

RESOLUTION NO. 2009-129

Adopted by the Sacramento City Council

March 3, 2009

OVERRULING THE ALUC'S FINDINGS OF INCONSISTENCY RELATING TO THE APPROVAL OF THE SACRAMENTO 2030 GENERAL PLAN AND ADOPTING FINDINGS OF FACT IN SUPPORT THEREOF (PUB. UTIL. CODE SEC. 21676)

BACKGROUND

- A. The Board of Directors of the Sacramento Area Council of Governments, sitting as the Airport Land Use Commission (ALUC), has adopted Comprehensive Land Use Plans (CLUPs) for Mather Field, Executive Airport, Sacramento International Airport, and McClellan Field.
- B. Pursuant to Public Utilities Code §21676, the City referred the proposed 2030 General Plan to the ALUC for a determination of consistency of the 2030 General Plan with the four adopted CLUPs. On October 20, 2008, ALUC staff provided its written review and conclusion that the proposed 2030 General Plan is consistent with the four CLUPs, with three exceptions.
- C. Subdivision (b) of Section 21676 of the Public Utilities Code provides that the City Council, after a public hearing and after giving forty-five (45) days prior notice to the ALUC and Caltrans Division of Aeronautics, and upon a two-thirds vote, may overrule the ALUC, based on specific findings that the elements of the proposed 2030 General Plan found inconsistent by the ALUC are consistent with the public interest purposes stated in Public Utilities Code Section 21670.
- D. The ALUC staff found that the 2030 General Plan was inconsistent with adopted CLUPs in the form of two identified incompatible uses, involving the Sacramento International Airport Overflight Safety Zone and the McClellan Field CLUP, and a category of uses that may or may not be compatible depending on the actual proposed development within certain land use designations near Executive Airport.
- E. With respect to the Sacramento International Airport CLUP, the ALUC made a finding of inconsistency for a light rail station in the proposed Greenbriar project that is located within the Overflight Safety Zone, where passenger terminals and stations are prohibited. This same inconsistency was noted when the proposed Greenbriar project was reviewed by the ALUC for consistency, as stated in the ALUC's December 7, 2005 letter. The City Council overruled this determination of inconsistency based on findings as stated in Resolution No. 2008-060.
- F. With respect to McClellan Field, the ALUC found that portions of the residential areas of the McClellan Heights/Parker Homes Special Planning District are located within

the CLUP's restricted noise contour. This same inconsistency was noted when the McClellan Heights/Parker Homes Special Planning District was reviewed by the ALUC for consistency as stated in its August 10, 2007 letter. The City Council overruled this determination of inconsistency based on findings as stated in Resolution No. 2007-881.

- G. On December 2, 2008, the City Council held a public hearing on the ALUC's findings of inconsistency between the Sacramento 2030 General Plan and the four adopted CLUPs as stated in Sections D, E, and F, above; declared its intent to overrule the ALUC on its findings of inconsistency; and directed staff to file its proposed findings in support of its intent to overrule with the ALUC and Caltrans Division of Aeronautics.
- H. On March 3, 2009, the City Council concluded the public hearing and reviewed and considered (1) the comments received from the ALUC and Caltrans Division of Aeronautics on the City Council's proposed findings in support of its intent to overrule the ALUC on its finding of inconsistency relating to the Sacramento 2030 General Plan, (2) the City Council's findings in support of its previous decision to overrule the ALUC's findings of inconsistency relating to the Greenbriar Project and the McClellan Heights/Parker Homes Special Planning District as stated in Resolution Nos. 2008-060 and 2007-881, and (3) all testimony and other information provided at the hearing relating to overruling the ALUC's determination.
- I. The Sacramento 2030 General Plan reflects the City's support for the development of Sacramento International Airport and the other airports and airfields serving the City and for a full range of aviation services to meet the present and future needs of its residents and the business community. The 2030 General Plan also calls for the City's cooperation with the ALUC and the Sacramento County Airport System to ensure that new development is compatible with airport operations and ALUC policies (see Sacramento 2030 General Plan, Part 2 Citywide Goals and Policies, Policies LU 8.1.14-8.1.17; M 8.1.1).

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

- Section 1. The City Council finds that the Sacramento 2030 General Plan is consistent with the purposes of Section 21670 of the Public Utilities Code in that it prevents the creation of new safety problems and protects public health, safety, and welfare by ensuring the orderly expansion of the airports and includes the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around the airports to the extent that these areas are not already devoted to incompatible uses.
- Section 2. The City Council finds that no substantial changes have been made in the Sacramento 2030 General Plan to the size, location, or other attributes of the light rail station in the proposed Greenbriar Project, or to the size, density, location, or other attributes of the residential areas of the McClellan Heights/Parker Homes Special Planning District, nor is there any new information or changes in circumstances that would cause any of the findings stated in Resolution Nos. 2008-060 and 2007-881 (in support of the City Council's previous decisions to overrule the ALUC's findings of inconsistency relating to the Greenbriar Project and the McClellan Heights/Parker Homes Special Planning District) to be no longer sustainable. Therefore, the City Council readopts these findings, as stated in Resolution Nos. 2008-060 and 2007-881, in support of its decision, as stated in this Resolution, to overrule the ALUC on its finding of inconsistency relating to the Sacramento 2030 General Plan. The City acknowledges and accepts the conditions stated by the ALUC in its October 20, 2008 letter with respect to its consistency determination on the Greenbriar Project and its Indeterminate CLUP Compatibility conclusion with respect to certain identified land use designations near Executive Airport that will warrant further review and possible action to overrule the ALUC when specific projects are proposed.
- Section 3. The City Council overrules the determination of the ALUC insofar as it restricts the City's discretionary authority for approval of the Sacramento 2030 General Plan. In overruling ALUC's decision, the City Council specifically finds that this action is in the public interest of the citizens of the City of Sacramento, and that this action promotes the protection of the public health, safety and welfare by ensuring the adoption of land use measures that minimize the public's exposure to excessive safety hazards within areas around public airports to the extent that such areas are not already devoted to incompatible uses.

