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CITY OF SACRAMENTO

CITY PLANNING DEPARTMENT
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MARTY VAN DUYN
PLANNING DIRECTOR

November 18, 1982

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Executive Airport Overlay Zoning Ordinance (M-697)

SUMMARY

At its November 9, 1982 meeting, the City Council approved the Executive Airport Overlay Zoning Ordinance with revised changes. At that time, staff indicated the ordinance would be brought back to the Council with modified language which reflects those changes; this is included in the accompanying ordinance. Staff recommends that the Council approve the new language.

BACKGROUND INFORMATION

During the Council's public hearing on the proposed Executive Airport Ordinance, eight issues were considered, resulting in four changes to the ordinance. As part of the final motion on the entire ordinance, it was agreed that staff would return to the Council with specific language changes. These are included in the accompanying ordinance and discussed with greater specificity in Attachment A.

As indicated at the last hearing, the Council may adopt ordinance provisions which conflict with the CLUP, subject to review by the Airport Land Use Commission (scheduled to occur on December 16). The ALUC may decide that any portion of the ordinance is not consistent with the CLUP. If this occurs, a 2/3 vote of the Council after January 1, 1983 (or 4/5 before then) will be required for those inconsistent portions of the ordinance to remain in effect.

In addition to the requested changes, staff has corrected two typos from the previous draft (page 7, D-2-(b) and page 8, D-4).

APPROVED *as amended*
BY THE CITY COUNCIL
NOV 23 1982 *pg 12 - delete No. 2*
OFFICE OF THE CITY CLERK *and under No. 4 add*
restaurants & grocery
stores.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the Executive Airport Overlay Zoning Ordinance in its final form.

Respectfully submitted,

Marty Van Duyn

Marty Van Duyn A.G.
Planning Director

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

MVD:AP:cp/wp7j
Attachments
M-697

November 23, 1982
District No. 4,5,7,8

ATTACHMENT A

MOTION 1: To allow existing, non-conforming churches to expand by 33% as a matter of right (failed 4-3, where 5 votes needed).

Change: None needed.

Discussion: Existing churches would only be non-conformities in EA-1, EA-2, and EA-3. They are conforming uses in EA-4, although they will continue to require a special permit to expand, per Section 2-F-8 of the Zoning Ordinance.

MOTION 2: To allow private schools as permitted uses in EA-4 and to allow church sanctuaries to expand by 33% (passed 6-1).

Change: (1) Page 3, EA-4 column changes to allow schools (and colleges), provided no structure is more than two habitable stories or 30 feet.

(2) Page 9, G-5, delete entire subsection.

Discussion: Since churches are already permitted uses in EA-4, they would be allowed to expand to whatever extent is desired subject to securing the required special permit. Therefore, no ordinance change is deemed necessary to implement the first part of the motion.

When the second part of the motion (pertaining to private schools) is viewed in the context of MOTION 3 (below), the gist of the Council's action appears to be that all schools should be permitted in EA-4 (treating public and private schools alike). Since they will then be permitted uses, they will be able to expand to whatever extent is desired. All schools will, of course, still be required to obtain a special permit, in accordance with 2-F-21 of the Zoning Ordinance.

MOTION 3: To allow public and private schools to expand up to 33% and to treat them alike (passed 5-2).

Change: See MOTION 2, above.

Discussion: See MOTION 2, above.

MOTION 4: To retain the 30 day processing period for discretionary review of uses in the EA-2 zone (passed 7-0).

Change: None necessary.

Discussion: None.

MOTION 5: To delete the requirement that discretionary reviews and variances be sent to the ALUC and that enactment requires a 2/3 majority vote by the Council if ALUC finds the project inconsistent with the Land Use Plan (passed 7-0).

Change: Page 11, L-1.

Discussion: None.

MOTION 6: To modify the anchor tenant definition to reflect a 4,000 sq. ft. minimum store size, instead of 10,000 sq. ft. (passed 7-0).

