

P03-126 – Kroy Way Tower

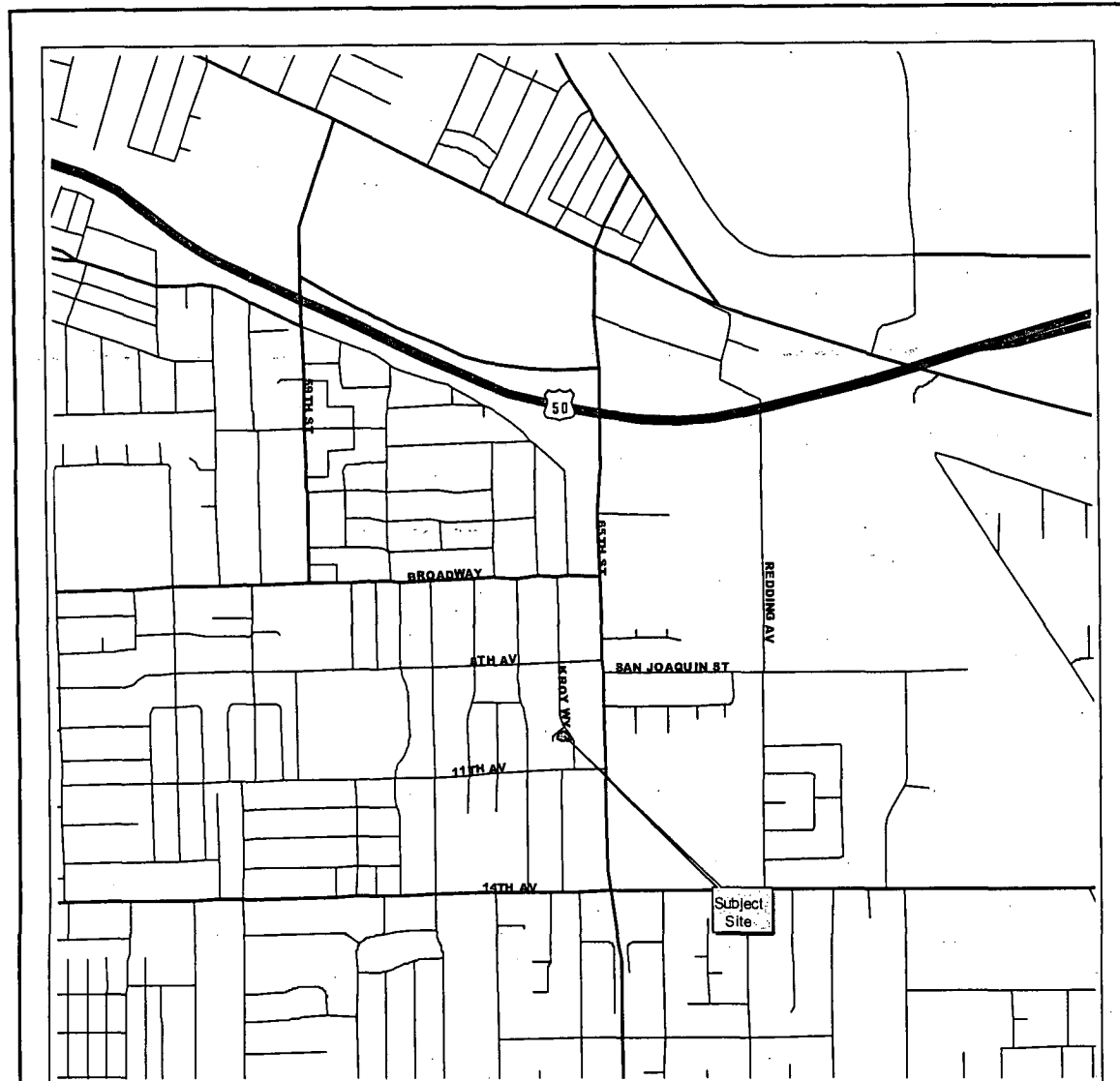
- REQUEST:
- A. **Environmental Determination:** Exempt;
  - B. **Special Permit Major Modification** to repair a damaged 197' antenna in the Standard Single-Family (R-1) zone;
  - C. **Revocation of an existing Special Permit** to allow a 197' lattice antenna and associated equipment in the Standard Single-Family (R-1) zone.