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- Exhibit A – ALUC Letter of Consistency Determination – Draft 2030 General Plan for the City of Sacramento (October 20, 2008)
- Exhibit B – Resolution No. 2008-060 with ALUC Letter of Consistency Determination (December 7, 2005)
- Exhibit C – Resolution No. 2007- 881 with ALUC Letter of Consistency Determination (August 10, 2007)

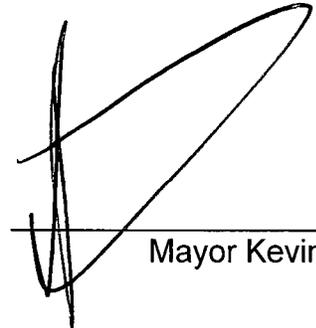
Adopted by the City of Sacramento City Council on March 3, 2009 by the following vote:

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

Noes: None.

Abstain: None.

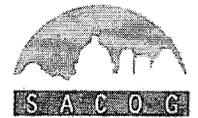
Absent: None.



Mayor Kevin Johnson

Attest:


Shirley Concolino, City Clerk



October 20, 2008

Jim McDonald, AICP
Senior Planner
City of Sacramento Planning Department
915 I Street, 3rd Floor
Sacramento, CA 95814

Re: Consistency Determination of Draft 2030 General Plan for City of Sacramento

Dear Mr. McDonald:

I am writing to respond to your request that the Sacramento Area Council of Governments, acting as the Airport Land Use Commission (ALUC) for Sacramento County, provide a letter of consistency for the City of Sacramento's Draft 2030 General Plan (Draft General Plan) with respect to the Comprehensive Land Use Plans (CLUPs [also known as Airport Land Use Compatibility Plans]) for airports within the immediate area. This letter evaluates the consistency of the Draft General Plan with the CLUPs for Mather Field, Executive Airport, Sacramento International Airport, and McClellan Field. As explained below, the Draft General Plan is consistent with the four referenced CLUPs with the exception of two identified incompatible uses and a category of uses that may or may not be compatible, depending upon the actual proposed development in the applicable land use designation.

The State of California's Aeronautics Law and Airport Land Use Commission Law (Public Utilities Code Section 21670 *et seq.*) provides the regulatory structure for the development and implementation of CLUPs. Essentially, each CLUP evaluates proposed land use developments in relation to height, noise and safety standards established by applicable law and the State Airport Land Use Compatibility Handbook issued by the California Department of Transportation. If a proposed development or land use is determined to be inconsistent with a CLUP, the law provides that a local land use authority may nevertheless permit a development or land use to proceed by a two-thirds vote of the governing body (in this case, the Sacramento City Council). This vote, commonly referred to as an "override," must be made after a public hearing, and must be based upon specific findings that the proposed action is consistent with the purposes of applicable law (Public Utilities Code sections 21676, 21670).

Auburn
Citrus Heights
Colfax
Davis
El Dorado County
Elk Grove
Folsom
Galt
Isleton
Lincoln
Live Oak
Loomis
Marysville
Placer County
Placerville
Rancho Cordova
Rocklin
Roseville
Sacramento
Sacramento County
Sutter County
West Sacramento
Wheatland
Winters
Woodland
Yolo County
Yuba City
Yuba County

There are four public-serving and/or publicly-operated airports within or near the city limits of Sacramento: Mather Field, Executive Airport, Sacramento International Airport, and McClellan Field. SACOG staff compared the Draft General Plan land use designations to the CLUPs for each of the four airports. Based on staff's review, comments are made under the following three categories: specific land use designations that are known to be incompatible and, therefore, require an override vote in order to be included in the General Plan; specific land use designations that may or may not be compatible with the CLUPs, depending upon the specific development proposal within that designation; and other general comments.

Incompatible Land Use Designations

The proposed Greenbriar development near I-5 and Sacramento International Airport has one known land use that is not compatible. The proposal of a light rail station is not an allowed use within the Sacramento International Airport CLUP for that airport's Overflight Safety Zone. Therefore, in order for the light rail station project to proceed, the City Council would need to override the ALUC determination by a two-thirds majority vote, as described above. In addition, the proposed Greenbriar project remains subject to the comments and conditions set forth in the ALUC's letter dated December 7, 2005. Copies of both the application and the ALUC December 7, 2005 review are enclosed. Please note that the conditions remain in place regardless of when the City's updated General Plan is adopted.