Change: Page 12, 69-(b)(3).

Discussion: None.

MOTION 7: To adopt the staff recommendation regarding amendments to the lists of permitted/restricted uses in the EA-2 zone (passed 7-0).

Change: None necessary.

Discussion: None.

MOTION 8: To adopt the staff recommendation regarding applicability of the concentration-of-people criterion to shopping centers (passed 7-0).

Changes: None necessary.

Discussion: The party proposing this item indicated a desire to have the matter dropped.

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING SECTION 30 AND SECTION 22-A-69 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, RELATING TO LAND USE RESTRICTIONS IN THE VICINITY OF EXECUTIVE AIRPORT (M-697)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 30 is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, to read as follows:

Section 30. Executive Airport Overlay Zones

A. Purpose

The purpose of this Section 30 is to help protect the health, safety and general welfare of people in the vicinity of the Sacramento Executive Airport and to improve air navigation safety. More specifically, this section is intended to provide for the sensible growth and maintenance of the airport environs, and to effectuate the policies reflected in California Public Utilities Code Sections 21670 et seq. and the Executive Airport Comprehensive Land Use Plan.

B. EA Executive Airport Overlay Zones

1. The EA designation appearing after a land use classification on the official zoning map shall mean that the property so classified is subject to the requirements and restrictions set forth in this section in addition to those of the underlying zone. In the event of a conflict between a provision in this Section 30 and a provision contained in another section of the zoning ordinance, the most restrictive provision shall apply.

2. The EA designation shall be applied to that area included within the four airport zones, as generally delineated on Figure 2 of the 1982 Executive Airport Comprehensive Land Use Plan and as more specifically delineated on the Executive Airport Planning Area Map, dated August 1982.

(a) The EA-1 overlay zone includes that area located within Approach Zone 1 or AZ-1 of the 1982 Executive Airport Comprehensive Land Use Plan. Due to its immediate proximity to airport runways, this is the most restrictive EA overlay zone.

(b) The EA-2 overlay zone includes that area located within Approach Zone 2 or AZ-2 of the 1982 Executive Airport CLUP. EA-2 areas are adjacent to the EA-1 areas and are under primary flight paths.

(c) The EA-3 overlay zone includes that area located within Approach Zone 3 or AZ-3 of the 1982 Executive Airport CLUP. The EA-3 areas are also under primary flight paths but are more distant from the airport than EA-2 areas.

(d) The EA-4 overlay zone includes that area located within the Overflight Zone or OZ-4 of the 1982 Executive Airport CLUP. This area generally encircles the airport and is the least restrictive overlay zone.

3. In the event that an EA overlay zone line splits a vacant parcel, the restrictions of each particular EA overlay zone shall apply to the portion of the parcel within that zone; provided, however, that when a parcel is fifty percent (50%) or more in the less restrictive zone, the owner of such parcel may submit an application to the Planning Director, requesting permission to render applicable to the entire parcel the less restrictive overlay zone. The Planning Director's decision to approve or conditionally approve the application shall be based upon mitigation measures to be taken by the applicant with regard to site planning, building placement and design.

C. Use Chart

1. A "yes" on the following chart indicates that the use is permitted in the particular zone; a "no" indicates that the use is prohibited in the particular zone; an asterisk "*" indicates that the use may be permitted pursuant to Section 30-D. A footnote after a "yes" indicates the use is permitted subject to the limitations stated for that footnote. A footnote after an asterisk indicates the use may be permitted subject to limitations stated for that footnote.