LOCATION: 3502 Kroy Way  
APN: 015-0236-008  
Sacramento City Unified School District  
Council District 6

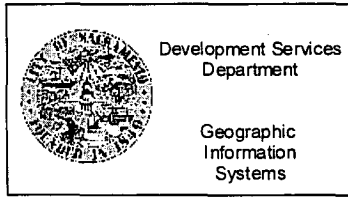
<b>APPLICANT/OWNER</b>	<b>La Rue Family LP</b> 2171 Ralph Avenue Stockton, CA 95206
APPLICATION FILED:	October 24, 2003
APPLICATION COMPLETED:	November 24, 2003
STAFF CONTACT:	Antonio Ablog, 808-7702

**SUMMARY:**

The applicant is seeking entitlements to repair a damaged 197' lattice antenna. The antenna was damaged in a storm and only a portion of the tower remains standing. The tower was constructed in about 1940 prior to Special Permit requirements for antennas. At that time, there were no nearby residential uses and no special approvals were required to construct communications towers. Single-family residential homes eventually filled in the surrounding neighborhood creating incompatibility between the residences and the existing tower. The tower legally occupied the site until 2001, when the tower collapsed during a heavy windstorm leaving only 50 feet of the original tower standing. Since the surrounding neighborhood has been developed with residential uses, staff cannot support the rebuilding of the antenna as it is incompatible with the adjacent single-family uses. Furthermore, staff is recommending that the Special Permit for the antenna and associated equipment be revoked as the remaining portion of the tower creates a visual nuisance within the neighborhood.



0 3000 Feet



April 28, 2005

Vicinity Map  
P03-126



**RECOMMENDATION:**

Staff recommends denial of the Special Permit Modification as reconstructing the 197' lattice antennae would create an antenna out of scale with the existing neighborhood and would pose a safety risk should the tower collapse again.

**PROJECT INFORMATION:**

General Plan Designation:	Low Density Residential
Community Plan Designation:	n/a
Existing Land Use of Site:	Remnant of damaged antenna
Existing Zoning of Site:	Single-Family Residential (R-1)

**Surrounding Land Use and Zoning:**

North:	Single-Family Residential;	R-1
South:	Single-Family Residential;	R-1
East:	Single-Family Residential;	R-1
West:	Single-Family Residential;	R-1

**Setbacks:**

	<u>Required</u>	<u>Provided</u>
Front:	25'	30'
Side(St):	12.5'	44'
Side(Int):	5'	5'
Rear:	15'	30'

Property Dimensions:	Irregular
Property Area:	0.15± gross acres
Building Materials:	Steel antenna
Antenna Height:	197'
Topography:	Flat
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:

Permit  
Building Permit

Agency  
Building Division

**BACKGROUND INFORMATION:**

The subject site consists of one 0.15± gross acre parcel at 3503 Kroy Way. The subject site is currently occupied by what remains of a 197' lattice antenna (50 feet) and two small equipment buildings. The antenna was erected in the early 1940's and a broadcasting station was approved for the site in 1954 (P2747). Single-family residential homes eventually filled in the surrounding neighborhood creating incompatibility between the residences and the existing tower. In 2001, the tower collapsed during a heavy windstorm leaving only 50 feet of the original tower standing. In October of 2003, the property owner submitted an application requesting to restore the damaged tower to its 197-foot original height.

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

**A. Policy Considerations****General & Community Plan**

The General Plan land use designation for the site is Low Density Residential. The General Plan contains no specific policies regarding the location of radio/telecommunications towers. The General Plan does, however, discourage improper and incompatible land uses (SGPU sec. 2-11) with respect to residential neighborhoods. The proposed replacement of the previous tower represents a use that is incompatible with the existing residential neighborhood. Replacing the tower would be counter to the General Plan's goal to improve the quality of residential neighborhoods.

