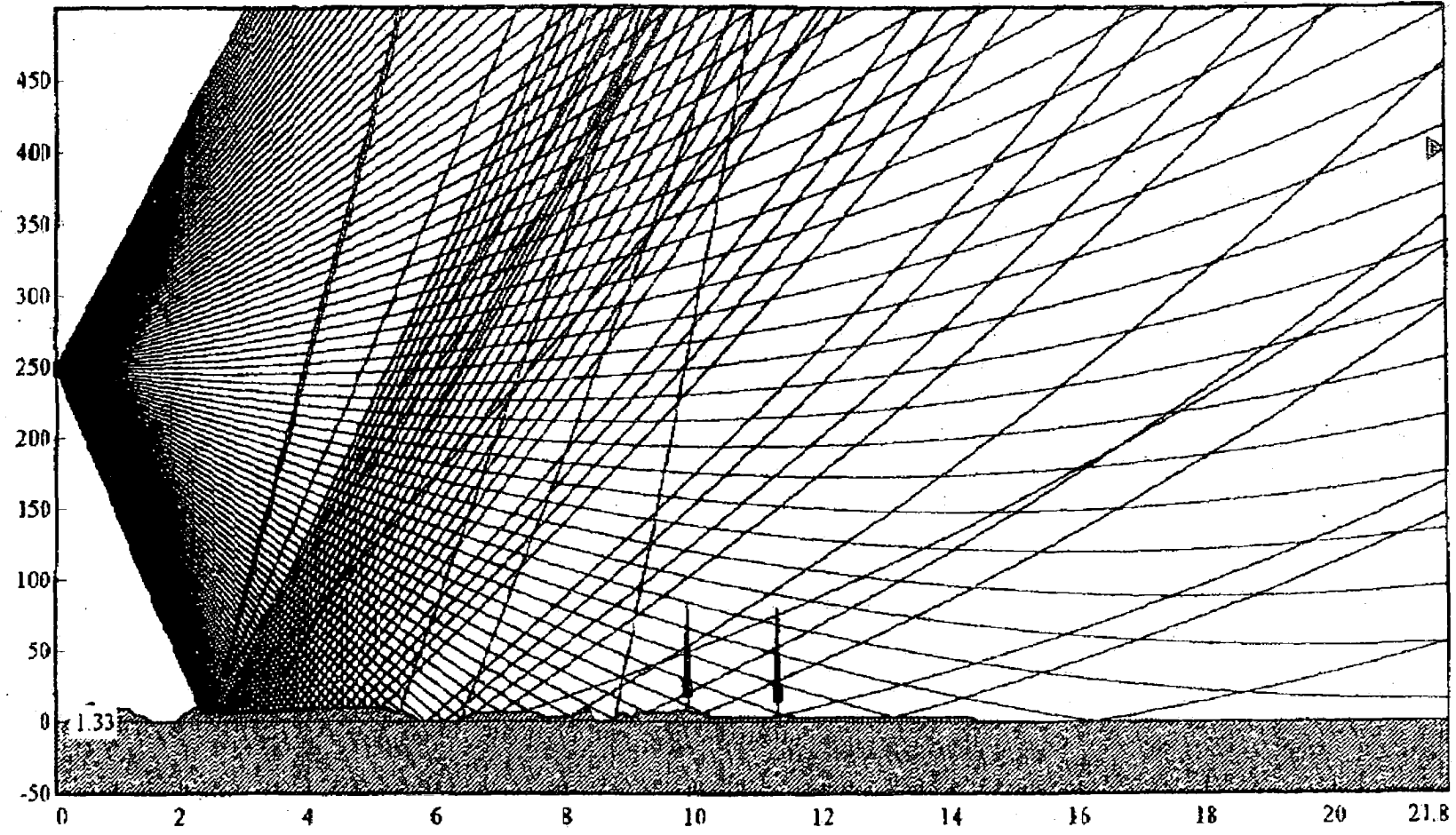
299

| lxxtv-tv.pl3 - Page 1            | KXTV-TV Studio | KXTV-TV Tower  |
|----------------------------------|----------------|----------------|
| Elevation (ft)                   | 0.00           | 0.00           |
| Latitude                         | 038 33 45.66 N | 038 14 49.69 N |
| Longitude                        | 121 30 58.84 W | 121 30 06.83 W |
| Azimuth                          | 177.93         | 357.94         |
| Antenna Type (Main)              | PL6-65D        | PL6-65D        |
| Antenna Height (ft)              | 250.00         | 450.00         |
| Antenna Gain (dBi)               | 39.80          | 39.80          |
| Radome Loss (dB)                 | 0.60           | 0.60           |
| TX Line Type (Main)              | EWP-63         | EWP-63         |
| TX Line Length (ft)              | 320.00         | 500.00         |
| TX Line Unit Loss (dB/100 ft)    | 1.33           | 1.33           |
| TX Line Loss (dB)                | 4.26           | 6.65           |
| Connector Loss (dB)              | 0.50           | 0.50           |
| Antenna Type (Diversity)         | PL6-65D        | PL6-65D        |
| Antenna Height (ft)              | 200.00         | 400.00         |
| Antenna Gain (dBi)               | 39.80          | 39.80          |
| Radome Loss (dB)                 | 0.60           | 0.60           |
| TX Line Type (Diversity)         | EWP-63         | EWP-63         |
| TX Line Length (ft)              | 300.00         | 480.00         |
| TX Line Unit Loss (dB/100 ft)    | 1.33           | 1.33           |
| TX Line Loss (dB)                | 4.00           | 6.39           |
| Connector Loss (dB)              | 0.30           | 0.30           |
| Circ. Branching Loss (dB)        | 0.30           | 0.30           |
| Miscellaneous Loss (dB)          | 1.00           | 1.00           |
| TX Switch Loss (dB)              | 0.20           | 0.20           |
| TX Filter Loss (dB)              | 1.75           | 1.75           |
| Other TX Loss (dB)               | 1.00           | 1.00           |
| RX Hybrid Loss (dB)              | 0.30           | 0.30           |