LAND USE	<u>OVERLAY ZONE</u>			
	EA-1	EA-2	EA-3	EA-4
<u>RESIDENTIAL</u>				
Single-Family Dwelling	No	Yes ¹	Yes ¹	Yes
Two-Family Dwelling	No	No	No	Yes
Multi-Family dwelling	No	No	No	Yes
Group quarters	No	No	No	Yes ²
Mobile home parks or courts	No	Yes ¹	Yes ¹	Yes
Other residential	No	Yes ¹	Yes ¹	Yes
<u>INDUSTRIAL/MANUFACTURING</u>				
Food and kindred product	No	*	Yes	Yes
Textile mill products	No	*	Yes	Yes
Apparel	No	*	Yes	Yes
Lumber and wood products	No	*	Yes	Yes

LAND USE	OVERLAY ZONE			
	EA-1	EA-2	EA-3	EA-4
<u>INDUSTRIAL/MANUFACTURING (Contd)</u>				
Furniture and fixtures	No	*	Yes	Yes
Paper and allied products	No	*	Yes	Yes
Printing, publishing	No	*	Yes	Yes
Chemicals and allied products	No	No	No	Yes
Petroleum refining & related industries	No	No	No	No
Rubber and miscellaneous plastic	No	No	No	No
Stone, clay and glass products	No	*	Yes	Yes
Primary metal industries	No	*	Yes	Yes
Fabricated metal products	No	*	Yes	Yes
Miscellaneous manufacturing	No	*	Yes	Yes
Warehousing/storage	No	*	Yes	Yes
<u>TRANSPORTATION, COMMUNICATIONS AND UTILITIES</u>				
Railroad, rapid rail transit	Yes ³	*	Yes	Yes
Highway and street ROW	Yes	Yes	Yes	Yes
Auto parking lots	Yes ³	Yes	Yes	Yes
Communications	Yes ³	Yes	Yes	Yes
Utilities	Yes ³	*	Yes	Yes
Private Airstrips	No	No	No	No
Other trans, comm, and util.	Yes ³	*	Yes	Yes
<u>PUBLIC AND QUASI-PUBLIC SERVICES</u>				
Hospital	No	No	No	Yes ²
Family Day Care Facility	No	Yes ¹	Yes ¹	Yes
Family Care Facility	No	Yes ¹	Yes ¹	Yes
Non-residential Care Facility	No	No	No	Yes ²
Residential Care Facility	No	No	No	Yes ²
Government services	No	No	Yes ²	Yes ²
Schools, colleges	No	No	No	No/ Yes ²
Cultural activities including churches, libraries	No	No	No	Yes ²
Medical/health clinics, laboratories	No	No	Yes ²	Yes ²
Cemeteries	Yes ³	Yes	Yes	Yes
Other public and quasi-public services	No	No	Yes ²	Yes ²
<u>RECREATION</u>				
Neighborhood parks	No	Yes ⁶	Yes	Yes
Community and regional parks	No	No	Yes	Yes
Nature exhibits	Yes ³	*	Yes	Yes
Spectator sports, stadiums, arenas	No	No	No	No
Golf courses, riding stables	Yes ³	*	Yes	Yes

OVERLAY ZONE

LAND USE	EA-1	EA-2	EA-3	EA-4
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RECREATION (Contd)

Water based recreational areas	No	No	Yes	Yes
Resort and group camps	No	No	Yes	Yes
Auditoriums, concert halls	No	No	No	No
Outdoor amphitheaters, music shells	No	No	No	No
Indoor sports facilities	No	No	No	Yes ²

RESOURCE PRODUCTION, EXTRACTION, AND OPEN SPACE

Agricultural Production	Yes ^{3,5}	Yes ⁵	Yes ⁵	Yes ⁵
Permanent Open Space	Yes ^{3,5}	Yes ⁵	Yes ⁵	Yes ⁵
Water areas	Yes ⁵	Yes ⁵	Yes ⁵	Yes ⁵
Wholesale horticultural production	Yes ^{3,5}	Yes	Yes	Yes

COMMERCIAL/RETAIL/SERVICES

(a) The following types of uses:	No	No	No	Yes ²
----------------------------------	----	----	----	------------------

