



CITY OF SACRAMENTO

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO
JUN 9 8 15 AM '81

City Clerk
#42

CITY PLANNING DEPARTMENT

725 "J" STREET

SACRAMENTO, CALIF. 95814

TELEPHONE (916) 449-5604

MARTY VAN DUYN
PLANNING DIRECTOR

June 3, 1981

MEMORANDUM

TO: Councilman Tom Hoerber

FROM: Anne Parke, Associate Planner

SUBJECT: Statements by "The Committee" regarding the Executive Airport CIUP & DEIR

Per our recent telephone conversation, I have reviewed the public notice from "The Committee" which you sent to me. As I have already indicated to you, this missive contains numerous misstatements, as follows:

1. "A law says the City of Sacramento must have a land use plan."

There is no requirement that the City have a plan. The Airport Land Use Commission (also known as SACOG) must have one. The City is not even strictly required to implement ALUC's plan. However, if it wishes to take an action which is inconsistent with ALUC's interpretation of that plan, the City must overrule ALUC by 4/5 vote on each such action, as it occurs. If any implementation does take place regarding property within the City limits, it will be the City's responsibility to do so.

2. "(The plan will result in) reduced property values, making it more difficult to sell individual homes and businesses." City staff has been unable to find any facts, figures or other proof to support this. The ALUC staff has been asked to provide substantiation from persons with expertise in the fields of economics and fiscal impact analysis, and/or to remove this statement from the EIR.

3. "(The plan will result in) probably increased insurance rates." Staff has discussed this possibility with a local insurance broker, who has indicated that this fear is unfounded. He will be at the June 3 meeting to give further elaboration, as needed.

4. "(The plan will result in) restricting home improvements (pool, spa, patio, extra room, etc.)." Page 20, para. 4 of the CLUP prohibits expansion of non-conforming (inconsistent) land uses. Page 21, para. 3 further defines expansion as not including "patio covers, swimming pools, and detached accessory structures." In other words, these uses are not covered by the prohibition, and therefore would be permitted. It is conceivable that the City could, as an implementing measure, further define "expansion" so as to permit certain other types of additions to these single-family residences affected by this policy. PLEASE NOTE: Page 18 of the CLUP indicates that the only single-family homes that are inconsistent with the plan (and therefore ineligible for expansion) are those in AZ-1, or those developed in AZ-2 or 3 at densities greater than 4 units per gross acre. While the City has not officially determined how to interpret the "4 units per gross acre" criterion, it is clear that a substantial number of homes in AZ-2 and 3 are consistent with the policies because they are on lots of 1/4 acre or more. Thus, they are not subject to any expansion prohibition whatsoever.
5. "(The plan will require) notification to purchasers of real property of the identified risks associated with property near Executive Airport." There is no such provision in the CLUP, nor is one contemplated. The only place that mention of this is made is in the EIR, on page 38, in the Section discussing alternatives to the CLUP that were not chosen. As a matter of fact, City staff has requested that all of the four alternative measures on page 38 be deleted from the EIR, since they are not even true alternatives but rather implementation measures and are not under consideration by the City. The only reason discarded alternatives are discussed at all is because State law (CEQA) requires them to be in the EIR.
6. (The plan will require) eventual elimination of all public and private schools in the safety zones. There is no such requirement. This is another discarded alternative in the EIR (see 5, above).
7. "(The plan will result in) increased risks to those residents living near Executive Airport." Risks in areas adjacent to airports are associated with the potential for plane crashes, not from the enactment of land use controls. Thus, since the CLUP will not adversely affect air traffic at Executive Airport (but may, in fact, cause the diversion of a small number of heavier aircraft to other fields) the effect is deemed to vary from negligible to a slight decrease in risk.

In addition, CLUP policies will prohibit installation of facilities (e.g. flashing lights, reflective surfaces) which cause air navigation hazards which could possibly contribute to future crashes. Thus, future risks will be decreased.

