

CITY PLANNING COMMISSION

EXHIBIT C

927 10TH STREET, SUITE 300 - SACRAMENTO, CALIFORNIA 95814

APPLICANT	Corti Brothers/Frank J. Corti & Gino J. Corti		
OWNER	Corti Brothers/Frank J. Corti & Gino J. Corti		
PLANS BY	Havlic-Hughes-Gillard, Architects & Planners		
FILING DATE	6-21-84	50 DAY CPC ACTION DATE	REPORT BY: CC:sg
NEGATIVE DEC	11-29-84	EIR	ASSESSOR'S PCL NO. 025-113-23, 24

APPLICATION: A. Negative Declaration

B. Special Permit to allow an ice cream parlor in a C-2(EA-2) zone
(Cort-Yard Shopping Center)

LOCATION: 5770 Freepport Boulevard

PROPOSAL: The applicant is requesting the necessary entitlements for the addition of an ice cream parlor in the Cort-Yard Shopping Center.

PROJECT INFORMATION:

1974 General Plan Designation: Commercial and offices
1965 Sutterville Heights

Community Plan Designation: Shopping and commercial

Existing Zoning of Site: C-2(EA-2)

Existing Land Use of Site: Shopping center

Surrounding Land Use and Zoning:

North: C-2(EA-4)

South: R-1(EA-2)

East: C-2(EA-4) & R-1(EA-2)

West: R-1(EA-2,4)

Parking Provided: 399 spaces

Property Area: 6.96+ acres

Square Footage of Existing Building: 100,161+ sq. ft.

Square Footage of Proposed Ice Cream Parlor: ~~17,000+ sq. ft.~~ 3,800+ sq. ft. *

Significant Features of Site: Located under an approach zone for Executive Airport

Topography: Flat

Street Improvements: Existing

Utilities: Existing

Exterior Building Colors: Beige

Exterior Building Materials: Brick, slumpstone

Height of Structure: 20'

BACKGROUND INFORMATION:

The Cort-Yard Shopping Center is approximately 200 feet from the property line of Executive Airport and approximately 1,500 feet from the end of Executive's 12-30 runway. The Cort-Yard is located within the approach zone for Runway 12-30. Runway 12-30 is used by single and twin engine planes, as well as an occasional jet when there is a crosswind condition. The actual use of Runway 12-30 by jets constitutes less than 1% of the total runway usage. This runway is used for about 20% of the total annual airport operations.

APPLC. NO. P84-242

MEETING DATE November 8, 1984

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 000042 CORRECTED BY STAFF 1/25/85

Accident Potential. The 1973 McElroy report examined aircraft accidents within a one mile radius of civil airports, calculating a mean accident rate of 1.38 accidents per million operations. The Executive Airport Comprehensive Land Use Plan (CLUP) used this rate to estimate the probability of an accident within the area of influence of Executive Airport. Using 230,000 as the total operations of Executive for 1979, the probability of no near-airport accidents during one year at that activity level is 0.70. The probability of one near-airport accident is 0.22. Total flight operations dropped after 1979, but have been increasing at a steady rate and could reach the 1979 level within the next several years.

The accident probability can be narrowed to the specific area around the approach zones for runway 12-30. One justification for doing this is that a majority of accidents occur during takeoff and landing. Therefore, within approach zones 1, 2, and 3 there exists a higher probability of accident occurrence than other locations within the one mile radius. This is because properties in these approach zones lie beneath the airplanes during their critical stages of takeoff and landing.

The CLUP maximum total flight usage for Executive Airport within one year is 275,000. The Department of Airports estimates this maximum to be reached within the next several years. Using 275,000 flights, at the 20% usage level for Runway 12-30 and McElroy's probability table, results in an estimate of 0.065 accidents per year. This is the equivalent to one accident every 15 years within the approach zones for Runway 12-30.

CLUP. Land use planning within the approach zones and overflight area of Executive Airport is the responsibility of the Airport Land Use Commission. The Commission, through its adoption of the CLUP, provides policies and guidelines to protect the safety and general welfare of people in the vicinity of the airport and to insure the safety of air navigation.

In June of 1975 the Comprehensive Land Use Plan for Executive Airport was adopted by the Airport Land Use Commission. The CLUP defined incompatible land uses within EA-2 zones as those which may result in the gathering of more than 50 persons per acre per hour average in any 24 hour period. The CLUP further defined specific uses which would be incompatible. These included coffee shops, bar/cocktail lounge, restaurant, or ice cream parlors with table service or serving of meals. The City Council implemented the CLUP by Ordinance 82-096 which, through an overlay zone, regulates land uses surrounding Executive Airport.

Special Permit Provisions. In May, 1984, the City Council amended Ordinance 82-096 resulting in the change of coffee shops, bar/cocktail lounges, restaurants, and ice cream parlors from prohibited uses to uses subject to special permit in EA-2 and EA-3 zones. By making these uses subject to a special permit, each project would be reviewed individually for potential hazards to public safety, land use intensification and mitigation measures for reducing potential hazards to public safety to acceptable levels.

Density. Current land uses within Executive Airport's approach zones are primarily low intensive, i.e. under the 50 ppa recommended by the CLUP. There does exist certain non-conforming uses within the EA-1, 2, 3 zones. The Corti Brothers grocery store in the subject site could be classified as a non-conforming use since the store was established prior to the requirement of a special permit. The proposed ice cream parlor, having an estimated ppa of 120, would be considered an

incompatible use according to the Airport Comprehensive Land Use Plan and City Ordinance (see environmental document for calculations).