- Amusement Center
- Auction House
- Bar/Cocktail Lounge
- Billiard Parlor
- Bowling Alley
- Card Room/Bingo Parlor
- Dance Hall
- Dance Studio
- Drive-In Restaurant
- Funeral Home
- Health and Fitness Center (activity center)
- Ice Cream Parlor (with table service or serving meals)
- Lunch Room - Coffee Shop
- Public Market (over 6400 sq. ft.)(individually leased sales stalls)
- Restaurant
- Skating Rink
- Social Clubs
- Theater
- Weight Control Center
- Residential hotels
- Transient lodgings-hotels, motels
- Video Arcades

(b) The following types of uses:	No	Yes ⁴	Yes ²	Yes
----------------------------------	----	------------------	------------------	-----

- | | |
|----------------------|---------------------------------|
| Aircraft Sales | Cookware Shop |
| Ambulance Service | Costume Shop |
| Antique Store | Credit Union Association |
| Appliance Store | Curio or Novelty Shop |
| Art Gallery | Delicatessen (no table service) |
| Art Supplies - Store | Dental Office |

OVERLAY ZONE

COMMERCIAL/RETAIL/SERVICES (Contd)

EA-1 EA-2 EA-3 EA-4

(b) The following types of uses:

No Yes⁴ Yes² Yes

Auto Dealer	Department Store (under 3000 sq. ft.)
Auto Parts House	Dress Shop
Auto Repair Shop	Drug Store (under 3000 sq. ft.)
Auto Rental Company	Electrical Contractor
Auto Body and Fender Shop	Electrical Goods Store-Retail
Auto Car Wash	Employment Agency
Auto Upholstery	Equipment Rental and Sales Yard
Bait Shop	Fabric Store
Bakery (no table service or serving of meals)	Feed Store-Retail Only
Bank	Finance, Insurance and Real Estate
Barber Shop	Floor Covering
Beauty Shop	Florist
Bicycle Shop	Food Store (specialized)(under 6400 sq. ft)
Blueprinter	Furrier Shop
Boat Sales	Furniture Refinishing
Book Store	General Contractor
Broadcasting Studio (w/out live audience)	Gift Card Shop
Building Contractor	Gift Shop
Building Supplies	Glazier Shop
Cabinet Shop	Grocery (under 6400 sq. ft.)
Camera Store	Hardware Store
Camper Sales	Hat Shop
Candy Store	Hearing Aid Sales and Service
Canteen or Vending Service Center	Heating & Sheet Metal Contractor
Cigar Store	Hobby Supplies Store
Cleaning-Laundry Agency	Home Improvement Center-Retail (under 6400 sq. ft.)
Clothing Store	Ice Cream Parlor (no table service or serving of meals)
Collection Agency	Printing Plant
Contractor's Shop	Public Stenographic Service
Interior Decorator's Studio	Radio & T.V. Sales & Service
Janitorial Service Company	Real Estate Office
Jewelry Store	Recording Studio (without live audience)
Knit Shop	Records-Posters (under 6400 sq. ft.)
Lapidary Shop	Roofing or Building Contractor
Laundromat-Self Service	Rug and Drapery Shop
Laundry-Commercial	Savings & Loan Company
Lawnmower Sales & Service	Second Hand Store
Leather Goods Store	Service Station
Liquor Store	Sewing Machine Sales
Loan Office	Sheetrock or Plastering Contractor
Locksmith	Shoe Repair Shop
Masseur	Shoe Store
Millinery Shop	Shoeshine Stand
Meat Market	Sign Shop

OVERLAY ZONE

COMMERCIAL/RETAIL/SERVICES (Contd)