**Zoning**

Planning Staff is recommending that the request to rebuild the tower be denied and the Special Permit to operate a broadcasting station be revoked. The tower was built in the 1940's and was operating as a legal, non-conforming use until its collapse. Staff is recommending the denial of the request to rebuild the tower as it would be a detriment to the safety and welfare of the surrounding residential neighborhood. The tower would pose a safety risk should it collapse again and would also be the source of visual blight as it would be much taller than any nearby structures in the predominantly single-family neighborhood. Furthermore, the tower is inconsistent with the City's telecommunications siting guidelines as:

- a) It is not screened with stealthing materials;
- b) it is adjacent to residentially zoned uses;

- c) the landscaping does not adequately screen the associated equipment, and;
- d) the antenna is not consistent with the surrounding architecture and land uses.

Planning Staff also recommends that the Special Permit allowing the antenna and associated equipment be revoked and all equipment removed from the site. The antenna no longer transmits radio broadcasts and is not compatible with the surrounding residential uses. Staff recommends the revocation of this Special Permit as:

- a) the associated radio tower is now surrounded by residential properties and the possibility of a future tower failure represents a danger to the safety of nearby residents;
- b) the remaining equipment and partial tower and lack of maintenance of these structures constitute a visual nuisance to neighboring property owners; and
- c) the lack of maintenance of the landscaping of the existing site constitutes a visual nuisance.

**B. Site Plan**

The subject site is at the southwest corner of Kroy Way and Newson court. The site is currently occupied by two equipment buildings and a remaining section of a prior 197' lattice tower. The property directly to the south of the site is occupied by single-family residences. There is existing paved access to the tower and equipment buildings. The applicant does not propose any changes to the site plan, but is requesting to restore the lattice tower at a height of 197'.

**PROJECT REVIEW PROCESS:**

**A. Environmental Determination**

The City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant as the project is being denied.

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

Public notices were sent out to all property owners within 500 feet of the proposed project. Staff has spoken with two residents who oppose rebuilding the antenna.

One resident complained that the property owner has not adequately maintained the property and has not cut back the overgrown landscaping.

**C. Summary of Agency Comments**


The project has been reviewed by several City Departments and other agencies. No significant comments have been received

**PROJECT APPROVAL PROCESS:** Of the entitlements below, Planning Commission has the authority to approve or deny A, B, and C. 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. **Environmental Determination:** Exempt;
- B. **Special Permit Major Modification** to repair a damaged 197' antenna in the Standard Single-Family (R-1) zone;
- C. **Revocation of an existing Special Permit** to allow a 197' lattice antenna and associated equipment in the Standard Single-Family (R-1) zone.