The other known incompatible land use designations in the Draft General Plan are those associated with the McClellan Heights/Parker Homes special planning district. This area, located within the restricted noise contour for the current McClellan Field CLUP (and similarly for the draft updated ALUCP for McClellan Field), has identified Draft General Plan land use designations that are not compatible. In December 2007, the Sacramento City Council took action to override the current McClellan Field CLUP. With the adoption of the updated General Plan, the City Council would need to override, again, by a two-thirds vote to continue these land use designations.

Land Use Designations with Indeterminate CLUP Compatibility

The second category of comments relates to land use designations for which we cannot determine compatibility with the CLUP. Specifically, the Draft General Plan identifies land use designations that may or may not be compatible, depending on what is actually proposed to be developed.

For instance, the "Suburban Center" designation in the Draft General Plan allows for .25 to 2.00 Floor Area Ratio (FAR). By contrast, the CLUPs generally seek limits on the concentration of persons per acre to determine whether a proposed use is compatible. Because the Suburban Center designation allows land uses that could yield a wide range of concentrations of persons per acre, compatibility determinations cannot be made based on the Draft General Plan. Five land use designations in the Draft General Plan with this issue have been identified in the area near the Executive Airport. The identified designations include the following: Employment Center (Mid-rise), Suburban Neighborhood (High), Urban Corridor (Low), Suburban Corridor, and Regional Commercial.

In light of these concerns, the City should continue its standard practice of submitting development applications to the ALUC for review of specific compatibility.

Other General Comments

As you know, the ALUC is in the process of reviewing and updating the McClellan Field ALUCP. It is anticipated that the updated McClellan ALUCP will be adopted during the first half of 2009. As we have discussed, upon such adoption, applicable law requires a review of the General Plan for consistency with the ALUCP. Therefore, to continue the McClellan Heights/Parker Homes' land use designations discussed above after adoption of the updated McClellan ALUCP, the City Council would need to proceed by a two-third's vote to override the updated ALUCP. Similar action by the City Council would also be needed with respect to the Greenbriar light rail station if and when an updated ALUCP for Sacramento International Airport is adopted.

If you have any further questions, please feel free to contact me at (916) 340-6227.

Sincerely

A handwritten signature in black ink, appearing to read 'Gregory R. Chew', written over a faint, illegible typed name.

Gregory R. Chew
SACOG/Airport Land Use Commission

RESOLUTION NO. 2008-060

Adopted by the Sacramento City Council

January 29, 2008

RESOLUTION ADOPTING FINDINGS OF FACT SUPPORTING THE CITY COUNCIL OVERRIDE OF THE AIRPORT LAND USE COMMISSION DECISION THAT PROVISIONS IN THE PROPOSED GREENBRIAR PROJECT ARE INCONSISTENT WITH THE 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 Sacramento International Airport (CLUP) on May 20, 1999.
- B. The City of Sacramento received an application for development of the Greenbriar project, a 577 acre proposed development located north of Interstate 5, west of Highway 70/99, and east of Metro Air Park (Project). The City referred the Project application to ALUC for review for compatibility with the CLUP because a portion of the Project (405 acres) is within the Overflight Zone of the Sacramento International Airport. The Project proposal requests entitlements within the Overflight Zone for uses that include residential, commercial, mixed use, park and open space with water bodies, and a light-rail transit station.
- C. On December 7, 2005, ALUC staff provided its written review of the Project to the City of Sacramento's Planning Department. Of the three policy components of ALUC review; safety, noise, and height, ALUC's staff reviewed the Project for consistency with the CLUP safety policy only because the Project does not implicate the other components of review.
- D. ALUC found the residential and commercial uses to be compatible with the CLUP based upon the densities proposed for the Project.
- E. ALUC found the parks and open spaces within the Project to be compatible with the CLUP so long as such areas do not contain facilities that lead to high concentrations of people (an average density of 25 people per acre over a 24 hour period, and not to exceed 50 persons per acre at any time), such as ball fields and playgrounds.

- F. ALUC deferred to the Sacramento County Airport System (SCAS) and the Federal Aviation Administration (FAA) regarding whether the water bodies proposed for the Project would attract wildlife and create potential conflicts with aircraft (birdstrikes), and determined that the Project will either be considered (1) compatible with the CLUP if the SCAS and FAA do not object to the proposed water features, or (2) incompatible if either of these two agencies object to the water features.
- G. ALUC found the Project's light rail station within the Overflight Zone inconsistent with the CLUP, which prohibits passenger terminals and stations within the Overflight Zone.
- H. Section 21676 subdivision (b) of the Public Utilities Code and Section 65302.3 of the Government Code provide that the City Council may, after a hearing and with a two-thirds vote, overrule the ALUC. The City Council must make specific findings that the disputed portion of the proposed Greenbriar Project is consistent with the public interest purposes stated in Public Utilities Code Section 21670.
- I. The City has considered long-range airport development plans. The City plans to support development of the airport over the next 20 years. The local land use planning and zoning actions will serve to protect runway approaches. The City's General Plan Circulation Element includes the following goal relevant to airport protection: "Goal A: Promote general, commercial and military aviation facilities within the parameters of compatible surrounding land uses. Aviation is an important segment of Sacramento's economic vitality. In order to function as they need to, each of the four separate airport facilities desires compatible land uses within certain radii of their runways and ground operations and within certain noise contour levels. The City recognizes these important factors in land use decision making."
- J. On December 11, 2007, the Council reviewed a proposed decision with findings to override the ALUC determination of Project inconsistencies with the CLUP, and authorized City staff to provide the proposed decision to override the ALUC.
- K. On January 29, 2008, after consideration of issues regarding the light rail station, parks and open space, and water features proposed within the Overflight Zone as part of the Project, the EIR for the Project, testimony, and information provided at the hearing, the City Council approved the override and adopted this resolution.