EA-1 EA-2 EA-3 EA-4

Medical Office
 Messenger Service
 Motorcycle & Power Scooter Sales
 Music Store & Instrument Repair
 Newsstand
 Notions Store (under 6400 sq. ft.)
 Nursery - Plants, etc.
 Office - Business or Professional
 Office Equipment Sales & Service
 Optician
 Oriental Rug Shop
 Orthopedic Supply
 Paint Store
 Pawn Shop
 Pest Control Service
 Pet Shop
 Photo Engraving Shop
 Photographic Studio
 Plumbing Contractor
 Pottery and Glass Store
 Power Tool Sales
 Prescription Pharmacy

Spa and Pool Sales
 Sporting Goods Store
 Stamps and Coins
 Stationery Store
 Tailor
 Taxidermist
 Tile Contractor
 Tire Shop - including Recapping
 Tobacco Shop
 Toy Shop (under 6400 sq. ft.)
 Trailer Sales Yard
 Travel Agency
 Trophy & Emblem Store
 Upholstery Shop
 Used Car Lot
 Variety Store (under 6400 sq. ft.)
 Veterinary Services
 Voice Studio
 Watch Repair Shop
 Wholesale Store & Distributors
 Wig Sales
 Yardage Shop

- or any combination of permitted uses

(c) The following types of uses:

No	*7	Yes ²	Yes
----	----	------------------	-----

Department Store (over 3000 sq. ft.)
 Discount House - Retail Merchandise
 (over 6400 sq. ft.)
 Drug Store (over 3000 sq. ft.)
 Food Store (over 6400 sq. ft.)
 Home Improvement Center (over 6400
 sq. ft.)

Gun Shop
 Grocery Store (over 6400 sq. ft.)
 Medical/Dental Office Complex
 Toy Shop (over 6400 sq. ft.)
 Variety Store (over 6400 sq. ft.)

2. The footnotes appearing in the Section 30-C-1 chart have the following meaning:

(a) Footnote 1: No residential uses in excess of four (4) dwelling units per gross acre.

(b) Footnote 2: No structure with more than two habitable stories, or which exceeds 30 feet in height.

(c) Footnote 3: No building, structure, above-ground transmission lines, or storage of flammable or above-ground explosive material, and no uses resulting in a gathering of more than ten (10) persons per acre at any time.

(d) Footnote 4: Use permitted only if it does not result in any of the following: (1) structural lot coverage greater than 20%; or (2) above-ground storage of flammable or explosive material; or (3) any structures with more than two habitable stories, or which exceeds 30 feet in height.

(e) Footnote 5: Use permitted only if it does not result in a possibility that a water area may cause ground fog or result in a bird hazard.

(f) Footnote 6: No high-intensity use or facilities such as structured playgrounds, ballfields, or restrooms.

(g) Footnote 7: Use permitted only if it meets the standards listed in Sections 30-D-1, and will not result in structural lot coverage greater than 20%.

D. Discretionary Permitted EA-2 Uses

1. The owner of property located in the EA-2 overlay zone may submit a written application to the Planning Director, requesting permission to establish or modify a land use which is indicated by an asterisk in the Section 30-C use chart, and is not prohibited by any other provision in the Zoning Ordinance or City Code.

2. The application shall include:

(a) A processing fee in an amount established in a resolution adopted by the City Council; and

(b) Evidence that the proposed or modified use satisfies the findings mandated in Section 30-D-~~6~~³(b); and

(c) Other information as may be requested by the Planning Director.

3. Not more than thirty (30) days after receipt of a complete application, the Planning Director shall either:

(a) Notify the applicant in writing that he has determined that the use should not be permitted, and a brief statement of the reasons for such determination; or

(b) Without holding a hearing, approve or conditionally approve the use if the Director finds tht the use will not result in any of the following:

(1) Concentration of people greater than 50 persons per acre at any time;

(2) Above-ground storage of flammable or explosive material; or

(3) Any structure with more than two habitable stories or which exceeds 30 feet in height; or

(c) Schedule the matter for a Planning Commission public hearing. The hearing shall be noticed and fees shall be charged in the same manner as for a special permit. The Commission shall approve or conditionally approve the use if it finds that the use will not result in any of the facts specified in Section 30-D-3-(b).