Precedent Setting Effects: There are eight different commercially zoned site locations consisting of approximately 30 acres within Executive Airport's EA-2 zones. The FAA finds this amount to be tolerable, but not preferred. If the Cort-Yard is allowed to add a non-compatible use into its shopping center without mitigation measures (if any are practical), other commercial property owners in the EA-2 zones may also request special permits for addition of more intensive uses. The accumulated effect of increasing density levels will be an increase in the potential for injuries resulting from an airplane accident. Staff believes land use intensification issue could also lead to increased pressures to limit usage of Executive Airport.

STAFF EVALUATION

The proposed use will exceed the CLUP and City Ordinance criteria of 50 ppa and therefore is an incompatible use that should not be allowed unless sufficient mitigation measures are imposed. Staff requested advice from the ALUC staff, County Department of Airports and FAA on potential mitigation measures. No mitigation measures could be suggested for the Cort-Yard. However, modification of airport operations was mentioned, including closure of Runway 12-30 or further limitation on its use by jets. Staff views closure of the runway as not a practical solution since two other runways also have a potential for the same situation. Prohibition of use by jets would only reduce the runway use slightly. Without sufficient, effective mitigation measures, staff cannot support the application request.

ENVIRONMENTAL ASSESSMENT

The Environmental Coordinator has determined that the establishment of the ice cream parlor would increase the number of persons being exposed to the probability of one airplane accident in 15 years but is not considered to be a significant health or safety hazard to warrant the preparation of an environmental impact report and has filed a negative declaration.

Attachments provided for the Commission's consideration are documents, letters etc:

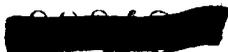
- A. Negative Declaration
- B. Airport Land Use Commission
- C. FAA
- D. County Department of Airports
- E. California Department of Transportation
- F. Executive Flyers
- G. Comstock Air Services
- H. Union Flights
- I. Board of Supervisors position

STAFF RECOMMENDATIONS

- A. Ratify the Negative Declaration.
- B. Denial of the special permit to add an ice cream parlor with table service and serving of meals in the Cort-Yard Shopping Center, based upon findings of facts which follow:

Findings of Facts

- 1. The project, if approved, would not be based on sound principles of land use in that another high density, non-compatible land use would be located under a primary flight path of Executive Airport.
- 2. The proposed use is inconsistent with Executive Airport's ALCUP which recommends a maximum ppa of 50.
- 3. The project, if approved, would be injurious to public health, safety and welfare in that it increases the potential for having high concentrations of people on a site located in an area with documented safety hazards.



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PROJECT INFORMATION:

1974 General Plan Designation: Commercial and offices

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Community Plan Designation: Shopping and commercial

Existing Zoning of Site: C-2

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South: R-1(EA-2)

East: C-2(EA-4) & R-1(EA-2)

West: R-1(EA-2,4)

Parking Provided: 399 spaces

Property Dimensions: ?

Property Area: 6.96± acres

Square Footage of Existing Building: 100,161± sq. ft.

Square Footage of Proposed Ice Cream Parlor: 2,000± sq. ft.

Significant Features of Site: Located in Executive Airport (EA-2) overlay zone

Topography: Flat

Street Improvements: Existing

Utilities: Existing

Exterior Building Colors: Beige

Exterior Building Materials: Brick, slumpstone

Height of Structure: 20'

SITUATION:

The subject site, consisting of 6.98 acres, of which 2.61 are leased from the City of Sacramento, is zoned C-2(EA-2). A 100,000 square foot shopping center is presently located on the site. A request to locate a 60 person sit down, 3,800 square foot ice cream parlor has been submitted to the City Planning Division. This proposed ice cream parlor, within the EA-2 zone, is an allowed use subject to the issuance of a special permit pursuant to the recently amended Ordinance 82-096. The Planning Commission's decision on the issuance of the special permit will depend on two major points:

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- A. Whether the proposed use is a non-compatible land use according to the public purposes articulated in the ALCUP, or will the denial of the special permit result in practical difficulties or unusual hardships for the property owners.
- B. Will the proposed use's benefit to the public health, safety and welfare be outweighed by the detriment inherent to such a use.

DATA CONCERNING EXECUTIVE AIRPORT AND ITS SURROUNDING LAND USES

The Cort-Yard Shopping Center is approximately 200 feet from the property line of Executive Airport and approximately 1,500 feet from the end of Executive's 12-30 runway. The Cort-Yard is located within the approach zone for runway 12-30. Runway 12-30 is only used by single and twin engine planes, as well as an occasional jet when there is a crosswind condition. The actual use of runway 12-30 by jets constitutes less than 1% of the total runway usage. This runway is used for about 20% of the total annual airport operations.

The 1973 McElroy report examined aircraft accidents within a one mile radius of civil airports, calculating a mean accident rate of 1.38 accidents per million operations. The Executive Airport CLUP used this rate to estimate the probability of an accident within the area of influence of Executive Airport. Using 230,000 as the total operations of Executive for 1979, the probability of no near-airport accidents during one year at that activity level is 0.70. The probability of one near-airport accident is 0.22. Total flight operations dropped after 1979, but have been increasing at a steady rate and could reach the 1979 level within the next several years.

The accident probability can be narrowed to the specific area around the approach zones for runway 12-30. One justification for doing this is that a majority of accidents occur during takeoff and landing. Therefore, within approach zones 1, 2, and 3 there exists a higher probability of accident occurrence than other locations within the one mile radius. This is because properties in these approach zones lie beneath the airplanes during their critical stages of takeoff and landing.