8. "(The plan would result in) substantial financial hardships on land owners." As with items 2 and 3, City staff has been unable to find any factual support or substantiation for this statement. ALUC has been asked to respond in the Final EIR. Staff would be happy to receive any facts, figures or other evidence "The Committee" has which proves this point.
9. "(The plan would result in) shifting population." Population shifts are an ongoing phenomenon wherever development exists and/or continues to go on. This is supported factually by the 1980 Census, as compared to previous census results. Why this is seen as a negative feature is unclear to staff. Furthermore, shifts beyond those which occur naturally, throughout the City, are forecast as being minimal to negligible. Development will continue to take place in the Executive Airport area, although it will be limited by the availability of vacant land. The maximum density at which new residential development will occur (4 units/gross acre) is only slightly less than the density at which it has been occurring in recent years (approximately 5 units/gross acre). No structures (residential or otherwise) will be required to be removed, so that at least the same number of households will continue to exist in this area. It is expected that the average household size (number of people per household) will decline, a natural phenomenon which is being experienced not only throughout Sacramento, but nationwide.
10. "(The plan will make it) mandatory (to) soundproof some homes." The CLUP is merely reflecting an existing State legal requirement that mitigation be undertaken for homes which fall within the 65 CNEL noise contour after 1/1/86. It should be carefully noted that the responsibility for noise attenuation (not "soundproofing") rests with the airport owner and/or operator (i.e. the City or the County) and will place no financial burden on any affected private property owner. These owners will receive a residual benefit in addition to quieter indoor noise levels, through substantial energy savings (many energy insulation materials and techniques are also used for effective noise attenuation). It is possible, however, that no homes whatsoever will fall within the 65 CNEL contour by 1986.

11. "The plan would result in) removal of parks and Little League facilities." The CLUP does not require the removal, phase-out or abandonment of any parks and recreation facilities. See item 5 above.
12. "(The plan includes) new zoning classifications to implement the land use plan." The CLUP's approach and overflight zones should not be confused with the City's Zoning Ordinance. The CLUP adoption by ALUC will have no affect on the latter. If the City decides to amend its zoning ordinance (and there is no requirement that-it-do so), it will hold separate public hearings to consider same. There are no current plans in this regard.

I hope this clarifies some of the questions which have arisen. Please let me know if I can be of further assistance.

AP:bw



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET

CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814

TELEPHONE (916) 449-5428

LORRAINE MAGANA
CITY CLERK

June 16, 1981

Jim Harnish
ALUC/SACOG
700 "H" Street
Sacramento, CA 95814

Dear Mr. Harnish:

On June 9, 1981, the City Council considered the Draft Airport Land Use Plan and Draft Environmental Impact Report.

The Council's final action was:

1. Approve staff comments on the Environmental Impact Report as amended by Council action;
2. Tentatively approve the Plan subject to the amendments and reports back to the Council.

The minutes of this item is enclosed for your information.

Sincerely,


Lorraine Magana
City Clerk

LM/mm
Enclosure

cc: Marty Van Duyn, Planning Director
James P. Jackson, City Attorney
Solon Wisham, Community Services Director
George McLaughlin, Director County Airports Dept.

MINUTES

Meeting of June 9, 1981

Agenda Item No. 42

42. Mayor Isenberg spoke to the procedure for the hearing and the special agenda prepared.

Councilperson Hoeber spoke to the lease agreement and announced intent to propose motion to phase-out airport and after discussion with other councilmembers determined not enough votes and withdraws proposal.

Mayor Isenberg ruled that the question of phase-out of the airport will not be a matter of discussion.

After comments by Mayor Isenberg that it is not the recommendation nor intent of City staff to limit additions to single family residences, Councilman Fisher moved to adopt the recommendation of the City Planning Commission on single family residence improvements. Seconded by Councilwoman Rudin, and motion carried by the following vote:

AYES: Councilpersons Connelly, Fisher, Roberts, Hoeber, Robie, Rudin, Thompson, Isenberg.