4. In accordance with the procedures specified in Zoning Ordinance Section 18, any person may appeal to the Planning Commission a decision of the Planning Director made pursuant to Section 30-D-3(b) and any person may appeal to the City Council a decision of the Planning Commission made pursuant to Section 30-D-~~(4)~~ 3-(c).

E. Concentration of People Calculation Method

1. Calculation of the anticipated maximum number of persons per acre associated with a particular use shall be based on:

(a) The process described in Appendix 5 of the 1982 Executive Airport Comprehensive Land Use Plan. For the purposes of this subsection (a), a shopping center shall be considered a single lot; or

(b) An analysis of existing uses in similar locations; or

(c) An analysis of the precise details of the use relative to the maximum probable number of people to be attracted to the site at any time; or

(d) Any other method reasonably likely to indicate the anticipated maximum number of persons per acre associated with a particular land use.

2. In the event of a conflict between the calculations achieved pursuant to the methods listed in Section 30-E-1, the determination of concentration shall be based on that method or combination of methods which, in the opinion of the decision-maker, is most accurate for the specific type and location of use.

F. Nonconformities

1. As used in this Section 30, a nonconformity shall mean a land use or structure which:

(a) Existed or was lawfully under construction on the effective date of this ordinance, or existed prior to the effective date of this ordinance and became vacant or unoccupied less than one year prior to the effective date of this ordinance; and

(b) Was legal immediately prior to the effective date of this ordinance; and

(c) Does not conform to a provision contained in this Section 30.

2. A nonconformity may be continued subject to the provisions of this Subsection F.

3. A nonconformity shall not be expanded, enlarged, or changed to another use prohibited by this Section 30 except as provided in Section 30-G and 30-H; only such repairs as are part of normal, necessary maintenance and construction activity not likely to facilitate expansion, enlargement or change in use of the nonconformity shall be permitted.

4. The cessation of the use of a nonconforming structure or nonconforming land use for a period of one year, commencing on or after the effective date of this ordinance, shall terminate all rights in such nonconformity. This section shall not apply to single-family dwellings.

G. Permitted Changes in Nonconformities

The following changes in nonconformities shall be permitted:

1. Reconstruction of a nonconforming structure, or conforming structure containing a nonconforming use, due to damage to the structure if:

(a) Reconstruction will not expand or enlarge the nonconformity; and

(b) The cost of such reconstruction does not exceed fifty (50) percent of the replacement value of the structure immediately prior to damage; and

(c) That portion of a structure containing a nonconforming anchor tenant may be reconstructed notwithstanding the fifty (50) percent limitation imposed in Section 30-G-1-(b).

2. Reconstruction or repair of a single-family dwelling used as a residence.

3. Expansion of a single-family dwelling used as a residence, including the addition of rooms, patio covers, swimming pools, and accessory structures.

4. New construction of one single-family dwelling on any vacant lot which conforms to all standards of the City Code and Zoning Ordinance, except this Section 30, provided that such dwelling is used exclusively as a residence.

~~5. Minor changes in nonconforming public schools located in the EA-4 overlay zone provided that the change, or the combination of several changes, will not increase the capacity of the school more than 33% above its capacity on the effective date of this ordinance.~~

H. Discretionary Changes in Nonconformities

1. Notwithstanding Section 30G, a property owner may submit a written application requesting authorization to expand or enlarge a nonconformity, or to reconstruct a structure for a similar or less-intensive nonconforming use.

2. The procedure applicable to variances pursuant to Zoning Ordinance Section 14 and 18 shall govern such application except as provided in this Subsection H.