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

Section 1: As more specifically found below, the Project is consistent with the purposes of Section 21670 of the Public Utilities Code in that it prevents

the creation of new safety problems and protects public health, safety, and welfare by ensuring the orderly expansion of the airport and includes the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around the public airport to the extent that these areas are not already devoted to incompatible uses.

Section 2: The Project's proposal to develop parks and open space within the Overflight Zone is consistent with the purposes of the Airport Land Use Commission Law. As determined by ALUC, the proposed residential development is compatible with the CLUP based upon the densities proposed for the Project. The parks and open space will be developed to accommodate those residents, but will not be designed to attract people from outside the Greenbriar project area. Therefore, the proposed parks and open space are considered by the City Council to be compatible with the CLUP based upon the understanding that any difference in potential safety hazard associated with occupation of a residence or park site is negligible.

Section 3: The Project proposal to develop water features within the Overflight Zone is consistent with the purposes of the Airport Land Use Commission Law. The open water on the Greenbriar site will not interfere with approaches to the airport runways and the Project employs safety measures or mitigation measures to protect the runways and prevent risks posed by hazardous wildlife. Neither SCAS nor FAA have objected to the proposed water features, and in fact the SCAS has provided written support. (See Final EIR, pages 4-238 to 4-239.)

Wildlife, specifically birds, have flown in and around the proposed Project area for decades, including between the Sacramento River and the Project site; there are no new threats to aircraft safety related to hazardous wildlife in the area that are associated with the proposed Project.

Section 4: The Project's proposal to develop a light rail station within the Overflight Zone is consistent with the purposes of the Airport Land Use Commission Law. A direct connection exists between the juxtaposition of appropriate land uses and successful public transit service such as that identified for the planned Downtown-Natomas-Airport (DNA) line. Sacramento Regional Transit advises that 50 percent of the project justification rating for all federal transit funding for rail projects is based on land use criteria. Land use decisions made in the Sacramento region, particularly along the planned high capacity transit corridors and specifically within ¼ mile of planned rail and/or bus rapid transit stations, are not only critical to maximize ridership, but have also become critical to the Federal Transit Administration's ultimate decisions about these projects.

The Project proposes to develop high-density residential units within a ¼-mile radius of a future Greenbriar transit station. This high-density housing near a proposed transit station is critical in RT's quest, which the City supports, to receive funding from the FTA major capital investment programs, which funds all of the regional rail expansion programs.

The planned DNA line connects the Downtown and Natomas areas to the Sacramento International Airport. For a light rail line to serve effectively the airport, the rail line and at least one transit station will need to be located near the airport, meaning that at least some of the transit station facilities will likely need to be constructed within the Overflight Zone.

Section 5: The decision of the Airport Land Use Commission is overruled insofar as it restricts the City's discretionary authority for approval of the Project. In overruling ALUC's decision, the City Council specifically finds that this action is in the public interest of the citizens of the City of Sacramento, and that this action promotes the protection of the public health, safety and welfare by ensuring the adoption of land use measures that minimize the public's exposure to excessive safety hazards within areas around public airports to the extent that such areas are not already devoted to incompatible uses. Adopted by the City of Sacramento City Council on January 29, 2008 by the following vote:

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Exhibit A - ALUC Letter of Consistency Determination

Adopted by the City of Sacramento City Council on January 29, 2008 by the following vote:

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

Noes: None.

Abstain: None.

Absent: None.



Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk

Exhibit A - ALUC Letter of Consistency Determination

Sacramento Area
Council of
Governments

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December 7, 2005

Ms. Arwen Wacht
City of Sacramento Planning Department
915 I Street, 3rd Floor
Sacramento, CA 95814

Ms. Wacht:

On behalf of the Airport Land Use Commission (ALUC), I am submitting this letter, which serves as the ALUC's staff review of the Greenbriar Farms development application (City of Sacramento file P09-069; ALUC file 05-20). This letter is divided into four parts: (1) legal authority of the ALUC to review the Greenbriar Farms Development; (2) a summary of the proposed development application; (3) the ALUC's review; and (4) conclusions and next steps of the review.

Auburn
Citrus Heights
Colusa
Davis
El Dorado County
Elk Grove
Folsom
Galt
Istleto
Lincoln
Live Oak
Loomis
Marysville
Placer County
Placerville
Rancho Cordova
Rocklin
Roseville
Sacramento
Sacramento County
Sutter County
West Sacramento
Whittierland
Winters
Woodland
Yolo County
Yuba City
Yuba County

I. ALUC Review Authority

The Sacramento Area Council of Governments (SACOG) serves as the Airport Land Use Commission for the counties of Sacramento, Sutter, Yolo and Yuba as described in the provisions of the California Public Utilities Code Chapter 4, Article 3.5, Section 21670. In essence, ALUCs throughout the state are required to enforce the land use compatibility with publicly owned and operated airports. To do this, cities and counties within an ALUC's jurisdiction send development applications to the ALUC for review. The ALUC reviews the proposal based on adopted Comprehensive Land Use Plan (CLUP) for any airport affected by the development.

