

## **RESOLUTION NO. 2007-881**

Adopted by the Sacramento City Council

December 4, 2007

### **ADOPTING FINDINGS OF FACT SUPPORTING OVERRIDE OF THE AIRPORT LAND USE COMMISSION DETERMINATION OF INCONSISTENCY OF THE PROPOSED MCCLELLAN HEIGHTS AND PARKER HOMES LAND USE AND INFRASTRUCTURE PLAN WITH THE MCCLELLAN AIRPORT COMPREHENSIVE LAND USE PLAN**

#### **BACKGROUND**

- A. The Board of Directors of the Sacramento Area Council of Governments (SACOG), sitting as the Airport Land Use Commission (ALUC), adopted the Comprehensive Land Use Plan for the McClellan Air Force Base (CLUP) in January 1987 and last amended it in December 1992. The CLUP has not been amended since the McClellan Air Force Base was closed to account for the current civilian general aviation use of this airport.
- B. The ALUC is empowered under State law to make determinations regarding the compatibility of proposed developments located within the CLUP and cities and counties within ALUC's jurisdiction are required to send specific plans to the ALUC for review.
- C. The City, in cooperation with the Sacramento Housing and Redevelopment Agency, prepared the McClellan Heights and Parker Homes Land Use and Infrastructure Plan (Plan) for the 306 acre area, generally bounded on the north by Bell Avenue, the east by Winters Street, the south by Interstate 80, and the west by Raley Boulevard, based on the 2022 noise contours for the McClellan Airport adopted by the County of Sacramento in 2002 (County Noise Contours).
- D. The Plan proposes to allow residential development within the Overflight Zone of the Sacramento County's McClellan Airport that would be subject to noise levels above 60 Community Noise Equivalent Level (CNEL) but below the 65 CNEL threshold based on the County's Noise Contours, and the Special Planning District that will guide implementation of the Plan incorporates the CLUP's land use safety restrictions for development within the Overflight Zone.
- E. The City forwarded the Plan to the ALUC for its review for compatibility with the CLUP. The ALUC found the Plan was inconsistent with the CLUP because based on the prior operations of the McClellan Airport as an Air Force Base, the CLUP indicates that the entire Plan area is within the 65 CNEL noise level contour and the CLUP does not allow any residential development in the 65

CNEL noise level contour. The ALUC notified the City of its inconsistency finding on August 10, 2007.

- F. On September 18, 2007, the City Council approved a motion of intent to override the ALUC's finding that the Plan is inconsistent with the CLUP based on the findings set out below, and a copy of the proposed resolution was forwarded to the ALUC for their information along with a notice of the date of the public hearing when the City Council is scheduled to formally vote on overriding the ALUC's CLUP inconsistency finding.
- G. Section 21676 of the Public Utilities Code provides that the City Council may override the ALUC's finding of inconsistency of the Plan with the CLUP after providing advanced notice to the ALUC of the proposed action, holding a hearing, and the override vote is carried by a two-thirds vote of the City Council.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. The City Council held a noticed public hearing, at which time the issue of the Plan's potential inconsistency with the CLUP was discussed and considered.
- Section 2. At the public hearing, the issue regarding allowing residential development within the 65 CNEL noise contour as shown in the CLUP and the ALUC's determination of the inconsistency of the Plan with the CLUP was considered and public testimony received.
- Section 3. The City Council hereby finds that the Plan is consistent with the CLUP for the following reasons:
  - a. The updated aircraft noise contours for McClellan Airport, as approved by the County of Sacramento as part of the McClellan Park EIR, demonstrate that current and future noise levels within the Plan area will not exceed 65 CNEL.
  - b. The Plan area is comprised of two existing residential communities, the Parker Homes and McClellan Heights neighborhoods. The Parker Homes neighborhood is fully built out and almost exclusively residential, consisting of 270 housing units. The McClellan Heights neighborhood is mostly residential with small concentrations of light industrial and commercial uses. The McClellan Heights neighborhood contains approximately 570 housing units and many underutilized or vacant parcels.
  - c. While the Plan does allow for the development of approximately additional 241 additional residential units within the CLUP's 65

CNEL noise contour, this amount would be a small increase from the existing 840 residential units and allowing additional residential development will provide an incentive for property owners to make improvements to the existing homes.

- d. The CLUP allows for residential uses within the Overflight Zone because most of the existing homes were built prior to the adoption of the CLUP.
- e. Mitigation measures will be included as part of the Special Planning District that will guide implementation of the Plan to ensure compatibility between the McClellan Airport and the Plan, including height limitations and recorded deed notices regarding the location of the property within the Overflight Zone.

Section 4. The City Council has determined that its findings in support of its decision to override the ALUC determination are consistent with the purposes of protecting the public from the creation of new noise and safety hazards and minimizing the public's exposure to excessive noise and safety hazards as set forth in Public Utilities Code Section 21670.

Section 5. The City's override is consistent with the purpose of the CLUP to provide for orderly development of the area surrounding the McClellan Airport. The City Council has determined that the Plan allows for the protection of the airport's runways because the new residential development in the Plan area does not interfere with approaches to the airport runways and the Plan, as implemented by the Special Planning District, employs safety and noise mitigation measures to ensure protection of the McClellan Airport operations for the 2022 timeframe.

Section 6. Based on the foregoing findings, the City Council hereby overrides the decision of the Airport Land Use Commission insofar as it would restrict the City's discretionary authority for approval of the Plan which would allow new residential development within the CLUP's 65 CNEL noise level contour. In so doing, the City Council specifically finds that this action is in the public interest of the citizens of the City of Sacramento and promotes the protection of the public health, safety and welfare because adoption of the Special Planning District will insure that the public's exposure to excessive noise levels and safety hazards is minimized and the current and future projected noise levels around the McClellan Airport are significantly less than what is set out in the CLUP.

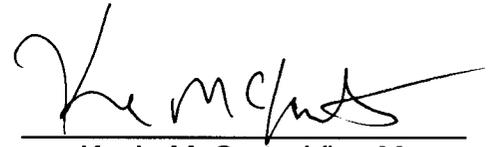
Adopted by the City of Sacramento City Council on December 4, 2007 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, and Waters.

Noes: None.

Abstain: None.

Absent: Mayor Fargo.



Kevin McCarty, Vice-Mayor

Attest:

*for Dawn Buehler*  
Shirley Concolino, City Clerk