3. The Planning Commission, and the City Council on appeal, may grant or conditionally grant a request submitted pursuant to this Subsection H only after finding that either:

(a) Under the circumstances of the particular case the benefit to the public health, safety and welfare outweighs any detriment inherent in such change; or

(b) that the literal application of the provisions of this plan will result in practical difficulties or unusual hardships for the property owner which outweigh the public purposes articulated in Section 30-A.

4. Approval or conditional approval of a request submitted pursuant to this Subsection H may occur notwithstanding noncompliance with any finding mandated in Zoning Ordinance Section 14A.

I. Home Occupation Permits

Home occupation permits may be issued pursuant to Zoning Ordinance Section 11 if the activity requiring the permit is permitted in the applicable EA overlay zone.

J. EA Overlay Zone Compliance Certificate

1. Within an EA overlay zone, no person shall commence a new use, or expand, enlarge, or change an existing use without first obtaining an EA Overlay Zone Compliance Certificate issued by the Planning Director.

2. The Planning Director shall issue an EA Overlay Zone Compliance Certificate if the proposal is permitted by this Section 30.

3. This Subsection J shall not apply:

(a) To activities specifically approved by the Planning Director, Planning Commission or City Council pursuant to a discretionary land use entitlement; or

(b) To activities relating to single-family dwellings authorized by Sections 30-G-2, 30-G-3, or 30-G-4; or

(c) To uses designated in the applicable EA zone as a "yes" on the Section 30-C chart, with or without a footnote.

K. General Prohibitions

1. No land outside of Executive Airport property and within the Executive Airport Planning Area shall be used:

(a) For the erection or operation of any object that could reflect the light of the sun toward an aircraft engaged in an initial straight climb following take-off or toward an aircraft engaged in a straight final approach toward a landing at Executive Airport; or

(b) For the erection or operation of an object which directs a steady light or a flashing light of white, red, green, or amber color toward an aircraft engaged in an initial straight climb following take-off or toward an aircraft engaged in a straight final approach toward a landing at Executive Airport, other than an FAA approved navigational signal light or a visual approach slope indicator (VASI); or

(c) In a way which would generate a substantial volume of smoke, attract large concentrations of birds, generate electrical interference, or which would otherwise affect safe air navigation in the vicinity of Executive Airport.

2. No land outside of Executive Airport property and within one mile of the Executive Airport shall be used for the erection or operation of hazardous installations such as above-ground oil, gas or chemical storage facilities.

L. Referrals to the Airport Land Use Commission

1. Prior to action by the Planning Director, Planning Commission or City Council, the following proposed actions shall be referred to the Airport Land Use Commission:

a

(A) Adoption or amendment of a general plan, specific plan, ~~variance~~ zoning ordinance or building regulation which could affect the area within the Executive Airport Planning Area in a manner inconsistent with the purposes articulated in Section 30-A/10.

(B) ~~Approval of a request submitted pursuant to Section 30-A/~~

2. Upon timely receipt by the Planning Director of a determination by the Airport Land Use Commission that a proposed action is inconsistent with the Executive Airport Comprehensive Land Use Plan, the Planning Commission shall, in a public hearing, review and consider such determination. The Planning Commission shall thereafter recommend to the City Council approval, conditional approval, or denial of the proposed action. The proposed action shall then be heard in a public hearing before the City Council. The City Council may thereafter approve or conditionally approve the proposal only with a two-thirds or greater vote and adoption of specific findings that the proposed action is consistent with the purposes of the state airport land use law articulated in California Public Utilities Code Section 21670.

3. In the event that the Airport Land Use Commission fails to notify the Planning Director of its determination relative to a proposed action within sixty (60) days from the receipt of the proposed action, the proposed action shall be deemed consistent with the Executive Airport Comprehensive Land Use Plan, and may thereafter be approved, conditionally approved or denied in the manner provided in this Section 30, other Zoning Ordinance sections or the City Code.

SECTION 2.