The following is an estimate of the probability of an accident within runway 12-30's approach zones:

- A) $275,000 \text{ flights} \times 20\% = 55,000$
- B) $55,000 \text{ of } 1,000,000 = .055 \text{ mill/year}$
- C) McElroy's probability table (Exhibit B), yields the estimate of .065 accidents per year. This is equivalent to one accident every 15 years.

If an accident were to occur within the Cort-Yard location, the City Fire Department would respond with two engines, one truck, and 12 firemen. Their response times would be a maximum of three minutes from station 12, located at 4500 24th Street, and five minutes from station 16, located at 7363 24th Street which is considered adequate.

STAFF EVALUATION

Staff has two major concerns regarding the addition of an ice cream parlor to the Cort-Yard Shopping Center. The first concern is if the proposed ice cream parlor is a compatible land use within the Executive Airport's approach zones. The ice cream parlor poses a possible increase in densities within an area where land use policy has been to limit densities to 50 persons per acre. The second concern is the possible precedent setting effect of this case. If a special permit were granted to the Cort-Yard, the possibility that a precedent might be set, allowing other higher intensive uses to enter Executives Airport's approach zones. The following data will be an elaboration on these two issues.

A. Density: Current land uses within Executive Airport's approach zones are primarily low intensive, i.e. under the 50 ppa recommended by the ALCUP. There does exist certain non-conforming uses within the EA-1, 2, 3 zones. The Corti Brothers grocery store could be classified as one of these non-conforming uses. It has been mentioned that if the grocery store is a non-conforming use, and has been allowed to continue operation, why shouldn't another non-conforming use be allowed to enter the shopping center, i.e. an ice cream parlor. The following are some facts that negate the logic behind allowing a non-conforming use because of an existing non-conforming use. First, a comparison of person per acre data will be used, using the data provided in the Cort-Yard's special permit application. The formula for calculating ppa uses was taken from the ALCUP.

Standards for estimating persons per acre:

- 1) Gross square footage of parcel divided by 43,560 equals size of parcel in acres.
- 2) Divide square footage of proposed building by square footage per occupant as required by Uniform Building Code (UBC).
- 3) Multiply maximum occupancy by 50% to establish maximum number of persons expected to be present at one time.
- 4) Divide number of persons expected (UBC) by gross acres.

For the proposed ice cream parlor, the following was given:

- 1) Total square feet = 6,000_± and
- 2) Acres = .25

Using this information in the above formula gives the following results:

- 1) given = .25 acres
- 2) 3,800 sq. ft. divided by 15 sq. ft./occupant (UBC) = 400
- 3) 250 x 50% = 125 persons (maximum occupancy)
- 4) 125 divided by .25 = 500 ppa



Maximum occupancy of 60 persons provided by the applicant results in the following:

- 1) $60 \times 50\% = 30$
- 2) $30 \text{ divided by } .25 = 120 \text{ ppa}$

The estimates of 500 and 120 ppa are both above the 50 ppa as indicated by the 1982 Zoning Ordinance. According to the ALCUP, the proposed use is incompatible with the current planned land use for an EA-2 zone.

The applicant provided the following information for the existing Corti Brothers grocery store:

- 1) Total square feet - 32,000
- 2) Acres - 1.5
- 3) Serves 2,700-5,100 persons/day
- 4) Peak hours 11:00 a.m. - 2:00 p.m.; 4:00 p.m. - 6:00 p.m.
- 5) 60% of business during peak hours

Using this information in the ppa formula yields the following results:

Average occupancy/hour

- Average 3,000/day x 60% of business = 1,800
- $1,800 \text{ people} \div 5 \text{ hours} = 360/\text{hour}$
- 3. $360 \times .5 = 180$
- 4. $180 \div 1.5 = 120 \text{ ppa}$

The density for the proposed ice cream parlor is 120 ppa. The Corti Brothers grocery store, servicing over 2,000 persons/day, also has a ppa of 120. The reason for the similar ppa's is the ~3,000 individuals shopping at the Corti Brothers grocery store are spread out along 30,000 square feet of store, while the ice cream parlor will service ~500 customers/day in a 3,800 square foot space, of which only 960 square feet is available for customer seating.

Even though the grocery store serves up to eight times as many customers/day as that projected for the ice cream parlor; the two uses, because of the size of their stores, have the same densities, 120 ppa. The recommended densities for EA-2 zones is 50 ppa, or lower, according to the ALCUP. Because of the grocery store's high density estimation in reference to the ALCUP, it is considered to be a non-compatible land use within the EA-2 zones. Therefore, the ice cream parlor, having the same 120 ppa, should also be considered a non-compatible land use.

The reason why the Corti Brothers grocery store is considered an "acceptable" non-compatible land use and allowed to continue operation is it's grandfathered in, that is, the approval for the commercial use came before the adoption at the ALCUP. Section 21670 of the public utilities code states that the purpose of the regulations is to protect public health, safety and welfare by insuring orderly expansion of airports and the adoption of alnd use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that such areas are not already devoted to incompatible uses.

Staff does not believe the "grandfather" exemption applies to the proposed use, i.e. an ice cream parlor, as it does to the existing grocery store. Thus, the Planning Commission has the power to regulate the proposed use.

Staff believes that allowing another high density, non-compatible land use, i.e. an ice cream parlor, into the Cort-Yard, could be increasing a potential land use intensification problem, and therefore recommends denial of the application.