ABSENT: Councilperson Pope

Mayor Isenberg then stated that a notice to future buyers stating that an airport was in the area was not included in the Plan nor is there a motion to include such noticing requirement.

Councilperson Pope arrived at 8:02 p.m.

Following discussion on the economic impact statement and comments relating to value of property, it was determined that the statement is out of context since the Council took action to allow expansion of single family residences.

Charles Davis, 1222 Gilcrest Avenue, spoke to the matter.

Councilperson Thompson moved to delete from the economic impact statement the language relating to value of property. Seconded by Councilperson Fisher and motion carried by the following vote:

AYES: Councilpersons Connelly, Fisher, Hoeber, Pope, Roberts, Robie, Rudin, Thompson, Isenberg.

Marty Van Duyn, Planning Director, spoke to the issues of schools and stated that the Council has no jurisdiction in this area.

James P. Jackson spoke to the question of jurisdiction and City reviews through special permit process.

Rod Blayun, 8468 Excelsior Road, spoke to St. Roberts School and its inconsistency with the Plan.

Marty Van Duyn responded that it is within overflight zone and not subject to same provisions of public school override and Council may authorize expansion subject to hearing with a four-fifth's vote override of A.L.U.C.

Following discussion, Councilperson Fisher moved to delete private schools from Airport Land Use Plan. Seconded by Councilperson Roberts.

Councilperson Rudin spoke against motion. Roll was then called, and motion failed by the following vote:

AYES: Councilpersons Fisher, Pope, Roberts
NOES: Councilpersons Connelly, Hoeber, Robie, Rudin,
Thompson, Isenberg.

Following discussion and suggestions by Marty Van Duyn, James Jackson, and Jim Harnish, Councilperson Pope moved that an additional footnote be added to page 19 which states that existing schools in the overflight zone which are damaged in excess of fifty percent may be rebuilt. Seconded by Councilman Fisher and motion failed by the following vote:

AYES: Councilpersons Fisher, Pope, Roberts
NOES: Councilpersons Connelly, Hoeber, Robie, Rudin,
Thompson, Isenberg.

Jim Harnish, ALUC staff, gave a brief verbal presentation on the issue of Public Property.

James Jackson, City Attorney, spoke to the issue of legal liability on the part of the City.

Solon Wisham, Community Services Director, spoke to other locations available for the Airport Little League.

George McLaughlin, Director of the County Department of Airports, spoke to issue of closing Runway 30 during baseball games and stated would have to review matters.

Margaret Ware, President of Airport Little League, 2101 50th Avenue, introduced Dan Ware.

Dan Ware, Airport Little League Director, spoke on behalf of Little League and agreed to moving to airport property if allowed to remain until property ready.

Margaret Ware spoke to issue and wished to remain on present property.

Mike Monasky, 4829-19th Avenue, spoke to deletion of GTE property as alternative for field.

Mayor Isenberg responded that property not under consideration as outside Little League area.

Rosella Boyd, 2186-53rd Avenue, spoke to issue.

Walter Gaskins, 2113 Turnesa Avenue, spoke to issue and total closure of Runway 30.

Following discussion and that costs of relocation be borne by the County, Councilperson Connelly moved that the issue of whether or not we adopt the Airport Land Use Plan as it impacts this Little League Airport site be held in abeyance for a time period of 60 days during which the County's to come back and respond to two suggestions: the first as indicated earlier being relieving of air traffic on Runway 30 and failing that; the second permit the relocation Airport Little League onto the airport property. Seconded by Councilperson Rudin.

Councilperson Robie requested that as part of the motion that if the Little League cannot be located on the property that the County work with the Community Services Department to locate another site. Accepted as part of motion.

Councilperson Hoeber requested the continuation of the lease pending resolution of the matter. Accepted as part of the motion.

George McLaughlin spoke to motion.

Councilperson Pope would prefer that it be excluded from the Plan.