The ALUC reviews development applications for compatibility between proposed development and publicly used, owned or operated airports. Because of its location relative to Sacramento International Airport, the Greenbriar Farms application is subject to ALUC review based on the Sacramento International Airport Comprehensive Land Use Plan. The CLUP has three policy areas that each development application must pass: (1) height; (2) noise; and (3) safety. For the height policy, proposed uses are evaluated based on the relationship of the height of proposed structures relative to their location to the airport. For noise, a determination is made whether the proposed land use is compatible with the noise impacts of the flight operations. For safety, the proposed land uses must restrict high concentrations of people in potential flight safety hazard areas. The CLUP describes a methodology and/or list of land uses that are allowed within each policy area.

II. Proposed Greenbriar Farms Development

The Greenbriar project is located north of I-5, west of Highway 99, and east of Metro Air Park, as shown in Attachment #1. The overall size of the property is 577 acres. As will be explained later, the ALUC only has review authority on the land within the Overflight Zone, which is 405 acres. The proposal requests entitlements within the Overflight Zone for uses that include residential (various densities), commercial, mixed use, park and open space with water bodies, and a light-rail transit station. Specifically, the land uses proposed within this safety policy area are:

- 1932 units of single family residential
- 583 units of multi-family residential, of which 283 units are duplex, tri-plex or four-plex
- 102,300 square feet of commercial in larger commercial area (approximately 50,000 square feet for a grocery market, 22,300 square feet for a restaurant, and 30,000 square feet for retail shops)
- 54,000 square feet of commercial/office in smaller commercial area (14,000 square feet for a restaurant, 25,000 square feet for retail, and 15,000 square feet for office)
- 23 acres of park
- 40 acres of water bodies
- a light rail station that will serve the future Downtown-Natomas-Airport line
- 10 acres (approximately) for one public elementary school (located outside of Overflight Zone).

III. ALUC Review

Only one of the CLUP's three policy areas (height, noise and safety) may be applied to the review of the Greenbriar application: safety. Height is not applicable because there are no proposed structures that are close to penetrating any of the imaginary surfaces as set forth by the Federal Aviation Administration in Federal Aviation Regulation Part 77. Nor is this application subject to the CLUP's noise policies because the project site lies outside of the 60 Community Noise Equivalent Level (CNEL), which serves as the demarcation line for restricted development.

However, about 70% of the property (the western 405 acres of the 577 total acres), lies inside of the Overflight Zone of the CLUP, and therefore that portion of the property is subject to the CLUP's safety policies. The eastern quarter of the property is outside of the Overflight Zone boundary and, therefore, the ALUC has no standing in the review of that portion's application. This letter only applies to the land inside the Overflight Zone. Attachment #1 shows where that boundary lies. SACOG has verified that the boundary of the electronic files that the applicant used is accurate enough for review purposes.

Here is the review for each of the proposed land uses:

Residential Uses: The CLUP allows residential development (single family or multi-family) in the Overflight Zone with one condition: "uses compatible only if they do not result in a large concentration of people, which is defined as an

average density of greater than 25 persons per acre per hour during any 24 hour period, and not to exceed 50 persons per acre at any time for all land use types.” The calculations and findings for total persons allowed per hour and maximum at any time are addressed in more detail in a separate section below.

Commercial/Office Uses: The CLUP allows for office and most retail uses subject to the same density conditions stated above. Allowed uses with this condition include restaurants, grocery and drug stores, apparel and miscellaneous retail, and gas stations. The applicant has not stated the exact retail uses of the proposed retail or office areas, but they would all be subject to the same maximum density calculation.

However, the CLUP outright prohibits “regional shopping centers.” SACOG defines a regional shopping center as a retail area that draws residents from throughout the six-county region to shop because these products and retailers are not available at more localized scales. Most regional shopping centers contain at least 500,000 square feet. ALUC staff has determined that the footprint sizes of the both commercial areas are too small to warrant them as “regional shopping centers.”

Parks and Open Space: The CLUP allows for neighborhood parks and open space and natural areas if they do not exceed the maximum densities stated earlier and do not include “high intensity uses or facilities, such as structured playgrounds, ballfields or picnic pavilions”. The applicant does not specifically state whether the proposed parks will include these facilities, but they are not allowed.

Community and regional-wide parks are outright prohibited in the CLUP in the Overflight Area. The city of Sacramento’s park standards define community parks as 10 to 60 acres in size, and regional parks are significantly larger. Neighborhood parks are defined from 5 to 10 acres. The applicant proposes a series of parks all smaller than 10 acres in size, thus all would be considered neighborhood parks and, therefore, allowed with the condition stated above.

Water Body: The CLUP allows for natural water bodies if they meet three conditions: they do not exceed the maximum density threshold, they do not contain high intensity facilities, nor do they “result in the possibility that a water area may cause ground fog or result in a bird hazard.” The CLUP does not mention “man-made” or constructed water bodies, as in the case of this proposal, so the ALUC will treat this element of the application the same as “natural” water body. The ALUC will defer its evaluation of the bird hazard and ground fog to affected public agencies that are also reviewing this application: the Sacramento County Airport System and the Federal Aviation Administration. If both of these entities do not object to any bird or fog hazards, the ALUC will accept the proposed water bodies.