Report Prepared By,



Antonio A. Ablog, Assistant Planner

Report Reviewed By,

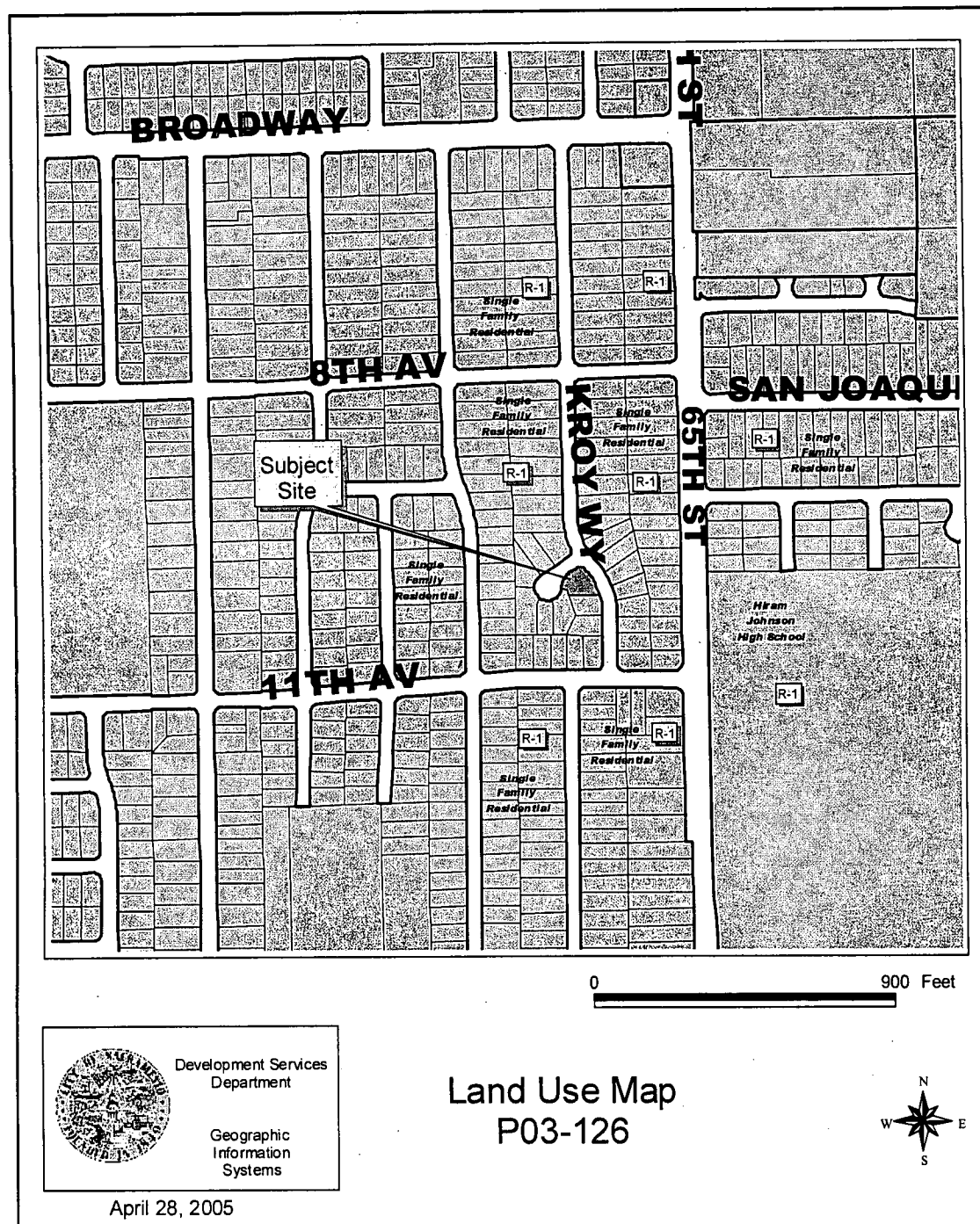


Thomas S. Pace, Senior Planner

**Attachments**

Exhibit 1A	Site Plan
Exhibit 1B	Elevations
Exhibit 1C	Footing Detail
Attachment 2	Land Use Map
Attachment 3	Prior Special Permit (P2747)

## Attachment 2 – Land Use &amp; Zoning Map



## Attachment 3 - Previous Special Permit (P2747)

## SACRAMENTO CITY PLANNING COMMISSION

REPORT OF CITY PLANNING DIRECTOR -- R. L. Rathfon

October 26, 1954

## REQUEST FOR SPECIAL PERMIT

APPLICANT: Kroy, Inc., by OWNERS: Same  
C. L. McCarthy, Pres.  
Sacramento Hotel, Sacto. Calif.

PROPERTY: Lots 1, 2 and 3, except the S. 25' of 3, of Rev. Father John T. Ellis  
Survey (3412 - 65th Street).

LOCATION: West side of 65th Street, north of 11th Avenue.

EXISTING USE: Property occupied by KROY Radio Transmitter Station building  
and tower.

EXISTING ZONING: Two-Family District - "A" Height and Area.