- B. Precedent Setting Effects: There are eight different commercially zoned site locations consisting of approximately 30 acres within Executive Airport's EA-2 zones. The FAA finds this amount to be tolerable, but not preferred. The FAA's and the corresponding ALCUP's recommendations for keeping clear zones free from intensive commercial uses have not been followed in many cases because the commercial uses were granted before the ALCUP was adopted. All projects approved since the adoption of the ALCUP have followed the street regulations on density provided for in the guidelines.

If the Cort-Yard is allowed to add a non-compatible use into its shopping center, other commercial property owners in the EA-2 zones may want special permits allowing more intensive uses to their properties. This special permit request may set this precedent. If other owners are allowed to add high density uses to their existing properties, the accumulated effect of increasing density levels might increase the potential for injuries resulting from an airplane crash. The cumulative land use intensification may press Executive Airport to reduce operations.

Staff believes the current land use intensification problem could be compounded by allowing additional non-conforming uses into Executive Airport's EA-2 zones. With the potential for additional land use intensification may result in increase pressure to limit usage of Executive Airport. Therefore, the benefit the Cort-Yard and general public may receive from the proposed use is outweighed by detriment

C. ENVIRONMENTAL ASSESSMENT

The Environmental Coordinator requested and received comments from the following agencies which review uses proposed in the Executive Airport overlay zones. Their comments are as follows:

- U.S. Department of Transportation, Federal Aviation Administration:
Recommend denial of the project as the project proposes increasing the density within an approach safety zone.

- County of Sacramento, Department of Airports: Recommend mitigating measures.
- Cal Trans, Division of Aereonotics: Recommend mitigating measures.

The Environmental Coordinator has determined that the proposed project will not have a significant adverse effect on the environment and has filed a negative declaration.

STAFF RECOMMENDATIONS

- A. Ratification of the negative declaration.
- B. Denial of the special permit to add an ice cream parlor to the Cort-Yard Shopping Center, based upon findings of facts which follow:

Findings of Facts

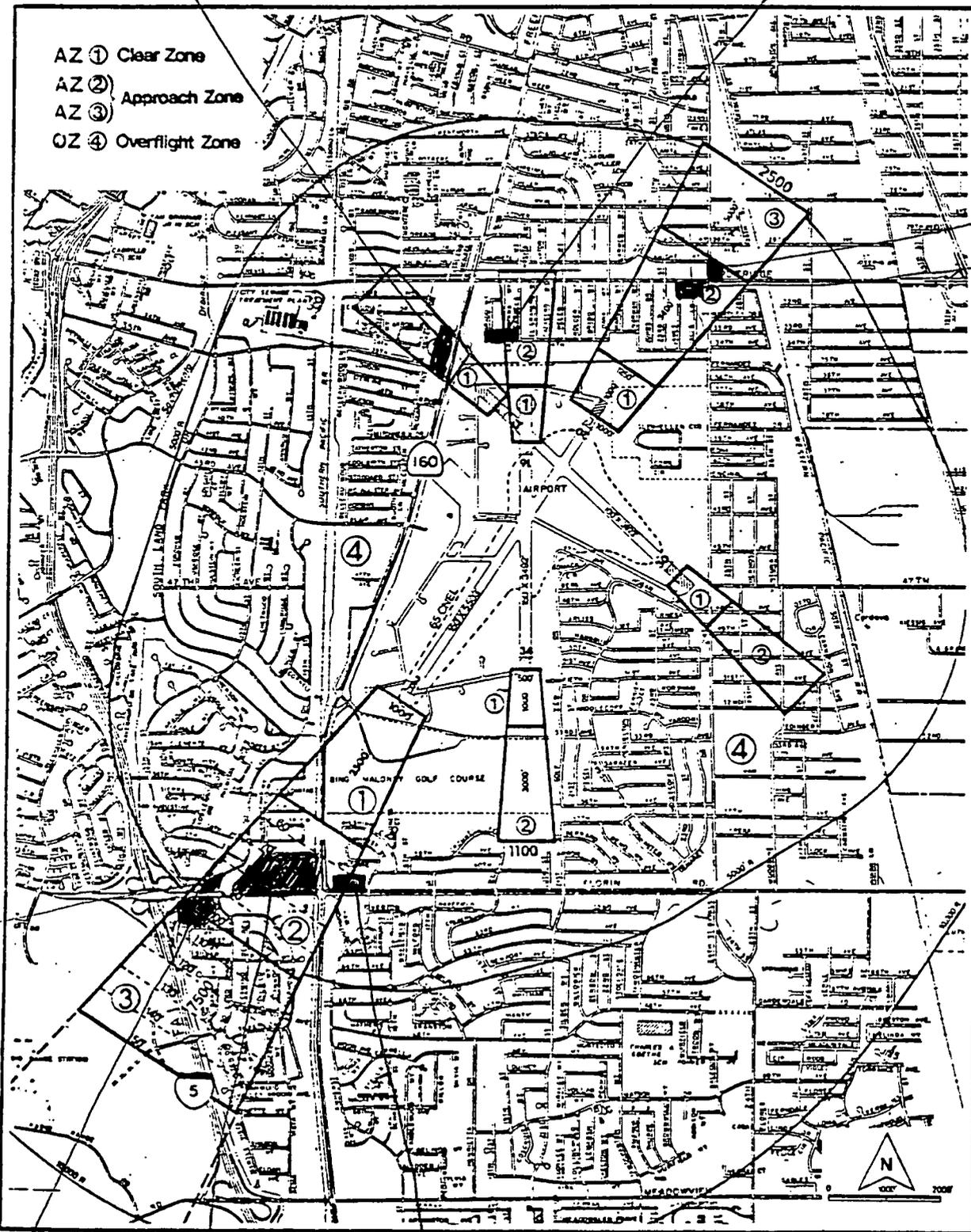
1. The project, if approved, would not be based on sound principles of land use in that another high density, non-compatible land use would be located under a primary flight path of Executive Airport.
2. The proposed use is inconsistent with Executive Airport's ALCUP which recommends a maximum ppa of 50.
3. The project, if approved, would be injurious to public health, safety and welfare in that it increases the potential for having high concentrations of people on a site located in an area with documented safety hazards.