| RX Filter Loss (dB)              | 1.75           | 1.75           |
| Other RX Loss (dB)               | 0.30           | 0.30           |
| Frequency (MHz)                  | 7000.00        |                |
| Polarization                     | Vertical       |                |
| Path Length (mi)                 | 21.78          |                |
| Free Space Loss (dB)             | 140.26         |                |
| Atmospheric Absorption Loss (dB) | 0.33           |                |
| Main Net Path Loss (dB)          | 82.00          | 82.00          |
| Diversity Net Path Loss (dB)     | 77.89          | 77.89          |

2 P10

| kxtv-tv.pl3 - Page 2  | KXTV-TV Studio  | KXTV-TV Tower   |
|---|---|---|
| Radio Type Model<br>Emission Designator<br>TX Frequency Assignment (MHz)<br>TX Power (watts)<br>TX Power (dBm)<br>Effective Radiated Power (dBm)<br>RX Threshold Criteria<br>RX Threshold Level (dBm)<br>Maximum Receive Signal (dBm) | FLH/DAR-TWST-T6<br>25M0D9W<br>7000.00<br>0.32<br>25.00<br>55.19<br>-83.00<br>-30.00           | FLH/DAR-TWST-R6<br>25M0D9W<br>7000.00<br>0.32<br>25.00<br>52.80<br>BER=10 <sup>-6</sup><br>-83.00<br>-30.00 |
| Main RX Signal (dBm)<br>Div. RX Signal (dBm)<br>Thermal Fade Margin (dB)<br>Dispersive Fade Margin (dB)<br>Dispersive Fade Occurrence Factor<br>Effective Fade Margin (dB)  | -57.00<br>-52.89<br>30.11<br>50.00<br>1.00<br>30.07   | -57.00<br>-52.89<br>30.11<br>50.00<br>30.06   |
| Terrain Roughness (ft)<br>C Factor<br>Average Annual Temperature (deg F)  | 20.00<br>1.00<br>60.00  |   |
| Diversity Type<br>SD Improvement Factor<br>Worst Month Multipath 1 way (sec)<br>Worst Month Multipath 1 way (%)<br>Annual Multipath 1 way (sec)<br>Annual Multipath 1 way (%)<br>Annual Multipath 2 way (%-sec)                       | Space Diversity BB<br>21.87<br>21.42<br>99.999186<br>77.04<br>99.999756<br>99.999511 - 154.13 |   |
| Rain Region   | C Temp. Maritime  |   |

P11



Multipath 12-17-98

|                                    |       |
|------------------------------------|-------|
| KXTV-TV Studio Antenna Height (ft) | 250.0 |
| KXTV-TV Tower Antenna Height (ft)  | 400.0 |
| Antenna Orientation K              | 0.8   |