Motion carried by the following vote:

AYES: Councilpersons Connelly, Hoerber, Pope, Roberts,
Rudin, Thompson, Isenberg.
NOES: Councilpersons Fisher, Pope.

Jim Harnish gave a brief verbal presentation on the location of Willow Rancho Little League.

Solon Wisham, Community Services Director, also spoke to issue and only one-third of ball diamond in prohibited area and don't know if it can be repositioned, if not then will have to find another site.

Sam Pennell, 7368 Mandy Drive, spoke to relocation of diamond and if relocated the costs to be borne by the County.

Dan Ware also spoke to issue.

Councilperson Connelly moved to take no action of Willow Rancho Little League subject to the staff doing the following things in the following order: 1. Examining the possibility of repositioning the diamond on the existing site in such a way as its compatible to the Plan; 2. If that is unfeasible directing the staff to explore alternative sites within the boundary permitted of this little league; and 3. To talk to the County of Sacramento in meaningful ways concerning cost implications. Seconded by Councilperson Hoerber and following discussion, motion carried by the following vote:

AYES: Councilpersons Connelly, Fisher, Hoerber, Roberts,
Rudin, Thompson, Isenberg.
NOES: Councilpersons Pope, Robie.

Jim Harnish then gave a verbal presentation regarding Mangan Park.

Mr. Wisham spoke to Mangan Park itself is a conforming use but the high public uses facilities are not and demolition of facilities would amount to approximately \$1,000,000.00.

Dan Ware and Sam Pannell spoke in favor of retaining facilities.

Following discussion, Councilperson Connelly moved to adopt the recommendation of A.L.U.C. Seconded by Councilperson Rudin.

Following comments, Councilperson Hoerber suggested an amendment to motion that staff report on the method of phasing out, estimated costs and an alternate site. Accepted as part of the motion.

Councilperson Thompson moved to exclude Mangan Park from the Airport Land Use Plan. Seconded by Councilperson Fisher and motion failed by the following vote:

AYES: Councilpersons Fisher, Pope, Roberts, Thompson.
NOES: Councilpersons Connelly, Hoerber, Robie, Rudin, Isenberg.

Roll called on main motion which carried by the following vote:

AYES: Councilpersons Connelly, Hoerber, Robie, Rudin, Thompson, Isenberg.
NOES: Councilpersons Fisher, Pope, Roberts.

Jim Harnish gave a brief presentation on existing commercial/office.

Discussion then followed on what constitutes changes in use.

Walt Gaskins spoke in opposition.

Karen McClain spoke to issue.

Following further discussion, Frank Corti, owner of Crossroads, now in process of redeveloping property and expressed concern of the effect of the Airport Land Use Plans on the Center.

Councilperson Rudin questioned staff on the feasibility of dealing with a shopping center as a whole rather than separate businesses within center.

Margaret Ware spoke to effect of Plan on church located within approach zone.

Alan Brodovsky, Attorney, representing Freeport Farms Development Company, owner of Bel Air Shopping Center, spoke to apparent inconsistencies in Plan.

Dan Ware spoke against Plan recommendations.

Allen Griffen, 2081 - 66th Avenue, spoke to City's liability on private property.

Mayor Isenberg closed the hearing without objection.

Mayor Isenberg moved the following motion as it relates to Land Use Compatibility Guidelines of the Plan: 1. In so far as existing office/commercial uses are found compatible by the Plan, we approve the Plan; 2. In so far as existing uses are considered non-compatible by the Plan, we decline to adopt the Plan at this time and request the A.L.U.C. to develop standards which will declare non-conformance when there is a change of use over the existing use with a significant increase in the number of employees, customers or visitors; 3. Declare that we would like an amendment that rebuilding of existing uses be permitted without a declaration of non-compliance or non-conformance; and 4. let the staff generally revise the language and come back to us so we can take another look at it in a more clear fashion. Seconded by Councilperson Pope.

Discussion and it is to apply to pages 18 and 19 of the Plan.