Sacramento Executive Airport Safety Zones

Cost-Yard

18-222-07 (~40 acres)

- AZ ① Clear Zone
- AZ ② Approach Zone
- AZ ③
- OZ ④ Overflight Zone



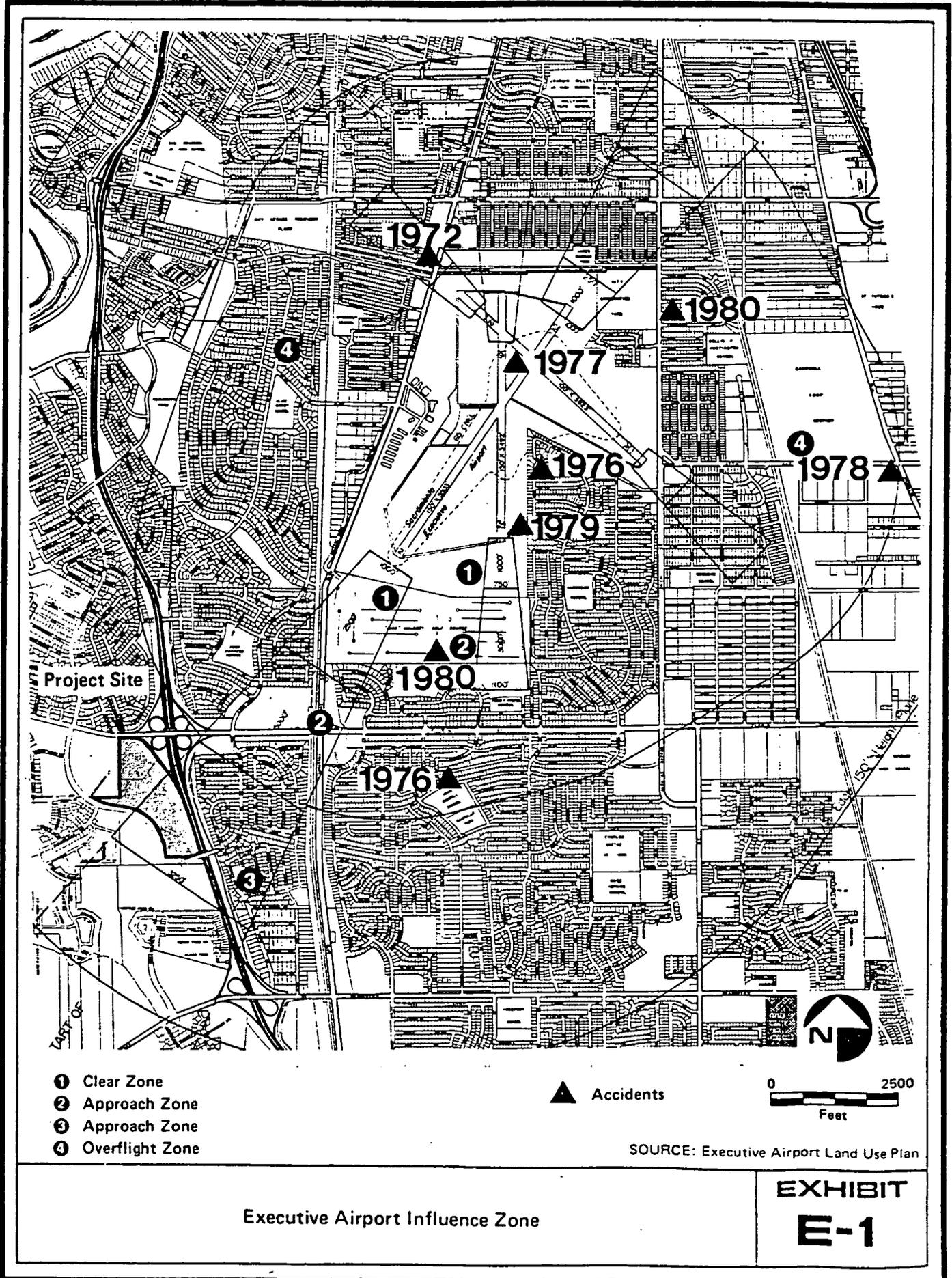
18-24-20,21
25-064-03

35-01-39
(320 X 200)

31-121-2.3
1.38 + 27.386
29-47-10, 9, 11
13, 15, 18, 20

35-352-?
(1/3 of 2.6 acres)