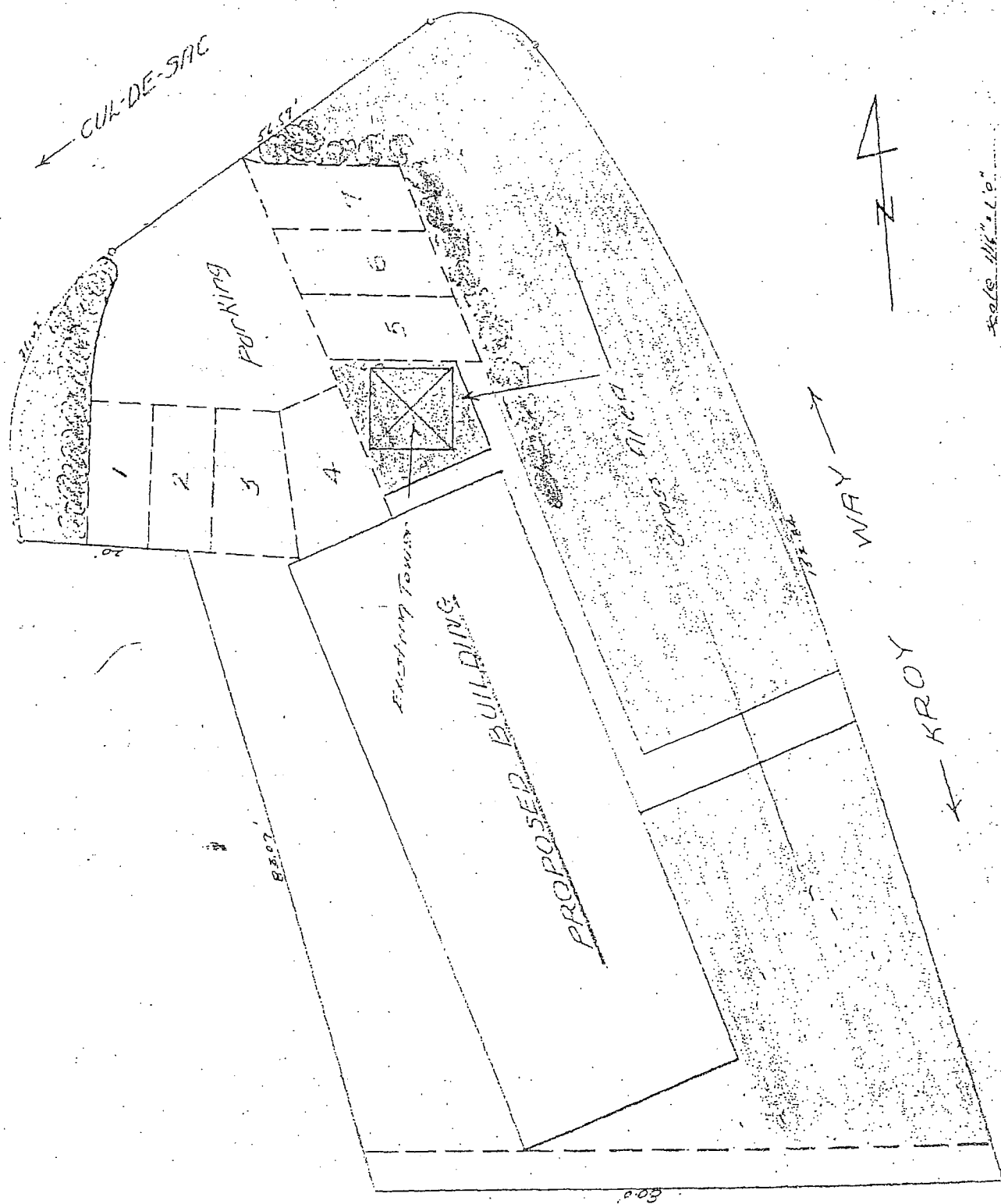
SIZE OF PROPERTY: Approximately 459' x 559'.

REQUEST: Special Permit to erect radio broadcasting studio in building approxi-  
mately 30' x 78' for Station KROY.