Councilperson Connelly moved a substitute motion: 1. Existing private uses be declared conforming; 2. that non-conformance will only occur when there is a significant change, the criteria to be developed by staff which will consider increases in density versus the location of a particular site; 3. Non-conformance will specifically not result as a result of the destruction of the property or the non-occupancy of the property; and 4. that the staff will come back with specific criteria and enabling ordinances in conjunction with the Airport Land Use Plan so we can make a final determination. Seconded by Councilperson Fisher.

Mr. Harnish spoke to motion and serious problem of declaring all uses conforming.

Following discussion on effect of substitute motion, the motion was withdrawn by the maker and seconder.

Roll now called on the main motion which carried by the following vote:

AYES: Councilpersons Connelly, Fisher, Pope, Roberts,
Rudin, Thompson, Isenberg.
NOES: Councilperson Hoerber.

Mayor Isenberg questioned the staff on status of undeveloped areas in view of Council's action on existing commercial/office.

Mr. Harnish suggested come back with issue undeveloped areas at the same time as for the existing commercial/office.

Without objection the undeveloped areas were included as part of the motion on existing commercial/office.

Mr. Jackson spoke to technical changes submitted to the Council at the beginning of the hearing.

The following citizens spoke on various issues: Rosella Boyd, 2086-63rd Avenue; Suk Nirona, 7020 Briggs Drive; Allen Dare; Alan Brodovsky; Charles Davis.

Councilperson Rudin moved to adopt changes submitted by James Jackson, City Attorney (see attached changes). Seconded by Councilperson Thompson and motion carried by the following vote:

AYES: Councilpersons Connelly, Fisher, Hoerber, Pope, Roberts, Robie, Rudin, Isenberg.

Discussion regarding action on Environmental Impact Report.

Councilperson Connelly left at 11:52 p.m.

Evelyn Davis, 1222 Gilcrest Avenue, opposed to rezoning and land use aspects of Plan.

Councilperson Thompson moved to forward comments from staff on the Environmental Impact Report to A.L.U.C. as amended by Council actions. Seconded by Councilperson Rudin.

Councilperson Robie spoke to possible grant losses as indicated on page 3, item 3, Planning Commission Report, and requested report on whether or not there would be grant losses. Without objection it was so ordered.

Councilperson Fisher commented on action of Council and there is a significant impact on area with the amendments.

Councilperson Pope would hope that A.L.U.C. would do more in depth analysis of social and economic impact.

Councilperson Roberts does not support phase-out and if there is one vote on land use only would vote no.

Roll was now called and motion carried by the following vote:

AYES: Councilpersons Fisher, Pope, Roberts, Robie,
Rudin, Thompson, Isenberg.
ABSENT: Councilperson Connelly.

Councilperson Pope moved to tentatively approve the Plan subject to amendments and reports back. Seconded by Councilperson Rudin and motion failed by the following vote:

AYES: Councilpersons Pope, Rudin, Thompson, Isenberg.
NOES: Councilpersons Hoerber, Roberts, Robie
ABSTAIN: Councilperson Fisher
ABSENT: Councilperson Connelly

Following further discussion, Councilperson Robie moved to tentatively approve the Plan subject to the Council's previous action. Seconded by Councilperson Rudin and motion carried by the following vote:

AYES: Councilpersons Fisher, Pope, Robie, Rudin
Thompson, Isenberg.
NOES: Councilpersons Hoerber, Roberts.
ABSENT: Councilperson Connelly.