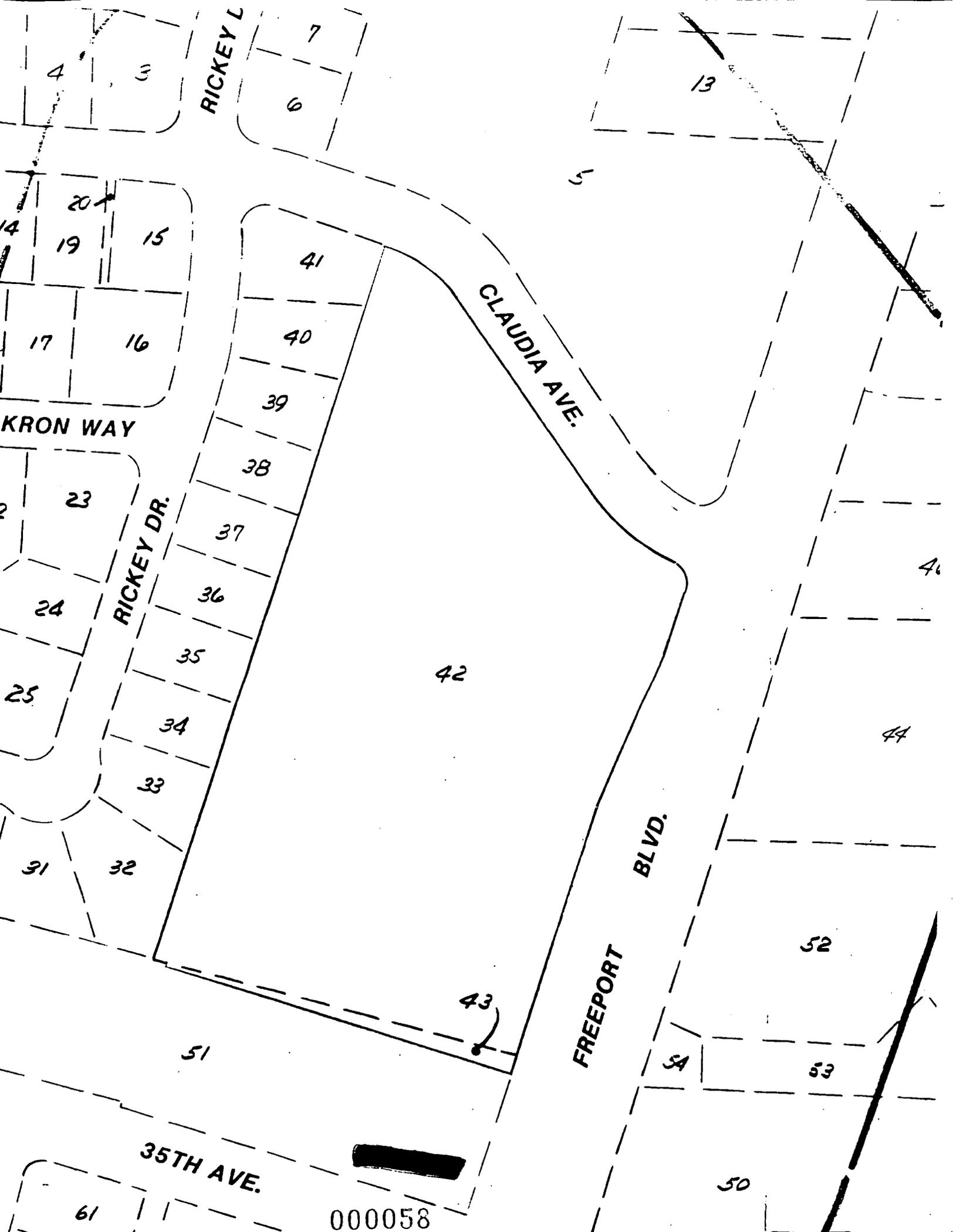
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* CORRECTED BY STAFF 1/25/85

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RICKEY L

CLAUDIA AVE.

KRON WAY

RICKEY DR.

FREEPORT BLVD.

35TH AVE.

000058



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SITE PLAN



For Parking Please See Exhibit B

Future Parking

37 cars

120 cars

Corti Bros.

units-15,1&7

units-B1, 2 & 8

units
3, 9
4 & 10

units-14, 8 & 12

units-B2, 5 & 11

70 cars

unit 13

110 cars

THE CORTYARD

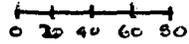
SHOPPING CENTER

P 84242

000059

Future Parking

37 cars



Corti Bros.