1. Applicant's large parcel of land is in the process of being subdivided, the tentative map for same having been approved by the Commission on September 21, 1954.
2. Said tentative map shows the lot or parcel on which KROY's existing transmitter tower is now located, and on which it is proposed to erect the broadcasting station as not being a part of the subdivision. Said corner lot or parcel is approximately in the very center of the unnamed subdivision and would be abutted upon two of its sides by lots in the new subdivision.
3. Submitted plot plan shows a building approximately 32' x 78' in size located on lot so as to provide the required setbacks from both streets. Lack of rear yard area on south side of building where same would normally be located, is provided for on westerly side of building.
4. This request for a Special Permit is being made under the provisions of Sec. 22-14 of Zoning Ordinance No. 1000 - 4th Series, which permits public utility and public service uses and buildings in any district when found to be necessary for the public health, convenience, safety or welfare, provided such request has been approved by both the Planning Commission and the City Council.

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5. Should the Planning Commission approve this request for Special Permit and forward an affirmative recommendation to the City Council, it is recommended such approval and recommendation be made subject to the following conditions:
  - a. That an off-street parking area be developed as indicated on the sketch made a part of this report.
  - b. That the front and street side yard areas be landscaped and maintained, including ground covers under and surrounding the existing tower.
  
6. The above recommendations are made fully understanding that the proposed site has a large amount of street frontage which can be utilized for parking. It is felt however, that the proposed use in the heart of a residential area should be so developed as to provide off-street parking for the employees of the building. A concentrated amount of all day parking on the street by employees would be detrimental and further aggravated by those persons visiting the station who also require parking.



# PUBLIC HEARING

## CITY OF SACRAMENTO P E R M I T

PUBLIC NOTICE of hearing before the City Planning Commission of the following is hereby given:

Application for Lots 1, 2 and 3, except the South 25' of Lot 3, Rev. Father John T. Ellis survey. (3412 - 65th Street).

Applicant requests Special Permit under Section 22-14 of Ordinance No. 1000, Fourth Series for erection of radio broadcasting studio approximately 30' x 78'.

Hearing thereon will be held at hour of 8:00 O'clock P. M. on date of October 26, 1954, in the Council Chamber of the City Hall, 9th and I Streets, Sacramento, California.

This notice is to owners of property within 100 feet of foregoing property.

OWNERS:

KROY, INC.  
Sacramento, Hotel  
Sacramento, California

APPLICANT:

C. L. McCARTHY, Pres.  
Sacramento, Hotel  
Sacramento, California

CITY PLANNING COMMISSION

BY: T. W. OLDHAM  
Secretary  
Room 203, City Hall

## SACRAMENTO CITY PLANNING COMMISSION

Date Nov. 19, 1954

(COPY FOR T.W.O.)

No. 90

## SPECIAL PERMIT

This is to certify that the Planning Commission of the City of Sacramento has, this date, granted a Special Permit to the applicant listed below for the property so designated, and for the purpose indicated.

Applicant K.R.G.Y. Inc., by C.L. McCarthy, Pres. Property Owner Same  
Sacramento Hotel, Sacto. Cal.

Street Address 1212 65th Street

Description of Property Lots 1, 2 and 3, except the S. 25' of Lot 3 of Rev. Father John T. Ellis Survey (#3412 - 65th St.)

Zoning District Two-Family District - M<sup>2</sup> Height & Area - Sec 1

Special Permit Granted Special Permit under provisions of 22-14 of Ord. 1000-4th S. to erect radio broadcasting studio in building approximately 30' x 78' for Station KROY. GRANTED WITH STIPULATIONS. See back of Permit for same.

Said Special Permit is granted under the provisions of Section 22-14

Zoning Ordinance No. 1000 - Fourth Series, but is subject to all other provisions of said ordinance as pertains to the use of the property for the purpose indicated.

Fee \$10.00

Receipt No. CPC# 1386

CPC 14

CITY PLANNING COMMISSION

A.L.P.

This Permit was granted with the following stipulations:

Property to be developed in accordance with recommendation of Planning and as shown on provided plan, as follows:

Director

1. That an off-street parking area be developed as indicated on the sketch made a part of this report.
2. That the front and street side yard areas be landscaped and maintained, including ground covers under and surrounding the existing tower.

APPROVED BY PLANNING COMMISSION ON NOVEMBER 9, 1954

APPROVED BY CITY COUNCIL ON NOVEMBER 18, 1954

W. C. BARNES, CHAIRMAN