//END//

42

PROPOSED AMENDMENTS--Executive Airport Comprehensive
Land Use Plan -- Page 20-21

(This will replace staff recommendation 2-C)

D. Implementation by ALUC:

This Comprehensive Land Use Plan does not set forth specific land uses for any particular parcels of land, nor is it retroactive with respect to any existing non-compatible land uses or existing parcels. ~~The City zoning ordinance provides the basic tools for maintaining control over the area surrounding the Sacramento Executive Airport.~~ With the Airport Area of Influence of Sacramento Executive Airport, the Airport Land Use Commission shall review the following actions:

- a) To the extent practicable, all new construction on vacant land which as proposed is located in a noise zone, safety area, or which would exceed a height restriction surface adopted by the ALUC; and
- b) Any land use change including a general plan change, community plan change, subdivision plan, rezoning, zoning change, use permit, or variance, before the City of Sacramento or any other public agency within the Airport Area of Influence.

In the event that the City Planning Commission (where it takes final action on a use permit or variance), the ~~or City Council or other~~ public agency approves a project which is determined to be inconsistent with the CLUP, the ALUC will hold a public hearing to consider the project approval. If it approves the inconsistent action, the CLUP will be revised accordingly. If it disapproves the inconsistent action, the ~~City Council~~ applicable public agency will be so notified. A four-fifths vote of the ~~Sacramento City Council~~ applicable public agency is then required to overrule the ~~recommendations and policies~~ action of the ALUC. ¹ ~~Executive Airport CLUP.~~

It is recommended that zoning changes required be made by the City to implement the Sacramento Executive Airport CLUP will be completed by the local jurisdiction and compatibility with and that with the City General Plan should remain also be consistent with the CLUP.

Upon implementation adoption of this plan by the City of Sacramento-ALUC, existing land uses which are inconsistent with the policies set forth in this plan shall be deemed to be non-conforming uses and may be continued. No non-conforming inconsistent use of land or any building or structure may be expanded, or changed to another

1. See Appendix 1, Statutes Relating to ALUC.

non-conforming inconsistent use except as set forth herein. Except as otherwise provided in this plan, if any non-conforming inconsistent use or any building or structure within which a non-conforming inconsistent use is conducted or maintained is thereafter damaged or destroyed and such damage or destruction exceeds 50% of the value of the building or structure, any subsequent use of the land or any building reconstructed or erected thereon, and any such building or structure, shall be in accordance with the policies set forth in this plan.

Any non-conforming inconsistent use of land or any building or structure thereon which becomes vacant and remains unoccupied for a continuous period of one year shall not thereafter be used or occupied unless such use or occupancy is consistent with the policies set forth in this plan.

Notwithstanding any other provision to the contrary, any non-conforming-inconsistent detached single family residence may be reconstructed following partial or complete destruction. No-such-use-shall-be-permitted-to-be-expanded-or-changed-to-another-non-conforming-use-Single family residences existing at the time of adoption of this Plan; may be expanded, including the addition of rooms, patio, covers swimming pools and accessory structures. Single family residences which are reconstructed after partial or complete destruction may also be expanded.

Notwithstanding any other provision to the contrary, a single family detached residence may be built on any vacant lot which conforms to the standards of the City Zoning Ordinance.

Notwithstanding any other provision to the contrary, a public agency may after holding a public hearing, authorize an expansion or continuation of an non-conforming inconsistent use, or the repair and reconstruction of an non-conforming inconsistent building or structure for a similar or less extensive intensive non-conforming use, upon a determination that under the circumstances of the particular case the benefit to the public health, safety and welfare outweighs any detriment inherent in such change.

For-the-purposes-of-this-section,-the-term-"expansion"-shall-not-include-patio-covers,-swimming-pools-and-detached-accessory-structures-

This CLUP will be reviewed and updated as necessary based on changes in the airport facility and use.

Other Proposed Changes

1. On Page 14 of the Plan, amend Paragraph II B-3 to read as follows:

The ALUC recommends appropriate action be taken (~~e.g., interior sound-insulation~~) for those homes east of Executive Airport which may fall within the 65 dB CNEL contour after 1/1/86. This recommendation is not intended to require expenditure for noise mitigation measures by property owners of structures existing on the effective date of this Plan.

2. On Page 17 of the Plan, delete sentence which reads:

If a portion of a parcel is in a particular zone, then the entire parcel is considered to be within the zone.