Light-Rail Station: The proposal calls for the light rail station within the Overflight Zone. The CLUP prohibits passenger terminals and stations within the Overflight Zone.

Public Elementary School: The elementary school proposed within the development is outside of the Overflight Zone, therefore it is not subject to the ALUC's review. However, because its proposed location is within 2 miles of an airport runway, state law (California Education Code 17215) requires the California Department of Transportation Division of Aeronautics to review and approve the school's location. The applicant has been given the appropriate contact information to follow-up to seek review by Caltrans; the ALUC will not track the approval process of this public facility.

Calculation and Findings of Average and Maximum Densities

As stated above, the CLUP's safety policy allows for commercial, office and residential uses in the Overflight Zone if, collectively between these uses, they do not result in a large concentration of people, which is defined as (criterion #1) an average density of greater than 25 persons per acre per hour during any 24 hour period, and (criterion #2) not to exceed 50 persons per acre at any time for all land use types.

The CLUP does not prescribe the methodology for determining whether a maximum density has been exceeded or not. However, the applicant has worked extensively with ALUC staff to establish such a methodology. In essence, the evaluation method agreed upon by both parties includes:

- for residential uses, number of residential units multiplied by the city of Sacramento's residents per household. For single-family detached residential development, 2.86 person per unit are used. For multi-family residential, 1.9 persons per unit are used, and for duplex, tri- and four-plexes, 2.26 persons per unit. These statistics are similar to those used in SACOG's Blueprint Project.
- for commercial and office uses, the Occupancy Loads of the California Building Code (2001, which is the current edition) determine the maximum persons per square foot, and therefore the maximum occupancies may be determined.

Attachment #2 provides a breakdown of the calculations used to determine estimated densities at any given time. The applicant and the ALUC collaborated on the development of this spreadsheet.

Criterion #1: The maximum "average" number of persons allowed within Overflight Zone during an "average hour" is:

- 25 persons per acre max. x 405 acres = 10,125 people

According to the calculations in Attachment A, the average amount is estimated to be about 8,000 people, which is an average density of about 20 persons per acre, and therefore this safety policy Criterion #1 is met.

Criterion #2: The maximum number of persons allowed within the Overflight Zone within any given time is:

- 50 persons per acre max. x 405 acres = 20,250 people

The calculations in Attachments A of approximately 11,300 people is far below the maximum threshold, and therefore safety policy Criterion #2 has been satisfactorily met.

Note: These findings for the maximum persons allowed were completed in the spirit in which the current CLUP for Sacramento International was written in 1994. This proposal meets both criteria using that document. Please note the current version of the California Airport Land Use Planning Handbook (2002) does not recommend concentrations of people within sub-areas of the greater development area. The Handbook provides the State of California's guidance to ALUC's throughout the state on standards. The Greenbriar proposal will have high concentrations of people above 25 person acre on an average hourly basis and above 50 persons per acre at times. The most notable place is surrounding the proposed light rail station (which is outright prohibited in the CLUP). In the spirit in which the current CLUP was written in 1994, the ALUC will consider this proposal compatible with the two density criteria.

IV. Summary of ALUC Review and Override Procedures

The summary finding of the ALUC's review are:

Finding #1: The residential and commercial uses are compatible with the CLUP based on the densities proposed.

Finding #2: Parks and open spaces are compatible with the CLUP as long as they do not contain facilities that lead to high concentrations of people, such as ballfields and playgrounds. If such facilities are desired, the applicant will need to obtain an override from the Sacramento City Council through the process described below.

Finding #3: The ALUC will defer to the Sacramento County Airport System and the Federal Aviation Administration regarding the water bodies proposed. If these two entities do not object to the proposed water features or the proposed wildlife and fog management techniques, the ALUC will consider this compatible with the CLUP. However, if either of these entities have objections, the ALUC will also have the same objections.

Finding #4: The proposed light rail station is NOT compatible with the CLUP. The applicant will need to seek an override from the Sacramento City Council as set forth in procedures described below for this.

Finding #5: Before a new public school is allowed within the 2 miles radius of Sacramento International Airport, the California Department of Transportation Aviation Division must provide approval. This is outside the jurisdiction of the ALUC.

Override Process

If the Sacramento City Council does not agree with ALUC Findings #2 or #4, the city may satisfy the consistency requirement by overriding either or both by a two-thirds vote. The overruling must, however, be made after a public hearing and must be based on specific findings that the proposed action is consistent with the purposes of the Airport Land Use Commission Law (California Public Utilities Code 21670).