units-15,1&7

units-B1,2 & 8

units
3,9
4&10

units-14,8&12

units-B2,5&11

PROPOSED
LOCATION

70 cars

unit 13

110 cars

120 cars

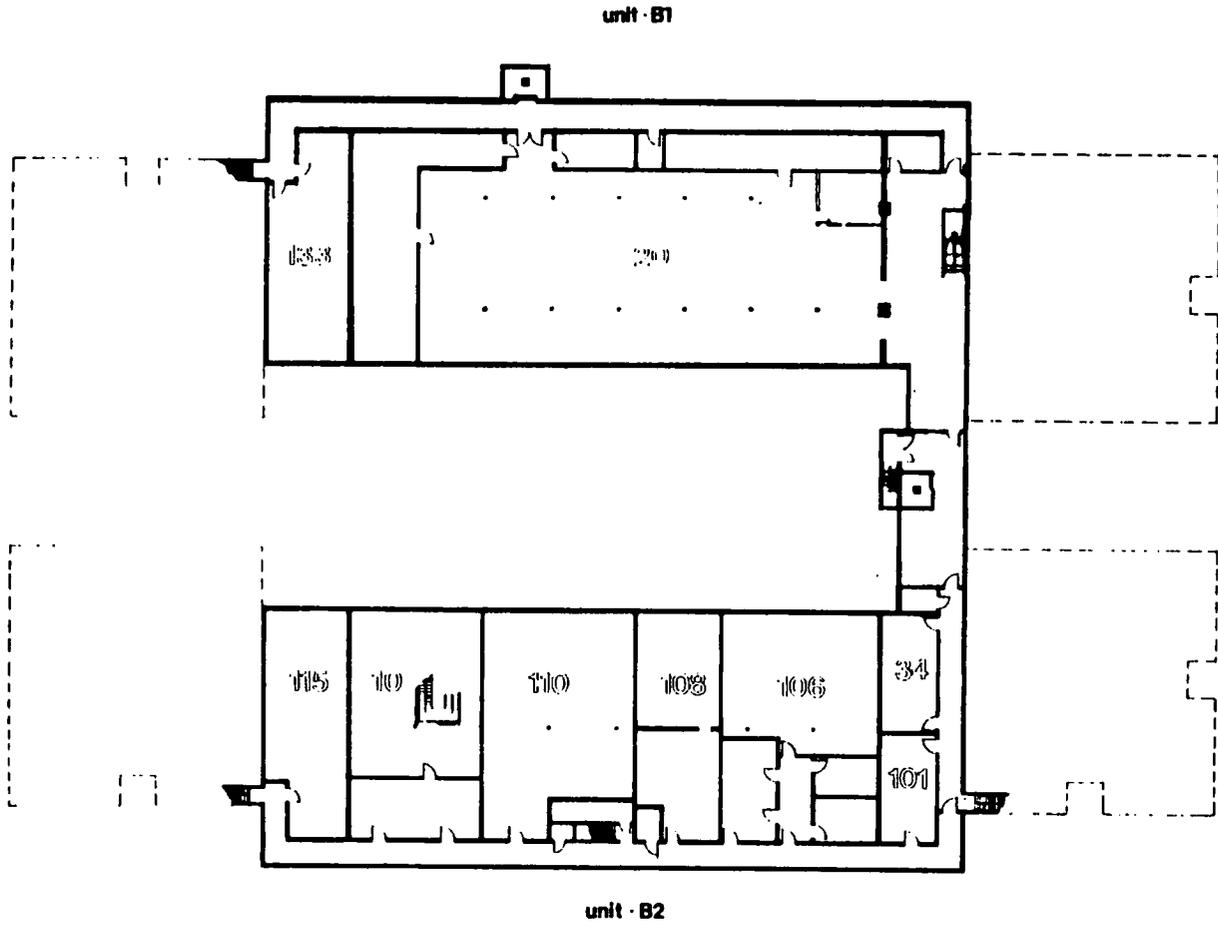
CLAUDIA DRIVE

FREE PORT BLVD.