Section 22-A-69 is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, to read as follows:

69. The following definitions shall apply to Section 30 of this ordinance:

(a) Executive Airport Planning Area

Executive Airport Planning Area shall mean that area delineated on Figure 1 of the 1982 Executive Airport Comprehensive Land Use Plan and as more specifically delineated on the Executive Airport Planning Area Map, dated August, 1982.

(b) Anchor Tenant. Anchor tenant shall mean a land use which:

(1) Wholly or partially occupies a structure in a shopping center, as defined in Section 22-A-69-(e); and

(2) Has a key or pivotal role in the economic viability of the shopping center as a whole which is distinguishable from most other occupants in the shopping center; and

(3) Occupies not less than 10,000 square feet *bf/AD%/bf/khk*
χοτάλ/λεάδαβλε/φλοορ/άρεα/ωνιχηνέτ/λε/λεάδα/bf/β/στρουκτουε/λη/β/σhορρηhγ/λεητεκ
ωνιχh/χοταλhε/μορε/χηαν/20,000/δαυατε/φεετ/bf/λεάδαβλε/φλοορ/αρεα; and

(4) Is either a retail food store, drug store, department store, retail discount house, home improvement center or variety store.

(c) 1982 Executive Airport Comprehensive Plan.

1982 Executive Airort Comprehensive Plan shall mean the Plan so named in the form adopted by the Airport Land Use Commission on April 15, 1982.

(d) Height of a Structure. Height of a structure shall be the vertical distance from the average elevation of the finished lot grade to the high point of the structure. Roof-top mechanical equipment, whether or not housed in a penthouse, shall not be included in this measurement.

(e) Shopping Center. Shopping Center shall mean a group of five or more architecturally unified commercial establishments, managed as a unit, and with common off-street parking and vehicular access points.

(f) Structural Lot Coverage. Structural lot coverage shall mean that portion of a lot covered by all structures on the same lot. For the purposes of this subsection (f), a shopping center shall be considered a single lot.

SECTION 3.

On the effective date of this ordinance, City Ordinance Nos. 82-067 and 82-072 shall become void.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

M-697
AP:cp/wp7f
11-04-82
17

RECEIVED
CITY CLERKS OFFICE
CITY OF SACRAMENTO
Nov 23 3 15 PM '82

LAW OFFICES OF
BRODOVSKY & BRODOVSKY
615 TENTH STREET
SUITE A
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WILLIAM B. BRODOVSKY
ALAN A. BRODOVSKY

444-9540
AREA CODE 916

November 23, 1982

City Council
City of Sacramento
Sacramento, California 95814

Re: Executive Airport Overlay Zoning Ordinance

Honorable Members:

With regard to the definition of anchor tenant which is included on page 11 and 12 of the proposed ordinance, my understanding from my attendance at the Council meeting was that it was the intent of the Council to eliminate subparagraph 2 and subparagraph 4 of the definition, as well as to make the change which was, in fact, made in subparagraph 3.

I have discussed this with Mr. Art Gee, who has advised me that it was not the intent of the maker or the seconder of this motion.

Without elimination of subparagraph 2, which makes the whole issue discretionary, there is almost no real benefit to the change which was made in subparagraph 3, nor is there any real certainty for the landowner, as such we feel subparagraph 2 should be eliminated.

Similarly, with regard to subparagraph 4 the primary benefit would be derived from eliminating it in its entirety, which I feel should be done. However, an alternative compromise which I have spoken to Mr. Art Gee of the planning staff about would be to add to subparagraph 4 three (3) uses, namely: restaurant, pizza parlor and grocery store.



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We feel that these uses are such that they may attract sufficient people to a shopping center to indeed be an anchor tenant.

Your considerations of this issue in either reconsidering the motion or some other appropriate manner would be appreciated.

Very truly yours,

Alan A. Brodovsky
ALAN A. BRODOVSKY

AAB:jf

CC: Freeport Farms

Sacramento Executive Airport OVERLAY ZONING ORDINANCE