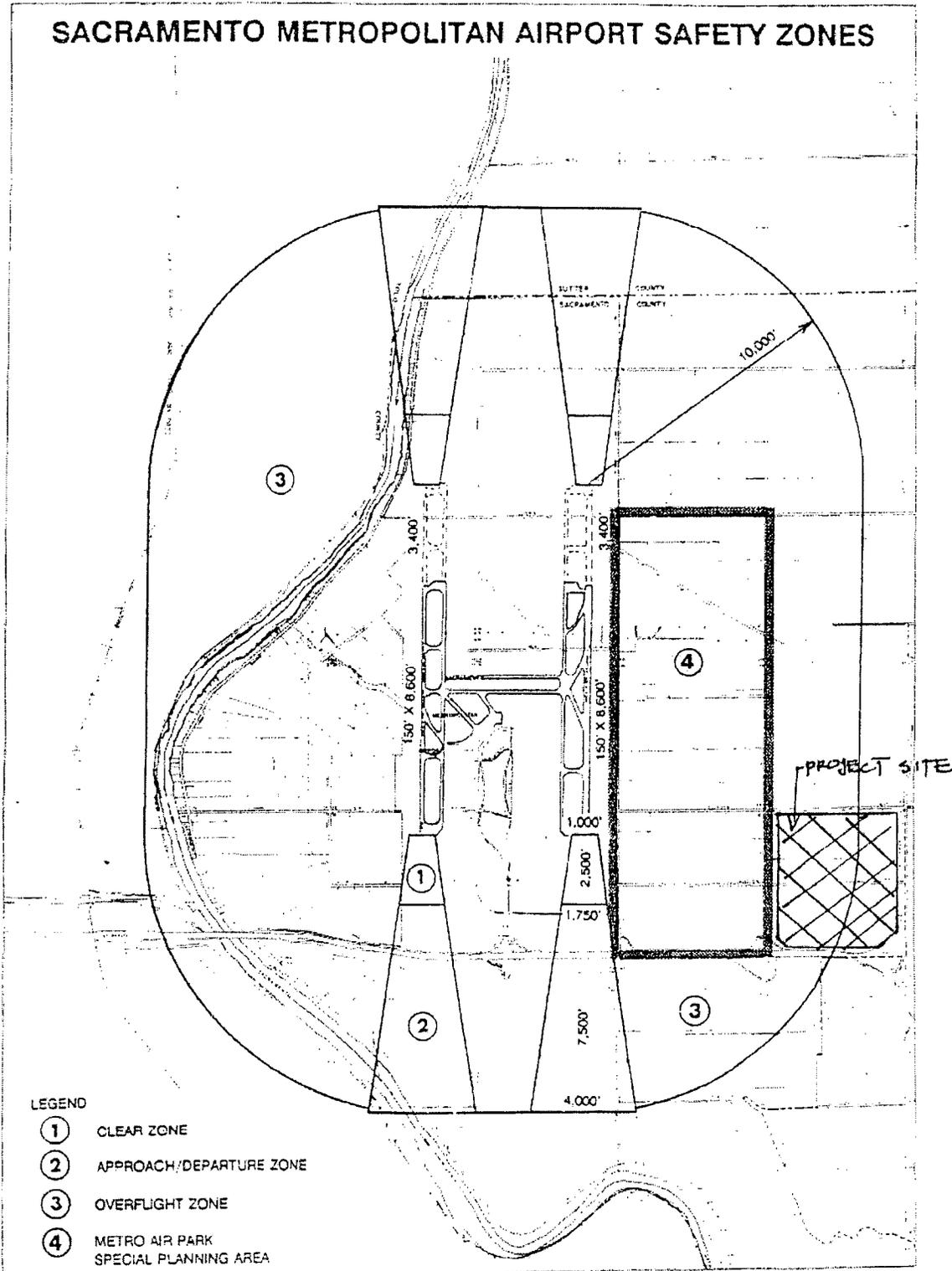
If you have any questions about the contents of this letter, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory Chew". The signature is fluid and cursive, with the first name "Gregory" written in a larger, more prominent script than the last name "Chew".

Gregory Chew, AICP
Sacramento Area Council of Governments/Airport Land Use Commission
(916) 340-6227

attachments



Attachment 2: ALUC Maximum Density Calculations for Greenbriar Farms Proposal
(December 2, 2005)

Greenbriar Safety Zone Densities - Persons per Hour

Explanation	405	25	10125
25 Persons Per Acre Per Average Block Gross acreage within safety zone			
Allowable persons per acre per "average hour"			
CLUP's Total allowable persons within safety zone ("on average")			
RESIDENTIAL			
Assumptions:			
Persons per household - single family detached*	2.86		
Persons per household - two-four-plex*	2.26		
Persons per household - 5-plex (apartmentist)*	1.9		
Calculations:			
Single family households - total # of persons	5626		
Duplex or four-plex - total # of persons	540		
Multi-family households - total # of persons	570		
Source: City of Sacramento Planning Dept			
Source: City of Sacramento Planning Dept			
Source: City of Sacramento Planning Dept			
1932 total detached units x 2.86			
263 total duplex, tri or four-plex units x 2.25			
300 total multi-family units x 1.9			
For purposes of "averaging" - assume people at home 18 hours per day, on average			
6096			
4572			

*Factor is population factor - persons per square foot maximums as set forth in Table 10-A of the 2001 California Building Code (2001 is current edition). Occupancy Load numbers are "maximum" persons per square foot derived from CA Building Code Not shown on "Conceptual Plan," but included here to be conservative and provide flexibility later

Only these commercial uses that fall within the safety line are analyzed in this section

"Conceptual Plan" shows 14,700 sq. ft. more analyzed here to be conservative and provide flexibility later

For purposes of "averaging" - assume commercial units empty for 8 hours per day

Population totals attributable to parks have no noticeable impact on overall density evaluation, due to the siting of "Regional" parks outside of the safety line. See footnote below

Calculated figure is below maximum allowed; this proposal passes this criterion.