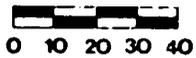
35th AVENUE

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Figure 1



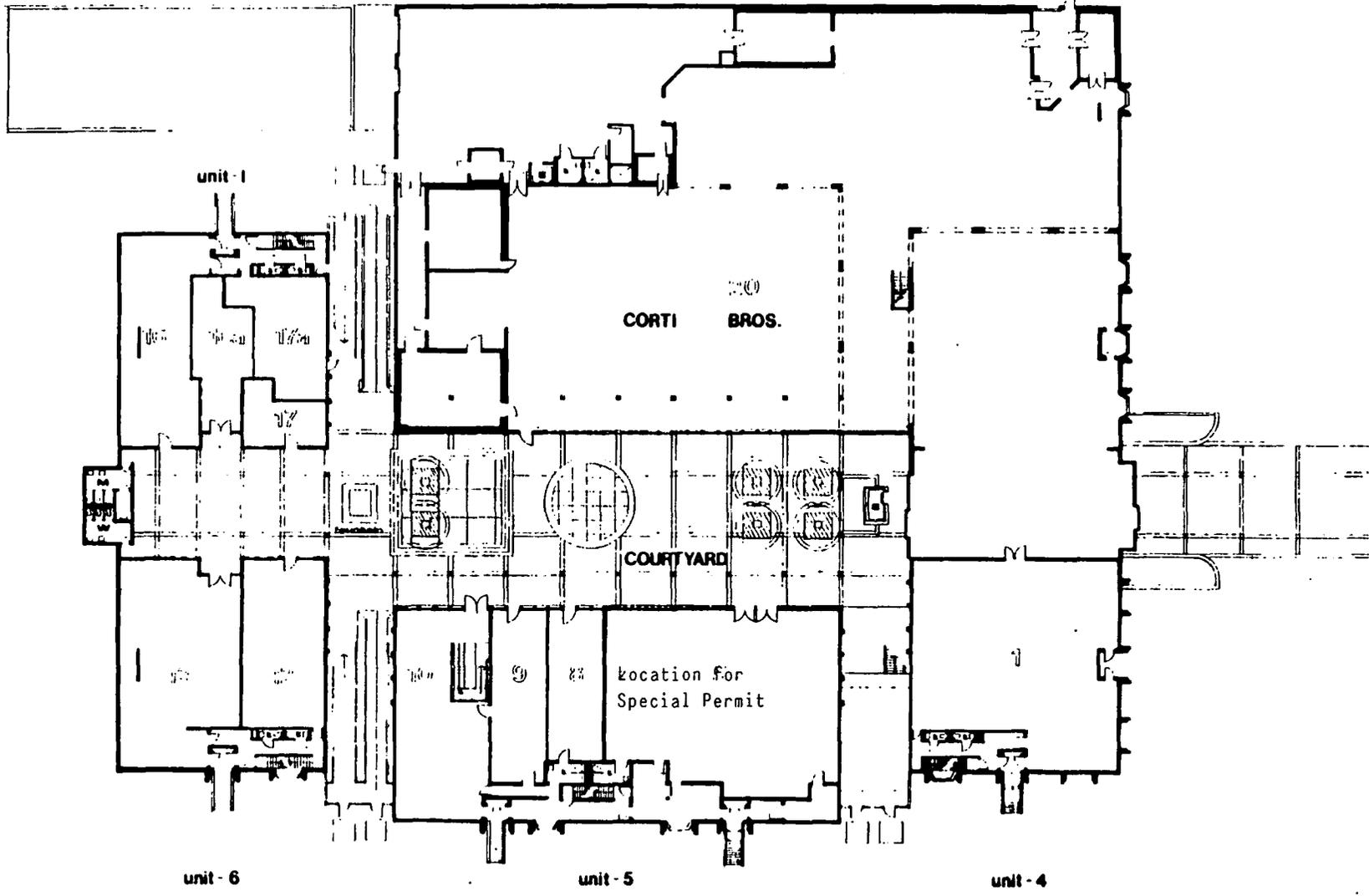
BASEMENT PLAN



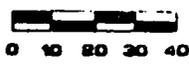
THE CORTYARD
 2570 FEEBLOT AVENUE

SHOPPING CENTER
 84242

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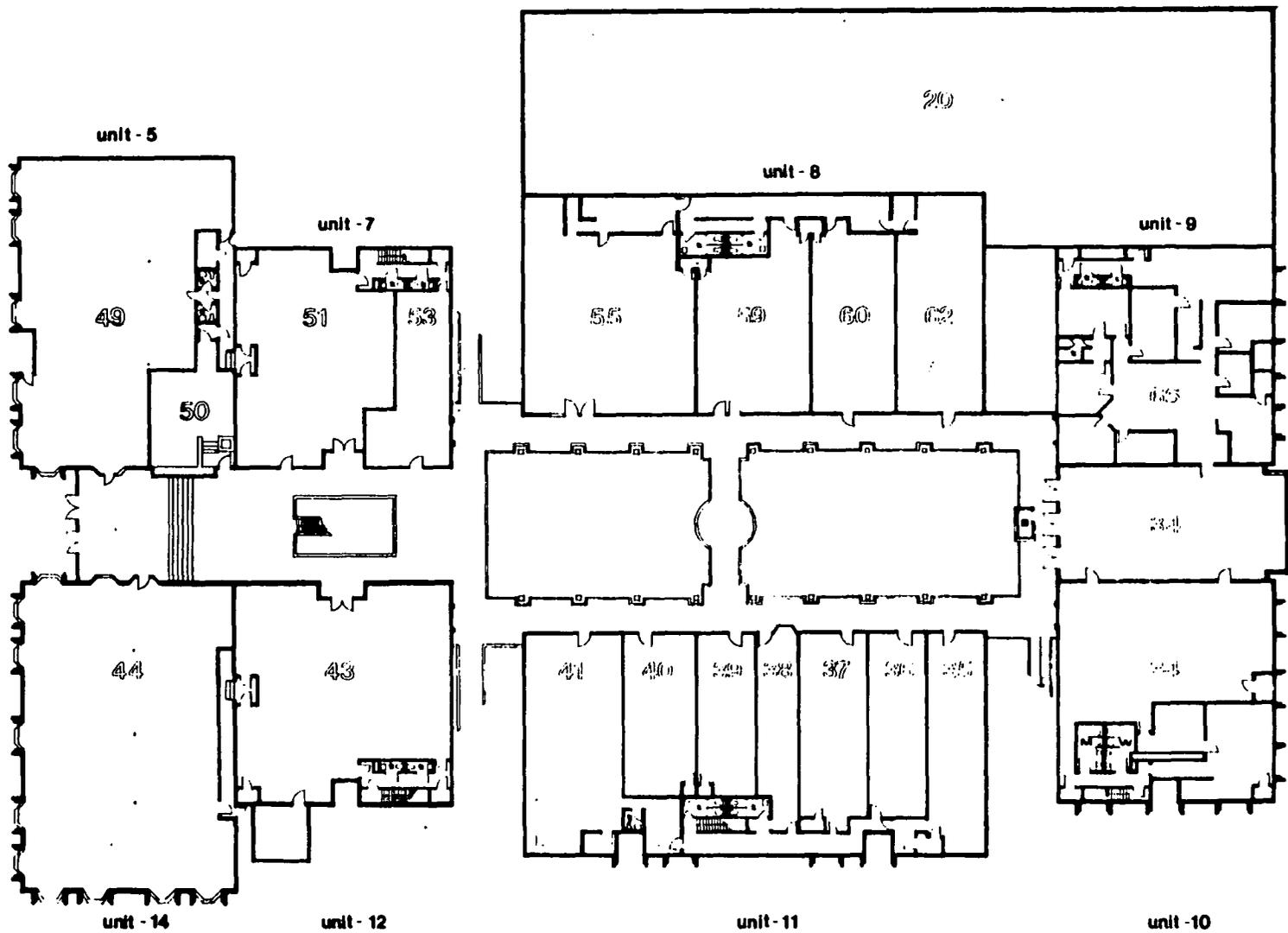
FIRST FLOOR PLAN



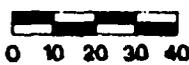
THE CORTYARD

SHOEPING CENTER
 P. 8428/2

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SECOND FLOOR PLAN



000064

CORTI BROS.

THE CORTYARD

SHOPPING CENTER

3775 PEBBLE BEACH DRIVE

3775 PEBBLE BEACH DRIVE

P 84242