Use	Area	Factor	Occ. Load
Market	45,000	30	1,350
Storage	5,000	300	1,500
Dining	17,840	15	1,189
Kitchen	4,460	200	22.3
Store	23,500	30	650
Storage	4,500	300	15
Total Max Occupancy Load			3,500

Use	Area	Factor	Occ. Load
Dining	11,200	15	747
Kitchen	2,800	200	14
Store	21,250	30	708
Storage	3,750	300	13
Office	15,000	100	150
Total Max Occupancy Load			1,632

Use	%	Persons per Hour
Market	90%	405
Storage	10%	25
Dining	80%	10125
Kitchen	20%	
Store	85%	
Storage	15%	
Office	100%	
Total Maximum Persons Occupying Commercial Units		3225
Occupied for 10 hours per day		3501

Use	%	Persons per Hour
Dining	80%	8072
Kitchen	20%	
Store	85%	
Storage	15%	
Office	100%	
Total Maximum Persons Occupying Commercial Units		10125
Occupied for 10 hours per day		20
Occupied for 10 hours per day		25

PARKS**

TOTAL PERSONS PER ACRE PER HOUR WITHIN SAFETY ZONE	20
TOTAL ALLOWABLE PERSONS PER ACRE PER HOUR WITHIN SAFETY ZONE	25

50 Persons Per Acre Maximum Calculations

		<u>Explanation</u>
Gross acreage within safety zone	405	
Allowable persons	50	
Total maximum allowable persons within safety zone at any given time	20250	
RESIDENTIAL		
Total Maximum Persons Occupying Residential Units	6084	per analysis above
COMMERCIAL		
Total Maximum Persons Occupying Commercial Units	5225	per analysis above
TOTAL MAXIMUM PERSONS WITHIN SAFETY ZONE AT ANY GIVEN TIME	11320	Calculated figure is below maximum allowed; this proposal passes this criterion
TOTAL ALLOWABLE PERSONS WITHIN SAFETY ZONE	20250	

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 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:

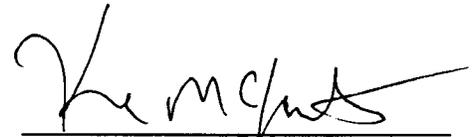
Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, and Waters.

Noes: None.

Abstain: None.

Absent: Mayor Fargo.

Attest:



Kevin McCarty, Vice-Mayor



for Shirley Concolino, City Clerk



Date: August 10, 2007

To: Scott Johnson, City of Sacramento Dept of Development Services

From: Greg Chew, Airport Land Use Commission/SACOG *me*

Re: Draft EIR for McClellan Heights consistency determination

I have reviewed the documentation for the Draft EIR for McClellan Heights/Parker Homes Special Planning District Land Use and Infrastructure Plan that you have provided. My comments serve on behalf of the Airport Land Use Commission (ALUC) for Sacramento County.

The SPD area falls within the area of influence for McClellan Field. The McClellan Comprehensive Land Use Plan (CLUP) regulates the compatibility between land use and airports. The current CLUP, last amended in December 1992, is the basis for the ALUC's consistency review. The geographic area within the McClellan Heights/Parker Homes SPD is inside the Area of Influence of the CLUP, and therefore, proposed development applications would be subject to this plan. The Attachment 1 shows the CLUP's policy areas.

There are two specific CLUP policies that affect the SPD: noise and safety. First, the entire SPD is within the 65 Community Noise Equivalent Level (CNEL) or higher (see Attachment 2). The CLUP does not allow any residential development in these noise levels. However, all other types of land use development are allowed.

The second affected CLUP policy is safety. The SPA lies within one of the safety areas called the Overflight Zone, as shown in Attachment 1. The Overflight zone is less restrictive of the CLUP's three safety zones. The CLUP allows most land uses except for those that may yield a highly combustible environment, such as petroleum refining, or rubber and plastic manufacturing. In addition, land uses that will yield very high concentrations of people are prohibited, such as regional shopping centers, elementary and secondary schools, colleges and universities, stadiums and arenas, and movie theaters. For the complete list of identified land uses that are allowed or not allowed, please refer to the CLUP.

Please note that the CLUP is currently undergoing a revision and will be updated to reflect the change from a military air base to a civilian airfield. The SACOG Board of Directors will likely not review the updated Airport Land Use Compatibility Plan (it will no longer be referred to as a CLUP) until sometime in 2008. The new plan will regulate land use and airport compatibility matters.

Auburn
Citrus Heights
Colfax
Davis
El Dorado County
Elk Grove
Folsom
Galt
Isleton
Lincoln
Live Oak
Loomis
Marysville
Placer County
Placerville
Rancho Cordova
Rocklin
Roseville
Sacramento
Sacramento County
Sutter County
West Sacramento
Wheatland
Winters
Woodland
Yolo County
Yuba City
Yuba County

State law allows the local governing body (in this case the Sacramento County Board of Supervisors) to override the findings of the ALUC, if done in accordance with California Public Utilities Section 21676.5(a).

These are my preliminary comments on the SPD as it relates to the McClellan CLUP. If you have any questions, please feel free to contact me at (916) 340-6227.

FIGURE 16

McCLELLAN AFB AREA OF INFLUENCE

